

POLITICAL SCIENCE

Time Allowed: 3 hr.

Max. Marks: 250

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Instructions to Candidate

- There are EIGHT questions. Candidate has to attempt FIVE questions in all.
- Question no. 1 and 5 are compulsory and out of the remaining, THREE are to be attempted.
- Answers must be written in the medium authorized in the Admission certificate which must be stated clearly on the cover of this Question-cum-Answer (QCA) booklet in the space provided. No marks will be given for answers written in medium other than the authorized one.
- Word limit in questions, wherever specified, should be adhered to.
- Attempts of questions shall be counted in chronological order. Unless struck off, attempt of a question shall be counted even if attempted partly. Any page or portion of the page left blank in the answer book must be clearly struck off.

Your answers are too generic, they hardly address the problematic which is why you have not been able to transcend the average low marking in short answers especially. Mention imp. points - answer in coherent context.

Name Abhijeet Bhanawat

Mobile No. _____

Date _____

Signature Abhijeet

1. Invigilator's Signature [Signature]

2. Invigilator's Signature _____

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REMARKS

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1. Answer th.

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Attempt all questions:

1. Answer the following questions in about 150 words each:

(10 × 5 = 50)

- Model Code of Conduct in Indian Elections.
- Rajya Sabha: Second or Secondary Chamber?
- Election Commission of India.
- Issues of Fiscal Federalism in India.
- Criticism of Directive Principles

(a) Elections of free and fair nature form the bedrock of any democracy. However, there are certain pressures inherent in a popular electoral contest, which try to distort the free & fair nature of elections, more so in a young democracy like India.

(3)

It is in this context that Model Code of Conduct (MCC) has been evolved in Indian polity to preserve the sanctity of the elections.

MCC is a voluntary set of guidelines adopted by Election Commission with the consensus of all the stakeholders: government, political parties, civil society organization, etc. to regulate the conduct of elections. It includes guidelines on

Remarks Too generic. Mention arguments both in favour & against, Kerala Assembly elections 1960, implementation after 1991, T.N. Sherban, enforceability, violations

responsibilities of candidates, prevention of abuse of government power by ministers, manner of rallies and so on. It is an exhaustive document whose sanctity is more based on moral sanction than legal punishment.

Since It is a non-statutory document, political parties often allege bias on the part of ECI in adjudication of alleged violations. None the less, MCC remains a novel innovation by Indian polity in regulation of world biggest elections.

(b) Rajya Sabha, the Upper House in Indian Parliamentary system is a forum for states' representation at the Federal level. It has equal state representation based on population. Also 12 members are nominated by President from different fields

Rajya Sabha is often criticized as the secondary chamber, when compared with Lok Sabha. It has no say with respect to money bills and no voting rights on budget. The collection

Remarks

responsibility of the Council of Ministers is also towards Lok Sabha and not the Rajya Sabha. Moreover, Lok Sabha also enjoys other privileges like passage of resolution for termination of Emergency.

Since the method of election to Rajya Sabha is indirect, it also faces a kind of disconnect from the masses. (3)

However, it would not be fair to call Rajya Sabha secondary. Rather it is a second chamber. It has equal rights with respect to Ordinary bills and constitutional amendment bills. It has been envisaged as 'House of Elders' to prevent hasty legislations by Lok Sabha which is more prone to popular pressures. It even enjoys exclusive powers under Art 249 and Art 312 which Lok Sabha does not have.

Thus, Rajya Sabha acts as a means of checks and balances in legislative process and thus is an effective second chamber.

Remarks Answer in context of recent events. Mention highlights of RS Chairman's report to people, reasons for low productivity, relevance of RS, suggestions

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(1) Election Commission of India (ECI)

ECI is a constitutional body created under Art 324 for "superintendence, direction and control" of elections in India. ECI deals with elections to Lok Sabha, Rajya Sabha, State Assemblies and Legislative Councils, as well as elections for the posts of President and Vice-President of India. (3)

Representation of People's Act 1950 & 1951 have further specified the powers of ECI with respect to preparation of electoral rolls, dealing with malpractices, registration of political parties, etc. SC in a judgement has held that ECI enjoys "reservoir of power" under Art 325, and thus in lack cases of lack of clarity can undertake any measure to preserve the free and fair character of elections in India.

Over the years, ECI has evolved into a 3 member body and has built wide credibility in conducting elections in world's largest democracy. However, certain reforms are needed to make the ECI

Remarks Not addressed the contemporary challenges at all. Mention better of Constitutional Conduct Group issues & challenges, consequences, 255th Law Comm. report.

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more effective. e.g. Election Commission do not have constitutional safeguard like ECI CEC. There is no bar on post retirement assignments either. Since the expenditure of ECI is not charged on the Consolidated Fund of India, apprehensions of politicization of ECI's functioning are always there. Issues related to changing nature of electoral malpractices is also there.

These reforms, can, thus, make ECI more effective in conducting elections in India.

(d) According to Granville Austin, federalism is a form of government where different units exercise powers in their respective domains. This, in Indian context also involves division of powers in fiscal domain.

Since India has adopted a model of asymmetrical federalism, this gets reflected in fiscal front as well. Different states thus have different powers & funds. e.g. certain states have special category status with more support from Centre. This sometimes, becomes a bone of contention between Centre & states as seen in

Remarks

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Case of Andhra Pradesh.

States also allege that the taxes on under their power are more rigid and less yielding. Centre's property in states also gets exempted from state taxes, while Centre can tax state PSUs. Likewise, unlike Centre, states cannot raise funds from abroad without Centre's consent.

These issues, among other, sometimes create friction in the federal process. However, the advent of GST as the first concurrent tax has made a new beginning in resolving issues of fiscal federalism. States are not getting share in service tax, and most importantly, having an effective say in GST Council, heralding a new era of cooperation in fiscal federalism.

Mention Art. 246, 268, 271, 275, 280, 282, 292, 293, vertical & horizontal imbalance, financial deterioration of states.

Remarks

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3 (e) DPSP form the Part-IV of the Constitution. They are aimed to provide policy direction to future governments and ~~also~~ embody principles of social and economic democracy. They complement the political democracy established by Part III.

Dr Ambedkar held that Part-IV is the best manifesto any political party can have.

However, DPSP have been criticized on many fronts.

Criticism of DPSP

1. Non justiciable nature leaves them to the goodwill of the government.
2. Scholars of federal system argue that DPSP encroach upon many areas of competence of state governments.
3. Conflict with Fundamental Rights have often prevented their implementation.
4. Universal Civil Code has become a political question.

Remarks

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Synthesis

(2) However, DPSP have acted as a moral force upon the governments and many directives have been converted into rights. It is expected that with the availability of resources, all directives will be eventually implemented.

Mention the comments made by KT Shah, TT Krishnamachari, KC Wheare, Nasiruddin, N. Srinivasan, Jennings and Santhanam WRT DPSP.

Remarks

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Answer the following questions:

- (a) Right to Freedom of speech and expression vs Section 124-A. Elaborate. (200 Words) (15)
- (b) India must emulate best international practices and make CAG more independent. (200 Words) (15)
- (c) Provide an analysis of the issue of Criminalization of Indian Polity. (250 Words) (20)

(a) According to Mill, Freedom of speech is one of the best ways to recognize equality, and that it leads to emergence of good politics. Mill also held that dialogue is the best way to resolve disputes since only man has the power of effective communication.

Thus, Freedom of Speech and Expression forms the bedrock of liberal democracies. Art 19 of the Indian Constitution also recognizes Freedom of Speech and Expression. Over the years, SC has expanded the scope of Art 19(1)(a) to include various rights under Freedom of Speech, viz. Right to remain silent, Right to Information, Freedom of press, etc.

This has led to a growth of media and civil society organizations, acting as fourth pillar

Remarks

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of Indian democracy.

However, unlike western democracies, freedom of speech and expression is not absolute in India. Art 19(2) specifies the "reasonable restrictions", including sedition (Section 124-A of IPC).

5 Sect-124-A is a colonial era law to deal with anti-government activities. Nehru had held that the sooner we get rid of it, the better it is. Critics to allege that governments have misused this provision to silence its political critics, and this has a "chilling effect" on freedom of speech and expression.

Recognizing the potential for misuse, SC has created stringent conditions for its applicability. Incitement into offence is the criteria and not mere utterances of anti-govt slogans.

Moreover, in times of cross-border insurgencies and separatist movements, the requirement of Sect 124-A cannot be completely eliminated.

Remarks Mention detailed arguments both for & against, SC stance through JNU, Kedarnath case, views of Law Comm. Suggest-

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(b) Comptroller and Auditor General (CAG) is a constitutional body office created under Art 148 of the Constitution. CAG is entrusted with the task of audit of Central and state governments accounts, as well as the accounts of PSUs. CAG also acts as the "friend, philosopher and guide" of the Public Accounts Committee which aims at ensuring financial accountability of the government. CAG submits its reports to the President and can conduct proprietary audits as well.

However, the office of CAG is suffers from certain lacunae and procedural drawbacks which hamper its effectiveness. For instance, owing to the wide government machinery and limited resources with the CAG, government departments gets audited on a rotational basis, only once in several years. This leads to dilution of CAG's control.

Also, CAG's audit is labelled as a post-mortem exercise, with audits being done only after the expenditure has been made. Unlike the UK

Remarks

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CAG in India has no powers as 'Comptroller' and cannot authorize funds before expenditure.

Almost all the appointees as CAG have been former IAS officers. This leads many to claim politicization of the office.

(b) Thus, there is a need to emulate best practices from mature democracies like UK & the US. A qualification criteria can be setup with independent appointment procedure as followed in USA. Also capacity building of the institution needs to be done in order to fulfill the vision of Dr B.R. Ambedkar who considered CAG to be the most important officer under the Constitution.

Ques demands that the diff. provisions for the same office in diff. countries be mentioned, point out why the flow in appointment is serious, access to info/records, tenure, IA & AD as statutory body.

Remarks

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(C) Criminalization of Indian Polity refers to entry of persons with criminal record into Indian legislatures and use of ~~illego~~ money and muscle power during elections.

Association for Democratic Reforms (ADR) has analyzed criminal record of the MPs and has noted a rising percentage of MPs with criminal charges including heinous crimes like rape, murder, etc.

The issue of criminalization has been analyzed from various perspectives. Legal theorists highlight the lacunae in existing laws leading to ~~the~~ promotion of criminals. e.g. anonymity in political funding leads to opacity and the consequent use of black money. Likewise, NOTA is not a negative vote now, etc.

Sociological approach says that dominance of Caste and Communal affiliations along with a tendency to preserve power forces political leaders not to take strict action against criminal elements.

Remarks

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Functionalists like PB Mehta argue that the phenomenon of criminalization has increased post LPG reforms because of a ^{parallel} growth of black economy and development of politician-corporate-bureaucratic nexus.

8 All these factors result into subversion of the development agenda, political horse-trading, rise in crimes, inability of honest candidates to contest elections, etc.

Some possible solutions to tackle the situation can include:

1. Ending anonymous political donations
2. Formalization of economy
3. Strengthening power of ECI under RPA
4. Parties should voluntarily desist from fielding such candidates
5. etc.

In order to sustain India's growth story, checking criminalization of polity becomes all the more important.

Remarks

Mention law breakers become law makers, SC recommendations, reasons for criminalisation, various committee reports, effect on democratic

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SECTION-B

Attempt all questions:

(10 × 5 = 50)

5. Comment on the following into 150 words:

- Critical Examination of the Anti-Defection Law
- While Secularism is a permanent feature of Indian Constitution, its nature and content are not.
- Justice delayed is justice denied
- Freedom of Speech and Fake news.
- 6th Schedule areas: Need for empowerment

(a) Anti-Defection Law has been incorporated as the 10th schedule of the Constitution to give it a firm backing to check political horse-trading.

It regulates the defection procedure, and ~~also~~ has the following features:

- Merger of 2/3rd of Legislative party with other party is allowed, less than that leads to disqualification
- Speaker can resign from his/her party and retain label
- MP/MLA resigning from party or independent MP/MLA joining any party leads to disqualification
- Nominated members given 6 months to join any party.

The Act has checked political horse trading to

Remarks

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Mention both advantages & disadvantages in details
~~descent/defection, party bossism, individual/group defection, nominated/independent members~~

a large extent. But it has been mixed into controversies as well. Critics argue that it stifles freedom of speech as legislators cannot

(3) vote against party whip. Moreover, the power of Speaker to decide disqualification has been politicized.

To address some concerns, SC in Kihoto Holohar Case has limited whip rule only in cases of survival of the government but still a long way needs to be traversed to completely stop political horse-trading.

(b) According to Halysake, secularism aimed at achieving separation of religion from state and to organize society on a scientific basis. In Indian context, "Principled distance model" (Rajeev Bhargava) has been adopted.

Secularism as permanent feature of Constitution

- Art 14, 15, 16 prohibit discrimination on religious grounds
- Art 25-28 ensure freedom of religion
- Secularism has been mentioned in Preamble
- SC has included 'secularism' as a part of

Remarks

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Basic structure doctrine

However, the Nature and content of secularism are not permanent. Since Indian secularism allows state engagement owing to the deep religiosity of society, this also creates ambiguity; i.e. sometimes state intervention in name of justice & equality is seen through a political and communal lens.

Also it is not clear whether India is secular with or without implementation of provisions like UCC (Universal Civil Code). Situation has also become complicated owing to the entry of religious figures into politics.

Overall, Indian secularism is not a rigid category but operates in a context. With constitutional backing, its operation is guaranteed, however the form it may take is subject to interpretations.

Answer has to be discussed using the critical commentaries of various scholars. Mention Bhargava, Smith, Kauraj, Bilgrami, Nandy & argue whether secularism as practiced breeds communalism.

Remarks

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(C) According to Rawls, as truth is the foundation of system of thought, justice is the foundation of society. However efficient and prosperous a society maybe, if it is not just, it cannot preserve human dignity.

In a democratic polity, which is built on the premise of human dignity, justice becomes all the more important. However, justice should not only be given, but given in time.

Indian state has committed to a comprehensive idea of justice (social, economic and political), however the judicial system is marked by delays and pendency, with more than 3 crore cases pending.

Implications of delayed justice

1. Loss of faith in the system
2. Denial of rights
3. Mob actions e.g. lynching of accused
4. Insurgences, social movements.

Mention status of backlog, reasons for judicial pendency, impact, steps taken, Lok Adalat, Gram Nyayalayas, ADR, suggestions

Remarks

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Thus, in Indian context, to check the denial of justice through delays, judicial reforms are the need of the hour. Use of technology along with capacity building and resource augmentation should be undertaken at the earliest.

(d) "I do not agree with what you say, but I will defend to death your right to say."
- Voltaire.

Freedom of speech is the foundation stone of liberal democracies. Art 19(1)(a) of the Indian Constitution provides for freedom of speech and expression (thought with reasonable restrictions). SC has incorporated myriad rights under Art 19(1)(a) to give a comprehensive idea of the freedom.

However, with the advent of internet and digital media, there have been increasing instances of abuse of freedom of speech for propagating false news.

Remarks

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Fake news refers to unverified information, concocted lies, etc. aimed at creating disharmony in society and to for political and profit motives.

Fake news has challenged the democratic ethos of social media platforms, to trigger riots, lynchings, etc. Anonymity provided by internet also encourages nefarious elements to abuse freedom of speech & expression.

5 Thus, Indian state needs to carefully balance the freedom of speech along with the disastrous consequences of its misuse. Global collaboration along with efficient legal mechanisms can help in this regard.

Mention freedom exploited, freedom → reasonable restrictions, cases of violence, lack of centralized mechanism

Remarks

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Answer the following questions:

- (a) The evolving profile of legislators in Indian parliament (200 Words) (15)
- (b) What are the major areas of concern pointed out in the report of the National Commission to Review the Working of the Constitution (NCRWC). (200 Words) (15)
- (c) While judiciary is the institution to enforce accountability on Executive and Legislature, its own response to accountability is not commendable itself. Explain. (250 Words) (20)

(a) Parliament is considered as the "mirror of society". Thus, the profile of legislators speaks volume of the society and the changing profile also indicate the changes the society is going through.

Studying the profile of legislators also becomes important because the worldview and performance of MPs depends on their social background and qualifications.

— Shankar and Rodrigues have given a detailed study about the changing profile of Indian MPs in terms of caste, class, gender composition as well as educational qualification and professions.

Right after independence, and till the first Democratic Upturge (rise of OBC), Indian Parliament

Remarks

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was dominated by upper caste and upper class males with marginal presence of women. Lawyer was the most dominant profession and SC/ST had representation after the reservation policy.

With the growth of caste politics and rise of bullock capitalists, presence of OBC increased. Agriculturalist emerged as a major occupation of MPs, MLAs.

With the growth of JPMovement and Youth Congress in 70s, kulbani politicians emerged as "Social Workers". In 1970s, with second Democratic Upturge, Polits proportion increased slightly.

Overall, the poor presence of minorities and women remain the weak linkage. Though there has been a growth in educational qualifications of the legislators, but criminal record of the Parliament has worsened. After global LPG reforms and growth of Indian Capitalists, many businessmen have also now started entering politics.

Mention modernizing elite, traditional elite, regional elite, regional issues at national level, members act as representative first, decline in law making, qualitative change, issue with question hour, new political elite, redefining

(b) Upon 50 years of functioning of the Indian Constitution, Government of India had appointed National Commission to Review the Working of the Constitution (NCRWC) to study the overall functioning of the Constitution and to recommend measures to make the Constitution more effective in achieving the ideals of liberty, equality and social justice. NCRWC was headed by Justice Venkatchelliah.

Areas of concern pointed out by NCRWC

1. Criminalization of Politics and growth of corporate-political nexus
2. Increased role of money & muscle power in elections
3. High pendency in Judiciary
4. Inaccessibility of higher judiciary
5. Lack of ~~aff~~ transparency in the functioning of the collegium system
6. ~~by~~ Uneven distribution of wealth generated post-LPG reforms
7. Disruptions in the working of Parliament and lack of debates.

Remarks

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g Politicization of the Office of Governor

(6) NCRWC has recommended many solutions to address the above issues, ~~but~~ however it has not recommended any major structural change in the Constitution, reaffirming the foresight with which the Constitution Assembly prepared the document.

Mentioning fiscal deficits, overlapping jurisdictions, opportunistic politics, parallel govt/economy, communal & inter-group riots.

Remarks

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(C) According to Lord Bryce, there is no better test for the functioning of a government than performance of its Judiciary.

Thus in a constitutional democracy following Rule of Law and Separation of Powers, Judiciary becomes the most important organ in ensuring checks and balances over the other two organs. And in the Indian context, SC has been described as the most powerful apex court.

SC cannot not only review ordinary acts but even Constitutional amendments. Zia Mody argues that Doctrine of basic structure has ensured accountability of executive and legislature and prevented India from becoming a dictatorship, like its 3rd world peers.

Constitution also gives ^{great} powers to Judiciary to ensure accountability of the other two organs. e.g. Art 136 allows Special Leave Petitions in any matter, Art 142 allow SC to pass any order/decree to ensure complete justice. This acts as a great check on the autocrats.

Remarks

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we and
tendencies of the executive and exploitation of brute majority in Parliament. Prof. Upendra Baxi suggests that SC has performed chemotherapy of Indian polity and has become SC of Indians.

However, the record of Judiciary in ensuring its own accountability is not very encouraging. PB Mehta calls Judiciary a paradoxical and self-perpetuating institution. Lavanya Rajamani argues that SC prefers to do what it is least equipped to do, i.e. other than voluntary restraints, there is no check on SC from foraying into domains of executive and legislature.

SC has also kept aloof from RTI. The appointment process is very opaque leading to allegations of Uncle-Judges Syndrome (Law Commission Reports). The press-conference by 4 senior judges points to a lack of internal mechanism to ensure judicial accountability. Moreover, the only legal way to ensure accountability is removal by Parliament, while there are no

Remarks

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Remedies available for minor misconducts and misbehaviour, e.g. lack of punctuality, etc.

They, need of the hour is an oversight mechanism along with speedy finalization of Memorandum of Procedures. Though the SC has done tremendous work in preservation of rights & democratic ethos, this work, as Prabhakar argues should not be "artefact of individual judges" but based on proper accountability and rooted in consistent norms.

Answer in lieu of the sexual harassment case on, judicial independence, judicial accountability, who judges the judges, lack of judicial accountability, implications, step taken.

Remarks

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Answer the following questions:

- Critically examine the provision of Reservation for Economically Weaker Sections (200 Words) (15)
- The Speaker is the guardian of Parliamentary democracy in India. Critically examine. (200 Words) (15)
- Assess the utility of Tribunal system in India in providing speedy and effective justice. (250 Words) (20)

(a) Reservation is a form of affirmative action, rooted in social liberty, undertaken to on a temporary basis for a class/group to undo historical injustices.

Art 15, Art 16 of Indian Constitution provide for reservation on "socially & educationally" backward grounds in government jobs and education. Thus, based on social & educational backwardness the original constitution provided for reservations for SCs & STs. Later, it was expanded to OBCs, however the SC set a limit of 50% reservation in the Mandal case. Till here, reservation has not been given on economic grounds.

However, the recent 102nd Constitutional Amendment Act, 2019 has amended Art 15 & 16 to provide a 10% reservation to economically weaker

Remarks

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Sections among the unreserved population.

Government has argued that this has been done to take care of economically weak among the higher caste, whose economic conditions prevents their growth. Also, this 10% has been given on economic ground, thus 50% limit on educational & social backwardness ground does not get violated.

(a) However, critics have highlighted many points against the policy. Sahas Palshikar argues that instead of a measure to undo historical injustice, reservation has been given made a tool of poverty alleviation. PB Mehta asserts that reservation on economic ground is a tacit admission by government of its failure to create enough jobs.

Moreover, RTI investigation by Indian Express has revealed the falling government recruitment. Also the income limit of ₹ 8L leaves very little population outside the cover of reservation. Sociological scholars have also expressed fears about future movements related to reservation.

Remarks You have to mention arguments both for & against. Mention Ram Singh case, M. Nagaraj case, no under-representation, Pandora's box

and migration of talent pool from India.

Thus, going forward, the issue needs a nuanced debate. More clarity will be obtained when SC adjudicates the issue.

(b) In UK, there is a saying that "once a speaker, always a speaker". That is, such is the importance of the office that even political affiliations and electoral calculations can't affect the neutrality of the office.

Thus, in India, which adapted the British Parliamentary system, the role of speaker becomes very important.

The speaker acts as the guardian of Parliamentary democracy in a number of ways. Speaker is entrusted with the responsibility of smooth functioning of the Lok Sabha, to which the Council of Ministers is collectively responsible. Speaker is the final arbiter of the Constitution inside the House. He/she can adjourn proceedings,

Remarks

has a role in allotting slots and deciding legislative business. Speaker is also the adjudicating authority under the Anti-Defection Law. Speaker also certifies any bill as Money-bill and this cannot be questioned.

However, tho in practice, many a times allegations have been raised about the biasness of speaker. e.g. recent certification of Aadhaar bill as money bill (though SC vindicated speaker's stand).

In times of brute majority, functionalist scholars look at speaker as the instrument of ruling party. Most controversial has been the role of speaker with respect to Anti-Defection Law.

Thus, reforms are needed to depoliticize the role of speaker. Speaker, as allotted under Anti-Defection Law, should resign from his/her party. If the performance has been good, speaker can even be allowed to continue in next Lok Sabha without elections. This will ensure the office's independence.

Mention in detail cases where Speaker's

Remarks: neutrality was questioned, offer constructive criticisms like transfer of adjudicatory role to EC.

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(C) Tribunals are envisaged as speedy and specialized dispute redressal mechanisms.

Tribunals are created under Art 323A and Art 323B and consist of both judicial and expert-members. ex: Central Administrative Tribunal, NGT, etc.

Utility of Tribunal System

1. More geographical reach
2. Expertise ensures speedy disposal of cases
3. Low cost
4. Complement Judiciary's role

(8)

Limitations

1. Independence questioned
 - ↳ dependence on govt for funds
 - ↳ govt involved in appointment
2. Performance has not been satisfactory in terms of time taken
3. SC routinely accepts cases under Art 136 (SLP), diluting the role of Tribunals.

Remarks

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4. Tribunals have become the extension of government departments owing to the presence of large number of former bureaucrats.

Thus, Tribunals have not been able to fully exploit their potential in ensuring speedy and effective justice. Their independence needs to be ensured along with SC exercising restraint in accepting applications against Tribunal orders.

Mention in detail advantages & disadvantages, increasing pendency, details of Law Commission report, suggestions

Remarks