

# INDIAN POLITY

Time Allowed: 3 hrs.

Max. Marks: 250

Q.	Marks	Instructions to Candidate
1.		<ul style="list-style-type: none"><li>• There are 20 questions.</li><li>• All questions are compulsory</li><li>• The number of marks carried by a question is indicated against it.</li><li>• Answer the questions in <b>NOT MORE THAN 200</b> words each. Contents of the answer is more important than its length.</li><li>• Answers must be written within the space provided.</li></ul> <p>Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.</p>
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1. Invigilator Signature \_\_\_\_\_

2. Invigilator Signature \_\_\_\_\_

Name Kunal Aggarwal

Roll No. \_\_\_\_\_

Mobile No. \_\_\_\_\_

Date \_\_\_\_\_

Signature Kunal

**REMARKS**

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Q1. "Democracy is the worst form of government, except for all the others." The quote aptly explains that despite all its imperfections, democracy continues to be the best possible alternative. Critically analyze. (12.5 Marks)

Democracy when compared with other forms of government continues to be best. The government—defined as 'for the people, of the people and by the people' has evolved over time.

### Positives

- It allows all sections of society to participate in decision-making and claim their rightful space in the government.
- It ensures protection of citizens from excesses of government.
- Diverse views & perspectives are allowed to flourish in a democracy.

### Negatives

- Politicians appeal to the masses using populism and personality cult and not through real problems.

Remarks

- Decision making is often slow because multiple views and sections have to be ~~advocated~~ accommodated.

Remarks

Q2. Critically analyze the functioning of PRIs with respect to e-governance? How Digital India can help in improving the freedom, justice and good governance at the decentralized local self-government level? Give reasons in support of your answer.

(12.5 Marks)

Panchayati Raj Institutions established through 73<sup>rd</sup> constitutional amendments work as bedrock of ground-level democracy in the country.

E-governance is a new concept which facilitates delivery of services through ICT. PRIs are created from local ~~level~~ people where education level in general has been low. Availability of e-governance infrastructure such as internet and computers is a big hindrance to e-governance in PRIs.

Despite these challenges, government has taken initiatives to promote e-governance at local level.

- ① Common Service Centre 2.0 to be set up in Panchayat Offices.
- ② National Fibre Optic Network to connect all Panchayats to internet
- ③ Swamivoy ~~Swamivoy~~ Portal for interaction b/w local govt, state govt & central govt on various schemes.

Remarks

Digital India program of the government of India is aimed at providing government services through ICT and connecting more people to digital world.

- It facilitates for building of digital infrastructure upto village levels allowing people to access digital world.
- Digital literacy programme is a part of it which will ensure people are able to use available services. CSCs have been involved in this programme.
- It allows people at ground level to access information about schemes and policies. Information is a key tool to ensure accountability of government.

Digital India is a mission towards a better administration which will be people-centric. It enhances people's choices, improves access to information and access to world.

Q3. Recently, Centre has come out with a draft National Water Framework Bill, 2016. How far this would be helpful in providing for a mechanism to develop and manage river basin in an integrated manner?

(12.5 Marks)

National Water Framework Bill, 2016 provides for a basin level management of river systems.

- It provides for constitution of River Basin Management authority ~~which~~ which will engage all states in decision making.
- It provides for a holistic planning of river basin which includes pollution, intrusion in near by areas, hydel projects etc. on the rivers.

Remarks

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*Remarks*



**Q4. Union Cabinet has recently approved proposals for extending several benefits to asylum seekers, discuss the major changes proposed to it and how these changes may affect asylum seekers who have been exploited and subjected to violence since many years.**  
(12.5 Marks)

**Remarks**

*Remarks*

Q5. "Right to Religion is the weakest of all the fundamental right as it is subject to public order, morality, health and all other fundamental rights". Do you agree? Elucidate with examples. (12.5 Marks)

Right to religion provided in Article 25 - 28 of the constitution tries to balance between secularism and religion. It is a fundamental right which provides for following

- ① freedom to profess and propagate religion
- ② freedom from religious taxes
- ③ freedom from religious practices in educational institutions.
- ④ ~~also~~ freedom to protect religion.

It allows people to freely practice religion of their choice without any fear of state oppression.

However this right is subjected to public order, morality, health and other fundamental rights.

Example

- ① Recently Supreme Court banned the selling of fire crackers (used on Diwali on major scale) to protect environment

Remarks

which conforms to health of people and right under Article 21 to have clean environment.

(2) Religious institutions have functional autonomy but are subject to other fundamental rights. They can not discriminate between ~~the~~ people or practices. untouchability guaranteed under Article 16.

Religious freedom is important but ~~it is~~ religion evolves. Practices evolve over century. Not all religious practices are fair. Recently, SC upheld the rights of women to enter Haji Ali Dargah as right to equality.

Religion needs to keep pace with society and ensure the practices are fair. The right to religion is weakest of all due to priorities given to human rights and ensuring an egalitarian society.

Remarks

Q6. Most of the quasi-judicial bodies in India act as "a toothless tiger". Discuss the measures need to be taken to make them more effective. (12.5 Marks)

Quasi-judicial bodies such as Competition Commission of India, are created to ensure proper functioning of markets and also adjudicate and provide justice to consumers as well as service providers.

However, these bodies like Election Commission of India have majorly proved to be ineffective. They do not have necessary powers to deter the miscreants.

Following measures need to be taken to make them more effective.

① They need to be strengthened by providing penal powers like ability to impose fines etc.

② Many bodies are not allowed to file judicial cases on their own. Autonomy should be provided.

Remarks

③ Selection of the members of bodies are in executive control which hampers their independent functioning.

*Remarks*

Q7. The international treaties - be it multi-lateral or bilateral - have a serious impact upon the centre-state relations. Substantiate with examples and how can the process of treaty making be democratized? (12.5 Marks)

Centre state relations are defined in the constitution to a large extent. It provides for distribution of powers and cooperative spheres in schedule 7 through union, state & concurrent list. International treaties have a serious impact on this balanced relation.

~~Union government~~ <sup>Parliament</sup> has powers to legislate in any area to implement an international treaty or agreement. It requires no

consultation with the states even if they are the implementing agencies.

For ex: Paris Climate Deal has been signed by Union Government which involves decrease in use of fossil fuels and improving the adoption of renewable sources. The Union government can now direct states to implement the treaty. Same goes for treaties on Biodiversity conservation like CITES.

Remarks

Decisions on these treaties do not involve state governments or legislatures.

Following steps can be taken to democratize the same:-

- ① States can be given powers to vote on international treaties.
- ② Rajya Sabha should be ~~given~~ <sup>required</sup> ~~power~~ to approve treaties that impact state functions.
- ③ NITI Aayog can play an important role in facilitating discussion and should be strengthened.
- ④ Consensus building through inter-state councils and zonal councils would go a long way in strengthening federalism.

States are important constituents of Union. They have rights to raise concerns to the Union treaties which could impact the socio-economic fabric of state.

Remarks



Q8. Do you agree that Strong States make a Strong Nation? Illustrate the statement with respect to the working of NITI Aayog in implementing it. (12.5 Marks)

Union of India is made of several states autonomous in their respective areas. Strong states flourishing in their economy, politics and socio-cultural existence are a key to strong nation.

- Strong states will have less conflicts amongs themselves and the union thus strengthening the nation.
- Strong economic states empower better national economy, ensure better service delivery and market.

NITI Aayog has been constituted by Government of India as a think tank which is independent of government in its day-to-day functioning. It provides research support and policy suggestions to the government of India.

Remarks

- It provides space to states for raising voice and concerns in policy and thus ensures a federal consensus building.
- It engages states in implementing the policies of the Union Government.
- It puts scientific research to states for better adoption of Union Government's schemes and policies.

Niti Ayog is not an executive body with limited power. It has replaced Planning Commission which was criticized for its control on implementing programmes and controlling states through Union Government.

Niti Ayog on the other hand, brings PM, Council of Ministers, Council of Ministers of Union, Council of Ministers of States on same platform for enhancing discussion.

Remarks

Q9. "The Right Based Approach in government programmes creates a sense of ownership of development processes through strategies of empowerment. Critically analyse the statement with respect to the implementation of RTI in India.

(12.5 Marks)

Rights Based Approach in government programmes provides people with rights to services. for ex Right to food under National food security Act ensures that everyone in the country can claim the provisioned food from government. It ensures accountability of the administration.

Right to Information Act, 2005 provides people with a right to access government-related from various offices such as registers, policies, implementation data and financial details. It empowers people to hold the administration accountability by checking abuse of power, corruption in system and inaction. It engages people in democracy in impacting the function of public institutions.

Remarks

It gives a sense of ownership in democracy.

However there are various lacunas in current RTI Law

- Section 8 of the RTI exempts many information to be disclosed to people
- Vacant positions of public information officers hinders access to information.
- Complicated procedures, discretionary powers, huge/large information hampers people's access to required information.
- Only the educated section has used the process. Majority people have not been educated to use RTI which is the duty of district administration.
- Facilitating information, voluntary release of information and educating people are the tools to ensure better implementation.
- Education syllabus should include chapters on RTI which will ensure penetration of information.

Remarks

Q10. Answer the following questions based on Election Commission:

- a) The Election Commission registers political parties for the purpose of elections and grants them recognition as national or state parties on the basis of their poll performance. What are the benefits of getting recognition as a National party?
- b) Put into words the major functions of the Article 329 of the Indian constitution in vitalizing the democracy. List out the electoral reforms proposed by the Election Commission of India ahead of recent polls in Bihar, Assam and West Bengal for restricting political campaign advertisements. (12.5 Marks)

(a) Election Commission of India registers political parties for election purpose and grant them recognition as national or state parties.

Benefits

① National party candidates use the same symbol throughout the country and state party within the states.

②

Remarks

(b) Article 324 provides for an independent Election Commission of India to conduct elections to Parliament, State legislatures and President and Vice-President.

It secures the independence by ensuring financial autonomy of the election Commissioners and ensuring their tenures.

Major reforms proposed by Election Commission of

India:

- More power to ECI to check use of money and muscle power. As of now, it has to go to Union government.
- ~~Use~~ of ECI has supported state funding of elections to ensure a fair democratic election.
- Distribution of voter IDs to the residents who are now part of India after exchange of enclaves with Bangladesh.

Remarks

Q11. Differences between the judiciary and government have led to inordinate delay in appointment of judges of High Court and Supreme Court. Discuss how the proposed memorandum of procedure aims to resolve the issues and also how does it address the lacunae of the collegiums system. (12.5 Marks)

Judicial appointments have been major point of contention between Supreme Court and Union Government. As per the ~~second~~ second Judges Case a collegium of the Supreme Court and High Court recommends the names of judges to be appointed to the President of India who then appoints the judges. Recently, Parliament had enacted National Judicial appointments Commission Act to usher transparency and accountability in judicial appointments. SC struck down the act ~~and~~ on the basis of independence of judiciary and emphasised on Memorandum of Procedure for judicial appointments. The proposed memorandum provides for following :-

Remarks

- The collegium involving Chief Justice of the SC and two senior most judge would recommend the names of judges to be appointed to the Law Minister.
- The Law Minister will then recommend the names to the President.
- The procedure allows Law Minister to reject names with explanation to the collegium.

This system allows collegium to follow its process and ensure independence from executive. In addition, the Law Minister has to be transparent and the collegium is accountable for the names recommended.

Remarks



Q12. The Real Estate (regulation and development) Act 2016 has been considered as a game changer in fastest growing real estate industry. What are the salient features of the recent Real Estate Rules that will be applicable for five Union territories without legislature? How far will it improve the transparency and accountability in the sector? (12.5 Marks)

~~Real Estate (regulation and development) Act 2016~~  
 Real estate sector is one of the major sectors as it attracts huge investment from people and employs large no. of people.  
 Transparency and accountability are important to ensure proper functioning of the sector.  
 It is also alleged to be one of the destinations of black money.  
 Real Estate (regulation and development) Act 2016 provides for following:-

- clear definition of Carpet area
- Provision of an escrow account in which developers have to put 70% of the funds for development of project
- Change of plans need approval of the buyers
- It provides for adjudicating authorities to ensure dispute settlement

P.T.A.

Remarks

Real Estate Rules framed by the union govt will ensure a transparent and accountable ~~sect~~ sector.

- Promoters and developers are accountable to buyers for delays and changes in plans.

- It allows for ~~clear~~ clear information such as carpet area. This will help consumers.

Remarks

Q13. The government of India has enacted 5th and 6th Schedule to address the challenges emerged due to federalism but federalism or increased autonomy is not, in itself, a solution for the people's desire for development. Discuss the lacunas in the Schedule which fail to induce development in the region. (12.5 Marks)

5<sup>th</sup> and 6<sup>th</sup> schedule provides for autonomy and protection to scheduled and tribal areas in states such as Assam, Tripura, Nagaland and Mizoram.

It allows the governance of designated scheduled areas by the Governor of the State. A ~~state~~ law can be applicable to such areas only with the assent of the Governor.

- Governor has rights to ask for report from the government in respect of the areas.

- Tribal areas are provided autonomy in their governance and protection of traditional practices.

- Tribal councils, Darjelling Hill Councils have been constituted to ensure

Remarks

local governance.

However, autonomy and federalism in itself is not a solution for people's desire to development.

Remarks

Q14. The conditions existing in the society provide the base for a pattern of relationship between the political and permanent executive. Do you agree? Substantiate with example. (12.5 Marks).

Political executive i.e. Ministers are elected by the people whereas permanent executive are selected through competitive procedures. President is the head of permanent executive but they work as per the directions of political executive.

Permanent executive has been given discretionary powers and huge financial powers to perform day-to-day functions. Their tenures and salaries are protected by the constitution.

Relation between Political and Permanent executive are based on conditions existing in society.

An empowered, educated and informed society will demand services and rights from the permanent executive who hold public offices. This would

Remarks

ensure that these officers work with political executive to deliver the services.

Similarly, they would be wildly to hold the political executive accountable which would in turn ensure that permanent executive is accounted for their action by the ministers.

On the other hand, if ~~corrupt~~ poor, uneducated society will mostly probably be unknown to the system. Political executive will have free hand and indulge in corruption. This will set the permanent executive loose and vulnerable to abuse of power and corruption in public office.

Remarks

Q15. The Citizenship Bill provides that illegal migrants belonging to specified minority communities from Afghanistan, Bangladesh or Pakistan will not be treated as illegal migrants under the Act, making them eligible for Indian citizenship. Give arguments whether this provision violates the Right to Equality guaranteed under Article 14?

(12.5 Marks)

The Citizenship (Amendment) Bill provides that illegal migrants from Afghanistan, Bangladesh or Pakistan belonging to Hinduism, Sikhs etc. will not be treated as illegal migrants and will make them eligible for citizenship.

The bill excludes Muslim migrants and specifies only limited minority communities to be eligible for citizenship. This is violative of Article 14 which provides for Right to equality and right to equal protection of law.

Supreme Court has opined that it can not review a Bill that is not yet passed in Parliament. Only after enactment of law, it is open for review.

Remarks

Government has justified it on following grounds:-

- Muslim are majority communities in Afghanistan, Pakistan and Bangladesh and the bill provides protection to minority communities.

- Including Muslims would lead to increase in illegal immigrants and provide fair rights in states like Assam which would be drain of citizens.

Right to equality is a cornerstone of Indian democracy allowing all religious communities to live together. Laws like citizenship Bill should ensure equality and allow citizenship irrespective of religion.

Remarks



Q16. Accountability of public institutions focuses on (a) prevention of activities not specifically authorized by law and (b) maintenance of financial propriety. Is this concept of accountability capable of bringing good governance? What other dimensions should be added to make it more holistic? (12.5 Marks)

Accountability of the office holders to the people is important to ensure good governance. It allows people to ensure service delivery and check mis use of power and corruption in the system.

Accountability of public institutions need following.

(a) Prevention of activities not specifically authorized by law

(b) Maintenance of financial propriety.

(c) Doing of activities they are expected to do & upholding constitution & law

It is important to ensure service delivery from public institutions. They should be made accountable for not delivering services they are assigned.

They need to ensure that they uphold law of the land. They should

Remarks

provide justice and ensure no discrimination in service delivery.

(d) No misuse/abuse of discretion provided by law.

Discretionary powers have been misused and promoted favouritism and nepotism in the organisation.

Accountability needs access to systems and information about functioning without

which people will not be exercise their rights.

Holistic accountability will come with transparency, information and legal procedures.

Remarks

Q17. "Judicial activism is a solemn duty performed by judges to curb legislative adventurism and executive excesses." However, recently the judicial activism is being manifested as judicial adventurism instead. Critically explain the concept of judicial review and its evolution into judicial activism and beyond. (12.5 Marks)

Judicial review is the power of the judiciary to check irrational or unconstitutional use of power by executive and legislatures. It allows

judiciary to protect citizens' ~~from~~ rights.

Article 32 and 13(2) provides the power to judiciary to protect fundamental rights.

However, with the judgement in Kesavnanda

Bhaski case, Supreme Court has extended to the basic structure of the constitution.

The basic structure was not defined and was left to individual case. In the Minesha Mills case, judicial review was

declared a part of basic structure of constitution.

With this power of judicial review, SC has been able to keep a check on legislative

Remarks

adventurism and ~~judicial~~ executive excesses. It has allowed expansion of Article 21 to provide a dignified life and directing the government to protect women from domestic violence.

However, it is alleged that judiciary is overstepping on executive and legislative functions.

Framing of policies, making laws and regulations is not judiciary's domain. With the expansion

of PIL, judiciary's work load has increased and lots of cases are pending. System of judicial review has been misused for political adventurism.

The three organs are needed to work in coordination to provide good governance.

There is a lack of communication between them due to which current situation has arisen. Executive and legislature needs

to be strengthened in their functioning so

that judiciary can create space of democratic law making.

Remarks

Q18. "There is a general impression that this House (Rajya Sabha) cannot make or unmake governments and, therefore, it is a superfluous body. But there are functions which a revising chamber can fulfill fruitfully..." Elucidate with reference to recent debate over the relevance of Rajya Sabha; giving both sides of arguments. (12.5 Marks)

Rajya Sabha i.e. Council of States acts as voice of states in the parliament. Though it does not have all powers as Lok Sabha but it plays an important role in Union.

Constitution provides for Rajya Sabha to provide space to states and strengthen the federal structure of Indian Polity.

Rajya Sabha ~~does not answer directly to~~ is not ~~people~~ constituted by direct elections and hence keeps a check on populist laws and policies of the government. It acts as an absorber of people's pressure on Lok Sabha.

There has been debate over Rajya Sabha delaying legislations due to political purpose.

Remarks

- Rajya Sabha has been used by political parties as a bargain and not acted as voice of states.
- Frequent disruptions, increasing no. of political parties and decreasing time for discussions has led to its failure.
- It has been used by politicians for providing seats to their  
Rajya Sabha is still a relevant body in their  
federal structure. However, various reforms are needed to ensure its proper functioning.
- Members of Rajya Sabha need to be made accountable to their legislative assemblies.
- It has been suggested that the members should belong to the respective states.

Remarks

Q19. Appointment of parliamentary secretaries is a fraud on the constitution. It is acting as a backdoor to shower perks and privileges on ruling party MLAs. Explain its relation to 'Office of profit'. Also enumerate five tenets of determining 'Office of profit'.

(12.5 Marks)

Members of Parliament and state legislatures are barred from holding 'Office of profit'.

to ensure independence of legislature in holding the executive accountable.

Office of profit includes following

- Any employment under the government which is paid
- Any unpaid employment, which ~~the~~ provides executive powers.

Parliamentary Secretaries post

~~Office of profit~~ is used as a back-door to shower Perks and Privileges on MLAs.

Recently Delhi government had appointed 'parliamentary secretaries' which was declared as 'office of profit' by the judiciary.

Remarks

Parliamentary Secretary post is ~~is~~ used to appease the MLAs to favour the government and is a fraud on the constitution.

-It impinges on the independence of MLAs in ~~the~~ legislative functioning and provides the executive a power to get farmers.

Remarks



Q20. No detention policy under RTE received criticism from various sections of civil society. At the same time expert committees like T.S.R. Subramaniam Committee has recommended retaining No Detention Policy in initial stages. Critically analyze 'No Detention Policy' and suggest suitable measures to tackle the criticism.

(12.5 Marks)

Right to Education provides for 'No Detention Policy' under which a child will be automatically promoted to next class till class 8<sup>th</sup>. This was done to motivate children and check the dropout rate. However, it has received severe criticism as it has decreased the learning standards.

Policy has helped in decreasing ~~dropouts~~ dropout rates in rural areas especially for girl child. It ensures ~~nothing~~ that children are not demotivated by results and has checked the increasing suicide rates as well.

However, As per ASER reports, the learning levels have continuously decreased.

T.S.R. Subramaniam committee has recommended retaining the policy till

Remarks

class V.

- Rajasthan govt has asked for Presidential assent to remove No detention Policy.

Following are some measures to tackle the criticisms

- Providing extra support to children for improving learning.

- framework of evaluation to be changed to outcomes as recommended by Nih Aayog.

- As recommended by T.S.R. Subramanian committee, it should be retained in lower standards. Japan allows it till class III.

It is the primary schooling that needs an overhaul. We need to ensure better pedagogy methods to ensure learning.

Treating the symptoms (detention for dropouts) will not solve the problem. We need to ensure that education quality improves so that there is no detention.

Remarks