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NEXT IAS

NEXT IAS (Head Office) : 27-B, Pusa Road, Metro Pillar no. 118, Near Karol Bagh Metro, New Delhi-110060
Bhopal Centre: Plot No. 46, ZONE-2, M.P. Nagar, Bhopal-462011
Ph: 8081300200, 8827664612 | E-mail : mts@nextias.com | **Web:** www.nextias.com

(To be filled by candidate)

Name of Candidate : MOHIT GUPTA

NEXT IAS Roll No.: AIMJ4 GCRA017 **Date of Examination :** 27/7/2023

Exam Centre : Old Rajinder Nagar ☑ Bhopal ☐ Online ☐

Test Code : TC049 **Program :** SLT ☐ SLT+ ☑

MAIN TEST SERIES 2023
(SECTIONAL TEST-3)

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SUBJECT/PAPER
GENERAL STUDIES

Invigilator's Sign. : 27/7/23

(For filling by Examiners only)

Evaluator Code :

Q.No	Pg No.	Maximum Marks	Marks	Total
1	1			
2	3			
3	5			
4	7			
5	9			
6	11			
7	13			
8	15			
9	17			
10	19			
11	21			
12	24			
13	27			
14	30			
15	33			
16	36			
17	39			
18	42			
19	45			
20	48			
Grand Total				

Signature

MACRO COMMENTS

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1. जन प्रतिनिधित्व अधिनियम, 1951 की धारा 8 में उल्लिखित निर्योग्यता प्रावधानों में उपस्थित अस्पष्टता का समाधान करने की आवश्यकता है। चर्चा कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

There is a need to resolve the ambiguity in the disqualification provisions under section 8 of the Representation of People Act 1951. Discuss. (Answer in 150 words) 10 marks

Ans 1) Recent case of disqualification of Wayanad MP Rahul Gandhi has reignited debate on ambiguities of Section (8) under Representation of People Act (RPA), 1951.

Ambiguities in RPA Disqualification Provisions

(1) Blanket ban under Section (8)(3) if conviction is ≥ 2 years regardless of seriousness, turpitude & ramifications.

(2) Wide uncodified powers to Election Commission (EC) for disqualification.

(3) No time limit provided in the Statute itself.

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(4) Post Lily Thomas Judgement, immediate disqualifications with little scope of appeal led to allegations of political bias.

(5) Still rampant Criminalization of politics-

Ex: ADR Report: 17th Lok Sabha → 43% MPs have Criminal Cases (with 29% serious cases)

Possible reforms: (1) Time bound disqualification with scope for appeal.

(2) Holistic schedule for crimes under Section 8(1), 8(2) & 8(3) with proportionate disqualification period.

(3) Removing language ambiguities.

Legal loopholes must be rectified to prevent Criminalisation of politics (Goswami Committee)

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2. संविधान मात्र एक कंकाल है जबकि संविधानवाद लोकतंत्र की आत्मा है। विवेचना कीजिए।

(150 शब्दों में उत्तर दीजिए) 10 अंक

Constitution is a mere skeleton whereas constitutionalism is the soul of democracy. Discuss.

(Answer in 150 words) 10 marks

Ans 2) Constitutionalism refers to limited government working within bounds & spirit of the Constitution.

Relevance of Constitutionalism as soul of democracy

(1) Restrictions on govt. to limit mighty state from encroaching on rights of citizen.

(2) Constitutionalism ensure governance is directed for public welfare not personal gains.

(3) Empowers people to uphold democratic accountability of government.

(Ex) : Voting out ruling party in next elections.

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(4) Prevents constitutional crisis as separation of power is ensured.

(5) Public administration fulfills democratic ideals of justice, equality liberty, fraternity & rule of law.

(6) Mere Constitution is just a document, which has no power by itself. (Ex): Junta Rule (Myanmar), Nepal Constitution crisis etc.

(7) Constitutionalism changes nature of citizenry from passive benefactors to active constituents.

Dr B.R. Ambedkar rightly emphasized that any Constitution can turn good or bad, depending on character of people ruling the state.

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3. 'चुनावी बॉण्ड एक दोधारी तलवार है, जो दानकर्ताओं को अनामिता प्रदान करता है जबकि राजनीतिक वित्तपोषण में पारदर्शिता के बारे में चिंताएँ बढ़ाता है।' चुनावी बॉण्ड ने किस सीमा तक चुनावी वित्तपोषण में अपारदर्शिता को वैध बना दिया है?

(150 शब्दों में उत्तर दीजिए) 10 अंक

"Electoral bonds are a double-edged sword, providing anonymity to donors while raising concerns about transparency in political funding." To what extent have electoral bonds further legitimized opacity in electoral funding?

(Answer in 150 words) 10 marks

Ans3) Electoral Bonds introduced in Union Budget 2017 aimed at institutionalization and anonymity of political funding.

Electoral Bonds legitimizing opacity in electoral funding

(1) Anonymous Donations without restrictions on amount (2019 Amendment) can promote Crony capitalism and quid pro quo fundings.

(2) Partial Anonymity :- Government can access Records through SBI on who funds who. Only Voters are left in dark.

(3) Possibility of black money entering & money laundering. (Ex):- Repurchase of

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electoral bonds by black money.

(4) Possibility of foreign capital flowing in election through Indian entities.

(5) No legal sanction on parties to submit donor details.

(6) Skewed Funding (Ex: 75% collected by ruling parties)

Steps taken to resolve opacity issue

(1) Supreme Court directed ECI to collect donor details and reduce the sale of electoral bonds from 10 to 5 days.

(2) Voluntary disclosures (Ex: JMM disclosed donations via electoral bonds.

Though transparency and institutionalisation of funding has increased, Finance Ministry and ECI must work together to resolve opacity issue

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4. समान नागरिक संहिता पर बहस के केंद्र में लैंगिक समानता का प्रश्न है। इस आलोक में यूसीसी को संविधान में निहित लैंगिक समानता के साथ सामंजस्य स्थापित करने में क्या चुनौतियाँ हैं? (150 शब्दों में उत्तर दीजिए) 10 अंक

The question of gender equality is central to the debate on Uniform Civil Code. In this light what are the challenges in reconciling UCC with gender equality as enshrined in the constitution? (Answer in 150 words) 10 marks

Ans 4) Gender Parity and Equality are main ideals driving cause of Uniform Civil Code (UCC) provide under Article (U/A) (44).

Challenges in Reconciling UCC

(1) Apparent conflict with Fundamental Rights such (25) & (26) Right to Freedom of Religion & (29) & (30) for preserving culture of minority.

(2) lack of political consensus & fear of majoritarian imposition leading to communally charged campaigns.

(3) Different Conceptions of social institutions in different religions.

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(Ex): Marriage → Hindus: Sacrament
Muslims: Contract

(4) Reforming large number of related laws (Ex): Abolishing Hindu Undivided Family under Tax laws.

(5) Large section of Tribal Population with niche cultural practices & norms.

Way Forward

(1) Law Commission Recommendations: Reform discriminatory practices in individual personal laws.

(2) Discussion, Awareness, Consultation & Consensus with all stakeholders.

UCC is not a communal issue, rather it must be viewed from lens of gender justice and progressive modernity.

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5. 'राज्यपाल का पद न तो आलंकारिक है और न ही अप्रासंगिक है, यह गहन सारयुक्त संवैधानिक भूमिका निभाता है' राज्यपाल, किसी राज्य के शासन में किस सीमा तक सक्रिय रूप से योगदान देता है और देश में संघवाद के सिद्धांतों को सुदृढ़ करता है?
(150 शब्दों में उत्तर दीजिए) 10 अंक

'The Governor's office is neither decorative nor inconsequential, it assumes a constitutional role of profound essence.' To what extent does the Governor actively contribute to the governance of a state and reinforce the principles of federalism in the country?
(Answer in 150 words) 10 marks

Ans) Governor is the central link between Union & States, upholding federal fabric of country.

Role in governance of state

(1) Governor's assent is required for any bill to become a law.

(2) Appoints various officeholders such as Council of Ministers & constitutes bodies like State Finance Commission.

(3) Responsible for oversight over law & order and constitutional governance of state.

(4) Serve important roles - Ex:- Chancellor of state universities

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Governor reinforcing principles of federalism

(1) Oversees that directives & policies of Union Government are duly implemented.

(2) Reserves Bills for Presidential Assent U/A (200).

(3) Acts as Communicating link between Union & States.

(4) Recommends President's Rule (Art 356) & Finance Emergency (Art 360) on relevant grounds.

(5) Maintain political continuity for state executive.

Governor plays an important role for smooth functioning of state governance & reduce any federal friction.

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6. अंतरराज्यीय सीमा विवाद, यदि शीघ्र और निष्पक्षतः नहीं सुलझाए गए, तो स्थायी विवादित मुद्दों में परिवर्तित हो सकते हैं जो विकास में बाधक बनते हैं और टकराव या संघर्ष उत्पन्न करते हैं। अंतरराज्यीय विवादों को हल करने के लिए संवैधानिक और विधिक ढाँचे पर प्रकाश डालते हुए, स्पष्ट कीजिए कि स्वतंत्र भारत अंतरराज्यीय सीमा विवादों को सुलझाने में क्यों विफल रहा है। (150 शब्दों में उत्तर दीजिए) 10 अंक

"Interstate border disputes, if not promptly and impartially settled, can transform into persistent issues that impede development and generate friction". Highlighting the constitutional and legal framework to resolve interstate disputes, explain why Independent India has failed to resolve inter-state border disputes. (Answer in 150 words) 10 marks

Ans 6) Inter-state border dispute flare up regional politics and create 'developmental duetts' in disputed areas.

Constitutional and legal Framework to resolve border disputes

(1) Article (3) : Internal Reorganisation of States by Parliament.

(2) Article (263) : Inter state Council to resolve disputes. (Ex) : Assam-Meghalaya Settlement of Khasi Towns.

(3) Zonal Council to discuss regional disputes.

(4) Both states can request Central Governm-

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ent to pass a law through mutual agreement. (Ex): UP - Uttarakhand Dispute Resolution.

(5) Article (131): Original Jurisdiction of Supreme Court.

Factors for Continued border disputes

(1) Politicisation of border issue for electoral gains. (Ex): Belgavm issue between Karnataka & Maharashtra.

(2) Multi-ethnic demography. (Ex): Nagaland Assam Dispute on lower Cachar towns.

(3) Federal Friction between ruling party at Centre and state.

(4) Protests, Demonstration, Arson & Riots - Border Disputes must be resolved amicably keeping aside electoral perspectives by both states.

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7. ऊर्ध्वाधर (केंद्र–राज्य) और क्षैतिज (अंतर–राज्य) अंतर–सरकारी सहयोग और समन्वय को बढ़ावा देने में अंतर–राज्य परिषद् की भूमिका का परीक्षण कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

Examine the role of the Inter-state Council in promoting vertical (Centre-State) and horizontal (Inter-State) Intergovernmental cooperation and coordination. (Answer in 150 words) 10 marks

Ans 7) Inter-State Council (ISC) is provided under Article 263 of Constitution and was recently reconstituted as permanently standing body.

ISC's Role in Vertical Federalism

(1) Deliberative forum between Centre & States.

(2) States can give policy inputs or raise Contentions for any central scheme/policy.

(3) Any disputes between Centre & States can be discussed. (Ex): Role and responsibilities of Governor.

(4) Demands for financial decentralization are routinely raised.

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ISC's role in horizontal cooperation

(1) State's can resolve their border disputes -

(Ex) - Assam-Meghalaya Dispute Resolution

(2) State's can come together to raise demands.

(3) State's can share best practices for codevelopment. (Ex): Andhra Pradesh sharing Naxal-Elimination strategy.

(4) Come up with legislative proposals for Union.

Limitations of ISC

- Irregular Meetings
- Lack of Follow up
- Lack of horizontal cooperation among state
- Confrontationalist stance in meetings.

Sarkaria Commission Recommended reforms in ISC functioning to make it central pillar for cooperative federalism.

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8. लोक लेखा समिति (PAC) के प्रमुख कार्यों पर चर्चा कीजिए। सार्वजनिक धन के सच्चे संरक्षक के रूप में इसकी प्रभावशीलता को बढ़ाने के लिए लोक लेखा समिति (पीएसी) में सुधार के लिए क्या कदम उठाए जाने चाहिए?

(150 शब्दों में उत्तर दीजिए) 10 अंक

Discuss the key function of the Public Accounts Committee (PAC). What steps should be taken to revamp the Public Accounts Committee (PAC) in order to enhance its effectiveness as a true guardian of public funds?

(Answer in 150 words) 10 marks

Ans 8) Public Accounts Committee (PAC) was constituted in 1921 to act as watchdogs of public funds.

Key Functions of PAC

(1) Examine the Reports of Comptroller & Auditor General laid down by President.

(2) Examine the excess expenditure incurred in public schemes.

(3) Examine Reports of expenditure for public sector not falling within ambit of other Committee.

(4) Examine the overall revised estimates of budgets

(5) Any other Report Referred by Parliament.

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Steps to revamp PAC to improve effectiveness

(1) Prompt submission of CAG & other Ministerial Reports.

(2) Granting legal powers to PAC recommendations.

(3) Mandating Action Taken Report on PAC recommendations.

(4) Hiring audit & account experts for better technical analysis ~~of~~ by PAC.

(5) Submitting reports to PAC in simplified manner for easy perusal.

(6) & Regulating working days of PAC with mandatory minimum sitting hours.

Revamping PAC & empowering it is necessary to make Executive truly accountable & responsible.

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9. राष्ट्रीय आर्थिक विकास के चालक के रूप में नगरीकरण की अहम भूमिका को स्वीकार करते हुए, पंद्रहवें वित्त आयोग ने शहरी स्थानीय निकायों (ULBs) के लिए प्रमुख सुधारों का सुझाव दिया है। भारत में यूएलबी को बढ़ावा देने और पुनर्जीवित करने के लिए पंद्रहवें वित्त आयोग द्वारा दी गई सिफारिशों का मूल्यांकन कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

Recognizing the pivotal role of urbanization as a driver of national economic growth, the Fifteenth Finance Commission has suggested major reforms for Urban Local Bodies. Evaluate the recommendations put forward by the Fifteenth Finance Commission in promoting and revitalizing ULBs in India.
(Answer in 150 words) 10 marks

Ans 9) 'Revamping Urban Local Bodies (ULBs)' was an important Component of Terms of Reference provided to 15th Finance Commission (FC).

Major reforms suggested in ULBs by 15th FC

① Increased devolution of funds (in grants) to ULBs. More than 5 Lcr has been devolved to ensure fiscal independence & to resolve resource crunch.

② FC recommended effective devolution of taxation powers to ULBs. Additionally, Charging user fee for every service provided.

③ Setting up Personnel Recruitment Board

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to hire trained personnel for ULBs services.

(4) Rationalizing the number of ULBs & Centralising powers in single body in metropolitans for effective functioning.

Ex: ~~Delhi~~ Merging 3 municipalities into MCD in Delhi.

(5) ULBs should have performance linked grants. Fulfilling quality standards of service will unlock further funds.

(6) Proper Auditing and Account Manggement of ULBs accounts. CAG must constitute special accounting body for this purpose.

Recognizing Centrality of Urban Governance for sustainable development, 15th FC suggest significant overhaul of ULBs.

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10. मौलिक अधिकारों की तुलना में संसदीय विशेषाधिकारों के तहत् प्रदान की गई वाक् और अभिव्यक्ति की स्वतंत्रता के दायरे में प्रमुख अंतरों पर प्रकाश डालिए। संसदीय विशेषाधिकार और मौलिक अधिकारों के बीच संतुलन बनाए रखना क्यों आवश्यक है?
(150 शब्दों में उत्तर दीजिए) 10 अंक

Highlight the key differences in the scope of Freedom of speech and expression as provided under Parliamentary privileges vis a vis Fundamental rights. Why is it necessary to maintain a balance between parliamentary privilege and fundamental rights?
(Answer in 150 words) 10 marks

Ans 10) Scope of Parliamentary Privileges is often wider owing to democratic responsibilities of representatives.

Difference in scope of Freedom of speech & expression

(1) Significant reasonable restrictions under Fundamental Right (FR) (19)(1)(a) like sovereignty & security of country, public order, morality, defamation etc.

Parliamentarians enjoy Absolute Freedom of Speech subject to only few limitations like no comment on judges, national interest etc.

(2) Citizens can be tried in case of violation

Candidates must not write on this margin

of restrictions under 19(2), but Parliamentarians cannot be tried for anything said in Parliament.

Necessary to maintain balance between FR and parliamentary privileges

(1) To ensure representative don't encroach upon inalienable rights of citizens.

(2) To ensure complete autonomy to MP's to fulfill democratic responsibilities.

(3) To maintain public trust in Parliamentary proceedings.

(4) To ensure smooth functioning of Parliament.

A balance between FR & privileges ensures political structure & democratic ideals remain strong & intact.

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11. दल–बदल विरोधी कानून ने भारत में राजनीतिक दलों और वैयक्तिक विधायकों/सांसदों के बीच संबंधों को कैसे प्रभावित किया है? हाल की घटनाओं के आलोक में भारत में लोकतंत्र की प्रकार्यात्मकता के संदर्भ में इस कानून के अनपेक्षित परिणामों पर भी चर्चा कीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

How has the Anti-Defection Law impacted the relationship between political parties and individual legislators in India? In light of the recent incidents also discuss the unintended consequences it has on the functioning of democracy in India. (Answer in 250 words) 15 marks

Ans 11) Anti-Defection Law (ADL), introduced 10th Schedule via 52nd Constitutional Amendment Act to curb the practice of "Aaya Ram, Gaya Ram".

ADL impacting relationship between parties & legislators

(1) Made individual legislators subservient to party's commands (Ex: Strict adherance to Whip's commands.

(2) Excessive centralization within parties leading to crisis of inner-party democracy.

(3) Scope of dissent, deliberations and discussions both within party and within

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house has decreased.

(4) Reduced the issue of frequent switching of parties by legislators post winning to gain offices / ministership.

Unintended Consequences emerging out of ADL

(1) Exemptions under 10th Schedule leading to horse trading & toppling of democratically elected government. Eg: Maharashtra Assembly Crisis, 2023.

(2) No time limits leading to unlimited discretion of Speakers.

(3) Allegations of partisanship of Speaker in Anti-Defection Cases, degrading const-

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itutional sanctity of Speaker's Post.

(Ex): ~~Kothat~~ Arunachal Pradesh Case, 2016.

(4) Growing factionalism and emergence of election symbols disputes. (Ex): Breaking up of two state parties in Maharashtra.

(5) Ambiguities in laws leading to delayed business in Houses. (Ex): Kihoto Hollohan Case: Removal of Speaker who himself decides Anti-Defection cases leading to impasse.

Supreme Court has suggested removing ambiguities in law (such as exemptions) and bar for 5 years from contesting post defection as remedial measures.

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12. आलोचकों का दावा है कि असीमित न्यायिक अधिकार मूल ढाँचा सिद्धांत की संरचनात्मक अस्पष्टता पर निर्भर है। क्या मूल ढाँचा सिद्धांत की लोचदार प्रकृति ने न्यायपालिका को कार्यपालिका से अधिक शक्तिशाली बना दिया है?

(250 शब्दों में उत्तर दीजिए) 15 अंक

Critics assert that limitless judicial authority rests on the structural ambiguity of the basic structure doctrine. Has the elastic nature of the basic structure doctrine made the judiciary more powerful than the executive?

(Answer in 250 words) 15 marks

Ans:) 'Basic Structure Doctrine' introduced through Kesavananda Bharti Case, 1973 has attracted both appreciation & criticism.

Structural Ambiguities in Doctrine

(1) Open Ended Nature with no codification of what constitutes Basic Structure.

(2) Evolving Doctrine as judicial interpretations can constantly add features to doctrine.

(3) Invoking the features of Basic Structure depend on individual subjectivity of judges.

(4) Wide ambit of application.

(Ex): Striking down 99th Constitutional Amendment Act setting up NJAC.

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Elastic nature of basic structure doctrine making judiciary more powerful

(1) Judiciary can strike down any law/ Constitutional amendment even if it passed by Parliamentary Consensus.

(2) Allegations of judicial overreach threatening separation of powers (Ex:- Chardi- kam Case, 2013.

(3) Dynamism of doctrine leads it vulnerable to whims & wishes of judges. (Ex:- Striking down NJAC despite need of urgent judicial reforms.

(4) Possibility of spiralling into Constitutional crisis through judiciary-executive confrontation.

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Importance of Basic Structure Doctrine

(1) Protects fundamental rights and basic constitutional ideals. (Ex): Indira Gandhi Vs Raj Narain Case → Free & fair elections.

(2) Prevents despotic rule of executive. (Ex): Federalism as basic feature (SR Bommai Case, 1991)

(3) Upholds Constitutional Supremacy.

(4) Protects the power of Judicial Review. (Ex): L Chandra Kumar Case, 1996.

(5) Protects life & liberty of citizens. (Ex): Art (21) is part of Basic Structure.

Careful invocation & rational application can further make Basic Structure as balancing point between Parliamentary Sovereignty & Judicial Supremacy.

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13. मौलिक अधिकार राज्य द्वारा प्रदत्त उपहार नहीं हैं बल्कि एक व्यक्ति उन पर राज्य से स्वतंत्र रूप से अधिकार रखता है। इस संदर्भ में विभिन्न मौलिक अधिकारों पर युक्तियुक्त निर्बंधन की वांछनीयता पर चर्चा कीजिए।

(250 शब्दों में उत्तर दीजिए) 15 अंक

Fundamental rights are not gifts bestowed upon by the state rather an individual possesses them independently of the state. In this context discuss the desirability of reasonable restrictions on various fundamental rights.

(Answer in 250 words) 15 marks

Ans 13) Fundamental Rights are referred as 'Magna Carta' of the Constitution as they 'inalienable Rights of individuals.

Significance of Fundamental Rights

(1) Limitations on mighty state power vis-a-vis individual rights.

(2) Consonant with basic political, civil & cultural rights and more prominently human rights. (Ex:- Art 24 :- Protection from human trafficking.

(3) Reinforce ideals of Equality, Justice, Liberty, Fraternity & Rule of law.

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④ They are derived from the Constitution itself and no law of the land can violate fundamental rights (Art. ③).

Desirability of Reasonable Restrictions on Fundamental Rights

① Sovereignty, Security & Integrity of nation are above individual rights - Ex: Restrictions of Art. 19(1)(a) (Speech & expression)

② To enact socialistic measures to ensure social justice. Ex: Primacy of Art. 39(b) and 39(c) over Art. 14 & 19.

③ Vulnerable sections demand certain protections - Ex: Restriction on right to residence to protect interests of Scheduled Tribes & to uphold public order.

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(4) Affirmative Action are required to achieve equitable growth. (Ex): AA (15)(4) & (16)(4) providing for Reservation provisions.

(5) Rights of one should not violate right of others. (Ex): Derogatory religious practices for women are not permissible UA (25) & (26).

(6) To deal with crisis situation like war.

(Ex): Suspension of Rights under AA (352) i.e. National Emergency.

Though rights are inalienable, yet reasonable restrictions ensure harmony, order & stability in democratic functioning of society.

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14. 'एस.आर. बोम्मई बनाम भारत संघ मामले ने संघ द्वारा किसी राज्य के प्रशासन पर नियंत्रण ग्रहण करने के संघ के अधिकार की न्यायिक व्याख्या में एक आदर्श बदलाव का संकेत दिया।' इस संदर्भ में संघीय ढाँचे को मजबूत करने के संबंध में निर्णय के महत्त्व और प्रभाव पर चर्चा कीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

'S.R. Bommai v. Union of India signified a paradigm shift in the judicial interpretation of the union's authority to assume control of a state's administration.' In this context discuss the significance and impact of the judgement on cementing the federal structure. (Answer in 250 words) 15 marks

Ans(4) S.R. Bommai Judgement came in the backdrop of dismissal of Karnataka State Government under Article 356 i.e. President's Rule in states

Significance of Judgement for federal structure

(1) Bound the Governor that only floor test in Assembly can be the basis to decide loss of majority support.

(2) Without floor test, Governor cannot decide merely on basis of individual submissions.

(3) President's Rule must be approved by

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both Houses within 2 months.

④ In case of disapproval / failure to approve the State assembly will come out of suspension & previous executive will be restored.

⑤ Art. 356 must be used as "last resort" when all other options are exhausted.

Impact of judgement on federal structure

① Incorporated 'Federalism' in the Basic Structure Doctrine (along with 'Secularism')

② SC emphasized that states have own Constitutional Independence. Despite unitary tendencies, states are not mere satellites

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of appendages of the Union.

(3) Imposition of AA. (356) is open to judicial review.

(4) Use of AA. (356) in ~~rarest of~~ rare circumstances when there is imminent threat of breakdown of Constitutional machinery.

(5) Highlighted Governor's role as non-partisan Constitutional authority. Impartiality of Governor is sine-qua-non for federal functioning.

Though it upheld dismissal of the then state government, yet this monumental judgement reinforced Federalism as central Constitutional Principle.

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15. प्रभावी विकेंद्रीकरण की कुँजी यह है कि राजनीतिक विकेंद्रीकरण को वित्त और प्रकार्यात्मक विकेंद्रीकरण का अनुगमन करना चाहिए। भारत में स्थानीय शासन के समक्ष आने वाली बाधाओं के संदर्भ में चर्चा कीजिए।(250 शब्दों में उत्तर दीजिए) 15 अंक

The key to effective decentralization is political decentralization should follow finance and functional decentralization. Discuss in the context of impediments faced by local governance in India.
(Answer in 250 words) 15 marks

Ans(15) 73rd & 74th Constitutional Amendments ensured political decentralization, yet shortage of funds, functions & functionaries impair working of local government.

Impediments due to finance constraints

(1) Main source of funds is grants & aid from centre & state, leading to unpredictable & dependent financing.

(2) Lack of effective devolution of taxes by state. Ex:- Electricity tax, Property Tax are meagre source of income.

(3) Low revenue generating potential of taxes due to improper & laxed

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implementation - (Ex): High pendency for property tax & inaction.

(4) Populism impairs local bodies to charge user fees for services & drives non-tax revenue.

(Ex): No user charge for sanitation services.

(5) Corruption, misappropriation and mismanagement of funds.

Impediments due to functional constraints

(1) Despite Constitutional mandates, States have not made laws for devolution of functions. (Ex): Madhya Pradesh & West Bengal.

(2) Rise of parallel bodies of governance with overlapping jurisdiction. (Ex): Special Purpose Vehicles for Smart Cities.

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(3) Political interference by state politicians along with irregular functioning in absence of clear codes. (Eg): MCD Crisis Delhi 2023

(4) Lack of trained personnel & regular recruitment. Higher burden with low employee base leads to higher turnover rates.

(5) Imbalance between resources & responsibilities.

Second ARC has recommended a clear demarcation of functions, with fiscal empowerment through devolution of taxation powers & monetization of services to truly make local governments self-reliant.

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16. संसदीय संप्रभुता और न्यायिक सर्वोच्चता के सिद्धांत ने भारत और संयुक्त राज्य अमेरिका के संवैधानिक ढाँचे को आकार देने में अत्यधिक महत्त्वपूर्ण प्रभाव डाला है। प्रासंगिक न्यायिक निर्णयजन्य विधियों का हवाला देते हुए इन देशों में संविधान को प्रभावित करने में न्यायपालिका की भूमिका पर चर्चा कीजिए। क्या भारत में न्यायिक समीक्षा का दायरा व्यापक है?

(250 शब्दों में उत्तर दीजिए) 15 अंक

The doctrine of Parliamentary sovereignty and judicial supremacy has exerted considerable influence in shaping the constitutional frameworks of India and the USA. Citing relevant case laws discuss the role of the judiciary in influencing the constitutions in these countries. Is the scope of judicial review wider in India?

(Answer in 250 words) 15 marks

Ans(16) Nature of "separation of powers" differs leading to differential trajectory of judiciary's influence in shaping Constitutional framework in India & US.

Case laws influencing judiciary's role in USA

① Madison V/s Marbury Case :- Judiciary emphasized the wide power of Judicial Review. It established Judiciary as "Super-chamber" in American Constitutional design.

② Donald Trump Case :- Judiciary has the power to review non-official acts along with official acts of executive.

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Case laws in India impacting role of Judiciary & Parliament

(1) Shankari Prasad V/s UoI :- Unlimited powers of Parliament to amend the constitution.

(2) Golaknath Case, 1967 :- Judiciary severly curtailed powers of Parliament & Executive.

(3) Kesavananda Bharati Case, 1973 :- Basic Structure Doctrine as the balancing point between Parliamentary Sovereignty and Judicial Supremacy.

(4) Minerva Mills Case, 1980 :- Struck down several provisions of 42nd CAA, which went against basic structure of Constitution.

(5) L-Chandra Kumar V/s UoI :- Judicial

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Review is the basic structure of Constitution.

⑥ 2nd, 3rd & 4th Judges Case: Autonomy & independence as basic structure.

Scope of Judicial Review is narrower in India

① Judiciary can only curtail those actions of legislative & ~~judiciary~~ executive which violate Basic Structure of Constitution.

② Cannot review personal acts of any officeholder.

③ Parliament enjoys significant autonomy for amending the Constitution.

"Constitution Supremacy" is the supreme principle of Indian political framework.

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17. निष्पक्ष प्रतिनिधित्व सुनिश्चित करने और एक मत, एक मूल्य के सिद्धांत को बनाए रखने के लिए सीटों का परिसीमन आवश्यक है। निर्वाचन क्षेत्रों में अप्रतिनिधित्व से उत्पन्न हुई चुनौतियों पर प्रकाश डालते हुए संघीय तनाव पैदा करने में जनसंख्या–आधारित परिसीमन के प्रभावों का विश्लेषण कीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

Delimitation of seats is essential to ensure fair representation and uphold the principles of one vote, one value'. Highlighting the challenges posed by misrepresentation in constituencies analyze the ramifications of population-based delimitation in creating federal tension. (Answer in 250 words) 15 marks

Ans 17) Article (82) calls for delimitation after every ~~5th~~ census to uphold the principle of one vote, one value.

Delimitation ensuring fair representation

(1) Deciding number & boundaries of territorial constituencies to represent democratic principles.

(2) Coordination between Judiciary, Executive & State Election Commission to ensure fair representation.

(3) Continuous updating to take count of evolving dynamics.

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Challenges posed by mis representation in Constituencies

(1) Fear of political favouritism through Gerrymandering. (Ex): Allegations during J&K Delimitation, 2022.

(2) Misrepresentation leading to trust deficit between representative & Constituents.

(3) Highest impact on vulnerable sections as their demands will be ignored.

(4) Cannot cater to regional aspirations & local demands.

(5) Conflict between parties and social groups. (Ex): Caste violence during elections & forced voting.

Candidates must not write on this margin

Ramifications of population based delimitation in federal tensions

(1) States with high population base garner higher share of seats. This disincentivizes population reduction measures. (Ex) :- discontent & protest by Southern states.

(2) Unequal representation in Parliament.

(3) As number of seats have been frozen, growing population leads to worsening Representative: Constituents ratio. They cannot effectively represent all factions.

(4) Issues of interference by ruling party for political gains.

Lacunas of Delimitation Process need to be resolved to uphold trust of people & robust electoral functioning.

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18. देश में स्वतंत्र और निष्पक्ष चुनाव कराने की निर्वाचन आयोग की संवैधानिक ज़िम्मेदारी के निर्वहन में उसके हाथों को मजबूत करने से संबंधित भारत के सर्वोच्च न्यायालय की भूमिका पर चर्चा कीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

Discuss the role of the Supreme Court of India in strengthening the hands of the Election Commission in the discharge of its constitutional responsibility of conducting free and fair elections in the country. (Answer in 250 words) 15 marks

Ans) Supreme Court (SC) through various judgements & directives emphasized the centrality of Election Commission (EC) for free & fair elections.

Role of ~~EC~~ SC for strengthening EC & helping it discharge constitution duties

① Anoop Baranwal Case : (i) Mandate : Separate Committee of Chief Justice of India, leader of opposition Lok Sabha and Prime Minister for appointment of Chief Election Commissioner & other Commissioners.

(ii) Directives : (a) Setup separate secretariat

Suggestions

(Suggestions)

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for EC.

(ii) Independent Cadre of workers.

(iii) Fiscal autonomy by making expenditure charged upon Consolidated Fund.

(2) TN Seshan Case :- Upheld the validity of Model Code of Conduct & Central role of EC for deciding violations. Additionally, it recommended legal codification.

(3) People Union for Civil Liberties Vs UOI :- Asked all candidates to file asset details, criminal antecedents and education qualifications with ECI.

(4) Lily Thomas Case :- Struck down Section 8(4) & emphasized role of EC for

Candidates must not write on this margin

deciding violations of RPA 1951.

(5) Commenting on electoral bonds scheme, SC directed all parties to disclose donor details to ECI.

(6) SC has repeatedly recommended granting deregistration powers to EC under Section 29A of RPA.

(7) SC has emphasized that post declaration of schedule, EC is supreme authority in state.

SC has repeatedly taken active stand to strengthen EC and project it as "Vanguard of free & fair elections" in India.

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19. 'संसद की घटती भूमिका शक्तियों के पृथक्करण के मूल सिद्धांत को कमज़ोर करती है, क्योंकि यह कार्यकारी शाखा पर नियंत्रण रखने और सत्ता का संतुलित प्रयोग सुनिश्चित करने की विधायिका की क्षमता को कम कर देता है।' विवेचना कीजिए।

(250 शब्दों में उत्तर दीजिए) 15 अंक

'The declining role of Parliament undermines the fundamental principle of separation of powers, as it diminishes the legislature's ability to serve as a check on the executive branch and ensure a balanced exercise of power.' Discuss.

(Answer in 250 words) 15 marks

Ans 19) Parliamentary Oversight over Executive Functioning forms the bedrock of Indian political system. Weakening Parliament as an institution threaten system of checks & balances.

Declining Role of Parliament

① Frequent Disruptions, Adjournments etc. leading to decline in working hours. Ex: ADR: 17th Lok Sabha saw least sitting hours.

② Debate on frivolous matters & lack of quality debate.

③ Majoritarian Rushthrough of important legislations. Ex: Excessive use of 'Guillotine' without discussion.

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④ Declining role of Parliamentary Committee. (Ex): less than 17% Bills referred to ~~the~~ Committee in current Parliament.

⑤ Anti-Defection Provisions limiting independent stance of legislators.

⑥ Allegations of partisanship on part of Speaker.

⑦ Misuse of Parliamentary Rules - (Ex): Rule 267 equated with Adjournment ~~Provision~~ motion in Rajya Sabha.

Implications of Parliamentary decline

① Lack of improvisation in faulty provisions of Bills.

② Decline in scrutiny of Executive Actions. (Ex): Executive have delayed the submission of 'Action Taken Reports'

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③ Trust Deficit in Parliamentary Functioning

Ex: loss of credibility by national telecast of Parliamentary Ruckus.

④ Accountability of Ministers Decline.

⑤ Instances of Ordinances, Misuse of Money Bill Protections rise despite of Parliamentary Consensus Building.

Way Forward: ① Enforcing Code of Conduct for MPs.

② All parties must give primacy to legislative business rather than disruptions.

③ Mandatory referring of Bills to Committees like UK.

'Parliament is dubbed as 'Temple of Democracy', it's sanctity must be upheld at any & all costs.

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20. भारत में लिंग–संवेदनशील कानूनों पर विमर्श को आकार देने में राष्ट्रीय महिला आयोग द्वारा निभाई गई महत्त्वपूर्ण भूमिका पर चर्चा करें। राष्ट्रीय महिला आयोग को संवैधानिक संस्था बनाने से उसका प्राधिकार किस हद तक सुदृढ़ होगा?

(250 शब्दों में उत्तर दीजिए) 15 अंक

Discuss the crucial role played by the National Commission of Women in shaping the discourse on gender-sensitive laws in India. To what extent the elevation of the National Commission for Women to a constitutional body would reinforce its authority? (Answer in 250 words) 15 marks

Ans 20) National Commission of Women (NCW) has pioneered many gender just laws and advanced cause of women in India.

Crucial role played by NCW in gender-sensitive laws

① Prevention of Sexual ~~Harassment~~ Harassment at Workplace Act, 2013 : First draft prepared by NCW on basis of Vishaka Guidelines

② Important stakeholder & input provider for Justice Verma Committee who recommended changes in Juvenile Justice Act & Rape laws.

③ Campaigning for Maternity Benefit

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Act, 2017 for paid leave to mothers.

(4) Codevelopment of ITPA Bill to stop illegal human trafficking.

(5) Contributions in women Specific provisions of Code on Occupational Safety.

Implications of Constitutionalization of NCW

(1) Positive Impacts (i) More autonomy & authority to take steps for gender justice.

(ii) More funds for compensation to victims & more power & say in making gender just policies.

(iii) Powers of Civil Courts → Issue Directives; Call witness & Evidences; Enforcement of mandates

(iv) Annual Reports submitted to Parliament (through President) can be used to

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highlight issues & atrocities faced by women.

(v) More staff to take cognizance of widow cases.

(2) Possible limitations : (i) Excess focus on official duties like filing & compiling reports.

(ii) Reduce the campaigning potential for demanding reforms.

(iii) will still remain an advisory body.

(iv) Other responsibilities may divert attention from actual ground issues.

To ensure gender equality, financial and educational literacy along with proper legal empowerment are sine qua non to inclusive development.

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Space for Rough Work

NEXT IAS