

**1. What do you understand by multi-level planning? What are its benefits? How has it evolved in India? Discuss.**

**Approach:**

As the directive is discuss, a candidate is expected to discuss various perspectives and present a logical argument. For introduction, candidate can adopt an approach where he/she defines the multi-level planning and then in brief explains how it is beneficial. In main body part, candidate has to write in detail on multi-level planning and its benefits. In the later part of body candidate has to explain how it is evolved in India besides explaining its benefits and drawbacks with respect to India and in general, along with it a way forward while explaining how it can be utilised more efficiently for betterment of India.

**Introduction:**

Multi-level Planning (MLP) opposed to centralized planning is an exercise where local institutions are actively involved not only at the implementation level but MLP is a more integrative effort that seeks to involve all hierarchies of administrative, geographical, political and regional levels in the planning process. It is more beneficial than centralised planning as it ensures people's active participation, cost effectiveness, checks corruption, maintains regional parties and balances etc.

**Body:**

It seeks to ensure the active participation of the lower hierarchical levels in information generation, data collection, policy suggestions, plan implementation & monitoring of all developmental activities. With respect to India, various levels of planning in India are as follows: at National level, at State level, at district level, at Block level and at village level.

- A planning process can be either single-level or multi-level. In the single-level planning, the formulation of plans and decision making are done at the national level; the process is centralized and the lower territorial levels come into the picture only at the implementation stage.
- Whereas, in the multi-level planning process, the national territory is divided into small territorial units, their number depending upon the size of the country, the administrative, the geographical and cultural settings.
- The concept of multi-level regional planning may be defined as 'planning for a variety of regions which together form a system and subordinate systems'.
- In such plans, there is direct participation of the people in the planning process. In multi-level planning, every region/unit constitutes a system and hence, the planning process becomes more effective. Similarly, the higher-level regional plans provide the basic frame-work for the lower-level plans.
- In multi-level planning, the various levels of planning provide bases for higher-level planning. which can be observed in Figure 1 below.

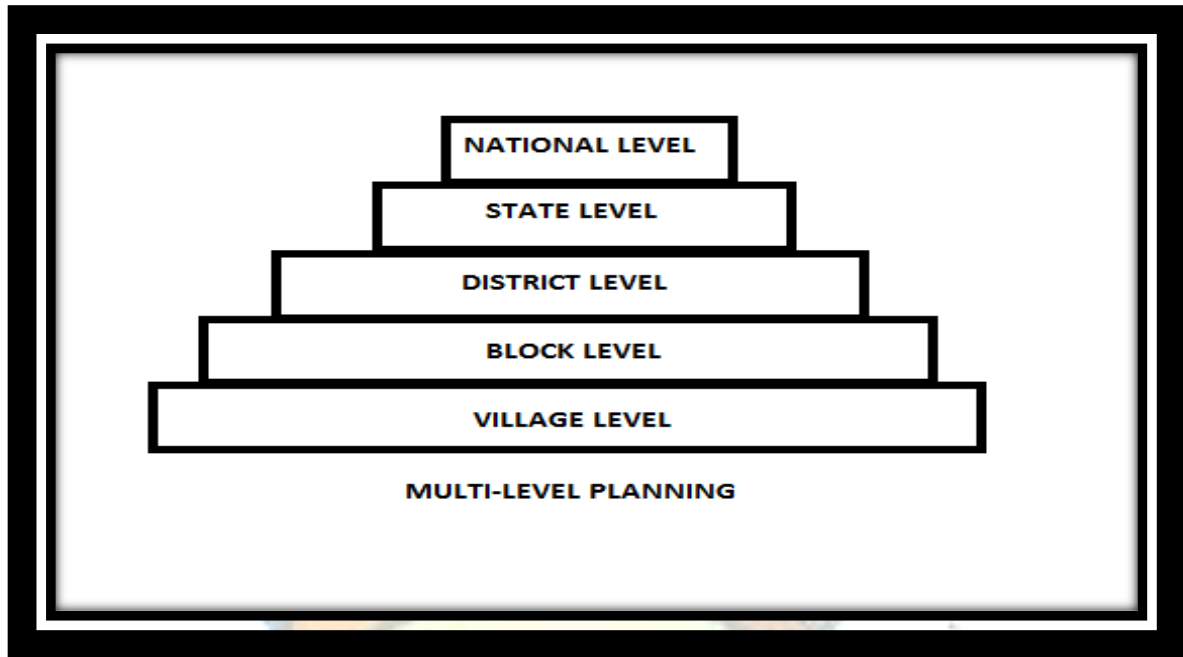


Figure 1: Multi-level planning

#### Benefits of Multi-Level Planning:

- Financial integration of all levels takes place because of responsibility sharing.
- Active popular participation increases: As a natural corollary to the decentralisation of planning, mechanisms for peoples' involvement need to be intensively explored for each level for more 'relevant' policy since interests cannot be adequately articulated without the active participation of people who are the intended beneficiaries.
- Affordable operations: Multi-level planning is expected to make operations affordable by providing better linkages between relevant sectors and ready access to required information, which would remove many implementation blockages.
- Addresses regional disparities and imbalances: Through inclusive decisions, Multi-level planning is expected to reduce regional disparities and bring more equity in development, since the chief factor behind persistent regional imbalances has been diagnosed as an unstudied application of the macro plan at micro levels without necessary modifications/detailing by the local development planners to address the particular requirements of an area/target group.
- Checks Corruption: Corruption is a persistent problem. For instance, the main problem with poverty alleviation programs has been the identification of beneficiaries and articulation of their needs, which has been far from orderly. Omissions/commissions alleged/inadvertent have largely thwarted efforts.
- Addresses local demands: Local development planners can decide on the territorial level based on its needs and requirements, viz. gram sabha, Samiti or Zilla Parishad, where a function can be performed with maximum impact and economy.
- Realisation of "Gram Swaraj": As per the MLP approach, the establishment of local "self-government" would renew local administration, which would have

positive spin-off effects on business generally. It's in general realisation of Gandhji's dream of 'Gram Swaraj', as people at local level take their own decisions and govern themselves.

Evolution of Multi-level planning in India:

- The 1st and 2nd Five Year Plans (FYP) gave the concept of community development where planning scope was expanded from mere law & order maintenance towards welfare and development oriented objectives.
- In 1960's formal lower level organisations were recognised because in 1957 Balwant Rai Mehta committee recommended 3 tier Panchayati Raj system for decentralisation and effective democracy.
- In 1967, ARC suggested that district level planning should be related to local area planning. Every plan must indicate resource availability at local level. Districts should have authority to decide sectorial financial outlay.
- In 1978, Dantewala working group suggested block level planning while Ashok Mehta Committee recommended strengthening of planning at Jila Parishad level by placing district level officers under DRDA (District Rural Development Agency). Today DRDA is at the lowest level in plan implementation.
- In 1982 Hanumantharao committee suggested Sharing resources for administrative and financial independence.
- The main objective of this kind of recommendations was to absorb local labour surpluses and greater involvement of people in the formulation and implementation of development plans. Hence, by the end of 1983 adopt system of block-level planning integrated into national system was available.
- In 1985 Sarkaria commission suggested for setting up of state finance commissions for financing of districts.
- At the apex of multilevel planning, in 1992, 73rd and 74th Constitutional amendments took place to planning as a subject devolved up to local levels.
- Here, Panchayati Raj institutions attained Constitutional status with mandates as was envisaged under Article 40 of Directive Principles of State Policy (DPSP).
- Further to this development, PESA was enacted by Government of India to cover the "Scheduled Areas", which are not covered in the 73rd Constitutional amendment. This particular act extends the provisions of Part IX to the Scheduled Areas of the country. PESA brought powers further down to the Gram Sabha level.

In this way evolution of multi-level planning in India took place. However, it has some drawbacks which needs to be addressed.

- Though powers are devolved to local levels, they are not that much empowered to act decisively. For instance, a village Panchayat has very low economic resources to collect as a tax or revenue from the people.
- Due to this they are more of dependent on the state governments and central governments for finances. Hence, their decision making also gets hampered.

- Sometimes planning at local levels gets hijacked by the dominating class, which makes vulnerable classes more vulnerable and pushes them out of decision making process.

**Conclusion:**

In determining appropriate area levels, there is a need to take into account not only planning requirements in terms of techniques and processes but also social, political and administrative structures. There is a need to introduce Constitutional provisions to ensure continuity and authenticity to such arrangements, particularly in regard to elections for bodies at sub-state levels which will help us to realise Gandhiji's dream of 'Swaraj' in true sense.



**2. How can e-governance initiatives empower Panchayati Raj Institution (PRI). Illustrate.**

**Approach:** One needs to explain about e-governance or facts (e-governance) in the Introduction. In body, objective of e-governance initiatives in empowering Panchayat Raj Institution. (Student needs to mention the examples as well).

**Illustrate:** Such an answer will generally involve the use of many examples, such as tables, figures, graphs, or concrete research statistics and evidence. The aim is to use these examples to demonstrate knowledge of the subject of the question and to further explain or clarify your answer).

**Introduction:**

E-Governance is the application of Information Technology to improve the ability of the government to address the needs of society. It includes the publishing of policy and program-related information to transact with citizens, integration of various stand-alone systems between government to citizen (G2C), government-to-business (G2B), and government-to-government (G2G). It extends beyond the provision of online services and covers the use of IT for strategic planning and reaching the development goals of the government.

(Note: One can also explain about e-governance providing facts (ranking or performance of PRIs pre-digitalization or post-digitalization))

**Body:**

National e-Governance Plan was launched with the objective “Make all Public Services accessible to the common man in his locality, through common service delivery outlets and ensure efficiency, transparency and reliability of such services at affordable costs to realize the basic needs of the common man”.

(To reduce the word limit, students can use the block diagram)



Figure: Objectives of e-governance

Some of the e-governance initiatives which help to bring governance in PRI mentioned below:

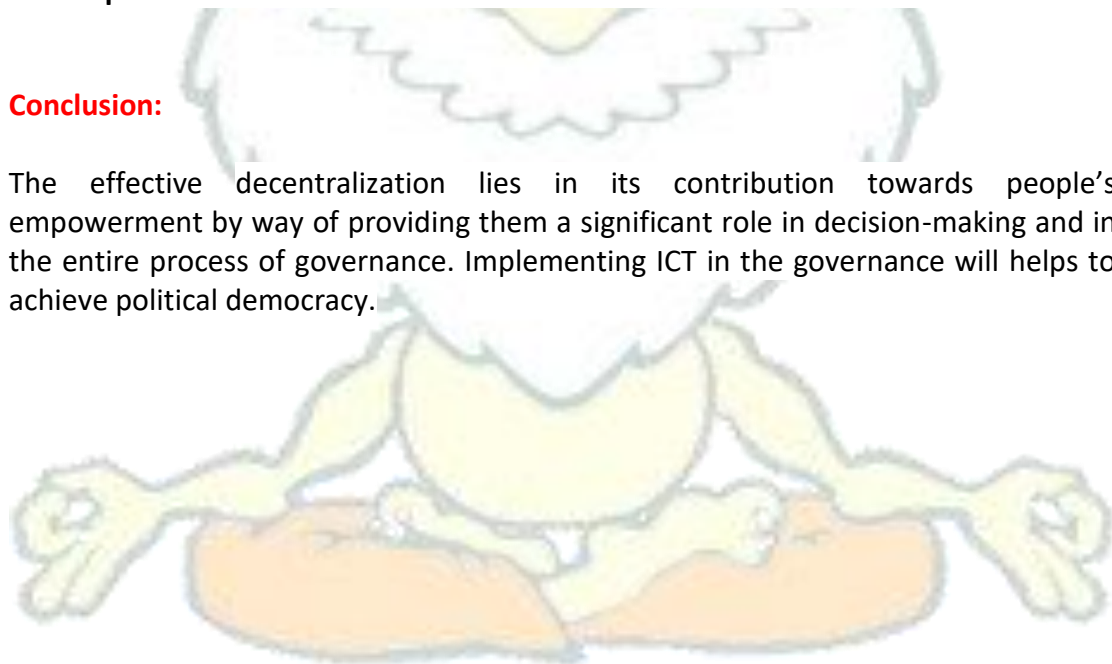
- **E-Panchayat** – This Project intends to improve quality of governance in PRIs. Further, it also enhances the coordination between Ministry of Panchayati Raj, Government of India and PRIs. The central objective of this **project is to ensure local area development and strengthen local self-governance** by providing variety of services to its stakeholders.
- **Bhoomi Project** (Karnataka government's initiative): Online Delivery of Land Records, Bhoomi is a self-sustainable e-Governance project for the computerized delivery of 20 million rural land records to 6.7 million farmers of Karnataka. It helps farmers to **access instant information about the land**.
- **KHETI** – The Knowledge Help Extension Technology Initiative – This Information Communication and Technology (ICT) design solution, **has helped to bridge socio-economic divide digitally**. KHETI uses participatory

interactive designing methodologies which have resulted in a customized solution for so called 'less privileged groups' such as poor farmers.

- **PFMS, e-FMS & Geo-tagging** – has been stated for bringing transparency & accountability in management of finances available to Panchayat under Fourteenth Finance Commission award, **helps in financial inclusion.**
- **Digital Inclusiveness in Auditing a Success Story** – Good governance practices of e-initiative in the field of audit has revealed effectively the **responsiveness and accountability** to public money and its usage issues. This has aired the spirit of **transparency and inclusiveness** with the financial governance agenda. There has been success in e-auditing application by the state of Madhya Pradesh in MGNREGS fund monitoring. Every individual are getting benefited and helped to reduce the ghost accounts.
- **Sevana** is a major software solution developed by Information Kerala Mission (IKM). The Sevana civil registration is utilized to register deaths and births in Panchayats and municipalities. Through these kiosks, deaths and births are registered instantly. Citizen can download birth/death certificates within 24 hours of registration at the kiosk. It helps to reduce the travelling time of the public to the nodal office, **Increases the efficiency.**
- **Sulekha software** was developed to monitor the annual plans of local government institutions in the State. Annual plans are prepared, evaluated and approved in a time bound manner through this software. **It is helping to provide the better service to citizen.**

**Conclusion:**

The effective decentralization lies in its contribution towards people's empowerment by way of providing them a significant role in decision-making and in the entire process of governance. Implementing ICT in the governance will helps to achieve political democracy.



**3. What are the merits of Indian federalism? With the help of suitable examples, explain the ways in which India's federal polity has shaped governance.**

**Approach:**

It expects students to write about merits of Indian federalism in the first part. In the second half write about ways in which India's federal polity has shaped governance with the help of examples.

**Introduction:**

The term federalism refers to the constitutionally allocated distribution of powers between two or more levels of government in the modern nation-state system. In the words of Granville Austin Indian federalism is cooperative federalism, which is exemplified by innovations like interstate council, GST council and NITI Aayog.

**Body:**

Merits of Indian federalism:

The most salient aspect of a federal form of government is that the governments at both the national and the state level function in their respective jurisdictions with considerable independence from one another.

- **Division of Powers:** In a federation both the federal and state governments are independent and autonomous in the spheres of their powers. 'One is not subordinate to the other. Both derive their powers from the constitution which is the supreme law of the land. The powers enjoyed by the units are, therefore, original and not delegated by the centre. E.g. Schedule 7 divided subjects under union, state and concurrent areas.
- **Separate Government:** In a federal form of government both the centre and the units have their separate set of governmental apparatus like state legislature or Gram Sabha. Still all India services provide connect between them.
- **Written constitution and amendment regarding federal issue need consent of at least half number of states.** Supreme Court also regarded federalism as part of basic structure doctrine; it helps in decentralized form of government.
- **States cannot secede from Indian union; single citizenship allows Indians to reside in any part of the country yet states can make special provisions for reservations for domiciled residents.**
- **A Better Understanding of Local Issues and Demands:** State Governments can be More Responsive to Citizen Needs. The closer a government entity is to its citizens, the more likely it is to respond to the needs of citizens.
- **Protection against Tyranny:** Spreading the national government's power among three branches that serve as a check and balance on each other, is that it serves as a deterrent to tyranny and runaway power.
- **Linguistic reorganization of states yet there is no 'one language-one state' formula.**



- Concurrent powers improve cooperation and collaboration among union and states.
- Competitive spirit among states proves healthy for overall development. Post 1991, state governments now got relative autonomy to initiate business endeavors and bring in foreign investments to their respective states.

Ways in which India's federal polity shaped governance:

Nations are described as federal or unitary, depending on the way in which governance is organized. Governance is nothing but process of decision making and implementation.

- Decentralization of governance: The diverse regional aspirations have managed to constantly assert themselves, resulting in the decentralization of governance in India. E.g. creation of new states, Autonomous district councils.
- Effective and efficient governance: India realized one size fits all approach cannot sustain. Importance of states in economic development policies, replacement of powerful planning commission by more facilitating NITI Aayog.
- Innovation in Law and Policy: Indian union and states adopted each other's best practices of policy to replicate in their own jurisdiction. E.g. Mid day meal scheme of Tamilnadu. It also facilitated to create new system altogether. E.g. Policy innovations like GST council.
- Participatory governance: 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendment helped to increase participatory democracy in India. Federal structure also helped to bring consensus based governance at grass root level.
- Accountability and transparency in governance also improved due to federalism as government went close to people. In apparatus like Gram Sabha, it is lot more easy to ask question to representatives.
- The most important moment for federalism in this phase is the revelation of the vital role of state governments on the ground in managing the COVID-19 crisis. After initial challenges, the Union government ceded adequate space and autonomy to the states for strengthening their healthcare facilities, managing the localized lockdowns, and implementing social security measures to mitigate the impact of the pandemic.

However, there is need to bring some reforms to improve federal governance in India like the contentious role of the governor in suppressing the states for the Centre's interest needs to be reviewed, proper utilization of the institutional mechanism of the Inter-state Council must be ensured to develop political goodwill between the Centre and the states on contentious policy issues and the gradual widening of the fiscal capacity of the states has to be legally guaranteed

### Conclusion:

In culturally diverse, developing countries like India; federalism is chosen not merely for administrative requirements but for the very survival of the nation. Strong federalism and good governance are necessary to achieve Sustainable Development

Goal 16 as it is dedicated to improvement in governance, inclusion, participation, rights, and security.

**4. With its focus on equity and critical learning, NEP addresses present, future challenges. Elucidate.**

**Approach:**

It expects students to write - in first part about present challenges faced by Indian education system - in second part write how different provisions of NEP addressed present and future challenges while focusing equity and critical learning. In end write 1-2 points about few lacunas.

**Introduction:**

The Union Cabinet approved the National Education Policy (NEP) in July 2020. This policy will usher in sweeping changes to the education policy of the country, including a renaming of the Ministry of Human Resource Development as the Education Ministry. The NEP 2020 aims at making “India a global knowledge superpower”.

**Body:**

Currently Indian Education system faces following challenges:

School Education	<ul style="list-style-type: none"> <li>• Inadequate public funding in the sector.</li> <li>• Disproportionate focus on school infrastructure as opposed to learning outcomes.</li> <li>• Challenges in governance and monitoring mechanisms for learning outcomes.</li> <li>• Accountability systems in government schools.</li> <li>• Inadequate teacher training, large number of teaching vacancies and rampant absenteeism.</li> <li>• Limited options for vocational education in the school system.</li> <li>• Inadequate support and counselling given to children in schools.</li> </ul>
Higher education	<ul style="list-style-type: none"> <li>• Outdated and multiple regulatory mechanisms limit innovation and progressive change.</li> <li>• Outdated curriculum results in a mismatch between education and job market</li> <li>• requirements, dampens students’ creativity and hampers the development of their analytical abilities.</li> </ul>

	<ul style="list-style-type: none"> <li>• Quality assurance or accreditation mechanisms are inadequate.</li> <li>• There is no policy framework for participation of foreign universities in higher education.</li> <li>• There is no overarching funding body to promote and encourage research and innovation.</li> <li>• Public funding in the sector remains inadequate.</li> <li>• There are a large number of faculty posts lying vacant, for example in central universities, nearly 33 per cent of teacher posts were vacant in March 2018; faculty training is inadequate.</li> </ul>
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NEP 2020 addressed present and future challenges by focusing on equity and critical learning as follows:

- NEP is important for several quantitative, and more importantly, qualitative changes. These range from pre-school to higher education with thrust on practicality and skill development; breaking the stereotypical divide of arts, commerce and science streams in high school; reorganising schooling years; making the education system more inclusive; permission to foreign universities to establish branches in India; and thrust on Indian and ancient languages.
- Other transformative changes relate to education in the local language or mother tongue at least up to the fifth grade and if possible, eighth and beyond; universal access and early childhood education; curriculum change leading to learning outcomes (LOs) and competencies; stress on equity, gender, special needs and promotion of multilingualism.
- It focuses on early child development, the endeavour to reduce the dropout rate, putting in place different forms of assessment, the emphasis on essential learning and critical thinking and the centrality of the teacher and teacher education.
- The NEP will bring two crore out-of-school children back into the mainstream. The policy aims at a 100 per cent Gross Enrolment Ratio (GER) in school education by 2030 and 50 GER in higher education by 2025 – it's currently about 25 per cent.
- Some elements of the overarching Universal Access to Early Childhood Care and Education (ECCE) framework relate to the NCERT's National Curricular and Pedagogical Framework for Early Childhood Education (NCPFECE). It also involves aligning NCPFECE with the latest research on ECCE and national and international best practices. The integration of vocational education with basic education in all institutions by identifying focus areas based on skills gap analysis and mapping of local opportunities will develop entrepreneurial competencies.
- Innovations in the higher education ecosystem include high-quality universities and colleges, multidisciplinary education, learning optimisation,

extension of the graduate course from three to four years, multiple entry and exit points, college teachers' education, replacement of the UGC, AICTE and NAAC, dispensing with the MPhil programme and the proposed National Research Foundation. The key principles of the NEP relate to accessibility, equality, accountability, affordability, and quality of education.

- The “fragmented” ecosystem of higher education will be integrated once NEP’s vision of combining different institutions into multidisciplinary universities and “higher education institution clusters” or “knowledge hubs” is realised. By upgrading the digital infrastructure, emphasising on learning at your own pace and underlining the importance of online courses, the NEP attempts to bridge the digital divide.
- The policy talks of solving mathematics problems through a variety of innovative methods, including the regular use of puzzles and games. There is a provision to teach coding at the middle-school level.
- The philosophy of access, equity, infrastructure, governance and learning has ultimately to be grounded in action to drive India’s growth, modernisation and structural transformation. The policy justifiably aims to increase the spending on education from the current 3.2 per cent of GDP to 6 per cent of the GDP.

However, mobilising funds could be difficult because of the resource crunch, low tax-to-GDP ratio, kick-starting the economy, strife with neighbours and competing development requirements. The policy’s success will also hinge on its integration with the government’s other policies — the New Industrial Policy, Digital India, Skill India, Atmanirbhar Bharat and the “vocal for local” programme.

### **Conclusion:**

NEP 2020 present wide-ranging reforms in the policy are aimed at making the Indian education system more contemporary and skill-oriented. Proper implementation of the reforms and ideas envisioned in the NEP 2020 will fundamentally transform India.

With the emphasis on knowledge-economy driven growth in the 21st century, this is precisely what India needs to dominate in the future decades of growth and drive the education requirements of our young population.

## 5. The Quad offers a great opportunity for reforming China-centred economic globalisation. Comment.

### Approach:

As the directive is comment, it is important to pick out the main points and give one's opinion based on the information or the arguments originated from the reading. One should take a neutral ground and write facts and viewpoints. Introduction for this question may start with explanation of what is quad, what are subsequent developments and what is the main focus of this group.

### Introduction:

The Quad, or the quadrilateral security dialogue between India, US, Japan and Australia, is now emblematic of the geopolitical churn in the eastern hemisphere. Less noted but equally significant is its geo-economic agenda that has drawn South Korea, Vietnam and New Zealand into the post-pandemic consultations in the so-called "Quad Plus" format. In both the domains, China is the natural focus.

### Body:

The policy discourse is about blunting Beijing's ambition to exercise regional hegemony and preventing it from bending the global economic order in China's favour.

- Quadrilateral Security Dialogue (Quad) is the informal strategic dialogue between India, USA, Japan and Australia with a shared objective to ensure and support a "free, open and prosperous" Indo-Pacific region.
- The idea of Quad was first mooted by Japanese Prime Minister Shinzo Abe in 2007. However, the idea couldn't move ahead with Australia pulling out of it, apparently due to Chinese pressure.
- In December 2012, Shinzo Abe again floated the concept of Asia's "Democratic Security Diamond" involving Australia, India, Japan and the US to safeguard the maritime commons from the Indian Ocean to the western Pacific.
- In November 2017, India, the US, Australia and Japan gave shape to the long-pending "Quad" Coalition to develop a new strategy to keep the critical sea routes in the Indo-Pacific free of any influence (especially China).

China has been the chief beneficiary of the globalisation of the world economy which began accelerating since the end of the Cold War in the early 1990s.

- This phase of relatively free movement of capital and technology and goods and services enabled China to transform itself into a low-cost manufacturing hub for the world.
- It became an export powerhouse leveraging its access to the large consuming markets of the US, Europe and Japan.
- Thanks to its brand of state capitalism and managed markets, China emerged relatively unscathed from the global financial and economic crisis (GFEC) of 2007-8 while the advanced capitalist economies of the West faced prolonged disruption and stagnation.

- The Western consensus behind globalisation has been eroded as competition from China has sharpened. As China, accelerated its ambition of becoming a world super power through its Belt and Road Initiative, Cheque book diplomacy etc. and by becoming a hub of global manufacturing industry.
- Due to this there is a rise in protectionist sentiments in the West, a greater scrutiny of inward investment particularly for acquisitions in the high-tech sector, and growing sensitivity over loss of intellectual property to Chinese firms.
- Also, Chinese aggression with its neighbours regarding Land boundary and maritime boundary issues forced the global leaders to think about opening a wide front against China on diplomatic table.

QUAD a great opportunity for reforming China-centred economic globalisation:

- As of now, it is an ad hoc grouping that has the potential to develop itself into a full-fledged economic and security-based international organisation.
- It is clear by now that India's foreign and domestic policies have started countering China's rise with the banning of several Chinese Apps and upholding the 'self-reliance' model of economic growth.
- The US has described China, along with Russia, as a strategic rival in its National Security Strategy, National Defence Strategy and the Pentagon's report on Indo-Pacific Strategy.
- Quad is an opportunity for like-minded countries to share notes and collaborate on projects of mutual interest.
- Members share a vision of an open and free Indo-Pacific. Each is involved in development and economic projects as well as in promoting maritime domain awareness and maritime security.
- It is one of the many avenues for interaction among India, Australia, Japan and the US and should not be seen in an exclusive context.
- Confronting an expansive Chinese aggression on its frontiers and Beijing's growing strategic influence in the subcontinent and the Indian Ocean, Its and opportunity for Delhi to explore security coalition-building with its Quad partners.
- India has also been a pioneer in economic decoupling from China. For instance, its withdrawal from the Regional Comprehensive Economic Partnership in 2019 and its opposition to China's Belt and Road Initiative first articulated in 2017.
- USA has laid out a comprehensive framework for addressing the ideological, political, economic, technological and security challenges posed by China. But disentangling the web of economic interdependence woven over the last four decades is not easy.
- Free, open, prosperous and inclusive Indo-Pacific region serves the long-term interests of all countries in the region and of the world at large.

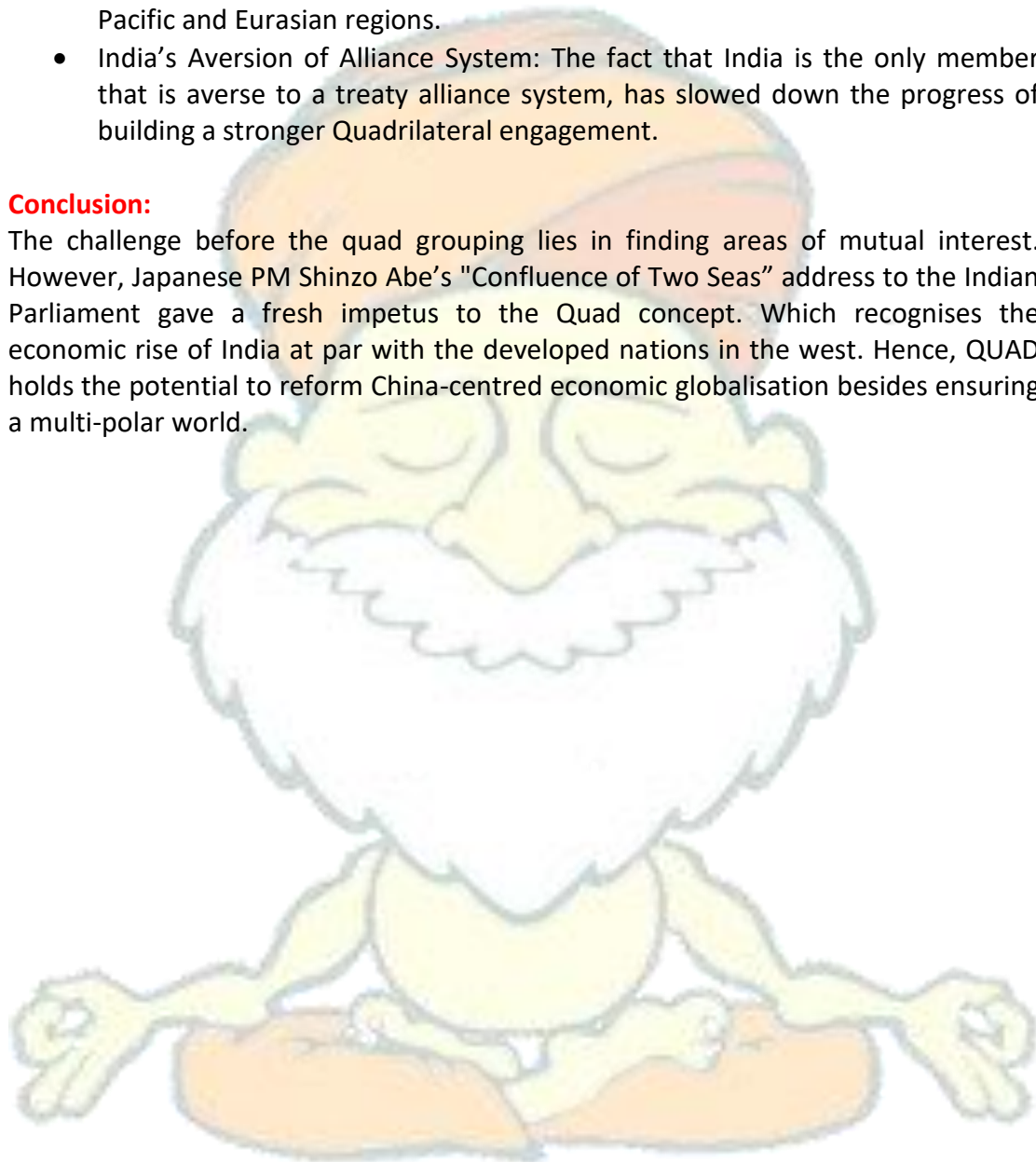
Hence, Quad shows a great potential to check China's ambitions be it in the Indo-Pacific region and beyond. However, global community is of the opinion that China's rise cannot be halted but can only be countered with an equally strong economic

and security-oriented organisation and the Quad fits the setting. However, some of the following challenges persists in-front of QUAD grouping.

- **Undefined Vision:** Despite the potential for cooperation, the Quad remains a mechanism without a defined strategic mission.
- **Maritime Dominated:** The entire focus on the Indo-Pacific makes the Quad a maritime, rather than a land-based grouping or an economic counter grouping, raising questions whether the cooperation extends to the Asia-Pacific and Eurasian regions.
- **India's Aversion of Alliance System:** The fact that India is the only member that is averse to a treaty alliance system, has slowed down the progress of building a stronger Quadrilateral engagement.

**Conclusion:**

The challenge before the quad grouping lies in finding areas of mutual interest. However, Japanese PM Shinzo Abe's "Confluence of Two Seas" address to the Indian Parliament gave a fresh impetus to the Quad concept. Which recognises the economic rise of India at par with the developed nations in the west. Hence, QUAD holds the potential to reform China-centred economic globalisation besides ensuring a multi-polar world.



**6. What do you understand by the concept of checks and balances in a constitutional democracy? Explain with the help of relevant examples in the Indian context.**

**Approach:**

As the directive is explain, a candidate here is expected to clarify with relevant facts and implications. Here, for introduction part candidate can start by defining what are checks and balances in a constitutional democracy besides showing how it is a characteristic feature of Indian democracy. For main body part it is expected to explain in detail concept of checks and balances besides showing importance of checks and balances in a constitutional democracy with relative examples in Indian democracy. For value addition we also need to explain performance of this concept of checks and balances in Indian context. While in conclusion one can state in brief what is the output of this system in general and what are the advantages or disadvantages continuing with this concept.

**Introduction:**

The concept of checks and balances is to safeguard that different branches of government control each other internally (checks) and serve as counter weights to the power possessed by the other branches (balances). Despite there being no express provision recognizing the doctrine of separation of powers in its absolute form, the Constitution of India does make the provisions for a reasonable separation of functions and powers between the three organs of Government. Rather it is more of a version of "checks and balances".

**Body:**

Checks and balances, principle of government under which separate branches are empowered to prevent actions by other branches and are induced to share power.

- Checks and balances are applied primarily in constitutional governments. They are of fundamental importance in tripartite governments, such as that of the United States, which separate powers among legislative, executive, and judicial branches.
- Checks and balances, which modify the separation of powers, may operate under parliamentary systems through exercise of a parliament's prerogative to adopt a no-confidence vote in a government; the government, or cabinet, in turn, ordinarily may dissolve the parliament. For instance, Indian Constitution envisages such provision.
- In simple form, the objective of separation of functions and employees is to limit the power; to make the branches of government accountable to each other. It can be clearly observed from Figure 1.
- The most noticeable example of a check is the power of the judiciary to appraise executive conduct and ordinary laws for the compliance with the Constitution and the Bill of Rights.
- Judicial review in this case constitutes neither executive nor judicial function, it is a mere check on the exercise of executive and legislative power. It is a



power exercised by the judiciary to guarantee constitutional compliance and not to exercise the power of another specialist.

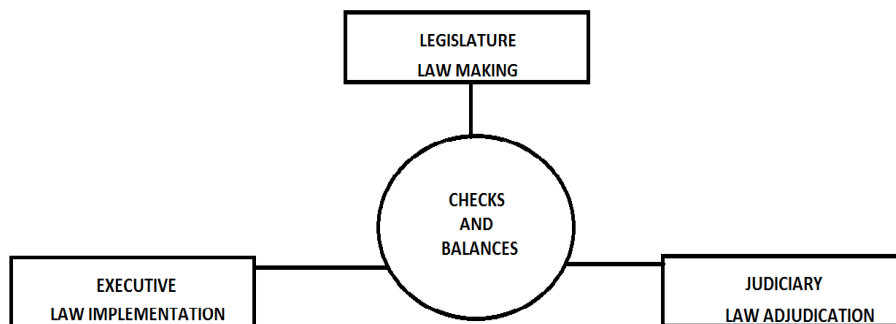


Figure 1

Indian constitution have meticulously defined powers and functions of the different organs of the state. Legislature, executive and judiciary have to function within their own spheres demarcated under the constitution. Unlike the US constitution, instead of having strict separation of power India follows the principle of 'checks and balance' which is evident from the various constitutional provisions dealing with executive, legislative and judicial organs.

- For instance, Under the constitutional provision, Parliament in India includes the Lok Sabha, the Rajya Sabha and the President. Parliament, the legislative body, has the head of executive as its integral part.
- Accordingly, the parliament uses different motions like censure motion, no confidence motion, etc., to check the functioning of the council and hold them responsible. Further, the Parliament under article 61, can impeach the President for violation of the Constitution.
- Within the constitutional provision India has an independent judiciary with the Supreme Court at its apex. Provision of judicial review and writ under Article 32 and 226 empowers the Supreme Court and the High Court's respectively to check the constitutional validity of the executive and legislative actions.
- Independence of the judiciary has been ensured in the constitution but the same has been interlinked with executive and legislative organ of the government.
- For instance, appointment and transfer of judges of High Courts and the Supreme Court is done by the executive. Further, the removal of the judges of the High Courts and Supreme court is done by the Parliament.
- Idea behind the doctrine of separation of powers is to create separate power centres rather than having all power concentrated in a single institution. Though on the whole, the doctrine of separation of power in the strict sense is not possible in modern political system, its value lies in emphasis of checks and balance, which are necessary to prevent abuse of power and uphold the rule of law.
- All three of them are strong pillars of India which support and strengthen each other. Thus, keeps a check and ensures smooth functioning of the whole system and the nation.

Performance of concept of Checks and balances with respect to Indian constitution:

- Since its inception Indian Constitution has undergone various amendments, however, our constitution hadn't undergone major changes as changing the constitution entirely due to its principle of separation of power and checks and balances.
- For instance, the Parliament wields more power when it comes to amendment of the Constitution. However, In the KeshavanandaBharati Case (1973), the SC ruled that the Parliament cannot amend those provisions which form the 'basic structure' of the Constitution'. This ensured that no arbitrary amendment can pass the test.
- Also, the Executive (i.e. the political Executive the Council of Ministers) remains responsible and the administration accountable to Parliament. It is the function of Parliament to exercise political and financial control over the Executive and to ensure parliamentary surveillance of administration. Thus, Executive is collectively responsible to Parliament for its actions.
- Also, recent stay order by honourable Supreme Court regarding the Maratha reservation which breached the constitutional limit of 50% reservation is also a fine example of Judiciaries check on arbitrary use of power by legislature.

**Conclusion:**

Checks and balances in constitutional democracy ensure that the different branches control each other. This is intended to make them accountable to each other – these are the 'checks'; It also ensure to check arbitrary use of power by any organ of the government. Also the constitution divides power between the different branches of government – these are the 'balances'. Balance aims to ensure that no individual or group of people in government is 'all-powerful'. Hence, checks and balances ensure that power is shared, no arbitrary use of power takes place and it is not concentrated in one branch.

**7. Examine the powers and limitations of different commissions for the protections of the rights of the vulnerable sections.**

**Approach:**

The demand of the question is quite direct. Body of the answer should include two subheadings – Powers and Limitations.

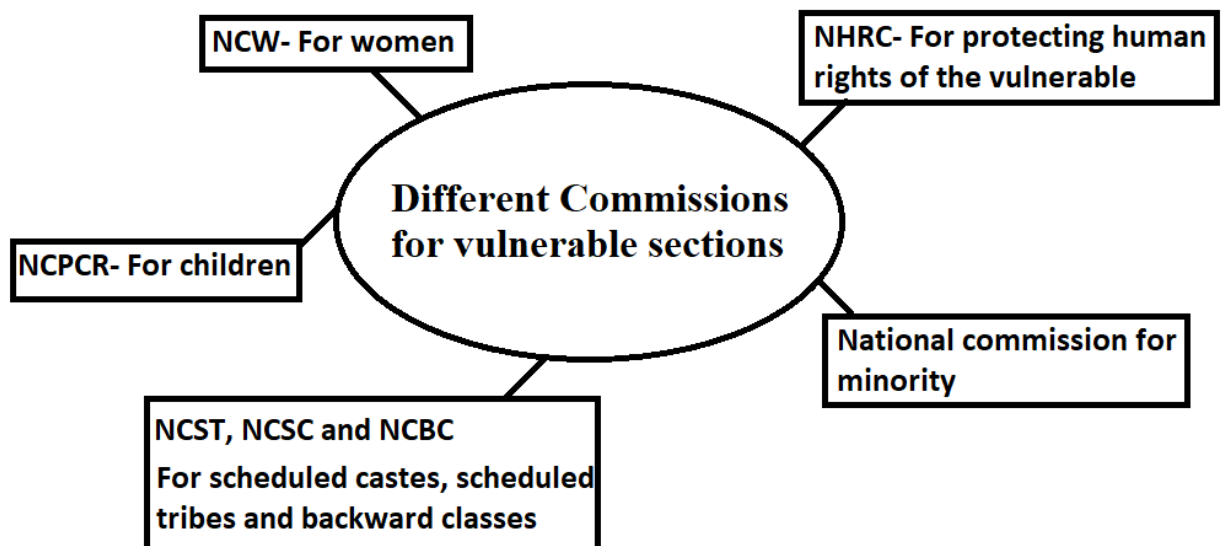
Since, the directive is “EXAMINE”, mere listing of powers or limitations pointers won’t fetch marks. Students should try to understand, inspect, investigate and establish the key facts and issues related to the topic in question. While doing so we should explain why these facts and issues are important and their implications.

**Introduction:**

Vulnerable sections like women, children, SC/STs, minorities, OBCs and differently able are facing multiple socio-economic disadvantages in terms of health, education, mobility, economic opportunity, etc., in India. To redress it, the Constitution of India as well as various legislations has provided for different commissions and the prime intention is to protect their constitutional rights, coordination in socio-economic and educational development, and address atrocities related matters.

**Body:**

Some of the different Commissions mandated to oversee and ensure social justice and protection of the vulnerable and backward sections of the society are-



**Powers of the commission:**

1. Commissions are empowered to investigate and monitor all matters relating to the safeguards for vulnerable sections under the constitution and

any other law or any order of the government → This has helped to evaluate the working of such safeguards as the vulnerable sections are often prone to violence.

2. **They inquire into specific complaints** dealing with the vulnerable sections → This has helped to protect and safeguard vulnerable sections, as they are deprived from their rights.
3. **They participate and advice on planning process** of socio-economic developments of vulnerable sections → This helps to evaluate the progress of the development of vulnerable section under the union and any state, as these sections are not aware of their beneficial schemes.
4. **Present report to the President** upon the working of those safeguards annually and at such other times as the commission deems fit, because of free from political interference in the process.
5. **Make recommendations** as to the measures that should be taken by the centre and states for the effective implementation of those safeguards and other measures implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the vulnerable sections.
6. **To discharge such other functions for protection, welfare and development and advancement of Vulnerable sections** as the president may, subject to the provisions of any law made by parliament by rule specify.

#### Limitations of the commissions:

1. **Compositions of the commission** → Respective Commission Chairperson/members should have representation from vulnerable section and should be inclusive.
2. **Multiplicity of various commissions** for the vulnerable sections of the society → has led to problems of overlapping jurisdiction and duplication of functions.
3. Currently, **Commissions are not empowered to issue binding directions or injunction orders** and its reports, unlike the decrees of civil courts, could not be enforced and executed, therefore commissions should get constitutional backup.
4. As the **commission is not an adjudicatory body** that could issue binding directions or injunction order therefore reports are not an alternative to the hierarchical judicial system envisaged under the constitution, it has no jurisdiction over service matters of an institution like the ITBP. Most of the Commissions are toothless and need to get the binding powers to punish the accused.
5. **Other limitations** → Low financial independence and politicization of commissions, absence of checks and balances, National and State Commissions do not trespass their respective jurisdiction etc

#### Conclusion/Way ahead:

All the commissions need to be empowered truly by –

- making them free of political interference,
- manning them with adequate and suitable manpower,
- providing them enough funding for carrying out basic research etc.
- more powers, specially to impose penalty,
- making their decisions binding on executive.

In cases where executive decides not to implement the decisions, it should provide reasons behind not doing so.

Constitutional mandate of putting yearly reports by these bodies in parliament should be done in true spirit and parliamentarians should spend decent time to discuss the report.

Above everything political will is required on part of both central and state governments to make these bodies truly effective and thus improve the conditions of the vulnerable in country.



**8. What are the constitutional provisions for separation of powers in India’s three tiered government? Are they effective? Critically examine.**

**Approach:**

It expects students to write about the constitutional provisions for separation of power in India’s three tiered government and analyze effectiveness of such provisions in critical manner.

**Introduction:**

Division of powers between different tiers of government is mentioned in the constitution. Union government has overridden and invaded powers of state government under emergency and certain other eventualities. It cannot destroy the essential federal feature of the Constitution but questions effectiveness of arrangement of separation of powers.

**Body:**

Table for Constitutional provisions of separation of power between union, state and local government:

Union government	State government	Local government
Article 52 to 151 provides provisions for union government under Part 5 like executive, parliament, legislative powers of President, union judiciary and comptroller and auditor general of India.	Article 152 to 237 provides provisions for state government under Part 6 like state executive, state legislature, legislative powers of Governor, High Courts and Subordinate Courts.	The 73rd Amendment Act added part 9 and a new Schedule 11 to the Constitution for rural local bodies i.e. panchayati raj. Similarly, the 74th Amendment Act added part 9-A and new schedule 12 to the Constitution. Article 243 to 243ZH contains provisions for local government.
Schedule 7 provides Union list of subjects on which parliament has exclusive powers of law making and concurrent list of subjects on which parliament has shared power with states. Along with it center also enjoy residuary powers over subjects not mentioned under any list.	Schedule 7 also provides state list on which state legislature has exclusive powers of law making subject to some exceptions.	Schedule 11 contains list of 29 subjects under purview of panchayats. Schedule 12 contains list of 18 items under purview of urban local bodies.

<p>Power of appointment of members of Election commission (Article 324) and UPSC (Article 315-323) resides with President. Finance Commission (Article 280) is constituted by President of India every five years.</p>	<p>It also enjoys powers to appoint members of State Public Service Commission (Article 315-323) and State Finance commissions.</p>	<p>Gram Sabha in rural local government provide way for direct democracy in which accountability and transparency can be achieved efficiently.</p>
<p>Article 343 mentions official languages of the Union which are Hindi and English as of now.</p>	<p>Article 345 provide official language or languages of a State- subject to the provisions of articles 346 and 347, the legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi.</p>	<p>It uses respective state official language for communications.</p>

Effectiveness of constitutional provisions to maintain separation of powers:

- Decentralization and separate government apparatus: States are not subordinate to the Union. Both derive their powers from the constitution which is the supreme law of the land. The powers enjoyed by both are, therefore, original and not delegated by the center. E.g. Innovations like Autonomous District council provided ways for more decentralization.
- Separate list of subjects has by and large avoided turf wars between union and states.
- Since the SR Bommai case verdict, misuse of Article 356 has reduced significantly. Supreme Court can reinstate state governments arbitrarily removed by President's rule.
- Compulsory provision under 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendment act mandated to have elections every five years, state finance commission for financial relations of state/intra state and local bodies. It makes local government more efficient and avoids interference of state government.
- Only in exceptional cases, parliament can override state legislature or executive powers like, emergency national or financial, President's rule or if state/states pass resolution to that effect.
- Increased role of finance commission as constitutional body and increased share of states in central divisible pool helped to increase autonomy of states in economic development. Competitive spirit between states has helped union government to achieve its own objective of economic development.

However, effectiveness of separation of power has been questioned multiple times in independent Indian history,

- Provision of Emergency powers (Article 352-360) under constitution keep scope for totalitarianism violates principle of separation of power. Use of instrument of President's rule by more than 125 times by union government

to remove state governments in different states. It was envisaged as dead letter which proved deadly weapon against states and hampered separation of powers.

- Governor's office: Constitutional and situational discretions are used by office of governor in inappropriate manner. Political activism shown by governor's office in West Bengal and Maharashtra in recent time reduces the stature of constitutional office in Indian polity. It also exemplifies violation of constitutional morality by indulging in jurisdiction of state's powers.
- Use of central investigation agencies: It has been used by union governments to influence decisions of opposition political parties ruling in states. Enquiry commissions for chief ministers and important functionaries.
- One nation one policy initiatives erode the federal independence and innovation in their own jurisdiction like taxation, social sector schemes and electoral matters. E.g. push for one nation one election, one nation one tax.
- Terms of reference used by Finance commission like forest cover, total fertility rate, per capita GDP create feeling of injustice in some states. Dependence of states and local governments on union vis-e-vis financial security erodes principle of separation of power.
- Sheer number of subjects under state list is much less than union list; still there is constant encroachment by union on the subjects of state list. E.g. Farmers acts of 2020.

### Conclusion:

However, despite of challenges, India's 3 tiered government models succeeded to maintain robustness and effectiveness with cooperation, collaboration and consultations recently witnessed joint pandemic response. There is need to achieve objective of 'minimum government and maximum governance' without hampering effectiveness of separation of power between different tiers of governments in India.



**9. While self-reliance is important, India does not have the luxury of abandoning export orientation. Elucidate.**

**Approach:**

It expects students to write answer in two parts - In first part write your argument as why India focusing on self-reliance; while in second part write about why India does not have the luxury of abandoning export orientation.

**Introduction:**

Only a self-reliant nation can serve the diverse needs of its population and provide them with choices. A content nation can also contribute to the welfare of other counties with a sense of self-pride. The COVID-related pressures and the unfortunate border tensions with its largest import partner, China, present a rare opportunity for India to reinvent itself, economically.

**Body:**

India now focussing on Self Reliance due to following reasons:

- COVID-19 took very little time to spread across the world economy. International trade has been constricted and global supply chains have, by and large, been disrupted.
- Each nation has been left to fend for itself. India's dependence on other countries has been exposed in several areas. The country should now refocus on manufacturing, and be self-reliant.
- Prime Minister Narendra Modi gave a call to fellow Indians to be "Vocal for Local" in May. This essentially means, as PM Modi explained, not only to buy and use local products, but to also take pride in promoting them.
- The Centre announced a well-considered programme, the Atmanirbhar Bharat Abhiyan (ANBA), as part of the post-pandemic economic revival package. Rs. 20 lakh crore (10% of India's GDP) was earmarked for the purpose.
- Nevertheless, experts and industrialists do assert that the ANBA is an excellent initiative and gives India the opportunity to embark on the self-reliance drive.

However, while focusing of self-reliance, India does not have the luxury of abandoning export orientation because:

- India has focused on domestic-demand led growth not just as a short-run response to Covid – 19, but as a medium-term growth strategy. All the evidence across the world and in India has shown that rapid and sustained economic growth requires export dynamism.
- Only growth can rehabilitate balance sheets; stressing balance sheets further cannot realistically revive growth. Consumption growth will be limited by the fact that household debt has grown rapidly in the last few years.
- Consumption now can grow only if incomes grow. Government spending could be a short run option, but COVID has limited that possibility. Post-COVID, India's debt is expected to rise from about 70 per cent of GDP to about 85-90

per cent and deficits are likely to be in the double-digit range. The fiscal space for spending will be severely limited both because of high levels of deficits and indebtedness and because debt dynamics will be adverse unless growth picks up substantially.

- India may well have scope for expansionary fiscal policy in the short run but not as a medium run growth strategy. India's financial system was badly impaired even heading into the COVID crisis and will come out more seriously damaged. Given the limited progress in fixing the financial system, prospects for investment remain weak. In short, in India's current circumstances, India does not have the luxury of abandoning export orientation because the alternatives are so limited.
- We estimate that India is producing and exporting about \$60-\$140 billion (2-5 per cent of GDP) less of low-skilled activity annually than it should be. There are, of course, two ways to look at this finding. On the one hand, it is an indictment of past performance. On the other, it is also an indicator of potential future opportunity if the underlying problems are addressed.
- In recent years, because China's wages are rising as it has become richer, it has vacated about \$140 billion in exports in unskilled-labour intensive sectors, including apparel, clothing, leather and footwear. Post-COVID, the move of investors away from China will probably accelerate as they seek to hedge against supply chain disruptions because of trade actions against China.
- India did not take advantage of the first China opportunity. Now, a second opportunity stemming from geo-politics has been created and that is India's big prize waiting to be seized. Importantly, exploiting this opportunity in unskilled exports requires more not less openness.

Export success will also require genuine easing of costs of trading and doing business in India. As India contemplates atmanirbharta, two deeper advantages of export orientation are always worth remembering. First, foreign demand will always be bigger than domestic demand for any country. Second, there is also a fundamental asymmetry: If domestic producers are competitive internationally, they will be competitive domestically and domestic consumers and firms will also benefit. The reverse is not true: Being competitive only domestically is no guarantee of efficiency and low cost. In sum, resisting the misleading allure of the domestic market, India should zealously boost export performance and deploy all means to achieve that.

**Conclusion:**

Pursuing rapid export growth in manufacturing and services should be an obsession with self-evident justification. Abandoning export orientation will amount to killing the goose that lays the golden eggs and indeed killing the only goose laying the eggs.

**10. As global supply chains have disrupted during pandemic, India has a tremendous opportunity to reindustrialise. Comment.**

**Approach:**

It expects students to write - in first part, write about how pandemic disrupt global supply chain - in second part write about why India has a tremendous opportunity to reindustrialise - in third part in short you can mention few constraints for reindustrialisation - while in fourth part write about How India can seize the global supply chain opportunity in the post COVID-19 era

**Introduction:**

COVID-19 took very little time to spread across the world economy. International trade has been constricted and global supply chains have, by and large, been disrupted. With pandemic crisis, both regional and global supply chains stand fractured. There is a pressing need to re-evaluate the global supply chains wherein fundamental assumptions may need to be re-examined, manufacturing bases may need to be diversified, trade channels may need to be re-engineered, and investment destinations may see a shift.

**Body:**

Pandemic disrupt global supply chain as follows:

- Economic activities stagnated
- Transportation halted
- Labour movement restricted
- Some MSME's shutdown
- Unemployment
- Fall in demand
- Import substitution

India has a tremendous opportunity to reindustrialise because:

- India has strongest demography: According to National Policy for Skill Development and Entrepreneurship - 54% are below 25yrs and 62% are aged between 15-59yrs.
- India's continuous efforts to improve infrastructure by various projects like Bharatmala, Sagarmala, National Infrastructure Pipeline etc.
- Recently amended labour laws can attract foreign investment which can be utilised for industrialisation.
- With the disruptions in supply chains, every company that relied on inputs from abroad has been severely impacted. It is becoming evident that the supply chain strategies that were most celebrated in pre-COVID-19 world can no longer be relied upon.
- For instance, the lean or the 'just-in-time' inventory strategies that entail manufacturers to maintain minimum raw material, may need to be reevaluated. There is thus a pressing need to re-engineer the global supply chains wherein

the fundamental assumptions may need to be re-examined, manufacturing bases may need to be diversified, trade channels may need to be altered, and investment destinations may see a shift.

- In line with the urge to create a resilient supply chain system, the consumption-driven developed economies such as the EU, Americas and Asia are not only rethinking their business strategies, but also are beginning to look at other nations to mitigate their supply chain risks.

However, following are some challenges for reindustrialisation:

- Regulatory uncertainty: Regulatory risks and policy uncertainty in the past have dented investor confidence.
- Investment: There has been a cyclical slowdown in fresh investment since 2011-12.
- Technology adoption: The adoption of new technologies like artificial intelligence, data analytics, machine-to-machine communications, robotics and related technologies, collectively called “Industry 4.0”, are a bigger challenge for SMEs than for organized large-scale manufacturing. Data security, reliability of data and stability in communication/transmission also pose challenges to technology adoption.
- Exports and insufficient domestic demand: There has been no export driven industrial growth. Domestic demand alone may not be adequate for sustained, high value manufacturing.
- Challenges to doing business: Despite recent improvements in our global EODB rank, it continues to be a drag on the system. This is also true of investment conditions in the states. Getting construction permits, enforcing contracts, paying taxes, starting a business and trading across borders continue to constrain doing business.

India can seize the global supply chain opportunity in the post COVID-19 era by following interventions:



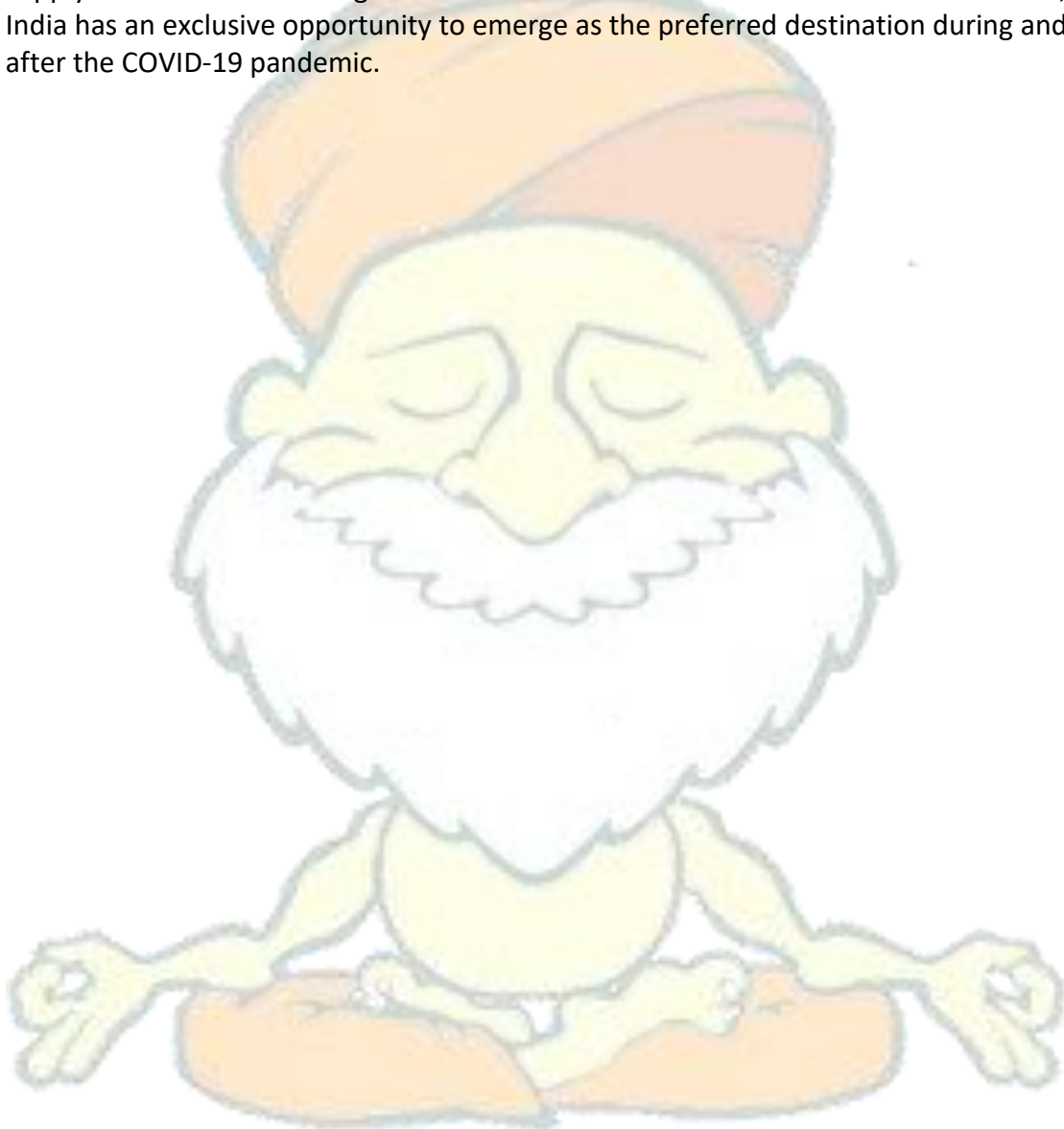
Under the above-mentioned groupings, some of the immediate measures the governments may undertake include:

- Immediate release of incentives under the industrial and sectoral policies.
- Enact ease of not just doing business but resuming, diversifying and expanding too.
- Allow extended operating hours.
- Provide plug-n-play infrastructure and common facility centers (CFCs) in each district, with focus on technological support and export promotion.

- Establish helpdesks and digital platform to bridge information gap between suppliers, buyers and logistics service providers.
- Revisit, renegotiate and enforce FTAs, especially with respect to value addition clauses and change in import-export basket of India.

**Conclusion:**

With the newly defined objectives of global companies and countries to reduce their supply chain risks in the long term and fix the broken value chains in the short term, India has an exclusive opportunity to emerge as the preferred destination during and after the COVID-19 pandemic.



**11. Bring out the most striking differences between the Indian and the US constitutions with respect to federalism, separation of powers and electoral system.**

**Approach:**

As included in our syllabus the question belongs to the area of comparison of Indian constitutional scheme with that of other countries. Hence, it's a straightforward question. One can start with defining what is constitution besides mentioning one important feature of Indian and American constitution. Here, a candidate is expected to put forth most striking differences between the Indian and the US constitutions with respect to federalism, separation of powers and electoral system. For value addition part it is expected that a candidate can write about the lacunas respective constitutional schemes and how these constitutional schemes have worked in the respective countries. One can conclude by showing importance of constitution in brief and later on explaining what is the current status of constitutions of India and USA.

**Introduction:**

A constitution is an aggregate of fundamental principles or established precedents that constitute the legal basis of a polity, organisation or other type of entity and commonly determine how that entity is to be governed. The Constitution of India is the longest written constitution of any country in the world, while the Constitution of the United States is the oldest active codified constitution.

**Body:**

Originally, the India Constitution consisted of 395 Articles in 22 Parts, with 8 Schedules. Presently (2019), it consists of 470 Articles in 25 Parts, with 12 Schedules. Whereas American Constitution is a very rigid constitution consisting of only Seven Articles and twenty-seven amendments, so far. Though Democracy is a form of polity in both the countries, their nature of constitutional democracy is different due to difference in constitutional scheme of both the countries.

Most striking differences between the Indian and the US constitutions with respect to federalism, separation of powers and electoral system:

**Federalism:**

- In the US, the President is the head of the state and so his government is popularly referred as the Presidential form of government. India, on the other hand, has a Parliamentary form of Government as the Prime Minister with his cabinet exercises real power with the President being only a nominal head.
- India has only one Constitution, wherein the Central government interferes with functions of State governments in the form of, inter alia: Appointment of Governors. Governor having the power of reserving the States' bills for consent of the President. Central government's power to impose President's rule in the States.

- On the other hand, The American Constitution is described as a truly Federal Constitution. It was ratified by 50 Independent States. Further, the Federal Government and States have their own Constitutions and do not interfere in each other's functions.
- India is a Cooperative Federation i.e. Interdependence of Centre and state govt. Neither of them is independent of the other. Centre usually has the role of big brother.
- While USA is a Dual Federation i.e. both the Centre and state are completely independent. They are complete governments.
- India follows Asymmetrical federalism. States have been given representation in Rajya Sabha on the basis of their population. Articles 371 provide special provisions to few states.
- Whereas USA follows Symmetrical federalism. All states are given equal representation in Senate.
- USA is a Legislative federation. This means that States have dominance in law making. Whereas, India is an Executive federation. This means that states are important at the executive level only.
- India is an indestructible union of destructible states, while USA is an indestructible union of indestructible states.
- USA's constitution provides a role to states in ratifying the international treaties through the Senate. There is no such provision for states in the Indian Constitution.
- The Constitution of India recognises single citizenship. On the other hand, USA's Constitution provides for a double citizenship that is a US citizen can have citizenship of two countries, USA and some other country.

#### Separation of powers:

- Theoretically, we may say that the doctrine of Separation of Power is adopted in our Constitution, but it is only between the Executive and Judiciary. Separation of Power is complete in US.
- With respect to India, The President is a part of the Union Executive. Yet, it is the Prime Minister and the Council Ministers who are the real executive because the President has to act on the aid and advice of the Council of Ministers. Whereas in USA All the three branches of the government have separate functions.
- The American President has no privilege of law making power. Moreover, he is neither a member of the House of Representative nor that of Senate. Whereas in Indian scenario every bill has to get an assent from President.
- The Presidential system (USA) provides Separation of Power w.r.t. all three organs of the government, whereas in the Parliamentary system (India) there is a fusion of legislative and executive powers.
- In Indian scenario, No organ of the government can be given complete liberty. Hence there have to be checks and balances. For instance, Judiciary checks on other branches of the government, by judicial review of the legislative acts.

- While in USA, by confirming veto power but equally not confirming the law-making power to the President, the Congress controls the Presidents and vice versa. In this way, 'Checks and Balance' are maintained.

#### Electoral System:

- Electoral method: In the US, head of the government, President is indirectly elected by the electoral college. Whereas in India, The President is indirectly elected by means of an electoral college consisting of the elected members of the Parliament of India and the Legislative assemblies of the States of India and the Union territories of Delhi, and Puducherry.
- Election Body: There is no centralised election management body in US like the Election Commission in India. In US all 50 states & countries within it have different management bodies. Though the US has two federal bodies. the Federal Election Commission (FEC) and the US Election Assistance Commission (EAC) , but both of them together do not add up to anything as powerful or effective as the Election Commission in India(ECI).
- Effectiveness of Election Bodies: The Federal Election Commission (FEC) and the US Election Assistance Commission (EAC) are not powerful and effective as Election Commission in India. In the US, elections are actually conducted by local authorities, working under local, state, and federal law and regulation, as well as the US Constitution. It is a highly decentralized system.
- Whereas in India, under Article 324, ECI has the power of superintendence, direction, and control of elections to parliament, state legislature, the office of president of India, and the office of vice-president of India.
- Simultaneous Election System: In India where we have one election at a time, whereas there is a bunch of simultaneous elections in the US. In many states, a voter will be choosing not just the US president but 20 different contestants on a single ballot, including the member of the US Senate and the House of Representatives, state senate, governor, state attorney general, supreme court judge, among others.
- Voting system: No uniform ballot system formed across the US states, where in India, EVMS would be placed in all the poll booths to ensure efficiency and correctness
- We choose only one candidate using on a single ballot in India but in many states in US a voter will be choosing different contestants on a single ballot apart from the president.
- Voter system: In US voting is at polling stations on poll day, provision of early voting in person & absentee voting by mail. In India there is no provision of early voting. However, there are provisions of postal ballot but restricted to armed forces Central govt. staffs posted outside India.
- Polling Stations: The polling stations in US can be variety of buildings including shopping malls, churches court houses etc. and the polling staffs can be drawn from variety of source like private & elected. In India govt. or semi govt. buildings are preferable although provision for private buildings exists too. However polling staffs in India are drawn from govt. authorities & institutions as well as from local bodies.



US Constitution is the world's longest surviving written charter of government and India's constitution is written after ransacking many constitutions of other countries they still pose some challenges which are as follows.

- American Constitution is a very rigid constitution consisting of only Seven Articles and twenty-seven amendments, so far.
- In Indian constitution, Certain features that have effect on federal characteristics require amendment by special majority along with state's concurrence under article 368.
- Indian constitution, Being lengthiest written, it has detailed polity and administrative principles, which need to be followed by the legislature, judiciary, and executive. Defiance of which could result in unconstitutional acts like prescribed age for elections, trying to subvert judicial independence leading to terming non-constitution even a majority backed law like NJAC.
- However, In the USA, each state has its own written constitution. Which makes the task of governing and adjudicating difficult for the three organs of the government.

Whereas an answer to this challenge is can be observed in the foresight of our constitution makers as Indian Constitution, a living document that responds to changing time along with making it durable to protect the basic tenet of democracy, ideals on which the country was formed like those enshrined in the Preamble.

- Indian constitution due to its flexible nature has evolved over the time and maintained its secular, democratic character. Also it is in tune with the diverse nature of society as it enshrines and embodies welfare of every section of society.
- Despite the fact that states in USA have their own constitutions and they have a right to secede, USA is still one nation, it's actually a well performance of this constitutional scheme.
- Also, Indian constitutional scheme maintains equal distance from all religions and intervenes only when necessary. Whereas USA follows strict separation between religion and government. Despite this contrast, both the constitutions have performed in harmony with their respective societal differences over the years.

The constitution forms the basic structure of any government: The constitution of any country is important because of the fact that it lays down all the legal and cultural aspects under which its people and the governmental bodies will be governed and that too when there are foreign interactions in the personal affairs.

**Conclusion:**

When it comes to comparison between different constitutions, they might have some similarities and some stark differences. However their performance with respect to political-social and economical conditions of their respective countries matters the most. Such as proved by Constitution of USA which maintained USA's status as one nation and as India which evolved over time to be known as a 'living document'.

(Note: 1. Candidate can also adopt table format to answer this question. 2. Though the challenges and performance of constitutional schemes is mentioned in the synopsis, its advised to write the core points first and only if time permits, then only go for value addition.)

**12. How does the Indian Parliament ensure executive accountability? Explain with the help of suitable examples.**

**Approach:**

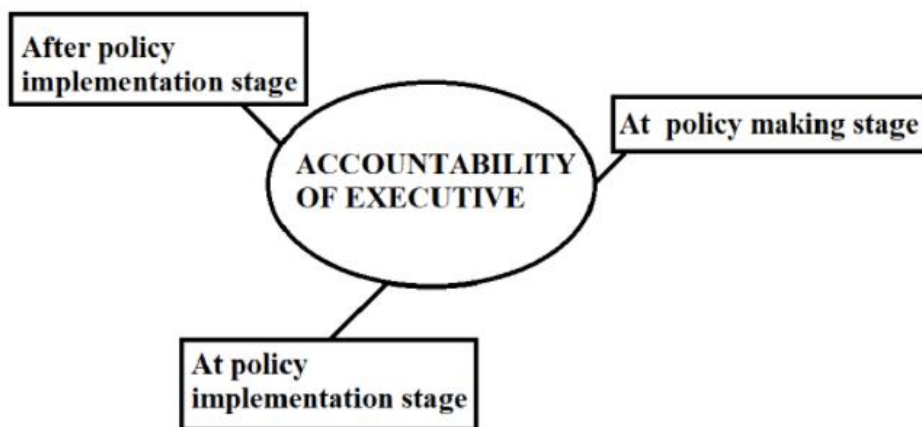
Demand of the question is quite direct – Role of Parliament in holding the Executive accountable. Explain different mechanisms and instruments available for this purpose.

**Introduction:**

Accountability of the executive to Parliament is the very essence of parliamentary democracy. While recommending the Parliamentary System of executive, the framers of the Constitution preferred “more responsibility to more stability”.

**Body:**

Indian Parliament ensures executive accountability through various mechanisms and at various stages:



**Constitutional Checks on the Executive**

Constitution of India has envisaged Parliamentary form of government where the Parliament is supreme. Certain provisions in the constitution authorises the Parliament to exercise control over the Executive.

1. **Principle of Collective Responsibility:** Article 75 provides that the Executive (i.e. Council of Ministers with the Prime Minister at its head) is collectively responsible to the House of the People and this constitutes the primary

means of Parliament/Legislative control over the Executive. (One can also provide about motion of 'no-confidence' in the Lok Sabha)

2. **Principle of Individual Responsibility:** Article 75 also states that the ministers (who are also part of Executive) hold office during the pleasure of the president. Ministers are individually responsible for acts specific to their departments.

#### Parliamentary Control Relating to Legislative Matters

1. **Participation in Legislation:** The executive drafts all legislation to be introduced in the Parliament and the executive cannot carry out these policies and laws without the approval of the Legislature/Parliament.
2. **Ordinances:** The President can proclaim ordinances in the absence of House in session. However, the ordinance lapses if the Houses pass a resolution disapproving it.
3. **Emergency Provisions:** The power of the executive to declare emergency at the State level is subject to parliamentary control.

#### Parliamentary Control Relating to Financial Matters

Financial supremacy of the Legislature is one of the basic feature of a Parliamentary democracy.

1. **No money in the Consolidated Fund will be available** to the Government for any purpose unless it obtains a grant from the Lok Sabha; further the House cannot authorize a grant unless there is a demand by the Government specifying the need and amount which it plans to spend.
2. The **Parliament has established a Contingency Fund** under the disposal of the President with a view to meet unforeseen expenditure of an emergent nature. Any amount expended from the Contingency Fund is returned to the Fund from the Consolidated Fund of India after approval of the Parliament.

**Procedural devices:** The Parliament exercises control over the ministers through various devices such as question hour, discussions, adjournment motion, no confidence motion, etc. These devices constitute very potent instruments for effecting parliamentary surveillance over administrative action.

**Parliamentary committees:** Standing committees and ad hoc committees are constituted from time to time and they play important role in ensuring legislature and executive efficiency and accountability. They deliberate and scrutinize the policy, help in obtaining public feedback and building political consensus, allow the views of diverse stakeholders, offer an opportunity for detailed scrutiny of bills and their reports allow for informed debate in Parliament.

#### Conclusion:

The modern executive is a very powerful institution of government and enjoys greater powers compared to other organs of the government. This generates a greater need to have democratic control over the executive. Hence, the makers of our Constitution thought with foresight that the executive must be put firmly under regular supervision and control. Thus, a parliamentary executive was chosen.

**13. Deference to parliamentary processes builds public trust. Do you agree? Comment in the light of the recent controversy related to the passing of important legislations in the parliament.**

**Approach:**

It expects students to write about the issues related to the parliamentary processes in recent time in the first half and in latter half how deference to parliamentary processes builds public trust.

**Introduction:**

Parliament has a central role in our system of governance. Government is collectively responsible to Parliament for its actions. This implies that Parliament can hold the government accountable for its decisions, and scrutinize its functioning. This may be done using various methods including, during debates on Bills or issues on the floor of Parliament, by posing questions to ministers during Question Hour, and in parliamentary committees. Bypassing crucial processes in parliament is disservice to the trust of people.

**Body:**

Issues related to the parliamentary processes in recent time:

- Ordinance to avoid discussion: Minority governments or coalition governments usually resort to Ordinances, but the Current government has used it more than any of his predecessors despite enjoying a majority in the Lok Sabha. The average number of ordinances jumped from six a year under previous government to 11 a year under present.
- Money Bill: several key pieces of legislation have been passed as Money Bills, despite the fact that they did not fit this category. E.g. Aadhaar act. The Rajya Sabha is second house but certainly not a secondary house.
- Use of Finance Bill to amend other laws: Finance Bill of 2019, in addition to amending the tax laws, also amends several other laws unrelated to taxation in the country. E.g. Reserve Bank of India Act, National Housing Bank act. The 2017 Finance Bill, Changed the composition of 19 tribunals such as the Securities Appellate Tribunal, the Telecom Disputes Settlement and Appellate Tribunal, the National Green Tribunal. The Finance Bill, 2018, had 218 clauses, half of which were matters unrelated to the imposition of taxes.
- Ordinary Bills are not much discussed: Many of the ordinary bills are currently not discussed either because their texts are handed over to the MPs

at the last minute or because there is little time for debates. Tendency of passing the bills on same day has increased. E.g. in last session of parliament three of the 22 Bills were passed the same day of introduction. Among them were The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Bill, 2020.

- It is increasingly the case with important pieces of legislation that they are not being either referred to committees, nor are they being fully debated in Parliament. In the 16th Lok Sabha (2014-19) 25 per cent of the Bills introduced were referred to committees. This number was much lower than 71 per cent and 60 per cent in the 15th (2009-14) and 14th (2004-09) Lok Sabha, respectively.
- Ignorance of processes evident in boycott: When the Labour reform laws were in discussion, opposition MPs were against it however, eight of them were suspended, several opposition parties chose to boycott the rest of the session, even thereafter government passed it along with other 15 Bills.
- Truncated Monsoon Session: No Question Hour and curtailed Zero Hour. This is certainly making both the houses to cease to debate. Question Hour, which was unnecessarily suspended, using the pandemic as an excuse. Even in taking that decision, the Speaker did not accede to the demand for a division.
- Practice of division: If a member of a House asks for a division of votes, the Speaker needs to grant it. The Speaker can refuse under some circumstances, but even then he has to take something like an informal headcount vote before refusing division. E.g. ruckus in Rajya Sabha and suspension of MPs over refusal to grant division.

Deference to parliamentary processes builds public trust:

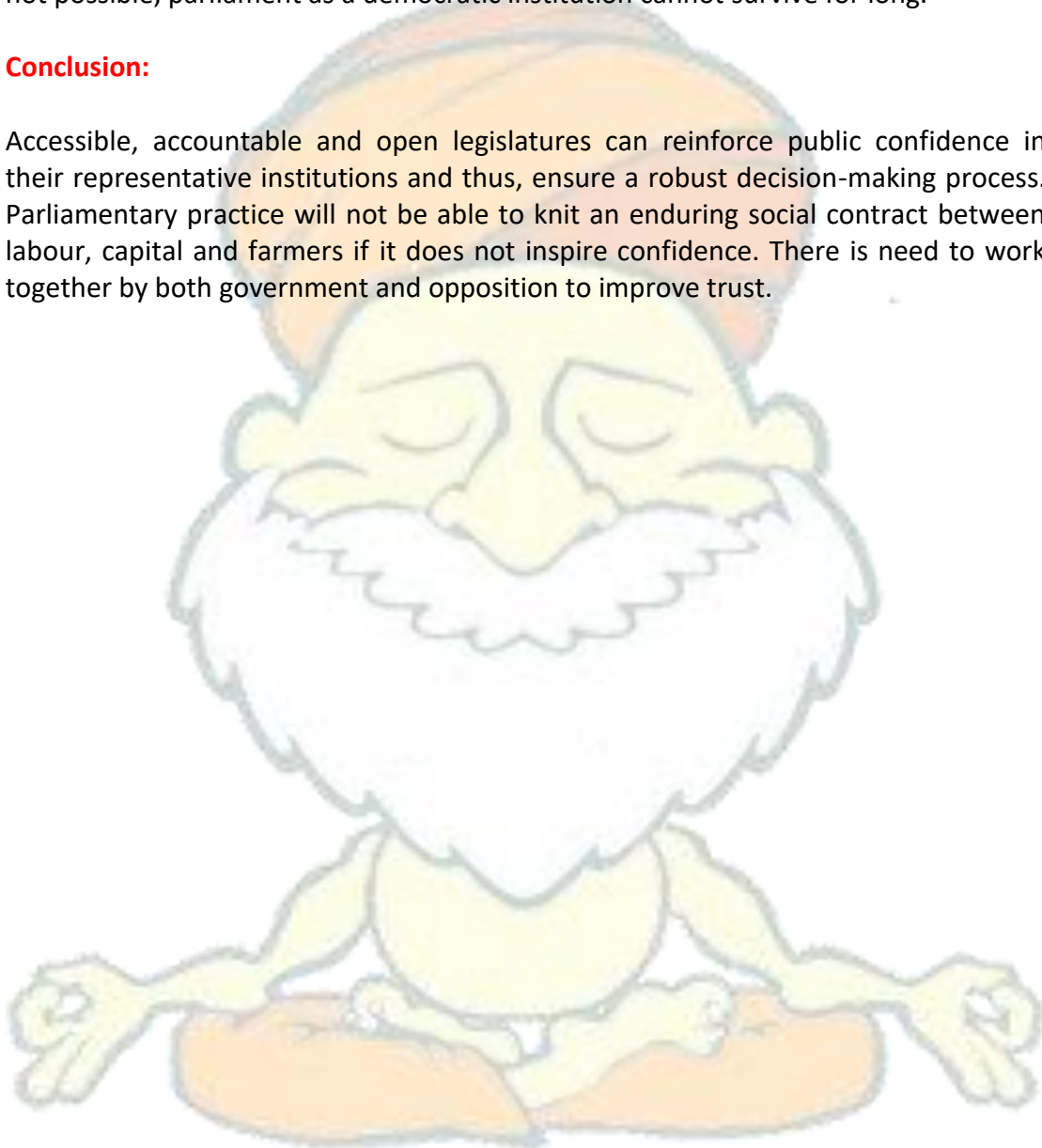
- Public trust can be harnessed through consultation and involvement of the public in the work of legislatures. Dedicated TV channels and live broadcasting of parliamentary proceedings has contributed to a discernible increase in public interest in parliamentary proceedings.
- More scrutiny will keep chances open for more evolved mechanism: The sharp debate on the floor of Parliament cannot replace the careful analysis done by Parliamentary Committees, which act as a bridge between Parliament and people. E.g. in the act regarding APMC, states could have got 'opt out' option.
- More discussion and deliberations: A lot of the farmers legitimate fears have less to do with the text and more with the context. More reasoned deliberation will avoid hasty legislation. E.g. Select Committee for surrogacy bill met with representatives of different groups and heard the testimony of the National Human Rights Commission, National Commission for Protection of Child Rights and multiple state governments along with the government department piloting the Bill. Based on its own study, evidence and feedback from experts and citizens, the committee suggested certain changes to the government's Bill.
- Sanctity of law making process: Throwing papers, sloganeering, breaking mikes lowers the sanctity of the parliamentary processes and reduces

deference of the house in the eyes of people. This was on full display during the debate and passage of the two agricultural Bills in the Rajya Sabha.

The machinery of the government has to be proactive and not reactive while making laws. There must be an attempt to moderate differences and forge common ground and the greater onus for this is on the government. 'In a parliamentary system, the opposition should have its say and the government will have its way.' If the former is not possible, parliament as a democratic institution cannot survive for long.

**Conclusion:**

Accessible, accountable and open legislatures can reinforce public confidence in their representative institutions and thus, ensure a robust decision-making process. Parliamentary practice will not be able to knit an enduring social contract between labour, capital and farmers if it does not inspire confidence. There is need to work together by both government and opposition to improve trust.



**14. The coronavirus pandemic has exposed the plight of working people in the informal sector in urban areas. What measures would you suggest to address it? Discuss.**

**Approach:**

It expects students to write about - in first part write about importance of informal sector in urban development - in second part mention issues faced by worker of informal sector in urban areas - in last part suggest some measures to address this problem.

**Introduction:**

The unorganised sector refers to those enterprises whose activities or collection of data is not regulated under any legal provision or do not maintain any regular accounts. Informal/unorganized sector has a predominant place in the Indian economy in terms of its contribution to the GDP and employment. Out of the total workers, nearly 72 per cent in the urban areas are engaged in the informal sector.

**Body:**

Importance of informal sector in urban development:

- To put things in perspective, as per the Economic Survey of India, about 90% of India's total workforce of about 500 million workers is engaged in the informal sector.
- The migrant labourer is the builder of not just modern India, but modern Singapore, modern Dubai and every modern country that prides itself on the glamour list of modernity.
- A key feature of the urban economy in India, consistent with most developing economies, is the role played by informal workers and the unorganized sector.
- In many ways this is back-end India that offers the much-needed daily support to front-end India to keep the wheels of the modern economy moving.
- Factories, industrial units, hotels, restaurants and many other establishments, irrespective of their scale of operations, depend on such workers.
- They come in many avatars. There is a hierarchy even. There is the Uber and Ola driver who has migrated from Patna to Mumbai. There is the mason, the carpenter, the food delivery boy, the painter, the plumber and many, many others.
- Labour migration within India is crucial for economic growth and contributes to improving the socio-economic condition of people.
- Migration can help, for example, to improve income, skill development, and provide greater access to services like healthcare and education.

Issues faced by worker of informal sector in urban areas:

- Huge Gap in Data About informal sector worker: Though the Unorganised Workers Social Security Act 2008 has specified the role of urban local bodies in registering numbers of informal sector worker and disseminating information regarding welfare schemes to them, these provisions are not obligatory.
- Due to this, there is lack of any credible data on how many informal sector workers enter and leave our states and cities.
- Challenge of informalisation: According to the Economic Survey of India 2019, about 90% of India's total workforce of about 500 million workers is engaged in the informal sector. This made them more vulnerable to the economic crisis induced by Covid-19.
- Some of the major challenges due to the informalisation of the workforce include lack of job security, limited or no access to banking and insurance channels, a generally under-developed public health system.
- Lack of Basic Amenities: According to the recent "Drinking Water, Sanitation, Hygiene and Housing Condition" survey by the government, there continue to be glaring gaps in water access in urban and rural India.
- Also, informal sector workers are likely to have relied more on public amenities such as hand pumps and public taps or standpipes which are connected to a municipal connection.
- These sources are generally unreliable — hand pumps and municipal pipes, for example, do not always supply water of potable quality.
- Given the importance of washing hands in combating the infection, the lack of WASH (Water, Sanitation and Hygiene) makes migrant labourers subject to work in an unsafe work environment

Measures to make Urban spaces more inclusive for the informal sector worker:

- Formalisation of Economy: The central and state governments need to continue their efforts to address the informality of the Indian economy, the rural-urban divide, the uneven growth within states and between regions in the country, and the social and economic inequalities associated with the poorest and vulnerable. The informal sector worker need to be supported with relevant information and counselling for job search and employment opportunities based on their skills and previous experience through their local governance and panchayat structures. Recently proposed Unorganised Worker Index Number Card by the Labour Ministry would also help in formalisation of the workforce.
- Focusing on Public Health Infrastructure: Smart cities project does well by focusing on creation of hard infrastructure for urban renewal. There is a need to strengthen the public health emergency infrastructure also. This social and financial inclusion would make the Smart Cities Mission truly holistic.
- Supporting Financially: There is a need to expedite the proposed Social Security Fund under the Code on Social Security, 2019. This could go a long way to provide a sense of financial security and act as a tool to monitor this segment of the population better.
- Creation of a Database of Migrant Workers: Recognition and identification of migrants is the first step towards a more enhanced framework to provide basic



amenities. To begin with, an effort to create a database of migrant workers is most necessary. Creating a digital Pan-India database to ensure coordination with their home districts and respective states. Eventually, convergence around this could create a framework of health, banking, microfinance and insurance networks centred around workers and migrants in urban areas.

- Labour Migration Governance System: A fair and effective labour migration governance system for workers within the country is an urgent need of the hour. This is necessary for the realisation of decent work opportunities for all migrant workers while respecting fundamental human rights. Also, there is a need to ensure the protection of the labour rights of workers while taking into account the views of the employers to foster innovation in business and enterprises.

**Conclusion:**

From workers walking for days to reach home to the long queues for a single meal, the Covid-19 crisis has reiterated the perilous situation of informal workers. Neither their rights as labour nor their rights to state welfare are adequately addressed by the existing approach. Only a radically-altered development model, which addresses the conditions that foment informalisation, can ameliorate these conditions. These would include significant investment in agriculture, ensuring stable livelihoods in the villages to prevent the hunt for precarious jobs by the rural masses; formulating new state policies that address the increased dependence on metropolises; increasing state capacity to implement existing laws covering the informal sector.

**15. What are asset reconstruction companies? What role do they play in the economy? Discuss.**

**Approach:**

It expects student to write about - in first part explain what is Asset Reconstruction Companies - in second part write about what role they play in economy - in last part mention few suggestions.

**Introduction:**

In a recently released paper “Indian Banks: A time to reform” Viral Acharya and Raghuram Rajan argued for a greater role for Asset Reconstruction Companies. They argue that when there are fewer bids in a bankruptcy auction, the value on loans is better realised if read an asset reconstruction company takes over the borrower and places the firm under new management.

**Body:**

Asset Reconstruction Companies:

- An Asset Reconstruction Company is a specialized financial institution that buys the NPAs or bad assets from banks and financial institutions so that the latter can clean up their balance sheets. Or in other words, ARCs are in the business of buying bad loans from banks.
- ARCs clean up the balance sheets of banks when the latter sells these to the ARCs. This helps banks to concentrate in normal banking activities. Banks rather than going after the defaulters by wasting their time and effort, can sell the bad assets to the ARCs at a mutually agreed value.
- The Asset Reconstruction Companies were set up in India on the basis of legal status provided by the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002; enacted in December 2002.
- However, due to various reasons, performance of many asset reconstruction companies has not been in expected lines. The new Insolvency and Bankruptcy Code, 2016 (IBC) gives a critical role to the ARCs in settling the bad assets through the insolvency process. It is expected that the performance of ARCs will improve with more legal support.

Role played by ARC in economy:

- An Asset Reconstruction Company or ARC is a financial institution that buys the bad assets or NPAs from banks and other lending institutions.
- ARCs are specialized institutions that pay focused attention on recovery. Banks and other financial institutions sell their non-performing assets to ARCs to clean up their balance sheets.

- By selling bad assets to asset reconstruction companies, financial institutions save themselves from the duty of chasing defaulters. Their precious time, energy and efforts can be invested in better assets.
- The sale of asset is carried out at mutually agreed value. This value is arrived at based on mutual negotiation between the bank and ARC based on the realizable value of assets and other parameters and subject to the guidelines stipulated by the regulator.
- ARCs which buy bad loans have expert teams with adequate knowledge in legal and recovery matters to ensure better recovery or revival.

The main intention of acquiring debts / NPAs is to ultimately realise the debts owed by them. However, the process is not a simple one. The ARCs have the following options in this regard:

- Change or takeover of the management of the business of the borrower
- Sale or lease of such business
- Rescheduling the payment of debts – offering alternative schemes, arrangements for the payment of the same.
- Enforcing the security interest offered in accordance with the law
- Taking possession of the assets offered as security
- Converting a portion of the debt into shares

Need for extending the role of ARCs:

- In 2002, India lacked an effective bankruptcy system.
- There was no market for corporate control of distressed firms.
- ARCs were originally designed for this peculiar institutional ecosystem.
- They were required to hand over the distressed business back to the original promoter once they had generated enough value to repay the debt.
- Consequently, ARCs had little incentive to turn around distressed businesses.
- This situation completely changed in 2016 as the IBC seeks to maximise the value of distressed businesses through a market for corporate control.
- ARCs should be able to fully participate in this market and attempt successful turnarounds by acquiring strategic control over distressed businesses.
- In a solvent company, shareholders have stronger incentives than creditors to maximise enterprise value.
- This is because an increase in enterprise value automatically increases the value of its equity.
- In contrast, creditors do not benefit from increases in enterprise value beyond their individual claims.
- If ARCs could hold more equity instead of debt in the resolved company, they would also have a stronger incentive to take strategic control to ensure successful turnaround.

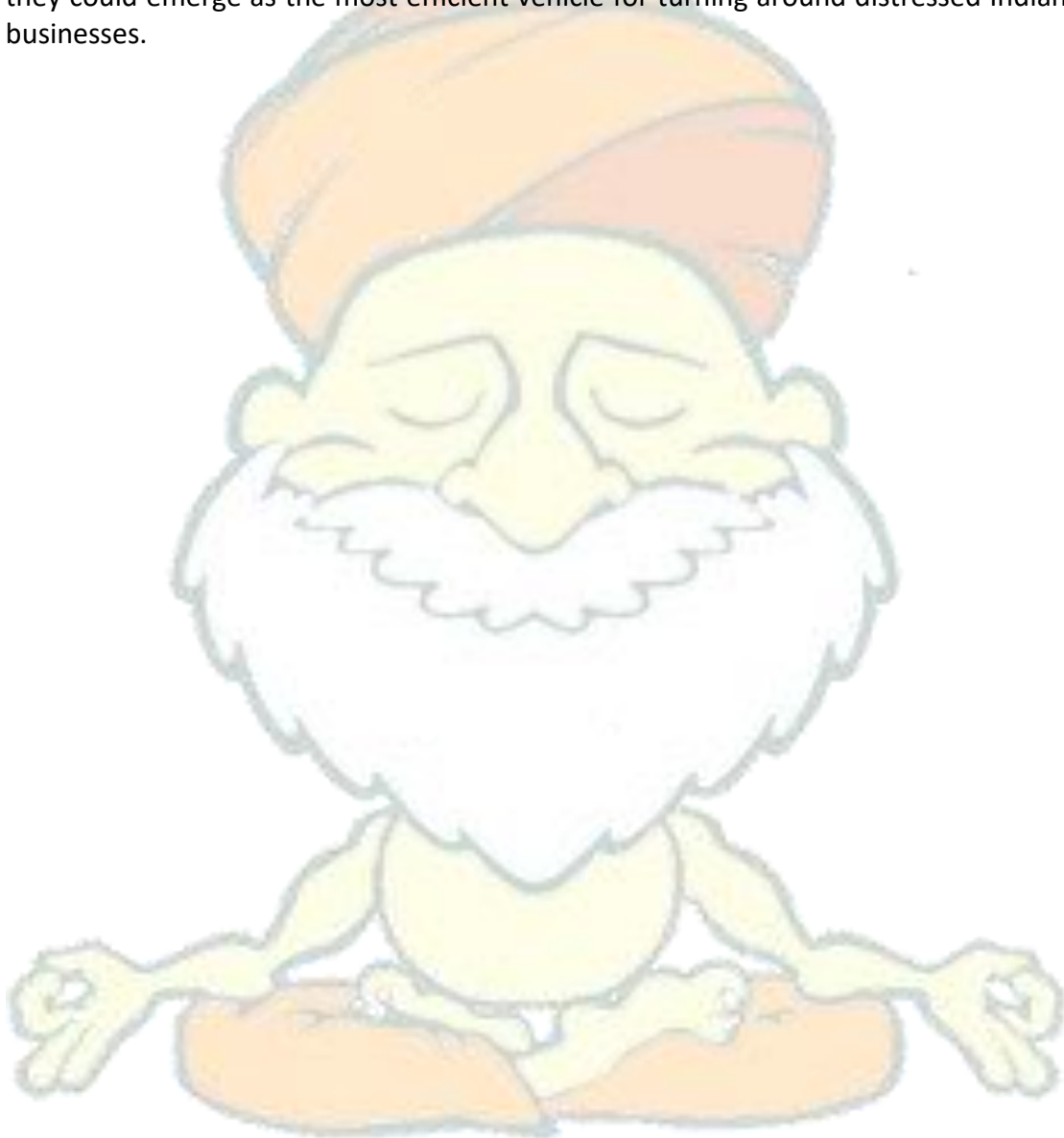
Way forward:

- The law should enable ARCs to invest in a distressed company's equity, whether by infusing fresh capital or by converting debt into equity.

- Effectively, an ARC should act more like a private equity fund, as Acharya and Rajan suggested.
- This in turn would make the market for corporate control under IBC deeper and more liquid, improving ex-ante recovery rates for banks.

**Conclusion:**

If only ARCs are allowed to directly participate in IBC resolutions by infusing equity, they could emerge as the most efficient vehicle for turning around distressed Indian businesses.



**16. Do you think industrial pressure groups enjoy higher clout and influence in India's polity than their agricultural counterparts? Critically examine.**

**Approach:**

As the directive here is "Critically Examine" here candidate is expected to examine both sides of an issue and come to a balanced conclusion. The issue here is whether 'industrial pressure groups enjoy higher clout and influence in India's polity than their agricultural counterparts or not'. One can start by simply defining what are pressure groups and mentioning their impact on Indian polity in brief. To address this, in the first half of the answer candidate has to present arguments to show influence of industrial pressure groups in Indian polity, while in the second half of the answer present arguments to show influence of agricultural pressure groups in Indian polity. To add more value to your answer, arguments should be substantiated by examples. Also adding success stories of such pressure groups influence will help to fetch more marks. While concluding one can show the important place hold by Pressure groups in Indian polity and impact of their continual influence in Indian polity in brief.

**Introduction:**

A pressure group is a group of people who are organised actively for promoting and defending their common interest. It is called so, as it attempts to bring a change in public policy by exerting pressure on the government. Both kind of pressure groups i.e. industrial as well as agricultural, influence Indian polity in one way or other, however their gravity of impact changes from one aspect to other in following ways.

**Body:**

Higher clout and influence in India's polity enjoyed by industrial pressure groups:

- Industrial pressure groups comes under the category of Associational Interest Groups, these are organised specialised groups formed for interest articulation, but to pursue limited goals. Trade unions, organisations of businessmen and industrialists comes under the umbrella of Industrial pressure groups.
- Some examples of Industrial pressure Groups in India are Bengal Chamber of Commerce and Industry, Indian Chamber of Commerce, Trade Unions such as AITUC (All India Trade Union Congress).
- The role of Indian industrial groups in Indian polity is important in two distinct ways. First, it increases the representative power of business in a prominent institution hence influences policy making. For instance, recent controversy where recommendation of the parliamentary health committee not to display a warning covering 85 percent of tobacco products.
- Second, many laws are shaped by influence of industrial pressure groups. For instance, there has been a gradual tilt towards business in the formation of economic policy in India, starting from the latter period of 1980's further accentuated by the economic liberalization of 1991, and into the present day.
- Here, it is evident that industrial pressure groups influence Indian polity to a larger extent by influencing policy making.

- Their influence is also noteworthy due to the fact of funding for political parties, and their respective interests. It's in this aspect agricultural pressure groups lack, due to low amount of funding for agricultural groups itself. For instance, consistent demands of agricultural pressure groups for the revision of MSP and wider crop insurance coverage.
- Industrial pressure groups not only influence Indian polity on the higher echelons, but at lower echelons too. For instance, trade unions work at the grassroots level for the demands of labourers.
- As evident in Pre-independence era when Mahatma Gandhi led Ahmedabad Mill workers Satyagraha and recent two-day nationwide strike call was a success with 20 crore workers, from both the organised and the unorganised sectors across banking, insurance, roads, railways, postal and medical services participated in the 'Bharat Band', alleged that the government failed to create jobs and grossly ignored unions' 12-point charter of demands besides aggressively pushing for fixed-term employment and amendment to the Trade Union Act, all of which is against the interest of the workers.
- With the gains made in mass media and education level, there are various experts and members of these industrial organizations who constantly raise their issues and opinions through media, social media and interviews. Through this, they have tried to influence public opinions.
- The efforts made by industrial groups is evident in time to time changes made by government in the respective industry related policies such as changing work hours of workers, easing tax norms, facilitating tax benefits and so on.
- Here, it is evident that industrial pressure groups influence Indian polity at the higher as well as lower echelons of economy thereby pushing for broader reforms as compared to their agricultural counterparts.

Higher clout and influence in India's polity enjoyed by agricultural pressure groups:

- Agricultural Pressure groups (APG) are among the most important and potentially legitimate actors that can promote pro-poor agricultural development.
- APG in the farmers' interests occupies the domain between the state and the marketplace. Prominent farmers organization are All India Kisan Sabha, Bharatiya Kisan Union, Hind Kisan Panchayat, etc.
- The rise of peasants groups in India has been mainly due to abolition of Zamindari System, implementation of Panchayati Raj, land reform measures, Green Revolution Movement. They gained power since the 1960s.
- Their demands relate to procurement prices of agricultural products, fertiliser subsidy, tenancy rights, electricity charges, etc.
- The farmers' organizations influence Indian polity by offering support to the political parties during the election time and sometimes even during the non-election times. They control the parties through this voting-in-a-bloc mechanism.

- Another method is staging a protest at the state and national level. This is mainly done on a large scale basis. For instance, recent protests by farmers organisation to oppose the newly passed three farm sector related laws.
- In recent times, the long march of farmers to prominent cities for their demands has become an active medium of voicing their issues. Recently, Mumbai was gheraoed by hundreds of thousands of peasants comprising various agrarian outfits.
- The overall impact has been tremendous for landless labourers and tillers of the soil.
- Not only the farmers' organizations succeeded in many places increasing the wage rates for agriculture labourers and securing a due share for poor peasants.
- Pressure has been exerted by organized agrarian lobbies to persuade the government to improve the socio-economic position of the farmers. Hence varied land reforms measures have been adopted since independence.
- Major reforms due to the intervention of these farmers' bodies include the abolition of Zamindari system, tenancy, reforms, ceiling of land holdings, setting up of co-operative farms etc.

Following are some of the success stories of Industrial and Agricultural pressure groups;

- In 2012, The Parliamentary Standing Committee on Agriculture comprising of 31 members across party lines including 11 members from the ruling party submitted its report on GM crops. After looking at various aspects of the issue and consulting almost all the stakeholders i.e. agricultural pressure groups, over a period of 2.5 years, the committee unanimously recommended that the government should not be in a haste to approve GM crops and there be a complete overhaul of the current regulatory system.
- The important business groups include the Confederation of Indian Industry (CII), Federation of Indian Chambers of Commerce and industry (FICCI) and Associated Chamber of Commerce. They exerted varied kinds of pressures, by trying to influence planning, licensing bodies and economic ministries.

**Conclusion:**

It is evident that whether it is Industrial or agricultural pressure groups both have their respective domain of influence. Both have worked for the betterment of the respective interest groups and their presence is necessary to have a check on arbitrary government policies and expert advice in policy formulation for the growth and development of their targeted interest groups. It will not only ensure the dream of 'doubling farmers income by 2022' and 'AatmNirbhar Bharat' but also give impetus to realise the dream of becoming a '\$5 trillion economy by 2025'.

**17. Examine the evolution of the issue of judicial appointments in India. What are your views on the current system? Substantiate your views.**

**Approach:**

Aspirants should examine how judicial appointments in India evolved through the years and associated issues with it. Since, the directive is “substantiate”, aspirants should support their stand/view on current system of appointment with evidence and logical arguments.

**Note:**

- Student’s views or opinions can be based on two policies of judicial appointments i.e., committed judges policy and independent judges policy.
- Those who advocate the committed judiciary policy base their argument on the moot point that it envisages judiciary and the judges committed towards the laws and public policy made by the democratic representatives who best know the interests and demands of the people.
- On the other hand, independent judges policy holders do not advocate any compromise in appointment in judiciary.

**Introduction:**

Currently, the Judges of the Supreme Court are appointed by the President under Article 124 (2), while the Judges of the High Courts are appointed by the President under Article 217 (1) of the Constitution. The recent developments and concerns with regards to appointment of judges make it essential to understand the system of judicial appointments in India.

**Body:**

**Evolution of the issue of judicial appointments in India:**

**Consultative process:**

- Constituent assembly was sure that the power and procedure to appoint judges cannot rest exclusively with one organ. Therefore it adopted a consultative process of appointing judges to ensure that judges remain insulated from political influence.
- It vested in the President the power to both make appointments and transfer judges between high courts.
- The President (to act on the advice of the council of ministers) was however required to consult certain authorities such as the CJI or chief justice of the high court appropriately.

For the first twenty-three years of the constitution the judicial appointments were made through the consultative process provided under Article 124 and 217; and the opinion of CJI was hardly avoided. The senior most judge of the Supreme Court was made the CJI and the executive (president) respected the constitutional convention of appointing the senior most judge a CJI till 1973.

In 1973 this convention was deliberately violated and new CJI was appointed superseding three senior most judges.

**'Consultation does not mean Concurrence'**



- The Supreme Court earlier ruled that the word “consultation” could not be interpreted to mean “concurrence”. Accordingly, the CJI’s opinion was not binding on the executive.
- Nevertheless, the executive could depart from the opinion only in exceptional circumstances and any such decision could be subject to judicial review.
- The system was thus fairly balanced and in the First Judges Case, 1981 the court once again endorsed this interpretation.

**‘Consultation means Concurrence’**

- Second Judges Case - In the famous Second Judges Case, 1993 the court however overruled its earlier decisions.
- It now held that “consultation” meant “concurrence”, and that the CJI’s view enjoys primacy.
- This is with the rationale that CJI could be best equipped to know and assess the "worth" of candidates.
- But, the CJI was to formulate the opinion only through a body of senior judges that the court described as the 'collegium'.

**Collegium system**

- In the Third Judges Case, 1998 the court clarified that the collegium would comprise CJI and four senior-most colleagues, in appointments to the Supreme Court. And, the CJI and two senior-most colleagues in the case of appointments to the high courts.
- Additionally, for HCs, the collegium would consult other senior judges in the SC who had previously served in the HC concerned.
- On whether these views of the consultee-judges are binding on the collegium or not, the judgments are silent.

**National Judicial Appointments Commission (NJAC)**

- The government, through 99th constitutional amendment, sought to replace the collegium with the National Judicial Appointments Commission.
- The Supreme Court however struck NJAC down.
- The court's rationale was that the NJAC law gave politicians an equal say in judicial appointments to constitutional courts.

**Collegium as part of the Constitution’s basic structure**

- In what might now be called the Fourth Judges Case (2015), the court upheld the primacy of the collegium.
- More importantly it declared collegium as part of the Constitution’s basic structure.
- And so its power could not be removed even through a constitutional amendment.
- But given the criticisms against the system, the judgment promised to consider appropriate measures to improve the collegium system.

**Views on the current system:**

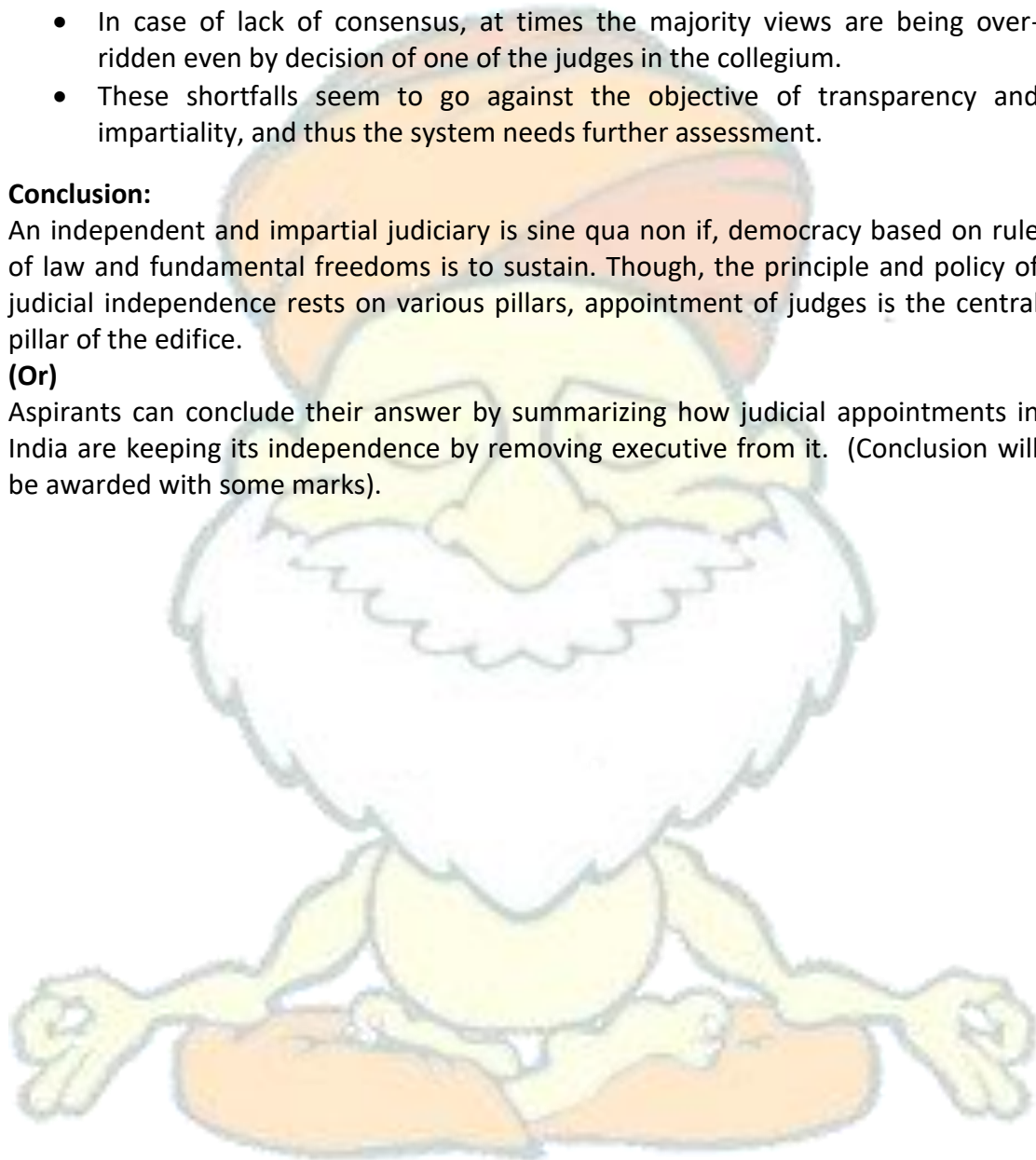
- The move is essential in terms of bringing transparency into a system that has been long been criticized for its opacity.
- Critics have argued that the actual functioning is far from its proposed objective.
- Notably, the details on the valid reasons behind the selection or rejection of judges still lack clarity. Also details on which of the judges reject the candidature is unrevealed.
- In case of lack of consensus, at times the majority views are being over-ridden even by decision of one of the judges in the collegium.
- These shortfalls seem to go against the objective of transparency and impartiality, and thus the system needs further assessment.

**Conclusion:**

An independent and impartial judiciary is sine qua non if, democracy based on rule of law and fundamental freedoms is to sustain. Though, the principle and policy of judicial independence rests on various pillars, appointment of judges is the central pillar of the edifice.

**(Or)**

Aspirants can conclude their answer by summarizing how judicial appointments in India are keeping its independence by removing executive from it. (Conclusion will be awarded with some marks).



**18. PILs are manifestations of judicial activism which aims to widen judicial access to citizens. Elucidate.**

**Approach:**

It expects students to explain PIL as the manifestation of judicial activism along with how various section of the society got access of judiciary through PIL with relevant examples.

**Introduction:**

The PIL was envisioned by the Supreme Court's legendary judges as a powerful instrument to preserve the rule of law and to ensure the accountability of and transparency within structures of governance. Since 1980s, It has been successful in enforcing rights of the citizen and redressal of common grievances.

**Body:**

PILs as manifestations of judicial activism:

- Public Interest Litigation is product of judicial activism. Supreme Court being apex court in the country under article 142 of Indian constitution allowed passing any order necessary for doing complete justice in any cause or matter pending before it.
- PILs have introduced a new dimension to judiciary's involvement in public administration. The issue of locus standi and the procedural complexities has taken a back seat in the causes brought before the courts through PIL.
- In the beginning, the PIL was confined only to improving the lot of the disadvantaged sections of the society, who by reason of their poverty and ignorance was unable to seek justice and, therefore, any member of the society was permitted to file a case for appropriate directions.
- Consequently, the expectations of public went high and the demands on the courts to improve the administration by giving appropriate directions for ensuring compliance with statutory and constitutional prescriptions increased.
- Supreme Court of India has taken a goal-oriented approach in the interest of justice by simplifying highest technical and anachronistic procedures and brought justice to the doorstep of the weak, the unprivileged and exploitative section of society.
- Supreme Court highlighted essential aspect of PIL in words, 'person who moves the court has no personal interest in the outcome of the proceedings, apart from a general standing as a citizen before the court.'

PIL widened Judicial Access:

- Scope of Fundamental rights widened: The Courts in exercise of powers under Articles 32 and 226 of the Constitution can entertain a petition filed by any interested person in the welfare of the people and constitutionally bound

to protect the Fundamental Rights of such disadvantaged people and direct the State to fulfill its constitutional promises. Through judicial review Supreme Court expanded scope of Fundamental rights under Article 19, 21 and 23 substantially.

- Reforms in judicial approach towards under trials: In HussainaraKhatoon case, Supreme Court addressed the issue of under trial prisoners and helped to create a precedent over the speedy trial and equitable justice for the under trial prisoners. This case was stated to be a landmark case in India.
- Many times inadequacy of the law or regulation in concerned matter obliged court to issue guidelines regarding. E.g. Vishakha guidelines issued by Supreme Court because there was no Sexual harassment at workplace act put in place.
- Progressive societal change: Rights of LGBTQ community were long ignored by state. Political compulsions of ruling parties hindered radical societal changes. PILs helped to decriminalize the homosexual relations.
- Environment protection: Indian Judiciary is always vocal in support of Environment and healthy life for the people through its judgements. In various cases, courts had preferred environment over developments. E.g. in M.C. Mehta case the Supreme Court held that air pollution in Delhi caused by vehicular emissions violates right to life under Art. 21 and directed all commercial vehicles operating in Delhi to switch to CNG fuel mode for safeguarding health of the people.
- Electoral reforms: In the case of Association for Democratic Reforms, the judiciary brought about a major electoral reform. Court gave various directions making it obligatory on the part of candidates at the election to furnish information about their personal profile, background, qualifications and antecedents.

Public Interest Litigation has done tremendous amount of good. It has practically tried to wipe away every tear of the underprivileged, disadvantaged and illiterate sections of the society.

### **Conclusion:**

PIL is a radical procedural innovation that allows the court to overcome conventional, constitutional norms of the separation of powers, dilute procedural norms and devise unique and far-reaching institutional remedies. This may only be justified if it is used as an extraordinary instrument that compensates for the political and legal marginality of groups or interests otherwise excluded by current institutional practices.

**19. India's geopolitical interests are in close alignment with a stable and moderate Arab centre. Do you agree? Substantiate your views.**

**Approach:**

It expects students to write about - in first part write about why stable Arab centre important for India geopolitically - in second part mention challenges in west Asia - in third part write about what should be India's future policy towards West Asia.

**Introduction:**

India's relations with the West Asian countries are historical since the independence. India has interests in economic, political, security and strategic fields with the West Asian nations. India has huge stakes involved in the region such as energy, trade and safety of Indian community in the region.

**Body:**

Geopolitical interest of India in west Asia:

- Geopolitically West Asia occupies an important position in international relations due to its geographical location and proximity to continents and countries South Asia, China, Central Asia, Europe, and Africa.
- The region is strategically significant due to its enormous energy resources, trade route links to different parts of the world.
- It is the world's largest oil-producing region accounting for 34% of world production, 45% of crude oil exports and 48% of oil proven reserves.
- Gate way to central Asia: West Asia is gate way to land locked and energy rich central Asia.
- Geostrategic importance: To reduce the influence of china in west Asia and in Arabian Sea. China is continuously making in road to west Asia through OBOR initiative.

**Challenges in west Asia:**

- The security situation in West Asia has been continuously deteriorating ever since the onset of the Arab Spring in December 2010.
- The internal security situation in Syria, Iraq and Yemen has gone from bad to worse. The regional powers continue to fight proxy wars on sectarian lines, pumping huge amount of money and weapons to bolster their favoured groups.
- The involvement of extra-regional players such as the USA and Russia in the internal conflicts in West Asia has further aggravated the situation.
- The GCC-Iran rivalry, Shia-Sunni conflict, external intervention in the region, the fear of rise of religious radicalism etc. have further contributed to instability in West Asia.
- Terrorism: Terrorism has emerged as the biggest security threat to the region. The rise of the Islamic State in Iraq and Syria (ISIS) is the most disturbing trend.

- Saudi-Iran rivalry: destabilizing West Asia and influencing West Asian geopolitics.
- Pakistan factor: Pakistan is very close ally of many west Asian countries especially with GCC.
- India's close relation with Iran may antagonize Saudi Arabia. India has to balance its ties with all three regional power in west Asia-Iran, Israel and Saudi Arabia.

India's geopolitical interests are in close alignment with stability in West Asia. Therefore, standing up for the region and opposing the forces of regional destabilisation should be at the very heart of India's foreign policy in the region. In this context, India's West Asia policy should adhere to following four principles:

- Acting as a Peace Negotiator: India should act as a mediator to normalize the relationship between West Asian countries, especially between Saudi Arabia, Israel, Turkey and Iran.
- Opposing Foreign Interventions in the Region: In the past, those came from the West and Israel. Today, most Arabs see the greatest threat to their security from Turkish and Iranian interventions.
- Aiding Arab Economic Integration: India should extend support to Arab economic integration, intra-Arab political reconciliation and the strengthening of regional institutions.
- Strengthening Ties with All Major Players in the Region: India's geopolitical interests are in close alignment with those in the Arab Centre including Egypt, Jordan, Saudi Arabia, the UAE and Oman. Thus, India needs to make strong ties with the region.

### **Conclusion:**

The geopolitical realignment in the Middle East, marked by agreement on the normalisation of relations between the United Arab Emirates and Israel, intersects with the equally significant reorientation of the Subcontinent's relationship with the region. As Pakistan rediscovers its tradition of aligning with non-Arab powers, India must renew its defence of Arab sovereignty.

**20. Collaboration between India and Australia can limit the dangers of the growing geopolitical imbalance in the Indo-Pacific. Comment.****Approach:**

It expects students to write - in first part write how India and Australia can limit the dangers of the growing geopolitical imbalance in the Indo-Pacific - In second part write about challenges before it - in third part write way forward

**Introduction:**

India and Australia has shared a cordial relation with each other since a very long time and has witnessed an increased commitment in recent past. Multiple engagement in fields such as bilateral trade, strategic relations, student exchange programs, similar commitments towards sustainable development has made this relationship all the more dynamic. As the global momentum is markedly shifting towards the Indo-Pacific region it becomes imperative for both the nations to stand in unison and provide the stability the region desires owing to the over-indulging nature of China.

**Body:**

Geopolitical imbalance in the Indo-Pacific:

- China's ambitious Belt and Road Initiative (BRI) raises concerns among other nations like China Pakistan Economic Corridor Passing through Pakistan Occupied Kashmir. China's alleged 'String of Pearls Policy' aimed at encircling India using infrastructural projects in countries like Sri Lanka and Pakistan.
- China is also building artificial islands in SCS and establishing naval ports of Hambantota and Gwadar in Indian periphery. Japan is also wary of China's capability to influence the energy supply chains on which East Asia depends.
- It is estimated that IPR will witness more than 50% of world's submarines and advanced combat aircraft movement in next two decades. Debt Book Diplomacy followed by China of leading to China acquiring Hambantota Port of Sri Lanka for a lease period of 99 years.
- China's has declared its ambition to make its military world class', one that is capable of 'winning wars' is not the right signal for regional peace and prosperity. The recently released Doklam report by Indian Parliamentary Panel even also suggested not to take China's strategic intentions casually.
- In 2016, International Court's (ICJ) held that China's claim over whole of SCS is baseless compromising the sovereignty of many other nations. China's out rightly refused to accept this verdict on South China Sea.
- Lack of holistic Legal mechanism for multilateral cooperation on maritime security in the IPR makes resolution of issues difficult. For example, the recently concluded Caspian Sea deal is a legal mechanism evolved to recognize the sovereign rights of all the littoral nations.
- Presence of Organized Crime and Piracy in the IPR the Golden Crescent and Golden Triangle region. Also, there is still presence of Pirate groups in the

Somalia and adjoining regions. Presence of major nuclear weapons states like India, China, USA and rouge nuclear states like Pakistan and North Korea, in this region.

India and Australia can limit the dangers of the growing geopolitical imbalance in the Indo-Pacific as follows:

- The two countries must order their security establishments to develop strategic coordination in the various sub-regions of the Indo-Pacific littoral.
- The eastern Indian Ocean that lies between the shores of peninsular India and the west coast of Australia ought to be the top priority.
- Eastern Indian Ocean, connecting the two oceans, is at the heart of the Indo-Pacific. This is where Delhi and Canberra can initiate a full range of joint activities, including on maritime domain awareness, development of strategically located islands and marine scientific research.
- The sea lines of communication between the Indian and Pacific oceans run through the Indonesian archipelago. Given the shared political commitment to the Indo-Pacific idea between Delhi, Jakarta and Canberra and the growing pressures on them to secure their shared waters, India and Australia must seek trilateral maritime and naval cooperation with Indonesia.
- The current trilateral dialogue between Japan, Australia and India (JAI) can be expanded from the diplomatic level to practical maritime cooperation on the ground.
- Paris and Canberra are eager to develop a trilateral arrangement with Delhi that will supplement the bilateral cooperation among the three nations. Delhi must endorse the initiative.
- India and Australia must explore the possibilities for engagement between India and the Five Power Defence Arrangement (FPDA). FPDA was set up back in 1971, after Britain pulled back most of its forces from the East of Suez. The FPDA brings together the armed forces of the UK, Malaysia, Singapore, Australia and New Zealand.

Challenges:

- There are also a growing number of non-traditional and trans-boundary security challenges, including terrorism, natural disasters and pandemics.
- Also, India faces unfavourable trade with Australia and despite opening talks for a comprehensive economic cooperation agreement in 2011, the agreement which would have significantly lowered the trade balance in favour of India, has remained elusive.
- The region faces a range of traditional security challenges that relate to issues of trust in the form of China which has emerged as a regional power and has little faith in rule based order.

Way Forward:

- Shared values, shared interests, shared geography and shared objectives are the bedrock of deepening India-Australia ties and the cooperation and

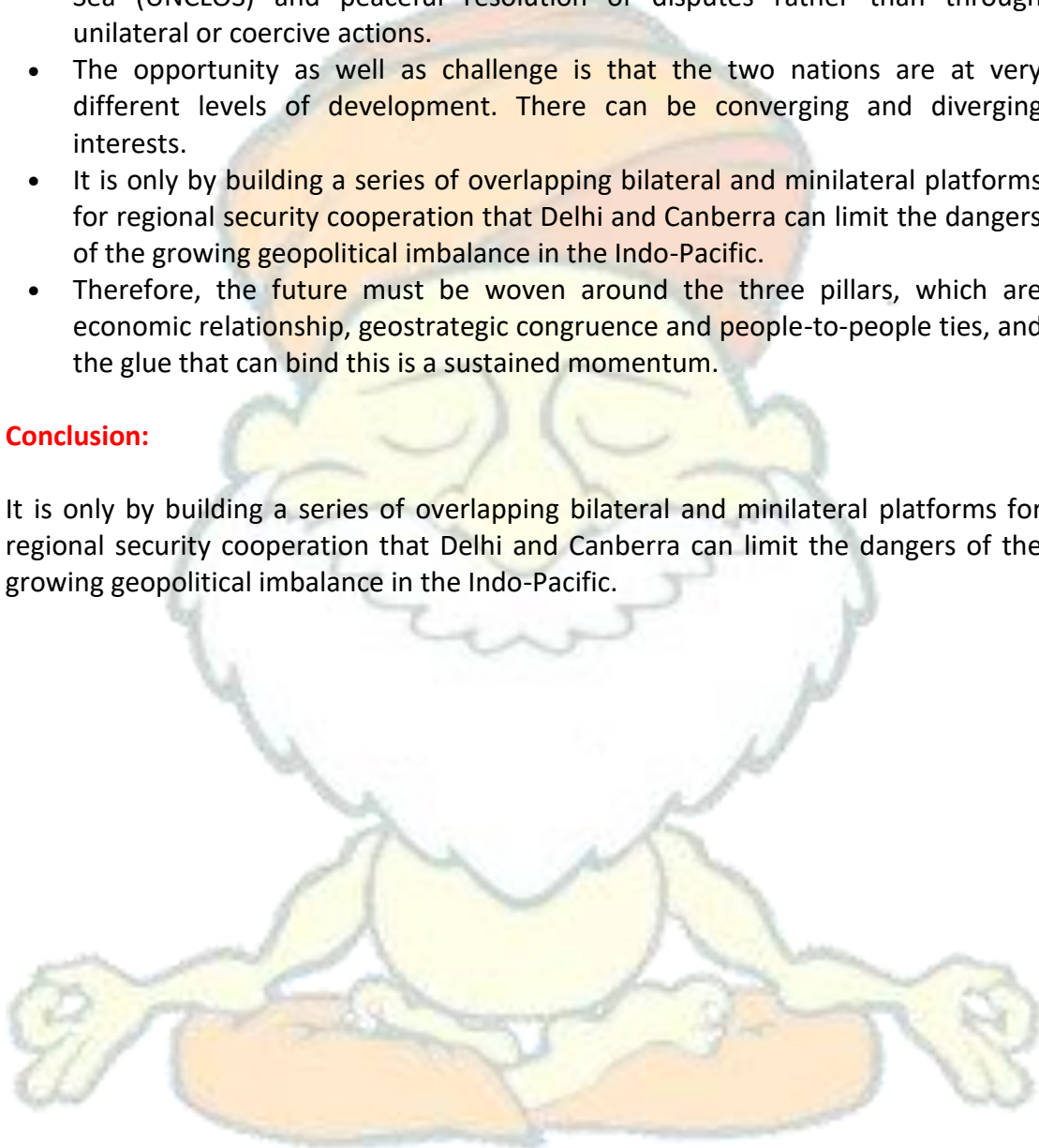


coordination between the two countries have picked up momentum in recent years.

- India no longer sees Australia at the periphery of India's vision but at the centre of its thoughts.
- Both India and Australia share a vision of a free, open, inclusive and rules-based Indo-Pacific region and cooperative use of the seas by adherence to international law including the United Nations Convention on the Law of the Sea (UNCLOS) and peaceful resolution of disputes rather than through unilateral or coercive actions.
- The opportunity as well as challenge is that the two nations are at very different levels of development. There can be converging and diverging interests.
- It is only by building a series of overlapping bilateral and minilateral platforms for regional security cooperation that Delhi and Canberra can limit the dangers of the growing geopolitical imbalance in the Indo-Pacific.
- Therefore, the future must be woven around the three pillars, which are economic relationship, geostrategic congruence and people-to-people ties, and the glue that can bind this is a sustained momentum.

**Conclusion:**

It is only by building a series of overlapping bilateral and minilateral platforms for regional security cooperation that Delhi and Canberra can limit the dangers of the growing geopolitical imbalance in the Indo-Pacific.



**21. With the help of suitable examples, differentiate between ‘rule of law’ and ‘due process of law’.**

**Approach:**

It is straightforward question – where it expects student to give introduction about concepts in first part – then in body part you need to write differences between these two concept with examples.

**Introduction:**

Rule of Law means that Law is supreme and is above every individual. No individual whether if he is rich, poor, rulers or ruled etc. are above law and they should obey it. Due process is the legal requirement that the state must respect all legal rights that are owed to a person. Due process balances the power of law of the land and protects the individual person from it.

**Body:**

Difference between rule of law and due process of law:

Rule of law	Due process of law
Rule of law signifies commitment to certain principles and values. Generally, the rule of law is the principle that no one is above the law and treated equally among citizens.	Due process of law checks whether any law in question is fair and not arbitrary.
Rule of law symbolises the quest of civilised democratic societies to combine that degree of liberty without which law is tyranny with that degree of law without which liberty becomes licence.	If the Supreme Court of India that any law as not fair, it will declare it as null and void. This doctrine provides for more fair treatment of individual rights.
A V Dicey in his book The Law of the Constitution (1885) has given the following three implications of the doctrine of rule of law.	The due process of law gives wide scope to the Supreme Court to grant protection to the rights of its citizens.
1. Absence of arbitrary power, that is, no man is punished except for a breach of law.	The Supreme Court can declare laws violative of fundamental rights and render them void not only on substantive grounds of being unlawful but also on procedural grounds of being unreasonable.
2. Equality before the law, that is,	Under due process, it is the legal

<p>equal subjection of all citizens (rich or poor, high or low, official or non-official) to the ordinary law of the land administered by the ordinary law courts.</p>	<p>requirement that the state must respect all of the legal rights that are owed to a person and laws that states enact must conform to the laws of the land.</p>
<p>3. The primacy of the rights of individual, that is, the constitution is the result of the rights of the individual as defined and enforced by courts of law, rather than constitution being the source of the individual rights.</p>	<p>For example, a state might fire someone from a government job, send defendant to prison, revoke a prisoner's parole, or cut someone's social security payments or other welfare benefits. Due process does not prohibit these actions, but it does require that certain procedures be followed before any action is taken.</p>
<p>For example, one may be the Prime Minister or the Speaker or the Imam or the Archbishop or a judge or the Sankaracharya or whoever, all are equally subject to the law. That imparts the element of non-discrimination in the concept of the Rule of Law.</p>	

**Conclusion:**

In vibrant, inclusive democracy law must be fair, ethical and just. Both Rule of law and Due process of law helping in strengthening of democracy by upholding rights of citizens.

**22. In parliamentary proceedings, examine the significance of the 'question hour'. What was the recent controversy related to it? Discuss.**

**Approach:**

It is straightforward question it expects student to write about - in first part write significance of question hour - in second part discuss recent controversy related to it.

**Introduction:**

Question Hour is the first hour of a sitting session devoted to questions that Members of Parliament raise about any aspect of administrative activity. The concerned Minister is obliged to answer to the Parliament, either orally or in writing, depending on the type of question raised.

**Body:**

Importance of Question Hour:

- The Government is put on its trial during the Question Hour and every Minister whose turn it is to answer questions has to stand up and answer for his or his administration's acts of omission and commission.
- Through the Question Hour the Government is able to quickly feel the pulse of the nation and adapt its policies and actions accordingly.
- It is through questions in the Parliament that the Government remains in touch with the people in as much as members are enabled thereby to ventilate the grievances of the public in matters concerning the administration.
- Questions enable Ministries to gauge the popular reaction to their policy and administration.
- Questions bring to the notice of the Ministers many loopholes which otherwise would have gone unnoticed.
- Sometimes questions may lead to the appointment of a Commission, a Court of Inquiry or even Legislation when matters raised by Members are grave enough to agitate the public mind and are of wide public importance.

Recent controversy regarding question hour:

- The monsoon session of the Parliament has begun from 14th of September. For this Parliamentary session a decision was taken to go without Question Hour. This decision has raised some serious concerns regarding the democratic functioning of the institution. Question hour is an opportunity for the members to raise questions.
- The decision to skip Question Hour during the Monsoon session of Parliament has earned criticism.
- With the ongoing issues in our country like the unprecedented decline in GDP and its impact on the economy, the New Education Policy, tensions at the border, rising unemployment, the miseries of migrant labour.
- Questions regarding all these issues were supposed to be asked in the question hour session with the government.

- Question hour is a parliamentary device primarily meant for exercising legislative control over executive actions.
- Over the decades, MP's have utilised this question hour to throw light on the government functioning. Suspension of the question hour is a straight indication that the opposition will lose the right to question the government. Plus, the Ministers are not liable to reply to the issues raised during the Zero Hour.
- This would mean that the MPs would not be able to hold the government accountable for its action. This will lead against the spirit of parliamentary democracy.

**Conclusion:**

The government is accountable to the parliament. The parliamentary proceedings are meant to hold the government accountable and it should not be suspended or curtailed as it will go against the essence of the Constitution.



**23. What is the MPLAD scheme? Critically evaluate its performance in recent years. Do you support the recent decision of the government to suspend MPLADS for two years? Substantiate your views.**

**Approach:**

As the question has two specific directives it will be better to answer the question in a straightforward way. In the introduction part one can explain what is MPLAD scheme and how it is implemented. Main body part will have two parts, in the first part one needs to arrive at a fair judgment based on overall performance of MPLAD scheme substantiated with examples and facts. In the second part of the answer it is necessary to put your opinion on the suspension of MPLAD scheme for two years. The opinion should be backed by supporting arguments with examples and facts. In the conclusion one can conclude by explaining the impact of such scheme in brief and stating further course of action for continuation or discontinuation of scheme. The scheme is implemented by Ministry of Statistics and Programme implementation.

**Introduction:**

The Local Area Development Scheme known as MPLADS is a government scheme launched in 1993. This central sector scheme was developed as an initiative to enable the parliament members to recommend developmental work in their constituencies based on locally felt needs. The scheme emphasises on durable assets of national priorities and community needs viz. drinking water, primary education, public health, sanitation and roads, etc.

**Body:**

Features of MPLAD scheme:

- The MPLADS is a Plan Scheme fully funded by Government of India. The annual MPLADS fund entitlement per MP constituency is Rs. 5 crore.
- MPs are to recommend every year, works costing at least 15 per cent of the MPLADS entitlement for the year for areas inhabited by Scheduled Caste population and 7.5 per cent for areas inhabited by S.T. population.
- In order to encourage trusts and societies for the betterment of tribal people, a ceiling of Rs. 75 lakh is stipulated for building assets by trusts and societies subject to conditions prescribed in the scheme guidelines.
- Lok Sabha Members can recommend works within their Constituencies and Elected Members of Rajya Sabha can recommend works within the State of Election (with select exceptions). Nominated Members of both the Rajya Sabha and Lok Sabha can recommend works anywhere in the country.
- All works to meet locally felt infrastructure and development needs, with an emphasis on creation of durable assets in the constituency are permissible under MPLADS as prescribed in the scheme guidelines. Expenditure on

specified items of non durable nature are also permitted as listed in the guidelines.

However, the scheme received a fair criticism from various sections of society and demand for discontinuation due to its gaps in its performance since its inception which is as mentioned below:

- The scheme violates one of the cardinal principles, which though not specifically written down in the Constitution, actually permeates the entire Constitution: separation of powers.
- Simply put, this scheme, in effect, gives an executive function to legislators (read legislature). The argument that MPs only recommend projects, but the final choice and implementation rests with the district authorities is strange; there are hardly any authorities in the district who have the courage or the gumption to defy the wishes of an MP.
- The details below, which are some of the observations made by the Comptroller and Auditor General (CAG) of India, in a report made it clear that there are gaps in its implementation.
- Utilisation of funds between 49 to 90% of the booked amount; Though the scheme envisages that works under the scheme should be limited to asset creation, 549 of the 707 works test-checked (78%) of the works recommended were for improvement of existing assets.
- Delays in issuing work orders ranging from 5 to 387 days in 57% of the works against the requirement of issuing the work order within 45 days of the receipt of recommendation by the MP.
- There are wide variations in the utilisation of the MPLAD amount in various constituencies. A report published in IndiaSpend has some very interesting insights based on data made available to it by the Ministry of Statistics and Programme Implementation. Some of these are: "A year after they took office, 298 of 542 members of the 16th Lok Sabha — India's lower house of parliament — have not spent a rupee from the ₹5 crore that is set aside annually for them to develop their constituencies." Also, 508 MPs (93.55%) did not, or could not, utilise the entire MPLADS amount from May 4, 2014 till December 10, 2018, in 4 years and 7 months.
- Since the MPLADS began in 1993, ₹5,000 crore was lying unspent with various district authorities by May 15, 2015.
- Added to the data above is fairly widespread talk of money under MPLADS being used to appease or oblige two sets of people: opinion-makers or opinion-influencers, and favourite contractors. Sometimes these two categories overlap. An often-heard tale is that of the contractor being a relative, close friend, or a confidant of the MP, and the contractor and the MP being financially linked with each other.
- Reports of underutilisation and misutilisation of MPLADS funds continue to surface at regular intervals but there seems to have been no serious attempt to do anything about it till now. There are innumerable instances of misuse of these funds; one prominent example is the construction of a fountain in the open space of an unauthorised settlement, or a jhuggijhopdi colony, which did not have provision of drinking water. The general belief in the settlement

was that the contractor who bagged the contract to build the fountain was related to the local Member of Parliament.

- Also, The National Commission to Review the Working of the Constitution (2000) and the Second Administrative Reforms Commission, headed by Veerappa Moily (2007), recommended discontinuation of the scheme.

Meanwhile the scheme has some of the positive impacts too, they are as mentioned below:

- Similar to MPLADS, several states have enacted schemes called Member of Legislative Assembly Local Area Development Scheme (MLALADS) where funds are given to MLAs.
- According to the 'Guidelines on Members of Parliament Local Area Development Scheme (MPLADS)' published by the Ministry of Statistics and Programme Implementation in June 2016, the MPLAD funds can also be used for implementation of the schemes such as Swachh Bharat Abhiyan, Accessible India Campaign (Sugamya Bharat Abhiyan), conservation of water through rain water harvesting and Sansad Aadarsh Gram Yojana, etc. So, other schemes can be supported by funding through MPLADS.
- Based on Constitutionality of the Scheme, the MPLADS was challenged in the Supreme Court (SC) in 2010. A five-judge bench of the SC held that: Indian Constitution does not recognise strict separation of powers. Even though MPs have been given a seemingly executive function, their role is limited to 'recommending' works and actual implementation is done by the local authorities. Therefore, the scheme does not violate separation of powers.
- India has a quasi-federal nature of the Constitution. Article 282 held that both the Union and the State have the power to make grants for a purpose irrespective of whether the subject matter of the purpose falls in the Seventh Schedule provided that the purpose is "public purpose" within the meaning of the Constitution.
- Also, the Scheme falls within the meaning of "public purpose" aiming for the fulfillment of the development and welfare of the State as reflected in the Directive Principles of State Policy.
- Also there are robust accountability mechanisms for the scheme as it comes under the RTI Act.
- In 2018, when continuation of the scheme was approved, the government noted that "the entire population across the country stands to benefit through the creation of durable assets of locally felt needs, namely drinking water, education, public health, sanitation and roads etc, under MPLAD Scheme."
- Until 2017, nearly 19 lakh projects worth Rs 45,000 crore had been sanctioned under the MPLAD Scheme. Third-party evaluators appointed by the government reported that the creation of good quality assets had a "positive impact on the local economy, social fabric and feasible environment." Further, 82% of the projects have been in rural areas and the remaining in urban/semi-urban areas.
- There are numerous examples of good implementation of scheme. For instance, Cricket icon and Rajya Sabha member Sachin Tendulkar has



sanctioned Rs 2 crore from his Members of Parliament Local Area Development Scheme (MPLADS) fund for revamp of rail foot overbridges in Mumbai here in the backdrop of the Elphinstone Road station stampede.

Governments recent move to discontinue MPLADS for 2 years:

- The central scheme has continued uninterrupted for 27 years. It is budgeted through the government's finances and continues as long as the government is agreeable. In 2018, the Cabinet Committee on Economic Affairs approved the scheme until the term of the 14th Finance Commission, that is March 31, 2020.
- However, the Government of India in the event of struggle against Covid-19 has suspended Member of Parliament Local Area Development Scheme or MPLADS funds for two years (2020 and 2021) and directed these funds to be transferred to the Consolidated Fund of India.
- The Government is seeking to garner around Rs 7,900 crores by suspending the MPLADS for two years. For comparison, this is only 4.5% of the Rs 1.70 lakh crore relief package for the poor announced under the Pradhan Mantri Garib Kalyan Yojana.
- The government is of view that the transfer of these sums to the Consolidated Fund of India would help judicious deployment of fund, but political opposition has criticized this move, as in their opinion the decision may undermine the decentralized manner of funding local area development.

When we see at the implementation gap as highlighted by the CAG report and current grim situation induced by pandemic, the move seems to be a right move in the right direction due to following reasons:

- In this pandemic like situation it is better to have more funds in hand for the building infrastructure and facilitating services in the Health sector. For instance, Resident doctors of Hindu Rao Hospital supported by AIIMS staff staged a protest alleging non-payment of salaries.
- According to the World Bank database, India was the 13th lowest (among 206 for which data was available) in terms of the percentage of total government expenditure that went to health in 2017. At present, Government spending on the healthcare industry stands at 1.15% of the Gross Domestic. Considering the balloon of pandemic this much expenditure on health care sector is meagre amount of money relatively to other sectors.
- Hence, it becomes evident that the current move by the government to suspend the scheme for two years is a well thought move.

However, we cannot neglect the objective of MPLADS. It aimed to create durable assets of national priorities and community needs, which also should not stop citing the basic needs of the citizens. Unless problems such as poor utilisation of funds, irregular sanction of works, delay in completion of works are tackled in an efficient manner, the efficacy of the scheme will remain in doubt.

**Conclusion:**

While resuming the operation of scheme after two years, corruption related factors needs to addressed so that MPLADS full potential can be utilised. Meanwhile, to compensate the loss incurred by suspension of scheme for two years, government needs to put on some constructive work in the durable assets creation by giving impetus to its other schemes such as, Accessible India campaign, Swachh Bharat Abhiyaan, conservation of water through rain water harvesting and SansadAadarsh Gram Yojana etc.



**24. The presiding officers of the legislatures are important functionaries in the constitutional process. Elucidate.**

**Approach:**

It expects students to write about the presiding officers in legislatures and their various important constitutional functions in the Lok Sabha and Rajya Sabha.

**Introduction**

Speakership in India dates from the year 1921, Under the Government of India Act, 1919, office of the President of Indian Legislative Assembly came into existence. The Office of the Speaker and Chairman occupies a pivotal position in our parliamentary democracy which necessitates that the holder of these offices of high dignity has to be one who can represent the House in all its manifestations.

**Body**

According to the Constitution of India, both offices are vested with immense administrative and constitutional powers, some of which are enumerated below:

1. The Speaker and Chairman presides over the meetings in Lok Sabha and Rajya Sabha respectively. In other words, the Speaker and Chairman conducts business in their house by ensuring discipline among members.
2. Both offices guard the rights and privileges of the members deciding who should speak at what time, the questions to be asked, thus preserve the freedom of speech and expression in house.
3. In the absence of a quorum in the House, it is the duty of the Speaker and Chairman to adjourn the House or to suspend any meeting, until a quorum is met.
4. The Speaker and Chairman is invested with the immense powers of interpreting the Rules of Procedure. Therefore, rules made by him/her needs to be accepted and respected in true spirit by members.
5. The Speaker and Chairman ensures that MPs are punished for unruly behaviour. So that the decorum of the house is maintained.
6. A Speaker and Chairman can also disqualify a Member of Parliament from the House on grounds of defection (under the Tenth Schedule of the Constitution). Therefore, matter of defection needs to be dealt impartially by the presiding officer.
7. A Speaker and chairman use his/her power to vote, in order to resolve a deadlock. That is, when the House initiates a voting procedure, the presiding officer does not cast a vote in the first instance. It is only when the two sides receive equal number of votes that the Speaker in Lok Sabha and Chairman in Rajya Sabha vote breaks the deadlock, making his/her position impartial.
8. The Speaker and Chairman nominates the various Chairmen of Committees while monitoring the committees' workings as well in this respect has its huge impact in policy formulations and on various bills.
9. Presiding officers are the ultimate arbiter and interpreter of those provisions which relate to the functioning of the House. His/her decisions are final and binding and ordinarily cannot be questioned, challenged or criticized.

10. The Rajya Sabha and Lok Sabha Secretariat functions under the control and direction of the Chairman and Speaker.
11. Under the Judges (inquiry) Act, 1968, the Presiding officer has to constitute a Committee, upon receipt of a motion for the removal of a Judge of the Supreme Court or of a High Court, for investigation into the grounds on which the removal of a Judge is prayed for.
12. A member who flouts the Speaker's and Chairman's orders or directions may be named by the Speaker and Chairman and in such cases, the member may have to withdraw from the House.

Interestingly, there are few special power and functions of Speaker of Lok Sabha such as -

- The Speaker permits various parliamentary procedures like the motion of adjournment, the motion of no confidence, the motion of censure, among others.
- The Speaker presides over the joint sitting of the two Houses of Parliament.
- Once a Money Bill is transmitted from the Lower House to the Upper House, the Speaker is solely responsible for endorsing his or her certificate on the Bill. In other words, s/he is given the pivotal power to decide whether any Bill is a Money Bill. His/her decision is considered final.
- The Speaker also decides on granting recognition to the Leader of the Opposition in the Lok Sabha.
- The Speaker decides the agenda that must be discussed in a meeting of the Members of the Parliament.

But there have been non-observance of constitutional conventions by the presiding officers in both the Houses, some of which can be seen as given below -

- Two critical examples in the Lok Sabha are the presiding officer's arbitrary certification of the Aadhaar Act as money bill and their non-acknowledgement of the Opposition party leader as the statutorily recognised Leader of Opposition.
- On the other hand, in the Rajya Sabha, the presiding officer declared the previously mentioned farm bills as passed after a voice vote against which multiple Opposition members had protested.

### **Conclusion**

India's first Prime Minister Pt. Jawahar Lal Nehru had said that in a parliamentary democracy, the presiding officer represents the dignity and the freedom of the House and because the House represents the country, the speaker in a way becomes the symbol of the country's freedom and liberty which clearly highlights their immense constitutional responsibility and importance.

**25. What role do department-related Parliamentary Standing Committees play? Explain their significance with the help of suitable examples.**

**Approach:**

It expects students to write about the role and important functions of departmental parliamentary standing committees and present their significance with help of suitable examples.

**Introduction:**

The visible part of Parliament's work takes place on the floor of the House. This part of Parliament's work is televised and closely watched. However, Parliament has another forum through which a considerable amount of its work gets done. These are known as Parliamentary Committees. These Committees are smaller units of MPs from both Houses, across political parties. These smaller groups of MPs study and deliberate on a range of subject matters, Bills, and budgets of all the ministries.

**Body:**

There are 24 Department-related Standing Committees (DRSCs). The 17 Departmentally Related Standing Committees were formally constituted with effect from April, 1993.

Role played by departmental related parliamentary standing committee:

- DRSCs perform three main roles: Examine Bills referred to them; select specific topics related to the ministries and examine implementation by the Government; and examine the budgetary outlays of the departments.
- They secure more accountability of the Executive to the Parliament. Through Committees, Parliament exercises its control and influence over administration and keeps vigilance over the executive.
- The Committees aid and assist the Legislature in discharging its duties and regulating its functions effectively, expeditiously and efficiently. They assist the Parliament in thoroughly and systematically scrutinising the matters which could not be discussed on the floor at length.
- After a Committee completes its study, it publishes its report which is laid in Parliament. These recommendations are not binding; however, they hold a lot of weight. For example, the Standing Committee on Health made several recommendations to the National Medical Commission Bill in 2017. Many of these were incorporated in the recently passed 2019 Bill.

Bills and issues that are referred to committees are returned to the House with value addition has huge significance on parliamentary affairs such as:

- Committees help by providing a forum where Members can engage with domain experts and government officials during the course of their study. For example, the Committee on Health and Family Welfare studied the Surrogacy (Regulation) Bill, 2016. As MPs come from varying backgrounds, they may not understand the details around surrogacy such as fertility issues, abortion, etc. The Committee called upon a range of stakeholders including the

National Commission for Women, doctors, and to better their understanding of the issues, before finalising their report.

- Committees member not bound to party whip. Being outside direct public glare allows members to discuss issues and reach consensus across political party without worrying about constituency pressures. Committees have closed door meetings, which allows them to freely question and discuss issues and arrive at a consensus.
- Bill is scrutinised properly before it is passed, our law-making procedure has a provision for Bills to be referred to a DRSC for detailed examination. Over the years, the Committees have immensely contributed to strengthen the laws passed by Parliament. For example, the Consumer Protection Act, 2019, overhauling the 1986 law. An earlier version of the Bill had been examined by the Committee on Food and Consumer Affairs, which suggested several amendments such as increasing penalties for misleading advertisements, making certain definitions clearer.
- DRSCs also examine the budget. The detailed estimates of expenditure of all ministries, called Demand for Grants are sent for examination to the DRSCs. However, only a limited proportion of the budget is usually discussed on the floor of the House. In the recently dissolved 16<sup>th</sup> Lok Sabha, 17% of the budget was discussed in the House.
- Committees meet throughout the year; they help make up for this lack of time available on the floor of the House. For example, In the last 10 years, Parliament met for 67 days per year, on average. This is a short of amount of time for MPs to be able to get into the depth of matters being discussed in the House.

The recent decline in the role and performance of standing committees is part of a larger trend visible even before the lockdown, as per India Spend analysis.

Traditionally, DRSC function on a non-party basis. Of late, this tradition seems to have broken down and members have started political posturing,” said PDT Achary, former secretary-general of Lok Sabha.

National Commission to Review the Working of the Constitution (NCRWC) 2002 pointed out some shortcomings of the committees:

- (a) low attendance of MPs at meetings.
- (b) too many ministries under a committee.
- (c) norms not followed by most political parties while nominating MPs to committees.
- (d) the constitution of DRSCs for a year leaves very little time for specialisations.

### **Conclusion:**

Indian democracy derives its legitimacy by effective functioning of Indian Parliament. Substantial part work of Indian parliament is carried out by these departmental standing committees. Committees have substantially impacted Parliament’s efficacy in discharging its roles, their performance affects the Parliament as an institution that makes laws, holds the Government accountable, and gives sanction for public

spending, still there is scope for strengthening the Committee system for overall effectiveness of Indian parliamentary system.

**26. Do you think state funding of electoral campaigns can address the misuse of money power during elections? Critically examine.**

**Approach** –You need to examine both sides of the arguments over whether state funding of electoral campaign can address the misuse of money power during elections with proper substantiation.

**Introduction**

India stands as a model for many emerging democracies around the world. Free and fair elections are the hallmark of a well-functioning democracy. But there are still a number of areas which need to be strengthened for us to realise the true potential of a well-functioning democracy, one of which is misuse of money power during elections.

**Body**

Indian elections are the world's biggest exercise in democracy but also among the most expensive. India's campaign spend is only rivalled by the American presidential race, the world's most expensive election. In this regard, state funding of electoral campaigns can be considered to address the misuse of money power during elections in the following manner -

- The financing of elections has become a major issue in the past few decades. This has resulted in lack of transparency, widespread corruption, and the pervasiveness of so-called 'black money'. Such a phenomenon can be tackled with state funding of elections.
- NCRWC, 2001 notes that the high cost of elections "creates a high degree of compulsion for corruption in the public arena" and that "the sources of some of the election funds are believed to be unaccounted criminal money. It also states that "Electoral compulsions for funds become the foundation of the whole super structure of corruption".
- A major concern associated with the high cost of elections is that it prevents parties and candidates with modest financial resources from being competitive in elections. Thus, state funding will provide for a level playing field for all the players involved.
- With public funding the State can encourage or demand changes in for example how many women candidates a party fields - In the same way as private donations can come with demands on party or candidate behaviour, the State can use public funds to level the playing field and encourage (or force) political parties to undertake reforms, hold internal elections or field a certain number of women candidates, youth or persons from an ethnic minority on their ballots.

- If parties and candidates are financed with only private funds, economical inequalities in the society might translate into political inequalities in government - If political parties receive all their income from private donations, there is a risk that socioeconomic differences in the society will translate into differences in representation and access to political power.
- Political parties and candidates need support in meeting growing costs of campaigning - Politics and political campaigning is an increasingly costly business. Now they need to pay for expensive advertising in newspapers or on posters, or buy time on radio or television to get their message through to the voters.
- In societies with high levels of poverty, ordinary citizens cannot be expected to contribute much to political parties - If parties and candidates receive at least a basic amount of money from the State the country could have a functioning multi-party system without people having to give up their scarce resources.
- The Indrajit Gupta Committee on State Funding of Elections had endorsed state funding of recognised political parties and their candidates in elections way back in 1998, but the lack of political will has prevented any serious discussion on this.

But at the same time, state funding of electoral campaigns cannot be seen as ultimate panacea for the misuse of money power during elections as:

- Public funding increases the distance between political elites (party leadership, candidates) and ordinary citizens (party members, supporters, voters)- When political parties and candidates do not depend on their supporters or members, they might be less likely to involve them in party decisions or consult their opinions on policy issues.
- Public funding preserves a status quo that keeps the established parties and candidates in power - Public funds are often allocated among political parties and candidates in the national legislature. This may make it more difficult for new political forces to gain representation.
- Through public funds, taxpayers are forced to support political parties and candidates whose views they do not share - Many believe that ordinary taxpayers should not be forced to support political parties or candidates that they would never choose to vote for.
- Public funds to political parties and candidates takes money away from schools and hospitals to give to rich politicians - Public resources are scarce and needed for everything. To many people, using public funds to give to political parties and candidates would be far down their list of priorities.
- Political parties and candidates both take the decision and collect the money - The decision to allocate public funds to parties and candidates is most often taken in the national legislature. This means that the political parties and candidates who will collect the money, also take the decision.
- Political parties risk becoming organs of the State rather than parts of civil society - If all or a substantial amount of the party income comes directly from the State rather than from voluntary sources, political parties risk losing



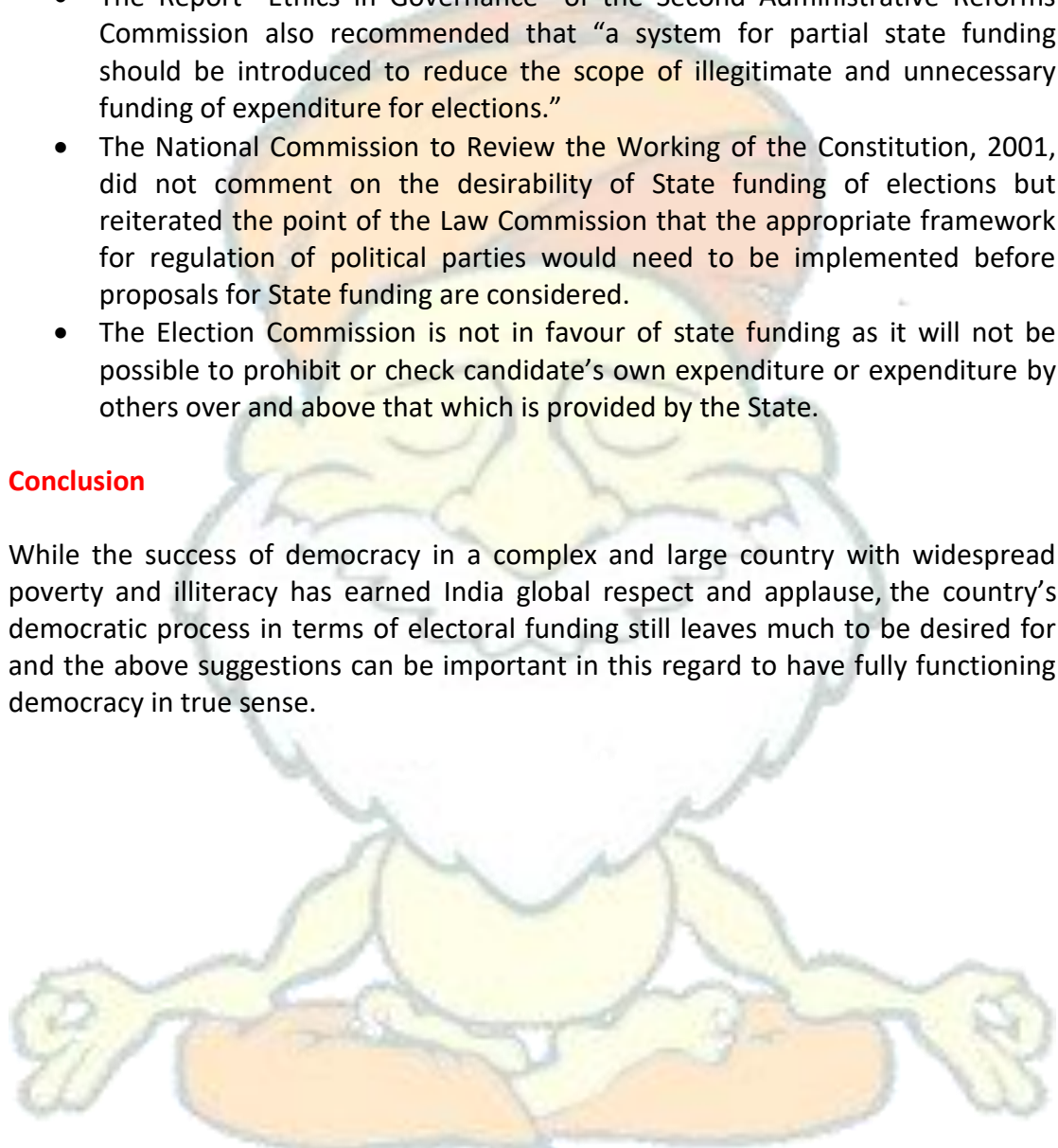
their independence and become organs of the State, thereby losing their ties to the civil society.

Way Forward –

- The 1999 report of the Law Commission of India concurred with the Indrajit Gupta Commission that only partial state funding was possible at the present time given the economic conditions of the country.
- The Report “Ethics in Governance” of the Second Administrative Reforms Commission also recommended that “a system for partial state funding should be introduced to reduce the scope of illegitimate and unnecessary funding of expenditure for elections.”
- The National Commission to Review the Working of the Constitution, 2001, did not comment on the desirability of State funding of elections but reiterated the point of the Law Commission that the appropriate framework for regulation of political parties would need to be implemented before proposals for State funding are considered.
- The Election Commission is not in favour of state funding as it will not be possible to prohibit or check candidate’s own expenditure or expenditure by others over and above that which is provided by the State.

**Conclusion**

While the success of democracy in a complex and large country with widespread poverty and illiteracy has earned India global respect and applause, the country’s democratic process in terms of electoral funding still leaves much to be desired for and the above suggestions can be important in this regard to have fully functioning democracy in true sense.



**27. The office of Governor has ceased to be apolitical in recent years. Do you agree? Substantiate your response.**

**Approach:**

It expects students to write about office of Governor and how it ceased to become a apolitical in recent years with suitable examples.

**Introduction:**

Article 154 of the Constitution envisages Governor as the executive chief of the state. B R Ambedkar called the office of the Governor as the “office of dignity”. His office is the linchpin of Indian Cooperative Federalism. From a long time, the office of the Governor has been at the centre of controversies for several reasons, the most important one being the range of discretionary powers that the holder of the office enjoys.

**Body:**

Office of Governor in recent years ceased to be apolitical:

- Intervention by governors: Most notably, the governors of West Bengal, Puducherry and Maharashtra are in news for the wrong reasons. For example, Maharashtra governor issue over the opening of temple after lockdown in state and controversy over secularism.
- Non-neutrality of the office of the Governor: The governors are the agents of the Central Government and since most of them are retired politicians belonging to a particular political party, they remain loyal to the people, who appoint them. As a result of it, they try to topple the State Government if it happens to be a Government by the opposition party.
- Appointment and dismissal of the Chief Minister: Governor appoints Chief Minister, other ministers, Advocate General, Chairmen and members of the State Public Service Commission in the state. After elections in the state, there is a convention to invite the largest party to form government in the state. This convention has been flouted many times at the whim of the governor. Eg: The recent episode Maharashtra where Governor inducted a new government at 5:00 am without ascertaining the requisite numbers for the government.
- Gubernatorial powers: The task of inviting the largest party/alliance post-election is a discretion of the Governor which is wrought in controversy. Eg: Karnataka, in 2018 election presented a hung assembly. Ultimately the issue had to be resolved in Supreme Court leading to fall of the government that couldn't prove its majority.

- Removal of the Governor: Article 156 says that the governor will hold office during the pleasure of the President for five years. President works on aid and advice of the Council of Ministers under Article 74. In effect it is the central government that appoints and removes the Governors. The governor has no security of tenure and no fixed term of office. E.g: The mass changing of the governors of state whenever a new government comes to power at Centre.
- Advising the President for proclamation of Emergency: The Assemblies of Uttarakhand, Arunachal Pradesh had been placed under suspended animation on the recommendation of the Governor due to alleged failure of Constitutional Machinery (Article 356). However, the State Governments were reinstated by reversal of President's rule by Supreme Court due to lack of sufficient evidence.
- Reservation of Bills for Consideration of President: On his/ her discretion, the Governor can reserve a bill passed by the state legislature for president's assent. However, situations are mentioned in Article 200, when he will reserve the bill, yet he can use, discretion regarding this matter. Governor has discretion to refuse to sign to an ordinary bill passed by the state legislature.
- Seeking information from the chief minister: With regard to the administrative and legislative matters of the state Many governors have been criticised for expanding their discretionary powers suo motu. Tamil Nadu (TN) governor Banwarilal Purohit has been criticised for running a parallel administration of universities within TN and appointing vice-chancellors without consulting the state government. He was already under fire for conducting "review meetings" of government schemes.

#### Recommendations of SC Judgements and Committees:

- SR Bommai vs. Union of India, 1994: The case was about the limits to the Governor's powers in dismissing a state government under Article 356 of the Constitution. The floor of the Assembly is the only forum that should test the majority of the government of the day, and not the subjective opinion of the Governor.
- Rameshwar Prasad Case, 2006: Supreme Court was called upon to pronounce its verdict on the validity of the proclamation of President's Rule and the dissolution of the Assembly in Bihar in 2005. The SC held that the Governor could not decide based on his subjective assessments.
- Sarkaria Commission Report (1988):
  1. Governor should be an eminent person and not belong to the state where he is to be posted.
  2. State chief minister should have a say in the appointment of governor
  3. Governor should be a detached figure without intense political links or should not have taken part in politics in recent past.
  4. Governor should not be a member of the ruling party.

- Punchhi Commission (2010): The phrase “during the pleasure of the President” should be deleted from the Constitution. Governor should be removed only by a resolution of the state legislature.

**Conclusion:**

The role of governor is indispensable for the successful working of the constitutional democracy. He must refrain from aligning himself to any political ideology. For the smooth functioning of a democratic government, it is equally important to have 'Code of Conduct', 'norms and principles' the governor must act judiciously, impartially and efficiently while exercising his discretion and personal judgment.



**28. India's Election Commission is an embodiment of institutional excellence and professionalism. Comment.****Approach:**

It expects students to write – in first part write why Election Commission is an embodiment of institutional excellence and professionalism – in second part write challenges faced by Election commission – in end in few words write way forward.

**Introduction:**

Election Commission of India plays a crucial role in organising elections. The most significant role of the Election Commission of India is to ensure free and fair elections as per the norms and the Model Code of Conduct. It is in charge of monitoring the actions and activities of the political parties and candidates and try to ensure free, fair and transparent elections in India.

**Body:**

Election Commission is an embodiment of institutional excellence and professionalism can be seen from:

- It plays an important role in stopping the dissemination of misinformation with the help of technological tools.
- It conducts elections with the highest standard of credibility, freeness, fairness, transparency, integrity, accountability, autonomy and professionalism.
- It creates awareness about the electoral process and electoral governance amongst stakeholders namely, voters, political parties, election functionaries, candidates and people at large.
- It plays an important role in stopping the dissemination of misinformation with the help of technological tools.
- It conducts elections with the highest standard of credibility, freeness, fairness, transparency, integrity, accountability, autonomy and professionalism.
- It creates awareness about the electoral process and electoral governance amongst stakeholders namely, voters, political parties, election functionaries, candidates and people at large.

However, some challenges are faced by Election commission:

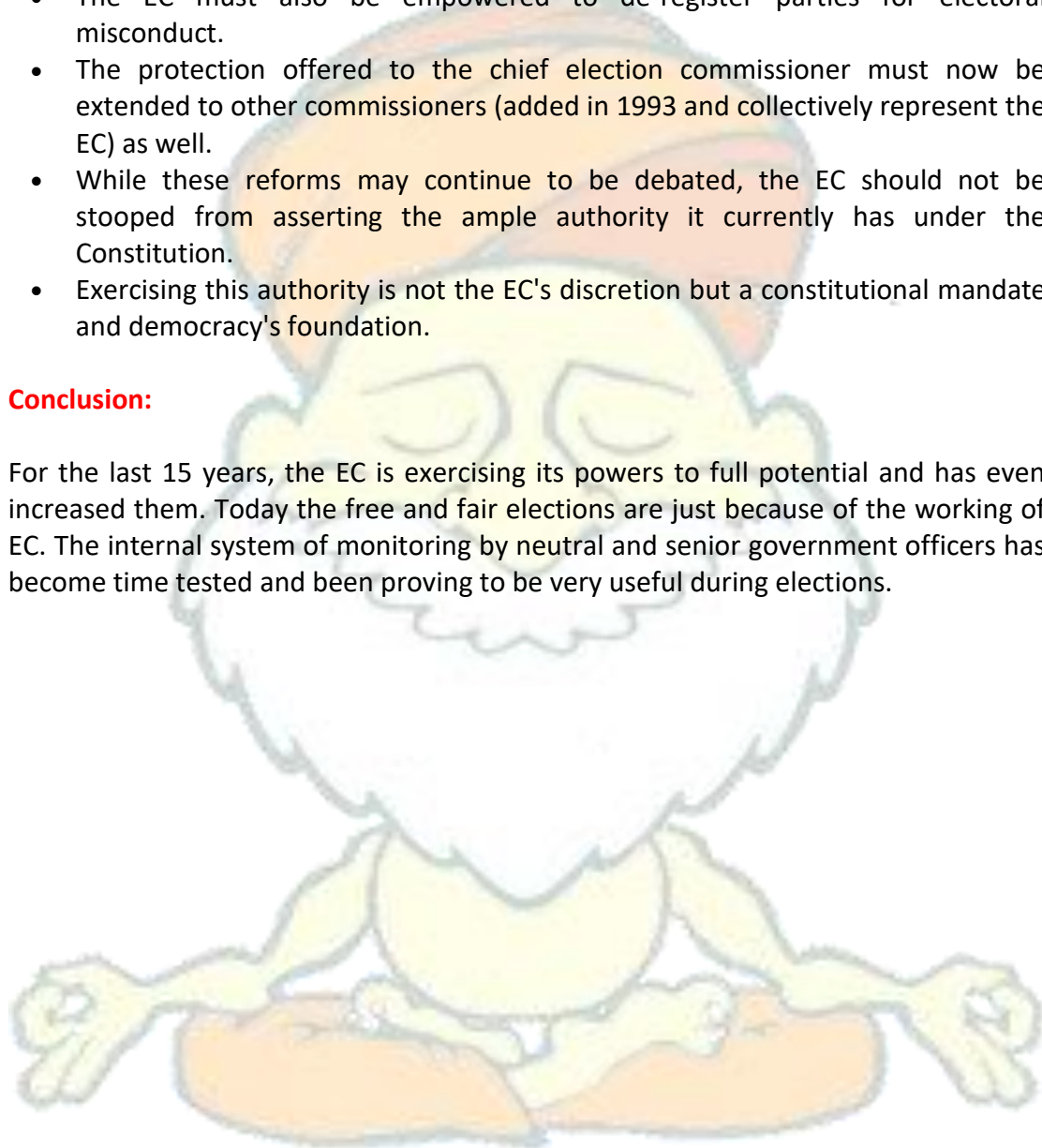
- Allegation of partisan role- The opposition alleged that the ECI was favouring the ruling government in giving clean chits to the model code violations made by the Prime Minister.
- Lack of capacity- The Election Commission is vested with absolute powers under Article 324, but still has to act according to laws made by Parliament and it cannot transgress the same. E.g. Despite being the registering authority for political parties under Section 29A of the Representation of the People Act, 1951, it has no power to de-register them even for the gravest of violations.
- Lack of proactive use of authority- The Election Commission had told the Supreme Court that its powers to discipline politicians who sought votes in the name of caste or religion were "very limited".

Way forward:

- Elections are the bedrock of democracy and the EC's credibility is central to democratic legitimacy.
- Hence, the guardian of elections itself needs urgent institutional safeguards to protect its autonomy.
- It is high time that appointments of election commissioners is depoliticised through a broad-based consultation mechanism.
- The EC must also be empowered to de-register parties for electoral misconduct.
- The protection offered to the chief election commissioner must now be extended to other commissioners (added in 1993 and collectively represent the EC) as well.
- While these reforms may continue to be debated, the EC should not be stoooped from asserting the ample authority it currently has under the Constitution.
- Exercising this authority is not the EC's discretion but a constitutional mandate and democracy's foundation.

**Conclusion:**

For the last 15 years, the EC is exercising its powers to full potential and has even increased them. Today the free and fair elections are just because of the working of EC. The internal system of monitoring by neutral and senior government officers has become time tested and been proving to be very useful during elections.



**29. Critically evaluate the performance of the Comptroller and Auditor General of India in ensuring executive accountability.****Approach:**

It expects students to write about – in first part write how Comptroller and Auditor General of India in ensuring executive accountability – in second part write some issues faced by CAG

**Introduction:**

The Constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG). He is the head of the Indian Audit and Accounts Department. He is the guardian of the public purse and controls the entire financial system of the country at both the levels—the Centre and the state.

**Body:**

Comptroller and Auditor General of India ensures executive accountability by:

- **Accountability:** The accountability of the executive (council of ministers) to the parliament in the sphere of financial administration is secured through audit reports of the CAG.
- **Ensure financial transparency:** The CAG ascertains whether money shown in the accounts as having been disbursed was used for the purpose to which they have been charged. Thus, it ensures proper use of money.
- **Fiscal watch:** In addition to this legal and regulatory audit, the CAG can also conduct the propriety audit, that is, he can look into the wisdom, faithfulness and economy of government expenditure and comment on the wastefulness and extravagance of such expenditure.
- **Effective check:** It is the duty of the CAG to audit all receipts which are payable into the Consolidated Fund of India. The rules and procedures are designed to ensure an effective check on the assessment, collection and proper allocation of revenue.
- **Financial administration:** His duty is to uphold the Constitution of India and laws of Parliament in the field of financial administration. The accountability of the executive (the council of ministers) to the Parliament in the sphere of financial administration is secured through audit reports of the CAG.
- **Expose corruption:** CAG reports play an important role in exposing corruption and misuse of government money. For example, CAG role played an important role in exposing coal scam.

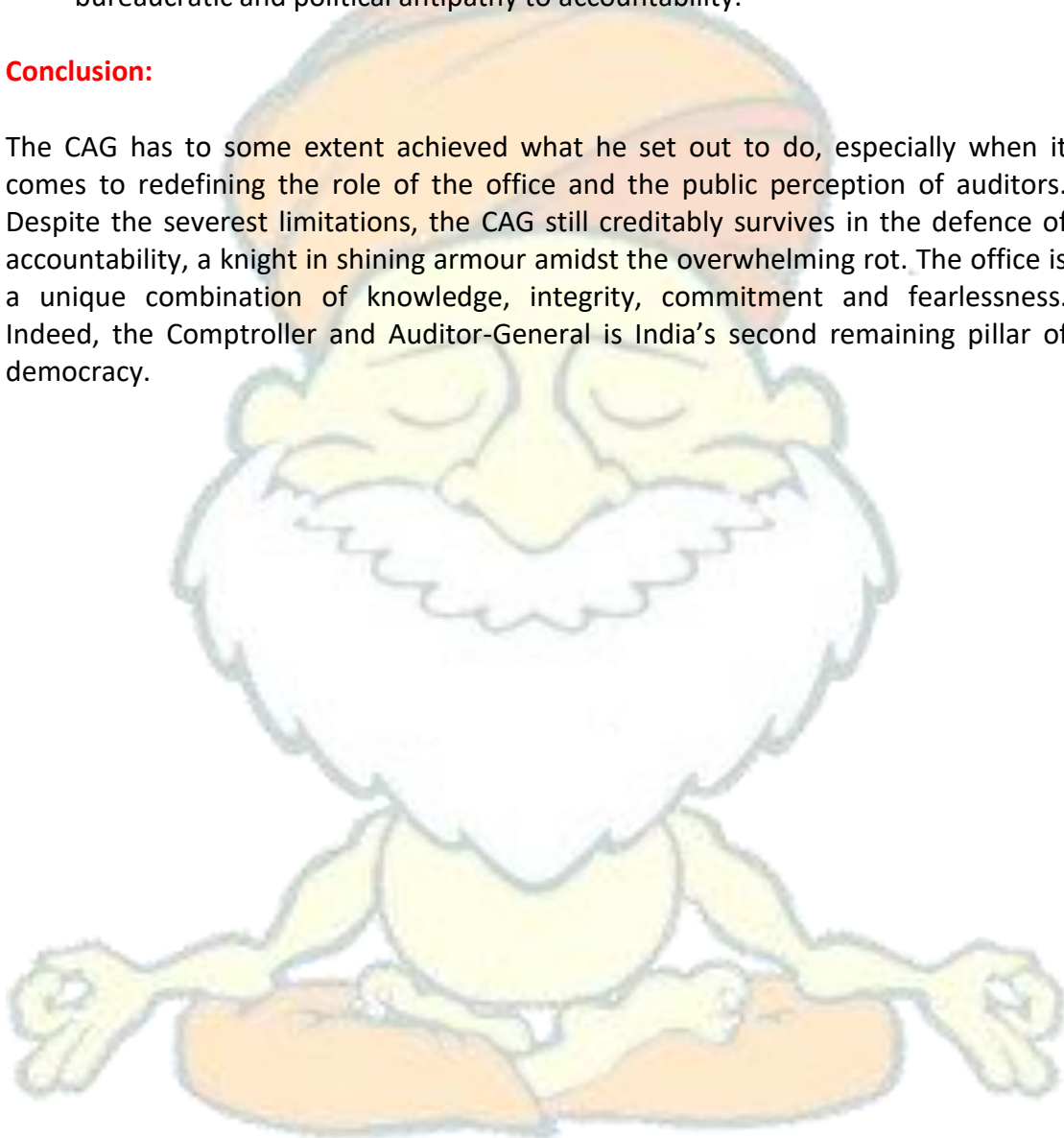
However, some issues faced by CAG:

- The CAG mostly find his reports hitting the junk pile of government records in the absence of any provision such as Article 141 that confers power to pass any decree and make any order for the purpose of securing the attendance of any person, the discovery or production of any documents, or the investigation or punishment of any contempt of itself on the Supreme Court.

- There is no deadline for the production of documents and replies nor any contempt proceedings for their denial.
- The CAG doesn't have the right to release these reports in the public domain if they are not presented in the legislature within a month of their submission.
- Nor can CAG enforce any of its findings by decree, akin to Parliament's Public Accounts Committee.
- Criticism of the CAG is rooted in uneducated opinion and deliberate suppression and/or obfuscation of facts. To that can be added the deep-rooted bureaucratic and political antipathy to accountability.

**Conclusion:**

The CAG has to some extent achieved what he set out to do, especially when it comes to redefining the role of the office and the public perception of auditors. Despite the severest limitations, the CAG still creditably survives in the defence of accountability, a knight in shining armour amidst the overwhelming rot. The office is a unique combination of knowledge, integrity, commitment and fearlessness. Indeed, the Comptroller and Auditor-General is India's second remaining pillar of democracy.





**30. Examine the role of the Finance Commission in India's federal political economy.****Approach:**

As the directive here is examine, it is necessary to cover various angles of the topic. In the introduction you can explain about Finance Commission. In the main body part you need to explain about the role of Finance commission, the 'role' in the context of this question indicates how Finance Commission supplements, strengthens India's federal political economy. Just only mentioning what functions/role Finance commission performs will not be sufficient. Though only role is asked, from the examination point of view it is necessary to assess Finance Commission's performance and issues related to it. An optimistic conclusion with necessary way forward will fetch you more marks.

**Introduction:**

Finance Commission is a constitutional body for the purpose of allocation of certain revenue resources between the Union and the State Governments. It is time to time established under Article 280 of the Indian Constitution by the Indian President. It is created to define the financial relations between the Centre and the states.

**Body:**

The First Commission was set up in November 1951 under the Chairmanship of K C Neogy, a former member of the Constituent Assembly and diwan of a princely state. The President has appointed 14 more Commissions since then. Most recent one is the 15th Finance Commission which was constituted by the President of India in November 2017, under the chairmanship of NK Singh.

Role of Finance commission in India's federal political economy:

- As a federal nation, India suffers from both vertical and horizontal fiscal imbalances.
- Vertical imbalances between the central and state governments result from states incurring expenditures disproportionate to their sources of revenue, in the process of fulfilling their responsibilities. However, states are better able to gauge the needs and concerns of their inhabitants and therefore more efficient at addressing them.
- Horizontal imbalances among state governments result from differing historical backgrounds or resource endowments and can widen over time.
- Unity: Article 1 of the Constitution of India recognises India as a Union of States. Real fairness and equity in the matter of devolution of powers and resources to the States is essential to preserve this stated unity. The foremost objective of the FC is thus an equitable distribution of financial resources between the two units of the Union.
- Resources - The fundamental tasks relating to income growth, human development, livelihoods, environment, etc are entrusted to the States. At present, the States do not have adequate resources as well as the right to raise such resources to fulfil these tasks. FC's role gains significance in

equipping states with adequate resources to take up these major tasks of nation-building.

- Federalism - The Centre's capacity to mobilise resources is far greater than that of the States. But states are required to undertake development expenditures that far exceed their revenue generating capabilities. The Constitution entrusts FC with the responsibility of addressing this anomaly and asymmetry in India's federal system.
- To ensure same kind of federal political economy in the state, state finance commissions are constituted. The State Finance Commission (SFC) is an institution created by the 73rd and 74th Constitutional Amendments (CAs) to rationalize and systematize State/sub-State-level fiscal relations in India.
- Article 243I of the Constitution mandated the State Governor to constitute a Finance Commission every five years.
- Article 243Y of the Constitution states that the Finance Commission constituted under article 243 I shall also review the financial position of the Municipalities and make recommendations to the Governor.
- The Commission's recommendations along with an explanatory memorandum with regard to the actions done by the government on them are laid before the Houses of the Parliament.
- The FC evaluates the rise in the Consolidated Fund of a state in order to affix the resources of the state Panchayats and Municipalities. The FC has sufficient powers to exercise its functions within its activity domain.
- As per the Code of Civil Procedure 1908, the FC has all the powers of a Civil Court. It can call witnesses, ask for the production of a public document or record from any office or court.

Issues with respect to finance commission:

- Terms of references are narrow: For instance, The 15th Finance Commission's terms of reference are to recommend a fiscal consolidation roadmap for sound fiscal management. Besides, ensuring to take in to account the responsibility of the Central Government and State Governments to adhere to appropriate levels of general and consolidated government debt and deficit levels.
- A periodic body: Finance commission is an important body which looks at the fiscal federalism between centre and states. However, despite being such an important body, it is not a permanent body. A financial trouble can occur any time and we cannot rely on the executive to look at the trouble and then constitute the Finance commission as and when necessary. For instance, the economic upheaval happened due to Covid-19.
- Finance commission is a body which ensure federal political economy work as per its functioning requirement. However, appointment of its members are mainly handled by the central government which undermines the role of states.
- Recommendations are not mandatory in nature. Which makes the whole exercise of constituting, surveying and reporting a futile exercise if the recommendations are not implemented. For instance, recommendation to

constitute a fiscal council was recommended by 13th and 14th Finance Commission. The same recommendation is reiterated by 15th Finance commission. However, this recommendation is not implemented by the central government yet.

**Conclusion:**

Finance commission is known as a balancing wheel of fiscal federalism in India. However, the issues related to it have questioned the reliance of finance commission's recommendations. To strengthen the functioning of federal political economy it is necessary to look in to the issues related to finance commission and take necessary steps so that the foundation and working of fiscal federalism in India gets strengthened.

**31. Discuss the mandate of the National Green Tribunal (NGT). What has been the impact of NGT in recent years? Examine.****Approach**

A straightforward question divided into two parts where in the first part, you need to discuss the mandate of National Green Tribunal (NGT) and in the second part, you need to examine the impact of NGT in recent years.

**Introduction**

The National Green Tribunal has been established in 2010 under the National Green Tribunal Act 2010 for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.

**Body**

- The National Green Tribunal, as per the National Green Tribunal Act is a specialised judicial body equipped with expertise solely for the purpose of adjudicating environmental cases in the country.
- Recognising that most environment cases involve multi-disciplinary issues which are better addressed in a specialised forum, the Tribunal was setup as per recommendations of the SC, LC, etc.
- The Tribunal is tasked with providing effective and expeditious remedy in cases relating to environmental protection, conservation of forests and other natural resources and enforcement of any legal right relating to environment. The Tribunal's orders are binding and it has power to grant relief in the form of compensation and damages to affected persons.
- The Tribunal shall not be bound by the procedure laid down under the Code of Civil Procedure, 1908, but shall be guided by principles of natural justice.

- The Tribunal's dedicated jurisdiction in environmental matters shall provide speedy environmental justice and help reduce the burden of litigation in the higher courts. The Tribunal is mandated to make and endeavour for disposal of applications or appeals finally within 6 months of filing of the same.
- Initially, the NGT is proposed to be set up at five places of sittings and will follow circuit procedure for making itself more accessible. New Delhi is the Principal Place of Sitting of the Tribunal and Bhopal, Pune, Kolkata and Chennai shall be the other four place of sitting of the Tribunal.
- It provides relief and compensation for environmental damage involving subjects in the legislations mentioned in Schedule I of the National Green Tribunal Act, 2010 may approach the Tribunal. Some of the statutes in Schedule I include The Water (Prevention and Control of Pollution) Act, 1974, The Water (Prevention and Control of Pollution) Cess Act, 1977, The Forest (Conservation) Act, 1980, The Air (Prevention and Control of Pollution) Act, 1981, etc.
- The Chairperson of the NGT is a retired Judge of the Supreme Court, Head Quartered in Delhi. Other Judicial members are retired Judges of High Courts. Each bench of the NGT will comprise of at least one Judicial Member and one Expert Member. Expert members should have a professional qualification and a minimum of 15 years' experience in the field of environment/forest conservation and related subjects

The National Green Tribunal has in the short term since its establishment strongly influenced environmental litigation in India. In this regard, the impact of NGT in recent years can be examined from the following points:

1. Since its inception, NGT has emerged as dedicated court for environmental issues where specialisation has allowed quick redressal of matters and also reduced burden on HC's and SC.
2. It's judgements have had far reaching consequences and have helped saved fragile environments like in the case of Save Mon Federation Vs Union of India case where the NGT suspended a ₹6,400-crore hydro project to save the habitat of a bird.
3. The Principal Bench of the NGT at New Delhi has given some powerful judgments in the recent years which have strengthened the process of obtaining environmental clearances. For instance, the case of M.P. Patil v. Union of India.
4. The quality of time spent on environmental issues has also be increased as, unlike the Supreme Court, the tribunal has benches in various States, thereby increasing access to all citizens. Also, time bound disposal of cases has helped in improved efficiency to a great extent.
5. But NGT has also been criticised for exceeding its jurisdiction where NGT has been accused of overstepping its jurisdiction and taking actions for which it has not been empowered under the NGT Act.
6. For example, Ban on sand mining activity in Goa by NGT has been termed as judicial overreach. It would impact the construction industry thereby hampering the developmental activity of the state.

7. Further, there is a limit to its Jurisdiction where two important acts – Wildlife (Protection) Act, 1972 and Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 have been kept out of NGT's jurisdiction.
8. NGT hasn't had full strength. The lack of human and financial resources has led to high pendency of cases - which undermines NGT's very objective of disposal of appeals within 6 months.

### Conclusion

The NGT has been the most consistent and progressive environmental authority in India. Unlike the Supreme Court, it has lesser delays in resolving the cases before it. It had redefined the role of environmental experts and the criteria to select such experts. Thus, it can be said to have largely successful in implementing its orders and has had tremendous impact in India.



**32. Examine the significance of Financial Stability and Development Council for a middle income economy like India.****Approach:**

Students are expected to write about the significance of the Financial Stability and Development Council in the first part and critically examine its impact on the middle-income economy like India.

**Introduction:**

Financial Stability and Development Council (FSDC) is an apex-level body constituted by the Executive Order. The idea to create such a body was mooted by the Raghuram Rajan Committee to deal with macro prudential and financial regularities in the entire financial sector of India.

**Body**

Significance of Financial Stability and Development Council (FSDC)

- **Bringing stability in the financial sector:** Financial stability dissipates financial imbalances that arise in the financial markets as a result of significant adverse and unforeseeable events. Financial stability is paramount for economic growth for a developing country, as most transactions in the real economy are made through the financial system. Maintaining financial stability in the middle-income country like India is the key of development which is being produced by Financial Stability and Development Council.
- **Development of the Financial Sector:** A solid and well-functioning financial sector is a powerful engine behind economic growth. Financial sector development in developing countries and emerging markets is part of the private sector development strategy to stimulate economic growth and reduce poverty. FSDC reviewed the liquidity and solvency position of NBFCs, housing finance companies and micro-finance institutions which ultimately avoids the sudden shock to the economy.
- **Coordination of Inter-Regulatory bodies:** FSDC was formed to bring greater coordination among financial market regulators to avoid issues such as IL&FS crisis. The council is headed by the finance minister and has the RBI governor and chairpersons of the SEBI, IRDA, and Pension Fund Regulatory and Development Authority as other members along with finance ministry officials. This FSDC also created the need to establish more such Inter-Regulatory bodies like international arbitration council developed to regulate financial bodies will be developed under Gift City project.
- **Promoting financial literacy:** The institutional structure for India's Financial Inclusion and Literacy programme is unique as it has an apex body in the

Financial Stability and Development Council mandated to focus on attaining financial inclusion and literacy goals.

- Coordinating India's international interface: This body is also coordinating India's international interface with financial sector bodies like the Financial Action Task Force (FATF), Financial Stability Board (FSB) and any such bodies decided by the Finance Minister.

Even though it has strong hold on financial sector of India, it also faces challenges and also has limitations.

- More risk for Financial system: The resilience of financial systems of India, fiscal support, regulatory flexibility and liquidity provision announced till date have ensured that the financial system is supportive of economic recovery but over regulation on financial bodies may present new risks to the financial system.
- Reinforce the liquidity in domestic financial institutions: There is a possibility that the current economic crisis aroused due to covid 19 may transform from a "liquidity phase" into a "solvency phase". Hence FSDC is expected to take further appropriate measures to bolster the liquidity and capital base of domestic financial institutions which would stabilize financial sectors for long term.
- More implementation of plans required: Even though this body envisages to strengthen and institutionalise the mechanism between multiple financial controlling bodies, it has yet to achieve completed execution of its given recommendations.

### Conclusion

The recession of Covid19 has put pressure on governments and institutions across the globe to regulate their economic assets. In such time this council is seen as India's initiative to be better conditioned to prevent such incidents. Earlier such shocks to the financial system dubbed as 'once in a lifetime events' now seem to be more frequent than even 'once in a decade', and being caught unprepared in the face of a shock may be regarded as a misfortune, but to be caught unawares more than once may be a sign of carelessness. FSDC therefore becomes important as it prepares developing countries like India to face such crisis.

**33. What role do quasi-judicial bodies play in governance? Explain with the help of suitable examples.****Approach:**

It expects students to write - how quasi-judicial bodies can aid in enhancing the governance mechanisms - you can mention suitable examples with points or you can write them separately.

**Introduction:**

A quasi-judicial body is a non-judicial body which can interpret law. It is an entity such as an arbitrator or tribunal board, generally of a public administrative agency, which has powers and procedures resembling those of a court of law or judge, and which is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action.

**Body:**

Quasi-judicial bodies can aid in enhancing the governance mechanisms by

- Providing an expert and multidimensional body to address the various technical issues which would be a daunting task for judiciary due to the complexities.
- Providing an alternate means for dispute resolution.
- Ease of problem solving which is not marred by the technicalities of the judiciary.
- A faster dispute resolution process to make the governance more effective.
- Provide policy suggestions to make the governance more effective.
- But the quasi-judicial bodies pose the following challenges
- The authority with the executive in the appointments and determining of conditions of service many lead to committed bodies leading to deteriorating governance standards.
- The quasi-judicial bodies may lead tribunalisation of justice delivery mechanism leading to diffused justice delivery process impacting the quality of the governance.

Examples of Quasi-judicial bodies:

- National river water dispute tribunal - grants award to share water among disputing states.
- National human right commission - can investigate human right abuse and recommend steps to be taken.
- Election commission - mainly functions for control, conduct and supervise election
- Central administrative tribunal - constituted to look into matter of dispute related to civil servants.

**Conclusion:**



Quasi-judicial process can be of great help in strengthening of governance. But it is also necessary to maintain the independence of these bodies so that they can effectively function under their ambit to achieve the objectives.



### 34. Critically evaluate the mandate and performance of the Central Vigilance Commission (CVC).

#### Approach:

It expects students to write about - in first part write about mandate of the Central Vigilance Commission - in second part write where its performance is good and - in third part write about issues related to it.

#### Introduction:

Central Vigilance Commission is the apex vigilance institution, free of control from any executive authority, monitoring all vigilance activity under the Central Government and advising various authorities in Central Government organizations in planning, executing, reviewing and reforming their vigilance work.

#### Body:

Mandate of CVC:

- It is considered to be the coordinating authority to check Corruption for All India services, Central services, PSUs and other departments.
- It heads the Delhi Special Police in cases of Corruption.
- It reviews the grants of prosecution clearance by the government.
- Recommending disciplinary actions against higher officials of Group A, B, All India services etc.
- It is basically considered to be the nodal agency to tackle corruption at the national level.
- The CVC receives complaints on corruption or misuse of office and to recommend appropriate action. Following institutions, bodies, or a person can approach to CVC:
  - Central government
  - Lokpal
  - Whistle blowers
- It is not an investigating agency. The CVC either gets the investigation done through the CBI or through chief vigilance officers (CVO) in government offices.
- It is empowered to inquire into offences alleged to have been committed under the Prevention of Corruption Act, 1988 by certain categories of public servants.
- Its annual report gives the details of the work done by the commission and points to systemic failures which lead to corruption in government departments.

In sync with its mandate CVC has proved to be an effective organization in tackling corruption, it has proved its mettle in the past by the following actions:

- It has led to smooth appointment of important officers at various posts in the past.
- It has taken noteworthy action in the past against senior officials, senior personnel and even many politicians.

- It organises vigilance week every year to create awareness against the menace of Corruption.
- It acts as a civil court and can act “Suo Moto”
- The independence of CVC is maintained as it is recruited by an Independent committee consisting of PM, Home Minister, Leader of Opposition etc.

However, the expectation that CVC will be an institute which can prove to be “One Stop Solution” to tackle Corruption in the country has been proved to be a hoax, due to the following ineffectiveness:

- The Decisions of the CVC are not binding on the organizations or ministries.
- Very low conviction rate has reduced the impact of CVC and its effectiveness.
- There is huge delay in the cases that CVC handles, hence it does not act as an effective deterrent.
- CVC is often considered a powerless agency as it is treated as an advisory body only with no power to register criminal case against government officials or direct CBI to initiate inquiries against any officer of the level of Joint Secretary and above.
- Although CVC is “relatively independent” in its functioning, it neither has the resources nor the power to take action on complaints of corruption.
- In most cases, the domains and the jurisdiction of the organizations is not clear.
- Multiplicity of organization leads to work duplication and reduces the effectiveness.
- The post of Central Vigilance Commissioner has remained vacant for a long period of time.

### Conclusion:

In the recent past, India has emerged as a progressive and vibrant economy. With the rapid growth in all sectors of the economy, huge investments were made in country’s infrastructure; construction, retail and many other sectors in the government. Rapid growth in economy throws up CVCs’ challenges in the fight against the menace of corruption. There is greater need in such times to address the shortcomings in the system of CVC.

**35. What is the significance of market regulators in a liberal economy? Illustrate.****Approach:**

As the directive here is illustrate, it is necessary to describe in detail the significance of market regulators in a liberal economy. In the introduction, you can explain about the function of regulatory bodies in brief. In the main body part explain their significance in the context of a liberal economy. Though it is not asked if you mention issues wrt regulatory bodies and subsequent solution, it would fetch more marks. In the conclusion explain their importance in the context of crisis in brief.

**Introduction:**

Indian economy liberalised in the 1990s and sectoral governance was handed over to regulatory bodies. These bodies played a constructive role in ensuring the free and fair market since then. Also the regulators incentivised private investment by giving them functional autonomy and shielding them from interference.

**Body:**

Significance of market regulators in a liberal economy:

- Regulatory bodies are independent governmental bodies established by the government in order to set standards in a specific field of activity, or operations and then to enforce those standards. Regulatory agencies may or may not function outside direct executive supervision.
- For instance, a number of regulatory bodies, ranging from RBI, SEBI, IRDA, PFRDA to TRAI, electricity regulators, CCI, FDA have been set up in India. The policy direction pursued by every regulator has to support the development of the market of the allocated jurisdiction.
- The main functions of the regulatory bodies are typically identified as Regulations and guidance, Review and assessment, Licensing, Inspection, Corrective actions, and Enforcement.
- After liberalisation of Indian economy, i.e. after 1990's, Privatisation saw the advent of the 'Indian Regulator' which proved to be the 'nurturer' and 'parent' of its sector.
- A regulator in a free market economy can handle a crisis like situation through guidelines, necessary corrective actions etc. For instance, SEBI was instrumental in taking quick and effective steps in light of the global meltdown and the Satyam fiasco.
- Also, RBI has done an excellent job on the monetary policy side by applying conventional and unconventional policy to handle the Covid-19 crisis.
- However, regulation has a dark side too. For instance, improper regulation or failure of regulatory bodies in smoothening the interaction between markets and the State may lead to a new crisis.
- Regulators also ensure quality control, to watch and regulate the processing, manufacture, distribution, sale and import of manufactured product.
- Regulators make regulations to ease competition and enhance the efficiency in the operation of their respective sectors in a free market economy.

- It is evident from Adjusted Gross Revenue issue of telecoms, in which the Supreme Court demanded that telecom companies pay statutory dues worth ₹1.47 lakh crore to the central government.
- These dues didn't pile up overnight but stem from a 15-year-old dispute over sharing of revenues between telcos and the government. A well-regulated industry would not be subject to such a large fiscal shock.

Despite the fact that in a liberal economy regulators play such an important role, there are some critical issues which the regulators face in a liberal economy:

- **Politicisation of regulatory regime:** As economic agents inherently intend to maximise profits, market misconduct happens in every domain. Whenever such incidences occur, they have to be dealt with pragmatically but due to political pressures, policy makers go overdrive and frame restrictive policies and denounce regulators. For instance, the politicisation of such events has made the regulators in India overcautious & frightened in order to dodge any blame game.
- **Performance:** In many cases, non-experts are selected to lead the regulatory bodies thereby affecting technical aspects. Second, the review mechanism for the functioning of the regulatory bodies is not very robust. In particular, it does not include the role of regulators in the development of the market. For instance, a row of question erupted at the time when a civil servant was selected to the post of RBI governor earlier.
- **Upgrading:** The inventions and innovations in the sector and the society at large influence the direction of the market. Hence, regulatory mechanisms need to update in consonance with the above mentioned changes without much delay. If these issues aren't addressed, the development of the mature and well regulated markets will take a serious beating.

To solve these issues thereby to improve the efficiency and efficacy of market regulators in a liberal economy following steps are needed to be taken:

- **Self evaluation by regulators:** Regulatory organisations if undertake a self-evaluation of themselves once in a few (say three) years, and put out the conclusions in the public domain for informed discussion and debate will be of more useful for the liberal economy.
- **Transparency in appointment of heads:** The appointment of persons to head regulatory organisations should be attempted in a far more transparent manner.
- **Regulatory impact assessment (RIA):** Adoption of a systemic approach i.e. RIA to critically assessing the positive and negative effects of proposed and existing regulations and non-regulatory alternatives.

### **Conclusion:**

The Organisation for Economic Cooperation and Development (OECD) estimates that the COVID-19 pandemic will lead to a 1.5% slowdown in global growth. The economic impact on liberal economies will be more profound because most of the jobs are informal. In this context, the significance of regulatory bodies becomes more apparent for early recovery of economy from crisis and mitigation of crisis.

**36. What is the Viability Gap Funding (VGF) Scheme? Discuss. Why is it important?**

**Approach** - A direct question divided into two parts where the first part requires discussion on what is Viability Gap Funding (VGF) scheme and in the second part, you need to elaborate upon why it is important.

**Introduction**

The main constraint in India's infrastructure sector is the lack of source for finance. Some projects may not be financially viable though they are economically justified and necessary. This is the nature of several infrastructural projects which are long term and development oriented. For the successful completion of such projects, the government has designed Viability Gap Funding (VGF).

**Body**

- Viability Gap Finance means a grant to support projects that are economically justified but not financially viable. The scheme is designed as a Plan Scheme to be administered by the Ministry of Finance and amount in the budget are made on a year-to-year basis.
- Such a grant under VGF is provided as a capital subsidy to attract the private sector players to participate in PPP projects that are otherwise financially unviable. Projects may not be commercially viable because of long gestation period and small revenue flows in future.
- The VGF scheme was launched in 2004 to support projects that comes under Public Private Partnerships. VGF grants will be available only for infrastructure projects where private sector sponsors are selected through a process of competitive bidding. The VGF grant will be disbursed at the construction stage itself but only after the private sector developer makes the equity contribution required for the project.
- The usual grant amount is up to 20% of the total capital cost of the project. Funds for VGF will be provided from the government's budgetary allocation. If the sponsoring Ministry/State Government/ statutory entity aims to provide assistance over and above the stipulated amount under VGF, it will be restricted to a further 20% of the total project cost.
- The lead financial institution for the project is responsible for regular monitoring and periodic evaluation of project compliance with agreed milestones and performance levels, particularly for the purpose of grant disbursement.

Recently, the government has expanded the provision of financial support by means of viability gap funding for public-private partnerships (PPPs) in infrastructure projects to include critical social sector investments in sectors such as health, education, water and waste treatment. Also, the Cabinet Committee on Economic Affairs has approved continuation and revamping of the Scheme for Financial

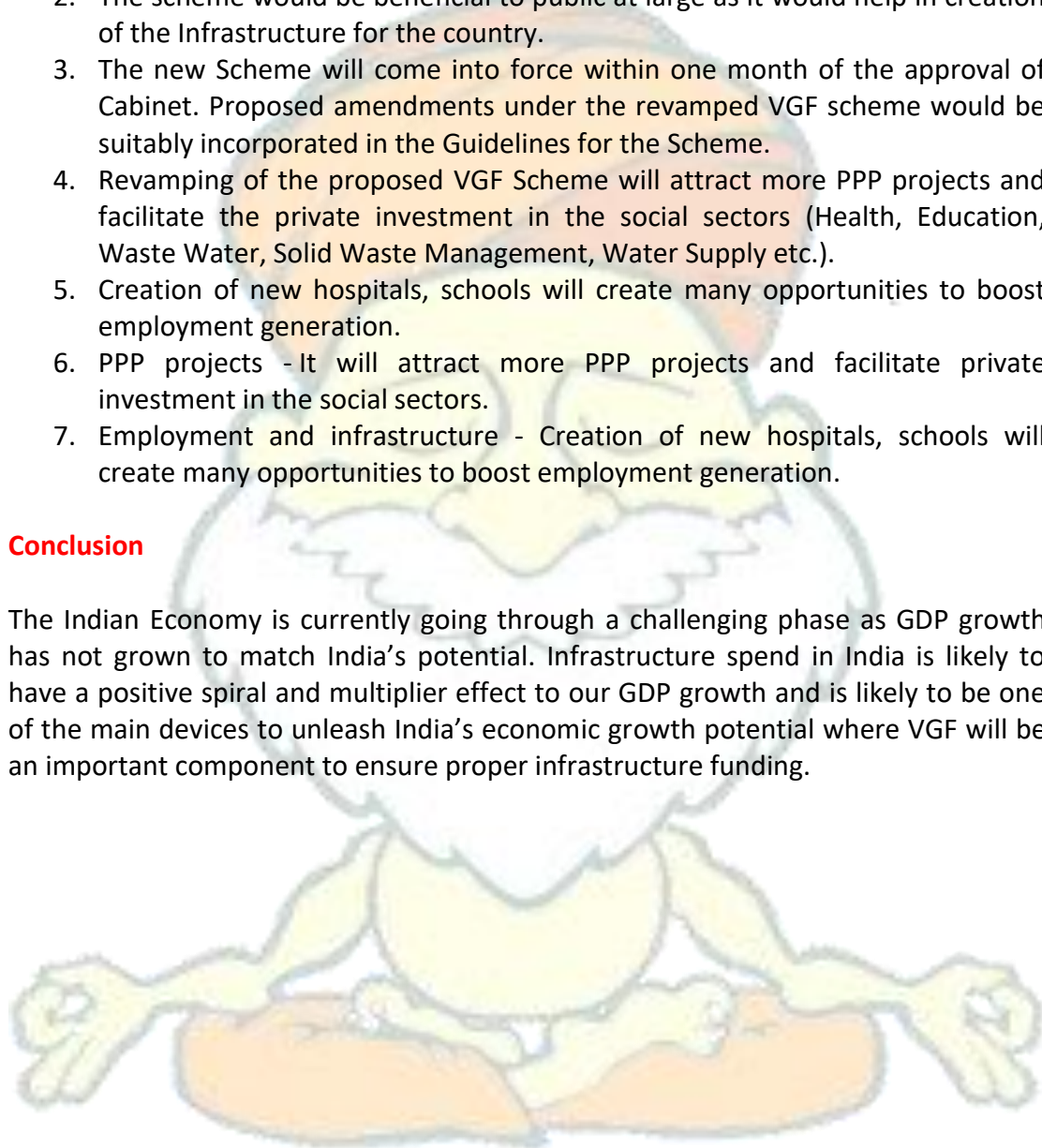
Support to Public Private Partnerships (PPPs) in Infrastructure Viability Gap Funding (VGF) Scheme Till 2024-25.

The importance of VGF scheme can be understood from the following points:

1. To promote PPPs in social and Economic Infrastructure leading to efficient creation of assets and ensuring their proper Operation and Maintenance and make the economically/socially essential projects commercially viable.
2. The scheme would be beneficial to public at large as it would help in creation of the Infrastructure for the country.
3. The new Scheme will come into force within one month of the approval of Cabinet. Proposed amendments under the revamped VGF scheme would be suitably incorporated in the Guidelines for the Scheme.
4. Revamping of the proposed VGF Scheme will attract more PPP projects and facilitate the private investment in the social sectors (Health, Education, Waste Water, Solid Waste Management, Water Supply etc.).
5. Creation of new hospitals, schools will create many opportunities to boost employment generation.
6. PPP projects - It will attract more PPP projects and facilitate private investment in the social sectors.
7. Employment and infrastructure - Creation of new hospitals, schools will create many opportunities to boost employment generation.

### **Conclusion**

The Indian Economy is currently going through a challenging phase as GDP growth has not grown to match India's potential. Infrastructure spend in India is likely to have a positive spiral and multiplier effect to our GDP growth and is likely to be one of the main devices to unleash India's economic growth potential where VGF will be an important component to ensure proper infrastructure funding.



**37. Examine the recent improvements introduced to the Integrated Child Development Services and Mid-Day Meal schemes.****Approach**

Students are expected to write about the recent improvements introduced to the Integrated Child Development Services and Mid-Day Meal scheme in the first part and examine its implications in the second part.

**Introduction**

Paediatric malnutrition has always been a matter of national concern. Under the Convention on the Rights of the Child, to which India is a party, India has committed to yielding "adequate nutritious food" for children. The formulation of Integrated Child Development Services (ICDS) scheme is one of the most prestigious and premier national human resource development programs for children under 6 years of age and their mothers. To follow it for further age group GOI introduced Mid-day Meal Scheme (MDM), which supplies free lunch on working days for children in primary and upper primary classes.

**Body**

Recent improvements in Mid-day meal scheme:

- Inclusion of Pre- primary class (Bal Vatika) children under MDM: MDM has been proven to attract children from disadvantaged sections (especially girls, Dalits and Adivasis) to school. The revised National Education policy has proposed that prior to the age of 5 every child will move to a "preparatory class" or "balavatika". The mid-day meal programme shall be extended to the preparatory Classes in primary schools to avoid classroom hunger and Reducing malnutrition.
- Inclusion of simple and energetic breakfast under MDM: Children are unable to learn optimally when they are undernourished or unwell. Hence, the nutrition and health of children will be addressed, through healthy meals. New National Education Policy (NEP) has noted that morning hours after a nutritious breakfast can be particularly productive for the study of cognitively more demanding subjects and hence recommended expansion of the mid-day meal scheme to include provisions for breakfast in schools. In locations where hot meals are not possible, a simple but nutritious meal-- groundnuts or chana mixed with jaggery and local fruits may be provided.

Recent improvements in Integrated Child Development Services:

- Digitisation of Anganwadi Centres: The Ministry of WCD has conceptualized a digital platform, "Poshan Tracker", which will be an overarching system,



providing facilities, services and interlinkages, and thereby also promote real time data with analytics.

- Non-formal Pre-School Education in Anganwadi Centres: Children (3-6 years) are provided non-formal Pre-School Education service in all AWCs. The child beneficiaries under the Anganwadi Services Scheme are also provided Supplementary Nutrition as per the guidelines of the Scheme. Monthly Village Health and Sanitation Day and Community Based Events are organised to improve status of nutrition of children.
- Poshan Abhiyaan (National Nutrition Mission): Poshan Abhiyaan targets to reduce the level of stunting, under-nutrition, anemia and low birth weight babies by reducing mal-nutrition/under nutrition, anemia among young children as also, focus on adolescent girls, pregnant women and lactating mothers.
- Pradhan Mantri Matru Vandana Yojana: Pradhan Mantri Matru Vandana Yojana (PMMVY) scheme provides cash incentive amounting to Rs.5,000/- in three instalments directly to the Bank/Post Office Account of Pregnant Women and Lactating Mother in DBT Mode during pregnancy and lactation in response to individual fulfilling specific conditions. The eligible beneficiary also receives the remaining cash incentive as per approved norms towards maternity benefit under Janani Suraksha Yojana (JSY) so that on an average, a woman gets Rs.6,000/-.
- Out of school Adolescent Girls: Scheme for Adolescent Girls aims at out of school girls in the age group 11-14, to empower and improve their social status through nutrition, life skills and home skills. The scheme has nutritional and non-nutritional components which include nutrition, iron and folic acid supplementation, health check-up and referral services. Mainstreaming out of school girls to join formal schooling bridge course/skill training, life skill education, home management etc.

Constraints in implementation of Integrated Child Development Services and MDM:

- Under performed ICDS: Despite increasing funding over the past three decades, the ICDS fell short of its stated objectives and still faces a number of challenges. Also, though it has widespread coverage, operational gaps mean that service delivery is not consistent in quality and quantity across the country.
- Child hunger in India: Despite the success of the program, child hunger as a problem persists in India, 42.5% of the children under 5 are underweight. Some simple health measures such as using iodised salt and getting vaccinations are uncommon in India. Many children don't get enough to eat, which has far-reaching implications for the performance of the country as a whole.
- Implementation issues: Several media reports have highlighted implementation issues, including irregularity, corruption, hygiene, caste discrimination, etc.

- Poor food quality: Poor food quality is a major concern, affecting the health of children. There are provisions for regular social audit, field visits and inspections but these are seldom carried out.

### Conclusion

The various vertical health programmes initiated by the Government of India (GOI) from time to time did not reach out to the target community adequately, even though ICDS are there. In order to change this and strengthen the Mid-Day Meal Programme to bring uniformity across the nation, monitoring and evaluation need to be improved, and this requires to be a part of the budget allocation. An enhanced budget that supports the MDM Scheme and the various components associated with the holistic development of the school ecosystem will eventually result in making a positive impact on education.



**38. What are the key components of the Production Linked Incentive (PLI) Scheme for electronics manufacturers? Discuss. What sort of economic potential does this scheme hold?**

**Approach:**

It expects students to write – in first part write about key components of the Production Linked Incentive (PLI) Scheme – in second part write about what economic potential holds by PLI scheme – in end write challenges which needs to be addressed.

**Introduction:**

Ministry of Electronics and Information Technology (MeitY) notified PLI scheme on April 2020. Global electronics companies like Samsung, Pegatron, Flex, and Foxconn are in final stages of negotiations to benefit from the Production Linked Incentive (PLI) scheme for making mobile phones and certain other specified electronic components in India.

**Body:**

Key components of the Production Linked Incentive (PLI) Scheme:

- It offers a production linked incentive to boost domestic manufacturing and attract large investments in mobile phone manufacturing and specified electronic components, including Assembly, Testing, Marking and Packaging (ATMP) units.
- It will extend an incentive of 4% to 6% on incremental sales (over a base year) of goods manufactured in India and covered under target segments.
- It will be active for five years with the financial year (FY) 2019-20 considered as the base year for calculation of incentives.
- It will be implemented through a Nodal Agency which shall act as a Project Management Agency (PMA) and be responsible for providing secretarial, managerial and implementation support and carrying out other responsibilities as assigned by MeitY from time to time.
- Eligibility for the scheme- All electronic manufacturing companies which are either Indian or have a registered unit in India will be eligible to apply for the scheme. These companies can either create a new unit or seek incentives for their existing units from one or more locations in India.
  - Any additional expenditure incurred by companies on the plant, machinery, equipment, research and development and transfer of technology for the manufacture of mobile phones and related electronic items will be eligible for the incentive scheme.
  - The investments done by companies on land and buildings for the project will not be considered for any incentives.

Following economic potential holds by PLI scheme for electronics manufacturers:

- The government estimates that with the PLI scheme, domestic value addition for mobile phones is expected to rise to 35-40% by 2025 from the current level of 20-25% and generate additional 8 lakh jobs, both direct and indirect.
- The scheme will generate approximately 3 lakh direct employment opportunities in next 5 years.
- Additional indirect employment will be nearly 3 times the direct employment.
- PLI scheme and other initiatives to promote electronics manufacturing will help in making India a competitive destination for electronics manufacturing and give boost to AtmaNirbhar Bharat.
- Creation of domestic champion companies in electronics manufacturing under the Scheme will give fillip to vocal for local while aiming for global scale.
- The scheme is expected to promote exports significantly.
- Out of the total production of INR 11,50,000 crore in the next 5 years, more than 60% will be contributed by exports of the order of INR 7,00,000 crore.
- The Production Linked Incentive (PLI) Scheme is designed to incentivise incremental production for a limited number of eligible anchor entities in each of the selected sectors.
- These selected entities will invest in technology, plant & machinery, as well as in R&D.
- The scheme will also have beneficial spill over effects by the creation of a widespread supplier base for the anchor units established under the scheme.
- Along with the anchor unit, these supplier units will also help to generate massive primary and secondary employment opportunities.
- The sectors for PLI have been shortlisted on the basis of their potential for economic growth, extent of benefit to the rural economy, revenue and employment generation.
- A key benefit of the PLI Scheme is that it can be implemented in a very targeted manner to attract investments in areas of strength and to strategically enter certain segments of global value chains (GVCs).
- This will help bring scale and size in key sectors and create and nurture global champions.

However, there are few challenges which needs to addressed:

- It's difficult to build a manufacturing nucleus around R&D of semiconductors and compete with MNCs overnight, including high-value components like displays, camera modules and memory chips to be part of India's manufacturing nucleus; as opposed to assembly and packaging, which is quite doable.
- Many more companies would like to move their supply chains to India, at least partially if not fully. But, higher employment and economic activity will happen if we start moving the component manufacturing across the value chain, like plastic moulding, metal products etc.
- Companies may face issues like congested ports, slow turnaround times.
- India doesn't have international transshipment points, it's one of the reasons why exporting from India can be expensive.

**Conclusion:**

Given the scale of incentives, the electronics manufacturing sector of the country is set to transform in the next few years. Its contribution to the GDP will significantly improve, leading to unprecedented investment and job creation.



**39. Mission Karmayogi is a crucial step towards the modernisation of civil services in India. Comment.****Approach:**

It expects students to write about – in first part write about need of the mission – in second part write about why it is crucial step towards the modernisation of civil services – in end write challenges before it.

**Introduction:**

The Union Cabinet has approved 'Mission Karmayogi' - the National Programme for Civil Services Capacity Building (NPCSCB). It is meant to be a comprehensive post-recruitment reform of the Centre's human resource development. Similar to pre-recruitment changes in the form of the National Recruitment Agency.

**Body:****Need of The Mission**

- There is a need to develop domain knowledge besides administrative capacity in the bureaucracy.
- There is a need to formalize the recruitment process and match the public service to a bureaucrat's competence, so as to find the right person for the right job.
- The plan is to begin right at the recruitment level and then invest in building more capacity through the rest of their career.
- As the Indian economy grows, it will get more complex to govern; the governance capacities will have to be enhanced proportionately which this reform undertakes.
- The reforms in the Indian bureaucracy is the need of the hour and It is a major reform undertaken in recent years to transform it.

It is crucial step towards the modernisation of civil services because:

- **Tech-Aided:** The capacity building will be delivered through iGOTKarmayogi digital platform, with content drawn from global best practices.
  - The platform will act as a Launchpad for the National Programme for Civil Services Capacity Building (NPCSCB).
- **Shift from Rules to Roles:** The programme will support a transition from "rules-based to roles-based" Human Resource Management (HRM) so that work allocations can be done by matching an official's competencies to the requirements of the post.
  - Apart from domain knowledge training, the scheme will focus on "functional and behavioural competencies" as well, and also includes a monitoring framework for performance evaluations.
- **Rule Based to Role Based:** The programme will support a transition from rules-based to roles-based HR management, so that work allocations can be done by matching an official's competencies to the requirements of the post.
- **Domain Training:** Apart from domain knowledge training, the scheme will focus on functional and behavioural competencies also.

- It will provide an opportunity for civil servants to continuously build and strengthen their Behavioural, Functional and Domain Competencies in their self-driven and mandated learning paths.
- Uniform Training Standard: It will harmonise training standards across the country, so that there is a common understanding of India's aspirations and development goals.
- Vision for New India: Mission Karmayogi is aimed at building a future-ready civil service with the right attitude, skills and knowledge, aligned to the vision of New India.
- On Site Learning: It will emphasize on 'on-site learning' to complement the 'off-site' learning.
- Adoption of Best Practices: It will encourage and partner with the best-in-class learning content creators including public training institutions, universities, start-tips and individual experts.

However, there are few challenges before it:

- John Maynard Keynes, the economist, once said that "The difficulty lies, not in the new ideas, but in escaping from the old ones."
- There is a tendency in the Bureaucracy to resist the change which challenges their status quo.
- The bureaucracy too must understand the need of domain knowledge and the importance of moving away from generalist to specialist approach.
- In today's world the governance is getting technical with each passing day and hence it's important that the person in authority too should have the requisite skill and experience in that particular area.
- Thus, there should be a behavioural change in the bureaucracy too and they must embrace the change as a need of the hour and not an attack on their status quo.
- Moreover, these online courses must not become another opportunity for the officers to go for the sabbatical leaves.
- It must be ensured that they are actually attending the courses and participating in it so that the purpose doesn't get defeated.

### **Conclusion:**

To conclude, the ultimate aim of Mission Karmayogi is to ensure "Ease of Living" for the common man, "Ease of Doing Business" and Citizen-Centricity that is reducing the gap between the government and the citizens. This can only be achieved by regular and constructive involvement by the government and civil servants.

**40. What is the Ayushman Sahakar Scheme? Can it transform the status of healthcare in the rural areas? Examine.**

**Approach:**

As the directive here is examine, it is necessary to find out cause-effect relationship between two things. In the introduction you need to mention in brief about Ayushman Sahakar Scheme, you can state who launched the scheme or who is implementing the scheme or who are targeted beneficiaries. In the main body part, you need to explain about the features of scheme in first half, whereas in the second half you need cover various angles related to the question that whether it can transfer the status of healthcare in rural areas or not. Here you can cite cause effect relationship by stating how and why rural healthcare in the rural areas is lacking and how it will get benefited by the Ayushman Sahakar scheme. In the conclusion, you can show in brief how it will transform healthcare in rural areas in particular and at pan India level in general.

**Introduction:**

Ayushman Sahakar, a unique scheme to assist cooperatives to play an important role in creation of healthcare infrastructure in the country formulated by the apex autonomous development finance institution under the Ministry of Agriculture and Farmers Welfare, the National Cooperative Development Corporation (NCDC). The scheme is expected to revolutionize the way healthcare delivery takes place in rural areas.

**Body:**

As per NCDC, there are about 52 hospitals across the country run by cooperatives. They have cumulative bed strength of more than 5,000. Hence, utilisation of this kind of large health care facility seems a right move. Following are the features of the scheme:

- NCDC would extend term loans to prospective cooperatives to the tune of Rs.10,000 crore in the coming years. The NCDC fund would give a boost to provision of healthcare services by cooperatives.
- The scheme also provides working capital and margin money to meet operational requirements.
- Any Cooperative Society with suitable provision in its byelaws to undertake healthcare related activities would be able to access the NCDC fund.
- The scheme covers establishment, modernization, expansion, repairs, renovation of hospital and healthcare and education infrastructure.
- NCDC assistance will flow either through the State Governments/ UT Administrations or directly to the eligible cooperatives.

Status of healthcare in Rural areas:

- Healthcare is the right of every individual but lack of quality infrastructure, dearth of qualified medical functionaries, and non- access to basic medicines and medical facilities thwarts its reach to 60% of population in India.



- Sixty per cent of primary health centres (PHCs) in India have only one doctor while about five per cent have none, according to the Economic Survey 2018-19.
- A majority of 700 million people live in rural areas where the condition of medical facilities is deplorable.
- In rural India, where the number of Primary health care centers (PHCs) is limited, 8% of the centers do not have doctors or medical staff, 39% do not have lab technicians and 18% PHCs do not even have a pharmacist.
- India also accounts for the largest number of maternity deaths. A majority of these are in rural areas where maternal health care is poor.
- If we look at the health landscape of India, 92 percent of health care visits are to private providers of which 70 percent is urban population. However, private health care is expensive, often unregulated and variable in quality. Besides being unreliable for the illiterate, it is also unaffordable by low income rural population.
- CAG's report on reproductive and child health highlights the dysfunctional aspects of the medical system in rural areas.

To control the spread of diseases and reduce the growing rates of mortality due to lack of adequate health facilities, special attention needs to be given to the health care in rural areas. The need to improve health care sector in Rural areas becomes more critical in the light of Covid-19 like pandemic. However, the Ayushman Sahkar scheme addresses some of these challenges in following ways:

- The scheme aligns itself with the focus of the National Health Policy, 2017, covering the health systems in all their dimensions- investments in health, organization of healthcare services, access to technologies, development of human resources, encouragement of medical pluralism, affordable health care to farmers etc.
- It has a comprehensive approach in which hospitals, healthcare, medical education, nursing education, paramedical education, health insurance and holistic health systems such as AYUSH will get covered
- . Ayushman Sahakar scheme fund would also assist cooperative hospitals take up medical / Ayush education there by it will address the issue of low doctor to patient ratio in rural areas.
- It is line with National Digital Health Mission. NCDC's Ayushman Sahakar would bring transformation in rural areas. By virtue of their strong presence in rural areas, cooperatives utilizing the scheme would bring revolution in comprehensive health care services.
- Any Cooperative Society with suitable provision in its byelaws to undertake healthcare related activities would be able to access the NCDC fund. NCDC assistance will flow either through the State Governments/ UT Administrations or directly to the eligible cooperatives. Subsidy/ grant from other sources can be dovetailed.

- Ayushman Sahakar specifically covers establishment, modernization, expansion, repairs, renovation of hospital and healthcare and education infrastructure encompassing various fields of health sector in rural areas.
- The scheme also provides working capital and margin money to meet operational requirements. The scheme provides interest subvention of one percent to women majority cooperatives.

Thereby it is clear that the scheme encompasses an all comprehensive approach to address the issues with respect to health care in rural areas. However, Issues with respect to corrupt practises, diversion of funds i.e. cut practices, awareness generation require a focused attention for the success of this scheme. Hence, its implementation at the ground level in an organised and more transparent manner is fundamental to success of this scheme.

**Conclusion:**

Cooperatives have a strong presence in rural areas, thus, the launch of Aayushman Sahakar scheme to improve healthcare in rural areas is a masterstroke by the government which has a strong potential to utilise the real potential of co-operatives which have a wide scale presence in rural areas. If implemented in its letter and spirit the scheme would revolutionize the way healthcare delivery takes place in rural areas in particular and at Pan-India level in general.

