



An Institute for Civil Services

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AIR 95

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POLITY



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Polity: Test 4
U.P.S.C.

62

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न लिखें
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in this part)

Q1)

Article 76 of the Indian Constitution provides for the Attorney General of India (AGI) with the fundamental role of representing the Government of India in any legal role.

Qualifications

- Must be qualified to be elected as SC judge
 - Indian citizen
 - Judge in HC for 5 years
 - Advocate for 10 years
 - Eminent jurist in President's opinion

The AGI is not a member of parliament but has the right to speak and take part in proceedings of either house or a joint sitting of the Parliament.

However, the AGI is barred from voting in parliament as he is not elected popularly but instead appointed by the President of India.

who is good
- too the point

not required
- don't
come to
the point

Role of AGI

- * Represent the Government of India in any case referred to the Supreme Court by the President under Article 143 of the Constitution.
- * Represent the GoI in any case involving the Central Government as a legal entity.
- * Speak in Parliament and raise legal matters to be considered in parliamentary debate.
- * Provide input through specialized knowledge of judicial proceedings and other specific information for more useful discussion on bills.

good points

demand of the question is fulfilled

* The AGI is required to defend the Union Government and is barred from speaking in opposition to it. ✓

* The AGI can be removed by the president, thereby ensuring loyalty in the post of AGI.

Thus, the AGI is the highest legal officer of the nation and serves an essential purpose in parliament as well as in courts to uphold the Government's sovereignty and integrity.

conclusion is fine

6

Q2)

Article 280 of the Indian Constitution directs the President to appoint a Finance Commission at the Union Government level every 5 years.

✓ intro is good

Composition :- Chairperson and 4 members recommended by the Prime Minister.

Functions :-

* Recommendation of devolution of proceeds (revenue of general) amongst Centre and State.

well explained along with example

eg: 15th Finance Commission recommended a rise in devolution of funds from 32% to 42% to the States.

* Recommendation of allocation of funds to various Central Sector / Centrally Sponsored Schemes.

Lacunas in Role of FC :-

1) FC is formed every 5 years which is a long gap and requires long term planning - this creates vagueness and arbitrariness in plan.

good points

2) FC can only recommend, it does not have power to evaluate previous spending and trajectory

you could also use

3) FC does not work in tandem with NITI Aayog / National Integration Council and other all India bodies - thus, state demands are sometimes overlooked.

heading and example format

mention at least 5 points

However, FC is a symbol of fiscal federalism and helps ensure fiscal autonomy at both the Union and State levels.

Centrally Sponsored Schemes

- Schemes like Jal Jeevan mission to enhance tap water connectivity are CSS, that are sponsored dually by the Centre & the state / UT, usually in the ratio:

60:40 for states, &
90:10 for UTs.

- State-by-state analysis can help rationalize spending instead of a one-size-fits-all approach.
- Bottom up approach to governance schemes can enhance efficiency in fund devolution and reduce wastage / leakage of funds.

The FC must work closely with State and local bodies to provide localized solutions and bring about financial efficiency as well as autonomy.

Q3)

The Comptroller & Auditor General of India is appointed by the President of India under Article 148 of the Indian Constitution.

CAG ensures executive accountability in the following ways :-

- supreme auditor of all expenditures from the Consolidated Fund of India by the Centre
- audits Central and State (and UT) government expenditure reports as well as those of public entities controlled or substantially funded by the Government.
- Report is laid before President who then presents it to the House.
- The report of the CAG is analyzed by 3 committees :-

Introduction
is very
generalistic
nature
- Although
but you
start
with
recent
virus/cases

2509
point

- 1) Public Accounts Committee
- 2) Committee on Public Undertakings
- 3) Estimates Committee

e) The CAG is the the financial, philosopher and spiritual guide of the PAC, working together to ensure all accounts are accurate.

In this way the CAG acts as the "overseer" of executive actions and ensures that no excess or wasteful expenditure has been made.

Independence of the CAG
must be ensured for this purpose:-

1) Salary, tenure cannot be changed
to the disadvantage of the CAG
after appointment.

2) Removal like an SC judge, by
the president on grounds of proven
misbehaviour or incapacity.

well
structured
and
nicely
explained
- points
are
valid

good

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न लिखें
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in this part)

3) No further appointment or
reappointment is available to
the CAG once he leaves the
post.

As Dr. B. R. Ambedkar says,
the post of the CAG is the
"most important post in the
Indian Constitution" as it
ensures transparency, accountability
and trust of the people of
India in the government
executive, effectively curtailing
any overreach in its powers.

This
can
be
used
in
the
introduction

Conclusion
is
fine

6.5

Q4)

Part XV of the Indian Constitution provides for the composition of the Election Commission of India as well as its roles/function.

ECI and its Functions

1) Composition :

- a) Chief Election Commissioner
- b) Any number of Election Commissioners
(currently 2)

2) Decision is taken by majority amongst the ECs.

3) Function :- conduct elections to the Central government (Lok Sabha & Rajya Sabha) as well as State Governments (Legislative Assemblies, Legislative Councils).

4) Resolves disputes relating to elections of President, Vice President.

✓ good introduction

Issues Regarding role of ECI:-

- model Code of Conduct - this is an informal code, not statutory or codified - this makes ECI power arbitrary when convecting political players under it.
- Criminalization of politics continues despite SC order to publish criminal history of all political candidates in public view - ECI has taken little consideration of the same.
- Issue of ghost voters, inaccurate listing of candidates, proxy voting and poll booth capturing
- Rigging of Electronic Voting machines and political party claims that EVMs are inaccurate prone to cyberattacks and subversion.

valid arguments are

presented

All the points mentioned above

fulfills the question's demand



The ECI has countered most issues

a) Evms also include Voter Verification Paper Audit Trail (VVPAT) that allows voter to verify their vote right after casting it. ✓

b) Using government personnel and foolproof methods at poll booths to ensure safe, free and fair election.

The ECI would be better able to carry out its functions with independent personnel and better technology. Nevertheless, its independence has assured Indian citizens their fundamental democratic right to vote for their representative.

conclusion is fine

6

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Q5)

part XIV of the Constitution of India mentions the Composition and functioning of the Union Public Service Commission (UPSC).

This institution finds its roots in the Government of India Act of 1935 which introduced the Federal Public Service Commission.

introduction is good

Powers of the UPSC

1) Recommendation of candidates selected for Central government All India Services and Group A, B, C, & D jobs.

2) Conduct of examinations / recruitment process for selection of candidates.

valid points

3) Advisory powers in allocation of jobs to specific candidate / transfer of officers.

4) Conduct of departmental exams for purpose of promotion of officers (eg: exam for post of SO in MEA).

examples are fine

Changes Needed in UPSC

1) Powers are only advisory - government may override UPSC advice / recommendations. This undermines the role of UPSC.

2) Greater integration with Ministry of Personnel, Public Grievances and Pensions to enhance recruitment and training of officers.

3) Enhanced interoperability with CVC, Lokpal and Lokayuktas, CBI to ensure scrutiny over appointed executive and enhance accountability to the people.

your hand writing is beautiful and presentation is good

4) Regular monitoring and evaluation to ensure integrity of selected officers and fend off political meddling in bureaucratic affairs.

The UPSC maintains its independence constitutionally but still requires more powers to make Indian bureaucracy free of corruption and red-tape while fuelling grassroots governance and the values enshrined in MISSION KARMAYOGI to create ideal civil servants as envisioned by Shri Vallabhbhai Patel.

conclusion
is excellent

65

Q6)

The Central Bureau of Investigation (CBI) is the premier investigative body of the Government of India governed under the Delhi Special Police Establishment Act and acts as the connecting ^{national} ~~local~~ body to the Interpol.

The CBI faces many controversies and is often termed a "caged parrot".

- 1) The CBI has to take state's permission if it seeks to inquire into the officials in the state. This leaves it powerless without state permission.
- 2) However, the SC or HC can direct the CBI to take up a matter in the state without the state's permission. This raises issues of federal autonomy and the state's independence in the face of central excesses.

3) The CBI is sandwiched between various other investigative agencies.

eg: The Central Vigilance Commission has oversight regarding CBI action when case comes under the prevention of Corruption Act.

eg: Other bodies like Enforcement Directorate / ^{Intelligence} Investigation Bureau / National Investigation Agency clash with the role of the CBI

4) Recent amendments
CBI officials often work at the direction of other bodies

eg: National Commission Human Rights Commission (NHRC), POCSO, etc.

5) Lack of independence - officials appointed / removed by Central government and officials are not barred from further government employment.

avoid
cutting

- your
approach

towards
answering

the
question
is
really

good

The CBI is thus seen as a puppet, strung by the party in power at the Union level.

However, CBI is also a strong oversight body that ensures prevention of corruption and enhances accountability.

✓
Conclusion
is fine

6-5

Q4)

National Human Rights Commission (NHRC) was formed under the Protection of Human Rights Act (PHRA) as a body to ensure justice to all members of society.

NHRC & its functions

1) NHRC was formed on the basis of the Universal Declaration of Human Rights (UDHR) under the United Nations.

2) The PHRA provides for the definition of human rights.

3) Composition:- members include all the chairpersons of various statutory bodies and constitutional bodies in India.

e.g. NCSC, NCST, NCBC, NCW chairpersons

introduction
is fine
but
can be
improved
by including
secular
related
cases to
it

v. govt

Issues with the NHRC

1) Advisory powers only - the Commission can recommend / advise, but not carry out any order or action.

2) No punitive powers - although the NHRC works as a civil court and thereby a quasi-judicial body, its judgements have little to no effect (unlike tribunals) and orders to the government often go overlooked.

3) The NHRC functions on Union list subjects while the State HRC functions on State list subjects - restricts the scope of and freedom of the commission.

To balance the answer while equal bullet points for

both the pros/cons

minimum 5 points

each example are good

4) NHRC not allowed to pick up matter that occurred 1 year before the date it is considered — this leaves many heinous crimes untouched.

5) NHRC is unable to suo motu (like PIL of judiciary) pick up a case and adjudicate on it.

Thus, the NHRC is a somewhat powerless body. It needs more powers and greater autonomy to truly achieve human rights goals.

Final
conclusion

6.5

68)

introduction
is
excellent

more often than not,
the judges of India have had
flawless characters that have
lived up to the vision of
the founding fathers of India -
integrity, truth, courage.

However, once in a while
allegations of human rights
violations, crime and corruption
also emerge.

This raises concerns regarding
judicial independence & judicial
accountability.

Judicial Independence

1) The judiciary's independence is
ensured by Directive Principles
of State Policy Article 50
which mandates a clear separation
between the legislature and
judiciary of India.

you
that
you have
included
Articles

2) Judges are appointed by a Collegium of the Chief Justice of India and 4 senior most judges of the Supreme Court.

eg. The National Judicial Appointments Commission (NJAC) sought to provide greater transparency to the appointments process but was struck down as violating A50, basic structure of separation of power.

concern your example

3) The salaries/pensions/term of a judge cannot be varied to their advantage after their appointment.

Judicial Accountability

1) The impeachment process gives the elected representatives of the people (parliament) the right to remove a judge based on proven misbehaviour / incapacity.

n. gov

e) Review Petitions and Curative Petition (A147) provide space

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for public entities to get judgments reviewed by the courts of the country.

3) The CJI's office comes under the purview of the RTI, thereby enhancing accountability.

Independence is often found to trump accountability as

- appointment process of judges continues to be non transparent
- judicial overreach has infringed on separation of powers.

way forward

- Developing and sustaining integrity in judiciary through training, etc.
- Enhancing transparency and public involvement in court procedures.

The judiciary is the cornerstone of any democracy. Its integrity must be upheld and this must come from internal reform and enhanced public confidence so that justice is also seen to be done.

As mentioned above your approach is fine and presentation is good

Conclusion is fine

99)

Article 32 of the fundamental rights of the Indian Constitution provides for the judicial review by the Supreme Court in the form of writ jurisdiction :-

- 1) Habeas Corpus - "show the body"
- 2) Mandamus - mandate - public body to act
- 3) Certiorari - pass on case from lower court to SC.
- 4) Prohibition - prohibit a lower court's act/order
- 5) Quo Warranto - "by what warrant"

elaborate these points

The Supreme Court can be appealed to directly by any individual or other entity that feels the State has violated their fundamental rights.

Similarly, Article 226 provides for a similar power to the High Courts of India.

Any HC in India can use the same 5 writs to provide justice to the appealing individual.

However, the HC's writ jurisdiction is wider than that of the SC's because they can adjudicate through writ on both :-

i) Fundamental Rights, Part III of Constitution, and

ii) Any other Constitutional Right

eg: property

Thus, an individual cannot go to the SC with a writ petition to resolve a matter of Constitutional Rights - only the HC can do that.

Conclusion is fine

5.5

प्रश्न संख्या
(Question No.)

U.P.S.C.

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Q10)

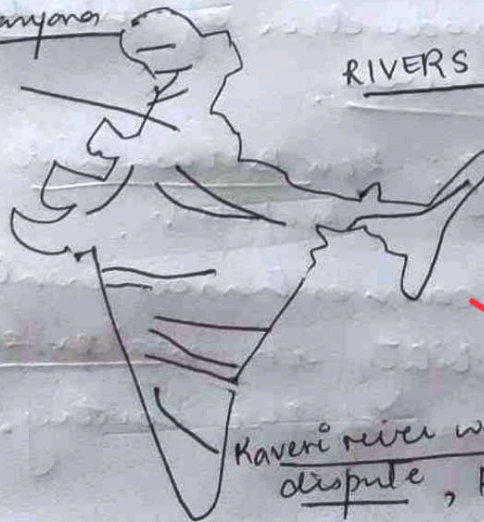
Article 262 of the Indian Constitution provides for the Parliament to create a body to resolve inter state river water disputes.

Inter State River Water Disputes

D India is home to many rivers that cross-cross over various states, leading to riparian clashes and federal ~~instability~~ ~~to~~ instability.

Punjab-Haryana
Ganges
Satluj
Yamuna
Bhakra

RIVERS OF INDIA



Kaveri river water
dispute, Karnataka
TN
Puducherry.

2) Parliament formed the
Inter State River Water Disputes Act
to adjudicate on the same.

However, clashes continue.

eg: Mekadatu crisis,
dam regulation

- water sharing of Kosi river
- Upper riparian demands of Punjab.

Recent Amendment Bill 2019 has proposed

a) quicker adjudication process

b) mandatory consultation
of all stakeholders.

c) Introduction of interlinking of rivers.

eg: Ken Betwa link
project.

This can enhance water availability in water scarce regions of the country.

However, these changes must come along with greater transparency in the adjudication process as well as importance of water management.

- 1) Water is an abundant, useful, valuable resource. Its use must be carefully analyzed.
- 2) Best practices in water transportation as well as consideration of environmental and social impact is essential.
- 3) Need to focus on water management, sustainable use and cooperative federalism.

V. well explained

As Gandhiji says, "there is enough for everyone's need, but not enough for everyone's greed." We must respect our natural resources and share it in an equitable, sustainable and productive manner.

conclusion is excellent

6