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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 उरी 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. 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

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।

The institution of Governor in the state has always been a subject of dispute in the Federal Structure of India as provisions regarding his powers, appointment, removal make him more like an 'agent of Centre' than 'Head of the State'. Constitution recognizes discretionary powers of the Governor, where he can act without aid and advice of the Council of Ministers.

Situational / Constitutional discretions

- At the time of appointing a chief minister, where no political party enjoys clear majority.
- To dismiss the government when it loses the faith of State assembly
- To dissolve the State assembly.

Constitutional discretions

- To recommend the imposition of President's rule in a state to President.
- To reserve the bills for approval by the.

President.

3. When he acts as an administrator of UT along with his role of Governor of State.

There are no checks provided in the Constitution for the powers of Governors acting in his discretion which undermines the federal structure of the country and results in poor Centre - State Relations which is the primary cause of Policy Paralysis in the Country.

As recommended by Sarkaria and Punchi Commission Reports, the role of Governor should be made independent of the Centre's interference and he should be provided with security of tenure with his powers being subjected to Parliamentary oversight.

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 in the Indian legislative structure refers to the power of executive to provide for rules and regulation based upon the legal framework provided by the legislature. e.g. Company Rules, 2015 as an addition to the Companies Act, 2013 is an example of Subordinate legislation.

- As the power of making laws is in the hands of legislature, therefore it is shift from the normal division of Power
- But it provides for the executive the power to deal with situations which need immediate attention and are not of nature which requires parliamentary deliberation.
- It also reduces the workload of legislature in the already burdened legislature.

Constitution provides sufficient safeguards for scrutiny and Control of Subordinate legislation

1. It should not go against the already passed laws by the Parliament.
2. Parliament can anytime repeal or amend the ~~subordi~~ rules and regulations made by the executive.
3. There is a separate Committee in Parliament of Committee on Subordinate legislation which regularly scrutinizes the work of its executive.

Considering the huge size of legislative workload in India and need for immediate responses, Subordinate legislation is necessary provided it is coupled with sufficient scrutiny and Control.

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।

Speaker of the lower house i.e. Lok Sabha has been provided with huge powers and being the 'head of the house' and to ensure proper and impartial functioning of House; he needs to ensure avoidance of political pressures & incentives. Powers of the Speaker in the Lok Sabha.

1. He is the ultimate interpreter of Constitution in the Lok Sabha.
2. He presides over the joint sitting of both the houses of Parliament.
3. He allocates time & ~~decides~~ decides on related matters in the legislative week in the Parliament.
4. He decides over the question of whether a bill is money bill or not and his decision in this regard is final and out of judicial preview.

5. He decides on the question of removal/disqualification of the member of Parliament on a/c. of defection. Though his decision can be challenged before the law.

Considering the role envisaged for speaker it should be imparted with greater impartiality e.g. in Britain speaker resigns from the party concerned before attaining the position and his next tenure as an M.P. is made secure.

The work of speaker regarding defection proceedings should be taken to a more detailed and impartial manner by giving it to President who shall decide it on the recommendations of Election Commission and money bill his decision regarding money bill should be under the judicial review to avoid the tyranny of government over legislature.

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।

Departmentally Related Standing Committees (DRSC)
which are 24 in number and are attached to a particular ministry or department to ensure greater accountability of that ministry to the Parliament. e.g. DRSC for home affairs or DRSC for agriculture etc.

They have 31 members (21 from Lok Sabha and 10 from Rajya Sabha) and members are nominated from all political parties in the Parliament based on its representation and a minister cannot be its member.

Their relevance in India's Democratic Polity:

- (i) They consider the demand for grants of various departments and ministers and present their report on it to both the houses of Parliament.
- (ii) They consider and scrutinize the bills, before they are presented in Parliament.

(iii) They prepare a report on the basis of annual reports of the Ministry and deptt. concerned.

Their role becomes more relevant, considering they ensure more detailed and objective accountability of Parliament over executive. especially financial accountability and provides an opportunity to the members of opposition and Rajya Sabha in the better management of Public Purse. They also strengthen the institution of Parliament as they ensure better and quality deliberation based on its reports.

However role can be strengthened by providing it inquiry ~~and~~ powers and increasing its domain of work. And also, it should have the representation of subject experts to ~~ensure~~ ~~have greater~~ more quality work.

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 the institutions of Alternate Dispute Resolution mechanism in India. They ensure cheap, quick, expeditious and more flexible access to justice with reducing the workload of burdened judiciary in India. However there are concerns regarding the increasing 'tribunalisation of justice in India'.

(i) They are only based on certain locations and hence are difficult to access e.g. National Green Tribunals is based in only 5 cities.

(ii) They have an excessive control of executive in every regard ~~subject~~ including appointments, process, pay etc.

(iii) Conflict of Interest as in maximum cases the ministry supervising the tribunals is itself a party in the case.

(iv) Specialisation of work on the basis of.

which tribunals were formed is being compromised by hiring retired judges of High Court on their panels.

(v) By bypassing the route of High Courts in India, they result into reduced judicial inquiry and opportunity of training for High Court Judges for future appointment to Supreme Court.

Tribunals form one of the core parts of 'Justice System' in India and they would have increased significance in the coming times with increased specialisation of work and complex cases.

Therefore it is necessary to impart greater independence to tribunals, to ensure 'fair & just' structure and the need for increased no. of tribunals throughout the country for easy access.

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 which were provided with the Constitutional Status in the 73rd Constitutional amendment Act are the institutions of democratic decentralisation by including every member listed in the electoral roll of the village as a member of Gram Sabha; thereby fulfilling the Gandhian principle of village polity.

By ensuring representation to everyone, Gram Sabhas ensure that the policies and funds ^{utilisation} are on the basis of needs and utility of every member of the society and nobody is left behind in the development process of the Nation.

Considering the special needs and different demographic profile in the Scheduled Areas in the 5th Schedule, Parliament passed the Panchayat Extension to Scheduled Areas (PESA) Act, 1996.

Gram Sabhas in the scheduled areas were provided with greater control over the policies and funds. ~~of the~~ provided for them; in contrast to the regular Panchayat systems of the country.

With regards to the other developmental activities and mineral exploration also the concurrence of Gram Sabhas was made mandatory to preserve their distinct identity and culture.

~~to the~~ India being the world's largest democracy needs greater decentralisation of power to ensure better governance and more responsive and suitable policies which suit the diverse Indian demography.

Therefore greater devolution of 3F's i.e. (Functions, functionaries, finances) and building up the capacity of Gram Sabhas are required.

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, or the upper house of Parliament highlights the federal polity of India whereby the State's interests are protected by giving them a participation in the legislative process of the Union. However, they have been given lesser powers related to money bills and demand for grants of the executive.

~~They are~~ The MPs of But there are some special powers given to Rajya Sabha. They include.

- Providing the power to Union to make laws on the State list.
- Creation of an All-India Services.

Barring, money matters; Rajya Sabha stands on equal footing with the Lok Sabha and stands as a breakwater in the unquiescent passing of laws.

Rajya Sabha has upheld its role over time by increasing the Parliamentary oversight in the law making process and preventing any tyranny of the Centre.

→ Legislative Council of the States are not the same as Rajya Sabha as Rajya Sabha besides being an additional chamber, protects the federal structure of the Indian Constitution, while legislative Council are only an additional chamber.

→ Legislative Council do not have adequate powers and are under subordination of State Assembly while Rajya Sabha shares equal powers with Lok Sabha.

Rajya Sabha stands as a "balancing wheel" in Indian Federalism and in the present scenario of Lok Sabha being dominated by a single party, its role becomes ever important.

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।

Central Water Commission and Central Ground Water Board are autonomous bodies working under Ministry of Water Resources and Ganga Rejuvenation.

Created more than half-a-decade ago they have failed to ensure water-security and access to safe drinking water in India visible by

→ Around 100 mn of population in India is not having ~~had~~ access to safe drinking water recommended by WHO

→ Depleting ground water table and increasing problems of soil salinisation

→ With increasing variability of monsoons, increasing instances of draughts. The need for water security becomes all the more significant.

→ Increasing no. of instances of water contamination with fluoride, arsenic, mercury and even uranium.

Still being left with the unfinished business of proper irrigation canals ~~and~~ ~~and~~ there is a greater need for regulatory mechanism to ensure water security and safety

Mihir Shah Committee in this regard recommends

- Creation of National Water Commission by merging Central Water Commission and Central Ground Water Board.
- Providing representation to various diverse subject experts including geo-meteorologist, geo-hydrologists etc. in the Commission.
- Move from a need based to Right based approach in the water security framework

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।

To ensure a vibrant and effective Parliamentary environment, Constitution provides various provisions for disqualifications relating to membership in Parliament.

- if the MP is an adjudged insolvent.
- if he is of unsound mind and stands so declared by a Court.
- if he holds any office of profit (other than that of minister).

Besides, Parliament through Representation of People Act, 1951 provided various other disqualifications including

- if the person has been convicted of any electoral offence of bribery.
- if he has failed to lodge his account of expenses within due time.
- if he has been disqualified by a govt. department on accusation of bribery or corruption.

- if the person has been convicted of any offence and imprisoned for more than 2 years.

- if he has been convicted of any ^{Social} crime of like Sati, dowry etc.

- if he has been convicted of crime of spreading ^{Communal} social disharmony

The decision in these regards is taken by President on the advice of Election Commission.

In the present times, the quality of deliberations in Parliament has reduced mostly because of increasing participation of criminals who highlight the role of muscle and money power in elections.

But a blanket ban would go ^{on criminals} against one's Right to contest elections and is against the principle of Reformation of the prisoners.

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।

DPSP's or Directive Principles of State Policy are the constitutional directions given to the Executive and legislature to ensure social and Economic democracy in the Country, while fundamental rights ensure only political democracy.

Though DPSP's have not been provided with a justifiable character but Constitution makers left it for the perception and decision of the electoral of the Country to draw responsibility of State for implementation of various directive principles e.g. Land Reforms for equitable distribution of land resources, 73rd and 74th Constitution amendment act institutionalising Panchayats in the Country, NALSA and Lok Adalats etc.

Fundamental Rights and DPSP's both are necessary for ensuring proper functioning of democracy in the country and one aids the other.

Supreme Court in *Minerva Mills Case* (1980) held that both FR's and DPSP's are complementary to each other and neither is superior over another.

Although where in cases of conflict b/w Fundamental Rights and DPSP's the superior would pre-empt because of its justiciable character. However, FR's can be violated for implementation of Article 39(b) and 39(c) by State which ensure equality in wealth distribution.

B.R. Ambedkar was of the opinion that political democracy without a functioning social and economic democracy is of no use. Hence a balance b/w Fundamental Rights and DPSP's need to be maintained.

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।

FPTP system i.e. First Past the Post system of electoral representation divides the total electoral into a no. of territorial constituencies and the person getting maximum no. of votes in that electoral stands elected.

On the other hand, Proportional representation instead of dividing the electoral into territorial constituencies, voting is done for the party not candidate and list method is used for electing legislators.

Merits of the FPTP system

1. It has been used in Indian electoral system and therefore is ~~cheap~~ more in knowledge and understanding of people
2. It ensures that there can be a majority in the legislature which otherwise is very difficult in Proportional representation. Therefore it ensures stability of the government.

3. It is cheaper and more easy to conduct than proportional representation.
4. By electing a particular candidate to the legislature it ensures accountability and grievance redressal. While in Proportional representation method, ~~electors~~ voters have no knowledge of who to complain.
5. By electing from territories, this ensures that grievance of all territories are addressed.

Limitations of FPTP system

1. It does not ensure the will of majority as it has been seen that voters pooling even less than 25% of total votes gets elected.
2. It does not provide adequate representation to the minorities and only a particular section continues to dominate the legislature.
3. High paradox between no. of votes polled to a party and its elected seats - with only a change in 4-5% of votes, their seats by almost

50% or more.

Giving regard to this concern, it is difficult to change the current system of FPTP regarding the acquaintance it has with Indian electoral mindset and the diversity of India.

Therefore, legislators have proposed to have a Hybrid-electoral system by adding some extra seats to the legislatures to be filled in by proportional representation method. Thereby ensuring adequate minority representation.

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 वादों 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।

Around 2.2 crore cases have been pending in the Indian judicial system, which hampers the access to justice amongst Indian Citizens. The slow and lagged process of judiciary has lead to such a scenario, whereby powerful are able to dominate the powerless using the slow judicial process.

Reasons for Such a Scenario

1. Delays in judicial appointments, around 70,000 posts have been pending in judiciary and around 485 of them are in higher judiciary.
2. Poor business environment, leading to high no. of cases against government visible by the fact that government is the biggest litigant in Indian

3. Poor judicial infrastructure including the judicial resources, no. of courts in cities etc.
4. Lack of awareness about the alternate dispute resolution mechanism amongst citizens.
5. Poor quality of judicial staff, leading to regular delays and increasing no. of trials in complex cases.

All this results in hampering justice to the poor and marginalised which was an objective in the Article 39A of the Constitution. 67% of the prisoners in India are under trials which is primarily because of slow judiciary.

Measures to solve the problem.

1. Considering that economic cost of pendency of cases in courts is 0.5% of GDP, budgetary allocation for judicial infrastructure should be raised.
2. Judiciary should make it part to reach out and understanding with executive regarding the MOU on judicial appointment.

3. The Alternate Dispute Resolution institutions should be strengthened and Permanent Lok Adalats should be established in every district.
4. Greater use of ICT in judicial process can ease the and faster the case. e.g. Nyaya Mitra scheme of Supreme Court. ~~and also~~.
5. Easing the environment of doing business in India so that no. of cases reduce.
6. The process of judicial appointment should start at least 6 months prior to appointment.
7. Better training infrastructure for judges so that decisions are such that do not require regular appeals.

Access to justice forms a core part of Democracy, as has been highlighted by our Preamble. Therefore there is an urgent need for judicial reforms to reduce the pendency of cases.

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।

Article 21 of Indian Constitution which aims at protecting individual's personal life and liberty, protects ~~protect~~ it from arbitrary executive action; however if substantiated by a legislative procedure it can be taken away.

Supreme Court in the famous Gopalan Case, uphold this position of the law. However in the Nareka Gandhi Case of (1976), Supreme Court reversed its earlier position and provided that the law has to just and reasonable in order to take away individual's life and liberty; thereby taking the position of Article 21 towards due process of law.

Due Process of law is a doctrine of the U.S. Constitution which provides that that court reserves the right to decide on the justness and reasonableness of a law and therefore it ensures supremacy of Constitution over Parliament.

On the other hand in "Procedure established by law" court can only see that whether the executive action is in line with legislative direction.

By making "due process of law" a part of Article 21, Supreme Court has broadened the scope of individual's liberty and has provided it with greater protection.

Overtime Supreme Court has included rights like Right to clean environment, Right to Food, Right to education, Right against handcuffing and recently the Right to privacy.

under this doctrine only.

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।

Post liberalisation era, has seen increasing participation of States in the policy making and Governance work of the nation.

Liberalisation was marked by loosening of Govt's Control of business and in order to provide an effective environment for businesses to flourish; continuous support ~~on~~ of state Governments was requirement.

Post-1991 we have also seen emergence of Coalition - government and end of 'one party rule' with regional parties becoming ~~off~~ partners in the national policy making work.

Cooperative - Federalism requires an open and regular dialogue amongst Union and States for a Coordinated and mutually beneficial ~~and~~ policies.

- Setting up of NITI Aayog a move ^{away} from Centrally Dominated Planning Commission is an e.g. of Cooperative federalism to pursuit of fully achieving the aim of liberalisation.
- Enactment of GST and equal participation of states in the GST council is another e.g. of the same.

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 purpose of regulation is to ensure that the market institutions work according to the provisions of law and do not hamper public interest. e.g. Competition Commission of India (CCI) aimed at avoiding any monopolistic practices in the Indian Market Forces.

However if provided with unchecked discretionary powers, regulatory institutions can start controlling and dominating the market players and thus hampering the free-play of market forces which is the utmost need in ensuring an efficient environment for ease of doing business.

India's continuously poor rankings in the Ease of Doing Business Index and declining FDI is one of the results of faulty regulatory practices in India.

Though India has done leaps on improving the regulatory environment e.g. replacing the draconian FERA Act with FEMA and MRTP Act with Competition Act of 2002.

These laws embark a shift in the govt's policy from that of Control to Regulation.

But now, the purpose of regulation instead of supervision has also started including facilitation as its aims; whereby State becomes a partner and aids in the growth of business while ~~regularly overseeing~~ ~~its~~ intervening only if the business works against State's or Citizen's interests.

Increasing digitisation e.g. as in the case of Goods and Services Tax. Network (GSTN) is required to reduce the arbitrary powers of regulators and ease the regulatory framework of the country.

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।

Constitution envisages "Union Public Services Commission" as the watchdog of merit system and as an independent and a constitutional body for a fair and just system of appointment to the public services in the country.

Provisions to safeguard UPSC position.

1. Chairman and members of UPSC are provided with security of tenure and therefore they are not subject to pleasure of President.
2. The salary, pensions and the administration expenses of UPSC is charged on the Consolidate Fund of India and hence not Votable by Parliament.
3. Their service conditions and salary cannot be reduced to their disadvantage while in service.

4. The members and Chairmen are not eligible for any re-appointment
5. They cannot be appointed after retirement to any other position under Centre or State Government except members of UPSC who can become Chairmen of UPSC or a SPSC
6. In case of any removal by President because of misbehaviour or incapacity a separate inquiry has to be done by Supreme Court which is binding upon President.
7. A detailed process and requirements are provided for the eligibility to become members of UPSC to ensure their impartial function

However, there are limitations to the functioning of UPSC as well.

1. The recommendation of UPSC regarding appointment or any disciplinary action on any public servant is not binding upon the Government, thereby reducing its role.

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2. It is ouster concerned with "recruitment of public servants; however their training, postings and appraisals etc. are in the hands of Deptt. of personnel which makes UPSC only a "recruiter of Public Services"
3. After the constitution of Central Vigilance Commission (CVC), advice of both CVC and UPSC is sought but by govt. to take any disciplinary action against a public servant.
4. In a plethora of matters, C.G. does not even sought out for UPSC's advice. e.g. appointment of senior diplomats, or committee members etc.

Considering the key role of UPSC in the 'personnel management system' there is an urgent need to increase its role and ensure its advice regarding public service management.

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?

Transparency in electoral funding, forms one of inherent parts in ensuring free and fair elections in the country and working of the democratic institutions.

However, around 70-80% of the election funding has been from unaccounted sources which raises red-flags in the fair elections and role of black money in it. Lack of transparency in electoral funding also raises issues like • crony Capitalism and • Corruption after winning.

Issues in regard to electoral funding.

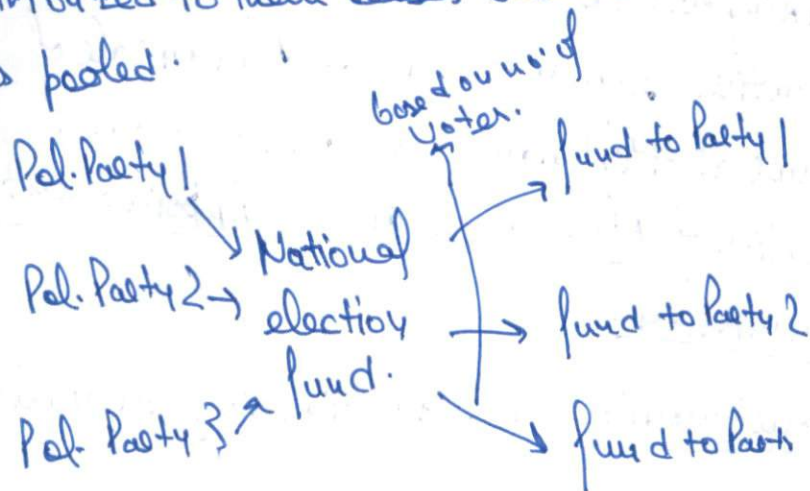
1. Role of black money being excessively high.
2. Huge role of Capital making elections unfair.
3. Breeding Corruption and nepotism.
4. Poor transparency in electoral funding.

Various measures have been taken to correct this situation, which include.

1. Supreme Court's direction to prepare and submit an account of election expenses.
2. Introduction of Electoral Bonds which would ensure, only white money enters electoral funds and there would be complete discrepancy regarding donations.
3. Max. Cap limit of 2000 for cash limits in the Union Budget of 2017.
4. Companies are not allowed to donate more than 7-5% of their average net profits to political parties.
5. Rules in Representation of People's Act, 1951 to ensure disclosure of the sources of the electoral funds.
6. Income Tax Act, 1961 requires the assesse to disclose information regarding donations made to political parties.

In this light, State funding of elections has been mooted as a solution which is similar to the ~~National election~~ to system running in many countries whereby, on the basis of votes pooled; state would fund the electoral expenses of political parties. However, this would impose huge burden on the State exchequer and considering huge amount used in elections this might not result as a viable solution.

Instead, as recommended by Justice Quareshi, a national electoral fund can be constituted where donations of all political parties can be deposited which will be redistributed to them ~~based~~ based on the no. of votes pooled.



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 - ensures that the power of State is divided among different organs i.e. Executive, Legislature and Judiciary.

Indian Constitution being a 'melting pot' of several Constitutions has provided for a unique structure of Separation of Powers with a 'Check and Balance method'.

Judiciary and other Organs

- Article 142 empowers judiciary to pass decisions in order to do complete justice in a case. Thus taking over the authority of Legislature and Executive e.g. in the case of ban on sale of liquor at highways or abolition of the Creation of National Judicial Appointment Commission.
- 'Court monitored' investigation in various

Cases is again an example of Court's interference in the work of executive.

- In various cases of Judicial Overreach, where judiciary plays a proactive role by superseding the authority of other organs.
- On the other hand, ^{President} ~~legislature~~ reserves the right to impeach the judges of Supreme Court and High Court on the basis of ^{approval} ~~order~~ of Parliament; affecting judiciary's independence.

Executive and legislature

- Following the British parliamentary system, there is no distinction line between the executive and legislature as various ministers have to be the members of legislature. Thus blurring the line of separation of power.
- Policy of Subordinate legislation which allows executive to pass rules and regulations; superseding legislature's authority.

Indian Structure of Separation of Power is unique to itself; unlike the British principle of Parliamentary Sovereignty or American principle of complete separation and 'Judicial supremacy', thus ensuring a balance of powers among all the organs and effective check of one's power over the other.

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?

President reserves the right to declare a national emergency under the grounds of war, external aggression or internal disturbance armed rebellion under Article 352.

44th Constitution amendment introduced various safeguards to have a proper check on the use of this power.

- President needs to seek a written advice of the Cabinet before proclamation of national emergency.
- The ~~the~~ resolution to national emergency needs to be approved by both the houses of Parliament with one month, with special majority.
- It provided the power to Lok Sabha to pass a resolution concerning revocation of proclamation of emergency with a simple majority.

The amendment also brought the announcement of national emergency in the purview of judicial review. whereby judiciary can check the arbitrary use of this power by either executive or legislature.

- ~~At~~ Powers under National emergency
- Parliament can pass law on any subject under the State List.
- Centre can instruct State on any Matter.
- The Constitution mechanism on distribution of finances stands dissolved till emergency exists.
- Parliament can take away fundamental rights of citizens.

Therefore, during the working of National emergency, the Indian Political Framework becomes 'Unitary in Character'

Difference b/w. Powers under Article 352 and Article 356 i.e. President Rule.

- The ground for invoking President Rule is. failure of Constitutional Machinery in the state.

while national emergency is on grounds of war, external aggression or armed rebellion other diff. include.

National emergency

- State government and State legislatures stay intact and Union just shares the power with States.
- It has implications of fundamental rights
- It can be revoked by Lok Sabha also.
- It requires special majority for approval in both houses of Parliament

President's Rule.

- State government suspends and Union takes over its powers
- It has no implications on Citizen's fundamental rights
- It can be only revoked by President.
- It requires only simple majority.

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 का प्रकाश डालिए।

Fiscal transfers from Centre to States constitute an important part of the State Exchequer, considering the Union dominated distribution of subjects for sources of revenue while that of administration and major expenditure is on States.

Finance Commission forms a Central figure in ensuring proper balance in the 'fiscal federalism' in the country.

General Fiscal transfers

- They are necessary for Union to transfer to States based upon the recommendations of Finance Commission.
- Their purpose is to augment State funds for it provide effective governance at the State level and maintaining proper administration.

- Union cannot discriminate amongst States while distributing funds on these transfers

While, Specific Purpose Transfers

- are not an obligation upon the Union and are decided by itself to transfer to States and therefore is not recommended by Finance Commission.

- Its purpose is to meet the development needs of specific backward states.

Problems in design and implementation of Specific Purpose transfers

1. Lack of participation of States in ^{Union's} its decision.
2. Bias b/w among States on the basis of the political parties ruling them.
3. Improper devolution ~~on~~ and usage of funds.
4. Lack of ~~com~~ post-devolution accountability and control over the funds.

