

## NOTING AND DRAFTING, PRECIS WRITING

Time Allowed : Three Hours

Maximum Marks : 200

## INSTRUCTIONS

*Please read each of the following instructions carefully before attempting questions :*

*There are THREE questions printed both in HINDI and in ENGLISH.*

*All questions are compulsory.*

*Question nos. 2 and 3 have SIX parts each, out of which FOUR are to be attempted in each.*

*The number of marks carried by a question/part is indicated against it.*

*Answers must be written in the English or Hindi medium as authorized in the Admission certificate which must be stated clearly on the cover of the answer book in the space provided. No marks will be given for answers written in medium other than the authorized one.*

*Word limit in questions, wherever specified, should be adhered to.*

*Any page or portion of the page left blank in the answer book must be clearly struck off.*

*Note :— The name of your office or your name, roll number or address must not be disclosed anywhere in the answers.*

*Use XXXXX or YYYYY or ZZZZZ etc. in case any of the above are required in answers.*

**ध्यान दें :** अनुदेशों का हिन्दी कृपान्तर इस प्रश्न-पत्र के पिछले मुख्य पर छपा है।

1. Please make a précis of the following passage in about one-third of its length :—

40

Globally it has been increasingly accepted that right to information is an important human right. About 80 countries have so far enacted a statutory law to provide access to information to their citizens. It is a big improvement over the situation when the first law on access to information was passed in Sweden in 1766 which made government records available to the public. For more than 100 years no other country adopted such a law. India adopted a comprehensive law on right to information to its citizenry in 2005, which is considered as one of the best transparency laws of the world. It imposes personal liability upon the Public Information Officer, who is a statutory authority under RTI Act, 2005 to provide the information asked for and also puts responsibility upon the public authorities to provide information *suo moto*. If a Public Information Officer fails to comply with the provisions of RTI Act, he can be imposed a penalty payable personally by him and not by his organization. This is a unique feature of personal liability of officers which is not available under other laws of the country.

India inherited a system of governance from Britishers where accountability was not to the people of the country; the bureaucracy was supposed to be loyal to the foreign government. The post independence period of planned development presupposed a change in the profile of bureaucracy from 'government servant' to 'public servant'. The new system of governance now demanded people's participation in implementation of developmental plans and schemes. In new India, the biggest challenge has been to deliver basic services to improve human development at a remarkably fast speed with available resources. The Indian democracy successfully managed many crises in its journey to growth and development. One of the challenges is the desire to deliver to its people a clean, efficient and responsive administration which could be trusted by all sections of the society. An overweening tendency among the civil servants is to embrace secrecy which - often quite unnecessarily - engendered mistrust and cynicism. It has also been noted that one of the acknowledged and pronounced failures of the Indian State - and most developing states - has been its failure to deliver services to its people at the grass-roots level.

The Right to Information (RTI) Act of 2005 was born in the above backdrop. The Act brought into being something which was foreign to the Indian system of governance and especially to the permanent bureaucracy. It made transparency the norm and secrecy an exception. The objective of the law is very categorically stated in the preamble of the Act of 2005 which desires to give a right to citizens to secure information to promote transparency and accountability in the working of every public authority. The Act accepts that the democracy in India requires informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and hold Governments and their instrumentalities accountable to the governed.

The Act of 2005 also observed that revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Government, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information. The Act desires to harmonize these conflicting interests while preserving the paramountcy of the democratic ideal. While the underlying principle is to reveal information to promote transparency and accountability and contain corruption this underlying principle of transparency has to be harmonised with public interest and non disclosure of sensitive information. It will not be wrong to construe that there is a need to strike a balance between information and sensitive information.

The RTI regime emerged essentially as a manifestation of the desire to move the democratic process progressively towards participatory democracy, while deepening democracy and making it more universally inclusive. It can however be observed that the failure of the delivery system of the State to provide fruits of economic development and benefits of social welfare programmes to common men and the need and desire of their participation in all levels of governance have led to the demand for transparency in the functioning of the government and administration. It could not have been possible without supply of information from the government. The legitimacy about access to information comes from the basic jurisprudence of people's right to know how they are governed, their aspirations to get good governance and the need to get full benefits of development and social justice.

Although there is no specific article in the Constitution of India which may specifically guarantee a right empowering citizens to seek information from the government or any other public authority, the judicial history of pronouncements of Supreme Court has clearly established this right to Indian citizens. Legal pundits rightly claim that the RTI Act is not the sole repository of the right to information. They find the source of right to information in the Constitution of India. The Constitution guarantees, under Article 19(1) (a), to every citizen the freedom of speech and expression. The freedom of speech and expression is a preferred right even among the fundamental rights. Its curtailment cannot be on any generalized public interest but only on grounds laid down by law with nexus to the specific circumstances mentioned in Article 19(2) of the Constitution. In order to exercise the freedom of speech and expression effectively, one needs an informed public opinion. The right to information thus flows out of freedom of speech and expression. The Right to Information Act is merely an instrument that lays down the statutory procedure in the exercise of this right. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. Fundamental rights including access to information are such arrangement in the Indian legal system which provide effective democracy. The right to information opens the doors of knowledge to the people - necessarily the ultimate custodian of power in any genuine democracy. It allows the public to see what government, at every level, is doing on behalf of its citizens, and with their money. Transparency is crucial to accountability.

## 2. Attempt any four questions of the following :—

25×4=100

(a) Following is a case regarding scholarship to Ph.D. students of an autonomous statutory university under Ministry of Human Resource Development (MHRD). Following facts/information are available on the basis of existing records of correspondence between MHRD and the Universities :

(i)	26.11.2010	An autonomous statutory university recommended revised list of 10 names for award of scholarship to Ph.D. students of 2009-10.
(ii)	22.01.2011	The university recommended names of 10 students for scholarship to students of Ph.D. for the year 2009-10 to Ministry of Human Resource Development (MHRD).
(iii)	06.04.2011	The same university forwarded 10 names to Deputy Secretary (Scholarship), MHRD on 06.04.2011 in continuation of an earlier letter (date not mentioned) for scholarship for the year 2009-10.
(iv)	21.04.2011	The same university vide letter dated 21.04.2011 sent a list of 10 names for award of scholarship to Ph.D. students of 2010-11.
(v)	22.04.2011	Deputy Secretary (Scholarship) asked the university to indicate total number of students enrolled to Ph.D. for 2009-10; informing the university that, as per the guidelines, (i) only 25% of the students enrolled for Ph.D. can be considered for the said fellowship, according to merit, and (ii) 50% fellowship will be earmarked for reserved categories.
(vi)	21.05.2011	The university wrote to Deputy Secretary (Scholarship) reiterating to accept the decision of the university in respect of scholarship for M.Phil. 2009-10 and 2010-11.
(vii)	21.06.2011	The university again requested Deputy Secretary (Scholarship) to accept the decision of the university for award of scholarship to students for 2009-10 and 2010-11 and assured that in future prescribed limit as per above mentioned guidelines will be followed.

(viii)	06.07.2011	Deputy Secretary (Scholarship) wrote to university on 06.07.2011 that department recommended 20 students for scholarship out of 50 students enrolled in Ph.D. for 2009-10 and 2010-11. As per rules, only 12 students (six students each year) should have been recommended for the said fellowship. University was requested to do the needful accordingly.
(ix)	24.11.2011	The university vide letter dated 24.11.2011 sent six names of students for 2009-10; six students for 2010-11 scholarship. The university also sent Ph.D. scholarship forms in respect of the candidates of Batch 2010-11 and 2009-10 to the Deputy Secretary (Scholarship).
(x)	07.03.2012	Section Officer (Scholarship) informed the university vide letter dated 07.03.2012 the discrepancy that 2009-10 batch is not eligible for this fellowship.
(xi)	22.03.2012	The university wrote a letter dated 22.3.2012 to Deputy Secretary (Scholarship) stating that it was understood that students of 2009-10 batch were being denied scholarship on the ground that their recommendation from the university had reached late. It was confirmed by the university that recommendation for this batch was sent twice in time. It was further stated that correspondence was going on for the batch of 2009-10 since 2010.
(xii)	24.05.2012	Deputy Secretary (Scholarship) conveyed the approval to the University for grant of scholarship to six Ph.D. students of 2010-11 vide letter dated 24.05.2012.
(xiii)	06.06.2012	Deputy Secretary (Scholarship) vide letter dated 06.06.2012 informed the university that the cases of Ph.D. students for 2009-10 for scholarship cannot be considered at this "late stage".

The Ph.D. students of the 2009-10 batch of the same university filed a petition through proper channel, to the Minister in-charge of Ministry of Human Resource Development about the unlawful denial of Ph.D. scholarship to them for which the students were not at fault. They requested the minister to look into the matter personally and pass appropriate order to grant Ph.D. scholarship to the students of the batch of 2009-10.

The Minister asked for factually correct report explaining the guidelines governing the Ph.D. scholarship scheme. He also asked for an analysis of the issues involved in the case and reasons for denying the scholarship to 2009-10 batch and justification(s) thereof, if any. Put up a self contained note as Section Officer (Scholarship) in not more than 250 words for consideration of appropriate higher authorities.

(b) As a Section Officer in Ministry of Textiles you visited Central Silk Board (CSB) and collected following information :

- (i) The demand for raw silk in the country has grown during the last five year period from 28,000 mt to 30,000 mt.
- (ii) India would achieve complete self-sufficiency in quality raw silk production by 2020.
- (iii) The price of imported silk yarn went up to around Rs.4,400/- from around Rs.3,000/- a kg in the last one year due to strengthening of the dollar against the rupee.

(iv) OTHER FACTS :

Year	Quantum of Indigenously produced silk	Quantum of silk imported
2008-09	18,370 tonnes	8,392 tonnes
2009-10	19,690 tonnes	7,344 tonnes
2010-11	* 20,410 tonnes	5,282 tonnes
2011-12	23,060 tonnes	5,683 tonnes
2012-13	23,679 tonnes	4,951 tonnes
	Source : Central Silk Board	Source : Karnataka Silk Marketing Board

Please submit a report to Joint Secretary incharge of Silk in the Ministry of Textiles about the status of Silk production in the country explaining the scope of self sufficiency in Silk production in the country.

(c) In the monthly economic report of October 2013, Ministry of Finance has highlighted the following :

- Estimated GDP growth rate of 4.4% in the first quarter of 2013-14.
- Food Grain Stocks held by Government agencies were 509.3 Lakh tonnes as on September 1<sup>st</sup> 2013.
- Overall growth in the Index of Industrial Production (IIP) was 2.0 per cent during September 2013 as compared to (-) 0.7 per cent in September 2012.
- Exports increased by 13.5 per cent and imports decreased by 14.5 per cent, in US Dollar terms, during October 2013 over October 2012.
- Foreign Currency Assets stood at US \$ 254.7 billion at end-October 2013 as compared to US \$ 261.1 billion at end-October 2012.
- The Rupee appreciated against US Dollar, Pound Sterling, Japanese Yen and Euro in the month of October 2013 over September 2013.
- Gross tax revenue for the financial year 2013-14 (April-September) at Rs.458.172 crore, recorded a growth of 7.8 per cent over 2012-13 (April-September).
- As a proportion of budget estimate, fiscal deficit and revenue deficit during 2013-14 (April-September) was 76 per cent and 84.8 percent respectively.

Prepare a note in not more than 150-200 words highlighting the status of economy in the country on the basis of above information.

(d) In a writ petition the High Court of Delhi has passed the following order and directed that the government may circulate the decision of the High Court for compliance :—

This court notes that Central Information Commission (CIC) had directed the Ministry of Tourism, the petitioner, to thoroughly investigate the availability of a report on tourism in the state of Meghalaya. The CPIO who appeared before the CIC has informed the commission that the said report was not available in the Ministry. The facts of the case discussed and brought before this Court proved that no proper investigation was carried out by the Public Authority. The Court therefore, directs that a thorough and meaningful inquiry may be undertaken to find out about the availability of said report. In such cases inquiry should be carried out by an officer not below the rank of Joint Secretary.

As a Section Officer in Ministry of Tourism examine the order of the High Court and submit a note with appropriate draft of communication to circulate High Court direction.

(e) Ministry of Law, GoI has taken the decision with the approval of President of India to appoint Shri XYZ, presently serving as Secretary, Department of Corporate Affairs as Election Commissioner of India in the vacancy of the Election Commission caused due to appointment of Shri ABC as Chief Election Commissioner. The appointment of Shri XYZ as Election Commissioner will be for a period of Five years or till he achieves the age of 65 years, whichever is earlier, and will commence from the date of his joining the office of Election Commission of India. Draft a Notification for publication in the Gazette of India, part 1, section 2.

(f) Ministry of Information and Broadcasting has decided to appoint Shri GM, a retired Director of Ministry of Finance (Department of Expenditure) as consultant to advise the Ministry for further delegation of financial powers under Delegation of Financial Power Rules (DFPR) to all heads of departments in the Ministry, attached and subordinate offices, statutory organizations and corporations. It has been decided that he will be paid monthly honorarium equivalent to his last pay drawn minus pension as per rules. He has been asked to submit his recommendations in three months from the date of his joining.

Ministry of Information & Broadcasting agreed to provide secretarial assistance during Shri GM's appointment as Consultant. If he travels out of head quarter on any official assignment, he will be paid TA/DA at Government approved rates. Prepare an Order of appointment of Shri GM as Consultant.

**3. Attempt any four of the following :—**

**15×4=60**

(a) A reference has been made to Department of Personnel & Training, Govt. of India, enquiring whether consultation with Central Vigilance Commission (CVC) in disciplinary proceedings initiated as a consequence of conviction in a court of law of a Government servant in a corruption case is essential or not.

It has already been decided vide Govt. of India resolution No.24/7/64 dated 11.02.1964 that consultation with Central Vigilance Commission (CVC) is required before disciplinary authority (DA) imposes a penalty in a disciplinary case involving vigilance angle whether a disciplinary proceedings is initiated under rules 14 or 19 of the Central Civil Services (Classification, Control and Appeal, CCA) Rules 1965. The Department of Personnel and Training (DOP&T) decided to re-circulate the decision to all disciplinary authorities under all ministries/departments so that the existing instructions on the subject are followed. Draft an Office Memorandum from Deputy Secretary, DOP&T in charge of Administration & Vigilance Division (AVD), to convey this decision.

(b) Smt. PQ, resident of Central Government Colony, Chandigarh lodged a complaint to Central Information Commission (CIC), under section 18(1) of RTI Act 2005 which reads as following :

“Subject to the provision of this Act, it shall be the duty of Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person.”

In her complaint she alleged that the Public Information Officer (PIO) and first Appellant Authority (AA) of All India Radio have not provided her the information which she desired to know under RTI Act. The PIO of the concerned public authority has taken the view that the information sought by Smt. PQ is very voluminous. The CIC issued order that PIO may provide the opportunity to the complainant to inspect the files/documents/records containing the required information. Draft a letter from Public Information Officer to Smt. PQ to implement the order of CIC.

(c) Shri 'A', UDC was transferred from R & D section of Council of Scientific Industrial Research (CSIR) to the Budget section of the same organization at the same station on 01.01.2008 with immediate effect. He did not join the new place of posting for next 15 days. He, however, reported for duties in his old section on 16.01.2008 and informed his Section Officer that he was unwell. He did not submit any Medical Certificate of illness or fitness. Section Officer advised him to join his new place of posting. Shri 'A', UDC joined Budget section of CSIR on 17.01.2008 and then did not attend office from 18.01.2008 to 25.01.2008 without any intimation. He was issued show cause notice to explain his unauthorized absence. In his reply he requested for regularization of his absence by sanctioning appropriate leave. The disciplinary authority decided to initiate disciplinary proceedings against Shri 'A', UDC for violation of Rule 3 of CCS (Conduct) Rules 1964 under Rule 14 of CCS (CCA) Rule 1965. Please prepare a Charge Sheet against Shri 'A', UDC.

(d) The government has been receiving representations from public, NGOs, legislatures etc. expressing their concern about increasing number of sexual harassment cases at work places, home and other public places. The newspaper reports suggest that the number of offenses against women is alarming. The government examined these representations and noted that many existing laws have been recently amended to make them more stringent. The law enforcing agencies have been given more powers to deal with such cases. Separately actions have also been initiated to educate people to respect women. However, the government has decided to set up a three man Commission to go deep into the issue and suggest further measures required to be taken to improve the condition of women in work places, home and other public places. It was decided that the Commission will be headed by a retired Judge of Supreme Court and will include two other members consisting of a retired senior police officer and a representative of NGOs associated with women welfare. The Commission will be asked to submit its report within six months after consulting stake holders.

Prepare a press communiqué/note which will be signed by Joint Secretary of Ministry of Women Welfare, GoI. The Press communiqué/note should be published in newspapers by 31.12.2014.

(e) A Member of Parliament has written a letter to Secretary, Department of Higher Education, MHRD stating that many new Central Universities have been recently set up by the Central Government. The Member of Parliament in his letter recommended names of three persons from his constituency who are well qualified and competent for appointment to the available teaching posts in their respective subjects in any one of these newly set up Central Universities. Draft a suitable reply from Secretary, Department of Higher Education to the Member of Parliament.

(f) A Cyclone has recently hit the Eastern Coastal line of states in South India particularly Odisha, Andhra Pradesh and Union Territory of Andaman and Nicobar Islands. A "Calling Attention" notice has been admitted in the Rajya Sabha on the subject "Damage of life, property and crop caused by the Cyclone and relief measures taken by the Government". Please prepare a Statement to be made by the Minister in charge of Disaster Management to be made in Rajya Sabha, giving all possible relevant information.