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GENERAL STUDIES (TEST CODE : 1049)

Name of Candidate	Akshat Jain		
Medium Eng./Hindi	English	Registration Number	101322
Center	ORN	Date	25/7/18

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

- 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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M-1/4, Plot No-A-12/13, 1st Floor, Ansal Building, Dr. Vidya Sagar Homoeopathic Clinic, Mukherjee Nagar, Delhi-110009

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

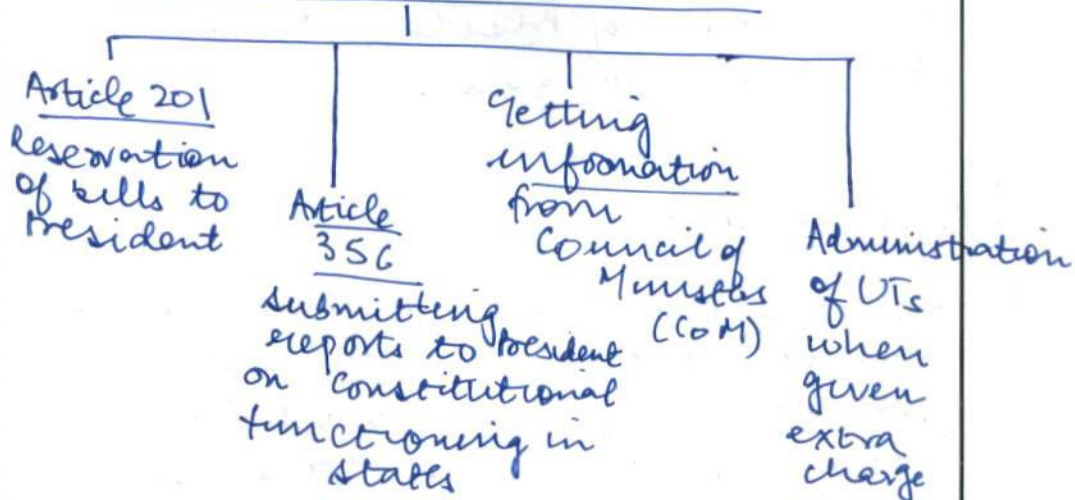
1. Concerns regarding the wide formulation and indiscreet application of discretionary powers of the Governor need closer attention. Discuss. (150 words) 10

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

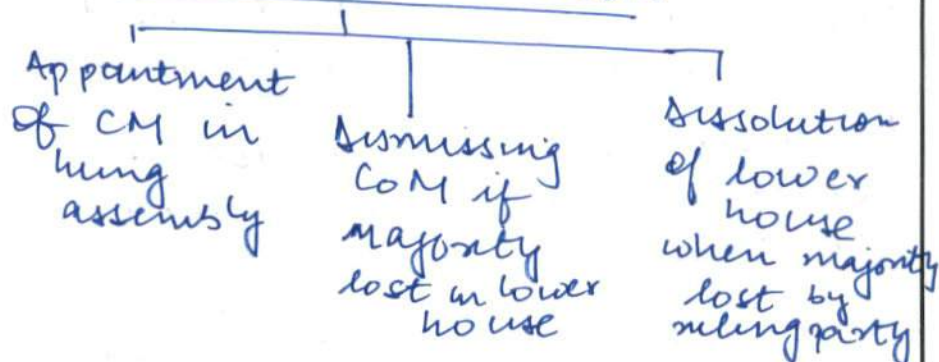
Articles 153-167 of the Constitution
describe the role of Governor.

Discretionary Powers

1. Constitutional Discretion



2. Situational Discretion



Concerns

1. Appointment of CM in hung assembly
- Recent episode of Governors of Goa and Manipur selecting CMs from parties having non-majority
2. Reserving bills without any rational basis
3. Misuse of Article 356 - Recommending imposition of President Rule on arbitrary grounds

Recommendations

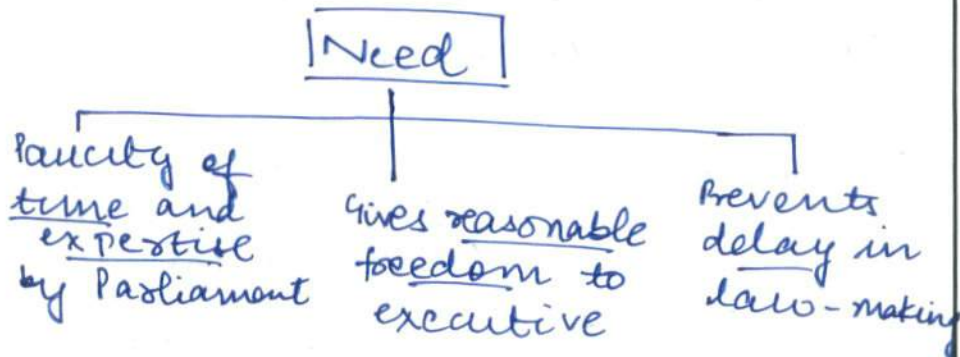
1. Supreme Court has said that Governor cannot act on own presumptions for appointing CMs. Punchhi Commission has called for a clear order of preference.
2. Reservation of bills to President must be done as a last resort
3. Bommai Guidelines must be strictly followed with respect to Article 356

Above would ensure Governor fulfil his role as a binding agent between Centre-states

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 the concept whereby the Parliament passes a law in its skeletal form, with the executive finalizing the details afterwards.



Mechanism for scrutiny and control

1. Departmentally - Related Standing Committees
 - Scrutinize important policies and bills of Ministries
 - Examines periodic reports
2. Parliamentary Committee on subordinate legislation

and Finance

e.g. Public Accounts Committee scrutinizes the impact of Government spending on the economy, and reports to Parliament.

3. Zero Hour, Question Hour,
Half-Hour discussion

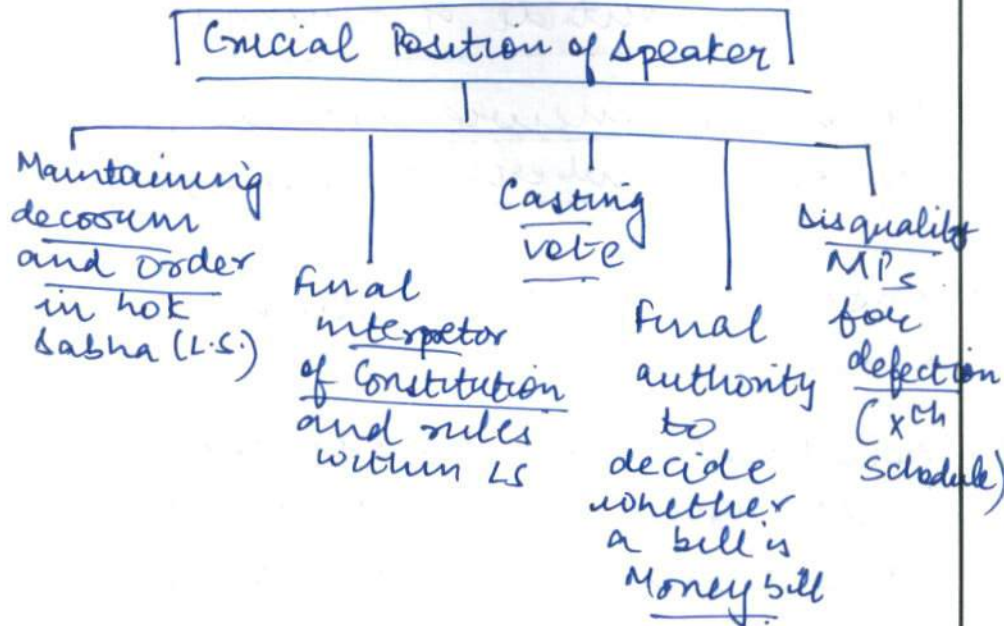
4. Motions → No - Confidence Motion
→ Adjournment
→ Calling Attention etc.

Thus the Constitutional provisions ensure that subordinate legislation cannot be misused to escape checks and balances

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।

Article 93 of the Constitution
establishes the position of Speaker
in Indian legislature.



Need for Protection

Recently, the position of speaker has come under threat due to -

1. Accusation of partisan decision making with respect to Money Bills and provisions of Anti-Defection Law

2. Inability to maintain decorum in house
3. Frequent use of devices like suspension of M.P.s and adjournment of house
4. Not delegating sufficient time to M.P.s outside of ruling party
5. Failure to ensure attendance of key members of ruling party

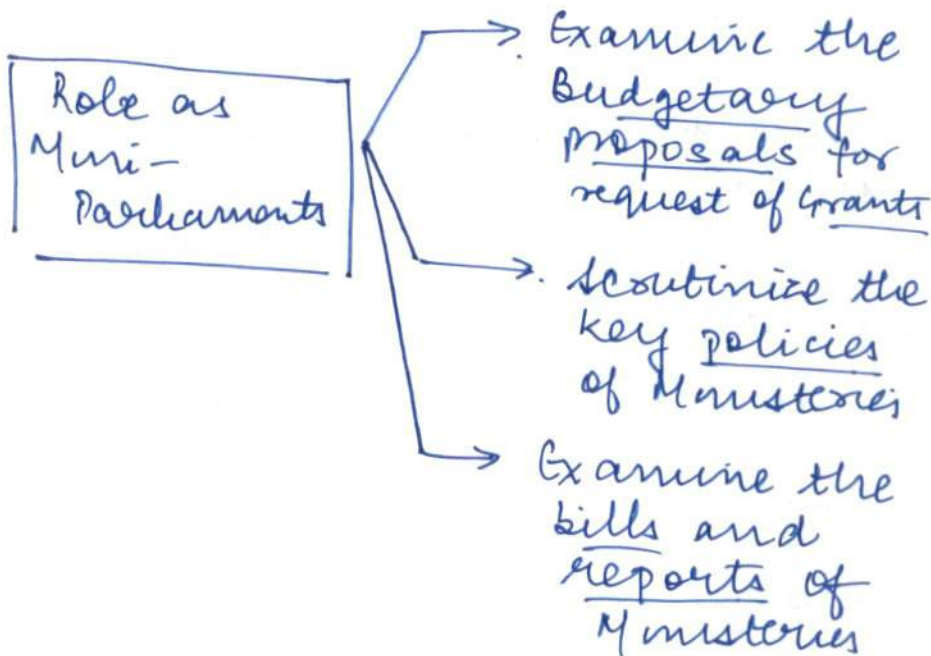
To ensure protection, steps needed include -

1. Establish clear procedures with respect to deciding cases on Money bills and anti-defection
 2. Ensuring proper grievance channels within Parliament
 3. Like in United Kingdom, ensuring non-partisan nature of speaker
- Speaker is the Head of the Lower House and must thus be protected.

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 Committees (DRSCs) are standing committees meant to keep a check and balance on executive functioning of individual Ministries / Departments



Relevance

1. Saves time of Parliament
2. Provides a more professional and expert analysis of proposals
3. Enable MPs to take well-informed decisions
e.g. DRSC on Science and Technology pointed key issues with introduction of BT Bill, which was subsequently stayed as MPs protested
4. Provide greater representation to MPs outside of ruling party

Thus, they are instrumental in ensuring accountability of the executive to the legislature.

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 bodies that pronounce decisions essentially judicial in character, but are not courts in constitutional sense.

Issues

1. Executive interference due to lack of constitutional protection
2. Appeals - Their decisions can be appealed to High Courts and Supreme Court (Chandra Kumar case). Thus their main function to reduce judicial workload is defeated
3. Judicial activism overreach
e.g. NAT banning diesel trucks in NCR
4. Non-uniformity in appointment, retirement age etc

5. lower accessibility than
High Courts
e.g. ~~Securities~~ Securities Appellate
Tribunal only in Mumbai
6. filled with bureaucrats
who are devoid of expertise
in the specific domain

Way Ahead

1. Supreme Court - same
Constitutional protection
for tribunals imparting functions
of courts
2. uniformity and transparency
in appointment and terms
of service
3. Law Commission - Review of
Chandra Kumar verdict, by
allowing only 1 appeal, that
too intra-court appeal

This will ensure tribunals can
lead to effective delivery of justice
without undermining authority of courts.

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।

Article 243A of the Constitution establishes Gram Sabhas as the first and foremost ^{segment} ~~tier~~ of the Panchayati Raj system.

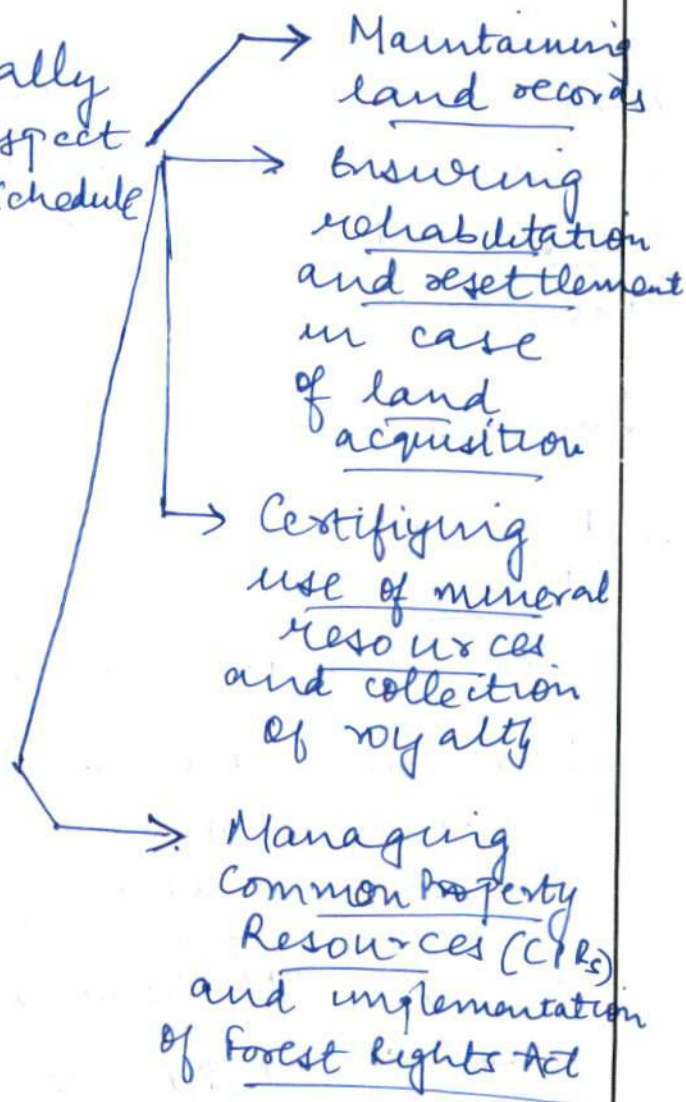
Significance

1. Formulation of Village Development Plans (VDPs) sensitized to local needs and concerns
2. Implementation of schemes, including identification of beneficiaries
e.g. for PM Ujjwala Yojana,
~~etc~~ MGNREGA etc
3. levying and collection of taxes for local development
4. Providing basic utilities like transport (e.g. Ashwika)

Grameen Rajana), water etc

5.

Specifically
with respect
to Vth Schedule
Areas



Way ahead

The extension of 73rd Amendment
to Vth Schedule Areas (PESA)
was historic. It must be backed
by political will and support.

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।

Article 80 establishes the Rajya Sabha in the Indian Parliament. Ever since its conception, its role as a second house has generated debates.

For Rajya Sabha	Against Rajya Sabha
As a <u>revising chamber</u> , it prevents <u>ill-considered</u> legislation	Only <u>delays</u> time as ultimately, will of <u>lok sabha</u> prevails
Enhances <u>accountability</u> of executive to the legislature	<u>Superfluous</u> body - can't make or unmake the government
Promotes <u>federal equilibrium</u>	Is <u>not a true representative</u> of states as seats are <u>population-based</u> ; and no requirement of <u>domicile character</u>

Allows representation
of diverse fields
(12 nominated
members)

Is a haven for defeated
or unpopular
candidates or party
supporters, who
can even become
Ministers

Position compared to State Council

1. Rajya Sabha can reject how
Sabha passed bill in most
cases
vs State Council can at best
delay such a proposal from
state legislative assembly by
four months
2. R.S. members can vote in appointments
and removals of key functionaries
vs state council cannot
3. R.S. members play a vital role
in Constitutional Amendment,
which Council can't
4. Special Powers of Rajya Sabha
— State subject and All India
services → Not available to
SLCs

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।

The Central Water Commission (CWC) and Central Ground Water Board (CGWB) are bodies tasked to achieve robust water management.

Issues

The Mihir Shah Committee pointed the following problems -

1. Lack of coordination between -
 - 1.1 CWC and CGWB, leading to disregard for the linkages in hydrological cycle
 - 1.2 CWC, CGWB and other ministries, especially Ministry of

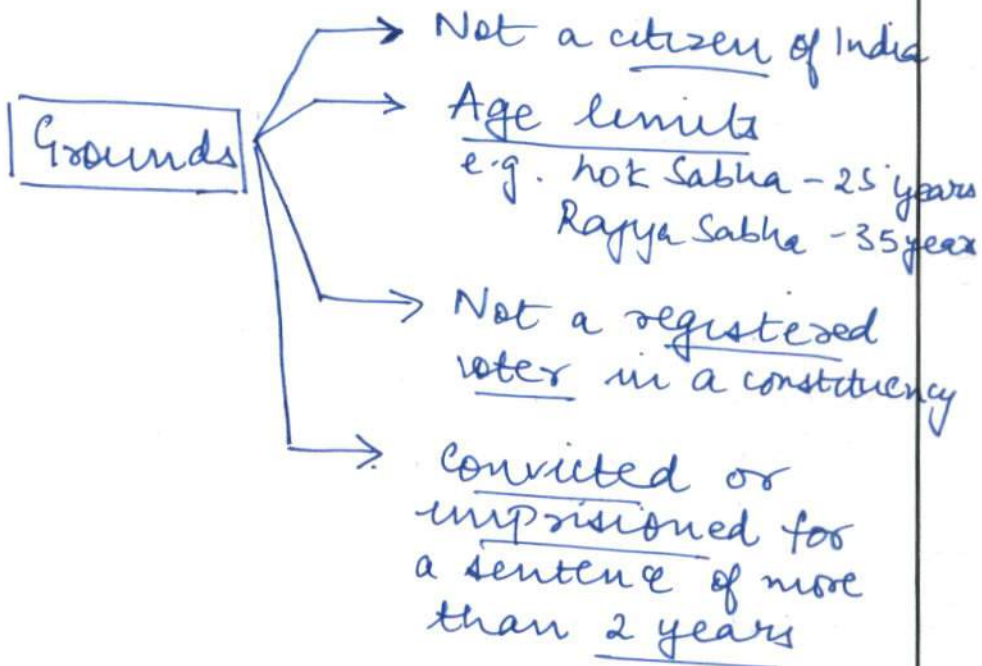
Agriculture and Ministry of Drinking Water

2. Non-uniform recruitment
and appointment procedures,
beset with excess executive
and bureaucratic interference
3. Lack of presence of adequate
mix of hydrologists, geologists
and other specialists
4. Poor data management and
collection protocols
5. Lack of research and development
on innovative solutions

Thus the need is to address
the issues one-by-one. The
Committee has called for holistic
planning at micro and meso
levels, involving multi-disciplinary
teams from various sectors and
ministries.

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 Representation of Peoples Act
(RPA) 1951 and the Constitution
mention specific grounds for denial
of the right to contest elections.



Need of a life-time ban on convicts

Recently, the Election
Commission of India has called

for a life-time ban on those
convicted of heinous crimes.

Arguments For	Arguments Against
1. Will reduce the ongoing trend of <u>criminalization</u> of <u>politics</u> and <u>polituration</u> of <u>crime</u> 2. Increase citizens' faith in their representatives 3. Lower incidences of <u>money</u> or <u>muscle</u> power abuse and <u>booth capturing</u>	1. Takes away the <u>fundamental</u> <u>right</u> of contesting elections 2. Parties can frame <u>frivolous</u> <u>charges</u> 3. No <u>guarantee</u> will stop parties from <u>supporting</u> <u>criminals</u> due to the latter being their <u>financiers</u>

The need is to reform the election process in totality — funding, internal democracy within parties, powers of Election Commission, and existing laws.

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।

Articles 38 to 50 of the Constitution
provide for Directive Principles
of State Policy (DPSP)

Importance

DPSPs are said to be even more important than Fundamental Rights in a welfare state like India.

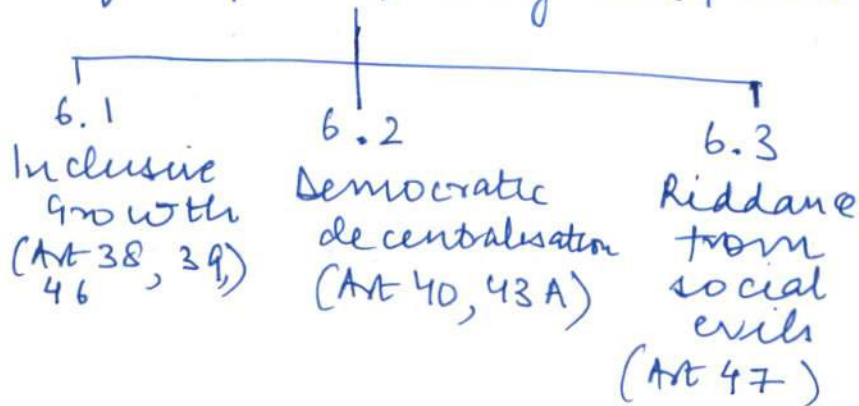
1. Provide for socio-economic democracy, without which true realisation of rights is impossible
2. Put a moral obligation on state to promote welfare activities (Article 37)
3. As per B.R. Ambedkar, they act as guide, friend and philosopher

of the state

4. Provide a criteria for electorate to judge the performance of the government on delivery of developmental goals

5. Provide stability and continuity in domestic and foreign policies

6. Their span is such that if enforced, they can provide-



Thus DPSPs are a true hallmark of our polity, which must be given force and due importance.

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।

Recently, the Law Commission of India has called for the introduction of a hybrid electoral system for Lok Sabha, to replace the existing FPTP system.

Merits of FPTP

The most commonly proposed alternatives are the Proportional Representation (PR) system and the hybrid system (a combination of the two only). The comparison between them is as follows -

i) Advantages of FPTP over PR :-

FPTP	PR
<u>Simplicity</u> , as single member district, and candidate winning majority seats being declared winner	<u>Complex</u> as multi-member districts and the division of votes to diff parties
<u>Familiarity</u> , due to British Raj	No experience prior till now
<u>Stable</u> government as one-party rule	<u>Unstable</u> government
Establishes a <u>close rapport</u> between <u>voter</u> - candidate	Is <u>party</u> - centric and thus, no such rapport

ii) Advantages of PR over FPTP

FPTP	PR
Seats won doesn't reflect votes polled, and thus is not a <u>true reflection</u> of electorate's will	Seats given in <u>proportion</u> to votes polled

FPTP	PR
Huge wastage of votes	Minimal wastage
Minority sections not adequately represented	Minority sections get due representation as per share of population

Challenges

1. Need of revamping the Constitution and possible violation of basic structure
2. complexity of the PR system
3. Unstability at the Centre and state due to the huge number of parties involved

Our Constituent Assembly consciously chose the FPTP system due to its advantages. The Parliamentary system already has checks to minimize the ills of FPTP. Thus the need is to bring reform in the system, not of it.

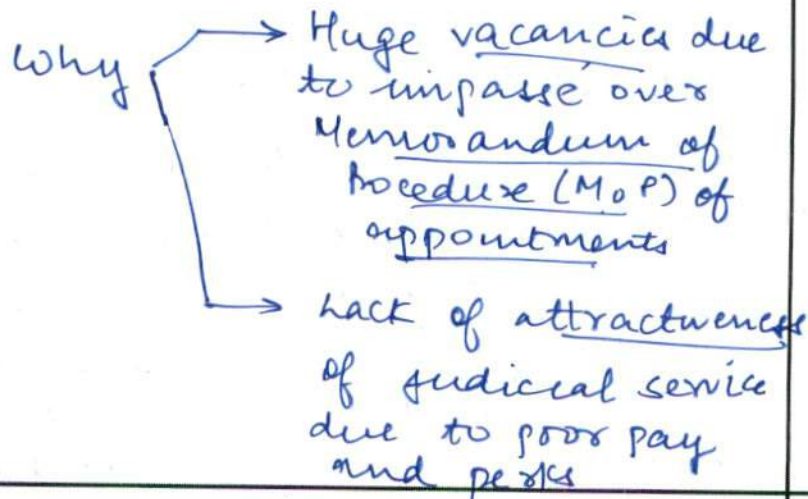
12. Despite long term recognition of the problem of pendency of cases in the courts, limited progress has been made in reducing their number. What are the possible reasons for such a scenario? Suggest a framework of measures that can be taken to address this issue. (250 words) 15

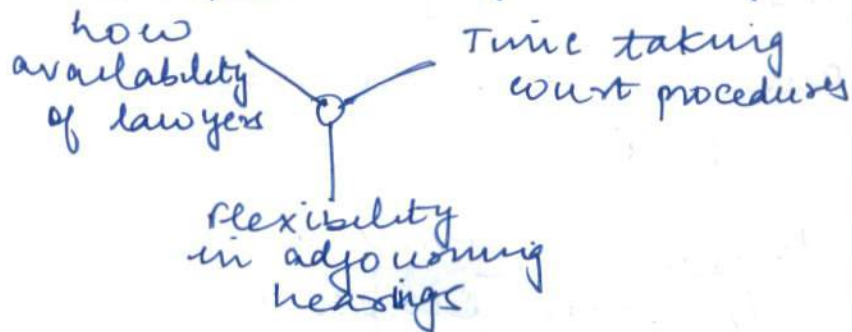
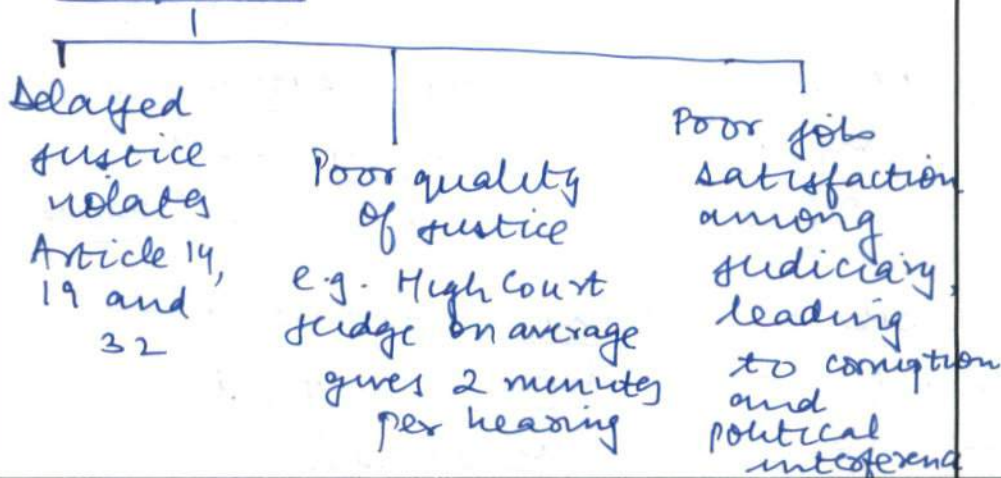
न्यायालय में बादों के लंबित रहने की समस्या की बहुत समय से पहचान होने के बाद भी इनकी संख्या को कम करने की दिशा में सीमित प्रगति ही हो पाई है। ऐसे परिदृश्य के लिए संभावित कारण क्या हैं? इस समस्या को हल करने के लिए विभिन्न उपायों की एक रूपरेखा का सुझाव दीजिए।

As per SAKSHI's State of Indian Judiciary Report 2018, ~3 crore cases are pending in Indian courts. The pendency has steadily increased year-on-year, highlighting the limited progress.

Reasons

1. low judge - to - population ratio - 18 judges per a million population



2. Weak case management system3. Ineffective policing system4. Weak Alternate Dispute Redressal (ADR) structure5. Appeal system - People are unsatisfied with order of lower courts, filing continuous appeals till supreme courtImpact

Measures needed

1. Resolving the impasse over MoP quickly
2. Police reforms as per SC's Prabash Singh Directives
3. Streamlining Judicial procedures
4. strengthening ADR system
5. Considering the proposal of the National Court of Appeals
6. Government as a responsible litigant (50% of pending cases are related to government filed-petitions)
7. Making the service attractive by offering salary and perks at par with Civil services

An effective Judiciary is a must in a democracy, to uphold the Rule of Law

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 'सार्वजनिक विधि के अनुसार सम्यक् प्रक्रिया' के सिद्धांतों को भारतीय संवैधानिक कानून में अपना लिया है। टिप्पणी कीजिए।

Article 21 of the Constitution states that no person can be deprived of his life or personal liberty except as per procedure established by law.

Evolution down the years

In Gopalan Case (1950), the Supreme Court said that Article 21 only protects against arbitrary executive action, not legislative action. This was due to the phrase, 'procedure established by law.'

But in Maneka Case (1978), the court overruled above judgement.

Menaka Case Verdict

① Procedure by law
has to be just,
reasonable and
fair

② Personal liberty
implies a
meaningful
and dignified
existence, not
an animal
existence

Thus, the verdict has indirectly
added the phrase, 'due process
of law', by which the Court
~~to~~ gets the freedom to
scrutinize the reasonability
of laws.

This already exists in the
American judiciary system.

Impact of the verdict

The doctrines of 'substantive

due process and procedural due process has -

1. Expanded the scope of Article 21, bringing new rights such as -
 - 1.1 Right to livelihood
 - 1.2 Right to privacy
 - 1.3 Right to education
 - 1.4 Right to decent environment etc.
2. Usheered in the ethos of natural justice by imparting judicial flexibility
3. Help us see rights as ~~as~~ ^{parts} integrated whole of a single whole

Thus the doctrines have enabled the realisation of Article 21 and other rights.

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 refers to the cooperative mechanisms between the federal units of a polity, in order to achieve a more effective governance structure.

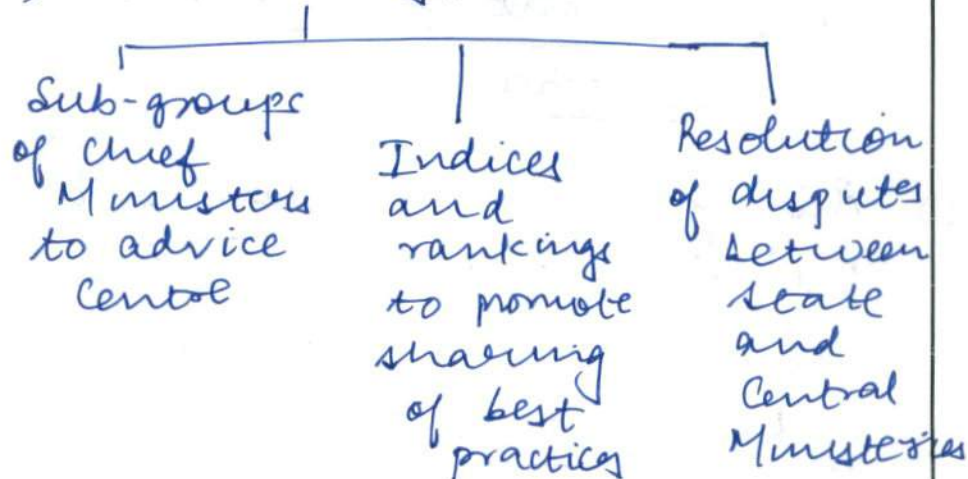
Analysis in Post-liberalisation Era

1) Has strengthened

- a) Bommai Guidelines have reduced misuse of Article 356
- b) Enhanced inter-state trade and commerce
- c) Consensus on GST
- d) Growing role of regional parties in state and central legislature, has led to more dialogues between National and

state parties

e) NITI Aayog's role



2) [Not strengthened]

a) Inter-state Council (ISC) met only recently after 12 years

b) Impasse over Inter-state Water Disputes
e.g. Canvey Dispute

c) Concern over Governor's partisan nature and discretionary powers

- d) Tussle between Lieutenant
Governors and elected
government in Union
Territories
- e) Rising economic divergence
between States due to
inequitable benefits of
liberalization
e.g. Maharashtra and
Delhi cornering most
of Foreign Investment

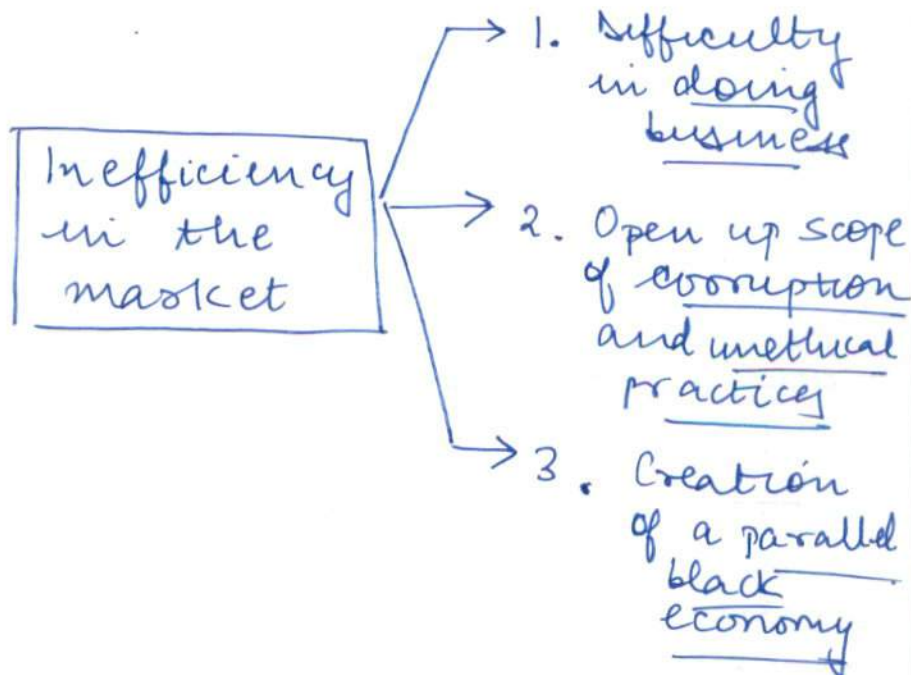
Thus, ~~it~~ while cooperative
federalism as a concept
has gained huge popularity,
much needs to be done.
It is important to strengthen
the existing Constitutional
provisions on Centre-State
Cooperation, while working
on innovative means like
GST Council

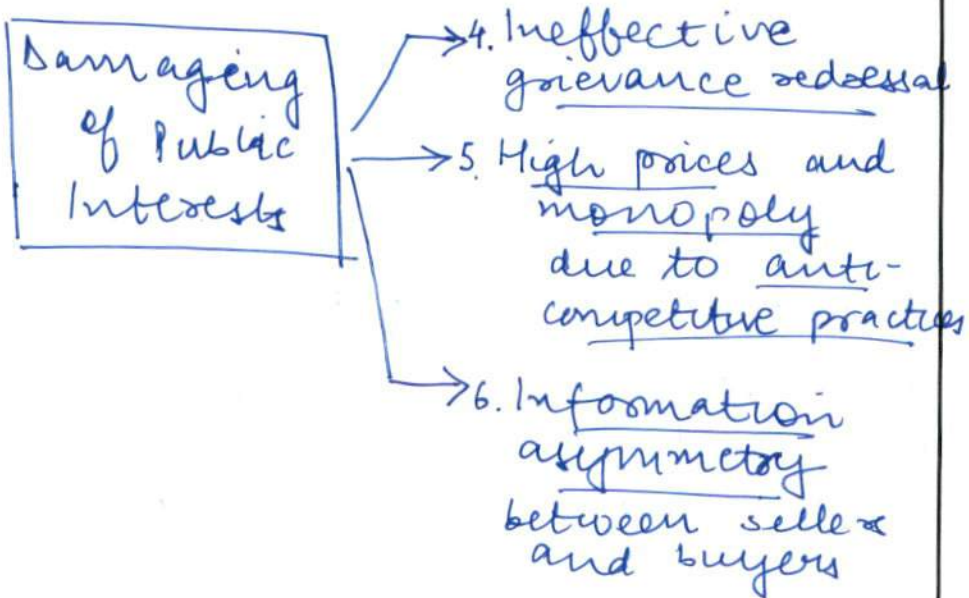
15. Faulty regulatory policies can have a severe adverse effect on the efficient interplay of market forces and end up harming public interest. Examine in the context of systemic issues pertaining to regulatory environment in India. (250 words) 15

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 needed in every administrative set-up as it prevents market failures, and promotes public interests.

However faulty regulatory policies can be highly damaging as they lead to -

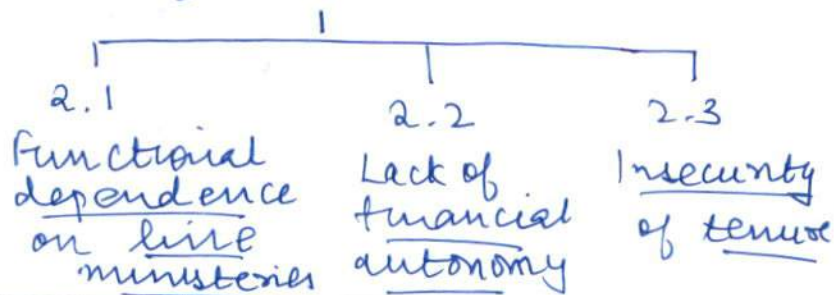




Regulatory Environment in India

The 2nd ARC and various committees have pointed to the following issues -

1. Over-regulation due to multiple bodies and laws
2. Lack of independence of the bodies



3. low coordination with policy makers
e.g. TRAI and Department of Telecom clashing jurisdiction
4. Poor involvement of stakeholders
in regulatory process
5. Ill-designed consumer grievance channels

Way Ahead

1. Streamlining of rules
and repeal of outdated statutes
2. Clear guidelines over term of office
3. Proper channels of cooperation with Ministries
4. Involvement of citizen groups
for enabling self-regulation
and reporting of violations

Above steps can help beset the issues and usher in a regulatory regime that works as a facilitator.

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।

Articles 315 - 323 of the Constitution contain the provisions regarding UPSC.

Safeguards

1. Salaries and emoluments charged on consolidated fund of India
2. Terms and conditions of service cannot be altered during tenure
3. Well-defined criteria for removal of members
4. Ban on ~~appo~~ further appointment to government posts

after end of tenure

Limitations

The 2nd ARC has pointed out the following -

1. Opacity in appointment process
 - No clear qualifications in Constitution and any law
 - Appointment process not known to Public
2. Over-burdening of UPSC
due to ^{consultation on} routine and minor disciplinary issues
3. UPSC has to engage in routine administrative work of Departmental Promotion Councils (DPCs)
4. Clash with Central Vigilance Commission (CVC) over role as Officer

adviser on disciplinary issues

5. Undermining of its authority
by government proposals
like lateral entry

Need of the Hour

The UPSC's primary role as
the watchdog of merit system
can be achieved if -

1. Clear transparent procedures
are established vis-a-vis
appointment
2. It is consulted over senior
matters involving question
of suspension/removal
3. It plays only a supervisory
role over APSCs
4. Executive interference is
decreased in the recruitment
process, especially of lower services

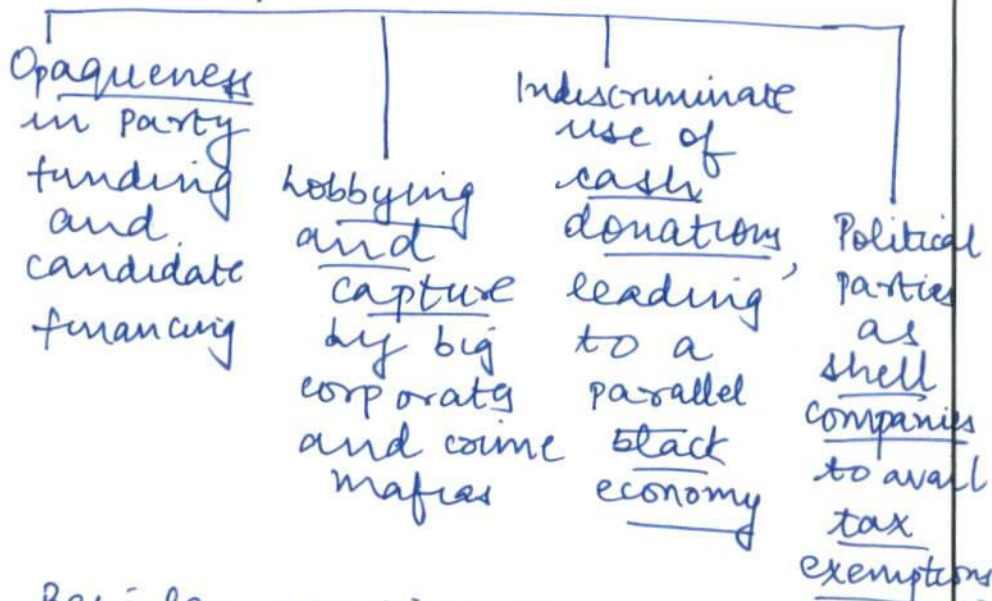
This will help achieve independence
of UPSC to fulfil its prime mandate.

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?

As per Association of Democratic Reforms (ADR), 69% of the funding to political parties between 2004-15 came from anonymous sources.

Key Issues



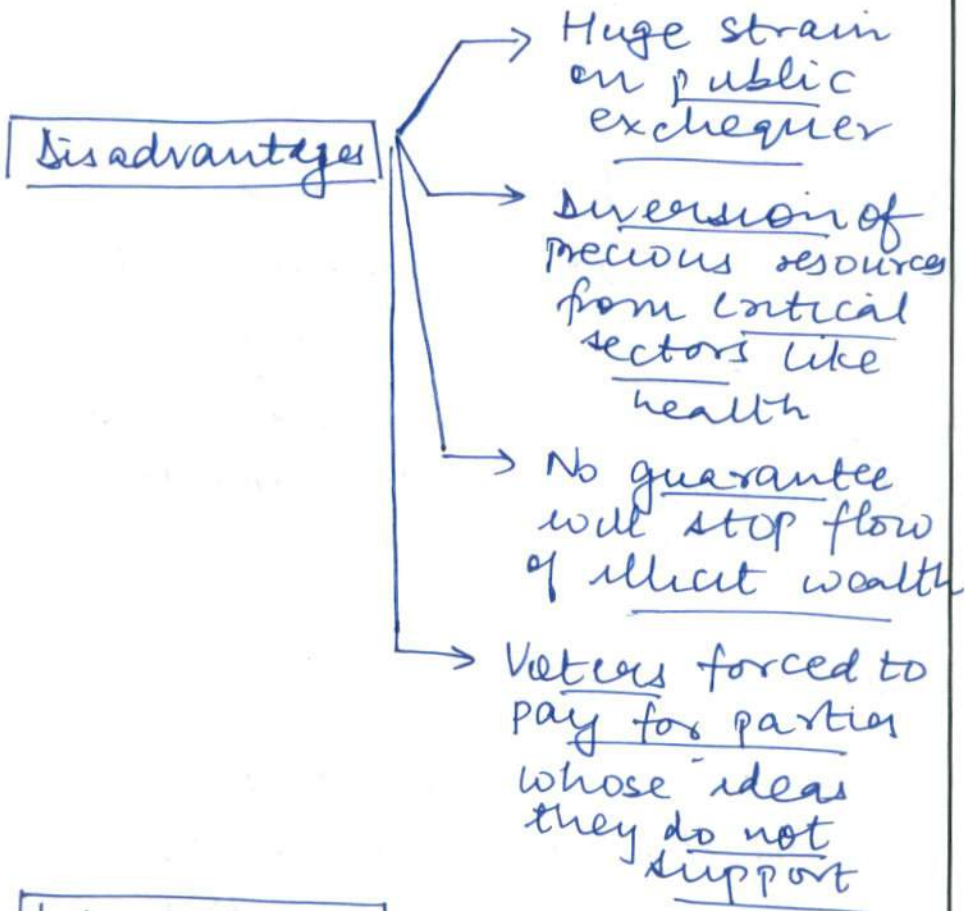
Besides, parties are kept outside the scope of Right to Information (RTI) Act.

State Funding

It refers to the government funding parties / candidates to contest elections.

Benefits

- Increased transparency in party and candidate financing
- Reduced scope of anonymous donations and money power
- Level playing field
- Can be linked to promoting internal democracy within parties
- Prevents nexus with corporates, mafias and vested interests



Way Ahead

The 2nd ARC and Indrajit ^{Gupta} ~~Chadha~~ Committee have recommended partial state funding, that too in kind. The Law Commission has also called for first setting up a proper regulatory framework. In the meanwhile, the existing system must be reformed.

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

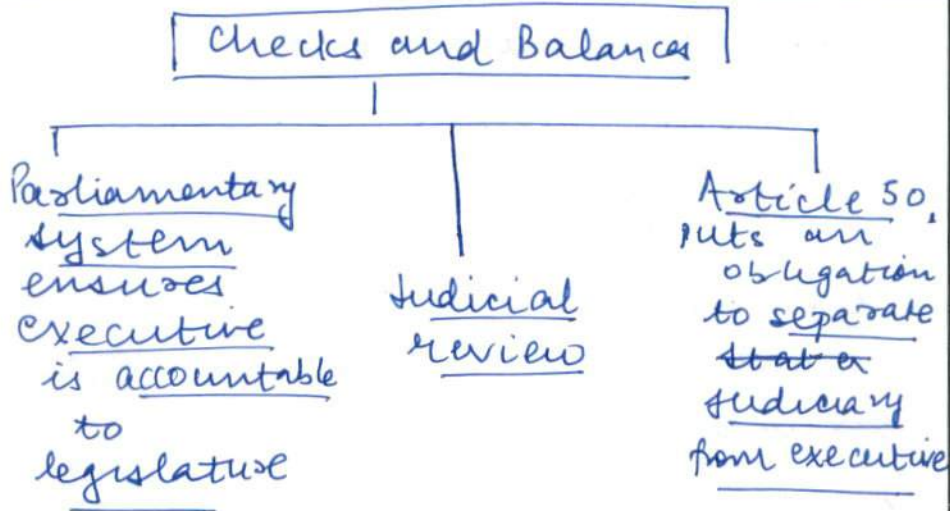
भारत के सन्दर्भ में शक्तियों के पृथक्करण ने संवैधानिक व्यवस्था के अंतर्गत एक अनन्य विशिष्टता प्राप्त कर ली है। व्याख्या कीजिए।

Separation of powers is a doctrine that establishes that each institution - executive, legislature and judiciary - must not encroach upon the domain of the other.

Case in India

The Constituent Assembly was aware of the importance of the doctrine. This has been reflected as follows -

1. Distinct parts and elaborated articles in constitution for each organ
2. System of checks and balances to prevent encroachment



3. Declaration by Supreme Court that separation of powers is a part of Basic structure
(Keshavananda Bharti Case)

4. Despite the separation, adequate provisions to provide for harmonious coordination only are unique

e.g. Delegated legislation

However, recently the principle has come under attack due to following -

1. Judicial adventurism
and overreach
2. ^{Dominant} One party majority in
the lower house
3. Arbitrary use of
emergency provisions

It is thereby important that appropriate restraint is exercised by the three organs. This also requires an active citizenry who must remain vigilant and hold representatives accountable.

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 of the Constitution
provides for the proclamation
of National Emergency by
the President.

Extent of President's Powers

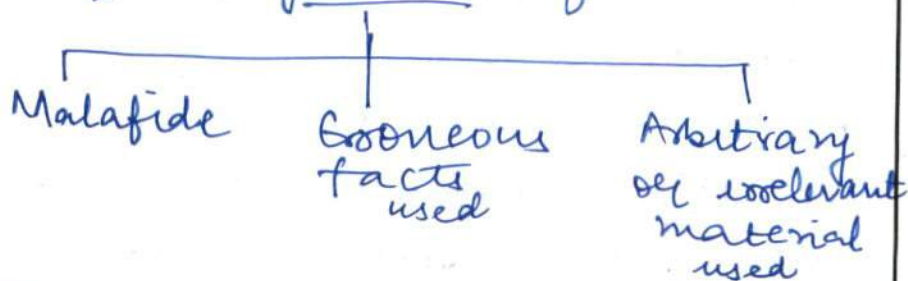
1. Can take over the functions
of the Governor or any
executive authority in the
state, and delegate to
someone else
2. Provide for the Parliament
or other authority to legislate
upon state subjects, such
Acts are called Presidential Acts
3. Provide for specific or all
Fundamental Rights (except
those protected) to be suspended

4. Alter the financial relationship between Centre - state
5. Withdraw emergency at any time

However it must be noted that the President always acts on the aid and advice of the Council of Ministers (COM).

Judicial scrutiny

The Supreme Court, in Munera Mills case, declared that proclamation may be challenged ~~if~~ on grounds of



Exercise of Executive Powers

- The executive can issue directions to state government on ^{even} state list subjects.



Difference with Article 360

Article 360 pertains to proclamation of Financial Emergency.

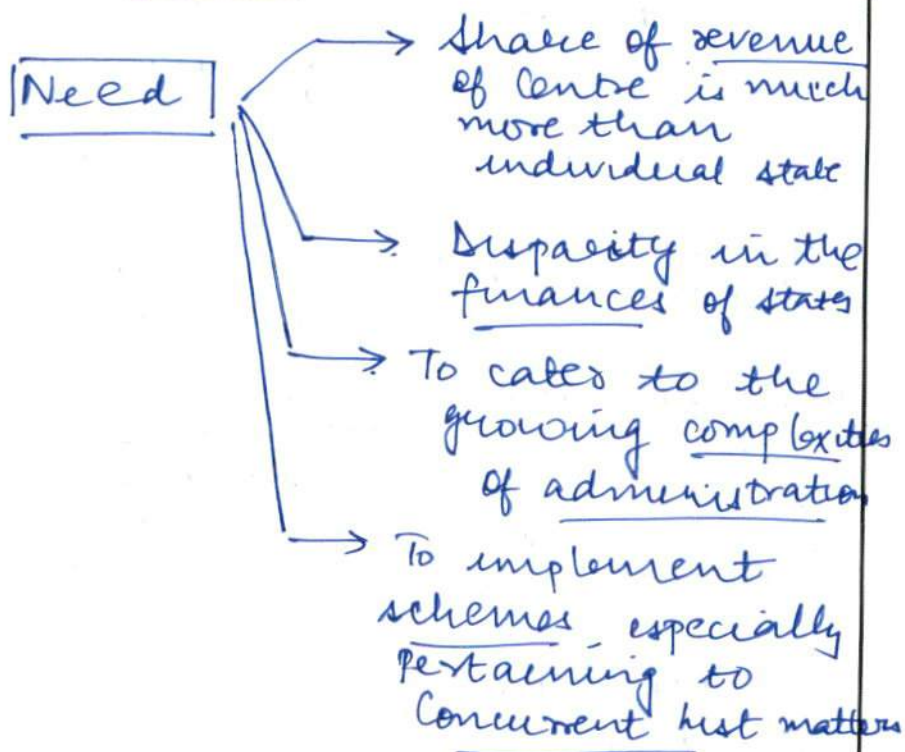
National Emergency	Financial Emergency
1. Effects fundamental rights	President cannot alter status of fundamental rights
2. Can delegate Parliament to legislate upon state subjects	Parliament cannot legislate upon state subjects
3. President allows executive to issue directions pertaining to state's finance	President can ask for finance-related bills to be reserved for his consent

Thus ample difference exists. While National Emergency has been proclaimed thrice, Financial Emergency is yet to be even once.

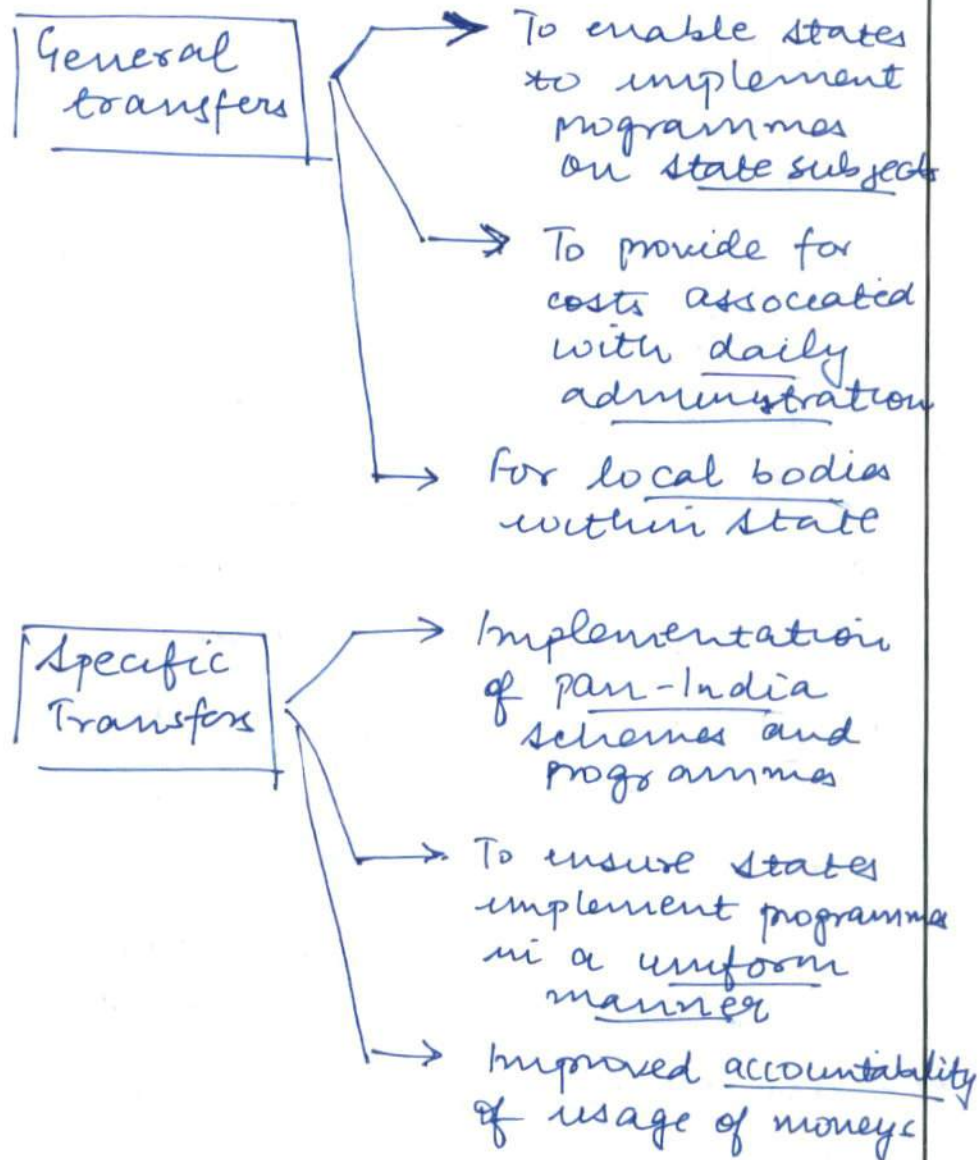
20. Fiscal transfers from the Centre to States are critical in India. In this context, explain the rationale of both general and specific purpose fiscal transfers. Also highlight the problems witnessed in the design and implementation of specific purpose transfers. (250 words) 15

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।

In our federal structure, it is the obligation of the Centre to allocate financial resources to States



Rationale of fiscal transfers



Problems in Specific Transfers

1. States allege that Centre is encroaching upon state

subjects in name of Central Sector Schemes

2. Political motives
e.g. Naming of scheme after
Prime Minister
3. states bearing full compliance costs
4. Programme not suited or
adapted to local needs
5. Non-involvement of states
in designing the scheme
6. Direct transfers to local
so dies, bypassing the State
Government

Punchhi Commission and 2nd ARC
have called
for limiting such transfers,
and for cost-sharing of their
implementation. This will
promote federal equilibrium
between Centre - states.