GS SCORE

GS MAINS TEST SERIES 2014

TEST - 3

Indian Polity

Time Allowed: 3 hr. Max. Marks: 250

120

Instruction to Candidates

- There are 25 questions.
- All questions are compulsory
- The number of marks carried by a question/part is indicated against it.
- Answers must be written in the medium arthorized 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.
- Word limit in questions, if specified, should be adhered to.
- Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.

Name Gautam Jain

Mobile No.

Date 20-09-2014

Signature Gautam Jain

1. Invigilator Signature

2. Invigilator Signature

120

250

OK. but there is scope for further improvement

Q 1. Critically examine the main proposals for amendment of Juvenile Justice Act. What are merits and demerits of lowering the age of juvenile? (200 Words)

Juvenile Justice Act, (Ammendment) has various forward provisions like more institutionalisation of foster care, provision of better facilities with the helps of NGO's, civil society groups for juveniles who are in need of care.

Another, ammendment which talks about juvenile who are in conflict with law and are charged of heinous crimes in age of 16-18 can be taken to adult courts if juvenile justice authority so requires. Thus, lowering of age for juveniles is being considered

6

good

Merits

1) It can prove deterent to juveniles who have developed proper cognitive abilities and are knowledgable about law, but try to hind behind higher age curtain

2) It can ensure better women protection

3) It can be moral disciplining for child

Demerits

1) The conditions of juveniles are ignored and their need of better care is overdone

2) According to criminal statisics, heinous crimes by juveniles are only less than 10%.

3) The conditions and requirement of child who can grow to become mature citizen are ignored and will be permanently surrendered to crimes.

Thus better women protection and also better child care is required, so forward looking ammendment can be used if more cases are found to apply provision in only extra

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Q 2. Discuss the important limitations which have weakened the CBI professionally? How professionalism and accountability could be ensured in the organization. (200 Words)

CBI is premier ~~ex~~ investigation agency under DPSE Act, 1946. There are various limitations on CBI which has weakened CBI professionally

1) The ~~law~~ DPSE Act, 1946 is very old and it doesn't provide proper autonomy to CBI

2) Functional Autonomy of CBI is weak as CBI had to work under directions of central govt (politicisation of CBI), sometimes under court (as in 2G case), under lokpal etc. Thus diffused responsibility has led to diffused accountability also

3) 'Single Directive' has led to erosion of power of CBI

4) Financial autonomy is also very weak as CBI director has very less financial power and dependent on Finance Ministry

5) There is no proper committee to select CBI director and this has led to unprofessionalisation and institutional vaccum

6) The ~~cadres~~ personnel of CBI are appointed from various institutions like IPS, RAW, ED, IB and thus has not led to proper institutionalisation of culture and capacity building.

To ensure professionalisation and accountability following can be done.

1) Appointment of CBI Director, as envisaged under Lokpal Act should be institutionalised

2) Proper accountability to one agency (as CVC) with result framework document should be institutionalised

3) More functional and financial autonomy should be there under proper accountability

4) It should be laid timeline for single directive, after which it is considered to be approved

5) Professionalisation of Cadre

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Q 3. What are advantages of an independent National Commission for Judicial Appointments? Critically evaluate. Do you think it will stand up against judicial scrutiny? (200 Words)

National commission for Judicial Appointment (NCAJ) is being framed under 119th Ammendment.

Advantages

1) Proper check and balances will be maintained as it has equal no. of political and judicial members in appointment commission and thus restore confidence in judicial appointment.

2) Better scrutiny of candidates as freedom is provided to Selection Committee to even choose from amongst who are not enlisted by govt.

3) It can decrease patronage in judiciary.

But, there are few provisions which doesn't provide for complete transparency and independency of judiciary

5½ good

as mentioned below

1) The members of NJAC can be changed through ammendment of act, rather constitutional ammendment as constitution of NJAC members is provided by simple parliamentry act.

2) There is no proper guidelines of setup of secretariat of NJAC which can independently scrutiny candidates for appointment and have proper institutional strengthening

3) Appointment can be blocked by 2 members can lead to political blocking appointment thus leading to erosion of independence of judicary

4) No guidelines about "eminent jurist" which has led to rise of fear of politicisation of judicary

5) No state govt role envisaged even if NJAC appoints also High Court judges

Thus, there are few provisions which may lead to it to fail test of judicial scrutiny on basic structure of Independence of judicary & federalism

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Q4. The Model Code of Conduct intends to provide a level playing field for all political parties, keeping the campaign fair and healthy, avoid clashes and conflicts between parties, and ensure peace and public order. Evaluate in the light of the above statement the performance of the Election Commission in implementing the model code of conduct in the Lok Sabha Elections of 2014. (200 Words)

Model Code of Conduct (MCC) was innovated by Election Commission (EC) and it has proved success to ~~pl~~ provide level playing field. In recent lok sabha elections the success of MCC is huge

1) MCC is strictly implemented in this election and actions are taken where it is being violated

eg :- banning of Amit Shah for campaigning
Scrutiny of even Narendra Modi when he used his party symbol after voting in Ahmedabad

2) It provided playing field to all candidates as clearly visible that results of election are accepted harmoniously by all

4½

3) Model code of conduct was implemented by independent ~~mem~~ team of EC and it has decreased to a great extent communalism and casteism which was high on radar in this election

There are certain instances where MCC due to lack of its legal backing, it has failed to implement penal provisions against erring candidates mostly in violation of financial expenditures or underreporting of it

Nevertheless, efforts of EC are commendable as these elections have largest population participating in democratic process and has lead to peaceful change of govt at centre

Refer Model Limits, Role of from 2014

Q5. Promulgating ordinances in large numbers is not a healthy sign for a Parliamentary democracy. Do you agree? Give reasons. Will it not undermine sovereignty of the legislature? (200 Words)

Promulgating ordinances is emergency measure and is provided in constitution to deal with uncertain emergencies, so that crisis can be dealt ~~with~~ by executive but under proper parliamentary sovereignty.

But, recent promulgations in large number at both centre and state level has led to erosion of parliamentary supremacy

1) They are being promulgated repeatedly, without taking to parliament eg. Criminal ~~Amendment~~ Amendment, 2018 was promulgated twice before passed by parliament

SEBI Ammendment was promulgated continuously for ~~two~~ year, before finally being passed.

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2) It is being promulgated even for normal law where normal parliamentary process of law-making should be done eg: Criminal Ammendment Act 2013

3) It is envisaged in constitution to provide for reasons which has led to promulgation for ordinances but it is hardly followed

4) At state level, most abuse of these provision is done thus undermining executive accountabilty under legislature

It has led to undermining of sovereignity of legislature as law-making is taken in hands of executive and proper discussions are avoided in legislature thus completely ruining popularity of legislature

Q6. The leader of opposition is imperative in keeping with the spirit of Parliamentary democracy. Discuss in view of present national scenario? (200 Words)

leader of opposition (LOP) is very important parliamentry position and it has various postives

1) It lead to proper scrutiny of executive of day and various issues are being raised so that executive accountability is maintained. eg:- In previous parliament Sushma Swaraj as LOP has raised various debates about which public should be knowing (as Pakistan incrusion, food security bill.)

2) It leads to better debating of issues thus parliamentry sovereignity is maintained and public is better informed from debates occuring in parliament

3) LOP has various appointment role in eg in CVC, lokpal, etc

4) Parliamentary Consensus or inter-party consensus on issues of national importance is forged through LOP

In present scenario, where provisions about declaration of LOP is not properly laid and there is confusion about it as no party has achieved in opposition 10% of seats thus leading to LOP being kept vacant

To ensure proper parliamentary sovereignity and healthy executive accountability constitutional provisions about LOP should be laid and there should be institutionalisation of LOP

Current Scenario ?

Q7. The Executive should keep itself out of the judicial appointments. Discuss in view of merits and demerits of collegium system. (200 Words)

Collegium system has put executive at backfoot and has reduced their role to minimal level to only vetting the names forwarded by judicary.

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Merits

1) led to strengthening of independence of judicary and executive dominance as happened in emergency is properly avoided.

2) It has also led to judicial activism where judicary is filling gap created by executive callousness

Demerits

1) Transparency has been very low in judicary and also lead to patronage in judicary

2) Reduced confidence of public in judiciary as no details about candidates appointed being provided thus participation of common citizen is completely eluded.

3) lead to judicial overreach where checks and balances which are bedrock of parliamentary democracy are ruined.

4) Independent Bar members which are more meritous ~~and~~ have not been able to get appointment

Thus, complete outlawing of ~~judiciary~~ executive from judical appointments should not be done and executive role as envisaged in Judicial Appointment commission should be provided but without compromising with independency of judiciary and transparency in appointments

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Q8. The institution of the Governor should rise above its present stature of a mere representative of the Central government. Examine and discuss the role of governor in the view of Punchhi commission recommendations. (200 Words)

Governor is full fledged constitutional institution as laid in S.R Bommai case and it not mere representative of Central Government.

The role envisaged for Governor by Punchi Commission's as follows

1) Governor should be from out of state and person with no political background so that independence of Governor should be maintained

2) Governor should be appointed in consultation with state government and removal procedure of Governor should be constitutionally provided.

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3) In constitution, where governor is provided to perform autonomously, it should perform its role without any interference from state Govt.

4) During political deadlock at legislature, governor should follow proper procedure to facilitate formation of government in independent manner

5) During floor test also governor should try all options before recommendation of dissolvement of legislature.

Thus, Governor is provided a complete constitutional role, but procedure of its appointment and removal which was left to proper parliamentary precedents has not been followed, thus it is provided that now it should also be constitutional laid as proper precedents laid down transparently.

Q9. The present authority of the Planning Commission is in contradiction with the federal structure of Indian polity as envisaged by the Constitution makers. Discuss. Do you think that abrupt abolition of planning commission will create a constitutional crisis? (200 Words)

Planning Commission (PC) do contradict with federal structure

1) It is manned by central government and experts appointed by central govt, thus sidelining state govt even when 30-40% of fund devolution is by Planning Commission

2) The vetting of Plan by is only procedurly as Plan is first approved by Cabinet

3) The overarching structure of centrally sponsored schemes has led to centralisation and ~~state~~ autonomy in financial and functional implementation diluted

5½
good

4) The executive discretion by PC under Art. 28.2 while devolving funds also made state govt knocking door of central govt

5) It has created Financial Federal Disequilibrium as it has no representation at PC and Finance Commission (FC) which is constitutional provided has only reduced to mere gap-filling body.

The abrupt abolition will not in any way create constitutional crisis but may lead to governance crisis as important role of research, think-tank, innovation, laying of guidelines and making plans are now will overhaul. But, the crisis can be resolved by broadening mandate of FC to devolve fund and PC should be reconstitutilised as innovative think tank with proper state participation

Q10. Till the time the Speaker is from the ruling party, fairness cannot be expected in matters related to anti-defection and other Parliamentary matters. In the light of given statement critically examine the role of speaker in a Parliamentary democracy? (200 Words)

Speaker is very Important constitutional position in parliamentry democracy. It has been provided with various role which to some extent conflicts with political neutrality

a) Deciding of cases in anti-defection
b) Selection of leader of opposition
c) Appointment of chairmen of various committee
d) Provision of time to various parties at parliamentry floor
e) Breach of parliamentry privileges

These roles which have political affiliations can be performed more rigorously if speaker resigns from his/her political party so that

5/2
good

neutrality can be maintained as done in UK.

Though, in India it is left to Speaker to decide on his continuation of party membership and to parliament to choose any member as Speaker from amongthemselves. The role has been played very deftly and professionally by all Speakers (mostly being from ruling partly) ~~Also, to provide~~ equal representation to all parties ~~precedent~~ has been envisaged to appoint deputy Speaker from other parties.

Though system has worked fairly well, but perception is also important as intention. So, if a precedent like resigning from political party membership position is set, both perception and intention can lead to strengthening of institution of Speaker.

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Q11. Parliamentary privileges are a violation of article 14 of the Constitution and therefore should be scrapped. Comment in the context of their use, misuse and abuse in the contemporary scenario. (200 Words)

Pt 1.5

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Parliamentry privileges are provided in constitution so that freedom of speech of MP/MLA is maintained and he can perform his parliamentry responsibilities without any fear or fervour. ~~Though~~, They seem to be in violation of article 14 which provides equality to all, thus raising concerns due to various misuses

a) Until just now, parliamentry privilage was used to delay legal case against representative and keep on continuing in legislature even when Art 103/192 completly provides for barring of tainted candidates

2) Parliamentary priveleges are provided so that he can speak his mind without fear or fervour, but anti-defection law has completely reduced his freedom

Mentor privileges

3) The shadow of parliamentary privelage is used even when a genuine information is sought or case is brought by public. MP/MLA's usually retort to defamation cases in these scenarios

Act 105

As, most cases of misuses are highlighted though it has also provided reasonable space to MP/MLA to perform his/her responsibility independently. But concerns are raised as there is no codification of priveleges and till now British precedents are used. Thus, it is opportune time to layout new code in accordance to contemporary scenario

fine

Q12. Politician-Administrator-Businessman nexus is leading to decay of administrative institutions in India. Elaborate along with steps needed to overcome it. (200 Words)

Politician-Administrator-Businessmen (PAB) Nexus is leading to decay of administrative institutions

eg - Recent PIL against CBI director in Coal Scams

- Case against former Railway Minister for appointment of member of Railway Board

- Defence deal corruption cases as recently for Italian planes, British arms deal

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V. good

Effect

1) Transparency is completely reduced

2) Politicisation of administrative institution thus degradation of institutional integrity

3) Violation of public interest and various corruption cases

4) Misgovernance

5) Marginalisation of public voices

Steps needed to Overcome

1) Money power in elections to be reduced even if it involves partial state funding as provided by II ARC

2) Administrative reforms like Performance Accountability, Result Framework Document, Managment Information system, proper-on-record decisions

3) Other administrative reforms like citizen charter, whistleblower act, Grievance Redressal mechanism should be strengthened

4) Right to information more deepened and broadened

5) Anti-Corruption structure as lokpal, CVC, CBI, lokyukta should be strengthened

6) Media's role is very important

7) NGO's and citizen's group role is important.

8) Code of Conduct & Ethics for politicals administrative class

Q13. Is it appropriate to say that cabinet is the prime mover of political action and the Core of Indian political system? What are the factors that have led to erosion of power and authority of cabinet in recent years? (200 Words)

Cabinet is primemover as it is body

1) Approves various executive decision
2) Political leadership and political managment done by Cabinet
3) Appointment of various civil servants
4) Manage parliamentry responsibilty
5) Deals with political sensitive issues as Chinese incursions in India, right to food law etc
6) Facilitates Inter-Ministrial Co-ordination as issues dealing with multiple ministries are approved by cabinet.

Thus, it has very important political role to perform in Indian political system

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Factors eroding power

1) Formation of GoM, EGoM which leads to reduced role of cabinet and
2) delay in decision eg. Bifurcation of AP
2) Fragmentisation of Ministries which has led it to take even minute issues as decisions are not resolved between ministeries eg. decision deadlock about change of provisions of Indira Gandhi Matriva Sahyog Yojna between Ministry of Rural and Ministry of Women & Child
3) Centralisation of power in bodies like PMO which lead to cabinet even vetting decisions taken by PMO
4) Kitchen Cabinet are formed where decisions are taken by internal small group of Cabinet.

Though GoM | EGoM and rationalisation of ministeries is being done to revive cabinet authority but various issues still unresolved.

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Q14. "Accounting was an executive function where as auditing a quasi-parliamentary function." Discuss the statement in view of the new role of CAG in the light of 1971 Act. (200 Words)

Initially CAG was envisaged to perform both accounting as well as auditing but in 1976 accounting role was done away from CAG at central level leaving CAG to perform its core role of auditing. But still at State level accounting is done by CAG.

4½

CAG's role is quasi-parliamentary and is thus financial parliamentary watchdog body

1) It scrutinises financial reports of all ministeries at state and centre and present it to parliamentary committee or submit to parliament

2) It scrutinises both centre & State budgets.

3) ~~It~~ also audits bodies which have public character or reasonably funded by government.

Thus, keeping CAG to its core role of auditing is very important as it works as eyes and ears of parliament. Also, under 1971 Act, it is envisaged to perform Performance ~~Acco~~ Audit whereby performance prudence is checked and it also advices where economics can handled duriftly. Recent role of CAG is highlighting corruption cases (IG case, coal scam) thus highlights centrality of CAG as parliamentry accountability body

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Q15. Discuss the role of Parliamentary Standing Committees. Is it correct to say that they are watch dogs and make the executive more accountable to legislature? (200 Words)

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V good

Parliamentry Standing Committees are formed to help parliament better scrutines executive and make executive more ~~res~~ accountable to parliament. ~~they~~ There are 24 Standing Committees. They are attached to ministeries so that they regularly monitor role of ministeries

1) Provides continuous monitoring of executive

2) Raise various issues of public interest from parliament standing committee report

3) Helps in forging political consensus as they ~~as~~ work away from political highlights

4) It helps MP's/MLA's to gain knowledge and acquire speciality to contribute in governance and raise issues of public importance

5) Executive is made to submit report to parliament which is scrutined by standing committee. Also, committees providing suggestion helps in better framing of results from executive

6) Financial audit as done with help of CAG

Though, they are watch dogs of Parliament, but performance of their role doesn't inspire confidence as

a) MP's/MLA's doesn't have proper knowledge to monitor executive

b) Politicisation of committee eg in coal scam case calling of PM Manmohan Singh

c) Short tenure of members

d) No detail review of their reports and reports lay under dust.

Q16. Is it correct to say that Member of Parliament Local Area Development Scheme (MPLAD) is unconstitutional in view of 73rd and 74th amendment of the constitution and also because through the scheme MPs enter into executive domain. Suggest the measures through which scheme could be made legally tenable. (200 Words)

5½ good

MPLAD is envisaged to provide MP's role in serving their constituency better and helps in resolving issues of crisis in their constituency. But there are various issues which lead MPLAD to conflict

1) It provide executive role to MP rather legislating role thus blurring line b/w executive and legislative responsibility

2) Generally MPLAD fund is used for local issues, thereby local bodies are kept out of it thus distorting their functionality

3) It doesn't provide level-playing field in next elections

4) Also, use of these funds since

1993-1994 when they were started doesn't inspire confidence as more than 40% of funds are usually surrendered.

But conflict it creates with local panchayats is most tenable and make it a constitutional issue. It can be resolved if

1) MPLAD's funds are used under executive responsibility of local bodies
2) MPLAD funds should go to local bodies to deal with concern raised by MP and MP should have continuous role in monitoring.
3) Transparency of use of MPLAD funds are properly provided.

Q17. Is it correct to say that President of India has become more assertive after 1989? What safe guards Indian Constitution to prevent the President to remain only the titular head? (200 Words)

President of India become more assertive with rise of coalitional politics and dilatory tactis used by political parties which provided President to flex its muscles

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eg: 1) President used pocket veto in Public office Bill, 1989

2) President return proposal of President's rule in Bihar in 1990's

3) President's disapproval of dissolving Parliament in 1996 ~~eg~~ and gave chance to I K Gujral to form govt

4) President's Abdul Kalam visited Gujrat during 2002 irrespective of

suggestion by cabinet not to go.

Thus, there is assertiness used by President after 1989 which is not used before due to rise of ~~cons~~ coalition era.

Safeguards

1) President can send bill back to cabinet for reconsideration, but has to approve it if once again recommended

2) President to follow constitutional precedent during deadlock at floor of parliament

3) President has to take every decision based on cabinet recommendation.

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Q18. Discuss the composition, power and function of Central Vigilance Commission. Do you think government has not empowered this institution even after a very categorical order passed by the Supreme Court of India in Jain Hawala case? (200 Words)

CVC is statutory body formed by CVC act, 2003 after SC passed to make it constitutional body under Jain Hawala.

5½

Composition

It is formed of Chief vigilance Commissioner and 10 other vigilance commissioner. CVC is appointed by committee of PM, leader of opposition and Home Minister.

Power

1) Its role is to oversee all corruption cases as investigated by CBI or other anti-corruption machinery

2) To monitor setting up of vigilance department in every govt office at central level

3) To lay guidelines for proper setting up of ~~anti~~ vigilance procedures

4) It has executive accountability role over CBI and also assigns cases to CBI which involve anti-corruption

Though, after Jain Hawala it is made statuary body with various safeguards for its financial and functional autonomy. But certain grey areas remain in its functioning

1) CBI is not completely under CVC and it has led to erosion of authority of CVC

2) "Single Directive" which still provide starting of persecution in hands of govt make CVC only watching body.

3) Govt. executive majority in appointment has led to SC in 2010 declaring "institutional integrity" as virtue of CVC.

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Q19. Is it correct to say that mere presence of Union government and state government together with their legislature does not make a system federal. Suggest how Indian federalism could be strengthened? (200 Words)

The mere presence doesn't make a functional federal system as proper federal mechanism needs

1) Proper division of responsibilities and roles

2) Financial Federalism

3) Proper role in planning and implementation. Also role in policy making as presently done by Planning commission

4) Proper functioning of federal bodies like Inter-State Councils, National Judicial Commission, National Planning body.

5) Independent judiciary

Thus, on various points Indian's federalism is functionally imbalanced

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Good

1) Financial Federalism is to be strengthened and role of bodies like Planning Commission need to be curtailed. Proper rule-based devolution should happen

2) Inter-State Council should be strengthened so that states can make effective participation in national development

3) Role of states in issues concerning them needs to be institutionalised like India-Bangladesh Teesta Rivers Agreement

4) Governor's institution shouldn't be politicised

5) Centrally sponsored schemes to be curtailed and flexibilty to be provided at state level

6) Role of state in appointment of various constitutional bodies increased like Governor, State High Court Justice etc

Q20. "In a Parliamentary system of government the Prime Minister occupies a unique position as the most powerful functionary who controls both Parliament and Executive". Critically examine. Discuss the relation between Prime Minister and President in view of article 78 of the Indian Constitution. (200 Words)

PM is de-facto head of country and is leader of executive and also generally leader of house he/she represents.

Major roles

1) He takes major decisions and selects his/her cabinet minister
2) He oversee functioning of all ministers
3) He is political mediator of any major public issue
4) A strong PMO attached with PM makes him more powerful functionary
5) He oversee most critical issues of nation like nuclear issues, diplomatic issue etc
6) He is major communicator of executive and legislator to public

Decrease in role of PM

1) Due to formation of coalition politics
2) Cabinet takes most decision rather PM.
3) Thus, though PM is most powerful functionary the role played by PM depends of personel capacity to enforce broad functionary role envisaged under him.

Under Article 78

1) President appoints PM and various other minister on recommendation of PM
2) President can ask for any report to PM dealing with public issue
3) President can direct PM to lay ~~decision~~ issue on which decision has already been undertaken to Cabinet.

(FR)

Q21. "Fundamental Rights under Indian Constitution provided a strong base for the functioning of the India democracy, but they exist merely in name and thus have only a formalistic value". Examine in view of some of the judgments of apex court. (200 Words)

FR forms basic structure of constitution and has formed bedrock of democracy.

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Q22. "Cabinet Secretariat provides expert assistance to the Cabinet and Cabinet Committees". Examine in view of the role of Cabinet Secretariat. (200 Words)

Cabinet Secretariat is head of adminstrative structure of central government

1) It prepares framework for issues to be considered by Cabinet

2) It oversee ~~for~~ implementation of decisions taken by cabinet through cabinet committees

3) It advices ~~PM~~ on any issue dealing with inter-ministerial deadlock

4) It resolves inter-ministerial issues

Though, cabinet secretariat is key to functioning of cabinet but with overgrowing power of

3

PMO, role played by Cabinet Secretariat has decreased

Administratively ~~fa~~ Cabinet secretariat is head but, in dealing with governance issues and interministerial consultation role of Cabinet Secretariat has decreased

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(GP D)

Q23. Do you agree that with globalisation, privatisation and disinvestment of the public sector the role of finance ministry has increased significantly? Suggest how finance ministry could be restructured. (200 Words)

with Globalisation, privatisation and disinvestment role of finance ministry as it is head of fiscal policy. The increased role as follows

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1) Provide macro-economic framework through fiscal policy

2) Provide transperancy in tax-matters and policy guidelines

3) Channelise the private investment to sectors required for nation

4) In co ordination with RBI helps in setting up of better financial administration framework

5) Deals with disinvestment of major PSU's

The role of Finance Ministry, now rather than providing is facilitating, ~~provision~~ transparency and effective decision-making

Restructuring of Finance Ministry

1) The work of various departments of finance ministry should be rationalised under Department of Economic Affairs, Deptt of Finance and Department of Disinvestment

2) Single-window mechanism for effective decision making with timeline

3) New Department of Tax framework should be set up so that transparent and proper tax-governance mechanism envisaged

4) Department of State Finances also set up as in G, P, D role of state has broadened so financial federalism established

Q24. Is it correct to say that UPSC has been reduced to a recruitment agency? How its role could be expanded utilizing provisions under article 321 of the Constitution. (200 Words)

UPSC has today been reduced to role of recruitment agency as

1) Role of UPSC in personnel managment is diluted and its advice is not binding.

2) In dealing with cases against civil servants, there is conflicting authority of UPSC, CVC, Lokpal etc which dilute UPSC role

3) In empanelement procedure, advice of UPSC is not sorted for higher position from joint secretary

4) Reports of UPSC laid in Parliament are not even circulated and

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its advice generally overshadowed.

under Art. 321 UPSC is main personnel agency whose role is not only recruitment but proper personnel managment. Good

To strengthen UPSC's role following is need to be done.

1) Advice of UPSC should be ignored only with proper reasons to both UPSC and parliament of ignoring role.

2) In cases charged against Civil servant role of UPSC should be made central and its advice should be followed majorily

3) The reports of U.P.S.C. in parliament should be discussed

4) Organic linkage between Dept of Personnel & Training and UPSC in personnel managment

Q25. '74th Constitution amendment stipulates grass root planning and accordingly necessary provisions were made through article 243 ZD'. Discuss the handicaps which come in planning from below. (200 Words)

243 ZD → DPCs

74th constitutional ammendment envisaged grass root planning but in practices, it has not been followed.

Reasons

1) Functions were not devolved properly also which are mentioned in constitution.

2) Fund devolution is weak as property taxes are also not used innovatively by Urban local bodies (ULB's)

3) Role of parastals has assumed so significant that they work independently with no accountability to ULB's

2½

4) Municipal ~~cadres~~ bodies have not proper capacity to conceive plan and lacks in capacity building

5) Municipal plans are generally ignored by District Planning Authority or Metropolitan Planning Authority

6) There is no agency/institute where provide training in municipal issues

7) Devolution from ~~state planning~~ State Finance Commission and Finance Commission has not strengthened their position-vis-a-vis their role

8) No political representation as state level like second house of state legislature