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GENERAL STUDIES (TEST CODE : 1049)

Name of Candidate	Aparv Chauhan		
Medium Eng./Hindi	English	Registration Number	13129
Center	02	Date	21 July 2018

INDEX TABLE

Q. No.	Maximum Marks	Marks Obtained
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Total Marks Obtained:

Remarks:

INSTRUCTIONS

- 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)।
- There are TWENTY questions printed in ENGLISH & HINDI
इसमें बीस प्रश्न हैं अंग्रेजी और हिन्दी में छपे हैं।
- All questions are compulsory.
सभी प्रश्न अनिवार्य हैं।
- The number of marks carried by a question/part is indicated against it.
प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।
- 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।
- Word limit in questions, if specified, should be adhered to.
प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।
- 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. Contextual Competence
2. Content Competence
3. Language Competence
4. Introduction Competence
5. Structure - Presentation Competence
6. Conclusion Competence

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

6.

All the Best

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 मावधानीपूर्वक ध्यान केन्द्रित करने की आवश्यकता है। चर्चा कीजिए।

The form of parliamentary democracy in India requires the Governor to act on the aid and advice of council of ministers of the state.

However, in practise and in theory there exists a zone of discretionary exercise of power in the following domains.

S.No.	Discretionary Power	Concerns over its inappropriate use
1	Invitation to form government in case of hung assemblies / single largest party refusing	Partiality in favour of party in Centre due to appointment and removal on the

	refusing to form government	doctrine of pleasure of president
2	Reservation of contentious bills for president's consideration	Impinges on authority of state legislature
3	Report to President on imposition of emergency under Article 356 and other matters	Going beyond federal principles enshrined in SR Bommai judgement

Way Forward

According to Sarkaria Commission, Punchi Commission and Venkatchaliah Commission certain principles may be adopted -

1. Unbiased appointment from outside the state
2. Review of "pleasure of president"
3. Clear priority in case of hung assemblies

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।

Legislation in modern times has increasingly become a very vast, complex, interdisciplinary and technical exercise (such as Assisted Reproductive Technology Bill, etc).

In these circumstance, the legislative forms and gives broad principles while minute rules are left to the executive authority, provided they are in consonance with the principal act.

Eg - Excise Rules 2001 for implementing Customs Act 1961.

Mechanisms for Strict Scrutiny and Control

1. Parliamentary Committee on Subordinate Legislation which studies rules laid in conformity with an act
2. Parliamentary control via devices such as starred/unstarred questions, zero hours, question hour
3. Parliamentary standing committees on various domains and ministries
4. Civil Society activism and accountability
5. Judicial review in case of rules not being in accordance with act or violative of constitutional rights.

An active parliament, judiciary and civil society

is necessary to ensure fair and just subordinate legislative.

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 दबावों एवं प्रोत्साहनों से सुरक्षित करना आवश्यक बनाती है। परीक्षण कीजिए।

The Speaker occupies a pivotal position in Constitutional machinery, as reflected in high order of Precedence at 7 along with Chief Justice of India.

Responsibilities requiring Political impartiality

S.No.	Responsibility	Potential for misuse if under political pressure
1	Quasi-judicial role in Anti-Defection (Schedule 10) disqualification cases	May create artificial majorities by biased ruling in disqualification cases.
2	Maintain decorum	May expell members on frivolous grounds

		even Crushing legitimate and fair opposition
3	Admitting motions involving condemnation, no confidence, agenda, point of order, etc	May push through governmental position without adequate debate
4	Certify money Bills	May bypass Rajya Sabha
5	Appointment to various committees	Subject to favouritism in case of political bias

Way Forward

1. Adopt British tradition of mandatory relinquishment of party post upon being elected as speaker
2. Judicial review in cases of malafide intention according to Kihoto Hollohau judgement
3. Appointing leaders with authority and

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।

Der There exists 24 Departmental Standing Committees (16 under Lok Sabha and 8 under Rajya Sabha) for aiding Parliament in achieving its primary objectives—

- 1) Drafting legislations
- 2) Keeping executive accountable

Role in Parliamentary Democracy

1. Assess overall functioning of ministry without going into day to day affairs

2. Scrutinize Important Policy documents eg- ~~Home~~ National Policy on Women under Ministry of Women and Child Development
3. Assess readiness in meeting ministry objectives eg- Parliamentary Standing Committee on Defence reporting on inadequate armament in case of conventional war on the basis of CAG report.
4. Keep executive in check via summoning ~~or~~ important executives eg- RBI governor summoned by PSC on Finance after demonetization
5. Overall yearly assessment and examining of budgetary proposals.
Standing Committees ensure detailed and expert control of legislature over executive in Indian parliamentary democracy.

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?

Tribunals are quasi-judicial bodies established to achieve specific domain objectives by providing them flexibility in rules of evidence and personnel skilled in the field.

For example - National Green Tribunal, CESTAT, Central Administrative Tribunal.

However, there have emerged certain issues which come in the way of the intended objectives.

S.No.	Issues	Remedies Suggested
1	Overlapping jurisdictions	1. Inter-tribunal agreements on jurisdiction 2. Mutual delegation

	leading to conflict eg- CCI and TDSAT over telecom disputes involving entry of a new player in Indian market	of personnel
2	Conflict of interest due to executive members in judicial role eg- IRS officers in ITAT	1. Balance of judicial and Executive members 2. Third party domain experts
3	Judicial over-reach by tribunal orders Eg: Certain NAT orders on vehicular pollution which were later repealed	1. Judicial restraint by serving members
4	Bypassing judicial branch	1. Adherence with Chandra Kumar case judgement.
5	Variance in terms of service conditions	1. Implementation of Finance Act 2018 vis a vis tribunals.

Tribunals play an important role in ensuring speedy, fair and objective judgements — thus ensuring justice

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।

Gram Sabhas, consisting of all adult voting members in the village, embody the ultimate goal of Gandhian philosophy of Swaraj by Direct Democracy.

Significance of Gram Sabhas in the Developmental Process

1. Aiding implementation of important executive decisions. For example - claims of land ownership under Forests Right Act 2006 in 5th Schedule area are vetted by Gram Sabha.

2. Social Audit of Flagship Schemes
For eg- MNREGA
 3. Ownership and control over
land use increases of acquisition,
Common property resources such
village ponds and wells, etc
 4. Inculcating spirit of democracy at
the grassroot level ensuring inclusion
of women, dalits, adivasis and
minorities in decision making
 5. Role in Planning processes via
village Development Plans and
prioritization of local objectives.
- Gram Sabhas thus form the fundamental
unit of the massive democracy that
is India as enshrined in Article 243A under

73rd Constitutional Amendment Act 1992.

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।

Rajya Sabha, as the Council of States, plays a critical role in Indian Legislature and enjoys great power and prestige with the Lok Sabha.

Equality With Lok Sabha

1. Passing and origin of ordinary Bills
2. Constitutional Amendment Bills
3. Participation in parliamentary committees
4. Legislative control over governance functions via debates on policies

Special Powers vested in RS

1. Legislative on State subjects after motion passed by it

2. Creation of All India Services

Thus, it enjoys great power and prestige on all matters as Lok Sabha except the following -

1. Passing of No-Confidence motion
2. Passing of money bills

These are necessary so that smooth functioning of executive occurs in accordance with will of the people expressed in general elections.

Comparison with State Legislative Councils

1. Rajya Sabha can reject all bills except money bills and No confidence motion being equal with Lok Sabha. However, legislative councils are only dilatory, that is, if passed again by lower house the bill stands.
2. Legislative Councils have more representation by nomination than Rajya Sabha.

Rajya Sabha, thus, enjoys great position and ensure no hasty or ill considered bills are passed while representing interests of states.

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 केंद्रीय भूमि जल बोर्ड (CGWB) के संस्थागत ढाँचे में महत्वपूर्ण परिवर्तन की आवश्यकता है। मिहिर शाह समिति की अनुशंसाओं के संदर्भ में चर्चा कीजिए।

Recent report released by NITI Aayog shows that nearly 600 million Indians live in water stress and 2 lakh die annually due to unavailability of pure and sufficient quantities of water due to diseases.

Given, this scenario, Mihir Shah Committee recommendations must be considered at the earliest.

S.No.	Recommendations	Reason Given
1.	Merge CWC and CGWB	Water must be considered as

	(HOLISTIC)	a hydrological unity
2	Ensure wider representation from domains other than engineering in CWC & CGWB (MULTIDISCIPLINARY)	Agro economists, geologists, hydrologists, etc are needed for modern day water management
3	Ensure proper utilization of irrigation potential created by dam reservoirs (EFFICIENT)	Low utilization enhances the costs due to dam displacement, environmental loss, land use changes etc.

Thus, the 3 principles of holism, multidisciplinary and efficient water management must be adopted for averting the crisis of water stress in India.

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।

The right to contest elections for Indian Parliament granted by the Constitution is regulated by legislative provisions enacted by the Parliament under Representation of People Act.

Qualifications

1. Must be a citizen of India ~~and~~
2. Must not be an undischarged insolvent
3. Must be of sound mind
4. Must not be under allegiance to foreign nation.

Disqualifications

1. Convicted of heinous crime with imprisonment over 2 years
2. Acquitted of certain crimes such as Sati, dowry, Untouchability

Disqualifications

3. Dismissed from service on account of corruption
4. Possesses interest in government contract and offices of profit
5. Convicted of certain electoral offences and misconduct.

Debate on Life-Time ban for convicted criminalsArguments in favour

1. Ensure re-entry after 6 years of imprisonment is prevented
2. Strong deterrent
3. Prevent people of questionable morality and criminals
4. Promote entry of spotless and honest youth.

Arguments against

1. False politically motivated conviction by adversaries might increase
2. Control by proxy by such candidates using party positions
3. Prevents opportunity for reform

Given the contentious nature of the issue, a wide debate involving political parties and civil society is needed on the issue.

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।

According to the honourable Supreme Court in Minerva Mills case (1980) the balance between Fundamental Rights and Directive Principles of State Policy is an ^{basic} ~~essential~~ feature of Indian Constitution espoused in Kesavananda Bharati Case (1973).

S.No.	Directive	Fundamental Right	DPSP
	Objective	Political democracy	Social-Economic democracy
2	Nature	Judicially enforceable	Not judicially enforceable

2			but carry persuasive value and political weight
3	Scope	<u>Part III</u> 1. Right to Equality (14-18) 2. Right to Freedoms (19-22) 3. Right against (23-24) Exploitation 4. Religious Rights (24-28) 5. Minority Rights (29-30) 6. Constitutional Remedy (32)	<u>Part IV</u> 1. Socialist 2. Gandhian 3. Libertarian (wide ranging in scope)
4.	Sources	American Constitution	Instruments of Instruction GoI Act 1935

Thus, it may be concluded that one may not prosper without the other and both ultimately are oriented towards achieving India as enshrined in the Preamble to the Constitution.

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।

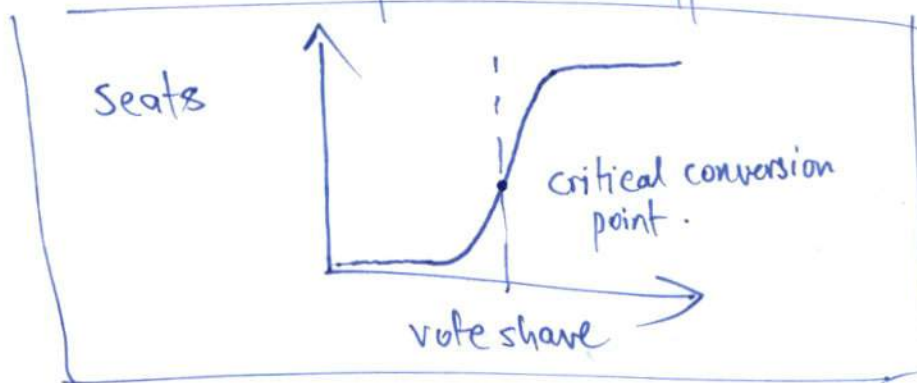
The nascent Indian democracy adopted the First Past the Post System after Independence after great debate in the Constituent Assembly.

Definition :- A single member constituency where the candidate achieving ~~single~~ largest number of valid votes casts is selected.

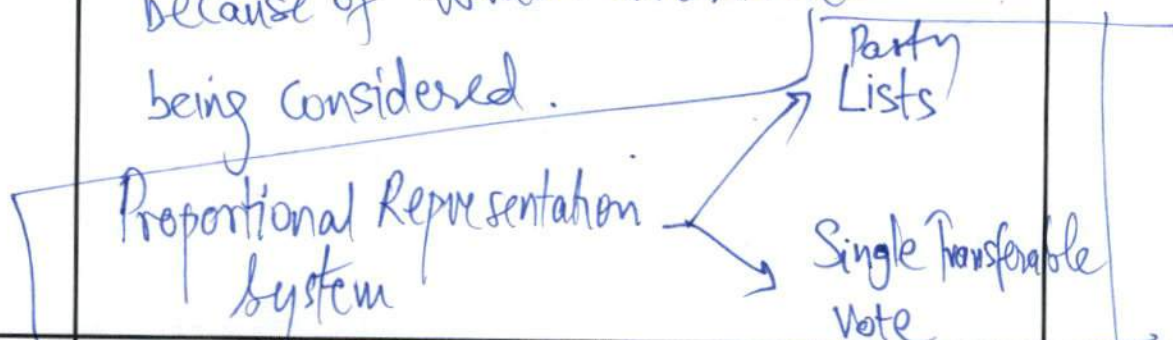
Merits of FPTP System

1. Simple and easy to understand for voters

2. Greater connect between MP/MLA and her constituency
3. Relatively lesser dominance of party command structure
4. Tendency to produce stable governments due to seat-vote share or relational effect.



However, it has several demerits because of which alternatives are being considered.



In this, the seats allocated are proportional to vote share.

Merits of PR vis-a-vis FPTP

1. More representative of minorities and marginalized groups which may fail to breach reach critical seat conversion vote share
2. STV has a tendency to weed out polarizing candidates using hate speech or regional caste satraps. It favours moderate inclusive candidates.

Way forward

Several modern constitutions written in 21st century such as Sri Lanka and Nepal have adopted a mixed FPTP-PR system. It may be considered by India after due debate.

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 वारों 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।

The maxim of justice delayed is justice denied holds true in Indian scenario.

S.No.	Level of Judiciary	Number of Pending Cases
1	Lower Courts	~ 3 crore
2	High Courts	> 40 lakh
3	Supreme Court	> 50 thousand

Thus, case delays of over ten years, frequent adjournment, lapse due to death of witnesses, etc are commonly observed.

S.No.	Reason	Suggested measure
1	Inadequate Infrastructure	1. Greater budgetary allocation for court

		Complexes	
2	High vacancy and low quality of judicial pronouncements leading to appeals	1. Consider National Judicial Services on all India lines 2. Fast track collegium debates with transparency and publishing minutes of the meeting with due redactions	
3	Low technological penetration	1. Implement e-Judiciary in Mission Mode under NEGP 2. National Judicial Data Grid 3. E-Courts 4. In camera proceedings	
4	Frequent adjournments and Indiscipline by lawyers	1. Greater regulation by Bar Council of India	

5	Vague laws open to interpretation and consequent litigation	1. Greater legal representation in Parliamentary drafting
6	Low penetration of Alternate Dispute Resolute	1. Promote Lok Adalats, 2. Nyaya Panchayats 3. Arbitration and Conciliation Act 2015 Implementation 4. Capacity building institutions
7	Poor quality of policing and prisons leading to delays	1. Implement police reforms (Parkash Singh 2006 Directives) 2. ✖
8	Compulsive litigation by government and large corporates	National Litigation Policy for responsible litigation
89	Judicial over-reach	Judicial restraint
Several recommendations on legal codes consolidation, adversarial system transition, etc recommended by Malimath Committee is a		

good starting point for addressing judicial delays

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।

Originally, the Constituent Assembly adopted 'due process of law' under Article 21 borrowed from Japanese Constitution.

The term meant that the scope of judicial review for violating fundamental right shall be restricted to improper procedure followed or breach of jurisdiction in legislation.

The substantive content of the act

was not subject to judicial review.

However, in Mafleka Case the Supreme court widened the scope of the term to include reasonableness in substantive terms as integral to a just and fair democracy.

Thus, Article 21, containing Right to Life and Liberty, became a hallmark of Indian jurisprudence owing to its wide applicability and ensuing scope. Several judgements have included various components as essential to living a human life

With dignity, such as -

- 1) Right to speedy trial
- 2) Right to health
- 3) Right to education
- 4) Right to travel abroad
- 5) Right to privacy, etc.

Thus, while greatly expanding the scope of constitutional protection, it has also invited charges of judicial interference by TILs, Suomdu cases, judicial legislation, etc.

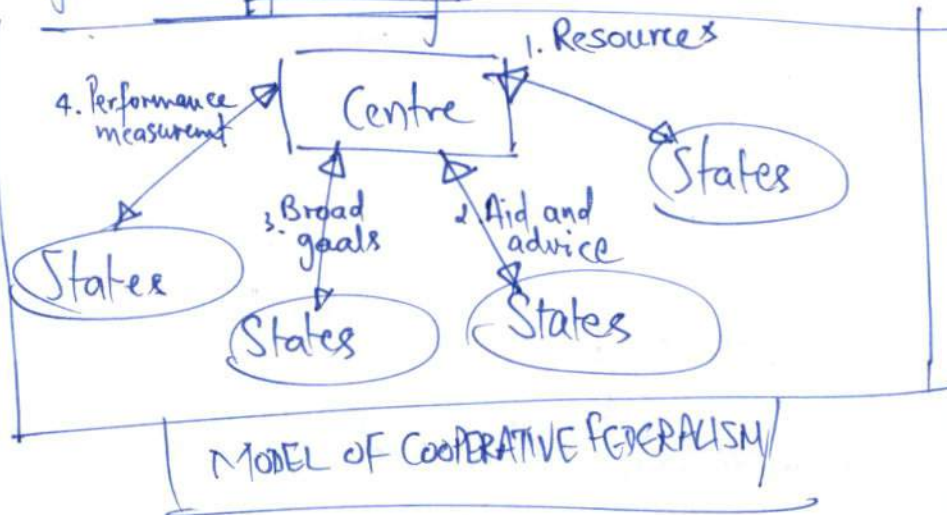
While exercising due judicial restraint, the commendable efforts of Indian judiciary to ensure fairness via expanding Article 21 ~~now~~ is worthy of appreciation

for the goal of Indian democracy.

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।

Cooperative Federalism can be defined as a system of polity where states and centre coordinate together to achieve national goals within state specific contexts providing for due flexibility.



Post Liberalization, Privatization, Globalization

reforms of 1991, several improvements have been observed in this 2 way sharing.

Achievements post 1991 in Cooperative Federalism

1. Replacement of Planning Commission with NITI Aayog as a think tank repository
2. 14th Finance Commission report for greater vertical devolution of divisible pool of resources from 32% to 42%.
3. Publication of various Indices to help states achieve broad goals eg - Health Index, School Education Quality Index, Business Reform Index.

Concerns and limitations

1. States with weak institutional and infrastructural systems have lost out
For eg- North eastern states attracting very low FDI which goes mostly to Maharashtra, Gujarat, Tamil Nadu and Karnataka leading to inequality
2. Actual share of devolved resources has not increased much. It is of untied nature now
3. Further cooperative federalism at the third tier of governance - panchayats and municipalities has been lacking
4. Inter State Council meetings infrequent.
The spirit of Team India is necessary to achieve the national objectives in a comprehensive way and must be inculcated.

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।

The fundamental objectives of regulation in a market are as follows –

1. Prevent harmful externalities
2. Prevent market failure situations
3. Prevent information asymmetry
4. Prevent monopolistic abuse
5. Provide flexibility for nascent market with potential for growth.

However, it has been observed that in certain instances, in order to achieve these objectives, more harm is done to public interests than good.

For example - price control in pharmaceutical industry lead to the sole manufacturer of a drug for children to withdraw from market in 2018.

Similarly, Indian automobile manufacturers association complained of unstable regulatory changes preventing growth of the sector.
(SIAM Report)

S.No.	Systemic Issues	Suggestions
1.	Blanket bans rather than control and monitoring Eg- RBI order on cryptocurrency via banking channels	Minimum regulation to ensure necessary objectives rather than blanket bans
2.	Regulatory turf wars eg- CCI and	Inter deputation of personnel

	TRAI	2. Clear jurisdiction
3	Low capacity building and personnel	Depute lateral talent where absence
4	Absence of accountability of Regulator to any authority. eg- RBI's role in the PNB bank fraud case	Parliamentary oversight
5	Overdependence on funds and functionaries eg - erstwhile FMC in NSEL spot exchange scam	Autonomy in Personnel and Finances
6	Over-regulation leading to market failures	Give due scope for private profit.

A balance between various objectives and being driven by a sector based policy for regulation may be the way forward for regulatory reform in India.

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 Union Public Service Commission
plays the central role in recruitment
and service matters of public
servants in India.

Constitutional Provisions for Impartiality

1. Fixed tenure ~~not~~ system
2. Removal only on grounds mentioned in Constitution such as involency, paid employment outside office or proved misbehaviour after court

enquiry

3. Absence of inducements as member cannot accept any other post after retirement
4. Expenditure charged upon Consolidate Fund of India
5. Terms of service cannot be varied to their disadvantage

Limitations in Performing Duty

1. Lack of bipartisan and civil society representation in appointment may lead to charges of political bias
2. ~~P~~ Conflicting role in corruption matters with CVC

3. Political pressure may lead to changes in policy decisions such as eligibility criteria, syllabus, etc
4. Delay in implementing decisions of several committees for reform in examination systems eg Hota Committee, etc.

Thus, these challenges must be overcome to enable UPSC to perform its stellar role as the watchdog of the merit system in India.

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?

The unhealthy influence of finance in elections is a major concern for Indian democracy.

S-No.	Key Issues in Electoral funding
1	Lack of transparency in sources of funding
2	Expenditure limits inapplicable to parties (only candidates are subject to it)

3 Ticket distribution and winning candidates do not reflect the average voter and thereby their financial interests

4 Use of cash and liquors for voter bribing in a clandestine manner despite Election observers

5 Financial-criminal nexus interplay in inner party decisions

6 Indirect funding of improper strategies such as paid news

State Funding of Elections

Various committees such as Indrajit Gupta Committee have considered the proposal. While it may correct these issues to certain extent the following must be overcome before it is implemented -

1. Inner party democracy
2. Curb of cash, liquor and other clandestine uses
3. Appropriate threshold for compensation of candidates receiving votes
4. Resolve debate over cash/kind/ both as means of financial support.

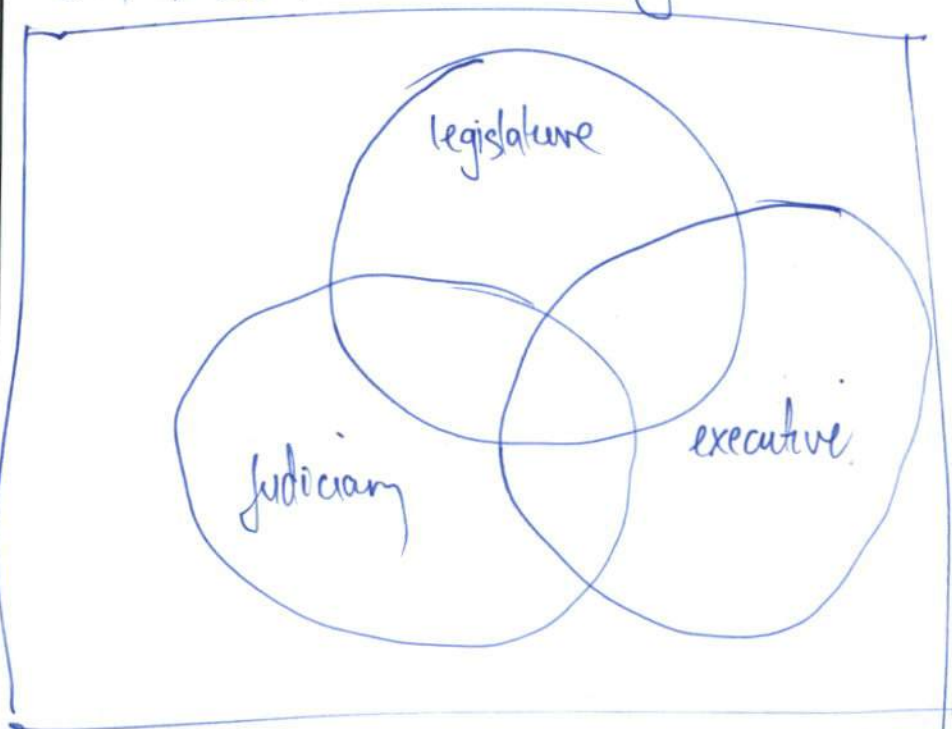
Fairness in election finance is a sine qua

non for electoral democracy in
India.

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 doctrine of separation of powers, as envisioned by Montesquieu, has several overlapping features in the practice of Indian Constitutional democracy.



~~Part~~ Various examples

Executive Role in legislation

Delegated legislation via various
rules

Judicial review of legislation

Acts such as SC/ST Prevention of
Atrocities Act, Vishakha Judgement
on sexual harassment of women
at workplace

Executive Role in Judicial Function

▶ CESTAT involving customs
officers in judicial roles

Thus, the actual practice has had several overlap.

This has also led to conflicts between the 3 organs.

Effective Cooperation, consultation and restraint are the watchwords to ensure smooth functioning.

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?

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 महत्वपूर्ण 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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