

**GS Advanced Program 2023****Generic Booklet**

Test Name/Code/No. : 692030

Name

Email ID.

Roll No.

Mobile No.

Allotted Time : 60 Minutes**Instructions to Candidates -**

- There are 7 Questions in this Question paper.
- All Questions are Compulsory.
- For all updates, please visit the noticeboard –
<https://noticeboard.forumias.com/gsap-2023/>

Important -

- Answers must be attempted in the QCA Booklet only.
- To upload the Answer Copies please visit to "My Course" section on –
<https://academy.forumias.com/>
- Only those copies will be evaluated which will be submitted before the next class.

Q. No.	Grade/Score
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Overall Grade/Score	

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Q.1) Discuss the Role of Vice President as RS Chairperson.

Vice president is the second highest constitutional post in India. They act as President while the absence of President. Under Article 64 vice President acts as the ex officio chairman of the Rajya Sabha.

Being vice president they have significant roles →

- 1) Vice president is not the permanent member of the Rajya Sabha as compared to their counterpart Speaker who is the member of Lok Sabha.
- 2) Their objective is to conduct the Rajya Sabha with respect to the constitution and the rules of procedure of the constitution.
- 3) They can suspend Rajya Sabha if the Quorum of $\frac{1}{10}$ of the members is not full filled.

4) Their objective is to maintain law and order in the Rajya Sabha and for that, they could suspend the MP if they are indisciplined.

5) They also have the casting Vote if there is ambiguity on a bill.

6) They can initiate motion in the Rajya Sabha.

7) Unlike the Speaker of Lok Sabha they cannot preside the joint sitting of both the houses.

8) They act as a link between centre and the states as the Rajya Sabha is Council of state.

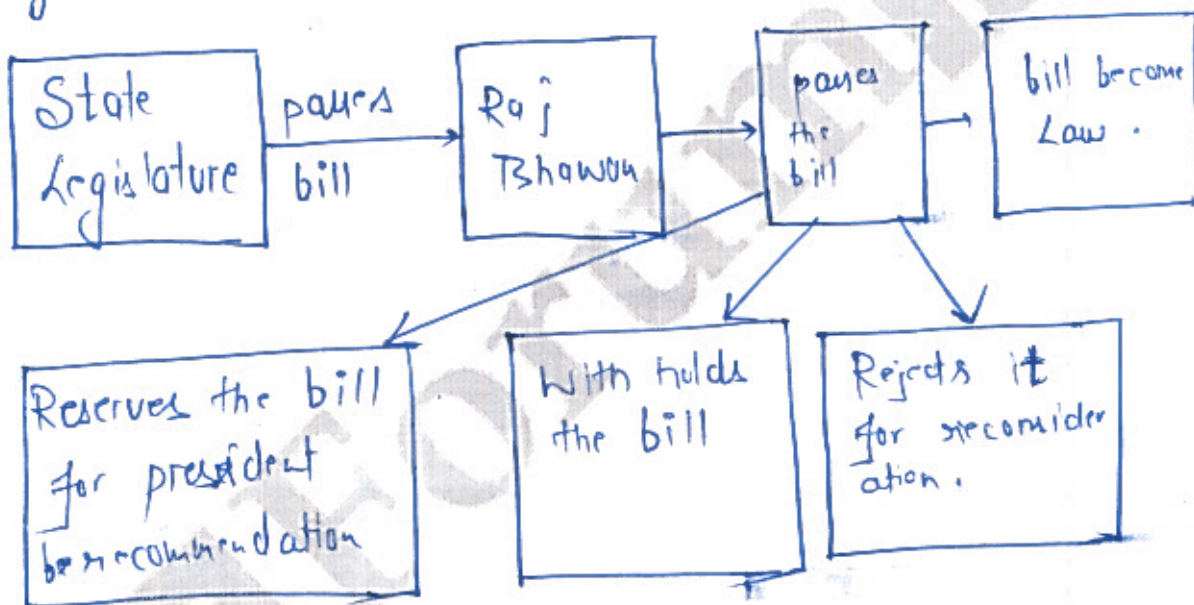
Vice president is a constitutional post and they significant importance being presiding officer of RS.

Overall Grading (✓)

Poor			Average			Good		
1	2	3	4	5	6	7	8	9

Q.2) Can the Governor withhold his assent to Money bills passed by the state Assembly? Mention the constitutional provisions regarding this.

Governor is the highest constitution post in the state and they act as an bridge between the center and the state government.



Governor has the power to withhold the bill

Article 200 : These powers are provided to the Governor to act as check on the state government that their laws are consistent with the ~~state~~ central laws.

Purushottam Nimbudurini Case

Court stated that Governor cannot be challenged for the extent of holding the bill. But they must work in line with the states CM and COM (Council of Minister)

Sher Singh Case 1974

Courts ruled that the governor must abide by the state except under the powers of Article 356

Romesh Kumar Case

Governor have constitutional immunity but its action if found malafide and ultra vires then it can be challenged.

As per Dr. B.R. Ambedkar A/G should be utilized very occasionally and discretionary power of Governor should be used judiciously.

As per Sarkari Commission, prior permission must be taken from the governor for passing the bill.

Overall Grading (✓)

Poor			Average			Good		
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Q.3) What do you understand by ordinance making power?
What are the conditions under which promulgation of Ordinance is justified and when it is not justified?

The government in power have the authority to issue ordinances under condition.

Conditions

- 1) The houses are not in session.
- 2) Either of the house not in session.

Ordinances are generally justified under the case of certain crisis in the state and central level.

Ex - During the Nirbhaya Case, when there was huge turmoil all over India, the central government issues ordinance and as if the parliament was not in session.

Not Justified

1) As the ordinances are not the parallel part of the government as they were during GOE Act.

2) They are under the ambit of Judicial Review so they must be taken considerably.

Ex → An Ordinance associated to state of Bihar kept re-promulgating for 15 years and this shows the ineffectiveness of state administration.

3) Ordinances are only justified under crisis or emergency but re-promulgation of ordinance could never be justified.

Overall Grading (✓)

Poor			Average			Good		
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Q.4) Examine the impact of a strong PMO on the legislative business and Parliamentary democracy in India.

PMO is the real # executive (De facto) of Parliamentary system of government and having a strong PMO has significant importance.

Advantages

1) Policy Certainty

As at center single party having more than or 272 MP needs neither of support, so policies made by them sustains longer.

2) decisive decision taking

Central government can take strict action against any issue as Abrogation of Article 370, GST etc.

3) Political Stability

The term at the centre is fixed so political turmoil is less.

- 4) Better internal and external security
- 5) More bargaining power to the centre for the implementation of Central Scheme.

Issues

- 1) Authoritarianism Increase.
- 2) Unilateral Action taking tendencies increase.
like → Demonstration and lockdowns where states were not even consulted.
- 3) Increasing trends of centralization of scheme.
- 4) Regional importance is not given but one size fit approach tendencies increases.
- 5) shift from the parliamentary form of government.

Solutions

- 1) Judiciary should act as a check on the legislature by Article 32 and 226.
- 2) The four pillars including CAG, EC should increase their role.
- 3) Press and media should apply pressure on the central government.

Overall Grading (✓)

Poor			Average			Good		
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Q.5) Parliament's role as an effective legislative body has recently come into question. What are the reasons for it? What should be done to improve the working of the Parliament?

Parliament is the highest legislative body in India but it is facing certain challenges and its effectiveness is being asked -

Issue

1) Deliberation Over bill

As per the recent data over the bill in 2021, it took 34 minutes to pass 10 bills in the parliament.

The farmers (Repeal) bill took 0 minutes to pass which shows how insignificantly the importance of deliberation, discussion over bills has now been.

Comparing it to other democracies like USA

Senator Ted Cruz talked over 21 hours 19 minutes over the Obama Care bill in 2013

2) Question hour : Questioning

During covid 19 Question hour in Indian parliament was canceled and which raises issues as discussing and accountability is the most significant tool of Westminster model

Comparing it to UK, PM takes questions from the MPs of House of Commons from 12:00 - 12:30 every Wednesday.

3) Representation

A MP in India represents 25 lakh people and ^{or} other side Land in UK this ratio is 92 thousand and 7 lakh in USA.

4) MPLADS

The funds allotted to the MP are 5 crore for infra development is a very less.

Solutions

- 1) Reduction of the stricter Anti Defection laws.
 1.1) so that party whip may only be needed in important decisions.
- 2) Allowing MPs take critical role and increase participation in discussion of bill.
- 3) Adoption of the Shadow Cabinet Concept similar to the Westminster model where there is a opposition or shadow minister of every cabinet member.
- 4) Increasing the intellectual strength in the Rajya Sabha, so that it may not only remain house full of political looters. (LS)

Overall Grading (✓)

Poor			Average			Good		
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Q.6) The Role of Governor is very important in a federal structure like India. What steps should be taken to ensure the neutrality of this office?

Governor is the highest constitutional post in the state administration and he/she acts as an link between the centre and state governments.

In a federal structure of India where powers are separated between the centre and the state, the Governor acts as an agent of the centre.

→ It ensures that the laws passed by the states are in sync with the central law.

Also, it can

- pass the law
- withhold the law
- send the law for consideration of President.

Reforms

1) Pertaining to the bill

NCRWC suggested that there should be a time limit of 6 months for the Governor to pass the bill or to reject it.

2. Sankaria Commission suggested that prior permission must be taken from the governor before placing the bill in state legislature.

2) As per Punchhi commission removal of the Governor must be made similar to the President.

2.2) Tenure for the post of governor must be fixed ~ 5 years.

Nabam Rebha Case

Decision of Governor be not beyond Judicial Review.

→ Non political persons should be made Governor.



Overall Grading (✓)

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Q.7) Constitutionally reconciling FRs & DPSP led to frequent amendment of the Constitution and Judicial intervention - Analyse this statement.

FR (Fundamental Rights) these are ^{intrinsic} rights which are ensured by our constitution and DPSP are the idols or the directives which the states are subjected to be following while making policies.

Fundamental Rights

- 1) Enshrined in Part III
- 2) Justiciable: They can be verified / checked in the court of law.
[Art-32, 226]
- 3) Inspired from the Bill of Rights of USA Constitution.
- 4) Objective is to ensure Civil and political Rights

DPSP

- 1) Present in part IV
- 2) Mere idols or directives to state. Non Binding.
- 3) Inspired from the Irish Constitution
- 4) Objective is to ensure socio-economic rights

1) Kerala Education Bill

SC (Supreme Court) came up with the doctrine of the Harmonious Construct under which the DPSP and FR are subjected to be always in harmony without any conflict.

But, in case of major conflict, FR are favoured.

2) Champakam Dorairajon Case

SC favoured a balance between FR and the DPSP but again stated FR to be favoured.

3) Sankari Prasad Case

SC states that amendment is not a law and as per Article 13(2) they can only review law. So state (center) 1st Amendment related to form law was unopposed.

4) Golaknath Case 1967

SC ruled in the favour of the FR and stated they are unbridged. And disallowed ^{Article} ~~Art.~~ 31(c)

Government made constitutional amendment and in which any law with respect to DPSP could infringe the Fundamental Rights. CAA-44

5) Keshwananda Bharti Case

SC struck down the amendment and ruled that the parliament has every right to amend the constitution but it cannot ~~infringe~~ infringe the Basic Structure of the Indian Constitution

6) Minerva Mills

SC ruled that DPSP and FR are subjected to be in harmony and their balance acts as the bedrock of the Indian Constitution.

Overall Grading (✓)

Poor			Average			Good		
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