

**UPPSC MAINS 2024 - CRASH COURSE****Generic Booklet**

Test Name/Code/No. : 7712201

Polity Section test

Name	VINAY KUMAR		
Email ID.			
Roll No.	1910151508		
Mobile No.		Date	31/5/25

**Allotted Time : 90 Minutes****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. No.	Grade/Score
1	
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10	
<b>Overall Grade/Score</b>	

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

Ans Indian Constitution drafted by Dr. BR Ambedkar by synthesis of world known constitutions and incorporated various provisions from them but given a unique frame as per Indian needs.

### Features of Indian Constitution

- (1) Republic - Indian head is elected rather than hereditary or monarch.
- (2) Democratic → popular government form by the people's votes and their representatives. Eg - Election Commission of India.
- (3) Socialist → adopted from Russian value, highlight work towards a society based on equality. Eg - Art 14-16.
- (4) Secularism - Indian constitution given equal respect and protection to all religion. Eg - Art 25-28.

any (L)

- (5) Justice - fair and equal treatment to all with economic, social and political justice.
- (6) Supremacy of constitution → constitution is source of all power and no one above it.
- (7) Independent judiciary → Judiciary an important pillar for safeguarding the fundamental rights and constitution  
Eg - Art 32 and 226.
- (8) Unitary as well as federal feature → to protect India's sovereignty and security.
- (9) Fundamental Rights → to protect the citizens from the tyranny of executive and legislative.

Thus Indian Constitution is unique and called 'Sui generis' for creating the constitution for Indian situation.

**Overall Grading (✓)**

Poor			Average			Good		
1	2	3	4	5	6	7	8	9

11 min.

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?

Ans:- Indian Constitution preamble is 'horoscope of constitution' shows the values inherent in it. Secularism is the basic feature of Indian constitution.

### Secular Republic

- ↳ Indian republic will not adopt any state religion.
- ↳ Indian head of state will be respect all religion of the land and provide equal protection to all.
- ↳ Indian model of secularism is positive in orientation as it is different from west which is neutral

for the religious affairs.

Constitutional provision accordance to Secularism

- (1) Art 14 → Rule of law, state will not discriminate any citizen based on its religion.
- (2) Art 15 → Prohibition on certain ground only which gives religion will not a prohibition
- (3) Art 16 → Opportunity on the basis of religion will not be hinderance to anyone
- (4) Art 25 → Individual right to religion and freedom of profess, propogate and conscience
- (5) Art 26 → Collective right to religious group to preach
- (6) Art 27 → freedom to establish religious denomination

The secularism is very principle of Indian constitution reaffirm by the SR Bommai case 1994.

Overall Grading (✓)

Poor			Average			Good		
1	2	3	4	5	6	7	8	9

9 min

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

Ans Right to privacy is under the Article 21 of Indian constitution which is Right to life and liberty, very important part of fundamental right of citizen.

Right to privacy as an integral part of  
Right to life

↳ the doctrine right to privacy adopted by K.S. Puttaswami judgement 2017 and held that it is integral to right to life under Art 21.

↳ Doctrine held that individual right to safeguard its data, personal information and its obligation of state to protect the same

- ↳ Under this Right to forgotten also consider as right to privacy.
- ↳ Privacy of Individual is necessary for ~~dignity~~ dignityful and respectable life.
- ↳ Right to privacy fulfill by the state as ruled data localisation and consent before owner of data.

However it is challenged by various things.

- ↳ Breach of data by the govt. repository.
- ↳ Govt have upper hand in case of data extraction for the sovereignty security of nation under the <sup>personal</sup> data protection act 2021.

Thus Right to privacy need to safe guard for the holistic development of individual and fortify innovation and creativeness.

**Overall Grading (✓)**

Poor			Average			Good		
1	2	3	4	5	6	7	8	9

Q.4) What is the single transferable vote system? comment.

Ans Single transferable vote system follows by the proportional representation system which is opposite to the first past the post system.

### Single transferable vote system

- ↳ Proportional representation system in which one voter have multiple choice and can give preference to different candidate as 1, 2, 3 choice.
- ↳ In this system the first preference will be ~~transfer~~ + counted first and other preference will follow later.
- ↳ It is used where the no. of candidates are less and people have varied choice.

Eg - Presidential election in India  
use this system.

↳ In this the certain quota of vote need to be achieve for winning and ~~that~~ till the quota not achieve, lower preference vote transfer to first preference.

Application of Single transferable vote system in India

- (1) President election
- (2) Vice president Election

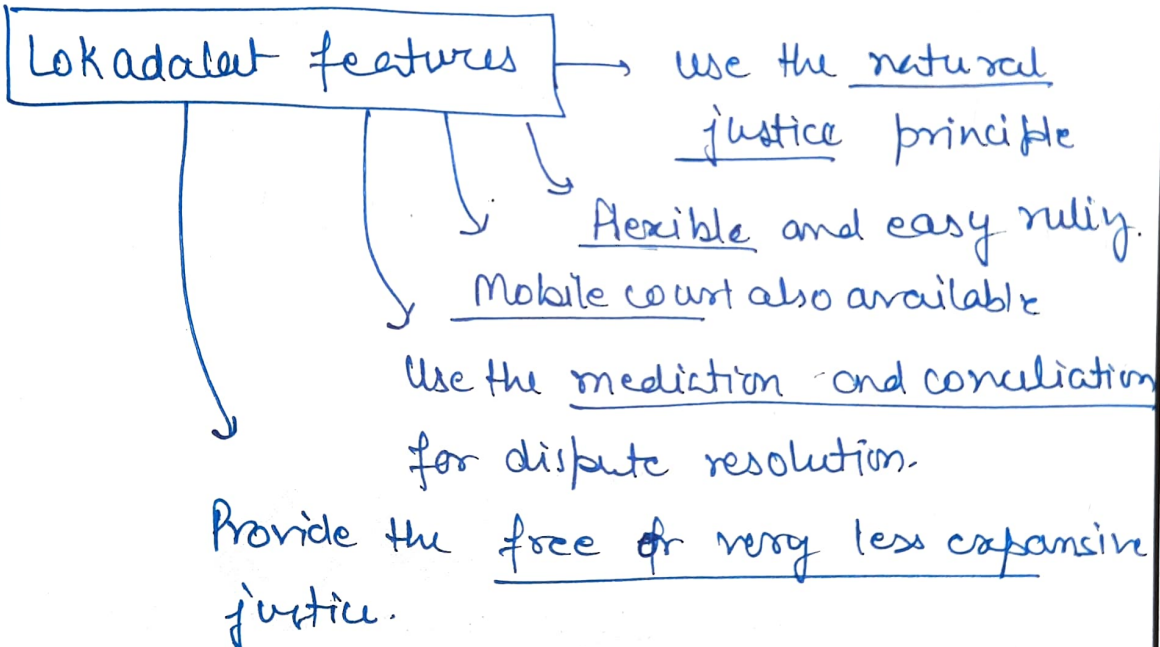
Thus single transferable vote system is a secret vote system for the small electorate and choosing among the two or three candidates.

**Overall Grading (✓)**

Poor			Average			Good		
1	2	3	4	5	6	7	8	9

Q.5) What is Lok adalat. what is its purpose?

Ans Lok adalat is the alternate dispute mechanism in India under the National Legal Service Act 1987 which provided Lokadalat at centre, state and district level.



~~Importance~~ Purpose of Lokadalat

- (1) Reduce the burden on judiciary → > 4.5 cr. case pending in Indian judiciary.
- (2) Resolution of case in flexible manner  
→ away from the proper judicial

pattern.

- (3) Fulfill the promise of DPSP → Under Art 39 provision of free legal aid to poor and marginalised section
- (4) Speedy justice delivery → Lokadalat follow natural justice and in plain language litigation underway.
- (5) Resolution of compoundable criminal case → and the various petty case of civil nature.
- (6) Structure of Lok adalat → under the Supreme court → National Lok adalat  
High Court → State Lok adalat  
District court → District Lok adalat.

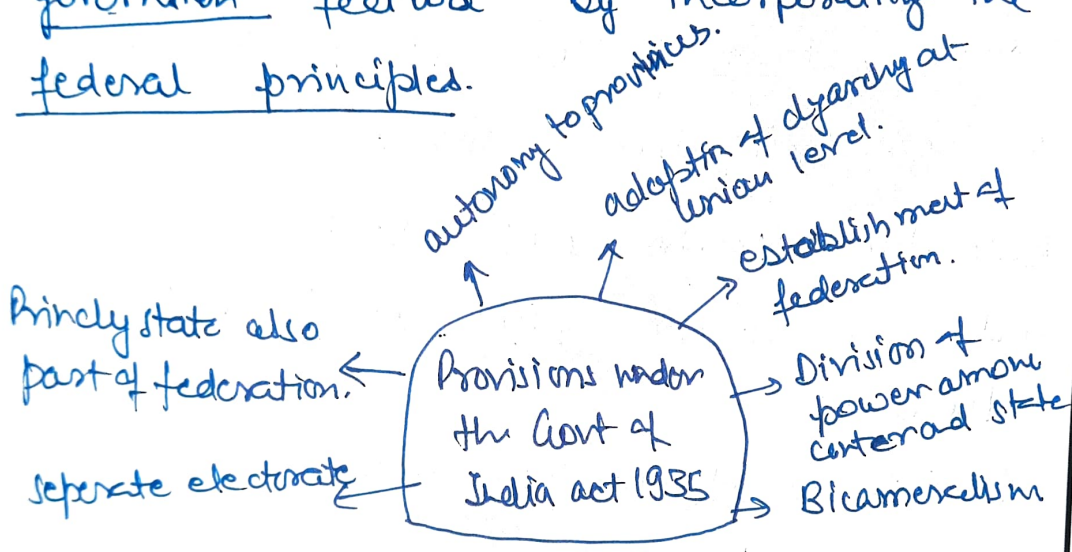
Though with regular meeting of Lok adalat can deliver proper and efficient justice to needy and create the state obligation of social contract.

**Overall Grading (✓)**

Poor			Average			Good		
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Q.6) Did the government of India Act 1935, establish a federal constitution? discuss.

Ans Government of India act 1935 enacted by the British parliament to change the governance system and implement the responsible government feature by incorporating the federal principles.



Establishment of federal constitution by the Govt of India Act 1935:-

(1) GOI act 1935 given the bicameralism system → adaped by Indian constitution as making the Lok Sabha and Rajya Sabha.

- (2) Division of power → Separate list of Union, state and concurrent list  
Eg- Indian const. also taken the same form here. and incorporated Schedule 7.
- (3) Supremacy of central govt → most power centred in central govt.
- (4) Autonomy to state govt and separate budget → GOI Act 1935 given autonomy to state in their sphere.  
Eg- Indian state also have autonomy on state subject and centre can interfere only in certain situation like emergency.
- (5) Dependence on security and sovereignty → National govt have wider power in matter of foreign relation and defence.  
However few provision added by the Indian constitution make as per their need →

any  
Q.7

- Centre state relation adopted the Canadian model → with unitary feature and less power to states.
- Asymmetric federalism → to cater the diversity and cultural preservation of tribals, given and other need given Scheduled 5 and 6 and proportional representation in Rajyasabha.
- Indestructible union and destructible state → as India is not form by any convention so state can be redrawn by central govt.

Thus major part of our federation is taken by the Govt of India Act 1955 but as per our need we incorporated various provision to safeguard security, integrity and sovereignty of nation.

**Overall Grading (✓)**

Poor			Average			Good		
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16min.

Q.7) What is the Uniform civil code (UCC)? provide arguments for and against it.

Ans Uniform civil code is a doctrine in which common rules created for the different religious persons marriage, divorce, adoption and succession to streamline the adjudication.

### UCC in India

- ↳ First adopted by Goa under the Portuguese occupation.
- ↳ Independent India - Uttarakhand is the first state formulated the UCC in 2024.
- ↳ Under Art 40 of DPSP, it is given that Indian state to aspire for the uniform civil code in the part IV of constitution

Argument in favour of UCC

- (1) Reduce the complexity of legislation in the similar matter of marriage and divorce for different religions.
- (2) Minimise burden on judiciary → only 21 judge/million population vs. 50 judge/million need as per world bank.
- (3) Safeguarding the fundamental right of women → various religion exploit the women by giving divorce and marriage as contract.
- (4) Modernise and progressive state → away from the archaic law based on religion move towards uniformity
- (5) Secularism → in true sense secularism followed by the uniform law of common matters.

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Argument in Against

- (1) Destroy the diversity → as Indian people of different religions and denomination
- (2) Infringe the Tribals culture → not yet been decided that how to safeguard.
- (3) Right to Religious freedom violation → Art 25-28 provide right to religion.
- (4) Wide spread protest and resistance → by various religion.
- (5) Need for deliberation and consensus.

Way forward

- ↳ Peace meal approach by Laxo Commission
- ↳ Consensus building (NCRWC 2002)
- ↳ Awareness and benefit share among citizens.
- ↳ Make it more progressive and incorporate the all deliberation

Thus UCC can be a progressive legislation but need to safeguard the diversity of India as it is our strength.

Overall Grading (✓)

Poor			Average			Good		
1	2	3	4	5	6	7	8	9

Q.8) Mentions the types of bills presented in the parliament. Differentiate between govt and private member bills.

Any Indian Parliament is the central legislative body and frame the rules and amend the constitution by the procedure given in the constitution.

### Types of Bills presented in Indian parliament

- (1) Ordinary Bill → these are related to some new legislation on current subject or changes in the constitution these are not counted as amendment like - change of name of state, redraw the boundary of state, quorum of Lok Sabha etc. For these Bill required ordinary / simple majority (majority of member present and voting) in both houses.

(2) Money bill:- It is related to monetary purpose defined in Art 110 and passed by the simple majority. It is originated in the Lok Sabha only with prior permission to President. Rajyasabha can withheld it only 14 days and lok Sabha can be/cannot accept the amendment suggested by Rajyasabha.

(3) Constitutional Amendment Bill → Under Art 368, constitutional amendment procedure given, it can be originated in both the house but passed with special majority in normal case. In the amendment of federal provision need the ratification of half of state legislature along with special majority by both houses. After passing with the assent of President it is deemed amendment of constitution.

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Difference in Govt and private member bill

Govt Bill	Private Member bill
1. Drawn by <u>ministers only</u>	1. By <u>any member</u> other than ministers
2. Required <u>one week</u> notice for bring the bill.	2. <u>One month</u> prior notice before bring bill.
3. <u>Money bill</u> can be drawn by it only	3. <u>Only ordinary and constitution amendment</u> bill.
4. <u>Committee help</u> in the formulation of this bill	4. <u>Individual member</u> need to prepare it.
5. It have <u>high chance</u> to pass.	5. <u>less chance</u> to pass.

Thus constitution, given the detailed procedure to change the constitution and bring new legislation for the progress and adapting the arising situation.

Overall Grading (✓)

Poor			Average			Good		
1	2	3	4	5	6	7	8	9

15 min

Q.9) Why was the panchayati raj included in the DPSP? provide a critical analysis.

Ans Panchayati raj institution enacted in India by the 73<sup>rd</sup> amendment act 1993 and given the decentralisation of administration.

Provision under the panchayati raj.

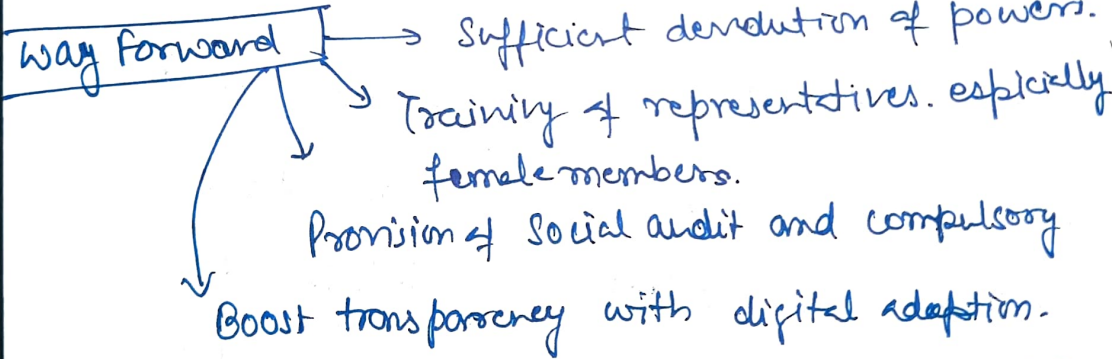
- ↳ Self governance to the citizen under Art 243-243D
- ↳ principle of subsidiarity.
- ↳ 29 functional subject
- ↳ formation of Panchayat through the direct election
- ↳ Three tier of governance
  - District level → Jila Panchayat
  - Intermediate level → Block
  - Village level → Gram Panchayat
- ↳ Reservation to women - 1/3 seats SC/ST - as per population ratio.

Why panchayati raj included in DPSP?

- (1) Novel feature of Constitution - By Ambedkar for the better governance of rural area.
- (2) Following the Gandhian Principles → of cottage and village industry and format of panchayat for the self rule.
- (3) Decentralisation of power → with this substantive power given to panchayat for local and rural development.
- (4) Autonomy to the rural area → following principle of subsidiarity, those function given to upper level which are not feasible by lower level.
- (5) Countries larger population - >70% current population in rural area but during 1950's it was >80%. so panchayat was suitable for the rural development.

however Panchayati raj face various challenges:-

- (1) Devolution of 3F's ( fund, function, Functionaries) suboptimal level.
- (2) Corruption and mismanagement
- (3) Bureaucratic resistance
- (4) States don't want to give larger power to villages - lack of political will.
- (5) Unawareness of rural people and gender discrimination



Therefore Panchayati raj is DRSP were for the democratise the governance and deepening of democracy with active participant by rural masses rather passive recipient.

**Overall Grading (✓)**

Poor			Average				Good	
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15 min

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

Ans:- Supreme court is the apex court in our country establish under article 124-147, remain independent from the executive and hold administration of other courts under it.

### Judicial power of Supreme court

These are no. of power under where Supreme court have its jurisdiction.

(1) Original jurisdiction → Supreme court being apex court of nation had original and exclusive jurisdiction in matters of Centre vs State, State vs state Centre vs many state disputes.  
- Any matter referred to it under hold emmenace fact and law.

(2) Appellate jurisdiction → HC and subordinate

court can appeal in the SC for any law or fact in case, case related to fundamental right and writ jurisdiction.

- (3) Writ Jurisdiction:- SC is the guardian and defender of fundamental right of citizen. Aggrieved party can directly approach to SC under art 32.
- (4) Court of Record → Case record here for perpetual memory and testimony and under powers of contempt of court also there.
- (5) Advisory jurisdiction → Under art 143 president can seek two matter for advice. Eg - Recently President seek advice in matter of assent and withholding of Bills by Governor.
- (6) Judicial Review → Under this SC can testify any constitutional law framed by legislature or and rule by executive to check its constitutionality test whether under constitutional limit or crossing.

Power of Judicial Review of IE → Under the

art 13, 32, 226, SC can check the constitutionality of any law or rules. if violating can be declared 'Ultra vires' or invalid.

### Importance of Judicial Review

- ↳ to maintain the essence of constitution.
- ↳ to maintain supremacy of constitution.
- ↳ to safeguard fundamental right.
- ↳ to preserve the Basic structure of constitution.
- ↳ to check the arbitrary legislation and delegated legislation under its limit.

### Challenges

→ sometime undermine the democratic framework of India  
 ↳ breach of separation of power.  
 ↳ set invalid limit by court.

Thus SC in India had wide scope power and can safeguard the constitution by judicial review.

### Overall Grading (✓)

Poor			Average			Good		
1	2	3	4	5	6	7	8	9

16 min.