

GS SCORE

An Institute for Civil Services

IAS TOPPER'S

TEST COPY

K. LALITH

RANK - 626

GS MAINS



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82

**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. • All questions are compulsory. • The number of marks carried by a question is indicated against it. • 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. • Keep the word limit indicated in the questions in mind. • Answers must be written within the space provided. • 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 K. Lalith

Roll No. _____

Mobile No. _____

Date 29th July.

Signature K. Lalith

1. Invigilator Signature _____

2. Invigilator Signature _____

REMARKS

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What was the earlier policy?

Roll No. _____

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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)

Indian foreign policy is considered balanced and relations with Israel and Palestine are handled separately due to different geo-political / strategic interests.

Non-hyphenation → Bilateral relations with Israel and Palestine have not been clubbed. Dehyphenised.

With Israel has strong relations in technology transfer, defence acquisitions and hydrological sector.

People-to-people relations mark the conducive cultural ties in Indo-Israel relations. On the other hand Indo-Palestine relations are not dominated by Indian interests in Israel, efforts in the field of humanitarian help undertaken by India. Indian forces work under Blue helmet policy of UN Peace keeping mission in Palestine.

Anti-terrorism is another area of interest in Indo-Palestine ties. Recent bilateral visit by head of States offer greater opportunities in the field of investment, entrepreneurial develop-ment etc. with Israel. At the same time maintaining cordial relations

Remarks

What are the challenges India is facing in balancing the relation?

?
Clarity
required

with Palestine.. Thus, Indian ~~diplomacy~~ ^{diplomacy} towards these Middle-Eastern nations is marked with non-aggrandisement.

2 1/2
Precisely discuss India's stand on Israel-Palestine Conflict

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)

- The Bretton Woods institutions are even till date structured as per the power structure of the post second world war era. However the present reality is of a Multipolar Economic Development. Thus necessitating reforms as follows:-
- Post 1990's Asian economies have emerged as the new potential economic growth engines. However their share in IMF and WB is less than 25%.
 - Veto power held by USA impacts the lending pattern of WB as per USA's strategic interest which is against the new normal.
 - Emergence of multilateral institutions like New Development Bank (NDB), AIIB, ADB are a direct challenge to the financial domain of WB.

Precisely discuss the voting powers (Quota and voting system) and related criticisms (Ref. hints)

Remarks

6
Ans. lacking clarity and major
dimensional analysis

Reforms ~~done~~ in voting pattern /
Quota system are necessary to
recognise new economic order
led by China, India etc.

Neo-Imperialism has
been displayed by WB and IMF
during fiscal crisis in various
countries by dictating terms and
forcing liberalisation.

Nevertheless, the
relevance has not completely
vanished and prominence could
be regained if the power structure
in them reorients to the new
economic realities.

2 1/2
Reforms taken till now
and proposed ones

Remarks

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)

Quad is a concert of democracies namely, India, USA, Japan and Australia, with a view to mark their presence against aggressive political advancements by nations.

Is it the basic objective of QUAD

Being a member of Quad provides access to partner country's foreign policy, strategic interest and military prowess, to stand against encroachments in the South and East China Sea. It does not undertake military

India's strategic interests - and is not aimed at any country

- To counter China in its string of pearls strategy

- Improve strategic dominance in the Indian Ocean region (IOR) complements the Act East policy. It is an additive to the India's own backyard policy with regard to (IOR)

Not an open objective of QUAD (More of a hidden aspect)

Remarks

Economic Interests →

- Greater market and Investment avenues from Japan to USA.
- Enhancement in ODA by Japan to India.

• The logistic memorandum agreement is an continuation to the Quad's ideology. Thus enhancing Indo-US relations.

• The Make in India policy could get a boost by investments by co-ordination.

• Technology transfer in Military and Nuclear field → Does it come under QUAD provisions?

In a nutshell, being a member of Quad, not only satisfies India's strategic interest but is a keystone to the energy quest.

Need to cover more broader objectives and benefits

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)

The change in power structure from a Bipolar to multi-polar in the post war period has necessitated reforms in UNSC to maintain its relevance and not go the old way of League of Nations.

What are the issues with UNSC?

India's economic and geo-political presence makes it an indispensable member of the security council. However, the permanent members do not wish to dilute the power structure.

Main opponent of India's entry into UNSC permanent membership has been an Asian neighbour due to geo-political competition, relevance of T relevance of India's presence.

India is the largest contributor of the UN's Blue helmet policy.

Remarks

Analyse the need for change in global context first

How India would benefit from UNSC reforms?

- World's largest Democracy and third largest economy in PPP terms.

- Non-aggressive India's foreign policy (friend for all).

Key challenges to India's membership

- Opposition by China by its VETO power.

- Strategic resistance by coffee

Name the countries in the Club group to block the G-4 in getting UNSC membership

US as a challenge however the realpolitik and reality is in favour of India including African nations, the P5 countries except China and the EU.

Better contextualization of dimensions required

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

Panchsheel refers to Non-aggression, Mutual-Non Interference, cordial International relations and World Peace, whereas NAM was established as a group of nations who did not wish to be identified by either of the extreme ideologies of Capitalism and Communism.

In the present multipolar world both institutions have maintained their relevance.

RELEVANCE OF NAM.

- South-South cooperation where India is a linking pin between the West and the South East. NAM is significant as a binding force.
- Adherence to middle path in the world political outlook.

Remarks -

Need to analytically elaborate and analyse the importance and relevance in present world order

• It is a base to the India's foreign policy.

IMPORTANCE OF PANCHSHEEL

• To maintain peaceful neighbour hood relations, to strengthen Sino-Indo ties.

• Displays Non-aggression in India's foreign policy.

• Maximise the soft power in Indian diplomatic stand.

In a nutshell, NAM in the contemporary world is a bridge between the developed and under-developed countries. And shall continue to undercut the extreme ideological currents, thereby maintaining world peace as envisaged by Panchsheel.

Dimensions lacking in-depth analysis (Ref. hints)

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)

Bicameral legislatures are a legacy of the Westminster governance model ~~most~~ usually seen across countries previously colonised by the United States with its Senate as the Upper Chamber, UK with House of Lords and India with Rajya Sabha.

The upper house usually has an advisory role and is not directly elected.
 - Ordinary Legislation

Both the upper and lower have their respective roles in governance mechanism there-
 - Financial Legislative powers
 - Resolving disputes
 fore upper house cannot be under-mined.

INDIA'S CONTEXT

Lok Sabha has the chief legislative power in Money Bills.

Remarks

ORDINARY BILL : Money BILL
 LS = RS
 LS > RS
 CONSTITUTION AMENDMENT BILL
 LS = RS

Article 249 and 250 gives special power to Rajya Sabha to legislate on VII schedule with a 2/3rd's majority on the state list.

Under Article 312, RS has power to create new All India service eg - 1966 Indian forest service was created.

5. In case of Money Bills and regular administrative and executive decisions RS don't have a Direct coverage. The LOM are collectively responsible to LS and not RS
 Article 75 (3).

In a nutshell, although apparent power of RS seems to be on the weaker side its importance cannot be struck down as a keystone in avoiding hasty legislations and Parliamentary control over Executive.

Remarks

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)

Inter-State Council under Article 263 is a key stone of federal character of Indian polity. where deliberations and intellectual policy decisions are taken, by taking states into confidence such as recent example of passage of GST Bill through states consent.

Precisely mention the duties of ISC

Need for Permanent ISC:-

- It is episodic meeting and should be concluded in greater frequency to harmonise the Union-states relations.
- A permanent ISC can help integrate the efforts of extra-constitutional bodies such National Development Council, Zonal Council and North Eastern Council on a continuous basis.
- Continuous interest interactions between Executive branches of Centre and State will pave the

Remarks

First analyse all major issues with the present system

Way for co-operation democracy:

• As the chairman of ISC, Prime Minister with other important ministries such as finance and Home as members Internal Security and State Centre-State finance relations should will be strengthened.

WAY FORWARD.

Recommendations of Sarkaria Commission:-

- ① To improve co-operative federalism.
- ② Abolishing misunders tanding, between Centre and states in the realm of appointment of governors etc. should be taken into cognisance and ISC to be made a permanent body with a dedicated secretariat to perform staff function in key policy decisions concerning central state decisions.

Punchi Comm. recommendations

Remarks

How the present system can be improved?

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)

Data
Justice delayed is Justice denied. Huge vacancies in lower judiciary is the prime cause behind blockade in Justice delivery at the grass root.

Around 3.5 crore cases are pending in Indian judiciary out of which around 2.8 crores are in the District or Sessions level.

Inefficient functioning of judicial recruitments at the State level and tussel on NJAC at the central level is critically affecting the appointment and transfer of judges. At the current pace it would take 460 years to clear all the pending cases of under trials (Law Commission Report).

What are the reasons for paucity of judges and large pendency of cases?

Remarks

Analyse the systemic defects in appointment process in lower judiciary

Judicial Reforms such as :-

- fast track courts, (Mobile courts in Meent) can improve the situation.
- Finance Commission recommendations regarding infrastructural deficiencies in this domain should be adhered to. pay hikes
- Expediting appointment of judges especially at lower judiciary should be ensured. (Gram Nyaya Laya (family courts)) should be given prominence to de-log the pipeline.
- focus on ADR Mechanism (ADR Bill 2018) introduced in Parliament.
- Improved working of Tribunal system to settle Class Action law suits and administrative grievances, Reduction in number of cases from government's side etc. should be the way forward.

Remarks

- 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 commissions are constituted under Article 243 (i) and (j) to aid state governments to the judicious disposal of tax devolutions and other fiscal matters concerning States.

Union Finance Commission U/A 280 delivers similar service to the Union government. Recommendations of finance commissions are not binding on the government hence may not be needed to.

EFFECTIVENESS OF SFC:

- ① The terms of reference of each SFC are different hence non-congruity in the devolution of tax proceeds and grants to the local self government.
- ② Greater political dominance in state level executive decisions over economics.

Remarks

What has been the governments' (state) attitude towards SFCs?

③ State finances are limited hence not much scope of micro-allocation.

However, the grant-in-aid to the states through ARTICLE 275 (Discretionary grants) offers flexibility hence may improve functioning of SFC.

Abolition of Planning Commission have reduced grants under Article 282 which were non-flexible in nature, thereby indirectly improving operational efficiency of SFCs.

④ WAY FORWARD

Like the judicial system, the SFC should also be under the jurisdiction of UFC, thereby ensuring uniformity in policy decision across the board.

Suggest more specific measures

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)

Indian Parliamentary System has divided 3 sessions namely Budget, Monsoon, winter (in that order), Budget Session

Briefly about all 3 sessions

Part 1: Introduction of the Budget

Part 2: Discussion and Passage

The Monsoon and winter sessions are mainly for discussing key national issues and legislating on relevant matters.

Protests on the floor of the house leading to disruption of parliamentary proceeding is on the rise since the Parliamentary proceedings have been aired, because :-

- ① floor of the house is being used for political gains and mileage.
- ② These proceedings form the public mandate by the and large thereby political parties demonstrate here.

Remarks

③ To block the party in power from delivering governance by the opposition parties. Causing Policy paralysis due to shortage of quality legislative time. Also serve as an interest of hobby pressure groups.

④ To highlight Regional Aspirations at the national level eg - Recent Andhra Pradesh MP protests.

⑤ Although, at times such interrep-
tions are in broader public
interests where government tends
towards Authoritarianism.

To improve the situation,

① Politicians need to realise their
overall legislative duty.

② Political morality should outweigh
narrow sectarian interests.

③ Accountability of the Parliament
to public - at large through
tools of Direct Democracy.

Remarks

Need to give appropriate space to
all major requirements of the question

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)

The importance of Central Asia to both India and China as rising economic giants is manifold.

On one hand China aims to exploit the resources and maintain economic relations by and large. India on the other hand looks at economic, Strategic and energy relations in the region.

The great game is of competitive co-operation similar to that of in Africa. Indian and Chinese interests are similar yet approach is different.

China has direct access to central Asian countries. The ancient silk route crosses parts of central Asia and extends to Europe which is the base

Remarks

to Chinese economic expansion, Chinese Internal security also depends on its relations with Central Asia.

However Indian Interests are broader. Significance to India is as follows:-

① Energy security - India is a fast growing economy and needs to diversify its energy resources, focus on Central Asia is for natural gas (TAPI pipeline) through

② Mineral Resources such as precious stones in Afghanistan like Lapis Lazuli which has ancient significance in India - Central Asian relations :-

③ Nuclear fuel → Kazakhstan is the largest producer producer of raw uranium and cordial relations thereof may be useful to continuously fuel the Three-Stage nuclear policy of India.

Remarks

④ People-to-People ties - Since Ancient time ~~it~~ has been strong. India helped in building Infrastructure in war stricken ~~Ag~~ Afghanistan like its Parliament.

⑤ Technology transfer is another area of interest like Teleducation Telemedicine etc.

⑥ Geo-strategic interests → Central Asia is an huge potential market for the Make in India. In the long term WAT FORWARD.

The Connect Central Asian policy mainly focus on 4 aspects that is gas, strategic interest, cultural and economic ties, thereby making the entire Central Asia and especially Afghanistan as the focus of future Indian foreign policy, as an extension of Ashgabat agreement on the lines of Buyral Doctrine.

6
Good effort

Remarks

What initiatives India has taken under Connect Central Asia Policy?

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 holds paramount significance in Indian foreign policy due to energy and diaspora as the ~~big~~ major pillars.

UAE is the leader ~~of~~ of middle eastern economies trade-wise, third largest in terms of ETIM trade. India aims to get direct access to the GCC (Gulf Co-operation Council) through countries like Saudi and UAE, thereby further diversifying its energy security.

DIASPORA → Largest Indian ~~overseas~~ overseas population resides in the middle east due to employment or otherwise. Huge Indian interests in the middle east both culturally and economically, India is

Remarks

the largest recipient of foreign remittances especially from UAE. Huge potential to develop strong people to people ties due to cultural assimilation of Indians in the Middle Eastern cultural society.

Temporally, during 1970's and NAM, India had strong relations bilaterally with Middle Eastern countries. In late 70's and 80's due to lacklustre diplomacy on India's account, the relations deteriorated. However post 1991 reforms the Indo-UAE economic relations bounced back in terms of inward FDI in the long run.

Efforts such as Pravasi Bhartiya Divas started as per L.M. Singhvi Committee's recommendations to enhance and maintain strong diasporal relations thereof.

Precisely discuss importance of UAE (specifically) for India

Remarks

Recently the crown prince of UAE was the chief guest of Republic Day parade in 2017.

UAE assured construction and refueling of strategic oil reserve in India through its company through ADNOC.

WAY FORWARD

The upswing in Indo-UAE relations ~~promised~~ promises enhanced energy and economic relations with greater opportunities of employment of people of both countries along with education.

Need to discuss specifically, in context of UAE

You have highlighted overall significance of Middle East

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)

The rise of protectionist measures from USA apparently seem to have harmed the IT sector in India.

However, rational examination of such measures displays the following picture:-

- ① The cancellation of under process of H1B visa, is a short term phenomenon and it a logistical ~~path~~ instead of a policy decision.
- ② Short term impact could be felt in the number of ~~onsite~~ employees of Indian IT companies.
- ③ In the long run the measures are towards the rationalisation of USA quotas which directly do not target a specific country.
- ④ Role of Media has been huge to expound the intensity of the

Remarks

Need to precisely discuss relevant challenges for Indian IT services industry

Focus on challenges faced by
IT industry (Ref. hints)

situation thereby causing fear among students and professionals.

⑤ STEM, there has not been a reduction in educational opportunities in US universities in the field of science, maths and technology.

NEW OPPORTUNITIES FOR IT SECTOR

① High value employees with greater gross salaries can still easily avail the visas as the benchmark of income requirement has been ~~or~~ increased by US but no ban on the number of employees.

② ~~KPO~~ KPO industry can still thrive as it does not include physical movement of natural persons thereby offering great potential to Indian employment.

③ Software companies are extensively making use of virtual teams and network organisations.

Remarks

which do not involve physical movement of workforce thereby circumventing the protectionist policy.

How to Improve/WAY FORWARD.

- Improving Indo-US relations can give diplomatic currency to India in order to influence the protectionist policy of USA. Keep your discussion in context of the question
- Hinduism is the sixth largest religion in USA which increases acceptance of the Indian citizen in USA thereby reducing hostility.

31
32

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)

The expansion of Look East policy into Act East policy have improved the significance of Pacific island countries in many ways. The Act East policy extends to Micronesia and Polynesia islands thus covering all the countries of FIPIC.



IMPORTANCE OF FIPIC.

- ① To synchronise the interest of Pacific islanders, Japan and India.
- ② Socio-economic development in the island countries in the field of education, internet connectivity etc. which is very scattered.

Remarks

③ FTPEC provides a multi lateral forum for discussing mutual interests and counter aggressive measures in the South & East China sea.

④ formation of India-Pacific islanders forum with US led at FTPE will strengthen India's rising geopolitical significance in the world rhetoric.

⑤ STRATEGIC IMPORTANCE

- Pacific Island countries are in favour in including INDIA in UNSC as a permanent member.
- India could be a representative of these PIC's in the world forum to highlight the impact of global warming on small island countries which threaten their survival.

⑥ GEOSTRATEGIC IMPORTANCE

India-Pacific Islander forum is a key component of the cotton

- Remarks

Ideal location for establishing monitoring and tracking station for satellites

Importance due to USA's Pivot Asia Policy.

Need to cover economic importance of PIC in detail (What India can offer to PIC)

route policy countering one-Belt one-Road policy of China.

• The SAGAR Doctrine (Security and Growth of All in the Region) improving India's maritime powers.

• DIASPORA → India shares strong people-to-people relations with these countries, many prominent parliamentarians have been of Indian origin.

WAY-FORWARD.

54 • PIC can proved to be significant in establishing India's prominence in the Indian Ocean Region and extension thereof. India uses soft power diplomacy majorly thereby Diplomatic currency in world fore.

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)

Indo-Japan relations are at an upswing lately due to major breakthroughs in civil nuclear deal which not only has an bilateral significance rather it is an acceptance of India's nuclear policy by the only nuclear attack suffered thereby strengthening India's nuclear doctrine.

Economically, India has been the largest receiver of Japanese Official Development Assistance (ODA's) for a long time.

However, historically Indo-Japan relations have not been very strong like those like India shares with other major power namely USA and Russia.

In 1930's, Satoshi Akamatsu who gave the fly-goose model of development was the Wernerschofe of initial post Indep-

Remarks

erudent development in India.

- Culturally, the congruence of Buddhism in India & Japan have not been fully utilised. The work culture of Indian & Japanese is very different leading non-compatibility at times.

People-to-people relations have not been fully realised especially in cross country employment.

However, the rhetoric has changed since 1991 LPA policy, which are as follows :-

① India recently setup a dedicated Desk for Japanese investments in the Ministry of Commerce laying a Red Carpet for future investments.

② Single-window clearance system as a part of Ease of Doing Business initiative which will not only help both but will also prove to be a successful model to be replicated.

③ On a ~~regional~~ ^{global} level, India and Japan are part of G4, demanding relevant and incumbent UNSC reforms.

④ Asia-Africa growth corridor.

⑤ Regionally, India is a part of Asian Development Bank with Japan being its founder member thereby challenging WB/IMF's monopoly.

WAY FORWARD:

The high standards of corporate governance as practiced in Japan can become a Model for

Case of Doing Business in India. 5/1
 further, Indo-Japan relations can be a great boost to improve India's national interest and geopolitical significance.

What are challenges in India Japan relations?

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 especially Administrative Tribunal as mentioned under Article 32BA is an extension to the core judicial structure operating in the country. Tribunals for other matters such as NAT (National Green Tribunal) have been envisaged under Article 323B, and have been formed under ~~323B~~ an Act of Parliament.

Tribunals are not strictly judicial bodies as they have administrative staff also. Experts from various fields and senior bureaucrats and policy makers also form a part of these tribunals. This infrastructure apparently seems to violate the separation of power and falls in the grey area of

Analyse the issues

Remarks

Criticized for not being up to the standard of Judiciary
Executive interference

Absolute Constitutionalism (Article 50 of Indian Constitution).

NEEDS

- ① Acts as an Aid to formal judiciary to de clog the system.
- ② These are specialised bodies and can handle technical matters with greater practical relevance, and not only on the touchstone of constitution.
- ③ Tribunals can establish benches in various locations and hence are flexible and thus reduce the cost of adjudication.
- ④ They do not need dedicated infrastructure and their sittings are demand driven.
- ⑤ Tribunals having been explicitly mentioned in the constitution outrightly do not violate the letter and spirit of the document.

Remarks

⑥ Delegation and De Centralisation of ~~judicial bodies~~ authority is the basis of ~~formation~~ of quasi-judicial bodies.

⑦ Finance Commission has also recommended ~~QJ~~ QJB Constitution to reduce the quantum of under-trials and pendency of cases in a fast track manner.

Source required

Conclusion required

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)

The problem of policy paralysis has significantly plagued the efficient delivery of good governance which has been partly due to undue activism of certain cornerstones and stakeholders of Indian Democracy.

Judicial Activism and pro-active working of Administrative watchdogs, although may be beneficial in the short run but have posed functional challenges to administrators and elected governments to carry out the executive responsibility.

Bureaucratic Red-tapism is a result of over-policing of these agencies.

Why the role of all five have increased in recent times?

Remarks

Critical sectors such as Banking have faced the challenge of dual governance, one on the economic and other on the vigilante angle.

Excessive Accountability leads to dilution of effective responsibility as civil servants are continuously under vigilance.

The fault finding nature of agencies such as CBI, CVC etc. restricts civil servants from taking courageous decision, rather than they should work on the principle of NBC (Management by exception).

fake PIL's which have taken the shape of Public Interest litigation have been a chief cause of rising pendency in judiciary.

Remarks

Separately discuss the positive and negative impacts of increased activism

However, Accountability is a corollary to Authority and some minimum degree of Accountability should be maintained to ensure effective governance and smooth executive functioning.

Need to cover all required dimensions precisely to present a clear and complete ans.

4½

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 is the final authority in parliamentary proceedings and have been delegated with important responsibility and to maintain smooth proceedings however the same power have been apparently ~~overstepped~~ overstepped lately.

Reasons to justify powers

- ① Parliamentary time should be efficiently utilised in the public policy making hence disruptions should be minimised
- ② Quality of policy decisions should be beyond narrow policy decisions therefore sweeping powers of speaker should be justified.
- ③ Discipline and decorum in the temple of democracy is

Remarks

Precisely mention the functions of the Speaker and then —

Very important as the world is watching. ~~It be to~~

(4) It becomes indispensable to use such sweeping powers when politicians overstep the boundaries. Eg → Damaging furnitures, Abusing fellow parliamentarians etc.

However power of speaker is not absolute and should have reasonable restrictions as follows: -

- (1) Speaker is usually from the ruling party hence ideological bias may stifle dissent.
- (2) Overuse of such powers may undermine the role of opposition in healthy democracy.
- (3) Authoritarianism may set in if powers such as excluding members of the house are not used sparingly.

Remarks

Need to analyse in light of recent misuse of the office of Speaker

Anti-Defection Law (ADL) is the key irritant as the Speaker may not have such technical abilities to decide on such matter. In a nutshell, any authority when used in caution will ensure discipline but when overstepped would lead to Apparent Autocracy which is the failure of Democracy.

4 1/2

Remarks

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 (Schedule 10) has been a bone of contention since inception and has been the chief ~~the~~ chief allegation against the Speaker/Chairman of the house for displaying partisanship.

However the Constitutional sanctity in the post of speaker needs due analysis of facts and objective decision instead of Malafide intentions.

Reasons for Demanding separate Authority for ADL.

① Speaker is from the ruling party generally and political intentions may ~~come~~ come in.

Highlight the recent examples

SC's observation in Balchandra vs. BS Yeddyurappa

Remarks

② Technical ~~and~~ judgement and abilities of speaker may not be sound always.

③ Independent body would objectively decide on the matter with the help of a battery of constitutional experts.

However, the responsibility of the speaker of the house is of great significance and it is a Constitutional Authority and doubting the intentions prima-facie of (Kihoto Holohon vs. UOI) is a classic example in this respect.

~~CSL~~

Recommendations

- It would be rather ~~recommended~~ to provide ~~Experts~~ ^{Panel} of Experts who would ~~under~~ ^{undertake}

Remarks

advisory role to the speaker
in such matters to avoid
political malfeasance the
panelists could be eminent
jurists and members of Law
Commission.

To conclude creating a new
Authority for every problem
is not a solution rather
strengthening the existing
mechanism with relevant
Reforms is the way forward.

What has been specific recomm.
of prominent Committees and
Reports?

4½

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)

The recent controversy was with respect to Allocation of important case by the CJI to various judges of the SC. The issue also proliferates into the appointment of judges and has a bearing on the collegium and an apparent centralization of Judicial Authority by the CJI & his associates.

ISSUES INVOLVED

- ① Apparent centralisation of power of CJI.
- ② Disagreement among fellow judges of SC regarding cases to be pursued and matters to be heard thereof.
- ③ Diminishing image of non-partisanship in eyes of public.

Remarks

PROBLEMS WITH THE CURRENT SYSTEM

- ① Lack of transparency in judiciary especially at the APET level.
- ② Lack of efficient governance in the secretarial work of the Supreme Court.

- ③ Impact of ~~Three~~ Third Judges Case 1991, 1993, 99. empowered the CJI with each judgement.

CONSEQUENCES.

- ① ~~Negative Dissent~~ among judges and the members of Law Commission over the judicial decision of CJI.

- ② Increasing tussle between Executive & Judiciary and the Blame game thereof.

- ③ Spirit of constitutionalism apparently being compromised.

Second Judges Case
Argument given for case
Collegium system

WAT FORWARD

① Transparency in Judicial process like E-courts.

② Online - Database of cases and their respective allocation on the website.

③ National Judicial Grid making the court procedures and trivial matters such as taking court dates, tracking process, calculating court fees are done online.

④ Last but not the least the Chief Justice should make his stand clear in public to avoid any wrong image of Judiciary being proliferated.

Remarks