

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

Test Name/Code/No. : ..692038

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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2	
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7	
<b>Overall Grade/Score</b>	

Q.1)

Article 64 of the Indian Constitution states that the Vice-President (VP) shall be the ex-officio chairperson of Rajya Sabha (RS). However, unlike the Lok Sabha (LS) speaker, he is not a member of RS. But he enjoys a casting vote like the speaker.

As chairperson of RS, he has following roles:-

- ①. Can adjourn / suspend the House in absence of quorum.
- ②. Interpretes the Constitution and the Rules of Procedure of House.
- ③. Maintains order in the House  
→ can suspend MPs for indiscipline.
- ④. Serves as connecting link between Union and States.

(5) . allows motions and controls  
Rajya Sabha Secretariat.

Recently, RS has witnessed frequent  
disruptions, criticism for frequent use of  
voice vote, lesser opportunities for smaller  
parties to get time to speak etc.

The ~~VP~~ chairperson of RS  
needs to ensure that these issues are addressed  
through procedural reforms. It is essential  
for RS to fulfil its function as a  
Revisionary chamber with experts &  
specialists.

Q.2)

Art. 199 of the Indian Constitution defines a Money Bill for state Assembly.

The constitutional provisions regarding Governor's assent to money bill are:-

1) Governor may give his assent to a money Bill passed by state legislature.

2) Can withhold his assent. On doing so the Bill ends.

3) He may reserve the Bill for consideration of the president → The governor has no further role regarding the Bill.

4) Governor cannot return a money Bill for reconsideration.

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Thus, the Governor can withhold his assent to the Money Bill. But s/he usually gives his assent as a money Bill is introduced in state legislature with his previous permission.

Q.3) Ordinance making power refers to the power of executive to legislate. Art. 123 and Art. 213 of the constitution empowers the President and the Governor respectively to promulgate ordinance during when the Parliament or state legislature is not in session. It is not a parallel power of legislation.

Conditions under which promulgation of ordinance is justified: -

- ①. when both Houses / either of the House of Parliament is not in session.
- ②. when the President / Governor is satisfied that conditions exist that necessitates immediate action.

Conditions under which it is not justified: -

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- ①. It cannot be used to amend the Constitution
- ②. subject to judicial review on grounds of being malafide as held in D.C. Wadhwa case.
- ③. Repeated repromulgation without trying to have the law passed by the legislature has been held as fraud on the Constitution by SC.

Thus, ordinance making is not a substitute for legislative power and therefore, should be used sparingly.

Q.4)

A strong PMO is the result of a majority government. With required numbers in Lok Sabha, it is not dependent on allies.

Impact of strong PMO on legislative business and Parliamentary democracy:-

### ①. Positive Impact.

- 1.1) It creates a decisive govt.
- 1.2) Political stability is assured → leads to better investment and ease of doing business
- 1.3) Policy certainty is ensured.
- 1.4) Effective implementation of policy decisions.
- 1.5) Both internal & external security is better handled.

### ②. Negative impact

- 2.1) Rise in authoritative tendencies  
eg. Lockdown imposed without consulting states
- 2.2) Centralised decision making undermines Constitutional scheme of federalism  
eg. PRAGATI platform where PM directly monitors administration
- 2.3) Role of individual legislator diminishes → undermines Parliamentary form
- 2.4) Leads to personality cult → Charismatic government

2.15) Can lead to spoils  
system in appointment  
of bureaucrats.

Way forward :-

Such situations necessitates -  
Judicial review to check ~~that~~ hastily passed  
legislations, effective policy criticism and  
analysis by opposition, constructive criticism  
by media - the 4<sup>th</sup> pillar of democracy.  
Also, Constitutional bodies like EC, CAG etc.  
need to be on toes. This would ensure  
an effective system of checks and balances.

Q.5

Art. 79 of the Indian Constitution establishes the Parliament. It is the primary law making organ of the union government.

Its role as a effective legislative body has been questioned because of following

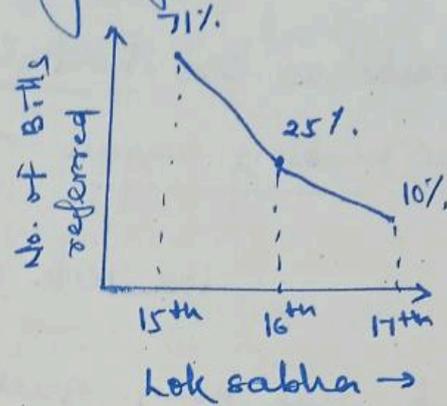
reasons: -

①. Many Bills are passed without discussions. eg. In 2021, Lok Sabha cleared 18 Bills in 34 minutes. In contrast, Senator Ted Cruz had spoken for 21 hours opposing Obamacare.

②. Dilution of role of individual legislature due to party whip under Anti-Defection law.

③. Limited numbers of sittings and frequent disruptions of Parliament  
eg. Between 2014-19, 60% of Question Hour was wasted

④. Lesser Bills being referred to Parliamentary committees as depicted in adjacent figure.



⑤. Hardly any private Member Bills are passed.

eg. As opposed to Britain where 7 private members Bills have been passed since 2019, India has passed only 14 such Bills since independence.

This has led to frequent amendments and repeal of laws. It has also promoted judicial legislations.

Therefore, to have effective functioning of Parliament, the following needs to be done:—

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- ①. More deliberations should be done.
- ②. Important Bills should be referred to Parliamentary committees.
- ③. Representation should be bettered as currently, an individual MP represents ~25 lakh citizens.
- ④. Legislative Impact Assessment should be done to check frequent amendments.

Thus, effective working of Parliament should be ensured as it is the basis of representative democracy.

Q.6)

Art. 153 of the Indian Constitution establishes the Office of Governor. S/he has been assigned a dual role in Indian federal system. S/he serves as the representative of the Centre and the Constitutional head of the state.

Importance of  
role of Governor  
in federal polity

- Ensure Constitutional functioning of state govt.
- exert moral influence over ministerial policy
- represent views and interests of state
- Act as a link between Centre and state.

However, despite being a Constitutional office, it has been criticised as "agent of the centre" due to misuse of the office, like :-

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- 1) Withholding assent to state Bills indefinitely.
- 2) Misuse of Art. 356
- 3) Commenting adversely on state legislations
- 4) Delaying / propping of calling of Assembly session.

Reasons for such misuse are:-

- 1) Tenurial insecurity → Governor stays in office at the pleasure of the President.
- 2) No Constitutionally laid eligibility criteria, leading to appointment of pariah personality.
- 3) Misuse of Governor's discretionary powers

powers

Neutrality of the office can be ensured by implementation of recommendations of various commissions like:-

①. Sarkaria Commission →

- Governor should be an eminent person in some walk of life
- Non-partisan, detached from local politics

②. Panaji Commission →

- Tenure of the office should be fixed at 5 years
- Removal should be similar to impeachment of President.

③. SC in Nabam Rebia case (2016)

held that

SC has asserted that the office of Governor is not an employment under the Union govt. Therefore, Governor should function as a Constitutional authority to ensure cooperative federalism and constitutional governance.

Q.7) 179085\_692038\_1910041049 (2022-12-29 15:46:16)

Parliamentary Rights ensure liberty of individual by limiting powers of the State. DPSPs promote dignity of an individual by providing socio-economic rights. Part III (FRs) and Part IV (DPSPs) came into conflict because of their legal status. While enforcement of FRs is itself a fundamental right, DPSPs are non-enforceable.

Therefore, Constitutionally Reconciling them has led to following amendments and judicial interventions :-

- ① → Champakaran Dorairajan case (1951) :-  
: SC held that DPSPs can be amended implemented by amending FRs
- ② → Golaknath case (1967) :-  
: FRs were held sacrosanct.
- ③ → 24th Constitutional Amendment Act (1971) :-  
: Parliament can amend any FR.
- ④ → 25th Constitutional Amendment Act (1971) :-  
: Art. 31C → No law giving effect to any DPSP can be held unconstitutional

for violating Art. 14, 19.  
: Such law will be outside purview of  
Judicial Review.

① → Kesavananda Bhatti case (1973) :-

: Judicial review restored.

② → 42<sup>nd</sup> Constitutional Amendment Act (1976)

: Gave DPSPs primary and supremacy  
over FRs.

③ → Minerva Mills case (1980) :-

: SC called for harmonious  
construction between FRs and DPSPs.

Any conflict between them is adjudicated  
by judiciary.

Their reconciliation is necessary

as :-

1) while FRs establish political democracy,

DPSPs are necessary for socio-economic  
democracy.

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- 2) FRs are the means to achieve the goals set by DPSPs. They are thus, complementary.
- 3) DPSPs have broadened the scope of

Art. 21.

- 4) DPSPs are necessary for determining reasonableness of restrictions PA-19.

Thus, "Indian Constitution is  
founded on the bedrock of balance between  
FRs and DPSPs"