

1 Recently the word 'Laïcité' was in use. Explain what Laïcité is. Why was it in the news recently? (10 Marks, 150 Words)

92.5

Your content of the answers is quite good.

Your presentation and structuring of the answers is also good.

You have attempted all the questions which is commendable..

Use of examples, case study, data, facts is good. Keep it up.

Your handwriting is also good.

Keep writing answers. you have potential to score high.

All the best.

Laïcité is the French model of secularism and was in news due to rebroadcasting of French teacher Samuel Pahy, who showed cartoons of Prophet Mohammad to students.

This led to debate around "Laïcité"

→ Laïcité explained :-

(i) unique version of french secularism.

(ii) It was signed in 1905 to prevent return of Church in socio-political realm

(iii) Laïcité < separation of church & religion  
safeguard freedom of religion

(iv) The separation between state & religion

is very strict :-

- children not taught religion in school
- religious marriages not recognized
- no expression of religious symbols by state employees.

[Laici stands different from the Indian model of secularism, wherein state treats all religions as equal.

This is the "positive model of secularism", whereas laici is negative model.

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2. India's constitution development process started from the 1850s. Explain. (10 Marks, 150 Words)

officially the process of constitution making began with election of Constituent Assembly in 1946, but it was in fact since 1850s, especially post 1857 that the constitutional development had started.

• Charter Act 1853

- ↳ Created Indian Legislative Council.
- ↳ Separating executive from legislature

• Indian Council Act 1861

- ↳ nominating Indians to Council
- ↳ portfolio + decentralisation + ordinance.

• Indian Council Act 1892

- ↳ power to discuss budget + ask questions

## • Indian Councils Act 1909

- ↳ elections to council
- ↳ Indians in viceregal executive council

## • Govt Act 1919

- ↳ decentralization
- ↳ central & ~~provincial~~ provincial list.
- ↳ responsible govt at provincial level.
- ↳ bicameralism.

## • Govt Act 1935

- ↳ "mini constitution"
- ↳ RBI, Supreme Court
- ↳ Federalism
- ↳ federal & provincial commissions estd.

Explain some of the points.

Do not just write keywords.

3. Sub categorization of the OBC (other backward classes) will be beneficial to the OBC communities. Comment. (10 Marks, 150 Words)

The tenure of OBC sub categorisation committee or Justice Rohini Committee was extended by Govt.

- A/5 & 16 : OBC get 271. reservation (Indira Sawhney case).

- subcategorisation - equitable distribution of benefits among different castes.

total 2600+ castes

983 castes = 01. rep

10 caste = 247. "

Benefits of subcategorisation :-

(i) equitable horizontal proliferation & addressing inequality.

(ii) updation of OBC data = last in 1930s.

(iii) addressing diversity in OBCs

(iv) Reduce inter community friction  
eg:- Jats vs Gujars.

### Drawbacks of Subcategorisation

- (i) challenge from powerful OBC groups.
- (ii) needs syncing with state lists - 11 states have already sub-categorised.
- (iii) Data collection has been accused of being a flawed process.
- (iv) Constitutional amendment required - political consensus missing.

Good answer.

multitiered subcategorisation based on latest & correct data is the need of the hour. In addition to this, other measures are needed to achieve equality of { States  
opportunities

4. How is the President of the USA elected? How is this different from Indian President?  
(10 Marks, 150 Words)

USA has a presidential form of Government whereas Indian parliamentary system sees president as a ceremonial head.

~~Differences~~

→ Election of US pres :-

- (i) Only US citizens by birth are eligible
- (ii) Primaries = secret ballot  
Caucuses = hand show vote  
→ to nominate presidential candidate.
- (iii) National convention   
    ↳ endorse Pres. candidate  
    ↳ select VP
- (iv) elections — citizens 18+ vote for electoral college, which elects pres. (538 votes)

# Difference between US & Indian presidential elections:-

(i) Indian president  $\leftarrow$  not directly elected  
electoral college of elected reps.

(ii) Indian election = proportional representation by single transferable vote  
 $\rightarrow$  US = majority

(iii) In India, President & VP elections separate.

(iv) single election Commission — ECI.

US = states responsible for elections.

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The difference in elections outlines why US Pres is de facto head while Indian Pres is de jure head.



5. Critically discuss the social media rules brought in by the IT ministry. (10 Marks, 150 Words)

Social media guidelines have been brought by IT ministry under IT Act 2008 to regulate activities of social media companies (SMCs)

→ Key provisions:

- (i) SMCs to identify "First Originator" of anti-national content.
- (ii) grievance redressal in 15 days.
- (iii) Chief Compliance officer
- (iv) SMCs to file compliance report + action report.
- (v) limits on category of content that can't be hosted.

## Issues :-

- (i) flouting Individual privacy = originator class.
- (ii) ~~controversy~~ AI9 - Freedom of speech & expression
- (iii) Can be used by government to silence opponents & critics.
- (iv) lack of data protection required.
- (v) Rules brought without consultation.

The new rules bring a classic dilemma between protecting FOI/E vs national security. The need is to introduce right, fair & just regulations based on dual ~~conclusions~~ consultations.

6. What is the difference between first past the post system (FPTP) and Proportional Representation (PR)? Should India move from FPTP to PR for general elections? (10 Marks, 150 Words)

FPTP system is the simple majority system where candidate with highest no. of votes wins. eg:- General elections in India. ✓

Prop. representation (PR) = seats distributed in house in proportion to ~~seats~~ votes cast for each party. eg:- Israel, Portugal. ✓

F P T P ✓

- small but multiple constituency
- every constituency elects 1 representative
- voter votes for candidate
- winning candidate may get < 50% votes

PR ✓

- usually the nation is treated as 1 constituency
- multiple reps. elected
- votes for party.
- winning candidate > 50% votes.

## Issues with FPTP :-

- (i) excludes small parties.
- (ii) votes & seats not in proportion.
- (iii) wastage of votes.
- (iv) majoritarian / vote bank politics.

## Issues with PR :-

- (i) complicated process.
- (ii) confusing process.
- (iii) instability ↑
- (iv) party >> candidates.

3/10

There is a need to deepen democracy.  
Paralelly PR should be used in local  
govt elections.

7. What was held in the Kedar Nath case? In this context discuss the need to reform sedition provision. (10 Marks, 150 Words)

Kedar Nath Case of 1962 was a major verdict involving the law of sedition, under section 124A of IPC. Recently, Kedar Nath Case of 1962 was used to protect journalists from sedition.

Kedar Nath Case of 1962 :-

- (i) Kedar Nath Case of 1962 revolved against the charges of sedition levelled the communist leader of Bihar.
- (ii) The SC upheld Constitutional validity of Sec 124A.
- (iii) At same time, it called for restriction of scope of misg.

(10) Curb on Government w/o call for violence cannot be call for sedition.

Need for reform in sedition law :-

- (i) arbitrary application of law.
- (ii) curbing freedom of speech & expression under A19 :- eg:- Vineet Dua
- (iii) low conviction rate - 30.31 (NCRB).
- (iv) alleged use of law to suppress government criticism.
- (v) low number of democratic states using this provision - US, UK repealed.
- (vi) Censured by Grandhiji & other leaders.

4/10

a proper criminal code is needed on lines of UCC, based on stakeholder consultations & generating consensus.

8. Discuss the constitutional provisions related to the Election Commission of India (ECI). What reforms are needed in the ECI? (10 Marks, 150 Words)

Article 324 constitution talks about an Election Commission to conduct election to Lok Sabha, Rajya Sabha, State assemblies, President & Vice president.

Provisions in Constitution :-

(i) EC strength = 1 Chief EC & Other ECs as determined by President.

(ii) Appointed by President.

(iii) CEC = equal among equals - decision by consensus = equal powers + salary + emoluments

(iv) Conditions of service + tenure = determined by President.

(v) hold office for 6 yrs / 65 yrs, whichever earlier.

need for

## Reforming the ECI

(i) no qualifications prescribed by the Constitution, neither term.

(ii) no debate on future appointment

(iii) no role of opposition & state.

(iv) no legal powers to ECI → deregister of political parties, violators.

Dinesh Goswami & 2<sup>nd</sup> ARC have

put forward certain recommendations like Collegium system for appointment, expand

diversity of members, law for election of E

Separate funding outside law ministry etc

3.5/10



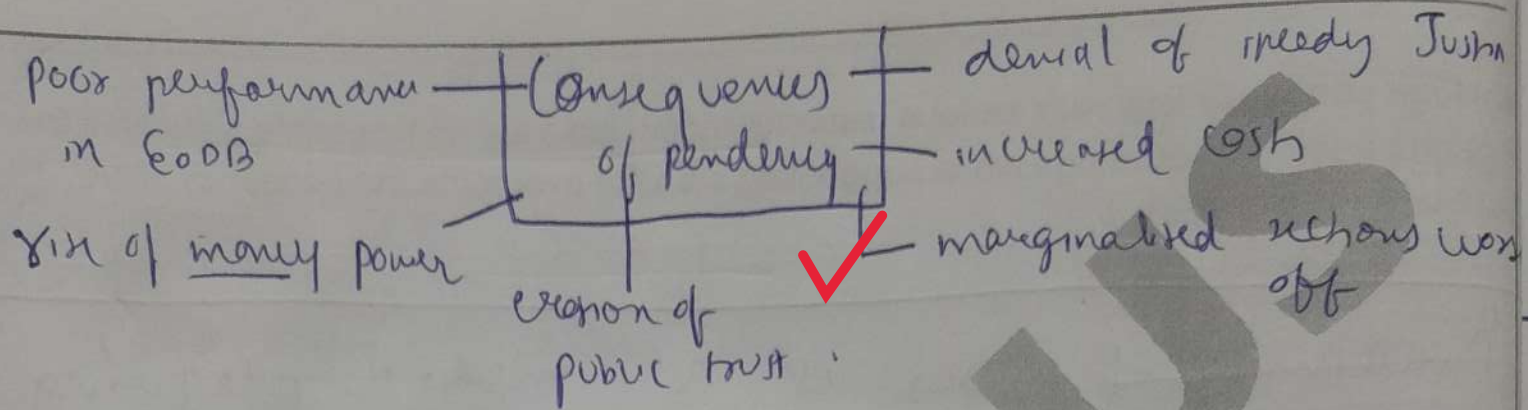
9. Huge pendency is a very serious issue for Indian judiciary. In this context analyse the reasons and consequences while suggesting steps to overcome the pendency issue. (10 Marks, 150 Words)

Pendency of cases is a menace plaguing Indian Judicial system thru ages.

Pendency - SC = 60000+  
HC = 3.8L+  
Lowercourt = 2.7 crore +

Reasons for pendency of cases:-

- (i) Poor infrastructure = courtrooms, research & secretarial infrastructure.
- (ii) vacancies = over 40% seats in HC vacant
- (iii) no ~~is~~ time frame to discuss the cases
- (iv) Government as largest litigant = ~49% cases.
- (v) low quality of Judgements   
 <pre>graph LR; A[low quality of Judgements] --> B[re-framing]; A --> C[re-appeal];</pre>



Steps to reduce pendency :-

- (i) rationalising on of SLP = A 136
- (ii) filling up vacancies - Contingent protocol
- (iii) digitisation & paperless courts
- (iv) All India Judicial Services = reducing vacancies in lower court.
- (v) introducing ADR - especially in Govt contracts

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Judiciary is pinnacle to preserving the democratic fabric. Reforms are thus the need of the hour.

10. What are the grounds and process for the proclamation of the emergency? What are its consequences on the centre state relations? (10 Marks, 150 Words)

A 352, 356/360, 360 talk about different types of emergency that can be applied in Indian political context.

A 352 = national emergency

A 356/360 = President rule

A 360 = financial emergency.

Proclamation of emergency = refers to national emergency (A 352)

• Conditions / Grounds :-

(i) declared by President.

(ii) declared when India / part of India is threatened by war / external aggression / armed rebellion.

(iii) internal disturbance replaced in 44<sup>th</sup> CA

(iv) declared anti-facto

(v) declared on written recom. of Cabinet (44<sup>th</sup> CA - 1978)

Consequences of centre state relations

(i) The structure of polity becomes unitary from federal.

(ii) Centre can direct a state on any matter on exercise of its executive power.  
↳ states bound

(iii) state govt not suspended but under central control

(iv) Parliament can make any law on state list

(v) laws inoperable 6 months post ceasing of emergency

(vi) Modification of financial relations between Centre & states.

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11. Woodrow Wilson, wrote in 1885: "It is not far from the truth to say that Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work." In this context discuss the role played by Department related standing committees (DRSC) in India. (15 Marks, 250 Words)

## Department Related Standing Committees (DRSC)

came into existence in 1993. Currently there are 24 such DRSCs.

\* Parliament in session is exhibition

- low productivity of sessions.
- falling quality of leaders, debates, etc.
- logjam, disruptions & controversy.
- live streaming session helps politicise the floor of the house.
- structural weaknesses in the open broadcasting of sessions.

## • Role of DRSCs:-

- (i) secures accountability of executive to legislature -
- (ii) assists parliament in debate + scrutiny.
- (iii) examining bills + demand for grants
- (iv) studying policy proposals + annual reports

## — Successes / merits of DRSCs :-

- (i) meetings devoid of party bias.
- (ii) flexible + task oriented approach.
- (iii) comprehensive + detailed analysis of government performance.
- (iv) invites experts to testify + opinionate.

Limitations / issues wst their working :-

- (i) suggestions not enforceable.
- (ii) absentism - as pointed by Hon'ble UP  
Naidu.
- (iii) short tenure = 7 yr.
- (iv) Reduction in no. of bills referred.

$$\frac{15^{\text{th}} \text{ LS}}{17^{\text{th}} \text{ LS}} = 100\%$$

$$\frac{17^{\text{th}} \text{ LS}}{17^{\text{th}} \text{ LS}} = 17\%$$

If parliament is the temple of democracy then just working of DRSCs help keeping the faith of devotees (citizens) in the temple intact.

6.5/15

12. Differentiate between Gram Nyayalaya and lok adalats. How will these help in achieving the mandate of Article 39A? (15 Marks, 250 Words)

Article 39A, introduced by 42<sup>nd</sup> CAA, asks state to secure just & approachable legal institutions to all citizens, especially free legal aid to all people.

Objective: securing justice without any exclusion due to economic / social or other disability.

Gram Nyayalaya

(i) Under Gram Nyayalaya Act 2008

(ii) members play a judicial role

Lok Adalats

(i) under Legal Services Authorities Act 1987

(ii) no judicial role, only conciliatory



## Gram Nyayalaya

(ii) both civil & criminal Jurisdiction

(iv) organised at village level

(v) appeals against judgment possible

(vi) mainstream judicial tool.

## Lok Adalat

(iii) limited areas like insurance, labor, Public Utility etc taken up

(iv) organised from National to taluka level

(v) appeals not allowed.

(vi) mostly a pre litigation / ADR tool

• Role in achieving mandates of A39A :-

(i) Brings courts at doorstep of people.

(ii) Reduces cost of justice - almost nil

(iii) speedy justice - catering to weakest section of society.

- (iv) flexible procedures in local language
- (v) on principal ✓ of natural justice
- (vi) Reduces burden on court system

- despite advantages, certain issues exist. for eg ✓-

- vacancy in cadre -
- lack of infra
- infrequent sessions
- delays
- reappeal via modification -

5.5/15

**Provide a way forward.**

13. Being non justifiable in nature has made Directive Principles of State Policies ineffective. Comment. (15 Marks, 250 Words)

Directive Principles of State Policy (DPSP)  
are mentioned in Part IV of Constitution  
A 36 to A 51. They were borrowed from  
Govt Act 1935 as "instruments of  
instruction to Government"

→ Non justifiability of DPSP :-

(\*) can't be enforced like Fundamental Rights

(i) A 13 = doesn't hold for DPSP

(ii) DPSP - not following not leads to Voidification of law

(iii) not following DPSP - no legal penalty (A 44)

(v) In case of FRs vs DPSP, FRs dominant

DPSPs can't be called ineffective.

(i) A 31 = calls DPSP central to governance of country

(ii) SC = uses DPSP in deciding constitutionality of a law

(iii) Use of statutory law to give primacy to DPSP.

eg:- (i) NALSA Act 1987

↳ for A 39A

(ii) 73<sup>rd</sup> & 74<sup>th</sup> CAA

↳ for A 40

(iv) Dr Ambedkar = "No government in our democracy can't ignore the weight of DPSP while framing laws".

— DPSP help achieve political democracy which is a sin qua non to achieving socio-econ democracy in India.

6/15

14. The Governor is more than a nominal executive head of the state. Explain (15 Marks)  
250 Words)

Art 153 mentions about the profile of Governor for a state. The Governor is the de jure head of state government, or the nominal head.

Governor as nominal head :-

- (i) appointed by president without any role of state.
- (ii) Bound by the aid & advice of the council of ministers.



Governor is more than a nominal head

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- (i) wider array of discretionary powers -
  - reservation of bill for president.
  - recommendation of imposition of President's rule.
  - seeking information w.r.t. administration of state.
- (ii) Situational discretion under wing assembly.
- (iii) special responsibility under scheduled areas. eg:- 5<sup>th</sup> & 6<sup>th</sup> schedule.

(iv) disagreements & confrontations with State government. eg:- West Bengal

Steps to reform role of governor

(i) Sarkaria commission & appointments to governor from people detached from politics

(ii) Rajamannar & compulsory consent of states in appointing Governor

(iii) Follow SR Bommai judgement (1994) in letter & spirit.

6.5/15

The governor not an agent of Center but a constitutional authority of dignity. It must not become the bone of contention between centre & states.



15. What are the significant provisions of the Government of National Capital Territory of Delhi (Amendment) Act 2021? Also explain how Delhi as a Union Territory is different from the normal state of India constitutionally? (15 Marks, 250 Words)

The legislature & elections to the NCT Delhi was formulated in NCT Delhi Act which added A 239AA & A 239AB to the constitution.

• Recently, the parliament amended the act

→ Key provisions of Amendment

(i) Covernment : would imply Lieutenant Governor (LG).

(ii) Rules made by assembly must be consistent with Lok Sabha procedures & conduct rules.

(iii) For any bill outside purview of assembly,  
LG or to reserve for President.

(iv) On certain issues, opinion of LG must be  
taken before implementing actions.

(v) The act prohibited legislative assembly  
from making any rule to enable itself:-

(a) ~~considering~~ considering matters of day to  
day admin.

(b) Conduct administrative enquiry.

- Delhi is different as a UT from normal  
state in following ways:-

(1) 69<sup>th</sup> CAA - gave A 239AA & A 239AB  
= made Delhi UT + admin = LG.

(ii) shares powers  with Centre as UT

(iii) despite legislative assembly, Centre controls land, police & public order.

(iv) Maxm. no. of COM = 7 (10% of strength).

(v) discretionary power of LC wider than Governor.

(vi) CM & ministers appointed by President & hold office during his pleasure.

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→ The NCT Delhi Amendment 2021 appears to bring clarity to role of LC, but experts have called  it an attempt to undermine democratically elected Government.

16. The 42nd amendment to the constitution significantly changed the constitution. Illustrate with examples ? (15 Marks, 250 Words)

The 42<sup>nd</sup> CAA 1976 was introduced by Indira Gandhi govt. at peak of emergency.

The 42<sup>nd</sup> CAA is also called "mini-constitution" due to large scale changes in the constitution brought forward by the act.

Changes by 42<sup>nd</sup> CAA 1976 :-

- (i) introduced socialist / secular / integrity to Preamble.
- (ii) new DPSPs added - A 41A, 39A, 43A

(iii) Fundamental duties introduced under A 51A.

(iv) aid & advice of COM on Presidents binding (A 74).

Explain these more.

(v) Tribunal setup = 4 323A / 323B.

(vi) A 31C = made DRPs supreme to FR.

Positive outcomes from 42<sup>nd</sup> CAA

(i) even though 42<sup>nd</sup> CAA was largely repealed by 44<sup>th</sup> CAA 1978, there were certain provisions that were a welcome change & hence were retained :-

• fundamental duties - A 51A

↳ further expanded under 86<sup>th</sup> CAA,

• A 39 A = helped weaker sections access justice.



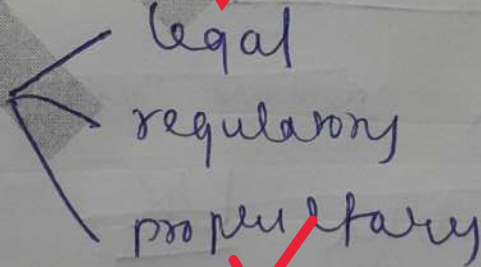
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• changes to Preamble.

17. CAG is the keystone of financial accountability of the executive, Explain. Also mention the issues that limit CAG from effective functioning. (15 Marks, 250 Words)

Articles of the constitution provides for the office of CAG, who is primarily responsible for ensuring accountability of the executive in financial arena.

CAG as keystone of financial accountability

(i) Auditing role   
legal  
regulatory  
proprietary

(ii) Audit Consolidated Fund of India, States & UT of assembly

(iii) Audit Contingency fund Public Accounts etc

(iv) Audits PSUs & other bodies financed by government ✓

(v) He is friend, philosopher & guide to PAC.

(vi) upholds Constitution & laws in field of financial administration

→ Issues with CAG :-

(i) Indian CAG doesn't perform role of Comptroller, unlike UK.

(ii) doesn't audit secret service, military etc.

(iii) no eligibility, qualification for CAG.

(iv) report post facto ✓

(v) auditing a repetitive exercise.



(vi) doesn't audit PRIs & ULBs.

Way forward :-

(i) Curbing role of Comptroller

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(ii) Collegium system to appoint CAG.

(iii) Bring PPP PRIs & govt. funded

sources under CAG purview.

18. Arunachal Pradesh and Ladakh are demanding 6th schedule status. Explain why there is a demand. In this context, discuss the benefits a state gets with the 6th schedule. (15 Marks, 250 Words)

6<sup>th</sup> schedule + Army protect the tribal areas of Assam, Meghalaya, Mizoram & Tripura.

Recently UTs of Ladakh & Arunachal have had political groups raising demand for inclusion in 6<sup>th</sup> schedule.

→ need for the demand :-

Arunachal :-

(i) A371H - incomplete protection of rights of indigenous people.

(ii) state wants to have power of legislation over land.

(ii) to preserve local traditions & customs of tribals.

Ladakh ...

- (i) Limited powers with the Ladakh Council
- (ii) fear of entry of outsiders post repeal of AJTOA & 35
- (iii) Leh bears ignorance with Ladakh taking centrality as UT capital.

→ Benefits of 6<sup>th</sup> schedule :-

- (i) tribal areas in 4 states = 10 autonomous district. (AUD)
- (ii) Subdivision of AUD into regions based on other tribes.
- (iii) power to legislate on certain list -

land, forest, inheritance, social customs etc

- (iv) managing & ✓ constructing schools, ma  
ferous etc.
- (v) regulating money lending & trading by wa
- (vi) collecting, assessing & imposing certain ta
- (vii) Acts of parliament ✓ doesn't apply  
apply with mo

6/15

Recently, certain changes have been  
introduced for 6<sup>th</sup> schedule states,  
with Finance Commission, ✓ transfer of subject

19. There is a need to reform the collegiate system of judiciary. Discuss. (15 Marks, 250 Words)

Judges of SC & HC are appointed by president under A 124 & 217. The names are recommended by the collegium system, headed by CJI, as estd. by 2<sup>nd</sup> Judges Case.

At present, Collegium ✓ CJI ✓ + senior most judges

evolution of collegium system :-

(i) before Collegium - executive involvement in selection of judges ✓

↳ misused by Indira Gandhi

(ii) In 2<sup>nd</sup> Judges Case = CJI + senior most judges to be consulted. ✓

(ii) 3<sup>rd</sup> Judges Case (1993) = minimum

Strength increased from 2 to 4.

Issues with Collegium system :-

(i) Considered a non transparent system.

(ii) no constitutional backing

(iii) India only country where Judges appoint themselves.

(iv) Law Commission = Judiciary suffering from "Under Judged Syndrome".

(v) Red tapism in Judiciary due to vacancy and diversion of judges.

(vi) underrepresentation of minorities, women.

## Way forward :-

- (i) need to balance transparency with independence.
- (ii) diversify collegium with appointing judges, constitutional experts etc.
- (iii) follow appointment system of UK / South Africa.

5.5/15

20. The working of legislatures of states and parliament has been hit during the Pandemic. Discuss the reasons and suggest reforms. (15 Marks, 250 Words)

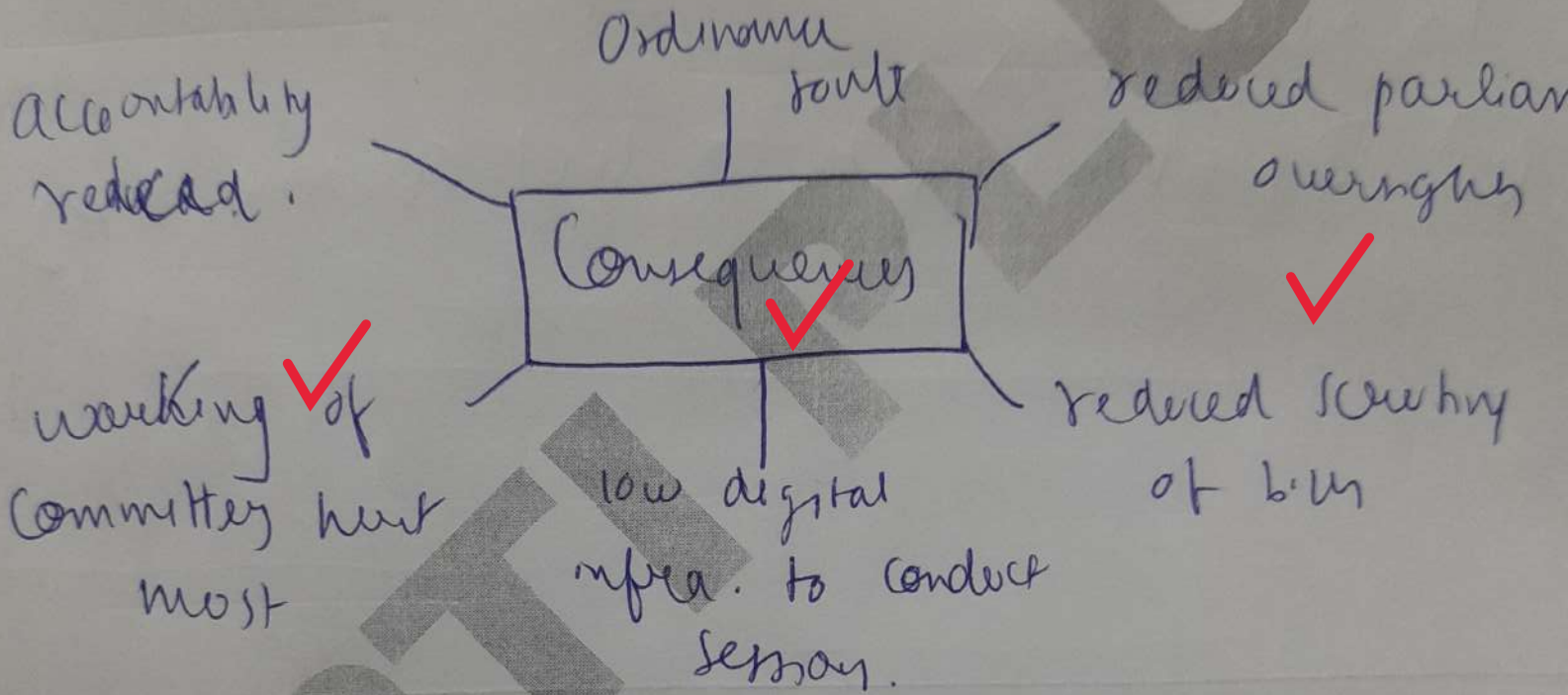
According to data by PRS, the productivity of assemblies across the state & central level has fallen to drastic low, even below the pre pandemic low.

Impact of Corona on legislatures :-

- (i) Cancellation of session
- (ii) curtailment of sessions → in Lok Sabha < 30 days of sittings were held.
- (iii) meetings of committees were cancelled.



- (iv) decline in attendance ✓ MPs / MLAs  
secretarial staff
- (v) swapping of question hour.



Reason for impact of pandemic :-

- (i) steps taken to prevent spread of infection. ✓
- (ii) most MP/MLAs over 50+ = susceptible to infecting. ✓

(i) lockdown would restrict the movement of parliamentarians.

(ii) legislatory involved in constitution for relief work.

5/15

(iii) Digital infra to conduct sessions may