

MGP 2023 | Cohort 4 | Half Length Test #3 (61213) | ForumIAS
(10 Questions | 125 Marks | Duration 1.5 Hours)

Instructions: All questions are compulsory. The number of marks carried by a question/part is indicated against it. Quality of the answer is more important than the length of the answer.

निर्देश : सभी प्रश्न अनिवार्य हैं। प्रत्येक प्रश्न द्वारा धारित अंकों को उसके सामने इंगित किया गया है। उत्तर की गुणवत्ता उत्तर की लंबाई की तुलना में अधिक महत्वपूर्ण है।

✓ **Q.1)** Lokpal and Lokayuktas were envisaged to strengthen the legal and institutional mechanism to ensure cleanliness in public life. Critically examine their role as anti-corruption watchdogs. (10 marks, 150 words)

लोकपाल और लोकायुक्तों की परिकल्पना कानूनी और संस्थागत तंत्र को मजबूत कर सार्वजनिक जीवन में स्वच्छता सुनिश्चित करने के लिए की गई थी। भ्रष्टाचार विरोधी प्रहरी के रूप में उनकी भूमिका का समालोचनात्मक परीक्षण कीजिए। (10 अंक, 150 शब्द)

✓ **Q.2)** Subordination of investigative agencies to the executive is fraught with disastrous consequences. Discuss the statement in light of the criticism of the Central Bureau of Investigation as a "caged parrot". (10 marks, 150 words)

जांच एजेंसियों का कार्यपालिका के अधीन होना विनाशकारी परिणामों से भरा है। केंद्रीय जांच ब्यूरो की "पिंजरे में बंद तोता" के रूप में आलोचना के आलोक में इस कथन की चर्चा कीजिए। (10 अंक, 150 शब्द)

✓ **Q.3)** The Election Commission of India has a vital role in building a robust framework of electoral democracy. Highlighting challenges associated with the functioning of ECI, suggest measures to reform the body. (10 marks, 150 words)

चुनावी लोकतंत्र के एक मजबूत ढांचे के निर्माण में भारत के चुनाव आयोग की महत्वपूर्ण भूमिका है। भारत के चुनाव आयोग के कामकाज से जुड़ी चुनौतियों पर प्रकाश डालते हुए, इस निकाय में सुधार के उपाय सुझाएं। (10 अंक, 150 शब्द)

✓ **Q.4)** Fair competition is the cardinal principle of free market economy. In this context, Discuss the role of Competition Commission of India and compare its position with anti-trust institutions of other countries. (10 marks, 150 words)

निष्पक्ष प्रतिस्पर्धा मुक्त बाजार अर्थव्यवस्था का मुख्य सिद्धांत है। इस संदर्भ में भारत के प्रतिस्पर्धा आयोग की भूमिका की विवेचना कीजिए तथा अन्य देशों की विश्वास-विरोधी संस्थाओं से इसकी स्थिति की तुलना कीजिए। (10 अंक, 150 शब्द)

✓ **Q.5)** Securities and Exchange Board of India (SEBI) protects the interests of investors as well as ensures development and regulation of financial markets. Discuss how far the SEBI has been successful in performing its envisaged role. (10 marks, 150 words)

भारतीय प्रतिभूति और विनियम बोर्ड (सेबी) निवेशकों के हितों की रक्षा करने के साथ-साथ वित्तीय बाजारों के विकास और विनियमन को सुनिश्चित करता है। चर्चा करें कि सेबी अपनी परिकल्पित भूमिका को निभाने में कहाँ तक सफल रहा है। (10 अंक, 150 शब्द)

✓ **Q.6)** What do you understand by the First Past the Post System (FPPS)? Why was FPPS preferred over the Proportional Representation (PR) system for elections to the Lok Sabha/Vidhan Sabha? Also, critically examine the consequences of this preference. (15 marks, 250 words)

फर्स्ट पास्ट द पोस्ट सिस्टम (FPPS) से आप क्या समझते हैं? लोकसभा/विधानसभा के चुनावों के लिए आनुपातिक प्रतिनिधित्व (पीआर) प्रणाली पर फर्स्ट पास्ट द पोस्ट सिस्टम को प्राथमिकता क्यों दी गई? साथ ही, इस वरीयता के परिणामों का समालोचनात्मक परीक्षण करें। (15 अंक, 250 शब्द)

✓ **Q.7)** Examine the role of the Finance Commission in maintaining the fiscal equilibrium in the country. Also, compare the recommendation of the 15th Finance commission with its predecessor and implications of its recommendations. (15 marks, 250 words)

देश में राजकोषीय संतुलन बनाए रखने में वित्त आयोग की भूमिका का परीक्षण कीजिए। साथ ही, 15वें वित्त आयोग की सिफारिशों की इसके पूर्ववर्ती और इसकी सिफारिशों के निहितार्थों से तुलना करें। (15 अंक, 250 शब्द)

✓ **Q.8)** A polity perennially in election mode is not well suited for effective governance. In light of the statement, discuss how far simultaneous elections can solve this problem. Also, highlight challenges associated with conducting simultaneous elections. (15 marks, 250 words)

हमेशा चुनावी दशा में रहने वाली राजनीति प्रभावी शासन के लिए उपयुक्त नहीं है। इस कथन के प्रकाश में चर्चा कीजिए कि एक साथ चुनाव इस समस्या का कहाँ तक समाधान कर सकते हैं। साथ ही एक-साथ चुनाव कराने से जुड़ी चुनौतियों पर प्रकाश डालें। (15 अंक, 250 शब्द)

✓ **Q.9)** The Representation of People's Act, the bedrock of free and fair elections in the country, has failed to keep pace with the contemporary challenges. Highlighting the shortcomings in the legislation, suggest reforms to make it more effective. (15 marks, 250 words)

लोक प्रतिनिधित्व अधिनियम, देश में स्वतंत्र और निष्पक्ष चुनाव का आधार, समकालीन चुनौतियों के साथ तालमेल रखने में विफल रहा है। कानून में कमियों को उजागर करते हुए, इसे और अधिक प्रभावी बनाने के लिए सुधारों का सुझाव दें। (15 अंक, 250 शब्द)

✓ **Q.10)** Dr. Ambedkar called the Comptroller and Auditor General (CAG) the most important office under the constitution. How does the constitution ensure effective functioning of CAG as the 'guardian of public purse'? What reforms would you suggest to further strengthen the office of CAG? (15 marks, 250 words)

डॉ. अम्बेडकर ने नियंत्रक एवं महालेखा परीक्षक (CAG) को संविधान के तहत सबसे महत्वपूर्ण कार्यालय बताया। संविधान 'सार्वजनिक पर्स के संरक्षक' के रूप में सीएजी के प्रभावी कामकाज को कैसे सुनिश्चित करता है? सीएजी के कार्यालय को और मजबूत करने के लिए आप किन सुधारों का सुझाव देंगे? (15 अंक, 250 शब्द)

Comments

136991_61213_1910104681_(2022-08-16 23:24:16)



126091_61213_1910104681 (2022-08-16 23:24:16)

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.
Content of the Question is more important than length.
(Specimen Answer Booklet - For Practice Purpose Only)

1 Lokpal (Centre) and Lokayuktas (State) are statutory institutions created under the Lokpal & Lokayukta Act, 2013. They perform the function of an ombudsman by examining into the complaints of corruption against the public officials, thereby addressing the demands of the people for ensuring clean governance.

As an anti corruption watchdog, perform functions →

1. Exercise superintendence & give direction to CBI in cases referred to CBI by them under Prevention of Corruption Act 1988.
2. Power to recommend transfer / suspension of public servant in corruption cases
3. Fair & unbiased decision - judicial expertise + impeccable integrity of non-judicial persons keep in doing complete justice
4. Power to search, seizure / confiscate of assets
5. Well defined time period - ex- preliminary enquiry to complete within 3 months
6. Increased powers of CBI Act
 - Transfer of CBI officers on their approval / on cases referred by them
 - Proper Allocation of funds

However, they also suffer from issues like -

1. Can't take suo moto action
2. Judiciary not involved
3. Non transparent manner wrt PM (internal security, foreign relations, etc. excluded)
4. Time limit of 7 years
5. Executive interference - hampers independence of institutions
6. No protection to wistleblowers
7. High penalty on frivolous complaints
8. Anonymous complaints not accepted.

Therefore, it's necessary to reamp the institutions of legal & law enforcement structurally & functionally by providing complete independence, constitutional status transparent appointment, etc. to ensure their efficiency in taking corruption and truly act as watchdogs against it.

(2) Central Bureau of Investigation (CBI) is the premier investigative agency of the government of India. It's neither statutory nor constitutional but was formed by an executive order of the Home Ministry in 1963 and derives its powers from the Peel's Special Police Establishment Act 1946. Due to its origin leading to high executive interference, Supreme Court criticised CBI as a "Caged parrot" in the Vineet Narain Case.

Subordination of investigative agencies like CBI to the executive often have disastrous consequences:-

- (1) Political character → undermines federalism
en. states withdrawing general consent
- (2) Corruption → leads to patronism and conflict of interest in discharging duties
- (3) RTI exemptions → CBI unaccountable to public
- (4) Ineffective in checking corruption - en. Tain Hamala Case → led to CVC Act 2003 for handling cases under Prevent of Corruption Act 1988
- (5) Increased pendency due to political biases
2022 → >1000 cases - pol. significant pending

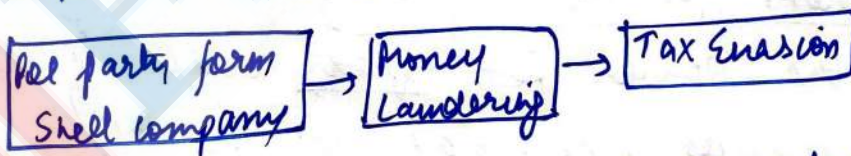
136991_61213_1010104081_2022-08-16 23:24:16)

- Now these changes leads to CB I being ineffective in investigation and imparting exposing reality despite being the specialised agency.
- Hence adequate independence should be given to the CB I but at the same time preventing it from becoming a super-executive.
- Structural and functional reforms are needed like making the appointment process more transparent, clearly defined powers and authority to CB I, and so on to essence reduce the trust deficit of the people in these investigative agencies and at the same time ensure that they function effectively in maintaining national security and stability in our country.

- 3) → Article 324 of Indian Constitution provides for an independent Election Commission of India (ECI) to conduct free and fair elections in our country.
- It plays a vital role in building a robust framework of electoral democracy in India by performing various functions like →
- Ensures representative democracy → conduct periodic elections
 - Implement Moral Code of Conduct (MCC)
 - Register political parties (Sec 29(a) RPA 1951)
 - Prepare / revise electoral roll

However, various challenges associated with ECI have been highlighted in recent times -

1. No power to deregister political parties



2. Allegations of manipulation of CVMs → Credibility issues
3. Reflection of political bias on ECI → favoring ruling parties even if they violate MCC
4. ECI's decision to allow rallies during Covid faced criticism
5. Problems associated with Criminalisation of Politics

136991_61213_1910104681 (2022-08-16 23:24:46)

6. Anonymity & non transparency in electoral funding → source hidden hence lack of informed decision making by people.

In the wake of above challenges, reforms are needed in ECI →

1. Give power to ECI to deregister parties
2. Caucus system for appointment to ECI → ↑ transparency (SY Gureshi)
3. Procedure of removal of Election Commissioners should be made at par with CEC.
4. Entire expense of ECI - should be made charged out of CFI → ensure neutrality of body.
5. Akinsh Goswami Committee → ECI should have the power for speedy trials of election offences (en. along ad hoc judges, fast track courts etc.

ECI working in free & fair manner will ~~ensure~~ help in preventing the democratic ethos, hence reforms should be taken on max fasting.

1369911_61231970104081 (2022-08-16 23:24:16)

Competition Commission of India (CCI) is a statutory and quasi-judicial body formed with an aim to enforce the provisions of the Competition Act 2002.

It plays a vital role in ensuring fair competition which is the cardinal principle of free market economy in following ways -

1. Eliminating practices which undermines the spirit of fair competition.
ex. CCI- suspended its permission for Amazon's deal with future group and gave it to Reliance due to hiding of information by Amazon
2. Promoting consumer welfare - protect interests of consumers
3. Helps in ensuring fair trade in market economy of India.
4. Promote competition advocacy
5. Promote awareness among consumers and provide training on competition related institutions.

136991_61213_1910104681 (2022-08-16 23:24:16) 6. Monitor / Supervise mergers) regulations
to eliminate harmful practices.

o CCI as an antitrust institution has the power to make its own rules which most countries antitrust institutions don't have.

o CCI don't have any provision for preliminary settlement or professional secrecy as in Europe, hence may prove to be harmful for the image / brand of company.

→ with the advent of AI, mes 3.0, an other emerging problems → platform neutrality, deep discounting, the need of the hour is to enable CCI adapt to the changing needs by giving it more powers, investment in human resource capital and leverage technology.

All this will ensure fair trade practices, affordability and thereby protect the interests of consumer in a free market economy.

5 Securities & Exchange Board of India (SEBI) is a statutory body formed in 1992. It's a quasi-legislative & quasi-judicial body by passing orders, rules, posing penalties etc. to ensure that the interests of investors are protected and also ensures the development & regulation of financial markets.

Functions performed by SEBI

- It performs functions for 3 benficial-
 - (1) Issues - help to raise finance
 - (2) Investor → invest their money and protect their interests
 - (3) Intermediaries → promote a competitive & healthy shares market
- Impart financial education to investors.
- It protects the interests of the investor by strict regulation over share market and through various innovations - SCORES platform - grievance redressal
- Regulation over illegal activities like insider trading, fraudulent practices.
- Securities Appellate Tribunal → any affected party from SEBI's decision can appeal in SAT.

136991_61213_1910104681 (2022-08-16 23:24:16)
~~However~~ Although, these initiatives & functions performed by SEBI as a share market regulator has helped in deepening our market and increasing the trust of investors, yet there are several challenges still faced by SEBI -

1. Excessive market regulation instead of prudent regulation
2. Great regulatory powers → have the potential to harm the economy unlike in its various counterparts in other countries like UK, USA, etc.
3. Frequent conflicts with other financial regulators.
4. Increasing complexities with technology
5. Appointment Scams

Hence it's important to overcome the challenges by taking various measures like effective coordination b/w various financial regulators, investing in human capital and technology to undertake deep research & analysis of the market, etc. It will ensure an efficient functioning of SEBI that will help in the overall development of our country.

136991_61213_1910104681 (2022-08-16 23:24:16)

→ First Past the Post Method (FPPS) is a method of election in which every voter votes for only one candidate in his/her territorial constituency and the candidate that gets majority of votes wins the elections.

→ Proportional Reps. (PR) is a method of election in which the seats allocated in the Lok Sabha / state assembly / house in proportion to the parties & ^{votes} ~~seats~~ acquired by them ~~taking part~~ in election.

Qn India FPPS was preferred over PR →

1) FPPS → simpler to understand by large population (keeping in mind the low illiteracy of the country at that time)

(2) FPPS is relatively inexpensive as compared to PR method

(3) Results from FPPS takes less time when compared to PR method
FPPS → more amenable

4) FPPS gives stable government as the govt formed is of majority unlike in PR → which often result to coalition govt → unstable.

However, there are certain challenges associated with FPPS :-

1) As the candidate who gets maximum no. of votes wins, he/she need not get the majority votes in the election.

2) High possibility that voices of minority are not heard → undermines the true essence of representative

democracy.
3) unfavourable for smaller pol parties
Therefore, keeping in mind the accuracy of PR system and simplicity of FPPS, the Law Commission suggested the use of Additional member system in the elections in 1999. It advocated for a mix system that would take

the best elements of both the alone
system and make our election
process robust and truly
representative, hence upholding
the democratic spirit in our country.

(7)

136991_61213_19101_04681_(2022-08-16_23:34:16)

Finance Commission (1920) is a quasi-judicial body setup by the president every 5 years or whenever is deemed necessary.

It's the balancing wheel of the fiscal federalism of our country and helps in maintaining fiscal equilibrium by performing the following functions →

1. Divide the net tax proceeds b/w the centre and state (vertical devolution) and lay down conditions for distribution of these proceeds among the states (horizontal devolution)
2. Suggest measures for augmenting the consolidated fund of state & supplementary local govt body grants.
3. Formulate guidelines for devolving principle grants in aid (A275) to the local govt
4. Render advice to President when he/she may ask it to do so.

136991_6225_1010104681 (2022-08-16 23:24:16)

15th FC

14th FC

- Chair → NK Singh
- Time frame → 2020-2021
2021-2026

• Objective → development of tax & other fiscal matters, strengthen cooperative federalism and quality of public financial expenditure

• Criteria for Horizontal devolution :-

- Income distance - 45%
- Area - 15%
- Population - 15%
- Demography - 12.5%
- Forest & Ecology - 10%
- Tax efforts - 2.5%

• used census 2011

• 42% (states) + 1%
vertical devol to J&K & Ladakh

- Chair → YV Reddy
- Time → 2015-2020

• Objective → augment consolidated state funds & supplement the local bodies grants

• Criteria

- Income distance - 50%
- Area - 15%
- Population - 27.5%
- Forest - 12.5%

• used census 1971

• 42% to states

15th FC

136991_61213_1910104681 (2022-08-16 23:24:16)

- Tied central grant to central fiscal deficit to 4% by 2025-26
- It incorporated :-
 - 1) Post devolution revenue deficit grants
 - 2) Sectoral grants (ex. Health $\rightarrow$ 12%)
 - 3) State specific
 - 4) Disaster Mgmt grants

14th FC

- No such recommendation
- It consisted $\rightarrow$
 - Basic grants - 40%
 - Performance based - 10% + 20%

Also overall, the 15th FC focussed on technology & data driven assessment and functioning of local bodies whereas the 14th FC focussed more on the continuity of policy and didn't focus much on quality of data. Both these FC gave recommendations best suited to their times and both have faced their sheer criticisms/challenges from the state govt and have worked on them to maintain cooperative federalism among diff states and union.

196991_61215_1010104681_(2022-08-16 23:24:16)

Revising the debate over the Conducting Simultaneous elections (SE) has revived again.
ECI also supports it.

→ Simultaneous Elections (SE) - structurally changing the election cycle to the Lok Sabha & Legislative Assemblies in such a way that they become synchronised, i.e. happen simultaneously. It means that the voters cast their vote for the LS candidate & Legislative Assemblies candidate on the same day, at same time or as decided.

→ SE work on the principle of "one Country one Election".

→ SE can help to overcome the problem of a polity being in continuous election mode in following ways →

► Continuous cycle of elections → frequent imposition of moral code of conduct → hinder the development activities & progress. Hence, conducting SE will help in less time in electioneering & more focus

136991_61213_1910104681 (2022-08-16 23:24:16)

on development.

Conducting SE has other benefits as well:-

- Reduce cost in conducting continuous elections
- Reduce manpower & manpower deployment during elections. → lead to
- Assures the implementation of long term developmental policies for the growth of the overall nation.

Although, conducting SE helps in reinforcing "Minimum Government & Maximum Governance"

leading to more accountable and transparent governance process, there are certain challenges as well:-

1. Reduces the accountability of the legislators as people can change them only once every 5 years. Continuous cycles on other hand keep the legislators on their toes → alienation of electorate
2. Challenge associated with curtailing or extending the period of diff state legislatures for synchronizing it with Lok Sabha poll dates.

186991_61213_1910104681 (2022-08-16 23:24:16)

3. Serious question arises when the govt at Centre falls. This may lead to blow away of democracy & federalism. President's rule if imposed will threaten the stability and cooperative federalism spirit of our nation.

4. Other logistics challenges to be handled by ECI (ex-entia resources)

5. May benefit the dominant national party.

Hence, in the above view of merits & demerits, it can be said that SE do hold some benefits, but due consideration should be given to its demerits before rolling out with this structural change in the system.

9

Article 324-329 deals with provisions related to Election Commission of India & other election matters. Under A326 Parliament has the power to make laws for election to the Parliament & State Legislatures, hence enacted various laws like -

- 1) Rep. of Peoples Act 1950 (RPA 1950)
 - ↳ Allocation of seats, delimitation of Constituencies
 - ↳ Qualification of voters
 - ↳ Electoral Roll
 - ↳ delimitation Commission Act

(2) R.P.A (1951)

- ↳ Actual conduct of Elections
- ↳ Qualification & disqualification of voters (Sxn 8 & Sxn 9, 10)
 - ↳ Bribery, Corruption, promote enmity among groups, terrorist activities, untouchability, rape, failure to lodge the election expenses, etc
- ↳ Implement Moral code of conduct

However, RPA 1951 ~~was~~ is seen to be ineffective to keep pace with the contemporary challenges like :-

(1) Monopoly by the Unrecognised Registered
pol parties (URPP)

Ha data → more than 200 parties have
availed tax exemptions without performing
any political work.

Some data → 3 parties (URPP) modelled once
~1000 crore in last year

However EC X power to deregister them. This
leads to money laundering, etc.

(2) Increasing Criminalisation of Politics

↑ Conviction time → ↑ Criminalisation →

↓ spirit of free & fair elections and
RPA 1951 doesn't have stringent provisions
to curb it

(3) Increasing distribution of freebies

↳ RPA 1951 has no provision to
control the distribution of irrational
freebies → unfair field for smaller/
newer parties

(4) Issue of Missing voters, No provision
for Remote voting

(5) Anonymous donations → financial irregularity

136991_61213_1910104681_ (2022-08-16 23:24:16)

Hence some reforms suggested in RPA 1951
to make it more effective →

- (1) Give ECI power to register pol parties
 - (2) Following Supreme Court guidelines, there should be some principles to guide distribution of freebies.
 - (3) Special provisions - like special courts, appointing ad-hoc judges for speedy trial of electoral cases
 - (4) To address problem of missing voters → e-voting provisions for dynamic postal Ballot unit, first projects, etc. can be undertaken after due consideration.
 - (5) To increase transparency in electoral funding → National Electoral fund (Sy Querishi), State funding of elections - provisions can be added.
 - (6) Repealing MCC → stringent application
 - (7) Regulate political contributions
- All this will ensure free & fair elections
that form a part of Basic structure
of our constn (Raj Narain Case)

10 → Article 148 of the constitution of India provides for the office of CAG. CAG is the guardian of public purse and controls the entire gamut of financial administration both at the center and the state. It is the chief auditing authority of the govt and hence needs to be neutral.

Dr Ambedkar, rightly said the CAG as the most imp- office under the constitution due to various powers, duties and functions provided to this office like :-

- (1) CAG is appointed by the President but can be only removed thru a resolution passed by special majority by both houses.
- (2) Security of tenure - 6 yrs / 65 years age
- (3) fixed service conditions
- (4) Reappointment not possible
- (5) Salary, allowances, etc. though decided by parliament cannot be disadvantaged after CAG's appointment as → charged out of consolidated fund of India → not votable.

All these ensure that CAG remain apolitical in discharging his/her duties efficiently.

136991_61213_1910104681_(2022-08-16 23:24:16)

Functions of CAG

- Audit finances of govt → annual expenditure, budgetary allocations, any misappropriation of funds reported.
- Audit the financial A/C, Appropriation A/C & A/C on public undertakings.
- Audit govt companies
- Present report → President for legislature's scrutiny (AIS1)
- Audit any other amounts as specified by the Pres or Governor.

Challenges

- Complexity of governance with increased use of technology → difficulty for CAG to audit
- delay in reports/ records/ files by other authorities
- Executive interference in appointment
- No statutory recognition to the audit work of IA&AD officer's work → decreased efficiency.
- Exaggerated expenditures

136991 61213 190104681 (2022-08-16 23:24:16)
In the wake of these challenges, former CAG →
Vinod Rai suggested some reforms in

CAG →

1. Bring all the PPP, local bodies, govt funded company under the aegis of CAG.
2. Reform in CAG Act 1971 to incorporate the changing governance situations. en. audit met the accomplishments of SDG goals, climate goals etc.
3. leverage digitization and technology like AI, IoT etc for improved audits.
4. Statutory recognition to work done by IA&AD officers with delegation of powers.

The powers and ^{working} functions of the CAG are intrinsically linked to the govt policies, by keeping an eye on the financial administration, thus preserving the democratic ethos and strengthening our polity.