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GENERAL STUDIES (TEST CODE : 1049)

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INDEX TABLE			INSTRUCTIONS
Q. No.	Maximum Marks	Marks Obtained	
1	10		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)।
2	10		2. There are TWENTY questions printed in ENGLISH & HINDI इसमें बीस प्रश्न हैं अंग्रेजी और हिन्दी में छपे हैं।
3	10		3. All questions are compulsory. सभी प्रश्न अनिवार्य हैं।
4	10		4. The number of marks carried by a question/part is indicated against it. प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।
5	10		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।
6	10		6. Word limit in questions, if specified, should be adhered to. प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।
7	10		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।
8	10		
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16	15		
17	15		
18	15		
19	15		
20	15		
Total Marks Obtained:			
Remarks:			

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EVALUATION INDICATORS

1. Contextual Competence
2. Content Competence
3. Language Competence
4. Introduction Competence
5. Structure - Presentation Competence
6. Conclusion Competence

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

6.

All the Best

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

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

Governor holds a very delicate position in Indian federal set up where she is the head of the state and is appointed by the president and holds office at the pleasure of the president. Thus there always stands a chance of influence by the central government.

In addition to this the constitution explicitly recognises the presence of discretionary power with the governor under Article 163(1).

Thus, any wide formulation & indiscreet application of these discretionary powers can hamper the thread of Federalism :

- ① Governor has discretion to reserve any bill for the ~~reserve~~ President's assent. Indiscreet application of this power can cripple the legislature of state.
- ② Governor has discretion to recommend President's rule under Article 356. Misuse of this power was seen in the case of dissolution of the government in Uttarakhand which was later re-installed by the judiciary.
- ③ Governor can also in his discretion dissolve the Council of Ministers of state or the legislature when the ruling party loses majority. This power again has been subject to misuse as was seen in S.R. Bommai Case.

Thus, the weapon of discretion with the governor is a very potent one and as suggest by SARKARIA commission, the same needs close attention to uphold basic structure of federalism.

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।

Governing & legislating for a vast country like India can become a daunting challenge for the legislature & can lead to inefficiencies. To address this, the CONCEPT OF SUBORDINATE LEGISLATION was introduced under the Administrative law jurisprudence.

Under this, the parliament or state legislature only prepares a framework law & leaves it upto the Administration to add flesh to it. [Executives]
For instance, several rules have been made under the Environment Protection Act 1986 such as rules for Environment Impact Assessment.

The advantages are:

- i) Detailed technical work can be formed by the experts where the parliament may lack the expertise and time!
- ii) It can better cater to the needs & demands of the people.
- iii) Parliament can be left with more time for other important matters.

MECHANISM FOR SURVEILLANCE & CONTROL

- ① Parliamentary Committee on Subordinate Legislation keeps an oversight as all the subordinate legislations have to be tabled before it.
- ② These rules, regulations, orders are also subject to the scrutiny of court as administrative actions are subject to JUDICIAL REVIEW

Thus subordinate legislation can help in the effective functioning of the legislative system, provided the system of checks & balances works to ensure this.

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

Speaker is the head of the Lok Sabha, the guardian of the powers & privileges of the house, its principal spokesperson and her decisions in all the parliamentary matters is final.

Speaker has been thus awarded a VERY CRUCIAL POSITION IN INDIAN LEGISLATURE :

- i) Speaker decides whether a bill is money bill or not.
- ii) She is the final interpreter of the provisions of the constitution, the rules of Lok Sabha & the parliamentary conventions in the house.
- iii) She presides over the joint-sittings.
- iv) She has the casting vote in case of a tie.
- v) She decides on the question of disqualification of a member on the grounds of Xth Schedule.

vi) Most importantly, she runs the house & its proceedings, so the functioning of the Parliament is in her hands.

Such wide powers have a risk of abuse. Recent incidents where no confidence motion was not accepted by the Speaker, where Aadhar bill was named as a money bill by the Speaker has raised concerns over protecting the Speaker from undue influence.

Constitution has incorporated provisions to ensure independence:

- i) Security of tenure as she can only be removed on a resolution with effective majority
- ii) Her salary is charged on CFI.
- iii) She cannot vote in first instance & is immune from judicial scrutiny

In addition to this, what is required is a strong character with fortitude, and a sense of impartiality to carry on the democracy through its will and Speaker without any undue influence.

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। लोकतांत्रिक 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।

There are 24 Departmentally Related Standing Committees (DRSCs) set up with the main objective to ensure more accountability of the Executives to the Parliament. Thus, they act as mini parliament where they aid the parliament in its most important work, i.e. ensuring check over executives.

- i) They scrutinize the demands for grants of ministers
- ii) It examines the bills and annual reports of the various ministers.

Thus through these functions, DRSCs help the parliament in scrutinizing the budget in technical detail and ensure financial accountability.

Thus, DRSCs help in furthering the DEMOCRATIC POLICY as they help & aid the PEOPLE of the country to exercise check over the government through the parliament.

They also ensure that the public money is utilised in an efficient manner for the people.

Thus they further the idea of democracy for the people - by the people and of the people.

Their overall effectiveness can be checked in the following manner:

- i) They should be provided with experts to scrutinise super technical bills.
- ii) They should have some day in the day - to - day matter of the ministry.

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?

TRIBUNAL are quasi-judicial bodies established under Article 323A & 323B of the Constitution to resolve legal disputes.

They were ~~not~~ set up with the aim of reducing burden over judiciary, reducing delay and to provide technical decisions with the opinion of experts.

However, India has witnessed a phenomenon of TRIBUNALISATION OF JUSTICE, where over-tribunalisation is endangering to defeat the very objectives with which they were set.

- i) Separation of powers - tribunals endanger doctrine of separation of powers & over-tribunalisation is currently hampering this fine balance with judiciary.
- ii) PENDINGLY & DELAY : The Law Commission recently noted that

3-5 lakh cases are pending before tribunals. Further huge number of appeals to High Courts & Supreme Court is clogging them as well.

- iii) Inadequate workforce : For instance, Administrative Tribunal has stopped because no judicial members.
- iv) Conflict of interest : With executive as the largest litigant, there is a conflict of interest.

These can be addressed as follows:

- ① Law Commission has suggested opening more branches of tribunals in different cities to make them more accessible & reduce delay.
- ② Members should be selected in impartial manner without government interference - thus proposed by a committee headed by CJI.
- ③ There should be uniformity of service conditions.
- ④ Appeals to the High Court only when there is no appellate body in the tribunal.

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।

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।

It is often said that Rajya Sabha is a secondary house & not a second house as it is not at par with Lok Sabha.

- i) It cannot ^{accept or reject} ~~pass~~ money bills & has to decide within 14 days
- ii) It can only discuss the budget but cannot vote on it
- iii) No-confidence motion cannot be moved in Rajya Sabha, thus it cannot remove council members
- iv) Resolution for discontinuance of national emergency cannot be moved in Rajya Sabha
- v) Lok Sabha with greater number of seats win the battle in joint sitting.

Thus, as the powers of Rajya Sabha is not at par with the Lok Sabha, it is often called secondary house.

However, this would not be correct entirely as Rajya Sabha has important role to play:

- i) It can authorise parliament to make law on state list in national interest — Lok Sabha cannot
- ii) It authorises parliament to create new all India service
- iii) It acts as a check dam against the hasty & impulsive decisions of Lok Sabha. For instance, Triple Talaq bill was stalled in Rajya Sabha
- iv) It maintains the federal equilibrium

Thus, the importance of Rajya Sabha as a second house & not a secondary house is clear as it furthers the parliamentary democracy

However, the position of the second house in state legislature i.e. State Legislative Council is much weaker than Rajya Sabha:

- i) Its decisions can be ~~overridden~~ even in case of ordinary bills.
- ii) It has no say in president's election
- iii) The very existence depends on will of assembly.

Thus the legislative council is much weaker than Rajya Sabha & it is the council

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

In times when India is looking towards a potential ^{water} crisis in future, a situation of risk of declaration of DAY ZERO in Bangalore, just like Cape town, must ring alarm bells to make water management more holistic & multidisciplinary if we are to avert these dangers.

MIHIR SHAH COMMITTEE in 2016 has made the following recommendations for a complete overhaul of the institutional framework:

- 1) Currently CWC deals with surface water & storage structures, while CGWB deals with ground water. Thus the framework is FRAGMENTED and any holistic integrated policy to maximise water resources is not possible.

3) Further CWC & C&WB have an outdated and limited mandate. For instance, CWC is only concerned with construction of dams but not in ensuring proper water utilisation, environment issues, etc.

3) In light of this the following has been recommended:

i) A National Water Commission should be set up with mandate over surface water, ground water & river water on a nationwide basis.

This will ensure water resources are managed in a holistic manner.

ii) Water should be declared a concurrent subject to enable the national bodies to take measures to manage nation's resources in integrated manner.

iii) There is a need for decentralisation where tertiary level canals should be managed by water Users Association of Farmers.

The key focus of the committee is to shift focus from construction to decentralised management & maintenance to ensure promise of "Hud Khat Ka Pani".

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।

Article 102 of the Constitution lays down various grounds of disqualifications such as:

- i) Office of profit
- ii) Unsoundness of mind
- iii) Undischarged insolvent
- iv) Award to be taken

In addition, a person can also be disqualified under any other law of Parliament. Representation of People Act 1951 provides several other grounds such as:

- i) Those found guilty of election offences
- ii) Those convicted with imprisonment of two or more years
- iii) Convicted for promoting enmity.

However, such denial to contest elections is for a limited period only and there is no life time ban on those convicted of heinous crimes.

However, criminalisation of politics is on a rise with nearly 34% MPs of the present Lok Sabha facing criminal charges. In light of this a life ban against criminals has been proposed.

It might help:

- i) Act as a deterrent as a life ban can finish the career of many.
- ii) Life ban might carry a stigma & political parties will want to stay away from such persons.

However, the ban is unlikely to have the desired effects:

- i) Unless our criminal justice system is made robust where there is certainty of punishment, no amount of threat of ban will act as deterrent.
- ii) It might lead to unfair persons be fabricated for crimes to keep them out of competition - will be against the democratic principles.
- iii) Further, it seems against the democracy unless to deny a person this right-fairness.

Thus, other means should be explored such as strengthening the criminal justice system.

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।

Constitution makes sought to achieve for the people both political & socio-economic rights as it is only a combination of both that can lead to full realisation of life.

However, the fundamental rights were made justiciable while the Directive Principles (DPSPs) containing the whole gamut were made non justiciable.

DPSPs seek to provide essential conditions of life such as right to legal aid, right to social assistance and other such duties have been imposed on state. Thus DPSPs give a positive thrust towards WELFARE as the states are required to take certain positive steps to ensure the same are made available to the people.

It is because of this that DPSPs are often considered far more important than fundamental rights.

However, the importance of fundamental rights cannot be undermined. It is only when the foundation is strong can a strong building be built over it.

Fundamental rights act like this foundation. For instance, unless the RIGHT TO LIFE (Art 21) is ensured & respected, no amount of DPSPs will make a difference. Same goes for right to equality, right to liberty and right against exploitation. These rights ensure the basic minimum without which DPSPs will not be able to ensure welfare.

However, Fundamental rights is strengthened by DPSPs. Right to life can ~~not~~ be meaningful only when DPSPs such as free legal aid, living wages etc. Thus, as held in MINERVA MILLS but FR & DPSP are of equal importance & must work in harmony to ensure social development.

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।

In the 2014 Lok Sabha Elections, while BSP turned out to be the 3rd largest party with a vote share of 20%, it did not receive a single Lok Sabha seat. This and other such instances have made people question the FIRST PAST THE POST SYSTEM. (FPTP)

Under the FPTP system, the whole country is divided into single member constituencies, where the one who attains the maximum votes wins.

The MERITS of this system:

- ① It is simple & easier to understand by diverse set of population.
- ② This builds a connect between the voters & elected representative from that area.

③ It ensures that ~~some organization~~ ^{some organization} is formed in all circumstances.

However, this has its demerits:

① It is akin to majority-rule where those in minority don't find any representation.

② It is also not a true representation of the will of the people as seen in the case of BSP where despite 20% vote share, it got no seat.

Another system of the advocated is the PROPORTIONAL REPRESENTATION SYSTEM, where the whole country acts as a single constituency & the seats get divided in the proportion of vote share.

It has its merits as it will give representation to parties with even 1% vote share & thus bring in minorities however it has demerits as it will distance the elected MPs from the voters and fragment the polity further.

MERITS OF REPLACING FPTP :

- 1) Minorities will get a representation in the parliament & get a voice
- 2) Replacing it with a system may on basis of proportional representation will be reflective of will of the people & further democracy.

CHALLENGES :

- 1) FPTP system was a simple & familiar system. In a country where large % of population is illiterate, changing the system without preparing the masses can open channels of exploitation & subvert democracy.
- 2) Any other system will weaken the representative character as people will not be able to identify with a single person to convey grievances.
- 3) Other systems have their flaws.

Therefore, this matter should be treated carefully as it can have a far reaching implication on democracy. A MIXED SYSTEM can perhaps be a better option.

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।

That there is a huge pendency, in the Indian judicial system is long known however limited progress has been made. The possible reasons for continuation of pendency :-

- ① Pendency at the lower level where in subordinate courts lies at 2.24 crore. It is due to a mix of reasons:

- i) Lack of proper infrastructure such as court rooms, computers, support staff. Example: Delhi judiciary takes out fewer vacancies despite demand because there are no courtrooms.
- ii) Poor quality of judges & training doesn't equip them to deal with cases.

iii) Lower class of lawyers who further their own interests by seeking adjournments

② Pending at the high court & Supreme court level has its own set of reasons:

i) Overrun of PILs & enthusiasm shown by judges for PILs puts the pending case in jeopardy.

ii) Appeals from various tribunals have flooded the HC & SCs.

③ The existing laws such as CPC are of a colonial legacy and has many redundant provisions which cause delay.

④ The alternative dispute resolution mechanisms brought to reduce pending have proved ineffective:

i) Arbitration - flooded by judges, the same pending has been perpetuated

ii) Mediation - the concept is still not popular enough.

⑤ Tribunals meant to reduce pendency have added to it & are facing challenges.

Thus, despite numerous limited programs has been made. Following can be done:

- 1) A SCREENING PROCESS of the litigations in UK can be added at the lower court level to weed out improper cases.
- 2) As noted by Economic Survey, government which is the biggest litigator should refrain from mindlessly filing appeals as success rate is low & it adds to pendency.
- 3) Strict guidelines should be laid down for HC & SC with respect to PILs and the judges should exercise restraint.
- 4) A National Judicial Service can be considered to make lower judiciary an attractive career option for talent.
- 5) Use of technology, as done in the e-courts project should be used.

A country where 3.3 crore cases are pending cannot ensure rule of law. The above steps must be taken to ensure timely justice.

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।

The CASE of MANEKA GANDHI V. UOI has found a place in the books of history as the famous "DUE PROCESS CASE".

Article 21 of the constitution provides the all important right to life & liberty whereby No person can be deprived of his life or personal liberty except according to procedure established by law.

The standard of Procedure established by law ONLY required a law to exist for the state to justify taking away life or liberty.

However, it was in Maneka Gandhi case where for the first

time it was ruled that the PROCEDURE established by law must not be any law BUT only a law which is JUST, FAIR and REASONABLE. That the law must stand the test of Article 14, 19 and 21.

This standard is the Standard of DUE PROCESS of law which is found in USA where the law must be just fair & reasonable both in terms of the procedure & substance. (i.e. content)

Thus the Supreme Court through judicial interpretation adopted the doctrine of PROCEDURAL DUE PROCESS in Article 21 where none existed in the Maneka Gandhi case. It was found that the law restricting his right to travel without any just procedure was violative

of Article 21. Thus here the due process was limited to the procedure i.e. the procedure which takes away the right to life must be just & fair.

However, over the years this concept has further been expanded tacitly to apply to the substance of the law also. For instance, the SC in MINU V. STATE OF PUNJAB, declared Section 303 of IPC unconstitutional on the substance of law for ~~be~~ not being just fair and reasonable.

Thus we see that Supreme Court has over the years adopted the doctrine of procedure & substantive due process which now existed to bring it at par with the American standards.

This shows the importance attached to right to life by SC.

14. Can we say that cooperative federalism in India has strengthened in the post-liberalisation era? Give reasons in support of your answer. (250 words) 15

क्या हम कह सकते हैं कि उदारीकरण के बाद की अवधि में भारत में सहकारी संघवाद सुदृढ़ हुआ है? अपने उत्तर के समर्थन में कारण प्रस्तुत कीजिए।

Cooperative federalism is a form of federal structure where the various units of federation and the centre cooperate amongst themselves to further the interests of the nation as a whole.

This eroded in India with time and many factors saw its rise especially after the post-liberalisation era i.e. after 1990s :

1) Many regional parties ~~which~~ arose & became strong in the states such as BJD in Odisha, INLD in Haryana - thus weakening the centre single party rule. It required coalition with regional parties which promoted cooperation

- 2) The Supreme Court judgment in the case of SR Bommai also furthered cooperative federalism as it reduced the arbitrary powers of the governors.
- 3) Post-liberalisation era saw rise in commercial activity especially trade & exports. Globalisation opened an array of opportunities. This states had to cooperate among themselves to make the most of it.
- 4) The biggest factor was the coming of the 73rd & 74th Amendment which added another layer to the federal structure. The centre through Finance Commission worked in cooperation with the states to help them set these up.

This wave of cooperative federalism post the 1990 liberalisation has

continued even till now and
can be seen as best as
the coming of :

- i) Niti Aayog - which through
its bottom up approach
of planning and through
various initiatives like
SEI, Health index, etc is
promoting cooperative yet
competitive federalism
- ii) GST - GST would not have
been possible if but for
cooperation of all states & union.

However, there have been some
trials to cooperative federalism
recently after the Southern states
objected to the terms of reference
and use of 2011 census figures for
the purpose of 15th Finance Commission.
All efforts must be made to resolve
these issues at the earliest to ensure
continuation of cooperative federalism

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।

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।

UPSC was envisaged by the Constitution as the the "WATCHDOG OF THE MERIT SYSTEM" in India. To ensure the same, the constitution provided several safeguards to ensure its independence & impartial ~~functioning~~ functioning:

- i) UPSC members enjoy security of tenure as they cannot be removed except by the President in accordance with provisions of Art 317 which leaves little discretion.
- ii) The salaries of members and the whole of office expenditures is charged on the consolidated fund of India. Thus not subject-

to vote of the parliament & saved from its interference.

iii) The conditions of service are determined by the President and cannot be varied to their disadvantage after appointment.

iv) There are restrictions on their reappointments to ensure that they remain impartial & not favour the government in line of further appointments.

Example: UPSC chairman cannot be eligible for ANY further employment in the Government.

These provisions aim at ensuring their independence & impartiality.

ANALYSIS OF ITS ROLE AS WATCHDOG OF MERIT SYSTEM:

UPSC is responsible for conducting examination for the posts of all India services & central services.

It also assists the states to frame joint schemes of recruitment. Thus through this recruitment process UPSC aims to ensure that only the best are chosen based on merit on an objective criteria.

However there are limitations:

- i) UPSC has no say in the conduct of clause of SC 257 in appointments to post.
- ii) UPSC is not consulted in ORC formations.
- iii) The reports of UPSC are not binding, merely advisory.
- iv) The President can exclude any post, service from the purview of UPSC.
- v) Even worse is that Supreme Court held that the UPSC's decisions in its sphere of work are merely advisory & not mandatory & thus no challenge can be against the recruitment decision. ⇒ Thus rendering UPSC toothless.

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?

Free & fair elections are the basis, the very foundation of any representative democracy. Electoral funding plays a key role in determining whether an election will remain free & fair or not.

There are some KEY ISSUES in electoral funding:

- 1) OPACITY IN DONATIONS - Political parties receive majority donations in anonymous donations, thus becoming the end of black money. (approximately 70%).
- 2) Lack of transparency: the parties don't submit their returns on time and have challenged the CIC decision to come within the ambit of RTI.

- 3) Unlimited Corporate Donations - The maximum limit of 7.5% which was there has been lifted, opening a free way for political - corporate nexus & crony capitalism.
- 4) Electoral bonds mimic the democracy as information regarding the bonds, which is not to be disclosed, can be accessed by the ruling party & can be used to eliminate competition.
- 5) No concrete action on bribing of voters exists.
- 6) The Amendment to FERA opens the ~~of~~ challenge channels of foreign funding, which can lead to interference & threat to sovereignty.

The idea of state funding of Elections is hailed as a single solution to eliminating the above issues:

MERITS / EFFECTIVENESS:

- 1) State funding, where the funds will be given from a central pool of donations / taxes to the political parties for elections will break the party - corporate & party - criminal nexus as they no longer will require funds.
- 2) In many systems / countries, this system has worked effectively.
- 3) The costs will not be as high as perceived. 5500 crore, if Rs 100 is given per vote, is normally what the cost involved today.
- 4) It can enhance internal democracy & bring in transparency as there will be surveys of the funds.

CHALLENGES:

- 1) It will be difficult to say that despite getting these funds, the parties will still not get more.
- 2) How can a company or a private person be restricted from donating funds to support a party - isn't this a part of his democratic rights? Thus these challenges need

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।

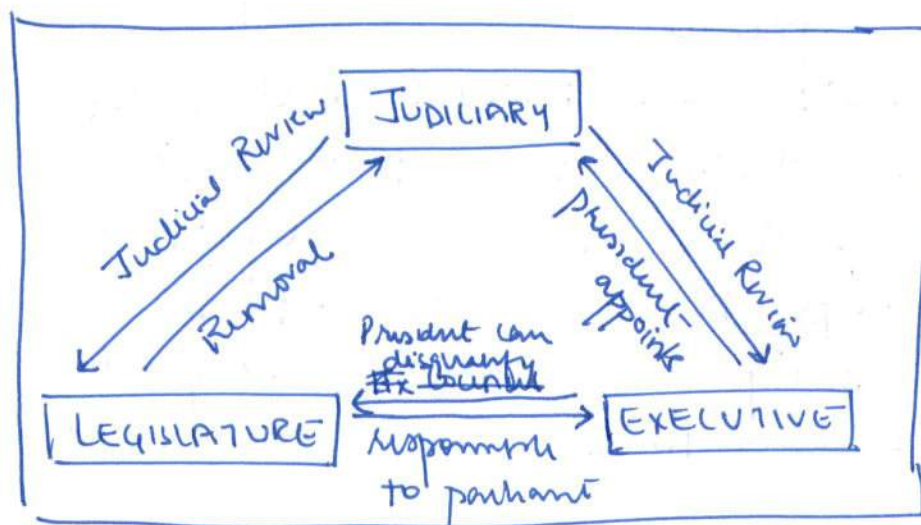
Separation of power is the concept where the various organs of the government work in their respective spheres without interfering in the matters of each other.

USA's system is the perfect example of separation of power where there is absolutely no overlap. For instance, the President is not a part of the legislature nor are his advisors.

UK on the other hand has almost non-existent separation of power & the parliament is supreme.

Among these existing systems of separation of powers, the Constitution makers envisaged 2

acquired a UNIQUE form of
separation of power with Constitutional
Supremacy & a system of checks
& balance to suit Indian needs.



The Indian system is thus unique in the following manner:

i) Unlike USA, there is no strict separation of power and there are overlaps.

Example: i) Subordinate legislation by executive

ii) Article 142 used by Supreme Court to make policy points

iii) Legislature sits in judgement over removal of president.

- 2) There is a strong system of checks and balance where no one organ is supreme → unique to India as in UK even though executive is supreme to legislature, the parliament is supreme.
- 3) In India each institution checks the other which ensures that despite overlap of functions, no organ oversteps the bounds — thus maintaining separation of functions at the same time.
- 4) This system of checks also ensures that there is no arbitrary abuse of power even by the organs within their functions.
- Example: Krishnakant Bhatnagar can check executive legislature.

Thus, India has acquired its own unique system of check separation of power where there are overlaps & yet there are sufficient checks to ensure no abuse of power.

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?

The Constitution envisages three types of emergency where the federal polity of India undergoes change.

PRESIDENT'S POWER UNDER ARTICLE 352

- 1) The president has the power to declare national emergency where the security of India is threatened by war, or external aggression or armed rebellion — only on the written recommendation of cabinet.
- 2) The president can issue directions to the states as to manner of exercise of executive power.
- 3) The President can restrict the distribution of revenues to states.
- 4) The president can by order suspend the rights to enforce fundamental rights (except 33 21 & 22)

5) Further, the President can revoke the proclamation and requires no parliamentary approval.

JUDICIAL SCRUTINY DURING PROCLAMATION

The 38th Amendment had made the satisfaction of President final & immune to judicial review. But this was later deleted in 44th Amendment.

Further the SC in MINERVA MILLS case held that proclamation is subject to judicial review on grounds of malafide intention or that it was absurd or preposterous. However, the same cannot be questioned on merits & verities of facts.

EXERCISE OF EXECUTIVE POWERS

Unlike normal circumstances where the executive at centre is entitled to give directions to states on limited grounds, in the case of emergency.

this power extends to giving executive discretion on ANY matter. Thus distribution of powers stands suspended.

DIFFERENCE BETWEEN ARTICLE 352 & 356

ART 352	ART 356
1) State Legislature & executive continue. Centre gets concurrent power to legislate.	State executive is dismissed & state legislature is suspended or dissolved. Parliament makes laws
2) It has effect on fundamental rights	No effect on fundamental rights
3) Nature of relationship of all states with centre undergoes change.	Relationship of only one state changes
4) Parliament can make laws on state list but cannot delegate this power.	Parliament can delegate this power say to president.
5) There is no maximum period.	There is a maximum period of 3 yrs.

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।

