

Time Allowed : Three Hours  
समय : तीन घंटे



Maximum Marks : 250  
अधिकतम अंक : 250

**GENERAL STUDIES / सामान्य अध्ययन**

Name Of Candidate परीक्षार्थी का नाम	BENJO P. JOSE		
Roll No./अनुक्रमांक	1910046740	Medium/माध्यम	English <input checked="" type="checkbox"/> हिंदी <input type="checkbox"/>
Center Code/परीक्षा केंद्र	ORN	Date/दिनांक	15/08

\*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 करें।														
1			2. There are <b>TWENTY</b> 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;"><b>For Student Only / केवल परीक्षार्थी प्रयोग हेतु</b></p> <table border="1"> <tr> <td>Start Time/प्रारंभ करने का समय :</td> <td>End Time/समाप्त करने का समय :</td> </tr> <tr> <td>10 : 15</td> <td>1 : 45</td> </tr> <tr> <td>Mode Of Examination/ परीक्षा की विधि :</td> <td>Online/ऑनलाइन <input checked="" type="checkbox"/> Offline/ऑफलाइन <input type="checkbox"/></td> </tr> </table> <p style="text-align: center;"><b>For Office Use Only / केवल कार्यालय प्रयोग हेतु</b></p> <table border="1"> <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>			Start Time/प्रारंभ करने का समय :	End Time/समाप्त करने का समय :	10 : 15	1 : 45	Mode Of Examination/ परीक्षा की विधि :	Online/ऑनलाइन <input checked="" 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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<p>*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 समय रूप किररी अन्य विषय वस्तु, जो मूल्यांकन कर्ता को आपकी कॉपी में पसंद आती के आधार पर (लेकिन इन्हीं तक सीमित नहीं) पर दिए गए अंक हैं।</p>																	

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**Note:** You can discuss your evaluated copy with the Mentor. Raise a ticket from your portal to schedule a meeting 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

FORUM IAS

### 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, have you (a) written what is asked (b) gone beyond what is asked (c) enriched answers through combination of ( but not all!) suggestions like 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. Whether 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 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)

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

Basic structure of the Constitution has been called the 'North Star', guiding light of Indian Constitution by the Chief Justice of India

Basic structure doctrine prevented Parliament from becoming master of constitution

1) Parliament cannot amend Fundamental Rights to the extent that it violates Basic structure

Kesavanand Bhairabi case, 1973

2) Minerva Mills case, 1980

- balance between Fundamental Right and DPSP sought by going back to basic structure doctrine

3) Supremacy of Constitution guaranteed

4) Independence of Judiciary - NJAC Amendment Bill; struck down as violative of Basic structure.

5) Naman Rao Case - Doctrine of Basic structure to apply to all cases after 1973.

Concerns with Doctrine

- 1) Opacity of Judiciary prevents parliamentary and popular sovereignty
- 2) makes the judiciary all powerful in exercise of its powers.
- 3) unique invention of Indian jurisprudence; absence of parallel elsewhere
- 4) against doctrine of Separation of Powers

Basic structure doctrine with ideals like secularism, socialism, access to justice; independence of courts must be used 'optimally' so that sovereignty of people vested in Parliament is not negated in its exercise

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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)

बाव 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)

(PG)  
Pressure groups belong to the 'third sector' of governance, and by their activity act as checks on the government; by mobilizing public opinion and creating lasting change

~~Interest~~ UNDP recognizes their contribution in shaping public policy by highlighting ability for 'grass root mobilisation'.

Formal PG	Informal PG
→ institutionalized as charitable trust, Society, etc	→ loosely bonded PG with broader objectives and social change measures.
(eg) FICCI, Assocham	(eg) Free thinkers Forum

Pressure groups and Public policy

- ① Educator - mass education about government schemes  
(eg) Vasundhara in Odisha



about Forest Rights Act (FRA)

- ② Agitator → mobilize people against corruption  
(eg) India against Corruption
- ③ Social justice & welfare → tribal & schedule caste rights  
(eg) Samatha; Navsraina
- ④ Environment policy → protect biodiversity and premises  
policy change (eg) Bird Conservation forum, Kochi
- ⑤ standards of living / livelihood → Resident welfare Associations
- ⑥ public interest → (eg) KMR majestic colony case  
against use of loudspeakers for religious instruction

Concerns	way Ahead
→ hijacking of P6 by <u>foreign funds</u> ; <u>religious extremism</u> (eg) <u>Farmers Protests.</u>	→ acknowledge as essential to <u>maximise good governance</u> & promote <u>functioning</u>

A. 19(2) gives right to form associations, by which P6s are formed; and P6s given adequate space to positively influence policy.

Feedback (For OFFICE)

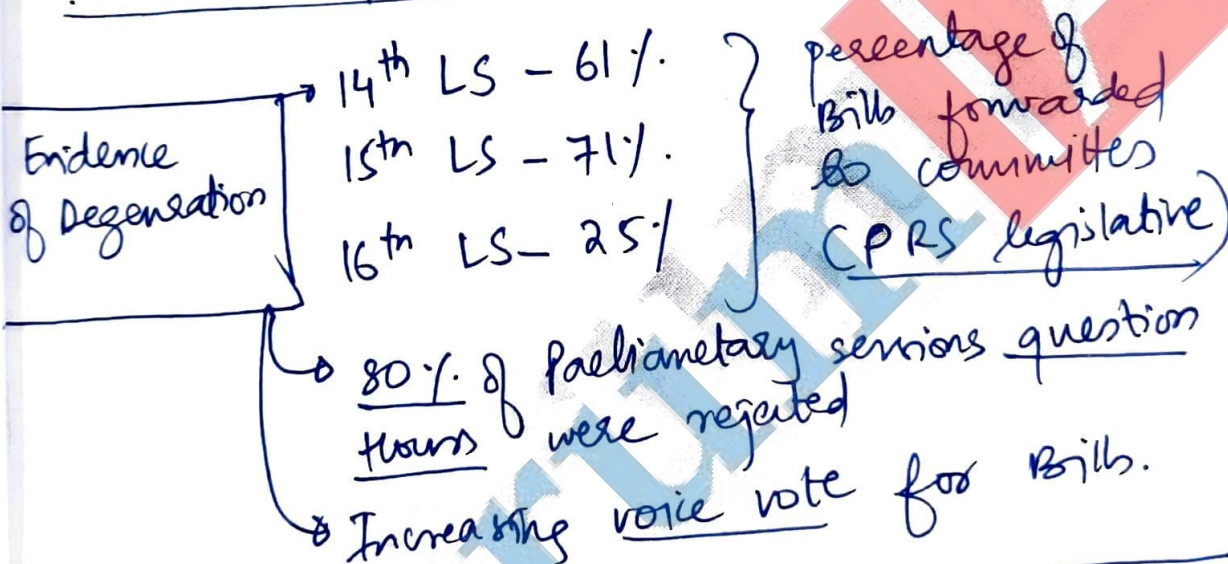
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Q.3) Analyse the reasons for degeneration of parliamentary functioning in recent time. Also, suggest measure to make the parliament more productive. (10 marks, 150 words)

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)

Degeneration of Parliament is evidenced by its poor performance. This not only shadows image of the Institution but the whole democratic apparatus as well.



### Reasons for degeneration of Functioning

- ① Strong government with absolute majority  
↳ Parliamentary scrutiny bypassed, Absenteeism
- ② Role of Committees reduced by not referring Bills
- ③ Role of Individual MPs reduce due to apathy.



- (4) Weak opposition → holding government accountable is difficult.
- (5) sessions of the Parliament - often disrupted and walkouts due to uproar (eg) recent walkout on Manipur Issue
- (6) Erosion of Trust on Parliamentary officers
- (eg) Presiding officers - allegations of bias became
- 1) refusing Point of orders
  - 2) suspending opposition members

Measures to make Parliament productive

- ① mandate fixed percentage of attendance
- ② Increase recommendation of Bills to standing committees etc.
- ③ Trust building between different parties through All Party meetings
- ④ Promote Individual MPs & private Bills (currently only 11% of all Bills from Independence).

Above these measures; the upholding of 'spirit of democracy' and holding Parliament as sacrosanct 'temple of democracy' is required to improve its functioning

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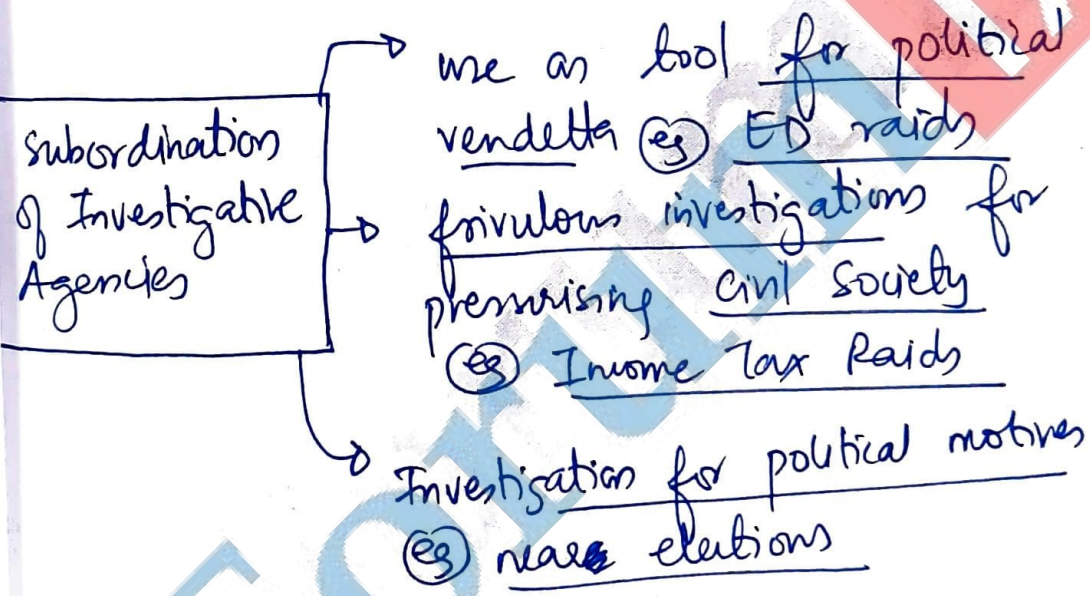
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Q.4) Subordination of investigative agencies to the executive is fraught with disastrous consequences. Discuss the statement in light of the criticism of the Central Bureau of Investigation as a "caged parrot". (10 marks, 150 words)

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)

The power of the executive vested in it includes power of supervision and management of investigative agencies as well. However 'excess of its usage' leads to their subordination.



Criticism of CBI - 'caged parrot'

- ① Supreme court observed CBI acts subservient to interest of ruling party
- ② Bypassing of states' interest (eg) many states withdrew general consent to CBI

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- ③ pressurising NGOs & Voluntary organizations through slapping of cases (eg) Haresh Maudee case
- ④ Acts as agency to 'fulfill and confirm' government's agenda (eg) CBI reports on foreign funding as 'post-facto' evidence.
- ⑤ Independence and autonomy affected → salary, tenure, allowance of Director decided by central govt.
- ⑥ Promises of 'reappointment' and 'post-service' benefits for retirees to gain favor.

### Way Forward

- ① Ensure independence of Investigative agencies through funding; appointment reforms
- ② Coordination between investigative agencies to prevent one sided investigations
- ③ wider reforms proposed by [Malimath] Committee, [Pisero Committee]

Investigative agencies must work to improve the 'social contract' between people and government and not break it through subordination.

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	① = 40
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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)

A-324 of the Constitution deals with the Election Commission of India, and provides for framework of conduct of elections in our democracy.

Role of Election Commission

- ensure free and fair conduct of elections
- assign symbols to parties
- Recognize / de-recognize parties
- enforce model code of conduct (MCC)
- settle disputes; appoint officers during conduct of elections.

Challenges Associated

① Security of Tenure → Supreme Court observed 6 Chief Election Commissioners in 8 years → it practise violate security of tenure

② Favouritism → alleged by opposition



against settlement of disputes.

- ③ Failure to enforce MCC → due to no legal backing
- ④ Appointments of CEC & EC → not by independent committee, but by union govt
- ⑤ cannot denotify political parties; ~~cannot~~

measures suggested

- ① Dinesh Goswami Committee; Navin chawla  
(former CEC) has and others argued for 'appointment committee' to include leaders of opposition and Chief Justice
- ② legal basis for Model Code of Conduct
- ③ Independent assessment in disputes
- ④ govt to ensure that average tenure of CEC & EC come to 5-6 years

Election Commission; responsible for conducting largest election process in the world must ensure its independence and efficiency is functioning so that the framework of electoral democracy remains intact.

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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 वुराई को संतोषजनक ढग से संवाधित 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 provisions are found in 10th schedule of the Indian Constitution added by the 52nd constitutional Amendment Act

Context for the Law → Frequent political defections and 'Aaya Ram, Gaya Ram' syndrome  
→ Horse trading and buying of MPs in the 1960s, 70s.

Failure of the Law → evidenced by toppling of governments including recently Maharashtra due to mass defection.

Issues Surrounding → ① Decision of speaker for disqualification is alleged 'not impartial' as favors party in ~~center~~ power

→ ② Independence of MPs / MLAs curtailed by Chief Whip; if they go beyond party lines defection is charged



- (3) No time frame to decide on issues of disqualification due to defection.
- (4) 'provision of merges' ~~due to~~ is misused and 'splits' masqueraded as 'merges'
- (5) Guan Congress party
- (5) large problems of Governance - Speaker's offices misused for installing favored governments.

### Corrective measures

- 1) Dinesh Goswami committee → stricter implementation of law
- 2) Address lacuna of merges - split
- 3) Kihoto Holan case observations to be followed to ensure autonomy of speaker
- 4) principles of 'once Speaker Always Speaker' practice of British Parliament can be followed.

Parliamentarians & lawmakers must be free to uphold public interest and act in reason, and thus be allowed to change parties, however, it must not be for self aggrandisement of power or in expectance of fear or favor.



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)

निर्धारता के सिद्धांत से आप क्या समझते हैं? विभिन्न मौलिक अधिकारों के बीच संघर्ष को दूर करने के लिए न्यायालिका ने इस सिद्धांत का उपयोग कैसे किया है? उदाहरण सहित स्पष्ट कीजिए।

(10 अंक, 150 शब्द)

Doctrine of essentiality is enunciated by Supreme court as being a guide while deciding upon cases which involve multiple priorities; disputes and rights at stake.

Different manifestations

Essential religious practices  
(Shirur Mutt case)

collection of personal data  
(Puttaswamy judgement)

Use of essentiality to address conflict among fundamental rights

① Shirur Mutt case; Dawoodi Bora Community judgement → Right to religion (A-25, 26) when violative of A-21 will not hold.

② Sabhalimala judgement (India Young Lawyer's case) → A-14; A-15 of



equality and non discrimination to  
overpower Right of cultural practices

③ Nagin dance of certain community banned  
as recognizing it not belonged to  
'essential religious practice'

④ Triple Talag case → Talag-i biddat not  
present in early Islamic texts.

⑤ Puttaswamy judgement → A-21 protected  
even against need of govt. to collect data

⑥ Khasak Singh Case. A19(a); A19(d)  
of speech and movement to be  
balanced based on essentiality and  
restrictions to be reasonable A-19(1), 19(4)

⑦ Balancing Fundamental Right & DPSP  
The fundamental rights are not  
 sacrosanct, and the court has devised  
mechanisms like essentiality doctrine to

ensure enjoyment of Fundamental right  
don't violate liberty, equality of others,  
or essence of other Fundamental rights.

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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 निचादी सिद्धांतों को कमजोर करती है, बल्कि आम सहमति बनाने की लोकतांत्रिक परंपराओं को भी नजरअंदाज करती है।  
संगिक उदाहरणों के साथ चर्चा कीजिए। (10 अंक, 150 शब्द)

Ordinance making power is a legislative power given to the head of the executive viz the President and Governor through

A-123.

Context for provision

→ when legislature is unable to exercise its functions properly such as during promulgation, dissolution or during Emergencies is to be used sparingly, and temporarily.

Dilutes Tenet of Executive Accountability

→ Separation of powers diluted  
→ DC Wadhwa case, Supreme court argued repeated promulgation of ordinance is against constitutional principles  
→ legislature is bypassed; hence Responsibility under (A-75) at least temporarily is challenged



Diluting  
democratic  
traditions

- challenges authority of Parliament as elected by 'people'
- no passage of Bill through Committee, debate, discussion in legislature
- ② Farmer's Bill
- no scope for dissent and supremacy of executive is maintained
- used as trojan horse to bring in unpopular executive decisions.
- ③ Aadhaar Bill as ordinance

The Supreme Court in Cooper case directed restraint to be used by executive in promulgating ordinances. Some suggestions in this regard are

① Immediate 'laying of Bills' when Parliament reassembles

② No repeated promulgation

③ wide scale publication for public comment of draft Bill before promulgation.

Doctrine of separation of powers is essential part in our democracy. Ordinance must be used only within this limitation, and for wide public good.



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)

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

A rising number of undertrial prisoners (70% of the prisoners) shows that "Bail not Jail" is not followed in India, resulting in detriment of individual liberty and dignity.

"Bail Not Jail"

→ Jail is the exception, and Bail is the norm

→ a principle in commonlaw countries to grant bail, without lodging into jails if offence is minor or bailable.

upholding liberty and dignity

→ Immanuel Kant idea of 'dignity' (Bail) can act as solution in cases where prima facie no evidence is collected

→ DK Basu judgement highlighted that arrest and detention must be minimal



→ Chief Justice of India, recently called for a "Bail law" to further ease process of giving bail.

Why a culture of Jail?

- colonial hangover in police system
- 'arrest and jail' as 'easy way out'
- no judicial oversight before arrest.

How to bring in Bail culture

- ① sensitising police about nature of crimes
- ② dedicated Bail law
- ③ Following 'French system' of appointing judicial officer during investigations
- ④ separating law and order & investigation to minimise load on officers.

Individual liberty is underlying principle in Preamble, Article-20 and DPSP. A culture of incarceration denies citizens of these rights. At this juncture, a behavioral and structural change of criminal justice system towards Bail culture is required.



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)

India's quasi-federal and asymmetrical federalist principles can result in disputes within Centre - state or state - state domains. Hence Dispute redressal is essential.

Dispute Redressal as component of Federalism

- Brings both sides to resolution table
- public welfare not thwarted due to squabbles amongst govt.
- middle path & collaborative federalism ensuring equal sharing can be ensured

Interstate Council and Dispute Resolution

- A-263 of Constitution mandates and Interstate Council by President for resolving issues other than water disputes
- Boundary disputes (Maharashtra Karnataka) resolving
- Tariff and trade disputes
- ② TD - Kerala on IGST.



- centre-state dispute resolutions
- disputes relating to land records, forest area, environment covered
- A permanent Inter-State Council chaired by Home minister helps alienate national level problems

### Challenges Associated

- ① I State councils meetings are not frequent
- ② Permanent council not met in 3+ years
- ③ Boundary issues are difficult to resolve due to competing land records and regionalism
- ③ relative deprivation and allegations of favour of centre to certain states impact trust.

### Way Forward

Principle of Allegiance (consensus orientation) and representation (access to the council) along with wider 'national interest' must be ensured so that these councils can ensure SDG-16 of strong governance institutions.



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)

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

Constitutional punctuality refers to adherence to the rules and principles laid out in the Constitution at all times - irrespective of situations or needs

Role of Constitutional punctuality in functioning of Body Politic

- ① ensures 'Rule of law' and not 'rule of men'
- ② stability in legislation
- ③ ideas of framers of constitution upheld
- ④ ensure Fundamental rights ; ideals of Preamble are followed.

Constitutional morality over social morality  
 (eg) Sabarwalta judgement



'spirit of law' upheld  
 (eg) MC Mehta case of absolute liability

Constitutional Fundamentalism

Basic structure

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## Absence of Constitutional Punctuality

### ① By Judiciary

→ principles of transparency and balance of power challenged by opaque selection process of judges.

→ 75% of judges in Supreme Court from Upper Caste (Law Minister answer in RS)  
principles of social justice challenged

### ② By Legislature

→ frequent disruptions of sessions;  
ruckus at Parliament; challenge ideal of Parliamentary Sovereignty

### ③ By Executive

→ diversion of forest land against A-48(A)

→ independence of offices against A-324;  
and ideals of welfare state

→ ordinances → against separation of power

→ central schemes → against Federalism  
& concurrent list



Absence of constitutional punctuality however is not always bad :-

- ① when meeting rising demand / aspiration of people (eg). 86th constitutional Amendment
- ② Bring in needed reforms (eg) 101st Constitutional Amendment and GST Council
- ③ respect social sentiments and requirements (eg) Ram Temple judgement
- ④ New values (eg) same-sex marriage legislation
- ⑤ Address new problems (eg) climate change

Absence of constitutional punctuality in itself might not be bad, provided grander goals of constitution is upheld. The constitution is envisaged as a 'living document' Hence deviation from punctuality but within limits of 'basic structure' by way of Amendments to the constitution is just as essential to functioning of body polity, as is the adherence to it.

**Feedback**

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#	G	A	P
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P & R			

- Ⓒ = Good
- Ⓐ = Average
- Ⓟ = Poor

TOTAL MARKS	
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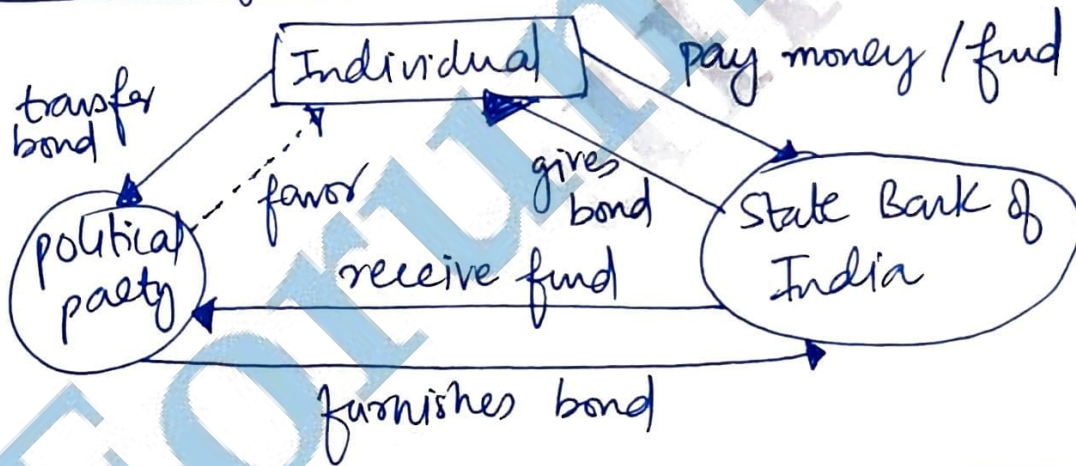


Q.12) Electoral bond was brought in as a reform that was high on intent but has proved to be low on substance. Do you agree? Justify. (15 marks, 250 words)

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 was brought in to address concerns regarding election funding and thus make election process more fair and transparent.

### Mechanism of Electoral bond



### Reform with high intent

- ① Address opacity of electoral funding
- ② prevent vote buying and large scale deviation of governance to suit private interest



- ③ prevent 'laundered money' from entering politics, by institutionalising process through the bank
- ④ 'sanctity of electoral process' ensued, as parties and funds (total) they received can be published
- ⑤ ensure participative and promotive democracy by informing citizens how their money is benefiting political parties
- ⑥ prevent 'kickbacks' and 'corruption' associated with corporates and avoid large scale ~~but~~ 'cronyism'.

low on substance — YES

- ① political parties total fund is displayed, no individual breakup is given, so not transparent, but translucent.
- ② denominations of bonds don't help in efficient retrieval of money and adds to problem of bank.
- ③ single Bank and single Branch



throughout India for funding purposes.

④ unduly favoritism, which was sought to be eliminated, still continues.

⑤ political parties only have list of beneficiaries donors of bonds → can lead to politician-businessman nexus.

⑥ unfair 'clientelisation' of Indian politics.

However despite limitations; the scheme has resulted in increased awareness among citizens; greater responsibility of government and opposition (by virtue of their parties) to provide and uphold public interest; and institutionalisation of electoral funding.

state funding of elections; reducing 'entry barriers' to politics are reforms suggested by Inderjeet Gupta committee is funding. These can be taken up for better realisation of the ideal.

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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 A. 51 (A) and Directive principles (DPSP); A. 37-51, though all non-enforceable remain fundamental to governance; hence impact socio-political norms

Non-enforceable nature

state & citizens must uphold them but no reproach lies in court for its violation

followed in policy making & legislations, but non-following don't amount to violation of A. 13

Mithras Mills case of 1980 however underscored essentiality of DPSP, and need to balance it with Fundamental Rights. Hence, despite non-enforceable nature state & citizens must uphold them



## Impact on Socio-political norms

~~social~~

- ① DPSP A. 38, to reduce inequality is found in government schemes of 'Garibi Hato'.
- ② welfare of workers (A. 43, 43(A)) enshrined in Labour Code, Code of Social Security.
- ③ maternity benefit (A. 42) ensured by Act.
- ④ old age, disabled welfare (A. 41) ensured by Right of Disabled Act; etc.
- ⑤ A. (45) ~~right of~~ early childhood care ensured by Anganwadis and National Educational Policy.
- ⑥ A. 48 (CA) protection of wildlife, forest, through wildlife Protection Act; Forest Conservation Act.
- ⑦ Fundamental duty (FD) A-51(A)(d) of rendering national service motivate young people to join armed forces.
- ⑧ FD A-51(A)(i) - scientific temper ensured by NGOs; civil society.



~~political~~

① F.D 51(A)(e) of protecting women seen in Nisbhaya Rape protest, visakha case guidelines

② F.D 51(A)(c) of providing education is seen by increasing gross enrollment ratio in schools (eg. 100% GER in primary lower classes).

However, despite positive inputs, some aspects of these principles are not yet followed (eg)

- ① No uniform CrP Code (A-44)
- ② intoxicants & drug (A-47) still rampant
- ③ diversion of forest (A-48A) through laws like Forest Conservation Amendment 2013
- ④ fraternity & brotherhood A-51(A)(h) challenged by rising hate crime and communal polarisation.

FD and DPSP though non-enforceable give a moral responsibility to citizen and government for bringing following them to bring in social welfare

**Feedback**

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P & R			

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)

The collegium system refers to the mechanism through which judges are appointed to the higher judiciary. It is an extra-constitutional practise, derived from case laws.

### Evolution of Collegium system

- ① First Judges case
- ② Second Judges case
- ③ Third Judges case
- ④ National Judicial Appointments committee (NJAC) case

### Pre-Emergency period

→ initially government while appointing supreme court judges followed seniority principle, however post adverse judgements



appointments bypassing seniority were made (eg) P. N Bhagwati appointment

The First Judges Case brought the power back at the Supreme Court and ruled that seniority is to be followed in appointments.

NJAC Amendment

In 2014-15, the govt. pushed for appointment based on a committee, citing greater transparency; however, this amendment (99th CAA) was struck down as violative of constitution.

Functioning of Collegium system

Positives

- 1) ensure strict separation of power
- 2) independence of judiciary and executive excess is checked
- 3) ~~And~~ Judges themselves are best suited to appoint other judges owing to experience and domain-awareness.

### Negative

- ① opaqueness of process
- ② 'uncle-nephew' problems and nepotism
- ③ no socio-political justice (75% judges are upper caste); low women representation (no women CJI till date)
- ④ absence of checks → judicial adventurism
- ⑤ clashes between executive and judiciary over appointments (eg recently Law minister and vice President argued for removal of collegium)

Judicial reforms, including Law Commission reports have called for more transparency in collegium system. Israel has brought a similar law to increase legislative power in appointment of judges, which has faced protest. Hence, care must be ensured so that while bringing transparency and accountability in collegium, separation of powers must be maintained.



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

The establishment of democracy in the real sense in many nations, followed from 'national movements' predicated on 'idea of dissent'. It is seen in Indian democracy also. Hence dissent is foundational to any functioning democracy.

Dissent and Freedom of Expression

A. 19(a) of the constitution guarantees right to speech and expression hence providing opportunity to dissent and express the dissent. Further A. 19(b),

A. 19(c) help form assemblies and associations that can further the cause of dissent.

Dissent, Hate Speech & A-19

(P70)



① Hate speech refers to abuse of A. 19(a) to promote enmity between persons; incite violence, hurt religious sentiments etc.

The right to disent in A. 19(a) don't guarantee absolute right or to hate speech.  
A. 19(1) gives reasonable restrictions including morality, decency, sovereignty of nation, public order etc which can curb hate speech.

Other Limitation on Hate Speech

- A. 19(1)
- §. 295 of Indian Penal Code (Religious feelings)
- §. 499, 500 of Indian Penal Code (defamation by staree, libel)
- Judgements
  - Balwant Singh case
  - Kedar Nath Singh

Does it impact A. 19(a) or infringe it?

→ superficially it might seem so, however; within A. 19(1) - reasonable restrictions; they don't infringe A. 19(a)



(Don't write anything in this area)

(Don't Write anything in this Area)

## Hate Speech impacting society

- 1) Religious sentiments → communal conflict  
(eg) Haryana conflict in Nuh district
- 2) caste sentiments  
↳ Bhima Koregaon violence
- 3) Anti-national speeches → incite radicalism  
and sedition speeches
- 4) result in Mob lynchings (eg) Muhamad Aqil lynchings in UP
- 5) erodes public trust in institutions that cannot control it.
- 6) impact elections
- 7) result in crimes (eg) mob lynching of alleged childnappers.

## ways to Restrain

- 1) strict implementation of laws
  - 2) Supreme Court directed Task force on Hate Speech
  - 3) check proliferation on media and social media
  - 4) promoting harmony and brotherhood through inter-religious festivals etc.
- personal sensitivities aside, any large scale exhortations that affect wider public must not be allowed in the country.

### Feedback

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S & F			
P & R			

G = Good  
A = Average  
P = Poor

TOTAL MARKS	
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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 प्रायोगिक प्रावधानों के साथ सत्ता के पृथक्करण के भारतीय मॉडल की व्याख्या कीजिए। (15 अंक, 250 शब्द)

Doctrine of separation of powers was delineated by Montesquieu in "Les Spirit des Loiss" as an arrangement for power sharing among three organs of the government - viz. Legislature, executive and judiciary.

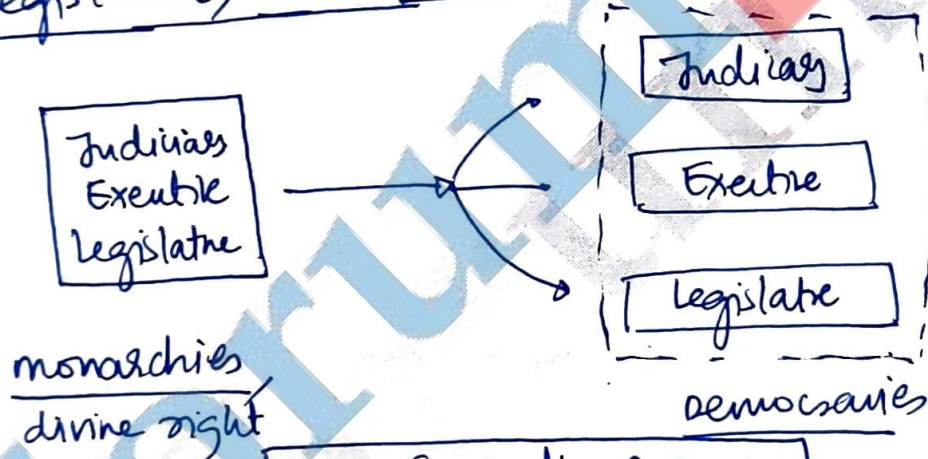


Fig: Separation of powers

- Importance to ensure separation of powers**
- ① prevent usurpation of all powers by one organ (eg) monarchies
  - ② delineate proper functions of each body of government  
→ reduces duplication



- ③ minimise conflicts among organs
- ④ ensure 'checks and balances' of each other
- ⑤ Act as mediator, when other two organs are in dispute
- ⑥ prevent complete relegation to anarchy but retaining power at least one organ even in case of compromise of other two.
- ⑦ Judiciary during Emergency period

→ ① Not a strict separation of powers as seen in USA

## Indian Model of Separation of Power

- ② Executive is 'responsible' to the Lok Sabha (A-75)
- ③ Doctrine of Judicial Review  
I.R Coelho case ensure judiciary's involvement into activities of other organs.
- ④ legislatures judicial powers
- ⑤ A-105, A-193 → acts as a quasi-judicial body in violation of its privileges.

⑤ Judiciary's legislative power

(eg) Visakha judgement guidelines as a law, even before the POSH Act

⑥ Legislature's executive power

(eg) A-123 → ordinance making power  
Appointing secretaries of Lok Sabha, Rajya Sabha

⑦ Executive's legislative power

→ subordinate legislation  
→ A-123 → ordinance making power

⑧ <u>Judiciary's executive power</u>	<u>Executive's judicial power</u>
→ <u>Chief Justice to appoint officers</u>	→ <u>subjudicial executive magistrates</u>

In recent times Judicial adventurism, repeated promulgation of ordinance has resulted in erosion of separation of powers further; hence a necessary 'realignment' to constitution's ideals are required.

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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)

First Past the Post (FPPS) and Proportional Representation (PR) are systems to conduct elections and determine victors in it; in a democracy.

First Past the Post

Proportional Representation

→ declaration of winner by securing most number of votes, hence majority not counted important

→ a weight is given to each vote of a voter based on his preferences (proportion).

→ is simpler system and avoids complex process.

→ proportions of votes are calculated and majority vote winner is declared victor

→ followed by India in LS, legislative (state) elections

→ complex & followed by Israel Parliamentary election  
Indian President election

Why was FPPS selected?

- ① simplex process - easier to understand owing to large scale illiteracy at independence
- ② large population size → PR might fail due to long drawn out electoral process because of it.
- ③ Party based politics was seen down, and FPPS through individual legislators accountability can ensure better governance in a young country like India.
- ④ Better penetration of government schemes
- ⑤ Individual voter connected more to electoral process as 'every vote' matters

Consequences

Positive

- 1) largest electoral process in world due to voter turnout
- 2) schemes like MPLADS; MLA funds used judiciously for accountability
- 3) role of 'independent legislators' and



private Bills is democratic governance.

Negative

- 1) voting for candidate  $\Rightarrow$  criminals and 'winnable' candidates filed (ADR report 397 legislators has cases)
- 2) population share and grandee mandate of nation is followed (eg) In early Congress ministries at centre, Party gained only 30-40% of votes, but still formed absolute majority government.
- 3) vote buying and entry barriers to elections
- 4) women, disadvantaged sections not adequately represented due to non-winnability
- 5) No regards to 'Inter-party politics', as only individual candidate given importance
- 6) deification of individuals can result in abuse of power (eg) during emergency

Given increase social & developmental indicators, increased criminalisation of politics, a rethinking of FPPS with PR like in case of President election is advisable.

### 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)

Speakers in Indian & British Parliamentary  
 system refers to the presiding office  
 of the lower house (House of People)  
 (Lok Sabha in India, and House of Commons  
in Britain)

officer of speaker compared

① A-93 of Indian Constitution talks about  
 speaker is influenced by British Westminster  
system & 1935 GoI Act.

② Independence → In Britain's speaker  
 resigns on becoming presiding office, from party  
 (once speaker, always speaker), but this  
 is not so in India.

③ powers & privileges - power to convene  
sessions; conduct



proceeding of the house; issue ~~not~~ approval / disapproval of motions are similar in both countries.

④ Powers in case of casting vote - also similar

⑤ power in case of money bill; disapproval of members are also similar.

⑥ Decisions on disqualification because of defection is unique to Indian Speaker.

Controversies related to functioning of Speaker

1) Bias & Partial to party

→ denial of motions of opposition,  
suspension of other party members

2) Decision in money bill

→ (eg) Aadhaar provisions brought in during money bill; but speaker didn't negate it

3) Decision in defection

⊕ quill to disqualify opposition party,  
but not disqualify own party

- 4) Speaker can mandate sending of bills to committees, but not done frequently
- 5) Disallowing question hour; allowing major legislation to pass through voice vote; disregarding opposition's demands for discussion of matter (eg) recent Manipal rape & violence

## Reforms

- ① Independence → resign from party membership
- ② Time frame for deciding on defections
- ③ Resort to Age/Naes and written process as much as possible for deciding bills
- ④ Appoint opposition party members as heads of Parliamentary Committees
- ⑤ Build confidence and show diligence in duty

practices of officer of speaker to follow G.V. Navakar; A. Tyengar (first speaker of independent India) who resigned after being elected to show their non-allegiance to party, but strong allegiance to principles



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 and Presidential forms of government fundamentally hinges on power sharing & separation of powers between legislature and Executive. India is example of former, USA is example of latter.

Why India chose Parliamentary Form

- ① British & Westminster model inherited through GoI Acts, 1919, 1935
- ② Better capture idea of popular sovereignty, as entire executive is chosen as legislators
- ③ Responsible govt A.(75) ensures this → importance to prevent 'despotism of President'
- ④ Young nation → large power on 'single summit entity' can lead to dictatorships & coup de etats.

⑤ general disbelief in civil service and bureaucrats in administration.  
↳ married with corruption; elitism & rent seeking.

⑥ Technocratic government might not be able to realise social welfare perspectives and might focus only on 'growth'

Indian government Transitioning to Presidential form ?

**YES**

1. Parliamentary scrutiny bypassed (eg) through non presentation before committee; absenteeism; absolute majority
2. Absolute majority ⇒ Prime minister's responsibility to Parliament reduces
3. Mission Kaemayogi & specialists in administration to aid the PM.
4. Technocrats as ministers themselves, through Rajya Sabha route (eg) Mannohan Singh, S. Jaishankar; M. Mondra; Dr. Pradhan



5. stability in policies - due to dual term from 2014-2024; strong bureaucratic apparatus.

NO

1. Parliamentary sovereignty through prevalence of dissent, discussions
2. Independent judiciary checking accumulation of power by executive
3. Prime minister and council of ministers still responsible to Parliament (eg) recent demand for no-confidence motion
4. Representation from all sections is executive & not just technocrats.
5. Prime minister still part of legislature, and also council of ministers.

The current trend of democracy in India blends stability, professionalism of Presidential system along with popular sovereignty and cabinet, responsibility of Parliamentary one.

**Feedback**

(For OFFICE use only)

#	G	A	P
AWIS			
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)



## 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.