

**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.