

GSSCORE

An Institute for Civil Services

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AIR 205

CSE 2024

POLITY (GS PAPER-II)

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POLITY - 8

Time Allowed: 50 Mins.

Max. Marks: 75

Q.	Marks	Instructions to Candidate
1.		- There are 5 questions. - All questions are compulsory. - The number of marks carried by a question is indicated against it. - Answer the questions in 250 words each. All questions carry equal marks. $15 \times 5 = 75$ Marks - Keep the word limit indicated in the questions in mind. - Answers must be written within the space provided. - Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.
2.		
3.		
4.		
5.		
Total Marks	26 $\frac{2}{3}$	
Name:	Satyans chaturvedi	
Roll No.:	117343	
Mobile No.:		
Date:		
Signature:	Schaturvedi	
Mode of Exam:	offline	

Mention any doubt or query that you have regarding your copy for our mentors/evaluators

1. Evaluation Date _____

2. Evaluator's Signature _____

- Q1. There are questions being raised on transparency and accountability with respect to functioning of the Indian judiciary. Critically examine the related issues within the judiciary with recent examples. (15 Marks) (250 Words)

good intro
 Indian Judiciary is a guardian of
Indian constitution and it is very imperative that
 its functioning remains transparent and accountable.
 However, there are some critical questions like: ⇒

1. on Appointment Procedure:

- + "Judges Appointing Judges" (collegium system)
- + "Uncle Judge Syndrome" (appointment of relatives)

good use of phrases.

case: Nullification of 99th CAA

2. Judicial overreach:

- + cases like Banning on fixerackers; (executive domain)
- + Vishnukha Guidelines (legislative domain)

explain many paths to opacity exists in the appointments processes.

Remarks

3. Issues with Ministry of Law on Memorandum of Procedure (MOP)

↳ w.r.t. Appointment Process

4. Low Number of vulnerable Judges from vulnerable backgrounds like: women, SC/ST etc

↳ eg: only 12% of Judges of SC are women.

5. Accountability Issues

→ power to review its own judgement

explain

→ CJI as "master of roster" →

However,

they are required for fair and impartial functioning of judiciary as:-

(a) It gave checks and balances on Executive overreach.

Conflict b/w accountability and indep^t.

Remarks

↳ judicial indep^t & judicial accountability → opposite directions

(b) constitutional fathers have given judiciary responsibility

- + to promote rule of law
- + to protect the inherent basic good points
tenets of constitution
- + to preserve the dignity of individual

Yet, there are some measures, which could enhance its credibility:-

1) Formation of National Judicial Appointments Board

2) The ^{CJI/}judges should be asked to give objective reason behind promotion and transfer of judges discuss them with broader measures

3) Use of technology for independent ^{publishing decision} functioning like e-courts project etc indep⁹ committee

Hence, Judiciary kept our nation together by its activism. publⁿ of court stats

Feedback (for office use only)

1. Clarity:	2. Relevance:
3. Depth:	4. Structure:

depth required

judicial appointment

Q2. In order to restore the confidence of the public in the democratic electoral system, several important electoral reforms have been implemented in India. Elaborate. Also, highlight some of the issues surrounding the role of Election Commission of India in recent times and suggest measures. (15 Marks) (250 Words)

In any Republican and representative democratic nation, Electoral system is the part and parcel for ensuring free and fair elections. The responsibility to uphold the values enshrined in constitution has been given to Election Commission of India (ECI) under Article 324.

good intro
give reference
of fundamental comt

Several Electoral Reforms of Past

1. The details of candidates about their criminal history in nomination form (ADR vs UOI case)

good facts

→ to check criminalisation of politics
(~43% LS MP's in 13th LS have criminal cases on them)

Remarks

2. The obligation of parties to print and public antecedents of their candidates on websites and newspapers. - voting age.

3. Nullifying by SC, the section 10A of the R.P.A. 1951.
 use these as

4. The Expenditure by candidates may be submitted to ECJ within 30 days of elections.
 headings

increase in amount of security deposit

photo identity card

Role of ECJ & Issues

• ECJ has power to
 Subordinate Direction Central
 Returning officer of Election

Issues —

1. No power to de-register a political party.
 → NOTA

2. No power to dismiss a sitting MP on malpractices/corrupt practices.
 → Electoral bonds.

Remarks

Issues need a broader

coverage.

3. MEC issued by ECI is not legally enforceable.

- Lack of capacity

- Patchy response

4. Dearth of staff of ECI

→ delay in regulation

good points justify them with

Measures → power to take action suo moto against any candidate

relevant context

Power to De-Register any political party.

Dinesh Goswami Committee Recommending

De-regulation of Appointment procedure.

and stats

measures

can be

elaborated

However, Recently central Government has

changed the conditions of service of Election

commissioners (after SC case), and give

power to itself to decide the service and

conditions of Election commissioners.

There is thus need to empower ECI for

just and inclusive democratic process in India.

fine conclusion

Feedback (for office use only)

1. Clarity:

2. Relevance:

3. Depth:

4. Structure:

need depth analysis

fine

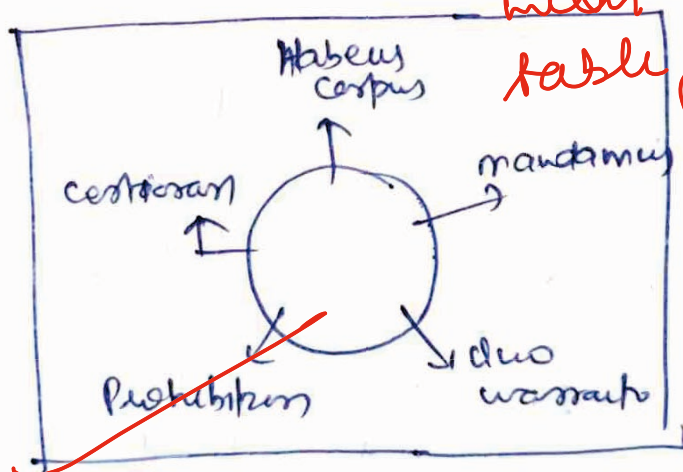
Q3. Highlighting the types of writ jurisdiction, discuss how the writ jurisdiction of the High Court is wider than the Supreme Court. (15 Marks) (250 Words)

The writ jurisdiction of Indian judiciary has emanated from Article 32 & 226 of the Constitution, by which Supreme Court (SC) and High Courts (HC) have been given the power to issue writs in case of violation of Rights of individual etc.

Types of writs

1. Habeas Corpus:

- Issued Against State
- For violation of fundamental Rights of citizens in case of preventive detention.
- Art 22 has been invoked in this case. (ADM Jabalpur case)



Remarks

2. Mandamus: "we command"

- ↳ It directs any authority to do certain duty within its sphere of influence only
- ↳ Against Arbitrary power

Key details and specifications are found

3. Prohibition:

- ↳ To prohibit any inferior/subordinate court to give directions or

or good transfer the case to itself

4. Certiorari: "to certify"

- ↳ to make some observation about any issue to subordinate court before or during proceedings.

5. Habeas Corpus: "what is your Authority?"

- ↳ to compel any government officer to prove its legitimacy on that officer.

Remarks

Writ Jurisdiction of HC is wider than SC

1. SC issues writs only "on question of (Art 32) constitutional law" or which is dealing with interpretation of constitution.

2. HC has power to issue writs in case of other economic, social & legal matters also along with constitutional questions.

valued points and covered the

necessary demands

However, Under Article 142, SC has power to do complete Justice for any cause and Art 136 to review any public interest litigation for interest of wider citizens.

Hence, constitution makes gave HC wider power to issue writ than SC, as SC is the highest court and it should not get burdened with cases, which can be solved by HC.

your approach and content clarity

fine

Feedback (for office use only)

1. Clarity:

2. Relevance:

3. Depth:

4. Structure:

good

good

Q4. How is judicial activism different from judicial overreach? Discuss with suitable examples in India's context. Suggest way out to ensure separation of power with adequate checks and balances. (15 Marks) (250 Words)

In political system, the concept of judicial activism and judicial overreach has a relative value and subjective connotation, depends on person's desirability and its own interest.

However, there are some common differences that separates them: —

Judicial Activism	Judicial overreach
1. Judiciary <u>proactively</u> interfere in other parts domain for larger public good in absence of any other alternative and in need of emergency resolving of issues.	2. Crosses the domain of other parts of state for its own sake and for establishing <u>superiority</u> .

Remarks

brief background
suggested for

2. Positive
canonizations
for democracy

eg: - Vishakh
guidelines

- Firecracker
Ban
- Doctrine of Basic
Structure

2. Negative trends for
democracy

eg: NTAC Act (Constitutional)

CAQM formation in
delhi NCR

functioning of SCCT where
many other
imp
cases are
pending

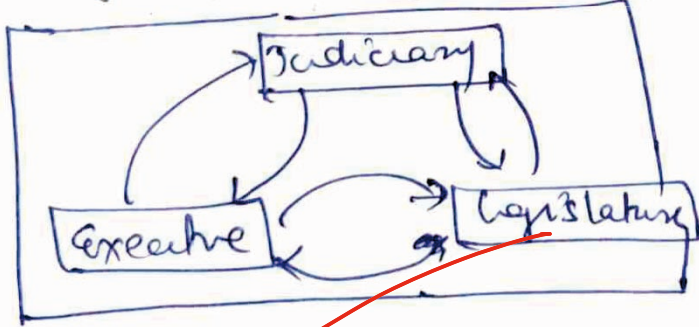
Separation of Powers -

Judicial
adventurism

1. Formation of inter-coordination group between

three ~~parts~~ parts of state

2. Regular Exchange of communication.



good
presentation

3. Deriving a MOP for taking action in

Remarks

case of dilemma.

However, Judicial Activism plays a defining role in preserving the constitutional democracy in India. It has been said that judiciary acted as "chemotherapy for Indian political system".

It is important ^{that} judiciary plays a constructive role by ensuring a fair and transparent procedure of justice, by taking in confidence, all the other parts of state.

Feedback (for office use only)

1. Clarity:

3. Depth:

2. Relevance:

4. Structure:

consider NJAC
more transparency than collegial syst
discuss measures broadly
checks any overreach of legsl

interest of country

good conclusion

elaborate few details

5

five depth good

Q5. The populist programs often come at the cost of long term sustained development. Evaluate the statement with special emphasis on India. (15 Marks) (250 Words)

India, being a developing country and a welfare state needs a proper trajectory of growth with sustainable development, which is long term, future ready and sustains.

Cost of Populist Programs —

1. Reduced Expenditure on ~~social~~ infrastructure by government
2. Distorts a market economy
3. Negative effect on debt sustainability
4. Does not create a viable assets but income goes to non-capital formation issues.

eg: Giving subsidies, fixed amount without work etc.

just give brief overview of political parties and undemocratic means.

elaborate and need justification - on

Remarks

→ farm loan waiver

→ subsidy

→ fiscal deficit etc.

However, India needs the State led welfare model as: —

1. Largest poverty (in absolute numbers) in the world.

2. Role of populist measures like PDS, ABY, JDA has decreased the poverty rates to $\sim 12\%$.

3. Founding fathers vision of Equity with & between people.

But, populist measures, which neither create any economic capital nor human capital must be avoided like free TV, washing machine (by TN Govt) etc.

Measures to change the mindset —

1. Political parties should be asked to give

good points

write case studies along with them

Remarks

the sources of their freebies".

2. They should be made accountable for disbursement of freebies promised before.

3. There should be outcome based studies
↳ on effect of freebies on people's life.

4. More Emphasis on Human & Social development rather than materialistic items.

valid points as per demand

However, it is important that we modify our policies as per keeping in mind, the vision of Viksit Bharat by 2047, which not only means economic growth but also social and human growth.

concluded precisely



Feedback (for office use only)

1. Clarity:

3. Depth:

2. Relevance:

4. Structure: