

TEST CODE : 5 1 2 2 3

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

ForumIAS**GENERAL STUDIES**

Name Of Candidate	APARAJITA		
Roll No.	1910098916	Date:	28.07.2022

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 9:00	End Time 12:00
Total Marks:			Mode Of Examination:	Online <input checked="" type="checkbox"/> Offline <input 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						
Attempt						

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 Doctrine was propounded by SC in Keshavananda Bharati Case 1973.

The basis of the doctrine was to emphasise that the Constitution is based on some fundamental values, also referred to as 'Basic Structure'. Legislations, executive action cannot alter these features.

Loose and not precise

- (i) The doctrine does not find mention in the Constitution.
- (ii) SC gave a 'vague' list of ideals that form a part of the doctrine.
- (iii) Doctrine keeps on evolving with cases. Eg. further added 'federalism' in Basic Structure in Minerva Mills Case 1980.
- (iv) No constitutional validity through

a legislation.

- (v) Remains under the control of the SC to define.
- (vi) SC role in defining the basic tenet violates the Directive Principle of separation of executive & judiciary.

Gives Direction

- i) SC is the guarantor of the Constitution. Hence, providing the Basic Structure doctrine is under its prerogative.
- ii) Enhances empowerment of fundamental rights.
- iii) Protect arbitrary executive actions as witnessed in 24th and 25th Constitutional Amendment Acts.
- iv) Constitution is an ever evolving organic document and SC plays a fundamental role in its interpretation.

The advantages of Basic Structure Doctrine can be witnessed in increased protection of fundamental rights like Right to Privacy under Article 21.

Feedback
(For OFFICE use only)

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)

Sedition in India is governed by Section 124 (A) of the Indian Penal Code.

Threat to civil liberties

1. Violates Fundamental Rights of Freedom of Speech and Expression (Article 19(1))
2. Violates democratic principles of dissent and discussion.
3. Misused against political rivals.
4. Misused against people who propose opposing views.
5. Sedition law has sever repercussions such as prohibition from govt jobs, holding a passport.

Why Present

Sedition law in India is a British

legacy. The British had laws such as Defence India Act to prohibit dissenters' voices.

Today, there are no democratic nations which have a 'sedition law'. Nations like Britain, USA, Australia have done away with sedition laws.

Need For Reform

There is a need of holistic reforms in India. Law Commission reports and even Supreme Court has pointed out the need of reform.

NCRB annual report mentions that the cases under the sedition law has increased more than 50% since 2014.

Furthermore, there are constitutional measures already present in the form of 'Reasonable Restrictions' under Art 19. Promotion of fundamental duties like upholding national unity & integrity is the way forward.

Feedback
(For OFFICE use only)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total

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 Preamble of India was adopted at the end as it encapsulates the idea, philosophy and objectives of the Constitution.

PHILOSOPHY

1. Sovereign - India is an independent nation.
2. Socialist - more favour towards Gandhian socialism.
3. Secular - India follows positive secularism.
4. Democratic - Based on the doctrine of popular sovereignty.

PRINCIPLES

1. Justice in Economic, Political & Social spheres.
2. Liberty of faith, thought, expression, worship.
3. Fraternity among the people of India for spirit of brotherhood and unity & integrity in

psychological and territorial sense.

PURPOSE

To establish a Democratic Republic with an egalitarian society as a basis.

The Preamble is the synopsis of the noble ideas in the Constitution. Articles such as 14 (Rule of law), 15 (No discrimination), 25 (Freedom of Religion) etc. are enshrined inherently in the Preamble.

Supreme Court in Kesavananda Bharati case 1973 upheld that Preamble functions as the beacon lights to the State and enshrines the noble vision of our forefathers.

Feedback
(For OFFICE use only)

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)

Article 25 under Part III of the constitution elaborates the fundamental right to freedom of conscience, practice and propagation of religion.

'Doctrine of essentiality' was developed by the SC to understand the 'essential features' of a religion.

The doctrine has recently been used by Karnataka HC in Hijab wearing verdict and by SC in the Triple Talag Case.

As of now, the doctrine is being used by the judiciary to reform orthodox practices like Triple Talag and ensure greater access to fundamental rights. However, the

over-indulgence by Judiciary is often seen as "Judicial Overreach". It restricts the fundamental right to religion under Art 25. It also violates the person sphere and practice of a religion and is seen as infringement of Article 21 as well.

Article 44 under DPSP authorises the legislature to make civil codes but not to judiciary. Hence, the judiciary should function with utmost awareness regarding the separation of power.

Judicial Overreach should not infringe the fundamental rights under Art 25, as it also forms a part of the 'basic structure' of the Constitution.

Feedback

(For OFFICE use only)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total

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 10th Schedule of the Constitution deals with the Anti-Defection Law.

It was introduced by 52nd Constitutional Amendment Act, 1985.

Intent

- (i) Ensure political stability.
- (ii) Promote loyalty.
- (iii) Avoid unnecessary election expenditures due to lack of majority / confidence.
- (iv) Ensure continuity and stability in policy making.
- (v) Ensure smooth functioning of the Parliament.

Impact

- (i) Speaker is the adjudicating authority, hence there is scope of bias.

- (ii) No time limit recommended for adjudication promotes greater instability.
- (iii) Loopholes in the form of 'merger'
- (iv) Focus on mere 'numbers' of defectors, not on the 'reason' of defection.

The ambiguities around the Anti-Defection law was tackled by SC in Kihoto Holohan Case where it suggested measures like providing a time limit, speaker under the Judicial Review etc.

NCRWC has also recommended revising of ADL to promote greater democratic participation. The current case of Maharashtra is a testament of the fact that there is a need to revisit 10th schedule.

Feedback

(For OFFICE use only)

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 is governed by various laws in India. It is present for heinous crimes like Rape, Terrorism.

GOVERNOR'S PARDON

The Governors of the states do not have the power to pardon a death penalty. Only President is empowered to do so.

LIMITATIONS ON PARDONING POWERS OF GOVERNOR -

1. The Governor can not pardon a death penalty.
2. The Governor can not use any pardoning power in the case of martial cases.
3. The Governor has limited powers of respite, commutation & reprieve.

4. The pardoning power of Governor is under the Judicial Review of judiciary.

5. Cases with great sensitivity are often taken over by the President.

The cases pending for pardon under the Governor as well as President are high in number.

SC as well as NCRB suggest faster review of mercy petitions. It would ensure greater fairness in justice.

Feedback

(For OFFICE use only)

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)

Competition Commission of India has been established as a statutory body under the Competition Act 2002.

Protection of Consumer Rights

1. Consumer Courts
2. e-filing of complaints
3. inculcation of Alternate Dispute Resolution mechanism.
4. Awareness campaigns.

Promoting Fair Competition

1. Watchdog of the market.
2. Recently reprimanded Amazon.
3. e-complaint systems against unfair practices.
4. Suo-moto cognizance.

Restricting Monopolistic practices

1. Ensuring resolution of complaints
2. Suo-moto cognizance for eg in case of Uber.
3. Capability development measures and awareness campaigns.

In comparison with Western counterparts such as in USA or Britain, there can be some lessons learnt. Greater vigilance, faster resolution, stricter punishments, greater use of ICT, ~~are~~ is a must to provide level playing field for businesses and entrepreneurs.

Schemes such as Start-Up India, Stand-Up India, Make in India work in the direction of creating vibrant competition for powerful economy. It also enforces the fundamental right to occupation and profession under Art 19.

Feedback

(For OFFICE use only)

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 strengthen the democratic functioning and accountability of government and its institutions.

However, various factors have hindered its implementation. Some of them are -

- (i) Ambiguity in laws - which body comes under the ambit of RTI.
- (ii) Interpretation of SC - only the office CJI is under RTI, rest of judiciary remains untouched.
- (iii) Higher posts such as President or Prime Minister are not under RTI.
- (iv) Separate laws like Lokpal & Lokayuktas create confusion due

- to multiplication of laws.
- (V) RTI is used a weapon to fulfil political rivalries.
- (vi) Misuse by NGOs and other civil societies further hinders the functioning of authorities.
- (vii) Slow resolution processes.

The idea of RTI to strengthen participative democracy has been achieved to some extent. Yet, there are several issues pertaining to the same. A holistic reform in the RTI Act would enable greater accountability & transparency. It will bridge the democratic deficit and help India achieve Sustainable Development Goal 16 of Peace & Just Institutions.

Feedback
(For OFFICE use only)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total

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)

Indian bureaucracy finds its origin in the British era. Lord Cornwallis is credited to the institutionalization of bureaucracy.

Perpetuation of old order

- (i) Rigidity in power devolution.
- (ii) Presence of Red-tapism
- (iii) Presence of various nexus like politician-bureaucrats, industry-bureaucrats.
- (iv) Poor implementation of policies.
- (v) Lack of inculcation of modern technologies like AI.

Transformative Role

It would be unfair to believe that bureaucracy has not played a transformative role.

1. Greater democratic participation

2. End of 'license raj'
3. Greater accountability under RTI.
4. Better implementation of policies using ICT

Ex

The need to revitalize and reform bureaucracy is being one of the top priorities of the govt. Mission Karmayogi is a step in the direction. Accompanying an online transparency portal is achieved through iGOT-Karmayogi.

The concept of 'lateral entry' and conventional IAS posts being given to other services like IFos, IRS are also steps in the same direction.

Sardar Vallabhai Patel called bureaucracy the 'steel framework' of India, hence sustainable and holistic reform to strengthen it, is a must.

Feedback

(For OFFICE use only)

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)

Anna Hazare, a social activist, was one of the flagbearers for the enactment of Lokpal Act. The Act was enacted in 2013. The Act has highest democratic institution like PMO under its ambit.

Expectations from the Act

- Better Accountability
- Greater Transparency
- Greater Democratic Culture
- Lesser corruption
- Strengthening of institutions

Yet, Lokpal has not been able to dismantle corruptions in a 'path breaking manner'. The reasons are many -

1. Complaints are often fraud and

frivolous.

2. The complaints are scrutinized by bureaucrats.
3. Political pressures on the lokpal hinders activity.
4. Poor resolution mechanism.
5. Ambiguity in the law.
6. Appointment and emolument protection is not given.
7. Not a constitutional body, hence does not have a constitutional mandate like CAG.

Lokpal as an idea is a necessity for the society. An ombudsman for transparent and accountable governance is a must. Hence, NCRWC and many Law Commission reports suggest reforming the lokpal Act and provide greater powers and a constitutional mandate.

Feedback
(For OFFICE use only)

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 defines India as a 'Union of States'.

The reasons to do so were -

1. India is not a federation like USA where states came together.
2. India is a union, hence it gives greater power to the Centre.
3. To Avoid secessionist tendencies
4. To protect territorial integrity.
5. To instill feeling of national unity over regional identities.
6. Inspiration from historical precedents like Gort of India Act 1935.
7. Influence of Canadian Federalism.

The tension between centre - State relations is historic.

'Union' Responsible for tensions

- (i) states claim 'union' hinder the functional autonomy of states.
- (ii) Political boundaries set by Union are inconsistent with regions.
Eg. The demand of Andhra State and later formation of State Reorganisation Committee.
- (iii) No territorial sovereignty - Under Art 3, Union can change boundaries and size of state.
- (iv) Status of a state can also be altered as a UT or vice versa.
Eg. Goa was earlier a UT.
- (v) Hinders the democratic functioning of state's institutions.

'Union' Not Responsible for tensions

- (i) States themselves have political instability.
- (ii) National Identity is above regional identities.
- (iii) Ample respite through State Reorganisation Act 1956 is provided.
- (iv) Various committees like Fazl Ali have recommended not base States on linguistic, regional identities.
- (v) Protection of weaker states against stronger ones.

The SC in S.R. Bommai Case upheld 'federalism' as a basic structure of the Constitution. There is a greater need of discussion among Centre and States via Article 263, Zonal Councils to ensure compability and concurrence

Feedback
(For OFFICE use only)

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)

According to Mahatma Gandhi,
"The ideal way to achieve rights is through fulfilment of duties."

Fundamental Duties under Article 51 A was added by 42nd Constitutional Amendment Act 1976.

Later, 86th Constitutional Amendment Act 2002, added 11th duty.

The act was enacted under the recommendations of Swaran Singh Committee.

Fundamental Rights and Fundamental duties play an important role in strengthening our society. Both are complementary in nature.

Fundamental Rights Strengthen Democracy

- (i) Protection from arbitrary action of executive. Eg. Article 15, 16
- (ii) Protection from infringement by intrusive legislations. Eg Article ~~14~~
- (iii) Against discrimination on the basis of religion. ^{Article} ~~25~~, 26
- (iv) Protection of democratic ideals through Freedom of Speech & Expression (Art 19).
- (v) Remedial measures via Article 32
- (vi) Greater participation and movement through Art 19.
- (vii) Protection from arbitrary arrests under Art ~~22~~

~~(viii)~~ Fundamental Duties for strength-ning society

- (i) Upholding noble values of Constitution - helps establishing a just society.

- (ii) Respecting women - better position of women in society.
- (iii) Spirit of harmony and brotherhood
- (iv) Respecting others - egalitarian society.
- (v) No discrimination - equal society
- (vi) Scientific temper - modern society
- (vii) Respect cultures. - secular society
- (viii) Respect heritage and environment and wildlife - sustainable society.

Fundamental duties in today's time hold great importance. There is a need to revitalise the cultural values of Indian heritage upon which these duties are based.

President Droupadi Murmu in her speech asked for working on the 'twin tracks' of 'Sabka Prayas' (everyone's effort) and 'Sabka Kartavya' (everyone's duty)

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 कहीं तक सहमत हैं कि न्यायपालिका से प्रेरित सुधार सत्ता के पृथक्करण के सिद्धांत का उल्लंघन करते हैं?

(15 अंक, 250 शब्द)

Judiciary is one of the most important democratic pillars of our constitution.

Role of Judiciary in electoral reforms

- (i) SC in Lily Thomas Case - reformed Representation of Peoples Act 1951 - convicted MPs, MLAs continue to hold offices as unconstitutional.
- (ii) SC in Jaya Badchan Case - provided for description of office of Profit.
- (iii) SC in Kihotoholohan Case - upheld that defection ruling by Speaker under Judicial Review.
- (iv) SC in Keshvananda Bharati Case propounded 'basic structure doctrine and upheld 'parliamentary democracy' as basic structure.

(vi) SC in NOTA case - upheld the validity of NOTA.

(vi) SC in VVPAT Case - upheld the importance of VVPAT along with EVM.

(vii) SC rulings on functioning of ECI to take action against parties violating laws.

VIOLATION OF SEPARATION OF POWER

↳ DPSP, Part IV of the Constitution provides for the separation of power between judiciary and executive.

SC has violated in following ways -

(i) Judicial Activism has become Judicial Overreach.

(ii) Election is a Union Subject as well as State subject. Hence,

the legislation & reform powers lies with Parliament and state legislatures.

- (iii) SC reforms - multiple and many - create scope of confusion.
- (iv) Judicial overreach empowers increase in number of frivolous complaints & cases.
- (v) Destablising the democratic setup of the Constitution.
- (vi) Violates Constitutional provision even after being its guarantor.

Supreme Court as well as High Courts need to evaluate their presence in legislative spheres. The violation of separation of powers should be avoided. At the same time, like ECI suggests, there is a need to reform the election laws to provide greater clarity and uniformity.

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)

The Concurrent list is enshrined in the 7th Schedule of the Constitution along with a Union and State list.

Demand for doing away with Concurrent list

- (i) Creates confusion as both Parliament and States can legislate.
- (ii) Tension between Centre and State relations.
- (iii) States believe it hinders the idea of federalism.
- (iv) Concurrent list is used as a measure to hinder in State's affairs.

(vi) Centre with convenience transfers subjects from state lists to concurrent lists. Eg. 42nd Constitutional Amendment Act moved wildlife, weights & measures.

Utility of Concurrent list

- (i) The list was made to ensure national uniformity.
- (ii) Subjects in the list are of national as well as state's interests.
- (iii) India is a 'union' hence greater powers to Parliament over legislation in concurrent list.
- (iv) Ensure national integrity and unity.
- (v) Ensures that states do not legislate wrongfully.

(vi) Movement of subjects from State lists to concurrent lists to ensure feasibility according to changing needs.

It is pertinent to note that Sarkaria Commission as well as NCRWC recommend greater devolution of subjects in Concurrent list to State lists. It will promote healthy federalism.

SC has also used the doctrine of pith and substance to resolve conflicts between states and Centre over subjects in concurrent list. Eg. GCOCA case.

Hence, there is a need to review and assess the role of 7th Schedule for better governance.

Feedback

(For OFFICE use only)

Structure/ Presentation	
Question Interpretation	
Content	
Value Addition	
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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 constitutional post of Governor was created to act as a bridge between centre and state. However, the position of Governor has become a reason of conflict between Centre and State. Governor's use of discretionary power is one of the issues.

Discretionary Powers of Governor

- (i) Reserving a bill for President's review.
- (ii) Governor can reserve even state's money bill for President.
- (iii) Governor can recommend application of President's Rule under Article 356.

(iv) Governor can hinder functioning of state legislatures by prorogating it.

(v) Governor can dissolve state assemblies due to lack of a clear majority.

Issues Related with Governor's Discretion -

(i) Acts as an agent of Centre.

(ii) Purposefully hinders states functioning.

(iii) Diminishes the role of elected representatives like the COM.

(iv) Misuse of application of Presidents Rule.

(v) The post of Governor has become politicized, hence discretionary powers used for political benefits.

(vi) Violates the basic idea of federalism

Many reports such as Sarkaria Commission, Punchhi Commission, ARC and NCRWC recommended reviewal of Governor's discretionary powers in order to instill greater feeling of federalism.

Supreme Court has also tried to balance the powers by admitting Governor's discretion under judicial review under Article 13.

Old conventions such as consulting with state governments for appointment of governors can be revived.

The democratic fabric of our country would be strengthened if Centre - State relations approve. Reform of the post of Governor can be a step in this direction.

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 decline in effective functioning of the parliament.

(15 marks, 250 words)

संसदीय कार्य-निष्पादन के संबंध में चिंताएं 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 health of our democracy depends upon the democratic functioning of the Parliament. Deliberation, Representation and scrutiny form a part of the functioning.

Instances of Reduced Deliberation

- (i) According to Lok Sabha Secretariat, the numbers of sittings has reduced by 30%.
- (ii) Less and less legislations are considered by Parliamentary Standing Committees.
- (iii) Impact of COVID led to even lesser participation.

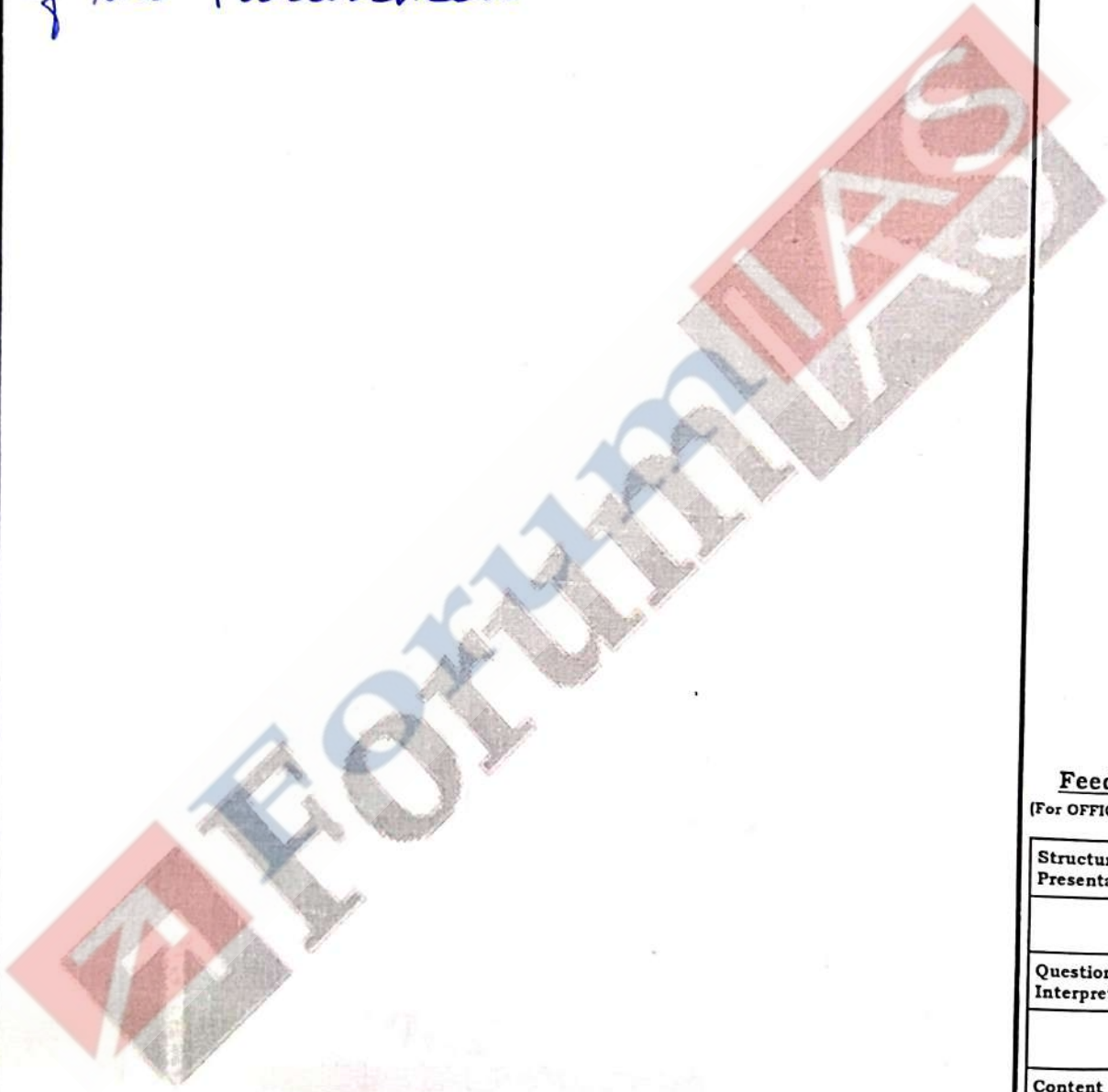
Instances of Reduced Representation

- (i) Rise in number of 'walkouts' instead of deliberative discussions.
- (ii) Poor ratio of tribal members. Even though there has been substantial increase in women members.
- (iii) Frequent defections from opposition parties.

Instances of Reduced Scrutiny

- (i) Bills are passed under 'Money Bill' status. Eg. Aadhaar
- (ii) Lesser scrutiny by Parliamentary Committees
- (iii) Frequent use of parliamentary devices like 'guillotine' for haste passage.
- (iv) Lesser role of Rajya Sabha due to 'money bills' status.

These instances have led to decline in effective functioning of the Parliament.



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)

The existence of Panchayats emerged with a constitutional status came with 73rd Constitutional Amendment Act, 1992.

The Act provide for political decentralization and suggested devolution of funds and functions. However, the devolution was a 'voluntary' provision. That is why in most states, we witness hollow 'representations' and not empowerment.

According to 14th as well as 15th Finance Commission, there is a need of devolution of economic resources to the grassroot institutions.

However, Benefits of devolution of funds and functions :

- (i) Greater autonomy to act according to indigenous needs.
- (ii) Greater fiscal support to implement welfare policies.
- (iii) Better implementation of developmental policies.
- (iv) Better infrastructure development.
- (v) Increased participation in decision making.
- (vi) Devolution of functions would empower unique solutions.

The need for more

Devolution alone is not enough.
We need to -

- (i) Educate and make people at

- grassroots aware of their rights.
- (ii) Greater penetration and coverage of education and health.
 - (iii) Focus on PESA 1996 to include 6th Schedule areas.
 - (iv) Empowers States to implement voluntary provisions of 73rd Constitutional Amendment Act.
 - (v) Increase participation of Civil Society to ensure better implementation of existing provision.

The grassroots development is a necessity for a sustainable future. Following the ideals of Gramswaraj of Mahatma Gandhi can help India achieve sustainable communities (SDG 11).

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)

Marriage is a personal affair, which is why there looms ambiguity around the legalization of marital rape.

Often, the offence of rape is condoned on the basis of marriage, however, there are several issues involved in the criminalization of marital rape-

(i) Burden of proof - The claim of rape is difficult to be proved or disproved by the victim or the culprit respectively.

(ii) Misuse of law - There can be severe repercussions on the culprit accused if a false case is filed. Several

(iii) Precedents from other laws such as Dowry Act. The misuse has been ample.

(iv) False & frivolous cases would take

a toll on woman empowerment in general sense.

(v) Ideas like Prenups would emerge to protect the 'sanctity of marriage'.

(vi) Marriage would become a 'mere contract', which is against Indian cultural values.

(vii) Marriage being a personal affair, sexual intimacy being a part of it would come under the scrutiny of legislation, hence no more a 'personal affair'.

Yet, it is pertinent to note that rape, of any kind, is a violation of woman's fundamental right.

Need of Marital Rape Law -

(i) Holistic framework of law to understand & inculcate various perspectives.

(ii) Views of law makers along with health professionals like psychologists

(Don't Write anything in this)

must be included.

- (iii) Protection to the victim and proper rehabilitation.
- (iv) Women are victims of domestic abuse, sexual abuse, strict laws are necessary irrespective of the sphere of violation.
- (v) Suppressed voices should be heard.
- (vi) Greater immunity & empowerment to women, to live freely & exercise basic human rights.

In India, marriage is seen as a sacred institution. Marital rape is a threat to the sacred institution as well as women's rights. Hence, a legislation is a must and need of the hour. At the same time, we need to revive the moral values of marriage. Indian culture ~~embeds~~ provides ethical values that has to be adhered to, we must inculcate them.

Feedback
(For OFFICE use only)

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)

World Bank defines Governance as a process to make efficient use of resources, institutions for the benefit & upliftment of the people. It comprises of various stakeholders and Pressure Groups are one of them.

Govt of India's motto of "Minimum Government, Maximum Governance" throws light on the increased role of Pressure Groups.

In following ways Pressure groups make democracy participative, transparent & accountable -

(i) Collective Voice of People - Pressure groups in the form of small societies like Kisan Sabha, help voicing their opinions.

(ii) Women Empowerment - Organisations such as Kudumbashree in Kerala, has empowered women rights.

(iii) Student Participation - Organisations like ABVP, NSUI, help in developing political & democratic youth culture.

(iv) Business and Industry Associations like ASSOCHAM help govt understand on ground issues.

(v) Environment Protection - NGOs like Centre for Science & Environment help spreading environmental awareness

(vi) Tribal Rights - Campaigns such as Narmada Bachao Andolan help preserve tribal rights.

(vii) Policy Formation is aided by think tanks like ORF

(viii) Legal Empowerment also occurs with the help of organisations setup under NALSA. Eg. Project 39-A.

(ix) Transparency enabled by various NGOs that enforce Right to Information.

(X) Accountability is also ensured by Pressure Groups regularly vocalizing with Lokpals and Lokayuktas.

The idea of governance is ever-evolving. Even the government itself through portals like PRAGATI and policies like Mission Karmayogi is trying to reform itself from within.

It is important to note that the role of pressure groups should not be politically motivated. It should be based on the ideals of citizen charter.

Government and other civil society organisations like Pressure Groups can help India fasten its pace to achieve the ideals of 'Amrut Mahotsav'.

Feedback

(For OFFICE use only)

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)

The world is witnessing Industrial Revolution 4.0. It is based on inculcation of various technological developments in the ease of living. Mobile networks, smart phones and data revolution are a part of it.

With the rapid advancements in technology, the government has realised the importance of m-governance. Some of the instances where we can find m-governance as an integral part of government social welfare programmes are -

- (i) JAM Trinity - Jandhan Accounts linked with Aadhaar, backed by access to mobiles for greater penetration of welfare schemes.
- (ii) GeM - Govt e-Marketplace for better delivery of services.
- (iii) m-KISAN - for better planning

advises to the farmers by expert scientific community.

- (iv) Digital India Mission - for greater access to digital services like Telemedication.
- (v) Bharat Net 2.0 - for greater penetration & access of internet.
- (vi) SAMAADHAN portal - for MSME dispute resolutions
- (vii) e-Courts - for better implementation of NALSA, upholding values of Art 39A.
- (viii) Tele-Education - for better access to education, e-Gyankosh.
- (ix) Skill India Mission - offers online vocational courses & certification.
- (x) SHE Box - for women empowerment and protection from sexual harassment.
- (xi) online registrations for startups & entrepreneurs through Start-Up India

However, there are some bottlenecks to be tackled. For eg. the digital divide is visible with 99% Urban population having access to internet and mobile, but in rural areas the scenario is a meagre 30%. Also, women form only $\frac{1}{3}$ rd of the population with the access to mobiles.

Ministry of External Affairs NEST (New Emerging Science & Technology) division, NITI Aayog's expert committees on Artificial Intelligence and Big Data are working in the right direction.

For India can achieve SDG 17 (inclusive of all SDGs) by inculcating newer technologies in welfare programmes. A balance has to be maintained to protect data, privacy (Art 21). With the efficient implementation, India can rise and become a \$5 trillion economy soon.

Feedback

(For OFFICE use only)

Structure/ Presentation	
Question Interpretation	
Content	
Value Addition	
Total	

Mentor Feedback Questions

- 1
- 2
- 3
- 4
- 5

Test Goal

- 1
- 2
- 3

Outcomes

-
-
-
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Marking Scheme

Mark	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
✓✓	Key / Relevant Point		
✗	Vague / Irrelevant		

* Subject to change without prior notice.