

Q: Is it possible to have dedication to public service in a milieu marked by corruption & low pay? Give your opinion.

Ans:

"To ease another's headache is to forget one's own"

— Abraham Lincoln.

The above quote perfectly highlights the satisfaction & contentment one gets from working for others — public service.

For civil servants, while entering the service are well aware of the low pay. Hence they come in willingly. Hence, if they complain about it later it is ethically & more importantly integrity wise not consistent with his own philosophy.

Corruption, on the other hand, is a serious problem which has a demotivating & vicious effect on an honest officer. It can convert an honest officer initially into an indifferent one & an corrupt one in long run.

But if an officer is guided

- [by]
- his/her responsibility to society
 - integrity in values
 - dedication to serve the people
 - empathy & compassion towards the most disadvantaged & weaker sections
 - & most importantly abiding by the law of the land & his own conscience.

then s/he must never lose his/her path.

As "YH Harari" said in "Homo Deus" -

"Happiness does not really depend on wealth, health or even community. Rather, it depends on correlation between objective conditions & subjective expectations".

Hence, if ~~we~~ civil servants keep their moral compass in check & strive towards the greater goal of human welfare & nation-building, they must never find themselves crippled by such distractions like - corruption, pay, power.

Q Can "transparency" alone address the challenge of corruption? critically analyse.

Ans: Corruption, as defined by 1st ARC (2006-09) is —

- (a) illegal gratification or gifts
- (b) Gross violation of constitution
- (c) Using position for personal benefit
- (d) Using power to harm people / law.

Corruption is not only a problem on simply administrative level, it has various socio-economic, health, strategic consequences.

According to one study an increase in level of corruption from Singapore to Mexico leads to an equivalent tax rate of 32% change. & causes FDI to decrease by 5%

Transparency is one very important way to tackle corruption as it leads to —

- (a) Reduced secrecy → less likely corrupt acts
- (b) More information with people → chance of getting caught.
- (c) Check on discretion used by public servants.

④

But it alone is not sufficient because corruption occurs due to other causes also like — administrative delays, red tapism, policy neglect by politicians, judiciary corruption, taking money to table questions in Lok Sabha etc.

For tackling there a more robust form of system needs which includes —

- (a) Accountability of officers for their work
→ checks untampered & ~~not~~ lazy attitude
- (b) E-Governance — SECURE
 - PRAGATI
 - BBPS
 - JAM
 - UMANG app

for making processes easier & reducing chances of red-tapism & middle men.

- (c) Strict laws : → Removal of Article 310, 311 from constitution (2nd ARC)
→ Prevention of Corruption Act, 1988
- (d) Code of Ethics : for civil servants
- (e) Corruption management in Judiciary — which is out of Lokpal.
- (f) Effective implementation of Lokpal & Lokayuktas → check corruption at the highest level
eg. 2G scam
- (g) Citizen charters : Regularly updated.

In the end, corruption is a ~~not~~ problem very huge & wide. We must start looking for solutions from the ground up — starting with children.

As ARI Abdul Kalam said —

"If a country is to be corruption free, I strongly feel there are 3 key societal members who can make a difference — father, mother & teacher."

Q. Do you think RTI stifles decision making?
Critically examine.

Ans. "Right to Information Act (2005)" is one of the most important steps taken by Indian government to tackle corruption, discretion & empower citizens.

But the issue has sometimes come to light that many activists have been using this to harass public servants. Some of the issues with RTI include —

- ① RTI Trolls: Just like patent trolls, there are now RTI trolls which ask for random & huge sets of information from gov.
- ② Cost-benefit: The huge cost & time required to procure these documents is sometimes far too much.
- ③ Acts as a deterrent for discretionary power for govt servants. Some times servants might not want to take risky decisions if for some reason it might not work out.
- ④ PIOs are engaged in the RTI work which hampers their actual work.
- ⑤ People send random requests asking PIO & CIO to solve marriage disputes, election disputes.
- ⑥ Lack of digitised and segregated accessible data → huge time to reply to request
↓
include penalty on PIO

On the other hand it has enabled —

- ① Citizens to participate in governance.
- ② More awareness about gov. policies.
- ③ Increased accountability.
- ④ Bureaucratic attitude shift from secrecy → openness.

RTI, hence, is a great positive step according to 2nd ARC, but needs a few amendments —

- (a) Training of PIOs & APIOs for better service delivery
- (b) Awareness about what can be asked & what not through RTI
- (c) Grievance Redressal Mechanism for delay, harassment etc.
- (d) Inclusion of Judiciary & Legislature into the ambit of RTI.
- (e) Digitisation of records.
- (f) Effective filtering of requests to sort out the weeds. → Use of ICT & encouraging online applications through CSC.

RTI has marked a huge shift in the attitude of bureaucracy of India. Hence it must be strengthened. ~~to check the books~~

As the saying goes —

~~"Don't let the"~~
 ["Don't miss the forest for the trees"]

Q. What is code of ethics? Isn't it a blunt tool? Discuss.

Ans. Code of ethics (COE) is a set of guiding values & principles which are established to help anybody make a better ethical judgement.

The importance of COE have been highlighted by Sathnam Committee (1964), UN Convention on Corruption (2003) & 2nd ARI (2006-09).

But still it is limited in effect —

- ① It is non-justiciable.
- ② It is non-mandatory & hence only advisory in nature.
- ③ It differs from organisation to organisation & country to country.
eg. code of ethics for doctors is different than that for lawyers or engineers.
- ④ There is low awareness about ~~the~~ COE among its own organisation.
- ⑤ It doesn't by itself bring about a change in person's attitude.

Some examples: eg. ① Organ trade by doctors
② ENRON failure in USA
③ False advertising by companies like Patanjali for unlicensed products.

Despite all this there are some positive effects →

- ① Regular practice of COE leads to development of habit of acting morally.
- ② Creates a sense of responsibility on the employee / civil servant.
- ③ It helps in solving ethical dilemmas, clash between personal & professional ethics.
- ④ Can guide companies make better decisions for their shareholders while at the same time caring about environment & ethical concerns.
- ⑤ Helps people act impartially & objectively esp. for lawyers.

Code of Ethics, hence, are an important but not sufficient tool for controlling or changing behavior. For that we need to include steps like - strict punishment, clear judicial laws, education, checking ethics of people before entering job & regular vigilance.

Q. Discuss the provisions for ensuring independence of CIC? Critically examine whether the proposed amendment to RTI act would dilute the independ. of CIC?

Ans. Central Information Commission (CIC) was formed under the Right to Information Act - in 2005. It is a statutory & independent body.

It is responsible to ensure the smooth functioning of RTI act; ensure PIO (Public Information Officers) are working according to act or not; ask all public departments/ministries to publish information & solve public grievances.

In order to ensure its independent functioning the provisions are —

① the members can only be removed under the condition stated in the act including —

- (a) Insolvency
- (b) Infamy of mind or body
- (c) paid employment outside CIC
- (d) proved misbehavior or incapacity to be determined by SC

② Salary similar to Election Commissioners which is in uniform with linked to Supreme Court Justices

③ Conditions of employment can't be changed after during tenure

④ Elected by a committee of — 5 PM + leader of opposition + Union minister.

- ⑤ Any other information commissioner is to be removed on the advice of CIC.

Due to the recent ~~in~~ draft RTI amendment bill the Parliament is trying to get a hold of CIC's through —

(a) making Parliament decide the terms & condition of his office

(b) Parliament to decide salary of CIC

These provisions will lead to dilution of independence as —

(a) If — Parliament controls the conditions, they can recruit who they like & if the CIC works against it — they can fire him.

(b) The ~~political~~ security of tenure might be lost

(c) Politicians might change conditions during his tenure.

Although the Parliament has tried to justify it by saying that since CIC is just a statutory body & not a constitutional body it can't enjoy same benefits. It is a bad step for the independence of RTI act.

(c) Discrimination like that of 2 women who filed a case in SC (2017) for children of married women to non-residents would not happen.

(d) Upheld the validity of constitution as any amendment to constitution is only allowed through Art 368 i.e. Parliament & not through presidential order.

- negative :
- (a) Development of local people might suffer.
 - (b) This might ensure further violence & law & order problem.
 - (c) Inequality might increase as other people move in & get jobs.
 - (d) This is temporary solution for the actual problem in J&K.

Despite the special status given to J&K, the development & empowerment has not kept pace with India. Further it has led to discriminatory practices like 2017 women's case & 2014 WAO case.

What's needed is to come out of political differences & achieve a solution after discussing with all the stakeholders - J&K people, political parties, ~~Indian~~ people of India & experts - to achieve long term peace & prosperity.

Q. MV Amendment bill passed by LS is a much needed reform, but it raises several issues. Critically examine.

Ans: India is a signatory to "Brasilia Convention" & has pledged to reduce road fatalities by 50% till 2020. Also, India saw 1.5 lakh road fatalities in 2015-16, mostly in 2-wheeler category (28%). This Motor Vehicle Amendment bill, 2017 is Important —

- (a) Defines taxi aggregator: the bill for the first time defines taxi aggregators & brings them under the ambit of law.
- (b) Online license: the bill gives procedure for registering online for driver license & get learners license.
- (c) More penalty: Penalty for driving without license increased to 10 to 5000 Rs.
- (d) Insurance cap: lifted so as to contain unlimited liability of insurers under the 1988 act.
- (e) Automated testing stations: for cars so as to make cars (abt) out of roads.

But still the bill has serious issues —

- (a) License for taxi aggregator is currently given by states as transport is state subject.

learners

(b) Online licenses can be misused by filling false info.

(c) If the court awards more compensation to victim than the "cap" then who will fill the gap & pay the difference.

(d) Removing educational qualification from driving license will allow people who can't read road signs into accidents.

(e) Multiplicity of funds — Motor Vehicle Amendment Fund & Solatium Fund (earlier)

Overall, though the act is a positive step to amend the archaic law, we still need to do more —

— regulations for autonomous vehicles

— increasing vehicle insurance (currently $< 50\%$)

— regulation for new road design & engineering

— new rules for safety

— Advanced traffic light monitoring.

— encouraging car-pooling & sharing

Q. Article 35A is against "the very spirit of oneness of India" as it created "class within a class" requires a more meaningful debate. Examine.

Ans: Recently on 14/08/2018, a case in Supreme Court regarding Article 35A's Unconstitutionality. Before this similar cases were put in 2014 (Noida) & 2011 (2 women).

Article 35A: It gives special powers to J&K constitution to give to its "permanent residents" certain benefits including —

- (i) Reservation in gov. jobs
- (ii) Reservation in scholarships
- (iii) Right to own land & property
- (iv) Settlement in state.

The article was inserted in Constitution through Presidential Order 1954 — Constitution (Applicable to J&K) 1954. after Delhi agreement (1952)

Main arguments against A-35A ⇒

- ① Unconstitutionally inserted through Presidential order. A-368 doesn't give President the power to amend constitution without consulting & permission of parliament.

②

- ② Citizenship issues, including no right to vote & own land for outsiders.
eg. in 2011 2 women filed a case in SC that their children were not able to vote after the women (from J&K) married, non-residents.
- ③ Refugees: Refugees from partition which came to J&K after 1947 (date which J&K constitution considers for citizenship) ~~are~~ have no rights.

Arguments for A 35A

- ① The insertion of article in Constitution is validated through powers in Article 370(1)(d).
- ② During the time it was celebrated as a win for integration of J&K into India.
- ③ If the article is removed, the few sources of income in ~~an~~ ever-unstable J&K will be lost to rich outsiders.
- ④ It is important to give special rights to the people until "plebiscite" happens as stated in "Instrument of Accession (1947)" & "UN decision."

A. 370 & A. 35A) will remain contentious issues. But we have to ensure that people of J&K are allowed to achieve their potential through peaceful development & political will is not coming in way of development.

Q. DNA Technology bill is right in intent but benefit of safeguards, can be mis-utilised. Critically analyse.

Ans. Recently the govt. has published Draft DNA Technology Bill, 2018 which aims to use DNA for matching parents with missing children & catch criminals.

Main features of the Act

- ① Establishment of DNA databank at center & regional levels.
- ② Use of DNA in profiling of criminals & missing persons.
- ③ No use of collection of DNA on normal people.

Advantages of the act

- ① Efficient forensic capabilities of police.
- ② Increased ability to catch criminals fast, which is already existing in foreign countries.
- ③ Repeat offenders will be easily identified.
- ④ As of 2010, 300,000 children went missing in India — they could be connected to their family.
- ⑤ It will also help scientists in researching DNA of Indians. eg. China is already doing it.

Lack of safe guards

- ① The DNA of family members must be thoroughly removed after ~~the~~ the task is done.
- ② Criminal - Police ~~comp~~ Nexus will allow criminals to get away & frame somebody else. → evidence tampering.
- ③ In the name of suspicion gov. can collect DNA of anybody & everybody. This can be further ~~used~~ mis-used to frame them.
- ④ Security of databanks from tampering, theft etc.

AP Shah committee (2012) has recommended to ensure responsible, secure, authorised use of personal & sensitive information by data collectors esp. DNA. Hence, though the bill is an important step, it must be followed up with safety & security concerns so that it doesn't erode a upon "Right to Privacy" of citizens.

- Q. Lateral entry scheme may foster more competitive spirit, break the complacency of a higher civil servants & eventually prove to be a pioneering initiative in public interest. Critically examine.

Ans. Recently gov. has invited applications from private officials for entry into higher ~~level~~ civil service of Joint Secretary^(JS) level & above.

In the pilot program only 10 posts are open for lateral entry.

Advantages of the move:

- ① 2nd ARC (2006-09) has recommended to hire civil servants in top echelon from lateral entry.
- ② It will help civil servants learn from their private counterparts & increase competitiveness — better of for nation.
- ③ Only 10 out of 400 JS level posts are being given so no need for career civil servants to panic.
- ④ Specialist knowledge is necessary in top posts as JS are primary policy makers in ~~state~~ Secretariat.
- ⑤ Top bureaucrats like Manmohan Singh, Montek Singh Ahluwalia have been hired

laterally & they performed amazingly.

Arguments against -

- ① ~~BPSC~~ Transparency in procedure of hiring these lateral entrants.
- ② Spoils system like USA where politicians hire their campaign supporters to top posts.
- ③ Lackluster number of applications for the current pilot program hint that private sector is not much interested.
- ④ Salary of civil servants might not be enough for the private counterparts.
- ⑤ Adjustment to government setup itself might take 2-3 years to adjust which is the time for their recruitment.

Overall, if the issues of transparency are solved through BPSC making recruitments & bright entries can be attracted. Then lateral entry should be thought of as a positive step for Indian bureaucracy. Some new, fresh, specialist thinking is always better.

If lateral entry is not taken through, then alternatively private counterparts can be used as advisors to JS & above level.