UP PCS-J (Mains) 2012

English Language · compulsory paper

1. Write an essay in English on any one of the following topics in about 500 words:
(a) Disaster Management and Natural Calamities.
(b) Special laws for the trans-genders.
(c) Useless laws weaken necessary ones. 60 Marks

2. Make a précis of the following passage in your own words in about one-third of the original passage and suggest a suitable title to it: (2 + 58 marks) 60 Marks

In the Indian Parliamentary system, the office of the President is like a "pivot" that joins the two wheels, namely the legislature and the executive, although his role is not so "pivotal". As stated earlier, the parliamentary system belies the doctrine of strict separation of powers. Recall that, it is based on the fusion of powers wherein the executive is a part of the legislature. The office of the President is a constitutional conjunction where the legislative and the executive organs meet. At this, all executive powers are constitutionally vested in him (Article 53). On the other hand, the President of India is also an integral component of the Indian Parliament (Article 79). No bill without the assent of the President can become a law. The President has the power to summon either House of the Parliament, prorogue either House, and dissolve the Lower House. In addition to these, the President has also the power to legislate while the Houses are not in session. This will form the basic premise on which the legislature-executive relations will be discussed.

In our system, all governmental functions are carried in the name of the President. Article 74 of the Constitution puts on the President strict limitations on the exercise of executive powers. Prior to the 42nd Amendment, 1976, there was a little bit of ambiguity contained in this Article. It was argued that the President is not bound to render conformity to the ministerial advice. It was no secret that President (Dr.) Rajendra Prasad had disagreements on many issues with Prime Minister Nehru. The disagreement erupted into the public arena. Public statements made by the President amounted to veiled criticism of the government. Harnessing the ambiguity seemingly inherent to Article 74, Dr. Prasad ignited a public debate and called for the legal scrutiny of the President's power. The Indira Gandhi government by the 42nd Amendment, 1976, made it obligatory upon the President to act upon the ministerial advice. The 44th Amendment, 1978, empowered the President to revert the advice for reconsideration.

Most of the Presidents after Dr. Rajendra Prasad were far more restrained. The main issue here is whether Presidential activism is good or bad. Does it hurt Parliamentary sentiments? (Total 419 words)

4. Translate the following passage into Hindi: 40 Marks

Those who have been awarded life imprisonment are supposed to spend the remaining years of their life behind bars. In practice, however, life imprisonment means incarceration for fourteen years when lifers become entitled to remission of the rest of the sentence as per Prison Manual provisions. That might change now as the apex court seeks to balance the growing judicial aversion towards imposing death penalty with the need to deter brutally heinous crimes. In potentially trend-setting two recent verdicts a Supreme Court bench set aside the death penalty imposed on two appellants who were convicted of heinous murders in their respective cases and had appealed against their capital

punishment. However, while sentencing the appellants to life imprisonment, the bench specifically observed that the appellants must serve a minimum of thirty years in jail before their respective cases for premature release be taken up for any consideration.

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