

200087_612201_1910122303_(2023-07-15 19:27:24)

Time Allowed : Three Hours

समय : तीन घंटे

ForumIAS

Maximum Marks : 250

अधिकतम अंक : 250

GENERAL STUDIES / सामान्य अध्ययन

Name Of Candidate परीक्षार्थी का नाम	CHAITANYA GIRI		
Roll No./अनुक्रमांक	1910122303	Medium/माध्यम	English <input checked="" type="checkbox"/> हिंदी <input type="checkbox"/>
Center Code/परीक्षा केंद्र	HOME	Date/दिनांक	30/6/23.

*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।	
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Total/कुल अंक	250		For Student Only / केवल परीक्षार्थी प्रयोग हेतु	
Examiner's Discretion/मूल्यांकन कर्ता का विवेक :			Start Time/प्रारंभ करने का समय : 4:05 PM.	End Time/समाप्त करने का समय : 7:04 PM.
Total Marks/कुल अंक :			Mode Of Examination/ परीक्षा की विधि :	Online/ऑनलाइन <input checked="" 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 :	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

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 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.

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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 is an Indian judiciary creation to ensure the basic fabric of the constitutional ethos remain intact.

It was introduced by the 'Kesavananda Bharti Vs St of Kerala' 1973 case.

Limitations on Parliament via
Basic Structure.

- ① Kesavananda Bharti^{Case} added rule of law to the basic structure and also declared that basic structure will remain ever evolving.
- ② Other cases have expanded its scope in the following manner

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Case laws

Addition to Basic Structure

Ray Narsari Vs
Indira Gandhi
Case 1975

Equality added
to basic structure

Minerva Mills
Case 1980

Judicial Review
added to
basic structure

S. R Bommai
Case 1990

Federalism added.
to basic structure.

Thus, Basic structure a creation of
constitutional interpretation has ensured
constitutionalism by posing limitations
on the power of parliament.

Although this creation can work even
better if ~~instead of its~~ the ambiguities
of in its evolution are done away with
by providing a list of constitutional values

Feedback

(For OFFICE use o

#	G	A
AWIS		
CD & VA		
S & F		
P & R		

Ⓒ = Good
Ⓐ = Average
Ⓟ = Poor

TOTAL
MARKS

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

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

Pressure groups are organisation which work for a certain interest and lobby with the government setup for certain policies.

Power of pressure group in mobilizing public opinion.

1. Huge pressure groups like labour unions and trade unions have failed to mobilise popular demands for the classes they represent \rightarrow ATUC.
2. Despite huge size, pressure groups fail to mobilise because of political affiliations and internal divisions.

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Informal pressure groups shaping public policy.

- ① Western U.P. farmers : protested and led to repeal of the farm laws
- ② Migrant workers : During COVID, because of their plight, certain informal pressure groups led popular pressure which caused:
 - a) One Nation, One Ration.
 - b) Housing facilities for migrants.
- ③ Fishermen groups : issues related to high seas fishing on borders with Pakistan and Sri Lanka.

Thus, even informal pressure groups have led to interest aggregation and mobilisation to which has ensued a more consultative and participative democracy in India.

Feedback

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P & R		

(G) = Good
(A) = Average
(P) = Poor

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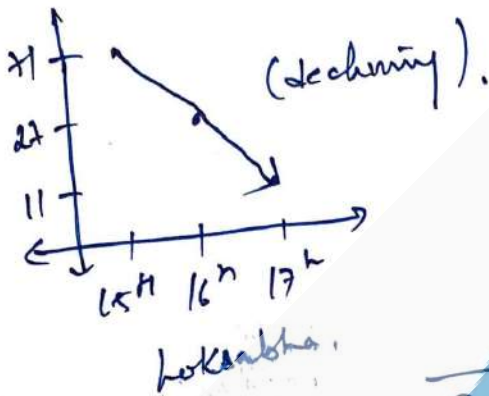
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Q.3) Analyse the reasons for degeneration of parliamentary functioning in recent time. Also, suggest measure to make the parliament more productive. (10 marks, 150 words)

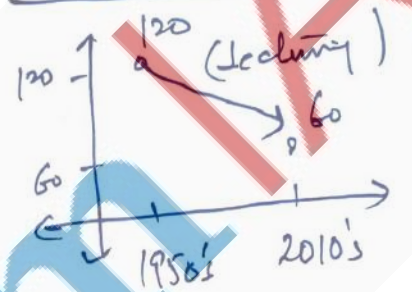
हाल के समय में संसदीय कामकाज में आई गिरावट के कारणों का विश्लेषण कीजिए। साथ ही, संसद को अधिक उत्पादक बनाने के उपाय सुझाएं। (10 अंक, 150 शब्द)

Various reports by PRS and ADR suggest that parliamentary functioning is degenerating.

% No of bills referred to Parliamentary Committees.



Workday days of Parliament.



Reasons of degeneration.

- Criminalization of politics.
43% MP's have criminal cases registered against them (ADR.)
- Huge majority of a single party.
Decline in deliberation of bills, in 2021 Rajya Sabha, 12 bills passed within 5 minutes.

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3. Poor training of MP's when they get elected.
4. Vacancies and understaffed secretariat.
5. Poor ~~but~~ inappropriate behaviour of MP's and polarization of working of parliament.
~~by~~ opposition instead of constructive debate
 offers to leave the premises.

Reforms Required!

1. Anti defection law must be reformed.
(Mahmiah Committee)
2. Fast track courts for ^{deciding on} criminal charges against MP's.
3. Appropriate training to MP's in reference to their responsibilities.

↳ In this context, government must follow certain 'best practices' like shadow cabinet and "Once a speaker, always a speaker".

Feedback (For OFFICE use only)

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TOTAL MARKS

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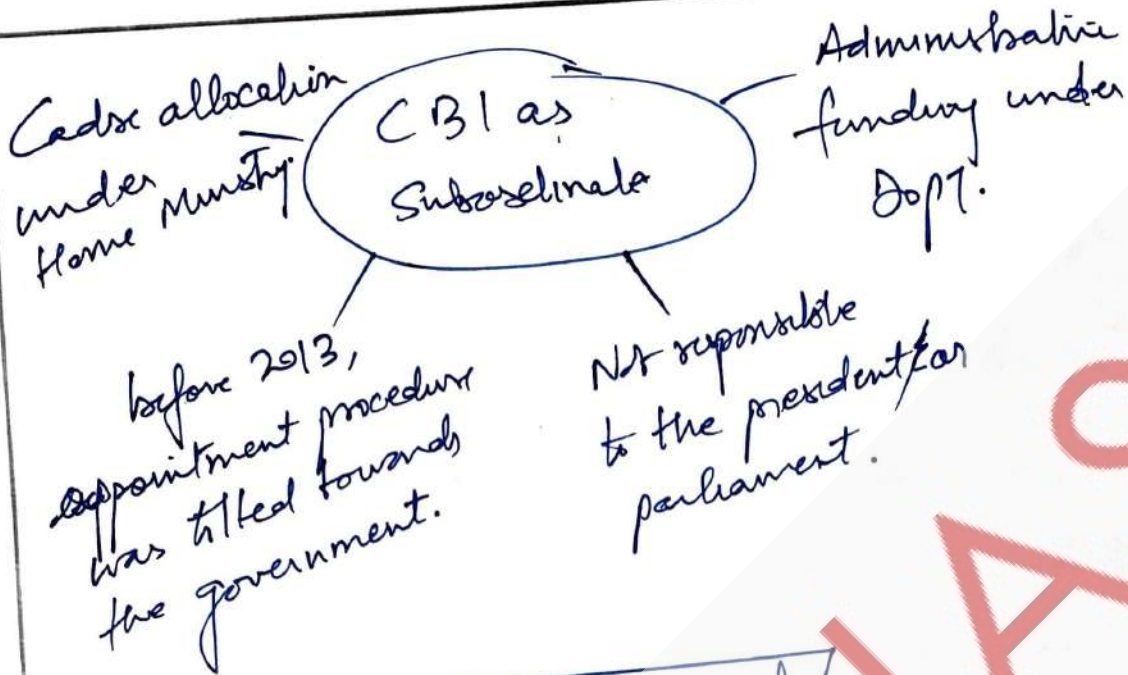
Q. (i) Subordination of investigative agencies to the executive is fraught with disastrous consequences. Discuss the statement in light of the criticism of the Central Bureau of Investigation as a "caged parrot". (10 marks, 150 words)

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)

Vineet Narain case judgement had called CBI as a caged parrot. This had raised the question of accountability of executive and rule of law on the Indian democracy.

Subordination is harmful.

1. Investigation agencies must be independent and act as bulwarks to Indian democracy.
2. Undermines constitutionalism.
3. Permanent executives, if works under subordination of political executives especially in investigative purposes goes against the principles of natural justice.



Reforms Required

- CBI must be funded via charged expenditure.
- CBI must be held to submit annual reports to parliament.
- Transparency in appointment/discharge must be ensured.

Post amendments in Lokpal/Lokayukt act 2013 and the fixing of tenure of CBI director to 2 years, the government has taken right steps to ensure independence of CBI to some extent.

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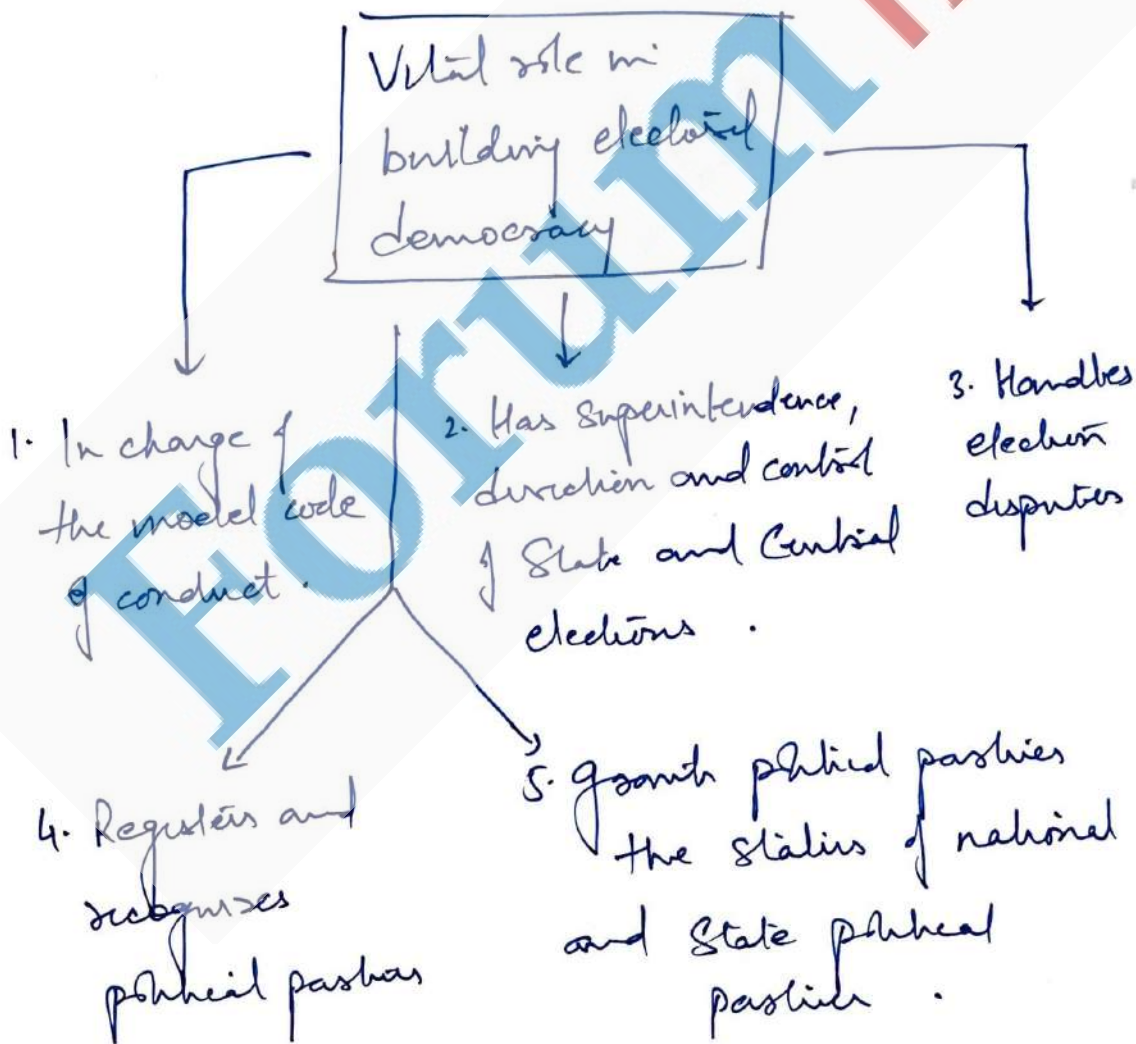
G = Good
 A = Average
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Q.5) The Election Commission of India has a vital role in building a robust framework of electoral democracy. Highlighting challenges associated with the functioning of ECI, suggest measures to reform the body. (10 marks, 150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

Election commission of India is one of the four bulwarks of Indian democracy. It is a constitutional body under Article 324 of Indian constitution.



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Challenges associated

1. Breach of Model code of conduct is not on grounds of disqualification. Thus, does not have enough biting power.
2. Does not have its own staff, depends on state and central government employees.
3. Does not possess power to take decision on anti-defection law.

Measures to reform

1. Grant more powers under Representation of people's act.
2. Give powers of permanent appointments.
3. Make filing of false affidavits to ECI, a corrupt practice under Sec 123 of RPA 1951.

Recent SC judgement of formation of a high powered committee for appointment of Election Commissioner is also a step in right direction

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)

Anti defection law was introduced by 53rd Constitutional amendment act 1985 because of the "Aya Ram-Gaya Ram Incident".

Defines condition of disqualification

Anti-defection Law

Added 5th Schedule to constitution.

ensures that representatives remain true to their constituents

Issues with Anti-defection.

1. Partisan member i.e. speaker decides on issue of anti-defection, which is against principle of natural justice.

2. No time limit defined in the constitution for speaker to decide on the issue.

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3. Voting against party lines must be penalized under anti-defection which has said to reduce individual democracy in the parliament.

4. Split and Merger clause of the law has been misused multiple times & which affects stability of the government.

↳ Maharashtra State assembly

Corrective measures

Time bound decision by Speaker

Speaker to become non-partisan post appointment as speaker

Anti defection can altogether be transferred under ECJ jurisdiction

Anti defection to only be applied on substantive debates & motions (Dinesh goswami Committee)

Following above measures

can ensure the evil of political defection be shed satisfactorily.

Feedback (For OFFICE use only)

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(C) = Good
(A) = Average
(P) = Poor

TOTAL MARKS

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

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

Doctrine of essentiality is a legal jurisprudence tool which is used in Indian context when there arises a conflict between Article (25-26) and Article 14, 19, 21 of the Indian constitution.

It solves the matter of debate of one's fundamental right to equality and one's fundamental right to practice and propagate religion.

Case Use of doctrine of Essentiality : Conflict between the fundamental rights

1. Shah Bano Case.

Resolved conflict between A-25 and A-14 of Indian constitution by ruling in favour of A-14.

2. Sarla Mudgal Case.

Similar conflict of A-25 and A-14, 21. SC ruled that essentiality of any religious group will not

3. Sabnamala Case

SC ruled that the role of the temple is not essential to the Hindu religion, ruling in favour of A-14.

4. Triple Taluk Case.

SC ruled that "Taluk-e-biddat" is not essential to the Islamic faith.

Thus, Judiciary via the doctrine of essentiality has taken an active role to modernise and sahonkhat the social ethos of India.

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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)

Ordinance making power refers to the power of president or governor to promulgate ordinances when parliament / state assemblies are not in session.

It is a constitutional power under A-123 and A-213.

Dilutes executive accountability and overlooks tradition of consensus.

1. Leads to increased number of amendments in the law, as it lacks deliberation.
2. Causes public protest if not consulted with the stakeholders.
 3 farm bills were initially passed as ordinances.

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3. Shows lack of good governance
 - ⇒ Re-promulgation of "Commission to reduce Air pollution in NCT" ordinance
4. Method to cross over the parliamentary procedure / deliberation
 - ⇒ Tribunals reform ordinance.

Thus, with such grave consequences on democracy judiciary has given the following judgment as reformative measures.

① RC Cooper Case

Promulgation of ordinance should only be done in urgency, and even ordinance power is under judicial review.

② De Wadhwa Case

Called upon the government of Bihar and said re-promulgation of ordinance is a fraud on the constitution.

With rising number of ordinance promulgation, it is time for judiciary to take note and civil society to increase pressure on the government to stop with such practice.

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② Aasu Vs
Stat of Rajasthan.

Bail application
must be disposed
off within a week.

③ Nityamand Vs
St of Bihar

Anticipatory bail
must be given on
the grounds of whether
accused may or
may not be able to
alter evidences.

④ Gumbaksh
Supr Case.

Gave guidelines
for granting bail.

Thus, bail forms a constitutional and fund-
amental right under Article 21, but
should be given on the grounds of merit
as it would decrease overcrowding in
jails and will lead to a more reformative
criminal justice system.

Feedback
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- Ⓟ = Poor

TOTAL MARKS	
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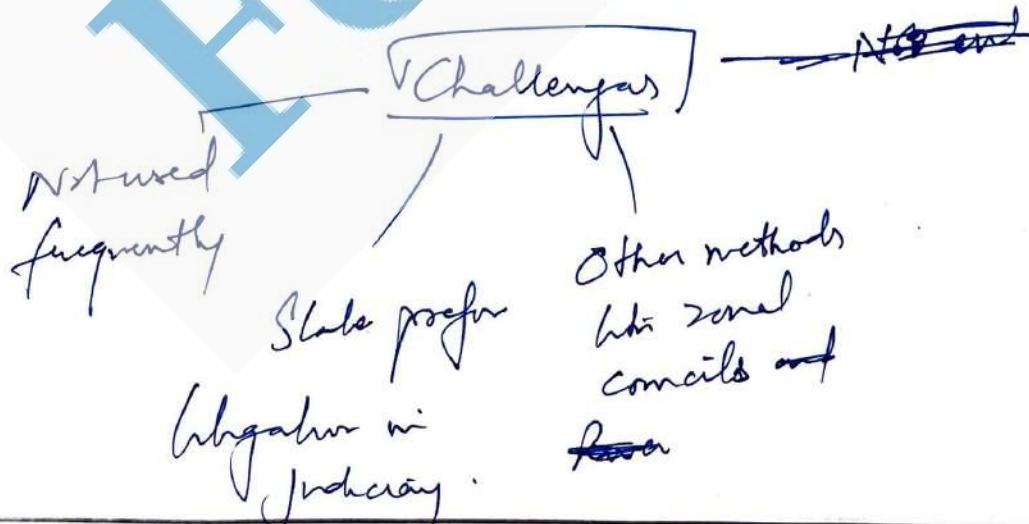
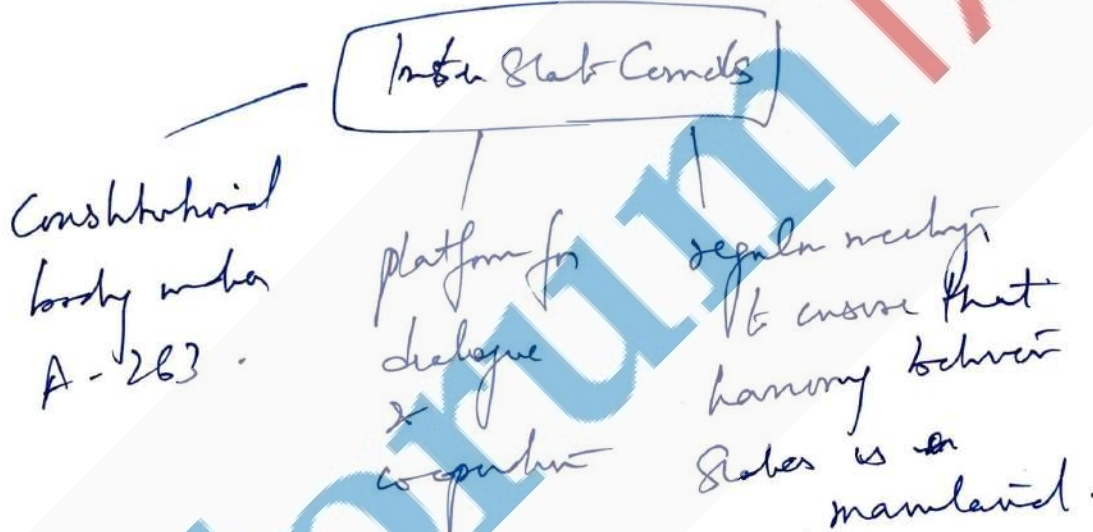
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(Don't write any in this Area / इस पर कुछ न लिखें)

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 feeling of cooperation in dealings of centre-state relations.



Thus, Interstate councils must be appropriately
used to make federation more collaborative
and more cooperative.

Forum IAS

Feedback

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P & R		

- (G) = Good
- (A) = Average
- (P) = Poor

TOTAL MARKS	
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Q.19) Describe the role of 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 working procedures, which must follow the mentioned ^{constitutional} time period.

This is not limited to explicitly mentioned time, and must be considered with rationality of the procedures involved.

Importance of constitutional punctuality.

1. Ensures timely justice.
2. ~~Keeps~~ and Ensures boost in the democracy.
3. Boudes legitimacy to the government.
4. Ensures smooth functioning of the constitutional set up.

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5. Adds to punctuality as a value in the society as well.

Challenges to constitutional punctuality

1. Many procedures are intentionally not time bound, which are rationally misused.

eg Governor of TN holding "Next Bill".

2. Few exceptional situations must be kept in mind and certain relaxations must be granted.

eg. Parliamentary session time was decreased during COVID.

3. In instances, punctuality is followed, but productivity doesn't match.

eg ADR: 54% productivity in latest budget session.

4. Even judicial punctuality is very conspicuous due to pendency of cases, thus not able to ensure parliamentary and executive punctuality.

Reforms required

1. Ensure de-engineering of certain procedures with help of ICT and e-governance.

2. Value based awareness to decrease the misuse of loopholes of the constitution.

⇒ Speaker not deciding on anti defection.

Thus, constitutional punctuality must be maintained and must be strived for as it forms an integral part of the constitutional ethos.

Feedback

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#	(C)	(A)
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- (C) = Good
- (A) = Average
- (P) = 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 bonds are an instruments for public donations towards political parties. They were introduced in 2017.

Issued by SBI only.



In denomination ₹1000, ₹10000 ₹1 lakh etc.

time limit to redeem the bonds.

bearer bonds
only those parties can accept which got 1% votes polled in their various forms in last State / Centre elections.

High on Intent

Weather Low on Substance

1. Aimed at decreasing -
use of black money in the elections.

Achieved intent as there have no to very little cash donations.

2. Aimed at making the procedure transparent.

Has been low on substance as the donations are anonymous.

3. Equalized donations to ensure elections are truly democratic

Has been low on substance as majority of donations are going to a single party.

4. To remove bogus political parties from getting tax benefits in donations.

Has been low on substance as 1% votes are achieved by many political parties

5. Decrease role of muscle and money power in elections.

Has been low on substance.
Violence in various local government elections.

ECI had recommended against the electoral bond scheme, but looking at its report

and following reforms can be taken up.

1. Remove anonymity factor from big amount donations.

a) This will improve transparency and accountability, leading to good governance.

2. Increase ^{minimum} voting percentage to 51% so as to eliminate bogus political parties.

Also recommendations of Dineshi goswami Committee and Indrajit Gupta committee must be followed or even state funding of elections can be considered to ^{remove} the loopholes of electoral bond scheme.

Feedback

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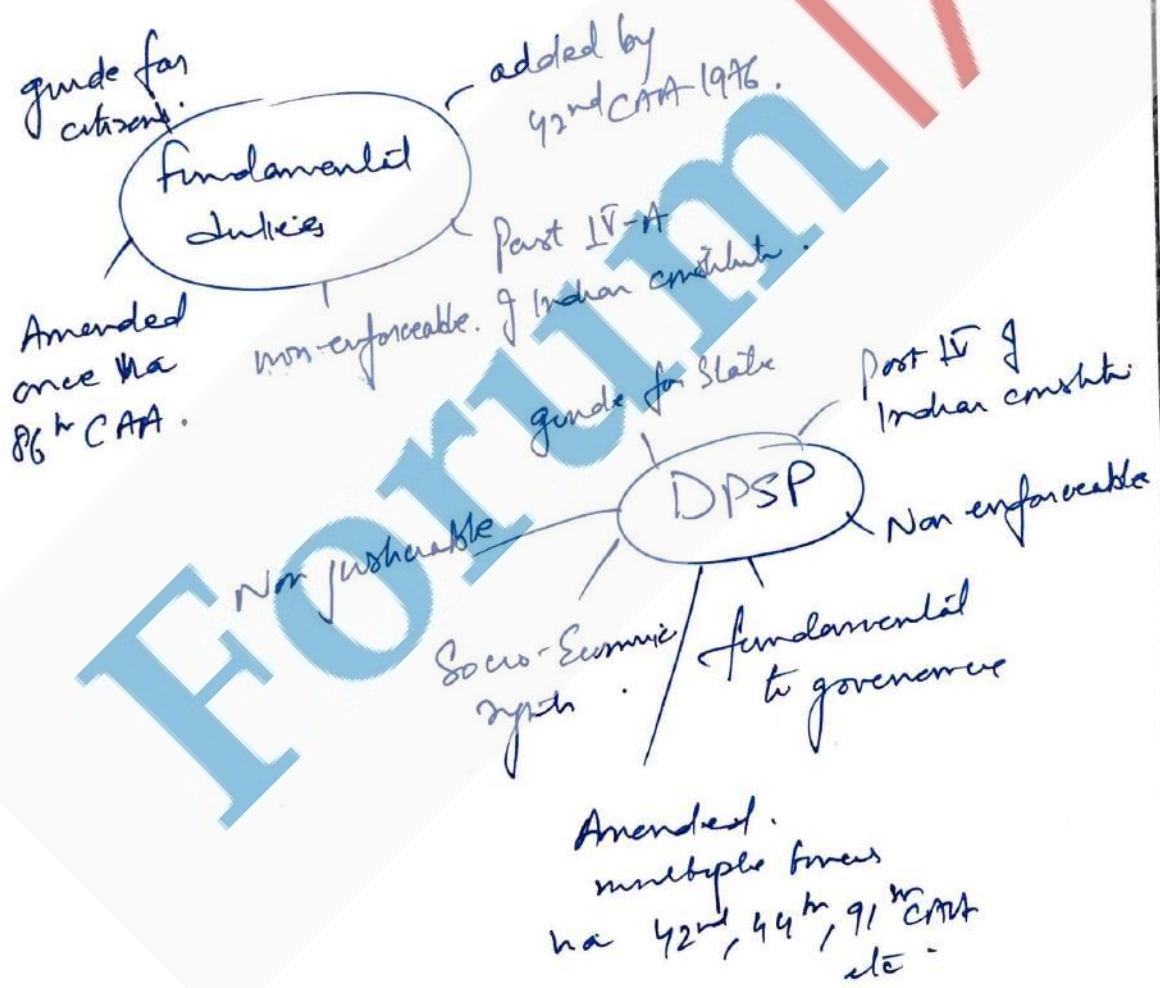
TOTAL MARKS	
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Q.13) Considering the non-enforceable nature of fundamental duties and directive principles of state policy, critically examine their impact in socio-political norms. (15 marks, 250 words)

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)

Although non-enforceable, fundamental duties (FD) and directive principles of state policy (DPSP) have had a huge impact on the social-political fabric of the nation.



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Positive impact on Socio-political norms

1. Source of many laws.

a) DPSP / Fundamental duty	Laws associated.
i) Article 48A (Protection of Environment)	Environmental protection Act.
ii) Article 50 (Separation of powers)	formed CrPc in 1973
iii) Article 51. (International relationships) etc.	formulation of Panchsheel policy.
iv) Article 51A(k) (Education for Early Childhood)	Expansion of right to education under NEP 2020.
v) Article 51(A)(a)(i) (Respect national ideals)	Flag code 2002.

2. Enabled political socialization on various social issues

Ex. Uniform civil code (Article 44).

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→ Protection of draught/milch animals.
~~(Article 47)~~.

3. Forms basis of reservation and affirmative action. (Article 46: protection of socio-economic interest).

4. Has led to promotion of values of brotherhood, scientific temper and nationalism in the hearts and minds of citizens.

Impact has been limited

1. Making DPSP and AD enforceable may increase the extent of impact.
2. Various committees like Swaran Singh Committee had recommended fundamental duty to be enforceable.
3. Dr B.R Ambedkar also wanted enforceable DPSP's.

Resource council had been the major factor behind making DSPP and AD are non-enforceable and looking at the progress and ~~impact it can be said that~~ still they have

Feedback

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According 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)

Judicial Independence is one of the core tenets of a successful democracy. To maintain the judicial independence, evolution of interpretation of the constitution has taken place which has led to the emergence of present day collegium system.

Case laws

Their pronouncements

1. S.P Gupta vs U.O.I.

declared that, consultation in Art 124, does not refer to concurrence and deemed executive decision to be final in appointments.

2. SCORA vs U.O.I. : declared that consultation means concurrence of CJI

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along with two more senior most judges. This judgement had established collegium system in India.

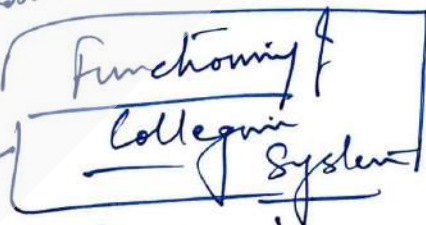
3. Presidential reference to SC : reiterated the last judgement on the issue and increased the collegium size to CJI + 4 senior most judges.

In response to this, Government of India has introduced NJAC bill. (National judicial appointments commission).

4. SPPA vs UOI : Challenged NJAC bill and SC, declared it Ultra Vires.

Maintained Judicial Independence.

Effective and unbiased appointments. (postulates).



Hassle free appointments

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Limitations of collegium system

- ① BR Ambedkar was against it "No Empress within Empress"
- ② leads to chances of corruption and nepotism i.e. "Uncle judge Syndrome"
- ③ In case of difference of opinion of government and collegium, we see huge vacancies. eg. 37% seats vacant in High Courts.
- ④ Not under RTI, thus lacks transparency and accountability.

Analyzing the limitations, collegium system needs to be reformed while ensuring that judicial independence is intact. It can be done by

- a) bringing collegium under RTI.
- b) Government should bill reasons in writing in case of any difference of opinion.

In this manner, judicial accountability along with independence can be ensured.

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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 वाक 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)

"Democracy as a form of government is based on the idea of deliberation and formulating laws based on wisdom of ages along with present day reason." - Aristotle.

Thus, deliberation and dissenting views form a crucial part of democracy.

Limitations on hate speech infringe
right to freedom of speech and expression.

1. Expressing opinions may be colored as hate speech and hence penalised.
2. Especially for public leaders and politicians, it may be misused to silence the opposition.

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Limitations are required too:

1. Added as reasonable grounds of restrictions under Article 19(2).
2. Words should ^{be} carefully put to ensure they do not incite violence in the society.
3. Supports the value of compassion and responsibility towards the society.

Impact of Hate Speech on Society!

1. Increases enmity relations among communities, as any act done by a certain individual is generally given a communal color.

2. Decreases social capital of the society, and increases divisiveness.

3. Boosts discrimination and certain stereotypes in the society, violating constitutional values of Rule of law and equality.

Ways to restraint it

1. It is punishable under various sections of IPC and CrPc.
2. It should be added to Sec 8(1) of RPA 1951 to ensure political class remain extra careful.
3. Should focus on the root of it and ensure that communities participate together in national/regional festivals.
4. Increase awareness among the people to ensure that they do not go against the humanistic value of compassion.

Hate speech is a disease which can make the society sick. Thus, aforementioned steps must be taken to root it out of the Indian social soil.

Feedback
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⊙ = Good
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Ⓟ = Poor

TOTAL MARKS

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

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

Separation of power is a doctrine which ensures constitutionalism and eliminates scope of power concentration in a few hands.

This concept was introduced by Montesquieu in his book "The spirit of laws".

Importance of separation of power

1. Eliminates chances of democracy turning into authoritarianism.
2. Each organ establishes its functional specialization.
3. Also acts as a "Checks and balances"

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mechanism to ensure, no organ is oversteering its jurisdiction.

Indian model of separation of power

Indian model is a mix of (US model) strict and (UK model) flexible separation of power.

A: 122 deal with separation of legislature & judiciary



A-50, deals with separation of executive and judiciary

Art. 121: Parliament can not discuss conduct of HC/SC judges, except on a. removal procedure.

Art 122: Parliamentary proceedings can't be inquired into any court of law.

seeing above constitutional provisions along with mechanism of checks and balances in Indian constitution, following explanation can.

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be derived :-

1. India maintains a harmonious relation between the organs by finding the ideal point between checks and balances (no confidence motion, complete justice of Art. 142 etc) and separation of powers (Art. 121, 122 etc).
2. Thus, Indian model is ~~neither~~ neither strict nor diffused.

India has maintained such mechanism in its parliamentary form of democracy. and upto now this has proven to be successful making India the largest democracy of the world.

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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 अनुपातिक प्रतिनिधित्व (पीआर) प्रणाली पर फर्स्ट पास्ट द पोस्ट सिस्टम को प्राथमिकता क्यों दी गई? साथ ही, इस वरीयता के परिणामों का समालोचनात्मक परीक्षण कीजिए। (15 अंक, 250 शब्द)

First past the post system is a method of election where the candidate who has got the most number of votes polled in his name, wins the seat.

Ex. 100 votes polled, with candidates A, B, C, D. in the following manner.

Votes polled
A = 26
B = 25
C = 25
D = 24

Thus, A would be declared the winner of the elections.

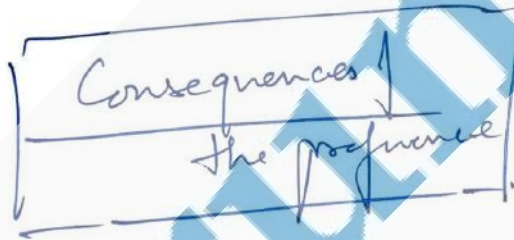
Why India preferred FPPS over PR

1. Easy to understand.

Only 8% of women and 25% of men were literate during at the time of independence. Thus easier method was chosen.

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2. Cost efficient, as multiple rounds are not required.
3. Huge electoral process incentivised FPPS as ~~an~~ a more efficient and effective method.
4. Also, it was chosen only where direct election are taking place. For indirect elections like
 - a) Presidential election -
 - b) Rajya Sabha election ;
 PR method was chosen.



1. Political consequence

↓ Easier election process but reduced the extent of representativeness.

✗ In the given example, If people did not vote for A, still they will A as their leader.

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2 Social consequence

It affected the vote bank politics and made the social aspect of elections based on purely "majoritarian appeasement".

⇒ Mandarization of politics,
Kamandarization of politics.

3 Other consequences

~~Even the reservation aspect became meaningless as in the case.~~

Thus, looking at the consequences, FPPS have served Indian elections appropriately to a certain extent. It may be the right time for certain reforms and changing even the direct election procedure from FPPS to PR, making Indian democracy, truly representative.

Feedback

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G = Good
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TOTAL MARKS	
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200087, 612201, 1910122303 (2023-07-15 19:27:24) 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)

Office of speaker is a linchpin post to a parliamentary democracy as by the virtue of its important roles like casting the vote when ϕ votes are equalized, maintaining order of the house etc.

Dimension	Speaker in India	Speaker in British
Post	Constitutional post	Also constitutional post.
Membership Political affiliation	Has to be member of the house, but may leave political affiliation	As per convention, leaves political affiliation. "Once a speaker, always a speaker".

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Next election

Can fight election from any seat

by convention, ~~leave~~ fights election from the same seat unopposed so as to become the speaker of the house once again

Controversies related to office of speaker in India

1. Partisanship towards the majority party na

a) favourable decisions in Anti defection
 Ex Goa speaker didn't decide on defection for a long time.

2. Declares Passes controversial bills as money bills.
 under Article 110.
 Ex Aadhaar Bill.

3. Voice vote Subterfuge: decides bills on voice voting even

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after opposition had demanded proper posts.

Suggested reforms

- ① Follow British model of once a speaker, always a speaker.
- ② Ensure non-partisanship of speaker by removing political affiliations.
- ③ Ensure timely appointment of deputy speaker which by convention is from the opposition party.
- ④ Anti defection cases must be decided within time limit (Nehruvian Rebra Case)
- ⑤ Let Election Commission of India be consulted in cases of anti-defection.

Following above reforms, Indian parliamentary democracy will become even more successful and would go further on the path to fulfill its trust with the destiny.

Feedback

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#	(C)	(A)
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P & R		

- (C) = Good
- (A) = Average
- (P) = Poor

TOTAL MARKS	
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Q.19) Why was Parliamentary form 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 form of government is a government where parliament, i.e. the legislative part overlaps with the executive part to ensure proper functioning of the government.

Why India adopted parliamentary form.

1. Because of the experience of colonial India which was based on parliamentary form.
2. Because it helps in better accommodation of diversity.
3. It leads to a harmonious relationship between legislature and executive organs.

4. Being a representative democracy, this form also ensures legislative supremacy by holding executive accountable to legislature.

5. Thus, ensures ^{greater} better extent of constitutionalism in the executive behaviour.

Indian government becoming presidential!

Yes

No

① Huge majority of ruling party in both houses, may seem as if government has become presidential.

② faster decision making by technocrats with very less parliamentary deliberation.

① Huge majority is rare in a parliamentary form of government.

② Indian model of federalism also connects with parliamentary form of government.

③ - Time and again, Judiciary has intervened and ensured that proper legislative processes are followed so that parliament remains relevant even in vast majority.

→ Delegation or Tribunal of laws bill.

Thus, it may seem that government should not undermine parliament and should lay back the parliamentary culture of consultation and deliberation; as it will ensure: better laws, lower ordinances, lower amendments and increased public trust in the government.

Feedback

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Ⓟ = Poor

TOTAL MARKS	
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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)

Representation of people's act guide the election process in the country.



Failed to keep with contemporary challenges.

- 1. Anti-defection related controversies could not be managed via RPA.
 - Maharashtra, Karnataka, Goa state assembly gone through such controversies

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2. While dealing with disqualification of candidates under RPA 1951 (Sec 8), certain new laws must be added

⇒ Cyber bullying, Crypto-laundering etc

3. Model code of conduct is still not a part of RPA. Thus, RPA has failed to ensure proper electoral conduct.

⇒ Campaign goes on ^{social media} even after ECI has ordered to stop campaigns.

Shortcoming in the legislation

1. Widen the scope of Sec 8(1) and Sec 8(3) of RPA 1951

2. Widen the scope of Sec 123 of RPA 1951
 ⇒ include offences like filing false affidavits.

3. Give power to ECI to deregister political parties to remove bogus entries.

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Reforms to make it more effective

(i) follow the recommendations of Dinesh Goswami Committee and Indrajit Gupta Committee.

- a) widen ECI powers under the act.
- b) Rationalize certain sections of the RPA 1951.
- c) Ensure criminal records of MPs undergo fast-track justice delivery to minimize commercialization of politics.

Thus following above methods, RPA can be made more effective resulting in good governance in the electoral sphere of Indian democracy.

Feedback

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- Ⓒ = Good
- Ⓐ = Average
- Ⓟ = Poor

TOTAL MARKS	
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Mentor Feedback Questions

- 1 I feel I am lacking the specialized content which the question demands, how to make it better?
- 2
- 3
- 4
- 5

Test Goal

- 1
- 2
- 3

Outcomes

- 1
- 2
- 3

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.