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GENERAL STUDIES (TEST CODE : 2063)

Name of Candidate	PAKSHAL SECRETRY		
Medium Eng./Hindi	ENGLISH	Registration Number	1009670
Center	ONLINE	Date	22/08/2022

INDEX TABLE			INSTRUCTIONS
Q. No.	Maximum Marks	Marks Obtained	
1	12.5		<p>1. 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)।</p> <p>2. There are TWENTY questions printed in HINDI & ENGLISH. इसमें बीस प्रश्न हैं हिन्दी और अंग्रेजी में छपे हैं।</p> <p>3. All questions are compulsory. सभी प्रश्न अनिवार्य हैं।</p> <p>4. The number of marks carried by a question/part is indicated against it. प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।</p> <p>5. 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।</p> <p>6. Word limit in questions, if specified, should be adhered to. प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।</p> <p>7. 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।</p>
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20	12.5		
Total Marks Obtained:			
Remarks:			

16-B, 2nd Floor, Above National Trust Building, Bada Bazar Marg, Old Rajinder Nagar, Delhi-110060

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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.

All the Best

1. भारत जैसे एक लोकतांत्रिक देश के संदर्भ में संविधान के महत्व की व्याख्या कीजिए। (उत्तर 200 शब्दों में दें)
Explain the importance of a Constitution in the context of a democratic country like India. (Answer in 200 words) 12.5

Constitution is fundamental & organic law of the land. It provides for the formation, organisation and functions of government in a democratic country like India.

Importance of a constitution

→ Doesn't let government turn arbitrary.

- Constitutionalism doesn't allow anarchism
- Article 32, provides for remedy in case of state excess

→ Separation of power and balance of power.

- Constitution doesn't let power accumulate in hands of one
- Balance of power between the three organs of government.

→ Fundamental Rights

- Puts restriction on state excess, as state has to respect certain rights of individual (In India - Part III of constitution)
- These rights for citizen are indispensable asset to participate in democracy.

→ Procedure of election, eligibility to vote, term of office etc.

- Constitution also contain the procedural aspect to bring democracy to ~~the~~ every citizen.

→ 73rd and 74th Amendment Acts

- Take democracy to grass root level.
- Ensures participation of all the citizens in democratic process

→ Act as beacon of light to policy makers

- Directive principles of state policy in Part IV guides the state regarding its obligation towards citizen.

→ Reminds citizens about their duties (Article 51 A)

- These duties help in building a social order necessary for democracy to survive.

Constitution in a democratic country like India is most important document. It not only ensures that procedural aspects (like conducting regular election) but also ensures the survival through rights, duties and check on excess power.

2. "साथ आकर संघ बनाने" (कमिंग टुगेदर फेडरेशन) और "सबको साथ लाकर संघ बनाने" (होल्डिंग टुगेदर फेडरेशन) के बीच के अंतरों को उदाहरण सहित वर्णित कीजिए। (उत्तर 200 शब्दों में दें)
- Bring out the differences between 'coming together federations' and 'holding together federations' with examples. (Answer in 200 words) 12.5

Article 1 of constitution defines India to be an "Union of States". There are generally two types of federations (i) coming together federation; (ii) holding together federation.

(A) 'Coming together federation'

→ In this type of federation many states come together to form an union.

→ The states exist as a free independent entity and have an identity of their own.

→ States have right to secede from the union. Thus, also called "destructible Union of indestructible states".

→ Generally, state and the union ~~of~~ have equal power with the balance more in favour of states.

→ Features like different constitution ~~etc~~ multiple citizenship etc are visible.

② 'Holding together federation'

→ A union divides itself into various small states

→ States have no individual identity of their own

→ States have no right to succeede from union

→ Power is shifted towards the Union, and union can override state decision in many cases

→ Single citizenship, Unified Judiciary, Single constitution are some of peculiar features.

United State of America, where 50 States came together to form an union can be termed as an example of 'coming together federation'. In USA, States have their different constitution, different Supreme Court for each state and residual power with States making it an perfect example of federation.

While India and Canada, where the union got divided into various state is example of 'holding together federation'. In India, ~~States~~ we have a unified Judiciary, single constitution and a powerful Union.

Successionist tendencies, historical context and divisive forces required for India to be a 'holding together federation' with a powerful Union.

3. लोक सभा की शक्तियों की राज्य सभा की शक्तियों के साथ तुलना कीजिए। (उत्तर 200 शब्दों में दें)

Compare the powers of the Lok Sabha with that of the Rajya Sabha. (Answer in 200 words)

12.5

India adopted a bicameral legislature with two houses; House of people (Lok Sabha) and House of States (Rajya Sabha), while the first represents people of India as whole the other represents the voice of states at the centre.

Powers given to the two houses

→ In most of the cases (ordinary legislation, motion, discussion etc) both the Lok Sabha and Rajya Sabha enjoy equal powers.

→ Given the different purpose of the two houses ~~at~~ both are given some extra power for ~~some~~ in some cases.

Areas of dominance of Lok Sabha

(i) Money Bill

- Lok Sabha has overriding power in case of passage of Money Bill
- Speaker of Lok Sabha decides whether a bill is money bill or not

(ii) Stability of the government

- No-confidence motion can be brought only in Lok Sabha
- Defeat of Money bill in Lok Sabha leads to fall of government.

(iii) Joint sitting of Parliament

- Lok Sabha having more than twice strength than Rajya Sabha has advantage in Joint sitting
- Speaker of Lok Sabha presides over the joint sitting

(iv) Parliamentary Committees

- Estimates committee has members only from Lok Sabha
- Most committees have majority members from Lok Sabha

Areas of dominance of Rajya Sabha

(i) Article 312

- Rajya Sabha can direct parliament to constitute an All India Service.

(ii) Article 249

- Rajya Sabha can ask parliament to make a law on state subject in case of national importance.

(iii) Removal of Vice President

- Proceeding to remove Vice President can be initiated only in Rajya Sabha.

Although ~~the~~ Lok Sabha seems to have greater power in case of money bill and some cases but Rajya Sabha acts as revision chamber and a forum of intellectual debate and discussion.

4. न्यायिक सक्रियता और न्यायिक अतिक्रमण से आप क्या समझते हैं? साथ ही, इससे संबंधित चिंताओं की भी विवेचना कीजिए। (उत्तर 200 शब्दों में दें)
- What do you understand by judicial activism and overreach? Also discuss the associated concerns. (Answer in 200 words) 12.5

Judicial activism refers to judiciary going some further steps beside the set precedent to ensure that justice is delivered properly.

Judicial Overreach is a case of Over-activism where judiciary encroaches in the areas of legislature or executive; either by itself legislating while delivering judgement or by directing executive to act in certain way.

Indian Judiciary have shown exceptional innovation in checking state excess and protecting human rights of individual but this activism many a times leads to overreach on parts of Judiciary.

Concerns associated with overreach

→ Violation of Principle of separation of power

- Our constitution is built on balance between the three organs

- Overreach by Judiciary is thus violation of principle

→ No Accountability

- Since leaders are elected by people are accountable to them.

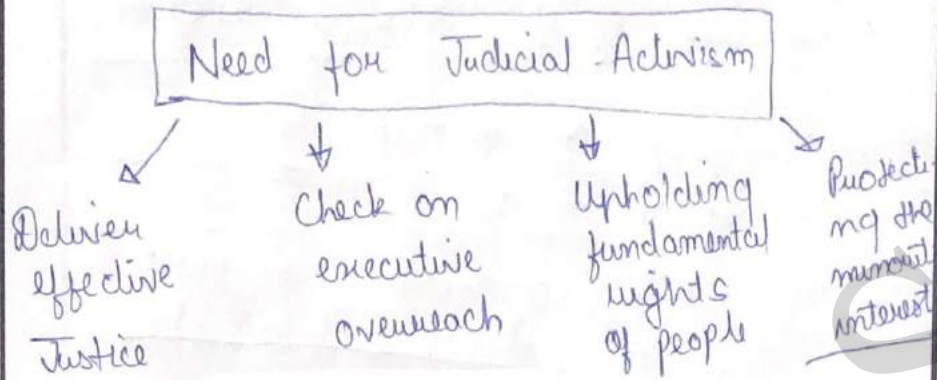
- Judiciary on other hand is not accountable to people

→ Breach of people's mandate

- Judiciary performing duties of other organs is a fraud on constitutional process.

→ Biased Judges

- Judges being humans are often accused of bias towards an ideology.



Way forward
Judicial

→ Judicial Restraint

- Time and again Supreme Court highlighted the need for judiciary to show restraint.

→ Using Judicial activism as a tool in exceptional cases.

An activist Judiciary is not good for Judiciary itself as it leads to appointment of committed Judges.
Restraint is the need of hour with activism as an exception.

5. विधि के शासन से आप क्या समझते हैं? स्पष्ट कीजिए कि यह विचार भारत के संविधान में कैसे परिलक्षित होता है। (उत्तर 200 शब्दों में दें)

What do you understand by rule of law? Explain how this idea is reflected in the Constitution of India. (Answer in 200 words)

12.5

There are two concepts, first is 'rule by law', while second is 'rule of law'. The earlier is used as a tool by a person who is above law to legislate other, while the latter believes everyone to be below law and being legislated by the law.

'Rule of law' in Indian Context

→ Article 13 makes all the laws violating rights as unconstitutional

→ Article 14 provides for equality of all in the eyes of law.

• Thus, all the person in India are below law and equal in eyes of law.

→ Article 15 provides that no one is discriminated on grounds of sex, religion, caste etc. ensuring equality before law.

→ Article 23, 24 provides for right against exploitation, establishing a society governed by laws, where no one is exploited.

→ The Directive Policies (Article 36 - Article 51) asks state to create a moral and equal society where the 'rule of law' principle can be conclusively implemented.

→ The fundamental duties in part IV A also reflect the idea of 'rule of law' since if citizens are duty bound the concept of rule of law will prevail.

Need for 'rule of law' is crucial

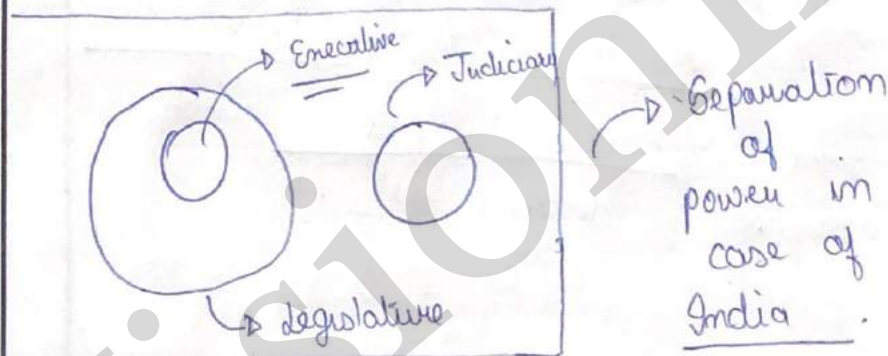
- In a democratic country like India, where power resides in hands of all the people. The concept of rule of law reminds leader that everyone is below law and the law governing all (ie. constitution) is supreme.
- Doesn't let leaders and government turn dictatorial and authoritarian.
- Promotes sense of equality and humanity among all.

Indian constitution through its various Articles and provisions highlight the principle of 'rule of law', which is fundamental in countries governance.

6. शक्तियों के पृथक्करण की अवधारणा को स्पष्ट कीजिए। भारतीय संविधान में ऐसे कौन-से प्रावधान हैं, जो शक्तियों के पृथक्करण को प्रतिबिंबित करते हैं? (उत्तर 200 शब्दों में दें)

Explain the concept of separation of powers. What are the provisions in the Indian Constitution, which reflect separation of powers? (Answer in 200 words) 12.5

In India, there are three organs of government namely legislative, executive and Judiciary. The constitution divides the power between the three and act as constant balance of power between three.



Provisions in Indian Constitution reflecting separation of power

- ① The legislature is responsible to legislate the laws, amend and delete existing laws

(b) The executive is responsible for implementation of laws

- Article 53 defines the executive functions of the Union

- Executive or Council of Ministers are collectively responsible to lower house as per Article 75.

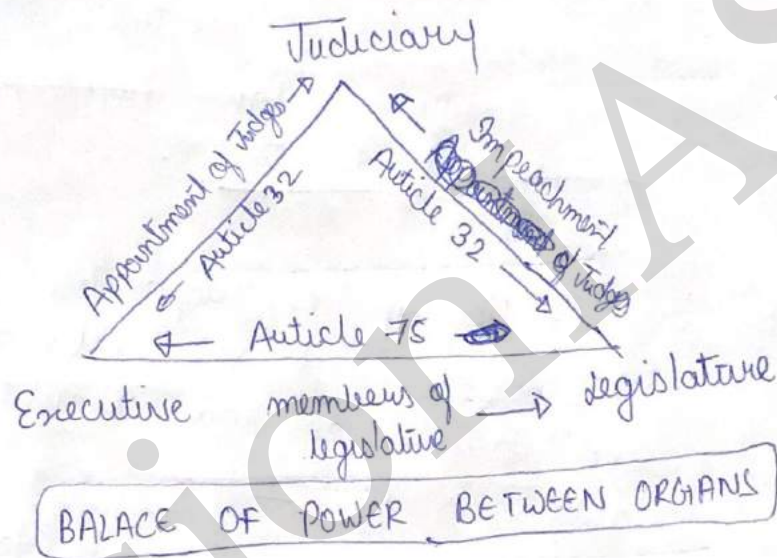
(c) The Judiciary is responsible to see whether a law is relevant and to rule on how should a law be applied.

- Article 50 directs state to keep Judicial function of state away from executive.

Purpose of Separation

→ "Absolute power in hands of one corrupts" - Mahatma Gandhi.

- To ensure individual rights are not snatched away from people
- For constitutionalism in our country to prevail.



Indian polity is based on bedrock of separation and balance of power between the three organs. Each organ through method of checks and balance ensure constitutionalism to prevail.

7. भारत के राष्ट्रपति की वीटो शक्तियों की विवेचना कीजिए। (उत्तर 200 शब्दों में दें)
Discuss the veto powers of the President of India. (Answer in 200 words) 12.5

Article 111 of our constitution gives certain veto powers to the President of India.

1] Veto Powers to the President

1.1] Absolute Veto

→ The President of India can deny to sign on bill passed by Parliament.

→ This can be exercised only on aid and advice of council of minister.

→ The bill gets lapsed in case absolute veto is exercised by President.

1.2] Substantive Veto

→ The President can return the bill to parliament for reconsideration, with or without suggestion.

→ If the parliament passes the bill again, with or without modification, then President is bound to sign the bill and give it his assent.

1.3

Pocket Veto

→ This is a special kind of veto exercised by Indian President, where he doesn't either sign nor he denies to sign, keeping the bill with him for indefinite period.

→ This type of veto is unique power of

Indian President, since the constitution doesn't mention the time limit for President to give assent

Activist President like Yashwantrao Chavan and Zail Singh have used the provided veto power (Pocket veto) to protect the fundamental rights of individuals.

8. भारत में संसदीय लोकतंत्र को मजबूत बनाने में विभागीय स्थायी समितियों की भूमिका की विवेचना कीजिए। (उत्तर 200 शब्दों में दें)

Discuss the role of the Departmentally Related Standing Committees in strengthening parliamentary democracy in India. (Answer in 200 words) 12.5

There are 24 Department Related Standing Committees, which cover all the departments of Government of India. Each committee consists of 31 members of which 21 are from Lok Sabha and 10 members from Rajya Sabha.

Junctions of Department Related Standing Committees

→ To consider department's demand for grant and make a report on same.

→ To examine bills pertaining to related ministry, referred to the committee

→ To consider annual reports of the department and report to Parliament thereon

Role of in strengthening Parliamentary democracy in India

1 An-depth examination

- A small committee can examine and report on issues referred in depth.

2 Revisionary Chamber

- A proper and intellectual analysis of bills referred takes place.
- Committees generally function in neutral and unbiased manner ignoring political differences.

3 Saves time and public money

- An indepth report prepared by committee saves time of parliament.
- Report on grants many a time identify leakages, thereby using public money in better way.

4) Long - term vision

- Ministries many a times for electoral / specific gains focus on short - term.
- Committees instead emphasis on long term plans & policies.

5) Greater Accountability

- Executive accountability is enhanced due to reports of committees.

Challenges

- Closed - door meetings
- decisions not binding
- Short tenure (1 year)
- low attendance of members
- Often government bypass & don't refer bills to committee

Recent passage of bills without referring to department related committee by government has undermined their value and since they act as visionary chambers their inputs must be constructively used.

9. दबाव समूहों से आप क्या समझते हैं? दबाव समूहों द्वारा उपयोग किए जाने वाले विभिन्न प्रकार के साधनों का उदाहरण सहित उल्लेख कीजिए। (उत्तर 200 शब्दों में दें)

What do you understand by pressure groups? Citing examples, state the different types of techniques used by pressure groups. (Answer in 200 words) 12.5

Pressure groups are group of certain like minded people united to pursue a specific goal or interest. To fulfil these interest they try to create pressure on government, thus ~~the name~~ are termed as pressure group.

Objectives of Pressure Group

- Highlighting issues faced by group member in front of government
- To collectively pursue these interest and mutually benefit
- Persuade government to create policies better for the group members.

Technique used by Pressure group

↳ Protest / Mass Agitation to fulfil demands

- ▼ Protest by farmers group against three farm laws
- ▼ Protest by students group against Agnipath Scheme.

↳ Strikes

- ▼ Strike of railway employees to increase wages.

↳ Mass Approaching through their political leaders

- ▼ They often make some of their members contest & win election to influence policy decision.

↳ Economic Pressure

- ▼ Created by business / industry players to fulfil the

demands

↳ Monetary / other incentives

- ▼ Many a times pressure groups through illicit activities tries to garner support for their policies.

↳ Varying Public Opinion

- ▼ Pressure groups generally have support at ground level thus leverage their power to sway public opinion to mount pressure on government.

In a country like India, pressure groups play a very significant role in influencing the public policy and governmental decisions.

10. राष्ट्रीय महिला आयोग (NCW) की संरचना और कार्यों का उल्लेख कीजिए। साथ ही, महिला सशक्तीकरण को प्रोत्साहन देने के लिए इस आयोग द्वारा प्रारंभ पहलों को रेखांकित कीजिए।
(उत्तर 200 शब्दों में दें)

Enumerate the composition and functions of the National Commission for Women (NCW). Also, highlight the initiatives taken by the Commission to give an impetus to women empowerment. (Answer in 200 words) 12.5

National Commission of Women was formed in 1992 to protect and safeguard rights of women.

Composition

- Aed chairperson, member secretary and five other members
- All are appointed by central government.
- They are experts from area of law, management, women voluntary organisation, women empowerment etc.

Function

- Presentation of report to the central government each year
- Investigation related to protection

of the rights of women.

- Review and scrutinising existing law to make them gender neutral.
- Suo Moto Cognizance about matters of deprivation of rights of women.
- Special studies and research to ensure gender justice and equity.
- Inspection of jails, remand homes to ensure women safety.
- To recommend and suggest government on wellbeing of women and their empowerment.

Initiatives taken by Commission

- Creation of Panchak Mahila Lok Adalat to take proactive steps regarding rights of women.
- gender sensitization and capacity building programs with women in focus.

Don't miss anything
mark the
date when a
page is done

- "Mahila Jan Sunwai" to look into complaints and speedy disposal
- Suo Moto Cognizance by Commission in cases of sexual harassment and fighting for rights of women
- Serving notices and demanding apologies ~~from~~ for misogynist comments made by politicians and other influential people.

Although commission took several initiatives to empower women but critics point that NCW has largely failed due to its lackadaisical functioning to address violence and political nominees functioning in the ~~committee~~ commission on behalf of ruling government.

11. 73वें और 74वें संविधान संशोधन अधिनियम के तहत शक्तियों के हस्तांतरण पर प्रकाश डालिए। क्या आपको लगता है कि हस्तांतरण की प्रक्रिया अब तक संतोषजनक स्तर से कम रही है? (उत्तर 200 शब्दों में दें)

Highlight the devolution of powers under the 73rd and 74th Constitutional Amendment Acts. Do you think the process of devolution has been less than satisfactory so far? (Answer in 200 words) 12.5

73rd and 74th Amendment Act, 1992
Gave constitutional status to Panchayati
Raj Institution (PRI) in our country
Taking the democracy to grassroot
level and ensuring participation of all
in democratic process.

① Devolution of Power under the Act

①.1 Schedule 11 and Schedule 12 contained areas of work under Panchayati Raj Institution

①.2 Act contains devolution of funds to Panchayat and gave power to Panchayat to tax in certain areas

Giving the Panchayats much needed financial freedom.

1.3 Provided for regular election to Panchayati Raj Institutions

- State government cannot arbitrarily dismiss elected Panchayat.

1.4 Provided powers to Gram Sabha to decide on their developmental need and ensuring grassroots participation.

1.5 A 3 tier system to ensure proper devolution of power and bottom-up approach of planning.

1.6 33% reservation to women empowered marginalised women and ensured the devolution reaches everyone in society.

2] Challenges : less than satisfactory devolution .

2.1] States legislate & execute laws in domain of panchayat areas

2.2] Panchayat are still dependent on grant of states

2.3] State government dismisses the panchayats arbitrarily

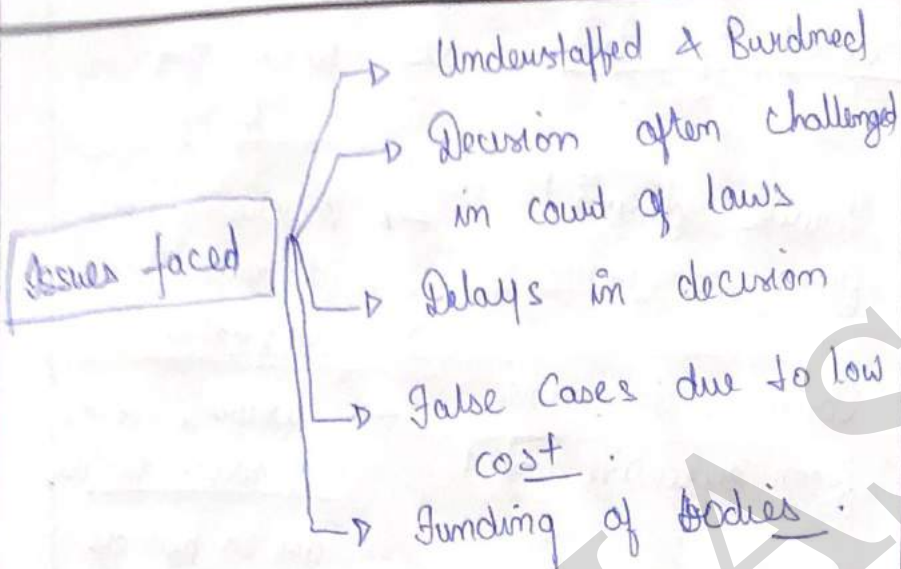
2.4] Regular election to panchayat are often delayed due to procedural issues .

2.5] States are reluctant to show power & allow PRI to control towns .

For India to progress rapidly, we need to significantly empower Panchayats . Although 73rd and 74th Amendment were great leap forward . Much needs to be done to fulfil the dreams of Mahatma Gandhi ~~regard~~ to establish a 'Swachh' .

Court of law vs Quasi-Judicial Body

- | | |
|--|--|
| → Powers derived from constitution | → Powers mainly derived from a <u>statute</u> . |
| → Total independence from executive control | → Tenure, Terms of many bodies are in hands of executive |
| → Bound by all rules of evidence & procedure | → Follow only principles of natural justice |
| → Trained officials of <u>law</u> . | → Officials are expert of different <u>fields</u> . |
| → Can deliver on any case before it | → Made only for specific purpose and have a narrow : authority |
| → Eg → Supreme Court, High Court | Eg → Election Commission, Tribunals |



The quasi-judicial bodies function effectively by reducing workload of judiciary and speedy justice to the aggrieved. Eliminating the loopholes existing is required to make these bodies efficient and responsive to needs of our nation.

13. लोक प्रतिनिधित्व अधिनियम, 1951 के तहत निरर्हता के आधारों को वर्णित कीजिए। साथ ही, निरर्ह प्रतिनिधियों के लिए उपलब्ध उपचारात्मक उपायों पर भी चर्चा कीजिए। (उत्तर 200 शब्दों में दें)

Delineate the grounds of disqualification under The Representation of the People Act, 1951. Also, discuss the remedial measures available to the disqualified representatives. (Answer in 200 words)

12.5

The Representation of People Act, 1951 (RPA) provides for conduct of elections and provision of qualification and disqualification in election.

Grounds for disqualification under RPA, 1951

↳ Conviction in offence with ~~or~~ imprisonment for two years or more

↳ guilty of certain election offences or corrupt practices

↳ failure to lodge election expenses within time

↳ Dismissed from government services for disloyalty or corruption

- ↳ Convicted for promoting enmity between groups or offence of bribery
- ↳ Punished for preaching or practicing untouchability, dowry, sati etc.
- ↳ Has interest in government contract or holds an office of profit.

Remedies against disqualification

- Jurisdiction vested in High Court & minimum in election petitions
- Final authority to decide rest with President or Governor (to act as per advice of Election Commission)
- Election Commission is conferred with powers of

Civil court for summoning and enforcing in person attendance

→ Election Commission may, on certain grounds, remove any disqualification or reduce period of such disqualification

The robustness of election process is crucial for a democratic country like India. The timely reforms and activist Judiciary has ensured free and fair election in our country.

14. भारतीय संविधान की मूल संरचना (बेसिक स्ट्रक्चर) का सिद्धांत एक न्यायिक नवाचार है।
विश्लेषण कीजिए। (उत्तर 200 शब्दों में दें)

The basic structure doctrine of the Indian Constitution is a judicial innovation.
Analyse. (Answer in 200 words)

12.5

Supreme Court of India in Kesavananda Bharti case (1973) came up with the basic structure doctrine.

The Doctrine → The Supreme Court held the power of legislature to amend the constitution under Article 368, given the basic structure of the constitution is not altered.

Time to time Supreme Court highlights through its pronouncements what constitutes the basic structure of constitution.

Evolution of the Doctrine

1st Amendment Act

Shankari Prasad
Case

(Parliament has
unlimited power
to amend)

Golak Nath
Case

17th Amendment
Act

(Parliament
cant amend
constitution)

24th Amendment Act
(Amended Article 368)

Keshavanand Bharti Judgement
(Doctrine of Basic Structure)

Significance of Doctrine

→ Acts as a check of state's
overreach

→ Upholds the foundational
values of our constitution

→ Basic philosophy of constitution
remains unaltered

→ Allows constitution to be
amended, thus @ constitution

Can be updated as per need of time

→ Allows constitutionalism to prevail at the end.

Judicial Pronouncement regarding basic structure

→ Judiciary has highlighted through judgements what constitutes basic structure

→ As of now federalism, secularism, rule of law, separation of power, judicial review, regular election etc are part of basic structure.

Time and again Judiciary through its innovative judgements has ensured that the spirit of constitution is respected and Kesavanand Bharti case was one of the landmark judgement in the history of Indian Judiciary.

15. भारत में सहकारी संघवाद को सुनिश्चित करने में विद्यमान विभिन्न चुनौतियों को रेखांकित कीजिए। साथ ही, सहकारी संघवाद को बढ़ावा देने के उपायों का सुझाव दीजिए। (उत्तर 200 शब्दों में दें)

Highlight the various challenges in ensuring cooperative federalism in India. Also, suggest measures to foster cooperative federalism. (Answer in 200 words) 12.5

Supreme Court in Mohit Muneals Case (2022) described Indian federalism as a dialogue between cooperative and uncooperative federalism.

Challenges in ensuring cooperative federalism in India

→ Political Agendas

- Difference in political view points of centre and state is a main flashpoint, where each tries to establish her ideology superior.

→ Concurrent Jurisdiction of Bodies

- Bodies like CBI, ED, NCB have concurrency with local forces
- State often accuse that these agencies are used to harass them.

→ No independent body to foster coordination, manage bargain and conflict resolution

- Niti Aayog although tries to foster cooperative federalism, is accused of bias towards centre.

→ Centralisation of Power

- Distribution of power in favour of centre
- GST has made states more financially dependent on centre.
- Trust deficit is increasing between centre and state

→ Office of Governor

- Governor used to ~~keep~~ ^{keep} check on state government as agent of centre.
- In states of West Bengal, Tamil Nadu, Kerala etc. the Governor's action has made cooperative federalism weak.

Measures to foster cooperative federalism

- Adopting major recommendations of Sarkaria and Punchi Commission
 - Office of governor to be apolitical
 - Fiscal federalism for states
 - Use of Article 356 as a last resort.
- Extending mandate of Inter State Council.
- Consulting with states when Centre signs an international agreement.
- No ~~misuse~~ misusing of central investigating agencies
- Transparency and effective coordination among centre and states.

The Covid-19 pandemic has served us a vital reminder about the need to mutually cooperate and review the cooperative spirit of Indian federalism to tackle national contingencies and to ensure citizen centric administration.

16. कई सारे देशों के संविधानों से उधार ली गई विशेषताओं के बावजूद, भारत का संविधान अद्वितीय बना हुआ है। विवेचना कीजिए। (उत्तर 200 शब्दों में दें)

Despite having features borrowed from Constitutions of various other countries, the Constitution of India remains unique. Discuss. (Answer in 200 words) 12.5

Indian Constitution is the largest constitution of world. It has certain provision borrowed from different constitutions of the world.

A bag of Borrowing

→ Most of provision of the constitution are taken from Government of India Act, 1935

→ Borrow's provision like Fundamental Rights, election of president from USA

→ Different provision borrowed from different countries

DPS → Iceland ; Union with strong centre → Canada

Bicameral legislature → Britain

Fundamental duties → Russia

Unique features

- All the things borrowed were modified as per Indian needs and requirement.
- Innovative features and Articles (Article 40, 42, 356 etc)
- Not an ordinary federation but Indian federation is federation su-generis.
- Parliamentary innovations like zero hour, question hour etc.
- Provisions of affirmative actions by State to uplift the depressed caste and tribes.
- Limitations of the rights are also included simultaneously, making rights crystal & clear.

Dr Ambedkar was criticised about Constitution being a borrowed bag in the constituent assembly. Babasaheb not only acknowledged about borrowing certain parts but also highlighted the need to adopt international best practices tested over the time.

Calling the constitution a bag of borrowing will be a narrow understanding of the same. The constitution although borrowed some provisions but modified them as per Indian needs.

17. क्या भारत सरकार में अधिसंख्य मंत्रालयों को युक्तिसंगत बनाने की आवश्यकता है? प्रासंगिक तर्कों के साथ विवेचना कीजिए। (उत्तर 200 शब्दों में दें)

Is there a need to rationalize the large number of ministries in the Government of India? Discuss with logical arguments. (Answer in 200 words) 12.5

91st Amendment Act, 2003 added Article 164(1A) which limited the strength of the council of ministers to less than 15% of total strength of house.

Need to Rationalize large number of ministers in government

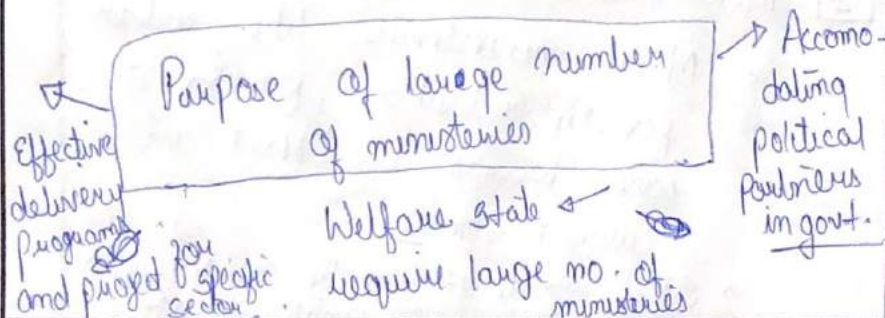
1. Huge expenditure incurred by state
1.1 Jumbo cabinet leads to increased expenditure on minister by state exchequer.
• Facilities like ministers house, other benefit need to be

2. Ministries irrelevant in our times
• Many ministries like urban poverty alleviation, pension etc have become irrelevant in current times
• Steel, textile etc can be merged into single ministry.

- 3 Competition within government
- Ministers judge importance by amount they get to spend
 - leads to inefficient allocation of resources

- 4 Slows down decision making
- Too many ministries end up having jurisdiction over any given decision
 - leads to pursuing of narrow interest and slows down the process

- 5 Government interference gets increased
- A large number of ministers let government get centrally involved in sectors that should be off limits to it.



Way forward

- Amalgamation of several ministries to create larger, more encompassing ministries
- Proper coordination and speedy clearances in existing ministries
- Departments under a ministry should be preferred instead of a new ministry.

The government needs to move away from narrow political interest of accommodating increased number of politicians. "Minimum government" should be the guiding mantra.

18. यू.पी.एस.सी. की भूमिका का विवरण दीजिए। साथ ही, यू.पी.एस.सी. की स्वतंत्रता और निष्पक्ष कामकाज की सुरक्षा और उन्हें बनाए रखने के लिए संवैधानिक प्रावधानों को सूचीबद्ध कीजिए। (उत्तर 200 शब्दों में दें)

Provide an account of the role of UPSC. Also, enumerate the Constitutional provisions to safeguard and ensure the independence and impartial functioning of the UPSC. (Answer in 200 words) 12.5

Union Public Service Commission, is India's premier central recruitment agency for recruitment of officers under All India Services, group A and group B services etc.

Role of UPSC

→ Conducting Examination

- UPSC conducts various exams for appointment to the services of Union.

→ Framing of recruitment rules for various services

→ Assistance to SPSC in schemes of joint recruitment

→ Advisory Role

- On disciplinary matters affecting an officer
- On matter referred to them by President of India.
- On promotion and transfer from one service to other

Constitution Provisions for independence and impartiality

(A) Article 316

→ Provides for fixed term of office

(B) Article 317

→ Provides for removal and suspension of members of UPSC.

(C) Article 318

→ Gives power to make regulation for conditions of services of members and staff

(D) The Government can not alter the condition of service to their disadvantage after the appointment of a member.

(E) Entire expenses are charged on Consolidated fund of India and not subject to Parliamentary vote.

(F) Article 319

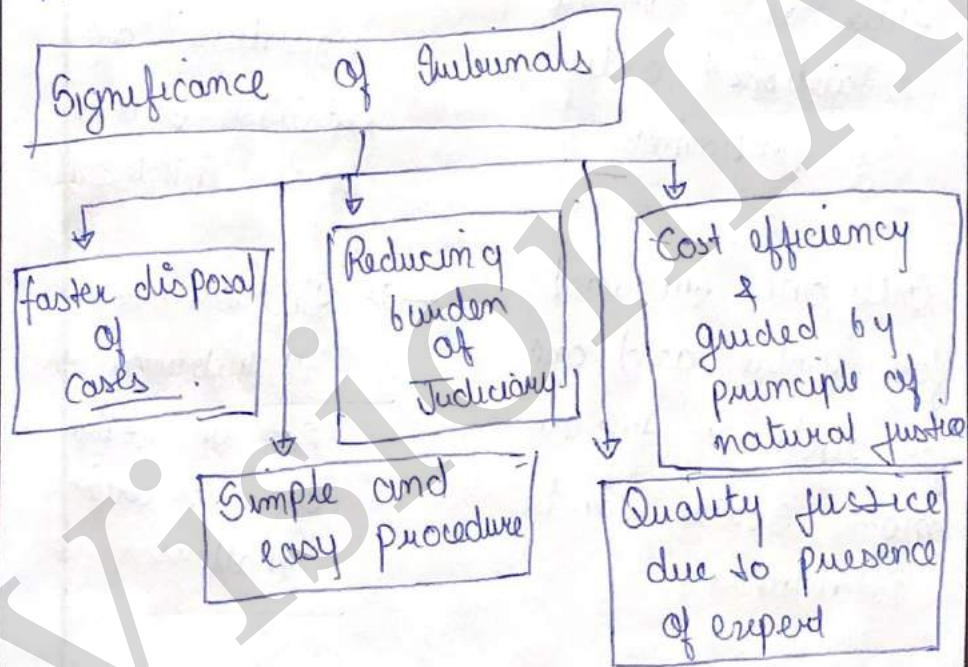
- Prohibits members to hold office under Government post retirement.

The UPSC, a sovereign constitutional body was directly created by Constitution of India. Article 315 to 323 contain several provision for functioning of the agency.

19. अधिकरण क्या हैं? अनुच्छेद 323A, भारतीय संविधान के अनुच्छेद 323B से किस प्रकार भिन्न है? (उत्तर 200 शब्दों में दें)

What are tribunals? How is Article 323A different from Article 323B of the Indian Constitution? (Answer in 200 words) 12.5

Tribunals are administrative bodies, which are set up to perform judicial function. They were added through 42nd Amendment Act in the constitution.



Article 323A → Provided for establishment of administrative tribunals

Article 323B → Provided for establishment of tribunals for other matters

Article 323 A

vs

Article 323 B

→ Establishment for public services matter only.

→ Establishment for certain other matters

→ Under Article 323 A tribunals can be established only by Parliament.

→ Both Parliament and state legislature can establish tribunal under Article 323 B

→ Only one tribunal for centre and one for each or two or more states can be established

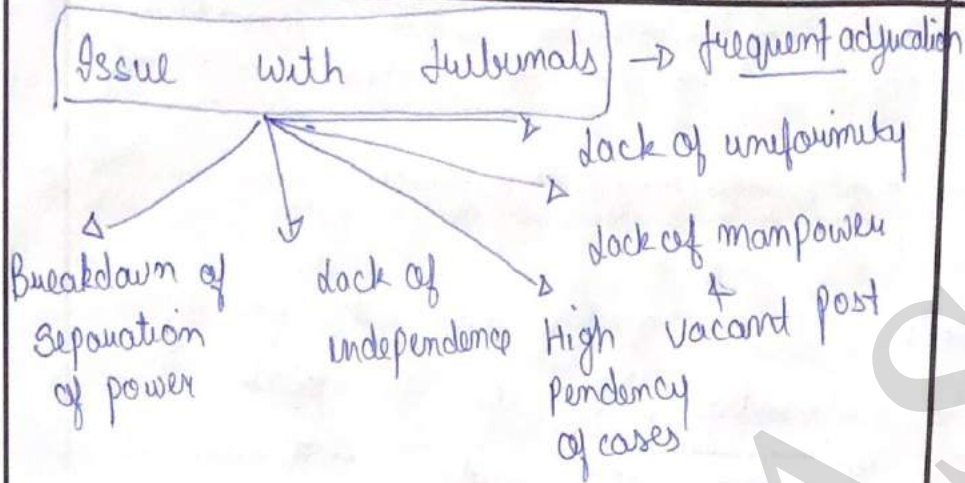
→ Different number of tribunals can be established for certain matters

→ No hierarchy among tribunals

→ A hierarchy of tribunals may be created

Eg → Central Administrative Tribunal (CAT)

Eg → National Green Tribunal (NGT)
ITAT, SAT etc



Way forward

- forming a National Tribunal Commission as per ^o Chandua Case direction
- Time bound redressal mechanism
- Qualified Manpower: law expert instead of technical expert
- Creating additional benches for Tribunals

Tribunals are important bodies as they reduce workload of courts, expedite decision and provide a forum to experts.

• Structural transformation and time bound redressal mechanism needs to be focussed.

20. किसी राज्य में राष्ट्रपति शासन किन आधारों पर अधिरोपित किया जा सकता है? साथ ही, इसके अधिरोपण की प्रक्रिया तथा इसके प्रभावों का भी उल्लेख कीजिए। (उत्तर 200 शब्दों में दें)

On what grounds can President's Rule be imposed in a state? Also, mention the procedure of its imposition and its effects. (Answer in 200 words) 12.5

Article 356 allows President to impose Presidential Rule in the State, if he is satisfied that the constitutional machinery in the State has been broken.

1 Grounds to impose President's rule

1.1 If President is satisfied that State government can not be run through provisions of constitution

1.2 If State ignores directions of central government about maintenance of railway & communication properties

1.3 If governor in his report highlights material facts about breakdown of constitutional machinery in the State.

Procedure for imposition

① → Governor sends a report to President about break of constitutional machinery



② President is satisfied by the report



③ President imposes President's rule in state under Article 356



④ Parliament approves the imposition of President rule.

Effects of imposition

→ The state government is dismissed

→ All executive powers come in hands of President.

- The state legislature gets dissolved
- Parliament can legislate on state list subject.

All effects of President's Rule

- | | |
|---|---------------------------------------|
| → political vendetta | → elected government is dissolved |
| → Against the principle of federalism | → Increase in centre - state mistrust |
| → Other Most misused provision | |

Dr. Ambedkar wanted Article 356 to remain a dead letter but we often see that this is most misused provision to take political vendetta and to remove an elected government.