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Time Allowed : Three Hours
समय : तीन घंटे

Forum IAS

Maximum Marks : 250
अधिकतम अंक : 250

GENERAL STUDIES / सामान्य अध्ययन

Name Of Candidate परीक्षार्थी का नाम	Amritaneshu Nayak.		
Roll No./अनुक्रमांक	0701931	Medium/माध्यम	English <input checked="" type="checkbox"/> हिंदी <input type="checkbox"/>
Center Code/परीक्षा केंद्र		Date/दिनांक	27/7/23

*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।													
5			<p style="text-align: center;">For Student Only / केवल परीक्षार्थी प्रयोग हेतु</p> <table border="1" style="width: 100%;"> <tr> <td>Examiner's Discretion/मूल्यांकन कर्ता का विवेक :</td> <td>Start Time/प्रारंभ करने का समय :</td> <td>End Time/समाप्त करने का समय :</td> </tr> <tr> <td>Total Marks/कुल अंक :</td> <td>Mode Of Examination/ परीक्षा की विधि :</td> <td>Online/ऑनलाइन <input type="checkbox"/> Offline/ऑफलाइन <input type="checkbox"/></td> </tr> </table> <p style="text-align: center;">For Office Use Only / केवल कार्यालय प्रयोग हेतु</p> <table border="1" style="width: 100%;"> <tr> <td>ECN CODE/ ईसीएन कोड :</td> <td>EG/ईजी :</td> <td>Evaluation Date/ मूल्यांकन तिथि :</td> </tr> <tr> <td></td> <td>① ② ③ ④ ⑤</td> <td></td> </tr> </table>		Examiner's Discretion/मूल्यांकन कर्ता का विवेक :	Start Time/प्रारंभ करने का समय :	End Time/समाप्त करने का समय :	Total Marks/कुल अंक :	Mode Of Examination/ परीक्षा की विधि :	Online/ऑनलाइन <input type="checkbox"/> Offline/ऑफलाइन <input type="checkbox"/>	ECN CODE/ ईसीएन कोड :	EG/ईजी :	Evaluation Date/ मूल्यांकन तिथि :		① ② ③ ④ ⑤	
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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, 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।																

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 developed from Keshwananda Bharti Case.

It means that the basic features of the Constitution cannot be amended.

It has prevented the Parliament, a creature of Constitution to becoming the master in following ways:

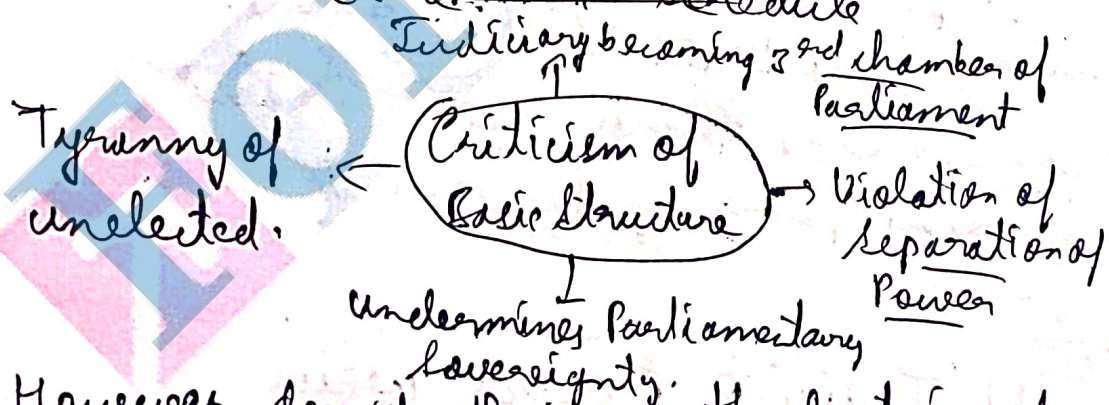
① Bringing checks & balances on the amending powers of Parliament.

Eq Keshwananda Bharti case said that the amending powers of Parliament is not absolute.

② Upheld Judicial Review which helped to maintain judicial independence. Eq, Minerva Mills case

Said that Judicial review is part of basic structure

- ③ Preserved checks & balances in the democratic system → preventing the absoluteness of Parliamentary power and preserving Separation of Power.
- ④ Preserving the spirit of the Constitution & values like Secularism, federalism etc. Eg SR Bommai case made Secularism & Federalism a part of basic structure
- ⑤ Prevented arbitrary behaviour of Parliament Eg I R Coelho case expanded the scope of basic structure to 9th schedule



However, despite the issues, the doctrine of basic structure has played its role of preventing Parliament to become a Constituent Assembly and rewrite parts of the Constitution.

Q-2) T
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Feedback
(For OFFICE use only)

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(C) = Good (A) = Average (P) = Poor			
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 refer to those organizations of people who have common interest. They aim to influence public policy without gaining formal power. Eg. RSS; FICCI etc. Lobbying.

Information dissemination ← Ways of operation → Strikes
↓
Use of media.

Though sometimes pressure groups are large organizations but it's their ability to mobilize public opinion & create lasting change enables them to shape public policy.

① Exert social influence on people by door to door meeting, social media promotion etc. Eg. Farm protests.

② Educating the public by providing information, conducting seminars, etc.
Eg Nuktad Natak (Street play) by NGOs post Mirbhaya case.

③ Translating public opinion into political needs → Interest articulation which has political benefits for the Government.
Eg. Role of Sangh Parivar (Family) like RSS, VHP etc.

④ Media Activism like giving interviews, newspaper articles to garner sympathy & public awareness. Eg Jat Mahasabha for reservation.

⑤ Use of strikes, protests, bandhs & even violent activities to draw attention.
Eg. Hijab controversy in Karnataka.

However, Pressure groups are limited by their informal organization, lack of funds and power asymmetry. But due to the above tools, it is able to directly & indirectly influence policy making.

Feedback

(For OFFICE use only)

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⊙ = Good
⊙ = Average
⊙ = Poor

TOTAL MARKS	
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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 refers to the open body of decision making in the country. It consists of the 2 houses and the President. Lately, as per ADR, it shows a decline in functioning of Parliament → Lack of quality debates
 → Frequent disruptions
 → Criminalization of politics etc
Eg 45% of MPs have criminal charges

Reasons for decline

- ① Decline in productivity of Parliament.
Eg. In 17th LS, 25% was the productivity.
- ② Lack of discipline of MPs
Eg. Unruly behaviour, hooliganism, use of Unparliamentary language etc.
- ③ Politicization of speaker, → Used by ruling party as a tool to control house ^{Eg. Non Appointment of Deputy speaker.}
- ④ Weak Opposition
→ No leader of opposition in Lok Sabha.

⑤ Strengthening of Executive & Adjudicatory
Judiciary → Undermine Parliamentary Authority violating Separation of Powers
 Eg Striking down of NJAC

⑥ Sidelining of Parliamentary Committees
 Eg Only 10% of bills went to committees in 17th LS

⑦ Miscellaneous → Lack of training, poor educational background etc

Remedies

① As said by 2nd ARC, fixe minimum number of days of functioning of Parliament

② Codefication of Privileges to prevent misuse by MPs

③ As per 2nd ARC, make committee stage mandatory for bills.

④ National Institution of Parliamentary training for capacity building of MPs

⑤ Curb criminalization of politics.

Additionally, political maturity needs to be displayed by the members. The resurgence of Parliament will boost the democratic health of the country.

Q.4) Subordin...
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Feedback
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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)

Central Bureau of Investigation (CBI) is the open investigating agency of India. It derives its powers from the Delhi Special Police Establishment Act, 1946.

Despite notable successes in Harshad Mehta case, Bhawari Devi murder case, Supreme Court called CBI as a caged parrot which listens to its master's voice.

This subordination of investigative agencies to executive leads to disastrous consequences:

- ① Use of agencies as a tool for political vendetta and not for investigation.
- ② Adversely affecting federal relations
Eg. 10 states have withdrawn general consent for CBI.

- ③ Increases pendency of cases and reduces morale of the organization
- ④ Poor rate of conviction due to frivolous investigation. E.g. ED has been able to prosecute just 5% of its cases.
- ⑤ Harms the Constitutional values of fairness & equality. → Leading to additional Judicial Burden.
- ⑥ Reduces credibility of the organization, politicization of civil services → Promoting nepotism & reducing the role of merit

Prepare a separate ministry for ~~protection~~ agencies to increase scrutiny by legislature

Remedial Measures

- Enhance independence of agencies by security of tenure etc
- Political maturity by parties

Though, subordination of agencies to executive has benefits of reducing red tape, hands on control & others. But the long term health of governance needs the required safeguards. E.g. Increased tenure of CBI, ED directors.

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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)

Article 324 of Indian constitution provides for Election Commission of India (ECI) to superintend, direct & control elections. It consists of the Chief Election Commissioner (CEC) and 2 more Election Commissioners (EC). Helps in delimitation of constituencies.

Conduct free & fair elections

Vital role of ECI in robust framework

Prevent electoral malpractices

Conducts the electoral activities like registering parties, preparing electoral rolls etc

However, its function is hampereed due to challenges;

① Questions on neutrality of ECI → As ~~is~~ the CEC is appointed by the Executive and has no bar on future appointments

② Inability of ECZ to regulate the political parties Eg No power to deregister

③ Allegations of EVM Manipulation by opposition parties.

④ Inability to curb malpractices
Eg In 17th LS election, ₹1000 crore worth of alcohol & cash seized by ECZ.

⑤ Questionable decisions → Removal of EC Naveen Chawla
↳ Elections during Covid-19 etc

Remedial Measures

① SC decision → Appoint CEC by collegium of Chief Justice of India, Prime Minister & Leader of opposition.

② Power should be given to ECZ to de-register political parties

③ Pinch Gowami Committee → Procedure of removal of EC should be made same as CEC

④ Charging expenditure of ECZ to consolidated fund

⑤ Controlling freebie politics of parties.

Thus, the strengthening of ECZ can usher in the broader electoral reforms which will make Indian democracy more vibrant.

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)

The 10th schedule (Anti-defection law) came through the 52nd Amendment Act to prevent political defections and preserve stability of government.

However it has not succeeded in curbing political and suffers from various issues:

- ① Presence of loopholes like the merger provision & group defection
 - ② Partisan role of speaker → Favours the ruling party.
 - ③ No time limit on decision making
- In Kihoto Hollohon case, Supreme court directed for time limit and judicial review but not followed by legislatures.

(4) Money and muscle power still prevalent in electoral politics making Anti defection law ineffective.

(5) Anti defection law used to curb dissent and freedom of speech, harming intra-party democracy.

Corrective measures

(1) Make the law more robust by filling loopholes. Eg. Safeguards in merger provision

(2) Transfer the decision making power of speaker to Election commission.

(3) Reform the office of speaker
Eg. British system of non-political speaker.

(4) Imposition of time lines in Anti defection proceedings.

(5) Re-establish intra-party democracy.

Thus, Anti defection law must not be a tool of coercion but a just safeguard in Parliamentary democracy.

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 (or Essential Practices of Religion) is a tool used by courts to determine religion based cases.

It states that religious practices are of 2 types: (Shriour Mitt Case)

① Essential Practices → such customs which are integral to religion → cannot be changed
Eg Temples and their worship.

② Non essential practices → Court can intervene and change the practices
Eg Untouchability.

The court has used this case to address conflict between various fundamental rights:

① Triple Talaaq case (2017) → Court upheld the prohibition on triple talaaq as legal under right to equality.

(2) Sabarimala case → Court held that freedom to religion (Article 25) is subject to morality and cannot compromise Article 14.

(3) Hijab case → The Court declared Hijab as non essential practice and subject to restrictions.

However, ~~such cases~~ the doctrine has come under criticism due to its interference in religious matters, non-religious background of judges etc. However, it has also upheld secularism and Constitutional Morality (Ismail Faruqui case) in a diverse country like India.

Feedback
(For OFFICE use only)

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(C) = 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)

Article 123 and Article 213 provide the President & Governor with the power to promulgate Ordinances. It is not an independent power and, can be utilised on advice of Council of Ministers (Shamsher Singh case)

Despite its advantages of quick decision making and flexibility, it has certain drawbacks :

- (A) Dilution of Executive accountability
 - (1) Bypasses legislature → without taking its advice on the law. Eg DC Wadhwa case and ex Bihar government's repeated ordinances.
 - (2) Lack of debate & discussion on the law → Undermines authority of legislature

(3) Checks & balances are affected → As Executive is able to work around the Parliament.

(4) Overtum the judicial verdict

(5) Overlooking consensus building.

(1) No role of legislators → Rules are made by executive directly.

(2) Not enough debate on policies.
Eg. Removal of services from Delhi government.

(3) Majoritarianism → Ordinance law can avoid the needs of minorities.

Though safeguards are there for ordinances like passing within 6 weeks of reassembly of both houses, no alteration of Fundamental rights etc. However, ordinances should be used with caution and only in emergency.

Q9) "Bail not Jail" is the cardinal principle that upholds the sacrosanct ideal of individual's liberty and dignity. Explain the statement, citing various case laws. (10 marks, 150 words)

"जेल नहीं जमानत" यह 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)

Bail not jail is a judicial principle, given by Supreme court in State of Rajasthan v/s Balchand. It means that bail is the norm and jail is the exception.

It upholds individual liberty & dignity in following ways:

- ① Undertrial prison reform which is against right to a dignified life (Article 21)
- ② Innocent before guilty → Reinforces the policy of presumption of innocence until evidence contrary to it emerges
- ③ Right to fairness
 - ↳ Reduces the influence of money power in judicial processes
 - ↳ Fair chance to the accused to fight

the case.

⑤ Reduces judicial pendency (At present 5 crore cases)

↳ Right to timely justice is an essential part of a dignified life.

⑤ Protecting the family of accused.

↳ Ensures that the justice system is proportionate to crime committed.

However, such provision needs to be part of systemic judicial reforms like Prison reform, Appointment of Judges reform etc. to create multiplier effects in the judicial and governance system.

Feedback

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AWIS		
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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)

Cooperative Federalism refers to the phenomenon where centre and states work together for benefit of citizens.

In this context, Litkearia Commission advised for the formation of Inter State Council (Article 263).

It ~~has~~ facilitates dispute resolution in following ways!

- ① Provides common platform for dialogue between centre & states.
- ② Can provide recommendation to centre and states..
- ③ Reduces the politicisation of issues to facilitate better decision making.
- ④ Provides the arena for consensus formation.

However, certain challenges are in front of the Inter State Council:

- ① Lack of timely meetings of the Council members.
- ② Lack of independent secretariat of the Council reducing its efficiency.
- ③ Its recommendations are non binding on centre & states.
- ④ Lack of political will to make the I SC efficient and robust.
- ⑤ Domestic and electoral pressures provide less room for negotiation.

Thus, I SC needs to be strengthened with independent secretariat, regular meetings and political maturity. This will help to maintain the cooperative federalism in the democracy.

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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 time bound nature of decision making. It ensures that decisions are made without unnecessary delay.

Hence, it is highly vital in smooth functioning of the body politic.

① Legislature → Ensures laws are timely formed & passed.
↳ Need based policy making.

② Executive → Timely implementation leads to good governance.

③ Judiciary → Justice delayed is justice denied.

↳ Justice delivery helps to improve the life of common man.

④ Upholds the Constitutional morality by following it in letter & in spirit.

However, constitutional punctuality is conspicuously absent because:

① Concerns about electoral needs.

Foreg: Delay in project allocation to opposition ruled state.

② Protecting individual turfs.

Eg. President sitting over bills of state.

③ Centre State relations are turning sour.

Eg. Delay by Governor in signing the bills.

④ Loopholes in the law.

Eg. No time limit for speaker to decide anti defection cases.

⑤ Lack of sufficient expertise within

the functionaries. Eg. Delay in data protection bill.

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⑥ Diversity of India increases need for complex consideration & consultation.
Eg. Justice Rohini Commission for sub-categorization of OBCs

Capacity building of functionaries
↑

Adopt time frames for decision making

Way Forward

Consensus building for decision making

↓
Separation of Powers & non interference by organs.

Thus, Constitutional punctuality is not just a precursor to ethical governance but it is the spirit of Constitutionalism.

Feedback
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C = 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)

An electoral bond is a promissory note that can be bought by citizens and company incorporated in India. It aims to introduce transparent electoral funding and curb black money.

Features → Can be issued in denomination of ~~₹~~ ₹1000, ₹10,000 etc
 → Tax benefits to bond purchaser.
 → Anonymity of donors except ECI's orders.
 → Can be bought at only 5% I.

However, despite its intent to cleanse the political system and bring political reforms, it is low on substance due to the following!

- ① Business funding → No knowledge to voters about how corporate funding of parties takes place
- ② One sided transparency → The Government has a way of ascertaining identity of voters via Alpha numeric code of the bond
- ③ Quick fix reforms → Funding from unknown & informal sources still not efficiently curbed.
Eg. ₹1000 crore seized by EC in 2019 elections
- ④ Misuse by political parties and donors by using the tax benefits to evade taxes.
- ⑤ No provision to report the electoral bond proceedings to tax authorities

⑥ Problematic way of passage
 ↳ Use of Finance Act, 2017 to escape
 scrutiny by Rajya Sabha.

⑦ Change in cut off dates repeatedly
 by ruling and opposition parties to
 change cut off date to favour foreign
funding, tax exemption etc.

Thus, there needs to be further reform
 in electoral bonds through RTI Act
application, publication of donor list etc.
 So far ₹10000 crore has been given in
elections through electoral bond.
 Hence, systematic change is the way to
 go.

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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)

The Fundamental duties (Article 51) (FDs) and Directive Principles of State Policy (DPSP) (Part IV) of Constitution are important provisions of the Constitution

Though non enforceable, they play a direct role in impacting socio-political norms:

① Guiding governmental policy.

↳ FD & DPSP are the guiding light to decision making. Eg Environment protection

② Reforming the standards of living

By attempting to bring socio-economic benefit reforms. Eg Land reforms

③ Affecting the values of the citizens.

By balancing rights and duties;

bringing patriotism etc.

Eg. Protecting & upholding national symbols

④ Binds the population together in the
society by higher ideals.

Eg. Scientific temper, equality of payments

⑤ Creates public pressure on state to
fulfill the objectives of DPSPs & FPs

Eg. Equal pay for equal work movements.

However, it is limited by the following:

① Lack of enforceability → Hence, they
are not effectively implemented

Eg. Universal Civil Code (Article 44)

② Economic considerations like
growth often trumps over larger

issues - Eg tax of doing business and

Protecting environment.

③ Abstract wording of the provisions leads to different interpretations for people. Eg 'Scientific temper', 'upholding national honour' etc.

④ Lack of awareness among people due to ~~more~~ lack of information and lack of interest. Eg. Still many female labourers work on less wages, worker exploitation.

⑤ Reluctance of political parties to implement these obligations.
Eg VCC (Article 44)

Thus, there needs to be a reform in these provisions like those suggested in Verma Committee. Even though, these provisions are not legally enforceable but they are key to creating a welfare state and maintaining constitutional morality.

Feedback
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C = 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 process which helps in appointment and transfer of judges in higher judiciary.
For eg. Supreme Court & High courts

Important case laws

① SP Gupta case (1st Judges case)

↳ Here it was agreed that the recommendation of Chief Justice of India (CJI) was not binding on the President

② 2nd Judges case → Consultation changed to concurrence

↳ CJI & 2 senior judges to decide on the names of Judges

③ 3rd Judges case → Formalisation of collegium system by SC → Made up

of CJI and 4 ^{most} senior judges.

(9) NTAC case → SC struck down the 99th Amendment Act, 2014 for threatening independence of Judiciary

Assessment of collegium

(A) Benefits of the system

↳ Helped to maintain Judicial Independence

↳ Judicial Review power of courts is intact → Preserves the basic structure (Election case)

↳ maintains separation of Power among various organs (Article 50)

↳ Prevents majoritarianism of government.

↳ Tool to give free & fair judgements without executive interference. Eg Restoration of dismissed Arunachal Pradesh government.

- ⑧ Issues - Poor functioning of Judiciary
 Eg 5 crore cases pending at courts
- Opaque nature of collegium → No information on procedures & criteria for appointment
 - Accountability of Judiciary under question as judges appoint themselves.
 (No such process in any other country)
 - Accusations of nepotism & corruption
Law Commission called it Uncle Judge Syndrome
 - Conflict between Executive & Judiciary over appointments. Eg Recent delays and clash in appointing SC Judges
- Thus, the reforms to this system could be taking transparency in collegium, form All India Judicial Service (AIJS), etc. These will enable the Judiciary to become more open and accountable helping to raise the standards of governance.

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

Hate speech refers to the use of such expressions & rhetoric to espouse negative feelings for a person, community, religion, or group of people.

Eg Use of racist slurs on people.

Freedom of Speech & Expression (Article 19(1)) though a fundamental right is not absolute. In case of hate speech, Article 19(2) can be used to impose limitations. Any such step is not a limitation on hate speech because Article 19(1) because:

(1) Hate speech can be used to incite violence, rioting which is a threat to sovereignty of country and its integrity.

② Hate Speech can lead to public disorder. Eg. social media propaganda leading to communal riots etc.

③ Harms the foreign relations
Eg. Recent case of hate speech on television and souring relations with Middle East.

④ Impact of hate speech on society

① Dehumanises the people → violation of Article 21 of the Constitution

② source of communal tension, polarisation

③ Amplifies the existing faultlines of caste, creed, religion etc - which is against the motto of Unity in diversity

④ Undermines fraternity among citizens

⑤ Can result into violence, lynchings, rioting and killings.

Thus, there is a need to restrain hate speeches in following way:

- ① Define hate speech which is so far not defined in any law or rulebook
- ② Regulations on social media platforms, print media, TV channels to not highlight such statements
- ③ Communal harmony needs to be boosted by Confidence Building measures within citizens. Eg. Celebrating festivals.
- ④ Regulation of political speeches and imposition of penalties.
- ⑤ Change in education system to enhance mutual respect and tolerance.

However, care must be taken that such steps don't compromise Freedom of speech & Expression. Such a balance will be beneficial for development of society.

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)

The doctrine of Separation of Power refers to the separation of functions among the organs of government → Legislature, Executive & Judiciary. It aims to prevent

concentration of power and its importance is as follows:

- ① Create a system of checks & balances so that there is no excess power, in one organ. Eg Power of Judicial Review
- ② Protects the individual rights and freedom of people by reducing the arbitrariness of power.
- ③ Conserving rule of law, through, clear demarcation of power and upholding the Constitution.

④ Overlapping functions enable accountability
and enhance sa right functioning.

Indian model of separation of power

① Unlike the west, India does not have a
strict separation of power

② The organs of government have
functional & ~~overlap~~ personnel overlap
and are not water tight compartments.

③ Eg Members of executive are from
legislature

④ The aim is not have a rigid wall but
a balanced system of checks & balances →
To balance autonomy with accountability
Eg Provision of impeachment for President
and Judges

Constitutional Provisions

① Article 50 → Separate Judiciary
from Executive

② Articles 122 & 212 → Art. Provision of

not discussing substantive matters of Parliament in court.

③ Article 121 & 2011 → Judicial conduct cannot be disputed in courts

④ Article 361 → President and Governors are not liable to answer courts in performance of official duty

⑤ Article 13(2) & 32 → Power to Judicially review any such decision affecting separation of powers (Eg. Keshavananda Bharati case made Judicial review a part of basic structure)

⑥ Article 105 & 194 → Parliamentary privileges

Thus, the Indian way of separation of power is rooted in the unique model of Indian democracy and part of the basic structure of the Constitution

(ADM Jabalpur case)

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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)

FPPS refers to the system of election where the candidates with maximum votes will win the election. On the other hand, PR refers to the system where seats are distributed among political parties in proportion to total votes.

Within India, FPPS was preferred because:

① Simplicity of FPPS - which makes it easier to implement in a large country like India

② Suitability in Indian context

(Large scale illiteracy in India prevented using of complicated voting system.)

③ Helps to preserve stable government by bringing majority government in the Parliamentary system.

④ Cost effective as the system of election becomes easier.

⑤ Increases accountability of candidates as in PR, party gains prominence.

However, despite the advantages, FPPS has some disadvantages vis-a-vis PR:

① Wasting of votes → Only the votes of winning candidates are useful, rest of votes are non utilized.

② Majoritarianism → Smaller political parties are not adequately represented.

③ Ensures representation of minorities and despite few members, they can gain political power. Eg Frankish people.

In Belgium

(4) Emerging of political parties and reduction of personality focus in elections

(5) Ensures the role of vote bank politics on way of caste, religion etc.

Thus, there is a need to reform the electoral system of the country to reduce money & muscle power, electoral corruption etc. This will help to

conduct a free and fair elections in the country. (Basic structure as per,

Indira Gandhi v/s Raj Narain Shukla)

Feedback

(For OFFICE use only)

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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 refers to the presiding officer of the House. He is the supreme authority and heads the house and the ultimate authority in interpretation of Constitution.

The Indian Speaker is influenced from the British speaker and emerged from Government of India Act, 1919.

Similarities → Both are elected members of House
 → Both are the presiding officer.
 → Both persons regulate the affairs of house, maintain discipline, summon etc.
 → His decisions are ~~the~~ binding on all members.

Differences

Speaker in UK

- ① Speaker resigns from political party
- ② Higher confidence on neutrality
- ③ No power to dismiss members through anti defection law

Speaker in India

- ① Speaker is part of political party.
- ② Lesser confidence
- ③ Has power to disqualify members under anti defection law.

Controversies vis-a-vis Indian Speakers.

- ① Partisan role of speaker due to membership in political party. Eg. Lesser time to opposition members in questions
- ② Certification of bill as money bill to escape scrutiny of Rajya Sabha
Eg. Finance Act, 2017 categorized as financial bill to pass regulations on tribunals, Aadhar, electoral bond etc.

- ① Misuse of power in anti defection ruling. Eg. Maharashtra defection case
- ② Non appointment of deputy speaker despite Court's directions.

Reforms proposed

- ① Adoption of British model of one a speaker, always a speaker to enhance neutrality in office
- ② Entrusting anti defection powers to ECIC (Dinesh Goswami committee)
- ③ Forming a committee to decide the bill as money bill.
- ④ Speakers should not accept any political role or posting after demitting office

The speaker is the lynchpin of Parliamentary Democracy. Right minded and time bound nature of reforms will improve the health of the Indian democracy.

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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 refers to the form of government where executive is derived from legislatures. It supports the doctrine of Parliamentary Supremacy.

It was preferred ~~to~~ in post independent India because!

① Familiarity with the system as Government of India, 1935 was the base of the Constitution.

② Increases accountability of the Executive to Parliament.

③ Reduces friction between due to legislature, executive clashes.

④ Prevents concentration of power, in,

the President by appointing Council of Ministers.

⑤ Provide a culture of deliberation and debate by strengthening the Parliament.

However, in rise of strong central governments and strong Prime Ministers, it is observed that Indian system is slowly transitioning into Parliamentary system:

① Strong Executive → Due to centralization of power at the Prime Minister's Office.

② Decline of Parliament due to poor quality of debates, ineffectiveness of accountability mechanism etc.

③ Activist Judiciary → To overturn legislative decisions. Eg. NJAC law, Cooperatives Act, 2002 etc.

④ Weakness of opposition to make the
Executive accountable.

⑤ Introduction of specialists, ex-bureaucrats
in governance system at various levels.
Eg ministers, secretary level positions, PMO
etc

Counter Arguments → Executive is still bound
by the rules of the
Constitution

- Parliamentary form is part of basic
structure which cannot be amended
- Parliament still functions as the
opposition asks questions to the Ministers
Eg Farm. Bills, Rafale deal etc.
- Every minister needs to be a member of
Parliament or get a seat within 6 months.
- Free media, robust EC & Judiciary
maintain the balance

However, despite these safeguards, care must
be taken to preserve the Parliamentary form
of government.

Feedback

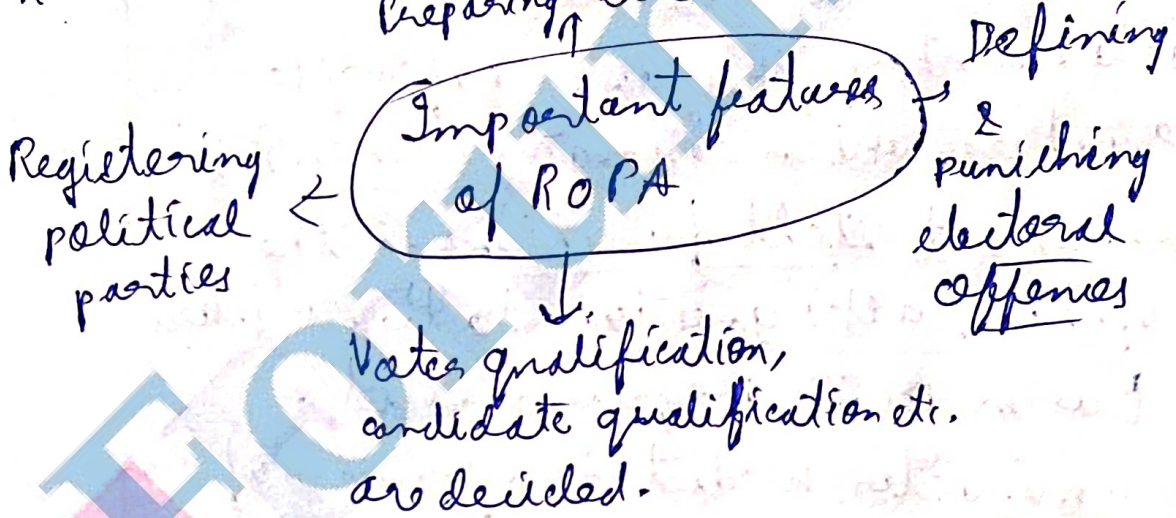
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Q.20) The Representation of People's Act, the bedrock of free and fair elections in the country, has failed to keep pace with the contemporary challenges. Highlighting the shortcomings in the legislation, suggest reforms to make it more effective.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

Article 327 of Constitution provides Parliament with powers to make laws on elections. As a result Representation of People's Act, 1950 & 1951 were passed to ensure free & fair elections



However, it faces contemporary challenges like:

- ① Lack of power with EC I
↳ To effectively track down on electoral malpractices due to executive

appointment, weakness of election commissioner, no power to de-register parties.

(2) Misuse of tax benefits of election bonds and political parties to evade taxes.

(3) Newer forms of communication

↳ Difficult to regulate social media
↳ Advent of paid news, fake news and no subsequent provision.

(4) Hate speech → Not defined in any act and not regulated.

(5) Electoral bonds → Allowing foreign funds and high level of anonymity to donors. Eg ₹ 10000 crore bonds issued so far.

Thus, reforms at multiple levels need to be undertaken

(1) Voter level → Enhance voter awareness

programs
↳ make right to vote ~~compulsory~~ ^{fundamental duty} (Verma Committee recommendation)

② Societal level

- ↳ Self regulation mechanism by social media
- ↳ Stringent regulation on media houses on paid news, fake news etc
- ↳ Defining & punishing hate speech.

③ Institutional level

- ↳ Strengthen EC I (Dineesh boluwami committee)
- ↳ Ex power to de-register parties
- ↳ Transparency in electoral bonds by putting it in purview of RTI Act.
- ↳ Legal enforceability of Model Code of Conduct
- ↳ Enforcing intra party democracy.
- ↳ Punishing the false declaration in property or criminal antecedents

④ Technological level } Testing of EVMs regularly.

↳ Linking Aadhar to voter cards:

Thus, systematic reforms can usher in a new era of ethical democratic processes and uphold the Constitutional morality

Feedback
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⊙ = Good
Ⓐ = Average
Ⓟ = Poor

TOTAL MARKS