

TEST CODE 6 1 2 2 0 1

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

Time Allowed : Three Hours
समय : तीन घंटे

ForumIAS

Maximum Marks : 250
अधिकतम अंक : 250

GENERAL STUDIES / सामान्य अध्ययन

Name Of Candidate परीक्षार्थी का नाम	Dewesh chaturvedi		
Roll No./अनुक्रमांक	Medium/माध्यम	English <input checked="" type="checkbox"/>	Hindi <input type="checkbox"/>
Center Code/परीक्षा केंद्र	Date/दिनांक	3/07/2023	

*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 : 11:00 pm	End Time/समाप्त करने का समय : 1:59 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 :
			① ② ③ ④ ⑤	

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

EXAMINER'S REMARKS

CRITERIA FOR THE FEEDBACK SECTION AT THE END OF EACH QUESTION

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

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

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

Basic structure doctrine states that the soul of the constitution must not be tampered with while making laws. It was formulated in Kesavananda Bharati Case of 1976

Prevented Parliament to become master of constitution

- ① Limitations on the powers for greater justice.
ex) Minerva Mills case (1980) scrapped provision of emergency
- ② Participatory justice and preventing usurpation of power
ex) Judicial Review a basic structure is
IR Coelho case (2009)
- ③ Complete Justice to people of country under Art 142
ex) S.P. Gupta case (1991) - removed locus standi principle

- ④ law making should be socialistic for greater good of society.
ex) Vellore citise welfare form - precautionary principle and demanded compensation
- ⑤ checking the constitutionality of constitutional amendments
ex) NSAC Act 2015 was repealed
- ⑥ ~~to~~ Adequacy to constitutional morality and upholding Gender Inclusive laws.
ex) Puttaswamy judgment which upheld right to privacy
- ⑦ Upholding democratic governance
ex) Keishu Meeghcharan case (2020) for a judicial tribunal

Hence, Basic structure doctrine although not codified is a guiding light to the constitution so that spirit of constitutionality is upheld. A need to codify is mandate to avoid ambiguity.

Feedback
(For OFFICE use only)

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

Write anything
इस स्थान पर कुछ न लिखें

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 voluntary group of people coming together to pressure the government for a social change

ex) Bharatiya Kisan Union against farm laws in 2020 led to repeal of farm laws.

Shaping of public policy

(i) Ability to mobilise public opinion

(1.1) Debates & discussion ex) MKSS over right to information in late 1990's

(1.2) Lobbying ex) FICCI in labour reforms of 2020.

(1.3) Electronessing ex) Capitalist groups support right wing parties

(1.4) Protest + petition ex) Bharatiya Mahila Aikya against ruling MP.

2) Creating a lasting change

(2.1) Community impact assessment

ex) debates of UCC in country

(2.2) Policy checking

ex) 'kno3' fund about problem is disbursement of funds

(2.3) Social justice

ex) Naz foundation for repeal of homosexuality laws

(2.4) Citizen welfare groups

ex) NSUI, Doctor Association - agency in

NEET bill of 2022

the 'size in fight' matters a lot than ~~size~~ size of group and pressure groups have time and again proved to be an agent of social change. Despite few notorious elements pressure groups have traced the tapestry of governance in India.

Feedback

(For OFFICE use only)

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AWIS			
CD & VA			
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(G) = Good
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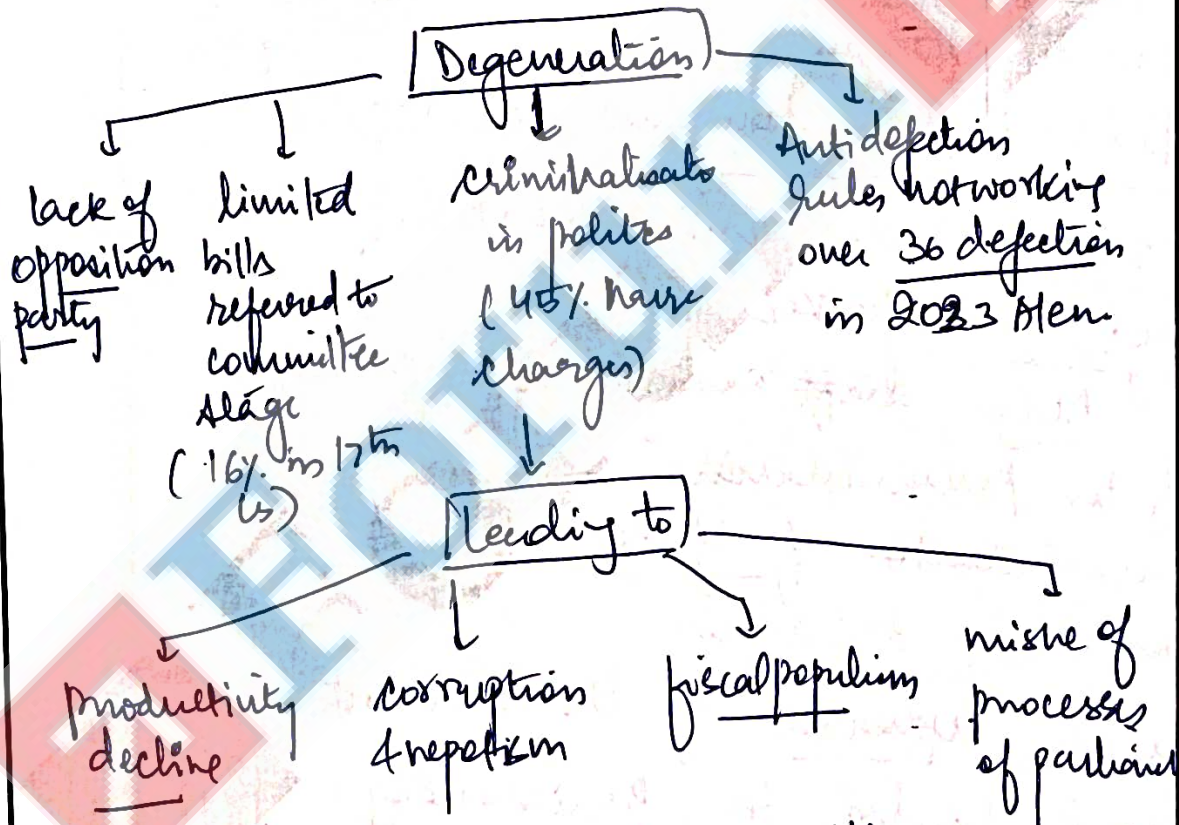
TOTAL MARKS

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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)

As per Democracy Report 2023 parliament has been functioning at abysmal rates and with low productivity



- ex) 1) Passage of farm laws without committee process
- 2) Draft bill on temple reopening has not been presented to committee stage
- 3) debates & discussions are lacking

Making them more productive

- ① legislative impact assessment (LEIA) should be made a norm
 - ② Law Commission of India (LCI) in 244th report - tells about minimum 100 days a year
 - ③ scrutiny committee stage should be made the norm
 - ④ Keisho Megh Chaudhari Case (2022) - a tribunal to deal with defection process & not just speaker
 - ⑤ IIrd ARC - draft codification of privileges of the parliamentarians.
 - ⑥ More inclusion of younger talents & women in parliament.
- A holistic upheaval of the democratic process is needed for parliamentary functioning to be effective.

Feedback

(For OFFICE use only)

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

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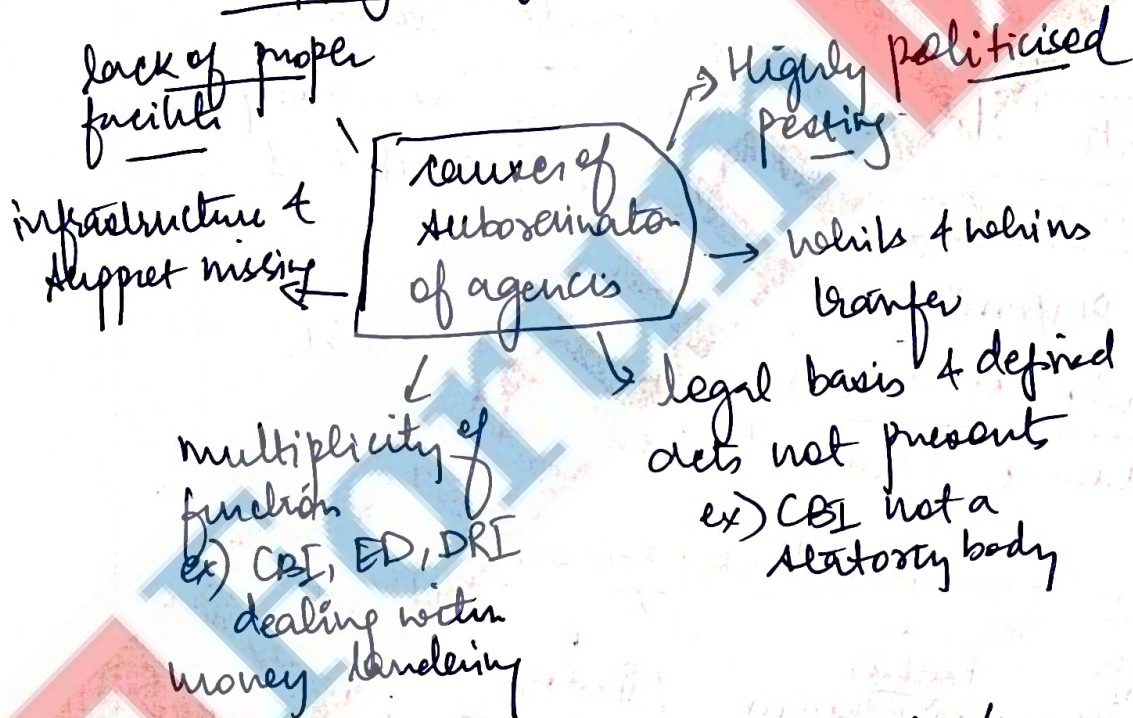
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Q.4) Subordination of investigative agencies to the executive is fraught with disastrous consequences. Discuss the statement in light of the criticism of the Central Bureau of Investigation as a "caged parrot". (10 marks, 150 words)

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)

CBI has been called a 'caged parrot' ^{slaying} its master's voice in Vineet Narain judgment

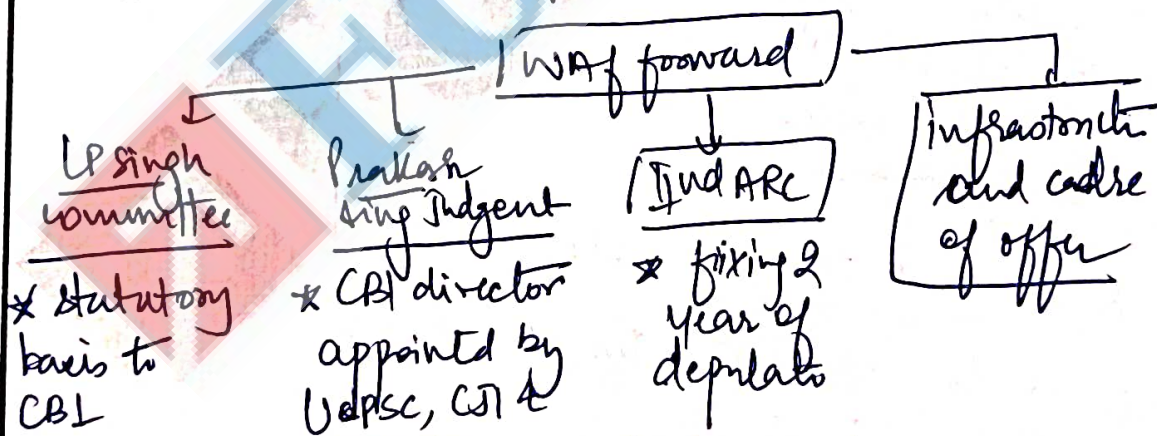
due to clipping wings & bounding the CBI.



ex) A report of CID tells only 3% IPS from states go to deputation in CBI due to politicised factors.

Disastrous consequences

- ① Misuse of power of agencies - (ex) Raid on leader of opposition in Chhattisgarh & Delhi
- ② Ambiguity in laws leads to over-politicisation of posts (ex) RK Ashwani had problematic tenure
- ③ Corruption, bribery & graft leads to further erosion of democratic law making
- ④ Career progression of officers stalled if not performing as per ministers
- ⑤ Rule of law is challenged which ultimately creates problem.



Structural reform is needed for effective functioning of CBI

Feedback

(For OFFICE use only)

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G = Good
A = Average
P = Poor

TOTAL MARKS

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

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

ECI (Art 324) deals with conducting the election in India with fairly, transparent and open manner.

Spirit of democracy

free fair & secure election

Vital role →

prevent nefarious activity in election

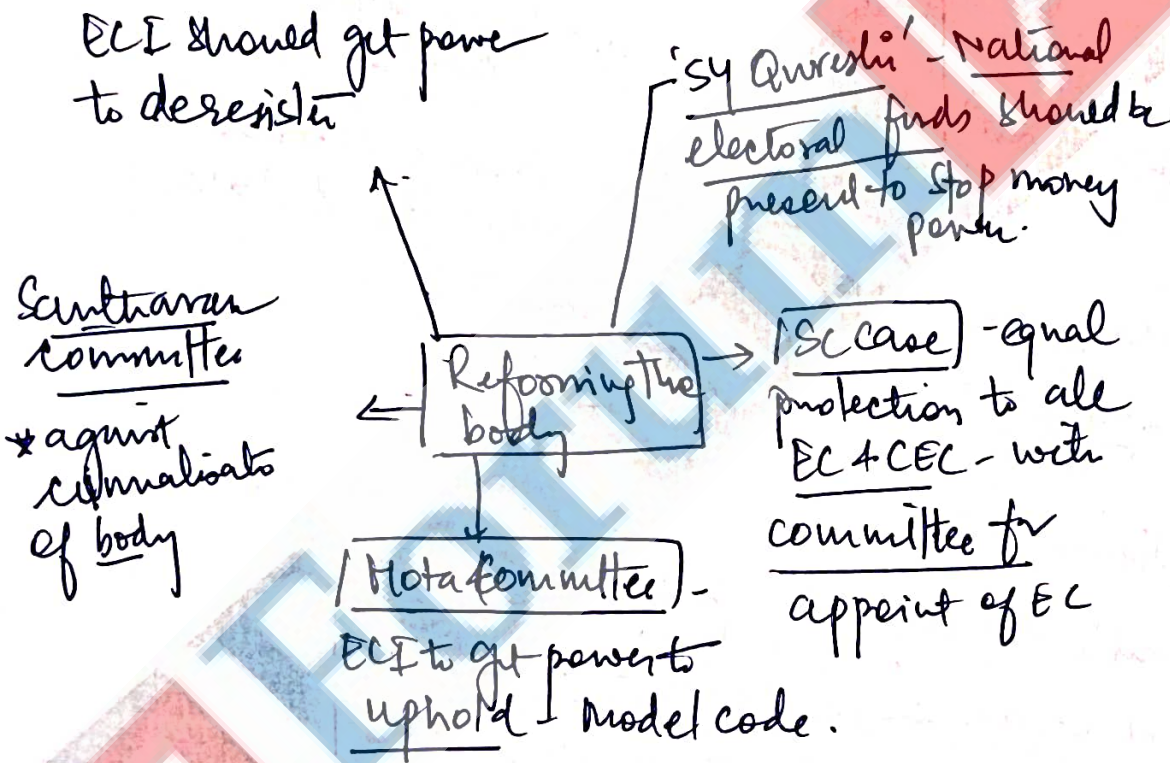
Right to vote &
Right to be voted

Reduce money &
muscle power

Challenges

- 1) Unable to disqualify party or deregister it.
- 2) Lack of dedicated cadre of staff (these officers are taken from IAs, IRS & IPS)
- 3) Unable to enforce leg model code of conduct
- 4) Unable to deal with election disputes.
- 5) Contracting section of ECI need parliamentary approval
ex) sect 33(7) - for 2 or more sats

- b) Unable to effectively implement Sec(8) - RPA 1951 which talks about comp pacts
- Efficient center of criminalisation of politics not happening (27% rise in past decade)
- c) Problem of electoral bonds



A holistic effort is needed to uphold the functioning of ECI.

Feedback
(For OFFICE use only)

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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 in India is one of the major ~~part~~ problems in India which is promoting horse trading shifting of political parties from one side to other.

Issues

- 1) Anti defection law
- 1) No freedom of speech (as alternate speech may attract defection)
- 2) Nominated vs Independent members debate (the six month timeline is error prone)
- 3) Speaker has a lot of power in deciding

2) Pole of ECI

- 1) failed to address - over 36 defections in 2022 alone
- 2) power to deregister party is missing

3) GIA constitution Act

1) Provision of merger (2/3) is still a
problem

Corrective measures

1) SP Gupta case - provision of merger
exemption should be removed with

2) Keirha Meghachandran case (2020) -
an tribunal to be made for deciding
defection problem.

3) Indel ARC - a member defected should
not have provision to be contest election

4) Knoto Hollan case (speaker's decision is
not outside judicial review)

Hence, a comprehensive law is needed to
address the problem.

Feedback

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P & R			

(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)

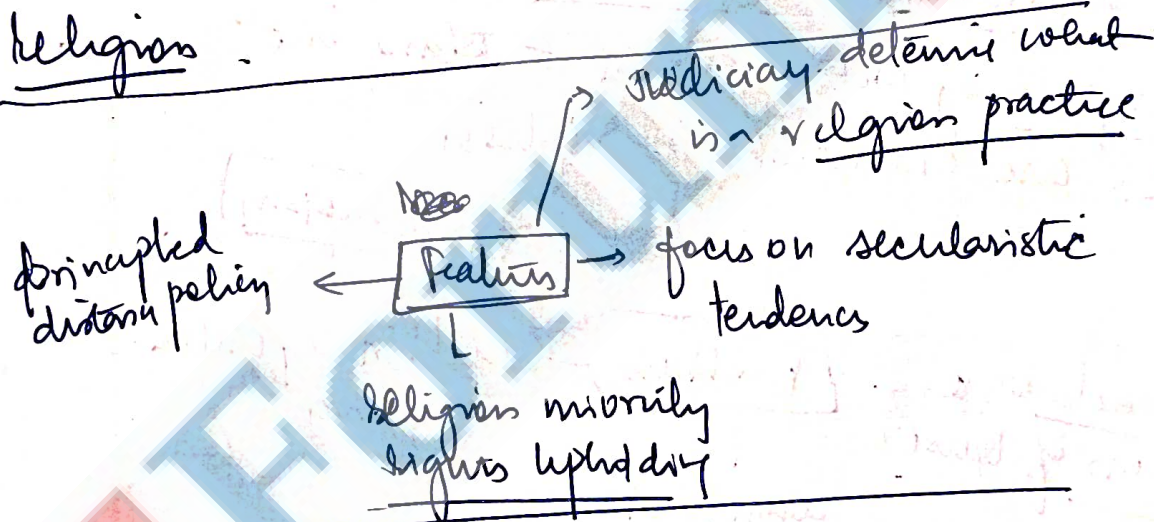
'अनिवार्यता के सिद्धांत' से आप क्या समझते हैं? विभिन्न मौलिक अधिकारों के बीच संघर्ष को दूर करने के लिए न्यायपालिका ने इस सिद्धांत का उपयोग कैसे किया है? उदाहरण सहित स्पष्ट कीजिए। (10 अंक, 150 शब्द)

Doctrine of essentiality is defined as essential

religious practices under 'Shirur Math case'

where judiciary defines as to what forms the essential religious practice in any

religion.



Judiciary determine conflict between FRights

- ① Sabrimala case - debate of Art 14 (right to Equality) vs right to freedom of religion was determined.
- ② TMA Pai case, which focussed on what the minorities are - giving them

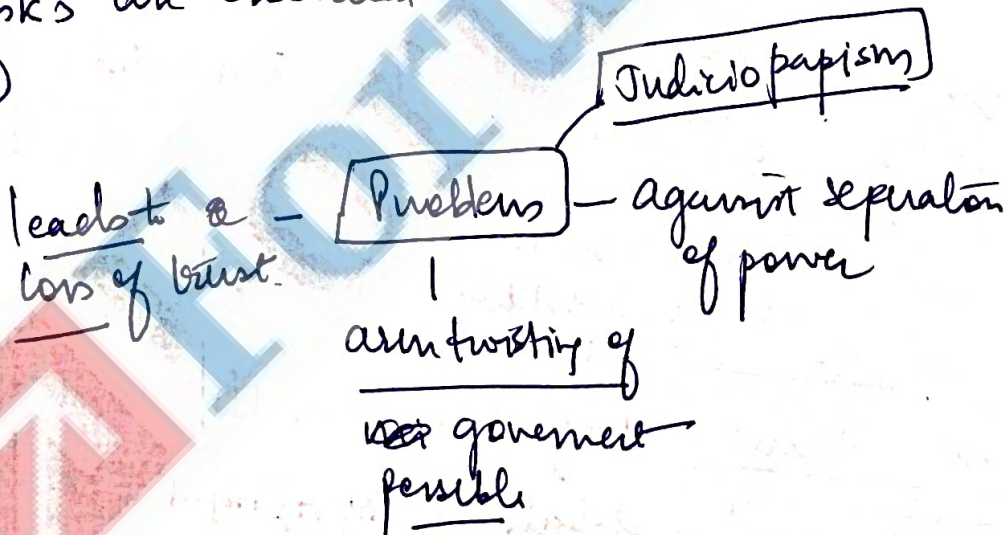
definition and representation

① AIIMS Student Union vs AIIMS where
deciding on reservations shouldn't be given
in super specialised course and in minority
institution - (Art 15 vs Art 29)

④ Azhaan is not an essential religious
practice (hence its ~~not~~) by 1992
judgments

⑤ Karnataka High court - tells about
Burqa being Not essential to Islam but
its are essential in Sikhism

⑥



Judiciary too needs to follow a principled
distance in order to ensure that rights
and duties are fulfilled properly

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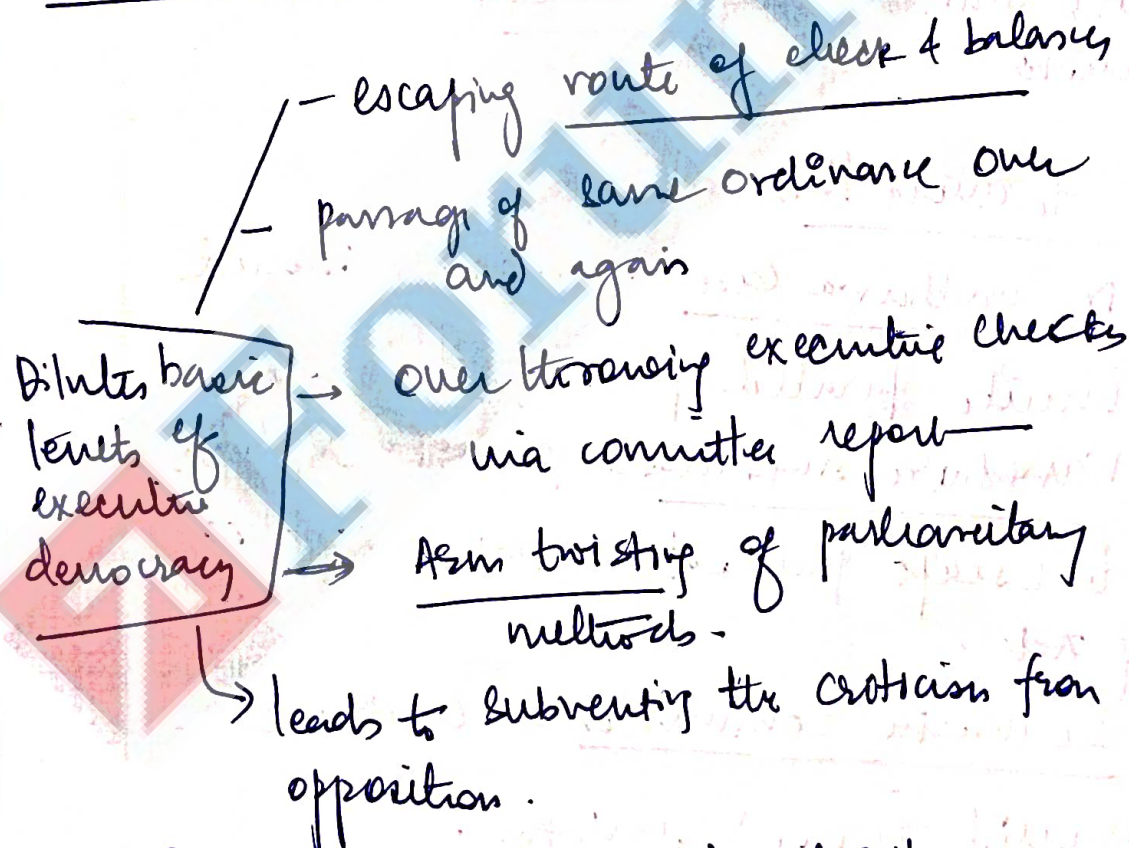
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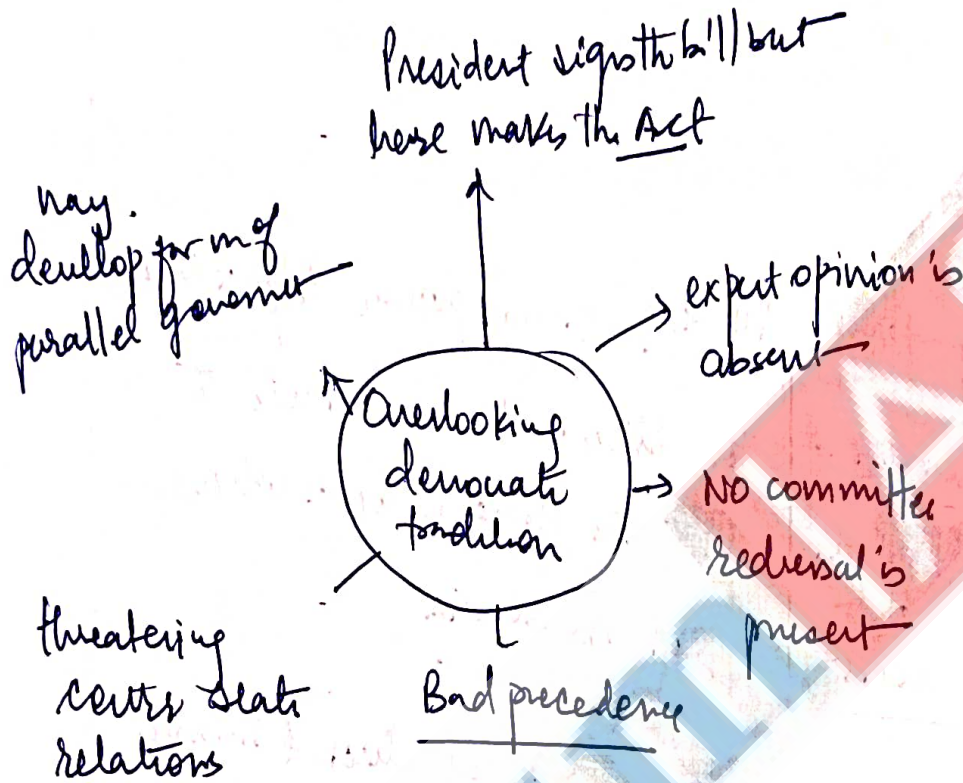
Q.8) Frequent reliance on the ordinance making power by the government, not only dilutes the basic tenets of executive accountability in a parliamentary democracy, but also overlooks the democratic traditions of building consensus. Discuss with relevant examples. (10 marks, 150 words)

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।
(10 अंक, 150 शब्द)
प्रासंगिक उदाहरणों के साथ चर्चा कीजिए।

Art 123 and Art 213 gives power to president and Governor to take ordinance route to make laws for the government. when either house is not in session



ex) FARM laws, CAA Bill, Tribunal Bill introduced as a Ordinance to escape proceedings.



Hence to avoid this

- ① Dr. Wadhawa Case - Ordinance should invite parallel power of legislation.
- ② Kameshwar Singh case - passage of ordinance to escape judicial review is violation of Act.
- ③ Sankaria Commission - Ordinance should be used sparingly -
A comprehensive law on this should be made to prevent usurpation of power.

Feedback

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#	G	A	P
AWIS			
CD & VA			
S & F			
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TOTAL MARKS	
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Q.9) "Bail not Jail" is the cardinal principle that upholds the sacrosanct ideas of individual's liberty and dignity. Explain the statement, citing various case laws. (10 marks, 150 words)

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

Bail is a principle which guides that person should be given a chance to improve his mistakes & jail should only be given in heinous crimes.

distributory justice
not retribution oriented.

upholding the criminal justice of reformation
justice

Upholding liberty

preventing underworlds
ex) DK Basu case

prevent executive & impacts of law

Right to speedy trials

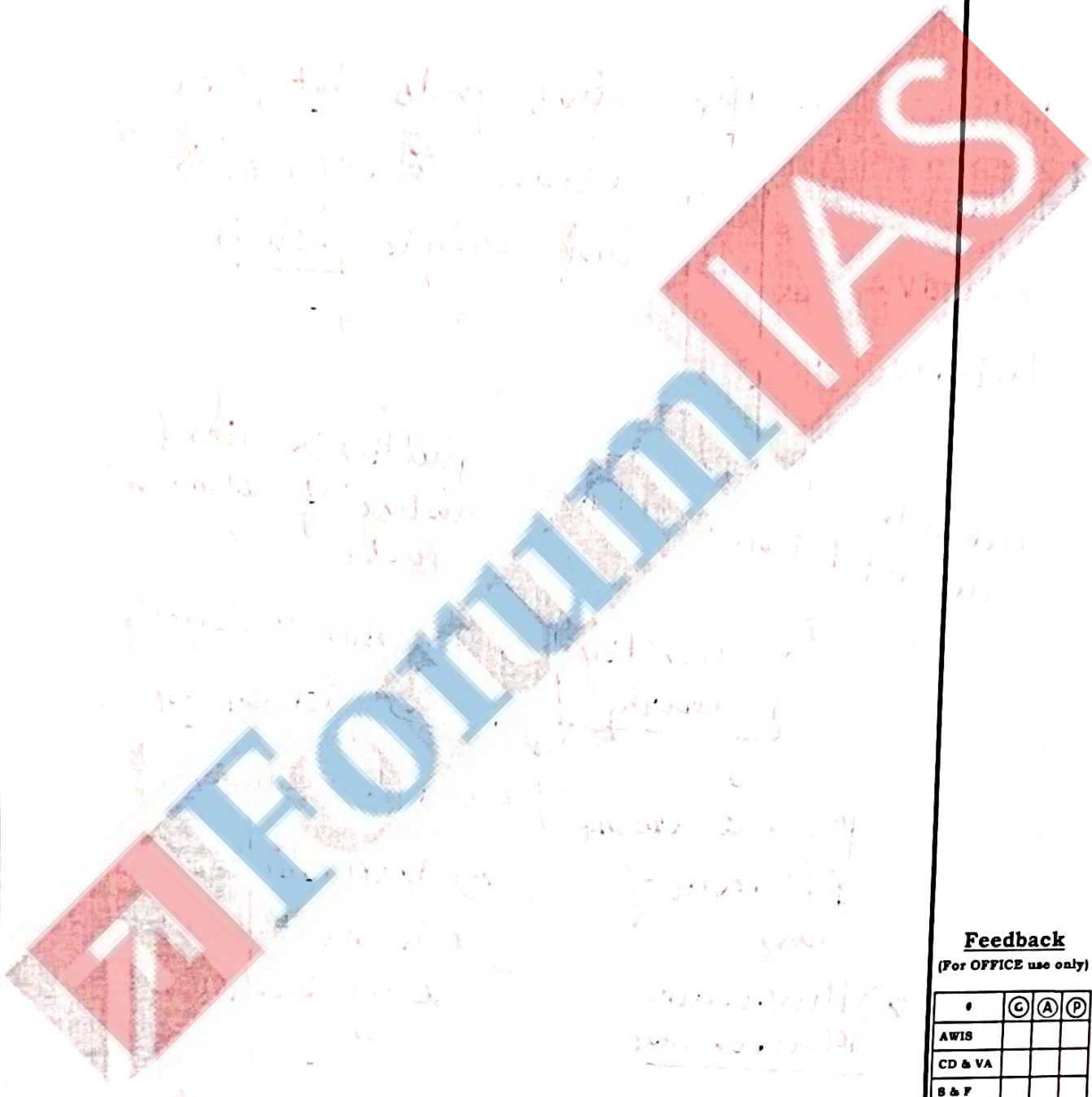
ex) Hussanara Khatoon case

ex) Devakala case
(bail amount should be affordable)

Hence jail should only be given in last resort



[Faint handwritten text in Hindi is visible in the background, mostly obscured by the diagonal watermark.]



Feedback

(For OFFICE use only)

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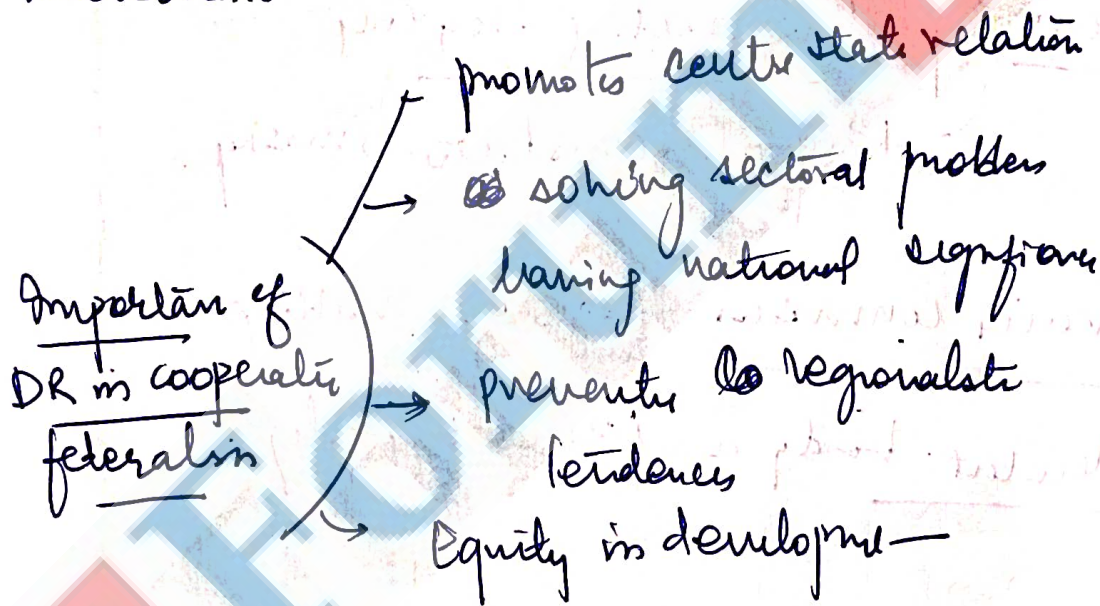
TOTAL MARKS	
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Q.10) Dispute redressal is the most important component of cooperative federalism. How does the Interstate Council facilitate the resolution of disputes related to states in India, and what are the challenges associated with this process?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

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

Dispute redressal aims to listen to the grievance of people in a feedback

mechanism.



Inter state council under Art 263 provides for

dispute by:—

- 1) Curbing the secessionist tendencies
ex) Wagon Accord is result of
a .

② Reducing ~~diff~~ problem of localised & sectarianism
ex) Khalistan

③ curbing developmental deficit
ex) solving water disputes

Challenges { Not a permanent body
low meeting frequency
Adequate representation is missing.

Lawrence Commission focus on making
interest body a permanent body

Feedback

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G = Good
A = Average
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TOTAL MARKS

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

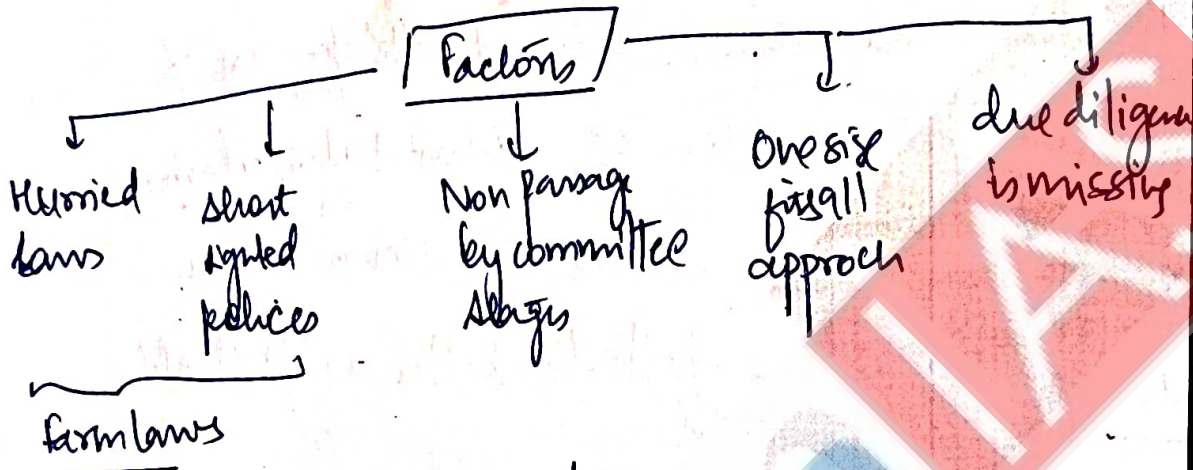
राजनीतिक निकाय के सुचारु कामकाज में इसकी महत्वपूर्ण भूमिका के बावजूद, संवैधानिक समय की पाबंदी इसकी अनुपस्थिति के कारण स्पष्ट बनी हुई है। चर्चा कीजिए। (15 अंक, 250 शब्द)

Constitutional punctuality refers to the process of following the principles of constitutionalism while making the law. The obedience which which principles are folled - better is punctuality.

Smooth functioning of bodies

- 1) CIC has enhanced the rate of RTI disbursed by 42% since 2019.
- 2) ~~131~~ over 131 bills / 142 bills introduced in parliament got due to passage.
- 3) The ranking of districts on various reforms & governance is improving.
ex) SDG India Index
- 4) Efficiency of fund disbursement - cut down black money by disbursement by - 70%.
- 5) Technology intervention has enhanced the

However constitution non-functionality has been created :-



which eventually leads to

- ① Loss of trust of people in governance -
ex) fall in Transparency international report to 26 rank
- ② Ambiguous and open to interpretation laws
ex) Supreme court questioned provisions of Tribunals Reform Act of 2021
- ③ Non inclusive in nature
ex) Tribals, women, dalits, minorities at the worst sufferers.
- ④ Huge protest in public, ex) bad implementation of AFSPA 46th schedule led to Manipur violence.

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⑤ Erosion of democratic spirit - which creates a problem

→ law tooru

↳ strong amnes ↳ Urban naxals

ex) demolition of houses in UP & MP

Hence - Accountal spirit has to be managed

- ① Due diligence of law and its application to be studied.
- ② SP Gupta case (1980's) tells about forgetting results of policies must be understood.
- ③ Media must be taken as 4th pillar for the law democracy
- ④ Multi stakeholder approach with clearing the ambiguous law is needed.

Justice PN Bhagwati has often stressed on Obedience of constitution is letter & spirit should be more to make country more democratic

Feedback
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Ⓒ = 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 bonds were introduced in 2016 after reforms suggested by election commission to clean the black money and make election free, fair & democratic

Tax liabilities under Art 80c

↑ Above 20,000 - money to be contributed in Bonds

Components

→ Anonymous contribution can't be done

No other means of transfer other than bonds - and multiple of 10,000, lakh etc

↓ SBI has been made legal banks

High on intent

- 1) curbing black money as unscrupulous elements must be out of election funding
- 2) A record of donation to be readily available for public domains for corporate funding
ex) 1222 Rupees were tracked using electoral bonds.

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③ Easy transfer of money with further safeguards of election spending.
ex) 70 lakh for parliament election.

④ Transparency of parties and firms in the election process

⑤ Tracking origin of funds as well to detect foreign too

⑥ FERA Amendments done for tracking money and filing ITR claims

PROBLEMS: low on substance

① Possibility and threat of privacy invasion

and donation problems.

ex) SBI is a public sector bank where records can be used to identify donors

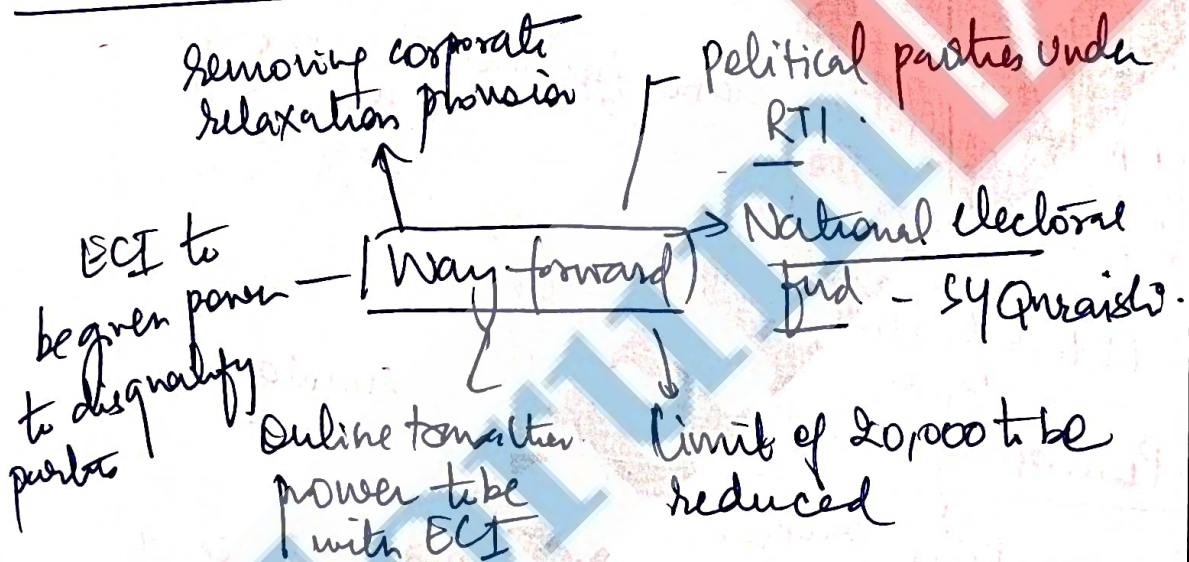
② Relaxation of corporates' 3 year net profit

rules - Now all the corporates can invest

ex) Business laden black money

③ Creates a disparity - between established and small parties.

- ④ Over 95% of funds (65000 crore) were garnered by 3 major parties of India
- ⑤ Black money in less than 20,000 denominations has been following in UP elections.
- ⑥ Tomt issues on electoral bonds



A holistic upheaval in bonds and critical address in funding issues are important for free & fair election in India.

Feedback

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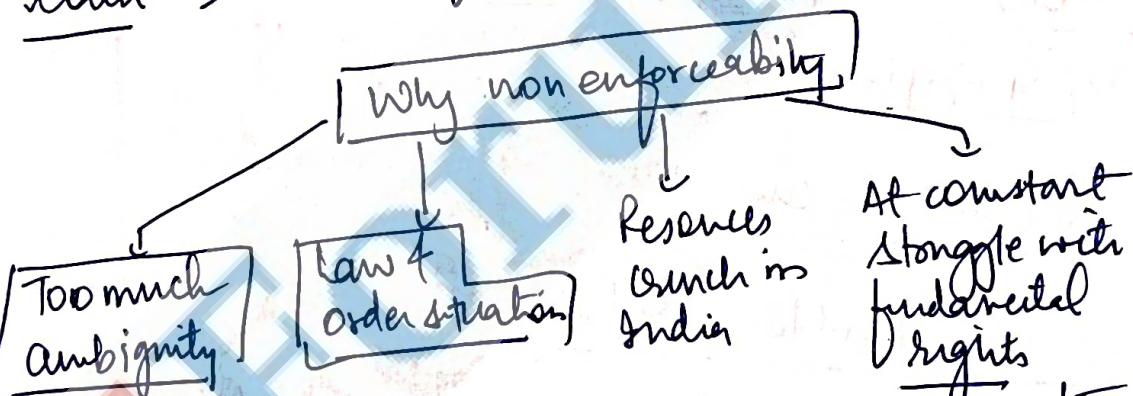
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G - Good A - Average P - Poor			
TOTAL MARKS			

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

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

Fundamental duties (Art 51A) and DPSP (Art 36-57) are considered to be the bed rock of social justice in India.

They are non-enforceable in India - as they can't be used by govt. Court not to enforce them (in normal cases)



① 'Right to vote' was not put in DPSP as voter literacy was not present

② [TMA Pai case (2002)] removed reservation provision for minority institutions -

③ Protection of milch animals or cow protection laws in some states have lead to protests

Impact of FD & DPSP

- ① National unity is the ^{primary} priority with scientific temper and humanism as policies -
 - ex) Violation of flag can attract upto 2 years prison.
- ② Social, economic & political justice - welfare policies of reservation
 - ex) Kesavananda Bharti case - DPSP integral part of constitution
- ③ Various humanistic legislation
 - 1) SP Gupta case (1991) - separation of powers (ART 60)
 - 2) MC Mehta case (1985) environmental legislation.
- ④ Last mile problem solving
 - 1) Hussainara Khatoon case - right to speedy trial under 39(a) led to PIL
- ⑤ Transformative Constitution
 - * Naz foundation case (upheld privacy)
- ⑥ Rule of law in true sense -
 - * Judicial activism for upholding to DPSP & FD.

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Problems

- ① FRights enjoy supremacy over FD & DPSP except in few cases
- ② increased PIL for upholding DPSP - led to judicial activism
- ③ May threaten national interest.
- ④ 'social justice' is often very delayed.

What to be done!

- 1) Munna Va Mills case doctrine (1980) where fundamental rights, FD & DPSP are to be interpreted together
- 2) Menka Gandhi case - which took wide interpretation to uphold DPSP.
- 3) Judicial knowledge & public debates on govt policies must be made.
- 4) multistakeholder approach is required.

Hence, the three bedrocks of constitution have to be considered together for holistic law making in India and enforcing constitutivity of the law.

Feedback

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G = Good A = Average P = Poor			
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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 is the multiple member consensus model by which judges are appointed in India.

1950-1970's - appointed by executive with
(possibility of politicisation)

1981 - 1st Judges case here Judges to be appointed by ~~executive~~ President in consultation of Judges.

1991 - 2nd Judges case - Judges to be appointed by collegium of CJI & 2-judges.

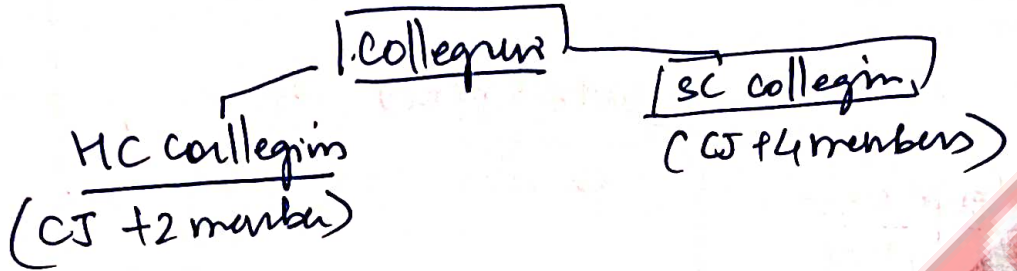
1998 - 3rd Judges case judge appointed by collegium of 4 senior most judges + CJI

Now (1+4+1) model where up to only CJI must also be present in this

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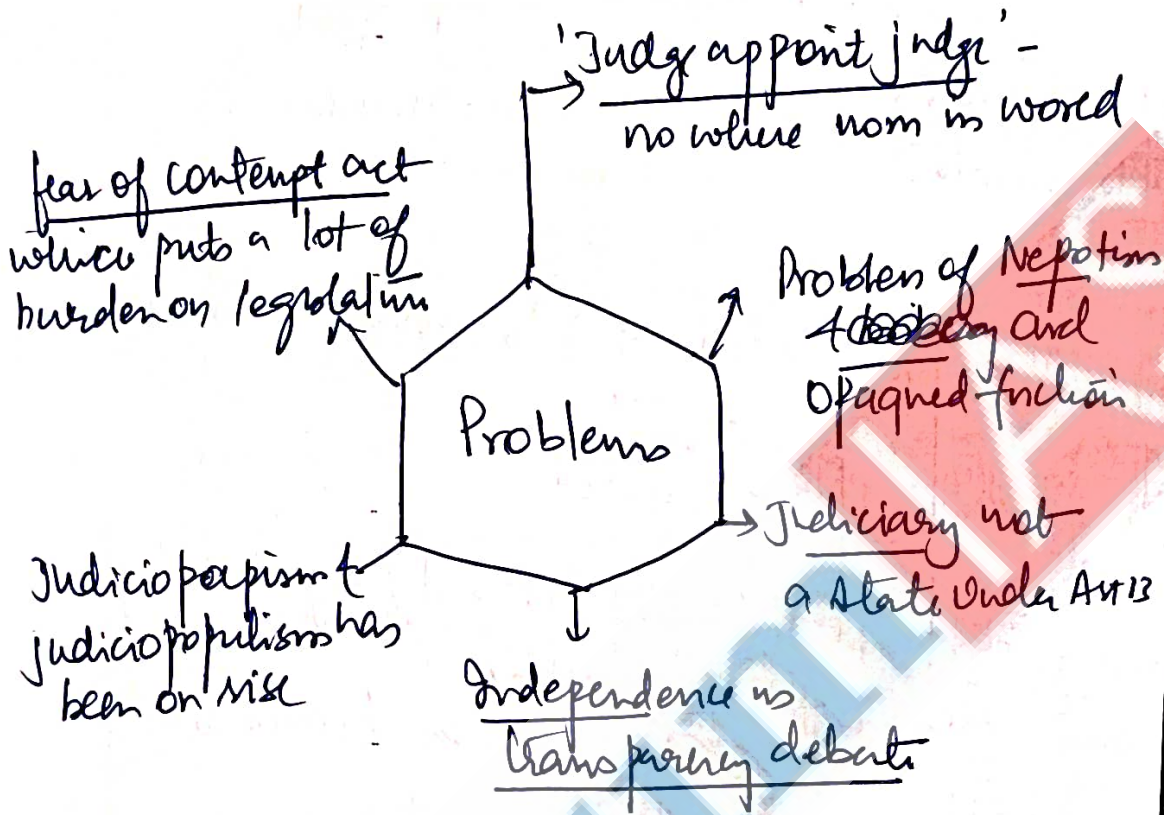
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Forum IAS



Positives

- 1) Independence of judiciary to prevent unnessary
- Any political intervention
ex) NSAcl 2014 repealed
- 2) Integrity & Impartiality upheld by shielding
away from populist policies
- 3) Raw talent with greater checks & balances
ex) No procedure for appointments
- 4) Upholds due process of law for such process
to ensure complete justice (Art 142)
ex) prevent kidnappings in Centre State relation
- 5) Judicial activism
ex) Vishakha guidelines to prevent workplace harassment
- 6) Trust & faith of people on judiciary for upholding spirit.
- 7) effectively functions Judicial review (Art 13 & 32)



Way forward

- 1) collegium of prime minister, ecI, leader of opposition can be done
 - 2) South Korean model - 15 member panel of citizens & 8 are judges 4 rest appointed by exec.
 - 3) wide wider collegium representation
 - 4) minority interests to be considered as well.
- A golden balance between independence & transparency has to be ensured.

Feedback

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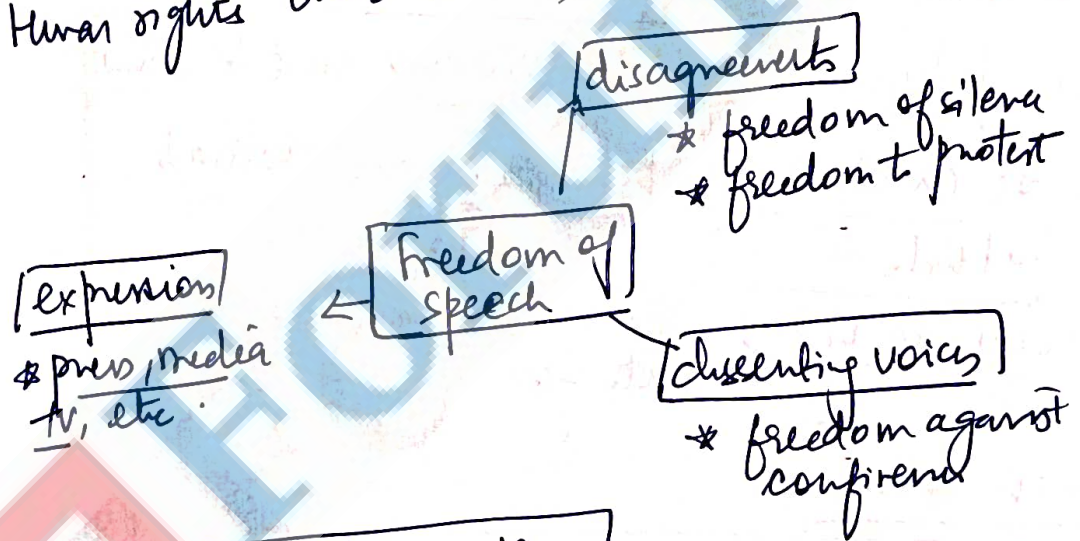
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Q.15) Democracy thrives on disagreements; critical and dissenting voices make a society vibrant. In your opinion, do limitations on hate speech infringe right to freedom of speech and expression? Discuss how hate speech impacts the society and ways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

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

'Dissent has is safety valve of democracy' -

Justice J. Chandrachud tells that freedom of speech & expression forms an important part in India (both fundamental rights Art 19(1) and Human rights under ICPR)



However - a break line -

- * sedition?
- * Hate speech?
- * infamatory speech
- * AFSPA
- * emergency

There are 8 exceptions under FOSE which includes public order, morality, law, national

security on which it can be restricted.

In my opinion, limitation of hate speech do not violate implication of FOSI. But the 'hateness' should be understood on objective ground.

① Prashant Thapan case - A mere expressing dissent & powerful speech against govt will not comprise hate speech.

② Banning of films, book TV show which have potential to incite violence must be banned

③ It can be banned even before actual publishing

④ sect 144 CrPc - preventive detention under hate speech.

Impacts society

1) Polarisation and communal violence

ex) Delhi riots of 2020.

2) Misrepresentation of facts

ex) Charlie Hebdo beheadings due to

③ / Law & order situation

ex) Rajasthan Hasmun Jayanti violence

④ erodes trust of public on police & government

⑤ loss of democratic principles of country

Need / what to be done / Retain it

① Preventive detention rules to be made

strict

② Codifying as to what comprises as hate speech.

③ Legal, digital & political intervention to holistic law design

④ / IT rules 2021, track down & stop hate speech publishing.

⑤ / NCC committee under election rules do capture such hate speeches.

Hate speech increase divide in people & public & must be dealt with care.

Feedback

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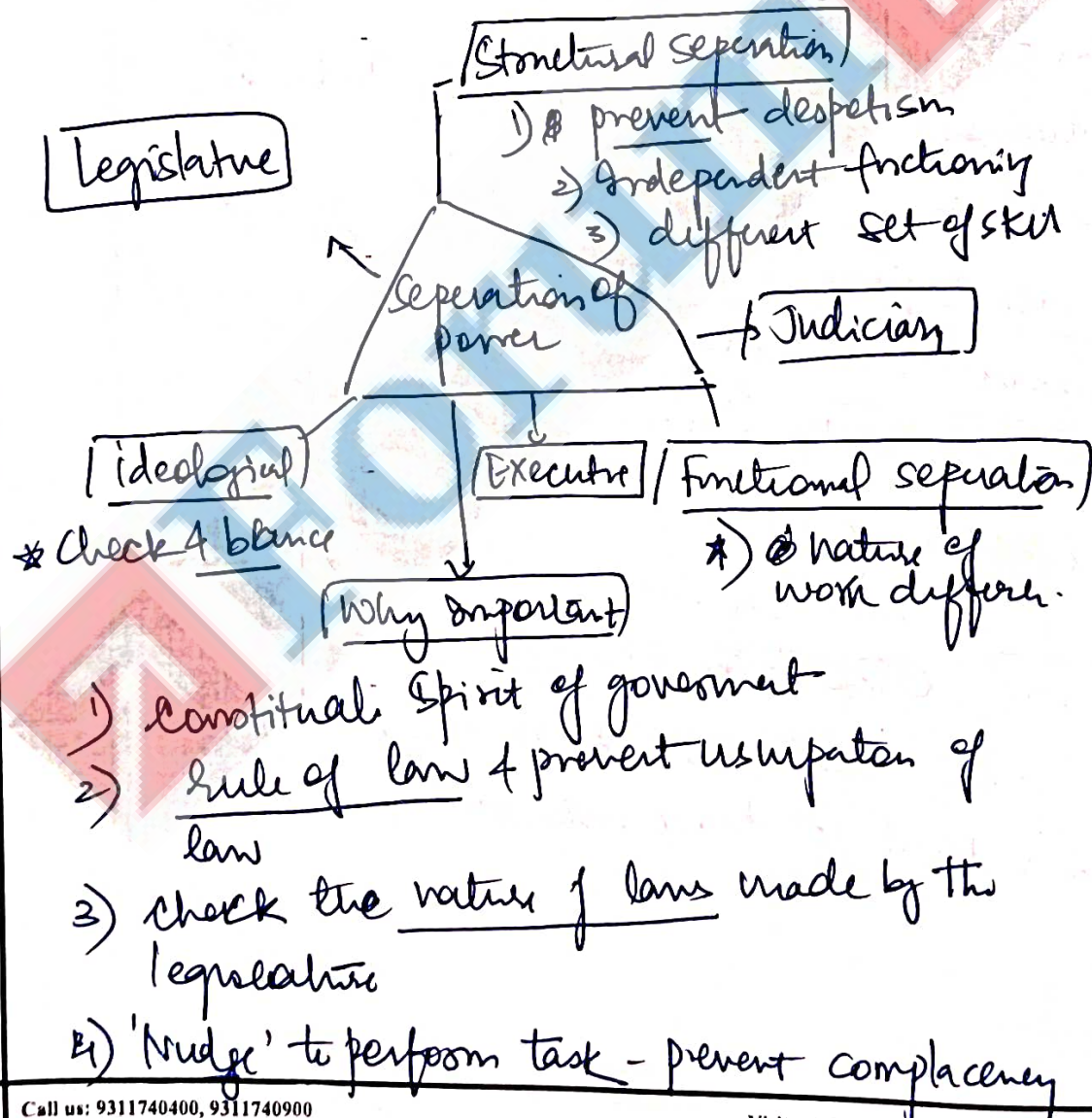
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TOTAL MARKS			



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 ensure that each organ of government performs its function without hindering or embodiment oth.



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- ⑥ Participatory & distributory justice
- ⑦ Each organ has own responsibility to function with technical knowhow.
- ⑧ spirit of governance with focus on centrality

Hence, separation of power is important to ensure the above following things:-

Indian model of separation of power

India follow not a strict separation of power but a shared responsibility with:-

① Legislative - executive

- a) Art 75 council of ministers are members of parliament
- b) President appoints prime minister and other ministers (Art 61)
- c) Governor (similar to president Art 164)
- d) Bill ultimately signed by President.

② Executive - judiciary

- a) President appoints judges of HC & SC
- b) ~~Council of~~ Prime minister / Central govt have MoP to appoint judge of HC.
- c) Code of conduct of ministers can be discussed in judiciary (Art 122 & 221)

③ / Legislature - Judiciary

- 1) Parliament has power to remove SC Judges
- 2) Parliament can discuss conduct of SC Judges except in impeachment (Art 112 & Art 211)
- 3) ~~can~~ contempt of court (1971) & Parliamentary Privileges (104)

④ This eventually leads to:-

Pros	Cons
<ul style="list-style-type: none"> * Shared responsibility * effective checks & balances * Accountability mechanisms present * each organ support other 	<ul style="list-style-type: none"> * <u>Judicial Overreach</u> possible * excessive interference observed in organs. * may lead to populist measures

Re Delwan case Act (1985) strictly focuses on ~~direct~~ division of power is necessary for upholding the constitutional vision in India.

Feedback
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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 ~~stand~~ ^{stand} ~~is used~~ ^{is used} for getting the maximum votes in an election to win the election

A	21%
B	18%
C	18%
D	15%
E	4%

- [max votes] - win

FPPS

A	50%
B	18%
C	10%
D	X%

getting 50% and above the win
→ proportional representation

- ① focus on ~~winning~~ getting most no of seats than majority of seats
- ② simple process to understand
- ③ give chance for party systems to flourish
- ④ employed for large population to understand election process

Characteristics of FPPS system

Why FPPs chosen over PR

PR process is currently available in President's member of Rajya Sabha, members of Departmental standing committees but not in Lok Sabha or Midhan Sabha.

- 1) FPPS was easy to be understood by people than PR (a complex process of setting up preference)
- 2) Tedious task to undergo multiple iteration for a single seat (it would take months to declare election)
- 3) FPPS can easily be taken on single ballot paper & voting machine
- 4) PR needs a lot of time to be understood and grasped by commoner
- 5) Methods of voting sometimes get complex to be utilized a vote - problem in illiterate population.

PROS

- ① large amount of voting possible
- ② quick declaration of result.
- ③ Important innovation in direct election.
- ④ single winner (just getting max votes)
- ⑤ favours party system
- ⑥ Avoided multiple centres of powers

CONS

- ① possibility to woo votes enhanced (and wrong voting as well)
- ② Populist measures increase
- ③ Party System led to loss of individual members
ex) BSP got 20% votes but could claim 1 seat in 2017 election
- ④ small parties don't get chance of participation

As of now PPs are functioning well in the country and PR is a bit tedious task to be applied on pan India level. Government must strive to improve electoral functioning for the present election model.

Feedback

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G = Good A = Average P = Poor			
TOTAL MARKS			



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

भारतीय और ब्रिटिश संसदीय प्रणाली में अध्यक्ष की स्थिति की तुलना कीजिए? इसके अलावा, भारतीय संदर्भ में अध्यक्ष के कार्यालय के कामकाज से संबंधित विभिन्न विवादों पर चर्चा कीजिए और संबंधित सुधारों का सुझाव दीजिए। (15 अंक, 250 शब्द)

Speaker is the head of either houses of the parliament who focus on discipline, decorum and upholds constitutional values in the house.

Indian	British
① Party centric speaker	① once a speaker - always a speaker
② Generally a term of 5 years	② Stability of tenure
③ more politicised post - leads to party centred policies	③ Neutral post - leans political affiliate
④ election is done via amongst the members of house.	④ elected once via house and remain for ever
⑤ ensures not more collective responsibility	⑤ ensures - stability of functioning.

Write anything
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controversies related to office of speaker

- ① Politicised post - favoring party in power.
ex) privilege proceeding against Pahul Gander - criticised by supreme court
 - ② Final say in defection rules - lead to
muzzling of opposition voices.
 - ③ Unable to prevent decorum + discipline in
hours (hardly 100 hours of discussions).
 - ④ falling parliament productivity - (ex) 16%
bills passing through committee stages
 - ⑤ opposition parties - deputy speaker post vacant
 - ⑥ checks + balances missing
 - ⑦ Quality of debates, discussions in OH is
declining.
 - ⑧ Speakers tend to act on behalf of prime minister
- Hence following reforms are suggested.

- ① Making political speaker post neutral - no party centric affiliation
- ② Keishu Meghachandran case (2022) - Tribunal to be decided for defection cases.
- ③ NCRCW - responsibility of speaker for loodyays & house proceeding per year.
- ④ Advice of president, election commission and UPSC to be taken while dealing with privilege motions.
- ⑤ codification of ~~constitution~~ rules & laws which define powers.
- ⑥ Ind ARC - speaker decisions can be questioned - if not upheld by visions of constitution.
- ⑦ Kinoto Hollonham (1994) & IR Coelho (2010) - judgments have begun to make office of speaker responsible for wrong doings.

Feedback

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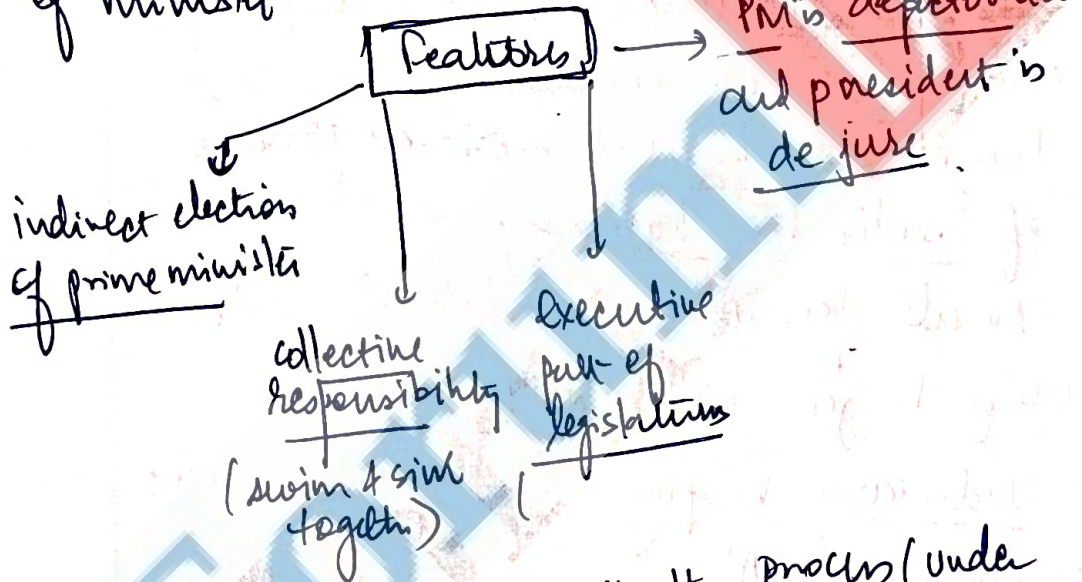
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Q.19) Why was parliamentary form of government adopted for independent India? Do you agree with the opinion that Indian government is increasingly transitioning towards presidential form? Justify. (15 marks, 250 words)

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 form of government is one which is led by a Prime minister & his council of ministers.



- Why parliamentary
- ① Familiarity with the process (under GOI Act 1935)
 - ② Easy to understand & implement
 - ③ Vast section of population represented
 - ④ Large democracy - easy to provide reservation in SC/ST for parliamentary sector
 - ⑤ focus on party system and not individual system

⑥ The literacy of country and with temperant of law makers - essentially led to adoption of parliamentary form of government.

Is Indian govt moving towards presidential system? Yes

① Individual centric voting than party centric has been increasing

② less on policies and more of personae of leaders been increasing

③ small parties are sidelined while only bigger parties at play.

④ Judiciary keeping check on lower house (like in USA)

⑤ President enjoys ultimate authority in bill signing & law making.

No

① Upper house too been filled with majority party rule - ministers drawn from here.

② President only enjoys suspensive veto - if passed again he has to sign

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③ Rajya Sabha doesn't have equal representative of seat and its Chairman is again chosen by parliament.

④ Collective responsibility ensures a party system (rather than strict division of power of people)

So - in a ideological sense maybe a presidential form is emerging but is a structural term India is still a parliamentary form of government.

Feedback

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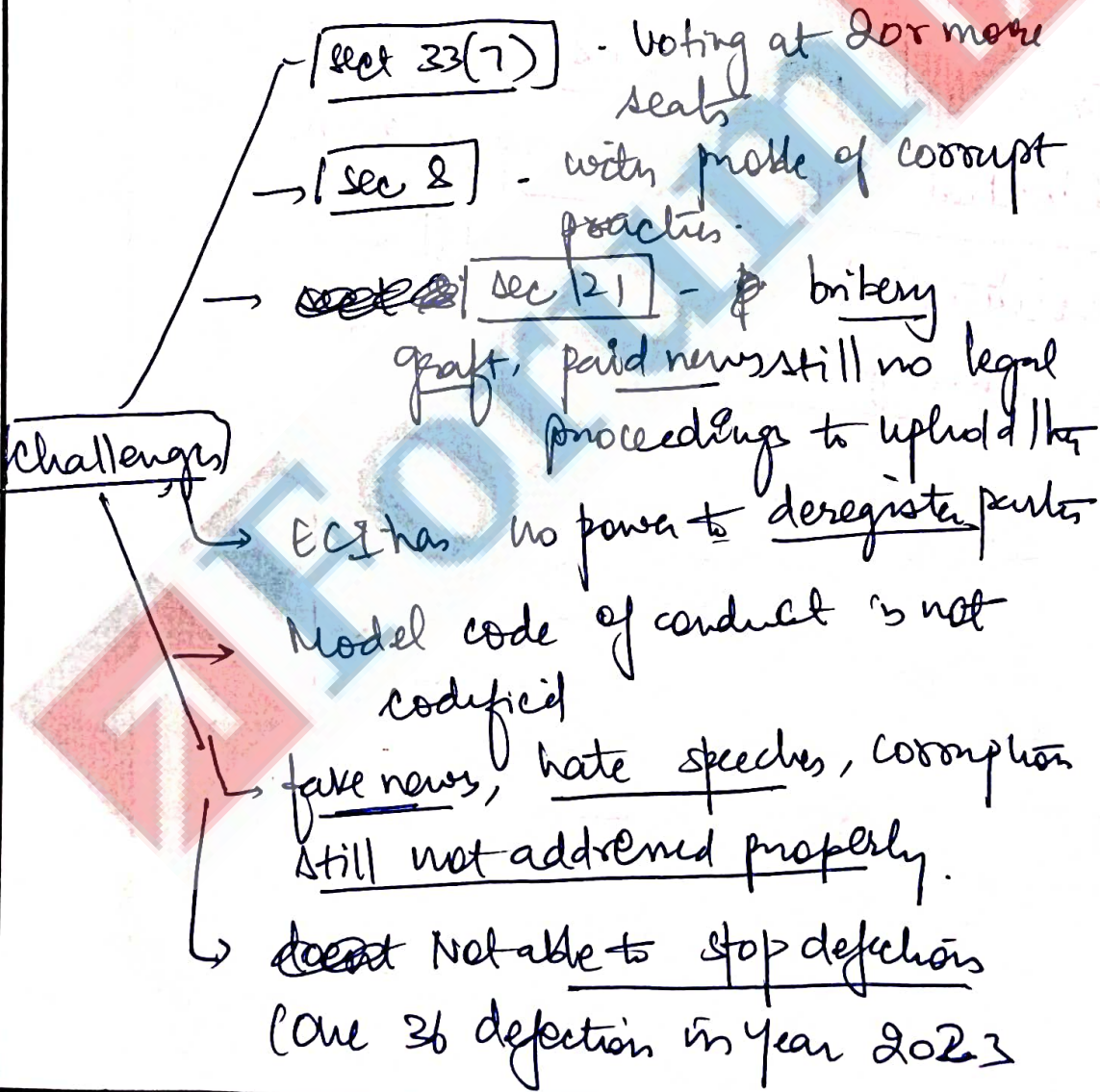
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P & R			
C = Good A = Average P = Poor			
TOTAL MARKS			



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)

RPA 1950 have been given power to control the effective functioning of free & fair elections in India



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Free & fair election not possible

Registered unrecognised parties boom - Result - criminalisation of politics

Electoral bonds in future security - Election spending is uncontrolled

small parties are sidelined

Reforms

- ① RPA 1950 & 1951
 - 1) Removing exception under Art 33(1) for election at more than 1 seat.
 - 2) Sec 123 - corrupt practices under RPA should be cropped & defined with suitable legislation.
 - 3) Controlling defections & horse trading
 - 4) removing provision of mergers
 - 5) ability of ECI to deregister parties to given.
 - 6) power to deal with 'office of profit' with properly defining.

② / Powers to ECI /

- 1) Deregister parties power
- 2) Model code of conduct to be codified and given legal backing
- 3) Adequate safeguards for office of his

③ Other committee reforms

1) [Sy Qureshi] 'National electoral fund' to prevent black money.

2) [Mota committee] - with adequate power to ECI to punish men as well.

Hence, a comprehensive reforms are needed to be done for upholding the spirit of governance in free & fair elections.

Feedback
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#	G	A	P
AWIS			
CD & VA			
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G = Good A = Average P = Poor			
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