

Indian Polity (GS2)

Time taken - 4 hours

NEXT IAS**MAIN TEST SERIES 2024 (SLT)**

(To be filled by candidate)

TEST CODE : SLT003

Test No. : 03

Name of Candidate: Chiranshu Taneja Mobile No.Roll No. : MT24SLTON 011 Start Time End Time.....Date of Examination: 11/09/2024 Medium : English Hindi

Q. No.	Maximum Marks	Marks Obtained
1	10	
2	10	
3	10	
4	10	
5	10	
6	10	
7	10	
8	10	
9	10	
10	10	
TOTAL MARKS - 100		

Q. No.	Maximum Marks	Marks Obtained
1	10	
2	10	
3	10	
4	10	
5	10	
6	10	
7	10	
8	10	
9	10	
10	10	
TOTAL MARKS - 100		

GRAND TOTAL - / 250

EVAL CODE: EVAL DTE:

GENERAL INSTRUCTIONS

- Immediately on receipt of the QCA booklet, please check that this QCA booklet does not have any misprint or torn or missing pages or items, etc. If so, get it replaced by a fresh QCA booklet.
- Candidates must mention all relevant details like Name, Email, Roll No, Mobile, etc. in the space allocated.
- Candidate is expected to attempt all 10 questions within the given timeline.
- Answers must be written in the medium authorized at the time of admission.
- Candidates must write answers for the specific question under the respective question itself. Any answer written outside the space allotted may not be given credit.
- Please write neatly. Avoid illegible writing.
- Do not write/mark irrelevant matters in the QCAB.

सामान्य निर्देश

- QCA पुस्तिका प्राप्त होने पर कृपया तुरंत जांच लें कि इस QCA पुस्तिका में कोई पृष्ठ या सामग्री आदि गलत छपी हुई या फटी हुई या गायब तो नहीं है। यदि ऐसा है, तो इसे एक नई QCA पुस्तिका से बदल लें।
- अभ्यर्थियों को सभी प्रासंगिक विवरण जैसे नाम, ईमेल, रोल नंबर, मोबाइल नंबर आदि का आवंटित स्थान पर उल्लेख करना होगा।
- अभ्यर्थियों से अपेक्षा की जाती है कि वह आवंटित समय-सीमा के भीतर ही सभी 20 प्रश्नों के उत्तर-लेखन का प्रयास करें।
- प्रत्येक उत्तर, प्रवेश के समय चुनी गयी भाषा के माध्यम में ही लिखे जाने चाहिए।
- अभ्यर्थियों को विशिष्ट प्रश्न के उत्तर संबंधित प्रश्न के नीचे ही लिखने होंगे। आवंटित स्थान के बाहर लिखे गए किसी भी उत्तर को क्रेडिट नहीं दिया जाएगा।
- कृपया साफ-सुथरा लिखें। अपठनीय लेखन से बचें।
- QCAB में अप्रासंगिक तथ्यों को न लिखें / न ही चिह्नित करें।

REMARKS:

FOR OFFICE USE ONLY

<u>Student Concerns / Query</u>	<u>Evaluator's Feedback / Response</u>
1	1
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2	2
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3	3
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MARKING SCHEME *

Marks Per Ques	Below Average	Average	Above Average
10 Marks	Below 3.00	3.00 - 3.75	4.00 and above
15 Marks	Below 4.50	4.50 - 5.75	6.00 and above

* Subject to change without prior notice.

IMPORTANT QR CODES



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MACRO COMMENTS

The Purpose of evaluation@nextias.com is to provide constructive suggestions on 'How to improve Answer Writing and thereby score better marks.

STRENGTHS OF THE CANDIDATE

AREAS OF IMPROVEMENT

IMPROVEMENT SUGGESTIONS

1.

विधि का शासन और न्यायिक समीक्षा एक दूसरे पर निर्भर हैं, क्योंकि किसी भी एक का दूसरे के बिना अस्तित्व नहीं हो सकता है। इस संदर्भ में क्या न्यायिक समीक्षा को संविधान के मूल ढांचे का गठन करने वाले आयामों में सबसे महत्वपूर्ण आयाम माना जा सकता है? (150 शब्द, 10 अंक)

The rule of law and judicial review are interdependent, as one cannot truly exist without the other. In this context can judicial review be considered the most important aspect among those that constitute the basic structure of the Constitution? (Answer in 150 words, 10 marks)

Basic structure doctrine, as espoused in the Kesavananda Bharati case of 1973, was a result of judicial review being exercised by the Supreme Court.

While judicial review is implicitly present in Article 13 of the Constitution, several judgements (Minerva Mills 1980 etc.) have held it to be one of the cornerstones of the basic structure of the Constitution.

There are other essential features of the Constitution like parliamentary democracy, federalism, secularism and

limited amending power of the Parliament, none of those can withstand executive arbitrariness or legislative overreach unless there is judicial review.

However, rule of law, another basic feature, is not less important. It encompasses principles of natural justice, equality before law and predominance of legal spirit. It acts complementary to judicial review, thus showing the interdependence.

Hence, judicial review can be considered the most significant aspect of basic structure along with rule of law.

2.

दिल्ली के उपराज्यपाल की शक्तियों और अधिकारों की तुलना, विशेष रूप से मंत्रिपरिषद की सहायता और उनकी सलाह पर कार्य करने के संदर्भ में अन्य राज्यों के राज्यपालों से किस प्रकार की जाती है? (150 शब्द, 10 अंक)

How does the power and authority of Delhi's lieutenant governor compare to that of the governors of other states, particularly in terms of acting on the aid and advice of the council of ministers?

(Answer in 150 words, 10 marks)

Art 239 AA, added by the 69th Constitutional amendment of 1991, explains the powers and functions of the office of lieutenant governor (Lt. Gov.) of Delhi.

Differences between Governors of other states and Lt. Gov. of Delhi

- 1) Governor appoints the leader of the party in majority as Chief Minister. However in Delhi, this is done by President.
- 2) Governors are bound by aid and advice of the Council of ministers. Lt. Gov is ^{not} bound only on the matters relating to police, land and public order.

3) Lt. Gov. can send any decision of the council of Ministers for President's consideration. But Governor can do so only if a bill is passed by state legislative assembly threatening independence of high court or taking away powers of Union.

4) In matters of appointments to services, Governors act on advice of Council of Ministers. But in Delhi, such advice is rendered by the National Capital Civil Services Authority to Lt. Gov.

Thus, while Lt. Gov. is expected to follow advice of council of Ministers in most matters (Govt of NCT vs Union 2018) Lt Gov has more powers and independence as compared to Governors

3. हाल के दिनों में, भारत में धर्म के अधिकार और संवैधानिक नैतिकता के मध्य तनाव/मतभेद को दूर करने में न्यायपालिका की भूमिका पर चर्चा करें। प्रासंगिक वाद विधियों की सहायता लें। (150 शब्द, 10 अंक)

Discuss the role of the judiciary in navigating the tension between the right to religion and constitutional morality in India in recent times. Refer to relevant case laws. (Answer in 150 words, 10 marks)

Constitution of India has express provisions for right to religion (Art 25-28)
Nevertheless, Constitutional morality, though not explicitly stated, is essential for democratic progress on constitutional lines.

Role of judiciary in navigating the tensions

1) Judiciary has tried to create a fine balance between the two.

eg Sabrimala judgement 2018

2) When it comes to religious traditions which don't outrightly go against the constitution, judiciary has upheld the right to religions.

eg permitting Jallikattu bull race

3) Judiciary has also ensured that right to religion doesn't obstruct women empowerment.

eg Triple Talag ban judgement 2018

4) The courts have sided with constitutional morality when it comes to right to equality and uniform law.

eg Mohd Abdul vs Telangana 2024
permitting maintenance to muslim women

5) Judiciary has not intervened in matters where it considered right to follow one's religion is important

eg Court didn't ban Jain practice of Sallekhana

Thus, despite the complexity, Courts have treaded on the fine line upholding both, constitutional morality and right to religion.

4.

'शक्तियों के पृथक्करण' का सिद्धांत अमेरिकी संविधान की एक प्रमुख विशेषता है। इस संदर्भ में तुलना करें कि भारतीय संविधान में शक्तियों का कार्यात्मक पृथक्करण अमेरिकी प्रणाली से किस प्रकार भिन्न है। शक्तियों के कठोर पृथक्करण की तुलना में नियंत्रण और संतुलन प्रणाली के क्या लाभ हैं? (150 शब्द, 10 अंक)

The principle of 'Separation of Powers' is a key feature of the American Constitution. In this context, compare how the Indian Constitution's functional separation of powers distinguishes itself from the US system. What are the advantages of a check and balance system over a rigid Separation of Powers?

(Answer in 150 words, 10 marks)

Constitution of India envisages a State based on separation of functions with checks and balances. However, USA follows a model of strict separation of powers.

Indian Constitution vs American Constitution

- 1) Articles 1, 2, 3 provide for establishment ^{in USA} of legislature, executive and judiciary with clear distinction in their powers.
 - 2) Indian Constitution, though enumerated separately, provides for flexibility in powers of three organs.
- ↳ Art 142 empowers Supreme Court to pass any order necessary for complete justice.

3) Indian President can issue ordinances under Art 123, which have the force of law. In USA, the law making power lies solely with the Congress.

Advantages of Indian System

1) It allows judiciary to step in if there's legislative vacuum or executive inaction.

leg → Vishakha Guidelines
Diwali crackers ban

2) In case of emergency, it permits executive to pass necessary laws without waiting for parliament to convene.

3) It ensures a healthy respect for each other amongst the organs, while ensuring checks and balances.

Thus, both countries follow different systems based on their constitutions.

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5. भारतीय संविधान की छठी अनुसूची आदिवासी क्षेत्रों को स्वशासन का अधिकार देने वाले विधिक प्रावधानों से कहीं अधिक है। छठी अनुसूची किस प्रकार उनकी पारंपरिक शासन प्रणालियों और सांस्कृतिक प्रथाओं का सम्मान करते हुए विकास को बढ़ावा देती है? (150 शब्द, 10 अंक)

The Sixth Schedule of the Indian Constitution is more than a legal provision that empowers tribal regions with self-rule. How does the sixth schedule foster development while respecting their traditional governance systems and cultural practices? (Answer in 150 words, 10 marks)

Art 244 (2) and Sixth Schedule
of the Constitution apply to tribal
areas of Assam, Tripura, Meghalaya
and Mizoram.

Role of Sixth Schedule

- 1) It allows for creation of autonomous district councils and autonomous regional councils in these regions.
- 2) These councils provide representative platform to tribals to govern themselves.
- 3) Union government transfer funds under Art 275 to these areas

for their development.

- 4) Traditional governance systems are respected. \Rightarrow customs relating to marriage, divorce etc. override the laws of the Union and the state.
- 5) Cultural practices are not intervened with. \Rightarrow moneylending rules, banning of intoxicant consumption ⁱⁿ the area etc. lies in the hands of the councils.
- 6) Governor ensures that ^{Union} laws are modified, if necessary, before their implementation ⁱⁿ the region.
- 7) Union can issue directions to the State govt. for the development of these areas.

Therefore, sixth schedule has tried to develop tribal areas and mainstream them while respecting their culture.

6. परामर्श और आपसी सहमति के आधार पर बहुलवाद द्वारा उत्पन्न समस्याओं को हल करने के लिए संस्थागत व्यवस्था संघीय शासन की एक प्रमुख विशेषता है। क्षेत्रीय परिषदें केवल सलाहकार निकायों से कार्रवाई के लिए सक्रिय मंचों के रूप में कैसे विकसित हुई हैं (150 शब्द, 10 अंक)

Federal governance is characterised by institutionalized arrangements for solving problems generated by pluralism based on consultation and mutual consent. How have Zonal Councils evolved from merely advisory bodies to proactive platforms for action? (Answer in 150 words, 10 marks)

Constitution makers knew the importance of platforms to discuss inter-state and federal issues and provided for the creation of such an arrangement under Art 263

Evolution of Zonal Councils

↳ Zonal councils were formed in the aftermath of States Reorganisation in 1956. North-Eastern Council was created later in 1971.

↳ Initially, these councils merely advised the union government on the steps it should take for development and integration.

↳ Rise of competitive multi-party system made them a platform to raise demands of specific region

eg Eastern council seeking funds to tackle poverty.

↳ For issues encompassing several states, they acted as an arrangement to build consensus

eg Inter-state river issues in Southern zonal council

↳ They have become a platform for resolution of inter-state boundary issues.

eg North-Eastern Council: Assam - Meghalaya issue

Thus, these zonal councils have truly evolved into a proactive platform from advisory bodies.

7. भारतीय संविधान के तहत धर्मनिरपेक्षता समानता के प्रति संवैधानिक प्रतिबद्धता की व्यापक अवधारणा में समाहित है। चर्चा करें।
(150 शब्द, 10 अंक)

Secularism under the Indian constitution is encapsulated in the broader concept of constitutional commitment to equality. Discuss.
(Answer in 150 words, 10 marks)

Secularism, which refers to Separation of State from religion, is not mentioned in the constitution except a later addition to Preamble.

Nonetheless, it is encapsulated in the various constitutional provisions in Part III. The Indian State is expected to keep equal distance from all religions, while ensuring an ambivalent watchful presence. This is evident from following provisions:

- 1) Art 14: Equality before law and
Art 15: Prohibition of discrimination
ensure that the State treats everyone equally.

- 2) Art 16 which prohibits the State from discriminating in public employment, ensures everyone is free to follow any religion despite being a govt. servant.
- 3) Art 25 equally entitles everyone the right to worship, profess and propagate one's religion
- 4) Art 26 also gives powers to all religious denominations equally to manage their own affairs
- 5) Art 27 bars the State from using its funds to propagate or promote a particular religion.
- 6) Art 29 prohibits religious discrimination in admissions to educational institutions maintained out of state funds.

As we can see, it is the Constitutional commitment to equality which encapsulates the 'secular' nature mentioned in the Preamble

8. जन प्रतिनिधित्व अधिनियम, 1951 की धारा 8 को सजा की अवधि से हटाकर अपराध की गंभीरता पर केंद्रित करने की आवश्यकता है। टिप्पणी करें कि धारा 8 के तहत वर्तमान वर्गीकरण किस प्रकार अपराधों के मनमाने वर्गीकरण की ओर ले जाता है। साथ ही, इस धारा के तहत अयोग्य घोषित व्यक्ति के लिए उपलब्ध उपायों का भी उल्लेख करें। (150 शब्द, 10 अंक)

'There is a need to shift the focus of Section 8 of the Representation of People Act, 1951 from the duration of the sentence to the gravity of the offence.' Comment on how the current classification under Section 8 leads to arbitrary categorisation of offences. Also, mention the remedies available to a person disqualified under this section. (Answer in 150 words, 10 marks)

Section 8 of the Representation of People Act, 1951 (RoP Act) disqualifies persons convicted of certain offences from being ^a member of the legislature.

Current Classification under Section 8

- Anyone convicted of promoting enmity between communities or corruption or insulting national flag or for committing Sati or under NDPS Act 1985, shall be disqualified for a period of 6 years
- Anyone convicted under Dowry Prohibition Act and imprisoned for

atleast six months, shall be disqualified for six years from release date

- Anyone convicted under any other crime and imprisoned for atleast two years, shall be disqualified for six years from date of release.

Clearly, the present classification considers some crimes to be more heinous without providing an explanation, making the categorization to be criticised as arbitrary.

Remedies: While an amendment to the act provided the sitting legislators a period of three months to fight appeal, it was struck down in Lily Thomas vs Union 2013. Therefore, the only remedy is to get a stay on the conviction from a higher court.

9.

भारतीय संसदीय प्रणाली में विपक्ष के नेता का क्या महत्व है? लोकतंत्र में नियंत्रण और संतुलन बनाए रखने में विपक्ष की भूमिका किस प्रकार योगदान देती है? (150 शब्द, 10 अंक)

What is the significance of the Leader of Opposition in the Indian parliamentary system? How does the role of the opposition contribute to the checks and balances in a democracy?

(Answer in 150 words, 10 marks)

The office of leader of opposition (LoP) was recognised in Lok Sabha in 1969 and was statutorily created in 1977, whereby LoP was given the rank of a Cabinet Minister.

Role and significance of LoP

- 1) Voice to opposition: LoP ensures that opposition's concerns and demands are heard, even if the ruling party holds a complete majority.
- 2) Alternate policies: LoP can put forward alternatives to the current policies, thereby ensuring better debates and outcomes.

- 3) Criticism of government: Dissent and criticism are the safest values of democracy and the office of LoP acts as one such value.
- 4) Shadow Cabinet: In British parliamentary system, LoP heads a shadow cabinet where each member is assigned specific portfolio. This leads to better debate and provides alternative to public.
- 5) Public Accounts Committee (PAC) of the Lok Sabha is conventionally headed by LoP. This keeps the govt under check.
- 6) Appointments to independent institutions like ECI, CBI, CVC, CIC etc is done by a committee involving LoP, leading to checks and balances.

Thus, the office of LoP is essential for a healthy parliamentary democracy

10.

"प्रस्तावना के मूल आदर्श - संप्रभुता, समाजवाद, धर्मनिरपेक्षता और लोकतंत्र - भारत के संवैधानिक ढांचे की आधारशिला हैं।" स्पष्ट कीजिये।
(150 शब्द, 10 अंक)

"The core ideals of the Preamble—sovereignty, socialism, secularism, and democracy—form the bedrock of India's constitutional framework." Elucidate.
(Answer in 150 words, 10 marks)

Preamble of Constitution of India envisages a ^{sovereign} democratic, socialist, secular, democratic, republic state. These core ideals are the foundations of our constitutional framework.

'Sovereignty' describes that the Indian State possessed absolute sovereign power to make external and internal decisions, thus breaking the shackles of the colonial history.

'Socialism' was added in 1976 to reaffirm the State's commitment to socio-economic justice and an egalitarian society ruled by a welfare state. (Art 30)

'Secular' too was added in 1976 to reassure the people about the State's firm belief in secularism and about religious equality being the law of the land. This is reiterated through Art 15, 16, 25, 26, 27, 28 and 29.

'Democracy' entails that the State will strive to work according to the 'will of the people' and it is the 'people of India' who are Sovereign. This is reinforced through provisions for free and fair regular elections in Part XV of the constitution

Therefore, these core ideals are indeed the pillars on which Indian Constitution stands.

11.

16वें वित्त आयोग के समक्ष विचारार्थ विषय, पिछले वित्त आयोगों से किस प्रकार भिन्न हैं? बाद के वित्त आयोगों द्वारा उत्तरोत्तर प्रगतिशील हस्तांतरण के बावजूद, विभिन्न राज्यों में आर्थिक असमानताओं को बढ़ावा देने वाले कारकों का परीक्षण करें।
(250 शब्द, 15 अंक)

In what ways are the Terms of Reference for the Sixteenth Finance Commission different from the earlier Finance Commissions? Also, examine the factors that propel economic disparities across states, despite the Finance Commission devolution becoming increasingly progressive.
(Answer in 250 words, 15 marks)



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12.

'अनैतिक' आचरण और विशेषाधिकारों के उल्लंघन के मामलों को संबोधित करने में आचार समिति और विशेषाधिकार समिति की शक्तियों और कार्यप्रणाली की तुलना करें और उनमें अंतर करें। संसदीय अनुशासन बनाए रखने में ये समितियाँ एक-दूसरे की किस तरह से पूरक हैं?

(250 शब्द, 15 अंक)

Compare and contrast the powers and working of the Ethics Committee and the Privileges Committee in addressing cases of 'unethical' conduct and breach of privileges. How do these Committees complement each other in maintaining parliamentary discipline?

(Answer in 250 words, 15 marks)

Both Ethics Committee (EC) and Privileges Committee (PC) are inquiry committees in the Indian Parliamentary System.

Similarity between ~~Ethics~~^{EC} and PC

- 1) Both are separate committees in the Lok Sabha and Rajya Sabha.
- 2) Both are constituted by the Presiding Officer of the house through nominated^{ign}.

Differences between EC and PC

- 1) PC derives its powers from the Art 105 and 194 of the Constitution which empower the Parliament^{house} to

decide on the matters of breach
of privileges of individual or entire house.

- 2) EC was constituted to ensure that members of the houses follow ethical principles and maintain decorum in the house
- 3) PC can take action or investigate anyone involved in the breach.
- 4) EC can only investigate on complaints against the members of the house.
- 5) PC helps maintain sanctity of the house while ^{also} ensuring privileges are not misused.
- 6) EC works to maintain discipline in the house

PC and EC complement each other

For maintenance of parliamentary

discipline, it is crucial that members use their privileges diligently while also following norms and ethics of the House.

EC ensures that ethical norms ~~to~~ are strictly followed as was seen in the recent expulsion of an MP during cash-for-query case. PC, on the other hand, steps in if the constitutionally-given privileges like freedom of speech on the floor of the House are not misused. While their jurisdictions might overlap in some cases, parliamentary conventions have ensured that they work complementary to each other.

13.

भारत में सतत विधायी शिथिलता के संदर्भ में, सार्वजनिक नीति और शासन को आकार देने में न्यायिक सक्रियता की उभरती भूमिका का विश्लेषण करें। ऐतिहासिक न्यायालय के मामलों के उदाहरणों का उपयोग करते हुए, शासन संबंधी कमियों को दूर करने और नागरिकों के अधिकारों की सुरक्षा में न्यायिक हस्तक्षेपों की प्रभावशीलता का मूल्यांकन करें। (250 शब्द, 15 अंक)

In the context of persistent legislative dysfunction in India, analyse the evolving role of judicial activism in shaping public policy and governance. Using examples from landmark court cases, evaluate the effectiveness of judicial interventions in addressing governance gaps and safeguarding citizens' rights. (Answer in 250 words, 15 marks)

Judicial Activism refers to the situation where judiciary acts proactively and goes beyond its traditional adjudicatory role to ensure justice prevails in the society.

This role of judiciary becomes important with the persistent dysfunction of the Indian Parliament. The 17th Lok Sabha saw 35% bills being passed within 1 hour of debate and major reforms like criminal law amendment getting passed when about 150 opposition MPs were suspended.

In such a scenario, whenever there is legislative overreach due to lack

of parliamentary scrutiny or legislative underreach, resulting in executive arbitrariness or legislative vacuum, the judiciary has to step in to fill the void and uphold the constitution.

↳ Vishakha guidelines 1997: Judiciary came up with these guidelines to prevent sexual harassment of women at workplace, due to absence of legislation

↳ MC Mehta vs Union of India: Courts emphasized the importance of environment and laid down strict measures in Kanpur tanneries, Delhi CNG Buses, Taj Trapezium, Oleum leak case, because of executive negligence

↳ Sivakasi Crackers Factories Case

saw the Supreme Court protecting children from harmful working environment.

↳ Hussainara Khatoon Case 1979: Supreme

Court went beyond its traditional role to ensure justice to undertrials

Despite these noble steps, judicial intervention has also been criticized where it ventured into legislative domain (eg staying farm laws) or executive functions (eg prohibiting alcohol sale in 500m around highways).

Overall, judicial activism has helped safeguard rights of citizens and has forced legislature and executive to perform their constitutionally assigned functions.

14.

राजनीतिक दलों के भीतर आंतरिक लोकतंत्र का स्तर भारतीय दलीय प्रणाली की कार्यप्रणाली और वैधता को किस सीमा तक प्रभावित करता है? भारत में अपर्याप्त अंतर-दलीय लोकतंत्र की चुनौतियों का समाधान करने के लिए कौन-कौन से सुधार किए जा सकते हैं? (250 शब्द, 15 अंक)

To what extent does the level of internal democracy within political parties impact the functioning and legitimacy of the Indian party system? What reforms can address the challenges of inadequate intraparty democracy in India? (Answer in 250 words, 15 marks)

It is often argued that intraparty democracy is essential to become a true parliamentary democracy. However, in the past decades, Indian political system has witnessed weakening of intraparty democracy despite strengthening of India's democratic credentials.

Role of intraparty democracy

↳ Nepotism: Intraparty democracy

prevents political parties from becoming fiefdoms of political families.

↳ Party-based democracy: Despite being a representative democracy on paper,

India has transformed into a party-based democracy, especially after strengthening of anti-defection laws.

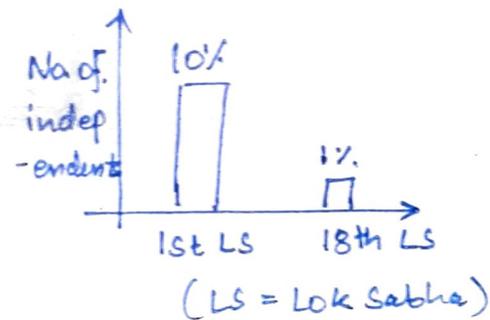
This makes intra-party democracy crucial

↳ Money and Muscle Power: Parties have become large industrial houses with huge financial powers. This renders independent candidates weaker.

This necessitates that everyone within the party should get

chance to rise to top

echelons, which is not available through independents.



↳ Parliament functioning: Use of whips prevents healthier debates and scrutiny of legislations, thereby concentrating power in hands of few running the political parties.

Measures to address

- 1) An independent body can be created for conducting elections within political parties, atleast national ones.
- 2) Tenure limits can be imposed on party leadership after due consultation.
- 3) Ensuring transparency by bringing political parties within the ambit of RTI can be a great step. This was also supported by Central Information Commission.
- 4) Anti-defection law must be tweaked to limit disqualification for disobeying whips to essential issues like no-confidence motions, thereby giving freedom to MPs to take independent stand.

Deepening of intra-party democracy can go a long way in reforming Indian politics and improving Parliament functioning.

NEXT IAS

Candidates must
write on this page

15.

"एन एच आर सी (NHRC) को न केवल एक निगरानी संस्था होना चाहिए, बल्कि दृष्टिगत पर उपस्थित और उत्पीड़ित लोगों के लिए आशा की किरण भी बनना चाहिए।" इस संदर्भ में भारत में राष्ट्रीय मानवाधिकार आयोग (एन एच आर सी) की भूमिका और अधिदेश पर चर्चा करें। एन एच आर सी की वर्तमान संरचना और कार्यप्रणाली इसकी स्वतंत्रता और प्रभावशीलता को किस प्रकार प्रभावित करती है? (250 शब्द, 15 अंक)

"The NHRC must not only be a watchdog but also a beacon of hope for the marginalised and oppressed." In this context discuss the role and mandate of the National Human Rights Commission (NHRC) in India. How does the current composition and functioning of the NHRC affect its independence and effectiveness? (Answer in 250 words, 15 marks)

NHRC was created through
Protection of Human Rights Act 1993
on the lines of Paris Principles
laid out by UNGA in 1993.

Role and mandate of NHRC

1) It is mandated to work for the
furthering of human rights in India.

2) NHRC is expected to act as a
watchdog against executive's misuse
of State power

eg) NHRC intervenes in cases of
Custodial violence or death

3) It works with other agencies to ensure justice to oppressed and marginalized

↳ NHRC's role in rehabilitating communal riots victims

4) It has the powers of a civil court and can investigate into cases of alleged human rights abuse

5) It can order financial compensation to the victims to support them.

However, NHRC has been criticized for lack of ~~pro~~ proactiveness (eg as

seen in Manipur riots) and the

~~reason~~ ^{blame} for the same has often been

~~blame~~ on its composition and functioning.

↳ NHRC comprises of a Chairman (retired supreme court judge), five members and chairpersons of other

bodies (like NCW) who are ex-officio members

↳ Appointment of NHRC chairperson and members is done by a committee where party in power holds majority

↳ This affects its independence, as the appointed members are expected to be watchful of the executive.

↳ Its functioning is also weakened by its lack of resources, and infrastructu
-re with small investigation team

↳ It often forwards complaints to police for investigation, despite police being accused of majority human rights abuses

↳ 2019 amendment gave more powers to central government

The deferrence of NHRC accreditation by GANHRI necessitates that NHRC needs to do more to act as beacon of hope for marginalized and oppressed

16.

भारत में चुनावी वित्तीयन विधिक खामियों और राजनीतिक अक्षमताओं की दोहरी मार से भरा हुआ है। इस संदर्भ में, चुनावी वित्तीयन की चुनौतियों पर चर्चा करें। इस संबंध में भारत वैश्विक सर्वोत्तम प्रथाओं से क्या सीख ले सकता है? (250 शब्द, 15 अंक)

Electoral funding in India is fraught with the double whammy of legal loopholes and political inefficiencies. In this context, discuss the challenges to electoral funding. What lessons can India draw from global best practices in this regard? (Answer in 250 words, 15 marks)

The recent supreme court judgement in ADR vs Union of India 2024 holding electoral bond scheme unconstitutional, has reignited the debate on electoral funding.

Challenges in Electoral Funding

- 1) Use of cash: Unaccounted sums of money given to political parties in cash, form a major chunk of electoral funding leading to prevalence of black money.
- 2) Quid pro quo: Big industrial houses fund political parties in hopes of getting favours when they come to power. The unholy nexus is not known to larger

public due to lack of transparency.

3) Political vendetta: Putting out the details of donors to political parties runs the risks of putting them against opposing political parties.

4) Entry barrier: Smaller parties and independents face difficulties in competing against the huge financial power of established larger parties.

5) RTI: Since political parties don't come under the ambit of RTI, their financial irregularities often go unnoticed.

Lessons from global best practices

1) Germany: State funding of elections with parties getting funds based on their performance

- 2) USA: i) Income tax payers given option to donate money, which is distributed amongst all parties
- ii) Democracy vouchers given to voters, who then give it to their preferred candidates.

Way forwards

- Need to promote the use of electoral trusts introduced in 2013
- Indrajit Committee: partial state funding based on intraparty democracy
- Expenditure limits not just on individual candidates but also on political parties
- Regulate funding: Currently donations are ~~not~~ regulated only in case of political parties, not for individual candidates.

17.

दबाव समूह लोकतंत्र की सामाजिक नींव का निर्माण करते हैं। इस संदर्भ में, भारत में श्रमिकों के लिए सामाजिक सुरक्षा उपायों को बढ़ावा देने में दबाव समूहों के प्रमुख योगदान पर चर्चा करें और बताएं कि वे मौजूदा नीतियों में उपलब्ध खामियों को किस प्रकार दूर करते हैं। (250 शब्द, 15 अंक)

Pressure groups form the social foundation of a democracy. In this context, discuss pressure groups' key contributions in promoting social security measures for workers in India, and how they address the gaps in existing policies. (Answer in 250 words, 15 marks)

Pressure groups are the organised groups of citizens which seek to further the interests of their members by influencing the policymaking and politics.

Contributions of pressure groups in promoting social security for workers

- 1) Importance of the role of such groups was made evident in the 42nd Constitutional amendment which added Art 43A securing participation of workers in the management
- 2) Demand for raising minimum wages and availability of basic amenities at the workplace led to stricter legislative measures. Even pre-independence, mill workers strikes in Ahmedabad led to reforms.

- 3) Pressure groups had long demanded and protested for pension after Super-annuation. This culminated in 1995 amendment to EPFO act, leading to birth of EPS pension scheme.
- 4) Pressure groups along with civil society led protests and lobbied political parties for reversal to Old Pension Scheme, which resulted in the new Unified Pension Scheme.
- 5) Railway workers strike 1974 led by Geogre Fernandes asking for better working conditions.
- 6) Bombay mill worker strikes 1982 led by Dutta Samant was a display and clear testament to the immense power held by pressure groups.

Pressure groups address gaps in policies and regulations in following ways:

- 1) Demonstrations are held to bring executive's attention to poor execution of welfare measures.
- 2) Political lobbying to influence legislators to fix legal loopholes.
↳ social security code and 2008 act for unorganised sector
- 3) Holding protests and mass awareness campaigns through media resulting in reversal of unfavourable decisions.
↳ rollback of easing of labour laws by state governments in the post pandemic period (done to encourage employers).

Thus, pressure groups have played a pivotal role in strengthening the social democracy and protecting worker rights.

18.

संविधान में भारतीय संघीय राजनीति के कार्यकारी क्षेत्र में "संघीय सर्वोच्चता के सिद्धांत" की परिकल्पना की गई है। प्रासंगिक संवैधानिक प्रावधानों और वाद एवं विधियों का हवाला देते हुए चर्चा कीजिये। शक्तियों के वितरण से संबंधित विवादस्पद मुद्दों का समाधान किस प्रकार किया जाता है? (250 शब्द, 15 अंक)

The Constitution envisages the "principle of federal supremacy" in the executive space of Indian federal polity. Discuss while referring to the relevant Constitutional provisions and case laws. How are contentious issues regarding the distribution of powers resolved? (Answer in 250 words, 15 marks)

The principle of federal supremacy entails that the executive decisions and legislative actions of the federal or the central government will override those made by the state governments.

In the executive space, this is clearly manifested in several provisions of the constitution:

1) Art 257: Union executive can issue directions to state executive for maintenance of infrastructure of national or military importance.

2) Art 365: State governments must comply with directions issued by

the Union, else President's rule can be imposed under Art 356.

- 3) 7th Schedule gives major powers to the Union legislature and since executive powers extends upto all matters in one's legislative domain, Union executive has more powers than State executive
- 4) Art 200: Governor can reserve any State bill for President's consideration if it takes away Union powers in any way.
- 5) Art 355: Union is responsible for the protection of states and can take any necessary decision for the said requirement.
- 6) Supreme Court has held that the Union executive can take decisions over concurrent list matters if Parliament's

legislation provides for the same.

Resolution of Contentious issues

- 1) Union executive is barred by the Constitution to take actions on state list subjects. (Art 73)
- 2) Constitution allows for delegation of executive power from Union to states.
- 3) Doctrine of pith and substance, given by the Supreme Court (FN Balasar case), provides that true nature of the action or law matters, even if there is incidental encroachment upon other's domain.
- 4) Zonal councils and NITI Aayog provide a platform to both the Union and the States, to resolve such complex issues.

Therefore, while constitutional provisions seem to be tilted in favour of central govt., state executive too enjoys (Art 73) considerable powers.

19.

निष्पक्ष प्रतिनिधित्व सुनिश्चित करने और एक वोट, एक मूल्य के सिद्धांतों को बनाए रखने के लिए सीटों का परिसीमन आवश्यक है। निर्वाचन क्षेत्रों में गलत प्रतिनिधित्व से उत्पन्न चुनौतियों पर प्रकाश डालते हुए संघीय तनाव उत्पन्न करने में जनसंख्या-आधारित परिसीमन के प्रभावों का विश्लेषण कीजिये। (250 शब्द, 15 अंक)

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 analyse the ramifications of population-based delimitation in creating federal tension. (Answer in 250 words, 15 marks)

Delimitation refers to the process of drawing up geographical boundaries of territorial constituencies in a democratic setup based on representation.

While the last delimitation was carried out in 2008, the inter-state distribution of parliamentary constituencies has not changed since the 1973 delimitation. This apparent misrepresentation poses many challenges:

1) Violation of one vote, one value:

as every vote in less populous constituencies carries more value.

2) Misrepresentation: Uttar Pradesh, despite

having about 3 times the population of Tamil Nadu, has only twice the number of MPs in Lok Sabha. This leads to skewed representation.

3) Electoral Process: Despite electing same number of MPs, more populous regions require more polling staff, infrastructure and security

4) Citizen disillusionment: citizens in highly populated constituencies feel disempowered and believe that their vote doesn't really make a difference

However, carrying out the next delimitation based on new population data can have far-reaching consequences:

1) Federal Structure: More populous states may start dominating in the Parliament.

2) Perceived injustice: Souther states which invested in human development and population control might feel betrayed leading to North-South divide

3) Integrity of nation: Political dominance of one region can lead to alienation amongst rest of the regions, thereby threatening unity of the country.

Suggestions

→ Build a broad consensus taking all states into confidence

→ Representation to smaller states in Rajya Sabha can be increased, on the lines of US Senate.

The consequences of misrepresentation as well as wide ramifications of a new population-based delimitation necessitate a vigilant balanced collaborative approach.

20.

उच्च न्यायालयों का ध्यान "संवैधानिक मामलों" से हटाकर रोजमर्रा के मामलों पर केंद्रित करने के लिए जनहित याचिका प्रणाली को किस सीमा तक जिम्मेदार ठहराया जा सकता है? उच्च न्यायालयों पर समग्र बोझ को कम करने में ट्रायल कोर्ट क्या भूमिका निभा सकते हैं? (250 शब्द, 15 अंक)

To what extent can the PIL system be held responsible for shifting the focus of the higher Courts from "constitutional matters" to day-to-day matters? What role can the trial Courts play in reducing the overall burden on higher Courts? (Answer in 250 words, 15 marks)

Public Interest Litigation, while having their origin in the Civil Rights movement in USA (1960s), began in India in the aftermath of Hussainara Khatoon Case (1979) and judicial activism by Justices PN Bhagwati and Krishna Iyer.

PIL received many accolades, and rightly so, for furthering the human rights cause in India and making the judiciary proactive. However, lately, it has come under criticism amidst frivolous PILs being filed in our already-pendency-burdened judicial system.

High Courts and Supreme Court have got involved in policy matters and legislative areas in several cases due to PMs

- 1) MC Mehta vs Union of India: Supreme Court ordered shifting of kamper tanneries
- 2) Delhi CNG buses: DTC was asked to stop diesel buses.
- 3) Diwali cracker ban to control pollution
- 4) Ban on alcohol sale near highways

All the above matters can be dealt with by the executive bodies or lower courts.

There are more than 70 lakh pending cases in high courts and 70,000 in Supreme Court, which demand their greater attention.

Supreme Court has laid guidelines to stop misuse of PILs. Trial courts too can play a critical role here by dismissing frivolous PILs. While in Constitutional matters, petitioner will knock the doors of higher courts, in all other matters, lower courts must play a proactive role so as to minimize the misuse of PILs.

Nonetheless, PILs must not be discouraged because it has led to furthering of rule of law and justice in the country. Need of the hour is to streamline the process and strictly implement Supreme Court guidelines on PILs throughout the courts in India