



POST-INDEPENDENCE CONSOLIDATION AND INDIAN POLITY

Time Allowed: 3 hrs.

Max. Marks: 250

Q.	Marks	Instructions to Candidate
1.		<ul style="list-style-type: none">• There are 20 questions.• All questions are compulsory• The number of marks carried by a question is indicated against it.• Answer the questions in NOT MORE THAN 200 words each. Contents of the answer is more important than its length.• Answers must be written within the space provided. <p>Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.</p>
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1. Invigilator Signature _____

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Date 02.07.17Signature Himanshu

REMARKS

GS SCORE

GS MAINS TEST SERIES 2017

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Q1. "A party that comes second, has no right to form the Government." Comment on the statement keeping in mind, the recently concluded elections in Goa. Analyze, if it was a case of abuse of Governor's discretionary powers? (12.5 Marks)

In first past the post system, one who gets the ~~highest~~ majority votes wins the election, that means at least 50% seats are needed to form a government. However, in a multi-party country like India, it is quite difficult for a party to form government on its own. Hence, coalition politics and defection is a common feature.

In a hung assembly, governor's discretionary powers are analyzed in Sarkaria Commission Report. It lists the priority order in which Governor should invite:

- First opportunity to parties coalition which was formed before election and has the maximum number of seats.
- Then if first condition doesn't satisfy, opportunity to form government must be given to party having maximum number of seats.
- Next opportunity to any coalition formed after election results are announced.

Remarks

Hence, it is clear that a party that comes second can form the government provided first party has been given the opportunity.

In recently concluded Goa Elections, Governor was approached by a party that came second and they claimed majority with support of other party and independent.

Party that came first did not claim to form the government but challenged Governor's order in Supreme Court.

Supreme Court has clearly stated in its judgement that Governor can look for best possible government ~~and~~ provided the coalition / party has to prove their majority on the floor of house in earliest time.

- This system avoids reelection which finally saves huge expenses But, it is criticised as being ignorant towards people's will as here single largest party has to sit in the opposition.

Remarks

What is your
conclusion
Also what can be
avoid future such
done to
(scenarios)

5

Q2. Do you think, making National Commission for Backward Classes a constitutional body was necessary? Critically analyze how this move of assigning constitutional status would affect the working of this body? (12.5 Marks)

The Government has recently proposed making National Commission for Backward Classes a constitutional body and renaming it to National Commission for Educationally and Socially Backward Classes.

Our constitution earlier had established two similar National Commission, i.e., National Commission for Scheduled Castes and National Commission for Scheduled Tribes.

~~Earlier~~ Till now, the cases and work related to Backward Classes was managed by National Commission for Scheduled Castes.

National Commission for Backward Classes being a commission similar to NGSC and NCST should have similar powers.

Hence, it can be considered as a good move to provide it constitutional status.

This can also be seen as a confidence building measure for Other Backward Classes.

By being a constitutional body, independence

Remarks

and integrity of Chairman and other members can be ensured.

Further, they will get their own resources and power to investigate cases.

This will further improve the working of National Commission for SC as it will not be overburdened by ~~the~~ matters related to Other Backward Classes.

However, this step has been criticised by parties and other stakeholders because:-

- OBCs are not considered as inferior as SCs or ST. Hence, no need to provide Equal Safeguards.

This is seen as a populist measure and these National Commissions are not largely successful in eradicating prejudice from Society.

- This will increase the burden on finances of country.

• Work can be done with right intentions even without constitutional status.

Remarks

for need to provide better counter arguments & pro arguments

6

Q3. What is Separation of Power? Examine the idea of separation of power enshrined in Indian Constitution with suitable examples? (12.5 Marks)

Separation of Power is an idea originated in American Constitution where the three organs of democracy i.e. Executive, Legislature, Judiciary are independent and have clear responsibilities with no two organs sharing any responsibility.

It says one person cannot belong to more than one organ at a time. No executive can perform the judicial task and No legislature can perform executive tasks etc.

In USA, the executives are not chosen from legislature and they have clear separation of powers, also known as tight separation of powers.

However, In India, Constituent Assembly while choosing the best system went for British System of loose separation of powers.

Remarks

Features of Indian System are:-

- Executives are selected from Legislature and one is required to get elected or nominated to a legislature ~~of~~ within six months if he is to perform as Executive.
- Executive or Council of Ministers are members of Parliament themselves and are collectively responsible to Lower House.
- This system ensures checks and balances.
- Independent Judiciary: However, due to Judicial Overreach, judiciary is sometimes going into zone of Executives.
- Members of Parliament act as Executive through M.P. Local Area Development Scheme which violates Separation of Power.
- President through Ordinances acts as legislative member which violates separation of power.

In our country, it was essential to make Executive responsible to Legislature and hence this loose system suits Indian Society.

Remarks

Analyze how system of checks & balances is much better than a rigid separation of powers.

6

Q4. Highlight the key reforms regarding political funding undertaken recently by the Indian Government? Examine, if these would help to induce transparency in political and electoral system? (12.5 Marks)

Political funding is considered as a grey area due to lack of transparency in the funding process. Elections in India usually involves huge black money from various sources. Election Commission of India has tried several measures to regulate the use of black money in elections and stop candidates from bribing the voters. Each candidate is required to provide his election expenses and a limit is provided so that expenses cannot exceed the limit.

Recently, Indian Government has taken several steps to make the funding process transparent :-

- Any individual or company can donate through Political Bonds by purchasing Bonds through Banks only by cheque or digital transaction. Hence, No cash is involved. Identity of Donor is hidden from everyone and each Political Party will have to setup account with the Bank.

Remarks

- It is required to take donations above 2000 Rupees only through cheques & digital transaction and all transactions above Rs 2000 needs to be provided in Annual Returns.
- All parties should declare the funds received in Annual Returns.

These moves are significant to ensure transparency. However, much needs to be done before we can have free and fair elections. Political Parties are still not willing to come under Right to Information hence, no one can access information.

Parties are unwilling to file returns.

In order to receive black money, they just need to divide the amount into several transactions of Rs 2000. Further, the data regarding political bonds can be accessed by Government as claimed by opposition.

These measures needs to be followed along with innovative ideas like State funding of Elections as mentioned by our ~~Prime Minister~~ Minister Election Commission.

Remarks

Adn
more
suggestions

7

Q5. The Religion, Caste, and Language has been the major theme of Social Segregation and division. In this reference, analyze whether the recent decision of the Supreme Court to put a blanket ban on political parties and candidates to appeal people on basis on religion, caste etc. would amount to strengthening of democracy in country? (12.5 Marks)

Supreme court in its recent order has put a ban on parties and candidates to appeal to people on basis of religion, caste. The argument given is that it will strengthen the democracy and stop the prejudice in society. This order has been criticised by

many stakeholders on the grounds that religion, caste, and language cannot be taken away from Indian Elections as society is based on these lines. ^{Write more in this direction}

Our Constitution does not follow French Model of Secularism and here people are free to propagate their religion. Hence, an individual

should be allowed to speak up about its society. This move is also criticised to be against the interests of downtrodden as their plight might not get highlighted in

election campaigns. States which are formed on linguistic criteria have politics running on the issue of language.

Remarks

which gives them a separate social identity. A candidate coming from a micro minority can ^{not} ask for votes from its community due to order of SC.

However, SC in its order mentioned that Indian Elections are becoming more and more communal, caste based and divisive. Candidates in order to win ~~bring about hatred about~~ for others. Candidates should not target one particular community for support and they need to work for society as a whole.

Add more in the above

Hence, despite of being a restrictive order, it was need of hour to stop division of society on the basis of religion, caste and language.

How to strike a balance on this - (Issue)

(S)

Remarks

Q6. In the light of growing pendency of cases with traditional judicature, the need for alternative dispute mechanism has been felt. What are the merits and demerits of alternative dispute redressal mechanism? Also suggest measures to improve the performance of the traditional judiciary. (12.5 Marks)

Growing pendency of cases is a common feature in Indian Judiciary these days and Judges alone cannot be made responsible for this pendency. India has only 21000 Judges which is extreme shortage when compared to what other countries have.

According to report by S.C Panel, around 1 Crore cases are pending with Judiciary.

In the light of growing pendency, need for alternative dispute mechanism was felt.

They can resolve the pendency upto a certain extent as -

- They focus more on Mutual compromise and deliver judgement only if conciliation is not possible.
- They can be setup for specific reasons like Tribunals for particular Industrial Sector or Tribunals for Grievances and hence, specialisation will lead to faster judgements.

Remarks

- Civil cases and criminal cases of ~~less~~ less punishment need not to be heard in High Courts or District Court directly. They can be easily referred to such alternate mechanisms. For example, Traffic Challans, Property Conflicts between Families etc.
- Mechanisms like Ton Adalat / Lok Adalat are low cost and does not require huge infrastructure.
- They are available locally and hence, petitioner need not go to other cities or states.

However, they are sometimes seen as non-reliable as they are not equivalent to courts in stature.

In some cases, tribunals increase the time for judgement due to overburden.

Hence, apart from having alternate mechanisms, traditional judiciary needs to be strengthened using steps like having All India Judicial Service, Avoiding irrelevant Public Interest Litigation, Establishing More Fast Track Courts and Digitization of whole process.

Remarks

what are the various ADR?

Add more merits of the same.

(8)

Q7. Indian states have not only been denied the, 'guarantee of their territorial integrity', but also due rights as federal units. Examine the above statement considering idea of co-operative federalism, especially in context of bifurcation of erstwhile Andhra Pradesh?

(12.5 Marks)

Indian federalism is different from American federalism as Indian federalism is not a contract of states and states do not enjoy right to secede from the Union. On the contrary, Indian federalism is considered as Quasi-Federalism having centralising tendency with strong centre and weak states. It is also considered as a model of Cooperative Federalism.

Centre can decrease or increase the area of existing state, can bifurcate the state, can admit new states in the union.

In order to do so, President asks for ~~congress~~ opinion of State Legislature but it is not binding on President and Parliament can pass resolution by simple majority.

Further, States are dependent on their resources on Centre and are provided with resources as per Finance Commission.

Remarks

Indian states do not enjoy guarantee of territorial integrity as seen in the case of Andhra Pradesh. It was bifurcated into two states of Andhra Pradesh and Telangana with Hyderabad as common capital for 10 years.

This move was not supported by almost 50% of population of original Andhra State. In spite of this, Centre Government chose to divide the state for upcoming elections and gain popular vote from Telugu Heartland.

Violent protests
in this case led to Gov
decision & this has become
a trend for future such
demands. Analyse.

(5)

Remarks

Q8. Justice delayed is justice denied. Judiciary on one erstwhile hand is facing the crunch of manpower on other hand quality of talent is another big issue. In this reference examine the need of an All India Judicial Service? (12.5 Marks)

Justice Delayed is Justice Denied is true in Indian context as here pendency of cases is a common feature. India is a country having 130 Crore population but has only 21000 Judges. The selection and appointment of Judges is a complex process which demoralises many individuals to take up this profession.

The current process takes up only quality individuals and is time consuming.

A legal practitioner / advocates thinks it is better to stay as it and does not wish to join Judiciary, why?

The Collegium system of appointments is often criticised as being non transparent and unwelcoming for judges having no contact with members of collegium.

The Government tried to bring transparency ~~but~~ through National Judicial Appointments Commission (NJAC)

Remarks

but it was quashed by a constitutional bench of Supreme Court.

In this regard, an All India Judicial Service similar to ^{other} All India Services is often considered. It can fasten the process of selection through a common exam

throughout the country. Currently, in order to be a judge, one needs to give separate exam for separate state

- AISC can be given powers to appoint judges in a transparent manner.

- Common Curriculum, common Entrance Test throughout Country will motivate individuals for Judiciary.

- The process of transfer of Judges can also be efficiently regulated.

Hence, this step should be considered with proper checks and balances ensuring Independence of Judiciary.

Remarks

Need to add more benefits
what are the arguments against it
Ideal

①

Q9. FRBM Act 2003, was introduced to bring transparency in fiscal management systems in the country and fiscal stability in long term. Critically analyze the success of FRBM Act and suggest the necessary reforms in the law to make it more suitable to India?

(12.5 Marks)

Fiscal Responsibility and Budget Management Act, 2003 was introduced to ensure that spendings of Government is regulated and it does not exceed the limit in order to gain popular support.

Government in its Budget used to care less about Fiscal Responsibility for populist measures. FRBM ensured that each government is reminded of about its obligations.

~~Government~~ Initially, it was targeted to bring down Fiscal Deficit to 3% of GDP by 2010. But due to economic global slowdown in 2008, the targets were postponed. Government in Budget 2017-18 has promised to bring down Fiscal Deficit to 3.2% of GDP by 2018-19. Despite of having exit clause, Government has followed its obligations for Financial Year 2017-18.

Remarks

However, NK Singh Committee has recently asked for reforms in FRBM Law and to replace it with Debt and Fiscal ~~Responsibility~~ Act.

Some reforms suggested are:-

- Target Debt to GDP Ratio as a measure of fiscal stimulus & stability.
- Target of bringing down Debt to GDP Ratio by 2023 to 60%.
- States should ensure they follow their target of Debt to GDP Ratio and Fiscal Deficit targets.
- Debt needs to be targeted as Indian financial sector is already having issues of Non Performing Assets.

What were the various factors behind limited success of FRBM Act?

Do we need an independent Regulatory body in this regard?

Remarks

5

Q10. Article 356 has become, 'a tool of political revenge and instrument of dominance over federal units'. In the light of the above statement, discuss constitutional provisions for President's rule? (12.5 Marks)

Article 356 of Constitution deals with State Emergency and subsequent President's Rule. It leads to suspension or dissolution of legislature and dissolution of Council of Ministers. BR Ambedkar during Constituent Assembly Debates considered it to be a measure of last resort and believed it to be used rarely.

However, it has become a tool of political revenge and instrument of dominance over federal units. Here, President acquires powers through President's Rule. Hence, actual power is enjoyed by Centre Government. This feature often violates federalism.

It has been used once at least for every state. It was widely used after 1977 elections by Third Front and subsequent Congress governments.

Remarks-

As per Constitution, it is to be used only when the administration of state cannot be carried on as per provisions of Constitution.

Mention all

the conditions

if which

can be used

However, it was exercised by President as a discretionary power to remove government setup through popular vote.

Even in case of hung assembly, the President Rule should only be applied if Governor has exhausted all scenarios of a stable government formation by parties.

- Under 356, President takes up the Executive power and Governor administers the state on behalf of President.

- the Council of Ministers loose their powers.....

- Legislature is temporarily suspended or dissolved.

How can its misuse be checked?

6

Remarks

Q11. The Internet is one of the fundamental aspect of infrastructure, which not only affects provision of government services, but also day to day transactions, especially when we are pushing hard towards the digital banking and cashless payments. In such a scenario, lacking the connectivity will not only increase digital divide, but also development deficit. Critically analyze the need for a recognition of right to internet in above context. Also, elaborate on the efforts taken by the government to achieve connectivity in rural areas. (12.5 Marks)

Internet has brought a revolution in many ways like how people interact, communicate. It has eased the conditions of doing business.

Government is also actively promoting digitization for welfare activities and regular functioning. In current ~~scenario~~ scenario, Internet is a basic requirement and should be ensured to every individual.

Digital Divide can be dangerous for an equal society and it can further lead to ~~in~~ economic inequality and development deficit. Right to Internet is a good way that can be considered to provide level playing field to everyone.

This will provide safeguards to people belonging to rural areas having inadequate infrastructure.

Remarks

A right to internet will enable such people to go to court and ask for remedy and hence, government cannot avoid areas of poor connectivity. With the growing emphasis on digital transactions and direct benefit transfers, each person should have bank accounts with digital banking.

Government has taken following steps in order to ensure connectivity in villages:-

- Bharat Net project having fiber optics cables being laid throughout rural areas and ensuring a benchmark bandwidth.
- Common Services Centre (CSC) in such areas where connectivity is minimal so that people can go and use such centres at nominal charges. Digi haas etc.
- JanDhan-Aadhar-Mobile Trinity as features like ~~UPI~~ USSD which do not require data connection to do transactions.
- Digital India is a flagship scheme containing detailed provisions for connectivity. Using USOF for development of Networks.

Remarks

what are the functional & ground level ideas associated with Right to Internet?

(6+1)

(7)

Q12. Electoral reforms are a regular and continuing process to ensure free and fair election in India. However, the recent attack by several political parties on ECI (Election Commission of India) citing tamperability of EVM has once raised the question of neutral elections. Do you think, the response by ECI is adequate and satisfactory? Suggest measures to further improve electioneering in India. (12.5 Marks)

Election Commission of India is considered to be fair and independent. The salaries of commissioners are charged upon Consolidated Fund of India and is not voted upon. This also ensures its independence.

Frequent reforms are taken up and since 2004, Electronic Voting Machines (EVM) are being used in every election.

These machines are protected by deployment of Central Police forces which are considered to be independent.

However, the recent attacks by few political parties has raised the questions of Neutral elections. ECI has provided the list of

safeguards to these parties and has rejected their claims of tampering of

EVMs. Although the claims of political parties seems to be baseless, still there is a growing need to have a more

Remarks

transparent process. These parties demanded a Hackathon Event which was provided by ECI provided the EVMs are not tempered ~~is~~ physically. Hence, ECI has given adequate response and has ensured the use of Voter Verifiable Paper Audit trail (VVPAT) from next general elections. It would have the name of candidate, party and its symbol. Further steps that can be taken are:-

- Checks and balances through VVPAT.
- Postal Ballots for people not available for voting at designated centres.
- Fair Elections by State funding of Elections.
- Blanket Ban on Paid News, Opinion Polls and stringent punishments on violation.
- Tools like Right to Recall and banning convicts and criminals from fighting elections.

Remarks

Provide specific suggestions to EVM as to increase the confidence of public in them.

(5)

Q13. Failure to implement the Lokpal Bill by the government is an indication of how the political parties engage in renege with impunity on the government's promise of a corruption-free India. Analyze the statement and elaborate the recourse available with citizen to deal with political parties forgoing their key promises. (12.5 Marks)

Lokpal Bill was first introduced by Third Front Government several decades ago. But, it has not ~~been~~ been passed by Governments till date. India against Corruption led by Anna Hazare got popular support when they protested and asked for Lokpal Bill. Government sensing popular will brought the bill in Parliament but it was ~~not~~ ~~passed in Parliament~~ brought into force. In present Government, it is stuck as the Leader of Opposition position required for Search Committee of Lokpal is not filled. Political parties have for long avoided Lokpal as it can curtail their powers and it can also guide institutions like CBI, CVC. However, it is necessary to ensure a corruption free India and symbolises the popular will of the people of India.

Remarks

In our country, citizens exercise their right to vote every 5 years in normal circumstances.

There is no other measure provided to them to make government responsible.

In this regards, following steps can be considered like :-

- Introducing Right to Recall after Mid Term so that Executive delivers on his promises.
- Direct Democracy Measures like ~~Direct~~ Referendums on important matters.
- Making None of the Above option more powerful so that if it gets majority, all the candidates are not allowed to fight subsequent election and reelection occurs with new candidates.
- The opposition and its leader should play a proper role in reminding Government of its promises.

Remarks

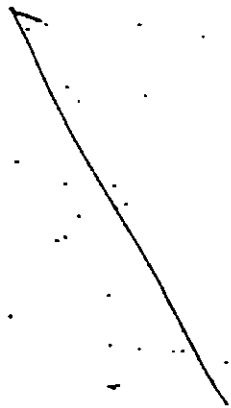
Focus on
to legal Bill.
Discusses the impact
of other changes being
brought by the
law

(4)

Q14. The numerous parliamentary committees together are acting as an ad-hoc legislature, especially in times of frequent walk-outs by the opposition parties and parliamentary blockades. Discuss how this practice affects the legitimacy of legislature in Indian political system and also analyze its effects on a ordinary MP, who is merely whipped into submission. (12.5 Marks)

Remarks

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Remarks

Q15. The Constitution of India is remarkable for many outstanding features, which distinguishes it from other constitutions, even though it has been prepared after "ransacking all the known constitution of the world". Elaborate. Do you think that the bulk of the constitution is due to "patch work?" (12.5 Marks)

Constitution of India was framed by highly efficient and abled leaders present in Constituent Assembly along with various experts. They ~~was~~ went through constitutions of Different Countries and adopted suitable features from them. Due to this reason, Indian Constitution is often regarded as a "patch work". Indian Constitution is world's largest written constitution. Our ~~of~~ leaders tried to mention every nook and cranny so as to avoid any confusion as the country was not yet developed at that time.

Hence, they didnot have the option to write afresh and it is always better to adopt good things.

However, this criticism doesnot hold true primarily due to the fact that Our Constitution contains many features which is not seen anywhere else in the world.

Why was this done?

Remarks

Provisions like Ordinance Making Power of President, Different ways of Constitutional Amendment are unique to our constitution.

Local Self Government a model first promoted by Gandhi is also a unique feature.

Hence, Indian Constitution can be considered as coming together of all suitable provisions along with wisdom of able leaders.

Analyze how
even borrowed features
were just modified as
per Indian circumstances
& then applied

(4)

Remarks

Q16. Demand for a separate Gorkhaland is rooted into the idea of self-regulation of linguistic minorities and geographically too-different region within a state. Discuss the prudence of creating too many small linguistic or hilly states in India. Also, analyze the merits of the case of Gorkhaland as a separate state. (12.5 Marks)

Demand for Gorkhaland is very old and has been raised since the annexation of Sikkim in India. Gorkhaland as demanded by protestors contains the Darjeeling District of West Bengal which is ~~near~~ close to India-Nepal Boundary. Gorkhaland is primarily a linguistic state demand where majority speaks Nepali language. Due to frequent violent clashes and protests, Darjeeling District was provided with some autonomy through Darjeeling District Council which is run by locals as a model of local self government. However, this model has not satisfied locals who demand a separate state and calling for bandh in the beautiful district of Darjeeling.

Remarks

Why is this issue in news again
what news has happened?

However, fulfilling their demands could lead to rise in demands from other states as well. This could set a very harmful example and need to be dealt with cautiously.

The demand for linguistic states have been historically raised from time to time. After Independence, Dhar Commission & and JVP Committee rejected such demands. In spite of that, linguistic states were formed in 1956 and even after that.

These movements have ~~also~~ the capacity to turn into secessionist movements as seen in case of Tamil Nadu.

However, it was dealt with effectively and same needs to be done with demands like Gorkhaland

Prayagrah
the merits & demerits
of small hill
states

Remarks

4

Q17. "No democracy can long survive, which does not accept as fundamental to its very existence the recognition of the rights of minorities". Do you think that constitutional protection of minorities is well-followed in practise? Critically Analyze. (12.5 Marks)

Remarks

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Remarks

Q18. What is the significance of Bhopdan Movement in context of social and land reforms.
Also discuss the contribution of Vinoba Bhave? (12.5 Marks)

Remarks

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Remarks

Q19. Discuss the contribution of Kesavananda Bharti Case Judgement in retaining India as a cherished republic envisioned by its founding fathers? (12.5 Marks)

Kesavananda Bharti Case Judgement, 1973 is considered as a landmark judgement in history of India. This judgement was pronounced by a constitutional bench of Supreme Court comprising of 13 Judges.

The case was related to property rights and the basic question that arised was if Fundamental Rights can be abrogated/amended by State in order to implement Directive Principles of State Policy.

Supreme Court in its judgement pronounced that Fundamental Rights can be amended provided the amendments to the constitution

does not affect the basic structure of the constitution. Hence, this judgement gave

us basic structure of constitution or Basic Structure Doctrine. It was not clearly

mentioned what constitutes Basic Structure although it has been regularly updated

Remarks

by Supreme Court. This judgement also mentioned that Constitutional Amendments under Article 368 does not come under law as defined in Article 13.

This judgement acted as a guideline for state power and restricted the Iron Hand of State. This is considered as the protector of constitution which ensured that the ~~ideal~~ ideals like Democracy, Secularism, Republic Nature, Fundamental

Rights, Fair Elections, Independent Judiciary is protected against state's policy. Every legislation enacted by Legislature is now framed considering basic structure doctrine and if it is found to be violating basic structure, it is quashed by SC as seen in

NIAC Case;

Hence, KB Case protected Indian Democracy and gave us all a secured future.

Remarks

What are any negative consequences of the decision? How is this decision unique in itself?

(5)

Q20. Discuss the process of integration of Sikkim to India? Also analyze why it is considered to be an unique example of integration of a territory? (12.5 Marks)

Remarks

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Remarks ..