

Test Code: 21075

FIAS - 2019 - GS4D

ForumIAS

ACADEMY

GENERAL STUDIES

Name Of Candidate	Navneet Mittal	Roll No.	0810354
Email Id.	[REDACTED]	Date:	27-8-2019
Mobile No.	[REDACTED]		

Time Allowed: Three Hours

Maximum Marks: 250

INDEX TABLE			INSTRUCTION	
Q. No.	Max. Marks	Marks Obtained		
1			1. Please do furnish Name, Email, Roll No and Mobile in the answer sheet.	
2				
3				
4				
5				
6			2. There are TWENTY questions printed in ENGLISH, all questions are compulsory.	
7				
8				
9				
10				
11			3. The number of marks carried by a question/part is indicated against it.	
12				
13				
14				
15				
16			4. 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.	
17				
18				
19				
20				
Total Marks:			5. Word limit in questions, if specified, should be adhered to. Any page or portion of the page left blank in the Question-Cum Answer Booklet must be clearly Struck off.	
Remarks:			Any specific messages for ForumIAS Mentors/Evaluators with respect to your copy? Write it here.	

			Start Time 9.00 AM	End Time 12.07 PM
			Mode Of Examination :	Online <input checked="" type="checkbox"/> Offline <input type="checkbox"/>
			ECN CODE:	Evaluation Date:



Q.1) Rajya sabha is not as powerful as Lok Sabha, but powerful enough in comparison to state legislative councils. Examine. (10 Marks, 150 Words)

Rajya Sabha and Lok Sabha are two houses of parliament. while former has indirectly elected members whereas latter is directly elected by people. However, rajya sabha is not as powerful as lok sabha :-

Rajya Sabha not as powerful as Lok Sabha

- In matters of money bill :- Rajya Sabha only can recommend changes within 14 days and it is upto parliament to accept it or not.
- No confidence motion :- Political Executive is collectively responsible to Lok Sabha U/A-75 thus no confidence motion only allowed in lok sabha.
- Joint sitting of Parliament - Since lok Sabha is large in number, has greater say in passage of bills.

However in other matters Lok Sabha and Rajya Sabha has Equal powers.

Rajya Sabha powerful in comparison to state legislative council

- Constitutional protection : while constitution provides for Rajya Sabha, state legislative council can be abolished U/A 169.
- Passage of bills : Rajya Sabha & Lok Sabha has equal powers in passage of bill (other than money bill), however state legislative council can only delay the passage by 4 months.

Thus, Rajya Sabha is significantly powerful than state legislative council.

Feedback (For OFFICE use only)

Structure		Content	
Question Interpretation		Total :	

Q.2) Discuss the effectiveness of Representative of people's Acts for the smooth conduct of elections and in creating a meaningful democracy.

(10 Marks, 150 Words)

India is a representative democracy where people elect their representatives. Thus, free and fair elections form a bulwark of democracy in India. Representation of People's Act 1950 & 1951 regulate the elections in India and play huge role in its smooth conduct.

Effectiveness of RPA Acts in smooth conduct of elections

- Well defined Procedure ∴ RPA acts provides for well defined procedure for preparation of rolls, delimitation of constituencies, conduct of elections etc.
- Punitive measures to ensure free & fair elections
Ex: Under Section 1203 of RPA punishment for

election of caste, religious lines

- Power to Election Commission : Its provision complement Art-324 of Constitution to empower EC.

- Transparency : Provision to file Income reports by Political Parties endeavours to bring transparency

Though the act faces certain challenges like has no provision to deregister parties, allows to contest election from two constituencies, political funding etc. However, it has played a huge role to ensure that elections are free and fair thus creating meaningful democracy.

Feedback (For OFFICE use only)

Structure		Content	
Question Interpretation		Total :	

37105_21075_1910034489_2019-08-27_23:22:51) Q.3) Do you think whether the remnants of various colonial laws have undermined the true meaning of Freedom of speech and expression under Article 19 of Indian constitution? Justify. (10 Marks, 150 Words)

Article - 19 provides Fundamental Rights to speech and expression which is an essential condition not only for development of individual but country as whole.

However, it has reasonable restrictions like security of state, Public order, defamation, friendly relation with other countries etc.

Remnants of various colonial laws
undermining free speech & expression

- Sedition Law : Section - 124A is being misused to curb dissent against government

37105_21075_1910034489_(2019-08-27 23:22:51)

- Defamation law is used arbitrarily against journalists, writers, movie makers etc.
- Preventive detention laws used to detain protestors, reporters in name of public order.
- Ban on books, movies, novels etc. ex: Padmarat movie controversy.

Though, reasonable restrictions are necessary on fundamental rights, but they need to be "reasonable". Above law need to be reformed and if possible to have sufficient safeguards to prevent arbitrary application.

Feedback (For OFFICE use only)

Structure		Content	
Question Interpretation		Total :	

Q.4) Discuss the role of parliamentary committees in ensuring financial accountability of the executive. (10 Marks, 150 Words)

Parliamentary committees are group of MPs that are formed to assist parliament in its function to hold executive accountable. They can be ad-hoc (temporary) or standing (Permanent).

In financial domain we have

3 Parliamentary committees:-

- 1.) ~~Public~~ Estimates committee
- 2.) Public sector undertaking committee
- 3.) Public Accounts Committee.

Role in ensuring financial accountability of the executive

- Scrutiny of accounts :- These committees scrutinise the receipts, expenditure, budget estimates, public sector undertaking etc. thus, provides necessary information

to parliament.

Complement auditing of CAG ∴ CAG reports are examined by these for parliament to have meaningful discussions.

Expertise ∴ They provide for the expertise which may be missing with Parliament

Thus, Parliament which is burdened with many tasks and lacks sufficient time and resources is assisted by these committees to in ensuring financial accountability of executive.

Q.5) Any democracy needs a thriving and coherent opposition. How can the role of the opposition be made more effective for the better functioning of democracy?

(10 Marks, 150 Words)

Democracy is based on the idea of deliberation where laws, policies, regulations should be the result of rational debates. Thus, opposition which constructively criticise the government is indispensable for democracy.

Role of opposition in democracy

- Accountability :- opposition ensures accountability of government
- Deliberation :- Laws are passed by meaningful deliberation with opposition
- Alternative :- opposition provides alternative in case current government falls.

Challenges in functioning of opposition

- Lack of discussion :- Bills are rushed

through parliament without giving adequate time to discuss.

Disruptions ∴ opposition often resort to disrupt the house to present its view.

Suggestions to make role of opposition effective

- Parliamentary rules should be amended to provide adequate time for discussion on bills.
- Strict Punitive measures against the members who disrupt the house
- Shadow cabinet practice of UK could be followed to develop expertise among opposition
- Strengthen Parliamentary committees

Feedback (For OFFICE use only)

Structure		Content	
Question Interpretation		Total :	

Q.6) Discuss the constitutionally enshrined role of CAG. What are the safeguards provided in the constitution for the effective functioning of CAG?

(10 Marks, 150 Words)

Article - 148 provides for the institution of Comptroller and Auditor General of India. (CAG).

Constitutionally enshrined role of CAG

- Guardian of Public Purse ∴ CAG audits accounts of union, state govt. and public corporations to ensure financial democracy
- Auditing ∴ Constitution envisages legal, rational auditing thus not only legal checking but efficiency audit of finance of government.

Though it is said as Comptroller, but has no power to control finances like in UK but only has auditing powers.

Safeguards Provided to CAG

- Security of Tenure : CAG can only be removed in same way as judge of Supreme Court.
- Expenditure charged on Consolidated Fund of India ensuring financial security
- Bar on further appointment after completion of tenure

The above provisions ensure that CAG can work without fear and fervour and we can see success of CAG in unearthing various scams like 2G scam, coalgate scam, Commonwealth etc.

Feedback (For OFFICE use only)

Structure		Content	
Question Interpretation		Total :	

37105_21075_1910034489_62019-08-27 23:22:51)

Q.7) PIL is a mechanism for serving private interest in the grab of public interest. Do you agree? Give reasons in support of your answer.

(10 Marks, 150 Words)

Public Interest Litigation (PIL) is a mechanism introduced by Supreme Court where a public spirited citizen can file a case to seek justice for public interest ex: PIL against Aadhaar violating privacy.

Benefits of PIL

- Access to justice :- PIL has ensured that even poors which lack resource can get justice
- Widening of rights like Right to Privacy, Sec-377, Art-21 etc. are results of PIL.
- Increased Accountability :- PIL has ensured that state does not take arbitrary actions

However, PIL is being used to further political / personal interests and thus being termed as Personal Interest Litigation.

MISUSE OF PIL

- Polittisation :- PIL is being used to blame party in power which sometimes put national interest at stake ex: Rafale Jet case.
- Communalisation :- PIL being used to target customs of one community by another ex: Jallikattu case.
- Extort money :- In bark of PIL, advocates are found extorting money from companies executing projects.

Thus, court must ensure Safeguards to discard fraud PILs.

Feedback (For OFFICE use only)

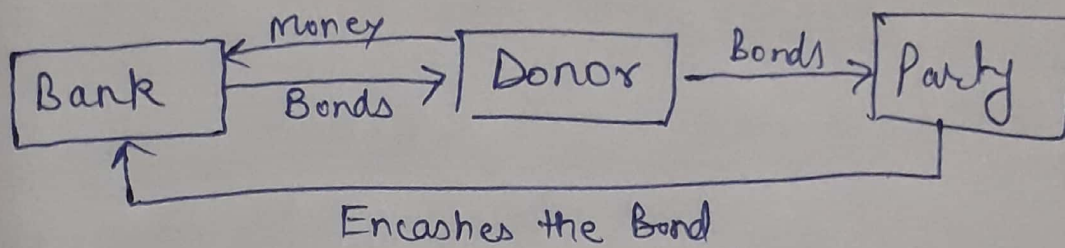
Structure		Content	
Question Interpretation		Total :	

37405 21075 1910034489 (2019-08-27 23:22:51)

Q.8) What are electoral bonds? Discuss their effectiveness in bringing transparency in electoral funding.

(10 Marks, 150 Words)

Electoral bonds introduced in 2018-19 budget are the instrument to donate money anonymously to political parties.



Electoral funding is one of the controversial issue where more than 80% of donations by parties are anonymous. Thus, in context of black money, criminalisation it becomes important to bring transparency in funding.

EFFECTIVENESS OF ELECTORA BONDS

- Legal money : Since it involves bank, it ensures only legal money comes into system.
- Anonymity : Ensures donor is not harassed.

- Time limit to encash :- ensuring does not become parallel currency.
- Qualification for parties to be eligible ensuring parties not formed to launder money.

CONCERNS WITH ELECTORAL BONDS

- Increases opacity :- As anonymous could lead to political - corporate nexus
- Foreign Interference :- Even foreign companies can purchase electoral bonds
- Shell companies :- Removal of limit on donation and conditionality of profit may lead to money laundering by shell companies.

WAY FORWARD

The bonds are steps in right direction to weed out black money but must address above concerns along with further reforms.

37108-21075-1910034489 (2019-08-27 23:22:51)
Q.9) Critically analyse the role of Lokpal in bringing about transformational change in anti-corruption architecture for Indian polity. (10 Marks, 150 Words)

Institution of LOKPAL is being setup by Lokpal and Lokayukta act 2012, to fight corruption by public officials at union level.

Features:-

- Multimember body :- 8 members including chairperson
- Wide Jurisdiction :- Including Prime Minister, Union minister, officers of Group A, B, C, D etc.
- Control over CBI, WC for cases referred by lokpal regarding directions and transfer of officials

Transformational Role of Lokpal in anti-corruption architecture

- Independence & autonomy :- Committee mechanism to appoint its members.

37105 21075_1910034489 (2019-08-27 23:22:51)

- Safeguards : Punishment for fraud complaints various provisions to safeguard Prime Minister etc.
- Accessibility : lokpal as ombudsman ensures accessibility to people against corruption
- Time bound disposal of cases of corruption.

Though a transformative, concerns remain regarding Lokpal :-

CHALLENGES WITH LOKPAL

- Autonomy of CBI & CVC is questionable as they will be responsible for investigation
- No suo moto power to take cases
- Anonymous complains not allowed

Thus, above issues affect efficacy of Lokpal & must be addressed so that it does not become another institution without teeth

Feedback (For OFFICE use only)

Structure		Content	
Question Interpretation		Total :	

37105 21075 1910034489 (2019-08-27 23:22:51) Q.10) Debate on "one nation, one election" to Indian polity. (10 Marks, 150 Words)

"one nation, one election" refers to the simultaneous elections to the Parliament and state legislatures.

Benefits of simultaneous Elections

- Saves money : Indian election involves huge money thus it will save money.
- Governance : Application of Model Code of conduct, deployment of forces, teachers etc. for poll affect daily life.
- Social divide : Elections deepens the social divides like caste, religion, region etc. thus one election would lead to less polarisation.

However, being a double-edged sword it has many challenges also.

37105_21075_1910034489_(2019-08-27 23:22:51)

CHALLENGES OF ONE NATION ONE ELECTION

- Favours national party as one election would lead to domination of national issues over local issue.
- violates principle of collective responsibility as it will make difficult to express lack of confidence against government. both at union and state level

Thus, the simultaneous elections have both Pros & Cons. However, the challenges can be addressed by giving adequate support to regional parties & with provision of mid-term elections in case of fall of government. By ensuring these, benefits of one election outweighs its challenges.

Feedback (For OFFICE use only)

Structure

Content

Q.11) Discuss the various issues in the effective functioning of the anti-defection law. Does the law, while deterring defections, also lead to suppression of healthy intra-party debates and dissent? (15 Marks, 250 Words)

64th Constitutional Amendment Act, added Tenth schedule which provides for anti-defection law.

FEATURES OF ANTI-DEFECTION LAW

⇒ Conditions of defections

- Party members :- when they change party, resign from it or vote against party line or remain absent against the whip
- Nominated members :- when they join any political party after 6 months
- Independent candidates :- when they join any political party

⇒ Power with speaker : The ultimate power to take decision on defection is with speaker of the house

37105_21075_1910034489_(2019-08-27 23:22:51)

ISSUES IN EFFECTIVE FUNCTIONING OF THE LAW

- Partiality by speaker : speaker often acts in partisan manner rather being neutral Ex.: Karnataka Assembly case 2019
- Suppression of healthy intra-party debate : law reduces the members to the means to pass the bills. They have to act on party whips and cannot take opposite position. This suppresses their voice in party as well as in legislature.

WAYS TO MAKE THE LAW EFFECTIVE

- Reform Institution of speaker : British practise of speaker resigning from party and reserving constituency for speaker in

37105_21075_1910034489 (2019-08-27 23:22:51)

next election could make speaker impartial.

Limit the scope of law to only those issues that threaten the stability of government. Ex: No confidence motion.

In other issues members should be allowed to take their own position.

Anti-defection law is an effective tool to tackle horse trading and defections. However, in current forms it undermines the very essence of democracy i.e. rational deliberation. Thus, it must be reformed at earliest.

Feedback (For OFFICE use only)

Structure

Content

Question

Q.12) Explain the contingencies under which the president may promulgate ordinances. Does the use of ordinance making power subvert the democratic process? Argue your case. (15 Marks, 250 Words)

~~Article 123~~ In democracy, law making power rests with legislature. However, to tackle unforeseen circumstances, constitution under Article-123 provides ordinance making power to the president.

CONTINGENCIES TO PROMULGATE ORDINANCES

- Parliament not in session thus, unable to make law
- Hung Parliament where no party can form govt.
- Situation that need urgent action
ex: Public protest against Nisbhaya gang rape

ordinance power of president has been the matter of debate in context

whether it undermines democracy or not.

ORDINANCE POWER UNDERMINING DEMOCRACY

- Adhocism Ordinance promulgates regularly to avoid parliament discussion
- Violates separation of Power as executive makes law rather the legislature.
- Absence of debate / deliberation which is essence of democracy
- Frequent promulgation when government lack numbers in the houses.

ORDINANCE POWER PROMOTING DEMOCRACY

- Enables handling emergency situations like Nishhaya gang rape case
- Have sufficient safeguards & validity of

Six weeks after the parliament comes in session.

We can say that whether it undermines democracy or not depends on the way it is used. The ordinance power is an important feature with executive to govern the country and as said by SC in Bharat Kumar Case must be use exceptionally & should not become a daily bread.

37105_2107531910034489 (2019-08-27 23:22:51) Explain the salient features of 103rd Constitutional Amendment Act. Do you think economic disadvantage is a sound enough criteria for the quota in the realm of public employment? (15 Marks, 250 Words)

103rd Constitutional Amendment Act provides for reservation to economic backward classes in public employment and educational institutions.

SALIENT FEATURES OF 103rd CAA

- Amends article 15 & 16 to insert economic criteria to provide reservation
- Limit of 10% over and above existing reservation
- Criteria for reservation : such as 8 lakh income limit, land possession etc.

Uptil now, the reservation were granted on the basis of social backwardness ex: SC/ST, OBC etc.

The current amendment opens debate
debate whether economic criteria should
be the sole basis of reservation

ARGUMENTS IN FAVOUR OF ECONOMIC CRITERIA

- Equity :- People with economic backwardness are unable to access health, education, jobs etc. thus violates principle of equity.
- Need of new criteria :- with change in time there is a need of new criteria i.e. economic
- Avenues to come out of poverty with reservation in public employment

ISSUES WITH ECONOMIC CRITERIA

- Breaches 50% ceiling :- undermines the merit and gives rise to reverse discrimination

- Supreme Court in various judgements like Indra Sawhney held that economic criteria cannot be the sole criteria for reservation.
- Limited public employment ∴ Reservation will not solve the issue of jobless growth.

It is to be noted that reservation was introduced to ensure social justice.

Economic backwardness is ~~the~~ to be tackled through interventions like robust, public services of health, education, promoting growth in private sector, skill development etc. rather than providing reservations.

Q.14) The Indian Constitution has provisions for holding joint sitting of the two houses of the Parliament. Enumerate the occasions when this would normally happen and also the occasions when it cannot, with reasons thereof.

(15 Marks, 250 Words)

India is a parliamentary democracy where parliament has the power to make laws.

Indian parliament has two houses, Lok Sabha and Rajya Sabha which have different powers to pass bills with respect to different bills.

TYPES OF BILLS

- Money Bill : Only Lok Sabha has power to pass it, Rajya Sabha can only recommend changes
- Ordinary Bill, Finance Bill & Constitution Amendment Bill : Both houses have equal power to pass the bill & need consent of both houses

37105_21075_1910034489_(2019-08-27 23:22:51)

~~Then,~~
constitution allows for Joint sitting only
in case of ordinary Bills and Finance
Bills and only when deadlock occurs.

CONDITION FOR DEADLOCK

- one house passes the bill and other refuse to pass it
- other house rejects the changes passed by the other house
- second house does not take any action for 6 months after bill being passed by ~~the~~ first house

In above condition, president can call for Joint sitting of the house to discuss the bill and speaker of Lok Sabha presides over the meeting.

OCCASION WHEN JOINT SITTING CANNOT BE CALLED

- Money Bill : As Rajya Sabha has no power to vote on it
- Constitutional Amendment Bill : Each house need to separately pass the bill
- Dissolution of Lok Sabha leading to lapsing of the bill.
- President refuses to call joint sitting on advice of council of ministers.

37105_21075_1910034489 (2019-08-27 23:22:51)

Q.15) Discuss the issue of tribunalisation of justice? What can be done to strengthen the tribunal framework in India. (15 Marks, 250 Words)

Tribunalisation of justice refers to the phenomenon of proliferation of tribunals for specific disputes to resolve ex.!
NAT for environment, NCT for company laws etc.

ORIGIN OF TRIBUNALS

- Art-323A provides for administrative Tribunals to settle service dispute between official & union, state governments
- Art-323B provides for the tribunals for the specific purposes ex! Taxation, environment, telecom etc.

ISSUES WITH TRIBUNALISATION OF JUSTICE

- Lack of autonomy -! Tribunals depend on

37105_21075_1910034489 (2019-08-27 23:22:51)

executive for finances thus, lacks autonomy.

Appointment of Judges :- Judges are appointed by executive and thus leads to conflict of interest as government is the largest litigator.

- Delays :- Tribunals were envisaged to speed up the process but they have contributed to delayed justice.
- Issue of Access :- Tribunals ~~are~~ have limited benches thus, makes accessibility difficult.

WAYS TO STRENGTHEN TRIBUNAL FRAMEWORK

- Autonomy and Independence :- By charging expenditure on consolidated fund of India, security of Tenure to Judges etc.
- Transparent mechanism to appoint Judges

87105_21075_1910034489_(2019-08-27 23:22:51)

- Time bound disposal of cases with strict guidelines
- Expertise : Tribunals must have healthy balance of experts of domain and judicial members
- More benches to ensure accessibility
- Capacity building of Judges of High court and supreme court to dispose appeals efficiently and with expertise
- Use of ICT to make process efficient

By reforming the tribunals, the burden could be taken off the ordinary courts and will reform our judicial system.

Feedback (For OFFICE use only)

Structure		Content	
Question Interpretation		Total :	

Q.16) What are the various alternative dispute redressal mechanisms? Critically analyse the effectiveness of Alternate Dispute Redressal mechanisms in serving justice. (15 Marks, 250 Words)

Alternative dispute redressal mechanisms refers to the mechanism other than ordinary courts to settle the disputes between the parties

VARIOUS ADR MECHANISMS

- LOK Adalats :- For out of court settlement of civil disputes and compoundable criminal offences
- Gram Nyayalas :- In rural areas to solve petty rural disputes
- Family courts :- To settle family disputes
ex: Divorce
- Nyaya Panchayats :- To rural disputes
- Tribunals :- Ex: NGT, NCTT etc.

- Arbitration, conciliation, mediation :- These are used to settle commercial disputes

ADR mechanisms are very important in context of huge judicial delays in India.

EFFECTIVENESS OF ADR, IN SERVING JUSTICE

- Speedy disposal of cases :- As these do not follow strict procedures like CrPc, CPC etc.
- Cheap and affordable thus ensures justice to poor
- Takes burden off courts which have 3-5 crores case pending
- Social Harmony :- Based on principle of conciliation thus, parties do not have hatred towards each other

- Ease of doing business \therefore By ensuring justice leading to economic growth, jobs, prosperity.

ISSUES WITH ADR IN INDIA

- Lack of awareness among people regarding these mechanism
- Lack of Proper laws to strengthen ADR.
- Shortage of human capital with expertise to manage ADR.
- Tendency to approach courts due to lack of Trust.

Above issues, can be tackled by effective laws, skill development, awareness generation and will go a long way to reform our sluggish judicial system.

Feedback (For OFFICE use only)

Structure		Content	
Question Interpretation		Total :	

37105_21075_1910034489 (2019-08-27 23:22:51)
Critics of the doctrine of basic structure argue that, through this doctrine, guardians of the constitution have become guardians over the constitution. Do you agree?

(15 Marks, 250 Words)

Basic structure doctrine given by supreme court in Keshwananda Bharti Case 1973 limits the amending power of the parliament. It states that certain basic features are indispensable part of constitution and cannot be amended.

Some basic structure of constitution

- Federalism
- Secularism
- Rule of law
- Independence of courts
- separation of powers etc.

Supreme court has not given the exhaustive list and has left it to be expanded on case to case basis.

Basic structure doctrine has been a matter of debate while for some it has prevented democracy for others it has undermined democracy.

BASIC STRUCTURE DOCTRINE UNDERMINING DEMOCRACY

- Guarding of constitution have become Guardian over constitution ∴ The doctrine has made Indian SC most powerful court in the world. Even US SC has not power to review constitutional amendment
- Judicial overreach ∴ In name of basic structure judiciary stops judicial reforms ex: Scrapping NJAC Act.
- Parliamentary sovereignty is undermined as

constitution empowers parliament to amend constitution.

BASIC STRUCTURE PROMOTING DEMOCRACY

- Prevents basic features such as rule of law, federalism etc. which are essence of democracy.
- Totalitarianism :- In absence of it, India would have become totalitarian state.
- Promotes Fundamental Rights as government cannot make arbitrary laws.

Thus, we can say that Basic structure doctrine has played an important role in sustaining democracy. However, it gives huge powers to courts thus, courts should follow constitutional morality and ensure transparency & accountability in its function.

Feedback (For OFFICE use only)

Structure		Content	
Question Interpretation		Total :	

Q.18) The judiciary has played the role of a pillar for unleashing social transformation. Examine the statement with reference to recent judgments of Supreme court.
(15 Marks, 250 Words)

Granville Austin stated that in "1947, political revolution ended and social Revolution started."

Our founding fathers of constitution, envisaged it as social Project. They made it as Transformative constitution that aims to transform highly traditional Indian society into modern one.

Transformative aspects of Indian Constitution

- Fundamental Rights
- Enabling provisions in Fundamental rights
ex: Art-15, 16
- Directive Principles of state Policy
- Independent Judiciary

37105_21075_1910034489 (2019-08-27 23:22:51)

Constitution envisages all three branches legislature, Judiciary and executive to play role in this transformation.

Along with two branches, Judiciary has played an important role as pillar of social transformation.

ROLE OF JUDICIARY IN SOCIAL TRANSFORMATION

- Gender equality : Judgements like Sabrimata, Shah Bano, Vishaka guidelines etc. aims to end gender discrimination
- Right of minorities such as Transgenders by scrapping decriminalising Sec-377 in Narjot Singh Johar case
- Rights of Individuals : Right to Privacy, in Puttaswamy case, Aadhaar case etc.

- Manual scavenging : SC directing state to strengthen efforts towards eliminating it
- Environmental Rights : Banning polluting firecrackers etc.

Thus, Judiciary has played an important role in social Transformation. However, certain issues remains a challenge ex:

- Top down approach of judiciary leads to conflicts and non-acceptance ex: Sabarimala
- Judicial overreach : since Judiciary lacks expertise, its directives often leads to confusion ex: Ban on crackers.

Thus, Executive and Legislature should play an important role to bring change from grassroot so that judiciary is not compelled to do activism.

Feedback (For OFFICE use only)

Structure

Content

37105_21075_1910034489 (2019-08-27 23:22:51)

Q.19) Examine the relative roles of the legislature, executive and judiciary in the functioning of parliamentary system of government. Is it true that the Executive is exercising more and more control over the recent years? (15 Marks, 250 Words)

Constitution Provides for parliamentary system of government both at union and state level.

FEATURES OF PARLIAMETARY SYSTEM

- Three branches :- Executive, legislative & Judiciary
- Interdependence :- Parliamentary system is based on interdependence of the 3 branches rather than strict separation
- Two heads :- one nominal i.e. President and other real i.e. Prime Minister

Thus, parliamentary system provides for separation of power but the separation is not strict and it is based on Interdependence between 3 branches

ROLE OF LEGISLATURE

- Law making ∴ Primary role of legislature is to make law
- Keeping executive accountable by budgetary controls, questioning etc.
- Judicial functions such as impeachment of president removing judges etc.

ROLE OF EXECUTIVE

- Implement the laws & policies passed by legislature
- Suggest & make laws & policies & get it passed by legislature
- Control the armed forces, police, security agencies

ROLE OF JUDICIARY

- Judicial Review to prevent arbitrary laws and actions
- Federal disputes between centre & state & state & state.

- Civil & criminal dispute and highest court of appeal.
- Advisory function to the president

EXECUTIVE CONTROL IN RECENT YEAR

In recent years, it has been seen, executive exercising more and more control.

REASONS

- Majority in both houses ∴ Executive having large number in both houses
- Power rests with executive in Parliamentary system
- Anti-defection law ensures that members oblige party decisions which in turn are taken by executive in power.

37105_21075_1910034489 (2019-08-27 23:22:51)

Q.20) How would you agree with the view that the Election Commission of India (ECI) needs to be granted more rule-making power to enable better conduct of elections? Give reasons in support of your answer.

(15 Marks, 250 Words)

Free and fair elections forms bulk of democracy in India since India is representative democracy. In this context, constitution Art-324 gives superintendence, control, direction of elections for Parliament, state legislature, President, vice-president to Election Commission of India. Thus, Art-324 give wide ranging powers to ECI to conduct elections.

Representation of Peoples Act 1950, 1951 complement ECI's power given Art 324. However, despite all these elections in India suffer various challenges like criminalisation, black money,

communalism, bribery etc. This points out to limitations in power of ECI.

CHALLENGES FACED BY ECI

- No power to deregister the parties who are found guilty of electoral offences
- Contempt to ECI : Recent incidents to malign its image & affects ECI's credibility
- Issues with appointment : Chairman and other member appointed by executive
- Security of tenure of other two members not ensured.

The above issues affects ECI's capability to ensure free & fair election. In this context

37105_21075_1910034489_(2019-08-27_23:22:51)

Following steps can be taken :-

- statutory status to Model code of conduct which gives power to ECI to punish violators
- strict rules against communal politics
- Power to de-register parties
- Issues with qualification, appointment, security of tenure must be addressed

Thus, ECI should be given wide ranging powers to make laws to ensure free & fair elections. However, at same time issues regarding independence of ECI should be addressed