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ALOK SINGH

RANK - 628

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**INDIAN POLITY + CONSTITUTION +
INTERNATIONAL RELATIONS +
INTERNATIONAL ORGANISATIONS**

Time Allowed: 3 hrs.

Max. Marks: 250

Q.	Marks	Instructions to Candidate
1.		<ul style="list-style-type: none">There are 20 questions.
2.		<ul style="list-style-type: none">All questions are compulsory.
3.		<ul style="list-style-type: none">The number of marks carried by a question is indicated against it.
4.		<ul style="list-style-type: none">Answers to questions no. 1 to 10 should be in 150 words, whereas answers to questions no. 11 to 20 should be in 250 words.
5.		<ul style="list-style-type: none">Keep the word limit indicated in the questions in mind.
6.		<ul style="list-style-type: none">Answers must be written within the space provided.
7.		<ul style="list-style-type: none">Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.
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Name Alok Singh

Roll No. _____

Mobile No. _____

Date _____

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REMARKS

Section - A

- Q1. India diplomacy can be considered successful in handling the Israel and Palestine relations. Comment and discuss India's stand on Israel-Palestine Conflict. (10 Marks)

India has followed a well-balanced policy in the Middle East. The Israel-Palestine relation has been handled in the following way :-

(i) Re-hyphenated policy :- India has followed a delinked policy & not mixed both. While India is an active supporter of Palestine cause ~~from~~ ^{since} independence since Independence, it has improved its trade ties with Israel.

(ii) Support of India to Palestine in U.N. :-

India voted in favour of Palestine in U.N.

(iii) Improved trade ties with Israel :-

Agriculture & Defence have received a major boost since the last decade.

(iv) Cooperation with Palestine in the area of Education

Remarks

Skill development, Social sector initiative etc.

Thus, Israel-Palestine relations with India are a model that needs to be emulated in other regions as well, especially between China & Japan alongwith Russia & U.S.A.

"Jews ~~were~~ had worse condition than untouchables in India & I sympathize with them. But the land belongs to Arab."

— M.K. Gandhi

Remarks

- Q2. World Bank as a multilateral financial institution has lost its credibility, because its quota and voting system has not kept pace with the changing realities of 1990s onwards?
Explain. (10 Marks)

World Bank is a Bretton Woods institution formed after WWII. It

had the following functions :-

- (i) Infrastructure development in the developing nations like India & Africa.
 - (ii) Official Development Aid (ODA):- to African nations.
 - (iii) Enhancing Free trade architecture of the world.
 - (iv) Rank countries on basis of strength of their economies. For ex:- ease of doing business.
However, it ~~was~~ a comprised of a quota system which is discriminatory to developing countries like India & China. The problems with World Bank are:-
- (i) discriminatory to developing countries like India, China

Remarks

ii) Leadership with the Western powers - No one else gets to head World Bank.

World Bank needs ~~to~~ reforms which will reflect the present realities by giving a leadership role to faster growing economies of the world — India & China. Additionally, initiatives like New Development Bank are steps in the correct direction to form a leadership of developing world.

- Q3. Being a member of the Quad - a concord of four democracies - has many potential advantages that India could adroitly exploit. In this context, discuss the strategic and economic benefits which India could gain from being the member of Quad.

(10 Marks)

Quadrilateral or the Quad is the strategic grouping of India, U.S.A., Japan & Australia. It was formed in order to reap economic & strategic advantages & counter the aggression of China. It has the following advantages for India :-

- (i) India's Indo-Pacific region - India sees itself as an important player & 'net security provider' in the Indo-Pacific region. Quad helps in fulfilling the vision.
- (ii) Ackuring SLOC, Right to Navigation & overflight - by maintaining various choke points like Strait of Hormuz, Malacca Strait.
- (iii) Counter China's hegemony in the Indo-Pacific region by its Policy of string of pearls.

Remarks

(iv) Championing democracy & free trade.

(v) Increased defence & economic ties will help in making India a superpower.

However, a few sticky points also exist:

(i) Increased entry of superpowers will decrease India's standing as a regional power.

(ii) Differences with ~~Soviet Union~~^{Russia} could lead to distancing with Russia.

(iii) Tough balancing of Quad & Shanghai Cooperation Organization (SCO).

Quad can prove to be an important part of India's SAGAR (Security & growth of all in the Region) of IOR. Countries like France & U.K. should also be included in Quad to strengthen the organization.

- Q4. "In the context of changed global realities, UNSC reforms have become imperative." Why are these reforms in UNSC important for India? Also, examine the challenges therein. (10 Marks)

UNSC has been missing the situation at the time of world war II. It hasn't taken in to consideration the present day realities of the global geo-politics. UNSC reforms are important to India because:-

- (i) India is a responsible & fastest growing economy of the world.
- (ii) India is the largest contributor to UN-peacekeeping mission soldiers.
- (iii) One-sixth of the humanity resides in India. This giving India a permanent seat in UNSC will help boost world's security scenario.
- (iv) India has a history of Non-aligned and a Principled Stand. Also, with Philosophy of Non-violence, India won't allow another Iraq War if admitted to the Council.
- (v) A seat in UNSC will boost the image of India as a superpower and fulfil its vision.

Remarks

of being a 'Net Security Provider'

various challenges that India has to face are:

- (i) China's veto → China has been blocking India's entry in to UNSC permanent seat.
- (ii) Coffee club:- Voting for consensus have been thwarting ~~veto~~ any reforms in UNSC. It includes Countries like Italy, South Korea, Turkey etc.
- (iii) Ability of G4 to advocate their cause
India, Japan, Germany & Brazil have been unable to advocate their cause effectively.

Need of the hour for UNSC is to reform itself in order to fulfil the aspirations of humanity. A nation from Africa should also be given a permanent membership in UNSC.

Q5. Do you think NAM and Panchsheel have lost its importance in the current situation?
 (10 Marks)

Nor-Aligned Movement & Panchsheel have been the Nehruvian Policy in foreign relations of India. It & they were based on the principles of Non-violence.

NAM was an important institution at the time of Cold War & it helped the developing 3rd world to refrain from falling in to conflict with any of the two ~~blocs~~ blocs. Thus, it saved developing world from various proxy wars.

Panchsheel was a principled stand between India & China in which Sovereignty & Integrity of each other was to be respected. Non-interference in internal matters of each other was also envisaged.

However, the NAM & Panchsheel

Remarks

have ~~tenders~~ been undergoing following issues:-

- (i) After end of cold war, ~~the~~ global geopolitics only had a uni-polar world, thus, no need for NAM.
- (ii) Most of the developing Countries aligned with Superpowers in Order to get Economic aid & development programmes.
- (iii) Principles of Panchsheel were undermined due to unbridled globalization.

As the assertive of China is increasing in Indo-Pacific; the Onus is on India to reform NAM & Panchsheel by aligning the IOR littoral Countries so as not to fall prey to U.S.A - China Rivalry.

Remarks

- Q6. 'Upper Chamber of the Parliament across the world is generally considered to be less powerful than the Lower Chamber. However, they are also vested with certain functions and powers, which enable them to play a decisive role'. Critically analyze the above statement with special emphasis on India. (10 Marks)

The upper house of the Indian Parliament is known as the Rajya Sabha. It has 250 seats. It has been vested with the following powers:-

- (i) Federal Structure:- It helps in representation of the States at national level.
- (ii) Power to Create All-India Services:- Rajya Sabha is vested with the power to create All India services like IAS, IPS, IFoS.
- (iii) It has equal power with respect to Ordinary bills, Constitutional Amendment bills etc.
- (iv) They help in keeping a check over hasty legislations. For ex:- Land Acquisition bill was rejected by Rajya Sabha even after it was passed by Lok Sabha.

Remarks

However, their jobs are undermined by :-
 the following :-

(i) Resignation of a bill as Money bill :- if another bill, this, helps in escaping scrutiny by Rajya Sabha.

(ii) Joint sitting :- Due to low number, it is generally a loser in joint sitting.

(iii) Can't vote or 'vote of grant' :- Unusual power with Lok Sabha.

(iv) Rajya Sabha acts as a platform to include various experts, academicians, leaders in various walks of life. Thus, it is an important element of a Parliamentary democracy.

- Q7. Examine the need for establishing a permanent Inter-state Council. Discuss the main functions of Inter-state Council as envisaged under Article - 263 of the Indian Constitution. Highlight the recommendations of the Sarkaria Commission in this regard. (10 Marks)

Article 263 of the Constitution is Inter-state Council. Till now, Inter-state Council is not permanent. The need to establish permanent Inter-state Council are:-

- (i) Initiatives & Dialogues with various states & Center.
- (ii) ^{for} Solving of Inter-state Water disputes.
- (iii) Horizontal Coordination in Indian federal structure.
- (iv) Emulating of best practices by the other states. For ex:- States can emulate Farming methods from Telangana.
- (v) Act as a platform to resolve differences rather than approaching Judiciary.
- (vi) helps in competitive federalism.
- (vii) Reduces politicization of land & water. For ex:- Belgaum dispute b/w Maharashtra & Karnataka

Remarks

and Cauvery river dispute can be solved by ISC.

Sarkaria Commission recommended in 1990 to form Inter-state Council & various meetings took place.

Punjab Commission recommended that ISC should meet at least twice a year for efficient functioning.

Remarks

- Q8. Paucity of Judges, especially in lower courts is critically affecting the Judiciary and Justice delivery system, discuss. How the situation can be improved? (10 Marks)

Judiciary has a backlog of 3 crore cases. Out of these 60% are more than 2 years old & 40% are more than 5 years old. This shows the abysmal condition of Judiciary.

This is because more than 50% Vacancy is present in lower Judiciary.

Moreover, India's lower Judiciary sanctioned strength is 20,000 but the present infrastructure is only 15,000.

India has low Judge / population ratio. India only has 17 Judges / 1 million population whereas U.S.A. has 139 Judges / 1 million population.

The above situation can be improved by the following:-

Remarks

- (i) Increase govt. expenditure on Judiciary > To enhance infrastructure.
- (ii) Evening Courts should be started.
- (iii) Increasing working days of Judges - On average they work for 180 days/year. This should be increased to 225 days /year acc. to S.C. guidelines.
- (iv) Increased & timely recruitment of Judicial officers.
- (v) Exploring the option of Alternative dispute resolution like Arbitration, mediation & court settlement.

Law Commission of India has mandated that India should have atleast 50 judges/ 1 million population. Then only can the Justice delivery system improve.

- Q9. The actual working of the State Finance Commissions (SFC's) have not been as effective and efficient as the Union Finance Commission. Critically examine. (10 Marks)

State finance Commission were formed under Article 243 of the Indian Constitution. These were established for vertical & horizontal allocation of revenue of a State. They have the following advantages:-

- (i) Centralization of polity - P.R.I's & U.L.B's will be able to evolve in to effective institutions of democracy.
- (ii) Their reports are used by Union Finance Commission to recommend increasing the revenue of state government panchayats & Municipalities
- (iii) A check on Finance of local bodies

However, SFC's haven't been as effective as Union Finance Commission because:-

- (i) Irregular appointment of Commission - They are not appointed every 5 years.

Remarks

- = (ii) Recommendations are kept in cold storage :- Due to low public awareness about them.
- (iii) Politicization of SFC's :- which leads to Corruption in SFC's

2nd ARC recommended that SFC's should be mandatorily constituted every 5 years even only for they function as independent & efficient bodies.

Remarks

Q10. Write a short note on the different sessions of Indian Parliament. Why do you think parliamentary disruptions by Members of Parliament are on the rise, during last two decades? Examine the causes. (10 Marks)

Different sessions in Indian parliament are:-

Budget Session :- This is usually at the starting of the year in February. After which the budget is sent to parliamentary committees.

Monsoon Session :- This is between July - September. Various legislations are undertaken in this.

Winter Session :- Generally in November - December.

Other than the above sessions, other sessions like Joint sitting etc., ~~&~~ Secret sitting etc. can be undertaken as and when the situation arises.

The Present budgetary session only operated for 29% of the stipulated time due to frequent disruptions. Productivity of present Lok Sabha has been very low due to this. The reasons for various disruptions are:-

Remarks

- (i) Increase in speaking time & since not all members get to speak, they resort to disruption.
- (ii) Live telecast of session:- As they know that public is watching them, they tend to take a grand stand on various issues.
- (iii) Fringe elements trying to capture attention of high command:- For getting mainstreamed in party polity.
- (iv) Animosity between government & opposition.

There is a need to introduce civility in proceedings of Parliament in order to make it an effective organization.

Section - B

- Q11. A great game is unfolding in resource-rich, but landlocked Central Asian Region, among China and India. In this context, discuss the significance of Central Asia for both India and China. Also, elaborate on Indian efforts towards "Connect Central Asia Policy".
 (15 Marks)

Central Asian region has always been a contested region. The great game between Russia & U.K. in the 19th & 20th century were played in this region.

The region has an increasing significance for India :-

- (i) Fulfils India's energy needs:- After the Middle east, this is the region which caters to India's energy needs. India imports around 15-17% of its total energy imports.
- (ii) Cooperation in SCO :- Countries like Uzbekistan, Kazakhstan etc have supported India's entry in Shanghai Cooperation Organization 2017 Astana Summit.
- (iii) Connectivity through INSTC & AShagabat deal :- International North South transit Corridor connects Indian Ocean, Persian gulf with Caspian Sea. AShagabat agreement connects persian gulf with

Remarks

Central Asian region. Thus, easier trade & transport with India.

- (iv) Cultural ties :- India had historic cultural ties with the Central Asian Region. Knowledge transfer & migration of people took place via it.
- (v) Defence Cooperation :- Kazakhstan has one of the biggest Uranium deposits, thus, could help feed India's nuclear reactors.
- (vi) Trade & development :- Uzbekistan has huge deposit of gold and India is a gold-hungry country. Also, Tajikistan has a huge Hydro-electric potential which can be used by India.

Significance for China :-

- (i) BRI :- Central Asian Region is an important part of China's Border & Road Initiative.
- (ii) Regional Hegemony :- Regional hegemony of China is incomplete without commanding control of Central Asian Region.
- (iii) India's Containment Policy :- Encircling

Remarks

Containing India

- (iv) Trade Market - Central Asia proves to be a huge market for China. China's trade with the region is greater than \$100 billion.

Thus India needs to increasingly ally with Central Asian region if it wants to develop into regional power & counter China's aggressive policies.

Connect Central Asia policy :-

- ii) India is a ^{founding} member of INSTC & a member of Ashgabat agreement which connects the whole region.
- iii) India's developmental support to the region :- India's line of credit & grants have been increasing continuously. They have tripled i.e. from 2000 to 2018.
- iv) Chabahar port - \$ 500 million investment will prove to be a way to sea for the landlocked region.
- v) Decreasing Radicalization of youth :- India has collaborated with CAR to de-radicalize youth.
As Central Asian region has backed India's UNSC bid, thus, India needs to increase its efforts in the region.

Remarks

Q12. UAE-India relations have now gained a strategic depth, that was lacking in its decades of warm and friendly ties. In this context, discuss the importance of UAE for India and recent major developments to strengthen these relations. (15 Marks)

UAE is the most important country from an Indian perspective for its 'look west policy'.

Of the 11 million Indians residing in ~~the~~ middle East, 7 million live in UAE.

UAE has become increasingly important for India. The reasons are:-

- (i) Remittance :- With 7 million Indians living in UAE, it accrues to a huge amount of remittance to India & thus, boosts foreign exchange.
- (ii) Energy security :- It is a leading exporter of oil & petroleum products to India. Of the total energy imports from middle east, UAE contributes 30%.
- (iii) Development of strategic petroleum reserve :- UAE is helping India build strategic petroleum reserve of 90 days which will come handy during an crisis situation & buffering oil

Remarks

pirates in India.

(iv) India's support in Gulf Cooperation Council :-

UAE supported India in GCC when it was
voicing over the Kashmir issue.

(v) Gateway to Middle East & Central Asia :- It can
help in integrating India's Look west policy &
Connect Central Asia policy.

(vi) Maritime cooperation :- An important power in
Indian Ocean region, It can help India in
fulfilling its vision of a prosperous Indian Ocean
Region. by initiatives like Anti-piracy, Maritime
Reconnaissance etc.

The importance of

The Recent major developments to strengthen the
relations are:-

(i) UAE India's invitation to UAE's Crown
Prince Salman to the Republic day Parade.

Remarks

- (iii) Active partner of India in SAGAR initiative
(for Security & growth of all in the region) in
IOR.
- (iv) Increasing Defence ties :- India has been importing
substantial amount of weaponries from UAE.
- (v) Energy security for India.

UAE can increasingly help India in
countering China & balancing the aggressive attitude of
~~that~~ Pakistan. Hence, closer cooperations are essential.

Remarks

- Q13. The rise of protectionist regime in USA created the challenges for the Indian IT services industry. However, development of new technologies opens new opportunities for the IT services industry. Comment. Also, suggest ways to overcome these challenges.

(15 Marks)

President Trump's policies like import tariffs of 25% on steel & 10% on aluminium has put pressure on world trade. In the Indian Context, Stricter norms for H1B visa & 'Buy American' Higher American' has increased the protectionist ~~credentials~~ credentials of USA economy.

It has created the following challenges for India's I.T. industry:-

- (i) Increasing Cost:- As American worker is four times more costly than an Indian one, it will increase cost.
- (ii) Decrease in availability of skilled workers:- Indian's make up cheap & highly skilled I.T. workers. In comparison, American workers are poorly skilled in I.T. technology.
- (iii) Increasing cost of Hardware:- I.T. industries are facing increasing cost of I.T. hardware due to

Remarks

tariff on imported Chinese electronic goods.

(iv) Huge Layoffs in I.T. Sector:- Recently I.T. industry developed less than 2 lakh jobs in 2 years. This is four times less than what was between 2012-2014.

However, Indian I.T. industry can use this challenging time to their favour by:-

(i) Developing high technology industry at home :-

Coming up of Flipkart as a competitor to Amazon is an example. Bangal should be turned in to the new San-Francisco.

(ii) Increase Cooperation with EU:- If I.T. industry

can utilize the discontent of EU with U.S.A to its advantage by becoming a leader in providing various I.T. industry services.

(iii) Skilled youth out of employment can be

turned in to entrepreneurs:- government should provide a launching pad for this by granting cheap loans. It can be aligned with India's

Remarks

Digital India Initiative.

Moreover, these challenges can be overcome by the following:-

- (i) Increased diplomacy:- U.S.A. needs to be convinced about the importance of Indian I.T. in the American Systems.
- (ii) Building South Asia as a global supply chain of I.T. technology:- India can use its skilled manpower & natural resource of south Asia to do this.
- (iii) Increased emphasis on IOT & AI - Internet of things & Artificial Intelligence startups need to be motivated & promoted by government policy.

Only with a holistic approach, can these trying times in world trade be handled. India should project itself as a champion of true trade & globalization.

Remarks

- Q14. "India's engagement with the Pacific Island Countries is important from an economic and geostrategic standpoint." Discuss. In this light examine the importance of Forum for India Pacific Islands Cooperation (FIPIC) in strengthening India-Pacific island countries relationship? (15 Marks)

Pacific Island Countries are an important part of Indian Ocean Region. They fit in the Indian vision of Indo-Pacific. The importance of the forum of India Pacific Island Cooperation are:

- (i) India's Blue Economy:- India's Pacific Island nations will play a key role in PMN exploration in Indian Ocean.
- (ii) Net security border:- Pacific Nations are an important part of India's prosperous IOR & SAGAR initiative.
- (iii) Shared Interest:- These too are developing Countries like India. Therefore, South-South Cooperation.

Remarks

(iv) Climate Change vulnerability:- Similar to India, these nations are also highly vulnerable to climate change.

(v) Economics & trade- India's IT services, pharmaceuticals are increasing in these nations.

However, a few obstacles in strengthening the relation are:-

(i) Geographical distance :- way too far away from Indian Coast.

(ii) Increased reliance on U.S.A.

(iii) Limited economic relation :- Due to limited potential of these nations in terms of trade.

(iv) FIPIC is an important cooperation organization that will boost India's standing as a Naval power.

Remarks

Q15. India-Japan relations are still not at a stage where they can mutually and effectively advance their bilateral, regional and global interests. Critically Analyze. (15 Marks)

India-Japan have been active partners recently due to their shared concern of aggressive China's rise. They both have the following mutual interests :-

- (i) Indo-Pacific region :- China's policy of string of pearls in the Indo Pacific region by acquiring bases like Djibouti, Hambantota, Chittagong etc has led to India-Japan cooperation in the form of Quadrilateral grouping (India, Japan, U.S.A., Australia)
- (ii) UNSC reforms :- India & Japan are both the members of G4 (India, Germany, Japan, Brazil) to expand permanent membership of UNSC.
- (iii) African question :- 'Asia-Africa Economic Corridor' a joint venture of India & Japan stands in opposition to hegemonic BRI. Japan to

Remarks

invest \$30 billion & India to invest \$10 billion.

- (iv) SLOC & freedom of Navigation - Both countries have an interest in maintaining Sea lanes of communication & freedom of Navigation & Overflight for a prosperous world.
- (v) Champions of Free-trade & democracy - Both are world leading democracy & are against U.S.A's protectionist stand.

However, the relationship hasn't as yet reached a stage of peak. This is because:-

- (i) India's Non-Alignment policy - India has traditionally balanced Soviet Union & America & its allies.
- (ii) Difference in Economic size - Japan is a huge economy & without safeguards will flood Indian markets with its electronic products. Thus, killing Indian initiative.
- (iii) Limited sidelining of China - China being an

Remarks

Important power of Asia can only be sidelined in a limited way.

(iv) Notwithstanding the above obstacles, Japan is an important factor in India's 'Act East policy'. Japan's support of India's Smart City Initiative & Bullet train project only highlights this. Need of the hour is to collaborate on all regional & global issues in order to assert their rights in global geopolitics.

Remarks

- Q16. Quasi-Judicial bodies' role has become very significant in cost-effective speedy adjudication in India. Whether their practice can be considered as a breach of the concept of separation of powers enshrined under the Directives of the Indian Constitution? Give justification to your argument. (15 Marks)

Quasi Judicial bodies like NCST, NCLT, NSBC, CCI etc. have increasingly been resorted to by the Indian government. This has the following advantages:-

- (i) Speedy adjudication :- High Courts take on an average 5 years to resolve a matter. These bodies do it in a matter of months.
- (ii) Subject experts :- These bodies have subject experts, thus can help in understanding the intricacies & give a better judgment.
- (iii) Cost effective :- Conventional Judiciary is a drain on project money. According to an estimate, it has led to an increase of 60% of project cost.

Remarks

(iv) enhance ease of doing business:- India ~~takes~~ takes 1620 days on an average to enforce a contract. This has led to abysmal ratings to India. Quasi-Judicial bodies help in decreasing the time to about 300 days.

However, Quasi-Judicial bodies have the following problems in their structure & functioning:-

- (i) Neglect the Principle of Separation of powers:- All the members are appointed by executive thus, giving a role to executive in Judiciary.
- (ii) Conflict of interest:- 46% of ~~meta~~ litigations are of the Government. It itself appoints these members of ~~Judicial~~ Quasi-Judicial bodies, thus, leading to conflict of interest.
- (iii) Undermining the power of Judiciary:- These statutory institutions, at times, encroach on basic functions of Constitutional institutions (Judiciary).
- (iv) Nepotism & corruption:- No transparency & rules

Remarks

in their appointment -

(✓) Increased level of appeal :- Judgments against them are appealed in Judiciary, thus increasing the level & time taken to resolve a dispute.

Around 3 Crore cases are pending in Judiciary. These Quasi-Judicial bodies, hence, are important in resolution of a dispute. But care must be taken to avoid conflict of interest & government should formulate National litigation policy to decongest the conventional Judiciary.

Remarks

- Q17. There is a view that the five institutions such as Courts, CVC, CBI, CAG and CIC which are not representative of people have become too much active in upholding accountability of elected governments that they are not able to govern as mandated. Critically examine. (15 Marks)

Constitutional Institutions like Courts, CAG, Statutory institutions like CVC & CIC & Executive Organization like CBI are called the S-C and are watchdog of India's democratic system.

These have the following importance:-

- (i) Protecting Right of the people:- S.C. is the guardian of Constitution & guarantor of fundamental Rights.
- (ii) Accountability & Transparency:- CVC, CPT, CAG & CIC help in holding the elected government accountable.
- (iii) Right to know & Article 19(1)(g):- CIC helps in enforcing this right. S.C. in Rej Narain vs Indira Gandhi Case said the same.

Remarks

However these institutions have the following problems :-

- (i) - Opacity in appointment :- S.C.'s collegium system or CBI's Executive appointment, there are no objective rules in their appointment.
- (ii) Don't follow what they preach :- Judiciary doesn't come under the ambit of RTI, 2005.
- (iii) Favouritism, Nepotism & Uncle Judge syndrome :- Corruption in appointment of these institutions.
- (iv) No involvement of Civil Society in appointment or functioning :- Civil society was left out of the process. Supreme Court rejected NJAC which had civil society members to it, citing independence of Judiciary.

There is a need to reform these institutions in order to be fully representative of the people. These reforms are :-

- (i) Transparency in appointment ; (a) CBI heads should

Remarks

be appointed by a Collegium of PM, Law & CTI.

(b) Supreme Judiciary should look to reform NJAC in order to give space to Civil Society while maintaining Judicial Autonomy.

(ii) Regular Social Audit of these institutions:- It could help in maintaining their neutrality & transparency.

Only the above said reforms can help in increasing people's faith in these institutions & hence, make our polity a vibrant one.

Remarks

- Q18. Vast powers have been vested in the office of the Speaker to strengthen the democratic institutions of the parliamentary system, and not to stifle dissent or protest in the House.
 - Comment in the context of India. (15 Marks)

Speaker in India has been given an important place in functioning of the Parliament. He is the Chief Parliamentary officer of the Parliament. He is vested with the following powers in the Indian context:-

- (i) Authorize a money bill:- Only speaker has the power to authorize a bill to be money bill.
- (ii) Maintain day-to-day administration:- Speaker is the Chairman of various parliamentary committees for ex- Business Advisory Committee to maintain the functioning of Parliament.
- (iii) Allot time to speakers on the floor of the house:- He is vested with the powers to allocate everyone the time.
- (iv) Adjudicator in the case of Anti-defection:- Speaker has the power to remove a legislator

Remarks

if such a legislator resorts to any anti-defection or anti-party activity.

- (v) Admit or Reject an impeachment motion - It is upon the presiding officer of a house to admit or reject an impeachment motion against any judge.
- (vi) Chairs the Joint-Session of Parliament.

However, the office of Speaker has come in to disrepute due to following:-

- (i) Misuse of Money bill power - Aadhar Bill was authorized as money bill to escape any Scrutiny by Rajya Sabha.
- (ii) Bias in time allotment to opposition - This leads to decrease in criticism of government.
- (iii) Partisan behavior while applying Anti-defection - The speaker of Arunachal pradesh disqualified 16 legislator on the pretext of Anti-party activity.

The above issues can be resolved by the following steps:-

- (i) Following U.K. Convention - In U.K. Speaker resigns

Remarks

from Party membership while taking over as a speaker & other functions in a Non-partisan way.

(ii) Giving the power to of Anti-defection disqualification to President /governor who can work on the recommendation of Election Commission of India. This will avoid conflict of interest.

In Kinoto Hollaiah Case, Supreme Court laid down the importance of role of speaker. Indian parliamentary system should do well to emulate International best practices.

- Q19. It has been often recommended that the adjudicatory power under the anti-defection law be transferred to an independent body to remove the existing partisan element. How far do you agree that such a step would strengthen the functioning of the law? (15 Marks)

Anti-defection law was added to the Indian Constitution by 52nd Amendment. It was later refined by 91st Constitutional Amendment. Following are the salient features of Anti-defection law:-

- (i) A person will be disqualifed under 10th Schedule (Anti-defection Schedule) if :-
- (ii) After getting elected from a party leaves the party membership.
- (iii) If the legislator votes against the whip of the party without taking due permission from the party.
- (iv) If a nominated member joins a political party after the expiry of six months from his election.

Remarks

nomination.

- (v) If a member resorts to Anti-party activity within the house of parliament.

The Adjudicatory power under Anti-defection has been given to Speaker. This has the following issues:-

- (i) Partisan role of speaker:- In Arunachal Pradesh, speaker disqualify 16 legislators citing anti-defection recently.
- (ii) Stifles dissent.
- (iii) Conflict of interest:- As Speaker works as an agent of party because he doesn't resign from party membership.
- (iv) National Commission to review the working of Constitution, ^(NCRWC) recommended that the disqualification of a legislator should be done by President / Governor or the recommendation of ECI & this recommendation should be binding.

Remarks

This will have the following benefits:

- (i) Legislators can work without fear of disqualification in the house.
- (ii) Removes the conflict of interest inherent in the role of speaker.
- (iii) An independent body will function in a Non-Partisan way.

Further, Anti-defection law should further be amended so that whip should be followed only when the stability of government is in jeopardy. As recommended by NCRWC, this will help in free flow of debates & discussions & lead to decentralization of Indian parliamentary system.

Remarks

Q20. Recently there has been controversy over "Master of the Roster". What are the issues involved? Discuss the problems with current system and consequences of it. What could be the possible way-out? (15 Marks)

"Master of Roster" Controversy of the Supreme Court is about the primacy of CJI in allotting various cases to the other judges of Supreme Court. CJI Ranjeet Mishra hearing the petition on allotment of cases himself called (CJI himself) as "Master of Roster", thus leading to allegation of conflict of interest.

The problems of the current system are:-

- (i) CJI is just first among equals:- Roster making is not a discretionary power of CJI & he should consult other senior most judges to do the same.
- (ii) Allegations of Partisanship :- Allegations of Partisanship are being thrown in allotment of cases for getting a favoured Judgment.

Remarks

(iii) Sidelining of other senior judges:- by not allotting them any case of constitutional interpretation or larger public interest.

The consequences of such an approach are:-

- (i) Erosion of trust of people in the Judiciary.
- (ii) Riptide & Internal rift within the Judiciary.
- (iii) Allegation of Corruption & politicization of the judiciary.

The possible way out from the present system could be:-

- (i) Objective policy of Roster making:- A clear & objective policy of Roster making should be made.
- (ii) Collegium should form Roster:- Inclusion of senior most judges can help in using their experiences to formation of roster.
- (iii) Expertise allotment of cases:- Judges should be classified according to their expertise in particular subjects & can be allotted the cases.

Remarks

accordingly. This will help in efficient handling of cases.

- (iv) Reforming Appointment - NJAC should be debated in a informed manner by excluding the law minister so as to protect the Primacy of Judiciary.
- (v) Video recording of Collegium meetings to increase transparency.

A free, fair & a neutral Judiciary is very important for a democracy to survive. Thus, Judiciary, legislature & executive should solve the differences accordingly.

Remarks