

GENERAL STUDIES

Name of Candidate Test Code
 Schedule Registration No.
 Place Time Module
 Classroom Distance Learning Classroom & Distance Learning

EVALUATION INDICATORS

1. Alignment Competence
2. Context Competence
3. Content Competence
4. Language Competence
5. Introduction Competence
6. Structure - Presentation Competence
7. Conclusion Competence

INDEX TABLE

Q.No.	Page No.	Maximum Marks	Marks Obtained
1.	1		
2.	8		
3.	18		
4.	30		
5.	38		
6.			
7.			
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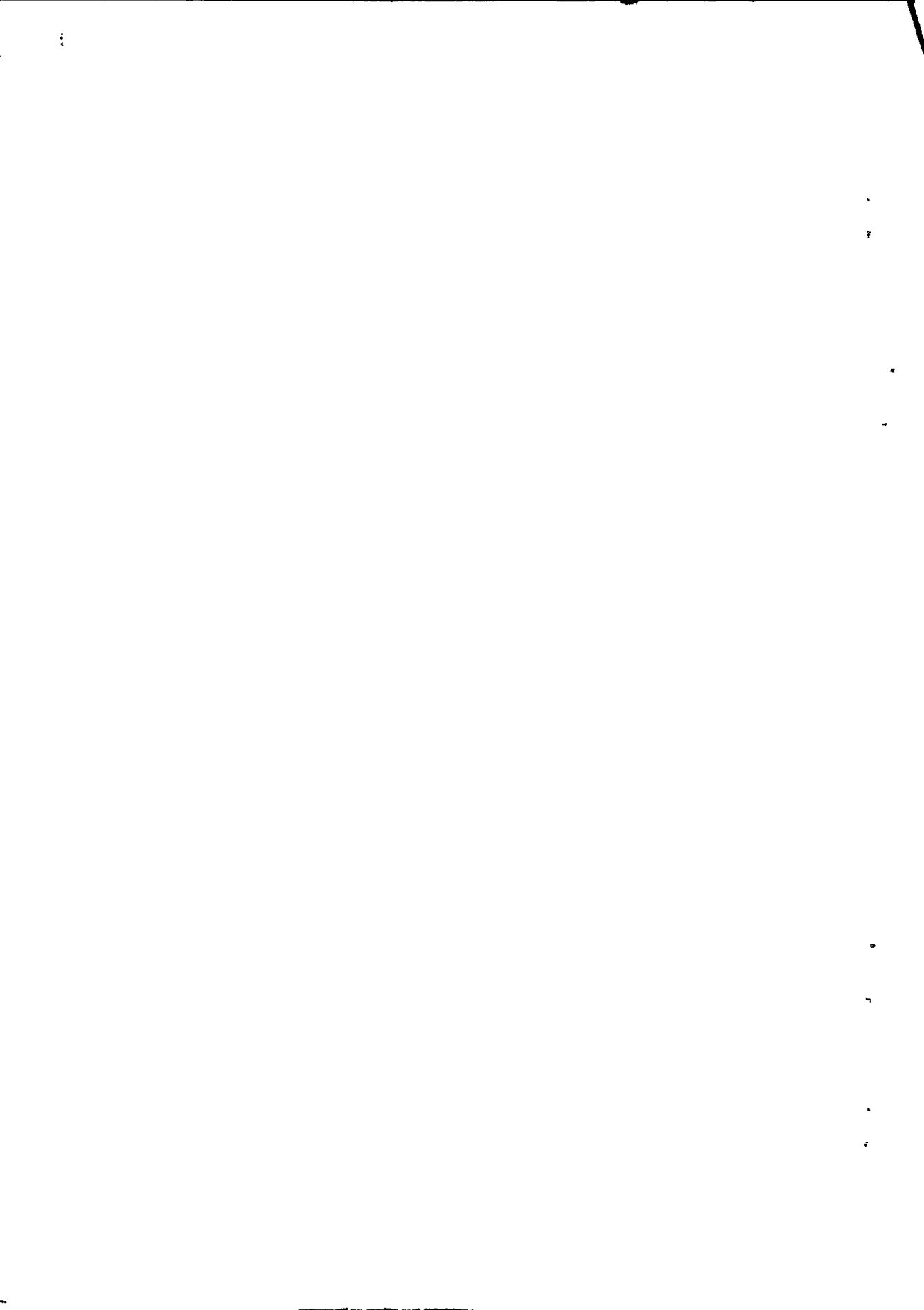
Total Marks Obtained

Remarks:

Signature of Examiner

INSTRUCTIONS:

1. Do furnish the appropriate details in the answer sheet (viz. Name, ID Number and Test Code)
The Candidate should fill the index table, especially for him/her.
2. In the left margin, she/he should write only question number and in the right margin, nothing should be written.
3. The page number should be coded by the candidate himself and the range of page number related to the answer of the question should be used to complete the index table.
4. All Parts of the questions should be written at one place.
5. No Supplementary sheet shall be provided by the management. So the candidate is advised to accommodate required information within the space provided.
6. The candidate need not write anything in his/her answer that derogates the dignity of an individual or an organization.
7. The candidate should respect the instructions, given by the invigilator.
8. The Examinee has to submit the answer sheet to the invigilator after completion of examination.
9. However, he/she is allowed to take away the question paper.



Q1 c) Parliament as an arena for representation:-

- a) In the Lok Sabha, members are elected directly by adult franchise.
- b) As LS constituency are determined by ~~popul~~ population, there is equal representation of people in the highest legislative body.
- c) By the constitutional amendment 85, it has been ensured that states with lower population also get adequate representation; by use of population figures of 1971.
- d) Reservation for SC/ST allows representation of backward classes & interests.
- e) Rajya Sabha - ~~as the upper house~~ indirectly elected members allow representation of state interests.
- f) Rajya Sabha members are not tied ^{down} by specific constituency interests allowing all round representation.

ii) Parliament as an arena for discussion :-

- a) Parliamentary procedures like
- Half an hour discussion
- Calling Attention

allow discussions on a wide range of issues.

- b) Passing of bills require three readings which ensures that each provision is debated thoroughly allow room for introducing amendments by members.

- c) Provisions like Question Hour, allows MPs to question ~~the~~ functioning of the executive.

- d) Procedures like the adjournment motion allows ^{immediate} discussion of matters of national interest.

- e) The zero hour of the parliament allows MPs to bring up issues that might be specific to particular region & interest of the diverse ~~pop~~ population of the country.

- iii) Issues with Parliament functioning:-
- a) Constant disruptions and disturbances during sessions has drastically reduced time for discussion and debate.
 - b) Use of the guillotine frequently has not allowed adequate discussion on issues.
 - c) Since the application of the Anti-Defection law, MPs have not been able to exercise individual opinions and voting on issues has been reduced to a numbers game.
 - d) Use of ordinances to bring about important reforms has impinged on the legislative function of parliament
eg:- Food security Bill & PFRDA.
 - e) 70-80% of MPs in the LS are elected with less than 50% of votes. This is not ~~indicative~~ indicative of a healthy democracy. It has also led to increased vote bank politics.

iv) In the light of the above issues it is essential to understand that the proper functioning of the Parliament, the highest legislative institution of the country is essential for good ~~govern~~ governance.

v) Debates and discussions are essential to creation of fundamentally strong legislations for running the country.

vi) Measures must be taken to improve quality of debate. ~~and~~ this can be done by:-

- a) Reducing disruptions..
- b) Increasing session times.
- c) Electoral reforms.
- d) ~~to~~ Empowering individual MPs

— X —

- Q 1 a) i) Framers of our constitution, the constituent assembly created a constitution which was based on important ideals (as laid down in the preamble) but also allowed a structure which enabled constitutional amendments to evolve it ~~too~~ for changing times.
- ii) The Indian constitution is said to be a more flexible constitution as compared to that of countries like USA, Australia etc.
- iii) Concept of Basic Structure:-
- a) Introduced in the Keshwananda Bharti judgement
 - b) ~~Requires~~ Subsequent supreme court judgements have ~~allowed~~ laid down principles of basic structure. ~~etc~~
eg:- Secularism, Non-amendability of fundamental rights etc.

c) ~~But~~ this doctrine has defined that powers of constitutional amendments ~~are~~ are not supreme. ~~As~~ ~~for~~ these amendments cannot impinge of the ideals laid down by the constituent assembly.

eg:- Fundamental Rights cannot be taken away by amendment.

iv) However, with changing needs, the constitution has been amended to provide for aspirations of citizens:-

a) Right to Education under Art 21A was introduced by an amendment. This ~~is~~ put into functioning a Directive Principle.

b) Reservation for SC/ST was to be removed after 40 yrs of India being a republic. This was further extended as it was observed that backwardness in these classes persisted.

- c) Introduction of Constitutional Amendment Bill (111) for reservation of women in the legislature has been done to empower women.
- d) Similarly, Amendments to Schedule VII (~~to~~ Union, State & Concurrent Lists) have been done ~~to~~ for better administration.
eg:- Forests were moved from State to concurrent list.
- v) ~~to~~ The provisions for amendments to our constitution have allowed our law-makers ~~to~~ essential flexibility. But the doctrine of Basic Structure has provided a necessary check to the amending powers of the parliament. therein, ~~to~~ lies the strength of our constitution.

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Q 2 a) i) Centralised Planning :-

a) Non-constitutional, non-statutory body the Planning Commission has been responsible for long term planning in India by preparation of Five Year Plans.

b) This has resulted in a rapid growth in Centrally ~~Over~~ Sponsored Schemes (CSS).

c) ~~Over~~ Under CSS, states are allocated central grants-in-aid ~~only~~ for performing functions usually in the State list of the (VII. Schedule).

ii) Socialist Bias :-

a) This implies increased presence of public sector in providing basic goods and services to the public.

b) CSS like MGNREGA, IAY, RAY etc; Public Distribution system in India; are examples of increased government participation in roles which can be performed by the private sector.

iii) Dominance of Centre over States:-

a) CSS do not allow flexibility to States to use central grants. This reduces their autonomy in performing functions assigned to them.

b) Dominance of central planning authority i.e. the Planning Commission does not allow states to plan as per their specific needs. This also visible by decreased influence of State & District Planning Commission.

c) Dominance of view of Planning Commission over constitutionally mandated Finance Commission has also decreased autonomy of States.

- iv) Increased influence of Centre over State actions is contrary to principles of a Federal democracy.
- v) Increased control of funds at the Centre through CSS, special grants in aid, decreased taxation at state level has reduced state autonomy. States have been reduced to implementational units rather than Federal Unit.
- vi) Socialistic Bias has not allowed States to provide a framework / infrastructure to promote the private sector. Instead of being a facilitator it acts as a provider.
- vii) Thus, cooperative Federalism as envisaged in the constitution has not been realised by centralized planning.

Q 2b)

i) The above statement reflects on the system of judicial appointments through a collegiate system.

ii) Judicial Independence:-

a) This principle is important to allow the system of checks and balances to function in the light of separation of powers.

b) In the 1970s, political interference in judicial appointments had impinged on separation of powers. eg:- After the Golaknath judgement, SC trend of appointing the seniormost judge as CJI was by-passed. Similarly, it has been said that Justice H R Khanna's appointment to SC was ~~also~~ also stalled by ~~parliamentary~~ political interference.

c) Judicial appointments through a collegiate system to remove ~~political~~ political interference in judiciary.

iii) Judicial Accountability :-

a) The collegiate system has often been criticized as it promotes nepotism, bias of judges (college), favouritism etc to name a few.

b) Tendency to help fellow brethren also leads to decreased accountability.
eg:- Appointment of Justice Dinakaran and his shift from HC of Karnataka and Sikkim has also been criticized.

c) As there is no outside / other body involved in judicial appointments, it leads to ~~lack of~~ lack of outside checks in the system.

- iv) Though the ^{collegiate} system of judicial appointments strengthen judicial independence; lack of accountability leads to erosion of principles of checks & balances.
- v) Reform measures like the Judicial Accountability Act, 2011 can improve judicial accountability.
- vi) Similarly, judicial reforms in appointment by setting up a separate body comprising of members from the judiciary, legislature and the executive can lead to transparency in judicial appointments.

Q 2 d)

i) Doctrine of Separation of Powers implies :-

a) Responsibility of ^{Legislature} ~~Legislation~~ (law-making), Executive (Execution of laws) and Judiciary (~~or~~ Dispute resolution in implementation of laws) is held by different institutions.

b) It allows for a system of checks and balances and prevents any one organ of governance to become more powerful over the other.

c) Separation of powers also defines specific functions of different organs of governance preventing overlap or cause of conflict ~~is~~ between institution during the course of governance.

d) Most major countries have some form of separation of Powers.

ii) Separation of Powers between India and USA:-

a) Executive :

India - Prime Minister is head of the executive. Is a member of the Parliament & hence also participates in legislative functions. Is the head of council of ministers.

USA - President is head of executive. Does not participate in legislation. But he can influence law-making using his power of veto. Is elected indirectly by the people through an electoral college.

b) Legislature :-

India - Parliament is the supreme law-making body. Has a Lok Sabha with directly elected members & a Rajya Sabha with indirectly elected members. (All representation is population based)

ⓐ USA -

~~legislation~~ legislation need to be approved by:-

ⓑ US Congress - ~~Directly~~ Directly elected members. ~~constitute~~ congressional districts are made based on population distribution.

ⓒ US Senate - 2 Senators from each state are directly elected to provide equal representation of states (strong Federal structure)

c) Judiciary

ⓐ India - Supreme Court is the foremost institution for Centre & States. Has the power of Judicial Review.

~~Judges~~ Judges are appointed by a collegiate system.

USA

- Supreme Court is the foremost institution to interpret the constitution
- can only make judgements on Federal Laws.
- Judges need to be confirmed by the US Senate.

d) Status of Federalism :-

India - cooperative Federalism with unitary bias.

USA - Strict Federalism.

- Residual Powers of Law making with states.

~~x~~

Q 3 c) Determinants in voting behaviour in Rural India:-

a) Community Belongingness

- Individuals often votes on lines of religion, caste, tribe etc.

eg:- Political parties like BSP based on promotion of Dalits, RLD ~~based~~ ~~on~~ vote bank based on caste lines (Jats in Western UP & Haryana)

b) Village / Community Head

- Opinion and influence of head of a community plays an important role

- It has been spined that religious leaders like ~~Dalvi~~ Maulvi's ~~es~~ can greatly shape opinions of rural ~~es~~ muslims.

(c) Family Head

In a basically patriarchal society, the patriarchal head of the family exerts influence.

(d) Governance

Effectiveness of implementation of govt schemes esp MGNREGA, PMGSY, IAY, effectiveness of PDS system, levels of corruption play an important role.

(e) Freebies and Subsidies

Govt provides subsidies in fertilizers, electricity etc affect voting ~~and~~ behavior.

(f) NGO, SHGs, Community Bodies

These institutions have started playing a small role in increasing awareness ~~at~~ among voters.

Q 3 b). 1] Type of Federation :-

India	USA
i) Strong Unitary Bias.	Greater Autonomy of States.
ii) Residual Powers of law making with Centre	Residual Powers of law making with states
iii) Lower equality of States - Dist. of seats in Rajya Sabha is population based eg:- Lower influence of states like Sikkim, Manipur, Goa as compared to UP	Equality of states in senate. Each state sends two senators
iv) <u>Unitary Judiciary</u> - SC head of all judicial disputes.	US Supreme Court can only rule over Federal Law & Constitution.

II] President

a) Indian President is a more nominal head of the government with the Indian Prime Minister as the head of the Executive.

② The US President is more powerful and is head of the Federal executive.

b) Powers of Veto.

Indian President has a suspensive veto over most legislations.

The US President has a qualified veto.

c) Indian President is elected by an electoral college of elected representative. Citizens do not play a direct role.

Though the US ~~also~~ President is also indirectly elected. US citizens directly vote of the president.

III] Due Process of Law & Procedure Established by Law.

USA follows ~~Procedure~~ Procedure established by Law. Thus, citizens must be treated as per the procedures that have evolved over multiple judgments by courts. A mere follow of original legislation is not adequate (Due Process)

India originally follows the ~~Due~~ Due Process as followed in the UK. However, after the Maneka Judgment on Right to Life, the Supreme Court's interpretation has closely followed the system of procedure established by Law, similar to USA.

~~Q 3 a)~~

Q3f) i) In the Glivec judgement, the Supreme Court has given precedence to 'Right of ~~Q3f~~ Patients' over use of excessive patenting by pharmaceutical companies in the name of innovation.

ii) Stop to Evergreening of Drugs -
SC judgement has criticized filing of new patents by pharmaceutical companies over minor changes to medicines. Evergreening does not allow making of generic drugs, ~~Q3f~~ ~~patent~~ which leads to expensive medicines.

iii) Cost of Innovation

The Supreme Court has not discounted the cost of innovation & the effectiveness of 'ethical' patents

iv) Benefit to Patients:-

a) Probable decrease in cost of drugs on expiry of ~~patent~~ patents.

b) Increase competition is creating newer drugs as compared to small variations of drugs can lead to better drugs.

v) Effects on Pharmaceutical Companies:-

a) By stopping ~~urgency~~ urgency, companies cannot milk a single innovation for a long time.

b) Decreased profit may hurt inputs in R&D in companies.

Q 3 d) i) The 13th Finance Commission aims at strengthening the effectiveness of local Bodies. PRIs & ~~Municipal~~ Urban bodies' effectiveness is governed by 3Fs - Funds, Functions and Functionaries. The 13th FC aims at improving availability of funds to local bodies.

ii) Strengthening of State Finance Commission - 13th FC recognizes that SFCs are not effective ~~in~~ as they are not empowered enough by the state.

iii) 13th FC ~~also~~ ~~are~~ recommends devolution of areas of taxation by states to local Bodies. By defining avenues of taxation, LBs can generate funds required ~~to~~ for their functioning.

- iv) 13th FC recommends ~~strengthen~~ activity mapping practices to be improved so as to define functional areas for LBS so that ~~more~~ appropriate funding mechanisms can be established.
- v) Through SFCs, 13th FC recommends that states must give particular grants to LBS to carry out region specific tasks.
- vi) Strengthening of District Planning Commission to identify tasks to be conducted by LBS.
- vii) 13th FC recommends reducing centrally sponsored schemes & greater financial autonomy to LBS.

Q 3a) i) Electoral Frauds :-

- a) MPs can be disqualified for tampering Electoral Boxes / EVMs
- b) Intimidation of Voters
- c) Booth capturing.

~~ii)~~

ii) Financial Wrongs :-

- a) Mis-representation of personal wealth in nomination papers.
- b) Not submitting / Submitting incorrect election expenditure.
- c) Cross EC norms of election expenditure.

iii) Candidates convicted of criminal charges can be disqualified by Election Commission.

- iv) Disqualification ~~can~~ can be done for bribery to voters, distribution of liquor ~~etc~~ etc in exchange for votes.
- v) Disqualification for Hate speech - ~~can~~ candidates can be disqualified for ~~so~~ creating tension between communities on grounds of religion, caste, sex, gender etc.
- vi) Candidates can be disqualified for using government machinery for campaigning.
- vii) Disqualification for not following Model code of conduct during elections
- X—

Question No.
(प्रश्न संख्या)

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P70

- Q 4 a)
- i) National Advisory Council is a non-statutory body under the chairmanship of UPA President Sonia Gandhi.
 - ii) ~~was~~ NAC has been instrumental in pushing for key government, developmental legislations like MGNREGA and Food Security Bill.
 - iii) NAC has functioned like an important body outside government ~~for~~ ~~provide~~ in promoting developmental agenda.
 - iv) The lack of public accountability and its importance in shaping public policy has been criticized by many commentators.
 - v) Its utility has also been questioned, as it performs functions similar to other policy making bodies within the government.

vi) Though NAC functions like a think-tank / advisory body, its role in defining government functioning makes it a critical body.

vii) Creation of ~~more~~ extra-judicial bodies like NAC, though performing essential developmental roles, functioning on govt expenses but ~~is~~ not accountable to the public ~~is~~ of ~~can be~~ is a challenge to Indian democracy.

- Q 4 (c) i) Capital Punishment in India is based on the dictum of "Rarest of Rare Cases" by the Supreme Court.
- ii) The major controversy ~~is~~ surrounding capital punishment presently is the level of secrecy employed by the government in the hanging of 26/11 accused Ajmal Kasab and the Parliament & attack accused. These hangings have been criticized as the accused were supposedly not given enough warning about their execution. It has been defended by the govt on the grounds of national security.

iii) Capital Punishment has also be severely criticized for large delays in execution after the ~~said~~ said judgment has been passed. Delay cause by time consuming judicial process, time taken in reviewing many petitions by the Presidents has been called as inhumane treatment of the convict.

iv) In view of the above:-

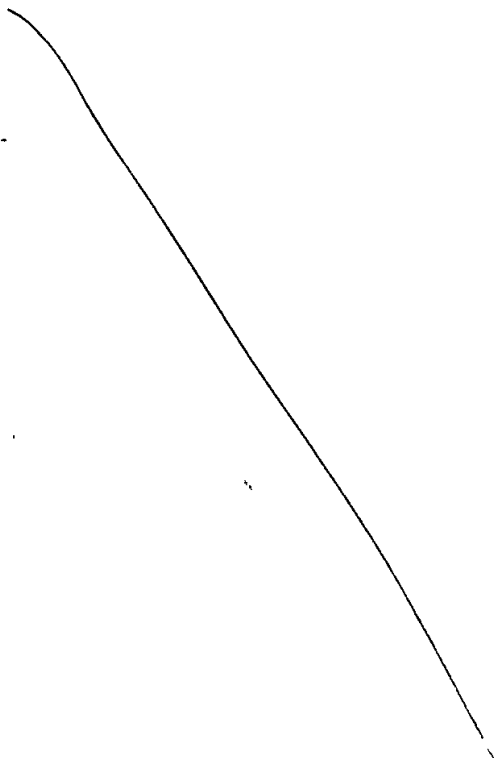
- a) Guidelines for awarding capital punishment must be set.
- b) Time line for execution must be defined with fast action in granting/rejecting many petitions.
- c) Transparency in ~~arranging~~ carrying out executions by the govt.

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Question No.
(प्रश्न संख्या)

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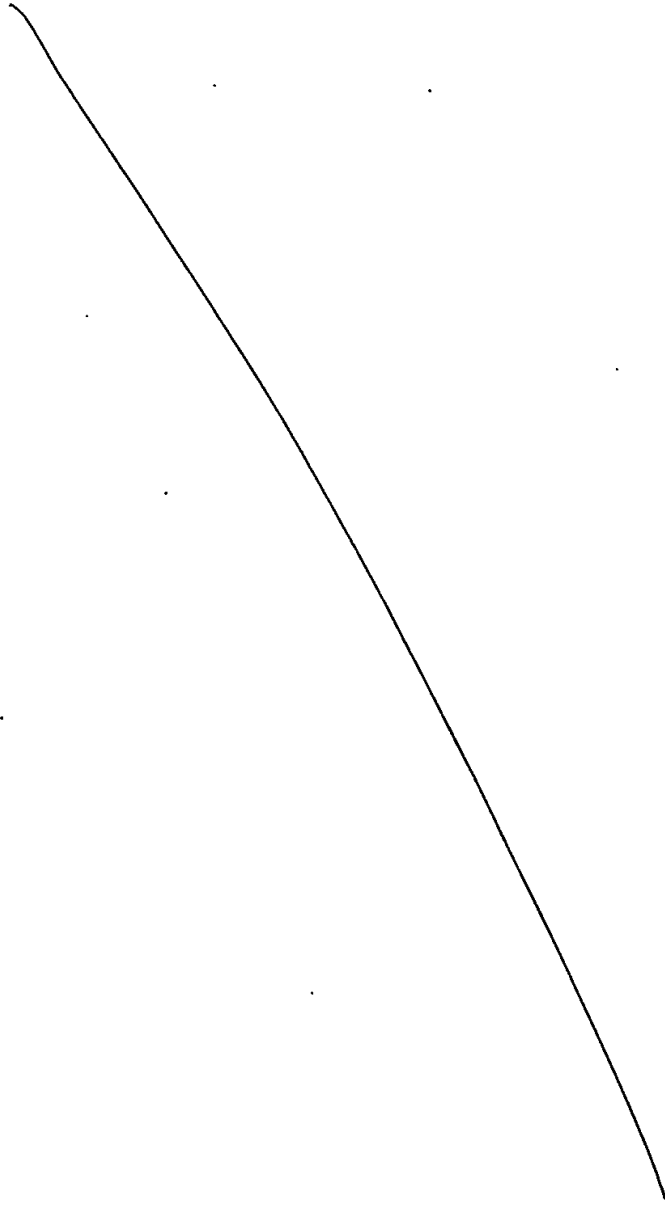
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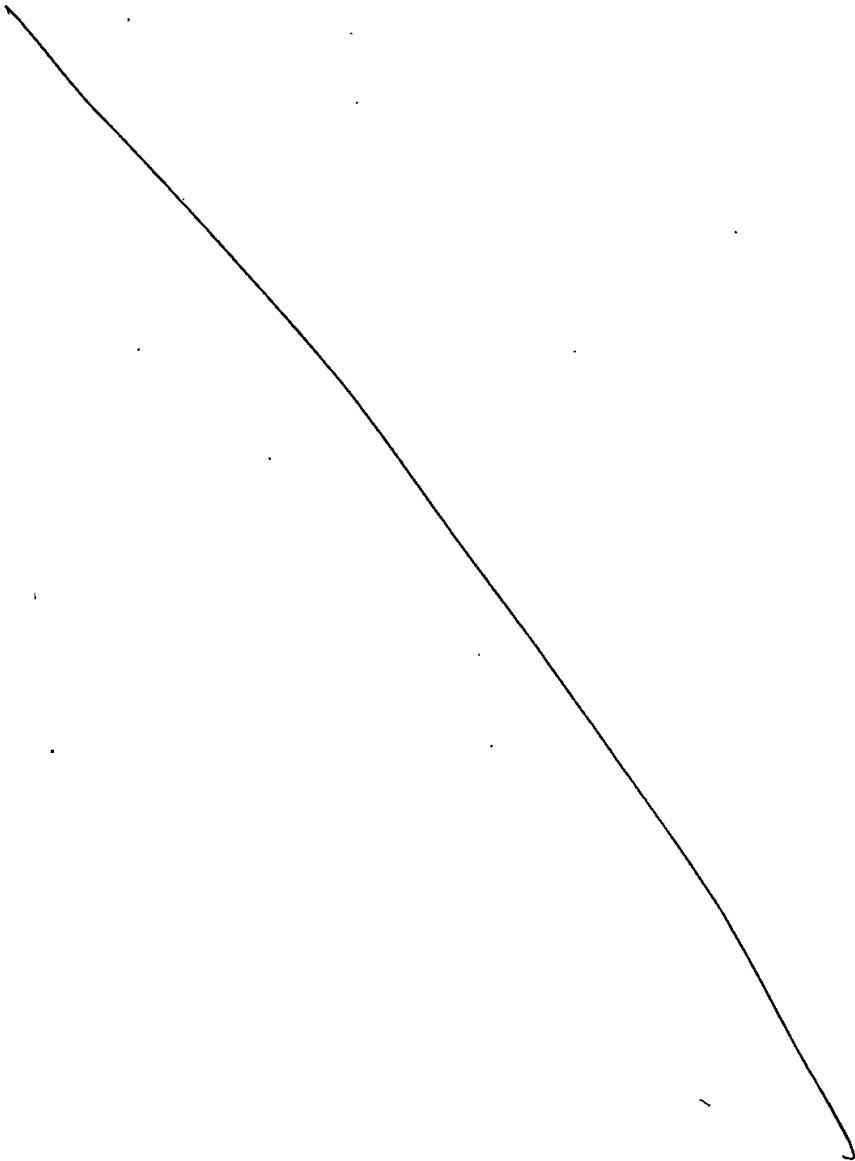
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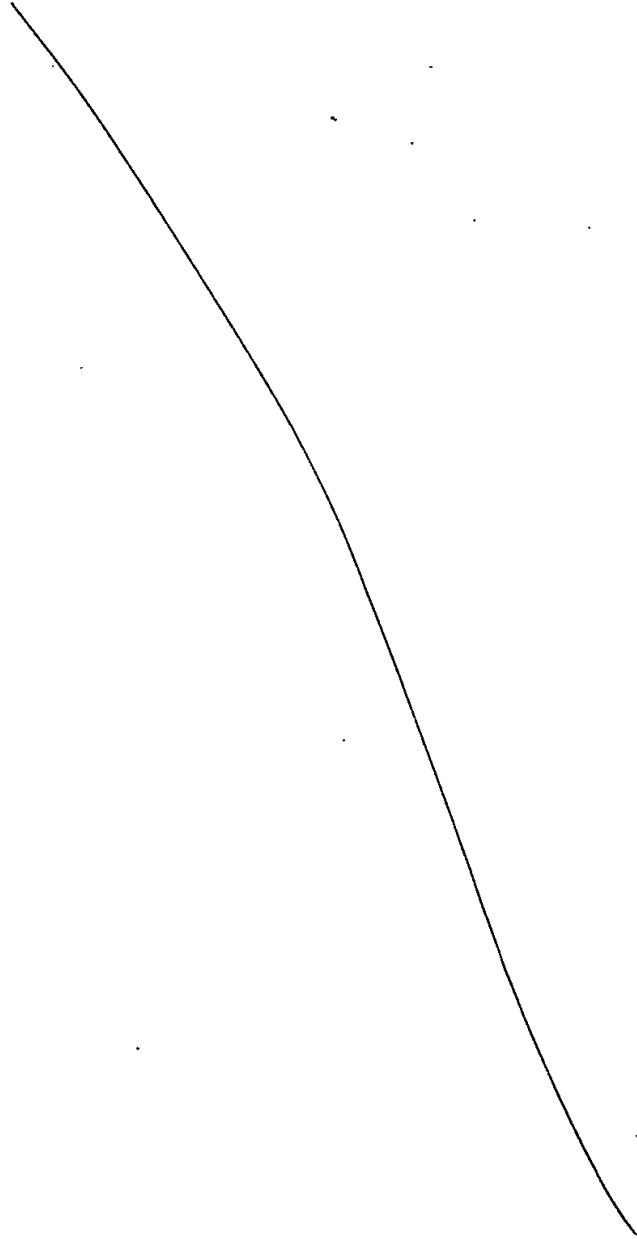


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P70

Q5 b)

Judicial Overreach is defined when the judiciary start performing the functions of the executive or the legislatures. It dictates terms which are beyond its capacity as per separation of powers.

Judicial Activism implies proactive steps taken by courts to increase judicial access, reduce time and cost of judicial process and bring equity in the judicial process.

Public Interest ~~litigation~~ litigation ~~is~~ is ~~an~~ an example of activism

→

Q5c) Art 262 -

Establishment of separate adjudicating
body for Inter-State River Disputes.

Establishment of separate tribunal for
settling ~~the~~ water related disputes,
removes the responsibility of the
Supreme Court in these matters

-X

P70

Q 5d)

Writ jurisdiction of High Courts is
greater than that of Supreme Court.

High Courts can issue writs in all
types of cases.

Supreme Court can issue writs defined
under Art 32 only for cases relating
to Fundamental Rights

*

Q 5 e) Censure Motion - Parliamentary rule, involving voting, when the accountability of the government regarding a certain executive decision is questioned by the Parliament. Does not lead to the dissolution of govt on failing to get majority.

No Confidence Motion - Parliamentary procedure to establish ~~stand~~ standing of the government i.e. to see if there is necessary majority in the Lok Sabha of the govt. in power.

Censure Motion on passing (i.e. govt does not get majority) is traditionally followed by a no-confidence motion

Q5f)

After the Minerva Mills judgement
Fundamental Rights have been given
primacy of DPSP.

This implies that the government
~~can~~ cannot bring in any legislation
that aims at implementing a
DPSP if said legislation impinges
on Fundamental Rights

✖