

GSSCORE

An Institute for Civil Services

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TEST COPY

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AIR - 13
(CSE 2022)

GENERAL STUDIES

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POLITY REVISION TEST

Time Allowed: 3 hrs.

Max. Marks: 250

Q.	Marks	Instructions to Candidate
1.		<ul style="list-style-type: none">• There are 20 questions.• All questions are compulsory.• The number of marks carried by a question is indicated against it.• Answers to questions no. 1 to 10 should be in 150 words, whereas answers to questions no. 11 to 20 should be in 250 words.• Keep the word limit indicated in the questions in mind.• Answers must be written within the space provided.• Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.
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112

1. Invigilator Signature _____

2. Invigilator Signature _____

Name Midushi SinghRoll No. 40666

Mobile No. _____

Date _____

Signature Midushi

REMARKS

- Need to emphasize the core part of given question rather than taking it to other way.
- Try to make your answer multifarious rather than one sided.

Section - A

Q1. The Sixth Schedule of the Constitution is often referred to as a charter for autonomy of a wide magnitude, but it has failed to decrease the tensions between different stakeholders at the ground level. Elaborate. (10 Marks) (150 Words)

The Sixth Schedule of the constitution deals with administration of 'Scheduled Areas'. It provides power to tribal communities to administer tribal areas in → Assam, Meghalaya, Tripura and Mizoram U/A 244(2) and U/A 275(1) of the constitution.

Sound intro

6th schedule: charter for autonomy of a wide magnitude:

6th schedule benefits in democratic devolution of powers, preserve and promote distinct culture of the region, protect land rights through:

1. Autonomous District Councils (ADCs): which provide varying degree of autonomy to Scheduled areas.

Remarks

Sound

analysis
chapter
of
autonomy

2. Legislative Power: ADCs are empowered to make legislative laws with Governor's approval.
3. Judicial Powers: ADCs can constitute village courts.
4. Tax Revenue Collection Powers & other regulatory Powers.

However, conflicts among different stakeholders still persist, as:

Highlight
Conflicts
among
stakeholders
of
ADCs
too

1. NO decentralization of powers & administration in ADCs, which leads to misrepresentation of all strata.
2. Legislative Power of states over councils with Governor's assent, delays legislations.
3. Discretionary Powers of Governor: often come in conflict with aspirations of local leaders.
4. Financial Dependency and Corruption plague functioning of ADCs.
5. Lack of skilled Professionals leads to improper policy formulation at the ground level.

Sound
analysis
of
conflict

4 1/2

Thus, it is necessary to ensure vision of 6th Schedule to penetrate at all levels through

Remarks regular elections, enhanced role of Gram Sabha & increased transparency.

Do not write in this space

Q2. Promulgating ordinances in large numbers are not a healthy sign for a Parliamentary democracy. In this context discuss how ordinances often undermine the sovereignty of the legislature.
(10 Marks) (150 Words)

The Constitution empowers the President U/A 123 and the Governor U/A 213 to promulgate ordinances when appropriate need is felt and one of the Houses is not in session. Ordinances are powerful tool of the executive and have often been the point of contention as these are seen to be undermining the sovereignty of legislature.

Good intro

ORDINANCE MAKING POWER limitations are:

1. Power of President to promulgate ordinance is not a parallel power to legislation, as the ordinance ceases to operate after 6 weeks of session of House.

2. President can promulgate ordinances only where Parliament can legislate and similarly Governor can promulgate ordinances only where state legislatures can.

Need to emphasize promulgating ordinances in large numbers

Remarks

3. Cooper Case (1970): SC said that President's satisfaction can be questioned in court.

Ordinance: undermining sovereignty of Parliament:

1. Executive often undermines Parliament by getting Ordinances promulgated when Parliament is in recess.

2. Repeated promulgations of same ordinance takes place: SC in DC Wadhwa case (1987)

asserted that Governor of ~~Bihar~~ Bihar promulgated 256 ordinances b/w 1967-1981

and successive promulgations occurred.

3. President's satisfaction is often undermined by binding advice from Executive.

4. President's satisfaction and need of the ordinance is not defined.

These factors often lead to excessive legislation by the Executive. As pointed out by SC in DC Wadhwa case, 'exceptional power of law-making through ordinance cannot be used as a substitute for legislative power of Parliament & State legislatures'. Thus, separation of power U/A SO

Remarks is necessary for a healthy democracy.

Sound analysis of undermining sovereignty of Parliament

4

Q3. The speaker plays a vital role in advancing the cause of democracy by occupying a pivotal position in our parliamentary system. In the light of a given statement critically examine the role of the speaker.
(10 Marks) (150 Words)

Speaker is the Presiding officer of Lok Sabha and plays a crucial role in parliamentary democracy of India. Speaker acts as Interpreter of constitution in Lok Sabha, ^(LS) guardian of privileges of the members and Principal spokesman of the House. He is the head of LS and his decision in all Parliamentary Matters is final.

Role of Speaker in advancing cause of democracy:

1. Speaker's decision in case of defection is final. This has further been asserted by the SC in Kihoto Hollohan Case.

2. Speaker decides whether the Bill on the floor is Money Bill or not.

3. Casting Vote: In case of a tie, Speaker has a Casting Vote to decide on matters.

Remarks

Sound intro

Sound analysis of roles

4. Speaker presides over Joint sitting.
5. Speaker appoints chairman of all Parliamentary committees in LS and supervises their functioning, thus ensuring accountability of Executive.

Issues related to office of Speaker:

1. Speaker of LS is often a member of ruling political party, thus is not regarded as ~~completely~~ unbiased.
2. Defection: Authority of speaker in deciding over case of defection was itself questioned by 2 ~~former~~ speakers of LS.
3. Political Neutrality is often not followed in cases of Casting Vote, ~~Defections~~ and other matters.

In Britain, speaker invariably has to give up membership of party and remain politically Neutral. This system could be followed in India as well to ensure

Remarks unbiased head of LS.

Sound
Analysis
of issues

5

Q4. Fundamental Rights under Indian Constitution provided a strong base for the functioning of the India democracy, but they exist merely in name and thus have only a formalistic value. Examine in view of some of the judgments of the apex court.

(10 Marks) (150 Words)

Fundamental Rights under Part-III of the constitution provide for political democracy in India. They are important in terms of being a check over tyranny of government institutions. *Sound intro*

Fundamental Rights (FR): strong base for functioning of Indian Democracy

1. Equality: Articles 14-18 ensure equality before law and no discrimination.
2. Freedom: Articles 19-22 ensure freedom of speech, expression, movement, ~~agains~~ life & liberty to all the citizens.
3. Against Exploitation: Articles 23 & 24 ensure abolition of trafficking & child labour.
4. Freedom of Religion: Articles 25-28 provide for freedom of religion and build unique model of secularism followed in India.

Substantiate these through judgments of apex court.

Remarks

5. Cultural & Educational Rights: of minorities are ensured U/A 29 & 30.

6. Constitutional Remedies are provided U/A 32 which provide a check over respect.

7. Judicial Review: is provided U/A 13 to ensure no legislative & executive action undermines FR.

However, Fundamental Rights have been subjected to different interpretations by SC:

1. Golaknath Case: SC opined that FRs are 'Sacrosanct' and cannot be amended.

2. Kesavananda Bharati Case (1973): SC opined that FRs could be amended but 'Basic Structure' of the Constitution cannot be altered.

3. Minerva Mills Case (1980): SC opined that Indian Democracy is laid on bedrock of FRs & DPSP and both must work in harmony.

FRs have often come into conflict with DPSP and are narrowed in times of emergencies. FRs further are 'not sacrosanct' & thus can be

Remarks amended. However, Basic Structure doctrine provides enough protection to FRs to ensure that political democracy is maintained.

Do not write here

You seem to have focused on pros of FRs only. Need to discuss shortcomings as well.

3

Q5. Though the Centre and the States are supreme in their respective fields, the Constitution places certain limitations on the territorial jurisdiction of the Parliament. Discuss with suitable examples.
(10 Marks) (150 Words)

7th Schedule of the Constitution provides for division of powers between Centre and States in terms of Union list, State list & Concurrent list. This ensures the preservation of federal system of Indian Constitution.

The Centre-State relations are further analyzed as: (1) Legislative Relations; (2) Administrative relations; and (3) Financial Relations.

Territorial Jurisdiction of Parliament ~~is subject~~ to the following limitations:

1. Parliament can make laws for whole or any part of India.
2. Parliament alone can make 'extraterritorial legislation'.
3. Parliament can in some cases make laws over subjects of State list.

However, territorial jurisdiction of Parliament

Remarks

Sound
intro

Sound
analysis

is subject to the following limitations:

1. U/A 240: President can make regulations for good govt. in → Andaman & Nicobar, Lakshadweep, Dadra & Nagar Haveli & Diu.
2. Governor is empowered to direct that an act of Parliament does not apply to a Scheduled Area in state.
3. Governor of Assam may direct that an act of Parliament does not apply to a Tribal Area. President has the same powers w.r.t. Tribal Areas in ^{other areas of} 6th Schedule.

Thus, Constitution ensures that Centre & States are supreme in their respective fields, however they are not absolute. It provides for enough restrictions to check over tyrannical tendencies of respective legislative organs. Constitution also empowers alienated areas with level-playing field to ensure inclusive and sustainable development in India.

Remarks

Q6. The goal of sustainable development can best be realized through Panchayati Raj institutions by integrating them in the governance process. Substantiate with relevant examples.
(10 Marks) (150 Words)

Sustainable Development aims at ensuring Inter-generational and Intra-generational equity for inclusive development. 17 SDGs adopted by UN are consolidated Goals in different sectors in order to ensure that correct measures are adopted in realizing the goal of Sustainable Development by 2030.

Panchayati Raj Institutions (PRIs) can play an instrumental role in realizing Sustainable Development by adopting Grandhian and socialist ideas. This can be done as:

1. Gram Sabha: will ensure social harmony and instill community ~~area~~ management in realizing the goal of 'Atma Nibhar' or 'Self-sufficiency'. eg, Gram Sabha rejecting Bauxite Mining in Odisha.

2. Women Empowerment: by ensuring at least

Remarks

1/3rd seats are reserved for women. This provides opportunities for women to participate in democracy and ensure Gender-equality.

well analysed argument

3. Irrigation and Water Conservation Practices at Village levels in states of Kerala and Karnataka provide for Clean water and Sanitation.

4. Higher use of Solar Energy at Panchayat level all over India is a testimony of effective and good governance which ensures sustainable communities.

5. Advanced Agricultural and Allied Agricultural practices through organic farming and animal husbandry ensures inclusive development at Panchayat levels.

Thus, as opined by Mahatama Gandhi, PRIs have immense potential to ensure sustainable & inclusive development and their integration in governance through 73rd Amendment

Remarks Act, 1992, takes us a step closer towards this goal.

Avoid writing here

Q7. Illustrate how the Constitution of India is distinctive in its own way, notwithstanding being a blend of various constitutions around the world. Also, discuss how Indian Secularism is different from Western Secularism.
(10 Marks) (150 Words)

Constitution of India, although adopted from almost all constitutions of the world, is unique in its spirits and features.

Constitution of India took inspiration from over 60 constitutions of the world, and ~~has been~~ is the lengthiest written constitution in the world.

Distinct features of Indian Constitution:

1. Blend of Various Constitutions: India adopted Fundamental Rights from USA, DPSP from Ireland, Fundamental Duties from USSR, Parliamentary Democracy from UK, etc.
2. Lengthiest Written Constitution with different ideologies amalgamated together → Gandhian, socialism, liberalism, etc.
3. Blend of Rigidity and Flexibility: U/A 368,

Remarks

well analysed
distinct features

Indian Constitution can be amended however, basic features cannot be abridged.

4. Blend of Judicial supremacy & Parliamentary

Sovereignty: By adopting Integrated & Independent Judiciary and Parliamentary Govt.

5. Unitary & Federal System of Indian Democracy

6. Secularism: Indian secularism is different from western secularism as:

Discuss more differences

(a) Western Secularism: ensures complete independence of state & church and does not involve govt. in any religious institutions.

(b) Indian Secularism: ensures freedom of religion and protection of religious minorities by govt. funding several religious institutions.

Thus, Indian Constitution has a unique system and customized interpretation for all citizens of India. It is indeed distinct from other constitutions however, draws a lot of inspiration from them as well.

Remarks

Q8. Indian judiciary is delaying its own reforms while aggressively interfering into the executive and legislative domain. In this context critically analyse issues within the Indian judiciary.
(10 Marks) (150 Words)

Indian Judiciary is one of the 3 principle organs of government. It is Independent and Integrated with SC as the apex Court, HC below SC and other Subordinate Courts below HC. The Constitution of India empowers Judiciary to check on despotic regime of legislative and Executive through Judicial Review U/A 13. Moreover, with concepts of Judicial Activism and PILs, Indian Judiciary has tried to ensure that sanctity of Constitution is maintained.

However, there have been several issues in functioning of Judiciary:

1. Appointment of Judges: through Collegium system is a cumbersome task and is often delayed.
2. CSI as Master of Roster: has led to unparallel

Remarks

Keep
introdu-
tory
part
minimum

authority of CJJ over distribution of cases which has been objected to recently by senior judges.

Sound analysis of issues

3. Judicial Overreach: in terms of legislative and executive action has undermined the doctrine of separation of powers.

4. RTI: is not applicable to Judiciary.

5. Judicial Accountability: lacks measures to ensure transparent business of Judiciary.

These issues are often compounded by administrative deficiencies in judiciary in terms of pendency of cases which is greater than 4 crore cases now.

Thus, Indian ~~Judiciary~~ ^{Judiciary} is in need of reforms. These can be: 1. Ensuring Judicial Accountability through RTI;

2. Fast-track courts for special cases; and

3. Alternative Dispute Resolution (ADR);

4. Following doctrine of Separation of Power to ensure independent functioning of all organs of government.

Remarks

Q9. The 74th Amendment is crucial to the strengthening of key public delivery channels, but unfortunately has not been accorded with the importance it deserves. Analyse.

(10 Marks) (150 Words)

The 74th Amendment Act of 1992 added a new part: IX-A to the Constitution entitled 'The Municipalities' and a 12th Schedule to ensure participatory democracy at ^{local} urban level. This Act aims at revitalising and strengthening urban governments to ensure effective local Government.

Sound intro

74th Amendment Act: key public delivery channel:

1. Health and Education: through solid waste management, PHCs, etc. could be nodal points in local govt. to ensure equitable access to the public.

2. Urban Planning: for upgradation of slums and other hamlet settlements.

3. Environment and Renewable Energy: to ensure sustainable living.

Sound analysis of key public delivery channel.

Remarks

4. Regulation of Land Use and Construction of Buildings, roads and bridges for adequate infrastructure.

5. safeguarding interests of weaker sections of society and poverty alleviation.

Challenges in implementation of 74th Amendment

1. Lack of financial Resources: due to abrupt nature of SFC constituted by State Govt.

2. Excessive Control by Bureaucracy and prevalence of malpractices such as Rent-seeking & Red-Tapism.

3. Poor Infrastructure: and ineffective Town Planning.

With increasing Urban Population, it is necessary to ensure effective implementation of 74th Amendment Act. This can be done by:

1. Ensuring regular elections; 2. Regular constitution of SFC to ensure adequate financial resources; and 3. Providing adequate infrastructure to realize the potential of Urban local Govt.

Remarks

list
out
more
challenges

5

Q10. Examine the role of the National Commission for Women in upliftment of women in India. Do you agree that legal measures are not sufficient to address women issues?

(10 Marks) (150 Words)

National Commission for Women (NCW) is a statutory body constituted under NCW Act, 1990 with a view to protect, promote and safeguard the interests and rights of women. It has been provided specific mandate to study and monitor all matters relating to constitutional and legal safeguards for women.

Sound intro

Role of NCW in upliftment of Women:

1. Sexual Harassment of Women at Workplace

Act, 2013: in the aftermath of Nirbhaya Rape case, was propounded by NCW for decades.

It is actually result of Vishaka Judgment

2. Active Vigilante in terms of justice delivery in crimes against women.

3. NCW has powers of a civil court and can investigate any matter under its jurisdiction.

Focus on role

Remarks

of NCW

list out
steps
initiated
by NCW.

4. NCW ~~not~~ submits Annual Report to central Govt. and makes recommendations for effective implementation of the safeguards for women.

5. NCW can look into complaints and take suo moto cognisance in cases - eg. Badaun Rape case (2020).

Lacunae in Women empowerment:

1. Social Indicators: low Sex Ratio, high (914/1000) MMR (200/100000 births), etc. are a testament to prevalent gender-discrimination in India. These indicators, however are improving steadily.

2. Pay-gap: Women receive 3/4th of Men's salary.

3. Women's participation in labour force, although low, has been increasing over the years.

There have been some improvements owing to the legal safeguards available to women. However, there is a need to strengthen these safeguards further to ensure gender equality & women empowerment in India.

Remarks

Sound
analysis
Lacunae

11

Section - B

Q11. National Human Right Commission (NHRC) is termed as toothless tiger by the Supreme Court of India. In this regard, examine the functioning and effectiveness of the institution. Also suggest the measures required to enhance the legitimacy and credibility of the institution.
(15 Marks) (250 Words)

The National Human Rights Commission (NHRC) was constituted according to Protection of Human Rights Act, 1993. The Commission is a 'watchdog of Human Rights' in the country. Objectives of NHRC are to ensure institutional arrangements to safeguard human rights and look into excesses.

Good intro

Functioning of NHRC :

The NHRC performs following functions:

1. Inquires, suo moto or on a petition presented to it by victim on violation of human rights.
2. Visit jails and detention places to study the living conditions of inmates.
3. Review constitutional & legal safeguards for

Remarks

protection of human rights

Sound
analysis
of
functioning

4. Study treaties and other international instruments and make recommendations for their effective implementation.

5. Spread human rights literacy.

6. Promote research in field of human rights.

Effectiveness of NHRC: (toothless tiger)

There are several issues in effective implementation of NHRC:

1. Non-binding recommendations: do not always get implemented.

2. 1-Year cap: NHRC can take up cases which have been reported under 1 year of its happening.

3. Limited Jurisdiction w.r.t. violation of Human Rights by members of Armed forces.

4. It has no power to punish, nor to award

well
analysed
arguments

Remarks

any relief to the victim.

5. Scarcity of Resources: especially manpower shortage.

Measures to enhance legitimacy & credibility of the institution:

1. Constitutional Status to NHRC can ensure effective resource allocation and further strengthen institutional mechanisms for NHRC.

2. Allowing retrospective cases beyond 1 Year to ensure justice delivery to the aggrieved.

3. Separate Committee to ensure implementation of recommendations of NHRC.

4. NHRC is crucial in ensuring rights relating to life, liberty, equality & dignity of individual guaranteed by constitution are unbreed. Thus, there is a need to bring in suitable reforms to NHRC to ensure effective implementation of its recommendation & NHRC not being merely a 'toothless tiger'.

Remarks

Sound
measures

7 1/2

Q12. Critically examine the functioning of the Lokpal and suggest measures to be taken for its effective functioning.
(15 Marks) (250 Words)

Lokpal and Lokayuktas Act of 2013

made provisions for installment of
ombudsman : lokpal at centre - level &
lohayuktas at state level, to ensure
greater transparency of public offices and
provide uniform vigilance and anti-corruption
roadmap for nation. *Sound intro*

Functioning of Lokpal:

1. Jurisdiction of lokpal includes PM,
Ministers, MPs and Groups A, B, C & D
officers of central Govt. *Discuss it 100%*

2. Lokpal is to consist of a chairperson &
maximum of 8 members, of which 50%
shall be judicial members.

3. Lokpal has superintendence over any
investigating agency, including CBI.

4. It lays down clear Timelines for investigation.

Remarks

*These
are
features
of
Lokpal
but
function*

by Lokpal.

5. Institutions financed fully or partly by Govt. come under Lokpal's jurisdiction.

6. Institutions aided by Govt. are not under Lokpal's jurisdiction.

7. All entities receiving donations from foreign source under FCRA in excess of ₹ 10 lakh are under Lokpal's jurisdiction.

Drawbacks of Lokpal:

1. Lokpal cannot suo moto proceed against any public servant.

2. There is larger emphasis on complaint and not substance.

3. There are heavy punishments for false and frivolous complaints against public servants.

4. Anonymous complaints are not allowed.

Remarks

Sound analysis features

Sound analysis of drawbacks

5. Limitation period = 7 years to file complaint.

6. Very Non-Transparent procedure for dealing with complaints against PM.

Measures for effective functioning:

According to ARC Report: Lokpal and Lokayuktas should have following features:

1. They should deal with matters in discretionary field involving acts of injustices, corruption or favouritism.

2. Appointments should be non-political.

Moreover, there is need to empower Lokpal by allowing Suo Moto cases and also anonymous complaints should be allowed for fearless reporting of administrative miscarriage.

Lokpal has a crucial function of ensuring transparent business without malpractices. Thus, there is need to empower Lokpal in order to maintain administrative efficiency.

Remarks

efficiency

61/2

Q13. Government of India Act 1919 introduced responsible Government and ended 'benevolent despotism' in India? Explain. (15 Marks) (250 Words)

Government of India Act, 1919 or Montague-Chelmsford Reforms was the first act which brought in 'responsible government in India'. *Satisfactory intro*

Features of the Act:

1. Introduction of Dyarchy and transferred and reserved subjects at provincial level.
2. Introduction of Bicameralism by making provisions for Upper and Lower House.
3. 3 of 6 members of Viceroy's ^{Executive} ~~Legislative~~ Council were to be Indian.
4. Direct Elections were introduced for the 1st time, although franchise was still very narrow.
5. Demarcation of central and Provincial

well analysed features

Remarks

subjects, although govt. was still unitary.

6. It provided for establishment of Public Service Commission. Hence Central Public Commission was set up in 1926 for recruiting civil servants.

7. It allowed for Provincial legislatures to enact separate Budget.

Drawbacks of the Act:

1. Very limited Franchise: ~ 10% population ~~in~~ could vote.

2. Communal Representation: by allowing separate electorates for Muslims, Sikhs, Europeans, Anglo-Indians.

Sound analysis of drawbacks

3. Dyarchy was a failure as provincial autonomy was obstructed by huge overriding powers of governor.

Remarks

4. largely centralized Govt. and powers of Viceroy often undermined working of provincial legislature.

GOI Act 1919, provided for appointment of Statutory Commission, aka Simon Commission to check for working of the Act and recommended further steps for Responsible Govt. in India. This commission was a 7-member, all-white commission and led to huge protests all over the country.

Thus, GOI Act 1919, introduced several features of a responsible govt. and ended 'benevolent despotism' prevalent in India. However, there were still several gaps in the act, which led to continued demand of Purna Swaraj and gave impetus to Indian National Movement.

7½

Remarks

Q14. Politician-Administrator-Businessman nexus is leading to decay of administrative institutions in India. Elaborate along with steps needed to overcome it.
(15 Marks) (250 Words)

Just mention relation among three in intro

India has a vast administrative machinery at central, state and local level. At the same time, India is world's largest democracy with over 2000 political parties. India is also one of the fastest growing economies of the world. Thus, there is a huge web of Administrative, Political and Entrepreneurial entities in India, which interact with one another at all levels.

This Politician-Administrative-Businessman nexus has come at a cost of administrative decay as :

1. Pre-1991 Reforms period: was characterised by dominant Public Sector and huge system of Industrial licensing;

Remarks

This centralized and socialist phase of the economy was plagued with problems of rent-seeking, bribery at all administrative levels. There was overall moderate to poor growth at the cost of installment of the nexus was entrenched deep into the system.

2. Post-1991 reforms: allowed for greater participation of smaller firms in private sector. But Administrative deficiencies continued due to lesser degree of Ease of Doing Business in India. Malpractices of Bribery, Corruption and huge scandals in different sectors continued even after economic reforms. Moreover, now these problems were further compounded by increasing inequality in the economy.

Thus, India is still home to dominance of Politician-Administrator-Businessman

Remarks

Discuss how laws made twisted or broken for the benefit of the ruling class

Nexus, which is shown by prevalence of inequality & poverty in India.

Steps needed to overcome this Nexus:

1. Strengthening Vigilance Institutions of CVC and Lokpal & Lokayuktas, by allowing suo moto cases.
2. Allowing for greater Ease of doing Business to ensure lesser political and bureaucratic interference in businesses.
3. Stricter rules for politicians by allowing for decriminalisation reforms to debar persons with criminal records to hold political offices.
4. Bringing greater transparency and accountability in the Bureaucracy to ensure effective functioning.

Thus, it is crucial to ensure that Politician-Administrator-Businessman Nexus is put to end by rigorous transparent ~~and~~ institution to avoid any administrative decay.

Remarks

Sound analysis of steps required

61/62

Q15. Free and fair elections are necessary, but not a sufficient condition for efficient working of a democracy. Examine. (15 Marks) (250 Words)

India is a Sovereign, Socialist, Secular, Democratic, Republic. The term 'Republic' lays emphasis on popularly elected head of state. Thus, free and fair elections are necessary for a Democratic Republic, country like India.

Satisfactory intro

Free and Fair elections: necessary for working of Democracy

Free and Fair elections ensure that:

1. Popular Government is in power.
2. Govt. is responsible to its citizen, and hence responsible government is in power.
3. sovereignty of the nation lies with the people of the country and thus, people exercise their sovereign right to vote.

Remarks

Sound
analysis
of important
role of
free & fair
election

4. Equality in terms of participation in election is ensured. Thus UAF is an important feature of Free and Fair elections. This makes the important case for participatory democracy.

5. Representatives have to convey the demands of the people, thus insuring representative democracy.

However, free and fair elections alone cannot ensure democracy. Several other factors are characterised within a Democracy, which free and fair elections alone cannot fulfil.

Free and Fair elections : not sufficient condition for working of democracy

Free and Fair elections can ensure political democracy. However, social & Economic democracy cannot be derived by

Remarks

free and fair elections alone.

1. Economic Democracy: requires ^{economic} equality and equity in terms of resources and opportunities. These are ensured by public policy and ideology followed in a country. Welfare state and Economic equality are necessary for economic democracy.

2. Social Democracy: requires equality in terms of religions, region, linguistic, caste and equality of opportunity. This can be ensured by empowerment of weaker sections in the society and establishment of welfare state.

Thus, as discussed above, free and fair elections are important for a democracy to function, but alone cannot run a democracy. It needs to be supported by Economic and Social democracy to ensure

Remarks effective functioning of democracy, as defined by Dr. B.R. Ambedkar

Discuss institutional measures with respect to each of these.

7

Q16. One of the unique features of the Indian Constitution is its emphasis on the maintenance of 'flexibility' within the 'rigid' framework. Do you agree? Substantiate your answer using examples. (15 Marks) (250 Words)

Indian Constitution is unique in its features and spirits. It embodies both 'rigid' and 'flexible' features within it.

U/A 368: Indian Constitution can be amended by Parliament. There are 3 types of constitutional Amendments:

1. Which require simple majority (>50% votes)
2. Which require special majority (>50% votes + $\frac{2}{3}$ rd votes of members present and voting)
3. Which require special majority + ratification of $\frac{4}{5}$ at least $\frac{1}{2}$ of all the states when federal issues are involved.

Thus, Article 368 demonstrates the flexible framework of the Constitution.

However, there is special emphasis on maintenance of flexibility within the rigid framework.

Remarks

For example : SC in its landmark judgement in Kesavananda Bharati v. State of Kerala (1973) opined that ~~at~~ Parliament can amend any part of the constitution, as long as it does not hamper the 'Basic structure of the Constitution'. Thus, Parliament's amendment powers are subject to limitations ~~of~~ by Basic Structure Doctrine.

This was also seen when SC struck down 99th constitutional amendment of 2014 as invalid and void. This amendment made provisions for establishment of NJAC for appointment of Judges. SC asserted that this provision was an infringement of Independence of Judiciary ~~and the~~ which is a basic feature of constitution, and

Also
discuss
pros
&
cons
of
flexibility

Remarks

thus held the amendment as invalid.

Rigid Framework: Basic Structure of Constitution

The Basic Structure is not defined completely by the SC, however some of its features are: (1) Independence of Judiciary; (2) Separation of Powers; (3) Federal Structure of Govt.; (4) Unity and Integrity of the Nation; (5) Judicial Review; (6) Rule of Law; (7) Parliamentary System, etc. Basic Structure doctrine has evolved through series of landmark judgements of SC since the Kesavananda Bharati case. Recently, SC struck down part of 97th Amendment Act, 2011 as unconstitutional as it dealt with Cooperative Societies which is enumerated in State List. However Parliament amended the constitution without ratification of states. This shows how Indian constitution puts emphasis on flexibility

Remarks within rigid framework to ensure continued political, social & economic democracy in India.

In the garb of rigidity you explain basic structure doctrine which is not required here.

5

Q17. The DPSPs are an unofficial manifesto for good governance, if a political party can only adhere to them properly, when in power, there is no need for any other manifesto.
In this context examine the importance and limitations of DPSPs.

(15 Marks) (250 Words)

The Constitution of India provides for Directive Principles of State Policy (DPSPs) under Part IV from Article 36-51. DPSPs establish Social and Economic Democracy in India and act as guide of good governance.

DPSPs were adopted from Irish Constitution and aim at establishing Welfare State in the country.

Importance of DPSPs:

DPSPs present the Socialist, Gandhian and Liberal Philosophies of the founding fathers of the Constitution.

1. Socialist Ideals: Include:

- (a) Promote welfare of people U/A 38
- (b) To secure economic equality U/A 39.

Remarks

Sound
intro

(c) To provide equal justice & free legal aid
U/A 39A

(d) Right to work, participation of workers
in industries and public health.

2. Gandhian Principles:

(a) Village Panchayats U/A 40,

(b) Cottage Industries U/A 43,

(c) cooperative societies U/A 43, etc.:

3. Liberal Principles: (a) Promote International

Peace U/A 51, (b) separation of Power U/A 50,

(c) protect environment, monuments, etc.

DPSPs provide the ground for good governance and act as a moral obligation to the state authorities. As

Dr. B.R. Ambedkar said, there can't

be political democracy, without social democracy. Hence DPSPs act as unofficial manifesto for good governance.

However, DPSP are subject to certain

Remarks

Focus on good governance manifesto rather than enumerating every of DPSPs.

Liberal Principles only

limitations as well.

Limitations of DPSPs:

1. Non-enforceable / Non-Justiciable: DPSPs are a ^{here} moral obligations and have to be adhered to, voluntarily. There is no enforceability of DPSPs.
2. Conflict with Fundamental Rights (FRs): FRs prevail over DPSPs whenever conflict between the 2 arises.
3. Illogically arranged: Order of DPSPs does not correlate with ideologies and principles of concurrent DPSP.
4. Conservative: According to Sir Ivor Jennings, DPSPs are based on political philosophy of 19th century England & thus are not in sync with time.

Sound analysis of limitation

6

However, DPSPs serve as a crucial test for good governance. It can be used to examine govt. policies and thus, acts as an unofficial manifesto.

Remarks

Q18. "Grievance redressal is the weakest link in the service delivery in India". Evaluate the role of institutions of grievance redressal in India and their limitations? (15 Marks) (250 Words)

Grievance Redressal is a necessary condition to ensure proper feedbacks to working of the democracy and its various institutions. The Government of India has established an Internet based Centralised Public Grievances Redress & Monitoring System (CPGRAMS) to facilitate all citizens to lodge grievances for redressal.

Role of Institutions in Grievance Redressal in India:

1. ICT Based Grievance Redressal: Through portals like PRAGATI, E-Nixaran, UMANG App, MyGov, etc.. These are pioneers of e-governance in India, making Grievance Redressal highly localised.

Remarks

2. RTI : RTI Act 2005 empowers citizens to ask any questions to govt. regarding any 'public authority'.

3. Citizens' Charter : is an initiative as a response to the quest for grievance redressals which citizens encounter on a daily basis. These are voluntary written declarations by service providers/institutions about service delivery & standards.

Sound analysis of role of institution

4. Gram Sabha : an important institution of PRIs, is crucial to address grievances of village community members.

5. Public Relations Officer (PRO) is designated generally with the role of receiving complaints and initiating corrective actions.

However, Grievance Redressal is still considered the weakest link in service

Remarks

delivery in India.

Limitations of Grievance Redressal Mechanisms in India:

1. Unavailability or lack of access to report complaints in India.
2. Lack of authority of PRO over relevant departments and executives.
3. Lesser Internet Penetration hampers objective of e-governance.
4. Delayed feedback acceptance.

Thus, Grievance Redressal mechanism in India needs to be strengthened further by ensuring infrastructural accessibility to all the citizens. This can ensure larger feedback being fed into the system, which can ensure good governance in India. Central Govt. is now making Grievance Redressal mandatory in different sectors, eg. new IT Rules allow for 3-tier grievance redressal

Remarks

Add on more limitations
→ Charities are not periodically revised
→ Citizens' charter is not legally enforceable

7

Q19. Unless the concerns of states and intra-regional disparity are addressed, the fault lines in the Indian federation could deepen which could lead to multiple demands for new states. Discuss. (15 Marks) (250 Words)

India is a vast country with vast diversities ranging from linguistic, religious, economic and social diversities. In order to make the act of administration convenient, the constituent Assembly opted for a quasi-federal structure of govt. in India, i.e.; a federal govt. with centralising tendencies.

Satisfactory intro

Problems in Indian Federation:

There are huge inter-regional and intra-regional disparities prevalent in the Indian Federation. These disparities often find voice in terms of demands for new states as:

1. Economic Disparity: eg. Vidarbha in Maharashtra, often is demanding due to its economic alienation from rest of the state.

Remarks

List out other factors as well.

2. Linguistic Diversity: eg. Assam is often asked to be divided to separate Bodo-speaking group from rest of the group, Gorkha land, Then Nadu, etc.

3. Social Diversity: eg. U.P. is a huge state with varying diversities and disparities b/w Eastern and Western U.P.

Thus, disparities invariably lead to ^{demands for} separate ~~demands~~ states.

Measures to counter intra-regional disparities:

1. Cooperative and Competitive Federalism:

NITI Aayog was envisioned to promote cooperative federalism in India. However, cooperative federalism alone can't ~~be~~ bring in inclusive development. There is a need to balance cooperative and competitive federalism to ensure economic efficiency and welfare and thus inclusive development.

Remarks

2. Social Infrastructure: needs to be strengthened to ensure equitable access to health, education, sanitation in a state. This will also help in upliftment of weaker sections by providing them with adequate resources.

3. Economic Equity & Equality: to strengthen each area's local aspirations.

4. Linguistic Protection: In ^{linguistic} sensitive states, there is a need to ensure that languages of the people are preserved and respected. This can be done by widening official languages of ~~multi~~-lingual states like Assam.

Sound measures

7 Thus, inter-regional disparities and other concerns of states leave a crevice open for Regionalism. This can be bridged by a more inclusive approach for all sections of the society.

Remarks

Q20. The actual working of the State Finance Commissions (SFCs) has not been as effective and efficient as the Union Finance Commission. Critically examine.

(15 Marks) (250 Words)

State Financial Commissions (SFCs) are provided by 73rd and 74th Constitutional Amendment Acts of 1992. SFCs are constitutional bodies responsible for deciding devolution to local governments and ensuring financial access to these govt.

Constitutional Provisions of SFCs:

The Constitution of India U/A 243-I ^{or U/A 243-Y} is mandated to review financial position of Panchayats and Municipalities respectively.

→ SFCs are modelled on lines of Finance Commission U/A 280

→ SFCs are constituted to determine distribution between State and local Govt. of Net Proceeds, taxes, duties, fees levied by state.

Remarks

Sound intro

Sound analysis of provisions

- SFCs are also required to recommend measures needed to improve the financial position of the local government.

Issues with functioning of SFCs:

1. Irregular constitution of SFCs has often hampered the financial accessibility of local government.
2. Duplication of efforts: FC U/A 280 also can suggest measures needed to augment fund of state to supplement resources of local govt..
3. Data Deficiency: Data collection of such great decentralized govt. is a cumbersome task for SFCs.
4. Recommendatory in Nature: Recommendations of SFCs are often not adhered to.
5. Parallel Bodies and institutions: Former Planning Commission and current NITI Aayog

Sound
analysis
of
issues

Remarks

along with Central FC, often recommend different measures than SFCs, leaving no action taken by the government.

There is a need of strengthening SFCs in order to equip ~~and~~ local Govts. with adequate resources. Local Govts. have immense potential in driving the nation towards sustainable and inclusive development. This can be done by:

1. Regular Constitution of SFC.
2. Making SFC the sole body responsible for ensuring financial security of local govt. in order to avoid duplication of efforts.
3. SFC can also be made permanent in order to ensure regular & uninterrupted supply of funds for Panchayats & Municipalities.

Thus, SFCs have still not achieved the most efficient state, and there is a need to strengthen this institution to bring financial

Remarks independence to Local Governments.

Sound
Suggestive
measures

7½