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**TLP**

**DAILY ANSWER WRITING FOR**  
**UPSC MAINS - 2025**

**GS 2**

**WEEKLY COMPILATION - (DAY 15 - DAY 20)**

**Topics Covered**

- Polity
- Governance
- International Relations
- Social Justice



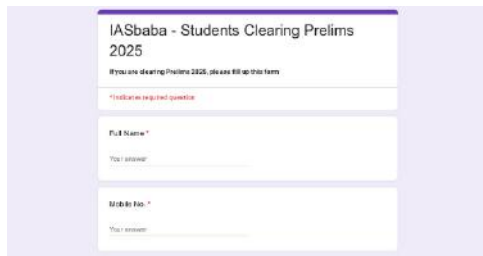
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Hope you're all doing well and staying on track. If you're writing Mains this year, please fill in the form linked below.

Like in previous years, we'll be providing solid support throughout this Mains phase — 1:1 Mentorship, Theme-Based Classes, Quick & Detailed Answer Evaluation, Ethics and Essay guidance and high-quality Value Addition materials (QnA-style notes, data banks, keyword docs, etc.)

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**DAY-15**

**Q.1) “The Indian Constitution is not merely a legal text but a living, breathing document that evolves with societal needs.” Examine this statement with reference to the judicial interpretation of the ‘Right to Equality’ under Article 14. (150words, 10 marks)**

**Introduction**

The Indian Constitution was not meant to be static—it was designed to adapt to **changing societal needs**. **Article 14**, the Right to Equality, reflects this evolving nature through progressive judicial interpretation, making the Constitution a truly living document.

**Body****Indian Constitution Is a Living Document**

- 1. Flexible wording helps it grow:** The use of broad, open-ended terms allows for reinterpretation over time.  
Example: Words like “liberty” and “equality” were given expansive meaning in ***Maneka Gandhi v. Union of India (1978)***.
- 2. Courts keep it updated:** The judiciary interprets the Constitution to respond to new challenges.  
Example: In ***K.S. Puttaswamy v. Union of India (2017)***, the Supreme Court declared the Right to Privacy as a fundamental right.
- 3. Amendments allowed, but with limits:** The Constitution allows changes while safeguarding core values.  
Example: ***Kesavananda Bharati v. State of Kerala (1973)*** established the Basic Structure doctrine.
- 4. PILs connect it with people:** Public Interest Litigations have brought social issues into constitutional discourse.  
Example: In ***MC Mehta v. Union of India***, the court used PILs to enforce environmental rights.

**Right to Equality**

**Article 14** guarantees equality before the law and equal protection of the laws. Courts have interpreted this to mean not just **formal equality**, but **substantive fairness**—recognising diverse needs and removing barriers that hinder real equality. This broader view has supported reservations, gender justice, and LGBTQ+ rights.

**How Judiciary Interpreted Right to Equality Over Time**

- 1. Laws must not be arbitrary:** Article 14 ensures that state actions must be fair, reasonable, and non-arbitrary.  
Example: In ***E.P. Royappa v. State of Tamil Nadu (1974)***, the Court held that arbitrariness is antithetical to equality.
- 2. Different groups need different treatment:** The principle of reasonable classification allows positive discrimination for justice.

*Example: In **Indra Sawhney v. Union of India (1992)**, reservations for OBCs were upheld to achieve substantive equality.*

**3. Same work means same pay:** The right to equality includes equal pay for equal work, regardless of job status.

*Example: In **Randhir Singh v. Union of India (1982)**, the Court extended equal pay to temporary employees.*

**4. Women must be treated fairly:** Any law or policy that reinforces gender stereotypes violates equality.

*Example: In **Anuj Garg v. Hotel Association of India (2008)**, the Court struck down a law barring women from working in bars.*

**5. LGBTQ+ community has equal rights:** Sexual orientation is protected under equality, dignity, and non-discrimination.

*Example: In **Navtej Singh Johar v. Union of India (2018)**, Section 377 was read down to decriminalize consensual homosexual acts.*

**6. Transgender persons are equal citizens:** The right to self-identify gender is integral to dignity and equality.

*Example: In **NALSA v. Union of India (2014)**, the Court recognized the third gender and affirmed their constitutional rights.*

### Conclusion

Through **Article 14**, the Constitution shows its **living spirit**—adapting and evolving to serve justice. Judicial interpretations have made the Right to Equality a powerful weapon against injustice in a changing society.

**Q.2) Article 44 of the Constitution envisions a Uniform Civil Code (UCC) as part of the Directive Principles of State Policy. Do you think the implementation of UCC is necessary in present-day India to ensure equality and national integration? Analyse in light of recent legislative and judicial developments. (150 words, 10 marks)**

### Introduction

Article 44 of the Indian Constitution envisions a Uniform Civil Code to provide **equal civil laws** for all citizens, regardless of religion, as a means to promote **national unity and equality**. Recent debates have renewed interest in its feasibility and desirability.

### Body

#### Arguments in Support of UCC

**1. Promotes Gender Justice:** UCC can remove discriminatory personal laws, especially against women.

*Example: Triple talaq was struck down in **Shayara Bano v. Union of India (2017)** for violating women's rights under Article 14.*

**2. Upholds Secularism:** It separates religion from personal law, aligning with India's secular ideals.

Example: Supreme Court in *Sarla Mudgal v. Union of India (1995)* urged for UCC to avoid misuse of religion in marriage and divorce.

3. **Makes Laws Simpler:** Uniform laws reduce legal confusion for citizens and courts. Example: A **common code** would ease adjudication in matters of marriage, divorce, inheritance, and adoption.
4. **Unifies the Nation:** A single civil code fosters civic unity and reduces communal divides. Example: **Goa's UCC**, in place since Portuguese rule, serves as a working example of legal uniformity in a diverse society.
5. **Backed by Legal Reforms:** Recent moves show increasing support for UCC implementation. Example: **Uttarakhand** passed the first state-level UCC in 2024; the **Law Commission (2023)** also advocated for wider reforms.

### Criticism and Counterarguments

1. **May Violate Religious Freedom:** Critics argue UCC could infringe on **Article 25** (freedom of religion) and **Article 29** (cultural rights). Example: Communities fear losing their right to practice personal laws tied to religion.
2. **Threat to Cultural Diversity:** Uniformity may overlook India's vast cultural and traditional pluralism, sparking resistance. Example: **Diverse customs** in marriage, inheritance, and adoption may not be adequately addressed under a single code.
3. **Potential Political Misuse:** UCC could be used as a political tool to target minorities, leading to further polarization. Example: The communal nature of UCC debates during elections has raised questions about its true intent.
4. **Implementation Challenges:** Legal and federal complexities make nationwide implementation difficult, especially when personal laws fall under the **Concurrent List**. Example: **State-Centre disputes** could arise over legislative competence.
5. **Law Commission Observations:** The **21st Law Commission (2018)** stated that UCC is "**neither necessary nor desirable**" at this stage; reforms within communities are preferable.

### Way Forward

1. **Gradual Reform in Personal Laws:** Step-by-step amendments to eliminate discrimination can help bridge gaps without abrupt imposition.
2. **Inclusive and Consultative Approach:** Broad engagement with religious and cultural groups is essential for consensus and peaceful implementation.
3. **Pilot UCC at State Level and Promote Awareness:** Encouraging states to experiment with UCC and building legal literacy can increase acceptability. Example: **Goa and Uttarakhand's UCC models** can guide other states, while awareness campaigns reduce misinformation.

## Conclusion

While UCC is necessary for ensuring gender justice and national unity, its implementation must be gradual and inclusive, respecting India's pluralism. **As Dr. Ambedkar said, “We must begin by acknowledging the equal worth of all citizens.”**

**Q.3) ‘Constitutional Morality’ is rooted in the constitution itself and is founded on its essential facets. Explain the doctrine of Constitutional Morality’ with the help of relevant judicial decisions. (150words, 10 marks)**

## Introduction

Constitutional morality refers to the commitment to uphold the core principles of the Constitution—**justice, liberty, equality, and fraternity**—beyond the literal interpretation of laws. It ensures governance guided by ethical reasoning and constitutional values.

## Body

**Constitutional morality is grounded in the core values of the Constitution.**

- 1. Preamble:** It enshrines core ideals like justice, liberty, and equality that form the moral bedrock of the Constitution.
- 2. Fundamental Rights:** These ensure dignity and freedom through enforceable moral guarantees.  
Example: **Articles 14, 19, and 21** uphold equality, liberty, and personal dignity Respectively.
- 3. Directive Principles:** They reflect moral goals for governance aimed at social justice and equity.  
Example: **Articles 38, 39(b), and 41** promote welfare and fairness.
- 4. Rule of Law:** It ensures fairness and non-arbitrariness, forming a key ethical principle in governance.  
Example: **Article 14** upholds equality before the law.
- 5. Duties of Authorities:** Constitutional posts imply accountability and restraint in public conduct.  
Example: **Articles 75, 164, and 142** establish norms for responsible functioning.
- 6. Separation of Powers:** It prevents abuse by enforcing balance and institutional ethics.  
Example: **Articles 50, 122, and 211** promote independent functioning.

**Constitutional Morality Through Key Supreme Court Decisions**

- 1. Ensures Decentralisation and Cooperative Federalism**  
Example: **Lt. Governor of Delhi v. Union of India (2023)** – The Court said that states must have real powers and coordination with the Centre is essential.
- 2. Protects Individual Autonomy over Social Morality**  
Example: **Navtej Singh Johar v. Union of India (2018)** – The Court decriminalised homosexuality, saying individual rights matter more than social norms.

3. Upholds Equality over Religious Practices  
Example: *Sabarimala Case (2018)* – The Court allowed women into the temple, holding that equality is above religious customs.
4. Strengthens Democratic Federalism  
Example: *NCT of Delhi v. Union of India (2018)* – The Court said elected governments must be respected and allowed to function.
5. Rejects Patriarchy and Upholds Gender Equality  
Example: *Joseph Shine v. Union of India (2018)* – The Court struck down adultery law as it treated women unequally.
6. Aligns Personal Laws with Gender Justice  
Example: *Triple Talaq Case (2017)* – The Court held that instant triple talaq was unconstitutional and unfair to women.
7. Expands Freedoms in the Digital Age  
Example: *Puttaswamy Case (2017)* – The Court declared privacy a fundamental right in today's digital world.

### Conclusion

Constitutional morality ensures the **spirit of the Constitution** prevails over mere majoritarian rule. It upholds liberty, dignity, and justice as guiding principles in a diverse and evolving democracy.

**Q.4) The Indian Constitution does not provide for a strict separation of powers, but recent events show growing tensions among the three state organs. Is the institutional balance being disrupted? Critically examine. (250 words, 15 marks)**

### Introduction

Separation of powers means dividing duties among the legislature, executive, and judiciary to **avoid power concentration** and **ensure checks and balances**. The Indian Constitution follows this in spirit, aiming for balance over strict division.

### Body

#### Constitutional Basis of the Doctrine

The Constitution does not lay down a strict separation of powers but adopts a **functional separation**—distinguishing roles while enabling **pragmatic overlaps** to ensure efficient governance and checks and balances.

#### Provisions enabling separation:

- **Article 50:** Separation of judiciary from executive in public services.
- **Articles 121 & 211:** Legislature barred from discussing judicial conduct.
- **Articles 122 & 212:** Courts barred from inquiring into legislative procedures.
- **Article 361:** Immunity for President and Governors from judicial proceedings.

#### Provisions enabling functional overlap:



- **Article 123:** Executive ordinance-making powers.
- **Article 124(4):** Legislature's role in removing judges.
- Judiciary often issues guidelines, filling legislative voids (e.g., Vishaka case).
- Delegated legislation empowers executive to make subordinate laws.

Therefore, India follows a **separation of functions**, not of personnel or absolute powers, emphasizing **coordination** over isolation.

### Growing Tensions Among Organs

#### Executive vs Legislature

1. **Misuse of Money Bill:** Aadhaar Act (2016) bypassed Rajya Sabha—later questioned in *Rojer Mathew Case 2020*.
2. **Ordinance overreach:** Excessive ordinance use during COVID diluted legislative scrutiny.

#### Legislature vs Judiciary

1. **Post-verdict legislation:** Laws passed to nullify court decisions (e.g., NJAC Act after SC Collegium verdict).
2. **Judicial overreach:** Courts entering policy domain (e.g., Pegasus spyware case directions).

#### Judiciary vs Executive

1. **Stalled judicial appointments:** Delay in Collegium recommendations, leading to ~30% vacancies.
2. **Surveillance allegations:** Alleged claims of Pegasus targeting judges may compromise judicial independence.

### Is the Balance Being Disrupted?

1. **Lack of accountability:** Overlap is blurring responsibility in some cases. (e.g., judicial cancellations in 2G, Coal cases).
2. **Erosion of faith:** Repeated encroachments reduce public confidence in institutions.
3. **Power accumulation:** Executive actions often unchecked, tilting balance (e.g., use of ordinances).
4. **Hindered governance:** Prolonged stand-offs (e.g., appointment delays) affect service delivery.

### Why Balance Still Endures

1. **Judicial review as check:** SC struck down Section 66A in *Shreya Singhal (2015)*, protecting free speech.
2. **Legislative oversight continues:** Parliamentary Committees examine key policies (e.g., **Data Protection Bill**).
3. **Cooperation aids governance:** Executive and courts collaborated in COVID response (vaccine policy, oxygen supply).
4. **Rule of law upheld:** SC upheld electoral disqualification in *Lily Thomas v. Union of India 2013*.

### Way Forward

1. **Limit ordinance and Money Bill misuse:** Adopt stricter norms, as suggested by **Sarkaria Commission** and **Punchhi Commission**.
2. **Judicial appointment reforms:** Establish a transparent Memorandum of Procedure.
3. **Institutional dialogue:** Create formal platforms for executive-judiciary-legislature communication.



## Conclusion

Institutional balance is vital to democratic health. It must be protected through reforms, restraint, and mutual respect. ***“Power is safest in a system where it is checked by power.” – Montesquieu***

**Q.5) The Basic Structure doctrine acts as both a limitation on parliamentary sovereignty and a guarantor of constitutional continuity. Critically examine the relevance of this doctrine in contemporary India with reference to recent constitutional amendments and judicial pronouncements. (250 words, 15 marks)**

## Introduction

The Basic Structure doctrine, propounded in the ***Kesavananda Bharati (1973)*** case, protects core constitutional values like **rule of law and judicial review** from amendment, ensuring a balance between constitutional flexibility and preserving its essential identity.

## Body

### As a Check on Unrestrained Power

1. **Restrains unlimited amending power:** Parliament cannot destroy foundational values. Example: ***Minerva Mills (1980)*** – Struck down 42nd Amendment for violating basic structure.
2. **Preserves judicial review:** Even constitutional amendments can be reviewed by courts. Example: ***Waman Rao (1981)*** – Reaffirmed judicial review as part of basic structure.
3. **Checks majoritarianism:** Prevents brute majorities from overriding constitutional morality. Example: ***NJAC Case (2015)*** – NJAC struck down to protect judicial independence.
4. **Guards against constitutional subversion:** Shields democratic institutions from dismantling. Example: ***Post-Emergency phase*** – Doctrine invoked to uphold democracy.

### As a Guarantor of Constitutional Continuity

1. **Upholds the spirit of the Constitution** – Preserves its soul beyond the text. Example: ***I.R. Coelho (2007)*** – Ninth Schedule laws subject to basic structure.
2. **Promotes constitutional resilience** – Protects essential principles from damage. Example: ***NJAC Case (2015)*** – Secured judiciary's independence.
3. **Maintains balance among organs** – Stops power concentration in any one organ. Example: ***S.R. Bommai (1994)*** – Reaffirmed federalism and democratic governance.
4. **Guides constitutional interpretation** – Serves as a reference point for courts. Example: ***NJAC Case*** – Called the “North Star” by Justice **R.F. Nariman**.

### Relevance in Contemporary India: Judicial Pronouncements & Amendments

**1. NJAC struck down to protect judiciary:** Judicial appointments were kept within the judiciary to preserve separation of powers.

Example: In *Supreme Court Advocates-on-Record Association v. Union of India (2015)*, the 99th Amendment and NJAC Act were invalidated.

**2. Article 370 abrogation raised federal concerns:** The special status of Jammu & Kashmir raised concerns regarding basic structure principles like democracy and federalism. Example: In *In Re Article 370 (2023)*, the Court upheld the abrogation, but federal implications were hotly debated.

**3. Electoral bonds violated transparency:** Opaque funding was held unconstitutional for undermining electoral transparency.

Example: In *ADR v. Union of India (2024)*, the Court struck down the scheme for hurting free and fair elections.

**4. Delhi Ordinance case upheld state powers:** Central overreach on services was struck down to preserve federal balance.

Example: In *Government of NCT of Delhi v. Union of India (2023)*, the Supreme Court upheld the elected government's control over administrative services.

**5. Pepsi Foods case upheld fairness in taxation:** Arbitrary taxation actions were invalidated under the principle of fairness and judicial review.

Example: In *CIT v. M/s Pepsi Foods Ltd. (2020)*, rule of law was upheld as part of basic structure.

**6. SEBC Amendment reinforced state autonomy:** The constitutional power of states in maintaining their own OBC list was preserved.

Example: In the *105th Constitutional Amendment case (2021)*, federal structure was reaffirmed.

### Limitations of the Doctrine

**1. Lacks textual basis:** The Constitution does not explicitly mention the term “basic structure,” leading to criticism of judicial creativity.

**2. Subjective application:** The scope of the doctrine is not clearly defined, leaving it open to varying judicial interpretation.

**3. Tensions with Parliament:** Frequent invocation may undermine legislative supremacy and lead to institutional conflict.

### Conclusion

The doctrine is rightly called the “*North Star of constitutional interpretation*”—a guiding light that must be handled with care to preserve constitutional identity without inviting judicial overreach or legislative excess.

**DAY-16**

**Q.1) Tensions between State Governments and Governors in states like Tamil Nadu and Punjab have raised concerns about Centre–State relations. How do such confrontations affect federalism, and what steps can be taken to address them? (150 words, 10 marks)**

**Introduction**

The Governor, as per **Articles 153–162** of the Constitution, acts as the constitutional head of a state. However, recent confrontations—like delays in bill assent in Tamil Nadu and Punjab—raise concerns over misuse of this office, affecting federal balance.

**Body****Impact of confrontation on Federalism**

**1. Erodes legislative dignity and trust:** Withholding of bills passed by elected legislatures undermines democratic legitimacy.

Example: **Tamil Nadu (2023)** saw **10 bills** returned, prompting a state legislative resolution.

**2. Interrupts state policy and assembly business:** Delay in convening or summoning sessions hampers governance and accountability.

Example: **Punjab (2023)** faced constitutional deadlock over summoned sessions.

**3. Partisan use of discretionary powers:** Political affiliations of Governors damage perceptions of neutrality.

Example: Allegations in **West Bengal, Tamil Nadu, and Kerala** cited on political bias.

**4. Endangers constitutional morality:** Judicial interpretation emphasizes adherence to aid-and-advice principle.

Example: **Nabam Rebia v. Deputy Speaker (2016)** invalidated arbitrary gubernatorial decisions.

**Reforms to Restore Federal Balance**

**1. Merit-based and consultative appointments:** Governor selection should involve input from Chief Ministers.

Example: **Sarkaria (1988) and Punchhi (2010)** recommend transparent selection and fixed tenure.

**2. Legislate time-bound assent:** Constitutional amendments should fix deadlines for Governor assent to bills.

Example: **Tamil Nadu judgment (2025)** prescribed time limits under **Articles 200–201**.

**3. Clarify discretionary powers:** Codify circumstances for reservation, dissolution, and President's Rule.

Example: Sarkaria and Punchhi Commissions called for clearer protocols.

**4. Strengthen institutional dialogue and oversight:** Empower the Inter-State Council and enable judicial review of abuses.

Example: **Government of NCT of Delhi v. Union of India (2023)** reaffirmed federal autonomy.

### Conclusion

To preserve the dignity of federalism, Governors must act as neutral constitutional heads rather than political agents. As **B.R. Ambedkar** noted, *"The Governor is not an agent of the Centre, but the constitutional head of the State."*

**Q.2) India's fiscal federalism is facing growing strain due to limited revenue autonomy of States and rising dependence on the Union. Analyse the challenges in this context and suggest measures to strengthen fiscal devolution. (150 words, 10 marks)**

### Introduction

Fiscal federalism refers to the division of financial powers and responsibilities between the Centre and States. **Articles 268–293** outline this framework. However, falling transfers and growing revenue dependence are eroding fiscal federal balance and state autonomy.

### Body

#### Strain on Fiscal Federalism: Emerging Trends

- 1. Declining share in gross tax revenue:** States' fiscal space is weakening as their share of national taxes reduces.  
Example: In **2023–24**, states got **30%** of taxes compared to **35%** in **2015–16**.
- 2. Shrinking grants-in-aid:** Decline in direct transfers curtails state capacity to fund development.  
Example: Central grants fell from **₹1.95 lakh crore** in 2021–22 to **₹1.65 lakh crore** in 2023–24.
- 3. Erosion of state tax autonomy:** GST regime curtailed states' independent revenue-raising powers.  
Example: Since GST began in **2017**, states lost control over VAT and key cesses.

#### Challenges in India's Fiscal Federalism

- 1. Vertical fiscal imbalance:** States spend more than they earn, deepening dependence on the Union.  
Example: States incur **58%** of public spending but get only **40%** of total revenue (**2023–24**).
- 2. Rising cess and surcharge centralisation:** Centre retains more funds outside the divisible pool.  
Example: Cess and surcharge rose from **₹85,638 crore** in **2011–12** to **₹3.63 lakh crore** in **2023–24**.
- 3. CSS-driven public spending centralisation:** Union controls most schemes while states bear execution costs.  
Example: Only **₹4.25 lakh crore** of **₹19.4 lakh crore** CSS funds devolved to states (**2023–24**).
- 4. Conditionality and interstate inequality:** Poorer states struggle to match CSS funds, widening gaps.  
Example: Wealthier states access CSS better, worsening fiscal imbalance.

5. **GST compensation shortfall:** End of compensation left states exposed to revenue shocks. Example: Compensation cess ended in **June 2022** without a replacement mechanism.

### Measures to Strengthen Fiscal Devolution

1. **Enhance state revenue powers:** Empower states to raise more funds by expanding their tax base.  
Example: **Kerala** and others seek inclusion of petroleum and alcohol in GST for greater control.
2. **Revamp fiscal transfers:** Ensure timely and predictable devolution with a higher tax share.  
Example: Demands for fixed GST payout timelines and revisiting the **41%** share are rising ahead of the **16th Finance Commission**.
3. **Rationalize CSS structure:** Cut down schemes and give states more untied funds for flexibility.  
Example: **Punchhi Commission (2010)** urged collaborative restructuring to enhance state discretion.
4. **Strengthen GST Council mechanisms:** Improve decision-making through fairer representation and expert support.  
Example: 2023 reform talks proposed a permanent secretariat and arbitration body within the Council.
5. **Reinstate Finance Commission's centrality:** Shift from ad hoc transfers to rule-based funding via the FC.  
Example: Use of **NITI schemes** like Aspirational Districts sidestepped FC guidelines, causing

### Conclusion

Empowering states fiscally is vital to protect India's federal character. The **16th Finance Commission** must uphold this by ensuring fair, timely, and adequate devolution of resources to sustain cooperative federalism in both letter and spirit.

**Q.3) The division of powers under the Seventh Schedule is increasingly seen as misaligned with contemporary governance needs. Critically examine the case for its reform and suggest measures to strengthen cooperative federalism. (150 words, 10 marks)**

### Introduction

The **Seventh Schedule** of the Constitution, under **Article 246**, allocates legislative subjects among the Union, State, and Concurrent Lists. However, emerging socio-economic complexities have exposed the inadequacies of this static division, necessitating urgent reform.

### Body

#### Understanding the Seventh Schedule

- **Three-tier division of powers:** The Constitution divides powers into Union (**97**), State (**66**), and Concurrent (**47**) Lists.

- **Union law overrides in conflicts:** Under **Article 254**, Union law overrides State law on concurrent subjects in case of conflict.
- **Parliament can make state laws:** **Articles 249, 250, and 356** allow Parliament to legislate on State List matters, weakening federal balance.
- **No regular list updates:** Since 1950, subject distribution hasn't been revised much, except for shifting 'Education' to the Concurrent List in **1976**.

### Why It Is Misaligned with Contemporary Governance

1. **Excessive central control:** Centre's deep intervention in State matters erodes federal spirit. Example: During **COVID-19**, Centre used the Disaster Management Act, 2005 to impose lockdowns, bypassing States.
2. **Blurred roles and overlap:** Overlapping functions cause ambiguity in responsibilities. Example: The **2012 Enrica Lexie case** saw unclear jurisdiction between Union and States on maritime security.
3. **Outdated subject division:** The Schedule hasn't kept pace with tech and social changes. Example: Issues like **Pegasus** spyware expose legislative gaps on digital surveillance.
4. **States lack control on new issues:** States struggle to handle emerging areas like migration and gig economy. Example: In **2020**, States lacked clarity to frame **migrant worker policies** during the crisis.

### Measures to Strengthen Cooperative Federalism

1. **Review subject distribution:** A permanent body should reassess the Schedule to reflect changing needs. Example: **Sarkaria and Punchhi** Commissions suggested a review every 10 years.
2. **Expand Concurrent List:** Include joint-action subjects to reduce Centre–State friction. Example: Add climate change, digital governance, and health crises.
3. **Revive federal institutions:** Strengthen regular dialogue via Inter-State and Zonal Councils. Example: Biannual meetings on water sharing and tech regulation.
4. **Link funds to functions:** States need matching finances for devolved responsibilities. Example: Finance Commissions should provide more untied, purpose-linked grants.
5. **Co-legislate new issues:** Centre and States should jointly frame laws on emerging sectors. Example: Draft model laws for fintech and cybersecurity through NITI Aayog.

### Conclusion

A dynamic and inclusive **Seventh Schedule** is pivotal to India's evolving federal democracy. Reforming it in line with changing realities and cooperative frameworks will strengthen the true spirit of federalism envisioned in the Constitution.

**Q.4) Some States argue that increasing centralisation in legislative and administrative matters is weakening the federal spirit of the Constitution. Do you agree with this view? Substantiate your answer with recent examples and suggest measures to address these concerns. (250 words, 15 marks)**

### Introduction

India is often called a “**quasi-federal**” state with a strong central tilt, as noted by **K.C. Wheare**. While this has helped maintain unity, growing centralisation now raises concerns about its fit with the Constitution’s federal vision.

### Body

#### Increasing Centralisation: A Growing Concern

1. **Central laws on State subjects:** Parliament is legislating on matters typically reserved for States.  
Example: The **2020 farm laws** were seen as interference in State-controlled agriculture.
2. **Governor's political role:** The office is often seen interfering in State governance.  
Example: Governors in **Tamil Nadu and West Bengal** delayed Bills and appointments.
3. **Fiscal squeeze on States:** States’ financial autonomy has shrunk post-GST and Planning Commission abolition.  
Example: During **COVID-19**, States lacked GST control and faced compensation delays.
4. **CSS-driven policy control:** Centrally Sponsored Schemes restrict State-level flexibility.  
Example: Uniform rules under **PM Awas Yojana** and PMGSY limit State discretion.
5. **Agency overreach:** Central agencies act in States without their full consent.  
Example: Many States withdrew **CBI** consent over concerns of misuse.

#### Impact on Federal Spirit

Undermines constitutional federal balance and functional autonomy of States.

- Weakens cooperative mechanisms, leading to friction and reduced trust.
- Encourages judicial interventions and politicisation of Centre–State relations.
- Reduces States’ policy space in sensitive areas like law and order, education, and welfare.

**However**, despite these concerns, India’s federal system has shown resilience. Key national initiatives highlight effective Centre–State coordination within a cooperative framework.

#### Illustrations of Cooperative Federalism in Action

1. **Consensus-building in taxation policy:** The GST Council enables structured Centre–State fiscal coordination.  
Example: Both Centre and States jointly decide **GST rates** and structure through consensus.
2. **Crisis-time coordination:** Pandemic response highlighted effective Centre–State collaboration.  
Example: **COVID-19** lockdowns and vaccine rollouts were coordinated via regular consultations.



3. **Joint service delivery schemes:** Some CSS models foster equal partnership with States. Example: **Jal Jeevan Mission** merges central funds with State-driven implementation for water access.

### Measures to Address the Concerns

1. **Strengthen Inter-State Council:** Institutionalise Centre–State dialogue as per **Punchhi Commission**.  
Example: Regular meetings with clear agendas to resolve legislative and administrative disputes.
2. **Reform Governor's Role:** Ensure neutrality and accountability in gubernatorial functions. Example: In *B.P. Singhal (2010)*, SC stressed non-partisan Governor conduct and fixed norms for removal.
3. **Redesign CSS Framework:** Follow **NITI Aayog** Sub-Group recommendations to increase flexibility.  
Example: Permit States to modify schemes and use **25–30% funds** as untied.
4. **Empower State Finance Commissions:** Reduce fiscal dependency by strengthening decentralised planning.  
Example: Ensure timely setup and action on recommendations as urged by **2nd ARC**.
5. **Redefine roles in Concurrent List:** Prevent overlap and conflicts through clearer demarcation.  
Example: Consult States before passing laws on concurrent subjects, as **Punchhi Commission** advised.

### Conclusion

Upholding federalism is key to India's democratic strength. As the **Punchhi Commission** noted, cooperative federalism needs ongoing dialogue and trust-based reforms between Centre and States.

**Q.5) Panchayati Raj Institutions (PRIs) were constitutionally mandated to usher in grassroots democracy. However, their functioning often resembles "grass without roots". Critically examine the challenges faced by PRIs and suggest measures to strengthen their autonomy and capacity. (250 words, 15 marks)**

### Introduction

The **73rd and 74th Amendments**, following the **L.M. Singhvi Committee**, accorded constitutional status to PRIs. Yet, without adequate transfer of powers, funds, and functionaries, PRIs remain "grass without roots", undermining grassroots democracy.

**Body****PRI: Constituted to Usher Grassroots Democracy**

- 1. Constitutionalisation of Local Bodies:** Establishment of three-tier Panchayati Raj system empowered by the Eleventh Schedule.  
Example: Mandatory Gram Panchayat, Panchayat Samiti and Zilla Parishad elections.
- 2. Democratic Deepening:** Universal adult franchise and direct elections deepen participatory democracy.  
Example: Regular gram sabhas foster public engagement and local accountability.
- 3. Inclusive Representation:** Reservation for women, SCs/STs ensures social justice.  
Example: One-third reservation for women has facilitated their emergence as leaders.
- 4. Decentralised Planning and Development:** PRIs plan and implement local development priorities.  
Example: Gram sabha-based village development plans outline local needs.

**Key Challenges Faced by Panchayati Raj Institutions**

- 1. Incomplete Functional Devolution:** States have selectively withheld transfer of key subjects.  
Example: The Ministry of Panchayati Raj's Devolution Index shows major inter-state disparities in actual devolution.
- 2. Fiscal Dependence:** Absence of independent revenue sources makes PRIs grant-dependent.  
Example: **Sumit Bose Committee** recommended greater fiscal autonomy by rationalising CSSs to increase states' and PRIs' flexibility in spending.
- 3. Human Resource Constraints:** Lack of administrative and technical staff limits PRI capacity.  
Example: **Punchhi Commission** flagged the lack of support staff as a major barrier to PRI efficiency.
- 4. Elite Capture and Politicisation:** Local elites often dominate decision-making, marginalising weaker sections. Prevalence of '**Panchayat Pati**' Syndrome.  
Example: The **2nd ARC** noted that political interference and local elite dominance erode democratic decentralisation.
- 5. Weak Gram Sabha Functioning:** Gram Sabhas are often perfunctory, reducing grassroots oversight.  
Example: The 2nd ARC highlighted the lack of awareness and poor mobilisation in Gram Sabha meetings.

**Measures to Strengthen PRIs**

- 1. Enforce 3Fs Devolution:** Legislate clear transfer of Functions, Funds, Functionaries.  
Example: **NCRWC** and **Punchhi commissions** recommend strict activity mapping.
- 2. Fiscal Empowerment:** Empower PRIs to raise local revenues; streamline finance commission grants.  
Example: **15th FC's untied grant** framework enhances fiscal autonomy.
- 3. Capacity Building and Training:** Establish robust training via SIRDs and digital literacy initiatives.  
Example: Use of **eGramSwaraj** to train elected representatives in budgeting and planning.

4. **Strengthen Gram Sabhas:** Empower Gram Sabhas as primary units of participatory planning.  
Example: Tamil Nadu's Gram Sabha Makkal Plan institutionalises bottom-up budget formulation.
5. **Administrative Accountability:** Specify administrative hierarchies to reinforce elected PRIs.  
Example: Karnataka's state law defines clear roles for BDOs and elected functionaries.

### Conclusion

**Article 40** and the Gandhian vision of **Gram Swaraj** demand empowered self-governance at the grassroots. By strengthening PRIs through genuine devolution and local empowerment, we can root the "*grass without roots*" into a thriving democratic ecosystem.

## DAY-17

**Q.1) How effective is the Indian Parliament in holding the executive accountable within the framework of constitutional checks and balances? (150 words, 10 marks)**

### Introduction

The Constitution (**Art. 75**) provides a parliamentary system where the executive stays accountable to the legislature. Parliament ensures essential checks and balances. As **B.R. Ambedkar** said, "The daily assessment of responsibility is the very essence of parliamentary government."

### Body

#### Parliament's Control Over the Executive

1. **Question Hour & Zero Hour:** Mechanisms to seek immediate answers from ministers on pressing issues.  
Example: In **2021**, MPs questioned the government on vaccine shortages and border security lapses with China.
2. **Financial Powers (Art. 112–117):** Parliament approves and monitors government spending through the budget process.  
Example: In **2020**, Parliament scrutinised supplementary pandemic-related expenditure through the Budget process.
3. **Standing & Departmental Committees:** Ensure detailed examination of policies and spending across subjects.  
Example: The **PAC report** on 2G spectrum allocation exposed serious lapses in oversight.
4. **Motions and Debates:** Tools like no-confidence motions help challenge executive decisions and actions.  
Example: The **Morarji Desai** government resigned in **1979** after losing majority support.
5. **Legislative Control:** Law making provides a platform to question and alter executive proposals.

Example: The rollback of **farm laws in 2021** followed intense debate inside and outside Parliament.

### Challenges in Effective Oversight

1. **Disruptions:** Recurrent walkouts and sloganeering cut into valuable discussion time and weaken Parliament's ability to hold the executive to account. Example: **PRS data (2023)** showed that over **30%** of Lok Sabha's time was lost due to disruptions.
2. **Majoritarianism:** When the ruling party enjoys a brute majority, debate and dissent are often overridden by sheer numbers. Example: The **RTI Amendment Bill (2019)** was passed with minimal scrutiny despite widespread concern
3. **Ordinance Route (Art. 123):** The executive bypasses legislative scrutiny by issuing ordinances, weakening democratic accountability. Example: The three agriculture ordinances were introduced without prior parliamentary debate in **2020**.
4. **Decline in Bill Referrals:** Fewer bills are being sent to committees, reducing expert-driven scrutiny and bipartisan engagement. Example: Only ~**12%** of bills in the **17th Lok Sabha** were referred to committees.

### Recommendations to Revive Parliamentary Oversight

1. **Fixed Parliamentary Calendar:** Sessions should be scheduled annually in advance to reduce executive discretion, as recommended by the **NCRWC**.
2. **Independent Summoning Mechanism:** The **Punchhi Commission** proposed reducing executive monopoly over summoning to strengthen parliamentary autonomy.
3. **Mandatory Committee Review:** The Rajya Sabha Secretariat has argued that important bills must be compulsorily referred to standing committees.
4. **Limit Scope of ADL:** The **170th Law Commission** recommended restricting Anti-Defection Law to no-confidence and money bills to allow debate.
5. **Neutral Speaker Role:** The **NCRWC** advised transferring disqualification powers from the Speaker to an independent tribunal for impartiality.

### Conclusion

Parliament is central to ensuring executive accountability, but it needs reforms to strengthen its role. As **Paul Appleby** said, "Accountability is the cornerstone of responsible government." A strong Parliament safeguards both Constitution and citizens.

**Q.2) Indian secularism is based on the principle of principled distance, whereas French secularism emphasizes strict separation of religion and state. In this context, compare the two models and evaluate their implications for constitutional democracy. (150 words, 10 marks)**

### Introduction

Secularism means the state maintains **neutrality** towards religions to ensure equality and freedom. Indian secularism allows engagement with religions for reform, while French secularism, or *laïcité*, enforces a strict separation to protect individual liberty.

### Body

#### Comparison of Indian and French Secularism

- 1. State–Religion Engagement:** Indian secularism allows state intervention; French secularism mandates complete separation.  
Example: India reformed religious practices like untouchability; France avoids any legal interference.
- 2. Approach to Religious Freedom:** Indian model permits public faith expression; French model restricts it.  
Example: **Hijab** allowed in Indian schools; banned in French public spaces.
- 3. Treatment of Minorities:** Indian secularism accommodates group rights; French model emphasizes uniform citizenship.  
Example: India protects minority institutions; France applies one law to all.
- 4. Legal Constitutional Basis:** Indian secularism is constitutionally embedded; French secularism is based on legislation.  
Example: Indian Constitution (**Articles 25–28**); French **1905 Law on Separation**.
- 5. Cultural Context:** Indian secularism arose in a multi-faith society; French secularism responded to Church dominance.  
Example: India seeks religious harmony; France asserts state neutrality.

#### Implications for Constitutional Democracy

- 1. Pluralism vs. Homogeneity:** Indian secularism promotes diversity; French secularism aims for assimilation.  
Example: India supports religious processions; France restricts overt religious expressions.
- 2. Social Cohesion:** Indian flexibility helps mediate tensions; French rigidity sometimes fuels unrest.  
Example: France witnessed protests over **Abaya ban in 2024**.
- 3. Judicial Role:** Indian judiciary balances rights and reform; French courts largely uphold secular uniformity.  
Example: Indian SC upheld **Triple Talaq** ban for equality; French courts upheld religious symbol bans.
- 4. Political Use:** Indian secularism is subject to electoral debates; French secularism shapes national identity discourse.  
Example: In India, secularism linked with minority welfare; in France, tied to citizenship debates.
- 5. Democratic Challenge:** India struggles with politicisation of religion; France faces backlash for perceived exclusion.

Example: Indian parties use religion for vote banks; France sees alienation among Muslim youth.

### Conclusion

Both models aim to uphold democracy, but India promotes religious coexistence while France ensures strict neutrality. Their success depends on balancing liberty, equality, and social harmony within their constitutions.

**Q.3) Compare the Fundamental Rights in the Indian Constitution with the Bill of Rights in the US Constitution. What do these frameworks reflect about the nature of democracy in both countries? (150 words, 10 marks)**

### Introduction

Fundamental Rights, enshrined in **Articles 12–35** of the Indian Constitution, and the US Bill of Rights (first ten amendments) guarantee essential freedoms to individuals. Comparing them reveals how each nation conceptualizes democracy, liberty, and the role of the state.

### Body

#### Comparison of Fundamental Rights and Bill of Rights

Factor	Indian Constitution	US Constitution
<b>Philosophical Basis</b>	Rooted in liberal and socialist ideals; influenced by the Directive Principles (Part IV).	Based on natural rights and Enlightenment philosophy.
<b>Scope of Rights</b>	Covers civil, political, and socio-economic rights (e.g., Article 21A – Right to Education).	Focused mainly on civil and political rights.
<b>Nature of Rights</b>	Subject to reasonable restrictions (Articles 19(2)–(6)) for public order, morality, etc.	Mostly absolute; restrictions require strict scrutiny by courts.
<b>Enforceability</b>	Enforceable under Article 32 (Right to Constitutional Remedies); some rights suspended during emergencies (Art. 359).	Fully enforceable; very limited scope for suspension, even in emergencies.
<b>Amendability</b>	Can be amended but not to violate the basic structure (Kesavananda Bharati case).	Very rigid; requires 2/3rd majority in Congress and ratification by 3/4 states.
<b>Application</b>	Applies to the state and, in some cases, private actors (e.g., Article 15(2)).	Applies only against the state.
<b>Judicial Interpretation</b>	Expansive and evolving (e.g., Right to Privacy, 2017 verdict under Article 21).	Tends to follow originalist or textualist interpretations.

#### Implications for Democratic Nature

**US Model – Individual-Centric Democracy:**

- Emphasizes personal liberty, limited government, and judicial supremacy.
- Protects civil liberties through strong constitutional safeguards and activism.  
*Example: Strong free speech protections upheld even in controversial contexts.*

**Indian Model – Balancing Liberty and Social Justice:**

- Aims to create a just social order through affirmative action and welfare provisions.
- Prioritizes community rights and state-led reforms alongside individual freedoms.  
*Example: Reservation policies and the right to education empower the disadvantaged.*

**Conclusion**

Both models aim to uphold democracy, but India promotes religious coexistence while France ensures strict neutrality. Their success depends on balancing liberty, equality, and social harmony within their constitutions.

**Q.4) "Judicial independence is vital not just in form but in substance to preserve the constitutional balance." In this light, critically evaluate the constitutional safeguards and emerging challenges to judicial autonomy in India. Suggest measures to enhance its credibility and effectiveness. (15 marks, 250 words)**

**Introduction**

Judicial independence, enshrined in **Articles 50 and 124–147**, is central to India's separation of powers. It is not just a constitutional feature but a living principle—though one that continues to face persistent institutional and political challenges.

**Body****Judicial Autonomy: Constitutional and Functional Safeguards**

- 1. Security of Tenure & Service (Art. 124–125):** Judges of the higher judiciary enjoy protection from arbitrary removal or demotion.  
*Example: The impeachment process, as seen in Justice Ramaswami's case, is rigorous and rare.*
- 2. Financial Autonomy:** Salaries and expenses are charged on the Consolidated Fund and are not subject to executive discretion.  
*Example: Parliament cannot reduce judges' salaries to exert pressure (Art. 125).*
- 3. Contempt Power & Judicial Review (Art. 129 & 32/226):** The judiciary can enforce compliance and strike down unconstitutional acts.  
*Example: In Kesavananda Bharati v. State of Kerala, it protected the basic structure doctrine.*
- 4. Collegium System:** Judicial appointments are managed by the judiciary itself to insulate from executive influence.  
*Example: The 2015 NJAC verdict reaffirmed judicial primacy in appointments.*



### Challenges to Judicial Independence

1. **Opaque Collegium Process:** Lack of transparency in appointments has raised questions of credibility and internal bias. Example: **Justice Kaul's judgment** called for public disclosure of reasons in collegium resolutions.
  2. **Executive Non-Compliance:** Delay or selective clearance of names recommended by the collegium undermines judicial autonomy. Example: Centre delayed appointing judges despite reiterated recommendations in **2023**.
  3. **Lack of Uniform Recusal Standards:** Absence of codified norms results in ad hoc recusal practices. Example: A SC judge faced criticism for hearing a matter previously dealt with.
  4. **Political Pressures & Media Trials:** Politicisation and media commentary erode judicial neutrality and public trust. Example: Public statements by political leaders questioning court verdicts.
  5. **Allegations of Corruption:** Emerging integrity issues risk eroding public confidence. Example: In **2025**, a **Delhi High Court judge** faced allegations after cash was found at their residence.
  6. **Post-Retirement Appointments:** Anticipation of government posts after retirement can give rise to conflicts of interest. Example: A **former CJI** accepted a Rajya Sabha nomination shortly after demitting office.
  7. **NJAC Judgement & Pending MOP:** Supreme Court struck down NJAC fearing judicial primacy erosion, while the revised Memorandum of Procedure remains pending.
- ### Recommendations to Strengthen Autonomy
1. **Transparent Appointment Norms:** Introduce public criteria and maintain written collegium resolutions to ensure accountability. (Second Administrative Reforms Commission)
  2. **Independent Appointments Commission:** Establish a balanced panel including members from the judiciary, executive, and civil society. (Punchhi Commission)
  3. **Time-bound Appointments:** Impose deadlines on the executive to act on recommendations and avoid delays. (Law Commission of India)
  4. **Infrastructure Authority:** Create a separate body to manage court infrastructure and budget allocation efficiently. (NITI Aayog)
  5. **Ethical Code of Conduct:** Adopt a collegium-backed ethical charter to uphold judicial integrity.
  6. **Finalize Revised MOP:** Institutionalize a clear Memorandum of Procedure to minimize informal lobbying and standardize appointments.

### Conclusion

Though the judiciary has resisted many encroachments, protecting its independence requires transparency and accountability. As **Justice Chandrachud** said, "Independence is not a privilege but a responsibility to the people."

**Q.5) Alternative Dispute Resolution (ADR) mechanisms offer a viable alternative to traditional litigation in India. In light of the Mediation Act, 2023, examine the potential of ADR in strengthening access to justice. Also highlight key challenges in its implementation. (15 marks, 250 words)**

### Introduction

Alternative Dispute Resolution (ADR) includes mediation, arbitration, conciliation, negotiation, and Lok Adalats. With rising pendency, the **Mediation Act, 2023** strengthens court-annexed ADR to ensure faster, inclusive, and less adversarial justice.

### Body

#### Major Types of ADR in India

**Mediation:** A neutral mediator facilitates voluntary settlement between parties.

**Arbitration:** A binding decision by an arbitrator substitutes formal court judgment.

**Conciliation:** A conciliator proposes solutions, which parties may voluntarily adopt.

**Negotiation:** Parties engage directly to find a mutually agreeable resolution.

#### Key Provisions of the Mediation Act, 2023

- Mandates *pre-litigation mediation* for civil and commercial disputes.
- Establishes the **Mediation Council of India** to regulate the profession.
- Provides *enforceability of mediated settlements* as if they were court decrees.

#### Transformative Potential of ADR

**1. Statutory Backing via the Mediation Act:** The Act enforces pre-litigation mediation, sets up a Mediation Council, and introduces a **180-day resolution limit**.  
*Example: Court-annexed community mediation gains legal credibility and structure.*

**2. Eases Judicial Burden:** ADR diverts routine and compoundable cases from courts, reducing pendency.  
*Example: Over 1.27 crore cases were settled by Lok Adalats in 2023.*

**3. Improves Access to Justice:** Cost-effective, informal, and less intimidating than courts, ADR empowers vulnerable groups.  
*Example: Gram Nyayalayas use trained mediators to resolve local disputes.*

**4. Fosters Consensus and Reconciliation:** Unlike adversarial litigation, ADR promotes healing and constructive dialogue.  
*Example: Family court mediations help resolve child custody and divorce disputes.*

**5. Maintains Judicial Oversight:** Courts retain supervisory powers under Section 89 CPC, ensuring ADR aligns with legal standards.  
*Example: High Court mediation centres function under judicial scrutiny.*

#### Challenges in ADR Implementation

**1. Lack of Legal Literacy and Awareness:** A large section of the population remains unaware of ADR mechanisms or doubts their legitimacy.  
*Example: Participation in mediation remains low in rural and semi-urban areas.*

**2. Inadequate Institutional Framework:** The absence of a robust, uniform ADR infrastructure across states hampers effectiveness.  
*Example: Many district courts lack functional mediation centres.*

3. **Poor Quality Control and Accreditation:** Unregulated mediator training leads to inconsistent outcomes and diminished public trust.  
*Example: Mediator certification and capacity vary significantly between states.*
4. **Delayed Enforcement of Settlements (pre-Mediation Act):** Before 2023, ADR lacked a clear statutory mechanism for direct enforceability.  
*Example: Mediated agreements often required judicial approval for execution.*
5. **Restricted Scope of Applicability:** Certain high-stakes, criminal, or constitutional issues remain outside the ambit of ADR.  
*Example: Matters involving sexual offences or constitutional validity are excluded.*

### Recommendations

1. **Strengthen Institutional Capacity:** Following the **Sri Krishna Committee's** call for efficiency in arbitration, training programs and a national ADR grid must be implemented.
2. **Expand Digital Infrastructure for ODR:** **NITI Aayog's** push for Online Dispute Resolution should translate into tech-enabled platforms for rural and small-value disputes.  
*Example: AI-assisted ODR portals can speed up resolution of contractual conflicts.*
3. **Ensure Global Alignment:** India should ratify the Singapore Convention on Mediation to boost cross-border enforceability and build on the **Arbitration and Conciliation Act, 1996**.

### Conclusion

*The Mediation Act anchors ADR in law, promoting a participatory and less adversarial justice model. Its success depends on awareness, digital tools, and global alignment to complement, not compete with, the courts.*

## DAY-18

**Q.1) In the backdrop of frequent disruptions and declining deliberative standards in Parliament, assess the relevance of Parliamentary Committees in strengthening legislative scrutiny and governance. Also suggest ways to revitalise their functioning. (150 words, 10 marks)**

### Introduction

**Article 118** allows Parliament to set its own procedural rules, including forming Parliamentary Committees. These “**mini-Parliaments**” ensure laws are examined, the government is held accountable, and work continues despite frequent disruptions in Parliament.

### Body

#### Parliamentary Disruptions

- As former Vice President **M. Venkaiah Naidu** noted, “Disruptions hurt the image of Parliament and dilute its primary role of deliberation and law making.”
- Over **65 hours** were lost to disruptions in the **2023 Winter Session**. This shows the rising need for Parliamentary Committees to ensure continued scrutiny and governance.

### Relevance of PSCs in Strengthening Governance

1. **Detailed Legislative Scrutiny:** PCs examine bills clause-by-clause, improving quality. Example: The DRSC on Health gave critical inputs on the **Surrogacy Bill**.
2. **Executive Accountability:** Ensure post-legislative oversight and curb bureaucratic overreach. Example: The **PAC** flagged irregularities in **COVID-19 fund** allocation.
3. **Bipartisan Deliberation:** Cut across party lines to facilitate consensus in a non-disruptive setting. Example: The JPC on **Data Protection Bill** included inputs from multiple parties despite political tension.
4. **Continuity & Expertise:** PCs work year-round and consult domain experts. Example: DRSC on IT held consultations with cyber-law specialists.

### Challenges Hindering Effective Functioning

1. **Limited Tenure & Frequent Reconstitution:** One-year terms limit continuity and institutional memory.
2. **Declining Referrals:** Fewer bills are sent to committees, reducing scrutiny. Example: **Less than 30% of bills** were referred in the **17th Lok Sabha**.
3. **Recommendatory Nature:** Suggestions are non-binding; often ignored by ministries.
4. **Partisan Interference:** Political loyalty overshadows objective scrutiny in some cases. Example: In the Pegasus inquiry demand, partisan deadlock prevented even committee formation.
5. **Inadequate Research Support:** Committees often lack expert backing and data.
6. **Weak Follow-up Mechanism:** **Action Taken Reports** are delayed or left incomplete.

### Recommendations

1. **Mandatory Referrals:** Major bills must undergo committee review before floor debate, as recommended by the **2<sup>nd</sup> ARC**.
2. **Enhance Institutional Capacity:** Boost research staff and expert access for committee members, following suggestions of the **NCRWC**.
3. **Ensure Continuity:** Extend committee tenure beyond one year for sustained oversight.
4. **Strengthen Follow-up:** Mandate timely Action Taken Reports and ministry accountability, as flagged by the **Punchhi Commission**.
5. **Incorporate International Best Practice:** For example, the **UK Parliament's** Select Committees have dedicated independent secretariats and longer terms, aiding sustained and expert-led review.

### Conclusion

Revitalising Parliamentary Committees is essential to restore credibility, deliberation, and governance quality in Parliament. Strengthening their autonomy and effectiveness will help Parliament reclaim its role as the cornerstone of Indian democracy.

**Q.2) State legislatures in India often function irregularly and suffer from poor legislative performance. Identify key challenges and suggest ways to strengthen them. (150 words, 10 marks)**

### Introduction

State Legislatures, under **Part VI (Articles 168–212)**, are key to decentralised governance. As **Granville Austin** noted, they are vital “institutions of cooperative federalism.” Weak performance undermines both federal balance and governance quality.

### Body

#### Constitutional Provisions Pertaining to State Legislatures:

- **Article 168:** Composition of State Legislatures
- **Article 174:** Governor’s power to summon and prorogue House
- **Article 200:** Assent to Bills
- **Article 208:** Rules of Procedure

#### Irregularity and Performance Facts:

A PRS report shows state assemblies met for an average of just 29 days annually (2016–21), with low bill scrutiny and declining question hour engagement.

#### Key Challenges

1. **Legislative Inefficiency: Delays and disruptions weaken legislative productivity.**  
Example: In many states, sessions last fewer than **30 days** per year.
2. **Political Instability: Frequent government changes disrupt legislative continuity.**  
Example: **Maharashtra and Bihar** have seen multiple leadership shifts recently.
3. **Representation Gaps: Marginalised communities often remain underrepresented.**  
Example: Few tribal or women MLAs in Jharkhand and Uttar Pradesh.
4. **Interference from Centre: Overlap in powers fuels federal tensions.**  
Example: **NCT of Delhi** conflict between elected govt and Lt. Governor.
5. **Governor’s Delay on Bills: Executive-legislature friction undermines governance.**  
Example: **Tamil Nadu’s 2024** petition against delay in governor's assent.

#### Recommendations

1. **Ensure Regular Sessions: Mandate minimum sittings and reduce disruptions.** NCRWC recommended a calendar-based legislative agenda.
2. **Empower Committees: DRSC-like bodies at state level for scrutiny.** 2nd ARC called for stronger committee system in states.
3. **Revamp Legislative Councils: Strengthen debate, include expert members.** Punchhi Commission suggested reforms in LC structure.
4. **Limit Governor’s Discretion: Specify time frame for bill assent.** Sarkaria Commission and SC have supported this reform.
5. **Capacity Building: Train MLAs, enhance research and data support.** PRS Legislative Research assists some states like Odisha.

**Judicial Pronouncements & Observations**

- **S.R. Bommai (1994):** Federalism is part of the Constitution's basic structure; states are not mere agents of the Centre and enjoy autonomous status.
- **2024 TN Governor Case:** SC held that governors must act swiftly on bills.

**Conclusion**

Empowering state legislatures is essential for deepening Indian federalism and enhancing grassroots governance. Structural reforms, robust deliberation, and institutional support will revitalise these vital democratic spaces.

**Q.3) The mounting pendency of cases in Indian courts poses a serious challenge to access to justice. Examine the underlying causes and suggest comprehensive measures to address the issue. (150 words, 10 marks)**

**Introduction**

Justice delayed is justice denied. Indian judiciary, under **Articles 124–147 (Supreme Court)** and **214–237 (High Courts)** of Part V and VI, ensures rule of law. But growing pendency endangers this ideal and erodes public trust.

**Body****Constitutional Provisions Related to Judiciary:**

- **Article 32 & 226:** Right to constitutional remedies
- **Article 136:** Special Leave Petition
- **Article 50:** Separation of judiciary from executive
- **Article 233–237:** Appointment and service of district judges

**Judicial Pendency:**

As of 2024, over **5 crore cases** are pending across Indian courts, with **77,000+ in SC**, **60 lakh in HCs**, and **4.3 crore in lower courts (NJDG data)**. Many await trial for over a decade.

**Key Challenges**

1. **Judicial Vacancies:** Shortage of judges continues to delay case resolution across courts.  
Example: Over **30% HC judge posts** remain vacant in 2024.
2. **Procedural Delays:** Outdated legal procedures often lead to repeated adjournments.  
Example: Frequent case deferments in civil matters prolong litigation.
3. **Infrastructure Deficit:** Lack of proper courtrooms, staff, and facilities hampers judicial work.  
Example: Many district courts function without proper technology or record rooms.
4. **Frivolous Litigation:** Unnecessary and baseless petitions increase the burden on courts.  
Example: Delhi HC flagged rising **PIL misuse** in **2023**.
5. **Ineffective Case Management:** Poor scheduling systems slow down case progression.  
Example: Courts lack AI tools for dynamic case listing

6. **Delay in Judicial Appointments:** Prolonged vacancies due to appointment delays worsen pendency.

Example: SC Collegium recommendations pending for over **6 months in 2024**.

### Recommendations

1. **Fill Vacancies Promptly:** Speed up judge appointments through better coordination.  
Example: **2nd ARC** urged timeline-based appointment process.
2. **Reform Procedures:** Limit adjournments and promote digital filing systems.  
Example: CPC amendments can limit delay tactics.
3. **Upgrade Infrastructure:** Enhance court facilities and expand e-court services.  
Example: Phase III of **e-Courts Mission Mode Project** is ongoing.
4. **Regulate PILs and Appeals:** Penalise frivolous and repetitive filings.  
Example: **Law Commission** recommended filters for PILs.
5. **Strengthen ADR Systems:** Promote mediation, arbitration, and Lok Adalats.  
Example: **Mediation Bill, 2023** aims to institutionalise mediation culture.

### Judicial Pronouncements & Observations

- **Hussainara Khatoon (1979):** SC held **speedy trial is a fundamental right under Article 21**.
- **Imtiyaz Ahmad (2012):** SC directed **data-based judicial resource planning to reduce pendency**.

### Conclusion

A robust judiciary is central to constitutional democracy. By adopting structural reforms, technology, and efficient case management, India can ensure timely, accessible, and affordable justice for all.

**Q.4) "Rajya Sabha is not a secondary chamber, but a complementary one." In light of this statement, evaluate the role and contemporary relevance of the Rajya Sabha in Indian polity. (250 words, 15 marks)**

### Introduction

**Article 79** establishes a bicameral Parliament consisting of the President, Lok Sabha, and Rajya Sabha. As the Upper House, Rajya Sabha plays a vital role in federal balance, scrutiny, and continuity.

### Body

#### Constitutional Provisions Pertaining to Rajya Sabha

- **Article 80:** Composition and election of members.
- **Article 84:** Qualification for membership in Parliament.



- **Article 249:** Power to legislate on State subjects in national interest.
- **Article 312:** Creation of All India Services with Rajya Sabha approval.
- **Article 108:** Role in resolving legislative deadlock via joint sitting.

### Why Rajya Sabha is a Complementary Chamber

1. **Federal Balance:** Represents States and Union Territories, ensuring federal character.  
Example: Resolution under **Article 249** to empower Parliament on state subjects.
2. **Expertise and Continuity:** Being a permanent house, it retains experienced voices for sober deliberation.  
Example: Legal experts and economists contribute during crucial bill debates (e.g., **GST Bill**)
3. **Checks and Deliberation:** Slows hasty legislation and facilitates deeper scrutiny.  
Example: Amendments suggested in the **Forest Conservation (Amendment) Bill, 2023**.
4. **All-India Services Creation:** Has sole power to authorize new All India Services under **Article 312**.  
Example: Rajya Sabha enabled creation of Indian Forest Service.
5. **Platform for Non-Majoritarian Voices:** Offers space to regional, minority, and intellectual perspectives.  
Example: Nominated members like **Sudha Murthy** enriched debates.

### Contemporary Relevance

1. **Legislative Refinement:** Reviews and suggests amendments, often leading to better laws.  
Example: Changes in **Consumer Protection Bill** post RS review.
2. **Guard Against Populism:** Provides institutional stability against sudden electoral swings.  
Example: Stalled controversial bills for wider consultation (e.g., **Farm Laws** debate).
3. **Voice of the States:** Raises issues of regional concern neglected by national politics.  
Example: North-Eastern MPs pressing infrastructure and autonomy concerns.
4. **National Interest Overlaps:** Enables central legislation on state matters when needed.  
Example: **Article 249** resolutions for counter-terror and economic matters.
5. **Forum for Intellectual Debate:** Focuses more on issue-based discussion than party politics.  
Example: Debates on climate change, digital economy led by domain experts.

### Issues and Concerns

1. **Ruling Party Dominance:** Weakens the chamber's reviewing role when the same party controls both houses.  
Example: Key bills passed with minimal Rajya Sabha debate since 2019
2. **Low Productivity:** Disruptions and walkouts often reduce meaningful discussion.  
Example: **Only 23% productivity** in Winter Session 2023.
3. **Lack of Regional Assertiveness:** Many members toe the party line, diluting federal voice.  
Example: Limited pushback on central schemes affecting state finances.
4. **Nominated Member Concerns:** Critics argue the selection often reflects political patronage.  
Example: Appointment of actors/sports figures without legislative interest or expertise.

### Judicial Observation

- **Kuldip Nayar v. Union of India (2006)**: SC upheld indirect election as valid and essential to federalism.
- **Rajasthan Assembly Case (2024)**: SC reiterated bicameralism strengthens democracy by enabling checks and debate.

### Way Forward

1. **Promote Greater Deliberation**: *Rajya Sabha should adopt the NCRWC (2001) recommendation to function more as a forum for states and expert deliberation, rather than mirroring Lok Sabha politics.*
2. **Reform of Nominated Members' Criteria**: *P.V. Rajamannar Committee suggested that nominations must reflect domain expertise, not political loyalty, ensuring quality debate.*
3. **Synchronize Sessions & Committees**: *M.N. Venkatachaliah Commission advocated synchronised legislative calendar and active committee referrals to improve productivity and scrutiny.*

### Conclusion

Rajya Sabha enriches India's democracy through deliberation, federalism, and policy depth. Strengthening its autonomy ensures it remains a vital national institution, not just a procedural formality.

**Q.5) The anti-defection law was introduced to ensure political stability, but it has often been criticised for stifling legitimate dissent and weakening democracy. Critically analyse this paradox and discuss possible reforms to uphold both stability and democratic debate. (250 words, 15 marks)**

### Introduction

The Anti-Defection Law was enacted through the **52nd Constitutional Amendment (1985)**, inserting the **Tenth Schedule** to curb political defections. While it aimed to foster stability in governments, concerns remain about its impact on intra-party democracy and dissent.

### Body

#### Anti-Defection Law is Important for Political Stability

1. **Curbing Opportunistic Shifts**: Prevents frequent government collapses due to floor-crossing.  
Example: Defections in **Haryana and Andhra Pradesh in the 1970s** led to political instability, prompting the need for legislation.
2. **Discouraging Horse-Trading**: Ensures ethical political conduct and stable governance.  
Example: The **2008 trust vote** in Lok Sabha saw allegations of cash-for-votes; the law acts as a deterrent.

### 3. **Promoting Party Discipline: Reinforces collective responsibility in the parliamentary system.**

Example: Helps in smooth passage of budgets and confidence motions, especially in coalition setups.

### 4. **Safeguarding Electoral Mandate: Ensures that elected representatives don't betray the voters' trust by switching parties.**

Example: Mass defections in **Karnataka and Madhya Pradesh** undermined public mandate, inviting criticism.

## Issues with the Law

### 1. **Stifling Dissent: Disallows even principled disagreement within parties.**

Example: In **Maharashtra (2022)**, the rebel Shiv Sena MLAs were accused under the law despite claiming to represent the 'real party'.

### 2. **Speaker's Bias: Final arbiter of disqualification is the Speaker, often partisan.**

Example: Delay in disqualification of defectors in **Manipur and Maharashtra** raised questions of impartiality.

### 3. **Lack of Timely Resolution: No legal deadline for Speaker's decision, enabling manipulation.**

Example: In **Karnataka (2019)**, disqualified MLAs were reinstated after delayed judgments.

### 4. **Bypassing Disqualification: Mass defections escape penalty by merging two-thirds of a party.**

Example: The **Goa 2019 defection** of 10 Congress MLAs to BJP was protected under merger clause.

## Judicial Pronouncements

- **Kihoto Hollohan (1992)**: Upheld the Speaker's role but allowed judicial review, balancing authority and fairness.
- **Keisham Meghachandra Case (2020)**: Directed Speakers to decide disqualification within a "reasonable time," ideally within three months.

## Reforms Needed

1. **Independent Tribunal: Transferring adjudication to an external body like the Election Commission.** It was recommended by the **Law Commission** (170th Report) to ensure neutrality in adjudication.
2. **Allow Dissent on Specific Issues: Protecting votes not related to no-confidence or money bills.** **Dinesh Goswami Committee** suggested limiting the law's scope to preserve democratic debate.
3. **Time-Bound Decisions: Setting statutory deadlines for disqualification cases.** **NCRWC and Election Commission** both suggested timelines to prevent manipulation.

## Conclusion

While the anti-defection law protects political stability, reforms are essential to balance it with democratic values. Strengthening institutions and narrowing the law's scope can uphold both governance and dissent.

**DAY-19**

**Q.1) In recent years, social media platforms have emerged as powerful informal pressure groups, shaping political discourse and influencing policy decisions in India. Examine their role and compare them with traditional formal pressure groups. (150 words, 10 marks)**

**Introduction**

Pressure groups are **organized entities** influencing policy without contesting elections. Social media, as an informal pressure group, represents a decentralized "**third sector**" force that mobilizes public opinion and builds **social capital** to impact governance.

**Body****Definitions**

- **Formal Pressure Groups:** Structured organizations like unions or lobbies that influence government decisions.  
Example: **Bharatiya Kisan Union** during the farm laws protest.
- **Informal Pressure Groups:** Unstructured collectives that influence discourse through social movements or digital platforms.  
Example: Social media on **Manipur violence** brought national attention to the issue.

**Role of social media as an informal pressure group**

1. **Agenda setting:** Social media brings overlooked issues into public debate.  
Example: **Goa forest campaign** led to public hearings.
2. **Mobilization:** It gathers public support rapidly across regions.  
Example: **Student protests online** got exams postponed during **COVID**.
3. **Accountability tool:** Posts often force swift action from authorities.  
Example: Complaint about broken roads led to repair by officials.
4. **Empowering voices:** It amplifies the concerns of ignored groups.  
Example: Women shared harassment stories, prompting internal probes during **Me Too movement**.
5. **Policy pressure:** Public outrage online can reshape official drafts.  
Example: Digital rules were softened after online criticism.

**Comparison with traditional formal pressure groups**

1. **Structure:** Social media is loose and spontaneous, unlike formal, organized groups.
2. **Reach:** It includes diverse voices, while formal groups focus on specific interests.
3. **Methods:** Social media uses campaigns; formal groups prefer negotiation and petitions.
4. **Impact style:** Social media uses fast pressure; formal groups work through dialogue.

**III-effects of social media as a pressure group**

1. **Spreads misinformation quickly and triggers mass panic.**  
Example: **Vaccine rumours** online caused fear during COVID.

**2. Leads to short-lived outrage without long-term change.**

Example: **Hathras** outrage faded with no major outcome.

**3. Encourages mob justice and deepens polarisation.**

Example: Election-time hate campaigns increased social divide.

In this regard, **IT Rules 2021** aim to regulate platforms, ensure responsibility, and offer grievance redressal.

### Conclusion

Social media, if guided by ethical norms and digital literacy, can complement traditional pressure groups in **strengthening democracy** and **policy responsiveness**.

**Q.2) Discuss the grounds for disqualification of elected representatives under the Representation of People Act, 1951. Do you think these provisions are sufficient to ensure political accountability? (150 words, 10 marks)**

### Introduction

The Representation of the People Act, 1951 lays down the legal framework for **free and fair elections** in India. It includes provisions to disqualify elected representatives to uphold integrity and accountability in public office.

### Body

#### Grounds for Disqualification under the Act

- 1. Conviction for certain offences:** Includes crimes like corruption, terrorism, and serious financial fraud (**Section 8**).  
Example: **Lalu Prasad Yadav** was disqualified after conviction in the fodder scam.
- 2. Corrupt practices in elections:** Includes bribery, undue influence, or booth capturing (**Section 123**).  
Example: A candidate found guilty of bribing voters can face disqualification.
- 3. Failure to lodge election expenses:** Not submitting account details within prescribed time (**Section 10A**).
- 4. Holding office of profit:** Occupying positions that may lead to a conflict of interest (**Section 9A**).  
Example: **Jaya Bachchan** was disqualified for holding an office of profit.
- 5. False declarations:** Hiding criminal background or submitting misleading details in affidavits.

#### Concerns about Sufficiency of Provisions

- 1. Delayed judicial process:** Cases often take years, allowing convicted leaders to continue in office.
- 2. Inadequate ethical coverage:** Hate speech, communal rhetoric, or abuse of position often go unpunished.

3. **Ambiguity in discretionary powers:** Decisions on disqualification and deregistration of parties lack clarity.
4. **Misuse of government machinery:** Ruling parties exploit public funds and vehicles during elections with little consequence.
5. **False disclosures remain unchecked:** Candidates often provide incomplete affidavits with no automatic consequence.

### Recommendations

1. **Implement Law Commission's 255th Report:** Enable faster trials and stringent action on false affidavits.
2. **Disqualify candidates with serious charges:** Those framed by a court at least six months before elections.
3. **Grant financial and staffing autonomy to ECI:** For independent and efficient functioning.
4. **Implement SC's suggestion for lifetime bans:** Prevent convicted politicians from contesting elections again.

### Relevant Supreme Court Cases

- **Lily Thomas v. Union of India (2013):** SC struck down the provision allowing convicted MPs/MLAs to continue in office if they filed an appeal.
- **Public Interest Foundation v. Union of India (2018):** SC urged Parliament to frame laws barring candidates facing serious criminal charges.

### Conclusion

Elections are the **lifeblood of democracy**, and strengthening the **Representation of the People Act, 1951** through timely reforms is vital to uphold electoral integrity and ensure true political accountability in India.

**Q.3) "Farmers' protests have brought renewed attention to agrarian pressure groups in India. Analyze the effectiveness of their methods in influencing public policy and political narratives." (150 words, 10 marks)**

### Introduction

Pressure groups are **organized interest-based collectives** that seek to influence policy without contesting elections. Agrarian groups like the **Samyukta Kisan Morcha** exemplify this, using mass protests to bring farmers' issues into political and legislative focus.

### Body

#### Farmers' Protests

- The **2020–21 farm law protests** mobilised lakhs of farmers across states, triggering a national debate.

- The protests lasted over a year, involved over **500 farmers' unions**, and ultimately led to the repeal of the three contentious farm laws.

### Methods Used by Agrarian Pressure Groups

1. **Mass Mobilisation and Protests:** Persistent protests across state capitals and national highways amplified demands.  
Example: **2020–21 Delhi border blockade** led to prolonged government negotiations.
2. **Narrative Building Through Media:** Use of local radio, community WhatsApp groups, and farmer YouTube channels countered mainstream media narratives.
3. **Electoral Signalling:** Boycotts and campaigns influenced voting patterns, particularly in Haryana and Western UP.
4. **Cross-Regional Coordination:** Platforms like All India Kisan Sangharsh Coordination Committee (**AIKSCC**) enabled collective bargaining across states.
5. **Engagement with Civil Society:** Collaborations with artists, lawyers, and academicians brought credibility and widened public engagement.

### Effectiveness of These Methods

1. **Policy Impact:** Contributed to repeal of three central farm laws—one of the rare rollbacks of major legislation.  
Example: The government withdrew the laws after over a year of protest.
2. **Narrative Domination:** Shifted focus to Minimum Support Price (MSP) and farmer distress on national platforms.  
Example: **MSP demands** featured in multiple state election campaigns post-2021.
3. **Political Recalibration:** Parties including Congress and AAP reoriented manifestos around agrarian guarantees.
4. **Democratic Participation:** Revitalised peaceful protest culture as a legitimate democratic instrument in rural politics.

### Concerns and Limitations

1. **Fragmented Leadership:** Divergent demands between large farmers and marginal groups reduce cohesion.  
Example: Differences between Punjab unions and other state bodies created friction.
2. **Urban-Rural Disconnect:** Limited empathy or sustained support from urban middle classes and mainstream media.
3. **Symbolic Outcomes:** Repeal of laws did not translate into lasting structural reforms in agriculture.
4. **Politicisation Risk:** Association with regional political movements raises questions on neutrality and agenda.  
Example: Accusations of political backing during **Punjab elections** affected perception.



### Conclusion

Despite limitations, agrarian pressure groups significantly shape public discourse and policy. Their active role strengthens **participatory democracy** by ensuring rural voices remain integral to national decision-making.

**Q.4) The Representation of the People Act, 1951 has served India's democracy for over seven decades, but growing political and legal complexities demand its reform. Critically examine the major challenges associated with the Act and suggest a roadmap for its overhaul." (250 words, 15 marks)**

### Introduction

The Representation of the People Act, 1951 provides the statutory foundation for **free and fair elections** in India. Yet, evolving political practices and legal loopholes necessitate reforms to sustain the credibility of India's electoral democracy.

### Body

#### Key Provisions of the RPA, 1951

1. **Disqualification on Conviction:** Bars candidates convicted under offences like corruption, terrorism, and rape from contesting elections under **Section 8**.
2. **Mandatory Disclosure:** Requires candidates to file affidavits detailing criminal antecedents, assets, liabilities, and educational qualifications under **Section 33A**.
3. **Spending Limits:** Imposes ceilings on electoral expenditure to ensure fairness, as mandated under **Section 77**.
4. **Definition of Corrupt Practices:** Outlines specific offences such as bribery and communal appeals as corrupt electoral practices under **Section 123**.
5. **Party Registration:** Enables the Election Commission to register and monitor political parties as provided under **Section 29A**.

#### Key Challenges and Gaps in the RPA, 1951

1. **Criminalisation of Politics:** Candidates with serious charges can still contest elections.  
Example: **43% of 2019 Lok Sabha MPs** declared criminal cases (ADR).
2. **Weak Disclosure Enforcement:** No strict penalty for false or misleading affidavits.
3. **Expenditure Loopholes:** Actual campaign costs often exceed declared limits.  
Example: Lavish roadshows and digital ads are run without accounting under **Section 77**.
4. **Limited EC Powers:** ECI cannot deregister parties violating norms.  
Example: Repeated MCC violations saw only warnings issued, not de-registration.
5. **Identity-Based Appeals:** Caste and religion still drive electoral campaigns.  
Example: Caste-based rhetoric was visible in **2022 UP state elections**.
6. **MCC Not Legally Binding:** Violations carry no statutory consequence.  
Example: Pre-poll promises like **freebies** continue despite EC censure.

7. **Opaque Political Funding:** Lack of transparency in donations undermines accountability. Example: **Electoral Bonds** enabled anonymous high-value donations to parties.

### Impacts of These Challenges

1. **Voter Distrust:** Credibility of electoral process is weakened.
2. **Unlevel Playing Field:** Honest candidates face unfair disadvantages.
3. **Judicial Overload:** Courts struggle with pending election-related cases.
4. **Democratic Dilution:** Faith in electoral democracy suffers systemic damage.

### Suggested Reforms

1. **Pre-Conviction Disqualification:** Bar candidates with serious charges at the framing of charge stage, as also recommended by the Law Commission.
2. **Legal Status to MCC:** Codify Model Code to enable enforceability, as proposed by the **Goswami Committee**.
3. **Strengthen ECI Autonomy:** Empower the EC with more regulatory authority, in line with **NCRWC** suggestions.
4. **Time-Bound Adjudication:** Establish **fast-track courts** for swift disposal of electoral offences.
5. **Transparent Funding Mechanism:** Mandate real-time disclosure of political donations to curb opacity.

### Relevant Supreme Court Judgments

- **Association for Democratic Reforms (2023):** Held electoral bonds unconstitutional for violating citizens' right to information on political funding.
- **Public Interest Foundation (2018):** Urged Parliament to curb criminalisation of politics through stricter candidate disqualification norms.

### Conclusion

Despite limitations, the RPA anchors India's democratic process. Reforming it in tune with judicial insights and institutional recommendations will ensure cleaner elections and strengthen trust in electoral democracy.

**Q.5) "The Model Code of Conduct (MCC) plays a vital role in ensuring free and fair elections, yet it lacks statutory backing. Critically examine whether the MCC should be given legal status, highlighting its advantages and potential pitfalls." (250 words, 15 marks)**

### Introduction

Rooted in **Kerala's 1960 elections** and backed by **Article 324**, the MCC guides electoral conduct. However, its non-statutory nature raises concerns over enforceability, prompting debate on whether it should gain legal status.

## Body

### Key Provisions of MCC

1. **Political Decency:** Bans personal attacks and divisive appeals during campaigning
2. **Avoidance of Public Fund Misuse:** Restricts use of government resources for electoral advantage.
3. **Neutrality of Bureaucracy:** Prohibits ministers from using official machinery for campaigning.
4. **Regulated Campaign Practices:** Controls public rallies, advertisements, and slogans to avoid disruptions.
5. **Polling Booth Ethics:** Prohibits canvassing near polling stations and the misuse of loudspeakers.

### MCC's Vital Role in Free and Fair Elections

1. **Creates a Level Playing Field:** Prevents misuse of incumbency by regulating conduct of ruling parties.  
*Example: Lok Sabha election in Vellore (2019) was cancelled due to cash-for-votes scandal.*
2. **Guides Political Behaviour:** Offers ethical benchmarks and pushes parties to self-regulate.  
*Example: Candidate nominations were dropped following MCC violations on communal speech.*
3. **Quick Disciplinary Action:** Allows ECI to take immediate steps like bans and advisories.  
*Example: ECI banned leaders from campaigning in 2014 for hate speeches.*
4. **Public Trust in Process:** Enhances credibility of elections by curbing excesses in real-time.  
*Example: Strict enforcement in Northeast assembly polls improved voter turnout and safety.*

### Why Legal Status Should Be Given

1. **Improves Enforceability:** Statutory backing enables defined punitive measures for violations.  
*Standing Committee on Law and Justice has recommended making MCC legally binding.*
2. **Reduces Discretionary Use:** Legal codification standardises enforcement across regions and parties.  
*Law Commission's 255th Report suggested integrating MCC with electoral laws.*
3. **Addresses Emerging Threats:** Legal backing is essential to tackle misinformation on digital platforms.  
*Recent ECI directives on social media conduct show current MCC lacks digital teeth.*
4. **Graded Penalties Framework:** Legal status could enable tiered punishments, improving deterrence.  
*Example: Bans on campaigning, followed by disqualification for repeated violations.*

### Arguments Against Legalisation

1. **Flexibility Would Be Lost:** ECI observes that the legal rigidity may hinder its ability to respond adaptively.  
*Current system allows swift, situation-specific decisions during polls.*
2. **Delays in Enforcement:** Court proceedings may outlast election cycles, diluting their relevance.
3. **Consensus-Based Strength:** Moral adherence by all stakeholders ensures better compliance than coercion.

*Example: MCC's voluntary acceptance makes it **politically and morally binding** without legal confrontation.*

4. **Already Covered by Existing Laws:** Provisions overlap with IPC, RPA, IT Act, reducing need for duplication.

*Example: **Section 123(4) of RPA** punishes publication of false statements during elections.*

#### Judicial Observations

- **Harbans Singh Jalal v. Union of India (1997):** Upheld ECI's authority to enforce MCC throughout election period.
- **ECI v. State of Haryana (1998):** Affirmed binding nature of ECI's directions under **Article 324** during elections.

#### Way Forward

1. **Graded Penalties:** Introduce a tiered system of punitive measures with increasing severity for repeat violations.
2. **Time-Bound Enforcement:** Ensure swift action, ideally within **72 hours**, with standard operating procedures.
3. **MCC Modernisation:** Update the code to tackle challenges from **AI, digital misinformation, and deep fakes**.

#### Conclusion

While MCC significantly contributes to ethical elections, **its legalisation must be balanced** with retaining its **moral and flexible nature** to ensure both accountability and timely electoral interventions.

## DAY-20

**Q.1) "Examine the key features of the Chief Election Commissioner and other Election Commissioners Act, 2023. What are the concerns associated with it? Suggest reforms to enhance the autonomy of the Election Commission of India." (150 words, 10 marks)**

#### Introduction

The Chief Election Commissioner and other Election Commissioners Act, 2023 replaces parts of the **1991 law**, setting **new rules for appointments**. However, it has sparked debate over its impact on the Election Commission's autonomy.

#### Body

##### Key Provisions of the 2023 Act

1. **Selection Committee:** PM (Chair), a Union Cabinet Minister, and Leader of Opposition in Lok Sabha (or largest opposition party).
2. **Search Committee:** Headed by Cabinet Secretary, includes two secretaries with election expertise; proposes a panel of five names.

3. **Eligibility:** Persons of integrity with experience in election management holding or having held Secretary-rank posts.
4. **Term:** 6 years or until age 65, with no possibility of reappointment.
5. **Salary & Service Conditions:** Equivalent to Cabinet Secretary, replacing the earlier parity with Supreme Court judge salary.

#### Positive Outcomes

1. **Legislative Clarity:** Fills a statutory void highlighted in *Anoop Baranwal v. Union of India (2023)*, which mandated an impartial selection process for ECs until Parliament enacted a law.
2. **Search Mechanism:** Institutionalizes a Search Committee, enabling **preliminary vetting** and broader candidate outreach.
3. **Qualified Pool:** Specifies professional eligibility, enhancing relevance to electoral integrity.
4. **Opposition Participation:** Inclusion of **LoP** adds non-executive representation, absent in previous models.

#### Key Concerns & Remaining Issues

1. **Executive Dominance:** With two out of three Selection Committee members from the government, concerns of bias persist.
2. **Judicial Exclusion:** Omits Supreme Court-recommended inclusion of the CJI or a retired SC judge, diverging from the model laid down in *Anoop Baranwal*.
3. **Opaque Oversight:** Search Committee's panel can be overridden, limiting transparency.
4. **Downgraded Status:** Cabinet Secretary-level compensation—set by executive pay commission—undermines statutory insulation that judicial pay enjoys under **Article 125**.
5. **Removal Asymmetry:** CEC removable via impeachment; ECs by presidential recommendation—raising equality concerns under **Article 14**.

#### Suggested Reforms

1. **Balanced Composition:** Reintroduce CJI or retired SC judge on Selection Committee, following **Law Commission**, and Supreme Court recommendations.
2. **Parity in Removal:** Extend Supreme Court-level removal safeguards to ECs via constitutional amendment.
3. **Enhance Transparency:** Publicize selection criteria/process; require Selection Committee to justify deviations from Search Committee suggestions.
4. **Cool-off Period:** Prohibit post-retirement appointments for CEC/ECs to reduce conflict of interest.
5. **Independent Secretariat:** Establish insulated ECI secretariat with administrative and budgetary autonomy, per recommendations of the **Goswami Committee, 2nd ARC, and Law Commission 255th Report**.
6. **Best Practice – South Africa:** Emulate South Africa's Electoral Commission model, where appointments involve a **multi-stakeholder panel** including judicial, legislative, and civil society representatives, fostering broad consensus and legitimacy.

#### Conclusion

To uphold *free and fair elections* as enshrined in *Anoop Baranwal and PUCL (2003)*, ECI's independence must be safeguarded. The 2023 Act, though progressive, needs reform to secure true institutional autonomy.

**Q.2) "The Lokpal was envisioned as an independent anti-corruption watchdog to ensure integrity in public office. Assess its performance over the last decade and identify key factors behind the limited effectiveness of this accountability institution." (150 words, 10 marks)**

### Introduction

Inspired by the **Swedish Ombudsman model**, India's **first ARC** recommended a central anti-corruption body—Lokpal. Enacted in **2013** after public protests, the Act aimed to institutionalize **accountability**. But the Lokpal's actual impact has remained minimal.

### Body

#### **Key Provisions of the 2013 Act**

1. **Institution of Lokpal:** Chairperson and up to 8 members (50% judicial, 50% from SC/ST/OBC/minorities/women).
2. **Jurisdiction:** PM (with limitations), Ministers, MPs, Group A–D officers, and NGOs receiving over ₹1 crore foreign donations.
3. **Selection Committee:** PM (Chair), Speaker, LoP, CJI/nominee, and an eminent jurist.
4. **Prosecution Wing:** Empowered to file charges based on Lokpal's inquiry.
5. **Lokayuktas:** States to establish Lokayuktas within a year.

#### **Notable Successes Since Enactment**

1. **Institutional Setup:** Lokpal became operational in 2019 with appointments of Chairperson and members.
2. **Digital Complaint System:** Online portal was launched for public complaints, facilitating accessibility.
3. **Case Monitoring Framework:** Internal mechanisms for scrutiny, dismissal, and forwarding of complaints were formalized.

#### **Criticism of Its Performance**

1. **Delayed Constitution:** Lokpal appointed only in **2019**, six years post-enactment.
2. **Vacancies:** Chairperson post has been vacant since **May 2022**; several member seats remain unfilled, impairing functioning.
3. **Low Case Disposal:** Of over **8,700 complaints** received till **2023**, fewer than **5%** were fully disposed; pendency rate remains above **80%**.
4. **State Lokayuktas:** Many states still lack robust or independent Lokayuktas.

#### **Reasons Behind Limited Effectiveness**

1. **Executive Apathy:** Delays in appointments, funding, and operational independence reflect low political will.
2. **Opaque Appointments:** Selection Committee often not constituted promptly; eminent jurist seat regularly vacant.
3. **7-Year Limitation Clause:** Complaints older than seven years are barred unless exceptional circumstances—a statutory design flaw that curtails retrospective accountability.
4. **Judicial Delays:** Preliminary inquiries and prosecutions face court backlog, reducing deterrence.

**Suggested Reforms**

1. **Timely Appointments:** Enforce strict timelines for filling all vacancies to prevent paralysis, as emphasized by the Supreme Court.
2. **Independent Investigation Wing:** As recommended by the **2nd ARC**, create a separate investigative cadre under Lokpal's control.
3. **Amend Jurisdiction Clauses:** Broaden scope to include PM, MPs, and judiciary with necessary safeguards, as proposed by the **Law Commission of India**.
4. **Audit & Transparency:** Publish annual performance audits and public reports, a key recommendation of the **NCRWC 2000**.
5. **Empower State Lokayuktas:** Mandate uniform standards and autonomy for state Lokayuktas through a model law, as proposed by the **2nd ARC**.

**Judicial Observation**

In **Common Cause v. Union of India (2018)**, the Supreme Court observed that delays in Lokpal appointments defeat the very object of the Act and weaken anti-corruption efforts.

**Conclusion**

Despite its promise, the Lokpal has underperformed due to institutional design flaws and political indifference. Revitalizing it is essential to **uphold probity** in public life and fulfill citizens' faith in **democratic accountability**.

**Q.3) The NHRC is often described as a 'toothless tiger' due to its limited enforcement powers. Critically examine the structural and functional issues hampering its effectiveness and suggest reforms. (150 words, 10 marks)**

**Introduction**

The National Human Rights Commission (NHRC) was established under the **Protection of Human Rights Act, 1993** to safeguard fundamental freedoms. However, former Chairperson **HL Dattu** termed it a **"toothless tiger,"** highlighting its limited capacity to enforce rights effectively despite a broad mandate.

**Body****Mandate and Powers of NHRC**

1. **Investigating Violations:** Inquires into human rights violations or negligence by public servants, suo motu or on petitions.
2. **Prison Visits:** Visits prisons and detention centres to assess conditions and recommend improvements.
3. **Legal Review:** Reviews constitutional safeguards and suggests better implementation mechanisms.
4. **Spreading Awareness:** Promotes awareness, literacy, and research in the field of human rights.

**Structural and Functional Issues**

1. **Non-Binding Recommendations:** NHRC's recommendations are advisory in nature, leading to poor compliance and limited deterrence.



2. **Opaque and Delayed Appointments:** GANHRI deferred NHRC's accreditation citing lack of transparency and diversity in appointments.
3. **Limited Investigative Autonomy:** Without an independent investigation wing, it relies on state agencies, compromising impartiality.
4. **Resource and Capacity Deficit:** Shortage of staff and funds restricts outreach, pendency reduction, and proactive interventions.
5. **Restricted Jurisdiction:** Cannot investigate armed forces' actions directly and is bound by a one-year complaint window.
6. **Perceived Political Influence:** Dominated by retired judges and bureaucrats appointed by the government, affecting its independence.

#### **Achievements and Interventions**

1. **Notable Actions:** Suo motu action in extra-judicial killings in **Manipur** and police excesses in UP.
2. **Prison Reforms:** Exposed custodial torture and overcrowding; pushed for systemic jail reforms.
3. **COVID-19 Response:** Monitored human rights violations affecting **migrants** and vulnerable groups during the pandemic.

#### **Suggested Reforms**

1. **Make Recommendations Binding:** Empower NHRC with enforceable authority in serious cases like custodial deaths, as supported by **GANHRI's 2023 review**.
2. **Give It Investigation Powers:** Permit independent investigation of armed forces and non-state actors, in line with the **Second Administrative Reforms Commission's** recommendations.
3. **Improve Member Selection:** Introduce a transparent and pluralistic appointment process, incorporating civil society voices—echoing **GANHRI's accreditation** concerns.
4. **Ensure Timely Action:** Impose deadlines for completing investigations and make government compliance time-bound to improve efficacy.
5. **Increase Independence:** Allocate an independent budget and conduct regular audits, as recommended by the **ADR report** and in keeping with Paris Principles.

#### **Judicial Observation**

In **DK Basu v. State of West Bengal (1997)**, the Supreme Court affirmed NHRC's critical role in combating custodial violence and safeguarding procedural rights.

#### **Conclusion**

To align with the **UN-endorsed Paris Principles**, NHRC must evolve through structural reforms. Strengthening its autonomy and enforcement power is essential to shift it from symbolic oversight to substantive rights protection.

**Q.4) The National Commission for Women (NCW) works to protect women's rights, but its impact remains limited. What challenges does it face in performing its role effectively? Would giving it constitutional status make it more powerful and credible? (250 words, 15marks)**

### Introduction

The National Commission for Women (NCW), a statutory body formed under the **1990 Act**, serves as India's **primary watchdog for women's rights**. Despite growing gender issues, its impact has remained marginal due to structural and institutional limitations.

### Body

#### Mandate and Powers of NCW

1. **Safeguarding Legal Rights:** Examines constitutional and legal safeguards for women.
2. **Complaint Redressal:** Inquires into complaints and takes suo motu notice of violations.
3. **Law and Policy Review:** Recommends changes to discriminatory or ineffective laws.
4. **Awareness and Research:** Promotes legal awareness and conducts studies.
5. **Advisory Role to Government:** Offers policy advice on women's welfare and development.

#### Achievements and Interventions

1. **Suo Motu Cognizance:** Took independent notice of high-profile crimes (e.g., **Hathras, Unnao**), and more recently, incidents in **Manipur**, highlighting the need for proactive intervention.
2. **Legal Strengthening:** Played a significant role in strengthening the **Domestic Violence Act, 2005** and **Dowry Prohibition Act, 1961**, making them more stringent and effective.
3. **Workplace Safety:** Monitored the enforcement of the **Sexual Harassment at Workplace Act, 2013**, aiding in workplace redressal mechanisms.
4. **Support Services:** Provided legal and psychological counselling to **victims of violence** and harassment, helping survivors seek justice.
5. **Gender Profiling:** Prepared Gender Profiles for all states and Union Territories (except Lakshadweep) to assess the socio-economic status of women.
6. **Awareness Campaigns:** Conducted workshops and campaigns on **child marriage, female foeticide**, and violence against women.

#### Challenges Faced by NCW

1. **Statutory Limitations:** Lacks binding powers—recommendations are often ignored or diluted in execution.
2. **Political Interference:** Alleged partisanship reduces public trust and institutional independence, as seen in its delayed and tepid response to the **Manipur sexual violence** case.
3. **Limited Resources:** Inadequate budget and human capital undermine outreach, particularly in violence-prone or remote areas.
4. **No Penal Powers:** Cannot penalize violators or enforce compliance; relies on other agencies to act on findings.
5. **Insensitive Handling of Cases:** The **2009 Mangalore pub attack**, where an NCW member blamed the victims, sparked national outrage and raised questions about gender sensitivity within the commission.

#### Significance of Constitutional Status

1. **Enhanced Legitimacy:** Like **Election Commission or CAG**, constitutional status may raise credibility and authority, enabling the NCW to be taken more seriously.
2. **Financial Independence:** Drawing funds from the **Consolidated Fund of India** could reduce dependence on executive goodwill and ensure autonomy.
3. **Binding Mandate:** Constitutional status may permit enforcement powers, allowing it to act beyond mere recommendations.
4. **Stronger Oversight Role:** Could independently monitor gender policies across states and audit the implementation of central schemes with rigour.

#### Cautions and Limitations

1. **Power ≠ Performance:** Mere status change won't guarantee effective functioning unless backed by training, empathy, and systemic reforms.
2. **Federal Balance:** Women's issues often intersect with state subjects; over-centralization may hinder state commissions' roles.
3. **Potential Politicization:** Without a transparent appointment process, even a constitutional body risks bias and inaction.

#### Suggested Reforms

1. **Amend NCW Act:** Expand powers to allow **binding recommendations** in select categories like workplace harassment or custodial violence.
2. **Institutional Autonomy:** Ensure a transparent and **multi-stakeholder appointment** process, including civil society and judiciary inputs.
3. **Strengthen State Commissions:** Provide uniform mandates and resources to state women's commissions for better coordination.
4. **Annual Reporting to Parliament:** Mandate **gender audit reports** with action taken notes for greater accountability.
5. **Multi-agency Coordination:** Formalize ties with police, judiciary, NGOs, and other commissions to avoid overlap and improve efficacy.

#### Judicial Observation

In **Vishaka v. State of Rajasthan (1997)**, the Supreme Court underscored the role of statutory bodies like NCW in shaping policy to prevent gender-based violence and discrimination.

#### Conclusion

**Articles 39(a) and 42** of the Directive Principles envision **gender justice**. Strengthening the NCW—through constitutional status and reforms—can help realize this vision and empower women institutionally and meaningfully.

**Q.5) Tribunalization of justice was introduced to ensure specialized and speedy resolution of disputes. Critically examine the role of tribunals in India, the key challenges they face today, and suggest reforms to enhance their effectiveness. (250 words, 15marks)**

### Introduction

Tribunals are **quasi-judicial bodies** established to deliver specialized and swift justice. The **42nd Constitutional Amendment** introduced **Articles 323A and 323B**, enabling their creation. However, issues of independence, pendency, and executive dominance raise concerns about their effectiveness and constitutional integrity.

### Body

#### Constitutional Basis

1. **Article 323A:** Empowers Parliament to set up administrative tribunals for public service matters.
2. **Article 323B:** Enables Parliament and state legislatures to create tribunals for subjects like taxation, land reforms, etc.

#### Objectives Behind Tribunalization

1. **Specialized Adjudication:** Brings domain expertise to resolve technical disputes.
2. **Speedy Justice:** Aims to reduce pendency in traditional courts.
3. **Reduced Court Burden:** Eases workload on judiciary, especially High Courts.
4. **Accessible Redressal:** Ensures regionally dispersed benches for public reach.
5. **Efficient Service Resolution:** CAT and SATs expedite government service-related cases.

#### Successes and Contributions

1. **Domain Expertise:** Tribunals like NGT and AFT have addressed complex environmental and service disputes effectively.
2. **Reduced Delay in Specific Areas:** CAT and Income Tax Appellate Tribunal (ITAT) have significantly helped reduce delays in service and tax matters.
3. **Geographical Access:** Benches across states enhance outreach for litigants.
4. **Faster Redressal in Policy Areas:** Environmental and telecom disputes have seen faster outcomes compared to regular courts.
5. **Judicial Endorsement:** In **Chandra Kumar v. Union of India (1997)**, SC upheld tribunal constitutionality but mandated judicial review via High Courts.

#### Key Challenges in Tribunal System

1. **Lack of Independence:** Executive-heavy selection panels undermine neutrality; SC flagged this in 2019.
2. **Pendency and Vacancies:** Armed Forces Tribunal had **18,829 pending cases in 2021** due to delayed appointments.
3. **Short Tenures:** Brief terms and reappointment options increase executive influence.
4. **Inconsistent Procedures:** Wide procedural variations cause legal confusion.
5. **Overlapping Jurisdictions:** Unclear division between courts and tribunals delays justice.
6. **Technical Members' Competence:** Some lack legal background or training.

### Recent Developments

- **Supreme Court Ruling (2024):** Tribunals like Armed Forces Tribunal cannot direct the government to frame policy; policymaking lies with the executive.
- **Tribunal Reforms Act, 2021:** Merged tribunals, standardized tenure and qualifications; criticized for executive dominance.

### Reform Suggestions

1. **Strengthen Independence:** Ensure judicial dominance in appointment panels – *Law Commission's 272nd Report* and *SC's Madras Bar Association judgment* support this.
2. **Timely Appointments:** Expedite appointments to prevent case backlog – *SK Pattnaik Committee (2017)* had recommended streamlining the process.
3. **Unified Procedure Code:** Harmonize tribunal procedures to eliminate inconsistency and confusion.
4. **Infrastructure and Accessibility:** Expand regional benches and invest in digital platforms for better access.
5. **Create National Tribunals Commission (NTC):** Oversee recruitment, functioning, and administration for greater uniformity.
6. **Improve Technical Competence:** Ensure that technical members have legal understanding or receive necessary training.

### Conclusion

**Access to justice** is part of the **basic structure of the Constitution**, as upheld by the **Supreme Court**. Tribunals, if properly empowered and insulated from executive control, can serve as vital instruments to uphold this principle through speed, expertise, and inclusivity.