

TEST CODE 6 1 2 2 0 1
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FIAS – MGP 2023 – Cohort 13 Alt – Sectional Test #1

Time Allowed : Three Hours
समय : तीन घंटे

ForumIAS

Maximum Marks : 250
अधिकतम अंक : 250

GENERAL STUDIES / सामान्य अध्ययन

Name Of Candidate परीक्षार्थी का नाम	ANUSHA	Medium/माध्यम	English <input checked="" type="checkbox"/> हिंदी <input type="checkbox"/>
Roll No./अनुक्रमांक	1910129319	Date/दिनांक	18/07/23
Center Code/परीक्षा केंद्र	1900		

*Center Code : For Online - 1900 / Delhi : Karol bagh - 1901, ORN - 1902, Mukharji Nagar - 1903 / Patna : Boring Rd. - 2001 / Hyderabad : Jawahar Nagar - 2101

INDEX TABLE / अनुक्रमणिका			INSTRUCTION / अनुदेश	
Q. No. प्र.सं.	Max. Marks अधिकतम अंक	Marks Obtained प्राप्तांक	1. 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।	
1			2. 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।	
2			3. 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।	
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. उत्तर प्रवेश पत्र में अधिकृत माध्यम में लिखे जाने चाहिए, जो कि दिए गए स्थान में इस प्रश्न-सह-उत्तर (क्यूसीए) पुस्तिका के कवर पर स्पष्ट रूप से लिखा जाना चाहिए।	
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. 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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Total Marks/कुल अंक :			Mode Of Examination/ परीक्षा की विधि :	Online/ऑनलाइन <input type="checkbox"/> Offline/ऑफलाइन <input type="checkbox"/>
*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, फ्लोचार्ट, 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।			For Office Use Only / केवल कार्यालय प्रयोग हेतु	
			ECN CODE/ ईसीएन कोड :	EG/ईजी : ① ② ③ ④ ⑤
				Evaluation Date/ मूल्यांकन तिथि :

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Note: You can discuss your evaluated copy with the Mentor. Raise a ticket from your portal to schedule a mentor call or visit the offline centre to meet mentor (all 7 days, Timings - 11 AM to 6 PM). Further if you are unsatisfied with the evaluation, you can seek re-evaluation of the copy.

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 as laid out in Kesavananda Bharati case (1973) upholds constitutionalism by preventing Parliamentary majoritarianism.

I Basic structure doctrine:

Parliament's power to amend the Constitution is not unlimited. It cannot dilute the "Basic structure" of the Constitution.

II Prevents Parliament from becoming Master:

1. It prevents arbitrary actions by Parliament.
2. Ensures that spirit of the Constitution is preserved.
3. Prevents Parliament from passing laws violating constitutional ideals.

4. In Shankari Prasad, Supreme Court (SC) opined that Parliament has the power to abridge Fundamental Rights (FRs).

In Kesavananda Bharati, SC declared that Parliament's power of amending FRs should not violate basic structure.

5. In Minerva Mills, SC asserted that Parliament cannot take away 'judicial review' power which is a part of the basic structure. Thus courts act as a watchdog of citizens' rights.

6. Therefore it ensures separation of powers between different organs of the state.

Basic structure doctrine has ensured a vigilant judiciary protecting citizens' rights.

Feedba

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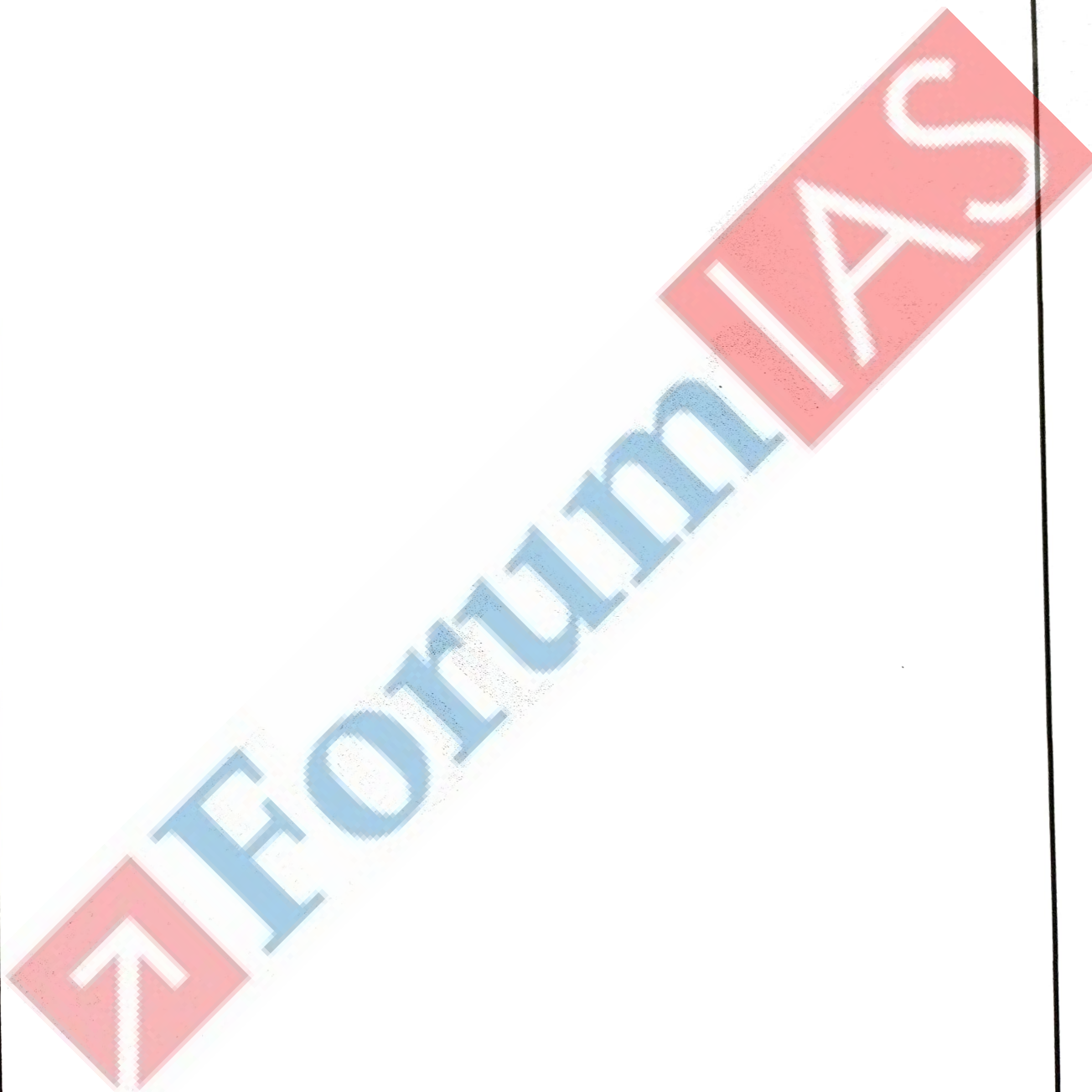
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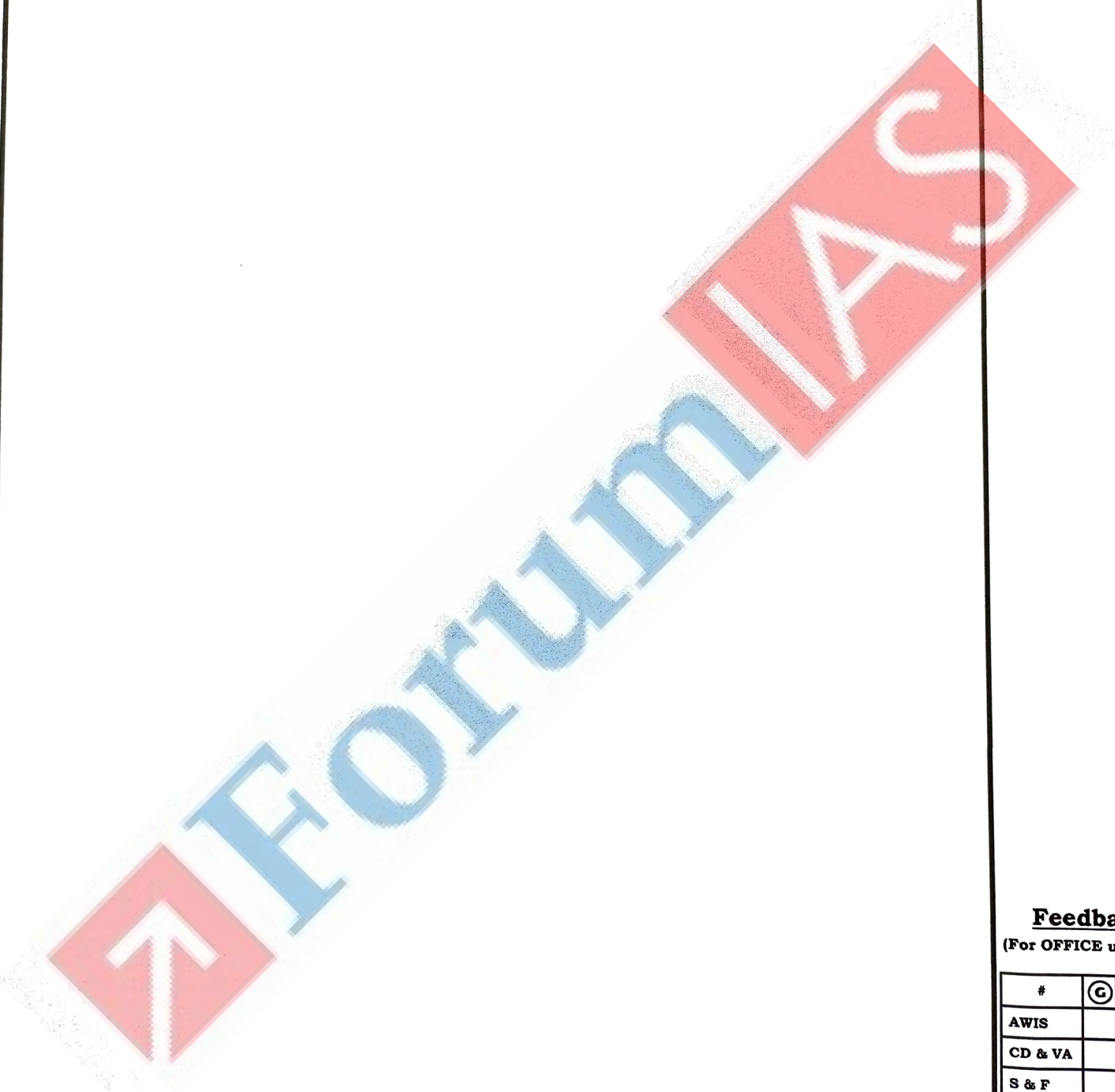
TOTAL MARKS



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)





Feedback
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- G** = Good
- A** = Average
- P** = Poor

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)

Lowest number of sitting days of the 17th Lok Sabha reflects the decline in parliamentary functioning.

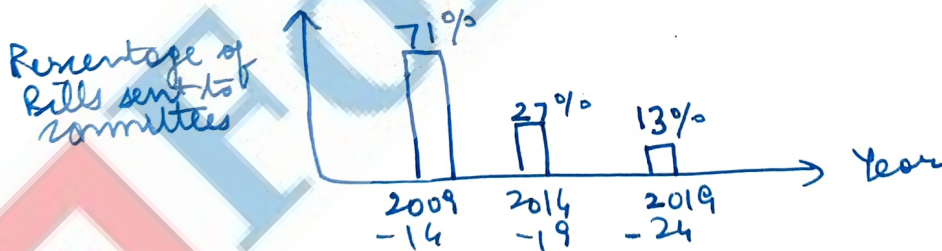
1 Reasons for degeneration:

1. Frequent disruptions = walk-outs by opposition leaders; adjournment of Parliament sessions.

2. Absence of Parliamentary debate:

Several bills passed without any discussion in the Lok Sabha.

3. Lower scrutiny of Bills:



4. Usage of Money Bill route to pass Bills that are not strictly Money Bills.

5. Reduced working hours of Parliament.

II Ways to enhance productivity :

1. Make it mandatory to refer bills to Parliamentary Committees.
2. Taking stringent action against members disrupting the House.
3. Non-partisan character of Speaker's office be strengthened.
4. Greater powers to Parliamentary Committees for accountability of government.
5. Give MPs greater power to question the government.

Thus, changes in the current system will bolster Parliament's role as a 'temple of democracy'.

Feedback

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G = Good A = Average P = Poor			
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)

Supreme Court has criticised CBI, highlighting absence of any change despite the Vineet Narain judgement (1997).

1. criticism of CBI :

1. Excessive political interference in its functioning.
2. Delayed investigations: eg. inertia in its probe in Tsin hawala case (1990s).
3. loss of credibility : Failure to resolve sensitive cases eg. Bhopal gas tragedy, Arushi Talwar murder case.
4. lack of accountability : It is exempt from provisions of the Right to Information (RTI) Act.
5. limited powers : Powers of CBI are subject to consent of state governments.

6. Recent extensions in tenure of CBI chief will further increase political interference.
7. Restricted access : Prior approval of government needed to investigate certain officers of central government.

II Measures needed :

1. Amend Central Vigilance Commission (CVC) Act to allow CVC to supervise CBI.
2. Make CBI independent of government controls, report from CVC.
3. Transparency in appointment of CBI Director.
4. Strengthening human resources by increasing personnel strength of CBI.

New laws to reform working of CBI, as directed by 2nd ARC, will help CBI fulfill its mandate.

Feedback

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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)

The Election Commission of India (ECI) is a constitutional body for administering elections in India.

I challenges in functioning.

1. Politicisation of ECI : Partisan appointments possible by a government.
2. Relative weakness of tenure for Election Commissioners, as compared to the Chief Election Commissioner (CEC).
3. Model Code of Conduct (MCC) has no legal backing, hampering its effectiveness.
4. No power to de-register parties even for grave violations.
5. Controversy over transfer and appointment of officials during elections.

II Reform measures:

1. Amending appointment and removal process of Election Commissioners.
2. Grant powers to ECI to de-register parties.
3. Statutory backing to Mce
4. Power to take action against politicians for hate speech, etc.
5. Newer methods to engage with voters
eg through social media campaigns.

Collegium system of appointment suggested by Goswami Committee could strengthen ECI.

Feedback

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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)

Tenth schedule of the Constitution (Anti-Defection law) seeks to punish legislators for changing political affiliations, thereby ensuring stable government.

I Anti-defection law:

A legislator is said to have defected if he voluntarily gives up membership of his party, or disobeys instructions of party leadership on a vote.

II Issues with the law:

1. No time limit for presiding officer to decide on a disqualification plea.

thus defecting members remain members of the House.

2. Ambiguous nature of split: opposition

MLAs breaking away in small groups to join ruling party.

3. Problem with merger: 2/3rd members agreeing to such a merger; are exempt from disqualification.

4. Unbridled powers to Speaker who is often not non-partisan.

II Corrective Measures:

- 1. Time frame for Presiding Officer to decide on such cases.
- 2. Defectors be barred from holding political office for remainder of their term.
- 3. Exemption of ~~2/3~~ mergers should be removed (Law Commission recommendation)
- 4. Election Commission begin power of disqualification.

Thus, Anti-Defection law must be revamped to safeguard constitutional morality.

Feedback

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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 is jurisprudence by the Supreme Court (SC) to determine which religious practices qualify as essential religious practices under Article 25.

I 'Doctrine of Essentiality' :

1. Term 'religion' to include all practices and rituals integral to a religion.
2. Evolved to protect practices that are essential and do not violate any fundamental right.
3. As India is a secular country, denying any religious beliefs is violation of freedom of religion.

II Usage by Judiciary :

1. SC - Ananda Marga sect had no right to perform the Pandava dance

in public, as it was not an essential religious practice.

2. Upheld discharge of a Muslim citizen for keeping a beard - Distinguished it from Sikhs allowed to keep a beard.

3. SC concluded that untouchability was not an essential Hindu practice.

III Issues :

- 1. Interpretation of which practices are essential, is subjective.
- 2. Narrow safeguards available to religious communities.
- 3. Privileges certain practices over others.

Thus, doctrine of essentiality has its utility but may cause conflict.

Feedback

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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)

Article 123 of the Constitution empowers the President to promulgate an ordinance on the advice of the Cabinet.

I Ordinance-making power :

1. Promulgated when either House of Parliament is not in session.
2. Must be ratified by Parliament in six weeks of its reassembly.
3. Governor can also issue ordinances when State Assembly is not in session.

II Dilutes executive accountability :

1. Reduces parliamentary oversight.
2. Bypassing democratic process of lawmaking.
3. Encroaching on domain of the legislature.

4. Undermines the principle of separation of powers.

5. Instability in administration as they are temporary and subject to change or repeal.

III Overlooks consensus-building =

1. Avoiding tradition of parliamentary debate and democracy.
2. Public scrutiny avoided.
3. Views of Opposition parties not taken into account.
4. Diverse views are not sought.
5. Repromulgation of ordinances subverts democracy (DC Wadhwa case).

Thus, ordinances must be used only in exceptional circumstances, to ensure democratic ideals are preserved.

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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)

Article 21 states that no person shall be deprived of his life and liberty except according to procedure established by law. Supreme Court (SC) clearly states that 'bail is the norm, jail is the exception'.

[Bail not Jail]:

Code of Criminal Procedure, 1973 governs terms of bail.

1. Civil cases - bail is the right, Criminal cases - Discretion of bail-granting authority.
2. Ensures life and liberty of the accused.
3. Prevents arbitrary action and arbitrary detention by authorities.
4. SC guidelines in Satender Kumar Antil vs CBI: Bail should be the rule.

5. CJI said in Arnab Goswami case -
"Deprivation of liberty for a single
day is a day too many".
6. Higher judiciary flooded with bail
applications due to reluctance at
grassroots level to grant bail.
7. Results in undertrials languishing
for years, with their health affected.

Thus, sensitisation of police and
judiciary, and expediting pleas for
bail, will ensure dignity and
liberty of the individual.

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P = Poor

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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)

Inter-state Council was established under Article 263 of the Constitution, as recommended by Sarkaria Commission.

⇒ Interstate Council and Dispute Redressal:

1. Consultation on matters relating to centre-state relations.
2. Regular meetings for dialogue and discussion.
3. Enquires into, advises on disputes arising between states.
4. Helps bridge the trust deficit between centre and states.
5. Creates an atmosphere of cooperation between the centre and states.
6. Constitutional backing enhances the confidence of states.

II Challenges :

- 1. Only a recommendatory body
- 2. Advice frequently disregarded by governments
- 3. Not a permanent constitutional body
- 4. Slow dispute resolution
- 5. Barely a dozen meetings in ^{last} ~~over~~ 20 years.

Enhancing powers of the Council and ensuring frequent meetings will help strengthen it as a facilitator of cooperative federalism.

Feedback

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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 the timely discharge of duties in accordance with provisions of the constitution.

I Need for constitutional punctuality:

1. Upholding sovereignty of legislatures:

Time frame for Governor to act on bills is crucial.

2. Timely delivery of justice:

Delay in assent to bills



Delay in implementation of laws



Affects delivery of justice.

3. Prevents misuse of power: Governors exercise significant discretionary powers which are at risk of misuse.

4. Building public trust: Ensures that people's will as expressed through their elected representatives, is implemented.
5. Promotes transparency and accountability in governance.

II conspicuous by absence:

1. Delay in passage of bills due to delay in Governor giving assent
[eg.] in Tamil Nadu, Kerala, etc.
2. Speakers of State Assemblies taking a long time to decide on disqualification under Anti-Defection.
3. Delays in conducting floor test in State Assemblies which facilitates mass defections.
4. Delays of months on bills vital for governance.

III Judicial Rulings :

1. Shamsher Singh vs State of Punjab :
Discretion of the Governor is extremely limited.
2. SC - Governors should not sit over Bills indefinitely.
3. SC in Kesham Singh vs Speaker Manipur (2020) - Mandamus to speaker to decide on disqualification petitions in 4 weeks.

Therefore, Constitutional morality will ensure Good governance and people-centric governance for national progress.

Feedback

(For OFFICE use only)

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P & R			

G = Good
A = Average
P = Poor

TOTAL
MARKS



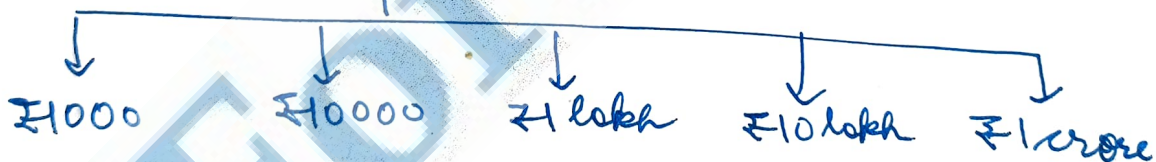
Q.12) Electoral bond was brought in as a reform that was high on intent but has proved to be low on substance. Do you agree? Justify. (15 marks, 250 words)

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 bond scheme allows political parties registered under RPA, 1951, securing at least 1% of votes polled in last elections to receive electoral bonds.

I Electoral Bond scheme :

1. Purchased anonymously by donors; valid for 15 days.
2. Political party can then encash them.
3. Denominations



II High on intent :

1. Ensures funds collected by parties are accounted for.
2. Anonymity protects donors.

3. Digital trail of donations is left, as
against old donations lacking transparency.

III Low on substance: challenges:

1. Contradicts idea of transparency:
Anonymity of bonds only for
broader public.

2. Against Free and Fair elections:
The government of the day can
access donor details by asking
SBI for data. Hence it hinders
other political parties.

3. Blow to Democracy: Political parties
exempt from disclosing donations
through electoral bonds.

Voters do not know which individual
or company has funded which political
party, and to what extent.

4. Compromises the Right to know
under Article 19 of the Constitution.

5. Risk of crony capitalism.

All limits on political donations
removed, allowing well-endowed
corporations to fund elections.

Way forward:

- 1. Effective regulation of financing
- 2. Voters must demand transparency
- 3. Plugging lacunae in current laws.

Thus, electoral bond scheme could be
regulated for increased transparency
enhancing faith in electoral process.

Feedback

(For OFFICE use only)

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G = Good

A = Average

P = Poor

TOTAL
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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 (Article 51A) and Directive Principles of State Policy (DPSP - Part IV) while non-enforceable, profoundly influence legislative and executive action.

Non-enforceable:

1. Neither is enforceable.
2. They serve as guidelines to citizens and to governments respectively for ensuring socio-economic progress.

II Impact on socio-political norms-

① Socialistic principles (DPSP)

eg. Article 39(a) - Right to adequate means of livelihood
eg. NREGNA, NREEM.

Article 39(c) - Preventing concentration of wealth - Progressive taxation; land reforms.

Article 39(d) - Equal pay for equal work for both men and women.

eg. → Equal Remuneration Act.

Article 39A - Equal Justice and free legal Aid

eg. → Lok Adalat; Nari Adalat.

Article 40: Organisation of village Panchayats.

eg. → 73rd Amendment Act - Constitutional status to Panchayats.

Article 42 - Just and humane conditions of work; maternity relief

eg. → Maternity Benefit Act; maternity leave of 26 weeks.

Article 43A - Participation of workers in managing industry
eg. → Industrial Disputes Act.

Article 43B: Promotion of cooperatives -

Cooperative Societies Act; formation of a Ministry of Cooperatives.

Fundamental Duties -

1. To abide by constitutional ideals and respect National Flag and Anthem
eg. rules for displaying the Flag.
2. Defending the country, rendering national service
eg. citizens joining the Territorial Army.
3. Preserving rich heritage of composite culture eg. not defacing ancient monuments; not littering.
4. Safeguarding public property - Public should not indulge in violence/evan.
5. Improve the natural environment
eg. Pashpai Popere - 'Seed Mother' - conserving natural varieties of seeds.

Thus, Fundamental Duties and DPSP despite being non-enforceable help realise goals of justice and equity.

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 the system of appointments and transfers of judges of the high courts (HCs) and Supreme Court (SC) that has evolved through SC rulings.

I Evolution :

First Judges Case (1981)

Gov executive primacy over judicial recommendations.

Second Judges Case (1993)

Collegium system -
i. Consultation meant concurrence.
ii. CJ's opinion in consultation with 2 senior-most judges in SC.

Third Judges Case (1998)

Collegium expanded to include CJ and his 4 senior-most colleagues.

National Judicial Appointments Commission (NJAC) struck down as unconstitutional.

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II Functioning =

1. Appointment of CJI on seniority principle, recommended by outgoing CJI.
2. For other judges, CJI consults rest of collegium, and senior-most judge of court hailing from the HC to which the person recommended belongs.
3. Recommendation sent by collegium to law minister, who forwards it to Prime Minister.

III Issues :

1. Complete exclusion of executive: System where judges appoint judges.
2. No accountability of judges for overlooking a suitable candidate.
3. No transparency: Reasons for selection/non-selection of a particular judge not disclosed.

4. Against principle of checks and balances:
Gives disproportionate power to the judiciary.
5. Nepotism = Allegations of relatives of judges being appointed as HC judges.
6. Lack of diversity:
Very low representation of Dalit, ST, women judges.

Way forward:

Filling of vacancies through reforms in the collegium system will reduce conflict between executive and judiciary, ensuring timely justice delivery.

Feedback

(For OFFICE use only)

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G = Good
A = Average
P = Poor

TOTAL
MARKS

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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 अमर भाषा पर प्रतिबंध वाक् और अभिव्यक्ति की स्वतंत्रता के अधिकार का उल्लंघन करती हैं? चर्चा कीजिए कि अमर भाषा समाज को कैसे प्रभावित करती है और इसे नियंत्रित करने के तरीके क्या हो सकते हैं। (15 अंक, 250 शब्द)

Section 153A of the Indian Penal Code (IPC) addresses hate speech and actions promoting enmity between different groups.

I Hate speech :

Any speech, conduct or display that may incite violence against any individual or group or that intimidates a particular individual or group.

II Limitations infringing freedom of speech and expression?

1. Shreya Singhal vs Union of India :

SC struck down Article 66A of IT Act which criminalized online speech.

2. Jukumar vs State of Tamil Nadu :
Hate speech on social media is not

protected by right to freedom of speech and expression.

3. Article 19 : Freedom of speech is not absolute; can be limited eg. when it incites violence, public disorder.

4. Section 8 of Representation of People's Act, 1951 - Prevents a person convicted of hate speech from contesting elections.

II Impact on society:

1. Disrupts secular fabric of society by promoting enmity between different religious communities.
2. Encourages communal tendencies which poison society.
3. Creates mistrust between individuals.
4. Antagonistic to spirit of fraternity and brotherhood envisaged in the Constitution.

5. Loss of life and property

eg. hate speech sparked the Muzaffarnagar riots which caused destruction of property, loss of life.

Mob lynchings becoming alarmingly common due to hate speech.

6. Enables bullying of women, harassment online.

III Ways to restrain it -

- 1. Comprehensive laws against hate speech
- 2. Holding public figures accountable for hate speech
- 3. Social media companies must be proactive in identifying and removing such content.
- 4. Awareness among public on harmful effects.

Thus, the menace of hate speech must be curbed for a flourishing democracy.

Feedback

(For OFFICE use only)

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S & F			
P & R			
<p>G = Good A = Average P = Poor</p>			
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 is the division of legislative, executive and judicial functions of the government.

I Importance of separation of powers-

1. Prevents any one organ from assuming powers beyond those assigned to it.
2. Prevents different organs from encroaching on the domains of others.
3. Check on arbitrary and despotic actions of legislature, executive, judiciary.
4. Guards against over-centralisation of powers.

5. Ensures judicial independence.
6. Preserves democratic traditions of free speech, dissent, debate.
7. Prevents democracy from degenerating into majoritarianism.
8. Protects citizens' rights in a democracy.

II Indian model :

Article 50 - state shall take steps to separate the judiciary from the executive.

① Legislature's control :

- i. On judiciary - i. Impeachment and removal of judges.
- ii. Power to amend laws declared unconstitutional by court.

② On executive: Can dismiss the council of ministers by passing a no-confidence motion.

② Executive control.

1. On judiciary: Appointing chief Justice, other judges.
2. Legislature - i. Power to make rules for conduct of business.
ii. Delegated legislation power.

③ Judicial control -

1. On executive: Judicial review - can review executive actions to determine if they are in accordance with Constitution.
2. Legislature: laws made cannot violate Basic structure doctrine.

Separation of powers must be upheld to preserve democratic values.

Feedback

(For OFFICE use only)

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Ⓒ = Good
Ⓐ = Average
Ⓟ = 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 आनुपातिक 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)

The First Past the Post System (FPPS) involves the candidate securing the most votes in a constituency to be declared the winner.

1. FPPS :

1. Every constituency elects one representative, where one voter votes for one candidate.
2. Whosoever gets more votes than other candidates, is elected.
3. Majority, i.e., (50% + 1) of votes is not necessary.
4. Followed in direct elections to the Lok Sabha, state legislative Assemblies.
5. UK, Canada too practice it.

II Reasons for preference over Proportional Representation (PR) :

1. Simple and familiar ∴ PR method is more complicated, may be difficult for voters to understand.
2. Easy and convenient especially in a large country like India.
3. Offers choice between specific candidates.
4. Direct connect between voters and their representatives.
5. Smooth functioning of parliamentary government : ensures formation of a stable government.
6. Encourages voters from different social groups to come together which may not be the case in PR.

III Consequences :

1. Not truly representative = As a candidate / party securing less than half the votes can also win.
2. Smaller parties have lower chances of winning.
3. May lead to communal division of votes.

Rise of coalitions has enabled newer parties to enter political competition and thrive in the FPPS system.

Feedback

(For OFFICE use only)

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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)

The post of speaker is crucial to a parliamentary democracy, seen in India and Britain ..

British Speaker

Indian Speaker

- | | |
|-----------------------------------------|----------------------------------------------|
| 1. Politically neutral | Not always neutral. |
| 2. Resigns from his political party | Belongs to the majority party. |
| 3. Stand as speaker seeking re-election | Contest fresh elections on political issues. |
| 4. Relected unopposed. | May win or lose. |
| 5. Unanmously elected. | Not unanimous. |
| 6. Can vote in the first instance | Only a casting vote. |

II Controversies :

1. Impartiality: Alleged to favour the ruling party, to which he belongs. Strict neutrality is absent.
2. Anti-defection law: Role of speaker criticised for disqualifying M.A.s under 10th schedule.
No time limit for speaker to decide on cases of Anti-defection.
3. Discretionary powers: Misuse of powers to declare a Bill as Money Bill.
eg → Aadhaar Bill introduced in Lok Sabha as Money Bill.
4. Less time for discussion:
Speaker accused of giving more time to the ruling party, to discuss important issues.
5. No accountability: for any decisions taken by him.

III Reforms :

1. strict neutrality of Indian speaker essential
2. speaker must resign his political membership.
3. check on powers of speaker.
4. Time limit for deciding on disqualification cases under the 10th schedule.
5. Judicial review of speaker's decisions (SC in Kihoto Hollohon).

Thus, office of the speaker must be overhauled to enable him to function in a truly non-partisan manner.

Feedback

(For OFFICE use only)

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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)

A parliamentary government is one in which the executive is responsible to the legislature.

1 Reasons for adoption :

1. Founding fathers of the Constitution were greatly influenced by the British system.
2. Most suitable for the diversity and variety in India.
3. Likelihood of conflict due to separation of powers in the Presidential system - disastrous for the newly independent country.
4. Coordination between executive and legislature needed for harmony and effective administration.

5. Would ensure accountability of the executive to the legislature.
6. Stability and continuity in administration.
7. Prevents authoritarianism by any one person.
8. Prevents concentration of powers.

II Is India moving towards a Presidential system?

1. Greater powers in executive; majority enjoyed by the ~~or~~ ruling party in the legislature reduces accountability. A No Confidence Motion cannot be passed against the government.
2. Increasing influence of executive over appointments (eg. to CBI, ED, CIG, and other agencies).

3. Alleged misuse of central agencies to settle political scores.

4. Increasing influence of Prime Minister's office in key appointments and decisions.

Yet, parliamentary system remains due to-

1. Checks and balances between different organs of government.
2. Principle of separation of powers.
3. Parliamentary democracy.
4. Scrutiny by Parliamentary ~~and~~ committees.

Thus, a Parliamentary form of government is most ideal for India with its unique challenges.

Feedback

(For OFFICE use only)

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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, 1951 (RPA) lays down guidelines for free and fair elections fulfilling the people's mandate, in Articles 324 - 329 of Constitution.

I Bedrock of free and fair elections:

1. Qualifications and disqualification for membership of House
2. Delimitation of constituencies
3. Corrupt practices leading to disqualification.
4. Provisions related to political parties
5. Declaration of assets and liabilities of candidates.

II Shortcomings:

1. No clear guidelines on misuse of official machinery that benefits the ruling party.

2. No provisions for ECI to ~~also~~ deregister political parties.
3. False disclosures of assets, liabilities, educational qualifications by candidates.
4. No provision for separate staff for elections: some staff have dual responsibility
 - to government for ordinary administration
 - to ECI during elections.
5. Vague provisions about corrupt practices - loopholes are exploited by candidates.
6. Menace of 'paid news' is not addressed.
7. Inadequate provisions to deal with vote speech in election campaigning.
8. Criminals out on bail are eligible to vote.

III Reforms:

- 1. Power to ECI to deregister parties
- 2. Clear and comprehensive definition of 'corrupt practice'
- 3. Empower ECI to take action against hate speech.
- 4. Provisions explicitly banning opinion polls, paid news.
- 5. Curbing misuse of official machinery for election campaigning

Reforming certain provisions of RPA can ensure Peace, Justice and strong Institutions (SDG-16).

Feedback
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P & R	

ⓐ = Good
ⓐ = Average
ⓐ = Poor

TOTAL MARKS

Mentor Feedback Questions

1

2

3

4

5

Test Goal

1

2

3

Outcomes

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Marking Scheme

Mark	Good	Average	Below average
10 Marker	3.75 – 5.0	3.0 – 3.5	< 3.0
15 Marker	5.75 – 7.0	4.0 – 5.5	< 4.0
✓✓	Key / Relevant Point		
✗	Vague / Irrelevant		

* Subject to change without prior notice.