1. "The conditions which necessitated the formulation and adoption of CSS don't exist anymore". Comment. Also discuss the factors that led to failure/ limited success of CSS. What modifications would you suggest for making CSS more result oriented?

Approach

Candidates can directly start with giving background of the CSS. And then properly write about working of CSS, in later part address the gaps/failures in its implementation, before conclusion suggestions measures to improve and increase efficiency of CSS can be written.

Introduction

Centrally sponsored schemes have their origins immediately after independence where India was weak and underdeveloped .The states had limited expertise and resources to achieve over all National objectives such as family planning and hence intervention of centre was required.

Body

What is CSS?
- Public services which directly affect the public are in the domain of sub-national governments. For example, subjects like education, health etc,
- However, due to the inadequacy of funds, financing is done either fully or partially by the Union to ensure that a minimum standard of such services is provided across the country.
- The CSS is a shared cost programme and is meant to ensure a minimum standard of service across the country.

But the CSS have had limited success due to gaps at formulation and implementation stages such as
- One size fits all approach: Each state has different socioeconomic scenario and thereby have different Priorities.
- The Imposition of mandatory requirement on financially weaker states.
- Limited flexibility for states in implementing these schemes With State government having gained sufficient expertise in social sector development it is time to relook at CSS as suggested by Chaturvedi committee on restructuring CSS.
- Funds available under CSS are tied funds i.e. funds can be spend only for respective schemes for ex. Funds for Sarva Shiksha Abhiyan can be spend on SSA only and nothing else. Now, some states like Kerala don't need expenditure under SSA so Kerala losses its share of money.
- Little or insufficient co-ordinations and consultation by the central government with the states regarding framing of policies, allocation of funds, regional specific needs and their implementations. The erstwhile planning commission was the sole powerful body involved in planning CSSs.

- Too many number of schemes led to overlapping and interfering goals and implementation which took resources away from the core schemes.
- States need to spend matching fund to avail money from centre i.e. to avail 75% share from centre, state needs to spend their share of 25% first. Now many states do not have capacity to spend this 25%. So they don't get money under that head.

Some measures to improve efficiency and effectiveness of CSS are

- Reducing and categorising CSS schemes as core and optional based on national priorities.
- Consultation with states at Design, formulation and implementation stages.
- CSS should now focus on Capital intensive sectors such as infrastructure and power where coordination among many states is required.
- Increase the flexi component in them to provide flexibility to state to suit their requirement. Flexi funds – There may be different priority for the states but the health, Sanitation etc. is priority for all but in different quantum. Centre shall give 20% flexibility in the use of the Funds.
- Consulting state in their design and implementation. A forum for continuous dialogue, feedback and learning could set effective precedent for "cooperative federalism".
- Establishing better synergies at district level among various CSS and avoiding tendency to create parallel machinery for each of them.
- Restructuring and Rationalisation of CSS, should not mean mere rearrangement. As it has been observed over the period of time that most of the CSS have been repackaged and retained.
- With NITI Aayog Focussing on cooperative federalism there is hope that states will have a greater say in the planning and formulation of CSS thereby addressing gaps in design, implentation and effectiveness of the CSS.

Conclusion

Since the schemes are implemented by states, they should have substantial flexibility to ensure that the schemes benefit the targeted groups. Restructuring of the CSS which will entail constitutional amendment in Seventh Schedule should be done after thorough deliberations with all stakeholders. This revision should not be done without consultation with states, Interstate Council can be the ideal platform to discuss these issues.

2. Write a critical note on the nature of relationship within federal framework between Delhi state and the Union government. (200 Words, 10 Marks).

Approach

As question demands critical note on the nature of relationship of Delhi government and union government candidates need to highlight the legal and political controversies involved. Then suggest few measures to overcome the shortcomings in federal framework.

Introduction

Delhi was given a fully elected legislative assembly and a responsible government through an amendment in the constitution in 1991. Though technically a Union Territory, Delhi was treated as a special case, being the capital of the country, and given a special constitutional status by parliament in exercise of its constituent power as against its normal legislative power.

Body

Nature of Relationship Between Delhi and Union government:
- Delhi doesn't follow the federal structure of other states and the union govt. is the main governing body. These had led to clashes between the local govt. and the union govt.
- Due to the co-existence of Article 239 and 239AA, there is a jurisdictional conflict between the government of NCT and the Union Government and its representative, the Lieutenant Governor.
- According to the Union government, New Delhi being a Union Territory Article 239 empowers the Lieutenant Governor to act independently of his Council of Ministers.
- However, the state government of Delhi held that the Article 239AA of the Constitution bestows special status to Delhi of having its own legislatively elected government.
- This creates a tussle around the administrative powers of the LG and state government of NCT of Delhi.
- For example: Delhi Government has held that the appointment of prosecutors to the Supreme Court and High Court, is exclusively within the purview of the State government. On the other hand, LG appointed all the prosecutors whose names were submitted by the Delhi Police (under the control of Ministry of Home Affairs) and thus the State government's list was rejected.
- Though the court has settled that LG is bound to act on the aid and advice except in respect of 'Land', 'Public Order' and the 'Police'. However, Public Order is a very wide connotation, which subsequently leads to overlapping executive powers.

- The court did not very clearly delineate the issues in respect of which the LG can refer a decision taken by the Council of Ministers to the President in the event of a difference of opinion between the LG and the State government.
- Though the court has settled that LG is bound to act on the aid and advice except in respect of 'Land', 'Public Order' and the 'Police'. However, Public Order is a very wide connotation, which subsequently leads to overlapping executive powers.

Many constitutional experts are of the view that the recently proposed bill is the very antithesis of what the Court has said. They held that the Bill, if it becomes law, will wholly undermine the Court's efforts to strengthen the elected government vis-à-vis the appointed Lieutenant Governor.

Way forward:

- Justice Chandrachud in NCT vs UOI case, 2018 mentioned the term "constitutional objectivity" as the key to checks and balances between the legislature and executive.
- Constitutional objectivity ensures that the two operate within their allotted spheres since "legitimate constitutional trust" is based on distribution and separation of powers with denial of absolute power to anyone functionary being the ultimate goal.
- The fundamental principles of constitutionalism embodies the concept of limited powers as its central idea. To sustain these ethos the highest importance should be given to people who are the real sovereigns and who speak through their elected representatives.
- Thereby, the central government should move towards allocating greater powers to city governments.
- In this context, India should emulate several large megapolis around the globe, from Jakarta and Seoul to London and Paris, which have had strong sub-national governments.

Conclusion

The Supreme Court, in the NCT Delhi case, rightly employed a purposive interpretation of the Constitution to hold that since representative government is a basic feature of the Constitution, the elected government must have primacy. A mature discussion between stakeholders that looks beyond short-term political gains holds the potential to resolve the embedded contradiction.

3. Critically examine the impact of coalition-politics on the Indian Political System. Make a case on the need for cooperative federalism in today's world.

Approach

Candidates need to critically examine the impact of coalition politics by giving both side of arguments. And as question demands highlight on relevance of the cooperatives federalism in todays political system.

Introduction

The slow decline of national parties and emergence of regional parties led to the evolution of coalition politics in India. Its influence on Indian Political System is one of degree than of kind. 1960's saw several regional movement centred upon the regional issues. This led to emergence of multiple political parties successfully contesting assembly elections based on regional issues.

Body

Impact of coalition politics:
- Breakdown of 'Congress System': During first decade after independence, Congress remained largely unchallenged, as a large umbrella party. However, with challenges of poverty and price rise, power struggle between Prime Minister and old guard of congress known as 'syndicate', wars with neighbours etc., congress lost its umbrella character and was now dominated by single powerful personality.
- Democratic Base: Providing representation to regional and sectoral groups strengthens democracy. But, post poll alliances do not necessarily represent people's will.
- Policy formulation: Prevents extreme measures and checks tyranny through consensus based politics. At the same time leads to policy paralysis, suppression of individual dissent through whips.
- International Relations: Considers the regional stake holders in formulating foreign policy but can adversely affect foreign relations. Ex – West Bengal delaying Teesta pact with Bangladesh.
- Accountability : While increasing intra-alliance accountability, it also provides opportunities for corruption defection for want of share in executive power.
- Government formation: Assists formation of government in case of hung assembly and prevents expensive electoral process. But such governments are threatened by instability. Representation of regional parties in Central government assists co-operative federalism where strong center supports strong states and vice versa.

Coalition government threw its own challenges of like unstable governments, emergence of culture of defections, increased conflict between Centre and State etc:
- Prior to 1960 there the federal provisions of constitution remained practically unused. The Centre – State relations were managed with in Congress party

itself through informal discussions, as same party was in power in centre and states.

- After emergence of non congress governments at states there emerged number of conflict between centre and states. The widespread abuse of article 356 to control state government was direct cause of desire of centre to control states despite progressive fragmentation of Indian polity.
- Fragmentation of Polity also fuelled secessionist tendencies among various regions, for example secessionist movement in north east and Punjab (Khalistan Movement).
- Leadership of the Prime Minister is a principle of parliamentary form of government. This principle is curtailed in a coalition government as the Prime Minister is required to consult the coalition partners before taking any major decisions.
- There is a possibility of the smaller constituents of the coalition government playing the role of a 'king-maker'. They demand more than strength in the Parliament.

Coopertive federalism is a step forward where states can play crucial role in national planning:

- Cooperative federalism refers to a concept where various states cooperate with each other and with the centre to achieve the goals of growth, development of the states and the nation.
- The concept of cooperative federalism put forward the view that the national and state governments are partners in the exercise of governmental authority.
- They cooperate in working out details concerning which level of government takes responsibility for particular areas and creating policy in that area.
- The Constitution provided for institutions like inter-state councils to serve as a platform for consultation between the centre and the states. The inter-state council has just turned out as a platform of talks with less progress on real issues. Inter-state council has met twice in 50 years, and has not been taken seriously as a vehicle of cooperative federalism.
- The disbandment of the Planning Commission (PC) and its replacement by the NITI Aayog is specifically designed to promote cooperative federalism. NITI Aayog is concentrating on the broader policy framework instead of micro resource-allocated functions. The setting up of the Niti Aayog is widely expected to set the stage for dealing with contemporary challenges, shunning the earlier one-size-fits-all approach.

Conclusion

Cooperation plays a crucial role in dealing with many economic and social policies. Cooperative federalism alone strengthens the nation from within by enabling it to withstand adversities and challenges because of its inherent resilience and malleability. Thus efforts must be made towards cooperative federalism.