



GS Advanced Program 2023

Generic Booklet

Test Name/Code/No. : ...692038

Name

Email ID.

Roll No.

Mobile No.

Date

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
1	
2	
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6	
7	
Overall Grade/Score	

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Q.1)

 **ForumIAS**

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- Q.1) Vice president is the ex-officio chairperson of Rajya Sabha as per Article 64. He/she is not a member of Rajya Sabha unlike his Lok Sabha counterpart.

ROLE AS Rajya Sabha chairperson

- Maintains decorum of the house and preside over the meetings
- Summons, adjourns the house (in case of lack of quorum in the house)
- Suspend members in cases of Indiscipline
- Has a casting vote like Lok Sabha speaker in case of tie of votes
- Interpreter of the constitution & Rules of procedure in the house
- Allows voice vote and controls the secretariat
- But doesn't preside over joint session of parliament.
- Acts as a connecting unit $\begin{cases} \text{Union} \\ \text{States} \end{cases}$

challenges to effective role of vice president as R.S chair? →

- Qualification of bills as money bills is in exclusive ambit of speaker
- Doesn't chair joint session
-

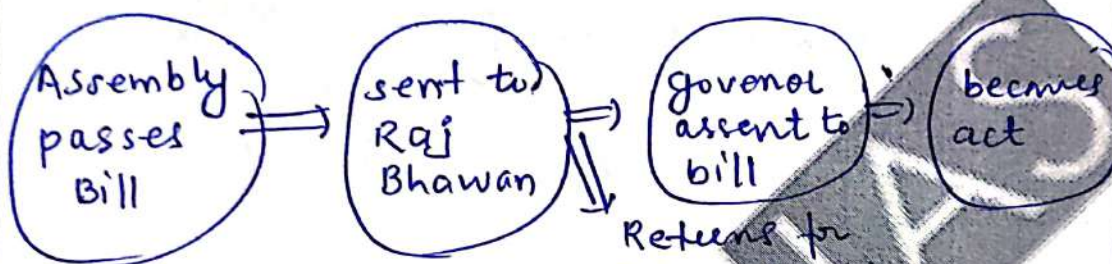
vice-president plays crucial role as rajya sabha chair due to focus on states in a federal scheme. But as Chakshu Roy (PRS legislative) says Rajya ~~sabha~~ sabha chair should chair over house not ~~over~~ lord over it in order to be effective

Overall Grading (✓)

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

Q.2)

Article 110 of the constitution defines money bill. ~~It deals with~~ Article 200 gives governor the power to give assent or withhold or return the bill.



Return for Reconsideration
or
Reserves for president
or
withhold assent

Money bill
(A 110)

- Levy, Regulating, changing, withdrawing taxes
- Funds appropriation from consolidated fund of India
- payments into & appropriation out of contingency funds
- receiving funds & dispersing from public Account of India
- Borrowing of funds by union

Governor's p^r Money bill

- can either give assent or withhold his assent
- can't Return it for Reconsideration
- Since Money bill is the prerogative of majority rule, it is not generally ~~returned~~ ^{not} denied the assent by the governor.

Money bills are solely ⁱⁿ assembly's domain and reflect the confidence of the assembly in the ruling Government. Therefore Governor who is under A. 163 ~~164~~ bound to follow council of Minister's aid & advice doesn't generally withhold ~~assent~~ assent except when the bill is ultra vires.

Overall Grading (✓)

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

Q.3)

Ordinance under A.123 & A.213 are the executive resolutions that are formed by president & Governor's when the legislature is not in session.

Ordinance Making power

- Executive power carried in name of president & Governor on the aid & advise of council of ministers
- This is not a parallel power of executive to legislature
- constitution has provided this power so as to provide for extraordinary situation when the legislature is not in session

JUSTIFIED ORDINANCE

- ~~Asse~~ either or both the houses are not in session
- Recess of parliament

UNJUSTIFIED

- ordinance promulgation just before & just after session of legislature is not justified
- can't be used for Amending the constitution
- Any ordinance outside the ambit of any respective legislative house is unjustified
- Repromulgation of ordinance → As said in DC Wadhwa case is unjustified (without efforts of passing bill)
- Repeated Repromulgation is a fraud & violation of constitution ⇒ SC in Keishna Kumar case.

Ordinance powers of Executive is not beyond judicial review on account of mala fide intentions. There must be used ~~speci~~ only exceptionally, not to circumvent legislation

Overall Grading (✓)

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

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Q.4)

Strong PMO implies the majority rule of the party without support of allies. Such ruling government is not at mercy of coalition partners.

Positive Impact of strong PMO

- decisive decisions by strong PMO creates the legislative business smooth
- political stability is crucial for democracy to function in undisrupted way. High instability is not good for growth, investment
- Predictability in the policies ⇒ certainty improves the legislative business due to set criteria.
- Quick actions, better implementation of policies & schemes

Negative Impact of strong PMO

- Individual legislators loses say in policy → as party lines are

followed.

- poor debates & discussions, circumvention of scrutiny (not giving bills for scrutiny of committees)
- centralised decision making, reduces role of states / federal structure → passing of bills as money bills
- leadership cult → against parliamentary form, tilt to presidential form

Strong PMO can be checked through judicial review (A32, A226), constitutional bodies, media & press.

There is need for opposition to engage in policy debates in constructive way by forming shadow cabinet

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Poor			Average			Good		
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Q.5)

Parliament is the legislative organ comprising President, Lok Sabha & Rajya Sabha. It plays role of law making & effective check over Executive apart from judicial function of impeachment.

ISSUES PLAQUING IT'S EFFECTIVE FUNCTIONING

→ Lack of functional working hours
Parliament's overall days of functioning has reduced

In 2020 ⇒ sat for 33 days for session only

→ Poor debates in parliament, frequent adjournments leading to hampering of work. Opposition & Ruling parties are engaged in destructive work

→ Less scrutiny of bills, circumventing the Route of parliamentary committee's
(16th Lok Sabha ⇒ 33% bills passed in short session)

• Money bill Route for other bills
Tribunals charges though finance bill
2017 was questioned by supreme
court.

• Anti Defection ~~bill~~ (10th schedule) has
made party lines crucial & reduced
conscience of individual legislators

Suggestions

→ Calendar for parliament with increased
functional role Hybrid mode
(online + offline) may be resorted to.
High adjournments can be curbed by
more cooperation with opposition

→ Referring bills to parliamentary
committees must be made
mandatory at least in crucial
piece of legislation

→ Review whip use & anti-defection
to be used in non-confidence

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only

↳ legislative impact assessment ⇒
detailed accounting of impact on
socio-economic, ~~per~~ environmental
factors due to legislative proposals

↳ shadow cabinet of UK, neutrality
of speaker may be adopted for
more accommodative & healthier debates

Parliamentary democracy requires
functional, healthy & constructive
debates which requires more teeth to
legislators to check over Executive

Overall Grading (✓)

Poor			Average			Good		
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Q.6) Governor as article 153 provides is an executive head of state who is appointed by president.

ROLE OF GOVERNOR IN FEDERAL STRUCTURE

→ Governor acts as a linchpin between Union & ~~Govt~~ states

→ Reserves important bills & denies assent if the ~~Govt~~ assembly passes inadvisable in ultra vires

→ works as agent of centre and executive functioning of state

→ crucial in advising centre on matters such as A.356

ISSUES

- No time line for governor to ~~pass~~ give assent to bill (POCKET VETO)
- Excessive use of presidential consideration leading to halting of legislative business of states

- Discretionary powers of governors used beyond the mandate (Ex) proroguing a session of session without COM's aid & advise
- politically active & person from State ~~name~~ appointed as Governor
- Use of Article 356

STEPS NEEDED TO ENSURE NEUTRALITY

- full 5 year term was suggested by Sarkaria & Punchhi commission
- Nonpolitical & Neutral in state affairs must be appointed as per Punchhi commission
- Governor's discretionary powers limited to specified areas (Nabam Rebia case, 2016)
- using S.R Bommai guidelines in appointing CM (hung assembly) & using A.356

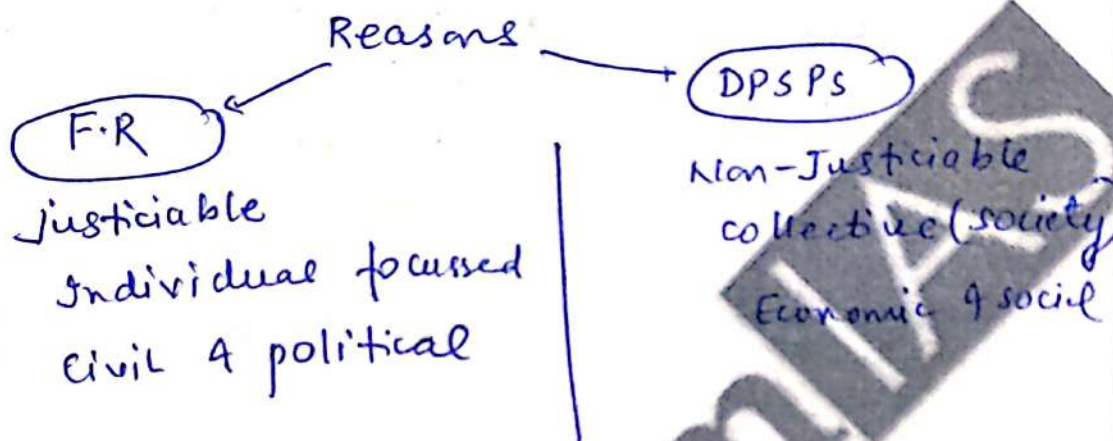
Governor is a constitutional office & must remain apolitical & neutral as envisaged by constituent assembly. CM must be consulted before governor's appointment as a healthy convention.

Overall Grading (✓)

Poor			Average			Good		
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Q.7)

Fundamental Rights and DPSPs have been at loggerheads since the commencement of constitution



This conflict between FRs & DPSPs led to various judgments & amendments

① Champakam Dorairajan case (1952) ← Due to focus on Land reforms

↓
considered Fundamental Rights as superior over DPSPs

② Golak Nath case (1967)

→ Fundamental Rights can't be diluted, amendments can be reviewed

• Parliamentary Reaction

↳ 25th

Amendment

Inserted A 31 C

↓

Article 39(b) & 39(c) of DPSP would not violate A. 14, 19, 3,

③ Kesavananda Bharati case

↓

• Considered A. 31 C second clause as unconstitutional

• upheld 39(b) & 39(c) as superior in Article 14, 19

• 42nd Amendment act ⇒ any DPSP can be implemented not just A. 39(b) & 39(c)

④

Mineral Mills case (1980)

↓

balance &

State many of FRs & DPSPs

SC view presently

order of precedence

1) Fundamental Rights Except A. 14 & 19

2) DPSPs → 39(b) & 39(c)

3) Article 14 & 19

4) DPSPs except 39(b) & 39(c)

→ Harmony & Balance between FRs & DPSPs, also part of basic structure.

Hence, though a series of judgments & subsequent reactions has led to the basic understanding of FR & DPSPs

→ These are complementary

Overall Grading (✓)

Poor			Average			Good		
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