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VIDUSHI SINGH

**AIR - 13
(CSE 2022)**

GENERAL STUDIES



8448496262



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POLITY - 4

Time Allowed: 90 min.

Max. Marks: 150

Q.	Marks	Instructions to Candidate
1.		<ul style="list-style-type: none">There are 10 questions.
2.		<ul style="list-style-type: none">All questions are compulsory.
3.		<ul style="list-style-type: none">The number of marks carried by a question is indicated against it.
4.		<ul style="list-style-type: none">Answer the questions in 250 words each. All questions carry equal marks.
5.		$15 \times 10 = 150$ Marks
6.		<ul style="list-style-type: none">Keep the word limit indicated in the questions in mind.
7.		<ul style="list-style-type: none">Answers must be written within the space provided.
8.		<ul style="list-style-type: none">Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.
9.		
10.		

(68 $\frac{1}{2}$)(68 $\frac{1}{2}$)Name Nidushi SinghRoll No. 40666

Mobile No. _____

Date _____

Signature Nidushi

1. Invigilator Signature _____

2. Invigilator Signature _____

- Q1. The economy of India has been witnessing several new avenues of interaction between private enterprises and the government. In this context, discuss the paradigm shift in working of CAG with changing state market relations. (15 Marks) (250 Words)

Comptroller and Auditor General of India (CAG) is an independent constitutional body, who is neither a part of legislature nor part in Executive. Articles 148 - 151 of Part IV of the Constitution deals with CAG.

Good that
wrote few
lines to
begin this
answer.

Importance of CAG:

Dr. Ambedkar in Constituent Assembly said, "the CAG shall be the most important officer under the constitution of India" as:

1. CAG is the guardian of Public Purse and it is his duty to determine the appropriate transactions out of consolidated Fund of India.
2. Audit and Accounting Authority for both Centre and States.
3. Laying of Audit Reports in the legislature U/A 150 151.

Remarks

CAG is also friend, guide and philosopher of Public Accounts Committee and Parliamentary Committee.

With changing nature of Indian Economy - interaction between government and private avenues has changed dramatically. This has brought Paradigm shift in working of CAG as:

- 1. Post 1991, more private players have experienced ease of doing business, which has led to increased Public-Private Partnerships (PPPs) in different forms (eg - BOP Model, HAM, OBM Model, etc.).
- 2. Audit of increasing commercial enterprises aided by audit has allowed higher degree of transparency in functioning of PPPs and reduced corruption & rent-seeking.

Remarks

Good but you understand the context

3. Companies Act, 2013 has enabled higher transparency provision for companies, which strengthens CAG's Audit.
4. CAG's examination of revenue-sharing models allows fair contracts.
5. CAG enforces accountability by guiding Parliamentary committees and laying its reports in the Parliament.

Thus, CAG's role has undergone a change as the economy's nature has changed.

In this more liberal regime, it is crucial for institution like CAG to determine the transparency and accountability of all Government-related Enterprises. CAG can be given additional powers as well to ensure the continuity of its audit for a more transparent system.

Concise
as per the
Remarks
context

(F1
F2)

- Q2. Although the Attorney General of India does not enjoy the right to vote in Parliament, he plays a vital role both inside and outside the house with respect to the role played in governance. Analyze. (15 Marks) (250 Words)

The Constitution 41A 76 has provided for the office of Attorney General of India (AGI). He is the highest law officer in the country. AGI also forms a part of the Executive, which makes the office of AGI extremely important for Indian Polity.

Duties and Functions of AGI:

As the chief law officer of Govt. of India, duties of AGI include:

1. To give advice to the Govt. of India upon legal matters.
2. Perform other duties of legal character assigned to him by president.
3. Discharge other functions conferred on him by the Constitution of India.
4. AGI has to appear on behalf of govt in ^{Writ} ~~Writ~~

Remarks

all cases in SC, HC or any other case
WIA 143.

5. AGI has right to audience in all courts of India.
6. AGI has right to speak and take part in all proceedings of both houses of parliament, but does not have the right to vote.

Thus, AGI has a crucial role to play in the governance of India.

Role played by AGI inside the House:

1. AGI can take part in proceedings of both the houses. This ensures proper legal sanction to the stances of GoI in the Houses. Thus, AGI brings in assurance of legal character to all policies brought in by GoI.
2. AGI is a part of the Executive. Thus, *can also give inputs as a member of certain committees*

Remarks

AGI ensures legal sanctity of all tasks conferred upon the Executive by the Parliament, e.g. subordinate legislation.

Role played by AGI outside the House:

1. AGI has to represent GoI in all cases before SC and HC. Thus, AGI ensures that Governance in India is represented on legal basis before the courts.
 2. He has right of audience in all courts. Therefore he ensures that all policies administered by GoI are properly defended, thus bringing in stability in character of governance.
- AGI plays a vital role w.r.t. governance in India. As a part of Executive and chief law officer, AGI ensures legal sanctity in governance.
- Ques 1
Ans attempted it well.*

Remarks

- Q3. There are questions being raised on transparency and accountability with respect to functioning of the Indian judiciary. Critically examine the related issues within the judiciary with recent examples. (15 Marks) (250 Words)

India follows a system of Integrated Judiciary with SC as the apex body, HC below SC and subordinate courts below HC. Judiciary is one of the 3 organs of Government and it interprets law of the land, protects Fundamental rights, settles disputes and acts like a guardian of the constitution.

It is not appropriate to use such acronym in introduction itself.

Indian Judiciary has undergone several changes since the independence. Independent character of Judiciary has often led to questions being raised upon its transparency and accountability, for eg:

1. Judicial overreach: recently, SC has been accused of Judicial overreach during

COVID-19, when SC was issued several orders on transparency and accountability + judicial overreach can be avoided.

Remarks

directions to govt. and its authorities w.r.t. oxygen cylinders, vaccination, etc. This is violative of doctrine of separation of powers.

2. Master of Roster: In 2018, 4 senior-most judges held a press-conference and questioned the privilege of Master of Roster conferred upon CJI conventionally.

Through this, CJI allocates benches and cases as per his discretion. This is regarded as violative of transparency & accountability of the judiciary.

3. Judicial lawmaking: In Madras Bar Association Case (2020), SC drafted rules for Tribunals' appointments. Several provisions of this have been incorporated in the recently passed Bill - Tribunals Reforms Bill, 2021.

Not much relevant

Remarks

4. Judicial accountability: Recently, the manner in which SC responded to judicial side to allegations of sexual harassment against former CJI has raised questions on both Judicial Independence and Accountability.

Good

Thus, several issues with judiciary have impacted its image, specifically in terms of transparency, independence & accountability.

Must include
by appointment
and transfer
mechanism,
reluctant
to come into
RTI etc.

However, several Initiatives in similar fields have led to instilling faith in the judiciary as well. For example: Vishakha Guidelines (1997) are an example of Judicial lawmaking, but they ensure protection to women; SC urging states to implement One Nation One Ration Card, an example of overreach but makes lives of Migrant Workers better.

Thus, Indian Judiciary, although plagued with a few issues, has played its role of guardian

Remarks of constitution to protector of rights very 52
Need to be specific of those issues mainly concerning with transparency and accountability.

- 15 MARKS TEST SERIES
- Q4. Discuss the important limitations which have weakened the CBI professionally? How professionalism and accountability could be ensured in the organization.
(15 Marks) (250 Words)

The Central Bureau of Investigation (CBI) is a successor police organization to the Delhi Special Police Establishment (DPSB). It is the main investigating agency of the Central Government. It plays an important role in prevention of corruption and maintaining the integrity in administration.

beginning
is bad;

However, image of CBI has suffered a serious setback since 2013, when SC termed CBI as a 'caged parrot' with many masters while dealing with coal block allocation case.

Limitations which have weakened CBI professionally:

1. Lack of legal Backing: The charter of duties for CBI is not protected by

Remarks

legislation. Its functions are based on
DPSE Act, 1946.

2. Alleged politicization, serious charges against its chiefs, very poor conviction rates, delays in investigation are indicative of much more serious malaise.

3. Professional Inappropriety: eg. Former Director Ranjit Singh came under cloud in 2G & Coal scams.

4. Corruption & Nepotism: several former directors have revealed about the ^{are} prevalent corruption and nepotism ^{But} ^{exp. within} within the Agency.

These also talk about ^{also} ^{5. manpower shortage} ^{adminstrative autonomy} CBI is facing staff shortage, which is required to deal with daily dealings of CBI cases.

Therefore, there is a dire need of reforms

Remarks

CS MAINS TEST SERIES 2022

in the CBI. These reforms can ensure professionalism & accountability in CBI as:

1. Legal Backing: as recommended by 2nd ARC & LP Singh Committee, central legislation would remove the deficiency of statutory charter of duties & functions.
2. Financial Autonomy: will provide basis for administrative autonomy of CBI.
3. Service conditions: to improve the functioning of CBI.
4. Checks on Corruption: through CVC & Lokpal will ensure the autonomy of the agency.

CBI's motto is 'Industry, Impartiality & Integrity', and the agency needs to practise these 3 qualities in true spirit, which would automatically make it a ~~overall~~ role model for other investigation agencies in the Nation.

Remarks

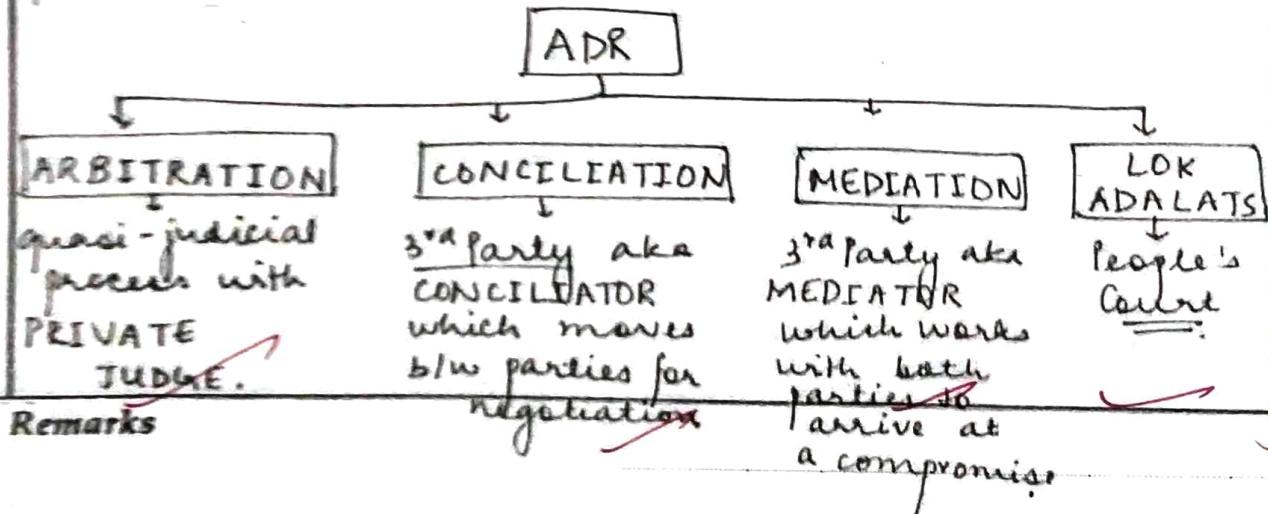
(P)

You addressed this question very well

- Q5. In the light of growing pendency of cases with traditional judicature, the need for alternative dispute mechanism has been felt. What are the merits and demerits of Alternative Dispute Redressal (ADR) mechanisms? Also suggest measures to improve the performance of the traditional judiciary. (15 Marks) (250 Words)

Alternative Dispute Redressal (ADR) is a settlement reached out-of-court. They are being promoted in a big-way in view of huge arrears of cases and 'growing pendency of cases' with traditional Judiciary, as recommended by the MALIMATH COMMITTEE (1990).

ADR consists of several techniques being utilised to resolve disputes with 3rd-party interventions. Mainly, following are commonly practiced ADR :



Remarks

Good, but brief also talk about increasing pendency by giving date.

Good that you explained these in short

Merits of ADR:

1. Preserving social relationships for disputants.
2. Informal & Flexible nature of ADR allows both parties to arrive at a mutually acceptable decision.
3. Alternative Option to Litigants: by helping the parties to help themselves and not be bound by 1-sided decision of traditional Judiciary.
4. Fast, Private and less Expensive

Demerits of ADR:

1. Compromises: between parties often results in unsatisfied demands of litigants. This may also lead to oppression or continuance of the earlier objectionable practice which was brought forth.
2. Award of Lok Adalats is non-appealable.

Remarks

Also highlight
chances of biases,
No judicial oversight,
lack of uniform
procedure
at ADR ch -

3. Conciliation & Mediation do not confer an award to the parties at all. Thus, ADR is an alternative to faster justice delivery, but is subject to certain demerits as well.

Measures to improve performance of Traditional Judiciary:

1. Bringing Judiciary under RTI Act, 2005 will ensure transparency.
 2. All-India Judicial Service (AIJS) can reduce the pendency of cases.
 3. Telecast of live proceedings in general matters can ensure transparency & independency of Judiciary.
 4. Electronic Courts and TeleLaw programmes can ensure faster Justice delivery.
 5. Judicial Accountability: specifically in matter of cases.
- These provisions can ensure rule of law, people's faith in Judiciary & institutional responsibility of Judiciary.
- (F) *Suggestions are largely good, but also talk about the need to improve judicial infra etc*

Q6. Discuss the composition, power and function of the Central Vigilance Commission (CVC). What are the implications of the Jain Hawala case on the functioning of CVC? How far have the directions of the Supreme Court been implemented? Critically examine. (15 Marks) (250 Words)

Central Vigilance Commission (CVC) was set up in 1964 on recommendations of K. Santhanam Committee on prevention of corruption. CVC is conceived to be the apex vigilance institution, free of control from Executive Authority.

Introduction is very good

Composition of CVC:

CVC consists of : (1) Central Vigilance Commissioner - Chairperson
 (2) Not more than 2 Vigilance Commissioners - Members.

Powers and Functions of CVC

CVC shall have powers of a civil court and power to regulate its own procedure.

CVC has been granted following Powers under CVC Act, 2003:

Exercise Superintendence over DPSE (CBT)

Remarks

under Prevention of Corruption Act, 1988 or
offences under CrPC.

2. Review progress of investigations conducted by DPSE (CBI) under PCA, 1988 & CrPC
3. Inquire or Investigate on a reference by central government
4. Tender advice to central Govt. on any such matters referred to it by them.
5. Inquire or Investigate into complaint under PCA, 1988 or CrPC.

JAIN HAWALA CASE & CVC

Vineet Narain is an Indian Journalist, anti-corruption activist. His exposure to Jain Hawala scandal in 1990s, led him to file PIL to apply pressure on CBI.

SC's proceeding, related to ^{was} suspicious transfer of CBI Director and rampant misuse of political power and not Jain Hawala scandal per se. SC gave a long well Remarks

ruling consisting of 25 points, the most important of which made it impossible to remove CBI director for 2 years.

Implementation of directions of SC:

CVC's role as a watchdog became more crucial after SC judgement in Jain Hawala Case.

1. CVC Act, 2003 was enacted which gave CVC superintendence over CBI, under PCA, 1988. ^{for cases}

2. Lokpal and Lokayukta Act, 2013: has widened the scope of protection of CBI from political & bureaucratic pressure.

3. CVC's role has been empowered to maintain strong internal control mechanisms for transparency.

Recent SC judgement in a PIL filed by Subramanian Swamy, which struck down the permission clause on grounds of Article - 14 will further strengthen CVC & CBI.

Remarks

*You are strengthening CVC & CBI.
understand how
over the*

7 1
2

There are various Constitutional and Non-Constitutional Commissions for welfare of vulnerable and marginalized people. Discuss the flaws in their working and recommend steps needed to make them powerful in handling atrocities and exploitation against vulnerable people. (15 Marks) (250 Words)

India is a democratic country operated by several constitutional and non-constitutional bodies. These commissions / bodies regardless of being empowered by the constitution or a statute, are targeted for the welfare of 'vulnerable & marginalized people'.

Constitutional Bodies:

1. National Commission for SCs: ^{(NCSC) U/A 338} is committed to the full implementations of acts like PCR Act, 1955; SC & ST (POA) Act, 1989, etc. It ensures that economic development schemes for SC population are implemented.
2. NCST: U/A 338-A was established through 81st Amendment Act of 2003 by separating NCSC & NCST. This commission looks after welfare of ST population.

Remarks

3. NCBC: (U/A 338-B) was conferred a Constitutional status through 102nd Amendment Act, 2018. This commission looks after welfare of Backward Classes.

4. ECI, UPSC ^{in election & recruitments}
CVC, CBI: prevent corruption, and ensure that masses are not subject to political oppression.

Non Constitutional Bodies:

1. National Human Rights Commission (NHRC): was constituted under Protection of Human Rights Act, 1993 for better protection of Human Rights. SHRCs have also been established.

2. National Commission for Women (NCW): was constituted under NCW Act, 1990 with a view to protect, promote and safeguard interests and rights of women.

3. CVC, CBI: are statutory bodies which prevent corruption and ensure that vulnerable

Remarks

Need to make part
the above part shorter - you should
emphasise more upon
highlighting common
issues and their
possible solutions -

people are not exploited.

Flaws in their Working:

1. Only Recomendatory in Nature: → this does not allow corrective action.
2. Inadequate data: w.r.t. Backward Classes as no official Data Surveys account of it.
3. Lack of funding for non-statutory bodies
4. NHRC can take up cases only till 1 year of its happening.
5. Unreported cases: are not probed into.

Further talk about
Politicisation
Reports not
taken seriously
etc-

Steps to make these bodies powerful:

1. Continuum of approach in all commissions
2. Constitutional status to NCW & NHRC for more effective backing
3. Administrative and Financial autonomy to all bodies.
4. Extending Jurisdiction of NHRC & NCW, at ^{two} ~~should work with~~ other bodies

~~These measures will ensure level playing field for welfare of all marginalized & vulnerable people in India.~~

~~Remarks: you have required understanding,~~

7

- Q8. Indian Judiciary is alleged of judicial overreach in certain cases. Elaborate and how it is different from judicial activism? What should be the way out to ensure separation of powers with adequate check and balances? (15 Marks) (250 Words)

The Indian Judiciary is a very powerful body and it ensures a check on excess legislation by parliament and executive through its tools of Judicial Review and Judicial Activism.

Judicial Activism first originated in USA in 1947, it occurs when Judiciary upholds the rights of citizens and preserves the constitutional and legal system by coming up with new rules and regulations.

Suo Moto Case and PIL have further consolidated the process of Judicial Activism in India.

EXAMPLES

1. Kesavananda Bharati Case (1973) and Doctrine of Basic Structure: have disallowed legislature and executive to override Basic

Remarks

'futures' of the constitution.

2. Maneka case allowed to incorporate 'due process of law' in Article - 21 which ensure Right to life and liberty along with life with human dignity
3. Ban on public Smoking, Vishakha guidelines (1997), etc. are other examples

JUDICIAL OVERREACH: when judicial Activism

turns into Judicial Adventurism, it is called Judicial overreach. It is against doctrine of separation of powers.

Examples:

1. striking down 99th Amendment Act, 2015 which made provisions for establishing NJAC for appointment of judges.
2. Contempt of court and associated misuse
3. ordering governments during COVID-19 is also violative of executive powers.

Remarks

Good. (we
also talk
about PSC
as example
of J.A.)

~~mention more examples~~ Cancelling Coal Block allocation, Banning Crackers on Diwali

Thus, it is essential to restore power with responsibility in the Indian Judiciary. Indian Federal Structure provides for limited separation of power with checks & balances. This can be assured by:

1. Increasing Judicial Accountability through more transparent appointment mechanisms.
2. legislations and Executive should ensure holistic approach to avoid Judicial Interference.
3. Separation of Power is already a Basic feature of the Constitution. Thus, Judiciary must follow this basic feature at all times.

Unprecedented times require unprecedented actions. However, integrity of the institution and faith of the masses should not be subject to question. Thus, Independent & Integrated Judiciary should never undermine legislative & Executive Authority.

71
72

- Q9. Do you agree that Strong States make a Strong Nation? Illustrate the statement with respect to the working of Niti Aayog in implementing it. (15 Marks) (250 Words)

NITI Aayog was established as a successor to Planning Commission in 2015 with a vision to foster 'Cooperative Federalism' and by following a 'Bottom-up' approach instead of the old 'top-down' approach.

Cooperative Federalism and Good Governance in India, together will build strong states. In a truly federal state, it is impossible to achieve national objectives without active cooperation from state Governments.

Working of NITI Aayog in implementing cooperative Federalism

There are 2 key features of cooperative Federalism which have to be actualized by NITI Aayog:

Remarks

1. Joint focus on National Development
Agenda by centre & states ; and
2. Advocacy of state Perspectives with centre.

NITI Aayog has been mandated the task of evolving a shared vision with active involvement from states. This has been done as :

1. Vice - Chairman of NITI Aayog visited all states himself to develop and offer a platform for resolution of inter-sectoral and inter-departmental issues.
2. NITI Aayog has established model and programmes for development of infrastructure and reignite PPPs through:
 - (a) Development Support Services to States (DSSS), and
 - (b) Sustainable Action for Transforming Human Capital (SATH), etc.

Remarks first, you should discuss, if strong states make strong nation and then discuss role of NITI Aayog -

3. For bringing regional imbalance to an end, NITI Aayog has taken special steps for regions needing special attention, eg. North-East States, Island States, Hilly states.

4. Several manifestations of cooperative Federalism in working of NITI Aayog are: (1) Meetings of Governing Council; (2) Task Force on Specific Subjects; (3) DSCS & SATH; (4) NITI forum on North East; etc.

As highlighted by Prime Minister in the meeting of Governing Council of NITI Aayog, 'NITI Aayog has been envisioned as a platform to inspire cooperative federalism'.

~~you have answered~~ through its commitment to cooperative federalism, citizen engagement, egalitarian access to opportunity & adaptive governance, NITI Aayog seeks to provide critical input into the development process.

~~Particulars~~ But it was not addressed at all. Instead, it addressed the question and of the question and then role of NITI Aayog both co-operative competitive.

- Q10. Public Interest Litigation is one of the most important innovations by Indian judiciary. Critically evaluate its success in delivering justice to Indian masses.
(15 Marks) (250 Words)

Public Interest Litigation (PIL) is one of the most potent instruments of judicial Activism in India. It was introduced in 1980s in India, and since then, it has been effective and has rendered justice to the public.

Delivering Justice to Indian Masses through PIL:

Through the concept of PIL, traditional rule of 'locus standi', i.e., only aggrieved can approach the court has been weakened. Now, public-spirited citizens can move to court for enforcement of constitutional or legal rights.

Significance of PIL can be illustrated by:

1. Restoration of rights of underprivileged under ^{Wood N} _p

Remarks

illegal detention.

1. Ban on public smoking.
2. SC has taken steps to free up bonded labourers, issues of tribals, slum dwellers, women, children & child labour have also been addressed.
3. Through PIL, SC has vastly expanded the scope of fundamental rights.

It has ensured legislative & Executive accountability.

However, PIL has also been subject to questions specifically in terms of Judicial overreach and violation of separation of Powers. Several unnecessary PILs, have further burdened the judiciary by increasing pendency of cases. Moreover, Judicial Populism, a new term has been

Remarks

coined, pointing towards the excess power of the Judiciary.

PIL has effectively served the purpose of judicial Activism, however, it has also led to questions being raised on Judiciary's powers. India follows a system of checks & balances. And while Separation of Powers is not unlimited, it is still a Basic Feature of the Constitution. Thus, it is imperative for the Judiciary to judiciously use the instrument of PIL and ensure integrity of autonomy and authority of other 2 organs of government - legislature and Executive. This can be done by installing mechanisms which filter out unnecessary PILs and ensuring that Separation of Powers is upheld in all the decisions by Judiciary.

Remarks

Though longer
is good,
you should
putting
such a long
paragraph