

NEXT IAS

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ADVANCED INTEGRATED MENTORSHIP

POLITY ASSESSMENT TEST-5

(To be filled by candidate)

Test Code : TC306

Name of Candidate : RITIKA CHITLANGIA

NEXT IAS Roll No. : AIM24GCR075 **Date of Examination :** 23/7/23

Exam Centre : Old Rajinder Nagar ☒

Bhopal ☐

Online ☐

GENERAL INSTRUCTIONS

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SUBJECT/PAPER
GENERAL STUDIES

Invigilator's Sign. :

(For filling by Examiners only)

Evaluator Code :

Q.No	PgNo.	Maximum Marks	Marks	Total
1	1			
2	3			
3	5			
4	7			
5	9			
6	11			
7	13			
8	15			
9	17			
10	19			
11	21			
12	24			
13	27			
14	30			
15	33			
16	36			
17	39			
18	42			
19	45			
20	48			
Grand Total				

Signature

MACRO COMMENTS

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Q.1

There is a need to resolve the ambiguity in the disqualification provisions under section 8 of the Representation of People Act 1951. Discuss. (Answer in 150 words) 10 Marks

Representation of People Act 1951
is the primary statutory provision
for the conduct of elections
in the country.

Purpose
of RPA, 1951

Qualifications &
disqualifications of
members
conduct of elections
grounds of elections etc.

section 8 of RPA, 1951

It provides the following:

- i) section 8A - Immediate disqualification
on conviction for max. 2 years.
(+6 years after disqualification).
- ii) section 8(2) - Disqualification
on grounds of corrupt practices
under sec 123 of RPA, 1951.

Ambiguities

1) Even after violation of section 8A, disqualification is based on conviction and there is huge pendency of cases $\Rightarrow$ delayed convictions.

2) There is no follow up on the delay of filing election expenses by ECI.

3) Under RPA, 1951, the power to cancel elections on grounds of violation of MCC lies with high court $\Rightarrow$ delay in trials and adjudication.

4) Problems such as paid media, hate speech, abuse of money $\rightarrow$ not covered under section 8.

5) Miscellaneous power not defined under section 123 of RPA.

Need to Resolve

1) Amendment of RPA to ensure:

a) Section 8A becomes effective in bringing criminalisation of politics.

b) Power devolution ECI to remedy disputes.

c) comprehensive analysis of RPA to bring it up to date $\therefore \Rightarrow$ Effective free & fair elections.

Q.2

Highlight the key differences in the scope of Freedom of speech and expression as provided under Parliamentary privileges vis a vis Fundamental rights. Why is it necessary to maintain a balance between parliamentary privilege and fundamental rights?

(Answer in 150 words) 10 Marks

Article ~~19~~ 19 deals with freedom of speech and expression as a fundamental right, whereas, Article 105 deals with as parliamentary privilege.

Differences in speech & Expression

<u>Fundamental Right</u>	<u>Parliamentary Privilege</u>
1) Guarantees the <u>individual's political freedom</u> .	1) Guarantees the <u>autonomy and efficiency</u> of a <u>legislator</u> to <u>discharge</u> his/her <u>authority</u> .
2) <u>Wider in its scope</u> - inclusion of <u>right to remain silent</u> , <u>right against tapping of telephonic conversations</u> etc.	2) <u>Narrower</u> - only includes <u>free speech</u> to <u>ensure proper discharge of duties</u> .

3) Not absolute - reasonable restriction on grounds of security, defamation, contempt of court etc.

3) Not absolute - as held by supreme court judgement.

4) In case of breach, the aggrieved can approach the supreme court (Art 32) or High court (226)

4) In case of breach, speaker becomes the final authority to settle disputes.

Balance between Fundamental Rights and Parliamentary Privileges

- 1) To ensure coherence between right of an individual and right of legislator.
- 2) Efficient functioning of democratic Parliament.
- 3) Prevention of arbitrariness between breach of parliamentary privilege and FR's.

∴ Parliamentary privileges and FR's are integral to ensure a fair, free & effective democracy.

Q.3

"Electoral bonds are a double-edged sword, providing anonymity to donors while raising concerns about transparency in political funding." To what extent have electoral bonds further legitimized opacity in electoral funding? (Answer in 150 words) 10 Marks

The Finance Bill, 2017 introduced Electoral Bond scheme, wherein the political funding is done through promissory notes mediated by designated banks (SBI).

Electoral Bonds: Double edged sword.

Positives

- 1) As per ADR Report, 69% of political funding came from unknown sources $\Rightarrow$ electoral bonds bring in transparency.
- 2) Prevents misuse - due to limited window & short period of maturity (15 days).
- 3) Protects anonymity - prevents post poll harassment by political opponents.
- 4) The political parties need to submit detailed expenditure report $\Rightarrow$ political accountability.

Negatives

1) legitimised opacity in political funding:

a) At present, 91% of FI more bonds have been purchased by corporates $\Rightarrow$

irony capitalism.

b) more than 95% of the funding is garnered by large political parties.

c) Removal of restriction on external funding $\Rightarrow$ foreign influence on Indian politics.

d) Circulation of black money through round-tripping and lack of information about donors.

Resolution

1) Partial state funding of election (Indrajit Gupta committee) to increase transparency.

2) Detailed auditing of finances of political parties (Venkateshiah committee).

Thus, electoral bonds scheme is a step forward but needs to be made robust enough to ensure transparency.

Q.4

The Indian constitution has not only served as a political blueprint but also provides a social framework. In this context discuss the changing contours of socialism in the last 75 years of the constitution. (Answer in 150 words) 10 Marks

At the time of independence, India called itself to be a 'socialistic democracy', inclined towards developing a welfare state.

Role of Indian constitution :
Political blueprint as well as social framework.

① Directive Principles of state Policy - guidelines to develop welfare-oriented, collective-identity based policies.

Eg: Article 39 (b) - subserving common interests of society, Article 42: safe & humane conditions of work etc.

② Fundamental Rights - Right to freedom of religion, preservation of minority rights $\Rightarrow$ social inclusion.

③ Reducing the income gap $\Rightarrow$ land reforms, Bank Nationalisation, Abolition of privy purse etc.

Changing contours of socialism

'Fabian school of thought'

1) 1991- LPG reforms - opening up of the economy to ensure economic development, along with social welfare.

2) Provision for protection of interest of minority groups.

Eg: MSME supporting policies $\Rightarrow$ to protect from globalisation.

3) Focus on agriculture & manufacturing sector $\Rightarrow$ economic & social progress.

Eg: Green Revolution, PM-KISAN, PM-KUSUM, PLI schemes etc.

4) Protection of tribal and lower castes $\Rightarrow$ reservation, constitution of NCST & NCSC, Bklanya model residential schools.

5) Reducing disparities, resulting from uneven benefits of development $\Rightarrow$ reaching the last mile.

Eg: Aspirational District Programme.

$\therefore$ The socialism as envisioned by constitution makers has preserved the core idea of inclusion and well playing field.

Q.5

Discuss the key function of the Public Accounts Committee (PAC). What steps should be taken to revamp the Public Accounts Committee (PAC) in order to enhance its effectiveness as a true guardian of public funds? (Answer in 150 words) 10 Marks

The Government of India Act, 1919
created Public Accounts Committee,
consisting of 22 members,
accountable for financial scrutiny.

Functions of Public Accounts Committee

- 1) Detailed audit of reports
tabled by comptroller and
Auditor General.
- 2) Examines the technical and
legal irregularities and
fiscal prudence of government
expenditure.
- 3) Also examines the stocks and
accounts of state corporations.
- 4) It conducts scrutiny of various
flagship government schemes
and discrepancies in govt
allocation and expenditure.

Shortcomings of PAC

- 1) The recommendations are non-binding.
- 2) conducts 'post-mortem' analysis
- 3) The functioning of PAC is not open to public $\Rightarrow$ raises issues of transparency and accountability.
- 4) Does not concern itself with broader policy question.

Measures for strengthening PAC

- 1) The recommendations should be made mandatory & follow ups.
- 2) The meetings of PAC should be open to media & public discussion.
- 3) Analysis of broader policy questions.
- 4) Amendments to CAG Act, 1971:
 - a) The appointment of CAG should also include consultation with PAC.
 - b) Public-private projects mentioned by PAC.

These recommendations should be immediately implemented after research and discussion to ensure a robust mechanism for financial accountability of the executive.

Q.6

"The Indian party system is passing through a phase of transition which looks to be full of contradictions and paradoxes." Discuss. (Answer in 150 words) 10 Marks

Political parties are the agents of party system, who try to acquire power through constitutional means.

Since independence, our party system has undergone various transitions:

- 1) 1952-64 - One party dominance.
- 2) 1964-1977 - split in dominant party, emergency, anti-incumbency $\Rightarrow$ Janata Govt. & Total Revolution.
- 3) 1980-2000 - coalition politics $\Rightarrow$ bargaining and expressive federalism.
- 4) 2000-2014 - UPA coalitions.

2014+

At present, our party system is full of contradictions and paradoxes:

- 1) Revival of one-party dominance $\Rightarrow$ still dependent on 64 party alliance.
- 2) Political horse-trading and defection cases have become frequent $\Rightarrow$ shifting ideologies due to 'narrow power hungry outlook'
Eg: recent Shiv Sena split.
- 3) Ideologically non-coherent opposition.
Eg: left & right parties in coalitions
- 4) Despite diversity of regional politics, rapidly emerging North-South political divide.
Eg: Defeat of BJP in Karnataka elections.
- 5) Emergence of newer political parties
Eg: AAP $\rightarrow$ national party.

Therefore, our party system is undergoing transitions, but the integrity and unity of sovereignty, the country needs to be prioritised.

Q.7

The lack of effective functioning in local bodies partly results from their incapability to generate independent financial resources. Discuss. (Answer in 150 words) 10 Marks

The 73rd and 74th Amendment constitutionalised local self governments, and recognised the principle of subsidiarity i.e. the smallest decision-making body is most competent.

However, there are numerous challenges.

1) Inability to generate financial resources:

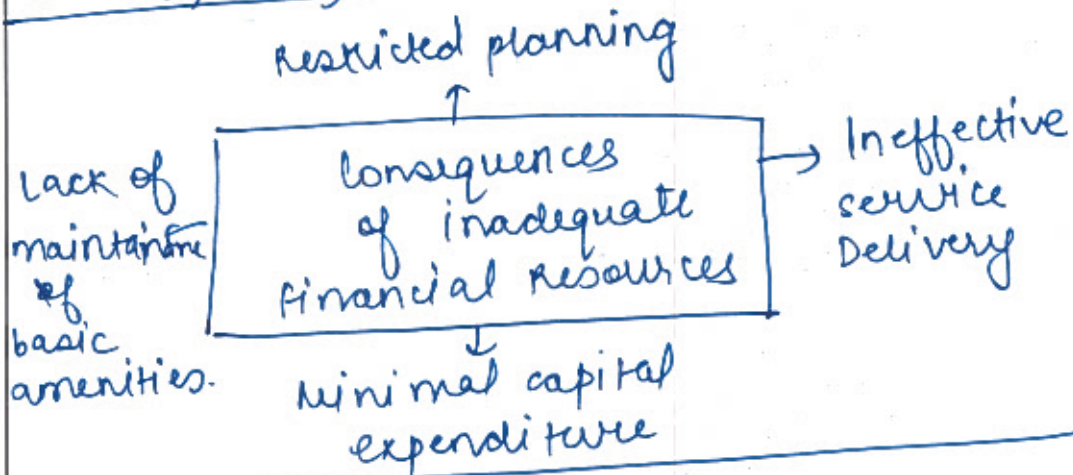
a) lack of financial autonomy → depend on flow of funds.

b) lack of diversified revenue basket → over-dependence on property tax.

c) lack of innovative financial mechanisms → No developed municipal bond market.

d) Inactive state finance commissions — only 2 states have constituted the 5th SFC.

e) lack of participative budgets - at present, only 1% of GDP (South Africa - 6%, Brazil - 7.5%)



Recommendations

1) As per 15th Finance Commission, devolution of grants to local bodies should be based on:

- (i) Performance review
- (ii) Constitution of State Finance Commission

2) As per ABJ Report,

- (i) centre & states should share 1/6th of GST revenue with LSG.
- (ii) Innovative financial mechanisms $\Rightarrow$ municipal bond markets.

- (iii) Independent revenue generation $\rightarrow$ common resources like agro forestry, horticulture, dairy development etc.

Thus, it is important to effectively devolve funds, functions & functionalities to LSG to serve their mandate.

Q.8

"The harmonious coexistence of Fundamental Rights and Directive Principles lays the foundation for a just and equitable society, where individual liberties and collective welfare complement each other." - Dr. B.R. Ambedkar. Discuss the harmonious relationship between Fundamental Rights & Directive Principles in light of Supreme Court judgments. (Answer in 150 words) 10 Marks

As per Granville Austin, the balance between fundamental rights and Directive Principles of state Policy is one of the most ably conceived feature of the Indian society.

Supreme court judgements

1) Champaram Durairajan v/s State of Tamil Nadu, 1951 - court held that Fundamental rights cannot be curtailed to implement DPSP's.

2) Re Kerala Education Bill, 1960 - SC held that there is no inherent conflict between FR and DPSP and states should focus on Harmonious construction (Hasmatullah Qureshi case). But in case of conflict between the two, FR would prevail over DPSP.

3) Supreme court upheld the 24th constitutional Amendment, that to implement Article 39(b) - subsisting

common interests of the society and 39(c) - prevention of concentration of wealth, the abrogation of Article 14, 19 and 31(b) was allowed.

4) Through 25th AA, 1971 → Parliament extended that implementation of all DPSP's will be constitutional, even if they violate Article 14, 19, 31(b).

5) In Kesavananda Bharati case, 1973 - the supreme court struck down 25th AA, and preserved the basic structure, held that balance b/w FR & DPSP is essential to core of constitution.

6) At present, through various judicial interpretation, it is established that implementation of Article 39(b) and (c) will be valid even if they abridge Article 14 and 19.

Therefore, as Dr. B.R. Ambedkar opined that balance b/w FR & DPSP is one of the unique features, creating individual freedom & collective welfare of society.

Q.9

"In the spirit of unity and efficiency, One Nation, One Election stands as a powerful step towards streamlining our democratic process." Comment.

(Answer in 150 words) 10 Marks

The law commission report (1999) had proposed the concept of 'One Nation One Election' i.e. synchronisation of Lok Sabha and State Assembly elections every 5 years.

One Nation one election

Benefits

- 1) Reduces the cost of conducting elections.
- 2) The huge administrative machinery & security forces will be more involved in efficient devolution of duties, rather than frequent election duty.
- 3) Improves social fabric of the country ⇒ No perpetual election propaganda encouraging caste & religious divisions.
- 4) Stable and long-term policy making.
- 5) Higher voter turnout.
- 6) Adequate addressing of regional issues at central level.

challenges

- 1) conducting simultaneous elections $\Rightarrow$ magnanimous resources are required.
- 2) lack of administrative capacity to conduct simultaneous elections.
- 3) difficult to maintain synchronisation of governments $\Rightarrow$ frequent fall of govt. at state levels.
- 4) requires constitutional amendments - Article 173, 83, 356, anti-defection law and RPA, 1951.
- 5) state issues may get sidelined in general elections.
- 6) Advantage to large dominant political parties $\Rightarrow$ difficult for newer players to emerge.

Recommendations

- 1) careful research & analysis, along with public opinion.
 - 2) discussion with federal partners - Rajya Sabha could be forum.
 - 3) consultations with Election commission of India upon desirability & preparedness of one election one nation.
- Overall, it is a positive step in binding the nation & its electoral system.

Q.10

Under what circumstances can the Governor use his discretionary powers under Article 200 of the constitution? Discuss its impact on the role and authority of the Governor in the federal setup. (Answer in 150 words) 10 Marks

As per Sarkaria Commission Report,
Governor is the vital link of communication
in the federal structure of Indian
polity

Various Constitutional Provisions

Article	Article	Article	Article	Article
163	200	201	356	213

Article 200 - Provides for the
reservation of bills passed by
state legislative assembly for the
consideration of President, by the
Governor.

Situational Discretions

1) Article 200 acts a veto power in the
hands of Governor $\Rightarrow$ No qualification
criteria for reservation of Bill for
consideration by President.

2) The Governor can reserve even
money bills for consideration.

3) Bill intended to limit the powers of high court and implications on trade & commerce → mandatorily reserve bills for President.

Impact

- 1) Creates tensions b/w state & centre → The president can return the bill back to SA, reserve it indefinitely or re-consider the bill (No time limit).
- 2) Misuse by the centre to subvert the legislative authority of states under Article 7.
- 3) Pressure of Governor - arbitrary reservation of bill → delay decision making → restricting authority of democratically elected government.
- 4) Political weaponisation of Article 200 by Governor.

Eg: Tamil Nadu Bills.

Therefore, in BP Singhal case, Supreme Court held that Governor should be an apolitical body in discharge of its constitutional office and not misuse its power & situational discretions.

Q.11

The office of the Central Bureau of Investigation (CBI) has faced criticism and challenges, primarily due to concerns about its autonomy, transparency, and susceptibility to external influences. Discuss and suggest reforms to uphold its credibility and effectiveness.

(Answer in 250 words) 15 Marks

The central Bureau of investigation came into existence post Delhi Services Police Establishment Act, 1956 $\Rightarrow$ statutory and executive authority to work into internal security and law and order of the country.

challenges faced by CBI

1) lack of autonomy $\Rightarrow$ primarily under central executive $\Rightarrow$ cases of weaponisation of CBI to deal with political opponents.

2) In order to take up cases in states, 'general consent' of the state government needs to be taken $\Rightarrow$ curbing the operational efficiency of CBI.

3) Lack of transparency in CBI proceedings $\Rightarrow$ allegations of human right violation and mental harassment of accused.

4) Low conviction rate - only 23% of cases are actually convicted $\Rightarrow$ frivolous and misuse of provisions.

5) Funding is dependent on central Govt $\Rightarrow$ conflict of interests in appointments, security of tenure etc.

Recommendations for improvement

1) Free from political interferences.

2) Apolitical and neutral funding mechanisms.

3) Transparency in appointments.

4) Judicial interventions to check the misuse of the executive bodies like CBI, ED, NIA etc.

- 5) clear qualification for appointments of CBI directors, constitutionally guaranteed independence & autonomy.
 - 6) committee to inquire into the reasons for low conviction rates.
 - 7) clear criteria for CBI jurisdiction.
Eg: Belasore Train Accident - CBI Inquiry?
 - 8) The CBI inquiries should be open to RTI $\Rightarrow$ to web cases of harassment & violations of human rights.
- $\therefore$ The CBI can be an effective mechanism to control law and order situations, crimes, money laundering etc., provided its operational and structural autonomy is improved.

Q.12

How has the Anti-Defection Law impacted the relationship between political parties and individual legislators in India? In light of recent examples also discuss the unintended consequences it has on the functioning of democracy in India.

(Answer in 250 words) 15 Marks

Under Schedule X of the constitution, Anti-defection law (Article 285) $\Rightarrow$ prevents defection by legislators.

It can be defined as the changing of political party by the candidate, after election results i.e. leaving the party on whose ticket the candidate had contested the election.

Relationship b/w Individual legislators and Political parties

1) Party whip - The legislator has to follow the directions given by the whip $\Rightarrow$ No autonomy to defect from party opinion.

2) The nominated members of the Rajya Sabha cannot join/change their parties, after 6 months. $\Rightarrow$ consolidating individual loyalty & party ideologies.

3) Factionalism in political parties —
reduced the influence of individual
legislators $\Rightarrow$ can breakaway in
groups to avoid defection charges.

Consequences

1) Opacity and lack of intra-party
democracy $\Rightarrow$ no suitable mechanism
to ensure accommodation of diverging
interests.

2) Made the Indian polity party-
centric and not candidate-
centric.

3) Encouraged political factionalism,
disputes and spits in parties,
rather than resolution of
disputes $\Rightarrow$ instability in government.

4) No scope for whistle-blowers $\Rightarrow$
If went against party whip $\Rightarrow$
disqualified under 10th schedule.

5) Weaponisation of 8th schedule to target political opponents $\Rightarrow$ speaker decides the cases & belongs to the ruling party.

Recommendations

1) Amendments to the 8th schedule to ensure that there is enough scope for expressing intra-party dissent.

2) Ensuring accountability & transparency by objective criteria for directions by party whip.

3) Close the loopholes in the framework that encouraged narrow power-hungry outlook & minority factionalism.

4) Neutral committee, consisting of opposition & ruling party members to adjudicate defection cases in time-bound manner.

Thus, the 8th schedule needs to be fixed of its fallacies and it is in sine-qua-non for a stable govt.

Q.13

'S.R. Bommai v. Union of India signified a paradigm shift in the judicial interpretation of the union's authority to assume control of a state's administration.' In this context discuss the significance and impact of the judgement on cementing the federal structure.
(Answer in 250 words) 15 Marks

In 1992, supreme court in S.R. Bommai Judgement, started a new era of federal polity of India, and balance of power between the centre and the states.

S.R. Bommai Judgement Background

1) During 1980 - 1990, the period of bargaining federalism was going on, leading to conflicts and attempts of subversion of power between the centre and states.

2) Frivolous and frequent use of Article 356 i.e. President's Rule.

As per BR Ambedkar, Article 356 was to remain a dead letter but in 10 years, it was misused more

than 125 times.

S.R. Bommai judgement & Article 356

To prevent the misuse of Article 356 owing to funds and political opportunism b/w centre and states,

courts clarified regarding the criteria for imposition of Article 356 and its mechanism.

(i) In case of failure of constitutional machinery

(ii) Disobedience of a direct order by the state governments, from the union government.

Thus, courts clarified that Article 356 is a draconian measure and

it can only be used in exceptional circumstances.

Impact of S.R. Bommai judgement

- 1) Prevented the misuse of Article 356.
- 2) Protected the relations between the centre and state.
- 3) Upheld the significance and supremacy of democratically-elected government.
- 4) Preserved the sanctity of constitutional 'quasi-federal' structure $\Rightarrow$ devolution of power but with a centralising tendency.
- 5) Since SR Bommai, federalism has become a part of basic structure of the constitution.

Therefore, the relevance and significance of SR Bommai's judgement stands the test of time & universality in preserving centre-state relations.

Q.14

The doctrine of Parliamentary sovereignty and judicial supremacy has exerted considerable influence in shaping the constitutional frameworks of India and the USA. Citing relevant case laws discuss the role of the judiciary in influencing the constitutions in these countries. Is the scope of judicial review wider in India?

(Answer in 250 words) 15 Marks

Indian and American constitutions are considered to be the bulwark of democracy and constitutionalism, as they represent the world's largest and oldest democracy, respectively.

Role of Judiciary

(i) USA

→ Based on the concept of 'judicial supremacy'.

→ Marbury v/s Madison case, 1803 → introduced the concept of 'Judicial review' - wherein the judiciary can strike down any law being in consonant with constitution.

→ Extremely wide scope of judicial review ⇒ called as 'Third chamber of the US congress'.

→ It reflects the nature of its existing political regime ⇒ Issues of opacity, arbitrariness and subversion of democratic will.

Eg: Abortion prevention under overturning of 'Roe vs Wade'; recent striking down of provisions of Affirmative Action (∴ Based on Formal Equality).

(ii) INDIA

→ Based on 'constitutional supremacy' -

Balance between parliamentary sovereignty and judicial supremacy.

⇒ Concept of 'Judicial Review' emerged

in late 1970's, and in 'Kesavananda Bharati case, 1973' - SC held that

those laws passed by parliament, which tend to disturb 'Basic structure of the constitution' → declared unconstitutional by the courts.

→ I.R. Coelho judgement - bring transparency under 9th schedule ⇒ maintains checks & balances.

→ No judicial supremacy, as the Parliament is the final authority in legislative matters.

→ preserves 'substantial equality' - does not let majoritarianism impinge on the interests of minority.

scope of judicial review

In USA, the judiciary can strike down any law passed by the Congress → wide scope.

However, in India, judicial review is limited and can only review laws that harm basic structure doctrine.

Eg: Section 66 of IT Act → Shriya Singh case, → preserved freedom of speech & expression.

Therefore, Indian constitution rests on a fine balance b/w Parliamentary Sovereignty and judicial supremacy, unlike the USA.

Q.15

'Delimitation of seats is essential to ensure fair representation and uphold the principles of one vote, one value'. Highlighting the challenges posed by misrepresentation in constituencies analyze the ramifications of population based delimitation in creating federal tension.

(Answer in 250 words) 15 Marks

Delimitation refers to the drawing of boundaries of constituencies, which according to constitution, is to be conducted after every census.

42nd AA, 1976 - frozen delimitation at 1971 census level.

83rd AA, 2001 - delimitation freeze extended to 2026 census level.

Internal reorganisation - 2001 census
seats to Lok Sabha - 1971 census

Challenges of delimitation

1) The drawing up of boundaries on principles of 'one vote, one value', across such skewed geographical distribution is a herculean task.

2) Population-based census - skewed population distribution, density and geographical area.
 Eg: Rajasthan - largest state but less densely populated.

3) Divergence of income parity level $\Rightarrow$ migration $\Rightarrow$ difficulties in enumeration of census $\Rightarrow$ difficulties in delimitation.

4) Post Population control measures, the northern states have TFR of 2.1, whereas southern states have TFR of less than 2.1 $\Rightarrow$ difficulty in delimitation on the basis of population.

Consequences

1) Federal tensions - between the Northern & southern states $\Rightarrow$ latter is worried about reduced representation in Lok Sabha $\Rightarrow$ policy bias towards Northern states.

- 2) Threatens the security and unity of the country $\Rightarrow$ may encourage secessionist tendencies.
- 3) Underappreciation of population control measures and economic progress achieved by southern states $\Rightarrow$ discontent and dis-incentives.
- 4) creation of North-south political divide, along with economic, cultural and demographic divide.

Recommendations

- 1) Adopting of population-based delimitation criteria.
 - 2) Balancing out representation of diverse sectional interests.
 - 3) Accommodating the interests of the southern states in policy making.
- Eg: Bringing up of Tamil issue with Cribankar president on request of Tamil Nadu.
- $\therefore$ such measures shall prevail the unity of the country.

Q.16

Rajya Sabha has been transformed from a 'useless stepney tyre' to the most useful supporting organ in the past few decades. Highlight the factors as well as the areas in which this transformation could be visible. (Answer in 250 words) 15 Marks

Government of India Act, 1919 introduced bicameralism at the centre, and since the relevance, utility and role of Rajya Sabha has gone through various evolutionary phases.

Factors

1) Till 1964, Indian polity was based on one-party dominance $\Rightarrow$ federalism was in its foetal stages $\Rightarrow$ No necessary use $\therefore$ useless stepney tyre.

2) Since 1980's, the federalism of the country went through its expressive and bargaining phases, which increased relevance of Rajya Sabha.

3) Rise of regional parties and formation of coalition governments ⇒ role of smaller constituents became important ⇒ represented in Rajya Sabha.

4) Even the constitution of India, grants equal status to Rajya Sabha in access to cabinet ministries, constitution amendments, emergency proclamations etc. ⇒ role of Rajya Sabha became prominent.

Areas

1) Initiating important legislative debates.

Eg: Implementation of uniform civil code (Article 44).

2) Rajya Sabha has produced multiple Prime-ministers of the country.

3) Role of Rajya Sabha in grievance-
redressal between centre and states,
as well as between two or more states.

⇒ Representation, dialogue & consultation.

4) Acts as a chamber for consideration
of ill-researched, defective and
hasty passing of bills by Lok Sabha.

5) Rajya Sabha cannot vote on demand
for grants, but its discussions
play an important role in public
awareness and civil society vigilance.

6) Accommodation for demands and interests
of states ⇒ strengthens federal polity.

Therefore, Rajya Sabha is the utmost
important supporting organ and
can be strengthened through
increased representation, joint sittings
in case of C.A.A, forum for grievance
resolution and policy formulation
encompassing the country.

Q.17

Though the Human Rights Commissions have contributed immensely to the protection of human rights in India, yet they have failed to assert themselves against the mighty and powerful. Analyzing their structural and practical limitations, suggest remedial measures.

(Answer in 250 words) 15 Marks

The National Human Rights Commission is a statutory body, passed into existence in 1991. It primarily deals with the violations of human rights issues, and quick, speedy and efficient restoration of rights.

Contributions of NHRC

1) Fighting for the rights of the marginalised and economically backward classes.

Eg: NHRC inquiry into the conditions of prison undertrials ⇒ Mussainara khatoon v/s State of Bihar ⇒ led to the release of 40,000 undertrial prisoners.

2) Protection of fundamental rights of socially exploited

marginalised.

Eg: During the construction of common wealth games, the labourers were paid less than minimum wage by contractors $\Rightarrow$ NHRC filed a petition in the supreme court.

3) Protection of female rights and violations of human dignity.

Eg: NHRC's contribution in betterment of rape and acid attack victims.

Nevertheless, there are various structural and practical impediments in their functioning.

Challenges

1) Lack of structural integrity - the members don't have security of tenure, appointments by executive

authority $\Rightarrow$ lack of autonomy to start proceedings against government.

2) Funding issues $\Rightarrow$ conflict of interest.

3) lack of constitutional status and protection to initiate sub-moto enquiries.

4) Recommendations of NHRC are not binding.

Recommendations

1) According to constitutional status to NHRC.

2) Fast-track courts for petitions filed by NHRC $\Rightarrow$ quick resolution.

3) Neutral funding sources so that functioning is not hampered.

4) The appointments committee should be free from executive interference.

5) Recommendations should be prima-facie binding & frequent follow ups should be allowed.

Therefore, NHRC is an important authority to protect the rights and it needs to be strengthened to accomplish its mandate.

Q.18

Discuss the role of the Supreme Court of India in strengthening the hands of the Election Commission in the discharge of its constitutional responsibility of conducting free and fair elections in the country.

(Answer in 250 words) 15 Marks

The Supreme Court of India, through its various judgements, has strengthened the capacity of Election Commission of India to conduct free & fair elections.

Supreme Court judgements

1) Indira Gandhi v/s Raj Narain case 1975 ⇒ declared 'free & fair elections' as part of 'basic structure doctrine' ⇒ strengthened the importance of EC.

2) In Association for Democratic Reforms v/s UOI, 2002 - Supreme Court declared that submission of criminal records of contesting candidates to EC is mandatory ⇒ increased the

role of ECI to curb criminalisation
of politics.

3) In San Chaudhary v/s IOI 2005 -
As per section 125 of RPA, every
voter needs to be elector from
any Lok Sabha constituency to be
eligible for contesting elections $\Rightarrow$
undutrials don't have right to
vote $\Rightarrow$ ECI's power to revise electors lists.

4) In PUCJ case 2009, Supreme court
declared 'NOTA' as a mandatory
option to ensure that every person
can preserve their right to
vote.

5) Lily Thomas case, 2013 - Supreme
court held that every member of
Parliament or Assembly, if
convicted for 2 years or more,
will be immediately disqualified $\Rightarrow$
ECI has the power to recommend

Disqualification of candidates.

6) Recently, owing to controversies
and excessive political interferences

in appointments of Election
commission $\Rightarrow$ IC suggested the
collegium like system $\Rightarrow$ consisting
of PM, leader of opposition and
LSD for appointments.

$\rightarrow$ legislative framework for
appointment criteria, security of
tenure to Election commissioners.

Therefore, the judgements of
supreme courts have elevated
and strengthened the role of
ECI, but caution is required
to maintain separation of
functions and checks and
balances.

Q.19

Discuss the crucial role played by the National Commission of Women in shaping the discourse on gender-sensitive laws in India. To what extent the elevation of the National Commission for Women to a constitutional body would reinforce its authority?

(Answer in 250 words) 15 Marks

National commission for women is
a statutory body that was
recommended by standing
committee on Women Institutions

Role of National Commission of
women

1) Identifying the policy loopholes
for the protection and empowerment
of women.

Eg: crucial role in adoption and
implementation of Poshan 2.0,
Beti Bachao Beti Padhao, PM-Matru
Vandana Yojana etc.

2) Petitions supported by NCW
has led to many significant
judgements.

Eg: Visakha Guidelines, 2013 - Guidelines for prevention of sexual harassment at work.

3) Support to women's protests and movements.

Eg: recent Waustler's protest against sexual harassment.

4) Analysis of various policies from women's point of view.

Eg: VCE → demand for codification of personal laws.

Challenges

- 1) Dependent on central govt. grants ⇒ lack of financial autonomy.
- 2) Lack of diverse representation, from women of various backgrounds.
- 3) Frequent politicisation of issues.
- 4) Rambunctious pace of progress.
- 5) Recommendations are non-binding.

Elevating NCW to a constitutional body can help resolve these challenges:

Constitutional status

1) Increase autonomy $\Rightarrow$ powers of a civil court for efficient adjudication of disputes.

2) suo-moto inquiry into complaints of various sexual harassment cases
Eg: recent manipur tragedy.

3) Neutral sources of funding $\Rightarrow$ less reliance on government grants.

4) Increase transparency, accountability and diversity of representation.

However, only giving constitutional status will not fulfill the mandate as structural changes are required, with performance-based review and

auditing mechanisms, inclusion of women from tribal areas, low caste, poor women etc. to

actively identify areas of challenges and dispute resolution.

Q.20

Discuss the role of the Election Commission of India in light of the evolution of the Model Code of Conduct. (Answer in 250 words) 15 Marks

Model code of conduct refers to a set of guidelines, that are mutually accepted by political parties, recognised by Election Commission of India, to ensure free and fair conduct of elections.

Evolution of Model code of conduct

- (1) 1967 - accepted as a set of do's and don'ts in Kerala Assembly Elections.
- (2) 1970 - ECI accepted it as a set of guidelines at Assembly Election level as well as General Elections at the national level.
- (3) 1992 - MCC of drafted by Election Commission of India in its present form.

2000's - demand for statutory recognition of model code of conduct,

However, ECI has rejected the idea for granting recognition by law to model code of conduct for following reasons:

- (1) If MCC becomes a law $\Rightarrow$ the breach of MCC will have to follow the prolonged legal procedure $\Rightarrow$ delays in conviction and hampering the short election process of 45 days.
- (2) If MCC is granted statutory recognition, the power of ECI to deal with its violations will reduce.
At present, ECI deals with floutings of MCC by technological means like

e-vicil app, flying squads etc.

challenges of ECI →

1) Toothless - frequent breaches of
model code of conduct.

Eg: NAMO TV 48 hours prior to elections.

2) Partisan accusation on ECI →
as it is dependent on government
machinery ⇒ limited autonomy ⇒

Bias towards ruling party.

3) Lack of adequate manpower to
resolve all violations of MCC
immediately and effectively.

Therefore the National Commission
to review the working of the
constitution has recommended
that MCC should become a

part of Representation of People's
Act, 1951. Proper analysis,

careful consultation & collaborative
multi-stakeholder approach is
required.

Space for Rough Work

Candidates must not
write on this margin