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(To be filled by candidate)

Name of Candidate : NISHCHAL JAIN [MT23SLTON009]

NIAS2300019487

NEXT IAS Roll No.: 807787 **Date of Examination :** 07.07.2023

Exam Centre : Old Rajinder Nagar ☐ Bhopal ☐ Online ☑

Test Code : TC049 **Program :** SLT ☑ SLT+ ☐

MAIN TEST SERIES 2023
(SECTIONAL TEST-3)

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.....

SUBJECT/PAPER
GENERAL STUDIES

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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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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 basic framework for conduct of elections in India in which section 8 defines certain grounds for disqualification of elected members.

Section 8(1): on the basis of conviction under certain sections of IPC, ~~Prevention~~ Unlawful Activities (Prevention) Act, 1967, Protection of Civil Rights Act, 1955 etc.

Section 8(2): for profiteering, hoarding, adulteration etc

Section 8(3): Convicted for at least 2 years of imprisonment.

Section 8(4): Immunity during appeal.

Ambiguities
- → subject to interpretation by judiciary
- → 2 years limit of imprisonment and rationale behind it.
- → Stay on conviction

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Need to resolve the ambiguity

1) To prevent arbitrary application of laws.
   ↳ Recently, Rahul Gandhi was convicted for defamation and granted 2 years punishment.

2) Section 8(4) was invalidated in Lily Thomas Case, 2013 which allowed convict to appeal within 3 months to avoid disqualification

3) ~~Appeal~~ Stay on conviction can give immunity to legislators or not — this question needs to be decided as early as possible

A more compact and clear RPA'51 would make the job of judiciary easier to interpret it.

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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 documented form of laws of the country whereas Constitutionalism refers to internal obligation to strictly adhere to the spirit of the constitution.

Constitution is mere skeleton

1) Provides written form of fundamental laws governing a state but gives authority to state to interpret it.

2) It is a tool which is to be used as per the whims and fancies of the authority.
   ↳ Hitler used Nazi Constitution as per his will.

3) It may change time to time with changing needs and aspirations of the society.

Candidates must n
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Constitutionalism – soul of democracy

1) Ensures the laws is followed in letter and spirit.

2) Prevent misuse of laws by the dictators.

3) Derives from collective consciousness and efforts of the citizen.
   ↳ ensure Rule of law

4) It is needed to preserve the fundamental character of the constitution.
   ↳ 'Basic structure' doctrine in India.

Constitution → driven by → Constitutionalism → Rule of law

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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 the tools of funding of political parties introduced in 2018 in India.

Providing anonymity to donors

1) They conceal the identity of the donors which prevent their victimisation.

2) Helping donors to exercise their right to choose while donating.

Legitimised opacity to an extent

1) It hinders people's right to know about donor - politician nexus.

2) Reduces accountability of the political parties

3) May promote Crony - Capitalism

Candidates must n
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4) Enhances ruling party advantage in funding which further questions the integrity of the process.
   ↳ 95% of funds through electoral bond favoured to BJP.

5) May contribute to increasing use of money power in election.

Way Forward

1) Devise mechanism to check ruling party advantage through putting limits etc.
   ↳ ensuring level playing field for all.

2) Big donations should be made public to ensure transparency.

Our political setup and Election Commission of India need to make this process ~~to~~ transparent to enhance public faith in elections.

Candidates must write on this mar

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

Supreme Court of India in Shayara Bano (Triple Talaq) case established that Uniform Civil Code is need of the hour to ensure gender justice in India.

Issues of gender in personal laws
- → Nikah - Halala
- → unequal inheritance to property
- → Polygamy.

Challenges in reconciling UCC with Gender equality.

1) Reforms in Pessonal laws.
   ↳ it may face severe backlash from orthodox sections of society.

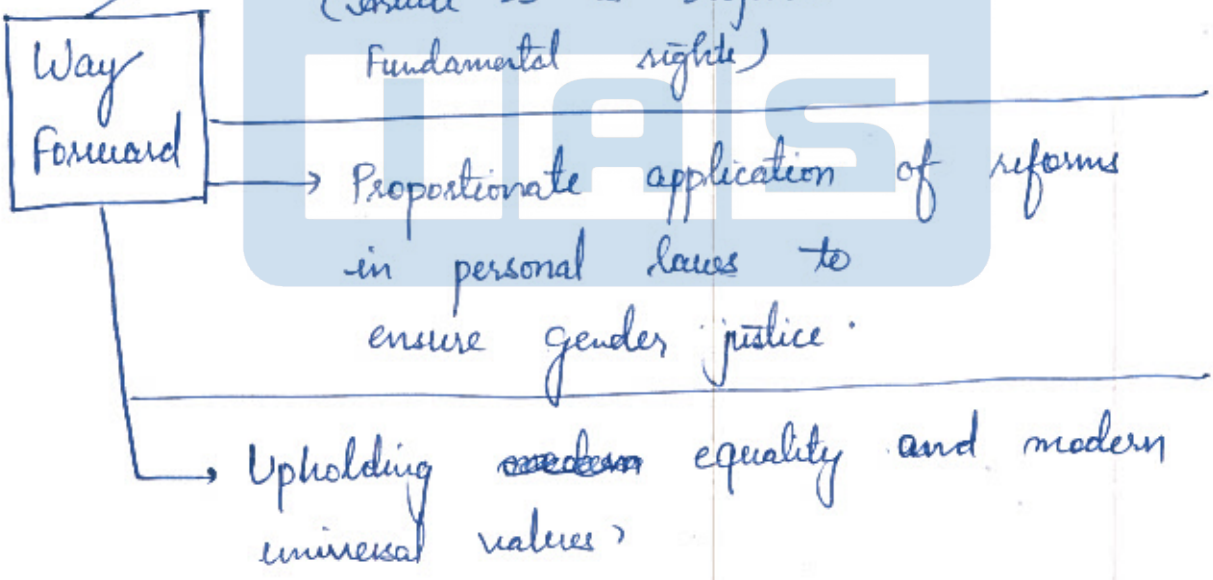
2) Right to manage religious affairs (Article 26)
   ↳ It grants various religious to have their own say on civil matter

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3) Competence of state in interpreting sacred religious texts.
↳ State bureaucracy and legislature lacks clergy training to do so.

4) State should ~~intervene~~ maintain principled distance with religious ~~matters~~.

5) Doctrine of Essential religious practices (Shirur Mutt case, 1954).



All stakeholders should be taken into confidence to move towards Uniform Civil Code (UCC).

Candidates must n
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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

Our constitutional makers envisaged the role of governor as the 'agent of the Centre' in the states to strengthen the fabric of unity and federalism.

He actively contributes to the governance of the state as:

1) Appointing tribal welfare minister in states like Jharkhand, Madhya Pradesh, Chhattisgarh etc.

2) Administration of schedule and tribal area (Fifth and sixth schedule)
↳ appointing TAC (Tribal Advisory Council)

3) Reserve certain bills for the president.
eg Bills restricting freedom of trade and commerce in state.

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4). Recommendation of President's rule (Article 356) in case of breakdown of state machinery and law and order.

Reinforcing principles of federalism

1) Ensures protection of vulnerable sections
   eg tribals, linguistic minorities.

2) Ensuring free trade and commerce among states.

3) Sending annual reports to President.

Concerns:
- undermining elected representatives
  eg Tamil Nadu Governor removing minister
- blocking assent to the bills.
  eg Maharashtra Governor not giving assent.

Governor should have a ~~nee~~ essential but minimal role in state and it should be invoked only in extra-ordinary circumstances

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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

Recently two sections (Marathas and Kannadiga) went into confrontational mode in Belgaum district which is claimed by Maharashtra as well as Karnataka.

Constitutional and Legal framework to resolve interstate border disputes

1) Inter-state council (Article 263): It may help in mediating and solving the issue amicably in presence of union representatives.

2) Article 1 defined India as Union of state i.e. indestructible union of destructible states.
↳ Parliament may change the boundaries of states to find middle path (Article 3).

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We failed to resolve inter-state border disputes because

1) Politicisation of issue - linked with sentiments of people.
   E.g. Chandigarh issue in 1960s.

2) Lack of willingness from political executive

3) Prevent any undesirable breakdown ~~of~~ of law and order - rioting.

4) Colonial legacy : ill-defined borders from British era excerbating situation.
   E.g. Assam-Mizoram dispute.

Way ahead:
- Operationalise inter-state council to solve such issue
- may establish separate tribunals (323B).
- allow professional mediators to mediate between states

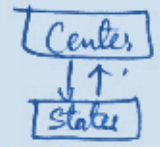
Solving inter-state border dispute will bring clarity to the states about their role in development of disputed territory

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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

Article 263 of the constitution empowers the President of India to constitute Inter-State Council for ~~so~~ greater cooperation among federal units: accordingly, it was constituted in 1990.

Role in Vertical cooperation 

1) May help in resolving federal disputes.
   eg. defining their role and scope for schedule VII.

2) Harmonising the role of governor and his/her limitations to prevent governor-CM a tussle.

3) Discuss and solve fiscal issues debated in GST council.
   eg. GST compensation cess.

4) Enforcing greater cooperation in centrally-sponsored schemes.

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Role in horizontal cooperation State ⟷ State

1) Increase in bargaining power of state if united on certain matters.

2) Solving inter-state disputes.
   eg Border and water dispute.

3). Enhance the spirit of ~~competative~~ greater cooperation on trade and commerce.
   eg allowing access to ports.

4). ~~Give~~ Suggesting constitutional and legal reforms to union.

Inter state council, if truly utilised upto its potential may help in igniting the spirit of collaborative, competitive and cooperative federalism - and work as Team India.

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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 a key Parliamentary committee ensuring the accountability of the executive within the legislative setup.

Key functions are

1) Examining the audit reports given by Comptroller and Auditor General (CAG).
   - Appropriation report, finance account report, Public undertaking report.

2) It may question the wisdom of certain expenditure.

3) It may summon any officer for statement and ask to produce documents.

4) Approve excess grants.

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Steps needs to be taken are.

1) It should ~~be~~ not be restricted to post-mortem analysis but also allowed to play a preventive role.

2) Its reports should hold the government accountable and govt. should give memorendum for it.

3). It may be consulted by CAG for the proprietary audit.

4) Public accounts committee should be given a constitutional recognition in order to legitimise its authority.

Public Accounts Committee has the abelity to highlight the misappropriation in public exchequer which makes government accountable

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9. राष्ट्रीय आर्थिक विकास के चालक के रूप में नगरीकरण की अहम् 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

Fifteenth finance Commission has come up with various recommendations to ensure urban growth through Urban Local Bodies (ULB)

Recommendation	→	Helping in revitalising ULBs
i) Allow them to issue municipal bonds.		Good source of financing for targeted sectors.
2) Promote PPP model (Public - private - partnership).		Better management practices would help ULBs for effective service delivery.
3) ~~Strengthen~~ ~~their~~ ~~fees~~ assign more taxation powers.		would help in generating own revenue.

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Recommendations	→ Helping in revitalising ULBs.
4) Encourage asset creation.	Sustainable income source
5) Proper audit mechanism.	Prevent leakages and strengthen financial outlook of ULBs
6) Reduction in compliance burden.	would attract more business and industries

A better urban governance and financial structure would help in realising SDG-11 (Sustainable Development Goal - 11) by 2030 and developed India by 2047.

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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 for all citizens whereas Article 105 provides for certain parliamentary privileges to be exercised by legislators for smooth and independent functioning of Parliament.

Key differences

Parliamentary Privileges	Fundamental rights
• wider freedom	• narrow scope
• restriction - breach of privilege	• restriction provided by article 19(2) i.e. 19(1)(a) is subjected to integrity and security of India, public order, defamation, friendly relation ~~between~~ with other countries
• Privilege motion if breached.	

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It is necessary to maintain a balance between the two as.

1) Legislators need wider freedom in exercise of their functions and holding ~~gov~~ executive accountable

2) It is in consonance with separation of power that they should not be tried outside the Parliament for whatever they have said inside it.

3) However unparliamentary words do get expunged if used.

4) Publication of substantially true reports about parliamentary proceedings does not amount to breach of privilege -

Thus Parliamentary privileges and fundamental rights needs to be harmonised.

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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 पर 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 Constitutional amendment Act, 1985 introduced X Schedule and thus the provisions restricting defections by legislators. It was aimed to at getting rid of Ayaram - Gayaram politics and thus succeded to some extent but have some unintended consequences.

Impact on relationship between parties and individual legislators.

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1) It made legislators subordinate to the decisions of party leaderships on legislations

2) Restricted individual MP/MLAs to speak their mind if they do not fall in line with the party's direction

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3) Political parties using these provisions to control their legislators.

Unintended consequence on functioning of democracy

1) Restriction on freedom of expression of the legislators within the house.

2) Undermines the essence of healthy debates and deliberations.

3) Reduced individual parliamentarian to just a number of getting majority.

4) Legitimised mass defection.
   ↳ defection of more than 2/3rd of the member to another party is allowed.

5) Decreased the chances of passing private member bills.
   ↳ last private member bill passed in 1970.

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6) Role of speaker is getting partisan.
   eg Karnataka case.

7) Finding loopholes in the provisions of anti-Defection law.
   eg Resign and re-elect.
   eg split and claim the party – Maharashtra.

Way Forward →
- Promote free speech by reducing role of whip.
- Intra-party democracy
- voter awareness for penalising defectors in elections.

anti-defection law should be invoked only for existential questions of the government of the day and not for ordinary legislations.

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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 is a judicially innovated doctrine originated in Kesavanand Bharati Case (1973) which established that the fundamental vision and building blocks of our constitution are sacrosanct in nature.

Judicial authority rests on structured ambiguity as:

1) Subjectivity of the doctrine.

2) Interpretation varying from judge to judge.

3) Invoking doctrine on crucial amendments.
   e.g. 99th Constitutional Amendment Act – NJAC.

4) Translate judiciary into third chamber of parliament.

Candidates must n
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5) Against the spirit of separation of powers.

Basic structure doctrine making judiciary more powerful than executive —

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1) It may question the actions of the executive which may be perceived legal and nullify them.

2). Wide range of judicial review powers given by this doctrine along with Article 13.

3) It keeps a check on not just executive but also legislative actions

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Elastic nature doesn't mean more power to judiciary as :

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1) This doctrine is to be applied sparingly.

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2) It should not hinder the implementation of the policy decisions of state.

eg. Central Vista project during COVID.

3) Separation of Power itself is a part of Basic structure doctrine.

4) Elected representatives can't be replaced by unelected judiciary.

However this doctrine could be justified as the temporary will of the majority cannot overwhelm the permanent vision of our founding fathers. Thus judiciary and legislature should cooperate to codify this doctrine.

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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

Human beings are born with certain natural rights which can't be withdrawn by a tyranny of the state:

However for the sake of safeguarding liberty of and rights of other individuals, certain restrictions may be justified.

eg Restriction on Freedom in Article 19(2) of the Indian constitution.

Reasonable restrictions are desirable as

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1) To protect the sovereignty and integrity of the state as our existence and rights depend upon ~~sovereign~~ existence of the state.

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2) To allow affirmative actions in favour of vulnerable sections and groups.

eg safeguards for women, SC, STs, SEBCs in Article 15.

3) To maintain dignity of other individuals

eg Freedom of speech and expression is subject to defamation.

4) To provide primacy to certain rights over others.

eg Article 25 is subjected to other ~~Fun~~ Fundamental rights.

Concerns regarding reasonable restriction

1) Subjectivity and ambiguous nature gives unlimited authority to state.

eg Freedom of religion is subjected to morality

2) Limits the scope of exercising certain rights

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3) Taking more rights than giving.

eg. Various restrictions in Article 19(2).

4) Providing tools to the state to curb our rights -

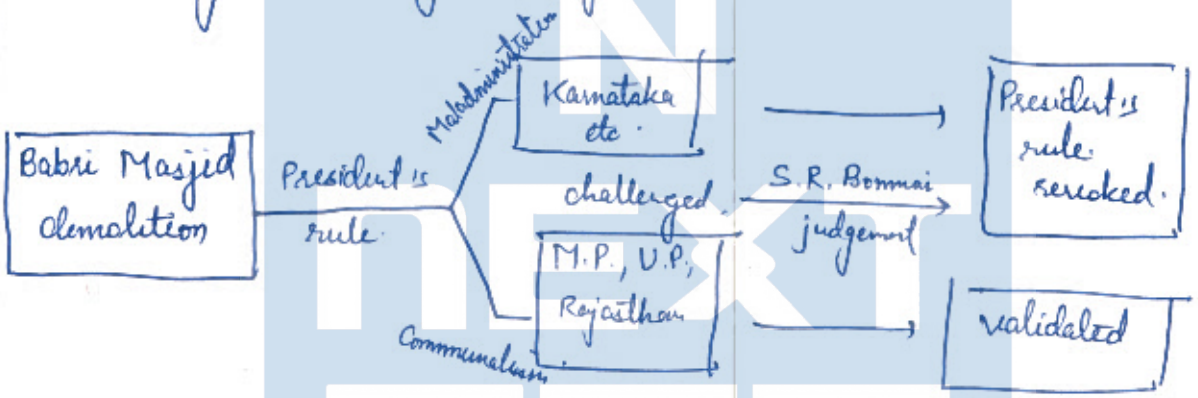
Thus reasonable restriction should be applied judiciously by the state and rationale should be given for it like Article 14 allows restriction only on the grounds of 'intelligible differential and substantial distinction'

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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 पर 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 Case of 1994 is a landmark case for protecting the federal structure and its sanctity against Union's arbitrary authority through governor.



Key points of judgement:

1) Governor cannot recommend President's rule only on the grounds of maladministration

2) President satisfaction ofor imposing President's rule is subjected to judicial review.

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3) Federalism, judicial review and secularism in part of 'basic ~~feature~~ of structure' of the constitution.

4) President's rule, if not approved by Parliament within 2 months, stands revoked.

Significance and impact on federal structure

1) It limited the discretion of the governor and laid certain grounds for recommending President's rule.

2) Restored the faith of the state governments and political authority in the working of the Constitution

3) Made Union accountable and answerable for imposing Article 356 in the state

4) Established that communal forces and its expansion in the state may act as a ground for imposing

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President's rule-

5) After S.R. Bommai judgement, instances of arbitrary use of Article 356 reduced and hence helped in ~~four~~ strengthening federalism.

Thus this judgement recognised the need of this provision (Article 356) in the Constitution but reaffirmed the position of our founding fathers that it should remain a 'dead letter'.

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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

73rd and 74th Constitutional Amendments of 1993 paved the way for democratic decentralisation in India and ensuring participatory democracy.

Political decentralisation
- → Three-tier Panchayati Raj system.
- → XI and XII Schedule
- → State election commission for regular election
- → empowered gram Sabha for various decision-making processes.

Impediments faced by local governance

(I) FUNCTIONS.

(a). Lack of willingness of state legislature to devolve functions

(b). Excessive politicisation of functions
eg identification of beneficiaries

(II) FUNCTIONARIES.

(a). Lack of training of elected representatives

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(b). Lack of bureaucratic manpower.

eg 28% posts vacants in local governments in Rajasthan.

(III) FUNDS.

(a). Lack of fiscal devolution by state government even after recommendations by state finance commission.

(b). Majority share of untied funds hindering their financial autonomy.

(c). Unwillingness of Panchayats to impose taxes on own people.

(d). Sarpanchs are compelled to demand their share from bureaucracy.

(e). Lack of asset - creation by Panchayats for income generation.

Way Forward.

1) More functions and hence funds should be appropriated to Panchayats.

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2) Granting ~~share~~ considerable share in form of untied funds
   ↳ diagnose and treat local problems locally.

3) Encourage them to use taxation power by showing results.

4) Encourage asset creation by local bodies.

5). Promote Panchayat - private partnerships and municipal bonds for targeted sectors.

Above recommendations, if applied, may help in truly realise the spirit of devolution of powers to the local bodies.

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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

Though India follows Parliamentary form and USA follows Presidential system of government, there is one convergence between the two — independent judiciary.

Role of judiciary in influencing constitutions in these countries

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(I) INDIA.

1) A.K. Gopalan Case (1950) and Menaka Gandhi Case (1978)

- while the former took the narrow interpretation of Article 21, latter upholded 'due process of law'.

2) Shankari Prasad Singh Deo Case (1951)

- It upheldes the ninth schedule and restricted the scope of judicial review

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3) Kesavanand Bharati Case; 1973.
- Introduced 'Basic structure' doctrine putting the limitations on the amendment power of the 'parliament.

4) NJAC Case, 2014.
- Reaffirmed the doctrine of separation of power and judicial independence.
- Nullified 99th amendment Act.

5) Minerva Mills Case, 1980.
- Judicial review is part of 'basic structure of the constitution'.

(II) USA.

★ Roe vs Wade Case; 1972
- It decided on the question of legalisation of abortion.

★ Affirmative Actions Case, 2023
- It invalidate affirmative action on the basis of colour.

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Comparing scope of judicial review

US judiciary follows the doctrine of 'due process of law' i.e not only ~~exec~~ arbitrary executive action but also legislative actions face judicial scrutiny.

~~How~~ Article 21 of Indian constitution mentions 'procedure established by law'. However Supreme Court in Maneka Gandhi case (1978) took a wider interpretation of it and now follows 'due process of law'.

Thus judiciary has played their part ~~as~~ both in India and USA whenever needed.

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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 commission was supposed to be constituted after every census to ensure fair distribution of constituencies across country and reaffirm the spirit of 'one vote- one value'.

It ensures fair representation and uphold above principle as:

1) It considers population as the sole criteria for allocation of seats

2) Population is based on Universal Adult Franchise.

Challenges posed by misrepresentation in Constituencies

1) It overburdens legislators to address the grievances of lot of citizens

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eg Hyderabad Lok Sabha constituency has 27 lakh voters (2011 Census).

2) Ruling dispensation would be incentivised to placate and appease only less dense constituencies

↳ leading to deprivation of dense states and constituencies -

3) Leading to ~~selective~~ lack of developmental works by MPs / MLAs of large constituencies.

Ramifications of population based delimitation

1) It may ignite the grievances of certain states like Kerala, Tamil Nadu etc as they have less population due to better birth-control measures.

2) Federal tensions may get aggravated among states for greater share of constituencies.

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3) May create North-South divide in country as southern state may get less share of seats

4) It may also result in lesser financial devolution even after performing better on ~~fewer~~ social indicators.

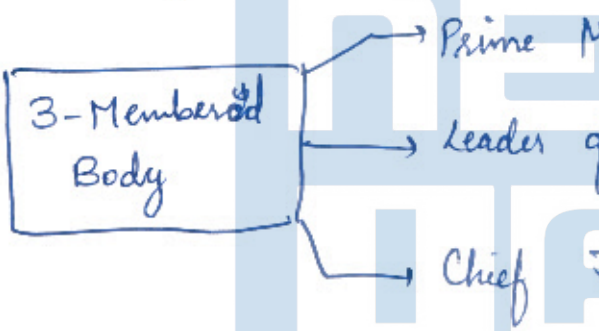
Thus an independent delimitation commission is need of the hour to reduce the burden ~~of~~ ~~citizens~~ on legislators. However, the grievances of certain states should be amicably addressed.

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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 में 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

Recently supreme court in its judgement provided for a three-membered body for the appointment of Election Commissioners in India. [Anoop Baranwal Case]. It is a landmark judgement ensuring the independent working of the Election Commission of India (ECI).



Role of Supreme Court in strengthening the hands of ECI

1) Association for Democratic Reforms Case, 2002.
   - Candidates should disclose their assets while filing their nomination papers.

2) People's Union for Civil Liberties Case, 2003
   - Criminal antecedents should be disclosed

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3) ~~NOTA Case~~ Electronic Voting Machine Case
- SC upheldeld the use of EVM for conducting free, fair and fast elections

4) Lok Prahari Case, 2018
- Assets of the spouse and the dependents are also required to be disclosed

5) Lily Thomas Case, 2013
- Disqualified candidates cannot ~~appp~~ get their disqualification stayed through appeal route
- Conviction implies immediate disqualification

Way Ahead

- Supreme Court may direct the government to assign more autonomy to Election Commission of India in its functioning through following ways:

(a). Bar on reappointment of Election Commissioners

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(b) Having a dedicated cadre for Election Commission services.

(c). Providing certain qualifications for appointment as Election Commissioners

(d) Granting them power to deregister parties.

Thus, Election Commission could enjoy greater autonomy and would not have to be dependendent on the union government for exercise of this functions.

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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

Indian model of separation of powers has its foundation on the mechanism of checks and balances which ensures accountability of each organ of the government. However, Parliament's role in recent time is in question for various reasons.

Declining role of Parliament – Reasons-

1) One-party majority in Lok Sabha
   ↳ reduced need for deliberation and consensus

2) Question hour suspended at one point of time.

3) Anti-defection law reduced the role of individual legislators.

4) Lack of training of Member of Parliament for modern-day issues like data governance etc

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It undermines separation of powers.

1) It may lead to concentration of power in executive.

2) Due to dual membership of executive, it may exercise control over legislature.

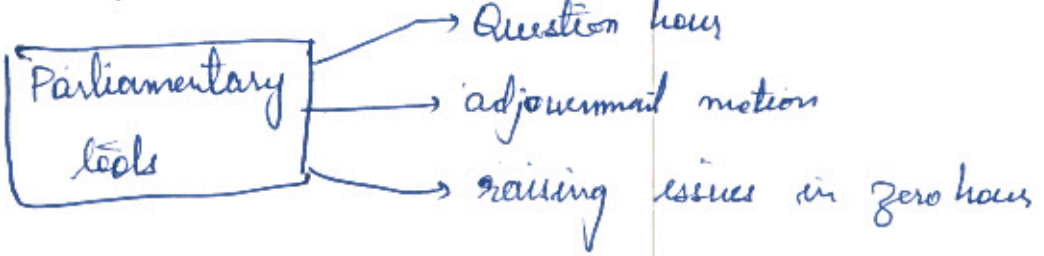
3) Legislature could not pose tough questions and holding government accountable due to opposition walkouts etc.

4) Reducing role of Joint Parliamentary Committees and Select Committees allowing executive to have its say in passing crucial legislation : 25% referred in 16th LS as compared to 71% in 15th LS.

e.g. Farm laws.

How to ensure balanced exercise of power?

1) Effectively using parliamentary tools.



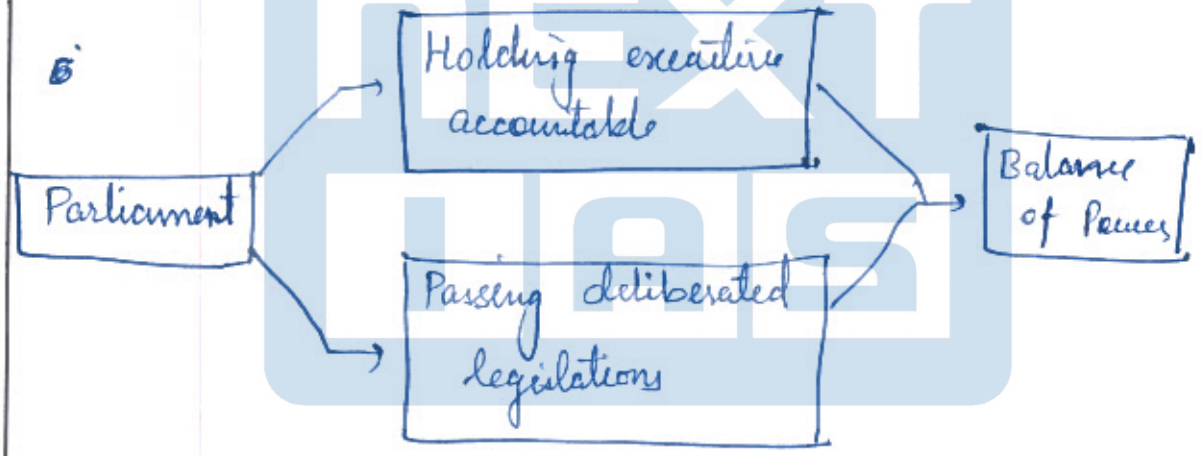
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2) Create an environment of consensus-based legislature and deliberation and debate over key issues.

3) Opposition should be given equitable time as they may act as 'voice of the voiceless'.

4) More bills should be referred to select committees to ensure refined and more inclusive legislation.

5)



Hence, legislature's role should be widened to prevent misuse of authority by the executive

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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 (NCW) was established through NCW Act, 1992 to play a crucial role in regarding women issues of the country.

Role played by NCW in shaping discourse for gender-sensitive laws of country

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1) Preparing grounds for discussion and deliberations for laws such as, 108th Constitutional Amendment Bill (Pending in Lok Sabha.

2) Building consensus about laws like Maternity Benefits Act, 2017 etc. to ensure maternity rights of women.

3) Helped in preparing draft for various gender-sensitive laws.

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Since NCW is a statutory body, there are demands to elevate it ~~to~~ a constitution body ~~to~~ to put it on par with bodies such as NCBC, NCSC, NCST etc.

Elevation to constitutional body - ~~Pros~~ Advantages

1) Government would be more accountable towards the recommendations made by NCW.

2) Parliament can scrutinize the functioning of the NCW in the sphere of gender justice.

3) ~~&~~ Executive would be constitutionally obligated to fill the vacancies in the NCW.

Limitations

1) Already working bodies like NCBC, NCSC

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and NCST have their own lacunas in their functioning.

2) It ~~would~~ is still a doubt that it would be assigned more power or not.

Thus NCW can be provided more teeth by assigning it the constitutional status ~~but~~ given that it is being assigned with more authority (like penalising power).

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Space for Rough Work

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