

TEST CODE 6 1 2 2 0 1

FIAS – MGP 2023 – Cohort 13 – Sectional Test #3

Time Allowed : Three Hours
समय : तीन घंटे

ForumIAS

Maximum Marks : 250
अधिकतम अंक : 250

GENERAL STUDIES / सामान्य अध्ययन

Name Of Candidate परीक्षार्थी का नाम	JEENU SRI JASWANTH CHANDRA		
Roll No./अनुक्रमांक	1910098394	Medium/माध्यम	English <input checked="" type="checkbox"/> हिंदी <input type="checkbox"/>
Center Code/परीक्षा केंद्र		Date/दिनांक	8-8-2023

*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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Examiner's Discretion/मूल्यांकन कर्ता का विवेक :			Start Time/प्रारंभ करने का समय :	End Time/समाप्त करने का समय :
Total Marks/कुल अंक :			Mode Of Examination/ परीक्षा की विधि :	Online/ऑनलाइन <input type="checkbox"/> Offline/ऑफलाइन <input type="checkbox"/>
*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 :
			EG/ईजी :	
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Note: You can discuss your evaluated copy with the Mentor. Raise a ticket from your portal to schedule a mentor call or visit the offline centre to meet mentor (all 7 days, Timings – 11 AM to 6 PM). Further if you are unsatisfied with the evaluation, you can seek re-evaluation of the copy.

EXAMINER'S REMARKS

CRITERIA FOR THE FEEDBACK SECTION AT THE END OF EACH QUESTION

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

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

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

Basic structure doctrine has been introduced by Supreme Court in Kesavananda Bharati case, 1973 and it recently completed 50 years.

Basic structure doctrine → Prevented Parliament from becoming master of Constitution

- 1) Limited the amending power of the Parliament
 eg → Minesha Mills case (1980) struck down parts of 42nd Amendment
- 2) Safeguarded federal scheme and prevented Parliament from usurping state legislature power
 eg → S.R. Bommai case (1994)
- 3) Made judicial review a part of basic structure

4) Ensured that Parliament doesn't bypass free and fair elections

↳ Indira Gandhi case (1975)

5) Ensured independence of judiciary

↳ NTAC case (2015)

6) Made sure fundamental rights are safeguarded

↳ Shreya Singhal case (2015) - SC

struck down Section 66A of IT Act

7) Ensured Parliament upheld rule of law

8) It made sure Parliament didn't usurp powers of judiciary

↳ Chandra Kumar case (1997)

9) Ensured justice to all sections

↳ Indira Sawhney case (1992)

Basic structure doctrine's success can be seen from its adoption in Bangladesh in Anwar Hossain case

Feedback

(For OFFICE use only)

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

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

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

Pressure group refers to a group of people aligned to safeguard their common interests. eg Greenpeace, FICCI

Power of pressure groups

- 1) Mobilize public opinion - Through media, protests etc eg Narmada Bachao Andolan
- 2) Create lasting change - Fight for rights of citizens eg MUCS

Informal pressure groups → Shaping public policy

- 1) Research on topic and generating awareness eg CSE on environment
- 2) Protests and road blockades
eg Farm law protests

- 3) Fight for rights of people
 eg NKSS helped bring RTI
 - 4) Act as an agent of social change
 eg Naz foundation for LEP
 - 5) Coordinate and advise government
 eg CII's advice on streamlining laws
 - 6) Use institutional mechanisms
 eg SFLC supported Faheema Chirai in her fight for Right to Internet
 - 7) Highlighting shortcomings in governance
 eg NGO Pratham through ASER
- Issues
- Protect narrow self interest. eg Association
 - Undemocratic means
 - May resort to illicit means like bribery
- Overall pressure groups play a vital role in shaping public policy

Feedback

(For OFFICE use only)

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

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

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

In recent times, there is a worrying
over Parliamentary functioning with
various reports highlighting its decline

Reasons for degeneration of Parliamentary functioning

- 1) Reduced order and decorum in House
eg Parliament talked over Rahel Gandhi
comments
- 2) Increased usage of ordinances to
bypass Parliament
sitting - $\frac{637}{12}$ so far
in 2020
- 2) Partisan role of speaker
↳ Money bill certification to bypass
Rajya Sabha. eg Tribunal Rules, 2017
↳ Delaying deflection petitions
- 4) Hasty passage of bills - 35 bills passed
in 31 sittings in 2019
- 5) Absenteeism. eg Rekha controversy

- 6) Resolving to quillotine clause
- 7) No leader of opposition since 2014
- 8) Cancellation of question hour during carol

Measures to make Parliament more productive

- 1) Agnihotri committee → For decease in the house
 - 2) NCRWC → 120 working days for Lok Sabha, 100 for Rajya Sabha
 - 3) "Once a Speaker, Always a speaker"
- UK's convention to make speaker non-partisan
 - 4) Punchhi committee → Equality of state representation in Rajya Sabha
 - 5) Increased funding for LARRDIS
- Successful Parliamentary functioning is the backbone of democracy

Feedback
(For OFFICE use only)

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

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

जांच एजेंसियों का कार्यपालिका के अधीन होना विनाशकारी परिणामों से भरा है। केंद्रीय जांच ब्यूरो की "विजरे में बंद तोता" के रूप में आलोचना के आलोक में इस कथन की चर्चा कीजिए। (10 अंक, 150 शब्द)

India has many investigative agencies entrusted with task of ensuring justice. However there are rising concerns about their impartiality. eg EP, CRI etc

Subordination of executive is fraught with disastrous consequences

- 1) Can be used as a means to target political opponents
- 2) Affects the public trust on these agencies
- 3) Against the doctrine of separation of powers
- 4) Sidetracks the important cases
- 5) Politicisation of postings in agencies → affects morale of civil servants

e) stifles dissent which is the bedrock of democracy

eg ED controversy of targeting oppos

CBI's criticism as "caged parrot"

1) Criticism of CBI being used by Union govt against state govt

eg AP, West Bengal withdrawing General Consent

2) Controversy in posting of officials

eg Rakesh Asthana controversy

3) CBI's mishandling of high profile cases

eg Bofors case, Jain Havela Dawson case

4) Crisis of credibility of CBI

Way forward 1) umbrella investigative body as suggested by former CBI NO Ramana

2) LP Singh committee - statutory status to CBI
Independent functioning of investigative agencies as need of hour

Feedback
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	G	A	P
AWIS			
CD & VA			
S & F			
P & R			
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)

Article 324 entrusted Election Commission (EC) with responsibility of conducting free & fair elections

ECI → Vital role in building framework of electoral democracy

Administrative role :

- 1) Smooth conduct of election
- 2) Supervising Model Code of Conduct implementation
- 3) Requisitioning state machinery for election

Quasi-judicial role :

- 1) Cancellation of polls in event of rigging, booth capture
- 2) Poll disputes .eg Symbol allocation

Challenges associated with ECI functioning

Structural :

- 1) No criteria of appointment for EC's
- 2) EC's expenditure not "charged" on Consolidated Fund of India.

- 3) No statutory backing to MCC
- 4) Lack of adequate powers

eg No power to disqualify party

Procedural: 1) Crisis of credibility

eg Rajasthan Governor violating MCC

- 2) Potentialization - In 2009, CEC recommended removal of Navin Chawla as EC ~~due~~ alleging partisanship

Measures to reform ECI

- 1) Amending RPA, 1951 to give power to disqualify candidates for false affidavit
- 2) Ensuring independence of ~~leg~~ ECI by reducing funding dependence
- 3) Case study - Denmark's electoral laws

Successful functioning of ECI is vital for a functional democracy.

Feedback

(For OFFICE use only)

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CD & VA			
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<p>Ⓒ = Good Ⓐ = Average Ⓟ = Poor</p>			
TOTAL MARKS			

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
through 52nd Amendment, 1985

NEED → To prevent horse trading of legislators
→ To ensure stability of government
→ To uphold public trust

Issues surrounding anti-defection law

- 1) Failed to resolve evil of political defection
(eg) Andhra Pradesh controversy
- 2) Role of speaker - Speaker delaying anti-defection petitions indefinitely to favor the ruling party.
(eg) Manipur controversy
- 3) Exemption Whip curtailing the free will of a legislator

4) Exemption for 'mergers' being misused
 (eg) Goa controversy

5) Confusion as to decide which is the original faction and which is defected one
 (eg) Maharashtra controversy

Corrective measures for anti-defection law

1) Dinesh Goswami committee recommendations

(a) Defection petitions to be decided by governor / President on advice of ECI

(b) Whip to be inve only when gove is in danger

2) Law commission 170th Report

(a) Exemptions regarding splits and mergers to be deleted

3) Setting time limit for speaker to decide

4) SC in Meghachandra Singh case - tribunal to decide defection petitions.

A sound anti-defection law is vital to retain true spirit of democracy.

Feedback
 (For OFFICE use only)

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AWIS			
CD & VA			
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P & R			
G = 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)

Article 25 gives every citizen the right to ~~prof~~ practice profess and propagate any religion of his/her choice. Doctrine of essentiality comes into picture if this clashes with other fundamental rights or laws of the land.

Doctrine of essentiality Only those religious practices are protected by the Constitution which are essential to the practice of religion.

Judiciary - using this doctrine to resolve conflict.

1) Article 14 (Right to Equality) vs Article 25 :

In Sabarimala case SC ruled in favour of entry of women into Sabarimala temple.

2) Article 19 (Freedom of speech) vs Article 25.

⇒ Court ruled that playing Azaan in loudspeakers is not an essential practice and need to follow the rules.

3) In Hijab case, Karnataka HC held that schools are free to decide the uniform since wearing Hijab is not an essential practice

4) Sikhs get an exemption from wearing helmet since wearing turban is considered essential part of religion

5) Sikhs are permitted to carry kurpan as that is considered to be a part of "professing" their religion.

Thus doctrine of essentiality has helped strike a balance between protection to religion and protecting rights of others and secular ethos

Feedback

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CD & VA			
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P & R			
G = Good A = Average P = Poor			
TOTAL MARKS			

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

सरकार द्वारा अध्यादेश बनाने की शक्ति पर बार-बार निर्भरता न केवल संसदीय लोकतंत्र में कार्यकारी जवाबदेही के बुनियादी सिद्धांतों को कमजोर करती है, बल्कि आम सहमति बनाने की लोकतांत्रिक परंपराओं को भी नजरअंदाज करती है। प्रासंगिक उदाहरणों के साथ चर्चा कीजिए। (10 अंक, 150 शब्द)

Articles 123 and 213 provide President and the Governor with ordinance making power. Each ordinance has to be passed by both houses within 6 weeks of reassembly

Need for ordinance making power

- 1) To tackle crisis situations
(eg) Epidemic Act (Amendment), 2020 during Covid
- 2) To ensure governance even when the House is not in session
- 3) Not undemocratic as every ordinance has to be eventually passed by both Houses

Issues with ordinance making power

- 1) Dilutes basic tenets of executive accountability
 - (a) Lack of debate in the legislature
 - (b) Lack of scrutiny by Parliamentary committees
- (eg) Farm laws ordinances, 2020

2) Overlooks democratic traditions of building consensus.

(a) Excessive centralisation of powers in hands of executive

(b) Lack of consensus built with opposition, own party legislators, civil society.

eg) Cancellation of Jodhpur Ordinance, 2016

3) Misuse by frequent re-promulgation of ordinances to bypass legislature.

eg) Bihar governor in DC Wadhwa case

4) Lack of debate to plug every loophole in the legislation

5) Against the principle of representative democracy

6) Lack of research support like LARRD's for executive.

As supreme court held in

DC Wadhwa case, ordinance making power should be used only in exceptional circumstances.

Feedback
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AWIS			
CD & VA			
S & F			
F & R			
<p>G = Good A = Average P = Poor</p>			
TOTAL MARKS			

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 an instrument ensured to used to uphold the freedom and liberty of the accused till conviction. "Bail, not jail" is principle given by Supreme court (SC) in Balchand case

Bail, not jail → The cardinal principle

1) Upholds individual's liberty:

As per Indian justice system, every accused is innocent till proven guilty

2) Upholds dignity of individual:

AN Mulla committee highlighted the poor condition of Indian prisons.

3) Reduce punishment for undertrials

⇒ Currently, 69% prisoners are undertrials

4) Reduce overcrowding of prisons

⇒ 5.5 lakh prisoners in prisons with capacity 4-25 lakh

- 5) Ensure individual isn't affected by judicial pendency
 ⇒ 4.4 crore cases pending in judiciary
- 6) Every individual has right to dignity as held in Maneka Gandhi case

Challenges in bail provision

- 1) Lack of legal assistance for vulnerable sections
- 2) Depositing amount for bail might be an issue for BPL families
- 3) Need for a local guarantor might put migrants at a disadvantage.
- 4) Lack of awareness about bail
- 5) Stringent acts like NSA, 1980, UAPA, 1967 which make bail difficult
 As SC held in Hissainas Khatoun case, balanced bail conditions are required for smooth justice delivery.

Feedback
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#	G	A	P
AWIS			
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S & F			
P & R			

G = Good
 A = Average
 P = Poor

TOTAL MARKS	
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- 2) Upholds the spirit of cooperative federalism
- 3) Closed door meetings allow stakeholders to have discussions cutting across party lines
- 4) Allows resolution of Center-state disputes as all states have representation

Challenges associated with Inter-state council

- 1) Only 10 meetings held in 22 years
- 2) Non-binding nature and can be hence ignored
- 3) Potentialization of inter-state council
- 4) Not a permanent body
- 5) Lack of inclusion of civil society
- 6) Failure to resolve disputes

(eg) Karnataka - Maharashtra border dispute.

Punchhi commission suggestion of making ISC a permanent body and giving it more powers has to be implemented

Feedback

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

G = Good
 A = Average
 P = Poor

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 polity refers to all the decisions being taken punctually and without delays by various bodies.

Vital role of constitutional ~~pol~~ punctuality

1) Ensure justice delivery on time

(eg) ~~and~~ Fast track courts

2) Prevent any governance deficit

(eg) President and governor answering to Bills on time

3) Uphold the spirit of representative democracy

4) Responsiveness is one of the foundational pillars of good governance

5) Swift passage of bills ensures problems are tackled as soon as they arise.

Constitutional punctuality → Remaining conspicuous by its absence

- 1) Inordinate delay by governor in assenting to the bills
 (eg) Telangana governor controversy
- 2) Governor reserving a bill for President's assent and no action being taken
 (eg) TN governor reserving anti-NEET Bill
- 3) Speaker delaying defection petitions indefinitely to favour ruling party
 (eg) Manipur controversy - Keisham Meghachand Singh case
- 4) Excessive delays in passing legislations
 (eg) Data Protection Bill, 2019
- 5) Huge judicial pendency
 (eg) 4.4 crore cases pending
 ↳ 4.3 crore in lower courts 59 lakh in HC 69,000 in SC

7) Delay in appointments

eg) Judicial collegium delaying recommendation

8) Lack of proper utilisation of funds on time
leading to March rush phenomenon

eg) Nikhaya Fund underutilisation

9) Delayed response by the executive
and bureaucracy in crisis situations

10) Missing punctuality in submitting
reports

eg) Multiple extensions given to
Rohini commission

Way forward

1) Ensuring constitutional
punctuality by setting deadlines

2) Punchhi commission → 6 month time
for giving assent to bills

1) Improving accountability mechanisms

Ensuring constitutional punctuality
is the need of the hour.

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.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 introduced in 2017 to reform the system of political funding and improve public trust.

Features of electoral bonds

- 1) All political donations ^{by electoral bonds} to ^{made} by electronic means
- 2) SRI to make available electoral bonds in certain windows in denominations ranging from ₹1000 to ₹1 crore
- 3) Donor can deposit amount in SRI and collect electoral bond and donate it
- 4) Political party can redeem amount by submitting the electoral bond.

Electoral bond reform → High on intent

- 1) Reform system of political funding.
- 2) Reduce cash influence in electoral funding and increase digitisation

- 3) Electoral bonds don't have identity
of donor to protect privacy
- 4) Improved transparency in funding
- 5) Reduce black money in elections
→ ₹ 60,000 crores spent in 2019 elections
(Lokniti Survey)

Electoral bonds → low on substance

- 1) ~~Not~~ Electoral bonds promote anonymity
in the gap of privacy
- 2) 75% of ~~votes~~ electoral bonds went to
ruling party as per a survey.
- 3) Not completely anonymous as donor
could be tracked through alphanumeric
code by government agencies
- 4) Continuing influence of money muscle
- 5) Increased criminalisation of politics - % of
MP's with criminal cases { 34% in 2014
43% in 2019
- 6) SBI doesn't respond to RTI

Electoral bond is not completely low on substance.

- 1) First step to reforming political funding
- 2) Part of gradual transition towards electronic funding - cash donation limit reduced from ₹20,000 to ₹2,000
- 3) Reduced influence of black money in buying electoral bonds as money has to be deposited in bank.

Way forward 1) Jayal Indrajit Gupta committee suggested partial state funding of elections

- 2) Bringing political parties under RTI ambit
- 3) Former CEC T. Krishnamurthy calls for National Election Fund

4) Case study : us model where all donations above \$200 to be disclosed.

Free and fair elections free from money muscle form bedrock of vibrant democracy.

Feedback

(For OFFICE use only)

#	G	A	P
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P & R			
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)

Part III (Articles 36-51) and Part IV (Article 61A)

provide for Directive Principles and Fundamental Duties respectively. Both of these are non-enforceable and non-justiciable.

Positive impacts of DPSP in socio-political norms

- 1) In Olga Tellis case, SC held that DPSP are fundamental in the governance of the country.
- 2) Create guidelines to the state for policy making.
- 3) Helps achieve the goal of a welfare state.
- 4) Govt ~~brings~~ takes steps to achieve vision set out in DPSP.

(eg) Maternity Benefit Act, 1961 → Art 42
Environment Protection Act, 1986 → Article 48A

Shortcomings of DPSP in having impact

- 1) Alladi Krishnaswamy Jayer - Non justiciable nature of DPSP makes it easy to ignore
- 2) ~~to~~ Many DPSP's are vaguely worded and lay down no clear guidelines
- 3) ~~Supra~~ N. Srinivasan says that there is a lack of consistency in vision of DPSP's rendering them ineffective.

Impact of fundamental duties in socio political norms

- 1) Used by judiciary to undertake judicial activism on basis of fundamental duties
(eg) MC Mehta case 1986 - Introducing environmental education in schools
- 2) Serves as a reminder to citizens of

their duty towards society.

(eg) During Covid, Bombay HC held that following social distancing is a duty towards society.

Shortcomings of fundamental duties

- 1) Vaguely worded (eg) develop scientific temper etc.
- 2) Lack of enforceability limiting their utility
- 3) Lack of awareness among citizens
- 4) Important duties like duty to vote are absent.

Way forward

1) DPSP should act as moral compass in policy making

2) Swaran Singh committee → Include Duty to pay taxes in fundamental duties.

Thus DPSP and fundamental duties play a crucial role in upholding the moral spirit of constitution.

Feedback

(For OFFICE use only)

#	G	A	P
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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)

Article 124 provides that the Supreme Court judges are appointed by the President of India. The procedure for appointment has undergone various changes.

1) First Judges Case (1982) - President has to consult CJI before appointing a new judge

2) Second Judges Case (1993) - Consulting means concurrence of CJI with 2 seniormost judges

3) Third Judges Case (1999) - Collegium of CJI and 4 seniormost judges will recommend

4) Fourth Judges case - NJAC is unconstitutional as it violates separation of powers (Basic structure)

Achievements of collegial functioning

- 1) Ensured Article 50 (DPSP) - Separation of executive from judiciary
- 2) Retained functional autonomy of judiciary
- 3) Judiciary could take tough decisions against legislature & executive actions
(e.g) Sheela Singh case, ~~Munna~~
- 4) Improved public trust in the judiciary
- 5) Make use of domain expertise of judges in choosing new judges.

Issues with collegial functioning

- 1) 230th Law Commission Report stated that nepotism is rampant in judiciary
(e.g) Uncle judges syndrome

- 2) lack of women representation
 - ↳ No woman in SC collegium now
 - ↳ Only 11 women in SC collegium since 1950.
- 3) lack of judicial accountability
- 4) Conflicts between executive & judiciary
 - (eg) Hon'ble Law Minister's letter to judiciary
- 5) RTI not applicable to collegium this reducing transparency.

Steps needed

- 1) Draft Memorandum of Procedure, 2016 to be finalised.
- 2) UK model of broad based NJAC with judicial primacy but not judicial exclusivity.

Thus adequate steps are required to ensure judiciary remains the impartial safeguard of our democracy.

Feedback
(For OFFICE use only)

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G = Good A = Average P = Poor			
TOTAL MARKS			

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? यहाँ कीजिए कि अमर भाषा समाज को कैसे प्रभावित करती है और इसे नियंत्रित करने के तरीके क्या हो सकते हैं। (15 अंक, 250 शब्द)

India opted for a Parlo democratic system which is said to be "by the people, of the people, for the people".

- 1) Democracy thrives on disagreements
 - ↳ Between various parties in Parliament
 - (eg) Farm laws
 - ↳ Between govt and citizens (eg) NRC protests

- 2) Critical and dissenting voices make society vibrant
 - ↳ Protect rights of vulnerable sections
 - (eg) Narmada Bachao Andolan
 - ↳ Give feedback (eg) ASSOCIAM opposing RCEP

demerations on hate speech

- ↳ Section 153A : Promoting enmity
- ↳ Section 295 : Hurting religious sentiments
- ↳ sed

Limitations on hate speech - infringe freedom
of speech

- 1) No definition of hate speech in IPC.
- 2) Can be misused to target political opponents
- 3) low conviction rates

Do not infringe freedom of speech

- 1) Used in only rare cases
- 2) Article 19 - subject to reasonable restrictions
- 3) Necessary to safeguard public order

Impacts of hate speech on society

- 1) Increases communalisation in society
- 2) May lead to religious riots
eg Delhi riots etc
- 3) Promotes other juvianous tendencies

like casteism, regionalism etc.

- 2) Breakdown of law and order which could dissuade investments
- 5) leads to honour killings, mob lynchings

Measures to restrain it

- 1) TK Viswanathan committee suggested to introduce sections **153C** and **505A** in IPC deal with hate speech.
- 2) Beegbouch committee suggestions should be implemented
- 3) Continuous monitoring of social media to prevent spread of such content.
- 4) Swift action and fastening of judicial process.

Hate speech can cause many disasters and its controlling it is vital to safeguard public peace

Feedback
(For OFFICE use only)

*	G	A	P
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S & F			
P & R			
<p>G = Good A = Average P = Poor</p>			
TOTAL MARKS			

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

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

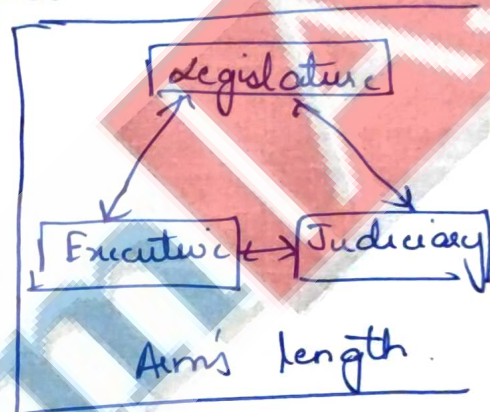
Separation of powers is a doctrine

which satisfies 3 principles

1) No member should be a part of 2 organs

2) No organ should interfere with other's functioning

3) No organ should exercise powers of other organ



Important of separation of powers

1) Ensure of functional autonomy of organ

eg Collegium system for judiciary.

2) Each organ has domain expertise to perform its functions better.

eg legislature for legislation

2) Ensure checks and balances to prevent despotic tendencies

(eg) Judicial review for legislation

4) Retain public trust in the system

5) Prevent conflict of interest which would compromise the genuineness.

Indian model of separation of powers

India has no strict separation of powers but a system of checks and balances

Separation of powers

1) Article 50 (DPSP) - Separation of executive from judiciary

2) Article 124 - Judges are appointed after consultation with SC/HC judges

3) Powers of 3 organs are well defined

Checks and balances

1) Judiciary's control over:

(a) Legislature - through judicial review

→ Articles 13, Article 32, Article 226

(b) Executive - reviewing executive actions

2) Executive's control over

(a) Legislature - can dissolve legislature

(b) Judiciary - President appoints judges

3) Legislature's control over:

(a) Executive - Censure, no-confidence motion etc

(b) Judiciary - Impeachment of judges

Way forward and ARC recommendations

1) Define 'office of profit'

2) Abolish MPLADS as legislature becomes executive

Thus India has a healthy mix of separation of power and checks & balances

Feedback

(For OFFICE use only)

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

Q.17) What do you understand by the First Past the Post System (FPPS)? Why was FPPS preferred over the Proportional Representation (PR) system for elections to the Lok Sabha/Vidhan Sabha? Also, critically examine the consequences of this preference. (15 marks, 250 words)

फर्स्ट पास्ट द पोस्ट सिस्टम (FPPS) से आप क्या समझते हैं? लोकसभा/विधानसभा के चुनावों के लिए आनुपातिक प्रतिनिधित्व (पीआर) प्रणाली पर फर्स्ट पास्ट द पोस्ट सिस्टम को प्राथमिकता क्यों दी गई? साथ ही, इस वरीयता के परिणामों का समालोचनात्मक परीक्षण कीजिए। (15 अंक, 250 शब्द)

India has adopted a First Past the Post system to choose its members of Parliament and state legislative assemblies.

First Past the Post system

- 1) The votes polled to all the candidates are tallied after the election is over
- 2) The candidate with maximum no of votes is declared the winner.

Reasons for India choosing FPPS over Proportional representation

- 1) Simplicity of FPPS when compared to PR
- 2) Literacy rate of India in 1951 was just 18% → FPPS was simpler to understand.

3) FPPS represents the candidate with most people behind him/her.

4) To ensure minorities and all sections ^{participate}

Positive consequences of choosing FPPS

1) India registered an impressive voter turnout of above 40% in first election

2) Increasing voter turnout - 67% in 2019 elections

3) India remained a vibrant democracy for 75 years.

4) All the sections of the society - illiterate, minorities, women etc could participate in electoral process

Negative consequences of choosing FPPS

1) Doesn't reflect the popular will of electorate. (eg) Recent Karnataka elections - winning party got just above 40% votes

- 2) Minorities are at a disadvantage
- 3) low representation of women - Just 14% representation in current Lok Sabha.
- 4) Promotes majoritarian tendencies
- 5) Mushrooming of political parties - 97% parties are non-recognised
- 6) Tendency of voter apathy - More than 30% voters don't vote

Way forward Due to huge no. of candidates, India can adopt

- 1) FPPs for first round
- 2) Top 2-3 candidates can have a runoff with PR method.

Thus India needs to ensure demerits of FPPs are tackled.

Feedback
(For OFFICE use only)

#	G	A	P
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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)

Articles 93 and 178 provide for the office of speaker in Parliament and state legislatures which has its genesis in Montagu - Chelmsford Reforms of 1919

Comparison of speaker in Indian and British Parliamentary system

Similarities : 1) Both chair the House and ensure decorum in the House

2) ~~Chairing~~ Chairing down House speaker chairs joint sitting in both countries

3) Interpreting Rules of Business in the House

Differences

India

UK

1) A speaker also has to run for elections the next term

1) Once a speaker, Always a speaker - The position goes uncontested next term

India	UK
2) Entrusted with <u>Money Bill certification</u>	2) No such responsibility
3) <u>Vice President</u> acts speaker of Upper House	3) No such provision

Controversies related to Speaker's functioning

- 1) Delaying defection petitions indefinitely
 (eg) Manipur controversy → Keisham Meghchand case
- 2) Certification as a money bill to bypass Rajya Sabha (eg) Tribunal Reforms, 2017
- 3) Decreased order and decorum in House
- 4) Allegations of partisanship to ruling party
 (eg) Maharashtra controversy
- 5) Not adhering to Rules of Procedure
 (eg) Allegations that Farm laws were declared passed despite voice note being unclear.

Reforms needed in Office of speaker

- 1) Dish Goswami Committee - Defection petitions to be decided by President on advice of Election Commission
- 2) Supreme court in Meghachandra Singh case → An independent tribunal for defections
- 3) UK's Once a speaker, always a speaker convention to ensure non-partisanship
- 4) V.S Page committee suggestions for the post of speaker.
- 5) Case study: In 4th Lok Sabha, Neelam Sanjeeva Reddy resigned his party membership to ensure neutrality.

Ensuring non-partisanship of speaker is vital to maintain sanctity of Parliament and adequate reforms are need of the hour.

Feedback (For OFFICE use only)

#	G	A	P
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P & R			
G = Good A = Average P = Poor			
TOTAL MARKS			

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

स्वतंत्र भारत के लिए संसदीय शासन प्रणाली को क्यों अपनाया गया? क्या आप इस राय से सहमत हैं कि भारत सरकार तेजी से अध्यक्षीय शासन प्रणाली की ओर बढ़ रही है? औचित्य सिद्ध कीजिए। (15 अंक, 250 शब्द)

Constitution makers have chosen a Parliamentary system for India inspired from Government of India Act, 1935 and the UK model of administration

Reasons for choosing Parliamentary model

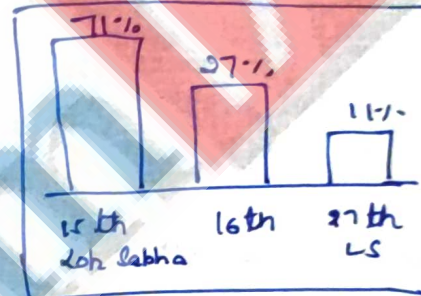
- 1) Ensure continuity with Government of India Act, 1935
- 2) Preference to more responsibility of the executive in a newly independent country
- 3) Minimize conflicts between legislature and the executive.
- 4) Prevent excessive centralisation of power in hands of a single person
- 5) Prevent arbitrariness in choosing cabinet
- 6) Representation to minorities in the executive.

Recently there are opinions - that
India is transitioning to a Presidential form
India's increasing transition to Presidential system

1) Increased resort to ordinance route

- 637 ordinances so far ; 12 in 2020

2) Decrease in bills referred
to Parliamentary committees



3) Centralisation of powers
in hands of Prime Minister

4) No leader of opposition since 2014

5) Cancellation of question hour during pandemic

6) Increased usage of quillotine device

7) Decreased number of sittings - Rajya Sabha sat for only 33 days in 2020

8) Certification as a money bill to
bypass Rajya Sabha. (eg) Tribunal Reforms,
2017

India → still a Parliamentary system

- 1) Usage of procedural motions to ensure accountability. (eg) No-confidence motion on Manipur protests
- 2) Improved productivity of Parliament in 2022
- 2) Extensive debate of bills (eg) Farm laws
- 4) Ordinances also have to be passed by both houses of Parliament
- 5) Ministers chosen from Parliament
(eg) Jawaharkar (EAM) from Rajya Sabha.
- 6) Voting on demand of grants. (eg) Budget -2017

Thus, India is still a vibrant Parliamentary system despite some decreased relevance of Parliament in recent years.

- Way forward
- 1) NCRWC → Rationalisation of committees
 - 2) UK model → Free vote system
Once a Speaker, Always a Speaker

Feedback
(For OFFICE use only)

#	G	A	P
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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)

Constitution entrusted Parliament with mandate of demeriting method procedure of elections and Parliament enacted Representation of People's Act, 1950 (RPA) and RPA, 1951 to fulfill the mandate

RPA - Bedrock of free and fair elections

- lays criteria for qualification and disqualification of candidates
- Voting procedure
- Rules to be followed by parties
- Corrupt practices (Section 123)

Shortcomings in RPA

- 1) Lack of adequate powers of ECI
 - (a) ECI has no power to deregister a political party.

- (b) Filing a false affidavit is not a ground for disqualification
- 2) Arising of new age challenges
- Paid news
 - Fake news
 - Social media campaigning
- 3) No provisions in RPA to ensure intra-party democracy
- 4) Non-binding nature of MCC - no statutory backing (non-en for MCC)
- 5) Continuing influence of money muscle
 ⇒ Around ₹60,000 crore spent in 2019 Lok Sabha elections (dokriti survey)

Reforms to make RPA more effective

- 1) Amending Section 1231 of RPA to make filing false affidavit a ground for disqualification
- 2) Making paid news an electoral offence.

- 2) Codification of Supreme Court judgements into RPA → Guidelines in Rambabu Singh case, Public Interest Foundation case (2018)
 - 4) New guidelines for digital campaigning
 - 5) Ensuring independence to ECI
 - 6) Use of totaliser machines
 - 7) Giving more teeth to NOTA provision → disqualifying candidates who lost to NOTA from contesting again
 - 8) US model - Mandatory disclosure of political funding above \$200 -
 - a) Bringing political parties under ambit of RTI to ensure transparency
- Free and fair elections are the bedrock of democracy and RPA has to be updated with time to ensure smooth conduct of elections.

Feedback
(For OFFICE use only)

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

G = Good
 A = Average
 P = Poor

TOTAL MARKS	
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Mentor Feedback Questions

- 1
- 2
- 3
- 4
- 5

Test Goal

- 1
- 2
- 3

Outcomes

-
-
-
-

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.

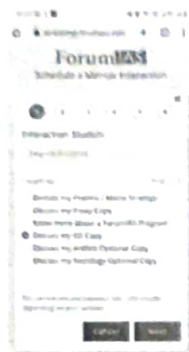
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