

GS SCORE

• Proper time. No
• Reading Que carefully & understand the demand of Que
• Always support your arguments & facts

TEST - 02

POLITY AND GOVERNANCE

Time Allowed: 3 hrs.

Max. Marks: 250

Q.	Marks	Instructions to Candidate
1.	2½	<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>
2.	1	
3.	2½	
4.	3½	
5.	4½	
6.	2	
7.	-	
8.	4½	
9.	2½	
10.	1	
11.	4½	
12.	1½	
13.	2	
14.	2	
15.	6	
16.	1½	
17.	3	
18.	-	
19.	-	
20.	-	

1. Invigilator Signature

2. Invigilator Signature

Name Ashendra Pratap Singh

Roll No. _____

Mobile No. _____

Date 22/08/2016

Signature Ashendra Pratap Singh

REMARKS

GS SCORE
GS MAINS TEST SERIES 2016

--	--	--

Q1. "The elections to the Rajya Sabha have always been a sordid affair; however, the recently concluded polls have touched a new low." Examine the statement and discuss if there is a need to alter the election system to the Rajya Sabha? (12.5 Marks)

Not
required

In our political system, Rajya Sabha is regarded as the second chamber which has been entrusted with the task of protecting states' interests as well as checking populist & hasty legislations on part of Lok Sabha (which is directly elected popular chamber). The elections to Rajya Sabha are concluded on the principle of proportional representation by in which legislative assemblies of the states participate. (Although there is also provision for nomination of 12 members by president).

In the recent times there have been allegations on part of political parties of putting their political ambitions above the states' interests during the Rajya Sabha elections. There have been instances of influencing the members of state legislative assemblies to vote for a particular candidate in return of some rewards. Also one of the most disturbing trend in the Rajya Sabha elections

= 2 1/2

??

Remarks

has been (providing for the backdoor entry to the fallen politicians (those who could not win the popular elections) by way of Rajya Sabha. Although it helps in bringing experience in the decision making, but at the same time it goes against the parliamentary tradition. In the recently concluded elections there have been instances of winning the Independent candidates and also getting represented these candidates from states who don't know anything about the state. ^{eg = 11}

Thus, there is an urgent need to reform the electoral system to the Rajya Sabha.

RPA can be amended to provide for only these candidates who belong to the state, can get elected from the state. (Political parties also)

need to realize that Rajya Sabha is there to protect states' interests. Hence it must be allowed to do so.

(five objective suggestions)

Remarks

Q2. In India, medical facilities are inadequate as reflected by the ratio or availability of bed per thousand people and this problem has been further aggravated by the question of affordability of available medical services. Examine the role and importance of health insurance vis-à-vis subsidized/free health services provided by the government. (12.5 Marks)

India is a classic example of those countries which have on one side ultra-modern facilities for healthcare (like super-specialty hospitals, Apollo, Gangaram etc.) and at the same time, on the other side highly inadequate primary healthcare facilities. The inadequacy of mass healthcare results in huge amount of out of pocket expenditure by Indian households as much as that Indian households spend 8 times more on private healthcare than public healthcare.

Support your argument
✓
Fees

In our country there is inadequacy of bed per thousand people as well as even if they are available, they are unaffordable to a large number of poor (because of depth of poverty). As a solution to this two different approaches can be adopted - providing for health insurance or subsidised/free health services provided by govt.

Remarks

positive eggs

Subsidised free health services will result in making healthcare facilities affordable & available to everyone. But at the same time quality healthcare delivery will become an issue. Also it will divert government resources from preventive healthcare to protective healthcare.

Health Insurance - It will provide for insure to people against health issues. This is a good option but taking into consideration, the low insurance penetration in India, this can be challenging to achieve. Also there will be a need for technological development & financial inclusion. Any eg.

Refer back

Thus although providing subsidised free healthcare services is a viable option. In short run in the long run we should strive for larger health insurance coverage to provide affordable healthcare to masses.

Generalised arguments without facts supporting them are "NO ARGUMENTS" at all.

Remarks

0/3
a

0/6

Q3. What are the functions of a Parliamentary Secretary? Recently the Delhi government has announced its decision to appoint 21 members of the legislative assembly (MLAs) as parliamentary secretaries. Critically comment on the constitutional and legal validity of the move and discuss the role of Election Commission in this matter. (12.5 Marks)

Parliamentary secretary is a legislator entrusted with the task of undertaking some functions which are in the domain of executive. They have been appointed by state govts from time to time (eg. previously Gujarat & then Delhi) to undertake executive activities.

To help the ministers

Recently Delhi government has appointed 21 parliamentary secretaries. The government claimed that the office was out of the ambit of office of profit as defined in the constitution. But constitutionally as they were appointed on the posts which were executive in nature, there can be a possibility of conflict of interest on part of parliamentary secretaries and hence they can't perform their legislative role effectively i.e. making executive accountable, legislative debates etc. But at the same time there

2/2

Remarks

discuss
the
Constitutional
Legal
Issues

have been cases of appointment of parliamentary secretaries in other states (like Gujarat) and they were receiving salary also.

The role of election commissioner here is to decide the constitutional validity of the appointment of parliamentary secretaries. If the Election Commission (EC) comes to the conclusion that the post comes under the ambit of office of profit then it will cancel their membership from the house.

- 2th marks for this paragraph only
- 0 for remaining part

Election Commission being custodian of free & fair elections in India needs to take this decision objectively that sets a good precedent.

Always the "content" matters
Not the length

Remarks

Q4. What is the role of the Governor in case of a constitutional crisis in any State? What were the main contentious issues raised recently about the role of governor in imposing President's Rule in a state where constitutional machinery is believed to have failed? (12.5 Marks)

A constitutional crisis may arise in a state when none of the parties in the elections is able to prove his majority or the administration of the state is unable to be carried according to the provisions of constitution. The role of Governor become very significant in this situation = what is his role.
→ Arts 164, 174 & 356

Governor's post is a converging point of parliamentary system of federalism in the state. He is both the agent of the center as well as head of the state. But due to politicisation of governor's post as well as active politicians being appointed as governor, many contentious issues have arose about the role of governor in recent times.

First and foremost among them is the subjective assessment on part of the governor about the government enjoying the support of majority. Whereas governor

John
Liquor

Remarks

11/2
 must test the ~~majority~~ majority on the floor of the house, many times they have advised for the suspension of govt because they 'thought' that govt. has lost majority. Also a number of allegations have been made about governors' favouring their own political parties' interests.

In this scenario, various commissions like Sarkaria, Punchl & 2nd ARC have recommended for actual floor test to assess the majority. Also to make governor's post less politicised, they have recommended that an outsider should be appointed as governor. Also an active member of political party should be avoided to be appointed as governor.

 31
 Remarks

Q5. Was the recent decision regarding labelling of Aadhar bill as money bill legally and morally correct step? Critically analyse in context of recent passing of Aadhar bill and its constitutional validity. (12.5 Marks)

Recently passed Aadhar Bill was passed as money bill. Many people argue that government was compelled to do this because of the obstructionist tendency of opposition in the Rajya Sabha where it does not have majority. But at the same time it needs to be remembered that in the process it ended up defining a chamber which protects States interests and so people's interests (as citizens belong to States).

Since in the constitution there is no concrete definition of money bill, rather it has only given some examples as to what constitutes a money bill and left the final decision on the Speaker of the House to label a bill as money bill. So there may not be any constitutional violation in passing the Aadhar bill as money bill. But morally & ethically it

Remarks

was not a good step to pass the Radhakrishnan Bill as money bill. As democracy essentially involves consensus building, so the govt. must have tried every possible option to build a consensus among political parties about the bill. Also in the long-run it may set a wrong precedent for various other governments to follow.

Thus government must work on consensus building approach but at the same time opposition also needs to realize that they should also co-operate on the issues of genuine public interests. Opposition for the sake of opposition must not be their agenda.

Steps to be taken = refer limits

Remarks

Q6. The goal of sustainable development can best be realised through Panchayati Raj institutions, by integrating them in governance process. Do you agree? Substantiate with relevant examples. (12.5 Marks)

Sustainable development is defined as "The development which meets the needs of the people without compromising on the future generations to meet their own needs". In the present scenario of Global warming & climate change, the issue of sustainable development has become very important.

Various global (like World Bank) and local institutions have time and again emphasised the importance of local participation.

In ensuring sustainable development. In this scenario the institutional framework for local participation (viz. Panchayati Raj Institutions) can be very helpful. As the famous saying goes - "people cannot be developed, they develop by themselves." So these PRIs provide institutional framework to the local people to articulate

2 =
 refer
 back

Remarks

their developmental needs.

A number of examples at the local level are available in the form of sacred grooves and water conservation etc. In various parts of the country, which prove this point.

Remarks:

Q7. What do you mean by sedition? Does India of the 21st century require a law used by the colonial government to suppress people's voice? Critically analyse. (12.5 Marks)

Remarks

--	--	--	--

Remarks

Q8. Is it feasible to hold simultaneous elections for both Lok Sabha and the assemblies in India? Suggest reasons for your answer and discuss its implications. (12.5 Marks)

Simultaneous elections for Lok Sabha & State assemblies is desirable because it will help in minimizing the election expenditure.

Also due to frequent elections, state & central governments are generally found in election populist mode which affects long term planning.

But there are many practical hurdles in conducting simultaneous elections to Lok Sabha & Assemblies. First & foremost since both are popular chambers, they survive till majority exists in the house for a political party. In other words, they have to be dissolved if no party is able to prove its majority in the house. And in that case that particular Assembly will become in-synchronised. Also there are practical fears that if both Lok Sabha and assembly elections are held simultaneously.

Remarks

The whole electoral process will revolve around only two, three political figures and genuine public interests will take a back seat.

In this scenario, it is more feasible that elections to those assemblies which have a time gap of six months with the Lok Sabha should be held simultaneously. Elections to other assemblies may be held at some other time. Also there is a need to curb the use of black money in the elections to make them more transparent.

Structure of this answer is good i.e. ① +ves ② -ves
 ③ lead forward
 but content could have been better

Remarks:

Q9. Post legislative scrutiny improves the quality of the laws. Do you think this kind of system is needed in India? Analyse this statement, considering the experience of other countries. (12.5 Marks)

Human made laws are the bark of constitutional developments in present times. In most of the democracies, laws are made by popular institutions where elected representatives enact laws for the people to follow.

Not required

By the above context it is clear that human beings can make errors in enacting the laws. So there is a need of post legislative scrutiny. It not only checks deviant behaviour on part of legislators but also improves the quality of laws by filling in the gaps. The assembly / Lok Sabha has its own limitations of scrutinizing the quality of laws so this task has to be undertaken by people.

In our country, post legislative scrutiny exists in the form Judicial review undertaken by judiciary about the constitutional

Remarks

Validity of the law. But Judiciary has its own limitations of scrutiny. (Judiciary can investigate the const. validity of a law only after petition).

In this scenario various research institutions as well as knowledgeable people should come forward to make people aware about the law and its implications. In many other countries there are appropriate forums for post legislative scrutiny (like putting the law for assent of people - Switzerland). India needs to devise its own procedure according to its own needs so that the quality of law improves & so their acceptance.

Refer hints

Remarks:

Q10. Economic development is a pre-requisite of administrative development whereas, enhancement of bureaucratic capability requires development of the society. Illustrate with suitable example. (12.5 Marks)

Economic development is increase in the income level & living standards of the members of society. Economic development is a prerequisite for not only administrative development but also many other developments.

Since administrative development is the enhancement of capability of administration to provide goods & services to people (eg. Law & order, security etc.). Thus viewed in this sense, ~~even~~ administrative development reinforces economic development but if economic development is there, then people are generally able to demand better administration from the state institutions hence making administration accountable. Also

~~On the other hand~~ only with the economic development, administration can use modern equipments (like computers, GPS etc.) to make it more efficient.

Remarks

But at the same time to increase the bureaucratic capability, we need the all round development of society. Since bureaucrats are also the members of society only so social development will inevitably result in bureaucratic development.

Also bureaucratic capability will also increase if society demands for that.

eg. In our own country, firstly we tried to develop economically to improve the administration but now in the times of civil society activism & media activism there is a lot of discussion about increase in bureaucratic capability to deliver.

Remarks

Q11. Is Uniform Civil Code the panacea to cure the ills of religion based personal laws?
 Critically analyse the merits of a UCC over the individual community based laws.
 (12.5 Marks)

Uniform Civil Code (UCC) is a bunch of civil laws applicable uniformly to all in civil matters. It essentially means doing away with the ^{various} religion based laws by accommodating them in a uniform civil law.

There are many religious laws which are discriminatory against one or the other eg. Triple Talac is discriminatory against women. Also there are many laws which specifically discriminate against women hence violating Art 14 of the constitution. In this context UCC will help in a significant manner reforming many of the institutions as follows -

It will be applicable uniformly throughout the country hence it will simplify the interpretation hurdles of multiple laws by the courts.

Remarks

It will help in better integration of various sections of the society as they will now be subject to same laws even in the civil matters.

But at the same time there are implementation hurdles like-

- = 4 1/2
- fear in muslim community about the dominance of Hindu religion based laws.
 - fear of marginalisation of various tribal institutions & practices.

Hence whereas there is a need to reform the personal law, this must be done by taking multiple parties into confidence and not in a unilateral manner.

Remarks

Q12. Has Election Commission been successful in curbing or reducing the flow of illegal money during elections? Suggest some reforms, that are needed further to get away with this problem? (12.5 Marks)

Election Commission of India is an independent institution which has been entrusted with the task of conducting free & fair elections in the country. Through its own efforts & through favourable court rulings although it has been able to make election process more transparent but it has not been able to curb the use of black money in a significant way.

The politician-mafia (criminal) nexus that has developed in the Indian political landscape has promoted the use of money & muscle power to win the elections. To a significant extent the first-past-the-post system is also responsible for this trend. Because it focuses on plurality of votes and not on majority of votes, politicians generally try to win over only certain sections to win the elections.

Not
Suggested

Remarks

But the recent ~~then~~ Tamil Nadu election where EC cancelled the polls on the assumption of use of illicit money is a good trend. Also there is a need to give more powers to EC (fulfilling the demand of charging its expenditure to consolidated fund) as well as reforming the electoral process. Judicial scrutiny of pending criminal cases on politicians should as be hastened (Recently EC ruled that the trial of parliamentarians should be completed within 2 years). Also there is a need to generate awareness among the general public about the importance of elections & ill impacts of black money.

1/2 Suggest the reforms
what are challenges for EC to curb illicit money power.

Remarks

Q13. Criminal defamation laws have been criticized all over the world for their impact on free speech; however, the Indian Supreme Court has recently upheld the validity of criminal defamation laws. Critically analyse. (12.5 Marks)

Criminal defamation stands for criminal conviction of people found involved in defamation of an individual/institutions. Section 499 & 500 of IPC deal with criminal defamation laws. Though such laws have been abolished in most of the democratic countries, in India, recently SC upheld the constitutional validity of criminal defamation laws.

what is defamation?

Validity of section 499 & 500 of IPC was challenged on the basis of it violating right to freedom of speech & expression under article 19 in the constitution. But the ^{majority} ~~supreme court~~ upheld the validity of laws saying that individual dignity which is a part of Article 21 is as sacrosanct as individual's right to free speech.

don't confuse dignity & defamation

In this scenario it is important to note down that many times in the

dignity is not a right & defamation is a tort

Remarks

Past these provisions have been used to curb the political dissent as well as expression of literary activities (recent ban of Murgank's book). Also added to criminal defamation there is also civil defamation law.

Thus now there is a need for the parliament to take a call on the issue; It should form public opinion appropriately to decide upon the constitutional validity of these provisions.

Refer hints

Remarks

Q14. Though 74th Constitutional Amendment Act institutionalized many important aspects of Urban Local Bodies financial empowerment has been kept at state's discretion. Discuss how this keeps them crippled despite greater responsibility and importance. (12.5 Marks)

74th constitutional (Amendment) Act was significant in the sense that it provided for institutional framework for urban governance which was a highly neglected area in the post-Independence administration.

The Act as enacted, provided for some compulsory provisions (like elections, reservation to SC & STs etc) as well as some voluntary provisions (financial devolution, reservation to OBCs etc). Since the financial devolution to enable ULBs function as

institutions of 'self govt' was kept under states' discretion, most of the state govt. All date are reluctant to devolve enough financial capability to ULBs. This

has created a huge financial mismatch in the demand & supply. The tasks assigned to ULBs are many, but appropriate

→ specifies in 74th Act about financial devolution

Remarks

Finances are not available to them. This has resulted in below standard service delivery in many of the urban areas.

Also due to financial issue they have not been able to establish themselves as sound institutions of urban self governance.

Thus there is a need to devolve more finances to the local bodies. Also there is a requirement of emergence of popular leaders at the urban governance level who can demand finances from State govt. 14th Finance Commission has made many significant provisions in this regard which needs to be followed (like devolution for local bodies)

Refer hints

Remarks

Q15. Public Interest Litigation is one of the most important innovations by Indian judiciary. Critically evaluate its success in delivering justice to Indian masses. (12.5 Marks)

Public Interest Litigation (PIL) emerged in Indian judiciary in early 1980s. It was essentially conceived as a tool to give justice to those who can not reach to the courts formally. So tools like litigations for general public interests were devised to give justice more human like.

PIL has helped a lot in delivery of justice to masses. Be it the case of Bihar underhalls or huge illegal sandmining in the state of Kerala, judiciary has made the administration accountable to enforce the rule of law. By accepting petitions through post cards, it has also provided a chance to those who can't reach the judicial institutions formally to access justice.

But at the same time it has created many practical hurdles in the justice delivery process. It has made the

Remarks

Judiciary overburdened. Also PIL's highly prone to camouflaged litigations.

Many populist litigations have been entertained by judiciary which should have better been left to parliament.

Thus although PIL has been a highly successful innovation in India, it must be pursued in a way which is sustainable in the long term.

Remarks

Q16. What is NOTA? Does it serve any purpose in the Indian context? Analyse in light of the recent assembly polls. (12.5 Marks)

NOTA is 'none of the above button' printed on the Electronic Voting Machine to enable an individual to cast his vote by not giving his vote to anyone. The change was included in the electoral process after the supreme court observation that Art 19 - right to freedom of speech also include right not to choose anyone during exercise of the vote.

In the Indian context it will serve very important purpose of cleaning the electoral process in the long run. It is so because most of the time the difference between winner & loser is very less. And in this context every candidate will try to lure the NOTA voters to increase his chances of winning. And for this he will have to portray his clean image.

Also in the long run it will force political parties to give tickets to

Remarks

Does it serve any purpose? = Exp since E NOTA from 2013
fill now

Only the clean candidates.

In the recent assembly polls we have seen the winner-looser margin shrinking, and also in some constituencies it was less than the number of NOTA votes pooled.

Thus NOTA is a good experiment which in the long run will help in strengthening of electoral institutions in the country.

Read Que carefully
 & understand the requirements

1/2

Remarks

Q17. "Judicial activism should not lead to the dilution of separation of powers". Discuss the statement in light of the recent Supreme Court judgements. (12.5 Marks)

Judicial activism stands for judiciary taking the unconventional issues at its disposal & disposing them off (Like SC taking cognizance of environmental issues etc). It also sometimes leads to the transgression of judiciary in legislative & executive domain.

Though the judiciary has been of the view that it was forced to transgress its role because of failure of legislative institutions to enact laws. So it was forced to provide guidelines (like Vishaka guidelines on sexual harassment of women at workplaces) to provide justice to the people. But it is also true that sometimes judiciary has transgressed its role and made subjective observations like observation on New Economic Policy.

Remarks

13^{1/2}
Thus there is a need to balance the role of all the three institutions to ensure the separation of powers which is one of the bedrocks of democracy.

Remarks

Q18. "What was hoped to be a dead letter of the constitution has turned in to a deadly weapon against state governments and legislative assemblies". Explain the statement in the context of the article 356 and the significance of the recent Supreme Court judgment in this context. (12.5 Marks)

Remarks

--	--

Remarks.

Q19. Constructing toilets will not solve the issue, but it's about changing the mind-set' is an often quoted sentence in India. Analyse this statement and discuss ways to change and influence mind-sets of people regarding this. (12.5 Marks)

Remarks

Remarks

Q20: Recently some states prescribed minimum educational qualifications for contesting elections at local level. Discuss the constitutionality of the move and its impact.

(12.5 Marks)

Remarks

Remarks