



SHUBHRA RANJAN

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Political Science & International Relations

Crash Course & Test Series - 2022

Test 2

Time Allowed: 3 Hours

Max Marks: 250

Name

Abhinav Malik

Test Date

06/09/2022

UPSC Roll No

353 6295

Instructions:

1. There are EIGHT questions divided in TWO SECTIONS and candidate has to attempt five questions in all.
2. Question Nos. 1 and 5 are compulsory and out of the remaining, any three are to be attempted choosing at least ONE question from each section.
3. Content of the answer is more important than its length.
4. Answers must be written in the medium authorized in the admission Certificate, which must be stated clearly on the cover of the booklet in the space provided.
5. Content of the answer is more important than its length.
6. Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be clearly struck off.
7. All parts of the question should be written at one place itself.
8. Write the test in exam atmosphere.
9. **Filling all the details in BLOCK LETTERS is mandatory.**

S. No.	a	b	c	d	e	Total
1						
2				X	X	
3				X	X	
4				X	X	
5						
6				X	X	
7				X	X	
8				X	X	
Grand Total						

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	Poor ..	Average	Good	Very Good	Excellent
Understanding of Questions					
Structure & Flow					
(a) Introduction					
(b) Conclusion					
(c) Overall					
Subject Knowledge					
Presentation					
(a) Underline					
(b) Paragraph					
(c) Overall					

Overall Remarks:

Dear Student,

All the best for next test...!!!



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Que.1 (a)

What are the key points of Marxist historiography regarding Nationalism? (10 Marks)

various perspectives have analysed the Indian national movement including Nationalist, Colonial, Dalit, Marxist etc..

The Marxist historiography regarding the national movement began with Karl Marx himself.

Acc to Karl Marx, 1857 was a

revolt of feudal elements thus contradicting the analysis of VD Savarkar who termed the revolt as "first war of independence".

MN Roy (Book: India in transition)

has called the Indian National Congress a bourgeois party and Gandhis a bourgeois.

Similar views are expressed by

AR Desai (Book: Social Background)



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of Indian nationalism) and RP
Dutt (Book: India Today). Acc. to
them, the national movement was
against the masses.

Sumit Sarkar (Book: Modern India)

has criticised this viewpoint as a
casual approach of marxists. Acc.
to him, Indian national movement
was not against the masses.
He also highlighted that Indian
people were not sharply
divided.

Bipin Chandra despite being a marxist
scholar has called the freedom
struggle as a national movement.
He described it as the most spectacular
national movement in the world
whose warmth is still felt.

Thus we witness divergent
strands within marxist historiography of
Indian nationalism.



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Que.1(b)

Independence of India was not, like the end of British Empire in other places. Comment. (10 Marks)

Independence of India is regarded as the most spectacular national movements in the world by Bipin chandra.

From the phase of constitutionalism to mass satyagraha, the Indian national movement largely remained peaceful.

However different parts of the world witnessed different ways of attaining independence from the British.

(South East Asia)

the independence of Burma (Myanmar) and Malaya peninsula came with the war with the Japanese who had captured these territories from British.



East Africa

Here the countries like Nigeria, Gold Coast witnessed peaceful road to independence owing to less number of British settlers.

West and Central Africa

Here the number of English settlers were high and they were reluctant to peaceful transfer of power.

Popular struggle which also involved violence ensued for independence.

Zimbabwe, Kenya, Zambia, Tanzania got independence through this struggle.

Thus we see both similarities and differences of our freedom struggle with other countries under the British empire.



Que.1(c)

Fundamental Rights may be said to Constitutionalize social values of existing societies. Comment. (10 Marks)

Fundamental rights are regarded as the soul of any constitution.

These are called fundamental as they help in self actualisation and full realisation of potential of human beings.

Fundamental rights are derived from the social and ethical values of different societies such as :-

- a) Equality among all
- b) Justice
- c) Freedom of speech & expression
- d) Respect of women
- e) Freedom of religion
- f) Protection of weaker sections (compassion)



We can find the above mentioned rights in Part III of our Constitution :-

- a) Right to Equality → Art 14-18
- b) Right to Liberty → Art. 19-22
- c) Safeguards to vulnerable sections → Art. 15(3), 15(4), 16(3), 16(4), 29, 30
- d) Right to religion → Art. 25-28
- e) Equality before law → Art. 14

Thus we can see that fundamental rights are rich embodiment of moral and social values present in different societies.



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Que.1(d)

Right to Privacy is the most fundamental of all fundamental and human rights. Comment. (10 Marks)

Fundamental and human rights help the individuals to lead a dignified life along with prospects of full realisation of one's potential.

Right to privacy constitute an important part of all fundamental and human rights since right to privacy is an intrinsic part of right to life and liberty (as found in Article 21).

On the Puttaswamy judgement, Supreme Court hailed it as a natural corollary of right to life and liberty. It also highlighted the necessity to safeguard this fundamental right.



Importance of right to privacy:-

a) Inherent human tendency:-

To seek solace and peace
in one's own company.

b) Leads to protection of one's
dignity :-

Prevents any indecency that can
outrage a person's modesty.

c) Protection of confidential information:-
That may lead to financial and
reputational loss.

owing to the significance
of maintaining privacy, we have
a secret ballot system in our
election system. Thus privacy
as a pivotal of rights needs to be
protected against state surveillance
and freed private interests.

Que.1(e)

Describe the powers and functions of UPSC. (10 Marks)

The Union Public Service Commission (UPSC) was established in 1926 as the principle body for conducting recruitment exams under the centre.

Powers of UPSC are:-

- 1) The reports prepared by UPSC has to be tabled in the parliament by the Government.
- 2) The Government also has to state the actions taken on the report and recommendation by UPSC.
- 3) UPSC has directory and advisory powers. Its recommendations are not binding on the government.

Functions of UPSC are:-

- 1) lay down principles, syllabus,



guidelines for recruitment under
All India service, central services.

-) conduct recruitment exam
for such services.
-) Assist state govt. and state Public
service commissions in matters
related to recruitment.
-) Advise the Government of India
on matters pertaining to recruitment,
transfers, postings, promotions,
disciplinary matters etc.

Thus UPSC holds a
significant position in Indian politico-
administrative system. It is
rightly regarded as the "watchdog
of merit system in India".



Que.2(a)

What are the main differences between the colonial and the nationalist perspective on Indian National movement? (20 Marks)

Various schools of thoughts namely - colonial, nationalist, socialist, marxist, dalit etc. have put forth their perspectives on the Indian national movement.

Colonial perspective :-

Prominent thinkers of this perspective include V. Chitral, Herbert Risley, Lord Curzon, Anil Seal.

They have contended that India was not a nation but a mere "geographical expression". Acc. to them Indian freedom struggle was not based on any "grand idea of nationalism" but was driven by communal interests. As per the Cambridge school, the different communities fought with each other for gaining



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concessions from the colonial state.
It was driven by animal spirit.
This became more evident with
partition of India in 1947.

Nationalist perspective :-

This perspective was put forth by
RC Mazumdar, Tara Chand and
extremist leaders.

Acc. to them, the activities between
1857 to 1947 can be regarded as
nationalist. The Congress did represent
the support of all the classes and
there was an inherent desire among
Indians to emerge as a nation.

Sri Aurobindo refuted the argument
of the ~~colonists~~ colonialists that
India was a mere geographical
entity. He gave the theory of
cultural nationalism and believed that
~~India was always a nation as spirit~~
~~of nationhood was present with it always.~~



India was always a nation and maybe in the past the spirit of India as a nation was dormant yet it is bound to emerge. He was influenced by German nationalism by Herder and Hegelian dialectics by which he proved the inevitability of emergence of India as a nation.

Other extremist leaders like Tilak too believed in the historical nationhood of India and thus demanded Swaraj as their birth right.

Thus we could see that nationalist scholars gave a befitting critique of the colonial perspective and helped bring "counter-hegemony" against British rule.



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Que.2(b)

"The Revolt of 1857 was the culmination of many big and small rebellions which occurred in the preceding 100 years of British rule."

Comment. (15 Marks)

The revolt of 1857 is regarded as the first war of independence by ~~the~~ V.D. Savarkar. However it was the culmination of growing discontent against British policies among various sections of societies.

Due to the setting up of colonial government and new socio-economic policies, many sections like tribals, peasants, zamindars, religious sects faced the brunt of it.

Tribal rebellions:-

The British introduced the new land settlement system, usurped traditional forest lands, caused encroachments and forced evictions.

The British also allowed entry of outsiders on tribal lands



and attempted regulation of tribal culture.

All this led to resentment and distrust against the British within the tribals. Various uprisings and rebellions took place namely

-) Kol uprising:- in Chotanagpur region against high rents & taxes.
-) Shom:- in Assam against attempts of British to control the region.
-) Santhal:- In Jharkhand and Odisha by Sido and Kanhu Murremu. It was against forced evictions, high taxes and entry of outsiders (dikus).
-) Bhil:- In Khandesh region of Maharashtra against usurpation of forest lands.

•) Ramosi :- In hilly areas of western Odisha against annexation.

•) Khonds :- hilly region from Bengal to Tamil Nadu against encroachment of forest lands.

(Peasant rebellions) :-

Due to land settlement system, forced evictions, high revenue, overcrowding of agriculture; peasants had resentment against the British.
major peasant rebellions were :-

•) Pangpur rebellion :- It was against the flaws of Iqaradari system. It led to the permanent settlement system.

•) Indigo revolt :- The forced growing of indigo by English caused the indigo planters to revolt against British.



Religious uprising

• Sanyasi rebellion :- It went on for 50 years (1770-1820) against the British policy of stopping Naga sadhus (Sanyasis) to religious places. The patronage of Sanyasis was also stopped. At last Sanyasis rose in revolt against the British.

These movements although didn't have national character or a progressive agenda yet they brought out the shortcomings & repressive nature of British policies. This culminated into popular struggle against the British that started from 1857 revolt.



Que.2(c)

Many voices had strengthened and enriched the Nationalist movement during the Gandhian phase. Elaborate. (15 Marks)

Indian national movement is regarded as one of the most spectacular struggles for independence across the world.

With the advent of the Gandhian phase (since 1920 onwards) we witness the broad-based and truly mass-based national movement.

The national movement was strengthened by many voices and strands like:-

Farmers :- With the advent of Kisan Sabha movement, there was mobilisation of farmers in the national movement. The issue of farmers became an important element of freedom struggle.

Workers :- With influence of



left movements and Russian revolution, the workers were mobilised into trade unions and became part of the national movement.

Women:- Gandhiji was a firm supporter of inclusion of women in the national movement. Owing to his mass appeal, women participated in large numbers in Non-cooperation movement, Civil Disobedience movement and Quit India movement. To bring forth the women issues, All India women conference was established in 1927. It also managed to increase the age of marriage for

girls by Sarda Act, 1929.

Socialists:- Owing to the spread of socialist ideas, the communists and socialists got associated with the national movement. The Communist Party of India was formed in 1924. The social and economic rights formed the crux of ~~1928~~ Nehru Report (1928) and 1931 Karachi session of Congress. The Congress Socialist Party was formed in 1934.

Revolutionary:- With the formation of Hindustan Socialist Republican Association (HSRA) led by Bhagat Singh and Chandrasekhar Azad, the revolutionary element got added to the national movement. They believed in the ideology of personal sacrifice and use of



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heroic deeds for the cause of ~~the~~
freedom struggle.

Thus we see that the
Gandhian phase of national
movement comprised of various
strands and sections of people.

This reflected in the success of
Gandhian movements- NCM,
CDM and AIM.



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Que.3(a)

It would have been difficult for the constituent assembly to complete its task in just 3 years had there been no Government of India act 1935. Discuss.(20 Marks)

The constitution of India is the longest written constitution of the world.

Despite this it took less than 3 years for the constituent assembly to frame it.

This could be possible owing to the presence of the Government of India Act, 1935. The GoA Act, 1935 was the lengthiest piece of constitutional legislation till our constitution was framed.

It contained 321 sections and 10 schedules.

Our constitution borrows heavily from the GoA Act, 1935. Many of



the provisions are taken up from the Govt Act, 1935 like:-

(a) Formation of federation:-

The Govt Act, 1935 envisaged a federation of British Indian ~~state~~ provinces and princely states. However the federation never came into being owing to non-joining of the princely states. Our constitution, however fulfilled this provision.

(b) Division of legislative powers:-

The legislative functions of the union and state were divided into union list, state list, concurrent and residuary. Our constitution borrowed the same with necessary modifications.



(c) Provision of Supreme Court:-

Supreme Court of India was established through the G.O. Act, 1935.

The same scheme was continued in our constitution.

(d) Directive Principles of State Policy (DPSPs)

The DPSPs were inspired from the 'instruments of instructions' mentioned in the G.O. Act, 1935.

(e) Election provisions:-

The G.O. Act, 1935 provided for election process for legislatures. However

the right to vote was limited. Our constitution modified it to include Universal Adult Suffrage.

(f) Parliamentary system:-

The G.O. Act, 1935 provided for a bicameral legislature. The same



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was continued in our constitution.

Thus we could say that
Cros Act, 1935 made the task of
constitution making easier for
the constituent assembly.

However our constitution
has made many modifications
~~to~~ and added new provisions
according to our need as well.

elaborate scheme of fundamental rights which are
legally enforceable were introduced
in our constitution - It also
made India a republic which
was missing in the Cros Act,
1935.

Que.3(b)

"Pluralism is the keystone of Indian culture and religious tolerance is the bedrock of Indian secularism." Critically examine the above statement with the help of relevant constitutional provisions and Supreme Court judgments. (15 Marks)

Indian culture is based on the philosophy of "Vasudhaiva Kutumbakam" (whole world is a family). With presence of multi ethnicities, cultures and traditions we have gone for a secular state.

However Indian secularism differs from the western concept of secularism. West goes for complete separation of religion and politics. In Indian secularism, the state intervention is allowed (ex. - Hindu code Bill).

According to Rajiv Bhargava Indian Constitution envisages to take a 'principled



distance' with respect to religions rather than equidistant.

Various perspectives on secularism are present in the Indian constitution:-

a) Freedom of religion :-

As mentioned in Art. 25-28, constitution provides for freedom of conscience, profess, practice and propagate religion. This is inspired from Gandhian ideals.

b) Religious neutrality :-

This is reflected in Article 15 and 16 i.e. complete indifference of state to all religions and hence non-discrimination on religious grounds. This is inspired from Nehruvian perspective.

c) Special cultural and minority rights :-

Art. 29 and 30 provides for it. It is based on Ambedkar's ideas.

d) Regulation by state :-

Constitution provides for putting reasonable restrictions in matters of religion on certain grounds (Art 25(2)).

e) Spirit of harmony & brotherhood:-

Art 51(A) provides for inculcating spirit of harmony and brotherhood as a fundamental duty.

Thus constitution provides for respect for pluralism and religious tolerance in many of its articles.

Similarly Judiciary has also gone for its interpretation of secularism.

In S.R. Bommai case (1994), it held that secularism is a basic structure of constitution.



In Shirur Math case (1954), Supreme court brought in 'Doctrine of essentiality' i.e. ~~diff~~ restrictions can be imposed on activities/practices which are not essential part of a religion (used in Hijabban case by Karnataka HC).

In Shah Bano case, the Supreme court held that uniform civil code may be formulated. In Barla Mugal case, Supreme court held conversion for the purpose of bigamy as unconstitutional.

Supreme court also held the practice of Temple Tax as ~~is~~ illegal. In Sabarimala Temple case, Supreme court ~~had~~ allowed the entry of women.

Thus we can see that Supreme court judgements have not only made secularism stronger but also in line with constitutional morality.



Que.3(c)

Critically evaluate the role of government of India towards fulfilling the objectives enshrined in the Part IV Directive Principles of the State Policy. (15 Marks)

Part IV of the Indian constitution provides for Directive Principles of State Policy. These are inspired from Greek constitution and instruments of instructions mentioned in Govt. of India Act, 1935.

Along with the Fundamental rights these constitute the "heart and soul" of the constitution. B.R. Ambedkar called DPSPs as "novel features".

Some of the DPSPs are:-

- Minimisation of inequalities.
- Equitable distribution of resources.
- Equal justice and free legal aid.
- Panchayati Raj.
- Just and humane working conditions.
- Special provisions for vulnerable sections.



- g) Provision of living wage
- h) uniform civil code
- i) Provision of early childhood care.
- j) Agriculture and animal husbandry on scientific lines.
- k) Separation of powers.

Government of India has mixed record with respect with respect to fulfillment of ideals enshrined in DPSPs.

Government has provided for various schemes and laws for the vulnerable sections like Maternity Benefit Act, National Food Security Act, old age pension, Persons with Disabilities Act.

NALSA ~~also~~ provided for free legal aid to all citizens. 73rd amendment act provided for the

Panchayati Raj institutions with constitutional status.

Green revolution ushered in scientific agriculture development and led to India attaining food sufficiency. It also led to the emergence of "Bullock capitalists" (term coined by Rudolph Rudolph) in rural areas.

Thus we see that GroS has tried to usher in social and economic democracy with its various initiatives.

However with the advent of LPR reforms in 1991, we see a roll back of state.

During the last 30 years, there has been a phenomenon of



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jobless growth despite GDP rise.

As per Oxfam report, 70% of
the resources are present
with 1% of the population.

This showcases high inequalities
prevalent in India. India fares
poor in health and education
outcomes as highlighted in "Uncertain
Glow" by Amartya Sen.

India has also fared
poor on various human development
and gender indices.

Thus, we could say that
the Govt has had a mixed record
in so far as fulfilment of
the ideals enshrined in the DPSPs.



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Que.4(a)

Governor's office is sui-generis. The Governor in our system does not function as the constitutional head for the whole gamut of its responsibilities. Examine the statement in light of Sarkaria Commission Report. (20 Marks)



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Que.4(b)

“Power of Parliament to amend the constitution is wide but not unlimited.” Explain the statement with reference to the doctrine of Basic Structure. (15 Marks)



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Que.4(c)

Free and Fair Elections is a basic structure of Indian constitution and heart and soul of Democracy. However, widespread criminalization weakens the very heart. In light of above evaluate the efforts of Election Commission towards ensuring free and fair elections.(15 Marks)



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Que.5(a)

National Human Rights Commission is handicapped by its jurisdictional limitations. Discuss (10 Marks)

National Human Rights commission is a statutory body established in 1993 ~~to~~ under Protection of Human Rights Act. The body was established ~~to~~ in pursuance of UDHR's Paris principles framed in 1991.

NHRC is the watchdog of human rights regime in India. Some of its functions are:-

- a) Enquire into complaints of violation of human rights.
- b) Visit to prisons to see the conditions of prisons and inmates.
- c) Recommending compensation to victims of human rights abuse.
- d) Generating awareness on human rights.
- e) Promoting Research & Development in field of human rights.



However, there are certain ^{jurisdictional} limitations in the functioning of NHRC:-

- 1) Its recommendations are only recommendatory in nature and Govt. may not be bound to accept them.
- 2) Limited jurisdiction in matters of human rights violations by armed forces.
- 3) NHRC can't ~~inquire~~ inquire into cases of human rights violation after one year of its occurrence.
- 4) Dependent upon central and state machinery for its investigations and hence independence remains compromised.

Thus owing to its jurisdictional limitations, Supreme Court termed the NHRC as "toothless tiger".



Que.5(b)

"Fundamental Rights and Duties of Citizens should not be viewed in isolation from each other." (10 Marks)

Fundamental rights and Duties are complementary to each other. Fulfillment of one leads to fulfillment of the other.

For example:-

-) Fulfilment of the duty of the guardians for providing opportunities to their wards for education would lead to fulfilment of Right to Education guaranteed under Article 21.
-) Fundamental duty to abjure violence would lead to fulfilment of Right to life and liberty under Article 21.
-) Developing humanism will



lead to respect for fundamental rights of equality (Article 14) and liberty (Article 19).

⇒ Similarly by guaranteeing right to education (Article 21) will lead to development of scientific temper and promote excellence in all spheres of life.

⇒ Protection of minorities rights (Article 29 and 30) would lead to development of spirit of harmony and brotherhood among the people of the country.

Therefore despite different constitutional status i.e. Fundamental rights being legally enforceable and Fundamental duties being not, both of them are mutually reinforcing.



Que.5(c)

Evolution of ethnicity as a feature of Indian politics. (10 Marks)

ethnicity is ^a~~based on~~ feeling of collective consciousness based on some identity marker such as caste, religion, language, shared culture and history.

Rudolph and Rudolph has ascribed the ~~pre~~ evolution of ethnicity in Indian politics owing to mixing of tradition and modernity. whenever democracy is introduced in traditional society, ethnicity becomes ground for mobilisation.

According to Neera Chandoke, ethnicity arises owing to efforts to "homogenise the people"

SD Muni attributes it to



the preference of political parties and elites and not the choice of people.

James Manor, however believes that ethnicity is assertion by the "marginalised section".

According to Ashutosh Varshney ~~ethnic~~ democracy is the reason behind ethnic politics ~~and~~ as well as also provides solution for it.

thus, ethnicity in politics is somewhat natural in a multi-ethnic society like India. It needs to be, however, tackled cautiously.



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Que.5(d)

Business Groups are the most important pressure group in India. (10 Marks)

Indian socio-political scenario has been dominated by the presence of identity based groups like - religious, caste-based ~~and~~ owing to the underdeveloped nature of state in India (By Hamza Alami)

institutional groups like bureaucracy also wielded much significance in interest aggregation.

However at the aftermath of 1991 economic reforms, Business groups have now started to dominate the



Indian landscape.

Groups like CII, FICCI and ASSOCHAM have considerable influence in policy making.

The Government invites these groups for formulation of economic policies, budget proposals.

The Business groups have played a key role in getting corporate tax rates slashed and Govt's deference of collection of AGR dues from telecom companies.

The Business groups are also playing a key role in foreign policy making especially with respect to Africa and Latin America.

Thus, Business groups have established a strong presence in India.



Que.5(e)

Inter-state Water Dispute Act creates more disputes than resolving them. (10 Marks)

Article 262 provides for adjudication of inter-state water disputes.

Pursuant to this, the Parliament passed the Inter-State Water Disputes Act, 1956.

Features of ISWDA:-

- a) Negotiations between parties based on request from states.
- b) If negotiation fails, constitution of tribunal to adjudicate on the dispute.
- c) Tribunal to give award in 3 years (extendable by 2 years).
- d) Award is legally binding and Supreme Court can't modify it.
- e) Right to appeal to tribunal



Issues with JS WDA :-

- a) Delay in constitution of river tribunal.
- b) Delay in award declaration.
~~For eg~~ It took 17 years for the Kaneri water Tribunal to give final award that too after Supreme Court intervention.
- c) Parties not adhering to award.
- d) Ambiguity with respect to jurisdiction of supreme court Under Art. 136) ~~is~~ against the award.

Thus the need of the hour is to strengthen the consultative mechanism through River Disputes Act, 1956. The platform of Inter-State Council should also be utilised to resolve water disputes.



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Que.6(a)

Do the local bodies in India enjoy autonomy in performing their goal towards the constitutional objective of ensuring economic development and social justice? Explain in light of the relevant constitutional provisions and the working of Panchayati Raj since the passage of 73rd Amendment act. (20 Marks)



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Que.6(b)

Do you think history of Reservation in India show that it has been an instrument of governance, a mechanism for social and political representation and a way to achieve social justice? Comment (15 Marks)



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Que.6(c)

"The notion of welfarism in India has changed quite significantly in the last three decades"- Hillal Ahmed. Substantiate (15 Marks)



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Que.7(a)

What are the fundamental issues of concern in the current method of appointment of judges of Supreme Court and High Court? Give suggestions to improve the system of appointment of Judges in Higher Judiciary. (20 Marks)

Judiciary in India has been envisaged to play an active role in "social revolution" of the country. Thus by constitutional design, judicial independence has been ensured in India. Delhi High Court in 2010 commented that judiciary of impeccable and unquestionable integrity is the "bedrock of the constitution".

In this context, the appointment of eight persons as judges of the Supreme Court and High Courts assumes great significance. Article 124 and Article 217 of the constitution deals with appointment of



Judges in Supreme Court and High Court.

Constitutional provision:-

Constitution provides for appointment of judges by President ~~on~~ in consultation with Chief Justice of India.

The word consultation has been a matter of concern.

First judges case:-

In the 1st judges case, Supreme Court held that the word consultation doesn't mean concurrence and hence President is not bound by advice of the Chief Justice.

Second judges case :-

In the 2nd judges case, Supreme Court modified its stand and held that consultation means concurrence.



However chief Justice has to consult two senior most judges of the Supreme court before recommending the President.

This led to beginning of the collegium system.

Third judges case:-

The collegium was expanded to 4 senior most judges.

Therefore India presents a unique example of ⁶⁸ Judges appointing the judges. Not even in the powerful supreme courts like the US, the judges get primary to appoint the judges.

owing to bring transparency in the appointment process of the judges, the ~~Govt~~ parliament passed the National Judicial Appointment Commission (NJAC) Act in 2014. This provided for



say to the ~~gov~~ executive in the
judicial appointments.

However the Supreme
Court had struck down the NJAC
Act and declared it as unconstitutional.
Acc. to Supreme court, the NJAC
could lead to compromising of
judicial independence.

This move by the Supreme
Court was criticised by noted
jurists like Fali Nariman on
grounds of 'judicial overreach'. The
then law minister Sh. Devan Gaitley
criticised it as "tyranny of minority".

Thus the appointment procedure
at present remains ~~controversial~~ with
its concerns. ~~Supreme~~ There have
also been delays in appointment
process. As advised by Supreme
Court, the need of the hour is to
adopt a new memorandum of procedure
for a fair & transparent judicial appointments)



Que.7(b)

The debate over federalism has come up time and again despite the Constitution explicitly demarcating the powers between the Centre and states in terms of legislative, administrative and financial functions. Comment (15 Marks)

The constitution of India envisages the formation of a federal country. Article 1 states that India shall be a union of states.

Basis of Indian federation:-

- ⇒ written constitution
- ⇒ Demarcation of powers and responsibilities among various tiers of government.
- ⇒ Independent judiciary.

However despite clear demarcation of legislative, administrative and financial functions, the federalism of India has come under questions. so much so that K.C. Wheare has termed it "Quasi-Federal".



Issues in the legislative domain :-

-) The union list provides for 101 subjects (originally 97) and state list has 61 subjects (originally 66).
-) The primacy of central laws in concurrent list
-) The residuary power lying with the state.
-) The reservation of bills by governor for the assent by President.
-) Power of parliament to legislate upon state subjects (Art. 249, 252, 253, 352 & 356).

The preponderance of union over legislative domain has been a cause of debate. The Sarkaria Commission recommended for consultation with States in matters concerning state list.



Administrative domain :-

In administrative domain, the union can issue instructions to states for implementation of its laws (Art 257) and maintenance of highways of national importance (Art 258). The instructions come with penal actions (Art 365, 356) in case of non-compliance.

Financial domain :-

The more remunerative taxes (Corporate, Income tax) are with the centre. Implementation of GST and recent issues with late payment of state dues & compensation has been viewed by states as "usurpation of state financial independence".

Thus we see that despite clear constitutional provisions, certain issues have emerged among federal units owing to the "unitary bias" of the constitution. This calls for



greater utilisation of constitutional provisions like Inter State Council (Art. 263) to amicably resolve disputes.

Article 356's usage has also considerably reduced overtime owing to the judicial activism (SR Bommai case), presidential activism (K.R. Narayanan), rise of coalition politics and "regionalisation of Indian polity".

Federalism is a dynamic concept and it is still evolving with features of "competition and co-operation" in India.



Que.7(c)

CAG serves as the watchdog of the finances of the Government.
Explain. (15 Marks)

Comptroller and Auditor General of India (CAG) has been regarded as the most important officer by Dr BR Ambedkar. He is also called as the 'protector of the public person'.

Article 148 provides for the appointment of CAG by the President.

Functions of CAG :-

-) To audit the accounts of centre and the state governments.
-) To audit accounts of the Public sector undertakings.
-) To prepare reports on - Finance, Appropriation and PSU accounts.
-) To act as friend, philosopher and guide to the Public Accounts Committee.



- c) To undertake the Performance Audit i.e. not ~~the~~ just the financial audit but looking into the efficiency of implementation, checking any wasteful expenditure and also the impact of the expenditure.

Thus CAG has wide powers and functions. CAG has played a key role in fulfilling its constitutional functions:-

- a) It has helped unearthed scams:-
like 2G scam, coal block scam, common wealth games irregularity.

- b) checking corruption:-

The Enquiry into the functioning of private discoms was carried out and it was found



that they had made financial irregularities of nearly Rs. 8000.00 cr.

c) Support to PAC:-

PAC has responsibility to hold Government accountable. CAG has helped PAC play this role effectively.

However despite this there have been certain concerns with respect to functioning of CAG.

(a) Independence of CAG:-

Since Government appoints CAG, it becomes a conflict of interest for the CAG since they have to audit the accounts of the same government.

In this connection, 2nd ARC



recommended for involvement of leader of opposition along with Prime Minister and Law Minister in selection of CAG.

2nd ARC also recommended for consultation with PAC.

(b) Quality of audit :- INSTAI conducted review of audits done by CAG of India (in 2013). It found that 50% of audit lacked substantial evidence.

(c) More focus on financial audit than performance audit.

Thus, we need to strengthen the appointment mechanism along with capacity building, so that CAG plays its envisaged role.



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Que.8(a)

"Caste has been a decisive factor in Indian politics." Explain the relevance of the statement in context of recent assembly elections.
(20 Marks)



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Que.8(b)

Do you think that India appears to have ushered in a new dominant party system premised on the unique set of political principles showing a clear break from the previous systems? Elaborate (15 Marks)



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Que.8(c)

Evaluate the nature, dynamics, composition, methods of functioning and the agenda of Women Movement in contemporary India. (15 Marks)



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