



An Institute for Civil Services

IAS TOPPER'S

TEST COPY

POOJA YADAV

Rank - 174

**GS Mains
Indian Polity**



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INDIAN POLITY

Time Allowed: 3 hrs.

Max. Marks: 250

Q.	Marks	Instructions to Candidate
1.		<ul style="list-style-type: none">There are 20 questions.The paper contain two sections:<ul style="list-style-type: none">Section A: Questions 1-10 are of 10 Marks EachSection B: Questions 11-20 are of 15 Mark EachAll questions are compulsoryThe number of marks carried by a question is indicated against it.Answer the questions in SECTION A WITHIN 150 words each and SECTION B WITHIN 250 words each. Contents of the answer is more important than its length.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 POOJA YADAV

Roll No. _____

Mobile No. _____

Date _____

Signature Pooja

1. Invigilator Signature _____

2. Invigilator Signature _____

REMARKS**GS SCORE**

GS MAINS TEST SERIES 2018

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SECTION A

Q1. Explain what is parliamentary privileges. Also, bring out the dispute between the fundamental rights of citizens and privilege of the legislature. (10 Marks)

Parliament is the hallmark of democracy. All the parliamentarians by virtue of their office are assigned privileges under Ar 105 ; A 189 (legislators).

Privileges are enshrined in the constitution to maintain effective functioning of the houses.

Lately, there has been a debate between fundamental rights and privileges of legislators.

Privileges -

- 1) Freedom from arrest for something said in the house.
- 2) Outsiders are kept out and aren't allowed to interfere.
- 3) Power to allow publishing or not publishing.
- 4) Freedom to s. Can't be asked to stand in front of jury.

It has been seen that privileges infringe upon the fundamental rights of citizens in following ways -

- 1) Privileges are an indirect means to

Remarks

keep criticism out

2) It affects the freedom of speech and expression of citizens and press.

3) Privileges aren't codified, this makes justification of penal action more vague.

4) By keeping criticism out, it maintains party dynasties, favouritism and is a black spot for democracy.

The privileges were adopted for functioning of the house in an independent manner. The freedom of citizens must not be covered under the blanket of privileges.

1) Speaker must be ^{made} competent by an unbiased selection.

2) Codify privileges

3) Judiciary must decide penal action & what constitutes breach of privileges with legislature & executive.

A balance must be obtained b/w the two for a functional democracy

Remarks

Q2. Section 123 of the Representation of People's Act, 1951 (Act) impose restrictions on speech thus discuss the limits of those restrictions and the purpose of the law.

(10 Marks)

Representation of People's Act, 1951 is responsible for the elections (hallmark of democracy) and voting, contesting etc.

It places restrictions on many areas like not allowing NRI's to contest elections, il electoral practices, speech to influence voters etc.

Sec 123 of RPA, 1951 imposes restrictions on speech to maintain the democracy and keep electoral politics at bay.

In an judgement, SC has banned discussion of religion (of the candidate and the voters) to ban communal politics. In other sensitive areas like caste, region have been exploited for parochial political gains.

Votes in India are influenced heavily by manifestos, candidates and thus voting pattern is hindered and is not a true reflection.

Patterns observed among voters -

- 1) Voters vote for their caste, religion rather than manifestos.
- 2) They vote as per age of the candidate etc.

Remarks

3) They vote for the candidate party rather than the go candidate.

The judgement can keep communal politics aside and lead to a functional democracy.

But the limits of restriction must be well laid as people in India have suffered historical discrimination on the basis of caste, religion, sex etc.

Thus these identities can be used to overcome discriminations. These people organise and limits must be assigned, ~~the~~ rather than a blanket ban on discussions on religious lines.

The RPA Act is essential for an efficient democracy & empowered citizenry.

Remarks

Q3. Free and fair elections are necessary, but not a sufficient condition for efficient working of a democracy. Examine. (10 Marks)

India adopted parliamentary democracy centered around free and fair elections. It empowers the citizens to elect their own representatives who indirectly impose their will.

An efficient democracy needs -

- 1) Empowered and aware citizens.
- 2) Political will.
- 3) Free and fair elections.
- 4) Free press which spreads awareness
- 5) Tolerance and brotherhood among all
- 6) Long term goals rather than short term parochial gains.
- 7) Transparency among parties.

Elections are essential as it leads to citizens imposing their empowerment. But democracy is not just all about elections.

India has been mocked for its excessive focus on elections but neglecting other key areas.

Free and fair elections alone if coupled with biased opinion, caste & electoral politics, corruption leads to derailment of

Remarks

democracy.

Thus an efficient mix of all the requirements is required for democracy our forefathers envisaged.

Some suggestions can be considered -

- 1) Inner party democracy to end dynasty politics and nepotism.
- 2) Regulate political funding - Electoral bonds etc.
- 3) Empower Election Commission to intervene in matters of defection.
- 4) Education & awareness.
- 5) Representation of all groups - women reservation bill, SC, STs etc.

These measures if adopted can make India one of the most efficient democracies of the world.

Remarks

Q4. The absence of planning of Parliament's calendar and business directly impacts the quality of debate in Parliament. Do you agree? Compare the working of Indian Parliament with respect to Britain in the above case. (10 Marks).

India is one of the world's most efficient democracy with the one of the least functional Parliament.

The Parliamentary reforms have been long pending to uproot problems plaguing Indian Parliament.

Issues with Parliament -

- 1) Criminal accounts - 16th Lok Sabha - Around 30% leg. Parliamentarians have a criminal record.
- 2) Low attendance
- 3) Disruption in house by opposition to seek vengeance from ruling party.
- 4) Dynasty politics, nepotism.
- 5) Excessive privileges, unmodified
- 6) Poor quality of debates in the house.
- 7) Regional issues take over the national issues.

India adopted Parliamentary democracy from Britain with certain modifications.

The Britain's parliament meets around 150 days a year, whereas Indian Parliament meets around 60-70 days a year.

Remarks

- Privileges of in Britain powers. Parliamentarians are codified which prevents misuse of sessions is assigned in the year to, which ensures better Attendance in Britain.
- Some suggestions as mooted by Law Commission reports, ARC
- 1) Ensuring minimum attendance of 100 days for Rajya Sabha and 120 days for Lok Sabha per year.
 - 2) A calendar of sessions and meeting must be given to allow parliamentarians prepare their attendance.
 - 3) Allow dedicated time to opposition members to reduce disruption and maintain checks and balances.
 - 4) Codify the privileges and penal actions.
 - 5) Increasing punishment and Decriminalisation of politics by spreading awareness among voters.
- Parliament keeps the democracy alive, the long pending reforms must be adopted.

Remarks

Ar 37

Q5. The DPSPs are an unofficial manifesto for good governance, if a political party can only adhere to them properly, when in power, there is no need for any other manifesto. Examine. (10 Marks)

Part IV of the Indian constitution details Directive principles of state's policy.

Dr B.R. Ambedkar compares DPSPs with the instructions of instructions given under 1935 Act.

These principles serve as principles, guidelines for the government to adopt while framing policies, ensuring the socialistic, welfare agenda of the democracy is realised.

DPSPs are non-enforceable in a court of law but Ar 37 mentions - DPSPs are fundamental to the good governance and state must realise them through its policies.

They are rightly called unofficial manifesto for good governance.

DPSPs contain Grandhain, liberal and socialistic principles like maintaining good health of all, proper pay to workers, protecting environment and animals, rights for elderly and disabled, universal civil code etc.

Remarks

Though non enforceable, they can be realised through policies as envisaged by our forefathers.

A party must design its manifesto around DESPs to create a socialistic, welfare and developmental democracy.

If ~~not~~ followed, all the problems in the country can be solved and the ideals of justice, equality, liberty, socialism would be realised.

Remarks

Q6. Post-legislative scrutiny improves the quality of the laws. Do you think this kind of system is needed in India? Analyse it taking into account the experience of other countries. (10 Marks)

Separation of powers is one of the most fundamental principles of Indian democracy where all the three organs are assigned their duties. Legislature is concerned with the formation of laws for the evergrowing democracy.

Certain mechanisms are present under Indian democracy for ~~no~~ quality law making -

- 1) 2 houses of Parliament for ensuring debates representation to all states and countering hasty legislations.
- 2) Private member bills.
- 3) Route of ordinances to allow law making when either house is not in session.
- 4) Joint sittings to resolve deadlocks.
- 5) Presidential assent & pre permission for certain legislations.

These measures have functioned well but the absence of post-legislative scrutiny hinders the quality of law making.

The current mechanism is centered around Parliamentary standing committee which is overloaded with work and thus delays.

Remarks

revolutionary reforms.

A provision for post legislative scrutiny based on expertise alongwith PSC and other present reforms can improve the quality of legislations in India.

Muslim Women Bill, 2017 and Transgenders Rights Bill are some of the examples of improving legislations.

Post-legislative scrutiny as present in Britain, US has functioned to timeline the scrutiny thus preventing delays & experts' advices and suggestions lead to improved legislations.

This small measure if adopted can lead to a better legislation, growing democracy & empowered citizens.

Remarks

Q7. Elaborate the structure of bicameral legislature in Indian states? Also examine the need for such an institution? (10 Marks)

India is a quasi federal where ~~states are~~ ~~as power~~ centre is strong but states aren't weak.

Bicameral legislature is the presence of 2 houses. Indian states have a legislative assembly (all states and 2 UTs) and certain states have a legislative council (Ex- Andhra Pradesh, UP, Bihar etc).

Bicameral legislature is effective in following ways-

- 1) It increases scope of representation.
- 2) It allows governor to nominate members with special knowledge, also other willing people can contribute to legislation without ~~avoid~~ facing elections.
- 3) It maintains a check on hasty legislation passed by other house.

4) Legislative assemblies are based on direct elections whereas legislative councils are based on indirect elections. The elected legislators vote to elect the elders.

Legislative councils are created when a need is felt by the state and the bill gets

Remarks

Presidential assent.
 Like the upper house of Parliament, legislative
 councils are debated - some seeking their
 abolishment - heaven for losers, don't reflect
 people's will. (Indirect elections), delays, bells
 etc.

The concerns must be addressed by
 appropriate ~~for~~ legislative reforms.

The constitution makers didn't envisage
 legislative council for the states and
 left it to states.
 When a need is felt, the second
 house can be made in a state.

Remarks

Q8. Fast track courts were created with an objective of reducing the pendency in judiciary, however, it was not successful in its objective. Evaluate the statement and examine the performance of fast track courts, so far? (10 Marks)

Backlog of cases is a blackspot for Indian judiciary. Around 3 crore cases are pending in India - (61000 in SC & 2.5 cr in high courts).

To tackle the pendency the Finance Commission recommended setting up of fast-track courts across the country.

The objective to create FSC was -

- To reduce pendency of cases.
- To reduce burden on higher judiciary.
- To impart accessibility and timely justice to people.

Certain social welfare cases require simple courts, fast track courts could serve the purpose.

- All powers of civil court (binding judgement)

- FSCs - would lead to speedy & effective justice as don't follow the evidence laws very strictly & are based on principles of natural justice.

But the fast track courts helped in solving some backlog but not as what was envisaged.

Remarks

- due to certain reasons
- 1) ~~gap~~ ^{Gap} between no of fast track courts recommended & created
 - 2) Challenging judgement under Ar 136 (special leave).
 - 3) Lack of faith of people in these alternative courts.
 - 4) Other alternative dispute resolution mechanisms: Arbitration, Mediation, Conciliation were also not considered as good as SC by people.

The objective ^{step} was well thought. Certain measures can be adopted -

- 1) Change mentality of people - stopping tendency for litigation (I'll sue you)
- 2) Promoting alternate dispute resolution mechanisms.
- 3) Sparingly use Ar 136.
- 4) Creation of National Judicial Data grid, Nyaya Adalats, Nyaya Mitra, Lok Adalats etc.

Judiciary is ~~one~~ the highest respected organ of ~~pe~~ and the faith must be retained.

Remarks

Q9. National Human Right Commission (NHRC) is termed as toothless tiger by the Supreme Court of India. In this regard, examine the functioning and effectiveness of the institution. Also suggest the measures required to enhance the legitimacy and credibility of the institution? (10 Marks)

NHRC is a statutory organisation created under National human rights Act, 1993 to look into cases of human rights violations of the citizens.

- 1) NHRC consists of 5 members with ex CJI as its chairman.
- 2) All chairpersons of NC SC/STs/ women, minorities are its members.
- 3) It looks into human rights violation cases and presents a report with recommendations.
- 4) NHRC has led to improvement in condition of prisons and prisoners etc.

It has been called toothless tiger by SC due to following reasons -

- 1) It has not binding powers, recommendations are advisory in nature.
- 2) It can't look into a case older than 1 year.
- 3) No suo moto cognisance.
- 4) The ~~re~~ eligibility conditions of - ex CJI, SC

Remarks

- etc lead to restricting talent pool.
- 5) No transparency in its functioning.
 - 6) Vacancies are not presented in appropriate advertisements etc.

Global alliance for National Human Rights Institutions has denied giving accreditation to NHRC on the above mentioned issues.

Certain steps can be adopted -

- 1) Giving powers to punish.
- 2) Binding recommendations.
- 3) Attracting talent by keeping 50% posts to be filled through exam.
- 4) Learning from international best practices.
- 5) Use of IT etc.

NHRC ensures governance. This and rebuilt

people's trust in the institution must be empowered to maintain faith.

Remarks

Q10. Reviving and strengthening the Departmentally Related Standing Committees (DRSCs) can significantly improve the legislative process and effectiveness of parliament as an institution. Examine, the role played by DRSCs and issues they are suffering from.

(10 Marks)

Legislature is concerned with law making in the Parliamentary democracy. India provides for departmentally related standing committees to strengthen and improve effectiveness of parliament and legislations.

Role of DRSCs - After a bill is passed through both the houses, it can be sent to DRSC for proper scrutiny of a bill before it becomes a law. The demand for grants of various ministries can be sent to DRSC for parallel processing and ~~as~~ functioning parliament.

DRSC are required to maintain efficacy of parliament but they suffer from certain issues like -

1) Members are selected from both the houses of parliament only - leads to bias.

2) No transparency in their functioning.

3) Favouritism

4) Delays due to overburdening of cases/bills.

Remarks

→ No technical expertise which leads to narrowed / limited improvements or scrutiny.

DRSC must be revived and strengthened alongwith introduction of office like Parliamentary budget office, Post legislative scrutiny etc to create a functional Parliament.

Transparency must be engra ensured through audits etc.

Remarks

SECTION B

Q11. What is the nature of Fundamental Duties? Why aren't they given legal backing like Fundamental Rights? Can they be enforced under special circumstances? Debate, the case for conscription in India, like many developed countries? (15 Marks)

The 44th Amendment inserted ~~article~~ Part IV-A enshrining fundamental duties for the citizens.

Fundamental duties were created later because it was thought rights and duties are inseparable and rights impose certain duties implicitly on citizens.

The 44th amendment made them explicit but Art 51(a) and the duties are non-justiciable in a court of law i.e. a citizen can't be sued for non-fulfilment of its duties.

The fundamental duties can be enforced under certain circumstances like ^{disrupt} Chinese Resolution - national anthem was required to be played to create, instil nationalism among people.

Indian, Supreme Court in a judgement made it compulsory for cinema halls to play national anthem before the initiation of a movie. Though debated, but fundamental duty has

Remarks

criticised

been made compulsory with a view to ~~create~~ ^{create} patriotism and respect for ~~the~~ ideals and symbols &.

The duties are not given legal backing because duties were created for the citizens to follow on their own.

Forced or coerced duties don't last long. FDs were created to benefit the citizens and society in general.

Moreover, it was thought rights & duties are organic, when rights can be enforced, indirectly duties are enforced.

Remarks

An ~~is~~ ^{is} ~~labour~~ ^{labour} exploitation, began, ~~among~~ ^{among} forced
 Conscription is a condition when citizens can
 be asked to impart service for their
 country forcefully and without payment.

Ex-Soldiers in India can be asked to
 impart services during national emergency.

Conscription is only under certain special
 circumstances and it is in spirit with
 Part II and IV, IV-A.

It is a respect for one's country, ideals,
 freedom fighters.

Remarks

Q12. Recently LG of Puducherry has nominated three members in the State assembly. Elaborate on the procedure and law regarding the nomination of members to the Assembly of a Union Territory? What is the contentious issue related to it? (15 Marks)

Remarks

<i>Remarks</i>			

Remarks

Q13. Elaborate the Doctrine of Separation of Powers in context of Indian constitution? Do you think the SC's denial to form National Judicial Appointment Commission is against this doctrine? Give reasons in support of your answer? (15 Marks)

Separation of powers is based on separate functions assigned to all the three organs of the government. It is based on the trust of the constitution makers in each organ, maintain independent functioning and preventing undue encroachment.

Montesquieu holds the view that if the all the powers lie in a single organ/person, it can become totalitarian thus citizens' rights would be encroached.

Legislature is concerned with law making, executive with policy making and judiciary as the interpretation of the constitution and service of people's rights.

Judges in India are appointed by a collegium. With the 99th Amendment the legislature introduced National Judicial Appointment Commission for appointments transfer in higher judiciary.

In the 3 judges cases, it had been established

Remarks

in matters concerning appointments and transfers of judges primary of judiciary has to be maintained i.e. President can reject once to the collegium but if reiterated s/he shall follow...

NJAC amended Ar 124 - 124(a)(b)(c)(d) and allowed Parliament to regulate appointments by creating a law under Ar 124(b). The commission under 124(a) was consisted of 5 members - 3 judicial, 3 legislative.

Thus it was rejected by judiciary on following lines -

- 1) It violated principle of primacy of judiciary - (only 50%)
- 2) It is the domain of judiciary.
- 3) It violates the principle of separation of powers and thus basic structure of constitution.
- 4) The ~~term~~ 'law ministers' is - ~~highly vague~~
- 5) 2 eminent members - vague.

Remarks .

The constitution grants judiciary the power to judicial review under Ar 13, 136, 226, using this power it struck down NJAC.

It asked for creation of memorandum of procedure (MOP)

The appointment of judiciary is the best kept secret as said by Justice Rupe.

- There is a need to reform the collegium within the basic structure.
- The recommendations under MOP can be adopted like introducing merit for higher judiciary appointments and seniority for SC etc.

The judiciary is the interpreter of the citizen constitution and repository of hope. It should not be weakened by undue encroachments.

Remarks

Q14. What are your views on the importance of decentralization of the administration of justice? Do you think, that the Supreme Court has strayed from its original character as a Constitutional Court and gradually converted itself into a mere court of appeal?

(15 Marks)

India has an integrated judiciary with 24 high courts and a Supreme Court. Supreme Court is the final court and last resort for justice.

The 73rd & 74th amendment created decentralisation concept in India in the field of administration.

Similar decentralisation is required in the administration of justice to empower grassroots people. This will help -

- Increase faith of people in Judiciary.
- Bringing litig justice near to people.
- The poor people will be litigants which is affected due to seats of justice far away.

- Opportunities for youth.
- Awareness and faith in justice.
- Strengthen democracy & realisation of constitution ideals of justice for all.

Decentralisation can be achieved by creating Nyaya Panchayats for bringing

Remarks

justice closer to people.

Nyaya Panchayats have led to empowerment & reduce burden on higher judiciary of people.

The Supreme Court has both original and appellate jurisdiction.

The Appellate jurisdiction - Court of appeal by the virtue of SC being the final court and faith reposed by people.

Ar. 132, 133, 134, 136 deal with appellate jurisdiction in following matters.

- challenging judgements of High Courts.
- special leave petition (Ar 136) to challenge orders / final judgements or any proceeding.

It has been observed that one of the reasons of failure for alternative means of dispute redressal is the presence of appellate jurisdiction.

Binding judgements of Tribunals, Lok Adalats can be challenged under special leave petition.

This has led to the failure of tribunals, contributing inter state water disputes,

Remarks

overburdening judiciary, pendency of cases a few to be mentioned.

Ar 136 was provided to maintain the faith the final court but following measures can be adopted -

- 1) Sparingly use Ar. 136 -
- 2) Fill the vacancies at all levels.
- 3) Notifying vacancies at the beginning of the year (Not)
- 4) Use of ICT & video conferencing.
- 5) Creating National Court of Appeal
- 6) Awareness among people for lesser litigation.

Judiciary maintains the faith of the people in the constitution & of democracy. Thus abolishing Ar. 136 would not serve any purpose.

Remarks

Q15. Various parliamentary committees are working as de-facto legislature, particularly in times of frequent disruptions, walk-outs and closures? Elaborate how it affects functioning of legislature and suggest if there is any solution to address this problem?

(15 Marks)

Parliament is the hallmark of democracy. The two houses created at the national level - Lok Sabha & Rajya Sabha empower citizens and helps realise ideals of constitutions.

India is mocked as the country with one of the least functional Parliaments in the world.

The Parliament suffers from following issues -

- 1) Low attendance - 60-70 days / year.
- 2) Legislators with criminal records.
- 3) Family dynasties & nepotism.
- 4) Disruptions, lower quality of debates.
- 5) Frequent adjournments & closures.
- 6) Walking out by legislators.
- 7) Keeping criticism out by the blanket of privileges.
- 8) Issuance of party whips and threat of defection.
- 9) Section 3A AA - against secrecy in Rajya Sabha.

Remarks

Parliamentary committees work as de facto legislation, whose importance has increased in the times of dysfunctional parliament -

- They scrutinise the bills laid in the house.
- + suggest relevant reforms in the bill - thus checking hasty legislation.
- Lack of debate in the house is taken in the background by Parliamentary committees.
- It maintain upkeep rights of the people through well laid legislation.

Though Parliamentary committees are criticised for delays, encroaching upon legislature's field, bias as members are from the houses only, lack of technical expertise and huge backlog.

But they serve an important function to keep democracy & parliament alive. Thus the faith of people in the - citizens.

Remarks

Measures can be adopted to reform Parliament and the Parliamentary Committees.

- Ensure minimum attendance
 - Calendar of sessions in the beginning of the year.
 - Technical expertise with Parliamentary committees.
 - Reducting allowance upon missing session.
 - Stressing on judicial review & post-legislative scrutiny.

Remarks

Q16. The MPLAD scheme has been criticized a lot, for lack of spending and ineffective spending, however, in recent years it been linked with certain measurable outcomes like, Contribution to Swachh Bharat mission and village adoption policy under Sansad Adarsh gram Yojana. Analyze (15 Marks)

Members of Parliament legislators Area
Development scheme allows for an MP to
spend Rs 5 crore / year for development
of his/her constituency.

This is a decentralised individual power
available to the MPs for developmental
works and welfare works for the people.

- The MPs can spend it on creating infrastructure, irrigation etc.
- MPs can keep aside a section for weaker sections and minorities.
- If minorities are not present in the constituency, it can be diverted to other constituencies.

- MPLAD scheme has been appreciated for its rehabilitative works after disasters creating infrastructure for farmers etc.

Although it suffers from has certain black spots.

Remarks

- Unutilized funds.
- Quality of infrastructure created is poor.
- Used for short term gains - for victory in coming elections.
- Spending on non-core areas ~~like~~ rather subsidies than core issues.

The scheme has ^{a welfare} ~~an~~ objective and keeping this in mind, it has been linked with measurable outcomes like contribution to Swachh Bharat and village adoption under Sansad Grami Yojana.

These policies and schemes can be made more effective if linked with MPLADS.

- Moreover linking would give a direction to spend to the MPs.
- It will minimise spending.

- Conduct audits of the infrastructure created and money spend by a third party on timely basis.

- Guiding MPs on how to spend through external advice.

Remarks

The Constitution is centred around welfare and socialism. MPLAD scheme can help realise these ideals.

Remarks

Q17. The post of Parliamentary Secretary has been debated over issue of Office of Profit. While explaining the term, parliamentary secretaries and office of profit, discuss the issue involved. Also discuss the 2nd ARC recommendations to determine which appointments constitute for office of profit. (15 Marks)

Office of Profit doesn't find a place in the Constitution and it is ^{regulated} governed through an act of Parliament - Parliamentarians (Regulation and Disqualification) Act.

Office of Profit is decided by 9 certain criteria -

- 1) Who appoints?
- 2) Does the person receive any remuneration from govt?
- 3) Who removes?
- 4) What are the functions assigned?

Office of Profit has been highlighted in debates when AAP appointed 91 MLAs as

Parliamentary secretaries

The post of Parliamentary secretaries was described as an office of Profit under the Act and thus the resignation of MLAs was demanded.

There are mixed views on the ~~issue~~ post being office of profit.

Remarks

Parliamentary Secretary not an office of Profit.

- It is an attached office under the office of MLAs.
- No extra remuneration is paid.
- It is after the office hours of MLAs.
- They are not assigned any official vehicle.

Parliamentary Secretary is an office of Profit.

- on the basis of appointment, removal.
- Separate time is required ~~which leads~~
- They get govt vehicle & remuneration.

The office of Profit was introduced to maintain functioning of one post i.e. two post would lead to injustice to both of the posts.

Shibu Choren, Jaya Bacchan, Sonia Gandhi were disqualified on time holding office of profit.

Remarks

<i>Remarks</i>	

Q18. Since the institution of the first Finance Commission, stark changes in the macroeconomic situation of the Indian economy have led to major changes in the Finance Commission's 'Term of Reference' over the years. In this context, discuss the major changes brought-in by the finance commission to incorporate these considerations? Highlight the major defects in working of Indian fiscal federalism? (15 Marks)

Remarks

<i>Remarks</i>			

Remarks

Q19. How tribunals as quasi-judicial body are different from regular courts in India? Also discuss the recommendations of Law Commission to improve the working of tribunals, which are facing the crisis of transparent appointment and functioning? (15 Marks)

44 Constitutional amendment inserted part XIV-A creating tribunals for administrative posts. (Ar 323A & 323-B)

Tribunals are quasi-judicial bodies, serve as alternate dispute redressal mechanisms.

- They don't follow laws of evidence, IPC & CrPC provisions strictly.
- Binding legal judgement.
- Helps to relieve judiciary of its burden.
- Follow principles of justice.

Remarks

Remarks

[illegible]

Remarks

Q20. Though Judiciary has accused the government to undermine its power under National Judicial Appointment Commission, but even the existing collegium system is highly opaque and undemocratic; Examine, the need for reforms in this context. Also discuss what Memorandum of Procedure should include to break logjam between executive and judiciary.

(15 Marks)

Remarks

[illegible]

Remarks

Remarks