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Saket ☐

Online ☐

All India GS Mains Test Series - 2019

(Module-3)

Test-5

GENERAL STUDIES | Paper-I

Indian Polity

GENERAL INSTRUCTIONS

This Question-cum Answer (QCA) Booklet contains 56 pages. Immediately on receipt of the booklet, please check that this QCA booklet does not have any misprint or torn or missing pages or items, etc. If so, get it replaced by a fresh QCA booklet.

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Question paper will be provided separately and can be taken by the candidates after conclusion of the exam.

SUBJECT/PAPER

GENERAL STUDIES Paper-I

Invigilator's Sign. :

(For filling by Examiners only)

Q.No.	Page No.	Maximum Marks	Marks	Total	Signature	Q.No.	Page No.	Maximum Marks	Marks	Total	Signature
1	5	10				11	25	15			
2	7	10				12	28	15			
3	9	10				13	31	15			
4	11	10				14	34	15			
5	13	10				15	37	15			
6	15	10				16	40	15			
7	17	10				17	43	15			
8	19	10				18	46	15			
9	21	10				19	49	15			
10	23	10				20	52	15			
GRAND TOTAL											

EVALUATION INDICATORS		Remarks			
		Excellent	Good	Average	Needs Improvement
Content	Relevance				
	Economy of words				
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	Structure				
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Observations:

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Please read each of the following instructions carefully before attempting questions:

There are **TWENTY** questions printed in **ENGLISH**.

All the questions are compulsory.

The number of marks carried by a question is indicated against it.

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 Booklet in the space provided. No marks will be given for answer written in a medium other than the authorized one.

Answers to questions no. 1 to 10 should be in 150 words, whereas answers to questions no. 11 to 20 should be in 250 words.

Keep the word limit indicated in the questions in mind

Any page or portion of the page left blank in Question-cum-Answer Booklet must be clearly struck off.

Q.1 Dissent is a necessary tool to protect the essence of democracy. Discuss. Do you think that Section 124-A of the Indian Penal Code is still relevant? (Answer in 150 words)

10

Section 124-A refers the sedition section in Indian penal code, which is supposed to be used against notorious elements of the society. As per the provisions of section, government of the day can take penal actions against individual or group of individual who are threat to national security & integrity.

Arguments in support of sect-124A

i)- Section 124-A can be justified to ensure proper law and order situation in a locality.

ii)- If implemented properly, it gives potential power to police authority to curb any kind of secessionist tendency and to maintain integrity, unity and security of nation.

Argument against Section-124A

i)- It reflects the colonial mindset, since law was used in british era to curb nationalist movement. Continuance of such

A retrogressive law makes little sense.

- ii)- Even countries like U-K has removed such clauses from their legislation.
- iii)- Recent unjustified use of sedition against certain individuals has limited free speech as guaranteed under Article 19 of constitution.
- iv)- It is against the very principle of democracy & people's participation.
- v)- Even law commission has recommended necessary modification in the law.

Seeing the present context, it is necessary that suitable amendments can be introduced in the law as suggested by law commission and further implementing agencies must be sensitised against irrational use of section.

Q.2 Cleansing politics from criminal elements begins with purifying political parties themselves. Discuss and also suggest some measures to clean Indian politics. (Answer in 150 words) 10

As per data presented by Association of Democratic Reforms, criminalisation in politics has been increased in India with 34% legislators selected in previous Lok Sabha having criminal charges against them.

Reasons of Criminalisation:-

i)- Criminal - politics nexus has been seen increasing, as a candidate with more muscle power has higher probability of winning. As per recent survey, P(CE)

chances of winning of individual having no criminal charges	5%
chances for individual having criminal charges	13%

ii)- As criminals are more influential, they are able to infuse more money in the election which hampers transparency but at the same time increases their appeal amongst political party.

Measures to clean Indian Politics -

- i)- Curb on Election expenditure by political parties must be enforced properly to avoid inflow of black money into politics.
- ii)- Suggestion of lifetime ban of convicted criminals can be considered.
- iii)- Inner party Democracy should be strengthened by properly regulatory oversight over political parties by an independent regulator.
- iv)- Further, Section 29A of RPA need to be amended to give Election Commission powers to deregister political parties.
- v)- Convicted persons should be barred to ~~not~~ hold significant positions in the recognised political parties and to form new political parties.

In order to cleanse election environment in the country, it is desired to first cleanse the political parties.

Q.3 Westminster style of democracy seems to be the basis Indian democracy, as seen from the features adopted from it. Contrast the features of the two. (Answer in 150 words)

10

Indian polity has been highly influenced from westminster style of democracy as India has been ruled under the British crown for more than 200 years. Further, law makers have taken substantial reference from Government of India Act, 1935 which was modelled largely on British style of Polity.

Similarities b/w Indian and Westminster style

Indian Polity	Westminster Polity
Prime Ministerial form of government	Prime Ministerial form of government
Direct Election on First past the post basis to lower House	Direct Election to lower House
Executive responsible to Lok Sabha.	Executive responsible to legislature
Bichameral legislature	Bichameral.
Strong Center	Strong center

Similarities -

Indian	Westminster
Prime Minister as real head of government	P.M. as de-facto ruler.

Differences b/w Indian & Westminster

Indian	Westminster
Elected head of state	Nominated / Hereditary Head of state
Separation of Power clearly visible	No such clear division of power
Written Constitution	Unwritten Constitution
Balance b/w Parliamentary Sovereignty & Judicial supremacy	Parliamentary sovereignty

Though, various features of Indian polity has been taken from Westminster polity, But still Indian polity is sui-generis, and necessary changes as per society, culture & Economy of the country has been taken into account

Q.4

Do you think that prescription of educational qualification for election to local government is required for better administration? Substantiate your viewpoint.
(Answer in 150 words)

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10

Recently, Rajasthan Government has taken ~~scrapped~~ an amendment to Panchayati Raj Act and scrapped the necessary criteria of educational qualification for those aspiring to contest local bodies election.

Argument in favour of Educational Qualification

i)- Educated administrators will definitely increase the efficiency of administration.

ii)- It takes time for uneducated persons to understand the nuances of politics and governance and till they understand such complexities their time came to an end.

iii)- Even Haryana High Court has upheld the provision of educational qualifications for local government legislators.

Argument in opposed to Educational Qualifications -

i) In certain villages, even today literacy



rate is less than 50%. Such impositions will be tantamount to their ineligibility for fighting election which is against the very principle of Equality.

- ii)- It is further diluting 'Right to Contest' of those who are not qualifying the criteria.
- iii)- Even such provisions do not exist for the election to parliament & state legislature.
- iv)- In a country, where achieving social goals is the primary duty of government, penalising people for their social backwardness will be irrational.

It is time to strengthen the third tier of government by increasing financial, human and political resources for them for ensuring solidification of grassroots democracy.

Q.5 The provision of casting a negative vote can be a powerful tool. Can NOTA be the right answer to the problems of Electoral Democracy? (Answer in 150 words) 10

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Casting a negative vote signifies dissent of voter against the chosen candidate. Introduction of NOTA in Indian Elections gives such 'right of dissent' to voters by rejecting all the candidates in a fray.

Significance of NOTA:-

i)- It has seen that introduction of NOTA has resulted in increased voter turnout as even those voters, who are not satisfied with any of the candidates are coming for voting to register their dissent.

ii)- It further strengthens 'principle of secrecy' in the Election process as earlier though dissent can be registered but it will be known to the polling agent.

iii)- Furthermore, it puts a political moral pressure on political parties to choose candidate with highest integrity in election.

NOTA is not a panacea -

- i) There is no provision in RPA to countermand elections in a constituency where NOTA secures majority of votes which defeats the very purpose of introducing it.
- ii) Past election results have shown that impact of NOTA on election results is minuscule hampering the very significance of NOTA.
- iii) Further, NOTA is only a step, while ladder need to be crossed in order to strengthen electoral democracy by decriminalisation of politics, transparency in funding, improving inner party democracy and many more.

Further, references can be taken from the state of Maharashtra where amendments has been made in Panchayati Raj Election Act to strengthen NOTA.

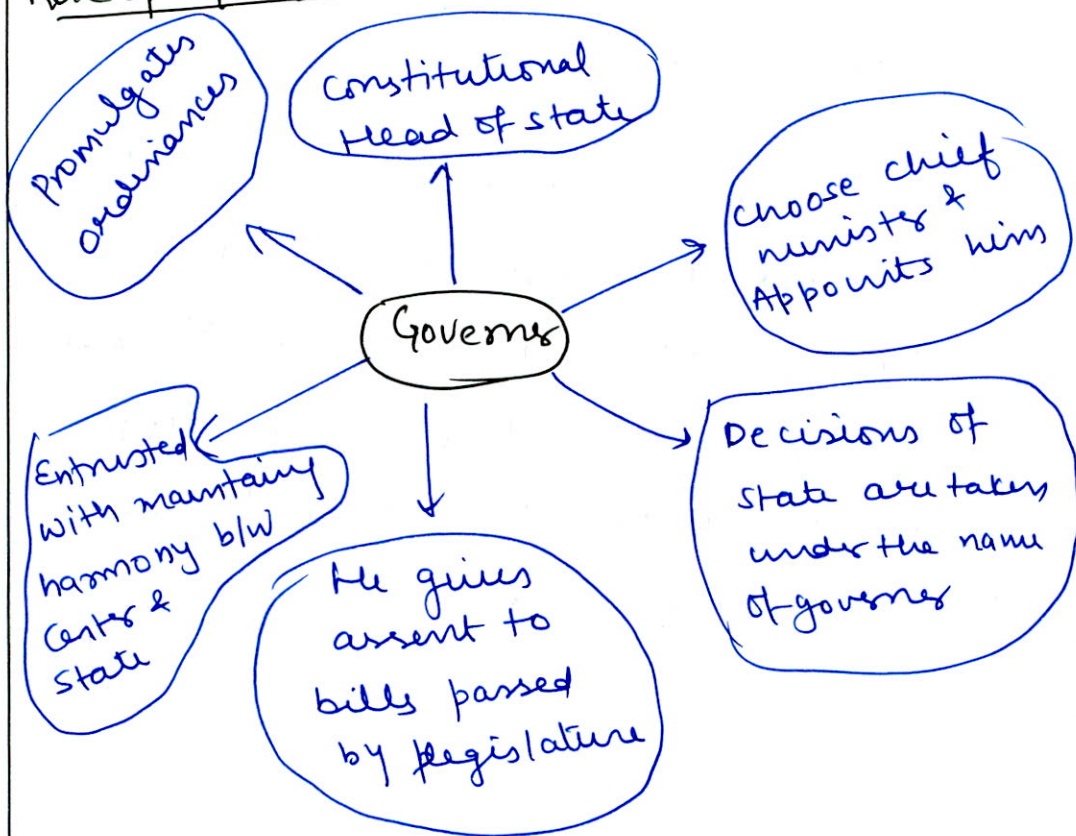
Q.6

It seems that the Office of Governor is complying with the political whims and fancies of Union government rather than fulfilling its constitutional duties. In the light of the statement, critically examine the performance of the Governor's office in modern Indian polity. (Answer in 150 words)

10

Governor as the constitutional head of state is entrusted with the significant duty of carrying out state administration in a fair and impartial manner.

Role of Governor in state politics



Controversies in functioning of governor -

i)- It has been seen that governor is acting in a partisan manner, while appointing chief ministers in cases where no party

gets an absolute majority. as Ex:- Karnataka.

11)- Role of governor has been come under scanner while imposing or recommending imposition of president's rule.

111)- Sometimes, it has been seen that governor is reserving majority of bills for president's assent acting in a partisan way as an agent of center.

Necessary amendments in constitution are required as suggested by Sarkaria Commission, Punchi Commission and National Commission to Review Working of Constitution in order to maintain decorum of ~~the~~ such constitutional post

Q.7

Relook at the procedure for removal of the judges is required to maintain public confidence in the higher judiciary. In the light of the given statement, discuss the process of removal of the judges and examine how far it has been successful in disciplining the judges?
(Answer in 150 words)

10

Judiciary as a third pillar of democracy is important in adjudicating law and giving justice to its subjects.

Process of Removal of Judges -

Constitution has mandated parliament to frame a law for removal of Supreme Court & High Court Judges.

As per Judges Inquiry Act, 1963 following procedure needs to be followed while removing Judges.

- i) - A motion for removal must be given to speaker of LS or chairman of Rajya Sabha.
- ii) - Motion need to be subscribed by 100 members in Lok Sabha & 50 in Rajya Sabha.
- iii) - Speaker can either admit it or refuse it.
- iv) - If admitted a 3 member committee appointed by speaker / chairman investigate charges



i)- If approved, motion is discussed in that house & voted upon. For passage, it need to be passed by special majority in both the house.

ii)- Finally assent of president is required.

Analysing the Procedure -

i)- Process is very complex and it is evident from the fact that no judge of Supreme Court has been impeached thus far.

ii)- Further, it is criticised that procedure has failed to instill discipline in judges as seen in Justice Karnan Case.

iii)- Even motion for removal of Deepak Mishra was not discussed in parliament & was rejected at very initial stage.

It is necessary that Judicial oversight and review committee need to be formed as per JORC Bill, 2010 in order to instill discipline and efficiency among judges.

- Q.8 Explain the salient features of the Lokpal and Lokayuktas Act, 2013. Do you think that the Lokpal is needed when India already has agencies like Central Vigilance Commission (CVC), Central Bureau of Investigation (CBI) and Enforcement Directorate (ED)?
(Answer in 150 words) 10

Lokpal and Lokayuktas - Lokpal has been considered as anti-corruption Ombudsman in India. Salient features of Act are enumerated below.

- Provision of Lokpal at central level and Lokayukta at state level.
- Lokpal should be or have been a retired judge of Supreme Court and High Court.
- Half of the members should belong to SC, ST, minority, OBC and women.
- Search Committee will present names to selection committee which then finalizes the Lokpal.
- selection Committee should consist of
 - ✓ Prime Minister
 - ✓ Leader of opposition
 - ✓ Speaker of Lok Sabha
 - ✓ Chief Justice of SC or a judge nominated by him.
 - ✓ Eminent jurist nominated by president on advice of above four.

- Lokpal will investigate case under Group A, B, C, D officers.
- Even P-M has been included under its ambit.
- Lokpal to supervise CBI under cases referred to it by Lokpal

Need of Lokpal when various agencies are present :-

- i)- Sometimes Question marks are placed on political neutrality of CBI, CVC and ED. In such cases Lokpal gives India a truly independent anticorruption ombudsman.
- ii)- Lokpal also includes Prime-Minister under its ambit where above mentioned agencies do not.

iii) Thus, Lokpal and Lokayukta institution will be a game changer in the area of anticorruption provided that expeditious appointment is ensured and no political interference in its functioning should be encouraged

Q.9 Changing to a Presidential system is the best way of ensuring a democracy that works. Critically analyse the statement in context of the form of government and the polity in India. (Answer in 150 words) 10

Indian polity works on the westminster style of government, commonly termed as 'Prime Ministerial system' due to powerful role of Prime minister in the Polity.

Arguments in favour of changing to a Presidential form

- i) - It supports the very idea of separation of power and there is a clear demarcation of boundaries between executive and legislature.
- ii) - Views of both the parties (ruling and opposition) are very well appraised in presidential form of government.
- iii) - In present form, very existence of Lok-sabha is based on whims of ruling dispensation. Even summoning and proroguing of Lok Sabha is done by executive.

Argument in oppose -

- i)- India has been practising parliamentary system from a very long time. Thus, people are familiar with this form.
- ii)- Presidential form has inherent instability in it. In a country like India, for achieving social objectives, political stability can be given preference over separation of power.

Thus, Before changing to any new system, it is required that facts and fears of both the system need to be appraised and a committee can be formed to look into the matter.

- Q.10** En masse evictions and walkouts of legislatures from the houses of Parliament and State Assemblies while protesting, raises crucial questions about the health of our democracy. Critically discuss. (Answer in 150 words) 10

Sixteenth Lok Sabha has seen to be least efficient in political history with en-masse evictions and walkout disrupting the work of legislature.

Presently legislature works around 80 days in a year and state legislatures works for an average of 60 days with certain states functioned for less than 30 days in some years.

Negative Impacts of such disruption:-

- ①- Since, legislatures are entrusted with the task of law making, such disruptions negatively affect the efficiency of legislature.
- ②- With less number of working hours, most of the bills are adopting gullitone closure and passed with little or no discussions.
- ③- With Parliament having less time to discuss the bill, it has increased

the scope of delegated legislation which is tantamount to Executive functioning as legislators.

Way Forward

✓ Constitution can be amended to incorporate minimum number of working days in legislature.

✓ Further, it is entrusted upon speakers of the house to maintain decorum of the house. Strict disciplinary action need to be taken against those hurting efficiency of Parliament.

✓ There is a close link between decriminalisation of politics and associated disruptions.

Necessary changes are required in RPA.

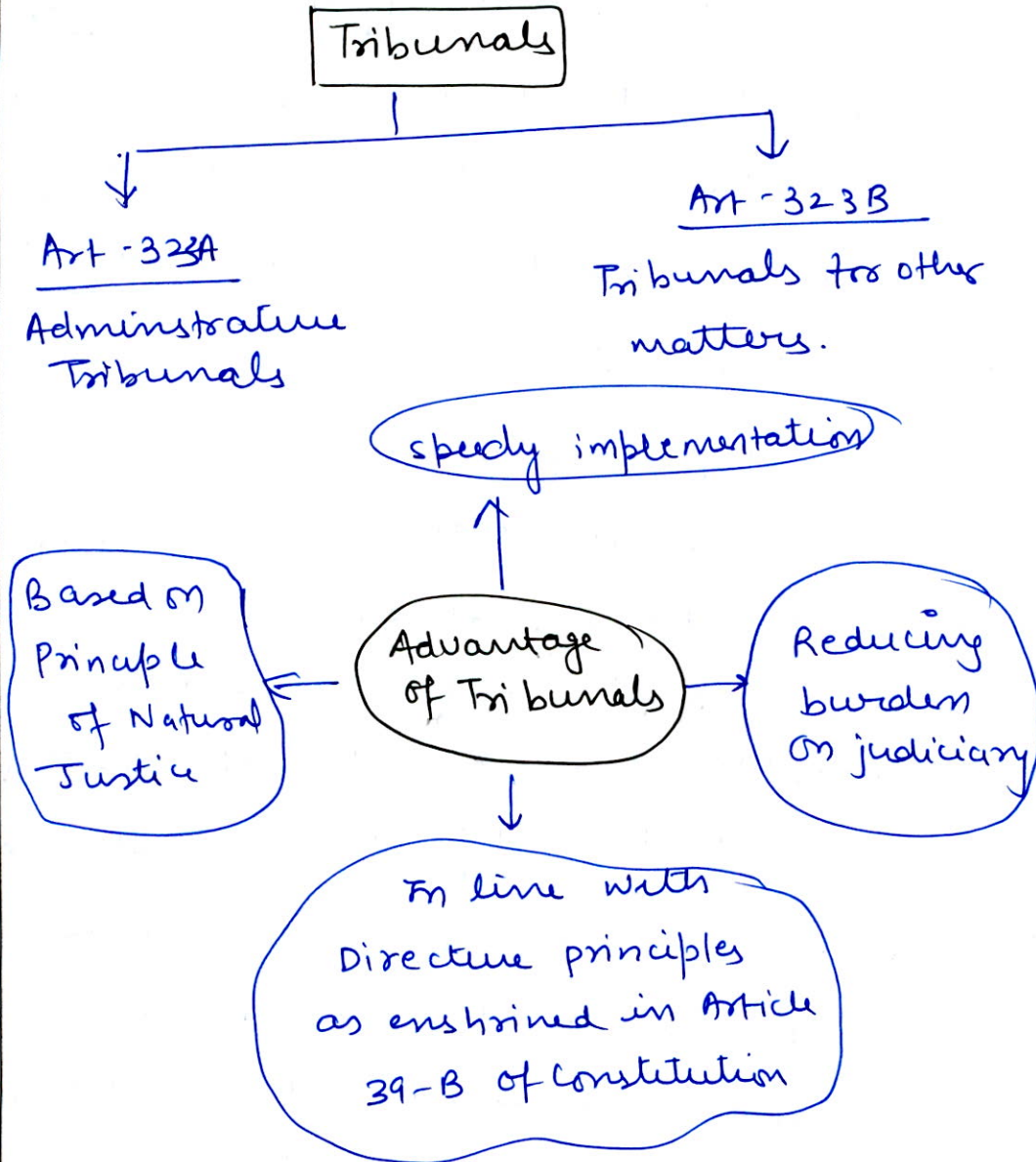
✓ Further 'Behaviour change' in legislators need to be incorporated by training and other such means.

Maintaining decorum in legislatures is utmost important for healthy democracy.

Q.11 Widespread tribunalisation in India is denuding power of Courts and imperiling actual independence of the judiciary. Discuss. (Answer in 250 words) 15

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Tribunalisation refers to overemphasis given to the institution of tribunals for law adjudication.



Tribunalisation v/s Judiciary :-

- i)- Appointments in tribunals is ⁱⁿ the domain of executive which is against the set democratic principle of separation of Power
- ii)- Even Provision of a subject matter Expert in tribunals like National Green Tribunal is against the independence of Judiciary as sometimes Expert is from non-judicial/ legal background.
- iii)- Originally, High Courts were debarred in taking appeals of the orders of Tribunal and only Supreme Court was able to consider an appeal. Though amended in A. Chandra Kumar Case, but such provisions adversely impacts independence of judiciary
- iv)- Furthermore, many a times Courts specially High Courts and Supreme Courts are overburdened with the appellate cases from the Tribunals further hurting their efficiency.

4). Even transfer and removal of Tribunal judges is in the hand of Executive which is against doctrine of separation of powers.

Although, Tribunals have succeeded thus far in expeditious disposal of cases. Yet, Necessary safeguards in appointment, transfer and removal need to be provided. Also, Tribunals can be placed under overall supervision of Higher courts in order to maintain independence of Judiciary.

Q.12 What is the essential religious practice doctrine? Can discriminatory essential religious practices be allowed under article 25 of the Indian constitution? Discuss in light of Supreme Court Judgement(s). (Answer in 250 words) 15

Constitution of India guarantees 'freedom of religion' as a fundamental right under article 25 to 28. in the Article 25 provides 'freedom of conscience and freedom to practice, profess and propagate any religion'.

Essential Religious Practice Doctrine:-

Under this doctrine, individual or any organisation is free to practice certain acts or traditions, which are essential in maintaining and practising such religion. It has been guaranteed under Article 25 for individual and Article 26 for religious bodies.

For Example, Wearing kirpans has considered an essential religious practice and allowed under Sikhism even by Supreme Court

Discriminatory Essential Religious Practices

i)- Though essential religious practices has been allowed under constitution but it should not discriminate against caste, class, gender etc.

ii)- For Ex:- Supreme Court has allowed entry of women in Sabarimala Temple, by considering ban on entry of a particular gender as discriminatory and not allowed such practices under essential religious practice. Similarly, Entry of women in shani-shingnapur has been advocated by High Court.

(iii) - Even in the case of Triple Talaz. Supreme court is of opinion that such practices can not be allowed under the guise of essential religious practices as such practices are derogatory to the dignity of woman.

Thus, Our constitution, on one hand, provides freedom to practice one's religious practices in a fair manner, strengthening the concept of secularism but at the same time, there is no place for any religious activity which discriminates between people on the basis of caste, class or gender.

Q.13 The independence of Election Commission is of paramount importance. In the light of the given statement, do you think that it is necessary to plug the gaps in its appointment process to ensure the independence and dignity of the institution? (Answer in 250 words)

15

Election Commission is entrusted with the task of supervising elections to parliament, state legislature, office of President and office of Vice President as enumerated in Art-324 of the constitution.

Gaps and loopholes in ensuring ~~of~~ independence of Election Commission :-

- ① - Appointment of Election Commission is the exclusive task of present government with no inputs from judiciary and opposition which highlights potential conflict of interest.
- ② - Further, Expenses of Election Commission are not charged upon consolidated fund of India but voted in parliament which hampers independence of institution.
- ③ - Though safeguard is provided for chief election commissioner from arbitrary removal, no such safeguard is present

for other two election commissioners
10)- Furthermore, there are no qualifications mentioned in constitution for such a dignified post

Way Ahead:-

In light of recommendations of Dinesh Goswami Committee and Law Commission following steps could be taken to plug the above mentioned loopholes.

- i)- Appointment process can be made more inclusive by including opposition members in the appointment process.
- ii)- Minutes of such meetings could be placed in digital domain.
- iii)- Qualifications for such a post should be explicitly mentioned in Constitution.
- iv)- Expenditure of the office of Election Commission should be charged upon Consolidated Fund of India.
- v)- Further more, safeguards should be provided to all the Election Commissioners.

against arbitrary removal.

Institution of Election Commission is of utmost importance in ensuring free, fair and transparent election in democracy. It should not only be independent but also seems to be independent.



Q.14 Recently, the principle of constitutional morality became a buzzword in India. Critically analyze the concept of constitutional morality in legal settings of India.
(Answer in 250 words)

15

'Constitutional morality' refers to the principles and morale as enshrined in the constitution. As morality provides a guidance to our actions as virtuous and vicious, in a similar way legal actions can be analysed on the basis of constitutional principles of liberty, equality, justice and fraternity.

Constitutional morality giving preference to societal values:-

Many a times, it has been seen that principles of constitutional morality are in direct conflict with the traditions and customs of the society.
For Example:-

i) Constitutional morality provides freedom of choice to an individual in sexual preferences and preferring

his/her life partner. But at the same times it has come in direct conflict with societal values like in LGBTQ Case, NALSA Case etc.

(ii) - Constitution provides freedom of religion and principle of non-discrimination, but at the same time, it has been observed that traditions of society are coming against it as seen in Sabarimala Case.

(iii) - Constitution enshrines the principle of renouncing practices derogatory to women but it has come in conflict with societal value and tradition of triple Talac as seen in recent 'Shayra Bano Case'.

Thus, it is becoming challenging to strike a balance between constitutional morality and traditional customary morality. Despite of legal forcing, it is required that Behavioural change

need to be incubated through Information, Education and Communication Campaigns in order to highlight that customary morality cannot be a guide to modern life and strike a right balance between customary morality & constitutional morality

Q.15 The scope of judicial review differs between India and the US. Substantiate.
(Answer in 250 words)

15

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Judicial review forms the basic structure of Constitution of India. Judicial review empowers judiciary to analyse any policy, act of the government under the lens of constitutional principles. Although, principle has been borrowed from U.S. but scope of judicial review differs between Indian and U.S.

Difference:-

i)- Principle followed in India while judicial review is of "due process of law", whereas it is more broader in USA.

ii)- In US, judicial supremacy is inherent feature of constitution, where judiciary can review any law made by parliament whereas scope of judicial review in India is limited in order to strike a balance b/w judicial supremacy and parliamentary sovereignty.



III) - In India, judiciary need to ensure only that 'due process of law has been followed or not and whether principles enshrined in law are in line with constitution or not, whereas in US, apart from legal perspective court can go into rationality of law too while reviewing it.

Thus, although feature of judicial review has been taken from American constitution, there exists a wide difference b/w the applicability and scope.

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Q.16 Central Bureau of Investigation (CBI) is a national agency with police powers, but with limitations in terms of its investigative powers and jurisdiction. Discuss. (Answer in 250 words) 15

Central Bureau of Investigation is entrusted with the duty of investigating crimes and ensuring an environment free of corruption. CBI derives its power from Delhi Special Police Establishment Act, 1963. Superintendence of CBI rests with Home ministry in crime investigation related cases and with CVC in cases related to Prevention of Corruption Act.

Limitations on CBI's Investigating Power:-

i)- Role of CBI is broadly confined to Central government employees. Though CBI can administer can take cognizance of cases of state employees on its request.

ii)- In criminal cases, CBI requires assent of state government for investigation.

Although, state gives general consent to CBI for investigation but recently

Withdrawal of general consent by States of Andhra Pradesh and West Bengal has highlighted limited jurisdiction of CBI in criminal matters.

iii)- In case of absence of consent, CBI cannot investigate criminal cases in state untill either state or supreme court/ High court gives authorisation.

iv)- Jurisdiction of CBI is limited to cases of National Security, Terrorism etc. in states. In all other cases it requires consent of state government.

v)- Furthermore, CBI is dependent on police administration for investigation and in case of conflict between CBI and state government, it drastically limits investigative power of CBI in practice.

vi)- Further, it has been seen that the institution of CBI is not acting in a politically neutral manner in certain cases also.

Thus, as a national investigation agency, CBI has been entrusted with wide responsibility but in light of above limitations, it has become a "parrot in a golden cage". It is required to set free this parrot by necessary constitutional and legal amendments.

Q.17 Anti-defection law has proved to be something more of a curse than a blessing by diminishing the role of individual Members of Parliament (MPs). Do you agree? Substantiate.

(Answer in 250 words)

15

Year 1985 has seen a drastic change in working of legislature by introducing 10th schedule in the constitution under the heading Anti-defection.

Positives of Antideflection law:-

- i)- It is important in maintaining stability in the Executive by curbing irrational and unjust defections.
- ii)- In certain bills and motions, like 'No-Confidence' motion, it is required that all the members of a political party should vote in a manner that doesn't hamper its very existence.
- iii)- It has been important to reduce the phenomenon of 'horse trading of MLAs'.

But at the same time, it has been observed that antideflection law has proved to be a more of curse as enumerated below:-

Negatives of Anti defection :-

- i)- It has forced members to follow strict party lines thus curbs dissent which is the essential feature of democracy.
- ii)- It has made the members of parliament just an agent of political party on whose ticket they have fought election, hiding very identity of that persons.
- iii)- Voters of a constituency have their ambitions attached with their MP or MLA but this law has tied the feet of legislators as they cannot go against the party line even if their decision is in favour of their parent constituency.
- iv) Anti defection law is against the very idea of "freedom of speech and expression" as enshrined in Fundamental Rights.

Thus, it is high time to bring suitable amendments in anti-defection

law making a balance b/w the freedom of individual MP and very existence of ruling party. It can be suggested to use this section on important bills & motions where existence of ruling party is in danger itself by adopting practices as utilised in UK and USA.

- Q.18 Examine the significance of Private Member Bills for ensuring an effective and vibrant democracy. Briefly discuss the procedure for its introduction in the Parliament.
(Answer in 250 words)

15

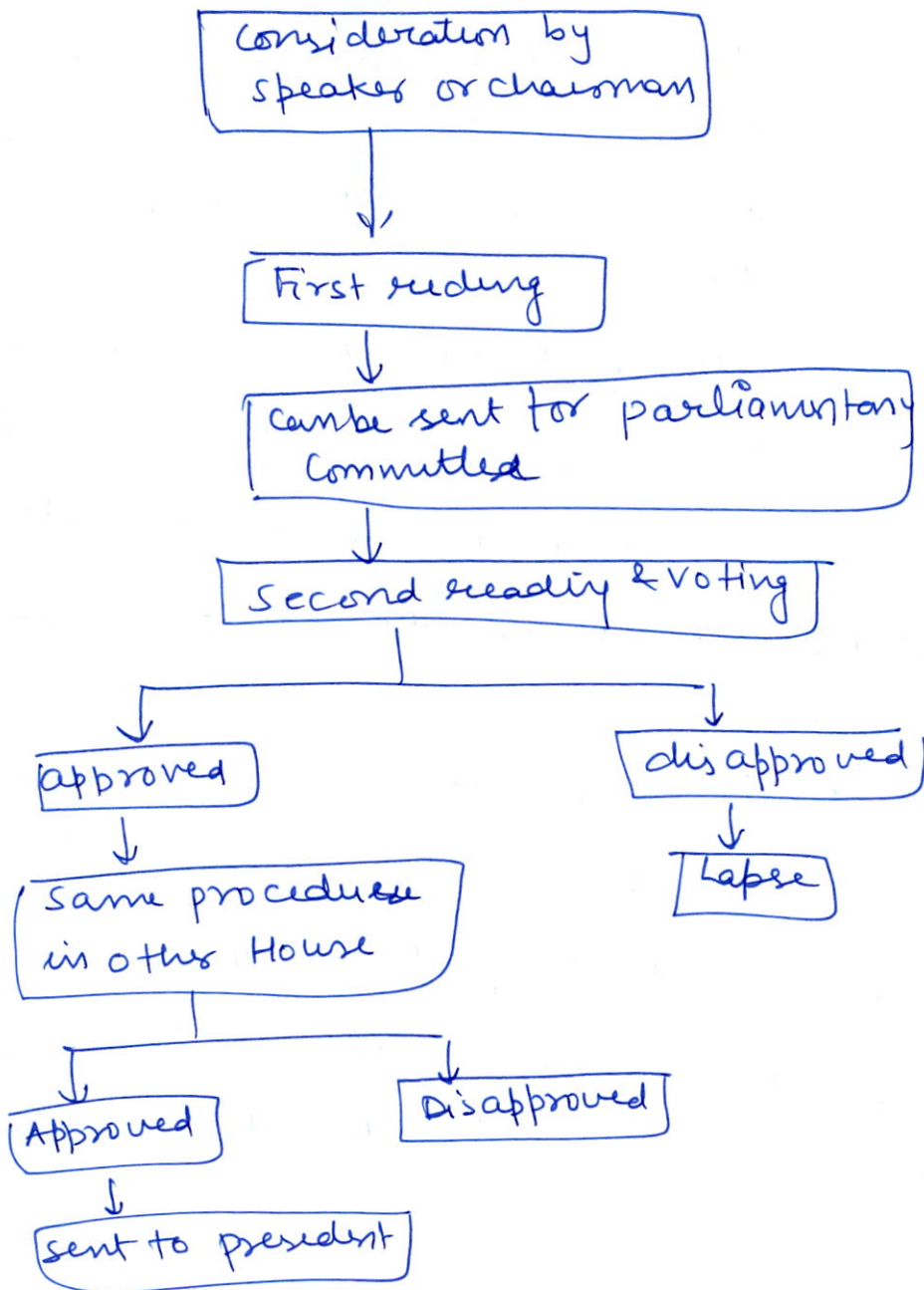
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Private members refer to non-ministerial members in the legislature. Constitution has made suitable provisions to give suitable space to private members in law making area.

Procedure for introduction of Private member bill in parliament:-

- i) - Parliament has fixed "friday" for introduction of private member bill.
- ii) - A private member needs to give one month of advance notice for introducing a bill.
- iii) - He can introduce the bill in either house of parliament.
- iv) - Private member need to ensure that no other bill dealing with the same matter be pending in the parliament.
- v) - If speaker admits the bill, it follows same procedure as ordinary Bill.





Significance of Private Member Bill

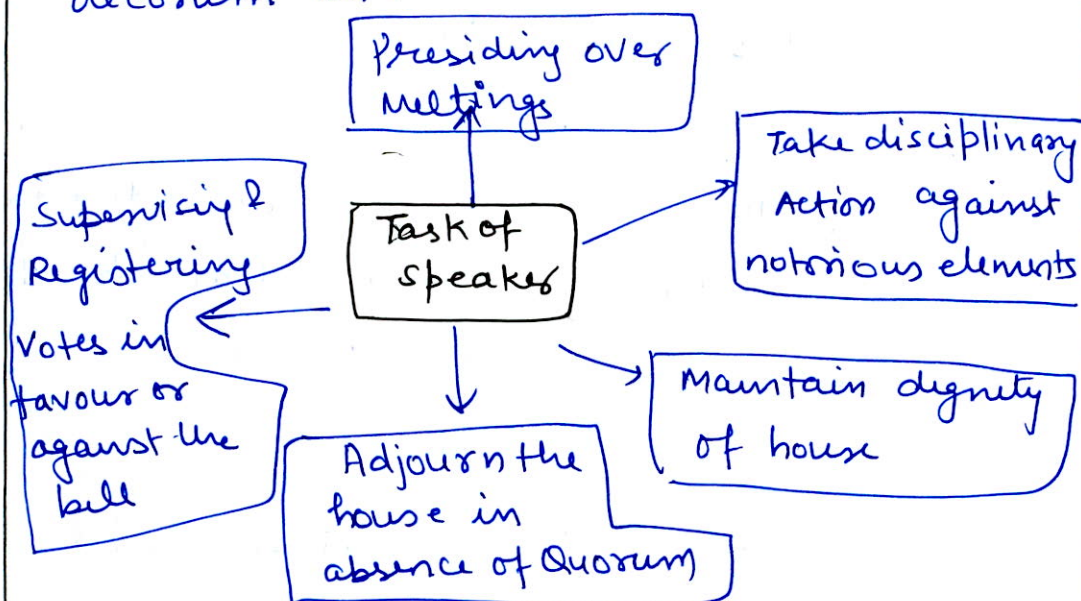
- i)- It gives necessary space to non-executive/non-ministerial members in policy drafting arena.

- ii) Private members can bring forward issues pertaining to their constituency which have not come in the light of legislature.
- iv) - Example of 'Rights of Transgender Persons Bill' introduced by private member is signifying that it focusses the attention of parliament in hitherto unfocused area.
- v) - It gives opposition necessary say in law making.

But, instead of its significance, only 13 private members bills have been passed thus far which paints a dire picture.

- Q.19 The position of the Indian Speaker has become paradoxical in recent years. In the light of Statement discuss the need for the Lok Sabha speaker to relinquish party membership. (Answer in 250 words) 15

Speaker is the chairperson of the house and in this duty he/she is entrusted with the task of maintaining decorum in the house.



"Paradoxical Position of speaker":-

- i)- As the ruling party has absolute majority in house, speaker is invariably chosen from the ruling party, and sometime he act in a non-impartial manner.
- ii)- Role of speaker in case of anti-defection has also caused ambiguity as

disqualification of member is based upon speaker's decisions.

iii)- Sometimes, it has been seen that speaker unnecessarily adjourns the house or takes disciplinary action against opposition members acting on party lines.

(iv) - Admitting certain motions or refusing to admit them also gives undue advantage to ruling party. Like speaker has refused to take No-Confidence motion two times as seen in previous year.

(v) - Decision of speaker in certifying a bill as a money bill has also come under scanner as seen in recent passage of 'Aadhar Act' as money bill.

vi) - Even taking cognizance of best practices around the world, it has been seen that in UK, speaker is strictly a non-party man and he has to necessarily relinquish his party membership if elected to the

post of speaker

Thus, in light of maintaining neutrality in the institution of speaker, it is advisable that he need to act in a non-partisan manner and if required he can relinquish his party membership.

- Q.20** Allowing elected lawmakers to practice law puts them on a different pedestal as compared to bureaucrats. In the light of Supreme Court judgement in September 2018, examine the issues involved in lawmakers doubling up as lawyers in the court of law.
(Answer in 250 words) **15**



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