NEXT IAS

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Name of Candidate : RAHUL HIJAM

NEXT IAS Roll No.: GSPM23B13025 **Date of Examination :** 10/8/23.

Exam Centre : Old Rajinder Nagar ☑ Bhopal ☐ Online ☐

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MAIN TEST SERIES 2023
(SECTIONAL TEST-3)

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SUBJECT/PAPER
GENERAL STUDIES

Invigilator's Sign. : .....

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Evaluator Code :

Q.No	Pg No.	Maximum Marks	Marks	Total
1	1			
2	3			
3	5			
4	7			
5	9			
6	11			
7	13			
8	15			
9	17			
10	19			
11	21			
12	24			
13	27			
14	30			
15	33			
16	36			
17	39			
18	42			
19	45			
20	48			
Grand Total				

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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 is an act of Parliament which deals with conduct of election of India and also about the qualifications and disqualifications of the candidates.

Section 8 of RPA 1951 deals with grounds of disqualification of candidate.

→ A person convicted for any offences offenses is disqualified for 6 years along with year of imprisonment. In general, a candidate is disqualified if term of imprisonment is more than 2 years.

Also, Section 8(A) deals with disqualification on ground of corrupt practices as listed in Section 123 of the Act.

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Need for resolving the ambiguity in disqualification

→ The grounds of disqualification are subjective in nature.

Eg:- the criteria mentioned such as influencing the public, creating enmity within community etc is subject to ambiguous interpretation.

→ The use of ~~allocate~~ election fund by the parties are not properly investigated and there is lack of transparency.

→ The disqualification can only be done by Speaker for which there is no prescribe time limit.

Thus, proper procedure and strict implementation of model code of conduct, and proper secretariat for Election Commission of India can help ~~redu~~ reduce the ambiguity.

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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 fundamental and organic structure which exhibits the conception and objective of the governance system of the country.

Constitutionalism is the concept of limiting the power of the government.

Constitution is a mere skeleton.

→ The constitution tells the powers of the government.

→ It tells us the relation between the state and the citizens.

→ It provides the Fundamental Rights, Fundamental Duties and Directive Principles.

→ It is a living document which guides the functioning of government.

Candidates must not write on this margin

Constitutionalism is the soul of democracy.

→ It restricts the power of the government to ensure there is no arbitrary decisions made by government.

→ It provides for elected democratic government.

→ It provides for seperation of power and rule of law.

→ It provides for independent judiciary and judicial review.

While the constitution is a guide, constitutionalism ensures the functioning of the government is in democratic way. Some of the SC judgment that helps in upholding the constitutionalism are:

→ I R Coelho case → which emphasises on the importance of constitutionalism and need of judicial review.

→ Maneka Ram V/s UOI → which tells us that constitution abhors absolutism.

Thus, one can say constitutionalism is required for proper democracy and to follow provisions of the constitution.

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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

Electoral Bonds are a debt instrument which is used for funding of political parties.

Electoral bonds ~~are~~ provides anonymity to donors in such a way that donors can purchase these bonds anonymously and are valid for 15 days from date of issue. The political parties can then encash them.

However, providing anonymity raises concerns about transparency in the ~~to~~ electoral funding.

→ It contradicts its basic idea

Critiques argue that the anonymity is only for broader public and opposition parties.

Candidates must not write on this margin

→ **There is possibility of extortion**

Since only SBI which is government owned bank can issue electoral bond, the government can see ~~which~~ who is funding the opposition which can lead to extortion.

→ **Against free and fair election**

The people who will vote is not aware of the details of electoral bond while the government can see the details.

∴ This can disrupt free and fair election

→ **Crony Capitalism** → This anonymity is a root cause for the possibility in rise of crony capitalism and lobbying by big companies.

Thus there is a need to reform the power of financing and close the loophole to ensure free and fair elections.

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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

Uniform Civil Code is mentioned in Art 44 of the constitution which envisaged for a welfare State.

The UCC debate is mainly to bring uniformity in the personal laws which are different for various religions, The personal law which governs over Marriage, guardianship, succession, Adoption etc leads to various instances of gender inequality.

However, there are various challenges in reconciling UCC with gender equality.

① It undermines Art 25 of the constitution which gives right to practice any religion.

Candidates must not write on this margin

(2) In a country like India, there are many diverse culture and various tribals which have different practices. So, there will always be exceptions.

(3) It will undermine the Bombay High Court judgement which held that custom laws are not under Art 13(3).

However, there are various Supreme Court Judgement which upheld the UCC

→ Sara Bano case → which gives the right of maintenance to muslim women.

→ Sarla Mudgal case → SC upheld the need of UCC.

→ Shayara Bano case → which abolished triple talaq.

Thus, there is a need to ensure gender equality and UCC is a road towards it. However, proper consultation with stake holders is needed for bringing welfare of the country.

Candidates must not write on this margin

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

Article 153 of the Indian constitution provides ~~that~~ for the office of the governor and Article 154 tells that the president shall apoint the Governor.

The Governor's office is neither decorative Nor inconsequential, it assumes a constitutional role of profound essence

→ In BP Singhal case 2011 the Supreme Court held that the office of governor is not a mere tool for the Centre. Removal of governor must be under justifiable reason.

→ Also, governor's office acts as a transit between the centre and the states.

Candidates must not write on this margin

Contribution of Governor to governance of State and Reinforcement of federalism.

→ The Governor appoints the Chief Minister and Council of Ministers on the advice of Chief Minister.

→ The Governor summons and prorogues the State assembly.

→ The Governor's assent is required to pass a bill in the assembly under Article 200

→ The Governor can dissolve the assembly if there is no proper majority.

→ The Chief Minister must report the daily functionings to the Governor.

→ The Governor can advise the President for imposition of President's rule.

However, in order to maintain the federalistic principle, SC judgments in Sarkaria Singh Case, S.R. Bommai case and Nambam Rebia case must be upheld. ~~and~~ in order to prevent the misuse of power by Governor.

Candidates must not write on this margin

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

Interstate Border Disputes are becoming one of the major hindrance in growth and development in the country. It is leading to rise in mistrust and lack of coordination between states. Some of the recent examples are Belgaum issue between Karnataka and Maharashtra and border issue of Assam with Arunachal Pradesh, Mizoram and Nagaland.

Constitutional and Legal Frameworks to resolve interstate disputes.

1) Judicial Mechanism as given in Art 131 of the constitution

2) Inter State Council adopted from Article 263 of the Indian Constitution

Candidates must not write on this margin

3) Zonal Council also can become the mediator between the issue.

Reasons why India has failed to resolve Inter-state border dispute

(1) Lack of trust between various organisations.

(2) Lack of frequent meetings of Inter State Council

(3) Limited Power of Zonal Council

(4) Disputes are used as tools for political power and vote bank.

(5) Lack of connection between people & and government and inability to understand the issue.

Thus, there is a need to establish independent dispute redressal committee focusing on the core area of the disputes and connecting with different stake holders to solve the issue.

Candidates must not write on this margin

7. ऊर्ध्वाधर (केंद्र–राज्य) और क्षैतिज (अंतर–राज्य) अंतर–सरकारी सहयोग और समन्वय को बढ़ावा देने में अंतर–राज्य परिषद 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

Inter State Council is a recommendatory body formed under Article 263 under the recommendation of Sarkaria Commission

Role of Inter State Council in Vertical Cooperation and Coordination

- Interstate Council is formed by President with Prime Minister as its Chairman and Chief Ministers of all states and UTs as members
- There should be atleast 3 meeting in a year.
- These provisions help in understanding each states issues by the centre and can lead to proper resolution.
- It also builds trusts which can bring cooperation and coordination.

Candidates must not write on this margin

Role in horizontal cooperation and coordination

→ The Interstate Council investigates and discuss issues of common interests.

→ It recommends solutions for proper working of policies.

→ Since it involves all state's and UT's Chiefminister, it highlights the issues and ensures a proper mechanism which can benefit all concerned.

Also, there consist of 6 Union ministers and 10 union ministers as permanent invitees. This also help in resolving issues with respect to various departments and ministries.

However, regular meetings of the council, effective resolutions undertaken and proper implementation of the recommendations is required to ensure there is Cooperative federalism.

Candidates must not write on this margin

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 financial Parliamentary Committee. It was established in 1921 and consist of 22 members.

Key functions of PAC.

→ PAC derives its powers from Art 105 of the Indian constitution which ensures parliamentary privilege and Art 118 that makes rules and procedure of the parliament.

→ Thus it investigates whether the money granted to the ministries are within the scope of demand or not,

→ It reviews the reports of CAG and examine the accounts of the Ministries to ensure proper appropriation of the fund.

Candidates must not write on this margin

Steps & ~~to Reforms~~

Challenges

→ Low number of cases referred to the Parliamentary committees.

→ Quick passing of bills without much consultations.

~~Steps to Reforms~~

Steps to Revamp PAC and enhance its effectiveness

(1) Referral of cases to the Parliamentary committees to ensure their is proper examination of matters in scientific manner

(2) Making it mandatory for accounts to be examined and ensuring ~~its~~ the recommendations of PAC are binding.

(3) Respecting and following recommendations of PAC and ensuring there is no hindrance in their functioning.

(4) Frequent meetings of the members of PAC to ensure proper efficiency and allocation of public funds.

Thus there is a need for active participation key members and keeping the checks and balance in place to prevent extortion of funds.

Candidates must not write on this margin

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

The Fifteenth finance commission under the chairmanship of N.K. Singh gives recommendation for devolution of funds from centre to states for the period 2020-21 to 2025-26.

With the need to have strong grassroot democracy, Urban Local Bodies were established under 74th Constitutional Amendment Act 1992, which ensures more public participation and development from bottom to top. For the betterment and proper functioning of ULBs, list of subjects are provided in 12th schedule for municipalities.

The Finance commission has suggested various reforms for ULBs :

Candidates must not write on this margin

(1) Rs 1.2 lakh crore to be granted to the Urban Local Bodies

(2) Seperation of Urban Local Bodies into 2 parts; non million cities which as population less than million and million plus cities.

(3) Non million cities were granted basic grants which were tied and untied funds

(4) Million plus cities were granted funds through Million plus cities fund (MCF) which was performance wise based on air quality, sanitation, waste management etc.

These recommendations leads for better competition, ensuring ULBs are functioning properly, making sure every ULBs are reaching same level and encourage the public participation. However, there is need for proper implementation and allocation of the SFC's recommendation and funds respectively to ensure proper development.

Candidates must not write on this margin

10. मौलिक अधिकारों की तुलना में संसदीय विशेषाधिकारों के तहत 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

Freedom of Speech is provided in Article 19(2) of the constitution which is a fundamental right of the citizens.

The Parliamentary ~~Privileges~~ Privileges under Article 105 also provided member of Parliament with freedom of speech.

However, there are some differences.

- Freedom of speech in Fundamental Rights
  - They are not absolute
  - They can be prohibited on ground of national security, public interest, morality on the ground of contempt of court as given in Article 19(6)
  - Some of the activities like Hate Speech, and Sedition can lead to arrest of individuals.

Candidates must not write on this margin

- Under Parliamentary Privilege

  → MPs are immune to speak anything without exceptions in the Parliament

  → They cannot be arrested in civil matters before and after 40 days of the session and also during the session

  → However they cannot criticize any matter regarding supreme court and it will be considered contempt of court.

Need for balance between parliamentary privilege and fundamental rights.

- Parliamentary privilege not properly defined thus it can be misused while the restriction on fundamental right are subjective in nature.
- This caused many charges of sedition which leads to misuse of power by government.
- The misuse of parliamentary privilege can sometimes be seen in criminal matters too as seen in the Kerala government asking to clear criminal matter of MP.

Thus, every rights and privileges must be for proper use and benefits and it is important to maintain checks and balance.

Candidates must not write on this margin

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

Anti Defection Law is provisioned in the 10th schedule of the Constitution which was brought through 52nd Constitutional Amendment Act of 1985.

Anti Defection can be of 3 types

- an individual voluntarily resigning
- an independent candidate joining other party
- Nominated member joining a party after 6 months.

It has led to change in relation between political parties and individual legislators.

- It led to loss of personal decision of each legislator as it has to follow the whips order.

Candidates must not write on this margin

- It creates a system of overpowering by a party which leads to suppression of individual's thought.

- ~~of the~~ This leads to split in parties as it is allowed if 2/3rd of party members changed party.

Recent Incidents and its consequences.

Some of the instances of anti defection can be seen in the case of Shiv Sena in Maharashtra and the split in NCP.

Such incidents cause various consequences like

- halt in functioning of government
- focus on power gain rather than welfare of citizen
- various political measures to ensure majority which leads to harming of innocent citizens
- It causes mistrusts in people as they voted based on individuals as well as political parties ideologies.

Candidates must not write on this margin

The decision to disqualify a legislator is in the hand of Speaker and it ~~can~~ take there is no time limit in its decision.

However, in order to have a check on such decisions, there are certain SC judgments;

→ Kihoto Hollohan case which upheld that such decisions are under Judicial Review.

→ Nabam Rebia case under which SC upheld that legislator be disqualified immediately after conviction.

Thus, there is a need for proper checks and balances and proper procedure in anti defection so that the functioning of government is not hampered and ensures welfare of citizen as priority.

Candidates must not write on this margin

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

The basic structure Doctrine was upheld in the ~~Kesavanda~~ Kesavananda Bharti case of 1972 which led to the power of judicial review by the Judiciary.

The basic structure is not properly defined however they are considered on a case basis through interpretation of provisions of constitution. Some of the known basic structure are:

→ Seperation of power
→ Rule of Law
→ Independence of Judiciary
→ Federalism etc.

Critics assert that due to ambiguity of structure, judicial authority has ~~the~~ limitless power. This is because of following:

Candidates must not write on this margin

① Judicial Activism : Forcing the judiciary to perform quasi legislative functions.

② Judicial Overreach → Encroaching the functions of legislature and executive, violating separation of powers.

Some of the instances that made Judiciary more powerful than executive are :

a) Recent intervention regarding appointment of Arun Goel as Election Commissioner.

b) Anoop Baranwal case which led to change in appointment process of Election Commissioners which will be through advice of PM, CJI and Leader of Opposition to the President.

c) Golaknath case which upheld supremacy of fundamental rights against power of parliament.

Candidates must not write on this margin

d) Striking down of the Tribunal Reforms.

e) Striking down of NJAC for appointment of judges.

There is a fine difference between Judicial Activism such as decision regarding compensation of Bhopal Gas Tragedy and Vishakha guidelines against Judicial Overreach such as striking down of NJAC. This is mainly due to the elastic nature of basic structure.

Thus it is important to ensure there is checks and balance and the basic structure of separation of power is maintained.

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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

The constitution of India provided Fundamental Rights to an individual under part-III of the constitution from Art 12 to Article 32.

They are not a gift bestowed by the government.

The Fundamental Rights ensure every individuals

- Right to Equality
- Right to freedom
- Right against Exploitation
- Right to freedom of Religion.
- Cultural and Education Rights
- Right to Constitutional Remedies.

However These rights are possessed by an individual independently of the State and are against the state.

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However, Every ~~fundamental~~ fundamental rights are not absolute. There are certain Reasonable Restrictions. This can be seen in Article 19(2). It restricts the freedom exercised in Art 19(1) on the basis of:

- security and sovereignty of state
- public order
- friendly relation with foreign state
- decency and morality etc.
- defamation etc.

These restrictions are needed for proper integrity and security of the nation.

However, there are several challenges regarding the restrictions:

- No proper definition of the reasons
- Excessive power to the government
- Various illegal detention, and misuse of the provisions
- Limits the individual's right in unjustifiable way.

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But, it is also important for every citizen to understand their duties as citizens and not abuse the rights they possess otherwise it can lead to anarchy.

The proper functioning and understanding between the state and citizens and following constitutionalism can ensure a welfare state where everyone follows the Fundamental Duties and there is a balance between fundamental rights and Directive Principles.

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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

S.R. Bommai V/s Union of India is a landmark case which led to change in union's authority to assume control of state's administration.

Significance

(1) It is majorly used in cases of hung assemblies

(2) In cases such as arbitary dismissal of government under Art-356.

(3) It restricts the presidential power subject to approval of parliament and judicial review.

(4) Also, when a governor ~~dissolves~~ dissolves a government, it needs to perform a mandatory floor test to view the majority.

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Impact of the judgement

(1) It removes the practise of arbitrary power by the government of states.

(2) It upholds the constitutional provisions and ensures that there is no misuse of power.

(3) It ensures each ~~dbr~~ decision taken by government is according to the constitution

(4) The judgment leads to saving of various government from falling. Eg:- Arunachal Pradesh govt government which was reinstated after dissolution.

(5) It ~~builds~~ rebuilds trust in the power of constitution and ensures everyone is under the constitution.

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However such decisions creates a tussle between executive and judiciary which undermines each other functions.

Therefore a proper balance of power ensuring constitutional morality is need for proper functioning of each pillars of the democracy.

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15. प्रभावी विकेंद्रीकरण की कुंजी 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

Decentralisation is the devolution of power from upper authority to lower authority. It is done to ensure efficiency in governance.

Decentralisation in India was brought by 73rd and 74th constitutional amendment which leads to the formation of Panchayats and Municipalities

The various benefits envisaged through decentralisation were;

(1) More active participation of people
(2) Growth from grassroot level.
(3) Proper Grievance Redressal.
(4) Implementation of policies effectively.
(5) Increasing women empowerment and inclusion of vulnerable groups.

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It was done through Political decentralisation with the formation of Panchayati Raj Institutes and Urban Local Bodies. Also the formation of Gram Sabhas and Village Panchayat ensures people's participation

~~It was followed~~

Financial decentralisation and functional decentralisation were in the form of devolution of funds and grants and establishment of State Finance Commission.

However, there are certain impediments faced by local governance

(1) Not independent to perform its functions

There are under control of state government for funds and policies

(2) Lack of finance: Proper financing of projects is absent in the ground level,

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(3) Lack of skills and awareness : This led to fooling of the people and they do not get the benefits of schemes and policies.

(4) Patriarchial mindset → Even after reservation for women and S.C. & S.T, their representation are very limited and hindered by societal norms.

(5) Poor functioning of local bodies : Proper supervision of the local bodies is absent which leads to lack of efficiency.

Thus, for a bottom up approach of development, there is a need for every individual to participate and make everyone aware of the policies and schemes.

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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

Parliamentary Sovereignty refers to supremacy of parliament in taking decision. This can be seen in countries like U.K.

Judicial supremacy refers to supremacy of power of judiciary in interpretation of constitution and ensuring the provisions of constitution. This can be seen in countries like USA. Its decisions are binding.

In India, it follows constitutional supremacy which is middle of Parliamentary supremacy and Judicial supremacy.

Constitutional supremacy can be seen in cases like

(1) Kesavananda Bharti Case 1973 which provisioned for basic structure of constitution.

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② I R. Coelho Case where SC upheld the importance of Judicial review in 9th Schedule.

③ S. R. Bommai Case which restricts the arbitrary power of government and put them under Judicial Review.

④ Lily Thomas Case which ensures that the legislators are disqualified immediately after conviction.

⑤ Minerva Mills Case which ensures Constitutional harmony between Fundamental Rights and DPSPs.

In US, Judicial Supremacy can be seen in:

① Roe. vs Wade Case

② Marbury v Madison Case

Both in these cases, Supreme Court upheld the supremacy of Constitution and upheld its decision.

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The scope of Judicial review is wider in America as compared to India.

In India, there are checks and balances which ensure there is separation of power and Judicial overreach can be seen as against the fundamentals 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

Delimitation is the marking of boundaries of territories to ensure that each territory has equal representation in the country. It upholds the value of one vote one value.

Art 82 and 170 of Indian constitution gives the provision of delimitation and formation of delimitation commission.

Challenges posed by misrepresentation

- It leads to unequal representation and violates equality.
- This can be seen in northern states representing more than southern states.
- This led to freezing of population on basis of census of 1970.
- This results in improper allocation of representation.

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Federal tensions due to gerrymandering of population based delimitations are:

- Mistrust between states
- Border disputes arising due to this
- Lack of development and improper allocation of funds.
- Rise in conflict due to lack of reach of schemes and policies.

Thus, it is important to ensure every people is equally represented and the ~~Values of~~ principle of one vote, one value is maintained.

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18. देश में स्वतंत्र और निष्पक्ष चुनाव कराने की निर्वाचन आयोग की संवैधानिक जिम्मेदारी 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

The recent judgement of Supreme Court in Anoop Baranwal case lead to empowering the role of Election Commission :

- It leads to change in appointment procedure
- Division of seperate secretorial
- Term of service similar for both ECs and CEC
- Salaries to be charged upon FCI.

Thus it help can help in discharging efficient responsibility and conducting free and fair election.

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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

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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

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