



TLP Plus (ILP) 2020

IASbaba's Mains Answer Writing Programme

Test 1

Candidate Name:	SARVJEET KUMAR	Date:	25.11.2019
Mentor's Name:		Roll No:	

Table of Marks			Instructions
Q. No.	Maximum Marks	Marks Obtained	<p>Please read each of the following instructions carefully before attempting the questions:</p> <ul style="list-style-type: none">There are TWENTY questions.All questions are compulsory.Questions 1 to 8 carry 10 marks each.Questions 9 to 14 carry 15 marks each.The duration for the test is 120 minutes.The answers must not exceed 150 words for 10 markers and 250 for 15 markers.Content is more important than the number of words. <div>59 250</div>
1	10	2	
2	10	3	
3	10	3	
4	10	2	
5	10	2½	
6	10	2½	
7	10	2	
8	10	3½	
9	15	3½	
10	15	4	
11	15	4	
12	15	3½	
13	15	1½	
14	15	3	
Total Marks:		Total Marks Obtained:	
170		40	

REACH US

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OVERALL FEEDBACK/COMMENTS

To be filled by the examiner

- ① Introduction should be 2-3 lines
- ② Give break between big paragraph + use line/space
- ③ write different points in bullets
- ④ Do not skip conclusion
- ⑤ Introduction should contain sub'de / Data / Recent incident / definition
- ⑥ Cover all aspects of the question
- ⑦ Structure should be as per the demand of question. Ref us to approach mentioned in few answers

Parameters	Overall assessment
Content	5 / 16
Structure	3 / 16
Presentation	3 / 10
Value Addition	3 / 10

1. The working of the Constitution does not depend wholly upon the nature of the Constitution. Ultimately, it is the people who remain most critical in constitutional governance. Do you agree? Substantiate your viewpoint. (10 Marks)

Candidates must not write on this margin

can define nature of constitution or refer to Preamble where people are said to be imp in constitutional governance

According to National Commission to review the working of the Constitution

there is need of more people participation, more devolution of power & probity in governance.

If people don't become participatory then Constitution is just a rulebook.

many problems like corruption, nepotism, gender biasness, cast, religion based biasness, can be addressed only when people should have correct intention towards abolition of these problems.

2 aspects should be covered
 1) People centric governance
 2) People carrying out governance (pol. parties & bureaucracy)
 → misuse of Art 356.
 → corruption
 → non-working of Inter-State Council
 → misuse of Art 123
 + give examples

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Candidates
must not
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There is well defined legal
frame-work, separation of power
among legislative, judiciary,
executive & well codified
statute ~~to~~ i.e. supreme law
of land our constitution. But
ultimately people ~~to~~ who make
constitutional governance alive
or functional.

Conclusion ??

3

2. The Forty-Second Amendment was a remarkable piece of legislation with significant constitutional implications for governance. Elucidate. (10 Marks)

Candidates must not write on this margin

After Emergency of 1975, in 1976 new government formed, & it came out with 42th Amendment act to redefined democratic values, Parliamentary structure.

42th Amendment act is considered as mini-constitution as many changes took place in it.

3+ ideas enacted during Emergency
So there were many provisions which were centralised in nature & Anti-democratic.

For governance there was provision of introducing more subjects in Concurrent list (for better federal structure).

Second provision was making President to be bound to advice of cabinet & Prime minister.

You have written about changes, not about their impact on governance.
→ Prez → nominal head
→ bound by advice of Govt.
→ Federalism impacted
→ State list added to concurrent list
→ Impact on Judiciary.
→ Reduced basic structure
→ Judicialization
→ Govt governance.
→ Not impact Act

How these provisions impacted governance

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Third provision were about Fundamental rights. Fundamental rights became limited & were not questionable in court at law.

Fourth provision regarding fundamental duties. There was introduced a new article regarding this i.e. Article 51(A).

Fifth provision regarding DPSP. It was given more preference prior to Fundamental right.

In nutshell 42th amendment act was a arbitrary action had a mix impact on Indian democracy.

refer to 44th amendment which nullified some provisions

3. Why are the rights incorporated in Part III of the Constitution of India called Fundamental Rights? Elaborate. (10 Marks)

Candidates must not write on this margin

There is a provision of fundamental rights in Part III from Article 12 to article 35.

There are many reasons calling them FR —

(i) These rights ~~are~~ work as set-back-value for citizen against ~~and~~ state.

People can go to Supreme Court & high court for their FR's. There is a Constitutional Guarantee.

mention
Art 32,
Jud. Review
etc.

(ii) FR's are considered as part of basic structure (Keshwanand - Bharati vs State of Kerala). No government can amend them.

(iii) time to time through Judicial review court has spreaded their ambit.

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write on
this margin

even in munika crandhi case court have taken a wider scope for right to life.

+ help in development of an individual
- moral
- material
- intellectual

(iv) There is right regarding equality, child labour, or right to freedom of religion, beliefs etc. As equality, religion, education, genderless society these are primary need of mankind. if some doctrine provides for these things then definitely that doctrine should be called FR's.

Important

give another aspect → why these are not always fundamental
→ reasonable restriction
→ suspension during emergency
→ DPSP can override (341C)

2

4. The governor is a critical stakeholder in creating and maintaining a healthy federalism in India. Comment. (10 Marks)

Candidates must not write on this margin

~~Governor~~ Governor is a constitutional post & is executive head of any state. Chief minister takes all decision on the name of governor.

He plays key role in maintaining federal structure in Indian union.

He is appointed by central govt. & plays pivotal role during state government formation..

He also has same economic powers like constituting State Finance Commission, Presenting annual financial statement.

He also ~~has~~ has power related State election Commission.

→ how he acts as a link b/w Centre & States.

Appointed & removed by central govt.

→ Spd responsibility Art 311-3715 + SM, 6th sch.

financial powers
→ Annual fin statement
→ money bill
→ introduct
→ financial comm
→ constitution.

use bullets to differentiate points

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But above all this he is most
responsible to State government,
he works as agent of central.

He also has controversial
role in constituting state
assembly & dissolving them.

Candidates
must not
write on
this margin

Explain
how
give
example

Overall these all things make
him a decisive player in main-
taining central-state relation.

refer to
Sarkaria, Puri
Lomra

5. The basic structure doctrine reinforces the sovereignty of the Constitution. Do you agree? Substantiate your views. (10 Marks)

Candidates must not write on this margin

In April 1973, Keshwanand Bharti vs State of Kerala case, Supreme Court ~~coined~~ coined the provision of basic structure.

Doctrine of basic structure is related to power of judicial review ~~to~~ regarding any constitutional amendment taken by government.

Basic structure talks about mainly original ideology ~~to~~ behind our constitution. ~~to~~ ultimately reinforces constitution as supreme.

AS-① It restricts amending power of parliament under article 368.

Be concise and reduce this to almost half of page.

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Candidates
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write on
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Candidates
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write on
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(ii) Judiciary works as setty-value against any rule making which puts fundamental right on stake.

(iii) Consider constitution as supreme law of land.

(iv) Some democratic secularist, socialist (socialistic) nature of constitution.

(v) Some ideology of our constitution makes

But there is problem i.e. basic structure is not well defined

Some times Judiciary surpass their limit & work against Constitutional Spirit.

Approach
① What is basic structure & origin
② How it holds const. sovereignty

③ Secularism, Democracy, Equality & Liberty
Ind. review.

④ Limitations
- Cannot influence the practices
socialist country (Comm)
following capitalism
- Ind. overreach against Art 30.
Conclusions

⑤

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6. The Comptroller and Auditor General is an important pillar of constitutional democracy in India. Do you agree? Substantiate. (10 Marks)

Under Article 148 there is provision of office of CAG, which works as chief auditing authority of India. ~~He~~ It keeps record of both ~~and~~ Central & State government.

As - (i) It establishes financial transparency in all government funds.

(ii) chief auditor as It ~~also~~ audits all balance sheets.

(iii) on request of President & Governor it audits even local bodies.

(iv) It is chief record keeper of account.



Candidates must not write on this margin

It audits accounts of these

give examples where CAG has performed well eg. coal scam

mention the names

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however it has some limits like - (i) not having power related to secret services.

(ii) defense deals

(iii) PPP's

(iv) No related to government, local bodies.

But it works as a watchdog of Indian constitution.

give a way forward.

Candidates must not write on this margin

elaborate
give example

7. That Article 370 could be abrogated by the Parliament reaffirms the fact that the Indian Constitution is a flexible document that can be modified in the context of the contemporary political realities. Elucidate. (10 Marks)

Candidates must not write on this margin

Indian constitution is blend of rigidity & flexibility. There is special provision regarding constitutional amendment but at same time ~~can~~ some provisions can be amended by simple law like changing ~~boundaries~~ boundaries of states.

There are two aspects first is matter related to central or common in nature. Here it needs a simple majority or special majority under Article

ex- changing name & boundaries of state, abolition & creation of legislative council.

Provisional comparison Flexible v/s Rigid

Flexible
↳ simple majority
↳ special majority
↳ approved by bill
↳ need for majority part of constitution

Rigid
↳ special majority
↳ Basic structure
↳ Amendment by 2/3rd states

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Candidates
must not
write on
this margin

Citizenship, Different Schedules,
Fundamental rights, DPSPs etc.

second is matter related to
States or federal structure.

Here needs consent of States.
It shows rigid nature of
Constitution.

As Article 370 is related to
State, it needs consent of
State legislature ~~and~~ assembly.

→ Conclusion

312

8. In spirit and philosophy, the Indian Constitution tilts towards the American Constitution. Do you agree? Illustrate. (10 Marks)

Candidates must not write on this margin

Indian constitution is blending of different legal documents like Magna Carta 1215, Govt Act 1935, French Constitution, American, Britishers etc.

constitution

As America is first constitutional democracy, many inspirations have been taken from its constitution.

(i) written constitution - Both country have well codified written constitution.

(ii) FR's - Both constitution provide ~~right~~ ~~Fundamental~~ fundamental right in "Bill of Rights" & in part III.

(iii) Bicameral house system. In India Rajya Sabha & Lok Sabha & in USA - House of Representative & Senate.

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(iv) Indian Judiciary many times show a tilt towards Principle of natural Justice i.e. Due Process of law.

(v) Provision of Preamble.

And counter-arguments
→ contain philosophical traits are diff
↳ Capitalist v/s socialist state
↳ Presidential sys v/s Parliamentary.
+ conclusion

this is not
as per
constitution

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9. What are the constitutional methods through which Indian citizenship be obtained? Discuss. What are your views on the idea that a nationwide National Register of Citizens (NRC) be adopted? (15 Marks)

Candidates must not write on this margin

In Indian constitution in Part II there ~~is provision~~ are provisions related to citizenship. In this Part ~~there is~~ provided for procedure after commencement of constitution.

Besides this there is citizenship act 1955. It provides four ways.

- (i) Birth
- (ii) Descent
- (iii) Registration
- (iv) Naturalization.

~~NRC~~ NRC is nothing but a register of citizen after first census in 1952. As in border areas there is refugee problem, so govt tries to implement this document to identify illegal

write about art 5-8 who are citizen.

+ why pan india NRC is required

this is for Assam only.

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migrants.

But nation wide Preparation of NRC is a hectic job. It also has other issues -

- (i) Huge population
- (ii) Adoption of method
- (iii) Regionalism
- (iv) Religious issues.
- (v) Communal issues.

There is also some benefits too -

(i) Proper allocation of resources to real citizen.

(ii) Countering terrorism, human trafficking, drug-problems etc.

There is also human right & ~~not~~ national security dichotomy.

Your view
point
↓
whether
it should
be adopted
or not.

& reference to NRC
exam.

Candidates
must not
write on
this margin

elaborate
+
use
examples

Candidates
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Candidates
must not
write on
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10. The Directive Principles of State Policy (DPSPs) amount only a little more than a manifesto of aims and aspirations. Do you agree? Critically comment. (15 Marks)

under Part IV from article 36 to 51 there is provision of DPSPs. DPSPs are like duties of state. It works as a reference for policy formation. But these are not enforceable.

As prima facie they look good -

start from here

(i) A guiding force for rule making.

(ii) Court manytimes use them as reference.

(iii) many amendment like Panchayati Raj, reservation for SC/ST community took place under the aegis of DPSPs.

(iv) It provides stability & continuity.

Just tell the subtl & what DPSP are in intro.

give examples

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But in many sense it appears—

(i) Vague - Not well conditioned & highly idealistic

(ii) not enforceable - There is no legal obligation, totally depend upon state discretion.

Candidates must not write on this margin

example!

So, we can say DPSPs could be considered both way. mere aim & aspiration or as responsibility.

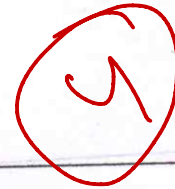
In conclusion use some judgements like

→ Propaganda
case

DPSP used to decide if matter in pub. interest

- Harsach
- ① Intro → DPSP - Art. 36.
 - ② how only aims & non-judicial & non-enforceable & not entirely practical & original and real
 - ③ too general & equal justice means to achieve ends ignored.
 - ④ how more many just aims & aspirations
 - ⑤ Judicial interpretation
 - ⑥ overrule & R (Art 39, 41, 42)
 - ⑦ legislations enacted

④ Conclusion



11. What are the challenges associated with India's linguistic identity today? Analyse. Has the Constitution been able to address the potential conflicts arising out of linguistic diversity of India? Critically examine. (15 Marks)

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In VIIIth schedule of Indian Constitution there is provision of 22 language. Language plays pivotal role as state re-organisation commission started primarily based upon language.

Intro should be about linguistic diversity.
use data (SP CSI)

Challenges

- (i) Not accepting Hindi as common Indian language.
- (ii) Due to language there is rise of regionalism.
- (iii) Discrimination based upon language.
- (iv) Agitation ex- in Jharkhand, Bengal etc.
- (v) Failure of three language formula.
- (vi) Not giving importance to indigenous language.

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Candidates must not write on this margin

Steps to address these Problems -

- (i) FR's - Provision of Protection of linguistic minority,
- (ii) Special Provision for Hindi in Article 341.
- (iii) Provision of official language for states.

As, India is a diversity Country & Constitution has taken care of this but resolving it fully is a tough task.

give a forward looking conclusion

+ concerns.
still remaining
→ hindi imposition
→ language extinction

12. Reservations are a constitutional design for social, economic and political empowerment. Critically comment. (15 Marks)

Candidates must not write on this margin

Reservation is a form of positive discrimination or affirmative action. Under this provision of reserved seats in PSUs, Public services, educational institutions for physically handicapped, ST, SC, OBC's & other vulnerable sections like in some cases for women too.

make it short

Refer to Mandal Commission

In Constitution -

(i) Article 330 & 332 provides for reservation of SC & ST in State legislative assemblies & Parliament.

(ii) Article 243 provides reservation of SC's & ST's.

(iii) Article 15(4), 16(4) provides reservation in public services & educational institutes.

this part had to be elaborated

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Candidates must not write on this margin

Benefits - (i) + provides rapid growth to deprived section society.
(ii) Provides level playing field.
(iii) Adequate representation.
(iv) Actively Participation in policy making ~~for~~ ~~reser~~

Drawbacks

(i) Create class within caste.
(ii) make caste sense more powerful.
(iii) create social strain
(iv) Exclusion of upper caste poor.
(v) Not emphasise upon horizontal reservation.
woman should also get this

+ Conclusion
refer to judgements like Indra Sawhney
→ Nagaraj

11/12

13. The upper house of the Parliament i.e. the Rajya Sabha ensures that the Constitutional vision of a federal India doesn't get confined to the executive domain but encompasses the legislative realms also. Elucidate. (15 Marks)

Candidates must not write on this margin

We have bicameral system & thus upper house.

Upper house of the Parliament is inspired by bi-cameral ~~legislature~~ legislature. ??

It has significant role in executive as well as in legislative domain.

Executive domain: —

(i) could be member of cabinet, even might be Prime minister.

(ii) many decisions like President rule need consent of Rajya Sabha.

Legislative domain: —

(i) It represents states in Parliament.

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3

14. How far have the legislative developments post the adoption of the Indian Constitution fared in localising governance? Critically evaluate. (15 Marks)

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on 26 november 1949 our constituent assembly adopted the constitution, ~~the~~ since then many legislative developments like Panchayati Raj Act, reservation for people belonging to lower strata, creation of VIIIth schedule for adequate linguistic ~~representation~~ representation etc.

post adoption of the indian constitution there were many ~~so~~ steps taken to establish a self sustain local governance. As in DPSP under Article 40 there is provision of village panchayats. under act of this under 73rd, 74th amendment act article 243 was added.

instead write parts II & III A

make it short

+ PESA

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Candidates must not write on this margin

it was related to Panchayats & civic local bodies.

These institutions are functional in ensuring - (i) Devolution of power.

(ii) Establishing democratic values at local level.

(iii) Financial support from central.

(iv) Participation in governance at grass root level.

but some drawbacks too -

(i) Limited devolution

(ii) no ~~so~~ solidarity in implementation of Panchayati Raj acts.

(iii) Red tapism & interference by bureaucracy.

(iv) limited levy

power.

India is largest

democracy, we need a high level

of dedication towards implementation.

Approach

① Intro

② what were the developments

③ +ve developments

- gram sabha in each village

- admin, just & govt power to 3rd tier

- District Planning Comm.

④ challenges

→ not enough power

→ financial issues

→ social issues

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- Bureaucratic interference against candidates

- Substandard resources

⑤ way forward

⑥ Conclusion