

TEST CODE : 5 1 2 2 3

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

ForumIAS

GENERAL STUDIES

Name Of Candidate

Kavya.C

Roll No.

1910105150

Date:

22.07.2022

Time Allowed: Three Hours

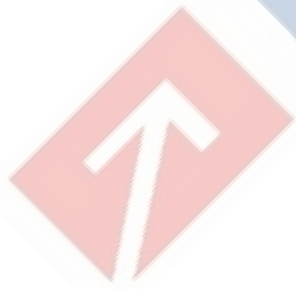
Maximum Marks: 250

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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Evaluator's Discretion:			For Student Only		
			Start Time 10:30 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						
Attempt						

ADDITIONAL REMARKS



ForumIAS

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 declared in the famous Keshavnanda Bharati case in 1973.

What is Basic structure doctrine?

1) These are essential elements like

- 1) Federalism
- 2) Judicial Review
- 3) Rule of Law

in the constitution which cannot be amended by Parliament under Art 368.

2) Any law violative of Basic structure can be declared void.

Problems with Basic structure doctrine:

1) It's an evolving body of items.

- 2) The list is not codified.
- 3) Judicial supremacy could lead to judicial autocratisation - NJAC struck down
- 4) Can hamper the functioning of legislature and executive

Need for Basic structure

- 1) Limits the arbitrary power of executives

Eg 24th & 25th CAA

- 2) Judicial review - implicit feature essential to ensure individual liberty

- 3) Partisan role of executives can be checked

SC directing executives to nation

PDS to specific states.

Way Ahead

Maintaining a natural balance between judicial supremacy and legislative executive independence is essential.

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)

Passing out disaffection to a democratically established government is referred to as sedition.

Sedition laws in India

1) Section 124 IPC deals with sedition.

2) There are various laws trying to curb popular unrest against government

1) National Security Act

2) TADA

3) COFEPOSA

Need for sedition laws

1) To ensure national peace

2) Effective functioning of government

machinery.

3) To prevent alien enemies from disrupting national harmony

Negative implications

- 1) India is one of few democratic countries with sedition laws & which are vague.
- 2) Curbs right to freedom of expression under (Art 19)
- 3) Life and liberty under (Art 21) is curbed thro' long, torturous detentions
- 4) The rightful voice of peaceful dissenters ignore by government and punished which is against democracy.

Way Ahead

- 1) India should follow best practices as in UK, Indonesia democratic countries that did away sedition.
- 2) It can also follow us example of strictly defining sedition.

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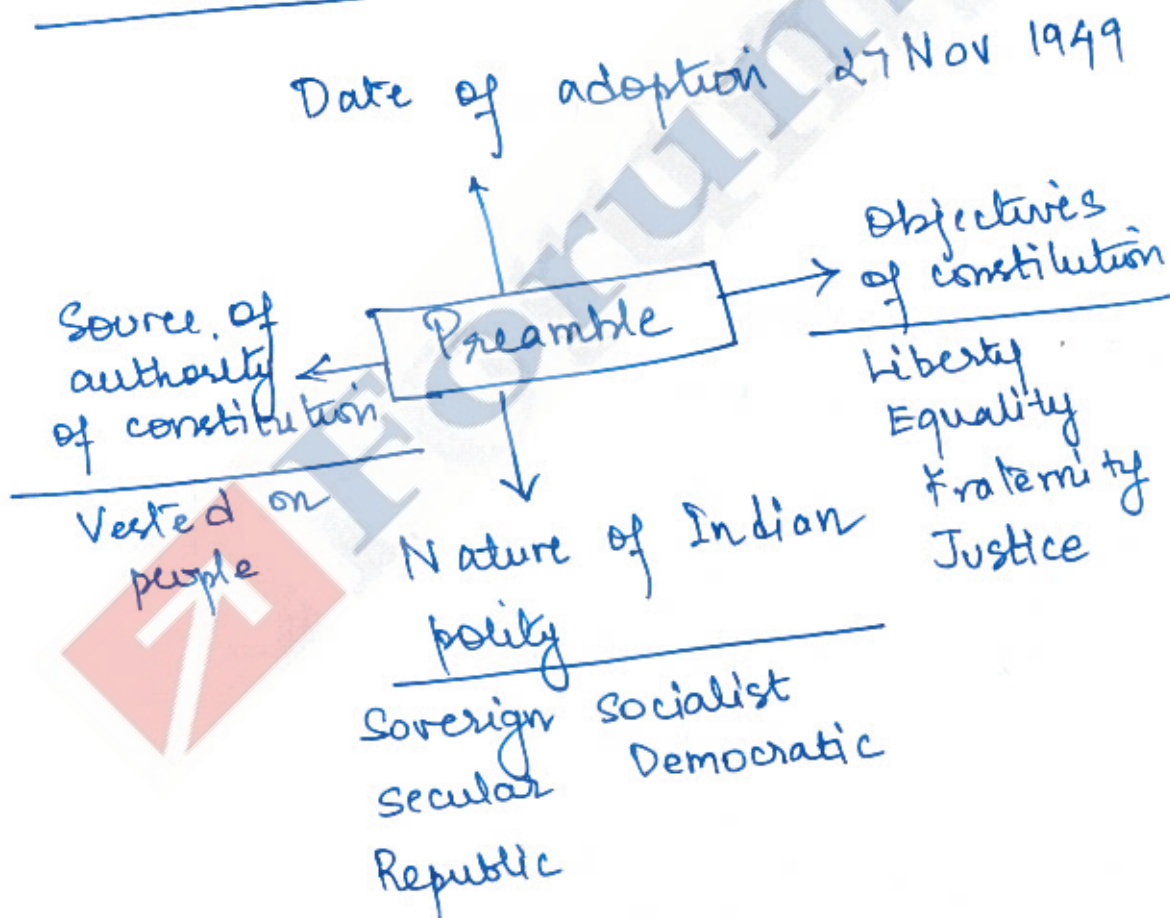
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Q.3) The preamble is not a mere solemn resolution; but majestic expression of philosophy, principles and purpose of the constitution. Elaborate. (10 marks, 15 words)

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 preamble is referred to as the grand noble vision of constitution makers. It is also referred to as the preface to the constitution.

What the preamble signifies?



Preamble thereby signifies

Nature of Indian polity

- 1) Sovereign - Independent - not any country's domination
- 2) Socialist - Mix of Gandhian, Marx socialism
- 3) Secular - Positive secularism unlike west
- 4) Democratic - Government by of - for people
popular sovereignty rested on people
- elected head
- 5) Republic

Objectives

- 1) Liberty - Thoughts, beliefs, faith expression, worship
- 2) Equality - in status, opportunities
- 3) Fraternity - individual dignity and brother-hood
- 4) Justice - Political, Economic & social justice.

The preamble is very much part and principle of constitution. Its like an ID card to the constitution.

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)

Religious freedom to individuals are vested ~~to~~ on individuals under (Article 25 - 28) in the fundamental Rights.

What are the Religious Rights available?

- 1) Freedom to profess, propagate practice a religion of choice
- 2) Manage religious endowments
- 3) Own property in the name of deity and manage the same
- 4) Freedom not to pay taxes for promotion of a particular religion
- 5) Establish religious educational institutions and manage its affairs.

The above rights are restricted reasonably based on factors like

- 1) Public Heat Order
- 2) Health
- 3) Morality

What is doctrine of essentiality?

1) The Supreme Court declared that it would determine what aspects are important to abide any religion its core principles

Eg: struck down saying azans, namas on loudspeakers as they are not core principles of Islam

2) Implications

Positive

- 1) Reform practices that are out dated
- 2) Superstitions weeded

Negative

- 1) Interference in faith
- 2) undermines religious freedom.

Way Ahead

The essentiality doctrine has to be sparingly used by judiciary to ensure religious freedom.

Feedback

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Structure/
Presentation

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Interpretation

Content

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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 in Indian constitution was introduced by the 85th 52nd CAA, 1985. It was enacted during the controversial climate of political defections - described as Aaya, Ram Gaya Ram.

Provisions of 10th schedule

1) The MPs/MLAs voting against party whip, leadership, voluntarily giving up party membership

2) Nominated members joining a party after 6 months

3) Independent candidates joining any party

are considered to be defected and their disqualification is determined by

Presiding officer of the House.

Need for 10th schedule

1) political stability, free

functioning of government.

- 2) Political homogeneity in defector decisions
- 3) To prevent Horse trading and other malpractices.

Faultlines in 10th schedule

1) Prevents just dissent among members of same party

Eg: An MP wanting to vote against SG Bill owing to environmental hazards cannot do so if his party decides otherwise.

2) Freedom of expression / dissent curtailed.

Changes Needed

1) Practices in UK - defectors voting against party lines does not amount to defection.

2) Defection to be confined only to confidence vote, Non-confidence motion which can topple government.

Feedback (For OFFICE use only)	
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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)

Capital Punishment or death penalty is awarded to convicts when judiciary believes there is no way of reformatory justice in the case.

Death Penalty in India

- 1) India is among the 121 countries that awards death penalties.
- 2) It's confined to gruesome offences that lack humanity
eg: POCSO, aggravated sexual assault.

Pardoning of death penalty?

- 1) Death penalties can be awarded by the lowest courts - sessions court to be confirmed by high court.
- 2) Pardoning of death is the

exclusive power of President under a

Art 72.

3) Governor cannot pardon death penalties.

Limitations on pardoning power of President Governor:

- 1) Cannot pardon deaths
- 2) Confined to the legislative limits of state.
Pardon only sentences pertaining to State and Concurrent list.
- 3) Cannot pardon sentence of court martial - exclusive right of president.

Way Ahead

The Governor with wider discretions than president can be provided wider pardoning jurisdiction to speed up the process.

Feedback
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Structure/ Presentation
Question Interpretation
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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 is a statutory body created under the Competition Commission Act 2002.

Role of Competition Commission of India

1) Prohibit monopolistic trade practices.

2) Prevent unfair trading measures leading to undue advantage of a few.

3) Ethical and legitimate advertising to prevent false propaganda.

4) Enables consumers make informed choices.

Shortcomings In CCI

- 1) Lack of tooth
 - 1) Cannot impose penal measures
- 2) Most of the cases it cannot take suo-moto action
- 3) No transparency in its functioning.
- 4) Appointments made are opaque

Changes Needed

- 1) Give more powers to CCI.
- 2) Appointments made to CCI can be made based on predefined, codified eligibilities

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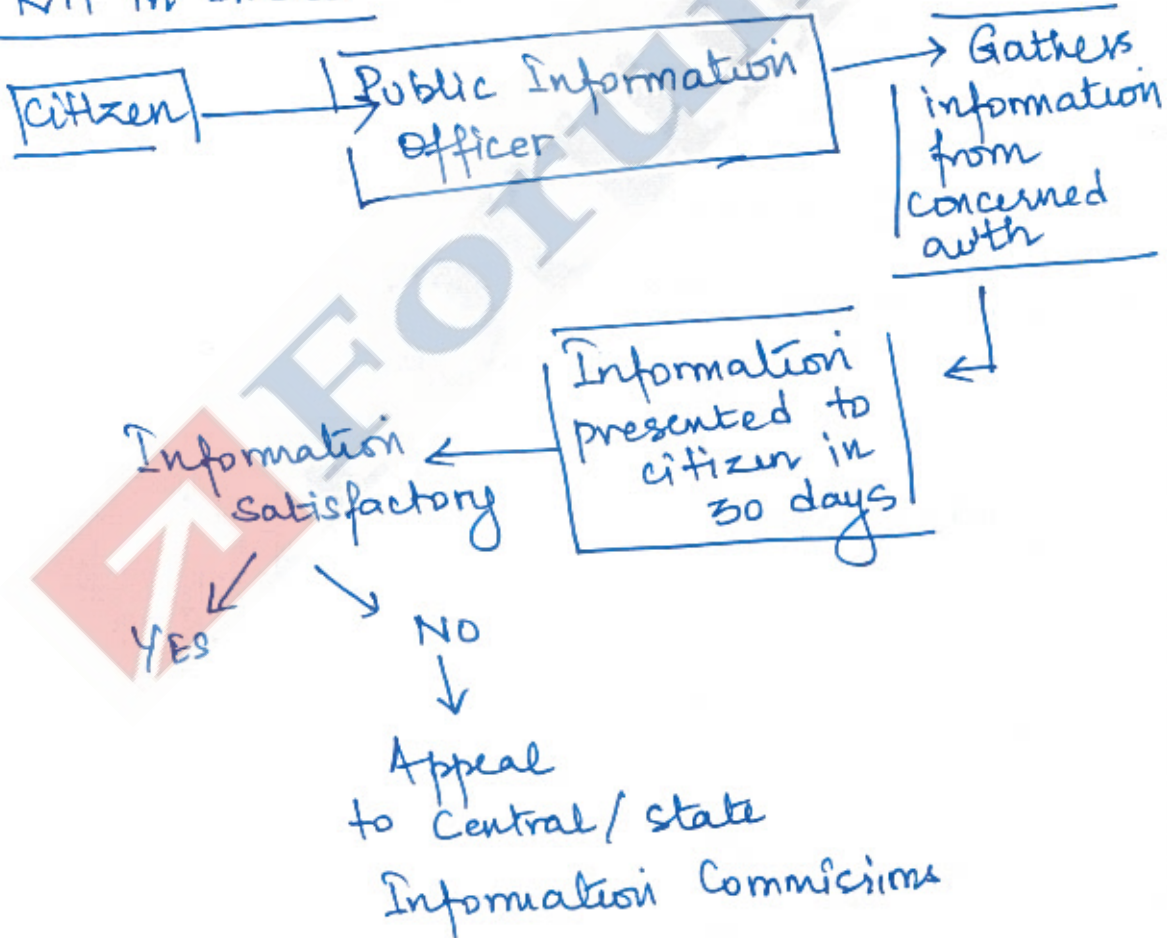
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Q.8) Though RTI was meant to strengthen participatory democracy in India, various factors have hindered its utilization to full potential. In this context, examine the issues pertaining to the implementation of the RTI Act. (10 marks, 15 words)

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 is an implementation arm of Art 19. It enhances and empowers a persons right to protest, right to expression

RTI in India



Issues with implementation of RTI in India

- 1) Red tapism delaying the process
- 2) Lack of awareness amongst citizens on their rights
- 3) ~~Excessive~~ excessive workload on PIOs
- 4) Government apathy towards the process
- 5) Recent amendments to Central Information Commission Act
 - 1) Undermining authority of Information Commissioners
 - 2) No security of tenure.

Changes Suggested

- 1) Better citizen awareness
- 2) Empowering CIC/SIC with more powers
- 3) Incorporate e-governance measures to reduce red tapism.

Feedback

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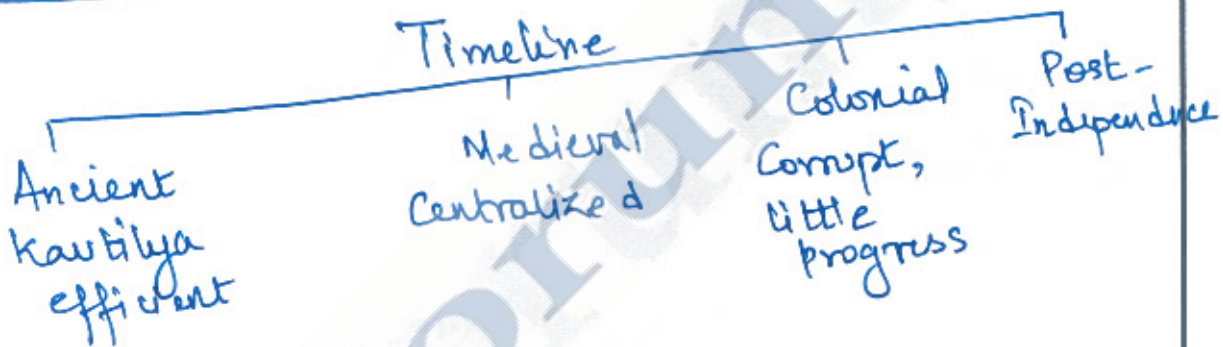
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Q.9) Instead of performing a transformative role, traditional bureaucracy has contributed to perpetuation of old order. Comment. (10 marks, 15 words)

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

Bureaucracy is a permanent, skilled body of professionals who enable smooth functioning of government and enable good governance

Indian Bureaucracy



Backlogs in Indian bureaucracy

- 1) Red tapism
- 2) Corruption
- 3) Apathy towards mass welfare
- 4) strictly abiding to government instructions

Not a creative, self-functioning body

3) Stagnation - no growth incentives

Achievements of Indian bureaucracy

1) Individual examples

1) Transformative role in Karnataka public Transport - by Dr Shenvy

2) Nilgiri Tribes welfare, ecological protection - Innocent Dirya

2) Progress in Indian governance post independence - due to bureaucracy playing major role.

What can be done - to make bureaucracy a transformative body?

1) More autonomy

2) Service recognitions and yearly appraisals based on performance.

3) Experimentation with Lateral entry

4) Schemes - Karmayogi - augment human capital.

Feedback

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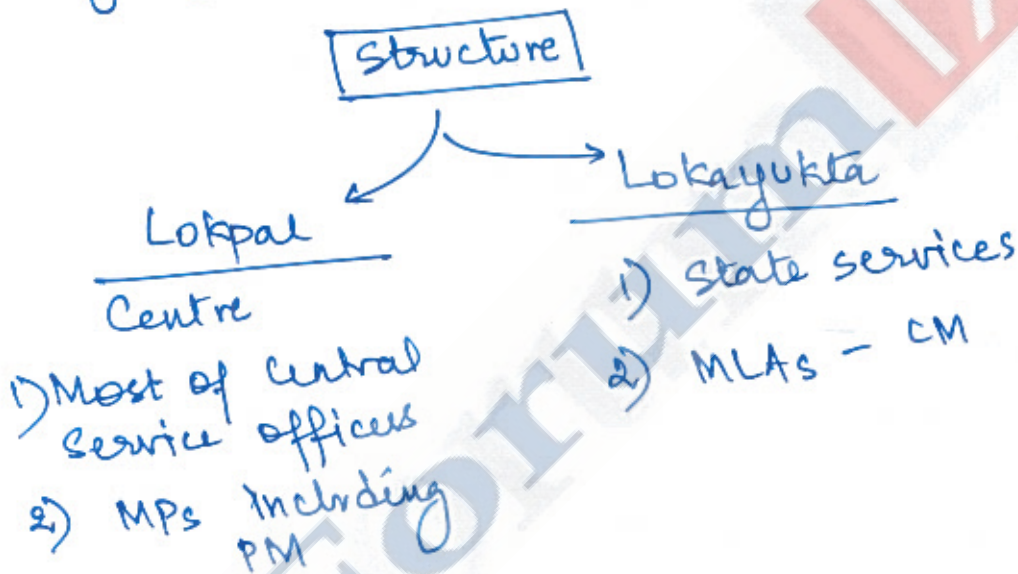
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Q.10) Contrary to expectations surrounding its enactment, the institution of Lokpal has not proved path-breaking in dismantling the structures of corruption in public life. Analyze.

(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)

Lokpal is a statutory body to dismantle corruption in society amongst public officers.



Appointment by President by a selection committee consisting PM

Problems with Lokpal

1) Delay in establishment of Lokpal - undermined its value

- 2) Not powerful enough to incriminate MPs, PM
- 3) No suo moto powers
- 4) No specific qualifications
- 5) Cannot publicly disclose charges against PM
- 6) No protection against whistle-blowers
No anonymous complaints.

Changes Needed

- 1) More autonomy
- 2) Timely appointments
- 3) Witness protection scheme to be included.

Feedback

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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 बरीयता किस हद तक जिम्मेदार है? (15 अंक, 250 शब्द)

Indian Union, unlike the United States of America was not born out of consensus amongst all states. At the eve of independence there were more than 500 princely states that had to be united.

The vision of constitution makers - Union of states

1) The visionaries wanted India to be a union of states, so that the states cannot secede from Union.

2) They wanted to protect the unity and integrity of the nation.

3) owing to the diverse culture of India the constitution makers felt it necessary to make a stronger Union

4) Therefore they made India a Union of states, with a stronger Union

5) Though Indian constitution abides by principle of federalism its not a holistic federal polity. Thus India became a quasi-federal polity.

Reasons for Tensions in Centre-state relations

1) The Union governments infringing on the rights of the states ~~is~~ being a strong ^{centre} manifests in the form of:

- 1) Partisan role of governors in state, Governor being appointed by President on advice of COM.
- 2) Power distribution and importance of subjects in Union list and Concurrent list with residuary powers in concurrent list.
- 3) shift to a unitary policy - during National Emergency Art 352 - undermining principle of federalism
- 4) Non-inclusivity - poor representation of Women (only 14%) and minorities
- 5) Encroachment on fiscal federalism recently thro' GST Act & 101st CAA
- 6) Role of government during Covid pandemic - no national plan made as stipulated in NDMA Act.

Way Ahead The spirit of federalism and states' autonomy has to be abided as India was born out of differences to stay united.

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)

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 Rights (Art 12-35 Part III)
 ensure political democracy to the citizens, while to enjoy these rights citizens need to ~~follow~~ abide by certain duties - as enumerated in Art 51 A.

Importance of Fundamental Rights

- 1) Individual and community development.
- 2) Equalitarian society Art 14
- 3) Govt's role in affirmative actions for vulnerable - Art 16
- 4) Individual liberty and life (Art 21)
- 5) Ensures freedom on thoughts and Expression (Art 19)

6) Accountability of Executives, Legislature to the people via judicial remedies (Art 32)

The above principles ensures democracy to flourish in our society.

Importance of Fundamental Duties

1) The fundamental duties became part of constitution on recommendations of Santhanam committee under 42nd CAA, 1946.

2) These duties are bestowed only upon Indian citizens as they owe the state in return for the rights they enjoy.

3) Principles enumerated in duties and how it strengthens Indian society

1) Promote spirit of nationhood

- 2) To render national service
- 3) To promote fraternity
- 4) To abide and respect the constitution and vision of freedom fighters
- 5) To shun practices derogatory to women.
- 6) To promote spirit of scientific enquiry
- 7) To protect environment.

These principles - make the society stronger and ensures that there is holistic development of everyone.

Shortcomings

- 1) No penal provisions for non-abiding citizenry
- 2) Vaguely worded and appendage to Art 51 undermines its importance.

Way Ahead

- 1) Citizens to be sensitized regarding duties.
- 2) Penal provisions for important FDs can be incorporated.

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)

Indian judiciary has been proactive to bring in electoral reforms in the system. Multiple instances of same can be

Indian judiciary - electoral reforms

1) The inclusion of NOTA - right to reject the listed candidates was allowed by SC.

2) The instances of solving electoral disputes - Raj Narain case - Upholding the case to defeat the candidature of PM Indra Gandhi.

3) Upholding and incorporating Model Code of Conduct.

Though Judiciary tried to play the role of an activist, there is imminent instances of breach - leading to Judicial overreach

Thereby the judiciary has entered into the sphere of executives and legislature. Instances enumerating same,

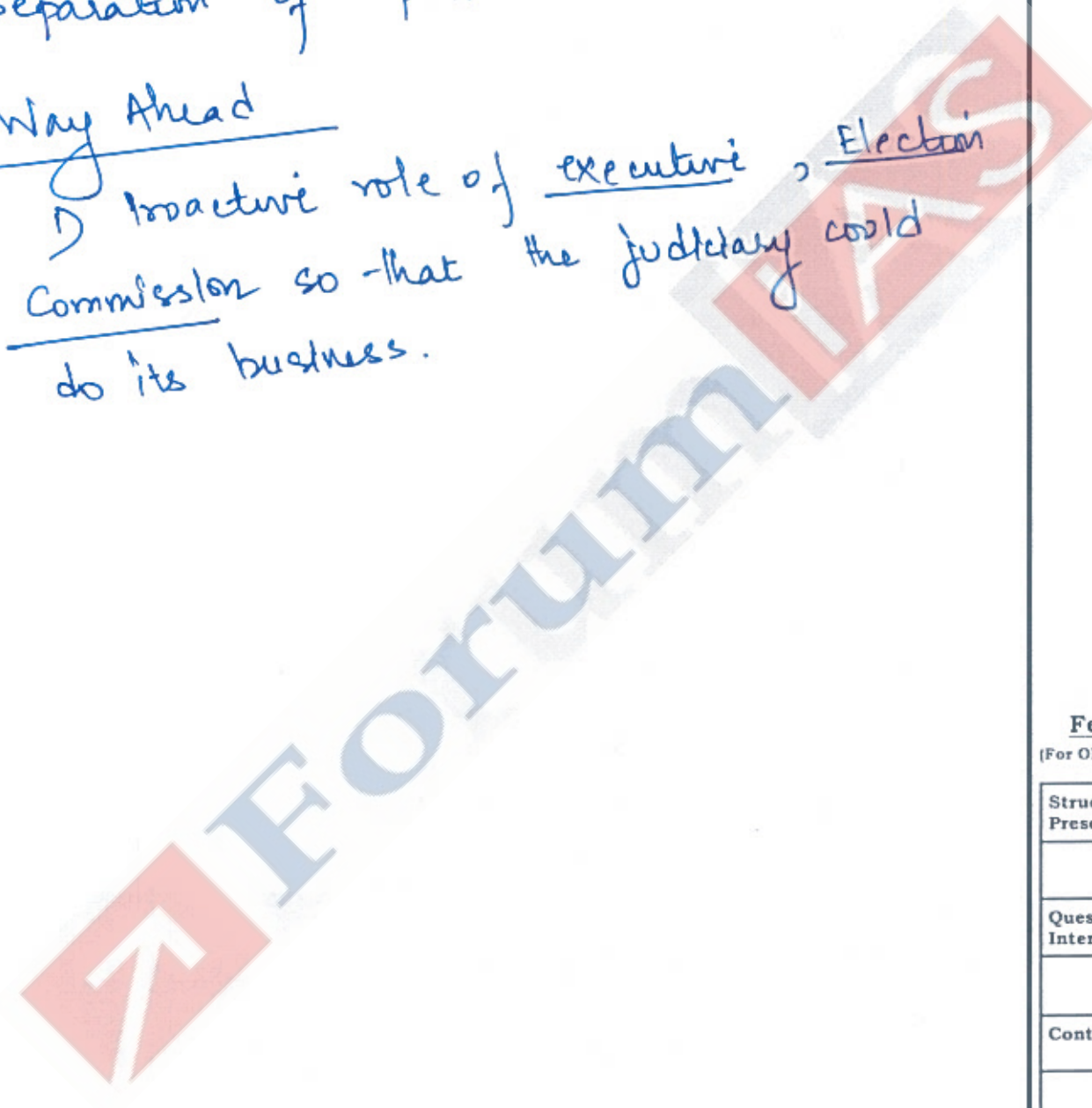
1) Declaring the elected candidates to publicly announce asset status in 90 days of being elected

2) Demanding Political parties to go public on criminal antecedents of contestants filed.

These measures ensures morality instills democracy, but a breach to Separation of powers.

Way Ahead

↳ Inactive role of executive, Electron Commission so -that the judiciary could do its business.



Feedback

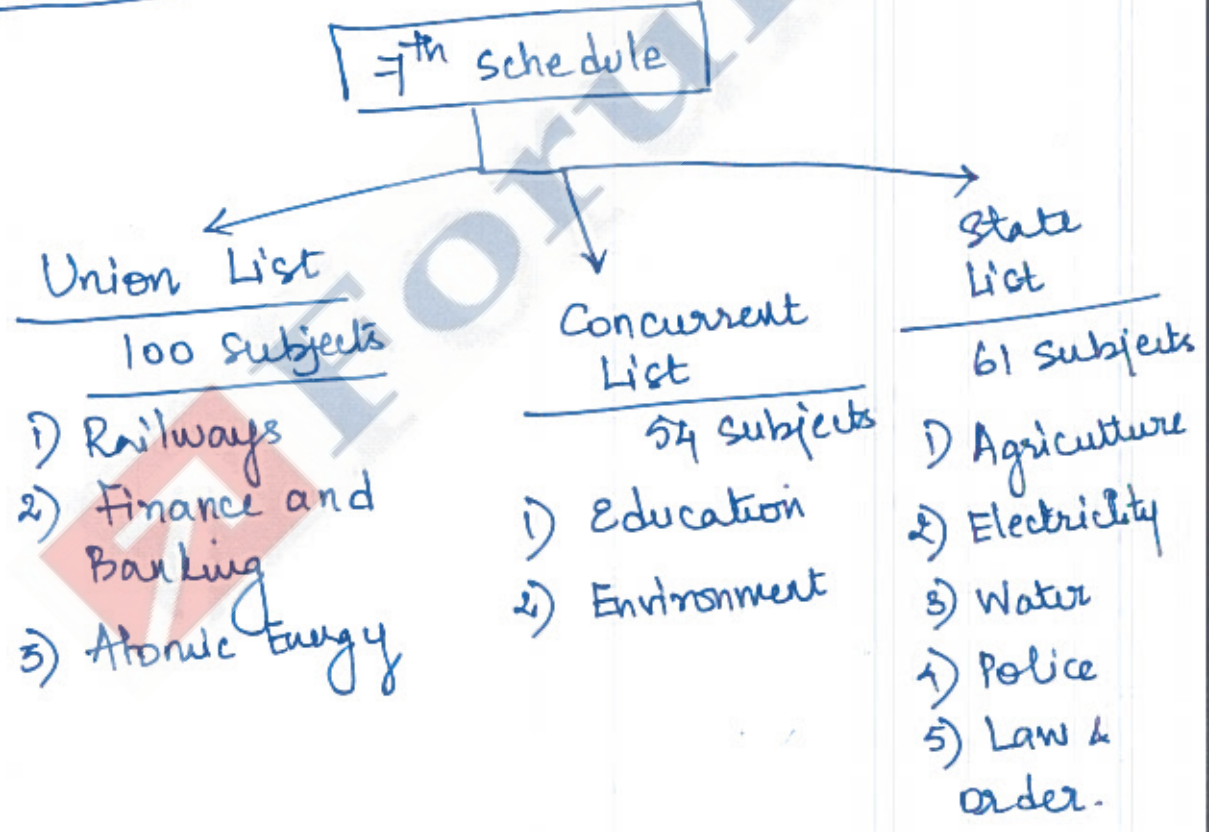
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Total

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 7th schedule of Indian constitution has 3 lists enumerating the subjects into Union List, state list and Concurrent List. This practice was incorporated from the Government of India Act 1935.



The residuary powers - subjects not enlisted in any of the 3 lists are logged in Union Concurrent list.

States' power on concurrent list

1) states can make laws on subjects in concurrent list.

2) In case of conflict between the state law and Union law on a subject in concurrent list then Union law prevails.

This proves that the state's autonomy on concurrent list is limited.

Problems with the concurrent list

1) It's an obsolete method of listing subjects copied from a colonial era Act. GoI 1935.

2) Subjects like education, environment listed on Concurrent list demands a regional approach - based on local needs of society rather than a centralized one-size fits all approach.

3) Its against the spirit of federalism

1) During an emergency only Union law prevails and centre can make laws on all subjects in 3 lists.

What can be done?

1) More rational distribution of subjects between state and concurrent lists.

2) As various commission suggested residuary powers for taxation - alone in Union list remaining can be vested in state list.

Feedback

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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)

Governor is the de-jure executive head of state. Articles 153 states there shall be a governor for every state.

Powers of Governor

The constitution makers vested on the governor

Situational Discretion

1) Nominating a chief minister (CM) in a hung assembly, or when CM is dead - no obvious successor

2) Recommending President's rule in a state

3) Reserving state Bills for President's consideration.

Constitutional Discretion

1) Recommending President's rule

2) Reserving states Bills for President's consideration

42nd CAA 1976, made the advice of Council of Ministers binding on President, no such limitations on governor.

Discretionary powers and issues associated

1) Blatant misuse of Art 356
 1) Imposition of President's rule has been misused to satisfy political aspirations of party in power at centre.

2) Toppling state governments - and nominating CMs who do not have popular sovereignty.

1) Recent instances in Karnataka and Maharashtra

Nominating a CM, despite opposition coalition demanding majority.

3) Interference in functioning of state legislature

1) Recent Kerala instance where Governor failed to summon a session of Kerala assembly wanting to discuss Delhi Farmer Protests.

4) Acting as an agent of centre in state, rather than promoting the spirit of cooperative federalism.

Way Ahead

1) The appointment of Governor -
 1) Non-political, outsider - not belonging to state - these recommendations of Sarkaria Commission needs to be followed

2) As Punchi's commission recommended localized emergency - in district, town level instead of suspending state legislature can be implemented

Feedback

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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)

Indian Constitution adopted a parliamentary form of government, where the executives are collectively responsible to legislature. Visionaries preferred accountability over stability thereby choosing parliamentary over presidential polity.

Importance of Parliamentary performance

- 1) Deliberations, discussions and debates are the bedrock of democracy.
- 2) To prevent autocratisation of cabinet-executives
- 3) Accountability to people

4) To represent the diversity of India
Instruments used to ensure deliberation,
representation and scrutiny

- 1) Question Hour and Zero Hour
 - 1) The legislatures can question
executives demand
 - 1) Written answer - Unstarred Question
 - 2) Oral answer - Starred Question

Zero Hour is an Indian parliamentary
Innovation. Initiative for spontaneous
lively questioning.

2) Parliamentary Committees

- 1) The standing committees
scrutinize - Bills, budget
allocations and present
reports to the House concerned.

2) The Financial Committees

- 1) Public Accounts Committee
- 2) Estimates committee

ensure financial accountability to the legislature.

3) Motions in House

- 1) Adjournment motion - To discuss matters of urgent need.
- 2) Noa-confidence motion - To express dissatisfaction on executives

Recent Instances

1) Cancelling Question Hour - owing to COVID pandemic.

Deliberations are backbone of democracy - this would cripple parliamentary efficiency

2) Reduction in parliamentary Committee scrutiny - only 11% Bills are sent to Committee scrutiny in this 17th Lok Sabha

3) Reduction in number of private member Bills in House

4) Increased parliamentary disruptions owing to apathy of Presiding officers

Way Ahead

1) Proactive role of presiding officers, decrease in ordinance route increase in deliberations would instil spirit of democracy.

Feedback

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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 ideal of 'Gram Rajya' of Gandhiji and participatory democracy at grassroot levels was instilled via the 73rd constitutional Amendment Act 1993.

Provisions of 73rd CAA

- 1) Establishing a Gram Panchayat in every village - Gram Sabha in every panchayat
- 2) Zilla Parishads at District levels and intermediary level where population more than 20 lakhs
- 3) Elections every 5 Years to all levels
- 4) Inclusive representation
 - 1) 1/3rd seats for women
 - 2) seats to SC/ST - based on population

The above provisions has achieved political decentralization ~~in~~ at local levels. Yet the panchayats are not financially and functionally empowered.

Problems with the existing scheme of local governments

1) The local self governments are completely dependent on centre and state funds.

15th FC chair - N K Singh recommended compulsory devolution of funds to local bodies

2) Limited scope of fee collection, local taxation of panchayats.

3) Poor infrastructure and lack of e-governance facilities in remote panchayats.

4) States unwilling to devolve more powers - on taxation, functional

autonomy to panchayats.

5) Problem of 'Sarpanch pati' in women reserved seats.

6) Not involved in district level plan making, thereby defeating purpose of top-down approach.

What can be done to make Panchayats effective institutions?

1) ToR, statutory grants from Finance Commission recommendations

2) Increasing the powers of taxation of panchayats

3) Improving e-facilities and infrastructural growth.

4) Sensitizing women on need to be active participants in local governance

Way Ahead

True empowerment of panchayat happens when the Gram Sabha is empowered. Every stakeholder needs to be involved at top level planning.

Feedback

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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)

Non-consensual sexual encounter is a rape. When this happens within an institution of marriage its referred as marital rape.

Marital Rape and its implications

1) NCRB report states 1 in every 5 women has faced marital rape in life.

2) Its deamening the self-respect and self-worth of an individual

3) Rape in a marriage undermines the sacrosanct value of marriage.

4) The culture of patriarchy that

results in marital rape in perpetuated
amongst children and the future society.

Criminalization of Marital Rape

Positive Implications

- 1) Empowers a wife, women to escape abusive marriages.
- 2) The historical injustice meted out to women is answered.
- 3) The future generations - would grow with values, morals of respecting a woman and treating her as equals.
- 4) It can have positive economic

Implications

- 1) Increased Women Labour force participation
- 2) Increased Human capital value.

5) The deep rooted patriarchy in society can be uprooted, with marital rape criminalization as one step.

Negative Implications

1) Misuse of provision to incriminate husband.

Controversial contention on misuse of section 375 IPC by women is applicable here too.

2) Increase in litigation's burden on lower judiciary - family courts - already having a pendency close to 30%.

3) Impact on children - break in family bonds - children custody issue.

Way Ahead

children - the future generation need to be made aware on treating every human equal be it a Woman or man.

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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 come together on a common ideology - to achieve their common goals, needs through various techniques sans political participation.

Methods used by Pressure groups

1) Electioneering

2) Lobbying

3) Propagandizing

are some of the techniques employed by pressure groups to achieve their goals.

They are classified into various types based on ideology

- 1) Business
- 2) Environment
- 3) Feminist
- 4) Democratic

Pressure Groups - How they are ensuring accountability and Good Governance

1) Good governance incorporates the principles of

- 1) Participation
- 2) Responsiveness
- 3) Consensus
- 4) Transparency
- 5) Rule of Law
- 6) Effectiveness / Efficiency
- 7) Accountability
- 8) Inclusiveness - in governance.

2) Pressure groups strive to achieve the above measures through

- 1) Breaking glass wall between people and politicians.
- 2) Proactive use of press
- 3) Being the voice of voiceless, vulnerable.

- 4) Ensure the welfare schemes reach out to the vulnerable.
- 5) Demanding transparency, bringing out corruption.
- 6) Breaking the third wall of red tapism.

Negative Implications of Pressure Groups

1) Communalisation

Pressure groups like the RSS are creating communal pressure in the system.

2) Criminalization of politics

The pressure groups enable criminal leaders to attain popular sovereignty.

43% current LS MPs have criminal history

3) Spreading false propaganda.

4) Threat to unity, integrity of nation.

The pressure groups need to understand the gravity of their role in society, act responsibly.

Feedback

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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 has become inevitable in the age of digital revolution.

Positive Impacts of m-governance

1) Inclusivity

Easy access and availability for all

2) Reaching remote and difficult terrains

3) Women empowerment - targeting women welfare

4) Tracking the implementation of the scheme.

5) Track success record of every scheme.

Negative Implications

1) Digital Divide

only 11% villages have internet access, where it's 49% in urban areas

2) Gender gap

Women internet and mobile users in India is less than the global average

3) Faultlines leading to lack of inclusivity

Eg: Tribal Woman in Chattisgarh could not receive PDS ration due to faulty aadhar validation

4) Threat of cyber security over internet

5) Lack of data security - or breach of data privacy.

Recent examples of m-governance

- 1) PRAGATI app- grievance redressal
- 2) Aarogya setu
- 3) Digi Locker
- 4) kisan Survidha App.

Way Ahead

- 1) ensuring data security & privacy to safeguard Art 21.
- 2) Ensuring availability of mobile phone & internet thro' schemes e-panchayat, e-fiber schemes.

Feedback

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