

# **GSSCORE**

**An Institute for Civil Services**

## **IAS TOPPER'S**

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**NISHA**

**RANK - 51**

**INDIAN POLITY  
TEST - 12**



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# INDIAN POLITY - EXECUTIVE, JUDICIARY, LEGISLATURE AND BODIES + INSTITUTIONS + PIC

Time Allowed: 3 hrs.

Max. Marks: 250

Q.	Marks	<i>Instructions to Candidate</i>
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19.		
20.		

102

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

Name NISHA

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

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

Date \_\_\_\_\_

Signature Disha

- Focus on pin-pointed answer writing.
- Try to make your answer multifarious by covering every aspect of the question.

Section - A

- Q1. "In recent times, it is seen that the credibility of legislative and executive organ of the government is decreasing and that of the judiciary is increasing". Examine. (10 Marks)

Lord Bryce stated it aptly that the success of any political system can be determined by the role by the judicial organ of the state.

Although our constitutional forefathers have envisioned an active judiciary to play its role in silent revolution of India but there is a balance between different organs of government ie- legislative, executive & judiciary.

Credibility of legislative and executive organ of the government is declining :

- ① Criminalisation of Politics . Eg 42% of legislators have some or other criminal record.
- ② Policy Paralysis - Democracy only during elections
- ③ Bureaucratic apathy and attitude and wrapsition
- ④ Defections - affecting credibility of legislators

Remarks

Better  
discuss  
present  
situation  
of admin  
exeration  
in intro

Keep  
this  
aspect  
minimum

- ⑤ Decline of Parliament as an institution
- ⑥ Lack of Effective Debate and discussion
- ⑦ Hasty enactment of laws without due deliberation through committee system

Role of Judiciary is increasing

Discuss  
now it  
has led  
to judicial  
activism

- ① Upendra Baxi has called SC of India as Supreme Court of Indians - legitimacy.
- ② Progressive judgement NALSA-377 Decriminalisation, Triple Talaq, Babri Masjid, Sabrimala.
- ③ Gender Empowerment - Vishakha Guidelines and Permanent Commission in forces.
- ④ Historical Role played by judiciary upholding Rights - expansion of Right to life.

However Judiciary has also pendency of cases, corruption and lack of transparency. The right balance has to be restored for strengthening of democracy

Remarks

- Q2. Discuss the functions and objectives of Competition Commission of India. What should be done by the Competition Commission of India to achieve its objectives? (10 Marks)

Competition Commission of India is an institution which evolved after the New Economic Policy and thus to ensure fair open market policies, it CCI was given a statutory status in 2002.

*Sound  
in few*

### functions and objectives of CCI:

- ① To ensure free market policies and to prevent unfair trade practices
- ② To ensure sustainable competition between public as well as private firms.
- ③ It provides for protection of consumer rights.
- ④ Unfair competition give rise to monopolies and rent seeking activities by companies which has to be prevented by CCI.
- ⑤ To uphold institutional democracy in the economic sphere.

*Sound  
analysis*

Remarks

To achieve the objectives, CCI should:

- Evolve the mechanisms to effectively monitor the market activities of the companies.
- frequent inspections without hindering ease of doing business
- use of technology - digital and machine learning to update itself with changing circumstances.
- Ensuring organisational ethics and work culture to prevent nexus formation.
- further government should empower CCI with more powers and teeth to punish the culprits

Hence democracy is sustained by the functioning of its institutions and CCI is critical to ensure economic democracy.

25  
Remarks

- Q3. Discuss the key issues and constraints faced by CIC in implementing the RTI act effectively. (10 Marks)

Right to information Act is a sunshine act which has rebuild a strong bridge b/w state and people.



Sounds  
intro

Key issues and constraints faced by Chief Information

Commission in implementing RTI Act ↗

★ Section 4 of the act about voluntary disclosure of information not taken seriously by the government departments.

★ Lack of enthusiasm in the departments to share the information causing delay.

Remarks

→ Delay in Public information sharing affects public trust in the institution

→ The recent amendments in RTI Act have adversely impacted the autonomy of the institution where Central government will determine service tenure and conditions prior to which it enjoyed same status as that of Election Commission.

→ # Vacancies in the institution - lack of Manpower

→ Work Culture - nexus among PIOs - corruption impacting the organisational ethics.

→ The Official Secrets Act provisions also provides constraints in the implementation of RTI Act

Hence the issues and constraints )

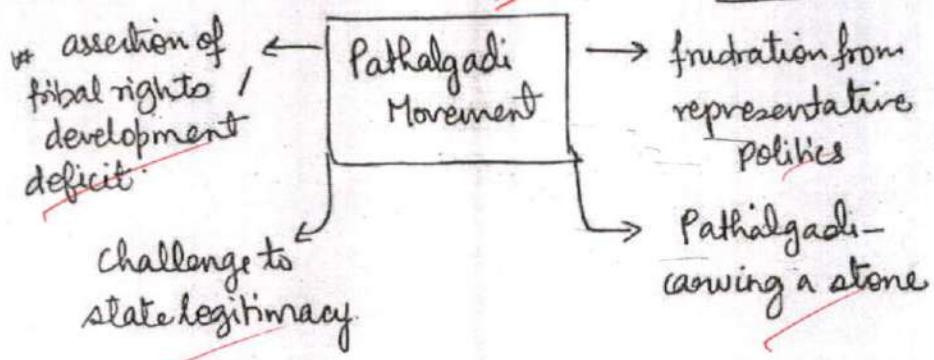
have to be addressed for successful implementation of Right to Information Act.

Remarks

Discuss ways to overcome aforesaid issues.

Q4. In the light of Pathalgadi movement, Analyze the effectiveness of PESA ACT 1996.  
(10 Marks)

Pathalgadi movement is a resistance movement of grassroots nature in the tribal belts of Jharkhand to assert their rights including right to sovereign territory.



The movement is a result of:

- Democracy deficit institutions in the tribal belts.
- Disillusionment with party politics.
- Loss of tribal lands and live livelihoods.
- Centralised tendency of Indian federal system.

To address the challenges of movements like Pathalgadi, PESA Act, 1996 can be a keystone of

Remarks

Good analysis

- PESA Act ~~200~~ 1996 - ensures participative democracy where seats for tribal areas are reserved.
- Gram Sabha is empowered and has crucial role in land use change thus ensuring tribal rights.
- Gram Sabha has control over minor minerals and empowerment of tribals.
- However PESA Act & 1996 has not been implemented in its true spirit by the state government hence giving rise of resistant movement against state legitimacy.
- Elections to gram sabha are not regularly held. an adversely impacting the effectiveness of the Act.

(4) PESA is the transformed version of Panchayati Raj Institution in the tribal belts to mainstream the tribal communities, hence its implementation holds the key for inclusive development of backward, tribal areas.

Remarks

Also discuss current position of PESA Act.

- Q5. The Parliament has enacted Inter-State River Water Disputes (ISRWD) Act, 1956 for adjudication of disputes relating to waters of inter-State rivers and river valley thereof. Evaluate effectiveness of this legislation. (10 Marks)

Interstate River Water Disputes forms one of the recurring feature of Indian federal system as many rivers are forms the boundary as well as are transboundary in nature.

Article 263 empowers the Parliament to enact legislation to resolve interstate river water disputes and it may exclude the Judiciary's (SC) jurisdiction from the matter. Hence Interstate River Water Dispute Act 1956 was enacted. The effectiveness of the Act can be evaluated as =>

- 1). Establishment of River boards for each dispute - however it took years to establish river boards - (Eg. Kaveri River Board - 8 years) tribunals was constituted.
- 2). The act did not include ecologists viewpoint.
- 3) Often the success of the dispute resolution depended on the political will of Central govt.

Remarks

- Good analysis of effectiveness*
- 4) Non-compliance with the award of River Board by the state governments (Karnataka govt, Punjab govt).
  - 5) Appeals to SC - to review the award also caused unnecessary delay.
  - 6) The award was not published in the official gazette of the central government thus jeopardizing the entire process.
  - 7) The provisions of the act were effective but lack of implementation impacted the effectiveness.
  - 8) The work of tribunals were also delayed due to lack of availability of data.  
 Hence Interstate River Water disputes hinders cooperative federalism, it must be resolved by dialogue and consensus and Interstate Council (263) can also be explored.
- W2*

Remarks

Q6. The leader of opposition is imperative in keeping with the spirit of Parliamentary democracy. Discuss in view of present national scenario. (10 Marks)

It is said that opposition should have its say and the government should have its way.

The role of Leader of Opposition in a parliamentary democracy is imperative in the following way:-

*Satisfactory intro*

- Parliamentary democracy based on the principle of deliberative democracy - deliberations, discussion important for a democratic decision making.
- Prevent rise of Majoritarianism. - *Elaborate it.*
- In the present National scenario, in the absence of effective opposition and leader - the government is having its way without proper accountability to Parliament.
- On the present situation opposition is determined to bring down the government without understanding.

*Need to discuss roles & responsibility of leader*

*Remarks & issues related to it separately for clarity*

its role of effective opposition.

- Accountability of government can be ensured when leader of opposition also designs alternative policies in comparison to the govt's and thus ultimately upholding Public welfare.
- The role of Leader of Opposition is not limited to electoral politics but is important for success of Parliamentary democracy.
- By the very nature there would be majority or coalition and opposition in Parliamentary democracy (electoral system), the opposition has to ensure majority government also accomodate minority views.
- The parliamentary mechanism like question hour, zero hour etc has to be utilised by leader of opposition. Hence Leader of opposition is an important office enjoying statutory and it must be evolved by getting inspiration from international practices.

Sound analysis

W

Remarks

Q7. Discuss the role of Parliamentary Standing Committees. Is it correct to say that they are watch dogs and make the executive more accountable to legislature? (10 Marks)

Parliament is the microcosm of society and national assembly of people's representatives. To ensure the institution work efficiently it is provided with Parliamentary Standing Committees -

*sound  
intre*

#### Role of Parliamentary Standing Committee :-

- ensuring accountability to of the government .  
Eg- deliberation on government's bills - suggestions and recommendations
- easing the work load of the Parliament - growing complexities of governance.
- efficient and indepth analysis by committees which cannot be done by Parliament due to time constraints .
- Prevents hasty legislations and addresses the loopholes .

*Mention  
some of  
departmental  
Committees  
or Well-*

Remarks

- Incorporate the views of experts  
Eg- Technology, Data Privacy, Telecom, Health, Agriculture related ~~fug~~ bills.
- Diverse in domain- different Parliamentary Standing Committees - Department related.
- Representatives from both the houses in the committees financial accountability through Public Account Committee which also scrutinise the CAO Reports and Estimates and ~~Public~~ Under-taking Committee.
- Thus it is correct to say the Parliamentary Standing Committees are watchdogs and makes the government accountable to the Parliament.

They are the tools of parliamentary democracy to uphold the institutional sanctity of Parliament as a national assembly.

W  
Remarks

- Q8. Reflect upon changing role and powers of prime minister in the era of coalition governments in India. (10 Marks)

*Give brief account of rise of coalition government*

Prime Minister is the real executive head in the Parliamentary democracy whereas President is the nominal head. In words of Ambedkar this office is comparable to the office of President of USA.

### Changing role of and Powers of PM in coalition era:

- Before the end of Congress System - Prime Minister's office was the strongest nerve centre of the Parliamentary democracy. Eg. Nehru, L.B. Sashtri and Indira Gandhi.
- End of Congress system led to establishment of coalition government wherein no single party came into majority. Hence P.M. - was selected on the basis of consensus of coalition parties.
- His role to keep the coalition together became important for stability of the government - Eg. Atal Bihari Vajpayee's role to keep the coalition together after the fall of his 13 days government.

Remarks

- Piecemeal approach towards policy implementation  
Narsimha Rao govt fearing fall of his government  
unrolled LPG ~~Refor~~ Reforms gradually.
- The role of PM during coalition era was variable in different government during the UPA government, the centre of power was said to be in the Party leader instead of the PM.
- The decision by the PM has to be accommodative of all the parties who are supporting his government
- It prevented authoritarian trends but also led to policy paralysis and discontinuity in government
- \* Since 2014, the office is again gaining its strength and power back after the end of coalition era and ~~sts~~ stable government at the Centre.

Good analysis

4/2

Remarks

- Q9. Many of the criticisms of the CAG are based on ignorance, misperception and elementary error, and it seems necessary to put matters in the right perspective. Discuss the role and the controversial functions of the Comptroller and Auditor-General.

(10 Marks)

The office of Comptroller and Auditor General is said to be one of the bulwarks of Indian democracy, other being SC, ECI, UPSC. *satisfactory intro*

The office of CAG is most crucial to uphold the financial accountability of the government.

Role of CAG → most important office under the Constitution

↳ friend, philosopher and guide of Public account Committee of Parliament

↳ Responsible only to the Parliament to uphold financial administration intact

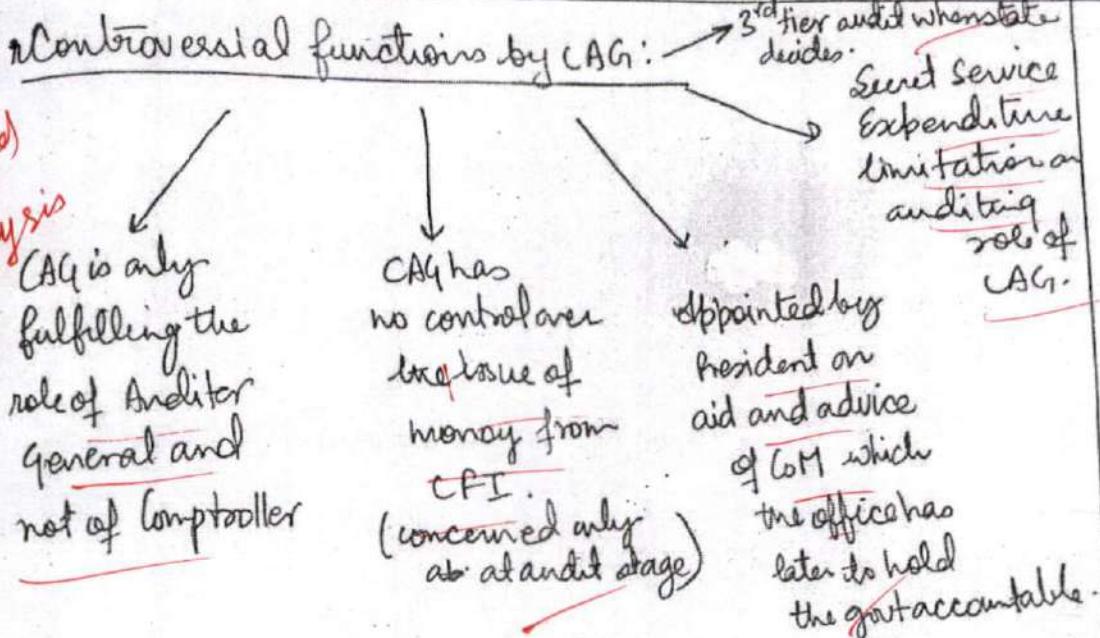
↳ submits Reports to the President related to Finance Account, Proprietary Audit, Appropriation account and Public undertaking.

↳ ascertains <sup>< certifies</sup> the net proceeds of any tax or duty

↳ audits accounts related to all expenditure from CFI

*It requires clarity.*

Remarks



However it is said that many of the criticisms of CAG are based on ignorance, misperceptions and elementary errors-

- Critics say that auditing is repressive

- functions of CAG not clearly identified and defined.

- it is also said auditors do not know much about good governance and public policy.

However CAG office in India has rightly assumed importance

by highlighting inappropriate use of funds,

misallocation and corruption (Ujjwala Yojna etc) - &

Hence the office is rightly the most important

office to uphold financial accountability of govt.

U2

Remarks

Q10. "Delegated Legislation is against the spirit of democracy as it is made by unelected people". Comment. (10 Marks)

Delegated legislation implies the legislative body empowering the executive authorities or other authorities as it may determine to design the legislations ie laws and policies.

Satisfactory

Delegated legislation is important because:

Sound analysis

→ to ease the burden of already burdened legislative bodies.  
→ Eg: people at local level ie officials knows better the requirement of local populace hence it is said what can be done @ at lower levels must not be done at higher levels

During emergency situation example - COVID Pandemic  
Essential Commodities Act etc

to get the expertise who have better knowledge to design the laws, rules as these are the officials who have to ultimately implement

Remarks

However delegated legislation is said to be against the spirit of democracy as:

- those who are empowered to make laws i.e. elected representatives do not make laws i.e. they are will of the people hence will of the people is undermined
- legislative scrutiny by committees surpassed.
- accountability of government is undermined further leading to decline of Parliament.

*sound analysis*

(M)

Hence delegated legislation must not become a norm and the delegated legislation should also be timely scrutinised by the Parliament and the judiciary.

→ Discuss check & balances observed while operationalizing delegated legislation.

Remarks

## Section - B

- Q11. Recently powers and functions of the NCBC has been increased by 123rd Constitutional Amendment Bill by the Lok Sabha. Discuss the roles and responsibilities of the newly constituted National Commission for Backward Classes. Also, highlight the issues associated with the NCBC bill recently passed by the parliament. (15 Marks)

Ambedkar considered social justice as the central tenet of Democracy and the institution of National Commission for Backward Class aims to deliver social justice for the backward classes.

Solved  
JULY 20

The NCBC is accorded constitutional status via the 102nd Constitutional amendment act under 338B.

The roles and responsibility of commission are as follows:

- 1) Power of civil court will be enjoyed.
- 2) The commission will be consulted in issues regarding the welfare provisions of Backward classes.
- 3). The commission can suo motu take cognizance of the grievances of Backward classes.  
(Eg. the recent rape cases).

Remarks

- 31 (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11)
- 4) The Commission can summon persons for inquiry and investigation.
  - 5) The Commission is empowered to ask for documents, data, evidences for conducting inquiry.
  - 6) The Commission would submit report annually to the President and explain the status of Backward castes.
  - 7) The Commission ~~not~~ can regulate its own procedures. There would be a Chairperson, Vice Chairperson and 3 other members to be appointed by President by warrant under his hand and seal.

However the recommendation of commission are only advisory in nature and it lacks teeth to punish the offenders against Backward castes classes' people.

Remarks

Issues associated with NCBC -

- Subcategorisation of OBC. (Justice Rohinton Comvn.)
- There is no uniformity in the definition of 'Backward Castes'
- It is said that NCBC would undermine federalism
  - as there is no corresponding authority at the state levels - one size does not fit all.
- Since the recommendations are only advisory and not binding the Commission may not perform its functions effectively.
- It is also alleged that there would be lack of manpower to conduct investigation.  
However the NCBC is enjoying the status of Civil court can act as a strong advisory body and can provide handholding support to the victims to ensure their fair trial and thus ensuring justice.

1

Remarks

Discuss steps need to be taken.

Q12. Discuss the significance of National Commission for Safai Karmacharis (NCSK) in the upliftment of the vulnerable sections of the society. Also, evaluate the existing welfare programmes for Safai Karamcharis. (15 Marks)

National Commission for Safai Karamchari was constituted as a statutory body by the NCSK Act 1993 however presently it is a non-statutory body due to expiration of the act.

### The Significance of NCSK:

- Safai Karam Chari forms one of the largest unorganised labour hence their welfare has to be ensured.
- The NCSK has a chairman and 4 other members with participation of female member as well.
- It recommends the welfare schemes and measures related to safai karamcharis.

Remarks

→ It also looks into the grievances of Safai Karamchand  
as they are often socially excluded and  
socially stigmatised

→ The Commission played significant role in  
enactment of the Prohibition of Manual  
Scavenging and providing policy inputs  
to central government to ensure welfare of  
safai karamchand's.

→ In the wake of COVID-19 pandemic the role of  
NCSK becomes important, it can initiate  
documentation/mapping and provide other  
policy inputs to ensure welfare of workers.

Good  
analysis  
of  
functions

Remarks

the existing welfare provisions for Safai Karamchais:-

- ⇒ to proactively work to eradicate manual scavenging from India.
- ⇒ to include them in social safety nets - in the recent labour codes (informal labour).
- ⇒ to compensate for the death of Karamchais during manual scavenging.
- ⇒ the Delhi government and the state govt's are also providing subsidised machines to eliminate manual scavenging.

Thus it is imperative for the government to move a life of dignity to a significant section which is ensuring Swach Bharat.

Remarks

Discuss how the goal of complete eradication of the practice of manual scavenging in the country can be achieved.

Q13. What are your views on the importance of decentralization of the administration of justice? Do you think, that the Supreme Court has strayed from its original character as a Constitutional Court and gradually converted itself into a mere court of appeal? (15 Marks)

Justice according to John Rawls is the most important and sovereign virtue of any society. The Constitution of India hence provides for a strong and integrated judiciary to ensure justice for all, it is guarantor of Fundamental Rights and Article 39A. It also ~~also~~ provides that states must work for free legal aid to all. Herein lies in the significance of decentralization of administration of justice :-

- ① Huge backlog of cases. - Justice delayed is Justice denied.
- ② Expanding the reach of justice (30 judges/Million)  
[US = 100]
- ③ Faith and legitimacy of Judiciary
- ④ Ease of Doing Business. - efficient litigation mechanism

Make  
each of  
these  
self  
explanatory.

Remarks

- Keer  
this  
aspect  
minimum
- ⑤ Economical both for state and the litigants.
  - ⑥ Conciliation Mechanisms like Alternate Dispute resolution Mechanisms can be promoted more effectively.
  - ⑦ Gram Nyayalaya and Lok Adalats will become significant.
  - ⑧ Local issues can be quickly and easily resolved.
  - ⑨ Constitution will not remain only lawyer's paradise and the value of Constitutionalism itself will be decentralised.

It is said that Supreme Court has become a court of Appeal instead of its main role of being Constitutional Court.

Remarks

- Need to emphasize more on this aspect it's core part of question.*
- Appeals from HC and subordinate courts.
  - Activist role of Judiciary - expanding fundamental rights
  - Appeals from Tribunals also lie with the Supreme Court.

This adds up to the burden of SC and it instead of its original role of Constitutional Court as it has become court of appeals (Special Leave Petition etc.)

The NITI Aayog along with the Law Commission (230<sup>th</sup>)

has recommended regional benches at four locations to decentralise the functions of SC.

it would ease up the burden of SC.

↓  
Expand the reach of Justice at regional level

SC could focus on the core issues i.e. Its Constitutional role and federal role.

Hence the success of any political system depends upon the functioning of its judicial system

6

Remarks

Q14. "In our system, the Attorney General is obliged to speak truth to power and help the government to adhere to the Constitution". Do you think constitutional provisions relating to the office of AG provide enough independence and security to actually speak 'truth to power'? Discuss in context of recent statements of AG in higher judiciary.  
(15 Marks)

Attorney General of India is the supreme law officer of the government of India. It enjoys a constitutional status under Article 76 of the Constitution.

*Sound  
Info*

It is said that Attorney General must speak truth to power, however the Constitutional provisions do not provide enough independence and security to actually speaking power as:-

- \* The Attorney general does not enjoy security of tenure and is at the pleasure of President who is bound by the aid and advice of CoM.

*Sound  
analysis*

- \* The advise of Attorney general is not binding on the government.

- \* legal defendant of party in power and enjoys offices on the whims and fancies of the government.

Remarks

The Attorney General is the attorney general of India and not the Attorney general of the government.

His status is equal to that of a ~~the~~ Supreme Court Judge in terms of qualifications.

Hence to the office must be provided with security of tenure and removal through impeachment process and salary to be charged upon the consolidated fund of India.

Better discuss it under way forward.

The Attorney General represents the Government in the Courts of the country and he enjoys rights of ~~the~~ to be heard ie right to audience and enjoys the privileges of the Member of Parliament (without voting). However the office still lacks the autonomy to speak truth to power.

Remarks

→ Explain expectations from Office of AG

6

The

- Q15. The clash between Jawaharlal Nehru and Rajendra Prasad over attempts to reform Hindu Personal Laws and other such issues, inter alia, helped clarify the relationship between Prime Minister and the President in Indian polity. Explain. (15 Marks)

In the constitutional scheme that India adopted the President is the nominal head and the Prime Minister is the real head of the government.

The President under Article 74 of the Constitution is bound by the aid and advice of the Council of Ministers; however he can ask for reconsideration of the advice. Hence President enjoys limited veto.

### Relationship between the President and the Prime Minister

- In the initial years, just after independence the conflict over Hindu Personal Laws raised the controversy.
- President Prasad was against the Bill, however Prime Minister was in favour of the Bill.
- By then Article 74 did not clearly mention if the 'advice' of CoM is binding on the President (added by 42nd CAA).

Remarks

- However the controversy was resolved
- The controversy was not only limited to the provisions of the bill, however President Prasad was in favour of real and substantial powers to the President.
- However Nehru was in favour of real powers lying with the elected representatives and parliamentary supremacy.

### Resolution of the clash:

- Intervention of other constitutional experts.
- Amendment of Article 74 via 42nd CAA.
- Hence the Constitution of India has not envisaged an activist President but he is ceremonial head and must not enter into adventurism.

Hence

Also discuss how the debate between Nehru & Prasad was concluded

(5)

Remarks

- Q16. Rajya Sabha was disrupted over referring the Right to Information (Amendment) Bill to a Select Committee. The decision to refer it was defeated by vote and the Bill was passed. In light of this, critically analyze the importance of parliamentary committees. Also mention how they strengthen the law-making process? (15 Marks)

Due to changing times the process of governance is becoming complex and to ensure the accountability of the government to Parliament, Parliamentary committees becomes important.

Satisfactory  
into

#### Importance of Parliamentary Committees :

- 1) Expertise can be enhanced by consulting out of the house experts on matters - e.g. technology, AI, health, education.
- 2) Save the time and resources of Parliament
- 3) Expeditions and judicious use of Tax payer's money.
- 4). Post Budgetary control over government by Public Accounts Committee and Estimates Committee.

Make  
each  
of these  
self  
explanatory

Remarks

5) Strengthens deliberative democracy and prevents hasty legislations which undermines the strength of Parliament

6). Members's from both the houses ie Lok Sabha and Rajya Sabha

7) Strengthens law making process:

- ↳ grants of Budgets discussed by Departmental Standing Committee
- ↳ Participation of different stakeholders
- ↳ Clause by clause discussion of Bills.

Influence of Party Politics is undermined

8) Other ~~mixed~~ miscellaneous functions & related to inquiry committee, house committee, Business advisory committee, privileges committee etc

*Sound analysis of role & importance of Parliamentary Committees*

Remarks

PRS Legislative Research has recently presented a report where it was found that in recent times laws are not sent to the committees for discussion hence undermining the sovereignty of Parliament and accountability of government by Parliament

It is also suggested that instead of one year tenure Parliamentary Committees must be appointed for the whole tenure of Lok Sabha so that their business is not interrupted

Hence, Parliamentary Committee are crucial for ensuring institutional democracy in India and strengthen the Parliamentary form of govt.

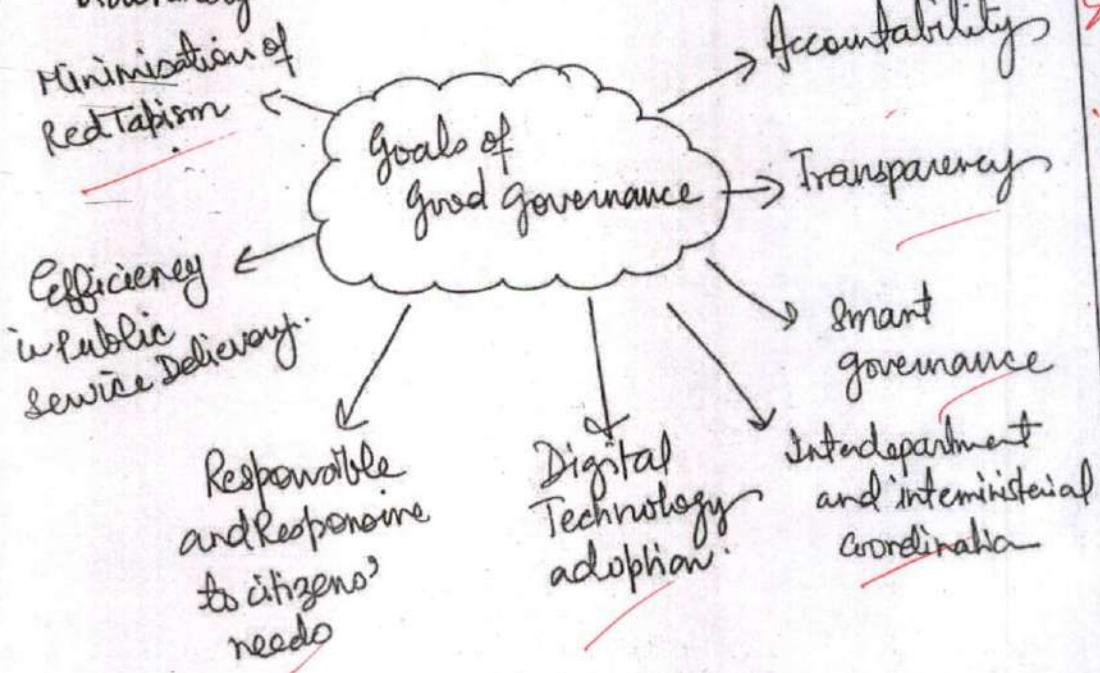
(6½)

Remarks

Sound analysis

Q17. The fate of good governance depends a lot on inter-ministerial coordination as well. Critically reflect. (15 Marks)

'Sankalp se Sidhi' cannot be realised until, unless the goal of good governance is internalised in the inter-ministerial coordination within the government machinery.



Source  
intro

Role of interministerial coordination in realising good governance:

- ★ Governance cannot happen in strict compartmentalisation.

Remarks

- Complex issues in contemporary times requires coordination among ministries
- for instance Ministry of ~~for~~ Women and Child Care and Ministry of Health cannot work effectively without building synergies in goals and mechanisms
- Adoption of technology - role of Ministry of Electronics and Information and Technology
- Role of Developmental Administration in collaboration with Ministry of Environment along with other ministries
- Ministry of Home Affairs needs to coordinate with Law Ministry for law and order security and similarly MHA has to collaborate with Defence Ministry.

Remarks

Need to illustrate failures  
of inter-ministerial coordination  
as well

Sound analysis

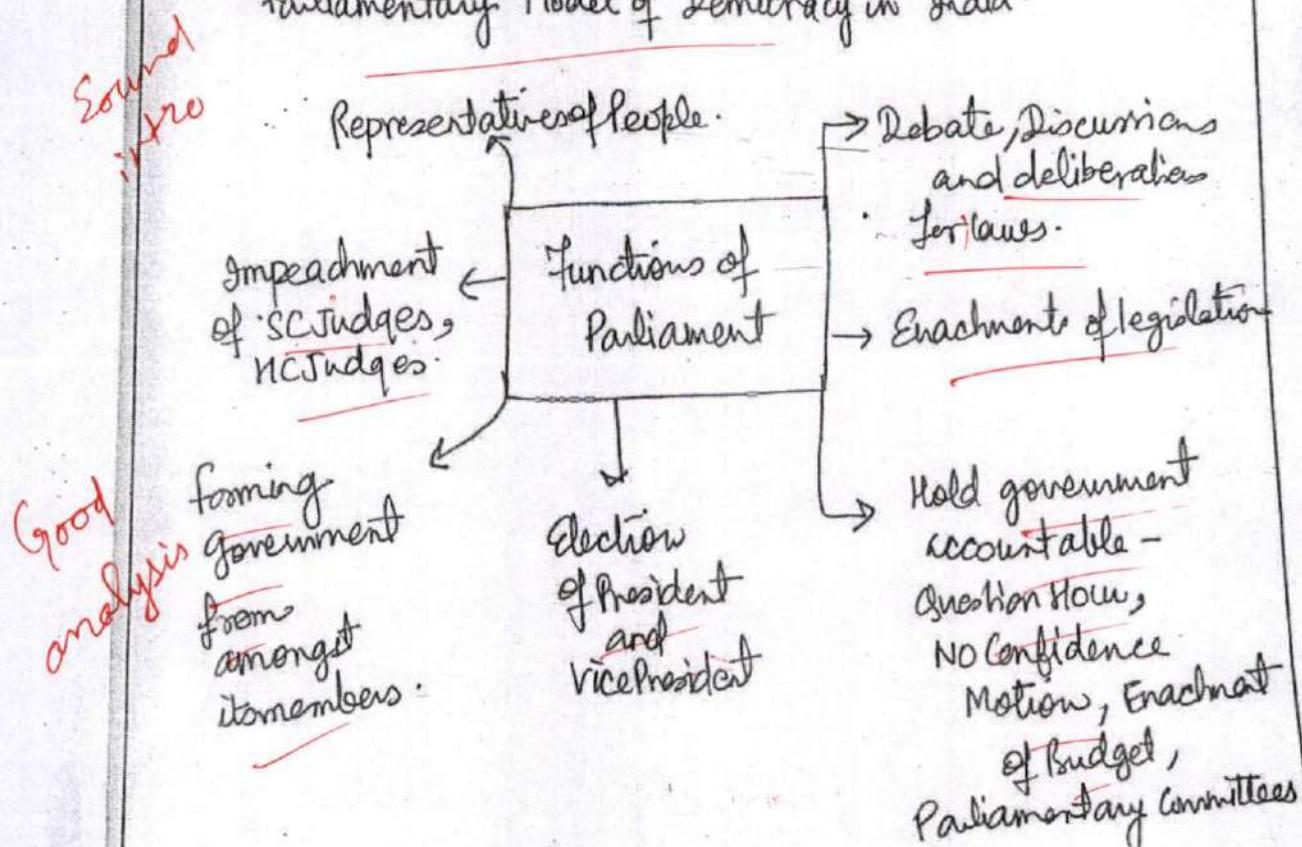
- Contemporary Policy Making and Implementation also requires the collaboration with Ministry of Finance and Ministry of Commerce and Ministry of Road and highway development.
- Skilling and Capacity building requires synergies between Ministry of Education and Skills Ministry.
- The urban-local divide has to be bridged by the collaboration of respective ministries.
- In the cultural ~~collaboration~~ sphere too, coordination is required Ministry of Culture and Tourism.  
Hence there can be various permutations and combinations which makes inter-ministerial collaboration ~~for good~~ important for good governance.

Remarks

Q18. Parliament is a political institution. It is a place where national policies are forged and conflicts in society are resolved through dialogue and compromise. Critically evaluate its functional effectiveness taking a cue from "report to the people" released recently.

(15 Marks)

Parliament is the national assembly of Indian Democracy and is the supreme institution in the Parliamentary Model of Democracy in India.



However in the recent times it is said that there is decline of Parliament and there is also crisis of credibility and legitimacy.

Remarks

- Criminalisation of Politics (Eg 32% legislators have criminal antecedents)
- Rise of Prime Ministerial form of government
- Defections becoming new trend. Eg
- Declining role of Parliamentary Committees
- Complexities of governance and lack of codifi capacity and expertise
- Declining quality of debates - 'Echo Chamber'
- opposition having its way without any significant input in policy making
- Productivity of work declining
- Absence of legislators in the House.
- Lack of Codification of Privileges

Need  
to  
focus  
on  
key findings  
of  
"report to  
the people"

Remarks

### Way forward

PB Mehta has criticised Parliament as self serving institution and held that without the strengthening of Parliament, Parliamentary democracy cannot succeed.

Parliament must realize its role as the deliberating chamber of democracy

→ Make sure members are qualified  
Political Parties too have to bring inter-party democracy and they must lead to prevent criminalisation of politics.

→ Monitoring whether legislation is effective and implemented  
Quality of debates have to be improved and capacity building and training have to be a constant process to train parliamentarians to run the largest democracy of the world

(5)

Remarks

Q19. How tribunals are different from regular courts in India? Also discuss the recommendations of Law Commission to improve the working of tribunals, that are facing the crisis of transparent appointment and functioning. (15 Marks)

Tribunals are accorded with the constitutional status under 323A and 323B with the 42nd CAA.

*Satisfactory intro*

### Tribunals

- Principles of Natural Justice
- flexible approach  
(not bound by Rules of Procedure).
- neither a court nor executive body but quasi-judicial
- Specially constituted to resolve complex issues. Eg. Trade related.

*Sound analysis*

### regular Courts

- Principles of Natural Justice along with bound by IPC, CRPC and other codes
- traditional, conventional and Rigid approach. formality, technicality.
- Judicial in nature part of integrated judiciary system.
- May not have expertise and may cause unnecessary delay.

### Remarks

Focus  
on  
current  
problems  
with  
tribunals

- Tribunals are of various types. Tribunals under 323A are constituted only by Central government - e.g. Central Administrative Tribunal to resolve administration related disputes.
- Tribunals under 323B can be constituted by the State governments as well.
  - There are other tribunals like NGT which are constituted under separate acts.
- Tribunal functioning is criticised as opaque, unnecessary delay in dispute resolution. There is lack of transparency in the mode of transparency and they often ignore the natural laws of justice and functions just as ordinary courts and often through appeal mechanism render the whole process in vain.

Remarks

### Recommendation of Law Commission -

- Uniformity in appointment, service, tenure.
- Selection-cum-search committee to appoint members
- Vacancy should be filled as early as possible.
- Benches in different parts of country to decentralise administration of Justice.
- Representation of all sections of population - e.g. women's representation.
- Provision of manpower and resources.

(62)

Hence Tribunals functioning must function as institutions to simplify the procedure of administration of justice for ease of doing governance.

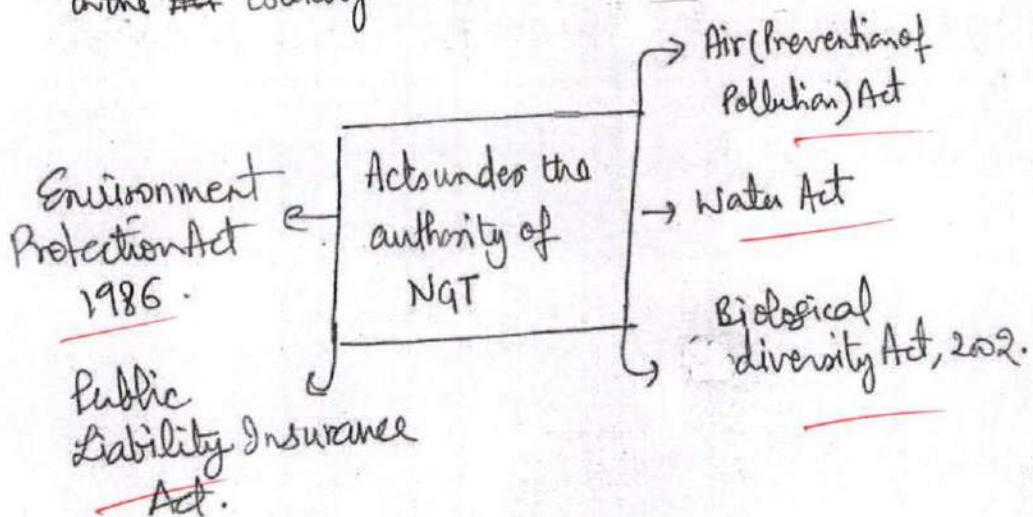
### Remarks

- Q20. What was the objective of setting up NGT? Has it succeeded in unburdening the judicial system in India? Examine its performance in bringing qualitative changes in environment. (15 Marks)

\* Environmental Justice is emerging as an unavoidable issue in the governance of the country.

*Satisfactory*  
*Answers*

National Green Tribunal 2010 was set up under the NGT Act to resolve the disputes regarding environmental justice and to secure sustainable development ~~under~~ in the ~~the~~ country.



### Objectives of NGT:

- Effective disposal of cases related to environmental protection and conservation.
- Enforcement of environmental laws.

### Remarks

### functions and Powers of NGT:

- To dispose off the case within 6 months.
- To award compensation to ensure environmental justice.  
success- Banning of diesel vehicles in NCR region.  
in maintaining fine balance b/w Development and Environment.
- Guided by principles of Natural justice.
- consultation with ecological experts.
- applies polluter pays principle

### Challenges

- NGT's decisions' appeals go to the SC and High Court, hence it has not effectively unburdened Judiciary.

Remarks

- Applies IPC and CPCL
- Delays in decisions
- Lack of benches at the state level.

Briefly explain each of these

### Successes and Way forward

- In the past 10 years NGT has worked proactively against sand mining.
- Progressive decisions regarding cracker bans.
- NGT has worked not only for conservation of environment but also for securing the rights of marginalised community.
- It also provides policy inputs and constructive criticism to government policies.

Thus, there is a need to empower NGT further, capacity building and providing it with manpower to secure and conserve environment

Sound analysis

(1)

Remarks