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Mains Answer Writing cum Guidance Program - 2024

Hints required to write the answers

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2024



Hints to write the Answers - MGAP 2024

2nd of August

Question:1 Write in 150 Words

Why were tribunals established in India? Have they succeeded in fulfilling their mandate? Discuss.

HINTS TO WRITE THE ANSWER

Tribunals in India are specialised courts (other than formal judiciary), established under statute for the purpose of dealing with disputes relating to particular kinds of law. Unlike regular courts therefore, a tribunal will only hear cases it specializes in. For example- the National Green Tribunal hears cases relating to environmental issues.

Constitutional Provisions for Tribunals

- Tribunals were added in the Constitution by Constitution (Forty-second Amendment) Act, 1976 as Part XIVA, which has only two articles viz. 323-A and 323-B.

- ✓ **Article 323-A** deals with Administrative Tribunals;
- ✓ **Article 323-B** deals with tribunals for other matters.

- In general sense, the 'tribunals' are not courts of normal jurisdiction, but they have very specific and predefined work area.
- The basic objective of the administrative tribunals is to take out certain matters of agencies of purview of the regular courts of law and make the dispute redressal process quick and less expensive.

Importance of Tribunals-

- **The inadequacy of judicial system:** Traditional judicial system has proved to be inadequate in presiding over every conflict that needs to be resolved.

- ✓ It is slow, complex, costly, lacks expertise and is very formal.
- ✓ For instance, conflicts between employees and employers consisting of strikes and lockouts among other disputes is an issue that cannot be settled only through stern interpretation of law.
- ✓ This comes in the form of **Industrial Tribunal and Labour courts.**

- **The judicial system is conservative, rigid and technical:** This is one of main reasons for establishment of tribunals.

- ✓ The conventional judicial system is out-dated, stern and technical.
 - ✓ Tribunals are **not held** by stern rules of evidence and procedure.
 - ✓ They make use of practical aspects to settle practical issues.
- The judiciary in India is already overburdened,
 - ✓ Tribunals with their domain expertise helps to reduce the burden of judiciary.
- **Effective enforcement:** Administrative authorities can undertake such processes
 - o To enforce the preventive measures that were mentioned earlier which may include suspension, cancellation or revocation of licenses and destruction of contaminated articles among others.
 - **Need for expertise:** Disputes are naturally technical sometimes.
 - ✓ It is not expected of the judicial system to preside over such technicalities and decide them.
 - ✓ Administrative tribunals are handled by experts and thus are able enough to cater to and solve such issues.

Success of Tribunal in India

- They are able to provide timely justice at less cost.
- Their functioning is handled by experts, thus increasing efficiency.
- They have reduced the burden on an already stressed judiciary.

Problems in Tribunals

- **Government interference** in appointing the heads and members of tribunal.
- No adequate machinery for implementation of their decisions and public.
E.g. NGT award of fine on Art of living events on Yamuna plain has been openly overlooked by the org.
- A large no. of vacancies in staff
- Most of the time parties are not satisfied and often end up in courts, thus ultimately increasing the pendency.
Eg. River dispute tribunal awards are not accepted by the respected state govt. and doors of courts are knocked.

The concept of tribunals was developed to overcome the crisis of delay and backlogs in courts. The government recently reduced this number by merging some tribunals with overlapping functions, and is working on further mergers. But before trimming the number of tribunals, there should be earnest efforts to strengthen the high courts. Also, the existing tribunals should be validated with proper measures to ensure their independence.

OR

Question:2 Write in 250 Words

Though the Public Accounts Committee (PAC) is quite often referred to as a post-mortem committee, it has played an important role over the years in keeping the executive accountable to Parliament. Discuss.

HINTS TO WRITE THE ANSWER

Though the Public Accounts Committee (PAC) is quite often referred to as a post-mortem committee, it has a significant role in India. The committee's job of scrutinising accounts is a continuous process and it enjoys the prerogative of looking at the present as well as the future.

Mandate and brief history of PAC:

- Formed in 1921 as a result of Montague-Chelmsford reforms. It is the oldest of all House panels.
- It assesses whether the government has judiciously spent the money.
- Be it the cases of financial irregularities or tax evasion, the Committee refers and scrutinizes CAG reports before making its observations.
- No Minister is allowed to be a member of this panel in order to eliminate the chance of ruling party influencing or manipulating PAC's decisions.

How it has kept executive accountable to the Parliament :

- keep a vigil on the spending and performance of the government, to **bring to light inefficiencies, wasteful expenditure, and indiscretion** in the implementation of policies and programmes approved by Parliament, and to make recommendations to streamline the administration for efficient, speedy and economical implementation of policy.
- It interrogates the representative.
- mechanism for effective oversight, the public accounts committee makes recommendations to the government, following which the latter submits action taken notes to the panel.
- The examination, when properly carried out, leads to general efficiency of the administration, and
- Also serves as a guide for both future estimates and policies.
- Kept the executive accountable to Parliament, thereby lending an **additional dimension to the nation's fiscal policies** and programmes.
- The committee has been able to bring to light certain cases where parliamentary authority on the administration of tax laws had been diluted by the executive fiat, and other cases of the government not carrying out the intentions of Parliament as expressed in laws.
- In recent years, various controversial decisions and policy measures like **2G Scam**,

VIP Helicopter Acquisition, Coal Block Allocations, Demonetisation etc have been scrutinized by PAC and its findings have been put in front of parliament.

Issues with PAC:

- The committee has been able to bring to light certain cases but there is no obligation on part of the executive to adopt the report.
- Also, PAC cannot disallow any item of expenditure or concern itself with matters of policy and only call attention.
- There have been multiple showdowns between ruling and opposition members during hearings of the 2G, coal blocks allotment and CWG issues at the PAC.
- The lack of technical expertise as well as short duration of membership hinders the PAC's examinations.
- Officers are sometimes able to dodge PAC summons, which has prompted suggestions that it should have the power to hand out harsher punishments.

Way Forward:

- A broad platform should be built to share and learn from the experiences of PAC functioning and discuss, debate and find solutions to enhance the level of functioning.
- Major focus should be on the administration of policy rather than policy itself, to avoid political strife.
- The **Institute of Public Auditors of India (IPAI)** sought suo motu powers of investigation for the PAC.
- PAC should be consulted on the appointment of the CAG, and that it should have powers to examine Public Private Partnership projects.
- The report proposed that services of experts should be availed on technical matters, among other suggestions.
- The Public Accounts Committee has kept the executive accountable to Parliament, thereby lending an additional dimension to the nation's fiscal policies and programmes. Therefore, it is necessary to further strengthen the committee which leads to general efficiency of the administration.

OR

Question:3 Write in 150 Words

CIC has a very vital role to play in India's Democracy." Explain how this is reflected in the method and terms of his appointment as well as the range of powers he can exercise.

HINTS TO WRITE THE ANSWER

The Central Information Commission was established in 2005 by the Government of India under the provisions of the Right to Information Act (2005). The Central Information Commission plays an important role in maintaining transparency in the

system of governance which is essential in a democracy. Such kind of transparency is necessary to check corruption, nepotism, oppression and misuse or abuse of authority.

How it plays a vital role in Indian democracy?

- The objective of CIC is to reinforce and give further effect to certain fundamental principles underlying the system of constitutional democracy, namely **governmental accountability; transparency; and**
- **public participation** in national decision-making, by granting the public a general right of access to official documents held by public authorities.
- Transparency and accountability in administration is the sine qua non of participatory democracy.
- **Information is the oxygen** that any citizen needs to live in the social structure of the society and maintain its democratic balance

- Corruption is an evil which is eating the vitality of the administrative system in India resulting in various social, political and economical degradations.
- CIC somehow became the barrier of such a corrupt barter system.
- CIC brings the two most important tools 'transparency and accountability' together for eradicating the evil that becomes hindrance to good governance.
- It became a tool for promoting participatory development, strengthening democratic governance and facilitating effective delivery of socio-economic services.
- It has been set up in order to help those individuals who have not been able to submit their RTI Applications to the Central Public Information Officer or State Public Information Officer.

Constitutional safeguards provided to CIC to ensure its freedom

Central Information Commission (CIC) is not a constitutional body but an independent body, which looks into complaints and appeals pertaining to offices, public sector undertakings, financial institutions etc., under the government and the Union territories.

Appointment of CIC:

- The Central Information Commission consists of the Central Information Commissioner and more than ten Information commissioners.
- The President of India appoints the Chief Information commissioner and the information commissioners on the recommendation of the committee consisting of:
 - **Prime Minister as chairperson**
 - **The leader of the opposition in the Lok Sabha**
 - **Union cabinet ministers nominated by the Prime Minister.**
- They should be persons of eminence in public life with experience and knowledge; Law, management, journalism, science & technology, administration & governance, mass media and social service.
- They should not be members of the legislative assembly of any state or Union

territory.

- They should not be connected with any political party or carrying any business, they should not hold any office of profit or pursuing any other profession.

Range of powers of CIC

- The commission can order inquiry into any matter if there are reasonable grounds.
- The commission has the power to secure compliance of its decisions from the public authority.
- CIC may recommend steps which ought to be taken for promoting such conformity, if public authority does not conform to the provisions of this act.
- During the inquiry of a complaint, the commission may examine any record which is under the control of the public authority and no such record may be withheld from it on any grounds. In other words, all public records must be given to the commission during inquiry for examination.
- While inquiring, the commission has the powers of a civil court.
- The commission submits an annual report to the central government on the implementation of the provisions of this act. The central government places this report before each house of Parliament.

Issues and constraints faced by CIC in implementing the RTI act:

- There is no centralised database of RTI applicants at the centre/ state level, thus resulting in decreased accuracy of the annual RTI reports submitted by CIC
- There is a general public perception that CIC has been lenient towards the unaccountable PIOs.
- Lack of monitoring and review mechanisms in CIC to make public officers comply with the provisions of the RTI act.
- High pendency of cases and delayed appointments in CIC etc.

As CIC is an important body in RTI act which provides much valuable information to the economy, governance, society which allows taking right time action. CIC is facing many issues which need immediate support from the government. Modernization and digitalization of the CIC system and database can save both time and effort.

OR

Question:4 Write in 150 Words

"There's a need for simplification of procedure for disqualification of persons found guilty of corrupt practices under the Representation of Peoples Act". Comment. (PYQ)

3rd of August

Question:1 Write in 250 Words

Critically analyse the provisions of the appointment and tenures of the head of key investigative agencies of India with reference to the recent changes made in CBI and ED.

HINTS TO WRITE THE ANSWER

The Central Bureau of Investigation (CBI) and Enforcement Directorate (ED) are the premier organization of the Central Government for investigating crimes related to corruption and enforcement of FEMA (Foreign Exchange Management Act, 1999) & PM LA (Prevention of Money Laundering Act, 2002) respectively.

Recently, the government brought an ordinance to extend the tenure of Enforcement Directorate (ED) and Central Bureau of Investigation (CBI) directors up to 5 years which includes the fixed two year terms for the directors. The Union government may extend his or her tenure by a year for three consecutive years. This has brought the appointment and tenure of CBI and ED director under question.

Appointment of CBI and ED Directors:

- The CBI Director is appointed by the Central Government on the recommendation of the Prime Minister, leader of the single largest Opposition party and the Chief Justice of India (or a Supreme Court judge nominated by CJI (Chief Justice of India)).
- The appointment for the ED director post is done on the recommendation of a committee consisting of the chairperson of the Central Vigilance Commission, the Home Secretary, Revenue Secretary, Vigilance Commissioners and the Secretary of the Department of Personnel and Training.

The tenures for both these bodies are determined by the Central Vigilance Act 2003, and were 'not less than two years'. Increase in the tenures of the directors was essential because:

- Need time to make lasting impact: A two-year tenure for a CBI head is too short for any officer to make a lasting impact on the organization.
- Global example: The Federal Bureau of Investigation chief in the U.S. gets a 10-year term which sometimes impinges on the longevity and stability of a democratically elected government.

At the same time questions are being raised against the manner in which tenure of the chiefs of both bodies have been increased. ,

- No fixed tenure of 5 years: Straight five-year term has not been given. At the end of the mandatory two-year tenure, the Union government may extend his or her tenure by a year for three consecutive years.
- Against Prakash Singh Judgement: The ordinance proves to be against the crux of this Prakash Singh judgement, which asked for 'fixed tenure' for Police Chief. Subversion of Independence of the bodies: Provision for extension of tenure might be misused as a reward for obliging directors and subvert the independence of CBI and ED.
- Circumvention of Supreme court judgment: The development comes two months after the Supreme Court ruled that extensions beyond the date of superannuation of an individual should be rare, in exceptional cases only.

The central investigative bodies have often been under question regarding their independence and its use as the canter's whip. Such amendments, though aimed at bringing continuity in the office of directors, might further erode the independence of the top investigating bodies.

OR

Question:2 Write in 150 Words

"E-governance helps in reducing the quantity of government & improving the quality of governance". Elucidate.

HINTS TO WRITE THE ANSWER

E-governance can be defined as use of information technologies (such as Wide Area Networks, the Internet, and mobile computing), by government agencies that have the ability to transform relations with citizens, businesses, and other arms of government.

E-governance goes beyond the service delivery aspects is seen as a decisional process. It is about the use of ICTs in the system of governance to make governments more open & accountable. Examples: Bhoomi Project (Karnataka) Gyandoot (MP), e-Seva (Andhra Pradesh), e-Mitra (Rajasthan); MCA 21 etc.

E-governance helps in reducing the quantity of government:

1. Optimizing the workforce: With the shift to digital systems from paper based systems, there would be a decline in requirement of manpower would result in low cost of operations and freeing up people from redundant tasks. Ex EVM machine did away with the requirement of officials to count votes.

2. Redeployment of workforce: The freed up resources would be redeployed to the customer service section, thus increasing the Citizen's satisfaction by time bound delivery of services.

3. Reduction of arbitrariness in governance: Decline in discretion & arbitrariness in governance will further reduce administrative delays and quantity of government . Ex PRAGATI scheme led to improved monitoring and reduced arbitrariness in project implementation.

4. Simplification of governance: Use of ICT in governance combined with comprehensive business processes reengineering would lead to simplification of complicated processes and reduction in the quantity of government. Ex -Camera traps at busy roads for challan purposes.

E-governance helps in improving quality of governance:

1. Faster and efficient service delivery: Technology has made communication faster through phones, internet etc. this results in faster relay of information from government to citizens and vice versa. E-governance also results in better management of finances ex, Khajane scheme of Karnataka.

2. Cost optimization: Shift to digital medium reduces the cost and effort in maintaining physical copies of documents and updating it. Communication has also become cheaper due to the internet and mobiles.

3. Instills Transparency: ICT makes the information available in the public domain which reduces the scope of concealing information. Also it helps in efficient monitoring of projects at different stages. Ex PRAGATI Scheme.

4. Increased access to information: E governance improves accessibility of information and helps citizens make informed decisions. Ex - Bhoomi app of Karnataka modernized land record system and provided info to citizens readily.

5. Reduced Leakages: E governance in government schemes such as PDS reduces leakage and improves availability of benefit to the citizens,

Thus, E-governance can be the instrument for transforming the nature & style of India's Public Administration. E-governance promoted through digital India mission has the potential to improve governance and reduce government.

OR

Question:3 Write in 250 Words

Though all pressure groups employ similar techniques to incorporate their interest in the policies of State, a few are more successful than others. Enlist the various factors that result into the success of the pressure groups?

HINTS TO WRITE THE ANSWER

Pressure groups (PGs) are organizations that attempt to influence government policies without aiming to control or share political power directly. These organizations are formed when people with common occupations, interests, aspirations or opinions come together to achieve a common objective, e.g., FICCI, BKU, AITUC etc.

According to Odegard, pressure groups employ various techniques like:

- **Electioneering:** Trying to place those in public office who are inclined towards their interests.
- **Lobbying:** Trying to persuade public officers, whether they are favourably inclined or not, to adopt policies that are beneficial to their interests.
- **Propagandizing:** Trying to Influence public opinion through propaganda to convince the government in a democracy to act in their interest.

Though PGs employ similar techniques, some PGs like BKU (succeeded in repealing farm laws 2021) are more successful than some like AIKSSS (aimed to get a farm bill passed in 2018) because various factors decide their success.

Factors deciding the success of PGs:

- **Leadership:** It should be able to communicate to the political parties, policy-making agencies and the public the viewpoint of their grouping writing and dialogue.
- **Organizational Abilities:** In a vast country like India, organization units are needed for two reasons-

- a) to associate the various facets of the interest groups and
- b) communicate at different levels. The size and organizational strength always play a significant role in their success.

- **Mass media:** The print as well as the Television, through their skills of communication, create powerful public images and, through continuous debate and propaganda, influence public opinion.
- **Mobilization Techniques:** The effectiveness of the pressure groups also depends on their capacity to mobilize the people into agitation and protest politics. In a society where the majority are semi-literate, private interests can always be converted into public interests.
- **Funds available:** The influence of the pressure group is proportionate to its

economic strength as funds are required from financing the elections and party funds to carrying propaganda.

Thus, PGs' success depends upon various factors, but their role is indispensable in a vibrant democracy like India. Being an integral part of civil society, PGs should act responsibly by only using democratic methods.

OR

Question:4 Write in 250 Words

The Citizen's Charter is an ideal instrument of organisational transparency and accountability, but it has its own limitations. Identify the limitations and suggest measures for greater effectiveness of the Citizen's Charters. (PYQ)

4th of August

Question:1 Write in 250 Words

“Fairplay, Independence and effective dispute resolution lie at the heart of regulatory processes”. In the light of the above statement examine the issues that affect the functioning of the regulatory bodies in India?

HINTS TO WRITE THE ANSWER

India started developing regulatory institutions with the introduction of reforms in 1991. But the regulatory environment which has developed over a period of time does not seem homogeneous across sectors. India still ranks very low in terms of the enabling nature of its business environment and unnecessary regulatory burdens are imposed upon business and investors.

FAIR, INDEPENDENT AND EFFECTIVE DISPUTE RESOLUTION FOR EFFICIENT REGULATORY PROCESS

- 1. To prevent market failure:** When market mechanisms fail to allocate resources efficiently to maximize social welfare, the regulatory process can ensure proper regulation of market transactions to minimize asymmetries.
- 2. To check anti competitive practices:** Firms may resort to anti competitive practices such as price fixing, market sharing or abuse of dominant or monopoly power. Laws that empower officials to take action can help deter such practices and create a competitive and dynamic environment.
- 3. To promote the public interest:** Ensuring fair access, non-discrimination, affirmative action, or any other matter of public importance can provide an important reason for regulation.

ISSUES AFFECTING FUNCTIONING OF REGULATORY BODIES IN INDIA

1. Human resource challenge: The selection of non-expert leadership raises a genuine concern for the effectiveness of the regulatory body. For example, concerns were raised when Mr. Shaktikanta Das, a history graduate, was appointed as the chairman of Reserve Bank of India.

2. Populist pressure: Since, the Indian political landscape is more in tune with the populist trend, at times regulatory bodies are not allowed to take effective actions for political mileage. For example, repeal of farm laws.

3. Lack of effective review mechanism: The regulatory body needs to be regularly reviewed and procedures must be regularly updated to prevent unethical and corrupt practices that may lead to institutional decay in the system. For example, the recent NSE co-location scam.

4. Lack of autonomy: Regulatory bodies are often created by the law of the parliament. However, the regulatory bodies need to be agile and responsive to the changing nature of the regulations which at times require suo moto actions which are not accounted for in the law.

5. Multiplicity of regulatory bodies: Multiple regulatory bodies in a particular sector may lead to overlapping of jurisdiction and at times clashes among the regulatory bodies, confusion, procedural delays etc. For example clashes between CCI and various sectoral regulators.

6. Lack of effective enforcement of orders of regulators: Various government bodies have sent over 17000 notices to various social media intermediaries for the compliance with the new social media intermediary rule, however only 12 percent of the orders have been complied with. This leads to serious questioning of the credibility of the regulatory body and creates a trust deficit among the participants in markets and society.

WAY FORWARD

1. Keeping in mind the wider public interest objectives, drafting of regulations must be a sound process that is based on engagement with stakeholders.

2. The core issues for regulators in India are inadequate autonomy and lack of parliamentary accountability.

3. Effective steps are required to ensure that regulatory bodies enjoy adequate autonomy along with parliamentary accountability to ensure a smooth regulatory process in india.

4. Strong democratic institutions are the foundation for democratic governance. Corruption, conflicts, erosion of political legitimacy can be kept in check by stronger institutions.

OR

Question:2 Write in 250 Words

Instead of making government more transparent to public, data has made public more transparent to the government. Discuss the issues related to data privacy and data utilization. Can the proposed data security legislation address these concerns?

HINTS TO WRITE THE ANSWER

Data is a source of empowerment. The Right to Information in India was built on this foundational understanding. With increasing digitization, data generation has been increasingly rapidly. Initiatives such as Aadhar card, Digital India, etc. have been promulgated to capitalize on the emerging potential of data to provide good governance. However, issues such as the Pegasus surveillance controversy highlight an increasing trend of governments becoming opaque about their activities and people becoming more transparent to governments' oversight. The associated concerns are listed below:

1. Demographic Profiling: Data about the population can be misused to draw conclusions about demographic preferences ranging from consumer choices to voter behavior. Such information can be weaponized to disrupt free and fair elections. For example, in Cambridge Analytica case, Facebook data of millions of users was used to influence voting pattern.
2. Impunity for data breaches: There are currently limited safeguards for breach of data security India. IT Act falls short to protect personal data against state intrusions.
3. Overemphasis on national security: Excessive focus upon national security makes data privacy concerns secondary, despite privacy being recognized as a fundamental right under article 21 of the Indian constitution.
4. Information Imbalance: Data is power and inequity in data sharing is creating new power imbalances in society. For example, SECC data related to caste has not been shared with the public despite the SECC being a publicly funded exercise.

The B.N Srikrishna Committee proposed recommendations to address concerns related to data privacy through a robust law. The proposed data privacy law remains under parliamentary discussion. Some of the proposed measures under the law are listed below:

1. Data Protection Authority: It will act as grievance redressal authority to monitor and regulate data processing entities and breaches in data.
2. Wide coverage: Law will cover both government and private entities under a single data protection regime.

3. Greater emphasis on privacy: Enhanced obligations for data protection, transparency, and accountability measures improve the emphasis on privacy of the users.

4. Rights over data: Users have right over their personal data. For instance, a user can obtain information from an entity about different kinds of personal data it holds about the user.

The proposed data privacy legislation addresses major concerns highlighted before, however, the bill has certain lacunes that are liable for misuse, such as:

1. The power of the central government to exempt any government agency from processing data as per the requirement of this legislation.

2. The government has unbridled power to issue binding decisions to the Data Protection Authority. It will compromise its independence and autonomy.

3. Discretion of Data Protection Authority to inform an individual about his/her breach of data, dilutes the intention of privacy legislation.

4. Poor representation of civil society experts in the Data Protection Authority.

5. The present bill fails to dilute heavy oversight of government in data surveillance. E.g. IT Act with dual government oversight of permitting and reviewing surveillance.

Data is emerging as the new oil, but privacy is as important as the very air we need to thrive. It needs to be zealously protected. The data privacy law is a landmark legislation toward the protection of privacy. However, the loopholes need to be amended in order make the provisions more conducive to protect and promote privacy.

OR

Question:3 Write in 150 Words

Highlight the major differences between traditional and modern instruments of accountability. Also discuss the challenges associated with modern tools of accountability?

HINTS TO WRITE THE ANSWER

Accountability is an obligation to explain, justify, and take responsibility for one's actions and answer to someone, such as a person with more authority. It is often used in individuals taking responsibility for their actions. It is a quantitative tool for ascertaining the performance of any individual/institution.

The major differences between traditional and modern instruments of accountability:

Traditionally accountability has been a top-down approach where the superior ascertain the answerability from the subordinate. With the growth of citizen-centric governance and empowerment of citizenry, it has also become a modern tool of asking questions by common people to the government machinery. To summarize this, its differences can be seen as follows:

Traditional Accountability	Modern Accountability
<ul style="list-style-type: none">• Top-down model• Hierarchical• Quantitative• Organization support• Formal methods• Ex: CAG Audit	<ul style="list-style-type: none">• Bottom-up model• Flat• Qualitative• Mass support• Informal methods• Ex: Social Audit

Challenges associated with modern tools of accountability:

- High intensity at local level but low undercurrent in national level
- Very low or no media coverage at the local level
- No follow up action from the local level
- No institutional setup like CAG and the bureaucratic apparatus makes processing information very difficult.
- Too much subjectivity invites the elite to capture
- Too much informality makes it a non-serious task
- Considered as an event and not as a process
- Missing technical expertise

With the change in the governance paradigm to that of a network era governance and the increasing role of people in governance, the modern tool of accountability has to get the support of the traditional accountability institution as recently CAG instituted its state representative in social audit meetings. Both of them are sides of the same coin.

OR

Question:4 Write in 150 Words

“The Central Administration Tribunal which was established for redressal of grievances and complaints by or against central government employees, nowadays is exercising its powers as an independent judicial authority.” Explain. (PYQ)

5th of August

Question:1 Write in 250 Words

Use of ordinance making power to bring in governance reforms not only dilutes the accountability of executive to the legislature but also fails to generate popular consensus on the issues of national importance. Examine with examples.

Approach:

■ *Introduce by briefly describing ordinance making power.*

■ *Body:*

Explain how this power dilutes the accountability of executives to the legislature.

Focus on its impact on broader national consensus.

Cite relevant examples in both the cases.

■ *Conclude with a comment on its importance and using it only sparingly*

HINTS TO WRITE THE ANSWER

The ordinance-making powers (Article 123 and 213 of the Constitution) is the most important legislative power to be exercised by the President/Governor to deal with unforeseen and urgent matters. However, its use to bypass the scrutiny of legislature over the executive has often resulted in dilution of democratic principles.

Although, it is a part of the constitution it is criticized for diluting executives' accountability as stated below:

1. **Bypasses legislature:** Successive promulgation of ordinances, bypass the law-making function of the legislature. E.g., During 1970s more than 200 ordinances were promulgated by the Bihar government, without any attempt to get the bills passed by the assembly.
2. **Avoids detailed scrutiny:** Ordinances are often allowed to lapse and are not tabled before the Parliament. This undermines the constitutional provisions for Parliamentary scrutiny over the executive.
3. **Exploited for political gains:** Ordinance making power is used for political exigencies to garner electoral benefits. It defeats the intent of this constitutional provisions and gives executive a free hand to impose its agenda irrespective of parliamentary will.
4. **Carrot and stick approach:** Ordinances to extend the tenure of high-ranking officials days before their retirement, diminishing their autonomy. E.g., Recent extension of tenure for CBI's and ED's directors through ordinance.

It also impacts on national consensus in following ways:

1. Dilutes democracy: Legislature comprises of peoples' representatives entrusted with framing law. Ordinance denies legislature from there democratic right. E.g. ordinance for land and farm law.
2. Sporadic national policy: As ordinance are temporary and not debated upon, they give credence to whims and fancy of handful of individuals. This make such policies highly volatile and subject to change.
3. Majoritarian regime: Ordinances promulgated by the executives' runs the inherent risk of ignoring the minority (opposition) views which are equally important/relevant in a democracy.
4. Ineffective legislation: Generally ordinance are narrowly discussed within Council of Ministers and may lack broad perspective; thus, prone to inefficiency.
5. Conflict between government organs: It violates Separation of Power and creating friction between executive and legislature and also open scope for judicial intervention which can be perceived as judicial activism.

Ordinance making power is very important power of executive to handle some extraordinary situation, but it is not a parallel legislative power. Over the decades it has been used and misused several times, for it is not possible to completely insulate the domain of law from politics in a democratic setup. However, it is imperative upon the executives to sparingly use the ordinance making power and table it before the legislature.

OR

Question:2 Write in 150 Words

Discuss the main functions of the Public Accounts Committee(PAC)? What measures need to be adopted to revamp PAC as a true watchdog of the public purse?

HINTS TO WRITE THE ANSWER

The public accounts committee came into existence in 1921 under the provisions of the Government of India Act 1919. In the post-independence era, PAC was one of the three financial parliamentary committees. It consists of 22 members of which 15 are from lok sabha and 7 are from Rajya Sabha. The members are elected every year from the parliament through a system of proportional representation by means of single transferable vote.

MAIN FUNCTIONS OF PAC

The public accounts committee is charged with the function of acting as the watchdog of the public purse along with the institution of the CAG. The committee examines public expenditure not only from a legal and formal perspective to discover technical irregularities but also from a perspective of economy, prudence, wisdom and propriety. Its functions broadly include:

1. The committee examines the annual audit report submitted by the CAG (Comptroller and auditor general of India).
2. It examines appropriation accounts, finance accounts and any other accounts of the union government as laid before the lok sabha.
3. The committee examines whether the money that has been disbursed was legally available for the applied service or purpose.
4. It also examines whether the expenditure conforms to the authority that governs it and that every appropriation that has been made was in accordance with the related rules and regulations.
5. The committee also examines the accounts of state corporations, trading concerns and manufacturing projects along with accounts of autonomous and semi autonomous bodies which are audited by the CAG.
6. It also examines the money spent on any service during a financial year in excess of the amount granted by the Lok sabha for the same.

CHALLENGES IN PAC WORKING

1. The committee is not concerned with the questions of policy and hence cannot suggest any measures to achieve financial prudence at the planning stage itself.
2. The committee does not have any control over appropriation of funds at the initial level. It performs a post mortem examination after the expenditure has been done. It becomes difficult to recover such wasteful expenditure.
3. The committee lacks power to disallow any expenditure by the department if it deems it fit.
4. Since the committee is not an executive body, it lacks the power to issue orders. Hence, the final authority to issue any order rests with the parliament which is dominated by the ruling party.
5. The committee lacks technical expertise to assist in more effective scrutiny of the expenditure incurred.
6. Overall decline in quality of parliamentary proceedings which suffers from narrow party interest.

The committee also suffers from political rivalries and hence cannot perform its duties effectively.

MEASURES NEEDED

1. Suo motu powers of investigations can be provided to the PAC as demanded by the institute of public auditors of India.

2. Power to examine the public private partnership projects must also be vested with the committee as suggested by All India Conference of Chairpersons of PACs of Parliament and State/UT Legislatures.
3. Consultation of PAC should be taken during the appointment of CAG as both the bodies need to work together to effectively guard the public purse.
4. Inclusion of technical experts can be made to the committee in order to understand the technicalities of public expenditure in the new model of governance.
5. The committee can be provided with a more broader role in policy formulation and powers to disallow wasteful expenditure at the initial level during appropriation can be given.

The committee's satisfactory working is attested by former CAG of India Ashok Chanda. He argues " over a period of years, the committee has entirely fulfilled the expectations that it should develop into a powerful force in control of public expenditure. Measures as suggested above if taken in a gradual manner can enable the Public Accounts Committee to perform its function of being the watchdog of the public purse more efficiently

OR

Question:3 Write in 150 Words

**"There is a need for simplification of procedure for disqualification of persons found guilty of corrupt practices under the Representation of Peoples Act".
Comment. [(PYQ)**

Changing the world **OR** of learning

Question:4 Write in 250 Words

Despite various safeguards, frequent political interference and diminishing independence prevents civil servants in performance of their transformative role as envisioned under the constitution. Critically analyze.

Approach:

■ *Introduce by mentioning various constitutional safeguards to civil servants in India.*

■ *Body:*

Mention how excessive political influence impacts civil servants.

Suggest some measures to improve the status quo.

■ *Conclude with need to establish a balanced relationship between executive and bureaucracy.*

HINTS TO WRITE THE ANSWER

Civil servants in India have been entrusted to ensure the functioning democracy and welfare of India citizens. **Indian Constitution has provided various safeguards to ensure civil servant's independence such as-**

1. Article 311 (2) which states that a civil servant cannot be dismissed/reduced in rank without fair enquiry.
2. Article 310- civil servant works at the pleasure of President (Union)/Governor (State).

These safeguards have not ensured civil servant's independence. Excessive political interference in form of influence in appointment and transfers has led to decline in civil servant's independence and their performance.

Frequent political interference prevents civil servants in performing their duties in following ways:

1. Neutrality: A civil servant is expected to be neutral and impartial. However, political neutrality is no longer the norm with many civil servants getting identified, rightly or wrongly, with a particular political dispensation (Committed Bureaucracy). Frequent political interference has created a perception that officers must cultivate and seek patronage. Lack of neutrality and political favors hinders functioning of democracy and only lead to fulfilment of vested interests.

2. Policy making: Rendering policy advice to the political executive is the most important function of the civil servant. It is the duty of civil servants to implement such policy whether he/she agrees with it or not. Lack of independence in functioning prevent civil servants to formulate comprehensive good policies. Often civil servant's suggestions are disregarded.

3. Statutory role: Civil servants are required to discharge statutory functions under various legislative enactments. E.g., the role of the executive magistrate under the CrPC, the role of an assessing officer under the Income Tax Act etc. Lack of independence and excessive interference prevent civil servants to perform their duties impartially.

4. Devolution of delegated powers: There is an increasing trend of governmental centralization of various departments. Due to limited devolution of delegated powers, civil servants are not able to fulfill their role. In addition, there is interference in decision making of the subordinate functionaries. This leads to conflicts and inefficiencies with poor service delivery.

Healthy relationship between political executive and civil servant is an imperative for good governance. The 2nd ARC has emphasized the need for the de-politicization of

the services and recommended that there should be no requests for departures from declared and approved policies to suit individual cases.

Establishing autonomous boards for appointment, postings and transfer of civil servants, clear division of responsibility, adopting a framework in which responsibility and accountability can help in ensuring civil servants' independence. If a parliamentary democracy needs to flourish, balanced relationship between the political executive and bureaucracy is of highest importance. Steps must be taken to ensure delegation of enough powers and functions.

OR

Question:5 Write in 150 Words

Define data governance. Discuss how India's data governance efforts are using the economic and social “value generation capacity of the data” for the developmental process?

HINTS TO WRITE THE ANSWER

Data-driven governance is being touted globally as a new approach to governance, one where data is used to drive policy decisions, set goals, measure performance, and increase government transparency. The penetration of data governance in public administration is generating massive amounts of data which has economic and social value.

INDIA'S DATA GOVERNANCE EFFORT USES THE ECONOMIC AND SOCIAL VALUE GENERATION CAPACITY OF THE DATA:

1. Project Insight: Government launched a project called Project insight in 2017, to catch tax evaders. The project leveraged data mining techniques to get information about the black money, it tracked down 5000 entities that were in existence despite being deregistered.
2. Agriculture: NITI Aayog had an agreement with IBM to develop a model for crop yield productions based on data collected. This model is going to use AI to help farmers to provide real-time advice.
3. Policy prescriptions: The Economic Survey in the last two years used the information from various sources such as railway booking, GSTN returns, property tax returns, GIS Mapping etc. for conducting big data analytics to suggest new policy prescriptions.

4. To weed out shell companies: The data consisting of coordinates of the registered companies will act as a key input for mining data in the commerce ministry's IT infrastructure called MCA21, to zero in on companies with a common address, common contact numbers, common directors etc.

5. Water supply: With the help of the Big Data analytics system, the data monitored by IBM, Kerala Water Authority is tracking the water meters across the city. It resulted in improved revenue collection.

6. Governance: With data analytics, Andhra Pradesh is getting insights into the performance of government policies, analyzing trends and predicting the future behavior of people and systems so that timely corrective measures could be taken.

7. Inter-departmental cooperation: Rajasthan signed an agreement with the US-based data warehouse firm, Teradata, to help them create a common data and analytics platform that can be used by all government departments across the state to collate and utilize data effectively for efficient policy making.

8. Hyderabad Open Transit Data, launched by Open Data Telangana, is the country's first data portal publishing datasets on bus stops, bus routes, metro routes, metro stations, schedules, fares, and frequency of public transit services.

9. Ola partnering with Telangana government has developed a tool, Ola City Sense, to provide data-based insights that can monitor the quality of Hyderabad's roads and identify bad quality patches.

WAY FORWARD

1. Government should come up with a policy framework for creation of economic value from the use of data to generate economic benefits for citizens and communities.

2. There is a need to create a data-sharing framework such that community data is available for social / public / economic value creation

3. There is a need to address privacy concerns, including from re-identification of anonymised personal data, preventing collective harms arising from processing of Non-Personal Data, and to examine the concept of collective privacy.

The Indian Government has always shown a keen interest in adopting new technologies, especially big data and AI, in its functioning and states like Karnataka, Odisha, Andhra Pradesh and Telangana have entrenched data analytics policies in their governance. With this collaboration, it aims to bring about better transparency, while efficiently delivering services to the citizens.

6th of August

Question:1 Write in 150 Words

Examine the reforms undertaken in civil services in recent times in order to keep in tune with the democratic ideals of the country.

HINTS TO WRITE THE ANSWER

The constitution of India via Article 312 envisages for a unified civil services in the country to fulfil the aspiration of the people and help the political executive in implementing development programs to fulfil the ideal of a welfare state.

Civil services in their functioning need to Incorporate democratic ideals of our society such as people participation, grassroot governance, accountability, rule of law, equality of opportunities, quality service delivery, building d Inclusion.

The recent initiatives taken in order to improve the working of civil services are as follows:

- People participation: Using technology in the governance process, initiatives like E-Gram Swaraj and e-Kranti, have enabled civil servants to interact with the people for formulation of development plans.
- Quality service Delivery: CPGRAMS portal has been instituted as a means to resolve grievances in an expedited manner.
- Training and Capacity Building: Recently launched Mission Karmayogi envisions to train the civil to become outcome focused and impart them field training along with integrating knowledge from other domains.
- Foreign Attachments: Inclusion of foreign attachments in civil services training have been done to emulate best practices from abroad suiting India's development landscape.
- Mid Career Training Programme: For civil servant in the middle of the career graph, training programmes have been started to make them more tuned to the recent developments in their respective field.
- Various Conferences: Conferences are held by ministries incorporating different experts on subject matters to improve the competence of the civil servants.
- Other Reforms: Lateral entry, exit policy for corrupt or inefficient officials, citizen's charter, rationalization of vacancies and initiatives like COMMIT and SPARROW by Dorr.

Though there have been considerable initiatives on this front, challenges still remain in the following forms:

- Performance Evaluation: The periodical performance evaluation of senior officers faces delays and hence the ACR doesn't reflect the exact evaluation of the officer concerned.
- Red Tapism: Bureaucratic hurdles and rules have long been a hindrance in the smooth operations of the government programs.
- Centralisation of Post: Some services capture a handful of posts at the top creating inter services rivalry which is not in the best interest of the nation.
- Unsecure Posting tenure: Lack of tenure security to a civil servant is a major drawback which makes the post non-neutral.
- Political interference: Lack of complete independence has been cited as a reason for not being able to uphold rule of law in its entirety.
- Resistance against reforms: Bureaucracy tends to maintain status quo , which is against the idea of reform.

Civil services reform in India is a difficult exercise considering the great diversity of our population, language, culture and institution of governance. It is time to implement the long pending suggestions of the Hota Committee and the 2nd Administrative Reform Commission in letter and spirit for advancing the cause of welfare of India.

OR

Question:2 Write in 250 Words

Hunger and Poverty are the biggest challenges for good governance in India still today. Evaluate how far successive governments have progressed in dealing with these humongous problems. Suggest measures for improvement. (PYQ)

OR

Question:3 Write in 150 Words

Explain Why capacity building of civil servant is sine quo non for a functional democracy? Also Discuss how Mission Karmayogi aspires to fill the void in civil service reform architecture?

HINTS TO WRITE THE ANSWER

Civil services are at the Centre of all government activities – they are agents of policy-making and the executive hand that delivers on the ground. The skillsets and capacity of the civil servants play a vital role in service delivery, program implementation and performing core governance functions.

Capacity Building for civil servants will help them remain entrenched in Indian culture and sensibilities and remain connected with their roots. At the same time, they learn from the best institutions and practices across the world.

Numerous factors have contributed to the increasing importance of civil service in modern-day democracy:

- **Crisis Management:** They are the first responder to natural calamities and crisis. In a crisis, they have to act quickly and undertake rescue operations to prevent loss of life.
- **Rise of welfare states:** The role of government as a welfare state has increased the importance of civil servants as they are the dispenser of key public services.
- **Economic Planning:** Given the increasing challenges for emergent economies like India, plan formulation and implementation have widened the need for efficient civil servants.
- **Intermediary between citizen and government:** The civil servants collect critical feedback from the citizens and reframe their policy according to the government consultation. They also redress all the grievances related to implementing schemes and policies.

Thus, civil servants have become *sine qua non* for democracy.

To develop domain knowledge besides administrative capacity, the government has launched Mission Karamyogi. The Mission has been launched per the recommendation of 2nd ARC recommendations where training and capacity building in mid-career to develop necessary competence and domain knowledge.

The platform will act as a launchpad for the National Programme for Civil Services Capacity Building (NPCSCB), which will enable a comprehensive reform of the capacity building apparatus at the individual, institutional and process levels. An online database will be maintained on what courses they have completed, how they fared, what areas their expertise lies in, etc.

In case of any future vacancy or if an appointing authority is considering an officer, they can see what kind of training the officer has been getting.

Benefits of Mission:

- Supporting Transition from 'Rules based' to 'Roles based' HR Management.
- To emphasize 'on-site learning' to complement the 'off-site' learning.
- It will harmonize training standards across the country to a common understanding of India's aspirations and development goals.
- It will encourage and partner with the best-in-class learning content creators, including public training institutions, universities, start-ups and individual experts.

The manner and philosophy of training bureaucrats remain a neglected dimension, and lateral entry will not remedy this. The focus should also be on a new approach to training administrators, the success factor for public administrative reform. 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.

OR

Question:4 Write in 150 Words

Pressure groups have been instrumental in deepening India's democratic ethos. How far do you agree with it. Give suitable examples to support your argument.

HINTS TO WRITE THE ANSWER

A pressure group is an organization that seeks to influence elected officials to take action or make a change on a specific issue. These groups include trade unions, ethnic associations, NGOs. Pressure groups get associated with terms such as lobbying groups and interest groups as many members prefer to not call them pressure groups given the negative connotation of the word.

Pressure groups act as a liaison between stakeholders and elected officials, making them an essential part of the public affairs field. Pressure groups can effectively advocate for a specific issue on behalf of stakeholders, ultimately creating a change that the stakeholder wants to see. Pressure groups' experience working with officials helps them make more progress within a policy.

Pressure groups resort to different techniques in securing their purposes:

- lobbying state members and the Parliament via petitions, letters and deputations;
- consulting with ministers or senior public servants;
- hiring professional lobbyists;
- taking legal action through injunctions or appeals to higher courts;
- campaigning for, or opposing, certain candidates at elections;
- demonstrating outside Parliament and government offices or marching in the streets;
- using the industrial muscle of strikes for political purposes-

Some major Pressure groups of India and their success stories:

- Self-Employed Women's Association (SEW A) has influenced the government to improve its policies on the rights of women workers.
- Mazdoor Kisan Shakti Sangathan led the people's movement which got the government to bring about the law on 'Right to Information'.
- In the North-Eastern State of Manipur, many groups including 'Just Peace', Apunba Lup (students' organization) and Meira Paibis (women's groups) are trying to influence the government to listen to people's genuine grievances
- Irom Sharmila wants that the government should repeal the Armed Forces Special Powers Act (AFSPA) which is responsible for violence in her State and other parts of North-East India, and respect people's democratic right to life.

The role of Pressure Groups have been instrumental in deepening India's democratic ethos:

- **Accountable Government:** Pressure groups are a vital link between the government and the governed. They keep governments more responsive to the wishes of the community, especially in between elections e.g. Association for Democratic Reforms.
- **Minority Protection:** Pressure groups are able to express the views of minority groups in the community who might not otherwise receive a hearing,
- **Reform agenda:** Pressure groups are able to use their expertise to provide the government with important information and hence bringing out critical reforms e.g. RTI.
- **Diverse views:** Pressure groups offer an alternative source of advice to the government, separate from that coming from the Public Service e.g. Bharat Kisan Union against Farm Laws.
- **Public Participation:** Pressure groups generally promote opportunities for political participation for citizens, without the need to join a political party. Moreover, they allow for the democratic rights of freedom of speech, assembly and association to be upheld.
- **Deepen Political democracy:** They attract idealistic and committed young people, even acting as a space for teaching and learning 'good citizenship'
- **Safety valve for society:** Pressure groups increase social cohesion and political stability by providing a 'safety-valve' outlet for individual and collective grievances and demands.

Though the pressure groups have played a very important role in the development of the nation, some associated challenges are:

- Power of numbers: Pressure groups may represent a powerful minority force in society and exert political influence to the detriment of the majority of society. This is an argument often leveled at trade unions and business groups e.g. business groups forcing the government to pull out of RCEP.
- Influence out of proportion: Some pressure groups exert influence because of their financial position, membership or organisation. This influence may be out of proportion to their position in society e.g. FICCI is headed by only big industrialists.
- General public impacted: The use of direct action by pressure groups (eg. strikes by unions, demonstrations, blockades, pickets) can cause hardship to the community in general e.g. Rail Roko Andolan in various states.
- Lack of intra group democracy: Some pressure groups are not democratic in themselves. Some have powerful, but unrepresentative leaders who may not be representative of anyone but themselves. Some leaders do not reflect the opinions of their organisation's members.

Because of the complexities of modern government, and the pluralistic nature of Indian society, pressure groups provide a means by which ordinary citizens can participate in the decision- making process, as well as maintaining a check on government activity. Similarly, governments can be better informed of the electorate's sensitivities to policies, because of the pressures articulated by these groups.

OR

Question:5 Write in 150 Words

“Traditional bureaucratic structure and culture have hampered the process of socio-economic development in India.” Comment. [(PYQ)