

TEST CODE 6 1 2 2 0 1

FIAS - MGP 2023 - Cohort 13 Alt - Sectional Test #1

Time Allowed : Three Hours
समय : तीन घंटे



Maximum Marks : 250
अधिकतम अंक : 250

GENERAL STUDIES / सामान्य अध्ययन

Name Of Candidate परीक्षार्थी का नाम	Ananya Srivastava		
Roll No./अनुक्रमांक	19100 82802	Medium/माध्यम	English <input checked="" type="checkbox"/> हिंदी <input type="checkbox"/>
Center Code/परीक्षा केंद्र	ONLINE	Date/दिनांक	3 Aug 2023

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INDEX TABLE / अनुक्रमणिका		
Q. No. प्र.सं.	Max. Marks अधिकतम अंक	Marks Obtained प्राप्तांक
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Total/कुल अंक	250	

INSTRUCTION / अनुदेश

- Please do furnish Name, Email, Roll No and Mobile in the answer sheet.
कृपया उत्तर-पुस्तिका में नाम, ईमेल, रोल नंबर और मोबाइल नंबर भरें।
- There are TWENTY questions printed in ENGLISH & HINDI, all questions are compulsory.
उत्तर पुस्तिका में अंग्रेजी/हिंदी में बीस प्रश्न दिए गए हैं, सभी प्रश्न अनिवार्य हैं।
- The number of marks carried by a question/part is indicated against it.
प्रत्येक प्रश्न/भाग के लिए निर्धारित अंक उसके सामने अंकित किए गए हैं।
- 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.
उत्तर प्रवेश पत्र में अधिकृत माध्यम में लिखे जाने चाहिए, जो कि दिए गए स्थान में इस प्रश्न-सह-उत्तर (बमूलीए) पुस्तिका के कवर पर स्पष्ट रूप से लिखा जाना चाहिए।
- 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.
प्रश्नों में शब्द सीमा, यदि निर्दिष्ट हो, का पालन किया जाए। प्रश्न-सह-उत्तर पुस्तिका में खाली छोड़े गये किसी भी पृष्ठ या पृष्ठ के भाग को स्पष्ट रूप से काट दें।

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Examiner's Discretion/मूल्यांकन कर्ता का विवेक :	Start Time/प्रारंभ करने का समय : 9:00	End Time/समाप्त करने का समय : 12:00
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Total Marks/कुल अंक :	Mode Of Examination/ परीक्षा की विधि :	Online/ऑनलाइन <input checked="" type="checkbox"/> Offline/ऑफलाइन <input type="checkbox"/>
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*Examiner's Discretion is the marks awarded at the discretion of the examiner 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. मूल्यांकन कर्ता का विवेक अंक, आपकी लिखावट, प्रस्तुति, आरेखों के उपयोग, प्लोचार्ट, तथ्यों और आंकड़ों या समग्र रूप किसी अन्य विषय वस्तु, जो मूल्यांकन कर्ता को आपकी कॉपी में पसंद आयी के आधार पर (लेकिन इन्हीं तक सीमित नहीं) पर दिए गए अंक हैं।	ECN CODE/ ईसीएन कोड :	EG/ईजी : ① ② ③ ④ ⑤	Evaluation Date/ मूल्यांकन तिथि :

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EXAMINER'S REMARKS

CRITERIA FOR THE FEEDBACK SECTION AT THE END OF EACH QUESTION

1. **AWIS = Answered What is Asked.** This means whether you have addressed the core demand of the question or not. Addressing the core demand of the question gets you an objectively fair score. It is examiner's perception if you have understood the question and if you know the answer in the first place. Creative answer writing, sometimes missing the core demand, may fetch very high or very low scores, and exposes your answer to the subjectivity of the examiner.
2. **CD & VA = Content Density & Value Addition.** Examiner will evaluate the quality and quantity of your content in the answer. In the same word limit and space limit have you (a) written what is asked (b) gone beyond what is asked (c) enriched answers through combination of (but not all!) suggestions, ideas, quotes, flowcharts, diagrams, facts and figures, data etc. This affects objective components of assessment.
3. **S & F = Structure & Flow =** Whether you have structured your answer properly or not. Whether the answer has been broken into parts and sub-parts and each part has been addressed appropriately or not. Whether the flow of the answer is maintained. Affects both subjective and objective components of assessment.
4. **P & R =** How your answer performs on the criteria of presentation, ease of read, clarity and apparent effort in writing the answer. This affects the subjective components of assessment.



Q.1) Basic structure doctrine has prevented the Parliament, a creature of the constitution, from becoming the master of the constitution. Discuss this statement with the help of relevant case laws. (10 marks, 150 words)

बुनियादी संरचना सिद्धांत, संविधान का सृजन, ने संसद को संविधान का स्वामी बनने से रोक दिया है। प्रासंगिक केस कानूनों की मदद से इस कथन पर चर्चा कीजिए। (10 अंक, 150 शब्द)

Basic structure doctrine was a judicial innovation made in Kesavanda Bharathi case (1973). It includes certain fundamental features which can not be abrogated by parliament under Article 368.

Parliament - creature of the constitution as its the fundamental law of the land. It defines structure, federal set up among other features.

Basic structure limits amending power preventing Parliament to become master

(1) Protects fundamental features (e.g) supremacy of constitution, federalism, republic - S.R. Bommai Case 1994.

- (2) Protects judicial review (Article 226, 32) and Rule of law (Maneka Gandhi case)
- (3) Checks excesses of state, principle of limited govt. (eg) Minerva Mills case 1980,
- (4) In Kihoto Hollohan case - said that arbitrary addition in IXth Schedule against basic structure.
- (5) Promoted free & fair elections and no amendment to violate it (eg) In Indira Gandhi vs Raj Narain case

However, criticised Basic structure

↳ Not defined - Judicial imagination → used to make 99th (NTAC) amendment null & void

↳ Leads to Judicial supremacy & criticised for violating separation of power.

Thus, though necessary should be used while practicing Judicial restraint for efficient functioning.

Feedback

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#	G	A	P
AWIS			
CD & VA			
S & F			
P & R			
<p>⊙ = Good ⊙ = Average ⊙ = Poor</p>			
TOTAL MARKS			



Q.2) The power of pressure groups lies not in their size or elaborate organization, but in their ability to mobilize public opinion and create lasting change. With help of relevant examples, discuss how informal pressure groups shape public policy. (10 marks, 150 words)

दबाव समूहों की शक्ति उनके आकार या विस्तृत संगठन में नहीं, बल्कि जनता की राय जुटाने और स्थायी परिवर्तन लाने की उनकी क्षमता में निहित है। प्रासंगिक उदाहरणों की सहायता से चर्चा कीजिए कि अनौपचारिक दबाव समूह सार्वजनिक नीति को कैसे आकार देते हैं। (10 अंक, 150 शब्द)

Pressure groups are organised groups which aim to influence the policies and actions of the govt.



Pressure groups → stages of creating lasting change

- 1) Stage 1: Work to place of a problem
(eg) farm laws agitation
- 2) Stage 2: Govt recognises the problem
(eg) Ready for dialogue.
- 3) Stage 3: Wider consultations involving various stakeholders.

4. Stage 4 : Proposal or white paper filed.
Here various suggestions are incorporated
5. Stage 5 : Based on proposal policy actions may take place → Bill or amendment
(e) State govt going back to OPS model
6. Stage 6 : Implementation of the policy

Challenges associated with pressure groups

- ↳ 1) Unequal resource allocation - leads to trade offs of Array movement vs development
- 2) Elitism may get reflected - could result in lobbying by corporates of USA - defence lobby
- 3) lack leadership, structural issues and narrow interest → may affect larger public interest.

Thus though Pressure groups play a significant role in making voice heard it's essential they don't act as hindrance to functioning of democracy.

Feedback

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#	G	A	P
AWIS			
CD & VA			
S & F			
P & R			
<p>G = Good A = Average P = Poor</p>			
TOTAL MARKS			



Q.3) Analyse the reasons for degeneration of parliamentary functioning in recent time. Also, suggest measure to make the parliament more productive. (10 marks, 150 words)

हाल के समय में संसदीय कामकाज में आई गिरावट के कारणों का विश्लेषण कीजिए। साथ ही, संसद को अधिक उत्पादक बनाने के उपाय सुझाएं। (10 अंक, 150 शब्द)

Parliament is the supreme law making body and apex forum for public debate, discussions and deliberations.
It also ensures accountability of executive.

However, in recent times the functioning has degraded. Its becoming a chamber of showmanship instead of statesmanship.

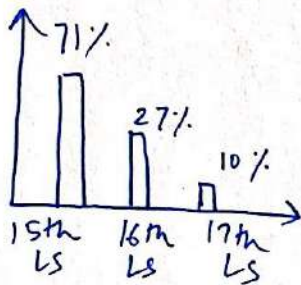
(1) Politicisation of speaker, criminalisation of politics (43% in 17th LS - PRS) and weak opposition (decline in deliberation)

(2) Decreasing productivity - 2020 RS met for 33 days (lowest ever). 2021 monsoon session LS & RS - 21% & 29% productivity respectively → due to adjournments

(3) lack of discipline - sloganeering, storming ^{the} well, unruly behaviour → suspension of MP from Rajya Sabha

(4) No proper discussions of TMC criticised passing of 25 bills in 21 mins.

(5) Bypassing Rajya Sabha of Aadhar Bill concealed as money bill and avoiding Parliamentary committee -



(Till 2022 - bills referred to DRSC - data by PRS)

Measures to make more productive

(1) Fix minimum number of days of VP suggested 100 sittings per year

(2) Statutory limit on adjournment and fixed time for opposition of Canada has fixed days

(3) Committee stage compulsory (2nd ARC) also done in Australia & UK

(4) Cross party consensus - Whip should check unruly behaviour.

Presiding officer should act as non partisan & MP should follow conduct rules to maintain sanctity of temple of democracy

Feedback

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<p>G = Good A = Average P = Poor</p>			
TOTAL MARKS			



Q.4) Subordination of investigative agencies to the executive is fraught with disastrous consequences. Discuss the statement in light of the criticism of the Central Bureau of Investigation as a "caged parrot". (10 marks, 150 words)

जांच एजेंसियों का कार्यपालिका के अधीन होना विनाशकारी परिणामों से भरा है। केंद्रीय जांच ब्यूरो की "पिंजरे में बंद तोता" के रूप में आलोचना के आलोक में इस कथन की चर्चा कीजिए। (10 अंक, 150 शब्द)

CBI is the premier investigating agency created through resolution of Home ministry. It derives its powers from the Delhi Special Police establishment Act of 1946.

In 2013 Justice Lodha called CBI as a caged parrot — speaking voice of its master. (due to wide control of executive over CBI)

Caged Parrot

- lack independence
- dependence on deputation for filling vacancies (700 executive post vacant)
- Political manipulation (9 states withdrew consent)
- Political hounding
 - ↳ opponents to influence or legislative support

Consequences are disastrous

(1) Harm federal relations of CBI vs state police in saradha chit fund scam

(2) Specialised agency yet ineffective check on corruption → mismanagement (eg Bojore scandal, Noida double murder case)

(3) Pendency - Parliamentary report Jan 2022
1025 cases pending 60+ cases for 5 years

(4) RTI exemption (section 8) makes susceptible to political & authoritarian control

(5) All this creates a crisis of credibility

However, there's a need of control

(1) Democratic accountability principle - elected by people.

(2) Create 'super cop' if complete autonomy

(3) To tackle threats to national security, public order need robust policing CBI, NIA etc.

And ARC and LM Singhvi committee recommended left backing. And to fill vacancy - direct recruitment through UPSC which stopped in 2000, should be restarted further there's a need to balance independence with accountability

Feedback

(For OFFICE use only)

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F & R			
G = Good A = Average P = Poor			
TOTAL MARKS			



Q.5) The Election Commission of India has a vital role in building a robust framework of electoral democracy. Highlighting challenges associated with the functioning of ECI, suggest measures to reform the body. (10 marks, 150 words)

चुनावी लोकतंत्र के एक मजबूत ढांचे के निर्माण में भारत के चुनाव आयोग की महत्वपूर्ण भूमिका है। भारत के चुनाव आयोग के कामकाज से जुड़ी चुनौतियों पर प्रकाश डालते हुए, इस निकाय में सुधार के उपाय सुझाएं। (10 अंक, 150 शब्द)

Constitution under Article 324 talks of ECI for carrying out free and fair elections. Having power of superintendence, direction & control.

Vital role in building robust electoral democracy

- (1) Holds periodic elections across the country
- (2) Prepares, revises electoral roll - recently linked to Aadhar. (section 23 of RPA)
- (3) Determines constituencies based on delimitation commission
- (4) lists & delists and registers political parties (e) in 2022 delist 111 parties as no political activity

However, there are concerns

- (1) Weak knud conduct for enforcing model code of conduct

- (2) Disqualification of AAP MLAs → overruled by HC of Delhi → show executive intef interference
- (3) Allowed rallies during Covid19 - Madras HC held ECI responsible for covid wave
- (4) Selection of ECI was under scrutiny for long. (executive role)

Some measures / reforms needed

- (1) Follow collegium system for appointment (Judgement - SC* in March 2023)
- (2) Power to deregister parties (Section 29A only registers)
- (3) Cooling off period for post retirement postings
- (4) Staffing, expenditure and removal should be made free from executive interference

Free and fair elections are basic structure of Indian constitution (India Gandhi case). Thus, ECI should be given sufficient autonomy to carry them out.

Feedback

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#	G	A	P
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CD & VA			
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P & R			
<p>G = Good A = Average P = Poor</p>			
TOTAL MARKS			



Q.6) Anti-defection law has failed to address and resolve the evil of political defection satisfactorily. Discuss various issues surrounding the Anti-defection law and recommend some corrective measures. (10 marks, 150 words)

दल-बदल विरोधी कानून राजनीतिक दल-बदल की बुराई को संतोषजनक ढंग से संबोधित करने और हल करने में विफल रहा है। दल-बदल विरोधी कानून से जुड़े विभिन्न मुद्दों पर चर्चा कीजिए और कुछ सुधारात्मक उपायों की सिफारिश कीजिए। (10 अंक, 150 शब्द)

Anti defection law was brought through 52nd constitutional amendment and addition of Xth schedule. The purpose was to curb political defection.

Need → prevent horse trading & corruption
→ prevent political instability
→ prevent frequent changing of political parties (Aya Ram Gaya Ram)

Exception → 2/3rd decide to join

Issues of dissatisfactory functioning

(1) Use of whip for routine matters - curtail functioning of members (A-19(1)(a) violated Lok Niti study 37). vote for candidate not party

(2) Using resignation route (Karnataka) or cross disqualification (Maharashtra) leading to undermining the law.

(3) It affects minimum government maximum governance as members accommodated as ministers

(4) Politicisation of speaker as great discretionary power → No time bound procedure (e.g. Manipur case)

(5) Weakens legislative oversight, electoral mandate and representative democracy

(6) wholesale defection → 2/3rd joining

Measures to curb

(1) Dinesh Goswami committee - ADL should be used for no confidence motion

(2) Keisham Megha chandra. case - SC called for independent tribunal not speaker

(3) Venkateshiah committee → President or governor should decide on advice of EC.

There should be limited use of whip and procedure bound usage of ADL to have more meaningful functioning of parliamentary democracy.

Feedback (For OFFICE use only)

#	G	A	P
AWIS			
CD & VA			
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P & R			
G = Good A = Average P = Poor			
TOTAL MARKS			



Q.7) What do you mean by 'doctrine of essentiality'? How has judiciary used this doctrine to address conflict between various fundamental rights? Explain with examples. (10 marks, 150 words)

'अनिवार्यता के सिद्धांत' से आप क्या समझते हैं? विभिन्न मौलिक अधिकारों के बीच संघर्ष को दूर करने के लिए न्यायपालिका ने इस सिद्धांत का उपयोग कैसे किया है? उदाहरण सहित स्पष्ट कीजिए। (10 अंक, 150 शब्द)

Doctrine of essentiality was invented by Supreme Court in Shirur Mutt case (1954)

It includes important / essential customs and rituals, which are protected under Article 25.

Doctrine has been used to resolve conflicts between FR and in various cases —

(1) Shayara Bano case 2017 — Triple Talac as against right to life with dignity & personal liberty (Ar 21)

(2) Sabriwala case 2018 — declared exclusion of women unconstitutional and not essential practice. Article 14 — equality and Article 25 — freedom of religion subject to morality. (Sub judice)

(3) Hijab ban case - HC of Karnataka held uniforms of school are within reasonable restriction. (Pending in SC)

However, the doctrine is criticised

↳ 1) Court is not an eclectic body.

Judges not experts of religion (eg Justice Indu Malhotra - dissented in Sabrimala case - question should be left to religious community).

↳ 2) Does not recognise diversity → imposes ^{own} morality without understanding

↳ 3) leads to undesirable effects → (eg) Hijab ban leads to denial of education or Ismail Faruqi case - mosque not essential led to offering Namaz in public place - Clash in Gurgaon

It is said for a devout person all practices are essential and for ~~atheists~~ atheist nothing is. Thus, there should be fine balance between upholding constitutional morality and religious practices.

Feedback

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#	G	A	P
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CD & VA			
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(G) = Good (A) = Average (P) = Poor			
TOTAL MARKS			



Q.8) Frequent reliance on the ordinance making power by the government, not only dilutes the basic tenets of executive accountability in a parliamentary democracy, but also overlooks the democratic traditions of building consensus. Discuss with relevant examples. (10 marks, 150 words)

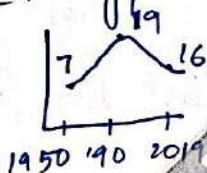
सरकार द्वारा अध्यादेश बनाने की शक्ति पर बार-बार निर्भरता न केवल संसदीय लोकतंत्र में कार्यकारी जवाबदेही के बुनियादी सिद्धांतों को कमजोर करती है, बल्कि आम सहमति बनाने की लोकतांत्रिक परंपराओं को भी नजरअंदाज करती है। प्रासंगिक उदाहरणों के साथ चर्चा कीजिए। (10 अंक, 150 शब्द)

Ordinance making powers are prescribed in constitution under Article 123 and 213.

It helps in dealing with unprecedented, unforeseen and urgent matters

Although a feature of constitution, it dilutes executive accountability -

(1) Bypasses legislature & scrutiny - (eg) PRS data



→ 7.1 ordinance in 1950s to 19 in 1990s and 16 in 2019

(2) Exploited for political reasons without emergent situation (eg) Bihar had 11 ordinances kept alive for 10 years

(3) SC in DC Wadhwa case and Krishna Kumar case highlighted → ordinance for exceptional circumstances not parallel source of legislation

Also impacts national consensus building

↳ (1) Dilutes discussion and debates which are essential for democracy (eg Farm bills - ordinance no stakeholder consultation led to protest)

(2) leads to majoritarianism - minority feelings overlooked, opposition no chance for inputs (eg land acquisition act)

(3) SC called fraud on constitution as constitution calls for democratic functioning where people and their representative have space for deliberation

(eg lockdown and OTC rules announced without consultations.)

Though ordinance necessary for some emergency situation there should be due caution while exercising this power.

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Q.9) "Bail not Jail" is the cardinal principle that upholds the sacrosanct ideas of individual's liberty and dignity. Explain the statement, citing various case laws. (10 marks, 150 words)

"जेल नहीं जमानत" वह प्रमुख सिद्धांत है जो व्यक्ति की स्वतंत्रता और गरिमा के पवित्र विचारों को कायम रखता है। विभिन्न केस कानूनों का हवाला देते हुए कथन को स्पष्ट कीजिए। (10 अंक, 150 शब्द)

Supreme Court in Arnesh Kumar Case called for a separate bail law. In CJI NV Ramanna said "bail not Jail" should be the rule.

Cardinal principle to uphold individual's liberty and dignity.

- (1) Large undertrials violate personal liberty (Article 21) — 69% undertrials as per NCRB
- (2) DPSP Article 39A talks of free legal aid → Principle of Natural justice to hear otherside
- (3) Principle of Indian jurisprudence —
 - ↳ Presumption of innocence &
 - ↳ Proven guilty beyond doubt
 - ↳ Prosecution's responsibility to prove guilt

(4) Bail will help untail perpetual victimisation (eg) Vishnu Timoni case applied for bail 16 years back

Concerns - why fail not bail

- ↳ (1) Pendency in courts (eg) 4.5 crore cases (NJDG)
- (2) Apathy of functionaries - Police not following Belian principle - Rule by law
- (3) Use of even struck down law (eg) section 66A of IT Act.
- (4) Orders not available in vernacular / local language / surety bonds → against human rights

Thus, there's a need to get multifaceted reforms → (1) Separate law for bail

- (2) Bail if not sufficient case (Satender Kuman Antill case)
- (3) Spread awareness & provide required help (27% illiterate - NCRB)
- (4) Indianisation of law (eg) Kedarnath Principle in Sedition cases.

Moreover, there is need to correct criminal justice lacunae - better infrastructure, staff & awareness.

Feedback

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G = Good A = Average P = Poor			
TOTAL MARKS			



Q.10) Dispute redressal is the most important component of cooperative federalism. How does the Interstate Council facilitate the resolution of disputes related to states in India, and what are the challenges associated with this process? (10 marks, 150 words)

विवाद समाधान सहकारी संघवाद का सबसे महत्वपूर्ण घटक है। अंतरराज्यीय परिषद भारत में राज्यों से संबंधित विवादों के समाधान को कैसे सुविधाजनक बनाती है और इस प्रक्रिया से जुड़ी चुनौतियाँ क्या हैं? (10 अंक, 150 शब्द)

Interstate council is created under Article 263 of the constitution. ~~Set~~ Sarkaria commission talked of its utility in resolving disputes among federal governments

Important component of cooperative federalism

→ States represented - heard their concerns and tackled on case to case basis

→ There should be regular meetings and effective follow up

→ Various disputes such as land border, river water can be resolved through deliberations / consensus.

However, there are challenges which persist

(1) Meetings not regularly held - low number in the last decade.

- (2) Becomes a stage of combative federalism instead of cooperative.
- (3) Blame game and no common ground created.
- (4) Over powering of state parties by National parties
- (5) leads to deadlocks further reducing importance. States do not wish to participate or send senior officials.

Measures to reform the functioning

- (1) Regularity should be ensured.
- (2) Other meetings such as GST council meet or CM's conference held in parallel
- (3) Voices should be heard and consensus building should be agenda.

federalism is basic structure of Indian constitution. ISC can help strengthen it

Feedback
(For OFFICE use only)

#	G	A	P
AWIS			
CD & VA			
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P & R			
G = Good A = Average P = Poor			
TOTAL MARKS			



Q.11) Despite its vital role for the smooth functioning of the body politic, constitutional punctuality remains conspicuous by its absence. Discuss. (15 marks, 250 words)

राजनीतिक निकाय के सुचारु कामकाज में इसकी महत्वपूर्ण भूमिका के बावजूद, संवैधानिक समय की पाबंदी इसकी अनुपस्थिति के कारण स्पष्ट बनी हुई है। चर्चा कीजिए। (15 अंक, 250 शब्द)

Constitutional punctuality refers to completing processes without delay in timely manner.

It helps in making decisions faster and delivering to citizens efficiently.

Vital for smooth functioning

(1) Regular parliament session of appropriate time should take place to ensure punctuality in decision making (77 days average last decade)

(2) Judiciary should follow constitutional punctuality to dismiss pending cases. Justice delayed is justice denied.

(3) Executive should fill vacancies

of all organs especially judiciary
to maintain punctuality.

(4) Appointment of deputy speaker should
be done at earliest. Upholds
Article 93 and addresses impunctual
behaviour

(5) Packet or Absolute Veto of President
on state bills recommended by
governors (Article 200) → should
be cleared faster.

(6) lethargy of speaker in deciding
anti defection cases (eg) Manipur
case - where SC said it should
be done in a month to maintain
punctuality.

Thus it creates a robust functioning

Also necessary to create a more effective democracy as —

- (1) Strengthens centre-state / federal relations . (fast devolution of funds)
- (2) Creates cooperative functioning based on effective consensus building (eg Grand Bargain of GST)
- (3) Discipline becomes bedrock in punctual functioning - (eg Judiciary - fast resolution, speaker - non partisan decision etc)
- (4) Helps maintain checks and balances .

Constitution is the fundamental law of the land. Constitutional punctuality is its fundamental feature.

Feedback

(For OFFICE use only)

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<p>G = Good A = Average P = Poor</p>			
TOTAL MARKS			



Q.12) Electoral bond was brought in as a reform that was high on intent but has proved to be low on substance. Do you agree? Justify. (15 marks, 250 words)

चुनावी बॉन्ड को एक ऐसे सुधार के रूप में लाया गया था, जिसका इरादा उच्च था, लेकिन यह कमतर साबित हुआ है। क्या आप सहमत हैं? औचित्य सिद्ध कीजिए। (15 अंक, 250 शब्द)

Electoral bonds are an instrument to donate money to political parties.

As per ECI 62% of income of National parties came from electoral bonds.

Features → Bearer instrument

↳ SBI issues, purchased by any citizen or body incorporated in India

→ Donated to party that secured $\geq 1\%$ votes in last LS/S2A election

Reform was high on intent

(1) Represented clean money - as required formal banking transactions and KYC norms. (Addressed Black money)

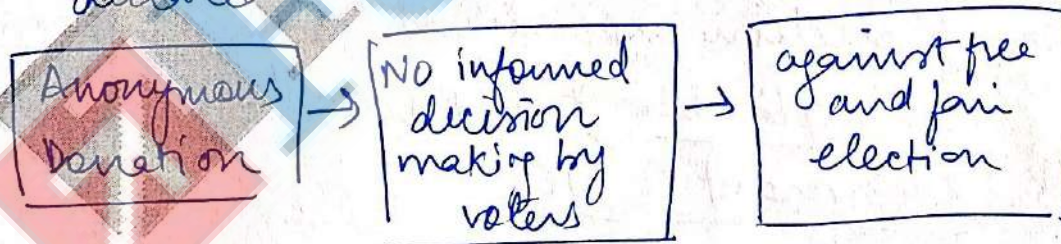
(2) Political party could encash only through verified accounts

- (3) Source details not exposed preventing harassments.
- (4) Time limit of 15 days to encash or goes to PM Relief fund.
- (5) Political parties to submit total amount received to ECI

However, the devil lies in the details.

Proved [low on substance] —

- 1) ECI objects dilution of mandatory requirement of submitting source.
(Amended RPA Act) — now only quantum declared.



- 2) No level playing field for parties
(Need $\geq 1\%$ votes) also independent candidates suffer.

- 3) Before 2017, cap of 7.5% in corporate donations. Amendment to companies Act changed → no cap. (Risk of lobbying)
- 4) foreign companies Indian subsidiary donate directly (Against FCRA principle)
- 5) Shell political parties (of 3 lines known RUPPs - 1000 were donation (ECI data) roundtripping black money)

Thus, there have been measures suggested

- (1) National electoral fund - SY Qureshi (R. CEC)
- (2) State funding of elections by NCRWC & Indrajit Gupta committee
- (3) listing of election expenditure and making RTI applicable on Political Parties (2013 verdict of CIC)

Elections are bedrock of democracy. They should thus be free, fair and safe from money & muscle power

Feedback

(For OFFICE use only)

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<p>⊙ = Good ⊙ = Average ⊙ = Poor</p>			
TOTAL MARKS			



Q.13) Considering the non-enforceable nature of fundamental duties and directive principles of state policy, critically examine their impact in socio-political norms. (15 marks, 250 words)

मौलिक कर्तव्यों और राज्य के नीति निर्देशक सिद्धांतों की गैर-प्रवर्तनीय प्रकृति को ध्यान में रखते हुए, सामाजिक-राजनीतिक मानदंडों में उनके प्रभाव की आलोचनात्मक परीक्षण कीजिए। (15 अंक, 250 शब्द)

Fundamental duties (part IV A) Article 51A and Directive principles of state policy under Part IV (Article 36-51) are non-enforceable features of Indian Constitution.

They are thus, not legally binding but are essential in impacting socio-political norms.

(I) SOCIAL -

(1) Harmony and Brotherhood (Article 51A e)

↳ creates social capital

(2) creates a welfare state (Article 38)

↳ gives direction to governments as a common manifesto

(3) labour welfare, gender equality - equal pay for equal work all creates an egalitarian society

(4) Environmental awareness Article 48A and a fundamental duty Article 51A (g) is part of large social-environment ecosystem

(5) Provision of affirmative actions (Ar 46) as well as promotion of education (F.D) provides ground work for enhanced human development in society

(II.) POLITICAL

(1) Reinforces ground for public policy

(a) Article 38 - justice social, economic and political

(2) Geopolitical realm - Article 51 - facilitate continuity & stability in foreign policy

(3) Influences legislation - a guiding light for policies (e) Saving Arts and architecture → Act protecting antiquities

(4) Promotion of liberal, social and Gandhian ideologies. Creating a cosmopolitan political sphere

However, non enforceability creates challenge

(1) Article 44 - still not implemented - Uniform civil code a dream of founding fathers

(2) Creates tradeoffs - political parties interpret for increasing its own political agenda

The non enforceability should not act as hindrance. Government should make laws inclusive of these principles and citizens should judge performance on the basis of the same.

Feedback

(For OFFICE use only)

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G = Good A = Average P = Poor			
TOTAL MARKS			



Q.14) Referring to the case laws through which the collegium system in India evolved, critically assess its functioning. (15 marks, 250 words)

उन केस कानूनों का उल्लेख करते हुए जिनके माध्यम से भारत में कॉलेजियम प्रणाली विकसित हुई, इसकी कार्यप्रणाली का आलोचनात्मक मूल्यांकन कीजिए। (15 अंक, 250 शब्द)

Collegium system refers to a process of recommending Judges of SC and high courts for appointment. Supreme Court deduced this through 1st, 2nd, 3rd and fourth judges case.



FIRST - consultation of CJI not equal to concurrence

SECOND - consultation equalled concurrence.
CJI along with 2 senior most judges

THIRD - Plurality of Judges - "collegium"
of CJI and four senior most judges

FOURTH - NJAC became null and void (99th Amendment)

Positive features of Collegium

- (1) Judicial independence - insulated from influence of executive. (separation of powers)
- (2) Checks on spoils system - maintaining constitutional supremacy
- (3) Check conflict of interest as government or executive is largest litigant
- (4) Its said tyranny of majority in legislature checked through independent judiciary

CONCERNS OF COLLEGIUM

- (1) The details are not made public - acceptance / rejection / delay - all happens behind closed door
- (2) lack objective criteria for selection - leads to nepotism or Uncle Judge syndrome

(3) Judges appointing judges - against ethos of democratic functioning

(4) Concerns of ill-informed discussion as informed small group from only one organ of government.

(5) Creating tension between executive & judiciary.

WAY FORWARD - Middle Path

(1) Fr. President Koroid - NJAC & O with greater consultation

(2) Memorandum of Procedure - more comprehensive of experts, academicians along with judges.

(3) Grievance redressal mechanism to follow openness & participation

(4) Objective criteria laid down.

(5) Creation of AJCS (Article 312) to resolve selection

It's important to balance autonomy, independence and accountability. To make judiciary more democratic

Feedback

(For OFFICE use only)

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<p>G = Good A = Average P = Poor</p>			
TOTAL MARKS			



Q.15) Democracy thrives on disagreements; critical and dissenting voices make a society vibrant. In your opinion, do limitations on hate speech infringe right to freedom of speech and expression? Discuss how hate speech impacts the society and ways to restrain it. (15 marks, 250 words)

लोकतंत्र असहमति पर पनपता है; आलोचनात्मक और असहमतिपूर्ण आवाजें समाज को जीवंत बनाती हैं। आपकी राय में, क्या अमर्द्र भाषा पर प्रतिबंध वाक् और अभिव्यक्ति की स्वतंत्रता के अधिकार का उल्लंघन करती हैं? चर्चा कीजिए कि अमर्द्र भाषा समाज को कैसे प्रभावित करती है और इसे नियंत्रित करने के तरीके क्या हो सकते हैं। (15 अंक, 250 शब्द)

CJ1 DY Chandrachud has said that

"Dissent is the safety valve of democracy"

If it is curtailed the pressure cook may burst.

Democracy thrives on disagreements & critical / dissenting voices

(1) Grievances are heard and addressed

(2) Democracy based on participation of all sections of society.

(3) Need to know what public wants

(4) Freedom of speech and expression Article 19(1)(a) is a fundamental right

However, in my opinion Hate speech comes under reasonable restriction

Article 19(2) . On grounds of public order, and incitement to offence

Jeremy Waldron - Hate speech includes incitement to hatred based on collective identity

Hate speech - CAUSES and IMPACTS

(1) Social cleavages

- ↳ creates religious tensions (eg) Meghalaya
sikh vs muslim
- ↳ leads to 'otherisation' → hampers social acceptance creates biases

(2) Political divide

- ↳ vote bank politics leads to polarisation
- ↳ Xenophobia further creates law and order concerns (eg) Branding of Refugees or migrants → in Bangalore against North eastern

(3) Results in violence and civil unrest

(eg) Riots in Delhi

(4) Challenges democracy, fuels ghettoisation → further exclusion

(5) Technology amplifies these by creating filter bubbles, cancel culture & cyber bullying.

(6) It also affects India's image & diplomatic fallout (e) with GCC nations / Islamic nations

Ways to resolve

(1) Counter speech by Jonathan Maynard - to create positive environment used by Bangalore Police

(2) Amending IPC - Adding Section 153C & 505A to address hate speech (TK Vishwanathan committee)

(3) Creating for effective implementation mechanism for IT regulations.

Ultimately there's a need to protect and uphold constitutional values of fraternity in socio-political spheres
 1) life

Feedback

(For OFFICE use only)

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G = Good A = Average P = Poor			
TOTAL MARKS			



Q.16) Why is it important to ensure separation of powers between various organs of the State? Also, explain Indian model of separation of power with relevant provisions in the constitution. (15 marks, 250 words)

राज्य के विभिन्न अंगों के बीच शक्तियों का पृथक्करण सुनिश्चित करना क्यों महत्वपूर्ण है? साथ ही, संविधान में प्रासंगिक प्रावधानों के साथ सत्ता के पृथक्करण के भारतीय मॉडल की व्याख्या कीजिए। (15 अंक, 250 शब्द)

Separation of Powers emphasizes on mutual exclusiveness of 3 organs of government viz legislature, executive and Judiciary. The aim is to avoid concentration of power in any one organ. It was propounded by French philosopher Montesquieu.

Important to ensure

- (1) To avoid arbitrary functioning
- (2) Maintain supremacy of constitution not any organ
- (3) Avoid concentration and despotic functioning.

India has adopted a sui generis form where Separation of Power coexists

with checks and Balances

Constitutional provision of S.O.P.

- (1) Article 50 - separation of executive and judiciary
- (2) Article 122 & 212 - Parliament and state legislative proceeding not called into question in any court
- (3) Article 211 & 217 - Judges conduct can not be discussed in parliament or SC/SA unless removal process
- (4) Article 361 - President and governor not answerable to courts

However, there are also overlaps

- 1) Ordinance making power Article 123 & 213 → overlap between executive & legislature (Needed in emergent situation)
- 2) Executive responsible to parliament (Maintains accountability) (Article 75)

- 3) Parliament can remove judges (Article 124(4) and even enlarge SC jurisdiction Article 138)
- 4) Judiciary strike down laws (Article 32)
 - ↳ for proper functioning under limitations of constitution.
- 5) Tribunal under Article 323A & B executive aiding Judiciary for speedy delivery of justice.

Thus, the overlap in Indian context is to create a harmonious balance not usurp powers. Though excesses such as judicial overreach or executive over powering should be limited. Restraint should be practiced on all ends.

Feedback

(For OFFICE use only)

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B & F			
P & R			
(G) = Good (A) = Average (P) = Poor			
TOTAL MARKS			



Q.17) What do you understand by the First Past the Post System (FPPS)? Why was FPPS preferred over the Proportional Representation (PR) system for elections to the Lok Sabha/Vidhan Sabha? Also, critically examine the consequences of this preference. (15 marks, 250 words)

फर्स्ट पास्ट द पोस्ट सिस्टम (FPPS) से आप क्या समझते हैं? लोकसभा/विधानसभा के चुनावों के लिए अनुपातिक प्रतिनिधित्व (पीआर) प्रणाली पर फर्स्ट पास्ट द पोस्ट सिस्टम को प्राथमिकता क्यों दी गई? साथ ही, इस वरीयता के परिणामों का समालोचनात्मक परीक्षण कीजिए। (15 अंक, 250 शब्द)

First past the post system is a way of election in which candidate with highest number of votes in constituency is the winner. (irrespective of the percentage of votes he/she got). (eg) In India presently in general election

Proportional representation is method where the electorate is reflected/represented proportionally in the elected body. (eg) President's election

India's constituent assembly preferred FPPS over PR system because —

- 1) Cost effective → Newly independent India and economically exploited
↳ had limited resources
- 2) Suitable for forming a stable govt even without crossing 50%.

- 3) Simpler to understand as compared to complex PR system. (large number of illiterates at time of independence)
- 4) Elected candidates remain more accountable to their respective constituencies
- 5) It helps even minorities to be represented through reserved seats or if population dominant in certain constituencies.

However, there are certain flaws in FPPS

- 1) Vulnerable to distribution of seats as per whims (Gerrymandering)

PR → has constant vote share.

- 2) Only winnability criteria focused of the candidate resulting in criminalisation of politics and money power.
- 3) Even with no majority voting share

parties come to power (Present BJP got less than 50%).

4) Creates stronghold and wooing the voters becomes easier → excess use of freebies & populism

5) Votes get split between two most deserving candidates → at times result in 3rd person to win

Despite shortcomings PPS has proved to bring stability in India. However, there is need to reform election process and check freebies, money & muscle power. To ensure a truly free & fair election

Feedback

(For OFFICE use only)

#	G	A	P
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CD & VA			
S & F			
P & R			
G = Good A = Average P = Poor			
TOTAL MARKS			



Q.18) Compare the position of the Speaker in Indian and British parliamentary system? Also, discuss various controversies related to functioning of Office of Speaker in Indian context and suggest corresponding reforms. (15 marks, 250 words)

भारतीय और ब्रिटिश संसदीय प्रणाली में अध्यक्ष की स्थिति की तुलना कीजिए? इसके अलावा, भारतीय संदर्भ में अध्यक्ष के कार्यालय के कामकाज से संबंधित विभिन्न विवादों पर चर्चा कीजिए और संबंधित सुधारों का सुझाव दीजिए।

(15 अंक, 250 शब्द)

Speaker is the presiding officer of the Lok Sabha (Article 93). The office has been created on lines of UK speaker. Thus, there are similarities & differences —

I) SIMILARITIES

- ↳ ① Both are guardian of powers & privileges of the members
- ② Both elected by house members
- ③ Responsible for conducting business, summoning, adjournments etc
- ④ Their decision are binding on the house

II) DIFFERENCES

Speaker in UK	Speaker in India
1) Resigns from his political party → shows neutrality & impartiality	1) Does not resign
2) Members have confidence - great respect for his/her neutrality	2) Becomes an office which is often politicised
3) UK does not have provision of defection so no such power.	3) Speaker can disqualify member under Anti-defection law.

Various Controversies

- 1) Impartiality concerns and post-speaker job opportunities (Political gains)
- 2) Speaker's prone to misuse power of disqualification (of Arunachal Pradesh (2017) (under ADL))
- 3) Opposition criticisms for not getting required time
- 4) No election of deputy speaker, selection of LoD delayed etc. shows less statesman quality
- 5) Bypassing of RS by declaring money bill.

There is a need to reform ADL - through tribunal (Kishan Mehta case). Also Speaker should maintain integrity of the post by having neutrality & impartial behaviour.

Feedback

(For OFFICE use only)

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P & R			
G = Good A = Average P = Poor			
TOTAL MARKS			



Q.19) Why was parliamentary form of government adopted for independent India? Do you agree with the opinion that Indian government is increasingly transitioning towards presidential form? Justify. (15 marks, 250 words)

स्वतंत्र भारत के लिए संसदीय शासन प्रणाली को क्यों अपनाया गया? क्या आप इस राय से सहमत हैं कि भारत सरकार तेजी से अध्यक्षीय शासन प्रणाली की ओर बढ़ रही है? औचित्य सिद्ध कीजिए। (15 अंक, 250 शब्द)

Parliamentary system is a system of democratic governance where executive is derived from the legislature. (Also responsible to it (Article 75))

It enjoys legitimacy to govern on basis of majority held by their party / coalition in legislature.

India adopted Parliamentary System
Because —

- ① favoured accountability over stability after colonial horror.
- ② founding fathers of view that infant democracy can not risk frictions between executive & legislature.
Need coordination for functioning

- ③ Authority to govern in COM rather than single person → preventing despotism.
(Institutional supremacy not indivisual)
- ④ familiarity due to British legacy
- ⑤ Provides for a ready alternative in case ruling party loses majority
- ⑥ After ^{PM}Vajpayee govt failed in 1996 PM HD Deve Gowda formed govt

It is criticised India is moving towards
Presidentialisation

- 1) Style of leadership - executive becoming centralised. The decision made by few and not COM or cabinet (Kitchen Cabinet)
- 2) Elections being centered around cult of indivisual leadership
- 3) Ability of Parliament to hold accountable decreasing → weak opposition & strong majority

4) Direct appointment of exbureaucrats and no people similar to presidential spoils system (As ministers)

Although concerns, not shifting towards Presidentialisation

- 1) Parliamentary system protected under Basic structure by SC.
- 2) Parliament & committees as well as media keeps accountability check
- 3) Outsiders can become minister but become member (MP) within 6 months
(eg) S. Jaishankar to RS.

Time to time Indian democracy witnessed centralizing tendencies yet unwise to say its become presidentialisation. Strong majority creates apprehension but parliament, SC, ECI, media & people at large keep them accountable.

Feedback

(For OFFICE use only)

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CD & VA			
S & F			
P & R			
G = Good A = Average P = Poor			
TOTAL MARKS			



Q.20) The Representation of People's Act, the bedrock of free and fair elections in the country, has failed to keep pace with the contemporary challenges. Highlighting the shortcomings in the legislation, suggest reforms to make it more effective. (15 marks, 250 words)

लोक प्रतिनिधित्व अधिनियम, देश में स्वतंत्र और निष्पक्ष चुनाव का आधार, समकालीन चुनौतियों के साथ तालमेल बनाए रखने में विफल रहा है। कानून में कमियों को उजागर करते हुए, इसे और अधिक प्रभावी बनाने के लिए सुधारों का सुझाव दीजिए। (15 अंक, 250 शब्द)

Representation of People's Act was enacted in 1950. To provide a framework for free and fair elections in India.

It mentions qualifications, disqualifications, corrupt practices, silence period etc.

However, there are many contemporary challenges which call for a reform in the legislations.

- 1) No power to deregister political parties - large number of RUPPs used as shell political parties of 3 lesser known RUPPs - ₹1000 crore funds.
- 2) low election expenditure cap and loopholes exploited (eg) Party expense vs candidate expense

3) Concerns of paid news, yellow journalism, 'manufacturing consent' as mentioned by Noam Chomsky.
(unable to tackle)

4) No silence period for social media

5) large entry of criminals in politics
(a) ADR reports 43% in 17th LS

Some reforms taken

↳ ① linking Aadhar with voter ID
(Section 23 of RPA)

② Dates increased for registration
(more voters register) Section 14
(every quarter)

③ Gender equality as 'spouse' mentioned
for service voters (Article 15)

However, there are further reforms
needed to meet contemporary
challenges.

Constructive Reforms

- ① Legal status to Model code of conduct
(Parliamentary committee recommended)
- ② De-registering power to ECI under section 29A → only register
- ③ Check on parachute candidates — only one constituency should be allowed (save exchequer expense)
- ④ Incorporate social media, political consultancies and criminalisation concerns under regulation
- ⑤ Check on hate speeches and biased media reporting

There are also demands regarding remote voting to check disenfranchisement of migrants. Multi pronged strategy & stakeholder participation/consultation should be done to bring long lasting reforms.

Feedback

(For OFFICE use only)

#	G	A	P
AWIS			
CD & VA			
S & F			
P & R			
G = Good A = Average P = Poor			
TOTAL MARKS			

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.