

TEST CODE : 5 1 2 2 3

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



GENERAL STUDIES

Name Of Candidate

GUNJITA AGRAWAL

Roll No.

1910028071

Date:

6-07-2022

Time Allowed: Three Hours

Maximum Marks: 250

INDEX TABLE			INSTRUCTION	
Q. No.	Max. Marks	Marks Obtained		
1			1. Please do furnish Name, Email, Roll No and Mobile in the answer sheet.	
2			2. There are TWENTY questions printed in ENGLISH & HINDI, all questions are compulsory.	
3			3. The number of marks carried by a question/part is indicated against it.	
4			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			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.	
6			<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 11:48 AM	End Time 3:18 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	
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			Evaluation Date:	

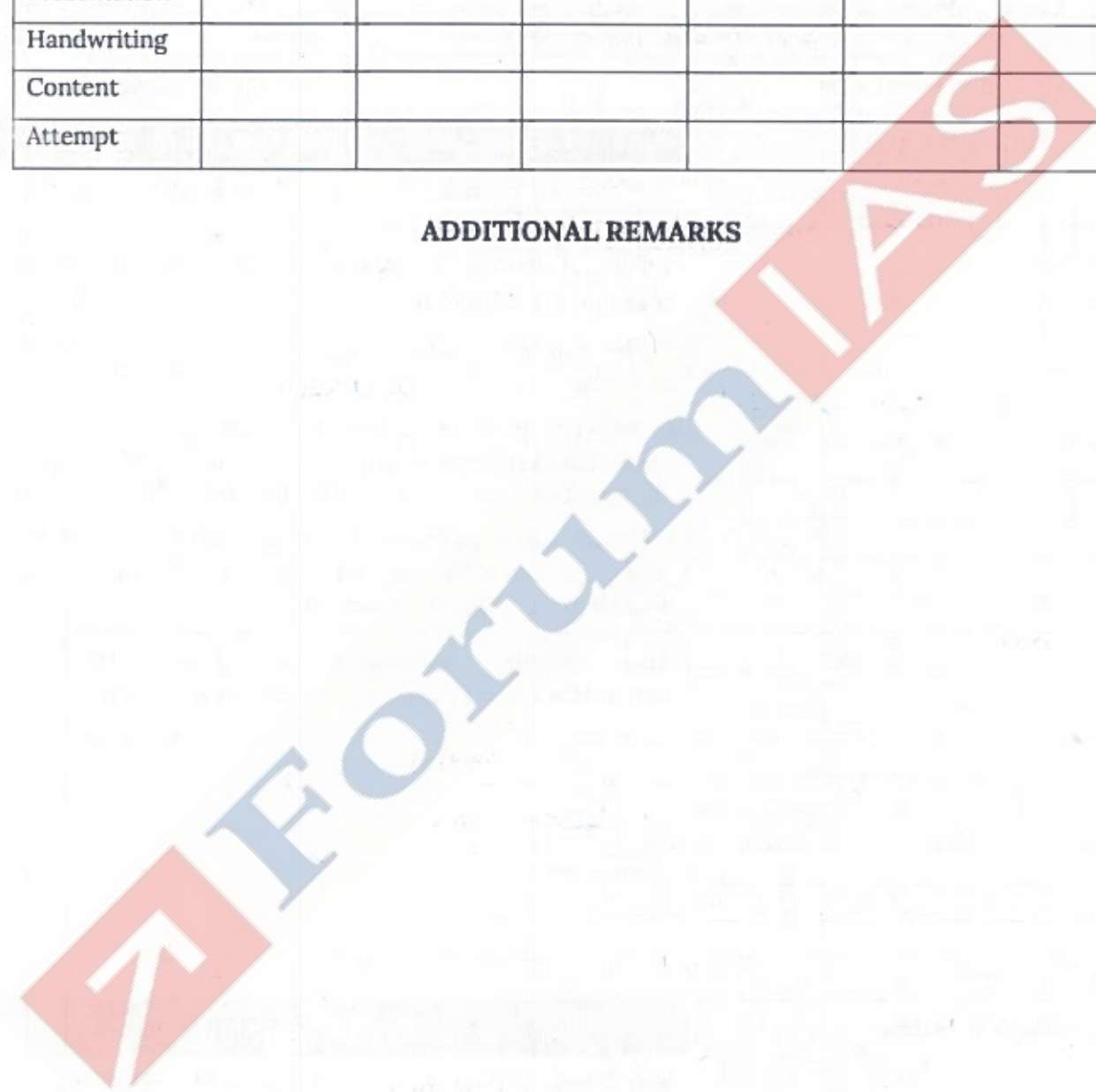
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Note: You can discuss your evaluated copy with the Mentor. Raise a ticket from your portal to schedule a mentor call or visit the offline centre to meet mentor (all 7 days, Timings – 11 AM to 6 PM). Further if you are unsatisfied with the evaluation, 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 evolved during Keshwananda Bharati Case, 1973 by SC of India. It implies that 'certain basic fundamental principles' of the constitution can not be amended.

CRITICISM

Confusion

① Against fundamental rights and DPSP sometimes.

Eg. S.R. Bommai 1992 - Secularism as part is against Right to Religion (A 25-18)

② No codification, hence 'monopoly of judiciary'

Eg. Earlier defection law absolute right of speaker. Manipur Assembly

are interfered before speaker's decision

Vagueness

① different interpretations to doctrines like 'secularism', 'federalism' etc.

② Judicial overreach sometimes like NGI banning construction in Punalinda beach

But constitutionally, power only to Supreme (A-32) & High Courts (A-226)

loosely formulated

and archaic in interpretation — do not reflect contemporary society

Eg. Reservation under Article 16 based on

Rule of law

But now **ENS**

Regardless, keeps EXECUTIVE & LEGISLATURE in 'checks and balances'.

It promotes 'constitutional morality' by upholding principles of unity, fraternity and integrity.

Feedback

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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 law is a colonial law under section 124A of IPC that prescribes criminal charges against actions or spoken words which aim to create disaffection ~~among~~ ^{against} government.

THREAT TO CIVIL LIBERTIES — SHOULD BE SCRAPED

- ① Against Art-19 — Freedom of speech and expression, includes freedom to dissent.
- ② Weaponisation against dissenters by state government or ruling party.
eg. Mohd Zubair — AIT News case.
- ③ Restricts healthy democratic discussions over government policies
Eg. COVID policies over Twitter.

- ④ Ensure accountability of ministers and government functionaries
 Eg. Bhima Koregaon case

BUT SHOULD NOT DO AWAY

- ① Promotes unity and integrity of elected government \oplus friendly relations with countries
- ② Demotivates secessionist or fundamentalist tendencies
 Eg. Khalistan movement
- ③ Helps maintain law and order during crisis [Eg. Republic Day violence, 2021]

Recently, government on recommendation of law commission has reconsidered the colonial legacy law.

Reform needed where balance between individual liberties and state sovereignty

Feedback
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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)

Preamble of India is based on 'Objectives Resolution' of Jawaharlal Nehru. It has been called 'heart and soul of constitution' by constituent assembly members.

Expression of Philosophy

- ① Nature of polity is socialism and WELFARE SOCIETY which further enshrined in DPSPs.
- ② Brotherhood and national fraternity as bedrocks of Indian democracy.
→ fundamental duty of ART 51A to promote brotherhood.
- ③ India as a SECULAR state moving beyond communal divisions that led to partition.
→ Aim for UCC.

Expression of principles and purpose

- ① Democratic principles since authority of derived from people of India.
- ② Representative Republic which means elected head and no authoritarianism.
- ③ gives ECONOMIC, SOCIAL & POLITICAL goals of justice as purpose.
→ to minimise inequalities.
- ④ Reflects SOVEREIGNTY as constitutional principle.

with 42nd amendment, 'moving & living constitution' principle justified.

Further, in Kesavananda ^{case} declared as a 'part of constitution which is independent of other parts'.

Feedback

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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 of the constitution gives its citizens the freedom to profess, practice and propagate their religion, including freedom of conscience.

'doctrine of essentiality' reflects that only those practices which are essential to a religion have to be protected.

RESTRICTION OF AUTONOMY

① Against fundamental right to religion
since minority religions have right to decisions

Eg. In 1984, SC abstained 'Tandava' as essential - offered by Ananda Math, Aghoris etc.

② Can not freely express their beliefs and practices [Against Right to privacy]
 Eg. Hijab Ban in Karnataka opposed by few Muslim women as threat to right of choosing clothes.

③ goes against SECULARISM where separation between law and religion.

DOES NOT RESTRICT AUTONOMY — IS ESSENTIAL

① to protect women rights and children rights.

Eg. ① Entry to Sabarimala
 ② Shayara Bano - End to Triple Talac

② to end inhuman practices which are against Article 21 - Right to life

Eg. genital mutilation

We must avoid judicial overreach and discussions must be based on multi-stakeholder consultations

[Eg. Solving Ayodhya dispute]

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 52nd amendment act 1986 brought a disqualification law against elected members of Parliament and state Legislative Assemblies based on

- voluntary exit from party
- voting against party direction
- split or independent joining a party

Intent of Tenth schedule

- ① Discourage 1970's & 80's trend of 'Aya Ram, gaya Ram' politics.
- ② Maintain political stability
- ③ Reflect electors decision based on party lines as supreme.
- ④ Discourage divisive politics

These were also foreseen as POSITIVE IMPACTS of the law.

Negative Impact

- ① Against 'freedom to dissent' and reduces intra-party democracy.
- ② Absolute power to speakers
 [^{SC} recommended shift to a separate independent tribunal]
- ③ Used as a political tool by ruling party — Muga provision
 eg. Maharashtra
- ④ Defeats purpose since frequent — Goa, Karnataka, MP

- ① Kinzo Hollahan case, 1992 decision of judicial review is a welcome step.
- ② Parliament must fix time for speaker to take decision [Manipur case, 2020]
- ③ Law Commission — President + EC should get powers.

Law needs an overhaul looking into present circumstances.

Feedback (For OFFICE use only)

Structure/
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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 or capital punishment is a legal measure in india. Supreme courts and High courts including sessions court can give death penalty for heinous crimes.

Why still legal?

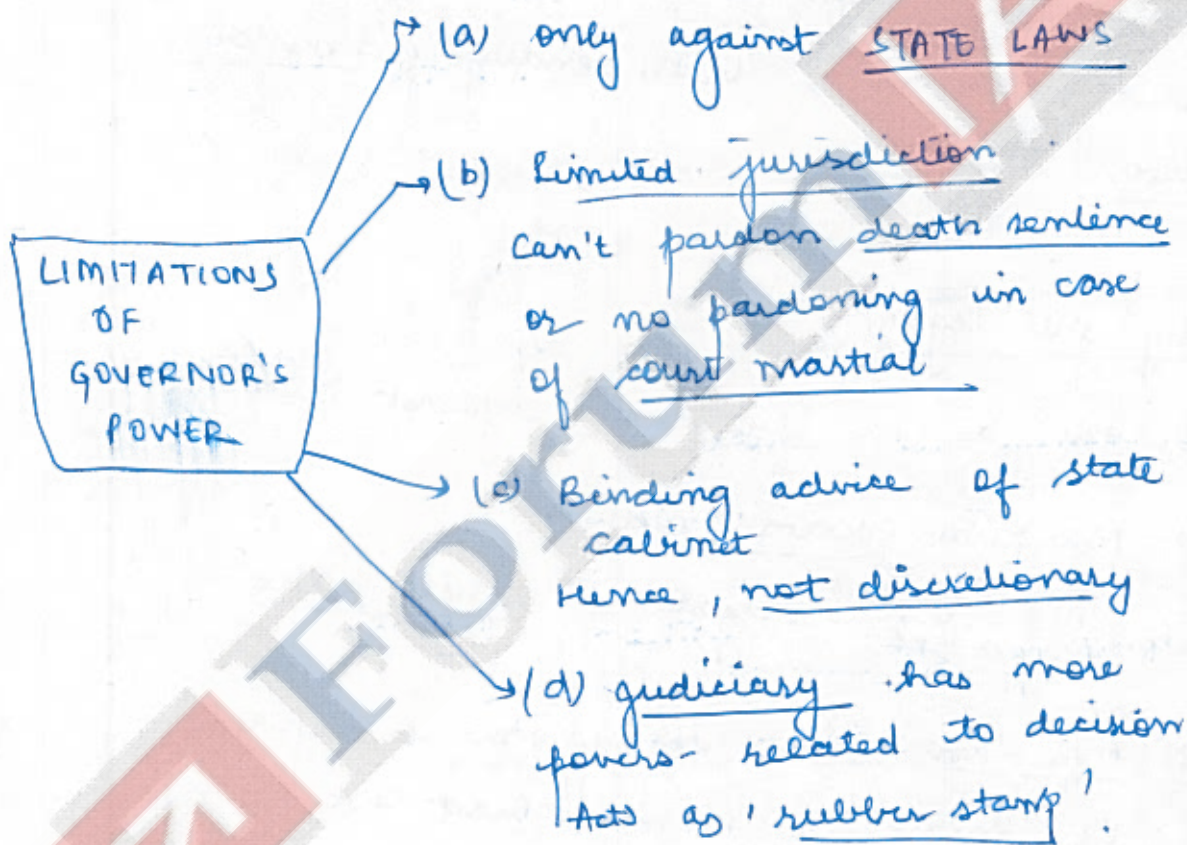
- ① Acts as a deterrence against crimes
- ② Maintain social order
Eg. POCSO suggests for child rapes
- ③ Non-avoidable if against sovereignty
Eg. Kasalt in Mumbai Blast case.

But, against human rights issue. Even UK, USA, Australia have abolished.

⑤ → only an exception — 'Test of proportionality'

Constitution has given only the President the power to PARDON a death sentence [Article 145]

Governor can remit, commute or reprieve but can not pardon.



Pardoning power helps maintain check over hasty decisions and ensures 'Right to be heard'.

Feedback
(For OFFICE use only)

Structure/ Presentation
Question Interpretation
Content
Value Addition
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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)

CCI is a quasi-judicial body which holds statutory status under Competition Commission of India Act, 2002.

SUCCESSSES

① Protecting consumer rights by holding corporates accountable

eg - Maggi - lead case 2016

② Promoting fair competition : Restricts exploitative trade practices like 'DISCOUNT TRAPS' or low quality products

→ Also, protects domestic market by recommending and duties polices against tariffs.

③ Restricting monopolistic tendencies : by ensuring fair marketing over social media -

→ Provides quiverance redressal to businesses and customers both.

④ gives REPORT to central government on its functioning, hence ECONOMIC JUSTICE [DPSP]

FAILURES

① In west, more freedom to take action

Eg. Walmart case

② No action against state monopolies like 2G scam.

③ Elite capture - promotes corporate interests of big firms like Adanis, Ambanis

CCI should be given more autonomy under CPA, 2019 and commerce guidelines.

It should ensure 'SABKA SATH & SABKA VIKAS'

Feedback

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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)

RTI was brought as a part of Article - 21 and 'Right to Information' became a fundamental right with the RTI Act, 2005.

with appointment of 'Public Information Officer' in every government department, it strengthened accountable democracy.

ISSUES

- ① Over centralisation with RTI (Amendment Act), 2019
 - ↳ Full appointment and service conditions by EXECUTIVE
 - ↳ Promotes corruption
- ② Delay leads to vacancies affecting highers - Eg. 10 IC's statutorily. In 2020 - only 3.

- ③ Exceptions like Supreme Court / : advice by Councils hence discourage. Koppal
- ④ conflict with Official Secrets Act, 2004 leads to evasion.
Eg. Rafale deal information
- ⑤ 'Public interest' term vague. IC gets to decide relevance.

WAY FORWARD

- I. Ensure PIOs appointed, else punitive action by CIC
- II. Filling of vacancy before end of term
- III. Create awareness so that people can utilise its purpose
↳ in vernaculars.

RTI is a 'magnacarta' of transparency law in India. It must be implemented in letter and spirit.

Feedback

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

According to Max Weber, Bureaucracy is a hierarchical organisation performing assigned roles in a rational manner.

Bureaucracy — A Transformative Role

① create RESPONSIVE governance

Eg. During COVID-19, ~~was~~ CoWIN and vaccine delivery.

② Initiate and promote social change

Eg. Disabled rights by making government institutions disabled-friendly.

→ WOMEN — Empathy and support through KUDUMBASHREE [SHG] in Kerala

③ Digital efficiency through e-governance or DBT assurance.

Perpetuation of old order

- ① Red tapism, 'government of files'
India ranks worst in 'contract enforcement' laws.
- ② 'culture of elitism' - non-accessible
Reduced on-field experiences
- ③ caste and communal bias
eg. Bureaucrats turning politicians after retirement.
- ④ gender representation is low affecting implementation of policies of nutrition child care etc.

→ Follow ARC-2 recommendations regarding 'young & enthusiastic bureaucracy' [Age limit - 25 years], mid-career training and high accountability in Annual reports.

Mission Karmayogi will help break shackles of traditional bureaucracy.

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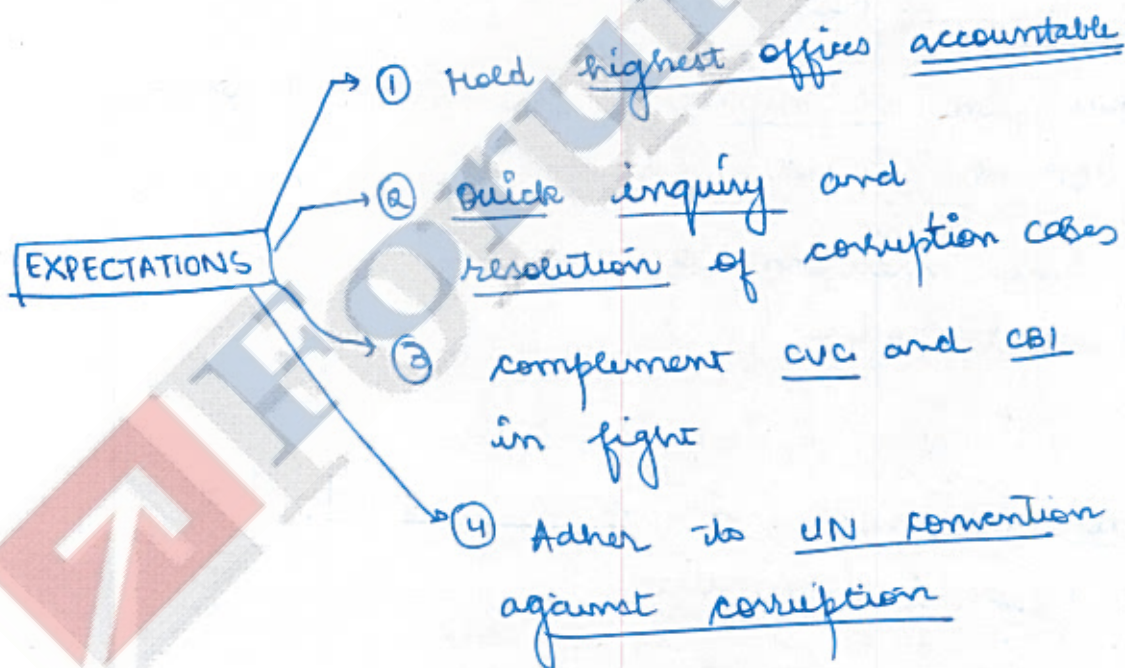
Structure/ Presentation
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Q.10) Contrary to expectations surrounding its enactment, the institution of Lokpal has not proved path-breaking in dismantling the structures of corruption in public life. Analyze.

(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)

As a successful result of 'Anna Hazare Movement', Lokpal Bill Act, 2013 led to an institution of Lokpal who could check charges against PM, MPs, Councillors of ministers and other grade A & grade B officers.



FAILURES AGAINST CORRUPTION

- ① It took 7 years to appoint first Lokpal in 2020.

- ② Reluctancy to pick up high profile cases leading to political scams.
Eg. school education in West Bengal
- ③ No suo-moto powers
- ④ Dependency on CVC for infrastructure and manpower.
- ⑤ High levels of corruption still exist — Politicisation of criminals.

BUT SUCCESSES TOO

- ① Rise in transparent government with PM also under ambit.
- ② Lokpal creating awareness through social media.

Lokpal needs to be strengthened through

3 Fs —

- functionaries
- funds to operate
- functions.

It could be given constitutional status to ensure ~~is~~ more outreach power.

Feedback (For OFFICE use only)

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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 constitution defines India, that is Bharat as a 'union of states'. It was a thoughtful decision by constituent makers.

- Why**
- ① unlike USA, not based on agreement of states but states part of union.
 - ② Indestructible union of destructible states.
Article 2 & 3 allow Parliament to alter boundaries, name etc of state.
Eg. separation of Andhra Pradesh
 - ③ Sovereignty a constitutional principle
→ Executive can reorganise or cede territory without states permission

Eg. Berulari Union in 2014.

→ (4) To discourage secessionist trends at that moment like Jammu and Kashmir, Sikkim etc

REASON FOR TENSIONS

- ① Against basic structure of 'federalism' leading to conflicts.
Eg. GST Compensation
- ② Regional powers and parties feel threat to identity 'ONE NATION - ONE LANGUAGE'
Eg. (TN) chose to use 'union' against 'centre' in official documents..
- ③ Reorganisation affects state polity and unilateral economy.
Eg. J&K reorganised without state Assembly's opinion.
- ④ Creates mistrust, especially in North-East → Citizenship Act, Demand for greater Nagaland.

But, UNION also promotes cooperative and competitive federalism.

→ During COVID, states given powers to act Eg. local lockdowns.

→ Discourages secessionist tendencies like Khalistan Movement.

→ Focus on 'EK BHARAT - SHREYASTHA BHARAT' Indian culture as a mix of all.
Eg. Sanskrit President

→ Promote SOCIAL GOALS and 'citizen development through one nation - one nation cond etc.

Institutions like Inter-state Council and Local Councils must be used to address state's concerns.

Focus on achieving preamble's philosophy of 'unity and integrity' of nation.

Feedback

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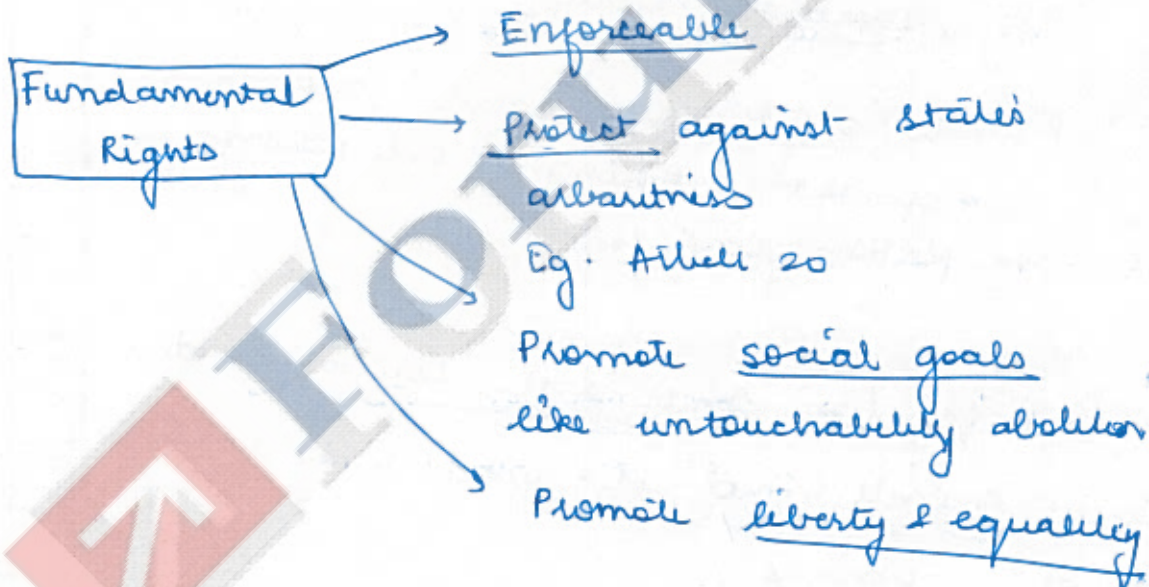


Q.12) While fundamental rights have strengthened our democracy, fundamental duties are essential to strengthen our society. In this context examine the importance of fundamental duties for Indian society. (15 marks, 250 words)

जहां 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 rights under Part-III of the constitution and fundamental duties under Part-IVA act as twin pillars of modern constitution.



Hence, strengthen our democracy!

FUNDAMENTAL DUTIES under Article 51A

were brought by 42nd Amendment Act, 1976

They were recommended by Swamin Singh committee.

IMPORTANCE

- ① Exist in CORRELATION to fundamental rights
 Eg. Art 21A - Right to education correlates to duty of parents to provide education
- ② Promote ACTIVE CITIZENSHIP
 Eg. Render service when nation calls for.
- ③ Restricts ARBITRARY POWERS to any single individual or community.
 → Fraternity
- ④ Further social ideals and harmony like respecting dignity of women.
- ⑤ Promotes ECOLOGICAL balance as part of duty. Eg. Protect lakes, rivers

⑥ Helps state achieve policy objectives through sovereignty and integrity

BUT limitations:

- ① Did not add - Duty to pay taxes as per swam surgin
- ② Non-judiciable hence not enforcing, disrespect to national ideals like national flag.
- ③ Vague - 'struggle of Indian National Movement' could promote militarism a well.

WAY FORWARD

- ① Develop more legislations apart from one by gusha Verma
- ② Create awareness
eg - Har Ghar Taranga committee
- ③ Non-fulfillment not an excuse by state to avoid rights.

Fundamental duties are important to Indian constitutional scheme as ensure citizen responsibility.

Feedback

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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)

Electoral reforms means bringing more transparency and accountability in election processes, people and procedures.

Judiciary has played an active role:

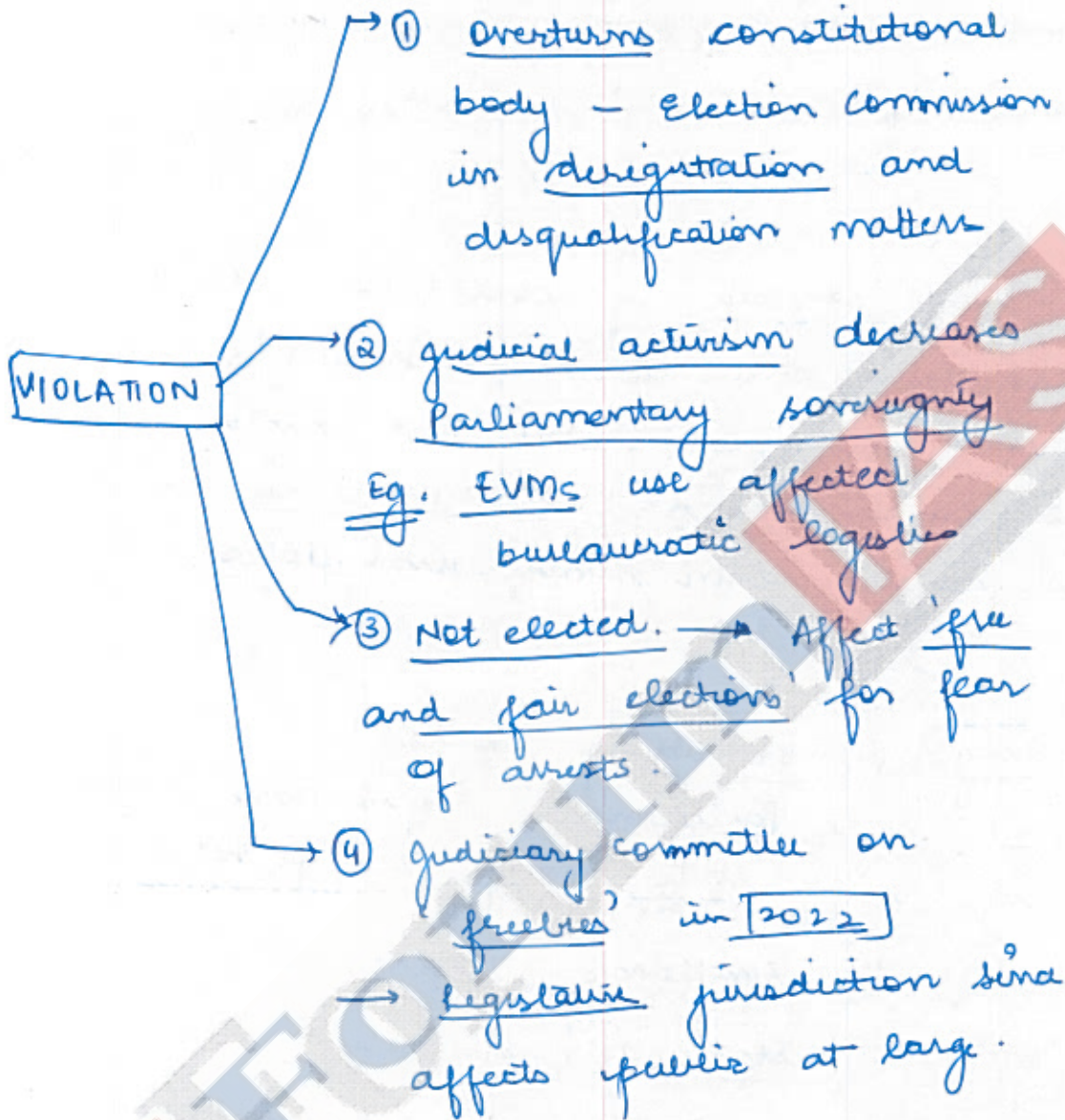
① Ensuring 'free and fair' elections as part of basic structure - Minerva Mills case 1980

② Against criminalisation of power
→ PUGL vs UOI, 2002: Contestants must be ethical - Declare criminal charges.

→ Lily Thomas case: Candidates with 2 year imprisonment must be disqualified.

- ③ In PUCJ vs UOI, 2013 - introduced NOTA thus giving right to vote in the spirit.
- ④ Against Anti-Defection
- Kihoto Hollohan Case 1992 - Part of judicial review.
 - Manipur Assembly Case 2020 - If speaker decides not to act, judiciary can intervene.
- ⑤ Public Interest Foundation Case, 2018 made it compulsory for candidates and their dependents to declare assets, incomes, social media platforms etc.
- ⑥ Ensure MCC is followed by allowing review petitions under Article-32.

Constitution calls for separation of power between judiciary, Executive and Legislature.



Judicial enthusiasm has helped bring social reforms (like Against A-377) but electoral reforms must be in consensus with legislature and Election Commission.

Feedback

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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 seventh schedule of constitution divides matters into three lists - union list [exclusive to union government], state list [exclusive to state government] and concurrent list which gives power to both centre and states.

- Challenges
- ① Overriding power to a Parliament's legislation over state Eg. wildlife Act, 1972
 - ② Challenges 'federalism'
States feel restricted
→ Decisions around States
under 42nd amendment
 - ③ Parliamentary overreach
Eg. Cooperative Law declared unconstitutional by Supreme Court since no state ratification when state subject

These challenges have led to demand for doing away :

UTILITY

(a) Helps deal with emergency and national crisis

Eg. COVID-19 required National lockdown

(b) Promotes cooperative federalism

eg. GST Council promotes 'one nation, one market, one tax'

(c) Bring law in conformity with international law.

Eg. Ramsar convention → Wetland rules.

(d) create UNIFORMITY in terms of social reforms.

Eg. National Education Policy, 2020

will help reduce regional difference

similarly, increasing age of women

for marriage will help achieve UCC

[Article 44]

(e) can be amended by under Article 368.

Hence reflects change & adaptability -

Eg. 42nd Act, 1976: Brought courts & hence provision for All India judicial service.

WAY FORWARD

- ① Sarkaria Commission - give residual powers under concurrent list.
- ② Law Commission - Reforms needed in 7th schedule
Eg. Bringing revenue power or criminal law reforms under concurrent.
- ③ Allow states autonomy: Minimal deliberations by Supreme Court Parliament.
- ④ Focus on constitutional roles as states' jurisdiction and Centre is deferred
Eg. Panchayats under state only.

Focus should be to ensure 'SABKA YODJANA, SABKA VIKAS' to develop ATMANIRBHAR BHARAT.

Feedback (For OFFICE use only)

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)

Governors are appointed by President ^{as} ~~under~~ his agent under Article - 164. They are representative of Centre but constitutionally, the head of states executive.

unlike President, who have situational discretions, governors have constitutional discretions like:

- ① Power to choose chief minister in case of hung assembly.
- ② Reserve bills for consideration of President
- ③ unlike President, governor not bound by aid and advise of cabinet under Article 42nd Act, 1976.

- ④ Recommend President's Rule to Centre based on report.
- ⑤ call for a vote of confidence if feel that no majority.

ISSUES ASSOCIATED

- ① Disregard electoral mandate
Eg. in Karnataka called largest party but in goa, called pre poll alliance
- ② Hence, favour majority government in centre.
- ③ Only nominal head, yet some governors create tussle Eg. Bengal
- ④ Recommend President's Rule even if state machinery exist
Eg. - Jammu & Kashmir
- ⑤ Against unity of nation & law & order.
Eg. Maharashtra governor - against local Marathas appreciated Raj & Gujarat migrants

- ⑥ Deeply influenced by local politics
 Hence not impartial.
 Eg. Delhi LG vs AAP government

WAY FORWARD

- Sarkaria Commission: Must be outside state and no relation with politics
- Punchi: Give fixed tenure of 5 years as against pleasure.
- should not be seen as post retirement avenue [Remove as chancellors - (SC)]
- Fulfill constitutional mandate of unity and integrity — (NCRWC)
- Promote WOMEN governors to raise empathy

Office of governor is a constitutional post which requires utmost integrity and impartiality.

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)

Parliamentary democracy based on West-minister model of democracy was chosen by constituent founders. It acts as a third tier [legislature] & ensures collective responsibility of Executive

DECLINING PARLIAMENTARY PERFORMANCE

→ DELIBERATIONS

① Reduced discussions and sittings due to COVID or absenteeism

Eg. Rajya Sabha productivity → 90% during 2021 budget session
48% during 2021 winter session

② Frequent adjournments and disruptions
Eg. Against farm laws.

③ No avenue to discuss national issues
since ministers absent.

④ Ordinance power misused — Eg. Liberal Reforms Bill 2021

→ REPRESENTATION

① No measure to publicise attendance records

② 'Election mode' hampers productivity

③ Nominations in Lok Sabha biased
Eg. SC judge gogoi nominated without cool off period.

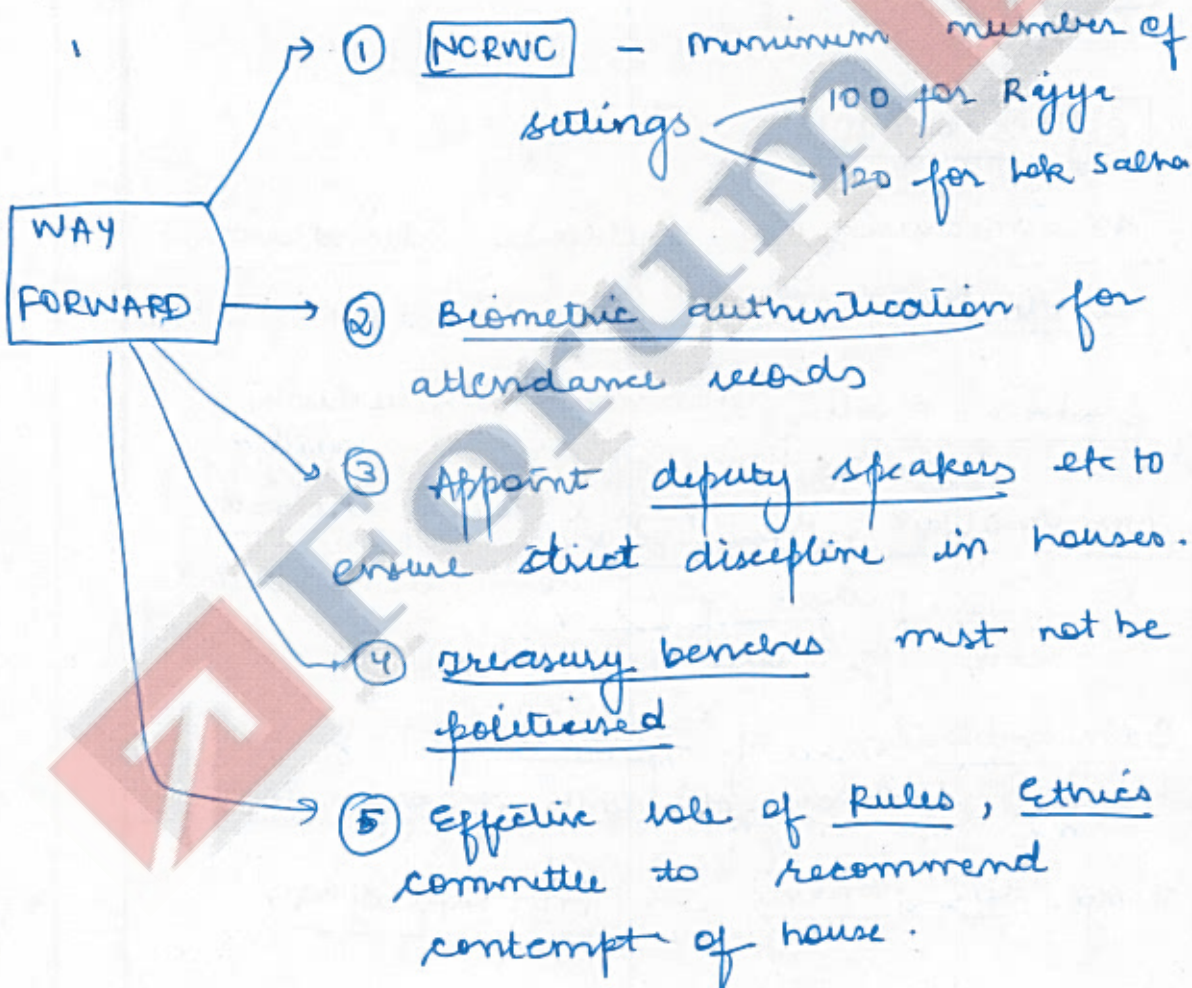
④ Criminalisation of politics
Eg. 37% have criminal charges — ADR

⑤ only 14% women in 17th Lok Sabha.

→ SCRUTINY

① Declining role of Parliamentary committees —

- ② Bypassing Rajya Sabha
eg. Aadhar as money bill.
- ③ No discussion on reports of Public Accounts Committee, CAG etc
- ④ Out of 13 bills in budget session, 2022 not even one sent to select committee.



Parliament is bedrock of 'representative democracy': — 'Temple of India'

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 were made constitutionally a third tier of government through 73rd Amendment Act, 1992 based on Jadgil Committee.

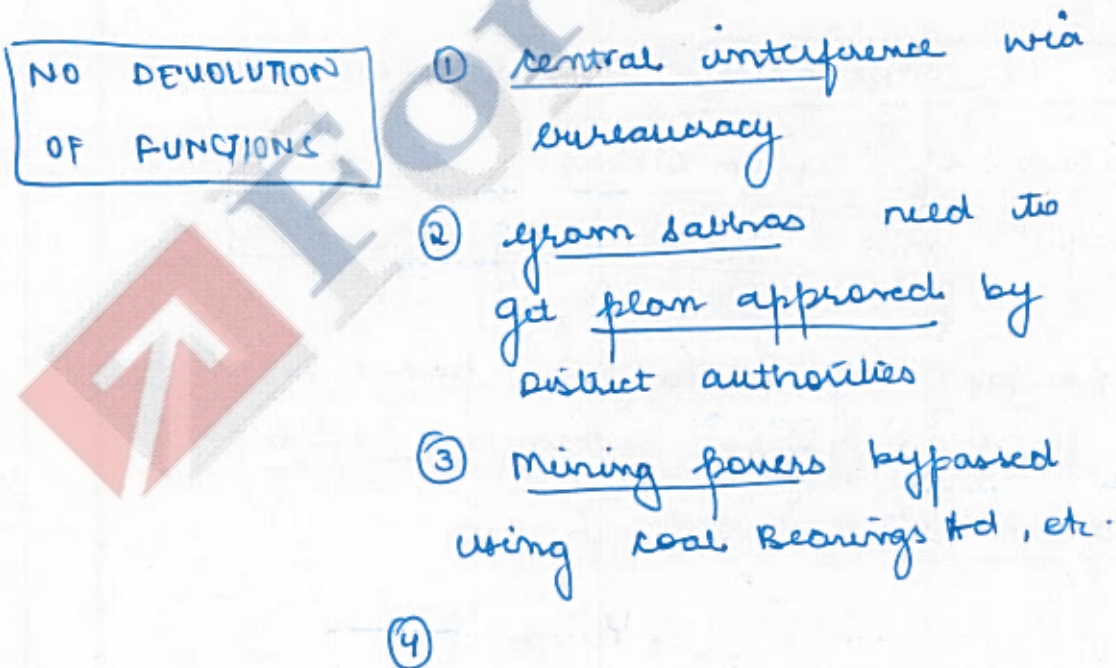
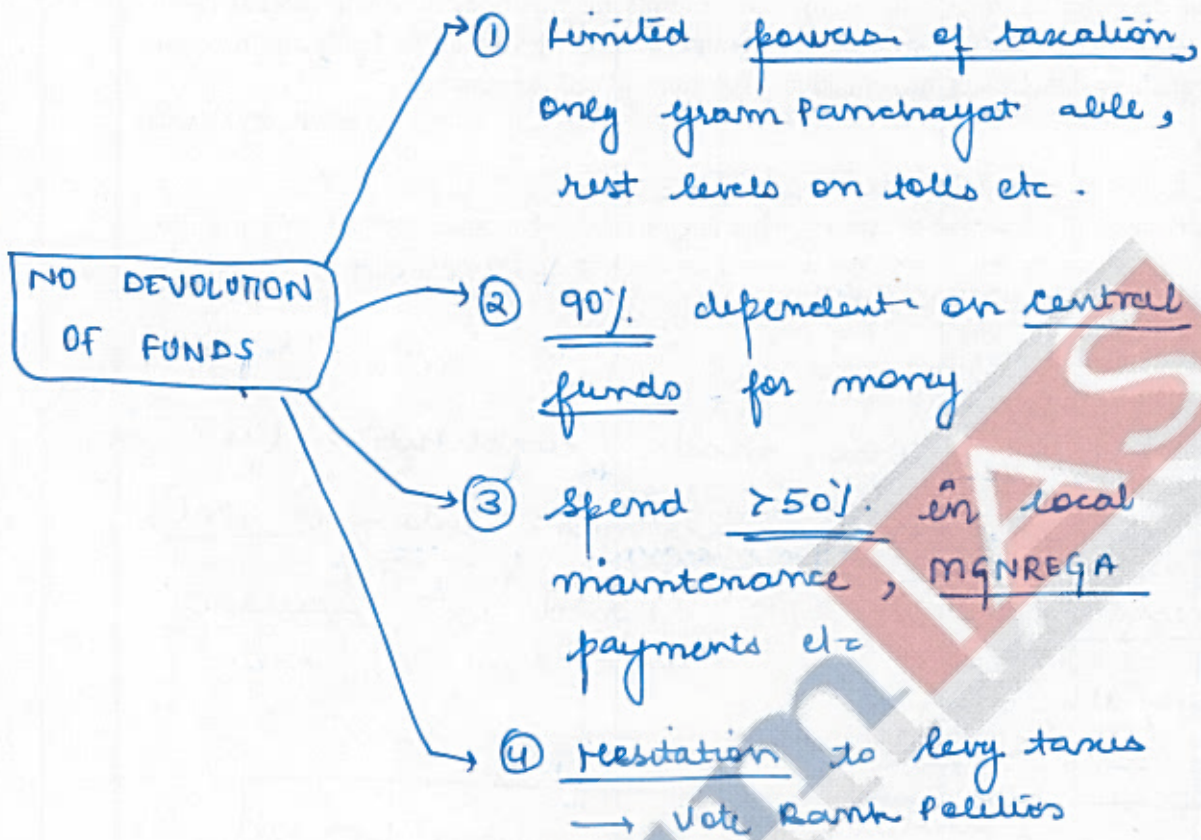
Representative → Participatory democracy

POLITICAL DECENTRALIZATION through compulsory formation of gram sabhas, gram panchayats and intermediary panchayat.

PESA Act, 1996 gives political powers and functions to gram sabhas in fifth schedule areas.

BUT, lack of 3Fs

- funds
- functions
- functionaries



Beyond funds & functions, steps needed

- ① Implement Finance Commission recommendations → Higher grants
Higher powers of taxation
- ② Civil society as agents
Eg. Kudumbashree in Kerala
- ③ Peoples plan campaign Develop GPDP with involvement of citizens.
- ④ Using technology for efficient governance
Eg. SVAMITVA for land records
C.P GRAMS et
- ⑤ Media awareness Eg. Panchayat web sites
- ⑥ Empower marginalised - check Panch-pati's concept

Panchayats reflect Gandhian ideals of SWARAJYA or self-reliance.

Feedback

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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)

Law Commission of India has asked central government to reconsider marital rape as an offence under sections of IPC.

ISSUES IN CRIMINALIZATION

- ① Legislative process would be cumbersome
- ② Building consensus in society since political and social groups adopt different position.
- ③ could lead to religious riots
since, Hindu - marriage as sacrament
Muslims - right to polygamy.

④ Threat for abuse of law by females
 → could be used as tool for
exploitation

⑤ vagueness since new forms of
 relationship.
Supreme Court - recognizes child out of
liv-in-relation as legitimate so would
 it apply?

⑥ Reluctance by patriarchal institutions
 like judiciary [only 3 women judges] or
legislature [only 14% women] to initiate
 discussions.

Why need

① Article 21 : Right to life
 and dignity

② Against equality of
 married and unmarried

③ Promotes sexual violence
 as legitimate

[Against Beijing Declaration 1984]

WAY FORWARD

- ① Multi-stakeholder committee must be set up to discuss
 → Public opinions must be sought
 [A 2012 survey - 71% were against]
- ② strict laws like POCSO Act, 2012 and Domestic Violence Act, 2005 must be implemented.
- ③ create awareness and gender sensibility in education
- ④ social media campaigns like MeToo use western case studies
- ⑤ balanced law with focus on both innocent man's right and victim's

Swami Niranjananda said - India can not progress if women are not empowered - includes sexual & psychological too!

Feedback

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Structure/
Presentation

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Interpretation

Content

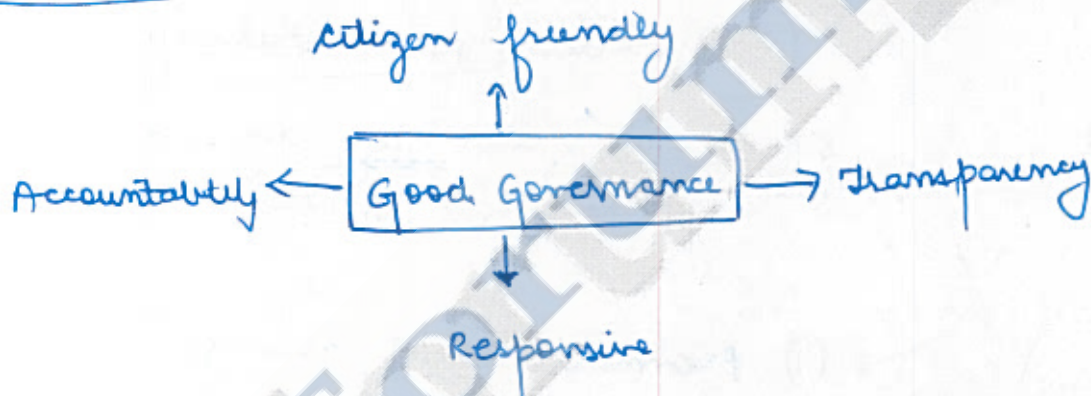
Value
Addition

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)

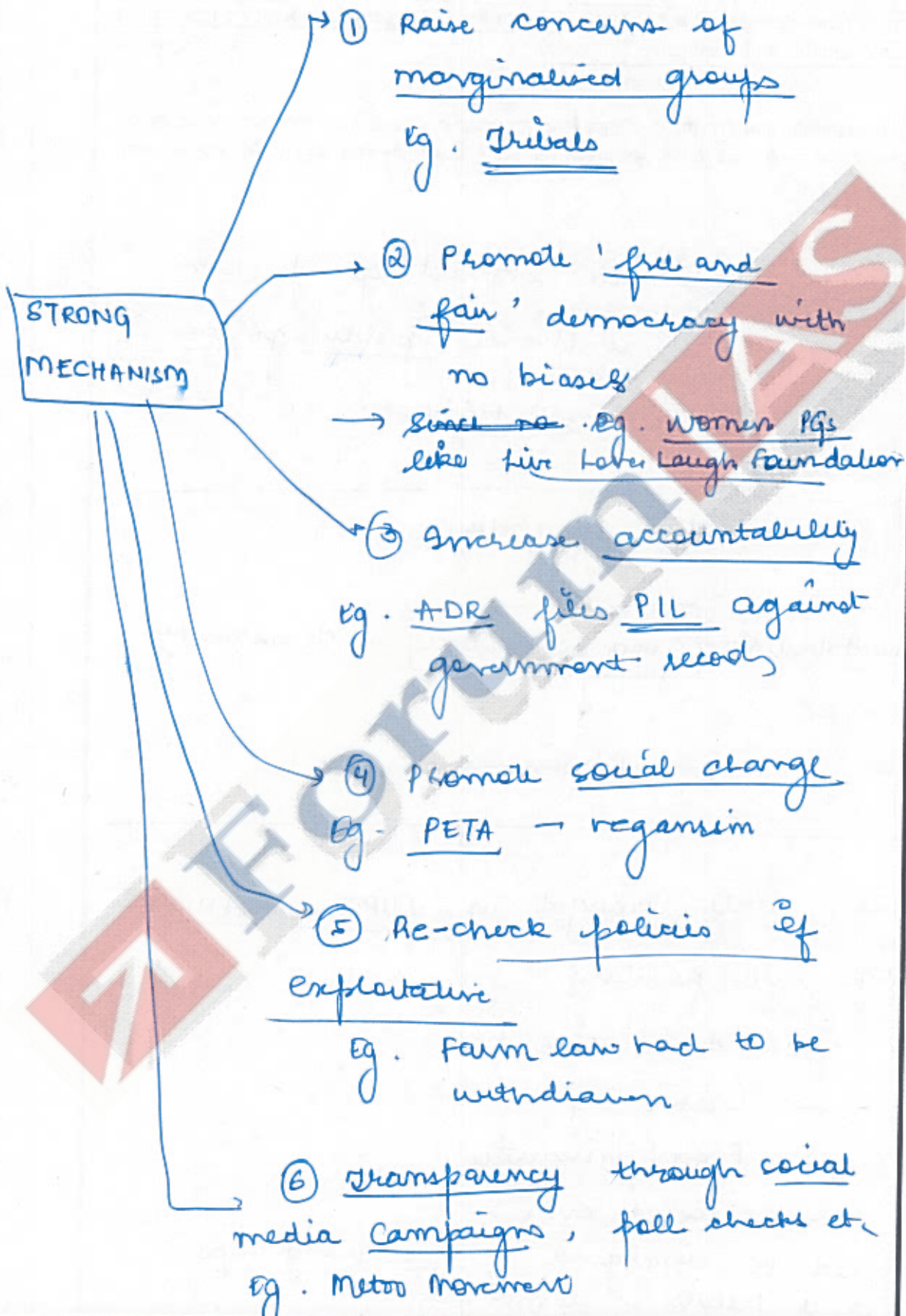
Pressure groups are interest groups who are able to influence public policies.
Eg. Business groups — FICCI.

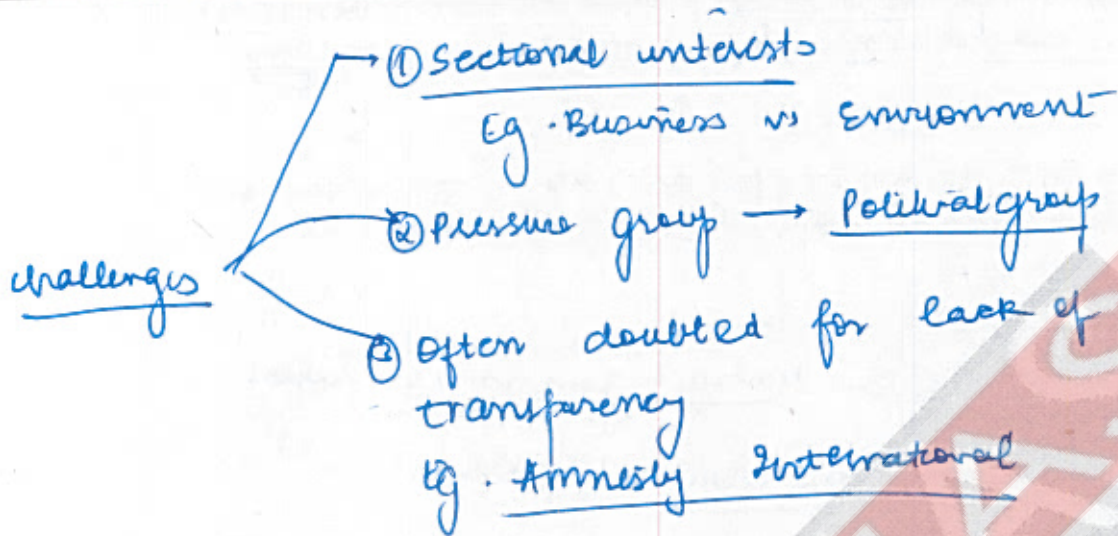


Earlier, state emerged as SUPER-GOVERNMENT with all functions:

- Led to sick PSUs
- License Raj
- Food insecurity
- social evils

These led to emergence of pressure groups as third pillars of democracy





WAY FORWARD

- ① Engage more with government through petitions and files
- ② Adopt legal means for funding
complying with FCRA, 2010
- ③ Progressive change & not regressive
Eg. Against keyhole ban
- ④ Intra-group representation must increase
Eg. transgender group

Pressure groups act as ^{carriers} agents of democracy
— Anthony Giddens

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)

M-governance or mobile governance refers to access, distribution and of government services using mobile phone

Integral to welfare programmes

① Direct Benefit transfer to address leakages.

Eg. PM KISAN ₹ 6000 to farmers bank account.

② SOCIAL INCLUSION

→ Women do not need to hesitate or step out

⊙ SHE portal for sexual harassment

⊙ UJJWALA against trafficking

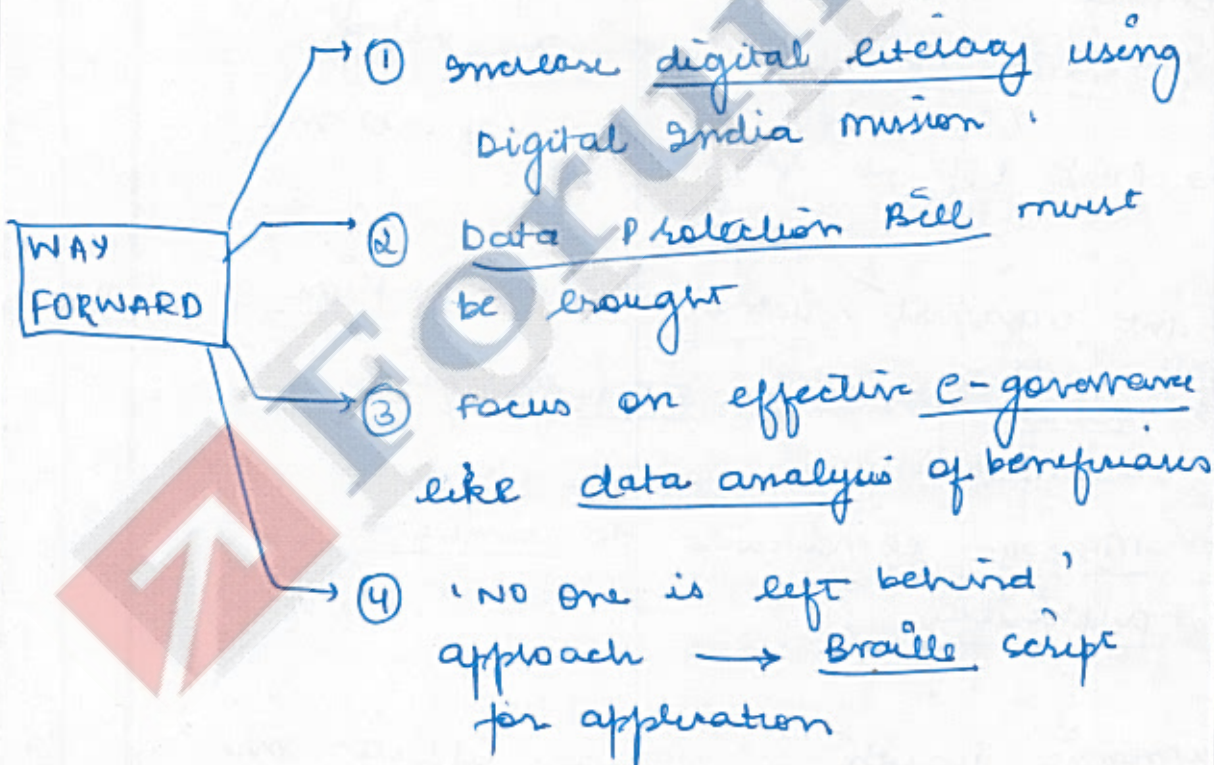
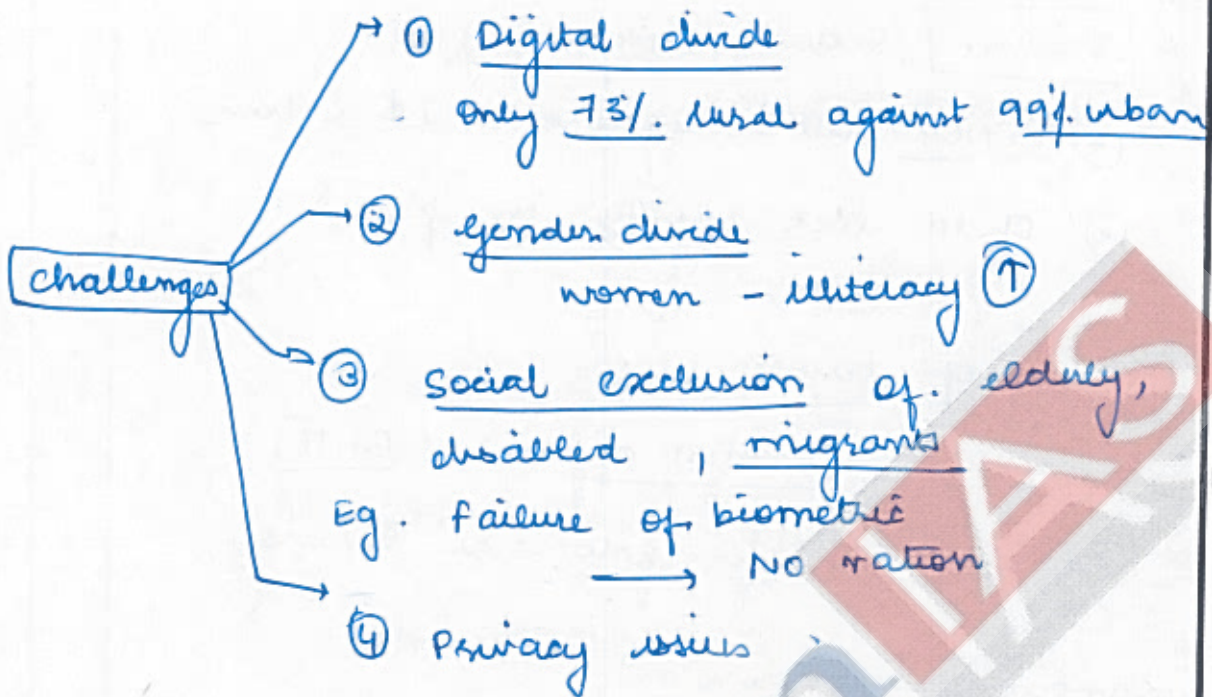
- Children .. security and safety
- PENCIL portal against child labour
 - child lock safety in phones.

- ③ Delivery of services
- Eg COVID - COWIN app or BHIM application for financial services.

- ④ Financial inclusion
- through Aadhar Enabled Payment System or 'Bank correspondents' in villages.
- RBI's offline retail payment scheme.

- ⑤ Fight against crime and corruption
- SCORES portal of SEBI for quick complaint
- message complaints to consumer authorities.

- ⑥ Economic growth : weather updates on mobiles - e-KISAN app etc.



m-governance is definitely bringing revolution in service delivery. India must tap benefits for \$5 trillion economy.

Feedback

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Structure/ Presentation
Question Interpretation
Content
Value Addition
Total

Mentor Feedback Questions

- 1
- 2
- 3
- 4
- 5

Test Goal

- 1
- 2
- 3

Outcomes

-
-
-
-

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		

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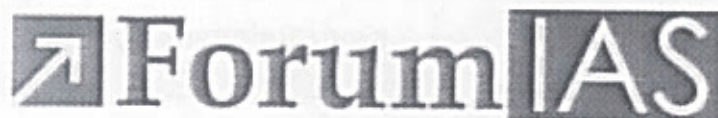
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