



UPSC Mains 2023

4 am Batch Test

(DAY-33)

1) Explain the significance of Constitution in a democratic form of government.

UPSC Mains Syllabus topic	Structure, organization and functioning of the Executive and the Judiciary— Ministries and Departments of the Government
Why was this question asked?	<ul style="list-style-type: none"> Discuss the essential conditions for exercise of the legislative powers by the Governor. Discuss the legality of repromulgation of ordinances by the Governor without placing them before the legislature.
Introduction	<p>The position of the Governor in India and their relationship with the President has been a subject of debate and scrutiny. While the Governor holds office during the pleasure of the President, the extent of the President's control and the discretion granted to the Governor in exercising their powers have raised important constitutional questions.</p>
Body	<p>Dependency of the Governor's Post on the President's Pleasure:</p> <ul style="list-style-type: none"> Article 156(1) of the Indian Constitution states that a Governor holds office during the pleasure of the President. The President can remove the Governor on grounds such as corruption, violation of the Constitution, or as deemed necessary by the Central Executive. The Governor's term is typically five years, but they continue to hold office until their successor assumes the position.

	<ul style="list-style-type: none"> • The Governor also has the right to resign at any time by writing to the President (Article 156(3)). <p>Discretionary Powers of the Governor:</p> <p>Selection of a Chief Minister:</p> <ul style="list-style-type: none"> • In cases where no single party has a clear majority, the Governor exercises discretion in determining who will be recognized as the head of the Coalition Ministry. • The Governor assesses the situation objectively and makes a decision based on the available options. <p>Dismissal of the Ministry:</p> <ul style="list-style-type: none"> • If the ruling party splits, resulting in the loss of majority, the Governor may be approached by the opposition requesting the dismissal of the ministry. • The Governor, after consulting with the President, may remove the ministry in the interest of administrative purity or to address corruption within the ministry. <p>Advising the President for the Proclamation of the Emergency:</p> <ul style="list-style-type: none"> • It is the Governor's responsibility to assess the circumstances and advise the President on the need for an emergency declaration in the state. • The Governor may face resistance from the state administration, but if a breakdown in the constitutional apparatus is evident, they can exercise discretion in advising the President. <p>Discretionary Powers of the Governor of Assam:</p> <ul style="list-style-type: none"> • The Governor of Assam has specific discretionary powers granted under the Sixth Schedule of the Constitution. • These powers include resolving disputes over royalty payments to District Councils and making decisions on matters presented by individual Ministers to the Council of Ministers. <p>Seeking Information from Chief Minister:</p> <ul style="list-style-type: none"> • The Governor is authorized to request information from the Chief Minister on legislative and administrative issues. • The Governor exercises this authority cautiously, using it to gather necessary information for decision-making.
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	<p>Dissolution of the Legislative Assembly:</p> <ul style="list-style-type: none"> • While the Governor generally does not dissolve the Legislative Assembly before its full term, they have the authority to dissolve it in exceptional circumstances. • This discretion is used, for example, when there is a need to appeal to voters to end a period of political insecurity. <p>Situational Discretion:</p> <ul style="list-style-type: none"> • The Governor exercises discretion in various situations, such as appointing a Chief Minister when no clear majority exists, dismissing the council of ministers when they lack the confidence of the legislative assembly, or dissolving the assembly when the council of ministers loses its majority. <p>Constitutional Discretion:</p> <ul style="list-style-type: none"> • The Governor has discretion in reserving a measure for consideration by the President and recommending the imposition of President's Rule in a state. • In addition, when serving as the administrator of a neighboring union territory or dealing with issues related to independent Tribal District Councils, the Governor exercises discretionary authority. <p>Statutory Provisions and Relevant Case Law:</p> <ul style="list-style-type: none"> • Article 174(2)(b) empowers the Governor to dissolve the State Legislative Assembly, but the exercise of this power is subject to their discretion. • The Supreme Court, in the case of <i>Surya Narain v. Union of India</i>, upheld the dismissal of the Governor of Rajasthan, emphasizing the Governor's lack of security of tenure and fixed term. • The Court highlighted that the Governor holds office during the President's pleasure, and their term can be cut short at the President's discretion. • The court ruling in <i>Hargovind Pant v. Raghukul Tilak</i> established that the office of the Governor is not considered an employment under the Government of India, and the Governor is an independent constitutional office not subject to the control of the Centre.
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Conclusion	While the Governor's position theoretically allows for independent judgment, the practice has been influenced by the prevailing political climate. Striking a balance between the Governor's independence and their accountability to the Centre remains a challenge.
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2) Compare the powers and jurisdictions of the Supreme Court of India and the American Supreme Court.

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Why was this question asked?	Comparative constitutional study- This is a potential area but no questions have been appeared so far.
Introduction	The Supreme Court of India and the American Supreme Court are esteemed judicial institutions with distinct powers and jurisdictions. While both courts uphold the rule of law and interpret their respective constitutions, they differ in terms of their powers and functions.
Body	<p>Appellate Jurisdiction:</p> <ul style="list-style-type: none"> The American Supreme Court has limited appellate jurisdiction, focusing on federal cases and constitutional validity. In contrast, the Indian Supreme Court holds appellate jurisdiction as a federal court and the highest court of appeal for interpreting the Constitution. <p>Extraordinary Power of Appeal:</p> <ul style="list-style-type: none"> The Indian Supreme Court possesses the extraordinary power to entertain appeals from any court or tribunal within India, without restrictions (Article 136). The American Supreme Court does not possess a comparable power. <p>Advisory Role:</p> <ul style="list-style-type: none"> While the American Supreme Court refrains from advising the government and limits itself to resolving controversies between litigating parties, the Indian Supreme Court has the

	<p>constitutional authority to provide advisory opinions on questions referred to it by the President (Article 143).</p> <p>Original Jurisdiction:</p> <ul style="list-style-type: none"> • The original jurisdiction of the Indian Supreme Court is confined to federal matters. • The American Supreme Court enjoys wider authority in original jurisdiction. <p>Procedure Established by Law vs. Due Process of Law:</p> <ul style="list-style-type: none"> • India follows the principle of "Procedure Established by Law" for safeguarding individual rights, while the US follows "Due Process of Law." <p>Special Leave to Appeal:</p> <ul style="list-style-type: none"> • The Indian Supreme Court has discretionary powers to grant Special Leave to Appeal. • The American Supreme Court does not possess plenary powers to grant such an appeal. <p>Scope of Judicial Review:</p> <ul style="list-style-type: none"> • In India, the scope of judicial review is limited, whereas in the US, it has a wider scope.
Conclusion	<p>Thus, the Indian Supreme Court's wider jurisdiction and extraordinary powers, along with its advisory role, contribute to its significance as a federal court and guardian of the Constitution.</p>

3) Discuss the importance and problems associated with judicial review in the Indian context.

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Why was this question asked?	<ul style="list-style-type: none"> • What was held in the Coelho case? In this context, can you say that judicial review is of key importance amongst the basic features of the constitution. (2016)
Introduction	<p>Judicial review plays a crucial role in upholding the supremacy of the Constitution, checking the misuse of power by the legislature and executive, protecting the rights of the people,</p>

	<p>maintaining federal balance, and securing the independence of the judiciary. However, it also poses certain challenges that need to be addressed.</p>
Body	<p>Importance of Judicial Review:</p> <ul style="list-style-type: none"> • Upholding Constitutional Supremacy: Judicial review ensures that the Constitution remains the supreme law of the land and acts as a safeguard against unconstitutional actions. • Checking Abuse of Power: It acts as a check on the possible misuse of power by the legislature and executive, ensuring that they operate within the limits set by the Constitution. • Protection of Rights: Judicial review safeguards the fundamental rights of individuals and provides a mechanism for their enforcement. • Maintaining Federal Balance: It helps in maintaining a balance between the powers of the central and state governments, preventing any encroachment on their respective domains. • Securing Judicial Independence: Judicial review contributes to the independence of the judiciary by enabling it to interpret and apply the law without interference from other branches of government. <p>Problems with Judicial Review:</p> <ul style="list-style-type: none"> • Limiting Government Functioning: Judicial review can sometimes limit the functioning of the government, particularly when the court strikes down laws or executive actions. • Potential Violation of Power Limits: There is a risk of judicial review overriding existing laws and potentially exceeding the constitutional limits of judicial authority. • Separation of Functions vs. Powers: India follows a separation of functions rather than a strict separation of powers, and the system of checks and balances allows the judiciary to invalidate unconstitutional laws. • Influence of Personal Motives: Judicial opinions can be influenced by personal or selfish motives, which may undermine the impartiality and integrity of the judiciary.

	<ul style="list-style-type: none"> Public Perception and Efficiency: Frequent interventions by the courts may diminish public faith in the government's efficiency, leading to a perception of judicial overreach. <p>Way Forward:</p> <ul style="list-style-type: none"> The power of judicial review should be exercised responsibly, ensuring that it upholds constitutional values without encroaching on the functions of the legislature and executive. The judiciary should maintain a fine equilibrium with other government bodies, focusing on interpretation while allowing the legislature to make laws and the executive to implement them effectively.
Conclusion	<p>While judicial review is vital for maintaining constitutional supremacy and protecting individual rights, it is essential to address the challenges it presents. Striking a balance between the powers of different branches of government and ensuring the integrity and efficiency of the judiciary will help sustain the principles enshrined in the Constitution.</p>

4) It is the greatest happiness of the greatest number that is the measure of right and wrong. What does the above statement mean to you?

The quote suggests that the moral correctness of an action is determined by the extent to which it contributes to the greatest happiness of the greatest number of people.

Case Study 1:

- In India, the implementation of social welfare programs aimed at uplifting marginalized communities reflects the ethical principle of prioritizing the greatest happiness of the greatest number.

Case Study 2:

- Globally, the establishment of universal healthcare systems in certain countries demonstrates a commitment to ensuring the well-being and happiness of the entire population.

Dimensions implied in the case studies:

- Utilitarianism: The quote aligns with the ethical theory of utilitarianism, which posits that actions should be evaluated based on their overall utility and the maximization of happiness.

- **Social Justice:** Promoting the greatest happiness of the greatest number requires addressing systemic inequalities and uplifting marginalized communities to ensure a more just and equitable society.
- **Public Welfare:** Prioritizing policies and programs that contribute to the well-being of the majority of people, emphasizing the ethical responsibility of governing bodies.
- **Ethical Dilemmas:** Balancing the pursuit of the greatest happiness with considerations of individual rights and freedoms can present ethical challenges.
- **Ethical Evaluation:** Assessing the consequences and impact of policies and actions on the happiness and well-being of the population is essential in determining their moral correctness.

The quote highlights the ethical principle of prioritizing the greatest happiness of the greatest number. While it aligns with utilitarianism and emphasizes the importance of social justice and public welfare, ethical dilemmas may arise when considering individual rights. Integrating moral actions involves evaluating the consequences of policies and actions on overall happiness and well-being while ensuring the protection of individual rights and freedoms.

5) Optional Self-Practice Questions :

HISTORY :

- **Neither Alexander the Great nor Napoleon could have won the empire of India by starting from Pondicherry as a base and coneting with a power which held Bengal and command of the sea. Comment.**

PUBLIC ADMINISTRATION :

- **ICT has immense potential to transform governance and empower citizens. Examine.**

ANTHROPOLOGY :

- **Describe the role of Anthropology in designing defence and other equipment.**

GEOGRAPHY :

- **Explain how geomorphological understanding helps in sustainable regional planning in India.**