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Mains Appearing

(M)

# NEXT IAS

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**Name of Candidate :** Anushka Kanwal

**NEXT IAS Roll No.:** GoSPM23B13087 **Date of Examination :** 21/07/2023

**Exam Centre :** Old Rajinder Nagar ☐ Bhopal ☐ Online ☑

**Test Code :** 7C049 **Program :** SLT ☐ SLT+ ☑

# MAIN TEST SERIES 2023

## (SECTIONAL TEST-3)

### GENERAL INSTRUCTIONS

**This Question-cum Answer (QCA) Booklet contains 56 pages. Immediately on receipt of the booklet, please check that this QCA booklet does not have any misprint or torn or missing pages or items, etc. If so, get it replaced by a fresh QCA booklet.**

**Candidates must read the instructions on this page and the following pages carefully before attempting the paper.**

**Candidates should attempt the questions strictly in accordance with the instructions specified in the question paper and in the space prescribed under each question in the booklet. Any answer written outside the space allotted may not be given credit.**

**Question paper will be provided separately and can be taken by the candidates after conclusion of the exam.**

.....

**SUBJECT/PAPER**
GENERAL STUDIES **Invigilator's Sign. :** .....

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*(For filling by Examiners only)*

**Evaluator Code :**

| Q.No | Pg No. | Maximum Marks | Marks | Total |
|---|---|---|---|---|
| 1 | 1 | | | |
| 2 | 3 | | | |
| 3 | 5 | | | |
| 4 | 7 | | | |
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| 6 | 11 | | | |
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| 14 | 30 | | | |
| 15 | 33 | | | |
| 16 | 36 | | | |
| 17 | 39 | | | |
| 18 | 42 | | | |
| 19 | 45 | | | |
| 20 | 48 | | | |
| Grand Total | | | | |

**Signature**

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MACRO COMMENTS

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1. जन प्रतिनिधित्व अधिनियम, 1951 की धारा 8 में उल्लिखित निर्योग्यता प्रावधानों में उपस्थित अस्पष्टता का समाधान करने की आवश्यकता है। चर्चा कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

There is a need to resolve the ambiguity in the disqualification provisions under section 8 of the Representation of People Act 1951. Discuss. (Answer in 150 words) 10 marks

Representation of People Act, 1951 provides for disqualification of candidates for parliamentary and state legislature elections.

**Ambiguities**

* Debate around conviction by courts → what grounds?
* Declaration of tax returns while Model code of conduct not enforceable.
* Definition of preventive detention.
* What constitutes amounting to incite violence and hatred (hate speech not defined yet).

**Why need?**

* Upholding free and fair elections
* Curbing the criminalisation of politics
  - 233 MPs in 18th Lok Sabha have declared criminal cases (ADR).

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* curbs right criticism in pretext of hate speech
  - 500% rise in hate speech cases (NCRB)
* Defamation as exception to right to speech (A19(1)(a))
* Reducing money power in elections
  - Lok Sabha 2019 → ₹720 spent per vote.

**Challenges**

* Tool in hands to curb effective voice
* Absolute majority of executive in parliament.
* Ignorant attitude of voters
  - caste voting

Thus, amendments in RPA have been recommended by Commissions headed by Indrajit Gupta and Dinesh Goswami.

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2. संविधान मात्र एक कंकाल है जबकि संविधानवाद लोकतंत्र की आत्मा है। विवेचना कीजिए।
(150 शब्दों में उत्तर दीजिए) 10 अंक

Constitution is a mere skeleton whereas constitutionalism is the soul of democracy. Discuss.
(Answer in 150 words) 10 marks

Constitution is the North star guiding what to do and how. whereas, Constitutionalism is the effective implementation of constitutional principles.

**Constitution as skeleton**

↳ provides for federal character (7th schedule)

↳ Separation of power and checks and Balances.

↳ DPSPs to guide policy making

↳ equal pay for equal work.

↳ provides for emergency provisions in states (A 356).

**Constitutionalism as a soul**

↳ securing right to free speech and expression → arrest on sedition charges

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↳ respecting federal units by not using emergency unit arbitrarily

↳ parliamentary oversight on executive & committees, no confidence motions.

↳ enforcing gender equality & crimes against women on rise (NCRB)

Thus, enforcing the principles is the key. There has been challenges in enforcement.

- partisan role of governors.
- Border and water disputes
- ethnic tensions - Manipur
- rising inequality (oxfam report - top 1% = 40% wealth)

effective say to states in fate matters → qualified majority quorum.

constitutionalism is the key to make India the Mother of Democracy in real sense and realise the vision of our constituent fathers.

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3. 'चुनावी बॉण्ड एक दोधारी तलवार है, जो दानकर्ताओं को अनामिता प्रदान करता है जबकि राजनीतिक वित्तपोषण में पारदर्शिता के बारे में चिंताएँ बढ़ाता है।' चुनावी बॉण्ड ने किस सीमा तक चुनावी वित्तपोषण में अपारदर्शिता को वैध बना दिया है?

(150 शब्दों में उत्तर दीजिए) 10 अंक

"Electoral bonds are a double-edged sword, providing anonymity to donors while raising concerns about transparency in political funding." To what extent have electoral bonds further legitimized opacity in electoral funding?

(Answer in 150 words) 10 marks

Recently, RBI highlighted that ₹10000cr has been donated to various political parties since the Electoral Bonds scheme was introduced.

**Anonymity to donors**

- no name mentioned
- save from political victimisation

**Transparency in funding**

- curb use of black money
- digitisation of records
- curb criminalisation of politics

**Electoral bonds and opacity**

→ Free will of political motivation

→ All funds at one place thus better tracking.

→ no risk of party workers harassing the donors

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However, while Electoral bonds envisaged transparency, it has further brought in opacity :-

* All data can be accessed by party in power → thus unequal playing field
* Big majors helping by money laundering → way to make black money into white.
* Terrorism as a route of funding ∵ giving information to rogue haven groups.
* No limit on funds by a single entity ∴ one thousand to crores.
* Has in a way legitimised lobbying by corporates.

Thus, Electoral bonds have just changed the method to pour in money. There is a need to

* limit by cap.
* annual filing of details
* source tracking of malicious funds.

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4. समान नागरिक संहिता पर बहस के केंद्र में लैंगिक समानता का प्रश्न है। इस आलोक में यूसीसी को संविधान में निहित लैंगिक समानता के साथ सामंजस्य स्थापित करने में क्या चुनौतियाँ हैं? (150 शब्दों में उत्तर दीजिए) 10 अंक

The question of gender equality is central to the debate on Uniform Civil Code. In this light what are the challenges in reconciling UCC with gender equality as enshrined in the constitution?
(Answer in 150 words) 10 marks

Article 44 of the constitution provides for uniform civil code.

↓

It deals with uniform laws across religions pertaining to
- marriage
- divorce
- inheritence

→ dealth with personal laws.

**UCC and gender equality**

* will provide uniform age for marriage of girls
  - eg: Muslim personal law allows 15 years as puberty age.
* uphold women dignity in marriage

[1 man = 1 woman] and not [1 man = 4 woman] (polygamy)

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* Equality in divorce procedures.
  eg Talaq in Muslims through husbands → (3 months, 3 times)

* Inheritance and maintenance laws after divorce
  eg Mehr in Muslims inadequate.

**Challenges**

* Freedom to Religion is a fundamental right (A 25-28) and India is a secular state

* Urge for uniformity can crush cultural diversities (21st Law Commission)

* ~~Should~~ what will be the standard law? (M Ismail).

* Lack of political consensus
  eg VINDA → anti minority.

Thus, while desirable but it should come from minorities. People have to be awakened as highlighted by Dr. BR Ambedkar.

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5. 'राज्यपाल का पद न तो आलंकारिक है और न ही अप्रासंगिक है, यह गहन सारयुक्त संवैधानिक भूमिका निभाता है' राज्यपाल, किसी राज्य के शासन में किस सीमा तक सक्रिय रूप से योगदान देता है और देश में संघवाद के सिद्धांतों को सुदृढ़ करता है? (150 शब्दों में उत्तर दीजिए) 10 अंक

'The Governor's office is neither decorative nor inconsequential, it assumes a constitutional role of profound essence' To what extent does the Governor, actively contribute to the governance of a state and reinforce the principles of federalism in the country? (Answer in 150 words) 10 marks

Supreme court recently highlighted that Governor's office is not an employment under central government but a separate constitutional office.

Governor → head of state + agent of central govt.

↓

Role in governance and federalism

* office ensures that the national unity is maintained ~~of~~ A I → 'union of states'

* similar political - administrative structure at both centre and state.

* uphold state's autonomy in the legislative field (7th schedule) by giving assent to bills.

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* Appoint the chief minister and his council of ministers (A 164).
* checks for secessionist tendencies fuelled by state governments.
* Bridges effective communication between union and states.
  - eg centre's directives.
* Maintains integration among states
  - eg reserving inter-state trade bills for president's assent.

challenges
* Partisan role
* unilateral decisions
  - eg TN governor dismissing state minister.
* Halting state development bills
  - eg Delhi LG.

undermines state legislature
- eg TN governor omitting section from Motion of Thanks.

Thus, to uphold the importance of the office of governor, it is important to follow 'Doctrine of Neutrality' to work in an impartial manner.

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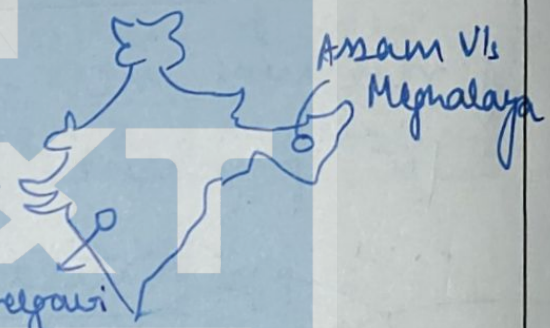
6. अंतरराज्यीय सीमा विवाद, यदि शीघ्र और निष्पक्षतः नहीं सुलझाए गए, तो स्थायी विवादित मुद्दों में परिवर्तित हो सकते हैं जो विकास में बाधक बनते हैं और टकराव या संघर्ष उत्पन्न करते हैं। अंतरराज्यीय विवादों को हल करने के लिए संवैधानिक और विधिक ढाँचे पर प्रकाश डालते हुए, स्पष्ट कीजिए कि स्वतंत्र भारत अंतरराज्यीय सीमा विवादों को सुलझाने में क्यों विफल रहा है। (150 शब्दों में उत्तर दीजिए) 10 अंक

"Interstate border disputes, if not promptly and impartially settled, can transform into persistent issues that impede development and generate friction" Highlighting the constitutional and legal framework to resolve interstate disputes, explain why Independent India has failed to resolve inter-state border disputes. (Answer in 150 words) 10 marks

The demarcation of state boundaries have been done taking multiple factors → language → administration efficiency → geographical continuity.

There have been persistent disputes because of factors like

- language composition
- ethnic composition




## Constitutional and Legal framework

* Supreme court as the apex body with exclusive original jurisdiction to hear disputes between federal units.

* under A262, Parliament can provide for inter state water disputes

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* A 263 provides for inter-state council to discuss disputes
* Zonal councils under state Reorganisation Act, 1956

**Why failed?**

* Historical community concentrations and migration encouraged by British.
* Party politics which hampers discussions and fuels the issue further. eg Karnataka holding assembly meeting in Belgavi
* Lack of proper guidelines for courts
* Ineffectiveness of the Inter-state council → last met in 2017.

Thus, federal units have to come to consensus and consultations to ensure speedy resolutions of disputes. eg Assam-Meghalaya border agreement. to realise the goal of Akhand Bharat for Independent India.

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7. ऊर्ध्वाधर (केंद्र–राज्य) और क्षैतिज (अंतर–राज्य) अंतर–सरकारी सहयोग और समन्वय को बढ़ावा देने में अंतर–राज्य परिषद् की भूमिका का परीक्षण कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

Examine the role of the Inter-state Council in promoting vertical (Centre-State) and horizontal (Inter-State) Intergovernmental cooperation and coordination. (Answer in 150 words) 10 marks

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Inter State Council was formed on the recommendations of Sarkaria Commission in 1990.

**Role**

- inquire into disputes between federal units
  - Centre - State (Vertical)
  - (Horizontal) State - State.
- Recommendations on issues of common interest
- outline areas of cooperation and coordination

ISC was envisaged to be a game changer in upholding values of federalism, but there have been

**challenges**

* only recommending and not binding.
* Not given importance as last meet in 2017 while

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was mandated to meet thrice.

* cannot discuss most important issues creating disputes
  ~~of~~ water disputes.

* called on president's discretion thus a tool in the hands of centre.

* Turned into another platform for party politics → takes away much needed voice of regional parties.

Need →
- amending framework to bring in lingering issues
- mandate meeting
- connect with court to better decide upon issues.

Continuous consensus, debates, discussions and deliberations are hallmarks of federalism. Inter state council has these potentials and therefore, it has to be reformed on the lines of Punchhi Commission recommendations.

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8. लोक लेखा समिति (PAC) के प्रमुख कार्यों पर चर्चा कीजिए। सार्वजनिक धन के सच्चे संरक्षक के रूप में इसकी प्रभावशीलता को बढ़ाने के लिए लोक लेखा समिति (पीएसी) में सुधार के लिए क्या कदम उठाए जाने चाहिए?

(150 शब्दों में उत्तर दीजिए) 10 अंक

Discuss the key function of the Public Accounts Committee (PAC). What steps should be taken to revamp the Public Accounts Committee (PAC) in order to enhance its effectiveness as a true guardian of public funds?

(Answer in 150 words) 10 marks

Public Accounts committee is one of the standing committees in parliament.

**Functions**

- analyses the annual reports of CAG
- ensures effective scrutiny by legislature over executive.
- checks for irresponsible expenses.

However, PAC does a post mortem work which reduces its efficacy in guiding public funds.

**Revamp**

- Allow a say in debit of funds.
- mandatory discussion of its report in parliament if in UK.

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↳ Increasing the tenure to ensure more detailed scrutiny ⇒ constituting for 2 year period at a time.

↳ Provision enough funds as recommended by NCRWC.

↳ Mandatory invitations of expert and technicians opinions to get better insight.

Funds with the government are a public treasury and need to be utilised with caution. These funds entail opportunity cost and therefore, effective scrutiny is a must.

Need → mentioning and discussing report

↳ power of resource generation.

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9. राष्ट्रीय आर्थिक विकास के चालक के रूप में नगरीकरण की अहम भूमिका को स्वीकार करते हुए, पंद्रहवें वित्त आयोग ने शहरी स्थानीय निकायों (ULBs) के लिए प्रमुख सुधारों का सुझाव दिया है। भारत में यूएलबी को बढ़ावा देने और पुनर्जीवित करने के लिए पंद्रहवें वित्त आयोग द्वारा दी गई सिफारिशों का मूल्यांकन कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

Recognizing the pivotal role of urbanization as a driver of national economic growth, the Fifteenth Finance Commission has suggested major reforms for Urban Local Bodies. Evaluate the recommendations put forward by the Fifteenth Finance Commission in promoting and revitalizing ULBs in India.
(Answer in 150 words) 10 marks

It is estimated that by 2030, 40% of India's population will live in urban areas, thus highlights [urbanisation as a driver of economic growth]

- create demand
- domino effects in rural areas
- generate employment
- higher standard of living

[Urban local body reforms by 15th FC]

ULBs are pivotal in the urbanisation process as they are at the implementation and service delivery end.

* Rationalisation of centrally sponsored schemes → based on 'one size fits all' approach
  ↓
  to untie funds and give flexibility to ULBs.

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* policy planning with ULBs as implementation partners
* drainage planning → recent plans by central government.
* devolution of more funds as are highly short of funds
* creating a robust bond market for ULBs → self resource generation at a meagre 0.72% GDP (RBI). (Brazil - 6%).

**Challenges in implementation**

- decisions lies with State government
- status undermined by creating parallel bodies
- low land revenue due to redundant land titles

Thus, ULBs are an effective governance bodies and will be at the forefront to the urbanisation process. FC and RBI's recommendations pave the way with more sensitisation of state governments.

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10. मौलिक अधिकारों की तुलना में संसदीय विशेषाधिकारों के तहत् प्रदान की गई वाक् और अभिव्यक्ति की स्वतंत्रता के दायरे में प्रमुख अंतरों पर प्रकाश डालिए। संसदीय विशेषाधिकार और मौलिक अधिकारों के बीच संतुलन बनाए रखना क्यों आवश्यक है?
(150 शब्दों में उत्तर दीजिए) 10 अंक

Highlight the key differences in the scope of Freedom of speech and expression as provided under Parliamentary privileges vis a vis Fundamental rights. Why is it necessary to maintain a balance between parliamentary privilege and fundamental rights? (Answer in 150 words) 10 marks

Article 19 1(a) provides for freedom of speech and expression to all citizens of India.

**Scope of the right**

| Parliamentary privilege | Fundamental rights |
|---|---|
| → privilege of exemption | → not absolute |
| → courts cannot enquire into anything said or any vote given by the legislators | → restrictions like public order, moral, defamation. |
| → no arrest provision | → can be arrested anytime if found violating the restrictions |
| → have privilege of not appearing before court. | → have to appear before court |

The privileges of speech and expression to parliamentarians

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were envisaged to give:-
↳ ample scope to stand for just cause.
↳ criticise the government policies
↳ uphold trust of the voters as responsible representatives.

**Necessary to maintain a balance**

↳ Misused by legislators
  ⇒ throwing papers on speaker and disrespecting the office.
↳ bring into personal moral judgements into parliament
  ⇒ comment such as 'Suparakha's smile'.
↳ Against right to equality (Art 14)
  [no reasonable classification]
↳ Court bound by the provisions and cannot take up dignity violating issues.

The privileges are aimed at upholding democracy in letter and spirit.
There has to be
↳ mens in house to curb personal judgement
↳ ample scope & judiciary to take up human dignity issues.

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11. दल–बदल विरोधी कानून ने भारत में राजनीतिक दलों और वैयक्तिक विधायकों/सांसदों के बीच संबंधों को कैसे प्रभावित किया है? हाल की घटनाओं के आलोक में भारत में लोकतंत्र की प्रकार्यात्मकता के संदर्भ में इस कानून के अनपेक्षित परिणामों पर भी चर्चा कीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

How has the Anti-Defection Law impacted the relationship between political parties and individual legislators in India? In light of the recent incidents also discuss the unintended consequences it has on the functioning of democracy in India. (Answer in 250 words) 15 marks

52nd Amendment act enacted the anti-defection law to curb horse trading (Aaya ram gaya ram).

Anti defection law
- → voluntary giving up membership
- → independent members joining any party
- → nominated members joining after 6 months
- → exception to Speaker

**Relationship between political parties and individual legislators**

* It has seen success in curbing rampant horse trading
  - e.g. between 1986-71 + 32 governments collapsed.
* Brought in stabilisation in political parties in

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* ensured loyalty to parties
* created the role of money in parties to get legislators.

However, the negative impact have been :-

(*) It has made legislators bound by party whips.
(*) cursed independent voices.

Recent political crises in Maharashtra brought the efficacy of anti-defection law to focus.

Unintended consequences

* Party loyalty above constitutional loyalty
* It undermines the democratic principles of freedom of speech and expression.

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* made legislators follow the 'High command' culture.
* Excessive use of whip hampers progressive discussions
  eg: walkouts by opposition.
* No voice to innovative thought within the party.
* Has led to factionalism.
  eg: recent NCP crises.

Issues with anti defection law
- vague definition of 'voluntary'
- 2/3rd exception
- not clear what is the procedure if speaker himself faces defection

Anti-defection was much needed to ensure legislator accountability to the party. But it has curbed independent voices. In such case, Dinesh Goswami committee recommendations can help.

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12. आलोचकों का दावा है कि असीमित न्यायिक अधिकार मूल ढाँचा सिद्धांत की संरचनात्मक अस्पष्टता पर निर्भर है। क्या मूल ढाँचा सिद्धांत की लोचदार प्रकृति ने न्यायपालिका को कार्यपालिका से अधिक शक्तिशाली बना दिया है?

(250 शब्दों में उत्तर दीजिए) 15 अंक

Critics assert that limitless judicial authority rests on the structural ambiguity of the basic structure doctrine. Has the elastic nature of the basic structure doctrine made the judiciary more powerful than the executive?

(Answer in 250 words) 15 marks

Basic structure doctrine was a result of judicial activism propounded in the Kesavananda Bharati case, in 1973.

Basic structure doctrine → upholds rule of law
→ protects the constitutional values
→ checks fundamental rights.

→ Limitless judicial authority

* No standard procedure to define the basic structure.
* Brings in judicial subjectivity
* Misuse of A 142 in pretext of judicial activism
* Not in original constitutional.

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* Vagueness in definitions
  - eg what comprises federalism and what not.

Thus, the doctrine has been elastic in its interpretation.

**Implications**

→ Judiciary more powerful than executive.

* Excessive use leads to judicial overreach
  - eg NJAC bill was struck down
* No judicial review over judicial decisions
  - eg collegium system

* against separation of power, highlighted by SC in Kartar singh case.

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* questions executive decisions and efficiency of GST council only.

→ Judiciary as a check and not more powerful

* protects the spirit of federalism
  - space to states in GST laws
* acts as a guarantor and protector of fundamental rights
  - right to free speech - IT act Sec 66.
* defines certain principles which cannot be violated.
* made citizens as partners in protecting their rights.

Thus, Rani structure during was an innovation needed much in time. But, SC in 2007 itself highlighted that SC power cannot be misused to curb the power of other organs.

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13. मौलिक अधिकार राज्य द्वारा प्रदत्त उपहार नहीं हैं बल्कि एक व्यक्ति उन पर राज्य से स्वतंत्र रूप से अधिकार रखता है। इस संदर्भ में विभिन्न मौलिक अधिकारों पर युक्तियुक्त निर्बंधन की वांछनीयता पर चर्चा कीजिए।

(250 शब्दों में उत्तर दीजिए) 15 अंक

Fundamental rights are not gifts bestowed upon by the state rather an individual possesses them independently of the state. In this context discuss the desirability of reasonable restrictions on various fundamental rights.

(Answer in 250 words) 15 marks

Fundamental rights (Part III) are guaranteed by the constitution itself and thus possessed independently of state.

Independent possession
- Right to life (A 21)
- Right to equality (A 14)
  - Abolition of untouchability (A 17)
- Right against exploitation (A 23)

These rights are indeed needed for human society to survive and are sine qua non for collective living.

However, the rights are not absolute and have reasonable restrictions

- public order
- morality
- unity and integrity of state
- friendly relations
- defamation.

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## Desirability of restrictions

### why needed?

* To ensure India remains united & curbing violence
* Respect for the politico-administrative setup and upholding rule of law. & contempt of court.
* To curb secessionist and radical tendencies eg UAPA
* To protect tribal culture and diversity & restrictions on freedom to movement.
* To remove socially unjust practices from religion & Triple Talaq
* To uphold sanctity of certain offices & exception not valid in case of governor and president.
* Giving ample space to minorities while regulating their conduct.

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## Challenges in restrictions

* Vaguely defined - eg what is defamation?
* curb right criticisms in charge of public order
* All Fundamental rights are not sacrosanct and hence can be taken away in name of security of India.
* excessive powers to armed forces in AFSPA regions.
* curb recurring by legislature

Need → define the terms precisely
→ discussions with states during AFSPA (Jeevan commission)
→ defining undefined terms of hate speech.
relook at sedition law (IPC).

Thus, though the restrictions were put in place by our Constituent fathers, their misuse hampers the fundamental rights. There has to be effective discussions with all stakeholders.

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14. 'एस.आर. बोम्मई बनाम भारत संघ मामले ने संघ द्वारा किसी राज्य के प्रशासन पर नियंत्रण ग्रहण करने के संघ के अधिकार की न्यायिक व्याख्या में एक आदर्श बदलाव का संकेत दिया।' इस संदर्भ में संघीय ढाँचे को मजबूत करने के संबंध में निर्णय के महत्त्व और प्रभाव पर चर्चा कीजिए।

(250 शब्दों में उत्तर दीजिए) 15 अंक

'S.R. Bommai v. Union of India signified a paradigm shift in the judicial interpretation of the union's authority to assume control of a state's administration.' In this context discuss the significance and impact of the judgement on cementing the federal structure.

(Answer in 250 words) 15 marks

With SR Bommai case, the concept of Federalism was added to the Basic structure doctrine.

↳ restricted Parliament's amending power to uphold federalism.

**significance**

* stays as a reminder to the union government.
* Effective tool with the state governments to challenge the union law.
* Scope to judiciary to interpret cases on a case by case basis.
* Reduces to great extent union's discretionary powers over States ~~of~~ recommendation of President's rule
* States can assert their rights originally granted by the constitution.

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of taxation rights → SC judgement of GST council decisions not being binding.

**Impact**

* upholds constitution's federal structure
  - BR Ambedkar :- States are independently established by the constitution.
* States as equal partners in the development process.
* states can challenge the partisan role of governor.
* States as not mere appendages
* gives equal space to small and regional parties.
* upholds the decision of voters.

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despite the important judgement, the challenges persist in the federal structure.

- 'Quasi federal' - KC Wheare
  - redundant 7th schedule.
- unequal representation in Rajya Sabha
- administrative tussles over IAS cadre rules
- political tussle over freebies (Revdi culture)
- Centre impinging upon state welfare commitments
  - recent ON restriction for Karnataka.
- Domestic party politics spill over to international issues
  - Teesta water issue

Federalism is essential to retain national integration. Both centre and states should walk hand-in-hand or atleast side-by-side for greater public welfare as pointed out by supreme court.

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15. प्रभावी विकेंद्रीकरण की कुँजी यह है कि राजनीतिक विकेंद्रीकरण को वित्त और प्रकार्यात्मक विकेंद्रीकरण का अनुगमन करना चाहिए। भारत में स्थानीय शासन के समक्ष आने वाली बाधाओं के संदर्भ में चर्चा कीजिए।(250 शब्दों में उत्तर दीजिए) 15 अंक

The key to effective decentralization is political decentralization should follow finance and functional decentralization. Discuss in the context of impediments faced by local governance in India.
(Answer in 250 words) 15 marks

2nd ARC highlighted the principle of subsidiarity in context of decentralisation of power.

Effective decentralisation

→ political

→ strong and vibrant local level government institutions

Effective constitutional protection of 73rd and 74th amendment acts.

provision of elections at the grassroot level

All this was much achieved by the 73rd and 74th amendment acts.

The issue lies with financial and functional decentralisation.

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→ financial and functional

- effective ways to raise resources
- enough funds
- all this has been with the state governments to decide.

**Impediments**

(1) Lack of enough resources for capital expenditure

- RBI report - 60% revenues spend in salaries and pensions.

(2) Not enough avenues to raise funds.

- land tax being the primary source.

(3) Tied nature of funds impedes region specific needs.

(4) Parallel organisations created by state governments

- Water Boards.

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(5) Overreach of voluntary provisions

eg Bihar municipal amendment act transferred power to employ class (and) officers.

(6) Ineffective powers to gram sabhas as platforms of effective decision making.

Local governance assumes importance in

- ground level changes of Kerala
- constitutional literate
- participative democracy
- respecting tribal cultures

Thus, need arises to remove impediments to their functioning.

Needs to follow the 3F approach as recommended by 2nd ARC funds functions functionaries.

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16. संसदीय संप्रभुता और न्यायिक सर्वोच्चता के सिद्धांत ने भारत और संयुक्त राज्य अमेरिका के संवैधानिक ढाँचे को आकार देने में अत्यधिक महत्त्वपूर्ण प्रभाव डाला है। प्रासंगिक न्यायिक निर्णयजन्य विधियों का हवाला देते हुए इन देशों में संविधान को प्रभावित करने में न्यायपालिका की भूमिका पर चर्चा कीजिए। क्या भारत में न्यायिक समीक्षा का दायरा व्यापक है?

(250 शब्दों में उत्तर दीजिए) 15 अंक

The doctrine of Parliamentary sovereignty and judicial supremacy has exerted considerable influence in shaping the constitutional frameworks of India and the USA. Citing relevant case laws discuss the role of the judiciary in influencing the constitutions in these countries. Is the scope of judicial review wider in India?

(Answer in 250 words) 15 marks

Indian constitution provides a unique blend of Parliamentary sovereignty (from UK) and Judicial supremacy (from USA).

In India

→ Judiciary has provided enough checks and balances
- Judicial review (A13, 226)
- Doctrine of Basic structure.
- expanded scopes of Fundamental rights → Right to privacy under right to life (Puttaswamy case).

→ Parliament is sovereign to enact legislations and counter Judicial interpretations.
eg 24th CAA and Golaknath case.

India follows a blend where none of the two is supreme.

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* Parliamentary sovereignty checked by → written constitution, judicial review, fundamental rights, federal structure.
* Judicial supremacy checked by → removal of judges by parliament, appointment by executive.

**In USA** → follows judicial supremacy ↓ can question any legislation & recent example of adoption judgement.

* Judiciary in USA has been pro-active because its appointment is independent of the executive.
* has kept constitution as supreme
* State high courts have wide powers in their own ambit.

**Scope of judicial review** ↓

Krishnaswamy highlighted that Supreme Court of India is the

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most powerful of all the supreme courts in the world".

→ A 142 → extensive powers to SC to take up any issue.

→ power of reviewing its own judgement thus not bound by earlier interpretations.

→ active role by PIL.

→ Appoints the judges itself by collegium system
↳ SC recently said that this system is not subject to judicial review.

→ powers to only with undefined basic structure.

→ Repressive role → struck down A 377.

In line with the analysis of experts, it can be said that judicial review scope is widest in India. This is in line with the responsibility of supreme court as guardian of constitution.

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17. 'निष्पक्ष प्रतिनिधित्व सुनिश्चित करने और एक मत, एक मूल्य के सिद्धांत को बनाए रखने के लिए सीटों का परिसीमन आवश्यक है।' निर्वाचन क्षेत्रों में अप्रतिनिधित्व से उत्पन्न हुई चुनौतियों पर प्रकाश डालते हुए संघीय तनाव पैदा करने में जनसंख्या–आधारित परिसीमन के प्रभावों का विश्लेषण कीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

'Delimitation of seats is essential to ensure fair representation and uphold the principles of one vote, one value'. Highlighting the challenges posed by misrepresentation in constituencies analyze the ramifications of population-based delimitation in creating federal tension. (Answer in 250 words) 15 marks

Parliament has the sole responsibility to provide for Delimitation commissions for both State and Parliament elections.

Delimitation of seats as essential
- → equal opportunity to all irrespective of caste or religion
- → equal opportunity to minorities.
- → equal opportunity to regional parties

Recent debate arises from the delimitation exercise conducted in Jammu and Kashmir, which has allegations of delimitation based on religion and party inclination.

Challenges of misrepresentation
- ↳ reduces the status of minorities in every constituency

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↳ encourages despotism and one-party rule.

↳ hypocrisy in face of elections i.e. right to vote with no right to elect.

↳ undermines other parameters of delimitation. like geographical continuation, ease of voting, proportion of population.

**Ramification in federal tension**

↳ creates avenues for radicalisation of youth and thereby poses internal security challenges.

↳ regional disputes and thereby detract investments.

↳ continuous protests upset the efficient functioning of institutions & public service delivery hampered.

↳ No representation to minorities in parliament

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↳ hides regional issues under central pressure.

↳ gives pretext of majority rule and thus fuels communal tensions.

Need → transparency in procedures followed by delimitation commission

→ scope of second review (DC's decisions are final and binding)

→ Effective say to political parties in the region

Delimitation determines which caste or community remains in majority. In India's societal structure, caste and religion still determine majority decisions. Thus giving a level playing field to all parties and all voters is indeed necessary to realise one vote - one value.

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18. देश में स्वतंत्र और निष्पक्ष चुनाव कराने की निर्वाचन आयोग की संवैधानिक ज़िम्मेदारी के निर्वहन में उसके हाथों को मजबूत करने से संबंधित भारत के सर्वोच्च न्यायालय की भूमिका पर चर्चा कीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

Discuss the role of the Supreme Court of India in strengthening the hands of the Election Commission in the discharge of its constitutional responsibility of conducting free and fair elections in the country. (Answer in 250 words) 15 marks

Article 324 empowers the Election commission to conduct free and fair elections in the country.

→ Recent role of supreme court.

↓

highlighted that the power and independence of ECI has been destroyed with no CEC serving for more than 100 days since 1996.

↓

Thus, SC gave a temporary framework for appointment mechanism

↓

committee → CJI of India
→ PM
→ Leader of opposition.

↓

This has been done until a permanent framework is in place.

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SC's role as a positive step

↳ To uphold the constitutional value of free and fair elections

↳ curb the corruption in appointment

↳ ensure checks and balances

↳ curb money and muscle power of vohra committee → criminal nexus.

↳ strengthen people's trust in the constitutional democracy.

SC's role as a negative step.

↳ impinging upon legislature's power

↳ a new tussle between judiciary and executive

eg collegium system + EC I

↳ judiciary itself declines any discussion on issues like collegium system etc.

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Thus, judiciary's decision is a much needed step to ensure the autonomy of ECI which was also asserted by TN Sheshan.

→ But for ECI to be effective

↳ equal protection to all ECs

↳ amending constitution and defining terms and qualifications.

↳ more powers → enforcing model code of conduct (Dinesh Goswami committee)

↳ power to check financial repercussions of freebies.

Therefore, the essence of ECI lies in its being autonomous and independent. The future lies in enacting a permanent framework to give exit to all the confusions.

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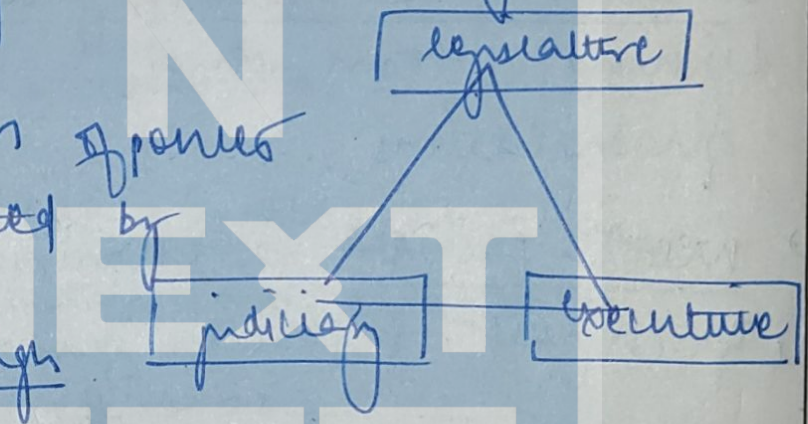
19. 'संसद की घटती भूमिका शक्तियों के पृथक्करण के मूल सिद्धांत को कमज़ोर करती है, क्योंकि यह कार्यकारी शाखा पर नियंत्रण रखने और सत्ता का संतुलित प्रयोग सुनिश्चित करने की विधायिका की क्षमता को कम कर देता है।' विवेचना कीजिए।

(250 शब्दों में उत्तर दीजिए) 15 अंक

'The declining role of Parliament undermines the fundamental principle of separation of powers, as it diminishes the legislature's ability to serve as a check on the executive branch and ensure a balanced exercise of power.' Discuss.

(Answer in 250 words) 15 marks

Recently, CJI Chandrachud highlighted that "Parliamentary law making is in a sad state of affairs", thus highlighting its declining role.




separation of powers was asserted by SC in Kesavananda Bharati case.

undermining separation of power

* Decline in effective scrutiny by legislature
  - eg finance bill '23-24 discussed for 18 hours only.

* No avenues for debates and discussions
  - eg NADRD bill → 3 days (passed)

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* Misuse of Speaker's power to undermine check
  - No adjournment motions in 17th Lok Sabha.
  - Only 23% bills referred to parliamentary committees (PRS)
  - Not allowing election of Deputy speaker
* Summoning of sessions on President's order (effectively on advice of Council of Ministers (Art))
* 'Knock on' effect on Rajya Sabha
  - Endorsing bills as money bills - Aadhaar Act.
* Increased bills being passed by voice votes rather than slip voting.

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* executive law making over legislative law making
  - ↓ no private member act since 1970.
* route of delegated legislations to impose decisions of demonetisation.
* reduced number of sitting
  - ↓ 17th LOK Sabha to be the shortest with 58 average days.

Thus, the functioning of parliament needs to be restored by

- impartial role of speaker (↑ Canada)
- mandatory recommendations to committees (↓ UK)
- a detailed calender (NCRWC)

To ensure, parliament remains 'temple of democracy', parliamentary oversight is a must.

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20. भारत में लिंग–संवेदनशील कानूनों पर विमर्श को आकार देने में राष्ट्रीय महिला आयोग द्वारा निभाई गई महत्त्वपूर्ण भूमिका पर चर्चा करें। राष्ट्रीय महिला आयोग को संवैधानिक संस्था बनाने से उसका प्राधिकार किस हद तक सुदृढ़ होगा?

(250 शब्दों में उत्तर दीजिए) 15 अंक

Discuss the crucial role played by the National Commission of Women in shaping the discourse on gender-sensitive laws in India. To what extent the elevation of the National Commission for Women to a constitutional body would reinforce its authority?

(Answer in 250 words) 15 marks

National Commission of Women is a statutory body established by the Parliament.

Role played by NCW

- taking up women related issues like rape, safety etc.
- ensure effective implementation of women related laws by acting as a continuous vigilance.
- Bring in light new age challenges of cyber crime.
- Lobbying for gender-neutral laws of marital rape.
- of UCC for inheritance and divorce laws.

NCW's elevation to a constitutional body like other constitutional bodies (NCST, NCSC, NCBC) will elevate its authority by

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* Appointments by President by a warrant under hand and seal → security of tenure.
  ↳ curb politicisation of office
* security of tenure would give independent and autonomous voice → can take up stands.
* Consultation by Ministry will become mandatory
  ↳ gender inclusive policy making advice.
* Reports by the commission will directly go to the president thus,
  ↳ effective discussions in parliament
  ↳ scrutiny of executive.
* will acquire the status of civil court → can summon witness
  ↳ help in evidence and inquiries.

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However, mere a constitutional status would not achieve much when there are multi dimensional challenges.

↳ snags in legislations

↳ differing interpretations by court and government ⇌ on marital rape

↳ low female labor force participation rate → 23% (PLFS-2019-20)

↳ higher poverty burden on women ⇌ UN highlighted → women spend 60 min / day collecting water.

↳ differing religious beliefs ⇌ witch hunting.

↳ rising rape cases ⇌ recent Jharkhand case.

Thus, though a constitutional status would enhance NCW's authority to better lobby for women's issues.

It is needed that women empowerment happens at bottom.

↳ Mahila samman Bachat patra.

↳ skill training → self defence in skill training.

more provision under MGNREGA → ⇌ Kerala - gives insurance cover