

Test Code: 31051

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ACADEMY**GENERAL STUDIES**

Name Of Candidate	ANANYA SINGH		
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Mobile No.	[REDACTED]		Date: 24.12.2019

Time Allowed: Three Hours

Maximum Marks: 250

INDEX TABLE			INSTRUCTION		
Q. No.	Max. Marks	Marks Obtained	<p>1. Please do furnish Name, Email, Roll No and Mobile in the answer sheet.</p> <p>2. There are TWENTY questions printed in ENGLISH, all questions are compulsory.</p> <p>3. The number of marks carried by a question/part is indicated against it.</p> <p>4. Answers must be written in the medium authorized in the admission Certificate, which must be stated clearly on the cover of this Question-Cum-Answer (QCA) Booklet in the space provided.</p> <p>5. Word limit in questions, if specified, should be adhered to. Any page or portion of the page left blank in the Question-Cum Answer Booklet must be clearly Struck off.</p> <p><i>Any specific messages for ForumIAS Mentors/Evaluators with respect to your copy? Write it here.</i></p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>		
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			<b>Mode Of Examination :</b>		Online <input type="checkbox"/> Offline <input type="checkbox"/>
			<b>ECN CODE:</b>		<b>Evaluation Date:</b>

<b>Parameters</b>	<b>Excellent</b>	<b>Very Good</b>	<b>Good</b>	<b>Average</b>	<b>Poor</b>	<b>Very Poor</b>
Language						
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**ADDITIONAL COMMENTS**



Q.1) Discuss the meaning and significance of the power of Judicial Review.

(10 Marks, 150 Words)

Judicial Review refers to power of Supreme Court and High Courts to examine the various legislative acts and executive enactments of Centre and States and declare them null & void if they violate the Constitution.

The power of judicial review is implicit in a written constitution but it has been explicitly provided in India through Art 13 and 226.

Laws are struck down when they violate fundamental rights, beyond the scope of the authority which governs it or is repugnant to provisions of Constitution.

In India, it is on the basis of "due process of law" as against America's

"procedure established by law".

## Significance

- To maintain federal equilibrium
- To maintain supremacy of Constitution
- To protect fundamental rights of citizens.

Recent examples of judicial review includes striking down of NJAC, Section 377 of IPC, Section 497 of IPC, etc. judicial review is part of basic structure of Constitution according to Minerva Mills case.

### Feedback ( For OFFICE use only )

Structure		Content	
Question Interpretation		<b>Total :</b>	



Q.2) What are the various mechanisms for exercising parliamentary control over the Union executive?

(10 Marks, 150 Words)

The essence of Parliamentary democracy is responsibility and accountability of ~~leg~~ executive towards legislature, a major reason for choosing this system over Presidential form of government.

Mechanisms:

- Article 75 - CoM is collectively responsible to Lok Sabha i.e passing of No-Confidence motion leads to resignation of CoM.
- Question Hour enables MPs to ask questions from ministers.
- Adjournment Motion to discuss urgent matter of public importance.

- Calling attention motion, censure motion, privilege motion, etc.
- Zero hour for raising issues without notice.
- Cut motion, financial committees of Parliament, <sup>CAG</sup> for accountability in Budget.

Thus, there are several tools available to MPs to raise their opposition to government policies in Parliament instead of disruption of House that lessens the dignity of Houses & wastes ex-chequer's money.

Feedback ( For OFFICE use only )

Structure		Content	
Question Interpretation		<b>Total :</b>	



**Q.3)** Discuss each adjective attached to the word 'Republic' in the 'Preamble'. What is the present position of preamble in the Indian Constitution?

(10 Marks, 150 Words)

Preamble is the "soul" of the Constitution, a key to the minds of the founding fathers of the Constitution. It describes India as a sovereign, socialist, secular, democratic republic.

- Sovereign - independent decisionmaking by the government without any external influence, exercising autonomy in the spirit of "parens patriae".
- Socialist - Aim of the Constitution is social justice and economic well-being of marginalised based on Gandhian socialism.
- Secular - added by 42nd Amendment Act, 1976. Equal respect for all religions in the spirit of Sarv Dharma Sambhav.

~~Decision~~ Democratic - Popular sovereignty of people through representative democracy.

## Present Position

- Supreme Court earlier ruled that Preamble is not part of Constitution.
- Later, in Keshavananda Bharti, this was reversed. Preamble is a part of the Constitution and can be amended but without disturbing the basic structure of Constitution.

Each word in the Preamble is part of the dream of what the Indian nation must constitute. It must be safeguarded through a committed government, alert citizenry & enlightened judiciary.

### Feedback ( For OFFICE use only )

Structure		Content	
Question Interpretation		Total :	





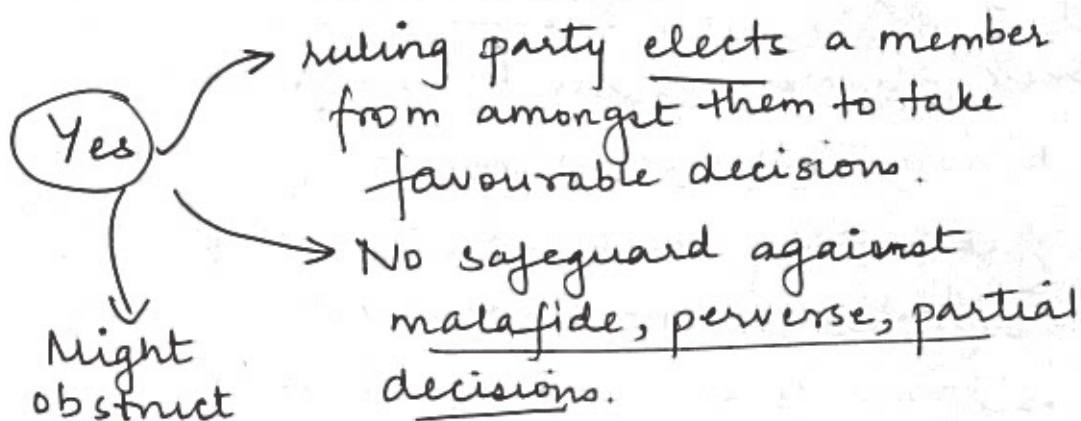
Q.4) "Absoluteness of the Speaker's decisions can also be an incentive for potential abuse of his/her powers and functions". Discuss.

(10 Marks, 150 Words)

The Speaker presides over the House of People and is a representative of the dignity, authority and honour of the Parliament.

Speaker's decisions are absolute in the sense that his role in the proceedings of House is outside scope of judicial review.

Incentive for abuse?



Might obstruct functioning of House. Eg. giving less time to opposition, biased decisions on money bill and defections.

Absoluteness confirms sovereignty of Parliament.

Appeals against Speaker's decisions disrupt proceedings of House

Such appeals will be against separation of powers & will lower authority & honour of the House

Recent controversy on speaker: certifying bills as money bill to escape Rajya Sabha scrutiny, delay in accepting ~~the~~ resignation of MLAs in Karnataka.

In the Karnataka cases, Supreme Court clarified that it cannot direct the Speaker. However, in Aadhaar case and Kihoto Hollohan, decision of speaker was judicially reviewed with respect to money bill & defection respectively, a dilution of the absoluteness.

Feedback ( For OFFICE use only )

Structure		Content	
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Q.5) "India has a president but not a presidential form of government". Critically evaluate the position of president in the Indian constitution.

(10 Marks, 150 Words)

Article 53 provides for office of President as the head of state. However, given Parliamentary system of government, he is only the de jure executive, the de facto executive being Council of Ministers headed by Prime Minister.

## Position of President

- 42nd Constitutional Amendment Act, 1976 made advice of Council of Ministers binding on the President.
- 44th Constitution Amendment, 1978 allowed the President to send the advice back for reconsideration but is bound by advice tendered after such reconsideration.
- With respect to legislature, President enjoys suspensive veto, absolute veto

and pocket veto.

- Limited situational discretion - on appointment of PM in a hung house or his death w/o any obvious successor, dismissal of COM which has lost confidence of Lok Sabha & dissolution of Lok Sabha in this case.
- President is bound to give assent to Constitutional amendment bills.

Thus, powers of President are limited to the extent some call him a "rubber stamp". However, he is the first citizen of India, enjoys goodwill. Eg. Recently, opposition parties appealed to the President against the controversial Citizenship Amendment Act.

Feedback ( For OFFICE use only )

Structure		Content	
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**Q.6)** From the resolution of contentious issues regarding distribution of legislative powers by the courts, 'Principle of Federal Supremacy' and 'Harmonious Construction' have emerged. Explain.

(10 Marks, 150 Words)

Feedback ( For OFFICE use only )

Structure		Content	
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**Q.7)** Discuss the effectiveness of the Representation of People's Acts for the smooth conduct of elections and in creating a meaningful democracy.

(10 Marks, 150 Words)

Representation of People's Act, 1950 & 1951 provide various provisions for qualification, disqualification, conduct of elections, dispute redressal, etc. They strengthen the mechanism of elections which are the bedrock of democracy.

## Effectiveness of RPA

- Have laid down clear-cut guidelines for disqualifications of MPs & MLAs on various grounds to cleanse politics.
- Reduced ambiguity regarding various nuances of election process.
- Has been refined by judgements of SC. Eg. Lily Thomas struck down Section 8(4) & provided for immediate disqualification.

• Procedural clarity on formation of electoral rolls, election machinery, electoral offences, etc.

RPA needs to be reviewed to adapt to changing nature of elections such as proliferation of social media, paid news, money & muscle power, etc.

Feedback ( For OFFICE use only )

Structure		Content	
Question Interpretation		<b>Total :</b>	





**Q.8)** Discuss the constitutionally enshrined role of CAG. What are the safeguards provided in the constitution for the effective functioning of CAG?

(10 Marks, 150 Words)

CAG was called by B R Ambedkar as the "most important official" of the Indian Constitution as a bulwark of democracy for enforcing financial accountability of executive to Parliament.

### Constitutionally enshrined role

- He is head of Indian finance and accounts system.
- Audits the accounts of both Centre & States
- Submits reports to President who lays them before Parliament.
- Acts as the friend, philosopher & guide to Public Accounts Committee.
- Other powers, functions & duties specified by CAG Act.
- Responsible to Parliament.

## Safeguards

- Can be removed on the same grounds & similar manner as judge of Supreme Court. Thus, though appointed by President, he ~~cannot be~~ does not hold office during his pleasure.
- Salaries, expenses, etc charged on CFI.
- Not eligible for further employment under government.
- Conditions of service cannot be diminished during his term of office.

Recently, the role of CAG was undermined by redactive pricing in Rafale case. Moreover, to be truly effective, like Britain, CAG should be not only auditor but also comptroller of public expenditure.

### Feedback ( For OFFICE use only )

Structure		Content	
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**Q.9)** The Montague-Chelmsford Reforms became the basis for the Government of India Act, 1935 and ultimately, the Constitution of India. Substantiate giving suitable arguments. (10 Marks, 150 Words)

Montague Chelmsford reforms or GoI Act 1919 laid down features like bicameralism, dyarchy, public service commissions, etc that became permanant features of Indian polity.

- Bicameralism was continued in GoI Act, 1935, finally part of Constitution.
- Transferred list & Reserved list at the level of provinces introduced some element of responsible government leading to provincial autonomy in GoI Act, 1935.
- GoI Act, 1919 introduced Public Accounts Committee and office of Speaker.

- GoI Act, 1919 formed Federal Public Service Commission which now as UPSC, SPSC are bulwarks of democracy.
- Introduced element of franchise which became fulcrum of Indian democracy.

However, introduction of communal electorate was extended in GoI, 1935 but done away with in post-independence constitution in the spirit of secularism.

Moreover, fundamental difference between pre-1947 Acts & Constitution is that former drew legitimacy from a colonial government while latter drew it from the people.

Feedback ( For OFFICE use only )

Structure		Content	
Question Interpretation		<b>Total :</b>	

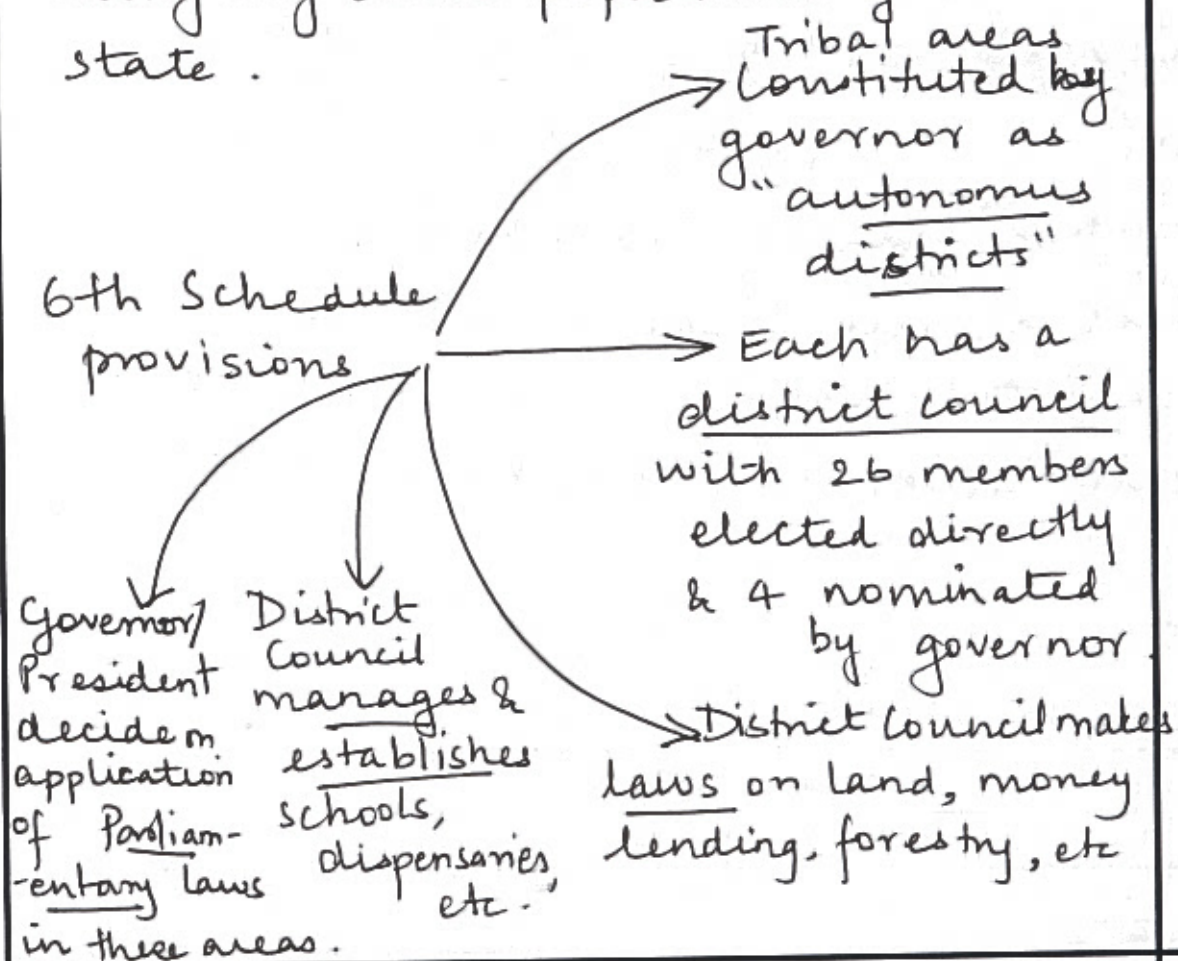


**Q.10)** The Sixth Schedule is regarded as a mini-Constitution within the main Constitution. Illustrate.

(10 Marks, 150 Words)

6th Schedule provides for administration of tribal areas in 4 states - Assam, Meghalaya, Tripura, Mizoram

These areas require special provisions and greater autonomy due to tribal backwardness & lack of mingling with population of the state.



Governor in case of Assam & President in case of other 3 states decides whether & with what modifications laws ~~not~~ made by Parliament will apply to these areas.

Thus, extensive legislative & executive powers to these areas seem like a "mini constitution".

Recently, 125th Amendment Bill has provided for grants by Finance Commission to these areas & establishment of elected municipal councils with reservation for women, ST/ST, etc for better governance & inclusion.

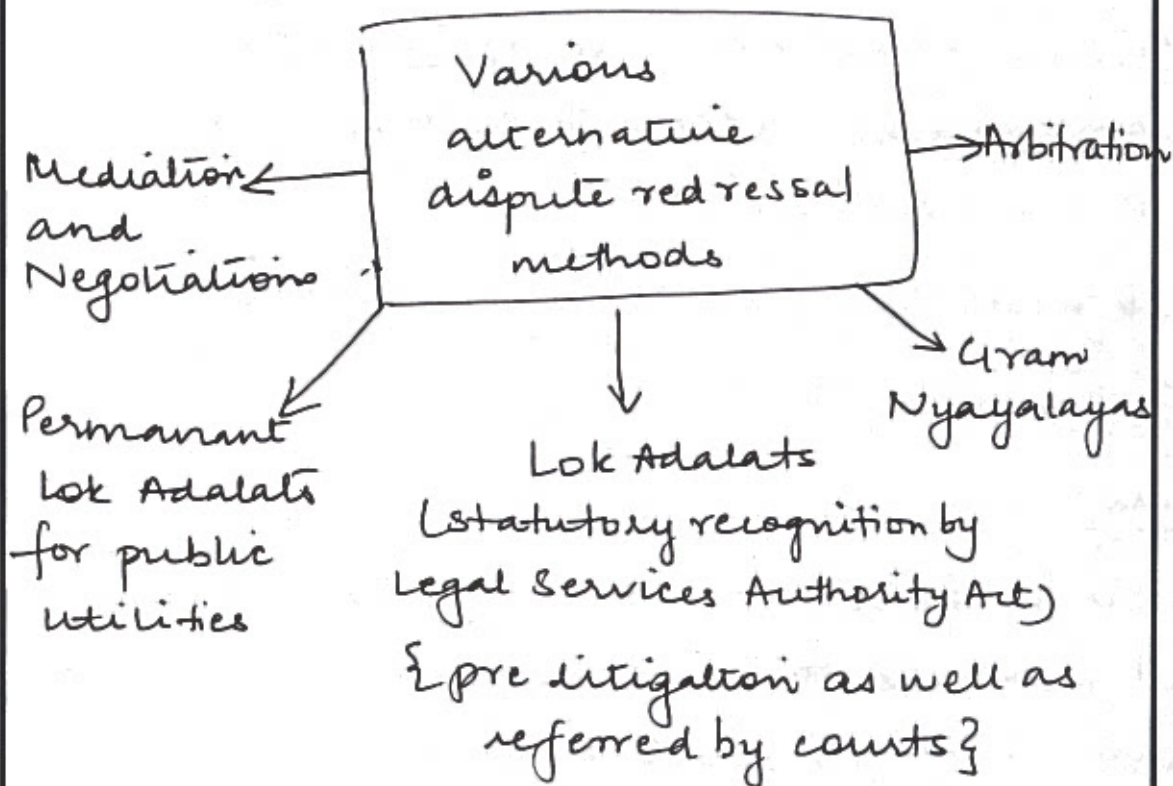
Feedback ( For OFFICE use only )

Structure		Content	
Question Interpretation		<b>Total :</b>	

**Q.11)** What are the various alternative dispute redressal methods? Critically Analyse the effectiveness of Alternate Dispute Redressal mechanisms in serving Justice. (15 Marks, 250 Words)

Alternative dispute redressal methods refer to systems for speedy and inexpensive justice outside the conventional judicial framework of courts. They solve disputes in amicable and cost-effective way, reducing burden of pendencies.

Following are the ADR mechanisms -



## Effectiveness

- Economic Survey 2018-19 notes that more than 3 crore cases are pending in the courts. ADR, in pre-litigation stage reduce this burden.
- Arbitration mechanisms, for commercial disputes strengthens contract enforcement & ease of doing business.
- Effective realisation of Article 39A by making justice accessible, inexpensive and substantial.
- Lok Adalats & Gram Nyayalayas provide grass root justice amicably.

## Issues

- Their judgements are mostly non-binding and appeals to courts increases backlog of judicial system.
- If Lok Adalats cannot solve the dispute



amicably at pre-litigation stage, delay is increased.

- Mediation & arbitration proceedings might lead to deadlocks. Eg. In Ayodhya case.
- Bodies for ADR might lack judicial expertise

India is taking steps to strengthen ADR by aiming to make Delhi the hub of international arbitration & passing Permanent Lok Adalats to decide cases on merits but to truly realise Article 39A, we need to increase public awareness about these ADR avenues.

Feedback ( For OFFICE use only )

Structure		Content	
Question Interpretation		<b>Total :</b>	

**Q.12)** On what grounds a people's representative can be disqualified under the representation of people act, 1951? Also, mention the remedies available to such a person against his disqualification.

(15 Marks, 250 Words)

The Constitution provides some grounds for disqualification such as office of profit, unsound mind, undischarged insolvent, dual nationality and empowers Parliament to list further grounds which were laid down through RPA, 1951.

### Grounds for disqualification

- Failure to lodge account of election expenses in time.
- Corrupt practises during elections or election offences.
- Conviction in a case for imprisonment of more than 2 years.
- Has interests or stakes in government works or contracts.
- Dismissed or removed from government

service on account of disloyalty.

- Convicted in cases of bribery, practising or preaching untouchability, sati, dowry, etc.

Supreme Court judgements have further strengthened these disqualifications. Eg. in Lily Thomas case, Supreme Court struck down Section 8(4) of RPA and ordered immediate disqualification of MPs & MLAs post conviction.

## Remedies

- Decision on disqualification is taken by President (for MPs) and Governor (for MLAs) on advice of Election Commission. Such advice is binding.
- The aggrieved person can appeal against this decision in High Court & Supreme Court. Eg. Delhi High

Court reversed the disqualification of Delhi MLAs appointed as Parliamentary Secretaries.

Disqualifications under RPA, 1951 should be further strengthened by bringing within its ambit paid news, filing false information in election affidavit, etc to cleanse the political system.

Feedback ( For OFFICE use only )

Structure		Content	
Question Interpretation		<b>Total :</b>	

**Q.13)** How far do you agree that the FPTP (First Past the Post) system has run its course in India and it is time that the country adopted PR (Proportional Representation) system? Substantiate your answer giving suitable arguments.

(15 Marks, 250 Words)

FPTP is an election system where individual candidates win elections if they capture maximum votes (more than opponents) irrespective of whether they gain majority (more than 50%) votes. Proportional representation, on the other hand, gives each party seats according to its vote share.

In India, FPTP based on adult franchise (Art 326) is followed in elections to Lok Sabha and State legislative assembly. While PR is followed in elections to Rajya Sabha, President and Vice President.

PR over FPTP

- FPTP leaves large sections of people unrepresented. Eg. in 2014 Lok Sabha

elections, BSP won 3% vote share but zero seats in Lok Sabha.

- FPTP causes overrepresentation of large parties & underrepresentation of small parties.
- Hampers true functioning of democracy as a party with less than 50% vote share wins absolute majority in Parliament free to take any decisions it wants.
- PR gives full representation to all sections, including minorities.
- Indian electorate has become mature enough to understand & apply PR system.
- FPTP encourages criminalisation of politics because in a multicornered contest, it is easy to win 20-30% votes with money & muscle power.

FPTP over PR

- However, PR encourages "group thinking"

encouraging sectionalism & fragmentation, dangerous in a diverse society.

- With greater emphasis on party rather than candidate, it breaks the link of accountability between candidate & constituency, fulcrum of Parliamentary democracy.
- With massive illiteracy, it is difficult to understand this complex system.

As suggested by Constitution Review Committee & 2nd ARC, FPTP system needs reconsideration. Initially, a hybrid system can be adopted or a two ballot system like France.

Feedback ( For OFFICE use only )

Structure		Content	
Question Interpretation		<b>Total :</b>	

Q.14) What is so fundamental about fundamental rights? Explain their features briefly.

(15 Marks, 250 Words)

Inspired from America's Bill of Rights, Part III (Art 13-35) guarantees fundamental rights to citizens which includes -

- > Right to equality (Art 14-18)
- > Right to freedom (Art 19-22)
- > Right against exploitation (Art 23-24)
- > Right to freedom of religion (Art 25-28)
- > Cultural & Educational rights (Art 29-30)
- > Right to Constitutional Remedies (Art 32).

Why are fundamental rights fundamental?

- FRs are a core of political democracy in India against tyranny of executive & legislature.
- They are bulwarks of individual liberty, fundamental to development



of individual personalities and safeguarding "dignity of individual".

- They are fundamental to operationalise the Preamble - equality, liberty, fraternity.
- Unlike ordinary legal rights, they are guaranteed by the Constitution and enforced by Supreme Court through writs (Art 32) and High Court (Art 226).
- They can also be abrogated or modified by constitutional amendment (Art 368) through special majority.

## Features

- Can be suspended during emergency. (Art 358 and 359) except Art 20 and 21.
- Can be repealed or modified by Parliament. Eg. Right to Property deleted by 44th Constitutional Amendment.
- Some FRs like trinity of Art 14, 19 and 21 form part of basic structure of

Constitution.

- FRs can be curtailed for members of police forces, intelligence agencies, etc (Art 33) & operation of martial law (Art 34)
- Laws regarding FR can be made only by Parliament (Art 35)
- Art 32 called "Heart & Soul of Constitution" gives teeth to part III such that SC is obligated to enforce them through writs.
- Exceptions to FRs: Art 31A (acquisition of estates, etc), Art 31B (9th schedule) and Art 31C (Directive principles under 39(b) & (c))

FRs are essential for proper functioning of true democracy and Supreme Court through amplification of Art 21 has expanded its scope to include right to privacy, clean environment, information, etc

Feedback (For OFFICE use only)

Structure		Content	
Question Interpretation		<b>Total :</b>	

**Q.15)** Critically analyse the role of pressure groups in the Indian political process? Do you think that in recent years, they have emerged as an important actor in the Indian political landscape?

(15 Marks, 250 Words)

Pressure groups are organisation of people who seek to achieve a common purpose and manoeuvre public policy to suit their interests without themselves contesting for political power.

### Role of pressure groups

- They steer policy direction through electioneering, propagandising & lobbying.
- Business groups like FICCI, CII, etc provide research-inputs to encourage evidence-based financial policy.
- Farmer groups and trade unions help in articulation of grievances and making policies responsive.

Issues

- However, pressure groups sometimes resort to illegal methods of lockdowns, strikes, propagation of violence.
- Caste-based and religion-based groups strengthen identity politics rather than one based on issues.
- Linguistic groups encourage parochial interests, sometimes calling for boycott of elections and separate homeland.
- Pressure groups might run propaganda for vested interests. Eg. IB found that anti-Kundakulam campaign was funded by USA.
- Excessive influence of pressure groups on government [eg. RSS on BJP] might subvert voice of general public who is not that well-organised.

## Emergence as an important actor

- Increasing government-pressure group interaction. Eg. before Budget, finMin interacts with industry groups like ASSOCHAM, FICCI, etc.
- Better means of communication and mobilisation of public opinion (eg. Movement on RTI, Lokpal led to passing of bills).
- Greater role in framing of political discourse, especially during elections.

Pressure groups are an essential part of a vibrant democracy and can enrich public discourse through talks on environment, electoral reforms, etc. They can create an enlightened citizenry & an alert government.

### Feedback ( For OFFICE use only )

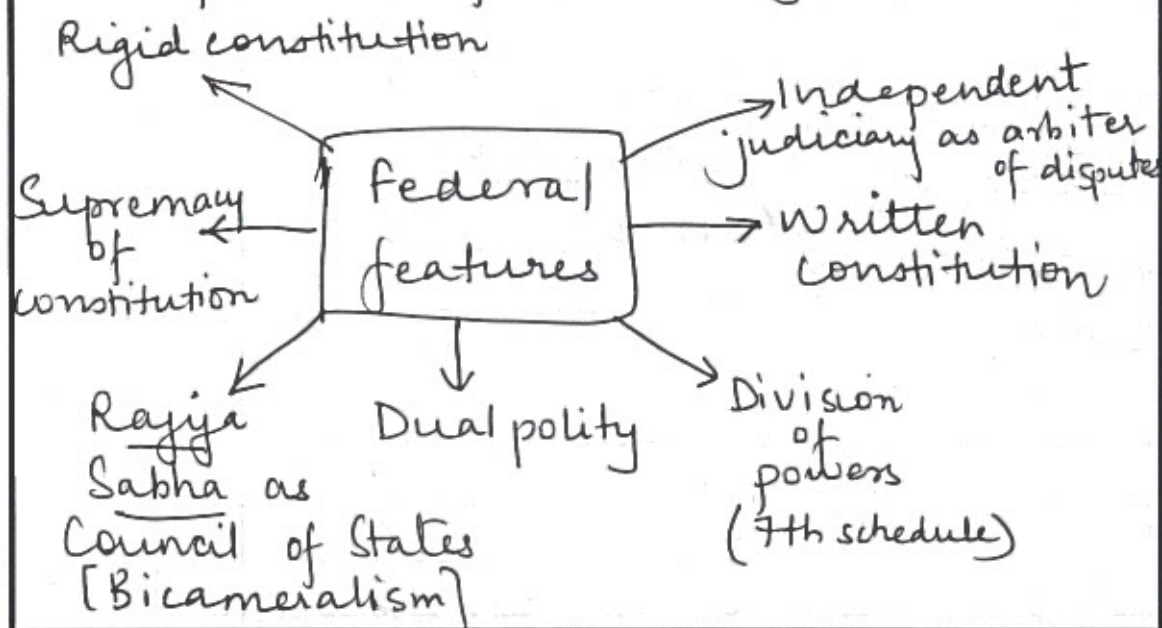
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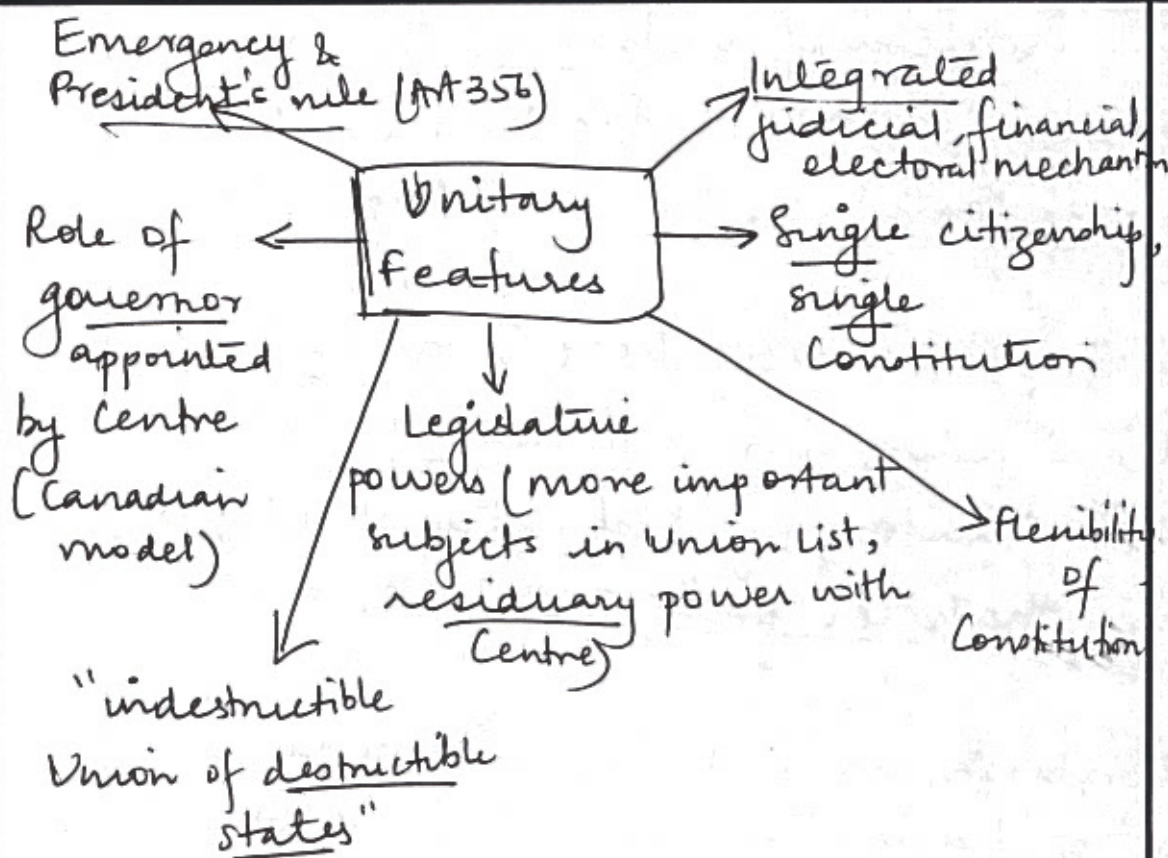
**Q.16)** "No single definition of federalism has proved satisfactory, primarily because theory must necessarily be modified based on operational realities of each country's polity". Substantiate in the Indian context.

(15 Marks, 250 Words)

Federalism refers to the relationship between the Centre and regional units as defined by the Constitution. Indian federalism has been called "quasi-federal", "federalism with centralising tendency", "bargaining federalism", etc but India's case is "sui-generis".

India's federalism is unique because while it gives autonomy to states, it also provides for a strong centre.





## Operational Realities

- B R Ambedkar asserted that since states derive legitimacy from the Constitution itself & not from Centre, Indian Constitution is federal.
- However, Indian Constitution escapes "tight mould of federalism" as it can change from federal to unitary according to circumstances. Eg. Emergency.

• The creation of a strong centre was essential to hold India together at the time of Partition, threats of fragmentation, etc.

• As Supreme Court held in SR Bommai, India's federalism is a tradeoff between regional autonomy and national integrity, given the heterogeneity & diversity of India.

Federalism, as held in SR Bommai, is part of basic structure of Constitution.

The road ahead, as said by Punchhi Commission, is cooperative federalism as practical guide to Indian politics bolstered by relevant institutional architecture like GST Council, Inter State Council, etc.

Feedback ( For OFFICE use only )

Structure		Content	
Question Interpretation		<b>Total :</b>	



**Q.17)** The Indian Constitution has provisions for holding a joint sitting of the two houses of the Parliament. Enumerate the occasions when this would normally happen and also the occasions when it cannot, with reasons thereof.

(15 Marks, 250 Words)

When there is a deadlock between the 2 Houses of Parliament over a bill, it is resolved through a joint sitting, inspired by Australian Constitution.

Occasions when it would happen

- When Lok Sabha and Rajya Sabha have finally disagreed on a Bill or its amendments.
- When 6 months have passed and the second house has taken no action on a bill sent to it by first house.
- In this case, <sup>President</sup>~~Speaker~~ allows a joint sitting, presided by the Speaker of Lok Sabha and the matter is decided by voting.

Occasions where it cannot happen

- Constitution Amendment Bills (under Art 368) need to be passed by both Houses of Parliament & separately with no provision of joint sitting.
- Money bill - Lok Sabha overrides Rajya Sabha and there is no need for joint sitting.

Reasons

- To establish parity between both Houses by ensuring that one House cannot override the other in case of disagreement. However, Lok Sabha has an upper hand due to greater numbers & in case of tie, Speaker ~~casts~~ has a casting vote.
- No provision of joint sitting in Constitution Amendment bill is justified because

it safeguards rigidity of Constitution and does not allow Lok Sabha to override Rajya Sabha through greater numbers. Thus, federal interests are protected.

This mechanism has proved effective till now with 3 instances of joint sittings till now - Dowry Act, Banking Act and Prevention of Terrorism Act.

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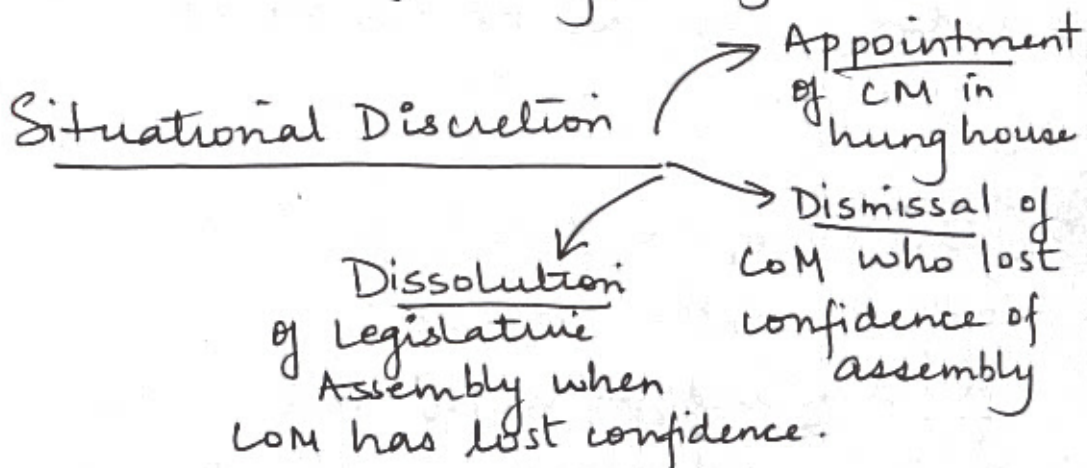
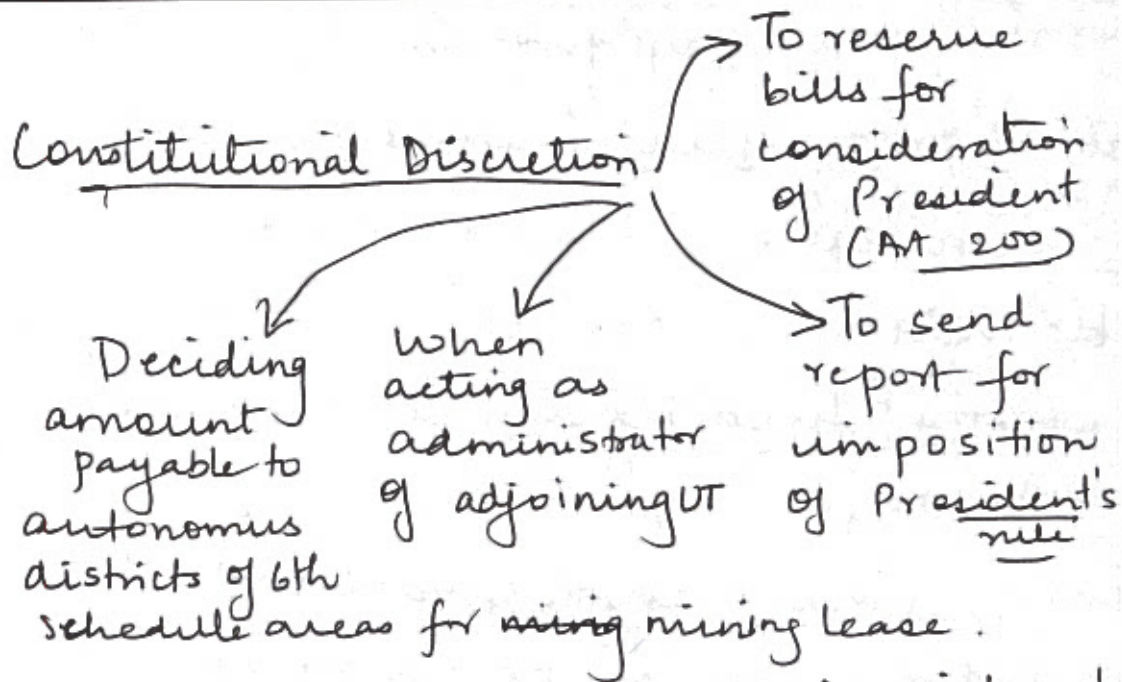
**Q.18)** The office of governor was envisaged as a connecting link between centre and states, the dignity of which is threatened by discretionary powers at his disposal'. Comment. Enumerate the provisions for the discretionary powers of the Governor, also highlight the issues surrounding it.

(15 Marks, 250 Words)

Office of governor has been a perpetual area of tension between centre and states as he plays a dual role - head of state & agent of centre in the state, inspired by Canadian Constitution.

### Discretionary powers of Governor

- Art 164 says that the Council of Ministers will aid & advise the governor except on matters where he has to exercise his discretion.
- Any question as to whether the matter lies within discretion of governor or not will be decided by Governor and no decision can be questioned on whether or not he ought to have acted in his discretion.



## ISSUES

- Governor acts as agent of Centre and enjoys office during pleasure of President.
  - Lack of security of tenure hampers impartial decisionmaking.
  - Trend of appointing yesmen as governors.
- Eg. Rajasthan governor stoked controversy

by openly praising BJP government.

- Lack of proper qualifications for appointment, non-consultation with CM leads to possible misuse of discretionary power.  
Eg. constant frud between CM & Governor in West Bengal.
- Recently, in Maharashtra, Governor's role came under scanner, as he called upon BJP to form government overnight.

As explained by Punchhi Commission, Governor's discretion should be tempered with caution and in the interest of people. Supreme Court held Governor's office to be an independent constitutional one, not an employment under central government. Hence, discretion should be used ~~as to~~ to safeguard constitutional values & public interest.

Feedback ( For OFFICE use only )

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Q.19) Special officer for linguistic minorities was envisaged to tackle the issue of linguistic chauvinism. Comment on its role, function and objectives as a constitutional body.

(15 Marks, 250 Words)

Article 350-B, added by 7th Constitutional Amendment, provides for Special Officer of linguistic minorities to be appointed by the President to safeguard and advance interests of minorities in a multilingualistic country.

### Role

- Appointment, tenure, conditions of service, decided by President.
- Nodal ministry is Ministry of Minority Affairs.
- Submits annual reports to President who lays them before both Houses of Parliament.
- Role is to safeguard interests of linguistic minorities, redress grievances, etc.

### Functions

- To assist implementation of Constitutionally agreed safeguards (Art 29, 30, 350-A) for betterment of minorities.
- To advise Central and State governments to give wide publicity to the rights and remedies available to linguistic minorities.
- To redress grievances of such minorities and hold seminars, campaigns, etc for furthering their cause.
- To be consulted by government while framing policies for them.

### Objectives

- To assist in inclusive growth & equal opportunity for minorities in education & employment.
- To ensure integrated development,



prevent conflicts on linguistic issues by redressing grievances at the right stage.

Given the recent issue over language in Draft NEP and the potential of issues like this to snowball into serious conflicts on linguistic chauvinism, it is important for Special Officers of Linguistic Minorities to redress grievances at initial stages & articulate demands to the government

Feedback ( For OFFICE use only )

Structure		Content	
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**Q.20)** Do you think the consent of the Chief Minister of the concerned state should be made essential for the appointment of the Governor? Give an account of Sarkaria commission's observations in this regard. Is the appointment of civil servants as Governors a healthy trend?

(15 Marks, 250 Words)

The Governor is appointed by the President according to Article 163. However, the Constitution prescribes no qualifications for such appointment. Given the scope of discretion of Governor as his dual role, such appointment has become a bone of contention.

Sarkaria Commission provided that Chief Minister should be consulted while appointing governor to ensure smooth functioning of government.

Punchhi Commission recommended that this requirement be incorporated in the Constitution itself. ~~to~~ since it has generally been disregarded.

Pros of consent of CM

- smooth functioning of government
- Difficult to appoint yesmen of Central government.
- will ease Centre-state tension, lesser disputes.
- will reduce politically motivated appointments by Centre

Cons of consent of CM

- Possible deadlocks in case of Centre-state disagreement.
- CM will appoint his yesman who will be partial.
- Might encourage separatist tendencies due to lack of Central control.

Sarkaria Commission recommendations

- consent CM while appointing
- should be an eminent person
- Not connected with local politics, preferably outside.

Trend of appointing civil servants as governor :

Pros :

- Development of expertise during service regarding nuances of administration.
- Trained to be politically neutral and unbiased in applying discretion.
- Can give valuable inputs in policymaking

## Cons

- Conflict of interest - might take decisions in expectation of post-retirement benefits.
- Partial towards Central government (the appointer) can cause misuse of discretion and Centre-state disputes.

In order to remove contention over office of Governor, clear cut guidelines on qualifications, tenure, grounds for removal, etc must be incorporated in the Constitution.

### Feedback ( For OFFICE use only )

Structure		Content	
Question Interpretation		<b>Total :</b>	

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## Mentor Feedback Questions

- 1 .....
- 2 .....
- 3 .....
- 4 .....
- 5 .....

## Test Goal

- 1 .....
- 2 .....
- 3 .....

## Outcomes

- .....
- .....
- .....
- .....
- .....

## Marking Scheme

Marks	Good	Average	Below Average
10 Marker	3.75 – 5.0	3.0 – 3.5	< 3.0
15 Marker	5.75 – 7.0	4.0 – 5.5	< 4.0

\*Subject to change without prior notice.

For any suggestions and/or grievances regarding evaluation, please mail to :  
[asif@forumias.academy](mailto:asif@forumias.academy)

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# ForumIAS

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