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FIAS – MGP 2022 (G-9) Sectional Test #3

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GENERAL STUDIES

Name Of Candidate GAURAV OJHA

Roll No. 1910052940

Date: 28-07-2022

Time Allowed: Three Hours

Maximum Marks: 250

INDEX TABLE			INSTRUCTION	
Q. No.	Max. Marks	Marks Obtained	1. Please do furnish Name, Email, Roll No and Mobile in the answer sheet.	
1			2. There are TWENTY questions printed in ENGLISH & HINDI, all questions are compulsory.	
2			3. The number of marks carried by a question/part is indicated against it.	
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.	
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.	
5			<i>Any specific messages for ForumIAS Mentors/Evaluators with respect to your copy? Write it here.</i>	
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Total:	250			
Evaluator's Discretion:			For Student Only	
			Start Time 7:06 PM	End Time 11:00 PM.
Total Marks:			Mode Of Examination:	Online <input type="checkbox"/> Offline <input checked="" type="checkbox"/>
Evaluator's Discretion: This is the marks awarded at the discretion of the evaluator 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.			For Office Use Only	
			ECN CODE:	EG:
			Evaluation Date:	

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.

Parameters	Excellent	Very Good	Good	Average	Poor	Very Poor
Language						
Structure						
Presentation						
Handwriting						
Content						
Attempt						

ADDITIONAL REMARKS

Q.1) The biggest critique of Basic Structure doctrine from its inception has been it being shrouded in confusion, vagueness and a formulation which is loose and not precise. Critically examine. (10 marks, 15 words)

मूल संरचना सिद्धांत की शुरुआत से ही इसकी सबसे बड़ी आलोचना यह रही है कि यह भ्रम, अस्पष्टता और एक सूत्रीकरण का निर्माण करती है और यह शिथिल है, सटीक नहीं। समालोचनात्मक परीक्षण कीजिए। (10 अंक, 150 शब्द)

The Basic Structure Doctrine comes from Supreme Court's Ruling in 1973 in the Kesavananda Bharati Case.

SC ruled that Parliament could amend any provision of the Constitution, provided it doesn't alter the 'basic structure' of the Constitution.

Thus, it is a judicial innovation, not a constitutional mandate. It is a means to preserve the founding fathers' vision of Indian

Polity.

The SC defines it, and broadens it, from time to time -

1. Eg. in S.R. Bommai case, SC said secularism and federalism are part of basic structure.

Eg. in IR Coelho case, SC said Judicial Review is a part of basic structure.

However, the biggest criticism for basic structure comes from its vagueness →

- Not defined anywhere. Depends on the mood / interpretation of judiciary.
- Can be used for judicial overreach.
- Innovative inclusions in basic structure may be used by judiciary (not a popular body) to counter laws made by Parliament (people's representative).
- Even the inclusions are not precise. Eg
What constitutes secularism? Definitions can change overtime.
- Judiciary often overturns its verdicts (Eg. LGBTQ rights over the years). Similar confusion can occur over basic structure

The basic structure doctrine by the judiciary should only be used in harmony with the laws, and as a counter measure only to protect rights of the people.

Feedback

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Q.2) Sedition law, in any form, is a threat to civil liberties and presents an opportunity for its weaponization against dissenters and detractors. Should India do away with the sedition law? Justify your opinion. (10 marks, 15 words)

राजद्रोह कानून, किसी भी रूप में, नागरिक स्वतंत्रता के लिए खतरा है और असंतुष्टों और विरोधियों के खिलाफ अपने हथियार बनाने का अवसर प्रस्तुत करता है। क्या भारत को राजद्रोह कानून को खत्म कर देना चाहिए? अपने मत का औचित्य सिद्ध कीजिए। (10 अंक, 150 शब्द)

Sedition law, through Sec 124 A of Indian Penal Code, is a tool to counter seditious activities (activities against the security & and well-being of state).

However, lately it has been used as a threat to civil liberties -

1. Arresting journalists that ask questions against the ruling dispensation.
2. Arresting protestors who bring attention to various governance issues in the area.
3. Arresting people who raise voice against laws. Eg. Citizenship Amendment Act protests.

However, the law also serves following utility -

→ India is a vast country. Total freedom of speech can be used to create religious ill-will and

political instability, unrest.

2. With limited police resources, it becomes necessary to take action to nip the issue in the bud.

3. There can be vested foreign interests to create instability in India.

The law should be used wisely. SC has said in a judgement that the law should not be applied unless there is incitement of violence due to one's speech. The forces should keep this in mind while acting.

Feedback

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Q.3) The preamble is not a mere solemn resolution; but majestic expression of philosophy, principles and purpose of the constitution. Elaborate. (10 marks, 15 words)

प्रस्तावना महज एक पवित्र संकल्प नहीं है; बल्कि संविधान के दर्शन, सिद्धांतों और उद्देश्यों की प्रभावशाली अभिव्यक्ति है।
विस्तृत विवेचना करें। (10 अंक, 150 शब्द)

The Preamble is a reflection of the founding father's vision for the Indian polity. It was enacted after the constitution, and serves as a mirror to the minds of constitution makers.

The Preamble ensures the following ideals as an integral part of India →

→ Justice

→ Liberty

→ Equality

→ Fraternity

→ Dignity of Individual

→ Unity and brotherhood of the nation.

It also suggests that India is a democratic, socialist, secular, sovereign, republic

These ideals reflect the philosophy of the constitution, and indicate the spirit and purpose behind various constitutional provisions.

SC in the Kesavananda Bharati Case, and

later, the LIC of India Case, said that Preamble is an integral part of Constitution.

Some people see comment on it as a mere resolution, as -

- It is non-justiciable.
- It does not give or take away any power from Parliament.

However, the SC has said that the philosophy ~~in~~ in the Preamble can be used as a guiding light while interpreting constitutional provisions.

The amendment of Preamble by 42nd Constitution Amendment Act shows the importance of Preamble in reflecting India's ideals -

Democratic - India believes in popular will.

Sovereign - all decisions are taken without foreign interference.

Socialist - that India should be a welfare state

Secular - where all religions are to be respected

Republic - that the head of India is not hereditary, and there is no special class.

Feedback
(For OFFICE use only)

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Q.4) Every person has a fundamental right to entertain such religious practices as approved by his/her conscience. Do you think that 'doctrine of essentiality' restricts this autonomy?

(10 marks, 15 words)

प्रत्येक व्यक्ति को अपने विवेक द्वारा अनुमोदित ऐसी धार्मिक प्रथाओं में सम्मिलित होने का मौलिक अधिकार है। क्या आपको लगता है कि 'अनिवार्यता का सिद्धांत' इस स्वायत्तता को प्रतिबंधित करता है? (10 अंक, 150 शब्द)

Article 25 of the Indian Constitution guarantees every citizen the right to practice religion to the freedom of their conscience.

However, the doctrine of essentiality, evolved by the SC, starting from the Shirur Mutt case, suggests that certain practices are essential to a religion, while others are not an integral part.

Eg. in 1992, SC ruled that mosques for worship is not an integral part of Islam.
 Eg. Recently, in Sabrimala verdict, SC ruled that banning entry of women in that temple is not essential to the religion.

Lately, there has been controversy on wearing of 'Burqa' by females in Islam.

Do Thus, doctrine of essentiality restricts autonomy of practice, as -

→ The court does not possess religious expertise to comment on practice.

→ There is a vast body of unwritten practices in every religion. Thus, the doctrine is not fair.

→ Hurts religious sentiments of the people.

→ Against the provision of Article 25.

However, its use is necessitated by the fact-

→ There can be social ills prevailing in any religion. It's a must to remove them.

→ Throwing open Hindu religion to all castes via laws.

→ Certain practice may affect the unity or fabric of the society. Need to regulate them.

→ Necessary for the growth of the individual.
Eg. freedom of clothing.

The Doctrine should be used by the court only after a proper understanding of the religious facts, facilitated by consultation from religious experts, and the best practices worldwide should be taken into account-

Feedback
(For OFFICE use only)

Structure/
Presentation

Question
Interpretation

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Addition

Total

Q.5) The divergence between intent and impact of the tenth schedule necessitates calling into question its relevance in the present times. Analyze. (10 marks, 15 words)

दसवीं अनुसूची के आशय और प्रभाव के बीच का अंतर वर्तमान समय में इसकी प्रासंगिकता पर सवाल खड़ा करता है। विश्लेषण करें। (10 अंक, 150 शब्द)

The 10th Schedule of the Constitution refers to the Anti-Defection Provisions, brought in 1985 via 52nd Amendment Act.

The provision include disqualification of -
 → member who joins other party after election
 → acts against party whip.
 → and more.

The intent was to -

1. Prevent political instability - Many members defecting to other party lead to fall of ruling party.

2. Prevent horse trading - Members would change party, simply for whoever offered more money.
 "AAYA RAM, GAYA RAM"

3. Respect people's mandate - As candidate's got voted in name of a party.

4. ~~Reduce~~ Save frequent election expenses, administrative burden.

However, its impact has further led to -

1. Curbing freedom ~~and~~ of speech and expression of members, guaranteed by Article 105 and 194.
2. Unable to reflect local voices, against party whip -
3. Bulk defection (as provision allows this).
 Eg → Karnataka state election, recent Maharashtra govt change.

Experts say that law should restrict defection to crucial matters, such as a no-confidence vote. In other cases, members should be allowed to present people's mandate.

Feedback
(For OFFICE use only)

Structure/ Presentation
Question Interpretation
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Q.6) Discuss the status of death penalty in the country. Can a governor pardon a death penalty? What are various limitations of pardoning power of governor? (10 marks, 15 words)

देश में मृत्युदंड की स्थिति की विवेचना कीजिए। क्या राज्यपाल मौत की सजा माफ कर सकता है? राज्यपाल की क्षमादान शक्ति की विभिन्न सीमाएँ क्या हैं? (10 अंक, 150 शब्द)

Indian penal laws provide for death penalty for various grave offences.

The death penalty, while can be awarded by district court, but appeal by right lies to Supreme Court.

In India, the power to pardon a death penalty only rests with President.

A governor cannot pardon a death penalty.

However, he can commute it to a lesser severe punishment.

The various judicial powers with the Governor include commute, reprieve (reducing to a less severe punishment, reprieve (temporary relief), suspend (temporary delay).

He can also pardon penalties under the state laws.

However, there are limitations on his pardoning power -

1. Pardoning offence under central law.
2. Pardoning death penalty
3. Pardoning from any judgement ^{any} by tribunal.

These cannot be undertaken by governor.

He can only change their character

Feedback

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Q.7) Do you think the Competition Commission of India (CCI) has been as successful in protecting consumer rights, promoting fair competition and restricting monopolistic tendencies, vis a vis its western counter part? (10 marks, 15 words)

क्या आपको लगता है कि भारतीय प्रतिस्पर्धा आयोग (CCI) उपरोक्त अधिकारों की रक्षा करने, निष्पक्ष प्रतिस्पर्धा को बढ़ावा देने और एकाधिकारवादी प्रवृत्तियों को प्रतिबंधित करने में उतना ही सफल रहा है, जितना कि पश्चिमी देशों में इसके समक्ष संस्थान? परीक्षण कीजिए। (10 अंक, 150 शब्द)

The Competition Commission of India is a statutory body to enforce competition laws and ensure a competitive market, that benefits customers.

It has been successful as -

- Monopolies in most of sectors are dismantled today.
- The issues of 'license raj' no longer exist. This is easier entry.
- Takes action against unfair trade practices.
Eg. acted against cement price rise by suppliers.

However, it has failed in certain areas -

1. No check on predatory practice adopted by Jio to enter telecom market.

2. Couldn't save telecom sector from reducing to almost a duopoly.

3. Isn't very proactive in changing times like its western counterpart.

Eg. Trade body in US asked Google, Apple to stop charging for in-app payments.

Australian competition laws ask Google to share earnings with local news creators.

Thus, the CCI can continue to learn from its western counterparts, while being more proactive and unbiased in its actions in India.

Feedback
(For OFFICE use only)

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Q.8) Though RTI was meant to strengthen participatory democracy in India, various factors have hindered its utilization to full potential. In this context, examine the issues pertaining to the implementation of the RTI Act. (10 marks, 15 words)

यद्यपि RTI का उद्देश्य भारत में सहभागीमूलक लोकतंत्र को मजबूत करना था, लेकिन विभिन्न कारकों ने इसके पूर्ण क्षमता के उपयोग में बाधा उत्पन्न की है। इस संदर्भ में, RTI अधिनियम के कार्यान्वयन से संबंधित मुद्दों का परीक्षण कीजिए। (10 अंक, 150 शब्द)

The Right to Information Act was brought in as a tool for accountability, better governance.

- Allows citizens to seek answers, keeping administration on its toes.
- Various penalties for delay/no-reply.
- Sets up a Central Information Commission, State Commission, along with Public Information officers in every department.
- Provides for pro-active disclosure, proper Cataloguing of data, etc.

However, various factors hinder its implementation -

1. Lack of trained officers, to reply in RTI in desired format
2. No Cataloguing of data, missing files, non-digitized files.
3. Intentionally disguising reply to hide info.

- Use of Sec 8 of RTI to deny information.
- Recent amendment to RTI Act, that makes executive more influential, by deciding tenure and salary of CIC.
- Lack of awareness in people.
- Lack of education to frame RTI.

The act ~~is~~ has proved to be a boon for millions of people. ~~Eg~~ villages have got irrigation infra built by filing RTI about usage of funds.

Government should collaborate with civil society and NGOs to promote awareness of the act.

Feedback
(For OFFICE use only)

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Q.9) Instead of performing a transformative role, traditional bureaucracy has contributed to perpetuation of old order. Comment. (10 marks, 15 words)

एक परिवर्तनकारी भूमिका निभाने के बजाय, पारंपरिक नौकरशाही ने पुरानी व्यवस्था को कायम रखने में योगदान दिया है। टिप्पणी करें। (10 अंक, 150 शब्द)

Bureaucracy is the 'steel frame' of the Indian administration. They are the permanent executives, supposed to uphold laws of the country.

However, there exists some drawbacks by traditional bureaucracy -

1. Resistance to newer ideas and innovations.
 - ↳ increasing use of digitization.
2. Over-insistence on words of laws, rather than spirit.
 - ↳ denial of caste certificates to applicants in need.
3. Red-tapism and corruption: Excessive levels of hierarchy and distributed functions, leading to corruption.
4. Answerable to executive, not people - hence

act in a partisan manner.

→ Inefficiency, due to no role of citizens feedback in appraisal.

However, civil bureaucracy has also proved its mettle over time -

1. Implementation of Swachh Bharat Abhiyan in all districts.
2. Successful vaccination throughout India, including remotest corners.
3. Strong international image of India by Indian diplomats.

Like any system, bureaucracy also has resistance to change. However, they should accept positive change. 2nd ARC recommendations should be implemented

Feedback
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Q.10) Contrary to expectations surrounding its enactment, the institution of Lokpal has not proved path-breaking in dismantling the structures of corruption in public life. Analyze.

(10 marks, 15 words)

अधिनियमन की अपेक्षाओं के विपरीत, लोकपाल की संस्था सार्वजनिक जीवन में भ्रष्टाचार को खत्म करने में पथ-प्रदर्शक साबित नहीं हुई है। विश्लेषण करें। (10 अंक, 150 शब्द)

The Lokpal was enacted as an ~~institution~~ ombudsman, to act against ministers, MPs and Group A, B, C, D officers of central government and all India services on receipt of complaint.

However, It was expected to usher in an era of answerability of the higher echelons, and punishment of the guilty.

However, it has not proved path-breaking, as →

1. Not many penalties imposed by Lokpal yet.

2. No permanent office infrastructure built yet.

3. Delay in appointments of members of

Lokpal-

4. Lack of consensus in appointing committee

of Lokpal, thus evoking allegations of partisan behaviour of Lokpal.

→ No anonymous complaints allowed.

→ Very strict rules to investigate complaints against Prime Minister.

→ Not strong control of Lokpal on CVC and CBI (which is often called Centre's parrot).

~~Steps should be taken to ensure neutral image~~

→ No Doesn't have own investigatory body.

Steps should be taken to ensure neutral image of Lokpal, while law should be used to give it more teeth.

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Q.11) Why did constitution makers prefer 'union of states' over 'federation of states' to describe India? To what extent this preference is responsible for tensions in centre-state relations?

(15 marks, 250 words)

संविधान निर्माताओं ने भारत का वर्णन करने के लिए 'यूनियन ऑफ स्टेट्स' के बजाय 'फेडरेशन ऑफ स्टेट्स' को प्राथमिकता क्यों दी? केंद्र-राज्य संबंधों में तनाव के लिए यह बरीयता किस हद तक जिम्मेदार है? (15 अंक, 250 शब्द)

While India has a federal structure, the constitution doesn't have 'Federation' anywhere. It calls India a 'Union of states'.

The reason is to amplify philosophical unity -

1. Indian states have not come together as an agreement. They all constitute India already.

2. India is a union of states, not by agreement. So, no state has power to leave it.

3. The territorial integrity of states is not guaranteed. Parliament can alter their boundaries by simple amendment. Thus, India continues to be a union,

not a federation.

→ Different from American history, where the states ~~to~~ agreed to come together as a nation.

There is also asymmetric federalism (eg. Art 371) to cater to special needs of states. However, this notion of non-independent identity of states has led to centre-state tensions-

1.) Appointment of Governor by the Centre.

eg. Tamil Nadu Governor reserving state subject bills for Centre.

2.) Application of President's Rule, suspending state government.

3.) Recent tussle after change in status of Jammu and Kashmir.

4.) Fiscal relations tension- States' claim that Centre takes up major portion of revenue.

5.) Centre intervening by legislating on state subjects. eg. recent farm laws.

However, the Supreme Court has stated that 'federalism' is a basic feature of the Constitution. In this regards, recommendations of Sarkaria Commission, such as -
Inter-state Councils, non-partisan governor, rare use of President's Rule, etc. and Punchhi Commission, Finance Commission should be adopted to ensure harmonious relation between Centre & State.

Feedback

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Q.12) While fundamental rights have strengthened our democracy, fundamental duties are essential to strengthen our society. In this context examine the importance of fundamental duties for Indian society. (15 marks, 250 words)

जहाँ मौलिक अधिकारों ने हमारे लोकतंत्र को मजबूत किया है, वहीं मौलिक कर्तव्य हमारे समाज को मजबूत करने के लिए आवश्यक हैं। इस संदर्भ में भारतीय समाज के लिए मौलिक कर्तव्यों के महत्व का परीक्षण कीजिए।

(15 अंक, 250 शब्द)

Fundamental Rights (Part III) and Fundamental Duties (Part IV A) are two sides of the same coin - constitutional vision of a better India.

Fundamental Rights strengthen democracy as -

1. Allow individual to reach his potential.
2. Ensures equality among everyone.
3. Allows people to practise their spiritual beliefs.
4. Protects citizens from unjust state action.
5. Provides security to people through Art 32 - constitutional remedy.

The Fundamental Duties were added by the 42nd Amendment Act, and later amended by the 86th & 97th Amendment Acts. They are important as →.

→ Call for citizens to cherish ideals of freedom. Thus, calling for unity and justice in society.

→ Respect and compassion for different sections of the society, like women & marginalised sections. This ensures peace and stability in society.

→ Acquiring a scientific temper and working to the best of one's potential. This ensures a progressive society, and development.

→ Respect for National symbols, like the Flag, and Anthem, thus prioritizing love and respect for nation in society.

→ Calls for protection of culture and monuments, thus important for a society that respects all cultures.

→ Calls for protection of environment & natural life, necessary for sustainable devt in Society -

→ Sending children between 6 to 14 years to school, thus emphasizing value of education in the society.

Citizens, while enjoying their rights, should continue performing their duties. Some experts suggestion of new duties like voting and paying taxes should be explored.

Feedback

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Q.13) Discuss the role of the judiciary in electoral reforms citing suitable cases. How far do you agree that judiciary induced reforms violate the principle of separation of power?

(15 marks, 250 words)

उपयुक्त मामलों का हवाला देते हुए चुनाव सुधारों में न्यायपालिका की भूमिका पर चर्चा करें। आप कहीं तक सहमत हैं कि न्यायपालिका से प्रेरित सुधार सत्ता के पृथक्करण के सिद्धांत का उल्लंघन करते हैं? (15 अंक, 250 शब्द)

The Judiciary has recently asked the Centre's its views on use of promise of freebies as a tool in election campaigning.

Over the years, judiciary has played an important role in electoral reforms →

→ In 1975ⁿ, it ^{in Indira Gandhi's case,} invalidated the law that kept Prime Minister election disputes outside judicial review.

→ In 1992ⁿ, it ^{in Kihoto case} declared that anti-defection decision of the speaker is subject to judicial review.

→ The SC in a case ruled that convicted candidates stand disqualified from the House from the date of conviction, ^{and} not ^{until} after they appeal.

→ The SC asked parties to reveal criminal background of its election candidates.

→ SC ruled that defection of a candidate can also be judged by the conduct of a member, not merely his vote. However, some experts say that Judiciary is violating the separation of powers as -

1. Its mandate is to ~~see~~ ensure the actions of a party are in line with prevailing laws, and not to instruct ~~to~~ what those actions should be.

2. The government is an elected body, and thus better representative of people's views.

3. Other issues also exist, such as -

→ Judiciary is itself steeped in issues like pendency, delays, ~~etc~~. Thus, it ~~should~~ non-transparent, etc. Thus, it should set its house-in-order first.

Also, since there exists a potential conflict of interest for the ruling government in bringing electoral reforms, so it becomes a necessary evil for the Supreme to Judiciary to take some calls in this area.

Feedback

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Total



Q.14) There has been an increasing demand for doing away with the concurrent list. Examine the utility of concurrent list in the light of recent events. (15 marks, 250 words)

समवर्ती सूची को समाप्त करने की मांग बढ़ती जा रही है। हाल की घटनाओं के आलोक में समवर्ती सूची की उपयोगिता का परीक्षण कीजिए। (15 अंक, 250 शब्द)

Concurrent List, in the Seventh Schedule of Constitution, is a list of subjects on which both Centre and State can legislate.

There has been a demand for getting rid of the List -

→ Tied nature of funds: from Centre to State for schemes on concurrent subjects.

→ Legislative interference → Eg. Centre's law mandating NEET, while Tamil Nadu's opposition (Both health is a state subject, education is concurrent).

→ Against federalism: More subjects were transferred into concurrent list through amendments. Eg. forests.

→ One Size fits all approach: Centre fails to accommodate the ^{regional} aspirations in its laws.

However, the purpose of concurrent list was to ensure uniformity in matters that can impact nation's well-being.

Thus, concurrent list has following utility →

→ Ensuring standard of education — by broad guidelines from the Centre.

→ Environmental Protection Laws by the Centre to protect forests — as these have bearing on nation's sustainable growth.

→ Inter-state health hazard management by the Centre, as seen in the case of

COVID pandemic.

→ Setting weight standards for uniformity in trade.

Thus, ~~where~~ there exists utility to the concurrent list, but the Centre should refrain from legislating over every thing.

As per Sarkaria recommendation, concurrent matters should be legislated upon only after consultation with all the stakeholder states.

Feedback

(For OFFICE use only)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total

Q.15) Against the intentions of the constitution makers, the use of discretionary powers by governors has become a major source of tension in Centre-state relations. What are the discretionary powers of the Governor? Also, discuss the issues associated with them. (15 marks, 250 words)

संविधान निर्माताओं की मंशा के विपरीत राज्यपालों द्वारा विवेकाधीन शक्तियों का प्रयोग केंद्र-राज्य संबंधों में तनाव का एक प्रमुख स्रोत बन गया है। राज्यपाल की विवेकाधीन शक्तियाँ क्या हैं? साथ ही उनसे जुड़े मुद्दों पर चर्चा करें।

(15 अंक, 250 शब्द)

The recent tussle over cancellation of NEET Bill in Tamil Nadu has highlighted Centre-State tensions via the role of Governors, & the exercise of his discretionary powers, which include -

1. Reservation of Bills for assent of President
2. Appointment of vice-chancellors of University (only some states give this power).
3. Recommending President's Rule in a State, if he believes there is a breakdown of constitutional machinery.
4. Choosing a governor chief minister in case of a hung assembly.

However, the misuse / over-use of discretion has led to several issues -

1.  Recent fussle between Kerala governor and government over appointment of vice-chancellor of university.
2. Governor's reservation of Bills for President assent which fall within legislative competence of State.
3. Acting in a partisan manner while selecting chief Minister in case of a hung assembly.
 as seen in Recent Karnataka election.
- 4.
4. Recommending President Rule without exhausting all possibilities of forming a government.
 recently seen in Maharashtra, where President's Rule was imposed overnight.
5. Other power misuse by Governor,  eg. West Bengal Governor refusing to summon first session of assembly.
6. Governor's direct interaction with bureaucracy as seen in a few states.

The Constitution envisages discretion for Governor, but not with the intention of overtaking the elected representatives every decision.

The Centre should follow Sarkaria Commission guidelines in appointing a non partisan politically inactive Governor.

Feedback

(For OFFICE use only)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total



Q.16) Concerns regarding Parliamentary performance most often relate to the drastic reduction in the level and extent of deliberation, representation and scrutiny. In this context, highlight the recent instances which have led decline in effective functioning of the parliament.

(15 marks, 250 words)

संसदीय कार्य-निष्पादन के संबंध में चिंताएं प्रायः विचार-विमर्श, प्रतिनिधित्व और संवीक्षा के स्तर और सीमा में भारी कमी से संबंधित होती हैं। इस संदर्भ में, हाल के उदाहरणों पर प्रकाश डालिए जिनके कारण संसद के प्रभावी कामकाज में गिरावट आई है।

(15 अंक, 250 शब्द)

The Constitution envisages the Parliament as a house of checks & balances on the executive. For this, there exist various tools such as -

- No - Confidence Motion
- Censure Motion.
- Question Hour.
- Parliamentary Committees
- Budget Discussion, Policy Cuts, etc.

However, while the latest Parliamentary sessions have seen increased productivity, there are concerns of drastic reduction in the level of deliberation -

- Cancellation of Question Hour during COVID pandemic.

→ Frequent disruptions in Parliament,
leading to adjournment of House.
 ↳ during farm law debates.

→ Non-referral of Bills to Committees.

→ Partisan role of speaker in allotting
 less time to opposition to speak.

→ Minimum discussion on bills.

↳ CJI N.V. Ramanna commented that
 absence of healthy debates in Parliament
 makes legal interpretation task difficult for
 Judges.

→ Use of Money Bill Route to escape
 Rajya Sabha Scrutiny: (where ruling party
 may not have majority) - Eg. for Aadhar
 Act, and recently PMLA amendments.
 in news.

→ Use of disruptions by ruling party to
 avoid giving answers. Eg. during Pegasus

Issue.

→ Absolute majority in Lok Sabha, leading to lack of accountability in behaviour.

It is very important to ensure that healthy deliberations occur. For this, British practice of neutral Speaker can be explored. Tighter use of disciplinary powers by the Speaker is a must. Non-referral to committees and lack of proper consultation may lead to disturbances & roll-back of laws. Eg as seen in case of farm laws.

Feedback

(For OFFICE use only)

Structure/
Presentation

Question
Interpretation

Content

Value
Addition

Total

Q.17) Political decentralization without devolution of funds and functions to panchayats has resulted in representation but not empowerment. Examine whether devolution of funds and functions alone can transform panchayats into effective institutions of self-governance.

(15 marks, 250 words)

पंचायतों को धन और कार्यों के हस्तांतरण के बिना राजनीतिक विकेंद्रीकरण के परिणामस्वरूप प्रतिनिधित्व तो हुआ है लेकिन सशक्तिकरण नहीं। जांच करें कि क्या केवल निधियों और कार्यों का हस्तांतरण पंचायतों को स्वशासन के प्रभावी संस्थानों में बदल सकता है।

(15 अंक, 250 शब्द)

The 73rd Amendment Act constitutionalized Panchayats - ensuring political decentralization.

However, at grass root level, there exist many issues due to -

1. Devolution of funds and functions has not occurred.
2. Despite recommendations of Finance Commission and State FCs, most of funds to panchayats are of tied nature.
3. They have not been given enough powers to raise their own revenue.
4. There is also reluctance on panchayat members to collect taxes from their villages, (due to the village system bond).
5. States have also not devolved a majority of functions under 11th

Schedule to Panchayats.

→ As a result, the district administration remains the final decision maker.

All this has resulted in representation at ~~the~~ three tiers, but not empowerment.

While devolution of funds and functions is very important, alone it is not sufficient, as -

- 1.) Lack of trained functionaries.
- 2.) Illiteracy in people about working of panchayats.
- 3.) Patriarchal mindsets hinder women empowerment.

Eg "Sarpanch - Pati", where women are mere proxies.

4. Non-involvement consultation with Sarpanches while devolving funds.

5. Reluctance of bureaucracy to give up powers.

However, Panchayats have also scripted Success Stories in the form of -

- Successful vaccination drive
- Running of MGNREGA.
- Organising Lok Adalats with NGOs
- Use RTI route to get work done.

The holistic transformation of panchayats involves not only funds, functions, functional areas, but also greater empowerment of women and educating the village masses.

Feedback

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Structure/
Presentation

Question
Interpretation

Content

Value
Addition

Total



Q.18) The offence of rape cannot be condoned by marital relationship between victim and culprit. In light of this statement, discuss the issues involved in criminalization of marital rape.

(15 marks, 250 words)

बलात्कार के अपराध को पीड़िता और अपराधी के बीच वैवाहिक संबंधों द्वारा माफ नहीं किया जा सकता है। इस कथन के प्रकाश में वैवाहिक बलात्कार के अपराधीकरण में शामिल मुद्दों की चर्चा कीजिए।

(15 अंक, 250 शब्द)

The issue of marital rape has been in controversy for a long time, with court asking Central's views on it recently.

The issues involved in criminalization of marital rape are -

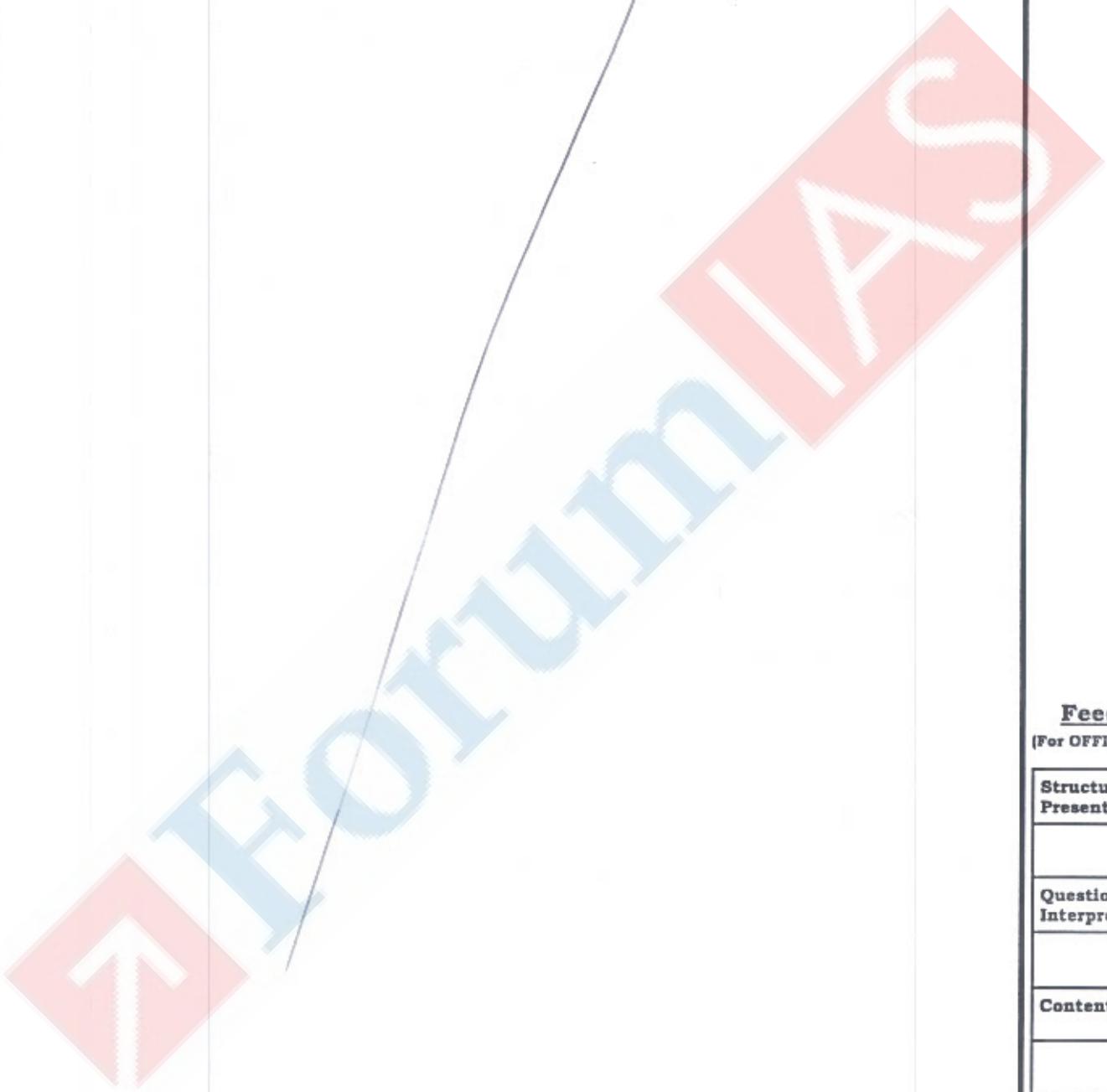
1. ~~Experts~~ but conservative voices say it threatens the institution of marriage by contractualising it.
2. Voices are raised as there is no clear demarcation between consensual sex and rape inside marriage.
3. There is also the ~~is~~ misuse of the provision ~~to~~ by filing false complaints, like observed in Dowry cases sometimes.

4.) No ~~guidelines~~ ^{rules} on what would act as proof of marital rape.

~~5.)~~ India is a progressive country, and it has time and again modified its law to make the society for all sections.

Eg. transgenders and queer rights.

Thus, after proper consultation with all stakeholders, this issue should be taken up on priority, and justice ensured for women.



Feedback
(For OFFICE use only)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total

Q.19) Since the paradigm shift from government to governance and further to good governance, pressure groups have emerged as a strong mechanism for making the democracy participatory, transparent, accountable and responsive. Elucidate. (15 marks, 250 words)

जब से सरकार से शासन और आगे सुशासन के प्रतिमान में बदलाव आया है, तब से दबाव समूह लोकतंत्र को सहभागी, पारदर्शी, जवाबदेह और उत्तरदायी बनाने के लिए एक मजबूत तंत्र के रूप में उभरे हैं। स्पष्ट करें। (15 अंक, 250 शब्द)

Pressure groups are formal/informal organizations where people with common interests/motives get together.

They function through-

- 1) Electioneering - Placing candidates in election that share their views
- 2) Lobbying - influencing the law maker's opinion
- 3) Propagandizing - influencing people's opinion to create demand for their interest.

Earlier, the state decided the commanded complete control. However, with shift from government to governance, and liberalisa-

tion of economy, pressure groups have emerged as a strong mechanism →.

1.) Raising voice against laws: Eg as seen in farm laws, that were repealed after protests by Samyukta Kisan Morcha and groups.

2. Fighting against corruption : Eg. India Against Corruption ensures accountability by asking questions to administration.

3. Boosting Research - Eg. Groups like FICCI, etc. bolster India's research system.

4. Providing data to Government → Eg. ASSOCHAM provides unemployment reports to the Govt. This makes administration more responsive.

5. Raising voice for legislations - Eg. Lokpal Act passed after Pressure Grps raised their voices.

6. Raising voice against environmental destruction. Eg. Narmada Bachao Andolan, Chipko Group.

7. Keeping administration in check by writing RTI petition on various issues.

8. Consumer Rights groups demand led to recent guidelines on misleading advertisement.

However, sometimes, in the garb of ushering participatory, pressure groups can also stall work -
 → Greenpeace against nuclear development in India.

→ Demands to repeal laws in people interest. Eg. FERA amendment to monitor income of forex in India NGOs in India.

Pressure Groups play a very important role in bringing transparency and accountability. The government should frame guidelines to ensure their actions continue to be within the ambit of law.

Feedback

(For OFFICE use only)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total



Q.20) "The rapid expansion of mobile network, proliferation of smart phones and data revolution have made m-governance an integral part of government welfare programmes." Discuss.

(15 marks, 250 words)

"मोबाइल नेटवर्क के तेजी से विस्तार, स्मार्ट फोन के प्रसार और डेटा क्रांति ने m-गवर्नेंस को सरकारी कल्याण कार्यक्रमों का एक अभिन्न अंग बना दिया है।" चर्चा कीजिए।

(15 अंक, 250 शब्द)

The 4th Industrial Revolution, advent of 5G, recent spectrum allocation - highlight the advance in the digital and telecom sector.

The rapid expansion of mobile network has made m-governance an integral part -

→ JAM trinity by govt: Jan-Dhan Account, Aadhar and Mobile Number. to enable access to various government services.

→ m-PESA by Vodafone to allow sending of money.

→ Recent introduction of e-RUPI by RBI to allow non-smartphone users access to UPI payment.

→ Usage of Co-WIN portal by government to streamline the entire vaccination process.

- Single window issue for various Certificates - ~~th~~ accessible through mobile phones.
- Various weather / disaster warnings on phones to fishermen) other vulnerable groups.
- Use of MyGov.in to seek citizen feedback, thus making governance responsive.
- Creation of a National Digital Health Mission, services like tele-medicine (eg e-Sanjeevani) have brought healthcare to remotest corners of nation.
- Initiatives like NISHTHA, NPTEL by government to make education inclusive.
- Common Service Centres (CSCs) in villages. However, even though India has one of the lowest data rates, certain issues exist -
 1. Rural-Urban digital divide.

- 2. Male-female to Digital Divide.
- 3. Absence of law on digital privacy.
- 4. Instances of data theft, piracy, phishing.

The government should try to pass the Data Protection bill, and ensure awareness campaigns take place to enable people to avail benefits of the data revolution. Also, the market should not turn into a duopoly, to ensure competitive rates for customers.

Feedback

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Structure/
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Content

Value
Addition

Total

Mentor Feedback Questions

1

2

3

4

5

Test Goal

1

2

3

Outcomes

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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		

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<p>Outcomes</p> <p>..... </p>	<p>1</p> <p>2</p> <p>3</p>	<p>..... </p>
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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		

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