



VISION IAS

www.visionias.in

GENERAL STUDIES (TEST CODE : 1049)

Name of Candidate	KHUSHBOO LATHER		
Medium Eng./Hindi	ENGLISH	Registration Number	25609
Center	JAI PUR	Date	19/7/18

INDEX TABLE			INSTRUCTIONS
Q. No.	Maximum Marks	Marks Obtained	
1	10		<p>1. Do furnish the appropriate details in the answer sheet (viz. Name, Registration Number and Test Code). उत्तर पुस्तिका में सूचनाएं भरना आवश्यक है (नाम, प्रश्न-पत्र कोड, विद्यार्थी क्रमांक आदि)।</p> <p>2. There are TWENTY questions printed in ENGLISH & HINDI इसमें बीस प्रश्न हैं अंग्रेजी और हिन्दी में छपे हैं।</p> <p>3. All questions are compulsory. सभी प्रश्न अनिवार्य हैं।</p> <p>4. The number of marks carried by a question/part is indicated against it. प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।</p> <p>5. 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।</p> <p>6. Word limit in questions, if specified, should be adhered to. प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।</p> <p>7. 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।</p>
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:			

75, 3rd Floor, Old Rajinder Nagar Market, Near Axis Bank, New Delhi – 110060

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

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।

Article 154 of Constitution states the Governor is to be nominal, de facto head of states. He has ~~wide~~ wide ranging constitutional and situational discretionary powers -

Constitutional:

- ① when to recommend application of Article 356 (State Emergency)
- ② when to ~~recommend~~ save a bill for Presidential assent
- ③ when governing adjoining union territories
- ④ with respect to tribal and scheduled areas etc.

Situational -

- ① whom to appoint as chief minister when no majority is clear
- ② when to dissolve the state assembly -

As Governor is appointed by the President on recommendation of central government, he serves as a link with centre.

Issues arising :

1. Declaration of state emergency even in cases not needed, without floor tests. as seen recently in Uttarakhand.
2. Interfering in functioning of state assembly as seen in Jharkhand Pradesh in 2016.
3. Showing partisanship and being political, biased.

These issues arise due to above stated wide ranging powers. Recommendations of Sarkaria and Punchhi commissions along with the Bommai judgement must be followed in spirit to resolve these problems.

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।

India is a vast country. Subordinate legislation refers to the practice of legislative activities by those other than elected representatives in the parliament. It is practised to ~~it is for~~ reduce the burden on Parliament / state assembly.

Various ways -

- ① Formation of bills by Department standing committees (DSCs)
- ② Assessing the demand for grants in budget by DSC
- ③ Evaluation of bills after first reading by Parliamentary standing committees
- ④ Post work scrutiny by committees like Public Accounts Committee etc.
- ⑤ Formulation of rules pertaining to various laws by

ministries, departments etc.
 ⑥ Application of these laws,
 rules by government
 mechanisms for scrutiny and control

- ① Members of Parliament are also members of the committees and thus part of their work
- ② They submit reports for scrutiny of the Parliament/legislative assembly
- ③ Parliament can request presence of experts to evaluate progress.
- ④ Committees like PAC also ensure accountability
- ⑤ Government has to legally ensure rules are in line with law.
 This ensures accountability and representation of people's concerns.

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 is the presiding officer of the lower house of the Parliament / assembly. They play an important role -

1. Deciding the breaking issues by voting in second instance
2. Deciding on quorum
3. Holding secret session
4. Deciding cases pertaining to defection.
5. Allowing motions to be ~~not~~ discussed in Parliament / assembly
6. Cases pertaining to breach of privilege.
7. Final Interpreter of constitution within precinct of assembly.

Issues faced

1. Speaker may be biased
2. Speaker may show political affiliation
3. As a result voice of opposition might be stifled
4. The parliamentary process too suffers negatively.

Given the undue gamut of the speaker's powers and the above issues that arise, it is important to keep the speaker free from political pressure and influence. Practices like resignation from political party when becoming speaker ~~as per~~ can be followed.

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 were first formed in 1993 to help deal with burden of legislation. They have representatives from members of Parliament and are thus mini Parliaments.

Relevance and Parliament :

1. They help ministries with formulation with draft bills
2. Bills are referred to these DRSs after first read to ensure ~~more~~ detailed scrutiny.

3. They analyse policy reports and annual reports of ministries
4. They analyse the demand for grants of ministries to ensure propriety and fiscal prudence.
5. They bring in external experts to improve quality of assessment.

By the above work done by DRSs they ensure that legislation is scrutinised, and beneficial to polity. As a result they raise parliamentary effectiveness.

5. Enumerate the issues associated with functioning of tribunals in India. How can these be addressed? (150 words) 10

भारत में अधिकरणों की कार्यपद्धति में संबद्ध मुद्दों को सूचीबद्ध कीजिए। इनका समाधान कैसे किया जा सकता है?

Article 323 A and
323 B deal with tribunals in
India :

<p>323A - Administrative Tribunal</p>	<p>323 - B Other purposes (eg. election, taxes, land etc.)</p>
---	--

Issues faced by tribunals

1. Multiplicity - many tribunals exist as even states are allowed to form them under Article 323 B. This makes system overburdened and unsustainable.
2. Lack of experts for the specific subject matter tribunal deals with is ~~also~~ a concern.
3. Lack of resources or infrastructural prevents functioning of tribunals.

4. There are large number of
pendencies with the
tribunals
5. Appeals to other courts
delay delivery of justice.

Solution:

1. Consolidation of various
tribunals by rationalisation
in number
2. Provide ~~at~~ monetary resources
and adequate infrastructure
for functioning
3. Human resources including
experts needed
4. Need fast track process to
address pendencies.

The recent rationalisation
of number of tribunals is
a step in the right direction.

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 Sabha is envisaged as the centre of the local government revolution in Article 243A of 73rd constitutional Amendment Act. It includes all the voting members of a village as listed in electoral roll.

Significance

1. They are to play important role in schemes like MDRCA where they identify beneficiaries
2. They elect the Gram Panchayat which is a representation of the Sabha's aspirations
3. They aid with exercises like identifying Below Poverty Line members etc.

4. Scheduled Areas:

- They identify traditional rights of locals as per PESA Act 1996
- Simultaneously, they endow forest rights as per FRA Act 2006
- They identify mining rights and usage of other natural produce
- They are the point of emanating awareness about governance
- their approval is needed for developmental project in these areas.

Mus Croam Sabha plays an important role in development of these regions.

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 upper house of Parliament is representative of federal structure of our country.

Role played -

1. Similar to Lok Sabha when analysing normal bills
2. Can allow parliament to legislate on state subjects
3. Can allow for creation of new All India Services
4. Approves emergency ~~and~~ ordinances etc. just like LS.
5. Participates in impeachment of President, Vice President.

Limitations -

1. Can't introduce or amend money bills
2. Can't vote on demand for grants for budget.

3. can't meet in a joint sitting
4. ~~is not~~ ministers are collectively responsible to Lok Sabha only.

Despite these limitations
It is not merely a second house
as it has ~~deliberation~~ revision,
deliberation powers.

R.S	State Legislative Council
→ can delay bill by six months	→ can delay only by 3 months
→ has provision of joint sitting	→ no such provision
→ doesn't need to agree to bill if passed by Lok Sabha second time	→ legislative Assembly has power to override its opinion
→ homogeneous in character	→ heterogeneous in character
→ independent existence	→ depends on Assembly for creation and existence
thus Rajya Sabha is more powerful	

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 Mihir Shah
Committee on water governance
aims to revamp our
archaic systems.

- ① Currently CWC looks after surface water concerns
- ② CGWB looks at ground water and its usage.

Recommendations

- ① Integrated approach:
There is a need to look at water holistically and not in fragmented segments as ground / surface water
- ② Multidisciplinary view:
Instead of looking at only

the engineering or scientific aspect there is a need to highlight others like social, economical etc -

- ③ Institutional changes →
there is a need to re-arrange these organisations -
→ complete dismantling of structure
→ National Water Commission to be set up for consolidated vision

④ Encourage emphasis on different aspects like:

↓	↓	↓
river water	urban water structure	industrial usage etc.

Thus there is a need to broaden our approach to water governance by re-arranging the structure of CWC and CWBs as above -

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 1951 under Section 8 details following grounds for ~~denying~~ denying right to contest:

- ① Conviction in cases pertaining to corruption, money laundering
- ② Conviction in case with punishment greater than two years. This ban continues for six years after release
- ③ ~~Conviction~~ Conviction for hoarding, dowry, sati, child marriage type anti social activities.
- ④ For inciting hatred on basis of caste, religion etc.

Advantages of life time ban

- will prevent criminalisation of politics
- will improve image of politicians and bring better talent to politics
- will incentivise politicians to not partake in criminal activities

concerns

- will disenfranchise those wrongfully convicted
- will be against the principle of allowing reformation of convicts
- equates all criminals as one by banning them.

Thus while such a ban will help reduce criminal activities, there must be a gradation of punishment as per type of crime.

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।

Article 37 - Article 51 of Part IV of constitution deals with Directive Principles while Part III deals with fundamental rights.

Why DPSP important

- ① They are positive in nature i.e. instead of telling state what not to do they tell state what to do.
- ② They ~~are~~ aim to bring economic and social democracy by focussing on economic and social welfare of all.
- ③ They aim to enhance welfare in lines of various principles:
 - ↳ Gandhian
 - ↳ Liberal
 - ↳ Socialist

④ Give state a framework to bring in development and enhance welfare.

⑤ Collective in nature

Importance of Fundamental Rights

① They are the bedrock of individual liberty which is crucial for welfare

② Limit role of state to enhance well being

③ They provide the foundation of political democracy on which economic and social democracy promised by DPSP rests.

~~Thus while DPSP are~~

Thus while DPSP provides the agenda to achieve welfare, FR provide the bedrock. Thus both are important.

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।

India adopted the First Past the Post system as against Proportional Representation system (PR) for elections to Parliament's Lower House and state Legislative Assemblies. There have been demands to replace FPTP with PR.

Merits of FPTP :

In this system individual who gains the maximum votes is elected. -

1. Simple to understand. This becomes important as India is a vast and diverse country.
2. Less costly compared to PR.
3. Leads to election of one representative from one

constituency. This ensures accountability for the ~~the~~ citizens as responsibility lies with one individual.

4. India has historical familiarity with this system.

Demerits

1) Leads to rule by those who don't necessarily have majority of the votes

2) It is not representative of true electorate as per vote share.

3) marginalises the opposition parties and leads to rule of majority.

As a result demand for PR system arose: under this seats are awarded to all parties as per their share in votes.

Merits

1. Truly representative of demands of electorate as visible in vote share

2. Gives representation to even minorities

3. Leads to development of various political parties
4. All political parties represented in extremes.

Demerits

1. Costlier than FPTP
2. More complex to comprehend
3. Leads to diffusion of accountability as multiple individuals represent a constituency.
4. Leads to disconnect between politicians and citizens at ground level while fostering party system.

CONCLUSION

In the 16th Lok Sabha the ruling party has won 34% vote share but majority given this inconsistency we may adopt a hybrid electoral system as recommended by Law Commission of India's 170th and 253th reports on electoral reforms.

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।

Indian judiciary suffers from a huge backlog of cases with lower judiciary having more than 3 crore pendencies alone.

REASONS FOR PENDENCY

- ① Judges strength :
The sanctioned strength of judges lies vacant at various levels including for high courts.
- ② Delay in appointment of judges :
There is a delay due to long process of appointment that requires consultation with government as well.
- ③ Improper Case Management :
Indian judiciary doesn't have a well planned case management system.

④ Lack of resources

Judiciary is dependent for resources on executive and legislature. They are resource ~~short~~ starved as a result.

⑤ Appeal system

Under various provisions like special leave petition or Appellate jurisdiction, Supreme Court and High Court take up part cases ~~more~~ frequently, leading to building of pendencies.

SOLUTIONS :

①. Appointment and vacancies :
The memorandum of Procedure to appoint judges must be immediately resolved and existing vacancies must be filled.

②. Alternative Dispute Resolution (ADR) Mechanism - ADR mechanisms like Arbitration, Reconciliation, mediation etc. must be developed.

③. Resources - More resources should be made available to judiciary.

④ Further, whenever new laws with special or fast track courts are created they should be accompanied with resources to do so to prevent undermining.

⑤ Government litigation - Government is a major litigator. The National Litigation Policy 2010 must be revamped to change this.

⑥ Other ways : There is a need to create awareness about Lok Adalats, Nyaya Panchayats etc. Innovative mechanisms like Rajasthan's Nyay Apke Dwar Yojana can also be adopted.

⑦ Technology - use of technology must increase tendencies in judiciary cause delay in delivery of justice and undermine the spirit of our democracy. They must be addressed as above for resolution.

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 the constitution states that saving for laws made by due process anything that violates right to life, liberty etc. is unconstitutional.

meaning procedural due process

1. due process of law doctrine -

It means that if a law is made as per the correct procedure, irrespective of its content, it is valid.

It is a restrictive interpretation.

2. procedural due

2. due process of law doctrine -

This is a broader interpretation. Here not just the process used to make the law is questioned. Whether the law is just, fair and reasonable is

also a concern. Thus the content of the laws matter.

3. Substantive due process doctrine

It is a compromise between the above two.

Supreme court's position

1. In the Case Article

21 of the constitution was said to include only an individual's personal activities and life/liberty etc.

It also said that we follow the ~~due~~ procedure established by law doctrine and Article 21 is thus restricted.

2. In the Maneka Gandhi versus Union of India case the above ruling was reversed.

As per this ~~the~~ Article 21 applies not just personally. It also allowed for the American doctrine of due process of law to enter our discourse.

3. Subsequent judgements have dwelled on this ~~and~~. This has led to broader interpretation including -

- * Right to fair trial
- * Right to environment
- * Right to privacy
- * Right to peacefully die (special conditions) etc.

Thus the Supreme Court has used its powers as the final interpreter of Constitution to broaden Article 21. This has led to empowerment of our citizens.

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 उदागीकरण के बाद की अवधि में भारत में सहकारी संघवाद सुदृढ़ हुआ है? अपने उत्तर के समर्थन में कारण प्रस्तुत कीजिए।

India is a federal country with three constitutionally recognised tiers of the government - ~~centre, state~~
cooperative federalism implies;

vertical cooperation between different tiers i.e. between centre and state

horizontal cooperation between states at the same level.

The aim of cooperative federalism is collective development of the polity.

Cooperative Federalism before 1991

Some key steps were taken before the liberalisation era -

1. Establishment of National Development Council where states and centre was given voice.

2. Establishment of other institutions like Inter state Council and Zonal Council to give voice to state's aspirations
3. Vertical devolution of funds as required constitutionally.
4. Horizontal equity across states as by using the Gadgil formula (since 5th Finance Commission)

Yet there were some concerns:

Planning Commission
centralised the
devolution process

Centre had
more power
in forums like
Inter State Council etc.

Cooperative Federalism After 1991

1. Under The Alternative Devolution Scheme of Tenth Finance Commission a new format of financial devolution emerged that has empowered states.
2. Post liberalisation increase in our tax revenue has also led to increased cooperation.

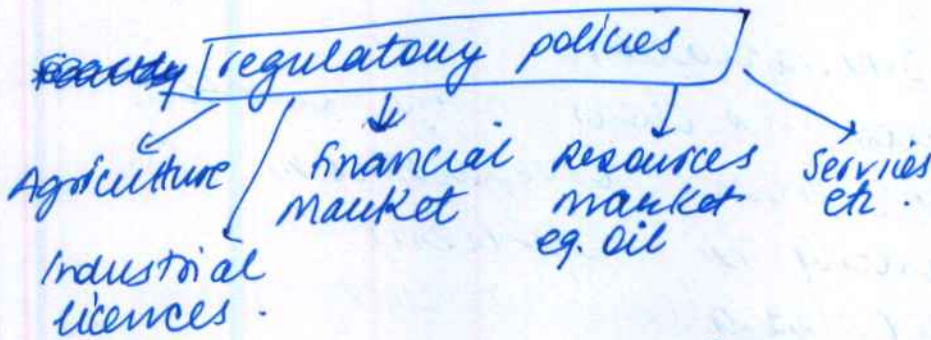
3. Replacement of ~~Niti Aayog~~ Planning Commission by Niti Aayog is the most important step as it decentralised decision making while taking away discretionary financing powers.
4. NITI Aayog's governing Council with 66% representation from states is a key innovation in cooperative federalism.
5. Similarly the introduction of Goods And Service Tax and the GST council have increased cooperation between central and state.

Thus ~~while~~ cooperative federalism has definitely strengthened post the liberalisation era. We are also promoting competitive federalism to ensure optimal efficiency across all levels of government.

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 अंतक्रिया 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।

Government as regulator of the market plays a crucial role. It is the gatekeeper and has to ensure activities take place smoothly.



Faulty regulatory policies can thus be in any market. They arise not only due to improper planning and thus poorly thought out policies but also due to poor implementation of well thought out policies.

SYSTEMIC ISSUES① Corruption:

Regulatory environment in India suffers from corruption. This may take the form of bribing government officials in charge or quid pro quo between government and private sector.

② Overregulation

Various sectors in the country suffer from overregulation leading to inefficient outcomes e.g. like agriculture has interventions from government at various levels, harming value chain.

③ Conflict of interest

There are sectors where government is both regulator and also participant in the market. This ~~creates~~ conflict leads to perverse outcomes. e.g. RBI is the central bank regulating banking

industry majority owned by public sector banks.

④ Lack of transparency
Indian regulators are unable to ensure transparency. As a result public involved in these markets suffers.

⑤ Lack of infrastructure
Government suffers from poor infrastructure and lack of resources. This weakens its ability to regulate these markets.

Improper regulation leads to issues and scams eg. like the Forward Market Commission scam or the recent Non performing Assets issue. Public is affected negatively by these. Thus there is a need to streamline the regulators while simultaneously empowering them.

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।

Article 312 of the Constitution envisages the Union Public Service Commission (UPSC) as the watchdog of meritocracy in the country. As the Central Authority, UPSC has been given ample powers for independent and impartial functioning :-

1. members of UPSC are appointed by the President. They are promised a security of tenure.
2. These members can only be removed by a well laid out process on only previously stipulated conditions.

3. Their terms of appointment can not be worsened during course of their term.
 4. Their salaries etc. are charged on the Consolidated Fund of India and thus not open to ~~voting~~ discussion by Parliament.
 5. They are set up as an autonomous, independent constitutional body without interference ~~or~~ from executive.
 6. They can't be further employed.
Limitations on UPSC's functioning
1. The constitution does not specify the qualifications of UPSC members leaving giving the executive full power in deciding whom to select for this post. This allows for favoritism to enter the process.

2. strength of UPSC is also not specified in constitution.
This leads to executive leeway
3. UPSC is given resources by the government to function this can harm its independence
4. ~~It~~ It doesn't have powers mandatorily to consult in the transfer or promotion process of selected candidates.
5. Department of Personnel and Training, which ~~is~~ is not a constitutional body, dictates ~~the~~ all important activities of selected candidates.
6. While political postings are banned by constitution this is at times violated.
To strengthen UPSC the qualification of its members must be constitutionally recognised. Consultation with UPSC for postings/promotions should also be made mandatory.

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?

Electoral funding in India suffers from various issues -

1. Source of funding :

As contributions below ₹20,000 to political parties needn't be reported, there is a surge in this source. With 69% income of political parties between 2004-05 - 2014-15 being anonymous, this lack of transparency is an issue.

2. Cash :

Electoral funding deals more with cash than any other form. This prevents accountability as there is no paper trail.

3. Black money :

As cash is used, there are concerns that black money is ~~the~~ an important component.

4. Unfair advantage

Those with more funding have an unfair advantage over other candidates. This makes the ~~issue~~^{election} more about money power and less about issues.

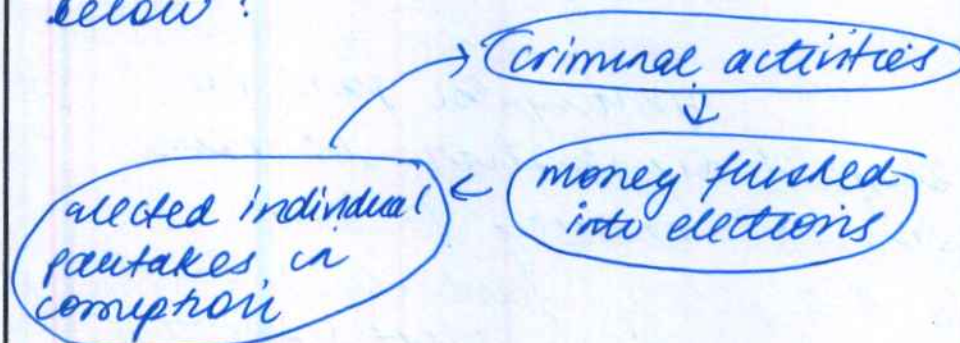
STATE FUNDING: ALTERNATIVE

~~Under~~ the Senesh Neewami Committee (1990) and Indrajit Gupta Committee (1993) did recommend state funding of elections to address above issues:

Advantages :

1. will reduce the role played by money in elections, ensuring equity
2. Issue of political parties being held captive to demands of their fund providers will also not arise.

3. will break the cycle ~~of~~
below :



4. will ensure political parties stick to stipulated monetary limits when it comes to expenditure.

5. will ensure more transparency and accountability.

concerns

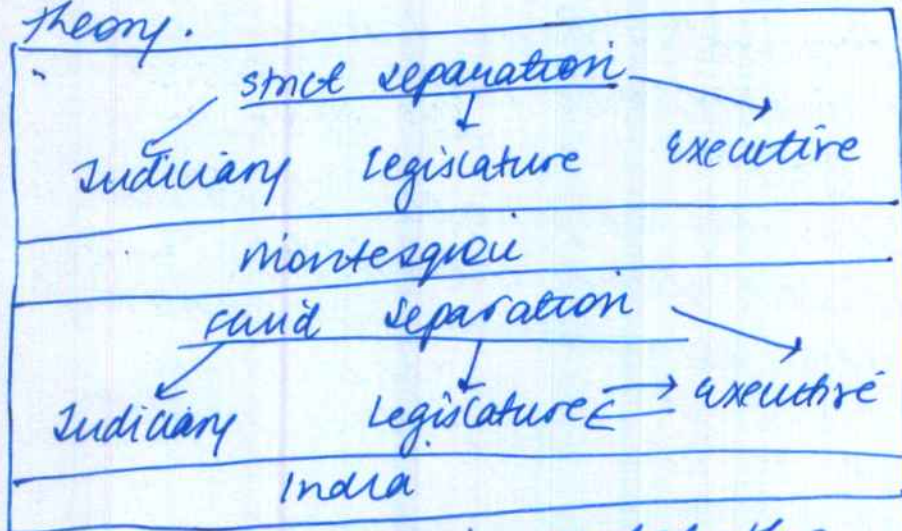
1. might not stop parallel funding
2. will put huge economic burden on ~~economy~~ government
3. elections come as economic boost to country. This might change.

Thus while state funding might help in the long run, in the short run other electoral reforms as suggested in Law Commission of India's 170th and 255th report must be implemented.

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।

Montesquieu gave the theory of separation of powers in the 18th century. As per this a polity functions well when there is strict separation of powers between its three pillars. India has developed its own format of this theory.



India adopted the Parliamentary form of government where the separation between legislature and executive is not strict.

1. As per Article ~~71~~ President is the head of the executive while as per Article 53 he is also a member of the Parliament where he has powers to address, prorogue etc.
2. Similarly, the Prime Minister is not just the de-facto head of the executive government but also leader of the house in Parliament.
3. ~~Since~~ Further even the ministers are members of the Parliament thus they play a dual role.
4. The ministers are collectively responsible to the Lower House. This forms the bedrock of our democracy.
5. Parliament exercises its control over the executive in various ways -
→ Committees like Public Account Committee scrutinise finances.

→ Department Standing Committees help in writing bills

→ Debate, discussion ~~and~~ via various parliamentary devices

6. The Prime Minister can recommend to the President when to dissolve the Lower House etc.

Thus are system of separation of powers ensures the checks and balances. At the same time it ensures harmony between the three pillars of our polity.

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 मंजूरी तथा आपातकाल के दौरान कार्यकारी शक्तियों के प्रयोग पर टिप्पणी कीजिए। यह शक्ति अनुच्छेद 356 के अंतर्गत प्रदत्त शक्ति से किस प्रकार भिन्न है?

The President of India can declare a National Emergency under article 352 on recommendation of his cabinet.

Extent of powers -

1. must follow advice of the cabinet which is binding
2. Any such proclamation must be approved by both houses of parliament with one month and with special majority.
3. President, as head of government gets more power in day to day functioning e.g. ^{can suspend fundamental rights as per Article 359}
4. Can revoke the emergency as well.

The Judiciary can scrutinise the proclamation on grounds -

1. It is due to stipulated reasons of:
- armed rebellion
 - war
 - insurgency
2. The procedure followed is as per constitution
3. There have been no excuses in use of executive power
4. Follow previous judgements and conventions
(eg. ADM Jabalpur judgement)

Executive Power in National Emergency

1. Can suspend right to constitutional remedies (except for Art. 20 and 21) as per Art. 359
2. Parliament has power to make laws for state as well.
3. While state governments continue to function, parliament gains more power vis a vis state.

now it is different from Article 356?

1. ~~356~~ Under Article 356 state government is either suspended or dismissed. That is not done under Article 352.
2. 356 - localised and limited to state
352 - can be nationwide
3. 356 - President appoints state government to carry out work
352 - this power vests with parliament
4. 356 - Fundamental rights are not suspended
352 - Can be suspended.
Thus the executive power is bestowed differently.

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।

Indian federation is designed such that while Centre has more financial powers, state has more work to do. As a result states are dependent for revenue on Centre and fiscal transfers are crucial.

SPECIFIC V/S GENERAL

Art 280 - Finance Commission dictates the general transfer.

Art 275 - these are grants in aid which vary from state to state.

Art 282 - Discretionary grants, previously given by Planning Commission.

others - these are also direct transfer from ministries for special projects. eg. DONER ministry for North east.

RATIONALE FOR SPECIFIC GRANTS -

- ① To ensure equity across states
- ② For development of backward regions eg. North East
- ③ To compensate for low tax revenues due to weak economy
- ④ For special developmental projects.

RATIONALE FOR GENERAL GRANTS

- ① To aid development of all states.
- ② To enhance resources available
- ③ To ensure vertical equity.

PROBLEMS WITH SPECIFIC TRANSFERS① Discretionary -

Such transfers lead to discretionary behavior at Centre level. States with similar political party at head might gain more.

② Subjective

Such transfers allow subjectivity to creep in unlike general transfers which Finance Commission decides.

③ How to ensure equity?
this becomes a concern as well

④ centralisation
As seen with the erstwhile
planning commission specific
transfers lead to centralisation
of decision making process
and harm federalism

⑤ dependence
they create a dependence for
for recipient state which
harm it in long run.

⑥ usually short term focused
They are usually project
driven when given via ministries
This leads to shorter term
vision at cost of strategic vision
transfers must while specific
~~grants~~ have their rationale,
above issues must be addressed
to make them more useful.