

TEST CODE : 5 1 2 2 3

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

ForumIAS

## GENERAL STUDIES

Name Of Candidate

SMRITI MISHRA

Roll No.

1910059516

Date:

31.07.2022

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.	
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12			<i>Any specific messages for ForumIAS Mentors/ Evaluators with respect to your copy? Write it here.</i>	
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<b>Total:</b>	<b>250</b>			
<b>Evaluator's Discretion:</b>			<b>For Student Only</b>	
			Start Time   9:00 a.m.	End Time   12:20 p.m.
<b>Total Marks:</b>			Mode Of Examination:	Online <input checked="" type="checkbox"/> Offline <input type="checkbox"/>
<b>Evaluator's Discretion:</b> 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.			<b>For Office Use Only</b>	
			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)

The Basic Structure doctrine was propounded by the Supreme Court in Kesavananda Bharati v. State of Kerala, where it held that certain features of the Constitution form the basic structure which cannot be amended by the Parliament in exercise of its constituent powers.

Examples — Secularism, federalism, judicial review, independence of judiciary, etc.

Positives — limits scope of amending powers of Parliament  
 — upholds constitutional spirit as created by our forefathers  
 — ensures Parliament cannot abridge upon rights of citizens — many fundamental rights form part of basic structure.

Criticisms: Basic structure doctrine is shrouded in confusion, vagueness and is not precise

Basic structure doctrine is not mentioned anywhere in the Constitution. It thus depends on discretion of

individual judge.

- The precedent regarding "Rights Test" and "Essence of Rights Test" is unclear — both tests have been randomly used.
- "Fundamental Rights balanced with Directive Principles" are a part of basic structure —
  - ↳ unclear and difficult to comprehend formulations
- Struck down ~~NIA~~ National Judicial Appoint Commission using basic structure doctrine — it <sup>was to</sup> ensure transparency in judicial appointments.
- Invoke principles of constitutional morality to justify vague and not defined.

The basic structure doctrine has, however been creatively used to limit the vast power of the executive, perpetually guaranteeing fundamental rights. However, in doing so judiciary took over a pedestal too high and needs a separate accountability mechanism.

### Feedback

(For OFFICE USE)

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 minutes)

राजद्रोह कानून, किसी भी रूप में, नागरिक स्वतंत्रता के लिए खतरा है और असंतुष्टों और विरोधियों के विरुद्ध इसका दुरुपयोग करने का अवसर प्रस्तुत करता है। क्या भारत को राजद्रोह कानून को खत्म कर देना चाहिए? अपने उत्तर को कीचित्य सिद्ध कीजिए। (10 अंक, 150 शब्द)

Sedition is defined u/s 124A of Part II of the Indian Penal Code. It is defined as an attempt to incite violence disaffection against the government established by law. It is a cognizable, non-bailable, non-compoundable offence.

(A) Sedition law must be retained

→ In Kedar Nath v. State of Bihar, Supreme Court upheld the constitutional validity of sedition law.

↳ diluted provision to include any "incitement that leads to violence" only as sedition.

→ India faces various internal security challenges (2.5 front wars) eg: death of CRPF personnel in Chhattisgarh doubled even if incidents are coming down.

→ Needed to curb anti-India propaganda by vested interests

→ In her book "Sedition in liberal democracies", the

author agrees that liberal democracies have retained sedition provisions in terrorism laws which are stricter.

(B) | Sedition law needs to be done away with

- It has a chilling effect on freedom of speech and expression

↳ Colonial era legislation used on Gandhi & Tilak

- Very low conviction rate &

- used to suppress political dissent often.

- countries like U.K and USA have already repealed sedition law.

Gandhiji called sedition law to be "poison among political sections" of IPC. In his book Republic of Rhetoric, Abhinav Chandrachud argues that while sedition law must be retained, it needs to be made a bailable offence and Kedar Nath principles incorporated into the IPC to prevent misuse.

### Feedback

(For OFFICIALS)

Structure/  
Presentation

Question  
Interpretation

Content

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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 has been described as the "identity card of constitution". It is the 'introduction to the Constitution of India' and is based on "Objectives Resolution" drafted by Pt. Jawahar Lal Nehru.

(A) Preamble is a resolution

- Preamble reflects the resolve of popular sovereignty (it states "we the people" and ends with "give to ourselves this constitution").

(B) Preamble is majestic expression of principles, philosophy and purpose of constitution

• Purpose :- Constituting the republic of India through popular sovereignty  
- adoption of principles mentioned

• Principles :- Sovereignty : absence of external influence in decision making  
- independence from colonialism

- Secularism: in a multi-religious society (Art 25, 26, 29, 30)

- ⇒ Socialism : democratic socialism, state to be a welfare state (Art 38)
- ⇒ Democracy : sovereignty rests with people (Art 326)
- ⇒ Republic : head of state to be elected: eg: India recently elected the first Adivasi president Smt. Droupadi Murmu. (Art 52)

### Philosophy of Constitution

The Preamble also specifies that India shall secure for its citizens : Justice, Equality, Liberty, Fraternity and ensure Unity and Integrity of country.

- ↳ Equality is guaranteed through Fundamental Rights (Art 14, 15, 21)
- ↳ Justice - positive discrimination (U/A 16(4), 15(4) etc)
- ↳ Liberty - through freedom of speech and expression, occupation, association (Art 19(1)(a))

Thus the Preamble reflects the aspirations of our Constitution makers, to transform India from "medieval hierarchical society into a modern egalitarian one."

#### Feedback

(For OFFICE use only)

Structure/  
PresentationQuestion  
Interpretation

Content

Value  
Addition

Total



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

(10 marks, 15 words)

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

The Constitution guarantees the right to practice, profess, propagate religion as well as freedom of conscience through Article 25 of Part III.

### Restrictions on Article 25

- Article 25 is subject to public health, public order and morality and other provisions of fundamental rights.
- A fundamental right is not absolute and is often limited by reasonable restrictions.

### Doctrine of essentiality

- Doctrine of Essential religious practices is a judicially evolved concept that was devised to prohibit discriminatory practices in the name of religion.
- It evolved states that only those religious practices are immune from judicial scrutiny that form the "core" of a religion, without which a religion loses its existence.

The court thus looks at religious practices and if the non-essential religious practices do violate fundamental rights — it either prohibits them.

For example

- Prohibition of bali / animal sacrifice
- Allowing entry of women at various temples
- Appointments of Temple Desom boards — hereditary appointments cancelled.
- Wearing of hijab scarf held to be non-essential by Kerala High Court.  
Karnataka

- Doctrine of essentiality therefore —
  - upholds individual rights
  - ensures dignity of individual
  - promotes gender justice
  - prohibits discrimination
  - upholds constitutional mandate.

However, in applying this doctrine the judges sit as theologians to determine what is a religion and what are its core practices. Critics allege this doctrine to be a band-aid in a fractured society and argue for a more universal solution like Uniform Civil Code.



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)

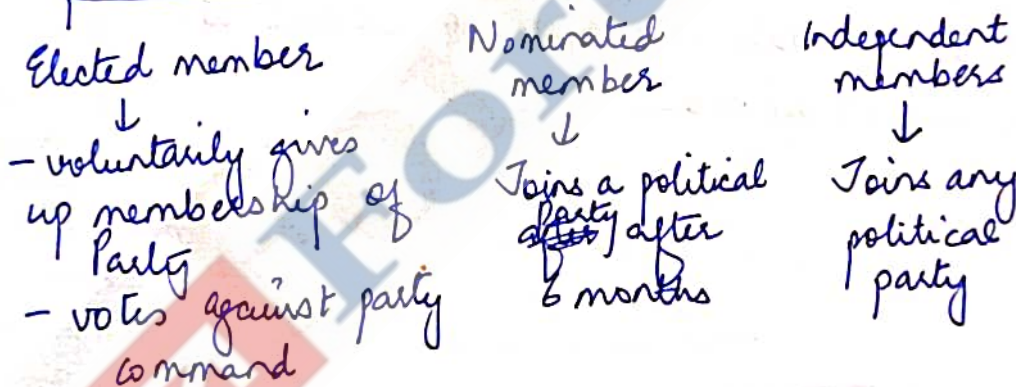
सबसे अनुसूची के आशय और प्रभाव के बीच का अंतर वर्तमान समय में इसकी प्रासंगिकता पर सवाल खड़ा करता है।  
वैश्लेषण करें। (10 अंक, 150 शब्द)

The 10th Schedule was incorporated through the 52<sup>nd</sup> Constitutional Amendment Act, to curb political defections.

### Intent of Anti-Defection Law

- To curb political defections and uphold electoral mandate
- Strengthen democracy by punishing violators / horse trading

Provisions: A candidate is disqualified if



### Impact of anti-defection law

With the advent of "resort culture" in politics, anti-defection law is proved to be severely deficient -

1. Mass defections happening (law exempts if 2/3 of Maharashtra / members join another party)

- MPs/MLAs using the resignation route to bring down effective strength and fall of govt  
eg: cross-defections in Karnataka.
- Cross defections (in Maharashtra) ("Aaya Ram Gaya Ram" culture)
- Inefficiency of speaker - delay in decisions over defections  
(eg: Manipal)

In the prevalent political culture today, defections and fall of a government is celebrated and touted as "Charakya's reethi", which is an unfortunate development. Politics and politicians must uphold the electoral mandate and voter expectations to create a vibrant democratic culture.



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 the highest punishment awarded to individuals for rarest of the rare crimes.

Can a governor pardon death penalty?

- A governor cannot pardon death penalty under any law.
- The power is limited to the President.
- A governor can however commute <sup>or</sup> reprieve a death penalty, that is
  - Reducing death penalty to life imprisonment
  - Reducing sentence on special grounds.

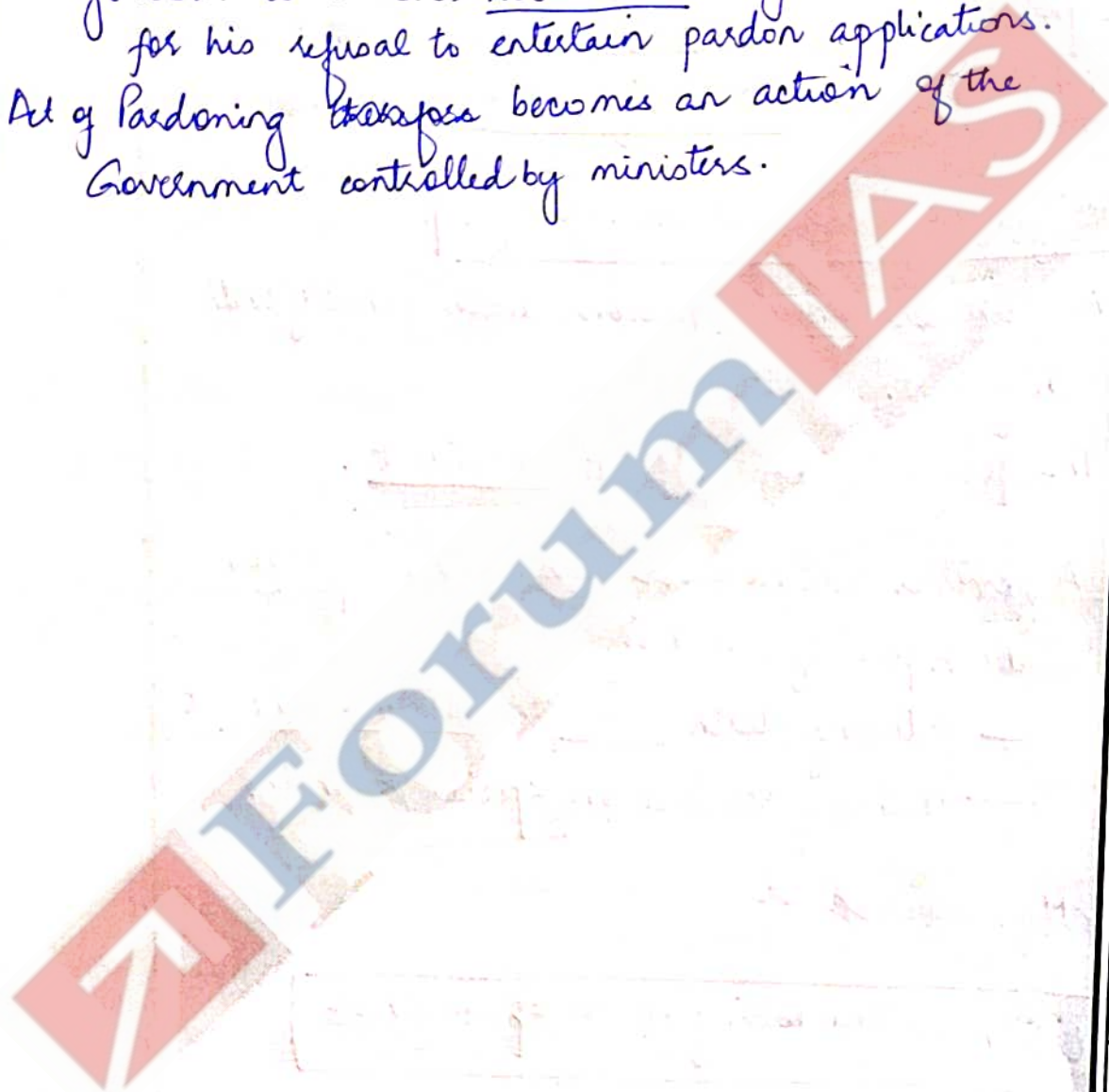
Recently, governor

Limitations on pardoning power of governor

- A governor does not enjoy unfettered discretion over granting pardons :
- As held in Epru Sudhakar case, granting power

pardon has to be exercised on the aid and advice of Council of Ministers.

A governor is however not bound to give reasons for his refusal to entertain pardon applications. Act of Pardoning ~~therefore~~ becomes an action of the Government controlled by ministers.



Feedback (For OFFICE use only)	
Structure/ Presentation	
Question Interpretation	
Content	
Value Addition	
<b>Total</b>	



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 (CCI) is a statutory body created by the Competition Act 2002. Its objective is to promote competition rather than suppress it, as was done by the previous Monopolies and Restrictive Trade Practices (MRTP) Act.

CCI has been successful in protecting consumer rights, promoting fair competition and restricting monopolistic tendencies:

- Has in built mechanisms of investigation on information by an informant
- Gives a chance of fair hearing to the accused companies
- Strictest provisions against exploitation of dominant position

Examples : - CCI recently put a hold on Futures-Group-Walmart deal  
Amazon

However, it has not been as successful as its western counterpart:

- Did not take action on Bharati Airtel's complaint against Jio policies
  - ↳ now ~~the~~ telecom sector <sup>is</sup> an oligopoly
- Western Commissions have strong anti-trust provisions which invoke by default
  - ↳ it is taking on Big Tech
    - ↳ Google & Apple fighting anti-trust cases
- not the case in India even after similar practices of Big Tech.

CCI needs to be proactive in its role and prevent direct and indirect manipulation of the market. There is a need to give it more tools, powers and ensure its independence.

## Feedback

(For OFFICE use)

Structure/  
PresentationQuestion  
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 (RTI Act) was enacted in 2005 to bring about accountability in governance.  
It is practically the only tool <sup>with people</sup> to keep executive under check.

Features of RTI

- Mandatory and pro active disclosures
- Information within 30 days of query
- Penalty per day of non-answering within life

↓  
Public information officers (PIOs at various levels).

Issues pertaining to implementation of RTI

1. Non-appointment of Public Information Officers
2. No mechanism of grievance redressal as most states do not appoint State Information Commissioners.
3. Trivialous RTIs filed — overburdening of govt office

4. Lack of whistleblower protection law  
↳ death of RTI activists - over 100 deaths since implementation.
5. Official Secrets Act ~~is~~ cited for refusal of information
6. Mechanical replies by various offices -  
"Data not available", "No sheets to print data" etc

Non-disclosure

While the RTI Act mandates pro-active disclosures, it has often been observed that the replies are slow, mechanical, or run upto ~~to~~ so many pages ~~to~~ that an ordinary person cannot do much. There is a need for ~~with~~ infrastructure upgradation and digitisation to ensure quicker & faster disposal of applications.

**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)

A senior bureaucrat once famously wrote "if you do something, something will happen; if you do nothing — nothing will happen" (to yourself).

Traditional bureaucracy has contributed to perpetuation of old order

Sardar Patel called the Indian Civil Service the Iron frame of the country. However, traditional bureaucracy suffered many limitations —

1. Continuation of feudal mindsets, especially in North Indian states
2. Culture of superiority: eg. IAS officers couple transferred in Delhi as they ~~walked~~ wanted ~~access~~ a "free stadium" to walk
3. Stagnation and indecisiveness over projects.

However, in recent times, bureaucrats have been at the forefront of bringing a change

eg: - Vinod Rai, ex-CAG exposed the biggest scams like 2G scam, coal bloc scam etc

- Metro man E. Sreedharan redefined urban mobility, he also constructed the beautiful Konkan Railway

- T.N. Seshan established the institution of Election Commission of India as credible & trustworthy

- In individual capacity, people like Amstrong Pame make best use of <sup>of</sup> available resources (constructed a road with local support in Manipur)

Thus while there may be some remnants of colonialism in bureaucracy — but as Max Weber explains — that will happen with any large organisation. Modern steps like Mission Karmayogi programme are a good way forward.

## Feedback

(For OFFICE use)

Structure/  
PresentationQuestion  
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)

अभियोगन की अपेक्षाओं के विपरीत, लोकपाल की संस्था सार्वजनिक जीवन में भ्रष्टाचार को खत्म करने में पथ-प्रदर्शक साबित नहीं हुई है। विश्लेषण करें।

(10 अंक, 150 शब्द)

The institution of Lokpal was created through the Lokpal Act of 2013. The primary objective was to curb corruption in public sector offices.

### Evaluation of institution of Lokpal

Lokpal Act came after a widespread public movement lead by Anna Hazare.

However, it failed to be path-breaking in dismantling corruption as —

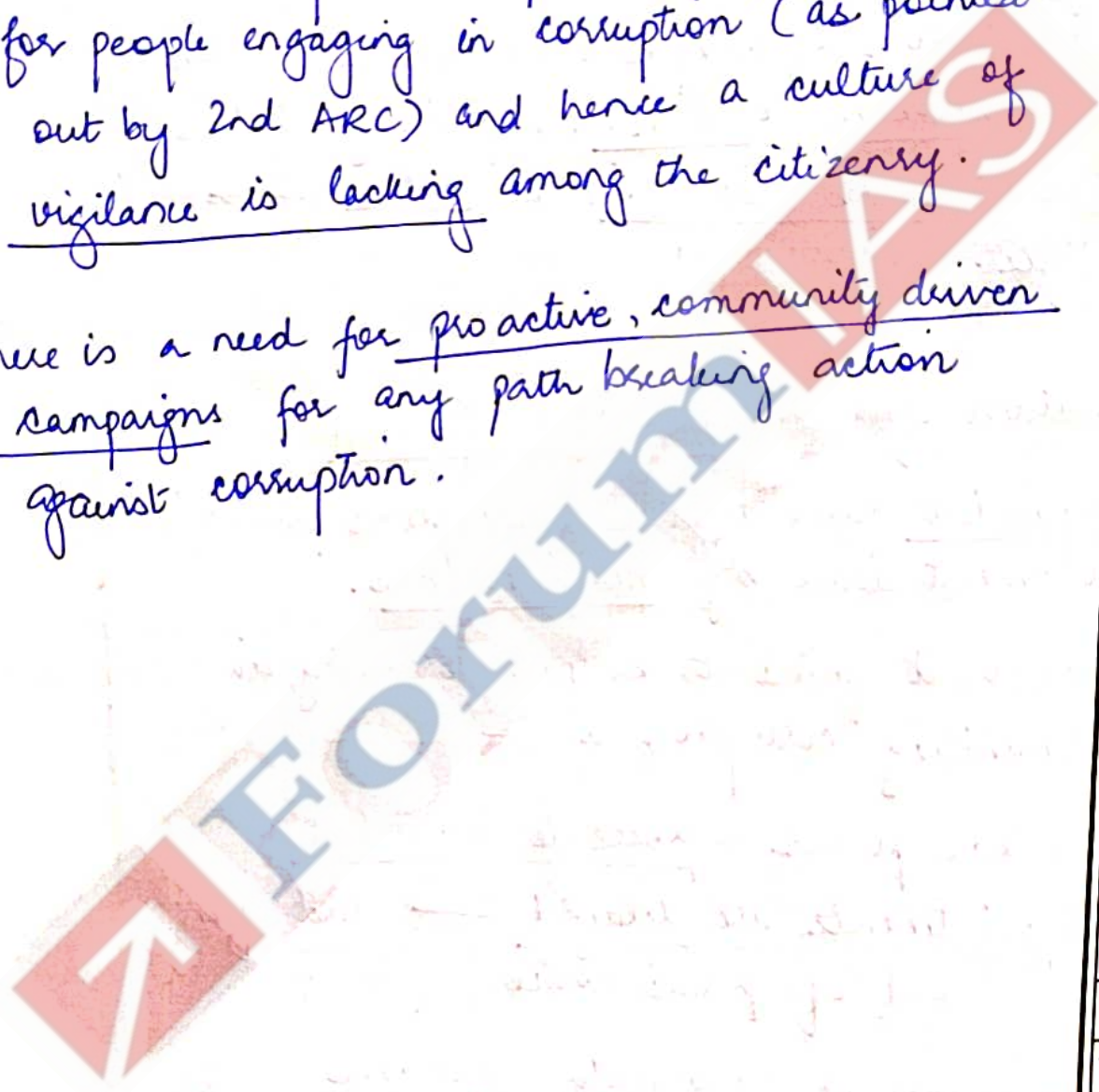
- No real power to prosecute individuals
- Appointments are delayed — and often out of public notice
- No power of suo-moto cognisance
- lack of vision and inspiration for the institution

(Don't do anything)

As a result the prosecutions have been low.

There are widespread misplaced sympathies ~~as~~ for people engaging in corruption (as pointed out by 2nd ARC) and hence a culture of vigilance is lacking among the citizenry.

There is a need for proactive, community driven campaigns for any path breaking action against corruption.



**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 Indian Constitution begins with "India, that is Bharat, shall be a union of states". The word federation is not used anywhere in the Constitution.

Constitution makers preferred the ~~use~~ use of "union" over "federation":

- In India, states are "destructible" units (Article 3) and Parliament can reorganise the states
- States do not have right to secede.
- States were not independent sovereign units who came together to form the country (in contrast with US which is as a "federation")

The Indian constitution thus envisages a "suu genesis" federation wherein the Center has been

given more powers relatively to ensure stability and unification of the country.



The centralising tendency is responsible for tensions between Union and states

Art 245 of the Constitution specifies legislative competence of the Parliament and states

↳ Union list has more subjects than state list (schedule 7)

↳ Parliament enjoys residuary powers

↳ Parliament legislation overrides state legislation if there is a conflict w.r.t. subjects in concurrent list.



This often leads to tensions in the center-state relations:

- eg: Tamil Nadu <sup>replacing</sup> ~~using~~ the word "Center" with "Union"
- States fear too much influence of Center will abridge their autonomy
- <sup>More</sup> ~~All~~ financial resources lie with the Center
  - eg: - concerns over GST compensation
  - states get tried funds over in Centrally sponsored schemes.
- States are perpetually dependent on Center for funds.
- Misuse of Art 356 (eg: Maharashtra)

At times the centralising tendency causes ~~just~~ a trust deficit between Center and states. Platforms like Inter state councils (as recommended by Sarkaria commission) need to be utilised to facilitate constant dialogue and engagement.

**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)

Fundamental duties, though not present in the original constitution, were incorporated by the 42nd Constitutional Amendment Act on recommendation of Swaran Singh Committee.

Ans Article 51 A of the Constitution specifies Fundamental Duties - illustrations:

- To uphold the unity and integrity of the nation
- To respect national flag and national anthem
- To promote scientific temper
- To preserve cultural and architectural heritage
- To ensure <sup>primary</sup> education for children aged 6-14 years
- To renounce practices derogatory to women.

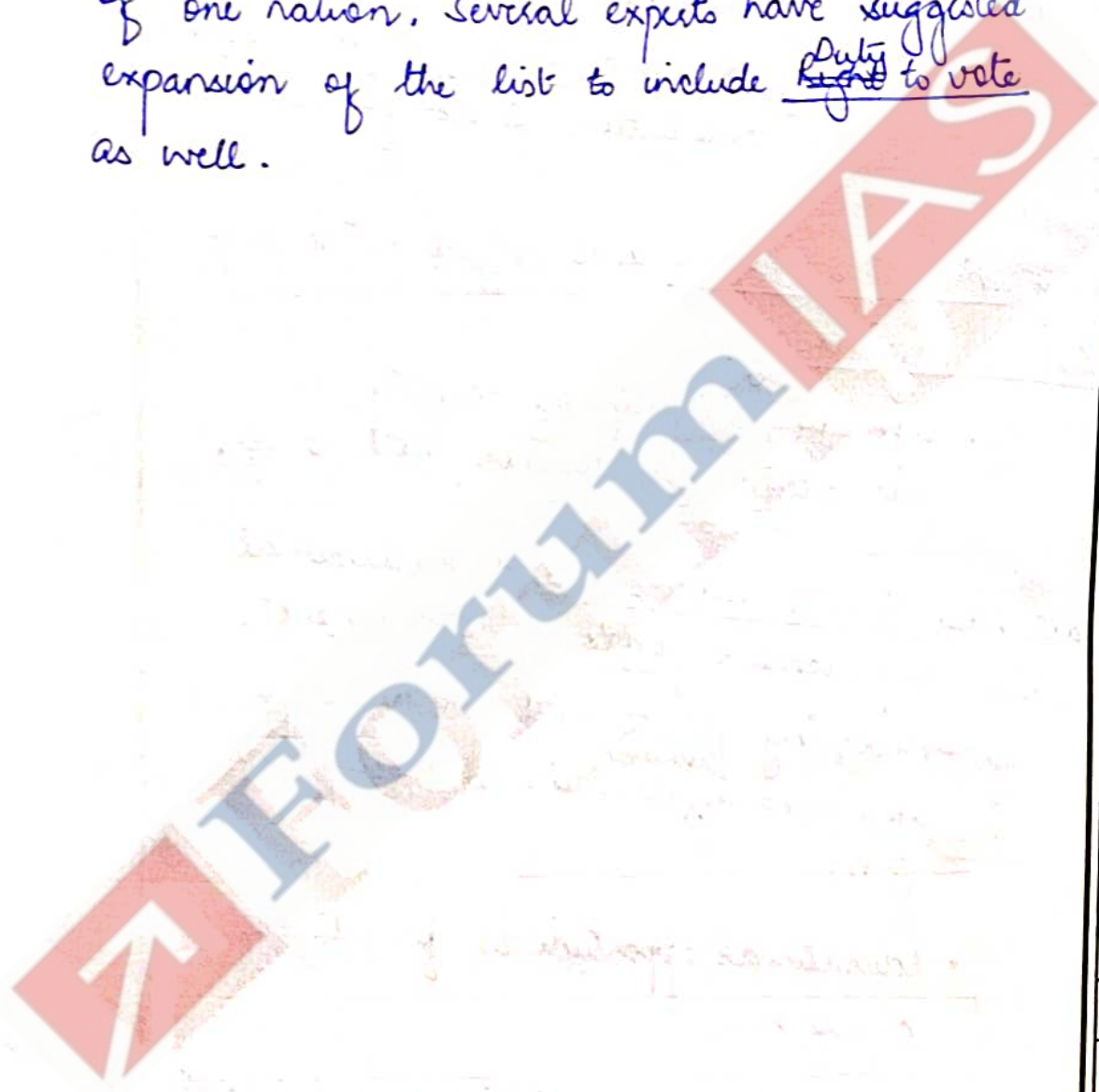


## Importance of fundamental duties for Indian society

- They provide a framework and direction of orientation for citizens  
 eg: developing scientific temper is encouraged by the Constitution ~~it~~ itself
- They unite the citizens and reflect meticulous social engineering  
 eg: upholding integrity of country as to citizens of common motherland.
- State has limited resources and fundamental duties help achieve goals of development  
 eg: - preserving forests and ~~is~~ wildlife also aids in <sup>achieving</sup> sustainable development goals
  - educational opportunities for ~~citizens~~ children.
- Fundamental duties are non-justiciable and cannot be enforced in courts of law. However, courts often ~~look~~ read and interpret constitutional

questions in light of fundamental duties.

Fundamental duties bind the citizens as members of one nation. Several experts have suggested expansion of the list to include Duty ~~Right~~ to vote as well.



Feedback	
(For OFFICE use only)	
Structure/Presentation	
Question Interpretation	
Content	
Value Addition	
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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 at the forefront of resolving ambiguities and delimiting powers in the process of electoral reforms.

This is evident from various judgments delivered by the highest constitutional court:

1. Election to any constitutional post cannot be immune to <sup>judicial</sup> challenge: Indira Nehru Gandhi vs. Raj Narain
2. Criminal antecedents of a candidate must be displayed on the party's website: PVCL v. Union of India
3. Right to vote has been variously interpreted to be a part of freedom of speech and expression - Kuldeep Nayar judgment.  
U/a 19(1)(a)
4. In various judgments the court has observed

against the increasing criminalisation of politics

Whether judiciary induced reforms violate separation of powers?

Separation of powers refers to the doctrine of non-interference by an organ of govt. into working of another organ. India follows the system of checks and balances since we don't have a strict separation of powers.

(A) They violate Separation of powers:

- A survey by Lokniti suggests 37% of people can vote for a candidate who is corrupt but accessible.
- In this light, critics allege that the reforms are top-down and does not concern the common man.

(B) They do not violate separation of powers

- Our democratic machinery is based on system of checks and balances.



- Criminalisation of politics has an adverse impact on quality of parliamentary proceedings.
- Ensures free and fair elections which are a part of basic structure of constitution (Indira Gandhi v. Raj Narain).
- Maintains public trust and reduce trust deficit in the governance.



Judiciary is the primary bulwark against tyranny of the executive. It is the Guardian of Constitution and upholds constitutional morality, an important aspect of which is a free and fair electoral process. Through electoral reforms, judiciary ensures a rule of law rather than rule by law.

**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)

Article 245 of the Constitution demarcates legislative competence as follows:

- Center - can legislate on <sup>union</sup> Center & concurrent list (Schedule 7, List I & III)
- States - can legislate on state & concurrent list. (Schedule 7, List II & III)

In cases of overlap between central and state laws on subjects in concurrent list, the Parliament's law prevails.

### Demand for doing away with concurrent list

In recent times, there have been allegations by the state governments that the center is encroaching upon their jurisdiction in the garb of concurrent list legislation.

Examples:

- Agriculture :: state subject  
• Center enacted farm acts using 'agriculture marketing' in concurrent list.



- Enactment of 4 labour codes - dilution by several states
- ~~To~~ Legislation on Forests - Forest Rights Act, Forest Conservation Rules framed by the Parliament
  - ↳ states have implementation role but one-size fits all approach.

Utility of concurrent list (it must be retained)

- Ensures uniformity in legislation about certain matters like weights and measures.
- Legislative space to the states to tweak requisite changes into the law (local amendments allowed).
- Centralising tendency of concurrent list is sanctioned by legislative wisdom of constitution-makers for pol. and administrative unification of country.

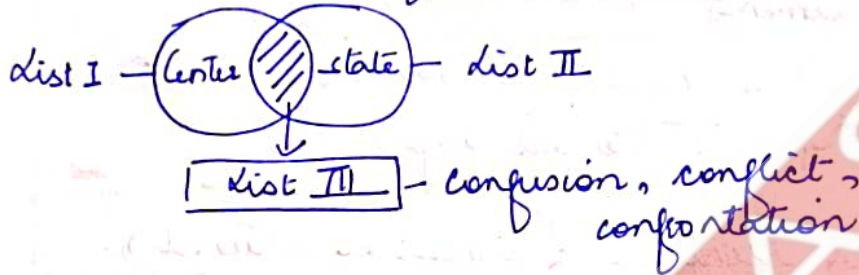
Merits in doing away with concurrent list :

- Autonomy to states in legislative process.
- Residuary powers already lie with Center - no need for concurrent list too.
- states are sovereign entities and derive existence

(Don't Write anything in this)

legislative powers from the Constitution.

- Concurrent list promotes conflicts and scope for overreach and confusion.



There is a need to have a re-look into power ~~date~~ delineation structure as well as precedent set by the Supreme Court. ~~While~~ Accidental and incidental approach encroachment has been deemed acceptable by the Supreme Court, a culture of acomodating issues need to be worked upon.

**Feedback**  
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Structure/Presentation
Question Interpretation
Content
Value Addition
Total



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

संविधान निर्माताओं की मशा के विपरीत राज्यपालों द्वारा विवेकाधीन शक्तियों का प्रयोग केंद्र-राज्य संबंधों में तनाव का एक प्रमुख स्रोत बन गया है। राज्यपाल की विवेकाधीन शक्तियों क्या हैं? साथ ही उनसे जुड़े मुद्दों पर चर्चा करें।  
(15 अंक, 250 शब्द)

Article 168 of the Constitution provides for the office of Governor, who is the formal and ceremonial head of the state.

Dual role of Governor

← Constitutional head of state as per Article 168.

→ Representative of Center at state  
(Appointed by the Union Govt)

Discretionary powers of the Governor

The Constitution confers discretion on Governor explicitly. These powers are with respect to —

→ Referring / reserving a bill for consideration of President u/a 200.

↳ mandatory when the bill jeopardises the powers of High court

→ Appointment of Chief Minister in case where no party achieves a majority.

→ Report on breakdown of Constitutional machinery in state (under Article 356).

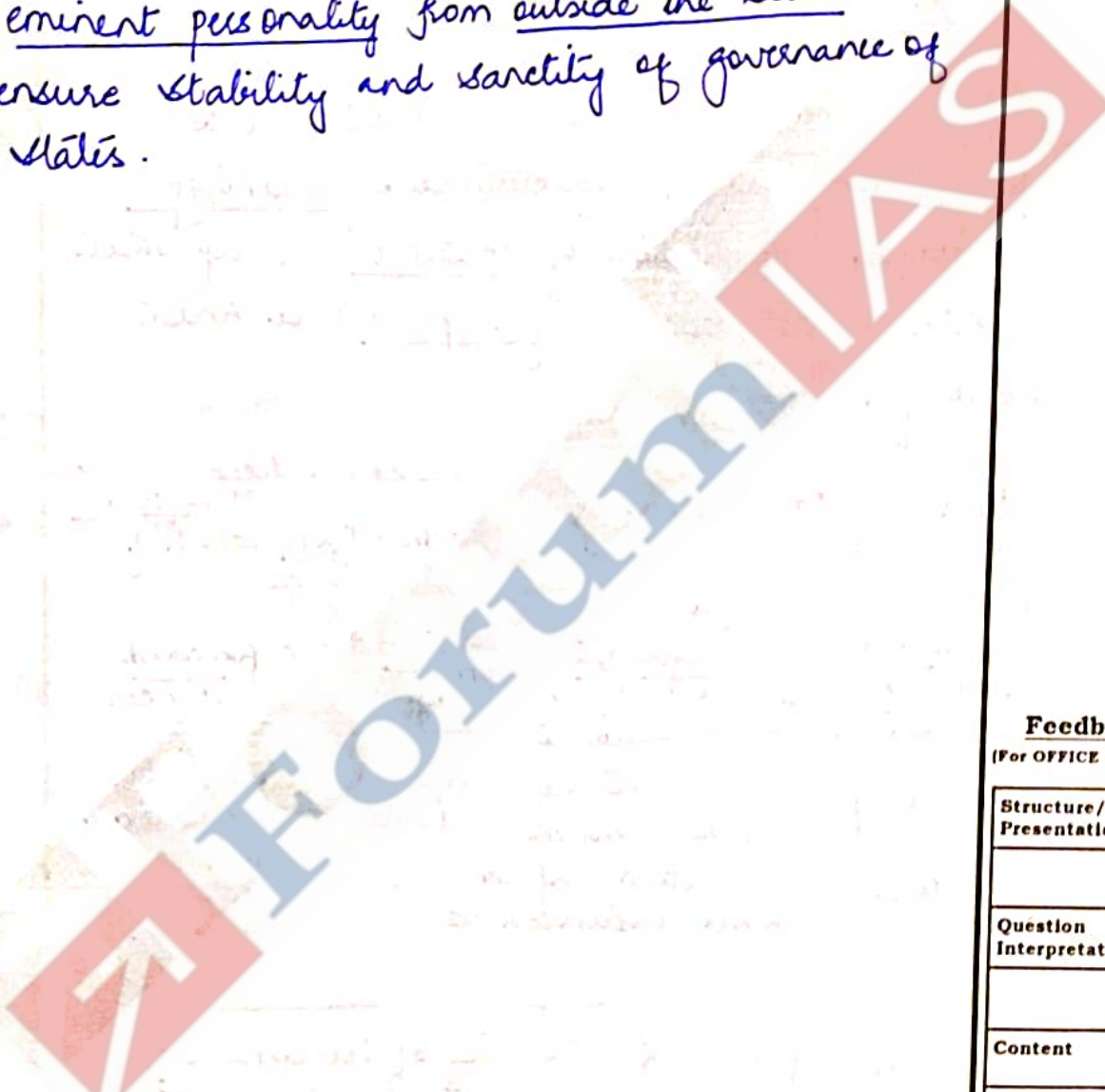
In M.P. Police Special Establishment case, the Supreme Court has pronounced that while a Governor normally functions on the aid and advice of Council of Ministers; in instances where there is apparent bias in decisions of Council, a Governor may exercise his own discretion.

### Issues associated with discretionary powers

- Exercised by an unrepresentative authority (Governor is not elected)
- Power tussle between Governor and assembly leads to instability in states & delay in legislation (eg: seen in West Bengal and Kerala in the past)
- Possibility of Governor over-exercising his authority - domination of Center in state politics.  
eg: Misuse of Article 356 in the past (used more than 100 times since independence)



The office of Governor is an important link between Centre and state. As recommended by the Lunchhi Commission, the Governor must be an eminent personality from outside the state to ensure stability and serenity of governance of states.



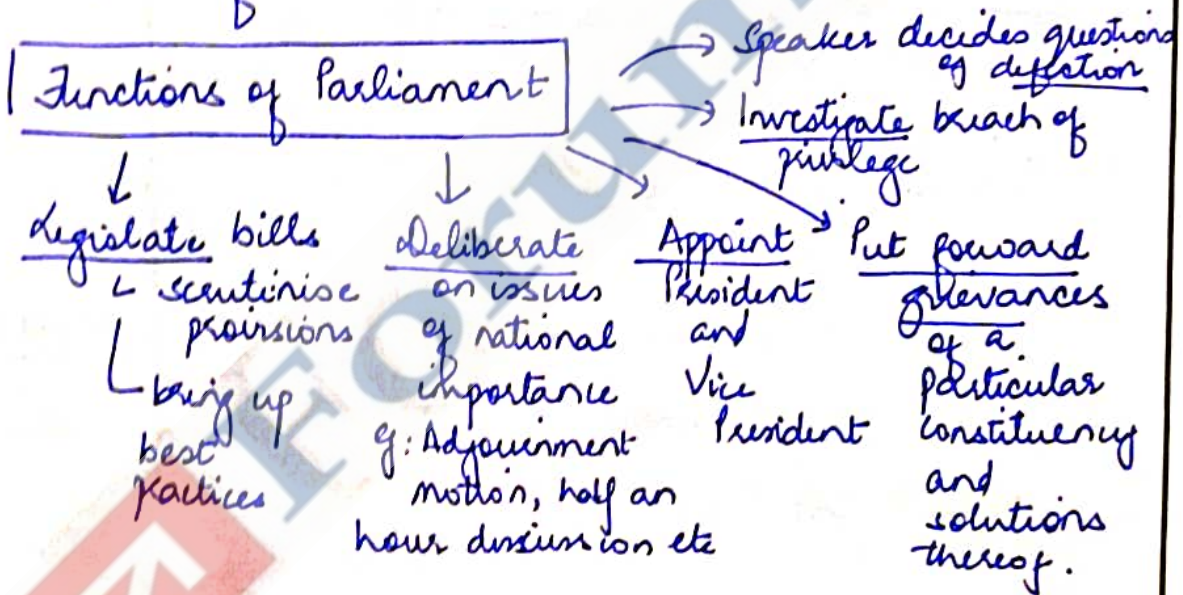
**Feedback**  
(For OFFICE use only)

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-विधान के संकट में वित्त-प्राय विचार-विमर्श, प्रतिनिधित्व और संवीक्षा के स्तर और सीमा में भारी कमी से संबंधित होती है। इस संदर्भ में, हाल के उदाहरणों पर प्रकाश डालिए जिनके कारण संसद के प्रभावी कामकाज में गिरावट आई है। (15 अंक, 250 शब्द)

Constitution makers envisaged the Parliament to be temple of democracy, characterised by meaningful deliberations. The framing of constitution itself reflects the ethos — almost taking 3 years to finalise the draft.

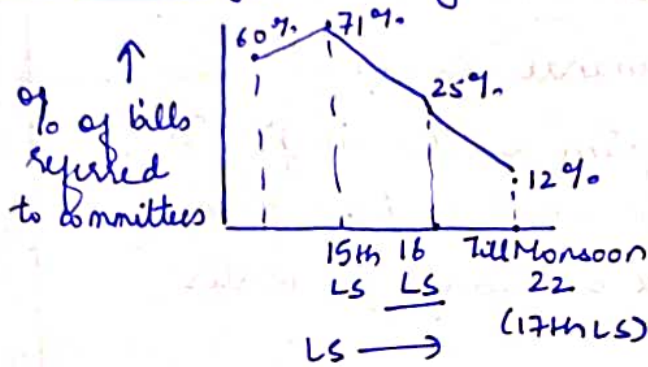


Decline in effective functioning of Parliament

- Reduction in average number of sittings for a session (eg: 61 in the monsoon budget session, less than 100 per session)



- Drastic decline in bills referred to Parliamentary committees for scrutiny



Results in  
hasty  
passing of  
bills  
↓  
frequent  
amendments

- Bills passed without due deliberation from all stakeholders

eg: Farm Acts → widespread discontent  
- eventually repealed

eg: IBC has been amended more than 50 times.

- Breach of rules and misuse of powers

eg: Passing Aadhar Act as money bill to bypass Rajya Sabha scrutiny.

- Discretion to label a money bill lies with Speaker.

- Use of guillotine motion frequently (eg: grants worth ₹ 27000 crore not discussed but guillotined)

Reasons for declining Parliamentary functions

- Lack of an effective, organised, & credible opposition

- Focus on populist issues more than sensitive ones.
- Quality of MPs are declining (233 Lok Sabha MPs have pending criminal cases)
- First Past the post system sends in "popular" leaders who may not want to take fiscally prudent decisions (free electricity, free water promises)

Lack of quality debate and due deliberation, frequent disruptions and ~~inab~~ will lead to an ineffective check on the powers of executive. As the country celebrates Azadi Ka Amrit Mahotsav, a ~~strict~~ <sup>serious</sup> re-look into our first principles as a democracy is called for.

## Feedback

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Structure/  
PresentationQuestion  
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 सक्रियकरण 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)

Panchayati Raj Institutions were ~~created~~ <sup>constitutionally recognised</sup> ~~in~~ with the enactment of ~~Constitution~~ 73rd Constitutional Amendment Act, 1992, which ~~is~~ inserted Articles 243-243(D) in the Constitution.

The aim and objective was to strengthen grass roots democracy and empowerment of people by giving them representation and a say in decision making.

Political decentralisation has resulted in representation:

- India has more than 3 lakh gram sabhas and elected representatives
- Regular elections are a constitutional mandate
- 3-tier structure at village, block and district levels ensures people have adequate representation.

However, decentralisation is without devolution

- The 11st Schedule with 29 items, is roughly concurrent with subjects in the state list
- There is overlap of jurisdiction and functions.
- Panchayats have a severe resource crunch:
  - ↳ inadequate funds as state finance commission<sup>(SFC)</sup> are constituted with delay (states still stuck with 5th SFC)
  - ↳ lack of human resources - skilled people do not want to serve in villages
  - ↳ lack of infrastructure - buildings, offices, computers, softwares etc.

Whether devolution of funds and functions can transform panchayats?

Ex: Kerala's Kudumbashree programme

- ↳ flattened COVID curve quickly
- ↳ effective in controlling other pandemics like Nipah
- ↳ 100% literacy rate, state excels in human resource indicators.

Panchayats ~~do~~ have tremendous reach and devolution.



of funds and functions would enable better grass root governance — like the Kudam Kudumbasree model of Kerala.

However, there are certain challenges —

- Corruption and siphoning off of public money
- Issue of bias
- Promotes fiscal profligacy as panchayats will be perpetually dependent on grants
- Lack of institutions that ensure transparency and grievance redressal.
- Lack of inclusiveness

There is thus a need for political leadership at the grass roots with a deep commitment to deepening democracy and promoting new welfareism, treating citizens as citizen-consumers.

**Feedback**

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Structure/  
PresentationQuestion  
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 को अपराध को सीधिता और अपराधी को बीच वैवाहिक संबंधों द्वारा माफ नहीं किया जा सकता है। इस कथन के प्रकाश में वैवाहिक बलात्कार को अपराधीकरण में शामिल मुद्दों की चर्चा कीजिए।

(15 अंक, 250 शब्द)

Marital rape is the act of sexual violence committed by the husband of the victim. The Indian Penal Code (IPC) does not define the offence of rape under section 375.

### Issues in criminalisation of marital rape

- Legal issues :- The IPC does not recognise the offence of marital rape.

↳ It carries out an exception: acts committed by husband or wife (over 16 years) do not qualify as an offence.

- Societal issue : Patriarchal mindset of society does not recognise marital rape as an "act of violence".

- There is an attitude that husband has a right over the woman's body.  
wife's



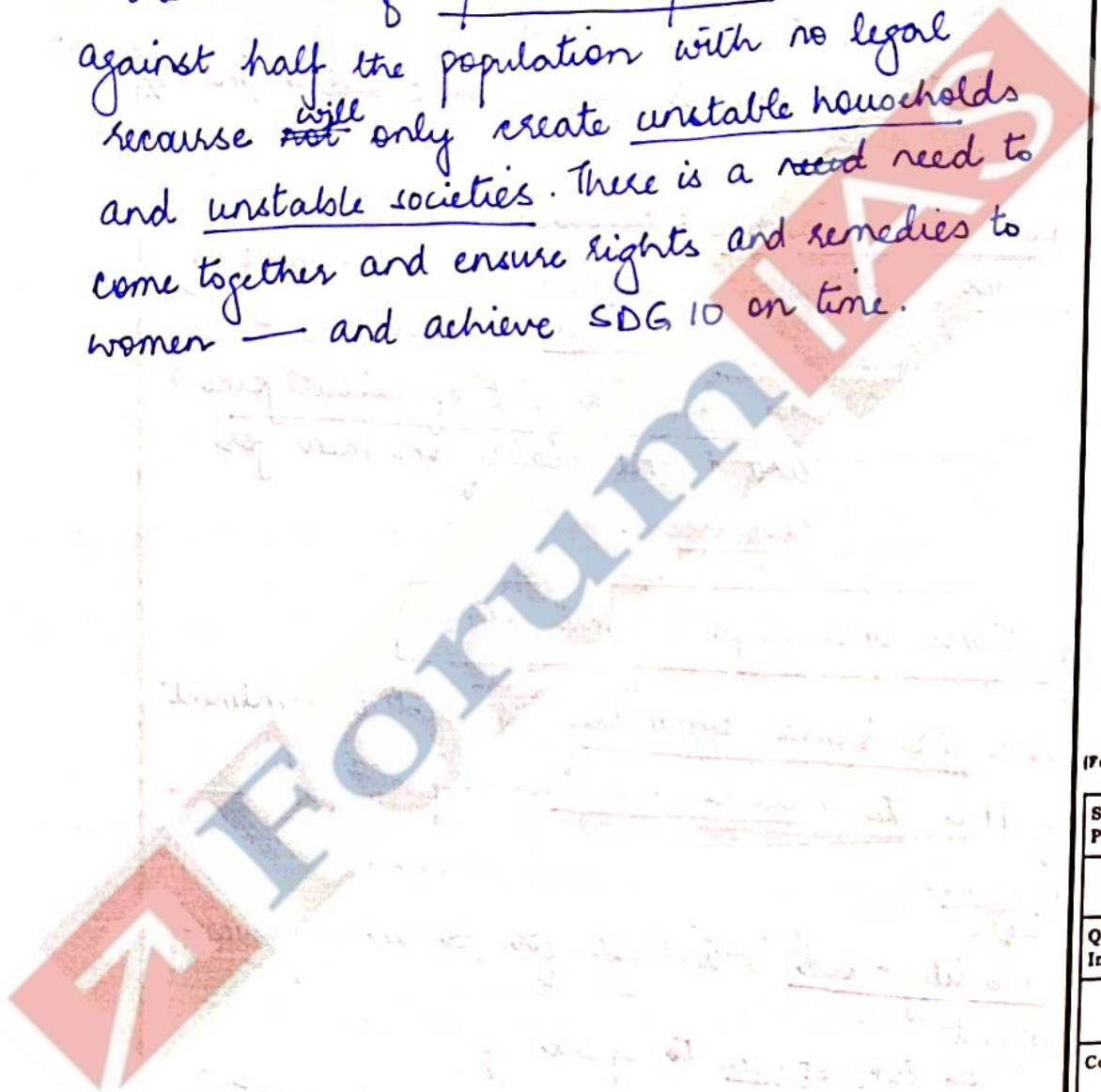
- Political issues: Sensationalisation and divides created by political groups and parties.
  - Lack of political will to initiate patient deliberation. (eg: delays in filing affidavits in Supreme Court over the matter).
- Economic and financial issues: Rehabilitation and economic empowerment of victim - less than 21% women are a part of labour force and depend heavily on men for resources.

### Suggestions and steps for mitigation

- Justice J.S. Verma committee suggested amendment of IPC to include marital rape as an offence.
- Community-led initiatives for women empowerment
  - ↳ Safe spaces to speak up
  - ↳ economic empowerment through creation of SHGs in urban areas
  - ↳ an efficient and enabling support system to ensure zero tolerance for acts of violence.

- Gender sensitisation at schools and colleges .

Advances in criminal law jurisprudence have proceeded on the dictum of "private is public". Violence against half the population with no legal recourse ~~not~~ <sup>will</sup> only create unstable households and unstable societies. There is a ~~need~~ need to come together and ensure rights and remedies to women — and achieve SDG 10 on time.



**Feedback**  
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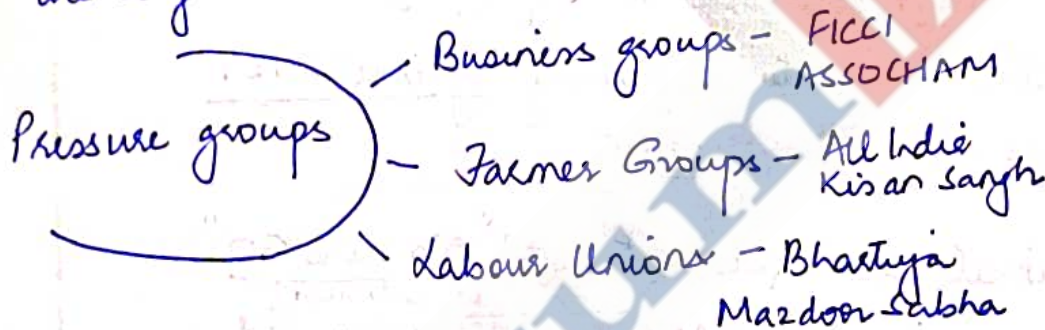
Structure/ Presentation
Question Interpretation
Content
Value Addition
Total



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

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

Pressure groups are associations or organisations that come together to push forward an issue or agenda in front of the government of the day.



Pressure Groups have emerged as a strong mechanism for making democracy participatory

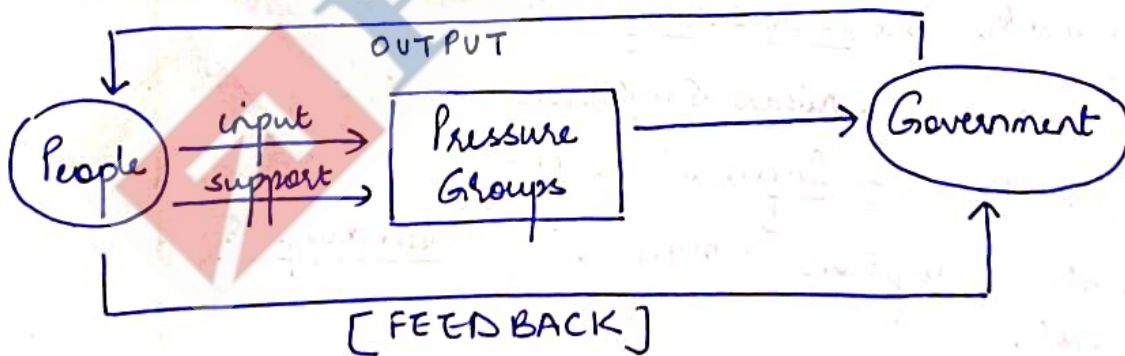


Fig: Pressure groups are intermediary in the democratic political process

Point → Pressure groups do not seek power, their only aim is to push forward a specific demand, ensuring substantive political representation ~~is~~ po, making democracy participatory

Examples :

- Farmer's protests for the repeal of 3 Farm Acts
- Textile associations pushing against GST hike on cotton products
- Animal ~~act~~ rights activists' "No more 50" <sup>or punishment</sup> campaign to increase fine under the Prevention of Cruelty Act.

⇒ They make the democracy transparent :

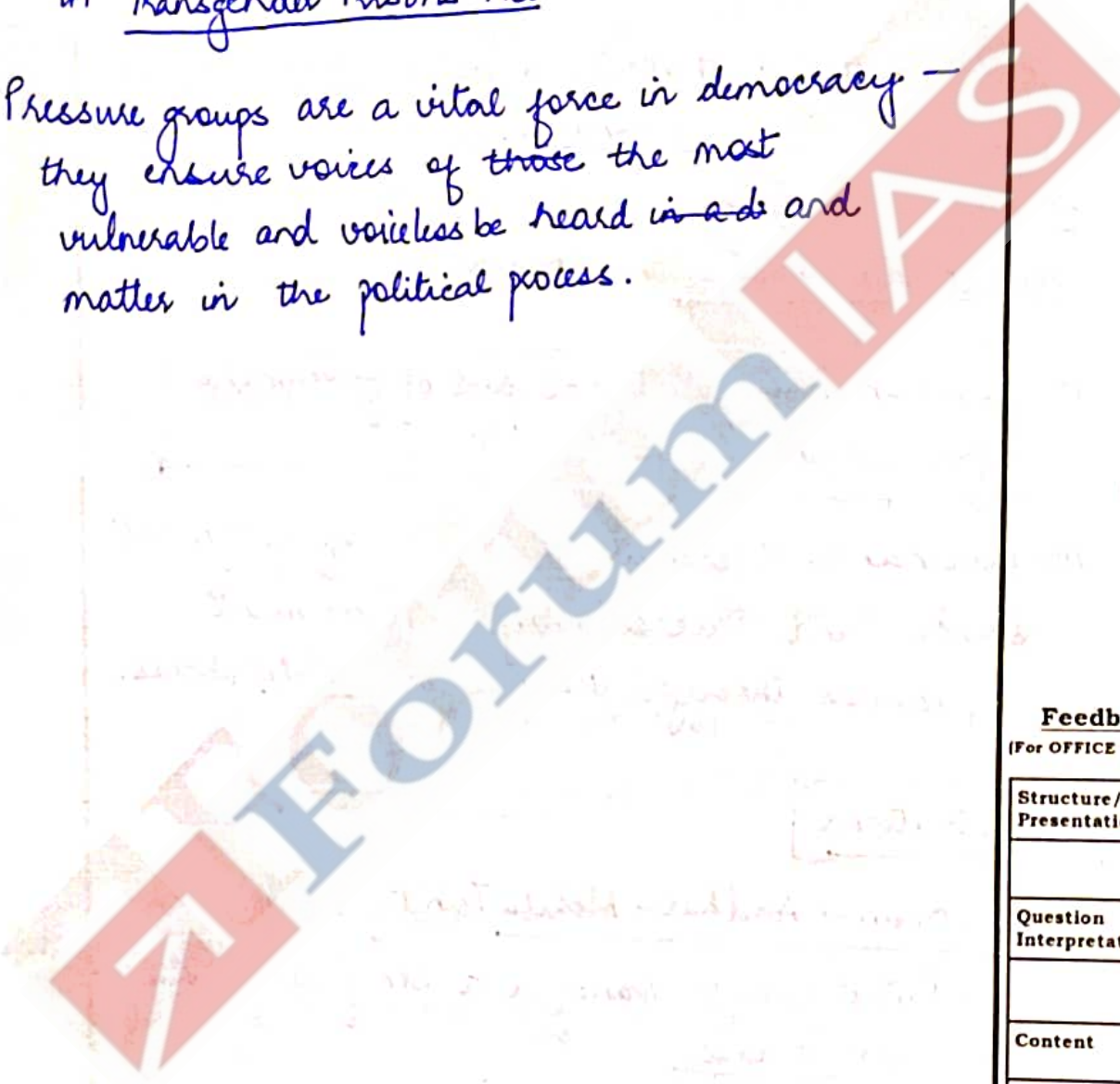
- eg: Mazdoor Kisan Sancharsh Samiti's quest for Right to Information Act
- Anti corruption movement for Jan Lokpal Bill.

⇒ Pressure groups make democracy responsive :



- Protests against the Farm Acts eventually led to their repeal
- Political Pressure by LGBTQ+ groups led to changes in Transgender Persons Act

Pressure groups are a vital force in democracy - they ensure voices of those the most vulnerable and voiceless be heard in ~~and~~ matters in the political process.



**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)

It is often touted that India skipped e-governance and jumped to m-governance. India has more than 600 million active internet users and one of the lowest data-charges in the world.

m-governance is an integral part of government welfare programmes

m-governance refers to availability of government services and accessibility to government programmes through the use of mobile phones.

### Illustrations

- Jan Dhan - Aadhar - Mobile Trinity (JAM)
  - Direct Benefit Transfers to beneficiary with zero leakages
  - eg:- PM-KISAN scheme } directly credited into bank accounts now
  - LPG subsidy
- Availability of various applications make



the & delivery of services faster and transparent  
 eg: e-Gramswaraj app to ensure transparency  
 in Panchayati Raj

- Incredible increase in reach and service-  
 delivery

- eg: ~~COWIN~~ Cowin software for vaccine  
 delivery enabled successful management  
 of COVID-pandemic

- Several states have taken pro-active steps in  
 treating citizens as citizen-consumers

eg: eGov 6 application by Andhra Pradesh  
 Govt helps easy filing of grievances,  
 assigns complaint no and takes feedback.

- Jan Soochna ~~Portal~~ Portal of Rajasthan -  
 proactive disclosures of govt records.

### Advantages of m-governances

- makes govt services accessible, affordable  
 and available
- convenient and cheap
- reduces corruption in working of govt
- transparency and accountability.

However, there are certain challenges associated with m-governance -

- Digital divide and exclusion of a large section of poor and illiterate
- women disproportionately affected (only 65% literate, lower access to digital devices)

There is a need to make m-governance more equitable and <sup>ensure it</sup> reaches the "antyo daya", the weakest and the most vulnerable members of society.

**Feedback**

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Structure/  
PresentationQuestion  
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		

\* Subject to change without prior notice.