

UPSC All India General Study Mains Test Series

Test code: 2024/01
(Model Answer Eng. Language)

Test: 01

GS II: Indian Polity / भारतीय राजव्यवस्था

निर्धारित समय - तीन घण्टे
Time Allowed: Three Hour

अधिकतम अंक : 250
Maximum Marks: 250

प्रश्न-पत्र सम्बन्धी विशेष अनुदेश

कृपया प्रश्नों के उत्तर देने से पूर्व निम्नलिखित प्रत्येक अनुदेश को ध्यानपूर्वक पढ़ें

कृपया प्रश्नों के उत्तर देने से पूर्व निम्नलिखित प्रत्येक अनुदेश को ध्यानपूर्वक पढ़ें : कुल बीस प्रश्न दिए गए हैं जो हिन्दी और अंग्रेजी दोनों में छपे हैं। सभी प्रश्न अनिवार्य हैं।

प्रत्येक प्रश्न/भाग के लिए नियत अंक उसके सामने दिए गए हैं।

प्रश्नों के उत्तर उसी माध्यम में लिखे जाने चाहिए, जिसका उल्लेख आपके प्रवेश पत्र में किया गया है, और इस माध्यम का स्पष्ट उल्लेख प्रश्न-सह उत्तर (क्यू.सी.ए.) पुस्तिका के मुख पृष्ठ पर निर्दिष्ट स्थान पर किया जाना चाहिए। उल्लिखित माध्यम के अतिरिक्त अन्य किसी माध्यम में लिखे गए उत्तर पर कोई अंक नहीं मिलेंगे।

प्रश्न संख्या 1 से 10 तक का उत्तर 150 शब्दों में तथा प्रश्न संख्या 11 से 20 तक का उत्तर 250 शब्दों में दीजिए।

प्रश्नों में इंगित शब्द सीमा को ध्यान में रखिए।

प्रश्न-सह उत्तर पुस्तिका में खाली छोड़े गए कोई पृष्ठ अथवा पृष्ठ के भाग को पूर्णतः काट दीजिए।

1. "Constitutional Morality is firmly anchored within the Constitution and is built upon its fundamental principles. Elucidate the concept of Constitutional Morality by citing pertinent judicial rulings."

‘संवैधानिक नैतिकता’ संविधान के भीतर मजबूती से निहित है और इसके मौलिक सिद्धांतों पर आधारित है। ‘संवैधानिक नैतिकता’ की अवगति कराने के लिए संबंधित न्यायिक निर्णयों को उद्धरण देकर ‘संवैधानिक नैतिकता’ की अवधारणा को स्पष्ट करें।"

Ans.

The essence of "constitutional morality" is to uphold the fundamental principles and foundational values of a democratic country by adhering to the constitution. In the context of Dr. B.R. Ambedkar, constitutional morality meant that different groups should follow the social and moral values of the constitution through consensus and without any conflict. It is a way to harmoniously resolve and adhere to these values through cooperation, struggle, and consensus among various groups, without any confrontation or mutual opposition. It is a means to integrate diverse social and cultural enrichments through consensus, cooperation, and struggle in a democracy, allowing all citizens to have responsibility and maintain equality in society. Despite the fact that the term "constitutional morality" is not explicitly mentioned in the constitution, it is implied in several aspects of the constitution, including:

1. Preamble: which outlines the principles of justice, liberty, equality, and fraternity.
2. Fundamental Rights
3. Fundamental Duties
4. Directive Principles of State Policy

The constitutional governance principles are protected and upheld through the concept of constitutional morality. It acknowledges this difference and non-uniformity and promotes diversity, making society more inclusive. It encourages people to participate in governance and to fight against inequality and non-constitutional elements.

Key Supreme Court decisions related to the principles of constitutional morality include:

- **Kesavananda Bharati case (1971):** The case elaborated on the basic principles of constitutional structure.
- **Krishna Murthy case (2015):** The Supreme Court emphasized that constitutional policies should be upheld for the success of true discipline, positive property, and a strong commitment to constitutional structure for democracy.
- **Justice K.S. Puttaswamy case (2018):** It affirmed that privacy is a fundamental right under the Indian constitution.
- **National Capital Territory of Delhi v. Union of India (2018):** The court equated constitutional morality with other fundamental structural principles.
- **Indian Young Lawyers Association case (Sabarimala case) in 2018:** The Supreme Court upheld the supremacy of constitutional morality to maintain the inviolability of religious practices of a community.

In conclusion, constitutional morality is essential for the effective implementation of constitutional laws. Without constitutional morality, the functioning of the constitution is hindered. Although the concept of constitutional morality should not be defined by the Supreme Court in every instance, it is an idea that should be embedded in the minds of the public.

2. After the enactment of the Constitution, several judicial decisions and constitutional amendments have changed the balance between Fundamental Rights and Directive Principles of State Policy. Analyse.
संविधान के लागू होने के पश्चात् से अनेक न्यायिक निर्णयों और संविधान संशोधनों ने मूल अधिकारों और राज्य की नीति के निदेशक तत्वों के मध्य के संतुलन को परिवर्तित कर दिया है। विश्लेषण कीजिए।

Ans.

Despite the enforceability of fundamental rights, and the nature of non-enforceability of the state's Directive Principles, conflict arises between the two due to the moral obligation of the state. Fundamental rights describe the negative role of the state, and prevent the state from performing certain acts. The same directive policies describe the positive role of the state and expect the state to make specific efforts for public welfare. From the time the Constitution came into force, various judicial decisions and constitutional amendments have attempted to modify the nature of the relationship between the Fundamental Rights and Directive Principles,

- Fundamental rights supreme but amendable: State of Madras v. Srimathi Champakam Dorairajan case (1952) is the first dispute related to the dispute between Fundamental Rights and the DPSP. In which a decision was given by the Supreme Court that in case of any dispute between the two, only the fundamental rights will remain in effect. However, it was also determined that the Fundamental Rights can be amended by the Parliament under the Constitutional Amendment Acts to enforce the Directive Principles.
- Inalienable Basic Rights: In the Golaknath case (1967), the Supreme Court ruled that Parliament cannot abrogate or limit any fundamental right (whose nature is inalienable). This means that the Fundamental Rights cannot be amended to enforce the Directive Elements.
- Laws enforcing basic rights amendable and certain directive elements preferably over certain basic rights: In response to the decision in the Golaknath case, the 24th Amendment (1971) and 25th Amendment (1971) were enacted by Parliament.
 1. The 24th Amendment made it clear that Parliament has the power to amend any part of the Constitution including fundamental rights.
 2. A new Article 31C was inserted under the 25th Amendment, which provides that, a law applying the Directive Elements under Articles 39 (b) and 39 (c) cannot be declared invalid on this basis (that it violates the fundamental rights conferred by Articles 14, 19 and 31). Also, a provision was made that such a method would be outside the purview of judicial review.
 3. In the Kesavananda Bharati debate (1973), the two director elements were given preference over certain basic rights. The judgment, however, was given that restricting judicial review is unconstitutional and a violation of the basic structure.
- Preference to Director Elements: Under the 42nd Constitutional Amendment Act in 1976, Parliament amended Article 31C; giving preference to all the Directive policies contained in Part IV of the Constitution over the Fundamental Rights conferred under Articles 14, 19 and 31.
- Balanced relationship between directive policies and fundamental rights: In the Minerva Mills suit (1980), the Supreme Court declared the granting of supremacy to all director policies, as unconstitutional and illegal. And Article 31C was re-established in its original form. It was decided that

the balance between Part III and Part IV is an integral part of the Indian Constitution, as they co-create a core sense of commitment to social change.

Thus, in present times, the fundamental rights have been given more importance than the Directive Principles, but at the same time Parliament can change the fundamental rights to implement the Directive Principles.

3. Despite executing one of the major functions of democracy, the Election Commission lacks significant powers. Do you agree Explain with appropriate illustrations? लोकतंत्र के प्रमुख कार्यों में से एक को निष्पादित करने के बावजूद चुनाव आयोग के पास महत्वपूर्ण शक्तियों की कमी है। क्या आप सहमत हैं? उपयुक्त दृष्टान्तों के साथ समझाइए।

The Election Commission of India is a permanent, independent and constitutional body established to ensure free and fair elections in India. Article-324 of the Constitution vests the Election Commission with the power to superintend, direct and control the elections of Parliament, State legislatures, the President and Vice-President of India.

Functions of Election Commission:

The Election Commission of India is one of the four pillars of democracy in India, and as such it is authorized for a wide range of functions.

1. It registers political parties for the purpose of election and confers them the status of national or state parties on the basis of their performance.
2. It recognizes political parties and allocates election symbols to them.
3. To act as a court for settlement of disputes related to recognition of political parties and allotment of election symbols to them.
4. Appointment of officers for investigation in disputes related to electoral system.
5. To determine the code of conduct to be followed by the parties and candidates at the time of election.
6. Cancellation of election in the event of rigging, booth capturing, violence, and other irregularities

Latest Events of Election Commission:

Even though the Constitution and Act of the Parliament give the broad powers to Election Commission during day-to-day functioning, it presents several challenges in relation to the use of these powers and functions. For this reason, the Supreme Court has called the Election Commission as toothless.

- During 2019, it has come under suspicion by members of the ruling party for not taking action on the incidents related to violation of model code of conduct.
- Issues related to VVPAT, transmission of unlicensed NAMO TV, concerns about EVMs, all have raised many questions regarding the credibility and non-partisan nature of the institution.
- The ECI is also being criticized for late and inadequate actions to prevent the spread of payment-based and fake news.
- During the 2019 general election, a group of prominent retired bureaucrats wrote a letter to the President highlighting issues such as transfer of top officials, remarks by the Governor of Rajasthan, induction of army for votes, and comments on the Election Commission While stating that "ECI suffers from willful conduct and credibility crisis".

Suspending election campaign for 72 hours on prominent politicians for making hate speech during 2019 Lok Sabha elections, cancellation of election due to use of money force during the voting in Vellore, involving more

voters due to social media and other awareness campaigns and strengthening the credibility of EVMs through VVPAT are among the major achievements of ECI-

- To follow the recommendations of the 225th Law Commission and make all appointments through a collegium system consisting of the Prime Minister, Leader of Opposition and Chief Justice of the Supreme Court.
- Equal constitutional protection for all three Election Commissioners.
- Weighting of ECI expenses to the Consolidated Fund of India
- The Election Commission should get the cancellation of registration of political parties under the Representation of People Act.

4. “The Panchayati Raj Institute (PRI) is simultaneously a notable success and failure”, at present many challenges have hampered it, today it is necessary to adopt such measures which can be helpful in fulfilling the objectives of Panchayati Raj. Make a comment. “पंचायती राज संस्थान (PRI) एक साथ, एक उल्लेखनीय सफलता और विफलता है”, वर्तमान में कई चुनौतियों ने इसे बाधित किया है, आज ऐसे उपायों को अपनाना आवश्यक है जो पंचायती राज के उद्देश्यों को पूरा करने में मददगार साबित हो। टिप्पणी करें।

Panchayats have been the backbone of the Indian villages since the beginning of recorded history. Gandhiji, the father of the nation, in 1946 had aptly remarked that the Indian Independence must begin at the bottom and every village ought to be a Republic or Panchayat having powers. Gandhiji's dream has been translated into reality with the introduction of the three-tier Panchayati Raj system to ensure people's participation in rural reconstruction.

Evaluating the Panchayati Raj Institutions:

- PRIs has witnessed simultaneously a remarkable success and a staggering failure in the journey of 26 years depending on the goalposts against which they are evaluated.
- While the PRI has succeeded in creating another layer of government and political representation at the grass-roots level, it has failed to provide better governance.
- There are about 250,000 PRIs and urban local bodies, and over three million elected local government representatives.

The 73rd and 74th Amendments required that no less than one-third of the total seats in local bodies should be reserved for women. At 1.4 million, India has the most women in elected positions. Seats and sarpanch/pradhan positions were also reserved for SC/ST candidates.

- Research using PRIs has shown that having female political representation in local governments makes women more likely to come forward and report crimes.
- In districts with female sarpanchs, significantly greater investments are made in drinking water, public goods.
- Moreover, the states have also provided the statutory safeguards for many devolution provisions, which have considerably empowered local governments.
- Successive (central) Finance Commissions have, so substantially, increased fund allocations for local bodies and also the grants have been increased.

Issues related to the Panchyati Raj Institution:

- Unscientific distribution of functions: The Panchayati Raj scheme is defective in so far as the distribution of functions between the structures at different levels has not been made along scientific lines. The blending of development and local self-government functions has significantly curtailed the autonomy of the local self-government institutions. Again it has virtually converted them into governmental agencies. Even the functions assigned to the Panchayat and the Panchayat Samiti overlap, leading to confusion, duplication of efforts and shifting of responsibility.
- Inadequate finances: The inadequacy of funds has also stood in the way of successful working of the Panchayati Raj. The Panchayati Raj bodies have limited powers in respect of imposing cesses and taxes. They have very little funds doled out to them by the State Government. Further, they are generally reluctant to raise necessary funds due to the fear of losing popularity with the masses.
- Politicization of PRIs: It is being increasingly noticed that the Panchayati Raj Institutions are viewed only as organisational arms of political parties, especially of the ruling party in the state. The State Government, in most states, allows the Panchayati Raj Institutions to function only upon expediency rather than any commitment to the philosophy of democratic decentralisation.
- Undemocratic composition of various Panchayati Raj institutions: Various Panchayati Raj Institutions are constituted setting aside democratic norms and principles. The indirect election of most of the members to Panchayat Samiti only increases the possibility of corruption and bribery. Even the Zila Parishad consists of mainly ex-officio members. They are, for the most part, government officials. This negates sound democratic principles.

Suggestions for the improvement of PRIs:

- The Centre should play an enabling role, for instance, encouraging knowledge-sharing between States.
- For States to play a bigger role in human capital interventions, they need adequate fiscal resources.
- To this end, States should rationalise their priorities to focus on human capital development.
- The Centre should refrain from offsetting tax devolution by altering cost-sharing ratios of CSSs and increasing cesses.
- Concomitantly, the heavy reliance on CSSs should be reduced, and tax devolution and grants-in-aid should be the primary sources of vertical fiscal transfers.

Panchayats and municipalities need to be vested with the functions listed in the Eleventh and Twelfth Schedules.

5. The speaker plays an important role in advancing democracy by creating a balance between good government and maximum personal freedom. Comment with reference to India./ **स्पीकर, अच्छी सरकार और अधिकतम व्यक्तिगत स्वतंत्रता के बीच संतुलन बनाकर लोकतंत्र को आगे बढ़ाने में महत्वपूर्ण भूमिका निभाता है। भारत के सन्दर्भ में टिप्पणी करें।**

Jawaharlal Nehru, the first Prime Minister of India had said that, "In a parliamentary democracy, the Speaker represents the dignity and independence of the House and because the House represents the country, it in a way becomes a symbol of the freedom and independence of the country".

- The Speaker of the Lok Sabha or the State Legislative Assembly is elected by the members of the respective House from amongst themselves. The Speaker is the custodian of the powers and privileges of the entire House, its members and its committees.

- Through this, the work of maintaining discipline and decorum in the house is done for the conduct and regulation of the proceedings of the house.
- In order to maintain the impartiality of the House, it is ensured by the Speaker that sufficient time is given to the Parliament, especially the Opposition, to ensure accountability.
- Adjourns the House, and for lack of quorum suspends the sitting of the House.
- It decides whether a Bill is a Money Bill or not, and its decision on this is final.
- Decides on the question of disqualification of a member arising on the ground of defection. (However, since the KihotoHollohan case (1992) such a decision by the Speaker is not outside the scope of judicial review}.
- He supervises the appointment and functioning of the chairpersons of all the parliamentary committees of the Lok Sabha. He himself is the Chairman of the Business Advisory Committee, the Rules Committee and the General Sponsorship Committee of the Lok Sabha.

Constitutional Provisions: Good government

- Article 93 of the Constitution of India provides for the appointment of the Speaker and Deputy Speaker of the Lok Sabha, while Article 178 of the Constitution provides for the appointment of the Speaker and Deputy Speaker of the Legislative Assembly.
- Article 94 of the Constitution has made provisions for the Speaker and Deputy Speaker of the Lok Sabha to become vacant, resign or be removed from office. At the same time, provisions have been made in Article 179 of the Constitution related to the vacancy, resignation or removal of the Speaker and Deputy Speaker of the Legislative Assembly.
- Article 95 lays down the powers of the Deputy Speaker or any other person to act or perform the duties of the Speaker of the Lok Sabha. At the same time, under Article 180, the powers of the Deputy Speaker or any other person have been mentioned to act as Speaker of the Legislative Assembly or to discharge his duties.
- According to Article 96 (pertaining to Lok Sabha) and Article 181 (pertaining to Legislative Assembly) of the Constitution, if a motion to remove the Speaker of the House is under consideration, he cannot preside over the House.
- Article 97 of the Constitution provides for the salary and allowances of the Speaker and Deputy Speaker of the Lok Sabha, and Article 186 of the Speaker and Deputy Speaker of the Legislative Assembly.

However in recent times, the office of Speaker of Lok Sabha has been criticized for not being as fair and effective (as it was envisioned to be a Good government):

- Deciding on a case of defection by the Speaker of the Uttarakhand Legislative Assembly, and that too while a notice of resolution to remove the Speaker was pending. In this matter the Supreme Court had to intervene and it was directed that the Speaker of the Lok Sabha should refrain from adjudicating in such matters.
- The Supreme Court has allowed a petition challenging the decision of the Speaker of the Lok Sabha to approve the Aadhaar Bill, 2016 as a money bill. It is argued that the Rajya Sabha should also be included

in the decision-making process to create a meaningful debate and consensus on matters of a Bill that covers a wide range of concerns such as privacy, data security, etc.

- Parliamentary stalemate has become a common practice, while Speakers seem to be unable to conduct parliamentary proceedings smoothly and allegations of bias have become common.

The Presidential office was envisaged by the framers of our constitution to perform its duties honestly and impartially but, its office has been progressively changed to suit the political interests and the requirements of the ruling party. Judicial review is also used in exceptional circumstances. There is a need for a permanent institutional solution in this context. In the case of money bills the British model of appointing a committee of two senior legislators to assist the Speaker needs to be considered. A parliamentary tradition has developed in Britain, where an MP who is elected as Speaker resigns from the party concerned. This lends credibility to their impartiality.

Both the government and the opposition need to operate cooperatively so that the Parliament can function smoothly and the Speaker does not often face difficult and complicated situations. At the same time, the Speaker also needs to uphold the democratic ethos, presiding over a respected office, and must appear neutral in his actions and objectives. "Not only must justice be done, but it must be clearly and unquestionably shown that justice has been done. This will further strengthen the confidence of the people in parliamentary democracy.

6. What do you understand by the word "justice" mentioned in the Preamble of the Indian Constitution?

Present the details of the steps taken along with the given constitutional bylaws. भारतीय संविधान की प्रस्तावना में वर्णित शब्द "न्याय" से आप क्या समझते हैं? प्रदत्त संवैधानिक उपयों के साथ उठाये गए क़दमों का विवरण प्रस्तुत करें।

The word "justice" is found only at a few places throughout the Constitution such as the Preamble, Article-38, Article-39A and Article-142.

On the one hand the object of Article-38 is to promote a social order in which justice, social, economic and political, shall inform all the institutions of the nation as enshrined in the Preamble. Article 39A, on the other hand, seeks that the operation of the legal system shall promote justice, on a basis of equal opportunity, and in particular, by suitable legislation or schemes or in any other manner, shall provide free legal aid, and to ensure that opportunities for access to justice are not denied to any citizen because of economic or other disabilities. Further, linking Article 38 to Article 142, serves as an enabling provision, empowering the Apex Court to pass any order or decree for the purpose of doing complete justice in any cause or matter. However, as per these provisions it is not clear what is meant by justice.

- Social justice means that, all citizens in the society should be treated equally without any discrimination on the basis of caste, colour, creed, race, religion, sex etc. It seeks to create a more equitable society based on equal social status.
- Economic justice envisages the eradication of poverty by the multiplication of national wealth and wealth and their equitable distribution. It tries to establish economic democracy and create a 'welfare state'.
- Political justice demands that all citizens should have equal political rights in terms of participation in the process of governance of the society/country.

Constitutional Provisions: Fundamental Rights:

- 1 Right to equality under Article 14, 15, 16, 17 and 18.
- 2 Under Article 24, no child below the age of 14 years shall be employed to work in any factory or mine.

Directive Principles of State Policy:

This includes provisions for the welfare of the people including free legal aid, right to work and public assistance in case of unemployment, old age, sickness and disability under Articles 39A and 41 respectively.

Legal Steps:

- 1 Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989
- 2 Right of Persons with Disabilities Act, 2016
- 3 Forest Rights Act, 2006 etc.

Steps have been taken to address inequalities in opportunity, income and wages to ensure economic justice, such as:

Constitutional Provisions:

Fundamental Rights: Under the recently added Article 15(6) and 16(6), the state can make special provisions for the advancement of any economically weaker section of the citizens.

Directive Principles of Policy: Right to adequate means of livelihood under various Articles 39, 42 and 43, restrictions on concentration of assets; Equal pay for equal work, provision of fair and humane working conditions and secure living wage.

Legal Steps:

- 1 Gradual taxation through budget passed by the legislature every year.
- 2 Mahatma Gandhi National Employment Guarantee Act, 2005

Constitutional Provisions:

- 1 Article 326 Elections to the Union and State Legislative Assemblies shall be on the basis of adult suffrage.
- 2 Articles 243D, 243T, 330 and 332 provide for reservation of seats for Scheduled Castes and Scheduled Tribes in Panchayats, Municipalities, Lok Sabha and State Legislative Assemblies.

Legal Steps:

- 1 Representation of the People Act, 1950 and 1951 for holding regular elections
- 2 Legal Services Authority Act, 1987 to provide free legal services to deserving candidates

The Constitution also provides for the enforcement of fundamental and legal rights under Articles 32 and 226 respectively. These provisions play a vital role in the matter of accommodating the interests of all sections of the society and ensuring justice for all, which was the dream of our constitution makers.

7. The lack of robust investigative procedures undermines the image of Parliament as the highest

legislative institutions and encourages judicial encroachment on its powers." What will be the consequences of ignoring the parliamentary standing committees set up to solve similar problems?

"मजबूत जांच प्रक्रियाओं का अभाव उच्चतम विधायी संस्थानों के रूप में संसद की छवि को कमजोर करता है और इसकी शक्तियों पर न्यायिक अतिक्रमण को प्रोत्साहित करता है।" ऐसी ही समस्याओं के समाधान के लिए बनी संसदीय स्थायी समितियों की अनदेखी के क्या परिणाम होंगे?

The primary role of Parliament is to deliberate, discuss and reconsider the identity of any democratic institution. However, Parliament considers matters which are complex and hence require technical expertise to understand such matters in a better way. Parliamentary committees thus aid in this by providing a forum where members can engage with domain experts and government officials in the course of their studies. Parliamentary committees need to be strengthened instead of sidelined for the betterment of parliamentary democracy.

- In the modern era, Parliament has to perform not only various and complex types of work, but also an enormous amount of work. Parliament has limited time to deal with this business.
- Therefore, the Parliament cannot consider all those legislative and other matters which come before it in depth. Therefore, a lot of the work of Parliament is dealt with by the committees of the House, which are called Parliamentary Committees. Parliamentary Committee means a committee which is appointed or elected by the House or nominated by the Speaker and acts under the direction of the Speaker and submits its report to the House or to the Speaker and the Secretariat of the Committee is public. The meeting is made available by the Secretariat.
- Parliamentary Standing Committees are permanent in nature, and are appointed or elected by the House or nominated by the Speaker of the Lok Sabha and the Chairman, Rajya Sabha.
- They present their report (their report) before the Houses. As a result, it helps in the work related to various activities of the Parliament. Some of the standing committees are - Public Accounts Committee, Estimates Committee, Committee on Public Undertakings, Departmentally Related Standing Committees etc.
- Despite the importance of these committees, only 25% of the bills introduced in the 16th Lok Sabha were referred to committees, while 71% and 60% of the bills were referred to them in the 15th and 14th Lok Sabha respectively. In the first session of the 17th Lok Sabha, 14 Bills were passed and none of the Bills were examined/analyzed by the Parliamentary Committee. Important Bills like RTI Amendment Bill-2019, UAPA Bill-2019 etc were passed by Standing Committees without scrutiny and critical analysis.

Effect due to passing of bills by parliamentary committees without scrutiny:

- This restricts the Parliament's ability to scrutinize the policies of the government and makes the government less accountable in the absence of a well thought out discussion.
- Bills passed without scrutiny by standing committees may lack integrity and foresight. Such Acts may need to be amended time and again, causing unnecessary delay in the process and thereby defeating the original purpose.
- This undermines the role of the opposition (whose members are part of parliamentary committees).
- It encourages the use of other methods, such as the guillotine, repeated promulgation of ordinances, etc. to avoid scrutiny of the legislature.
- This reduces engagement with the relevant stakeholders, as committees act as a connecting link between Parliament and the people on the one hand, and the administration and Parliament on the other.
- It hinders financial prudence. Committees ensure economy and efficiency in public expenditure, as more attention is paid by the Ministries/Departments while formulating their demands.

8. Describe the process of delimitation in India. In the present time, please also highlight issues related to the delimitation process. भारत में परिसीमन की प्रक्रिया का वर्णन करें। मौजूदा समय में परिसीमन प्रक्रिया जुड़े मुद्दों पर भी प्रकाश डालिये।

Delimitation is the act or process of determining the boundaries or delimitations of territorial constituencies in a country or province having a legislative body. The task of delimitation is entrusted to a higher power body called the Delimitation Commission. Four such Delimitation Commissions have been constituted in India, i.e. in 1952, 1963, 1973 and the latest in 2002. The orders of the Commission have the power of law and cannot be challenged before any court.

Under Article 82 of the Constitution, the Parliament passes a Delimitation Act after every census. After the commencement of the Act, the Central Government constitutes a Delimitation Commission. This delimitation is based on the principle of equality in proportion to the number of seats allotted to each state and the population of that state. The term population expressed under Article 81 of the Constitution was defined as the relevant data obtained during the last preceding census that has been published.

Implementation

- The draft proposals of the Delimitation Commission are published in the Gazette of India, the official gazettes of the respective states and at least two national newspapers for public feedback.
- Public meetings are also organized by the Commission.
- After hearing the public, it considers the objections and suggestions received in writing or orally during the meetings and, if it considers necessary, makes changes in this regard in the draft resolution.
- The final order is published in the Gazette of India and the State Gazette and comes into force from a date specified by the President.

The Election Commission of India pointed out the fact that the earlier delimitations dissatisfied many political parties and individuals, and advised the government that all future delimitations should be done by an independent commission. The Delimitation Act was enacted in the year 1952. Delimitation commissions were constituted four times in the years 1952, 1963, 1973 and 2002 under the Acts of 1952, 1962, 1972 and 2002. After the census of 1981 and 1991, no Delimitation was done.

Disputes relating to the current delimitation process, such as:

1. Population is the primary criterion for this process: states leading in population control have faced a lack of seats in the legislature. On the contrary, those states whose population is more, their number of seats are also more and thus they are controlling the politics of India and will continue to do so, but as a result those states which have made progress in population control are getting discouraged.
2. Impact on Governance: Due to the low political weight, the states of the Northeast, which have a small population, are reportedly given less attention while formulating policies or plans. The policies are targeted at the states with more population like UP, Bihar.
3. Representational Implications: It is highly likely that the next delimitation will be based on the 2031 census, which will increase the number of seats in Parliament. At that time it will be difficult to maintain the dignity of the House as a lot of disorder is being created due to the number of present

members. A sudden increase in the number of members will make the work of the Speaker of the House more difficult and difficult.

With the increasing population, it will become difficult for the public representatives to address every issue of the public in their constituencies, and thus create a sense of grievance among the public which will undermine the spirit of democracy.

In view of the above identified issues, extensive consultation is required before starting the next delimitation exercise. Even in proposals for electoral reforms over the past decades, various commissions have recommended addressing these issues appropriately. In the near future our politicians will have to deal with these challenges.

9. Pluralistic democracy is India's biggest strength, but its mode of operation is the source of our major weaknesses. In the context of the Indian parliamentary system, give your opinion on the said statement and also explain how the presidential system can be an alternative.

बहुलतावादी लोकतंत्र भारत की सबसे बड़ी ताकत है, लेकिन इसके संचालन का तरीका हमारी प्रमुख कमजोरियों का स्रोत है। भारतीय संसदीय प्रणाली के संदर्भ में उक्त कथन पर अपनी राय दें तथा, यह भी समझाएँ कि राष्ट्रपति-प्रणाली किस प्रकार विकल्प बन सकती है ?

India already had experience in operating the parliamentary system under the Acts of 1919 and 1935. This experience showed that in the parliamentary system, the executive can be effectively controlled through the representatives of the people. Hence accountability was given more importance than the stability of the presidential system. This system has been adopted because of the pluralistic nature of our society, which includes the majority of the population as well as the representation of diverse classes and regions in the political stream.

In contrast to the system of vesting the entire executive power in an individual, this system emphasizes on institution building. Its integration and coordination occurs at two levels: where MPs are representatives from different backgrounds at the legislative level as well as at the level of the Council of Ministers. Furthermore, in a system issue-based opposition is often heard by the ruling party and their views are incorporated into governance.

Limitations of Parliamentary System in India:

Before independence, similar parliamentary system of government had been implemented in India, which was adopted even after independence. Nevertheless, some differences are seen in the parliamentary system of both the countries-

- The parliamentary system was successful in Britain due to the low population and diversity. At the same time, political traditions in Britain also make parliamentary democracy a practical system.
- The parliamentary system in Britain is based on traditions that do not exist in India. Britain is an island country with less than 1 lakh voters per constituency while India has 1.5 million voters per constituency.
- Political parties in Britain have a clear ideology, and their policies and priorities set them apart from each other. Whereas in India often a member of a political party keeps on changing his party and ideology according to his convenience.

- In Britain, the reaction of a politician to the defection of both the public and the political party is negative. Whereas in India, the hope of victory is given by political parties and caste, religion is given preference by the people.
- In Britain, where the accountability of the government is given importance by the members of parliament, in India, the members of the legislature give more importance to the exercise of executive powers.

Reasons for failure of parliamentary system in India:

- In India, the legislative power is exercised as executive power. Since in a parliamentary system the executive is made up of members of the legislature, the possibility of exercising legislative powers in the form of executive powers increases further.
- To give more importance to politics than administration - When the government rests on the support of fewer members, there is a fear of losing the power of such a government. In such a situation, the ruling party has to focus more on politics than administration.
- Political parties are multiplied in India, while they neither have any definite ideals nor methodology. Many parties are based only on their vested interests. In a coalition government system, such parties hinder administrative decision-making, and can destabilize the government as soon as it gets better self-serving opportunities.
- Since there are no fixed ideals of political parties in India, voters give preference to individuals rather than parties at the time of voting. Due to which elements of populism and authoritarianism are getting more impetus
- Instead of evaluating candidates individually in constituencies, people vote on the basis of their caste, religion or the name of the prime minister or chief minister.

Arguments in favor of Presidential System:

- This will make political parties more democratic, and conscious in the selection of candidates. They have to select their best candidate for direct election.
- Voters will be well acquainted with their candidates. This will increase the accountability of the candidates.
- All executive power will be vested in the President. He will be able to attract superior and intelligent persons to his cabinet, irrespective of their political affiliation.
- Our democratic institutions have matured and developed, and today the public is more aware, so we can move towards a new order.

However, the parliamentary system shows many shortcomings, such as lack of representation, efficiency and morality of the MPs, corruption, instability due to coalition politics, weak opposition, etc. Yet it can be said that this system needs a thorough examination and improvement, and not a move to a new system.

10. CAG plays an important role in ensuring the financial accountability of the Executive towards Parliament. Explain in detail. Also, to ensure the independence of the CAG, mention the provisions mentioned in the constitution.

संसद के प्रति कार्यपालिका की वित्तीय जवाबदेही सुनिश्चित करने में CAG महत्वपूर्ण भूमिका का निर्वहन करता है। सविस्तार समझाईये। साथ ही CAG की स्वतंत्रता सुनिश्चित करने हेतु संविधान में वर्णित प्रावधानों का उल्लेख कीजिए।

In a parliamentary democracy, the executive is part of the legislature, and it is responsible to the legislature for its actions. Financial accountability is an important aspect of this responsibility. To ensure this, provision has been made in the Constitution of India (Article 148) for an independent office for the Comptroller and Auditor General (CAG) of India.

- The Comptroller and Auditor General of India-CAG is an independent authority under the Constitution of India.
- It is the head of the Indian Audit and Accounts Department and the principal custodian of the public sector.
- Through this institution, the accountability of the government and other public authorities (spenders of public money) to the Parliament and state legislatures is ensured and this information is given to the general public.

Financial Responsibility and CAG

- The Public Accounts Committee is one of the most important standing committees of the Parliament. The function of the committee is to examine the annual audit reports of the Comptroller and Auditor General (CAG) of India.
- The CAG presents three types of audit/audit to the President - Audit Report on Appropriation Accounts, Audit Report on Finance Accounts and Audit Report on Public Undertakings.
- The Public Accounts Committee examines public expenditure not only from a legal and formal point of view but also from the point of view of economy, prudence, reasonableness and authority to reveal technical irregularities, so as to avoid wastage, loss, corruption, inefficiency and wasteful expenditure. be brought to the fore.
- In the discharge of its functions, the committee is assisted by the CAG. In fact, the CAG acts as a guide, friend and philosopher to the committee.
- The role of the CAG is to uphold the Constitution of India and the legislation of the Parliament in the field of financial administration.
- The accountability of the executive (i.e. Council of Ministers) to the Parliament in the area of financial administration is secured through audit reports of the CAG.

Autonomy of the CAG:

- Many provisions have been made in the constitution to protect the independence of the CAG.
- The CAG is appointed by seal and warrant of the President and has a term of 6 years or till the age of 65 years. (whichever is earlier)
- The CAG can be removed by the President only in accordance with the procedure laid down in the Constitution which is similar to the manner of removal of a Supreme Court judge.
- Once retired/resigned from the post of CAG, he cannot hold any office under the Government of India or any State Government.
- The pay and other service conditions of the CAG cannot be varied (reduced) after appointment.
- His administrative powers and the conditions of service of officers serving in the Indian Audit and Accounts Department are determined by the President only after consultation with him.

- The administrative expenses of the office of the CAG, including all salaries, allowances and pensions, are charged on the Consolidated Fund of India which cannot be voted on in Parliament.

11. Gandhi's statement "The best way to find yourself is to lose yourself in the service of others", is very accurate in terms of the fundamental duties provided in the Constitution. Do you agree?

गांधी का कथन "अपने आप को खोजने का सबसे अच्छा तरीका है, दूसरों की सेवा में खुद को खो देना", संविधान में प्रदान किए गए मूल कर्तव्यों के संदर्भ में बहुत सटीक है। क्या आप सहमत हैं?

Initially, the fundamental duties were not provided for the citizens under the constitution, but with time there was an increase in the activities of anti-social and anti-national elements in the society, as a result of making citizens aware of such activities and spreading the sense of duty in them. To do this, in the year 1976, provision of Fundamental Duties was made under Article-51A in Part-4A of the Constitution.

These enjoin upon a citizen among other things, to abide by the Constitution, to cherish and follow noble ideals, which inspired India's struggle for freedom, to defend the country and render national service when called upon to do so, and to promote harmony and spirit of common brotherhood transcending religious, linguistic and regional or sectional diversities.

Meaning of Fundamental Duties

- Fundamental duties are a social contract between the state and the citizens, which is legitimized by the constitution of a country.
- It is also important, relative to rights, that all citizens should be honest in the discharge of their obligations towards society and the state.

Fundamental Duties mentioned in the Constitution:

1. Abide by the Indian Constitution and respect its ideals and institutions, the National Flag and the National Anthem
2. Cherish and follow the noble ideals that inspired the national struggle for freedom
3. Uphold and protect the sovereignty, unity and integrity of India
4. Defend the country and render national service when called upon to do so
5. Promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women
6. Value and preserve the rich heritage of the country's composite culture
7. Protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures
8. Develop scientific temper, humanism and the spirit of inquiry and reform
9. Safeguard public property and to abjure violence
10. Strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement
11. Provide opportunities for education to his child or ward between the age of six and fourteen years.
This duty was added by the 86th Constitutional Amendment Act, 2002

Importance of Fundamental Duties:

- Significantly, many countries around the world have worked to transform themselves into developed economies by imbibing the principles of 'responsible citizenship'.
- The United States can be considered as the best example in this regard. The United States issues a document to its citizens called the 'Citizens' Almanac, which details the duties of all citizens.
- Another example is Singapore, whose growth story began with the performance of duties by citizens. As a result, Singapore transformed itself from an underdeveloped nation to a developed nation in a short span of time.
- Fundamental duties act as a kind of alert for the citizens of the country. Significantly, citizens should be aware of their duties towards their country and other citizens.
- These act as a warning to the people against anti-social activities like burning of flag, destruction of public property or disturbing public peace etc.
- These help in achieving the national goals by ensuring active participation of citizens along with promoting the spirit of discipline and commitment towards the nation.

Relevance of Fundamental Duties:

- Even three decades after the inclusion of Fundamental Duties in the Constitution, there is a lack of adequate awareness among the citizens regarding it.
- A PIL filed in 2016 revealed the fact that nearly 99.9 per cent of the country's citizens, including Supreme Court lawyers, judges and MPs, do not perform the duties mentioned in Article 51A of the Constitution. The main reason for this is that they are not aware of this.
- At present, for the progress of India, it has become imperative to emphasize the need to discharge the fundamental duties.
- It is pertinent to mention that from several recent incidents, it appears that we have been unable to maintain the spirit of brotherhood in the country.
- It is important to note that unless citizens exercise their fundamental rights as well as perform fundamental duties, we will not be able to strengthen the roots of democracy in the Indian society.

Despite being non-enforceable, the concept of Fundamental Duty is important for democratic nations like India. A democracy will not be said to be alive unless its citizens are ready to take an active part in governance and assume responsibilities for the best interest of the country. Therefore, it is not in Indian interest at all to remove the concept of Fundamental Duties from the Constitution, it is necessary that reforms in various aspects of it should be discussed and necessary alternatives should be explored.

12. What is meant by Contempt of court? To what extent do you agree with the statement that the Contempt of Court Act impedes freedom of speech and expression provided by the Constitution? Confirm your answer with logic.

न्यायिक अवमानना से क्या आशय है? आप इस कथन से कहाँ तक सहमत हैं कि न्यायिक अवमानना अधिनियम, संविधान द्वारा प्रदत्त वाक् एवं अभिव्यक्ति की स्वतंत्रता को बाधित करता है। तर्क सहित अपने उत्तर की पुष्टि कीजिये।

Contempt of court law is one of the most controversial elements in the Indian legal context. However, the basic concept of contempt law is to punish those who disrespect or disobey the orders of the court. In the Indian context, contempt law is used to punish those who outrage the dignity of the court, and obstruct judicial administration.

Concept of judicial contempt

- The concept of 'contempt of court' has existed in England for many centuries. In England it is recognized as a general legal principles intended to protect the 'judicial powers' of the king.
- Initially the king himself exercised his judicial powers, but later these powers were exercised by a 'panel of judges' who act in the name of the king. Violation of the orders of the judges was seen as an insult to the king himself.
- Over time, any disobedience to judges, or obstructing the implementation of their directions, or making any remarks or acts that showed disrespect to them, became punishable.
- The laws of contempt of court existed in India even before independence. Apart from the early High Courts, such laws existed in the courts of some princely states.

Punishment for contempt of court:

- The Supreme Court and the High Court have the power to punish for contempt of court. The punishment may be simple imprisonment for a term which may extend to six months, or with fine which may extend to 2000 rupees, or with both.
- In the year 1991, the Supreme Court ruled that, it has the power to punish not only itself but also in cases of contempt of High Courts, subordinate courts and tribunals throughout the country.
- Under Section 10 of the Contempt of Courts Act, 1971, the High Courts have been given special power to punish for contempt of subordinate courts.

Concerns related to contempt of court:

- Article 19 of the Constitution provides freedom of speech and expression to every citizen of India, but by the Contempt of Judicial Act, 1971, it is prohibited to speak against the functioning of the court.
- This law is very subjective, so the penalty of contempt can be used by the court to suppress the voice of the person criticizing itself.
- The Contempt Act creates a conflict of interest situation for the judiciary, as the judges themselves are the victims and they themselves play the role of judiciary.
- The Contempt Act is against democratic ethos, as constructive criticism is of paramount importance in a healthy democracy, while the law prohibits criticism of the judiciary.
- The Contempt of Judicial Act lacks a provision with respect to the protection of the individual, which is against the principle of natural justice.

As a remedy, freedom of speech and expression under Article 19(1)(a) should be treated as primary, and the power of contempt of court should be subordinated to it. The judiciary must strive to balance two conflicting principles, freedom of speech and expression, and impartial judgment. It is necessary for the legislature to take steps to amend the contempt law and clearly define the contempt act and the limits of its application.

13. The Finance Commission, as a constitutional body, performs an important role in balancing fiscal federalism, although its recommendations are not binding in nature. Describe.

प्रश्न: वित्त आयोग एक संवैधानिक निकाय के रूप में राजकोषीय संघवाद को संतुलित करने में महत्वपूर्ण भूमिका का निर्वहन करता है, तथापि इसकी सिफारिशें बाध्यकारी प्रकृति की नहीं है। वर्णन करें।

The Finance Commission is a constitutional body which is the pivot of fiscal federalism, constituted under Article 280 of the Constitution. Its main responsibility is to evaluate the financial position of the Union and the

states, recommend the distribution of taxes between them and to determine the principles for the distribution of these taxes among the states. The specialty of the Finance Commission is to strengthen the principle of cooperative federalism by conducting extensive and thorough consultations at all levels of the government. Its recommendations are also geared towards improving the quality of public expenditure and enhancing fiscal stability. The first Finance Commission was constituted in 1951 and so far fifteen Finance Commissions have been constituted. Each of them has faced unique challenges.

Need for finance commission

- The center collects the majority of tax revenue, and contributes to the economy at large through the collection of certain taxes.
- Knowing closely the local issues and needs, it is the responsibility of the states to take care of the public interest in their areas.
- However, due to all these reasons, sometimes the expenditure of the state exceeds the revenue received by them.
- Furthermore, due to wide regional disparities, some states are unable to take advantage of adequate resources more than others. To address these imbalances, the Finance Commission recommends setting limits on central funds to be shared with the states.

Functions and Responsibilities of Finance Commission:

- To recommend to the President of India how to distribute the net proceeds of taxes between the Union and the States, and the allocation of such proceeds among the States.
- Under Article 275, out of the Consolidated Fund, grants/assistance should be given to the states.
- To recommend necessary steps for augmenting the Consolidated Fund of the State for supply of resources to Panchayats and Municipalities on the basis of the recommendations made by the State Finance Commission.
- Any other specific direction given by the President with reference to the interest of sound finance of the country.
- The commission submits its report to the President, which is laid by the President in both the Houses of Parliament.
- An Explanation Memorandum is also kept along with the submitted recommendations, so that the action taken in respect of each recommendation can be known.
- The recommendations made by the Finance Commission are of advisory nature, whether to accept it or not depends on the government.

Under the federal structure envisaged in the Constitution, most of the taxation powers are with the Center but, the bulk of the expenditure is done by the states. Such a federal structure requires the transfer of resources from the Center, which levies and collects taxes in the form of income tax and indirect taxes such as excise and customs duties, to the states. Therefore, proper allocation of resources among different states is necessary on the basis of state's population, state's fiscal position, state's forest area, income disparity and area. By such proper allocation, the Finance Commission can prevent conflicts between the states and the Centre.

14. The Uniform Civil Code) UCC(is neither necessary nor desirable, because unified nation does not mean uniformity. Discuss the merits and demerits of the Civil Code.

“समान नागरिक संहिता न तो आवश्यक है और न ही वांछनीय है, क्यों की एकीकृत राष्ट्र का आशय एकरूपता होना नहीं है।” सामान सिविल संहिता के गुणों एवं दोषों की विवेचना करें।

- Under Part-4 (Directive Principles of State Policy) of the Indian Constitution, according to Article-44, there will be a uniform civil code for all citizens of India. It practically means that there should be a common secular law for the citizens of all religions of India. The founders of the Constitution transferred the responsibility of implementing it to the subsequent governments through the Directive Principles of State Policy.
- Most of the personal laws in India are based on religion. The personal laws of the Hindu, Sikh, Jain and Buddhist religions are governed by the Hindu law, while the Muslim and Christian religions have their own individual laws. The law of Muslims is based on the ‘Shariat’, while the personal laws of other religious communities are based on the law made by the Indian Parliament. Till now Goa is the only state where Uniform Civil Code is in force.

The merits of a Uniform Civil Code as a means of eliminating discrimination between religions:

1. It would separate religion from personal laws. At the same time it will ensure equality in terms of justice for both men and women, irrespective of religion they belong to.
2. To ensure uniformity of law for all Indians in relation to marriage, succession, divorce etc.
3. This will help improve the status of women, as Indian society is largely patriarchal, with ancient religious rules governing family life and subjugating women.
4. Informal bodies like caste panchayats give decisions based on traditional laws. A Uniform Code will ensure compliance with statutory laws rather than traditional laws.
5. This can be helpful in strengthening Indian integrity, as uniformity in personal laws creates a conducive environment for bringing different communities closer.

Disadvantages of Uniform Civil Code:

- The issue of Uniform Civil Code has shifted from a social or individual rights issue to a political one. So while on one hand some political parties are doing political appeasement through this issue, on the other hand many political parties are trying to religious polarization through this issue.
- Changes in the affairs of Hinduism or any other religion have not been made without the majority support of that religion, so it is necessary to try for political and judicial processes as well as mental changes at the level of religious groups.
- The feature of composite culture should also be given priority because dissatisfaction with any religion in the society can lead to a situation of unrest.

For the progress and harmony of the society, it is very necessary to have a sense of equality among all the parties existing in that society. Therefore, it is expected that the structure of the society should change in view of the changing circumstances. There are different rules regarding marriage, adoption of children, property or inheritance etc. Therefore, whatever is banned in one religion, the same thing is openly allowed in other sects.

Since independence, there has been talk of making such a law for all religions which is equally applicable to all. However, a consensus has not yet been reached. The Hindu Code Bill in the past and now the law on instant triple-talaq are being considered as a big step in this direction.

15. Courts in India are believed to be fraught with long overdue cases, but the structure of the problem is something that we know very little about till now. What is the probable cause for such scenario? Suggest an outline of various measures to solve this problem.

भारत के न्यायालयों को लंबे समय से लंबित मामलों से भरा हुआ माना जाता है, लेकिन समस्या की बनावट कुछ ऐसी है जिसे हम अब तक बहुत कम जानते हैं। ऐसे परिदृश्य के लिए संभावित कारण क्या है? इस समस्या को हल करने के लिए विभिन्न उपायों की एक रूपरेखा का सुझाव दीजिए।

The famous philosopher John Rawls, in his work 'A Theory of Justice', has believed that 'Justice is the first and foremost virtue of social institutions, that is, all social institutions can prove their justification on the basis of justice'. The system has its own importance. If we explore the Indian judicial system, we find that the number of pending cases in the courts is increasing due to many reasons like shortage of judges, flaws in the judicial system and poor infrastructure, on the other hand the workload on the judges and judicial staff is increasing. Delay in justice is called injustice, but this irony is rapidly surrounding the judicial system of the country. The number of cases pending in the courts of the country has reached about 3.5 crores.

Cause of problems

- There is a lack of judicial infrastructure in the courts across the country. There is a lack of basic facilities in the court complexes.
- In the Indian judicial system, no fixed period has been fixed for the settlement of a case, whereas in America it is three years.
- Cases of the Central and State Governments are the highest in the courts. This figure is around 70%. There should also be boundaries for common and serious cases.
- There is a practice of long holidays in the courts, which is a major reason for pendency of cases.
- Delay by advocates in the context of judicial matters is a matter of concern, due to which cases get stuck for a long time.
- The judicial system lacks technology.
- There is lack of communication and lack of coordination between the courts and the concerned departments, which leads to unnecessary delays in cases.

Measures to reduce pending judicial work:

- Annual targets and action plans should be prescribed for judicial officers to deal with chronic cases in cases where criminals are in custody for more than two years.
- Quarterly review of performance of judicial officers should be done compulsorily to check malpractices like hurried disposal of cases compromising the quality of adjudication.
- Expeditious filling up of vacant posts, improving the infrastructure of courts and setting standards for judicial recruitment examinations, etc. are other measures to improve the quality of district judges.

- The irregularities experienced in the selection of judges need to be considered; In this context, the National District Judge Recruitment Examination presented by the Supreme Court must be given serious consideration.
- Escalation measures such as restricting work adjournments, curtailing summer vacations, and audio-visual recording of court proceedings with real-time monitoring will make a transformative impact.
- Case Flow Management (CFM) rules may be incorporated by examining the recommendations made by Supreme Court constituted committees such as Justice M. Jagannath Rao Committee.
- To encourage alternative dispute redressal mechanisms such as arbitration, conciliation, along with fast-track courts.
- Separation of traffic related cases from ordinary courts.
- To improve the quality of subordinate judges, at the level of recruitment as well as during on-the-job training.

In view of all the above, it is clear that the Indian judicial system needs reforms at various levels. These reforms should take place not only from outside the judiciary but also within the judiciary. So that the autonomy of the judiciary is not obstructed in implementing any kind of innovation. Delay in delivering justice in the judicial system is contrary to the principle of justice, so justice should not only be done but should also be seen.

16. "The discretion of the Governor cannot be arbitrary or fanciful". In the context of any such application, more attention is needed. Comment on it.

“राज्यपाल का विवेकाधिकार, मनमाना या काल्पनिक नहीं हो सकता”. इस प्रकार के किसी भी अनुप्रयोग के सन्दर्भ में और अधिक ध्यान देने की आवश्यकता है . टिप्पणी करें .

It is an accepted principle that in a parliamentary democracy with a responsible form of government, the powers of the governor as constitutional or ceremonial head of state should not be extended at the expense of the actual executive, such as the Council of Ministers. The governor has an important role as he acts as an important link between the central and state government. Under this role he enjoys certain discretionary powers as per Article 163(1) and Article 163(2). According to these powers, if any issue is related to the discretionary powers of the Governor, then his decision will be final. Thus, it appears that the Governor enjoys extensive powers.

However, due to the wide formulation and indiscriminate use of these powers, various concerns have arisen. For example:

- Articles 200 and 201: The Governor has the power to withhold his assent to any bill as well as to reserve that bill for the consideration of the President. It is alleged by the states that this provision is often misused by the Governor at the behest of the Centre.
- Article 356: To recommend the imposition of constitutional emergency in the state. This power has been misused by the central government for political gains about 120 times so far.
- Article 164: Appointment of Chief Minister. The discretion of the Governor to invite a party to form the government in the event of a hung assembly is often questioned. Elections in Goa and Manipur are recent examples.
- The Governor is entrusted with the duty of preserving, protecting and defending the Constitution. However, the governor often acts as the agency of the Centre.

Way ahead:

- There is no doubt that there is a need for major reforms in the provisions relating to the appointment and tenure of Governors.
- The recommendations of the Rajamannar Committee constituted in the year 1970 should be implemented and the states should also be included in the process of appointment of governors. It is noteworthy that such reforms can be initiated to address the imbalance in the Centre-State equations.
- Decisions taken by governors should be brought under judicial scrutiny, including the sources used to reach that decision.
- The powers and privileges attached to the office of the Governor should be associated with accountability and transparency.
- An 'agreed code of conduct' approved by the State Governments, Central Government, Parliament and State Legislatures should be developed to enable the Governor to discharge his duties successfully.
- The discretionary powers of the Governor should be curtailed and there should be proper guidelines regarding the appointment of the Chief Minister.

S.R. by the Supreme Court to limit the discretion of the Governor. In *Bommai vs Union of India*, it was said that the control of the federal executive over the state executive is against the basic spirit of the Indian Constitution. The Sarkaria Commission report also states that, "Even the limited scope of selection of proceedings should not be arbitrary. The choice should be such that it involves discussion based on reasoned, prompting by good faith and careful preparation." Also, if the governor fails to protect the constitution, a citizen should have the right to seek its remedy through the court. In this context, the Supreme Court through the case of *Shamsher Singh v State of Punjab* has set aside the absolute immunity which can be claimed by the office of the Governor.

17. Secularism as a content of the idea may be debated, but its validity as a goal is beyond doubt. Analyse it.

विचार की सामग्री के रूप में धर्मनिरपेक्षता पर बहस हो सकती है, लेकिन एक लक्ष्य के रूप में इसकी वैधता संदेह से परे है। विश्लेषण करें।

Secularism is a modern approach to life, which is a complex and dynamic concept. This concept was first used in Europe. It is an ideology in which ideas related to religion and religion are deliberately kept away from matters related to the world, i.e., kept neutral. Secularism prevents the state from providing patronage to a particular religion.

Secularism from the constitutional point of view:

- In the Indian perspective, the concept of secularism was contained in the Constitution from the time of its creation, which is evident from the Right to Freedom of Religion (Articles-25 to 28) in the Fundamental Rights mentioned in Part-3 of the Constitution.
- Defining secularism again in the Indian Constitution, the word 'secularism' was added to its preamble by the 42nd Constitutional Amendment Act, 1976.
- Secularism here means that the Government of India will remain neutral in the matter of religion. It will not have any religious sect of its own and all citizens in the country will have the right to religious

worship as per their wish. The Government of India will neither favor any religious sect nor will it oppose any religious sect.

- The secular state treats everyone equally without discriminating against any citizen on the basis of religion.

Importance of Secularism:

- Indian secularism is a unique concept in itself which has been adopted keeping in mind the special needs and characteristics of Indian culture. Its importance can be understood under the following points-
- Secularism encourages science and technology and rationalism in the society and forms the basis of a modern secular state.
- A secular state independent of religious obligations adopts a tolerant attitude towards all religions.
- Individuals are highly sensitive to their religious identity, so they would like to seek protection against violent behavior by an individual or group of individuals. This protection can only be provided by a secular state.
- The secular state protects the life and property of atheists as well as gives them the right to live their own way of life and life.
- Thus, secularism is a positive, revolutionary and comprehensive concept that strengthens diversity.

Reasons for questioning validity:

- It is also said about secularism that it is imported from the West, that is, inspired by Christianity, but this is not a correct criticism. In fact, secularism in India has had its own distinctive identity since ancient times, it is not imported from anywhere else but is original.
- Some critics argue that secularism is anti-secular, but Indian secularism is not anti-secular. In this, due respect has been given to all religions. It is noteworthy that while secularism opposes institutionalized religious supremacy, it is not synonymous with being anti-religious.
- It is alleged that secularism in India is governed by the state. Minorities complain that the state should not interfere in matters of religion. It is noteworthy that on the issue of triple talaq, the Muslim Personal Law Board had said that in the name of social reforms, private laws are being interfered by the state. On the other hand, Jains are defending their Santhara system on the basis of its thousands of years of existence.

The government should ensure its preservation with interest, because secularism has been accepted by the court as part of the basic structure of the constitution. A commission should also be constituted to ensure the observance of the constitutional mandate of secularism. People's representatives should keep in mind that religion in a secular state is a purely individual and private matter. Lastly, it should not be made a political issue just for vote bank. Also, politics should be seen separately from religion.

18. In the context of the question of law, Article-131 of the Indian Constitution is a useful weapon of the Supreme Court to maintain balance between the Center and the State. Prove it

विधि के प्रश्न के सन्दर्भ में , भारतीय संविधान का अनुच्छेद-131, केन्द्र एवं राज्य के मध्य संतुलन बनाये रखने के लिए सर्वोच्च न्यायालय का एक उपयोगी हथियार है. सिद्ध करें।

Provisions mentioned in Article-131:

Article 131 of the Indian Constitution gives the Supreme Court the power of original jurisdiction over any dispute between different units of the federal structure of India. **These disputes are as follows-**

1. Between the Centre and one or more states.
2. Centre and any state or states on one side and one or more states on the other side.
3. Between two or more states.

The Supreme Court has the power of original jurisdiction in the above cases, which means that no other court in the country can adjudicate such disputes.

Under Article 131, disputes between the State and the Central Government can be heard in which a question of law or fact is involved and on which the existence of a legal authority of the State or the Centre depends. This article cannot be used for settlement. In the year 2016, the Supreme Court had disagreed to hear the matter of dispute between the Central Government and the National Capital Territory of Delhi. If any petition is filed before the Supreme Court by a citizen against the Centre or the State, it shall be deemed to be under this Article. will not be taken under

Disputes relating to Kerala and Chhattisgarh:

- The Kerala government, while filing the petition, said that the states would be compelled under Article 256 to comply with the Citizenship Amendment Act (CAA) by the Centre, which is "clearly ex-parte, unreasonable, irrational and violative of fundamental rights". act to be done.
- The Kerala government has requested the Supreme Court that the CAA should be abolished under Article 14 (equality before law), Article 21 (life and personal liberty) and Article 25 (freedom of conscience and religion, conduct and be declared violative of the principles of freedom of dissemination).
- Apart from Kerala, the Chhattisgarh government has also filed a petition before the Supreme Court using Article 131 to declare the National Investigation Agency (NIA) Act, 2008 as unconstitutional.
- According to the Government of Chhattisgarh, this act violates the sovereignty of the state governments regarding the 'police'. It is to be known that according to the Seventh Schedule of the Constitution, 'Police' is a subject in the State List.

Other disputes relating to Article-131:

1. The first case regarding original/original jurisdiction was in the year 1961 in West Bengal v. Union of India, in which the Government of West Bengal challenged the Coal Mines Areas (Acquisition and Development) Act, 1957 passed by the Parliament in the court.
2. In 1978, in the case of State of Karnataka v Union of India, Justice P.N. Bhagwati ruled that the state need not show that its legal right has been violated but there must be a legal question.
3. In the said case it was said that the constitutionality of the law can be checked by Article 131, but the decision of the court in the year 2011 in the case of State of Madhya Pradesh vs Union of India was different. However, this matter is also pending before a three-judge bench of the court.
4. The case of Jharkhand Vs. State of Bihar for the year 2012 involving the issue of liability of Bihar for payment of pension to the employees of Jharkhand for the period of employment in the undivided Bihar State. This matter is also pending for hearing of the larger division bench of the court.

The Supreme Court should try to avoid hearing politically motivated petitions. At the same time, the representatives of the states should raise their concerns regarding any legislation before the Parliament at the time of law making. Be aware that federalism is like a two-way street, in that both sides have to respect each other's boundaries. Which is prescribed by the constitution. Unless an act is declared void or unconstitutional through judicial process, the states are bound to implement the central laws.

19. Even though the law has been able to curb the evil of defections to a great extent, but recent developments in the Indian political scene have underscored the need for a review to tighten all the flaws. Make analysis.

भले ही दल-बदल विरोधी कानून बहुत हद तक दोषों की बुराई पर अंकुश लगाने में सक्षम रहा है, लेकिन भारतीय राजनीतिक परिदृश्य में हाल की घटनाओं ने सभी खामियों को दूर करने के लिए एक समीक्षा की आवश्यकता को रेखांकित किया है। इसका विश्लेषण करें।

The Tenth Schedule, commonly known as the Anti-Defection Law, was added to the Constitution through the 52nd Constitutional Amendment Act, 1985.

Main provisions of anti-defection law:

A public representative can be disqualified under the Anti-Defection Act if:

- An elected member voluntarily gives up the membership of a political party.
- An independent elected member joins a political party.
- A member votes against the party in the House.
- A member abstains from voting.
- A nominated member joins a political party after the expiry of six months.

Relevance of law at present:

Argument in favor

- Anti-defection law has played an important role in providing stability to the government by preventing the members of the political party from switching sides.
- Before 1985, it was seen many times that politicians used to leave the ruling party and form the government by joining any other party for their benefit, due to which there was a possibility of the government falling soon. In such a situation, the most impact was on the welfare schemes being made for the common people. The anti-defection law has prompted the ruling political party to focus on other development-related issues rather than the stability of its power.
- The provisions of the law have also helped in curbing opportunistic politics done out of gluttony of money or office and in controlling expenditure due to irregular elections.
- At the same time, this law has increased the effectiveness of political parties and weakened the representative centric system.

Argument in opposition

- A culture of dialogue is of utmost importance in a democracy, but due to anti-defection law, important but important ideas across the party line are not heard. In other words, it can be said that due to this there is an impact on inter-party democracy and the freedom of expression of the members of the party is endangered.

- Democracy is the rule of the people, for the people and by the people. In a democracy, the people are the rulers, governed by their permission, their progress is considered the only goal of governance. But this law promotes the system of rule of parties i.e. 'Party Raj', not of the people.
- Many experts also argue that there is no anti-defection law in many mature democracies of the world. For example, in countries like England, Australia, America etc., even if the people's representatives vote against their parties or vote outside the party line, they remain in the same party.

The need for more changes in the anti-defection law

- Presently the situation is that political parties themselves are not discussing any important decision within the party in a democratic manner and various important decisions related to the party are being taken by only a few top people.
- It is necessary that by different committees. The recommendations given may be seriously considered and if necessary, they may be modified and implemented.

By amending the anti-defection law, the period of disqualification for its violation should be increased to 6 years or more, so that the fear of the law remains in the minds of the leaders. But the member of the House should also get freedom from the whip so that the head of power does not ignore him, as is visible from the atmosphere right now.

20. What is a pressure group? How are these useful for Indian democracy? प्रश्न 13: दबाव समूह क्या है ? ये भारतीय लोकतंत्र के लिए किस प्रकार से उपयोगी हैं ?

Pressure groups have become very important to the administrative system. These groups try to influence the administrative and political system of the country so that their interests are promoted or at least their interests are not neglected. In a developing country like India, where there is acute shortage of various resources on the one hand and extreme poverty and inequality on the other, there is bound to be a lot of pressure on the administrative system. Different types of pressure groups arise in different walks of life. They provide stability mechanisms and form an important part of structural balance.

Nature of Pressure Groups:

- In a multi-religious, multilingual and democratic country like India, the nature of pressure groups is determined by their diverse goals. Some pressure groups can also be seen as caste groups, some are pressure groups based on social structure, such as All India Dalit Mahasabha, Tamil Sangh etc.
- Pressure groups are formal, organized, organizations with both large and limited membership. They try to serve their own interests through lobbying. For example, FICCI (FICCI) and ASSOCHAM (ASSCHAM).
- Unlike political parties, the functioning of pressure groups is not governed by any ideology or ideological goal. Their basic goal is protection of interests, expression, grouping, putting pressure on the government etc.

Functioning of Pressure Groups:

- In the working of pressure groups, promotion of their interests, negotiations with the people concerned, lobbying, judicial proceedings, demonstration strikes, solicitations, bandhs, dharnas, proposals for posts, meetings and seminars with the government and officials, etc. have been mentioned. can go.

- Pressure groups put pressure on the concerned organizations and the government to fulfill their demands, entice ministers and employees, give money to political parties and facilities to workers in elections. Pressure groups reinforce democratic values and processes.

Role of Pressure Group:

- Pressure groups act as a link and means of communication between the people and the government and enable wider participation in a democracy.
- Pressure groups are symbols of social cohesion as they bridge the gap between the general public and decision-makers for the expression of common interests of individuals and also serve to reduce the traditional divisions in the society as a whole.
- Pressure groups are organized interest groups that influence government policies in favor of the interests of their respective groups and increase political awareness and participation of members.

Challenges:

- Sometimes these pressure groups also pose a threat to national integration in the form of interest groups. Where political power is weak, a more powerful pressure group can take over the government machinery.
- Pressure groups may skew government decisions in favor of only their own group and the rights of the rest of the community may be violated.

Pressure groups are now considered an essential and useful element in the democratic process. The society has become very complex and the individual cannot pursue his own interests. In order to gain maximum bargaining power, it needs support from other peers and this gives rise to pressure groups based on common interests. These groups have been ignored for a long time, but now their role in the political process has become very important because in a democratic system, politics is run on the basis of consultation, agreement and to some extent, bargaining. It is imperative for the government to approach these groups during policy making and policy implementation. Apart from this, the government also needs to know the views of the unorganized people who are unable to put forth their demands through pressure groups.

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