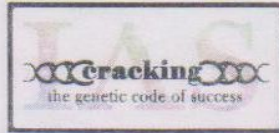


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Q-5

Functioning of parliament closely follows era of governments (single party, multiparty, coalition)

Till 1967 there was single party dominance, generation of people who fought in independence movement were still there & parliament debates were serious, attended by many & executive used to be responsible.

After 1967 with widespread change in nature of members (e.g. no of lawyers decreased, people from middle & lower sections started entering parliament) & general impatience in nation with pace of development made proceedings more noisy & more disruption prone.

After 1991 & advent of live TV ~~debates~~ disruption of proceedings became common.

Over the years no of days for which parliament meets have also been decreasing.

Over time parliament has devised its own conventions. e.g. deputy speaker after 1963 is a member of opposition.

Rule of speaker is always accepted & as was seen in case for question scam in house mechanism for dealing with errant members has worked.

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Anti-defection legislation passed in 1985 & subsequent amendments have tried to curb this practice.

After 1991, 23 department related standing committees were formed for in-depth deliberation on bills & to seek opinion of public also.

As they are not held in camera, members can freely express their views without worrying about party loyalty.

Special session of parliament in 1997 (50 yrs of independence) outlined vision of a future parliament.

Representation of women in both the houses & of SC, ST & OBCs in Rajya Sabha (there is no reservation in Rajya Sabha) has been a sore point over the years.

Dramatic increase in assets (2951545 are crorepati) & criminal cases against members has given rise to claim of representative nature of parliament.

Lack of quorum while discussing important bills, reduced days of sitting & many important bills being passed by voice vote has eroded faith of public in functioning of parliament.

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Q. 6

PRTs in India could start only after independence as British government though took few steps for urban local bodies but none for PRTs.

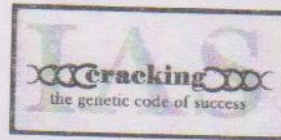
After independence based on Balwant Rai Mehta committee recommendations PRTs started functioning in Rajasthan & later other states as well.

There were wide variations in structure & functioning (2 tiers, 3 tiers & 4 tiers) due to uneven devolution of functions, resources & no constitutional backing for regular elections.

After 73rd amendment in 1991 PRTs got a constitutional status & regular elections, with reservation a model list of functions & resources to be transferred.

Provision of State Finance Commission to divide resources, provision of gram sabha as final decision making body, direct election of Sarpanch, direct financing from centre to PRTs for large number of developmental schemes all have meant that PRTs have achieved their ~~true~~ potential due position in the administrative architecture. But implementation remains uneven as some states like Karnataka, Kerala & WBengal have been good in implementation while states like Bihar or Orissa held elections after repeated proddings of court.

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Q. 7

Prime Minister is considered 'Nuneso Uno' in Indian govt. structure while some say he is merely first among equals.

By constitution President appoints a PM who is responsible to parliament & has its confidence to rule in his name. PM's advice on most matters (right from appointing ministers, governors, heads of various bodies, other executive decisions) is binding on president.

Being real executive head & mostly head of largest political party in Lok Sabha PM wields many formal & informal powers.

He is leader of whichever house he is member of (Usually Lok Sabha but Dr. Singh has been a member of Rajya Sabha).

He is ex officio president of Planning Commission which is apex body to decide direction of economic policy in country.

Before 1993 when Supreme Court acquired power to appoint judges, PM used to have decisive say in same.

He is head of committee provided for selection of chairperson of CVC, NHRC, CIC & other such constitutional bodies.

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- PM also has control of India's nuclear button.
- If his party is in power in many states he has control over CMs of states as well which is not provided in constitution.
- As Governors are appointed on his advice he has another means of oversight on state governments.
- His right to appoint, demand resignation & distribute portfolios give him another lever of control.
e.g. Pt. Nehru had VK Menon & LB Shastri as ministers without portfolio to help him out.
- Some PMs also had deputy PM while in recent years importance of PMO or prime minister's office has overshadowed cabinet secretariat.

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Q - 8

Liberalisation started from 1980 in small measure & in full steam after 1991 is meant from removal of license quota Raj, restriction on import-export, high custom duties, free flow of capital & dismantling on other govt controls on business activities.

Liberalisation and associated decontrol of economic activities by govt means that people no longer need to vote on promise of elusive gas connection, telephone connection or priority in scooters & car allotment.

Neither businesses are beholden to political class for industrial licenses. But despite this our economy has not been reformed completely & there are wide discretionary powers with political class & bureaucracy.

Antiquated election rule means campaign finance is still not transparent & despite liberalisation elections are still fought on black money which is recouped later.

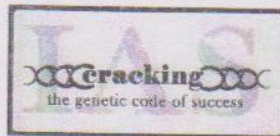
Liberalisation has also made various professional bodies & lobbyists strong e.g. real estate, automobile financing interests, power companies, NASSCOM etc. which influence govt. policy both in front of & behind the curtain.

Social Sector spending

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I] In 1929 Lahore, congress raised its demand for complete independence & launched civil disobedience for same in Apr 1930.

→ Prior to this Nehru Report in 1928 had outlined a set of 18 fundamental rights to be given to citizens as a part of constitutional reform.

→ In 1930 popularity of revolutionary ideology after Bhagat Singh's heroics was also at its peak & due to all these factors it was necessary for congress to outline its vision for free India.

→ Pt. Nehru drafted the economic & social resolution at Karachi congress in 1931 which was to be blueprint of objective resolution which he presented at the constituent assembly later in 1948 & which got enshrined in our constitution's part III as fundamental rights.

→ Some salient features of this Karachi resolution were

- 1) Civil rights → Right to life, speech, peaceful agitation
- 2) Political rights → Universal adult suffrage, a novelty in contemporary times as almost all countries qualified voting right by property till WWI.

Protection of minority rights

- 3) Socio Economic rights → Influenced by Russian revolution & Gandhian ideals involved land to tiller, end of begar, minimum equal wage & curb on social evils.

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Q- 2

Before Gandhi (1915-1945) & Tilak (1908-1915) the foremost leader of India's movement for self rule was Gopal Krishna Gokhale.

A protege of Mahadev Ranade, he was product of Poona Sarvajanik Sabha & argued case of reforms in Legislative council in India & in UK before some authorities brilliantly.

Gokhale was aware of benefits of British rule, rule of law & western education to name a few.

But at the same time he was acutely conscious of its essential exploitative character [as outlined by Dadabhai Naoroji & R.C. Dutt in 'drain of wealth'] & yearnings of self rule within India.

He wanted process of reform to be gradual & let India first be ready for reforms before asking for it.

Unlike extremists (Lal, Bal & Pal), he eschewed policy of confrontation & boycott beyond some pressing needs (like anti partition agitation in Bengal) & preferred educating public opinion (he established 'Servants of India' society) & agitating for constitutional reforms.

His liberal streak was not limited to political sphere alone & this came to fore when he rose to oppose govt. efforts to restrict expenditure on marriage by poor Indians, deeming it to be interference in civil rights.

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But unlike classical liberals he did not argue for political rights on basis of some social contract nor did he ask Britishers to leave for breating this contract.

Rather like Mill he argued for greatest good of greatest number & stepped in this utilitarian mould considered temporary loss of political rights beneficial for long term benefit of order & socio economic changes Britishers brought.

Q- 3 (1)

Raja Ram Mohan Roy, founder of Atmisa Sabha & Brahma Samaj was a philosopher, social reformer & prolific author.

Effective British rule was established in 1772 & by 1793, Calcutta madarasa & Hindu College were established. British rule impacted India not only politically & economically but also socially.

Raja Ram Mohan Roy emerged as able introductor between modern civilisation & Indian society.

He correctly diagnosed that much of our backwardness can be traced to social decadence & strived hard to ameliorate it.

Like a liberal he gave precedence to rights of an individual over society & preferred to make this world life sorrowless rather than worrying about next world. He understood importance of ideas & published newspapers like "samvad kaumudi" & "mirat ul Akhbar".

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To achieve his goal he took help of western education when needed - appealed to Bentick using liberal ideas of Mill & Bentham.

To ward off home grown criticism he translated scriptures in Bengali & showed that ~~It~~ had no doctrinal basis in ~~the~~ Hindu Dharmagranthas. "Suttee"

When revolution in Italy failed he mourned as if someone near me had died & when it succeeded in Spain he celebrated by a feast. These were not mere emotional outbursts but sign of his understanding that liberty is indivisible & liberty in one part of world promotes it in others as well while treat to liberty in ~~one~~ one place threatens it everywhere.

Like classical liberal he argued that old political order of India had failed to provide order & security so Indians should welcome British who provided both & instead of complaining treat this as a godsend opportunity to reflect & ~~then~~ set own house in order.

In short his work in education, child marriage, monogamy, suttee, women education, sea voyage [He went to UK as lawyer of Mughal King "Akbar II" & died there] exhibit his liberal streak.

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III (2)

States as 'administrative units' rather than as 'constituting federal units'

India is a union of states but word federation has not been used anywhere.

It is often said that India is an indestructible union of destructible states.

What it means that unlike a true federation (Former USSR or Yugoslavia), Indian states have no right to secede.

Not even that unlike US states they can be created, abolished, truncated, expanded by parliament at will (art 3, 4) with a simple majority.

Judiciary is unified & high courts decisions are not final, citizenship is single & except J&K no state has separate constitution.

Except J&K & tribal areas states can't bar non locals from settling down or trade or buying property.

All these indicate that apart from art 312 (creation of all India services) & some special majority amendments, Indian states have no separate powers.

They are staffed by officers of All India services (IAS, IPS, IFS) & there is a centre appointed Governor at helm.

Governor can reserve bill for president, promulgate central rule under art 356.

Even on financial side states are dependent on Finance commission & planning commission while many areas of 7th schedule are outside their legislative competence.

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Even in admin matters centre can give directions to state under art 355 & to implement international treaty & legislations can make laws on state list at will.

All above points show that Indian states are more a coherent manageable admin units than "constituting federal unit" of an Union.

Even their representation in so called council of states is proportionate to population & not some (like USA or Pakistan) & people not domicile of one state can contest in others.

Q - 3
(iii)

Indian constitution is based on 'separation of powers' & 'check & balances' doctrine. An important feature of this is concept of 'judicial review' & supremacy of constitution.

In the grab of populist policies govt. of the day passed 24th, 25th, 39th & later during emergency 42nd amendment which put any amendment made by parliament beyond judicial review even if violates fundamental rights, made courts incompetent to enquire into election & reduced president to a mere rubber stamp.

The new government which came to power in 1977 tried to undo these by 44th amendment

- i) President normally bound by advice but could return bill for reconsideration once

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- 2) 'Basic structure' doctrine of Kesavananda Burti (1973) case upheld as no law to counter it was passed.
- 3) Courts' power to probe election irregularity or enquire into validity of amendments to see if they encroach upon fundamental rights of citizenry restored.

At the same time changes in preamble adding words 'socialist', 'secular' & 'integrity' were not undone.

A new change was deletion of fundamental right art. 31 right to property & made it legal right. This removed a major bone of contention between courts & executive as very first amendment in 1951 had to be done to create 9th schedule to protect land reform laws.

- Q-4 After Russian revolution & great depression (1929) due to capitalism, communism was extremely popular around the world in 1930s.
- In countries like India under colonial rule anti imperialist pretensions of communism, rhetoric of classless society & a command & control economy which will rid labour of capitalist exploitation attracted all shades of public opinion.
- Socialism in India saw mainly three strands,

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- 1] Extremist communist who denounced national movement as 'bourgeoisie' venture. Govt. cracked down on them heavily in 1929 Meerut conspiracy & later Kanpur conspiracy cases.
- 2] Revolutionary like Bhagat Singh & others of Hindustan Socialist Republic Association - few in numbers & suppressed due to use of gun.
- 3] Trade union & kisan sabha movements like AITUC (1924); labours of textile mills & Eka movement of UP etc.

After 1930 civil disobedience socialists became strong inside congress due to farmers & industrial labours being backbone of movement & an organised group. Both Nehru & Subash emerged as socialist voice inside congress against conservative old guard led by Patel, Prasad, Rajaji & Malviya. Nehru piloted Karachi resolution of 1931 with extensive social & economic rights & led agitations of farmers in Oudh.

Subash formed National planning committee during his presidentship of congress in 1937 under Nehru & owed his reelection to support of socialist element inside party. On breaking from congress he formed in 1938 he formed AIFB (all India forward block) which was supposed to follow 'forward' policies of socialism.

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One can argue that Nehru's socialism was less militant in nature & never envisaged class confrontation. Subash also started with same premise but for him goal was more important. Philosophically he was more close to 'corporate socialism' of Italy where labours were offered good facilities in return of guaranteed industrial peace.

Q. - 5

Indian constitution's framework is largely based on 1935 GOI act. But it has important improvements & modifications over it. Major ideologies & doctrines influencing it are

1] Liberalism: Classic liberal rights like universal adult franchise, elimination of bonded labour, caste discrimination, a government responsible to people, republic form of govt., freedom of speech & press.

Desire for world peace (DPSP) shows influence of liberalism.

Socialism: Many leaders of independence movement saw it as panacea to all ills plaguing society. An outright socialist state nonetheless was not adopted. But various economic rights started in DPSP, 'economic justice' in Preamble & concept of welfare state are proof of socialist influence.

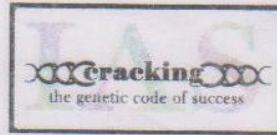
Pol. Rights
F.R.

Parliamentary
System
Fusion of power

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Federal Principle

3] Unity in diversity: Traumatic experience of partition & balkanisation of Europe during & after WWII convinced constitution makers of a strong centre. This was deemed necessary to not only preserve union but also to implement ambitious socio economic reforms. Financially states are dependent on centre. Office of governor, art. 356 & concurrent list & primacy to Lok Sabha over Rajya Sabha, unified judiciary & single citizenship ensured dominance of centre over state.

4] Separation of Power: Unlike British constitution where House of commons is supreme, Indian constitution very wisely provides for separation of power vertically between centre & states & horizontally between legislature, executive & judiciary.

5] Judicial Review: Influenced by US constitution judiciary has right to review all laws to see if they violate constitutional provision, some sort of 'guardian angel'.

6] Federal Principle: Indian acts of 1919 & 1935 had good deal of provisions dividing power between centre & states but from other British dominions of Canada, Australia & S. Africa & Ireland principles like three list.

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method of election of Rajya Sabha, office of governor, directive principles & independent bodies like UPSC, CAG & finance commission were taken.

7)

Police state features: Emergency provisions were taken from German constitution & some patently undemocratic features like 'preventive detention' etc were retained.

Karachi resolution (1931) - Fundamental rights & RPSP
Nehru report (1928) - rights of minorities & Bombay
plan report (1943) - command & control economy
were some Indian documents which influenced
constitution makers apart from UN charter (1945)
& UN resolution on human rights (1948).

Q-6

Part III of the constitution contains 6 fundamental rights (right to property removed & right to education added)

Apart from this part IV contains directive principles of state policy which aim at socio economic transformation of nation. Many of them (like organisation of panchayati Raj, minimum wage, legal aid, environmental protection etc.) have been subsequently given legal cover by various amendments.

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It is instructive to note that among nations with similar level of development & independent at same time as India, we had a fairly articulate & distinct set of rights (both Fundamental & legal). History of this can be traced back to long history of political agitation in nation right since 1885.

In modern period state (sute abolition, widow remarriage) had influenced social transformation by its action & inaction (refusal to ban polygamy, more rights for women, remove casteism).

Indian national movement aimed at not only political freedom (civil rights of vote, speech & religion) economic freedom (favorable tariffs & independent monetary policy) but also at social change.

Work for Harijan emancipation, Hindu Muslim unity, women education were always integral part of national movement & they found an echo in Karachi resolution (1931) which gave a charter of 18 rights & later in constitutional provisions (preceded by objective resolution piloted by Pt. Nehru).

To be specific few rights which aim at social transformation are

→ equality in front of law & in terms of education, employment etc.

At the same time positive discrimination in favor of SC/ST & backward sections.

Refer answer
Specificity - 7

17

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- abolition of untouchability
- abolition of bonded labor, Human trafficking & child labor
- Autonomy to linguistic & religious minorities to administer & establish their own cultural institutions.

Q-7

MN Roy propounded theory of Radical humanism. He started off as a revolutionary with " Yugantar " secret society during agitation against partition of Bengal. During WWI he established contact with revolutionaries in Europe but later he turned Marxist.

Initial view of Marx & Lenin was that British rule in India was necessary evil as it decimated the Indian feudalism. Comintern treated Indian national movement as Bourgeoisie conspiracy & advised communists to stay away from it. Later they revised the thesis & asked Indian communists to cooperate with National movement to subvert it. A crucial element of all this was concept of class war & ignoring the role peasantry could play.

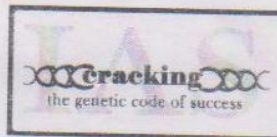
MN Roy adopted communism to Indian conditions & his radical humanism was a mixture of Gandhian concept of "Gram swaraj" & Marxist classless society.

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He recognised crucial role of peasants in pre industrial societies like India & argued for establishment of self contained villages (like communes of Marx).

He did not agree for violent overthrow of capitalists but wanted them to be assimilated as per trusteeship concept of Mahatma.

Q- 8

Secularism is concept from renaissance Europe. In medieval Europe often church was purely or interfering in administration in name of religion. Secularism was meant to divorce religion from administration. It actually means no role of religion in administration.

As understood in India secular means a religion neutral administration. It means two things

1) State shall not interfere in intra religious matters of people

(e.g. various communities have their separate personal laws, have right to establish & administer their own schools)

2) State shall not discriminate its citizens becoz of their religion in employment, justice, voting rights & other facilities.

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Refer answer

As we can see in Indian context secularism does not mean that state shall have nothing to do with religion but that state shall maintain equidistant ~~equanimity~~ from all religions.

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Q-1

Executive in India (PM & cabinet) are individually & collectively responsible to parliament.
 President (nominal head of executive) can also be removed by impeachment by parliament.

Prime Minister is responsible to president

Some ways by which parliament controls executive are

- 1) No confidence motion
- 2) Censure motion for acts of omission & commission
- 3) Parliament passes annual financial investment (budget) & can also resort to steps like cut motion, token cut, looks cut etc. where even after passing budget they can express their displeasure.

h) Parliamentary committees

- 1) Public accounts - watchdog of purse
- 2) Estimates
- 3) Committee on Public sector undertaking
- 4) Various departmental committee

i) Various motions & discussion in parliament

- Question hour
- adjournment motion
- Call attention motion
- short question

All these help in eliciting information from executive & keep them on toe on day to day basis than annual financial statements which is only yearly.

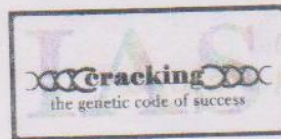
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Q- 2

In all the countries with parliamentary system like UK, India, Canada, Australia - President or head of state is nominal executive & real authority rests in PM & cabinet.

There has always been a debate, in such systems over power of president & source thereof.

In all parliamentary systems President is almost never directly elected by people as that has inherent danger of two rival source of power (PM & President).

On extent of President's power & whether he should exercise them on his own or on the advice of cabinet there are many views.

One thought is President should be "independent" in true sense of term & should have right to veto wrong policies/appointments by cabinet.

Some critics argue that this is blocky of people's will represented by elected legislature & anyway there is judiciary to prevent unconstitutional act.

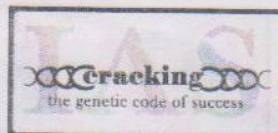
Others argue that in large & heterogeneous nations like India President can act as guardian of minority (region, language, religion, economic, social) interests & deter tyranny of majority.

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Q-3

Globalisation & liberalisation has made world a family in true sense of term.

Due to advent of communication technologies & improved transportation people are increasingly aware of what happens in other nations & there is a desire to apply universal standards in all walks of life be it civil rights, trade union, environment, children, women, trade, patent & so on.

Various organisation of UN like ILO, Unicef & other specific supranational organisations like WTO, World Bank, IAEA, WFP etc. have their binding conventions & treaties & nations which agree to be part of this have to align their domestic laws & regulations to these norms & thus there is a significant loss of authority of national legislature.

MNCs & increasingly TNCs like Shell, ExxonMobil, Google, Real Tinto etc. are so powerful economically that national & subnational governments have to follow their dictat in terms of labour, environment safety & market access to attract their investment.

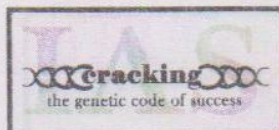
International criminal court & UN sponsored peacekeeping missions mean that law & order is now not entirely a domestic affair.

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There are other aspects of globalisation like WikiLeaks, Twitter which are challenge to state politics. Global media empires like CNN can effectively mould public opinion.

In short globalisation & liberalisation has acted as a huge reality check on state power where traditional state apparatus has been forced to learn to cope with, cooperate & compete with new institutions & behaviour (often out of its geographical or jurisdictional reach) for public attention & exercise of sovereignty.

Q-4

NHRC formed in 1993 & headed by an ex CJI of India is a powerful, independent constitutional body tasked as watchdog over protection of human rights in country.

Its main tasks are

- 1) enquire into grievances related to violation of human rights by govt agencies / pvt. bodies
- 2) ~~make~~ advise govt to make laws compliant with universal declaration of human rights (1948) & covenant on economic, social & ~~petit~~ cultural rights (1966)

Not Essential

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Be specific to the question of the question

3) Commission study & research in status of human rights in country & suggest ways to ameliorate.

4) Visit jail, orphanage, houses for destitutes etc. & recommend to authorities ways to improve.

In soliciting any information/asking for a witness NHRC has powers of civil court & it can recommend prosecution to police or can monitor investigation on a periodic basis.

Most celebrated case of NHRC intervention has been in Gujarat riots of 2002 where it caused reopening of several cases after charges of shoddy investigation.

As role of NHRC is advisory it depends on executive to take its recommendations to logical conclusion. & NHRC can at most do a follow-up & pass strictures.

As is clear NHRC is not supposed to be a body involving it in every case of HR violation but to act as intervenor where system is slow in response or has failed. Its role is more to highlight flagrant violation & work to make suitable changes in policy & mindset for respect of human rights.