

16096

TV

# GS SCORE

TEST - 03

## POLITICAL SCIENCE

Time Allowed: 3 hr.

Max. Marks: 250

123

### 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 good. Enrich them with the help of comments provided. However, this paper demands that all answers be concluded with practical suggestions to help with prevailing issues — make sure to add that.

Name Madhav Gite

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

Date \_\_\_\_\_

Signature hitterw

1. Invigilator's Signature [Signature]  
 2. Invigilator's Signature \_\_\_\_\_

# 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) To promote free and fair elections in country Election Commission of India issued a guidelines to be followed by different stakeholders in elections. Such as political parties, candidates who are contesting, Media personnel and general public. ~~MO~~

Model Code of conduct is a non-statutory non-enforceable guidelines which ensure the smooth functioning of elections. It is evolved through consensus among different stakeholders. It comes into force immediately after announcement of election schedule by the Election Commission. And runs till the completion of election process.

Till date MCC acted as a tool to prevent the illegal practices during the elections. It provides detailed guidelines about what

Remarks Mention Art. 324, level playing field, Kerala Assembly Elections 1960, implementation after 1991, contemporary challenges, implications of violations, suggestions.



types of messages and announcement candidates can do. further it prevents use of communal and hate speeches. It also prevents the ruling party to take undue advantage of its position.

Model conduct has been taken help from different provisions of EPC and C&PC to enforce some of its guidelines which are common in EPC and C&PC. eg. use of religion Caste in the demanding notes.

However its enforcement and adherence has been questioned various elections eg. In recent elections many times code of conduct was violated. Therefore we need to provide legal backing to the MCC. Law Commission also is recommended for giving legal backing.

b) India adopted the west Ministerial model at centre as well as state. where there are two houses one is lower house or house of people (Lok Sabha) and other is upper house (house of Lords (Rajyasabha)). In Rajyasabha elections to members are held indirectly by the members of legislatures and also members nominated.

Remarks Mention RS Chairman's report to people, highlights of report, reasons for low productivity, relevance of RS & criticism



Compared to Lok Sabha, Rajyasabha has limited powers. For eg: Money bill only be introduced in the Lok Sabha. Rajyasabha cannot reject Money bill or amend, only it can delay for 14 days. Similarly in disagreement over any bill joint sitting can be convened where speaker of Lok Sabha presides.

Further Rajyasabha has limited role in voting on demand for grants. Rajyasabha cannot cut the demand for grants. Further its role is limited in major decisions on Budget on other things. Also it is considered as chamber which delaying the decision making.

It became host for rejected politicians and others. Acting as a disruptive chamber. Despite of this we cannot reject role played by Rajyasabha which represents states interest in federal manner. Further it has special power for creation of All India Service, permitting Lok Sabha to legislate on State List.

Therefore Rajyasabha in India acts as second chamber rather than secondary chamber in Britain which has very limited power.

Current dynamics missing



c) Constitution of India under Article 324 provides Office of Election Commission, which conducts free and fair elections to the Parliament, State Legislature, Office of President and Vice President. Election Commission is a fully autonomous body and has wide power to ensure free and fair elections.

Election Commission after announcement of Election Schedule gets all power over the public offices and public servant. It permits transfer and appointment of any officer in the state or whole country.

It has <sup>all</sup> power to punish the violators of law. Further it prevents ruling parties from misusing their official positions to ensure level playing field to all. In last 72 years of history it has conducted 17th general elections and many elections to state legislatures.

Despite of its crucial role there has been lacunas in its functioning such as

Remarks Mention letter of Constitutional Conduct Group, VVPATs, ~~concern~~ issues & challenges (current events) of this election briefly, consequences & suggestions.



autonomy, financial power etc. Appointment of Election Commissioner and Chief EC done by central government through president of India. There is no clear criteria for the selection. Similarly retiring election commissioners not debarred from holding public offices later on.

Also there is no financial autonomy as expenditure is not charged on the consolidated fund of India. It has no power to deregister the political parties. It has no power to punish the errant candidates. Similarly removal of Election Commissioners other than CEC depends on recommendation of CEC.

Therefore there is urgent need to empower election commission by giving appropriate powers. 2nd ARC suggest collegium system for appointment of members of ECI. Further it should have power to deregister political parties under Representative People Act 1951. Hence we need to provide financial autonomy. Hence strong ECI will be the desirable for strengthening of Democracy.

Remarks

inadequate.



d)

Is Indian constitution envisages federal structure of governance in the country. where union at centre and state governments at provincial or regional level. In Indian federalism through 7<sup>th</sup> schedule, part VI and other the powers are divided among centre and states, such as financial power, administrative powers etc.

Fiscal federalism which envisaged with sharing of financial resources between the centre and states. Finance Commission divides the pool of taxes between state and centre. Similarly borrowing, demand for grants are also regulated. The enactment of GST provided boost to fiscal federalism by achieving idea of cooperative federalism.

Despite of this there are various issues such as devolution of central taxes to states, friction in implementation of GST as many manufacturing states losing revenue etc.

Remarks



Mention FC (Art. 280), Art. 246, 268, 272, 273, 280, 282, 292, 293 - vertical & horizontal fiscal imbalance, imbalance after liberalization, **GS SCORE**

Recent issues

financial deterioration of states

- > Terms of References of 15<sup>th</sup> Finance Commission
  - Raised concern for South Indian states which fear use of 2011 census for devolution will hinder their share
  - Limiting on borrowing by states
- > GST implementation is yet to be stabilized
- > Centrally sponsored schemes becoming burden on the states eg: Ayushman Bharat eg: West Bengal government's concern on it.
- > Limit on profession tax at ₹500 Rs only
  - Therefore these issues needs to be addressed in a co-operative manner
- Amehi Commission suggested states should be involved in forming Terms of References by finance commission, further Sarkaria Commission recommended for removal of profession tax

e) Directive principles of state policies mentioned in part IV of the constitution to promote social and economic democracy in the country

Remarks



Directive principles ensures implementation of ideals mentioned in preamble such as justice - social, economic, dignity of people socialistic nature of state by reducing inequalities among people (Art 39(b)(c)).

It further ensures right to work (Art 41), maternity benefits to women, protecting environment (Art 48A) prevention of cow slaughter (Art 48), promoting interna-tional peace (Art 51), separation of judiciary and executive (Art 50).

Despite of this it has been criticized by various scholars such as Morris Jones calls it as mere aspirations, further these are non enforceable in a court of law. These Dpsps are ignored various times by states.

However as Dr. B.R. Ambedkar held that government can hardly ignore these principles and acts as instrument of instruction to the government. Similarly Jeanville Austin it as tool to promote social evolution in country.

Remarks Mention views of K.T. Shah, K.C. Wheare, T.T. Krishnamachari, Nasiruddin, N. Srinivasan, Jennings, constitutional conflict.



2. Answer the following questions:

- (a) Governor's role has been perverted to create a permanent threat to legislative assemblies. How is far is this statement true? Examine with help of constitutional provisions. (200 Words) (15)
- (b) Discuss the issues related to Concurrent List that are posing challenges to the idea of cooperative federalism in India? (200 Words) (15)
- (c) Enlist some of the major issues associated with Representation of People Act (RPA), 1951. (250 Words) (20)

Remarks

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Remarks



*Remarks*

Remarks



Remarks

+

Remarks



*Remarks*

*Remarks*



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)

According to To S. Mill Right to freedom of speech is the most important right of man and without man cannot lead happy life. Considering its importance Indian constitution under Art 19(1) provided right to freedom of speech & expression to the citizens of country as a fundamental Right.

Supreme court in its various judgement held that right to freedom also include freedom of press, Right to information etc.

Similarly Pandit Nehru also gave importance to freedom of speech and expression through freedom press. According to him "I will prefer freedom of press without government rather than government without free press".

Remarks



Mention narrowed ambit. of sedition,  
consultation paper by Law Commission,  
dilution unlikely, arguments for & against

Despite of its crucial significance India continued to use Section 124A of the IPC which is popularly called as sedition. 124A of IPC prevents people going against the state. Similarly it has been misused by various times since from Colonial era.

Supreme court in its various Judgement classified the utility of Section 124A of IPC. In Kedarnath Singh vs State of Bihar court held that this section 124A should only be triggered if it results into incitement of violence. Similarly in Balwant Singh case court held that even giving slogans against nation is not a sedition until it results into incitement of its violence.

However this section is used to stifle the freedom speech in country. For example recent arrest of Journalist of Assam on ground of publishing hate content. Similarly govt ordered arrest of persons

Remarks

SC Judgements in Kanhaiya, Romesh Thapper case, suggestions.



Journalist under section 124A on a mere ground for sharing tweet or tweets.

Therefore this section should be used where there is incitement of violence. Further Law Commission of India recommended for its repeal. As Lokmanya Tilak called that there is difference between "Rashtra-droha" and "Rajdroha" hence sedition should not be used for mere criticism of government policies. And administration must adhere to the guidelines given by Supreme Court in Kedarnath case while triggering section 124A.

b) — Indian constitution under Art 148 provides the office of Comptroller and Auditor General (CAG) of India as one of the bulwark of democratic government. CAG of India audits the different accounts of governments such as consolidated fund of India, consolidated funds of state, public accounts of India and other accounts of PSUs.



CAG is independent office with full autonomy. His salary is charged on consolidated fund of India. He enjoys the status of supreme court judge and hence cannot be removed without passing the motion in parliament with special majority.

CAG ensures the expenditure of government whether done in ~~so~~ a right manner or not. He acts as a guardian to public purse. He sees the misuse of fund happening in country or not. He acts as a friend philosopher and guide to public account committee of parliament.

Art 150 provides the audit reports of CAG. He submits 3 audit reports to the president such as audit report on finance, audit report on public account and audit report on public undertaking. These reports are laid before parliament and later on scrutinized by ~~par~~ public account committee.



Despite of its crucial role there are some lacunas in the office of CAG:

- > Appointments: There is no clear criteria for appointment of CAG.
- > Lack of expertise with CAG leading to problem in auditing
- > Delay in auditing and tabling report before the parliament and state legislature
- > Various times reports are very critical to the government policy
- > It's work is mainly post modern where expenditure has already done.

India should emulate international practice

- > Appointment should be done through collegium of members such as audit board in Japan and South Korea.
- > Providing adequate training to
- > Timely audit like Britain.
- > Like Britain CAG can be made accountable to parliament
- > Tabling CAG report on time to reduce delay.

Remarks Mention the separate kind of provisions in different countries briefly, measures that need to be taken, PAC conference.



Therefore as Dr. B.P. Ambedkar held that CAG is the most important functionary in the country more than judges of supreme court itself. Hence there needs to be independence to the office. Mr. B. P. Mathur in his book "Public Accountability: Reengineering CAG of India" has suggested CAG should be appointed ~~to~~ through collegium further needs to be made truly independent in the country.

c) India adopted representative model of democracy both at centre and state where representatives are directly elected by people through universal adult franchise (Lok Sabha, State legislative Assembly & panchayat, municipalities). Representatives represent the "will of the people" in country.

As J.S. Mill regarded representatives as most important for the success of representative democracy and preventing tyranny of majority. Despite of this



importance they are ~~most~~ ~~be~~ emerging most worse days by day & and getting elected to the houses!

Criminalisation of politics where criminals are entering into the politics which eroding the democratic nature of elections and its functioning.

According to Association of Democratic Reforms Study 2019, Newly elected 17<sup>th</sup> Lok Sabha of 2019 shown increase of the Criminal representatives from 34% in 2014 (16<sup>th</sup> Lok Sabha) to 43% in current. Further 29% of representatives have crimes of heinous in nature. (9)

Criminalisation of politics making the lawbreakers to become a law makers which threatening the country's future. The report of Dinesh Goswami Committee, Indrajit Gupta Committee on Electoral reforms also highlighted the same issue.

Remarks

Art. 102 & 191, Section 8 of RPA Act, March 2014 SC Judgement, recommendations of SC, reasons for criminalisation, Santhanam Committee, Padamana-



Vohra committee and 2nd ARC held that there is strong nexus between criminals - politicians - Bureaucrats which ultimately leading to governance in the country. Further there are instances where strong candidates who might have been charged with many criminal cases are preferred by people because of his image. political

political parties are also providing the tickets to such people which also hindering the objective of political parties. Recent election saw wide use of money and muscle power in the election.

Therefore to ~~remove~~<sup>end</sup> the criminal entering into politics need to take following steps:

- \*) Life term ban on convicted politicians for 6 years or more (2nd ARC).
- > Intra-party democracy
- > Strong legal system to dispose pending cases
- > Voter awareness campaign
- > Making cases public on social media platform



4. Answer the following questions:

- (a) 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)
- (b) Provide a detailed analysis of the performance on National Commission for Women till date. (200 Words) (15)
- (c) Elaborate on the challenges to the vision and functioning of Panchayati Raj Institution in India. (250 Words) (20)

a) To promote idea of grassroot democracy of Gandhiji, Radical democracy (part of M. N. Roy) and partyless democracy of J. P. Narayan, India provided Panchayat Raj system under Article 40 of the Constitution. Later on through 73rd and 74th Constitutional Amendment Act local governance given constitutional backing.

73rd Amendment Act 1992 provided selection of members by Gram Sabha through direct election. Similarly it provided no educational criteria for contesting the elections. It also provided 33% representation to women through reservation and 33% to SC/ST community.

Remarks



Mention points like misplaced focus, exclusionary move, discriminatory, abdication of responsibility by state

However various states such as Rajasthan, Haryana and other introduced educational criteria to contest election to Panchayats. According to Haryana Panchayat Elections Act a candidate from General category needs to pass 8th std, and women, SC/ST ~~and~~ candidate needs to pass 5th standard.

Such criteria as to acting as hindrance to the genuine candidates and specially from weaker section. They are deprived to become a member because of lack of education. Further there is a rise of elitism in the Panchayat Raj system because of education criteria.

The intent of state government was to promote educated people should lead the Panchayat so that governance will be easier in the region.

Remarks

progressive legislation, role-model effect

Better mention separately the imp. points. Imp. words missing.

9



further they contented educated candidates will promote more informed elected members in panchayat and will help in empowering the Gramsabha.

However this idea is going against the concept of grassroot democracy where country's 2/3<sup>rd</sup> people still lives in villages. There are instances people remained deprived of their rights. Even election to parliament, state legislature does not have any educational criteria.

Hence states needs to considers removing such criteria to promote inclusive democracy. Rajasthan government recently removed the near 0 step eight in the direction.

b) National commission of women a statutory body established in 1992 under the National commission of women Act 1990, based on recommendations of Committee on Women's report "towards equality".



National Commission for Women (NCW) aimed to investigate matters related to constitutional and legal safeguards available to the women. It empowered to ensure the equality in the society and ensures safety of women.

Commission takes suo moto cases to the court based on its observation and need. Commission prevents the discrimination of women in employment and at public places. It also works to implement sexual harassment prevention at workplace Act in different places.

It promotes education to women on preventing discrimination. Further it works with NGOs and civil society organisation to raise voices of the women at the different forums & platforms.

Remarks Mention Parivarik Mahila Lok Adalate, Complaints & Counselling Cell, sponsors research, conducts studies, own Library



### Achievements of Commission like:

- > Raising issue of Bhamwari Devi Rape Case to provide compensation.
- > Worked to ensure places of workplaces are safer.
- > NCW ensures women's rights are protected.
- > It helped PSVI, organisation to implement sexual harassment guidelines. Vaishakha

### Lacunas

- > Lack of autonomy: Many times government appointing members based on their convenience.
- > Lack of finances to award the compensation to the victims.
- > Absurd comments made by former chairperson Mamta Sharma against women.

Therefore to ensure half of country's population gets life of dignity and they live in a safer environment, there is urgent necessity to empower NCW by giving Constitutional status and autonomy.



c) Gandhiji's vision of grassroot democracy based on concentric circles of power where individual at centre is envisaged in Directive principle of state policy (Art 40). Later on it was provided detailed structure through 73<sup>rd</sup> Amendment Act 1992.

Act provided "Gram Sabha" at the heart of the Panchayat Raj institution which is elected by the members/voters of villages of that Gram Sabha. It ~~was~~ <sup>provided</sup> finance commission to state (Art 343-I)

State election commission Three tiered structure. Similarly reservations (33%) to women and SC/ST community at all level.

Panchayat Raj emerged most energizing idea of local governance in the world with largest no. of representatives elected by the people (31 Lakh) and around 5 Lakh Panchayat in country. It truly

Remarks



empowered the women of gap country by reducing gender parity in the country.

Despite of this panchayat Raj remain facing various challenges as highlighted by Manishankar Ayyar committee and Sumit Bose committee.

### Challenges to vision and functioning of PRI

- > Lack of true devolution of power - state government yet to devolve full power to PRI's like Kerala, Maharashtra. (11)
- > Lack of funds : As Economic survey 2017-18 mentioned PRI's (Rural) could able to generate only 5% of Revenue on its own other 95% depends on states.
- > Lack of regular meeting and Rise of false meeting
- > Rise of pati panchayat and surrogate panchayat representations
- > Salit members remain deprived from attending meetings of the panchayat.

Remarks Mention steps taken by govt. - capacity building programme, staffing rules, training, RGPSA, challenges faced by EWRe



- > District planning committee is non-existent in many states.
- > No clarity on which function is performed by at which level.

### Measures to address challenges

- > full devolution of powers like Kerala and Maharashtra.
- > appointing panchayat ombudsman to address grievances like Kerala.
- > Video Recording of meetings to end bogus meetings (Manishankar Ayyar Committee)
- > Quorum of panchayat to with specific number of representatives from SC/ST & women.
- > Activity mapping of all functions with functionaries to be done at different level.
- > Follow subsidiarity principle (2<sup>nd</sup> ARC)

Therefore we need to empower PRI's to achieve Sustainable Development Goal and truly achieve aim of grassroot democracy.

## 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.
- 6<sup>th</sup> Schedule areas: Need for empowerment

a) Government of India through 85<sup>th</sup> Amendment Act 1985 enacted the Anti-Defection law to curb the untimely defections and horse trading. Act was further amended in 2003, which necessitated 2/3<sup>rd</sup> of party members as merger instead of earlier 1/3<sup>rd</sup>.

Anti-Defection law curbed the wide defection during 1980's and 1990's and restrained the "Jayaram" and "Jayaram" from defecting. It also promoted stability in the government and reduced the horse trading at considerable extent.

Remarks



### Problems - still plaguing

> Mass defections are not addressed by this law eg. Recently 12 of 17 Congress MLAs in Karnataka defected to TRS party, similarly 5 MLAs of Goa Congress defected in BJP.

> Goes against freedom of speech and expression when member acts against the whip of party.

> Does not address problem of hoareading completely.

### Way forward

> Making disqualification under ADL only for motions like No Confidence, Motion of Thanks etc (Law Commission)

> Giving power to disqualify to the President or Governor instead of speaker

Therefore we need to bring amendment to law to prevent the defections and strengthen the law.

Remarks Mention dissent vs defection, party bossism, independent member, nominated member, democratic resignation.



b)

Idea of secularism emerged in the west as a result of religious wars, which separated state and religion. Rajeev Bhargava calls secularism as a outcome of christianity and gift of modernity.

whereas Indian secularism is different from western model. In India there is no complete separation of religion and state rather we follow principled distance model (Rajeev Bhargava) (4)

In India states can equally interfere in the religious affairs eg: states funding to Amarnath yatra for Hindus and states promotion Haji yatra for the Muslim community. Inadequate. Mention with the help of views of scholars like Kaviraj, R. Kothari, A. Nandiy how secularism as practiced breeds communalism.

Remarks



Indian secularism is politically negotiated model based on the conditions of India. It is a contextual model. Indian constitution through Art 14, (Right to Equality), Art 25 (Freedom of religion), Art 26, 27, 28, 29 and 30 provides an idea of secularism. Preamble explicitly mentions the idea.

Therefore Indian secularism is based on model of principled distance and "Sarve Bhanantu Sukhinah" rather than complete separation like west.

c) According to Rawls "Theory of Justice" Justice is the first virtue of social system as truth is the system of thought. Because all other things are based on the principles of Justice.

Indian constitution in its preamble envisages justice - social, economical and political to achieve the dignity and welfare to all. It provides independent judiciary to ensure the justice to all.

Despite of this there are huge pending cases in different courts of country. Economic survey 2018-19 highlighted 3.5 cr pending cases in whole country. Average age of pending cases is about 3 years. which depriving poor people to get justice. 3 further lack of access to justice on time hindering the objective envisaged in the preamble. Justice delayed means a one kind of violence on the human being who is entitled to enjoy good life.

Remarks Mention in detail reasons for judicial pendency, its impacts & practical measures that can be taken.



Therefore we need to address problem of delay by improving capacity of court, efficiency of court. further promote wide use of Lok Adalat, pro bono legal service, use technology for faster disposal of cases and fill vacancy urgently in all courts of country.

d) Constitution envisages freedom of speech and expression under the Art 19(1) as a fundamental right. However currently under the name of freedom of speech and expression there is a rise of fake news.

The recent example of child lifting fake news in Buldhana caused death of 5 innocent people and also disturbed the peace. fake news are spread through social media platforms.

Remarks

Mention lack of centralized mechanism to verify fake news, freedom exploited, falsehood not reasonable restriction



platforms like whatsapp, facebook etc

### Measures To curb

- > Use of awareness among the people
- > Balancing freedom of speech and its restraint
- > Effective monitoring of social media platform
- > Digital literacy among the people

Therefore democracy survives through free press and freedom of speech yet fake news can endanger the democracy that needs to be prevented.

e) \* VII<sup>th</sup> schedule of constitution which deals with the tribal areas management and administration. It applies to the 4 states of North East India such as Assam, Tripura, Meghalaya and Mizoram. It ensures the protection of tribals by preserving their cultural practices.



Mention in detail issues with autonomous councils — inadequate representation, overlapping functions, corruption, customs and traditions

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(5) VI<sup>th</sup> Schedule gives autonomy to tribal areas through Establishment of Autonomous District Councils (ADCs) and Regional Councils. Governor is empowered to promote good governance in the tribal areas.

Regulation of tribal resources, sell of products, regulation of courts at local level and other administrative task is carried out at local level. Act of parliament or state legislature cannot directly applies to these areas.

Despite of these powers these areas facing problems recognised by Virginias Xaxa committee

- > Illegal diversion of tribal land
- > Alienation of tribal people because of poverty, lack of education and health facilities.

#### Way forward

- > Truly empowering gram sabha and ADCs
- > Prevent illegal diversion of lands of tribal
- > Opening employment opportunities in tribal areas through TRFD.
- > Provide health, education and food for tribals.

Remarks

6. 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)

Remarks



Remarks

Remarks



*Remarks*

Remarks



Remarks

*Remarks*



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 idea of reservation is considered as way to compensate historical injustices meted out the people from socially and educational backward classes. Constitution provided reservation to provide social justice to the people we can see its articulation under Art 15, 16, 332, 335 etc. for SC/ST's later on after Mandal case it was promoted for OBC sections.

Recently government passed 103<sup>rd</sup> Constitutional Amendment Act 2019 to give reservation to Economically weaker sections of society. It amended Art 15, 16 and provided 10% of separate quota for EWS Category.

→ address it more respectfully and ease case of Mandal Comm.

Remarks



EWS class is defined as whose <sup>annual</sup> income is less than 8 lakh, one who having less than 5 acres of land, who having less than 800 sq meters of land in municipal areas etc. Those people fit into these criteria will able to get 10% quota in perspective of their caste and class (~~excluding OBC, SC & ST's~~).

This reservation is aimed to provide relief to poor by providing level playing field in employment and education. It also aimed to achieve goal of DPSP 16 which talks about reducing inequalities among weaker sections of society.

However idea is being heavily criticized from different sections of society. As the ~~pur~~ original purpose of reservation envisaged by framers of constitution was to provide social justice, whereas this reservation based on economic criteria.



further it will breach the limit of 50% quota setup by Supreme Court in its judgement in Inelisa Swalney 1993. It also deprives the SC/ST and OBC's from securing benefits of open general seats as now quota will be reduced to 40% for general.

This reservation further strengthens the elitism in country. Therefore Supreme Court in its judgement in Ram Singh case held that reservation created race to bottom. 8

Hence we need to take other measures such as scholarship to poor, educational loans, creating employment and others to ensure life & dignity to all.

You have to mention arguments for & against, mention Lakshman rekha of 50%, M. Nagaraj vs Union of India, Pandora's box of demands, anti-merit, populism tool, Sinha Commission report.

Remarks



b)

Constitution of India under Article 93 provides the office of Speaker in Lok Sabha. She has power to oversee the functioning of house, she acts as chairperson of house and also chairperson of Rules Committee Business advisory committee and general purpose committee. She also appoints the ~~new~~ chairmans of different parliamentary committee.

Speaker has power to interpret law Constitution in the house and acts as final authority of the house. Speaker enjoys autonomy and independence. Her salary is charged upon consolidated fund of India and she cannot be removed from the house without passing removal motion.

Speaker has final authority to declare any bill as money bill,

Remarks



She has powers to disqualify members under the Anti Defection Law, she also bans any members from the proceedings of house. She enjoys dignity and high status similar to rank of Chief Justice of India in order of precedence.

Speaker ensures that parliamentary proceedings functions in a right manner. She chairs the joint sitting of the house, despite of this her role is being questioned in recent times.

Speaker of Assam Uttarakhand Assembly disqualified the members for demanding the voting on the budget. even assembly rules permits voting. Similarly speaker of Assamachal Pradesh disqualified 16 members on the ground they went against party even there was a no incidence.

+ Remarks In view of the recent incidents, discuss issues of partisanship, prejudice, how to address the situation - give practical solutions.



Therefore speaker needs to act in a impartial manner and neutrality of speaker is most important. As supreme court in Mehra vs. Union of India case held that speaker given very wide powers not to stifle the democracy rather to promote the democracy.

Hence as Pandit Mehra held that speaker represent the dignity of house freedom of house and liberty and freedom of nation. To ensure this there is need for speaker to remain a neutral and impartial.

(c) Tribunal is a quasi-judicial institution in the country. Constitution of India under Art 323A and 323B provides tribunals for administrative purpose and other purpose respectively. The main purpose of tribunal is faster delivery of justice with

Promotion of expertise in addressing cases. eg: National Green Tribunal for environment related cases.

### Utility of Tribunal

> After Amendment to constitution the tribunals promoted faster redressal of different cases.

for example Administrative Tribunal under Art 323A : able to address the grievances of public servants.

> Reduce the burden on judiciary: Many cases gets addressed by tribunal.

> Expertise in decision making and redressal and hence promote the efficiency

eg: Environmental related matters heard by NGT which help to understand the technical details.



> Tax related Tribunal able to dispose tax related cases hence promoting ease of doing business in the country

### Problems with tribunals

- a
- > Appointment procedure remain opaque
  - > Tribunalization of justice (Law Commission)
  - > Bypassing of judiciary and compromise the independence of justice.
  - > Huge pendency because litigations & appeals ultimately going to courts.

### Way forward

- > Streamline appointment procedure through collegium system of judiciary
- > Abolish extra and unnecessary tribunals
- > Promote training to the members
- > Use technology for faster delivery of cases

Therefore Justice is the first virtue of social system (Rawls) needs to be ensured to all.

#### Remarks

Mention 42nd Amendment Act, issues like increasing pendency, violation of separation of powers, suggestions

8. Answer the following questions:

- (a) Examine the mechanism of Public Interest Litigation as a tool of justice in India.  
(200 Words) (15)
- (b) River Water sharing is the biggest challenge to the idea of cooperation among states.  
(200 Words) (15)
- (c) Women in Indian Politics. (250 Words) (20)

Remarks



Remarks

*Remarks*



*Remarks*

Remarks



*Remarks*

*Remarks*



Remarks