

UPPCS

16 January, 2025

Question 1: *The doctrine of the basic structure has been a cornerstone of constitutional jurisprudence in India.” Analyze the role of the Supreme Court in evolving and safeguarding the basic structure of the Indian Constitution. (Word Limit: 200)*

Ans- Introduction

Introduction

The **doctrine of basic structure** preserves the core principles of the Indian Constitution, protecting it from arbitrary amendments that could undermine its ethos.

The Supreme Court has played a crucial role in evolving and upholding this doctrine through judicial review.

Evolution of the Doctrine

1. **Shankari Prasad vs Union of India (1951):** Upheld Parliament’s power to **amend the Constitution, including fundamental rights**, under Article 368.
2. **Sajjan Singh vs State of Rajasthan (1965):** Reaffirmed this power but **faced dissent** on immutability.
3. **Golaknath vs State of Punjab (1967):** **Restricted** Parliament from amending fundamental rights under Article 13.
4. **24th Amendment Act (1971):** **Restored** Parliament’s authority to amend any part of the Constitution.
5. **Kesavananda Bharati v. State of Kerala (1973):** Established that amendments cannot destroy the **basic structure**, identifying key features like **secularism, democracy, and federalism**.

Expansion of the Doctrine

- **Indira Gandhi v. Raj Narain (1975):** Recognized **free and fair elections** as part of the basic structure.
- **Minerva Mills v. Union of India (1980):** **Balanced** Fundamental Rights and Directive Principles.
- **S.R. Bommai v. Union of India (1994):** Reaffirmed **secularism and federalism**.

Conclusion

The doctrine ensures the Constitution’s **fundamental identity remains intact**, protecting it as a **living document** adaptable to evolving needs.

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Question 2: *What are the rights within ambit of Article 19 of Indian Constitution? (125 Words)*

Ans- Introduction

Article 19 of the Indian Constitution guarantees six **fundamental freedoms** essential for individual liberty and a democratic society.

Key Freedoms

- 1. Freedom of Speech and Expression:** Allows free expression, vital for democracy, with restrictions like defamation and national security (**Indira Gandhi v. Raj Narain, 1975**).
- 2. Freedom to Assemble Peacefully:** Enables peaceful protests and meetings, exemplified by the Indian independence struggle and farmer protests (2020–2021).
- 3. Freedom to Form Associations or Unions:** Empowers citizens to form groups, including trade unions and political parties, safeguarding collective bargaining.
- 4. Freedom to Move Freely:** Grants unrestricted travel within India, subject to public order or crime prevention.
- 5. Freedom to Reside and Settle:** Ensures the right to live anywhere in India.
- 6. Freedom to Practice Any Profession:** Allows individuals to engage in professions or trades within regulatory frameworks.

Conclusion

These freedoms, balanced with **reasonable restrictions**, ensure individual rights align with public interest, fostering liberty and societal harmony.

Question 3: *Critically analyze the role of the Finance Commission in strengthening financial devolution to Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs). (Word Limit: 200)*

Introduction

The Finance Commission plays a pivotal role in ensuring financial devolution to Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs) for decentralized governance. It aims to enhance local governance by providing adequate financial resources to these bodies.

Role in Strengthening Financial Devolution

- Devolution of Funds:** The Finance Commission has progressively recommended an increase in the share of funds allocated to PRIs and ULBs. The **14th Finance Commission (2015)** raised the share of local bodies in the total devolution to 62%, marking a significant step towards empowering local governance.
- Recommendation of Grants:** The **15th Finance Commission (2020)** allocated a substantial share of its grants to local bodies, emphasizing equitable development. It recommended Rs. 90,000 crore for **PRIs and ULBs** over five years, aimed at improving infrastructure, sanitation, health, and education at the grassroots level.
- Performance-Based Funding:** The Finance Commission has linked financial allocations to performance metrics. This incentivizes local bodies to improve governance and utilize funds effectively. For instance, the **15th Finance Commission** recommended performance-based grants for **ULBs** to boost urban planning and service delivery.
- Equitable Distribution of Resources:** The **15th Finance Commission** emphasized the need to allocate funds based on population and poverty indicators, ensuring that financially disadvantaged regions receive higher support. This approach promotes inclusive growth at the grassroots level.
- Special Grants for Emerging Needs:** The Commission recognized the need for local bodies to address emerging issues like **climate change, urbanization, and pandemic management**. It recommended specific grants for disaster management, sanitation, and environmental sustainability to improve service delivery.
- Capacity Building and Training:** The **Finance Commission** also advocated for enhancing the administrative capacity of PRIs and ULBs by recommending funds for training local officials in fund management, transparency, and project implementation. This ensures that local bodies utilize devolution efficiently.
- Urban-Rural Divide:** The Finance Commission has attempted to address the growing disparity between urban and rural local bodies. For example, the **15th Finance Commission** allocated specific grants for **urban local bodies** in recognition of the rapidly increasing urbanization and the demand for better infrastructure and services.
- Accountability Mechanisms:** The **Finance Commission** has stressed the need for **accountability frameworks** at the local level, recommending systems for **audit,**

performance evaluations, and **public feedback mechanisms** to ensure that funds are used effectively.

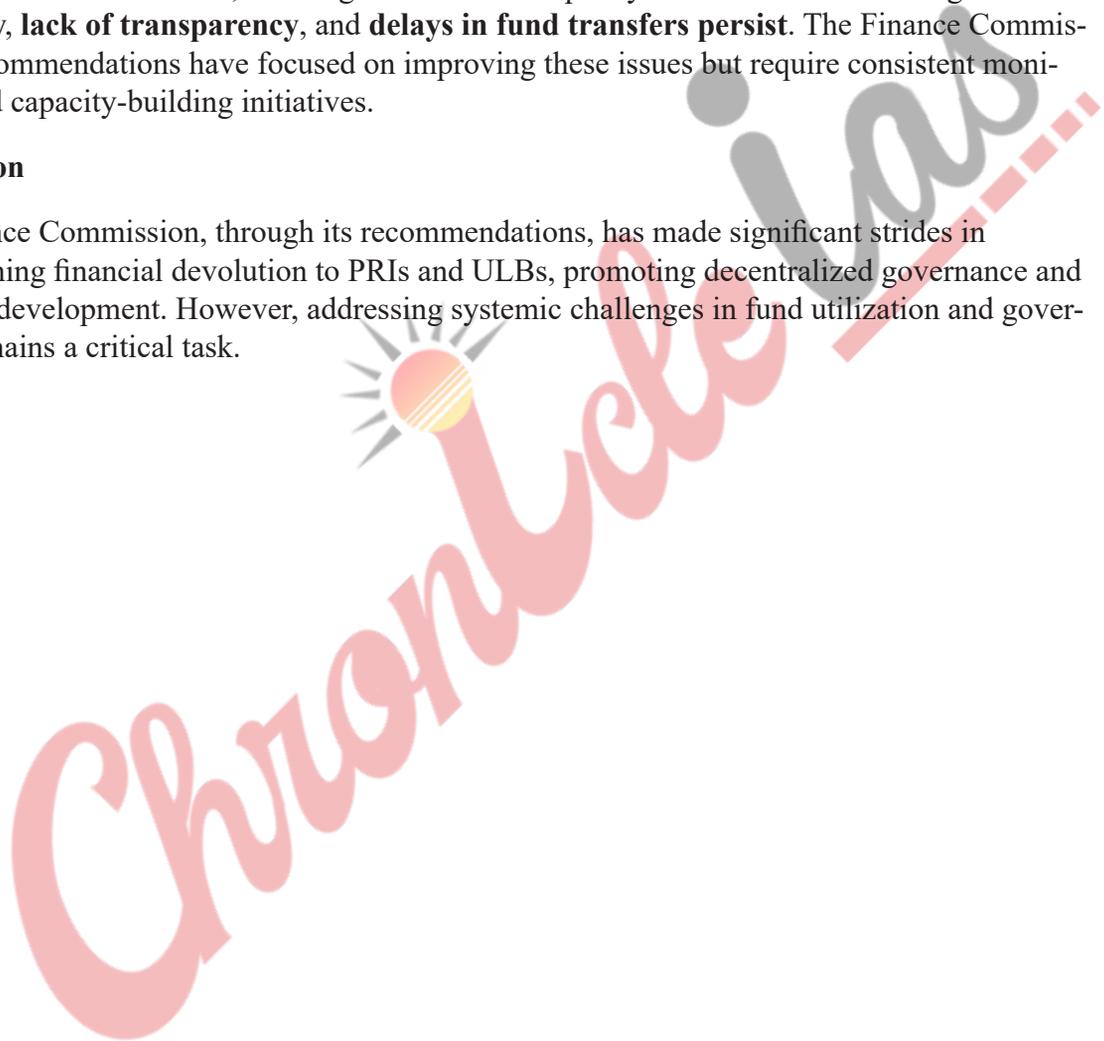
9. **Greater Flexibility for ULBs:** Recognizing that urban areas face different challenges than rural areas, the **Finance Commission** has advocated for greater **flexibility** in the allocation of funds to **ULBs**, allowing them to address specific urban issues such as housing, transport, and waste management.

Challenges

Despite these advancements, challenges such as the capacity of local bodies to manage funds effectively, **lack of transparency**, and **delays in fund transfers persist**. The Finance Commission's recommendations have focused on improving these issues but require consistent monitoring and capacity-building initiatives.

Conclusion

The Finance Commission, through its recommendations, has made significant strides in strengthening financial devolution to PRIs and ULBs, promoting decentralized governance and inclusive development. However, addressing systemic challenges in fund utilization and governance remains a critical task.



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Question 4: "In what ways does the Presidential election process in the United States differ from that in India?" (200 words)

प्रश्न 4: "संयुक्त राज्य अमेरिका में राष्ट्रपति चुनाव की प्रक्रिया भारत में राष्ट्रपति चुनाव से किस प्रकार भिन्न है?" (200 शब्द)

Ans- Introduction

The presidential election processes in the **United States** and **India** differ in several key aspects, including the method of election, the role of electors, and the electoral systems used. These differences are a reflection of the distinct political and constitutional frameworks of both countries.

Electoral Method

In the **United States**, citizens vote for **electors** in the **Electoral College**, who then choose the President. This **indirect election** process emphasizes the importance of the states. Conversely, in **India**, the President is elected by **Members of Parliament (MPs)** and **Members of Legislative Assemblies (MLAs)**, making it an **indirect election** involving elected representatives.

Electoral Systems

The U.S. follows an **Electoral College system**, where each state's electors are allocated based on its congressional representation. A candidate needs **270 electoral votes** to win. On the other hand, **India** employs a **weighted voting system**, where MPs and MLAs vote based on the population of their respective states, using a **single transferable vote** system to ensure proportional representation.

Political Parties and Candidate Selection

In the **U.S.**, the election is largely **two-party dominated**, with major parties—Democrats and Republicans—contesting the election. In **India**, the **multi-party system** allows for diverse candidates, often supported by coalitions or regional parties.

Conclusion

While both systems are indirect, the U.S. and India differ in their electoral processes, reflecting their unique political landscapes and institutional structures.

Aspect	United States	India
Electoral Method	Indirect election through the Electoral College . Citizens vote for electors who elect the President.	Indirect election by elected MPs and MLAs . They elect the President through a weighted voting system.
Electoral System	Electoral College system with 538 electors. A candidate needs 270 electoral votes to win.	Weighted voting system based on population of states. Voting is through single transferable vote system.
Role of Political Parties	Dominated by two major political parties : Democrats and Republicans.	Multi-party system with diverse candidates, often from regional parties or coalitions.
Electorate	Citizens vote for electors who then vote for the President.	MPs and MLAs from both national and state levels vote.
Voting Process	Voters cast their votes for electors, who ultimately vote for the President.	MPs and MLAs cast votes based on a proportional representation system with varying weight.
Frequency of Election	Every four years , on the first Tuesday of November.	Every five years , unless a vacancy occurs.