

Test Code: 31050

FIAS - 2020 - GS10C/R


 ForumIAS  
 MGPQ040338

# ForumIAS

## ACADEMY

### GENERAL STUDIES

Name Of Candidate	ANANYA SINGH		
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Mobile No.		Date:	15.12.19

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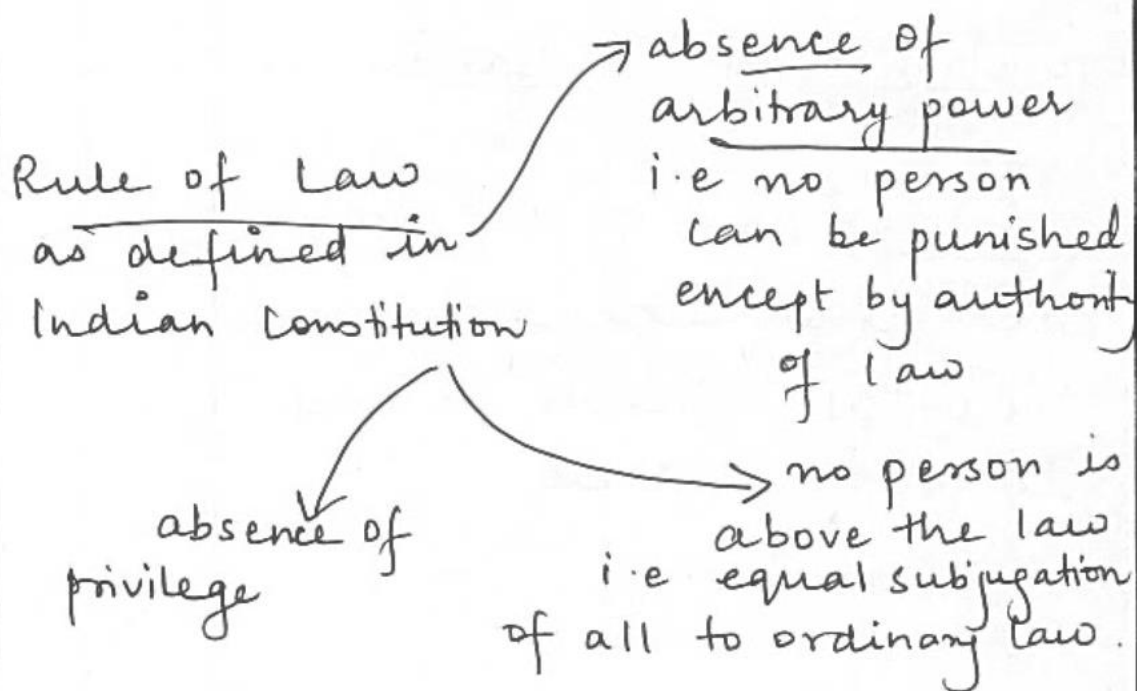
ADDITIONAL COMMENTS



Q.1) What do you understand by the concept of "Rule of law" under Indian constitution? How is it different from that in the UK constitution?

(10 Marks, 150 Words)

"Rule of law" in the Indian Constitution is operationalised by Article 14 of the Constitution where ~~citizens~~ persons are guaranteed "equality before law" & "equal protection of laws". Though borrowed from Britain, there are some differences.



However, this does not mean absolute equality. Reasonable differentiation is allowed.

## Difference : India vs Britain

- AV Dicey, a British jurist defined rule of law. While in Britain, constitution is created by individual rights. In India, Constitution is a source of individual rights.

- In India, rule of law is combination of negative British concept of equality before law & positive American concept of equal protection of laws.

"Rule of law" is a part of basic structure of Indian Constitution and upholds the Preambular ideals of equality & dignity of individual.

Feedback ( For OFFICE use only )

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



Q.2) What do you understand by basic structure doctrine? Highlight the elements which constitute the basic structure as decided in various judgements.

(10 Marks, 150 Words)

Basic structure doctrine was innovated by the judiciary in Keshavananda Bharti Case (1973) to safeguard the soul & essence of Indian Constitution.

- This doctrine states that Parliament under Article 368 can amend any part of the Constitution including Preamble & fundamental Rights except the basic structure.
- Basic structure has not been clearly laid down by the Supreme Court but it refers to those elements of the Constitution deprived of which it would become a nullity.
- Supreme Court has included many elements as basic structure

- through various judgements -
- Minerva Mills Case - judicial review, limited amending power of Parliament
  - M-Nagaraj - Principle of equality.
  - Parliamentary system, rule of law, welfare state, social justice
  - SR Bommai - federalism & secularism
  - Republican character.
  - Powers of Supreme Court & High Courts under Art 32 & 226, etc.

Basic structure is a dynamic concept which is continuously evolving. While some scholars criticise it for expanding the power of judiciary vis-à-vis legislature, it is essential to protect basic tenets of Constitution.

Feedback ( For OFFICE use only )

Structure		Content	
Question Interpretation		Total :	



Q.3) Discuss the key tension areas in centre state relations.

(10 Marks, 150 Words)

Centre state relations are a zone of tension in India because federalism in India is "sui-generis" such that Centre has greater powers than states in many aspects, similar to Canada rather than US.

After 1967, one-party rule at Centre & states ended & tension areas emerged in Centre state relations as declared through Rajamannar, Anandpur Sahib and West Bengal declarations -

- Role of governor - as agent of Centre, enjoys office during pleasure of President. [eg. in Maharashtra recently, it came into question]
- Art 356 and arbitrary imposition of President's rule.
- All-India Services - ultimate control with Centre

- Limited financial resources with States increasing dependence on Centre. Eg. with GST, states lost the power to levy VAT, etc.
- Article 2, 3 and 4 ensure that state's territorial integrity depends on Centre.
- TOR of 15th Finance Commission

Federalism is part of basic structure of Constitution (SR Bommai Case). Healthy Centre State relations through Inter State Council, GST Council, greater role of Rajya Sabha, etc is the way towards cooperative federalism.

Feedback ( For OFFICE use only )

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

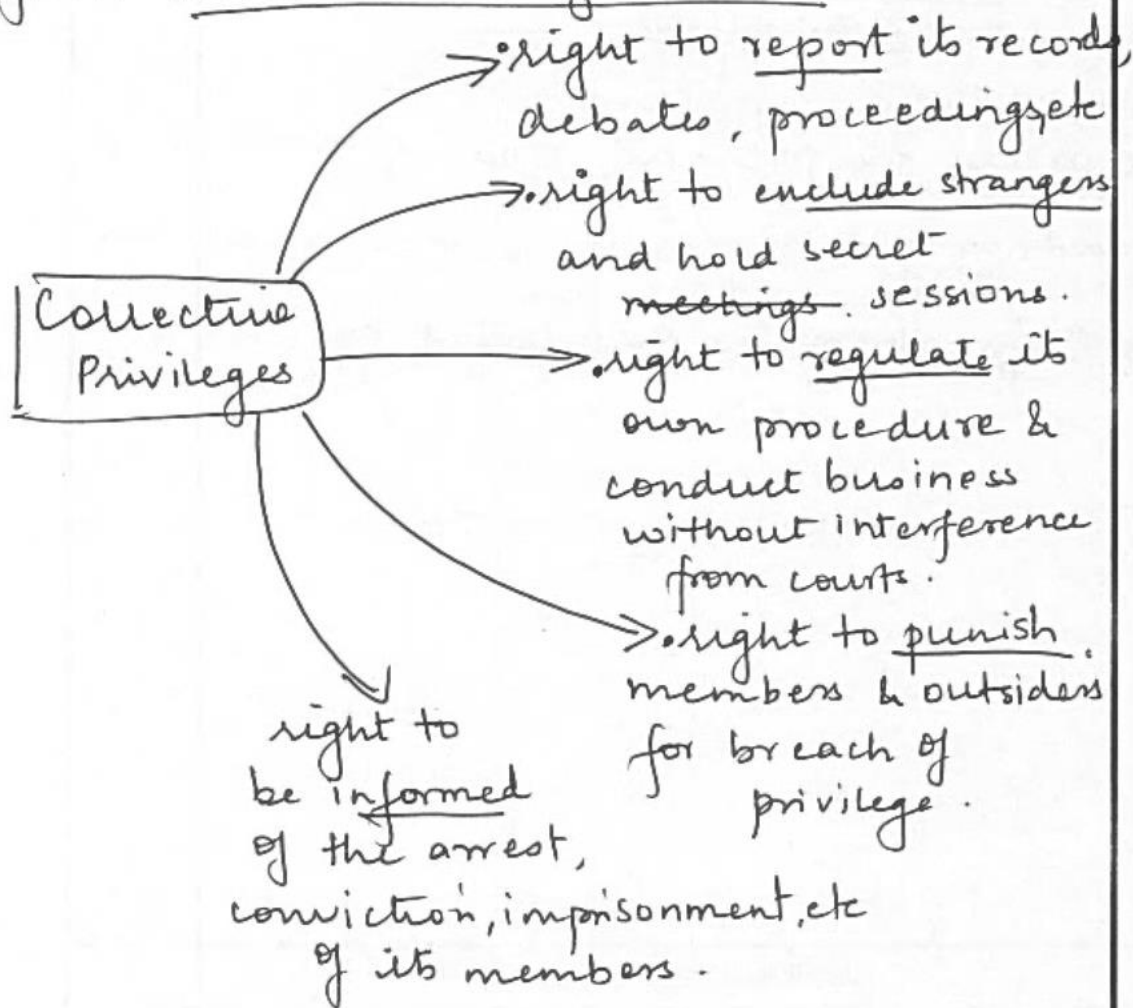


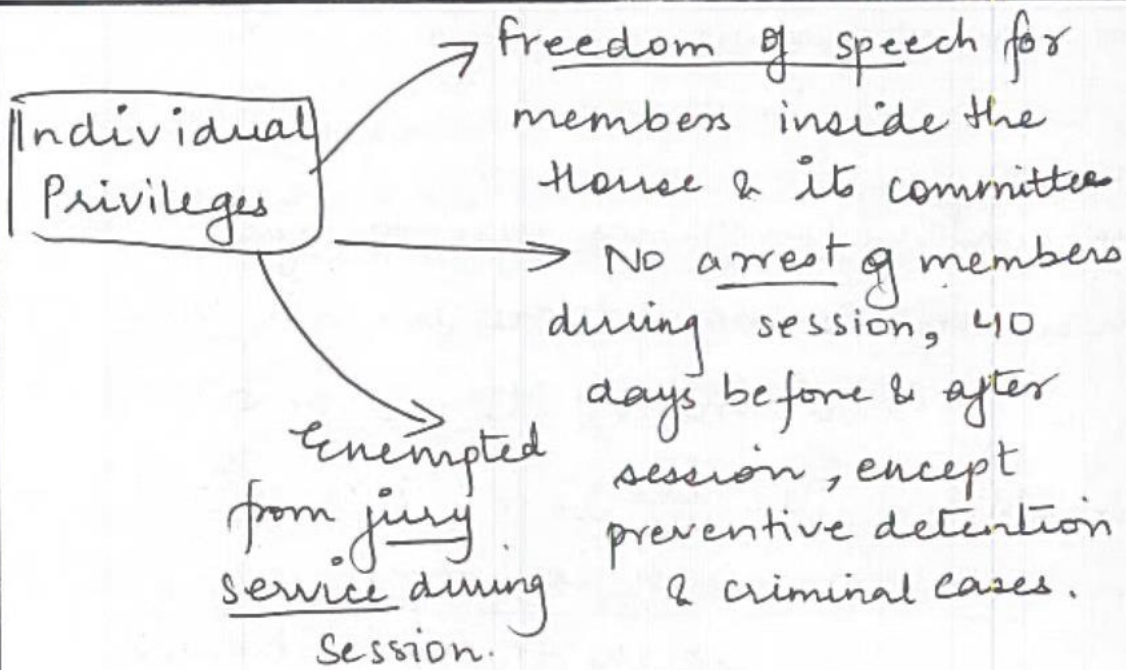


Q.4) What are the parliamentary privileges enshrined in the constitution for protecting the authority and dignity of the house and its members?

(10 Marks, 150 Words)

Parliamentary privileges refer to rights, immunities & exemptions given to the Houses of Parliament, its members & committees. The idea is borrowed from British House of Commons.





In order to prevent misuse of parliamentary privileges, it is necessary to codify them as suggested by 2nd ARC

Feedback ( For OFFICE use only )

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



Q.5) What do you understand by 'The doctrine of separation of powers'? Do you think this doctrine is absolutely rigid as per our constitution? Justify.

(10 Marks, 150 Words)

Doctrine of separation of powers suggests that each organ of government has been given its specific powers & responsibilities which it must fulfill without encroaching on the space of other organs.

eg. Article 50 requires separation of powers between executive & judiciary.

Not absolutely rigid

• In Indian Constitution, the doctrine is not absolutely rigid as ~~the~~ India operates on a Parliamentary system where executive is part of legislature & is collectively responsible to it (Art 75) which signifies "fusion of powers".

- President (Executive) can frame ordinances (legislative function) in extraordinary circumstances.
- Tribunals - Members of executive dispensing judicial functions.
- Impeachment - ~~Exec~~ Legislative performing quasi-judicial function.
- Judicial activism - Excessive intervention in administrative matters.

Though not rigid, Indian Constitution ~~has~~ does make way for "separation of powers" to prevent imbalances & disharmony in functioning of democracy & fulfill constitutional morality"

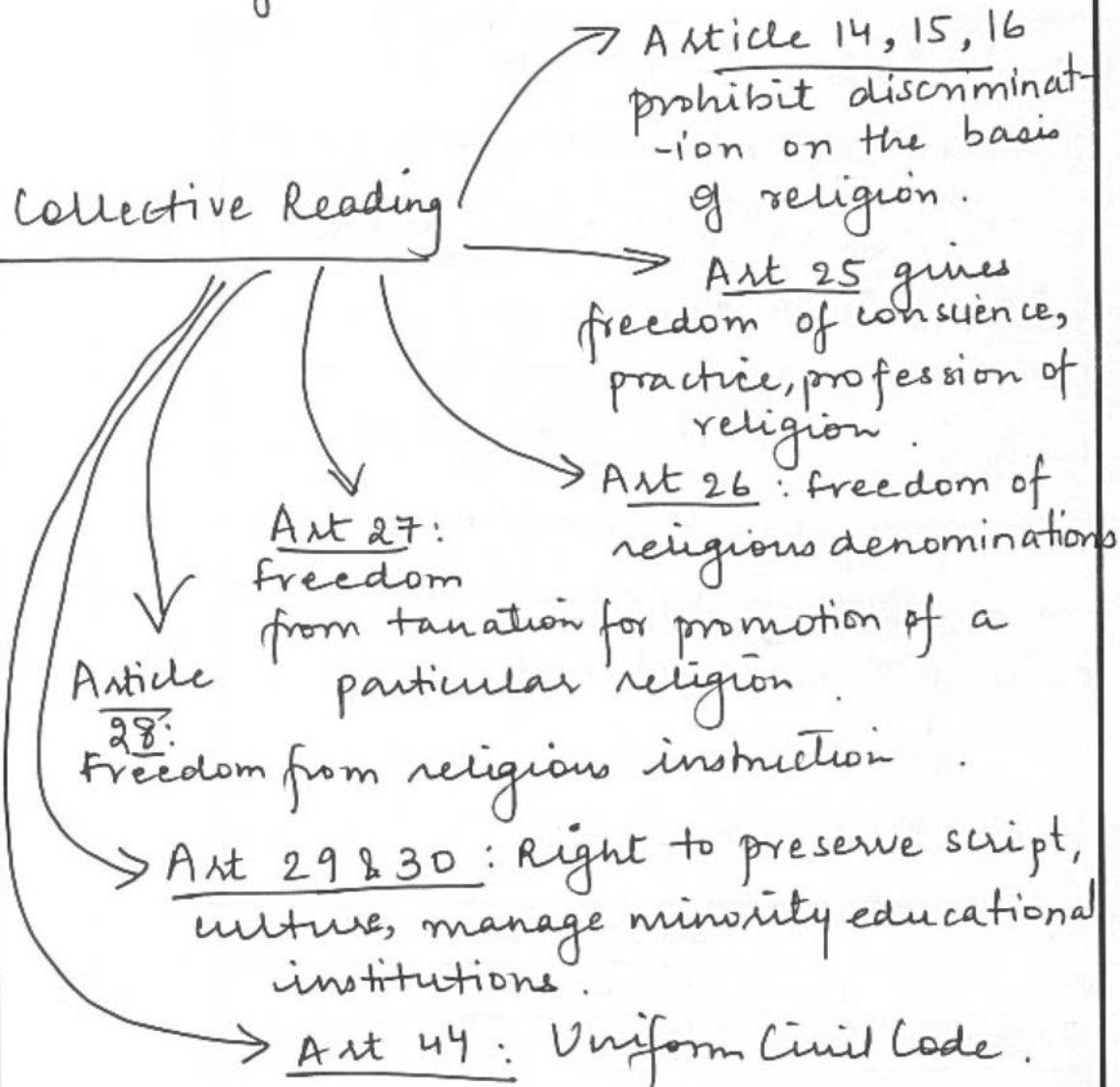
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Q.6) Our Constitution doesn't acquire its secular character merely from the words in the Preamble, but from a collective reading of many of its provisions. Elucidate. Is Indian secularism an imitation of western secularism? (10 Marks, 150 Words)

The word "secular" was added to the Preamble by 42nd Amendment Act, 1976. However, as held by Supreme Court, it was always a part of the essence of Constitution.



## Indian vs Western Secularism :

- Indian secularism is "positive" i.e. equal respect for all religions, while Western secularism is "negative" i.e. complete separation of government & Church.

- Thus, Indian secularism is not an imitation of Western secularism, rather it suits the needs of a multi religious society like India.

Secularism is the strength of India's democratic fabric and must be upheld through political will, active judiciary & enlightened citizenry.

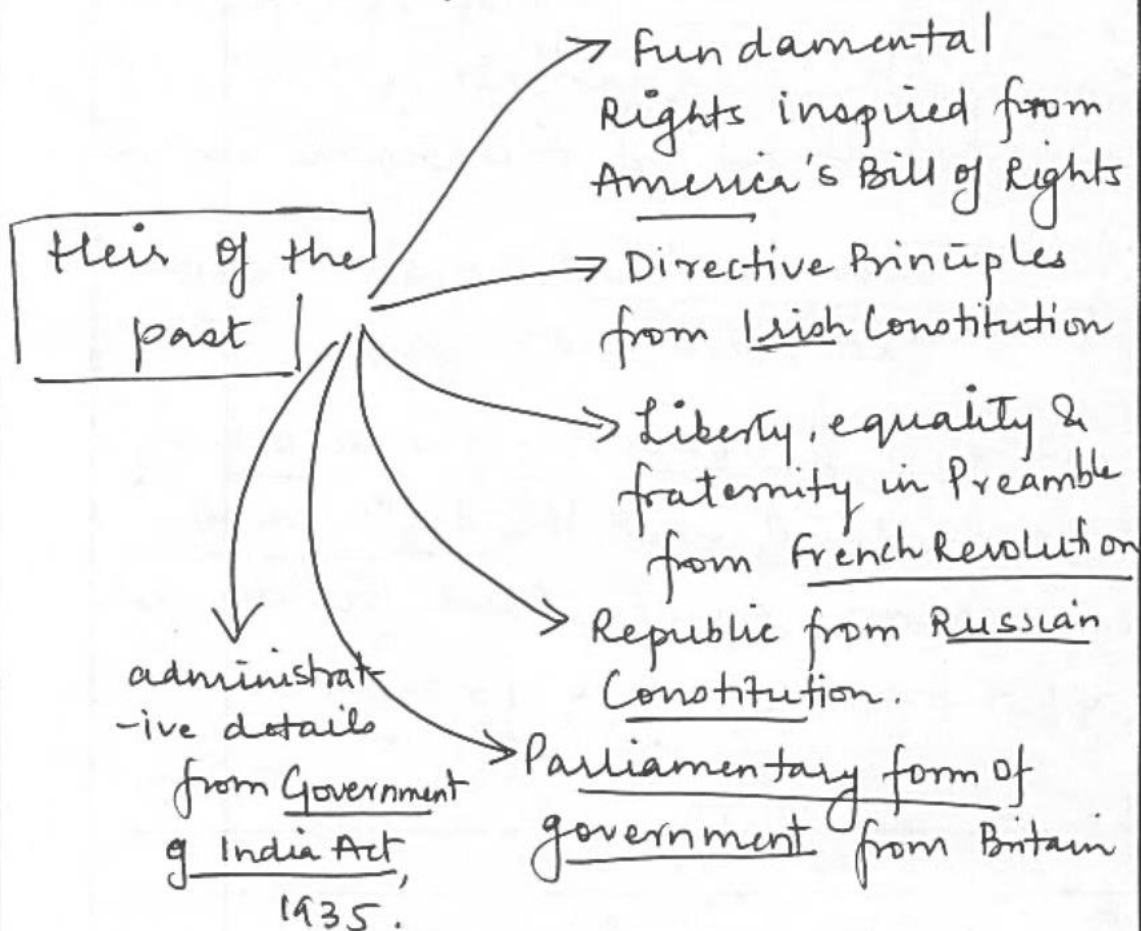
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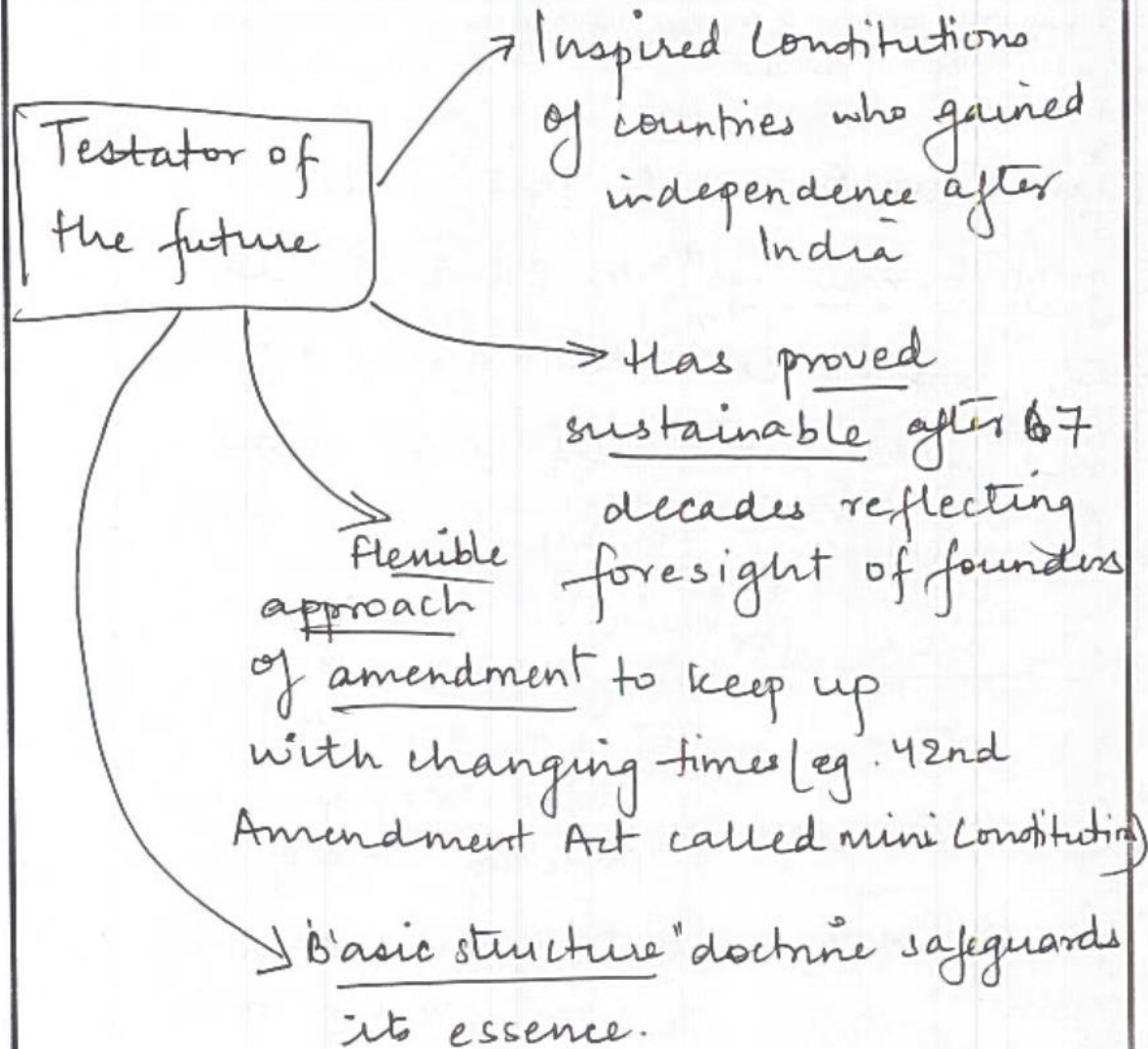
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Q.7) All constitutions are heirs of the past and testators of the future. How far is this true in case of Indian Constitution? (10 Marks, 150 Words)

Indian Constitution is often called a "bag of borrowings". As B.R. Ambedkar said, India's Constitution was formed by ransacking the best Constitutions of the world and today it serves as a role model for other countries.





Constitution of India is the supreme law of the land and the fulcrum of India's democracy. It must be upheld by all 3 organs of the government,

Feedback ( For OFFICE use only )

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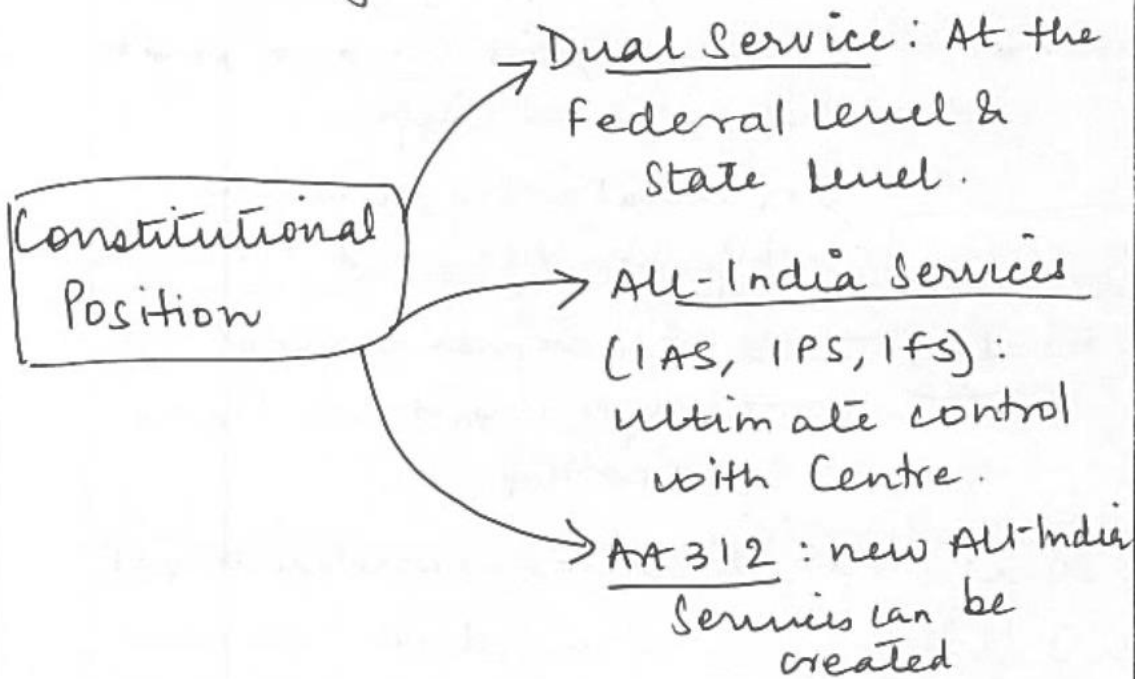




Q.8) Describe the constitutional position of civil services in India. Do you think lateral entry into the civil services can undermine its neutrality?

(10 Marks, 150 Words)

Civil Services in India are referred to its steel frame as they hold strategic positions in the government to ensure good governance.



## Lateral Entry

• Recently, government decided to recruit persons from outside the bureaucracy at Secretary level. This is called lateral entry.

Undermines neutrality

→ Civil servants are recruited by constitutional bodies (UPSC, SPSC), maintain political neutrality and work for long term welfare.

→ Lateral entrants are appointed by government for a limited period: quid pro quo might happen.

Does not undermine neutrality

→ Lateral entry advocated by 2nd ARC, High Commission, etc

→ Will infuse competition

→ Lateral entrants have expertise.

To solve this dilemma, constitutional bodies like UPSC should be involved in recruitment of lateral entrants.

Feedback ( For OFFICE use only )

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



Q.9) "Accountability of the executive to the legislature, in Westminster forms of Government is arithmetically driven" Examine in the Indian context.

(10 Marks, 150 Words)

Westminster form of government or  
Parliamentary form of government functions  
on executive accountability to legislature  
i.e. responsible government through  
Article 75 of Indian Constitution.

↓  
Council of Ministers are collectively  
responsible to House of People i.e. Lok  
Sabha can pass a motion of No-Confidence  
unseating the government.

Arithmetically driven?

• When the government commands  
absolute majority in the House,  
such accountability cannot be  
enforced, especially given Anti-Defection  
Law in India where MPs must toe party  
line.

• However, there are other ways of exercising control - through calling attention motion, question hour, zero hour, parliamentary committees (PAC, Estimates Committee, etc).

Thus, accountability can be enforced ~~in the~~ <sup>through</sup> Parliamentary devices if the members are active, well-trained, offer constructive criticism and use such devices instead of disruptions & adjournments. This will keep government on its toes & strengthen democracy.

Feedback ( For OFFICE use only )

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



Q.10) Explain the pardoning powers of the President. How is it different from the Governor's pardoning power? (10 Marks, 150 Words)

Pardoning power of the President under Article 72 of the Constitution empowers the President to -

- Suspend, commute, remit or grant reprieve to a person convicted of an offence against the Centre, including death penalty.
- In doing so, President does not need to justify his position & he is not subject to judicial review.
- He can take new facts into consideration or reify a punishment he considers particularly harsh.

Governor at the state level has similar powers for a person convicted

of an offence against the state .

## Difference

- Governor cannot suspend a death sentence
- Governor has no powers in case of court martial .

The powers of the President & Governor must be reviewed by fixing a time limit for decision to hasten the criminal justice system & reinforce the faith of public in law & order.

Feedback ( For OFFICE use only )

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

Q.11) Rajya Sabha is not as powerful as Lok Sabha, but powerful enough in comparison to state legislative councils. Examine. (15 Marks, 250 Words)

Rajya Sabha is the upper house of Parliament at the Union level while Legislative Council of states constitutes the upper house at state level. However, only 6 states have a council as such. Powers of these bodies vary with respect to each other as well with respect to Lok Sabha & legislative assembly respectively.

Not as powerful as Lok Sabha

- Rajya Sabha has lesser powers in financial matters like it cannot vote on demand for grants.
- Rajya Sabha cannot amend or reject a money bill. It has to send it back to Lok Sabha within 14 days with or without recommendations.
- Rajya Sabha cannot move NO-confidence motion (Art 75 - Council of Ministers is responsible to Lok Sabha), adjournment motion, etc.

### Special Powers of Rajya Sabha

Being the "council of states", Rajya Sabha has some special powers which Lok Sabha doesn't have :

- Art 249 : Rajya Sabha can pass a resolution that Parliament should legislate on a matter in state list.
- Art 312 : Rajya Sabha can pass a resolution to create new all India services.

### Rajya Sabha vs State legislative Council

- RS has equal powers with Lok Sabha as far as ordinary legislation is concerned but legislative council is subservient to the assembly as it can only delay bill for 4 months.
- No provision of joint sitting at state level. After 4 months, bill passes as stipulated by legislative assembly.
- If a bill passed by council is rejected by Assembly, it ends ~~at~~ and becomes dead.
- In money bills & control over credit, Council's powers are similar to RS.



Thus, while RS is a "revising body", legislative council is a mere "dilatory chamber", often called a "white elephant".

• The reason for above is that Rajya Sabha has a unique role to maintain federal equilibrium and has a homogenous composition while councils have a heterogenous composition that makes them weak. Moreover, their very existence depends on resolution passed by legislative assembly.

For better working, recommendations of Punchhi Commission regarding equal representation of states in Rajya Sabha should be considered and as the Parliamentary Standing Committee suggested, there should be a national policy on legislative councils to tackle their ad hoc constitution & abolition.

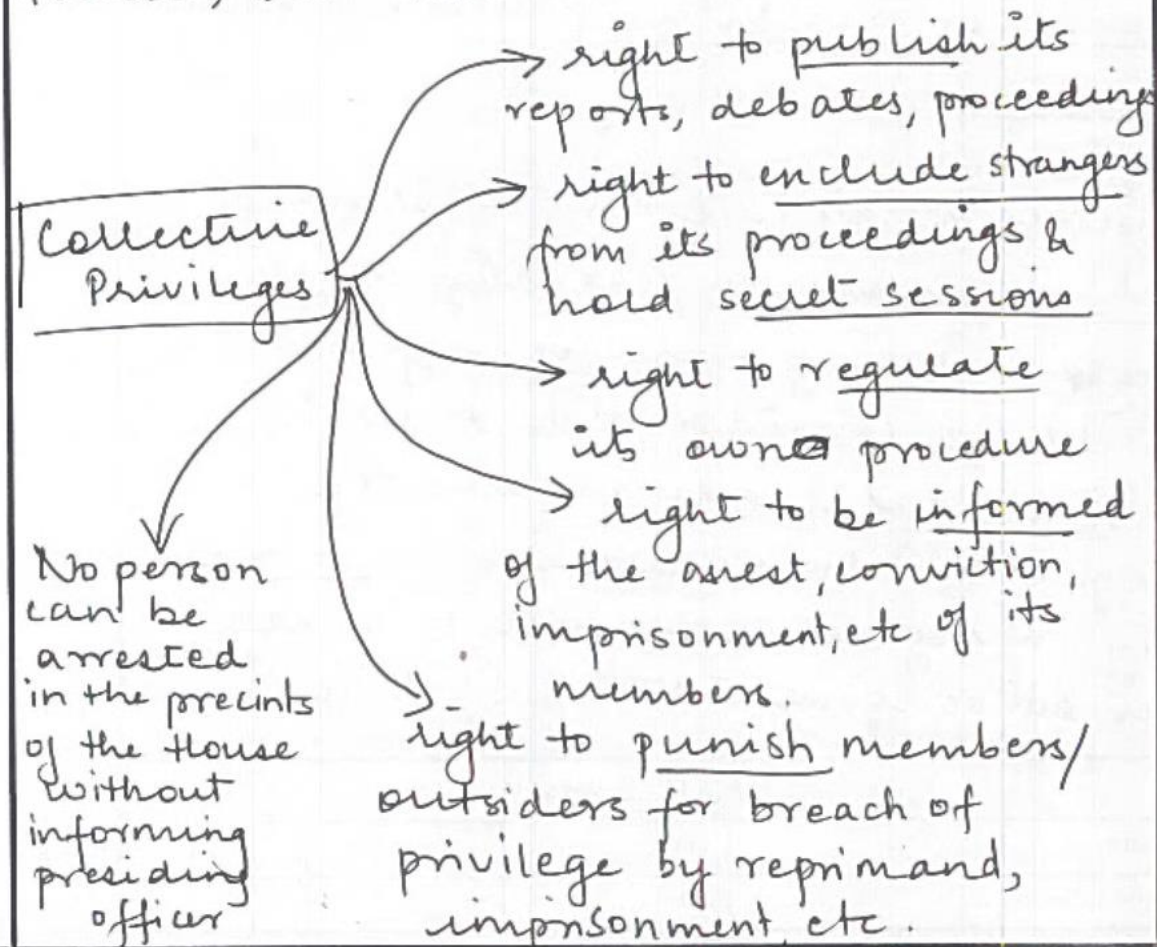
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Structure		Content	
Question Interpretation		<b>Total :</b>	

**Q.12)** What do you mean by Parliamentary privileges? What constitutes a breach of privilege? Do you agree that there is an immediate need for codifying Parliamentary privileges? (15 Marks, 250 Words)

Parliamentary privileges refers to the rights, immunities & exemptions available to the Houses of Parliament, its committees & members.

They are available not only to members but also to ministers & attorney general who take part in the proceedings of the House, but not to the President.



## Individual Privileges

Exempted from jury service during session.

→ freedom of Speech  
 Art 105 - No person is liable to any proceedings in court for anything said or vote given in Parliament.

→ Members cannot be arrested during session of House, 40 days after & before session.

## Breach of Privilege

Whenever any member/outsider lowers the honour, dignity, authority of the House or obstructs its functioning, it constitutes a breach of privilege.

Parliament has the right to punish for the above.

## Need for Codification

Parliamentary privileges are adopted from British House of Commons.

Their sources are - Constitution, Acts of Parliaments, Rules of Business, Parliamentary

- Conventions, judicial pronouncements, etc.
- Parliamentary privileges have not yet been codified i.e. specifically written down.
  - Codification is needed to prevent arbitrary exercise of this power.
  - Parliament acts as victim, judge & jury in breach of privilege, against separation of powers.
  - The above is against rules of natural justice where no one can be a judge in his own cause.

Recently, in Karnataka, Parliamentary privileges were used against scribes for criticising the assembly. Thus, there is immediate need to codify & limit them as suggested by 2nd ARC, Constitution Review Committee, etc.

Feedback ( For OFFICE use only )

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

**Q.13)** What is the importance of Local Self Governments in a democracy such as India? Why do you think the makers of the Constitution did not give adequate importance to this subject in the original constitutional document?

(15 Marks, 250 Words)

Local Self Government was operation-  
-alised in India through 73rd and  
74th Constitution Amendment Act,  
1992, marking a revolution in the  
direction of grass root democracy and  
fulfilling Article 40.

## Importance

- Signifies the deepening of democracy from representative to participative.
- Allows people to take active part in governance through formulation & implementation of plans for economic development & social justice (XI and XIIth Schedule)
- Decentralisation of power leading to better accountability through social

audit, etc.

- Role of Gram Sabha as direct embodiment of democracy which allows electors to voice their concerns regularly.
- Reservation for SC/ST and women means local government is inclusive.
- Extension to 5th schedule areas through PESA reconciles tribal autonomy with good governance.
- Benefits of decentralised planning i.e. better resource estimation, feedback mechanism, etc.
- Fiscal decentralisation through formation of State Finance Commissions.

At the time of making of Constitution, local self government found place in Article 40 of Directive Principles of State Policy i.e. to enable endow such powers & authority on municipalities to enable

them to function as units of self-government. This was non-justiciable and unenforceable.

Why?

- As a newly independent country, India first needed to solidify the 2 tiers of government.
- Resource constraints and many immediate problems of partition, separation, linguism, etc needed centralised power.
- People needed to be trained in democratic traditions. As B R Ambedkar said, villages of India at that time were dens of ignorance, casteism & untouchability.

Despite 73rd & 74th Amendment, third tier of government is not fully functional due to lack of fiscal empowerment, regular elections, devolution of 3Fs (funds, functions, functionaries) which requires political will & multi stakeholder approach involving civil society & people.

Feedback ( For OFFICE use only )

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

Q.14) National Commission of Backward Classes has been in existence for more than 25 years. Assess the powers and role of commission in tackling issues faced by backward castes. (15 Marks, 250 Words)

National Commission for Backward Classes was formed as a statutory body in 1992 for ~~the~~ looking into issues of over inclusion & under inclusion in lists of OBCs entitled for reservation.

Recently, through 102nd Constitutional Amendment Act, NCBC has been given a Constitutional Status, just like National commissions for SCs & STs.

### Powers

- Has powers of a civil court.
- Can call upon anyone to ~~give~~ be examined as witness.
- Can examine evidence on affidavit.
- Can ask for a document from any authority in the course of inquiry.



- Submits reports to President to be laid down before Parliament.

## Role

- To examine whether the Constitutional safeguards available to backward classes are being implemented.
- To be consulted by Union & state governments while framing a major policy for ~~B~~BCs.
- To redress grievances of these classes and make recommendations to government for furthering their interests.
- To conduct research into the condition of these classes, their needs and aspirations.
- To hold seminars, sessions, etc for raising awareness on issues faced by Backward classes.
- To submit reports on backwardness of communities seeking reservations. Eg. for issue

- However, NCBC till now has not played a transformatory role in empowerment of OBCs due to lack of funds, personnel, excessive dependence on government, etc.
- NCBC was hardly consulted while giving reservation to EWS.

With rising demands of reservations from Jats, Marathas, etc and expanding scope of backward classes on economic criteria (103rd Amendment), NCBC has an important role to play to fulfil Article 46 of the Constitution.

Feedback ( For OFFICE use only )

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

Q.15) Why is the Parliament's Public Accounts Committee (PAC) called the "Mother of all Parliamentary Committees"? What are the issues that are plaguing the PAC's functioning over the past few decades. (15 Marks, 250 Words)

PAC is one of the most important committees of Parliament, having its origins in Government of India Act, 1919, consisting of 22 members (15 from Lok Sabha, 7 from Rajya Sabha).

"Mother of all Parliamentary Committees"

- PAC examines the reports submitted by CAG to President i.e. reports on appropriation, finance and public undertakings.
- Finds not only technical irregularities but also checks economy, viability, propriety of expenditure.
- Matches the expenditure incurred with what was sanctioned.
- Confirms whether expenditure on a

service was made by the authority that governs it.

- Solidifies executive accountability to Parliament, especially in financial matters.
- Enables members from Rajya Sabha to exercise control over the government.
- Main distinction between PAC and other committees is role of the CAG as friend, philosopher, guide of PAC.

### ISSUES

- Cannot disapprove grants.
- Role is only recommendatory.
- Carries out a post mortem analysis of finances.
- Cannot interfere in day to day functioning.
- Increasingly technical nature of ~~grants~~ CAG reports and limited financial

Expertise of CAG. PAC

- Recourse by CAG to redactive pricing reports as in Rafale case blunts power of PAC & hence Parliament to exercise control over executive.

With the strengthening of executive due to majority in both Houses and weakening of opposition (not even 1/10th of seats in Lok Sabha), role of PAC is important to maintain executive control over executive & strengthen Parliamentary traditions through capacity building of its members, congress meetings, etc.

Feedback ( For OFFICE use only )

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

Q.16) Judicial activism requires a reconsideration, as it entails not only unpredictability in the law but also violates the principle of separation of powers.

Analyse.

(15 Marks, 250 Words)

Judicial activism means the judiciary takes a proactive role in enforcing rights of citizens, sometimes stepping away from judicial ~~pre~~ precedents and arguably encroaching space of executive & legislature. Judicial activism versus restraint is a heated debate.

### Unpredictability in the law

• Judicial activism sometimes ~~reverses~~ <sup>changes</sup> laws ~~and~~ formed by popularly elected legislature.

Eg. SC/ST Act - judiciary removed provision of immediate arrest & no anticipatory bail, while ~~to~~ Parliament then brought the provision back.

- Judicial contradictions and references to larger benches.

Eg. Reservation in promotions for SC/STs.

Nagaraj and Indra Sawney judgements contradict each other, leading to ambiguity.

- Scope of revision through review, curative plea, etc.

Eg. Sabrimala judgement sent for review, till then, the state of Kerala hangs in ambiguity.

### Separation of Powers

- To make laws is job of legislature that commands will of people.

- Judiciary might not have requisite knowledge & skill set to frame laws.

Eg. ban on liquor on state highways, cancellation of Bilateral Investment Treaties, etc without analysing consequences.

• Lack of administrative expertise to consider challenges of implementation.  
Eg. cracker ban.

• Not democratic given the opaque process of judicial appointments.

However,

- Through triple talaq, decriminalisation of sec 377, etc; judiciary has shown the right way.
- In issues of electoral reforms where legislature is lax, judiciary led the way.

SC framed Witness Protection Scheme when government failed despite reminders.

As the Supreme Court, itself said in its guidelines, the judiciary must not encroach upon the space of legislature & executive as the Constitution clearly defines separation of powers as its basic tenet.

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**Q.17)** "Representation of People Act in its original form does not meet the changing needs to conduct elections". Examine the major judicial pronouncements made in relevance to RPA in recent years. Also, discuss the need to further amend the act if any. (15 Marks, 250 Words)



Feedback ( For OFFICE use only )

Structure		Content	
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Q.18) "Most of the institutional architecture of Indian federalism focuses on relations between the union and the states and there is far less space to settle inter-state frictions". Analyse. (15 Marks, 250 Words)

Federalism in India is often called "suigeneris" due to its unique trade off between autonomy of states and national integrity. Healthy federalism requires not just centre-state but also inter state comity.

### Union-state institutional architecture

- Rajya Sabha as "Council of States" maintains federal equilibrium containing representatives from states.
- Inter-State Council (Art 246) set up in 1990.
- GST Council (Art 279A) consisting of State Finance Ministers.
- NITI Aayog has a federal composition as compared to planning commission.

## Inter-State Institutional architecture

- Inter State Council formed on Sarkaria recommendations also promotes inter state relations.
- Inter State River water Disputes - Art 245 empowers Parliament to legislate & address this.
- Zonal Councils set up by State Reorganisation Act, and separate North-Eastern Council.

## Comparison

- Some institutions for inter-state relations like one for freedom of trade, commerce & intercourse (AA 301) has not yet been set up by Parliament.
- Zonal Councils are not functioning effectively and need revitalisation, as said by Punchhi Commission.
- Failure of inter-state river water dispute resolution has led centre to

enact an amendment to set up a single tribunal with multiple benches.

While sound architecture exists for both Centre-State & interstate relations, the problem lies in their revitalisation through regular meetings, training of members, and creating an atmosphere of harmony. ~~with~~

With rising demographic divergence & inter-state rivalry over financial allocations, it is necessary to manage both Centre-State & inter-state relations, given India's asymmetric federalism.

Feedback ( For OFFICE use only )

Structure		Content	
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Q.19) A democracy is just as credible as the strength of the institutions fundamental to its legitimacy. Assess the role of the Central Bureau of Investigation (CBI) in this context. (15 Marks, 250 Words)

CBI was formed through Delhi Special Police Establishment Act, 1946. It is neither a statutory, nor constitutional body. Recently, a feud between 2 top officers of CBI brought it in limelight.

## Role

- Premier agency to conduct investigations into organised crime or crime having inter-state ramifications.
- Economic Offences Wing deals with white collar financial crimes.
- Coordinates with InterPol to deal with crimes having international ramifications.
- Deals with cybercrimes and newly emerging technological offences.
- Particularly important cases are

referred to the CBI by state governments or courts.

### ISSUES

- Opposition parties & state governments accuse Central government of using CBI for political vendetta.
- Recently, Andhra Pradesh & West Bengal withdrew "general consent" given to CBI.
- Supreme Court had referred to CBI as a "caged parrot" due to lack of independent powers.

This have severely damaged credibility of CBI and the faith of people in its investigation & independence.

### Way forward

- 2nd ARC recommended giving statutory backing to CBI.



- Parliamentary Estimates Committee recommended giving independent personnel cadre through direct recruitment.
- Vineet Narain Case : Supreme Court pointed out that CBI's position be made more independent.
- Dual control over CBI - to the central government and CVC (in matters of PCA) further weakens it.

With constitution of Lokpal, India's investigation & prosecution structure needs an overhaul to avoid multiple institutions with limited power. One way out is to make CBI responsible to the Parliament like CAG, security of tenure to directors, etc.

Feedback ( For OFFICE use only )

Structure		Content	
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Q.20) "Parliament's power to amend the constitution is limited power and it cannot be enlarged into absolute power". In light of this statement explain whether parliament under Article 368 of the constitution can destroy the Basic structure of the constitution by expanding its amending power? (15 Marks, 250 Words)

Basic Structure doctrine was laid down in Keshavananda Bharti Case as a limit upon the ~~constituent~~ power of Parliament to amend the Constitution.

The extent of Parliament's amendment power was decided by courts as following:

Shankari Prasad Case (1951)

↓  
SC held that Fundamental Rights can be amended by Parliament under Art 368 and such amendment won't be void under Art 13.

↓  
Golaknath Case (1967)

SC reversed earlier ruling and said FRs are immutable & cannot be amended

↓

24th Amendment Act (1971)

amended Art 13 and Art 368 to ensure that Parliament can amend FRs and that would not be void under Art 13.

Keshavananda Bharti Case (1973)

SC reversed Golak Nath ruling, upheld 24th Amendment with a caveat i.e. "basic structure". This means Parliament can amend any part of Constitution except basic structure.

42nd Amendment Act (1976)

Amended Art 368 such that Parliament can amend any part of Constitution & this cannot be called to question in any court.

Minerva Mills Case (1980)

Struck down the above as unconstitutional as judicial review & ~~base~~ limited amending power of Parliament are

part of basic structure of the Constitution.

Thus, the Parliament by using its limited power of amendment cannot expand its power to unlimited & destroy the basic structure.

At the heart of the matter lies difference between legislative & constituent power of Parliament.

Feedback ( For OFFICE use only )

Structure		Content	
Question Interpretation		Total :	

## 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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