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An Institute for Civil Services

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TEST COPY

VYOM BINDAL

RANK - 141

**POLITICAL SCIENCE
TEST - 3**



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117

POLITICAL SCIENCE

Time Allowed: 3 hr.

Max. Marks: 250

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.

Improve your answers with the help
of the comments. Make sure that the
suggestion that you provide in the
end has practical & constructive sugges-
tions; better mention recommendations of
commissions in pointe

Name VYOM BINDAL

Mobile No. _____

Date _____

Signature Vyom Bindal

1. Invigilator's Signature Pratik

2. Invigilator's Signature Pratik

REMARKS**GS SCORE**

SHOULD HAVE
A REPORT
NO LEADERS

LEAD

SECTION-A

Attempt all questions:

1. Answer the following questions in about 150 words each: (10 × 5 = 50)

- (a) Model Code of Conduct in Indian Elections.
- (b) Rajya Sabha: Second or Secondary Chamber?
- (c) Election Commission of India.
- (d) Issues of Fiscal Federalism in India.
- (e) Criticism of Directive Principles

(a) Model Code of Conduct (MCC) refers to set of guidelines agreed among the political parties which needs to be followed to ensure level playing field during the elections.

~~Recent Parliamentary elections saw frequent violation of MCC by Political parties, Politicians in form of provocative speeches, violation of silence period (48 hours before election) by use of social media.~~

Role of Election Commission was also criticised for not taking appropriate action against the violators of MCC.

MCC lacks statutory

Remarks Mention Art. 324, when it comes to force, Kerala Assembly Elections 1960, implementation after 1991, TN Shekhar, contemporary and violations

backing, hence no legal punishment exists for its violations.

Also, Election Commission possess limited powers e.g. it cannot de-register a political party, it cannot cancel election on basis of misuse of money.

Giving MCC a legal backing will lead to involvement of judiciary in electoral process, leading to delays in the election process. Hence election commission should be sufficiently empowered to take action against political parties — banning candidates from campaign, power to de-register political parties. At the same time political parties should also maintain self-restraint in order to ensure free and fair elections.

Remarks

(iv) Rajya Sabha is visualized by the constitution

as it performing following roles :

Balancing wheel of Indian federalism

Preventing hasty legislation

giving representation to eminent persons.

Special functions and its equal importance with

Lok Sabha can be seen from

Only Rajya Sabha can permit Parliament to legislate
on state list in national interest (article 299)

Only Rajya Sabha resolution can sanction creation
of new All India Services (article 312) 4

constitutional amendment Bill (article 368) has to
be separately passed by Rajya Sabha and Lok
Sabha.

Only Rajya Sabha can initiate proceedings for
removal of vice-President.

However, Lok Sabha being popularly

Remarks Evaluate In the context of recent events.

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

elected House, has some over-riding powers.

- 1) In matters of Money Bill (article 110), Rajya Sabha can only suggest amendments, Bill will be passed after 14 days with or without incorporating its amendments.
- 2) In case of ordinary Bill, Constitution envisages joint sitting (to resolve deadlock), in such cases normally Lok Sabha wins as it has more members.
But these provisions does not subordinate Rajya Sabha as secondary chamber, it has been bestowed almost equal status with Lok Sabha in all matters except Finance.
Also, Rajya Sabha is indirectly elected not a nominated body. Hence spirit of constitution establishes Rajya Sabha as second chamber and attempts to bypass it through provision of Money Bill, violates spirit of constitution.

Remarks

(v) Constitution of India article 324 establishes Election Commission of India (ECI) an independent constitutional body entrusted with task of ensuring free and fair elections.

Over the years ECI had established itself as guardian of electoral process which can be seen from various initiatives.

i) It brought EVM to prevent booth capturing, rigging.

ii) Started SVEEP campaign to educate voters.

iii) Put affidavit details of candidates online to allow people to make informed choice.



Shortcomings in ECI

i) Does not possess power to de-register the Political parties.

ii) ECI does not possess independent finances.

iii) Election Commissioners do not enjoy security of tenure like Chief Election Commissioner (CEC).

Remarks Mention breakdown of democratic principles, institutional integrity, politicisation, 255th law Commission report.

- 8
- 1) ECI has no role in deciding disqualifications due to defection
 - 2) ECI control on media, social media remains limited
 - 3) Suggested reforms
 - 4) Collegium appointment of ECI and other election commissioners.
 - 5) Expenditure of ECI should be charged upon Consolidated Fund of India.
 - 6) It should have power to de-register political parties.
 - 7) ECI should possess more powers to penalise errant political leaders.
Reforms in ECI are needed to preserve sanctity of electoral process, which is at very core of democracy
- (c) Directive Principles are enunciated in Part - II of the constitution and contains provisions to establish re-distributive justice. They have been criticised on following grounds:

Remarks

- 9
- 1) They are non-enforceable in nature, T. T. Krishnamachari called them "dustbin of sentiments".
 - 2) Directive Principles are not logically arranged in a coherent ideological framework.
 - 3) Presence of such non-enforceable, ornamental part in constitution creates problems for judiciary.
 - 4) Directive Principles sought to constrain the choices of future generations. (4)
 - 5) Directive principles may create conflict between President and Council of Ministers e.g. President may not accept advice which violates the directives.
- However, despite these criticisms, article 37 itself declares directives to be fundamental to governance. They aim to establish social and economic equality, without which ~~even~~ political equality is meaningless.
- Jameson refers to Directive Principles along with Fundamental Rights as soul of Indian Constitution.

Remarks

Mention comments made by scholars like KT Shah, KC Wheare, N Srinivasan, Toynbee, Nasiruddin, K Sarathnam

(d) Fiscal federalism in India faces the following challenges:

- 1) In era of GST, state's own power of taxation had reduced significantly.
- 2) States have no role in appointment as well as deciding terms of reference for Finance Commission under Article 280.
- 3) Frequent imposition of cess and surcharge by central govt., which is not shared with states.
e.g. Surcharge on high income, Cess on fuels.
- 4) Various centrally sponsored schemes ties the funds of state governments, due to major contribution requirements.

However, changes are being made with introduction of "Co-operative federalism", emergence of NITI Aayog as platform for co-operation, but still lot more needs to be done.

Remarks

Mention Art. 246, 268, 271, 275, 282, 292, 293

Fiscal & horizontal - vertical imbalance,
effects of liberalization, financial integration

2. Answer the following questions:

- (a) Governor's role has been perverted to create a permanent threat to legislative assemblies. How 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

Remarks

Remarks

Remarks

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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)

Remarks

Remarks

Remarks

Remarks

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Remarks

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 of 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) Recently many states like Rajasthan, Haryana among others have made education as eligibility criteria for contesting elections to PRIs. This has been upheld by Supreme Court in Rajbala vs. VOI case, it

⑧

Grounds for justification:

- 1) It ensures correct and wise decision by representatives.
- 2) It encourages people to get literate especially when elementary education is fundamental right.
- 3) It enables the representatives to have better communication with administration e.g. reading about schemes, files.

Remarks Mention against grassroot democracy, misplaced focus, abdication of responsibility of state, exclusiveness, discriminatory, oppressive legislation, role-model effect

- 9) It prevents representatives from being victims of cheating, fraud e.g. signature without knowing details.

Criticism of education as eligibility criteria:

- 1) It leads to disenfranchisement of marginalised sections of society like dalits, tribes, women who generally have lower literacy rates.
- 2) It deprives the people to choose the representatives of their choice, hence goes against tenets of representative democracy.
- 3) Such criteria equates educational qualification with wisdom, and neglects role of experience, people's trust.
- 4) It may lead to emergence of elitism in the democracy.
- 5) When no such criteria exists for State Assemblies and Parliament, imposing it on PRIs, imprudent

Remarks

to dissemination.

- 6) It is duty of state under article 21A to provide elementary education to all. State is penalising people for its own failure to universalize elementary education.
 Hence educational criteria for election to PRIs is debatable, there can be a mechanism to provide skills, capacity building to representatives once they are elected.

- (b) National Commission for Women (NCW) is a statutory body established to protect interests of women, suggest remedial legislative measures and take up cases of grievances of women.

10

Performance of NCW is a bag of mixed blessings with few positives and several lacunae due to structural and operational constraints.

Remarks

Good! Mention how their ~~homework~~ helped in analysing trends of crime against women.

Cases of positive intervention

- NCW was instrumental in passage of Domestic Violence Act, 2005 as well as increase in maternity leaves for working women.
- It set up Paiwaik Matila Lok Adalat for faster resolution of family disputes.
- NCW took up case of desertion of wives by NRIs husbands, now there are strict rules to penalize such activities.
- NCW's complaint and investigation cell is involved in monitoring of serious cases of crimes against women.
- It organizes seminars, conferences, newsletters to generate awareness about Women Rights.

Cases of failure

- In Manglore Pub case, NCW blamed woman for their own molestation.

Remarks

1) NCW denied the scale of violence against women in Gujarat, it failed to take up the Soni Soi case.

→ In one of the rape cases NCW member revealed the identity of rape victim.

→ NCW is criticised for neglecting issues of marginalised women and of elitism.

Reasons for failure

1) A study sponsored by UGC showed that NCW has become ground for Political patronage.

2) NCW lacks sufficient funds at its disposal and most of funds are utilised for administrative purpose rather than research.

3) Two power centres in form of Chairman and Member Secretary, hinders smooth functioning

4) Lack of organic linkage of NCW with State Women Commissions.

Remarks

Dr. Ambedkar said "I measure progress of society by progress of its women", hence there is need to revitalise NCAW as an effective institution of women empowerment.

- (i) 73rd Constitutional Amendment Act gave constitutional recognition to Panchayati Raj Institutions (PRIs) as third tier of government to promote effective democratic decentralisation.

However, despite constitutional recognition PRIs continues to face plethora of challenges such as:

Challenges to functioning

- ⑧ 1) Fund inadequacy: PRIs suffer chronic shortage of funds and are extremely dependent on state governments. As per Economic Survey they generate only 5% of their own revenues from local taxes.

Remarks

1) Growth of parastatal bodies: Parastatal bodies like Dodal Development agencies, SPVs, encroach on the legitimate functions of PRIs.

Functionaries: Most of officials are under control of state governments rather than PRIs, hence PRIs cannot implement their plans.

Bureaucratic apathy: Bureaucracy is reluctant to devolve powers to the PRIs and restricts their functioning.

Missing element of rural planning: Although PRIs are mandated to prepare rural development plans, but they lack capacity.

Structural and Vision related challenges:

Lack of Political Will: Politicians did not want to share power with PRIs, they see them as alternate centers of power.

Remarks

Mention HR crisis in Gram Panchayat level, no democratic decentralisation but deconcentration of corruption, lack of vertical-horiziontation of Panchayat and issue regarding

Non-devolution of functions: Except Kerala, none of the states have devolved 29 functions listed in eleventh schedule of constitution.

State Finance Commissions: They are either not constituted or their recommendations not accepted by the states.

Subversion of reservation provisions due to rigid patriarchy and caste hierarchies. SC, ST reservation have provisions of women and SC, ST reservation have been rendered meaningless e.g. concept of "Panchayat Pati" (male proxy for women), violence against dalit sarpanches.

In order to usher Gandhian ideal of Rama Rajya and principle of subsidiarity, there is need to bring reforms in Panchayati Raj like financial autonomy, legislative devolution to facilitate their emergence as nucleus of democratic decentralization.

Remarks

SECTION-B

Attempt all questions:

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

- (a) Critical Examination of the Anti-Defection Law
- (b) While Secularism is a permanent feature of Indian Constitution, its nature and content are not.
- (c) Justice delayed is justice denied
- (d) Freedom of Speech and Fake news.
- (e) 6th Schedule areas: Need for empowerment

(a) Anti-defection law was introduced with 52nd Constitutional Amendment Act in order to deal with political instability, erosion of political morality due to frequent defections.

However it is criticised on following grounds:

1) Anti-defection law takes away freedom of speech of legislators and subjects them to directives of Party High Command.

2) Power to disqualify legislators under anti-defection law rests with Presiding Officer of the House, who may not always be ~~too~~ impartial

3) Provision of exemption in case of merger by two thirds members, leads to violation of its spirit specially

Remarks Mention Aaya Ram, Gaya Ram, ~~gross~~ arguments both for & against, greater stability, democratic realignment, dissent/ defection, T. Laiyan. independent/nominated member

is small states e.g. Goa, Arunachal

③ 4) Anti-defection law is not applicable to pre-Poll alliances, hence sometimes political parties violate the joint mandate given by people.

5) Anti-defection law promotes culture of opacity, cult personality within the party.

Reforms

- Power to disqualify should be given to a quasi-judicial body like ECI.
- Grounds of anti-defection needs to specifically mentioned so that it is applicable only in limited cases e.g. Private Member Bill introduced by Mr. Shashi Tharoor.

(iv) Secularism refers to a model of relationship between the state and religion, in case of India secularism has two different features:

Remarks

- 1) Areas where there is complete separation of state and religion e.g. article 26, article 17, article 28.
- 2) Areas where state goes for principled intervention in religious affairs e.g. article 17, article 30 etc.
While secularism is part of Basic structure (S.f. Bommai case), its nature and content changes as can be seen from:

- 1) Secularism in India as per Rajeev Bhargava is contentual in nature and is not always strict separation but principled engagement.
- 2) Scholars like Achin Vanaik, believe that although Constitution is secular, society lacks process of secularization.
- 3) Ashish Nandy have given anti-modernist critique of secularism, he says it failed to emerge as universal category.

Remarks

Mention Kothari's comments regarding communalism is the direct outcome of the anti - Indian state & argue how secularism

- 4) Sociologists like T. N. Madan believe that secularism is not possible in extremely religious society like India.
- 5) Gandhi saw religion as positive force in politics, while Nehru believed in idea of religious neutrality of state.
- 6) Special measures for minorities are criticised by some as minority appeasement.
Hence nature of Indian secularism remains contested and its conception remains fluid and ever changing.
- (c) Scholars like Shankha in his theory of origin of state considered dispensation of Justice to be the very basis for existence of the state. However, in present period India is witnessing clogging of the judicial system.

Remarks

Mention reasons for judicial pendency statistics of backlog, procedure becomes punishment, 120th Law Commission Report,

More than three crore cases are pending in sub-ordinate courts there are extra-ordinary delays in dispensation of justice.

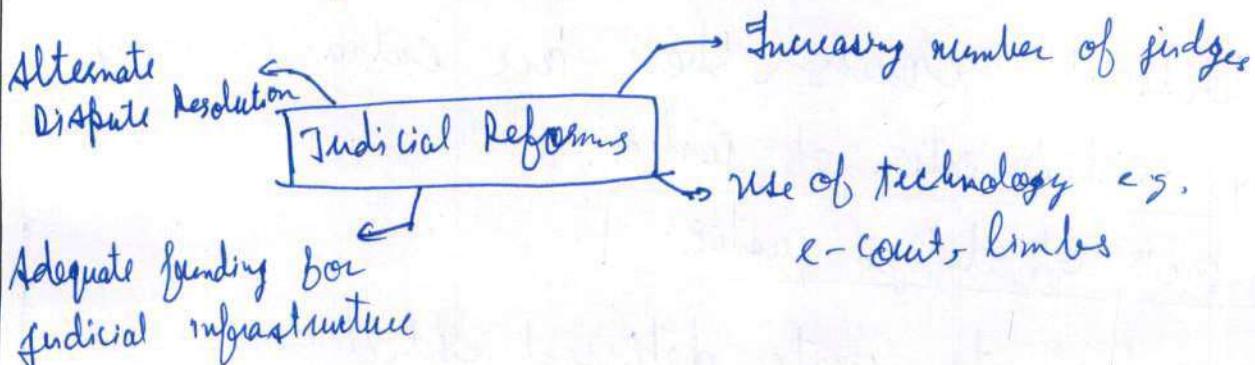
Impacts of delayed justice

- 1) Law fails to create deterrent effect
 - 2) Erodes people's faith in judiciary
 - 3) Public frustration may lead to mob justice
e.g. lynching of rape accused.
 - 4) Disproportionately impacts the marginalised sections of society.
 - 5) It blocks economic development, as several important projects are stuck in litigation.
 - 6) It encourages criminals, by generating sense of impunity.
 - 7) Feeling of injustice among the victims.
- To sum up, it can be said that delayed justice shakes the very foundation of our democracy, hence it need to be

Remarks

(3)

remedied by various means.



(d) Freedom of Speech and expression, a fundamental right under article 19 is being misused by some sections to spread fake news especially in context of rising use of social media.

⑥

It leads to following distortions:

- 1) used to generate Communal frenzy e.g. fake news during Muzaffarnagar Communal riots.
- 2) Disturbs level playing field, distort voter choices during elections by spreading fake news for or against political opponents.
- 3) widen the social - ethnic cleavages in society ex. forced evictions of North-East people from

Remarks

Mention freedom exploited, lack of centralized mechanism to verify facts, falsehood not reasonable restriction, cases of violence

Bengaluru due to fake news propaganda.

4) Fake news may generate sense of mobocracy and "instant justice" e.g. lynching of people in Assam on accusation of being child abductors.

5) Fake news may also lead to distortion of foreign relations e.g. fake news propaganda Stereotyping African citizens.

Hence, even as free speech is fundamental right, it must be exercised responsibly to prevent such distortions. There is need to spread awareness among people and evolving policy to tackle fake news by involving all stakeholders.

(c) Sixth schedule of constitution envisages special self-governance procedures for tribal areas of Assam, Meghalaya, Tripura and Mizoram keeping in mind peculiar socio-cultural traditions of these tribal areas.

Remarks

Despite provisions of Tribes Advisory Councils, autonomous District councils, there is problem of true autonomy due to :

- 1) Routine neglect of suggestions of Tribes Advisory Councils by state governments.
- 2) Non-devolution of adequate resources for proper functioning.
- 3) Bureaucracy lacks sensitivity and concern for tribals.
- 4) Forging of consent of Gram Sabhas, as highlighted by Xaka committee.
- 5) Absence of capacity building of Gram Panchayats to effectively utilise their power.

There is need to ensure financial autonomy, capacity building and above all political will to ensure true decentralisation of power to autonomous councils of sixth schedule area.

Remarks
 Mention inadequate representation persisting, need for village level bodies, overlapping functions, role of Governor, no codification of customary law, ADC, associations.

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)

(a) Legislators perform crucial function of law making and ensuring accountability of the executive. Profile of legislators have undergone substantial changes from independence till present.

Phase I : 1942 - 1960s

Educational profile : Most of Parliamentarians were foreign educated, upper class persons with high sense of commitment towards nation, as most of them were members of national struggle ex. Pt. Nehru, Dr. Ambedkar etc.

Occupational profile : Most of Parliamentarians

Remarks

were lawyers and belonged to other liberal professions like academics, doctors among others.

Phase II : 1970s - 1990s

- This period saw the qualitative of Indian Parliament, with number of MPs from rural areas increasing drastically.

On basis of Caste composition, Parliament came to be dominated by OBCs.

- Representation of Women in Parliament was below 10%.

- Most of them claimed agriculture to be their chief occupation.

Phase III : 1990s - onwards

- This phase saw the increasing criminalization

Remarks

of Politics e.g. in 16th Lok Sabha 34% MPs had criminal charges, in 17th Lok Sabha it is 43%.

→ Educational status is improving, now at least 70% of MPs are graduates.

→ In terms of caste composition, still SC/ST/OBCs continue to dominate.

→ Women representation continues to be low e.g. in 17th Lok Sabha its just 14%.

→ Occupation: Maximum MPs in 17th Lok Sabha declared politics and social service to be their profession, followed by agriculture.

This changing composition of legislators has an impact on nature of Parliamentary debates e.g. continued disruption, poor deliberation as reflection of criminalization, less relevance to women issues among others.

Remarks

Mention modernising elite-traditional elite, regional elite at national level, state politics at national level, steady decline in law making.

(v) National Commission to Review the Working of the Constitution (NCRWC) pointed out the following major areas of reform.

Parliament

- There is need to ensure minimum number of days of sitting of Parliament to ensure adequate discussion of important issues.

Electoral Reforms

- Disqualify the persons against whom serious criminal charges have been framed by Court of law from contesting elections.
- Collegium appoint of Chief Election Commissioner.
- Promote inner-party democracy.

Governor

- Governor's normal term of five years should not be disturbed except in exceptional circumstances.

Remarks

Extremely inadequate. Mention fiscal deficits, criminalisation of politics, overlapping conflicting jurisdictions, opportunistic politics, ..

→ Consultation with Chief Minister before appointment of Governor.

Inter-state River water disputes

Maintenance of accurate data on water flows to assist tribunals. Involving technical experts in composition of river disputes tribunal.

On centre-state relations

→ Powers under article 356 to dismiss state governments must be used only as last resort.

→ Revitalization of Inter-State Council to secure centre-state co-operation.

Broadly, NCRWC did not suggest fundamental changes in constitutional principles, but only some operational changes, which shows the foresight and vision of constitution makers of India.

Remarks

public health.

(c) Judiciary is one of the pillars of democracy and ensure checks and balances on executive and legislature by various means such as:

Checks on legislature:

- Under article 13, judiciary can declare any law passed by legislature to be invalid if it violates fundamental rights.
- Through judicially innovated doctrine of "basic structure", it has limited the constitution amending power of Parliament.

Checks on executives:

- Judiciary can declare any executive order, rule to be invalid if it violates fundamental rights
- With advent of Public Interest Litigation (PIL) it has started targeting executive for its inaction.

Remarks

However, judiciary's own response to accountability is not commendable as can be seen from

- 1) Judiciary refused to provide information under RTI, and follows its own rules which are not as liberal as RTI.
- 2) Judiciary has invented the Collegium system under which advice of judges is binding for judicial appointments. This led to charges of nepotism, "uncle judge syndrome".
- 3) Judges had failed to lodge the details of their movable and immovable assets in the public domain.
- 4) Ironically, it was Supreme Court which framed vishakha guidelines, but it has kept itself out of

Remarks

Review of Sexual Harassment of Women at Workplace Act.

- 3) Stand of judiciary for granting live telecast of proceedings has been ambiguous -
- 4) The intimate impeachment procedure for removal judges has proved ineffective in extracting accountability. Not even a single judge had been impeached since independence.
- 5) Internal contradictions of judiciary were evident when judges themselves come out against CTI and master of roster concept.

It is often said that "Caesar's wife must be above suspicion", this applies in case of judiciary also, given its non-representative character it becomes essential for it to be more transparent.

Remarks

Mention rule of law, no one is above law, who is judging the judges, judicial accountability issues, implications, steps taken, suggestions.

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)

Recently Parliament has enacted constitutional Amendment Law in order to provide 10% reservation to the Economically Weaker Sections (EWS) in public jobs and educational institutions by amending article 16 of the constitution.

It is being justified on following grounds :

- 1) It will help promote equity and representativeness of EWS among forward castes in public jobs.
- 2) Caste is not the sole criteria, it is inadequate economic deprivation also restricts availability of opportunities.
- 3) It will prevent elites within forward caste

Remarks Mention Ram Singh vs Union of India, no under-representation, Pandora's box of demands, definition of EWS, anti-merit, populist tool report.

sections from reserving all opportunities.

Criticisms:

- 1) It violates the 50% ceiling on reservation proposed by Supreme Court in Indira Sawhney case.
- 2) It will give fuel to reservation demands by various other sections and lead to fragmentation of society on basis of caste.
- 3) The limit of Rs. 8 lakh annual income is very high and will cover almost 90% of the population.
- 4) Richer sections among the EWS may corner all the benefits.
- 5) As per scholars like P.B. Mehta, reservation was not meant to be a poverty alleviation programme, it was to uplift the socially backward sections.

Remarks

(*) Reservation for EWS may lead to reverse discrimination against the other forward caste people.

Principle of reservation is an exception to general rule of equality, hence it must be used cautiously so that it does not degenerate into a tool of competitive politics.

(v) Speaker of Lok Sabha is regarded as guardian of Parliamentary democracy as he has pivotal role in ensuring smooth functioning of Parliament, which is temple of democracy.

To discharge his/her duties and responsibilities Speaker is entrusted with wide powers such as:

i) He/She is the final interpreter of provisions of Constitution, rules of Procedure, Parliamentary

Remarks

Conventions within the House.

- 2) No legal or judicial notice can be served to anyone in precincts of Parliament without permission of Speaker.
- 3) Speaker has power to punish Members as well as outsiders for violation of Parliamentary privileges.
- 4) Speaker decides on question of disqualification due to defection.
- 5) Speaker certifies a bill as Money Bill.
 - [Measures to ensure Speaker's neutrality]
 - His/her salary is charged on Consolidated Fund of India.
 - His Motion for his removal requires 14 day advance notice.
 - Anti-defection law is not applicable in case he/she leaves his/her Political party
 - His conduct cannot be discussed except during debate

Remarks

on motion of his removal.

However, certain incidents casts shadow on Speaker's role:

1) Certification of Money Bill power is accused of being misused e.g. AADHAR Bill being certified as money bill.

2) Speaker not giving adequate time to opposition parties to put forth their view point on the floor of House. (10)

3) Speaker retaining his/her membership of Political Party, creates image of partiality.

4) Speaker being unable to control the frequent disruptions in the House. Good!

5) Refusal to admit adjournment motions, calling attention motion etc. by opposition.

Dr Ambedkar said Constitution is as good as people who are implementing it,

Remarks

Mention incidents - Naveen Rebia, give constructive solutions like transfer of adjudicatory role to EC, increasing transparency, media's role

hence India should evolve a healthy convention of Speaker maintaining complete impartiality, resignation from Political party, assistance of senior MPs to certify Money Bill as there in UK.

(v) Tribunals are quasi-judicial bodies established under article 323 and 323A in order to deliver speedy and effective justice in context of overburdened judiciary.

They achieve this by :

- 1) Tribunals are expected to possess special technical knowledge required for adjudication of complex cases e.g. National Green Tribunal (environmental cases)
- 2) They possess procedural flexibility, as they do not adhere to C.P.C, C.P.C, but to the principles of natural justice.

Remarks

3) Tribunals increase the geographical reach of justice, as otherwise people will have to travel to High Courts, Supreme Court.

4) They can be created by both Central and State governments (except administrative tribunals) hence allow resolution of issues at local level.

However, despite good intentions, tribunal system suffers from certain lacunas such

as:

1) After the Supreme Court Verdict in L. Chandra Kumar Case, High Courts can hear appeals against award of tribunals, this leads to delay, add extra layer of court.

2) In R. Gandhi case, Supreme Court lamented the "tribunalisation of justice", it pointed

Remarks

out poor infrastructure, inferior quality of judgements by tribunals.

- 3) Tribunals are seen as violation of directive under article 50, which calls for separation of executive and judiciary.
- 4) Multiplicity of tribunals creates issues of co-ordination, policy paralysis.

Hence there is urgent need to reform system of tribunals by means of consolidation, adequate funding and capacity building of tribunals.

Mention ~~problems of operation of~~ conflict of interest, increasing pendency, huge vacancies, Law Commission report.

Remarks

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