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FIAS - MGP 2022 (C-11) - Sectional Test #3

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GENERAL STUDIES

Name Of Candidate	ANUJA TRIVEDI		
Roll No.	1910078166	Date:	31/7/2022

Time Allowed: Three Hours

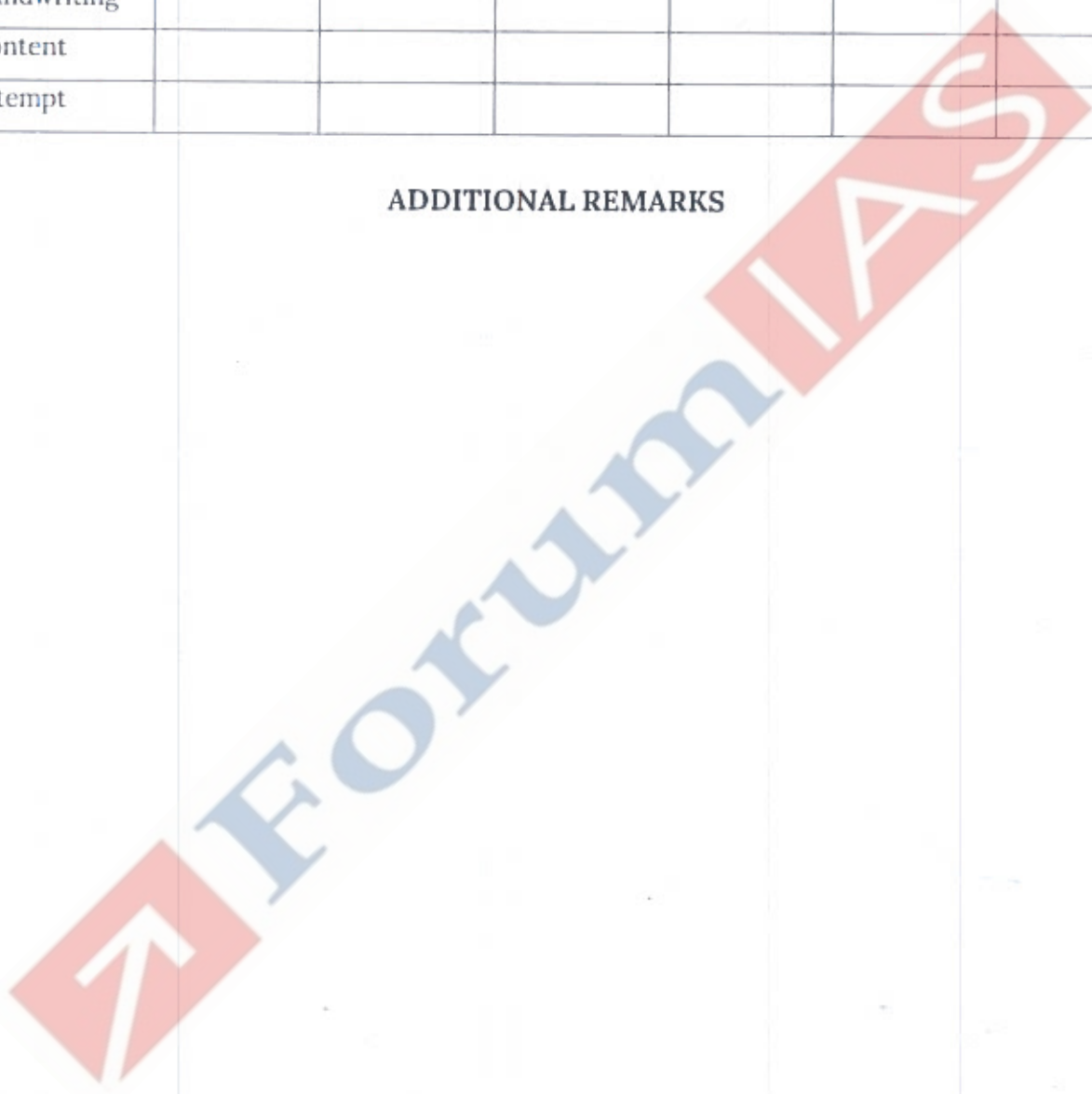
Maximum Marks: 250

INDEX TABLE			INSTRUCTION	
Q. No.	Max. Marks	Marks Obtained	1. Please do furnish Name, Email, Roll No and Mobile in the answer sheet.	
1			2. There are TWENTY questions printed in ENGLISH & HINDI, all questions are compulsory.	
2			3. The number of marks carried by a question/part is indicated against it.	
3			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.	
4			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.	
5			<i>Any specific messages for ForumIAS Mentors/ Evaluators with respect to your copy? Write it here.</i>	
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Total:	250			
Evaluator's Discretion:			For Student Only	
			Start Time 10:25 AM	End Time 1:45 PM
Total Marks:			Mode Of Examination:	Online <input type="checkbox"/> Offline <input checked="" type="checkbox"/>
Evaluator's Discretion: This is the marks awarded at the discretion of the evaluator based on your overall impression, on the basis of (but not limited to) your handwriting, presentation, use of diagrams, flowcharts, facts and figures or absolutely anything that he/she liked in your copy.			For Office Use Only	
			ECN CODE:	EG:
			Evaluation Date:	

Note: You can discuss your evaluated copy with the Mentor. Raise a ticket from your portal to schedule a mentor call or visit the offline centre to meet mentor (all 7 days, Timings - 11 AM to 6 PM). Further if you are unsatisfied with the evaluation, you can seek re-evaluation of the copy.

Parameters	Excellent	Very Good	Good	Average	Poor	Very Poor
Language						
Structure						
Presentation						
Handwriting						
Content						
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ADDITIONAL REMARKS



Q.1) The biggest critique of Basic Structure doctrine from its inception has been it being shrouded in confusion, vagueness and a formulation which is loose and not precise. Critically examine.

(10 marks, 15 words)

मूल संरचना सिद्धांत की शुरुआत से ही इसकी सबसे बड़ी आलोचना यह रही है कि यह भ्रम, अस्पष्टता और एक सूत्रीकरण का निर्माण करती है और यह शिथिल है, सटीक नहीं। समालोचनात्मक परीक्षण कीजिए। (10 अंक, 150 शब्द)

'Basic structure' of the constitution has been formulated piece-wise by judicial courts to denote certain fundamental and immutable tenets of Indian Constitution - which cannot be drastically amended by Parliament under Article 368.

CONFUSION AND VAGUENESS OF BASIC STRUCTURE

① FORMULATION:

↳ ① First used by courts in 'Kesavananda Bharti' judgement to protect fundamental rights as (Right to Property)

↳ ② Periodically, many of aspects were labelled as part of 'basic structure' -

↳ Secularism (Bommai case),

↳ free and fair elections (Indira Gandhi

↳ Balance between fundamental rights (case)

↳ and distinct principle (Hirawa Hills case)

↳ ③ Thus, formulation is on case-by-case basis by judicial benches.

II) - Against separation of powers (Article 50) - as judiciary is actively involved in legislation process

III) Against representative democracy - since judges are not elected by or responsible to the people

IV) Encourages judicial activism in form of judicial overreach

HOWEVER, DOLTRINE OF BASIC STRUCTURE IS SINE QVA NON :

- ① To preserve the essence of constitutional values as inspired by its makers of federalism, parliamentary democracy
- ② To check extra overreach of powers by legislature by expanding its own powers (eg 42nd CAA)
- ③ To protect the judiciary's powers and enable it to defend Art 32, Art 216 etc where it is a custodian of citizens' rights

Basic structure of constitution helps constitution to be a 'dynamic, living breathing document' while not compromising on its spirit and ethics.

Feedback

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Structure/
Presentation

Question
Interpretation

Content

Value
Addition

Total

Q.2) Sedition law, in any form, is a threat to civil liberties and presents an opportunity for its weaponization against dissenters and detractors. Should India do away with the sedition law? Justify your opinion. (10 marks, 15 words)

राजद्रोह कानून, किसी भी रूप में, नागरिक स्वतंत्रता के लिए खतरा है और असंतुष्टों और विरोधियों के खिलाफ अपने हथियार बनाने का अवसर प्रस्तुत करता है। क्या भारत को राजद्रोह कानून को खत्म कर देना चाहिए? अपने मत का औचित्य सिद्ध कीजिए। (10 अंक, 150 शब्द)

Recently, the Supreme Court gave a landmark ruling asking centre to reconsider provision of Section 124A of Indian Penal Code - "sedition".

Sedition law → Applicable to be used against any who show disaffection towards state, harming national integrity, honour etc.
 → Through words - written / spoken or actions.

A THREAT TO CIVIL LIBERTIES AND A WEAPON AGAINST DISSENTERS :-

- ① Sedition law is in direct contrast to the fundamental right to free speech and expression (Article 19)
- ② It stifles credible and genuine critique of the government and protests for rights. • eg COVID-19 handling critique by government
- ③ It encourages 'self-censorship' and dampens spirit of participative democracy.

¶ Virind Dua case - gagging of media and journalists

- ④ Makes 'press the punishment' as very less convictions are made. For e.g. recent handling of Mhd Zubair case.

SHOULD INDIA DO AWAY WITH SEDITION?

The Supreme Court has asked Centre to reconsider it -

- ① Many countries like UK, Australia have removed it.
- ② India can benefit from rationalization of the law (as per Kedarnath judgement) to include only acts that directly cause substantial and poisable harm to the government.
- ③ It should be based on prima-facie evidence, available and courts to process it quickly and fairly.

'A democracy is as good as the strength of the voice of its weakest'.
Sedition law must be used to ONLY defend government's legitimacy in rarest of rare cases and not to quieten these voices.

Feedback

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Structure/
Presentation

Question
Interpretation -

Content

Value
Addition

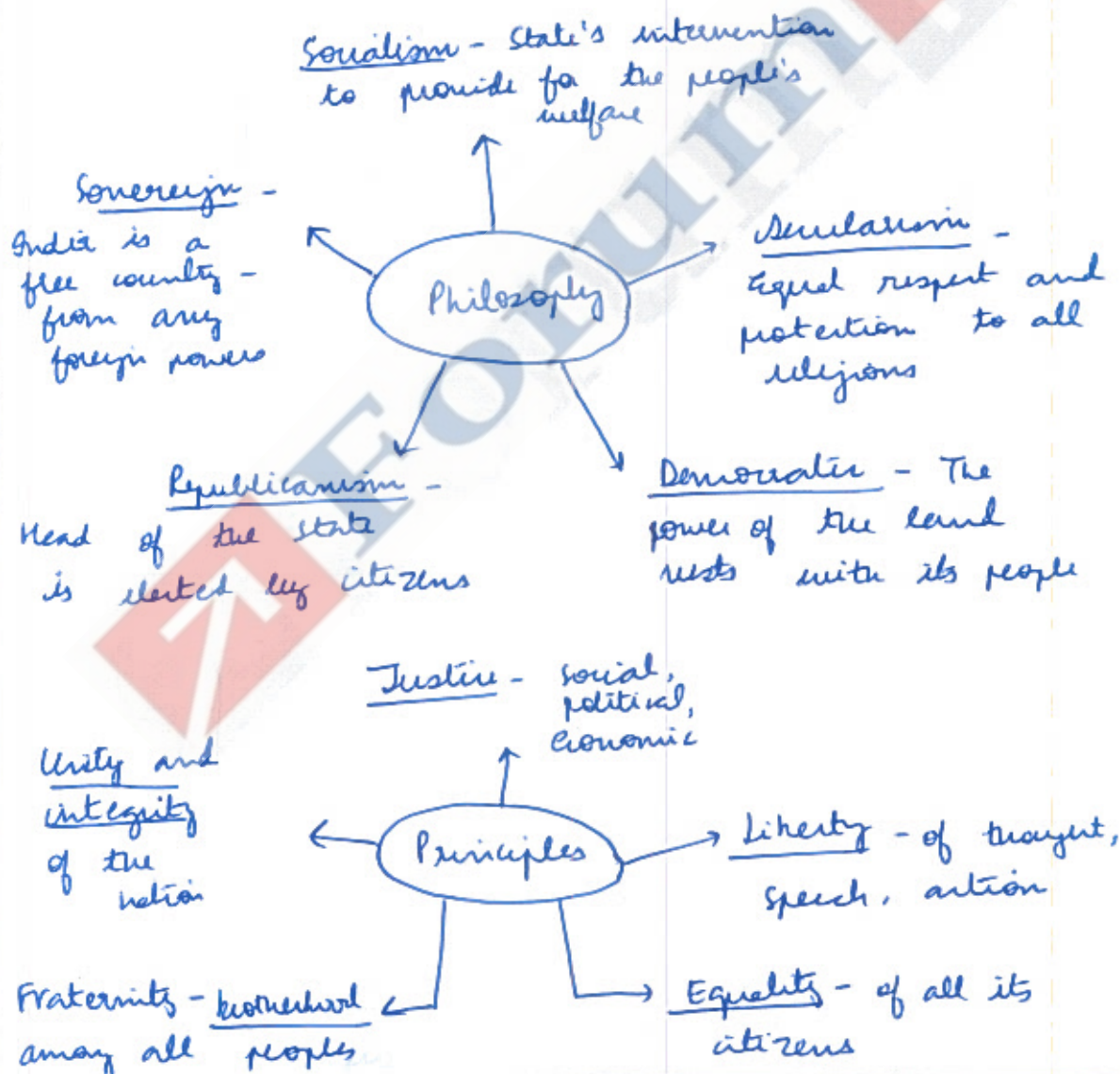
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Q.3) The preamble is not a mere solemn resolution; but majestic expression of philosophy, principles and purpose of the constitution. Elaborate. (10 marks, 15 words)

प्रस्तावना महज एक पवित्र संकल्प नहीं है; बल्कि संविधान के दर्शन, सिद्धांतों और उद्देश्यों की प्रभावशाली अभिव्यक्ति है। विस्तृत विवेचना करें। (10 अंक, 150 शब्द)

The 'Objective Resolution' of Jawaharlal Nehru on 9th December 1946 was incorporated into the Preamble - which stands as the introduction of our Constitution.

MAJESTIC EXPRESSION OF PHILOSOPHY :-



Purpose of the ~~basic~~ Constitution :

- 1) Preamble declares that through constitution, it is the people who give themselves the authority to ~~be~~ govern them.
- 2) The Constitution is to maintain the nature of the state - as sovereign, secular, democratic, republic and socialist.
- 3) It is to protect justice, liberty etc.

The Preamble was pronounced to be a 'basic structure' component by the courts to indicate its sacred and immense importance.

Feedback

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Structure/ Presentation
Question Interpretation -
Content
Value Addition
Total

Q.4) Every person has a fundamental right to entertain such religious practices as approved by his/her conscience. Do you think that doctrine of essentiality restricts this autonomy?

(10 marks, 15 words)

प्रत्येक व्यक्ति को अपने विवेक द्वारा अनुमोदित ऐसी धार्मिक प्रथाओं में सम्मिलित होने का मौलिक अधिकार है। क्या आपको लगता है कि 'अनिवार्यता का सिद्धांत' इस स्वायत्तता को प्रतिबंधित करता है? (10 अंक, 150 शब्द)

The 'Doctrine of essentiality' has been propounded by the judiciary in cases like Salimela judgement (2018), Hijab Karnataka judgement (2022) etc.

Doctrine of essentiality

There are certain beliefs and practices which are at core of the religion and most important for following it.

Determined by the courts through empirical research and testimonies.

DOCTRINE OF ESSENTIALITY V/S FUNDAMENTAL RIGHT TO RELIGIOUS FREEDOM (Art 25, 26)

Yes, it restricts this autonomy -

- ① Courts should not interfere in religious matters as India is a secular

country (Bommai case)

- ② Courts are not qualified to categorize practices as essential / non essential as they don't have expertise.
- ③ Practices can be subjective to each religion and person
- ④ Such rights are protected by Constitution under Article 25 and 26.

HOWEVER, it is important to have this as a part of checks and balances -

- ① Fundamental rights of individual - Art 25 or Art 17 (untouchability) can clash with rights of religious groups - (Sabrimda case of 2018)
- ② Such practices may cause harm to certain members of female genital mutilation
- ③ They may be detrimental to overall well-being / social order of loudspeakers used in temples / mosques
- ④ They might be against rules and regulations of certain institutions of school dress code in Karnataka.

'Doctrine of essentiality' should remain as a selective tool of judiciary to safeguard larger interests and not target / punish any groups.

Feedback

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Structure/
Presentation

Question
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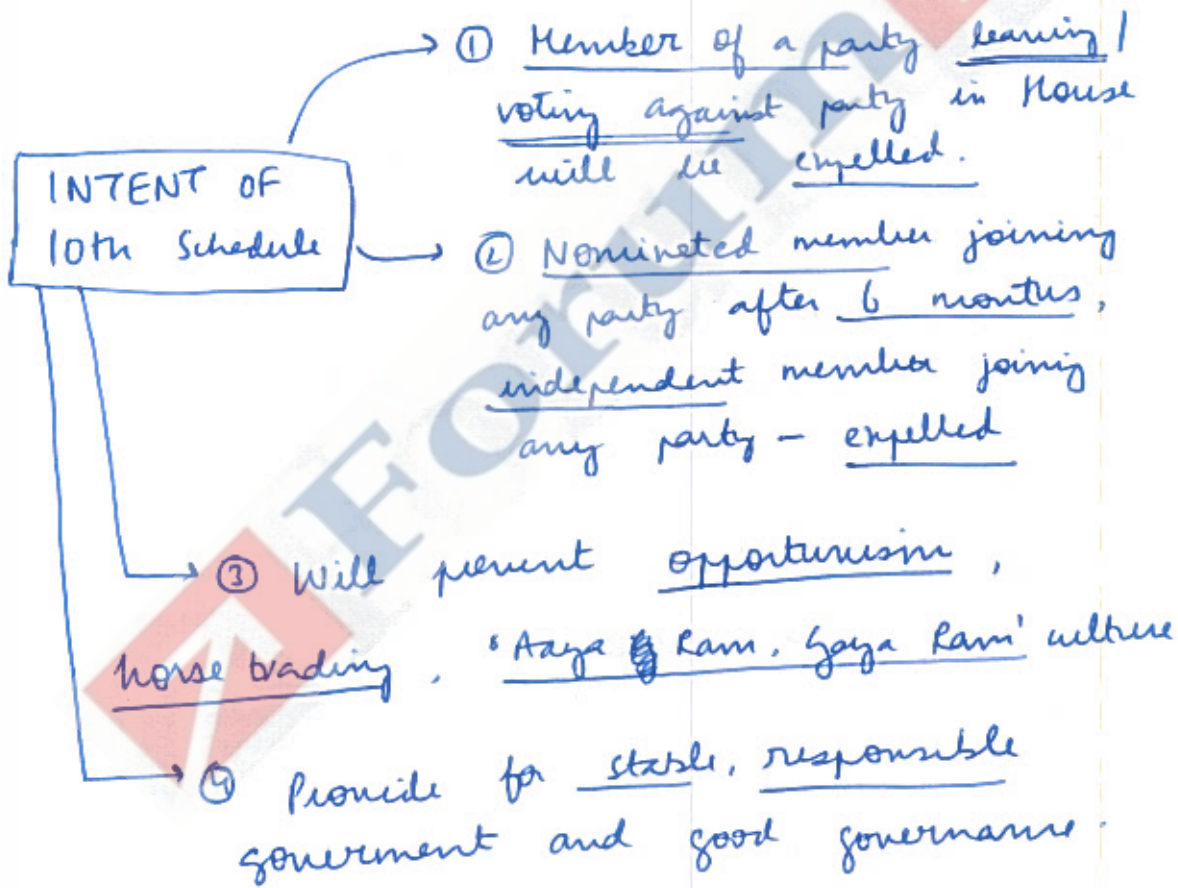
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Q.5) The divergence between intent and impact of the tenth schedule necessitates calling into question its relevance in the present times. Analyze. (10 marks, 15 words)

दसवीं अनुसूची के आशय और प्रभाव के बीच का अंतर वर्तमान समय में इसकी प्रासंगिकता पर सवाल खड़ा करता है। विश्लेषण करें। (10 अंक, 150 शब्द)

The Tenth Schedule introduced 'Anti-Defection' laws in 1985 to prevent horse-trading and unlawful defections. Recently, governments of Madhya Pradesh, Maharashtra have fallen due to defections.



However, impact has been uneven :-

① Anti-defection has caused silencing of

meaningful debate and dissent within the party members ("party men" vs "parliamentarian")

- ② Speaker has been noted to be partial towards own party, delaying expulsions (Manipur Assembly case)
- ③ large scale defections (> 2/3rd) are allowed - which defeats the purpose.
- ④ Power of muscle and money still remains - lowering public trust in government.

RELEVANCE TO BE MAINTAINED :-

- ① Dissent can be encouraged especially on matters which do not call for no-confidence motion.
- ② Powers of speaker as a tribunal should be rationalized for neutrality (Kihoto Hollohan judgement)
- ③ Organization of elections / by-elections in case of large scale defection can be considered.

Atal Bihari Vajpayee had remarked that governments will come and go, but the nation and its constitution should stay. The 10th schedule should honour this sentiment to protect legally held elections and their results.

Feedback

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Structure/ Presentation
Question Interpretation-
Content
Value Addition
Total

Q.6) Discuss the status of death penalty in the country. Can a governor pardon a death penalty? What are various limitations of pardoning power of governor? (10 marks, 15 words)

देश में मृत्युदंड की स्थिति की विवेचना कीजिए। क्या राज्यपाल मौत की सजा माफ कर सकता है? राज्यपाल की क्षमादान शक्ति की विभिन्न सीमाएँ क्या हैं? (10 अंक, 150 शब्द)

Death Penalty can be awarded in the country in criminal cases by a judge no lower than District for extreme crimes - murder, genocide, rape + murder etc.

STATUS OF DEATH PENALTY :-

- ① Can be awarded by judge of Supreme Court, High Court. In case of District Court it must be confirmed by High Court.
- ② Appeal against death penalty lies to the higher court as a matter of right.
- ③ In case of death penalty - certain fundamental rights (Article 21) are valid:
 - a) NO delay in execution b) NO torture
 - c) NO fetters etc.

POWER OF PARDON -

The President can pardon and remiss, commute, rescue a death

sentence passed by any court of country.

The governor can remit, reprieve, commute a death penalty under a state law but CANNOT pardon.

OTHER LIMITATIONS: (of Governor)

① Applicable to punishments under state laws only.

② Does not lie as a matter of right.

Death penalty is an extreme form of retributive justice and should be used only in rarest of rare cases.

Feedback

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Structure/ Presentation
Question Interpretation
Content
Value Addition
Total

Q.7) Do you think the Competition Commission of India (CCI) has been as successful in protecting consumer rights, promoting fair competition and restricting monopolistic tendencies, vis a vis its western counter part? (10 marks, 15 words)

क्या आपको लगता है कि भारतीय प्रतिस्पर्धा आयोग (CCI) उपभोक्ता अधिकारों की रक्षा करने, निष्पक्ष प्रतिस्पर्धा को बढ़ावा देने और एकाधिकारवादी प्रवृत्तियों को प्रतिबंधित करने में उतना ही सफल रहा है, जितना कि पश्चिमी देशों में इसके समक्ष संस्थान? परीक्षण कीजिए। (10 अंक, 150 शब्द)

With the liberalisation of India's economy, the Monopolistic and Restrictive Trade Practices Act (MRTP) was struck down and replaced by Competition Act of 2002.

COMPETITION COMMISSION OF INDIA - statutory body to protect consumer rights, promote fair competition.

SUCCESSSES :- I) CONSUMER PROTECTION

- ① CCI has played an important role in enacting consumer protection laws.
- ② It has ensured correct display and advertising of information for customers.
- ③ Brought in rules of liability, guarantee, warranty for goods and services.
- ④ E-commerce space has been brought under purview with Consumer Protection Act 2019 → for exchange, return rules of origin, etc.

II) FAIR COMPETITION :-

- ① Rules against predatory pricing through floor prices of telecom, 4G internet
- ② Against collusive marketing and cartelisation by companies of airline tickets price fixing
- ③ E-commerce regulations : a) against preferential treatment to in-house subsidiaries of Cloudtail and Amazon
 b) against restrictive sales on specific websites only of Flipkart + Xiami

LIMITATIONS :-

- ① CCI has failed to check loopholes through which subsidiaries of parent company evade competition rules.
- ② Monopolies of Reliance, Tata group, Adani group dominate market.
- ③ E-commerce has thrown up ~~new~~ new and ever-changing challenges.

A free market can work freely

- only if level playing ground is provided.
- India's budding start-up ecosystem (Ivob) is proof that CCI's work is and remains essential for market economy.

Feedback

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Structure/ Presentation
Question Interpretation
Content
Value Addition
Total

Q.8) Though RTI was meant to strengthen participatory democracy in India, various factors have hindered its utilization to full potential. In this context, examine the issues pertaining to the implementation of the RTI Act. (10 marks, 15 words)

यद्यपि RTI का उद्देश्य भारत में सहभागीमूलक लोकतंत्र को मजबूत करना था, लेकिन विभिन्न कारकों ने इसके पूर्ण क्षमता के उपयोग में बाधा उत्पन्न की है। इस संदर्भ में, RTI अधिनियम के कार्यान्वयन से संबंधित मुद्दों का परीक्षण कीजिए। (10 अंक, 150 शब्द)

Right to Information Act was enacted in 2005 to enable and encourage access to information by citizens of the country.

ISSUES PERTAINING TO THE RTI ACT

I INSTITUTIONAL GAPS →

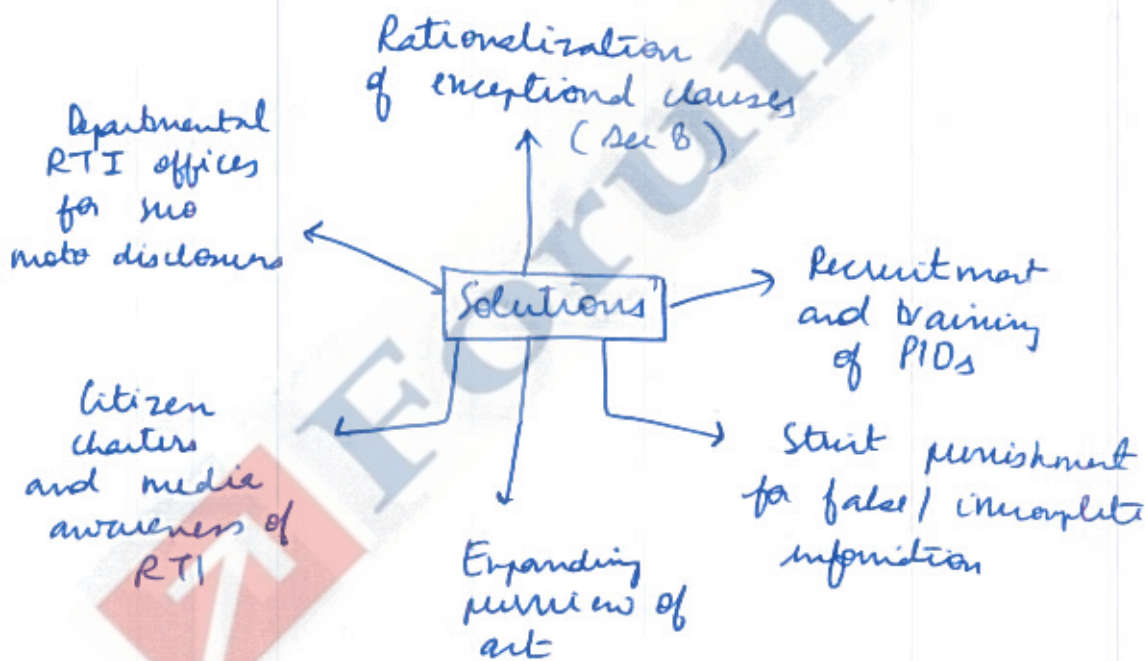
- ① Chief Commissioners of Information and Information Commissioners are not entirely independent offices and appointed by the executive.
- ② High number of vacancies in IC posts, PIOs and infrastructured problems: technology, computerization etc.
- ③ Existence of Official Secrets Act which is used as a shield.

II GAPS IN THE ACT →

- ④ Large number of exceptions and grounds to refuse information. e.g. RTI on PM CARES fund utilization was

defused on grounds of huge expenditure of resources to gather the information.

- ⑤ Low fee (₹10) and relaxed locus standi
 - ⇒ high number of frivolous RTIs.
- ⑥ Political parties are not subject to RTI
- ⑦ WILL - OF GOVERNMENT AND PEOPLE
- ⑧ Section 4 of RTI - suo moto disclosure is hardly done, only 4% of offices do so.
- ⑨ People are unaware and under educated about RTI and its powers.



Rajasthan's Jan Soochna Portal is a model example of RTI's right spirit. RTI needs to be strengthened to act as a powerful tool of information, participation and thus self determination.

Feedback	
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Structure/ Presentation	
Question Interpretation	
Content	
Value Addition	
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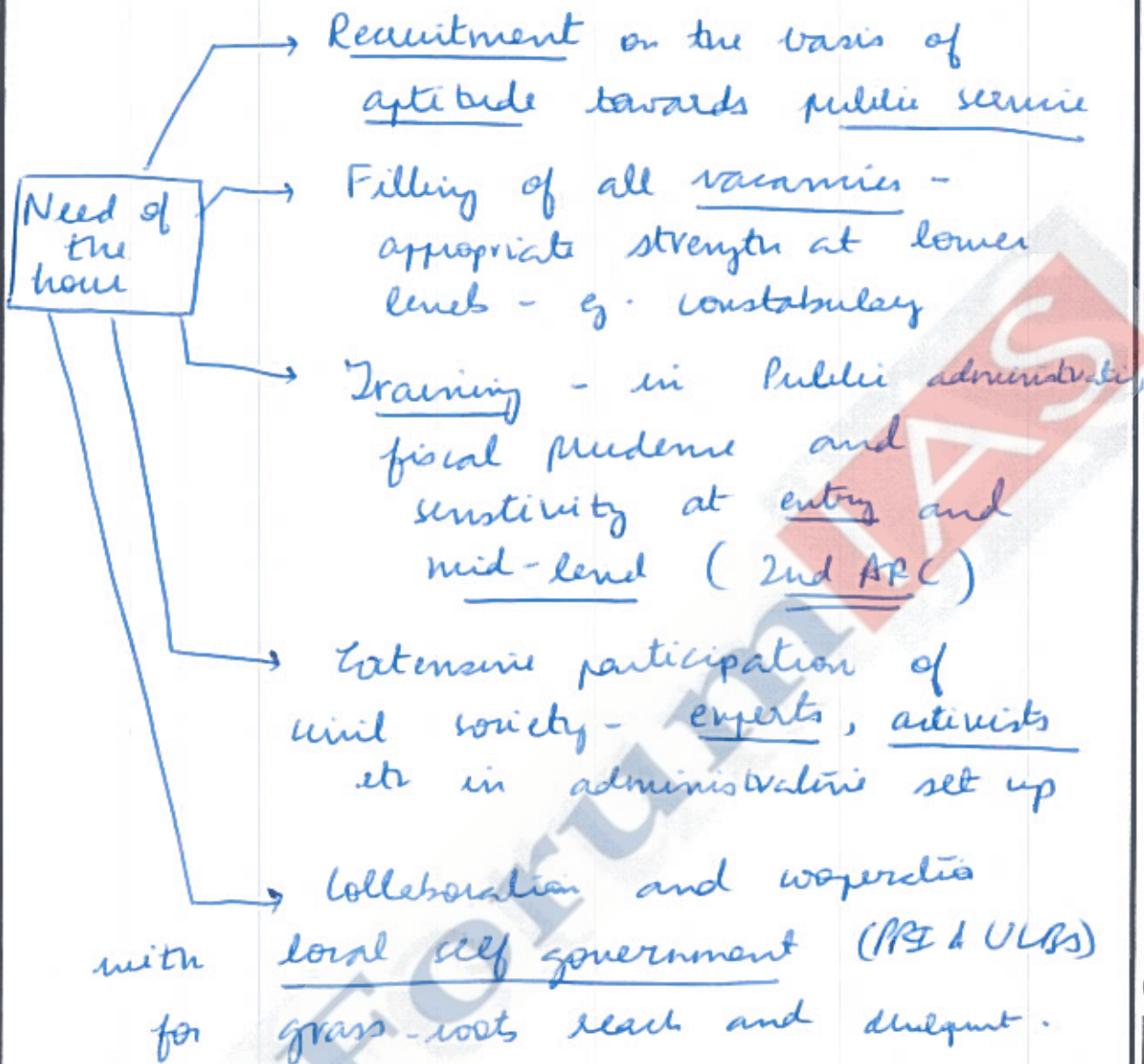
Q.9) Instead of performing a transformative role, traditional bureaucracy has contributed to perpetuation of old order. Comment. (10 marks, 15 words)

एक परिवर्तनकारी भूमिका निभाने के बजाय, पारंपरिक नौकरशाही ने पुरानी व्यवस्था को कायम रखने में योगदान दिया है। टिप्पणी करें। (10 अंक, 150 शब्द)

Sardar Patel had remarked that without the bureaucracy running the country efficiently, the Union would have collapsed. However, today there are apprehensions about its role.

TRADITIONAL BUREAUCRACY - Perpetuation of old order:

- ① Culture of 'elitism' and 'ivory-tower' governance has alienated from the masses.
- ② Hierarchical, centralised and monolithic structure has stifled creativity and innovative governance.
- ③ Formation of nexus between bureaucrats, politicians, businesses / criminals for self-interest.
- ④ Inaction and red-tapism leading to policy-paralysis due to shirking of responsibility.



From a 'rules based' Weberian bureaucracy we require 'role-based' Karnyogi officers - driven by public and national interest.

Feedback

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Structure/
Presentation

Question
Interpretation

Content

Value
Addition

Total

Q.10) Contrary to expectations surrounding its enactment, the institution of Lokpal has not proved path-breaking in dismantling the structures of corruption in public life. Analyze.

(10 marks, 15 words)

अधिनियमन की अपेक्षाओं के विपरीत, लोकपाल की संस्था सार्वजनिक जीवन में भ्रष्टाचार को खत्म करने में पथ-प्रदर्शक साबित नहीं हुई है। विश्लेषण करें। (10 अंक, 150 शब्द)

The institution of Lokpal was created as an "ombudsman" - a public advocate to investigate complaints against government through Lokpal and Lokayukta Act 2011

ROLE OF LOKPAL

- 1) Jurisdiction over PM, ministers, MPs, Group A, B, C, D and offices of central government
- 2) Powers of confiscation of assets, transfer, suspension, prosecution of officials, procurement of records

HOWEVER, Lokpal has not proved drastically effective in dismantling corruption →

① LACK OF POLITICAL WILL - in appointments, funding, operations of Lokpal. ⇒ only 30 complaints in 2021

② NO CONCRETE IMMUNITY to WHISTLEBLOWERS - discouragement for people to file complaint

- ③ CANNOT initiate proceedings SUD-MOTO
- ④ A time limit of 7 years to file a complaint.
- ⑤ Exclusion of judiciary from lokal.
- ⑥ Multiple concepts when it comes to investigation of Prime minister.
- ⑦ States have not constituted lokayukta or clipped its wings.

Appointment of lokal in itself is not enough - greater transparency, more right to information and empowerment of citizen groups is required along with more power and independence of lokal.

Feedback

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Structure/
Presentation

Question
Interpretation

Content

Value
Addition

Total

Q.11) Why did constitution makers prefer 'union of states' over 'federation of states' to describe India? To what extent this preference is responsible for tensions in centre-state relations?

(15 marks, 250 words)

संविधान निर्माताओं ने भारत का वर्णन करने के लिए 'यूनियन ऑफ स्टेट्स' के बजाय 'फेडरेशन ऑफ स्टेट्स' को प्राथमिकता क्यों दी? केंद्र-राज्य संबंधों में तनाव के लिए यह वरीयता किस हद तक जिम्मेदार है? (15 अंक, 250 शब्द)

Article 1 of the constitution refers to India i.e. Bharat as a 'union of states' - implying the ~~association~~ ^{dual holds} of India to be quasi-federal instead of strictly federal (like USA).

WHY 'UNION OF STATES' OVER 'FEDERATION OF STATES' ?

- ① India is not constituted as a result of agreement of states to form a united nation.
- ② Thus, the states do not have the right to ~~secede~~ cede from the nation.
- ③ Unlike the USA, India is a 'union of breakable states' and not a 'breakable union of states'

④ Thus, India followed the CANADIAN MODEL of a unitary - centralizing federation.

⑤ The Centre has overriding powers over the states in ~~legislative~~ concurrent list, Union list. We have a flexible, single constitution, single citizenship, integrated judiciary, post of governor etc ⇒ all indicators of a unitary rather than a federation.

TENSIONS IN CENTRE-STATE BECAUSE OF THIS :-

I) LEGISLATIVE → ① Encroachment upon state subjects by the Centre e.g. 2021 protests over farm laws

② state laws are not allowed to exist in the same domain i.e. Doctrine of Occupied Legislation

③ During President's rule, Governor promulgates ordinances - taking away legislative powers of the state.

II) FINANCIAL - ④ GST compensation and delays have created tensions and weakened state finances.

III) EXECUTIVE - ⑤ During COVID-19, due to Disaster Management Act and Epidemics Control Act - Centre had assumed over arching powers to call for lockdowns, closure ⇒ escalating tensions

Centre-State Relations must be rationalized and harmonized through Inter state Council (Article 263), GST Council (Article 279-A), revision of 7th schedule, devolution of powers and finances by the Centre (Punchhi Commission recommendations)

Niti Aayog has remarked the cooperative federalism is the anti-dote to tensions and the path to inclusive development.

Feedback

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Structure/
Presentation

Question
Interpretation

Content

Value
Addition

Total

Q.12) While fundamental rights have strengthened our democracy, fundamental duties are essential to strengthen our society. In this context examine the importance of fundamental duties for Indian society. (15 marks, 250 words)

जहाँ मौलिक अधिकारों ने हमारे लोकतंत्र को मजबूत किया है, वहीं मौलिक कर्तव्य हमारे समाज को मजबूत करने के लिए आवश्यक हैं। इस संदर्भ में भारतीय समाज के लिए मौलिक कर्तव्यों के महत्व का परीक्षण कीजिए।

(15 अंक, 250 शब्द)

Fundamental duties were added to the Constitution in Part III A by the 42nd Constitutional Amendment, 1976 on the recommendation of Swaran Singh Committee

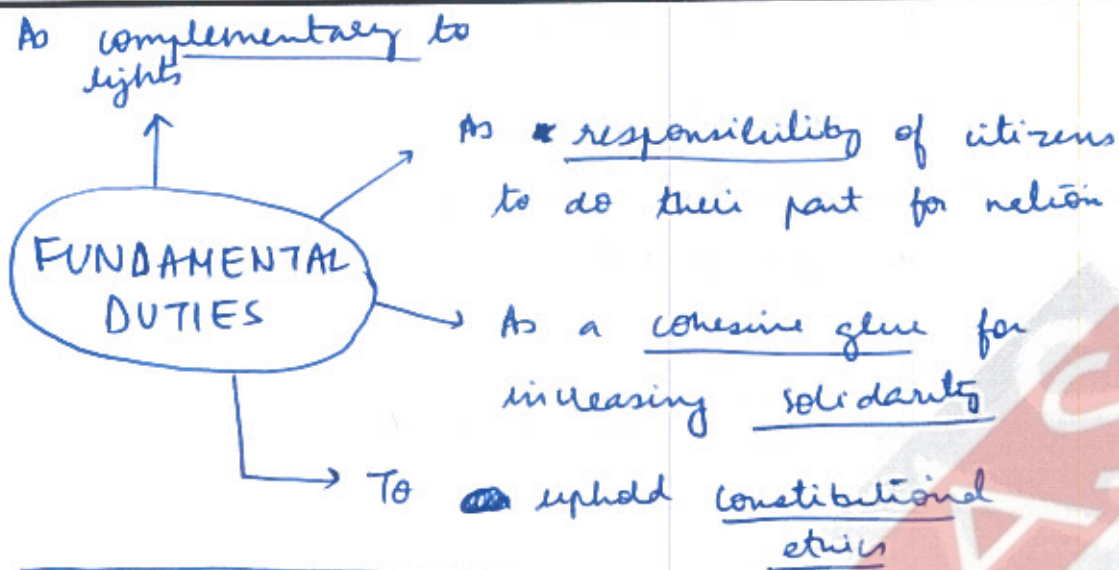
FUNDAMENTAL RIGHTS AS SEWER OF DEMOCRACY

Provide for Right to equality (Article 14),
Right to freedom from discrimination (Article 15),
Right to freedom of speech, association (Art 19),
Religious freedoms etc

A POLITICAL DEMOCRACY

of securing minimalist rights of citizens.

However, fundamental duties have a broader goal - strengthening the fabric of society.

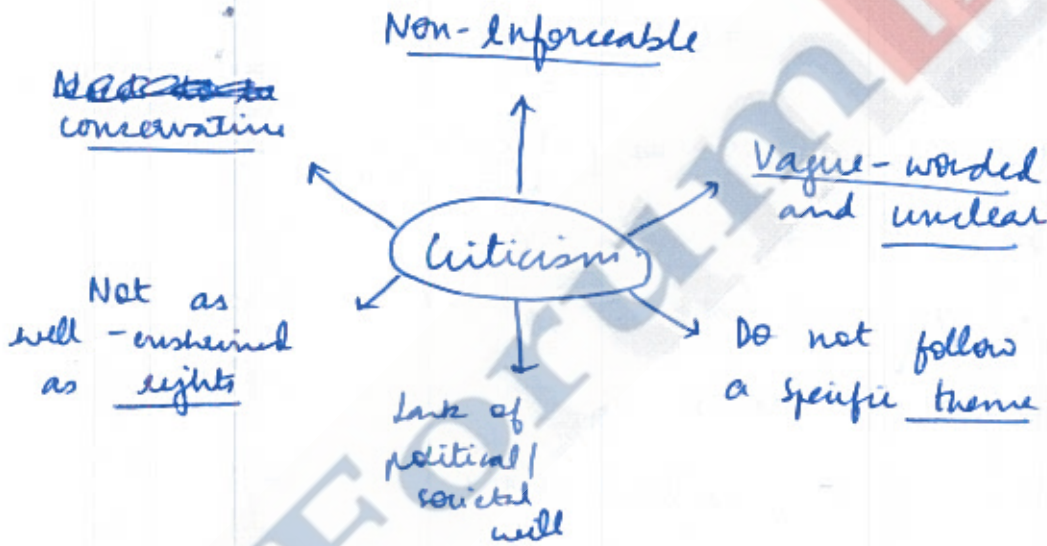


IMPORTANCE OF FUNDAMENTAL DUTIES FOR INDIAN SOCIETY

- ① To promote civic ~~to~~ patriotism and spirit of 'India' in society - ~~of~~ → respect for national flag and anthem
- ② To instill a sense of pride and knowledge of our collective past, historical identity and cultural splendour.
- ③ To inculcate a sense of environmental consciousness and make society ecologically sensitive - an essentiality for a cleaner, greener world.
- ④ To promote unity and integrity - a sense of harmony in society. ~~of~~

communal unity in the times of nipoleemics.

- ⑤ To develop individ personalities in a society of multitudes to increase diversity and representation.
- ⑥ Society can be made safer and more inclusive for women and other LGBTQ+ members.



Fundamental duties provide the society with a benchmark to aspire to and today's goal of 'Sabka Sath Sabka Vikaas' is ~~too~~ enshined in the ideas of these duties

Feedback

(For OFFICE use only)

Structure/ Presentation
Question Interpretation.
Content
Value Addition
Total

Q.13) Discuss the role of the judiciary in electoral reforms citing suitable cases. How far do you agree that judiciary induced reforms violate the principle of separation of power?

(15 marks, 250 words)

उपयुक्त मामलों का हवाला देते हुए चुनाव सुधारों में न्यायपालिका की भूमिका पर चर्चा करें। आप कहाँ तक सहमत हैं कि न्यायपालिका से प्रेरित सुधार सत्ता के पृथक्करण के सिद्धांत का उल्लंघन करते हैं? (15 अंक, 250 शब्द)

Judiciary has consistently worked towards the goal of 'free and fair elections' - which it has incorporated in the 'BASIC STRUCTURE' of the Constitution as well (Indira Gandhi case 1975)

ROLE OF JUDICIARY IN ELECTORAL REFORMS :

① Striking down of section 8 of the Representation of People's Act 1951 in Lily Thomas case : Any member of House will now be immediately disqualified if convicted of a crime in the court.

② Introduction of the NOTA (None of the above) option in voting -
~~the~~ NOTA case : To ensure that

person can indicate choice of not voting for any of the contesting candidates.

③ Declaration of Assets / other information by the candidates - The judiciary has made it compulsory for candidates to disclose criminal antecedents, financial assets, educational qualifications while filing nomination.

④ The introduction of VVPAT - voter verifiable Paper Audit Trail was also through the judicial route. VVPAT ensures that vote has been cast appropriately and prevents EVM fraud.

VIOLATION OF SEPARATION OF POWERS?

Possible

① Judiciary interfering with electoral process is interfering in a election of a legislature

Required

It is the constitutional mandate of judiciary to review laws / regulations which might be ultra vires.

② Judiciary can become all-powerful with no accountability as it is not representative of people.

③ Judicial overreach can hamper proper functioning of the 3 organs (Article 50)

Judiciary ensures that legislature does not give itself over-arching powers to disturb a fair election.

④ Judicial activism is a tool of system of checks and balances - a cornerstone of Indian polity

As the Supreme Court goes to hear a petition on the validity of electoral bonds, it is imperative to remember the court as a guardian of the constitution and the citizens, both of which require a healthy, functioning democracy.

Feedback

(For OFFICE use only)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total

Q.14) There has been an increasing demand for doing away with the concurrent list. Examine the utility of concurrent list in the light of recent events (15 marks, 250 words)

समवर्ती सूची को समाप्त करने की मांग बढ़ती जा रही है। हाल की घटनाओं के आलोक में समवर्ती सूची की उपयोगिता का परीक्षण कीजिए। (15 अंक, 250 शब्द)

Concurrent list in the 7th Schedule of Constitution entails subjects on which the Parliament and state legislatures both can frame laws of education, labour, forests etc.

WHY WAS CONCURRENT LIST ENVI SAGED?

1> Ensures there is sufficient unity in such topics where it is desired although not required.

For eg. Family planning towards a TFR < 2.0

2> respects the need for regional variations while striving for common standards of excellence

For eg NEP 2020 → aim for 100% adult literacy.

→ Allows for greater cooperation and expertise sharing between the Centre and the states. For eg: National Action Plan to prevent Forest Fires - uses geo-spatial technology and data sharing

UTILITY OF CONCURRENT LIST IN RECENT TIMES

I) COVID-19 and Pandemic preparation -

① Different tiers of governance would require suitable powers and responsibilities unlike over-centralization tendencies of Epidemic Act 1897 or DMA, 2005

② Interconnectedness of states and infectious nature of epidemics ⇒ blurred distinctions of borders of lockdown measures, travel restrictions

II) CLIMATE CHANGE - ③ Increasing catastrophes and their regional variations requiring

a coordinated + decentralized effort

eg • heat waves in North India, glacial outburst in Himalayas.

III) INCREASING COMPLEXITIES OF ECONOMIC STRUCTURES :- ④ Farm laws 2020 (repealed) were met with protests because of less stakeholder consultation.

⑤ Economic activities like agriculture, manufacturing, services (especially tech-based) are now interdependent on various players → India wide.

IV) Financial devolution →

⑥ GST compensation tussle and rows over FC recommendations can be solved by rationalizing concurrent powers of taxation and collection.

Concurrent list is a backbone of federal structure in India. In changing times - decentralization with cooperative and collaborative federalism can pave the way for meaningful change and good governance. (United Nations)

Feedback

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Structure/
Presentation

Question
Interpretation -

Content

Value
Addition

Total

Q.15) Against the intentions of the constitution makers, the use of discretionary powers by governors has become a major source of tension in Centre-state relations. What are the discretionary powers of the Governor? Also, discuss the issues associated with them. (15 marks, 250 words)

संविधान निर्माताओं की मंशा के विपरीत राज्यपालों द्वारा विवेकाधीन शक्तियों का प्रयोग केंद्र-राज्य संबंधों में तनाव का एक प्रमुख स्रोत बन गया है। राज्यपाल की विवेकाधीन शक्तियाँ क्या हैं? साथ ही उनसे जुड़े मुद्दों पर चर्चा करें।

(15 अंक, 250 शब्द)

The Governor is appointed by the President as an agent of the centre in the state (Article 162) to maintain harmony and cooperation between the two. However, her role has become ~~contentious~~ ^{controversial} these days.

DISCRETIONARY POWERS OF THE GOVERNOR

I) LEGISLATIVE :-

↳ ① Can reserve any bill for consideration of the President

↳ ② Can ~~reserve~~ recommend to the President dissolution of the legislative assembly

II) EXECUTIVE -

↳ ③ can appoint the leader of a majority party as the CM and call for confidence motion in case of no clear majority.

↳ ④ can recommend to the President, imposition of President's Rule (Article 356)

↳ ⑤ During President's Rule, executive power of the state is vested in the governor.

ISSUES WITH THESE POWERS

I) CENTRAL INFLUENCE - in state matters

① The Governor acts a 'party person' instead of neutral head of the state (de jure).

② Governor causes delays and obstruction by reserving bills, withholding assent

③ Hampers functioning of the state government

as per their principles.

II) PRESIDENT'S RULE -

- ④ May be invoked unjustifiably by the Governor.
- ⑤ Elected representatives are sidelined with de facto central rule over state.

RECOMMENDATIONS :-

- ① Supreme Court, in Bommai case, has ruled federalism to be a part of basic structure and President's rule to be applied only in exception.
- ② Governor should act as a constitutional figure, non-party, non-resident person should be appointed.
- ③ The assembly should not be dissolved unless non-constitutional methods or confidence vote is lost.

Governor can act as a friend and facilitator between Union and state - as highlighted by Sarkaria Commission. ~~Proper~~

Office of governor should be held in the letter of the law and its spirit as well.

Feedback

(For OFFICE use only)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total

Q.16) Concerns regarding Parliamentary performance most often relate to the drastic reduction in the level and extent of deliberation, representation and scrutiny. In this context, highlight the recent instances which have led to decline in effective functioning of the parliament.

(15 marks, 250 words)

संसदीय कार्य-निष्पादन के संबंध में विचारें प्रायः विचार-विमर्श, प्रतिनिधित्व और संवीक्षा के स्तर और सीमा में भारी कमी से संबंधित होती हैं। इस संदर्भ में, हाल के उदाहरणों पर प्रकाश डालिए जिनके कारण संसद के प्रभावी कामकाज में गिरावट आई है।

(15 अंक, 250 शब्द)

The 16th Lok Sabha has met 22% less than ^{preceding} ~~previous~~ sessions during COVID-19, sessions were cut along with suspension of question hour, zero hour etc.

Participation

by all-opposition + ruling party + Civil society consultation

KEY PERFORMANCE INDICATORS OF PARLIAMENT

Discussion and constructive debate for public good

Examination and evaluation of government policies.

DECLINE IN EFFECTIVE FUNCTIONING OF PARLIAMENT :

I) DELIBERATION -

- ① Lesser sessions of Parliament were held due to pandemic

- ② Several instruments like zero hour, question hour were cut or allotted less time.
- ③ Bills were introduced hurriedly and passed without discussion - owing to a heavy majority.
- ④ Private members were not given due time on the floor for dissenting opinion.

REPRESENTATION :

- ⑤ Around ~14% of the parliamentarians are women representing ~50% of country.
- ⑥ ~43% of Lok Sabha has unmerited cases pending / filed.
- ⑦ Representation of trans, Dalit, Muslim tribal persons is low and restricted to reserved seats.
- ⑧ Thus, Parliament is not an inclusive, representative body.

SCRUTINY :

- ① Parliamentary committees are bypassed more frequently (only 27% bills referred).
- ② Reports of the committees, CAG report,

Human Rights Reports are either not tabled or not discussed on the floor.

ii) Ministers are not held accountable for breach of privilege or etwical errors by the standing committees.



Parliament is the heart and soul of a representative democracy and ~~req~~ ~~about~~ ~~to~~ its performance is directly proportional to functioned, good governance with accountability to the electorate.

Feedback
(For OFFICE use only)

Structure/ Presentation	
Question Interpretation	
Content	
Value Addition	
Total	

Q.17) Political decentralization without devolution of funds and functions to panchayats has resulted in representation but not empowerment. Examine whether devolution of funds and functions alone can transform panchayats into effective institutions of self-governance.

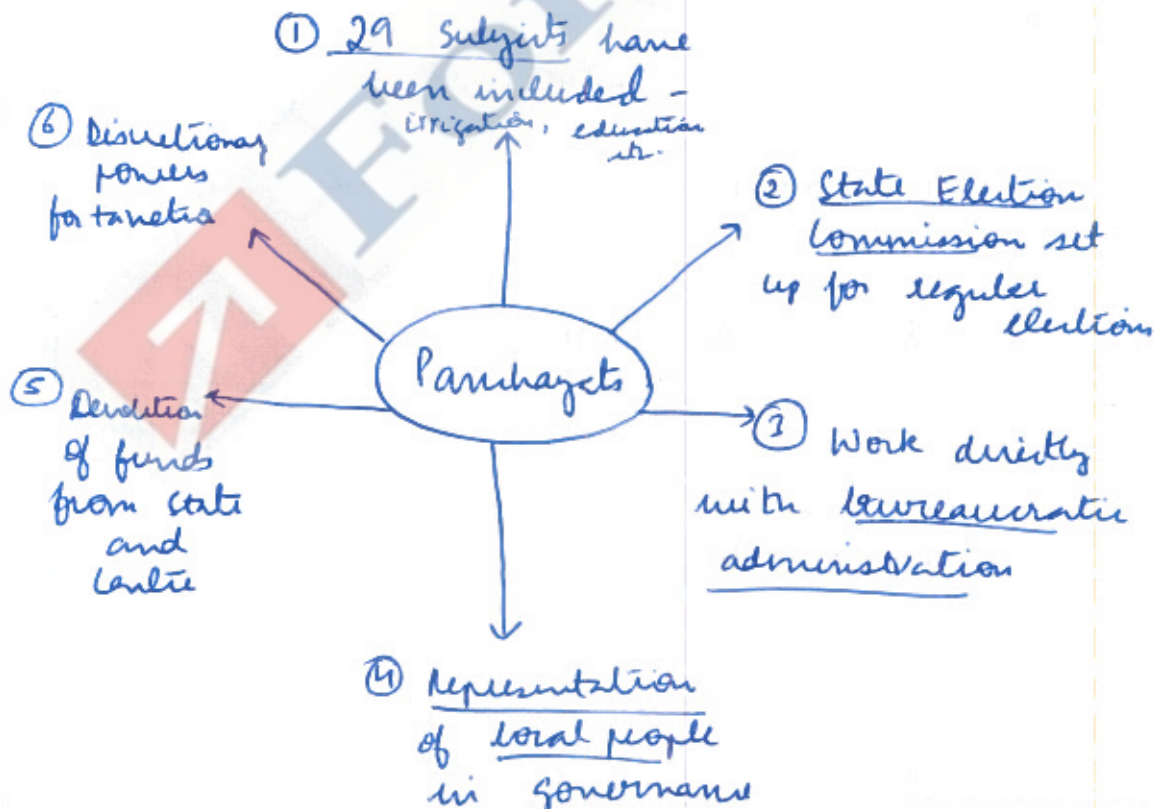
(15 marks, 250 words)

पंचायतों को धन और कार्यों के हस्तांतरण के बिना राजनीतिक विकेंद्रीकरण के परिणामस्वरूप प्रतिनिधित्व तो हुआ है लेकिन सशक्तिकरण नहीं। जांच करें कि क्या केवल निधियों और कार्यों का हस्तांतरण पंचायतों को स्वशासन के प्रभावी संस्थानों में बदल सकता है।

(15 अंक, 250 शब्द)

Panchayats are the third tier of governance and have the statutory backing of 73rd Amendment Act 1992 which introduced Schedule IX in the Constitution.

POLITICAL DECENTRALIZATION :-



RESULTED IN REPRESENTATION -

- ① All states have local self governing bodies at the bottom tier.
- ② Gram Sabha has all eligible voters of the panchayat area.
- ③ 33% representation has been accorded to women (~ 457 members are women)
- ④ SC/ST reservation in proportion to population.

BUT EMPOWERMENT IS LACKING :-

① FUNCTIONS →

- ↳ ① Most planning is done at the Zila level ~~with~~ by bureaucracy
- ↳ ② Functions of panchayat are tied to the schemes run by government of MNREGA, National Rural Livelihood Mission
- ↳ ③ lack of political will, no provisions for accountability, indifferent attitude of bureaucracy.

II) FUNDING →

↳ ① Less than 40% of revenue is generated by the panchayats

↳ ② Taxation powers are not given and if given → not used to maintain voter base and social acceptance.

↳ ③ Thus, dependent on Finance ^{State} Commission and Central grants.

EFFECTIVE INSTITUTIONS OF SELF-GOVERNANCE

- With functions and funds, panchayats can reach grassroots and solve for the last man standing.
- Understanding of local grievances and solutions.
- Responsibility and ownership is generated within the people.
- Tools like social audit, technology, e-governance can be adopted.

Panchayats have the potential to transform ~~the~~ rural landscape to Ramrajya - as long as they are facilitated and encouraged to.

Feedback

(For OFFICE use only)

Structure/
Presentation

Question
Interpretation

Content

Value
Addition

Total

Q.18) The offence of rape cannot be condoned by marital relationship between victim and culprit. In light of this statement, discuss the issues involved in criminalization of marital rape.

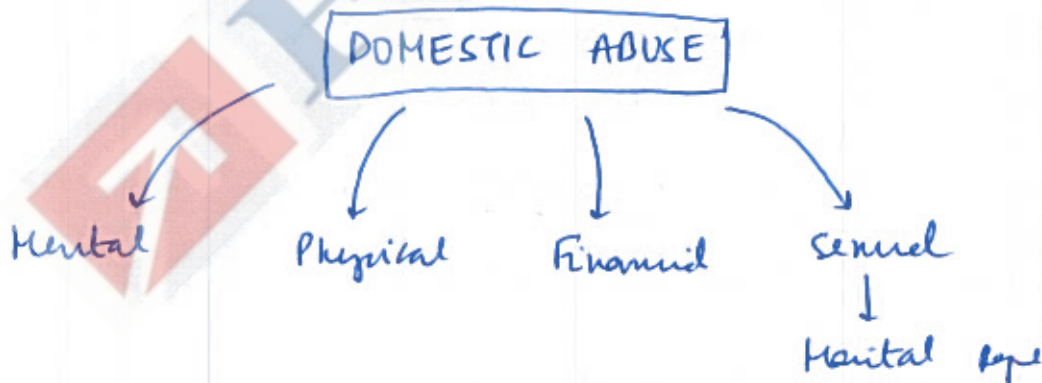
(15 marks, 250 words)

बलात्कार के अपराध को पीड़िता और अपराधी के बीच वैवाहिक संबंधों द्वारा माफ नहीं किया जा सकता है। इस कथन के प्रकाश में वैवाहिक बलात्कार के अपराधीकरण में शामिल मुद्दों की चर्चा कीजिए। (15 अंक, 250 शब्द)

Marital rape refers to the sexual assault of a person by legally married partner. It is not considered to be a crime under Indian laws.

MARITAL RAPE :-

A manifest form of violence and domestic abuse against a person - usually the woman in a marriage which involves non consensual sex.



WHY IS MARITAL RAPE PREVELANT?

- ① Patriarchal society with skewed power dynamics.
- ② Women treated as 'property' of husband and obligated to give sexual favours
- ③ Financially dependent on the man
- ④ Social stigma of divorce
- ⑤ No legal remedies available.

However, existence of a marital relationship cannot be a reason for rape.

ISSUES INVOLVED IN CRIMINALIZATION OF ~~THE~~ MARITAL RAPE

- ① Definition of marriage as understood in India - even the courts have agreed that sexual union is *sine qua non* for marriage thus marital rape is not an offence.
- ② Difficulty in proving the case of a marital rape - lack of evidence, purely testimonial

- ③ Patriarchial society ~~which~~ which does not value woman's consent over the institution of marriage.
- ④ Speculations of false cases against men (e.g. ~~in~~ ^{under} dowry prohibition Act)
- ⑤ Future complications - custody of child, breaking up of families etc.

Marital rape is a crime in many developed nations. 'Due process of law' and evidentiary hurdles should not act as a deterrent in declaring an inhuman act as rape.

Feedback

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Structure/
Presentation

Question
Interpretation

Content

Value
Addition

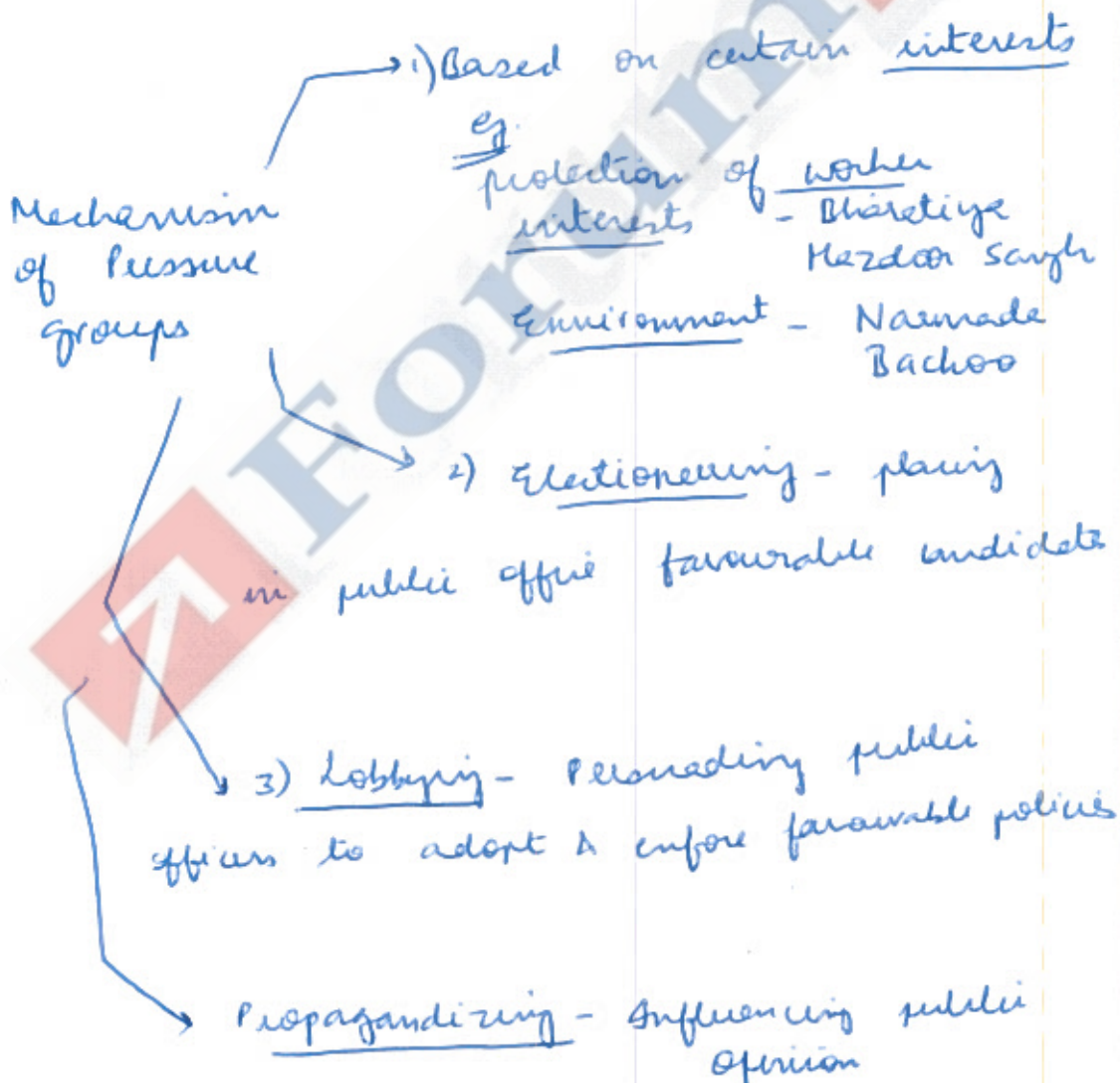
Total

Q.19) Since the paradigm shift from government to governance and further to good governance, pressure groups have emerged as a strong mechanism for making the democracy participatory, transparent, accountable and responsive. Elucidate. (15 marks, 250 words)

जब से सरकार से शासन और आगे सुशासन के प्रतिमान में बदलाव आया है, तब से दबाव समूह लोकतंत्र को सहभागी, पारदर्शी, जवाबदेह और उत्तरदायी बनाने के लिए एक मजबूत तंत्र के रूप में उभरे हैं। स्पष्ट करें। (15 अंक, 250 शब्द)

A pressure group is a group of people who are organized actively for promoting and defending their common interest.

For eg - AITUC, FICCI etc.



ROLE OF PRESSURE GROUPS IN GOOD GOVERNANCE :-

- ① Agents of Political socialisation and political awareness - eg. student unions like NSUI, ABVP etc.
- ② Influencing legislative process and policy making eg. Anna Hazare movement
⇒ Lokpal and Lokayukta Act
- ③ Administrative help and people's participation in policy implementation eg. Data Security Council of India run by NASSCOM
- ④ Judicial system proactive role - through PILs, legal route eg. PUC - VVPAT introduction
- ⑤ Facilitating Social Progress and idea of welfare state for all eg. Safai Karamchari Andolan, Narijaten Sevak Sangh
- ⑥ Improving Accountability and transparency through social audit, RTI,

participation in local self government etc.

⑦ Fully operating ~~gov~~ pressure groups are essential to the functioning of a liberal democracy -

↳ provide feedback to government -
 e.g. Farm laws protests by Shakti Kisan Union etc.

↳ Act as a linkage between government, businesses and civil society

↳ Important counterweights to balance the concentration of power

LIMITATIONS OF PRESSURE GROUPS -

① Sectarian interests based on 'identity' such as religion (RSS, Jamat-e-Islami), caste (Jatt Association, Agrawal Sabha), language (Tamil Sangh), ethnicity (National Socialist Council of Nagaland) etc.

② Focus on narrow selfish goals instead of wider socio-economic benefits.

③ Misuse of power - undue influence on political parties and public officers.

Feedback

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Structure/
Presentation

Question
Interpretation

Content

Value
Addition

Total

Q.20) "The rapid expansion of mobile network, proliferation of smart phones and data revolution have made m-governance an integral part of government welfare programmes." Discuss. (15 marks, 250 words)

"मोबाइल नेटवर्क के तेजी से विस्तार, स्मार्ट फोन के प्रसार और डेटा क्रांति ने m-गवर्नेंस को सरकारी कल्याण कार्यक्रमों का एक अभिन्न अंग बना दिया है।" चर्चा कीजिए। (15 अंक, 250 शब्द)

With a tele-density of 86% and 2nd largest number of internet users - m-governance is now a crucial tool of programme implementation

M-governance

→ Government services are available to people via mobile technologies

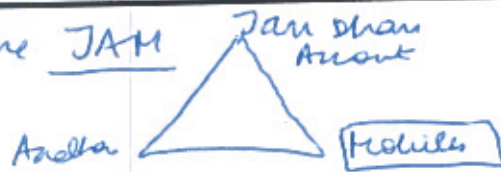
↳ Bypass the need for traditional physical networks

↳ sub-domain of e-governance and part of "Digital India" e-Kranti

M-governance as a part of government welfare programmes -

I) Financial inclusion - ① Through mobile banking, UPI, USSD (no internet needed), → mobiles are an

important part of the JAM Trinity →



∴ bank account, overdraft, insurance etc credit available

② Direct benefit transfer - for various schemes (PM-KISAN, Ujjawala etc)

③ e-Rupi - voucher based government coupons

II) Knowledge and awareness

④ AGRICULTURE services through m-Kisan, Farmopedia, Meghdoot app (weather)

⑤ Panchayat works management and monitoring - e-Gramswaraj app

⑥ MNREGA assets geo-tagging and information of Janmanage App

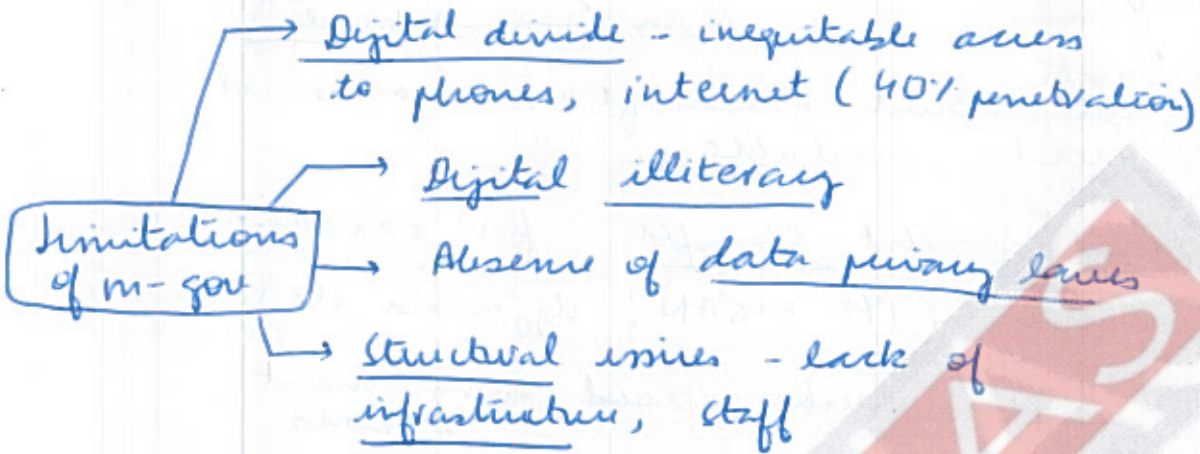
III) Government services provision

⑦ Payment of electricity bills, gas bills, house tax, water tax

⑧ Grievance redressal through apps - UMANG APP

⑨ Vaccine slot booking (LOWIN), driving license (M-Saathi) etc.

② Digitization - for all important documents



M-Governance is cost saving, proficient, convenient and provides for better services, easy interaction.

Government should standardize it using "One Web Approach" along with increasing accessibility and affordability.

Feedback	
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Structure/ Presentation	
Question Interpretation	
Content	
Value Addition	
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