

# **GS SCORE**

**An Institute for Civil Services**

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### **AIR 95**

### **CSE 2023**

### **POLITY**



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The Indian executive is collectively responsible to the legislature. The Council of Ministers in Parliament is responsible to the directly elected Lok Sabha.

Firstly

Introduce the concepts of  
Individual Responsibility and  
collective Responsibility of the COM:

- 1) Appointed by the President.
- 2) Advises President on appointment of other ministers from amongst the members of parliament
- 3) 1st among equals in the COM / Cabinet
- 4) Discussion and dissent is allowed within the COM. However, when presenting a bill to the House, all ministers must be in agreement or resign.

The legislature has multiple tools to ensure this responsibility / accountability :-



# U.P.S.C.

- Question Hour, Zero Hour
- censure motion, no confidence motion
- Adjournment motion
- Cut motion when voting on demands for grants.

Thus, responsibility to the legislature is maintained by the PM. However, sometimes the Prime Ministerial government becomes more powerful:-

You have an understanding of the topic. But follow a proper structure

1) Emergency powers (recommendation by the Cabinet, headed by PM)

[Focus on Role of PM in Ensuring both responsibilities]

2) Executive action

eg: border demarcation on International borders

Excessive powers of the PM were seen during the emergency years (1975-1977) under Indira Gandhi which led to subversion of the Constitution and suppression of individual liberties.



प्रश्न संख्या  
(Question No.)

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न लिखें  
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in this part)

The PM of India's Parliament is thus a central figure in ensuring

- executive accountability
- collective responsibility
- checks & balances on executive

5 The balance of power in a democracy is essential to keep it stable and prevent autocratization.

- firstly discuss meaning of concepts individual and collective responsibility
- Then explain how PM acts as a link b/w the two



Q2

The Indian President is the nominal head of the state. Recently, Draupadi Murmu was elected the 15th president of India.

Indian  
President

vs

USA  
President

vs

UK  
Monarch

• nominal head of ~~govt~~ state

• naturalized/ original citizen can be made president

• Indirect elections every 5 years

• limited powers  
→ parliamentary govt.

• "One man" executive

• only US born citizen can be president

• direct elections every 4 years

• extensive powers  
→ Presidential form of govt.

• queen, hereditary

• no elections

• Parliamentary sovereignty + supremacy

Good that you have mentioned Examples of other countries

The President of India, in many cases, serves a purely nominal & ceremonial role:-

1) Bills passed by both LS and RS can be sent back for review only once, after which president must give assent.



2) Money bill must be signed by President

3) President is bound by advice of Com

- ordinance making powers

- pardoning powers

- emergency proceedings

nevertheless, the president ~~does~~ hold some discretionary powers:-

1) Situational Discretion

a) Dismissal of Council of Ministers

if they lose confidence in the House

ceremonial had and

b) Appointment of PM if no

majority in House

c) Dissolution of LS if majority is lost.

2) Constitutional Discretion

a) A Governor's reserved bill can be sent back to the state assembly

for reconsideration -

President need not give assent

3) Other :- President consent required to alter territories of India, introduce money bill under AIO.



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Hence, the President does hold some powers with respect to the working of the House.

However, since India is a parliamentary system with prime ministerial head, the President has a symbolic role.

eg: Dr. B. R. Ambedkar is a symbol of

- women's rights
- tribal empowerment.

The post of President is essential to India's government.

Overall :-

good  
attempt



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Just as the president is the nominal head of the country, the Governor is the nominal head of the State.

## Governor

## Chief Minister

also mentions  
Related  
Articles

Appointed by the Union

Directly elected by the people

Agent of the Union

agent of the people of the state

Subject to the advice of com, led by the CM.

Leads com and advises Governor

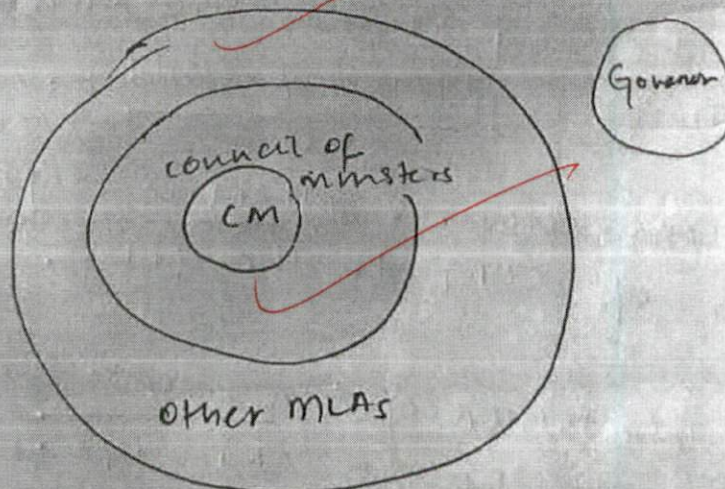
## Role of Chief Minister

- 1) The Chief Minister is directly responsible to the Legislative Assembly.
- 2) CM ensures collective responsibility of com to the House.
- 3) Introduction of government bills, discussion in com under CM, presentation to the House.



- 4) Setting up annual state budget and discussing 5 yearly state finance commission Report.
- 5) Submitting / reporting to the Governor periodically & as & when Governor requires.
- 6) Direct responsibility to the people of the state, holding press conferences during & urgent times  
 eg:- Natural disasters  
 — Pledge to avoid going out during COVID  
 — Delhi CM Arvind Kejriwal Campaign against Dengue  
 — Odd Even rule (Traffic & pollution control)
- good discussion on the Role played by CM in the state.

The CM thus forms the centre of governance:-





6

the directly elected chief minister holds a special responsibility to ~~deliver on~~ the promises made to the people.

Accountable and Transparent democracy ensures that the people's mandate reigns & the government is kept in check.

you can  
also  
mention

some examples of  
conflict b/w cm and  
governor

(— Include related Articles and  
constitutional provisions in your  
answer)



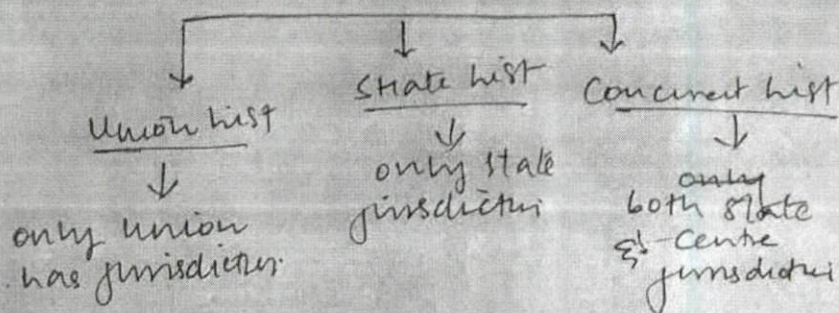
Q1)

The Indian Constitution does not mention the term "federalism" anywhere in its body. But India, on Canadian patterns, is a quasi-federal nation, with Central & State powers and authority clearly demarcated.

## India's Quasi Federal Character

Question is 1) written constitution that is the supreme law of the land.  
Not related to

concept of 2) division of subjects under schedule  
federalism of the constitution



3) Integrated Judiciary, independent.



The Centre & States have ~~each~~ <sup>their</sup> own supreme in their respective fields although the Constitution does account for some unitary biases :-

a) emergency powers under part XVIII.

b) Governors can reserve bills for presidential consideration.

c) Union adjudication in state with subjects in some cases.

Not written

As per the

demand

question

There are at the same time, some limitations on parliaments territorial jurisdiction :-

1) Local government institutions like  
- Panchayati Raj Institutions (PRIs)  
- Municipalities

come under the state - the Centre has no role here.

2) Constitutional Amendment Act seeking to alter federal character of the Constitution require the approval of more than half the states



3) Tribunals under part XIV are allowed to regulate/resolve disputes on various factors

4) A262, Inter State Water Disputes are adjudicated by independent tribunals, not Parliament.

Parliament thus has limited powers in some matters - thereby eroding state independence & liberty.

The need at the moment is for cooperative federalism that can be brought about by Inter State Council (A263).

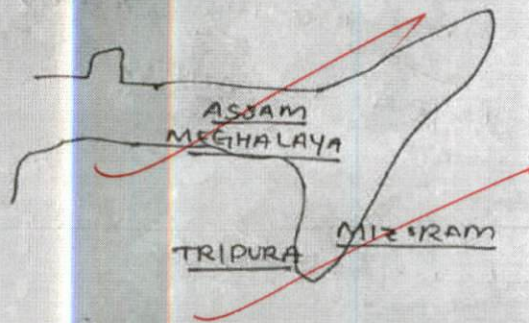
Question is related to territorial Jurisdiction of Union and State  
ie Centre can make laws for whole of India while State Legislature for whole of state

— Then discuss limitations of territorial Jurisdictions of Parliament (where Parliament laws can't be applied [Article - 240, 5th and 6th schedule areas etc])



Q5)

The 6th schedule of the  
Constitution provides for the setting up  
of Autonomous District Councils for  
Scheduled Tribes in the states of:



Good introduction  
Governor's functions

on Sixth schedule  
of the Constitution  
and functions  
of governor.

- 1) formation, increase, decrease,  
alteration of size of area  
under ST population.
- 2) Governor decides which Central/  
State laws to apply to  
what extent in tribal areas of  
the State.
- 3) Governor is the point of consultation  
and the "middle man" between  
the ADC and the Government at  
the Centre.



## Overlapping Functional Responsibilities

- 1) The ADC has various powers
- land use decisions
  - health / sanitation / water supply
  - right to use / store / sell minor forest produce (MFP)
  - similar rights to minor minerals.

Well  
discussed the overlapping

functional  
responsibilities

Also Briefly  
mention some of the  
issues faced by these  
(councils)

### 2) State functions overlap:-

#### a) land use patterns

eg: any attempt to change from from  
to more sustainable practices can be  
seen as intrusion.

#### b) Centrally Sponsored Schemes

eg: Jal Shakti Abhiyaan, ODF are  
difficult to apply in these regions

c) use of minor minerals (eg: sand)  
overlaps with tribal rights

#### d) Forest Conservation Act -

State must receive consent from  
forest inhabitants for shifting use of  
forests for projects.



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in this part)

Thus, the State government and the  
APC overlap ~~in their functions~~ while  
the Governor is unable to make  
any substantial change to the situation.

6 Clear demarcation of roles,  
greater ~~tribal~~ - state interaction  
and a joint effort to resolve  
disputes can help ~~ensure~~ progress  
that is both inclusive & empowering.



QF)

Article 356 of the Constitution provides for the imposition of President's Rule in a State.

Requirements to Impose Pres. Rule

- 1) President's satisfaction that State affairs cannot be carried out according to the Constitution.
- 2) Governor's recommendation on imposing President's Rule in a State.
- 3) State's disobedience of a Central order.

Good  
Introduction  
on  
President's Rule under  
Indian  
Constitution

Application of President's Rule

- 1) President's Proclamation
- 2) Approval by Parliament within 2 months by simple majority.
- 3) Subsequent removal by President himself.



## Effect on State

- 1) Council of Ministers dissolved.
- 2) State legislative suspended or dissolved.
- 3) Parliament is vested with powers to adjudicate on State list subjects and take the up all functions of the State legislature.

- 4) Power of authority over the executive of the State.

Well discussed  
the effects → immunity to officers acts  
of President's under President's Rule.  
Rule

- 5) Judiciary unaffected

(also mention some  
recent examples of its

The people of the State thus come  
directly under the Union's gaze  
and protection. However, the  
liberties and rights of the people  
are maintained.



The President's Rule clause was meant to remain a Dead Letter

← according to B.R. Ambedkar.

Refer some recommendations

given in

SR Bommai

Commission

Report

However, Central governments have often misused it to further their political agendas.

Case, Sarkaria

under Art 361

is meant to be a tool to enhance democracy, not subvert it.

6



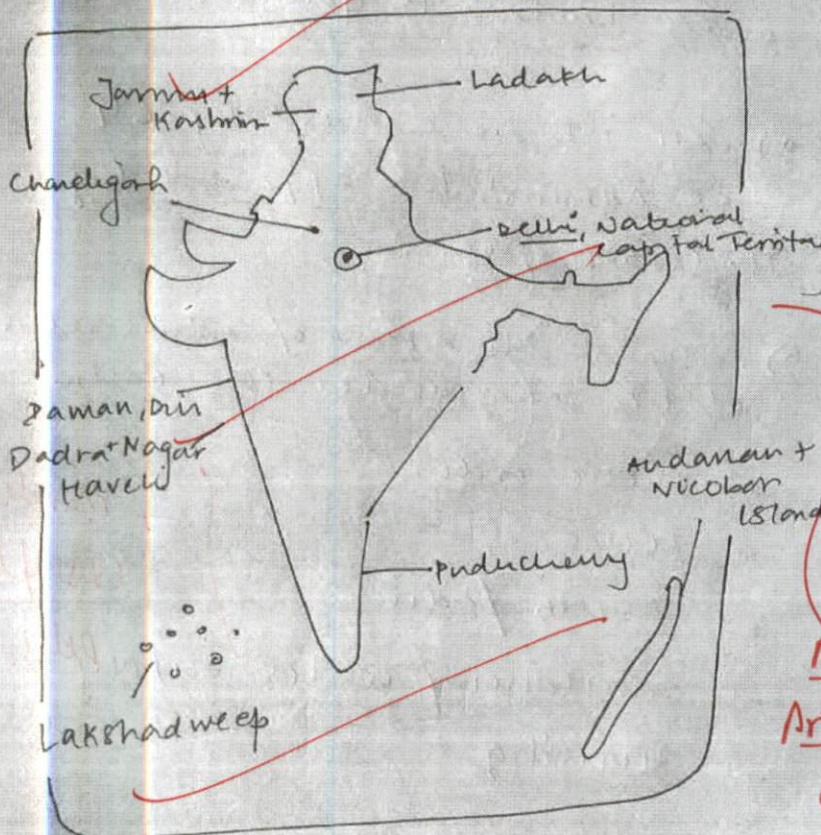
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in this part)

97)

India consists of states and  
Union Territories.



Union Territories Administration

- 1) There is a Union, State & Concurrent  
list in Schedule IV - no  
"Union Territory" list.
- 2) Direct control of Union in  
UTs.

good.  
Presentation  
also  
Mention  
Article dealing  
with UTs



# U.P.S.C.

3) Delhi & Puducherry (ई J&K)  
have their own legislatures and  
chief ministers, but are still  
under lieutenant-governor.

4) all UTs are headed by LGs  
or Administrators appointed by  
The Central Govt.

5) almost all aspects of administration  
of UTs come under the Centre:

- public order
- police
- health / edu
- sanitation / water supply
- housing

→ mention  
examples of  
Delhi, Pondicherry

← you need to  
also focus on  
discussing

points such as - use of Article 356,  
Article 240  
etc.

Thus, UTs have relatively little  
power in comparison to States:-

- NO vote in presidential elections
- vote by an electorate during  
elections
- NO legislatures to form laws  
at local level.
- central control & oversight.



The Union Territories came about as a result of the 7th Constitutional Amendment Act after the Reorganisation of Indian States and the reordering of the list of territories in India (lists A, B, C & D).

Union Territories are hubs of central control that lie midway between ordinary cities & states as under schedule 1 of the Constitution — a unique feature of the Indian Federal System.

also refer  
some issues  
arise due to  
such setup of UTs

4 1/2

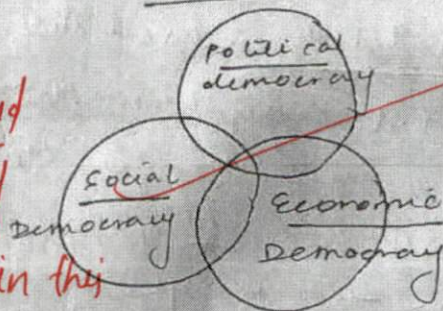
- write an holistic answer.
- mention Articles and relevant Examples also



88)

Dr. B. R. Ambedkar was the beacon of light & hope for the depressed classes of India, an advocate for the reservation system and a true believer in the simultaneous strive for :

well introduced  
the vision of  
Dr Ambedkar in this



Regarding

Ambedkar was keen on ensuring representation of the backward classes in all levels of political activity, even local governance.

73rd & 74th CAAs

1) Constitutionalized local governments  
a) Panchayati Raj Institutions  
b) Municipalities.

2) Enhanced democracy at the grassroots, i.e. decentralization.



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3) Ensured adequate representation

a) Reservation of seats for SCs  
STs

b) Reservation of seats for women  
→  $\frac{1}{3}$  of all seats across  
all categories

c) system of rotating reserved  
constituencies/wards

t) Ensuring the active involvement  
of Gram Sabha (the people  
eligible to vote for Panchayat  
members)

good

Introduction on

Reservation provisions

and other

provisions and its

significance

a) meet 3 times a year

b) discuss and bring to  
attention matters of concern

c) deliberation and debate as  
equals

d) No social hierarchy/  
economic background - only  
constitutional and political  
discussion amongst  
village inhabitants

This enhanced dignity of backward  
classes in the village  
environment and gave them  
political space.



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in this part)

unfortunately, 73<sup>rd</sup> & 74<sup>th</sup> CAAc  
are 'on-paper' verdicts, not  
much change is seen on-ground:

- a) proxy voting
- b) proxy contesting of election
- c) Ineffective working of Gram  
Sabha
- d) Caste / class clashes persist

Although the vision has been  
upheld in writing, the soul of  
the village is still dilted with  
repeated indignities and social  
prejudice. B.R. Ambedkar's

vision can only be brought about  
by a revolutionary rehaul in  
Indian thought and action.

Overall:-

good  
attempt

well  
highlighted  
the issues

7 1/2



Q9)

The Panchayats (Extension to Scheduled Areas) Act (PESA) was a legislation to enhance the spread of democracy to the Scheduled Areas of the country, thereby enhancing decentralized and grassroots democracy.

The Pathalgadi Rebellion is one case amongst many of uprisings against state functionaries and institutions in backward, underdeveloped regions, reasons being:-

Good  
Introduction

on  
PESA Act and

Reasons

Behind

Pathalgadi  
Rebellion

- 1) voices unheard, suppressed
- 2) underdevelopment
- 3) lack of bundle / system of local administration
- 4) absence of socio-economic / political opportunities for youth
- 5) Agricultural stress / mismanagement of land / water resources
- 6) under stunted progress of local economy.

mention  
area

where

Pathalgadi  
Rebellion is

prevalent



PESA can ensure better outcomes:-

1) It gives local people representation in a system - giving their concerns a voice.

2) A means to vent and resolve their frustration.

3) local autonomy (29 subjects under schedule 9 of Constitution) gives local space to administer developmental projects.

well

Explained the

Importance

PESA in

dealing

with such

issues

4) Funds delegated from State Finance Commission to use for developmental purposes.

5) Parliamentary discussions & people's participation in governance (Gram Sabha).

6) Greater integration with the world beyond the SA (market integration, trade, etc).

7) Right to collect taxes on local activities.



PESA introduces a means to  
self-legislation and self-  
improvement for the people of  
scheduled areas thereby  
reducing negative factors like

- armed rebellion
- ~~Revolution~~ / ~~marxism~~
- dissent and dissatisfaction.

PESA is thus a tool for  
enhanced participatory democracy.

✓ You have good understanding  
of the topic asked.



Urban Local Bodies were constitutionalized under the 74<sup>th</sup> Constitutional Amendment Act 1993.

- Addition of part IX A in Constitution
- Addition of schedule 12 with 18 list subjects to come under ULB jurisdiction
- Categorization of ULBs:

- 1) Nagar Panchayat  
(transitioning cities from rural to urban)
- 2) Municipal Councils  
(small towns)
- 3) Municipal Corporation  
(big towns eg: Mumbai)

However, the Constitutionalization of the bodies did not necessarily empower it with adequate authority. These bodies are disempowered in multiple ways:-

well introduced  
Urban Local  
Bodies



a) Fund provisions are inadequate  
→ decided by State Finance Commission (arbitrary devolution, very little given)

b) Inadequate functioning :-

- greater focus on elections than on work that comes after elections.
- no system of independent charge over people to make changes in municipal governance.

c) Overlapping functions

- Sanitation & Solid Waste Management simultaneously come under Centre, State and ULB.

eg: Swachh Bharat Abhiyan (Central Project)

• provision of basic healthcare is once again ~~not~~ authorized by Centre (AYUSHMAN Bharat)

good points to discuss Issues faced by ULBs



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in this part)

Municipal Councils have thus  
become a body of powerless  
individuals, sandwiched between  
Central & state projects leaving  
little space for manoeuvring.

← There is a need to enhance  
public participation and enhance  
liberties of the ULBs along  
with raising their fund receivables  
Refer  
Recommendations  
of 2nd ARC  
in this regard.

- 6½