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ForumIAS

ACADEMYS

GENERAL STUDIES

Name Of Candidate	Raspreet Singh		
Email Id.		Roll No.	1910039790
Mobile No.		Date:	09-Dec-2018

Time Allowed: Three Hours

Maximum Marks: 250

INDEX TABLE			INSTRUCTION	
Q. No.	Max. Marks	Marks Obtained		
1			<p>1. Do furnish the appropriate details in the answer sheet (viz. Name, Email, Roll No, Mobile)</p> <p>2. There are TWENTY questions printed in ENGLISH.</p> <p>3. All questions are compulsory.</p> <p>4. The number of marks carried by a question/part is indicated against it.</p> <p>5. 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>6. Word limit in questions, if specified, should be adhered to.</p> <p>7. Any page or portion of the page left blank in the Question-Cum Answer Booklet must be clearly Struck off.</p>	
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Total Marks:				
Remarks:			Start Time 2:10 pm	End Time 5:00 pm
			Mode Of Examination :	Online <input checked="" type="checkbox"/> Offline <input type="checkbox"/>
			ECN CODE:	Evaluation Date:

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Parameters	Excellent	Very Good	Good	Average	Poor	Very Poor
Language						
Structure						
Presentation						
Innovation						
Handwriting						
Content						
Attempt						

ADDITIONAL COMMENTS

Q.1) What is the doctrine of 'basic structure' of Indian constitution? Does the doctrine undermine parliamentary sovereignty? Critically examine.

(10 Marks, 150 Words)

Doctrine of Basic Structure

This doctrine was given by Supreme Court in Keshavananda Bharti Case (1973). According to this doctrine, the Parliament can amend any provision of the Constitution (under Article 368), except the Basic structure of the Constitution.

Basic structure goes beyond Judicial Review. Judicial review is for any parliamentary legislation or executive decision while basic structure challenges Constitution itself (because constitutional amendment is Constitution itself).

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Basic Structure Doctrine & Parliamentary Sovereignty

- Basic Structure doctrine limits the power of Parliament to amend the Constitution.
- British Parliament is sovereign in the sense that there are no restrictions on Parliament's powers.
- In USA also, Judiciary cannot challenge Constitutional Amendment.
- Basic structure doctrine make Supreme Court the strongest court in the world.

Thus Basic structure doctrine limits the power of Parliament. However, there should be some restraints on power of Judiciary, for example such cases to be decided by 2/3rd majority.

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Q.2) "Parliament is for constructive policy making and not for political manoeuvres". Comment. Also, suggest reforms needed to make Parliament more productive, efficient and responsive.

(10 Marks, 150 Words)

Parliament is a place for discussions, debates and deliberations. However, recent performance of Indian Parliament shows that disruptions are more frequent.

Parliament - a place for policy making

- Parliament is responsible for making laws to govern the country.
- Opposition has to ensure that right laws to be passed.
- It holds executive accountable for its policy decisions.
- Budget of the country is passed in the Parliament.
- Issues of national interest are debated, eg. Demonetization, rising crimes etc.

Reforms needed

- National Commission to Review the Working of Constitution recommend minimum 120 & 100 sittings for Lok Sabha & Rajya Sabha.
- Reforms in Antidefection Law
 - eg. Law Commission recommend -
 - Pre poll alliances to be treated as one party.
 - Decision to be taken by President on the advice of Election Commission.
- Reforms of the office of speaker.
 - eg. once a speaker always a speaker.
- Announcement of calendar at the start of the year.
- Allow Parliament to convene itself with support of minimum members

These reforms are necessary and urgent to ensure smooth functioning.

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Q.3) "The anti- defection law not only sanctions party tyranny in the name of party discipline, but also curbs the legislator's right to dissent". Critically examine.

(10 Marks, 150 Words)

Anti-defection law was passed in 1985 as 52nd Constitutional Amendment. It added 10th Schedule in the constitution.

Anti-defection law

Provides for disqualification of members of Parliament or Legislature if one voluntarily resigns from the party or votes against the directives of the party, if not endorsed later by the party.

Party tyranny, not party discipline

- Anti-defection law was passed to ensure discipline among members & to reduce the role of money.
- It becomes a tool to impose party decision on members.

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Curbs legislator's right to dissent

- No differentiation between dissent & defection.
- Against fundamental right of freedom of speech.
- Against the democratic ideals.

Way forward

- Decision of anti-defection cases to be made by President on the advice of Election Commission → Recommended by Law Commission.
- Limit the use of whip on case where government's survival is in danger. → Law Commission.

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Q.4) The strength of parliamentary democracy lies in the depth and rigour of the reports of Parliamentary departmental committees. Revamping them is the need of the hour. Examine.

(10 Marks, 150 Words)

Parliamentary department Committees have increased the efficiency and performance of Parliament in the recent past.

Role of Departmental Committees

- Opposition and ruling party members can work without political motivations.
- Expertise of members in the field can be utilized.
- Better distribution of workload of Parliament.
- No live telecast, therefore no incentive for grandstand.

Revamping of departmental Committees

- During the term of 16th Lok Sabha,

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only 29% bills were scrutinized by Parliamentary Committees.

14th Lok Sabha - 60%.

15th Lok Sabha - 70%.

- Politicization of proceedings.
- Lack of technical expertise in the area.
- Not sufficient resources to perform the mandate.

Thus, Revamping of Departmental Standing Committees is necessary to ensure better scrutiny of decisions of Parliament.

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Q.5) In the light of controversy regarding the use of Electronic Voting Machines (EVM), what are the challenges before the Election Commission of India to ensure the trustworthiness of elections in India?

(10 Marks, 150 Words)

Recently, there have been allegations of tampering of EVM machines by opposite parties.

Challenges before Election Commission

- Apart from EVM tampering allegations, there are other challenges.
- Criminalization of politics. (21% MPs accused of heinous crimes)
- Role of money, 69% funds from unknown sources — ADR
- Exit Polls / Opinion Polls — They are conducted in non-transparent way.
- Fake news
- Paid news — When money or in kind ~~is~~ paid to media for

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any news or analysis.

Way forward

→ For EVM Tempering

- Awareness about safeguards in EVMs.
- Throwing open EVMs to anyone who wants to demonstrate how EVMs can be tampered.

→ Election Commission reforms

- Independent appointment as suggested by 2nd ARC.
- Safeguards for Election Commissioners
- Charged expenditure.

→ Reducing the role of money, muscle power through the recommendations of Indrajit Gupta & Dinesh Goswami Committee.

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Q.6) Odisha's proposal for creation of legislative council calls for a national policy on utility of a second chamber in states. Discuss.

(10 Marks, 150 Words)

Indian Constitution provides for bicameral legislatures not only at the Centre but State level also. However, it depends on the will of the State to have Legislative Council.

Role of Legislative Council at State Level

- Ensures better scrutiny of decisions by legislative assembly.
- Members with technical expertise or expertise in other fields can be nominated.
- Different sections of the society can be provided representation.
- Holds powers akin to Rajya Sabha in many areas.

However, Legislative Council are considered wastage of money because they don't hold enough powers to stop any decision of ^{assembly} legislative council. eg. Legislative Council can override legislative council on any bill by passing it again, also there is no provision for joint sitting.

Way forward

↳ Punchhi commission recommended the legislative council for each state comprised representatives of local bodies.

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Q.7) USA and India are touted as the world's oldest and largest democracies. Examine the basic tenets on which the two political systems are based.

(10 Marks, 150 Words)

USA and India are considered as great democracies yet they differ in many aspects.

[Similarity]

↳ Universal adult franchise to its population.

- Independent Judiciary, free and fair elections.
- House of representatives & Senate just like Rajya Sabha & Lok Sabha.
- Free & media, fundamental rights.

[Differences between USA & India]

USA	India
<ul style="list-style-type: none"> • Presidential System. • President directly elected. 	<ul style="list-style-type: none"> • Parliamentary system. • President indirectly elected.

USA

India

- | | |
|---|---|
| <ul style="list-style-type: none"> • Symmetrical federalism - same representation to States in Senate. • Dual citizenship • Judiciary at levels. • Different Constitution for States. • President is independent of legislature and not responsible to legislature for his/her acts. | <ul style="list-style-type: none"> • Asymmetrical federalism - Special provisions eg. 370, 371 and difference in seats in Rajya Sabha. • Single citizenship. • Integrated Judiciary. • Single Constitution. • Prime Minister and Council of ministers is the part of legislature & responsible for its acts. |
|---|---|

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Q.8) Fundamental Rights and Directive Principles of State Policy collectively form the conscience of the Constitution, yet they are outwardly distinguished from each other. Comment.

(10 Marks, 150 Words)

Fundamental Rights are enumerated in Part III of the Constitution while Directive Principles are enumerated in Part IV.

1 Difference between the two

- Fundamental Rights are civil rights while DPSP are social & economic rights.
- Fundamental Rights are based on the philosophy of Liberalism while DPSP on the philosophy of Socialism.
- Fundamental Rights are enforceable under Article 32 while DPSP are not enforceable.

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FRs & DPSP form the conscience

- There has been a conflict between DPSP & FRs and Supreme Court resolved this conflict in cases like A.K.G. Shempakam Dorairajan, Golaknath etc.
- However, there is no conflict if we understand the minds of constituent assembly members. They form the conscience. Conscience is indivisible.
- They are separated because Country lacked resources to implement DPSP.

In the words of Ambedkar,
DPSP may lack legal sanction but
they have political sanction.

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Q.9) The judiciary alone cannot take forward the mission of deepening democracy and protecting social freedoms. Comment.

(10 Marks, 150 Words)

The goal of freedom struggle was not limited to power change, it was fought to provide life of dignity to all.

Democracy & social freedom are prerequisite to provide the life of dignity.

Role of Supreme Court of India in deepening democracy & social freedom

- Supreme Court took steps ~~like~~ to curb criminalisation of politics.
- NOTA option was made available.
- Restraint over use of Article 356.
- Lilij Thomas case - to make sure that convicted MPs & MLAs don't get any relief.

Social freedom

- Tripple Telag abolished, Shah Banokar.
- Article 21 's scope ~~exp~~ expanded.
- Sabarimela Judgement, Section 377 abolished.
- PIL, Vishaka Guidelines

Thus Supreme Court has done enough for social empowerment & democracy.

(Way forward)

↳ Other two branches need to assert themselves. Separation of powers must be adhered to. Post-democracy is not desirable.

↳ More faith in non elected institutions.

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