



# VISION IAS

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## GENERAL STUDIES (TEST CODE : 1820)

Name of Candidate	Surabhi Yadav	Registration Number	1133075
Medium Eng./Hindi	English	Date	04/11/22
Center	-		

INDEX TABLE		
Q. No.	Maximum Marks	Marks Obtained
1	10	
2	10	
3	10	
4	10	
5	10	
6	10	
7	10	
8	10	
9	10	
10	10	
11	15	
12	15	
13	15	
14	15	
15	15	
16	15	
17	15	
18	15	
19	15	
20	15	
Total Marks Obtained:		
Remarks:		

## INSTRUCTIONS

- Do furnish the appropriate details in the answer sheet (viz. Name, Registration Number and Test Code).  
उत्तर पुस्तिका में सूचनाएं भरना आवश्यक है (नाम, प्रश्न पत्र कोड, विद्यार्थी क्रमांक आदि)।
- There are **TWENTY** questions printed in **ENGLISH & HINDI** इसमें बीस प्रश्न हैं अंग्रेजी और हिन्दी में छपे हैं।
- All questions are compulsory.**  
सभी प्रश्न अनिवार्य हैं।
- The number of marks carried by a question/part is indicated against it.  
प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।
- Answers must be written in the medium authorized in the Admission Certificate, which must be stated clearly on the cover of this Question-Cum-Answer (QCA) Booklet in the space provided. No marks will be given for answers written in medium other than the authorized one.  
प्रश्नों के उत्तर उसी माध्यम में लिखे जाने चाहिए जिसका उल्लेख आपके प्रवेश पत्र में किया गया है और उस माध्यम का स्पष्ट उल्लेख प्रश्न-सह-उत्तर (क्यूसीए) पुस्तिका के मुख्य पृष्ठ पर अंकित निर्दिष्ट स्थान पर किया जाना चाहिए। उल्लिखित माध्यम के अतिरिक्त अन्य किसी माध्यम में लिए गए उत्तर पर कोई अंक नहीं मिलेंगे।
- Word limit in questions, if specified, should be adhered to.  
प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।
- Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be clearly struck off.  
उत्तर पुस्तिका में खाली छोड़ा हुआ पृष्ठ या उसके अंश को स्पष्ट रूप से काटा जाना चाहिए।

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## EVALUATION INDICATORS

1. Contextual Competence
2. Content Competence
3. Language Competence
4. Introduction Competence
5. Structure - Presentation Competence
6. Conclusion Competence

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

6.

VisionIAS

1. What do you understand by 'constitutionalism'? Highlight various ways in which the Indian Constitution underscores this principle. (150 words) 10

'संविधानवाद' से आप क्या समझते हैं? भारतीय संविधान में इस सिद्धांत को रेखांकित करने वाले विभिन्न उपबंधों पर प्रकाश डालिए।

Ans. Supreme Court defined 'constitutionalism' in Rameshwar vs Union of India case as "a government system that abhors absolutism."

The idea was further elaborated in IR Coth Coelho vs State of Tamil Nadu, Constitutionalism is a legal principle that keeps a check on excess of government measures and ensures it runs on the democratic principles.

Ways in which Indian Constitution underscore Constitutionalism

- ① Separation of power.

Indian constitution ensures separation of power between executive, legislative and judiciary.

- ② System of checks and balance

### ③ Independent Judiciary

appointment of judges and delivering justice is independent of the government.

### ④ Fundamental Rights

guaranteed to citizens, the basic structure cannot be amended by the parliament.

### ⑤ Universal Adult Franchise

All citizens above 18 are entitled to vote without discrimination.

### ⑥ Responsible and Accountable government

controlled through question hour, no-confidence motion etc by parliament

### ⑦ Rule of Law

Dicey states three components -

- no one is above law
- cannot be punished except breach of law.

These two applicable in India.

Thus, we see that Indian constitution upholds the principle of constitutionalism. Various organs are further strengthening the concept by keeping a check on each other.

2. Mention various initiatives taken for online delivery of judicial services in India. Also, discuss the challenges faced in their implementation.

(150 words) 10

भारत में न्यायिक सेवाओं की ऑनलाइन प्रदायगी के लिए प्रारंभ विभिन्न पहलों का उल्लेख कीजिए। साथ ही, उनके कार्यान्वयन में आने वाली चुनौतियों पर चर्चा कीजिए।

Ans. COVID pandemic, with its havoc has also pushed the world towards digitalisation. The Judicial system also saw online delivery of judicial services.

### Various Initiatives

#### ① Online Dispute Redressal Mechanism.

Addressing disputes online in pre-litigation stage reducing burden on ~~judicial~~ courts.

#### ② e-Lok Adalats

Chhattisgarh became 1st state to start Lok Adalats online.

#### ③ RBI dispute solving

The digital transaction frauds are addressed online in efficient manner.

#### ④ Bail being granted online

to reduce delay in delivery of release of people.

#### ⑤ Addressing e-chalans and other fines online.

## Challenges in Implementation

- 1- Lack digital literacy
  - Increase chances of online frauds and extortion of money.
- 2- Lack of digital infrastructure
  - not all people have access
- 3- Gender divide
  - Data shows only 1/2 rd of the women had access to online services during pandemic.
- 4- Behavioural issues
  - most population is not accustomed to online system + prefer online. As we saw in decline of online services after pandemic when things were available offline.
- 5- Privacy Concerns
  - most digital content is subject to be distributed worldwide.

Considering the challenges, we can move forward by developing better security system and developing digital infrastructure. We need to ensure DPSP in Article 39A of providing Free legal Aid to the poor - which is both accessible and affordable through digital means as well.

3. Illiteracy and poverty are hindrances in the formation of healthy public opinion on public policies. Discuss with suitable examples. (150 words) 10  
निरक्षरता और निर्धनता सार्वजनिक नीतियों के संबंध में स्वस्थ जनमत के निर्माण में बाधक हैं।  
उपयुक्त उदाहरणों के साथ विवेचना कीजिए।

Ans. Illiteracy and poverty are hindrances to better living.

They hamper ~~public~~ public policy  
by -

- ① Majority of ~~section~~ illiterate section -  
can't take part in discussions.
- ② Can't form informed opinion.
- ③ More concerned about how to  
access 2 times food than to  
care about politics & related  
policy formation
- ④ Do not have access to  
information
- ⑤ Their opinions - not taken into  
consideration - thought to insignificant

4. Why did Dr. B.R. Ambedkar see the CAG as "probably the most important officer in the Constitution of India"? Discuss the issues faced in the functioning of CAG. (150 words) 10

डॉ. बी. आर. अम्बेडकर ने कैग (CAG) को "संभवतः भारत के संविधान में सबसे महत्वपूर्ण अधिकारी" के रूप में क्यों माना है? कैग के कामकाज के समक्ष उत्पन्न होने वाले मुद्दों पर चर्चा कीजिए।

Ans. Comptroller and Auditor General of India has rightly been said as most important officer. He is the guardian of the public purse.

- ① He audits the accounts of the government and all other institutions which involve government money.
- ② His reports are presented to the President who tables them in Parliament for scrutiny and discussion.
- ③ He makes government financially accountable and responsible.
- ④ Ensures public money is used in the right manner.
- ⑤ He audits the contingency fund of the centre as well as the states.

With these powers, CAG also faces certain issues in its effective functioning.

## Issues

- ① Audits account after expenditure has been made. So effectively no control over where to spend money.
- ② Secret expenses: These expenses are reported as being made and no control over how, when, why.
- ③ Conflict of interest - most CAG are bureaucrats, who served the government, so say little against government when made CAG. eg. Munnu made CAG.
- ④ No criteria for appointment - no idea how candidates are shortlisted.
- ⑤ Delayed Reports - usually reports tabled very late in Parliament, when discussions made no sense.

CAG is one of the eminent institutions & important to check excesses of executive.

The office should be strengthened —

- ① Independent / Committee to appoint CAG.
- ② Time frame to present reports.
- ③ Access to all government expenses.

5. Bring out the similarities and differences in the Bill of Rights in the Constitution of the United States and Fundamental Rights in the Constitution of India. (150 words) 10

संयुक्त राज्य अमेरिका के संविधान में उपबंधित बिल ऑफ राइट्स और भारत के संविधान में मूल अधिकारों के मध्य समानताओं और भिन्नताओं को रेखांकित कीजिए।

Ans. Bill of Rights was brought about in United States by the 1st-10 Amendments to its constitution and Fundamental Rights in Indian Constitution have been derived from it.

### Similarities

- ① Same in essence - to protect human rights.
- ② Upholds individual rights rather than collective rights as a society.
- ③ Includes concept of freedom of speech expression.
- ④ Upholds Idea of equality
  - India caste based
  - USA - black & white
- ⑤ Upholds the principle of secularism.  
Do not discriminate based on any individual's religious beliefs.
- ⑥ Against exploitation.

## Differences

① Allows keeping arms and guns for protection of life & liberty - USA.  
In India, guaranteed by Supreme Court, stringent laws against personal weapons.

② USA - Includes human, legal and other rights as well.  
India - fundamental Rights.

USA

India

③ Rule of law

- Procedure established by law.

④ Right to property

- It has now become a legal right under article 300-A.

⑤ Federal courts enforce Bill of Rights.

- Supreme Court protects the Fundamental Rights.

Thus, we saw some difference in rights guaranteed by USA and India. But they are largely similar in their essence & what they try to achieve. We need to continuously preserve individual rights to protect humans from discriminations.

6. There are various issues related to appointments in higher judiciary in India that need urgent attention. Discuss in context of the recent report by the Parliamentary Standing Committee for the Ministry of Law and Justice.

(150 words) 10

भारत में उच्चतर न्यायपालिका में की जाने वाली नियुक्तियों से संदर्भ में विभिन्न मुद्दे विद्यमान हैं जिन पर तत्काल ध्यान दिए जाने की आवश्यकता है। विधि और न्याय विभाग संबंधी संसदीय स्थायी समिति की हालिया रिपोर्ट के संदर्भ में चर्चा कीजिए।

Ans. Parliamentary standing committee in its recent investigation found many issues with appointments in higher judiciary -

- ① lack of socio-economic representation
- ② Vacancies - approved strength 1080 appointed only 661 in High court.

Reason

- No time frame in which Central government approve recommendation by judicial committee
  - Non finalisation of Memorandum of procedure b/w Executive & Judiciary.
- ③ High rate of rejection by Central government of recommended candidates.
    - Nearly 40-50% rejected.

- ④ Lack of transparency on committees part of basis of selection & recommendation.

### Way forward

- ① System like NTAC - that have members of both executive and judiciary for appointment.
- ② Separate committee to carry out solely appointments -
- ③ All India Judicial Services introduce.
- ④ Better representation to women & minority / vulnerable sections.
- ⑤ Lay down guidelines for selection for appointments

Thus, judiciary needs revamp in appointment of judges to bind up 3 crore + cases pending with Indian Judiciary.

7. The Competition Commission of India (CCI) effectively reflects a shift from the era of Licence Raj to a conducive regulatory ambience for enhancing consumer welfare by encouraging competition in the market. Discuss.

(150 words) 10

भारतीय प्रतिस्पर्धा आयोग (CCI) बाजार में प्रतिस्पर्धा को प्रोत्साहित करके उपभोक्ता कल्याण को बढ़ाने के लिए लाइसेंस राज के युग से एक अनुकूल नियामकीय परिवेश में स्थानांतरण को प्रभावी ढंग से प्रदर्शित करता है। चर्चा कीजिए।

Ans

Competition Act, 2002 came into force replacing MRTA Act and provided statutory basis for competition in secondary sector. The Act also paved the way for establishment of Competition Commission of India (CCI). CCI proved effective in encouraging competition in market.

Situation earlier

- ① Bureaucrats misuse of power - they gave license based on personal preferences.
- ② ~~License Raj~~ licence Raj - only powerful got permission to establish industry.
- ③ Monopoly - created monopoly in products like packed food, drinks, heavy industries like steel, leather, mining etc.

## Initiatives by Competition Commission of India

- ① Checked Monopoly - Initiatives to small businessman to establish trade and industry.
- ② End to licence system : Post liberalisation reforms of 1991 - licence system reduced gradually.
- ③ Monetary incentives like-tax free income to budding businesses.
- ④ supported startups - India became leading successful startup sub. Rank at 3.
- ⑤ Ensure fair trade practices : fined Google
- ⑥ Strengthened consumers - (a) Consumer forum - a man was paid ₹ 10 back, he was charged extra by IRCTC.

Thus, commission took various steps to ensure that the competition and fair practices govern the market- and strengthen consumers.

8. Enumerate the various kinds of writs in the Indian judicial framework and state the remedial significance of writs. (150 words) 10

भारतीय न्यायिक ढांचे में विद्यमान विभिन्न प्रकार के रिटों को सूचीबद्ध कीजिए और इसके उपचारात्मक महत्व को स्पष्ट कीजिए।

Ans. Article 32 of the Indian constitution entrusts the Supreme Court of India to protect the Fundamental Rights through writs.

In addition, Article 226 also empowers High Court to issue writs.

Various kinds of writs in Indian Judicial Framework includes -

- ① Habeas Corpus : 'present the body'. The SC can ask to present the person against wrongful detention.
- ② Mandamus - 'we command'. Issued by Court to public official to perform his duties properly.
- ③ Prohibition - 'forbid'. - By higher court to lower court to prevent the excess of jurisdiction.
- ④ Certiorari - 'to be informed'. It prohibits as well as transfer the case from the

lower court to the higher court.

- ⑤ Quo-warrants - 'by what authority' Court inquires by what authority a person exercises his claim to public office. It can be issued by any interested person.

### Remedial Significance of Writs

- ① Justice to the aggrieved.
- ② Protects the fundamental rights.
- ③ Ensures Article 39A fulfillment.
- ④ Supreme Court cannot refuse to issue the writs - thus guaranteed listening of the case.

Dr. B.R. Ambedkar has said that Article 32 is the most important article and its the soul of the constitution. SC has also declared it as a basic feature of the constitution.

It must be upheld in all situations and guarantee fundamental rights to individuals on principles of constitutionalism.

9. Giving the rationale behind the formation of a separate Ministry of Cooperation, discuss the ways to deepen Co-operatives as a true people centric movement in India.

(150 words) 10

एक पृथक सहकारिता मंत्रालय के गठन के पीछे निहित तर्क प्रस्तुत करते हुए, भारत में एक वास्तविक जन केंद्रित आंदोलन के रूप में सहकारिता को सुदृढ़ करने के तरीकों पर चर्चा कीजिए।

Ans. Cooperatives are voluntary association of people who come together with intention to work together.

The Rationale for formation of separate Ministry of Cooperation

- ① Guaranteed by constitution  
- Article 19 and Part IX-B
- ② Huge number of cooperatives  
- By March 2021 - 98,042 cooperatives  
of which 96,000+ in rural areas.
- ③ Better Organisation  
- administrative, legal and policy framework
- ④ Realise vision of 'Sahkar se Samridhi'  
(prosperity through co-operation')

- ⑤ To streamline 'Ease of Doing Business' through co-operatives.

### Ways to strengthen co-operatives

- ① Digitisation of Co-operative functioning in vernacular language to ease the process of administration.
- ② Procurement of co-operatives on Government e-Marketplace.
  - prevent them from private sector vulnerabilities.
- ③ Marketing with branding as core strategy. Through tags like 'Atmanisbhar', 'hand crafted', 'Indian made', 'support farmers' etc.
- ④ Promote export - make process hasslefree.

Co-operatives are the strength of micro-finance and support Rural economy. They need to be strengthened to envision idea of doubling farmers income.

10. Highlighting the key provisions of The Tribunals Reforms Bill, 2021, discuss whether it can help in addressing the issues pertaining to tribunals in India.

(150 words) 10

अधिकरण सुधार अधिनियम, 2021 के प्रमुख प्रावधानों को रेखांकित करते हुए, चर्चा कीजिए कि क्या यह भारत में अधिकरणों से संबंधित मुद्दों को संबोधित करने में सहायता कर सकता है।

Ans. 42nd Constitutional Amendment Act added Article 323-A and 323-B and made Tribunals as part of the constitution. Finance Minister recently tabled Tribunals Reforms Bill, 2021 with following key provisions-

- ① Dissolution of some existing bodies

eg Film Certification Appellate Tribunal.

- ② Merging of some tribunals

eg Competition Appellate merged with NCLAT.

- ③ Search-cum-selection committee

to appoint & remove tribunal members. Consist- of CJI, 2 Secretaries nominated by Central Gov, sitting chairperson, Secretary of ministry under which tribunal made.

## Issues with tribunals in India

- ① Independence - Recently government make appointments.
- ② Search-cum-selection committee can solve the issue. Law Commission also recommended formation of committee consisting of members of both executive & judiciary.
- ② Functioning - huge burden of cases. Lack of infrastructure, unsatisfactory service condition, delays by lawyers.
  - This area need further reforms.
- ③ Vacancy
  - Law commission recommend - filling of vacancy to start 6 months prior. Needs address.

Tribunals are a great assist to the judicial system. They help overburdened courts share some responsibilities with Tribunals, which need further reforms as suggested by Law Commission

11. Asymmetry is not only an important characteristic of federalism in India, it has also helped in the accommodation of diverse demands inherent in our democracy. Discuss.

(250 words) 15

असममिति न केवल भारत में संघवाद की एक महत्वपूर्ण विशेषता है, अपितु इसने हमारे लोकतंत्र में निहित विविध मांगों के समायोजन में भी सहायता प्रदान की है। चर्चा कीजिए।

Ans. Democracy generally advocates for equality in federal structure. But, due to the diverse nature and historical context in which India emerged independent required special federalism. and Asymmetry is one such characteristic.

Asymmetry in between states -

- ① Originally Jammu & Kashmir was granted special status
- right to form own constitution & its laws
  - dissolved by revoking Article 370.

Reasons for special status initially

Instrument of Accession signed with conditions that only defence

- communication & external affairs will be given to government of India.
- Peculiar to J&K accession to India.
  - Thus to accommodate the distinct conditions, granted special status.

## ② Fifth Schedule

- Scheduled Areas and Scheduled Tribes have special administration and control.
- Governor has final say.
- Formation of Tribal Advisory Council

### Reason

- Better protection to tribal areas

## ③ Sixth Schedule

- Assam, Meghalaya, Tripura and Mizoram Scheduled area and tribes are also given special protection
- Ensure better safety net and protect their rights

### ④ Asymmetry in Union Territory.

- Only Delhi & Puducherry have legislative council others directly by President.

#### Reasons

- other territories too small to have council.
- Better Administration
- Reduce costs, enhance efficiency

Thus, we saw various ways in which our constitution accommodated demands of various territories to the best efficiency. India is a diverse and large nation with varied demands and a asymmetric federalism has survived test of time - 75 yrs since independence.

12. Identifying the designated role of Parliament, discuss the consequences of inefficiency in parliamentary functioning in India. Also, suggest some measures for improving the functioning of Parliament. (250 words) 15

संसद की निर्दिष्ट भूमिका की पहचान करते हुए, भारत में संसद के कामकाज में अक्षमता के परिणामों पर चर्चा कीजिए। साथ ही, संसद के कामकाज में सुधार के लिए कुछ उपायों का सुझाव दीजिए।

Ans Parliament is the legislative unit of Indian system. The constitution has guaranteed certain roles to parliament under Article 79-122.

### Role of Parliament

#### ① Frame laws

- It makes laws on issues in central list of schedule 1 and also on concurrent list.

#### ② Discuss issues of National Importance

- Current national situation like Economic situation due to war in eastern Europe

#### ③ check excesses of executive

- by no confidence motion, question hour, zero hour and other parliamentary procedures.

However, Parliament has not been working efficiently on certain levels.

### Consequences of Inefficiency

- ① Passing bills in haste.  
eg Three farm laws which had to be repealed later.
- ② <sup>Low</sup> ~~also~~ parliamentary committee scrutiny.  
Only 27% bills referred to Committees in previous Lok Sabha (2014-19).
- ③ Clubbing of Bills.  
On an average it took 10 mins per bill in Lok Sabha and 1/2 an hour in Rajya Sabha in previous session. and all bills are passed together.
- ④ <sup>Low</sup> Ado debates and discussions.
- ⑤ Weak oppositions leads to ~~ex~~ reduced check on executive government.  
Majoritarian rule without check.
- ⑥ Important Bills Pending  
like Privacy laws, Protection of Data, Bill, etc.
- ⑦ Boycott by Opposition - Disturbs proceedings

Measures to improve function

- ① Refer bills to Parliamentary committees for scrutiny
- ② Fix number of days in each session. Calendar like Britain Parliament.
- ③ Educate ministers on parliamentary proceedings and technical know-how.
- ④ Enhance opposition participation like in UK 20/100 days fixed for opposition.
- ⑤ Introduce pre-bill legislative scrutiny. So that parliament procedure becomes less cumbersome.
- ⑥ Virtual meetings - In COVID crisis, everything became digital & efficient.

Parliament is the sole of Indian democratic system. Thus its important to improve its efficiency and utilise the institution to the maximum. Speaker should ensure smooth running of proceedings.

13. Despite awarding constitutional status to the National Commission for Backward Classes, there still remain issues with regard to inclusion/exclusion of communities in the OBC list. Discuss. (250 words) 15

राष्ट्रीय पिछड़ा वर्ग आयोग को संवैधानिक दर्जा देने के बावजूद, ओ.बी.सी. सूची में समुदायों के समावेशन/बहिष्करण के संबंध में अभी भी विभिन्न मुद्दे विद्यमान हैं। चर्चा कीजिए।

Ans 102nd Constitutional Amendment

Act awarded constitutional status to NCBC. It strengthen its position, better protection and grievance redressal mechanism for the Backward Caste.

However, there still remains certain

Issues -

- ① Recommendations of NCBC not binding on government.
- ② Features of expert body, not provided in composition of new NCBC.
- ③ Inclusion / Exclusion of communities in OBC list
  - Ⓐ Its the executive function, NCBC doesn't include castes in list, it only consulted.

- ② Doem't have responsibility to define backwardness, so can't address challenge of demands of various castes to be included as BCs.
- ③ Article 338B is silent on SC mandate ~~to~~ on periodic revision of backward class list in consultation with NCB.
- ④ Recent dispute, if Union or State government has right to include castes in list.  
- ~~Reso~~ Court - President restored power to state.

### Way forward

- Carry out extensive research and surveys.
- Define backwardness - lay down

guidelines of inclusion / exclusion in  
OBC list

- ③ Recommendation to be tabled in  
Parliament, with reasons to  
accept / reject suggestions.

NCBC is an important constitutional  
body that looks at important  
aspect of socio-economic equality.  
It must be strengthened to  
bring equality in society.

14. A critical appraisal of the outcomes of the 74th Constitutional Amendment Act underlines the need for second generation reforms to strengthen decentralisation of Urban Local Governance in India. Discuss.

(250 words) 15

74वें संविधान संशोधन अधिनियम के परिणामों का आलोचनात्मक मूल्यांकन भारत में शहरी स्थानीय शासन के विकेंद्रीकरण को सुदृढ़ करने हेतु दूसरी पीढ़ी के सुधारों की आवश्यकता को रेखांकित करता है। चर्चा कीजिए।

Ans. Decentralisation strengthen the Democratic setup. To have effective decentralisation we need to empower local self government. They address the grassroot level issues better than state governments. 74th CAA brought changes by give setting up uniform local self government : adding Part IX-A  
However, there are certain issues that needs to be addressed

### ① Lack of Funds

- Depended on grants from state
- can levy their own taxes but usually don't for fear of losing the people's support.

- recently collected taxes are not enough to meet their expenses.

## ② State controlled

All the major aspects - administration, judicial, legislative, financial are controlled by the state.

Urban local bodies can't work as local self government.

## ③ Multiplicity of agencies

eg: State Electricity Board, Water supply board but Municipal bodies had not control over them

## ④ Lack of People's Participation

Do not show willingness to bring the changes through Urban Local Bodies

## ⑤ Unchecked Development of Road Houses and colonies.

Way forward

- ① Make them financially independent
  - suggested by 15th Finance Commission
- ② Strengthen their Revenue System.
  - Vacant land tax, State Property Tax board establish.
- ③ Active people's participation should be encouraged
- ④ Develop Grievances Redressal Mechanism

India's  $\frac{1}{3}$ rd of population live in cities in and it will reach 50% by 2050. Therefore it is important to strengthen Municipal bodies and ensure planned and better urban growth.

15. Checks and balances as well as separation of powers are not mere intellectual ideas, but principles which strengthen a democracy in real ways. Discuss in the context of India. (250 words) 15

नियंत्रण और संतुलन के साथ-साथ शक्तियों का पृथक्करण न केवल बौद्धिक विचार हैं, अपितु ये ऐसे सिद्धांत हैं जो वास्तव में लोकतंत्र को मजबूत बनाते हैं। भारत के संदर्भ में चर्चा कीजिए।

Ans. Checks and Balances as well as Separation of Powers are important pillars of Constitutionalism. They upholds the ~~pid~~ democracy in India.

The three organs include -

- Executive
- legislative
- Judiciary.

Each organ keeps a check on the other two -

Executive

On legislative

- Makes rules for regulation the procedure and conduct of business of parliament.

On Judiciary

- Make appointments of CJI and other judges of SC and High Courts.

LegislativeOn Executive

- Through question hour and zero hour, asking questions
- Through various motions - no confidence motion, Closure, Privilege Motion

On Judiciary

- Impeachment & removal of judges
- Power to amend laws declared unconstitutional by Court and revalidating them.

JudiciaryOn Executive

- Judicial Review

On Legislative

- Declare Acts unconstitutional.

In the similar Manner Separation of Power ensured by constitution -

legislative - enact laws

executive - implements laws

Judiciary - checks excess of laws.

It strengthens democracy by -

- ① Ensuring smooth functioning of 3 organs
- ② Non-interference in each other
- ③ Holding an organ accountable for its actions
- ④ Gaining absolute control is prevented.

However, we saw certain setbacks -

- ① Judicial overreach -
  - a) Discarded 99th CAA which provided for NJAC to check appointments in judiciary.
  - b) hyper activism - influenced by social media trends.
- ② Weakening legislative - only meeting for 271. low attendance.
- ③ Weakened opposition.

### Way forward

- ① Judiciary appointment to include executive.
- ② Fix no. of meeting days of Parliament.
- ③ Strengthen opposition.

Executive, legislative and Judiciary are three pillars of Democracy. It is important to ensure that they work in harmony of each other.

16. In the Lok Sabha and the Vidhan Sabhas, the Speaker has vast powers and extensive functions. Elaborating on it, highlight the grounds on which the Office of the Speaker has been criticised and the reforms required in this regard. (250 words) 15

लोक सभा और विधान सभाओं में, अध्यक्ष के पास विशाल शक्तियां और व्यापक कार्य होते हैं। इसे सविस्तार वर्णित करते हुए, उन आधारों को रेखांकित कीजिए जिन पर अध्यक्ष के पद की आलोचना की जाती है और इस संबंध में आवश्यक सुधारों पर प्रकाश डालिए।

Ans. Article 93-96 provides for the office of speaker of Lok Sabha & Article 173 for Speaker of Vidhan Sabha. He enjoys the prominent status.

### Powers & functions

- ① He maintains order & decorum of the house.
- ② He decides if the bill is money bill or ordinary. Final decision.
- ③ He doesn't vote in 1st instance. But casting vote in case of tie.
- ④ He adjourns the house or suspend the meeting.
- ⑤ He presides over the joint sitting of both the houses.

① He decided the question of disqualification of a member of Lok Sabha. & Vidhan Sabha.

② He appoints chairman of all Parliamentary committee.

But Recently we saw certain criticism of office of speaker:-

① Party Interest over National Interest

- refusing to allow certain debates
- allowing passing of Three Farm Bills in unconstitutional manner.

② Bills not referred to committee

- In 2021 monsoon session, no bill referred to any select committee.

③ Increased disruption of Parliament

- opposition staging protest & walkout
- of Congress in Lok Sabha.
- SP in UP.

### ① Favours ruling Party

- several anti defection cases rendered by SC

### Way Forward - Reforms

#### ① Ensure Independence

- eg: In Britain, after being elected speaker, resign from party.
- In India, N. Sanjiva Reddy resigned - should be encouraged.

#### ② Models

C. V. Manohkar - 14 - speaker noted - 'once speaker, rise above party & politics, speaker for all'.

Speaker is the head of legislative organ & guarantor of Democracy in law forming & Nation. He must be independent & strengthened beyond party politics.

17. In India, the Finance Commissions are established pursuant to the constitutional mandate. In this context, do you think the State Finance Commissions have been effective in promoting fiscal federalism? Substantiate with arguments. (250 words) 15

भारत में वित्त आयोगों की स्थापना संवैधानिक अधिदेश के अनुसार की जाती है। इस संदर्भ में, क्या आपको लगता है कि राज्य वित्त आयोग राजकोषीय संघवाद को बढ़ावा देने में प्रभावी रहे हैं? तर्कों के साथ पुष्टि कीजिए।

Ans. Article 280 provides for the finance commission to be constituted by President of India.

However, the State Finance Commission were later mandated by 73rd and

74th CAA. Article 2431 - Governor shall constitute to review the financial position of Panchayats.

Article 2434 - For Municipalities. to promote fiscal federalism.

~~How~~ But, we saw certain Issues:-

- ① Many states have not constituted regularly. Eg:-  
Jharkhand, not since even  
once.

- ② State Finance Commissions are dominated by bureaucrats rather than the academicians
- ③ Lack of data. local governments do not have proper budgeting system. They rely on grants from states. mostly.
- ④ There was lack of follow up from local bodies
- ⑤ Apathetic attitude of states, lack of clarity about roles.
- ⑥ They are mostly seen as having lower constitution status than Central Finance Commission - lack of will.

RBI has suggested measures to strengthen State Finance Commission

- ① Mandate all states to form regular State Finance Commissions.
- ② More autonomy to local bodies in fiscal matters.
- ③ Independent fiscal mechanism.
- ④ Guidelines & Qualification for State Finance Commissioners.

In Recent Reports, most States are experiencing high fiscal deficit. It hampers the growth & largely due to lack of tracking at local/decentralised level. State Finance Commission can better be strengthened & check the financial matters.

18. It is argued that unchecked and rampant exercise of the power to insert laws in the Ninth Schedule results in undermining of constitutional supremacy and creation of parliamentary hegemony. Do you agree? Justify your stand with logical arguments. (250 words) 15

यह तर्क दिया जाता है कि नौवीं अनुसूची में विधियों को सम्मिलित करने की शक्ति के अनियंत्रित और व्यापक स्तर पर प्रयोग से संवैधानिक सर्वोच्चता में कमी और संसदीय आधिपत्य का सृजन होता है। क्या आप सहमत हैं? उचित तर्कों के साथ अपने मत की पुष्टि कीजिए।

Ans The very 1st constitutional Amendment

Act created Ninth Schedule.

It includes subjects, initially, to implement DPSP and such laws cannot be questioned in court of law on grounds of violation of constitution.

Reasons for creating 9th Schedule

- ① Sees the larger welfare of society.  
eg: Abolition of zamindari rights & land redistribution, though took away right to property but for larger good - enhanced equality & democracy upheld.

- ② Helps implement Directive Principles of state policy - Part IV of the Constitution.

But these provisions have been criticised on various issues :-

- ① Creates legal contradictions.
- Govt law vs Constitution what to uphold
- ② Provides complete blanket-protection to state and central laws that are against fundamental rights.
- ③ Became tool to realise political motives.
- ④ Leading to undesirable changes - not the motive initially. Have no contemporary significance.
- ⑤ Beyond Judicial review

Sc has though emphasised that there cannot be complete protection to laws in Ninth schedule.

It reinstated that even 9th Schedule is subject to Judicial review on the basic doctrine structure.

It needs to be strengthened and complete protection is violation of constitutional mandates.

19. Though the antecedents of the Indian Constitution can be traced to a series of British colonial legislation and other constitutions of the world, in spirit and practice it has been completely Indian. Discuss. (250 words) 15

यद्यपि भारतीय संविधान की पृष्ठभूमि ब्रिटिश औपनिवेशिक कानूनों की शृंखलाओं और विश्व के अन्य संविधानों में देखी जा सकती है, तथापि सिद्धांत और व्यवहार में यह पूर्णतः भारतीय है। चर्चा कीजिए।

Ans Dr B.R. Ambedkar was often criticised that ours is a borrowed Constitution and there is no Indianness to it. To which Ambedkar replied - "Other constitutions have stood the test of time. There's no harm in having the fundamentals of it. We just need to modify it to our needs." Such is the essence of our constitution. Various aspects in which our constitution is modified to our needs -

Legislature

- Borrowed from British but
- In India PM can be a part of any House. Britain - only Lower House
- Britain - sovereignty of Parliament  
India - sovereignty of constitution.

- Britain - monarchical  
India - completely ended monarchy  
& established a republican.
- Britain - only member of Parliament -  
a minister.  
India - even without being member  
minister for max 6 months.  
to give better opportunities  
to leaders.

### Fundamental Rights

- Though borrowed from USA but  
differences.
- A USA - Right to keep arms  
India - No right to keep arms. Police  
and other systems provided for  
the protection of common people.  
State guaranteed.

### DPSP

- borrowed from Ireland.
- But in India great emphasis on  
principles of DPSP. Even in Minerva  
Mills case - balance b/w DPSP & FR  
Ireland - limited in use.

## Judiciary

- Borrowed from USA
- But Indian Judiciary is an integral system. Unlike USA which has Federal Court for each state with their own laws.
- It helps maintain uniformity in law & order in the entire nation.

Thus, various Organs and antecedents of Indian Constitution, though borrowed from various other institutions they have been modified, based on extensive debates in Constituent-Assembly for almost 3 years.

These modifications have also stood the test of time as we completed 75 yrs of our Independence this year in a healthy Democracy.

20. Providing greater flexibility to states in relation to subjects in the state list and 'transferred items' in the concurrent list can pave the way for better Centre-State relations in India. Examine. (250 words) 15

राज्य सूची के विषयों और समवर्ती सूची में 'हस्तांतरित विषयों' के संबंध में राज्यों को अधिक लचीलापन प्रदान करना भारत में बेहतर केंद्र-राज्य संबंधों का मार्ग प्रशस्त कर सकता है। परीक्षण कीजिए।

Ans. Seventh Schedule of the Constitution

provides for State, Centre and Concurrent list; listing subjects on which they can make laws and policies.

State list includes subjects like Education, Health, Police.

~~Presently~~ Currently, even Centre can make laws on state subject

if Rajya Sabha passes resolution to that effect. Or if one or more state requests the centre to do so.

Currently there are various Central sponsored schemes on which state has to implement.

eg. Ayushman Bharat.

If states are provided greater flexibility it can pave way for better

Centre - State Relations :-

- State better aware of issues
- Greater accountability of states to its people.
- Better implementation according to area needs.
- Can also involve panchayats and municipalities for better decentralisation.

This, will make states ~~better~~ feel better and empowered about their rights. They will be more willing

to implement schemes in an  
enhanced manner.

VISION IAS