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GENERAL STUDIES (TEST CODE : 691)

Name of Candidate	SIDDHARTH JAIN	Registration Number	3167
Medium Hindi/Eng.	English	Date	8 th June 2015
Center	O.R.N.		

INDEX TABLE		
Q. No.	Maximum Marks	Marks Obtained
1	12.5	
2	12.5	
3	12.5	
4	12.5	
5	12.5	
6	12.5	
7	12.5	
8	12.5	
9	12.5	
10	12.5	
11	12.5	
12	12.5	
13	12.5	
14	12.5	
15	12.5	
16	12.5	
17	12.5	
18	12.5	
19	12.5	
20	12.5	

Total Marks Obtained:

Remarks:

Signature of Examiner

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 HINDI and ENGLISH.
इसमें बीस प्रश्न हैं तथा हिन्दी और अंग्रेजी दोनों 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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103, 1st Floor, B/1-2, Ansal Building, Behind UCO Bank, Dr. Mukherjee Nagar, Delhi – 110009

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

All the questions are compulsory and carry 12.5 marks each. NOT MORE THAN 200 WORDS

1. "India lacks an independent nuclear regulatory mechanism with the mandate to ensure high standards of safety and security at civilian nuclear facilities." In the light of the above statement examine the prevalent nuclear regulatory mechanism in India. How far can an independent body like Nuclear Safety Regulatory Authority address this issue? 10:46 (10)

"भारत में असैनिक परमाणु संयंत्रों में सुरक्षा और रक्षा के उच्च मानकों को सुनिश्चित करने के लिए अधिकार प्राप्त स्वतंत्र नाभिकीय नियामक तंत्र का अभाव है।" उपरोक्त कथन के प्रकाश में भारत में निवर्तमान नाभिकीय नियामक तंत्र का परीक्षण करें। नाभिकीय सुरक्षा नियामक प्राधिकरण जैसी एक स्वतंत्र संस्था इस समस्या का कहाँ तक समाधान कर सकती है?

- India has an ambitious target of increasing the nuclear energy capability up to 63000 MW by 2022. In this light, along with the unfortunate incidents like Fukushima disaster in Japan, Mayapuri incident, there emerges a need of independent nuclear regulator.
- Presently, the nuclear framework is overseen by the Atomic Energy

Regulatory Board. It being a dependent body, it is not seen as an appropriate institution to guide the path of nuclear development.

- Nuclear Safety Regulatory Authority (NSRA) is a proposed independent body to deal with the nuclear issue. The body is to be headed by the Prime Minister. World over, there are examples of independent nuclear regulatory bodies. The body will be better placed than the present AERB to ensure

standards of safety as:

- 1) The International Atomic Energy Agency will get an Indian counterpart, dedicated exclusively for the same work. Hence deliberations will be easy and smooth.
- 2) Independence of finances and administration will fasten the implementation of projects.

2. RTI Act has been considered by many as the second most important legal document after the Constitution. In the light of the above statement describe the importance of Information Commissions at the center and state levels. Discuss the challenges that they have been facing in fulfilling their mandate. (10)

अधिकांश लोगों द्वारा आर. टी. आई. कानून को संविधान के बाद दूसरे सबसे महत्वपूर्ण कानूनी दस्तावेज के रूप में माना गया है। उपरोक्त कथन के प्रकाश में केंद्र तथा राज्य स्तरों पर सूचना आयोगों के महत्व की व्याख्या करें। अपने अधिदेश को पूरा करने में उनके समक्ष व्याप्त चुनौतियों का वर्णन करें।

Right to know is a fundamental right inferred from Art 19(1)(a) of the constitution (freedom of speech and expression). The Right to Information Act gives a framework to realize the above right. Moreover, it envisages suo-moto declaration of administrative financial procedures of public bodies. Thus it is a big step towards transparency, legitimacy and good governance.

Hence, it can be considered as
second most ^{important} legal document.

- The information commissions (I.C.) are the institutions to implement R.T.I.

The I.C. provides a framework where
by a person can get information
within 30 days and appeal further
if he is not satisfied with the
same

- Although ~~despite~~ being a hallmark legislation in
~~the~~ letter, ~~various~~ in ~~spirit~~, there are
there are various issues in realizing
the same in spirit :-

1) The office of Chief Information Commission has been vacant for long.

2) Lack of formal training to the staff members.

3) Lack of awareness regarding 'how to file R.T.I. amongst the people.

4) Many institutions have not yet appointed a P.I.O. (Public Information Officer).

5) Scarcity in the ^{number of} staff members.

Thus addressing the above issues

will go a long way in improving

the Act

3. Promulgation of ordinances by the Central and State government reduces the legislative process to a private affair. It then becomes imperative that the ordinance-making power be suitably restrained to create a balance of power between the executive and the legislature." Discuss. (1100-1200)
- केन्द्र और राज्य सरकारों द्वारा अध्यादेशों का लाया जाना विधायी प्रक्रिया को सीमित करके कार्यपालिका का निजी मामला बना दिया है। इसलिए यह अनिवार्य हो जाता है कि कार्यपालिका और विधायिका के मध्य शक्ति संतुलन बनाए रखने के लिए अध्यादेश जारी करने की शक्ति पर युक्तियुक्त रूप से नियंत्रण आरोपित किया जाए। चर्चा करें।

• Art 123 (Art 213) gives ordinance making power to the President (governor), when one or both houses of the Parliament (state legislatures) are not in session.

But, the caveat is that this power, in spirit, should be followed only in case of contingencies..

• Of late, it has been observed that the executive has often used this power. For ex. the Land Bill being ~~in~~ executed via ordinance for

the third time. The reason given for the same, though valid to some extent, is the 'non-cooperative' attitude of the opposition.

- It is to be mentioned, that in a parliamentary democracy, 'bypassing' the parliament should not be given a green signal. Moreover, continuous use of ordinance, in an unfair way, showcases the executive's strength over the legislature.

• Thus, it distorts the delicate balance

of power.

• To use the power suitably, s.e.

Supreme court has given several judgements. In D.C. Wadhwa case,

the court says that the ordinance

must not be used to pass the

same bill again and again.

Moreover in Lee Cooper case, it

said that in case of malafide,

the ordinance will come under judicial

review.

Thus the power must be used very

cautiously.

4. Article 326 of the constitution gives the right to vote to every citizen of India. However, the constituency based electoral system does not adequately facilitate the exercise of these rights for sections such as internal migrants, service personnel and NRIs. Discuss the issues involved and the measures proposed to address the issue. 11:09

संविधान का अनुच्छेद 326 भारत के प्रत्येक नागरिक को मतदान का अधिकार देता है। हालांकि, निर्वाचन क्षेत्र आधारित चुनाव प्रणाली कुछ वर्गों जैसे कि आंतरिक प्रवासियों, सेवा कर्मियों और अनिवासी भारतीयों को इन अधिकारों के पर्याप्त रूप से उपयोग की सुविधा नहीं देती है। इसमें सम्मिलित मुद्दों और इसके समाधान के लिए प्रस्तावित उपायों पर चर्चा करें।

- Art 326 of the constitution advocates universal adult suffrage, thus prohibiting discrimination on the basis of religion, race, caste, sex.
- But, election commission (E.C.) has often found it difficult to implement the same when it comes to internal / external migrant, service personnel and NRIs.

- Various ^{general} issues are involved in this :-
- 1) For the NRIs, if they are not practically present in the constituency ~~the~~ the E.C. is left with 2 impractical (with present framework) solutions:
 - a) Voting in embassies which is not possible owing to large number of constituencies
 - b) Postal ballot is not feasible as the time involved in doing the same will be large.
- Moreover, parties will start ^{campaigning} canvassing outside India and it will be difficult to monitor violation in Model code of conduct.

4) For internal migrant and service personnel
~~proper~~ the issue is not that
profound and can be sorted out

Solutions

1) On a pilot basis, we can start
e-voting for internal migrants (I.M.) and
service personal (caveat will be proper
cyber security). The I.M. should be
allowed to register in new constituencies
in an easier way. The e-voting concept
if successful can be ~~re~~ reciprocated
for N.R.I.s.

• Further proxy voting seems an ~~opt~~
adequate solution for all the 3 classes.

5. The possibility of friction or conflict, as a result of the functioning of multiple regulators overseeing the different segments of financial sector, does not make a convincing case for a single all-powerful super-regulator. Discuss. (10)
- वित्तीय क्षेत्र के विभिन्न अंगों की देखरेख कर रहे बहुल नियामकों के कार्यकलापों के परिणामस्वरूप विरोध अथवा संघर्ष की उत्पन्न होने की संभावना, एक सर्व-शक्तिशाली परम नियामक के गठन हेतु तर्कपूर्ण स्थिति नहीं बनाती हैं। चर्चा करें।

In an economy, various facets of financial sector are interlinked. For example controlling the market, monetary policy, debt management, fiscal policy etc. At present, India has a separate regulator for almost each of them. This has both its pros and cons.

A single, superpower regulator will have the biggest drawback of conflict of interest. For example a

regulator managing the fiscal and
monetary policy or a regulator
controlling the public debt and
monetary policy. Moreover, it creates
confusion, for ex. say R.B.I. buys government
bonds at a cheaper rate. The
signal perceived by the public
i.e.
can be both (i) R.B.I. is managing
public debt (ii) R.B.I. trying to
manipulate inflation. Thirdly, the
present institutional capability and
expertise to manage different financial
sectors together.

- On the other hand, multiple regulators leave various loopholes. For example, the collective incentive schemes, till late it was not clear as to who ~~was~~ has the control over it. Complexities arise when two or more institutions have different kind of jurisdiction over the same issue.

Thus any step towards merging, demerging of regulators must be taken after due deliberation. Committees like FSLRC have given various recommendations for the same.

6. "Even though India represents a *sui-generis* case of a compromise between Parliamentary Supremacy and Judicial Supremacy, Parliament still remains the dominant partner." Critically analyze. 11:26 19

"भले ही भारत में संसदीय सर्वोच्चता और न्यायिक सर्वोच्चता के बीच संतुलन की स्थिति सुई-जेनेरिस है लेकिन संसद अभी भी अधिक प्रभावशाली भागीदार बना हुआ है"। आलोचनात्मक विश्लेषण करें।

India has carefully avoided the parliamentary supremacy (British pattern) as well as judicial supremacy (U.S. pattern). It advocates for a delicate separation of power, with check and balances. This check and balance is vivid in the provision relating to removal of supreme court judge, power of judicial review etc.

I would refrain from considering
 parliament as a dominant partner
 Supreme court, using the doctrine
 of basic structure and including
 the power of judicial review in
 it has checked any inclination
 towards parliamentary dominance. For
 ex. it declared null the section 8(4)
 of the R.P. Act that gives immunity
 to the parliamentarians. Moreover
 parliament has no control over the
 finances and working of the court.

That said, it is felt that the inclination has ~~tilted~~ been towards judicial supremacy. There have been various cases of judicial overreach (though the cases were genuine) to fill the political vacuum. In fact the parliament or the executive had, till late, no say in appointment of judges.

Thus, it cannot be inferred that Parliament is a dominant partner.

7. There has been a constant attempt towards making Panchayati Raj Institutions more egalitarian to do away with the wrongs created by the caste system, gender inequality and economic disparities. In this context discuss the challenges in effective implementation of inclusive governance through Panchayati Raj Institutions.

जाति व्यवस्था, लिंग असमानता और आर्थिक असमानताओं के द्वारा सृजित अन्याय को दूर करने के लिए पंचायती राज संस्थाओं को और अधिक समतावादी बनाने की दिशा में एक निरंतर प्रयास किया गया है। इस संदर्भ में पंचायती राज संस्थाओं के माध्यम से समावेशी शासन के प्रभावी क्रियान्वयन के समक्ष चुनौतियों पर चर्चा करें।

It is to no one's doubt that caste, gender inequalities are still entrenched in rural India. This gives way to economic disparities (as any kind of benefits are reaped by a few).

In this context, following a bottom up approach by empowering the Panchayats is a welcome step.

This step is further complemented by reservations in Panchayats for the S.C., S.T.

and the women, But, just setting up the framework and improper implementation, has been a big ill for the Indian administration.

Problems

- For effective implementation of any policy, proper finances are needed. State governments have shown reluctance in giving more finance to the Panchayats. Moreover rampant corruption and inability of Panchayats to absorb the funds is a problem.
- The power to effectively implement the

- 29 functional itens has not been dissolved.
- Overlap and non-coherence b/w the 3 tiers of Panchayats with the upper tiers held up by bureaucracy
 - It is alleged that the women members are just a proxy for their male counterparts
 - Lack of knowledge and expertise.

To address these issues, Prachi Commission says that the bureaucrats (in zila laishad) must be trained as per ground realities.

(Finance Commission)
The 14 F.C. has given recommendations regarding how to make Panchayats financially liable.

8. What are the issues associated with the recent ordinance passed by the Rajasthan government stipulating a minimum educational qualification for contesting local elections? Is this a setback to the constitutional mandate of ensuring gender equality in Panchayati governance? 10:45

राजस्थान सरकार द्वारा हाल ही में पारित अध्यादेश, जो स्थानीय चुनाव लड़ने हेतु न्यूनतम शैक्षिक योग्यता की शर्त आरोपित करता है, से जुड़े मुद्दे क्या हैं? क्या यह पंचायती शासन में लैंगिक समानता सुनिश्चित करने के संवैधानिक अधिदेश के लिए एक बाधा है?

Recently, Rajasthan government, passed an ordinance restricting the local election seats to the educated (above a threshold). following The reason given is that the representative must have a certain degree of qualification to better manage the problems of his area. Various issues are involved. for ex. If the local bodies have such a criterion, why not the parliament?

Should such criterion be put even on voters? what is the scientific tool used to calculate the optimum education qualification?

• I consider, it a setback to the constitutional mandate of ensuring equality and gender equality for various reasons. →

1) In a ~~para~~ democracy, it is the right of everyone to participate in electoral process

2) There is no evidence showing good performance by the educated.

3) ~~for~~ There will be cases of fake

school certificates.

particularly in regard of gender equality
studies have shown a paltry figure

for educated rural Rajasthan women. Thus

the reserved seats will be occupied only by

the rich women.

The best solution should be, the

candidates must give transparent and

correct information about their education

while filling forms. Rest must be

left with the voters.

9. Budget making in India is the sole prerogative of the Ministry of Finance. However, diverse opinions go into the process leading up to the presentation of Annual Budget. Provide a succinct illustration of the role of pressure groups in the budget making process in India. 10 : 99

भारत में बजट निर्माण वित्त मंत्रालय का एक विशेषाधिकार है। तथापि, वार्षिक बजट के प्रस्तुतीकरण तक विविध विचार इस प्रक्रिया में सम्मिलित होते हैं। भारत में बजट निर्माण की प्रक्रिया में दबाव समूहों की भूमिका पर एक संक्षिप्त व्याख्या प्रस्तुत करें।

The Budget making process involves various consultations and deliberations with various pressure groups. For ex. the before formulating the present budget, the Finance Minister had discussions with the FICCI. Their apprehensions and aspirations were taken into account. This has found expression in the promise of reducing the corporation tax, simplifying easy

exit procedures etc.

- Indirectly Various other indirect examples can be cited. for ex., pressure groups like Kisan Morcha try to extract benefits like subsidy on fertilizers, diesel etc.

- The NGOs and other voluntary organization through their ^{ground work} ~~advocacies~~ and debates inform the finance ministry regarding the needs and aspirations of the masses.

- Organisations like IDSA keep the

government aware of the increase
in defence finances.

- Apart from these labour unions,
student unions etc, all find their
exp demands heard and if possible
expressed (in the budget), ~~through their~~

Thus budget making is affected by
the pressure groups.

10. The recent judgment of the Supreme Court on the National Tax Tribunal Act aims to restore the balance in separation of powers. However, the judgment would go against the idea of Tribunals under the constitution. Examine. 11:07
राष्ट्रीय कर न्यायाधिकरण अधिनियम पर उच्चतम न्यायालय के हाल के निर्णय का लक्ष्य शक्ति पृथक्करण में संतुलन बहाल करना है। हालांकि, यह निर्णय संविधान के अंतर्गत न्यायाधिकरण की अवधारणा के विरुद्ध जायेगा। परीक्षण करें।

Tribunals are set-up for various reasons-

These include, decongesting the judiciary

of huge cases, faster decision making,

having adequate technical expertise etc.

and having powers of civil court
Being, quasi-judicial in nature, the supreme

court has laid down some criterions

for the same. It says that the

tribunal must be headed by a

person have similar qualifications ~~etc~~

of the judge (who would have handle

the same, ~~on case~~ prior to setting up of

tribunals) i.e. similar to high court
judgement in most cases.

- The National Tax Tribunal Act was
quashed as it didn't adhere
to the above principal.

- But critics have, opined that the
judgement goes against the very
idea of setting tribunal. The idea of
technical expertise often comes into
conflict with the requirement of
qualification similar to high court
judge.

~~Thus, it is felt that rather than~~
 • But, on the other hand the delicate
 separation b/w the executive and
 judiciary must not be crossed. There
 are various ways to speed up the
 cases without breaching the line of
 separation b/w the two organs. These
 include simplification of laws, adequate
 assistance to the head of Tribunal
 by technically qualified people. Moreover the
 head must be chosen carefully with
 good domain knowledge along with suitable
 qualification

11. "Lobbying and bribing are often equated to be similar terms in general parlance." Is lobbying the same as bribing? Should lobbying be legalised in India? Discuss providing examples from other countries.

"साधारण भाषा में लॉबिंग (पैरवी) और रिश्वत को अक्सर समान शब्दों में प्रयोग किया जाता है।" क्या लॉबिंग रिश्वत के जैसे ही है? क्या भारत में लॉबिंग को वैध कर देना चाहिए? अन्य देशों के उदाहरण प्रस्तुत करते हुए चर्चा करें।

In an opaque atmosphere of lobbying,
combined with the general perception
of widespread corruption, lobbying is
many times seen incomplete with bribing.
But both are not the same.

Lobbying is trying to put your
ideas on board/s or getting some work done
by expressing yourself
clearly, supporting ~~them~~ the arguments
with examples.

Bribing, on the other hand is a form
of quid-pro-quo whereby one accomplishes

his/her task by paying illegitimate money.

- Even though lobbying is not banned in India, it is not legally regulated

Hence any kind of lobbying smirks of ill-will. Legalizing this, will help better articulation of diverse ideas, check 'back-door' corruption and create an overall idea of transparency.

Moreover, not legalizing ~~the~~ it, doesn't create obstacles for the lobbyist, it just hides them from public glare.

- The recent example of Walmart lobbying and bribing is still fresh in memories.
- In other countries, specially in the west (e.g. U.S.) lobbying is legally regulated. The famous Jewish lobby, pharma lobby etc are examples for the same. Such open lobbying have helped other countries better understand the administrative framework of U.S.

12. In comparison with the American constitutional arrangement, where there is strict separation of executive and legislature, the Indian Constitution provides for a fused structure. Do you think this system has worked for India?

अमेरिकी संवैधानिक व्यवस्था जहाँ कार्यपालिका और विधायिका में कटोर विभाजन है, की तुलना में, भारतीय संविधान एक संयोजित संरचना प्रदान करता है। क्या आपको लगता है कि यह पद्धति भारत में सफल हुई है?

The American constitution provides for presidential system. The president ~~has~~ ^(is) various is both the de-facto and de-jure head of state.

The Indian constitution on the other hand follows a parliamentary system. The head of the executive (President) is the de-jure head.

The executive is i.e. the Union Council of Ministers is collectively responsible

to the Lok Sabha.

Yes, I think the system has worked for India, though with some drawbacks.

The drawback is seen in the delay in passing the bills and at times unstable government (for ex. in the state of Jharkhand).

But overall the system has worked for India. The legislature is the real representative of the people.

and the executive. They have the greatest say in passage of bills

and framing laws. Moreover it

ensures that the executives have the support of the people - for ex - the Janta Party in 1978 was removed when the executives didn't find ^{adequate} support in the legislature.

in totality, the overall success of Indian democracy shows that the system has worked for India.

13. The Indian electoral system aims at ensuring equitable representation to the vulnerable sections. In this context, discuss the issue of women's representation at different levels of governance in India. 12 : 35 (160)
- भारतीय चुनाव प्रणाली कमजोर वर्गों के लिए समान प्रतिनिधित्व सुनिश्चित करने का प्रयत्न करती है। इस संदर्भ में, भारत में शासन के विभिन्न स्तरों पर महिलाओं के प्रतिनिधित्व के मुद्दे पर चर्चा करें।

~~The vulnerabilities of various sections,~~
Using reservations at various levels, the Indian electoral system aims at ensuring equitable representation to the vulnerable sections.

Women's representation

- At the lowest level of governance, i.e. panchayats, 33% of the seats are reserved both at panchayat level and at chairperson level for the women. The issue remains, if these women are independent enough to take

their decision or are just proxy of the male counterpart.

- At the central level, representation of women has been paltry (only in the last 2 Lok Sabhas, the representation of women crossed 10% of the seats). There are two issues involved. ^{Firstly} the apathy and parochial mind of voters who thing women are unfit to govern. Secondly the neglect of the issue by our parliamentarians who have ignore the voices advocating women reservation bill.

- In other spheres of governance, for ex. the Police services, representation of

women is again low. But as studies show, the issue has been more with the non-interest of women towards police services.

14. It has often been argued that the MPLAD Scheme is inconsistent with the spirit of the Constitution and an anti-thesis to decentralization. In this context, examine whether the time has arrived to scrap the MPLAD Scheme. अक्सर यह तर्क दिया जाता है कि एमपीएलएडी योजना संवैधानिक भावना से असंगत है तथा विकेंद्रीकरण के विपरीत है। इस संदर्भ में, परीक्षण करें कि क्या एमपीएलएडी योजना को समाप्त करने का समय आ गया है?

The MPLAD scheme has faced criticism on two fronts :-

1) Spirit of Constitution : The members of Parliament are part of the legislature. Giving them funds, to perform an executive role, is against the principal of separation of power.

2) Anti-thesis to decentralization : Giving funds in one hand, rather than empowering the local bodies.

~~I feel that~~

The MPLAD scheme apart from above

two criticism, has been criticized for corruption and inefficient use of funds.

- However, there are various reasons to support the scheme. M.P.'s being accountable to the people of their constituencies must be empowered with some funds to accomplish their task.
- That said, the method of implementation can be changed. For example, the concept of Mohalla Sabhas can be applied. The ^{public} people can decide

on where, when and how to use
funds.

15. Should the CAG be allowed to comment on issues of extravagance and efficiency, apart from the legality of a particular expenditure? Analyse. Also examine if the mandate of the CAG audit be extended to the private bodies involved in public projects.

क्या कैंग को एक विशेष व्यय की वैधता से इतर, फिजूलखर्ची और दक्षता के मुद्दों पर टिप्पणी करने के लिए अनुमति दी जानी चाहिए? विश्लेषण कीजिए। यह भी परीक्षण करें की क्या कैंग की लेखापरीक्षा के क्षेत्राधिकार को सार्वजनिक परियोजनाओं में शामिल निजी निकायों तक बढ़ाया जाना चाहिए।

CAG is the custodian of the accounts of the centre and the state.

To perform this role the CAG must ~~do~~ do both proprietary audit and legal audit. With the present legal framework, it is very easy to extravagantly spend funds without being held accountable.

Thus the CAG should also be allowed to comment on issues of extravagance and efficiency.

- Art 149 empowers the parliament to make laws to include new areas under the purview of CAG. Such a law for private body involved in public project has not been made yet. But it would be appropriate to do so. Being involved in public projects, includes the private bodies under the definition of state (under Article (12)). Moreover wherever money of taxpayer is involved, the CAG ~~has~~ should scrutinize the same.

Similar view was supported by Supreme

Court, when it allowed CAG to
audit the accounts of telecom companies

16. The Upper Chamber of Parliaments across the world are generally considered less powerful vis-à-vis their Lower Chamber. However, they are also vested with certain functions and powers, which enables them to play a decisive role. Critically analyse with special emphasis on India.

विश्व भर में संसदों के ऊपरी सदन को आम तौर उनके निचले सदन की तुलना में कम शक्तिशाली माना जाता है। हालांकि, वे भी निश्चित कार्यों और शक्तियों से निहित हैं, जो उन्हें एक निर्णायक भूमिका अदा करने में सक्षम बनाता है। भारत पर विशेष जोर देते हुए आलोचनात्मक विश्लेषण करें।

The Indian Upper House (Rajya Sabha) has less powers than the Lower House (Lok Sabha)

in following case :-

1) Lok Sabha (L.S.) has more effective power in regards money bill

2) Only L.S. can vote on demand for grants and budget

3) Only L.S. can revoke national emergency by passing a resolution.

4) Numerical strength in joint sitting of parliament.

5) The Council of Ministers is accountable

to the Lok Sabha.

• However the R.S. is also vested with certain powers - for ex.

1) Under Art 312, for formation of a new Ais, a resolution has to be passed in R.S. (majority of $\frac{2}{3}$ present and voting)

2) Under Art 249, if R.S. feels that a particular subject of state list is important for the centre to make law upon, it can do so.

3) Under Art 67, resolution for removal of Vice President can be introduced only in R.S.

In all other cases, R.S. is at par with L.S.

Moreover it exercises a dilatory power, i.e. it checks if any bill is passed in haste by Lok Sabha. It gives space for political parties to get some seats for their prominent leaders and benefit from their expertise.

Thus, in Indian context, though it has lesser powers, it is a second chamber, ~~but~~ ^{not} a secondary chamber.

17. It is said that the strength of judiciary, the guardian of the country's democracy, depends on two pillars of justice delivery system – quality and speed. Of these 2 pillars, the Indian judicial system is weak in speedily dispensing justice. Identify the reasons for such a backlog and also enlist recent measures which have been taken to reduce such delay.

यह कहा जाता है कि न्यायपालिका जो देश के लोकतंत्र की रक्षक है, की शक्ति न्याय वितरण प्रणाली के दो स्तंभों – गुणवत्ता एवं त्वरा पर निर्भर करता है। इन दो स्तंभों में से, भारतीय न्यायिक प्रणाली त्वरित न्याय वितरण में कमजोर है। इस तरह के कार्य विलंब के कारणों की पहचान करें और ऐसे विलंब को कम करने हेतु हाल में किये गए उपायों की सूची प्रस्तुत करें।

There are various reasons for the huge back log of cases ÷

1) Large number of frivolous case are

reported. The penalties for filing such

cases is a very low

2) Inadequate number of Judges in the country.

~~The reason~~ One of the reason is low

salary. Many The lawyers in courts

often have better salaries than

the judges.

3) Large number of Adjournment - S.C. in

Shiv lolex case said that adjournments are like cancer eroding the body of judiciary.

The adjournments are due to lack of facts and lack of ^{approach by} prosecutor.

*) lack of Technical expertise: The courts have to depend on committees, which take large time to give concrete answers.

Apart from these, it is sad to see that only 0.4 - 0.6% of GDP is kept for judiciary. This explains the condition of lower courts.

Some steps that have been taken include setting up of tribunals for faster verdict. The Madras high court

has recently started the concept of
evening courts to deal with
Chalan cases.

18. Should the Section 8 of the Representation of the People Act, 1951 be amended to disqualify candidates accused of an offence punishable by imprisonment of 5 years or more even when trial is pending, given that the Court has framed charges against the person? Discuss in the light of the SC judgment on the issue.

क्या 5 वर्ष या अधिक के कारावास के दंडनीय अपराध के दोषी किसी प्रत्याशी को अयोग्य ठहराने हेतु, जन प्रतिनिधित्व कानून, 1951 की धारा 8 में संशोधन होना चाहिए, जबकि जांच लंबित हो लेकिन न्यायालय ने व्यक्ति के खिलाफ आरोप तय कर दिए हों? इस मुद्दे पर उच्चतम न्यायालय के फैसले के आलोक में चर्चा करें।

Recently the Supreme Court declared section 8(4) of the R.P. Act null and void. The act gave

- The Supreme Court recently declared section 8(4) of the R.P. Act null and void.

The act gave ^{secured the} members of parliament of their seats if they appealed in higher court within three months of being charged guilty:

Similar is the case of disqualifying

candidates accused of an offence punishable
by imprisonment of 5 yrs or more.

~~Following~~

~~the point only valid point is~~

- Given the present, judicial framework,
the candidates leverage the large
time taken by judiciary, to announce
the verdict by reappearing the same
at higher courts. Thus the court
tries to avoid this misuse in
its judgement.

- But, critics have pointed out, that
lower courts seldom do have
adequate expertise. Moreover, various

examples show that verdict of lower courts are reversed by the high court.

Debarring the candidates, gives an opportunity to them to file frivolous case at lower levels and gain benefits of any misjudgement.

- Thus, both points being valid, the real solution lies in increasing the expertise of lower courts and decreasing the time taken to announce verdicts.

19. There are three justifications for regulatory interventions: prevention of market failure, checking anti-competitive practices and promoting public interest. In context of the above statement, critically examine the functioning of regulatory bodies in India.
- विनियामक हस्तक्षेप हेतु तीन औचित्य हैं :- बाजार विफलता की रोकथाम, प्रतिस्पर्धा विरोधी व्यवहार पर रोक और लोक हित को बढ़ावा देना। उपरोक्त कथन के संदर्भ में, भारत में नियामक निकायों के कार्यकलापों की आलोचनात्मक व्याख्या करें।

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20. "The power of the Union Government to enter into international treaties cannot be absolute or unchartered in view of the federal structure of legislative and executive powers." In context of the above statement examine the need for greater involvement of states in the foreign policy making process.

"अंतरराष्ट्रीय संधियों को करने की संघ सरकार की शक्ति, विधायी और कार्यकारी शक्तियों के संघीय ढांचे को ध्यान में रखते हुए असीम या अज्ञात नहीं हो सकती।" उपरोक्त कथन के संदर्भ में विदेश नीति निर्माण की प्रक्रिया में राज्यों की अधिक से अधिक भागीदारी की आवश्यकता का परीक्षण करें।

- Abiding by the principals of federal structure, one feels that Union government must take states into account while charting international treaties. Moreover with the present coalition politics, it is not feasible to completely ignore states demand.
- The Prachi commission, rightly mentions that states, who are affected by any international treaty must be consulted. Further it advocates that the finance commission while distributary funds must take into account

If states are affected by the international treaty.

The present government, in its Bangladesh policy, has taken into account the concerns of the West Bengal and Assam government.

- ~~Along with this,~~
- However, the unitary bent of our constitution demands that the upper hand in the international treaty must be with centre. States must not be allowed to delay such agreement, due to petty election gains. For ex. the present W.Bengal Chief Minister has said that Teesta agreement, if has to be

signed will be done only after 2016 elections

- Thus overall a greater cooperation with state is desirable