



VISION IAS

www.visionias.in



GENERAL STUDIES (TEST CODE : 1391)

Name of Candidate	Ishita Rathi		
Medium Eng./Hindi	English	Registration Number	567585
Center	DL	Date	22-12-19

INDEX TABLE

Q. No.	Maximum Marks	Marks Obtained
1	12.5	
2	12.5	
3	12.5	
4	12.5	
5	12.5	
6	12.5	
7	12.5	
8	12.5	
9	12.5	
10	12.5	
11	12.5	
12	12.5	
13	12.5	
14	12.5	
15	12.5	
16	12.5	
17	12.5	
18	12.5	
19	12.5	
20	12.5	

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।

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

Plot No. 857, 1st Floor, Banda Bahadur Marg (Opp Punjab & Sindh Bank), Dr. Mukherjee Nagar
Delhi- 110009

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

Answer all the questions in NOT MORE THAN 200 WORDS each. Content of the answers is more important than its length. All questions carry equal marks.

12.5X20=250

1. Enumerate important privileges enjoyed by each House of Parliament collectively and its members individually and also discuss their significance.
संसद के प्रत्येक सदन द्वारा सामूहिक रूप से एवं उसके सदस्यों द्वारा व्यक्तिगत रूप से उपभोग किये जाने वाले प्रमुख विशेषाधिकारों को सूचीबद्ध कीजिए और साथ ही उनके महत्व की भी चर्चा कीजिए।

A) The parliamentary privileges is given to elected representatives to ensure they can deliver the mandated service in a impartial and efficient manner

There are two kinds of Privileges

- 1) collective - enjoyed as a house as a whole. including

- ① The right to publish records
- ② The right to expunge remarks
- ③ Exclude strangers
- ④ Declare contempt of house etc.

- 2) Individual

- ① wide freedom of speech [more scope than what is provided under Fundamental Rights]

- ② Right against arrest in civil cases
40 days before - during and after the
start of session.
- ③ Right against being called in jury / as
witness
- ④ Speaker must be informed when arrest/
conviction of a ~~person is done~~ - parlia-
mentarian is done.

Significance

- 1) Provide more freedom to MPs / MLAs to
discharge their duties.
- 2) Fulfill their constitutional mandate
without any fear ~~of~~ or favor.
- 3) Immunities given ensures that they
cannot be harassed or blackmailed which
might create obstruction in the
functioning of parliament.
- 4) It is similar to the powers of Supreme
court that ensures complete independence
and un-necessary scrutiny of public.

However, parliamentary privileges have come under criticisms of misuse and challenge to the fundamental rights of citizens. Thus, there is a need to exercise caution and strike a balance between the two.

2. ✓ Give an account of the composition and functions of the Finance Commission as mentioned in the Constitution of India.

भारत के संविधान में यथा उल्लिखित वित्त आयोग की संरचना और कार्यों का विवरण दीजिए।

A) Article 280 of the constitution provides for the establishment of Finance Commission. It has been described as the balancing wheel of Fiscal Federalism.

Composition

- 1) It comprise of a chairman having experience in the field of finance
- 2) Other such members as the President may decide.
- 3) The members are appointed by the President under the warrant / seal in his hands.

Functions

- 1) To determine the division of central pool of resources between centre and the states [vertical division]

- 2) To divide the taxes allotted between the states [horizontal allocation].
- 3) To recommend government on allocation of grants in aid to the states.
- 4) To suggest ways to augment the consolidated fund of the state to give effect to allocation of finances to the local self governing body as per the recommendations of state finance commission.
- 5) Advise on any such matter as the President may decide [based on the Terms of References].

President lays down the report of FC in House. Though recommendations are not binding, the government generally does not ignore FC's recommendations.

3. Preamble shows the general purposes behind several provisions in the Constitution, and is a key to the minds of the makers of the Constitution. Explain. Also, comment on the amendability of the Preamble.

उद्देशिका संविधान के अनेक प्रावधानों में निहित सामान्य उद्देश्यों को अभिव्यक्त करती है और संविधान निर्माताओं की सोच को समझने की एक कुंजी है। व्याख्या कीजिए। साथ ही, उद्देशिका की संशोधनीयता पर भी टिप्पणी कीजिए।

A) Preamble, in the words of ~~K. C. Wheare~~ is Nani Palkhiwala is described as the identity card of the constitution.

Preamble describes the source of power, the character of the state as well as the rights that will be guaranteed to people of India.

Preamble describes India to be a democratic state - as described by Article 324-329-A of the constitution = free, fair & regular elections

Republic state - Article 52 - provides for the elected President. Article 16 - provides for equality of opportunity.

Secular state - Article 25-29 - freedom of religion. Art 44 - uniform civil code.

socialist country → equitable distribution provided under Article 38 and equality of opportunity Article -16

sovereign country → Freedom to manage own affairs.

Secure - Liberty and equality to all as guaranteed by Article 14, 15, 16, 17, 18 and Article 21 of the constitution

Freedom → Article 19 as well as article 25-29

Fraternity → Part IV-A fundamental Duties
~~Thurs~~

Thus we can say that Preamble has been formulated as a summary of various provisions of the constitution, in order to reflect that the Idea of India is a country.

Though Preamble is an essential part of the constitution, yet it is neither a source nor a limitation on the power of the state. It is not enforceable, but amendable.

Amendability

So far Preamble has been amended once via 42nd Constitutional Amendment Act

It added three words:

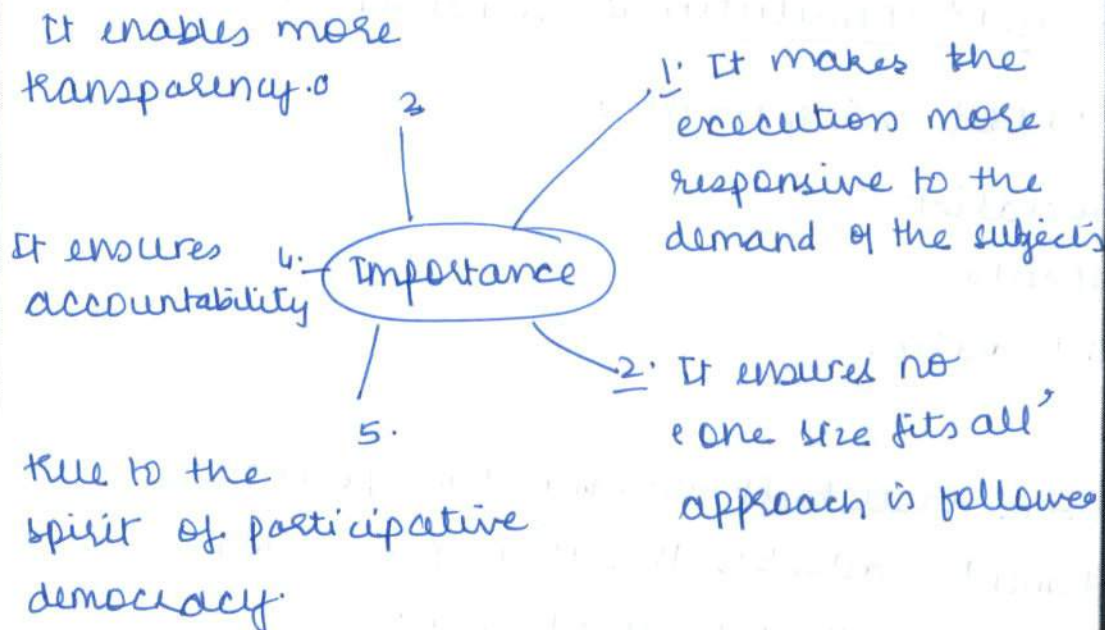
- 1) Socialist
- 2) secular
- 3) Integrity.

Therefore though it was mostly a political statement made by the then Prime Minister, yet it shows that Preamble is not sacrosanct.

4. Explain the principle of subsidiarity, its importance and discuss how the 73rd constitutional amendment act tries to achieve it.

समनुषंगिता के सिद्धांत व इसके महत्व की व्याख्या कीजिए एवं चर्चा कीजिए कि 73वां संविधान संशोधन अधिनियम इसे प्राप्त करने हेतु किस प्रकार प्रयास करता है।

A) Principle of subsidiary means that the function use be performed at that level where it can most effectively be ~~constituted~~ implemented.



Through the 73rd constitutional amendment Act, Panchayati Raj system [3 tiered structure] was adopted.

- 1) It made Gram Sabha the nucleus of power in matters of land, minor minerals, water bodies etc.

- 2) ~~It~~ They have become the implementation arm of various central sector schemes.
3. Being closer to the people, it is ensured that people's voice is heard and the demands are met - more responsive governance structure is established.
4. Giving them the financial powers, the accountability of their role is also ensured.
5. Panchayat is the closest to direct democracy that India has gotten.

It fulfills the DPSP 40 and the Gandhian dreams of giving village autonomy to achieve welfare of people and make villages a self sustaining units.

5. Explaining the importance of an independent judiciary, highlight the relevant Constitutional provisions that safeguard and ensure the independent and impartial functioning of the Supreme Court.

एक स्वतंत्र न्यायपालिका के महत्व की व्याख्या करते हुए, उच्चतम न्यायालय की स्वतंत्रता एवं निष्पक्ष कार्य पद्धति को सुरक्षित और सुनिश्चित करने वाले प्रासंगिक संवैधानिक प्रावधानों पर प्रकाश डालिए।

A) Judiciary is responsible to ensure that socio-economic justice is met to the people. It protect the citizen against the state therefore independence of judiciary is essential for effectiveness of justice delivery.

Importance

- 1) It ensures judges can discharge their duties in an impartial manner without any fear or expectation of favor.
- 2) It is crucial to ~~set~~ maintain the Rule of law and supremacy of the constitution.
- 3) Protect people from tyranny of executive and arbitrary law of legislature.
- 4) Ensure that any law that challenge the basic structure of the constitution is null and void.

- 5) The effective and well functioning judicial system makes the economy more conducive to economic activities
- 6) Attract more FDI and Promote Ease of doing business.
- 7) Checks the otherwise unlimited power of the parliament - Judicial Review

Constitutional provisions that ensures independence

- 1) Strict separation of power between judiciary and other two organs of the state [Article 50]
- 2) The salary, allowances changed on the consolidate fund of India - not subject to vote by parliament
- 3) Conduct of judges cannot be discussed on the floor of the house.
- 4) No appointment in government after retirement
- 5) Appointment, promotion, transfer decided by the collegium.
- 6) Fixed term of office.

7) The conditions of office cannot be changed to the judge's disadvantage.

Supreme court is the guarantor of the rights of the people, ultimate interpreter of the constitution. To ensure that system of checks and balances are preserved. ~~It is~~ Independence of judges is crucial.

6. Mention the six freedoms as guaranteed under Article 19 of the Indian Constitution. Also, comment on the way in which the constitution has attempted to strike a balance between individual liberty and interests of society.

भारतीय संविधान के अनुच्छेद 19 के अंतर्गत प्रत्याभूत छः स्वतंत्रताओं का उल्लेख कीजिए। साथ ही, संविधान ने जिस प्रकार से व्यक्तिगत स्वतंत्रता और समाज के हितों के मध्य संतुलन स्थापित करने का प्रयास किया है, उस पर भी टिप्पणी कीजिए।

Article 19 of Part III of the constitution
provides for freedom to people which are
guaranteed by the Fundamental law of the
land. [constitution] available to all the
citizens against the state.

Six freedom

- 1) Right to freedom of speech, thought, expression
- 2) Freedom of assembly
- 3) Freedom to form association
- 4) Freedom of movement
- 5) Freedom to reside in any part of the country
- 6) Freedom of profession

These freedom enables an individual to live a
life of dignity and ensures democracy

However the freedom is not absolute but qualified, subject to reasonable restrictions

On the grounds of :

- 1) sovereignty, unity, integrity, security of the nation
- 2) Morality.
- 3) Relation with other states.
- 4) ~~Peace~~ Internal peace and harmony etc.

This ensures that fundamental right of one person should not harm that of the other.

It must not threaten the survival of the nation itself.

Other restrictions includes :

- 1) Contempt of court.
- 2) Restriction during National Emergency, etc.

Therefore, it is necessary to define the boundary over the extent of freedom enjoyed by the people. People in India are

not sovereign but bound by the
Rule of law.

7. With examples, discuss the significance of alternative dispute resolution mechanisms in light of costly and time-consuming litigation process in India.

भारत में महंगी और समयसाध्य वाद प्रक्रिया के आलोक में वैकल्पिक विवाद समाधान तंत्र के महत्व की उदाहरणों सहित चर्चा कीजिए।

A) Alternative Dispute Resolution means the mechanism that lies outside the normal course of judiciary. It is formulated to ensure justice to all in a economical, timely manner.

ADR includes

1. Arbitration - An informal contract between parties to resolve dispute on pre determined terms

for ex: Two business parties enters into a contract, in presence of a mediator, to resolve conflict in said manner.

2. Mediation - Generally referred to by court themselves for settlement of dispute that are civil or compoundable in nature

ex: Marriage disputes.

3) conciliation - A mixture of arbitration and mediation.

significance

1) Delivery of justice

- The judicial delays and pendencies in is a time consuming process.
- Many socio-economic backward people may find it difficult to approach courts
- ensures justice is not denied due to social or economic disabilities.

2) Less costly and time consuming

- Not bound by Evidence Act, CrPc etc. and delivers justice based on Natural Justice.
- No / little fees charged.
- Focus is on settlement of dispute rather than winning / losing side.

It not only ~~also~~ restores faith in Judiciary but also helps in promoting easy of doing business [Article 51: settle international disputes by way of arbitration] - Therefore, a step in the right direction.

8. Explain why the Indian Constitution has been argued to have created a 'federation with a centralising tendency'.

ऐसा तर्क क्यों दिया जाता है कि भारतीय संविधान ने 'केंद्रीकरण की प्रवृत्ति वाले एक परिसंघ' को सृजित किया है, व्याख्या कीजिए।

A) Article 1 states 'India shall be a union of states'. The word 'Federation' was avoided to ~~ensure~~ provide for a structure that is federal yet has a unitary tilt.

Several provisions that shows quasi federal structure

- ① single constitution, single citizenship.
- 2) integrated judiciary
- 3) Emergency provisions.
- 4) office of governor.
- 5) All India services etc.

Need

- 1) It was clear that India is not a result of agreement between the states as in America.
- 2) states are being carved out of India.
And thought they are provided autonomy.

In the interest of the nation as a whole, the balance between centrality and autonomy is to be reached.

- 3) India being a socio-culturally heterogeneous society, strong religious identities and multi lingual in character, was more likely to experience separatist tendency. If absolute autonomy was provided.

4)

9. The parliamentary control over government and administration in India is more theoretical than practical. Discuss.

भारत में सरकार और प्रशासन पर संसदीय नियंत्रण व्यावहारिक की अपेक्षा सैद्धांतिक अधिक है। चर्चा कीजिए।

Q Article 75 states that union council of ministers will be collectively responsible to the parliament (Lok Sabha).

1. Indian has established a robust system of check and balances.

1.2 Legislature ensures that Executive remains responsible to the people via Lok Sabha.

2. The power is exercised via - no confidence motion, cut motion, vote of Thank etc.

Therefore, the theoretical ground for the parliamentary control is well prepared. However in the practical sense it may be more diluted.

3. In instance where the government achieve absolute majority, the control of parliament starts shaking.

for eg: The recent achievement of majority and parliamentary ineffectiveness in exercising control has come under criticism.

for ex: Passing of Aadhar Act as money Bill

- 2) Abrogation of article 370.
- 3) Not constituting parliamentary committees for the scrutiny of bills.
- 4) Not giving enough time to the ex parliamentarians to study the Bill before its introduction in the house etc

Therefore, in instances where majority of seats belong to one party the accountability is diluted. To ensure a robust system of checks and balances and to further the democratic character of parliament it is essential that we have a strong opposition.

10. Why did the Constituent Assembly replace the original plan to have elected governors in favour of appointment by the President? Also, bring out the arguments that are raised against the current form of appointment of Governors.

संविधान सभा ने निर्वाचित राज्यपाल होने की मूल योजना को राष्ट्रपति द्वारा नियुक्त राज्यपाल के पक्ष में क्यों प्रतिस्थापित कर दिया? साथ ही, राज्यपालों की नियुक्ति के वर्तमान तरीके के विरुद्ध दिए जाने वाले तर्कों का भी उल्लेख कीजिए।

A) In India, the office of Governor was inspired from the Government of India Act, 1935. Governor is appointed by the President and holds office at the pleasure of the President.

Need for appointed Governor

- 1) Governor is a nominal head and more of an ornamental figure. Thus engaging in election would be a waste of resources.
- 2) An elected Governor will lead to a conflict of powers between the elected legislature [State Legislative Assembly and CM] as ~~well as the~~ executive.
- 3) Against the principle of 'Executive is responsible to legislature' due to the legitimacy of people's mandate that governor would gain.

- 4) Moreover, the constituent assembly favored a centrality in the federal structure
 - 5) A nascent democracy like India would benefit from stability that will come from central control over state.
- Thus governor is regarded as the centre's agent in the state to check the separatist tendency

Form of appointment - criticism

- 1) It is appointed by ~~governor~~ President and no advice of the chief minister is taken
 - creates friction in normal functioning of government.
- 2) No qualification is provided for eligibility
 - leads to politicisation of manner of appointment.

vested
interest

leads to partisan
nature of President-
eg: Karnataka crisis

3) No fixed term

- holds office at pleasure of the President.
- No say of state government.

Therefore in order to ensure smooth functioning of the state government's machinery, it is required that recommendation of Punchhi and Sarkaria commission should be considered.

11. Explaining the concept of judicial activism, discuss why it is important for courts not to take over the functions of the legislature or the executive.

न्यायिक सक्रियता की अवधारणा की व्याख्या करते हुए, चर्चा कीजिए कि न्यायालयों के लिए विधायिका या कार्यपालिका के कार्यों का अतिक्रमण न करना क्यों महत्वपूर्ण है।

A) Judicial activism is an American concept that shows the proactive nature role played by judiciary to ensure people's access to justice.

1) Judicial Activism (JA) restores people's trust in Rule of Law and democracy.

1.1 It fills the legislative vacuum.

1.2 Secures people's socio-economic right to justice.

1.3 Pressurise other organs of state to perform their constitutional mandated role.

2) However it is crucial that it should not translate into Judicial adventurism

2.1 Against the strict separation of power.

2.2 Judiciary neither has knowledge, nor expertise to perform legislative or executive functions.

2.3 By performing functions that fall in the mandate of legislature, it undermines the role and status of the parliament.

3. Against the independence of Judiciary

3.1 If judiciary performs the function of formulating laws in public interest, a general consensus emerges in parliament and civil society to closely monitor judicial functions.

4. Against spirit of democracy

4.1 Judiciary is an ~~elected~~ appointed body not an elected representative.

4.2 They do not have the mandate of electors to perform legislative / Executive functions.

4.3 Judiciary is unresponsive and may turn despotic and judicial tyranny may prevail.

As the noted Supreme Court judge stated - Judiciary ~~has no business being~~ must strict

to interpreting laws and not try to run the government. Any unresponsive attitude of the government is up to the people to decide by exercising their franchise. Therefore the separation of power must be respected and Judicial restraint should be practiced.

12. Compare the constitutional position of Rajya Sabha with the Lok Sabha in terms of legislative powers. Also bring out special powers given to Rajya Sabha in this context.

विधायी शक्तियों के संदर्भ में लोकसभा के सापेक्ष राज्य सभा की संवैधानिक स्थिति की तुलना कीजिए। साथ ही, इस संदर्भ में राज्य सभा को दी गई विशेष शक्तियों का भी उल्लेख कीजिए।

A) Article 79 of the constitution provides for Parliament to consist of two houses - Rajya Sabha and Lok Sabha.

Constitutional position of both houses

	<u>RS</u>	<u>LS</u>
<u>With regards to</u>		
1) <u>to ordinary Bills as well as constitutional Amendment Bill</u>	:	Both the houses have same powers. Bill can be introduced in both houses, has to be passed by both houses.
2) <u>Impeachment of president, SC judge</u>	:	same powers.
3) <u>Joint session of parliament in case of deadlock</u>	:	Presided by the speaker [Residing officer of LS] LS >> RS.

With regards to money Bill .

1. It can only be introduced in Lok Sabha.
2. Rajya Sabha cannot with-hold its assent to the bill, nor can it reject the bill. If no action is taken within 14 days, the bill is deemed to have been passed.
3. Rajya Sabha can send back bill with recommendations, however it is not binding on the government.

Budget

1. RS can only discuss budget but cannot vote on the appropriation of Bill.
2. i.e, RS is not required to be consulted while withdrawing money from consolidated Fund of India.

Therefore, it is clear that though, in all other matters, both the houses are on equal footing but constitution makers were clear that MONEY BELONGS TO THE PEOPLE OF INDIA therefore it must only be controlled by the directly elected representatives [Lok Sabha]

Special powers

1. It can initiate to Procedure for the removal of Vice President.
2. It can request the ~~Centre~~ Centre to make laws on the subject in the state list.
3. It can request centre to make more ALL INDIA SERVICE.

Therefore though both RS and LS and constitutional mandates, we can concluded that Lok Sabha is more powerful than Rajya Sabha ~~rather~~ due to its control over money.

13. Comment upon the distribution of legislative subjects between the Centre and states. Under what circumstances does the Parliament make laws on matters enumerated in the State list?

केंद्र और राज्यों के मध्य विधायी विषयों के वितरण पर टिप्पणी कीजिए। किन परिस्थितियों में संसद राज्य सूची में उल्लिखित विषयों पर विधि बना सकती है?

A) India has a federal structure, i.e. dual government - at centre and at the state level. The distribution of powers is the basic structure of the constitution

1) Schedule 7 of the constitution has provided for 3 lists.

- 1) State list - Authority of state to make laws on these subjects
- 2) Central list - Authority of centre to make laws
- 3) Concurrent list - Both centre and state can make laws.

However, clear division of subjects is defined yet the central superiority over the state is provided in the constitution itself.

- 1) More important subjects like security, currency etc are enumerated in the central list.

2. Several matters like trade and commerce etc requires prior president's consent before their introduction in state Assembly
3. Only ~~go~~ Centre can make laws regarding the Fundamental Rights or initiate Amendment to the Constitution

Centre's control over state list

4. During the Emergency - National as well as state, centre can exercise control over state subjects
5. If two or more states request centre to make laws on their subjects.
6. If Rajya Sabha passes a resolution, centre has to make laws on state subjects.
7. To give effect to international treaties and resolutions to which India is party.

Therefore we can say that though federalism is a basic structure of the constitution, yet there is a strong unitary tilt.

14. Explain the significance of the concept of 'separation of powers' in a democracy. What can be the reasons for India not following the doctrine in the strict sense?

लोकतंत्र में 'शक्तियों के पृथक्करण' की अवधारणा के महत्व को स्पष्ट कीजिए। भारत द्वारा इस सिद्धांत का कठोर अर्थों में अनुपालन न किये जाने के क्या कारण हो सकते हैं?

A) Article 50 of Part IV of the constitution provides for the separation of power between different organs of the state.

1. This concept is based on the American concept where there is a water-tight separation of power between Legislature, Executive, Judiciary.

2. Significance

2.1 It ensures that no conflict of interest or overlap of jurisdiction, role and function exists.

2.2 It ensures that each organ can exercise their duty in an effective and non interference manner.

2.3 The stability of governance is ensured with minimum obstruction

2.4 More continuity in the policies and

In India, there is no strict separation of powers but harmony exist between the legislative and Executive arm of the government.

1. India at the time of independence was a nascent democracy and we could not afford friction between different arms of the state.
2. A water tight separation creates friction in the functioning.
3. The establishment of responsible governance and system of checks and balances gave a breathing space of ~~del~~ permeable boundaries.

Therefore, in India there is not separation of powers but a separation of functions.

15. Explain the grounds on which a National Emergency can be declared and highlight its effects on Centre-state relations and Fundamental Rights.

उन आधारों की व्याख्या कीजिए जिन पर राष्ट्रीय आपातकाल घोषित किया जा सकता है एवं केंद्र-राज्य संबंधों और मूल अधिकारों पर पड़ने वाले इसके प्रभावों पर प्रकाश डालिए।

A) Article 352 of the constitution provides for the imposition of National Emergency on the proclamation of the President, in the whole or any part of the country.

National Emergency can be declared on ~~two~~ three grounds

- | | | |
|------------------------|---|---------------------------------|
| 1) External Aggression | } | → <u>EXTERNAL
EMERGENCY</u> |
| 2) Threat of war | | |
| 3) Armed rebellion | → | <u>INTERNAL
EMERGENCY</u> |

Effect on centre-state relation

- 1) Emergency is a unique provision in India, as its proclamation will convert a federal structure into a unitary structure
- 2) All the states transfer their powers to the name of the President and centrality is achieved.

Executive relation

1. Centre can give Executive direction to the state in ALL matters.

Legislative relations

2. Legislature is not dismissed by is eclipsed by the over-riding power of the centre.
3. Centre can make laws on subjects enumerated in the state list.

Impact on Fundamental Rights

4. Article 19 - Freedom related Rights are automatically dismissed as External Emergency is proclaimed.
5. Other rights can be dismissed by the President on subsequent proclamation during External Emergency.
6. During internal Emergency though the Fundamental Rights are not dismissed but the ~~the~~ writ jurisdiction - i.e., the Right to move to court / Judicial review is dismissed.

Exceptions

7. Article 20 - protection against conviction

Article 21 - Right to life and liberty

~~are~~ cannot be taken away during National Emergency.

8. The Right of 'Habeas corpus' is not dismissed during internal Emergency.

Therefore, National Emergency is a classic example of Quasi judicial nature of the Indian polity.

16. Analyze how the CAG ensures financial accountability of the Executive to the Legislature while working as an independent Constitutional body.

विश्लेषण कीजिए कि एक स्वतंत्र संवैधानिक निकाय के रूप में कार्य करते हुए CAG, विधायिका के प्रति कार्यपालिका की वित्तीय जवाबदेही को किस प्रकार सुनिश्चित करता है?

A) Article 148-152 relates to the Office of Comptroller and Auditor General. It audits the accounts of both Central as well as the state government.

1. Office of CAG has been described as the guardian of the public purse.
2. It acts as a 'friend philosopher Guide' to the public accounts committee.
 - 2.1 Ensures res. financial responsibility of the government.
 - 2.2 Empowers legislature to exercise control over the executive.
3. CAG audits the finances of the Government of India to ensure that
 - 3.1 money has been spent for the purpose it was withr appropriated - as per budget provision.
 - 3.2 Identify irregularities, mismatch in finances etc.

4. CAG submits its report to the President - who lays down the report in parliament.

5. The public accounts committee analyse the report of CAG for.

5.1- technical and legal irregularities.

6. Then the legislature, based on CAG's report and P.A.C's analysis can question the government regarding.

1) the losses, wastage, economies of public expenditure.

2) initiate any action of corruption or divergence based on the findings.

Thus it makes the government accountable and answerable. In words of Doctor

B.R. Ambedkar - C.A.G is the most important office.

17. Highlight the veto powers of the President of India. How does the veto powers of the Governor differ from that of the President?

भारत के राष्ट्रपति की वीटो शक्तियों पर प्रकाश डालिए। राज्यपाल की वीटो शक्तियां राष्ट्रपति की शक्तियों से किस प्रकार भिन्न हैं?

8) President has been given veto power by the Constitution to check the hasty decision of the legislature. It is not discretionary, but exercised on the aid and advice of the Council of Ministers.

Different types of vetos available to President.

1) Absolute veto - The right to withhold the assent to the bill.

2) Substantiative veto - Right

3) Qualified veto -

4) situational veto - ~~True~~

Difference between Veto power of President and Governor.

- 1) President doesnot have discretionary veto, it has to exercise its veto as per the advice of council of minister.

V/S

Governor has discretionary vetos, it can reserve the state bill for the consideration of the President when:

1. Bill is against the constitutional provisions
2. It threatens the position of the high court.
3. In larger national interest.

Therefore we can say that veto power of Governor is wider than that of the President.

18. Even though the parliamentary system of government in India is largely based on the British parliamentary model it never became a replica of the British system. Elaborate.

यद्यपि भारत में सरकार की संसदीय प्रणाली मुख्य रूप से ब्रिटिश संसदीय मॉडल पर आधारित है तथापि यह कभी भी ब्रिटिश प्रणाली की प्रतिकृति नहीं बनी। सविस्तार वर्णन कीजिए।

A) India has derived its parliamentary structure from Britain. However to suit the Indian polity, the constitution makers introduced certain changes that makes Indian system different from that of Britain.

Indian parliamentary system

- 1) India is a republic
 - head of the state is elected.
- 2) Parliament is not sovereign body
 - written constitution
 - Judicial Review
 - Fundamental Rights.
- 3) Rule of Law

British Parliamentary system

- 1) Britain is a monarch
 - head of the state is hereditary.
- 2) Parliament is sovereign.
- 3) Parliamentary supremacy

h) In India Council of Ministers can belong to any of house - LS/RS.

i) While in Britain Council of Ministers and Prime Minister must come from the house of people.

Therefore, as per B.R. Ambedkar the constituent assembly ransacked various provisions of various constitution in the world and tweaked them to ~~sett~~ India's serve.
interest.

19. A number of judicial pronouncements and constitutional amendments have altered the balance between Fundamental Rights and Directive Principles of State Policy since the commencement of the constitution. Analyse.

संविधान के लागू होने के पश्चात से अनेक न्यायिक निर्णयों और संविधान संशोधनों ने मूल अधिकारों और राज्य की नीति के निदेशक तत्वों के मध्य के संतुलन को परिवर्तित कर दिया है। विश्लेषण कीजिए।

A) Fundamental Rights are the rights of the people giving effect to the directions to the state. while DPSP are directions to the state to give effect to the rights of the people.

1) There is a need to strike to balance between the Fundamental Rights and DPSP.

1.) The directions ^{to} the state gives a mandate to the government to apply these principles while framing laws.

Art 368 - gives power to state to amend constitution to give effect to law.

Art 13 - declares a law null and void if it abridge/ violates anything in part III of the constitution.

1st constitutional Amendment : took away right to hold property

In Sankari Prasad vs case it was declared that FR are not sacrosanct.

In Gopalan case - superiority of FR was established.

In Kesavnanda Bharati case the doctrine of basic structure of the constitution of formulated

Article 31-b - Nothing that give effect to socialist DPSP shall be challenged in the court on grounds of violation of Article 14 and 19. $\Rightarrow$ DPSP $\gg$ FR.

The confusion was finally settled in the Minerva Mills case where supreme court noted that a balance between FR and DPSP is crucial to ensure that.

Dr Ambedkar has described FR and DPSP the philosophy of the constitution. They must work in tandem with each other rather than being in conflict with each other.

20. Highlight the powers and functions of the Election Commission of India (ECI). Also, discuss the issues regarding the independence and impartiality of the ECI.

भारत के निर्वाचन आयोग (ECI) की शक्तियों और कार्यों पर प्रकाश डालिए। साथ ही, ECI की स्वतंत्रता और निष्पक्षता से संबंधित मुद्दों की चर्चा कीजिए।

A) Article 243 of the constitution provides for the Election Commission of India to supervise, direct and control Elections in India.

Powers and Functions

1. ECI is responsible for preparation of electoral role.

2. It conduct elections for.

2-1 Parliament

2-2 State Legislative Assembly

2-3 President

2-4 Vice President.

3. It ensures that elections are conducted in a free, fair and impartial manner.

4. It can disqualify a candidate if he is found guilty on any offence mentioned in the Representation of People's Act, 1951.

5. It can enforce Model Code of conduct. when elections are announced.
6. It can take other disciplinary actions to ensure elections are conducted in an impartial manner.
7. It can cancel the polls in case of any malpractice
8. It can advise President regarding disqualification of any MP/Governor regarding MLA.
9. Power to Register political parties, allot symbols etc.

Issues regarding impartiality

1. The E.C.I has not been given enough power and independence to exercise control the malpractices of elections. Rather ~~the~~ it has been described as a lion without teeth.

