

**GSSCORE**

**An Institute for Civil Services**

---

**IAS TOPPER'S**

**TEST COPY**

**VIDUSHI SINGH**

**AIR - 13**

**(CSE 2022)**

**GENERAL STUDIES**

---

 **8448496262**  **iascore.in**

## POLITY - 2

Time Allowed: 90 min.

Max. Marks: 150

Q.	Marks	Instructions to Candidate
1.		<ul style="list-style-type: none"> <li>• There are 10 questions.</li> <li>• All questions are compulsory.</li> <li>• The number of marks carried by a question is indicated against it.</li> <li>• Answer the questions in 250 words each. All questions carry equal marks. <span style="float: right;">15 x 10 = 150 Marks</span></li> <li>• Keep the word limit indicated in the questions in mind.</li> <li>• Answers must be written within the space provided.</li> <li>• Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.</li> </ul>
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

65

1. Invigilator Signature \_\_\_\_\_

2. Invigilator Signature \_\_\_\_\_

Name Nidushi Singh

Roll No. 40666

Mobile No. \_\_\_\_\_

Date \_\_\_\_\_

Signature Nidushi Singh

# REMARKS

**GS SCORE**  
GS MAINS TEST SERIES 2022

--	--

# UPSC

(Please do not write anything except the question number in this space)

कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हार्शिए में नहीं लिखना चाहिए  
Candidates must not write on this margin

1. DEMOCRACY is a type of system of government, where the people elect their representatives and ~~head~~ of the state.

Democracy ~~can't~~ be direct or indirect. In

Direct Democracy, people directly elect head of the state through instruments

of Plebiscite, Referendum, Recall and

Initiative. Indirect Democracy on the

other hand, lets people elect their representatives who voice their concern at respective legislature.

Democracy is based on 'Doctrine of Sovereignty', i.e; possession of supreme power by the people. ~~Factors that make democracy~~ other ~~forms~~ of government

are:

1. Monarchy: Supreme ~~power~~ lies with the monarch.

2. Communism: Centralised ~~agency~~ exercises

well  
introduced  
democracy  
as a  
form of  
govt.

(Please do not write anything except the question number in this space)

कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
( Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस दृष्टि में नहीं लिखना चाहिए  
Candidates must not write on this margin

power to establish equity.

3. Autocracy: where government where one person makes all the rules.

4. Oligarchy: A govt. where decisions are made by a group known as 'elite'.

5. Theocracy: govt. where laws are made by 'god' and interpreted by religious figure.

6. Fascism: govt. where nation comes before the individual.

Democracy, on the other hand gives power to the people and restricts formation of authoritarian & partisan govt.. ~~therefore~~ Democracy ~~is~~ continues to be the best alternative possible as :

1. Popular Representation: Power lies with people.

2. Change of government: Democracy ensures that government continues with popular support.

3. Restriction of Majoritarianism: Coalition

Good that you also mentioned other forms of govt.

(Please do not write anything except the question number in this space)

कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
( Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हार्शिए में नहीं लिखना चाहिए  
Candidates must not write on this margin

Govt. in a democracy makes sure that the govt. doesn't favour the majority.

4. Equality: Democracy establishes equality through adult suffrage.

However, Democracy, although better than others, suffers from a few imperfections:

1. Majority: Through adult suffrage, Majority pop<sup>n</sup> (ethnic, religious, caste) dominate the political sphere.

2. Higher Prevalence of Indirect Democracy: People are represented through representatives & ground realities are ignored sometimes.

3. Economic & Social Democracy: Political Democracy does not always provide equal rights in economic & social spheres.

4. Vote Banks: Political leaders polarize the population to gain votes.

5. Populism: Leaders make policies to gain votes & not ~~for actual~~ welfare is often missed out.

Even though the imperfections exist, Democracy offers the best possible form of govt. today.

Good discussion  
on merits and demerits of democracy.

(Please do not write anything except the question number in this space)  
कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
( Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस इतिहास में नहीं लिखना चाहिए  
Candidates must not write on this margin

2.

In the landmark judgement of ~~SE~~  
~~KS~~ Kesavananda Bharati v. State of Kerala (1973), SC opined that Parliament has the right to abridge any part of the constitution U/A 368, but it cannot alter the BASIC STRUCTURE / BASIC FEATURES of the constitution.

Evolution of Doctrine of Basic Structure:

- 1951: Shankari Prasad case, SC ruled that U/A 368, Parliament can amend any part of the constitution, including Part III concerning Fundamental Rights.

- 1967: In Golak Nath v. State of Punjab, SC ruled that Fundamental Rights are 'transcendental and immutable' and Parliament cannot abridge these.

- 1971 → 24<sup>th</sup> Constitutional Amendment Act was passed which declared that Parliament has power to take away any Fundamental Rights U/A 368.

well discussed the evolution of basic structure.

(Please do not write anything except the question number in this space)

कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
( Specimen Answer Booklet - For Practice Purpose Only)

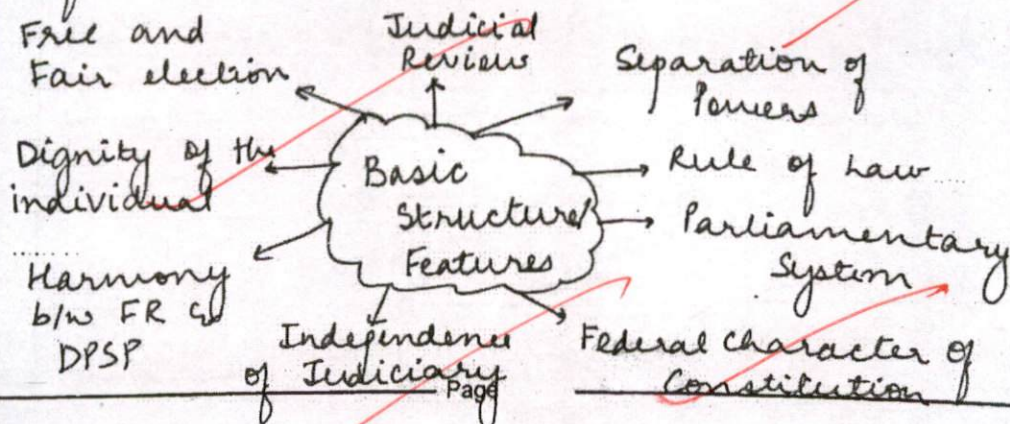
उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए  
Candidates must not write on this margin

- **1973**: Kesavananda Bharati Case, SC opined the Doctrine of Basic Structure.
- **1975**: 42nd Amendment Act curtailed the power of Judicial Review.
- **1980**: Minerva Mills Case, the SC invalidated this provision and included power of 'Judicial Review' in its the Basic Structure.

## Contents of Basic Structure

The present position follows from Kesavananda Bharati Judgement and Doctrine of Basic Structure is strictly adhered to. However, SC is yet to define the contents of Basic Structure of the Constitution.

From the various judgements, a few contents are:



*Butter*  
*Mention*  
*name of*  
*judgments*  
*in which*  
*these features*  
*were*  
*added to*  
*basic structure.*



(Please do not write anything except the question number in this space)  
कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस शीट में नती लिखना चाहिए।  
Candidates must not write on this margin

7  
Since the Basic Structure Doctrine is not defined entirely, it ~~posits~~ creates certain lacunae in proper functioning, like:

1. Overpowered Judiciary: since contents of the doctrine are not well-established powers of judiciary at times can be arbitrary, eg. declaring Parliamentary Validated 99th Amendment Act of formulation of NJAC as unconstitutional.
2. Different Interpretations: The doctrine is subject to different interpretations by different courts, which makes it a costly affair for the masses.

There is a need to determine the contents of Basic Structure of Constitution so as to provide the core principles that are adhered to and power of judiciary is not left unchecked. A judgement of SC spelling out the contents of the doctrine will ensure administrative, & judicial efficiency.

Good that you have also highlighted this

Please do not write anything except the question number in this space.  
कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
( Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हारा में नहीं लिखना चाहिए  
Candidates must not write on this margin

3. Doctrine of Basic Structure evolved from the watermark judgement of Kesavananda Bharati v. State of Kerala (1973). In this judgement, SC ruled that Parliament U/A 368 cannot alter the basic structure of the constitution. This landmark judgement ensured the power of Parliament to be under check, thus adhering to the ~~same~~ principle of 'checks and Balances with limited separation of Power'.

Through the doctrine of Basic Structure, - Kesavananda Bharati Judgement ensured that the cherished Republic of envisioned by the founding fathers is upheld as:

1. Supremacy of constitution: was enlisted as one of the basic features of the constitution in Kesavananda Bharati Judgement.

firstly  
try to highlight what do you mean by 'india king & republic nation'

(Please do not write anything except the question number in the space)  
कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
( Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस स्थान में केवल प्रश्न संख्या लिखनी है।  
Candidates must not write on this margin

2. Separation of organs of govt.: was opined to be the basic feature of the constitution by SC on several occasions → Kesavananda Bharati Case, I.R. Coelho Case (2007).
3. Federal character: was also declared to be a basic feature of the constitution under Kesavananda Bharati Case, S.R. Bommai Case (1994).
4. Judicial Review: guaranteed originally U/A 13 and now extended to protect the Basic Structure of constitution, ensures restricted powers of parliament.
5. Equality: SC ruled that equality is the basic feature of constitution and put a cap of 50% on reservation <sup>in</sup> ~~under~~ the Indra Sawhney Judgement of 1992.
6. Right to life, personal liberty and life with human dignity: as ruled in Menaka case of 1978.

well discussed the significance of the doctrine

(Please do not write anything except the question number in this space).  
कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हारा में नहीं लिखना चाहिए  
Candidates must not write on this margin

7. Welfare State : was declared as one of the basic features in Bhim Singhji case (1981).

8. FR & DPSP: and harmony between them, as envisioned by the founding fathers has been upheld by the judgement in Minerva Mills case of 1980.

The judgement under Kesavananda Bharati case revolutionized the power of Judicial Review & Judicial Activism.

However, the doctrine of Basic Structure has not been explicitly defined by the SC. This gives the ~~to~~ Judiciary

very authoritative powers and there is no mechanism currently to check this. In order to realise the cherished

Republic envisioned by our founding fathers, it's necessary to codify the doctrine of Basic Structure to ensure equal balance of power & independence of the 3 principal organs.

good  
that you mentioned  
give as well

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को  
इस सहीर में  
अर्थ लिखना  
चाहिए  
Candidates  
must not  
write on this  
margin

4

Indian Constitution took inspiration from over 60 constitution all over the world. However, it still is not completely borrowed but unique in its contents and spirits.

World's oldest democracy; i.e.,

USA and the Colonial Regime of

Britain impacted the philosophy of Constitution ~~makes~~ deeply. Britain

followed the Sovereignty of Parliament

with monarch as the official head

of state. British Parliamentary

System ~~does~~ not have provisions to check the authority of Parliament and the constitution is also unwritten.

American Judicial Supremacy on

the other hand adheres to strict separation of powers with high powers of Judiciary to check the authority of legislature. ~~USA~~ USA follows a

good  
discussed  
meaning  
concepts

that you  
the  
of there

(Please do not write anything except the question number in this space)  
कृपया इस स्थान पर प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

उम्मीदवारों को इस स्थान में केवल प्रश्न संख्या लिखनी है।  
Candidates must not write on this margin

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
( Specimen Answer Booklet - For Practice Purpose Only)

Presidential System with President as the head of the state.

some people argue that Indian Polity lies in the midst of British Parliamentary sovereignty & American Judicial Supremacy, because:

To show Indian system as amalgamation of these concepts [you need to discuss the areas where Indian Parliament is superior like that of British Indian Judiciary is superior like America]

1. Responsible Govt.: Ministers are responsible to Parliament as in British Govt. & USA.

2. Written Constitution with defined division of powers among 3 principal organs → legislature, Judiciary & Executive.

3. Quasi-Federal: India is a federation with Unitary Bias. It is not completely federal as in USA & not completely unitary as in Britain.

4. Flexible & Rigid Constitution: Indian constitution can be amended but



# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हाराए में नहीं लिखना चाहिए  
Candidates must not write on this margin

(Please do not write anything except the question number in this space)

कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

4½  
The process of amendment is not easy. Thus it is not completely rigid like USA, nor is it flexible like Britain.

← 5. SC + However, some characteristics are very different in India:

1. Judicial Review: SC can restrict power of Parliament, but not like USA

2. Indestructible States: India is an

indestructible Union of destructible states

3. DPSP: Under Part IV, Constitution establishes economic & social Democracy.

4. Fundamental Duties: Part IV-A describes this, which is different from both USA & Britain.

5. PRIs & LSG: allow local level participation in India.

Thus, although, Indian Polity resembles both British & USA's polity, however, it does have unique salient features which makes it a unique constitution.



(Please do not write anything except the question number in this space)  
कृपया इस स्थान में प्रश्न संख्या को अतिरिक्त कुछ न लिखें।

# UPSC

उम्मीदवारों को इस मार्ग में नहीं लिखना चाहिए  
Candidates must not write on this margin

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

5.

42<sup>nd</sup> Constitutional Amendment Act of 1976 has been the most-comprehensive amendment made so far to the Constitution. This wide ranging amendment is also called the mini-constitution and it implemented the recommendations of Swaran Singh Committee.

Why is it called mini-constitution?

This Act was passed while the Indian State was under National Emergency imposed U/A 352. This amendment was practically a rewriting of many original parts of the constitution. It made changes in the 7<sup>th</sup> Schedule, 53 articles and added 2 new parts to the constitution.

The provisions of the act were:

1. Restriction of Judiciary & power of Judicial Review: as it made amendments

well introduced

42<sup>nd</sup> Amendment Act  
and changes made by it.



# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
( Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को  
इस हार्शिए में  
नहीं लिखना  
चाहिए  
Candidates  
must not  
write on this  
margin

beyond judicial scrutiny.

2. Added 3 new words to the Preamble Socialist, Secular & Integrity.
3. Added 2 new parts: Part IV - A & A-51A and Part IV - A concerning Fundamental Duties & Tribunals respectively.
4. Extended tenure of LS to 6 years.
5. Added 3 new DPSPs: U/A 39, 43A & 48A
6. Shifted 5 subjects from state list to Concurrent list.
7. Provided for creation of All - India Judicial Services.

Many other provisions were enacted through this act. Many of its provisions were further undone after 1977 when Janata Party came to power, through 44<sup>th</sup> Amendment Act, 1978. ~~which~~

U/A 368, Constitution can be amended by the Parliament. This

Try to  
Put  
this  
in  
Short

(Please do not write anything except the question number in this space)  
कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

उम्मीदवारों को इस हिसाब में नहीं लिखना चाहिए  
Candidates must not write on this margin

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

provision of our constitution makes it a living document, as the needs can be met through the amendments with changing time.

## Relevance of some Recent Constitutions :

1. 101<sup>st</sup> amendment Act, 2016 : paved the way for introduction of GST Regime which will foster 'Fiscal Federalism' and ensure cooperative and competitive federalism U/A 296A.
2. 102<sup>nd</sup> amendment Act, 2018 : giving NCBC a constitutional status U/A 338A, will ensure upliftment of Backward classes and better policy implementation.
3. 103<sup>rd</sup> amendment Act, 2019 : declared 10% reservation to Economically Weaker Sections (EWS) to uphold the ideal of 'equality of opportunity' to all.

Thus, the recent constitutional amendments have tried to uphold principles of constitution. However 94<sup>th</sup> Amendment of establishing NJAC was struck down by SC as it altered Independence of Judiciary which is a BASIC FEATURE of the Constitution.

7

Good discussion on relevance of recent Constitutional Amendments

(Please do not write anything except the question number in this space)

कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.

(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए  
Candidates must not write on this margin

6. Fundamental Rights under Part III of the Constitution provides political democracy to the people and DPSP under Part IV ensure social and economic democracy.  
Fundamental Rights (FR) are justiciable in nature, while DPSPs provide the moral compass to legislators and the ideals which need to be adhered to. DPSPs are not justiciable. Since DPSPs are moral obligations of the state, but are not enforceable, it has often resulted in conflict between FR & DPSPs.

## Evolution of Relationship between DPSP & FR

[1951] → Champakam Dorairajan Case: SC ruled that in case of conflict between Fundamental Rights & DPSP, the former would prevail.

[1967] → Golaknath Case: SC ruled that

well  
introducing  
fundamental  
rights and  
DPSPs



(Please do not write anything except the question number in this space)  
कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस मार्ग में नहीं लिखना चाहिए।  
Candidates must not write on this margin

Fundamental Rights are 'immutable' and sacrosanct in nature, thus, FRs cannot be amended to implement DPSP.

- 1976 → 42<sup>nd</sup> Amendment Act: accorded a position of legal supremacy to DPSP.

- 1980 → This provision was declared unconstitutional by SC in Minerva Mills case. The SC opined that 'Indian Constitution is founded on bedrock of Harmony between FRs & DPSPs.' This added a new basic feature to the Constitution, i.e., Harmony between DPSP & FR.

Balance between DPSP and FR ensures political, social and economic democracy in the Indian ~~Polity~~ <sup>state</sup>.  
This Harmony b/w DPSP and FR is essential to balance 'social

good that you mentioned the relevant judgements to discuss their relationship

(Please do not write anything except the question number in this space)

कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए  
Candidates must not write on this margin

Interest over Individual Interest.

Provisions of Fundamental Rights ensure <sup>that</sup> requisite safeguards are in place for an individual to enjoy basic rights. U/A 14-35, constitution ensures that equality, freedom & liberty are established. While, on the other hand, DPSPs U/A 36-51 ensure that Fraternity and Social Harmony exists in the country.

you  
can also mention As B.R. Ambedkar said, Political  
some examples in which they have  
democracy cannot last unless there  
complemented is social democracy, i.e., Social  
each other Interest and Social Rights are  
necessary to complement Individual  
Rights to ensure that democracy  
is established completely. Thus,  
Harmony between FRs & DPSPs, as  
opined by SC under Minerva Mills case  
is a sine qua non for democracy to  
prevail.

(Please do not write anything except the question number in this space)

कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
( Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस इतिहास में नहीं लिखना चाहिए।  
Candidates must not write on this margin

7.

MONTESQUIEU DOCTRINE is the doctrine of separation of power. As per Montesquieu, liberty cannot be protected unless and until there is separation of power. He believed that separation of powers among the different organs of government is the best safeguard against tyranny. He also propounds that a system of checks and balances should thus be established for solidarity and harmony of the state.

According to Montesquieu, there are 3 kinds of power:

1. Legislative Power: to exert, amend or abrogate laws.
2. Executive Power: to ensure public security and protection.
3. Judiciary Powers: to punish criminals and safeguard property & life.

good explanation  
on  
Montesquieu  
doctrine of  
separation of  
power

Please do not write anything except the question number in this space.  
कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हार्जिए में नहीं लिखना चाहिए  
Candidates must not write on this margin

When the executive and legislature are united in same person, there can be no liberty. Similarly, if judiciary is not separate, justice is not delivered. Therefore separation of powers among the 3 organs of govt. fully ensures liberty, freedom & justice by imposing healthy checks on despotism.

Relevance of Montesquieu Doctrine to Separation of Power

1. Independent Judiciary: ensures fair justice delivery and checks the power of the other 2 organs.
2. Liberty: doctrine's emphasis on liberty and its delivery through separation of power ensures liberty of thought, belief, faith & worship.

Try to mention some countries like USA, India etc.

(Please do not write anything except the question number in this space)

कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

† Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
( Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस आशिए में नही लिखना चाहिए।  
Candidates must not write on this margin

3. Checks and Balances : to ensure that the rule is not tyrannical.

Challenges in implementation of the doctrine :

1. The 3 organs cannot work in isolation as the system of checks & balances requires intervention.

2. Law making has to be passed on to the executive and some degree of overlap will occur.

3. Conflicts among the organs due to strict separation are higher.

Strict Separation of power has a theoretical backing, however, its implementation can't always be very strict. System of checks & Balances limits

the strict separation of power, eg.

In India, power of Judicial Review allows judiciary to declare a law by legislative unconstitutional. This

ensures a check on power with limited separation of power.

Good that you also highlighted challenges

11/6/22



(Please do not write anything except the question number in this space)  
कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
( Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए  
Candidates must not write on this margin

8.

Uniform Civil Code (UCC) suggests that all citizens, irrespective of faith should be governed by a common set of laws in 'personal' affairs such as marriage, divorce, succession, inheritance, adoption, etc. The Indian Constitution U/A 44, provides the provision for govt. to secure a UCC for all citizens throughout the country, however this lies under Part-IV - DPSP, so it is not enforceable.

Well introduced concept of UCC

## Merits of a UCC:

1. Secular Republic: needs a common law for all citizens and a UCC will help in integrating all citizens under one National Civil Code of conduct.
2. Gender Justice: The current personal laws in India are plagued with problems of - Patriarchy, child Marriage

(Please do not write anything except the question number in this space)  
कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हाराए में नहीं लिखना चाहिए  
Candidates must not write on this margin

and girl child discrimination. A UCC advocates for rights of women. SC judgement on Shah Bano Case and the recent triple talaq case are such examples.

3. Personal laws based on Individual Community based laws are difficult for judiciary to adjudicate upon. A UCC can ensure uniformity in terms of judgement in sphere of personal laws.

Good discussion on merits of UCC

4. Religious Orthodoxy: SC judgement in Sabrimela Temple Case quashes discrimination against women. UCC ensures that rights U/A 14, & 21 are not violated.

## Demerits of UCC:

1. Violation of Fundamental Rights U/A 25 & 26 which guarantees Minorities to preserve their own

(Please do not write anything except the question number in this space)  
कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
( Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हॉशिए में नहीं लिखना चाहिए  
Candidates must not write on this margin

culture & religion.

2. Communal Politics: In a diverse country like India, UCC can be motivated by communal interests.

3. Tribal Areas Under schedule VI will be adversely affected.

4. Diverse set of laws: with the vast demography in India, it will be difficult to satisfy all sects.

As per the recommendations from B.S. CHAUHAN COMMITTEE, UCC is neither necessary nor desirable at this stage and rather religion-wise amendments could be made to ensure gender & class equality. There is a need to bring equality within the communities rather than equality between faiths.

Civil law in Goa could be

a useful benchmark to ensure that aspirations of A-44 are met. However, UCC should be subject to broad-base interpretation to ensure satisfaction from all sects.

well highlighted  
the criticisms

7 1/2

Overall:-

Very good attempt

(Please do not write anything except the question number in this space)

कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
( Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए  
Candidates must not write on this margin

9.

Following the recommendations from Swaran Singh committee, parliament through 42<sup>nd</sup> amendment Act incorporated a new part → Part IV-A with Article 51 A entitled as FUNDAMENTAL DUTIES.

U/A 51-A, 11 Fundamental Duties were enumerated, with 11<sup>th</sup> Duty added by 86<sup>th</sup> Constitutional Amendment, 2002.

## Nature of Fundamental Duties:

1. Non-justiciable: and there is not legal sanction against their violation. However, Parliament can enact suitable legislation to implement these.
2. Moral and Civic Nature: Some duties like providing education opportunities for education and cherishing ideals of freedom are moral duties,

well introduced fundamental duties and its nature.

(Please do not write anything except the question number in this space)

कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हाशिये में नहीं लिखना चाहिए  
Candidates must not write on this margin

While respecting National Flag is a Civic Duty.

3. These are confined to citizens only.

4. These ~~enforce~~ impart the 'Indian way of life'.

Fundamental Duties are non-justiciable

and lack legal backing like the ?

Fundamental Rights. Swaran Singh

Committee had suggested for penalty for non-performance of fundamental duties.

→ firstly introduce meaning of term  
conscriptio.  
Case for conscription in India:

1. To serve as a reminder for citizens to be conscious of their moral & civic duties.

2. To serve as a warning against anti-national activities.

3. To serve as a source of inspiration and promote a sense of discipline

Why legal backing was not given?

(Please do not write anything except the question number in this space)

कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस बॉक्स में नहीं लिखना चाहिए।  
Candidates must not write on this margin

and commitment amongst them.  
Several countries like Japan and USSR had provisions for conscription of such duties. However, India currently has made Part IV - A only enforceable by law.

Case against Conscription of Fundamental Duties:

1. Violation of Right to Privacy: U/A-21
2. Violation of Right to freedom: U/A-19

National Commission to Review Working of constitution (NCRWC) recommended that first step required by Union and State Govts. is to sensitise the people and to create a general awareness of provisions of fundamental duties. Moreover,

certain fundamental duties should be added - Duty to vote, pay taxes.

Based on Justice Verma Committee,

Part IV - A could be strengthened further by effectively managing existing legal provisions and sensitising the people.

How?  
(Briefly mention)

51  
you need to also mention about enforcement of these duties under special circumstances.

(Please do not write anything except the question number in this space)

कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए  
Candidates must not write on this margin

10.

Fundamental Rights are inscribed in Part III of the constitution from Articles 12-35. These promote the ideal of political democracy. They prevent the establishment of an authoritarian and despotic rule in the country and promote and protect liberties and freedom of the people against invasion by the state.

## Significance of Fundamental Rights:

1. Equality: before law U/A 14 and equality of status and opportunities are ensured ~~U/A~~ under Part III. Evils

like Untouchability (U/A 17) and Trafficking (U/A 23) and child labour (U/A 24) are prohibited.

2. Freedom: of thought, expression, belief, are ensured U/A 19-22.

3. Liberty: and right to life with human dignity is ensured U/A 21.

Try to mention points such as:

prevent protection to minorities, etc.

Please do not write anything except the question number in this space)  
कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए  
Candidates must not write on this margin

4. Constitutional Remedies : ~~are~~ described as 'Heart and Soul of the Constitution' by Dr. B.R. Ambedkar ensure the enforcement of the rights.

5. Judicial Review : U/A 13 restricts State's invasion in individual sphere.

6. Secular : Religious rights in Part III showcase the unique form of secularism that exists in India.

## Criticisms of Fundamental Rights:

1. EXCESSIVE LIMITATIONS → Fundamental rights are subjected to innumerable exceptions, restrictions and qualifications. Jaspal Ray Kapoor said that the chapter should be named 'Limitations on Fundamental Rights'. Constitution grants the rights on one hand and takes them away in case of intrusion of public order. During National emergency, U/A 358 rights a

well mentioned the criticism



# UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.  
Content of the Question is more important than length.  
( Specimen Answer Booklet - For Practice Purpose Only)

(Please do not write anything except the question number in this space)  
कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

उम्मीद  
इस  
नहीं  
चा  
Can  
must not  
write on this  
margin

51  
U/A 17 are suspended & U/A 359, barring rights U/A 20, 21, all other rights are not enforceable. Moreover, system of Reservations are exempted from the ~~Article 14~~ equality broadly. Such large restrictions and exemptions, make the enforcement of rights more frictional.

2<sup>nd</sup>. Expensive Remedy

3. No Permanency: SC Under Kesavananda

Bharati Case (1973) ruled that Parliament

can abridge any part of constitution unless it doesn't affect the Basic

Structure of Constitution. Thus, Part III

can be easily amended.

4. No Social & Economic Rights: Social &

Economic rights are provided Under

Part IV - DPSP, which are not

justiciable in court.

Thus, Fundamental Rights, although provide for Political Democracy in India,

it suffers from certain lacunae as well.

However, Indian Constitution is a living

document and any <sup>page</sup> provision can be

added or abrogated as per the needs of the people.