

Test Code: 21075

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09 AUG 2019

ForumIAS
ACADEMY

FIAS – 2019 – GS4D

ForumIAS
MGPQ13281**ForumIAS**
ACADEMY**GENERAL STUDIES**

Name Of Candidate

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Roll No.

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Mobile No.

Date:

09/08/19

Time Allowed: Three Hours

Maximum Marks: 250

INDEX TABLE

INSTRUCTION

| Q. No. | Max. Marks | Marks Obtained |
|--------|------------|----------------|
| 1 | | |
| 2 | | |
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1. Please do furnish Name, Email, Roll No and Mobile in the answer sheet.

2. There are TWENTY questions printed in ENGLISH, all questions are compulsory.

3. The number of marks carried by a question/part is indicated against it.

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.

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.

Any specific messages for ForumIAS Mentors/Evaluators with respect to your copy? Write it here.

Total Marks:

Remarks:

Start Time | 1240

End Time | 1540

Mode Of Examination :

Online Offline

ECN CODE:

Evaluation Date:

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

ADDITIONAL COMMENTS



Q.1) Rajya sabha is not as powerful as Lok Sabha, but powerful enough in comparison to state legislative councils. Examine. (10 Marks, 150 Words)

The Rajya Sabha and Lok Sabha together form the Parliament. The role of Rajya Sabha is as a federal chamber and for deliberation and passage of bills.

Role of Rajya Sabha in comparison to Lok Sabha.

- Money Bill - can only be introduced and voted on by Lok Sabha
- Financial bill - can only be initiated in Lok Sabha
- Motions - Cut motion, ~~adjournment~~ no confidence motion can only be initiated in Lok Sabha
- Joint sitting - is headed by Lok Sabha speaker and according to ~~the~~ rules of L.S.
- can be used to overcome lack of numbers in Rajya Sabha.
- Chairman - cannot suspend members from the Rajya Sabha while speaker can

Rajya Sabha in comparison to State Councils

- R.S. has equal say in case of a normal bill whereas councils only act as delaying chamber
- R.S. is constituted by Constitution while State Council owes its existence to State Assembly.
- Constitutional Amendment - Rs have equal role as Lok Sabha whereas State Council has no role.
- Election of President - involves Rajya Sabha but not State Councils.

Therefore the role of Rajya Sabha is not in the nature of a secondary chamber rather it is the second chamber of Parliament with significant powers.

Feedback (For OFFICE use only)

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| Structure | | Content | |
| Question Interpretation | | Total : | |



Q.2) Discuss the effectiveness of Representative of people's Acts for the smooth conduct of elections and in creating a meaningful democracy.

(10 Marks, 150 Words)

Feedback (For OFFICE use only)

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| Structure | | Content | |
| Question Interpretation | | Total : | |



Q.3) Do you think whether the remnants of various colonial laws have undermined the true meaning of Freedom of speech and expression under Article 19 of Indian constitution? Justify. (10 Marks, 150 Words)

Colonial laws such as the provisions regarding Sedition (Section 124A) and criminal defamation (Section 499 and 500) of IPC, along with archaic laws - Police Act, 1861 continue in India even today.

Colonial laws and Freedom of speech and Expression

- The provision of Sedition and criminal defamation have been used to clamp down on dissent. (Eg: JNU sedition case)
- The use of Sedition etc. lead to harassment of the individual due to torturous system of justice and courts. → Chilling effect on free speech.
- Can lead to self censorship of press and individuals.
- Police Act, 1861 provides opacity and lack of accountability in the functioning of

of the police leading to infringement of rights

- Provisions such as Parliamentary Privileges have been misused to avoid legitimate criticism.

However, certain laws are required for upholding sovereignty and security/integrity of the country and have been upheld by the Supreme Court as well (eg: Kedarnath case, NGO Common Cause cases upheld Section 124A, Subramaniam Swamy Case upheld criminal defamation provision)

Feedback (For OFFICE use only)

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| Structure | | Content | |
| Question Interpretation | | Total : | |



Q.4) Discuss the role of parliamentary committees in ensuring financial accountability of the executive. (10 Marks, 150 Words)

Parliamentary committees are various ad-hoc and standing committees with membership of parliamentarians whose main role is to promote legislative control of the executive.

Role in ensuring financial accountability

i) Department Related Standing Committee :

- They scrutinise the demand for grants of each ministry
- Also suggest more effective measures and scrutinise the utilisation of funds.

ii) Public Accounts Committee :

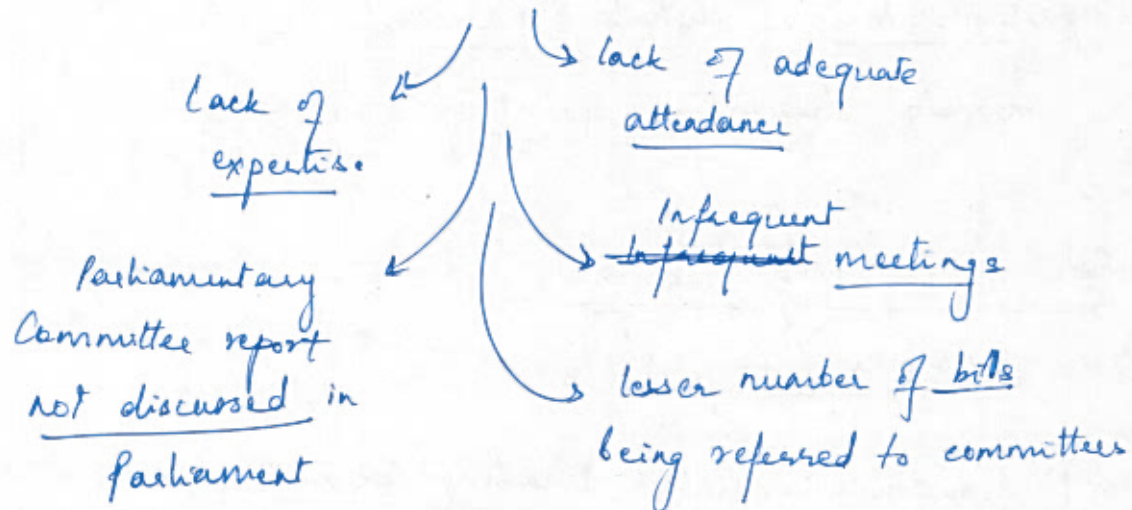
- scrutinise the report of the CAG on the audit of accounts of center./entities

iii) Public Committee on Public Undertakings :

- Scrutinise report of CAG on public undertakings of the center.

- Also consider whether they are functioning effectively and efficiently.

Issues with Parliamentary Committees functioning



The Parliamentary Committees are an essential tool to check executive excessiveness and need to be strengthened to fulfill their role

Feedback (For OFFICE use only)

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| Question Interpretation | | Total : | |



Q.5) Any democracy needs a thriving and coherent opposition. How can the role of the opposition be made more effective for the better functioning of democracy?

(10 Marks, 150 Words)

The opposition refers to the elected MPs and MLAs that do not form the Government and are not part of the ruling party / coalition.

Role of Opposition

- To promote legislative control of executive
- To debate, discuss and deliberate on decisions / deeds of the Government.
- Use of measures like cut motion, adjournment motions etc.
- They are also representatives of the people and bring diversity of opinion and views to the Parliament
- Check on Government excesses.

Suggestions to Increase effectiveness

- Pakistan has provision of opposition / minority party to call for a session.
- UK allows for a fixed number of days in Parliament's calendar to discuss opposition agenda

- Compulsory scrutiny of Constitution Amendment Bills by committee
- Ensuring bipartisan speaker so that opposition is given enough opportunity in Parliament
- Promoting culture of constructive opposition
- Constructive no-confidence motion (Eg: Germany)
- Internal party democracy

Feedback (For OFFICE use only)

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| Question Interpretation | | Total : | |



Q.6) 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)

The CAG - Comptroller and Auditor General is set up under Article 148 of the Constitution.

Role of CAG

- To audit accounts of Center
- To audit the accounts of the States
- Audit of PBUS and Government entities.
- Check for propriety i.e. funds were used efficiently or not. (Propriety audit)
- Check for whether funds were used for the designated purpose.
- Audit accounts of bodies that receive substantial Centre / State funding.

Safeguards for CAG in Constitution

- Expenditure of CAG is charged on Consolidated Fund of India.
- Removal : Only in manner of removal of

- judge of Supreme Court or High Court
- Dedicated service provided as ~~the Indian Audit~~ Indian Audit and Accounts Service for manpower
- Tenure fixed at 5 years or 65 years of age whichever ever is earlier.
- Not eligible for reappointment under Government
- Terms of conditions cannot be changed to his/her disadvantage

Dr. BR Ambedkar has called the CAG's as the most important Constitutional office. UK's model of CAG ~~so~~ can be followed for further strengthening it.

Feedback (For OFFICE use only)

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| Question Interpretation | | Total : | |



Q.7) PIL is being misused in many ways, for serving private interest in the grab of public interest. Do you agree? Give reasons in support of your answer.

(10 Marks, 150 Words)

Public Interest Litigation was the brainchild of Justice PV Bhagwati. It removes the need for locus standi and allows any concerned citizen to file a petition in court to uphold public interest.

Misuse of PIL → Can lead to judicial overreach (Eg: NHA liquor ban)

- 'Private' interest ~~by~~ litigations being filed in grab of PIL
- Dedicated organisations have been set up to file PILs
- PIL for issues not concerning the larger public interest

→ large number of PILs filed is changing the nature of Court which is unable to focus on Constitutional matters.

However, PILs have also been an agent of justice for the extremely marginalised sections and has following advantages.

Advantages of PIL

- Improves justice for poor and vulnerable. Eg: Delhi HC directions to provide shelter to people on footpaths.
- Allows for newer issues to be taken up.
 - Eg: Pollution - crackle ban by Delhi HC.
 - setting up 12 special courts for trial of MPs / MLAs
- Removes locks standi. Cases can be taken up suo moto as well.

Thus the PILs represent a tool of judicial activism however judicial restraint is needed to ensure the frivolous PILs are not taken up.

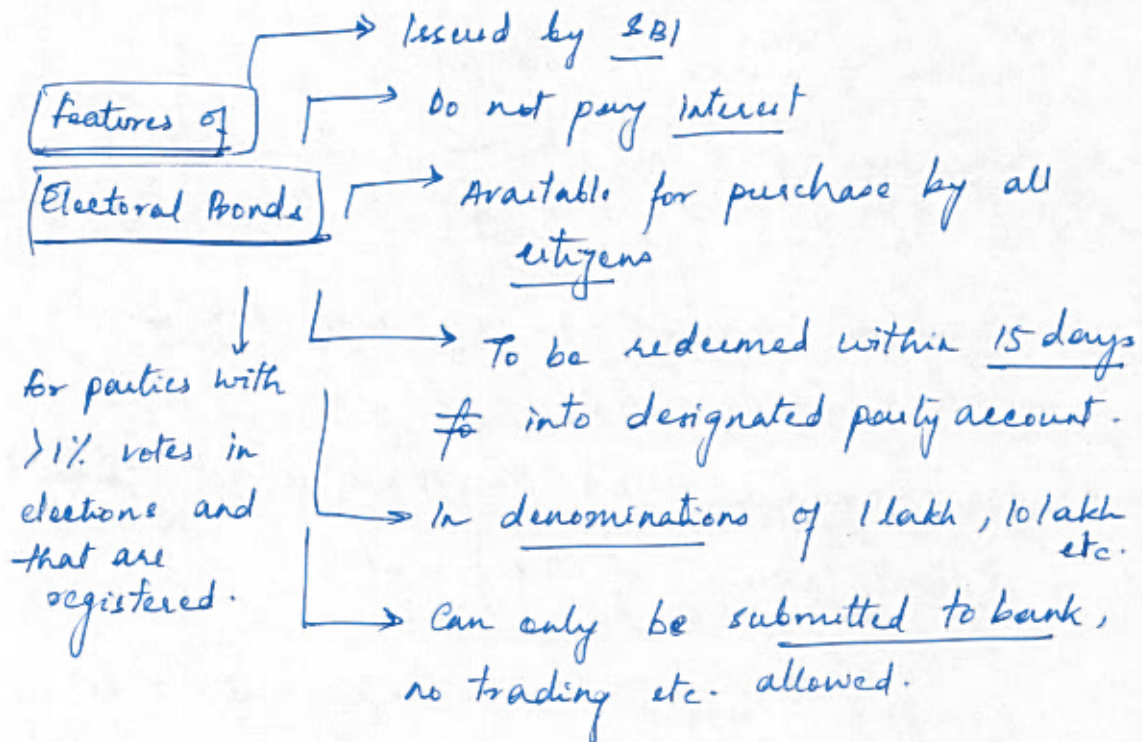
Feedback (For OFFICE use only)

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| Question Interpretation | | Total : | |



Q.8) What are electoral bonds? Discuss their effectiveness in bringing transparency in electoral funding. (10 Marks, 150 Words)

Electoral bonds are instruments of electoral funding introduced in 2018 budget.



Effectiveness of Electoral bonds in transparency

- Digitisation of electoral/political funding will ensure use of white money in politics
- Need for KYC before purchase of electoral bonds .
- To be submitted in single designated party account in bank.

- Only for registered parties means no money laundering will occur via hoax catches.

Issues with electoral bonds :

- Identity of donor is anonymous
- Companies need not ~~declare~~ limit-funding to ~~the~~ erstwhile 7.5% limit.
- Parties not required to pay income tax on electoral bonds.
- RPA amendment allows companies to not disclose sources through electoral bonds.

Newspaper reports have shown that ~ 80% of funding through Electoral bonds has been received by the ruling party alone. ~~Thus~~ Thus concerns behind electoral bonds need to be addressed as suggested by Election Commission.

Feedback (For OFFICE use only)

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| Question Interpretation | | Total : | |



Q.9) Critically analyse the role of Lokpal in bringing about transformational change in anti-corruption architecture in Indian polity. (10 Marks, 150 Words)

The Lokpal is an anti-corruption ombudsman created by statutory backing. It is a 9 member body with mandate to act on complaints against the center & level employees.

Transformational change by Lokpal:

- Was a long standing demand by the public
- Brings even the Prime Minister within its ambit.
- Has independence and autonomy - removal in manner of a judge.
- Provides opportunity for complaint by the public
- Supervendence over CBI in case of anti-corruption investigations.

~~However~~ However, there are certain issues with regard to the Lokpal.

Issues

- Multiplicity of anti-corruption bodies (Eg: CBI, CVC)
- Clashing roles with CVC with respect to CBI
- No suo-moto cognizance
- Reliant on CBI for investigation
- Excessive safeguards in case of national interest etc. may prevent investigation into corruption.

The Lokpal has been formed after years of deliberation and struggle (Udva Against Corruption) campaign and ~~must be~~ must be reformed for effective functioning.

Feedback (For OFFICE use only)

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| Question Interpretation | | Total : | |



Q.10) Debate the suitability of the idea of "one nation, one election" to Indian polity. (10 Marks, 150 Words)

'one-nation, one election' refers to the conduct of simultaneous elections ~~between~~ of both the center and states. The idea was recently proposed by Prime Minister Narendra Modi.

◦ Advantages of simultaneous elections:

◦ Reduce number and complexity of elections.
According to NITI Aayog, on average 5-6 elections are conducted yearly.

◦ Reduce corruption and electoral malpractice.

◦ Reduce frequent application of Model Code of Conduct which impinges on functioning of Government.

◦ One time expenditure in 5 years may reduce costs of holding elections.

◦ Disadvantages / Challenges:

◦ Requirement of large manpower and EVM machines for all elections.

- May impact federalism as it involves one time enactment of assembly terms.
- May convert elections into Presidential campaigns where personality politics may increase.
- Puts States and regional parties at disadvantage in case voting occurs as a 'wave'
- Cost of campaigning for both national and regional elections rises.

Way Forward :

The Law Commission has recommended a 2 stage election to be held ~~once~~ with certain state election with the center and others as a batch later according to their terms.

Feedback (For OFFICE use only)

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| Structure | | Content | |
| Question Interpretation | | Total : | |



Q.11) Discuss the various issues in the effective functioning of the anti-defection law. Does the law, while deterring defections, also lead to suppression of healthy intra-party debates and dissent?
(15 Marks, 250 Words)

The anti-defection law was inserted into the Constitution by 52nd Constitutional Amendment Act. Through the 10th Schedule, it seeks to deter unethical defections of elected members from their party.

Issues in effective functioning of anti-defection law (ADL)

- i) Karnataka Assembly issues shows that ADL may be circumvented in case members resign from membership of assembly rather than party.
- ii) Speaker's role; No time limit to decide on defection
; Partisanship by speaker.
- iii) Allows mass defection by more than $\frac{2}{3}$ rd of party members.
- iv) Hinders parliamentary privilege of freedom of speech of members
- v) Dissent and debate is deterred by ADL.
- vi) Has not prevented defections or horse trading

ADL and suppression of intra party dissent

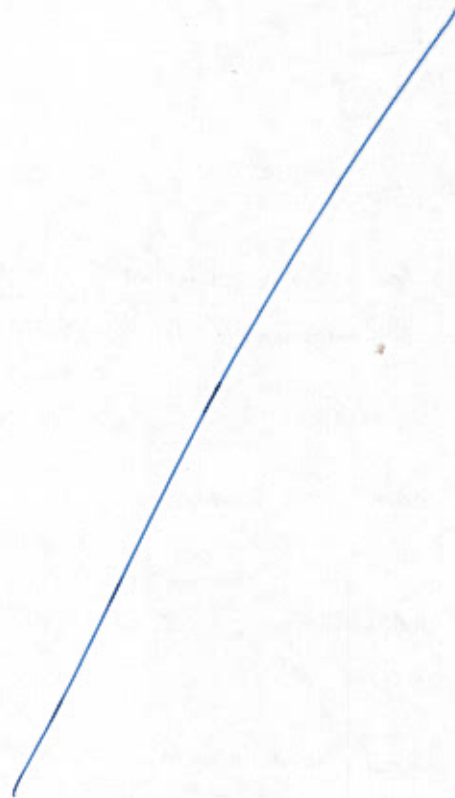
- Vote against party lines is considered 'voluntary resignation'
- frequent use of whip along with ADL reduces members to puppets.
- No need for consensus building within party on issues.
- Members are not allowed to have an ethical stand against the party's decision.
- According to Supreme Court, even conduct outside the assembly can be considered defection.

~~However~~, Therefore the ADL needs to be reformed in order to fulfill its role.

Way Forward

- Experts have suggested application of whip only to important votes such as no-confidence motion

- ADL cases to be decided in a time limit by Speaker.
- ADL to be decided by the Election Commission



Feedback (For OFFICE use only)

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| Structure | | Content | |
| Question Interpretation | | Total : | |



Q.12) Explain the contingencies under which the president may promulgate ordinances. Does the use of ordinance making power subvert the democratic process? Argue your case. (15 Marks, 250 Words)

The ordinance is an extraordinary tool that enables a temporary legislation by the executive and promulgated by the President.

Contingencies under which promulgation of ordinance

In case either house of the Parliament is not in session.
In case both houses are not in session.
In case of certain 'urgent' necessity.

Use of ordinance and Subversion of Democratic process:

- Repeated promulgation of ordinance leads to form of legislation by executive - impinges on separation of powers
(Eg: LARRA Act on land acquisition)

- Ordinances promulgated for situation that do not justify urgency
- Ordinances are used as a way to subvert the legislative process.
- Used in case of lack of majority in Rajya Sabha to pass a bill.
- To avoid scrutiny of legislature.

However, the mere promulgation of ordinance does not undermine democratic process because:

- It is judicially reviewable.
- Constitution provides that not more than 6 months can exceed between sessions of the Parliament — this would require ordinance to be placed in Parliament eventually.
- Cannot be promulgated for a Constitutional Amendment
- Has life span of 6 weeks from the beginning of new session.

The ordinance as tool is required to deal with urgent issues and has adequate safeguards to prevent its misuse.



Feedback (For OFFICE use only)

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| Structure | | Content | |
| Question Interpretation | | Total : | |



Q.13) Explain the salient features of 103rd Constitutional Amendment Act. Do you think economic disadvantage is a sound enough criteria for the quota in the realm of public employment? (15 Marks, 250 Words)

The 103rd Constitutional Amendment inserted Article 15(6) and 16(6) and provides for reservation of 10% for economically weaker sections that fulfill certain criteria. It is a new criteria as compared to caste-based reservation.

Pros of economic criteria:

- Economic criteria cuts across all identities of caste, religion, race etc.
- Can directly alleviate poverty.
- Potential to reduce demand for quota by groups like Jats, Patidars.
- SC in Jat Reservation case had said that 'caste' should not be sole criteria to measure backwardness and new criteria may be considered.
- Potential to reduce entrenchment of caste politics and in society.
- 'De-mandalisation' of politics, reduce vote bank politics.

Challenges of an economic criteria

- According to the Census 2011 data, the current criteria covers >95% of population.
- Expansion of reservation as a tool of socio-economic development.
- Grievances among non-reserved sections.
- Reservation breaches 50% limit set by SC in MR Balaji case.
- Does not address root causes such as high rate of unemployment, large informal sector, social exclusion.
- Reducing share of public employment in economy means increasing competition for limited reserved seats amongst groups.
- As per present criteria, possibility of cornering of benefits by well-off sections (creamy layer) is a possibility.

Way forward :

Amartya Sen's Capability approach ~~proposes~~
 proposes that the capacity of individuals and their freedom of choice to choose their own outcomes and goals must be increased through health, education, skilling etc.

Feedback (For OFFICE use only)

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| Structure | | Content | |
| Question Interpretation | | Total : | |



Q.14) The Indian Constitution has provisions for holding 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)

The provision for joint sitting has been provided in the Constitution in order to resolve a deadlock with regard to passage of a bill.

It entails both houses sit together and is headed by the speaker of Lok Sabha and vote on the bill.

Occasion when joint sitting is allowed:

- In case of a normal bill or a financial bill which reaches a deadlock:
 - One house passes the bill while the other rejects it
 - One house passes a bill while the other passes it with amendments which are not acceptable to first house.
 - In case a bill is passed by first house but a duration of 6 months

passes and the second house neither passes nor rejects it.

Occasions when joint sitting is not allowed

Occasion.

- Not allowed in a money bill.

- Constitutional Amendment bill

- Emergency declaration

Reason

- As the Rajya Sabha does not enjoy equal powers regarding the money bill and is not allowed to vote on it.
- The amendment must be passed separately by both houses with special majority.
- This is because Rajya Sabha's powers as a federal chamber cannot be curtailed on event of Constitutional amendment.
- The ~~is~~ resolution on emergency declared (Article 352) is to be passed by both houses separately.

The provision for a joint sitting is to promote smooth functioning of the Parliament and has adequate safeguards to prevent misuse.

Feedback (For OFFICE use only)

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| Question Interpretation | | Total : | |



Q.15) Discuss the issue of tribunalisation of justice? What can be done to strengthen the tribunal framework in India. (15 Marks, 250 Words)

Tribunalisation of justice refers to the increasing number of tribunals being set up in order to decrease judicial pendency, faster case clearance etc. Articles 323A and 323B provide for Center and State to set up tribunals. Eg: NCLT, NGT, Foreigner's Tribunal etc.

Issues of tribunalisation of justice:

- Although were set up for reducing pendency, they act as another step in the judicial system as appeals still lie to HC and SC.
- Composition : Has both judicial and administrative officials which is a breach of separation of powers (Article 50)
- Appointments : Made by the Center/State ~~Govt~~ Government which may lead to conflict of interest in cases against the Government.

- Functioning : They lack adequate funds and functionaries leading to delays
 Eg: NCLT and IBC cases
- Multiplicity of tribunals has created a complex judicial hierarchy.

Steps to strengthen tribunal framework :

- Rationalisation of tribunals in case of functioning
 Eg: Finance Act 2018 merged several tribunals.
- Independence and autonomy from the executive by committee / panel base appointments in consultation with ~~to~~ Chief Justice.
- Promote alternate dispute redressal through arbitration, conciliation and mediation.
- Strengthen tribunal framework through funds and functionaries.
- Digitisation for effective monitoring.

Tribunals have potential to decrease delays, ^{provide} ~~enhance~~ expertise in dispute resolution and provide justice. A comprehensive review of their functioning along with reforms are required.

Feedback (For OFFICE use only)

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| Structure | | Content | |
| Question Interpretation | | Total : | |



Q.16) What are the various alternative dispute redressal mechanisms? Critically analyse the effectiveness of Alternate Dispute Redressal mechanisms in serving justice. (15 Marks, 250 Words)

(ADR)
Alternate Dispute Redressal refers to using methods of arbitration, conciliation and mediation to arrive at a mutually agreed solution between parties without going to court.

Various Alternate Dispute Redressal Mechanism :

- Lok Adalat : Statutory bodies that conduct arbitration proceedings which cannot be appealed in courts.
- Permanent Lok Adalat : Set up for disputes regarding public utility services.
- ADR in courts : Judicial proceedings allow for ~~mediat~~ mediation between parties. Eg: Court advised mediation in Ayadhya case.
- Certain laws provide for ADR such as the Insolvency and Bankruptcy Code.

Effectiveness of ADR mechanism:

Achievements

- Have improved accessibility for dispute redressal in rural areas.
- Provide mutually acceptable solutions which reduces need for appeal.
- Third party employed for ADR is an expert who can bring better solutions.
- National Lok Adalats held regularly lead to clearance of lakhs of cases.
- Reduces cost of justice.

Challenges

- Have not reduced pendency of cases
Eg: 3.5 crore cases pending in judiciary.
- In case solution cannot be reached it results in further delay and litigation.
- Expertise is lacking for ADR.
- Lack of equal bargaining power among parties.
- Too few ADR institutions to cater to masses.
- Culture of appeals in the ~~judicial~~ judicial system.

Thus ADP mechanisms although have great potential, need to be strengthened and given statutory backing along with increase in reach to all regions.

Feedback (For OFFICE use only)

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| Question Interpretation | | Total : | |



Q.17) Critics of the doctrine of basic structure argue that, through this doctrine, guardians of the constitution have become guardians over the constitution. Do you agree? (15 Marks, 250 Words)

Doctrine of basic structure was given by the Supreme Court in Keshwananda Bharti case in 1973.

It says that Parliament can amend any part of the constitution except the 'basic structure'.

Basic structure of constitutions includes democratic, secularism, Parliamentary form of Government, Free and fair elections, Article 368 ~~etc.~~, judicial review etc.

Criticism of doctrine of Basic Structure

- It is not given in the Constitution
- It has not been clearly defined
- Basic Structure has expanded by judiciary through various judgements. Eg: Right to equality in Nagarej case.
- Limits the power of the Parliament which is a representative body of the people itself.

- 'Judicial review' has been made basic structure when it is not explicitly mentioned.
- Basic structure interpretation relies on judicial interpretation and there is no objective criteria.

However, the Doctrine of Basic structure has retained the Basic character of the Constitution and is ~~not~~ a check on Executive supremacy.

It has the following advantages:

- Basic structure is not wholly a creation of judiciary as according to Justice Khanna, Article 368 provides for 'amendment' of the Constitution, which cannot mean replacement by altering basic features.
- The Constitution is the source of Parliament and logically the Parliament cannot alter the Constitution fundamentally.
- Basic structure has limited inappropriate amendments such as provisions of 24th amendment act and 42nd Amendment Act.

- It promotes a system of checks and balances by judicial review of Parliament and Executive.

Feedback (For OFFICE use only)

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| Question Interpretation | | Total : | |



Q.18) The judiciary has played the role of a pillar for unleashing social transformation. Examine the statement with reference to recent judgments of Supreme court. (15 Marks, 250 Words)

The judiciary through its interpretation of the Constitution and various judgements has upheld Constitutional morality. Various provisions ~~and~~ of the Constitution allow for social transformation such as : → Art 14, 15, 16 (Equality)
↳ Art 17 (prohibits untouchability)
↳ Art 25-28 (freedom of religion)
↳ Art 142, 136 (complete justice and special leave for appeal)

Recent judgements leading to social transformation:

• Right to religion and choice of partner : Hadiya case; SC said right to choose that ~~patrilachal supremacy~~ ~~cannot~~ one's religion and choice of partner is protected under Art 21 and Art 25

• Recognition of LGBTQ rights : Navtej Singh Johar case, SC upheld fundamental rights of LGBTQ community

- Temple entry : Indian Young Lawyer's Association case allowed women entry into Sabarimala temple and gender equality.
- Joseph Shine case : struck down Adultery as a criminal offence from IPC
- NGO Common Cause case : right to passive euthanasia and living will.
- Shayara Bano case : Struck down practice of Triple Talak as unconstitutional.

Supreme Court in its judgements has repeatedly upheld individual rights, Constitutional morality over ~~and~~ social morality and been at the forefront of change.

However, ^{despite} ~~certain~~ judgements, it is the acceptance by society itself that determines social transformation. Eg. incidents of triple talak even after the judgement.

Therefore the way forward lies in behavioural change in society as well as strict enforcement of Supreme Court orders.

Feedback (For OFFICE use only)

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| Question Interpretation | | Total : | |



Q.19) Examine the relative roles of the legislature, executive and judiciary in the functioning of parliamentary system of government. Is it true that the Executive is exercising more and more control over the recent years? (15 Marks, 250 Words)

The Parliamentary system refers to form of Government in which members of executive are from the legislature (Parliament) and are accountable to the legislature. The Constitution, while setting up a Parliamentary system, provides for 3 pillars of the state - legislature, executive & judiciary.

Roles of legislature, executive and judiciary.

- LEGISLATURE : Drafts, deliberates and passes bills and rules ~~which~~ according to which the executive is to function.
 - ∴ Holds the executive accountable.
 - Loss in majority in Lok Sabha leads to resignation of Council of Ministers.
- EXECUTIVE : Execution of laws and overall governance in the country according to the Constitution.
- Judiciary : Judicial review of actions of legislature and executive.

: interpretation of the Constitution

: Upholding rights of people.

Thus Constitution thus envisages an equal footing for all 3 pillars of the state.

However recently there has been an increase in Executive control:

- Lack of debate and deliberation on bills. Only 25% bills of 17th Lok Sabha's budget session were scrutinised by committees.
- Ordinances promulgated; Eg: Land Acquisition Act.
- Unilateral decision without consultation with opposition. Eg: Reorganisation of Kashmir.
- Majority of ruling party in legislature has marginalised opposition leading to lack of accountability.
- Application of guillotine on budget proposals for grants.

The increase in Executive control however is to be seen in light of other developments:

- Judiciary's role : Striking down of NJAC Bill led to reaffirmation of judicial independence.
- Legislature : • Obstructionism within Parliament. requires promulgation of ~~ordinances~~ ordinances.
 • Certain executive acts have consensus of legislature. Eg: 103rd Amendment bill.

Thus the role of all three pillars needs to be balanced with adequate checks and balances to uphold the Constitution.

Feedback (For OFFICE use only)

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| Question Interpretation | | Total : | |



Q.20) How far do you agree with the view that the Election Commission of India (ECI) needs to be granted more rule-making power to enable better conduct of elections? Give reasons in support of your answer. (15 Marks, 250 Words)

The Election Commission of India is a Constitutional body set up under Article 324. Its main responsibility is the direction and control in conduct of free and fair elections.

Reasons for need of more rule making powers for ECI:

- Recent incidences : Allegations of biased functioning of ECI with respect to decisions on MCC violations.

- Hate speeches during General election 2019 campaigns.

- Allegations of malfunctioning and tampering of EVM/VPAT machines.

- Corruption and electoral malpractices - According to ADR, alcohol and cash have significant effect on voter behaviours.

- Role of social media : Increasing use and misuse of social media

for spreading misinformation & paid ads, rumours etc.

- Multiphase elections have been unable to completely stop violence (eg: West Bengal)
- Political consultancies and related frauds (eg: Cambridge Analytica) necessitate augmenting power of ECI.
- Overall need for more manpower for ECI.

However, the Election Commission is already bestowed with powers:

- Constitution vests entire superintendence, direction and control of elections with ECI
- SC in Mohinder Singh Gill case has said the ECI has residuary and plenary powers.
- Strong leadership has leveraged ECI powers in the past (eg: TN Seshan, JM Lyngdoh)
- SC has upheld rules made by Election Commission in the past subject to Parliamentary law, Judicial review and principles of natural justice.

Sy Qureshi (former CEC) has called the ~~elections~~ free and fair elections as the bedrock of democracy and ECI's credibility is essential for democratic legitimacy.

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.

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