## INDEX TABLE

<table>
<thead>
<tr>
<th>Q. No.</th>
<th>Maximum Marks</th>
<th>Marks Obtained</th>
</tr>
</thead>
<tbody>
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</table>

Total Marks Obtained: 

Remarks:

## INSTRUCTIONS

1. Do furnish the appropriate details in the answer sheet (viz. Name, Registration Number and Test Code).

2. There are TWENTY questions printed in ENGLISH & HINDI.

3. All questions are compulsory.

4. The number of marks carried by a question/part is indicated against it.

5. 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.

6. Word limit in questions, if specified, should be adhered to.

7. Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be clearly struck off.

8. The question is to be answered in English and Hindi.

9. Your answers must be written in neatly readable English and Hindi.

10. The question consists of TWENTY questions, each carrying a maximum of 10 marks.

11. The number of marks carried by a question/part is indicated against it.

12. You must write your answers in the space provided.

13. Each question is to be answered in English and Hindi.

14. You must write your answers in English and Hindi.

15. The question consists of TWENTY questions, each carrying a maximum of 10 marks.

16. The number of marks carried by a question/part is indicated against it.

17. You must write your answers in the space provided.

18. Each question is to be answered in English and Hindi.

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42. You must write your answers in the space provided.
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
1. Concerns regarding the wide formulation and indiscreet application of discretionary powers of the Governor need closer attention. Discuss. (150 words)

Articles 153-167 of the Constitution describe the role of Governor.

**Discretionary Power**

1. Constitutional Discretion

   - Article 201: Reservation of bills to President
   - Article 356: Getting information from Council of Ministers
   - Administration of UTs
     - When given extra charge

2. Situational Discretion

   - Appointment of CM in hung assembly
   - Dissolving CM if majority lost in lower house
   - Dissolution of lower house when majority lost by ruling party

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Page 1 of 50
Concensus

1. Appointment of CM in hung assembly
   - Recent episode of Governor of Goa and Manipur selecting CMs from parties having non-majority

2. Reserving Bills without any rational basis

3. Misuse of Article 356 - Recommending imposition of Resident rule on arbitrary grounds

Recommendations

1. Supreme Court has said that Governor cannot act on own presumption for appointing CMs. Punchdrill Commission has called for a clear order of preference.

2. Reservation of Bills to Resident must be done as a last resort

3. Bombay guidelines must be strictly followed with respect to Article 356

Above would ensure Governor fulfills his role as a binding agent between centre-state.
2. Explain the concept of subordinate legislation in India. Also discuss the mechanisms for their scrutiny and control. (150 words)

Subordinate legislation refers to the concept whereby the legislature passes a law in its skeletal form, with the executive finalizing the details afterwards.

Need
- Facilitates timeliness and expediency by Parliament and freedom to executive.
- Prevents delay in law-making.

Mechanism for scrutiny and control
1. Departmentally-related standing committees
   - Scrutinize important policies and bills of Ministries.
   - Examine periodic reports.
2. Parliamentary committees on subordinate legislation.
and finance

E.g. Public Accounts Committee scrutinizes the impact of Government spending on the economy, and reports to Parliament.

3. Zero Hour, Question Hour, Half-Hour Discussion

4. Motions
   - No-confidence Motion
   - Adjournment
   - Calling Attention etc.

Thus the Constitutional provisions ensure that subordinate legislation cannot be misused to escape checks and balances.
3. The crucial position accorded to the Speaker in Indian legislatures, makes it imperative to protect them from undue political pressures and incentives. Examine. (150 words)

Article 93 of the Constitution establishes the position of Speaker in Indian legislature.

Crucial Position of Speaker

- Maintaining decorum and order in Lok Sabha (L.S.)
- Casting vote
- Disqualification of MPs
- Final interpreter of Constitution and rules within L.S.
- Final authority to decide whether a bill is money bill
- Need for Protection

Recently, the position of Speaker was come under threat due to:

1. Accusation of partisan decision making with respect to Money Bills and provision of anti-defection law.
2. Inability to maintain decorum in house

3. Frequent use of devices like suspension of MPs and adjournment of house

4. Not delegating sufficient time to MPs outside of ruling party

5. Failure to ensure attendance of key members of ruling party

To ensure protection, steps needed include -

1. Establish clear procedures with respect to deciding cases on money bills and anti-defection

2. Ensuring proper grievance channels within Parliament

3. Like in United Kingdom, ensuring non-partisan nature of Speaker
   Speaker is the Head of the House and must thus be protected.
4. The Departmentally-Related Standing Committees have been referred to as mini-parliaments in India. Highlight their relevance in a democratic polity and discuss, with examples, how they improve the overall effectiveness of the Parliament. (150 words)

The Departmentally-Related Standing Committees (DRSCs) are standing committees meant to keep a check and balance on executive functioning of individual Ministries/Departments.

- Examine the budgetary proposals for request of grants
- Scrutinize the key policies of Ministries
- Examine the bills and reports of Ministries

Role as Mini-Parliaments
Relevance

1. Saves time of Parliament
2. Provides a more professional and expert analysis of proposals
3. Enable MPs to take well-informed decisions
   e.g. ARSC on science and technology pointed key issues with introduction of BT Brinjal, which was subsequently stayed as MPs protested
4. Provide greater representation to MPs outside of ruling party

Thus, they are instrumental in ensuring accountability of the executive to the legislature.
5. Enumerate the issues associated with functioning of tribunals in India. How can these be addressed? (150 words)

Tribunals are bodies that pronounce decisions essentially judicial in character, but are not courts in constitutional sense.

**Issues**

1. Executive interference due to lack of constitutional protection

2. Appeals - Their decisions can be appealed to High Courts and Supreme Court (Chandra Kumar's case). Thus their main function to reduce judicial workload is defeated

3. Judicial activism overreach e.g. NGT banning diesel trucks in NCR

4. Non-uniformity in appointment, retirement age etc.
5. Lower accessibility than High Courts
   e.g. Securities Appellate Tribunal only in Mumbai

6. Filled with bureaucrats who are devoid of expertise in the specific domain

Way Ahead

1. Supreme Court - Same Constitutional protection for tribunals performing functions of courts

2. Uniformity and transparency in appointment and terms of service

3. Law Commission - Review of Chandra Kumar verdict, by allowing only intra-court appeal

This will ensure tribunals can lead to effective delivery of justice without undermining authority of courts.
6. Examine the significance of Gram Sabhas, as mentioned in Article 243A of the Indian constitution, in the development process with special reference to Fifth Schedule areas. (150 words)

पंचायती अनुपस्थित के क्षेत्रों के विशेष संरचना में विकास की प्रशिक्षा में, भारतीय संविधान के अनुसार 243A में बनिए गए ग्राम सभाओं के महत्त्व का परिक्षण कीजिए।

Article 243A of the Constitution establishes Gram Sabhas as the point and foremost segment of the Panchayati Raj system.

Significance

1. Formulation of Village Development Plans (VDPs) sensitized to local needs and concerns

2. Implementation of schemes, including identification of beneficiaries

   e.g. PM Ujjwala Yojana,
   MNREGA etc

3. Levying and collection of taxes for local development

4. Providing basic utilities like transport (e.g. Aarogyasri)
specifically with respect to 7th schedule areas

Maintaining land records

Ensuring rehabilitation and resettlement in case of land acquisition

Certifying use of mineral resources and collection of royalty

Managing common property resources (CPR) and implementation of Forest Rights Act

Way ahead

The extension of 73rd Amendment to 7th Schedule areas (PESA) was historic. It must be backed by political will and support.
7. The Rajya Sabha is merely a secondary house rather than a second house in the Indian Parliamentary system. Critically analyze the statement. Also, compare and contrast the position of the Rajya Sabha vis-à-vis the State legislative councils. (150 words)

भारतीय संविधान प्रणाली में राज्यसभा बस्तुक: दूसरा सदन होने के स्थान पर एक दूसरे दौर का सदन मान है। इस कारण अत्यधिक आवश्यकता की लागू की जाती है। साथ ही, राज्य सभा परिषदों के मुकाबले राज्यसभा की स्थिति की उत्तम वैश्विक और अंतर बताई गई है।

Article 80 establishes the Rajya Sabha in the Indian Parliament. Ever since its conception, its role as a second house has generated debate.

<table>
<thead>
<tr>
<th>For Rajya Sabha</th>
<th>Against Rajya Sabha</th>
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<tbody>
<tr>
<td>As a revising chamber, it prevents ill-considered legislation</td>
<td>Only delays time as ultimately, well of hot sabha prevails</td>
</tr>
<tr>
<td>Enhances accountability of executive to the legislature</td>
<td>Superfluous body - can't make or unmake the government</td>
</tr>
<tr>
<td>Promotes federal equilibrium</td>
<td>It is not a true representative of states as seats are population-based; and no requirement of domicile character</td>
</tr>
</tbody>
</table>

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 allow's representation of diverse fields (12 nominated members)

is a haven for defeated or unpopular candidates or party supporters, who can even become ministers

**Position compared to State Council**

1. Rajya Sabha can reject bill passed by Lok Sabha in most cases. 
   YS State Council can at best delay such a proposal from Legislative Assembly by one month.

2. R.S. members can vote in appointments and removals of key functionaries. 
   YS State Council cannot.

3. R.S. members play a vital role in constitutional amendments, which Council can't.

4. Special powers of Rajya Sabha
   - State subject and All India services
   Not available to SLCS.
8. A major shift is needed in the institutional framework of the Central Water Commission (CWC) and the Central Ground Water Board (CGWB) to make water management more holistic and multidisciplinary. Discuss in the context of Mihir Shah Committee recommendations. (150 words)

The Central Water Commission (CWC) and Central Ground Water Board (CGWB) are bodies tasked to achieve robust water management.

Issues

The Mihir Shah Committee pointed the following problems:

1. Lack of coordination between-
   1.1 CWC and CGWB, leading to disregard for the linkage in hydrological cycle

   1.2 CWC, CGWB and other ministries, especially Ministry of
Agriculture and Ministry of Drinking Water

2. Non-uniform recruitment and appointment procedures, beset with excess executive and bureaucratic interference.

3. Lack of presence of adequate mix of hydrologists, geologists and other specialists.

4. Poor data management and collection protocols.

5. Lack of research and development on innovative solutions.

Thus the need is to address the issues one-by-one. The Committee has called for holistic planning at micro and macro levels, involving multi-disciplinary teams from various sectors and ministries.
9. On what grounds can a person be denied the right to contest elections to the Parliament in India? Will a life-time ban on those convicted of heinous crimes address the problem of criminalisation of politics? Discuss. (150 words)

The Representation of Peoples Act (RPA) 1951 and the Constitution mention specific grounds for denial of the right to contest elections.

- Not a citizen of India
- Age limits (e.g., not in Sabha - 25 years, Rajya Sabha - 35 years)
- Not a registered voter in a constituency
- Convicted or imprisoned for a sentence of more than 2 years

Recently, the Election Commission of India has called for a life-time ban on convicts.
for a life-time ban on those convicted of heinous crimes.

<table>
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<th>Arguments For</th>
<th>Arguments Against</th>
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<tr>
<td>1. Will reduce the ongoing trend of criminalization of politics and politicization of crime.</td>
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<tr>
<td>2. Increase citizens' faith in their representatives.</td>
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<tr>
<td>3. Lower incidences of money or muscle power abuse and booth capturing.</td>
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<tr>
<td>3. No guarantee will stop parties from supporting criminals due to the latter being their financiers.</td>
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The need is to reform the election process in totality: funding, internal democracy within parties, powers of election commission, and exit poll.
10. Directive Principles can be considered as even more important than the Fundamental Rights because they provide a positive thrust towards welfare. Discuss. (150 words)

निर्देशक तत्त्वों को मूल अधिकारों से भी अधिक महत्वपूर्ण माना जा सकता है क्योंकि वे कल्याण की दिशा में एक सकारात्मक प्रेरणा प्रदान करते हैं। चर्चा कीजिए।

Articles 38 to 50 of the Constitution provide for directive principles of state policy (DPSP)

Importance

DPSPs are said to be even more important than fundamental rights in a welfare state like India.

1. Provide for socio-economic democracy, without which true realisation of rights is impossible

2. Instil a moral obligation on state to promote welfare activities (Article 37)

3. As per B.R. Ambedkar, they act as guide, friend and philosopher
of the state

4. Provide a criteria for electorate to judge the performance of the government on delivery of development goals

5. Provide stability and continuity in domestic and foreign policies

6. Their span is such that if enforced, they can provide

6.1 Inclusive growth (Art. 38, 39) 6.2 Democratic decentralisation (Art. 40, 43A) 6.3 Riddance from social evils (Art. 47)

Thus DRSs are a true hallmark of our polity, which must be given force and due importance.
11. In light of demands for replacement of the FPTP (First Past the Post) system with other alternatives, compare the merits and enumerate the challenges associated with replacing the current system. (250 words)

Recently, the law commission of India was called for the introduction of a hybrid electoral system for Lok Sabha, to replace the existing FPTP system.

**Merits of FPTP**

The most commonly proposed alternatives are the Proportional Representation (PR) system and the hybrid system (a combination of the two only). The comparison between them is as follows -

i) **Advantages of FPTP over PR** -
<table>
<thead>
<tr>
<th>FPTP</th>
<th>PR</th>
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<tbody>
<tr>
<td>Simplicity, as single member district, and candidate winning majority seats being declared winner</td>
<td>Complex as multi-member districts and the division of votes to different parties</td>
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<tr>
<td>Familiarity, due to British legacy</td>
<td>No experience, till now</td>
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<tr>
<td>Stable government as one-party rule</td>
<td>Unstable government</td>
</tr>
<tr>
<td>Establishes a close rapport between voter-candidate</td>
<td>Is party-centric and thus, no such rapport</td>
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### Advantages of PR over FPTP

<table>
<thead>
<tr>
<th>FPTP</th>
<th>PR</th>
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<tbody>
<tr>
<td>Seats won doesn’t reflect votes polled, and thus is not a true reflection of electorate’s will</td>
<td>Seats given in proportion to votes polled</td>
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<tr>
<td>FPTP</td>
<td>PR</td>
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<tr>
<td>Huge wastage of votes</td>
<td>Minimal wastage</td>
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<tr>
<td>Minority sections not adequately represented</td>
<td>Minority sections get due representation as 7% share of population</td>
</tr>
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**Challenges**

1. Need of scrapping the Constitution and possible violation of basic structure.
2. Complexity of the PR system.
3. Instability at the Centre and State due to the huge number of parties involved.

Our Constituent Assembly consciously chose the FPTP system due to its advantages. The parliamentary system already has checks to minimize the ills of FPTP. Thus the need is to bring reforms in the system, not of it.
12. Despite long term recognition of the problem of pendency of cases in the courts, limited progress has been made in reducing their number. What are the possible reasons for such a scenario? Suggest a framework of measures that can be taken to address this issue. (250 words)

As per the State of Indian Judiciary Report 2018, around 3.2 crore cases are pending in Indian courts. The pendency has steadily increased year-on-year, highlighting the limited progress.

**Reasons**

1. Low judge-to-population ratio—18 judges per a million population

   Why

   - Huge vacancy due to imparity over
   - Memorandum of procedure (MoP) of appointments
   - Lack of attractiveness of judicial service due to poor pay and perks
2. Weak case management system
   how availability of lawyers
   Time taking court procedures
   Flexibility in adjourning hearings

3. Ineffective policing system

4. Weak alternate dispute redressal (ADR) structure

5. Appeal system - People are unsatisfied with orders of lower courts, filing continuous appeals till Supreme Court

Impact

- Delayed justice
  - Article 14, 19 and 32
- Poor quality of justice
  - E.g. High Court judge on average gives 2 minutes per hearing
- Poor job satisfaction among judiciary
  - Leading to corruption and political interference
Measures needed

1. Resolving the impasse over MoP quickly
2. Police reforms as per SC's Ar bash Singh Directive
3. Streamlining judicial procedures
4. Strengthening ADR system
5. Considering the proposal of the National Court of Appeal
6. Government as a responsible litigant (50% of pending cases are related to government filed-petition)
7. Making the service attractive by offering salary and perks at par with civil services

An effective judiciary is a must in a democracy, to uphold the Rule of Law.
13. Despite the phrase 'due process of law' not being included in Article 21, the Supreme Court, over the years, has adopted the doctrines of 'procedural due process' and 'substantive due process' into Indian constitutional law. Comment. (250 words)

Article 21 of the Constitution states that no person can be deprived of his life or personal liberty except as per procedure established by law.

Evolution down the years

In Gopalan case (1950), the Supreme Court said that Article 21 only protects against arbitrary executive action, not legislative action. This was due to the phrase 'proceedings established by law.'

But in-Maneka case (1978) the court overruled above judgement.
Menaka Case Verdict

1. Procedure by law must be just, reasonable and fair.
2. Personal liberty implies a meaningful and dignified existence, not an animal existence.

Thus, the verdict has indirectly added the phrase, "due process of law," by which the Court gets the freedom to scrutinize the reasonableness of laws.

This already exists in the American judiciary system.

Impact of the Verdict

The doctrines of 'substantive'
due process' and 'procedural

due process' has -

1. expanded the scope of
   Article 21, bringing
   new rights such as -
   1.1 Right to livelihood
   1.2 Right to privacy
   1.3 Right to education
   1.4 Right to decent environment etc.

2. Ushered in the ethos of
   natural justice by
   imparting judicial
   flexus duty

3. Help us see rights as a
   integrated whole of a
   single whole

Thus the doctrines have enabled
true realisation of Article
21 and other rights.
Can we say that cooperative federalism in India has strengthened in the post-liberalisation era? Give reasons in support of your answer. (250 words)

Cooperative federalism refers to the cooperative mechanisms between the federal units of a polity, in order to achieve a more effective governance structure.

Analyse in the post-liberalisation era.

1) Has strengthened
   a) Demonetisation guidelines have reduced misuse of Article 356
   b) Enhanced inter-state trade and commerce
   c) Consensus on GST
   d) Growing role of regional parties in state and central legislature, has led to more dialogue between National and
State Parties

e) NITI Aayog's role

- Sub-groups of Chief Ministers to advise Centre
- Indices and rankings to promote sharing of best practices
- Resolution of disputes between State and Central Ministries

2) Not strengthened

a) Inter-state Council (ISC) met only recently after 12 years

b) Impasse over inter-state water disputes e.g., Cauvery dispute

c) Concern over Governor's partisan nature and discretionary powers
d) Tussle between Lieutenant Governor and elected government in Union Territories

e) Rising economic divergence between states due to inequitable benefits of liberalization

e.g. Maharashtra and Delhi colonizing most of foreign investment

Thus, while cooperative federalism as a concept has gained huge popularity, much needs to be done. It is important to strengthen the existing constitutional provisions on centre-state cooperation, while working on innovative means like GST Council.
15. Faulty regulatory policies can have a severe adverse effect on the efficient interplay of market forces and end up harming public interest. Examine in the context of systemic issues pertaining to regulatory environment in India. (250 words)


dपौर्णिमी, धनियामक नीतियों का बाजार की शक्तियों की कुशल अनुप्रयोग के प्रभाव पह लागत है और सार्वजनिक हित की सुसंगत पहलू लागत है। भारत में धनियामकीय परिवेश में नंबोधित प्रणालीमत मुद्दों के संदर्भ में परीक्षण कीजिए।

Regulation is needed in every administrative set-up as it prevents market failures, and promotes public interest. However, faulty regulatory policies can be highly damaging as they lead to:

1. Difficulty in doing business
2. Open up scope of corruption and unethical practices
3. Creation of a parallel black economy

Inefficiency in the market
Regulatory Environment in India

The 2nd ARC and various committees have pointed to the following issues:

1. Over-regulation due to multiple bodies and laws

2. Lack of independence of the bodies

   2.1 Functional dependence on line ministries
   2.2 Lack of financial autonomy
   2.3 Insecurity of tenure
3. Poor coordination with policy makers
   e.g. TRAI and department of Telecom clashing as jurisdiction

4. Poor involvement of stakeholders in regulatory process

5. Ill-designed consumer grievance channels

**Way Ahead**

1. Streamlining of rules and repeal of outdated statutes

2. Clear guidelines over term of office

3. Proper channels of cooperation with Ministries

4. Involvement of citizen groups for enabling self-regulation and reporting of violations

Above steps can help beset the issues and make a regulatory regime that works as a facilitator.
16. Mention the constitutional provisions to safeguard and ensure the independent and impartial functioning of the UPSC. Further, assess the limitations of UPSC in effectively performing its role as the ‘watchdog of merit system’ in India as envisioned by the Constitution. (250 words)

UPSC की स्वतंत्र और निराकार कार्य पद्धति को सुरक्षित रखने और सुनिश्चित करने हेतु संविधानिक प्रावधानों का उल्लेख कीजिए। साथ ही संविधान द्वारा प्रकटित 'भोग्यता प्रणाली के संरक्षण' के रूप में अपनी भूमिका को प्रभावी रूप से निष्पादित करने में UPSC की सीमाओं का आकलन कीजिए।

Articles 315 - 323 of the Constitution contain the provisions regarding UPSC.

**Safeguards**

1. Salaries and emoluments charged on consolidated fund of India

2. Terms and conditions of service cannot be altered during tenure

3. Well-defined criteria for removal of members

4. Ban on appointment to government posts
after end of tenure

The AEC has pointed out the following:

1. Opacity in appointment process

   No clear qualifications in constitution and any law

   Appointment process not known to public

2. Over-burdening of UPSC due to routine and minor disciplinary issues

3. UPSC has to engage in routine administrative work of departmental promotion councils (DPCs)

4. Clash with Central Vigilance Commission over role as
5. Undermining of its authority by government proposals like lateral entry.

Need of the Hour:
The UPSC's primary role as the watchdog of merit system can be achieved if:

1. Clear transparent procedures are established via open appointment.
2. It is consulted over serious matters involving questions of suspension/removal.
3. It plays only a supervisory role over PSUs.
4. Executive interference is decreased in the recruitment process, especially of lower services.

This will help achieve independence of UPSC to fulfill its prime mandate.
17. What are the key issues in the context of electoral funding in India? How far do you think the idea of state funding of elections can address these issues? (250 words)

As per Association of Democratic Reforms (ADR), 69% of the funding to political parties between 2004-15 came from anonymous sources.

**Key Issues**

- Opaque use of party funding and candidate financing
- Indiscriminate capture of cash donations
- Lobbying leading to a parallel political economy and capture by big corporations and mafia
- Parties are kept outside the scope of Right to Information (RTI) Act.

Besides, parties are kept outside the scope of Right to Information (RTI) Act.
State funding

It refers to the government funding parties/candidates to contest elections.

Benefits

Increased transparency in party and candidate financing.

Reduced scope of anonymous donations and money-powers.

Level playing field.

Can be linked to promoting internal democracy within parties.

Prevents nexus with corporates, mafias and vested interests.
Disadvantages

- Huge strain on public exchequer
- Diversion of precious resources from critical sectors like health
- No guarantee will stop flow of illicit wealth
- Voters forced to pay for parties whose ideas they do not support

Way Ahead

The 2nd ARC and Indrajit Coomar Committee have recommended partial state funding, that too in kind. The new Commission has also called for first setting up a proper regulatory framework. In the meanwhile, the existing system must be reformed.
18. Separation of powers in case of India has acquired its own uniqueness under the constitutional arrangement. Explain. (250 words)

Separation of powers is a doctrine that establishes that each institution - executive, legislature and judiciary - must not encroach upon the domain of the other.

Case in India

The Constituent Assembly was aware of the importance of the doctrine. This has been reflected as follows -

1. Distinct parts and elaborated articles in constitution for each organ

2. System of checks and balances to prevent encroachment
Checks and Balance

Parliamentary System ensures that the executive is accountable to the legislature.

Article 50 places an obligation to separate the judiciary from the executive. Judicial review is a part of this system.

3. Declaration by the Supreme Court that separation of powers is a part of basic structure (Keshavananda Bharati Case)

4. Despite the separation, adequate provisions to provide for harmonious coordination are unique.

E.g.: Delegated legislation
However, recently the principle has come under attack due to following -

1. Judicial adventurism and overreach

2. One party majority in the lower house

3. Arbitrary use of emergency provisions

It is thereby important that appropriate restraint is exercised by the three organs. This also requires an active citizen, who must remain vigilant and hold representatives accountable.
19. Highlight the extent of President’s powers under Article 352. Comment on the judicial scrutiny of proclamation and the exercise of executive powers under National Emergency. How is this power different from the one bestowed under Article 356? (250 words)

अनुस्लेखन 352 के अंतर्गत राष्ट्रपति की शक्तियों की सीमा पर प्रकाश डालिए। राष्ट्रीय आपात की उद्देश्यता की न्यायिक संबंधता तथा आपातकाल के दौरान कार्यकर्ता शक्तियों के प्रयोग पर टिप्पणी कीजिए। यह शक्ति अनुस्लेखन 356 के अंतर्गत प्रदत्त शक्ति से किस प्रकार भिन्न है?

Article 352 of the Constitution provides for the proclamation of National Emergency by the President.

Extent of President’s Powers

1. Can take over the functions of the Governor or any executive authority in the state, and delegate to someone else

2. Provide for the parliament or other authority to legislate upon state subjects, such Acts are called Presidential Acts

3. Provide for specific or all fundamental rights (except those protected) to be suspended
4. Alter the financial relationship between Centre - State
5. Withdraw emergency at any time

However, it must be noted that the President always acts on the advice of the Council of Ministers (CoM).

Judicial scrutiny

The Supreme Court, in Minerva Mills Case, declared that proclamation may be challenged on grounds of:

- Malafide
- Excessive facts
- Arbitrary
- Irrelevant material

Exercise of executive power

The executive can issue directions to state government even after state must subjects.
Difference with Article 360

Article 360 pertains to proclamation of Financial Emergency.

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Thus ample difference exists.

While National Emergency has been proclaimed thrice, financial emergency is yet to be even once.
20. Fiscal transfers from the Centre to States are critical in India. In this context, explain the rationale of both general and specific purpose fiscal transfers. Also highlight the problems witnessed in the design and implementation of specific purpose transfers. (250 words)

In our federal structure, it is the obligation of the Centre to allocate financial resources to States.

- Share of revenue of Centre is much more than individual state
- Disparities in the finances of states
- To cater to the growing complexities of administration
- To implement schemes, especially pertaining to Concurrent list matters.
Rationale of fiscal transfers

General transfers

To enable states to implement programmes on state subjects

To provide for costs associated with daily administration for local bodies within state

Specific transfers

Implementation of pan-India schemes and programmes

To ensure states implement programmes in a uniform manner

Improved accountability of usage of money

Problems in Specific Transfers

1. States allege that Centre is encroaching upon state
subjects in name of Central sector schemes

2. Political motives
c. g. Naming of scheme after Prime Minister

3. States bearing full compliance costs

4. Programme not suited or adapted to local needs

5. Non-involvement of states in designing the scheme

6. Direct transfers to local bodies, bypassing the State Government

Punjab Commission have called for limiting such transfers, and for cost-sharing of their implementation. This will promote federal equilibrium between Centre - States.