

**1. What are the executive powers of the President? Discuss. What are the limitations on exercising the executive powers? Explain.****Approach**

We have to mention important executive powers of the President. Further, we need to put arguments for relevance of conferring such powers to President and also mention its limitations.

**Introduction**

Articles 52 to 78 in Part V of the Indian Constitution deal with the Union executive; from this Article 53 states that all the executive powers of the Union will be vested in the President of India and shall be exercised by him either directly or through officers subordinate to him in accordance with this constitution.

**Body****Executive powers of the President:**

- Head of the Union: All executive actions of the Government of India are formally taken in his name. (Article 77)
- Make rules specifying the manner in which the orders and other instruments made and executed in President's name shall be authenticated.
- Make rules for more convenient transaction of business of the Union government, and for allocation of the said business among the ministers.
- Appointment of the prime minister and the other ministers. They hold office during his pleasure.
- Appointments: Appoint the attorney general of India and determines his remuneration. The attorney general holds office during the pleasure of the President.
- Appoint the comptroller and auditor general of India (CAG), the chief election commissioner (CEC) and other election commissioners, the chairman and members of the Union Public Service Commission (UPSC), the governors of states, the chairman and members of finance commission, and so on.
- Seek any information relating to the administration of affairs of the Union, and proposals for legislation from the prime minister.
- Require the Prime Minister to submit, for consideration of the council of ministers.
- Appoint a commission to investigate into the conditions of SCs, STs and other backward classes.
- Appoint an inter-state council to promote Centre–state and interstate cooperation.
- Administer the union territories through administrators appointed by him.
- Declare any area as scheduled area and has powers with respect to the administration of scheduled areas and tribal areas.

- Supreme Commander: As head of State, the President is the supreme commander of armed forces of India and is entitled to declare war or conclude a treaty.

These executive powers enable the President to:

- Preserve, protect and defend the constitution and the law of India.
- Provide continuum to India's administration and governance.
- Cause smooth and democratic transition of power.

**Limitations on exercising the executive powers:**

- Absence of real powers: Under parliamentary system President is only a symbol of the executive authority who acts on the aid and advice of the Council of Ministers headed by the Prime Minister. 42<sup>nd</sup> and 44<sup>th</sup> amendment acts made ministerial advice binding on the President.
- Lack of accountability: President cannot be sued for any executive action of the State. Article 361 states that judicial proceeding may be brought against the Government of India but not against the President.
- Discretionary powers: The Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister. The President can act on his discretion while appointing the Prime Minister when no party has a clear majority in the Lok Sabha or when the Prime Minister in office dies suddenly and there is no obvious successor. This power may be used with political bias favouring certain political party or coalition.
- President has no say in appointment of AG, CAG, CEC, etc. as it is done on advice of council of ministers or committees. Hence, such appointments lack transparency in most of the cases.
- President has no removal powers to remove CAG and CEC.
- Recommendations of the commission appointed to investigate into the conditions of SCs, STs and other backward classes are advisory in nature.
- Inter-state council is not a permanent institution. It is a platform for deliberation with advisory recommendations and no enforceable mandate.

**Conclusion**

The President is the head of the Indian State and is the first citizen of India. His executive powers combined with legislative, judicial, financial, emergency powers enable him to act as the symbol of unity, integrity and solidarity of the nation.

**2. Discuss the role and composition of the Cabinet Committee on Security (CCS).****Approach**

It's a very straight forward question. Candidates are expected to write about cabinet committees and then discuss the role and composition of the cabinet committee on security.

**Introduction**

The executive in India works under the Government of India Transaction of Business Rules, 1961. This rules sets the establishment of cabinet committees. The Cabinet Committee are institutional arrangements to reduce the workload of the Cabinet and for smooth and convenient functioning of the government. They are based on the principles of division of labour and effective delegation.

**Body**

Cabinet Committee on Security:

- Cabinet committee on security undertakes major decisions with respect to the significant appointments in the security apparatus, issues of national security, defence expenditure of India etc.

Composition of Cabinet Committee on Security:

- Prime Minister, Minister of Defence, Minister of Home Affairs, Minister of Finance & Corporate Affairs and Minister of External Affairs. It is chaired by the Prime minister.
- The Prime Minister constitutes Standing Committees of the Cabinet and sets out the specific functions assigned to them. He can add or reduce the number of committees.
- Many time public servant and member from defence staff, a non cabinet member are also called upon by the committee to discuss and deliberate on important issues.

Role of Cabinet Committee of Security:

- It also facilitate in-depth examination of internal and external security policy issues and effective coordination.
- Committees facilitates efficient utilisation of time and Human Resource's with defence staffs and personnel by assigning the tasks and duty on broad contours of security of India.
- Discussing the issues concerning international deals that impact India's security. The political issues revolving around the nation's security. Evaluating the need for the national security apparatus and bringing in desired changes to enhance national security.
- They help in safeguarding principle of collective responsibility on Security matters. It also helps in facilitation of utilisation of ministerial expertise. For example MEA S. Jaishankar having expertise on external issues helps in assessing impact of changing geopolitical status on Indian security.

- The Committee deals with issues relating to law and order, internal security and policy matters concerning foreign affairs with internal or external security implications.
- It considers issues related to the Department of Defence Production and the Department of Defence Research and Development, Services Capital Acquisition plans and schemes for procurement of security-related equipment. And considers all cases involving capital expenditure of more than Rs. 1000 crores.
- It also consider all matters relating to atomic energy and nuclear weapons related matters.
- It will review the manpower requirements relating to national security and setting up new structures to deal with security-related issues.
- For example Recently, the Cabinet Committee on Security has approved the setting up of a new National Security Directive on the telecommunication sector. It aims to classify telecom products and their sources under the 'trusted' and 'non-trusted' categories.
- The Cabinet Committee on Security approved the creation of a chief of defence staff (CDS), who will be the single-point military adviser to the government.

### **Conclusion**

The cabinet committees wield real power of decision on important general policy matters. It device enables ministers to bargain and compromise with each other and this reduces pressure of work upon the cabinet. Consequently, the cabinet is left free to devote itself to more important matters. The committee system safeguards the principle of collective responsibility, which is an essential feature of the cabinet system.



**3. Explain various writ jurisdictions. What role do writs play in protecting the interests of citizens.**

**Approach-** Question is straight forward. Candidate can start with the definition of the writ jurisdictions and then with the help of examples elaborate on the role they play in protecting rights of the citizens.

**Introduction**

Writs are a written order from the Supreme Court or High Court that commands constitutional remedies for Indian Citizens against the violation of their fundamental rights. Article 32 in the Indian Constitution deals with constitutional remedies that an Indian citizen can seek from the Supreme Court and High Court against the violation of his/her fundamental rights. The same article gives the Supreme Court power to issue writs for the enforcement of rights whereas the High Court has the same power under Article 226.

**Body**

Types of writs in India

- The Supreme Court of India is the defender of the fundamental rights of the citizens. For that, it has original and wide powers. It issues five kinds of writs for enforcing the fundamental rights of the citizens. The five types of writs are:

- 1.Habeas Corpus
- 2.Mandamus
- 3.Prohibition
- 4.Certiorari
- 5.Quo-Warranto

Habeas corpus

- The Latin meaning of the word 'Habeas Corpus' is 'To have the body of.' This writ is used to enforce the fundamental right of individual liberty against unlawful detention. Through Habeas Corpus, Supreme Court/High Court orders one person who has arrested another person to bring the body of the latter before the court.
- The Supreme Court or High Court can issue this writ against both private and public authorities.
- Habeas Corpus can not be issued in the following cases: When detention is lawful, When the proceeding is for contempt of a legislature or a court, Detention is by a competent court, Detention is outside the jurisdiction of the court.

Mandamus

- The literal meaning of this writ is 'We command.' This writ is used by the court to order the public official who has failed to perform his duty or refused to do his duty, to resume his work. Besides public officials, Mandamus can be

issued against any public body, a corporation, an inferior court, a tribunal, or government for the same purpose.

- Unlike Habeas Corpus, Mandamus cannot be issued against a private individual.
- Mandamus can not be issued in the following cases: To enforce departmental instruction that does not possess statutory force, To order someone to work when the kind of work is discretionary and not mandatory, To enforce a contractual obligation

#### Prohibition

- The literal meaning of 'Prohibition' is 'To forbid.' A court that is higher in position issues a Prohibition writ against a court that is lower in position to prevent the latter from exceeding its jurisdiction or usurping a jurisdiction that it does not possess. It directs inactivity.
- Writ of Prohibition can only be issued against judicial and quasi-judicial authorities. It can't be issued against administrative authorities, legislative bodies and private individuals or bodies.

#### Certiorari

- The literal meaning of the writ of 'Certiorari' is 'To be certified' or 'To be informed.' This writ is issued by a court higher in authority to a lower court or tribunal ordering them either to transfer a case pending with them to itself or quash their order in a case. It is issued on the grounds of an excess of jurisdiction or lack of jurisdiction or error of law. It not only prevents but also cures for the mistakes in the judiciary.
- Pre-1991: The writ of Certiorari used to be issued only against judicial and quasi-judicial authorities and not against administrative authorities
- Post-1991: The Supreme Court ruled that the certiorari can be issued even against administrative authorities affecting the rights of individuals. It cannot be issued against legislative bodies and private individuals or bodies.

#### Quo-Warranto

- The literal meaning of the writ of 'Quo-Warranto' is 'By what authority or warrant.' Supreme Court or High Court issue this writ to prevent illegal usurpation of a public office by a person. Through this writ, the court enquires into the legality of a claim of a person to a public office.
- Quo-Warranto can be issued only when the substantive public office of a permanent character created by a statute or by the Constitution is involved. It can't be issued against private or ministerial office.

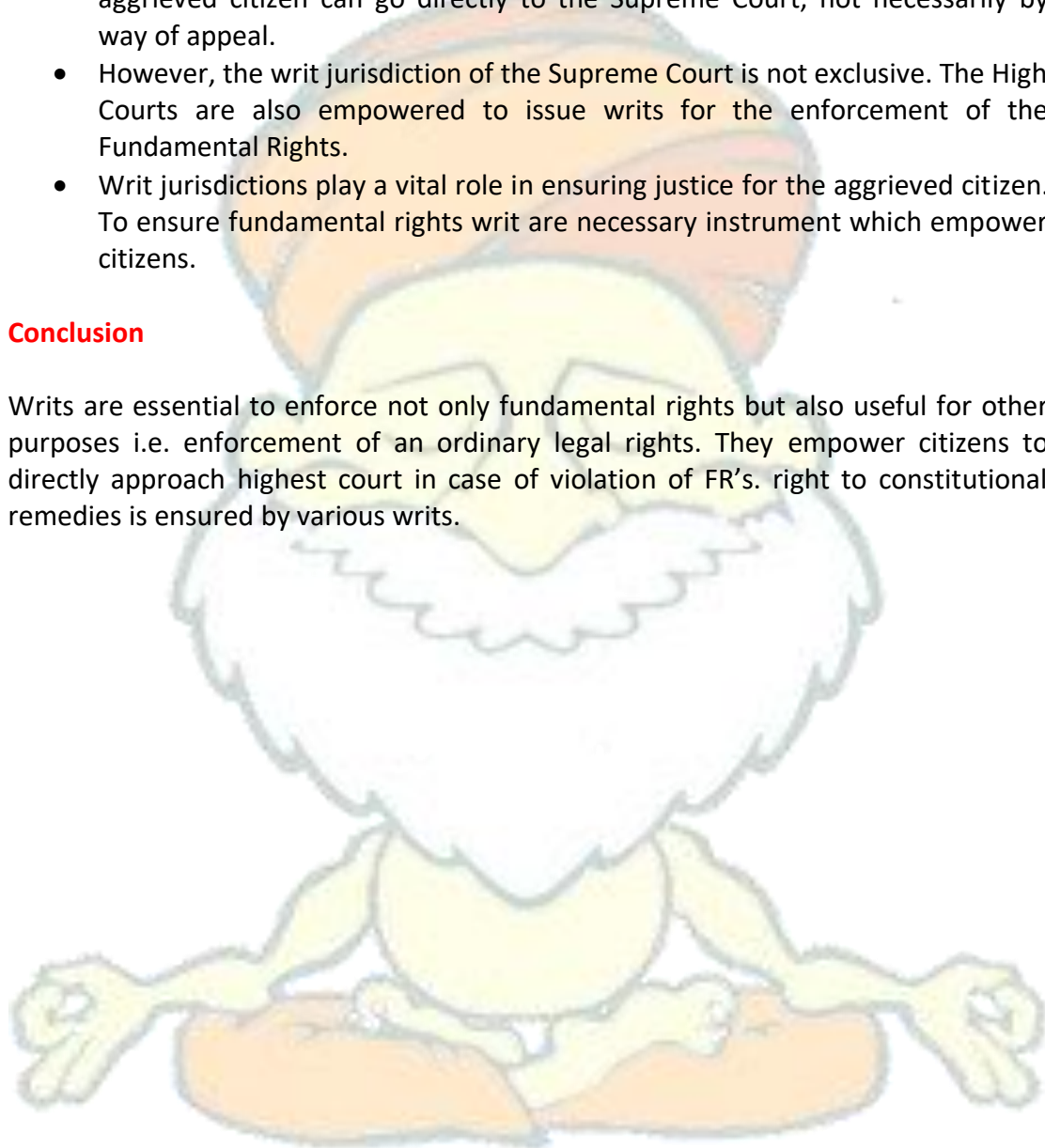
#### Role of various writs

- In civil or criminal matters, the first remedy available to an aggrieved person is that of trial courts, followed by an appeal in the High Court and then the Supreme Court.

- When it comes to violation of fundamental rights, an individual can approach the High Court under Article 226 or the Supreme Court directly under Article 32.
- The Supreme Court is empowered to issue writs, including habeas corpus, mandamus, prohibition, quo-warranto and certiorari for the enforcement of the fundamental rights of an aggrieved citizen.
- In this regard, the Supreme Court has original jurisdiction in the sense that an aggrieved citizen can go directly to the Supreme Court, not necessarily by way of appeal.
- However, the writ jurisdiction of the Supreme Court is not exclusive. The High Courts are also empowered to issue writs for the enforcement of the Fundamental Rights.
- Writ jurisdictions play a vital role in ensuring justice for the aggrieved citizen. To ensure fundamental rights writ are necessary instrument which empower citizens.

### Conclusion

Writs are essential to enforce not only fundamental rights but also useful for other purposes i.e. enforcement of an ordinary legal rights. They empower citizens to directly approach highest court in case of violation of FR's. right to constitutional remedies is ensured by various writs.



**4. Discuss the evolution of the tool of public interest litigation (PLI) in India.****Approach**

Since the question is asking you to discuss, it requires you to use your skill at reasoning, backed up by deliberately selected evidence to make a case for and against an argument, or point out the advantages and disadvantages of a given context.

**Introduction**

PIL is generally instituted for the enforcement of the Constitutional and Legal Rights of the poor and Excluded groups as well as ensuring accountability of concerned government and public authorities towards issues of public importance. Persistent efforts by the NGOs and social action groups through PIL has, in many occasions, prompted the High Court Division to issue directives and orders that in turn addressed the socio-economic concerns of the poor and the marginalized groups.

**Body****THE EVOLUTION OF THE TOOL OF PUBLIC INTEREST LITIGATION (PLI) IN INDIA**

- To understand how PIL began in India, it is necessary to recognize the propitious conditions under which it arose. During the 1970s, a majority of Indians suffered from a severe lack of access to justice. Legal fees were prohibitively expensive to the extent that only the few could afford representation.
- The main reason why PIL has flourished in India is that the Constitution of India through its Fundamental Rights under Part III and the Directive Principles of State Policy under Part IV provides a framework to regulate the relation between the state and the citizens and also between citizens.
- The seeds of the concept of public interest litigation were sowed for the first time by Justice Krishna Iyer In *Mumbai Kamgar Sabha v Abdul Thai*. It was the case about the payment of bonus to the workmen of an industry. It was held that “public interest is promoted by spacious construction of locus standi in our socio-economic circumstances and conceptual latitudinarianism permits taking liberties in the individualization of the right to invoke the higher courts where the remedy is shared by a considerable number, particularly when they are weaker.”
- *Hussainara Khatoon v State of Bihar*<sup>9</sup> was one of the earliest cases on Public Interest Litigation which focused on the inhuman conditions of the prisons and under trial prisoners. The Supreme Court held that right to speedy justice is a Fundamental Right in matters which are in the larger interest of the public, and it comes within the scope of ‘life’ and ‘personal liberty’ guaranteed under Article 21.



- Subsequently, in *S P Gupta v Union of India*, a writ petition was filed under Article 226 of the Constitution by lawyers raising certain pertinent questions concerning High Court judges. The petition was maintainable because the lawyers practicing in the High Courts have an interest in the independence of the High Courts and speedy disposal of cases. Where the independence of the judiciary is threatened by illegal state action, the lawyers would be interested in challenging the constitutionality or legality of such action. This case paved the way for a new era of public interest litigation in India and it became a potent tool to enforce public duty which has otherwise been executed illegally resulting in injury to the public. This case was a precursor of public interest litigation in India.
- Justice Bhagwati emphasized the need for PIL in India and held that “if public duties are to be enforced and social collective “diffused” rights and interests are to be protected, we have to utilize the initiative and zeal of public-minded persons and organizations by allowing them to move the Court and act for a general or group interest, even though they may not be directly injured in their own rights”.
- Moreover, where a petitioner moves the Court in his private interest to seek redressal for his personal grievances, the Court in furtherance of public interest may enquire into the subject matter of the litigation in the interest of justice. Thus, public interest litigation relates to the nature of the proceedings and no one particular forum is competent to deal with such litigation.

### Conclusion

Public Interest Litigation which is also known as Social Action Litigation or Class Litigation has departed from the traditional system of litigation and brought about a legal system which involves initiating a legal action to enforce the interest of the public at large. Over the years it has become a potent tool for the poor, illiterate and underprivileged to have access to the Courts and seek judicial redress by filing an application under Article 226 to the High Court and Article 32 to the Supreme Court. Therefore, public interest litigation has democratized access to justice by relaxing the rule of locus standi. Thus, any public-spirited person or social activist or group can now approach the Court on behalf of a certain group or class of persons, especially the oppressed and marginalized.

**5. Examine the criticality of the private sector for achieving high growth for the economy.****Approach:**

Students should write the importance of the private sector in the overall economic growth of the country. They should provide a brief historical account of how private sector has fared in the past, especially since LPG reforms. Multi-dimensional sectoral assessment and role of private players in each sector would bring a balance to the answer.

**Introduction**

The private sector's role in encouraging a country's growth and economic development cannot be overstated. Private enterprises are the chief agents in creating employment, providing funds, building competitiveness and driving innovation - all essential instruments for growth. The private sector, in particular, takes entrepreneurial risks, which is central to how it translates investments into wealth creation and income generation. This role takes on further significance in the current context, as rising uncertainties in a rapidly changing global landscape cause economic growth concerns, particularly for emerging nations like India.

**Criticality of Private Sector**

In the past, India has shown strong resilience in the face of global volatility and has continued to grow steadily, placing it among the world's fastest-growing economies. The Indian economy grew at a rate of 7 % in 2019-20 and was severely hit by the pandemic contracting it 7.7 %. The private sector has played a huge role in India's development and is largely responsible for the phenomenal growth registered by the country since the economy was opened up in 1991. Amidst the pandemic too, the role of private sector in India is paramount to revive and push the Indian growth trajectory to reach to the desirable level it always deserved.

- India has entered the 37-year period of its demographic dividend, which means the expansion of its working-age population will last until 2055. With a rapidly changing employment landscape, including 11-12 million youth entering the labour force every year, jobs need to be created and effective skills initiatives put in place. The private sector plays a pivotal role in meeting this challenge.
- The private sector has strong links to higher investments in education and vocational training to bridge skill gaps in the economy, facilitating skills and training programmes, creating partnerships with educational institutes and experts and, most importantly, creating a future-ready and talented workforce. India has more than 900 universities and 39,000 colleges of which 78% are privately managed. In addition, most large, private enterprises have

created in-house training and skills programmes to help build the capacities of young workers in line with industry needs

- Private investments by the corporate sector are critical to higher growth rates and economic development. More investment creates a multiplier effect in the economy by generating both direct and indirect employment, boosting consumption and fostering further development.
- The total gross capital formation in India as a proportion of GDP during 2017-18 stood at around 31%. The private sector, including small enterprises in the household sector, accounted for about two-thirds of this. Effective partnerships between the government and private sector in critical areas of infrastructure and long-term investments would expedite development.
- The private sector has the power to harness and use technology to unleash greater prosperity for the nation, but it is also responsible for ensuring that the benefits of technology reach all sections of society. A focus on affordable technology to allow equal access is imperative for inclusive development. Corporates are integral to fostering innovation and entrepreneurship and ensuring the future progress of an economy. Private sector investments provide necessary infrastructure that is sustainable, reliable, and can use modern technology to create new products and services. In most countries, the private sector plays the lead role in research and development spending, working with universities and institutions to translate new research into markets and crafting innovative business models and strategies.
  - India has emerged as a significant player when it comes to converging technology and entrepreneurship. It is the second-largest start-up nation in the world, with more than 14,000 start-ups recognized under the Startup India scheme.
  - Scarcity of natural resources and environmental degradation pose major threats to sustainable growth. Engaging the private sector has become critical to ensuring environmental efficiency through its greater adoption of cleaner, greener technologies and the adoption and sharing of best practices. The private sector's use of new technologies in sustainable production, while coming at some cost, will promote sustainability, efficiency and better use of inputs and raw materials.

**Conclusion:**

- Considering the valuations of the PSU and the private sector companies, only three PSUs-ONGC, PGCIL and SBI are valued over 1 lakh crore. In comparison, HDFC, ICICI, Kotak Mahindra Bank, Reliance, Adani Green valuations are 5-6 times over these PSUs. The Sensex too values the performance over the relative role of the PSUs in the Indian Economy. With government contemplating to disinvest further, privatisation assumes even a higher role for the economic development of the country. India's push to improve on Ease of Doing Business Index, consolidation of Labour Codes, GST and

framing of Insolvency and Bankruptcy are steps in the right direction, wherein the government feels to take in the minimum space in the major economic sectors and focuses on being the facilitator to Make for India and Make in India for a Atmanirbar Bharat.

