

POLITICAL SCIENCE

Time Allowed: 3 hr.

Max. Marks: 250

111

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.

Answers are not informed by recent developments, every answer needs to end with a note on steps already taken & what other constructive measures can be taken. Mention relevant articles & amendments.

1. Invigilator's Signature _____
 2. Invigilator's Signature _____

Name K. PREM SAGAR
 Mobile No. _____
 Date _____
 Signature K. Prem Sagar

REMARKS

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SECTION-A

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) The Model Code of Conduct is a unique cooperative and consensus based evolved conduct among political parties and Election Commission to conduct elections in free and fair manner. It flows from the powers of Election Commission - Article 324 of Superintendence and responsibility to conduct free and fair elections.

However, in the recent 16th and 17th Lok Sabha elections, the powers of EC and effectiveness of Model Code debate surfaced due to EC inherent admission in Supreme Court that it does not has enough powers to enforce it. Many analysts including former Election Commissioner S.Y. Qureshi said, the debate instead of conduct of parties moves to enforcement ability of EC.

This is primarily due to absence of legal sanction to

Remarks

MCC and only legal enforcement comes through Representation of people's act, IPC codes etc.

So, many political analysts like Mukitika Banerji and other suggested for strong legal backing to MCC to prevent violators run scot free as it involves only advise and warning and legal case would be taking long time.

5) But previous Election Commissioners like S.Y. Qureshi, Naveen Chawla reject legal backing say that it is moral presence and name and shame through media and public have developed the effectiveness of MCC. With legal backing, it becomes another arena of legal disputes without effectiveness.

So, they support activism of CEC's - they cite example of J.N. Seshan activism based on Article 324. So, all we need is Election Commission recognizing and realizing its inherent powers and act proactively to make elections more Credible and free and fair.

Mention evolution of MCC, implementation after 1991, challenges in implementation,

Remarks poll code violations implications, suggestions.

b) Alfred Stepan called Indian federalism as demosenabling model primarily on the basis of Rajyasabha and its representation to safeguard the interests of state. The Rajyasabha was envisioned not just to act as second chamber of deliberation but to provide wise and intellectual inputs and response to legislative needs.

B R Ambedkar also envisioned it to serve as effective check and balance against any hasty and populist decision apart from representing state's interests. It performed this second chamber role in many instances of bills like Triple Talaq, NBCA - 10th Constitutional Amendment Act etc., by sending it to Committees and wise debates.

Even very recent constructive debate on Electoral Reforms by Rajyasabha is manifestation of this. However there are some emerging trends which make it to ally as secondary chamber. The recent trend of passing finance bills with many provisions which are not directly related to bypass

Answer in context of current event.

Mention Re Chairman report to people, report highlights, reasons for low productivity, relevance.

Remarks

Rajyasabha. The defections of state regional parties for political opportunism and disturbing tendencies representing partisan interests. There is also lack of any effective representation of state's interests but only party interests has led many allege it to behave as secondary chamber.

So, there is an urgent need to reform some of the conventions, rules and development of good conventions and non partisan role of mediating officers in both house is necessary to bring back Rajyasabha as second house and not to allow to become secondary chamber.

c) The Constitution of India has envisioned "Election Commission of India" as most important body to ensure democracy remains vibrant and successful in India. It through Art 324 provided superintendence, direction and powers to conduct elections to metropolitan, vice-metropolitan, Parliament and state legislatures.

Its functions primarily fall under following three components

Remarks

i) Administrative functions - Conduct of election, delimitation of constituencies as per respective act, preparation of rolls.

ii) Advisory functions - Advise to president and governor on disqualification related issues

iii) Associated functions - Registering of political parties, making audit and associated expenditures report etc.,

3

The Election Commission as per S.V. Qureshi in his recent book needs reforms in following areas to adapt to emerging realities.

i) Appointment Reforms: Instead of president or CAG recommending the Committee with CJI, civil society and political head needed

ii) Removal powers: All Electional Commissioner to be treated with same provisions of removal

iii) Technology Regulator: As far as Election period is concerned, EC should have all powers to remove, regulate content on technology platforms to prevent any biases & advantages

This apart from effective coordination would make our democracy success story more vibrant and representative.

Mention letter of Constitutional Conduct group, issues & challenges faced by EC, consequences, 25th Law Commission report, suggestions.

Remarks

d) Fiscal federalism refers to the relationship between the distribution of functions among different levels of government and associated finances to deliver those functions. Fiscal federalism in India is primarily based on Constitutional provisions but is dynamic and flux due to emerging changes & following issues.

i) Finance Commission post GST framework: Shanku Shaktikanta Das, RBI governor explains the need of permanent finance commission to provide reliability and predictability to states post GST framework along with innovation & flexibility

ii) Provision of Grants in Aid: As Art 285, gives power to union to provide require grants in aid and with abolition of planning commission, states and Centre conflict over the principle of provision of Grants in Aid

iii) Division of Lists based on present Circumstances: states complain that state's list of taxes are rigid and less and they have responsibility of 60% expenditure where as Centre's

Remarks

Mention Art. 246, 268, 271, 275, 280, 282, 292, 293, vertical-horizontal, fiscal imbalance, financial deterioration of states, 14th FC suggestions

list is flexible and elastic with account to 40% of expenditure.

So, states compete & fight with Centre to reform tax relations

iv) Borrowing and Fiscal Consolidation: With growing aspirations of population and necessities, there is growing friction with respect to borrowing limits on state government i.e., paternal power of Centre and Centre's responsibility of fiscal consolidation

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v) Divergences in Economic Capacities: There is still growing intra-state and inter-state economic divergences. In 1990, Bihar per capita was $\frac{1}{3}$ rd of Punjab. Now, it grown to $\frac{1}{2}$ th of richest state so, the regional imbalances still exist post Finance Commission and Planning Commission.

So, considering evolving natural disaster expenditures, Globalization and changed political scenarios there is also a need to change the fiscal federalism on lines of Co-operative federalism to make our structure more effective.

e) The primary criticism of directive principles of state policy flows from constitutional debates itself for placing important

Remarks

Socio-economic rights on second footing without enforceability. Also,

i) The DPSP like scientific temper realization depends on Education which was not included as fundamental right till 2006.

ii) The DPSP's lack of enforceability made many IAS triumph DPSP on until Minerva Milk Case brought harmony.

iii) Even after 70 years of constitution, still most of the DPSP are not realized like Equal gender pay, etc.,

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iv) The DPSP's implementation also lead to incoherency in policies as every soul's monitizes what is needed according to its ideology

v) The DPSP's are just like Instruments of Instruction of 1935 act which come up a legacy without any effective role in implementing

vi) The Art 39(b) and 39(c) that primarily advocates socialism no longer hold primary in globalized and 1991 reformed state post 1991.

However yet, the DPSP has its own role in governance as Embedker said "they are fundamental in governance of the country" and provides the path to country.

Mention ^{marks} comments by scholars like KT Shah, Nazimuddin, TT Krishnamachari, KC Wheare, N Srinivasan, Jennings, K. Santhanam.

3. 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) The recent arrest of Assamese journalist Hiren Goben under Section 124A and subsequent HC adjudicating that dissent and criticising govt actions unless it causes public disorder or violence doesnot account to sedition brought the debate of need of colonial sedition law's relevance.

According to Sec 124A, "any Verbal, fign, written or spoken etc., forms of propagating hatred or attempts to induce contempt against govt established by law attempts to sedition". It is primarily colonial law that resulted in Tilak jail for 2 times. This act fundamentally contradicts the freedom of expression:

Article 19(a) grants the right to freedom of speech and expression which inherently implies freedom of press. It is very important in not just providing voice to dissent and criticism to evolve better structure, As J.S Mill says it is fundamental

Remarks

right that improves mental faculties of citizens. However it is not absolute but subject to certain restrictions of sovereignty, public order, morality, friendly relations with other state etc.,

These exceptions are very wide and many times, many scholars like matap bharu mhta alleges that govt uses these and Section 124A to curb the dissent and freedom of speech which is antithetical to democracy and fundamental rights.

Even Supreme Court has observed that not just amounting to dissent or criticism without causing any physical violence does not account to sedition. It also observed the constitutional validity and need of Section 124A to maintain security and integrity of nation.

So, instead of contradicting assumption of Art 19(2)(a) and Section 124A, both can play a complementary role by protecting security and also freedom of speech & expression to make the structure of society more democratic.

Mention balance between freedom & reasonable restriction, narrowed ambit of sedition, Law Commission consultation paper, arguments for & against, SC judgements, popular cases, Law Commission report.

Remarks

- b) ~~Diff.~~ Dr B.R Ambedkar called "Comptroller and Audit General" as most important Constitutional office of India to make executive accountable to public and parliament atleast in financial domain and act as guardian of public purse.

But due to many inherent limitations lack of effective coordination between public account committee (PAC), COPU with CAG in ensuring accountability and appointment & functioning constraints, brings in need to compare and emulate best practices of CAG system around the world.

i) As CAG system of Britain, which performs both Comptroller and auditor roles and being accountable to parliament directly is also needed in Indian CAG to make it more autonomous and responsible.

ii) Similarly, the power of recovery of finances needs to be provided to CAG apart from auditing & accounting as CAG's of Commonwealth like Britain, Australia, does.

Remarks

iii) The CAG appointment process can be made more independent and transparent through parliament as many other countries does.

iv) Also CAG should have degree of contempt of court kind powers to ensure timely response and required information from other departments.

v) As it is been followed in Australia and New Zealand, the CAG and PAC committees should have close coordination in evaluating the reports effectively without time delay in the same term of government.

vi) The principles and new auditing standards like Reductive making usage should be debated and discussed in parliament before.

vii) Also CAG should have power to evaluate pre-activity of appropriation of funds to ensure prevention instead of identification.

However, Indian CAG also offers some of the unique perspectives and features that can be emulated by other

Remarks

Mention Art. 148, PAC Conference, tenure, IADAD as statutory body, suggestions, stress on the flaw in appointment, access to info/records.

countries like wide auditing powers from all three tiers and engaging private auditing companies and strength and control of Indian audit & accounts (IAAS) professional service.

Thus, each of these international best practices are to be case by case evaluated and adopted such that it suits to our needs and political structure to make CAG more independent and effective.

- c) The criminalization of Indian politics refer to both influence of muscle power and rise of criminal representatives in the politics. This is quite evident from the ADR data that says about 60% of current MP's are accused of criminal cases. The Supreme Court notice of this and observation of fast track courts highlight the issue.

Milan Vaishnav in his book 'How crime pays' has made deep analysis of role of criminalization, its cause and impact. He says there is a reciprocal beneficial relationship

Remarks

between party, criminal candidate and electors in surviving this system

- i) Party's perspective: With the decline of Congress system, and over centralization of parties, criminal candidates have emerged as effective intermediaries between political parties and people, and coupled with competitiveness, parties prefer to give tickets to criminal candidates.
- ii) Candidate's perspective: Milan Vaishnav highlight overall there is 6% more winning probability to criminal candidates than normal ones and with rapidly changing equations, criminals prefer to get political power to safeguard their power and assets.
- iii) Electors perspective: He also explains that voters elect criminals not despite their record of criminal activity but because of it. He explains that this is due to poor state capacity with respect to delivery of services, neutral adjudication, and provision of basic needs. So, therefore it is these criminal candidates who deliver these services with their record and power for people.

Remarks

So, apart from fast-track courts, adjudication of cases, mass awareness of criminal antecedents, Milan Vaidya says the improvement of state's capacity in matters of senior, neutral arbitration and responsiveness that can ensure sustainable decriminalization of Indian politics.

Mention Public Interest Foundation Case, Art. 102(i), 191(i), imp. cases, SC judgements, reasons for criminalizations, Committee reports, effect on democracy, suggestions.

Remarks

4. Answer the following questions:

- Education as eligibility criteria for elections is a debatable idea at best. Discuss with special reference to Panchayati Raj Institutions (PRI's). (200 Words) (15)
- Provide a detailed analysis of the performance of National Commission for Women till date. (200 Words) (15)
- Elaborate on the challenges to the vision and functioning of Panchayati Raj Institution in India. (230 Words) (20)

a) The recent attempts in Rajasthan and Madhya Pradesh of educational qualifications as eligibility criteria for elections especially to panchayat has brought the ideas relevance debate to foreground.

Many who support this criteria give the justification that it improves the decision making power of the representatives. It provides the incentive to promote education among children, women and in villages especially. It also alleged to improve efficiency of panchayat on the assumption that educated representatives take more wise decisions. Even Symeant and Justice Chandrachud upheld the criteria on the ground that it is not discriminatory nor violate rights of electors because of only minimum need of qualification.

Remarks

However the other side view is that it is discriminatory and violation on following grounds

- i) It is a paternal legislation that violates equality of opportunity and restrict choice of voters - explain
- ii) Moreover it is duty of the state to provide education. It can't impose such criteria instead of improving access to education
- iii) The same criteria while not being applicable to state and national legislature is discriminatory against local tier structure
- iv) The entire concept of Adult franchise-universal as omnichroni explains is based on principle of equality and equal treatment and assumption that people are wise enough to make decisions in political life. This is being limited with such constraints
- v) IFP puts unfair barriers against women in general in rural areas and there is no study that proves that educated representatives make panchayat more effective.

So, based on fundamental envisioned idea of

Remarks

Mention imp. legal cases, arguments both for and against, abdication of responsibility by state, role-model effect, progressive.

democratic decentralization and participation of people in local means less no constraints on participation in political process and representation.

However considering both sides have their own legitimate justifications and arguments, a balance is needed or at least it is debate idea.

- b) The National Commission for Women (NCW) was established in 1992 on the background of recommendation from Committee on Status of Women of India (CSWI), NGOs and "Towards Equality" Report measure. NCW was formed with an objective to monitor, evaluate the safeguards available to women and to achieve gender equality and status in all aspects of women life. So, its performance in past 15 years (approx) can be analysed in following components:

i) introduction of Safeguards of Women:

Section 10 of NCW act mandates NCW to monitor and

Remarks

evaluate safeguards available to women. The NWC has performed satisfactorily with reference to sending periodic annual reports to central government and in conducting special studies with reference to it.

But only recommendatory power and lack of compulsory tabling in parliament made many reports did not see the light.

b) protection against deprivation of rights & legal safeguards

This is the area where NWC has performed very well from beginning. It has complaints cell with online technology to receive and process them.

It has provided numerous legal help wherever the deprivation of rights happened. In Baruani case, it provided required help. It was also instrumental in providing Domestic violence act legislations, poison prohibition recommendations and advocated guidelines to implement sexual harassment at workplace.

It even extended its work to the area of NRI women.

Remarks

Mention their reports show trend of crime against women, role in recent pro-women legislation, expert committees, research/studies they sponsor

crimes of domestic abuse, child custody issues etc.,

c) Steps to improve position of women

NWC also recently started initiative of 'Mahila Suraksha' programme at grassroot level to dispose of complaints instantaneously resulting in record 10,000 cases disposed.

Similarly NWC engages many NGO's and civil society organisations like TIFR, Women NGOs for many studies in developing fields and areas of concern like gender pay etc.,

However, still the position of women beyond security and status of women has not improved much. NWC also failed to address the concerns of lower strata women whose issues are different and do not get limelight. Along with this lack of basic recommendatory powers and legislative powers and financial autonomy is hindering NWC from working more effectively.

c) The Economic reforms of 1991 and political reforms through 73rd and 74th in 1992 were envisioned to transform economic and political along with social structures of India. But the

Remarks

Panchayat Raj institutions reforms were not successful as envisioned.

Challenges to vision of panchayat Raj:

- i) As Mani Shankar Ayyar Committee stated "It provided skeleton and left blood and flesh to be supplied by states" with respect to vision highlights the structural challenge of autonomy of state's role.
- ii) It also highlighted that bad panchayat Raj is worse than no panchayat as it creates a disillusionment that panchayats are good for nothing.
- iii) Also without addressing socio-economic disparities through Land Reforms, the vision of democratic decentralization was challenged.
- iv) The Centre's vision of state's devolving more functions and finances without Centre devolving any to state is also alleged to be flawed vision assumption.

Remarks

Challenges to functioning of panchayat Raj

- i) The legacy of bureaucracy of non-cooperation in fear of loss of power is a structural challenge. Only Kerala addressed it with law of conduct of administrators.
- ii) The structural challenge of politicisation of all levels of panchayat Raj without except framing with state politics.
- iii) Lack of structural training cadre or capacity for effective functioning.
- iv) Many voluntary provisions like elections and finances under state lead to nonuniform and infrequent elections apart from lack of devolution of functions & functionaries.
- v) State's fear of losing control over rural areas and multiple development of bodies like ODRA, District level planning committee have weakened panchayat Raj functioning.

So, there is an urgent need to address these challenges in the same spirit of GST cooperative federalism at all the three levels with strengthening institutions like state finance

Remarks

commission and state election Commission on lines of national bodies.

Mention HR concerns at GP level, lack of vertical-horizontal convergence, challenges faced by EWR, financial & functional issues, steps taken, Summit Base Committee recommendations

Remarks

SECTION-B

Attempt all questions:

5. Comment on the following into 150 words: (10 × 5 = 50)

- 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) The Anti-defection law was introduced in 1985 to arrest the tendencies of "Aya Ram, Gaya Ram" defections that formed normal during coalition era times destabilising governments and promoting self-interests culture.

5 But 10th schedule has brought its own side-effects and limitations affecting the functioning of parliamentary democracy and accountability of representatives. The Anti-defection law has turned out to be making public representatives accountable to party rather than people's interests with the use of frequent whip.

This coupled with partisan role of speaker and not

Mention arguments both for & against, dissent/defection, party bossism, individual/group defection, nominated/independent member.

Remarks

following constitutional principles has made the use of anti-defection law for party purposes. The recent Saminbader case where Speaker sat on defections without any ruling is classic example of this. Also earlier in Andhra Pradesh, Telangana, Speaker did not act on disqualifications even when alleged members were part of cabinet.

Also, despite Kihoto Zolotar case judgement of SC subjecting judicial review of Speaker's decision was unable to curb the partisan use of this provision. Instead of using party whip for important votes or trust of confidence, it is being used for everyday activities curbing freedom of party members in representing their constituency and dissent.

So, However, recent precedent of vice chairman of Rajya Sabha clearing anti-defection case in 45 days is welcome step. The recommendation of Election Commission to handover the adjudication power to president to act on advice of EC would restore the sanctity of house and enable the envisioned

Remarks

purpose of anti-defection law

- b) Secularism in India Constitution is permanent in the sense it is explicitly visible in preamble and implicit in Articles of 14, 15, 25, 26-30. This apart from S.R. Bommai case, Supreme Court declaring secularism as basic structure as per made it permanent feature. Yet its understanding, nature and content are debated and are changing.

Yogendra Yadav argues secularism in terms of monitions, policies and politics. While secularism is followed in terms of monitions, it is policies and politics that have distorted the form and meaning of secularism. This is primarily due to different meaning and understandings of it.

While D.E. Smith who analysed Indian secularism stated it as dependent on minority community's activism. Rajeev Bhargava, on the other hand explains it as contextual secularism that primarily is principled distance model

Remarks

Mention comments by Kaviraj, Bilgrami, Kothari, Nandy & argue whether secularism as practiced breeds communalism

which aims to address intra-religious and inter-religious domination.

on the other hand matap tharu mehta explains that principle distance model of secularism is not practicable where on mask of it, politics of minority appeasement are made.

↳ this brings in majority-minority complex.

It is in this sense, Romali Thapar proposes bold model of secularism based on some rigid procedures and rules to rescue secularism from majority-minority complex.

Thus, Indian Secularism is most contested one and is dynamic in nature and content that changes with the factors of environment. So, while secularism is permanent features, its nature and content are not permanent."

c) The recent Economic Survey 2018-19 highlighting the judiciary pending cases and its closing effect is manifestation of the magnitude of the problem. It highlights that around

Remarks

3 crore cases are pending in lower judiciary and 10, thousand cases at high court and thousands of cases in Supreme Court level

The India's ranking at lowest 10 ranks in ease of doing business - Enforcement of contracts highlights the dark side of judicial system delay's. This justice delayed is nothing but justice denied. The 60% of jail inmates being undertrials and half of them completing their conviction sentence (if convicted) highlights the gross abuse of human rights.

This has not only repercussions on Economic growth and wealth creation but on Rule of law, trust and credibility of state in ensuring justice which is fundamental pillar of state.

Even Supreme Court noticing this has made several observations on this, so there is an urgent need not just in improving infrastructure of judiciary, filling vacancies but also reforming associated structures like police, investigation and prosecution structure to ensure that justice is delivered on

Mention in details status of judicial pendency, reasons for it, its impact, steps to reduce, constructive suggestions.

time. The judiciary has still enormous trust and goodwill among public which needs to be enhanced with bringing in pendancy of cases down and following the Maxims that "Justice ^{delayed} denied is Justice denied"

- d) Article 19(1)(a) grants Freedom of Speech but with recent trend of massive social media usage has brought the problem of fake news. This fake news has unintended consequences of mob lynchings, polarisation, biased and uninformative news.

The main problem of this is that fake news is being defended on the ground of Freedom of Speech. This is inhumane not contradictory but also in name of fake news curbing, state is also curbing freedom of speech

So presently, the line between freedom of speech & fake news is blurry which needs to be drawn and made wider and balanced to protect freedom of speech from abuse and prohibition of it. So, instead of these extremes, the

Remarks

Mention freedom exploited, Art. 19, lack of centralised mechanism to verify info, mobocracy, falsehood not reasonable restriction, communal frenzy, cases of violence

coordination of all stakeholders like Media, people and state is needed to protect freedom of speech from fake news without suppression.

- e) The 6th schedule area primarily refer to areas of states of Mizoram, Assam, Manipur Tripura and Mizoram with an objective to safeguard the culture and tribal interest which have not assimilated the mainstream culture yet. The need for these areas empowerment are:
- i) Geographic isolation and culture distinctiveness make them vulnerable to exploitation
 - ii) The tribal customs and culture which are still anthropogenic specimens. So to protect them can't utilize uniform rules
 - iii) To protect unique culture and traditions with forests and hills
 - iv) To prevent any ethnic conflicts and address the backwardness of tribal people.

Remarks

The empowerment of 6th schedule areas also addresses uneven development and ethnic demands as well as sub-nationalism apart from more integration with differentiation. Thus asymmetrical federalism forms unique feature of Indian Constitution that address regional diversities and unity, both at same time.

Mention power & functions, issues with proposed amendments, issues with sixth schedule areas, suggestions

Remarks

7. Answer the following questions:

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

a) The Recent 123rd constitutional amendment was aimed at providing reservation for socially economically weaker sections in both employment and Education of about 10% on top of other reservations present. Government and defenders justify through Article 46 - DPSP that says that state has to ensure protection of educational and economic interest of weaker sections of society.

They also argue that economic criteria is most discriminatory in present day world and it should also be accounted to provide social justice. However many scholars like Raj Prasad, Banshanu Mehta, Samir Patil etc. Criticise it for violating basic structure.

This is because it violates two important SC judgements of Indro Sawhney case which layed 50% limit to caste equality

Remarks

of opportunity and social economic criteria can't be the only
sole criteria.

Also in M N Nagarkate, it said Equality of opportunity
as basic scheme. Also as Gail Omvedt in her article
"Purpose of Reservation" explains that it is always to address
social injustice and historical discrimination where as
economic deprivation doesn't involve social injustice.

Also Article 16(u) mandates government to show the
quantifiable data of lack of representation in public service,
which was not get down. Jyotiraj Bharel Mehta also questions the
rationale when in globalized world, the private sector being
dominant player, state should attempt providing opportunities
of jobs but not expanding reservation.

Thus, the Economically weaker section fundamentally
altered the debate of reservation from expansion to
efficiency and rationale in addressing the concern of social
justice.

Remarks

Mention arguments both for & against, Pand-
ora's box of demands, Sidho Commission report,
no under-representation, populist tool

b) Speaker has the most important role in parliamentary democracy
in running the parliament and in ensuring executive being
accountable to legislature. The role of Speaker is even more
important when there is majoritarian government and weak
opposition.

The Speaker's office is of dignity, honour and is expected of
safeguarding and playing unpartisan role in parliamentary
democracy. But recently these conventions and machos are
being broken. The Speaker is playing more partisan role.
The pending of anti-defection cases of Kamal Naidu & other states
is manifestation of this.

Also with respect to passing money bills, taking up
private members bills. The recent 16th's example of not allowing
No confidence motion but at the same time allowing finance
bill highlights alleged partisan role.

On other hand in Britain, Speaker passes motion which is
ants to the government bill on the background of national minority

Remarks

Inadequate. Mention issues associated with the
office & role of Speaker, cases where Speaker's
neutrality was questioned, role of media to
increase transparency

highlights the need and importance of Speaker unpartisan role in safeguarding and functioning of democracy.

Mention recent examples

So, to make Speaker role neutral and independent, the convention of allowing Speaker to contest unopposed in next election as Britain and Speaker following and establishing conventions and conduct like Tommy Boney is needed to ensure the dignity, honour and to safeguard parliament democracy.

- b) The main envisioned purpose of tribunal system is to provide speedy and effective justice as the mainstream judicial system is clogged with many other functions.

The constitution provides for these quasi-judicial bodies and so utilizing these we formed many tribunals like NRT, Interstates water tribunal, Income tax appellate tribunal etc.,

The utility of these tribunals has been subjected to severe criticism on following areas:

Remarks

- i) Article 262 allows for Interstate tribunals but despite this, the judiciary enticement of water dispute through AWR has affected its effectiveness. Also no clear provisions, temporary tribunals with no time limits have affected the intended purpose. The Canon dispute where it took 17 years for adjudication and 17 years for award is classic example.

ii) Also many of the tribunals were formed but the adjudicating officers are judges from judiciary without expertise knowledge or specialization hurting the time period. The Income tax Appellate tribunal is instance of it.

iii) Similarly, the provision of approaching higher courts against tribunal order during and after order has not only made tribunals an additional layer but increased length of adjudication. Eg: Even NCLT orders are contested in Supreme Court.

However, there are also positive examples of tribunals which de-clogged judiciary and improved effective justice.

Remarks

delivery system. The Central Administrative Tribunal (CAT) and National Green Tribunal following natural justice principles and effective adjudications are some of the instances. The Dehi ONG order and many environment saving adjudications are responsible for speedy and effective conservation.

Thus, the tribunal system even though envisioned for speedy and effective justice, it did not achieve intended objectives completely but was able to relieve pressure on judiciary to some extent. So, there is an urgent need to reform it and process to make it more effective.

Mention Art. 323, 42nd AA, advantages & disadvantages of tribunals, increasing pendency, Law Commission report.

Remarks