

**GS Advanced Program 2023****Generic Booklet**Test Name/Code/No. : ...**25**.....

Name			
Email ID.			
Roll No.			
Mobile No.		Date	29/12/22

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)

Article 64 of Constitution states vice-president of India is ex-officio Chairman of Rajyasabha, which is Council of States upholding the Interest of states.

Role of vice-president as RS Chairperson

1. As Chairperson, he interprets the constitution & Rules of procedure for the house to follow.
2. To maintain the order in house
3. adjourn/suspend the session where there is no quorum (1/10th of house)
4. To pass the motions and deliberate on the bills.
5. can suspend/disqualify members of house if the decorum is disrupted
6. heads certain committees of house like Rules committee, Business advisory committee.

7. Control Rajyasabha Secretariat and allows its efficient functioning
8. Allows for voice vote
9. Acts as connecting unit between union & states.
10. Has the casting vote similar to his counter part i.e speaker of lok sabha.

However,

He is not the member of Rajyasabha unlike speaker of lok sabha who is a member of LS.

Further, Mr. Charan Singh (PRS head) cited that RS Chairman should preside over the house and not lead over it.

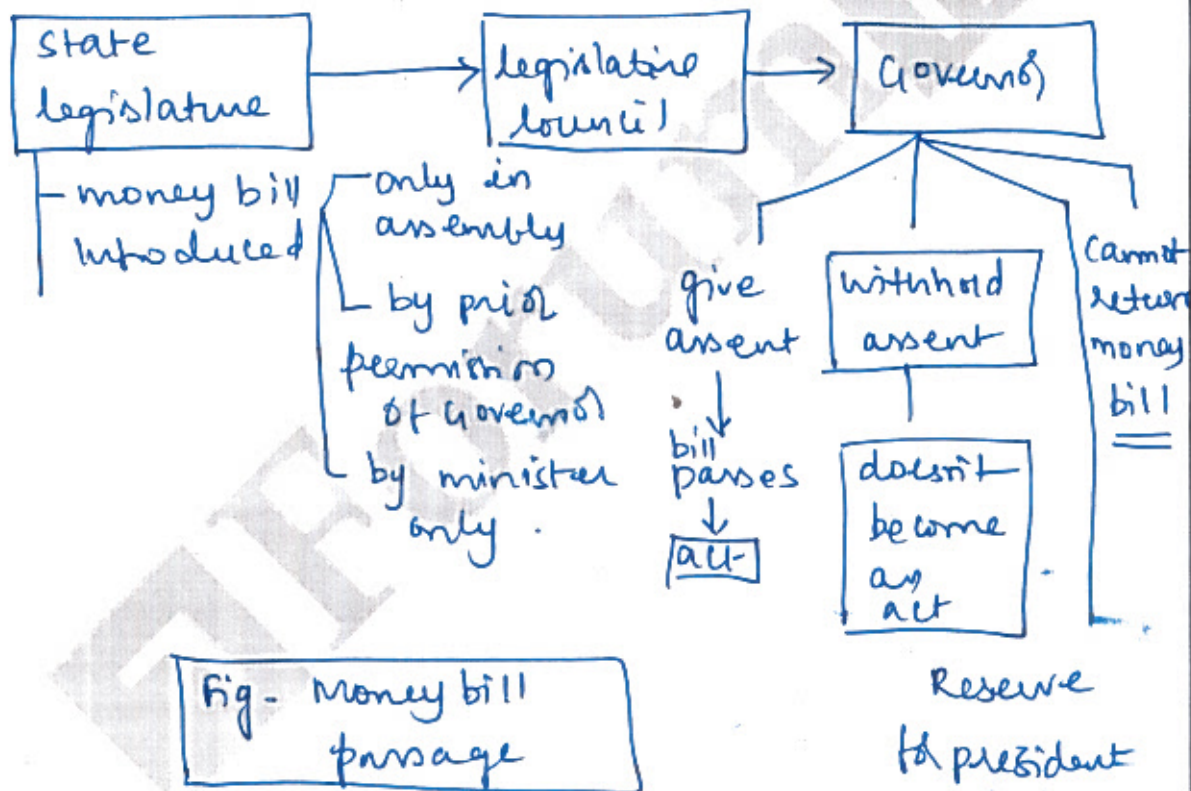
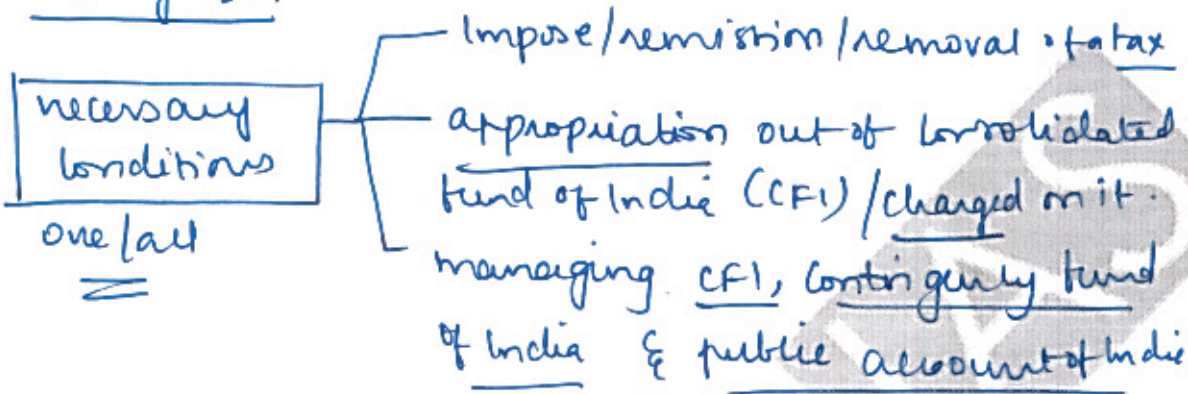
Thus, RS Chairperson occupies important role in upholding the rules and procedure of the house and help it to act as effective chamber in democracy.

Overall Grading (✓)

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

Q.2)

Article 110 of Constitution describes the conditions for a bill to be deemed as money bill



generally, Governor gives assent to the money bill, since its presented/introduced by his prior permission.

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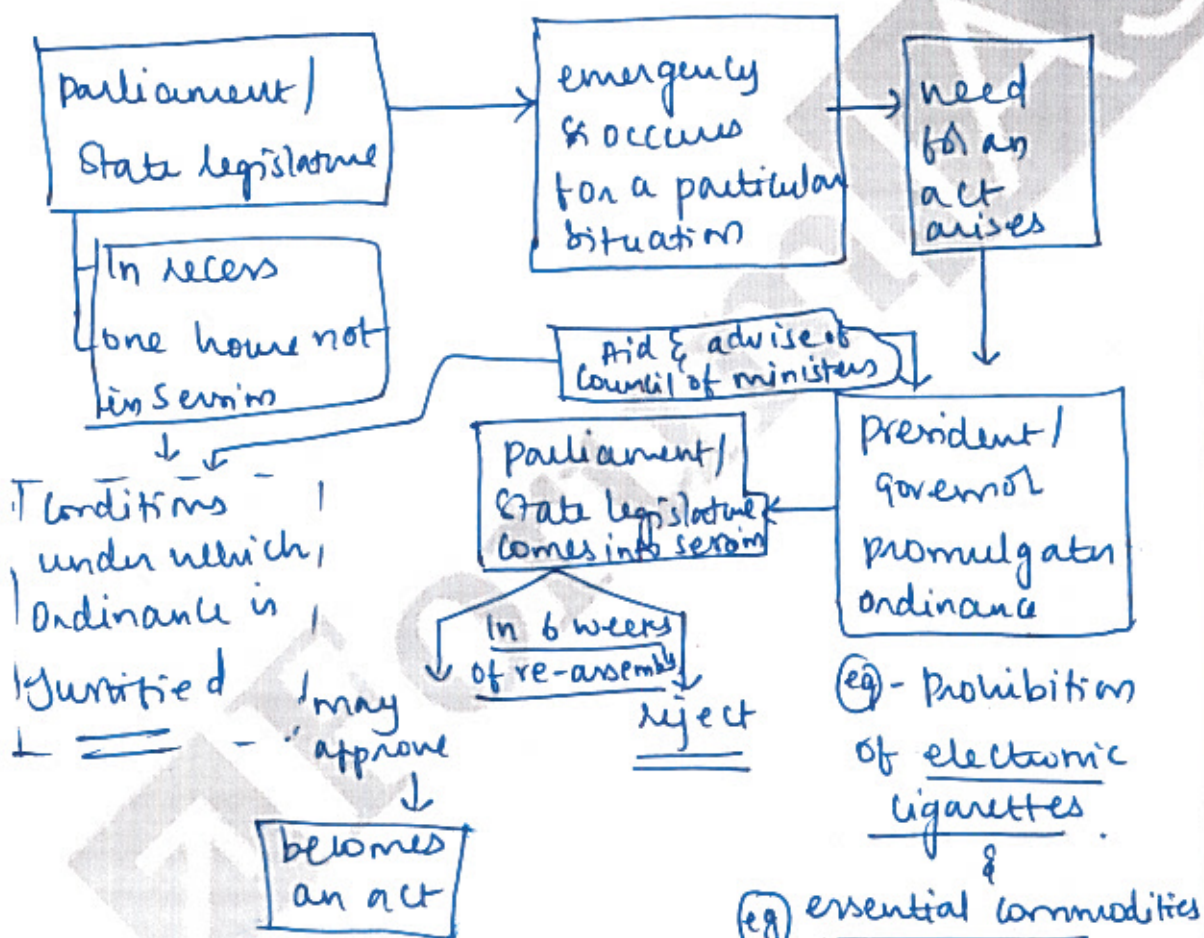
Overall Grading (✓)

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Q.3)

Article 123 and 213 of Constitution

empowers president of India & Governor of state to promulgate ordinances during recess of parliament / state legislature & when one house is not in session.



Thus, maximum duration of ordinance is 6 months & 6 weeks.

Limitations

- ① not a parallel power of legislation making
 ↳ => has to act on aid & advice of COM
 ↳ only in the subjects where parliament
State legislature has power on
- ② can't amend constitution
- ③ Justiciable on grounds of malafide
(R.C. Cooper Case, 1970)
- ④ Repromulgation is fraud & violation
of constitution
D.C. Wadhwa Case, 1987
 ↳ reiterated in Krishna Kumar Singh Case, 2017
- ⑤ exceptional power so has to be used sparingly.
- ⑥ Can't be used when both houses
are in session.

Dr. B.R. Ambedkar highlighted Ordinance power to be used under extra-ordinary situations when there is no house in session.

Overall Grading (✓)

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

Q.4)

Strong PMO (prime ministers office) implies a majority government which is not dependent on its allies to form the govt. at centre.

Impact of strong PMO

positive

- ① policy certainty and consistency in govt's approach.
- ② can take decisive decisions
- ③ Centre's bargaining power increases.
- ④ Increases the effective implementation of policies and schemes.
- ⑤ political stability
- ⑥ Increases the stature of India in the global table, foreign policy.

Negative → substantive democracy threatened (party > individual).

- ① constitutional scheme of federalism may be harmed leading to asymmetric concentration of power.

- ② tendency to become automatic and authoritarian.
- ③ may lead to imbalanced regional development
- ④ may lead to pop cult democracy rather than parliamentary democracy
↳ personality cult
- ⑤ may lead to spoils system.

way forward

Judicial review (Art-13, 226)

Can check the automatic tendencies of govt. and uphold federalism

Role of constitutional bodies

(CAG, CVC, EC) in curbing corruption

Role of press & media - constructive criticism on policies

Opposition - can form shadow cabinet (like in

Strong PMO is essential but there needs to be checks followed for a democracy Britain)

Overall Grading (✓)

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Q.5)

Parliament as an effective legislative body consist of Lok Sabha and Rajya Sabha to ensure parliamentary democracy by deliberations on issues.

Reasons for ineffective functioning

- ① Many bills are passed without discussions and referring to parliamentary committees
- ② eg In 2021, ~~there~~ 18 bills are passed in 34 minutes
- ③ deliberation is designated feature of parliamentary democracy
 - ↳ In US, senate Ted Cruz spoke for 21 hours opposing Obama Care in 2013
 - ↳ In India, farm laws repeal bill was passed in 8 minutes
- ③ private member bills (frequently brought by opposition / non-ministers) are not

discussed upon and not passed

↳ In Britain, 7 bills (privated) passed from 2019 alone

↳ In India, till now 14 bills are passed.

④ Question hour essential feature by which parliament holds govt. accountable

↳ In Britain, PM answers questions to House of Commons / Wednesday and during Covid virtually.

↳ whereas in India, question hour was snapped off during Covid.

⑤ MPLADS scheme - MPs given 5 crore/year to select schemes for development but India has 636000 villages ⇒ not adequate

⑥ No: of representatives far less w.r.t population ⇒ In Britain 1 MP / 92,000 people whereas in India, 2 MP / 25 lakh people.

Measures

- ① Increase the no: of Members of parliament according to recent census since there has been population rise (UN WPP Report - India non-popularity 2023)
- ② encourage private member bills and deliberations on them
- ③ Sending the bills to parliamentary standing committees to scrutinize them in depth.
- ④ Encouraging discussions and deliberations on important public issues without any time limit set on them.

Parliament by working as effective deliberation body can ensure substantive democracy and uphold the interests of people.

Overall Grading (✓)

Poor			Average			Good		
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Q.6)

Article 153 provides for governor as constitutional head of ~~head~~ state and as nominee of central government [dual role].

Importance of role of governor in federal structure

- ① Acts as lynchpin and do the bridge building between Centre and state
- ② ~~As~~ Article 200 gives governor to act as check on the legislations passed by state legislature which might be repugnant & not in alignment with union laws -
- ③ However, there has been friction points between governor and state
 - ↳ ① apprehension that governor might act on advice of union (threat to federalism)
 - ↳ ② Indefinite delay on signing a bill - withholding since no time limit set by constitution
 - ↳ ③ discretionary powers to appoint

government of state

In light of above friction points,

SC in Shamsher Singh Case, 1974 stated
governor should act on advice of council
of ministers except in few exceptional
circumstances.

Further, in Nabam Rebia Case,

SC highlighted Article 163 doesn't give
Governor, a general discretionary power
to act against the advice of council
of ministers.

Steps to ensure neutrality of Governor

- ① Appointment → NCRWC - President to consult
Chief Minister of
State.
- ② ~~Term~~ Term - Full term of 5 years - Sarkaria &
Punchhi
Commission
- ③ Removal of Governor like
President - Patel's Mudandin (Punchhi)

- ④ Governor - Apolitical head (Punchi)
- ⑤ NCRWC recommended to set time limit of 6 months for withholding bill by governor
- ⑥ Governor should be removed from the burden of executive functions like Chancellor of state universities
 ↳ recommended by Punchi Commission.

Governor thus by acting as link b/w Centre and state is acted in apolitical can ensure in realising effective federalism of India.

Overall Grading (✓)

Poor			Average			Good		
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Q.7)

Constitution is fundamental law of land and is supposed to be rigid in nature, yet Indian Constitution being a transformative and living document responds to changing needs of society and meet aspirations of people.

Fundamental rights (Part III - Article 14-32) ^(FR) give liberty to individual and limits power of state whereas,

Directive principles of state policy ^(DPSP) (Part IV) ensure socio-economic rights of individual and give dignity

Contradiction between FR and DPSP arose because of 'enforcement of FR' itself is a FR and DPSP are non-justiciable.

Belonging led to amendments of Constitution and judicial interventions

↳ In Champakam Dorairajan Case, (1951)

[Sc] highlighted

'If DPSPs are to be implemented by amending FR then it should be done through constitutional amendment'

[Article 46] states to ensure and promote educational and economic interests of SCs, STs and other weaker sections of society - DPSP

↳ by being a welfare state, constitution was amended to include [Article 15(4)], [Article 16(4)] which realises article 46.

In [Shankari Prasad Case, 1951] SC, ^{under} Article 13(2) - Judicial review doesn't cover amendment.

But, In [Golak Nath Case, 1967]

SC gave primacy to fundamental rights and stated they are sacrosanct in nature.

The above judgement was reversed in Kesavananda Bharati Case, 1973; Minerva Mills Case, 1980 and Narayan Rao Case further, in Minerva Mills, SC highlighted constitution is found on bedrock of balance between fundamental rights and DPSPs.

Thus, FRs and DPSPs have to be applied harmoniously.

Today, State ensures various DPSP provisions by enacting legislations

(eg) wildlife protection Act, 1972.

Any contradiction today, Judiciary adjudicates.

Overall Grading (✓)

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

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