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कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

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Test code : M25 GAT 02

Name: Yashaswi Ray Vardhan

Roll No. : CAVA 25 ECL1016

UPSC Roll No. 1512091

Start: 3:20 PM

End: 5:00 PM

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1.

NITI Aayog - the National
Institution for Transforming India -
replaced the Planning Commission
(PC)
in 2015.

one of the central aims of
replacing PC was to promote

Cooperative Federalism

- ① Bottom-up Planning as opposed
to Top-Down or Indicative plan
 - ② "Team India" Approach: All chief
ministers are members of its
governing council
 - ③ Radical Restructuring of
centrally sponsored schemes
 - ④ Greater autonomy to states
in fund utilisation
 - ⑤ Special vehicles provide think
tank support to state govts
 - ⑥ Competitive Federalism: Raising
and competing - also fosters
innovation in Policy making
- ▶ Aspirational Districts, ~~etc~~
and collaboration ▶ PM GatiShakti

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Innovative Policy Making

- ① Emphasis on evidence based policy making [eg] NDAP
- ② National Development Agenda Document : "India @ 75", "India @ 2047"
- ③ Programs like Atal Innovation Mission, Smart City, AMRUT
- ④ Integrates strategic concerns
[eg] Vibrant Villages, e-Amrit (eV), AI
- ⑤ Recognising and promoting best practices of states (competitive)
- ⑥ Specialist Members — Expertise

Challenges

- ① Lack of funding Powers: PC is replaced, Finance Commission is temporary. States interim needs
- ② Nationalising approach of "one nation one X". One size fits all approach is pushed
- ③ Politicisation: Combative federalism meetings are skipped by CMs of opposition states

NITI Aayog is a radical reform in the federal polity of India, but like all systems, its effectiveness depends on those running it. States need to cooperate and grow.

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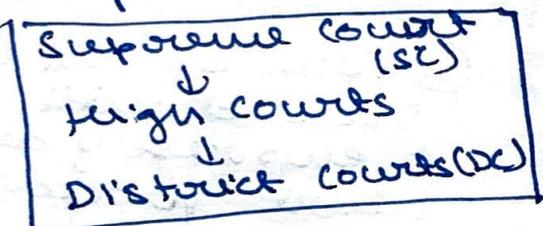
2.

There are over 1.4 Lakhs Contempt of court cases pending against government departments in India. It is often also in controversy for limiting free speech

Structure

Indian Courts

① Integrated Judiciary



② Jury system abolished since K.M. Nanavati case and CrPC, 1973

③ Retirement Age for Judges (SC-65 yrs.)

④ Benches - single, Division, 3, 5... 13.

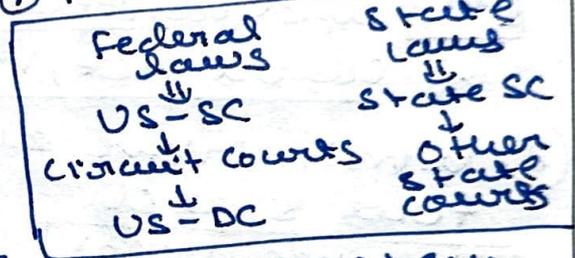
⑤ President appoints on collegium recommendation

Jurisdiction

- ① integrated
- ② constitutional, civil, criminal in SC
- ③ can be modified by Parliament
- ④ Procedure established by law (in some case Due Process)

USA Courts

① Federal Structure



② Jury System is used

③ Judges for life in SC

④ whole SC sits together (9 judges)

⑤ President appoints senate confirms

- ① separate
- ② only constitutional cases in SC
- ③ fixed in rigid constitution
- ④ Due Process of Law



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Both have certain common aspects

- ① Common law system
- ② known for independence
- ③ Power of Judicial Review

Contempt of Court

India

- ① Explicit power in Articles [129], [42] and Contempt of Court Act, 1971

- ② Limitation on free speech
Article 13(2)

- ③ Criticism outside court ("scandalising") is included

- ④ Both countries use civil contempt similarly as a tool of enforcing orders.

USA

- ① inherent and evolved power, (not in constitution)

- ② Free speech is secured until it is expressly disrupting court procedure

- ③ not included

Supreme Court has itself noted the need for Judicial restraint in Tolerance and Natural Justice in Communal contempt case in India.
The court should not suppress dissent, as "Democracy without dissent is a contradiction" (Justice Swyga Kant vs SE)

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3

Election season in India is characterised by myriad of electoral promises, populist jargons and freebies. Such populism narrows governance to winnability.

Constitutional provisions of welfare

- ① Preamble : Socialist democracy ensuring social and Economic Justice
- ② Article 15 & 16 : Prohibits discrimination while allowing special provisions for socially and Economically backward
- ③ Article 38 : welfare of people
- ④ Article 39 : Equitable distribution of material resources
- ⑤ Article 41 : Public assistance for old, sick, disabled, etc.
- ⑥ Article 47 : Raising the level of health, Nutrition, etc.

Legal Provisions

- ① MGNREGA, 2005 : Employment Guarantee
- ② NFSA, 2013 : Food Security
- ③ Labour Codes & Unorganised workers Act

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Impact of Rising Populists culture

- ① Populism over Governance
- ② Myopic vision in policy making
- ③ Majoritarianism over Equity (Votebank politics) even favouritism
- ④ Fiscal Burden on Tax Payers
- ⑤ Low capital formation : needs long term investment
- ⑥ voters lack agency — treated as passive tokens — no focus on capability development

Solutions which may work :

- ① move to universal basic income model — give individual agency
- ② strict adherence to FRBM Act, 2003
- ③ Targetted intervention through voluntary recusal model
- ④ LPG subsidies — reduces exclusion, error and corruption
- ④ Social Audit of electoral promises by civil society
- ⑤ Prohibit extravagant promises under model code of elections.

there is need for popular acceptance of Ethical Governance and focus on human capability building

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4.
Attorney General of India is appointed under Article 76 of the Indian Constitution, and is the highest law officer of the country.

Role as Chief Legal Advisor

- ① Advises governments on legal matters referred by the President
- ② Assists President to refer a question to Supreme Court under Article 143
- ③ Constitutional interpretation for Day-to-Day functioning
- ④ Advice of global treaties
- ⑤ Suggests legal reforms

Role as The Lawyer of the Govt.

- ① Represents the government in court cases
- ② Enjoys audience in all law courts of the country
- ③ Drafts legal documents for the Government
- ④ Handles centre-state conflicts in the court

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Limitations

- ① Attorney General is not a government servant — is engaged on basis of per-task remuneration
- ② Attorney General continues private practice in courts
- ③ can take even criminal cases with prior consent of the Govt.
- ④ lacks independence — serves at pleasure of the government
- ⑤ not accountable to Parliament

the arrangement comes however with safeguards

- ① can not accept office of profit
- ② can not appear against union of India
- ③ needs prior consent in criminal cases
- ④ independence is added by giving Parliamentary Privileges under Art 105

The current arrangement is made with the view that the best talent should be engaged. However there are strong arguments for a stable tenure, removal by Parliament and subordination to conduct rules.



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5.

The Lokpal was recently under scrutiny by the Supreme court for deciding High Court Judges fall under its Jurisdiction

Significance of the Institution

- ① Very wide Jurisdiction under Section 14 - All group A, B, C, D officers, MPs, cabinet and former ministers - even PSUs
- ② Search and Selection Committee for fair appointment process
 ▶ PM, Speaker, CJI, Leader of Opposition, Eminent Jurist
- ③ Representative Body
 - At least half the members are to be SC, ST, OBC, minority and women
 - Same for member of search committee
- ④ High standards of Appointment
 - Judicial: Former Judge of Supreme Court or Chief Justice of High Court
 - Non-Judicial: 25 years of expertise and exemplary integrity
- ⑤ National level Ombudsman with powers on enquiry and prosecution
- ⑥ Supervision over CVC and CB1

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Not a Panacea

- ① Lacks suo-moto powers
- ② Lacks Jurisdiction over constitutional bodies like Supreme court
- ③ Lacks punitive powers
- ④ Delays in Appointment (2013-2019)
- ⑤ Too many exceptions for Police Minister
- ⑥ Severe penalties for false complaints
— weaponised for chilling effect
- ⑦ Post-modern nature of Enquiry
- ⑧ Non-uniform extension to States
- ⑨ ~~to~~

Way forward

- ① Grant suo-moto and anonymous complaints powers
- ② Expand scope to bring accountability over Judiciary — link as alternative to Judges Enquiry Act, 1968
- ③ functional and financial autonomy
- ④ Link to Social Audit reports as mechanism of control
- ⑤ Create a synchronised network in States

The institution of Lokpal is a vital step towards public accountability but needs to be accompanied by civic political culture to realise its potential. It is an instrument, not an end.

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6.

The 74th constitutional amendment Act introduced a framework for urban local bodies. Recently the Capacity Building Commission organised a National workshop to foster unified approach in capacity building of ULBs

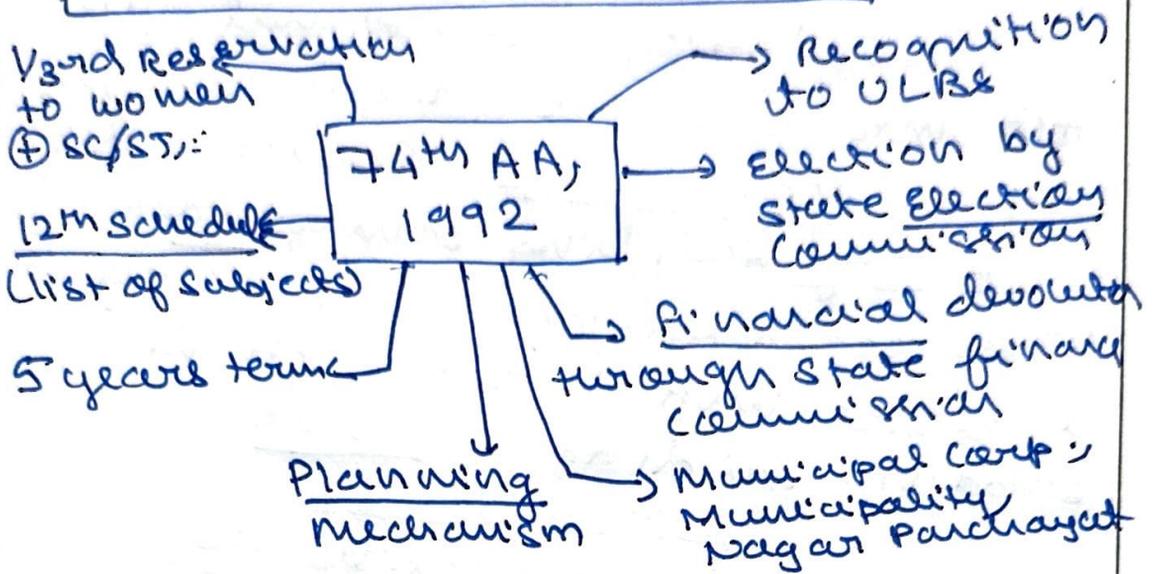
Municipal corporations as key to urban Governance

- ① Decentralisation of power — empowers grassroot decision making
- ② Adapting to local needs: the challenges and solutions are unique for every city.
- ③ Effective service Delivery:
 Eg → water supply, waste disposal
- ④ Accountability: unlike state and union governments which may be out of reach — they are local & Accessible
- ⑤ Bottom-up planning: District and Metropolitan planning committees will be starting point
- ⑥ Representation of marginalised and vulnerable groups → SC, ST, OBCs, women.

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Constitutional Framework



Reluctance of States

- ① Powers for subjects under the XII (12th) schedule not devolved
- ② Funds — rely mainly on grants which states are not giving
- ③ Lack of taxation powers' scope
- ④ Local taxes subsumed under GST are not compensated
- ⑤ Don't have own functions

Why States are Reluctant

- ① Financial mismanagement
- ② Lack capacity to govern
- ③ Seen as alternate power centres
- ④ inefficient functioning leads residual burden on states
- ⑤ use of cess by central govt. to reduce devolution to states

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Other challenges

- ① Parallel structures: District Admin, ParaStatat Bodies [Eg] Jal Board, Health Society
- ② 65% of Urban Bodies Don't have a master plan [NITI Aayog, 2021]
- ③ increased complexity of challenges [Eg] waste management, Air pollution
- ④ non-functional ward committees
- ⑤ Lack of integration like PRIs
 - Three tiers here are not interlinked
- ⑥ Lack unity of command: Mayor-in-Council

Measures for paradigm shift

- ① Directly Elected Executive Mayor system
- ② Innovative funding through Bonds
- ③ Integration by giving superintendence over ParaStatat Bodies
- ④ Capacity Building and Training
- ⑤ Whole of the Govt. Approach: uniform integrated local body — hub and spoke connection with other ULBs and PRIs
- ⑥ Japan model of Globalisation
- ⑦ Merge 51st schedule in 51st — Local list
The need for effective good governance can only be realised by bringing global standards to local levels through grass-root democracy.

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7.

The provisions for imposition of President's rule in India is carried from the colonial statute of Government of India Act, 1935

Dr. B.R. Ambedkar, rather optimistically, remarked that it will remain a "dead letter". However, it has been invoked more than a hundred times.

Constitutional Provisions for Imposition

① Failure of constitutional machinery [Article 356]

• when President is so satisfied either on report of Governor or otherwise.

② Centre's duty to protect States against external aggression or internal disturbances [Art. 355]

③ State's failure to comply with Centre's directions [Article 365]



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Safeguards - in Constitution

- ① Proclamation needs to be approved by Parliament within 3 months
- ② Initial duration 6 months, and extendable by 6 months at a time
- ③ Shall not ordinarily exceed 3 years
- ④ Judicial Review is applicable
- ⑤ Powers of High Court unchanged

Effects of Proclamation

- ① Dismissal of Council of Ministers
- ② Assumption of executive powers of State by President
- ③ Legislative powers exercisable by the Parliament
- ④ Suspension and possible (later) dissolution of State Assembly
- ⑤ Continuity of laws made unless expressly repealed later

Sarkaria Commission noted very high instances of politically motivated proclamations.

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Challenges and Criticisms

- ① undermines federal structure by imposing centralisation
- ② Politicised used since 1967
- ③ Governors skip the floor test of confidence
- ④ Law and order used as grounds
- ⑤ NO warning mechanism prior to action to justify situation
- ⑥ Politicised Role of Governor

SR Bommai Case, 1994

- ① Judicial Review
- ② Assembly floor Test
- ③ Dissolve assembly only after Parliament approval
- ④ ~~Not~~

Uttarakhand Assembly Case, 2016

The court re-instated Manish Rawat Government dismissed without floor test

Jammu & Kashmir Case

Supreme court directed to conduct elections as soon as possible.

Despite all criticisms, the significance of Article 356 is ^{that} Sarkaria Commission

did not recommend its abolition. It is a necessary tool in maintaining unity and integrity of the country. However, must be used sparingly. One nation one election would reduce the frequency of its use.

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The Anti-Defection Law was placed as the xth schedule of Indian Constitution by the 32nd Amendment Act, 1985

The law was brought in after experiencing extreme political instability, especially during 1977-1980 at union level, and 1967 onwards in state assemblies

Provisions for Disqualification

- ① voluntarily giving up party membership
- ② Removal from party on disciplinary grounds like failing to obey 3-stripped whip
- ③ independent member joining any party after election
- ④ nominated member joining any party after over 6 months of taking their seat
- ⑤ merger of less than $\frac{2}{3}$ rd of party into another.

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Exceptions

- ① Speaker, Deputy Speaker resigning from their party
- ② Speaker, Deputy Speaker resigning original party after demitting office
- ③ merger of 2/3rd party into another
- ④ Removal of member not as per Party constitution

Unlike the removals upon disqualifications under Article 102 or Representation of People Acts, which are done by President on recommendation of Election Commission —

Removal under Xth schedule is decided by the Speaker.

- ① Speaker is not necessarily neutral
- ② Rarely any speaker resigns from his own party
- ③ Speaker is not advised by Election Commission

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Effects of Delayed Decision

- ① Enhanced role of money power
- ② Opportunism and horse trading
- ③ Gives enough time to secure the 2/3rd benchmark
- ④ Loss of Public Trust: democratically elected government is replaced
- ⑤ Policy Paralysis for said duration

Reforms to strengthen the Law

- ① UK Model for neutral speaker
 - once a speaker, always a speaker
- ② swift decision to president on binding recommendation of EC
- ③ Allow use of xth schedule for whip on only most sensitive matters
- ④ Prescribe a fixed timeline for automatic disqualification
- ⑤ End the 2/3rd merger clause
- ⑥ Recognise pre-poll coalitions as single party.

Recent cases of Maharashtra (2022) and Himachal Pradesh (2024) highlight the need for radical change in the current mechanism

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The system of Parliamentary democracy was adopted in India to provide responsibility and accountability of executive over a stable regime.

There is "separation of Power" and a "Doctrine of Checks and Balances" providing the foundation for a responsible government

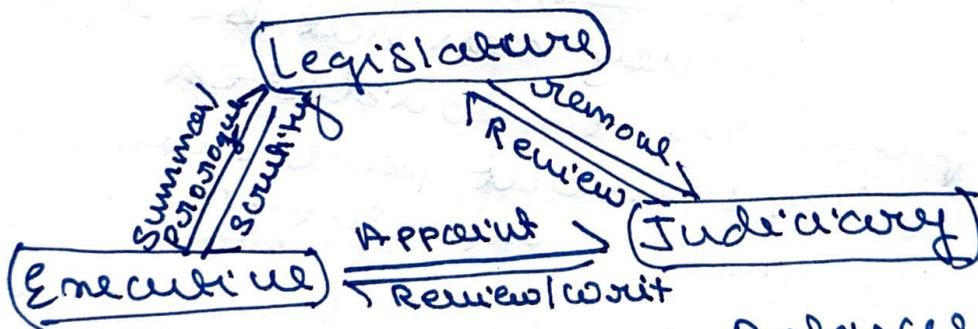


Fig: Checks and Balances

Methods of Parliamentary Country

- ① No confidence motion:
The Council of Ministers are collectively responsible to Lok Sabha

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② Question - Hour

Members of Parliament raise questions; the government must answer

③ Zero Hour

An Indian innovation similar to Question Hour; "Matters of Urgent Public Importance"

④ Censure Motion

To censure the acts of individual minister or whole government

⑤ Budgetary Control

Money can not be appropriated from the consolidated fund of India without parliamentary approval. esp. cut-motions

⑥ Departmentally Related Standing Committees

scrutinize Annual reports and Budget demands

⑦ Financial Committees

- Public Accounts Committee — works with CAG
- Expenditure Committee — Budget scrutiny
- Committee on Public Undertakings — CAG (+) PSU in general

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- (8) Ad-hoc committees
may be constituted for
inquiry into government
(9) Other motions: calling attention,
privilege, Adjournment, etc.

Challenges

- ① 60-70% bills are not referred
to committees
- ② 1-year tenure of committees is
too less for experience
- ③ Lack of internal capacity of committees
- ④ Decline in sitting hours
- ⑤ Frequent disruptions during
question hour
- ⑥ PPP model → majorly outside scrutiny

Reforms

- ① 2nd ARC: refer annual reports of
regulators of PPP sector
- ② NCRWC: Review and reconstitute
DRSCs periodically
- ③ Expert support & internal secretariat
for important committees
- ④ strict implementation of anti-defection
laws
- ⑤ Neutrality of presiding officer

UK Model

A responsible and accountable
government is a cornerstone of
any democracy.

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Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.
(Specimen Answer Booklet - For Practice Purpose Only)

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Candidates must not write on this margin

10.

The Supreme Court in 2025 has directed fixed timelines for the Governor to act upon State Bills [Tamil Nadu case]

Role of Governor is legislative Process of States [Constitutional]

- ① Article 168: Defines composition of Legislature — includes Governor
- ② Article 174: The Governor can summon and prorogue the sessions of State assembly
- ③ Article 175: Governor can send message or address the House
- ④ A 176 - Special address annually
- ⑤ Article 192: Deals on disqualification of members
- ⑥ Article 200: Assent to Bills
 - (a) money Bill: Give Assent or withhold
 - (b) Ordinary Bill: Assent, withhold, or Return
 - (c) Returned Bill: shall not withhold assent
- ⑦ Article 201: Reserve for the President

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Concerns

- ① Pocket Veto: The Governor sits with the Bill as he can generally act only on advice of Council of Ministers.
- ② Dilatory Tactics: Refers the Bill to President for purely dilatory reasons.
- ③ Repeatedly Returns the Bill
- ④ Refuses to Summon a session
- ⑤ Undermining the policy and progress of State
- ⑥ Damaging the Federal relations by misuse of discretionary powers
- ⑦ Governor is not accountable to either State or Union legislature
- ⑧ Should only reserve such Bills for President which:
 - (a) violates Fundamental Rights
 - (b) are contradictory to Parliament laws in concurrent list
 - (c) curtailing powers of High Court.



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Reforming the Relations

- ① Supreme Court in Tamil Nadu Governor case has set guidelines for Governor and President
 - ② ~~and~~ Appointment of Governor in consultation with Chief Minister [Sarkaria Commission]
 - ③ Reason for referring to President, or by President for withholding assent to be clearly noted [Sarkaria]
 - ④ Neutral Governor with fixed 5 years tenure [Punchhi Commission]
 - ⑤ Reserve Bills only in Rest of Rare cases [Punchhi Commission]
 - ⑥ Removal of Governor by impeachment through state Assembly [35]
- The recommendations by Sarkaria and Punchhi Commission were re-iterated by Supreme Court in West Bengal Governor case and the Kerala Governor and Punjab Governor cases.

There is need for federal cooperation, not combative federalism. All must adhere to constitutional morality