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(For filling by Examiners only)

S.No.	Max. mark	Max. Obtained	S.No.	Max. mark	Max. Obtained
1.	10		11.	15	
2.	10		12.	15	
3.	10		13.	15	
4.	10		14.	15	
5.	10		15.	15	
6.	10		16.	15	
7.	10		17.	15	
8.	10		18.	15	
9.	10		19.	15	
10.	10		20.	15	

Total Marks Obtained:

Mentor's Comments:

- Note:
1. This booklet is to be used for attempting assessment tests and revision tests only.
 2. This page needs to be attached as first page of every uploaded test.

NEXT IAS

Q1. How far do you think cooperation, competition and confrontation have shaped the nature of Indian federation? Give some examples to validate. (10M)

K. C Wheare describes Indian model of federalism as 'Quasi Federal' which indicates that India does not follow strict federal approach of division of power between states and centre.

The Indian polity is replete with examples of three variants of federalism :-

(1) COOPERATIVE FEDERALISM [Granville Austin]

- (a) states and centre cooperate in larger issues of public interest. eg: framing of environment laws.
- (b) centre devolves financial resources to states for better development and allow for equal regional growth. eg: states like H.P. and hilly states in N-E get 90% share in centrally sponsored scheme from centre.
- (c) centre can also make laws on state list in certain conditions:
 - (i) National emergency (Art 250)
 - (ii) Rajya sabha passes a resolution (Art 249)
- (d) Establishment of institution like GST Council 279 A for better cooperation

(2) COMPETITIVE FEDERALISM

- a) Involves competition amongst states to be better in terms of resources, investment
- b) Indices like SDG, Aspirational District Program and Swachh Bharat ranking promote this
- c) Based on their natural endowments & make themselves attractive for investment and grants eg: Karnataka receives large FDI.

(3) CONFRONTATIONAL FEDERALISM

- a) Involves tussle between centre and state and inter-state over political, administrative, financial matters
- b) Examples:
 - (i) repealing Art 370 unilaterally
 - (ii) inter-state water dispute over Cauvery between TN, Kerala, Karnataka

Therefore, Indian variant of federation is co-produced by centre and states who compete and cooperate with each other

NEXT IAS

(2) Examine the role of ISC in promoting vertical and horizontal intergovernmental cooperation and coordination (10M)

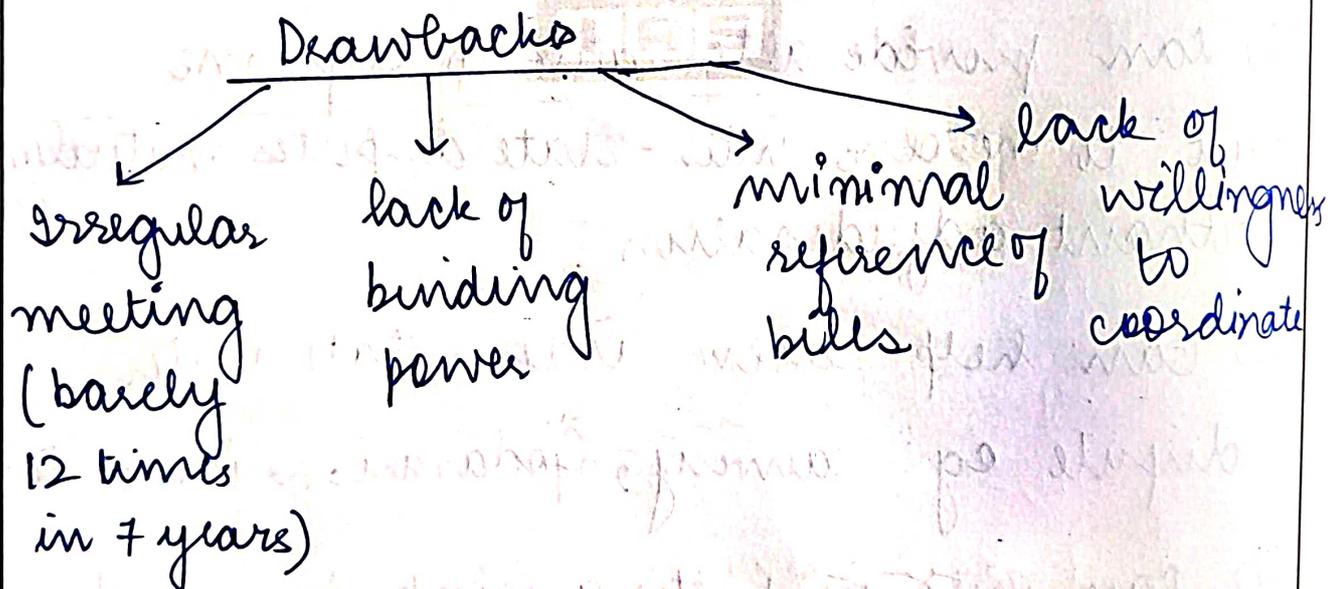
[ISC]
Inter state council (Art 263) has been established by the President in India in 1990 for the first time, however, it is not a permanent body.

Role of ISC in Vertical Cooperation :-

- (i) Provides a forum to states to discuss issue of regional importance.
- (ii) Can provide alternative to supreme court to resolve inter-state disputes mutually without adjudication.
- (iii) Can help resolve inter-state water dispute eg: canvey, Godavari, Krishna etc.
- (iv) Can help in putting joint demand to centre by the states suffering common problems eg: coastal states

Role in horizontal cooperation

- i) Iron out disputes between states and centre
- ii) Parliamentary Bill affecting federal interests can be discussed.
- iii) Providing expertise to the centre over regional issues.
- iv) Details of Bills can be bolstered to state interests and better clarity. eg mediation bill 2019 referred.



Therefore, to utilize the power of such a crucial forum, it is important to make its functioning more regular, effective and efficient.

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(3)

The powers, privileges and immunities of Parliament & its members w/ Art 105 leave room for a large no. of uncodified privileges to continue. Assess the reasons. How can this problem be resolved? (10M)

Parliamentary privileges are these immunities, rights and exemptions which have been granted to the members of Parliament for effective functioning of House. However, they remain uncodified till date despite Parliament having power to do so (Art 118).

Reasons for Uncodification :-

- (1) Upholding Parliament's sovereignty to manage its own affairs.
- (2) Power of the speaker to add new privileges as per the need and demand.
- (3) Protects freedom of speech of members of Parliament without any restrictions.
- (4) Reduces scope of judicial scrutiny over the functioning of the Parliament.

(5) Gives speaker the freedom to manage affairs of House effectively.

Resolving the problem through codification and others :-

- (1) Reduces vagueness and provides clarity
- (2) Increases checks and balances by judiciary and privileges committee could be asked to scrutinize these issues better.
- (3) Limited power of judicial review can be prescribed which does not transgress the rights of Parliament, yet solves the problem of lack of accountability.
- (4) Instead of speaker, an independent tribunal can be constituted to look into the issue of breach of privileges

Therefore, to make the Parliament more responsible and accountable to people, it is necessary for it to function free of bias and instil public faith.

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(4) Unlike RS, desirability of second chamber at state level is often questioned on various grounds. (10M)
Explain

Legislative council in states is not a default provision for each state and can be created only for those ~~where~~ for whom Parliament passes a resolution [after state legislature requests] [Art 169]. Only 6 states in India have it so far.

ARGUMENTS FOR DESIRABILITY :-

- 1) Provides a check to hasty legislation.
- 2) Does not stall the process of legislation but can delay it for 4 months, giving enough time for public opinion to crystallize.
- 3) Inclusion of talent such as teachers, graduates etc and eminent persons.
- 4) Representation of local bodies can provide local perspective in public policy.
- 5) Better deliberation of public policy and laws will lead to better quality and

Better measures for implementation.

ARGUMENTS AGAINST DESIRABILITY:-

- 1) Same party same allegiance - as the second chamber members usually hail from same political parties, their role become superfluous with no effective check.
- 2) No real power - They have no real power to oppose the state assembly.
- 3) Back door entry of defeated politicians - instead of bringing new talent, second house often becomes a back door channel for politicians.
- 4) NO unity as hotchpotch of representation

WAY FORWARD

(based on
NCRCW guidelines)

remove teachers and graduate and increase legislative local body give more powers to second house.

The relevance of legislative council cannot be undermined, yet it needs significant changes in power to be effective

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(5) Under what circumstances can Financial emergency be invoked by President? What consequences follow when such a declⁿ remain in force? (10M)

Financial emergency is one of the three kinds of emergency which can be imposed in India. The president can do so under Article 360.

The grounds for invoking emergency

- 1) Threat to financial credibility
 - 2) Threat to financial stability
- of India or any of its units.

Thus, it can be imposed even where some parts of country are facing financial troubles.

Even though the situation in 1991, was considerably worrisome, India has not imposed financial emergency till date.

Consequences of financial emergency

- (1) Centre can issue directions to state

- to observe canons of financial propriety.
- (2) President can ask the state to reserve the money bills and other financial bills for his consideration.
- (3) President can ask the state to stop the payment of salaries and other emoluments of members of state govt and judges of HC.
- (4) President can also direct the centre to stop the payment of salaries and other emoluments of members of central govt & under central employment and judges of SC.

Thus, in case of financial emergency, the unitary power of president to take charge and preserve the fiscal integrity of India becomes paramount.

NEXT IAS

(6) To what extent parliamentary committees have been effective in ensuring accountability of the executive? Justify your answer (15 M)

Parliamentary committees are those panels of MPs formed for the purpose of scrutinizing draft bills, legislation, budget and other documents laid in the Parliament. They can be permanent ~~and~~ or ad-hoc based on the nature of work.

ROLE IN ENSURING ACCOUNTABILITY OF EXECUTIVE:

1) scrutinize bills in detail which have been left by the Parliament and pose question to the govt eg: adhoc committee on Data Protection Bill.

2) Bring out clarity and various sections' needs are also put forth eg: The Plant Variety Protection Bill was made more clear and effective by the Committee. (added definitions)

- (3) Ensuring financial propriety :-
- (i) Public ^(PAC) Accounts Committee as the watcher of all public finances.
 - (ii) PAC scrutinizes the CAG reports and also the appropriation by govt putting all this expenditure and gaps to light.
 - (iii) Estimates committee provides an account of budget analysis and provides alternative effective policies ∴ acting against one-upmanship of executive.
 - (iv) Committee on public undertakings also provide detail scrutiny of all central public undertakings.
- (4) Provides expertise and detailed reports of legislation - there are 24 Departmentally Standing Committees to look into various issues.
- However, their effectiveness comes up challenge as:

NEXT IAS

- (1) Only advisory powers and not binding.
- (2) Not all legislations are referred to the committees. Eq:- Art 370 was removed without any scrutiny.
- (3) The financial committees are post-
mortem in nature and their suggestions come only after voting is done in Lok Sabha.
- (4) Opposition party usually fails to engage in and form committees.
- (5) Speaker's role to refer it to committee as a non-partisan member has been under challenge since only ministers have been referring it.

Parliamentary committees present a great opportunity of scrutiny in our democratic framework. It is necessary to provide them with necessary teeth to do so.

(7) Any federal system is bound to have asymmetries, therefore special provisions are necessary not only to come together but hold together. Discuss in context of Indian federalism. (15M)

Indian federalism is a mix variant of federalism which follows a salad bowl approach instead of melting pot which means all individual units are equal but allowed to retain their special features and given protection to do so.

Asymmetric federalism in India can be discussed in 2 context :-

HORIZONTAL

VERTICAL

Horizontal asymmetry indicates that each states are equal to each other yet unequal in some respects.

Vertical asymmetry means the centre has more powers compared to states for reasons such as security and protecting interests of all.

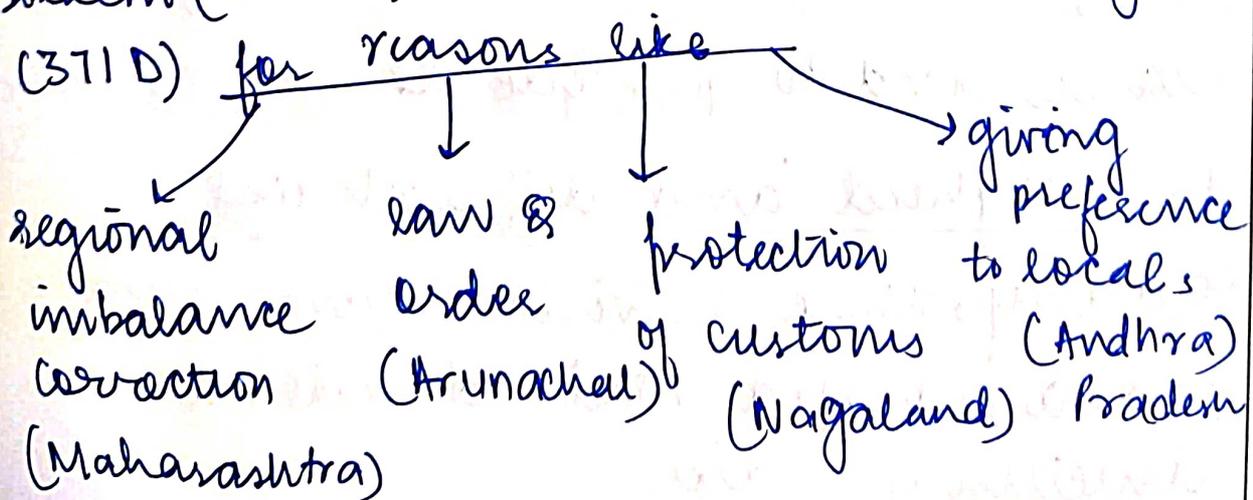
NEXT IAS

INSTANCES OF VERTICAL ASYMMETRY:

- 1) Centre can make laws for state list -
in case of emergency (249), when Rajya Sabha passes a resolution (250) or to make international ~~relati~~ laws effective (252)
- 2) In instances of emergency (A. 352-360), unitary features become active to promote integrity and security of India.
- 3) For ease of administration and unity: eg: Model Tenancy act
uniformity.

INSTANCES OF HORIZONTAL ASYMMETRY :-

- 1) special provisions to various states :- Chapter XXI provides various provisions for states such as Maharashtra⁽³⁷¹⁾, Karnataka^(371J), Sikkim (371 F), Andhra Pradesh & Telangana



(2) Give special protections in cases of tribal communities - eg: schedule V and VI states have been given freedom to make laws as per their custom and protect their natural resources.

(3) Union Territories - some have been given special powers to make their laws and have assembly based on their size and significance eg- J&K, Delhi, Puducherry.

(4) Financial devolution more to some states facing regional imbalance, than others (based on Finance Commission recommendations)

Therefore, to accommodate interests of all classes and to provide ~~the~~ real meaning to weighted and differentiated equality, these provision have been added & helped retained federal structure of India.

NEXT IAS

Q8.

The essence of parliamentary democracy lies in the ability to debate discuss and dissent. Parliament is where ideas are tested, policies are scrutinized and voice of people is translated into action. In this context, discuss the reasons for recent decline in role of Parliament as a deliberative and representative institution.

Parliament is the supreme legislative authority in a democracy which fulfils the aspiration of its citizen and puts a check on the untrammelled powers of the executive.

Thus, it plays a crucial role in providing oversight over the executive.

PARLIAMENT'S ROLE IN OVERSIGHT ANDDELIBERATION :-1) Political

- (i) Discussion of various bills and policies
- (ii) Check over the executive power through instruments like Question Hour etc.

2) Social

- (i) Brings together people from different regions and their interests. Eg- NEET debate by TN representatives.
- (ii) Reservation for scheduled caste

and scheduled tribes give them effective voice over matters of national and regional importance.

3) Economical

- i) checks over executive spending.
- ii) Opposition can debate and demand change in budgetary allocations.
- iii) Executive could be questioned in case of unaccounted spending.

4) Judicial

- i) Debates can be used in Court of law to gather intention of Parliament
- ii) Helps in better implementation and concretization of rights.

Reasons for decline in role :-

(I) EXECUTIVE OVERREACH

- i) Due to their brute majority, legislations are hardly referred to the Parliamentary committees
- ii) Passing of Bills without debate
eg: Aadhar Bill, farm laws bill.

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- (2) Declining role of opposition :- Due to their inactivity, they have been unable to check hasty legislation. Eg: 37 bills were passed in 35 session in 2019.
- (3) Usage of money Bill route → speaker often allows important bills to be passed as money bill effectively curtailing powers of Rajya Sabha eg: Aadhaar
- (4) Lack of power to Parliamentary committees neither are bills referred to them, nor is their suggestion taken seriously.
- (5) Lack of designation of proper time to opposition by speaker and non-recognition of their concerns.

It is important that to reinstate role of Parliament as a deliberative body, with adequate representation, the role of speaker and other bodies like judiciary, CAG be enhanced to demand accountability.

(Q9.) What were the primary factors and considerations that influenced India's decision to adopt parliamentary system of govt instead of presidential system? Do you think there is a gradual shift towards presidentialization of democracy? (15M)

Dr. B.R. Ambedkar proudly proclaimed India as a parliamentary democracy which borrowed from its predecessor, that is, British govt. and continued to flourish till date.

REASONS FOR ADOPTING PARLIAMENTARY SYSTEM OF GOVERNMENT:-

- 1) Familiarity - India was run on the system in GOI Act, 1919 and 1935 which made people familiar with the system.
- 2) Responsibility over stability - Dr Ambedkar said that it was a trade off between the two virtues and we valued responsibility more.
- 3) Apt for an immature democracy - The system of Parliamentary democracy was simple and effective for a newly born nation.

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- 4) Avoidance of cult of personality of leaders -
Instead power should be held in hand of
a number of people in executive.
- 5) No strict separation of power but existence
of checks and balance - Even though the
executive is interdependent with legislature,
the Parliament has enough power to
demand accountability.

GRADUAL SHIFT TOWARDS PRESIDENTIALIZATION

OF DEMOCRACY :-

Arguments in Favour :-

- 1) Existence of ^{personality} cult - single individual
leaders have become more powerful in
democracy.
- 2) Dictatorship of the Cabinet - The decision
making is effectively restricted to a very
few people instead of all council of ministers.
- 3) Election of experts without voting -
Effectively equal to decision-making
by experts in USA's presidential system.

4) Lack of power of Parliament to check executive - similar to strict separation between Senate and President.

Arguments against :-

- 1) Parliament still remains as an effective check over executive to oversee laws and policies and bring out dissent.
- 2) Judiciary - placed Parliamentary system as 'basic structure' making it difficult to erode
↳ checks those legislation which affect rights of individuals.
- 3) Even experts need to be elected from one house : Eg: Dr. S Jaishankar, an ex-IFS officer, elected through Rajya Sabha and became India's foreign minister.

Therefore, even though some elements indicate a shift in nature of polity, these are not powerful enough to shake the foundations of Parliamentary govt rooted since last 75 years.

(20) Dynamics of centre state relations in India in recent time reflect tussle b/w the pursuit of central-ized decision making and demand for regional autonomy. Elucidate with examples, suggest measures for better coordination. (15M)

Centre-state relations in India have undergone tumultuous changes since the inception of constitution. Yet, their remains significant power struggle in various areas:-

(1) Political relations

- (a) Centre using concurrent list to make laws in domain of state. eg: Farm laws
- (b) Imposition of central policy in variance with regional interests eg: NEP, 2020 and 3 language Formula.
- (c) Making ~~for~~ use of central force in situations arising in state - eg: In Assam deployment of central forces.
- (d) Setting up enquiries under Enquiry Act, 1952 against Chief Ministers.

(2) Administrative Relations

- (a) Misuse of Art 556 (President's rule) by

Centre. Eg: imposed over 120 times in 75 years
(b) governor acting as an agent of centre
eg: Maharashtra and Delhi disputes.
and doesn't allow proper floor test to prove majority.

(3)

Financial Relations :-

- (a) Lack of devolution of funds to the state govt - Centre acts like money lender
- (b) Politics of calamity relief.
- (c) Unequal distribution and disparity between states in terms of development
eg: BIMARU states don't receive adequate investments.
- (d) Lack of coordination in schemes: eg - Centre's OMSS policy and Amrashri scheme in Karnataka.

(4) Environmental Relations :-

- (a) Lack of design control in state's plan for climate change
- (b) Lack of resources and funds to states to achieve their stated goals often tied by centre a part of their scheme.

MEASURES FOR BETTER COORDINATION:-Candidates
must not write
on this margin

(Based on 2nd ARC, Sarkaria and Punchhi Commission Reports)

1) Political and administrative :

- (a) Role of governor to be defined + limited as per Constitution with a fixed term.
- (b) Emergency powers should not be misused
- (c) In terms of concurrent list, states should have a higher say [PUNCHHI COMM.]
- (d) No enquiry against CM.

2) Financial :-

- (a) Better implementation of Finance Commission directives (42% revenue to states)
- (b) Instead of a fixed point have a range for FRBM deficit.
- (c) Increase parity in distribution as per needs.

(3) Environmental

(a) more resources should be provided with better control over water, forests, mines etc.

Therefore, it is imperative to make an attempt to increase coordination between centre & states for development, equality & prosperity of all.