

GENERAL STUDIES

Name of the Candidate	Paramita Malakar		
Email ID		Roll No.	0602125
Mobile No.		Date	30/07/23

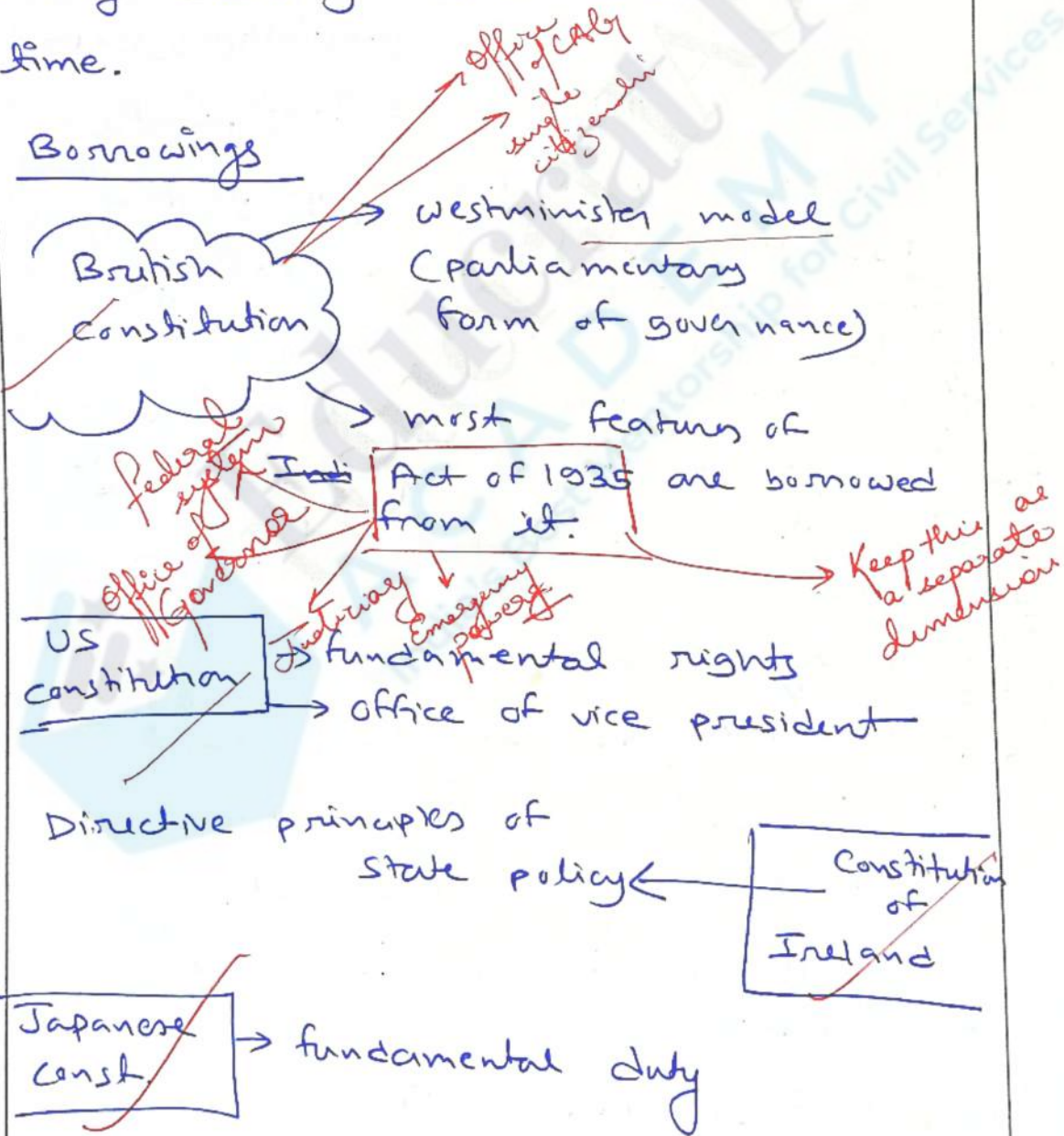
INDEX TABLE			INSTRUCTIONS	
Q.No	Max.Marks	Marks Obtained		
1	10	3.5	1. Please write your Name, Email, UPSC Roll No. and Mobile number in the answer sheet	
2	10	4	2. There are 20 questions printed in English, all questions are compulsory	
3	10	2	3. The number of marks carried by a question or part is indicated against it.	
4	10	3.5	4. Answers must be written in the medium authorized in the admission Certificate (English), which must be stated clearly on the cover of this Question-Cum-Answer (QCA) Booklet in the space provided.	
5	10	3.2	5. Word limit in questions, if specified, should be adhered to. Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be struck off.	
6	10	2		
7	10	2.5		
8	10	0		
9	10	0	Any specific message from Educrat IAS Mentors/Evaluators with respect to your copy? Mentor's Remarks:	
10	10	0	.....	
11	20	4	.....	
12	20	6	.....	
13	20	3	.....	
14	20	4	.....	
15	20	6	.....	
16	20	3.2	.....	
17	20	0.5	.....	
18	20	6		
19	20	6	Start Time:	End Time:
20	20	8	Mode of Examination:	Online <input type="checkbox"/> Offline <input type="checkbox"/>
Total Marks		62	TEST CODE:	Medium of Examination:



1. Belief that the Indian Constitution is a borrowed constitution is nothing but a myth. Discuss. (Answer in 150 words, 10 marks)

Indian constitution was drafted by the constituent assembly with help of taking cues from many existing constitutions of that time.

Borrowings



→ Though Indian constitution ~~is~~ has borrowed multiple parts from many constitutions around the globe as the members of constituent assembly were learned & well read about several constitutions, but all the provisions were incorporated to Indian constitution only if they satisfied the need of our country.

\* detailed const  
unlike US, British, Australian  
\* unique content  
\* whole spirit  
\* to understand  
\* modifications  
\* to suit Indian  
\* to document

Indian constitution is a case sui-generis (one of a kind) - <sup>keeping</sup> made ~~for~~ its conditions and people in mind.

There were elaborate debates in the constituent assembly about each provisions to ensure their suitability in Indian context.

Hence, though many parts of ~~it~~ was borrowed, they were modified to suit Indian realities.

2. As economic, social and political conditions of a society mutate continuously, a constitution must be a living document in order to facilitate these ever-dynamic developments and needs of society. Elaborate in Indian context. (Answer in 150 words, 10 marks)

Dr. B.R. Ambedkar in his speech in constituent assembly mentioned Indian constitution to be a living document and mentioned that it is as good or bad as the people executing it.

Indian constitution is a perfect blend of flexibility and rigidity and has provisions for reasonably flexible amendments to incorporate the changing social, economic political needs of the society and its people.

This can be proved as following

Economic → implementation of GST  
(need of one nation one tax)

*Good*

\* Right to Property → legal right  
\* One nation one market, GST  
\* 101st Constitutional Amendment  
\* 25th Amendment → equitable distribution of national wealth  
\* Article 31C → distribution of national wealth and prevention of concentration of wealth

**social**

→ reservation to Economically weaker section (EWS) in jobs and education (103rd CAA)

→ Extending representation of SC, STs & removing fur anglo Indians

→ proposal to implement UCC

→ Right to education as fundamental right ~~title~~

→ right to property changed from fundamental to legal right

**political**

→ Anti defection law to curb horse trading of politicians

→ 73rd, 74th Amendments to ensure grass root level governance at ULB & PRIS

Thus, Indian constitution has proved to be a living document that responds to the society's needs.

Schedule 6  
→ language  
→ Right to Education  
→ NCSC, NCST  
→ Article 21  
→ Article 21

→ Article 21  
→ Article 21

3. What do you mean by 'doctrine of essentiality'? How has judiciary used this doctrine to address conflict between various fundamental rights? Explain with examples. (Answer in 150 words, 10 marks)

Doctrine of essentiality is a test of essentiality used by the judiciary system to ~~not~~ decide on various controversies regarding several rights.

Indian constitution provides for various fundamental and legal rights, ~~to put a cap on~~ there are various tests like tests of essentiality test of proportionality etc. that the

judiciary uses to ensure if a practice is essential ~~is~~ ~~is~~ religious practice or not.

① SC ~~has~~ verdict that wearing Hijab is not an essential religious practice for muslim women

② → Instant triple talaq has also not passed the test as essential religious practice and hence was banned

\* Judge bench of SC → Various controversies regarding rights.

terms religion will leave all rituals. and practices integral to a religion → the supreme itself → determining essential and non essential practices

\* Female genital mutilation → Muslim women → entry of women into temple

by judiciary

- ③ SC case law regarding beard of muslim men → did not pass test of essentiality and hence the suspension of an Indian Airforce personnel was upheld. ~~not~~

Thus, at several instances, Indian Judiciary has used the doctrine of essentiality to ~~test~~ address conflict between fundamental rights.



4. Indian federalism is the middle point between Unitarianism and confederalism. Analyze. (Answer in 150 words, 10 marks)

Indian federalism is a ~~ex~~ unique blend of a strong Centre with ~~unequally~~ states that vary in their ~~date~~ development & empowerment. It is an indestructible union of destructible states.

- Unitarianism refers to a strong centre with no power to states.

eg. china (though named a ~~confederal~~ republic, the functioning of chinese polity resembles ~~unitarianism~~ by a strong centre)

- confederalism refers to equally powerful states coming together to form a federation.

eg. us - Indestructible union of indestructible states.

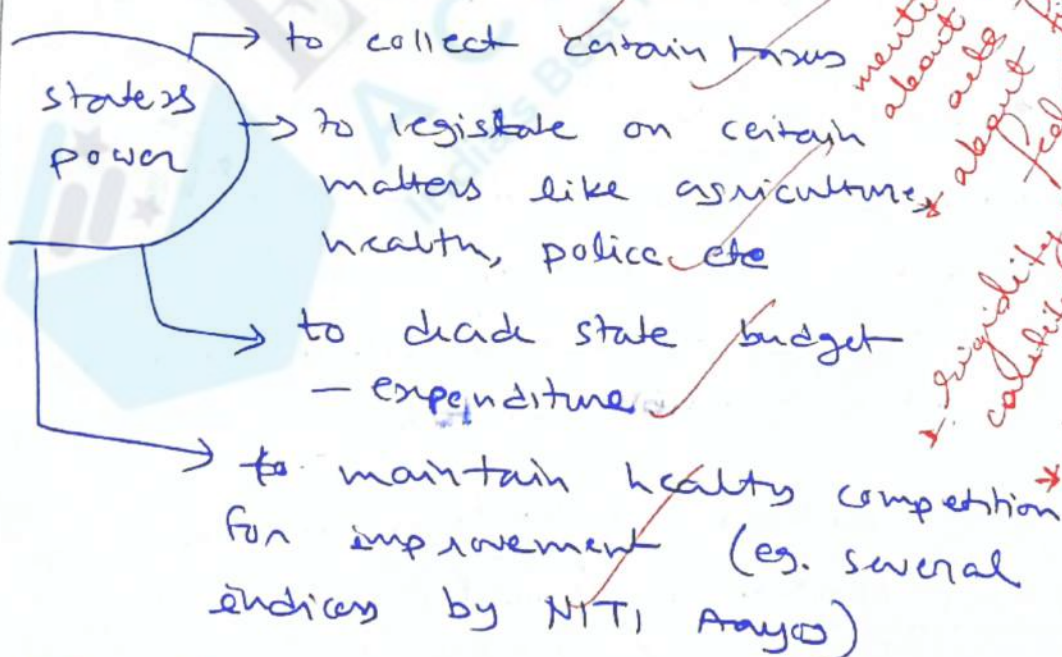
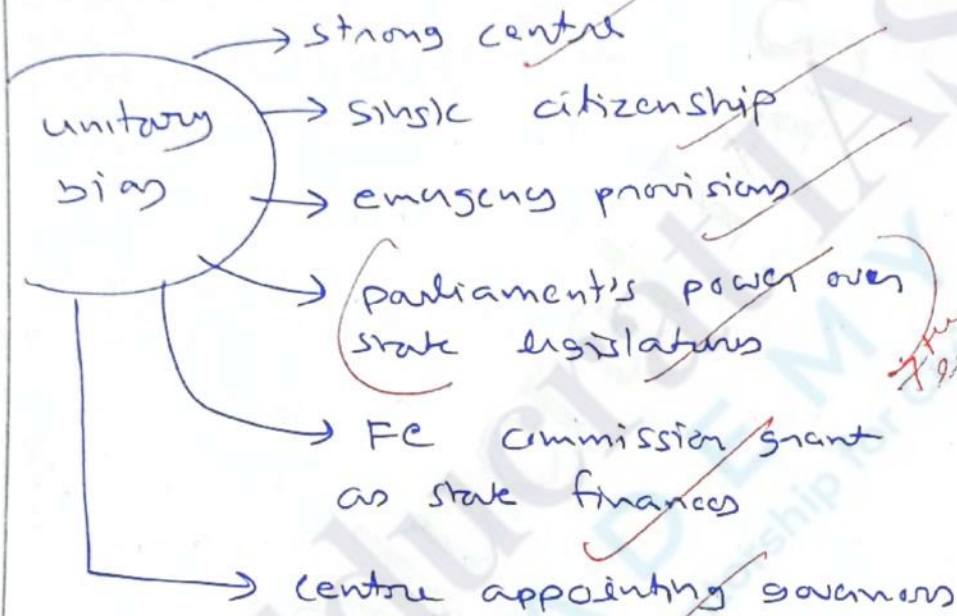
Indian federalism has a strong centre to counter any

\* Come to the flow of the argument.

\* No need to give the definitions of Unitarianism vs Confederalism



Threat to national integration and separatist powers but has enough provisions for state's independence & empowerment.



*→ fiscal federalism*  
*→ independence of the judiciary*

Thus, India is at midpoint of both.

5. Democracy thrives on disagreements; critical and dissenting voices make a society vibrant. In your opinion, do limitations on hate speech infringe right to freedom of speech and expression? Discuss how hate speech impacts the society and ways to restrain it. (Answer in 150 words, 10 marks)

Hate speech can be defined as speeches that involve <sup>offensive</sup> comments against a certain race, caste, gender or section of a society to instigate them and bring significant ill effects to the society.

~~Though there is~~ Every thriving democracy needs disagreements, critical and dissenting voices - Indian constitution provides freedom of expression to (Art 19) to its citizens but it has reasonable restrictions

like

- integrity & sovereignty of nation
- peaceful relation with neighbouring country
- morality & public order etc.

more points here required??

Ways to restrain it?  
 \* Electoral Reforms  
 \* Empowering CEC  
 \* RPA Act 1951  
 \* Social Media  
 \* Controlling  
 \* Co-opting  
 \* Guideline  
 \* Controlling  
 \* Hate speech

Limitation on hate speech fall under these reasonable restrictions and hence do not constitute violation of freedom of speech. However, there is urgent need to define hate speech & rationalise ~~its~~ usage of curbing regulations like CGA of IT Act (turned down by SC) or shutting down of internet etc. to maintain the fine balance between Freedom of speech & curbing hate speech that disturbs social harmony.

6. Why is it important to ensure separation of powers between various organs of the State? Also, explain Indian model of separation of power with relevant provisions in the Constitution. (Answer in 150 words, 10 marks)

Indian constitution provides for separation of powers between its

three organs - executive legislature &

Judiciary.

Importance

Judiciary (to oversight & punish for violation of

laws - provide justice)

3  
organs  
of govt.

Executive

(to implement laws)

Legislative

(to make laws)

Separation of powers is needed to ensure that all three organs of the government can deliver their duties & devoid of interference from one other organs.

on the westminster model is not water tight with checks and balance

Prevent rising authoritarian tendencies

## Indian model of separation of power

### ① Independence of Judiciary

— appointment free from executive interference (by collegium)

Article 50.

Article 161 and 211

Article 361

### ② Independence of Legislature

Sole organ with the power to make laws, amend constitutions,

### ③ Independence of executive

Though executives come from the legislatures, they are accountable to the (Art 72) to the people's representatives.

How there is some functional overlap?  
and the provision of checks and balances.

Thus, maintenance of checks & balances are the essence of Indian doctrine of separation of power. However, all three organ jointly aim for overall development of the country thus giving way for judicial activism and such other phenomena.

7. Preamble reflects the ideals and aspirations of the Indian Constitution. Elaborate. How far have these ideals been achieved? (Answer in 150 words, 10 marks)

Indian ~~Preamble~~ Constitution's Preamble reflects the ideals and aspirations of the constitution makers. It is the soul of Indian Constitution and serves as a guide to interpretation of constitution in cases of ambiguity.

idea

① We the people of India

→ source of power of the constitution

② Democ ~~sovereign~~ sovereign, socialist  
secular, democratic republic → makes

Nature of the Indian state

sure the ethos of the constitution is intact. Many of these terms are given statutory effect in the constitution.

③ Equality of status & opportunity

→ enshrined in the  
fundamental rights  
(Art 14, 15)

④ social, economic, political rights

⑤ unity & integrity of nation,  
fraternity among its people

- enshrined in fundamental  
duties and DPSPs.

How far  
they  
have  
been  
achieved

→ India has significantly  
improved status of its  
human development  
& largely been successful  
in maintaining secular  
nature of its democracy.

Efforts of equality like food  
security, universal health coverage,

MANREGA, Basic income of farmers —

PM Kisan are all steps towards  
the right direction of ensuring  
equality)

Comment it with  
the Preamble  
values.

8. Basic structure doctrine, although extra-constitutional, has been instrumental in protecting the fundamental construct of the constitution. Highlighting the circumstance which led to development of basic structure doctrine, discuss the significance of basic structure doctrine. (Answer in 150 words, 10 marks)

Basic structure doctrine  
had evolved through the Kesava-  
nanda Bharati vs state of Kerala (1973)

case which was based on plea  
to protect right to property.

s

??



9. What do you understand by pressure groups? Citing examples, state the different types of techniques used by pressure groups. (Answer in 150 words, 10 marks)



**Educrat IAS**  
**ACADEMY**  
India's Best Mentorship for Civil Services



10. What do you understand by judicial activism and overreach? Also discuss the associated concerns. (Answer in 150 words, 10 marks)



**Educrat IAS**  
ACADEMY  
India's Best Mentorship for Civil Services

11. Highlight the devolution of powers under the 73rd and 74th Constitutional Amendment Acts. Do you think the process of devolution has been less than satisfactory so far? (Answer in 250 words, 15 marks)

The 73rd & 74th constitutional Amendment Acts provided for creation of three tier local self government institutions, and devolution of powers to these institutions for grass root level governance in bottom up mode.

### Devolution of powers

① Defined no of entries to be devolved to urban local bodies (ULB) & Panchayati Raj institutions (PRI)s

② Empowers Devolution of

- funds
- functionaries
- responsibilities

29 items for Panchayat  
18 subjects for Municipalities

③ financial empowerment of ULB & PRIs — through devolution of funds  
*steel tax, agri tax, cess*

\*SEL  
\*SFC

④ Permission of gram panchayats needed for use of local resources  
 eg. mining

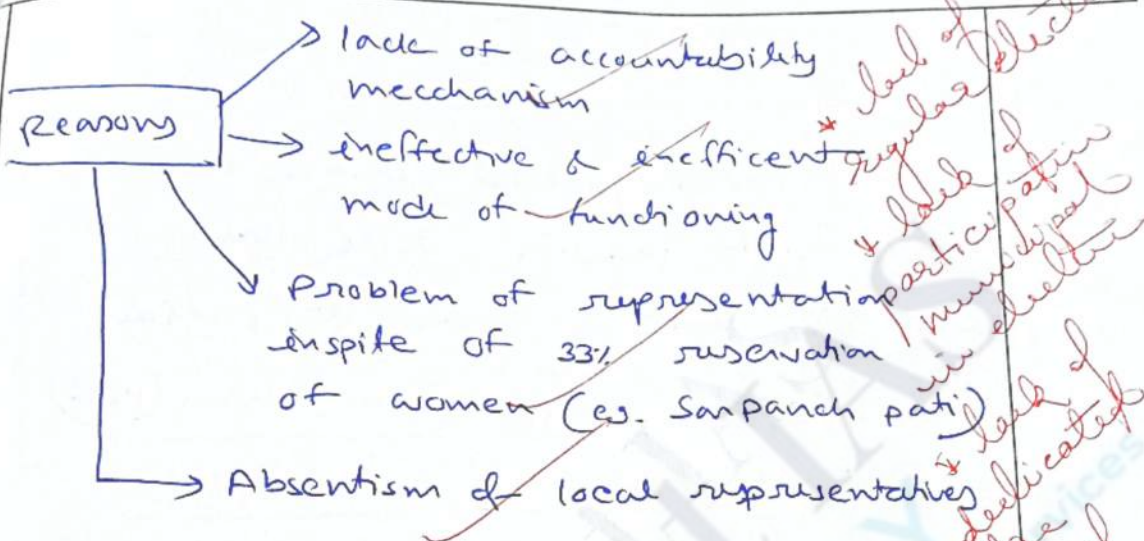
⑤ financial power of ULB & PRIs to collect taxes

⑥ Tied funds received from Finance Commission grants to improve local governance.

However, Apart from few states, most of the states in India have not yet fully devolved the funds to ULB & PRIs, and their devolution do remain less than satisfactory.

Reasons

→ apathy of state govt to devolve funds & functions  
 → infrastructural issues at ULB & PRIs  
 ← human infra  
 ← physical infra.



creating proper accountability mechanism and proper devolution of funds and functions adequate training and skill development are necessary to improve status of devolution of powers at grassroot levels.

*measures needed*

*lack of regular election*  
*lack of participative municipal in election*  
*lack of dedicated cadre*  
*lack of awareness about govt scheme*  
*Governance skill of Sarpanch*  
*usage of technology has been detrimental to local decision making*

12. Although quasi-judicial bodies have powers resembling those of the judicial bodies, there are important points of distinction between the two. Elaborate. (Answer in 250 words, 15 marks)

Quasi-judicial bodies are bodies that function outside the ambit of judicial bodies to provide an alternative dispute resolution (ADR) mechanisms, eg, tribunals, Lok adalats etc.

Points of distinction between  
Judicial & Quasi judicial bodies

Points of distinction	Judicial	Quasi judicial bodies
① Laws followed	principle of <u>evidential justice</u> - eg. more focus on facts, evidences, through Evidence Act.	follows <u>principle of natural justice</u> mostly

② cost of justice	<p>In most cases costlier than ADRs - NALSA tries to rectify this problem (Art 39A → provides for free legal aid to needy)</p>	<p>generally cheaper than judicial systems</p>
③ professional	<p>Legal professionals - recruited through collegium at higher courts and other <del>part</del></p>	<p>More inclusive in terms of professionals <del>to</del> who can work as adjudicators eg. social activists, retired school teachers etc.</p>
④ Nature of verdict	<p>generally binding open to appeal</p>	<p>Reached to solution by discussions and both parties agreeing thus diminishes chances of appeal.</p>

⑤ Pressure on institutions

More than 2 crore cases pending in lower courts - huge pendency

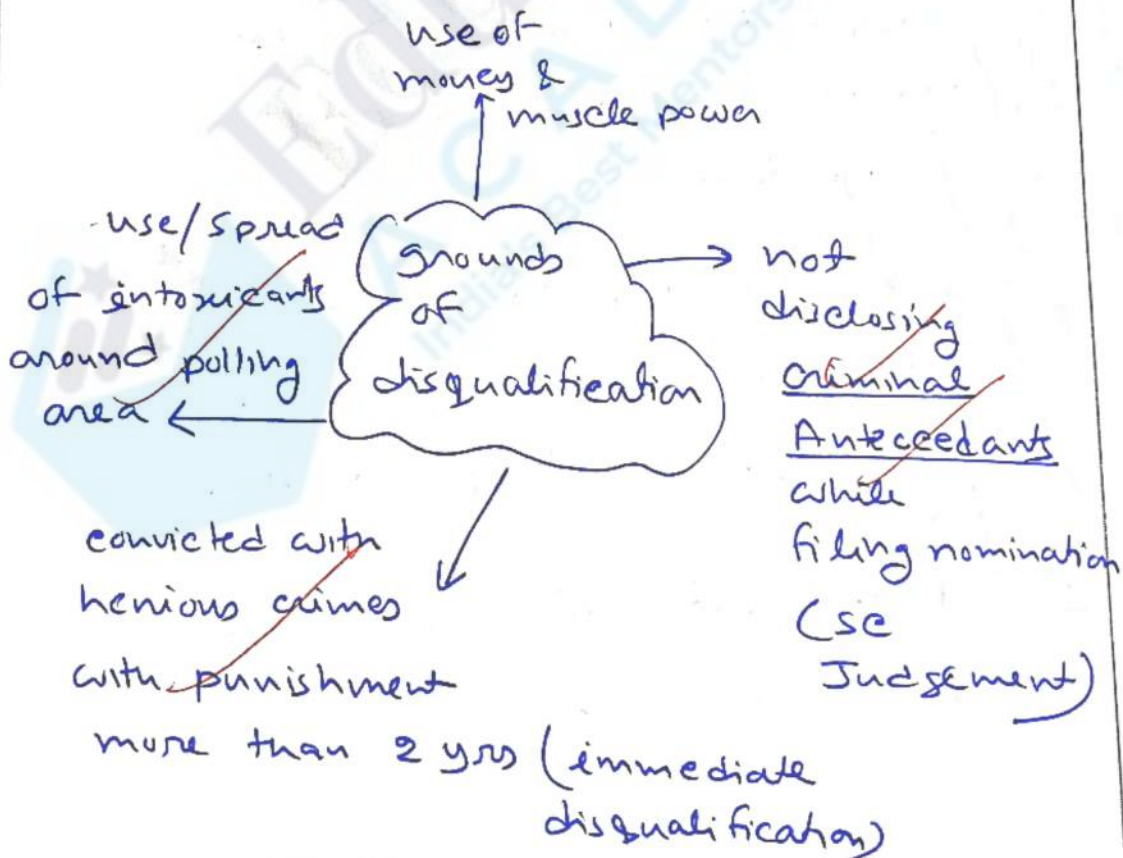
Help to reduce burden on judicial systems by providing alternate channels of dispute resolution

However inspite of the challenges, the point of convergence between both system is that both try to provide justice to the citizens. ~~Adapt~~ ~~AR~~ ADR systems and tribunals should be explored more and expertise based fast track mechanisms should be evolved to reduce burden on judicial systems.



13. Delineate the grounds of disqualification under The Representation of the People Act, 1951. Also, discuss the remedial measures available to the disqualified representatives. (Answer in 250 words, 15 marks)

The representation of People's Act 1950 and 1951 are the ground work of electoral regulations in India. Where the RP Act 1950 provides for no of seats, delimitation etc related provisions, the RP Act 1951 provides for qualification, disqualification norms among others.



## Remedial measures

The disqualified candidates can appeal through ECI (Election Commission of India) ~~and~~ to courts (~~the or sup~~ for or remedial measures).

## Suggestion by ECI, Goswami Committee

Law Commission (255th report)

regarding disqualification of candidates

① ~~disqualification for~~ ~~yellow~~ funding of paid news / yellow journalism

② ~~Not following~~ Model code of ~~conducts~~ - expedite process of disqualification / suspension

③ Polls influenced by exit poll / opinion polls.

Remedial  
not measure  
provided  
Pelito  
Govt  
Journalism  
EC  
to  
disqualify



④ exceeding cap on expenditure during electoral promotions.

Free & fair elections are the basis of a vibrant democracy and adhering to the RP Act and other regulations relating to elections are sihe-gua-non for politicians to be able to aptly represent the values of our democracy.

14. The basic structure doctrine of the Indian Constitution is a judicial innovation. Analyse. (Answer in 250 words, 15 marks)

~~Kesava~~

*Short notes*

The doctrine of basic structure means that there are certain inalienable features of our constitutional morality on which the whole constitution is based. These features represent the soul of the ~~constitution~~ constitution and the vision and ideas of our constitution makers. It evolved as a doctrine during the famous Kesavananda Bharati vs State of Kerala (1973) judgement.

*mention about judicial review through*

The judiciary pronounced that the basic structure cannot be violated by the parliament while making any new law or amending the constitution. If a proposed law or amendment violates the

basic structure, judiciary can strike it down as ~~ultra vires~~ unconstitutional

There is no fixed list of basic structure. The judiciary can expand its ambit to include more tenets as and when required.

eg. separation of powers, secularism, independence of judiciary are some tenets of the basic structure doctrine.

Judicial Innovation  
Judicial How?  
Significance of it  
Transfer with it

Whether solely a Judicial innovation

There have been recent ~~controversies~~ controversies regarding the validity of ~~basic structure doctrine~~ basic structure doctrine while it has been called the 'North star' of Indian constitution guiding Indian constitutionalism on side ~~etc~~ and calling it unconstitutional and solely a judicial innovation on the other side.

Though the ~~name~~ <sup>term</sup> 'basic structure'  
has evolved out of a judicial  
pronouncement, the idea of some  
core features that guide the  
constitutional ~~or~~ morality and collective  
conscience of law makers have been  
there since the making of the  
constitutions.

Basic structure doctrine has  
saved Indian democracy from  
uncertainty of legislative autocracy  
and hence is necessary for  
proper functioning of the democracy.

Thus, basic structure doctrine,  
though a judicial innovation by  
term but is a part of Indian  
democratic conscience since the  
beginning.



15. Highlight the various challenges in ensuring cooperative federalism in India. Also, suggest measures to foster cooperative federalism. (Answer in 250 words, 15 marks)

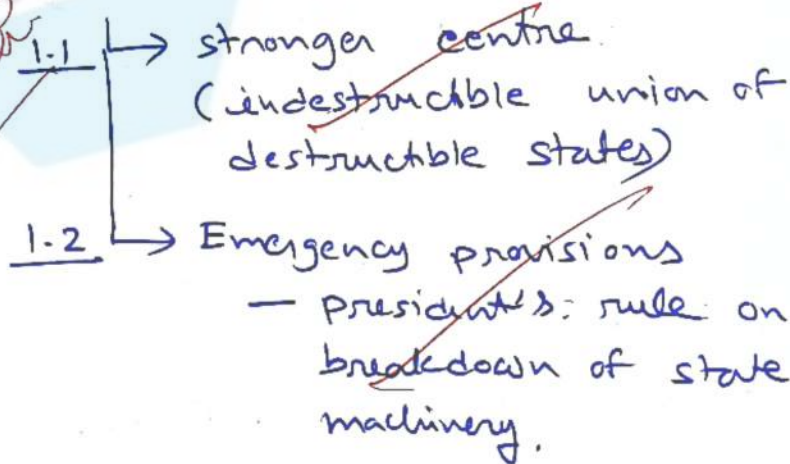
India is a federation of states but its federation is a case sui generis. Indian federalism have come a long way from federalism with a unitary tilt to co-operative federalism where at multiple occasions, state and central governments work together as 'Team India' to ensure ~~the~~ collaboration to foster development.

Give short intro

Challenges of co-operative federalism in India

undergoes representative in India  
in FC  
all One size approach

① unitary bias in federal structure



1.3 → residuary powers with ~~to~~  
Parliament → overriding power of  
Parliament's laws over  
state legislations

1.4 → appointment of governors by  
centre

② inequal capacities of states

divide of rich-poor states, ~~broader~~ <sup>some</sup> states  
are more vulnerable than others

- developmental deficit  
(es. North Eastern states)
- infiltration, terrorism affected  
(es. Chhattisgarh, Arunachal Pradesh, Punjab)
- poorer states (es. UP, Bihar)  
with low human capital
- unequal Finance commission  
grant devolution, tied  
funds

③ Reduced fiscal capacity &  
dependency of states on centre  
for finances — due to GST and



Other measures

Measures to foster co-operative federalism

- ① Empowering state finances
- ② Healthy competition among states to improve on certain indicators (eg- NITI Aayog's state health indices)
- ③ sovereign sovereignty of states in order to make financial/trade deals with foreign entities (eg. state trade melas, world bank funding to states)
- ④ Focus on ~~state to~~ Interstate council/zonal council revival for co-operative approach to development.

By these methods India can usher an era of truly co-operative federalism and prosper <sup>more</sup> during its Amritkaal

16. Provide an account of the role of UPSC. Also, enumerate the Constitutional provisions to safeguard and ensure the independence and impartial functioning of the UPSC. (Answer in 250 words, 15 marks)

Union Public Service Commission (UPSC) is the central body to conduct examinations and make recommendations for appointment in several central government organisations and important central services including all India services.

Role of UPSC

① conduct examinations and make recommendations towards specific posts

② Decide on rules, regulations, norms, syllabus of <sup>such</sup> examinations.

③ Prescribe and make recommendations to the central government regarding the improvement of <sup>such</sup> examinations.

*Handwritten notes:*  
 \* it serves the state government  
 \* request  
 \* person management  
 \* principles followed to appoint suitable candidates

④ Ensuring Independence in functioning of UPSC

- ① fixed tenure of chairperson and members
- ② expenses of UPSC charged on ~~consolidated~~ consolidated fund of India and not voted in parliament — thus maintaining accountability
- ③ Non-interference of political powers.
- ④ Transparency in functioning — credibility of the institution.
- ⑤ restriction on reappointment and post retirement jobs for members and chairperson of UPSC to ensure their non-partisanship and accountability

relevant points to be written here.

UPSC is one of the most credible institutions currently functioning in India and its apolitical nature and transparency are needed to be maintained for its proper functioning and credibility.



17. What are tribunals? How is Article 323A different from Article 323B of the Indian Constitution? (Answer in 250 words, 15 marks)

~~Tribunals~~ Tribunals are alternate dispute resolution mechanisms

set up by the government with a particular motive for a fixed timeline - eg. National green tribunal - for environment related issues

River water dispute tribunal - for interstate river water issues etc.

2.2

18. Analyse the constitutional, legal and socio-cultural implications of implementing a uniform civil code (UCC) in India. How can the challenges and opportunities of UCC be addressed in a democratic and secular manner? (Answer in 250 words, 15 marks)

Uniform Civil Code is a proposed common code for every citizen of India irrespective of their religion. It ~~will~~ ~~is~~ will replace/supersede the personal laws related to marriage, divorce, inheritance etc. for all, if implemented.

Implications of implementing

constitutional → Art 44 of Indian constitution provides for its implementation. currently only Goa has ~~been~~ implemented UCC.

Article 14  
Article 29

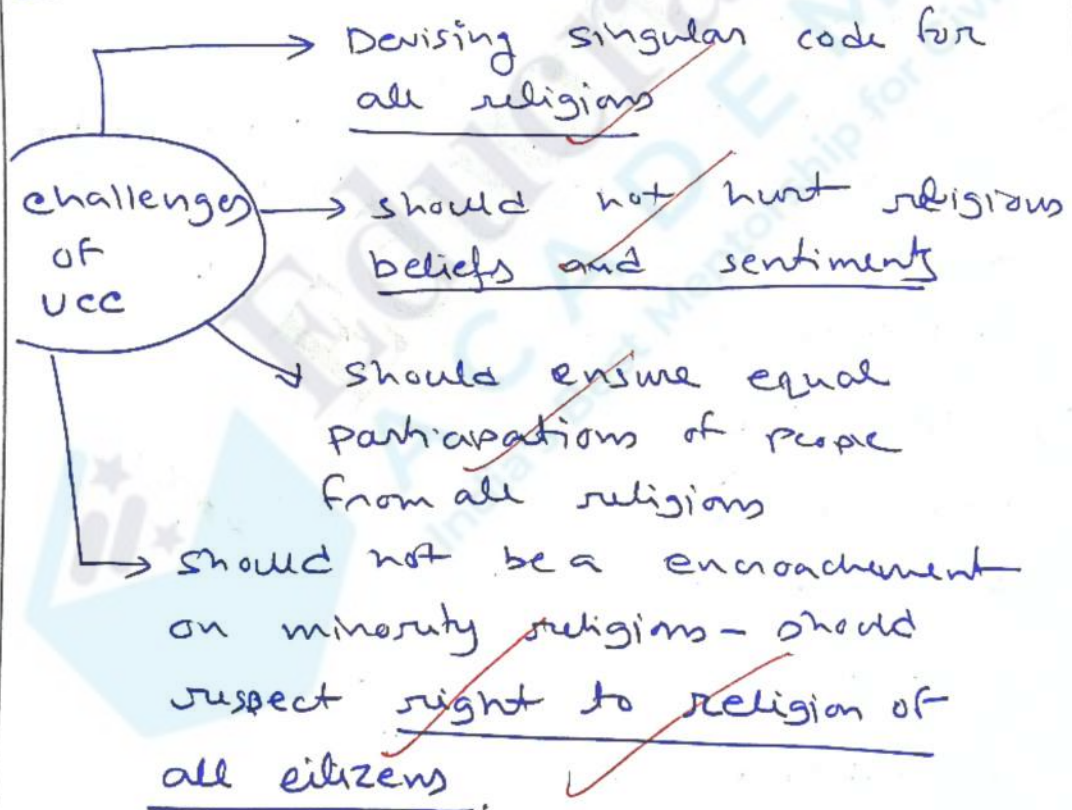
legal → Art 44 of constitution is part of directive principles and hence non-enforceable in nature. A statutory backing is required ~~to~~ for

Personal Laws

UCC to be implemented.

socio-cultural → India is a diverse ~~and~~ pluralistic country with multiple ~~religions~~ religions. Devising a common code of personal law for all is a difficult task - it has to be a fine blend of ~~just~~ respecting <sup>both</sup> religions and individual rights.

women empowerment



Better rights for women  
'One nation, one law'

Opportunities of UCC

## way to implement ucc

- ① should be implemented in phase wise manner
- ② Proper discussion with all stakeholders is needed to formulate the law.
- ③ Multi level deliberation, inclusion of civil society is a sine-qua-non.
- ④ Whether ucc means an amalgamation of ~~old~~ all personal laws or a new law replacing all personal law → needs to be clarified
- ⑤ ucc implementation should not feel like a <sup>a</sup> push model but should be implemented only in a consensus based model.

A uniform civil code ~~has~~ will provide its ~~intend~~ intended benefits only if it is welcomed by all communities which can be achieved only through consensus.



19. What are the major challenges in effectively curbing the spread of fake news and disinformation, and what strategies and solutions can be employed to address these challenges? (Answer in 250 words, 15 marks)

Fake news and disinformation are two major threats to the information ecosystem of any democracy and it is imperative to control these menaces to ensure proper functioning of the system.

Challenges to effectively curbing the spread

① Abundance of information - due to globalisation, spread of social media, digital market, and India's vast digital ecosystem.

② Freedom of speech vs fake news

A curb on fake news needs to maintain a fine balance that does not curb freedom of speech guaranteed by Indian constitution.



③ Revolution in social media & digital market → ~~Every~~ There are multiple sources of ~~knowledge~~ information that are difficult to monitor and check.

④ Echo chamber effect of paid media/fake news

→ psychological aspect of fake news - people want to see or believe based on their pre-disposition only

⑤ Absence of fact checking Agency / denial of information platforms to be held responsible for misinformation spread on their platform -

Solutions to address these challenges:

① public awareness - to distinguish between ~~fake~~ & real news

② fact checking authority - As



proposed by central government.

- ④ check on social media platforms & influencers — eg. social media rules and intermediary guidelines
- ⑤ Implementation of existing regulations — eg — ~~Non-sec~~ social media intermediary guidelines require appointment of national level fact check authority which is not done by most platforms yet.

Data and information are the new oil in the emerging knowledge economy. Maintaining sanctity of information is a must for enduring development & peace of any country.

20. Highlight the challenges faced in implementing robust data governance in India and propose strategies for enhancing data protection in the country. (Answer in 250 words, 15 marks)

*good*  
Data is termed as the new oil in the current economy signifying its importance and hence a robust data governance structure is required to make optimum use of it. *Keep the sheet*

Challenges faced in implementing robust data governance —

① Infrastructure → need of huge infrastructure to collect, segregate, maintain, use and store such large data.

*\* Stand alone*  
*data security*  
② Technology — Need of high end technology to make ~~optit~~ optimum use of the data collected.

③ Privacy → debate between privacy and consent of data usage.



④ Local storage of data - brings about huge costs - ~~suggestions~~ but storage at offshore locations bring threat of data being manipulated, misused or subject to data theft

↳ threat of state sponsored data espionage (es. chinese hardware)

⑤ ~~also~~ strategies for enhancing data protection in the country

① Implement the Digital data protection Bill as soon as possible by ~~mean~~ due process of consultation, ~~and~~ stakeholder consultation, public opinion collection, standing committee deliberation etc.

② Implement ~~recommendations~~ of B N Shrikrishna Committee on personal data protection.

- ③ proper, national segregation of data — private, confidential, public etc
- ④ encryption and de-man de-personify data whenever possible.  
eg. removing personal identities of data before use.
- ⑤ terms of privacy & compensation for both public and private entities handling data.
- ⑥ Right to forget → Ability to revoke access to data by data owner and data fiduciary.

Sound Data governance structure is a must to ensure optimum usage of the huge data being generated & collected everyday.