

65

# POLITY & GOVERNANCE

Max. Marks: 250

Time Allowed: 3 hr.

Q.	Marks	Instructions to Candidate
1.		<ul style="list-style-type: none"> <li>• There are 20 questions.</li> <li>• All questions are compulsory</li> <li>• The number of marks carried by a question/part is indicated against it.</li> <li>• Answer the questions in <b>NOT MORE THAN 200</b> words each. Contents of the answer is more important than its length.</li> <li>• Answers must be written in the space provided.</li> </ul> <p>Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.</p>
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Name SHILPIRoll No. 0043212 (UPSC)

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Date 15. Nov. 15.Signature Shilpi

1. Invigilator Signature \_\_\_\_\_

2. Invigilator Signature \_\_\_\_\_

Q1. Despite the successful implementation of many e-Governance projects across the country, e-Governance as a whole has not been able to make the desired impact and fulfil all its objectives. In this context discuss the implication of Digital India programme on e-Governance in the country. (12.5 Marks)

UN e-Governance Survey puts India at

*Few other e-gov programmes and reason for their poor performance*  
 118<sup>th</sup> in rank in terms of e-governance among countries, implying a long way to go for e-governance initiatives. Digital India programme seeks to achieve aim of e-governance as:

- Capacity building of stakeholders:

People at grassroot level like Panchayati Raj, self-help groups would be trained in using digital tools. It would make interface between them and government smoother, making projects like Land Records successful.

- Digital connectivity: All Gram Panchayats are to be connected through optical fibre making internet connectivity available to all. Private participation is encouraged for this purpose.

- Taking government online by mission mode projects like e-office and also making them available on mobile platforms. It will make use of 504 million mobile connections all over India making e-governance more inclusive.

- Digital India seeks to create greater capacities in high-speed computing that will make processing faster, safer, better. By this, more data can be stored, retrieved and used, making e-governance more efficient.

- It ~~also~~ <sup>also</sup> seeks to promote indigenous manufacturing of telecom equipments. This will make e-governance more affordable especially for vulnerable classes of India.

Expected outcomes

3 1/2

Q2. Discuss the salient features of the Representation of Peoples Act (RPA-2013) recently amended by the Indian Parliament. (12.5 Marks)

Supreme Court in its 2013 judgement noted that people in jail cannot contest elections as they cease to be voters as per Section 62(5) of the RPA Act.

The recent amendment seeks to reverse it by maintaining the right to contest elections of people in jail, even if they cannot vote themselves.

SC's assessment intended to de-criminalise the politics and governance of the country while RPA amendment reiterates the jurisprudence that "innocent until proven guilty".

This would make jailed people re-eligible for contesting elections.

again.

It is significant since there is  
a possibility of frivolous cases registered  
against political rivals to make them  
ineligible from contesting elections.

It was even seen in Emergency  
of 1975 showing that ruling  
dispensation have meant to do so.

However, criminalisation of  
politics is in fact a great challenge  
and a concerted effort has to be made

to reverse the trend. Political parties  
that have come together to reverse

SC's judgement should also form a  
joint front to block entry of  
criminals in electoral fray.

Discuss impact in depth

42

Q3. Discuss the major factors which make it difficult for the civil society to organise effectively to curb forms of corruption which disproportionately afflict the poor. (12.5 Marks)

Civil society exists across the gap between organised state actors and atomised individuals making inaccessible agencies to address corruption and affect the poor.

Certain factors affect their ability :

Reporting of corruption is low among the poor for fear of retaliation from authorities due to which petty bribing perpetrates by likes of police and other state agencies.

Fight against corruption is a long drawn out battle which poor have lack of ability for. Civil society groups also find themselves unable to convince them for it. Their own lack of funding and networking

affects their ability.

- Civil society works in a fleeing manner while corruption affecting the poor is more systemic, making an asymmetric balance between the two.

- Poor are generally short-changed at platforms like Public Distribution System. Lack of digitization make it difficult to have this kind of corruption.

- Government hospitals also cause a big drain on poor's pockets.

Civil society lacks the ability to address corruption due to lack of institutional grievance redressal mechanism.

Precisely discuss their internal and external problems

3 1/2

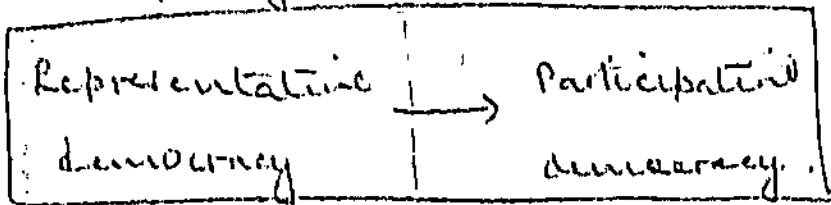
Q4. Most of the representative democracies have largely remained "ballot box" democracies. Evaluate. (12.5 Marks)

People's participation in democracy, as in case of India, has been reduced to choosing their "representatives" and do it again periodically. However, with certain other tools, it has been taken to next levels too:

- This "elect and forget" principle has been negated by right to recall elected representatives by constituents in the USA where if elected person doesn't fulfil election promises, she might be forced to resign legally.
- Recent Referendum in Ireland about an LGBT ~~bill~~ bill indicates importance of public participation in law-making exercise.
- Tools like Initiative, Plebiscite are available in other countries to make them more people-oriented and



Participatory



The above evolution is desirable but it is hard to come by and above examples describe some of the ways.

Even in India, some measures have been taken:

- PRAGATI Platform where citizen can suggest anything about government's functioning.

The policy of putting all proposed laws for public comment for atleast 30 days. Retraction of Energy Policy is an example.

However, such trend is rather new with majority of electorate still engaged in voting only. It has to be nurtured through suitable policies to make it democracy more participatory.

4½  
 Ref. links

Q5. Reforms in bureaucracy may lead to development. Illustrate with examples.

(12.5 Marks)

Bureaucracy acts as a bridge between elected representatives and people.

Thus, if it works, it leads to socio-economic conditions, well, such development will be easier to achieve.

A sensitive bureaucracy, through training and motivation will put people's interest forward in advising

political leaders, leading to socio-economic goal setting.

~~Bureaucracy~~ Transparency and accountability or functioning of bureaucracy will lead to better utilisation of public funds.

Schemes like MGNREGA have a huge socio-economic role to play and a transformed bureaucracy can bring in true rural development through it.

- A bureaucracy trained to innovate and improve can use bottom-up approach better making implementation of schemes ~~the~~ better.

- If seniority criterion is given up for merit-based promotion, bureaucrats will go a long way to ensure welfare of people like implementing Right to Education Act, verifying land records, etc.

These reforms in bureaucracy has to be accelerated to bring socio-economic development priorities at the forefront.

Precisely mention the negative features of Indian bureaucracy and then discuss Civil Services Reforms in detail.

3 1/2

Q6. Local democracy is sometimes treated as synonymous with 'decentralisation', but the two are in fact quite distinct. Discuss with example. (12.5 Marks)

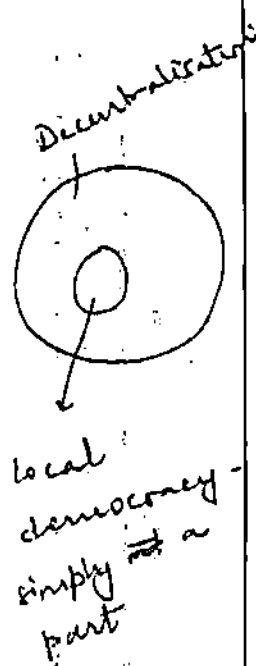
Local democracy is a form of democracy at a local level in which people choose their representatives to discuss on local issues in an organised manner.

Decentralisation, on the other hand, is a broader term encompassing devolution of funds, functions and functionaries at the local level.

In case of India, 73rd and 74th Amendment Act have created local bodies at urban and local level but true decentralisation has not been achieved as:

Bodies have elected representatives but lack specialists who could assist local needs like sanitation, small irrigation projects.

Funding is generally low. ~~State~~ state governments have



- not empowered them to collect taxes ~~and~~ which make them incapable to render their functions.
- Even functions have not been devolved properly as mentioned in Article 243-G and 243-W of the Constitution.
- CAG's Report on ~~INFORM~~ <sup>Scheme</sup> categorically stated that urban governance was nowhere to be seen in implementation.
- Voice of the people is usually unheard in these ~~form~~ <sup>form</sup> making them "representative" bodies with true decentralization ~~and~~ still distant.

3 1/2

Positive aspects of decentralization

Q8. Civil service can play a key role in development albeit it has to be true to the dictum of "service" and not "servitude". Discuss the issues in Civil Service Accountability in India towards citizen. (12.5 Marks)

Civil servants work for the people and that's how it should be. For this, they accountability in their decision and actional needs of paramount importance

so that they don't become slaves to vested political or corporate interests.

In this regard, issues related to their accountability are seen as:

- Accountability is hindered by Acts like Official Secrets Act, 1923 that renders it impossible to ensure full accountability.

- Lack of motivation to ensure a work of openness culture  affects accountability.

- Aversion to risk-taking among civil servants hampers accountability too since civil servants mostly end up following order rather than improvement

anything mentioned.

- Political interference and non-adherence to rules of civil services like taking

orders in writing make civil

servants wary of being accountable

- This makes way for corruption due to bureaucratic-political nexus.

- Inadequacy of supporting mechanisms like

wistleblower protection weakens

accountability and created a culture

of opacity. Corporate interference

and bribing thrive due to it.

- Civil society groups find themselves

unable to ~~fight~~ ensure accountability

due to limitations in Acts like

Right to Information Act, 2005.

These issues make ~~them~~ civil

servants to serve other interests

The list of people. If addressed, they

can truly address needs of people and people may

3/2

Required measures  
(Social Accountability)

Q9. Affordability of health care is a serious problem for the vast majority of the population than the accessibility of that. Has the Rashtriya Swasthya Bima Yojna been successful in increasing the affordability of healthcare? Discuss the steps needed for improving it. (12.5 Marks)

~~Not~~ Despite rising burden of diseases, public spending in healthcare has not risen above 1% of GDP, making healthcare unaffordable especially for the poor.

Rashtriya Swasthya Bima Yojna is a cashless insurance-based scheme for BPL families to avail health facilities from public and private sectors.

But there has been issues in its implementation:

→ Some states have made rules such that benefits can be availed from government hospitals only like Tamil Nadu which has denied quality healthcare to people.

→ Its reach to bottom quintile has been low with funds being pilfered as well as ~~for~~ issuing of RSBY cards ~~the~~

Mention the provisions



fraudulent means.

out-of-pocket expenditure has risen over the years showing that RSBY has missed its aim to make healthcare more affordable.

Awareness has remained low with most of the benefits going to those who already had sufficient access.

Some steps can be taken:

Merging it with Jan Dhan Accounts thus reaching to the bottom levels.

Tracking families through their visits in hospitals and making

RSBY cards available to those which don't possess them but are eligible for it.

Making it compulsory for state not to discriminate among private and public providers.

Private hospitals that deny treatment would be prosecuted.

Increase healthcare spending overall to at least 3% of GDP in next few years.

Precisely mention the problems with RSBY

3 1/2

Precisely mention the amendments  
of both

Q10. Recent changes in the Prevention of Corruption Act, 1988 and Whistleblowers Protection Act seem to be contrary to the spirit of bureaucratic neutrality and bureaucratic accountability. Analyze. (12.5 Marks)

Prevention of Corruption Act, 1988 has been recently amended. ~~It~~ These amendments have been analysed as:

It ~~gives~~ <sup>extends</sup> protection from prosecution without approval of central government to retired bureaucrats. It corrodes accountability of officers further.

Discrimination between collusive and coercive bribery has been done away with making it difficult for people being forced into bribery due to their vulnerability to report the mis conduct on part of corrupt bureaucrat. This will harm whistleblowers - spirit among people who would now be ~~the~~ helpless.

Further injuring to this spirit has been caused by changes in whistleblower Act ~~It is~~ It is

whistleblowers would now not to be able to disclose information ~~if~~ if it pertains to anything covered in Official Secrets Act, 1923. The issue is this Act is archaic and vaguely worded and practically anything can come under it, making job of whistleblowers even more strenuous.

Since, whistleblower complaints have to be lodged with full identity, it is now almost impossible to report any misconduct in official circle.

Thus, ~~and~~ these amendments seem like a step back from progressive laws like RTI Act, Lokpal Act that ushered in an era of transparency.

A rethink on these amendments with more nation-wide discussion should be welcomed.

Properly explain the impacts

3 1/2



- Secularism in Indian context was due to communal issues during Partition and even before that. This led to Fundamental Rights of 25-28 and then 29-30.

- Indian federalism was tilted towards centre due to separatist tendencies among states while US federalism was the result of states coming together for a Revolution. ~~rather than as states~~

~~autonomy was increased subsequently in India due to evolution.~~

- As federation stabilised, urban and local rural bodies were mandated constitutionally for decentralisation which is the example of true decentralisation.

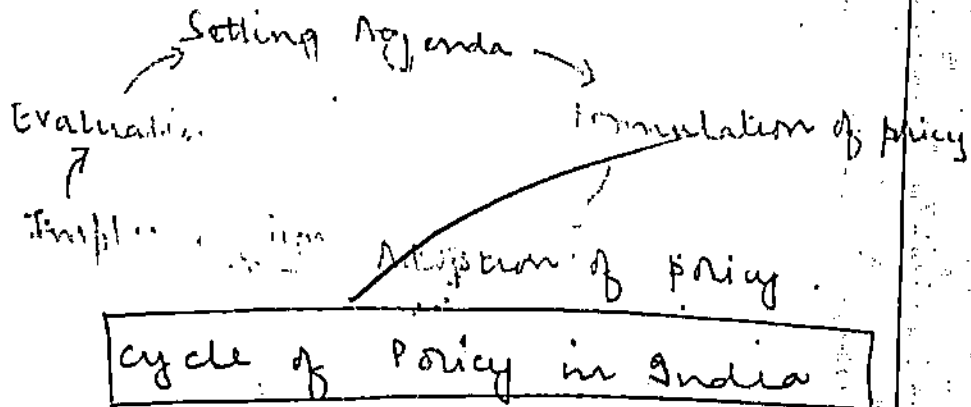
- Now with even greater cooperative federalism, reforms like GST have been brought out by constitutional amendments, something not seen in US Constitution.

Avoid writing in margins

2 1/2

Q12. Most of failures of government schemes are attributed to the "failure of implementation" while having overtones of "bureaucratic scapegoating"; which can have a demoralizing effect but the policy formulation is equally responsible for it. Comment. (12.5 Marks)

Precisely discuss the overall challenges first



By the above cycle, it is clear that failure of policy has to be attributed to all the factors involved above.

It can be seen as follows:

Sanitation facilities aren't available to 50% of population even after ₹3 bn have been spent on it since 1985 (Planning Commission). It is due to policy making failure too which didn't address issues like socio-cultural barrier. Coupled with implementation hurdles, these policies failed.

In healthcare sector, policies like NRHM have lacked due to over-focus on primary healthcare and sidelining

tertiary requirements.

Policy makers fail to ensure adequate goal setting, transparency, accountability, mechanisms like social audit which reflect poorly in implementation stage. Case of Mid Day Meal scheme (MDMS) is telling here.

However, implementation agencies <sup>do</sup> have a part of blame to share as:

Bureaucratic apathy to reach out to vulnerable sections has been a hurdle in success of schemes.

Goal-orientation without due care of means as in case of family control programmes leading to focus on female sterilisation.

Disregard for grassroots organizations like PRIs in implementation leading to less participation from people.

Thus, both sides need to put in concerted efforts to ensure that all the policies we achieve.

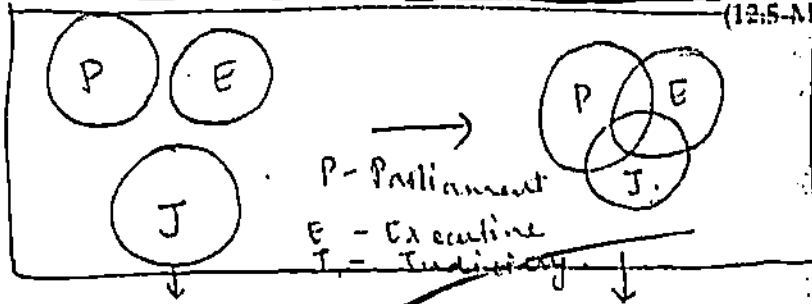
Analysis of flaws related to policy making in detail required

3

Ref. hints

Briefly explain the doctrine Analytically  
 GS SCORE  
 GS MAINS 1151 SERIES 2013  
 The scenario

Q13. In India separation of power is (more hypothetical than real) Comment. (12.5 Marks)



True separation

Indian case

Separation of power means separation of functioning and authority of

three institutions of State: Parliament, Executive and Judiciary will ensure checks and balances to ensure a suitable balance. In

case of India, these checks and balances sometimes seem to encroach or usurp the power of various organs.

→ Parliament and Judiciary: Judicial activism and overreach seem to have disturbed the balance between these two organs. Vishakha judgment and Jani Navala Case are two such examples.



→ Parliament and Executive: Frequent disruptions in Parliament have led to law-making by ordinances rendering role of Parliament to null. What was designed as a tool to cater to immediate circumstances is being exploited as a norm.

→ Executive and Judiciary: Judiciary's intervention in case of MGNREGA to increase minimum wages or ~~reducing~~ ~~checking~~ down use of Aadhar scheme are examples of such encroachment.

It is seen as such encroachment occurs when one of or the other organ fails to deliver its tasks properly. In current scenario, Parliament seems to be declining creating a vacuum to be filled by others.

Thus, it is necessary that every organ does its job efficiently to all to ensure normal functioning.

4

Q14. Our forefathers tended to create a grand vision of "unity in diversity" by incorporating numerous principles in the constitution and elsewhere, though it seems today that present day politics has misinterpreted it to be "Identity and caste politics"; Enumerate the reasons for the same. Can there be a solution to its misgivings?  
(12.5 Marks)

Elements of democracy ideology

Explain orientation and implications of caste and identity politics

"Unity in diversity" - the high ideal has somewhat relegated to just a motto in favour of actual identity politics playing on ground as:

- Nation is still in - the - making as people haven't transcended their rigid social identities.

- These identities have been coded by economic reasons: It is a fact that majority of Dalits still ~~form a class~~ <sup>line in object</sup>

Polity doing the most menial job. Fight for jobs and opportunities has strengthened caste rivalries especially after reservation policies:

- Politics of including and excluding castes from reserved categories even after Supreme Court's judgment in 2007 setting criteria for the same.

- Lack of awareness of actual needs of masses by ~~masses~~ <sup>masses themselves</sup> has led

to hijacking of true agenda by unscrupulous politicians & another reason. This is true especially in case of communalism.

A solution has to be multi-cornered and sustainable:

- Growing the pie instead of ~~cutting~~ misappropriating the larger share so that rivalry for opportunities decrease.

- Awareness by state agencies targeted at youth can be a potent weapon as they can bring change in an entire generation.

- Actual needs of people are put forward while allowing them to know that rivalries only lead to less synergies and less development.

- Emotional integration needs to be brought out among social identities.

If above aims are achieved, the solution to end identity and caste politics can be seen.

3 1/2

Ref. hints

Q15. Would it not be feasible for the legislature to create a legislative framework on "President's power of pardon", as it would minimize the errors that may be an outcome of its misuse for "politics of parochialism"? (12.5 Marks)

President's power of pardon as enshrined

in Article 123 of the Constitution

is actually the power of Executive

by way of Article 74 of the Constitution.

Its ~~use~~ application in the recent times has called for rethinking or amending this power so that it can't be misused for political purposes.

- This power provides a last resort to the criminal to seek pardon from the state. Thus, its use has to be made without prejudice, on objective criteria.

- Punctuality should also be made a priority, so that changing political dispensation don't play with people's lives for narrow political aims.

It should be made free of identities.

Ordinance making

like religion, caste, creed, sex and race much like Article 14, 15 of the Constitution.

Special conditions that need to be considered for granting pardons should also be codified: age, support to the family, circumstances of crime, etc.

Constitution makers left it to discretion of President to exercise this right since they thought that ~~to~~ the highest constitutional authority will be reasonable enough to use this. However, subsequent evolution of role of President after 42nd and 44th amendment Act made the ~~exec~~ government de-facto authority in this matter.

Thus in light of these arguments, it seems desirable to amend the Article ~~123~~ 123 of the Constitution suitably.

Discuss aspects related to delay in decision making.

2

Q16. The "principle of subsidiarity" has been replaced by "principles of subsidies" in the context of Indian federalism. Comment. (12.5 Marks)

The "principle of subsidiarity" suggests that a function is to be performed at the lowest level of the vertical hierarchy as possible and it is closest to the people. However, the principle has ~~not~~ <sup>not</sup> been followed in our scheme of devolution of powers.

<sup>union/</sup> Central list of Seventh Schedule has the most number and most important powers, as compared to

State list. Thus, the policies are framed on central level with only funds being transferred to the state level.

State too didn't transfer powers to local bodies envisaged in 243-W and 243-G of the Constitution and merely transfer funds.

Even for the functions that have been

Elaborate in context of CSS and Planning Commission

transferred, lack of funds poses a  
problem. Migration is a state  
subject, yet states find themselves  
unable to fund it and Central policies  
like Pradhan Mantri Krishi Sinchayee  
Yojana filling the gap.

14th Finance Commission  
recommendation to transfer 42% of  
share of divisible pool of taxes to  
states is a welcome step to  
reduce "subsidy" principle aspect.

Now states would be in a better  
position to cater to local needs in  
term of health, <sup>and</sup> education

Proliferation of centrally <sup>sponsored</sup> schemes  
needs to be checked too  
so as to reverse principles of  
subsidies and give way to  
principles of subsidiarity in a  
true way.

Expected  
changes  
with NITI  
Hayes

31/2

Q17. A key issue in Environmental Governance is public participation.  
Comment. (12.5 Marks)

Environmental governance entails a set of laws, institutions and policies to ensure environmental justice to people.

Role of people in ensuring it can be seen as:

Laws related to environment have been in force since long now - Environment Act was enacted long in 1986 itself yet awareness about them is still low that makes its enforcement weak and fragile since people can't complain if they witness any breach.

Corporate and private developers tend to cut corners by reducing expenditure on environment in their business plans. An aware public can remedy it. Role of NGOs is especially significant here.



Acts like Wild life Protection Act mandate a certain distance from National Parks, etc. for any <sup>new</sup> construction. Such rules are easily flouted even by state authorities in absence of people's awareness.

Factories dump their waste in rivers like Yamuna and Hindon and only recently been booked by the National Green Tribunal (NGT) on the behest of some activists.

New initiatives like Swachh Bharat Mission can be successful with proper environmental awareness

of the people who can make sense of National Air Quality Standards and pursue governments for more proactive steps.

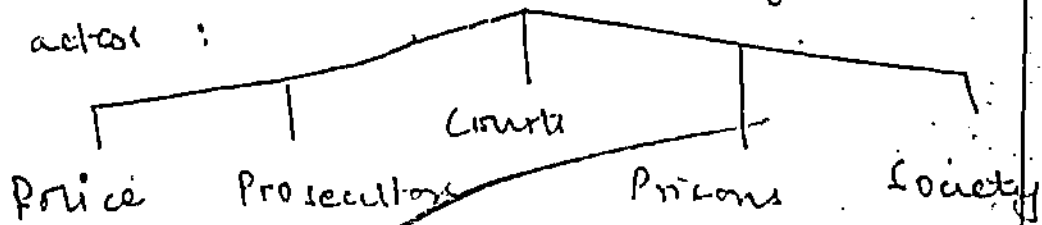
Thus, people's participation is the cornerstone of environmental governance.

Precisely discuss various aspects and pros of Public Participation (Ref. hints)

3

Q18. "Reforming Police alone won't bring about a change in the Criminal Justice System." Comment. (12.5 Marks)

Criminal justice system is a function dependent upon the role of several actors :



Police is just one part of which needs reforms in investigation, forensic, intelligence to make process more efficient and timely so that justice isn't delayed on its part.

Role of prosecutors is equally important. They need to be well-versed with the case with proper arguments to present cases of people against the well-paid defense lawyers in a professional way. Their conduct decides how long a trial goes.

Next in line is courts, the dispenser of justice. Their punctuality shows whether people

have faith in judicial system or not. How judges treat victims of crimes makes justice system sensitive or insensitive to people especially in cases of rape and child sex abuse.

Once a criminal is sentenced, his further conduct rests on <sup>how</sup> ~~what~~ prisons affect him. A reformatory environment is necessary so that he could do his penance and never tread the path of crime again.

Finally, it is the society who is ~~the~~ <sup>of</sup> utmost importance.

Its collective values deter or encourage ~~a~~ a crime's reform or degrade an existing criminal as also protect ~~of~~ its vulnerable

population against it. It is the one whose will is transformed in law.

Thus, all the ~~five~~ stakeholders have to do their part to make criminal judicial system effective.

34

Factually elaborate problems related to Police, Prosecution, Courts, Prisons

Q19. Critically evaluate the contribution of PESA in Schedule V areas. Also explain how the functioning of local bodies in these areas differs from the others areas? (12.5 Marks)

Explain it Precisely  
PESA Act was enacted in 1995 to expand ambit of 73rd Amendment Act to schedule V Areas.

It has given <sup>local</sup> ~~state~~ governance to these areas which has paved the way for decentralisation in these areas. Such a step is positive to empower these <sup>areas</sup> ~~bodies~~ truly and achieve the aims of schedule V in a bottom-up manner.

PESA has given them a voice in governing their interests in an organised manner which was till then attended to by <sup>state</sup> ~~state~~ level bodies in a sporadic manner.

However, to make full use of their powers, awareness is necessary which has so far been ~~not~~ lacking. Regulation related to these bodies vary from state to state which hampers their functioning too.

However, recent episodes in which mining leases were cancelled owing to resistance by PESA bodies show their effectiveness.

2+

Analytically discuss outcomes of PESA

Q20. 'Life can become smoother if rights and duties go hand in hand and become complementary to each other'. In the light of the given statement illustrate the importance of fundamental duties for Indian society. (12.5 Marks)

Fundamental duties, mentioned in Articles 11-17 of the Constitution ~~are~~ ~~are~~ are not enforceable by courts. However, they serve as a reminder to the people that with enjoyment of fundamental rights, they have certain obligations to fulfil towards each other as well as the ~~the~~ ~~a~~ nation.

People have been called upon to respect Constitution, national flag and its ideals and the national flag. This shows ~~how~~ basic duties of any Indian citizen to maintain solidarity towards the Indian nation.

People have been asked to promote brotherhood and abjure violence. This shows that while maintaining their own liberty by Articles 14, 20, 21, 22, they should respect other people's rights too as maintain peace among all.

There is a call to maintain national heritage as well as serve the nation in need showing that in normal circumstances, ~~the~~ the state would guarantee their fundamental rights but it is people's duty to step forward in times in need.

will freedom to religion is

4

guaranteed, a duty to ~~to~~ bulky rights

Scientific temper is inhibited as to prevent excesses of occult practices.

~~Under state~~ ~~parents~~ Parents and

guardians have been called upon to provide education to their children.

These duties complement what Fundamental Rights provide so that there is a two-way positive flow between people and the state.

