

**1. Do you think the Representation of People's Act (RPA) needs to be strengthened further? What suggestions would you give in this regard?**

**Approach**

Make a general introduction on what is the objective of Representation of people's act. In next part address the issue which it is facing and then suggest reforms in detail. Make sure that you provide some examples and statistics to prove your point.

**Introduction**

The Representation of People's Act provides for the conduct of elections to both the the Houses of the Parliament and to the House/s of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections.

**Body**

Reasons for strengthening Representatives of people's act :

- **Criminalisation of Politics:** Criminalisation of politics has always been a cause of concern for India for a long time and still remains. As many as 33% of MLAs and 25% of MPs today, have criminal charges pending against them as per the data of Association for Democratic reforms(ADR)
- **Electoral funding:** There is lack of transparency and accountability in electoral funding process. Involvement of Black money is rampant. According to the Association of Democratic Reforms, 69% of the income of political parties is from unknown sources.
- **Lobbying and Crony Capitalism:** The 255th Law Commission Report on Electoral Reforms observed that opacity in political funding results in "lobbying and capture" of the government by big donors.
- **Grey money:** No capping on party expenditure again lets huge money coming into the elections and this money may belong to some anti-social elements too.
- **Limited power of Election commission:** RPA law fails to offer significant powers to the Election Commission to reprimand those parties which are habitual offenders of spreading communalism or inciting hatred to win votes.
- **Model code of Conduct:** There is no legal backing given to model code of conduct, hence violators go scot free.
- **Paid news:** There has been acquisitions' against certain media houses about indulgence in Paid news, which will affect the rights of citizens to be informed about candidates.
- **False Disclosures:** Even after the provision of the declaration of assets and liabilities in the RPA act, candidates do not disclose all the assets and provide wrong and incomplete information regarding their assets, liabilities, and income and educational qualifications.

- The Bureaucratization of Politics: In spite of the inclusion of several provisions aimed at making the ECI as an independent body, it is still dependent on the Union for financial matters that paves the way for political parties to manage to get the officers in their favour through money and muscle power.
- Dual Responsibility of the ECI: The ECI does not have independent staff of its own so whenever elections take place, it has to depend upon staff of Central and State Governments hence the dual responsibility of the administrative staff, to the government for ordinary administration and to the ECI for electoral administration is not conducive to the impartial and efficient functioning of the Commission.
- Misuse of Government Machinery: The RPAs lack clear provisions and guidelines on the matters related to the misuse of official machinery that gives an unfair advantage to the ruling party at the time of elections and leads to the misuse of public funds for furthering the prospects of candidates of a particular party.

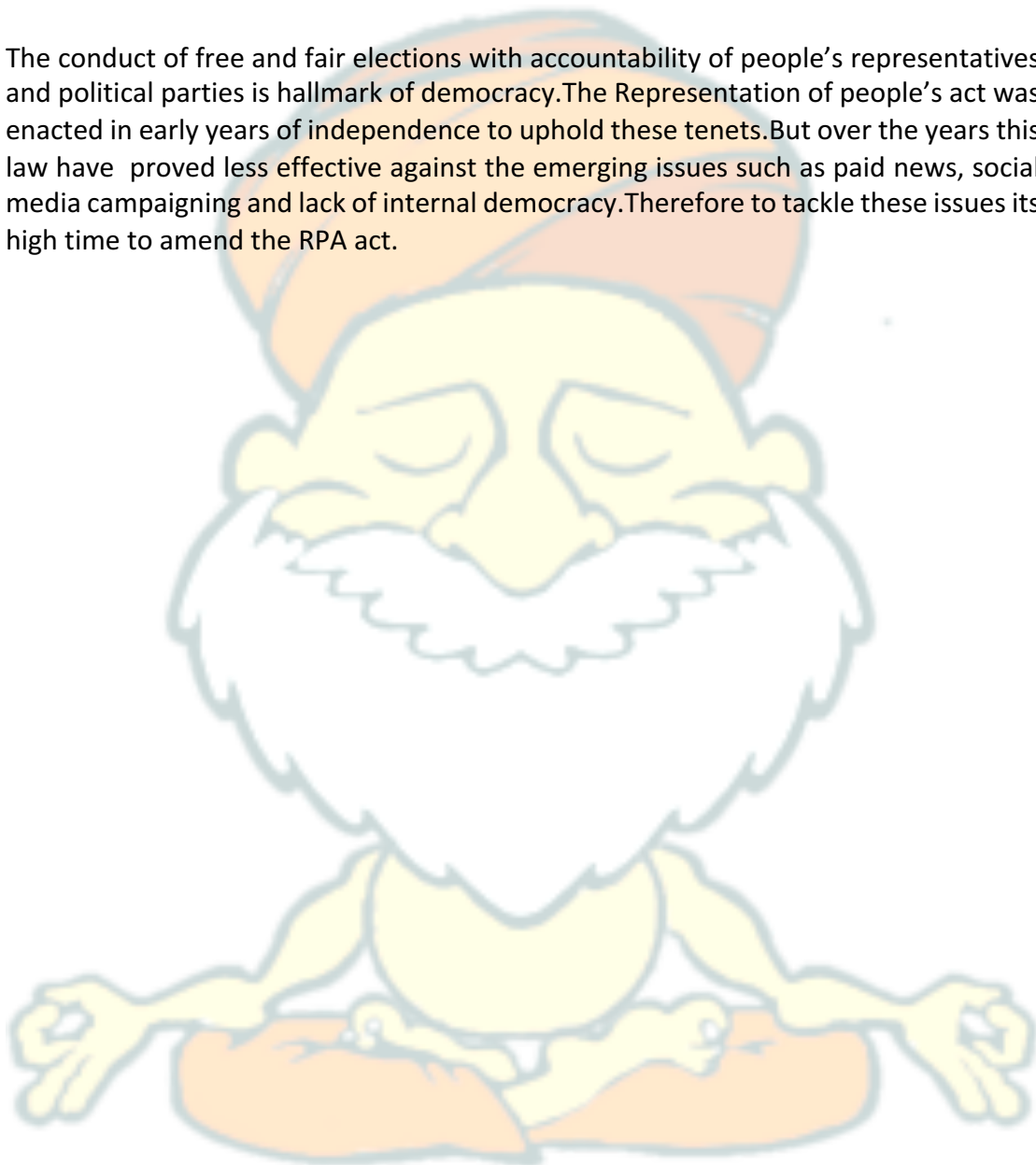
#### Reforms needed to Representation of people's act : Suggestions

- Restriction on Opinion Polls: By an amendment made to the RPA 1951, conducting and publishing results of exit polls have been prohibited.
- There should be a similar prohibition or restriction on opinion polls also as several manipulated opinion polls could impact the voting pattern.
- False Declaration as Offense: The RPA, 1951 should be amended to include all the items related to the election disclosure in the affidavit and making false declarations in connection with the election to be an offence.
- Independent ECI: In order to curb the practice of bureaucratization of politics and to secure complete independence of the Election Commission, its expenditure should be charged on the Consolidated Fund of India.
- De-listing of Valid Electorates: Parliament must pass a law dealing with the serious problem of delisting of valid electors from electoral rolls because illiterate electorate residing in far villages cannot watch over the publication of electorate lists.
- State Funding of Elections: To minimise the role of money in elections, provisions should be made for state funding of elections.
  - A few government reports have highlighted the prospects of state funding of elections like Indrajit Gupta Committee on State Funding of Elections (1998), Law Commission Report on Reform of the Electoral Laws (1999), National Commission to Review the Working of the Constitution (2001), 2nd Administrative Reforms Commission (2008).
- The RPA must be amended to give powers to Election Commission to countermand the polls in case of use of black money and money power.
- Model Code of Conduct should be given legislative backing by the RPA to ensure its strict implementation.
- In order to check the growing menace of 'paid news', there is need to make paid news an electoral offence under the Representation of the People Act.
- Ensuring fast track clearance of cases involving people's representatives.

- All political parties must be mandated by law to fall under the domain of the RTI so that funding becomes transparent and black money does not get into the system.
- There must be a certain cap on the party expenditure too and that must be strictly monitored.

### **Conclusion**

The conduct of free and fair elections with accountability of people's representatives and political parties is hallmark of democracy. The Representation of people's act was enacted in early years of independence to uphold these tenets. But over the years this law have proved less effective against the emerging issues such as paid news, social media campaigning and lack of internal democracy. Therefore to tackle these issues its high time to amend the RPA act.



**2. The civil services in India function as an instrument of the welfare state. Illustrate.****Approach**

Define the concept of welfare state in simple form and then contextualise the demand of question that is civil services to the definition. In next part focuses majorly on how the civil services have been an instrument of welfare in India and complement it with some issues which it is currently facing. Further the conclusion should be reform oriented and what role the civil services can serve in future.

**Introduction**

A welfare state is a concept of government where the state plays a key role in the protection and promotion of the economic and social well-being of its citizens. It is based on the principles of equality of opportunity, equitable distribution of wealth, and public responsibility for those unable to avail themselves of the minimal provisions for a good life. In India the civil services as the implementation arm of the government and thus acts an instrument of welfare state as provided by constitution of India and its legal statutes.

**Body**

Role of civil services:

- **Policy Formulation:** The civil service monitors ground realities and help in policy formulation to deal with the issues concerning the society. The recent evolving situation with the pandemics saw the role of civil services at forefront from imposing lockdown to formulating unlocking guidelines.
- **Implementing Laws & Policies:** The civil services are responsible for implementing laws and executing policies framed by the government, thus ensuring implementation of the laws for all. The implementation of Epidemic disease and disaster management act was one of the prime focus in the ongoing pandemic .
- **Welfare Services:** The services offer a variety of welfare schemes such as providing social security, welfare of weaker and vulnerable sections of society, old-age pensions, poverty alleviation, etc. The migrants were provided shelters to stay and food packets for long journeys, also the drafting Atmanirbhar package and its implementation was crucial to revive the economy .
- **Service delivery:** The task of actualising schemes and policies fall with the officers of the civil services. They ensure the success of policies by making the promised goods and services reach the intended beneficiaries.
- **Instruments of Social Change:** Civil servants bring out social changes through persuasion and strict policy implementation. This is seen through persuasion for Swachh Bharat Abhiyan, eradicating caste discrimination and reducing vaccine hesitancy.
- **Stabilising Force:** Amidst political instability, the civil service offers stability and permanence. While governments and ministers can come and go, the civil

services is a permanent fixture giving the administrative setup a sense of stability and continuity and ensuring continuity in service delivery. This can be seen in abrogation of special status of Jammu and Kashmir where the civil servants have ensured continuity.

- **Developmental Functions:** The services perform a variety of developmental functions like promoting modern techniques in agriculture, promoting industry, trade, banking functions, bridging the digital divide, etc.
- **Administrative Adjudication:** The civil services also perform quasi-judicial services by settling disputes between the State and the citizens, in the form of tribunals, etc.
- **Maintenance of law and order:** They protect the life and property of the people by maintaining law and order. The survival and progress of human beings depend on the proper enforcement of laws against lawbreakers. This role was highlighted in law and order handling of the violence on 26<sup>th</sup> January after farmers agitation and also handling of North east Delhi's communal violence.
- **Protection of environment:** In recent times, protection of the environment is added to the protective functions of the government. Civil servants are making efforts at the enhancement of environmental quality. This can be seen in implementation of the Environment protection act 1986 and role in declaring ecosensitive zones.

However, there have been some lacunae in the working of civil services in India:

- As per 2nd ARC report, the Civil Service in India is more concerned with the internal processes than with the results. It has been seen that even after bringing path breaking policies the issue of redtapism and implementation on the ground of various policy have hardly changed.
- The systemic rigidities, needless complexities and over-centralisation in the policy and management structures within which the civil service functions are too complex and often too constraining. For example the flow of taxes from municipalities to centre and back to municipalities is irrational in nature.
- Lack of professionalism and poor capacity building. Many officers are not equipped to handle new age issues of cybercrime, fraud, and issues arising out of multi-jurisdictional crimes. This needs better capacity building.
- Ineffective incentive system that does not reward the meritorious and upright civil servants. The corrupt and inefficient officers are being promoted even with suspension and dismissal of upright officers. This hinders professionalism.
- Rigid and outmoded rules and procedures that do not allow civil servants to exercise individual judgement and perform efficiently. The narrow interpretation of laws by courts and political pressure has hindered individual initiatives and innovation in policy.
- Lack of accountability and transparency procedure, with no adequate protection for whistle-blowers.
- Political interference causing arbitrary transfers, and insecurity in tenures.
- Erosion in ethics and values, which has caused rampant corruption and nepotism.

**Conclusion**

The development and progress of India depends upon a professional, upright and efficient civil services. Therefore to achieve this it is necessary to implement reforms suggested by the Hota Committee, Supreme Court guidelines in Prakash Singh case and measures such as code of ethics and appraisal system as mentioned in 2<sup>nd</sup> ARC for so that the civil services remains the 'Steel Frame' as envisaged by Sardar Patel and will help in development and tackling the emerging issues of Climate change, global order reorganisation, enabling ease of doing business with the welfare of citizens.



**3. Do you think the federal political structure in India creates roadblocks in the Central Government's policies and interventions for development in various sectors? Critically examine.**

**Approach**

The answer should first explain the meaning of federalism. Candidates should critically examine and elaborate on how various Central government policies faces roadblocks due to federal structure and then how due to federalism there is development in various sector.

**Introduction**

Federalism is a system of government in which the power is divided between a central authority and various constituent units of the country. Usually, a federation has two levels of government. One is the government for the entire country that is usually responsible for a few subjects of common national interest. The others are governments at the level of provinces or states that look after much of the day-to-day administering of their state. Both these levels of governments enjoy their power independent of the other.

**Body**

- Federalism is a system of government where there is a division of power between a central authority and constituent political units (state). The respective authorities are considered supreme in their allotted spheres (Schedule VII).
- Trust deficit between Centre and States is widening. Most state governments believe the thrust on federalism is limited to lofty ideas and big talks. Many States have shown their displeasure with the way the Centre has been dealing with the States.

However, such federal structure restricts the policies & implementation of Central government in various sectors like:

- Taxation GST Council: If the central government want to increase or decrease GST rates it has to get the support of states, which may restrict its taxation abilities. In GST Council Central government enjoys 33% vote while the states account for 66% and any major decision requires 75% support.
- Police reforms and Law & Order: Lack of uniformity in police procedures and lack of effective coordination amongst various State Police departments is hindering Central government's capabilities to handle inter-state crimes which has impact on National Security. Ex Counter Terrorism Operations.
- Agricultural marketing Sector: Lack of unified agricultural market along with state's reluctance to adopt Model APMC Act and their lack of enthusiasm to join e-NAM platform has restricted Centre's capabilities to objective of doubling farmer's income by 2022.

- Health Sector: Central government's initiative of Ayushman Bharat to provide Universal health coverage is also hindered by some states refusing to join the centrally sponsored scheme
- New Education Policy: Central government wants Uniform standards of education across the country so as to ensure accessibility and equity in access to education across the country. However, Southern States are objecting on the issue of three-language policy mooted in NEP.
- Land and Labour Laws: In order to boost investment and attract FDI to increase the economic activity, Central government wants a more relaxed labour & land regulation. However, State governments frame their own laws to suit their needs & thus varies from one State to another, which negatively impacts the transaction & expansion costs of companies.
- Pandemic policy: There has been accusations and counter accusations by states and Centre in the efficacy of national lockdown, who should be accountable for the second wave of covid, deficiencies in oxygen and hospital infrastructure.

Even as Indian federalism has a bias for the Union government, states have also sought to assert their interests and influence over the years, whether in times of one-party dominance or multi-party coalition politics it led to development in various sectors:

- The open market economy deregulated the economic interactions which were earlier strongly controlled by the Union government. Benefitted by the reforms, the state governments now got relative autonomy to initiate business endeavours and bring in foreign investments to their respective states.
- This polity gave state chief ministers a political opportunity to project themselves as 'drivers of growth and development'.
- The federalism phase also witnessed further decentralisation of Indian politics as the 73rd and 74th Amendments were passed in 1992 to strengthen the functioning of the third tier of Indian federalism in the Municipal and Panchayat level. This strengthened the ground for the empowerment the people at the grassroots.
- The most important moment for federalism in this phase is the revelation of the vital role of state governments on the ground in managing the COVID-19 crisis. After initial challenges, the Union government ceded adequate space and autonomy to the states for strengthening their healthcare facilities, managing the localised lockdowns, and implementing social security measures to mitigate the impact of the pandemic.
- The core objectives of Indian federalism are unity in diversity, devolution in authority, and decentralization in administration. Through federalism, the State pursues the goal of common welfare in the midst of wide diversity in socio-cultural, economic spheres.

### **Conclusion**

India is federal state as the constituent assembly debates and various Supreme Court judgements have established. Therefore the requirement is to establish a cooperative



federalism as the basis of governance in India. In Cooperative federalism the Centre and states share a horizontal relationship, where they “cooperate” in the larger public interest. It is an important tool to enable states’ participation in the formulation and implementation of national policies. The “true” cooperative federalism is the way forward, it underlines the need for the Centre to include states more aggressively in the decision-making process.

