

GS SCORE

Political Science Test Series 2019
TEST - 03

119

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.

Your answers are good. Always try to address an answer in view of any recent event that might ^{have} made it a topic of discussion & not just a general overview. Make sure you end the answers with constructive suggestions.

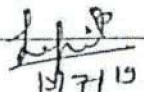
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Name LIPI NAGAYACH

Mobile No. _____

Date 15-07-19

Signature  _____
15/7/19

Roll No. 10470

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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 a set of guidelines as to the conduct of candidates and pol. parties contesting elections. The strengthening of provisions of MCC could be traced to the tenure of then CEC T.N. Sheshan during 1990s.

One major issue w.r.t. MCC is the legal enforceability of its provisions and the penalty imposed for its violations. The Election Commission (Art. 324) is against giving it a statutory backing & this view is supported by former CEC - Mr. S.Y. Qureshi also. The following arguments are given:-

① extremely slow pace of judicial litigation

Remarks

is incompatible with swift electoral decisions.

- b) some provisions of MCC are enforced via other means like IPC, 1860; RPA 1951 etc.
- c) public rebuke / admonition to high-profile candidates serves the purpose.

Arguments in favour of statutory backing:-

- a) ensures enforceability & compliance
- b) would check practices like hate speech, criminalisation of politics etc.
- c) would reduce the influence of money & muscle power etc.

But, beyond all this, there is a need for civic participation in vigilance and consequently an awareness based & informed voting. Example. CVIGIL mobile app has enabled the common man to report instances of MCC violations.

Another issue w.r.t. election silence of MCC is the challenge posed by online

Remarks

Mention when it comes into force, level playing field, Kerala Assembly elections 1960, implications of poll code violations, suggestions

5

platforms where every participant is a content creator. Other issues like fake news, electoral analysis based on online behaviour by nefarious agents (eg Cambridge Analytica - dataleak etc) have emerged as huge challenges.

b) Rajya Sabha i.e. upper house is the remarkable feature of our bicameral legislature (and hence federalism). It was originally envisaged to:-

- * check against hasty & populist legislations
- * provide continuity to law-making endeavour since Rajya Sabha remains indissoluble & hence a continuous chamber
- * provide representation to states
- * present the viewpoints of experts (not in a position to contest or win the elections) among other functions.

But over the years, following challenges

Remarks

Mention RS Chairman report to the people report highlights, reasons for low productivity, criticism + suggestions

have surfaced:-

- * decline in parliamentary debates/discussions
- * deliberate obstruction by opposition to delay the formulation of laws
- * bypassing of Rajya Sabha by ruling party. For eg when Aadhar was passed as a money bill.
- * failure to uphold the interests of state (For eg → transfer of 5 subjects from state list to concurrent list) etc.

Moreover it has emerged as a ground for parking the party fund raisers, crony capitalists, lost politicians, criminals in politics etc, to woo them & garner their support. All this has resulted in a secondary treatment of upper house.

Hence there is a need to bring in healthy democratic & deliberative spirit to reap the benefits of having a second chamber by bringing in reforms as suggested by NCRWC, Sarkaria & Punchhi commission etc.

Remarks

c) Election Commission of India (ECI) is a constitutional authority under Art 324 of the constitution entrusted with the responsibility of direction, supervision & control of parliamentary elections, presidential, vice presidential elections & state L.A. elections.

It comprises of 1 Chief EC & 2 other ECs. The present issues w.r.t. ECI are :-

* non transparent appointments - solely vested in the hands of ruling dispensation. As against this the Law Commission in its 255th report suggested collegium consisting of PM, LoOpposition, CJI for appointment.

* the dissenting opinions aren't written in or recorded in final statements.

* the removal of other ECs isn't commensurate with the CEC.

* no qualifications w.r.t. appointment are mentioned.

* there is no ban on further appointments

Remarks Mention letter of Constitutional Conduct Group, ineffective control, violations of MCC, consequences of growing dissatisfaction, suggestions

after retirement. Hence allegations about bipartisan clean chits are put against the institution which is detrimental to its legitimacy, public trust & also to the free & fair elections.

Thus to uphold the democratic structure, the desired reforms are warranted.

d) Fiscal federalism refers to the federal balance w.r.t. fiscal issues i.e. tax collection, distribution; grants-in-aid (the criteria, horizontal & vertical distribution) etc.

1. Issue of finance commission (Art 280) The terms of reference are unilaterally decided upon by the centre. Moreover the recent change in criteria of population from 1971 census to 2011 census has resulted in protests from southern states.

2. debate w.r.t. grants in Art 275 & Art 281 (discretionary grants). The utility

Remarks

Mention Art. 246, 268, 271, 280, 282, 292, 293, vertical & horizontal fiscal imbalance, financial deterioration of states.

of former and effectiveness of latter etc.

3. issue of centrally sponsored schemes & the increasing rate of states' debt to GDP ratio

4. teething troubles in GST - like compensation of loss of revenue, fixing tax rates across slabs, issues of inclusion & exclusion of items etc.

5. Besides there are some persistent issues of increasing autonomy, greater devolution, decentralisation etc.

e) The Directive principles (part IV - Art 36 to 51), which form the bedrock of social & economic democracy in India, have been criticised on following grounds:-

1. non-enforceability / justiciability - K.T. Shah called them as pious superfluities and a cheque payable only when the resources of the bank permit. Similarly Nasiruddin calls them as new year

Remarks

resolutions to be broken on 2nd January.
 Irving Jennings called them 'dustbin of sentiments'

2. illogically arranged - there is a mixture & improper sequencing of important DPSPs with relatively unimportant ones and also the ones reflecting Gandhian, socialist & liberal-intellectual thinking.

3. based on 19th c. Victorian era morality

According to Jennings they rely heavily on Fabian Socialism and the morality prevalent in 19th c. England. They lack vision for 20th & 21st centuries.

4. Source of conflicts - between the enforceable FRs and non-justiciable but fundamental DPSPs, liberty & equality, legislature & judiciary, president & prime ministers etc.

However one must remember that these DPSPs reflect the philosophy and ultimate objective of our constitution & hence rightly forms the 'soul' of it. (Granville Austin.)

Remarks

Answer is very well written. All points adequately addressed.

6

Mention
K. Santhoshan

2. Answer the following questions:

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

a) The institution of Governor was envisaged to preserve the unity & integrity of the nation. Also the Governor was to act as a bridge between the units of federation.

However in the recent years the role appears to have been perverted to create a permanent threat to legislative assemblies due to :-

- * frequent resort to Art 356 (President's rule)
- * sec 92 in case of J&K (for eg. recent extension of 6 months of Governor's rule) Section 52 too
- * dissolution of assemblies to prevent the opposition from making govt. (eg. in Rameshwar Prasad case the Governor declared the post-poll alliance as 'potentially unstable' & 'contradictory in ideologies') To this the SC responded by declaring this act as

Remarks

Mention Art. 154, 172, 174, reflection of vested pol. interest & other such issues,

unconstitutional.

- * political appointment - wherein veterans are 'awarded' with post of Governor
- * controversial nature of Art 200 & 201 wherein no time limit w.r.t. state legislature has been prescribed to the President.
- * no codification of qualifications as recommended by Sarkaria & Punchhi Commission.

Suggestions - besides implementing the reforms suggested by these 2 commissions the rule of domicile requirement must be given due consideration. Appointment of apolitical persons. The Governors must act as a lynchpin & not a hindrance to working of state's machinery, to realise the true potential of constitutionally envisaged role of Head of the State.

Bommai case, overall good answers but ~~need~~ keywords need a little more info.

↳ mention recommendations in a little more detail

8

Remarks

b) Concurrent list contains subjects wherein both the union & states can make laws and in case of differences the laws made by union would prevail. This was entailed to ensure uniformity in these matters with enough scope to accommodate the diversities as well.

The 42nd CAA, 1976 transferred subjects like education, forests, wildlife, conduct of judiciary & weights & measures etc from state list to the concurrent list. This was opposed by T.N. Govt's Rajamannar Committee, West Bengal memorandum etc.

Besides, the issue of uniformity is also contested. The States demand that only a basic framework must be provided by union & the details of rules/regulations must be filled in by states.

A recent controversy w.r.t. educational

Remarks

sector was the NEET (National entrance-cum eligibility test) for admission to medical colleges. The T.N. govt. opposed this attempt at uniformity (which was held viable for efficiency & widened opportunities to students) by hailing it discriminatory for board & rural students.

suggestions.

- ① Any union law must go for effective consultation with the states & a consensus must be built.
- ② A skeletal framework only by centre with flesh & blood to be injected by states would serve the purpose.
- ③ The basic tenet of federalism - i.e. co-operation & confidence of constituent units must be sought.

7

Inadequate. Mention 42nd AA, 7th Schedule, centralization of power, issues with concurrent list, encroachment of subject

Remarks

of state list, confusion, dual legislator, details of suggestions by Commissions.

c) RPA 1951 is a statute entrusted with free & fair conduct of elections by regulating various aspects like registration of parties, election expenses etc.

Major issues with RPA :-

1) sec 29A - entrusts EC with the power to register the political parties but not to de-register them (it would otherwise prove an effective penalising weapon). According to the data published by EC \rightarrow ~~80~~ 20% parties in India (which are registered) don't contest elections and many are just meant to split votes among candidates & earn money.

2) Issue of contesting elections from more than one constituency [sec 33]

The Dinesh Goswami committee changed this from unlimited seats to just 2 seats. There is a demand to reduce it to just 1 seat due to :-

- * huge wastage of electoral resources
- * electoral fatigue (by-polls)

Remarks

Mention one person - one
vote, one candidate - one
constituency

- * the clout of veteran leaders prevent the emergence of new political leaders
- * the vacant seat results in betrayal of the masses.

Instead it is suggested that some monetary condition be imposed (i.e. election expenses of by-polls to be funded by the candidate), but it would again be discriminatory in favour of rich candidates.

③ issue w.r.t. criminalisation of politics - as the RPA bars only the convicted candidates from contesting elections & not the ones charged/accused of heinous offences. The extremely slow judicial system along with the clout of these tainted candidates defeats the purpose of this legislation.

Intra-party democracy, vigilance on part of voters to not vote such candidates along with a commitment from pol. parties to not give ticket to them, are possible suggestions.

Remarks

Mention Sec. 8, 12B

9

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)

9) The recent enactment of Rajasthan which imposes educational requirements upon persons contesting the seats for municipal councils, P.R.I.s etc has sparked off a controversy. Recently enough the SC in Rajbala v. State of Haryana, has upheld the educational criteria on following grounds:-

- * efficiency
- * good governance & administrative competence (as officials won't be in a position to fool the literate candidates)
- * setting an example
- * incentivising those desirous of public offices to attain education even at old age.

However, the concerns raised are equally appropriate.

- * It would discriminate against the traditionally deprived sections of -

Remarks

b) The National Commission for Women was established in the decade of 90s to look into the following:-

- * constitutional & legal safeguards available to women & their functioning
- * issue of safety, security, sexual harassment at workplace (based on Vishakha guidelines)
- * cases of dowry deaths, domestic violence
- * worsening child sex ratio, girls' education etc.
- * rising instances of heinous crime against women (rape, molestation, murder etc).

Achievements :-

- ① awareness generation - greater no. of women are now legally aware of the protections & empowerment conferred by law.
- ② Improvement in child sex ratio, gross enrolment ratio, improvement in (maternal mortality rate decrement, nutritional status etc.
- ③ legislation w.r.t. sexual harassment in 2013 etc.

Remarks

Failures :-

- ① reform of many regressive practices in the personal laws still pending. For eg:- Female Genital mutilation (FGM) among Dawoodi Vohra community.
- ② The issue of UCC which promotes constitutional equality for women (Art 14, 15) has been communalised & politicised.
- ③ Its mere recommendatory role, has failed to bring any substantial change in either policy or mindset. For eg - it required a gruesome gang rape (Dec 2012) to make changes in criminal laws in the country.
- ④ Issue of pending complaints, influential people going unharmed & scott free. For eg) the lady alleging the CJI Ranjan Gogoi with sexual harassment charges, also mentioned problems faced while approaching the commission.

NCW - a very good piece of legislation, must set an example to the world by ending discrimination against women in accordance

Remarks

Mention Parivarik Mahila Lok Adalats, Complaints & Counselling Cell, suo moto investigation, Expert Committees, sponsors research, studies

with CEDAW (convention to end discrimination against women) of UN.

(c) The 73rd CAA 1992 was a landmark in the political history of our nation as it granted constitutional status to the P.R.I.s by inserting part IX (Art 243 to 243O)

However, ^{even} after 25 yrs of its functioning, there are certain challenges which need attention.

Issues relating to:-

Funds - the devolution of financial powers i.e. power to levy & appropriate taxes (octroi, entertainment tax, market & fair tax, property tax) etc still remains at state's discretion. Moreover the financial starvation is also attributed to meagre grants-in-aid from the states.

Functions

The Art 243G talked about entrusting the

Moreover the recommendations of State finance commission also largely remains on paper.

Remarks

responsibility of 29 items in XI schedule (like electricity, water supply, social justice, village planning etc) to the PRTs but the state govt. continue to dominate these crucial areas.

Consequently the Gram Sabhas have been reduced to mere talking shops with no real work to dispense.

Functionaries

The personnel at grass root level suffer from:-

- * lack of training & proper incentive
- * awareness and requisite skills of administration.
- * corruption prone-ness

Moreover the issues of elected women representatives (who constitute 44% of all panchayat leaders) like :-

- * pati panchayats (i.e. dominance of male members of their family)
- * deliberate silence & abstention from discussions

Remarks

* Issues of security etc, continue to threaten the PRIs

The bureaucratic hurdles, caste-based discrimination and apathy continue to plague them.

(8) Hence the principle of subsidiarity (as suggested by 2nd ARC) along with adequate training, finance & incentive would realise the dream of democratic participation.

Mention lack of horizontal & vertical convergence, oversight, no HR policy, parallel bodies, steps taken, Summit Bose Committee Recommendations in detail.

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

1) The Anti-defection law (added by 52nd CAA - X schedule) ~~rather~~ helped in imparting stability to the 'gaya room, aaya room', Indian political scenario and also curbed horse trading to an extent. But it also suffers from following challenges:

- ① It curbs retail defection (as splits are penalised) but promotes wholesale defection (due to provision of merger)
- ② fails to differentiate between dissent & defection hence the individual MPs are forced to toe the party line and follow the whip without exercising the freedom to express their views independently & impartially.
- ③ The adjudicatory role of speaker remains

Remarks

Mention why decision-making by presiding officer is criticised

Well answered. All points adequately touched upon.

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controversial.

④ While the nominated members are allowed to defect within 6 months the Independents are discriminated against.

⑤ no provision for intra-party mechanism to curb the possibility of defection.

with regards to of speaker, the SC in Kihoto Holoholohan v. Sachidhan provided for testing the malafide/bonafide intentions, ~~the~~ but the overall law remains partial in addressing the problem.

⑥ Indian secularism is interpreted differently from western concept of strict separation. Instead it means giving equal respect to all religions. However as pointed out by scholars like Rajeev Bhargava & D.E. Smith, the nature & content of Indian secularism remains unstable & controversial.

Changing nature & content

→ during Nehruvian era it meant a strict non-intervention & equal regards to minority rights to freedom of religion.

Remarks

with the help of the critical commentaries by Bhargava, Kaviraj, A. Nandy, Kothari argue how secularism as practiced breeds communalism.

But during the times of Indira Gandhi & Rajiv Gandhi issues like operation Blue Star, initial patronage to Bhindrawale & Ram-mandir Shilanyas coupled with appeasement of orthodox section of minorities (the Shah Bano case & Muslim Women Rights Act 1986) etc. worst forms of communalisation of politics were seen.

Similarly in later decades the Babri Masjid demolition, Godhra Riots, Muzaffarpur Riots etc all speak of communal flare & violence.

Thus in order to truly recognise the intent behind Indian secularism's 'sarva dharma sambhaav', it is important to raise above appeasement, majoritarianism & fanaticism.

③ 3 cr cases pending in judiciary, 69% population of jails being that of under trials, huge vacancies at all 3 levels (with highest being at sub-ordinate level where 2.3 cr cases are pending), a judge population ratio of mere 20/1 million as against

Remarks

desirable 40-50. etc speak of all the ills plaguing our Judicial system. The litigation process is exasperatingly slow & demandingly cumbersome. Increasing adjudication, suspensions & postponements due to poor police investigation, political interference, vacancies etc have all led to arrears. And delayed justice is absolutely no justice.

In our system the procedure itself becomes the punishment. To curb this problem:-

- * vacancies need to be promptly filled
- * fast-track courts, e-courts & use of
- * modern technology (eg → the recent installation of justice clock.)
- * Alternate dispute redressal/resolution like reconciliation, arbitration, lok adalats etc
- * reform of criminal justice system (in accordance with Malimath committee, 2003 recommendations) etc are suggested.

Mention reasons for judicial

Remarks

pendency, impacts of it, steps taken, by govt. B

d) Freedom of speech is a fundamental right recognised under Art 19 of our constitution. Its liberal interpretation also includes the right to be informed & that information has to be true (not fake) in order to extract meaning & utility from it.

The fake news & its rapid propoganda is actually a violation of this F.R. With the advent of digital social networking, every person has become a content creator, and like, share & comment - have all become the buzzwords. But little do we understand the implications of this. Mob lynchings, communal violence, ethnic cleansing etc all find their fuel in fake news.

And rightly considering it as an encroachment to F.R. the govt. has asked companies like Fb, Whatsapp etc to arrive at mechanisms to curb fake news. But we also as citizens are bound to protect the F.R. of fellow citizens of -
'Right to true information'

Remarks

Mention. freedom exploited, lack of centralized mechanism to verify info.

e) The 6th schedule provides for administration of tribal areas in states of Assam, Tripura, Meghalaya & Mizoram. It provides for:

- 1) establishment of Autonomous district councils in scheduled areas and
- 2) entrusting them with essential functions w.r.t. land, forest resource, customs, social audit etc.

However certain issues w.r.t. these autonomous councils have emerged. These are :-

- lack of representativeness (not all tribals are equally represented)
- absence of effective devolution of funds & functions.
- continuous interference by Governor on account of his discretion etc.

Why need to empower them?

- the areas are notorious for ethnic clashes, secessionist tendencies & insurgencies, hence democratic decentralisation seems the only viable option. Also they being border areas are prone to instability &

Remarks

disturbance.

Thus in order to preserve the unity & integrity of our nation & promote the greater good of these frontier tribal brethrens the 6th schedule provisions need to be executed in letter & spirit.

Inadequate info regarding issues with autonomous councils, mention lack of village level bodies, overlapping functions, corruption, suggestion.

Remarks

7. Answer the following questions:

- (a) Critically examine the provision of Reservation for Economically Weaker Sections (200 Words) (15)
- (b) The Speaker is the guardian of Parliamentary democracy in India. Critically examine. (200 Words) (15)
- (c) Assess the utility of Tribunal system in India in providing speedy and effective justice. (250 Words) (20)

Q) The recent 103rd CAA, 2013 provided for 10% reservation to Economically weaker sections in govt. jobs & education by amending Arts 15 & 16.

arguments in favour of reservation.

8

① As pointed out by SC in Ram Singh case, there is a need to diversify the criteria on which reservation benefits are extended. Caste can't be the sole criteria. And other dimensions of backwardness also need to be brought in.

② poverty being the greatest discriminator incapacitates the person & prevents educational health & employment opportunities.

arguments against :-

① It compromises merit.

Remarks

- ② It is against SC's judgement in Indira Sawhney case (1992) and also the M. Nagaraj case (2006) wherein the 50% rule was laid down.
- ③ The upper castes & other members of general category are adequately represented in jobs & education.
- ④ The criteria for 10% isn't scientific.
- ⑤ It will open the Pandora's box.
- ⑥ The criteria for EWS equates a person from BPL with that holding the upper limit of land. Thus the possibility of sweeping benefits by such persons is high.
- ⑦ It was politically motivated.

While affirmative action is one way of addressing the problem, the govt. must aim at expansion of opportunities & capability building to look beyond short term measures for long-term betterment of our country.

Mention Lakshman rekhia of 50% - catchy keywords, tool of populism, Sinho Commission report. + suggestions

Remarks

b) The speaker is hailed as the guardian of political / parliamentary democracy, a guarantor & preserver of the privileges of house, its members & also the immunities enjoyed by them. The speaker is required to maintain the decorum, sanctity, and unbiased functioning of the house.

However the institution, also suffers from the following issues :-

(1) partisanship & bias - because the speaker doesn't give up the party membership and has to depend upon party leadership for future election. (unlike in Britain where speaker is apolitical & remains in office for a long tenure).

(2) discretion in deciding the money bills, disqualifications as per the anti-defection law, casting vote etc, essentially force him/her to favour his/her party.

Remarks

But the speaker is vested with great responsibility to :-

- orderly conduct the affairs & proceedings of house
- successfully conduct the question, keep house short duration discussions etc.

Hence certain international best practices to ensure prejudice-free functioning are needed for Indian democracy as well.

Mention role in anti-defection, money bill, give constructive suggestions - transparency of media, adjudicatory role to EC

Remarks

c) Tribunals were given constitutional status on the recommendations of Swaran Singh committee vide 42nd CAA 1976 which added part XIVA → Art 323(a) : administrative tribunals & 323(b) : other tribunals.

Utility of tribunals:-

- a) Sharing & consequent decrease in burden of judiciary
- b) expert opinion in form of domain experts is taken which leads to speedy & effective justice.
- c) The presence of benches at various locations results in accessibility & affordability of justice.
- d) No strict adherence to civil procedure court (instead reliance on principles of natural justice) results in speedy disposal of cases.

Remarks

Concerns :-

- ① obstructs the realisation of separation of powers → as executive is entrusted with adjudication
- ② violation of natural justice (no one to be judge in his/her own cause) since major litigant in India is the executive & tribunals are constituted by it only.
- ③ While technical speciality is ensured but effective justice delivery still remains a challenge (a suggestion would be to include the members of judiciary as well)
- ④ In L. Chandra Kumar case, the provision of direct appeals to SC was declared unconstitutional and hence the requirement to first appeal at HC level, unnecessarily obstructs the justice mechanism & also results in sub-ordination of tribunals

Remarks

to High courts with un-necessary litigation & series of appeals.

Mention recommendations of Law Commission report in details to further improve your answer.

Remarks