

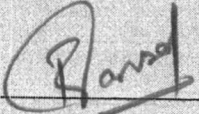
INDIAN POLITY + CONSTITUTION & PIC

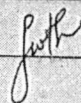
Time Allowed: 3 hrs.

Max. Marks: 250

Q.	Marks	Instructions to Candidate
1.		<ul style="list-style-type: none"> • There are 20 questions. • All questions are compulsory. • The number of marks carried by a question is indicated against it. • Answers to questions no. 1 to 10 should be in 150 words, whereas answers to questions no. 11 to 20 should be in 250 words. • Keep the word limit indicated in the questions in mind. • Answers must be written within the space provided. • Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.
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93 1/2

1. Invigilator Signature 
 2. Invigilator Signature _____

Name SWETHAA S
 Roll No. _____
 Mobile No. _____
 Date _____
 Signature 

REMARKS

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Section - A

GS, UP, USA

Q1. 'Upper Chamber of the Parliament across the world is generally considered to be less powerful than the Lower Chamber. However, they are also vested with certain functions and powers, which enable them to play a decisive role'. Critically analyze the above statement with special emphasis on India. (10 Marks)

Upper chamber across the world is less powerful in terms of power & functions.

In UK, House of Lords is numerically smaller, has no ~~role~~ * real power over the budget.

In USA, Senate is similarly subordinated.

In India, the Rajya Sabha has

- 250 members in comparison to 552 in Lok Sabha.
- It cannot reject Money Bills.
- It cannot vote on grants.

→ The executive is not responsible to the Rajya Sabha & hence it cannot ~~decide~~ the pass a vote of 'no confidence'.

But, the Upper house plays a decisive role :-

→ No Emergency can be declared without the approval of Upper house in India & Germany.

→ Plays a critical role when the Government enjoys an overwhelming majority in the Lok Sabha ⇒ ∴ Prevents executive despotism in India & Britain.

Remarks

you also should underline some keywords.

→ It serves as a balancing wheel of federalism by providing a voice for the states in National politics ⇒ ∴ strengthens 'Cooperative' Federalism' in USA & India.

→ Only with the approval of Rajya Sabha can the Parliament legislate on a state subject (Art 249)

In recent years, Rajya Sabha has weakened due to → Excessive use of Money bill
→ Presence of Crony Capitalists, Ex-Bureaucrats as members

→ Deliberate disruptions ~~this to strengthen~~ ~~these to restore~~

There is a need for co-opting the Rajya Sabha's

(4)

will diminish points of similarity and contrast between Rajya Sabha and Lok Sabha.

Q2. Examine the need for establishing a permanent Inter-state Council. Discuss the main functions of Inter-state Council as envisaged under Article - 263 of the Indian Constitution. Highlight the recommendations of the Sarkaria Commission in this regard.

(10 Marks)

Inter State Council is a constitutional body established under Article 263 of the Constitution.

Article 263 empowers the President to constitute the Council to fulfill the following functions -

- To discuss any matter of common importance to centre & states or states.
- To investigate & advise upon any inter-state disputes.
- To coordinate for common policies & actions.

Need

- To foster "Cooperative federalism" by reducing distrust & increasing communication among states.
- A Permanent Council will help regularize such meetings. Sarkaria Commission recommends them to meet at least thrice a year.
- Matters such as internal security need Inter-state Cooperation. Eg:- Maharashtra & Gujarat → Coastal security
Chattisgarh & Telangana

Remarks

↳ Naxalism

→ To make states equal partners in the realization of national goals
 Eg :- Recent meeting discussed on Adhar, Universal education, Cashless economy etc

Sarkaria Commission Suggestions

- Any shift in a ~~the~~ subject from state to Concurrent list must be after extensive Consultation with the Council.
- Secretariat must be shifted to a neutral office such as Rajya Sabha secretariat.
- All discussions under camera.

The need for Inter state council has increased today since Centre & states partnership is essential for success of India, Digital India, Skill India etc

③

Identify problems in functioning of ISC and suggest remedial measures accordingly.

Q3. Political participation by women in the popular struggles from 1920s onwards opened up new vistas of possibilities that a century of social reforms could not. Highlight the role played by women since Independence in the issues related to peasants, tribals, farmers, trade unions and environment. (10 Marks)

Political participation of women in popular struggles began in the 1920's with the Non Cooperation movement under Gandhi. This marked the beginning of new era of gender justice in India.

→ Women were now active votaries of their needs & demands.

→ Women in partnership with Civil Society Organizations have gained the confidence to not silently suffer from exploitation.

Post Independence

→ Peasants & Farmers

→ Women are largely employed in the Agrarian sector & hence have a direct interest.

→ They have been demanding for property rights, loan waivers & access to marketing, agro processing etc.

→ Eg - The recent protests by farmers of Maharashtra saw a large presence of women

→ Tribals

→ Tribes have been victims of development induced displacement.

→ Hence women have been actively asserting the tribals rights in Forest Rights Act 2006, Schedule 5 & 6, PESA etc

Specifically
drawn the
role played
by women.

Remarks

→ Eg :- ~~Land~~ Narmada Bachao Andolan that is creating loss of land to tribes with no compensation
 Eg :- Protects against Vedanta projects

Trade Union

→ Trade Unionism is historically very low among women
 → They are the major constituents of the informal sector - (First to be fired & last to be hired)
 → Today, women are active participants of Working Class movements
 → Eg :- All India Bankers Association - Women protested against Bank mergers

Environment } Chipko, Silent Valley, Steelite, Hug your trees campaign in Delhi.

③ Aspects have been covered but you should include more examples of movements, organizations and bodies.

Remarks

Q4. There has been controversy over the Article 35(A) and its legality. In this background, elaborate on Article 35(A) and its implications. (10 Marks)

Article 35(A) provides a special privilege to the residents of Jammu & Kashmir.

- It defines who are permanent residents & gives them special benefits in scholarships, admission in colleges etc.
- Only residents can purchase a property.
- But, a male resident marrying an outsider can inherit / buy such property. But Women are not given this benefit.

Legality Questionable

- Goes against Article 14 (Right to Equality), Article 15 (Right against discrimination) guaranteed in the Constitution.
- Violates the right to life (Article 21) of Constitution.
- State becomes a partner in perpetuating patriarchy.
- Restriction on Article 19(1)(d) - that guarantees right to residence in any part of India. J&K was not given an exemption.
- Article 35(A) was introduced by a Presidential order. Thus it makes a constitutional amendment which is the power of Parliament only.

Remarks

Article 35(A), most importantly, prevents the complete integration of J&K with rest of India. It prevents the creation of the spirit of nationalism. This is also a cause for the alienation of people of the Valley.

But revoking Article 35(A) can cause further chaos & add to more security troubles. Hence it will not be right to revoke the Article now but will have to be re-examined when peace is restored in the state.

35A
1
Bring some arguments in favour of article 35(A) and then write a balanced conclusion.

Remarks

Q5. Paucity of Judges, especially in lower courts is critically affecting the Judiciary and Justice delivery system, discuss. How the situation can be improved? (10 Marks)

There are more than 3 Crore cases pending in the lower judiciary at present. This is mainly due to paucity of judges.

Implications of Judicial Vacancy

- Justice delayed is Justice denied: Pendency of cases is preventing the fast track delivery of justice.
- Loss of confidence of public in the Judicial system ⇒ People are taking justice in their own hands. Eg: Ruse in Mba Violence.
- Ease of doing business is reduced. Eg: World Bank index rated India low on enforcement of contracts.

Solutions

- The delays are due to ongoing tussle between the Executive, & judiciary. They must 'give & take' for the larger interest of the nation.
- All India judicial services for recruitment of district judges.
- Creation of National Court of appeal can be

Remarks

established to reduce the burden of Supreme Court

→ Alternate dispute resolution mechanisms such as Lok Adalats to resolve marriage, divorce etc.

→ International Arbitration Centres as proposed on Delhi & Mumbai, on par with Singapore to resolve disputes with Corporates.

→ Use e-services to deliver justice through video conferencing

Hence, increasing the judge to population ratio along with the above measures are essential to strengthen Judicial system

(3)

well focused on
issue of pendency

but
you should also explain
reasons and remedies
of paucity of judges.

Remarks

Q6. The actual working of the State Finance Commissions (SFC's) have not been as effective and efficient as the Union Finance Commission. Critically examine. (10 Marks)

State Finance Commission's inefficiencies have been responsible for the poor distribution of revenue to local bodies.

State Finance Commission has the following functions :- (Article 243 I)

→ To make suggestions of sharing of revenue between states &

local bodies
→ To strengthen the fiscal position of local bodies

Second ARC Commission identifies the following differences

→ Composition :- Consists of Ex-Bureaucrats & unqualified individuals?

The Union finance commission has always selected individuals of high merit in economics, finance etc.

→ Compliance with suggestions :- The states have not adopted the healthy practice of accepting recommendations of SFC unlike Union Government.

→ Delays in appointment :- The Central FC is always appointed well ahead of time for eg :- 15th FC has already been appointed for 2016-2025

Remarks

→ No rationale, scientific method for distribution.
In CFC, extensive consultations with researchers & subject experts, collection of data on ~~states~~ needs of states is done.

→ The SFC is an agent of the state Government. Hence it always has a bias towards states needs & compromises on local bodies.

But ~~the~~ CFC, for eg, suggested a devolution of 42% of Centre's revenue to states.

Hence, SFC must be revamped to enable the local bodies to function as mandated in the Constitution. SFC must work with states & local bodies before making suggestions. The 15th FC working serves as a role model.

(2)

not systematically and comprehensively addressed the demand of the nation.

Remarks

Q7. Write a short note on the different sessions of Indian Parliament. Why do you think parliamentary disruptions by Members of Parliament are on the rise, during last two decades? Examine the causes. (10 Marks)

The Constitution does not prescribe the sessions of the Parliament. It only states that the time interval between two sessions cannot be more than 6 months.

Following the Parliamentary Convention, in India there are 3 sessions:-

→ Budget (Feb - May)

→ Monsoon (July - September)

→ Winter (November - December)

Cause of rise in Parliamentary disruptions :-

→ Political Culture :- Shift in orientation of politicians from the 'politics of development' to 'politics of populism'. Hence hold dharnas etc for pure political purpose.

→ ~~Head of House~~ Chairman :- The Speaker of Lok Sabha & Chairman of Rajya Sabha are responsible for maintaining order & decorum. They do not act in a politically neutral manner or they are unable to handle the strength of house.

→ Electorate is passive :- The people do not sufficiently criticize their representatives for non performance.

→ Weak rules :- For Eg. - In Rajya Sabha, Chairman cannot automatically suspend members. He/she can only adjourn the house.

Remarks

- Salary of MP's are not linked to their performance
- Unhealthy competition between Government & Opposition parties :- Opposition creates deliberate disruptions rather than ~~focus on~~!

Solutions

- Activism of electorate, Civil Society Organization.
- Creating the culture of orderly transaction of business by following the footsteps of our founding fathers.
- Rajya Sabha must follow Agni Hotri Committee recommendations on Question hour, suspension.
- Strengthening role of opposition
- Resignation of Speaker from political party like in Britain

3/2

will discern the issue of disruption of parliament. But duty explains the speaker's firm the there's serious that you're worried about.

Remarks

Q8. Did the Government of India Act, 1919 introduced responsible Government in India and ended 'benevolent despotism' in India? Analyze. (10 Marks)

Government of India Act 1919 brought changes at the Central & Provincial level in the executive & legislature.

→ At the Central level, in the Viceroy's executive Council - 3/8 were Indians.

→ The legislature was made bicameral & elected members were more than nominated.

→ They could ask questions, supplementaries etc.

→ Some Indians were part of important committees like finance.

→ At the Provincial level, dyarchy was introduced.

→ ~~Reserved~~ ^{Transferred} subjects such as ~~law & order, finance,~~ education, health were administered by ministers. They were responsible to legislature.

→ For the first time, many women got the right to vote.

Cons:-

→ All important subjects such as law & order, finance etc were in the hands of Executive councillors who were not responsible.

→ The legislative council could introduce legislation only with governor's assent. He could also veto them.

→ Governor could restore budget even if rejected.

well analyzed
the provisions
1919 Act
actually

Remarks

- Communal & class electorates were strengthened
- Franchise was limited & based on property, education, tax etc.
- Allocation of seats to provinces at Central legislature was based on importance of provinces - Eg:-
Punjab - military.
- Constant friction between Ministers & Bureaucrats -
Dyarchy failed

The Nationalist leaders were deeply disappointed with the Act as it provided no real responsible government. The Rowlatt Act was started in response

4/2

clearly take a stand whether it is called "dominant" or "disproportionate"

Remarks

- Q9. Rajendra Prasad was a man of courage, dedication, conviction and utmost sincerity. Highlight the role played by Dr. Rajendra Prasad in India's freedom struggle and in laying the foundation of a modern India. (10 Marks)

Remarks

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Remarks

Q10. 'Social reforms and Dalit Movements like Dalit panthers for empowerment of dalits in independent India have essentially been for carving out political space through electoral politics.' Discuss. (10 Marks)

The Dalit movements of post-independence have primarily focused on the goal of political empowerment.

The Constitution provides for reservation of seats for SC & scheduled Caste in the Lok Sabha. This is following Ambedkar's views that it political empowerment that can enable Dalit's to overcome the historic injustice they are subject to. It is not temple entry movements that can help them.

Hence, Dalits have been asserting their identity with pride & refuse to submit to the caste based obligations of the past.

Incidents such as Bhima Koregaon & the protests against the SC's court orders to dilute the SC/ST Prevention of atrocities act as symbolic of this new political strength.

Using political power, they aim to defend the rights of their community. Political mobility hence will pave way for economic mobility.

And some examples of leaders and political parties-

Remarks

The Dalit movement has also focused on creating a renewed consciousness in Dalits. Through demonstrations & grass root level activism, they are enabling them to become confident & self sufficient individuals.

The presence of Dalits in all spheres of life from teachers to government service is a sign of the movement's success.

But, Manual Scavenging, separation of dalit children from others in school & the restrictions on owning land etc continue today as the ~~old~~ caste based prejudice continues to remain. ~~even today~~

(5)

very well explained
the significance of
political empowerment
of dalits.

Remarks

Section - B

Q11. In Higher Judiciary, no Judge has been removed so far, despite the prima-facie evidence in several cases. In this context, critically analyze the procedure to remove the Judges and how to bring the judges to the justice; after all they are not above the Constitution?

(15 Marks)

Recently, the proceedings for removal of the Chief Justice of India was initiated in the Rajya Sabha. But the proceedings lapsed since the motion was not accepted by the Chairman.

Procedure for Removal of judge (Judges Inquiry Act 1986)

- Motion for removal can be initiated by either house. It must have the support of 50 members of Lok Sabha & 100 in Rajya Sabha atleast.
- The Motion will have to be accepted by chairman/speaker.
- Then a 3 member investigation Committee is appointed by head of house -
Consists of Chief Justice of HC, Judge of SC & eminent jurist.
- If the charges are suffering from Incapacity / guilty of misbehaviour ^{or upheld} then, it is taken up by the house.
- If both house sustain the charges by a special majority then he/she stands impeached.

Remarks

Analysis :-

→ The proceedings ~~are~~ may be initiated for purely political reasons ⇒ ∴ affects the independence of judiciary

→ The working of judge is affected during the time when proceedings are ongoing

→ Causes irreparable loss of dignity & credibility to the judge

→ The 3 membered committee is appointed by head of house. Members may hence be selected on political consideration

→ Grounds of Removal - are vaguely defined. What amounts to misbehaviour / low capacity is not clear

→ Greater loss of confidence of citizens in the judicial ~~and~~ system

→ Judges may work in constant fear & hence can become an arm of the Executive & Legislature
Eg :- Will fear to take a stand against Aadhar

Solutions to bring judges to justice

→ The RTI Act must be implemented by Judiciary in letter & spirit

→ Dismantle the collegium system :- Should not be a self appointed body & the NJAC bill may be accepted ✓

Remarks

→ Proceedings for impeachment should have more safeguards such as: Acceptance by judges of the proceedings by a majority.

→ The recent issue of Master of Roster must be resolved to prevent nepotism, personal bias & corruption.

Hence, a balance must be made between independence of Judiciary & Accountability of judges. This is essential since the Judicial system is the pillar of democracy.



systematic and
comprehensive -
well written

Remarks

Q12. There have been divergent views over creating an All-India-Judicial-Services (AIJS) while Centre and the Supreme Court is favoring AIJS, several States and High Courts are in opposition to it. In this context, critically examine the creation of AIJS.

(15 Marks)

Following the recommendations of the Law Commission, both the Supreme Court & Centre have supported the creation of an All India Judicial Service.

This will be on lines with the All India Service for recruitment of judges to the district courts.

Pros

- > Currently, the pendency of cases at lower courts is more than 3 crores. This due to low judicial strength. Hence AIJS will help reduce pendency.
- > Will help attract meritorious law students. Quality of adjudication will help reduce appeals to HC & SC.
- > Currently it takes atleast 10 years for a judge in subordinate court to rise to district level. There is also corruption in transfer & promotions. This will be overcome by AIJS.

Remarks

→ Since judges of HC & SC are recruited by ~~not~~ from district courts, the quality of judiciary will improve across all levels.

Hence AIJS will

→ help the Supreme Court to deal with important Constitutional Cases & not waste time in Mundane Cases.

→ "Justice delayed is justice denied" ⇒ AIJS will help overcome this.

But states have been opposing because.

→ States lose the power to recruit judges through their own examination

→ It affects the independence of judiciary, according to some HC, since some other body such as UPSC conducts the exam.

→ The laws vary from one state to another. Hence an All Indian Service is meaningless.

→ Lack of knowledge of regional language will hinder the delivery of justice.

→ The state judicial exams have been able to select competent candidates.

Remarks

There is an urgent need to strengthen the Judiciary right from district level. The All India judicial service will help enhance the quality & speed of adjudication. But the concerns of the states/HC must also be addressed. The Law Commission must be asked to re-examine the issue & suggest necessary corrections.

(7)

Take a broad overview of condition of subordinate judiciary presently and then relate with establishment of ATJs.

Remarks

Q13. Recently the issue of Parliamentary Secretaries occupying Office of Profit has been the bone of contention between Centre and Delhi Government. In this context, elaborate on the concept of Parliamentary Secretaries and Office of Profit. Also discuss the ruling of Supreme Court over determining the status of the Office of Profit. (15 Marks)

President recently disqualified 20 MLAs of the AAP party for violating the upper limit (of 10% of members of assembly) in the state cabinet & for holding an office of profit.

Parliamentary secretary refers to an MP/MLA who assists a senior executive in the discharge of his responsibilities.

Office of profit has not been defined by the Constitution. But it refers to an office under central / state government, that provides a profit & hence not been exempted by law. Individuals holding an office of profit are disqualified under Article 102 & 191 of the Constitution.

Issue

- Legislators are not agents of government but agents of the people. Parliamentary secretary dilutes the separation of powers.
- It weakens the parliamentary oversight over executive.

Remarks

→ It does not matter whether some income has been drawn or not. What is important is whether the office can provide such a benefit.

But many states like Gujarat, Rajasthan, West Bengal etc provide for similar posts.

2) States also have the right to enact laws & keep them outside the purview of office of profit.

2nd ARC

→ All offices which are purely advisory bodies where the experience / expertise of NP/MLA would be inputs in government policy should not be treated as office of profit.

→ But any office involving executive decision making & control of public funds will be an office of profit.

SC

→ Jaya Bachan Case: An office will be treated as an office of profit even if one did not actually receive payment. Sufficient if it has potential for profit.

Remarks

Any action that dilutes the independence of judiciary must be eliminated. In deciding any dispute, the court must distinguish between 'executive function' & 'exercise of executive authority' by following SC & ARC directives.

⑦

good
factual knowledge and
conceptual clarity both are
appreciable in your answer.

Remarks

55
2011
CSP
IPR/MI

Q14. Quasi-Judicial bodies' role has become very significant in cost-effective speedy adjudication in India. Whether their practice can be considered as a breach of the concept of separation of powers enshrined under the Directives of the Indian Constitution? Give justification to your argument. (15 Marks)

Quasi-Judicial bodies have been essential in the adjudication of speedy, low cost justice. Example :- Tribunals, Competition Commission of India, SEBI, TRAI etc. They are

Significance

- Specialization :- They have members with the necessary technical skills. Eg - ITAT ^{keep} Tax officers
- Speed :- Central Administrative tribunals are able to resolve service disputes quickly.
- Reduces pendency in Judiciary.
- Given the burden of Judiciary, Quasi-Judicial bodies are able to provide speedy justice & reduce the burden of appellate.

Problems

- These bodies are not organs of judiciary but exercise judicial powers.
- Conflict of Interest :- The members of such bodies are drawn from executive. The appellant is also from executive. Eg :- Administrative tribunals.

Remarks

- The Supreme Court in the Chandrababu Naidu Case (1997) said that the members must have the quality, competence & rank as that of judges. Tax Tribunal was recently struck down.
- Supreme Court held that executive officers cannot exercise judicial powers. Hence the Intellectual Property Appellate Tribunal was made void.
- In the Finance Act 2017, the executive gave itself the power to determine the qualifications & conditions of service of tribunal members. This underwent only a post facto scrutiny by legislature.
- The Act said, the Chairman of NBIT should only have qualifications of judge ⇒ Hence the NBIT may become an agent of the executive as it will now recruit ex-bureaucrats.
- The Act also made an irrational merger of tribunals. Eg :- National Company Law Appellate Tribunal replaced Competition Appellate Tribunal.

Remarks

The tribunals thus are a violation of the DPSP's directive to separate executive from Judiciary. But such Quasi-Judicial bodies should not be done away with. It will create an enormous work load for judiciary.

- Instead, the recruitment qualifications must be made by legislature.
- Appointment must be done in a non-partisan manner & must follow Chandra Kumar (2007) case recommendations.
- Removal only on specific grounds.



presentation is really good -
 conduct is by and large good in your answer.

Remarks

Q15. There is a view that the five institutions such as Courts, CVC, CBI, CAG and CIC which are not representative of people have become too much active in upholding accountability of elected governments that they are not able to govern as mandated. Critically examine.

(15 Marks)

The above institutions are pillars of democracy that are essential to check any abuse of powers by the executive & legislature.

Courts

- The Courts are criticized for indulging in 'Judicial Adventurism' in the process of ~~checking~~ ^{ensuring} the accountability of Government. Eg:- Article 142 was invoked to make highways free of liquor & make national anthems compulsory in theatres.
- The NJAC bill was struck down on ^{grounds of} violating its independence.

CVC

- It is responsible for preventing & acting on any case of corruption in the government.
- But CVC has overlapping functions with the CBI & Lok Pal. ⇒ Duplication of work, unnecessary delays. ^{Also} Excessive discretion has made it a partisan body.

CBI

- CBI has been called as a "Caged Parrot" by the Supreme court. This is because it

Remarks

does not have independence & has become a slave to the Executive.

→ CBI has not been able to prosecute individuals & investigate according to the merit of the case.

CAG

→ CAG has worked independently. Its reports do not toe the line of the government.

→ It has been reporting misappropriation of funds & wasteful spending.

→ But CAG has failed to ~~stop~~ failed to distinguish between policy making (which is the mandate of executive) & auditing that is purely a financial function.

CIC

→ It has been mandated to respond to RTI queries.

→ But it suffers from backlog, vacancy & has been rejecting RTI requests in an unjustified manner at times.

Remarks

4/2

You also need to talk
about loopholes of
elected government and
then, at the end, suggest
how they can have better
control over non-elected
institutions.

Remarks

Q16. Vast powers have been vested in the office of the Speaker to strengthen the democratic institutions of the parliamentary system, and not to stifle dissent or protest in the House. Comment in the context of India. (15 Marks)

The Speaker as the head of the Lok Sabha is responsible for the orderly transaction of business in the house.

Powers

- Final interpreter of rules of business & constitution in the house.
- Can suspend members for deliberate disruption of house.
- Certifies bills as money bills which is final.
- Appoints members of committees.
- Disqualifies members on the grounds of defection (Schedule 15)
- A motion for discussion of or introduction of a bill is only with Speaker's approval.
- Adjourns the house.

Analysis

- The recent years disruptions in the parliaments, loss of time & bad conduct such as throwing objects has been blamed on the speaker's inability to manage the house.

Remarks

- The recent no confidence motion could not be admitted by the speaker due to the disruptions. This is crucial to determine the very legitimacy of the government.
- Bills such as Aadhar that do not qualify as a money bill (Article 110) have been given sanction by Speaker $\Rightarrow \therefore$ Integrity is questionable.
- ~~→ Some have said that the house has been deliberately adjourned to enable the government to promulgate ordinances.~~
- Defection laws have not been uniformly applied. Hence horse trading & corruption continues.
- ~~Many~~ Many MP's whose unparliamentary language has spilt the sanctity of the house have not been suspended.
- Thus developmental work in the nation that depends on speedy, progressive legislations is being hindered.

Solutions

- Automatic suspension of disruptive members by invoking Rule

Remarks

- Defection cases must be decided by an independent body such as Election Commission.
- Money bill should be subjected to Judicial review.
- India must follow the healthy practice of Britain where speaker resigns from political party.

Independent, neutral, non-partisan & objective functioning of the speaker is essential for the Parliament to remain a Temple of democracy.

(6)

Examine reasons of
abuse of power by
the speaker.

Other aspects have been
addressed well.

Remarks

Q17. It has been often recommended that the adjudicatory power under the anti-defection law be transferred to an independent body to remove the existing partisan element. How far do you agree that such a step would strengthen the functioning of the law? (15 Marks)

The Anti-defection law ~~was~~ introduced by the 52nd Constitutional Amendment disqualifies members of parliament on the following grounds as mentioned in Schedule 10.

- Independent member joins a political party.
- Member resigns from the party on whose ticket he was elected.
- Nominated member joins party after 6 months.
- Not following the party whip directions.

The power to decide has been given to Speaker/Chairman of Lok Sabha & Rajya Sabha. This decision can be subjected to Judicial review.

Problems

- The Speaker/^{Chairman} is generally from the ruling party. Hence their decision may not be free from the influence of the executive.
- There is an element of subjectivity & excessive discretion on what amounts to defection.

Remarks

- Hence, the rule has not been applied equally to all.
- Thus, despite the law, horse trading, cross-voting & corruption continues.
- Defection is essentially a violation of the trust & loyalty of the representative to the electorate. Hence it strikes at the very core of representative politics.

Independent body

- Some have suggested that this function must be given to the Election Commission instead.
- The ECI has been functioning, largely, in an independent & non-partisan manner.
Eg: ^{its suggestions on} NOTA, Criminalization of politics.
- Thus its decision will be based on a rule based manner.
- ~~But ECI will find it difficult since it is already overburdened with conducting frequent elections.~~
- Hence an alternate suggestion will be ^{also} ~~to~~ :-
~~the~~ Resignation of Speaker / Chairman

Remarks

from their political party. The decision can be reviewed by the Judiciary through special fast track courts.

The Keshobalohan Case highlighted the importance of actively curbing defection. This is essential for freeing politics from corruption & empowering the electorate.

(72)

were structured and presented the suitable content.

Remarks

Q18. The post-independence era witnessed emergence of 'New Social Movements' as a corrective measure to maladies arising from the neglect of political establishment. Discuss emergence of these movements in India. Also, examine their limitations.

(15 Marks)

New Social Movements have emerged in Post independence India through the strong citizen activism in partnership with civil society organizations.

Environmental Movements :

- Chipko Movement & Silent Valley movement marked the beginning of 'Eco-Feminism' in India.
- This has been essential for ensuring sustainable movement.
- This has inspired the Namada, Bachao Andolan, the recent hug the trees initiative in Delhi & Stealite protest in Tamil Nadu.

LGBT Movement

- Gender is no longer seen as a binary concept.
- Following India's ancient traditions, this movement has been fighting for striking down Section 377 - that criminalizes homo-sexuality.
- The Transgenders have been recognized as a third sex by the Supreme court. This is a symbol of the movement's success.

Remarks

Disability rights Movement

- The recent disability right Act 2016 is a product of the movement's success.
- It recognizes disabled as not passive recipient of government benefit but active citizens of society.
- The disabled ~~have~~ are being integrated into society today with less stigma.

Human Rights Movement

- The scope of human rights has been widening in recent years.
- Eg - Right to speedy trial, Right to Privacy, Right to clean & healthy environment.
- Eg :- Demand for law reforms, ratification of ~~Protection~~ Prevention of torture etc.
- Hence social progress is accelerating & social justice is being upheld.

Limitations

- Urban Centric
- Less participation from marginalized sections
- Government has been slow in responding to their demands.
- Segmented & sporadic → ∴ Not Organized.

Remarks

Good examples
have been given -

- Less Connections with other International social movements.
- Deprived of funding.
- Suppression of freedom of speech by invoking sedition (Section 124A & 124B of IPC) & defamation charges.

(6)
 Explain what is "new" about
 non social movements.
 Focus on their class base, modes
 of struggle, ideologies etc.

Remarks

1

Q19. The years 1957-77 have been described as the years of the 'Test of democracy'. In light of the statement, discuss what are the factors that led to the declaration of Emergency in 1975? Why is it considered as the dark period of Indian democracy? Discuss the response to the imposition of emergency among the masses, media and political class.

(15 Marks)

The National Emergency (1975-77) is called the Dark days of Indian democracy.

Remarks

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Remarks

Remarks

Q20. Recently there has been controversy over "Master of the Roster". What are the issues involved? Discuss the problems with current system and consequences of it. What could be the possible way-out? (15 Marks)

The recent press conference by 4 judges in December 2017 highlighted the issue of "Master of Roster".
The chief justice of India in November 2017 said that, on the judicial side he may be the first among equals, but on the administrative side he is the master of the roster.
This gives him the privilege to allocate cases to a bench of his choice.

Problems

→ The CJI enjoys tremendous discretionary powers. The press conference highlighted that it is being misused. He is allocating it to benches based on his own personal preference. This can lead to injustice as he can allocate the case in such a way that a favourable judgement ~~may~~ can be obtained.

Remarks

- This is threatening the very integrity & credibility of judiciary.
- This can erode the trust placed by public on it. It enjoys the status of being the most trusted institution of the country.
- 'Justice should not only be done' but seen to be done' ⇒ Hence a reformation of the system is essential immediately.

Solution

- The chief justice must not be allowed to 'cherry pick' cases. Instead, a case should be allocated to a bench based on its subject matter. The benches should then be regularly rotated.
- This ensures that the chief justice has no discretion & the public can also clarify its doubt on how the case is being allocated.
- The RTI Act must also be implemented by Supreme Court to enhance transparency in its function.

Remarks

Hence, the CJI must use his power as the "Master of Rooster" ~~only~~ in a ~~combi~~ manner that upholds national interest. There can be no place for despotism in a democracy.

(6)

Add some recent examples that invited controversy and brought the issue to debate.

Remarks