

# **GSSCORE**

**An Institute for Civil Services**

**IAS TOPPER'S  
TEST COPY**

**SATYAM CHATURVEDI**

**AIR 205**

**CSE 2024**

**POLITY (GS PAPER-II)**

**ACCESS → 500<sup>+</sup>  
TOPPERS COPIES**



**8448496262**

## POLITY - 2

Time Allowed: 50 Mins.

Max. Marks: 75

| Q. | Marks | Instructions to Candidate                                                                                                                                                                                                                                                                                                                                                                                                  |
|----|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. |       | <ul style="list-style-type: none"><li>There are <b>5 Questions</b>.</li><li>All questions are compulsory.</li><li>The number of marks carried by a question is indicated against it.</li></ul>                                                                                                                                                                                                                             |
| 2. |       |                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 3. |       |                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 4. |       |                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 5. |       |                                                                                                                                                                                                                                                                                                                                                                                                                            |
|    |       | <ul style="list-style-type: none"><li>Answer the questions in 250 words each. All questions carry equal marks. <span style="float: right;">15 x 5 = 75 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> |

34

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

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

Name Satyam Chaturvedi

Roll No. 117343

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

Date \_\_\_\_\_

Signature Schaturvedi



Q1. While not enforceable in a court of law, the Preamble plays a crucial role in interpreting and understanding the spirit of the Constitution. Discuss. (15 Marks) (250 Words)

N. Palkhivala, renowned lawyer, called Preamble,  
the 'identity card' of the Constitution. It plays a role  
of guiding star to understand the noble vision  
and philosophy of the Constitution.

Decent  
introduction

However, Preamble is not a provision but an  
'integral part' of Indian Constitution (Kesavananda  
Bharti case, 1973). Preamble was adopted by the  
Constituent Assembly, as a part of its Constitution  
itself.

Since, it is not a provision, it is not enforceable  
in a court of law, like other provisions. However,  
with judicial interpretations, it has now been  
established that it represents the spirit of the  
Constitution. As it contains :-

- (i) The source of authority of the Constitution  
→ 'we the people...'

Relevant points.  
Addresses the  
demand of  
the Qn

Remarks

(ii) The nature of Indian Polity

→ 'Sovereign, socialist, secular, democratic republic.

(iii) The ideals, we as a society will adhere to

↳ 'Justice, Liberty, Fraternity, Equality.'

(iv) The date of the enactment of constitution.

In the Bombay Union Case, 1960, the apex court held that Preamble acts as a 'key to the mind of Constituent Assembly'. Hence, it can be used to interpret the ambiguous provisions of the constitution. This view was corroborated in Keshwananda Bharti Case.

In recent times, Preamble has acted as a source of widening the rights of people.

(eg Maneka Gandhi Case), Judiciary has

While the content is good, it could have been structured better with subheadings

Remarks

Article 32  
- provides and cons. for  
Qd guides amerc & Jud

used it to extend various rights to its citizens (Right to die with dignity, Right to clean environment, etc.).

Hence, Preamble represents the 'general will' of the people and the way of life, society; we as a nation, aspire to become.

Fair introduction

6.5

Feedback (for office use only)

|                  |            |
|------------------|------------|
| 1. Objectivity   | 2. Content |
| 3. Articulation: |            |

Fair

Decent

Remarks

- Q2. Discuss the role played by the Fundamental Rights in shaping Indian democracy protecting the rights of citizens. Also, explain the challenges and gaps that exist in their effective enforcement. (15 Marks) (250 Words)

Fundamental Rights are the core of Indian democracy, as it puts limitations on state as well as enables an individual to achieve its full potential within the larger framework of Constitution.  
*Fair introduction*

These are enshrined in part III of the Constitution (Article 12-35), with a guarantee of their protection (Article 32).

Role of Fundamental Rights in protecting the Rights of citizens.

(i) Limits the scope of arbitrariness and establishes the rule of law.

(eg) various provisions related to Right to life and liberty (Article 21), freedoms.

As held in Maneka Gandhi case

(ii) Advances the well being of citizens.

(eg) Prohibition of untouchability (Article 17)

*Relevant points.  
Addresses the demand of the Am*

Remarks

(iii) Creates political and civil equality, hence protects an individual from the excesses of society.

→ (eg) Right to equality (Articles 14-18)

### Role in Shaping Indian Democracy

(i) Makes Indian democracy 'substantive' rather than mere procedural (right to vote).

Good use of examples

(ii) It has created bar on widening inequality.

(eg) special provision for women (Article 15(3)).

(iii) It allows a 'multicultural democracy' and protects diversity.

(eg) - cultural and educational rights (Article 29-30) for minorities

Also -  
- Participation in Governance (A 19)

### Challenges that exists in enforcement

(i) The rights are accompanied by 'reasonable restrictions', hence are qualified in nature.

(eg) Art 15(2), preventive detention.

(ii) scope of removal in case of 'Proclamation of emergency'.

(eg) in ADM Jabalpur case. - Bureaucratic Administrative hurdles

(iii) Limitations are often arbitrarily invoked.

(eg) → Afsa has been misused

→ freedom of speech and expression limited by contempt of Parliament. - Judicial delays  
- Resource constraints etc

Nevertheless, with the judicial protection under Article 32 (Right to Constitutional Remedies), as well as 'liberal interpretation' of Constitution, fundamental Rights have furthered Indian Democracy and quality of life of its citizens.

Good conclusion.

7

Feedback (for office use only)

1. Objectivity

Good

2. Content

Fair

3. Articulation:

Remarks

Q3. The harmonization between Fundamental Rights and Directive Principles of State (DPSPs) is a dynamic and evolving process. Discuss in the light of the judgments of the Supreme Court. (15 Marks) (250 Words)

Fundamental Rights and Directive Principles of State Policy (DPSPs) form the two pillars of the comprehensive idea of justice (socio-economic and political), enshrined in the Preamble.

Good introduction to start with

while Fundamental Rights are justiciable in a Court of law, DPSPs are mere 'instruments of instructions', hence non-justiciable. Since both are part of constitution, they often are at cross-heads.

with judicial pronouncements, it has now been established that both are 'complementary' to each other, hence should maintain harmony between these two, (Minerva Mills case).

Well written with good articulation

This proposition has been a result of evolution of policies and juris, culminating into Doctrine of Basic structure.

Remarks

## Judgements over the years

- ① Sajan Singh case and Champakam Dorai Rajan case  
→ the ~~1st~~ <sup>1st</sup> ~~amendment~~ <sup>Land reforms</sup> act were questioned  
and Fundamental Rights were given  
Primacy over DPSPs
- ② Golak Nath Case, 1967 — Fundamental Rights  
were made absolutely superior over DPSPs.
- ③ Keshavananda Bharti case — upheld the  
primacy of Article 39(b) and 39(c) over the  
Article 14 and 19 (Right to Equality).
- ④ In Munim Mills Case, it was established  
that the Fundamental Rights should  
be in harmony with DPSPs.

Relevant  
points  
and  
right  
mention of  
SC judgements

The idea behind the harmony is settled  
now. However, India being a 'transitional  
society', there will always be ~~clash~~ between  
debate over primacy of liberal values

Remarks

(Fundamental Rights) and Socio-economic idea  
of justice (DPSPs).

Explain this part  
a bit more in  
detail.

In this era of neoliberalism and rising  
inequality, it is important to adhere to  
Ambedkar's idea of justice, i.e. without  
Socio-economic justice (equality DPSPs), the  
political liberties will be unsustainable.

Fair  
conclusion

6.5

**Feedback (for office use only)**

1. Objectivity

2. Content

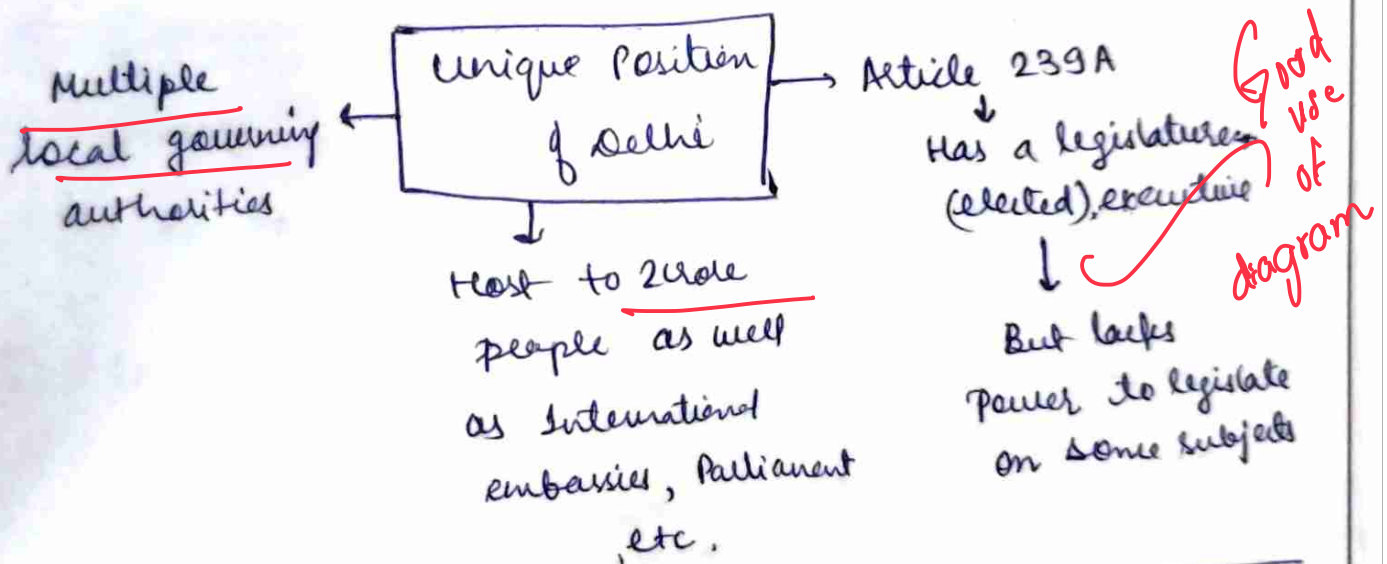
3. Articulation:

Remarks

GS Mains Ques  
Q4. Describing the Unique position of Delhi as a special case of federal nature of India polity, examine the need for the Government of NCT of Delhi (Amendment) Act, 2021 (15 Marks) (250 Words)

Delhi is a unique case of clash between union and sub-unit of federation. Since, it is host to a large & more population, it requires representative governance. However, as the capital of the country, it does not qualify to be an autonomous state.

Fair introduction



Need for the Government of NCT of Delhi (Amendment) Act, 2021

- (i) To delineate clear division of power on between earlier contested areas.  
Such as - 'Service matters of civil servants'

Remarks

(ii) Tussle between executive power of LG and CM.

(iii) There was a question mark on the executive powers and scope given to the Delhi Government.

(iv) To overcome the misgovernance in the NCT of Delhi.

(v) A clear policy and power division must for good governance.

(vi) The policy paralysis between CM and LG.

Also centre Vs State jurisdiction of legislative & executive powers.  
To clear ambiguity arose from various judicial interpretations in the past etc

This Act has settled the policy paralysis, as it has created as NCT Civil Services Authority constituting of representative of both political and executive bureaucratic executive. The Act has also demarcated the 'executive powers' of Delhi Government.

We'll write with good articulation

Remarks

However, the recent cases of urban flooding,  
traffic congestions, need more decentralisation  
of power.

The steps should be taken to strengthen  
the local bodies to answer the question  
of Good Governance, as suggested by 2<sup>nd</sup> ARC,  
when it recommended adherence to principle  
of subsidiarity.

Good conclusion  
to end  
with

6.5

#### Feedback (for office use only)

1. Objectivity

✓ Fair

2. Content

Decent  
But can be  
improved

3. Articulation:

Remarks

Q5. The Constitutional amendments of India are aimed at adapting the Constitution to the evolving needs of the nation. Elaborate. Also, discuss the limitation imposed on amending the Constitution of India with suitable examples.

(15 Marks) (250 Words)

Indian Constitution is a 'living document', and it can be amended by Parliament or interpreted by judiciary. This result into evolution of the Constitution to suit the needs of the nation. *Fair introduction*

The nature of amendment procedure is both flexible (Article 3) and rigid (Article 368). This brings ease and speed in adapting the Constitution to the evolving needs.

(eg) For making our democracy more representative, 73rd and 74th Constitutional Amendment Acts were enacted. *Relevant points that address the demand of the Qn*

The amendments are also required to answer the needs of the society.

For (eg) - 1st amendment Act was brought to

Remarks

implement Land Reforms Acts for redistributive justice.

→ 103<sup>rd</sup> CAA, 2018 - to change the affirmative actions for economically weaker sections.

• Sometimes the amendments are made brought to overcome the policy procedural difficulties.

(eg) 105<sup>th</sup> CAA to give power to states to modify OBC lists.

But the amending powers are limited

(i) Doctrine of Basic Structure was brought by Indian judiciary.

It held that the Parliament can not amend the constitution to an extent that the original constitution ~~is~~ becomes unrecognisable.

(eg) - The 99<sup>th</sup> CAA, 2015 was struck down, because it trampled over judicial

Structured well with adequate content.

Remarks

independence, which is a basic structure of Indian Constitution.

Earlier, the 24<sup>th</sup> and 25<sup>th</sup> CAA were diluted, as it tried to uproot the judicial power review power.

Well written.  
No suggestions needed.

The doctrine of basic structure puts a limitation, a reasonable one, on the amendability of the Constitution. Though, it is subjective in nature, it has created a balance between evolutionary needs ability and preservation of ideals of the Constitution.

Good conclusion.  
Well articulated.

7.5

Feedback (for office use only)

1. Objectivity

2. Content

3. Articulation:

} Good

fair

Remarks

