

Time Allowed : Three Hours
समय : तीन घंटे

ForumIAS

Maximum Marks : 250
अधिकतम अंक : 250

GENERAL STUDIES / सामान्य अध्ययन

Name Of Candidate परीक्षार्थी का नाम	ASAD AQEEL		
Roll No./अनुक्रमांक	5819626	Medium/माध्यम	English <input checked="" type="checkbox"/> हिंदी <input type="checkbox"/>
Center Code/परीक्षा केंद्र	DELHI	Date/दिनांक	

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

INDEX TABLE / अनुक्रमणिका			INSTRUCTION / अनुदेश	
Q. No. प्र.सं.	Max. Marks अधिकतम अंक	Marks Obtained प्राप्तांक	1. Please do furnish Name, Email, Roll No and Mobile in the answer sheet. कृपया उत्तर-पुस्तिका में नाम, ईमेल, रोल नंबर और मोबाइल नंबर भरें।	
1			2. There are TWENTY questions printed in ENGLISH & HINDI, all questions are compulsory. उत्तर पुस्तिका में अंग्रेजी/हिंदी में बीस प्रश्न दिए गए हैं, सभी प्रश्न अनिवार्य हैं।	
2			3. The number of marks carried by a question/part is indicated against it. प्रत्येक प्रश्न/भाग के लिए निर्धारित अंक उसके सामने अंकित किए गए हैं।	
3			4. Answers must be written in the medium authorized in the admission Certificate, which must be stated clearly on the cover of this Question-Cum-Answer (QCA) Booklet in the space provided. उत्तर प्रवेश पत्र में अधिकृत माध्यम में लिखे जाने चाहिए, जो कि दिए गए स्थान में इस प्रश्न-सह-उत्तर (क्यूसीए) पुस्तिका के ढवर पर स्पष्ट रूप से लिखा जाना चाहिए।	
4			5. Word limit in questions, if specified, should be adhered to. Any page or portion of the page left blank in the Question-Cum Answer Booklet must be clearly Struck off. प्रश्नों में शब्द सीमा, यदि निर्दिष्ट हो, का पालन किया जाए। प्रश्न-सह-उत्तर पुस्तिका में खाली छोड़े गये किसी भी पृष्ठ या पृष्ठ के भाग को स्पष्ट रूप से काट दें।	
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Examiner's Discretion/मूल्यांकन कर्ता का विवेक :			Start Time/प्रारंभ करने का समय :	End Time/समाप्त करने का समय :
Total Marks/कुल अंक :			Mode Of Examination/ परीक्षा की विधि :	Online/ऑनलाइन <input type="checkbox"/> Offline/ऑफलाइन <input type="checkbox"/>
*Examiner's Discretion is the marks awarded at the discretion of the examiner based on your overall impression, on the basis of (but not limited to) your handwriting, presentation, use of diagrams, flowcharts, facts and figures or absolutely anything that he/she liked in your copy. मूल्यांकन कर्ता का विवेक अंक, आपकी लिखावट, प्रस्तुति, आरेखों के उपयोग, फ्लोचार्ट, तथ्यों और आंकड़ों या समग्र रूप किसी अन्य विषय वस्तु, जो मूल्यांकन कर्ता को आपकी कॉपी में पसंद आयी के आधार पर (लेकिन इन्हीं तक सीमित नहीं) पर दिए गए अंक हैं।			For Office Use Only / केवल कार्यालय प्रयोग हेतु	
			ECN CODE/ ईसीएन कोड :	Evaluation Date/ मूल्यांकन तिथि :
			EG/ईजी : ① ② ③ ④ ⑤	

Note: Students are expected to incorporate suggestions from the feedback provided in the answers. Discussion classes for the tests are also available online in your portal to aid in your preparation. Further, students are requested to see the good copies of the tests and learn from them. You can also discuss your copy with a Mentor and discover ways and means to improve your answers, or if you have any issues with this test / copy. Ask specific questions, to get specific answers.

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) How will you explain that the Government of India Act 1935 was seminal in giving shape to the Indian constitution? (10 marks, 150 words)

आप यह कैसे समझाएंगे कि भारत सरकार अधिनियम 1935 भारतीय संविधान को आकार देने में महत्वपूर्ण था? (10 अंक, 150 शब्द)

Indian) constitution has borrowed several ideas from constitutions world around especially from Government of India Act 1935 and have adapted it to local Indian context

Influence of Government of India Act 1935

- ①. Federal Setup: constituting central and Provincial Legislatures, including Bicameralism
- ②. Provisions regarding Judiciary especially "Federal Court" → Today's, Supreme Court under Article 124.
- ③. Emergency Provisions: available to Governor to deal with unexpected circumstances

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④ Office of Governor: to coordinate actions at the provincial level;

⑤ The structure of Federal Public Service condition adopted as "Union Public Service Commission" under Article 314

⑥ Division of Power via 3 lists → central
→ state
→ Concurrent
under Article 245;

Indian constitution mainly borrowed administrative features of the 1935 Act.

However, the core ideals of it were shaped by Indian Freedom Struggle, ideas of French Revolution - Liberty, Equality, Fraternity and especially "Objective Resolution" of 1946 led by J.L. Nehru ⇒ Today's Preamble

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Q.2) The constitution of India is not a bag of borrowing, but a 'beautiful patchwork' that aptly mirrors the nation's diversity. Comment. (10 marks, 150 words)

भारत का संविधान उधार की एक थैला नहीं है, बल्कि एक 'सुंदर विभिन्न स्रोतों से विहित' है जो देश की विविधता को बखूबी दर्शाता है। टिप्पणी कीजिए। (10 अंक, 150 शब्द)

Indian constitution is longest written
constitution of largest democracy in the
World. It borrows all the positive and
locally suitable provisions for India.

"Beautiful Patchwork" implies adapting
the borrowed concepts to specialised Indian
needs and socio-political context.

<u>Borrowed concepts</u>	<u>Unique Indian Adaptation</u>
1) Parliamentary Democracy with separate head of government & state [British Constitution]	1) Indian President as "Elected office" (Republic) instead of hereditary monarchical office like King/Queen
2) Federal setup from [US Constitution]	2) States not given right to secede but

to have autonomy within larger Indian whole.

3). Emergency provisions from German Constitution



3). But respect for fundamental rights via article 32 and checks on misuse via
- Parliamentary Approval
- Written consent.

4). Procedure established by Law [Japanese]



4). Equal emphasis on Due Process and "Principles of Natural Justice"

5). Russian concept of Justice & Duties

5). Duties as correlative to Fundamental Rights.

6). Secularism from France



6). "Principled distance approach" shown outright separation.

Adaptation allowed India to align with global values while retaining true Indian identity

Feedback
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Q.3) In what ways does the preamble reflect the ideals and aspirations of the Indian Constitution?
To what extent have these aspirations been realised? (10 marks, 150 words)

प्रस्तावना किस प्रकार भारतीय संविधान के आदर्शों और आकांक्षाओं को दर्शाती है? ये आकांक्षाएँ किस सीमा तक साकार हुई हैं? (10 अंक, 150 शब्द)

Preamble is touted as "Key to the makers of Indian constitution" and derives inspiration from "Objectives Resolution of 13 December 1946" of Interim Government led by J.L. Nehru.

Preamble reflecting ideals and aspirations

- ① Justice : social, economic and political for equitable sharing to benefits and resources.
- ② Equality (also protected via Article 14) : of status and opportunity, so that potential of all citizens is realised
- ③ Liberty : thought, expression, belief, faith

and worship \Rightarrow allow citizens to engage meaningfully without fear of suppression.

④. Fraternity \Rightarrow cultivate a sense of brotherhood among citizens from various cultural backgrounds.

Ideals realised	Issues persisting
<p>① Liberty and freedom is still protected and even got amplified reach via <u>digital mode</u></p>	<p>① Defamation - Hate Speech - Fake News.</p>
<p>② Justice: Inclusive growth high on agenda</p>	<p>② High <u>income inequality</u> ↳ Confam: Top 1% holds 20% income - Multi-dimensional poverty</p>
<p>③ Secular: idea of "Principled distance" respected</p>	<p>③ Radicalisation of Youth - Right Wing Extremism</p>

Thus, efforts need to be made to take Preamble as a torch bearer for "New India"

Feedback

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Q.4) Strengthening the National Commission of Scheduled Tribes (NCST) through various complementary mechanisms can go a long way towards mainstreaming the welfare of the tribals. Explain. (10 marks, 150 words)

विभिन्न पूरक तंत्रों के माध्यम से राष्ट्रीय अनुसूचित जनजाति आयोग (NCST) को सशक्त बनाने से जनजातियों को कल्याण की मुख्यधारा में लाने में काफी मदद मिल सकती है। व्याख्या कीजिए। (10 अंक, 150 शब्द)

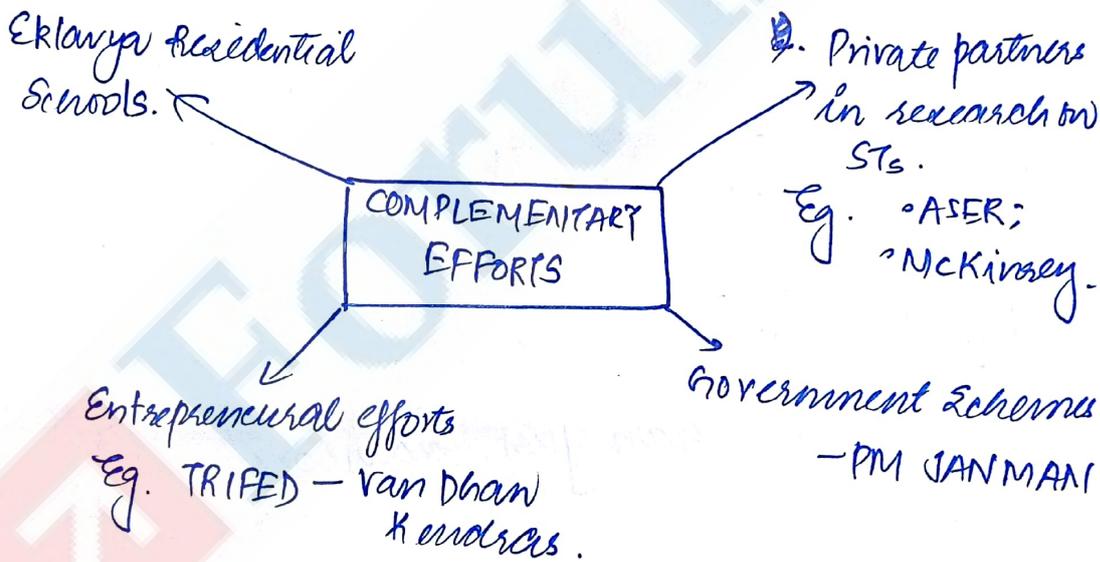
National Commission of Scheduled Tribes (NCST)

gives an institutional form to the efforts to ameliorate and uplift STs, make advancements while retaining cultural diversity.

Strengthening the NCST

- 1) Giving proper enforcement powers to check tribal exploitation than just advisory jurisdiction
- 2) Timely fixing of vacancies in NCST for well-coordinated future strategy.
 - ↳ Post of NCST chairman vacant since 2021;

- 3). Synergial with other institutional bodies.
Eg. National Body for Financing STs.
- 4). Proper research support to NCST to undertake studies on tribal condition in India.
- 5). Increased representation of Tribal MPs/MCAs and local tribal leaders
↳ grounded approach.



Tribals need to be made economically vibrant. Eg. Adirasi Hair Oil - The new social media-buzz word. Their socio-economic development need to be ensured equitably.

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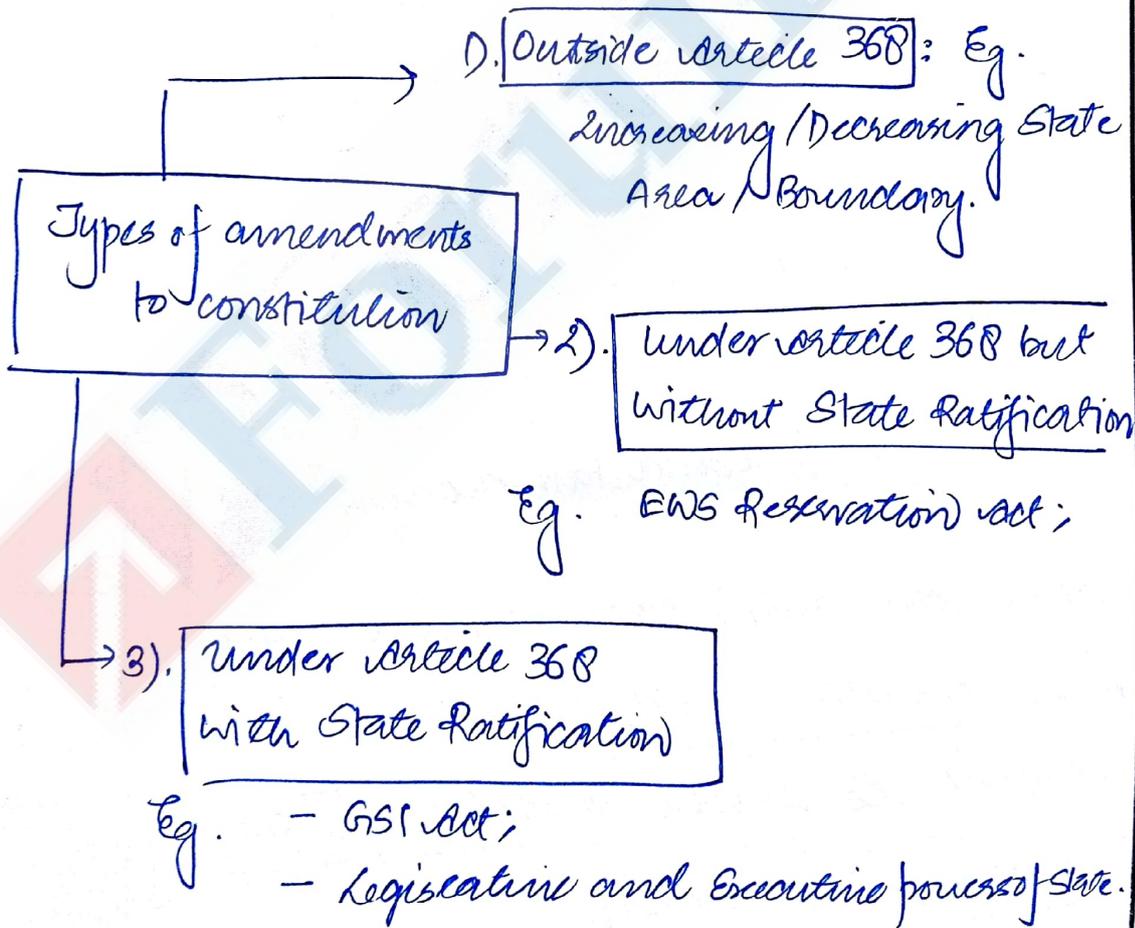
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Q.5) What is the process for amending the Constitution of India? Discuss the significance of the Kesavananda Bharati case in relation to the power of Parliament to amend the Constitution. (10 marks, 150 words)

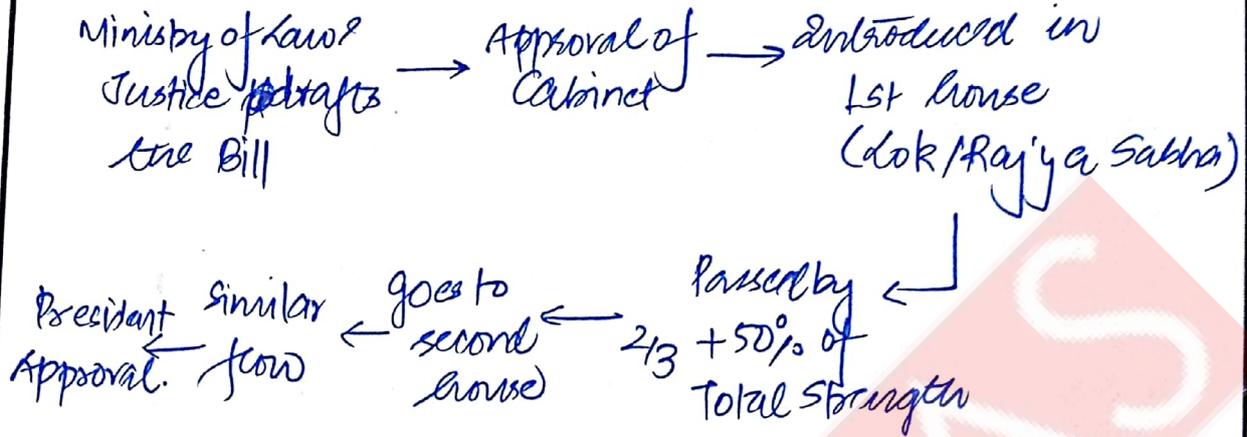
भारत के संविधान में संशोधन करने की प्रक्रिया क्या है? संविधान में संशोधन करने की संसद की शक्ति के संबंध में केशव नंदन भारती मामले के महत्व पर चर्चा कीजिए। (10 अंक, 150 शब्द)

Makers of the Indian constitution wanted it to be an organic and evolving document to suit changing contexts, which is realised via amendments to it.



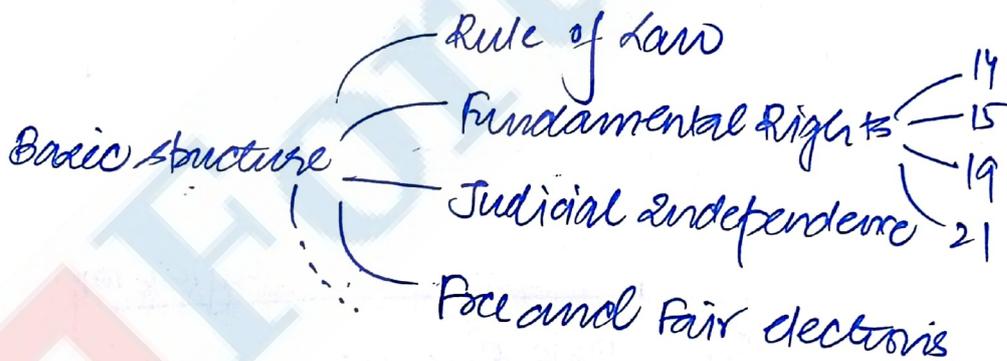
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Process to amend Indian constitution



Keshavananda Bharti case 1973

It added a check to amending power of the Parliament: "can amend any provision except that constituting basic structure"



Thus, the above case strikes a balance between evolution and proportional amendment to ensure smooth functioning of Indian Democracy.

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Q.6) Though President of India is the constitutional head of the state, he is only a nominal executive and not a real executive. Comment. (10 marks, 150 words)

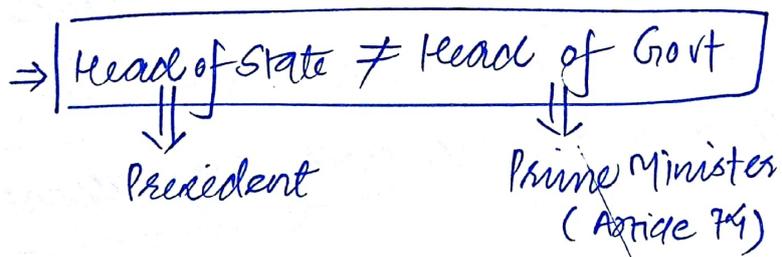
यद्यपि भारत का राष्ट्रपति राज्य का संवैधानिक प्रमुख होता है, वह केवल एक नाममात्र की कार्यपालिका होता है न कि वास्तविक कार्यपालिका। टिप्पणी कीजिए। (10 अंक, 150 शब्द)

Indian constitution envisages "Parliamentary form of Government" wherein two sets of executives exist while one enjoys nominal and other de-facto powers:

Indian President as constitutional head

- Article 53 envisages "President" as "head of Union Executive"
- Acts as Supreme Commander of Armed Forces
- Conducts Treaties and Agreements
- Receives Foreign Dignitaries and Ambassadors

However, in India,



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President as nominal executive

In India, Prime Minister heads the real executive powers via Council of Ministers, as seen in nominal powers of President:

- cannot dissolve the government as long as it supports majority support in Parliament
- does not direct the executive business and largely acts as "stamping authority"
- binding on him to give assent to Bill when presented again
- cannot reject a constitutional amendment

However, office of President ensures there is no political inter-sequum in case of dissolution of Parliament; attends to emergency situations under article 352, 358 and 360 and prevents hasty legislations

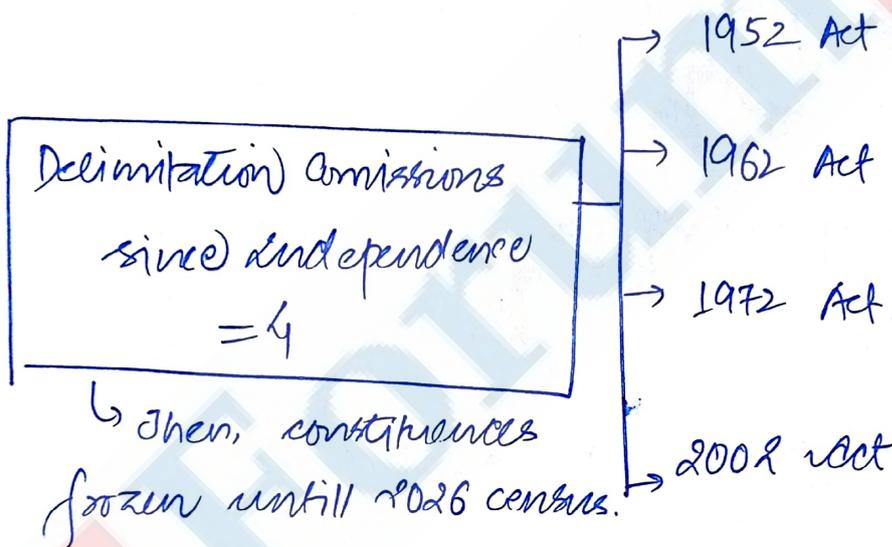
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Q.7) Analyze the process of delimiting constituencies, highlighting its significance as well as the challenges. (10 marks, 150 words)

निर्वाचन क्षेत्रों के परिसीमन की प्रक्रिया का विश्लेषण कीजिए, इसके महत्व के साथ-साथ चुनौतियों पर भी प्रकाश डालिए। (10 अंक, 150 शब्द)

Delimitation exercise is based on principle of "True representation" so that the maximum "one vote one value" is ascertained and ideals of true democracy persist.



Significance of Delimitation

1). Ensures, similar % of population represents an MP/MLA across India/state respectively.

2). Adequate representation to SC/STs via

representing them in "Reserved Seats"

3). Give parliamentary seat to new districts or states created in interim.

4). Will be essential for operationalisation of "Vara Bhakti Sakshiyam 2023"

Challenges in delimitation exercise

- 1). Gerrymandering: shifting constituency boundaries to suit political interests.
- 2). Penalisation of low population states especially Southern India \Rightarrow lowered share in MP seats.
- 3). Issues in gauging migration patterns to ensure true equal representation.

However, concepts like "One Nation One Election" and intra-checks and balances in Delimitation Committee (Judiciary, Chief Election Commission) ensure unbiased exercise

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Q.8) The ordinance-making power of the executive is antithetical to the principles of accountability and democratic consensus. Examine with suitable illustrations. (10 marks, 150 words)

कार्यपालिका की अध्यादेश बनाने की शक्ति उत्तरदायित्व और लोकतांत्रिक सर्वसम्मति के सिद्धांतों के विपरीत है। उपयुक्त उदाहरणों के साथ परीक्षण कीजिए। (10 अंक, 150 शब्द)

Article 123 of constitution endows "Ordinance making powers" on President which even traces its roots to Government of India Act 1935, with its own challenges & promises.

antithetical to accountability and democratic consensus

D. Bypassing of normal deliberative legislative process

a). No scope of public consultation

↳ can have high costs of legislative impact.

Eg. huge uproar against the three farm laws in 2020.

3). No limit on re-promulgation of expiring ordinances, as seen in case of Bihar Assembly in early 2000s.

4). Deliberate cess of legislature and adopt ordinance route to pass controversial legislations
 ↳ no scope from opposition views and debates.

<u>Need of such power</u>	<u>Steps needed</u>
1). Deal with <u>extra-ordinary circumstances</u> Eg. Emergency.	1). <u>"Wadia case"</u> (Bihar) ↳ limit on deliberate re-promulgation of ordinance to evade debates.
2). Ensure legislative business is <u>not hit</u> by <u>Parliamentary recess</u> .	2). Proper <u>"Legislative Impact Assessment"</u> of Ordinance
	3). Prompt approval by House within 6 weeks of reassembly.

So, ordinance powers though being open to amplified use should be guided by democratic consensus for a true democracy.

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281661_712237_104009180_2024-07-28 05:37:38) happy mix of Unitarianism and confederalism?
Q.9) How will you explain the Indian federalism is a happy mix of Unitarianism and confederalism?
(10 marks, 150 words)

आप कैसे समझाएंगे कि भारतीय संघवाद एकात्मकतावाद और परिसंघवाद का एक सुखद मिश्रण है? (10 अंक, 150 शब्द)

Indian federalism is "sui-generis" (unique in its form) that while giving federal autonomy, creates asymmetrical and Quasi-federal framework.

Unitarian aspects of Indian federalism

1). Union appoints members of all-India service (Article 312) who hold apex positions under State Government.

Eg. IAS; IPS; IFS;

2). Union can legislate on state list

— on resolution of Rajya Sabha

— give effect to international treaties etc.

3). Residual powers rest with Union

4). No state role in appointment of Governor

and High court judges.

5). During emergency, entire executive realm of State comes under Union domain.

↳ Eg. National Emergency Art 352;

6). No say in Finance Commission allocations

Confederalism aspects

1). Shared financial functions Eg. GST Council Article 279A.

2). State representation in electoral college to Presidential elections.

3). Ratification of States needed while amending federal aspects under article 368

↳ Eg. Tweaking SC & HC powers.

4). Special provisions for certain states under Article 371

Federalism is the core of Indian democracy wherein national development depends on them. So, maintain autonomy while aligning such units to larger goals.

Feedback

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Q.10) "The Attorney General of India holds a pivotal position in the legal system and represents the interests of the government." Explain how this is reflected in the method and terms of appointment as well as the scope of her powers and responsibilities. (10 marks, 150 words)

"भारत के अटॉर्नी जनरल कानूनी प्रणाली में एक महत्वपूर्ण स्थान रखते हैं और सरकार के हितों का प्रतिनिधित्व करते हैं।" व्याख्या कीजिए कि यह नियुक्ति की पद्धति और शर्तों के साथ-साथ उसकी शक्तियों और जिम्मेदारियों के दायरे में कैसे परिलक्षित होता है। (10 अंक, 150 शब्द)

Article 76 of Indian constitution
envisages the office of Attorney General
of India, to be the highest law
officer and lead Indian government
in legal capacity.

Reflected in appointment process

1). He/she holds office during pleasure of
President

↳ ensures harmony with government
priorities and responsibilities.

2). He/she resigns upon resignation of
President or dissolution of Lok Sabha

3). Heads the Bar Council of India;

Scope of the office

1). Represent Indian/Union government in
Original Jurisdictional cases of Supreme court
under Article 13 - $\left\{ \begin{array}{l} \text{Centre vs State} \\ \text{Centre vs Group of States} \end{array} \right.$

2). Presents stand of Indian government
on several socio-cultural issues.

- Decriminalisation of homo sexuality
- Legalisation of homo-sexual marriage
- Uniform Civil Code.

3). Does legislative impact assessment of
government rules and regulations

Indian constitution envisages harmony
between three organs for true national
growth and attorney general ensures
communication with Judiciary, strengthening
smooth Indian democracy.

Feedback

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Q.11) Evaluate the first-past-the-post (FPTP) system in ensuring a representative polity. Can a move towards a proportional electoral system address the limitations of the first-past-the-post system? (15 marks, 250 words)

एक प्रतिनिधिक राजनीति सुनिश्चित करने में फर्स्ट-पास्ट-द-पोस्ट (FPTP) प्रणाली की प्रबलता और कमजोरियों का मूल्यांकन कीजिए। क्या आनुपातिक चुनाव प्रणाली की ओर बढ़ने से फर्स्ट-पास्ट-द-पोस्ट सिस्टम की सीमाओं को संबोधित किया जा सकता है? (15 अंक, 250 शब्द)

constitution makers of India adopted
"First-past-the-post" system for General
Elections in India by bearing in
mind the operational and socio-economic
circumstances.

<u>Strengths of FPTP</u>	<u>Weaknesses of FPTP</u>
1). <u>Simplification of electoral process</u> as voters need <u>not do ordering of candidates.</u>	1). Voters voting for <u>defeated candidates</u> might feel at loss/ <u>unrepresented</u>
2). <u>Slips to Indian political landscape</u> having <u>multi-party system</u> and	2). <u>Concerns over winning candidate discriminating</u> with such sections regarding allocation of

hence, attaining absolute majority of >50% gets difficult

benefits of schemes or developmental efforts.

3). Ensures stable governments, as party having majority forms the government.

3). Frequent by-polls impede the development of constituencies
 ↳ "continuous election mode of Indian democracy"

In India where major winning MPs/MAs get ≈ 35% of vote share, the concerns over representation are genuine.

Need of "Proportional Representation"

challenges in this

1). Every section of population gets represented in the legislature

1). concerns over "political instability" as such system will likely result

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↳ true representative democracy.

in weak coalition governments.

2). Operates maximum "One Person One Vote" One Value

2). Links with MPs/MLs dilutes as "party" takes precedence over candidate

3). Rich legislative deliberations owing to MPs/MLs from diverse backgrounds

3). No by-poll implies, people right to choose their representative being hijacked.

4). No need of by-poll in case of vacancy
↳ party fills in another candidate.

India needs to revamp its FPTP system to correct its influences so that electoral efficiency is retained while ensuring plural representation. Idea of "One Nation One Election" can be a step in this direction

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Q.12) The Indian constitution is unique in the sense that it not only creates a limited government but also establishes a welfare state. Explain with suitable examples. (15 marks, 250 words)

भारतीय संविधान इस मायने में अद्वितीय है कि यह न केवल एक सीमित सरकार बनाता है बल्कि एक कल्याणकारी राज्य भी स्थापित करता है। उपयुक्त उदाहरण सहित समझाइए। (15 अंक, 250 शब्द)

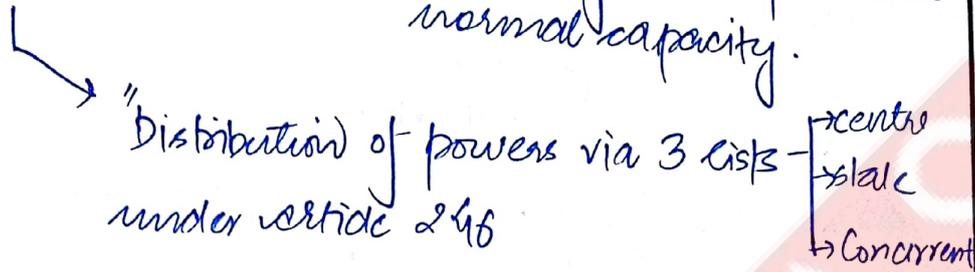
constitutionalism, the spirit behind Indian constitution, implies "limited government" in its power and authority with "people as the ultimate sovereign" who need to be made capable via welfare.

Indian constitution & limited Government

D. Idea of Equality, Liberty and freedom

- Article 15, 16: State cannot discriminate based on caste, class, religion etc.
- Article 21: Citizen cannot be deprived of life except by Procedure established by law.
- Article 32: Approach court to enforce fundamental rights against state.

2). Union and States = masters of own spheres in normal capacity.



3). cannot amend federal features of Indian constitution without state ratification (Art 368)

- Powers of SC & HCs
- Legislative Powers: like GST Act 2017.
- Executive

4). Check on emergency powers

Written consent of Council of Minister

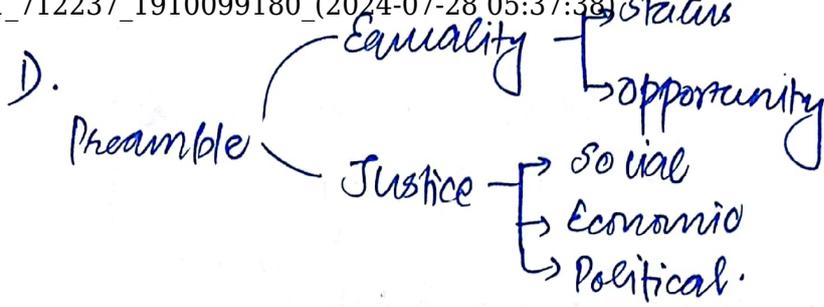
5). Implied "Judicial Review"

necessary Parliamentary approval.

- Inter Check & Balances
- Guarantor of Constitution.

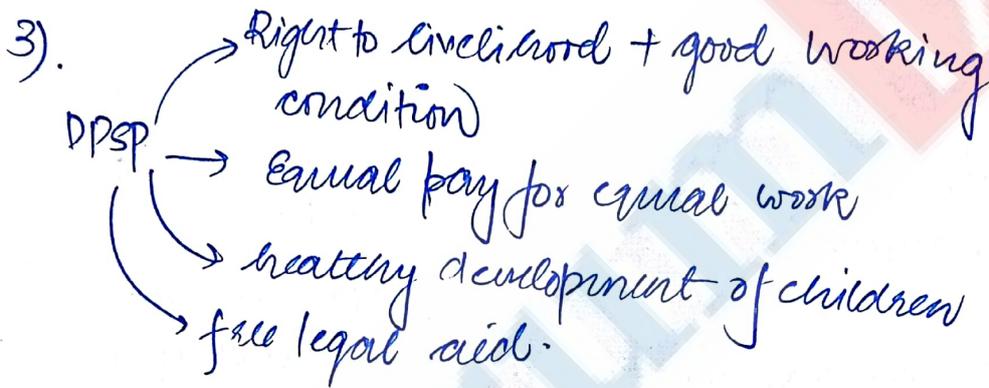
Welfare State envisaged

The idea of 'welfare' though implicit in whole constitution gets explicit shape in Preamble and Directive Principles of State Policy



2). Special provisions for upliftment of ST, SC, OBC, women & children — ART 15, 16

- Reservation Regime
- Right to Education ART 21A;



4). Promotion of Hindi & preservation of vernacular languages.

5). Political reservation ⇒ SC/ST ⇒ Women & OBC.

Indian constitution is 'organic' while also being 'socialistic'. So, a fine balance is maintained with individual development and freedom and state stability.

Feedback (For OFFICE use)

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Q.13) Though importance of executive agencies in checking corruption and impropriety cannot be overstated, their misuse for political ends is anathema to the rule of law. Comment, with special reference to Enforcement Directorate (ED). (15 marks, 250 words)

हालांकि भ्रष्टाचार और अनौचित्य को रोकने में कार्यकारी एजेंसियों के महत्व को नजरअंदाज नहीं किया जा सकता है, लेकिन राजनीतिक उद्देश्यों के लिए उनका दुरुपयोग कानून के शासन के लिए अभिशाप है। प्रवर्तन निदेशालय (ED) के विशेष संदर्भ में टिप्पणी कीजिए। (15 अंक, 250 शब्द)

Enforcement Directorate is the enforcement agency to check instances of money laundering, tax evasion and irregularities in the foreign exchange transactions

Reasons for vulnerability to be used for political ends

- 1). Lack of parliamentary oversight over such bodies
 - ↳ misuse of expansive autonomy.
- 2). Secrecy and lack of transparency in handling of cases.
 - ↳ low-key closed-door investigations.
- 3). Such agencies draw investigative powers from various laws simultaneously.

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Eg ED { PMLA Act
FEMA Act
FCRA Act } such expansive jurisdiction makes virtually any action amenable to their purview.

4). Non-regular deputation based recruitment of officers in ED

↳ high role of political mileage in gaining appointment & promotion.

5). Poor inter-checks and balances, as States can't control ED's functioning.

Despite such operational loopholes, ED and other such executive agencies like CBI, FIU etc hold significant importance

1). Generate specialised intelligence which could then be shared with other agencies appropriate for the case.

Eg. Financial Intelligence Unit $\xrightarrow{\text{information}}$ ED

2). Being central agencies, the functioning is streamlined and efficient.

3). Reduced avenues for political influence from federal units

↳ as ED directly reports to Ministry of Finance

4). ED upholds constitutional provisions in revenue sphere

↳ strictly upheld by curbing accumulation of black money.

DIRECTOR OF ED

→ Job security to Director of ED

→ Parliamentary oversight over them via various standing committees.

→ Internal code of conduct in ED based on citizen rights & dignity.

Thus, maintaining political neutrality while operationalising such agencies will ensure upholding of "Rule of Law"

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712237_1910099180 (2024-07-28 05:37:38) for safeguarding the autonomy of the Comptroller and Auditor General (CAG,) recommend measures to enhance its role as the conscience keeper of the government. (15 marks, 250 words)

नियंत्रक एवं महालेखा परीक्षक (हाल) की स्वायत्तता की सुरक्षा के लिए संवैधानिक प्रावधानों पर प्रकाश डालते हुए, सरकार के अंतर्विवेक के रक्षक के रूप में इसकी भूमिका को बढ़ाने के उपायों की सिफारिश कीजिए। (15 अंक, 250 शब्द)

Indian constitution created an

"Office of controller and auditor General" (CAG)

under Article 146 of constitution to act as "Guardian of Public Purse"

Safeguards present to ensure CAG autonomy

- 1). He/she enjoys security of tenure (6yr/65yr)
↳ removal only in the same manner as Supreme Court Judges
via 2/3 of present and voting + 50% of total.
- 2). His/her conditions of service cannot be disadvantaged during his/her tenure.
- 3). Expenditure of CAG office is charged

expenditure \Rightarrow not voteable by Lok Sabha
 \hookrightarrow operational independence ensured.

4). No further appointment under Government
 \hookrightarrow always considerations of post-retirement roles

However, CAG suffers from following issues:

- ISSUES
 - \rightarrow Auditing in "post-mortem" form
 - \rightarrow No enforcement powers \Rightarrow only advisory reports.
 - \rightarrow Lack of advanced scientific accounting standards.
 - \rightarrow Lack of dedicated cadre of auditors.

Given that CAG applies "principles of constitution in financial management",

following can enhance its role:

1). Enforcing of general best practices on

forensic accounting standards specially for PSUs auditing.

2). Expansion of IAIAS cadre with improved training

3). More engaged role with public accounts committee to generate legislative intelligence.

4). Synergise cross-sectoral efforts like Ministry of Corporate Affairs MCA-21 Technique for better conclusions.

As CAI undertakes the conscience keeper role, the office should be free of any political considerations and proper parliamentary debates need to be there on its reports. Moreover, the jurisdiction can be expanded to allow proprietary auditing and economic & social desirability studies.

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Q.15) In a democratic society, individual rights and freedoms are always balanced against the larger interests of society and the state. To what extent do the constitutional restrictions on fundamental rights strike a balance between individual liberty and societal interests? What factors are considered in evaluating the reasonableness of such restrictions? Refer to the case laws. (15 marks, 250 words)

एक लोकतांत्रिक समाज में, व्यक्तिगत अधिकारों और स्वतंत्रताओं को हमेशा समाज और राज्य के बड़े हितों के विरुद्ध संतुलित किया जाता है। मौलिक अधिकारों पर संवैधानिक प्रतिबंध किस हद तक व्यक्तिगत स्वतंत्रता और सामाजिक हितों के बीच संतुलन बनाते हैं? ऐसे प्रतिबंधों की तर्कसंगतता का मूल्यांकन करने में किन कारकों पर विचार किया जाता है? संबंधित मामलों के लिए कानूनों का संदर्भ दीजिए। (15 अंक, 250 शब्द)

Democratic rights enshrined under Article 19 envisage individual liberty, so that an individual reaches her true potential and participate in the democratic process.

Article 19(2) provides for "Reasonable Restrictions" for such freedom, so as to maintain social interests.

Restrictions : Balance freedom & social interests

1). Right to freedom of speech & expression Art 19(1)(a)

restricted via

- defamation
- contempt of court
- incitement to offence
- national security etc

curbs $\begin{cases} \rightarrow \text{Fear speech} \\ \rightarrow \text{fear mongering} \\ \rightarrow \text{fueling divisive tendencies in society} \end{cases}$

2). Right to assemble peacefully & without arms
 ↓
 but subject to maintenance of public movement
 and declaring "bandhs" as illegal due to element
 of coercion in it.

3). Right to form association, union, cooperatives
 ↓
 such associations subject to public order and
morality

Eg. Curbing secessionist groups via UAPA 1967

4). Right to move freely throughout India
 ↓
 but ensuring intactness of tribal security
 and culture via

- Foreigners Order for HP, A&N;

- Inner Light Permit Regime; $\begin{cases} \text{Arunachal} \\ \text{Manipur} \\ \text{Nagaland} \\ \text{Mizoram} \end{cases}$

5). Right to profession, trade etc

↳ subject to public interest and
 morality → regulations on prostitution.

strict prohibition & elimination of human trafficking etc.

Factors for evaluating "reasonableness"

1) Test of proportionality

↳ restriction proportional to the

ends.

Eg. Going for gradual regulations than outright ban.

2) Ensuring intactness of secular credentials of India

Eg. Prohibition on forcible conversion to a religion.

3) Balancing "competing rights"

Eg. Right to protest vs Right to Movement.

Balancing freedom and social interest ensures that individual wellbeing is ensured in consonance with larger national growth.

Feedback

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Q.16) The 69th constitutional amendment provides special provisions for the governance of the Union Territory of Delhi. Discuss and analyse the implications of divergences on various issues between the elected government and the Lieutenant Governor. (15 marks, 250 words)

69वां संवैधानिक संशोधन केंद्र शासित प्रदेश दिल्ली के शासन के लिए विशेष प्रावधान प्रदान करता है। निर्वाचित सरकार और उपराज्यपाल के बीच विभिन्न मुद्दों पर मतभेदों के निहितार्थ पर चर्चा और विश्लेषण कीजिए। (15 अंक, 250 शब्द)

Indian federal structure in "sui-generis"
 growing cooperative, engaging yet
asymmetrical & Quasi-federalism which
 is reflected in administration of Union
 Territories.

Special Governance Frameworks — 69th Amendment

Delhi — "National Capital Territory" enjoys
special working arrangement owing to the
political importance of the region. These

are:

1. Chief Minister of Delhi and other Ministers
are appointed by President than Lt.
 Governor.

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2). State assembly can legislate on all matters of State / Concurrent list except

- 3 → Public Order
- ↳ Land
- ↳ Police

3). Even in normal circumstances, Parliament can legislate on any matter in State list

4). Decision of St. Governor enjoy higher discretionary scope

Implications on administration of Delhi

1). Shifting of accountability between elected executive (CM) and appointed St. Governor.

↳ as seen in issue over fund allocation for foreign training of Delhi teachers.

2). Multiple and unclear chain of - commands
over civil servants.

↳ Eg. Civil Service Authority headed by Govt.
Governor ↳ but political directions
come from CM;

3). Delhi Police directly reporting to Ministry of
Home Affairs under Delhi Police Establishment Act.

↳ operational issue between Centre &
State.

4). Developmental issues — as infrastructure hit
due to non-timely land clearance, seen
especially in case of

↳ Redevelopment plan of Chandni Chowk
↳ Approval of Delhi Master Plan 2041

State government of Delhi requires autonomy
for UT development but that should be while
keeping Govt. in loop for a smoother
and harmonious administration of Delhi.

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Q.17) Examine the role of the National Commission for Women (NCW) in protecting and promoting the rights of women in India. (15 marks, 250 words)

भारत में महिलाओं के अधिकारों की रक्षा और संवर्धन में राष्ट्रीय महिला आयोग (NCW) की भूमिका की परीक्षण कीजिए। (15 अंक, 250 शब्द)

National Commission for Women is the statutory institution to address women grievances and enhance institutional support to them for effective social empowerment.

Role of NCW in protecting and promoting rights

1). Addresses the grievances and issues faced by women, especially in public life.

Eg. cases of gender discrimination in recruitment by private sector

2). Conducts research on relevant women issues.

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Eg. Evidence based research in the impact of service and gig economy in women upliftment.

3). Provides policy input by providing recommendations to government and Parliament

↳ Annual report presented to the President.

4). Does legislative impact assessment of women centric laws.

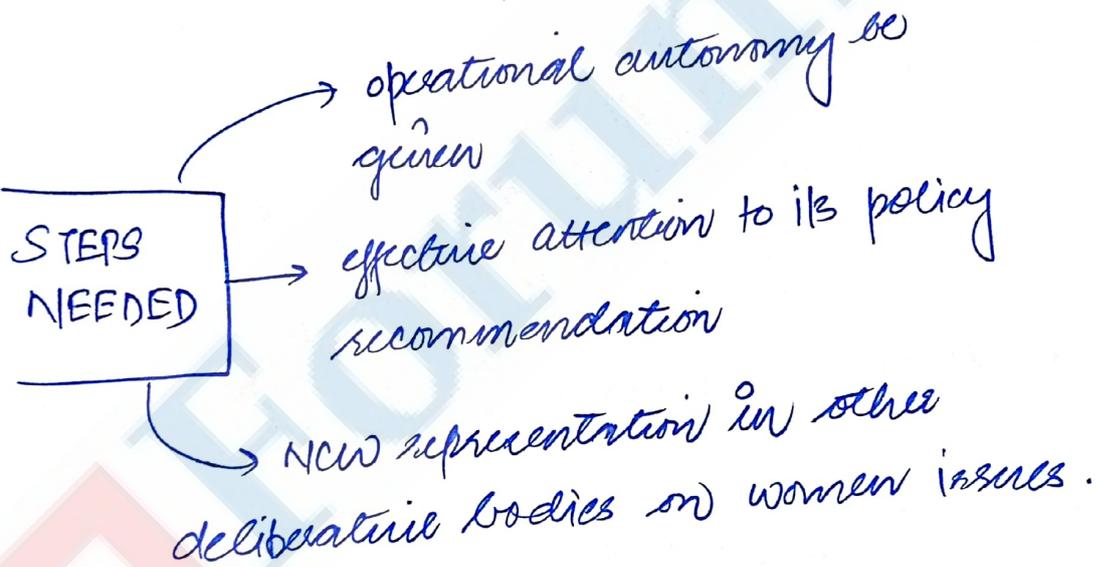
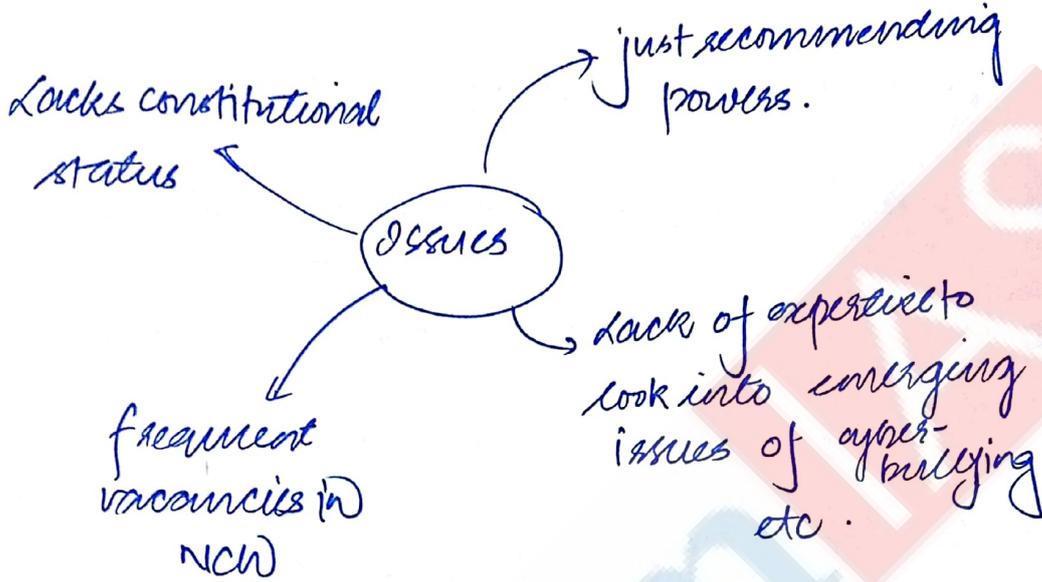
↳ of recent Nari Shakti Adhiniyam 2023.

5). Keeps in "gender budgeting" planning

6). Looks into functioning of internal complaints committees under

Prevention of Sexual Harassment at Workplace 2013.

However, it suffers from certain functional issues:



NCW needed to be complemented with other efforts like increased representation of women as MPs, robust research network, so that it fulfils its aims.

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Q.18) The tenets of independent judiciary, life-breath of constitutional democracy, stand perpetually undermined by the executive encroachment into the judicial domain. Discuss. (15 marks, 250 words)

स्वतंत्र न्यायपालिका के सिद्धांत, जो संवैधानिक लोकतंत्र की प्राणवायु हैं, कार्यपालिका द्वारा न्यायिक क्षेत्र में अतिक्रमण के कारण लगातार कमजोर होते जा रहे हैं। चर्चा कीजिए। (15 अंक, 250 शब्द)

Indian constitution envisages "separation of Powers" yet "checks and Balances" between 3 organs of state. However, this is realised via independent judiciary which also forms part of "Basic Structure Doctrine"

FUNCTIONS OF JUDICIARY

- enables Judiciary to act as "Guarantor of Fundamental Rights" "Protector of Constitution"
- enforces a "limited form" of government
- ensure "Justice" is grounded than a luxury
- balance national & federal interests.
- ensures evolution of provisions in light of changing contexts

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However, judicial independence - the "democratic bulwark" is often undermined by executive as seen in:

1). Enactment of National Judicial Appointment Committee (NJAC) Bill to appoint judges of higher judiciary
↳ struck down by Supreme Court;

2). Tribunalisation of justice
↳ executive experts administering justice in conjunction with judges.
Eg. NCLAT;
NIGT 2010;

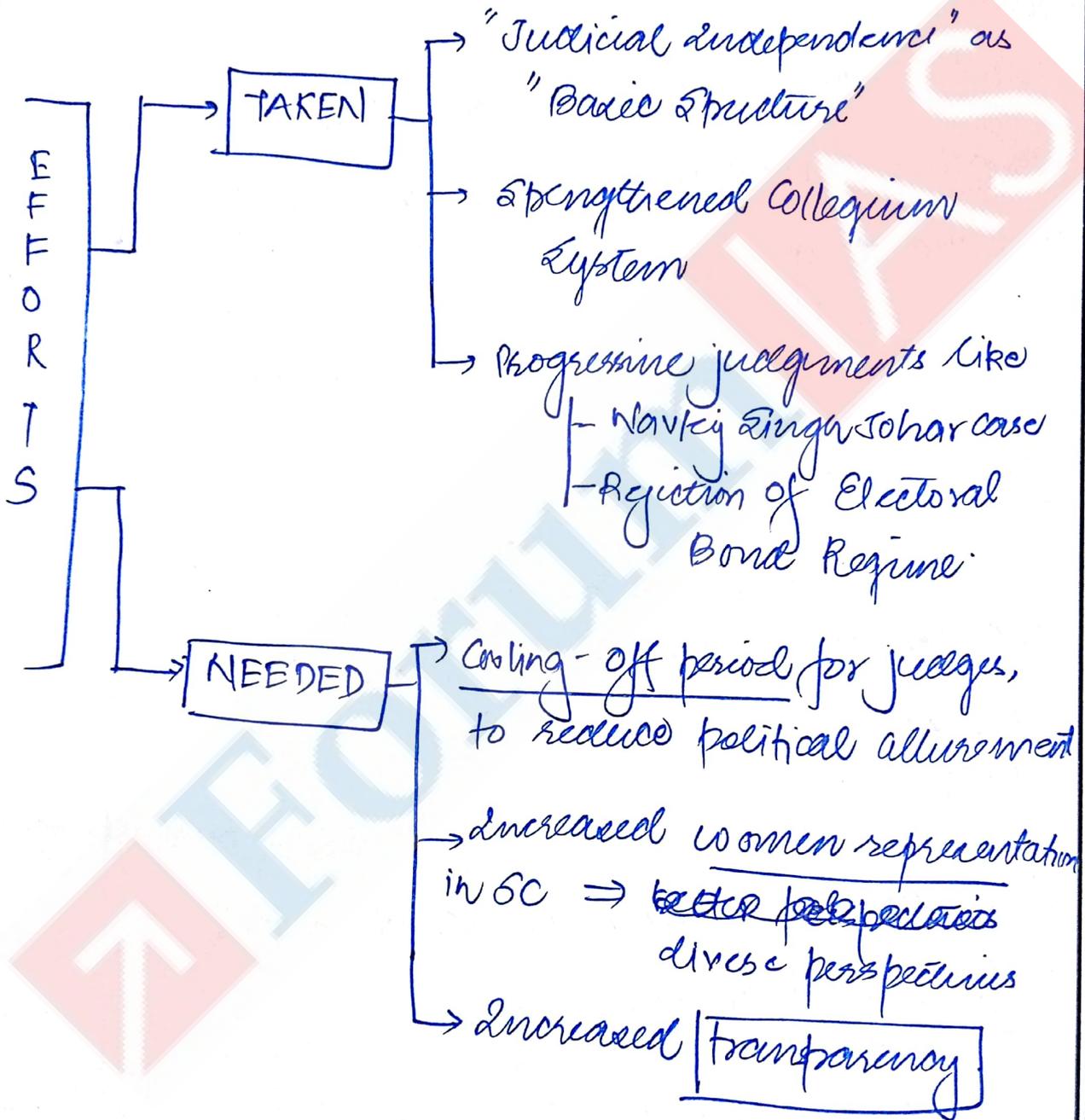
3). Misuse of 9th schedule to shield certain laws from judicial scrutiny.

4). Horrors of "committed judiciary"
↳ politically colored decisions of judiciary in lure of post-retirement benefits.

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5). Exclusion of certain subjects from jurisdiction of judiciary.

- Eg. - Disputes regarding water sharing between states
 - Finance Commission Matters.



Judiciary is torchbearer for ensuring equal India where everyone is protected and integrated to nation and for him develops it

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Q19) Despite constitutional backing, urban planning and governance have given limited dividends on the ground. Enumerating the reasons for the same, suggest measures to ameliorate the situation. (15 marks, 250 words)

संवैधानिक समर्थन के बावजूद, शहरी नियोजन और शासन ने जमीनी स्तर पर सीमित लाभ दिया है। इसके कारणों को गिनाते हुए स्थिति को सुधारने के उपाय सुझाएँ। (15 अंक, 250 शब्द)

Indian constitution via 73rd amendment
act of 1993 gave constitutional recognition
to urban governing local bodies for
enounced participatory governance, yet
the benefits are not grounded.

CONSTITUTIONAL BACKING

- devolution of 18 functional items
to be administered by Urban Local Bodies (ULBs)
- State election commission for conducting
timely elections (Article 243K)
- State Finance Commission for proper
fund devolution (Article 243I)
- specialised governing structures to suit
local contexts like Townships
Contaminated Boards etc.

Limited dividends of urban governance

1). Lack of sufficient revenue generation streams and taxing powers

↳ even poor cost recovery in utility services

- ↳ drinking water
- ↳ sanitation
- ↳ buildings

2). Absence of dedicated cadre of municipal officers.

↳ often recruited on "Deputation Basis" from state cadre via "Integrated Personnel System"

3). Lack of expert urban planners + inadequate training ⇒ no penetration of global urban best practices.

4). Juggle between elected and nominated councillors. as seen in Mayoral Elections in Delhi MCD.

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Measures to ameliorate the situation

1). Generating new avenues for resource generation

Eg.
 → Muni Bonds
 → Registration fees
 → Vehicle Scrapping
 → Waste to Energy plants.

2). Proper devolution of all 18 functional outcomes for better planning of urban development

↳ crucial for developing master-plans

Eg. Delhi & Gurinla Master Plans.

3). Maintaining a regular stream of vibrant municipal officers, inducted via proper training on global lines.

4). Technological upgradation of core of service delivery → smart cities mission

5). Functional discretion

↳ Eg. In Finland, municipalities can tweak school curriculum & pedagogy.

Urban local governance creates citizen-led development model ⇒ fulfills ideas of "Sarva Shiksha Bharat"

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Q.20) "Amidst the clamor of competing interests, the government's wisdom lies in striking a fine balance, harnessing the energies of pressure groups while staying steadfast in its commitment to uphold the broader public interest." How do pressure groups influence public affairs? How can the government strike a balance between accommodating the demands of pressure groups while ensuring the overall public interest is upheld? (15 marks, 250 words)

"प्रतिस्पर्धी हितों के शोर के बीच, व्यापक सार्वजनिक हित को बनाए रखने की अपनी प्रतिबद्धता में दृढ़ रहते हुए, दबाव समूहों की ऊर्जा का उपयोग करते हुए, एक अच्छा संतुलन बनाने में सरकार की बुद्धिमत्ता निहित है।" सरकार समग्र सार्वजनिक हित को बरकरार रखते हुए दबाव समूहों की मांगों को समायोजित करने के बीच संतुलन कैसे बना सकती है? (15 अंक, 250 शब्द)

Pressure groups are tools to ensure people's participation in democratic process, so that laws and policies are based on on-ground requirements

Pressure groups influencing public affairs

1). Pressure groups, based on caste, leverage their "vote-bank" potential to influence the political powers.

Eg. Maratha Reservation case;

2). They run extensive digital campaigns on social media to generate wider

public support for their interests.

Eg. LGBTQ groups like 'Pride Group'
for legalising same sex-marriage.

3) Resorting to protests, bandhs etc.

↳ Recent farmer protests to withdraw
farm laws, electricity amendment etc, led
by. Bhartiya Kisan Union

4). By forming corporate lobby / cartels and
influence demand and supply in the
market until their interests are
addressed.

Eg. FICCI and its enterprises on
Ease of Doing Business Reforms.

Balancing them & public interest

1). Gradual piece-meal approach so as
to gratify demands of such groups

and ensuring intactness of public morality.

Eg. allowing homosexual relationships but not legalising their marriage to retain "sacredness of marriage"

2). Giving free market ecosystem and enabling infrastructure to corporate groups. but also preventing crass-competition & concentration of wealth via

"Competition Commission of India etc"

3). allowing regional autonomy in regions hit by emergency by groups like NSCN, ULFA etc but not at the cost of separatism

↳ bringing them to political dialogue.

Pressure groups, though participatory, should be guided by public interest so

not comprehensive development of India takes place.

Feedback

(For OFFICE use only)

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

Please put tick marks in the above table.
Here G is Good, A is Average and P is Poor.

TOTAL MARKS	
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Mentor Feedback Questions

- 1
- 2
- 3
- 4
- 5

Test Goal

- 1
- 2
- 3

Outcomes

- 1
- 2
- 3

Marking Scheme

Mark	Good	Average	Below average
10 Marker	3.75 - 5.0	3.0 - 3.5	< 3.0
15 Marker	5.75 - 7.0	4.0 - 5.5	< 4.0
20 Marker	7.75 - 10	6 - 7.5	< 6
✓✓	Key / Relevant Point		
✗	Vague / Irrelevant		

* Subject to change without prior notice.