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UPSC Mains 2023

4 am Batch Test

(DAY-30)

1) Indian parliament cannot be considered as a sovereign body. Analyze.

UPSC Mains Syllabus topic	Parliament and State legislatures—structure, functioning, conduct of business, powers & privileges and issues arising out of these.
Why was this question asked?	<ul style="list-style-type: none"> To what extent, in your view, the Parliament is able to ensure accountability of the executive in India? (2021)
Introduction	The doctrine of 'sovereignty of Parliament' is associated with the British Parliament. Sovereignty means the supreme power within the State. That supreme power in Great Britain lies with the Parliament. There are no 'legal' restrictions on its authority and jurisdiction.
Body	<p>Therefore, the sovereignty of Parliament (parliamentary supremacy) is a cardinal feature of the British constitutional system.</p> <p>According to AV Dicey, the British jurist, this principle has three implications:</p> <ol style="list-style-type: none"> 1. The Parliament can make, amend, substitute or repeal any law. De Lolme, a British political analyst, said, 'The British Parliament can do everything except make a woman a man and a man a woman'. 2. The Parliament can make constitutional laws by the same procedure as ordinary laws. In other words, there is no legal distinction between the constituent authority and the

	<p>legislative authority of the British Parliament.</p> <p>3. The Parliamentary laws cannot be declared invalid by the Judiciary as being unconstitutional. In other words, there is no system of judicial review in Britain.</p> <p>The Indian Parliament, on the other hand, cannot be regarded as a sovereign body in the similar sense as there are 'legal' restrictions on its authority and jurisdiction.</p> <p>The factors that limit the sovereignty of Indian Parliament are:</p> <ol style="list-style-type: none"> 1. Written Nature of the Constitution: The Constitution is the fundamental law of the land in our country. It has defined the authority and jurisdiction of all the three organs of the Union government and the nature of interrelationship between them. Hence, the Parliament has to operate within the limits prescribed by the Constitution. There is also a legal distinction between the legislative authority and the constituent authority of the Parliament. Moreover, to effect certain amendments to the Constitution, the ratification of half of the states is also required. In Britain, on the other hand, the Constitution is neither written nor there is anything like a fundamental law of the land. 2. Federal System of Government: India has a federal system of government with a constitutional division of powers between the Union and the states. Both have to operate within the spheres allotted to them. Hence, the law-making authority of the Parliament gets confined to the subjects enumerated in the Union List and Concurrent List and does not extend to the subjects enumerated in the State List (except in five abnormal circumstances and that too for a short period). Britain, on the other hand, has a unitary system of government and hence, all the powers are vested in the Centre. 3. System of Judicial Review: The adoption of an independent Judiciary with the power of judicial review also restricts the supremacy of our Parliament. Both the Supreme Court and high courts can declare the laws enacted by the Parliament as void and ultra vires (unconstitutional), if they contravene any provision of the Constitution. On the other hand, there is no system of judicial review in Britain. The British Courts have to apply the Parliamentary laws to specific cases, without examining their constitutionality, legality or
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	<p>reasonableness.</p> <p>4. Fundamental Rights: The authority of the Parliament is also restricted by the incorporation of a code of justiciable fundamental rights under Part III of the Constitution. Article 13 prohibits the State from making a law that either takes away totally or abrogates in part a fundamental right. Hence, a Parliamentary law that contravenes the fundamental rights shall be void. In Britain, on the other hand, there is no codification of justiciable fundamental rights in the Constitution. The British Parliament has also not made any law that lays down the fundamental rights of the citizens. However, it does not mean that the British citizens do not have rights. Though there is no charter guaranteeing rights, there is maximum liberty in Britain due to the existence of the Rule of Law.</p> <p>Therefore, even though the nomenclature and organisational pattern of our Parliament is similar to that of the British Parliament, there is a substantial difference between the two. The Indian Parliament is not a sovereign body in the sense in which the British Parliament is a sovereign body.</p> <p>Unlike the British Parliament, the authority and jurisdiction of the Indian Parliament are defined, limited and restrained.</p>
Conclusion	<p>In this regard, the Indian Parliament is similar to the American Legislature (known as Congress). In USA also, the sovereignty of Congress is legally restricted by the written character of the Constitution, the federal system of government, the system of judicial review and the Bill of Rights.</p>

2) Discuss the concept of office of profit with relevant case laws.

UPSC Mains Syllabus topic	Parliament and State legislatures—structure, functioning, conduct of business, powers & privileges and issues arising out of these.
Why was this question asked?	<ul style="list-style-type: none"> The Indian Constitution has provisions for holding joint session of the two Houses of the Parliament. Enumerate the occasions when this would normally happen and also the occasions when it cannot, with reason thereof. (2017)

Introduction	<p>The concept of the office of profit in India has been subject to interpretation by the judiciary. While the Constitution of India does not provide a clear definition, the term refers to a position or post that can yield financial gain or benefit to its holder.</p> <p>The disqualification of holding an office of profit is applicable to both members of Parliament and Legislative Assemblies.</p>
Body	<p>Constitutional provisions:</p> <ul style="list-style-type: none"> • The Constitution of India, under Article 102(1)(a) and Article 191(1), disqualifies a person from being a member of Parliament or Legislative Assembly if they hold an office of profit under the central or state government, respectively. • These provisions also mention that certain positions, such as being a minister, are exempt from being considered an office of profit. <p>Judicial interpretations:</p> <ul style="list-style-type: none"> • The Supreme Court, in the case of Ravanna Subanna v. G. S. Kaggerap, established that an office of profit is one that provides financial gain or benefit to its holder. • The court's decision in Jaya Bachchan v. Union of India clarified that an office of profit can include positions that carry remuneration, financial advantages, or benefits. • Other cases, such as Divya Prakash v. Kultar Chand and Shibu Soren v. Dayanand Sahay & Ors, have further explored the criteria for determining whether a position qualifies as an office of profit. <p>Parliament's role:</p> <ul style="list-style-type: none"> • The Parliament (Prevention of Disqualification) Act, 1959, provides certain exemptions from disqualification for specific offices held by Members of Parliament. • The Joint Committee on Offices of Profit, constituted by Parliament, examines and determines which offices should be exempted from disqualification.
Conclusion	<p>To ensure transparency and prevent conflicts of interest, it is essential for lawmakers to review and define clear criteria for the office of profit. This would help maintain the separation</p>

	of powers and enable elected representatives to discharge their duties effectively.
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3) Compare the process of constitutional amendment in India and the United States.

UPSC Mains Syllabus topic	Parliament and State legislatures—structure, functioning, conduct of business, powers & privileges and issues arising out of these.
Why was this question asked?	<ul style="list-style-type: none"> Analyse the distinguishing features of the notion of Right to Equality in the Constitutions of the USA and India (2021)
Introduction	The process of constitutional amendment in India and the United States exhibits similarities and differences. While both countries have provisions for amending their respective constitutions, the procedures and requirements differ.
Body	<p>Comparison of the Process of Constitutional Amendment:</p> <p>Amendment Initiatives:</p> <ul style="list-style-type: none"> India: In India, amendments can be initiated by either house of Parliament. However, certain amendments require a special majority, while others also require ratification by the states. United States: In the United States, amendments can be proposed by two-thirds majority in both houses of Congress or by a constitutional convention requested by two-thirds of state legislatures. <p>Ratification Process:</p> <ul style="list-style-type: none"> India: In India, amendments require ratification by at least half of the state legislatures. The President's assent is also necessary in some cases. United States: In the United States, amendments can be ratified by three-fourths of state legislatures or by conventions held in three-fourths of the states. <p>Role of Judiciary:</p> <ul style="list-style-type: none"> India: The judiciary in India plays a significant role in interpreting the Constitution and ensuring the constitutional validity of amendments. The Supreme Court can strike down

	<p>amendments that violate the basic structure of the Constitution.</p> <ul style="list-style-type: none"> • United States: The judiciary in the United States also plays a crucial role in interpreting the Constitution, including amendments. The Supreme Court can declare amendments unconstitutional if they violate the Constitution's provisions. <p>Flexibility vs. Rigidity:</p> <ul style="list-style-type: none"> • India: The Indian Constitution is more flexible compared to the United States Constitution. It allows for easier amendments to address changing social and political circumstances. • United States: The United States Constitution is relatively rigid, making it more challenging to amend. This ensures greater stability and continuity in the fundamental principles of governance.
Conclusion	<p>Thus, India's Constitution allows for more flexibility in amendments, while the United States Constitution prioritizes stability and requires a higher threshold for amendments. These variations are due to the differing socio-economic, historical context of the constitutions framed in the two countries.</p>

4) What are the key features and benefits of business ethics?

Business ethics plays a crucial role in guiding the conduct and behavior of businesses. It is based on moral and social values, providing a code of conduct for businessmen to follow in their normal business activities.

Key Features of Business Ethics:

1. **Code of conduct:** Business ethics establishes a set of guidelines for businessmen to adhere to while conducting their business activities.
2. **Based on moral and social values:** It is grounded in well-accepted moral and principal values, emphasizing self-control, service to society, fair treatment, and the avoidance of harm or exploitation.
3. **Provides a basic framework:** Business ethics offers a framework within which business operations should take place, encompassing legal, social, moral, economic, and cultural boundaries.
4. **Needs willing acceptance for enforcement:** Business ethics cannot be enforced through laws or force; it relies on self-discipline and the voluntary acceptance by businessmen.

5. **Education and guidance required for introduction:** Proper education, guidance, and training are necessary to motivate businessmen to follow ethical business practices.
6. **Not against profit making:** Business ethics does not oppose fair profit making but discourages profiteering through cheating or exploitation. It promotes expansion through fair means, free from illegal activities or corrupt practices.

Benefits of Business Ethics:

1. **Decision Making:** Ethics provides a means for businesses to make informed and responsible decisions, ensuring purposeful and directed actions.
2. **Standardizing Behavior of Employees:** Business ethics establishes standards of behavior in the workplace and interactions with partners, colleagues, and customers, fostering a harmonious and ethical work environment.
3. **Greater Customer Satisfaction:** Following business ethics ensures fair business practices, resulting in enhanced customer satisfaction and trust. It safeguards consumers from malpractices and offers protection.
4. **More Responsible Behavior:** Business ethics creates awareness among businessmen about their duties and responsibilities towards consumers and other social groups, promoting responsible behavior.
5. **Improved Confidence of Stakeholders:** Adhering to business ethics enhances the confidence of consumers and stakeholders in terms of quality, reliability, and fair practices, strengthening the relationship between the business and its stakeholders.
6. **Protecting Rights:** Business ethics safeguards consumer rights at the business level, ensuring health and safety, information, choice, and the right to be heard.
7. **Enhanced Corporate Image:** Business ethics contributes to a positive corporate image, garnering public support and avoiding public criticism. Ethical businesses gain public trust and attract investment.
8. **Cordial Relationship and Support:** Following business ethics fosters cordial and friendly relations between businesses and society, creating mutual support and cooperation.
9. **Long-Term Survival and Growth:** Organizations that uphold ethical practices tend to survive and prosper in the long run, ensuring sustained growth and development.
10. **Uniform Behavior Across Organization:** Business ethics sets a precedent for uniform behavior across the organization, enabling the dissemination of ethical values to others and creating a positive impact on society.

Business ethics, with its key features and benefits, serves as a guiding framework for ethical business conduct. It ensures fair practices, responsible behavior, and positive relationships with stakeholders. Embracing business ethics is essential for the long-term survival, growth, and development of businesses, while also contributing to the overall well-being of society.

5) Optional Self-Practice Questions:

HISTORY:

- Buffer Day to finish pending topics.

ANTHROPOLOGY:

- Discuss the relevance of menarche, menopause & other bio events to fertility.

PUBLIC ADMINISTRATION:

- "Administrative values have no value unless they are valued by all stakeholders of the governance system." Comment

SOCIOLOGY:

- "Education is a major source of Social Mobility in contemporary society". Explain.

GEOGRAPHY:

- Discuss the contributions of JT hack on Landscape development.