

Time Allowed : Three Hours
समय : तीन घंटे

ForumIAS

Maximum Marks : 250
अधिकतम अंक : 250

GENERAL STUDIES / सामान्य अध्ययन

Name Of Candidate परीक्षार्थी का नाम	Vinay Sunil Patil		
Roll No./अनुक्रमांक	1910129962	Medium/माध्यम	English <input checked="" type="checkbox"/> हिंदी <input type="checkbox"/>
Center Code/परीक्षा केंद्र	online	Date/दिनांक	2-7-2023

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INDEX TABLE / अनुक्रमणिका			INSTRUCTION / अनुदेश	
Q. No. प्र.सं.	Max. Marks अधिकतम अंक	Marks Obtained प्राप्तांक		
1			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।	
2			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।	
3			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।	
4			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।	
5			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 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.

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EXAMINER'S REMARKS

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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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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)

Evolved in Keshavanand Bharti case in 1973 by the judiciary itself. Basic structure doctrine protects the basic spirit of constitution by encroachment either by executive or legislature.

- ① The debate in post independence India over amendability of constitution later led to evolution of basic structure.
- ② The debate was Art 13 (vs) Art 368 where Art-13 deals with definition of law and Art 368 dealt with power of parliament to amend the constitution.
- ③ If parliament is given absolute power to amend all the provisions of constitution, it will become a master and at that time was aiming to amend the fundamental right of property.

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- ④ The friction betⁿ judiciary & parliament started with shankari prasad case and Golak Nath case in 1950's.
- ⑤ parliament responded with 24th CAA act and made its powers to amend constitution beyond judicial review indirectly provided in Art. 13.
- ⑥ Finally in 1973 under keshavanand Bharti case, Judiciary evolved basic structure doctrine.
- ⑦ It gave parliament of India right to amend any part of constitution including fundamental rights but without violating the basic structure.
- ⑧ The basic structure's components have not been stated explicitly but list keep evolving with time.

Thus, Basic structure prevents parliament from becoming a master simultaneously ensuring its independence to amend the constitution.

Feedback

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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 have been those association of people which tries to get their work done by exerting direct or indirect pressure on govt.

- ① Pressure groups primary interest is to get their interest achieved and thereby some pressure groups also perform greater developmental role.
- ② They mobilize public opinion and create environment among general public regarding their interest.
- ③ So, size and elaborate organization are comparatively less effective in pressurizing the govt. than their impact on mobilising public opinion.
- ④ Thus, achievement of interest is about pressuring the govt through appropriate means and create lasting change.

Informal pressure groups shaping public policy

- ① Informal pressure groups are mostly formed around some spontaneous event that has impacted the public.
ex - Farmers protest groups after passing of farm bills impacted public policy by withdrawing the bills.
- ② Several pressure groups gets formed for issues prevailing in society.
ex - Inflation, corruption etc.
ex - India against corruption movement later leading to formation of Lokpal.
- ③ Informal nature of this groups makes them unpredictable but they manage to gather public opinion & create lasting change.
- ④ They can play positive role in shaping public policy if they involve themselves in consensus building, input forming while pressurizing the govt.

Feedback

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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)

Parliamentary functioning has been accused of degeneration recently & there needs more analysis and reforms in functioning to make it more productive.

Reasons for degeneration

- ① Lesser autonomy with legislature to voice themselves as they can't speak, act or vote against the directive given by party whip.
- ② reducing time of parliament functioning (no. of days) so that time allotted to individual MP's get lessened.
- ③ Huge majority of MP's with party in power weakens the voices of opposition benches.
- ④ declining committee system and its effectiveness to build consensus.
- ⑤ ordinance route to bypass parliament ex-farm laws.
- ⑥ passing of bills in short time without much debate, discussion.

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measures to make parliament more productive

- 1) Give legal compulsion to minimum no. of days that the parliament has to function in a year.
- 2) Allot greater time for opposition voices to raise concern.
- 3) strengthen committee system so that most of the work gets done outside and consensus is reached.
- 4) greater deliberation & discussions on issues of public importance.
- 5) interparty and intra-party coordination to deal with issues more clearly.
- 6) Use of ordinance power in most emergency situations only & explaining the reasons for doing so.
- 7) Greater transparency in governance so that parliamentary time is utilised in constructive work and not disruptions.

Thus, Parliament which is the temple of democracy must be productive enough to ensure a welfare state.

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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)

Investigative agencies in India are important to investigate crimes & their independent functioning is very imp. for democratic system.

subordination of Investigative agencies to the executive

1) Various investigative agencies such as police, Enforcement Directorate (ED), Central Bureau of Investigation (CBI), and National Human Rights Commission (NHRC) are managed by executive.

2) Executive especially political executive controls them through laws, appointment remunerations, perks & their removal.

3) Thus, as great power comes with great responsibility but also corrupts the power holder at same time, is fraught with disastrous consequences.

4) The opposition voices get suppressed,

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Q.5) The Elec
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innocent gets harassed & false allegations damages the reputation of person without committing crime.

CBI as caged parrot - criticism

1) CBI formed under Delhi Special Police Establishment Act of 1946 in 1954 has been regularly in news over alleged partial role and selective targeting of opposition leaders based on center's directives.

2) Various states have withdrawn general consent to CBI working & this hampers their functioning & lose valuable time of investigation in administrative works.

3) The selective picking of cases by CBI if explained by giving proper reasons will go a long way in creating trust in the process.

4) The independent investigative agencies will create fair ground and check corrupt elements rational basis.

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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 formed under article 324 of constitution is entrusted with the responsibility of free & fair elections.

Role of EC in electoral democracy

- 1) conduct free & fair elections.
- 2) Address corrupt elements.
- 3) tackle unfair means to garner vote bank like communalism & casteism.
- 4) Ensure model code of conduct.
- 5) Building trust in the process.
- 6) Ensure greater participation of all voters across all sections.
- 7) transparency & accountability in process
- 8) suggest president & governor about disqualifications of MP's & MLA's.

Challenges Associated

- 1) constantly evolving society demands proactive functioning of EC.
- 2) Resources availability of men, material & machinery & managing them.
- 3) difficulty to conduct elections in tough

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Q.6) Anti-defection measures पर

Places 4 tough times, ex-covid times.

- 4) deal with the allegations of corrupt process - ex. EVM manipulations.
- 5) Use of money & muscle power in election restricting fairness of process.

measures to reform the body

- 1) more transparent appointment of election commissioners.
- 2) giving greater power to whole body in conducting elections and addressing malpractices.
- 3) Equal power to all 3 election commissioners in functioning.
- 4) Independent functional secretariat for effective working.
- 5) more measures of transparency behind decision making.
- 6) greater measures to ensure proper implementation of model code of conduct.

Thus, powerful EC will play its role in smooth & fair election process.

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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)

Enacted in 1985 by 52nd CAA
Anti defection law (ADL) aims to address political defection of legislators across party lines creating instabilities
Failure of ADL

1) Even after almost 40 years of ADL, defections still persist and issues have been raised in SC almost every year either in states or parliament.

2) ADL provisions have been diluted and misused by defectors and neither the defections stopped plus the independence of legislators got lost.

Issues with ADL

1) Legislators have been restricted to go against party lines hence their autonomy is compromised.

2) Defectors have found loopholes such as 1/3rd split not allowed but 2/3rd merger is allowed which is easily

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achievable in small states with small no. of total house strength.

- 3) power with presiding officer i.e. speaker who has been alleged to play biased role.
- 4) no time limit to decide on defection cases.
- 5) Judicial delays in settling disputes

corrective measures

- 1) It is suggested that power to decide defection should lie with president or governor who will act in accordance with EC's direction.
- 2) time limit to deciding authority as crucial time is lost in this process.
- 3) measures to ensure stability of govt & its continuance of governance functions.
- 4) Supreme court has suggested compulsory floor test in the state leg. assembly.
- 5) Awakened public opinion about the political processes.

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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 evolved to deal with essential religious practices & their conflict with other fundamental rights such as equality and freedom.

① The constitution of India guarantees fundamental right to freedom of religion to all communities.

② But this freedom often comes in conflict with other fundamental rights and the doctrine checks whether the practice is essential for the religion or not.

③ If it is essential, it is given greater weightage over individual's freedom and vice versa.

④ The court uses various sources of religion to arrive at deciding essentiality of the practice.

- 5) ex - Quran & its reading has been held as essential practice of muslim religion, but proper dress code while going to school in place of uniform is not essential religious practice.
- 6) Restricting temple entry to a particular section violates its right to equality to access public places but it is also checked whether it is essential in religion or not. ex - issue of women entry in sabarimala & other temples is under scrutiny.
- 7) Thus, as time evolves, the essential religious practices are tested and balance is struck bet? individual freedom & collective interest.
- The interpretation of FR of equality & religious freedom and balancing them is the way forward.

Feedback

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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 under Article 123 of constitution gives the executive power to frame laws & rules to deal with extra ordinary situations when parliament is not in session.

- ① It was initially thought to be used only sparingly and there exist urgent need to be used for framing laws.
- ② But frequent use of ordinance route by executive to bypass the elected parliament dilutes the credibility of parliament.
- ③ In parliamentary system, there is collective responsibility of executive to legislature & hence bypassing the legislature is not correct spirit of it.
- ④ The role of parliament in building consensus helps in framing long term sustainable policies & accommodate diverse voices.

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Q.9) "Bail not
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⑤ Supreme court in D.C. Wadhwa case on re-promulgation of ordinances without an attempt to pass them through legislature is criticised strictly.

⑥ The recent passing of farm laws through ordinance route raises questions over emergency that was prevailing to adopt this route.

⑦ Thus, it is the responsibility of executive in a mature democracy to utilise extra-ordinary powers during extra-ordinary times only & failure to do so will bypass accountability in checks & balances system.

Feedback

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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 & Jail provisions are part of criminal justice system and various provisions are interpreted in granting bail or jail.

- ① These are 67% under trials in prisons of our country who are either not convicted or are awaiting their hearings.
- ② The judicial delays cause them violation of their freedom & dignity under Art. 21.
- ③ The bail provisions are subjective & often depends on investigation progress, use of law loopholes, advocates' smartness etc.
- ④ Here, the poor who can't afford to pay hefty sum to private lawyers often find it difficult to obtain bail.
- ⑤ The rich on other hand can pay

the bail bond as well as lawyer's fees to get the bail done.

⑥ Thus, it creates distinction betⁿ rich & poor & this gets reflected when majority of undertrial^s are found to be from poor & vulnerable sections.

⑦ Bail should be the norm & Jail should be the exception has been iterated in various cases.

⑧ It impacts individuals dignity & freedom & also affects other members of family.

⑨ often people spend more time in jail waiting for their trial than what they would have got if hearing was conducted.

Thus, Bail & Jail should be humanly interpreted respecting the dignity & freedom of individual.

Feedback

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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)

Interstate council is a constitutional body under Art 263 of Constitution & it is formed only once in 1950's.

Role of interstate council

- 1) It provides a platform to voice the concerns of states against other states and also against centre.
- 2) It can be used to solve the issues existing betⁿ units of federation.
- 3) This will lead to spirit of unity & co-operation betⁿ different components.
- 4) Land boundary disputes, river water disputes, investment disputes and migration crisis regularly occur betⁿ different states of India.
- 5) Inter states council can help voice these concerns and arrive at suitable consensus based solution.

Challenges associated with process

- 1) Inter state council is not constituted on a regular basis, hence in the absence of platform, the issues remain unresolved.
- 2) The meetings do not take place regularly even after constitution.
- 3) members are not ~~not~~ willing to arrive at a consensus.
- 4) Political considerations takeover the spirit of co-operation.
- 5) formation of other councils to deal with such issues ex- GST council.
- 6) many matters under subjudice therefore not discussed.

Thus, forming & strengthening an inter state council will resolve disputes & take a step forward towards co-operative federalism.

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

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

Constitutional punctuality refers to following the timelines given by constitution and if they are not given, interpreting appropriate time to the process by the resp. authority.

① constitution has given timelines for various activities to be carried out & punctuality refers to following that timelines & punishment for not doing so.

② Ex- 6 month time interval is given to state govt. to take decision on bills returned by the president for reconsiderations.

③ But there also exist grey areas where constitution is silent on timelimits & this gets misused to cause delays.

- ④ Ex-constitution is silent on timelines for president to elect judges, elect prime ministers etc.
- ⑤ It also does not restrict president from timelimit in giving assent to bills passed & sent for signature.
- ⑥ This creates discretion with the authority for wider implementation & manipulate the provisions accordingly.
- ⑦ There also exist no timelimit on fulfilment of directive principles of state policy.
- ⑧ The only directive of education had the guideline of 10 years after enactment.
- ⑨ Reservation policy was originally meant to be for 10 years only which was later expanded.

10) The official language act allowing English & Hindi for use, the original timeline given in constitution was for 15 years to set up a commission.

Thus, constitution is silent on many aspects where timeline is required on the functionary & this absence is misused for short term interests.

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

चुनावी बॉन्ड को एक ऐसे सुधार के रूप में लाया गया था, जिसका इरादा उच्च था, लेकिन यह कमतर साबित हुआ है। क्या आप सहमत हैं? औचित्य सिद्ध कीजिए। (15 अंक, 250 शब्द)

Electoral bond scheme was introduced to bring about greater transparency in electoral funding & keeping a check through accountability mechanisms.

Features of electoral bond scheme

- ① Donations to political parties will take place through electoral bonds given by a single entity i.e. state bank of India, New Delhi.
- ② Denominations will be in the form of ₹ 1000, ₹ 10,000, ₹ 100000 etc.
- ③ Denominations below ₹ 2000 will be allowed to be in cash, beyond that amount cash deposits not allowed.
- ④ Political party will have to redeem the bond within 15 days otherwise money will be deposited in relief fund.
- ⑤ Electoral bond will be bearer bond with no interest paid on it.

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merits of electoral bonds

- 1) greater transparency in electoral funding as donations above a certain amount can't be made in cash.
- 2) Accountability mechanisms are greater as there is more check on money transfer &
- 3) The liberty to donate whichever political party one wants to is maintained.

Demerits of Electoral bond

- 1) Anonymity - It is difficult to know who donated to which party & how much amount. Although this is desirable from donors point of view but,
- 2) Govt. if misuses its power can get to know about donors and receivers.
- 3) cash donations can still take place if multiple bonds are brought that are below ₹ 2000 denomination.

Analysis

- 1) Although high on intent, electoral bond scheme has not rolled out as expected because,
- 2) It addressed the structural aspect of political funding, but lacked the functional aspect which still played out to be poor.
- 3) Political parties have very few regulations even outside this scheme.
- 4) The fact that donors want themselves to be anonymous fearing the action of party in power, paves the way for finding loopholes within the scheme.

Thus, Greater focus on functional aspect & addressing the present loopholes will create greater dividends from electoral bondy scheme.

Feedback

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

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

Fundamental duties under article 51 (A) & Directive principles of state policy under part IV of constitution constitute the non-enforceable part of constitution.

① Fundamental duties were not provided by original constitution, but they were incorporated by 42nd CAA in 1976.

② The swaran singh committee which recommended them also recommended enforceable nature through punishment for not following them.

③ DPSPs were originally constituted as non-enforceable part of constitution as they require state to have sufficient financial resources, otherwise courts would have been flooded with cases for not fulfilling these socio-economic rights.

Critical examination of DPSP's

- ① DPSP's deal with various themes that include range from socialist to Gandhian to liberal-intellectual although not explicitly classified.
- ② DPSP's include later amendments for women, children, industry workers and education which has impact on socio-political terms.
- ③ DPSP's like Uniform civil code in Article 44, have been a bone of contention in socio-political life.
- ④ DPSP's have moved from non-justiciable to justiciable part in part III with wider impact on their application.
- ⑤ DPSP's like village panchayats & co-operatives have evolved into greater part of political sphere.
- ⑥ DPSP's like concentration of wealth & equitable distribution of resources in Article 39 have been debated in Socio-political life.

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Fundamental duties

- ① The aim of including them in constitution is to remind people of their rights as well as duties to go hand in hand.
- ② Duties such as respecting ideals of constitution and freedom struggle, national anthem and national flag have socio-political impacts.
- ③ ~~DPSP's~~ Fundamental duties such as respecting women and education of children are important for development of a healthy society.
- ④ Duties such as common brotherhood and scientific temper are also important for socio-political stability.

Thus, both DPSP's as well as fundamental duties are relevant in socio-political norms as they have been part of discussions & debates regularly to form a welfare state and responsible citizenry.

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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 system in India evolved when there arose a friction between executive and judiciary over appointment of judges.

- ① constitution of India gives the role of appointment of judges to president of India.
- ② Independent judges are required for independent functioning of judiciary which is an important aspect for rule of law.
- ③ The friction started when justice A.N. Ray was made chief justice of India superseding 3 senior most judges, which was not a practice back then.
- ④ In the first judges case, the ruling came in favour of executive where it was ruled that president appoints judges based on advice from

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Council of ministers.

- ⑤ The judiciary challenged this decision in *SCOARA vs Union of India* case, in 1992 where it was ruled that president is bound to accept the recommendation of judiciary in appointing judges.
- ⑥ Finally in 3rd judges case of 1998, collegium system evolved with 3 seniormost judges advising the president about appointment of judges which will be binding.
- ⑦ The executive came up with National Judicial Appointment Commission in 2014 under 99th amendment act of constitution where collegium was to be replaced by a national commission with diverse representatives.
- ⑧ This was struck down as violating basic structure of constitution in the form of independence of judiciary.

Thus, collegium system continues to function today and is criticised by various actors over its functioning

Issues with Collegium

- ① The basic principle that judges will appoint judges starts the point of transparency & accountability of the process.
- ② The internal procedure inside the collegium, although broadly given in court, is not known in detail outside.
- ③ Accusations of favouritism and partiality to appoint favoured candidates leads to accusations of nepotism.
- ④ less transparency and reasoning behind the decisions taken.

Thus, addressing the accusations and dealing them transparently will create trust and credibility of judiciary as an institution further.

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

Freedom of speech & expression is part of fundamental rights under Art 19 (1) (a) and 'dissent is the safety valve of democracy' as given by supreme court.

- ① Democracy means rule of people, by people & for people in simple terms.
- ② So, people must have liberty to voice themselves, voice dissenting views and disagree on a topic.
- ③ This gives the scope to expressing the odd opinions and makes the society vibrant in its functioning.
- ④ The dissenting views may come up with great solutions in point of time & hence they can't be neglected.
- ⑤ Democracy is based on allowing diverse voices to thrive and protect their right to speak even when you disagree the content, they are speaking.

Hate speech, freedom of speech & expression
& democracy

- ① Hate speech is that speech which creates hatred in society, divides the people, harm unity and incite the society towards violence.
- ② Thus, hate speech affects our collective interest which should be above individual selfish interest.
- ③ Thus hate speech can't be part of free speech and expression as democracy also has to prioritize betⁿ collective interest and individual interest.
- ④ Thus, hate speech must be limited but there needs to be more clarity on what constitutes hate speech before doing so.
- ⑤ There exist a thin line betⁿ hate speech & free speech and defining this line in widest term will help ~~limit~~ free speech from limiting hate speech.

Hate speech impact on society

- L creates social divide.
- L affects unity, integrity of nation
- L creates violence and leads to destroying of public property.
- L dilutes the forces of trust and faith betⁿ elements of society & makes social cohesion weak.

ways to restrain it

- 1) clear identification of thin line betⁿ free speech & hate speech.
- 2) clear laws and their appropriate implementation.
- 3) not using hate speech provision as an excuse to limit free speech.
- 4) creating tolerance & awareness among public to tolerate free speech & reject hate speech.

Thus, the reasonable restriction on fundamental rights must be respected for collective interest while enjoying individual freedoms.

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

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

separation of powers with adequate checks & balances has been a basic feature of our constitution to protect democracy by constitutions acting as limitations on powers of state.

Why is it important?

- ① separation of power delimits the boundaries to three organs of state i.e. Executive, legislative and judiciary.
- ② These boundaries help each organ to utilise their powers adequately & responsibly within their respective domains.
- ③ separation of powers also check that no organ become despotic and takeover whole system in its hands, thereby preventing despotic rule by any one organ.
- ④ It protects democracy by balancing

the powers according to constitution and thereby also protects the minorities place in the society.

⑤ Indian model also comes up with checks and balances ensuring smooth functioning, healthy friction and balance distribution of power

⑥ Thus, it is very important for giving powers to each organ and simultaneously limiting them to their respective authority.

Indian Model & constitution provision

- ① Indian model differs from USA model which is a traditional home of this concept.
- ② USA's model is based on strict separation i.e. watertight separation of power betⁿ different organs.
- ③ Indian model includes checks & balances also so that despotic rule by any one can be prevented and all 3 organs play their part.

constitutional provisions

- ① enforceable nature of fundamental rights which ~~state~~ can't override executive through writs issued by court under Art 32 & 226.
- ② Appointment of judges by the president and removal of judges by parliament.
- ③ Executive is responsible to legislature under collective responsibility in Art 74 & 75.
- ④ Budget Allocation by legislature to both organs with expenditure made from & charged on consolidated fund of India.
- ⑤ ordinance making power to executive to deal with extra-ordinary situations.
- ⑥ Emergency provisions.

Thus, separation of powers with adequate checks & balances makes functioning of organs free as well as limited at the same time.

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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)

India adopted first past the post system over proportional representation system considering the situations present at local level & national level

what is FPPS?

- ① This system of electing representative in an election is based on the concept that whoever gets more votes than others is the ultimate winner.
- ② The winner may get less than 50% of votes but as he/she is ahead of others in the race gets elected.
- ③ The winning candidate has to just ensure that he is getting more votes than others & if one gets above 50% of votes, he is obviously getting elected.

Why India preferred FPPS over PR

- ① FPPS is simple compared to proportional representation in which candidates get elected based on proportion of votes the party gets.
- ② most of the electorate of India was illiterate and unaware about all this system at the time of independence, thus, giving them clear cut and simple system was the way forward.
- ③ FPPS is easy to carry out and administer also.
- ④ FPPS gives clear constituency wise representative to people to whom they can raise their grievances.
- ⑤ This does not guarantee return of fix set of top level party candidates every candidate has to win individual mandate from public every time.
- ⑥ By-elections are also fairly easy & simple

consequences of preferring FPPS

- ① lesser representation to minority voices and small political parties who manage to get enough votes but not enough seats.
 - ② gives huge majority to one party even if doesn't get majority of votes.
ex - No party since 1980's in LS election has won more than 50% of votes but still forms govt.
 - ③ majoritarianism, the concept that you just have to be ahead of others creates scope for divisionary politics, and division of votes just to divide vote share of opposite candidate
 - ④ Although it gives stable govt. but small party don't get seats.
- Thus, as every system has its gains & negatives, FPPS is suitable for India as it is easy & simple but diverse voices needs to be accommodated.

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

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

The office of speaker as given in constitution of India and that given in British parliamentary system is evolved as per the needs & traditions of respective nations.

comparison

- ① Indian ~~sepa~~ speaker is elected from the house and enjoys its tenure till he/she is member of house.
- ② British parliamentary work on concept of 'once a speaker, Always a speaker' and not based on his/her membership of house.
- ③ Indian speaker can be removed by the house by passing a motion with effective majority.
- ④ Procedure for removal of speaker in Britain differ compared to India & speaker enjoys more secure tenure.

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- ⑤ Indian speaker can continue the membership of its political party even when he/she is expected to perform neutrally.
- ⑥ Britain speaker enjoy more autonomy & less affiliation to political party for independent functioning.
- ⑦ Indian speaker also has some additional administrative and adjudicatory functions such as appointment of committee members and Anti defection law cases.

Controversies related to speaker's role

- ① Anti defection law cases
deciding very late or not deciding at all about defections
- ② Giving proper time to opposition members to express their views.
- ③ Passing of bills in hurry without referring the bills to appropriate committees and without adequate debate discussion.
ex - Passing of farm bills.

- ④ Passing of finance bills or other bills as money bill thereby bypassing the role of rajya sabha.
ex - Aadhar Act passing.
- ⑤ deleting the part of speeches citing defamatory and inappropriate words.
- ⑥ not conducting deputy speaker's election.

Reforms required

- ① Allocating more business time to opposition members.
 - ② speaker should ideally get away with his/her affiliation with party for neutral functioning.
 - ③ Adequate time to bill passing & strengthening committee system.
 - ④ more clarification of decisions so that trust & credibility is ensured.
- As parliament is the house of opposition, speaker has greater responsibility in ensuring greater control of legislature over executive.

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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)

India adopted parliamentary form of govt. inspired from british model as they were ruling the country on same form before and it suited the requirements of time.

Reason behind adopting parliamentary form:

- ① The basic concept of parliamentary system is responsibility of executive towards the legislature that is elected by the people.
- ② This helps prevent executive going out of control which was very much necessary when India gained independence from executive lead british rule.
- ③ The experience of executive supremacy and it going out of control was known to Indian leaders who were part of system before.

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- ④ Multiple voices of diversity in India could be better managed under parliamentary form than presidential system.
- ⑤ The global experiences & situations back then also favoured executive that is controlled by legislature and limited by the terms of the constitution.
- ⑥ Parliamentary system allows better representation to diverse forces prevailing at that time.

Is India transitioning towards presidential form

- ① Presidential form of govt. is based on only head of govt. i.e. president whereas parliamentary form is based on head of state as well as head of govt. (ie. president and prime minister)
- ② In presidential form executive is completely detached from legislature and its existence is not dependent

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upon majority with legislature. Thus, presidential form gives a stable govt.

③ The provisions of Anti defection law in India has led to dilution of legislature control over executive and legislature is more loyal towards party and than public.

④ Indian system although recently giving majority govt. doesn't favour uncontrolled executive.

⑤ There are sufficient checks & balances inside the constitution that keeps executive accountable to parliament.

Thus, as structural aspect is intact, some allegations on functional aspect of executive's collective responsibility can be addressed through appropriate addressal of loopholes.

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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 to Peoples Act has been enacted in two parts in 1950 & 1951 which aims to ensure free, fair elections throughout the country for parliament & state legislature.

Role of RPA

- ① RPA 1950 & RPA 1951 deals with various provisions related to elections as constitution gave only the outline framework & devolved the authority to parliament.
- ② RPA deals with electoral roll, EC's responsibilities & powers, corrupt practices and qualifications & disqualification during elections.
- ③ several amendments to RPA based on electoral reforms of the time has tried to ensure greater transparency & free & fair conduct of electoral process.

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contemporary challenges & RPA

- ① As society keeps evolving, so does the electoral process and so is the law required to respond to contemporary challenges of time.
- ② Ex- evolution of model code of conduct in 1970's to evolution of social media today, RPA has to keep evolving.
- ③ The rising use of technology, and growth of corrupt elements & practices has challenged the evolution of RPA.
- ④ The changes witnessed have been so fast that the law is difficult to keep pace with it.

shortcomings in the legislation

- ① many issues that exist during elections doesn't find mention in the legislation.
- ② many things happening around can be dealt depending upon subjective nature of interpretations of various provisions.

- ③ provisions related to addressing hate crimes, electoral financing and modern crimes have not been adequately addressed.
- ④ Model code of conduct doesn't find legal backing in RPA.
- ⑤ Judicial delays on hearings of electoral malpractices are not addressed through RPA.

Reforms suggested

- ① several committees have given their views on RPA reforms such as Dinesh Goswami committee and Vohra committee and national commission to review working of constitution.
- ② Make model code of conduct more applicable.
- ③ increasing the participation of voters & their awareness.
- ④ addressing corrupt practices of money & muscle power to ensure free & fair elections.

Feedback

(For OFFICE use only)

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

- ⊙ = Good
- ⊙ = Average
- ⊙ = Poor

TOTAL MARKS	
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(Don't Write
in this Area)
प्रश्न लिखें

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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