

**GSSCORE**

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**AIR - 13**

**(CSE 2022)**

**GENERAL STUDIES**



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# POLITY - 1

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>
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67½

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

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

Name Vidushi Singh

Roll No. 40666

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

Date \_\_\_\_\_

Signature Vidushi

# REMARKS

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Q1. For democracy to be meaningful and just, impartiality and independence of the Election commission is prerequisite. In this context identify the flaws that need to be addressed to further strengthen the institution. (15 Marks) (250 Words)

The Election Commission of India (ECI) is a permanent & independent constitutional body which ensures free and fair election in the country. U/A 324, constitution provides power of superintendence, direction and control of elections to parliaments, state legislatures, office of president, vice-president of India

ECI is responsible for establishing 'Republican' nature of state in India, and thus, its independence and impartiality are crucial for democracy to prevail.

well  
introduced  
Election  
Commission  
of  
India

Provisions for impartiality and independence of ECI:

1. Security of Tenure: Chief Election Commissioner (CEC) is provided with security of tenure

Remarks

and cannot be removed ~~to~~ from office.

2. Other Election Commissioners (ECs) also cannot be removed without recommendation of CEC.

3. CEC is not above the other Election Commissioners in terms of Authority. The Commission takes consensus-based decisions.

4. CEC does not hold office under pleasure of President.

Though the constitution has made provisions to ensure independence and impartiality of ECI, it is subjected to certain flaws as well.

### Flaws in the institution

1. Constitution has not prescribed the qualifications of the members of ECI.

Remarks

Try to put this in short

2. Constitution has not specified the term of the members of ECI.

3. Constitution has not debarred the retiring Election Commissioners from any further appointment by the government.

4. Constitution has also not specified the number of members in ECI which has changed from time-to-time.

These flaws have affected the robust functioning of ECI, and if overlooked can be the source of malfunction in the future.

Therefore, there is need to rectify these flaws and empower the institution to ensure 'free and fair elections'. This can

be done by: providing  aforementioned

safeguards and increasing the accountability of ECI; increasing voter awareness & following recommendations of Law Commission.

As declared by SC in 'Kihoto Hollohan case (1992)', free and fair elections are a

part of Doctrine of Basic Structure and so it is imperative to maintain impartial & independent ECI.

Mention about issues of MCI, MCI, etc. taken up

discuss more on the issue (It is main part of the question)

6 1/2

Q2. "Tribunals perform an important and specialized role in the justice mechanism". Briefly enlist the Constitutional provisions related to Tribunals in India. Critically analyze the role of tribunals in the Indian Judicial System. (15 Marks) (250 Words)

The 42<sup>nd</sup> Constitutional Amendment Act, 1976 added a new part → Part XIV-A to constitution, entitled as "TRIBUNALS". Tribunals are quasi-judicial bodies with specialized role. These are imperative in faster access to justice.

Part ~~XIV A~~ XIV-A has only 2 articles-

1. 323-A dealing with 'Administrative Tribunals' and 323-B dealing with 'Tribunals for other matters'.

Article 323-A : Administrative Tribunals

U/A 323-A, parliament can establish administrative tribunals <sup>to take</sup> ~~for~~ out adjudication of disputes relating to service matters from civil courts and high courts and place it before the administrative tribunals.

↳ Central Admin - Tribunal [CAT] & State Admin Tribunal [SAT]

Article 323-B : Tribunals for other matters

Remarks

good introduction on Tribunals and constitutional provisions related to it.

U/A 323-B, Parliament and state legislature are authorised to ~~provide~~ provide for establishment of tribunals for adjudication of disputes for 'other matters' such as taxation, land reforms, rent and tenancy rights etc.

### Role of Tribunals in Indian Judicial System

After 42<sup>nd</sup> amendment, number of tribunals has increased teemendously at both central & state levels. Tribunals were set up to

'reduce the workload of courts' and 'expedite decisions'. Tribunals provide a forum to ensure access of justice in specialized manner, eg. National Green Tribunal (NGT) for environmental issues, National Company Law Tribunal (NCLT) for corporate law issues ~~then~~ Water Disputes Tribunal, etc.

Central Administrative Tribunal (CAT) and SAT were set up to deal with service matters of government employees.

→ Better to highlight the significance of tribunals in points format

Remarks



Tribunals have provided flexibility and ensured the goal of social justice.

However, Tribunals are subject to challenges with increasing cases, complex laws and lack of experts. Tribunalization of justice has rendered certain roadblocks in functioning of tribunals:

1. Separation power: Tribunalization has been viewed as encroachment in judiciary by Govt.
2. Devalue authority of HCs: Originally appeals against H. Tribunals were to reach SC, but this has been avoided by Chandra Kumar Case (1997).

3. Costly: Tribunals are costlier for the masses.

4. High backlog of cases

Therefore, as per SC's decision in R. Gandhi Case, it is incumbent upon govt. to ensure smooth functioning of tribunals.

Remarks

7

will mentioned the given

refer recommendations of Law Commission in this regard

Q3. Universal Adult Franchise (UAF) has been the bedrock of Indian democracy. Discuss how it has been helpful in developing India as a democratic country. Also, explain the views of Mahatma Gandhi on UAF. (15 Marks) (250 Words)

Universal Adult Franchise (UAF) gives the right to vote to all adult citizens, regardless of wealth, gender, social status, race, ethnicity, political stance or any other restrictions. In India, minimum age for accessing right to vote is 18 years.

Originally anyone and everyone above 21 years of age and a citizen of India had the right to vote. But later by the 61<sup>st</sup> Constitutional amendment Act, 1989, voting age was reduced to 18 years.

India is a sovereign Democratic Republic and UAF has been the bedrock of Indian democracy as:

1. U/A 326: Election to the House of People and the legislative assemblies of states is to be

well introduced the concept of UAF

Remarks

based on ADULT SUFFRAGE.

2. Evolution: UAF had been the front runner in the list of demands during the Indian National Movement. Nehru Report of 1928, Karachi Session of 1931, the Constituent Assembly, all laid emphasis on how UAF was imperative in defining the Indian Democracy.

3. Popular representation: UAF ensures that the government so formed, is formed on basis of popular representation and maximum participation of people.

4. Accountability of the government: UAF ensures that the government in power is based on consensus of the masses & is accountable to the masses.

~~5. Fundamental~~ 5. Policy: UAF is crucial in determining the trajectory of public policy action.

6. Preventing <sup>women</sup> Caste Discrimination

Remarks

good  
discussion  
significance  
UAF

## Mahatma Gandhi and UAF:

Mahatma Gandhi advocated that everyone should be allowed to participate in voting.

He was against discrimination in any form and upheld his views on UAF on several occasions, eg. during 2<sup>nd</sup> RTC.

He emphasised on the inclusion of every person is necessary in functioning of the democracy.

Thus, the Constituent Assembly unanimously accepted UAF as part of the electoral process. In fact, it was the least debated discussion in the Constituent Assembly.

UAF, although ensures popular representation, but is hampered with problems like majoritarianism & populism. However, it has defined ~~the~~ democracy in India and should be further strengthened by ensuring

that 'Voting' ~~is~~ a Fundamental Duty, as recommended by National Commission for the Working of Constitution (NCRWC), 2000.

well mentioned  
the views of Mahatma Gandhi

good

Remarks

Q4. While the judiciary is generally considered as an alarm bell to help in crisis, Indian judiciary is also assertive in certain cases. Discuss how the judiciary makes the executive alive and responsible to protect civilian rights. Also evaluate Indian parliamentary powers in comparison with judicial powers. (15 Marks) (250 Words)

Judiciary is one of the 3 principal organs of the government. It interprets law of the land, protects Fundamental Rights and settles disputes. Indian judicial system is integrated with SC at the top, HC at state levels and several District Courts & Subordinate Courts below the HC.

Judiciary is considered as an alarm bell to help in crisis as:

1. Separation of Power: Judiciary ensures that this doctrine is adhered to and looks out whenever there is case of encroachment by any of the organs.  
eg. Declaring NJAC unconstitutional.
2. Sedition: Recently SC has stressed upon the vagueness of Section 124 A of IPC dealing with sedition and how there is a need to define Sedition, and rights of journalists.

Remarks

good that you have mentioned recent examples

3. Section 66A, IT Act, 2005: SC recently has expressed 'shock' over the number of pending cases under the void section 66A of IT Act.

4. Migrant Labourers: SC has ordered Govts. to ensure infrastructure and other essential commodities for Migrant workers & stressed on implementation of one Nation, One Ration Card.

Judiciary: Assertive in some cases:

1. Doctrine of Basic Structure defined in Kesavananda Bharati v. State of Kerala (1973).

2. Vishakha v. State of Rajasthan (1997): rights of women against sexual harassment.

3. K.S. Puttaswamy v. UOI (2017): Right to Privacy U/A 21.

4. Menaka case: defining scope of A-21, and ensuring right to live with dignity.

5. RTE: added U/A 21-A.

Try to write a balanced answer, also mention concept of Judicial overreach by highlighting why Judiciary should not be assertive all the time.

Indian Parliamentary Powers and Judicial Powers

Remarks

I. Parliamentary Powers more than Judicial Powers:

- a. Impeachment of CJI.
- b. Amendment → U/A 368
- c. Appointment of Judges: executive decides finally after collegium's recommendation.
- d. Legislative Powers

Mention Articles

related to all

II. Superior Judicial Powers:

- a. Doctrine of Basic Structure: can declare any law or amendment invalid.
- b. Judicial Review: U/A 13 defines the scope of legislation.
- c. Remedy: U/A 32 provides constitutional Remedies.
- d. PIL & suo Moto Cognisance

Good

Indian Polity is based on a system of Checks & Balances with limited separation of Power. Judicial System in India is independent, as defined by SC in Kumar Padma Prasad Case (1992).

Remarks

Q5. Inequality and discrimination are the two evils for the development of the country.  
Elaborate. Discuss their effects on fundamental rights of citizens.

(15 Marks) (250 Words)

INEQUALITY refers to the phenomenon of unequal / unjust distribution of resources and opportunities among members of a given society.

It is a multi-dimensional ~~disciplinary~~ concept and plagues any society by restraining resources.

good that DISCRIMINATION is the act of making you unjustified distinctions between human beings defined the based on race, gender, age, religion, and meaning of these other categories. It plagues a society by terms developing prejudices against group(s) which have a deep impact on unity and integrity of a nation.

How inequality affects development of the country

- disparities: gender, regional, class, caste

Remarks



disparities affect the well-being of a country and fosters partisanship.

- Regional Disparities: ignore well-rounded holistic development of the country.

- Gender disparities: restrain women from being empowered and sets in patriarchy. According to IMF, equal opportunities to women can increase GDP growth by 34%.

- Class Disparities: Top 1% <sup>people</sup> in India in terms of wealth hold 40% wealth of the nation.

Thus, inequality leads to unequal access to resources and capability deprivation which sets in poverty on a macro level.

Discrimination : effects on development

1. Caste Discrimination: lower caste people from SCs & STs still form the major chunk of BPL people. Caste Discrimination prevents lower castes to progress further and thus

Try to discuss it in brief

Remarks

sets in partisanship towards the rich & affluent people of upper castes.

2. Ethnic Discrimination: mostly observed in North Eastern states, afflicts the feeling of National Unity.
3. Religious Discrimination: Minorities from different religions are ~~not~~ not represented properly at national levels.
4. Gender Discrimination: Patriarchy and life-cycle discrimination against women impairs them socially.

6

need to discuss their impact on fundamental rights and also give some suggestions there

Inequality & Discrimination under Fundamental Rights

1. U/A 15: - Discrimination of all forms are not to be observed.
2. U/A 14: all citizens are equal before law.
3. U/A 17: Untouchability is abolished.
4. U/A 25-30: Rights of Minorities and religious affairs.

Fundamental Rights - U/A 14-32 provide provisions against inequality & discrimination U/A 21, everyone

Remarks has right to life & personal liberty & live with human dignity - as specified by the SC in Menaka case.

Q6. Panchayats have been one of the basic features of Indian society. Describe the levels of Panchayat Raj Systems in India and enumerate the functions delegated to them.  
(15 Marks) (250 Words)

Panchayats have been one of the basic features of Indian Society. In Vedic age, Sabhas and Sanitis were decision makers. Grandhi's

Gram Raj revolves around village panchayats

which are self-sufficient. U/A 40, founding fathers of constitution enlisted organisation of village panchayats as one of the DPSPs.

Indian 73<sup>rd</sup> Amendment Act, 1992, part IX

entitled as 'PANCHAYATS' was added to the constitution. This act also added 11<sup>th</sup>

Schedule of the constitution and endowed

PRIs with 29 functions.

#### LEVELS OF PRIs IN INDIA:

Three-tier System: The Act provides for a 3-tier system of Panchayati Raj in every State, i.e., Panchayats at VILLAGE, INTERMEDIATE

Remarks

Well  
introduced  
Panchayats as  
basic  
feature of  
society

and DISTRICT levels. The act brings uniformity in the structure throughout the country. Prior to this, several committees had recommended a 2-tier system as well (Ashok Mehta Committee). However, finally a 3-tier system was adopted, with an additional provision for states ~~with~~ <sup>which have</sup> less than 20 lakhs population, ~~are~~ are not mandated to constitute a panchayat at intermediate level. Further, at Village level → Gram Sabhas are constituted along with Gram Panchayats. At Intermediate level, Block / Mandal Panchayats are constituted and finally, at apex is the Zilla Panchayat covering entire rural area of the district.

good discussion on levels of Panchayati Raj system

**FUNCTIONS DELEGATED TO PRIs**

29 subjects which were earlier in state

Remarks

6!

list, have been transferred into the 11th Schedule. U/A 243G, 'Powers, authority and responsibilities of Panchayats' are enumerated. These subjects are linked to development and welfare at local level.

These functions are:

1. Agriculture, 2. Minor Irrigation;
3. Small Scale Industries; 4. Rural Housing;
5. Drinking Water; 6. Rural Electrification;
7. Poverty Alleviation; 8. PDS; 9. Education;

well discuss the functions, you can briefly about highlight some of them.

Financial Powers: By authorisation of state legislature, Panchayats may levy, collect & appropriate taxes, duties, tolls and fees.

PRIs also receive grants-in-aid from Central & State Govt. as per the recommendations of State Finance Commission (SFC).

Thus, PRIs are endowed with important functions in a democracy for all-round development & participation in the nation.

Remarks

Q7. Coalition governments are usually of a temporary alliance and hence they impose constraints on policy making. Critically examine the role of coalition governments in Indian democracy by giving suitable examples. (15 Marks) (250 Words)

Coalition government is a government where multiple political parties collude to form a the government by majority. ~~This~~ Coalition govt. allows multi-disciplinary approach to legislation and avoids majoritarianism and partisanship.

Well  
introduced  
meaning of  
coalition  
govt

The 1st coalition government in India was formed in 1977 under the leadership of Morarji Desai & Janata Party. However, 1st coalition Govt. to complete its full term was formed in 1997 by NDA led by Atal Bihari Vajpayee.

Coalition Govt. : Temporary Alliance

1. Before 1999, several coalition govts. came to power but could not complete their terms. This was mainly because of

Remarks

lack of ideological grounds and political gains sought after by the leaders.

2. coalition Govt. in states like Uttara-Khand & Goa were unstable.

3. Political Instability affected other spheres as well → <sup>people &</sup> economy had to suffer the consequences.

### Role of Coalition Government in Indian Democracy :

4. 1991 Reforms : by Narsimha Rao Govt. opened an era of 'Service Sector-led Growth'.

5. In early 2000s : several amendments took place which focussed on education and reservations.

• Governments have been completing full-terms since 1999.

• 73<sup>rd</sup> & 74<sup>th</sup> amendments : gave constituted led

Remarks

good that you mentioned examples to discuss role of coalition govt

to empowerment of LSG and popular participation.

• Coalition Governments have ensured non-partisanship in policies of the government and have also shown that democracy in India is not just based on populism, but on peaceful coexistence.

• Coalition governments, although were temporary in 1990s → eg. Atal Bihari Vajpayee's 15<sup>th</sup> term as PM was just 13 days, after 1999, certain degree of stability has been established. The current NDA govt is a coalition govt, even though BJP alone has single majority in LS. Various coalition Govts. in states like Kerala, TN, Maharashtra have been in power since decades. This shows that although slightly unstable, Coalition Govts.

well mentioned today's scenario

are a testimony of wide demography of the Indian Democracy.

Remarks

Overall: Good attempt



Q8. "Cooperative federalism has lost its relevance in the wake of competitive federalism". Examine. Also bring out how a middle ground is needed between the two ideas for holistic national development.  
 (15 Marks) (250 Words)

K.C. Wheare described the Constitution of India as 'quasi-federal', i.e., Indian Union is a unitary state with subsidiary federal features.

With a view of promoting common policies through a process of discussion, agreement and compromise, framers of Indian Constitution included important

Traits of COOPERATIVE FEDERALISM.

Cooperative Federalism: implies that Centre and states share a HORIZONTAL relationship where they cooperate in larger public interest.

Traits of cooperative federalism are:

1. Legislation By addition;
2. Consultative Machinery;
3. Delegation of Executive functions etc.

Remarks

However, after 1991 reforms, Indian States have rushed in reforms to make processes easy for ease for doing business in their state and expediting pending clearances. This has ushered in the concept of

COMPETITIVE FEDERALISM.

Competitive Federalism: Relationship b/w Centre and State is vertical and between State govts. is horizontal. This promotes free-market economy. Although this not a part of basic feature, ~~cooperative~~ <sup>competitive</sup> federalism has now taken precedence over cooperative federalism because:

good discussion on evolution of Indian federalism towards competitive

1. 14<sup>th</sup> FC's recommendations: enhanced devolution to states (42%) to increase competition amongst the States.
2. GST: One value added tax has resulted in foregone tax levying powers of States.
3. NITI Aayog: has been mandated to

Remarks

to develop competitive 'cooperative' federalism.

4. Rankings of states: to increase their efficiency.

Cooperative & Competitive Federalism appear to be the opposite sides of a coin, however the optimal solution for holistic National Development is the middle ground between

the 2. Competitive Federalism increases efficiency, but is also accompanied by problems of inequality and poverty. Thus, welfare oriented Cooperative Federalism is necessary to counter extreme competition. This can be assured by support from Central Government.

7  
Constitution needs to catch up with economies to favour integration over granting sovereignty to promote Indian Internal Integration.

Remarks

well explains the need of both cooperative and competitive federalism

Q9. The Constitution has distributed powers in such a way to make it difficult to subvert it. Why is it necessary for the Constitution to place limitations on the powers of those in power? Also, highlight some of the limitations of Indian Constitution.

(15 Marks) (250 Words)

Indian Constitution follows a system of checks and Balances with limited separation of power, i.e.; all organs of government are independent but not absolute. This ensures that all institutions in place exhibit their functions efficiently but do not become authoritarian.

The Constitution does this as:

1. Legislature: Parliament and state legislatures U/A 107 & 196 respectively have provisions to pass bills and make laws for the country. However U/A 13, all laws which are inconsistent with Part III of the constitution are declared invalid and unconstitutional by the SC/HC. Moreover, Doctrine of Basic Structure enlists power of Judicial Review as a 'basic feature' of the constitution.

well  
introduced  
concept  
of  
separation  
of  
power.

Remarks

2. Executive: The <sup>Council of Ministers</sup> ~~executive~~, U/A 74, 78 for Central Govt. and U/A 163, 168 for state Govt. is suppose to aid and advise President and governor respectively. The advice is binding. However, any action taken by the Executive can be challenged under No-confidence Motion in Parliament and all actions are subject to judicial review by SC & HC.

Try to also refer articles dealing with doctrine of separation of power

↓  
Refer Article 50, 124, 212, 121, 211

3. Judiciary: Doctrines of Basic Structure, Judicial Review & Judicial Activism through PILs make judiciary very powerful. However ~~any judge~~ CJI can only be removed by Parliament and the appointment of judges involves the Executive in the decisions.

Thus, Constitution has distributed the powers in such a way, that ~~one~~ organ alone cannot dominate and ~~subjugate~~ the authority of

Remarks

the Constitution. This was done to ensure powers of those in power are limited as, if left unchecked, the authority of constitution could be compromised and democratic fabric of the country could be altered.

### Limitations of Constitution:

1. Paradise of lawyers: With the verbose writing of constitution, it becomes difficult for the masses to be aware of their rights.
2. DPS: Part IV of the constitution are non-enforceable and ~~are~~ is a model to be followed.
3. Powerful Judiciary: unduly powerful judiciary sometimes enters the legislative & executive arenas.
4. Anti-Defection: provisions for anti-defection impose party's philosophy and undermines personal ideals of representatives.

well discussed the limitations of the constitution

7

This, constitution of India, although not perfect, possesses the requisite provisions to distribute powers equally and stabilise the democratic nature of the country.

Remarks

Q10. No Indian State can secede from the Indian Union but the destructive nature of the state is seen in Article 3 of Indian Constitution. In this context analyse the unitary biased features of Indian federalism and compare it with the US federal model.  
(15 Marks) (250 Words)

India is described as an indestructible Union of destructible states. U/A 3 of the constitution, no Indian state can secede from the Indian Union and the Parliament can alter the boundaries of the states by increasing, decreasing the size of state and also create a new state by redefining the boundaries, without the consent of the state. U/A 4, laws made for new state formation are not to be considered amendments U/A 368.

Hence, territorial integrity or continued existence of any state is not guaranteed by the Constitution. In USA, unlike India, territorial integrity is guaranteed by the Constitution. American Federal Govt. cannot create new states or alter the boundaries of

Well explained Indian indestructible with states

Remarks

existing states. Thus, USA is an 'indestructible Union with indestructible states'.

Indian and US Federal Model

Indian Federalism

- Strong Centre: Residuary Powers are left with the Centre.
- States not indestructible  
 Art 3, 4: Parliament can ~~create~~ <sup>create new</sup> states without amendments.
- Flexibility of Constitution  
 Bulk of Constitution can be amended by Parliament alone, & power to initiate an amendment lies with Centre.

US Federal Model

- Strong States: Residuary Powers are left with the states.
- States are indestructible  
 States & Centre are defined in the Constitution.
- Flexibility of Constitution  
 Amendments are very difficult to make & states are also endowed with power to initiate an amendment.

good discussion on difference b/w Indian and US federal Model

Remarks



4. Single Citizenship: of the Indian ~~to~~ Union.

5. Integrated Judiciary with SC at the top.

6. All-India Services along with State Public Services

7. Parliament's authority over State List if RS passes a resolution.

8. Emergency Provisions: allow federal structure to be converted into Unitary structure.

4. Dual citizenship: Citizen of USA & respective State

5. Double system of Courts: No higher court

6. Federal & State Govt. have separate public services.

7. ~~Parliament~~ <sup>Federal Govt.</sup> cannot intervene like this in states.

8. This is not the case in USA.

Try to put it in brief

7

for a balanced answer, in conclusion highlight strong federal features of Indian constitution

Thus, Indian Federalism has notable features which indicate towards the UNITARY BIAS in the constitution. This is why K.C. Wheare called Indian Constitution as 'quasi-federal' and Ambedkar stressed that Federal structure was adopted for administrative convenience.

Remarks