

NEXT IAS

MAIN TEST SERIES 2024 (AIM)

(To be filled by candidate)

TEST CODE : AIM2403

Test No. : 03

Name of Candidate: RITIKA CHITLANGIA Mobile No. [REDACTED]

Roll No. : GSMACT24A1732 Start Time 11:55 End Time [REDACTED]

Date of Examination: 26/7/24 Medium : English ☒ Hindi ☐

Q. No.	Maximum Marks	Marks Obtained
1	10	
2	10	
3	10	
4	10	
5	10	
6	10	
7	10	
8	10	
9	10	
10	10	
TOTAL MARKS - 100		

Q. No.	Maximum Marks	Marks Obtained
1	10	
2	10	
3	10	
4	10	
5	10	
6	10	
7	10	
8	10	
9	10	
10	10	
TOTAL MARKS - 100		

GRAND TOTAL -/ 250

EVAL CODE: EVAL DTE:

GENERAL INSTRUCTIONS

1. Immediately on receipt of the QCA booklet, please check that this QCA booklet does not have any misprint or torn or missing pages or items, etc. If so, get it replaced by a fresh QCA booklet.
2. Candidates must mention all relevant details like Name, Email, Roll No, Mobile, etc. in the space allocated.
3. Candidate is expected to attempt all 10 questions within the given timeline.
4. Answers must be written in the medium authorized at the time of admission.
5. Candidates must write answers for the specific question under the respective question itself. Any answer written outside the space allotted may not be given credit.
6. Please write neatly. Avoid illegible writing.
7. Do not write/mark irrelevant matters in the QCAB.

सामान्य निर्देश

1. QCA पुस्तिका प्राप्त होने पर कृपया तुरंत जांच लें कि इस QCA पुस्तिका में कोई पृष्ठ या सामग्री आदि गलत छपी हुई या फटी हुई या गायब तो नहीं है। यदि ऐसा है, तो इसे एक नई QCA पुस्तिका से बदल लें।
2. अभ्यर्थियों को सभी प्रासंगिक विवरण जैसे नाम, ईमेल, रोल नंबर, मोबाइल नंबर आदि का आवंटित स्थान पर उल्लेख करना होगा।
3. अभ्यर्थियों से अपेक्षा की जाती है कि वह आवंटित समय-सीमा के भीतर ही सभी 10 प्रश्नों के उत्तर-लेखन का प्रयास करें।
4. प्रत्येक उत्तर, प्रवेश के समय चुनी गयी भाषा के माध्यम में ही लिखे जाने चाहिए।
5. अभ्यर्थियों को विशिष्ट प्रश्न के उत्तर संबंधित प्रश्न के नीचे ही लिखने होंगे। आवंटित स्थान के बाहर लिखे गए किसी भी उत्तर को क्रेडिट नहीं दिया जाएगा।
6. कृपया साफ-सुथरा लिखें। अपठनीय लेखन से बचें।
7. QCAB में अप्रासंगिक तथ्यों को न लिखें / न ही चिह्नित करें।

REMARKS:

FOR OFFICE USE ONLY

<u>Student Concerns / Query</u>	<u>Evaluator's Feedback / Response</u>
1	1
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2	2
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3	3
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<u>MARKING SCHEME *</u>			
Marks Per Ques	Below Average	Average	Above Average
10 Marks	Below 3.00	3.00 - 3.75	4.00 and above
15 Marks	Below 4.50	4.50 - 5.75	6.00 and above

* Subject to change without prior notice.

<u>IMPORTANT QR CODES</u>	
 Topper's Copy	 Common mistake and Correct Filled QCAB
 Copy Scanner App	 Next IAS Test Centre Location

MACRO COMMENTS

The Purpose of evaluation@nextias.com is to provide constructive suggestions on 'How to improve Answer Writing and thereby score better marks.

STRENGTHS OF THE CANDIDATE

AREAS OF IMPROVEMENT



IMPROVEMENT SUGGESTIONS

1. विधि का शासन और न्यायिक समीक्षा एक दूसरे पर निर्भर हैं, क्योंकि किसी भी एक का दूसरे के बिना अस्तित्व नहीं हो सकता है। इस संदर्भ में क्या न्यायिक समीक्षा को संविधान के मूल ढांचे का गठन करने वाले आयामों में सबसे महत्वपूर्ण आयाम माना जा सकता है? (150 शब्द, 10 अंक)

The rule of law and judicial review are interdependent, as one cannot truly exist without the other. In this context can judicial review be considered the most important aspect among those that constitute the basic structure of the Constitution?

(Answer in 150 words, 10 marks)

Rule of law refers to the primacy of legal standards, where 'Lex is Rex' i.e. law is king, whereas judicial review refers to power of judiciary to review the constitutionality of any law.

Rule of law & Judicial Review

- ① Rule of law upholds that no person can be punished without violation of law.

⇒ Judicial Review ensures that the legislative & executive wings cannot arbitrarily punish any one.
Eg: striking down of sec 66 of IT Act in Shreya Singhal case.

- ② Rule of Law ensures that all persons are equal in front of the law.

⇒ Judicial Review ensures that

principles of equality are upheld.

Eg: disqualification of sitting MP/MLA upon conviction (Lily Thomas, 2013)

- ③ Judicial Review cannot exist without Rule of law, as it ensures separation of power, constitutionalism and independence of judiciary.

Importance of Judicial Review vis-à-vis Basic structure of constitution

① Judicial Review is the most important feature, because it is only through Article 32, 226, 13 etc. that judiciary evaluates the constitutional validity of any law and if it violates the basic structure.

② Judicial Review's absence will lead to nullification of Basic structure doctrine, as no accountability mechanism will be present.

Therefore, federalism, secularism, basic structure virtues, rule of law, also stand in an umbrella of protection provided by judicial review.

2.

दिल्ली के उपराज्यपाल की शक्तियों और अधिकारों की तुलना, विशेष रूप से मंत्रिपरिषद् की सहायता और उनकी सलाह पर कार्य करने के संदर्भ में अन्य राज्यों के राज्यपालों से किस प्रकार की जाती है? (150 शब्द, 10 अंक)

How does the power and authority of Delhi's lieutenant governor compare to that of the governors of other states, particularly in terms of acting on the aid and advice of the council of ministers?

(Answer in 150 words, 10 marks)

Article 239A deals with the special status of Delhi's legislative and executive authority, with lieutenant governor acting as a central figure in Delhi's polity.

Difference in Power of Governors

Delhi LG	Other states
① Controls the state list subjects of 'Land, Police and Law and order' on behalf of central government. ② In terms of appointment of civil servants, the LG has the upper hand to	① Art 164 mandates the Governor to act solely on advice of council ministers on all matters of state list. ② Has to obey the advice of council ministers, as state has control over

disregard the
advice of the
council of ministers.

bureaucracy.

③ Represents the
President and
has limited
individual
discretion.

③ Represents the
central Govt's
interests, but with
wider powers of
constitutional
discretion.

Therefore, the Delhi LG is different
with respect to other governors,
with ambiguous division of powers
between state govt. and LG,
leading to friction and conflicts.

3. हाल के दिनों में, भारत में धर्म के अधिकार और संवैधानिक नैतिकता के मध्य तनाव/मतभेद को दूर करने में न्यायपालिका की भूमिका पर चर्चा करें। प्रासंगिक वाद विधियों की सहायता लें। (150 शब्द, 10 अंक)

Discuss the role of the judiciary in navigating the tension between the right to religion and constitutional morality in India in recent times. Refer to relevant case laws. (Answer in 150 words, 10 marks)

Article 25-28 of Part II of the constitution guarantees right to religion, but also places reasonable restrictions to secure constitutional morality.

Role of Judiciary in navigating Between right to religion and constitutional morality

- ① Judiciary has upheld the principles of equality and social justice, while practicing traditional customs.

Eg: Sabarimala Temple case ⇒ allowed entry of females to overcome notion of purity and pollution.

- ② It has ensured complete justice under Article 142 of the constitution.

Eg: Ram Mandir issue ⇒ allocated land to Muslim Waqf board

to the minority community for mosque.

- ③ Judiciary has protected ideals of secularism and non-interference of state in religious matters.

Eg: Bal Patil v/s UOI, case.

- ④ Judiciary's Basic Structure doctrine recognises 'secularism' as an inviolable part of the constitution.

Eg: S.R. Bommai case 1994.

- ⑤ Preserved the right to religious expression across all communities.

Eg: Karnataka Hijab case, 2023.

Therefore, judiciary has preserved the right to religion, along with constitutional ethos, to ensure our country remains an intricate blend of multicultural justice and peaceful coexistence.

4. 'शक्तियों के पृथक्करण' का सिद्धांत अमेरिकी संविधान की एक प्रमुख विशेषता है। इस संदर्भ में तुलना करें कि भारतीय संविधान में शक्तियों का कार्यात्मक पृथक्करण अमेरिकी प्रणाली से किस प्रकार भिन्न है। शक्तियों के कठोर पृथक्करण की तुलना में नियंत्रण और संतुलन प्रणाली के क्या लाभ हैं? (150 शब्द, 10 अंक)

The principle of 'Separation of Powers' is a key feature of the American Constitution. In this context, compare how the Indian Constitution's functional separation of powers distinguishes itself from the US system. What are the advantages of a check and balance system over a rigid Separation of Powers?

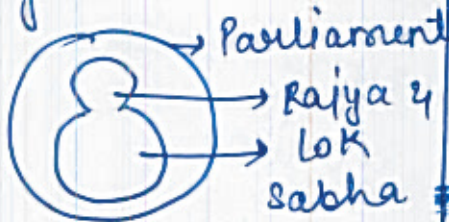
Both the USA and Indian constitution rests on a fine balance of separation of powers, yet certain differences in degree and manifestation remain. (Answer in 150 words, 10 marks)

Difference in separation of Power

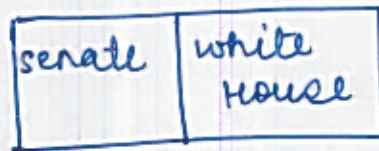
India

USA

1) Harmonious integration of executive and legislature



1) Rigid separation of legislature and executive.



2) separation of power is balanced by functional integration.

Eg: Executive & legislature performs judicial functions & vice-versa

2) strict separation of power, with no overlap of functions.

③ Judiciary's power are limited, vis-a-vis review and activism.

④ Also referred to as 'separation of functions'.

③ Judiciary powers are very wide and strong.

④ True form of 'separation of power'.

Advantages of checks & Balances

- 1) Ensures constitutional supremacy.
- 2) Does not allow for concentration of power in hands of any one wing.
Eg: USA $\Rightarrow$ Judicial supremacy.
- 3) Ensures stability and complementarity of functions.
Eg: Legislature & executive decide appointment of judges; judiciary can review laws & action of govt.
- 4) Avoids conflict and abuse of authority.
Eg: over-centralised Presidential powers in USA.

Therefore, India's constitution makers realised the context of India's separation of powers, ensuring rule of law and constitutionalism.

5.

भारतीय संविधान की छठी अनुसूची आदिवासी क्षेत्रों को स्वशासन का अधिकार देने वाले विधिक प्रावधानों से कहीं अधिक है। छठी अनुसूची किस प्रकार उनकी पारंपरिक शासन प्रणालियों और सांस्कृतिक प्रथाओं का सम्मान करते हुए विकास को बढ़ावा देती है? (150 शब्द, 10 अंक)

The Sixth Schedule of the Indian Constitution is more than a legal provision that empowers tribal regions with self-rule. How does the sixth schedule foster development while respecting their traditional governance systems and cultural practices? (Answer in 150 words, 10 marks)

Article 244 A provides for the 6th schedule application in the north-eastern states of Assam, Tripura, Meghalaya and Mizoram.

Role of 6th schedule

(A) Development

- 1) Allows for the application of central and state rules, while being subject to governor's modifications.
- 2) Ensures political autonomy and stakeholder involvement in development of 6th schedule areas
Eg: Autonomous District Councils have legislative, executive and judicial powers.
- 3) Devolution of power ensures conflict resolution and bridging of isolation gap.
- 4) Nature-based, sustainable development due to democratised

decision making.

(b) Preservation of local governance & cultural practices

- ① Right over minor forest produce, community forests, water resources etc.
- ② Autonomous District Councils have elected and nominated members $\Rightarrow$ adequate representation and autonomy for local governance.
- ③ Preservation of religion, customs, language etc. $\Rightarrow$ Non-imposition of mainstream culture.

Despite the benefits, 6th schedule can lead to secessionist and sub-regional demands.

Nevertheless, the modelling of governance systems on principle of subsidiarity, adds to the indispensability of 6th schedule.

6.

पठमर्श और आपसी सहमति के आधार पर बहुलवाद द्वारा उत्पन्न समस्याओं को हल करने के लिए संस्थागत व्यवस्था संघीय शासन की एक प्रमुख विशेषता है। क्षेत्रीय परिषदें केवल सलाहकार निकायों से कार्यवाई के लिए सक्रिय मंचों के रूप में कैसे विकसित हुई हैं (150 शब्द, 10 अंक)

Federal governance is characterised by institutionalized arrangements for solving problems generated by pluralism based on consultation and mutual consent. How have Zonal Councils evolved from merely advisory bodies to proactive platforms for action? (Answer in 150 words, 10 marks)

Federal Governance is marked by the de-concentration of power from higher to lower levels, based on consultation, of which zonal councils remain a key platform.

Characteristics of Federal Governance

1) Institutionalised devolution of power.

Eg: central Govt
↓
state Govt.
↓
PRI's / ULB's.

2) Governance on the basis of Principle of subsidiarity.

3) Focus on accommodation of conflicts and diverse representation
Eg: linguistic formation of states.

4) Effective governance due to inclusiveness, localised functions and accountability checks.

Evolution of zonal councils

zonal councils $\Rightarrow$ states Reorganisation Act, 1956 with Home Minister as the CM.

① Regional dialogues and negotiation for overall development of country.
Eg: North-Eastern council with ministry of NER.

② Resolution of river and territorial disputes.
Eg: Northern council helped in talks b/w Himachal & Haryana over Punwaroo region.

③ Mutual trust and common aspirations of development.
Eg: Eastern council $\Rightarrow$ overall dev. of 'Purvodaya'.

④ Acts as a pressure group for improving centre-states negotiations.

Therefore, zonal councils have elevated themselves from redundant advisory bodies by greater dialogue, respect for pluralism. But scope for improvement remains in the Inter-state council.

7. भारतीय संविधान के तहत धर्मनिरपेक्षता समानता के प्रति संवैधानिक प्रतिबद्धता की व्यापक अवधारणा में समाहित है। चर्चा करें।
(150 शब्द, 10 अंक)

Secularism under the Indian constitution is encapsulated in the broader concept of constitutional commitment to equality. Discuss.
(Answer in 150 words, 10 marks)

The supreme court in Bal Patil case has enumerated that the secular principles of the country originate from respect for equality.

Secularism as a commitment to
Constitutional Equality

1) Article 25 ⇒ freedom to profess, propagate and practice one's religion, but under reasonable restrictions.

⇒ Equality in right to religion as to avoid forceful conversions, human sacrifices etc.

2) Article 26 ⇒ Freedom to manage religious affairs and right to equality of all religions to establish institutions.

3) Article 27 ⇒ Freedom for payment of taxes for religious purposes, but also allowing the state for

principled non-discriminatory interference
in state religious affairs to ensure
equality of citizens.

Eg: Ranganath & Sachar Commission for
upliftment of religious minorities.

4) Article 28 ⇒ Freedom from religious
instruction, but allowing development
of religious education on an equitable
basis.

Eg: Madrasas

Therefore, Indian secularism is
essentially based on equality of
development, expression and
freedom of religion.

8. जन प्रतिनिधित्व अधिनियम, 1951 को धारा 8 को सजा की अवधि से हटाकर अपराध की गंभीरता पर केंद्रित करने की आवश्यकता है। टिप्पणी करें कि धारा 8 के तहत वर्तमान वर्गीकरण किस प्रकार अपराधों के मनमाने वर्गीकरण की ओर ले जाता है। साथ ही, इस धारा के तहत अयोग्य घोषित व्यक्ति के लिए उपलब्ध उपायों का भी उल्लेख करें। (150 शब्द, 10 अंक)

'There is a need to shift the focus of Section 8 of the Representation of People Act, 1951 from the duration of the sentence to the gravity of the offence.' Comment on how the current classification under Section 8 leads to arbitrary categorisation of offences. Also, mention the remedies available to a person disqualified under this section. (Answer in 150 words, 10 marks)

Section 8 of RPA deals with the criminalisation of politics, and aims to ensure clean democratic functioning, but goes through several lacunae.

Arbitrary categorisation under sec 8 of RPA

- 1) Based on duration of offences, i.e. 6 years + period of conviction ⇒ arbitrary because magnitude of offences are different.
Eg: Defamation case ⇒ 8 years of disqualification
Hate speech ⇒ No disqualification
- 2) The criteria of minimum 2 years of imprisonment for disqualification is arbitrary.
- 3) Heinous cases of serious crimes like rape, murder, kidnapping etc. should lead to permanent and immediate disqualification of MP/MLA.

4) Bifurcation of electoral offences under sec 8 and sec 123 $\Rightarrow$ Needs to be unified for better compliance.

Remedies for disqualified Persons

- 1) Appeals to higher courts for review of cases.
- 2) Resignation from Parliament / state legislative Assemblies before conviction.
- 3) Pitching their political allies for the vacant seat.
- 4) Filing of counter-suits to elongate the procedure of conviction.
- 5) Use of parliamentary immunity in civil cases for MP's / MLA's and civil + criminal cases in case of President & Vice-president.
- 6) Using their official passports (diplomatic) to escape the country.

Thus, strengthening of legal teeth, quick conviction of cases and gravity-based disqualifications can be adopted for reforming RPA.

9. भारतीय संसदीय प्रणाली में विपक्ष के नेता का क्या महत्व है? लोकतंत्र में नियंत्रण और संतुलन बनाए रखने में विपक्ष की भूमिका किस प्रकार योगदान देती है? (150 शब्द, 10 अंक)

What is the significance of the Leader of Opposition in the Indian parliamentary system? How does the role of the opposition contribute to the checks and balances in a democracy?

(Answer in 150 words, 10 marks)

The position of leader of opposition is statutorily recognised in 1977, with LoP enjoying similar rank as that of cabinet minister.

Significance of leader of opposition

- 1) Presents an alternate source of power in parliament, opposed to the current roots of power.
- 2) Presents diverse and critical opinion of the government policies.
- 3) Attracts attention to the policy gaps and helps raise awareness about the lacunae of incumbent.
- 4) leader of opposition is a member of collegium in appointing election commissioners, CVC, CIC, NHRC, lotpal, CB1 etc.
- 5) Acts as a stability net in case of sudden dissolution of Lok Sabha.

Role of opposition to ensure checks and balances

1) Opposition acts as an accountability mechanism against the ruling party. $\Rightarrow$ criticism of policies and programmes.

2) Helps in fiscal watchdog roles.

Eg: Public Accounts Committee is conventionally headed by opposition members.

3) Presents debates and discussions in the Parliament for new bills etc.

Eg: Inclusion of sec 3 (d) of Patents Act due to opposition participation.

4) Opposition can form the 'shadow cabinet' to ensure constant checks of government's arbitrary powers.

As someone said, "thinking is a team game, it does not start without an opposite team". Therefore, role of opposition is the most important for survival of a democracy.

10.

"प्रस्तावना के मूल आदर्श - संप्रभुता, समाजवाद, धर्मनिरपेक्षता और लोकतंत्र - भारत के संवैधानिक ढांचे की आधारशिला हैं।" स्पष्ट कीजिये। (150 शब्द, 10 अंक)

"The core ideals of the Preamble - sovereignty, socialism, secularism, and democracy - form the bedrock of India's constitutional framework." Elucidate. (Answer in 150 words, 10 marks)

As the Supreme Court remarked in the Kher Singh case, the Preamble is the bedrock of constitution, a key to read the mind of constitution makers and integral to our polity.

Core Ideals of Preamble $\Rightarrow$ Bedrock of Constitution

1) Sovereignty $\Rightarrow$ the Government of India is the prime independent authority, and the constitution reflects the same independence.

Eg: Article 1 $\Rightarrow$ 'India i.e. Bharat is a Union of states' and the source of power comes from government.

2) Socialism $\Rightarrow$ Fabian school of thought, that believes in welfare state, with equitable development and social justice.

Eg: Part IV A $\Rightarrow$ Directive Principles of State Policy reflect the socialistic aspiration.

3) Secularism $\Rightarrow$ added to the Preamble through 42nd AA, 1976, but Fundamental Rights (Art 25-28), Article 15, 16 etc. reflect how Indian consti. balances right to religion with constitutional morality.

4) Democracy $\Rightarrow$ Democracy means that the ultimate source of power is the people, with decentralised decision-making.

Eg: 73rd & 74th Amendment,
Universal Adult Franchise;
Article 75 etc.

Therefore, the ideals of Preamble are also the basic structure of the constitution, and essential for survival of Indian democracy.

11. 16वें वित्त आयोग के समक्ष विचारार्थ विषय, पिछले वित्त आयोगों से किस प्रकार भिन्न हैं? बाद के वित्त आयोगों द्वारा उत्तरोत्तर प्रगतिशील हस्तांतरण के बावजूद, विभिन्न राज्यों में आर्थिक असमानताओं को बढ़ावा देने वाले कारकों का परीक्षण करें।

(250 शब्द, 15 अंक)

In what ways are the Terms of Reference for the Sixteenth Finance Commission different from the earlier Finance Commissions? Also, examine the factors that propel economic disparities across states, despite the Finance Commission devolution becoming increasingly progressive.

(Answer in 250 words, 15 marks)

Article 280 of the constitution mandates the President to form the 16th Finance Commission under the chairmanship of Dr. Arvind Panagariya

Difference in Terms of Reference of 16th Finance Commission

1) Focus on the equitable devolution of vertical and horizontal funds, as opposed to earlier mandates of 'equal' devolution.

2) Greater emphasis on the revival and financial autonomy of local governments, with conditions on state and central govt.

Eg: Local self-govt. state lists, with 16th of transfer of GST to the municipalities.

3) Increasing the weightage of contribution to the economy, to maintain the

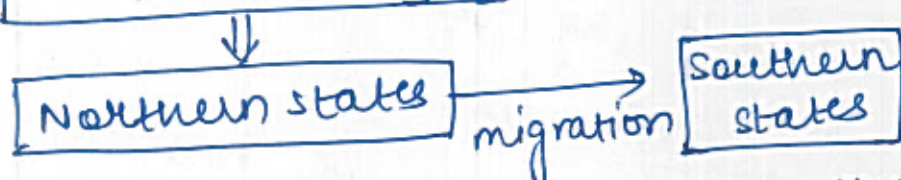
4) Renewed focus on individual state and discretionary transfers to the vulnerable categories, dependent on distribution across states.
women, LGBTQ + etc.

distribution across
Eg: ST, SC, women, LGBTQ + etc.

Factors for increasing Economic Disparities among states

1) demographic imbalances

Eg: Finance commission grants



2) disparities in contribution to the finance commission grants.

Eg: Uttar Pradesh $\rightarrow$ Grant $\Rightarrow ₹1$
contribution $\Rightarrow ₹0.3$

Tamil Nadu } grant ⇒ ₹1
 } contribution ⇒ ₹1.73

3) Differences in economic structure of states.

Eg:

Binary ↓ Armenian	Disbalance in revenue allocation from	Kerala ↓ Industrial
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4) Differential states of socio-cultural political-economy of states.

Eg: Devolution increased from 31% to 41% (14th FC) but impacted by literacy rates, female empowerment etc.

5) challenges of fiscal federalism, despite increase in devolution by FC.

Eg: → increase in share of cesses and surcharges (not shareable with states)

→ differential rates of interest etc.

Way Forward

1) Legal mandate to implement the FC grants by the centre.

2) Equitable distribution of FC grants

3) southern-Northern divide needs to be fixed by rapid industrialisation of weaker states.

Therefore, Finance Commission is said to be the balancing wheel of fiscal federalism, at the vertical and horizontal level.

12.

'अनैतिक' आचरण और विशेषाधिकारों के उल्लंघन के मामलों को संबोधित करने में आचार समिति और विशेषाधिकार समिति की शक्तियों और कार्यप्रणाली की तुलना करें और उनमें अंतर करें। संसदीय अनुशासन बनाए रखने में ये समितियाँ एक-दूसरे की किस तरह से पूरक हैं?

(250 शब्द, 15 अंक)

Compare and contrast the powers and working of the Ethics Committee and the Privileges Committee in addressing cases of 'unethical' conduct and breach of privileges. How do these Committees complement each other in maintaining parliamentary discipline?

(Answer in 250 words, 15 marks)

Article 105 provides for the privileges and immunities of parliamentarians, but the Ethics and Privileges committee secures the 'ethical' functioning of these privileges.

Ethics
committee

Privileges
committee

1) Deals with unethical conduct of Lok Sabha and Rajya Sabha.

2) Ethics committee deals only with complaints of MP's conduct.

Eg: sharing of Parliament's login details with non-MP's.

1) Deals with specific breaches of privileges, which may lead to unethical conduct.

2) Deals with complaints of breaches, within and outside Parliament.

Eg: Publication of proceedings of special session by media house

③ mainly has powers of investigation, and submits reports to speaker.

③ Has the powers to provide pecuniary and judicial punishments by itself.

Role of committees in maintaining Parliamentary discipline

1) jointly addresses the issue of unethical conduct among the parliament and citizens.

2) while ethics committee deals with wider ambit of unethical conduct, privileges committee covers the specific listed breaches of privileges.

3) while privilege committee deals with misdemeanors outside the parliament, Ethics committee addresses the unethical behaviour within the parliament.

4) The residual gaps in the mandate of privileges committee, can be fulfilled by the Ethics committee.

Therefore, overall, the joint mechanisms of external and internal scrutiny of Ethics and Privileges committee provides for a robust framework of parliamentary discipline.



13.

भारत में सतत विधायी शिथिलता के संदर्भ में, सार्वजनिक नीति और शासन को आकार देने में न्यायिक सक्रियता की उभरती भूमिका का विश्लेषण करें। ऐतिहासिक न्यायालय के मामलों के उदाहरणों का उपयोग करते हुए, शासन संबंधी कमियों को दूर करने और नागरिकों के अधिकारों की सुरक्षा में न्यायिक हस्तक्षेपों की प्रभावशीलता का मूल्यांकन करें। (250 शब्द, 15 अंक)

In the context of persistent legislative dysfunction in India, analyse the evolving role of judicial activism in shaping public policy and governance. Using examples from landmark court cases, evaluate the effectiveness of judicial interventions in addressing governance gaps and safeguarding citizens' rights.

(Answer in 250 words, 15 marks)

Judicial Activism emerged in the 1970s with Justice P.N. Bhagwati and Krishna Iyer acting as the torchbearers of judicial activism.

Role of Judicial Activism in context of persistent legislative dysfunction

1) Judicial activism is necessary to over-guard citizens' rights, especially in unique situations.

Eg: SC order to increase O₂ supply in hospitals during COVID-19.

2) Judicial activism helps in filling legislative vacuum, especially when stability of the legislature is weak.

Eg: Vishaka Guidelines, Vincent Kumar Corruption case etc.

3) Judicial activism is important in the context of increasing

centralisation of powers.

Eg: Electoral Bond case and sec 66 of IT Act (Shriya singhal case).

4) The Basic structure doctrine is also necessary invention of judicial activism to ensure constitutional supremacy.

Effectiveness of Judicial Activism

Positives

- 1) Ensures stability and direction of public policy in case of legislative and executive dysfunction.
- 2) Curtails the arbitrary powers of the executive and legislature.
- 3) Revival of political-social-economic debates, with respect to citizen's rights.
- 4) maintains checks and balances and Rule of law.

Negatives

- 1) Judicial activism can turn into judicial overreach, if remains unchecked. Eg: 99th Amendment

Act and 4th sudgee case.

2) judiciary is not directly accountable to the people, as opposed to the democratically elected parliament $\Rightarrow$ issues of accountability.

3) judiciary does not have the resources to handle administrative and policy implementation tasks.

Eg: EG 2 demarcation in states.

4) judiciary's governance / citizen's rights projects can lead to fiscal losses, adding to the fiscal deficit of the government.

Eg: According to NITI Aagad, 5 SC judgements have caused a loss of ₹5000 crore for the government.

Despite the limitations, for a democracy to sustain, the judicial activism remains a key component of rule of law.

14. राजनीतिक दलों के भीतर आंतरिक लोकतंत्र का स्तर भारतीय दलीय प्रणाली की कार्यप्रणाली और वैधता को किस सीमा तक प्रभावित करता है? भारत में अपर्याप्त अंतर-दलीय लोकतंत्र को चुनौतियों का समाधान करने के लिए कौन-कौन से सुधार किए जा सकते हैं? (250 शब्द, 15 अंक)

To what extent does the level of internal democracy within political parties impact the functioning and legitimacy of the Indian party system? What reforms can address the challenges of inadequate intraparty democracy in India? (Answer in 250 words, 15 marks)

Internal democracy within political parties means transparency in their functioning, equitability in representation and accountability mechanisms of the party leadership.

Extent of Intraparty democracy in legitimate functioning of Indian Party System

1) Determines the diversity of representation in the party landscape across India.

Eg: Greater Female representation within the Party $\Rightarrow$ Gender equal polity.

2) Determines the sources of funding for the party and the candidate choice for elections.

$\Rightarrow$ Undemocratic Party $\Rightarrow$ Criminalisation of Politics.

- 3) Intra-party democracy ensures accountability of leadership.
- 4) De-centralises the decision-making authority. $\Rightarrow$ equal opportunities for everyone to climb up the ladder.
- 5) Deals with favoursitism and nepotism in the party.
- 6) Ensures clear articulation of party's constitutional ethos and ideological goals $\Rightarrow$ reflect the aspirations of overall party landscape.

Challenges of Intra-Party Democracy in India

- 1) Lack of hierarchical devolution of power $\Rightarrow$ centralised party authority.
- 2) No transparency with regards to the party functioning, selection of candidates etc.
- 3) Lack of diversity in allocation of party tickets to candidates.
- 4) No explicit constitutions of parties.

Reforms for Intra-Party Democracy

- 1) Near Formation of Party constitutions and its availability in public domain should be ensured by Election Commission of India.
- 2) Explicit listing of reasons for allocation of party tickets to candidates.
- 3) Mandatory reservations of women, tribals and lower castes in the party composition.
- 4) Conditionality of indirect electoral benefits like free copies of electoral roll, no. of state campaign vans etc. dependent on level of intra-party democracy.
- 5) Legally mandated regular elections within the party.

Therefore, Election Commission of India, along with active citizenry, robust legal standards and global best practices can help in ensuring intra-party democracy.

15.

"एन एच आर सी (NHRC) को न केवल एक निगरानी संस्था होना चाहिए, बल्कि हाशिए पर उपस्थित और उत्पीड़ित लोगों के लिए आशा की किरण भी बनना चाहिए।" इस संदर्भ में भारत में राष्ट्रीय मानवाधिकार आयोग (एन एच आर सी) की भूमिका और अधिदेश पर चर्चा करें। एन एच आर सी की वर्तमान संरचना और कार्यप्रणाली इसकी स्वतंत्रता और प्रभावशीलता को किस प्रकार प्रभावित करती है? (250 शब्द, 15 अंक)

"The NHRC must not only be a watchdog but also a beacon of hope for the marginalised and oppressed." In this context discuss the role and mandate of the National Human Rights Commission (NHRC) in India. How does the current composition and functioning of the NHRC affect its independence and effectiveness? (Answer in 250 words, 15 marks)

The National Human Rights Commission
Act, 1993 establishes NHRC as the
beacon of hope for the upliftment
and compliance of India's
commitment to universal declaration
of human rights.

Role and Mandate of NHRC

1) Investigating in cases of human
rights violation and preparation
of reports for same.

Eg: NHRC investigated the cases
of worker's rights violation
during commonwealth games.

2) Periodic visits and surveys to
assess the conditions of
weak and vulnerable.

Eg: NHRC's reports on prison
under trials.

- 3) NHRC's also conducts suo-moto inquiries of PIL petitions to strengthen the cause of petitioners.
- 4) NHRC is responsible for representing India at the summits of UN for human rights violations.
- 5) Provides policy inputs for government mechanisms to ensure safety of human rights.
Eg: NHRC's involvement in MASTE's 'NAMASTE' scheme for manual scavengers.

Composition of NHRC and its Independence and Effectiveness

composition $\Rightarrow$ CM of NHRC $\Rightarrow$ Retired judge of Supreme/High court
+
6 members $\Rightarrow$ Judges, policy experts
+

Ex-officio members:

- (a) CM of NCSC
- (b) " " NCST
- (c) " " NCBC
- (d) " " NCW
- (e) " " Person with Disabilities
- (f) " " Minority linguistic officer.

Effect on Independence

- 1) NHRC does not enjoy the powers of civil court.
- 2) Dependent on the financial allocations of government.
- 3) The CM and members are appointed by government $\Rightarrow$ affects independence.
- 4) Delays in reports of NHRC due to financial cuts and vacancies in appointment.
- 5) No accountability of government to implement the recommendations of NHRC.
- 6) Jurisdictional issues between National and State HRC.

Improvements:

- 1) According status of constitutional body to NHRC.
 - 2) Independent selection process for appointments to NHRC.
 - 3) Independent financial channels
- Therefore, in order to ensure the relevancy and effectiveness of NHRC, imperative to implement reforms.

16.

भारत में चुनावी वित्तीयन विधिक खामियों और राजनीतिक अक्षमताओं की दोहरी मार से भरा हुआ है। इस संदर्भ में, चुनावी वित्तीयन की चुनौतियों पर चर्चा करें। इस संबंध में भारत वैश्विक सर्वोत्तम प्रथाओं से क्या सीख ले सकता है? (250 शब्द, 15 अंक)

Electoral funding in India is fraught with the double whammy of legal loopholes and political inefficiencies. In this context, discuss the challenges to electoral funding. What lessons can India draw from global best practices in this regard? (Answer in 250 words, 15 marks)

Electoral funding is a key challenge to free and fair elections in India, with nearly 30% of black money being laundered through electoral means. (Pew Research Center)

Challenges to Electoral Funding

(A) Legal loopholes

- 1) Lack of robust legal framework for electoral funding, especially post electoral bond judgement of 2024.
- 2) Lack of public accountability mechanisms.
- 3) Inability of ECI to furnish electoral expenses of candidates.
- 4) Sec 77 of RPA $\Rightarrow$ The party expenditure is not counted with candidate expenditure.

(B) Political Inefficiencies

1) Magnetisation of chunk of electoral funding by the big national parties.

Eg: ADR Data $\Rightarrow$ 60% of 100 bonds were taken by 4 major National parties.

2) Issues of cash flow and anonymity of donations below ₹20,000.

3) Lack of clear defined routes for funding $\Rightarrow$ behind the door, intrans parent funding.

4) Establishment of corporate-criminal-political nexus.

Lessons for India from Global Best Practices

1) USA $\Rightarrow$ Public funding, dependend on the vote share of the party.

2) UK $\Rightarrow$ National commission for electoral funding that

ensures transparency and openness in funding.

- 3) France, Germany, Italy have experimented with partial state funding of elections.

Reforms lessons for India

- 1) Public Fund corpus donated by regular citizens, on the basis of their political preferences, administered by Election Commission.
- 2) Partial state funding of elections (Dinsh Goswami Committee recommendation).
- 3) Repealing sec 77 of RPA.
- 4) Public availability of sources information, funding even below ₹20,000 limit.

Therefore, in order to ensure free and fair elections, electoral funding reforms are necessary.

17. दबाव समूह लोकतंत्र की सामाजिक नींव का निर्माण करते हैं। इस संदर्भ में, भारत में श्रमिकों के लिए सामाजिक सुरक्षा उपायों को बढ़ावा देने में दबाव समूहों के प्रमुख योगदान पर चर्चा करें और बताएं कि वे मौजूदा नीतियों में उपलब्ध खामियों को किस प्रकार दूर करते हैं। (250 शब्द, 15 अंक)

Pressure groups form the social foundation of a democracy. In this context, discuss pressure groups' key contributions in promoting social security measures for workers in India, and how they address the gaps in existing policies. (Answer in 250 words, 15 marks)

Pressure groups are the alternate poles of political power, that aim primarily to correct the political gaps, without directly holding political power.

Contribution of Pressure groups in promoting social security mechanisms

- 1) Raising the diverse interests, regional demands of workers.
Eg: Kisan Union $\Rightarrow$ protest against the 3 farm laws.
- 2) channels of dialogue between government and workers.
Eg: 1975 railway workers grievances was led by railway workers pressure groups.

3) changes in the techno-economic society and economy necessitates the pressure groups to address policy gaps.

Eg: Pressure groups leading the cause of social security for gig workers.

4) Pressure groups are exceptionally influential in raising the cause for vulnerable sections like females, low castes, trans genders etc.

Eg: SEWA (NGO) $\Rightarrow$ raises cause for equal pay for females etc.

Challenges of pressure groups

1) obstructionist nature of some PGs.

2) violence and hated promotion.

3) External propaganda.

Eg: Jayatapura Nuclear site $\Rightarrow$ protests by pressure groups, funded by french agencies.

Nonetheless, pressure groups are a key pillar of a successful and vibrant democracy, ensuring filling of policy gaps and overall betterment of the society.



18.

संविधान में भारतीय संघीय राजनीति के कार्यकारी क्षेत्र में "संघीय सर्वोच्चता के सिद्धांत" की परिकल्पना की गई है। प्रासंगिक संवैधानिक प्रावधानों और वाद एवं विधियों का हवाला देते हुए चर्चा कीजिये। शक्तियों के वितरण से संबंधित विवादस्पद मुद्दों का समाधान किस प्रकार किया जाता है? (250 शब्द, 15 अंक)

The Constitution envisages the "principle of federal supremacy" in the executive space of Indian federal polity. Discuss while referring to the relevant Constitutional provisions and case laws. How are contentious issues regarding the distribution of powers resolved? (Answer in 250 words, 15 marks)

S.R. Bommai judgement of supreme court is a hallmark of principle of federal supremacy, in the executive space of Indian federal polity.

Constitutional Provisions

- 1) Schedule 7 of the constitution clearly demarcates the legislative ambit of federal governments.
- 2) Article 131 $\Rightarrow$ original jurisdiction of the constitutional disputes b/w centre & states dealt by supreme court $\Rightarrow$ independence of judiciary.
- 3) Schedule 5 and 6 $\Rightarrow$ devolution of power to the tribal areas for federal governance.
- 4) Article 279 and 280 $\Rightarrow$ GST council and Finance commission ensures that fiscal federalism is maintained.

Case Laws

- 1) S.R. Bommai Judgement $\Rightarrow$ states are sovereign in their ambit of influence, and not mere tentacles of the government.
- 2) Arbitrary use of Article 356 is against the constitutional principles of federal supremacy.

Contentious issues

- 1) Art 356 $\Rightarrow$ President's rule
- 2) Art 200 $\Rightarrow$ reservation of bills by the governor for President.
- 3) Art 350 $\Rightarrow$ centre has responsibility for maintenance of peace in states.
- 4) Art 293 $\Rightarrow$ states cannot borrow from external sources, without centre's consent.
- 5) Parliament, without the consent of states, can delegate functions of centre to the state.

Conflict Resolution

- 1) Art 263 $\Rightarrow$ Inter-state councils $\Rightarrow$ discussion and dialogue between the centre and states.
- 2) Art 279 $\Rightarrow$ GST council to resolve financial disputes.
- 3) zonal councils for horizontal cooperation between states.
- 4) Art 131 $\Rightarrow$ The Supreme Court can resolve disputes b/w centre & states.
- 5) Governor can act as mediator between the conflict of states and centre.

Therefore, federal supremacy is a part of basic structure of the constitution, that needs to be respected and practiced in spirit and speech.

19. निम्नलिखित प्रतिनिधित्व सुनिश्चित करने और एक वोट, एक मूल्य के सिद्धांतों को बनाए रखने के लिए सीटों का परिसीमन आवश्यक है। निर्वाचन क्षेत्रों में गलत प्रतिनिधित्व से उत्पन्न चुनौतियों पर प्रकाश डालते हुए संबंधित तनाव उत्पन्न करने में जनसंख्या-आधारित परिसीमन के प्रभावों का विश्लेषण कीजिये। (250 शब्द, 15 अंक)

Delimitation of seats is essential to ensure fair representation and uphold the principles of one vote, one value. Highlighting the challenges posed by misrepresentation in constituencies analyse the ramifications of population-based delimitation in creating federal tension. (Answer in 250 words, 15 marks)

Delimitation of seats refers to the demarcation of electoral boundaries of constituencies, which is undertaken by the delimitation commission.

Importance of delimitation

- 1) Upholding the representation ratio between states.
- 2) Upholding the representation to seat ratio within one state.
- 3) Importance for democracy ⇒ one person, one vote, one value.
- 4) Equalises the variations of population distribution, by seat to population ratio.

Challenges of misrepresentation in constituencies

- 1) Distortion of representation ratio.
Eg: 1 seat in UP $\Rightarrow$ 10,00,000 people
1 seat in Rajasthan $\Rightarrow$ 2,00,000 people.
- 2) Demographic filtration within constituencies can lead to polarising politics. $\Rightarrow$ gerrymandering.
- 3) Differences in representation can fuel secessionist and sub-regional tendencies.
- 4) Delimitation modifies the voting behaviour.

At present, India follows the population-based delimitation methodology, where the no. of seats in parliament are determined by persons/seat.

Ramifications of Population-based delimitations

- ① Disparities in representation, especially between north and south states.

Eg: Densely populated states of UP, Bihar, MP etc. $\Rightarrow$ more no. of

seats in Parliament, as compared to less densely populated southern states.

② Representation ratios within Parliament can get distorted $\Rightarrow$ problems of northern bend in policies, budgets etc.

③ Over representation of northern and western states, as compared to south-eastern states.

$\Rightarrow$ Federal tensions and conflicts.

solutions

1) Destination based voting instead of source constituency $\Rightarrow$ migrant work flow from north to south $\Rightarrow$ better representation of southern states.

2) Normalisation of representation ratio to maintain uniformity.

3) Dialogues & discussions on delimitation.

Therefore, for the cooperative federalism to function, delimitation parity is necessary.

20.

उच्च न्यायालयों का ध्यान "संवैधानिक मामलों" से हटाकर रोजमर्रा के मामलों पर केंद्रित करने के लिए जनहित याचिका प्रणाली को किस सीमा तक जिम्मेदार ठहराया जा सकता है? उच्च न्यायालयों पर समग्र बोझ को कम करने में ट्रायल कोर्ट क्या भूमिका निभा सकते हैं? (250 शब्द, 15 अंक)

To what extent can the PIL system be held responsible for shifting the focus of the higher Courts from "constitutional matters" to day-to-day matters? What role can the trial Courts play in reducing the overall burden on higher Courts? (Answer in 250 words, 15 marks)

Public Interest Litigation is conceptualised on the principle of non-locus-standii and democratizes the judicial appeals to ensure social justice.

PIL's ⇒ Responsible for shifting focus of higher courts

(A) Yes, the PIL's have shifted focus from constitutional matters

1) Increase in no. of petitions filed in regard to trivial routine matters, primarily in ambit of lower courts.

Eg: RTI for school data petition in supreme court.

2) Removal of locus-standii principle has led to democratization in access to higher courts.

3) PIL's have also increased the work load of higher judiciary to conduct routine investigation ⇒

less resources for constitutional matters.

(B) No, PIL's have not shifted focus

1) PIL's have made routine floutings into important constitutional matters.

Eg: PIL $\Rightarrow$ Hussainara Khatoon case $\Rightarrow$ Right to speedy trial under Article 21.

2) PIL's have helped the judiciary to keep pace with changing nature of grievances.

Eg: MC Mehta case $\Rightarrow$ Polluter's Pay Principle.

Role of trial courts in reducing burden on judiciary

1) quick decision-making, with narrow area of specialisation.

Eg: Women's case $\Rightarrow$ Women's trial courts.

2) Necessary expertise and resources to deal with specific sets of cases.

Eg: Electoral malpractices $\Rightarrow$ Election disputes Trial courts.

3) streamline the functioning of judiciary, by reducing burden on higher courts.

4) PIL's can also be channelised to trial courts, so that routine cases can be handled by trial courts.

5) Helps address the pendency of cases and burden on judiciary.

Therefore, effective and rationalised trial courts can help in reducing the burden of judiciary, provided that it sector-focussed, independent, free of bureaucratic procedures and efficient.

NEXT IAS

Space for Rough Work

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Space for Rough Work

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महत्वपूर्ण निर्देश	
अभ्यर्थियों को निम्नलिखित निर्देशों को ध्यानपूर्वक पढ़ना चाहिए। किसी भी निर्देश का उल्लंघन करने पर दण्डित किया जा सकता है।	
क्या न करें- 1. इस प्रश्न-सह-उत्तर पुस्तिका के भीतर कहीं भी अपना नाम या पंजीकरण संख्या न लिखें। 2. अपनी QCA पुस्तिका में कहीं भी प्रश्नों के वास्तविक उत्तरों के अलावा कुछ भी न लिखें। 3. अपनी QCA पुस्तिका से कोई भी पृष्ठ न फाड़ें, यदि आपको कोई पृष्ठ गायब लगे, तो पर्यवेक्षक/निरीक्षक को सूचित करना न भूलें। 4. अपनी QCA पुस्तिका को अपनी टेबल पर न छोड़ें, परीक्षा समाप्त होने के पश्चात इसे निरीक्षक को सौंप देना चाहिए।	क्या करें- 1. कवर पृष्ठ पर दिए गए निर्देशों को ध्यान पूर्वक पढ़ें और उनका सख्ती से पालन करें। 2. QCA पुस्तिका के कवर पृष्ठ पर दिए गए स्थान पर अपना पंजीकरण नंबर और अन्य विवरण लिखें। 3. स्पष्ट और पठनीय तरीके से लिखें। खराब/अपठनीय लिखावट में न लिखें। 4. रफ नोट्स या गणना के लिए, इस पुस्तिका के अंतिम दो खाली पृष्ठों का उपयोग किया जाना चाहिए। रफ नोट्स को बाद में क्रॉस कर देना चाहिए। 5. यदि आप किसी कार्य को रद्द करना चाहते हैं, तो उस पर अपना पेन चलाएं या उस पर "रद्द" लिखें, अन्यथा उसका मूल्यांकन किया जा सकता है। 6. परीक्षा हॉल छोड़ने से पहले अपनी QCA पुस्तिका व्यक्तिगत रूप से निरीक्षक को सौंप दें।

ऑनलाइन सुविधा का लाभ उठाने वाले अभ्यर्थियों के लिए विशेष अनुरोध
1. QCA पुस्तिका को ठीक से स्कैन करें। हम चाहेंगे कि आप स्कैनिंग के लिए कैमस्कैनर ऐप (CAM SCANNER) का प्रयोग करें। (यह कोई प्रमोशन नहीं है)। 2. कृपया QCA पुस्तिका को पर्याप्त रोशनी में स्कैन करें। कम रोशनी में स्कैन की गई पुस्तिकाएं, उनके मूल्यांकन की गुणवत्ता को बाधित कर सकती हैं। 3. स्कैन के दौरान छाया वाले किसी भी पृष्ठ/पीडीएफ को फिर से स्कैन किया जाना चाहिए। कृपया सुनिश्चित करें कि आपके द्वारा अपलोड की गई पीडीएफ यथा संभव स्पष्ट हो । 4. QCA पुस्तिका का उपयोग नहीं करने वाले उम्मीदवारों को अपना विवरण पहले पृष्ठ पर देना चाहिए और मैक्रो टिप्पणियों के लिए अगला पृष्ठ खाली छोड़ दें। यह समझना चाहिए कि उत्तर स्कैन की गई पीडीएफ में पृष्ठ नंबर 3 से शुरू होना चाहिए। 5. QCA पुस्तिका का उपयोग नहीं करने वाले उम्मीदवारों को प्रश्नपत्र के अनुसार उत्तर के अनुक्रम का पालन करना चाहिए। 6. कृपया स्कैन किए गए संस्करण में उत्तर के अनुक्रम और कुल पृष्ठों की संख्या की जाँच करें। सुनिश्चित करें कि यह उसी के भौतिक संस्करण के अनुरूप है।

