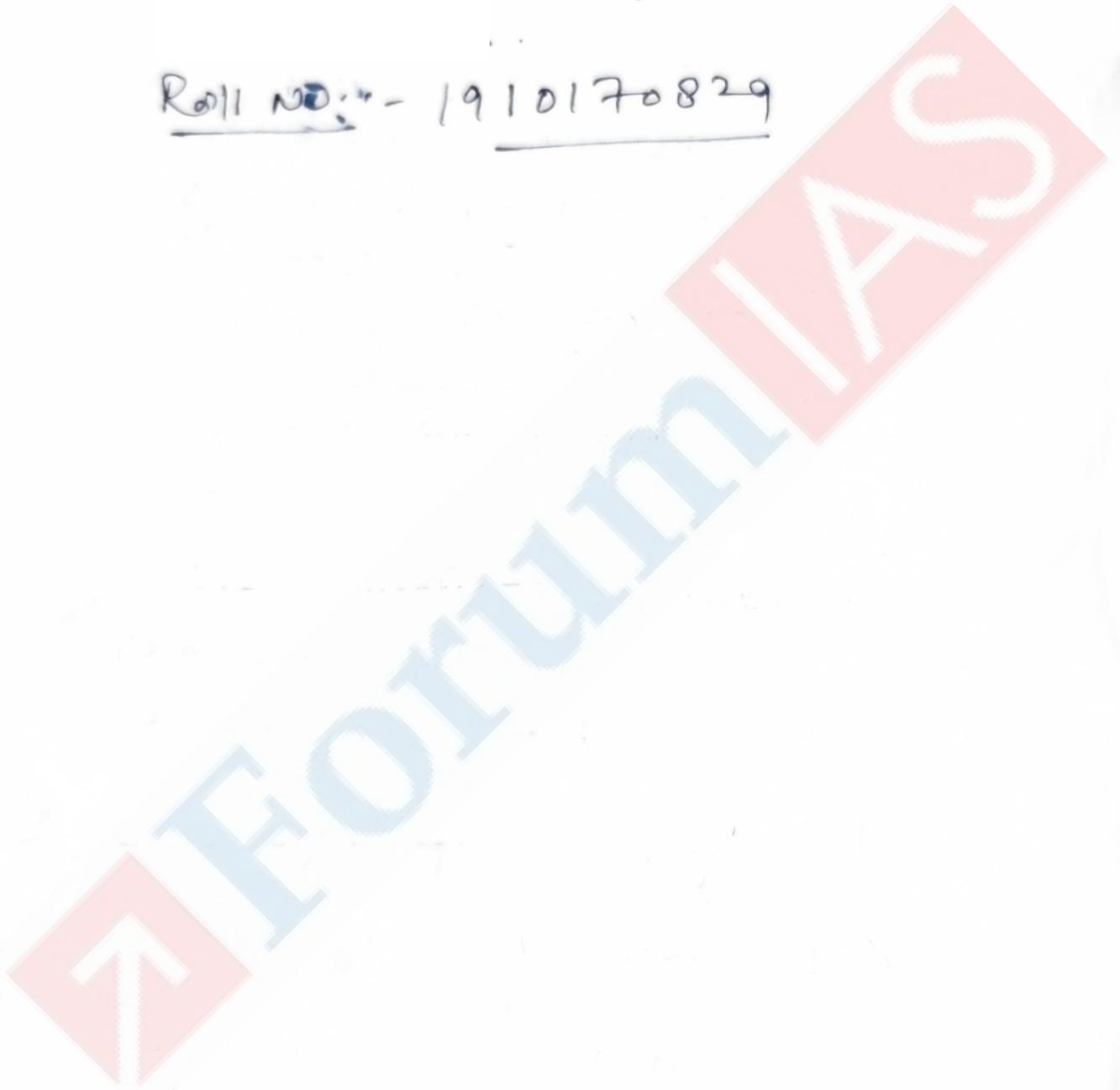


Shradha Soukal

Sectional Test - 7712201

ForumIAS.com

Roll NO: - 1910170829



Total Marks : 100

Allotted Time : 90 Min.

**Instructions to Candidates -**

- There are 10 Questions in this Question paper.
- All Questions are Compulsory.
- Answers must be attempted in the QCA Booklet only.

**Q.1)** Mention the fundamental features of the Indian Constitution.

भारतीय संविधान की मूलभूत विशेषताओं का उल्लेख कीजिए।

(8 Marks)

**Q.2)** The Constitution states in its Preamble that India will be a secular republic. What are the constitutional provisions in accordance with this declaration?

संविधान ने अपनी प्रस्तावना में कहा है कि भारत एक धर्मनिरपेक्ष गणराज्य होगा। इस घोषणा के अनुरूप संवैधानिक प्रावधान क्या हैं?

(8 Marks)

**Q.3)** The right to privacy is an integral part of the right to life. Explain

निजता का अधिकार, जीवन के अधिकार का एक अंग है, स्पष्ट कीजिए।

(8 Marks)

**Q.4)** What is the Single Transferable Vote (STV) system? Comment

एकल संक्रमणीय मत प्रणाली क्या है? टिप्पणी कीजिए।

(8 Marks)

**Q.5)** What is a Lok Adalat? What is its purpose?

लोक अदालत क्या है? इसका क्या उद्देश्य है?

(8 Marks)

**Q.6)** Did the Government of India Act, 1935, establish a federal constitution? Discuss

क्या भारत सरकार अधिनियम, 1935 ने एक परिसंघीय संविधान निर्धारित कर दिया था ? चर्चा कीजिए।

(12 Marks)

**Q.7)** What is the Uniform Civil Code (UCC)? Provide arguments for and against it.

समान नागरिक संहिता क्या है? इसके पक्ष और विपक्ष में तर्क दीजिए।

(12 Marks)

**Q.8)** Mention the types of bills presented in Parliament. Differentiate between Government Bills and Private Members' Bills.

संसद में प्रस्तुत किए जाने वाले विधेयकों का उल्लेख कीजिए। सरकारी विधेयक और गैर-सरकारी विधेयक में अंतर स्पष्ट कीजिए।

(12 Marks)

**Q.9)** Why was the Panchayati Raj included in the Directive Principles of State Policy (DPSP)? Provide a critical analysis.

नीति निदेशक तत्वों में पंचायती राज को क्यों शामिल किया गया ? आलोचनात्मक टिप्पणी कीजिए।

(12 Marks)

**Q.10)** What are the judicial powers of the Supreme Court? Comment on its power of judicial review.

उच्चतम न्यायालय की न्यायिक शक्तियां कौन-कौन-सी हैं? न्यायिक समीक्षा शक्ति पर टिप्पणी करें।

(12 Marks)

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कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें



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# UPSC

(Mains Answer Sheet for Practice)

Q.

Mention the fundamental features of the Indian constitution.

Indian constitution defines the nature of state & the polity. It provides the framework for law governance & way to achieve its objective.

Fundamental features of Indian Constitution

1) Largest written constitution  
→ Took 2 years 11 months & 18 days to formulate

2) Rigid as well as flexible

Q More than 100 amendments in 75 years, compared to USA

→

Also requires state consent for changing federal features

Q

Borrowed from various constitutions



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② Supremacy of Constitution - USA

1) federal polity with strong center

eg) Article 250, 247

5) Integrated judicial system

6) Supremacy of Constitution unlike Parliamentary Sovereignty in UK

⑦ Parliamentary nature of government

⑧ Provision for fundamental rights

⑩ Socialist, secular, democratic & republic nature of state

⑪ Emergency provisions  
 eg) Article 35, 360

⑫ Independent Bodies eg) UPSC

"Indian Constitution is a living Constitution adapting to changing times" - Chief Justice Gajri

# UPSC

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उम्मीदवारों को इस हार्गिर में नही लिखना चाहिए

Q.2

The constitution states in its Preamble that India will be a secular republic. What are constitutional provisions in accordance with its declaration.

Republic means when the head of state is directly / indirectly elected unlike Britain where it is hereditary.

①

Any one can become President through single transferable vote system (above age 35)

Republic state of India

No one is superior

No preferential treatment like Royal family in Britain

④

(Article 52-57) No hereditary privileges eg)

Abolition of Privy Purse

The Republic nature was envisioned in the 'objective'

# UPSC

(Mains Answer Sheet for Practice)

Resolution itself.

Although secular nature was engrained in Articles (25-28) it was made explicit through 42nd Amendment Act when it was explicitly added to Preamble.

Secular features

→ Article 25-28

freedom of Religion to practice, profess & manage religious affairs

→ Article 14, 15 → Right to equality, bars discrimination based on religion

Indian State has no official religion

→ Maintains principled distance & intervenes to reform progressively.

The republic & secular nature of Indian State has been added as part of basic structure to further solidify.

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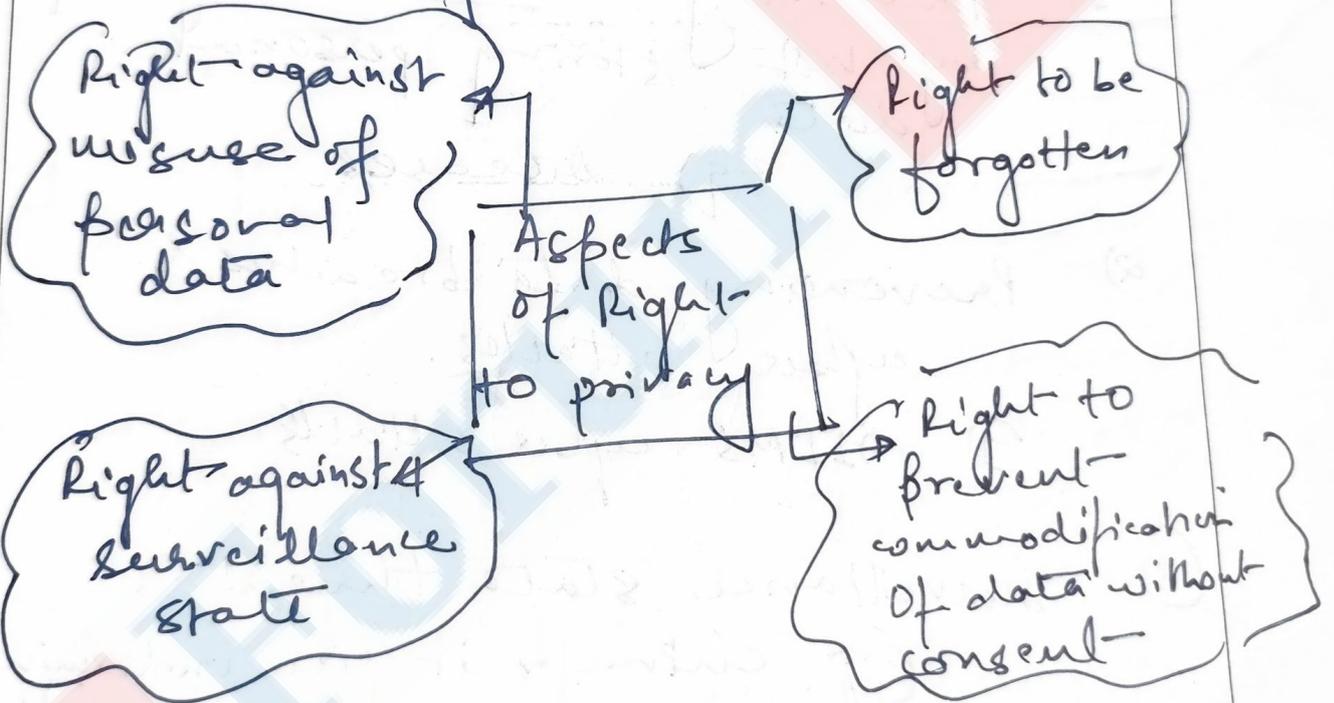
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उम्मीदवारों को इस  
हार्जिन में नहीं  
लिखना चाहिए

P-3

The Right to privacy is an integral part of right to life. Explain

Right to privacy was determined as a fundamental right under Article 21 in Puttalabami case judgement ensuring dignity of human life.



Drawing inspiration from GDPR of European Commission, India constituted B.N Krishna Committee & accordingly drafted Data Protection Bill.

# UPSC

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The bill fixes the responsibilities, duties & regulate data use while securing privacy.

Right to privacy & data governance  
# Challenges :-

1) Preserving individual dignity by not storing personal data  
eg) diseases

2) Preventing data breaches & cyber attacks.

eg) AT&T cyber attack

3) Surveillance state threat  
eg) china → it can undermine enjoyment of other rights

A robust & dynamic framework on data governance needed preserving rights while ensuring data utilization in this digital age.



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Q.4

What is single transferable vote system? comment.

In single transferable vote system the votes of individuals not qualifying the threshold is distributed among others till a winner is decided/declared.

In India, President election is done via single transferable vote system.

Let us understand how it works -

	Candidate A	Candidate B	C
<u>Round 1</u>	100	50	25
	←	+9	↘
<u>Round 2</u>	+16	Transferred in proportion of vote share	
	Candidate A	Candidate B	
	116	120	

Round continued till winner passes threshold.



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## Benefits & challenges

Benefits

- fair chance of representation
- less time taking
- less logistics burden
- Better for smaller scale

Challenges

- complex
- Time consuming
- Not very suitable for country with large population

India after deliberation in Constituent Assembly adopted different type of election for different constitutional dignitaries, to prevent any conflict & ensure smooth functioning of democracy.

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कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें

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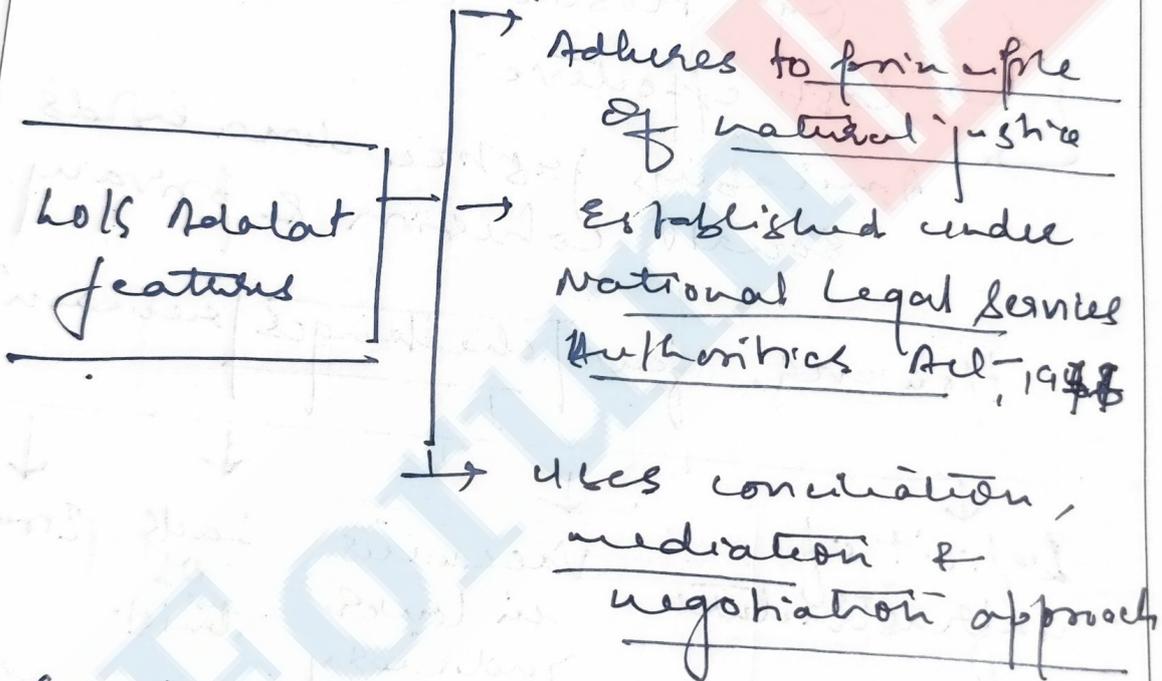


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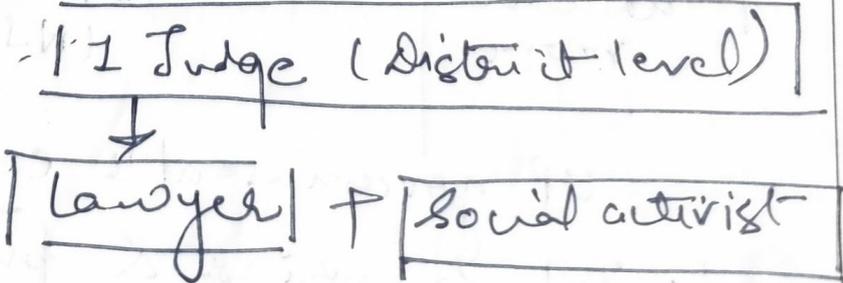
उम्मीदवारों को इस हार्जिन में नही लिखना चाहिए

Q. 5 What is the purpose of Lok Adalat? what is its

Lok Adalat is an alternative dispute resolution mechanism which seeks to expedite & decentralise justice (Article 39A).



Composition



PURPOSE of Lok Adalat as defined by ARC:-

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कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें

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उम्मीदवारों को इस हार्जिए में नही लिखना चाहिए

- PURPOSE**
- Democratization of justice
  - Reduce burden on higher court
    - eg Dealt with 1 crore case in 2023
  - Improve Accessibility
    - eg Mobile Lok Adalat
  - Cost effective
  - Amicably, justice done holds social cohesion & privacy

However, few challenges remain!

- |                           |                              |               |              |
|---------------------------|------------------------------|---------------|--------------|
| ↓                         | ↓                            | ↓             | ↓            |
| Deficit of infrastructure | Vacancies in lower judiciary | Lack of trust | Irregularity |
| eg 20% have no court room | → > 20% (NJJD)               |               |              |

UP government's e-Court initiative, digital hearing & push for infrastructure upgrade are step in right direction to enhance efficiency of Lok Adalat.



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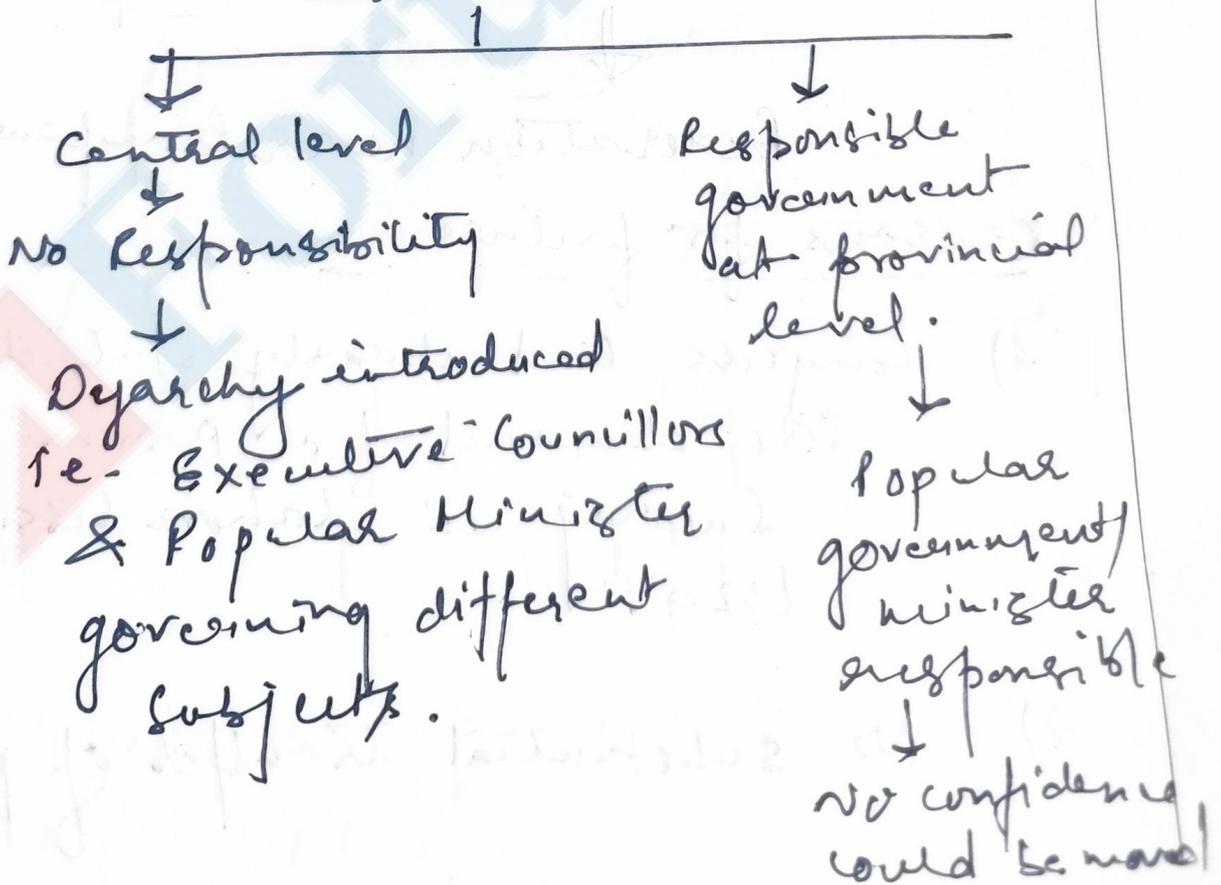
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Q.6

Did the Government of India Act 1935, establish a federal constitution. Explain.

Government of India Act 1935 which was formulated after much deliberations & Irwin Simon Commission recommendations proposed a federal constitution for India.

Features envisioned for Federal Nature



# UPSC

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कृपया प्रश्न संख्या के अतिरिक्त

↓  
3 list → Federal  
          → Provincial  
          → Concurrent prepared

Residuary power given to states

↓  
Veto power to Governor

(eg) Federal → coins, Trade  
          Provincial - Healthcare

Condition for implementation of federation → Half of states & states population should agree

↓

Federation never happened

Reasons for failure

1) Congress had clearly stated its demand for Poorna Swaraj in Lahore Session 1929.

2) No substantial transfer of power



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झागिए में नही  
लिखना चाहिए

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में प्रश्न संख्या के  
अतिरिक्त कुछ न लिखें

# UPSC

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- 3) Governor still enjoyed veto power.
- 4) No control over finances.
- 5) Irrational transfer / division of subjects.  
(eg) Agriculture & irrigation in different list.

Gandhiji stated it was unjust for Britishers to propose a Congress to accept. Ironically, many features of our present constitution is inspired from GOA Act 1935.

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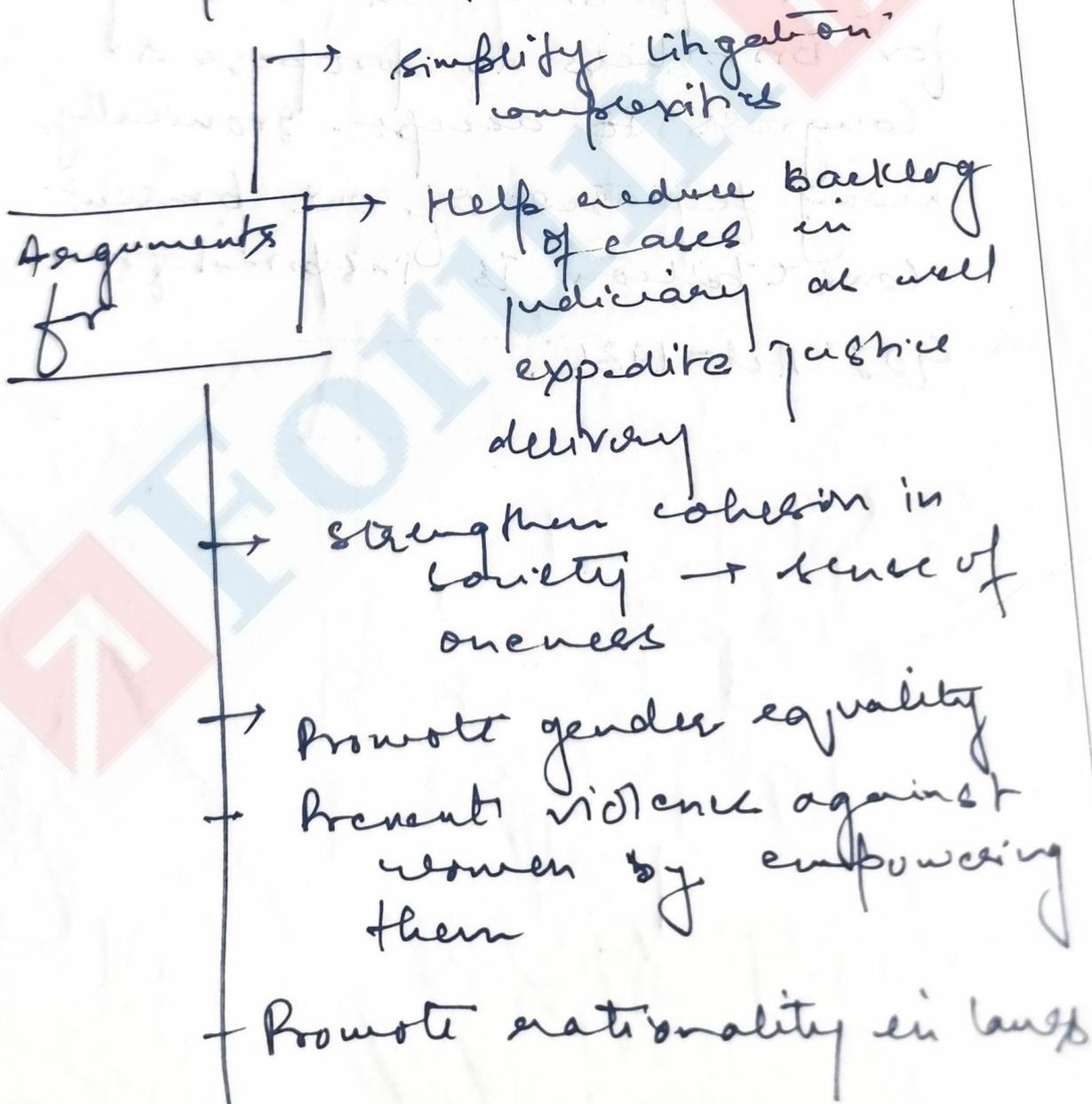
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Q.7

What is UCC? Provide arguments for & against it.

Article 44 of Constitution envisions Uniform Civil Code i.e. <sup>uniform</sup> similar law governing marriage, divorce, inheritance & adoption irrespective of religion.



# UPSC

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उम्मीदवारों को इस हाथिए में नहीं लिखना चाहिए

## Arguments against:-

- (i) May lead to communal tensions.
- (ii) fear of majoritarianism
- (iii) Repulsion by the fundamentalist
- (iv) difficulty in reaching consensus
- (v) Political will might be missing (eg) vote bank politics
- (vi) Apprehensions (eg) fear of encroachment of fundamental right-
- (vii) Challenge in formulation given diverse cultural practices, rituals.
- v) Push back by minorities & tribals.

## way forward

- (i) open dialogue on television
- (ii) consensus building

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iv) Awareness generation & sensitization of masses

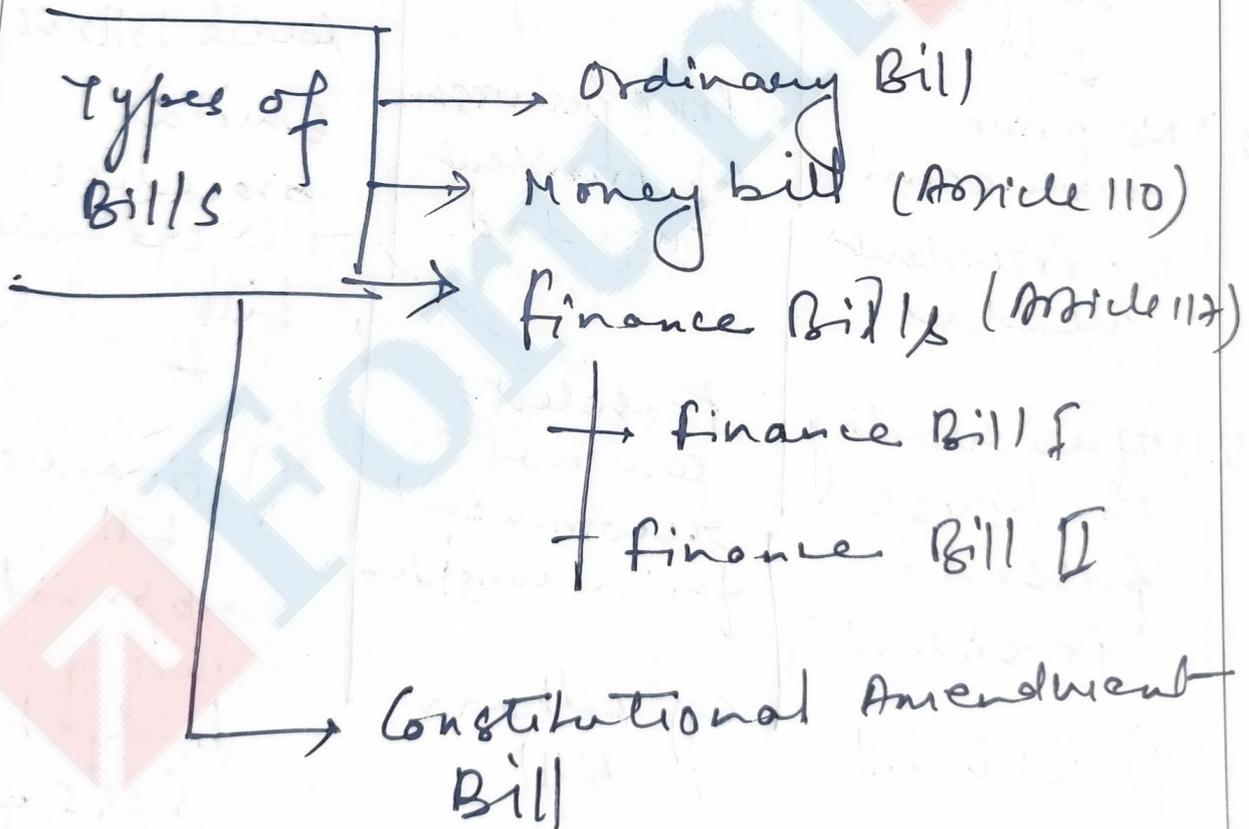
v) Peaceful approach — as suggested by Law Commission.

Supreme Court time and again through various judgements like *Shri Bano* case urged government for feasibility of implementing UCC.

Q2

Mention the types of Bills presented in Parliament and differentiate between Government Bills & private member Bills.

Bills are the proposed legislation which when passed by the Parliament & signed by President become an Act.



Comparative analysis of different types of Bill :-

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कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें

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उम्मीदवारों को इस स्थान पर लिखना नहीं चाहिए

Ordinary Bill	Money Bill	Finance Bill
(i) can be introduced by a minister or private member ↓	Introduced by minister ↓ Represent matters related to expenditure, revenue & tax (Article 110)	Introduced by minister ↓ Finance bill & need prior approval of President for introduction
(ii) Represent policy suggestion ↓	No prior permission of President needed	Later follows similar procedure to ordinary bill ↓
(iii) No prior permission of President needed	President can not recommend for reconsideration.	eg) Finance bill approval during budget session
(iv) After reading in house passed to President eg) RTE bill	eg) Adhaar Bill	

Differentiation of Government bill & private member bill

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## Government Bill

Introduced by a minister

Reflects policy matter

Seven days notice given to introduce

Prepared by the respective department

failure of passage may lead to no confidence & subsequently resignation of government

## Private Member Bill

Introduced by private member

can be on any diverse topic

One month notice to be given to introduce

self preparation

failure of passage does not lead to resignation

In fact high chances of rejection

(eg. only 14 private member bill passed till date)

substantial debate & participatory bill legislation enhances quality of legislation & improves & strengthens democracy & governance

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कृपया इस स्थान  
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अतिरिक्त कुछ न लिखें

Q.

Why was Panchayati Raj included  
in the DPSP? Provide critical  
analysis.

Panchayati Raj System entails  
grass root governance. A form  
of direct democracy based on  
concept of Sarva of Gandhiji.

Reason for  
inclusion in  
DPSP

↳ Dr. B.R. Ambedkar briefed  
the constitution assembly  
the reason for inclusion  
for DPSP in Article 40  
Part IV rather than elsewhere.

- The nascent stage of  
Indian democracy
- The aftermath of partition  
led to chaos & administrative



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→ Overburden

→ Lack of resources

eg) India was facing food shortage & communal tensions that needed centralised monitoring

→ Separatist tendencies of many states based on Religion, language, history (princely states)

eg) Hyderabad

→ Eminent threat from hostile neighbours needed focus

→ Lack of preparedness / maturity of Indian society.

eg) fear of overtake of Panchayati system by Khap panchayat & reinforcement of prejudices

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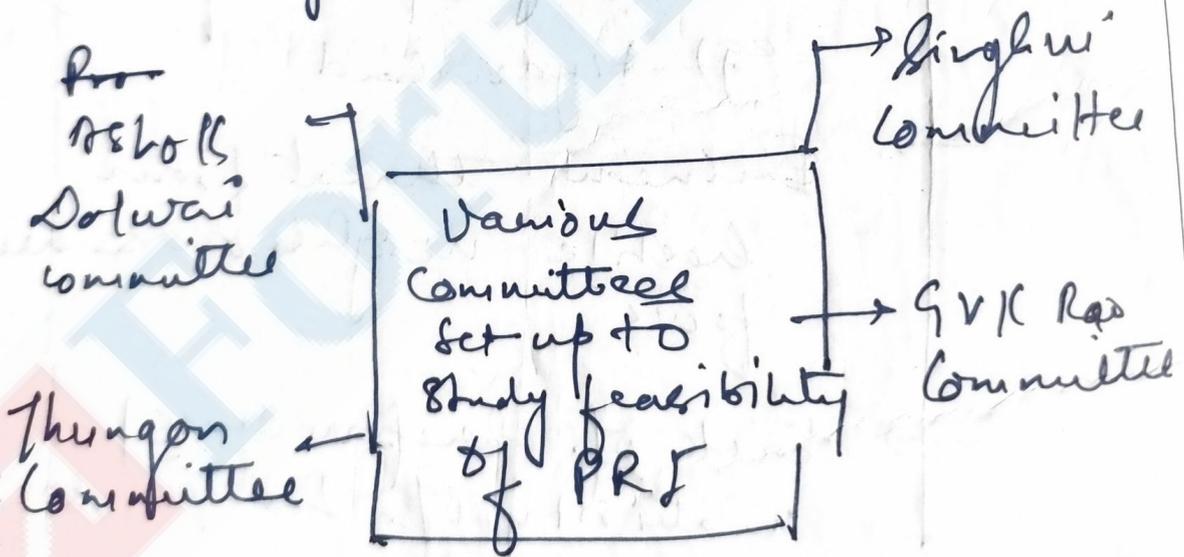
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& deepening of caste divide.  
→ High state of inequality prevalence  
(eg. upper hand of zamindars over tenants.

However, Gandhiji criticised the move heavily & believed real Sarvodaya could be achieved through grassroot governance.



Under PV Narasimhao Rao government P.R.I. became a reality with enactment of 73<sup>rd</sup> & 74<sup>th</sup> Constitutional Amendment ushering 3 tier governance



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उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए

Q.10)

What are Judicial powers of Supreme Court? Comment on its power of Judicial review.

Part V of the constitution defines the powers & ensures its independence (Article 124 - 146) to enforce Rule of law & justice in the country.

Original (Article 131)

eg. Dispute between Centre & state

Advisory (Article 143)

eg) President seek advice

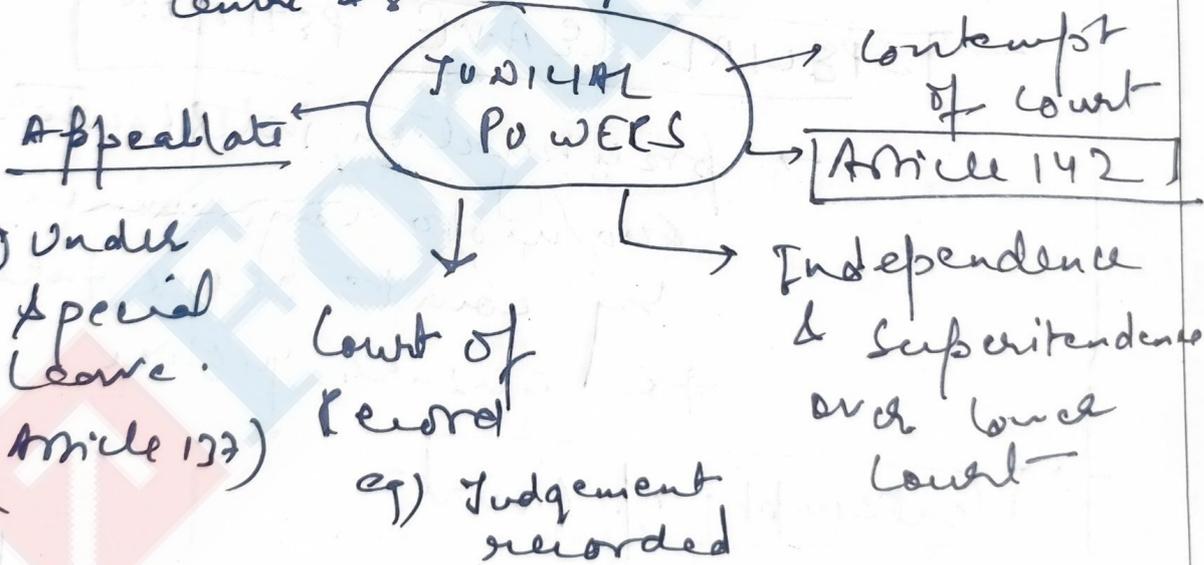


Fig Overview of powers of SC

EXPLANATION

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कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें

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## → Original Jurisdiction

→ Dispute between centre & state

eg Recently Kerala government moved to SC against CAA.

## → Appellate Jurisdiction

→ when referred by lower court or HC

→ one can also move directly on violation of FR (Article 32)

## → SPECIAL LEAVE PETITION

→ prerogative, interlocking, suo moto cognisance by court cases taken to ensure justice

## → Contempt of Court

Conduct of judges can not be discussed or interfered (Article 122)

→ Both Civil & Criminal charges apply.

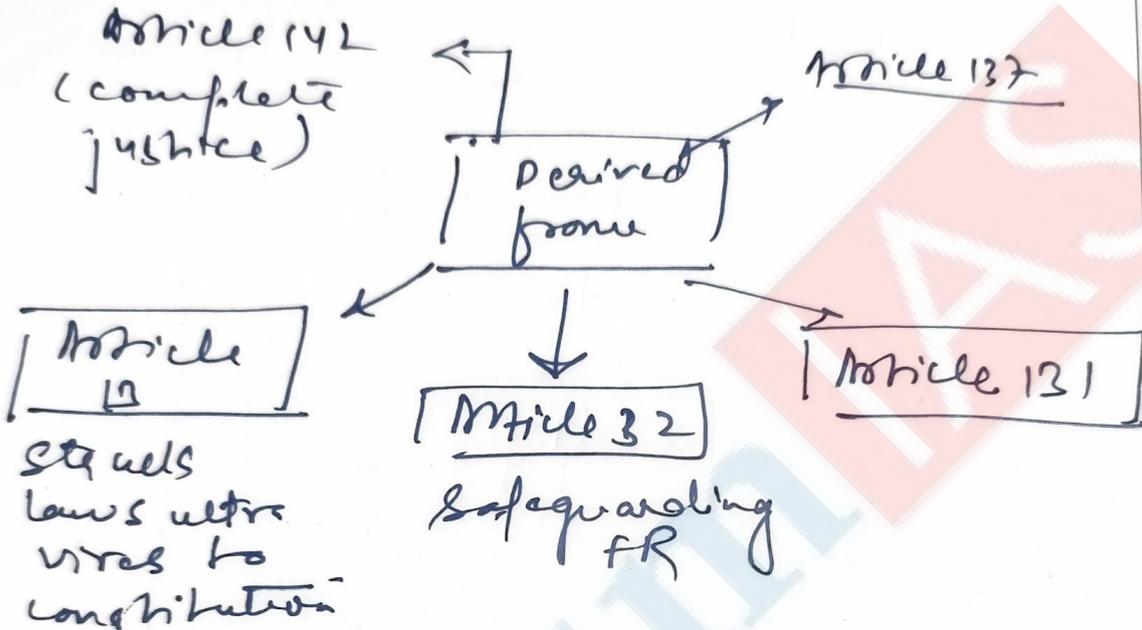
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JUDICIAL REVIEW is the power of SC to check the constitutionality of a law or executive action.



Exercise of judicial review

- Struck down electoral Bond
- NJAC taken down
- criticized bulldozer justice

Breach of Separation of power (Article 50)

Challenges

leading to judicial adventurism & legislation

eg. Ban on smokes

Undemocratic

Accountability (National Judicial Review Commission) & adherence to principle of restraint is key to future justice.