

UPSC

Question No.

प्रश्न संख्या

UPSE CSE 2025

MM: 125

AIR - 267

Time - 90 min

Test - 4 (POLITY)

General Studies
Subjective Assessment

Admit No. - 11800268

Name - Rishul Meena

mob. no. - _____

Date - 11/07/2023

(Tuesday)

VAJIRAM & RAVI

UPSC

Sir/Ma'am,
I would highly appreciate if you would
be able to provide comprehensive
comments and Remarks -



UPSC

①

Ans)

All India Judicial Service (AIJS) is a prospective All India service which can be established via Art. 312 i.e. through special powers of Rajya Sabha, which is empaneled for appointments to the posts of District Judges through a centralised examination procedure by UPSC.

"Panacea to the problems of Indian Judiciary"

① AIJS would help with the exorbitant amount of pendency ~~with~~ of cases. ~~as the~~

② AIJS would help with timely filling of vacancies and providing efficient discharge of justice in time bound manner.

③ AIJS would bring in fresh legal talent on merit.

④ Social Inclusion

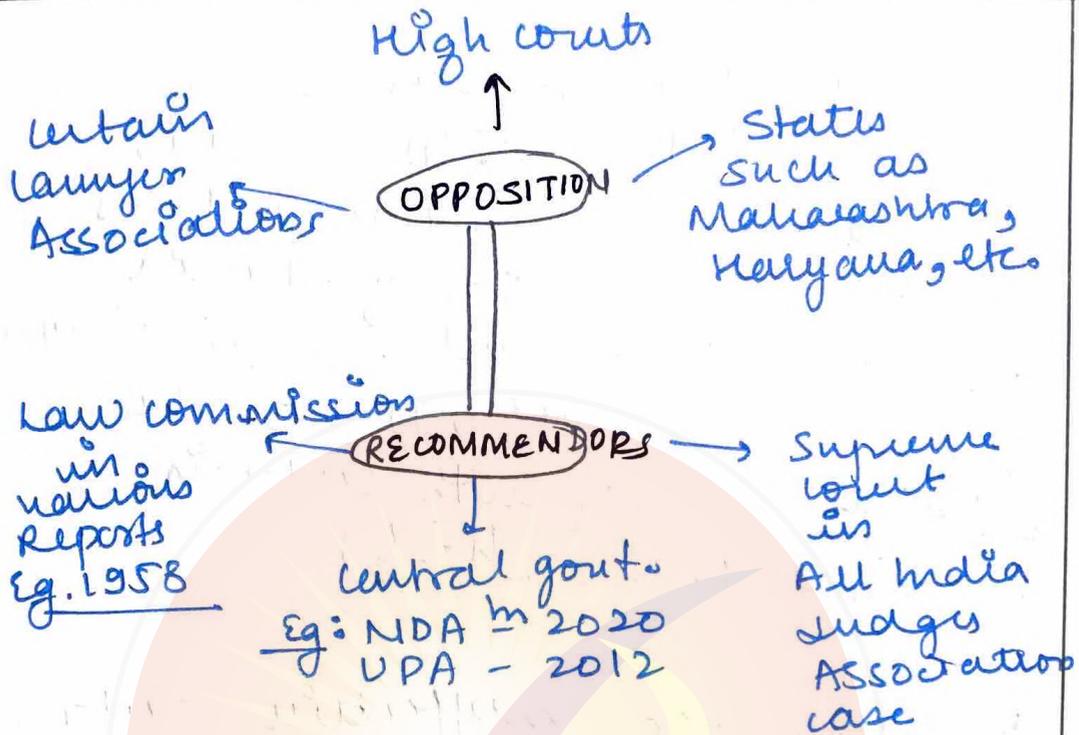
UPSC

Question No.

प्रश्न संख्या

For Practice Use Only

सिर्फ अभ्यास के लिए



Limitations of AIJS:

- ① Language Barrier.
- ② work culture of certain state is different from others therefore settling in that.
- ③ experience is a key factor in Judgeship. ∴ people from lower Judiciary after a reasonable Exp. should be promoted.
- ④ Independence of Judiciary may be compromised because the Appt. procedure is decided by the court. ~~⑤ Social inclusion~~

The need is to properly examine ~~the~~ all the aspects of AIJS considering all the stakeholders and a consensus should be attained.

Question No.

प्रश्न संख्या

UPSC

②
Ans)

Panchayats (Extension to the sub areas) Act '1996 / PESA '96 was enacted by the parliament on the Recommendation of Bhrara Committee to extend the provisions of 73rd amendment '1992 to the Scheduled areas with certain modifications. (Sch-V)

Reasons for ineffective perform-
-ance of PESA '96

① Excessive control by the bureaucracy -
inhibits the functionality of the panchayats as Bureaucratic will lags.

② State's Reluctance to devolve powers under Art. 243 G.

↳ makes panchayat devoid of 3F's

- ← Funds
- ← Function
- ← Functionaries

Question No.
प्रश्न संख्या

UPSC

③ Reluctance of states to devolve fiscal powers under Art. 243H.

④ Poor infrastructure

⑤ Parallel Bodies existing

conflict of interests → delay in work.

• measures to make it effective

① the words in Art. 243H & H should be transformed from "may" to "shall".

② Adequate devolution of powers & fiscal resources.

③ Repealing parallel bodies with same functions.

④ Making bureaucratic will stronger by making them more accountable.

PE&A 96 is a landmark legislation to uphold interest of scheduled areas which can be fully accomplished by making certain rational & import. modification in the law.

UPSC

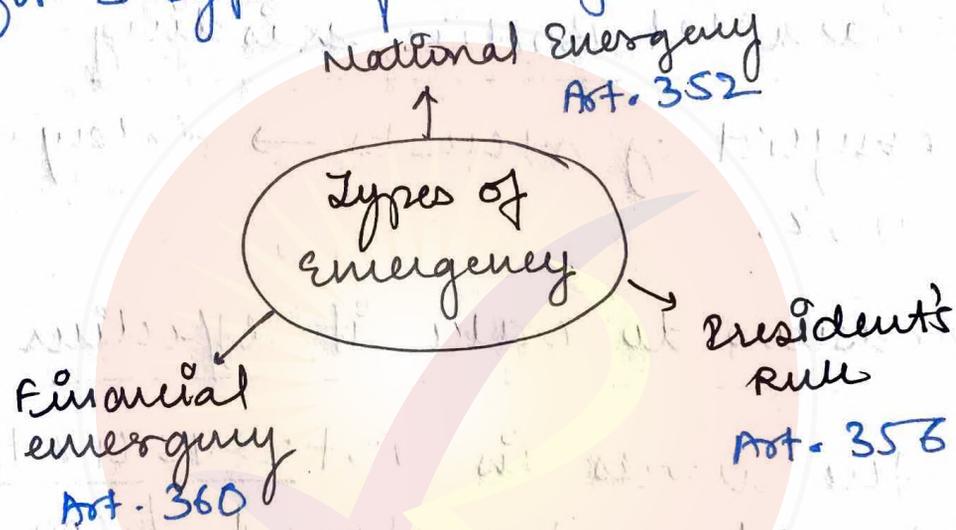
Question No.

प्रश्न संख्या

③

Ans)

Indian constitution very comprehensive and taking into account all sorts of unanticipated emergent critical situations have provided for 3 types of emergencies.



① National Emergency (3 times till date)
Art. 352

on grounds of

- war
- External aggression
- armed rebellion
(Replaced for internal disturbance via 44th CAA '78)

• via President's proclamation on written communication of the union cabinet.

UPSC

- to be passed within 1 month by the parliament with special majority
 $> 50\%$ of Total strength and $> 3/4^{\text{th}}$ of Prst. & voting

- once passed remains for 6 months

Effect on FR's → Art. 358
 Art. 19 automatically suspended on Natⁿ emergency only due to war & external aggression

Art. 359
 Other rights except 20 & 21 can be suspended via Presidential order

② Constitutional Emergency (Art-356)

- on grounds of Art. 365 (violation of union directives)
 failure of constⁿ machinery

- president proclamation → passed by parliament (simple majority) → within 2 months

- 6 months validity
 - after 14th — ECI concurrence reqd.
 - 34th — maximum.

③ Financial Emergency (Art 360)

Residential Proclamation → simple parlia-ment. majority within 2 months
 danger to credit of india

The provisions of emergency are important for tackling imminent dangers but should be used wisely. supreme court. SR Bommai '94

Question No.
प्रश्न संख्या

UPSC

(9)

Ans)

The constitution of India provides for the institution of Comptroller and Auditor general in Art. 148.

• Role of CAU in ensuring financial accountability of the Executive

① He audits all the accounts of the central government and state governments.

② All the amount appropriated by the parliament in the budget from any fund of India

Public A/c Consolidated Contingency

↓

is scrutinized by the CAU for ensuring that the money allocated has been spent within the limits and on correct & destined position.

UPSC

Question No.

प्रश्न संख्या

For Practice
Use Onlyसिर्फ अभ्यास
के लिए

③ He is only accountable to the Parliament.

→ as he is the agent of the parliament for auditory and Fiscal Scrutiny purposes

This is responsible for ensuring financial accountability of the Executive

because, any deviation, alteration or corruption found out by this independent constitutional office would hold the executive accountable for its actions.

④ he is also the guide & philosopher of the Public Accounts committee of the parliament.

⑤ his certificate is final and cannot be questioned in auditory matters.

"CAG is the most important office under the constitution" - said Dr. B.R. Ambedkar and truly the CAG holds the executive accountable to the most significant function as fiscal devolution is only the precursor to enacting any policy.

UPSC

Question No.

प्रश्न संख्या

5
Ans)

The National human rights commission (NHRC) is a statutory institution set up via the Protection of human Rights Act '1993 (PHRA'93).

Mandate of NHRC →

- ① To strengthen the institutional medium to address the issues concerning human rights.
- ② To perpetually hold the government and its policies in line upholding the Rights of every citizen.
- ③ To induce confidence in people that there is a statutory body present to hear to their pleas and ensure them that they would be administered justice against their violation of human right.

UPSC

Composition of NHRC

1 chairman + 5 members

Retd. CJI / a SC Judge

Retd / serving
SC Judge

Retd / serving
HC C Justice

at least
4 should
be women

3 members
from human
rights Backgr

NHRC - "a toothless tiger"

- ① cannot look into a matter which is older than 1 Yr.
- ② only a recommendatory body.
- ③ its advice is not binding to the govt.
- ④ It cannot award any monetary relief to the victims.
- ⑤ It cannot punish the perpetrators.

Human Rights is a very critical aspect of society, any transgression by the govt/ people raises serious issues. NHRC becomes very important and there is an urgent need to transform it to judicial and a **BINDING** Body.

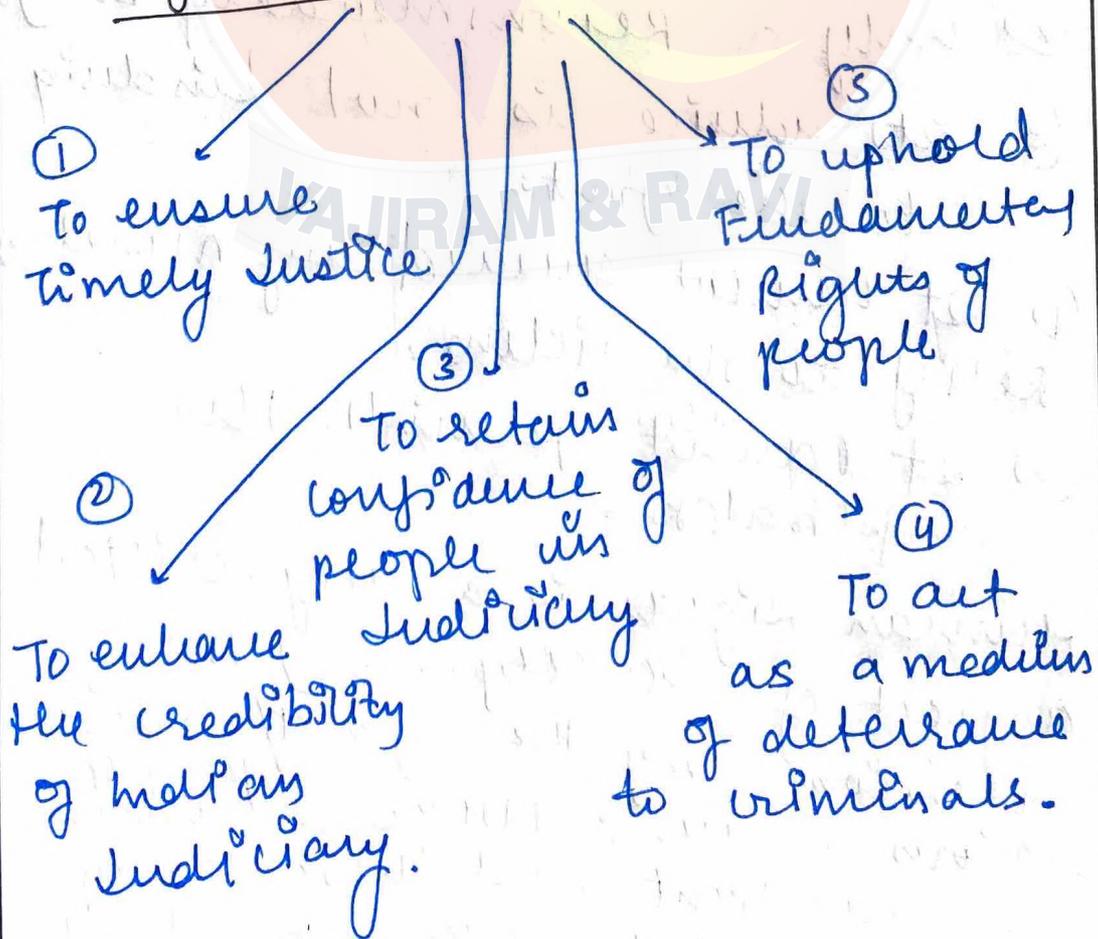
UPSC

Question No.
प्रश्न संख्या

⑥
Ans)

JUSTICE is an extremely important feature of Indian democratic system, it can be realised just by looking at our preamble which highlights "Justice: Social, economic & political" directly signifying its core nature in our country's inherent values.

"A Robust Justice delivery system is very essential"



Question No.

प्रश्न संख्या

UPSC

and the most quintessential is to ensure prevalence to "Rule of Law" - as without Judiciary, the Rule of Law cannot be maintained as there would be no source of guarantee to the public for upholding their rights.

◦ Extreme pendency of cases & their adverse implications -

① around 4.78 crore cases are pending across all courts in India. → acc. to NITI Aayog 2018 Report

- It would require 324 years to

clear the backlog.

② Pendency of cases which are more than 3 yrs old is around 61% in High Courts.

∴ this becomes a deterrent factor for people to go to court and instead becomes a punishment in regard to denial of justice.

Question No.

प्रश्न संख्या

UPSC

③ Justice delayed = Justice denied.

④ This deterrence to go to courts increases the tendency of people to resort to extra legal means.

Ex. - murders, theft, etc.

↳ this acts again as a punishment for the person who resorted to extra judicial means for acquiring justice.

⑤ This heavily erodes the credibility and image of the Judiciary.

Way forward -

the country should now seriously consider measures to enhance justice delivery system by increasing no. of Judges, courts and judicial infrastructure + Promoting Alternative Dispute Resolution mechanisms to ensure that no one is denied justice which is the most fundamental aspiration of anyone facing INJUSTICE.

Question No.

प्रश्न संख्या

UPSC

7

Ans)

The institutionalization of Panchayat Raj system via the 73rd Constⁿ amend-ment Act '1992 is a watershed moment in history of India's democratic system.

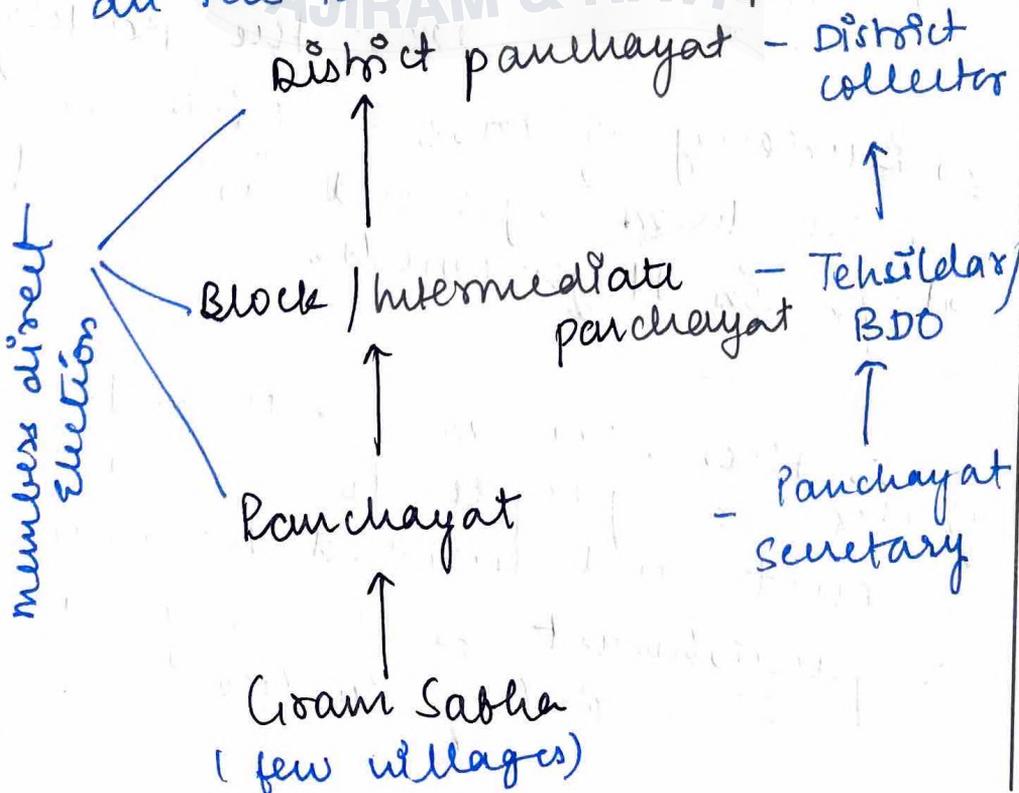
Introduced Act. 1243-2430

73rd Constitutional amendment Act

1992 - Key features

① A, B tier - 4 institution set up for all the states except state with < 20 lakh population ex. Sikkim.

② Direct elections for members of all the tiers.



Question No.

प्रश्न संख्या

UPSC

③ Devolution of powers according to the will of state government.

Art. 243G

introduced XIth
Schedule

matters on
29 subjects

gave powers to the Panchayati Raj institutions to legislate on matters included in XIth Sch

Ex -

- Drinking water

- Small scale industries

- Sanitation etc.

④ $\frac{1}{3}$ rd Reservation to women → seriously impacted and elevated women participation

Ex. $\frac{46.40\%}{}$ of Panchayat members are women

⑤ Devolution of Funds and power to levy taxes or fees on certain subjects as mandated by state government. — Art. 243H

⑥ Establishing two constitutional bodies — Art. 243I

Art. 243K

State Election Commission

state finance commission

Question No.
प्रश्न संख्या

UPSC

o Impact on Rural India —

- ① The 73rd amendment in true sense had empowered the people to govern themselves according to Regional needs.
- ② People of Rural India now feel more connected in the mainstream democracy.
- ③ The women in Rural areas has certainly benefitted as this act has certainly enhanced their social position.
- ④ Panchayati discussions lead to better realisation of Regional needs and giving power to them directly leads to comprehensive development.

The Panchayati Raj institutionalisation in the true sense have transformed India from a Representative democracy to a participatory democracy.

UPSC

Question No.

प्रश्न संख्या

For Practice
Use Onlyसिर्फ अभ्यास
के लिए

⑧

Ans)

India had been very fortunate that it hadn't resorted to enacting a "Financial emergency" under Art. 360 of constitution. Though situations were arrived at times but India fought hard.

Art. 360 - Financial Emergency

Circumstances → when there is imminent crisis on credit of India.
↓
when India is under a grave economic crisis.

Procedure

① Presidential proclamation of Financial emergency

↓
② Ratification of the emergency by the Parliament within 2 months of proclamation

↓

Question No.

प्रश्न संख्या

UPSC

③ the passage by the parliament extends the emergency for the duration of 6 months.



④ For Re-extension, again the passage by parliament is required. (every time for 6 m)



⑤ For Revoking the Financial emergency → just a proclamation by the president is required.

Consequences of Art. 360

- ① Centre can direct the states to maintain canons of financial propriety.
- ② All the money bills of the states are reserved for the Presidential consideration.

UPSC

Question No.
प्रश्न संख्या

- (3) the salaries of the govt. employs can be reduced.
- (4) the centre can direct the states with Binding nature to observe Fiscal Restraints.
- (5) Even the salaries charged on Consolidated fund of India ex. C.I., L.A., C.P.S.C., etc. can be reduced.

Financial Emergency helps the union to tackle situations of grave economic crisis and empowers the union govt. to take certain measures against federal character but imp. to ensure safety & stability of India's financial administration.

Question No.
प्रश्न संख्या

UPSC

⑨
Ans)

CBI is neither a statutory nor a constitutional body, it derives its powers for the Delhi Special Police Establishment Act/1946. It was established by a Resolution of govt. in 1963 under Home ministry.

- Though, now CBI works under the ministry of Personnel, Pension and Public Grievances.
- It is the prime investigating agency of central government.
- Functions of CBI

- To investigate economic offences relating to corruption and frauds.
- To investigate serious crimes
- To investigate crimes and offences either directed by the courts or government.

UPSC

Question No.

प्रश्न संख्या

◦ Crisis of Credibility and Confidence

① Excessive political interference

→ which makes the functioning of the CBI redundant as all the transfers, appt. being made by the central govt.

Ex. SC said CBI is a "caged parrot"

② No Statutory Status

→ as CBI isn't statutory body, confidence on its independence and accountability is compromised.

③ Lack of Personnel

→ much vacancy is present in CBI which causes delays in investigations.

④ Lack of Accountability

CBI is exempted from provisions of RTI.

Question No.

प्रश्न संख्या

UPSC

⑤ Restricted Access

Permission of the central govt is required to conduct inquiries.

⑥ Loss of Public Image & Confidence

- the govt mismanagement & misconduct in certain cases have compromise public Trust in CBI. Ego - Bofors scandal, Anushka Tamar case, etc.

Measures to Restore trust →

- ① making CBI a statutory body with high level of autonomy.
- ② making CBI an independent body in true sense by applying same provision as constitutional bodies e.g. CAG.
- ③ increasing powers of CBI.
- ④ Removing central consent clause from.

CBI can prove to be very fundamental in India's investigative resource, its high conviction rate (80-70%) speaks for it just more autonomy would serve the purpose.

UPSC

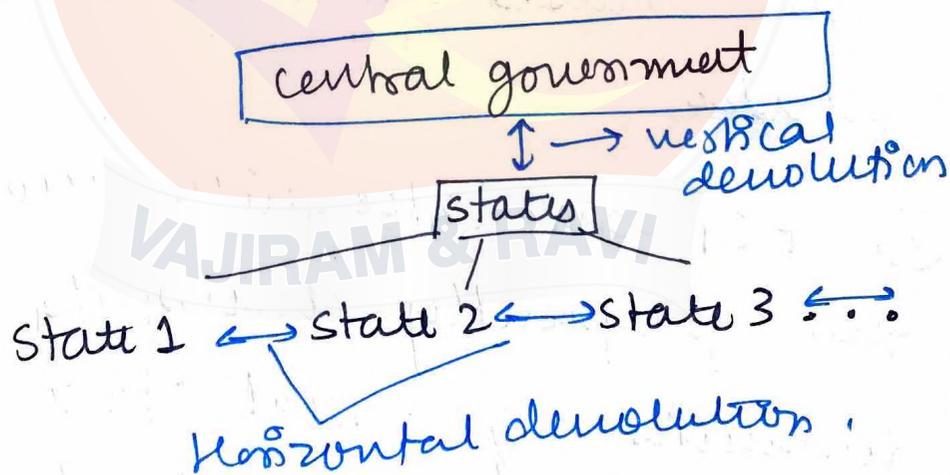
Question No.
प्रश्न संख्या

(10)
Ans)

Finance commission is a constitutional body established under Art. 280 by the president every 5 years or whenever required.

FCI ensuring Fiscal Federalism

• FCI advises the govt. on the distribution net receipts and taxes on horizontal and vertical scales i.e. -



• The principles that should govern the "grants in aid" to states by the centre out of CFI (Art. 265(1))

Question No.

प्रश्न संख्या

UPSC

• The measures for assisting the funds for panchayats by augmenting consolidated fund of state by guiding State Finance Commission under Art. 243I.

• Impact of granting Permanent status to FCI :

- ① Continuous monitoring of the devised devolutions of funds.
- ② FCI can take into account the frequently changing dynamics of Fiscal statistics and can correspondingly change their devolutions parameters.
- ③ FCI can then regularly advise govt. on measures to maintain cooperative Fiscal Federalism.

