



VISION IAS

www.visionias.in

GENERAL STUDIES (TEST CODE : 1228)

Name of Candidate	NIDHI THAKUR		
Medium Eng./Hindi	ENGLISH	Registration Number	044930
Center	PATNA	Date	29-08-19

INDEX TABLE			INSTRUCTIONS
Q. No.	Maximum Marks	Marks Obtained	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)।
1	10		2. There are TWENTY questions printed in ENGLISH & HINDI इसमें बीस प्रश्न हैं अंग्रेजी और हिन्दी में छपे हैं।
2	10		3. All questions are compulsory. सभी प्रश्न अनिवार्य हैं।
3	10		4. The number of marks carried by a question/part is indicated against it. प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।
4	10		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।
5	10		6. Word limit in questions, if specified, should be adhered to. प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।
6	10		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।
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:			

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।

There are 24 DRSCs at present, each consisting of 21 members.

Importance in improving effectiveness

- ① Examines demand for grant of each deptt/ ministry separately
- detailed, in-depth, close scrutiny
- ② Flexible procedures
- ③ Devoid of party-bias
- ④ Provides opportunity to various parliamentarians, opposition, Rajya Sabha members.
- ⑤ Can avail expert assistance
- ⑥ Examines long term policy of each ministry also.

Thus parliament is better able
to ensure accountability of executive
(especially financial)

Issues that limit :-

- ① Not concerned with policy matters
- ② Only advisory in nature
- ③ does not consider matters being
considered by other parliamentary
committees.

Thus ~~DEES~~ DEES are an
important tool in improving overall
effectiveness of parliament. Further
reforms such as making minutes
public (transcripts) and ^{regular} ~~action~~
taken reports from government will
enhance transparency and accountability.

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 — groups of individuals that come together to promote and defend their interest without attempting to gain formal control of government.

Although they are inherently designed to promote a particular group's interest, they make a representative democracy more participatory and responsive.

Participatory — ① Articulate ~~interests~~

disparate interests among various sections of a group. e.g. Trade unions

② mobilise public opinion — e.g. majdoor किसान शक्ति संगठन

③ fill the gaps left by political parties (as ^{most} political parties compete for same social base) :- broader outreach e.g. religious groups of minorities

Unresponsive - ① direct policy making
by electioneering, funding, lobbying.

② influence administration by maintain-
ing rapport with bureaucracy.

③ may use ^{extra-legal} ~~illegitimate~~ methods also
e.g. strike, protest, demonstrations.

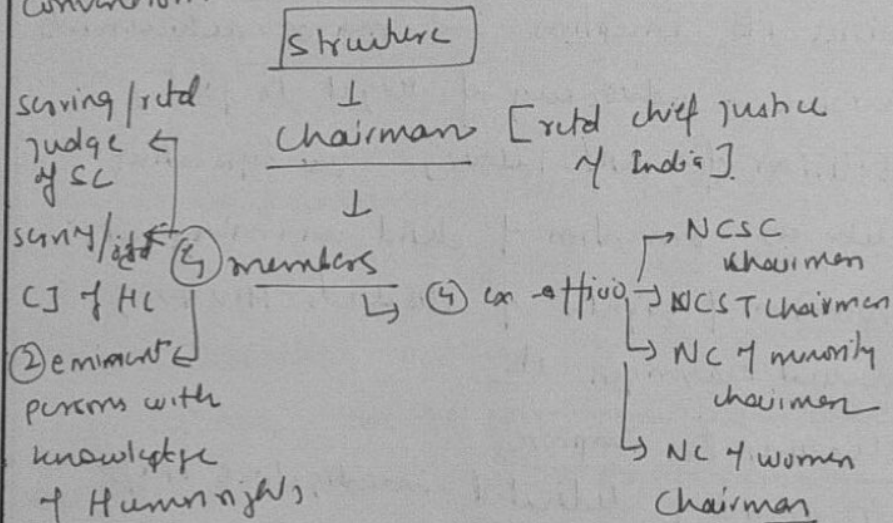
④ promote political education through
political debate.

But, due to poor economic
resources and socio-religious-ethnic
factionalism, pressure groups in
India have not been able to achieve
their true potential. (e.g. farmers remain
organised). There is a need for
better civil consciousness to allow
pressure groups to ensure participatory
and responsive democracy.

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 was established under National protection of human rights human rights commission act after India ratified UN human rights convention.



Functions → inquire into allegations of human rights violations

- on complaint
- suo motu
- order of writ

→ undertaking studies / research

→ cooperation with civil society / international organisation

→ specific action - visiting prisons, factories

→ ~~recommending~~ ^{recommending} prosecution, interim relief, compensation, penalty etc

→ approaches SC/HC for directions/writ ~~petitions~~

→ review safeguards / recommend measures for effective implementation.

Since its inception :- major achievements involve - advocacy of right to food, abolition of child labour, ~~for~~ legislation such as prevention of child marriage act, promotion of rights of disabled, HIV free, manual scavenger etc

Measures to improve

- ① providing dedicated investigative staff
- ② inclusive membership - ~~to~~ suitable criteria
- ③ remove 1 year limitation period
- ④ timely action taken report-
- ⑤ inclusion of armed forces / sent service
- ⑥ better funding.

Potential of NHRC should be properly achieved.

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।

Indian constitution under article 213 provides ordinance making power to Governor of states to deal with emergency situations when legislative assembly is not in session. (or wound)

Every ordinance thus made must be passed by the legislative assembly within ~~month~~ 6 weeks of its assembly.

Ordinance making power is coextensive ~~extending~~ with law-making power of assembly (except duration)

only on those SUBJECTS on which state can make law.

Governor can also withdraw ordinance anytime. limitations of fundamental rights

State assembly may pass a resolution disapproving it / or ordinance ceases to operate if not within 6 months

1228
VISION IAS™

Don't write
anything this
margin
(यहाँ कुछ भी
लिखें मत लिखें)

Bill presented to Governor after
being passed, he/she has following options
(Article 200)

- may give assent
- may return the bill
absolute (suspensive veto)
- may withhold assent (suspensive veto)
- may ~~reject~~ take no action (pocket veto)
- may ^{reserve} refer the bill to president
(Article 201)

mandatory

discretionary

- when deals with High court's position
- national security
- ~~fundamental~~ rights
- deals with article 31A
- DPSPs
- matters of national importance
- ultra vires of constitution

Once referred to president, role of
governor ends. Further decision will
be taken by president.

Thus role of Governor at state level
is similar to president at centre
but he/she also acts as an agent of
centre

Call us : 8468022022

Visit us : www.visionias.in

Page 8 of 50

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 referred to in constitution (art 102, 191) with regard to disqualification of MPs/MLAs. Although it is not defined (in constitution/RPA, 195), it has been defined through various judicial pronouncements:-

i) To prevent conflict of interest ~~between~~ in legislators' role of holding executive accountable

ii) to uphold independence of legislators and ensure separation of powers

iii) usually an office where -
- the appointing authority is government
- remuneration decided by "
- termination of service "
- power that comes with it.

Recent years have seen proliferation

of exemptions from office of profit
under both central and state acts.

e.g. Post of parliamentary secretaries
in Delhi

Issues and debates

- 1) Post of parliamentary secretary
violates ~~154~~ constitutional provision ^{substituting} of
maximum no. of ~~council~~ of ministers
to 15% total strength of LS/assembly.
- 2) violates principles of separation of
power.

Nud of the hour is to properly
define office of profit to prevent its
exploitation.

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?

State finance commission aims to implement true fiscal decentralisation in India.

Importance :-

- i) recommends on the principles of distribution of net proceeds of taxes to local governments by state governments
- ii) determination of taxes that may be assigned to LG
- iii) ~~from~~ principles of grants-in-aid to local government
- iv) measures to improve financial positions of panchayat/raj
- v) such matters referred to it by the governor.

Thus it aims to strengthen fiscal position of local government and usher participation and better governance.

Handicaps in their functioning :-

- ① inadequate implementation of recomm-

ndations

- (i) Delayed action taken reports on annual reports
- (ii) Lack of expertise in SFC itself.
- (iii) Multiple subjects under 11th, 12th schedule are also primary responsibility of states of health - so states are hesitant in devolving funds.
- (iv) Union FIC not taken adequate measures to strengthen SFC.
Strengthening of state finance commission and proper implementation of their report will go a long way in ensuring true fiscal federalism.

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।

India adopted modified version of the westminster model of government due to its familiarity, greater responsibility (vis-a-vis stability) and diverse ~~nature~~ nature of society.

Commonalities with UK

- ① Parliamentary system of government with Crown in parliament (President - part of parliament in India) with central role of PM
- ② Bicameralism
 - House of Lords = Rajya Sabha
 - House of Commons = Lok Sabha
- ③ First past the post system of election for Lok Sabha elections
- ④ Cabinet system to ensure collective responsibility
- ⑤ Legislative procedure, parliamentary privileges etc
- ⑥ Indian bureaucracy (like British - neutral + independent)

Differences

India

UK

- | | |
|---|---|
| ① Republican
- elected president
[Head of state] | ① Monarchial
- King/Queen
[Head of state] |
| ② Limited power to
Parliament due to
written constitution, federal
structure, is judicial review,
fundamental rights etc | ② Parliamentary
sovereignty |
| ③ Prime minister from
either Ls/Rs | ③ PM only from
House of commons |
| ④ Non MPs can become
ministers (for 6 months) | ④ Cannot |
| ⑤ There No concept of
'shadow cabinet' | ⑤ shadow cabinet is
is from opposition as
ready alternate
government. |
| ⑥ No legal responsibility of
ministers | ⑥ legal responsibility
(acts are countersigned
by minister) |

Call us : 8468022022

Visit us : www.visionias.in⑦ Election date
decided by EC

Page 16 of 50

⑧ by PM
- only party in
advantage

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।

Parliament holds regulators accountable by discussing their functioning, evaluating their impact and suggesting reforms through various mechanisms.

- ① Question hour, Zero hour

→ inquiries from ministers about the ~~dept~~ regulators from their dept.

- ② discussions — short duration discussion,

- ③ Departmentally related standing committee

- ④ Finance committee such as Public account committee, estimates committee, committee on public undertakings e.g. PAC → RBI after demonetization

Measures to ~~im~~ strengthen parliamentary oversight

- ① well defined rules and objectives of

regulators declared in statute itself
- will make assessment easier.

- ② independent assessment authority to assess regulator → will assist parliamentary committees
- ③ Increasing internal expertise of committees — along with multi stakeholder participation e.g. business leaders, consumers, civil society — 360° impact assessment.
- ④ Regular and timely actions taken report.

There is a need for effective regulation and as well as enhanced competition in the economy. Parliamentary mechanisms should be strengthened to achieve this.

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 have almost an exclusive monopoly over choosing candidates for election who will ultimately form government.

Integral part of democratic set up:-

- (i) To put up best candidates
- (ii) Contributing in free and fair elections
- (iii) mobilisation of people towards relevant socio-economic cause
- (iv) ensuring a long term vision for country

But, the inner functioning of parties are opaque and non-democratic leading to - criminalisation of politics (31% in current Lok Sabha)
 - state of money power - violates right of genuine candidate (68% anonymous donation)
 - caters to narrow interests (cartel like pressure groups).

— not followed ~~chiff~~ chief information
commissioner's 2013 order of appointing
PIOs — so still out of RTI

(Need) for institutionalising intra party
democracy :-

- ① Regular intra party elections
- ② implement RTI with certain
exceptions
- ③ ~~open~~ transparency in funding
- ④ Power to ECI to designate political
parties.

Thus, ~~true~~ ~~democratic~~ for true
democratic spirit to develop effective
political mobilisation via fair and
transparent political parties is crucial.

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।

Indian constitution establishes a federal form of government which is unique in many ways.

Traditional federal provisions

- ① Dual polity - separate government at union and states (federal units)
- ② Division of powers - by constitution itself ; within their respective spheres they are supreme
- ③ written, rigid and supreme constitution with an independent judiciary to enforce principles of federalism and settle disputes (article 131)

Unique Indian features

- ① formation by disintegration (not a result of any agreement unlike US)

- states have no right to territorial integrity (indestructible union of destructible states)

② Unitary bias

2.1 Union list - more subject

concurrent list - central law prevails over state list

Residuary powers to union (art 249)

2.2 parliamentary control over state

legislation - via Rajya Sabha (art 249)

- to implement international treaties

- during national emergency, president's rule etc

2.3 - governor - nominal executive who also acts as centre's agent

- report to president (art 356)

- reserve bills (art 201)

2.4 - emergency provisions

art 352, 356, 360

National
emergency

President's
rule

financial
emergency

③ other provisions - single constitution,
single citizenship, ~~an~~ integrated judiciary,
common election and audit machinery,
all India services, procedure of constitutional amendment. (states cannot initiate except for legislative council's creation/dissolution)

So Supreme court in S.R. Bommai judgment (1994) opined that Indian federalism is a matter of constitutional principle not of administrative convenience. Thus although there is unitary bias in certain scenarios, Indian constitution is a sui generis case of federalism to protect ~~div~~ its unique diversity.

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?

India constitution was developed ~~where~~ at a time in history when most of the constitutional principles had already been determined.

Founding fathers thus adopted best practices from around the world along with certain unique features to suit specific Indian needs

for e.g.

British - most of the features of Indian polity

- Parliamentary system
- First past the post elections
- Cabinet system
- Bureaucracy
- Bicameralism
- Legislative procedures

American - Fundamental rights, judicial review, judicial independence, removal of judges, impeachment of president

Call us : 8468022022

Page 24 of 50

Visit us : www.visionias.in

Canadian - federalism with a unitary bias, governor appointed by centre, advisory jurisdiction of supreme court

French - liberty, fraternity, justice in preamble

Irish - Directive principles of state policy nomination of members to RS.

German - suspension of FR during emergencies

Russian - fundamental duties, ideals of Justice in preamble.

South African - procedure of constitutional amendment

Japanese - "procedure established by law"

Government of India Act, 1935

has had a major influence on Indian constitution:-

① Federal scheme with 3 level division of subjects under union (federal) list, provincial list and concurrent list

- ② Office of governor
- ③ Judiciary - federal court influenced
supreme court
- ④ Emergency provisions
- ⑤ Public service commission
- ⑥ Administrative details
- ⑦ Instrument of instructions - DPSPs.

But, ultimately, Indian constitution
is homegrown constitution developed
according to the nationalistic and
egalitarian ideology that developed
over the course of freedom struggle

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।

ADR mechanisms involve resolution of dispute outside the regular courts.

Different ADR mechanisms:-

- (1) Arbitration and Conciliation Act 1996 (Amendment 2015)
- provides of arbitration, conciliation and mediation
- establishes New Delhi international arbitration centre

- (2) Lokadaltas (Lok adalats) under National Legal services authority act 1987 - also mandatory Lok adalats for public utility services disputes
- handles both civil and criminal (compoundable) offences - pre-litigation and pending
- binding - non appealable

- (3) Gram Nyayalay under gram nyayalaya act, 2008 - at panchayat level

Call us : 8468022022

Visit us : www.visionias.in

Importance

- ① Flexible procedure
 - ② reduced cost ; privacy confidentiality
 - ③ reduced delay and pendency
 - ④ non-adversarial - can reach a compromise
 - ⑤ Technical expertise
- Overall improves efficiency ~~and~~ care of living and doing business.

Different measures taken to improve the framework

- ① Revision of Bilateral investment treaties with various nations - provides for mandatory exhaustion of local ADR before international mechanisms
- ② Justice B.N. Senkins committee to improve ADR mechanisms
 - dedicated cadre of experts and lawyers
 - domestic capacity building

(3) Legal awareness camps, Tele-law
initiative, pro-bono services etc
to enhance the use of Lok adalats.

Further need to improve technology
awareness and capacity building to
improve ADR framework to uphold
rule of law.

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 (article 352) ~~can be~~
~~declared on~~ and president's rule (art 356)
 are provisions to ~~manage~~ maintain
 integrity during exceptional circumstances.

National emergency

President's rule

Terms of declaration

- i) External ~~threat~~ aggression/war
 ii) ~~Internal disturbance~~
 (Armed rebellion)

- (i) when government
 of state cannot be
 carried according to
 constitutional provisions
 (art 356)

President can declare
ONLY after written
 advice from cabinet

- (ii) when state refuses to
 comply with / give effect
 to central direction
 (art 365)

Must be approved
 by both houses of
 Parliament within
 1 month (special
 majority)

President can declare
 with / without governor's
 report

- must be approved
 within 2 months

Call us : 8468022022

Visit us : www.visionias.in

by both houses
(simple majority)

Effect on FR

art 358 - article 19

↓
- Right to freedom
~~automatically~~

Does NOT affect
fundamental
rights

- right to move the court
for violation of article 19
is suspended

art 359 - other rights

declared by president's
order are suspended

(except art 20, 21
which can not be
suspended)

Effect on centre state relations

① Polity becomes unitary
COM - not dismissed
Legislature assembly - not
dissolved

Parliament can make
any law on state list
subjects

① Polity becomes
unitary
COM - dismissed
LA - suspended/
dissolved

Parliament makes
law on
state subjects.

Law making power of
legislative assembly contin-
ues subject to amending
power of parliament

No law making
power to legislative
assembly

Executive

Centre can give directions
to state on any executive
matter

President himself
takes up executive
functions of state
(ruled via governor)

Financial

Constitutional distribution
of finances may
be altered

Parliament passes
state budgets

President may authorise
spending from consolidated
fund of states when
house not in session

Constitutional bodies

suspension of constitutional
provisions relating to
any body / authority
(except High court)

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।

Judiciary upholds the rule of law in the country. But, it has been facing issues such as delays, pendency, lack of accountability etc.

key areas of reforms required:-

- ① Resources - financial - India spends only 0.09% of its GDP on Judiciary - needs to increase

Physical infrastructure - land or vertical

height of building

Human resources

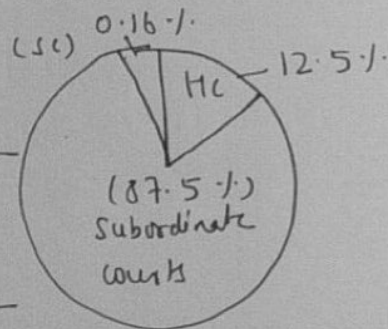
Vacancies ~~need~~ need

to be filled

fig:-

↓
Economic survey

(2018-19) says → additional 2279 judges



(3.53 crore)

Case law pending

in subordinate and 93 judges in high court will achieve 100% case clearance rate.

Technological resources — scaling up
e-courts — revamping NJDG
— implementing CCTNS — automation of process

para legal staff — increased.
separate — Indian administrative and tribunals services

(ii) Process — limiting number of adjournments (≤ 3 / case — as recommended)

better investigation and evidence
collusion, ~~and~~ and examination of witnesses

(iii) alternative dispute resolution — lok
adalats, gram nyayalays, special
courts, commercial divisions in HC,
fast track courts

(iv) law and procedure codes — repeal
redundant laws — overhaul of CrPc,
CrPc
IPC.

⑤ from prosecution based to judge based action — according to Malimath committee report

⑥ Police reforms

AJIS — has been proposed as a reform for subordinate work for many decades now.

Merits — fair and speedy appointments — uniform quality (all India) — incentivises meritorious students to opt for judicial profession — thus vacancies will be filled up with good quality judges

Demerits — violation of federalism — may not know local customs and languages — further increase distance between people and court.

AJIS can be one area of reform, but it is no panacea. ~~Thorough~~ ~~not~~

Additional resources and improvement in processes are also needed.

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।

India's low rank in WPFI indeed by Journalists sans frontier has been a cause of concern.

Media is called the 'fourth pillar' of democracy. Significance :-

- i) India — a representative democracy with periodic elections — media ensures continuous accountability — makes it a participative democracy.
- ii) exposes corruption — sting operations have revealed petty corruption to malpractices in highest echelons — empowers citizens
- iii) information — about the working

of programmes — even service delivery
in times of crisis, disaster

iv) Protects human rights ~~from~~ and
civil rights from ~~arbitrary~~ violation by
arbitrary state action. — Upholds social
democracy.

Issues : —

i) ownership — concentration of both
print and electronic media in hands of
few industrial houses — overlapping
~~ownership~~ ownership and editorialism

ii) violation of rights of free press — inter-
net shutdowns, blanket information ban
by courts (e.g. Muzaffarpur shelter home case),
threat to life and safety of journalists

iii) self regulation — Press Council of India,
is the only statutory body — others
NBSA, BCCC only self regulatory
— not effective

- iv) biased and poor content (yellow Journalism) - rumor mongering.
- v) Lower circulation of ^{paid news.} news papers
- vi) social media - emerging as source of news - issues - fake news, post truth + echo of self validating information.

Measures :-

- i) Regulation - either include electronic media under PCI's ambit or separate regulatory (statutory) body for electronic media - independence must be ensured.
- ii) Separation of ownership
- iii) fair distribution of government's advertisement.
- iv) self regulation of social media.
- v) better payment and safety to journalists.

A free and independent press is sine-qua-non for effective functioning of any 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।

Tribunals are adjudicatory bodies established under article 323A, 323B of Indian constitution. Tribunals are expected to be quick, flexible, cheap and with domain expertise.

There are issues plaguing tribunals which have hindered their effective functioning:-

- ① Delay and pendency - defeats the purpose of tribunals - ^{average} ~~avg~~ pendency in High court 4.3 years (tribunals 3.8 years) cases
Delay in appointment.

- ② independence - Finance act 2017 - gave ~~made~~ central government the power to appoint, remove and determine

conditions of service of chairpersons and other members of tribunals — affects
Separation of power — government is a major litigant — so creates a conflict of interest — overall independence law.

③ appeals — after L. Chandra Kumar judgement of Supreme court — almost all judgements appealed.

④ efficiency — found it difficult to implement order — National green Tribunal's orders flouted.

⑤ increasing number — too many tribunals — with arbitrary appellate structure (after Finance Act 2017)

⑥ Lack of innovative procedure
~~commission~~ ~~has suggested reforms~~

→ An Independent autonomous commission like NTC can help in following ways:-

- ① monitoring of functions and ensuring uniformity
- ② Fair and timely appointment
- ③ eliminate post retirement job seeking among judges ~~among judges~~
- iv) Streamline functions - reduce overlapping.

Further reforms such as innovative procedures, ~~the~~ use of technology and implementations of judgment will go a long way in upholding the rule of law in India.

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 is a progressive legislation empowering consumers with several rights.

Different rights available:-

- i) information - about the product,
maximum retail price,
- ii) right to fair advertisement -
no misleading advertisement
- iii) right of choice
- iv) right of grievance redressal in
case of faulty products.

The act has been supplemented with government campaigns e.g. jagro grahake jagro to increase awareness.

3 layered quasi-judicial ~~revel~~ mechanism to implement the act :-

- i) District - consumer forum - any value
 - ii) state - ~~upto~~ from 10 Lakh - 1 crore directly - or from appeal from district forum
 - iii) National consumer court - 1 crore and above directly or via appeal.
- Further appeal lies to High court and supreme court.

Measures to improve the functioning:-

- i) To tackle delay and pendency -
fill up vacancies ; increase physical, ^{infrastructure} technological ~~and~~ human resources
- ii) innovative procedures for quick disposal of cases.

iii) provision of class action suit

CPA, 1986 has played an effective role. New consumer protection bill has been introduced to further empower the consumer.

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।

Institutions of local self-governance have a long history in India. But, they got constitutionalised by 73rd and 74th const. amendments for rural and urban area in 1991.

Constitutional provisions under these amendments have some mandatory provisions :-

- i) establishment of 3 tier system (2 tier for smaller population)
- ii) reservation for women, SC and ST.
- iii) methods of ~~the~~ election :- direct at 1st tier, indirect at 3rd.
- iv) formation of state election commission,
- v) provisions for ^{state} metropolitan ~~municipal~~ area
- vi) Finance commission (art 280) - gives suggestion to augment finances of local govt.

Apart from these mandatory provisions, several discretionary provisions are those which are to be decided by state legislation.

for e.g.

- i) devolution of power on the subjects of 11th and 12th schedule.
- ii) provisions of funds,
- iii) methods of elections and reservation (2nd tier) and for other backward castes.
- iv) Plan for metropolitan area.

Experience of working:-

- i) Positives → democratic decentralisation with increased participation, especially of hitherto voiceless sections.
 - development works
 - articulation of local problems
 - Gram Sabha is ~~is~~ ~~helped~~ for rights of tribals ~~is~~ and other forest dwellers (Forest rights act) → has been assertive

Negatives - No true devolution of funds, finances and functionaries - dependent on grants - have not developed their own source of revenue [unlike municipal governments in many countries] - continued existence of state agencies and parastatals with overlapping functions (e.g. District development authority, water board etc) - lack of true empowerment - capture by vested interests (dominant castes, sarpanch patis) - lack of own initiatives due to low literacy, awareness - some state govt → prohibitive laws like 2 child norm for candidates, or educational qualification.

There is need to develop capacity of local self government and decentralisation on the principle of subsidiarity to achieve true participative democracy.