

TEST CODE 6 1 2 2 0 1

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

Time Allowed : Three Hours
समय : तीन घंटे

ForumIAS

Maximum Marks : 250
अधिकतम अंक : 250

GENERAL STUDIES / सामान्य अध्ययन

Name Of Candidate परीक्षार्थी का नाम	TWINKLE DAHLIA		
Roll No./अनुक्रमांक	1910129110	Medium/माध्यम	English <input checked="" type="checkbox"/> हिंदी <input type="checkbox"/>
Center Code/परीक्षा केंद्र	1900	Date/दिनांक	06.07.23

*Center Code : For Online - 1900 / Delhi : Karol bagh - 1901, ORN - 1902, Mukharji Nagar - 1903 / Patna : Boring Rd. - 2001 / Hyderabad : Jawahar Nagar - 2101

INDEX TABLE / अनुक्रमणिका

Q. No. प्र.सं.	Max. Marks अधिकतम अंक	Marks Obtained प्राप्तांक
1		
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Total/कुल अंक	250	

INSTRUCTION / अनुदेश

- 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।
- 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।
- 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।
- 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।
- 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 :

1:00 p.m.

4:00 pm

Total Marks/कुल अंक :

Mode Of Examination/
परीक्षा की विधि :Online/ऑनलाइन
Offline/ऑफलाइन

*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।

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ECN CODE/
ईसीएन कोड :

EG/ईजी :

① ② ③ ④ ⑤

Evaluation Date/
मूल्यांकन तिथि :

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)

The Basic Structure doctrine was a creation of Supreme Court in its Kesavananda Bharti case, 1973 judgement.

→ It relied on the fact that ~~the power~~ to an article 368, gives the procedure to amend the constitution and not the "power" to amend it.

→ Thus, the scope of article 368 is limited and parliament cannot use it to extend those powers, thus preventing it from becoming master of constitution.

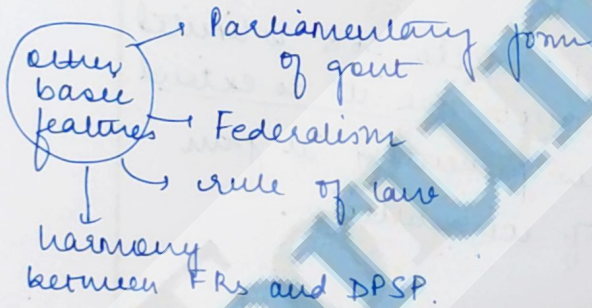
Examples

→ 24th and 25th Amendments. It which sought to reduce scope of judicial review over certain laws were declared unconstitutional to the extent they curtailed Judicial review
↓
basic structure

→ NJAC judgement → also struck down 99th amendment on same grounds

Similarly SC has ruled about Judicial Review being part of Basic structure in Minerva Mills Case

Other eg • SC ruled that violation of secularism is a valid ground for impeach.
President's rule under article 356 because secularism is a basic feature of constitution.



In the view of recent criticisms of this doctrine, it is important to keep in mind the role it has played.

Feedback

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AWIS			
CD & VA			
S & F			
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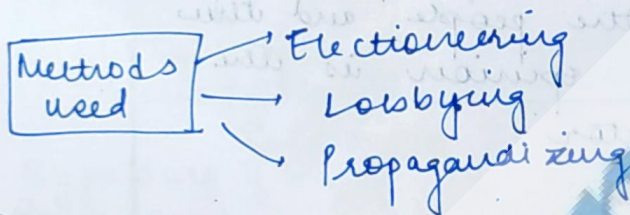
- C = Good
- A = Average
- P = Poor

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

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

Pressure groups are the groups which operate in the political arena, but do not aim to capture power.



• They mobilise public opinion and work for the interests of a section of people or for some cause.

eg ① Farmers group → got the 3 farm laws repealed

② associational pressure groups like FICCI → discuss with govt before the budget to get incentives for their sectors.

③ Recently various tourism industry associations were asking for infrastructure matters.

historic examples

- MKSS → played a role in grassroots movement for RTI act

Since in India, the people are sovereign, the ultimate power to influence policy lies with the people and thus mobilizing public opinion is the most important factor.

However, importance of size, resources and leadership, organizational structure cannot be ignored as :-

→ more size ⇒ more resource mobilizⁿ
 ↓
 can ~~not~~ employ various methods to mobilize opinion
 eg use of digital communication, larger campaigns

→ without proper organizational structure and leadership → pressure groups lose steam.

Thus, it is an interplay of various factors, including the political environment, which ensure their success.

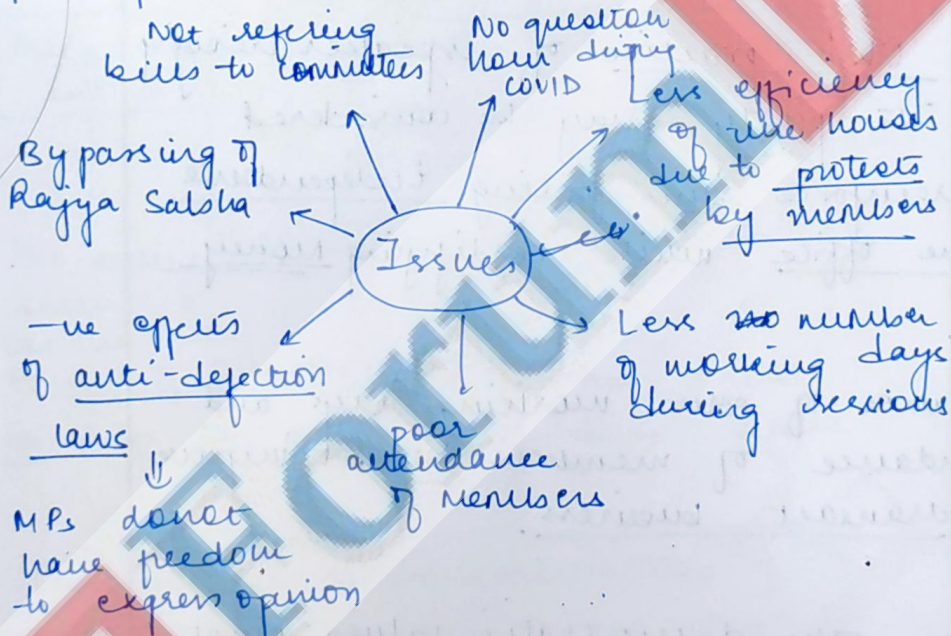
Feedback
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(C) = Good (A) = Average (P) = Poor			
TOTAL MARKS			

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)

Effective parliamentary functioning is important to transform representative democracy to deliberative and participative democracy.



Measures to make parliament more productive :-

- ① Bills must be effectively debated and referred to committees where ~~opinion~~ MPs can express views more freely.

- ② Party whip should be limited only to very critical bills and otherwise MPs must be free to take a different stand.
- ③ The presiding officer must use its powers effectively to maintain decorum in the house.
- ④ The UK's practice of speaker resign from its party may be considered to reinforce the feeling independence of the office while certifying money bills.
- ⑤ Number of ~~the~~ working days and attendance of members must improve to transact business.

Further, the democratic values must be inculcated within the members and a code of ethics must be brought to deal with the issue.

Feedback

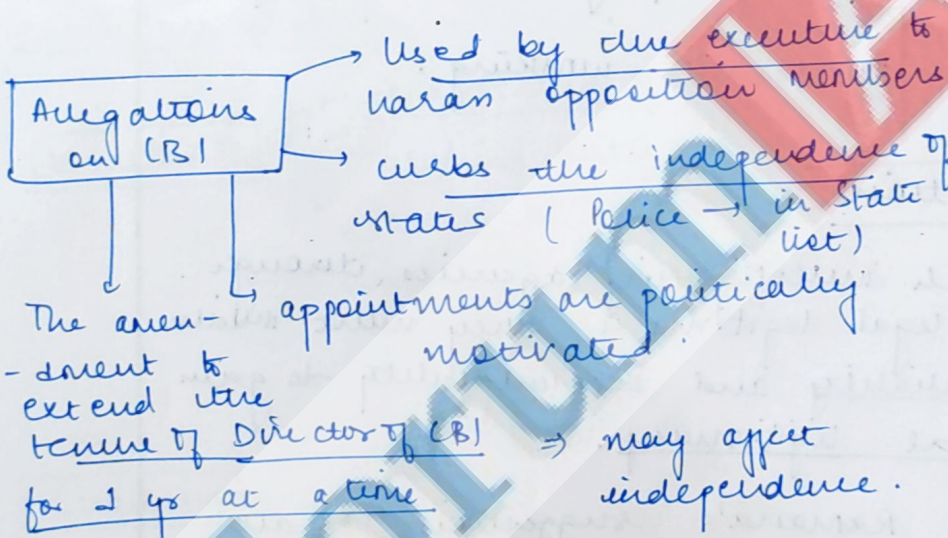
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<p>G = Good A = Average P = Poor</p>			
TOTAL MARKS			

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 पिजरे में बंद तोता के रूप में आलोचना के आलोक में इस कथन की चर्चा कीजिए। (10 अंक, 150 शब्द)

Recently Supreme Court has described CBI as "caged parrot who speaks" in its master's voice.



Consequences of subordination of investigative agencies to executive :-

- Ineffective and biased investigation.
 - ↓
 - affects justice delivery.
- Loss of public confidence
 - eg. Just as state police is doubted

for its collusion with state politicians, CBI will also lose its image of impartial investigating agency.

- Revenge actions taken by states ruled by opposition parties.
eg. revoking of general consent given to CBI.
= Affects its working.

Solutions

- Such investigating agencies, though have legal legitimacy, they must imbibe impartiality and accountability to gain social legitimacy.
- CJI Ramana's suggestion of an umbrella organization may be explored.
- Political appointments must be discouraged at the search committee must work independent of such consideration.

Only such credible investigative agencies fit into the vision of 'New India'.

Feedback

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#	G	A	P
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CD & VA			
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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)

The Election Commission of India acts as the watchdog of Indian democracy by overseeing the conduct of free and fair elections.

Vital role → registering of political parties
 → dealing with corrupt electoral practices
 → enforcing Model Code of Conduct

Challenges: -

- Elective role of executive in appointing chief election commissioner and election commissioners.
- lesser security of tenure to the election commissioners.
- No powers to de-register political parties.
- A too hulsey organisation → not able to act

corrupt electoral practices

→ Not acting towards de-criminalisation of politics → All efforts in this direction have come from the judiciary only.

Measures to Reform

- Appointment of CEC and ECs by a selection committee (recent SC judgement)
- Same security to tenure to ECs as given to CEC.
- The seniormost EC may be ~~also~~ appointed as CEC.
- Power to de-register
- Must exercise its power to curb corrupt practices (as told by SC).

Further, any significant electoral reform, requires not only the reform of ECI, but a strong political will and consensus.

Feedback

(For OFFICE use only)

#	C	A	P
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<p> C = Good A = Average P = 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 सुधारत्मक उपायों की सिफारिश कीजिए। (10 अंक, 150 शब्द)

Anti-defection law was brought by the 52nd amendment act to solve the problem of "Aaya Ram, Gaya Ram".

How it has failed to address the issue of defection :-

- Political parties still can buy MLAs / MPs ~~or create~~
- "Resort Politics"
- Using the merger provision as loophole due to lack of legal clarity.
- No time limit for the speaker to decide on the issue of disqualification.

Other issues

- Misuse and arbitrary dissent
(eg. Rajasthan case)

→ Excessive power to party whip and curbing freedom of expression in parliament (against parliamentary privileges)

Corrective measures

→ Speaker must decide on the issues within a reasonable amount of time.

→ Must not be used as a coercive tool ⇒ moral education of politicians and code of ethics.

→ ~~Enabling~~ Judicial Review on grounds of malafide and reasoning exception on the grounds of split are good measures already taken.

→ The distinction between an ^{elected} independent MP and nominated MP must be done away with. The law may be suitably amended.

Thus, the law must evolve and iron out the issues.

Feedback

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C = Good A = Average P = Poor			
TOTAL MARKS			

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

(10 marks, 150 words)

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

Doctrine of essentiality has come into focus due to recent issues like the Hijab controversy in Karnataka.

Meaning → It is doctrine used to decide whether a particular religious practice is the essential practice of that religion and is to be protected under the right to freely, ^{proper} practice, propagate religion.

Usage to address conflict between FRs

Right to freedom of religion & community

vs

Right to equality

eg Sabarimala case → not allowing women to enter was not essential practice therefore SC ruled in favour of right to equality of women.

Right to freedom of religion

vs

Ideal of secularism, uniformity etc.

eg Hijab controversy

However, certain issues arise with SC's usage of this doctrine:-

→ Involving itself in religious matters opening Pandora's box.

→ Religion is cannot be based on rational arguments of equality or essentiality and is based on experience and conscience.

→ Regulating these matters, if at all, must be the legislature's domain.

Thus in any case, this doctrine has helped resolve many issues in SC and the parties ^{people} have accepted the verdict.

Feedback

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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)

Ordinance making power of the President under article _____ and of the Governor under article _____ were envisaged as extra ordinary powers and not as parallel powers.

Law making is power of legislature
 Not debating the bill → instead using a short-cut

Dilution of accountability

until the time the houses are in session, the decisions taken under ordinance may be irrevocable

legislature cannot express its lack of confidence in the executive

frequent usage (eg. DC Wadhwa case, Bihar) without getting bill passed

Overlooking of consensus building

→ No debates or deliberations in the House

- No discussion in the parliamentary committees or fora
- Expert opinion or public opinion not taken.
- ⇒ multi-stakeholder approach not followed. ⇒ against democratic principles.

eg) The recent Delhi Ordinance

- went against SC ruling
- not consulting the state govt involved

* Even if the political party has the numbers in the house to get the bill passed, it cannot benefit from the feedback or opinions of other MB before framing law.

Thus the democratic process must be followed, not only in letter but also in spirit.

Feedback

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

Q.1) "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)

Right to life with dignity and right to personal liberty are the fundamental rights enshrined under article 21 of the constitution.

The SC has, on several occasions, expanded the ambit of this right by various judicial pronouncement.

eg "Bail not Jail" as the cardinal principle.

How this principle upholds liberty and dignity:-

- Not restricting physical liberty of anyone without sufficient cause
 - ↳ harm to public
 - ↳ altering evidence
 - ↳ significantly impacting the verdict etc
- the test of essentiality and proportionality

- ~~Guilty unless~~ "Innocent unless proven guilty" ∴ bail and not jail
- Jail → counted as punishment ∴ without ~~the~~ proper procedure estd by law, this liberty cannot be curtailed because arbitrary punishment is against rule of law and fundamental rights
- This ensures dignity of individual crime justice delivery system in a civilized nation focuses on reformation and Gradinian principles of retaining the crime but not the criminal.

However, interests of national security sometimes require an exception to this principle eg ULPA, PMLA etc. Recently in PMLA case, SC upheld these provisions.

Feedback

(For OFFICE use only)

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CD & VA			
S & F			
P & R			

C = Good
A = Average
P = Poor

TOTAL MARKS

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)

Federalism in India is marked by competition, confrontation and cooperation.

An effective dispute redressal mechanism is a must to resolve the disputes.

Article 263 of the constitution provides for the est. of an Inter State Council by the President.

Its functions

- Manage disputes amicably
- Discuss matters of common interest
- Cooperate on certain issues

Challenges

- Most of the issues are not settled and the Supreme Court or Tribunals are still the main dispute redressal structures.

→ The Interstate Council set by the PAA does not ^{explicitly} include dispute resolution under its mandate.

ex-emplar

Insted, & various other fora are used for this purpose :-

- Ⓒ GST Council → for GST-related issues
- Ⓒ Zonal councils and NE Zonal councils
- Ⓒ NITI Aayog

However, the major challenge is that political interests are consideration sometimes prevent rational and amicable settlement of issues.

Thus, the federal system in India, as a practical arrangement, must be strengthened ~~by~~ by fostering mutual trust and consideration.

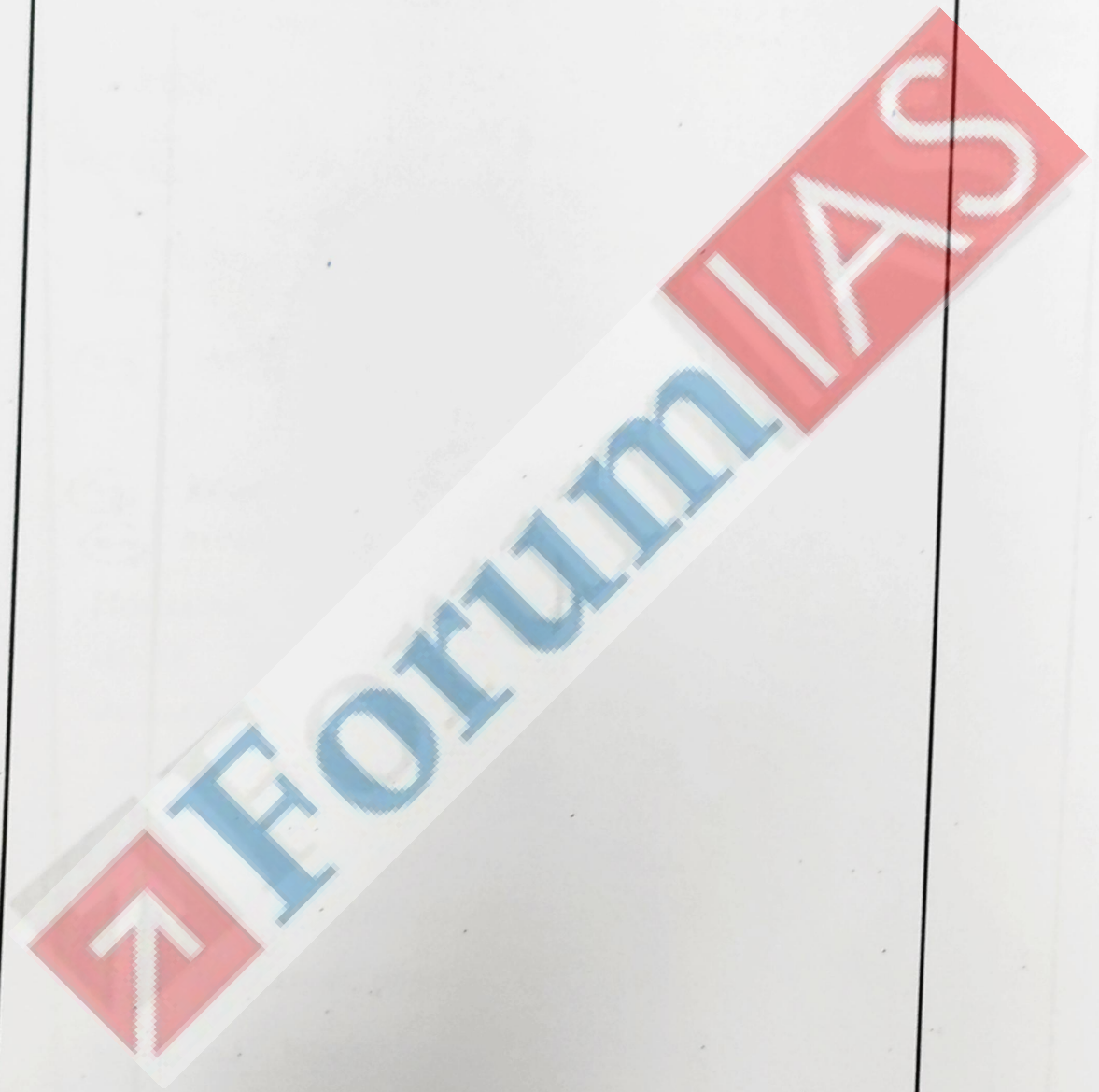
Feedback

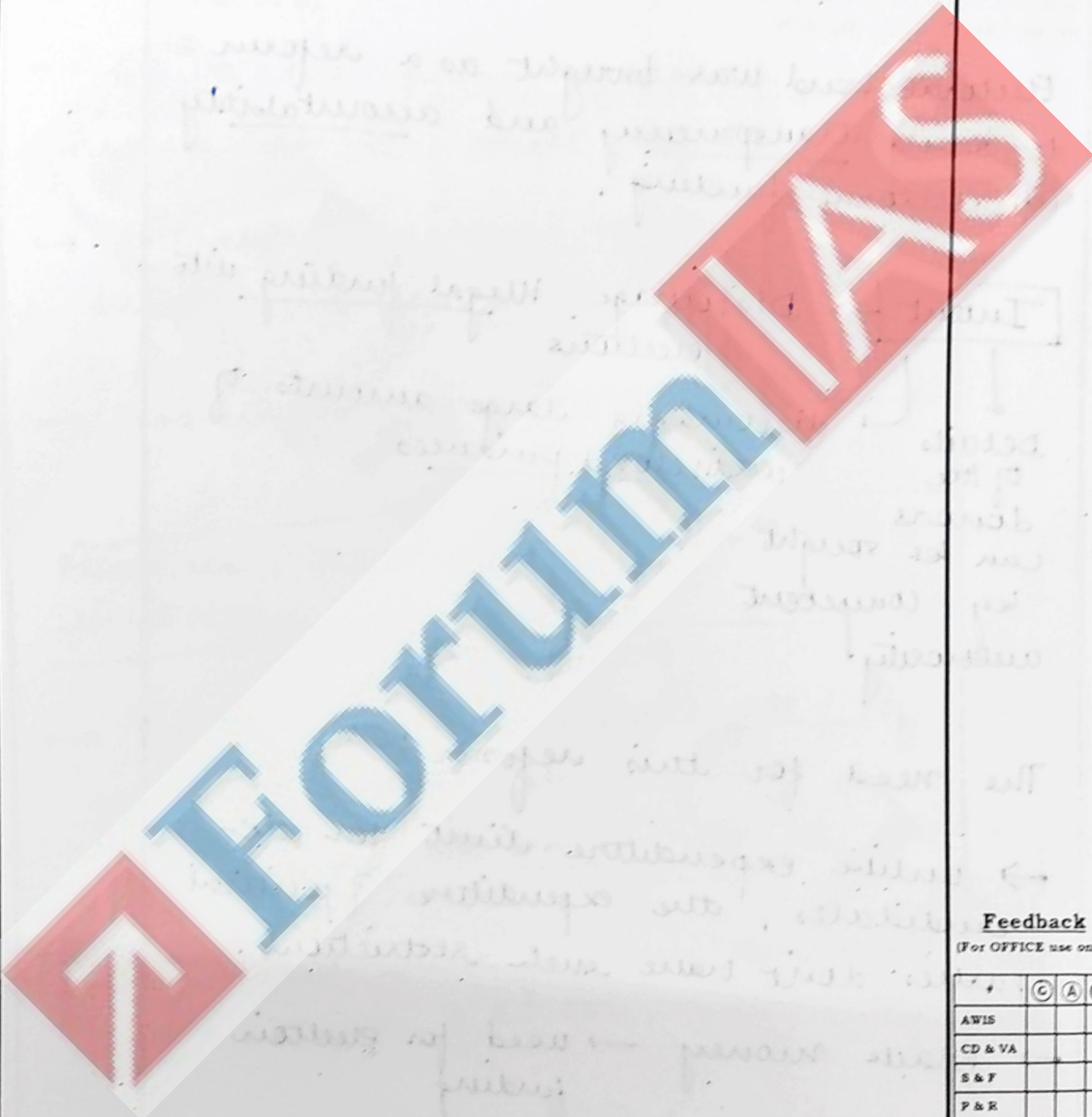
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TOTAL MARKS			

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

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





Feedback

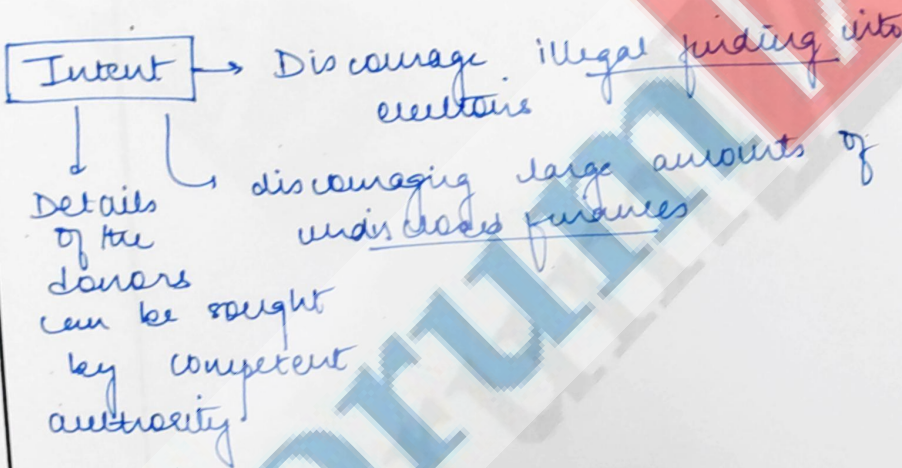
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TOTAL MARKS			

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)

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

Electoral bond was brought as a reform to bring transparency and accountability in electoral funding.



The need for this reform :-

→ unlike expenditure limit for other candidates, the expenditure of political parties don't have such restrictions.

→ Black money → used for election funding

→ Foreign funds → promote vested interests (discontinued after 2020 and of FERA)

Electoral bonds was also a step in that direction :-

- Maintain privacy of donors, but details can be sought by EC.
- Encashing electoral bonds only during specific times in the year.
- Deposits only in designated accounts.

However, it is fraught with various limitations.

- The ruling party received 79% of funding through these bonds
 ⇒ shows its biased-ness

- Increased limit for cash donations from ₹ 2000 to ₹ 20,000.

- Its anonymity provision works against openness and transparency.

→ Consensus was not developed before bringing this reform

↓
evident from

← opposition parties criticising it

→ cases in the judiciary

→ Since election funding not only affects the viability of political parties but also marks which groups interests may be promoted by the party, accountability is of utmost importance in this domain.

→ Unlike US where corporate funding is openly allowed, such activities may take place through backdoors in India under the guise of electoral bonds.

Thus these factors must be evaluated for pros and cons and wider stakeholder consultations must be held.

Feedback

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C = Good A = Average P = Poor			
TOTAL MARKS			

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

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

Fundamental duties and Directive Principles under part IV of the constitution, though not have legal sanction, have a moral sanction.

Fundamental Duties

→ Gandhi ji focused more on duties than rights. Recently P.M. Modi also stressed the importance of fundamental duties

effective exercise of Fundamental Rights of everyone

development of nation
eradicating social & injustice
eg) by assuring dignity of women
① respecting constitutional ideals ② education for ward

→ Thus exercise of FDs produce a conducive environment for socio-political development.

→ They change the role of citizen from being a passive seeker of benefits / welfare / state protection to an active player in socio-political fabric of the country.

→ Swaran Singh committee had recommended legal enforcement of these duties which was ultimately not provided.

The govt. was right in believing that the normative aspect is the real force behind them.

DPSD → guiding light for governance
 ↓
 → parameters on which citizens can evaluate the government
 ↓
 helps SC in evaluating government policies

eg if an ~~amendment~~ a law which seeks to give effect to article 39(b) or 39(c) of DPSD, then it may be considered reasonable in case of violation of FRs.

Most importantly, it aids the govt to rise up to the ideal of welfare state.

→ Despite having no legal sanction, they put moral and electoral obligation on government.

↓
eg. party manifestos are along similar lines

→ Transfer of some DPSP to Fds (eg. primary education) and addition of new DPSP (eg. early childhood care and education)

↳ part of New Education Policy

This shows government's will to implement these.

Thus Fds and DPSPs are life breath of citizens and government's collective

role towards ~~set~~ securing the right environment for exercise of fundamental rights and to live with dignity

Feedback

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C = 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 केंस कानूनों का उल्लेख करते हुए जिनके माध्यम से भारत में कॉलेजियम प्रणाली विकसित हुई, इसकी कार्यप्रणाली का आलोचनात्मक मूल्यांकन कीजिए। (15 अंक, 250 शब्द)

The Constitution of India provides that appointment of judges of SC is to be done by President after consultation of senior judges as he deems right.

The collegium system was evolved by the SC through its various judgements which are as follows:

First Judges Case

→ The advice of CJI to the President regarding appointment of other judges of SC is binding.

2nd Judges Case

→ The "consultation" with CJI involves consultation with plurality of judges.

→ This led to birth of collegium system.

→ CJI was supposed to be considered 2 seniormost judges.

→ any advice given without this consultation was not binding on the President

3rd Judges Case

→ The collegium was to consist of CJI and 4 seniormost judges of SC

→ The discretion to appoint CJI was also reduced. The seniormost judge of SC had to be elevated as the CJI.

(earlier it was just a convention, which was often broken)

4th Judges Case

→ In this, the SC struck down the 95th amendment act and the NJAC act for being against the basic structure of constitution.

→ It was brought to deal with the deficiencies of collegium system

→ any advice given without this consultation was not binding on the President

3rd Judges Case

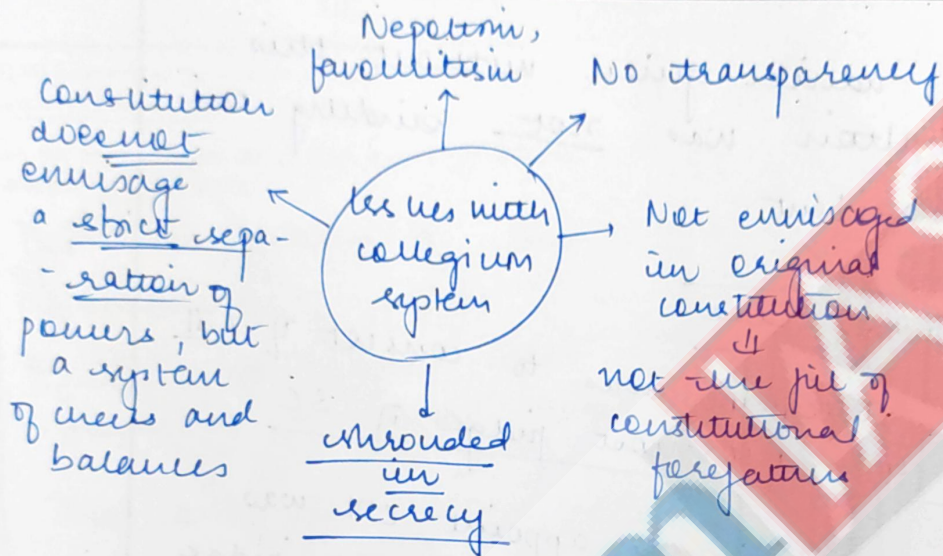
→ The collegium was to consist of 3 and 4 seniormost judges of SC

→ The discretion to appoint CJI was also reduced. The seniormost judge of SC had to be elevated as the CJI. (earlier it was just a convention, which was often broken)

4th Judges Case

→ In this, the SC struck down the 95th amendment act and the NJAC act for being against the basic structure of constitution.

→ It was brought to deal with the deficiencies of collegium system



Recently the executive has voiced criticism of collegium system, to which SC has reacted by saying that parliament is free to come up with a law which is in sync with basic structure of constitution, till then the 4th Judges case judgement will act as the final word on the issue.

It is no doubt that collegium system needs a revamp, but it has to be as per constitutional principles.

Feedback

(For OFFICE use only)

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

Dissent is the safety value of democracy. Various political thinkers have stressed on importance of freedom to express even wrong ideas or hate speech.

Do limitations on hate speech infringe freedom of speech and expression?

yes

- Definition of hate speech is not clear and is subjective
- may be misused to curb dissent
- increases intolerance as even slightly opposing views may not be tolerated.
- such views must be expressed so that social issues come in the open can be dealt accordingly.

However, hate speech impacts the society negatively in many ways : —

- Deepens the social divisions and disturbs harmony.
eg. hate speech against certain caste
- promotes communalism as such an environment may be exploited by vested interests.
- Leads to more intolerance
- Negative role during elections
 - ↳ polarise the politics
 - ↳ directs attention from main issues
 - ↳ maligns the image of some individual/party
- Against the principles of preamble which speak about unity and integrity of nation
- Also against fundamental duties which expect us to maintain brotherhood.

Ways to restrain

→ It is difficult to restrain it since it is not defined either by constitution or the IPC.

→ However some of the provisions deal with similar offences:—

① IPC → section — → promoting enmity between different groups or inciting violence is an offence

② RPA, 1951 → section 23 → enmity or hatred between different classes of citizens, based on religion, caste, caste etc is a corrupt election practice

③ Model Code

However, the ultimate solution to this evil lies in suitable value education to enable citizens to impose true democratic spirit

Feedback

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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 is essential to prevent misuse of power and to prevent despotic tyranny, as it is said: "Power corrupts and absolute power corrupts absolutely."

Indian Model of separation of Power

→ Based on checks and balances and not a strict separation.

① article 13 → provides for judicial review of legislative acts and executive actions.

② article 32 → writ jurisdiction to SC
art 226 → writ jurisdiction of HC

Thus, Indian constitution ~~states~~ explicitly mentions judicial review.

→ Legislature and executive → not strictly independent as in US, but based on cooperation

① article _____ :— Council of Ministers is responsible to the parliament in general and Lok Sabha in particular.

② Provisions of censure motion, no confidence motion, privilege motion, adjournment motion etc.

③ Conventions like question hour.

④ Provision of subordinate legislation is also a sign of cooperation.

→ scope to deal with emergent situations

⑤ Ordinance making power under article _____.

→ Adequate protection for independence of Judiciary.

⑥ removal only through impeachment

→ prohibition to discuss conduct of judges in parliament except when motion for removal is being considered.

Further, India neither has parliamentary sovereignty like UK nor judicial sovereignty like the US.

Thus effective balance is maintained.

However, recent concerns

→ Judicial activism being criticised for judicial overreach and encroaching on domain of legislature
 (eg) same sex marriage

→ Frequent use of ordinance making reduces role of parliament
 (eg) Recent Delhi ordinance

The separation of powers is more of functional arrangement than structural set up, therefore care must be taken to maintain its functioning.

Feedback

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

फर्स्ट पास्ट द पोस्ट सिस्टम (FPPS) से आप क्या समझते हैं? लोकसभा/विधानसभा के चुनावों के लिए 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)

FPPS is a system of election where in the candidate securing the maximum number of valid votes polled, is declared the winner.

In contrast, in Proportional representation, each political party gets seats as per the percentage of votes it has received.

Benefit of PR over FPPS → more equitable and inclusive representation

↓
 More inclusive and consultative decision making
 ↓
 no section gets ignored
 ↓
 even minority gets benefited

→ miss of electorate is faithfully realised
 eg in FPPS even if candidate has only 40% of votes, 60% of electorate will is not realised.

↓
 → not dominated by majority (one of the main criticisms of democracy)

Why FPPs was chosen for India

- Easy to implement and cost effective
- PR → too difficult for illiterate masses to grasp.
- Personal & connection with the MP or MCA of constituency is maintained
∴ more approachability and accountability.
- Easy to hold by electors for the constituency.
In case of PR → entire election has to be re-done → cost ↑, time ↑
- Leads to multiple parties in the government
⇒ difficult to build consensus given the diverse and often conflicting interests.
(eg the instability of the coalition govt in 1960s gives us an idea.)

Consequences

+ India, despite having a huge illiterate population, has exposed the electoral democracy well.

→ voters have adjusted to the method well.

-ve
→ Demands of minority sections sometimes ignored.

(But pressure groups, interest groups have emerged to fill this gap)

→ voter turnout decreasing.

Way forward

→ Right to reject → of NOTA votes are more, has to be deliberated upon

Further, democracy is much more than elections, we must continue to strive for democracy in political and socio-economic arena

Feedback

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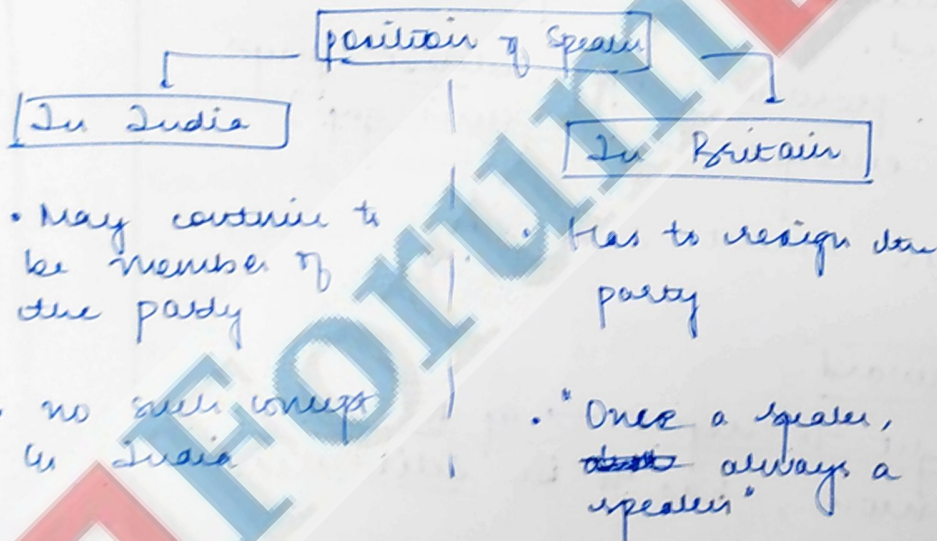
Q.18) Compare the position of the Speaker in Indian and British parliamentary system? Also, discuss various controversies related to functioning of Office of Speaker in Indian context and suggest corresponding reforms. (15 marks, 250 words)

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)

Speaker is the presiding officer of Lok Sabha in India and House of Commons in Britain.

However, the two cases are very different.



Thus, it can be said that speaker in Britain has a more impartial and independent position.

while speaker in India is surrounded in various controversies :-

→ Questioning the independence of the office since it is occupied by a member of ruling party.

→ Its silence / ~~or~~ delayed response over disqualification cases under Anti-defection law.

eg Rajasthan, Karnataka.

(*) However ~~to~~ in this case SC has ruled that speaker is a constitutional office and it cannot be assumed to be incompetent to decide the question of disqualification and cannot be presumed to be partial.

→ Certifying Money bill

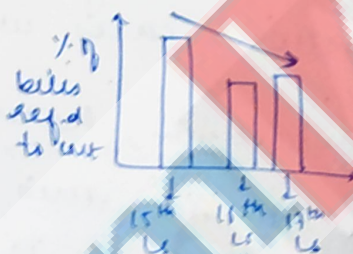
Various times opposition has accused speaker to be bias and certifying normal bills as money bills to bypass Rajya Sabha.

eg Aadhar act

→ Inability to maintain ~~down~~ decorum of the house → reflected in the reduced efficiency of the house

→ Not referring bills to committees

eg farm law
leads to troubles later on



→ Disqualification of certain members of opposition.

↳ has alleged that speaker is acting as agent of ruling party.

Reforms

→ Britain practice of speaker resigning from political party may be followed.

→ Code of Ethics → inculcating values of impartiality and non-partisanship to be faithful to the constitutional duty irrespective of party membership.

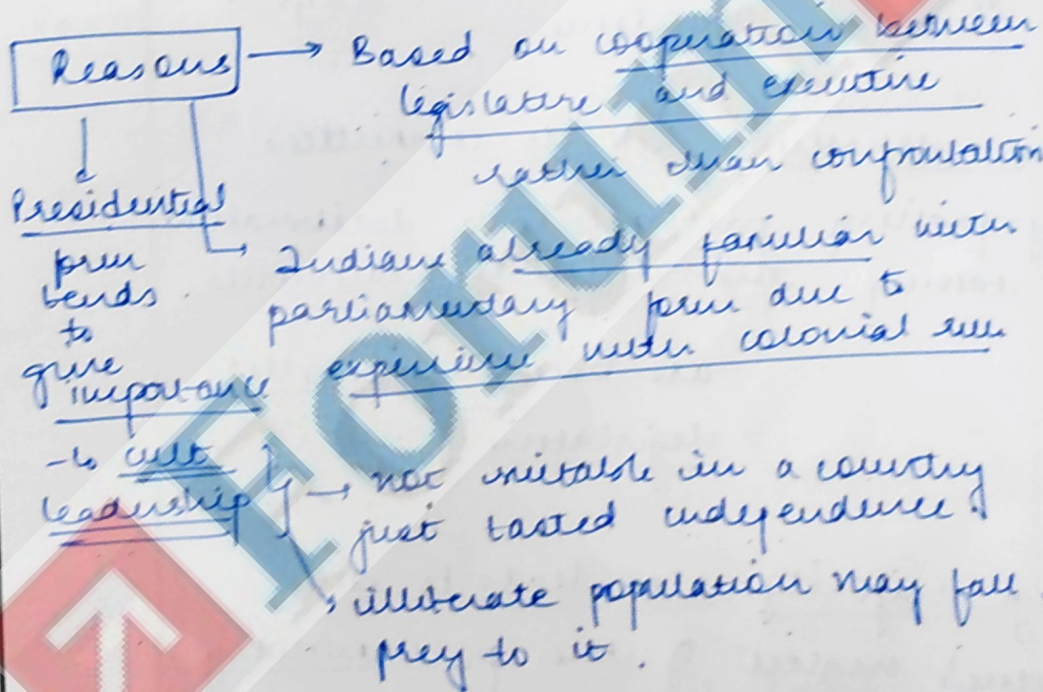
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Q.19 Why was parliamentary form of government adopted for independent India? Do you agree with the opinion that Indian government is increasingly transitioning towards presidential form? Justify. (15 marks, 250 words)

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

There were ~~wide~~ ^{wide} debates in the constituent assembly regarding which system of government to adopt. The debate was finally settled in favour of parliamentary form of government.



Other reasons

→ More accountability → since executive is responsible to legislature

→ Ensures principled distance.

Signs that India is transitioning towards presidential form :-

→ Decreasing role of parliament

- low efficiency
- very less attendance
- less number of working days

→ Not referring bills to committees

→ By-passing parliamentary deliberation by taking the route of ordinances

are becoming parallel legislative powers

→ big majority also leads to the executive's neglect of the parliamentary control.

→ By passing Rajya Sabha → also affects parliamentary functioning since

it is an important chamber of parliament

→ Sit-ins, protests in parliament, lack of discipline ⇒ important matters not discussed.

→ Discontinuation of question hour during COVID.

Positive signs

→ Executive is still kept in check by tools like privilege motion, censure etc.

→ Parliamentary committees especially financial committees ensure financial control over executive.

Respectable As per Supreme Court, parliamentary form of government is basic structure of constitution, both executive and legislative must work towards upholding it.

Feedback

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TOTAL MARKS			

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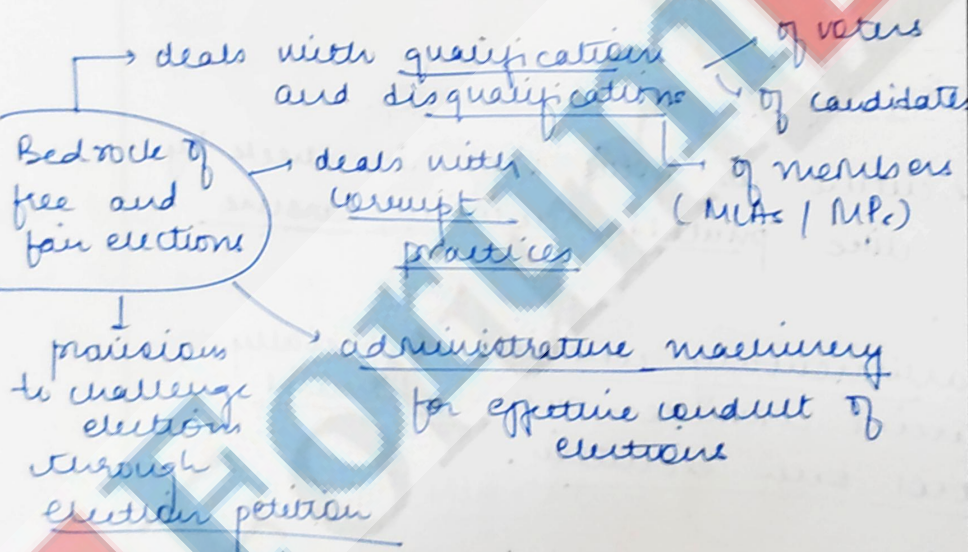
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TOTAL MARKS			

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 दें। (15 अंक, 250 शब्द)

Representation of People's Act 1951 deal with various aspects related to conduct of elections to parliament and state legislature



Question, there have been various reforms in the electoral process like :-

- EVMs
- MCC
- VVPAT
- NOTA
- electoral bonds
- Reducing age limit
- etc

many of these reforms have come from ECI or SC rulings.

The legislature has somewhat failed to amend RPA, 1951 suitably and thus it faces certain shortcomings: -

① Ambit of corrupt practices

- paid news not included as electoral offence
- fails to deal with paid print, electronic news and social media.

② Social Media

- has blurred the silence period for election campaign.

③ Disqualification procedure for corrupt practices is very complex.

It needs to be simplified.

④ NRI voting

- _____ com has recommended providing postal voting and proxy voting

options also.

Reforms

- Amendments to deal with paid news and social media.
- & Capabilities to deal with new age challenges like artificial intelligence algorithms and data analytics which may be used to target voters or spread hate speech.
 (eg) Cambridge Analytica case
- Issue of voter privacy and secrecy of vote given these new technologies.
- NRI meeting → decided after discussion with MEA and Indian embassies abroad.

Thus, a multi-stakeholder approach must be adopted to rid the RPA, 1951 of its deficiencies to enable continued credibility of Indian elections.

Feedback

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