

**GUJARAT NATIONAL LAW UNIVERSITY
SILVASSA CAMPUS**

**Course: Principles of Transparency and Accountability:
Regulatory Framework
Semester- II (Batch: 2024-25)**

End Semester Examination: April-May 2025

Date: 28 April, 2025

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 10 Marks: 800 words, 5 Marks: 400 words.

Part A

Answer any four of the following questions.

- | | Marks |
|---|--------------|
| <p>Q.1 In <i>Transparency With(out) Accountability: Open Government in the United States</i>, Jennifer Shkabatur discusses in detail the transparency initiatives by USA to strengthen the accountability of governmental agencies and to ensure that persons with public responsibilities are answerable to ‘the people’ for the performance of their duties. She also highlights the current architecture of online transparency which prioritizes quantity over quality of disclosures, and reinforces traditional barriers of access to information i.e., it allows agencies to retain control over regulatory data and thus withhold information that is essential for public accountability purposes.</p> <p>Discuss the various legislations and policies that have been introduced by the USA towards a transparent government, and how they have been conveniently inefficient in meeting their goals of greater transparency.</p> | (10) |
| <p>Q.2 In modern democracies, people are held accountable if they are demonstrably incompetent or demonstrably dishonest. In Athens, they could also be punished for sheer bad luck. This is perhaps the most striking difference between modern and ancient systems of accountability. If an action produces a bad outcome in what appears to be an accidental way, observers may suspect that the situation was engineered by the gods to punish the agent for some blameable prior deed. In a deeply religious society, there are no innocent accidents.</p> <p>Describe the various mechanisms of accountability in ancient Athens as discussed in Jon Elster’s <i>Accountability in Athenian Politics</i>.</p> | (10) |
| <p>Q.3 While political funding is a necessary component for political parties to play their role in the democratic process, transparency and openness in financing of political parties is the cornerstone of a well-functioning democracy. Absence of disclosure of sources of party funds facilitates corruption and gives rise to <i>quid pro quo</i> between</p> | (5 + 5) |

big donors and politicians. Countries where parties or political leadership are overly reliant on funding from a chosen few donors, policy decisions are co-opted. The equitable playing field gets eroded when one party has indomitable access to excess campaign finance.

- Shelly Mahajan and Maj. Gen. Anil Verma (Retd.)

- (a) What is the regulatory framework for transparency and accountability of political funding in India?
- (b) What were the contentions of both parties in the landmark Electoral Bond judgment of *Association of Democratic Reforms vs Union of India (Writ Petition (C) No. 880 of 2017)*?

- Q.4 The English maxim 'The King Can Do No Wrong' regarding the absolute immunity of Crown was never accepted in India, even in ancient times. In England, the Crown could not be sued in tort for acts of its servants in the course of their employment. But it was not accepted in India even during the rule of the East India Company. This state liability for the acts of omission and commission committed by its servants, not being a static concept, has been governed by written or unwritten laws. The Indian jurisprudence on tortious liability of State has undergone various changes over the years. (10)

With the help of decided case laws, elaborate on the development of scope of liability of government and public authorities in torts in India.

- Q.5 Write a short note on any two of the following: (5 + 5)
- a) Infotopia
 - b) Sycophancy
 - c) Lobbying in United States of America – Lessons for India?

Part B

Answer any two of the following questions.

- Q.6 In *Transparency and Corruption: Evidence from India*, Leonid Peisakhin notes how theories of corruption suggest that higher levels of transparency are necessarily associated with lower levels of corruption. Yet, in highly hierarchical societies in which the gulf between government officials and the most underprivileged members of society is very wide, this relationship may not hold i.e., in such societies, only the middle-class benefits from increased transparency, while the poor must continue to pay bribes to obtain basic services from the State because they are not a credible threat to corrupt civil servants. (5)
- Elaborate on the experiment and findings of Peisakhin as discussed in the abovementioned research paper.
- Q.7 The Election Commission of India is an autonomous constitutional authority responsible for administering Union and State election processes in India. The body administers elections to the Lok Sabha, Rajya Sabha, State Legislative Assemblies in India, and the offices of the President and Vice President in the country. (5)

Discuss two key achievements and two shortcomings of the Election Commission of India in recent years.

- Q.8 You are Ms./Mr. Nayak. Through a special legislation, you have been made the Chief Minister of your home State for 24 hours. Identify any one social/economic problem faced by the residents of your State, and propose a law, as well as plan of action for its implementation, which will use principles of transparency and accountability to ensure that the proposed law/scheme is effectively implemented to produce desired results in the most efficient way. (5)
