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GENERAL STUDIES (TEST CODE : 1049)

Name of Candidate	Jatin Kishore		
Medium (Eng./Hindi	English	Registration Number	183643
Center	Online	Date	04.12.17.

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

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 अंग्रजी 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 that 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.

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1. Concerns regarding the wide formulation and indiscreet application of discretionary powers of the Governor need closer attention. Discuss. (150 words) **10**

राज्यपाल की विवेकाधीन शक्तियों के व्यापक निरूपण एवं अविवेकपूर्ण अनुप्रयोग संबंधी चिन्ताओं के संदर्भ में सावधानीपूर्वक ध्यान केन्द्रित करने की आवश्यकता है। चर्चा कीजिए।

Concerns regarding the discretionary powers of the Governor have been come to the forefront in recent years. Governor enjoys two kinds of discretionary powers – constitutional and situational.

The biggest concern in recent times has been the issue of application of ~~Governor's~~ President's Rule in States, but these decisions were eventually reversed by the Supreme Court, for instance in the case of Arunachal Pradesh.

Similarly, there have been allegations of interference with the functioning of the popularly elected governments in Delhi and Puducherry with the Lt. Governors taking an ~~the sole~~ a much greater role in administration.

All these concerns require addressing by both the States and the Central Governments. As recommended by the Sarkaria and Punchhi Commissions, President's Rule should be applied only as a last resort measure after giving sufficient warning to the State Governments to correct their behaviour.

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Moreover, the State Assemblies should not be ~~dismissed~~ dissolved till Parliament has approved the imposition of President's Rule. This will help avoid allegation of abuse of discretionary power by the Governor and help maintaining credibility of the Governor, which is a Constitutional position.

In the same vein, it is also important that Governor should be allowed to serve the full five year term and not be dismissed when a new government is formed at the Centre.

All these measures will help in maintaining the dignity of the Governor and cement his position as the Constitutional Head of the State.

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2. Explain the concept of subordinate legislation in India. Also discuss the mechanisms for their scrutiny and control. (150 words) 10

भारत में अधीनस्थ विधान की अवधारणा की व्याख्या कीजिए। साथ ही उनकी संवीक्षा और नियंत्रण की क्रियाविधियों की भी चर्चा कीजिए।

Subordinate Legislation refers to Rules, bye laws, notification, etc. framed by the executive in exercise of its authority under some parent law made by Parliament or State Legislatures.

The need for subordinate legislation arises since Parliament has limited time and has to discuss a whole range of complex issues. Thus, Parliament can only lay down broad policy suggestion and lay down a particular framework and direction in which specific details are left to be finalised by the executive.

However, it is important to have a mechanism for control & scrutiny over such subordinate legislation otherwise the executive may frame rules not in accordance with the original law.

The way in which this control is exercised is through the Committee on Subordinate Legislation in Parliament which scrutinises

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such rules, etc. and can summon the executive to answer specific concerns.

Additionally, these ~~rules~~ Subordinate legislation also come under the definition of law under Article 13 of the Constitution. Hence, these can be challenged in various High Courts and Supreme Court against ~~either each~~ overreach of authority by the executive.

This has been seen ~~in~~ recently when the Cattle Rules for prevention of Slaughter of Cattle formed under the Prevention of Cruelty to Animals Act were challenged and stayed by the Supreme Court.

Thus, there are possible means for ~~reduce~~ control over subordinate legislation within an Constitutional Framework.

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3. The crucial position accorded to the Speaker in Indian legislatures, makes it imperative to protect them from undue political pressures and incentives. Examine. (150 words) **10**

भारतीय विधायिकाओं में अध्यक्ष को प्रदान की गई महत्वपूर्ण प्रस्थिति वस्तुतः उन्हें अनुचित राजनीतिक दवाबों एवं प्रोत्साहनों से सुरक्षित करना आवश्यक बनाती है। परीक्षण कीजिए।

The Speaker is provided a crucial position in Indian legislatures. The Speaker is responsible for the smooth conduct of the house. The Speaker is given the final authority to take decisions on several key matters. ~~For instance~~ Some of these are —

① Authority to determine whether bill is Money Bill or not.

② Decision on whether to admit motion for removal of Judges.

③ Decision on ~~take~~ disqualification of a member under the Anti Defection Law.

④ Adjournments and prorogement of House.

Thus, because of the crucial position occupied by the Speaker, it is important that ~~a~~ the Speaker not only be neutral and impartial but also appear to be so. It is important to insulate them from any political pressures.

A useful practice that is followed in the U.K.

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and can be adopted in India as well is that the Speaker resigns from his party once he is made the Speaker and may rejoin after he steps down.. This will help him insulate him from political pressures and will not be answerable to leaders in his party.

It will also further improve the confidence of all members, including the Opposition, that the Speaker acts in all of their best interests and will lead to smoother conduct of the business of the House, which is a crucial part of any democracy.

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4. The Departmentally-Related Standing Committees have been referred to as mini-parliaments in India. Highlight their relevance in a democratic polity and discuss, with examples, how they improve the overall effectiveness of the Parliament. (150 words) **10**

विभागों से संबद्ध स्थायी समितियों (विभागीय स्थायी समितियों) को भारत में मिनी-संसदों के रूप में संदर्भित किया गया है। लोकतान्त्रिक राजनीति में उनकी प्रासंगिकता पर प्रकाश डालिए और साथ ही उदाहरण सहित चर्चा कीजिए कि वे संसद की समग्र प्रभावकारिता में किस प्रकार वृद्धि करती हैं।

The Departmentally-Related Standing Committee ~~(DR~~ are highly relevant in today's world, especially when Parliament's work is getting increasingly complex and it does not have the time to scrutinise each and every issue in detail.

Each Ministry has a corresponding Committee in Parliament that scrutinises the policies and decisions of the that particular ministry. Additionally, the Committees also look at the ~~expenditu~~ budget allocations for that particular Ministry.

~~Thus, in the~~ These Committees can invite experts and seek views from the public as well.

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Recently, the Committee on ~~Foreign~~ External Affairs considered the implications of Doklam Standoff between India & China and what steps India can take to prevent such incidents in the future.

The Committee on Finance has also been scrutinising the implementation of the GST and taking feedback from Finance Ministry officials about the difficulties faced by ~~the~~ traders and businessmen and steps taken to address them.

Thus, Departmentally Related Standing Committees keep a check on the executive and ensure accountability in the true spirit of responsible Government.

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5. Enumerate the issues associated with functioning of tribunals in India. How can these be addressed? (150 words) 10

भारत में अधिकरणों की कार्यपद्धति से संबद्ध मुद्दों को सूचीबद्ध कीजिए। इनका समाधान कैसे किया जा सकता है?

Under the Indian Constitution, Parliament is empowered to establish tribunals for administrative and other matters under Article 323A and 323B. This is done to get a more expert opinion since the members are experts in their fields as well as ensure speedy and cost effective justice by reducing burden on other Courts.

However, several concerns have been raised with respect to the functioning of tribunals in India.

The most important concern is with the selection and removal process of judges. Unlike the High Courts and Supreme Courts, tribunals judges are selected by the executive. Further, they are not provided the protection against removal by motion passed by special majority in Parliament. This can potentially hurt the independence of the judges in the Tribunal.

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Tribunals function under their parent ministries (eg → National Green Tribunal under Environment Ministry) which is often a litigant in cases before it. This can hurt the independence of Judges.

These issues can be rectified by establishing a more robust process for selection of judges through a Selection Committee which has representation from the Judiciary.

Similarly, Safeguards can be provided against removal if not by special majority then simple majority in Parliament.

Another concern is the issue of Appeals to the Supreme Court and High Courts which defeats the very purpose of these tribunals. Although an Appeals process is important, it may be better to have an arrangement for appeal to a larger bench within the Tribunal, whose decision ~~may~~ will be final. Alternatively, an Arrangement like the NCLT & NCLAT may be adopted.

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6. Examine the significance of Gram Sabhas, as mentioned in Article 243A of the Indian constitution, in the development process with special reference to Fifth Schedule areas. (150 words) **10**

पांचवीं अनुसूची के क्षेत्रों के विशेष संदर्भ में विकास की प्रक्रिया में, भारतीय संविधान के अनुच्छेद 243A में वर्णित ग्राम सभाओं के महत्व का परीक्षण कीजिए।

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7. The Rajya Sabha is merely a secondary house rather than a second house in the Indian Parliamentary system. Critically analyze the statement. Also, compare and contrast the position of the Rajya Sabha vis-à-vis the State legislative councils. (150 words) **10**

भारतीय संसदीय प्रणाली में राज्यसभा वस्तुतः दूसरा सदन होने के स्थान पर एक दूसरे दर्जे का सदन मात्र है। इस कथन का आलोचनात्मक विश्लेषण कीजिए। साथ ही, राज्य विधान परिषदों के मुकाबले राज्यसभा की स्थिति की तुलना कीजिए और अंतर बताइए।

It is inappropriate to say that Rajya Sabha is a secondary house to the Lok Sabha. The Rajya Sabha plays a key role in the Indian Parliament.

The Rajya Sabha acts as a ~~potential~~ check on the majoritarian and pop-ulist tendencies of the Lok Sabha, without which the ruling party will have very few checks on the legislation it can enact.

It is true that in the case of Money Bills, Rajya Sabha can only make suggestions for change and can only delay the bill by 14 days, but this is a much needed provision so that crucial administrative decisions are not delayed due to lack of funds.

In other matters, Rajya Sabha has an

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equal say as the Lok Sabha.

The Rajya Sabha is also an important instrument through which the interests of the States are represented, reflecting the Federal character of Indian polity.

In contrast, the State Legislative Councils have a much weaker position.

Their position is the same as Rajya Sabha with respect to Money Bills.

However, with respect to Ordinary Bills, legislative Councils can only delay the bill for 4 months, after which if the bill is passed by the Legislative Assembly, it is deemed to be passed even if the Council rejects the bill.

Also, if the Council passes a bill, but the Assembly rejects the bill, it leads to death of the bill.

This again highlights that the Rajya Sabha occupies a crucial position.

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8. A major shift is needed in the institutional framework of the Central Water Commission (CWC) and the Central Ground Water Board (CGWB) to make water management more holistic and multidisciplinary. Discuss in the context of Mihir Shah Committee recommendations. (150 words) **10**

जल प्रबंधन को अधिक समग्र और बहु-विषयक बनाने के लिए केंद्रीय जल आयोग (CWC) एवं केन्द्रीय भूमि जल बोर्ड (CGWB) के संस्थागत ढाँचे में महत्वपूर्ण परिवर्तन की आवश्यकता है। मिहिर शाह समिति की अनुशंसाओं के संदर्भ में चर्चा कीजिए।

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9. On what grounds can a person be denied the right to contest elections to the Parliament in India? Will a life-time ban on those convicted of heinous crimes address the problem of criminalisation of politics? Discuss. (150 words) **10**

किसी व्यक्ति को भारत में संसद हेतु चुनाव लड़ने के अधिकार से किन आधारों पर वंचित किया जा सकता है? क्या जघन्य अपराधों के दोषी व्यक्तियों पर जीवनपर्यन्त प्रतिबंध से राजनीति के अपराधीकरण की समस्या का यथोचित समाधान होगा? चर्चा कीजिए।

A person can be denied the right to contest elections on the following grounds-

1. If he ~~hurts~~ threatens the sovereignty and integrity of India.
2. If he willingly acquires the citizenship of another country.
3. If he indulges in any form of practice of untouchability.
4. Failure to report election ~~often~~ expenditures truthfully.
5. If he is convicted of any crime and sentenced to a punishment exceeding 2 years.

Yes, a lifetime ban on those convicted of heinous crimes will help in addressing the problem of criminalisation of politics, which has become a serious concern in recent years

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It is observed that several sitting MPs & MLAs have cases of serious crimes against them.

A lifetime ban will be a big step in helping cleanse politics in India since eventually such MPs and MLAs will be disqualified.

More importantly, this will serve as a big deterrent for others. Moreover, politics will no longer be a viable option for criminals, many of who are attracted towards it only because of the ability to influence investigations and save themselves from conviction.

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10. Directive Principles can be considered as even more important than the Fundamental Rights because they provide a positive thrust towards welfare. Discuss. (150 words) **10**

निर्देशक तत्वों को मूल अधिकारों से भी अधिक महत्वपूर्ण माना जा सकता है क्योंकि वे कल्याण की दिशा में एक सकारात्मक प्रेरणा प्रदान करते हैं। चर्चा कीजिए।

Directive Principles ~~can be~~ provide direction to the Government in which it should endeavor to proceed and formulate laws and policies to achieve the goals mentioned in the DPSP. Thus, it can be said that while Fundamental Rights provide political democracy, Directive Principles provide social and economic democracy.

However, it would be incorrect to say that DPSP are more important than the Fundamental Rights. Both of them are two spokes of the same wheel and both are necessary for the holistic development of the nation and its citizens.

Fundamental Rights ~~are~~ provide protection against arbitrary authority of the State. They can thus be seen as a bulwark of individual liberty. DPSP on the other hand provide a

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development plan for the society as a whole. ✓

Both are essential components and giving any one primacy over the other can disturb the careful balance that has been ~~set~~ laid down in the Constitution.

This has also been laid down by the Supreme Court. For instance, the State can make law to give effect to Art 39(b) & (c) (DPSP) even if it contains Article 14 & 19 – the Right to Equality. However, Article 21 ~~cannot~~ – Right to Life & Personal Liberty cannot be curtailed even to give effect to a DPSP.

Thus, both the elements of the Constitution form a cohesive whole, complimenting each other.

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11. In light of demands for replacement of the FPTP (First Past the Post) system with other alternatives, compare the merits and enumerate the challenges associated with replacing the current system. (250 words) **15**

FPTP (फर्स्ट पास्ट द पोस्ट) प्रणाली को अन्य विकल्पों से प्रतिस्थापित किए जाने की मांगों के प्रकाश में, वर्तमान प्रणाली के लाभों से तुलना करते हुए इसे प्रतिस्थापित करने से सम्बंधित चुनौतियों को सूचीबद्ध कीजिए।

Debate ~~on~~ with respect to changes in the First Past the Post system have come to the fore recently. The ~~main~~ other alternative suggested is the Proportional Representation (PR) system where ~~candidates~~ parties get seats in Parliament in the same proportion as the percentage of votes secured by them.

In contrast ~~to~~ under the ~~First~~ FPTP system, the candidate with the highest voteshare wins the seat.

Advantages of the FPTP system are —

① It is a very simple system and easy to understand. In fact, it was selected ~~in~~ India since at the time of independence, a majority of the Indian population was illiterate and ~~were~~ may not have understood more complicated systems.

② The FPTP system leads to a more stable

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~~system~~ Government since one party ~~or~~ winning ~~and~~ a majority of seats is more likely. Under ~~the~~ proportional representation, with typical vote shares in India to winning parties (30-40%) seen recently, it may be difficult to form a stable government since no party would get a majority of the seats.

(3) ~~The~~ Under the FPTP system, each ~~can~~ MP or MLA is associated with one constituency and is accountable to its constituents and can work for their welfare. There is no such connection under ~~the~~ Proportional Representation. Thus, there is greater accountability under FPTP.

However, there are several drawbacks as well:—

(1) It is often seen that the winning candidate usually ~~never~~ gets less than 50% of the votes. Thus, more than half of the ~~be~~ voters did not vote for the winner

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as their choice. This can lead to resentment and dissatisfaction and may also not be a very representative form of Government.

(2) In the same vein as above, India is a highly diverse country and this diversity is seen within constituencies too. The FPTP system may lead to ignoring such diversity and only the interests of the majority within each constituency getting represented.

(3) FPTP system can lead to tendency towards vote bank politics as candidates to secure a sufficient fraction of the vote without addressing the needs of all people.

Thus, although there may be a case for shifting to a mix of the two systems but such a change needs to happen over a period of time while taking all stakeholders on board & through consensus.

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12. Despite long term recognition of the problem of pendency of cases in the courts, limited progress has been made in reducing their number. What are the possible reasons for such a scenario? Suggest a framework of measures that can be taken to address this issue. (250 words) **15**

न्यायालय में वादों के लंबित रहने की समस्या की बहुत समय से पहचान होने के बाद भी इनकी संख्या को कम करने की दिशा में सीमित प्रगति ही हो पाई है। ऐसे परिदृश्य के लिए संभावित कारण क्या हैं? इस समस्या को हल करने के लिए विभिन्न उपायों की एक रूपरेखा का सुझाव दीजिए।

It is widely recognised that the Indian judiciary suffers from long delays and there is huge pendency of cases.

There are several reasons for this —

(1) ~~Frequent~~ significant vacancies in the Judiciary es, especially Higher Judiciary. This has become a more severe problem in recent years with the delay in finalisation of Memorandum of Procedure (MoP) for filling judicial vacancies.

(2) Frequent adjournments in cases. These are sometimes also used as a delaying tactic by one party by asking for multiple adjournments on trivial grounds.

(3) Repeated appeals by the litigants so that final decisions takes very long

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Often, litigants also file interlocutory ~~appeals~~ pleas in higher courts to delay the process.

④ Issue of vacations in the Supreme Court.

Recently, several cases were heard even during the vacation to ~~be~~ clear the backlog.

⑤ Every case, even ~~be~~ small cases related to property matters eventually gets appealed and reaches the Supreme Court, through the Special Leave Petition option. This prevents the Supreme Court from fulfilling its ~~ob~~ main purpose of a Constitutional Court.

Several steps can be taken to rectify such frequent delays —

① Quick filling of vacancies as soon as they arise at all level of judiciary. MoP should be finalised quickly.

② Adjournments should be granted only if there is urgent need and not for every single demand of the ~~bel~~ litigants.

③ Higher judiciary should not grant unnecessary stays for every interlocutory appeal.

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More importantly, however we need to develop a more robust Lower judiciary and focus on conciliation ~~so that~~ and dispute resolution so that the need for appeals does not arise.

① Lok Adalats can be set up more frequently. Their ~~decision~~ courts do not follow strict ~~as~~ rules of evidence and procedure and hence have greater flexibility and can achieve conciliation.

② Nyaya Gram Nyayalayas should also be improved. Greater funding should be given to these institutions so that most disputes can be settled at the village level itself.

③ Use of IT tools to digitise the filings for greater ease of access. e-Courts should be encouraged and all databases should be electronic.

The above steps can help in reducing the long delays and ensure quick & speedy justice to all.

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13. Despite the phrase 'due process of law' not being included in Article 21, the Supreme Court, over the years, has adopted the doctrines of 'procedural due process' and 'substantive due process' into Indian constitutional law. Comment. (250 words) **15**

'विधि की सम्यक् प्रक्रिया' वाक्यांश के अनुच्छेद 21 में सम्मिलित नहीं होने के बावजूद, समय के साथ सर्वोच्च न्यायालय ने 'प्रक्रियात्मक विधि के अनुसार' एवं 'सारवान विधि के अनुसार सम्यक् प्रक्रिया' के सिद्धांतों को भारतीय संवैधानिक कानून में अपना लिया है। टिप्पणी कीजिए।

'Due process of law' refers to the principle that laws made by Parliament ~~not just be~~ should not only not be violative of the Constitution but also should be reasonable, fair and should not be arbitrary.

This means protects ~~Article~~ Fundamental Rights under Article 21 - Right to Life and Personal Liberty not only from arbitrary Executive Action but also from arbitrary Legislative Action.

Thus, the Supreme Court can strike down laws made by Parliament seeking to put restriction on Article 21 ~~on Art~~ if the law is arbitrary, unjust or unfair.

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14. Can we say that cooperative federalism in India has strengthened in the post-liberalisation era? Give reasons in support of your answer. (250 words) **15**

क्या हम कह सकते हैं कि उदारीकरण के बाद की अवधि में भारत में सहकारी संघवाद सुदृढ़ हुआ है? अपने उत्तर के समर्थन में कारण प्रस्तुत कीजिए।

It is correct to say that cooperative federalism has strengthened in India in the post liberalisation phase.

There is increasing recognition of the fact that a top down centralised system of planning, development and governance is not conducive to the needs of the nation.

Thus, there is greater need for cooperation between the Centre & the States as well as the States & local bodies.

A big step in the direction of setting of local governments has been the passing of the 73rd & 74th Amendment Acts which ~~gave~~ ~~greater~~ gave Constitutional Status to Panchayats & Local Bodies.

Now States are required to conduct elections to these bodies ~~as well~~ every five years as well as devolution of funds to these bodies through the State

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Finance Commissions. All this is a big step in sharing of resources and leads to greater participatory democracy.

At the level of the Centre & the States too, there has been greater cooperation. The Fourteenth Finance Commission has increased the ~~devolute~~ share of States from 32% to 42%. This gives States greater resources and can implement various schemes in a ~~real~~ manner best suited to their particular requirements.

States are also now directly allowed to borrow money as long as they are not indebted to the Centre.

Recently, Municipalities have also been given Credit Ratings and are now allowed to issue ~~muni~~ municipal bonds to raise funds of their own from the market for investment in infrastructure. This will help in the Smart City Mission and such funds will complements grants from the Centre & the State Governments

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The biggest change in Indian federal system recently has been the setting up of the GST Council for deciding tax rates under GST. The Council has representation from both the Centre & the States and requires decision making by Consensus and agreement since all decisions are made by 75% majority – the Centre has 33% share and States have 66%. Hence, both need to come to a mutually acceptable solution. Through this system, concerns of all parties are addressed. Such models need to be adopted in other sectors too.

Further, there have been various measures aimed at encouraging competition among various States such as for the Smart Cities Mission and rankings under the Swachh Bharat Campaign. Such competition will encourage all States and district administration to do their best.

Although there are some contentious issues such as sharing of river waters, there has definitely been increased cooperation in India.

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15. Faulty regulatory policies can have a severe adverse effect on the efficient interplay of market forces and end up harming public interest. Examine in the context of systemic issues pertaining to regulatory environment in India. (250 words) **15**

दोषपूर्ण विनियामक नीतियों का बाजार की शक्तियों की कुशल अंतर्क्रिया पर गंभीर विपरीत प्रभाव पड़ सकता है और सार्वजनिक हित को नुकसान पहुँच सकता है। भारत में विनियामकीय परिवेश से संबंधित प्रणालीगत मुद्दों के संदर्भ में परीक्षण कीजिए।

Regulation is a very complex system and a balance needs to be maintained between protecting the rights of consumers while at the same time encouraging increased investment.

Regulation thus needs to be carefully ~~constructe~~ crafted. This has been highlighted recently, in the Net Neutrality Guidelines issued by TRAI where ~~the~~ it has underscored the commitment to Net Neutrality in India so that no company has an unfair advantage. However, at the same time, TRAI has upheld that ~~g~~ assistance can be provided to certain sectors so that the benefits of the telecom sector reach all customers and leads to more inclusive development.

However, in a different view, TRAI

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has recently decreased. The Interconnection Usage Charges (IUC) which some operators have alleged benefits are particular company at the expense of others. This has the potential to hurt the economic prospects of several incumbents leading to their exit and will ultimately hurt the customers in the long run.

Similar faulty policies can be seen in the context of electricity regulation where some recently governments chose to waive off unpaid electricity bills. This only tends to increase the burdens on the discoms, and has a further adverse effect on the banking system in the form of NPAs. Ultimately, these costs have to be borne by the taxpayers.

There is also a major concern in the Indian pharmaceutical industry. Most

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drugs in India are under price control which some pharmaceutical companies feel reduces their profit margins and makes them reluctant to invest in research for new and innovative products. Recently too, the government capped price of medical stents.

Although it is important to make sure that ~~prices are~~ medicines are available to all at affordable rates, this should not be at the expense of the pharmaceutical companies which will tend to drive them out of the market.

Instead, the government should step in through insurance schemes and subsidies for essential medicines. At the same time, it is important to make sure that companies do not charge exorbitant and unjustified prices.

Thus, it is important to strike a fine balance through a scientific analysis while taking all stakeholders on board.

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16. Mention the constitutional provisions to safeguard and ensure the independent and impartial functioning of the UPSC. Further, assess the limitations of UPSC in effectively performing its role as the 'watchdog of merit system' in India as envisioned by the Constitution. (250 words) **15**

UPSC की स्वतंत्र और निष्पक्ष कार्य पद्धति को सुरक्षित रखने और सुनिश्चित करने हेतु संवैधानिक प्रावधानों का उल्लेख कीजिए। साथ ही संविधान द्वारा प्रकल्पित 'योग्यता प्रणाली के संरक्षक' के रूप में अपनी भूमिका को प्रभावी रूप से निष्पादित करने में UPSC की सीमाओं का आकलन कीजिए।

The safeguards laid down to ensure independence of UPSC are —

(1) Constitutional position given to UPSC so that it ~~can not~~ cannot be removed by a Parliamentary Law or Executive Decision.

(2) Fixed terms to UPSC members and Chairman.

(3) UPSC members can only be removed by the President on a recommendation from the Supreme Court.

(4) The salaries, allowances & expenses of UPSC members are charged on the Consolidated Fund of India and are not subject to vote by Parliament

(5) UPSC chairman is barred from

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further employment under the Govt. of India. UPSC members can only serve as UPSC Chairman but are barred from any other employment under the Government.

Thus, all these measures ensure the independence of the UPSC and make sure that the members are under no political pressure.

This is important since UPSC is often considered the 'watchdog of merit system' in India.

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17. What are the key issues in the context of electoral funding in India? How far do you think the idea of state funding of elections can address these issues? (250 words) **15**

भारत में चुनावी वित्तपोषण के संदर्भ में मुख्य मुद्दे क्या हैं? आपकी राय में चुनावों के राज्य द्वारा वित्तपोषण का विचार इन मुद्दों का किस सीमा तक समाधान कर सकता है?

Electoral funding is a very important aspect in any democracy since people exercise their democratic choices primarily through elections.

There have been allegations of corruption in the system of electoral funding in India. It is alleged that ~~political parties accept bla~~ black money plays a big role in election funding in the country. Parties get around the requirement of reporting sources of funding by showing several donations less than Rs. 20,000

The other issue is with respect to funding by corporations. Corporations form the bulk of reported sources of funding ~~in~~ for all political parties. A big problem with corporates funding elections ~~can~~ is winning parties may favour their donors over other competitors which will ultimately be harmful

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A recent debate that has come up is the issue of electoral bonds. Critics have alleged that this removes all accountability from the political funding process by making the donor anonymous from the point of view of the party. It is alleged that ruling governments can coerce corporates into funding their election campaign.

~~State fundin~~ This bone becomes even more severe since political parties are not under the ambit of the RTI Act.

State funding of election can potentially solve this problem by ~~an~~ removing all donations completely ~~and~~. All the costs for election will be borne by the public exchequer.

This has the potential to significantly reduce corruption and increase transparency and accountability in the election process. This will also free

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governments from coming under corporate obligation and insulate them from lobbying.

In a sense, there is some measure of state funding ~~since the~~ already since the Election Commission provides electoral rolls, fuel for vehicles, etc.

However, for campaigns, this will have to be increased significantly. This will increase the burden on the exchequer and it may not be possible for a developing country like India to bear this expense without increasing taxes.

Further, there is also a need to finalise the exact methodology as to how funds would be distributed ~~to~~ based on no. of votes polled, voteshares, etc. Such details need to be worked out clearly.

Finally, there is the concern that political parties may still continue to illegally receive extra funds which may give them an advantage.

Thus, State Funding although necessary, may not be enough.

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18. Separation of powers in case of India has acquired its own uniqueness under the constitutional arrangement. Explain. (250 words) **15**

भारत के सन्दर्भ में शक्तियों के पृथक्करण ने संवैधानिक व्यवस्था के अंतर्गत एक अनन्य विशिष्टता प्राप्त कर ली है। व्याख्या कीजिए।

The Constitution envisages a separation of powers ~~betn~~ among the three ~~branches~~ organs of government - Executive, Legislature and Judiciary. However, this separation has acquired a unique structure over time since there is no exact structure specified in the Constitution.

The Judiciary in India has acquired a ~~big~~ major role in government. The Judiciary is selected through the Collegium System, which is an extra constitutional system interpreted by the Supreme Court in the Three Judges cases. This has also led to some friction between the ~~E~~Executive and the Judiciary with the striking down of the NJAC.

Similarly, the Judiciary is also increasingly involved in certain policy issues

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such as making the singing of National Anthem compulsory in cinema halls & banning of alcohol along National & State Highways, banning of sale of firecrackers in NCR, etc.

To a certain extent, the Judiciary is justified as due to the lapses on the part of other ~~branches~~ organs to adequately address the needs of the day. However, there have been allegation of the Judiciary encroaching into the domain of other organs.

The relation between the Executive & ~~Judiciary has also chan~~ Legislature has also changed over the years. With the passing of the 52nd Amendment Act & the Anti Defection Law, the executive now ~~e~~ exercises a greater control over the MPs by ~~issu~~ issuing of whips. Concerns have been raised about the independence and internal democracy within political parties

Finally, the relation between Legislature

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and Judiciary is evolving too. In the Kihoto Hollohan v/s Zachillhu case, the decision of the speaker to disqualify a member under the Anti Defection Law was brought under Judicial Review.

Thus, the separation of powers in the Indian context is a unique and is constantly evolving. It ~~can~~ is infact a strength of the Indian Constitution, which is truly a living document.

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19. Highlight the extent of President's powers under Article 352. Comment on the judicial scrutiny of proclamation and the exercise of executive powers under National Emergency. How is this power different from the one bestowed under Article 356? (250 words) **15**

अनुच्छेद 352 के अंतर्गत राष्ट्रपति की शक्तियों की सीमा पर प्रकाश डालिए। राष्ट्रीय आपात की उद्घोषणा की न्यायिक संवीक्षा तथा आपातकाल के दौरान कार्यकारी शक्तियों के प्रयोग पर टिप्पणी कीजिए। यह शक्ति अनुच्छेद 356 के अंतर्गत प्रदत्त शक्ति से किस प्रकार भिन्न है?

Article 352 deals with the imposition of National Emergency by the President ~~Under the when~~ the Emergency is can ~~under~~ be declared only by a written request from the Cabinet and Emergency must be approved by both Houses of Parliament by ~~2/3rd~~ special majority. And must be reapproved every six months.

Under an emergency, the President can issue ordinances (when Parliament is not in session) on any matter in any of the three lists including the State List.

The President can suspend the Fundamental Rights under Article 19, but only if the Emergency is due to external

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aggression or war and not due to armed rebellion.

Other Fundamental Rights can also be suspended ~~but~~ except Article 20 & 21.

The declaration of National Emergency is not under Judicial Scrutiny. As mentioned, the executive gains vast power in an Emergency, but this power is checked by Parliament.

Article 356 deals with the imposition of State Emergency which is imposed in a particular State due to breakdown of constitutional machinery in ~~a~~ that particular state.

~~For~~ When State Emergency or President's Rule is imposed in a State, Parliament gets the right to legislate on State List subjects for that State. If Parliament is not in session, the President can

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Some ordinances on the same but only for that particular State.

The ~~Judiciary~~ Supreme Court, in the S.R. Bomai Case held that imposition of President's Rule is subject to Judicial Review and the decision can be reversed if it is found that the President's decision was politically motivated or malafide.

There is no suspension of Fundamental Rights during the State Emergency.

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20. Fiscal transfers from the Centre to States are critical in India. In this context, explain the rationale of both general and specific purpose fiscal transfers. Also highlight the problems witnessed in the design and implementation of specific purpose transfers. (250 words) **15**

भारत में केंद्र से राज्यों को राजकोषीय अंतरण अत्यंत महत्त्वपूर्ण हैं। इस संदर्भ में, सामान्य और विशिष्ट प्रयोजन वाले राजकोषीय अंतरण के औचित्य की व्याख्या कीजिए। साथ ही, विशिष्ट प्रयोजन वाले अंतरण की अभिकल्पना और कार्यान्वयन में आने वाली समस्याओं प्रकाश डालिए।

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