

GSSCORE

An Institute for Civil Services

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AIR 205

CSE 2024

POLITY (GS PAPER-II)

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POLITY - 1

Time Allowed: 50 Mins.

Max. Marks: 75

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

1. Invigilator Signature _____

2. Invigilator Signature _____

Name Satyam ChaturvediRoll No. 117343

Mobile No. _____

Date _____

Signature Schaturvedi

POLITY - 1

Time Allowed: 50 Mins.

Max. Marks: 75

1. "Democracy is the worst form of government, except for all the others". The quote aptly explains that despite all its imperfections, democracy continues to be the best possible alternative. Critically analyze.
2. Discuss the contribution of Kesavananda Bharati Case Judgment in retaining India as a cherished republic envisioned by its founding fathers.
3. What is the Montesquieu doctrine? How is it relevant to the theory and practice of separation of power?
4. Illustrate how the Constitution of India is distinctive in its own way, notwithstanding being a blend of various constitutions around the world. Also, discuss how Indian Secularism is different from Western Secularism.
5. The doctrine of separation of powers is essentially what fortifies the three pillars of democracy. In this context, discuss the constitutional status of separation of powers in India and the USA. Can they learn something from each other?



Q1. "Democracy is the worst form of government, except for all the others". The quote aptly explains that despite all its imperfections, democracy continues to be the best possible alternative. Critically analyze. (15 Marks) (250 Words)

precisely worst form of government, except for all the others. The quote highlights the inadequacy of democracy to serve a polity, at the same time brings out its indispensability.

Why Democracy is the worst form?

- need to discuss diff. forms of govt.*
- (i) Rule of Majority — The rule is of majority, in procedural terms, hence leaving out the choice of minority.
 - (ii) Instability — Due to power dynamics, there are instances of defection, horse trading.
 - (iii) Policy Paralysis — As seen in 'coalition era', and in the absence of healthy coalition culture, may lead to Policy paralysis.

(eg) → India in 1990s.

→ Nepal in current times.

Remarks

(i) Party Politics ~~and~~ - It undermines the representation and interest of the electorate over party ~~affiliations~~.

(ii) Rising Money and Muscle Power

- Large expenses undertaken, often using black money
- Violence

→ (eg) Attack on Donald Trump.

Sound arguments on Democracy as worst form.

However,

Democracy remains the best possible alternative

(i) Rule of Law :- In substantial terms, it is understood as Rule of law, no arbitrariness, hence fair and just rule.

(ii) Active Participation - Democracy allows everyone, irrespective of their status, chance to participate in governance.

→ (eg) - turnouts in recent Lok Sabha elections

(iii) Accountability - ~~for~~ Provision of checks and balances, ensure that democracy sustains.

(iv) Empowerment of People - As seen from the success of Panchayati Raj elections.

Sound arguments.

Remarks

Hence, as Aristotle, called Polity (Democracy),
the second best form of government. Even in
21st century, democracy is the 'golden mean'
between authoritarianism and mobocracy.

6.0

Feedback (for office use only)

1. Objectivity	<i>almost gauged</i>	2. Content	<i>above avg.</i>
3. Articulation:	<i>above avg.</i>		

Remarks

Q2. Discuss the contribution of Kesavananda Bharati Case Judgment in retaining India as a cherished republic envisioned by its founding fathers. (15 Marks) (250 Words)

good start.
Kesavananda Bharati Case Judgment, was a landmark in Indian history, as it brought out the 'Doctrine of Basic Structure', to preserve the fundamental nature of our Constitution.

Kesavananda Bharati Case; outcomes:-

- (i) Doctrine of Basic Structure - A normative, abstract principle that can be used to check the amendments of the Constitution. *what are precise nature of those amendments?*
- (ii) Tussle between Fundamental Rights and Directive Principles of State Policy.
- It created a 'harmonious balance' between the two.
- (iii) Amending Power of Parliament - It limited the unprincipled amendments in Constitution.
as:-
'the changes in Constitution should not be such that, it is impossible to recognize original Constitution.'

Remarks

Role of Judgement in Sustaining India as a Republic

(i) checking the onslaught by Executive on whom?
 ↳ As it limits the scope of amendment.

(ii) Permanent fixation to the values enshrined in Preamble.

↳ The ideals of the constitution remains what?

(eg) → Judiciary struck down 99th CAA, (NJAC) as it curbed 'judicial independence', which is a part of basic structure.

How does it relates to main proportion of Preamble?

(iii) Forwarding the other rights - This doctrine empowered judiciary to move towards 'liberal interpretation' of constitution, in line with the basic structure of the constitution.

(iv) keeps in check, usurpation of power by Strong Executive.

↳ As some ideals remain fixed.

discuss further.

(v) Better functioning of Institutions → such as go Governor's role, EcI, etc. how?

The Keshavnand Bhargava case has created a strong foundation, on which our constitution has survived the bleak times and will continue to do so.

arguments are
not satisfactory.

5.0

Feedback (for office use only)

1. Objectivity	2. Content
3. Articulation:	

ganged
below avg.

below avg.

Remarks

Q3. What is the Montesquieu doctrine? How is it relevant to the theory and practice of separation of power? (15 Marks) (250 Words)

Montesquieu was a French thinker, who is associated with 'separation of power' (Montesquieu doctrine). This doctrine became the foundation of almost all modern political systems (Presidential, Parliamentary).

Montesquieu Doctrine ?

(i) Important to have separate organs of Government to perform specific functions.

This led to

- Legislature — Law formulation
- Executive — ~~to~~ Implementation
- Judiciary — Adjudication.

(ii) Non-Interference by organs in each others functions.

(eg) — Article 122 — prohibits courts to enquire into legislative functions

— Article 212 — Legislature not to interfere in courts

— Article 50 — separate executive from Judiciary.

Keep these examples for relevance in practice

Remarks

- (iii) Checks and Balances - Each organ is checked by the other, to prevent any misuse and arbitrary action.

The above doctrine lays at the heart of theory and practice of 'separation of powers'.

1st division
theory & practice
separately?

Modern Democracies are based on 'Rule of Law', which can't be true if there are no separation of power.

eg) A same person can't be judge in his own case.

But it happens recently in our democracy

- (2) Empower People - as the checks and balances are to ensure compliance adherence to constitution / rule of law.

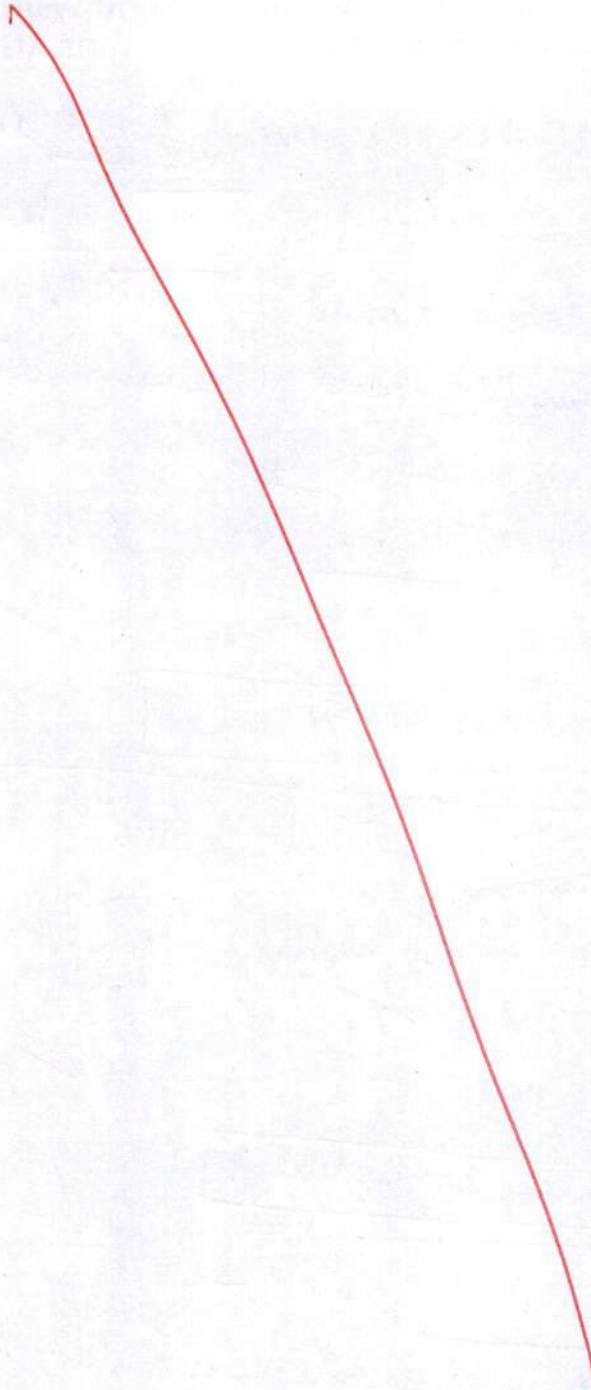
need to discuss relevance in practice by bringing in functional examples

- (3) Functional Specialisation - has become important in this complex times.

Hence, we see that Montesquien doctrine is an effective and foresighted principle to ensure separation of power.

Remarks

5.0



Feedback (for office use only)

1. Objectivity

avg.

2. Content

avg.

3. Articulation:

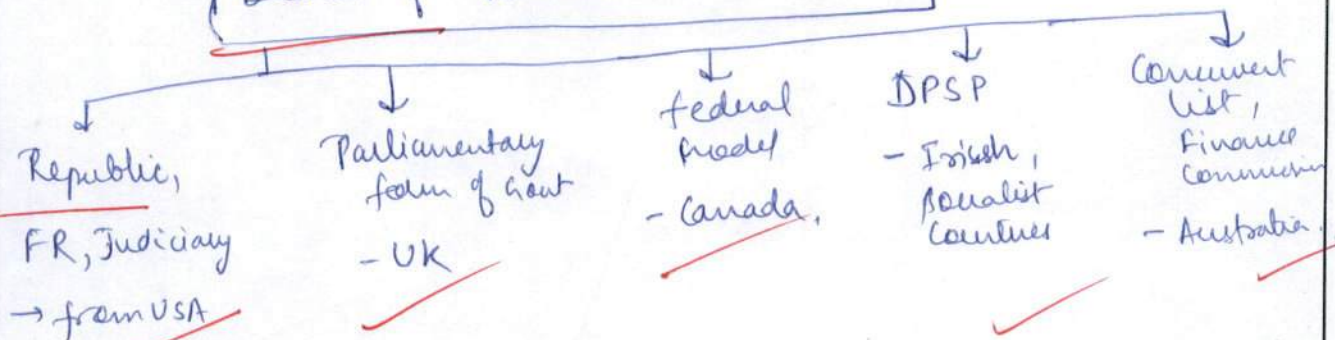
needs improvement

Remarks

Q4. Illustrate how the Constitution of India is distinctive in its own way, notwithstanding being a blend of various constitutions around the world. Also, discuss how Indian Secularism is different from Western Secularism. (15 Marks) (250 Words)

Precisely introduced
 India's Constitution is one of largest and bulkiest Constitution, which is accused of heavily borrowing from various constitutions around the world. However, its time of formation and situation was when major constitutions were already made. Also the founding fathers made it suitable to the country's needs.

Blend of various constitutions



How is it distinctive?

(a) The borrowed provisions were: -

good } Deliberated in Constituent Assembly
 } Modified to suit local needs.
bring in certain examples:

(b) Many new innovations - in the constitution,

(eg) → some parliamentary tools &
 → a combination of rigidity & flexibility

Remarks

© Ideals of freedom struggle

↳ of Gandhian views were largely incorporated

(DPSP, khadi, Samudaya concept,
Grassroot democracy)

↳ Socialist views that emerged

↳ National economic framework
adopted by Congress.

① Colonial experience

↳ largely drawn from GoI Act, 1935; Poona Pact.

make it
relevant
to the context
of question.

Hence, as Gandhi said, constitution will not
be a free gift, it will be framed by Indians.
Indian model of secularism is one such
distinction, as it differs from western model.

Indian secularism

(i) 'Sui Generis' model

(ii) Principled distance from
all religions (of state)

↳ (eg) - state can reform
religious acts.

(eg) → Triple Talac,
Hindu code

briefly
describe
these
points.

Western model of secularism

(i) strict separation of
state and church.

(ii) equidistant of
state from all religions.

(i) No UCC

(ii) To create communal harmony as in 2

(iii) Affirmative actions for minorities

(iv) Based on 'Multiculturalism'

(v) Porous boundary b/w state & religion
Indian secularism

to ensure cohesion in a diverse subcontinental polity. It is due to the visionary ideas of our constituent assembly.

On being in prospect of Indian Secularism.

6.5

(i) UCC

(ii) To ensure freedom from church.

(iii) No special rights for minorities.

(iv) universal citizenship.

(v) No interface between the two.

has proved to be effective

Feedback (for office use only)

1. Objectivity

2. Content

3. Articulation:

Remarks

Q5. The doctrine of separation of powers is essentially what fortifies the three pillars of democracy. In this context, discuss the constitutional status of separation of powers in India and the USA. Can they learn something from each other?

(15 Marks) (250 Words)

Separation of powers is a fundamental block of democracy. It fortifies as well as keeps under check, the 3 pillars of democracy, name them.

Constitutional status of separation of powers in India:-

Article 121

No interference by Court in

Parliamentary proceedings.

Article 212

No interference in judiciary

Article 50

Executive separate from judiciary

Checks and Balances.

Impeachment
removal of executive

Difference in 'separation of powers' in:-

India

USA

(a) Fusion of powers between executive and legislature

(b) Better accountability

(c) Functional specialisation
not strict
(eg) - Delegated Legislation,
- Ordinance (Art. 123)

(b) Strict separation.

(b) Difficult to hold executive accountable on day to day basis

(c) Strict functional specialisation
- Senate forms laws,

Remarks

(a) Judiciary less strong
↳ as appointment

Indian judiciary is considered as one of powerful judiciary as only with executive's consultation govern the word.

(a) Judiciary powerful as

- Senate confirms appointment
- Lifetime Judges (so independence of judiciary)

points needs to be discussed further.

Both can learn from each other

(i) 'Gridlock' in USA → due to non (zero) cooperation between Senate and executive. what can be learnt?

(ii) Specialisation of Law making
who can learn & from whom?

— Parliament should be provided with expertise to form laws, bye laws as well.

(iii) Judiciary appointment — is an issue under debate in India, US system may be used to balance judicial independence and executive's role.

Therefore, both countries are different manifestation of separation of power, but the core remains same i.e. the rule of law.

5.5

Remarks

Feedback (for office use only)

1. Objectivity

gauged

2. Content any.

3. Articulation:

any.

Remarks