



# LUKMAAN IAS

....Lead with Edge....

## Section-A

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in this space.

1. Answer all the following in not more than 150 words each.

10 X 5 = 50

- a) India needs to choose one of two paths to break its systemic legislative gridlock. Emulating the UK would leave the Rajya Sabha electoral process intact, but reduce its powers or pursuing the American example would leave the Rajya Sabha's veto powers intact, but make election to it direct, by the public. Analyse the statement.

Indian parliamentary system in recent times has been facing problem of dysfunctionalism & there is a

perpetual gridlock. due to

\* stalling of Parliament

\* lapse of bills / block of legislature  
functioning

as, lok sabha & rajya sabha has  
come to logger heads.

for instance - GST bill  
not being able to pass in R.S

- passing of

black money bill, through route of  
money bill to by pass RS

- re-promulgation

of ordinances (LARR Bill)...

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in this space.

There it is said that  
\* either Rajya Sabha's power has  
to be reduced (as done in UK recently)  
by limiting the veto power  
OR

\* Keep R-S veto power intact &  
ensure, direct election of R-S members  
by people, so that popular  
voice can be heard and  
gridlock may be broken.

However instead of reforming  
R-S let's let political  
parties reach the consensus  
on the issue, as it is not  
the R-S vehicle is causing logjam  
but it's the vested political interests  
So, instead of R-S it is the political  
parties which need reform, even  
if new changes in R-S is brought  
there is no guarantee that in future  
such things won't happen. R-S & L-S  
represent "constituents change" this should  
remain as it is

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1.

b) Discuss how constitutionalism in India 1990s onwards has influenced political culture? 10

Do not write in this space.

Political culture refers to the attitude, beliefs & people towards political system, political institutions of the nation.

India's complex political culture which was earlier called as "folk political culture" by J. Nehru is now slowly transforming to a "civic political culture" due to the influence of Post '90s constitutionalism.

Constitutionalism, which refers to "limited" / constrained government after '90s has resulted in

- \* emergence of civil society organisations
- \* coming of private players
- \* institutionalization of the

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in this space.

Values - "Liberty", "equality"

\* Coming of "development" as an agenda in political discourse, caste/identity politics

\* women empowerment - women voter turnout in state assembly election was greater than male turnout

These factors, in a way has affected political culture in a positive way and as a result we can see

"single party majority now coming up at centre" as well as states (Bihar, MP, Rajasthan). This...

shows that political culture is getting matured

However, still some adverse effects like polarization, caste based politics etc. are very much prevalent.

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- 1.

c) In what sense, Kautilya's *arthashastra* is considered as descriptive and prescriptive? Discuss its relevance to public administration as a discipline. 10

Do not write in this space.

Kautilya's "Arthashastra" - a Treatise on Statecraft is both descriptive as well as prescriptive. because

(I) ~~Descriptive~~ Prescriptive

- It describes the core principles which

State should strive for

\* labha - ~~to~~ to acquire territory

\* Palana - to protect it

\* yogyakshema

\* Rakshana

- It also, advocates the welfare of the state and describes the

ultimate duty being the

"welfare of the public"

(II) Simultaneous, its Prescriptive

\* It prescribes the way to administer the state.

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in this space.

\* It prescribes the "Prakritis" of  
state (Swamin / Durga Kosha etc)

\* It prescribes duties, works of the  
king

\* It also in detail gives rules  
for Personnel management  
recruitment → Bhayo Paala  
→ Dharna Paala  
→ Artho Paala etc.

\* It describes the welfare measures  
→ 4 compensation to farmers if  
fields are destroyed by Army  
→ "Setu Bandhina" etc.

\* In detail it gives guidelines / ways  
to deal with enemy in

→ diplomacy → war etc.

All these things clearly underline it's value  
in Public administration as discipline

because many of the rules like  
→ unity of command + remuneration +  
tests for Personnel management are still  
practiced + incorporated in Administrative discipline

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1.

d) The potential of Inter-State Council, in large sense, remains unutilised. In your view, how its role can be made more effective, especially after demise of Planning Commission. 10

Do not write in this space.

Interstate Council ~~was~~ ~~too~~ established under Art. 262 by the president for better co-ordination between Centre & States and resolve any sort of dispute, conflicts & ensure - "Co-operative federalism"

However, in large sense its potential remained underutilized because.

\* It hardly met.

\* There were too many members to discuss optimally &

come out at a conclusion

\* It was over shadowed by Planning Commission / NDC due to overlapping jurisdiction

But, after the demise of Planning Commission



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in this space.

the role of Interstate Council can  
become important as

\* NITI Aayog is still a new institution,  
whose functions are still not  
clarified

\* focus is on "co-operative  
federalism"

\* ITI Commission advocates  
for its role to be enhanced  
& even NITI Aayog supports  
this view.

\* NITI Aayog along with ISC  
can be an effective "reservance  
federal mechanism" for states

Further by regularly meeting, providing  
secretarial assistance to ISC  
role can be made more effective

However, its exact role is still  
to be unfold in context of NITI Aayog.

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1.

e) There is a view that for effective governance and as an idea of 'minimum government' the Cabinet Secretariat should be merged with PMO. Critically examine the statement. 10

Do not write in this space.

It is true that a sleek, lean and mean government can coordinate better and ensure "effective governance" thus fulfilling the idea of "minimum government, maximum governance" - motto

However, in the light of above motto, it will not be a good move to merge PMO & Cabinet Secretariat because

\* both offices have importance of their own

\* There are crude / diverse departments / units under both entities

eg:- PMO

- Dept. of space
- Atomic energy
- Digital India
- handling PR of PM

Cabinet Secretariat

- R & A / secretariat
- Performance management division etc.

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Merging them will create lot of coordination problem & will not serve the purpose

\* further merges will take place similar staff, their work culture, is totally different the ground bottom will remain a challenge

\* further institutions have their goal, important merge them will create personnel problem

PMO  
- P.S. to PM  
heading it

Cabinet Secretariat  
- cabinet secretary

↳ either head it  
- ego clashes

Then, it'll be better, if they remain separate, but work clearly  
- / coordinated manner.

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2.

a) 'The Preamble to the Indian Constitution holds the key to its decoding and interpretation.' Explain and illustrate. 20

Do not write in this space.

As rightly pointed by the constitutional experts like - Nani Palkhiwala, D.D. Basu etc our "Preamble is the key to the minds of constitutional makers"; it is like an identity card of our constitution

because

1) It provides the "value premise" on which our constitution is made.

2) It provides the basic foundation on which the constitution is built.

Whenever judiciary faces a problem regarding a judgment or delivering justice, it looks

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in this space.

upto the ~~constituted~~ preamble  
for guidance

for instance :-

• in Maneka Gandhi case (1978)

SC took help of the "preamble"

to widely interpret the Art. 21  
and laid down the foundation  
of the "due process of law".

• for providing justification of

the repression, SC took

help of Preamble "social /

economic justice"

Some present

• for the case against

exemption also

(C. S. Jindal vs MP) SC

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in this space.

Took help of preamble - "secular"  
to interpret Ar. 25 - freedom  
of conscience

• By taking help of Preamble  
Court has ~~been~~ propounded  
"Judicial activism" and

gave direction for

- speedy justice - NALSA - Anshoo

- ~~also~~ freedom of speech  
& expression (Anshoo)

~~has also been widely  
interpreted due to  
Preamble~~

However, Preamble

~~does not constitute the  
"Basic structure" of India~~

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constitution and can be amended, however, it still remains the - "key to constitution maker's mind" & a right house for judiciary

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Secular/  
Socialists

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2.

- b) 'The typical feature of the Indian federalism in having overwhelming unitary features is the best possible decentralized polity the Constitution makers could think of.' In the light of the statement, provide plausible justifications for the present state of things in the Indian federal polity.

20

Do not write  
in this space.

When India, got independence

there was

\* trauma of partition

\* danger of India being disintegrated

\* large number of small states

\* illiberalism, poverty, etc were prevalent

At that point of time, the

prime importance was

o unity & integrity of India

which could have been possible only

by the -" strong unitary features

at the core & peripheral

federal characters"

And to an extent, it worked



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pretty well as ÷ we were able  
to face - '62 '65 '71 crisis  
- famine  
- merging of states/GoA  
etc.

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in this space.

However, in the present scenario  
the circumstances are different  
and some justifications of

- \* unity
- \* integrity
- \* existential threats have  
reduced.

Thus, we are moving  
towards co-operative federalism  
and our federal polity is  
undergoing change. Now  
states are becoming more  
assertive and centre is  
also accommodating the

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States

NITI Aayog - is core in point  
further 14<sup>th</sup> FFC which  
increased the resolution to the  
of central divisible pool to  
42% (32%) also points towards  
this fact.

However, still states  
very often cite the provisions  
like Ar. 3/4 where, States  
boundaries can be increased/  
decreased / diminished  
without their consent

or

Ar 249 where Rajya  
Sabha, can put  
a subject to union list

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Do not write  
in this space.

also, some independence for  
Sec 7 - union list & environment  
list has expanded & state  
list is shrunked.

These matters need to  
be resolved peacefully through  
dialogues with state &  
the necessary amendments  
should be carried out

as "ambidextrous" is an  
offense & every document

to address the needs of the  
present Indian federal policy

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2.

- c) 'Had there not been the fundamental provision under Article 74 of the Constitution, the Indian President would have become the greatest dictator in the world.' In the light of the statement, examine the centrality of Article 74 in determining the proper position of the President in India.

10

Do not write  
in this space.

"President (Gandhi) has immense powers, as all the executive functions are carried under the warrant & seal of him/her; President is the chief of all the 3 services (navy, Army, Air force). These sort of powers provides him chance to become greatest dictator of the world.

However, as the Article regarding Powers of President cannot be read in "isolation" the importance of Art-74 is greatly increased. It is the Art.

74 - which says that there should be a council of ministers

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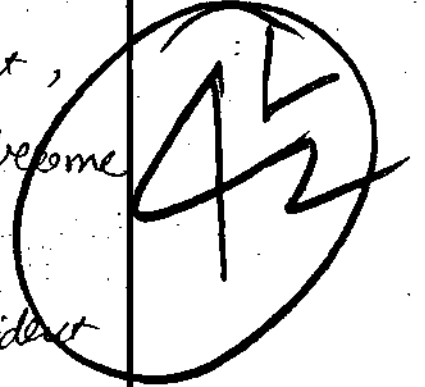
Do not write  
in this space.

headed by PM to "aid & advice" the President.

further, After 44<sup>th</sup> amendment, the aid and advice now has become almost binding on President.

~~in Article 74, it ensures, that president cannot declare emergency, and the 44<sup>th</sup> amendment inserted word "Cabinet" which calls for written instructions to impose emergency by President.~~

The Centrality of 74 is further strengthened by R.C Cooper Case, where the "malafide" intention of President are covered under Judicial Review. All these provisions which are Pivoted around Art 74 ensure "Indian President" does not become "Frankenstein monster" which has not been the case till now.



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3.

a) Do you agree with the view that Fundamental Rights and Directive Principles of State Policy constitute the 'core and conscience' of the Indian Constitution? Comment on the emerging trends in their interrelationship between the two.

Do not write in this space.

Fundamental Rights which are enlisted in Part III of Constitution and DPSP which are enshrined in Part IV of Constitution constitute the "core and conscience" of the Indian Constitution because

## CORE

\* Fundamental rights, ensures the fullest development of the potential of an individual.

Without fundamental rights,

an individual will not

- have
- right to speech
  - expression
  - practice his/her religion
  - equality of status
  - opportunity etc

which are essential to

Not done

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Do not write  
in this space.

develop the full capabilities of  
an individual.

## Conscience

\* DPSP acts as conscience  
keeper of the constitution, as  
they ensure the "social &  
economic democracy"

\* They guides the state towards  
a welfare state

eg. Ar. 44 - Uniform code

Ar. 39 (a) - avoid concentration  
of wealth  
resources

speedy justice

Ar. 42 - maternity benefit

Ar. 43 - preservation of  
heritage etc

Ar. 46 - education to  
SC/ST, etc

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Do not write  
in this space.

In recent times, as the  
emerging trends suggest  
now, DPSPs are getting transformed  
to legal rights.

for eg :- Right to work

under MGNREGS

- Right to education  
(RTE) Art. 46

as RTE act.

This suggests, that as the  
capabilities & capacity of  
state is increased &  
resources are increased  
the DPSP gets transformed  
to Rights.



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Do not write  
in this space.

This shows, that vision of  
our constitution makers is  
gradually being realized.

However, still, lot  
remains to be achieved.

But in future we  
can hope that these  
"Legal rights" - further  
becomes "fundamental" rights  
eg:- Right to health etc.

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3.

b) Discuss the emerging trends in the Indian democratic system from the point of view of the rights of the people.

20

Do not write  
in this space.

The Indian democratic system  
is ~~going~~ undergoing change  
especially from the point of  
view of rights of the people

now

1) political culture - is changing  
to more civic type which  
advocates the Rights based  
approach.

2) The Judiciary - is becoming  
assertive and vocal  
about the rights of the  
people.

eg:- Privacy issues  
Aadhar referred  
to constitutional  
bench is cert in  
point.

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Do not write  
in this space.

3) The legislature - now,  
the legislature is discussing/  
deliberating / debating about  
the rights of the people  
and coming up with  
- Right based legislation  
eg - MGNREGA  
right to work  
- National food  
security act  
right to food

4) the executive is now  
implementing the laws/  
programs / schemes which are  
based on rights of the  
people  
- RTI / Public-service guarantee  
act

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Do not write  
in this space.

5) Civil Society Media -  
also advocating the  
rights based approach.

However, it is true that

"Citizen is ultimate master"  
in the democracy, ~~but~~

but it should be ensured

**Right to**  
that these rights should  
be balanced by

**responsibility**  
\* duty  
\* accountability  
of the citizens so that

these rights are not  
misused by citizen to

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Do not write  
in this space.

Transfer the governance,  
then, the rights based laws/  
legislation should be gradually  
introduced according to the  
"social conditions"

12

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3-

c) 'Over the years, the functional maneuverability of the Prime Ministers in India has experienced a decline, though the constitutional power and position remains the same.' Analyze. 10

Do not write  
in this space.

PM of India, is one the most powerful office in the world which has emerged due to constitutional powers and the conventions of Parliamentary democracy.

However, even though constitutional power & position remains same the functional maneuverability it seems has been declined over the years because

- of the emergence of "coalition politics" & "restriction of PM in choosing of his/her cabinet or com. as his/her hands are tied due to "coalition drama".

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◦ emergence of strong CAs at the state, due to strong regional parties, whose support at centre is crucial.

◦ The international pressure of Treaties/Conventions etc.

However, very much functional maneuverability also

- depends on
- \* number of the party at centre
  - \* Personality of party
  - \* Stature of PM in his/her own party
  - \* mass appeal etc.

Thus, to say that functional maneuverability has reduced will not be completely true.

As can be seen in the case of Present PM who has matched nominal & actual power.

Do not write in this space.

50

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4.

a)

Discuss the nature of administration in India and assess its role in developmental process.

20

**Do not write  
in this space.**



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**Do not write  
in this space.**

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## Section-B

5. Answer all the three of the following in not more than 150 words each.

10 X 5 = 50

- a) Critically examine the recommendations of the 7<sup>th</sup> pay commission on reforming Indian bureaucracy, especially moving from hierarchy to performance and cadre to position based.

7<sup>th</sup> Pay commission which was headed by A.K. Mathur gave some crucial recommendations for reforming Indian bureaucracy like

\* ~~shift~~ from ~~hierarchy~~ to ~~performance~~ -  $\left\{ \begin{array}{l} \rightarrow \text{cadre to position} \\ \rightarrow \text{hierarchy to performance} \\ \rightarrow \text{Process to outcome} \end{array} \right.$

\* ~~pay-grade~~ is now replaced by Pay matrix

\* Pay matrix will be more flexible than earlier system

\* further incentives based on Performance will be there.

Do not write in this space.

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\* The issue of "Parity between IAS & other services" is still unresolved.  
(due to dissent of 1 member)

The Recommendations, though forward looking does not call for

- systemic reforms of bureaucracy
- the delay in Pay: parity / promotion or empowerment which seems to be discriminatory, biased towards IAS can cause - resentment among other services.

- further it calls for lateral entry to promoting specialists

However, no clear road map for switching from cadre to position based; hierarchy → performance driven been laid down; also as India is developing country rather abrupt change to "position based" can be detrimental

Do not write in this space.

5

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5.

b) "E-panchayat is a significant experiment towards self-governance".  
Explain.

10

Do not write  
in this space.

- E-Panchayat - under which all the Panchayats are to be connected through optical fibre network can be called as significant experiment towards self governance because
- ✓ now Panchayats, can get the necessary guidance through Centre/State for governance, which was earlier lacking.
  - ✓ E-Panchayat is a part of E-Kranti and empowerment of Panchayat schemes, so, by ICT + devolution of funds, important functions and responsibilities to undertake them will be a step towards self governance.

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in this space.

Just like "PRAGATI" is helping in  
Capacity building and implementation  
of projects, E- Panchayat will  
provide "Last mile connectivity"  
to the village thus helping in  
monitoring / supervising the  
projects.

✓ as the Panchayats will be  
connected the best practices can  
be adopted & Peer reviews will  
Take in effective governance.

✓ also, many issues - debt /  
biological / sewers through  
CSCs, issues will further  
strengthen the "Self governance"

Then after 73<sup>rd</sup> / 74<sup>th</sup> amendment  
act, E government can be  
said to ensure Political as well  
as social governance.

5. c) Discuss the essentials of vulnerability analysis and risk assessment. What factors have led to increased vulnerability to natural and manmade disasters in India? 10

Do not write in this space.

essentials of vulnerability analysis & risk assessment are:-

1. Hazard mapping
2. vulnerability mapping
3. after this proper "Zonation" of the vulnerable areas
4. risk assessment
5. preparation of disaster management plan according to risk & vulnerability analysis.
6. Involvement of the local community & ensuring their participation.

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Do not write  
in this space.

Factors leading to increased vulnerability  
to natural / man made disasters  
are

- 1) improper mapping → especially of North  
eastern region
- 2) non adherence to building codes
- 3) construction in hazardous  
areas like in "Himalayan belt";  
construction of houses in  
flood plains or over reclaimed  
wet land (Chandernagore)
- 4) not much attention paid towards  
reconstruction and rehabilitation
- 5) risk reduction activities  
should be taken up.
- 6) lack of increasing awareness  
However many of these factors are  
not followed resulting in increased  
vulnerability

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5.

d) Critically examine the need for amending the Prevention of Corruption Act 1988 so that civil servants can take bold and speedy decisions.

Do not write in this space.

It is being said that the one of the <sup>10</sup> main reasons of Policy Paralysis is "fear among higher officials" to take decision due to the draconian provision of Sec. 13(1)(d) of P.O. CA '88.

This section without considering mens rea (criminal intent) puts the onus of a decision which were wrong on Public servant & makes it a criminal offence. It also applies to the retired civil servants. Thus, Preventing any kind of bold / speedy decision in the age of globalization due to "fear psychosis" as the law does not distinguish between malafide bonafide decision.



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Do not write  
in this space.

However, just by amending the law, we cannot expect that decision making can become quick.

If a civil servant is making a correct honest decision without compromising "integrity" or according to rules, there is no need to fear.

The amendment, can result in protecting the dishonest officers.

5  
The decision of a civil servant should be based on facts honest intentions & not on "fear of any law". It'll be better, than instead of amending law, overall Administrative Reforms are carried out.

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5.

e) There can't be judicial solutions to criminalisation of politics and administration. Comment in the light of the recent judgements by the apex court and their impact on the 16<sup>th</sup> Lok Sabha elections. 10

Do not write in this space.

Criminalization of politics has been one of the major factor which hampers the "Purity of democratic process".

As, the reforms were not coming from executive / legislature judiciary tried to intervene and

\* nullified sec 62 (5) of RoPA '51 which prevents a person in Prison - to contest election, (JAN CHAUKI DARR case)

however, ~~this decision was~~ nullified by amendment to the RoPA '51 by legislature which allowed a Prisoner to contest election, thus nullifying the SC judgement

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\* Also, CIC order to Political Parties to come under RTI act was also, not given heed.

\* The SC judgement (Shy Thomas)

case, struck down sec 8(A) of ROPA, which provides protection

to the MP to appeal to higher court of conviction & simultaneously

sit in Parliament. But, this

provision also did not produce much impact.

And, still in 16<sup>th</sup> L.S almost 33% of MPs have upheld record. This shows, that there can't be judicial solution to this

problem:

A larger reform are needed (electoral reform / state funding etc.). However, the practice stance of court is welcome as it has created awareness and concern regarding this critical issue

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6.

a) Administrative reforms since 1990s are primarily driven by LPG. Critically examine. 20

Do not write in this space.

Administrative reforms refers to artificially induced changes in the organisation, despite resistance.

Administrative reforms are integral part of Administrative system and since it is the part of overall societal system it too had been influenced by LPG reforms.

As a result of ~~1990~~ LPG reforms post '99 the administrative reforms have a definite impact of them, ~~but~~ and to an extent were driven by them because \* as economy opened, there were structural adjustments.

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Do not write  
in this space.

Licence - Raj / Inspector Raj were  
abolished it called for  
administrative reforms

\* further LPG brought  
- PPP / outsourcing / concepts  
like user fees  
- ICT etc

which transformed the basic  
unit of administration i.e.  
"District" "Administration"

But to say, that the reforms  
were "primarily" driven by LPG  
will be incorrect because

1) 1991 amendment brought  
democratic decentralization  
which ushered administrative  
reforms this was not linked  
to LPG (developmental  
functions - transferred to PFI)

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Do not write  
in this space.

2) some reforms were incremental,  
gradual and evolutionary  
eg:- coming up of coalition  
politics, and change in  
federal relations also  
ushered change/reforms in  
administration

Jayendra Nath  
- Adathal Committee, 1952  
Chandrasekhar Hota  
Committee also proposed  
some reforms, which  
did not had direct influence  
of LPGs

However, still  
the impact, influence of  
LPG on administrative  
reforms lingers on

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Do not write  
in this space.

in the form of ARC-II

which called for

→ restructuring of ministries

→ NPM style reforms.

→ agencification

→ outsourcing of some

peripheral public function

etc.

Thus, post 1990s it is difficult

to segregate reforms on the

basis of LPG or non LPG driven

reforms, it is necessary to

see them in a comprehensive

& holistic manner.

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6. b) The state services personnel are considered "perpetual Vice-Presidents" as they have to work under the personnel of the All-India Services. Examine the statement. 20

Do not write in this space.

State services personnel <sup>some</sup> ~~are~~ work under Personnel of AIS. They are often compared with the "vice presidents" because %.

Just like vice president Their status, remuneration, powers etc. are less than that of AIS. and they are subordinate to them.

further, they never occupy the top most position of the department, as it is the prerogative of AIS

However, they cannot be compared ~~as~~ with the "vice president" position.



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Do not write  
in this space.

because

\* Vice president is not subordinate to president; in the absence of president or in case of death of the president, vice president occupies the post of president which is not the case of state

service personnel; they are subordinate to APs & never substitute them.

\* Further ~~the~~ vice president is "elected" (through indirect) person; but state service personnel are "appointed" (Ar. 66). by Public Service Commission

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\* After certain period of service  
SAS personnel can be promoted  
to IAS. This is not possible  
in case of vice president

\* Vice president can be  
removed, by a resolution  
of Rajyasabha, agreed by  
Lok Sabha.

But

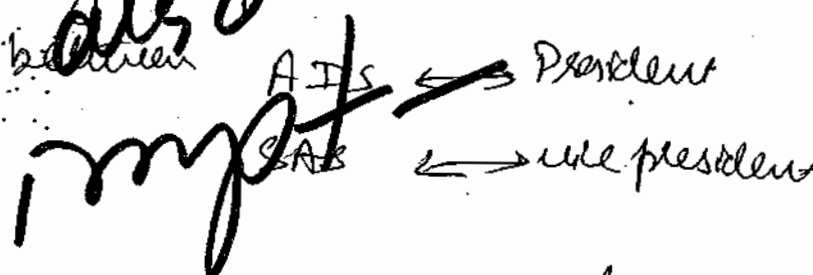
State services

- removal
- dismissed
- suspended

that

SAS

Though superficially the analogy



may seem correct, however

and are not promoted

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an distance, it is not  
correct & there are major  
differences between them thus

It'll be far fetched to call  
SAs as - "Perpetual vice presidents"

333

Some  
stuff

even  
more

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6. c). The institution of the UPSC has taken deep roots in our governance system. Its influence, slowly but surely has mitigated the impact of patronage and enhanced the value of merit in the recruitment to civil services in India. Analyse. 10

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UPSC has taken deep roots in our governance system and its influence surpasses the limited role it has been assigned by constitution under Ar. 325.

It has established itself as a credible, and institution of integrity promoting merit by the efficient, timely and fair conduct of recruitment of various examinations.

UPSC is consulted while taking any disciplinary action against group "A" officers. Its Report is tabled in the parliament and

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If the recommendations are not  
accepted then, reasons are given.

Apart from a glitch in  
1991, the UPSC has remained  
flawless in the conducting free  
& fair examinations, thus restoring  
public trust on "merit" and  
eliminating the "patronage"  
in Public <sup>jobs</sup> appointments.

However, that may  
Post recruitment is kept out  
of UPSC. Some times, in Report  
are not widely discussed. Some  
times lack of "overlapping jurisdiction"  
with "CVC" on disciplinary  
matters arises. Now, ever, it remains  
epitome of "merit system". There  
is need for big PSUs, some State PSUs  
to take help of UPSC to ensure  
merit in other examinations also.

4

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*...Lead with Edge...*

7.

- a) The problem of redressal of public grievances, cannot be solved by the institution of such high-powered bodies. As can be easily seen, the citizen's grievances concern mostly the 'cutting edge' of administration, that is, the points of contact between the citizen and the government and hence there should be a local ombudsman. Analyse. 20

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