

1. How did federalism evolve as a guiding principle in the Indian constitution? Discuss.**Approach**

With the help of multiple examples, you need to discuss the evolution of federalism as a guiding principle in the Indian constitution, especially with regards to judiciary's interpretation of it.

Introduction

Federalism is derived from the Latin word "foedus", which means "covenant, pact and treaty". Federalism is a principle which defines a system wherein the government divides its power among the National Government and State Government. It is dual machinery system upon which a government works. There is a distribution of powers between the central authority and various state authorities.

Body

- Constitution is a legal document having a special legal sanctity, which sets out the framework and the principal functions of the organs of the government of a state, and declares the principles governing the operation of those organs.
- The Indian Constitution laid down a political system which is federal in nature—i.e., there are two tiers of government: at the national level, and the state level. However, the Indian Constitution has structurally made the Union government more powerful than the states—therefore the seeming paradox of "centralised federalism."
- Article 3 empowers Parliament to abolish or create States and therefore, it is argued that the very existence of States depends upon the mercy of Parliament. Parliament also can change the boundaries of the States. There are high emergency provisions in favour of the Centre, which negate the federalism.
- After the commencement of the Constitution in 1950, constitutional scholars struggled to find the true nature of the Constitution from unitary to federal to quasi-federal, cooperative federal, etc. When for the first time the issue was raised in the Supreme Court in 1962, by a majority of 6 to 1, it held that it was not true to any federal scheme while the dissenting single judge strongly argued that it was federal.
- In *State of Rajasthan v. Union of India* (AIR 1977 SC 1361) it was held that states could not assert any right based on the supposed federal character of the Constitution. Supreme Court said: "The Constitution is amphibian in sense that it can move either on the federal or the unitary plane. When action is taken under Article 356 the movement is on the unitary plane." In *West Bengal v. Union of India*, the Supreme Court observed: 'The Indian Union is not a true federation'

- Later, a majority of judges in the Kesavananda Bharati case in 1973 included federalism as part of the basic structure of the Constitution. In the SR Bommai case in 1994 and in a number of cases since then, the court has held that federalism is part of the basic structure of our Constitution.
- The SR Bommai case related to the power of the Centre to dismiss the duly elected government of a state. Following the Bommai case, the Supreme Court, as well as some of the high courts, have invalidated dismissal of state governments after asking a test of the strength of the political parties in the state on the floor of the state assembly and restored the dismissed government to its position.
- This is a development based on the principle of democracy, which besides being one of the basic features of our Constitution is also one of the three strands of a seamless web that, according to Granville Austin, the Constitution creates along with social revolution and unity of the nation.
- Article 249 is a well-drafted provision intending to secure greater flexibility in working the federation. The States have exclusive power to legislate on matters contained in the States List.
- In India, responsibilities relating to expenditure and tax is distributed among Union government and State Government. Fiscal federalism in India is important for the successful operation of federalism. In this regard, Schedule VII (Article 246) of Indian Constitution lays down three lists on various subjects of national importance. Lists also include entries relating to the power of taxation. Taxation power of Union and State differ from each other.
- The Seventy-third and Seventy-fourth amendments to the Constitution in 1992 have fortified the third tier of the governance, i.e., and local bodies like Panchayats and Municipalities. This amendment did not alter the relationship between the centre and states, but tried to create a strong representative polity at third level. It is an encouraging federal tendency.

Conclusion

India's federalism is fundamentally rooted in two simultaneous pursuits of nationhood: an embrace of state-based cultural diversities and a commitment to the larger Indian political community. This idea was politically implemented through organizations during the long freedom movement, which changed the framework within which India's centre and states bargained after independence and thus ensuring a robust framework for the relations between centre and states in India.

2. The Government of India Act of 1935 was a watershed in India's constitutional history. Why? Discuss.

Approach

Students are expected to write about the Government of India act 1935. And highlight on why it was watershed movement in India's constitutional history.

Introduction

With the building pressure of Indian political organizations and parties like congress, the British Government was constantly pressurized to make new reforms in the governance. For this many Indian Councils Act of 1892, 1909 and 1919 were enacted. But the most important act which shaped the contemporary as well as the later polity of India was the Government of India Act 1935. It can be seen as a watershed in India's constitutional History.

Body

The Act derived material from four key sources viz. Report of the Simon Commission, discussions at the Third Round Table Conference, the White Paper of 1933 and the reports of the Joint select committees.

Gol act 1935 as a watershed in India's constitutional history:

- All India Federation: It changed the Federation of India in the aspects of the structure of government, legislation and so on. It provided for the establishment of an All-India Federation consisting of the British India Provinces and other Indian states. The States were absolutely free to join or not to join the proposed Federation. The rulers of Indian states never gave their consent and thus, the Federation envisaged by the Act never came into being.
- Setting up Provincial Autonomy: One feature of the new Act was that it marked the beginning of the provincial autonomy. The Act divided legislative powers between the provincial and central legislatures and within their defined sphere the provinces they were autonomous units of administration. The Ministers were not absolutely free in matter of running their departments. The Governors continued to possess a set of overriding powers.
- Setting up of a bicameralism: It introduced bicameralism in six out of eleven provinces. Thus, the legislatures of Bengal, Bombay, Madras, Bihar, Assam and the United Provinces were made bicameral consisting of a legislative council (upper house) and a legislative assembly (lower house). However, many restrictions were placed on them.
- Setting up of a federal court: A Federal court was also envisaged to be set up under this act so the provisions of the act could be interpreted in case of any disputes. The Federal Court established by this Act has three kinds of jurisdictions i.e. Original, Appellate and Advisory. The court had exclusive original jurisdiction in any dispute between the Federation and its units.

- **Distribution of Legislative Power:** The act made a three-fold division of powers between the Centre and the Provinces- federal list, provincial list and concurrent list. The subjects which were of all-India interest and demanded uniform treatment were put in the federal list.
- **Residuary powers:** The allocation of residuary powers was unique. It was not vested in either of the legislatures, central or provincial. But the Governor-General was empowered to authorise, either the Federal or the Provincial Legislature to enact a law with respect to any residuary matter.
- **Protection of Minorities:** A very significant provision was the safeguards and protective armours for the minorities. It was argued that the minorities needed protection from the dominance of the majority community.
- **Abolition of the Indian Council of the Secretary of State:** The Government of India Act 1935 abolished the Council of Secretary of State for India, which was created in 1858. Secretary of State was to have advisers on its place. With the introduction of the provincial autonomy the control of the Secretary of State over Transferred Subjects was greatly diminished.
- **Communal and Separate Electorate and Reservations:** The Act not only retained the separate electorate (of previous act of 1919) but also enlarged its scope. The Anglo-Indians and the Indo-Christians were also given separate electorate. Women were granted reservation in 41 seats in provincial legislatures as well as limited reservations in central legislature. But women reservation was subdivided in religious lines. The reservation of seats for the Depressed Classes was incorporated into the act.

Conclusion

The Government of India Act 1935 established a foothold toward the modern India. The Government of India Act 1935 is important because it is one of the foundation stones of the current Republic of India. All these provisions were so important that there was no return from them but the constitution adopted them, though not in total. Thus it can be said that the act marked a point of no return in the history of constitutional development of India.

3. Discuss the key features of the Indian independence act 1947. How did it create the grounds for partition?

Approach-

Question is straight forward in nature. Candidate can start by writing brief background for 1947 act followed by features of the act. Later half of the answer, grounds laid by the act for partition can be given.

Introduction

After the end of second world war pressure on british government started rising to give political autonomy to its colonies. Independence movement in India was also on high fervour and country was divided on religious lines. Cabinet mission had failed to fulfil demands of major parties, in this backdrop on February 20, 1947 british prime minister Clement Atlee declared british rule would end in India by June 30, 1948 and power would be transferred in responsible Indian hands.

Events followed after announcement

- Announcement of british prime minister was followed by agitation by muslim league demanding partition of country.
- On June 3, british made it clear that any constitution made by constituent assembly of India cannot apply to those parts of India which are unwilling to accept it.
- On the same day viceroy of India lord Mountbatten laid partition plan, known as "Mountbatten plan". The plan was accepted by congress and muslim league. Immediate effect was given to plan by enacting Indian independence act 1947.

Key Features of the act

- It ended british rule in India and declared India as an independent and sovereign state from august 15, 1947.
- It provided for partition of India into two independent dominions of India and Pakistan with the right to secede from british commonwealth
- It abolished office of viceroy and provided for each dominion office of governor general to be appointed by his majesty's government in the advice of dominion's cabinet
- Act empowered constituent assemblies of both dominions to frame and adopt any constitution for their respective nations to repeal any act of british parliament including independence act itself.
- Act empowered constituent assemblies of both dominions to legislate for the respective territories till the new constitutions were drafted and enforced.
- It abolished office of secretary of state for India and transferred functions to secretary of state for commonwealth affairs.

- It proclaimed lapse of British paramountcy over Indian princely states and treaty relations with tribal areas. It granted freedom Indian princely states either to join dominion of India or Pakistan or to remain independent.
- It provided for the governance of each province of dominion by act of 1935, till new constitution is framed. It deprived British monarch of his right to veto bills or ask for reservation of certain bills for his approval.
- Act designated governor general of India and provincial governors as constitutional heads of state they were made to work on advice of council of ministers in the all matters.
- It dropped title of emperor of India from the royal titles of king of England. It also discontinued appointment to civil services and reservation of posts by secretary of state for India

Partition

- At the stroke of midnight of 14-15 august 1947, British rule came to an end and power was transferred to the two new independent dominions of India and Pakistan.
- Indian independence act made partition of India possible. Lord Mountbatten became the first governor general of new dominion of India. He swore in Jawaharlal Nehru as the first prime minister of independent India
- Mohammad ali Jinnah became governor general of Pakistan
- The constituent assembly of India formed in 1946 became the parliament of the Indian dominion.

Conclusion

After multiple failed attempts of crips mission, Wavell plan and cabinet mission, Indian independence act was able to make compromise and suggest a plan which was acceptable to both congress and muslim league. Hence it paved way for partition. But the haste with which the plan was implemented caused huge loss of lives and created a permanent blot on modern Indian history.

4. What role has community engagement by ASHA workers played behind India's successful COVID response? Discuss.

Approach

As the derivative is discuss so it necessitates a debate where reasoning is backed up with evidence to make a case for and against an argument and finally arriving at a conclusion.

Introduction

Asha workers (an acronym that translates as “hope” in Hindi), along with the volunteer Anganwadi workers, and the more qualified ANMs, form the backbone of community healthcare in India. They are hired by the states and their salaries paid by funds from the central and state governments. Nearly all of them are women. Recently the second report of a WHO-established independent panel to study global responses to the pandemic said that Community engagement by ASHA workers has been a successful strategy in enhancing India's national response to Covid-19. It has highlighted how the deployment of “a cadre of million women social health activists” has helped India's Covid-19 surveillance.

Body

ROLE OF COMMUNITY ENGAGEMENT BY ASHA WORKERS BEHIND INDIA'S SUCCESSFUL COVID RESPONSE

- While many Indians have shifted to work-from-home during the lockdown, not much has changed for ASHAS. If anything, they have additional COVID duties over and above their regular tasks.
- Their core responsibilities such as distributing iron tablets, checking on immunisation schedules of babies and pregnant women, undertaking periodic checks on tuberculosis (tb) patients, among others, have been supplemented with additional duties of contract tracing, spreading awareness on prevention of COVID, keeping a close watch on incoming migrant workers to ensure they follow quarantine protocol and reporting suspected COVID cases.
- Despite the lockdown and other curbs on movement, ASHAS are performing their duties to the fullest. They are working tirelessly to prevent COVID transmission while also ensuring that the delivery of other health services remains uninterrupted.
- Asha workers are volunteers who receive honorariums and incentives in lieu of their work. However, 64 per cent respondents claim to have received no incentives for the COVID-related responsibilities undertaken by them. Only 43 per cent ASHAS are receiving their monthly honorariums on a regular basis.
- In a major exercise, 1.6 lakh accredited social health activists (ASHAS) have tracked in two phases over 30.43 lakh migrants who returned to Uttar Pradesh

during the covid-19 lockdown and assisted the state government in contact tracing and community surveillance

- With the surge in the cases of covid-19 in the country and the influx of migrant population from hotspot areas, one of the major challenges in Uttar Pradesh was to cater to the healthcare needs of returnees and arrest the spread in its rural population. ASHAS have played a critical role in supporting the state's covid-19 management during this crisis.
- ASHAS have played a critical role in sensitising the communities about the preventive measures to be adopted such as regular hand washing with soap and water, importance of wearing masks when out in public spaces, and maintaining adequate physical distancing.
- ASHAS have assisted the Panchayati raj department in development of the community quarantine centres, in buildings like Anganwadi centres and primary schools. They have ensured adoption of Arogya Setu app at the community level through awareness generation and supporting in its installation
- As a result of their efforts, there has been enhanced awareness about essential and non-essential healthcare services and how to access these. The ASHAS are provided basic protective gear like masks, soaps and sanitizers as they go about their duties.
- The report cited ASHA workers in India for successfully using community engagement to respond to the pandemic.
- Community engagement has been a successful strategy to enhance national responses. This has included the deployment of community health workers; for example, India has drawn on a cadre of a million women social health activists.
- Asha workers were recruited under the national rural health mission (NHRM) that was launched in 2005. These workers act as a bridge between public healthcare and various communities. They are usually tasked with antenatal and care for new-born babies, encouraging immunisation, family planning and treating basic illnesses.
- Nearly 1 million other accredited social health activists (ASHAS) assigned to rural villages and small towns across India are on the front lines of the country's fight against corona virus.
- Every day, these activist goes door to door in search of potential covid-19 cases, working to get patients tested or to help them find treatment.
- They are the unsung heroes who are fighting to contain the unfettered spread of the virus in rural areas

Conclusion

India's ASHA program is likely the world's largest army of all female community health workers. They are the foot soldiers of the country's health system. They have also played an essential role in India's efforts to eradicate polio and increase immunization, according to numerous studies.

5. What are the key privacy issues emerging with respect to social media platforms? Discuss.

Approach:

The focus has to be on the privacy issues regarding the social media platforms like WhatsApp, Facebook, Twitter and other channels. The answer has to largely include the personnel data protection concerns and ways social networking platforms should use to ensure personal data protection.

Introduction:

Back in 2016, it is claimed that the Trump-Era started at the back of using the data provided by Facebook to Cambridge Analytica forcing people to develop views in sync with their demand. The privacy issues of social media platforms have been raised many times since, till the recent culmination of change in privacy policy of a popular messaging application-WhatsApp (Facebook Subsidiary). In the backdrop of these issues there has been a continuous effort towards data protection in India as well, Government of India also came up with white paper on data protection and a bill on data protection is initial stages of becoming a permanent law.

Body:

Social networks have become a part of human life. Starting from sharing information like text, photos, messages, many have started share latest news, and news related pictures in the Media domain, question papers, assignments, and workshops in Education domain, online survey, marketing, and targeting customers in Business domain, and jokes, music, and videos in Entertainment domain. Because of its usage by Internet surfers in all possible ways, even we would mention the social networking media as the current Internet culture. While enjoying the information sharing on Social Medias, yet it requires a great deal for security and privacy.

Issues with privacy:

- **Data mining-**
Every one leaves trail behind while using any of the social media networking platform. Every time someone creates a new social media account, they provide personal information that can include their name, birthdate, geographic location, and personal interests. In addition, companies collect data on user behaviours: when, where, and how users interact with their platform. All of this data is stored and leveraged by companies to better target advertising to their users. Sometimes, companies share users' data with third-party entities, often without users' knowledge or consent.
- **Phishing Attempts-**

Phishing is one of the most common ways criminals attempt to gain access to sensitive personal information. Often in the form of an email, a text message, or a phone call, a phishing attack presents itself as a message from a legitimate organization. These messages trick people into sharing sensitive data, including passwords, banking information, or credit card details. Phishing attacks often pose as social media platforms.

- **Identity Theft-**

Identity theft is a type of attack on social networking platforms which the adversary attempts to collect personal information of social media users so that he can impersonate the victim of the attack in order to gain some benefits or harm the victim.

- **Cyber terrorism-**

The biggest challenge for internal security of nation through social networking site is cyber terrorism. Social networking sites also invite fraudsters to take excellent opportunity to become wealthy by applying deceiver schemes. Internet media is a major resource for developing serious crime. As Internet is growing explosively, online criminals try to present fraudulent plans in many ways.

- **Organised crime-**

Social networking sites also pose major challenge in financial and organized crime which destabilizes the system. The organized criminal groups have found in social networks a forum to position themselves in the popular culture as an alternative lifestyle. Nowadays, the Internet reveals all the things that used to be hidden, and has become the platform of organized criminal groups to prove their power and profits with impunity. Twitter accounts of presumed Mexican drug traffickers have attracted the attention of international media as they give the opportunity to take a look at the lifestyles of the so-called "narcojuniors", that is second generation of drug traffickers that have inherited the leadership of large criminal organizations.

- **Criminal Activity and Money laundering-**

Internet Media is a major resource for developing serious crime. As Internet is growing explosively, online criminals try to present fraudulent plans in many ways. Social networking sites also pose major challenge in financial and organized crime which destabilizes the system. It creates threat to a company's security because of what employees might disclose and they are on prime target for cyber criminals.

- **Hacking-**

Hackers use computer programs to attack the target computer. By using Social Media, hackers breach the national security and steal important data of defence or other strategic sectors. This can kneel the whole country without using Arms and Ammunition.

Conclusion:

In a globalised society media becomes a lethal weapon against the enemy, and the populace as well. Information, as an element of soft power, is a strategic instrument within the context of grand strategy. There should be judicious use of social media. But we will have to mull steps to check its misuse for creating Internal security threat to Nation. Social Media, with all its benefits and the potential for more, is definitely a boon to our world, however misuse or irresponsible usage can have negative effects on an Internal security. We need to guard against the negative impact of the social media, which ought to be used in the correct manner for creative or productive purposes so that it is progressive to mankind and society at large, rather than regressive.

