



VISION IAS

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SUBJECT:	ESSAY - I (767)			Test Code:	7	6	7
Name of Candidate	VARUN S						
Medium Hindi/Eng.	English			Registration Number	2	3	3
Center	ORAN			Date	7	10	2016

[illegible]

Total Marks Obtained:

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. All questions are compulsory.
सभी प्रश्न अनिवार्य हैं।
3. The number of marks carried by a question/part is indicated against it.
प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।
4. 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. Word limit in questions, if specified, should be adhered to.
प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।
6. 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.

All the Best

SECTION A

" 10 Years of RTI : Success, Issues & CHALLENGES

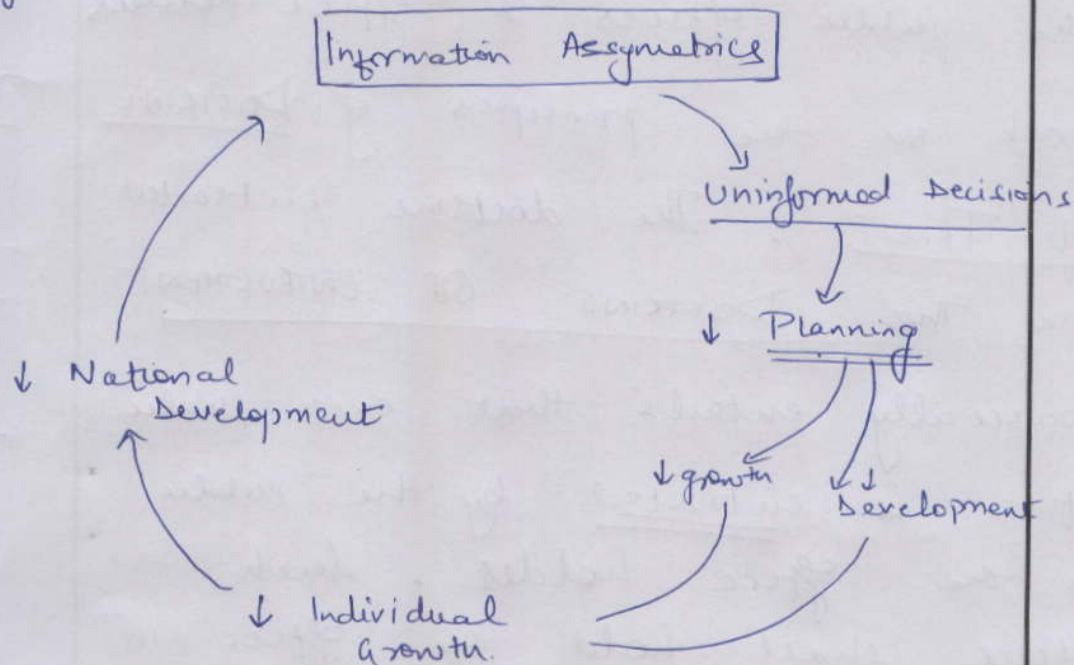
In any democracy information is an important aspect key to the realisation of democracy among the citizens. Without proper information & asymmetries therefore the governance become opaque & secretive. Such tendencies caused by asymmetries further might lead to development of dictatorial tendencies thus harming the basis of a democracy.

RIGHT TO INFORMATION (RTI)
is a tool which was adopted &

constitutionalised in 2005. Thereby providing the citizens the most effective tool in any democracy.

The essay will talk about the importance of information & thus the tool **RIGHT TO INFORMATION** (herein after RTI). Further at the occasion of its 10th Anniversary the essay goes on to discuss the success, achieved by RTI. The success of RTI was never easy but marred by several issues and challenges, which will be discussed. The essay will conclude with a way forward & scope of the tool realising the ambit of such a powerful tool.

Information as already discussed can harm democracy's most fundamental tenet, if not properly shared. Such asymmetries might not only harm interest of a particular individual or section of society but also the nation as a whole. While only working in the interest of a few. This can be illustrated as follows.



Effects of Information Asymmetry.

Further, it was argued by the civil society & activists such as Medha Patkar, Arundhati Roy, Arvind Kejriwal and Yogendra Yadav etc. to have a RIGHT → RIGHT To KNOW, which entails from the most basic fundamental right of Right to speech (Article 19(1)(a) of the Indian Constitution)

It was well argued that the public officers & office holders work on the principles of DOCTRINE OF TRUST. The doctrine extracted from the DOCTRINE OF ENTRUSTMENT, basically entails that each public officer is entrusted by the public to the office holder. Such officer shall hold the office in the interest of the public &

not for personal gain. All the
resources are to be managed
for the best interest of Public.

Further, the two doctrines entails
DOCTRINE OF ACCOUNTABILITY which
enforces the former two doctrines
by keeping a check on such offices.

RTI entails from these three
doctrines to enforce Transparency,
Accountability, Prudentiality and the
general right of information.

This right is not to
be seen in isolation as RTI was
institutionalised & made an
entitled Entitlement based right
by setting up Independent office of
CHIEF INFORMATION COMMISSIONER, who with
other information commissioners help in

enforcing such right.

The success of RTI can be seen in the amount of applications that are received by the CIC every year, which shows the rising awareness & intolerance of information asymmetries. In the later years we saw how the corrupt public officials bore the brunt of their own red tapism. The tool has been effectively used by state vigilantes such as CVC (Central Vigilance Commission) and CAG (Comptroller Auditor General) to unearth the multi shells of corruption producing layers of corruption & information asymmetries.

Not only has the state used the wonderful machine of RTI but also the people of the country

Journalists and Civil Rights Activists (Civil society) has used the RTI machinery to connect the dots and unearth hidden information.

Sometimes the public is unaware of such information or nation, Journalism with the help of RTI have played an important role in making the public aware. Therefore alerted the public offices

Such information now available at the click of button or at any RTI centre with an application and small fee has led the public to adjudicate the decisions and plans made by government through Planning Commission (and now NITI Aayog). This empowered the society to demand their rights and assert their voice with empirical evidence.

However, the success of RTI was never easy nor will ever be easy to maintain such a tool. Such success was marred with many issues and conflicts.

From the very inception it has always remained to be in tussle with Official Secrets Act which allows the government to keep information confidential until they want. There are delicate information which might lead to security threats, or social - cultural disharmony or might become a threat to diplomatic ties of a country, if publicly shared. So, it is always better to keep such information confidential, thus this provision. Earlier when RTI used to come in conflict with Official Secrets Act (hereinafter OSA)

OSA used to supersede RTI, but now as per the court ruling RTI shall ~~be~~ supersede OSA unless otherwise ruled.

Another issue with RTI which got highlight was its application to Private Concerns/Individuals/Companies. But the court ruled, as expected, that such ambit of RTI may lead to unnecessary ~~spoon~~ snooping and espionage on private individuals violating their right to life and liberty (A-21 of the constitution of India)

A very recent issue is the tussle between the office of CIC and Political Parties. Whereby, the political parties refused to meet the informational demand of CIC, when asked for. This case led

to the rethinking of the ambit of RTI, whether it applies to Political parties and also whether such parties are "Public Offices" within the meaning of the term.

Although the case is still undecided, there are well documented arguments from both sides. The supporters say that Political parties and their ideology effectively run the government therefore shall be included in RTI. While the detractors believe that giving more teeth to Election Commission (EC) will solve the problem of opacity in a structural manner.

The issues that are faced by RTI as an institution throw a light on the Challenges faced by this tool in the past and

which shall be faced in the future. RTI is not so an altruistic tool as has been perceived on the face of value. There have been many frivolous applications & which when combined with PIL (Public Interest Litigation) can lead to detriment of one party. The cases of over activism are threats to the institutional mechanism of RTI which is expensive and time consuming not only for the public but also the government and the state.

Recent debates have lead us to discuss the ambit and scope of RTI which can be dangerous to tackle. The ambit of RTI over the official secrets of the country is well discussed, still will remain a challenge in the coming years

There has been constant attacks on the effectiveness of RTI and the powers of the CIC. Where there have been instances of information being refused to CIC or such informational delays. It has been proposed that CIC shall be given more legal statutory to make it more effective. Another criticism of CIC is the mode of appointments to the CIC, which remains in the hands of the political class.

The survey on the effectiveness of RTI published by Abdul Jameel Poverty Action Lab (J-PAL) has shown that the vulnerable section remains outside the ambit of RTI. They are not aware of the tool, or even if aware lacks

the motivation to use the tools for their personal benefit at their disposal.

" RTI has become the heart and soul of our democracy" by supplementing the very heart and soul of Constitution of India, that is, Article - 32, Constitutional Remedies. This amazing tool of democracy will improvise and mature with the maturity of our society and country. The tool, if used properly not only will fill the gaps of informational asymmetries but might prevent instances of dirty money laundering and Terrorism.

There is a need to discuss

and expand the scope of RTI, but such shall be done wisely with a proper channel of debates and discourse. We need to keep in mind the maintenance of such precious tools given to us by ourselves by fighting with the ruling class. Such tool with the increased will of the political class can do wonders in the development of India.

For the best development of India the development of people is necessary, which shall be done only at the instance of their knowledge. Such is not possible without the most effective tool of Democracy, RTI!

SECTION B

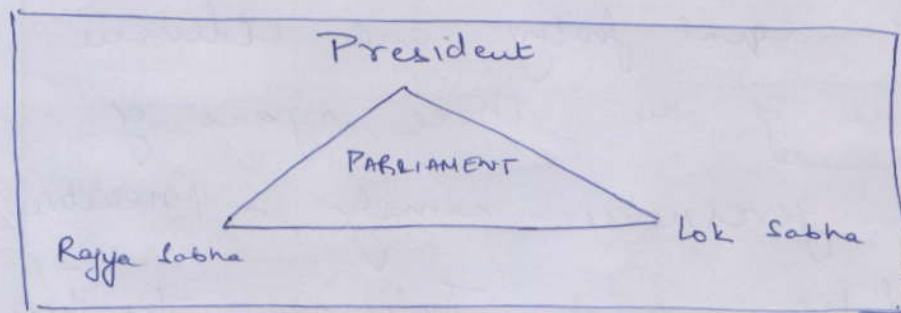
HAS INDIAN PARLIAMENT LOST ITS
RELEVANCE ?

The constitution makers or the Constituent Assembly has envisaged the Doctrine of Separation of Power created by the philosophical thinker and great political science thinker of the time, Montesquieu.

Such separation of power grants equal footing and relevance to each of the three organs of effective governance namely, - Executive, legislative and Judiciary. The three organs are considered supreme in their own jurisdiction, that is,

day to day functioning and implementation of law, law making function and judicial function respectively.

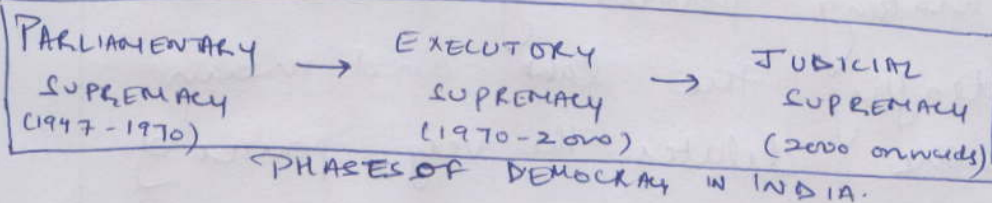
Legislature, which is the law making body is institutionalised on the basis of Westminster model of the British. The Parliament of India which performs the legislative function consists of the two houses - namely Rajya Sabha (Council of States / House of Elders) and the Lok Sabha (House of People) - and the President.



Therefore, the Constituent Assembly has envisaged a dual

House structure for the Parliament with the upper house representing the states to emphasise federalism. While the lower house gets representatives from each district of the country, giving wider representation to the vibrant democracy.

The Relevance of Parliament has become an important topic of public and intellectual discourse in recent times. This has gained relevance in the changing phases of democracy as some experts say and believe.



Such phases of overempowerment of one organ over others leads to

disturbance in the Balance of Power on which our country is very delicately placed.

There have been many instances in our political evolution that make us believe that Parliament as an Institution has lost its relevance. The most important of such concept is the LEGISLATIVE DELEGATION which has ~~been~~ led to the encroachment of powers of the Parliament. The concept of legislative Delegation where the Executive takes over the law making powers of Parliament by drafting the laws and main provisions dilutes the very power of Parliament.

further, the executive not only takes over the law making functions

It also set the Agenda of discussion and business of the Parliament, thus influencing the Parliament for its own agenda. Moreover, even the whole executive is not involved in majority of the instances rather only cabinet members of Kitchen Cabinet.

Other instances of Executive encroachments all through the Money Bill, where only lower house participates (thus bypassing Rajya Sabha) and ORDINANCE where the Parliament is bypassed when not in session. The misuse of these political innovations can be dangerous for a democracy.

Judiciary has, in recent times, ~~have~~ become culprit of encroaching on legislative powers.

Judicial activism and over emphasis of its role of "guardian of the Constitution" v/a 32 of the Constitution sometimes lead to dilution of separation of power. Whereby the Judiciary justifies such activism in the name of Judicial Review and Basic Structure. This undermines the law making and Amendment powers of the Parliament envisaged in the Constitution of India under article 368.

While such criticism of Judiciary may be justified in some instances, there have been many cases where Judiciary has come to the rescue of the citizens whenever the legislature tends to bypass its jurisdiction. Whenever the legislature possesses dictatorial

Tendencise, Judiciary has always been seen as a Messiah.

There have been some genuine concerns with regard to the business and working of the Parliament. In recent times the discourse of the parliament is converted into Vendetta where political agenda of the political parties are pursued rather than the national agenda for the country. This preedence of political agenda over National agenda has harmed the meaningful debates, that were once very crucial to the existence of Parliament.

This combined with the concept of Whip (instituted to prevent defection) has led the parliament play only the ^{number} ~~no~~ game. There is an utmost need to liberate the legislature specifically to recognise meaningful bills, debates and private member bills.

Another criticism faced by legislature is its own act of delegating bills to committees, who generally draft the final bill while Parliament only votes for it. Such criticism is unwarranted in most cases because committees consist of expert panels who discuss clause by clause, which might be unfeasible for the

Parliament. This helps in both
speeding the productive business
of parliament as well as
the quality of the bill passed.

Further, the bill is only passed
when voted in the Parliament,
any conflict with regards to it
shall be solved when being voted.

There is a need to
emphasise the need of Parliament
in India, which is very much
relevant even in the changing
times. The parliament is not
only a law making body but also
a representative body, representing
the vibrant democracy of India
by including people from

each districts, all walks of life,
each state & in proportion to
the population of the country.

These parliamentarians puts
up issues of national importance
not only in front of Government
but also in front of media
and public through media
and Publication (RSTV & LSTV).

Thus emphasizing on the Doctrine
of Public accountability. They
hold the government of the
day accountable for its work
and the problems being faced
by the common man, who
they represent.

While Separation of Power is the basic structure of the Constitution of India, such separation of power is not divine or contained in Air Tight Departments. There is a flexible approach to Separation of Power whereby the functions and jurisdictions of each organs are bound to overlap. Such overlap is allowed by the constitution and is imperative for effective functioning. The three organs cannot work in isolation. At the same time there is a need for enough distinction for effective check and balance.

Analysis of Productive hours of the Parliament shows that there is a considerable time spent on making laws & the working of Parliament is effective. When some experts believe that the Parliament consumes high resources in terms of Time and Money, such resources shall definitely be put to judicious use.

The nature of Indian Parliament is different from the House of Commons in Britain. In Britain the

House of Commons (Legislature) is sovereign & shall not be questioned on its powers, jurisdiction and law by any court or authority in Britain.

Whereas, India envisages the sovereignty to The PEOPLE subject to the constitution.

Such sovereignty can only be envisaged when there is no rigid differentiation ~~to~~ between the three organs & each organ creates checks & balances for each other.

Nevertheless there is a huge scope of improvement in the working & functioning of Indian

Parliament. ~~Now~~ While there is an urgent need to check defection, there is also a need to liberate the legislature. There is a further need to improve the business hours of parliament by inculcating Political will, keeping the vendetta law. Another important measure which can be taken to improve this temple of law making is to provide wider representation to each section of society, especially women. Some radical suggestions have also been put forth by political experts such as equalising Rajya Sabha seats to give equal representation and importance to each state in India.

Thus, it is difficult to imagine democracy in India without the Parliament. Although there have been instances of corruption of idea of Parliament as envisaged by the Constitution makers, some evolution is necessary with time. Nevertheless, we shall endeavour to improve upon the concept and function of Parliament as an effective legislative body.

STRUCTURE A