

1. What do you understand by the concept of checks and balances in a constitutional democracy? Explain with the help of relevant examples in the Indian context.

Approach:

As the directive is explain, a candidate here is expected to clarify with relevant facts and implications. Here, for introduction part candidate can start by defining what are checks and balances in a constitutional democracy besides showing how it is a characteristic feature of Indian democracy. For main body part it is expected to explain in detail concept of checks and balances besides showing importance of checks and balances in a constitutional democracy with relative examples in Indian democracy. For value addition we also need to explain performance of this concept of checks and balances in Indian context. While in conclusion one can state in brief what is the output of this system in general and what are the advantages or disadvantages continuing with this concept.

Introduction:

The concept of checks and balances is to safeguard that different branches of government control each other internally (checks) and serve as counter weights to the power possessed by the other branches (balances). Despite there being no express provision recognizing the doctrine of separation of powers in its absolute form, the Constitution of India does make the provisions for a reasonable separation of functions and powers between the three organs of Government. Rather it is more of a version of "checks and balances".

Body:

Checks and balances, principle of government under which separate branches are empowered to prevent actions by other branches and are induced to share power.

- Checks and balances are applied primarily in constitutional governments. They are of fundamental importance in tripartite governments, such as that of the United States, which separate powers among legislative, executive, and judicial branches.
- Checks and balances, which modify the separation of powers, may operate under parliamentary systems through exercise of a parliament's prerogative to adopt a no-confidence vote in a government; the government, or cabinet, in turn, ordinarily may dissolve the parliament. For instance, Indian Constitution envisages such provision.
- In simple form, the objective of separation of functions and employees is to limit the power; to make the branches of government accountable to each other. It can be clearly observed from Figure 1.
- The most noticeable example of a check is the power of the judiciary to appraise executive conduct and ordinary laws for the compliance with the Constitution and the Bill of Rights.
- Judicial review in this case constitutes neither executive nor judicial function, it is a mere check on the exercise of executive and legislative power. It is a

power exercised by the judiciary to guarantee constitutional compliance and not to exercise the power of another specialist.

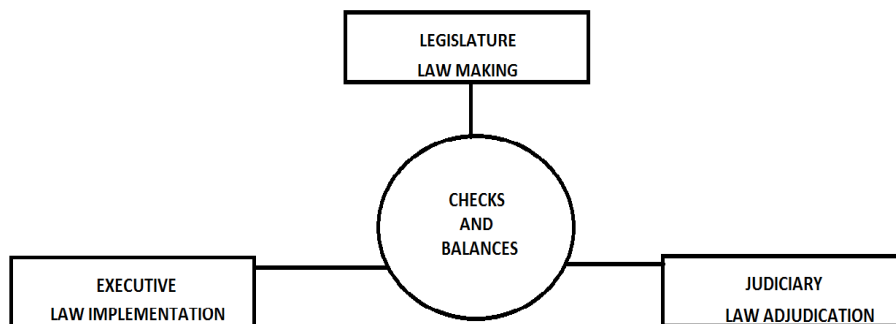


Figure 1

Indian constitution have meticulously defined powers and functions of the different organs of the state. Legislature, executive and judiciary have to function within their own spheres demarcated under the constitution. Unlike the US constitution, instead of having strict separation of power India follows the principle of 'checks and balance' which is evident from the various constitutional provisions dealing with executive, legislative and judicial organs.

- For instance, Under the constitutional provision, Parliament in India includes the Lok Sabha, the Rajya Sabha and the President. Parliament, the legislative body, has the head of executive as its integral part.
- Accordingly, the parliament uses different motions like censure motion, no confidence motion, etc., to check the functioning of the council and hold them responsible. Further, the Parliament under article 61, can impeach the President for violation of the Constitution.
- Within the constitutional provision India has an independent judiciary with the Supreme Court at its apex. Provision of judicial review and writ under Article 32 and 226 empowers the Supreme Court and the High Court's respectively to check the constitutional validity of the executive and legislative actions.
- Independence of the judiciary has been ensured in the constitution but the same has been interlinked with executive and legislative organ of the government.
- For instance, appointment and transfer of judges of High Courts and the Supreme Court is done by the executive. Further, the removal of the judges of the High Courts and Supreme court is done by the Parliament.
- Idea behind the doctrine of separation of powers is to create separate power centres rather than having all power concentrated in a single institution. Though on the whole, the doctrine of separation of power in the strict sense is not possible in modern political system, its value lies in emphasis of checks and balance, which are necessary to prevent abuse of power and uphold the rule of law.
- All three of them are strong pillars of India which support and strengthen each other. Thus, keeps a check and ensures smooth functioning of the whole system and the nation.

Performance of concept of Checks and balances with respect to Indian constitution:

- Since its inception Indian Constitution has undergone various amendments, however, our constitution hadn't undergone major changes as changing the constitution entirely due to its principle of separation of power and checks and balances.
- For instance, the Parliament wields more power when it comes to amendment of the Constitution. However, In the Keshavananda Bharati Case (1973), the SC ruled that the Parliament cannot amend those provisions which form the 'basic structure' of the Constitution'. This ensured that no arbitrary amendment can pass the test.
- Also, the Executive (i.e. the political Executive the Council of Ministers) remains responsible and the administration accountable to Parliament. It is the function of Parliament to exercise political and financial control over the Executive and to ensure parliamentary surveillance of administration. Thus, Executive is collectively responsible to Parliament for its actions.
- Also, recent stay order by honourable Supreme Court regarding the Maratha reservation which breached the constitutional limit of 50% reservation is also a fine example of Judiciaries check on arbitrary use of power by legislature.

Conclusion:

Checks and balances in constitutional democracy ensure that the different branches control each other. This is intended to make them accountable to each other – these are the 'checks'; It also ensure to check arbitrary use of power by any organ of the government. Also the constitution divides power between the different branches of government – these are the 'balances'. Balance aims to ensure that no individual or group of people in government is 'all-powerful'. Hence, checks and balances ensure that power is shared, no arbitrary use of power takes place and it is not concentrated in one branch.

2. Examine the powers and limitations of different commissions for the protections of the rights of the vulnerable sections.

Approach:

The demand of the question is quite direct. Body of the answer should include two subheadings – Powers and Limitations.

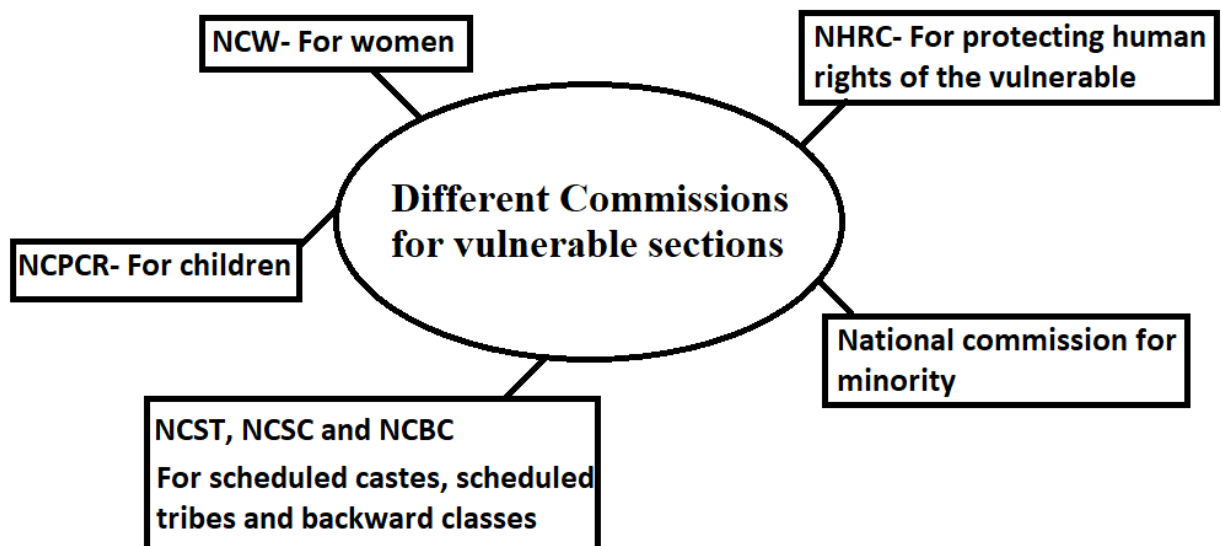
Since, the directive is “EXAMINE”, mere listing of powers or limitations pointers won’t fetch marks. Students should try to understand, inspect, investigate and establish the key facts and issues related to the topic in question. While doing so we should explain why these facts and issues are important and their implications.

Introduction:

Vulnerable sections like women, children, SC/STs, minorities, OBCs and differently able are facing multiple socio-economic disadvantages in terms of health, education, mobility, economic opportunity, etc., in India. To redress it, the Constitution of India as well as various legislations has provided for different commissions and the prime intention is to protect their constitutional rights, coordination in socio-economic and educational development, and address atrocities related matters.

Body:

Some of the different Commissions mandated to oversee and ensure social justice and protection of the vulnerable and backward sections of the society are-



Powers of the commission:

1. Commissions are empowered to investigate and monitor all matters relating to the safeguards for vulnerable sections under the constitution and any other

- law or any order of the government → This has helped to evaluate the working of such safeguards as the vulnerable sections are often prone to violence.
2. **They inquire into specific complaints** dealing with the vulnerable sections → This has helped to protect and safeguard vulnerable sections, as they are deprived from their rights.
 3. **They participate and advice on planning process** of socio-economic developments of vulnerable sections → This helps to evaluate the progress of the development of vulnerable section under the union and any state, as these sections are not aware of their beneficial schemes.
 4. **Present report to the President** upon the working of those safeguards annually and at such other times as the commission deems fit, because of free from political interference in the process.
 5. **Make recommendations** as to the measures that should be taken by the centre and states for the effective implementation of those safeguards and other measures implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the vulnerable sections.
 6. **To discharge such other functions for protection, welfare and development and advancement of Vulnerable sections** as the president may, subject to the provisions of any law made by parliament by rule specify.

Limitations of the commissions:

1. **Compositions of the commission** → Respective Commission Chairperson/members should have representation from vulnerable section and should be inclusive.
2. **Multiplicity of various commissions** for the vulnerable sections of the society → has led to problems of overlapping jurisdiction and duplication of functions.
3. Currently, **Commissions are not empowered to issue binding directions or injunction orders** and its reports, unlike the decrees of civil courts, could not be enforced and executed, therefore commissions should get constitutional backup.
4. As the **commission is not an adjudicatory body** that could issue binding directions or injunction order therefore reports are not an alternative to the hierarchical judicial system envisaged under the constitution, it has no jurisdiction over service matters of an institution like the ITBP. Most of the Commissions are toothless and need to get the binding powers to punish the accused.
5. **Other limitations** → Low financial independence and politicization of commissions, absence of checks and balances, National and State Commissions do not trespass their respective jurisdiction etc

Conclusion/Way ahead:

All the commissions need to be empowered truly by –

- making them free of political interference,
- manning them with adequate and suitable manpower,
- providing them enough funding for carrying out basic research etc.
- more powers, specially to impose penalty,
- making their decisions binding on executive.

In cases where executive decides not to implement the decisions, it should provide reasons behind not doing so.

Constitutional mandate of putting yearly reports by these bodies in parliament should be done in true spirit and parliamentarians should spend decent time to discuss the report.

Above everything political will is required on part of both central and state governments to make these bodies truly effective and thus improve the conditions of the vulnerable in country.



3. What are the constitutional provisions for separation of powers in India’s three tiered government? Are they effective? Critically examine.

Approach:

It expects students to write about the constitutional provisions for separation of power in India’s three tiered government and analyze effectiveness of such provisions in critical manner.

Introduction:

Division of powers between different tiers of government is mentioned in the constitution. Union government has overridden and invaded powers of state government under emergency and certain other eventualities. It cannot destroy the essential federal feature of the Constitution but questions effectiveness of arrangement of separation of powers.

Body:

Table for Constitutional provisions of separation of power between union, state and local government:

Union government	State government	Local government
Article 52 to 151 provides provisions for union government under Part 5 like executive, parliament, legislative powers of President, union judiciary and comptroller and auditor general of India.	Article 152 to 237 provides provisions for state government under Part 6 like state executive, state legislature, legislative powers of Governor, High Courts and Subordinate Courts.	The 73rd Amendment Act added part 9 and a new Schedule 11 to the Constitution for rural local bodies i.e. panchayati raj. Similarly, the 74th Amendment Act added part 9-A and new schedule 12 to the Constitution. Article 243 to 243ZH contains provisions for local government.
Schedule 7 provides Union list of subjects on which parliament has exclusive powers of law making and concurrent list of subjects on which parliament has shared power with states. Along with it center also enjoy residuary powers over	Schedule 7 also provides state list on which state legislature has exclusive powers of law making subject to some exceptions.	Schedule 11 contains list of 29 subjects under purview of panchayats. Schedule 12 contains list of 18 items under purview of urban local bodies.

subjects not mentioned under any list.		
Power of appointment of members of Election commission (Article 324) and UPSC (Article 315-323) resides with President. Finance Commission (Article 280) is constituted by President of India every five years.	It also enjoys powers to appoint members of State Public Service Commission (Article 315-323) and State Finance commissions.	Gram Sabha in rural local government provide way for direct democracy in which accountability and transparency can be achieved efficiently.
Article 343 mentions official languages of the Union which are Hindi and English as of now.	Article 345 provide official language or languages of a State- subject to the provisions of articles 346 and 347, the legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi.	It uses respective state official language for communications.

Effectiveness of constitutional provisions to maintain separation of powers:

- Decentralization and separate government apparatus: States are not subordinate to the Union. Both derive their powers from the constitution which is the supreme law of the land. The powers enjoyed by both are, therefore, original and not delegated by the center. E.g. Innovations like Autonomous District council provided ways for more decentralization.
- Separate list of subjects has by and large avoided turf wars between union and states.
- Since the SR Bommai case verdict, misuse of Article 356 has reduced significantly. Supreme Court can reinstate state governments arbitrarily removed by President's rule.
- Compulsory provision under 73rd and 74th constitutional amendment act mandated to have elections every five years, state finance commission for financial relations of state/intra state and local bodies. It makes local government more efficient and avoids interference of state government.
- Only in exceptional cases, parliament can override state legislature or executive powers like, emergency national or financial, President's rule or if state/states pass resolution to that effect.
- Increased role of finance commission as constitutional body and increased share of states in central divisible pool helped to increase autonomy of states in economic development. Competitive spirit between states has helped union government to achieve its own objective of economic development.

However, effectiveness of separation of power has been questioned multiple times in independent Indian history,

- Provision of Emergency powers (Article 352-360) under constitution keep scope for totalitarianism violates principle of separation of power. Use of instrument of President's rule by more than 125 times by union government to remove state governments in different states. It was envisaged as dead letter which proved deadly weapon against states and hampered separation of powers.
- Governor's office: Constitutional and situational discretions are used by office of governor in inappropriate manner. Political activism shown by governor's office in West Bengal and Maharashtra in recent time reduces the stature of constitutional office in Indian polity. It also exemplifies violation of constitutional morality by indulging in jurisdiction of state's powers.
- Use of central investigation agencies: It has been used by union governments to influence decisions of opposition political parties ruling in states. Enquiry commissions for chief ministers and important functionaries.
- One nation one policy initiatives erode the federal independence and innovation in their own jurisdiction like taxation, social sector schemes and electoral matters. E.g. push for one nation one election, one nation one tax.
- Terms of reference used by Finance commission like forest cover, total fertility rate, per capita GDP create feeling of injustice in some states. Dependence of states and local governments on union vis-e-vis financial security erodes principle of separation of power.
- Sheer number of subjects under state list is much less than union list; still there is constant encroachment by union on the subjects of state list. E.g. Farmers acts of 2020.

Conclusion:

However, despite of challenges, India's 3 tiered government models succeeded to maintain robustness and effectiveness with cooperation, collaboration and consultations recently witnessed joint pandemic response. There is need to achieve objective of 'minimum government and maximum governance' without hampering effectiveness of separation of power between different tiers of governments in India.

4. While self-reliance is important, India does not have the luxury of abandoning export orientation. Elucidate.

Approach:

It expects students to write answer in two parts - In first part write your argument as why India focusing on self-reliance; while in second part write about why India does not have the luxury of abandoning export orientation.

Introduction:

Only a self-reliant nation can serve the diverse needs of its population and provide them with choices. A content nation can also contribute to the welfare of other counties with a sense of self-pride. The COVID-related pressures and the unfortunate border tensions with its largest import partner, China, present a rare opportunity for India to reinvent itself, economically.

Body:

India now focussing on Self Reliance due to following reasons:

- COVID-19 took very little time to spread across the world economy. International trade has been constricted and global supply chains have, by and large, been disrupted.
- Each nation has been left to fend for itself. India's dependence on other countries has been exposed in several areas. The country should now refocus on manufacturing, and be self-reliant.
- Prime Minister Narendra Modi gave a call to fellow Indians to be "Vocal for Local" in May. This essentially means, as PM Modi explained, not only to buy and use local products, but to also take pride in promoting them.
- The Centre announced a well-considered programme, the Atmanirbhar Bharat Abhiyan (ANBA), as part of the post-pandemic economic revival package. Rs. 20 lakh crore (10% of India's GDP) was earmarked for the purpose.
- Nevertheless, experts and industrialists do assert that the ANBA is an excellent initiative and gives India the opportunity to embark on the self-reliance drive.

However, while focusing of self-reliance, India does not have the luxury of abandoning export orientation because:

- India has focused on domestic-demand led growth not just as a short-run response to Covid – 19, but as a medium-term growth strategy. All the evidence across the world and in India has shown that rapid and sustained economic growth requires export dynamism.
- Only growth can rehabilitate balance sheets; stressing balance sheets further cannot realistically revive growth. Consumption growth will be limited by the fact that household debt has grown rapidly in the last few years.
- Consumption now can grow only if incomes grow. Government spending could be a short run option, but COVID has limited that possibility. Post-COVID, India's debt is expected to rise from about 70 per cent of GDP to about 85-90 per cent and deficits are likely to be in the double-digit range. The fiscal space for

spending will be severely limited both because of high levels of deficits and indebtedness and because debt dynamics will be adverse unless growth picks up substantially.

- India may well have scope for expansionary fiscal policy in the short run but not as a medium run growth strategy. India's financial system was badly impaired even heading into the COVID crisis and will come out more seriously damaged. Given the limited progress in fixing the financial system, prospects for investment remain weak. In short, in India's current circumstances, India does not have the luxury of abandoning export orientation because the alternatives are so limited.
- We estimate that India is producing and exporting about \$60-\$140 billion (2-5 per cent of GDP) less of low-skilled activity annually than it should be. There are, of course, two ways to look at this finding. On the one hand, it is an indictment of past performance. On the other, it is also an indicator of potential future opportunity if the underlying problems are addressed.
- In recent years, because China's wages are rising as it has become richer, it has vacated about \$140 billion in exports in unskilled-labour intensive sectors, including apparel, clothing, leather and footwear. Post-COVID, the move of investors away from China will probably accelerate as they seek to hedge against supply chain disruptions because of trade actions against China.
- India did not take advantage of the first China opportunity. Now, a second opportunity stemming from geo-politics has been created and that is India's big prize waiting to be seized. Importantly, exploiting this opportunity in unskilled exports requires more not less openness.

Export success will also require genuine easing of costs of trading and doing business in India. As India contemplates atmanirbharta, two deeper advantages of export orientation are always worth remembering. First, foreign demand will always be bigger than domestic demand for any country. Second, there is also a fundamental asymmetry: If domestic producers are competitive internationally, they will be competitive domestically and domestic consumers and firms will also benefit. The reverse is not true: Being competitive only domestically is no guarantee of efficiency and low cost. In sum, resisting the misleading allure of the domestic market, India should zealously boost export performance and deploy all means to achieve that.

Conclusion:

Pursuing rapid export growth in manufacturing and services should be an obsession with self-evident justification. Abandoning export orientation will amount to killing the goose that lays the golden eggs and indeed killing the only goose laying the eggs.

5. As global supply chains have disrupted during pandemic, India has a tremendous opportunity to reindustrialise. Comment.

Approach:

It expects students to write - in first part, write about how pandemic disrupt global supply chain - in second part write about why India has a tremendous opportunity to reindustrialise - in third part in short you can mention few constraints for reindustrialisation - while in fourth part write about How India can seize the global supply chain opportunity in the post COVID-19 era

Introduction:

COVID-19 took very little time to spread across the world economy. International trade has been constricted and global supply chains have, by and large, been disrupted. With pandemic crisis, both regional and global supply chains stand fractured. There is a pressing need to re-evaluate the global supply chains wherein fundamental assumptions may need to be re-examined, manufacturing bases may need to be diversified, trade channels may need to be re-engineered, and investment destinations may see a shift.

Body:

Pandemic disrupt global supply chain as follows:

- Economic activities stagnated
- Transportation halted
- Labour movement restricted
- Some MSME's shutdown
- Unemployment
- Fall in demand
- Import substitution

India has a tremendous opportunity to reindustrialise because:

- India has strongest demography: According to National Policy for Skill Development and Entrepreneurship - 54% are below 25yrs and 62% are aged between 15-59yrs.
- India's continuous efforts to improve infrastructure by various projects like Bharatmala, Sagarmala, National Infrastructure Pipeline etc.
- Recently amended labour laws can attract foreign investment which can be utilised for industrialisation.
- With the disruptions in supply chains, every company that relied on inputs from abroad has been severely impacted. It is becoming evident that the supply chain strategies that were most celebrated in pre-COVID-19 world can no longer be relied upon.
- For instance, the lean or the 'just-in-time' inventory strategies that entail manufacturers to maintain minimum raw material, may need to be reevaluated. There is thus a pressing need to re-engineer the global supply chains wherein

the fundamental assumptions may need to be re-examined, manufacturing bases may need to be diversified, trade channels may need to be altered, and investment destinations may see a shift.

- In line with the urge to create a resilient supply chain system, the consumption-driven developed economies such as the EU, Americas and Asia are not only rethinking their business strategies, but also are beginning to look at other nations to mitigate their supply chain risks.

However, following are some challenges for reindustrialisation:

- Regulatory uncertainty: Regulatory risks and policy uncertainty in the past have dented investor confidence.
- Investment: There has been a cyclical slowdown in fresh investment since 2011-12.
- Technology adoption: The adoption of new technologies like artificial intelligence, data analytics, machine-to-machine communications, robotics and related technologies, collectively called “Industry 4.0”, are a bigger challenge for SMEs than for organized large-scale manufacturing. Data security, reliability of data and stability in communication/transmission also pose challenges to technology adoption.
- Exports and insufficient domestic demand: There has been no export driven industrial growth. Domestic demand alone may not be adequate for sustained, high value manufacturing.
- Challenges to doing business: Despite recent improvements in our global EODB rank, it continues to be a drag on the system. This is also true of investment conditions in the states. Getting construction permits, enforcing contracts, paying taxes, starting a business and trading across borders continue to constrain doing business.

India can seize the global supply chain opportunity in the post COVID-19 era by following interventions:



Under the above-mentioned groupings, some of the immediate measures the governments may undertake include:

- Immediate release of incentives under the industrial and sectoral policies.
- Enact ease of not just doing business but resuming, diversifying and expanding too.
- Allow extended operating hours.
- Provide plug-n-play infrastructure and common facility centers (CFCs) in each district, with focus on technological support and export promotion.

- Establish helpdesks and digital platform to bridge information gap between suppliers, buyers and logistics service providers.
- Revisit, renegotiate and enforce FTAs, especially with respect to value addition clauses and change in import-export basket of India.

Conclusion:

With the newly defined objectives of global companies and countries to reduce their supply chain risks in the long term and fix the broken value chains in the short term, India has an exclusive opportunity to emerge as the preferred destination during and after the COVID-19 pandemic.

