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GENERAL STUDIES (TEST CODE : 1391)

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Medium Eng./Hindi	English.	Registration Number	35133
Center	ORN	Date	3 rd Sept. 2019

INDEX TABLE

Q. No.	Maximum Marks	Marks Obtained
1	12.5	
2	12.5	
3	12.5	
4	12.5	
5	12.5	
6	12.5	
7	12.5	
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12	12.5	
13	12.5	
14	12.5	
15	12.5	
16	12.5	
17	12.5	
18	12.5	
19	12.5	
20	12.5	

Total Marks Obtained:

Remarks:

INSTRUCTIONS

- Do furnish the appropriate details in the answer sheet (viz. Name, Registration Number and Test Code).
उत्तर पुस्तिका में सूचनाएं भरना आवश्यक है (नाम, प्रश्न-पत्र कोड, विद्यार्थी क्रमांक आदि)।
- There are **TWENTY** questions printed in **ENGLISH & HINDI** इसमें बीस प्रश्न हैं अंग्रेजी और हिन्दी में छपे हैं।
- All questions are compulsory.**
सभी प्रश्न अनिवार्य हैं।
- The number of marks carried by a question/part is indicated against it.
प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।
- Answers must be written in the medium authorized in the Admission Certificate, which must be stated clearly on the cover of this Question-Cum-Answer (QCA) Booklet in the space provided. No marks will be given for answers written in medium other than the authorized one.
प्रश्नों के उत्तर उसी माध्यम में लिखे जाने चाहिए जिसका उल्लेख आपके प्रवेश पत्र में किया गया है और उस माध्यम का स्पष्ट उल्लेख प्रश्न-सह-उत्तर (क्यूसीए) पुस्तिका के मुख्य पृष्ठ पर अंकित निर्दिष्ट स्थान पर किया जाना चाहिए। उल्लिखित माध्यम के अतिरिक्त अन्य किसी माध्यम में लिए गए उत्तर पर कोई अंक नहीं मिलेगा।
- Word limit in questions, if specified, should be adhered to.
प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।
- Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be clearly struck off.
उत्तर पुस्तिका में खाली छोड़ा हुआ पृष्ठ या उसके अंश को स्पष्ट रूप से काटा जाना चाहिए।

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EVALUATION INDICATORS

1. Contextual Competence
2. Content Competence
3. Language Competence
4. Introduction Competence
5. Structure - Presentation Competence
6. Conclusion Competence

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

6.

All the Best

Answer all the questions in NOT MORE THAN 200 WORDS each. Content of the answers is more important than its length. All questions carry equal marks.

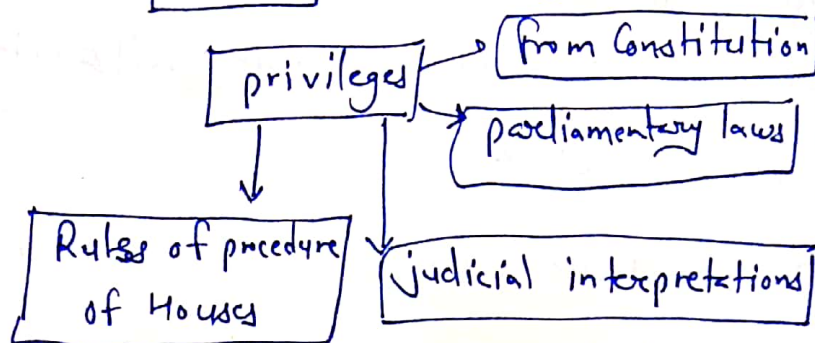
12.5X20=250

1. Enumerate important privileges enjoyed by each House of Parliament collectively and its members individually and also discuss their significance.

संसद के प्रत्येक सदन द्वारा सामूहिक रूप से एवं उसके सदस्यों द्वारा व्यक्तिगत रूप से उपभोग किये जाने वाले प्रमुख विशेषाधिकारों को सूचीबद्ध कीजिए और साथ ही उनके महत्त्व की भी चर्चा कीजिए।

Constitution of India provides several privileges to parliament and its members under article 105. These privileges are not only for members of houses who have been elected but also extends to ministers and Attorney general who are not elected under Article 88.

→ other sources of privileges are



→ these are given to House also collectively and to members individually.

1. Collective privileges → Article 105 : Right to

① freedom of speech in House to its members.

Guest can not take any action against any member for what he said during session

② House can make its rule of procedure for its functioning.

③ presiding officers have powers to disqualify its members, so house is free from judicial intervention

Individual privileges

① No action can be taken against any member for all matters by law enforcement agencies (both civil & criminal cases) during session

② in House premises no action or arrest of anyone

③ members and ministers are free from legal actions for their decisions.

Significance : These privileges make House of parliament sovereign for their functioning and free from interruption (judicial or any other)

So, for proper working of Houses these privileges are necessary and House can work with maximum efficiency without delay ~~when~~ having these privileges.

→ Though ~~however~~ these privileges can be used wrongly by its members and also ~~there~~ is no parliamentary law to codify these privileges. But in spite of all these hurdles these privileges are necessary for parliamentary system of India to make it work efficiently.

2. Give an account of the composition and functions of the Finance Commission as mentioned in the Constitution of India.

भारत के संविधान में यथा उल्लिखित वित्त आयोग की संरचना और कार्यों का विवरण दीजिए।

Article 280 of Indian Constitution mentions about Finance Commission.
after every 5 years finance commission is constituted by order of president and parliament is free to decide qualification of its members and its composition.

Functions :

In Indian federal system finance commission is constituted both at central & state level. functions of both these commissions are different.

(Finance Commission at Central level)

- ① division desolution of taxes (both vertical & Horizontal) that it between states and centre & states.
- ② Grant on aid given to states by centre.

- ③ policy measures needed to improve financial health of economy
- ④ augmentation of state's Consolidated fund which devolves money to local government (i.e. panchayats)

Finance Commission at state level

- ① dissolution of money to panchayats or other local government bodies.
- ② measures to ~~increase~~ improve financial health of local government
- ③ granting of certain taxes to local government to increase their financial resources etc.

So, Finance Commission is backbone of financial system of any country. It is a great step towards Cooperative federalism.

3. Preamble shows the general purposes behind several provisions in the Constitution, and is a key to the minds of the makers of the Constitution. Explain. Also, comment on the amendability of the Preamble.

उद्देशिका संविधान के अनेक प्रावधानों में निहित सामान्य उद्देश्यों को अभिव्यक्त करती है और संविधान निर्माताओं की सोच को समझने की एक कुंजी है। व्याख्या कीजिए। साथ ही, उद्देशिका की संशोधनीयता पर भी टिप्पणी कीजिए।

preamble of Indian Constitution is essence of Indian Constitution. It is soul of Constitution. This can be seen in -

⇒ " We the people of India, having solemnly resolved to constitute India into a "Sovereign socialist secular democratic Republic" and to secure to all its citizens -

Justice - social, economic & political
Liberty of thought, expression, belief, faith & worship.

equality of status & opportunity
and to promote among them all
fraternity assuring dignity of individual
and the unity & integrity of nation.

do hereby adopt, enact and give to
ourselves this Constitution."

⇒ In this we can see that preamble have, sovereign, democratic, republic, secular, socialist, justice, liberty, freedom, fraternity, unity & integrity of nation etc. important provisions of Constitution which gives Rights to individual and tells what type of political system India is having.

⇒ Amendability : Indian Constitution's preamble has been amended by govt. which ~~included~~ added in it : socialist, secular words and also unity & integrity of nation.

Supreme Court interpretation :
Supreme Court held that preamble is soul of Constitution & it is important part of Constitution

⇒ It can be amended subject to
doctrine of 'Basic Structure'

↳ that is any provision of
Constitution can be amended without
changing the basic structure.

4. Explain the principle of subsidiarity, its importance and discuss how the 73rd constitutional amendment act tries to achieve it.

समनुपंगिता के सिद्धांत व इसके महत्त्व की व्याख्या कीजिए एवं चर्चा कीजिए कि 73वां संविधान संशोधन अधिनियम इसे प्राप्त करने हेतु किस प्रकार प्रयास करता है।

73rd amendment act made local government third tier of Indian parliamentary political system.

it added part IX, IX A adding provision related with panchayats and municipalities at the level of local self government

Article 40 of Indian Constitution have provision that state in its policy organise institutions at local level and give them powers which are necessary.

principle of subsidiarity and Panchayats

however 73rd amendment given recognition to local self government but its power & are not defined

- local self government institutions are dependent on higher level for these powers.
- these institutions are not given enough / appropriate financial powers.
- state is free to make provisions related with powers of these institutions.
- these institutions are subsidiary to other governments (state & centre)
- ⇒ Importance : We can see that these institutions have limited resources & powers. ~~but~~ However it is seen that this local self government has decentralized government & has given democratic powers to grass root level. This is one step towards the great goal of government by and for

the people

5. Explaining the importance of an independent judiciary highlight the relevant Constitutional provisions that safeguard and ensure the independent and impartial functioning of the Supreme Court.

एक स्वतंत्र न्यायपालिका के महत्व की व्याख्या करते हुए, उच्चतम न्यायालय की स्वतंत्रता एवं निष्पक्ष कार्य पद्धति को सुरक्षित और सुनिश्चित करने वाले प्रासंगिक संवैधानिक प्रावधानों पर प्रकाश डालिए।

Judiciary : Constitution of India have provisions for judiciary at central level in part V (Article 124 to 147) and at state level in part VI (Article 214 to 233). also in UTs also judicial provisions of constitution can be extended and at local level subordinate courts (from Article 233 to 237) are also mentioned.

Safeguards for Independent and impartial judiciary (Supreme Court)

① Appointment of judges and Chief justice is free from political intervention that is by collegium system accepted.

② Removal of judges is not to

discretion of executive. it can be only by impeachment process initiated in parliament

③ judges are given fixed tenure and terms of services that can't be changed after their appointment.

④ Salaries & pensions and other administration charges are charged on Consolidated Fund of India. so free from parliamentary vote or intervention.

⑤ Supreme court is Court of Record under article 129 which can also punish for its contempt.

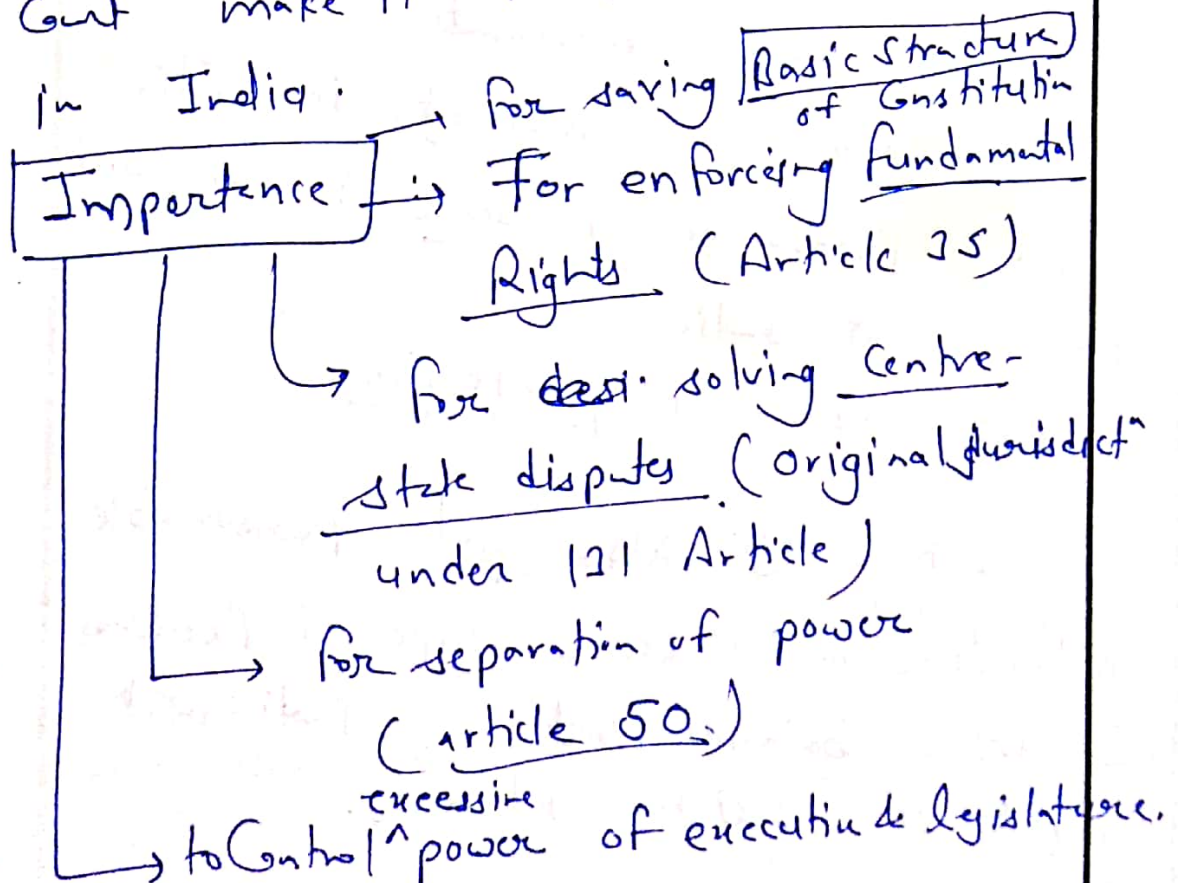
⑥ parliament can't decrease the judicial power of supreme court.

⑦ Though number of judges are decided by parliamentary law but their removal and appointment is not in discretion of legislature.

⑧ By power of Judicial Review
S.C. has power to make control
on executive & legislature. It also
can declare amendments of Constitution
unconstitutional.

⑨ it can issue writs for enforcing
fundamental Rights which legislature
of executive is not taking care of.

These powers of supreme
Court make it independent and supreme
in India.



6. Mention the six freedoms as guaranteed under Article 19 of the Indian Constitution. Also, comment on the way in which the constitution has attempted to strike a balance between individual liberty and interests of society.

भारतीय संविधान के अनुच्छेद 19 के अंतर्गत प्रत्याभूत छः स्वतंत्रताओं का उल्लेख कीजिए। साथ ही, संविधान ने जिस प्रकार से व्यक्तिगत स्वतंत्रता और समाज के हितों के मध्य संतुलन स्थापित करने का प्रयास किया है, उस पर भी टिप्पणी कीजिए।

Article 19 of Constitution provides 6 freedoms to Indian Citizens (not to foreigners) that are —

- ① freedom of expression & speech
- ② freedom of assembly without violence
- ③ freedom of association with unions, Cooperative movements
- ④ freedom of movement in India
- ⑤ freedom of residence in any part of India
- ⑥ freedom of profession.

⇒ Article 19 also puts reasonable restrictions on these 6 type of freedoms to strike balance between individual rights & society's interests.

Restrictions are:

These ~~restrictions~~ freedoms are exercised subject to public order, morality ~~or~~ integrity & unity of nation, friendly relations with nations etc.

in short these freedoms can be exercised when these do not restrict rights of others. if these freedoms restrict other's freedoms then state can restrict these freedoms.

example:

→ if right to speech and expression is detrimental to peace of nation then this can be restricted.

during National Emergency (By war or external aggression) this Right is automatically suspended and after cessation of Emergency action taken by govt can't be challenged in court.

#

Article 21 says that state can not restrict Right to life & personal liberty except procedure established by law.

In Maneka Gandhi Case S.C. held that procedure established by law is equal to due process of law of American constitution. It means that state can't take this individual right by making any arbitrary law.

So, Article 19 gives Rights to Citizens. and puts some restrictions on these freedoms. and Article 21 puts restricting on state. state cannot take individual's rights. these provisions place relevant balance between individual rights and society's interests.

7. With examples, discuss the significance of alternative dispute resolution mechanisms in light of costly and time-consuming litigation process in India.

भारत में महंगी और समयसाध्य वाद प्रक्रिया के आलोक में वैकल्पिक विवाद समाधान तंत्र के महत्व की उदाहरणों सहित चर्चा कीजिए।

Alternative Dispute Resolution Mechanisms :

These mechanisms are exercised to solve disputes between different parties without going into technicalities of different laws (like Code of Civil or criminal procedure, Evidence Acts). These mechanisms include

→ Arbitration

→ Mediation. (eg. In Ayodhya

Dispute S.C. went to solve it by mediation)

⇒. Alternative dispute resolution mechanisms follow principle of Natural Justice and go for agreement within parties without going to court of law.

Example: These Mechanisms are used in -

- ① Lok Adalats
- ② permanent Lok Adalats.
- ③ Family Courts.
- ④ Gram Nyayalays.

these are statutory bodies.
constituted under different Acts of
parliaments.

Significance

→ these are constituted to fulfill
the purpose of equal justice
and free legal aid under ~~Article~~.

~~33A~~. DPSPs.

→ these are free of cost (for
providing justice to poorest section)

→ these are less time consuming.
(as most of these give decisions.)

which are binding on parties (~~do not appeal~~ in other courts)

→ these maintains social harmony.
without affecting relations between
different groups.

↳ Dispute resolution by compromise
of agreement.
↳ in family Dispute (Family Court)
these can be used to exercise
rights against public utilities

→ this invention to provide justice
is based on Gandhi's principles and
ensures. democratic powers are
protected of all the people whether
poor or rich or any other. these
secured. and saves vulnerable from
exploitations.

8. Explain why the Indian Constitution has been argued to have created a 'federation with a centralising tendency'.

ऐसा तर्क क्यों दिया जाता है कि भारतीय संविधान ने 'केंद्रीकरण की प्रवृत्ति वाले एक परिमंथ' को सृजित किया है, व्याख्या कीजिए।

Indian Constitution under article 1 declares that India that is Bharat is not federation of states, rather it is union of states.

It shows that centre has given power to states (like Canadian system) to make this federation work properly.

Centralising tendency,

there is argued that centre has been given more powers and states are given less. it can be seen in these provisions

→ governor appointed by president (Article 154) and removal is also ~~all the~~ (without mentioning any ground)

by president

→ governor's recommendation to president for "president Rule" can impose centre Rule on state.

→ During National Emergency ~~state~~ centre have ~~no~~ power on legislative matters of state list also

⇒ Council of state is also less powerful than House of people

→ Council of state can authorise parliament to make law on state subjects. (Article 249)

→ All India Services (Article 312) for financial disolution to states by centre, state ~~also~~ depends on finance Commission's recommendation.

→ Centre can give directions to state for proper exercise of state's executive functions.

these all arguments show that centre is given more powers over states and states are somehow dependent on centre.

But this is not the case. to make the political system work properly and to stop separatist tendencies strong centre is the need on. However, Also unity and integrity, security and defence is the duty of centre for which it needs extra powers over states.

Today Concept of Cooperative federalism is exercised in India which ensures centre and states Co-operation.

NITI Aayog, CST Council, All India Services are steps towards Co-operation between centre and state.

9. The parliamentary control over government and administration in India is more theoretical than practical. Discuss.

भारत में सरकार और प्रशासन पर संसदीय नियंत्रण व्यावहारिक की अपेक्षा सैद्धांतिक अधिक है।
चर्चा कीजिए।

Indian political system is of parliamentary system of government both at central and state level. that is executive is collectively responsible to legislature. Article 74, 75 ~~have~~ provide provision for this type of system

parliamentary Control :

- governor/ president will work on advice of council of ministers. (Article 74)
- executive is collective responsible to parliament (Lok Sabha)
- All decisions are taken by Council of ministers (Cabinet particularly)
- administration work through different ministries and department headed by ministers.

→ parliament can amend constitution
which is supreme in Indian
political system.

practical system in Indian polity is

~~however~~ though parliament have
several legislative powers. but it is
not supreme in Indian polity. that
can be seen with -

→ ① written constitution to direct
government on policy & laws.
(DPSRs in part IV)

→ ② Delegated legislation by
executive (which have specialists
to frame policies &
detailed laws.)

→ ③ Judicial Review and
Doctrine of 'Basic structure'
to control executive & legislative

④ parliament's control By "Motions"

- (4) Division of powers under Schedule 7 of Constitution
- (5) Judicial Activism exercised by judiciary and public Interest litigation.

(6) GST Council, NITI Aayog.

these examples shows that

⇒ parliament has powers which are necessary to make this political system work properly but power of parliament is not supreme it is restricted by judicial power of defending National Interests and Supremacy of Constitution, fundamental Rights etc.

10. Why did the Constituent Assembly replace the original plan to have elected governors in favour of appointment by the President? Also, bring out the arguments that are raised against the current form of appointment of Governors.

संविधान सभा ने निर्वाचित राज्यपाल होने की मूल योजना को राष्ट्रपति द्वारा नियुक्त राज्यपाल के पक्ष में क्यों प्रतिस्थापित कर दिया? साथ ही, राज्यपालों की नियुक्ति के वर्तमान तरीके के विरुद्ध दिए जाने वाले तर्कों का भी उल्लेख कीजिए।

Constituent Assembly originally had plan to elect governors on system of indirect election based on proportional representation based on single transferable vote. But later it adopted ~~nomination~~ appointment of governors by president.

Reasons for this are

- ① Federal system of Indian polity.
 ↳ Stop separatist tendencies.
 ↳ Integrity & Unity of India

- ② Dual Role of governors.
 ↳ head of state
 ↳ representative of Centre

- ③ to save money & time wasted in elections.
- ④ difficulty to people to understand proportional system of indirect elections.
- ⑤ multi party system which gives to parties more importance rather than to electors or voters.
- ⑥ to save centre's interest in law making on defending ~~nations~~ states. and ~~def~~ preserving unity and integrity of India.

Arguments against Current System

Currently governor is appointed by president (Article 154). This system of appointment is criticised by some people with arguments:

→ Imposition of president's
Rule too frequently

- power given to governor to reserve Bills for Consideration of president used against states
- Removal of ~~president~~ governor by president when govt. changes at centre (No grounds for Removal)
- ordinance issued as discretion of governor. during appointment not taking consideration of state a.s. Compulsion, State's Interest are not taken care of.

⇒ These arguments are serious issues in appointment of governor. These needs to be taken care of by centre to preserve the belief of people in democracy. However S.C has tried to limit these powers of governor (President Rule in Arunachal was removed by S.C.)

11. Explaining the concept of judicial activism, discuss why it is important for courts not to take over the functions of the legislature or the executive.

न्यायिक सक्रियता की अवधारणा की व्याख्या करते हुए, चर्चा कीजिए कि न्यायालयों के लिए विधायिका या कार्यपालिका के कार्यों का अतिक्रमण न करना क्यों महत्वपूर्ण है।

Judicial Activism

It is the power of judiciary to direct executive & legislature on certain issues which judiciary thinks are of grave importance.

eg. : # direction by S.C. to make laws to stop use of polluting objects/agents.
censure on use of fire-crackers.

Concept of Public Interest Litigation which is used by people to provide vulnerable rights which are must be enforced by state.

Drawbacks of Judicial Activism

- ① → it encroaches power of executive and legislature
 ↳ In future it can be detrimental for judiciary's independence
- ② → is pending of cases of before judiciary
 ↳ judicial activism not ensures disposing these cases earlier.
- ③ → unnecessary embarrasment to officials, administrators when S.C. (which does not have specialists in fields of environment, administration etc.)
- ④ → Detrimental to Democracy
 ↳ judicial appointments are not by people but legislature is elected by people

Though judicial Activism have some issues when it is not implemented properly & without following principles which are behind its practice. But its general it has many benefits like

- ① → direct legislature to make laws when there is legislative gap.
- ② → when Hing Assembly then protect the interest of general public.
- ③ → when govt. can't take bold decisions.
(Direction of S.C. to S.P practice of Trippl Talag)
- ④ → enforcement of Rights of vulnerable when they are not able to approach judiciary (as - by P.J.L).

there is strong need to make balance between activism & adventure

judicial overreach is not always good for democracy

12. Compare the constitutional position of Rajya Sabha with the Lok Sabha in terms of legislative powers. Also bring out special powers given to Rajya Sabha in this context.

विधायी शक्तियों के संदर्भ में लोकसभा के सापेक्ष राज्य सभा की संवैधानिक स्थिति की तुलना कीजिए। साथ ही, इस संदर्भ में राज्य सभा को दी गई विशेष शक्तियों का भी उल्लेख कीजिए।

part II of Constitution (from Art. 52 to 151) deals with Union govt and Art. 79 to 122 has provisions.

for parliament which has 2 Houses and also includes presidents

[Lok Sabha (House of people)
Rajya Sabha (Council of states).

Comparison between Rajya Sabha &

Lok Sabha :

equality → Amendment of Constitution
→ both have same powers
with respect to ordinary

Bills.

→ impeachment of president,
removal of SC, HC judges, CAG etc.

→ passing of ordinances

→ promulgation of National, financial, state emergencies.

Inequality

- speaker can decide on Money Bills (which can be introduced in Lok Sabha only)
- resolution for removal of National emergency (Lok. have special powers).
- joint sitting (when deadlock occurs) presided by speaker

Special powers to Rajya Sabha

- Resolution for Removal of Vice president can be initiated in Rajya Sabha.
- assign parliament to make laws on state list (Article 249)
- making New All India Service (Article 312)

Rajya sabha is upper house of parliament to secure of interest of states day law making in parliament. However it ~~has~~ been given lesser powers at some places. but this is also justified because to save federal structure of Indian polity & stop unnecessary hindrance and delay. these provisions are necessary.

13. Comment upon the distribution of legislative subjects between the Centre and states. Under what circumstances does the Parliament make laws on matters enumerated in the State list?

केंद्र और राज्यों के मध्य विधायी विषयों के वितरण पर टिप्पणी कीजिए। किन परिस्थितियों में संसद राज्य सूची में उल्लिखित विषयों पर विधि बना सकती है?

Schedule 7 of Indian Constitution divides legislative subjects between centre and state in 3 different lists that are called state list, union list and concurrent list.

#

Centre has exclusive power to make laws on ~~central~~ union list subjects, states make laws on state list and both centre & state can make laws on concurrent list subjects.

Residuary powers of legislation are vested in central government.

Parliamentary laws on state subjects

generally state makes laws on state list subjects but parliament also can make laws on state list

→ Article 249: when Council of state authorises parliament to make laws on state list subjects with not less than $\frac{2}{3}$ rd majority of member voting & present,

→ Article 250: During National emergency centre has exclusive power to make laws on 'state list'

→ when more than 2 state's legislature decides to give powers (to parliament) to make laws on state list subjects.

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However these are power given to centre to make laws on state list but these are not for indefinite time. these power are till resolution ceases to effect (after 6 months of ceasing of resolution)

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these are not encroachment by
centre on state subjects. ~~but~~ these
are given by state to centre
thus these provisions help in making
strong relations between centre &
states and securing principle of
Cooperative federalism.

14. Explain the significance of the concept of 'separation of powers' in a democracy. What can be the reasons for India not following the doctrine in the strict sense?

लोकतंत्र में 'शक्तियों के पृथक्करण' की अवधारणा के महत्व को स्पष्ट कीजिए। भारत द्वारा इस सिद्धांत का कठोर अर्थों में अनुपालन न किये जाने के क्या कारण हो सकते हैं?

Separation of power is the concept of "not encroaching on powers of others."

Indian Constitution is Article 30 emphasises on separation of powers of public services. (between executive & legislative powers)

In India executive & legislature are not totally separated. Council of ministers is selected from Members of legislatures. which shows that legislature is not completely separated.

Judiciary & executive or legislature are also not completely separated. appointments of judges is by president. and judiciary tries to maintain Govt

over legislature by devices of judicial review & judicial activism.

these example shows that In India "separation of powers" principle is not strongly followed like it is followed in America.

Significance of separation of power

- ① → stops encroachment on one's power by another organ
- ② → stabilizes political system.
- ③ → secures "supremacy of Constitution"
- ④ → increases efficiency of each organs
 ↳ no focus on other's area in which one doesn't have expertise.

India is not strictly following this
Concept, Reasons are :

- Indian democracy is restricted
by resources, skills, finance.
↳ not have luxury
like America's system.
- to secure and enforce
Fundamental Rights.
- to stay on unconstitutional
laws and policies.
- Indian democracy is in its
infant stage, so needs
some time to make towards
more strict rules & Concepts.
↳ to secure supremacy of
Constitution.

Concept of Separation of powers appeals
to common mind but to practice this
system in democracies needs investment of
both time & patience.

15. Explain the grounds on which a National Emergency can be declared and highlight its effects on Centre-state relations and Fundamental Rights.

उन आधारों की व्याख्या कीजिए जिन पर राष्ट्रीय आपातकाल घोषित किया जा सकता है एवं केंद्र-राज्य संबंधों और मूल अधिकारों पर पड़ने वाले इसके प्रभावों पर प्रकाश डालिए।

National Emergency can be declared
and imposed on grounds.

- ↳ Internal disturbance
- ↳ war
- ↳ external aggression

effect on Centre State Relations

→ 'State list' subjects are also
with centre to make laws upon.

→ State legislature is not dissolved
but parliament can control
all legislative & executive powers.

→ laws made during this time
~~cease~~ lasts till 6 months.
after cession of National
emergency.

→ laws can't be challenged or stayed.
during emergency or after emergency.

effects on fundamental Rights:

→ on ground of war or external aggression.

→ Fundamental Rights under Article 19 gets automatically suspended.

(Article 258)

→ after cession of emergency, ~~also~~ can't actions of govt.

be challenged in Court.

→ on ground of internal disturbance

(Article 259)

→ enforcement of Rights gets suspended

(only which are mentioned in order)
(except Article 20, 21)

→ actions/laws of govt. can't be challenged in Court.

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However National Emergency restricts legislative power of states & ~~states~~ restricts Rights. But laws which are not related with Emergency provisions can be challenged in Courts. And Remedy against those action can be sought in Court of law.

16. Analyze how the CAG ensures financial accountability of the Executive to the Legislature while working as an independent Constitutional body.

विश्लेषण कीजिए कि एक स्वतंत्र संवैधानिक निकाय के रूप में कार्य करते हुए CAG, विधायिका के प्रति कार्यपालिका की वित्तीय जवाबदेही को किम प्रकार सुनिश्चित करता है?

CAG (Comptroller & Auditor general)
of India ^{& its powers} have been mentioned in
Constitution in part 5 (from Article
148 to 151)

CAG is spine of financial
system of India & secures accountability
of executive & legislature.

functions

- analyzes the demand for grant made by executive before legislature and its legality
- make Reports of 3 types and submits to president for making transparent executive's spending.
 - Report of Financial Accounts.

→ Report on Appropriation Accounts.

→ Report on public undertakings.

→ these Report are placed before both Houses of parliament which is then analyzed by public Accounts committee. ~~for~~ PAC is helped by CAG during accessing these reports.

↓

guide, helper & philosopher to PAC.

→ tells about efficiency, effectivity, reasonableness of spending

Limitations:

→ However CAG have several powers but it has not Control over administration

→ its role is of post mortem, it can't guide before money is given.

Though CAG have some limitations over its powers but it ensures accountability by making know general public about rationality of public spending & govt expenditure. CAG's Reports have been helpful in exposing Scams. (Coal Scam).

Thus it is important body towards securing accountability of executive.

20. Highlight the powers and functions of the Election Commission of India (ECI). Also, discuss the issues regarding the independence and impartiality of the ECI.

भारत के निर्वाचन आयोग (ECI) की शक्तियों और कार्यों पर प्रकाश डालिए। साथ ही, ECI की स्वतंत्रता और निष्पक्षता से संबंधित मुद्दों की चर्चा कीजिए।

Election Commission of India is given Constitutional status in part 15 and Article 324.

→ ECI is supervisor, administrator and Controller of election system in India

Powers of ECI / Functions of ECI

ECI draws its powers from Constitution, parliamentary laws. (Representation of People's Acts) and judicial Interpretations. powers are,

→ Supervise, Control & Administer election system in India

→ Roll out of electorates include or excludes names of electors/ voters

→ make list of candidates.

→ announce date of elections.

→ ~~decide~~ advise governor/
president on election disputes
and on disqualification of
Candidates on certain Issues.

→ ~~make~~ ensure smooth working
of election's system

→ implementation of Model of
Code

Conduct is ensured by
(MC)
ECI

→ disciplinary actions of on

Candidates who violates MCC

→ decides on Exclusion of exclusion
of parties from National parties

Issues

→ ECI can take disciplinary
actions against violators of
MCC but it can not ~~do~~ bar
any party from registration

- tussle between ~~ECI~~ Chief Election Commission & other Election Commissioners.
- Removal of other Commissioners.
On advice of Chief Election Commissioner
- Election Commissioners can be appointed after retirement.

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ECI is ~~backbone~~ of spine of Indian democracy and responsible for smooth working of elections. Thus, several issues have arisen. But with cooperation of government & democratic pressure these can be resolved.

19. A number of judicial pronouncements and constitutional amendments have altered the balance between Fundamental Rights and Directive Principles of State Policy, since the commencement of the constitution. Analyse.

संविधान के लागू होने के पश्चात से अनेक न्यायिक निर्णयों और संविधान संशोधनों ने मूल अधिकारों और राज्य की नीति के निदेशक तत्वों के मध्य के संतुलन को परिवर्तित कर दिया है। विश्लेषण कीजिए।

Fundamental Rights
part III (Article 12 to 35)

Directive principles of state policy
part IV (Article 36 to 51)

42nd Amendment
→ made it compulsory to restrict
fundamental rights when 29A
and 39B were being implemented.

Several.

17. Highlight the veto powers of the President of India. How does the veto powers of the Governor differ from that of the President?

भारत के राष्ट्रपति की वीटो शक्तियों पर प्रकाश डालिए। राज्यपाल की वीटो शक्तियां राष्ट्रपति की शक्तियों से किस प्रकार भिन्न हैं?

Veto powers of president and governor:

- Suspensionary veto
- pocket veto
- absolute veto.

Veto power of :

governor	president
① Can exercise <u>pocket veto</u> by with not giving any decision decision	① Can exercise <u>pocket veto</u> by not returning bill to House. (no time mentioned for assent of president)
② <u>Suspensionary veto</u> by returning bill for reconsideration of House. (not in Money Bills)	② <u>Suspensionary veto</u> by returning bill for reconsideration of house. (Not in money Bills)

③ absolute veto :
by withholding
assent

③ absolute veto
by withholding
assent

↳ when L.S. is
dissolved.
↳ priv. member's
bill

④ Reserve Bill for
assent of president
↳ when president
returns for
reconsideration
and House passes
is again then
it must be
reserved for
president's assent

④ when bill
(reserved by governor)
returned for reconsi-
deration of House
and passed again
by House
↳ president not
bound to give
assent

during exercise of suspensory
veto. if Bill passed again by
House ⇒ president/governor
must give assent.

18. Even though the parliamentary system of government in India is largely based on the British parliamentary model it never became a replica of the British system. Elaborate.

यद्यपि भारत में सरकार की संसदीय प्रणाली मुख्य रूप से ब्रिटिश संसदीय मॉडल पर आधारित है तथापि यह कभी भी ब्रिटिश प्रणाली की प्रतिकृति नहीं बनी। सविस्तार वर्णन कीजिए।

parliamentary system of India is like British system. ~~in these two are~~

Similarities

- ① → president is nominal head & prime minister is actual head.
- ② → parliament is given power to legislate nation.
- ③ → Concept of Cabinet which is real executive
- ④ → all actions in name of president.
- ⑤ → Role of opposition

Differences

- ① → head of state is elected in India but in Britain it's monarchy.
- ② → In India Written Constitution
In Britain No Written Constitution

③ → ministers are not legally responsible for works in India but in Britain they are Responsible.

(Minister also sign actions done)

④ → one opposition party in Britain which has shadow cabinet to Counter cabinet. No concept of shadow cabinet in India

⑤ → India has federal system but Britain has unitary system

⑥ → written provisions of fundamental rights in India

⇒ these points shows that However Indian polity which took several provisions from Govt. of India Act 1935 (Imposed by British govt.) is different from Britain's system.