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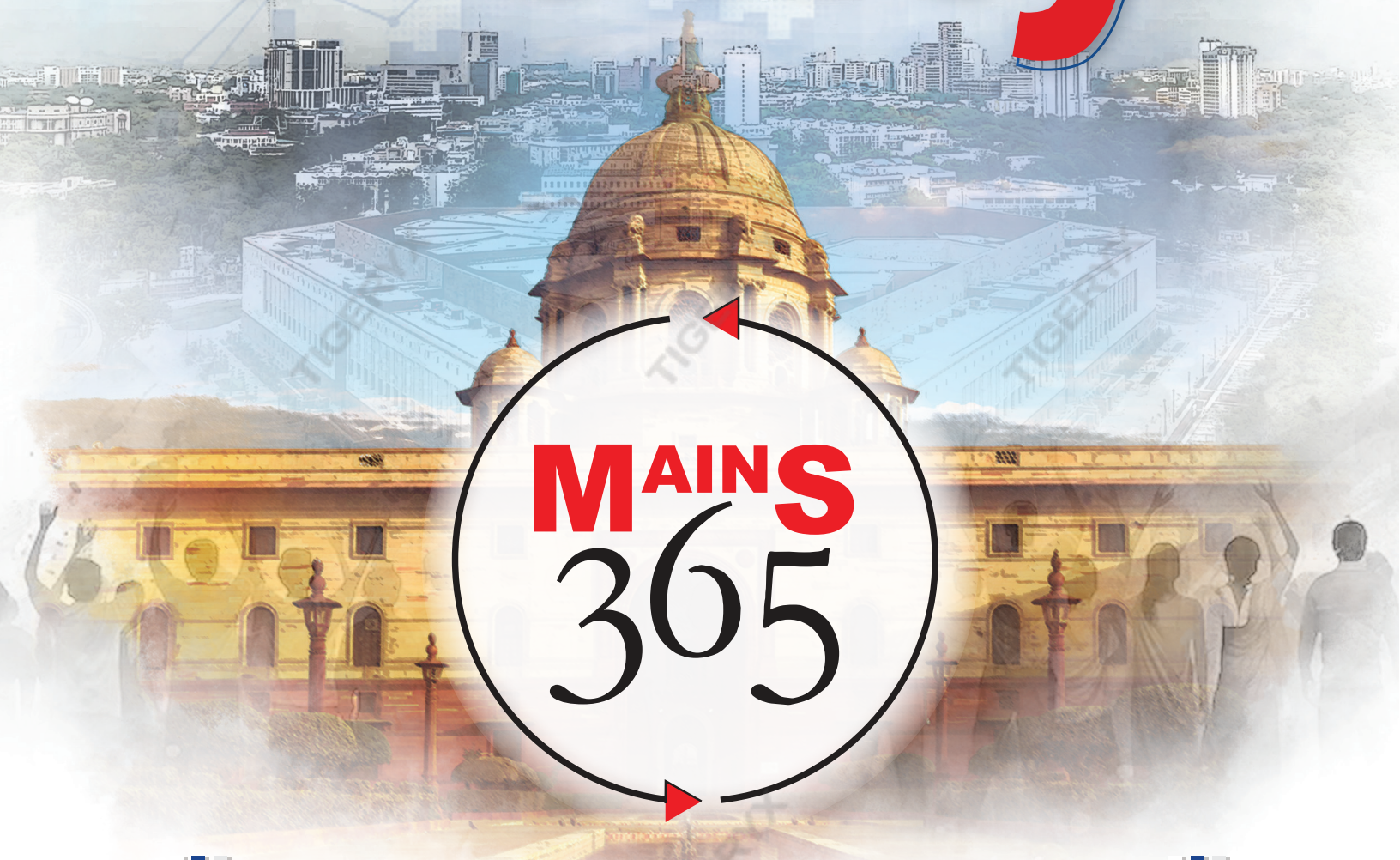
Polity



MAINS 365

Classroom Study Material 2025

June 2024 to May 2025

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POLITY AND GOVERNANCE

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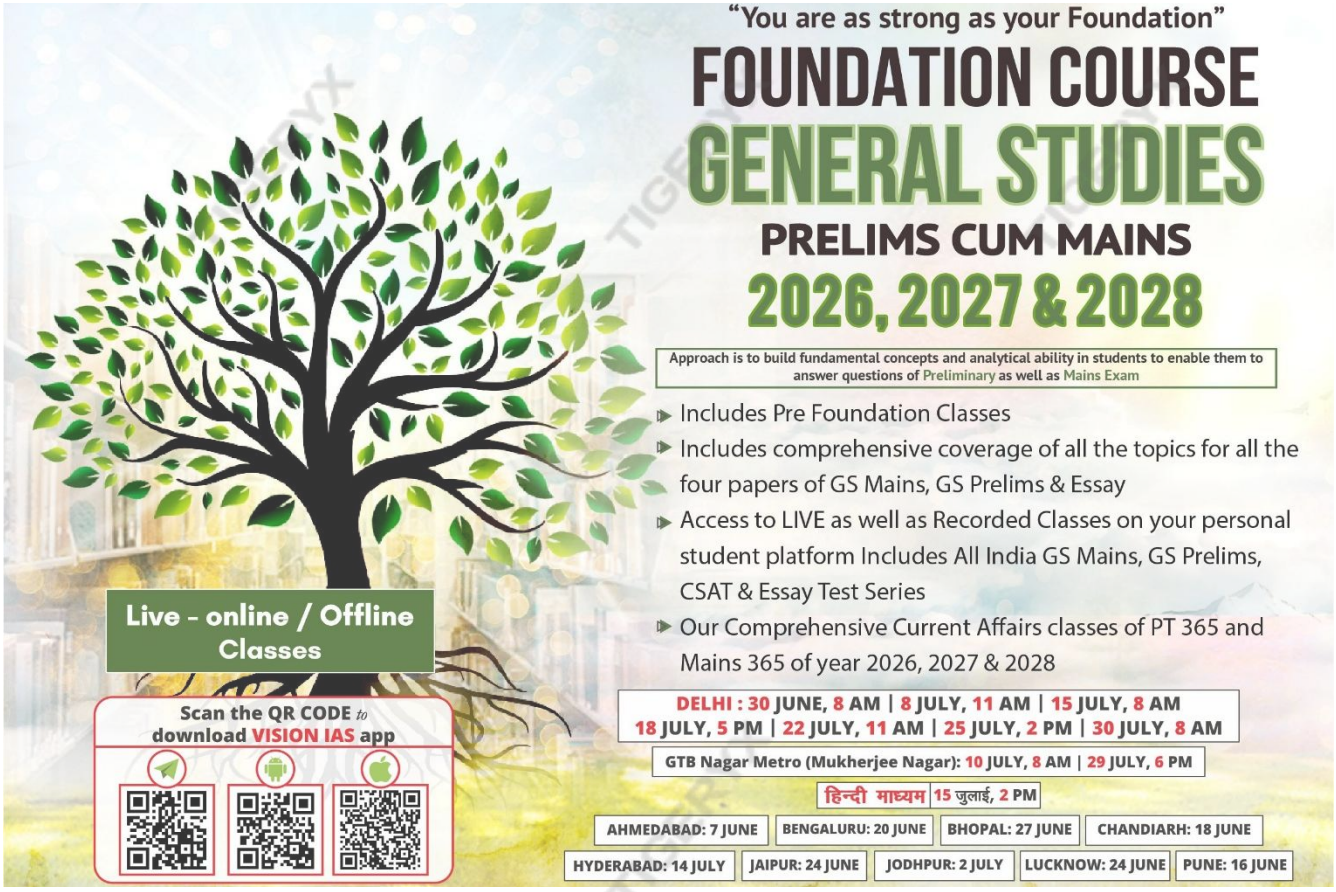

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Preface

To the Aspirant Who Dares to Dream

In the quiet corners of libraries across India, in the solitude of late-night study sessions, and in the hearts of millions who dare to dream of serving the nation, lies an unwavering determination to crack one of the world's most challenging examinations – the UPSC Civil Services Examination.

Mains 365 was born from that very spirit of determination and the recognition that success in UPSC CSE Mains 2025 demands more than just hard work; it requires strategic preparation, comprehensive understanding, and the ability to connect diverse streams of knowledge into coherent, impactful answers.

Q.1 Why most of UPSC aspirants fail to crack mains?

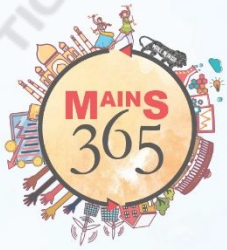
- **Scattered Information:** Jumping between multiple sources creates confusion
- **Outdated Content:** Using materials that don't reflect current developments
- **Lack of Integration:** Inability to connect static knowledge with current affairs
- **Poor Answer Structure:** Not knowing how to present knowledge effectively
- **Missing the UPSC Mindset:** Failing to understand what UPSC actually want

But what if you could overcome ALL these challenges with ONE comprehensive resource?

Q2. Why Mains 365 Polity?

It is a one-stop annual compendium that distils every high-stakes current-affairs theme—court verdicts, policy shifts, data sets—into exam-ready notes mapped topic-by-topic to the UPSC CSE Mains syllabus.

Also, Polity Mains 365 document enriches multiple GS papers—e.g., Polity links with GS-I (social justice), GS-III (digital economy), and GS-IV (transparency and ethics).



Q3. How does it mirror the General Studies papers?

Each chapter is named after a syllabus topic like Constitution, Governance, Social Justice, Environment, etc., so you can easily match your reading with the syllabus checklist.

Q4. I already have static books. Why do I need this?

Static concepts fetch marks only when linked to real examples. Mains 365 does this by connecting the year's key judgments, committee reports, data, and global comparisons to theory—making your answers sharper, richer, and more analytical.

Q5. Will it actually save me time in the exam hall?

Yes. Infographics, contrast tables and "Why in News" blocks act like visual flashcards; you recall a picture, not a paragraph. That shaves minutes off every 10- or 15-marker.

1.5. UNIFORM CIVIL CODE (UCC)

Why in the News? → CAN BE USED AS INTRODUCTION

Uttarakhand recently implemented the Uniform Civil Code (UCC).

Judicial Pronouncements related to UCC

- **Ahmed Khan v. Shah Bano Begum (1985):** Highlighted gender justice and the need for uniform personal laws.
- **Sarla Mudgal v. Union of India (1995) and Lily Thomas (2000):** Emphasized reforming personal laws to prevent misuse.
- **Shayra Bano v. Union of India (2017):** Declared talaq-e-biddat (instant triple talaq) under the Shariat Act of 1937 as arbitrary and invalid.

↓

CAN BE USED AS VALUE ADDITION

Arguments in favour of UCC in India	Arguments against UCC
• **Constitutional Duty**: Article 44 directs the state to strive for a UCC. • **Contemporary Society**: Outdated religious practices like polygamy must end to ensure progress and equality. • **International Obligations**: UCC aligns with India's commitments to human rights conventions, including the United Nations Human Rights Convention. • **Simplification of Laws**: Uniform laws enable quicker, fairer justice. • **Modernization**: UCC reflects evolving, inclusive social values.	• **Against Diversity**: Personal laws are integral to cultural and religious identities, and UCC could infringe on religious freedom (Article 25). • **Lack of Consensus**: Imposing UCC without community agreement may cause social unrest. • **Against Cooperative Federalism**: UCC could encroach on states' legislative powers, undermining cooperative federalism.

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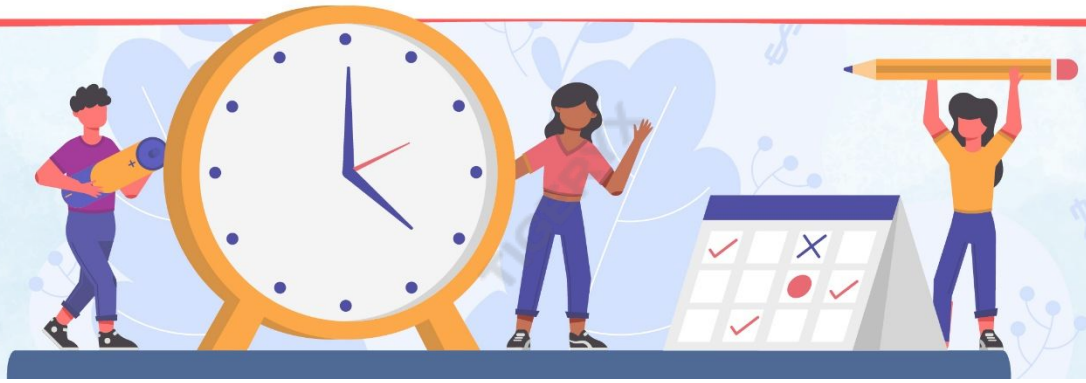
CONTRAST TABLE



Q6. What gives my answers extra credibility?

Ready-to-quote lines from Sarkaria, Punchhi and 2nd ARC, key words plus facts (e.g., ₹1.9 billion lost to internet shutdowns in 2023) embed instant authority. Examiners love precise references.

This year, we have **included keywords after each chapter** to serve as ready-made value addition—helping you enrich answers quickly and make them more subject-oriented.

Q7. How is it structured for the 3-hour examination?

Every sub-topic follows the golden sequence—Context → Analysis → Way Forward—so you can lift the framework, plug in your insights, and write at full speed while others are still outlining.

We've also included a **practice question at the end of each chapter** to encourage quick answer writing and reinforce retention.

Q8. Can you demonstrate with an actual question?

PYQ: "Discuss the challenges of cooperative federalism in India."

Quick extract from Mains 365 Federalism:

- **CBI consent standoffs (administrative)**
- **GST Council frictions (fiscal)**
- **Governor state tussles (political)**
- **Punchhi Commission reforms (solution set)**

Plug these into Intro–Body–Conclusion:

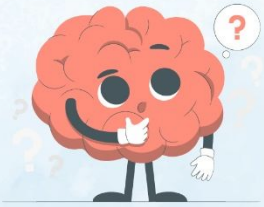
Start by defining cooperative federalism, illustrate each challenge with a current example, conclude by suggesting reforms and drawing a parallel to the U.S. "marble-cake federalism" model.

Result will be a focused, 250-word answer that links recent data and committee reports totheory—just what UPSC looks for in a 15-mark question.

Q9. What's the recommended micro structure for each 15 marker?

- **Intro (≤ 30 sec):** Why in the News, Quote or data/facts.
- **Body (≤ 6 min):** 2–3 dimensions, each with evidence & analysis.
- **Way forward (≤ 1 min):** 3–4 actionable reforms.
- **Conclusion (≤ 30 sec):** Memorable, visionary sentence.

Q10. Any final pro tip?



Think of Mains 365 as a ready answer bank: it's pre-curated—your job is just to pick, organise, and add your own insight. Use it wisely, and find questions becoming easier to answer and higher marks becoming more achievable.

1. INDIAN CONSTITUTION, PROVISIONS AND BASIC STRUCTURE

1.1. 75 YEARS OF INDIAN CONSTITUTION AT A GLANCE

75 years of Indian Constitution

On January 26, 1950, India transitioned from being a dominion to republic

Key features of Indian Constitution

A federal system of governance between the Union and the States	**Separation of powers** between the three organs of the Government	**Equality before the law**	A **secular state** that recognizes freedom of conscience and religion.

Key Achievements

Upholding Democracy	**Constitutional Morality:** Adherence to the principles of constitution both in letter and spirit by all three organs of the state.	Judiciary Safeguarding the Constitution	Social Justice and Inclusivity
› **Free and Fair Elections:** Election Commission (Art. 324) ensures transparent, credible polls. › **Fundamental Rights:** Protected equality, freedom of speech, etc. via Art. 32	› **Legislature:** E.g., 106th Amendment (one-third seats for women) › **Executive:** E.g., Welfare schemes like Ayushman Bharat, Har Ghar Jal, etc. › **Judiciary:** E.g., Navtej Johar (2018) decriminalized homosexuality.	› **Kesavananda Bharati (1973):** Basic Structure Doctrine. › **S.R. Bommai (1994):** Limited misuse of Art. 356; upheld federalism. › **Article 21 Expansion:** Maneka Gandhi (1978) – due process; Puttaswamy (2017) – right to privacy.	› **Marginalized Communities:** Reservations for SCs, STs, OBCs (Arts. 15 & 16); women's representation via 73rd & 74th Amendments. › **Minority Rights:** Cultural and educational safeguards (Arts. 29 & 30).

Issues

Centre-State Disputes: Federalism (e.g., misuse of Governor's office), Fiscal Federalism (e.g., principles guiding Finance Commission), etc.	**Inter-State Tensions:** Water disputes (e.g., Cauvery, Sutlej), Border disputes (e.g., Maharashtra-Karnataka , Assam-Meghalaya), etc.	**Weakening of Institution:** Decline in Parliamentary function, Overburdened judiciary, inefficient local governance, etc.	**Non-adherence to Separation of Power:** Allegations of judicial overreach (Article 142), Ordinance misuse, etc.

Way ahead

Federal Balance: › **Sarkaria Commission (1988):** Strengthen Inter-State Council (Art. 263); consult the Chief Minister for appointing the Governor. › **Ensure regular meetings of the Inter-State Council,** Zonal Councils, and NITI Aayog's Governing Council to foster cooperative federalism and resolve disputes through dialogue.	**Judicial Restraint:** Limit Article 142 to rare cases; tighten PIL norms.	**Legislative Accountability:** Control ordinance use (D.C. Wadhwa Case, 1986); avoid retrospective laws; enhance parliamentary scrutiny.	**Transparency:** Second ARC (2009) recommended promotion of e-governance and public access to decision-making.	**Global Learning:** Emulate best practices like UK's judicial appointment model.

1.2. CASTE CENSUS

Why in the News?

Centre issued notification for census which begins from October 2026 in Ladakh and March 2027 across rest of India which includes caste census.

More on the News

- **First since Independence**: For the first time, caste data beyond SC/ST will be officially collected in the decennial census.
  - The last official caste cesus data is available for the 1931 census as the 1941 data was not publicized due to World War II.
- **State Survey Discrepancies**: State-level caste surveys (e.g., Bihar, Karnataka) lack standardization and credibility.
  - Unlike surveys, a caste census is constitutionally mandated.

Census in India

- **About:** India's decennial census offers vital demographic, social, and economic data. Held regularly since 1881, the 2021 census was delayed due to COVID-19.
- **Legal Framework:**
  - **Constitutional:** Census is a Union subject (Entry 69, Seventh Schedule, and Article 246).
  - **Statutory:** Governed by Census Act, 1948 and Census Rules, 1990.

Need for Caste Census

- **Constitutional Mandate:** Article 340 mandates a commission to examine socially and educationally backward classes.
- **Policy Making:** Updated caste data is essential for targeted welfare, evidence-based policymaking, and fair resource allocation.
  - OBCs argue lack of data leads to underrepresentation in national policies.
- **Affirmative Action:** Enables effective identification and monitoring of beneficiaries of reservations.
  - SC rulings uphold caste as a valid criterion for reservations.
  - Demands by groups like Marathas and Jats can be better assessed.
- **Sub-Categorization:** Supports fair benefit distribution among OBCs.
  - Justice Rohini Commission submitted its report but report's findings are yet to be made public.
- **Comprehensive National Database:** Ensures standardized, transparent caste data across India.

Issues associated with Caste Census

- **Data Accuracy and Reporting:** Self-declared caste identities and inadequate training may cause errors or manipulation. E.g., 2011 SECC had inflated figures due to duplicates and spelling errors.
- **Classification Issues:** Centre-state caste list variations create inconsistencies. For instance, a caste listed as OBC in one state may be unrecognized in another (e.g., Jats in Haryana vs. Uttar Pradesh).
- **Political Sensitivities:** Caste recognition can trigger reservation demands and unrest.
- **Identity Politics:** May fuel caste-based mobilization, worsening social divides.
- **Privacy Concerns:** Digital caste data risks breaches, especially in digitally weak rural areas.

Way Forward

- **Consultative Process:** The Census Commissioner must engage academics, caste groups, political entities, and the public to ensure accurate caste enumeration.
- **Caste Directory:** A standardized national caste directory should be prepared with expert input, draft lists published online for feedback, and finalized for enumerators.
- **Training & Technology:** Enumerators must be well-trained to prevent errors, using AI and Big Data tools to enhance data accuracy and reliability.

Conclusion

In the words of **Dr. Ambedkar**, "You cannot have political reform without social reform." A caste census, therefore, can be a step toward data-driven social reform and equitable policy, if carried out with objectivity and unity in mind.

1.3. RESERVATION

1.3.1. RESERVATION AT A GLANCE

Reservation

Constitutional provisions related to reservation

Article 15(4)	Article 15 (6) and 16(6)	Article 16(4), 16 (4A) and 16(4B)	Article 46	Article 243D	Article 330
Reservation in educational institution for Socially and Educationally Backward Classes (SEBCs), Scs and STs	**10% reservation for EWS** for admission in educational institutions and public employment. (103rd Amendment Act 2019)	**Reservation in posts and services**	**Promotion of educational** and economic interests of SC, ST and other **weaker sections of society**	**Reservation** of **Seats for SC and ST** in **Panchayats**	**Reservation** of **seats** for **SC** and **ST** in **House** of **the People**

Important Judgements of SC related to Reservation in India

Indra Sawhney v Union of India, 1992	M. Nagaraj v. Union of India, 2006	Jarnail Singh v Lachhmi Narain Gupta, 2018	Janhit Abhiyan v Union of India, 2022	State of Punjab & Others v Davinder Singh & Others case, 2024
› Reservation under **Article 16(4) should in no case exceed 50%.** › There should be **no reservation in promotions**. › **Exclusion of creamy layer** from OBCs.	› **Laid down 3 conditions** to be followed for implementing reservation in promotion i.e. State must show the o **Quantifiable data** on the backwardness of SCs/STs. o Facts about their **inadequate representation** in public employment. o Reservations are in the **interest of administrative efficiency**.	**Reservation in promotions does not require state to collect quantifiable data** on backwardness of SCs and STs.	**SC upheld** 103rd Constitution Amendment Act which provided for **EWS reservation,** based on economic criteria.	**Supreme Court allowed sub-categorisation** of Schedule Castes for the purpose of reservation within SCs.

1.3.2. SUB-CLASSIFICATION OF SCHEDULED CASTES

Why in the News?

In the **State of Punjab & Others vs. Davinder Singh & Others case (2024)**, a 7-Judge Constitutional Bench of the Supreme Court ruled that sub-classification of Scheduled Castes (SCs) is permissible to provide separate quotas for more backward groups within Schedule Caste categories.

More on the News

- **The 7-Judge Bench examined:**
  - Whether **sub-classification within reserved castes** is allowed.

- The correctness of the **E.V. Chinnaiah v. State of Andhra Pradesh (2005)** decision, which held that **SCs notified under Article 341 form a homogenous group** and cannot be sub-categorized.
- Recently, **Telangana has become the 1st State** to implement Scheduled Caste (SC) sub- categorization after the Supreme Court judgement.

Key Highlights of the Judgment

- Sub-classification within SCs **does not violate Article 341(2),** as it does not involve including or excluding castes from the President's List.
- **Scope of Sub-classification:**
  - Aims to provide **substantive equality (not just formal equality) under Article 14 by addressing historical injustices** and varying backgrounds of groups.
  - **States can sub-classify** based on inadequate representation due to backwardness, supported by data on representation in state services.
- **States cannot act arbitrarily without data or for political gain;** decisions are subject to **judicial review.**
- **States cannot reserve 100% of SC seats for one group**, excluding other castes in the President's List.
- **SCs under Article 341(1) are heterogeneous**, with varying degrees of backwardness.
- Four judges suggested **extending the "creamy layer principle" to SCs and STs**, but this was not a directive, as it was not directly relevant to the case.

Arguments For and Against Sub-classification

Arguments For Sub-classification	Arguments Against Sub-classification
• **Substantive Equality**: Prioritizes the most marginalized within SCs/STs. • **Governance**: Enhances diversity and efficiency in governance. • **Heterogeneous Groups**: Recognizes diverse groups within SCs with varied discrimination levels. • **Legislative Competence**: Post-designation under Article 341, states can legislate under Articles 246, 15(4), and 16(4).	• **Unity and Solidarity**: Risks dividing the SC community, weakening collective strength. • **Purpose of Reservation**: Reservation addresses historical injustice, not economic welfare. • **Persistent Stigma**: Economic mobility may not eliminate caste-based discrimination (e.g., Oxfam's India Discrimination Report 2022). • **Data Limitations**: Lack of reliable caste census data (e.g., flawed SECC 2011). • **Potential for Misuse**: Risk of political manipulation to expand vote banks.

Conclusion

States should articulate clear, objective, and justifiable criteria for sub-classification, based on empirical evidence of relative backwardness and inadequate representation, rather than subjective assessments.

1.3.3. DOMICILE-BASED RESERVATION

Why in the News?

Karnataka State Employment of Local Candidates in the Industries, Factories and Other Establishments Bill, 2024 approved by Karnataka Cabinet.

More on the News

- The bill mandates **50% reservation for locals in management jobs** and **75% in non-management positions** in industries, factories and other establishments in private sector.
  - Earlier, several states such as **Haryana, Andhra Pradesh**, etc. have enacted similar legislation to ensure **reservations for locals in private sector.**

Court Judgements on Domicile Based Reservation

- The Act enacted by Haryana was declared **unconstitutional** by the **Punjab and Haryana High Court** as it **violated Part III (Fundamental rights)** and the **constitutional morality principle.**

- Recently, Supreme Court (Tanvi Behl v. Shrey Goel and others, 2025) declared the **domicile-based reservations in PG Medical seats** as unconstitutional for violating **Article 14 of the Constitution**.

Why states are pushing for local Reservations in the Private Sector?

- **Private sector** is the **biggest job creator,** thus reservation can fulfill the commitment to social justice.
  - It is also argued that Jobs created in a state should be offered first to those who belong to that State.
- The private sector, benefits from the government ie. tax concessions, cheaper loans etc.,thus, can be asked to implement **affirmative policy**.

Concern Raised

- **Affects ease of doing business,** may push businesses to migrate due to a lack of **skilled workforce.**
- Fuels **sons-of-the-soil syndrome (preferring locals)** in other states as well.
- **Violates Right to equality** under Articles 14 and 16 and Right to freedom to practice any profession or to carry on any occupation, trade, or business (Article 19(1) (g)).

Conclusion

Domicile-based reservation can bridge regional disparities but must not dilute the constitutional promise of equal opportunity.

1.4. CITIZENSHIP

1.4.1 CITIZENSHIP AT A GLANCE

Citizenship

Citizenship is an idea of exclusion as it **excludes non-citizens**. It is in the **Union List.** Constitution does **not define the term 'citizen'.**	**Modes of Acquiring Citizenship**: Birth, Descent, Naturalisation, Registration and Incorporation of the territory.

Constitutional provisions

Article 5: Citizenship at the commencement of the Constitution.	**Article 6:** Rights of citizenship of certain persons who have migrated to India from Pakistan.	**Article 8:** Rights of citizenship of certain persons of Indian origin residing outside India.	**Article 11**: Parliament to regulate the right of citizenship by law.

Citizenship Amendment Act (CAA), 2019

CAA aims to give citizenship to target group of migrants even if they do not have valid travel documents as mandated in **Citizenship Act, 1955.**	**Illegal migrants who fulfil four conditions** will not be treated as illegal migrants under Act. They are › **Hindus, Sikhs, Buddhists, Jains, Parsis or Christians** › from **Afghanistan, Bangladesh or Pakistan** they entered India on or before **December 31, 2014** › **not in certain tribal areas** of Assam, Meghalaya, Mizoram, or Tripura included in **Sixth Schedule**, or › areas under "**Inner Line" permit**, i.e., Arunachal Pradesh, Mizoram, and Nagaland.	**Reduced period of naturalisation from 11 to 5 years** for above category of migrants.

Need of CAA 2019

Upholds human rights by protecting persecuted individuals' life and liberty.	**Enhances national security** by distinguishing illegal immigrants from persecuted minorities.	Provides relief to persecuted minorities from three Islamic neighboring countries.

Concern Raised

Excludes migrants from nations like Sri Lanka and Myanmar despite persecution.	CAA Rules, 2024 lack test to verify persecution-based migration.	Excluding Muslims, Jews, Atheists violates Article 14 and secularism	CAA treats migrants differently based on entry before December 31, 2014.

1.4.2. SECTION 6A OF CITIZENSHIP ACT

Why in the News?

Constitution bench of Supreme Court (SC) upheld the validity of Section 6A of Citizenship Act, 1955.

About Section 6A

- **Section 6A** was added through **Citizenship (Amendment) Act, 1985** in furtherance of **'Assam Accord',** to give citizenship to migrants from East Pakistan to Assam from **January 1, 1966, until 24 March 1971**.
  - It also paved the way for **updating of NRC in Assam** in 2013.

- **Background of Assam Accord:**
  - Post-1947, Assam saw a large **influx of migrants from East Pakistan** (now Bangladesh), especially during and after the 1971 Bangladesh War, causing **fear among locals about identity, culture, and land rights.**
  - The **Assam Agitation (1979–1985)** led by All Assam Students' Union (AASU) demanded the detection and deportation of illegal migrants.
  - The agitation ended with the Assam Accord, signed on 15 August 1985 between AASU, the Government of India, and the State Government of Assam, **to address the issue of illegal migration and safeguard Assamese identity.**

SC Judgement

- **Upheld Legislative competence of Parliament to enact section 6A**: Under Article 246 (Entry 17 of Union list)
- **Article 14 (Equality)**: Not violated because the migrant situation in Assam was unique.
- **Impact on Culture (Article 29 (1)):** No evidence
- **Cutoff date of 24 March 1971**: Reasonable because Pakistani Army launched Operation in East Pakistan on 26 March 1971.

Other Implications of the SC Judgement

- **Case for Assam NRC Strengthened**: Supports Assam NRC's use of 1971 cut-off to exclude illegal migrants.
  - However, **uncertainty persists for 1.9 million excluded** from 2019 NRC draft await clarity, pending final list.
- **Conflict with CAA (2019):** Critics (e.g., AASU) argue CAA (2019) undermines 1971 cut-off, fueling legal challenges.
- **Economic Implications:** Pre-1971 migrants' citizenship rights may stress Assam's economy.
- **Social Implications:** Tensions between Assamese and migrant communities (e.g., Bengali-speakers) may grow.

Conclusion

The Supreme Court's judgement upholding the Assam Accord addresses long-standing identity concerns in Assam while reaffirming constitutional principles. However, its implementation must balance national security with humanitarian values and due process to ensure justice for all.

1.5. UNIFORM CIVIL CODE (UCC)

Why in the News?

Uttarakhand recently implemented the Uniform Civil Code (UCC).

About Uniform Civil Code (UCC)

- **Definition**: UCC refers to a unified system of personal laws applicable to all citizens, regardless of religion, covering matters like marriage, divorce, maintenance, inheritance, adoption, and property succession.
- **Current Status:**
  - Most Indians are governed by their respective religious personal laws.
  - Goa follows a form of UCC under the Portuguese Civil Code of 1867.
  - The 21st Law Commission (2018) opined that UCC is neither necessary nor desirable currently, recommending instead gender-just reforms in religious family laws.

Judicial Pronouncements related to UCC

- **Ahmed Khan v. Shah Bano Begum (1985):** Highlighted gender justice and the need for uniform personal laws.
- **Sarla Mudgal v. Union of India (1995) and Lily Thomas (2000):** Emphasized reforming personal laws to prevent misuse.
- **Shayra Bano v. Union of India (2017):** Declared talaq-e-biddat (instant triple talaq) under the Shariat Act of 1937 as arbitrary and invalid.

Arguments in favour of UCC in India	Arguments against UCC
• **Constitutional Duty**: Article 44 directs the state to strive for a UCC. • **Contemporary Society**: Outdated religious practices like polygamy must end to ensure progress and equality. • **International Obligations**: UCC aligns with India's commitments to human rights conventions, including the United Nations Human Rights Convention. • **Simplification of Laws**: Uniform laws enable quicker, fairer justice. • **Modernization**: UCC reflects evolving, inclusive social values.	• **Against Diversity**: Personal laws are integral to cultural and religious identities, and UCC could infringe on religious freedom (Article 25). • **Lack of Consensus**: Imposing UCC without community agreement may cause social unrest. • **Against Cooperative Federalism**: UCC could encroach on states' legislative powers, undermining cooperative federalism.

Way Forward on Implementing UCC in India

- **Consensus Building**: Engage stakeholders through inter-faith dialogues to avoid social discord.
- **Socio-Economic Impact Analysis**: Assess impacts on marginalized communities and include protective provisions.
- **Education and Awareness**: Foster a progressive mindset to help people understand UCC's objectives.
- **Codification of Personal Laws**: Establish universal principles through codification to ensure fairness and equity.

Conclusion

In a country as culturally diverse as India, the Uniform Civil Code must aim not at imposing uniformity but at achieving fairness and equality across communities. It should emerge from dialogue, not dictate—respecting pluralism while upholding constitutional values.

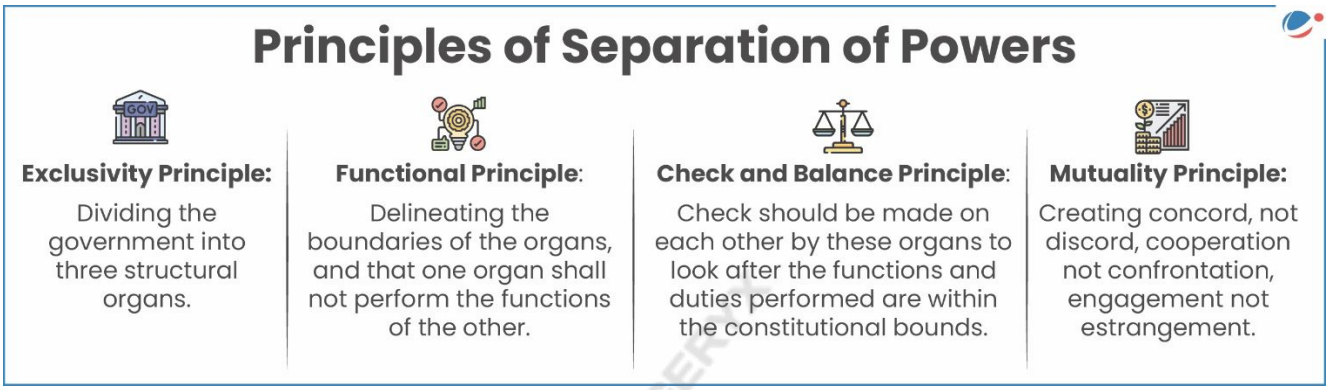
1.6. SEPARATION OF POWERS

Why in the News?

The Vice President of India stressed the need for a clear separation of powers, warning that any overlap among the Legislature, Executive, or Judiciary risks institutional overreach.

Separation of Powers

- It means demarcation of authorities and duties into three branches of government – Executive, Legislature and Judiciary.
- **Origin: Aristotle** for the first time **classified the functions of the Government** into three categories viz., deliberative, magisterial and judicial.
- **Modern Theory:** In his book ***The Spirit of the Laws*** **(1748), Montesquieu** enunciated and explained his theory of the Separation of Powers.



Separation of Powers in India

- **Delicate Balance**: The Indian Constitution is based on a delicate principle of limited separation of powers with sufficiently differentiated functions of different organs and checks and balances.
  - Article 50 directs the State to take steps to separate the judiciary and executive in the public services.
- **Functional Overlap:**
  - The President (executive head), exercises legislative powers as in promulgating ordinances.
  - Legislature exercises judicial function in the removal of the President and Judges, breach of its privilege, etc.
  - The judiciary exercises legislative and executive power in issuing guidelines to executives and making certain legislative amendments. Eg. Vishakha Guidelines.
- **Part of Basic Structure** as held by the SC.
- **Conflicts among Organs:**
  - **Judicial Interventions**: Ruling that the President must decide on State Bills, reserved by the Governor for Presidential assent, within three months.
  - **Legislative encroachment**: National Judicial Appointments Commission (NJAC) Act, which included the Union Law Minister and two eminent persons in committee recommending judges.
  - **Executive overreach**: Executive majority in tribunals, frequent promulgation of ordinances

Conclusion

Organs of government cannot function in watertight compartments, so, a broad separation of power with some functional overlap and adequate checks and balances furthers the goal of democracy.

1.7. PROPERTY RIGHTS IN INDIA

Why in the News?

Supreme Court in a significant ruling in **Property Owners Association v State of Maharashtra**, limited state powers in acquiring private property.

More in the News

- **Overruled previous judgments**: suggesting private properties could be community resources in **Ranganatha Reddy case (1978)** and **Sanjeev Coke Manufacturing case (1983).**

Key highlights of the judgement

- **Article 39(b) Scope:** Private property isn't automatically a "material resource" for community use.
- **State's Acquisition Authority:** Not from Article 39(b), but from eminent domain and Entry 42 of List III.
- **Property Classification as Private:** Depends on nature, scarcity, impact, and concentration of resources in private hands.
- **Flexibility in Economic Policies:** Constitution supports adaptable economic policies.
- **Validity of Article 31C:** Still valid as held in Kesavananda Bharati case.

- **Balancing Public Welfare with Private Property Rights:** It involves ensuring societal needs are met while respecting individual ownership (property rights under Article 300A) and rights (equality under Article 14).
  - Also applied the **Public Trust Doctrine**, mandating responsible resource management for the public good.
- **Limits of Eminent Domain**: Broader application of this doctrine in land acquisition was questioned.

Evolution of Right to Property

- **Originally:** Fundamental Right under **Articles 19(1)(f) and 31.**
- **25th Amendment (1971):** Introduced **Article 31C,** protecting laws under DPSP from fundamental rights challenges.
- **Post- 44th Amendment (1978):** Right to property became a **constitutional right under Article 300A**.

Doctrine of Eminent Domain: Allows government to take private property for public use with conditions:

- **Public Use:** Must serve a public purpose.
- **Just Compensation:** Fair payment required.
- **Due Process:** Owners must be notified and have rights to contest.
- **Government Authority:** Only government or authorized agencies can exercise this power.

Public Trust Doctrine: Ensures state manages natural resources responsibly

- **State as Trustee:** Manages resources for public benefit (in **T.N. Godavarman v. Union of India**, the Supreme Court affirmed)
- **Citizens as Beneficiaries:** Resources used sustainably for all, including future generations.

Implications

- **Legislative Impact:** Could affect future property laws, land reforms, and welfare programs.
- **Economic Reforms:** Promotes market-oriented economy by restricting state acquisition powers.
- **Political Debates:** May affect political agendas on land and property rights.
- **Judicial Role:** Strengthens scrutiny over government actions concerning property rights.

Conclusion

The ruling clarifies that **labeling private property as a "material resource" requires case-by-case analysis**, urging government actions to respect constitutional rights and resource management principles.

1.8. INTERNAL EMERGENCY

Why in the News?

The union cabinet passed a resolution on the observance of 50 years since the proclamation of Internal Emergency on June 25, 1975.

About Emergency

- **Definition**: Emergency involves suspension of democratic rights, with the central government assuming control over states.
- **Purpose**: To protect sovereignty, unity, integrity, security, democratic system, and the Constitution.

Reasons for Imposing Internal Emergency (1975–77)

- **Economic Context**: Inflation surged by 23% in 1973 and 30% in 1974, causing public hardship.
- **Gujarat and Bihar Movements**: Student protests in these states significantly impacted state and national politics.
- **Judicial Conflicts**: Tensions with the judiciary, including the appointment of Justice A.N. Ray as Chief Justice, fueled disputes.

Implications/Criticism of Internal Emergency (1975–77)

- **Political Impact:**
  - **Civil Liberties Suspended**: Fundamental Rights were curtailed, newspapers faced pre-censorship, the Press Council was abolished, and journalists/activists were jailed.
  - **Centralization of Power**: Federal powers were suspended, concentrating authority in the Union government (Prime Minister's Office). The 42nd Amendment Act, 1976 extended Lok Sabha's term from 5 to 6 years.
  - **Crackdown on Dissent**: Opposition leaders were detained under the Maintenance of Internal Security Act, 1971 (MISA).
- **Social Impact:**
  - **Misuse of Power**: Widespread torture, custodial deaths, and forced slum clearances displaced thousands without resettlement plans.
  - **Banned Organizations**: Groups like Rashtriya Swayamsevak Sangh and Jamaat-e-Islami were banned for potential threats to social harmony.
  - **Forced Sterilizations**: Population control measures violated personal autonomy and reproductive rights.
- **Institutional Impact:**
  - **Judicial Independence**: Judges perceived as unsupportive were sidelined, and the 42nd Amendment Act, 1976 limited judicial review.
  - **Erosion of Trust**: Arbitrary use of power undermined public trust in institutions.

Changes Post-Emergency (44th Amendment Act, 1978)

- **Written Approval**: Emergency proclamation requires written Cabinet advice to the President.
  - Also, the phrase internal disturbance as the ground for declaration of internal emergency was replaced with armed rebellion.
- **Fundamental Rights**: Articles 20 (protection against conviction) and 21 (right to life and liberty) remain enforceable during emergencies. Right to property was removed as a fundamental right and made a constitutional right under Article 300A.
- **Lok Sabha Term**: Restored to 5 years from 6 years (Articles 83, 172).
- **Removal of Article 275A**: Eliminated Union's power to deploy forces for law and order in states.
- **Judicial Review**: Supreme Court to decide disputes regarding President or Vice-President Elections.

Conclusion

The Emergency's suppression of dissent and civil liberties highlights the need for citizens to protect democracy. Strengthening checks and balances is essential to prevent power concentration and uphold democratic principles.

1.9. COMPARISON OF CONSTITUTION

1.9.1. USA PRESIDENTIAL ELECTION

Why in the News?

Recently, U.S. Presidential election was conducted through the Electoral College system.

Comparison of USA and Indian Presidential Elections

Parameters	USA	India
Composition of Electoral Members	Electoral College with 538 electors Electors chosen by state voters, vary by state's Congressional representation. Requires 270 votes for presidency.	Electoral College includes **elected members** of both Houses of Parliament and State Legislative Assemblies (SLAs). Excludes nominated members from both House and SLAs

Governing Act/Rules	Decentralized; each state has its own election rules.	Governed by **the Presidential and Vice-Presidential Elections Act, 1952.**
Nomination Process	Candidates gain nominations via primaries and caucuses.	Nomination requires 50 electors as proposers and 50 as seconders.
Election Methods	Mostly winner-take-all system, except in Maine and Nebraska. Presidency can be elected without a popular vote majority (e.g., Trump, 2016).	Uses Proportional Representation by single transferable vote, secret ballot. Needs over 50% of votes to win.
Frequency of Election	Every 4 years on a fixed schedule.	Every 5 years, barring exceptions.
Running Mate	President chooses a Vice-Presidential running mate.	Separate election for Vice President.

1.9.2. INDIA AND FRANCE

Why in the News?

The French government recently collapsed after the French Prime Minister was ousted in a no-confidence vote.

Similarities between the Constitution of India and France

- **Core Ideals**: Both constitutions enshrine liberty, equality, and fraternity, inspired by the French Revolution.
- **Popular Sovereignty**: Both nations grant universal adult franchise to citizens.
- **Bicameral Parliament**:
  - **France**: The National Assembly (Lower House) is elected by direct universal suffrage for five years; the Senate (Upper House) is elected indirectly, renewed by half every three years.
  - **India**: Similar bicameral structure with Lok Sabha and Rajya Sabha.
- **Emergency Provisions**: Both constitutions include provisions for declaring emergencies.

Contrasting Features of Indian and French Polity

Features	India	France
Federalism	• India is **federal in structure** with unitary features.	• France is a **unitary State** organised on a decentralized basis.
Form of Government	• **Parliamentary System:** President is ceremonial head of state & Prime minister is head of government.	• **Semi-Presidential System: The President (directly** elected) **holds substantial power and a Prime minister** manages day-to-day affairs.
President	• The President is elected **indirectly** for a **5-year term without any cap on number of terms**.	• The President is elected by **universal direct suffrage** & **five-year term is renewable only once**.
Secularism	• Indian secularism is characterized by **positive secularism**, which emphasizes **equal respect for all religions**. It allows for **principled state intervention in all religions**.	• Enforces a **strict separation between church & state**, reflecting a more rigid approach to secularism that **prohibits any state involvement in religious matters**.
Referendum	• Indian Constitution does **not explicitly** provide for referendums.	• French Constitution **explicitly provides for referendums**.
Justice System	• **Integrated judicial system:** Higher court decisions bind lower courts; appellate system exists.	• **Divided judicial system:** Legal jurisdictions handle disputes between individuals, while administrative jurisdictions address

		disputes between citizens and public authorities.

1.10 KEY WORDS

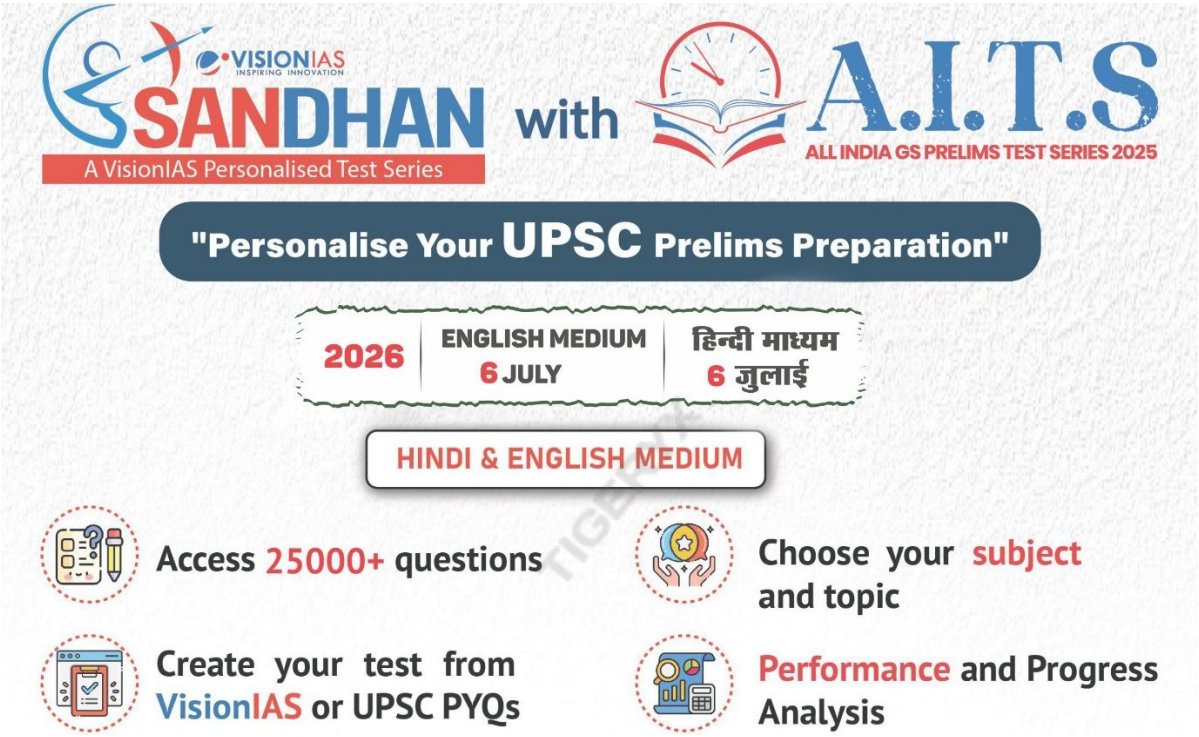
Key words				
Basic Structure Doctrine	Constitutional Morality	Federal system of governance	Upholding Democracy	Social Justice and Inclusivity
Weakening of Institutions	Constitutional Mandate	Separation of Powers	Affirmative Actions	Domicile Based Reservation
Caste Census	Doctrine of Eminent Domain	The Spirit of the Laws	Presidential vs Parliamentary system	Functional Overlap
Legislative encroachment	Executive overreach	Crackdown on Dissent	Centralization of Power	Delicate balance

1.11 PRACTICE QUESTION

Answer Canvas

Critically examine the need for conducting a caste census in India. What are the potential benefits and challenges, and how can these be addressed to ensure data-driven and inclusive policymaking?

Introduction	Body Part: 1	Body part: 2	Conclusion
Recent context:	Need and Potential Benefits of Caste Census	Challenges & Concerns	Way Forward



2. ISSUES AND CHALLENGES PERTAINING TO THE FEDERAL STRUCTURE

2.1. FISCAL FEDERALISM AT A GLANCE

Fiscal federalism

Refers to how **federal, state, and local governments share funding and administrative responsibilities within India's federal system**.	It is often associated with **three broad principles i.e. Fiscal Equivalency**, **Decentralization theorem,** and **Principle of Subsidiarity**.

Constitutional Provisions defining India's Fiscal Federalism Arrangement

Seventh Schedule: Tax Bases Delineated in Union and State Lists (Article 246)	**Distribution of Revenue:** › **Article 269**: Taxes levied and collected by Centre, assigned to states. › **Article 269-A**: GST in inter-state trade. › **Article 270**: Taxes distributed between Union and states per Finance Commission	**Grants-in-Aid: T**o states by Centre as per **Article 275**.	**Borrowings** › **Union c**an borrow domestically or internationally (Article 292). › **State c**an only borrow domestically (Article 293).	**Finance Commission** constituted to **adjudicate sharing of resources** between Union and States (Article 280).

Centre-State Financial Issues

Borrowing Limits: States restricted to borrowing 3% of GSDP (15th Finance Commission).	**Vertical Imbalance**: Centre controls major taxes; states limited to SGST (post-GST).	**Expenditure Burden**: States' developmental spending rose from 8.8% (2004-05) to 12.5% (2021-22) of GDP.	**Cess Revenue**: Cess and surcharge collections (25% of total taxes) **not shared with states**.	**Grants Decline**: Central grants dropped from ₹1.95 lakh crore (2015-16) to ₹1.65 lakh crore (2023-24)

Way Forward

Guiding Principles: › Financial autonomy for both Centre and states. › Adequate funds for essential duties.	**Review Off-Budget Borrowing**: Audit both Union and State practices	**Horizontal Imbalance**: Ensure all states receive a minimum fiscal share; cap benefits for poorer states.	**16th FC Role**: Negotiate for special-purpose transfers (migration, climate, demographics); use HDI for tax share	**Revenue growth must match spending needs.**

2.2. STATES' DEMAND FOR AUTONOMY

Why in the News?

The Tamil Nadu government has formed a high-level committee headed by former Supreme Court judge Justice Kurian Joseph to suggest ways to strengthen State autonomy and federalism.

Mandate of the Committee

- Review constitutional, legal, and policy aspects of Centre-State relations, Suggest ways to restore powers shifted from the State List to the Concurrent List etc.

Federal Scheme of the Indian Constitution

- **Union of states**, with no right to secede for the states from the Union.
- Single constitution, single citizenship, common all-India services, common election commission and a single unified judiciary.
- **Division of Legislative Powers** under **Article 246** enumerated in the 7th Schedule.
- **Indian federalism has often been characterised as quasi-federal**: stronger Centre having more power than States.

Committees related to Centre State relations

- **Rajamannar Committee (1969):** Appointed by the **Tamil Nadu Government,** it recommended for a **High Power Commission** to be constituted for the **redistribution of the three lists.**
- **Anandpur Sahib Resolution (1973):** Demanded **Centre's powers to be restricted only to defence, foreign affairs, communication, currency, etc.,** with all other powers vested in the states.
- **West Bengal Memorandum (1977):** Demanded the **removal of Article 356** (President's Rule) and the **inclusion of the word "Federal"** in the Constitution.

Why India Adopted Centralised Federalism?

- **Safeguard Unity and Integrity of India** as legacy of partition created a general fear of fissiparous tendencies.
- **Ensuring equitable distribution of wealth and development between** rich and poor states.
- **Promoting core constitutional values** of justice, parliamentary democracy, liberty, etc., that can be extended through strong centre.
- Promoting **uniformity of Laws.**

Key Issues Highlighting the Erosion of States' Autonomy

- **Central interference in subjects under the State List**
  - E.g. The three central farm laws were passed on subjects (agriculture and markets) that are primarily in the State List
- **Centralization of Fiscal Powers:** Limited taxation powers under GST, Delays in tax devolution and cuts in grants-in-aid.
- **Uniform Policies Ignoring State Diversity:** Tamil Nadu's opposition to the three-language policy demands.
- **Weak Institutional Checks:** Infrequent meetings of the Inter-State Council (Article 263), Governor's delays in assenting to State bills.
- **Increasing instances of Centralisation:** E.g., the improper use of assenting powers of the Governor in Tamil Nadu under Article 200, West Bengal opposed Central Bureau of Investigation (CBI) investigations without state consent, etc.

Key Initiatives to Improve Centre-State Relations

- **Inter-State Council** (Article 263): To promote coordination between Centre and States.
- **Replacement of Planning Commission:** NITI Aayog promotes cooperative federalism with more state participation.
- **Tax Devolution Increased**: 14th Finance Commission raised states' share of central taxes from 32% to 42%.
- **GST Council**: A joint forum (Article 279A) with members from both Centre and States to decide GST policies.
- **Fewer Centrally Sponsored Schemes (CSS):** Reduced from 130 to 75, aiming for 50.

Ways for Effectively Addressing the Demand for State Autonomy

- Implementing Sarkaria Commission's (1983) key recommendations.
  - **Shift all residuary powers** (except taxation) to the Concurrent List, **Union must consult States before legislating** on Concurrent List subjects, etc.

- **Promoting Equitable Development**: As recommended by the **Punchhi Commission (2007),** increased financial transfers to underdeveloped States, focus on boosting physical and human infrastructure, etc.
- **Use Inter-State Council: For both collective and individual State consultations** (Venkatachaliah Commission).
- **Promote coordination and policy consensus:** Through, Zonal Councils, GST Council, NITI Aayog, and other cooperative platforms.

Conclusion

As Annadurai said in 1967, "Through mutual goodwill and understanding we should forge a fraternal and beneficial nexus."

2.3. DEMAND FOR NEW STATES

Why in the News?

June 2, 2024 marks the ten years of formation of Telangana State.

Procedure for Formation of New States

- **Article 3:** Empowers Parliament to form new states, alter boundaries, or rename existing states through ordinary legislation (simple majority).
- **Presidential Recommendation**: A bill requires the President's recommendation for introduction in Parliament.
- **Consultation with State Legislatures**: The President refers the bill to the concerned state legislature for views within a specified time.

Factors Driving Demand for New States in Post-Independence India

- **Linguistic Diversity**: Language has fueled demands, e.g., Maharashtra and Gujarat (1960).
- **Regional Disparities**: Underdevelopment drives demands, e.g., Vidarbha in Maharashtra.
- **Cultural Identity**: Ethnic groups seek to preserve distinct identities, e.g., Bodoland in Assam, based on unique tribal culture.
- **Administrative Efficiency**: Smaller states are seen to improve governance, e.g., demand for Harit Pradesh from Uttar Pradesh.

State Reorganization Commissions/Committees

- **S.K. Dhar Commission (1948):** Advocated reorganization based on administrative convenience, not language.
- **JVP Committee (1948)**: Rejected language as a basis for reorganization.
- **Fazl Ali Commission (1953):** Recommended reorganization based on Unity and security of the country; Linguistic and cultural homogeneity; Financial, economic, and administrative considerations; Welfare and national development;
  - Proposed 14 states and 6 Union Territories, implemented via **the Constitution (7th Amendment) Act, 1956.**

Judicial Pronouncement related to Reorganisation of State

Berubari Union case, 1960: SC held that power of Parliament to diminish the area of State (under Article 3) **does not cover cession of Indian Territory to a foreign country.**

- Indian Territory can be ceded to a foreign state only by amending Constitution under **Article 368.**
- Consequently, **9th Constitutional Amendment Act (CAA), 1960** was enacted to transfer certain territory to Pakistan

Creation of New States

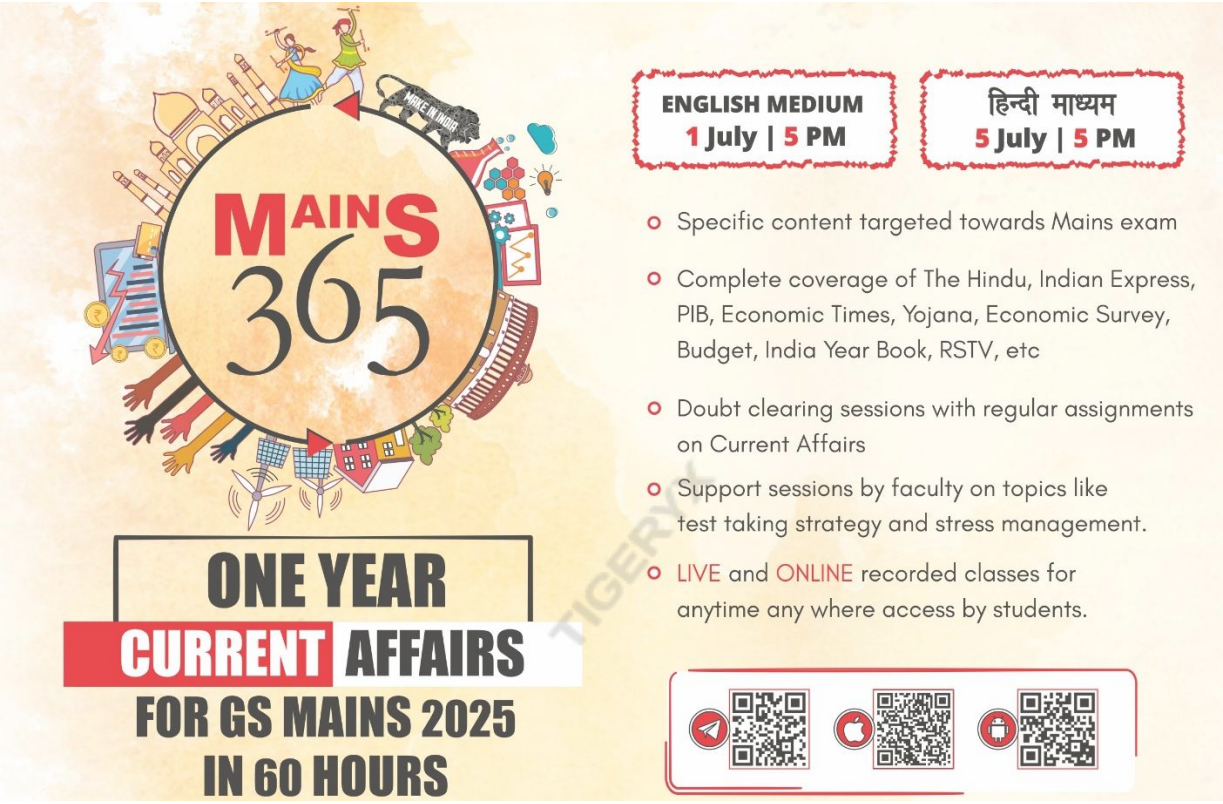
Arguments in Favor	Arguments Against
• **Administrative Efficiency**: Enhances resource utilization, e.g., Telangana's paddy production rose from 4.57 million metric tonnes (2015) to over 20 million metric tonnes (2023). • **Innovation**: Smaller states enable governance experiments, e.g., Sikkim's organic farming success inspired Kerala's Organic Farming Mission (2023). • **Trade**: Smaller states like Uttarakhand and Goa trade more than larger states (Economic Survey 2016-17). • **Better Development**: Reduces regional disparities, e.g., Uttarakhand's multidimensional poverty dropped from 17.67% (2015-16) to 9.67% (2019-21).	• **Economic Strain**: High costs for new state infrastructure, e.g., Andhra Pradesh's new capital, Amravati, require ~Rs. 40,000 crore. • **Resource Allocation**: Division of resources like water or minerals causes disputes, e.g., Krishna River water sharing between Andhra Pradesh and Telangana. • **Boundary Disputes**: New boundaries create tensions, e.g., Belagavi dispute between Karnataka and Maharashtra. • **Pandora's Box**: New states may trigger further statehood demands.

Way Ahead

- **Development**: Promote equitable development within existing states to address disparities and reduce statehood demands.
- **Expert Committee**: Form a committee with stakeholders to assess demands and impacts of new states.
- **Economic Viability**: Ensure new states can generate at least 60% of their expenditure from inception.
- **Clear Guidelines**: Establish objective criteria focusing on economic and social viability, avoiding political motivations.

Conclusion

While new states may enhance administrative efficiency and promote regional development, they also risk creating economic strain, inter-state disputes, and a proliferation of similar demands. Hence, state reorganization must strike a balance between aspiration and administrative practicality.



2.4. OFFICE OF GOVERNOR AT A GLANCE

Office of Governor

The Governor is the constitutional head of a state in India, appointed by the President to represent the Union in states.

Constitutional Provisions related to Governor

Article 153: Establishes the office of Governor for each state (some Governors oversee multiple states, e.g., Union Territories).	**Article 163**: Governor acts on aid/advice of Council of Ministers, except in discretionary powers.	**Article 200**: Governor's assent to state bills (can withhold or refer to President)	**Article 213**: Power to promulgate ordinances during assembly recess	**Article 356**: Recommends President's Rule in case of constitutional breakdown in the state

Roles and Powers

Executive	Legislative	Judicial	Discretionary Powers	Financial
Appoints Chief Minister, Council of Ministers, Advocate General, and State Election Commissioner; oversees state administration	Summons/dissolves state assembly, addresses sessions, gives assent to bills, reserves bills for President's consideration	Grants pardons, reprieves, or commutations (Article 161); appoints judges to subordinate courts in consultation with High Court	Acts without ministerial advice in specific cases, e.g., appointing Chief Minister post-elections, recommending President's Rule, reserving bills	Ensures state budget presentation; approves money bills

Judicial Pronouncements related to office of governor

Shamsher Singh vs. State of Punjab (1974)	S.R. Bommai vs. Union of India (1994)	State of Tamil Nadu v. The Governor of Tamil Nadu (2025)
Clarified Governor acts on aid/advice of Council of Ministers, except in limited discretionary areas.	Restricted misuse of Article 356; President's Rule subject to judicial review; Governor's report must be objective.	Supreme Court emphasized Governors' neutrality in giving assent to state bills in a time bound manner.

2.4.1. ASSENT TO STATE BILLS

Why in the News?

Recently, the Supreme Court (SC) in the **State of Tamil Nadu v. The Governor of Tamil Nadu** issued directions to ensure the timely approval of Bills passed by the **State Legislature.**

More on the News

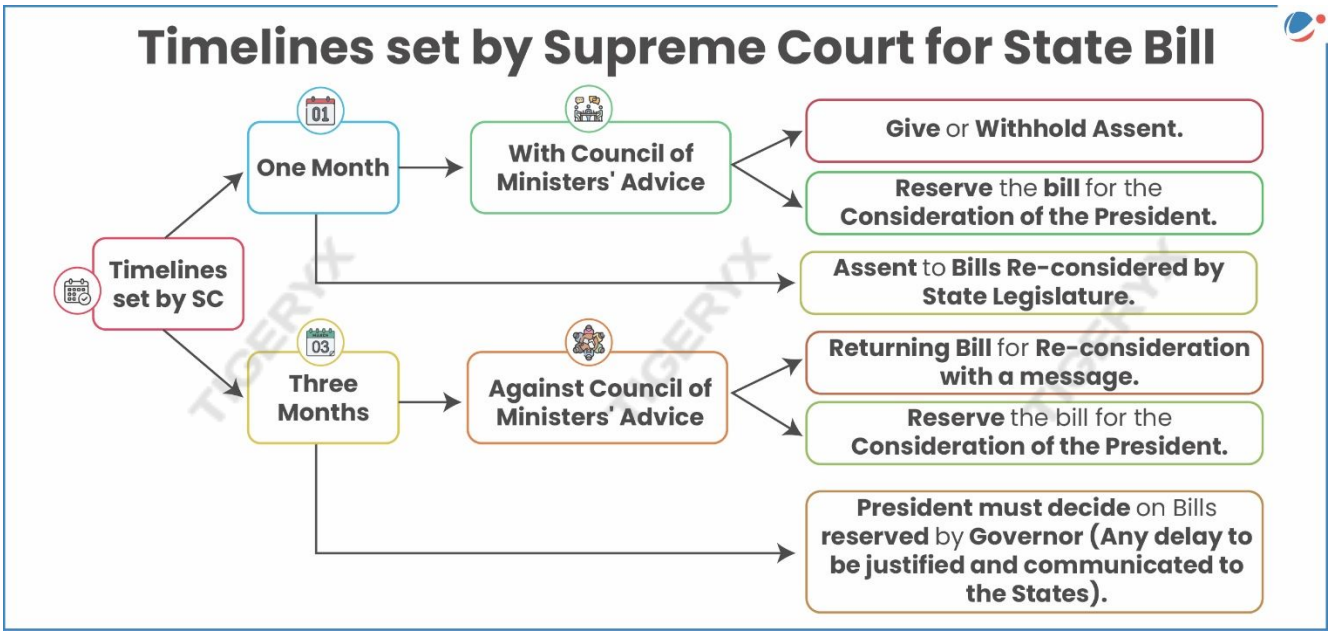
The Supreme Court exercised its inherent powers under Article 142 of the Constitution, which empowers the SC to pass a decree/order necessary for doing complete justice.

Constitutional Provisions regarding assents to the state bill	
Governor can (Article 200)	For bills **reserved by Governor**, the **President (Article 201)** can
• **Grant Assent.** • **Withhold Assent.**	• **Grant Assent.** • **Withhold Assent.**

• **Return for Reconsideration** (except Money Bills) – If the legislature passes it again, the **Governor must give assent**. • **Reserve for President's Consideration**.	• **Return for Reconsideration** – Legislature must act within 6 months; after reconsideration, **President can still accept or reject**.
Unlike the Governor, the **President is not obligated** to give assent to a reconsidered bill.	

Key Highlights of the Judgement

- **Inaction is unconstitutional**: There is no Pocket or Absolute Veto available to the governor or President.
  - In case the Governor/President exhibits inaction, the State Government could seek a writ of mandamus from a competent court.
- **Governor can't reserve a re-enacted Bill for President's Assent:** The Bill can be reserved for the President's assent in the first instance itself.
  - **Exception** is when the **bill presented in the second round** is **materially different** from that in the **first instance.**
- **Prescribed timeline for assent of Bills**



- **Governor Lacks Absolute Discretion Under Article 200** and has to mandatorily abide by the advice tendered by the Council of Ministers except in certain situations, such as:
  - **State Bills that** would derogate the powers of the High Court, relating to a subject enumerated in the Concurrent List etc.
- **Discretionary power under Article 200 is subject to judicial review**: Withholding assent or reserving a Bill using the Governor's discretion or the President withholding assent, can be challenged in the Supreme Court.
- **President should consult the Supreme Court on Bills reserved for unconstitutionality** (Article 143).

Conclusion

Supreme Court's intervention reaffirms constitutional accountability and ensures smoother legislative functioning in states. This judgment is a step toward restoring the balance between constitutional functionaries and promoting cooperative federalism.

2.5. KEY WORDS

Key Words				
Fiscal Federalism	Vertical/Horizontal Imbalance	Cooperative Federalism	Asymmetric Federalism	Division of Legislative Powers
States' Autonomy	Institutional Checks	Equitable Development	Coordination and policy consensus	Linguistic Diversity
Cultural Identity	Resource Allocation	Pandora's Box	Economic Viability	Democratic Deficit
Discretionary Power	Governance Gaps	Administrative Efficiency	Consensus Building	Checks and Balances
Concurrent List Encroachment	Cultural Pluralism	State Identity Assertion		

2.6 PRACTICE QUESTION

Answer Canvas

"India's federalism is marked by central dominance but balanced by cooperative mechanisms." In this context, analyse recent initiatives and recommendations to promote effective Centre–State relations.

Introduction	Body Part: 1	Body part: 2	Conclusion
Recent debates on erosion of states' autonomy	Central Dominance in Indian Federalism: Balancing the System	Recommendations to Strengthen Centre–State Relations	Balance between Dominance and Cooperation

3. PARLIAMENT AND STATE LEGISLATURES: STRUCTURE AND FUNCTIONING

3.1. DECLINE IN PARLIAMENTARY PRODUCTIVITY

Why in the News?

Speaker of the Lok Sabha has condemned the deliberate parliamentary disruptions as undemocratic.

More on the News

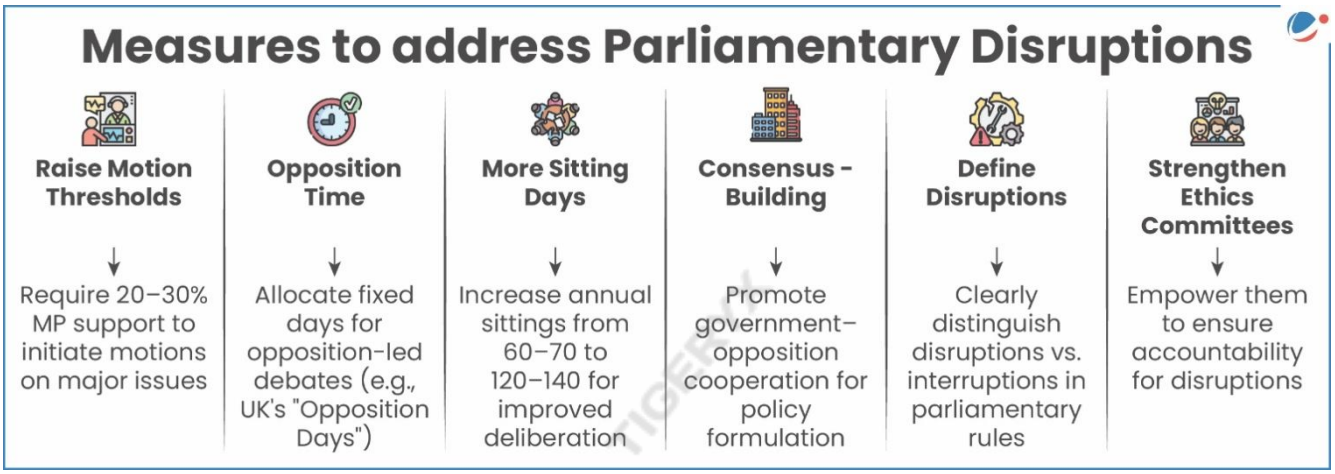
- **17th Lok Sabha functioning at 88% and Rajya Sabha at 73% of the scheduled time** (PRS Report).
- In the **18th Lok Sabha (Winter 2024)**, productivity **further dropped to 54.5% and 40% in Lok Sabha and Rajya Sabha** respectively.
- **Status of State Legislatures (2025 PRS Report)**
  - **Declined in Average Number of Sitting Days:** from 28 in 2017 to **20** in **2024**. 11 states met the requirement under Article 174 (to meet at least once every 6 months) through **short sessions** (for 1 or 2 days).
  - **Limited Debate:** 51% Bills passed in a day; only 4% sent to committees.
  - **Absence of Speaker & Deputy Speaker (Article 178):** As of April 2025, 8 states/UTs had no Deputy Speaker.
  - **Delay in Assent to Bills:** In 2024, 18% of Bills took over 3 months to receive assent.

Reasons for Parliamentary Disruption:

- **Substantive Reasons:**
  - **Disruptions arise** from **controversial national** or **regional issues** dominating **public attention**. **E.g.,** Hindenburg controversy.
  - **Opposition Grandstanding:** Opposition disrupts proceedings to delay or block proposals, shifting focus from debate to publicity.
  - **Anti-defection law** (10th Schedule, introduced by the 52nd Constitutional Amendment) forces MPs to follow party whips, restricting debate and pressuring them to join disruptions.
- **Structural Reasons:**
  - **Increasing number of political parties** reduce debate time, causing disruptions over unlisted issues.
  - **Parliamentary framework** lacks defined time limits for various business leading to delays

Implications of Parliamentary Disruption

- **Disruptions reduce debate time**, undermining Parliament's ability to hold the government accountable and pass laws, resulting in hasty decisions.
- **Continuous disruptions lower public trust** in Parliament, as MPs focus on blocking proceedings instead of solving key issues.
- **Each minute of Parliament costs ₹2.5 lakh**. The 2021 logjam alone cost taxpayers ₹133 crore.



Conclusion

National Commission to Review the Working of the Constitution (NCRWC) has recommended minimum number of sittings in a year for Lok Sabha (120), Rajya Sabha (100), state legislatures (smaller-50, larger-90).

As Ambedkar warned, even a sound Constitution is futile if those who work it act irresponsibly. The recurring decline in productivity signals the need for deeper parliamentary reforms — including a code of conduct, more sitting days, and rules to distinguish disruptions from interruptions.

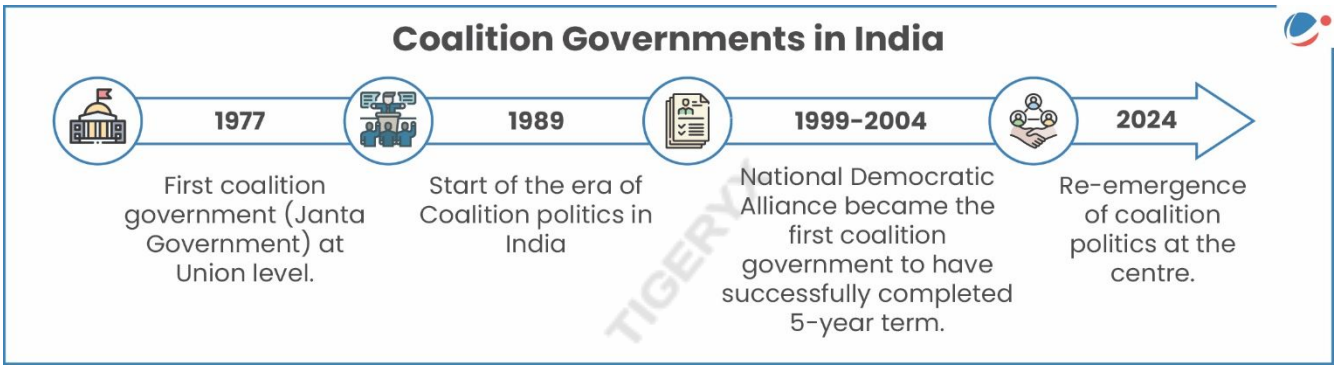
3.2. COALITION GOVERNMENT

Why in the News?

Recently concluded 2024 General Elections of Lok Sabha resulted in formation of a coalition government at the centre as no political party got a clear majority in the Lower House of the Parliament.

About Coalition Government

- It refers to a **political arrangement** where **multiple parties collaborate to form a government** when **no single party secures a clear majority** in the legislature.
- **Factors contributing for Coalition Government** in India: **Multi-party system**, **regional diversity** and **rise of state parties**, **anti-incumbency factors**, etc.
- **Coalition governments in India can be formed through two main routes:**
  - **Pre-election alliances:** Parties form coalitions before elections, presenting a united front to voters.
  - **Post-election coalitions:** Parties negotiate to form a government after election results, often when no pre-election alliance gains a majority.



Significance of Coalition Government

- **Broader Representation**: Represents diverse interests and regions, fostering inclusive policies.
- **Checks and Balances**: Partners curb authoritarianism and hasty decisions.

- **Consensus Building**: Negotiation and compromise lead to widely accepted policies.
- **Role of Lok Sabha**: Enhances debates and government accountability.
- **Cooperative Federalism**: Regional parties increase state bargaining power and decentralization.

Challenges

- **Political Instability**: Divergent interests cause disagreements, e.g., NDA government's fall in 1998 after 13 months.
- **Policy Paralysis**: Slow decisions due to consensus needs, e.g., Left parties' withdrawal from UPA-I over Indo-US nuclear deal in 2008.
- **Myopic Decision-Making**: Frequent coalition shifts hinder long-term strategies.
- **Compromise on Ideologies**: Parties dilute core beliefs to sustain coalitions.
- **Regionalism**: Regional parties prioritize state-specific benefits.
- **Foreign Policy**: Coalition dynamics affect decisions, e.g., stalled Teesta Water Agreement in 2011.

Way Forward

- **Political Stability**: Adopt constructive vote of no-confidence, requiring simultaneous alternative leader proposal (NCRWC).
  - Mandate fresh elections if coalition parties realign mid-term (ARC-II).
- **Election of Prime Minister**: Establish mechanism for electing Lok Sabha Leader as Prime Minister, alongside Speaker election (NCRWC).
- **Transparency**: Require regular public reports on Common Minimum Program progress and coalition impact assessments for major policies.
- **Long-Term Strategies**: Leverage Inter-State Council and NITI Aayog for non-partisan national policy formulation.

Conclusion

In a landscape marked by regional plurality, coalitions serve as instruments of cooperative federalism, ensuring equitable power-sharing and decentralised governance, echoing Ambedkar's vision of "deliberative democracy over majoritarian rule."

3.3. ANTI-DEFECTION LAW

Why in the News?

Recently, the Supreme Court warned the Speaker of Telangana's Legislative Assembly against delaying action under Anti-defection law.

About Anti Defection Law

- Introduced through **52nd Amendment Act, 1985,** adding the **Tenth Schedule** to the Constitution to prevent political defections.
- **Grounds for Disqualification:** For a Member of The House **voluntarily** giving up party membership; **defying party whip** during voting.

Arguments in Favour of Anti-Defection Law	Arguments Against Anti-Defection Law
• **Boosts Stability**: Stops elected officials from switching parties, preventing government collapse. • **Curb Corruption**: Prevents unethical practices like buying legislators (Horse trading). • **Respects Voters**: Upholds the public's choice of party and its ideology.	• **Limits Free Will**: Forces legislators to follow party lines, not their conscience (violates Article 19). • **Against Democratic Ethos**: Turns representatives of people into party puppets. • **Hinders Change**: Blocks innovative ideas and dissent on the floor of the House.

Conclusion

In a parliamentary democracy, while party discipline is essential, blind adherence to the whip undermines deliberative democracy. Thus, reforms like time-bound decisions and independent adjudication are vital to restore credibility to the anti-defection regime.

3.4. DEPUTY SPEAKER OF THE LOK SABHA

Why in the News?

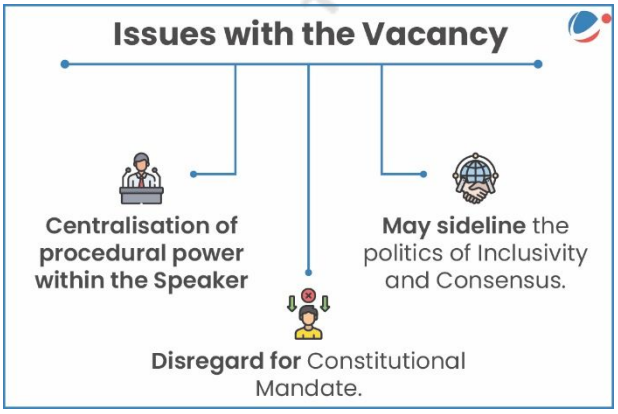
Long term vacancy since 2019 to the office of Deputy Speaker (DS) points to Constitutional anomaly.

About DS of the Lok Sabha

- **Background:** The office emerged in **1921** under **Government of India Act, 1919.**
- **Election (Article 93):** As per a **long-standing convention,** the post of DS has been offered to the **Opposition.**
- **Resignation and Removal: Article 94** deals with **vacation, resignation** and **removal** (by a resolution passed by a majority of all then members of the House).
  - Speaker may **resign** by submitting a resignation to the DS and vice-versa.
- **Duties:** As per **Article 95,** DS performs the duties of Speaker in case of vacancy, absence, etc.

Importance of the office of DS

- **Constitutional Imperative:** It is **not merely ceremonial** as the Constitution places it on an **equal footing** with the Speaker.
- **Essential for continuity, stability, and institutional balance:** As the DS acts as a **second in command** in case of emergency.
- **Legislative Responsibilities**: DS chairs key sessions, leads committees, and manages sensitive debates requiring neutrality and authority.



Conclusion

A **specific deadline** (E.g., 60 days of the first sitting of the new Lok Sabha) or a **statutory mechanism** could be introduced to ensure appointment within a **timeframe.**

3.5. REPRESENTATION OF WOMEN IN LEGISLATURE

Why in the News?

Election of 74 women to 18th Lok Sabha (LS) is a **slight dip** in women representation as **78 women were elected to 17th LS.**

Status of women representation in Legislature

- **9.7%** of 797 women contestants **won in 18th LS** elections while **in 17th LS** elections, **10.74%** of 726 women contestants won.

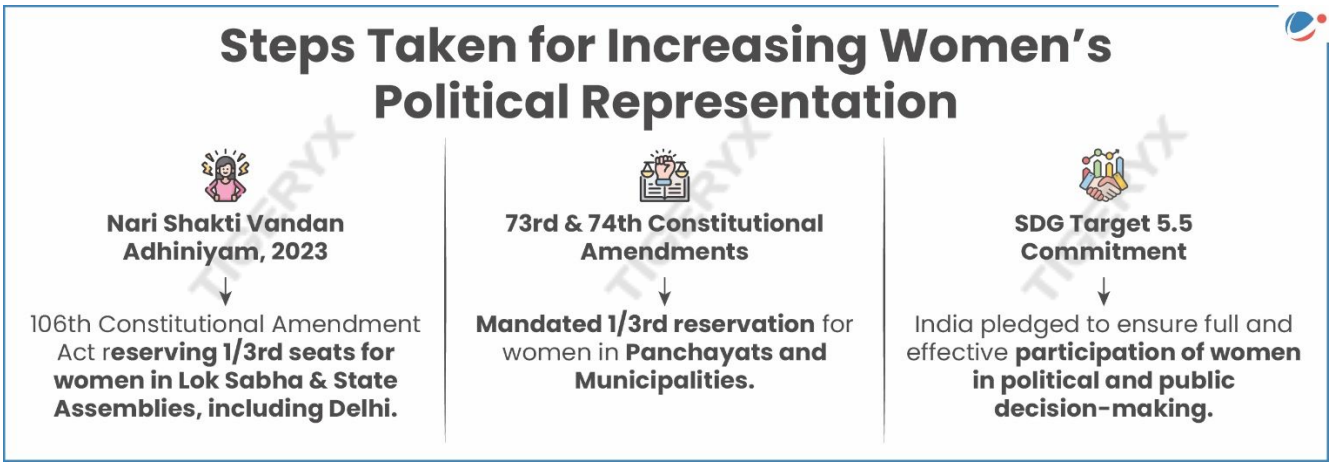
- Women's representation in LS **increased** from **5% in first LS** to its **highest in 17th LS (14.4%).**
- Presently, women members constitute **14.05% of Rajya Sabha members**.
- Globally, share of women in national parliaments is **26.9%.**
  - **Rawanda** is the only country in the world with **majority of women parliamentarians** (more than 60%).

Significance of women representation:

- Women legislators **perform better in their constituencies** on economic indicators than their male counterparts (As per essex study, 2019).
- Accounting for around 50% population, legislative representation is **fundamental to political empowerment**.
- Women are **less likely to be criminal and corrupt**, more efficacious, and less vulnerable to political opportunism (As per 2018 Oxford study).

Challenges to women's legislative representation:

- **Societal Prejudices**, male dominated political structures, and family obligations.
- **Structural disadvantages:** Election campaigns are costly, time-consuming and are marred by inappropriate commenting, hate speeches, abusive threats and muscle power.
- **Internalised patriarchy:** Women themselves are often influenced by patriarchal societal norms. Eg. Sarpanch pati



Conclusion

Democratic ethos demands not only universal suffrage but also equitable representation, thus, ensuring women's presence in legislatures is both a political necessity and a constitutional imperative.

3.6. PRIVATE MEMBERS' BILL

Why in the News?

As per PRS Legislative Research report, the space for private members' bill has declined in both the Houses of the Parliament in recent years.

What is a Private Member's Bill?

A Member of Parliament, **other than a Minister (both elected and nominated)** is known as a Private Member. A bill initiated by any such Member is called a Private Member's Bill (PMB). **Drafting** of such a bill is **responsibility of the Member** introducing it.

What is the significance of PMBs?

- **Policy Innovation:** MPs introduce fresh ideas, e.g., Right to Disconnect Bill (2019).
- **Reform Potential:** Catalyse legal reform, e.g., Transgender Rights Bill (2014).

- **Independent Voice:** Encourage views beyond party lines.
- **Accountability:** Offer policy alternatives to check government.

Why are PMBs in Decline?

- **Disruptions:** Frequent adjournments limit PMB discussions; 17th Lok Sabha saw only 16 discussed out of 1,434 introduced.
- **Procedural Hurdles:** Limited time (only 2–3 hours weekly). **Speaker/Chairman's discretionary power** to admit or reject bills can be influenced by political considerations.
- **Resource Gap:** MPs lack expert support.
- **Low Success Rate:** Only 14 PMBs passed since independence.
- **Political Apathy:** Government sidelines PMBs.

Way Forward

- **Streamlining Procedures**: Allocate **fixed, uninterrupted time** for PMB discussions**, digital tracking** of such bills, etc.
- **Research Support:** Establish a **dedicated research unit** to assist MPs in drafting robust bills.
- **Institutionalised Mechanism:** Parliament can introduce a **dedicated review committee** for screening Bills for quality, relevance, and constitutionality**.**
  - **UK's 10-Minute Rule Model** can also be adopted where MPs can introduce short bills with brief speeches to make their case for a new Bill.

3.7 KEY WORDS

Key Words				
Political empowerment	Democratic ethos	Pre/Post-election alliances	Consensus Building	Checks and Balances
Broader Representation	Constitutional Imperative	Legislative Responsibilities	Societal Prejudices	Structural disadvantages
Political Apathy	Policy Innovation	Independent Voice	Procedural Hurdles	Policy Paralysis
Constructive Vote of No Confidence	Code of Conduct for MPs	Legislative Accountability	Whip Politics	Electoral Volatility

3.8 PRACTICE QUESTION

Answer Canvas

Despite increasing participation, women's representation in India's legislatures remains below the global average. Discuss the significance of enhancing women's legislative representation and the key challenges that hinder it.

Introduction	Body Part: 1	Body part: 2	Conclusion
Representation of women in 18th Lok Sabha	Significance of Women's Legislative Representation	Challenges Hindering Women's Representation	Political necessity and a constitutional imperative

4. STRUCTURE AND FUNCTIONING OF JUDICIARY AND OTHER QUASI-JUDICIAL BODIES

4.1. CRIMINAL JUSTICE SYSTEM IN INDIA AT A GLANCE

Criminal Justice system in India

Criminal Justice System is a formal mechanism involving crime prevention, investigation, prosecution, punishment, and rehabilitation. It follows principles of **deterrence, retribution, incapacitation, rehabilitation**, and **reparation**.

Need for Reform

Low Conviction Rates	Case Pendency	Tech Evolution	Poor Extradition Rate	Manpower Shortage	Low Judge-Population Ratio
Murder – 43.8%, Rape – 27.4% (NCRB, 2022)	4.7 crore cases pending across courts	Need to modernize evidence collection and storage	Only 1 in 3 fugitives successfully extradited	192 police per lakh vs. UN norm of 222	Only 21 judges per million.

Steps Taken

New Laws: Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, Bharatiya Sakshya Adhiniyam.	**Witness Protection Scheme (2018)**	**Fast Track Special Courts**	**Open Prisons:** Rajasthan model noted in NCRB 2015 Report	**Criminal Procedure (Identification) Act, 2022**

Way Forward

Police Reforms (Prakash Singh Case, 2006)	Strengthening Prosecution	Malimath Committee Recommendations
› **State Security Commission** to check political interference. › **Merit-based DGP Appointment** (2-year minimum tenure). › **Police Establishment Board** to handles transfers, promotions. › **National Security Commission** for Central Police leadership.	Operational and financial independence for Department of Prosecution (DoP).	› **Article 20(3)**: Modify "right to silence" of accused. › **Rights of Accused**: Code to be published in regional languages. › **Evidence Law**: Allow dying declarations, Audio/Video recorded confessions. › **Public Prosecution**: Recruit Assistant Public Prosecutors via competitive exams.

4.1.1. CRIMINAL LAW REFORM ACTS

Why in the news?

Three new criminal laws—Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and the Bharatiya Sakshya Adhiniyam—came into effect across the country on, July 1, 2024.

Laws and their Features	Bharatiya Nyaya Sanhita 2023	Bharatiya Nagarik Suraksha Sanhita 2023	Bharatiya Sakshya Adhiniyam 2023
Objective & Background	• Replaces **Indian Penal Code (IPC) 1860**, which had outdated provisions	• Replaces the **CrPC, 1973**, which governed arrest, prosecution, and bail	• It replaces the **Indian Evidence Act, 1872**, which

	misaligned with modern rights. • **Before IPC**: Criminal law was a mix of British charters, East India Company rules, and religious/customary laws. • **After IPC**: Several Law Commissions recommended amending IPC on issues like women's safety, food adulteration, and death penalty.	procedures under laws like the IPC, 1860. • **Genesis**: First enacted in 1861, then replaced in 1872 and 1882, with major amendments in 1898, 1923, and 1955. • **CrPC 1973**: Based on recommendations of the Law Commission's 41st report.	governed admissibility of evidence in civil and criminal cases. • **Genesis**: Enacted to consolidate laws on evidence used for court judgments. • **Key Issue**: Outdated in addressing recent technological advancements.
Key provisions	• Introduces **community service** as punishment for petty offences (first time). • **Sexual offences against women**: ○ Raises gangrape victim's age threshold from 16 to 18 years. ○ Criminalizes sex by deceit or false promises. • **Sedition**: Offence removed. • **Terrorism**: Defined as acts threatening unity, integrity, security, or causing terror in India or abroad. • **Organised crime**: Defined as ongoing unlawful acts (e.g., extortion, cybercrime) by individuals or crime syndicates.	• **Undertrial detention**: First-time offenders jailed for one-third of max sentence to be released on bond. • **Medical exams**: Police can request medical examination of accused in cases like rape. • **Forensic probe**: Mandatory for offences with 7+ years' punishment; states without labs must use those in other states. • **Magistrate powers**: Can order anyone to give handwriting, signature, fingerprint, or voice samples. • **Procedure timelines**: Sets deadlines for medical reports, judgments, charge framing, and updating victims.	• **Electronic evidence**: Admits digital records like emails, server logs, device data (smartphones, laptops) as evidence. • **Documents**: Electronic records now treated as documents alongside writings, maps, caricatures. • **Oral evidence**: Permits witness statements to be recorded electronically. • **Joint trials**: Allows trial of absconding accused with others as a joint trial.
Potential Impact	• **Vague definitions**: Terms like "criminal activity" or "subversive acts" may be misused, impacting free speech; even criticism or property damage could be seen as terrorism. • **Police discretion**: Police can choose between new laws and older ones like UAPA without clear rules, risking misuse and inconsistency.	• **Faster case disposal**: Timelines for procedures and charge-sheets aim to speed up justice delivery. • **Tech integration**: Promotes use of forensics and ICT in investigations and trials. • **Victim rights**: FIRs can be registered at any police station, regardless of where the crime occurred.	• **Wider use of electronic evidence**: Can speed up investigations and reduce wrongful convictions. • **Privacy concerns**: Seizure of devices may expose sensitive personal data.

	• **Trial delays**: Though not applicable to pending cases, courts may face delays due to interpretational challenges.	• **Fairer investigations**: Mandates video recording of search and seizure to ensure transparency.	

Significance of New Criminal Laws

- **Justice Over Punishment**: New laws shift **from colonial punishment** to **a justice-based system** that focuses on victims' rights, timely trials etc.
- **Fair and Transparent Process**: **Digital tools** like e-FIRs, forensic evidence.
- **Indian Values at the Core**: Rooted in **Dharma** and **Nyaya**, the laws reflect Indian ethos, empowering citizens and combining tradition with modern justice.

Conclusion

Enacted 160 years after the IPC, the new laws—framed by a democratically elected government—aim to shift focus from punishment to justice (Nyaya), with provisions like forensic integration and fixed timelines to expedite trials. Together, they offer a chance to decolonise and modernise the criminal justice system, provided there is regular monitoring and periodic review to uphold constitutional values.

4.1.2. FREE LEGAL AID

Why in the News?

The Supreme Court (SC) issued directions for Legal Services Authorities (LSAs) to ensure access to free legal aid for prison inmates.

SC Directions to ensure access to free legal aid for prison inmates

- **Effective implementation of SOP-2022** with periodic upgradation.
- **Strengthen the monitoring** of Prisoner Legal Aid Clinics (PLACs)
- Periodical **update of statistical data**
- **Inspection and audit of the work** of the Legal Aid Defence Counsels
- **Awareness generation** about available schemes and legal aid services in local languages
- **Periodic reporting** to be submitted by the DLSAs to the SLSAs

Free Legal Aid in India

- **Legal aid** in India refers to the provision of **free legal services** to individuals who are **unable to afford legal representation or access to the justice system.**
  - Legal aid can include **legal advice, representation in court proceedings, mediation, negotiation, and alternative dispute resolution mechanisms.**
- **Constitutional provisions:** Articles 21, 39A
- **Statutory provisions:**
  - Legal Services Authorities Act, 1987
  - Bhartiya Nagarik Suraksha Sanhita, 2023 (sec 341)
- **Significance of free legal aid:** Social welfare and justice, Protection of rights, Strengthening rule of law, and Legal awareness.
- **Eligibility for free legal aid:** Women and children, Scheduled Castes/Scheduled Tribes, Persons with Disabilities, etc.

Judicial Pronouncements related to Legal Aid

- **M.H. Hoskot v. State of Maharashtra (1978):** Established prisoners' right to free legal assistance under Article 21.
- **Hussainara Khatoon v. State of Bihar (1979):** Affirmed the right to a speedy trial under Article 21, emphasizing access to legal aid.

Issues with access to free legal aid

- Lack of awareness in under trial prisoners of their rights
- Poor quality of legal aid
- Insufficient funding
- Delays and inefficient delivery of legal aid due to complex eligibility criteria and bureaucratic hurdles
- Barriers to access for marginalized communities (Geographical distance, language barriers)

Government Steps

- **Designing Innovative Solutions for Holistic Access to Justice in India (DISHA) scheme:** To strengthen pre-litigation mechanism.
- **Tele-Law:** To facilitate delivery of **legal advice through an expert panel of lawyers –** stationed at the SLSA.
- **Nyaya Bandhu (Pro Bono Legal Services) programme :** Through this interested lawyers can register themselves to **volunteer pro bono services** for the underprivileged litigants.
- **Nyaya Mitra programme:** To facilitate **disposal of 10 to 15 years old cases (both civil and criminal cases)** pending in High Courts and Subordinate Courts.
- **Lok Adalat:** One of the alternative dispute redressal mechanisms, where disputes/cases pending in the court of law or at pre-litigation stage are settled/ compromised amicably.

Way forward

- **Policy implementation**: increasing funding for legal aid, simplifying eligibility criteria, etc.
- **Infrastructure and Resources**: Building capacities of LSAs
- **Awareness generation**: For example, Haq Humara bhi toh hai@75 campaign in 2022
- **Leveraging Technology**: E.g. Prison records made available digitally
- **Quality legal aid:** competence and due diligence

Conclusion

Effective legal aid is not merely a service but a critical component of good governance — it enhances procedural justice, reduces pendency, and ensures that no citizen is denied justice merely because of economic or social disadvantage.

4.2. PRISON REFORMS

Why in the News?

Ministry of Home Affairs amended the **Model Prison Manual, 2016**, and **Model Prisons and Correctional Services Act, 2023,** to tackle caste-based discrimination in prisons nationwide.

More on the News

- Amendments align with the SC's ruling in **Sukanya Santha vs. UoI & Others (2024)**, addressing caste-based discrimination.

Key Amendments

- Prison authorities **must prevent caste-based discrimination**, classification, or segregation in duty or work allocation.
  - Caste discrimination violates **Articles 14 (equality), 15 (non-discrimination), and 17 (untouchability abolition).**
- The '**Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013'** is binding in prisons.
  - **Manual scavenging or hazardous sewer/septic tank cleaning** in prisons are **banned**.

Key features of Model Prisons and Correctional Services Act, 2023

- **Specialized Jails**: Establishes high-security, open, and semi-open jails.
- **Legal Aid & Incentives**: Provides parole, furlough, and early release for good conduct.
  - Introduced the use of **electronic monitoring technology** as a condition for granting prison leaves for prisoners.
- **Rehabilitation**: Focuses on vocational training and skill development for reintegration.
- **Inclusive Accommodation**: Ensures separate facilities for women and transgender prisoners etc.

Need for Prison Reforms

- **Colonial Era Law:** Supreme Court in **Ramamurthy vs state of Karnataka case 1996 emphasised** need to enact new Prison law to replace Prisons Act, 1894.
- **Rising Prison Occupancy:** As per **Prisons in India 2024 report** by Supreme Court of India, total inmates reached 5.73 lakh (131.4%) as of December 31, 2022.
  - Out of this, **75.8%** were reported as **undertrial prisoners.**
  - **Bail rejection rate** is **high (32.3% in Sessions Courts** and **16.2% in Magisterial Courts).**
- **Inhumane Conditions:** Cramped cells lack proper sanitation, and inadequate medical care.
  - Less than 40% of prisons provide sanitary napkins; only 18% have exclusive women's facilities.
- **Rights of women prisoners:** State jail manuals do not explicitly provide for the right to reproductive choice for a woman prisoner.
- **Prisoners sentenced to death**: Inordinate delays in death penalty proceedings with the execution rate of just 0.3% in the period 2006 to 2022 (NCRB).
- **Discrimination**: Division of prison work **based on caste**, prevalence of **manual scavenging** inside prisons, classification of prisoners based social status, etc.

Measures taken for Prison Reform

- **Fast Track Courts** to expedite trial of pending cases.
- **National Human Rights Commission** to protect basic rights of prisoners.
- **Model Prison Manual 2016** provides detailed guidelines on facilities which may be provided to under trial inmates.
- **Justice Krishna Iyer Report 1987** studied condition of women prisoners in India.
- **Use of Technology**
  - **E-prisons:** Developed by National Informatics Centre to integrate all activities related to prison and prisoner management.
  - **FASTER (Fast and Secured Transmission of Electronic Records)** system of Supreme Court resolved delay in communication of bail orders from courts to prison.
  - **Interoperable Criminal Justice System (ICJS):** It can create an automatic channel between courts, police and prisons and reduce unjustified delay in custody cases.

Prisons in India

- **Governance**: Prisons and detainees fall under the **State List (Entry 4),** making their administration a **state responsibility.**
  - **Legal Framework**: Governed by the **Prison Act, 1894** and **state prison manuals**.
  - **Centre's Model Act of 2023 provides guidance to states** to incorporate best modern practices related to prisons.
- **Existing Provisions for Prisoners**
  - **India**
    - **Section 479 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023**: Provides for release of an undertrial prisoner on bail on undergoing detention for a period extending up to one half of the maximum period of imprisonment specified for an offence under any law.

> **Plea Bargaining (Section 289 to 300) in BNSS**: Enables pre-trial negotiation between the defendant and the prosecution.

- **Global**
  > **Bangkok Rules**: Adopted in 2010 by UN General Assembly, provides for the rules for the treatment of women prisoners and non-custodial measures for women offenders.
  > **Nelson Mandela Rules:** Adopted in 2015 by the UN General Assembly, provides for Standard Minimum Rules for the Treatment of Prisoners.

Conclusion

Prison system in India must transition from colonial notions of punishment to a rehabilitative and rights-based approach, where the aim is reformation, not retribution — aligning with constitutional values under Articles 14, 19, and 21.

4.3. JUDICIAL REFORMS

4.3.1. JUDICIAL ACCOUNTABILITY

Why in the News?

The discovery of wads of cash at the residence of Delhi High Court judge has raised concerns regarding accountability in India's higher judiciary.

About Judicial Accountability

- It is defined as the set of mechanisms aimed at **making judges and courts personally or institutionally responsible for behaviours and decisions** contrary to constitutional or legal standards.
- It improves efficiency and transparency in delivering judgements, ensures faith of citizens in democratic institutions etc.
- Constitution follows **principle of separation of power** where checks and balances exist on every organ's conduct.
  - However**,** being the protector of Fundamental Rights, judiciary is required to be independent and outside influence of political and economic entities.
  - **Under Article 235**, Constitution provides for **'control' of High Court over the subordinate judiciary** clearly indicating the provision of an **effective mechanism to enforce accountability**.

Existing Key Mechanism for Ensuring accountability

- **Removal of Judges:** Under Articles 124, 217, 218 of the constitution and the Judges Inquiry Act, 1968, a **Supreme Court or High Court judge can be removed by the President** on grounds of **proved misbehaviour or incapacity.**
- **In-House Mechanism of 1999:** Based on two important charters governing judicial ethics— **the Restatement of Values of Judicial Life 1997** (Refer box) **and the Bangalore Principles of Judicial Conduct 2002**.
  - The CJI **can receive complaints** against the conduct of the Judges of the Supreme Court and the Chief Justice of the High Courts. High Court Chief Justices can handle complaints within their courts.
  - **Bangalore Principles of Judicial Conduct:** Independence, Integrity, Equality, Impartiality, Propriety, Competence and Diligence.

1997 Restatement of Values of Judicial Life

- Avoid actions that erode people's faith in higher judiciary.
- Must not hear and decide cases where a family member or friend is involved
- Must not publicly express views on political matters that may arise for judicial determination
- Must not accept gifts or hospitality from anyone besides family and friends Must not engage in any trade or business.
- Should not seek any financial benefit connected to her office unless it is clearly available.

Concerns Surrounding Judicial Accountability in India

- **Conflict with Judicial Independence:** E.g., appointments via **collegium system** (India is the only country in the world where judges appoint judges)
- **Complex Removal Process**
- **No Mandatory Asset Disclosure Norm:** Unlike public servants and elected representatives, judges are **not legally bound to publicly declare their assets**.
  - However, in April 2025, the Full Court of the Supreme Court had resolved that **Judges should make a declaration of their assets on assuming office** and whenever any acquisition of a substantial nature is made, **to the Chief Justice of India**.
- **Limited checks and balances:** Judiciary self-governs most of its aspects like **in-house inquiry of judges.**
- **Other Provisions Hindering Accountability:** Immunity from criminal action, restriction on RTI, etc**.**

Way Forward to Ensure Judicial Accountability

- **Judicial Standards and Accountability Bill:** Introduced in 15th Lok Sabha but **lapsed due to dissolution of Lok Sabha**.
- **National Judicial Commission (NJC):** Proposed by Law Commission of India reports (80th & 121st) to handle appointments and misconduct investigations. J**udicial member and non-Judicial member in NJC.**
- **Permanent Disciplinary Committee** to handle complaints, issuing warnings for minor issues or recommending inquiries for major misconduct.
- **Judicial Oversight:** A **continuous performance evaluation mechanism** may be devised for judges.

4.3.2. JUDICIAL VACANCIES

Why in News?

As per the **Ministry of Law** there are more than **5,600 vacancies (**2 in SC, 364 in HCs & 5245 in district courts) **in the judiciary** in November 2024.

Reason

- **Periodic Vacancies:** Due to **retirement, resignation,** demise, elevation of judges, and **increase in sanctioned strength** of courts.
- **Time Consuming Collegium Process:** It involves a continuous & **collaborative process between Executive & Judiciary** which requires **consultation & approval from various authorities**.
- **Other: Delays in examination process** regarding judicial appointments at lower courts, low salaries, & workload, can deter talented lawyers from joining the judiciary.

Impact

- **Justice Delayed:** Over **19,500 & 27 lakh cases are pending** in **SC & HC** respectively.
  - Other reasons for pending cases include **inadequate infrastructure, frequent adjournments, absence of strict timelines** etc.
- **Low judge-to-population ratio leads to the huge work stress** on judicial officers, making them prone to making mistakes.
  - In 2002, a direction was passed in **All India Judges Association case** that by 2007, judge-to-population ratio in trial judiciary should be 50 per million.

Way Forward

- **Revisiting National Judicial Appointments Commission (NJAC) framework** could provide a balanced approach to judicial appointments, ensuring both independence and accountability.
- **All India Judicial Service (AIJS):** A centralized recruitment process for district and subordinate courts, similar to the civil services, could attract more talent and ensure uniformity.
- **Conducting periodic assessments of judicial strength**

4.3.3. WITNESS PROTECTION SCHEME (WPS), 2018

Why in the News?

Highlighting the importance of witnesses as **"eyes and ears of justice"**, the Supreme Court raised concerns over the implementation of the WPS, 2018.

About WPS, 2018

- Scheme was **endorsed by the SC in 2018** and made **enforceable** in all States/UTs.
- **Objective**: Protection of witnesses based on the threat assessment and protection measures inter alia include **protection/change of identity of witnesses, their relocation**, etc.
- Provides protection under three categories on the basis of threat:
  - **Category A:** Threat to the life of a witness or his family.
  - **Category B:** Threat to safety, reputation or property.
  - **Category C:** Threat is moderate.
- Provides for a **State Witness Protection Fund** operated by the **Department/Ministry of Home** under State/UT Government.

What are the concerns in its implementation?

- **Poor Implementation**: Many states fail to enforce the scheme effectively due to **limited resources (funding & infrastructure),** especially in lower courts.
  - The **new criminal laws** also mandate all State Governments to implement Witness Protection Scheme.
- **Narrow Scope**: Protection limited to serious crimes, excluding other cases with high risks.
- **Witness Intimidation**: Witnesses in high-profile cases face severe threats, leading to hostile testimonies.
  - **Confidentiality Issues:** Weak record management and outdated IT systems risk exposing individuals' whereabouts.
- **Needs permanent solution**: The scheme is temporary, needing a robust national law.

Conclusion

As **Jeremy Bentham** noted, "The witnesses are the eyes and ears of justice." Thus, by strengthening the Witness Protection Scheme through **increased funding,** and **improved coordination**, fair and fearless trials can be ensured to uphold justice in the country.

4.4. ARTICLE 142

Why in the News?

In State of **Tamil Nadu v The Governor of Tamil Nadu**, the Supreme Court invoked Article 142 to grant deemed assent to bills that had been pending with the Governor.

About article 142

- Article 142 allows the Supreme Court **to pass any decree or make any order as is necessary for doing complete justice in any cause or matter pending before it.**
- **Constitutional Role:** It was meant to serve as an **extraordinary remedy**, invoked when existing laws are silent or inadequate to ensure justice.
  - However, over time, Article 142 has evolved into a powerful instrument used not just in rare cases, but increasingly in matters involving governance, policy, and institutional dysfunction.

Positive Impacts of Article 142	Issues with of Article 142
• **Address urgent issue with legislative vacuum:** In **Bhanwari Devi and Ors. vs State of Rajasthan (2002)**, SC provided **"Vishaka Guidelines"** to address workplace sexual harassment, eventually	• **Subjectivity in complete Justice**: Court has **wide discretion** using Article 142, and this allows **possibility of its misuse** due to absence

resulting in "**Prevention of Sexual Harassment Act, 2013**". ○ **Other Examples**, Cleaning of Taj Mahal, Release of undertrials, and Union Carbide case. • **Strengthen Democracy**: **K.S. Puttaswamy (Privacy) vs. Union of India (2017)** established guidelines for safeguarding individual privacy. • **Provides Checks and Balances:** In 2014, **SC canceled all but four of the 218 coal block allocations** deemed illegal and arbitrary. • **Address civil rights and social justice issues**: In **Vineeta Sharma vs. Rakesh Sharma & Ors. (2020),** SC addressed conflicting judgments on daughters' coparcenary rights under Hindu Succession Act. • **Promotes equality:** In '**The Secretary, Ministry of Defense vs. Babita Puniya'** case, SC granted permanent commission to women officers in the Indian Army.	of standard definition for term "complete justice". • **Encroachment in Legislative and Executive domain:** SC's intervention in Karnataka's political crisis with a floor test blurred judiciary-executive lines, sparking concerns of overreach (**S.R. Bommai vs. Union of India (1994**)). • **Unaccountability**: Article 142 grants judiciary **immunity from easy scrutiny** or **challenge for its decisions.** This has been criticised on **grounds of separation of powers doctrine**. • **Lack of Consistency:** Inconsistent legal rulings under Article 142 **complicate litigation planning and operations** for individuals and businesses. • **Undermining Federalism:** In the Tamil Nadu case, critics argue that the Court stepped into the **Governor's constitutional domain**, bypassing the principle of constitutional federalism.

Way Forward

- **Defining 'complete justice':** Clear guidelines/principles can help mitigate misuse of power under the guise of achieving 'complete justice'.
- **Referral to Constitution Benches:** All major uses of Article 142 in constitutional matters should be reviewed by a minimum five-judge bench to avoid arbitrariness.
- **Promote Judicial Restraint:** SC should restrict itself to being a gap-filler, not a policy-maker—consistent with separation of powers.
- **Addressing Arbitrariness:** Judges should ensure that decisions made under Article 142 are **based on relevant facts and considerations.**
- **Establishing a regulatory framework:** To prevent misuse of Article 142, decisions should be subject to scrutiny and accountability, ensuring that all relevant parties are heard before invoking Article 142.

4.5. GRAM NYAYALAYAS

Why in the News?

SC raised concern regarding the feasibility of setting up **Gram Nyayalayas (village courts)**, as mandated by the **Gram Nyayalayas Act** of **2008**.

Key Concern raised by SC

- **Establishment of Gram Nyayalayas by States/UTs is mandatory or not**: Section 3 of the Act provides that governments "may" constitute Gram Nyayalayas.
- **Resource Crunch**: State governments, already **facing limited resources** for **regular courts**, find it challenging to fund additional gram nyayalayas.
- **Rising Burden**: They may end up burdening high courts with appeals and writ petitions.

Key Features of Gram Nyayalayas

- **Seat:** Establish at intermediate level Panchayat or a group of contiguous Panchayats.
  - State government appoints **'Nyayadhikari'** for each Gram Nyayalaya in consultation with the high court.
- **Jurisdiction**: Shall be a mobile court, with both civil and criminal jurisdiction.
- **Dispute Process**: Disputes are to be preferably settled with the help of conciliation.

- Social workers may be appointed as Conciliators.
- They are not bound by the **Indian Evidence Act, 1872** (replaced by the **Bharatiya Sakshya Adhiniyam)** but by **Principles of Natural Justice**.

- **Significance**: **Gram Nyayalayas** ensures that opportunities for securing justice are not denied to any citizen by reason of social, economic or other disabilities.

Implementation Status of Gram Nyayalayas

- There was an initial target of around 2,500 gram nyayalayas, however, fewer than 500 have been established, with only 314 currently operational across India.
- States such as Maharashtra, Madhya Pradesh and Rajasthan have shown progress, yet other major states, including Uttar Pradesh and Bihar, have seen limited or no implementation.

Initiative to Support Gram Nyayalayas

- Under **Gram Nyayalayas scheme** (Centrally Sponsored Scheme (CSS)), Union Government provides financial assistance to States to set up Gram Nyayalayas.

Conclusion

To uphold the spirit of Article 39A, Gram Nyayalayas must be backed by political will, fiscal commitment, and administrative clarity, turning vision into reality.

4.6. TRIBUNALS IN INDIA

Why in the News?

The Supreme Court highlighted **key issues of Tribunals** like **appointment of staff and service conditions** while hearing a petition challenging **constitutional validity of the Tribunal Reforms Act, 2021.**

What are Tribunals?

- Tribunals are **quasi-judicial bodies** established to **adjudicate disputes related to specified matters.**
- **Constitutional Recognition: 42nd Amendment Act of 1976** added a new Part XIV-A to the Constitution, which **inserted Articles 323-A and 323-B.**
  - **Article 323A empowers Parliament** to constitute administrative Tribunals (both at the central and state levels) for adjudication of matters related to the recruitment and conditions of service of public servants.
  - **Article 323B specifies certain subjects** (such as taxation and land reforms) for which Parliament or state legislatures may constitute tribunals by enacting a law.

Key issues in working of Tribunals

- **Independence of Tribunals:** Executive overpower over selection process, presence of technical members dilutes judicial independence.
- **Pendency of cases:** E.g., till 2021 central government industrial tribunal cum-labour courts had **7,312 pending cases**, and Armed Forces Tribunal had **18,829 pending cases.**
- **Infrastructural Issues:** E.g. Lack of human resources, pending vacancies and poor service conditions.
- **Overlapping Jurisdiction:** Issue of overlapping cases between regular courts and tribunals creates confusion.
- **Fragmented Administrative Control:** Over 16 central tribunals operate under different ministries which lead to lack of standardization and functional inconsistencies.

Way Forward

- **Enhance Judicial Independence:** Ensure selection committees have judicial dominance and protect tribunal members from outside interference.
- **Creation of an independent body called National Tribunals Commission (NTC):** For the administration of all tribunals in India (**recommended under L. Chandra Kumar Case, 1997**).

- **Timely Appointment and Staffing Improvements:** Appoint tribunal staff on deputation basis while on Government service.

4.7. ALTERNATE DISPUTE RESOLUTION AT A GLANCE

Alternate dispute resolution (ADR)

ADR is a process in which disputes are addressed and **settled outside of courtroom.** It offers to resolve all type of matters including civil, commercial, industrial etc.

Types of ADR

Arbitration: A neutral arbitrator gives a **binding decision** outside the court. For example, › **Arbitration Council of India** under the Arbitration and Conciliation Act, 1996. › **New Delhi International Arbitration Centre (NDIAC)** under the NDIAC Act, 2019 for facilitating institutional arbitration.	**Mediation**: A mediator **facilitates dialogue** to help parties reach a **voluntary agreement**. › **Mediation Act, 2023** establishes an institutional legal framework.	**Conciliation**: A conciliator actively **assists parties** in resolving disputes without a binding decision. › The Mediation Act, 2023 has incorporated provisions for conciliation as well.	**Negotiation**: Parties **directly engage** to settle the dispute **without third-party involvement**.	**Lok Adalat**: Statutory forum for speedy, amicable settlement of disputes with **legal backing**.

Significance of ADR

Reduces Judicial Burden: India Justice Report (IJR) 2025 noted pending cases have crossed 5 crores.	**Cheap and Speedy Justice**: Saves on legal fees, court costs, and time of lengthy trials.	**Co-operative Problem Solving**: Neutral third party aids communication and negotiation impartially.

Issues in Arbitration System

Lack of Diversity: Retired judges dominate arbitrator appointments.	**Trust Deficit**: Concerns over third-party impartiality persist.	**Risk of Error**: Informal, binding nature may lead to flawed decisions.	**Court Burden Continues**: Many awards are challenged, undermining arbitration's purpose. › Recently, SC in **Gayatri Balasamy v. ISG Novasoft** limited courts' power to modify awards (e.g., only in clerical error, under Article 142, etc.)

Way Forward

Broaden Arbitrator Pool: Train and accredit professionals beyond retired judges via ACI.	**Ensure Transparency**: E.g., disclose arbitrators' affiliations.	**Promote Litigation startups:** A Chandigarh- based IT startup has come up with an online private digital court 'Jupitice' to resolve commercial and civil cases through various ADR mechanisms.	**Speedy Enforcement**: Create dedicated High Court benches and allow summary enforcement.	**Other Measures**: Cap duration/fees, set up regional centres, and raise MSME awareness.

4.7.1. DRAFT ARBITRATION AND CONCILIATION (AMENDMENT) BILL, 2024

Why in the News?

Government of India invited comments on draft arbitration and conciliation (amendment) bill, 2024, brought to **amend Arbitration and Conciliation Act, 1996**.

More on the News

- Amendment aims to provide **boost to institutional arbitration, reduce court intervention** in arbitrations and **ensuring timely conclusion** of arbitration proceedings.

Key Features of draft Arbitration and Conciliation (Amendment) Bill, 2024

- **Omission of Conciliation:** Amended Act will be called Arbitration Act, 1996 as **provisions related to conciliation** have been **incorporated in Mediation Act 2023.**
- **Appointing an Emergency Arbitrator:** To grant interim measures prior to the constitution of an **arbitral tribunal.**
- **Institutional Focus:** Promoting **institutional arbitration** as a preferred method **over ad- hoc arrangements**, thereby enhancing efficiency.
- **Arbitration Council of India (ACI):** Provides powers to create model rules of procedure for arbitral proceedings and recognize arbitral institutions.
- **Video Conferencing:** Allow arbitrations conducted via video conferencing.
- **Establishing an Appellate Arbitral Tribunal (AATs)**: To handle applications against an arbitral award**.**

4.8. GOVERNMENT LITIGATION

Why in the News?

Ministry of Law issues directive to minimize litigation involving central government.

More on the News

- **The 'Directive for the Efficient and Effective Management of Litigation by Government of India'** is an integrated approach towards good governance, public welfare and timely dispensation of justice.
- **Aim:** Serve as a "**Standard Operating Procedure**" for litigation management.
- **Applicability:** All **Central Government Ministries/Departments**, their **attached** and **subordinate offices**, **autonomous bodies** and for **arbitration matters** to **CPSEs** as well.
  - **State Governments** may also consider adopting the Directive.
- 70% of government litigation is frivolous and can be curtailed to lessen the court's workload

Challenges in Government Litigation Management

- **Narrow interpretation of statutory provision**: It often serves as the primary catalyst for escalating grievances into litigation.
- **Concentration of Litigation**: **E.g.,** Central government is a party in nearly 700,000 cases pending across courts.
- **Capacity Constraints**: Ministries capacity to manage litigation is limited due to resource constraints. **E.g.,** Most Ministries don't have Legal Cell.
- **Non-fulfilment of procedural requirement: E.g.,** Improper or incomplete submission of forms, affidavits, etc.

Directives to Manage Litigation

- **Strengthening Capacity: Dedicated Legal Cell**, Appointing a **Nodal Officer** with legal expertise.
  - **Also,** Litigation specific courses be made available on **i-GOT Karmayogi platform.**
- **Grievance Redressal Mechanism:** Ministries should **review grievance redressal quarterly** and analyze trends through compiled data.
  - **E.g.,** Department of Posts holds **"Staff Adalats" biannually** at Circle level.
- **Establishment of Government Arbitration Portal:** On the lines of **National judicial Data Grid** to collate data, etc.

Conclusion

Introduce effective measures to simplify legal processes, address inconsistencies in notifications and orders, minimize unwarranted appeals, streamline inter-departmental coordination in litigation, and establish a strong Knowledge Management System (KMS) to improve overall efficiency.

4.9. ROLE OF AI IN JUDICIARY AND LAW ENFORCEMENT

Why in the News?

AI-powered technologies such as **Machine Learning (ML), Natural Language Processing (NLP), Optical Character Recognition (OCR), Predictive Analytics** etc. are being leveraged to integrate AI into **judicial processes,** legal research, **and law enforcement.**

Role of Artificial Intelligence in Judiciary and Law Enforcement

Judiciary Modernization	• Enhances efficiency and digital transformation in judicial functions. • AI in **Phase III of e-Courts** for automated case management, legal research, forecasting delays/adjournments, predictive case analysis. ○ E.g., **SUPACE (Supreme Court Portal for Assistance in Courts Efficiency) portal** helps analyse large amounts of data pertaining to case filings.
Legal Translation & Accessibility	• Over 31,000 Supreme Court judgments translated into 16 languages using AI based software like **SUVAS (Supreme Court Vidhik Anuvaad Software).** • **e-SCR portal** provides access to AI-translated judgments.
Law Enforcement & Crime Prevention	• **AI in predictive policing**: analyzing crime patterns, high-risk areas, criminal behaviour. • **AI-powered surveillance**: automated drones for crime scene monitoring, facial recognition linked with criminal databases. ○ E.g., **NCRB's NAFRS** (National Automated Facial Recognition System) and **ABHED** (Artificial Intelligence Based Human Efface Detection) application, being used by Rajasthan and Punjab police. • **AI-based forensic analysis** for examining digital evidence and crime traits. • Innovative tools like **voice-recognition FIR filing** and **AR-based crime scene reconstruction.** • **Integration of AI with national systems** like CCTNS, e-Prisons, and e-Forensics for improved crime tracking and coordination.

Challenges and Impacts of Adopting AI in Judiciary and Law Enforcement

- **Data Quality and Algorithmic Bias**: Poor, siloed, or biased data leads to unreliable, unfair AI outcomes, eroding trust. **E.g.,** AI biases against darker skin persons and women in the western countries.
  - Also**, digital exclusion of marginalized and poor** in remote areas due to digital divide (infrastructure and literacy) can lead to systemic biases against them.
- **Transparency**: Opaque AI models (Black Boxes having algorithm with no clear reasoning) fail legal scrutiny and public trust in judicial and policing decisions.
- **Ethical, Legal, Privacy Issues**: Accountability gaps, privacy risks, and unclear laws cause violations and delays.
- **Capacity and Resistance**: Limited expertise, funding, and fear of job loss or distrust leads to slow adoption.

Conclusion

While the adoption of AI presents challenges, particularly in **data security, ethical governance, and legal adaptation**, its potential to **strengthen India's justice system** is unparalleled. The future of AI in law and justice will be shaped by **AI-powered legal research, Blockchain-secured case records, judicial transparency through AI analytics,** and enhanced cybersecurity in law enforcement.

4.10 KEY WORDS

Key Words				
Colonial Legacy	Low Conviction Rates	Deterrence	Retribution	Reparation
Forensic probe	Tech integration	Habitual offenders	In-House Mechanism	Justice Delayed
Judicial Restraint	complete justice	Overlapping Jurisdiction	Fragmented Administrative Control	Capacity Constraints
Narrow interpretation	Capacity Constraints	Ethical governance	Regulatory framework	Judicial Oversight

4.11 PRACTICE QUESTION

Answer Canvas

Critically examine the need for prison reforms in India. Discuss recent legislative and policy initiatives aimed at making prisons more inclusive, humane, and rehabilitative.

Introduction	Body Part: 1	Body part: 2	Conclusion
Recent context:	Need for Prison Reforms	Recent Legislative & Policy Initiatives	

5. ELECTIONS IN INDIA

5.1. ELECTORAL REFORMS AT A GLANCE

Electoral Reforms

Election is the process of **voting to choose an individual at regular intervals** for holding public office through free will of the people in a representative democracy.

Role of Elections in a Democracy

Ensure Accountability	Enable Participation	Promote National Unity	Act as Corrective Mechanism	Foster Integration	Encourage Democratic Ownership
Create responsible and answerable governments	Involve political parties and citizens in governance	Foster collective identity and patriotism	Keep ruling parties in check; reflect public will	Link diverse citizens, strengthening political cohesion	Enable expression of support or dissent, deepening democratic culture

Issues associated with election process in India

Financing of elections	Misuse of Government Machinery	Criminalisation of Politics and Politicization of Criminals	Dummy Candidates in Political Parties	Influence of Social-Media

Reforms for the betterment of electoral process

Transparency	Voter Participation	Technology Use	Level Playing Field
Mandatory disclosure of candidates' income sources	Lowering voting age; Postal ballot provisions; Election Laws (Amendment) Bill, 2021 – enables linking voter ID with Aadhaar.	Electronic Voting Machines (EVMs); NOTA	Model Code of Conduct (MCC); Spending limits on campaigns; Exit poll restrictions

5.1.1. INTERNAL DEMOCRACY IN POLITICAL PARTIES

Why in the News?

Discussions are ongoing about the role of Election Commission of India (ECI) in enforcing democratic functioning of political parties in India.

What is Internal Party Democracy?

- **Internal party democracy** is conceived as the **internal arrangement, structure, and coordination of political parties** in consonance with **democratic principles** with direct bearing on **how candidates are selected, leaders emerge, policies are made and funding is provided.**

Need for Internal Party Democracy

- **Decentralization:** It **limits the centralized discretionary control** exercised by top-level party leaders and opens decision-making processes to **input from wider circles of party stakeholders at various levels.**
- **Prevent criminalization:** Addresses the systemic issue of candidate selection based on "winnability", often driven by money and muscle power.
  - **46% of the** newly elected **Lok Sabha members** have **criminal cases** against them **(ADR)**
- **Representation:** Ensures equal political opportunity for all citizens.

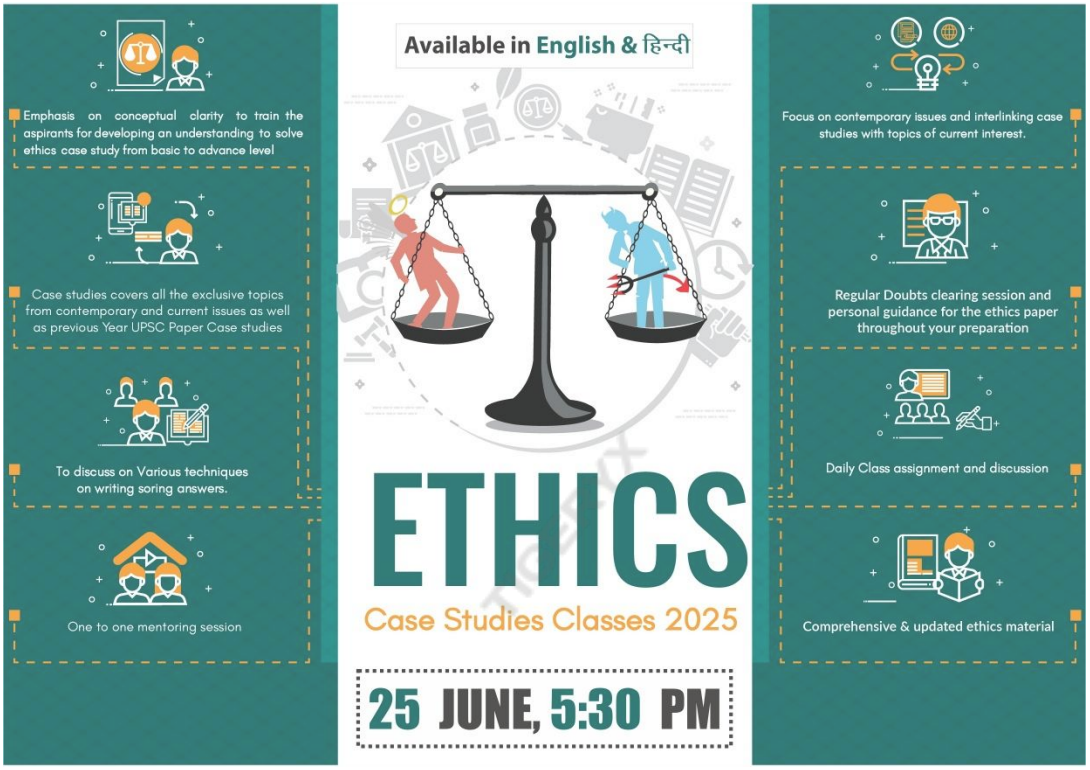
- **Youth participation:** It **opens up opportunities** for new talent and reduces **the influence** of established leaders.
- **Reduce corruption:** Administrative Reforms Commission (ARC)'s 2008 Ethics and Governance report noted that corruption is caused by over-centralisation.
- **Transparency and Free flow of information: John Stuart Mill's "On Liberty" (1859)** argues for the "absolute" protection of the "liberty of thought and discussion.

Reasons for Lack of Internal-Party Democracy

- **No statutory backing:** The only governing provision is under **Section 29A of the Representation of the Peoples' Act (RPA), 1951** which provides for registration of political parties with the ECI.
  - Also, **ECI's Guidelines and Application Format** for the Registration of Political Parties under Section 29A only prescribe **provisions for internal accountability and not candidate selection.**
- **Lack of penal provisions:** As per the judgment under **Supreme Court in Indian National Congress (I) v Institute of Social Welfare**, the ECI currently lacks the power to deregister a party.
- **Structural Challenges:** Prevalence of dynastic politics; Centralized power structures; Anti-Defection Law (52nd Amendment to the Constitution) of 1985 mandating strict party line adherence, etc.
- **Other issues**: Lack of political will, Weak Organizational Framework, etc.

Way Forward

- **Transparency:** Several government-constituted committees related to electoral reforms like **the Tarkunde Committee (1975), Dinesh Goswami Committee (1990),** and **Indrajit Gupta Committee (1998)** strongly **argued for more transparent working of the political parties** in the country.
- **Recommendations of Law Commission (255th Report) on "Electoral Reforms":**
  - **New Chapter IVC in RPA, 1951**: To deal with internal democracy, party Constitutions, party organisation, internal elections, candidate selection, voting procedures, and the **ECI's power to de-register a party in certain cases of non-compliance.**
- **National Commission to Review the Working of the Constitution (NCRWC):**
  - **Comprehensive legislation** [**as the Political Parties (Registration and Regulation) Act**], regulating the registration and functioning of political parties or alliances of parties in India.



5.1.2. CRIMINALISATION OF POLITICS AT A GLANCE

Criminalisation of Politics

2nd ARC report in its 'Ethics in Governance' section stated it as participation of criminals in electoral process.

Criminalization of Politics – Causes

Winnability Factor	Delay in Convictions	Legal Gaps	Weak EC Powers
Candidates with criminal records have **15.4% chance** as against just 4.4% for a candidate with a clean background (ADR)	Over 5,000 cases pending against politicians (SC, 2023)	RPA 1951 disqualifies only convicted, not accused candidates	EC can register but not de-register political parties

Impact

Corruption & Trust Deficit (India ranks 96th on Corruption Index, 2024)	Criminals dominate parties, **weakening inner-party democracy**	Political-criminal nexus weakens investigation/prosecution (e.g., SC called CBI a "caged parrot")	**Low Conviction Rate** as 5,097 pending cases against lawmakers (SC amicus, 2022)	Focus on maximizing financial and muscle power impacts the cause of **social welfare**, promotes **culture of violence and social disharmony**

Measures Taken

RPA 1951: Sec 8(3) disqualifies lawmakers sentenced to 2+ years (Art. 102 & 191).	**ECI Web Portal**: For online submission of political party finances

Key SC Judgments

ADR Case (2002): Voters have a right to know candidate background	**PUCL Case (2004)**: Struck down Sec 33B RPA act 1951, upholding full disclosure	**Lily Thomas Case (2013)**: Held that membership of convicted parliamentarian no longer protected under Sec 8(4) of RPA act, 1951.

5.2. FREEBIES

Why in the News?

Recently, the Supreme Court asked if freebies promote a parasitic lifestyle among the poor and reduce their drive to seek work.

What are Freebies?

RBI's Definition: "Public welfare measures provided free of charge."

- Given in the form of election promises by political parties.
- Many experts believe that in the recent times, **welfarism and freebies have become synonyms**.

Welfarism vs. Freebies

Welfarism: Constitutionally rooted sustained efforts like PDS, MGNREGA, etc. **to build human capital**.

Freebies: Short-term handouts (e.g., free power) lack sustainability, distort markets, discourage work, etc.

Multiple Approaches to Welfarism

Charity Approach	Needs Approach	Rights-Based Approach
Focus: Input, not outcome	Focus: Input & outcome for needs	Focus: Process & outcome for rights

Rich's moral duty to poor	Needs as valid claims	Rights as legal & moral claims
Individuals as victims	Individuals as development objects	Individuals & groups empowered to claim rights
Targets problem manifestation	Targets immediate causes	Targets structural causes & manifestations

Constitutional and Legal Perspectives

- **Directive Principles of State Policy (DPSP): Articles 38, 39, 41** highlight the **state's role** in promoting welfare, ensuring livelihood for all, preventing wealth concentration, etc.
- **Election Commission**: Urges transparency in electoral promises, asking parties to reveal funding for freebies.

Judicial Pronouncements related to Freebies

- **Subramaniyam Balaji Case (2013):** Court upheld state distribution of items like TVs and laptops as aligned with DPSP.
- **Ashwini Kumar Upadhyay v Union of India (pending):** Court is reviewing challenges to freebies in election campaigns.

Impacts of Freebies

Positive (Welfarism)	Negative (Freebies)
Basic Needs: food, health, housing, etc.	**Financial Burden**: Strains budgets, cuts infrastructure spending.
Gender Parity: Boosts enrolment (e.g., meals, bicycles).	**Creates dependency**, lowers productivity.
Inclusivity: Removes financial barriers for growth.	**Harms sustainability**, burdens future generations.
Political Participation: Engages voters, enhances democracy.	Used as populist **vote-buying tactic**.
Tackles **under-employment**, inter-generational mobility issues.	Weakens **manufacturing competitiveness**.

Steps to be taken

- **Policy Reforms**: Fiscal prudence, prevent leakages, expand insurance coverage & build consensus.
- **Role of Election Commission**: Regulate manifestos for transparency and accountability.
- **Skill Development**: Empower individuals to reduce freebie dependency.
- **Intervention**: Form expert committees (comprising NITI Aayog, RBI and Finance Commission) to assess impact.
- **Global Lessons**:
  - **Sri Lanka's 2019 tax cuts** caused revenue loss and collapse.
  - **Venezuela's populist freebies** led to economic crisis.

Conclusion

In alignment with the **Amartya Sen's "Capability Approach**," governments must reprioritize long-term empowerment **enhancing human capabilities and freedoms** over short-term freebies. It can help in avoiding the race to the bottom and prevent fiscal disaster, as warned by NK Singh. (Chairman, 15th Finance Commission).

5.3. ELECTION COMMISSION OF INDIA (ECI)

Why in the News?

ECI, established on **25th January 1950,** celebrated 75 years of its establishment.

About ECI

- **About**: It is a permanent Constitutional Body.
  - **Article 324** has vested the power of superintendence, direction and control of elections to **Parliament, State Legislatures**, offices of **President** and **Vice-President** with the ECI.
- **Composition**: One Chief Election Commissioner (CEC) & such number of other Election Commissioners (ECs), as the President may fix (currently, o**ne CEC** and **two ECs).**
- **Appointment: President** appoints CEC and ECs.
  - Recently, a new CEC has been appointed for the **first time under the Chief Election Commissioner and Other Election Commissioner Act, 2023, which provides more autonomy to the ECI in form of**
    - **Same status, salary, and perks for CEC and ECs as** the Judges of the **Supreme Court (SC).**
    - **Immunity** from **civil/criminal proceedings** for official duties.
    - **Fixed tenure** for CEC & ECs.

Key Achievements of ECI

- **Successful Elections:** It has a track record of conducting **18 Lok Sabha** and over **400 State Legislative Assembly Elections** successfully.
  - It conducts **elections** for **Lok Sabha & Rajya Sabha**, **State Legislative Assemblies**, **President & Vice President.**
- **Elector Registration:** Achieved a milestone of **100 crore registered electors** celebrating Indian democracy.
- **Improved Gender Ratio:** The gender ratio of registered voters improved to **948 women per 1,000 men (2024) from 928 (2019).**
- **Check on criminalization of politics**: Introduction of requirement to publish details of candidates with pending criminal cases.
- **Various Initiatives:** Like **Systematic Voters' Education & Electoral Participation (SVEEP)** for voter education, **SAKSHAM app** to facilitate voting by Persons with Disabilities (PwDs).

Issues Faced by ECI

- **Questionable Autonomy**
  - **Selection Process**: The search and selection committee have a **majority of government representatives**, raising concerns about independence.
  - **Removal of ECs**: Unlike the **CEC**, the ECs can be removed based on the CEC's recommendation.
- **Limited Powers**: ECI **cannot de-register** political parties, even for serious violations.
- **Lack of Independent Staff:** ECI **relies on government employees** instead of having its own dedicated workforce, affecting its autonomy.

Way forward

- **Balanced composition of Selection Committee:** Goswami Committee on Electoral Reforms (1990) and 255th Law Commission Report had recommended that,
  - Select committee for choosing CEC and ECs, should consist of Prime Minister, Leader of Opposition of Lok Sabha and CJI.
- **Post retirement:** Goswami Committee (1990) had recommended that CEC and ECs should not be eligible for any further office under government, including office of Governor.
- **Administrative Independence:** Goswami Committee and ECI have recommended an independent secretariat for functioning of the ECI.
- **Equal constitutional protection to all members of the ECI:** As per 255th Law Commission Report, Article 324(5) should be amended to equate the removal procedures of ECs with that of CEC.

Conclusion

Empowering the ECI with administrative autonomy, constitutional protections, and a transparent appointment process would ensure greater trust and enhanced participation of citizens in India's electoral democracy.

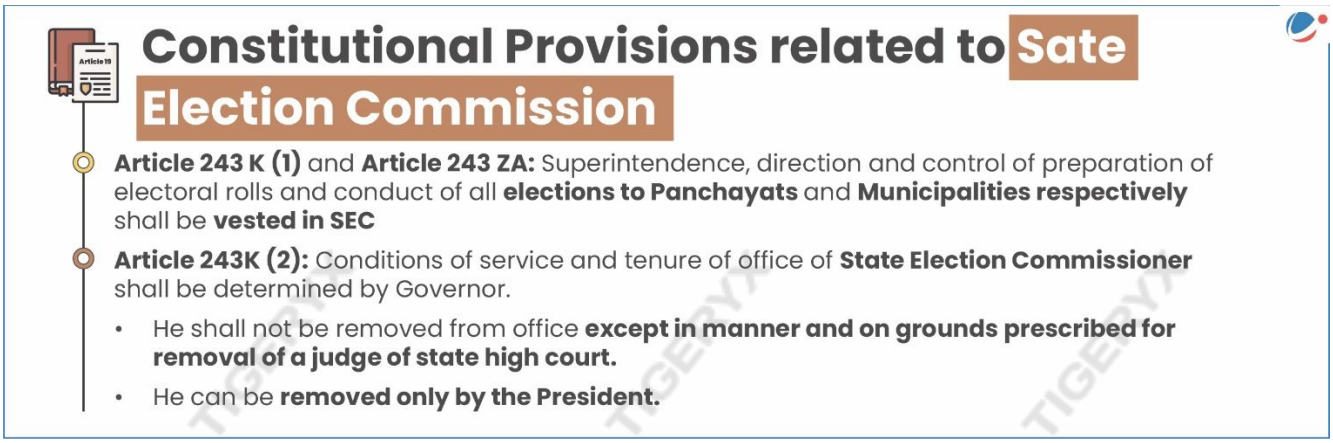
5.3.1. STATE ELECTION COMMISSION (SEC)

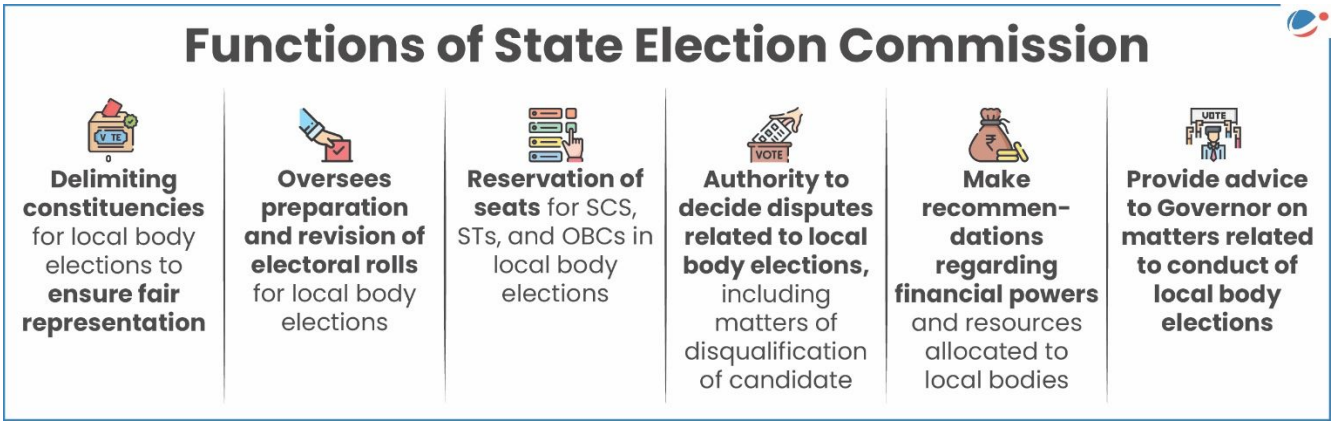
Why in the news?

Recently, CAG in its Karnataka report, observed that **disempowerment of SECs delays elections to local governments**.

About State Election Commission (SECs)

- It is an **autonomous constitutional authority** responsible for **administering elections to Local Self Government**, which includes Panchayati Raj Institutions (PRIs) and Urban Local Bodies.
- **73rd and 74th Amendment Act, 1992** provides for constitution of SEC.
  - It was also recommended by **Gadgil Committee**.





Issues associated with State Election Commission

- **Delayed Elections**: State governments' failure to publish reservation rosters (e.g., Karnataka PRIs elections delayed by 3.5 years).
- **Appointment Process**: Appointing **government employees compromises independence**, increasing susceptibility to political influence.
- **Lack of Trained Manpower**: Hinders smooth local-level elections.
- **Voter Apathy**: Low voter turnout in urban local body elections (e.g., 45-48% in Bengaluru, Chennai, Mumbai).
- **Governance Challenges**: **Unclear legal frameworks** lead to disputes with state governments.

- **Janaagraha's Annual Survey of India's City Systems (ASICS), 2023** shows that only 11 out of 34 States and Union Territories have empowered SECs to conduct ward delimitation.

Way Forward

- **Supreme Court Observation (2006):** SECs must be empowered like the ECI, with states providing necessary funds, staff, and support.
- **2nd ARC Recommendations:**
  - **Appoint** State Election Commissioners via a **collegium** (Chief Minister, Speaker, Leader of Opposition).
  - Create an **institutional mechanism** for ECI-SECs coordination, resource sharing, and mutual learning.
- **Timely Delimitation**: Mandate ward and reservation reviews every 10 years to avoid delays and arbitrariness.
- **Expand SEC Powers**: Empower SECs to oversee reservations and mayoral elections to prevent malpractices (e.g., 2024 Chandigarh case).
- **Public Awareness Campaigns**: Launch SVEEP-like drives to raise turnout, voter literacy, and curb electoral misconduct.

Conclusion

Granting State Election Commissions parity with the ECI in terms of independence and authority will go a long way in fulfilling the true **spirit of the 73rd and 74th Constitutional Amendments** and strengthening grassroots democracy.

5.4. DELIMITATION COMMISSION

Why in the News?

To assuage the southern states on the controversy of delimitation, the Union Home Minister assured that the **southern states would get their rightful share of any increase in seats**, and not a single Lok Sabha seat is going to be reduced on a pro rata basis.

About Delimitation

- Act of **redrawing boundaries of Lok Sabha and Assembly seats to represent changes in population**.
- Responsibility of **delimitation is assigned to a high power body** known as **Delimitation Commission (Boundary Commission**).
- In India, such Delimitation Commissions have been constituted 4 times – in **1952, 1963, 1973 and 2002**.
- In 2002, **84th Constitutional Amendment** was used to **freeze the process of delimitation for Lok Sabha and State assemblies till at least 2026.** As a result, Delimitation Commission could not increase the total seats in Lok Sabha or Assemblies. It may be done only after 2026.

About Delimitation Commission

- **Provides equal representation for equal population segments**, and **fair division of geographical areas,** so that no political party has an advantage.
- **Appointed by President of India** and works in collaboration with ECI. Commission has **three ex-officio members**:
  - a serving or retired judge of Supreme Court as chairperson,

- Chief Election Commissioner (CEC) or Election Commissioner nominated by CEC and
- State Election Commissioner of concerned state.

- Its **orders have the force of law and cannot be called in question before any court.**
  - However, recently, SC in **Kishorchandra Chhanganlal Rathod Case** held that **constitutional courts have the power to review orders of the Delimitation Commission** if an order is manifestly arbitrary and irreconcilable to constitutional values.

Issues arising out of unequal representation

- **North-South Debate:**
  - **Population control penalty:** Population-based delimitation may reduce southern states' **political representation in parliament**, unfairly penalizing them for successful population control and governance.
  - **Federalism and regional autonomy:** Significant shift in representation could **weaken federalism as** national policies might be tailored to suit **northern states' priorities.**
- **Dilute "One Citizen One Vote' principle:** For example, in UP an MP on average represents around 2.53 million people, whereas in Tamilnadu, an MP represents on average around 1.84 million people, a quantitative dilution.

Conclusion

Delimitation should be **carried out after every census so that changes are not too extensive** and value of every elector's vote remains more or less steady. There is a n**eed of consensus** on how to deal with the problems that are likely to arise.

5.5. AI IN ELECTION CAMPAIGN

Why in the News?

Election Commission of India (ECI) issued advisory regarding use of Artificial Intelligence (AI) content by political parties.

Advisories include:

- **Labeling AI/Synthetically Generated Content:** Clearly label any image, video, audio or other materials generated or significantly altered by AI technologies
- **Disclosure in Campaign Materials**: by Including disclaimers wherever synthetic content is utilized
- Additionally, in another development **Delhi police** has appointed a **nodal officer to monitor social media for potential misuse of AI** in Delhi's assembly election.

Impact of AI in Elections		
Aspect	**Positive Impact**	**Negative Consequence**
Voter Engagement	Chatbots personalize outreach	Deepfakes mislead voters
Electoral Security	Detects fraud, strengthens cybersecurity	Risk of cyberattacks, tech failures
Data & Predictions	Helps strategy, resource allocation	Algorithms may manipulate behaviour
Microtargeting	Accurate, efficient messaging	Bias in data can marginalize groups
Tech Dependency	Enhances campaign efficiency	Over-reliance threatens transparency and privacy

Steps to be Taken

- Assess and research the impact of AI in social media on freedom of speech and elections.
- **Independently verify claims made by platforms** under their accountability and transparency obligations.
- **Create regulated algorithmic filters** to detect harmful content and ensure accountability.
- **Establish global AI standards** to safeguard democracy.

Conclusion

To preserve free and fair elections in the digital age, electoral laws must evolve alongside technology. A proactive legal framework will ensure accountability of political actors using AI tools.

5.6 KEY WORDS

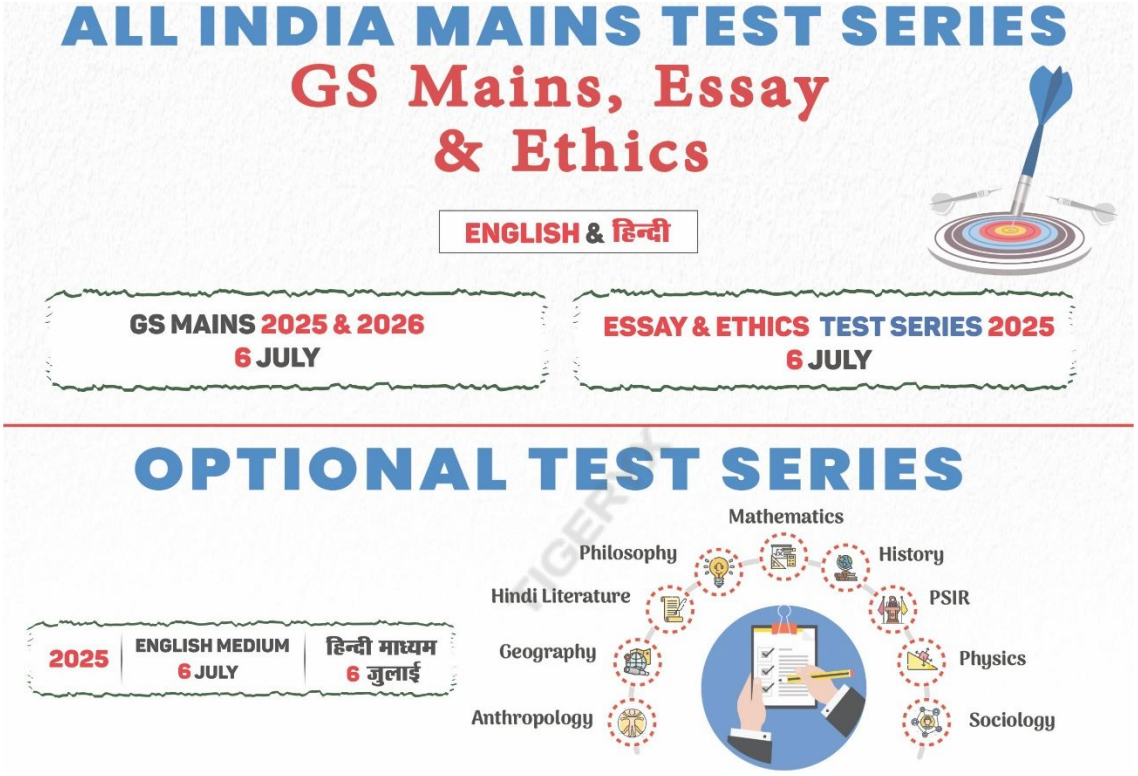
Key Words				
Inner Party Democracy	Trust Deficit	Welfarism and freebies	Rights-Based Approach	Need Approach
Political Participation	Elector Registration	Questionable Autonomy	Voter Apathy	Timely Delimitation
Electoral Security	Voter Engagement			

5.7 PRACTICE QUESTION

Answer Canvas

Freebies are often defended as tools of welfare but criticised as fiscal populism. Discuss with suitable examples how India can balance welfare obligations and fiscal prudence.

Introduction	Body Part: 1	Body part: 2	Conclusion
Whether freebies encourage a parasitic lifestyle	Freebies as welfare: arguments in favour	Criticism as fiscal populism & ways to balance	Balance between empowerment & populism



6. GOVERNANCE

6.1. ADMINISTRATIVE REFORMS AT A GLANCE

Administrative Reforms

Administrative reforms aimed at improving the structure and functioning of government to ensure efficient implementation of public policies.	Post-independence reforms were essential to shift from colonial governance to democracy. Key efforts: Gorwala **Report, 1st & 2nd Administrative Reforms Commission (ARC), Hota Committee, etc.**

Major Reforms in India

Structural Reforms	HR Reforms	Citizen-Centric Initiatives	Tech-enabled Governance	Performance Monitoring
DARPG, ARCs, CVC, etc	Mission Karmayogi, Public Examinations Act, 2024, etc	CPGRAMS, RTI Act, Citizen Charters, Sevottam Model	e-Kranti, e-Office, e-SamikSha, etc.	Good Governance Index (GGI), National e-Governance Service Delivery Assessment

Roadblocks in Implementing Administrative Reforms in India

Centralized, hierarchical structures	Bureaucratic inertia and corruption	Low capacity building & inadequate training	Poor inter-departmental coordination	Pressure from rapid socio-economic changes (urbanization, technology)

Way Forward

Executive Synergy between ministers and civil servants	**Stakeholder Engagement** for citizen-centric reforms (PC Hota committee recommended to identify citizen interfaces).	**Revamp Public Policy Education**	**Domain-based Cadres** for specialization	**Central Civil Services Authority** for performance reviews (2nd ARC).	**Adopt Emerging Tech:** Blockchain, AI, etc.

6.1.1. MISSION KARMAYOGI

Why in the news?

Recently, Capacity Building Commission (CBC), launched in 2021, as part of National Programme for Civil Services Capacity Building (NPCSCB) - Mission Karmayogi has completed three years.

About NPCSCB - Mission Karmayogi

- Aims to build a **professional, future-ready civil service** with a shared understanding of India's developmental goals, national programs, and priorities.
- **Covers all civil** servants, including contractual employees, across Union Government ministries, departments, and agencies.
- Willing state governments can align their capacity-building plans similarly.
- CBC was launched to **build credibility and shape a uniform approach to capacity building on a collaborative and co-sharing basis.**
- **Guiding Principles of Mission Karmayogi**
  - Shift from **rule-based to role-based**, demand-driven capacity building.
  - Adopt a **competency-driven approach**, combining attitudes, skills, and knowledge (ASK).
  - **Follow the 70-20-10 learning model**: 70% on-the-job, 20% from collaboration, and 10% from formal training.

- **Align learning** with organizational and individual career goals.
- Establish unbiased, objective **performance evaluation systems**.
- Promote continuous, lifelong learning and **break down governmental silos**.

- **iGOT Karmayogi Platform**
  - **Comprehensive online portal** guiding officials in capacity building.
  - **Monitors performance of users** (learners, supervisors, content providers) via key performance indicators.
  - Recently**, Amrit gyan kosh Portal,** a comprehensive repository which **curates' best practices** from across India, **aligning with 15 of the 17 Sustainable Development Goals (SDGs),** was launched on iGOT Platform**.**

Significance of Mission Karmayogi

- **Professional Growth**: Enhances civil servants' behavioral, functional, and domain competencies.
- **Uniform Training**: Standardizes training nationwide through collaboration.
- **Cost Reduction**: Prioritizes online courses, reduces foreign training expenses.
- **Inspiring Ethics**: Promotes ethical conduct among aspiring civil servants.
- **Economic Growt**h: Supports policies for ease of doing business.
- **Citizen-Centric**: Shifts to role-based governance, fostering teamwork and better service delivery.

Other Initiatives for Civil Servants

- **National Standards for Civil Service Training Institutions (NSCSTI)**: Sets baselines for Central Training Institutes to improve training quality.
- **Aarambh**: Common foundation course for civil servants, launched in 2019.
- **National Training Policy**: Adopted in 1996, reviewed in 2012, to develop responsive civil servants.

Concerns with Mission Karmayogi

- **Scalability**: Training 1.5 crore officials across levels is challenging.
- **Over-Centralization**: Centralized framework may face state resistance.
- **Bureaucratic Resistance**: Status-quoist bureaucracy may oppose reforms.
- **Relevance**: Tailoring training to diverse regional needs (e.g., Himalayan vs. desert areas) is difficult.

Conclusion

Mission Karmayogi seeks to **democratize training, reduce complexity, and break silos** in civil services. Evolving programs and state cooperation can enhance service delivery and empower civil servants.

6.1.2. GRIEVANCE REDRESSAL MECHANISM

Why in the news?

Recently, Ministry of Personnel, Public Grievances & Pensions (MoPPG&P) issued comprehensive Guidelines for Handling Public Grievances for making grievance redressal time-bound, accessible and meaningful.

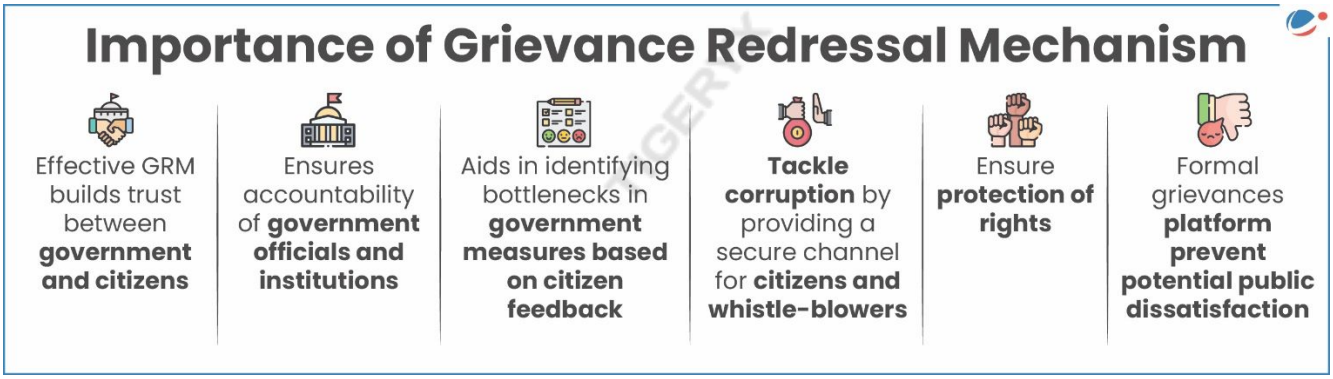
Key highlights of Comprehensive Guidelines for Handling Public Grievances

- **Integrated CPGRAMS platform offers single-window grievance** filing, ensuring faster, non-duplicative resolution.
- **Nodal Officers appointed** in all Ministries for prompt redressal.
- **Dedicated Grievance Cells** established with trained staff.
- **Timelines** for effective grievance redressal have been **reduced to 21 days** from existing 30 days

About Grievance Redressal Mechanism (GRM)

- **Purpose**: Measures organizational effectiveness through citizen feedback on service delivery failures or rights violations.

- **Nodal Agencies**:
  - Department of Administrative Reforms and Public Grievances (DARPG) under MoPPG&P.
  - Directorate of Public Grievances, Cabinet Secretariat.
- **CPGRAMS**:
  - Online 24x7 platform for lodging grievances with public authorities.
  - Connected to all Ministries/Departments/States, with role-based officer access.
  - Redressed ~60 lakh grievances (2022-2024), mapped 1.01 lakh officers.



Other Initiatives for Grievance Redressal

- **Constitutional/Statutory Bodies**: CVC, Lokayuktas, NHRC, SHRC address corruption, abuse, or human rights violations.
- **Grievance Redressal Assessment Index (GRAI)**: Designed by DARPG to compare and improve GRM performance.
- **PRAGATI**: Multi-modal platform for addressing grievances and monitoring government projects.
- **E-Nivaran**: CBDT initiative for fast-tracking taxpayer grievance resolution.
- **Citizen Charter**: Addresses issues faced by citizens in public service interactions.

Issues with GRM

- **Delays**: Many complaints on CPGRAMS remain unresolved beyond the 45-day norm (which is now reduced to 30 days).
- **Corruption**: in some instances, some officials delay or manipulate outcomes in exchange for bribes.
- **Lack of Integration**: Multiplicity of grievance redressal platforms across different sectors (e.g., public distribution systems, consumer rights), across state.
- **Digital Divide**: Rural citizens lack internet access or digital literacy for online platforms.

Way Ahead

- **2nd ARC Recommendations**:
  - Establish independent state-level grievance redressal authorities.
  - Analyze complaints to address underlying causes.
- **Parliamentary Standing Committee (25th Report):**
  - Ensure accessible, simple, and effective grievance systems.
  - Enact statutory GRM like RTI Act, 2005, mandating final disposal.
- **Decentralized Redressal**: Empower local offices for faster resolutions.
- **Simplify Processes**: Minimize paperwork, enhance accessibility (e.g., operationalize Information & Facilitation Counters).
- **Monitoring & Feedback**: Use audits, KPIs (response times, resolution rates, satisfaction) to evaluate performance.
- **Technology Integration**: Employ AI for grievance categorization/prioritization and data analytics for trend analysis and resource allocation.

Conclusion

Strengthening GRM through integration, decentralization, and technology will enhance accessibility and efficiency, ensuring citizen-centric governance.

6.1.3. LATERAL ENTRY IN CIVIL SERVICES

Why in the News?

A recent UPSC advertisement for recruitment to **45 lateral entry posts of Secretary and Joint Secretary** at the Centre was withdrawn.

More on the News

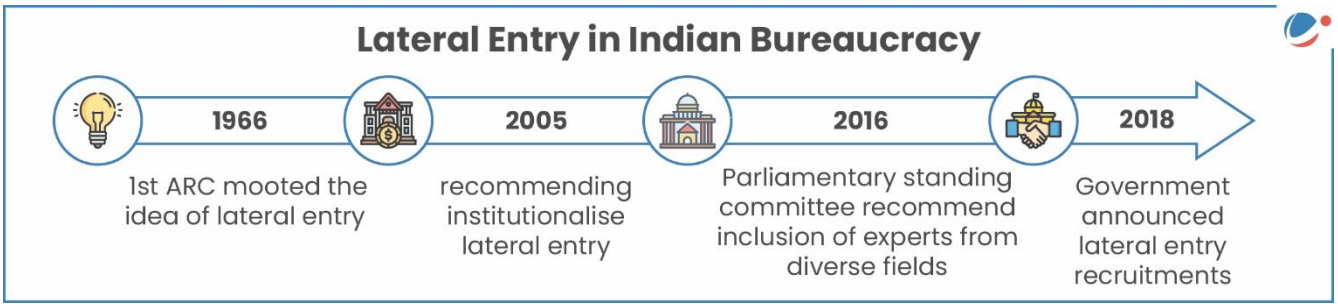
- The lateral entry advertisement was withdrawn due to **criticism for lacking SC, ST, and OBC quotas**.
- According to a letter by DoPT to the UPSC (in November 2018)
  - **Lateral entry resembles deputation**, where SC/ST/OBC reservations are **not mandatory**.
  - **Eligible SC/ST/OBC candidates** should be considered and prioritized for holistic representation.

How have lateral entries been kept out of the ambit of reservation?

- Reservations follow the "**13-point roster**," with **no quotas for up to three vacancies**.
- UPSC advertised 45 lateral entry posts **separately per department**, each is **treated as a single-post vacancy**, exempt from reservations
- **Supreme Court (Akhilesh Kumar Singh vs Ram Dawan, 2015):** Reservations for single posts **violate Articles 16(1) and 16(4)** as it takes reservation to 100%.

About Lateral Entry

- Recruitment of external candidates for **mid/senior-level government posts**, bypassing traditional UPSC exams.
- Unlike advisory roles (e.g., Chief Economic Advisor), it involves **contractual employment for 3–5 years**, extendable based on performance.
- Practiced in countries like **Australia, USA, and UK** alongside direct entry.



Advantages of Lateral Entry	Issues with Lateral Entry
• **Addresses Shortages**: Only 442 IAS officers work at the Centre against a required 1,469 (2023-24 DoPT report). ○ **Baswan Committee (2016) supported** lateral entry. • **Enhances Efficiency**: Introduces competition to career bureaucracy (NITI Aayog). • **Domain Expertise**: Brings specialists in economics, finance, AI, and technology for fresh perspectives. • **Meets Departmental Needs**: Supports ministries like civil aviation and environment requiring private sector collaboration.	• **Short-Term Focus** (3–5-years) • **Social Justice Conflict** • **Conflict of Interest** (Private sector appointees may prioritize profit over welfarism. • **Accountability Challenges** • **Lack of Grassroots Experience** • **Political Interference** (nepotism and favoritism)

Way Forward

- **Public Administration University**: Train aspiring and serving bureaucrats for domain expertise and managerial skills.
- **Private Sector Deputation**: Allow IAS/IPS officers to gain private sector experience for expertise and competition.
- **Goal Setting and Tracking**: Ministries should set outcome-based goals with timelines, leveraging Mission Karmayogi for mid-career training.
- **Career Management**: Enable civil servants to gain cross-sector knowledge initially, followed by specialization, with study breaks for further expertise.
- **Two-Tier Entry System**: Introduce IAS entry at 25–30 years (standard) and 37–42 years (lateral), as suggested by **D. Subbarao** (former RBI Governor).

6.2. CITIZEN PARTICIPATION IN GOOD GOVERNANCE

Why in the news?

Recently, MyGov platform completed 10 years.

About MyGov Platform

- Launched by the Prime Minister, MyGov is a **citizen engagement platform** collaborating with government bodies **to involve citizens in policy formulation** and gather opinions on public interest issues.
- **Major Campaigns:**
  - **LiFE Campaign**: Promotes individual and community actions to address environmental degradation and climate change.
  - **Stay Safe Online**: Launched by MeitY during India's G20 presidency to educate citizens, including specially-abled individuals, on cyber safety and hygiene.
  - **Swachh Bharat Survekshan**: Encourages public participation through interactive activities and social media for a cleaner India.
  - **Millet-SuperFood**: Highlights millets' nutritional benefits and role in preventing lifestyle diseases.

What is Good Governance?

- **Good governance** can be referred to as an effective and efficient process of decision making and the process by which decisions are implemented keeping the amelioration of citizens as the topmost priority.
- The **United Nations** outlines **eight traits of good governance**

How Citizen Participation Helps in Good Governance?

- **Accountability:** Tools like RTI and feedback ensure officials are answerable, enhancing transparency.
- **Service Delivery**: Citizen input refines services, e.g., inputs received through MyGov were used to improve the Swachh Bharat Mission, such as better placement of public toilets.

- **Inclusivity:** Engages marginalized voices, e.g., MGNREGA audits empower the poor.
- **Trust:** Participation builds trust, e.g., Gram Sabhas.
- **Innovation:** Citizens drive solutions, e.g., Mysuru's plastic-to-tiles idea.

Idea of Participatory Governance In India and Abroad

- **Land Acquisition Act, 2013:** Social impact assessment study in collaboration with affected families.
- **Forest Rights Act, 2006:** Gram Sabha as the statutory institution due to its participatory and democratic nature.
- **Nagoya Protocol on Access and Benefits Sharing:** Benefits arising from the use of traditional knowledge be shared with indigenous communities.

Challenges in Citizen Participation

- **Lack of Commitment**: Time and resource constraints limit sustained citizen engagement.
- **Limited Engagement**: Lack of knowledge, complex procedures, and red tape hinder participation.
- **Administrative Challenges**: Governments may lack capacity to manage large-scale feedback or events.
- **Limited Trust**: Unfulfilled promises, perceived corruption, and ignored community input reduce public trust.
- **Social Factors**: Socio-economic conditions, cultural norms, and patriarchy restrict participation, especially for women and marginalized groups.

Way Ahead

- **Accessibility**: Enhance transparency by releasing structured government data and strengthening the RTI Act.
- **Awareness**: Introduce civic education in schools and conduct workshops to educate citizens on rights and participation.
- **Digital Platforms**: Develop user-friendly e-governance platforms to facilitate access and feedback.
- **Inclusive Policy-Making**: Hold regular public consultations with diverse representation, e.g., strengthen public hearings in Environmental Impact Assessments.
- **Grievance Redressal**: Streamline mechanisms to address complaints promptly and improve feedback systems for better policy implementation.

6.2.1. GOVERNANCE AND AI

Why in the News?

Union Minister of Commerce & Industry and Civil Aviation recently said that Government will use Artificial Intelligence (AI) for good governance and proper regulations and corrective action will be taken to protect citizen's privacy and ownership of data.

Potential of AI to Transform Governance in India

- **Efficient Service Delivery**: AI automates public services, reducing government workload and improving service quality.
- **Education**: AI can personalize learning, create smart content, and automate grading and assessments.
  - For example, NCERT has listed 31 metadata elements for each resource in its NROER repository.
- **Healthcare**: AI improves delivery and accessibility, especially through telemedicine in remote areas.
  - NITI Aayog with Department of Bio- Technology (DBT) aims to build database of cancer related radiology and pathology images for effective use of AI in cancer management.
- **Agriculture**: AI offers predictive insights for weather, pest management, and resource use.
  - The National Pest Surveillance System uses AI and ML for timely crop intervention.
- **Inclusivity and Accessibility**: AI-powered DPI systems bridge linguistic and accessibility gaps.
  - For example, the Bhashini platform uses AI for regional language government services.
- **Data-Driven Policymaking**: AI analyzes large datasets for policy formulation, enhancing transparency.
  - The India Urban Data Exchange uses AI for urban service optimization.

- **Judicial Efficiency**: AI automates case management, predicts outcomes, and streamlines legal research.
  - SUVAS is an AI-based translation tool for legal proceedings.
- **Disaster Management**: AI systems like RAHAT provide early warnings and support emergency responses.

Challenges in AI Integration for Governance

- **Fragmented Data**: The National Data Governance Framework Policy has not yet been implemented.
- **Infrastructure Gaps**: 45% of India's population lacks internet access as of 2023.
- **Regulatory Frameworks:** Lack of AI-specific laws compared to the EU's AI Act.
- **Skill Gaps**: A demand-supply gap of 140,000 AI professionals.
- **Data Privacy**: Increased risk of data breaches with AI reliance on sensitive data.
- **Weak IP Regime**: India ranks 42nd in the 2024 IP Index.
- **Ethical Biases**: AI can produce discriminatory outcomes from biased training data.

Way Forward

- **Risk Management and Ethical Oversight**: Dynamic assessment with human oversight to prevent biases.
- **Data Sovereignty and Privacy**: Ensure compliance with data protection laws.
- **Bias, Fairness, and Transparency**: Implement audits and use diverse datasets.
- **Education and Skill Development**: Expand AI education in underserved areas.
- **Public-Private Collaboration**: Initiatives like IndiaAI Compute Capacity.
- **Cybersecurity and Monitoring**: Use AI for real-time threat detection.

Conclusion

AI has immense potential to revolutionize governance by enhancing service delivery, transparency, and citizen engagement. However, its deployment must be guided by ethical principles, robust data protection laws, and inclusive digital infrastructure to ensure AI remains a force for equitable and responsible public good.

6.3. E-GOVERNANCE

6.3.1. E- GOVERNANCE AT A GLANCE

E-Governance

E-governance or 'electronic governance' is using information and communication technologies (ICTs) at various levels of the government and the public sector and beyond.	**Purpose:** To make **simple, moral, accountable, responsive, and transparent (SMART) governance a reality.**

Categories

G2C (Government to Citizen)	G2G (Government to Government)	G2B (Government to Business)	G2E (Government to Employee)
DigiLocker, Aadhar etc.	Crime and Criminal Tracking Network & Systems (CCTNS), E-court, etc.	GeM (Government e-Marketplace), StartUp India Portal, etc.	Centralized Attendance Management System (CAMS), e-Vetan / e-Payroll Systems etc.

Initiative taken for e-Governance in India

'Digital India' programme (2015)	Common Services Centres	Unified Mobile Application for New-age Governance (UMANG)	DigiLocker	National Agriculture Market (e-NAM):
To transform India into a **digitally empowered society and knowledge-based economy.**	Offering **services in digital mode in rural areas** through Village Level Entrepreneurs (VLEs).	For providing government services to citizen through mobile	To facilitate **paperless availability of public documents**	Launched in **2016,** for creating online transparent **competitive bidding system to facilitate farmers.**

Challenges for e-Governance in India

Privacy and Security issues	Economic issues	Use of local languages	Low digital Literacy	Rural-urban digital divide
Security of online transactions, misuse of data, cyber frauds, data theft, phishing.	**Huge initial costs** to government.	English may not be **understandable** by most of the people in India	Only **38%** of households in India are digitally literate.	only **24% of rural Indian households** have access to the internet, compared to a 66% penetration in cities (NSSO)

Way forward

The e-governance policy framework must be insulated from the frequently changing political and bureaucratic leadership.	**The risk associated with technology** should be shared with other public agencies and citizens.	**Technology should be developed to deliver the services and information who do not own** the computers or lack internet facility.	**Awareness campaigns** should be conducted in **local language of the citizens**

6.3.2. REGULATING BIG TECH

Why in the News?

The Ministry of Corporate Affairs (MCA) has invited public feedback on the **Digital Competition Law Committee's Report**.

Background

- The Committee reviewed the **Competition Act, 2002** to address new challenges in the digital economy.
- Rising **global concerns** over Big Tech's anti-competitive practices have called for stronger regulatory measures for Big Techs like Google, Meta, Amazon, Microsoft, and X. e.g. **Meta & WhatsApp vs CCI (India, 2024–25) etc.**

Why Big Tech Needs Regulation?

- **Threat to Sovereignty: T**hreat of misusing user data by illegally collecting, transmitting it to servers outside country**.**
- **Network effect:** Big tech grows fast by using network effects i.e., the more users they have, the stronger they get, making it hard for new players to compete.
- **Revenue loss to exchequer:** India **loses around $10 billion annually** due to tax abuse by multinational companies**.**
- **Data Privacy and Cyber Security Risks:** Massive data collection opens doors to misuse, surveillance, and data breaches.
- **Ethical Concerns:** Transparency and Accountability, Public Interest vs. Corporate Profit, Digital Divide and Equity, Ethical Policy Making and Regulation, Environmental Responsibility.

Challenges in Regulating Big Tech

- **Regulatory Vacuum**: The Competition Act, 2002 works on an EX-POST model (acting AFTER anti-competitive behavior).
- **Enforcement Lag**: E.g., Digital Personal Data Protection Act (DPDPA), 2025 is yet to be enforced.
- **Non-Uniform Regulatory Mechanism:** The firms operate globally, but regulatory responses vary across jurisdictions.
- **Techno-nationalism and Protectionism:** These lead to jurisdictions favoring domestic firms.
- **Ambiguity of Law:** Whatsapp challenged Intermediary Rules, says traceability will break end-to-end encryption, breach privacy.

Key Legislations for Regulating Big Tech

India

- **Digital Personal Data Protection Act, 2023 (DPDPA):** Provide for the processing of digital personal data.
- **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) or IT Rules, 2021:** Social media platforms with large user bases in India are classified as **Significant Social Media Intermediaries (SSMIs)**.
- **Competition Act, 2002**
- **Consumer Protection Act, 2019:** Penalize companies for misleading advertisements and unfair trade practices.

Global

- **European Union:** Key **ex-ante** measures include the **General Data Protection Regulation (GDPR) 2016, and the Digital Market Act (DMA)**.
- **The UN Set: Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices**.

Way Ahead to effectively regulate Big Tech: Key recommendation of the Committee on Digital Competition Law:

- **Ex-Ante Regulation:** Enact a Digital Competition Act to proactively regulate large digital firms.
- **Systemically Significant Digital Enterprises (SSDEs):** Identify major players offering core digital services (search, social media, OS, etc.) for ex-ante regulation.
  - **Obligations of SSDEs:** SSDEs must not;
    - Favour their own or related-party products or Block third-party apps
    - Force users to adopt their other services
    - Use non-public business user data to compete
- **Enforcement of provision:** CCI should **improve its technical capacity** including within the Director General's office for early detection and disposal of cases. **Additionally, form a separate NCLAT bench** for faster appeals.
- **Penalties: For contravention impose** fine up to **10% of global turnover** of SSDEs.

Conclusion

Big Tech firms like Google, Meta, Amazon, Microsoft, and X are being accused of concentrating power—shaping what we consume, think, and speak. **Timely intervention through regulation** is essential to protect innovation, fair competition and consumer choice.

6.3.3. NET NEUTRALITY

Why in the News?

Recently, a **US Court of Appeals ruled against** the Federal Communication Commission's (US's Telecom Regulator) **attempt to enforce Net Neutrality**, taking a divergent approach from India.

What is Net Neutrality?

- **Net Neutrality** represents an idea that a maximally useful **public information network should treat all content, sites and platforms equally**.
  - There should be **no discrimination by Internet Service Providers (ISPs) in internet traffic** based on service, application, sender, or recipient.

Debate surrounding Net Neutrality

Arguments for	Arguments against
• **User rights**: Fundamental right to freedom of expression and non-discriminatory access to the internet. • **Privacy**: Without net neutrality, ISPs can examine and manipulate internet traffic, potentially compromising user privacy. • **Innovation and entrepreneurship**: Net Neutrality can ensure level-playing field for start-ups vis-à-vis deep-pocket tech-giants.	• **Loss of revenue for ISPs**: Adverse impact on investment in fibre-based infrastructure and new access technologies. • **Loss of level-playing field**: Telecom Providers have to incur higher costs and comply with other regulatory norms for similar services like Voice. • **Need of selective banning of OTT Apps**: certain OTT Apps providing communication services can be selectively banned in **disturbed areas**, to prevent disruption of critical services such as education and health.

Net Neutrality Framework in India

- In 2018, **Department of Telecommunication** (DoT) notified **Regulatory Framework on Net Neutrality.**
  - It incorporated principles of **non-discriminatory treatment** of content by Internet Access Services.
  - However, it allows **certain exceptions from non-discrimination rules** for Content Delivery Networks (CDNs), IoT and Specialized Services, etc.

6.3.4. INTERNET SHUTDOWN

Why in the News?

India saw 60 mobile internet shutdowns in 2024, the **lowest in 8 years**, per the Software Freedom Law Centre's Tracker.

Provisions related to Internet Shutdowns in India

- **CrPC, 1973: Before 2017, under Section 144 (now 163 of BNSS).**
  - Allowed Magistrates to curb gatherings/activities.
- **Telecommunications Act, 2023:** Empowers temporary suspension of internet services to maintain law and order, public safety etc. except for natural disaster or public emergency.
- **Article 19(2):** Restricts speech for security, public order, etc.

Arguments in Favor of Internet Shutdowns	Arguments Against Internet Shutdowns
• **Security**: J&K post-370 shutdowns curbed militancy. • **Communal Violence**: 2023 Manipur, Haryana internet shutdowns limited communal clashes. • **Misinformation**: 2020 Delhi riots curbed fake news. • **Law and Order**: Used during CAA and farm bill protests to maintain peace. • **Exam Integrity**: 2021 REET exam in Rajasthan saw shutdowns to prevent paper leaks.	• **Economic Loss**: $1.9 billion, $118 million in investment lost in first half of 2023. • **Right to trade (Article 19(1) (g):** Digital business suffers particularly small traders relying on online payments. • **Human Rights**: E.g., women can't report crimes. • **Rights Violation**: Limits speech (Article 19), info access. • **Press Freedom**: E.g., 2019 J&K journalism impacted. • **Education/Healthcare**: Disrupts learning, telemedicine.

Judicial Pronouncements related to Freedom of Internet

- **Faheema Shirin v. State of Kerala:** Kerala HC recognized internet as **Fundamental Right (Art. 21)**
- **Anuradha Bhasin v. union of India:** SC reaffirmed internet freedom as Fundamental under **Article 19(1)(a).**

Recommendations of the Parliamentary Standing Committee on Communications and Information Technology (Report: 'Suspension of Telecom Services/Internet and its Impact', 2021)

- **Global best practices**: Department of Telecommunication (DoT) to study and **practices from other democratic countries.**
- **Suspension grounds**: **Codify criteria and mechanisms** to justify internet shutdowns.
- **Proportionality**: DoT and MHA should set proportionality rules and shutdown lifting procedures.
- **Review Committee**: Include **retired judges** and public members in the **3-member review committee**.
- **Selective bans**: DoT should frame policy for selective bans.
- **Shutdown effectiveness**: DoT and MHA should assess shutdown impacts on safety and emergencies.

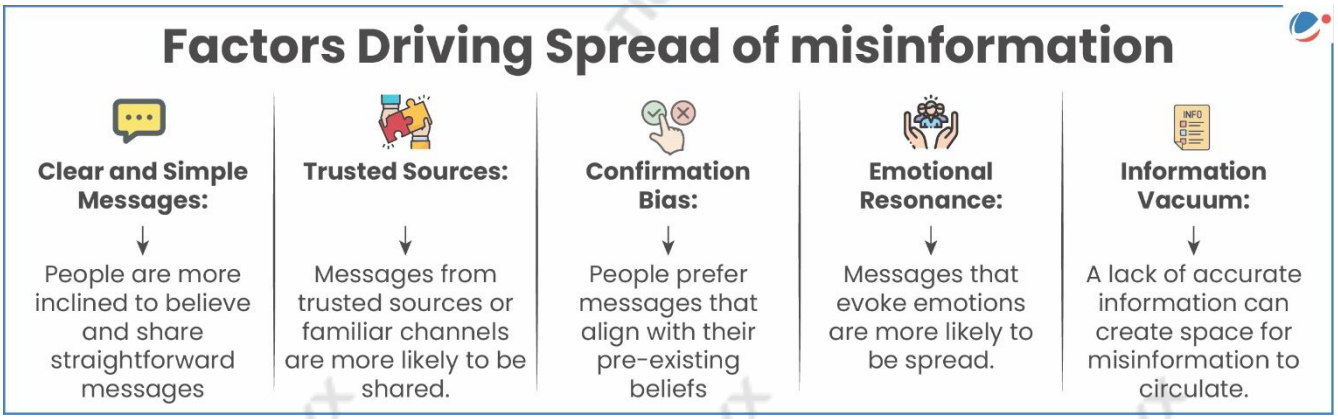
6.4. ONLINE MISINFORMATION

Why in the News?

United Nations unveiled the **"Global Principles for Information Integrity: Recommendations for Multi-stakeholder Action" for curbing the spread of online misinformation,** disinformation, hate speech.

About Online Misinformation

- Misinformation refers to **false or misleading content shared without harmful intent,** though it can still be harmful.
  - False or misleading content spread **with the intent to deceive or gain economically or politically, causing public harm** is termed as disinformation.



Negative impacts of online misinformation

- **Information Bubbles**: Algorithms amplify biases like racism and misogyny, fostering echo chambers.
- **Threats to Democracy**: Misinformation misleads voters, distorts elections, and erodes trust in institutions.
- **Hindrance to SDGs**: False narratives hamper progress on climate goals through greenwashing and disinformation.
- **Economic Impact**: It triggers market panic, volatility, and financial losses.

Challenges in tackling online misinformation

- **Rapid Platforms**: The unprecedented speed of digital platforms poses significant threats to information integrity.
- **Reader Disconnect**: Fa Fact-checkers are often disconnected from readers, who may be unaware of any corrections or invalidations provided.
- **Encrypted Apps**: Hard to monitor false content.
- **Elderly more vulnerable:** For instance, those over 65 are three to four times more likely to share false news compared to younger individuals.
- **Engaging Formats**: Memes and videos spread misinformation effectively.

Way ahead

UN's **"Global Principles for Information Integrity"** provides **5 principles for curbing online misinformation** and upholding human rights such as freedom of expression:

- **Societal Trust and Resilience:** Promote inclusive digital safety practices to protect vulnerable groups across languages and contexts.
- **Healthy Incentives:** Shift to human rights-based business models, avoiding behavioural tracking-driven advertising.
- **Public Empowerment:** Enhance digital literacy, user input, and service interoperability.
- **Free and Pluralistic Media**: Ensure press freedom, journalist safety, and support public interest media.

- **Transparency and Research**: Improve platform transparency, researcher access, and safeguard civil society actors.

Conclusion

At a time when billions are exposed to false narratives, distortions, and lies, it is crucial to prioritize a safer and more trustworthy information ecosystem. In the words of UN Secretary-General António Guterres, "**No one should be at the mercy of an algorithm they don't control, which was not designed to safeguard their interests,** and which tracks their behaviour to collect personal data and keep them hooked".

6.4.1. OBSCENITY ON DIGITAL PLATFORMS

Why in the News?

The Supreme Court, while hearing a case on obscene remarks in the India's Got Latent show on YouTube, urged the Solicitor General to propose **regulatory measures to curb vulgar content online** while balancing free speech.

Need for Regulating Obscenity on Digital Platforms

- **Preserving Social and Cultural Values:** Allowing unchecked obscene content weakens moral character, fostering disrespect and moral decay.
  - **E.g.,** 2021 **"Bulli Bai" app incident**, where images of women of a minority community were auctioned.
- **Protecting Human Dignity: Kant** asserts that humans must never be treated as mere means to an end.
- **Avoiding Normalization of Obscenity**: **The Harm Principle** suggests that freedom of expression should not cause harm to society.
- **Ethical Responsibility of Platforms:** Digital Platforms are ethically mandated to ensure content balances free speech with societal well-being.
- **Upholding Constitutional Morality:** Article 19(2) establishes that the rights of freedom of speech and expression are not absolute and **reasonable restrictions** could be put on such rights.

Legal Framework to curb obscenity

- **Bharatiya Nyaya Sanhita (BNS)** and Section 67 of the **IT Act 2000 both prohibit obscene content**.
- **Information Technology (Intermediary Liability and Digital Media Ethics Code) Rules, 2021** require films and shows featuring explicit content such as swearing, sex, nudity, substance abuse, and violence to have age-based ratings.
- Additionally, laws like the **Cinematograph Act (1952), Cable TV Act (1999), and Indecent Representation of Women Act (1986)** also regulate obscenity.

Judicial pronouncement related to obscenity

- In **Ranjit D. Udeshi v. State of Maharashtra (1964):** Supreme Court applied the **Hicklin test**, which considered any material with a "tendency to deprave and corrupt" as obscene.
- **Aveek Sarkar v. State of West Bengal (2014):** Court shifted to the **community standards test**, evaluating obscenity based on prevailing social and moral norms.

Way Forward

- **Justice & Objectivity:** Define **clear and consistent** obscenity guidelines that consider **India's cultural diversity** to avoid **bias or subjective judicial rulings**.
- **Accountability & Responsibility:** Introduce a **Broadcasting Bill** to regulate **OTT content, digital news, and emerging technologies**, ensuring **ethical and socially responsible media**.
- **Encouraging Ethical Content Creation:** To ensure social responsibility & cultural sensitivity, promote **self-regulation** and ethical storytelling that reflects **societal values and cultural respect**.

- **Empowerment & Informed Choice:** Implement **digital literacy programs** to **educate youth** on **media ethics, responsible viewing, and online safety**.

6.5. ENVIRONMENTAL GOVERNANCE IN INDIA AT A GLANCE

Environmental Governance in India

Important Environmental Regulatory Bodies and Their Roles

CPCB & SPCBs: Formed under the Water Act (1974) and Air Act (1981) to ensure clean water bodies and improve air quality.	**NBWL (National Board for Wildlife)**: Set up under the Wildlife Protection Act (1972) to conserve wildlife and forests.	**CGWA (Central Ground Water Authority)**: Established under the EPA (1986) to regulate and manage groundwater use.	**CAMPA**: Manages funds for afforestation to compensate for diverted forest land.	**NGT (National Green Tribunal)**: Formed under the NGT Act (2010) for speedy resolution of environmental disputes.

Issues with Environmental Regulatory Bodies in India

Limited Enforcement: Lack of staff, funds, and expertise weakens implementation of laws.	**Weak Institutionalisation**: Poor adherence to norms likes efficiency and integrity; frequent creation of new bodies needs stronger institutional grounding.	**Weak monitoring:** Regulatory bodies such as State Pollution Control Boards suffer from insufficient funding, lack of modern equipment and infrastructure etc. to monitor compliance.	**Lack of Transparency & Accountability**: Inadequate public disclosure and stakeholder involvement reduce scrutiny and participation.

Way Forward (2024 SC Guidelines)

Structure: Define composition, qualifications, tenure, and appointment process.	**Funding**: Ensure adequate and clear financial support.	**Clear Mandate**: Clearly outline roles and responsibilities.	**Accessibility**: Publish rules and guidelines online in regional languages.	**Accountability**: Regular audits to assess performance

6.5.1. ECO-CENTRIC APPROACH

Why in the News?

Recently, Supreme Court highlighted that in international jurisprudence, India was the first country to shift from an anthropocentric approach to an eco-centric one.

More on the News

- Supreme Court directed Telangana Wildlife Warden to protect wildlife affected by the destruction of 100 acres of **Kancha Gachibowli "forest" area**.
  - Direction followed Telangana's plan to auction 400 acres near University of Hyderabad for IT parks, sparking student protests.

About Eco-centric Approach

- **Prioritizes ecosystem well-being**, valuing nature for its intrinsic worth, not just human utility.
- **Contrasts with anthropocentric approach**, which prioritizes human interests and utility of nature.
- Supported by **deep ecology** movement (Arne Naess), advocating nature's inherent value.
- **Backed by Interest Theory**, recognizing well-being of nature as intrinsically valuable.

Key Drivers of Eco-centric Approach

- **Constitutional Mandate:** Article 21 (Right to Life), Article 48A (State to protect environment/wildlife), Article 51A(g) (Citizens' duty to protect natural resources).
- **Legislative Measures**: Prevention of Cruelty to Animals Act (1960), Wildlife (Protection) Act (1972).
- **Environmental Jurisprudence**: Increasing **constitutionalization of environmental issues by the Supreme Court** to tackle emerging crisis such as deforestation, river pollution, etc.
  - SC has used its power under **Articles 32 and 142** to **widen the scope of fundamental rights,** to tackle environmental issues through judicial activism.
- **Cultural Ethos**: Indian traditions view ecology as a living entity, not subordinate to humans.

Conclusion

India's judiciary adopting an eco-centric approach is a transformative step in environmental jurisprudence, recognizing nature's intrinsic value. It aligns with constitutional goals of human-nature harmony, ensuring long-term ecological justice.

6.6. CENTRALLY SPONSORED SCHEME (CSS)

Why in the News?

NITI Aayog has launched a process to revamp Centrally Sponsored Schemes (CSSs) as part of expenditure reforms.

About Centrally Sponsored Schemes

- **Definition**: CSSs are **jointly funded by the Centre and States**, implemented by States in sectors under **State and Concurrent Lists** of the Constitution.
- **Features**:
  - Based on the **2015 Sub-Group of Chief Ministers' report** on **CSS rationalization**.
  - Focus on the **National Development Agenda for Vision 2022**, requiring Centre-State collaboration.
  - Currently, **75 CSSs in 3 categories** account for 10.4% of the Centre's budget.
  - **Funding is routed through the State's Consolidated Fund**, following the 14th Finance Commission's recommendations and abolition of Plan-Non Plan distinction in 2017.
- **Funding Pattern for Core Schemes:**
  - **North Eastern and Himalayan States**: 90:10 (Centre:State).
  - **Other States**: 60:40.
  - **Union Territories (without Legislature)**: 100% Centre-funded.
- **Monitoring**: NITI Aayog oversees concurrent monitoring and third-party evaluation.

Rationale of CSSs

- **Subsidiarity**: Central authority performs tasks not effectively handled at local levels.
- **Equalization**: Ensures uniform access to basic services like health across states.

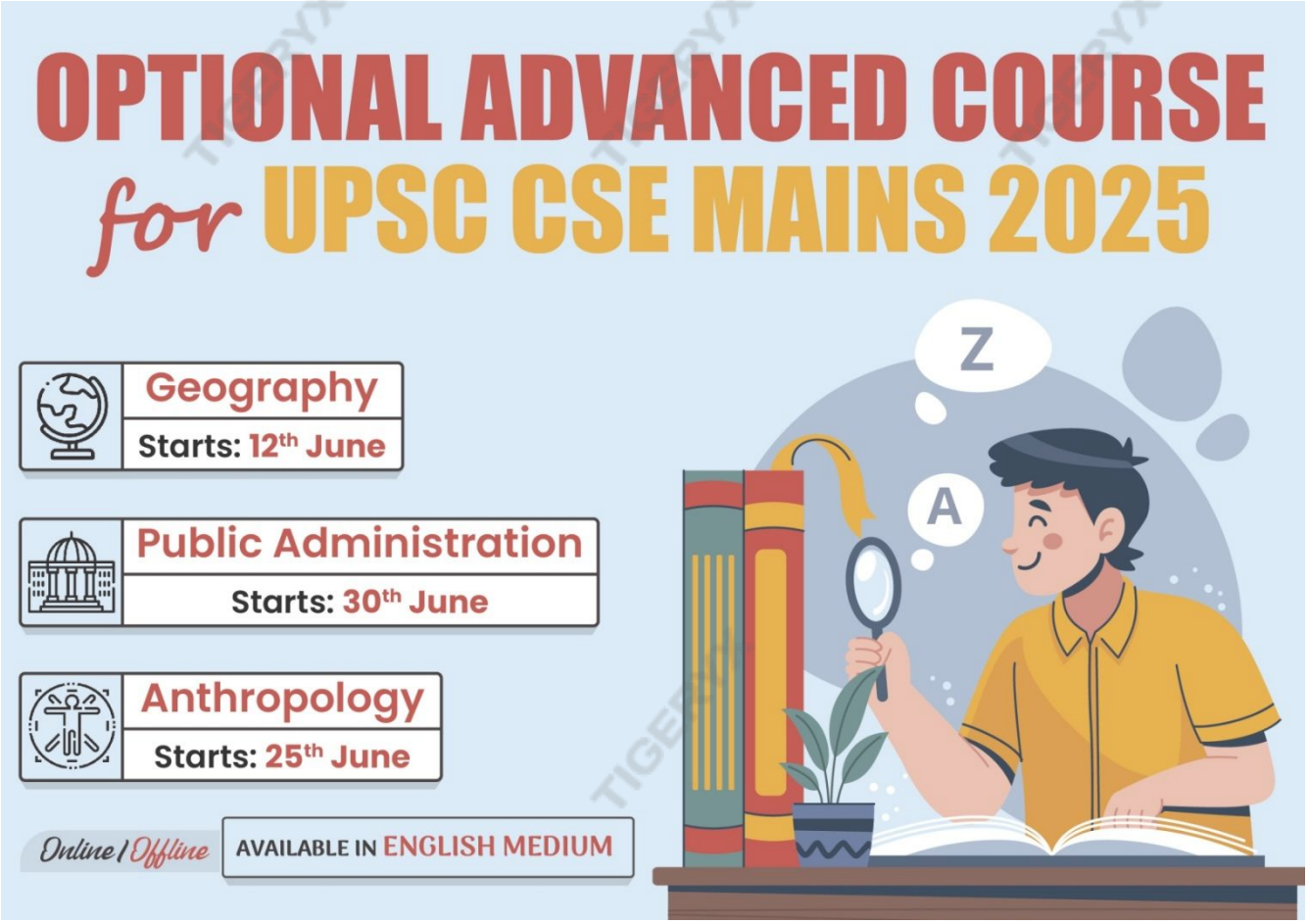
- **Merit Goods**: Prioritizes goods like subsidized housing or healthcare benefiting the poor.
- **Directive Principles**: Guides national efforts in areas like education (Article 45), welfare (Article 46), and public health (Article 47).

Issues with CSSs

- **Resource Distribution**: 15 schemes account for 91.14% of FY 2021-22 budget; many sub-schemes have minimal allocations (e.g., Green Revolution CSS has 18 sub-schemes, with allocations as low as ₹34 cr.).
- **Proliferation of Schemes**: Numerous small schemes lead to duplication and thin resource spread.
- **Reduced Union List Spending**: Increased spending on State subjects limits funds for Union List items like defense (down from 2% of GDP in 2011-12 to 1.5% in 2019-20).
- **One-Size-Fits-All**: Union-defined schemes ignore inter/intra-state variations.
- **Low Absorption Capacity**: States with lower GSDP struggle with matching contributions and fund utilization due to inadequate capacity.
- **Suboptimal Monitoring**: Focus on inputs rather than outcomes, limiting effective evaluation.

Way Forward

- **Prioritize Funding**: Phase out low-utility or small-budget CSSs (15th FC).
- **Threshold Funding**: New CSSs should have annual outlays above ₹300 cr. (Arvind Varma Committee, 2005); smaller schemes' funds should be transferred as Normal Central Assistance.
- **Inflation-Indexed Funding**: Link financial norms (e.g., midday meal costs) to the wholesale price index.
- **Improved Governance (15th FC):** Fix funding patterns, enhance data systems, regular reporting on output/outcome indicators.



6.7. CIVIL SOCIETY AT A GLANCE

Civil Society

Civil society is the non-state, non-market realm where individuals voluntarily form institutions to address social issues, influence the state, and pursue collective interests.

Role of civil Society

A Social basis for democracy as they highlight issues of importance and bring credibility to the political system by promoting transparency and accountability.	**Valuable partner in policy formulation and implementation**.	**Act as important pressure groups.**

Barriers in Efficient Functioning of Civil Societies

Lack of competent volunteers impacting quality and character of civil society	**Accountability Issues** as there have been increasing incidences of misuse of funds by these organizations	**Inherent social, religious, ethnic and economic cleavages** of Indian society generate inequality and conflict within **Civil Society Organizations (CSOs)**	**Overbearing attitude and overregulation by government** impacting independence and autonomy of CSOs	**Negative perception of CSOs** where these are demonised as "anti-national" and "anti-development" and accused of serving foreign interests.

Way Forward

Mutual understanding of the symbiotic relation between Civil society organizations (CSOs) and government.	**Granting Legal Personality status to** CSOs in order to protect personal liability for the affairs	**Need for transparency on the processes and decision making** by the government and such information should be easily accessible to NGOs	**Exploring New Opportunities for Engagement**: Action through technology; new sources of inspiration and activity driven by younger generations etc.	**Exploring Civil Society's Role in Shaping India's Development Partnerships with other countries:** for e.g., **VANI (Voluntary Action Network India)** contributed in Africa.

6.7.1. NON-GOVERNMENTAL ORGANIZATIONS (NGOS)

Why in the News?

The Ministry of Home Affairs (MHA) has mandated NGOs under the Foreign Contribution (Regulation) Act (FCRA), 2010, to report changes in key office bearers, even if their FCRA license application is pending.

NGOs and their Regulation in India

- **Definition**: NGOs are non-profit organizations with humanitarian or development goals, operating independently from government.
- **Formed under:**
  - **Societies**: Under **Societies Registration Act, 1860**.
  - **Trusts**: Private under **Indian Trusts Act, 1882**; public under state legislation.
  - **Charitable Companies**: Under **Section 8 of Companies Act, 2013**.

Constitutional Provisions related to NGOs

- **Seventh Schedule: Trust and Charities/charitable institutions** fall under **Concurrent list** i.e. laws on the subjects can be made by both Parliament and the State Legislature.
- **Article 19 (1)(c):** Guarantees the **right to form associations or unions.**

- **FCRA Registration**: Mandatory under FCRA, 2010 for NGOs receiving foreign contributions.
  - **Regulation under FCRA, 2010:** Controls foreign funding to prevent misuse affecting national security or public interest. **2020 Amendments** include
    - Mandated specific bank accounts for foreign contributions.
    - Prohibited fund transfers to others.
    - Reduced admin expenditure from foreign funds to 20%.
    - Empowered government to restrict fund utilization after inquiries., requiring Aadhar number as identification, etc.

Roles and Responsibilities of NGOs

- **Governance**: Enhancing democracy (e.g., ADR in electoral and political reforms), supporting government initiatives (e.g., Akshya Patra supports PM POSHAN initiative).
- **Social Reforms**: Human rights (e.g., Bachpan Bachao Andolan), women's empowerment (e.g., SEWA), poverty alleviation (e.g., NGO Goonj)
- **Human Development**: Education (e.g., NGO Pratham), health improvement (e.g., Médecins Sans Frontières (MSF) for TB, HIV).
- **Other Activities**: Research (Oxfam), cultural preservation (INTACH), environmental advocacy (Wildlife Trust of India).

Government Support for NGOs:

- **Funds** for welfare schemes (Swadhar, Ujjawala) & cultural grants via NGO networks.
- **Darpan portal** for unique NGO ID.

Challenges/Issues

- **Functional**: Donor-driven agendas, interference in national projects (E.g., Kudankulam atomic energy programme), security concerns.
- **Regulatory**: Strict FCRA rules, potential for financial mismanagement.
- **Operational**: Donor dependency, volunteer engagement, tech limitations.

Recommendations for Improvement

- **Vijay Kumar Committee (2017):** Light regulation, modernized registration, nodal body for oversight, accreditation, database for transparency, promoting volunteerism.
- **2nd ARC Recommendations:** Decentralize FCRA implementation, balanced legislative interpretation.

Conclusion

Ensuring NGOs transparency through balanced regulation and institutional support is essential for fostering a vibrant, participatory democracy.

6.8. ADVERTISEMENT REGULATION IN INDIA

Why in the News?

Ministry of Health and Family Welfare recently asked Sports Authority of India and BCCI to take measures to **prevent surrogate advertisement of tobacco/alcohol by sportspersons.**

What are Surrogate Advertisements?

- **About**: These are **Substitute ads** for legally prohibited goods (e.g., tobacco, alcohol).
- **Method: Misleading tactics** like false descriptions or concealed information are used, leading to unfair trade practices.
  - Often employ **celebrities and aspirational visuals** (e.g., liquor brands promoting music CDs, pan masala brands advertising cardamom).
- **Objective: To Gain brand recall in sports events, boosting sales** (e.g., pan masala ads were 16% of IPL 2024 ad volumes).

Legal Framework

- **Cable Television Networks (Regulation) Act, 1995, Cable Television Rules, 1994,** and **Cigarettes and Other Tobacco Products Act (COTPA), 2003**: Ban direct/indirect promotion of liquor, tobacco, and cigarettes.
- **Central Consumer Protection Authority (CCPA) Guidelines, 2022**: Define surrogate ads for the first time.
- **ASCI Code**: Allows brand extensions for unrestricted goods if they are genuine and based on proportionality of ad scale to production/sales turnover.
- **Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954** prohibits advertisement for remedies alleged to possess magic qualities.
- **SEBI (Investment Advisors) Regulations 2013**: Framework for people who give **financial advice for a fee**. It also helps regulate activities of **Finfluencers (those who give financial advice on social media).**

Judicial Pronouncement related to Surrogate Advertisements

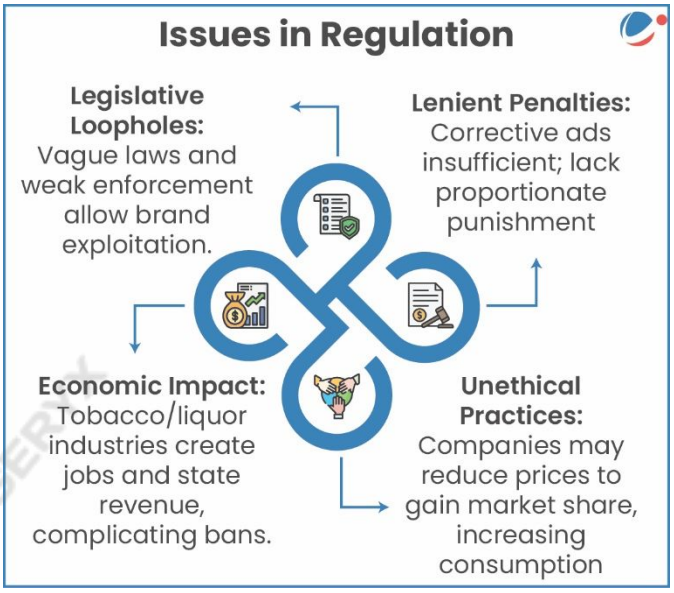
- **Indian Medical Association & Anr. V. Union Of India & Ors (2024):** No advertisement will be permitted to run on television, print media, or the internet without a **valid Self-Declaration Certificate.**
- **TV Today Network v. Union of India (2021):** Advertisement of club soda resembling the bottle of alcohol of the company was seen as a surrogate advertisement.

Implications of Surrogate Advertising

- **Consumers**: Misleads vulnerable groups (youth, poor) with aspirational content, undermining decision-making.
- **Public Health:** Smokeless tobacco brands dominated 41.3% of ads in 2023 Cricket World Cup (**ICMR study**).
- **Companies:** Boosts sales via brand visibility, encouraging unethical practices.
  - Significant revenue for digital platforms/BCCI (e.g., ₹60 lakh for a 10-second ad spot).
- **Social influence and nudge theory:** The use of 'out of sight- out of mind' marketing strategy **nudges consumers to consume** tobacco or alcohol products. E.g. Celebrity endorsements.

Way Forward

- **ASCI/Government Recommendations**:
  - **Clear distinction** between brand extensions and prohibited products.
  - **No direct/indirect references** or resemblance to banned products.
  - Avoid scenarios typical of prohibited product promotions.
- **Strengthen Regulations**:
  - **Explicitly ban surrogate ads** across media/events under COTPA/ASCI.
  - **Regulate digital platforms**, focusing on sports betting/health supplements.
- **Enhance Accountability**: Increase fines, hold media liable, promote responsible ads.
- **Regulatory Oversight**: Conduct audits, real-time monitoring, and stronger enforcement.
- **Public Awareness**: Launch IEC campaigns to educate consumers.



Conclusion

Advertisements have a **strong influence in the minds of consumers** especially in this era of new age technology. It is vital to ensure legitimacy of their claims to ensure a healthy society.

6.9. ONLINE BETTING AND GAMBLING SECTORS

Why in the News?

Karnataka Government has formed a committee to draft the new legislation aimed at **regulating online gambling and betting platforms**, to curb fraudulent practices and support the legal gaming sector.

Need for regulating online betting

- **Better monitoring and enforcement:** legalisation of regulated betting and gambling activities, asserting that a complete ban has not been returning the desired results. (**276th Report of Law Commission**)
- **To address the issue of match-fixing:** Regulating betting could help reduce unethical participation by sportspeople in betting. (**Justice Lodha Committee**)
- **Curbing black money:** FICCI has been urging the government to legalize betting, estimating potential revenues of 12,000-19,000 crore rupees.
- **Rising Addiction and Mental Health Issues:** Easy access to betting apps increases the risk of addiction, especially among youth.

Concerns in regulating online betting and gambling

- **Games of skill: Sports betting conceptually resembles horse betting** therefore sports betting should be permitted in India.
  - In **RMD Chamarbaugawala v. Union of India Case** (1957), Supreme Court held that **activities involving substantial skill** are considered commercial and are **protected under Article 19(1)(g)** of the Constitution.
- **Gambling is a state subject:** It will violate the **federal principle of division of power** between centre and states, if Centre attempts to regulate it.
- **Effect on tourism:** Most states have banned it for locals but Gambling is a tourist attraction in states like Goa.

Existing Regulatory Framework

- **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules 2021"):** Co-regulatory regime whereby MeitY- recognised, independent self-regulatory bodies to verify whether an "online real- money game" is to be made available to the general public or not.
- **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) (Amendment) Rules, 2023**: seek to regulate online gaming by mandating their verification, registration, and transparency regarding privacy policies as well as user agreements.
- **State specific rules:** State of Assam has Assam Gaming and Betting Act (1970); Goa has Goa, Daman and Diu Public Gambling Act (1976), etc.

Conclusion

While a complete ban on online betting has proven ineffective, a well-regulated framework can help curb illegality, protect consumers, and generate revenue. However, any regulation must respect federal principles, distinguish games of skill from chance, and ensure responsible digital engagement.

6.10. KEY WORDS

Key words				
Administrative Reforms	Rule to Role-Based Governance	Lateral Entry	Net Neutrality	Citizen-Centric Administration
Bureaucratic Resistance	Participatory Governance	Environmental Governance	Threat to Sovereignty	Regulatory Vacuum
Enforcement Lag	Enforcement of provision	Environmental Jurisprudence	One-Size-Fits-All	Civil Society
Mission Karmayogi	Responsible digital engagement			

6.11. PRACTICE QUESTION

Answer Canvas

Mission Karmayogi aims to shift Indian bureaucracy from a rule-based to a role-based system. Examine its significance and highlight the key challenges in implementing such reforms across India.

Introduction	Body Part: 1	Body part: 2	Conclusion
About Mission Karamyogi	Significance of role-based, competency-driven approach	Challenges in implementation	Towards a citizen-centric civil service

7. LOCAL GOVERNANCE

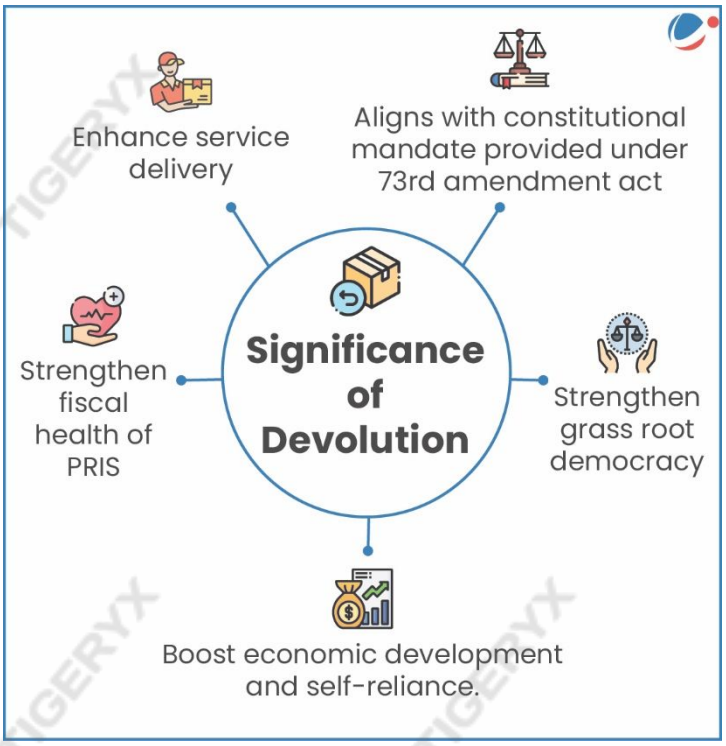
7.1. STATUS OF DEVOLUTION TO PANCHAYATS IN STATES

Why in the news?

Recently, **Ministry of Panchayati Raj** released a report titled **"Status of Devolution to Panchayats in States – An Indicative Evidence Based Ranking".**

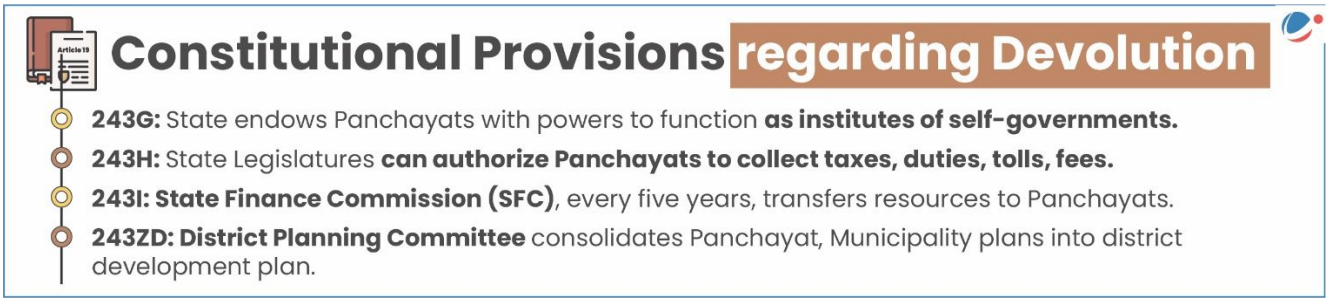
About Devolution of Panchayat

- Devolution involves **transferring powers, authority, duties, or funds from a higher to a lower jurisdiction**.
- Local government, including panchayats, is a **state subject** in the Constitution, so **devolution to panchayats is at states' discretion.**



Key Highlights of Report

- **Panchayat Devolution Index**: Ranks States/UTs on 6 devolution dimensions.
- **Devolution rose** from 39.9% to 43.9% (2013-14 to 2021-22).
- **Capacity Enhancement** increased from 44% to 54.6% due to initiatives like **Rashtriya Gram Swaraj Abhiyan** (RGSA).



Challenges regarding Devolution of Panchayat

- **Framework:** Irregular elections, delays in delimitation violate Article 243E.
- **Function:** Panchayat Devolution Index at 43.89% (2021–22); limited roles, dominance of parastatal bodies.
- **Finances:** 95% revenue from grants; irregular State Finance Commissions.
- **Functionaries:** Staff shortages; one secretary manages 17 GPs.
- **Capacity Building:** Poor infrastructure, low training, 40,000 GPs lack computers.
- **Accountability:** Low awareness, corruption; 70% panchayats misused funds in Krishna district.

Recommendations as per Report

- **Strengthen State Election Commission (SEC):** Vest SEC with powers over elections, including scheduling and delimitation; adopt a unified, annually updated electoral roll.
- **Reserved Seats:** Reservations for all categories should be frozen for at least two/three terms. Allow tenure extension for all categories to boost leadership continuity.

- **Autonomy:** Empower Panchayats in CSSs and transfer Eleventh Schedule subjects to them.
- **Funding:** Constitute State Finance Commissions timely; diversify PRI funding.
- **Accountability:** Enforce audits, Public Financial Management System for all financial activities.
- **Manpower:** Permit staffing control; create Local Government Service Commission.
- **Capacity Building:** Train PRI members in governance, finance, and management.

7.2. AUDITING OF LOCAL BODIES

Why in the news?

Recently, International Centre for Audit of Local Governance (iCAL) to develop and enhance standards for Local Government Audits was inaugurated in Rajkot, Gujarat.

About Local Self Governance and Audit

- **Audit Online Application (2020)**: Developed by the Ministry of Panchayati Raj for online auditing of panchayat accounts to ensure accountability in fund utilization.
- **CAG's Mandate**: Derived from CAG's (Duties, Powers and Conditions of Service) Act, 1971, overseeing account maintenance and audits for all levels of Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs).

Importance of Auditing Local Bodies

- **Financial Accountability**: Prevents fraud, corruption, and mismanagement through scrutiny of expenditures.
- **Performance Evaluation**: Assesses operations against benchmarks.
- **Service Delivery**: Audit findings enhance public service delivery and strengthen grassroots democracy.
- **Democratic Participation**: Promotes citizen engagement (e.g., social auditing under Mid-Day Meal Scheme).
- **Public Trust**: Ensures accountability, integrity, and operational improvements, boosting stakeholder confidence.
- **Decentralisation**: Identifies issues in devolution of functions, funds, and functionaries, aiding decentralization.

Issues Associated with Auditing Local Bodies

- **Poor Record Keeping**: Incomplete, inconsistent records and lack of uniform auditing standards across states.
- **Lack of Skilled Personnel:** Shortage of qualified auditors leads to inadequate audits.

- **Overlapping Jurisdictions**: Confusion between state audit departments, local auditors, and CAG.
- **Outdated Procedures**: Decades-old formats persist despite increased local body responsibilities (Eleventh Finance Commission).
- **Low Awareness**: Limited public understanding of audit processes reduces scrutiny.

Way Ahead (2nd ARC Recommendations)

- **Simplified Standards**: Develop simple, comprehensible audit and accounting formats for PRIs.
- **Independent Auditing Body**: Institutionalize DLFA independence, with its head appointed from a CAG-approved panel.
- **Legislative Oversight**: Place audit reports before State Legislatures, discussed by a dedicated committee like the Public Accounts Committee.
- **Access to Records**: Ensure DLFA/CAG access to records via state laws.
- **Capacity Building**: Equip local bodies with adequate accounting and auditing capabilities.

7.3. JAN YOJANA ABHIYAN

Why in News?

Ministry of Panchayati Raj launched the People's Plan Campaign (Jan Yojana Abhiyan) for the preparation of Panchayat Development Plans (PDPs) for 2025–26.

About Jan Yojna Abhiyan

- **Aim:** To accelerate **people's participation** in the process of preparation of the Panchayat Development Plan.
- **Implementation**: At all three tiers of Panchayats with involvement of Elected Representatives, Government Frontline workers, and Community-Based Organizations.

Features

- **Structured Sabhas** by adopting a 'Whole of Government and Whole of Society approach.'
- Preparation of **Gram Sabha wise calendar** and identification of **Thematic developmental gaps** based on the **Panchayat Development Index (PDI),** to be presented in the Gram Sabha.
- **Inclusive participation**: Engage the youth and the elderly (more than 75 years) and collaboration with Unnat Bharat Abhiyan: Involving 15,000+ students from HEIs
  - **Forms of participation:** As a right(vote), as a process(audit), as an end(affirmative action).
- **e-Gram Swaraj portal** for publishing approved GPDP.

Significance of People's participation in Development Planning

- **Implementation Efficiency:** Example - MGNREGA with Gram Sabha reviews and MIS monitoring
- **Inclusive decision-making:** Example - MyGov Saathi 2.0 for citizen participation
- **Self-reliance:** Example - Self-Help Groups under NRLM
- **Wide Coverage:** Example - Swachh Bharat Abhiyaan's community volunteers
- **Sustainability:** Example - Joint Forest Management (JFM)
- **Improved design:** including local knowledge

Way Forward

Jan Yojana Abhiyan bridges the gap between policy and people through inclusive, participatory, and data-informed approaches. Strengthening community capacities, leveraging technology, and mainstreaming local knowledge will be key to making Panchayat Development Plans more responsive, equitable, and sustainable.

7.4 KEY WORDS

Key Words					
Devolution of Panchayat	Independent Auditing Body	Democratic Participation	Financial Accountability	Performance Evaluation	Local body responsibilities
Democratic Decentralisation	Comprehensible audit and accounting formats	Fiscal Empowerment	Audit Accountability	Inclusive Planning	People's Plan Campaign
e-Gram Swaraj	Community Participation				

7.5 PRACTICE QUESTION

Answer Canvas

Discuss the major challenges in the devolution of powers, functions, and finances to Panchayati Raj Institutions (PRIs) in India. Suggest measures to strengthen grassroots democracy.

Introduction	Body Part: 1	Body part: 2	Conclusion
Constitutional vision of grassroots democracy & devolution	Challenges in realising devolution	Reforms & recommendations to deepen decentralisation	Strengthening inclusive & accountable local governance

TIGERYX

8. IMPORTANT CONSTITUTIONAL, STATUTORY AND EXECUTIVE BODIES

8.1. 10 YEARS OF NITI AAYOG

Why in the news?

On **January 1, 2025**, National Institute for Transforming India (NITI) Aayog **celebrated its 10th year of foundation**.

NITI Aayog

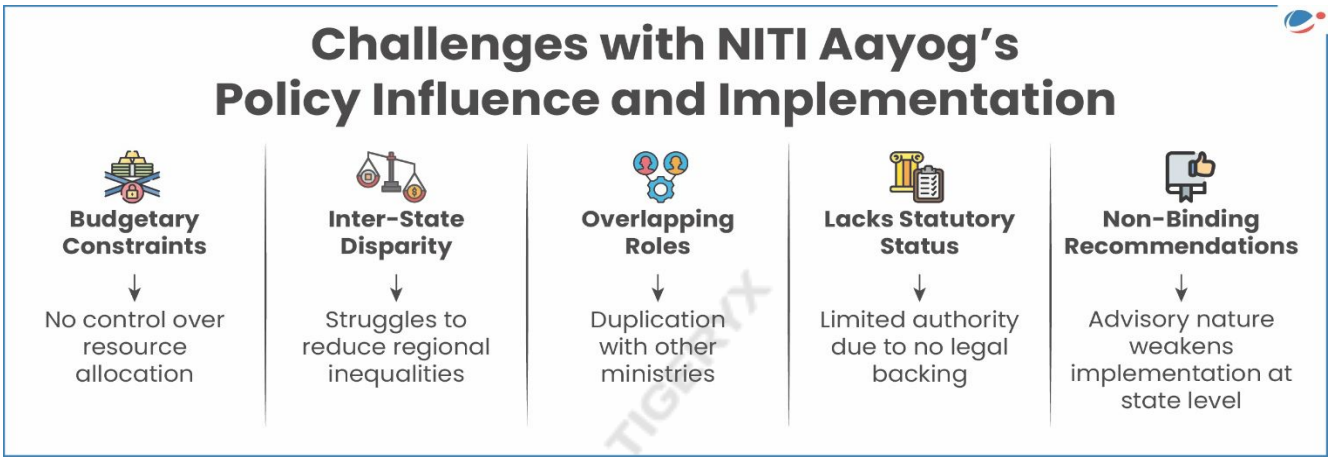
Overview	Mandate	Key Objectives
A **non-constitutional, non-statutory** advisory think-tank formed via Union Cabinet resolution, replacing the Planning Commission.	› Oversee adoption and monitoring of **Sustainable Development Goals (SDGs).** › Promote **competitive and cooperative federalism** among states/UTs.	› Formulate **village-level plans**, prioritizing **weaker sections**. › Integrate **national security** into **economic strategies**. › Foster **knowledge, innovation, and entrepreneurial ecosystems.** › Resolve **inter-sectoral and inter-departmental issues**.

Role of NITI aayog in India's development agenda

Cooperative Federalism	Competitive Federalism	Regional and sector wise Interventions
'Team India' involving all states to work towards a national development agenda	Promotes healthy competition among states through transparent rankings. Eg: ADP, SDG-India Index	Eg. NITI forum for North-East, Project SATH-E (Sustainable Action for Transforming Human Capital – Education) etc.

Achievements of NITI Aayog

- **Planning**
  - **Shift from Five-Year Plans**: Replaced rigid plans with flexible, long-term focus on sustainability and inclusion.
  - **Cooperative Federalism**: Aligns centre-state goals through Team India Hub, Aspirational Districts (112).
  - **Sectoral Reforms**: Proposed Zero Budget Farming, village storage, and health/education reforms.
- **Execution**
  - **Facilitator Role**: Aids implementation via partnerships, innovation, and coordination. **E.g.,** NITI Forum for North East, Poshan Abhiyan.
  - **Innovation & Digital**: Runs Atal Labs, Incubators, and digital payment initiatives.
  - **Ease of Doing Business**: Simplified rules, promoted digitization (e.g., AI Strategy), and hosted Fintech Summit.
- **Evaluation**
  - **Monitoring for Accountability**: Development Monitoring and Evaluation Office (DMEO), an attached office of NITI Aayog, ensures data-driven scheme evaluation.
  - **Aspirational Districts Monitoring**: Tracks 49 indicators for inter-district competition.
  - **Competitive Federalism**: Ranks states on SDGs, fiscal health, water, energy, and climate indices.



Conclusion

NITI Aayog has significantly shaped India's policy landscape by **fostering cooperative federalism, strategic planning, and innovation**. To enhance its impact, it **requires greater financial autonomy, resource allocation, and stronger policy enforcement mechanisms** for improved Centre-state coordination.

8.2. LOKPAL AND LOKAYUKTA

Why in the News?

The Lokpal of India, a statutory anti-corruption body established under **Lokpal and Lokayuktas Act, 2013** celebrated its first foundation day in **January 2025.**

About Lokpal and Lokayukta Act, 2013

- Set up **Lokpal (union)** and **Lokayuktas (states) to tackle corruption** by public functionaries.
- **2016 amendment:** Allowed the **largest opposition party leader** to join the Lokpal panel.
  - **Section 44** was updated for assets/liabilities disclosure.

Issues with the Lokpal/Lokayukta Office

- **Rejection of complaints:** The Lokpal has rejected a large number of complaints, nearly 90%, over the last five years as they were **not in the correct format.**
- **Delayed appointments**: Presently, in the absence of Director of Inquiry, the cases referred by the Lokpal are being inquired into with the aid of Central Vigilance Officers (CVO) of the Ministries or organisations concerned.
- **Complainant Protection**: Weak whistleblower safeguards.
- **Inadequate provisions** for appeal
- **PM Jurisdiction**: Probes may undermine leadership.
- **Other Issues**: Lack of constitutional backing for the offices**,** Delays, 7-year complaint limit, etc.

Way Forward

- **2nd ARC**: Keep PM out of Lokpal.
- Add **constitutional backing** with **financial autonomy.**
- **Decentralization of power** across accountable bodies.
- **11th Lokayukta Conference (2012):** Make Lokayukta as nodal complaint agency, give control over state probes, should cover bureaucrats, etc.

Conclusion

The fight against corruption must begin with strengthening the institutions that uphold integrity. Empowered Lokpal and Lokayuktas with independence and public trust are essential for a transparent and accountable governance framework.

8.3. CENTRAL BUREAU OF INVESTIGATION (CBI)

Why in the news?

Recently, Supreme Court in **State of West Bengal v. Union of India case (2024**) upheld the maintainability of West Bengal government's suit against the Union over registration and investigation of cases by CBI despite revocation of its general consent in 2018.

More on news

- Filed under **Article 131** (Supreme Court's original jurisdiction for disputes between Centre and states).
- West Bengal accused the Union of constitutional overreach and violating federalism by allowing CBI investigations without state consent.

Consent of State for CBI Investigations

- **General Consent:**
  - Allows CBI to investigate **without seeking permission for each case**.
  - **Section 6 of DSPE Act**: Empowers states to grant or deny consent to CBI officers.
  - States like **West Bengal, Punjab, Telangana,** etc., have withdrawn general consent.
- **Exceptions**:
  - **Supreme Court/High Courts** can order CBI probes without state consent.
  - Consent not required for cases involving **someone caught red-handed taking a bribe**.
  - **Specific Consent**: CBI must seek state approval for each case if general consent is withdrawn.

Judicial Pronouncements related to CBI

- **Common Cause vs Union of India (2019):** CBI Director's appointment to be recommended by a committee comprising:
  - Prime Minister (Chairperson)
  - Leader of Opposition (Lok Sabha) or Leader of the largest opposition party
  - Chief Justice of India or a nominated Supreme Court Judge
- **CPIO CBI v. Sanjiv Chaturvedi (2024):** Delhi High Court ruled that CBI is not fully exempt from the RTI Act; must disclose information on corruption and human rights violations.

Concerns Associated with CBI

- **Huge vacancies:** A total 724 posts are currently vacant, almost 16% of the CBI's sanctioned strength. (Parliamentary Committee Report).
- **Lack of Transparency:** Case details, investigation progress, and outcomes are not publicly available.
- **Withdrawal of State Consent:** Nine states have withdrawn general consent, limiting CBI's investigative scope under Section 6 of DSPE Act.
- **Loss of Credibility:** Criticism for mismanagement in high-profile cases (e.g., Bofors, Hawala scandals).
- **Administrative Hurdle:** Prior Central Government approval needed for probes against senior bureaucrats (Joint Secretary and above).
- **Funding Issues:** Inadequate investment in personnel, training, and equipment; underutilization of funds.
- **Lack of Autonomy:** Operates under the Department of Personnel and Training, raising concerns about independence due to government influence in appointments.

Way Ahead (Recommendations by Parliamentary Committee)

- **Filling Vacancies:** CBI Director to monitor vacancy filling quarterly.
- **Case Management System:** Create a centralized, public-accessible database for case details and progress.

- **New Legislation:** Enact a law to define CBI's status, functions, powers, and safeguards for objectivity and impartiality.
- **Recruitment Reforms:** Limit deputation to 10% for Inspector-level posts; 40% via direct recruitment/Limited Departmental Competitive Exams.
  - **Lateral entry for specialists** in cybercrime, forensics, etc.
- **Transparency**: Publish case statistics and annual reports on CBI's website proactively.
- **State Consent:** Remove the state consent clause for cases threatening national security and integrity.

Conclusion

A dedicated CBI Act defining its powers, accountability norms, and jurisdictional boundaries is critical to safeguard its independence, enhance its efficiency, and uphold the rule of law in a complex federal democracy like India.

8.4. NATIONAL COMMISSION FOR WOMEN (NCW)

Why in the News?

NCW received 7,698 complaints this year, with domestic violence, assault, and criminal intimidation the most common grievances across India.

About NCW

- **Established**: In 1992 under the **National Commission for Women Act, 1990**, as a statutory body.
- **Mandate**: Review constitutional/legal safeguards for women, recommend legislative reforms, facilitate grievance redress via inquiries, investigations, legal aid, etc.
- **Reports**: Submits annual and periodic reports to the Central Government on the working of safeguards and recommendations for improvement.
  - Forwards relevant reports to State Governments for action.

Achievements & Key Initiatives

- **Reviewed and suggested amendments to key Laws:** Like Domestic Violence Act (2005) and Workplace Harassment Act (2013).
- **Involved in establishment of support centres**: e.g., One Stop Centre using Nirbhaya Fund;
- **Initiates suo moto action**: e.g., Barmer suicide case, June 2025.
- **Premarital counseling**: e.g., "Tere Mere Sapne"
- **Digital literacy drives** like **Yashoda AI** initiative to advance women's AI literacy and digital awareness.
- Organizes **Parivarik Mahila Lok Adalats:** For speedy resolution of family and marriage-related disputes.
- **NRI Cells:** It processes complaints of Indian Women abandoned by their Non-Resident Indian (NRI)/Overseas husbands and assists with mediation by coordinating with different stakeholders.

Criticism of NCW

- **Weak enforcement**: NCW lacks quasi-judicial powers; can only recommend, not enforce (toothless tiger).
- **Limited resources & reach**: Inadequate budget, staff; low rural presence and low public awareness.
- **Coordination gaps**: Poor synergy with state commissions; jurisdictional overlaps; weak follow-up on recommendations.
- **Political interference**: Centre-appointed leadership often politicised; frequent changes impact independence. Delayed response in sensitive cases (e.g., Hathras & Manipur Case).

Way Forward

- **Parliamentary committee recommendation**
  - **Review the National Commission for Women Act, 1990** to make the NCW more independent, and effective.

- **Empowering the NCW with a certain degree of accountability** over the police to implement their directions and penalty for non-compliance.
- **A statutory linkage with State Commissions for Women** to ensure smoother coordination.

- **Ensure independent appointments**: Involve civil society/judiciary for merit-based, bipartisan selection.
- **Enhance resources & outreach**: Increase funding, set up regional offices, partner with NGOs, and upgrade digital grievance tools.
- **Focus on marginalised groups**: Address needs of ST/SC, disabled, minorities; promote gender-disaggregated data and local research.

Conclusion

The NCW can prove to be a vital institution for advancing women's rights, but to be truly effective, it needs stronger legal powers, institutional independence, and wider grassroots reach. Strengthening it is key to ensuring gender justice and equality in India.

8.5 PRACTICE QUESTION

Answer Canvas

Evaluate the role of NITI Aayog over the last decade in transforming India's development planning from rigid centralized planning to cooperative and competitive federalism.

Introduction	Body Part: 1	Body part: 2	Conclusion
From centralized planning to cooperative & competitive federalism	Achievements of NITI Aayog in transforming development planning	Mechanisms & reforms promoting cooperative & competitive federalism	Towards inclusive and data-driven policy planning

9. IMPORTANT ACTS AND LEGISLATIONS

9.1. WAQF (AMENDMENT) ACT, 2025

Why in the News?

The Act for amending the Waqf Act, 1995, received the assent of the President.

What is 'Waqf'?

- Waqf refers to **property dedicated for religious or charitable use** under **Islamic law**. It cannot be sold or repurposed.
  - Such properties are managed by a **mutawalli** (caretaker).
- **India has the largest waqf land** in the world – 8.7 lakh properties over 9.4 lakh acres.

Key Changes in the Act:

- **Creation of Waqf:** Only the lawful owner can dedicate property as waqf.
- **Survey of Waqf:** District Collector will now handle waqf surveys instead of a Survey Commissioner.
- **Government Property:** Government land cannot be declared as waqf.
- **Central Waqf Council:** Headed by Union Minister in charge of waqf. Includes MPs, eminent persons, retired judges, and Muslim law experts.
  - All members (except the Minister) must be Muslims; at least 2 women and 2 non-Muslims must be included.
- **State Waqf Boards:** Members elected from Muslim MPs, MLAs/MLCs, and Bar Council. Must include:
  - 2 non-Muslim members
  - 1 each from Shia, Sunni, and Backward Muslim communities
  - 1 each from Bohra and Aghakhani groups (if active in the state/UT) (at least 2 women)
- **Waqf Tribunals:** Include a Judge (Chairperson), a Joint Secretary-level officer, and a Muslim law expert.
  - Appeals against Tribunal decisions can be made in the High Court within 90 days.
  - If the Tribunal is non-functional, one can directly approach the High Court.

Concerns raised against the Amendment

- **Religious Freedom Violation**: Non-Muslim members on Waqf Boards and centralized control violate Muslim autonomy, breaching Articles 14, 25, 26, and 29.
- **Government Overreach**: Shifting Waqf Board powers to District Collectors for property disputes risks delays and bias.
- **Waqf by User Abolition**: Ending recognition of properties as waqf based on long-term use threatens over half of 8.7 lakh waqf properties, many without formal deeds.
- **Non-recognition** of charity through waqf as an **Essential Religious Practice (ERP)** of Islam.

Conclusion

The Act tries to strike a balance between minority rights and state oversight by promoting inclusive representation and establishing checks against arbitrary waqf claims over public land.

What is Essential Religious Practice?

- **Introduced by:** The Supreme Court in **Shri Shirur Mutt Case (1954)**.
- **About**: ERP as **a test is employed by Indian Judiciary** to determine whether a particular religious custom can be considered as the **core aspect of a religion or not**.

Judicial Pronouncements related to ERP

- **Sri Adi Visheshwara Case (1997):** Court distinguished between the religious and secular functions of the Temple.
- **Shayara Bano Case (2017):** Held triple talaq to be against basic tenets of religion and held that a practice merely permitted or not prohibited by religion cannot be considered an essential or positive tenet sanctioned by religion.

9.2. PLACES OF WORSHIP (SPECIAL PROVISIONS) ACT, 1991

Why in the News?

Recently, the **Places of Worship (Special Provisions) Act, 1991** was in news due to filing of appeal to survey certain religious places.

About Place of Worship (Special Provisions) Act, 1991

- It **prohibits conversion of any place of worship** and to provide for the **maintenance of the religious character of any place of worship** as it existed on **the 15th day of August, 1947**.
- **Exemptions:**
  - Any place of worship referred to as an ancient and historical monument or archaeological sites covered by the **Ancient Monuments and Archaeological Sites and Remains Act, 1958.**
  - Erstwhile Ayodhya Land dispute.

Argument in Support of the Act	Arguments Against the Act
• **Promotes Peace**: Prevents communal conflicts by maintaining the 1947 status of worship sites, avoiding replay of historical and communal disputes. • **Upholds Secularism**: Enforces India's constitutional secularism, ensuring equality among religions (as per 2019 Supreme Court ruling). • **Limits Politicization**: Discourages using religious disputes for political gain, focusing on modern issues.	• **Violates Rights**: Restricts rights to **equality (Article 14)** and **religious freedom (Articles 25, 26, 29).** • **Blocks Judicial Review**: Bars courts from hearing disputes over worship sites' religious character, **undermining justice**. • **Arbitrary Cutoff:** The 1947 date ignores historical facts, denying redress for communities. • **Inconsistent Exemption**: Excluding Ayodhya but not other similar sites like Gyanvapi, is seen as unfair by many.

Conclusion

The Places of Worship (Special Provisions) Act, 1991 is presently under judicial scrutiny in multiple High Courts across the country. For the sake of long-term peace, national progress, and the realisation of constitutional ideals, it is imperative that the question of its constitutional validity is resolved at the earliest.

10. MISCELLANEOUS

10.1. COOPERATIVES

Why in the News?

Union Home Minister and Minister of Cooperation and Prime Minister of India inaugurated **the UN International Year of Cooperatives 2025 (IYC 2025).**

About IYC 2025

- **Proclaimed by**: UNGA in June 2024.
- **Theme**: "Cooperatives Build a Better World."
- **Objectives:** Raise awareness, promote growth, policy advocacy, etc.
- **Host**: Committee for the Promotion and Advancement of Cooperatives (COPAC).

What are Cooperatives?

- **Definition**: A voluntary group with shared economic goals.
- **Aim**: Helps members, especially the poor, through mutual aid.
- **Resources**: Pooled for collective benefit.
- **Cooperative Movement**: Boosted by the **International Co-operative Alliance** (ICA), a global NGO, founded in 1895.
  - **India hosted ICA's 2024 Conference**, themed "**Cooperatives Build Prosperity For All**," matching "Sahkar Se Samriddhi."

Cooperatives in India

- **Genesis**: Started with the **Cooperative Credit Societies Act, 1904.**
- **Status**: India holds 27% of world's cooperatives.
- **Top 3 Sectors**: Housing, Dairy & Primary Agriculture Credit (PACS).
- **Leading States:** Maharashtra (25%), Gujarat, Telangana, MP, Karnataka.
- **Constitutional Status**: 97th Amendment, 2011 added following
  - **Fundamental Right**: Article 19(1)(c)
  - **Directive Principle**: Inserted **Article 43B**
  - **New Part IXB**: Articles 243ZH-243ZT
- **Governance**:
  - **Multi-State**: Union List Entry 44; **Multi-State Cooperative Societies Act, 2002**.
  - **State**: State List Entry 32; respective State Acts.

Significance of Cooperatives in Socioeconomic Development

- **Social Cohesion**: E.g., **Housing cooperatives** tie residents to urban policies.
- **Empowerment**: Equality, Bargaining and Leadership.
- **Financial Inclusion**: Cheap credit for farmers.
- **Wealth Inequality**: Low-rate loans help the marginalized, spur self-employment.
- **Moral Values**: Fosters unity and trust for social stability.

Challenges Faced by Cooperatives in India

- **Governance**
  - **Government interference**: Limits borrowing & investments.
  - **Politicization**: Elites control management.
  - **Unawareness**: Goals/rules unclear to members.
  - **Rivalries**: Disputes cut participation.
- **Reach and Efficiency**
  - **Regional Imbalance**: Weak in NE & eastern states.
  - **Small Scale**: Low membership & resources.
  - **Narrow Focus**: Miss broad solutions.
- **Operations**
  - **Poor Audits**: Irregular and weak.
  - **No Coordination**: Levels misaligned.
- **Weaknesses**
  - **Scale Issues**: Financial/tech limits.
  - **Skill Shortage**: Lack of training.
  - **Bad Management**: Little career growth.
  - **Digital Gap**: Only 45% members know digital tools.

Centre-State Tussle Related to Cooperative Bodies

- **97th Amendment (2011):** SC struck down application of Part IX-B to state cooperatives but upheld it for multi-state cooperatives.
- **Multi State Co-operative Societies Act (2002)**: States oppose Centre's control, worsened by the **2023 amendments** increasing central oversight.
- **Creation of Ministry of Cooperation in 2021** is seen by States as undermining of their powers.
- **Funding & Policy Clashes**: Central schemes may ignore state-specific needs, causing friction.

Key Initiatives to Strengthen Cooperatives in India

Institutional Support	• National Cooperative Development Corporation (NCDC) (1963) • Ministry of Cooperation (2021) • National Cooperative Policy
Legal & Governance Reforms	• Multi-State Co-operative Societies (Amendment) Act, 2023 • Model Bye-Laws for PACS
Economic & Infrastructure Growth	• **World's Largest Grain Storage Plan**: Ties PACS to food security. • **Margdarshika**: Aims for 2 lakh new cooperatives. • **'White Revolution 2.0' SOPs for women empowerment**: Targets 1,000 lakh kg/day milk by 2029.
Technology & Financial Inclusion	• **National Cooperative Database (NCD):** Data on cooperatives. • **NUCFDC** (Umbrella Organization for Urban Cooperative Banks): Regulates urban banks. • **'Cooperation among coopetatives' SOPs**: Financial access via bank accounts.

Strengthening the Cooperative Movement in India

- **Structural Reforms**: Merge Weak Societies
- **Operational Efficiency**: Professional Managers, Streamline Loans, Coordination, etc.
- **Capacity Building**: Skill Development & Digitization.
- **Awareness & Education**
- **Legal Framework**: **Narasimham committee** recommendations for cooperative banking.
- **Transparency**: RTI inclusion, CBI/CVC probes for malpractice, stronger audits for professionalism, etc.

Conclusion

With constitutional status and grassroots presence, cooperatives are critical tools for participatory democracy and inclusive growth. Revitalising them through legal, institutional, and technological reforms is vital for empowerment of a large section of Indian population.

10.2. RIGHT TO INFORMATION (RTI) ACT, 2005

Why in the News?

Year 2025 marks the 20 years of the enactment of the Right to Information (RTI) Act, 2005.

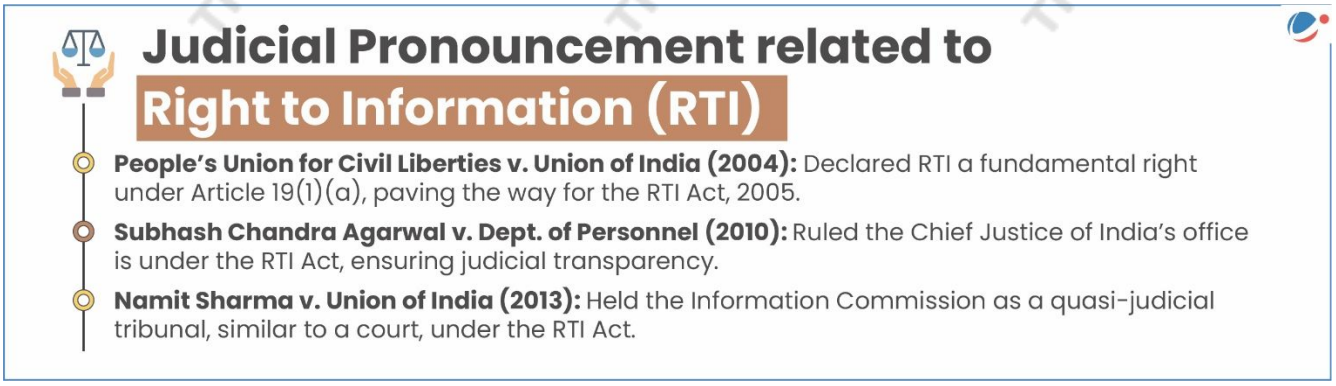
About RTI Act

- It provides citizens the right to secure **access to information** under control of Public Authorities (PAs).
- **Supreme Court Judgement**: **'Raj Narayan v/s Uttar Pradesh Government' Case**, established right to information as a fundamental right under the Article 19.
- **Recent Achievement: Reduced Pendency of appeals** from approximately 35,000 (2019-20) to 23,000 (2023-24).

Key Provisions of the RTI Act

- **Institutional framework**: Central and State Information Commissions and Central Public Information Officers (PIO) or State PIOs.
- **Rights provided**: Right to request information from and obligations of Public Authorities to maintain records and proactively disclose.
- **Exemptions from Disclosure:** (Section 8)
- **Other key Provisions**: Penalties (incorrect, incomplete information); Time (Within 30 days); Appeals, etc.
- **Amendments**:
  - **Right to Information (Amendment) Act, 2019**: Central Government to prescribe the Terms, Salaries, Allowances and other terms of service of Chief ICs and ICs.
  - **Digital Personal Data Protection (DPDP) Act, 2023**: exempted all personal information from disclosure.

Significance of Right to Information: Empowerment of Citizens, Transparency, Accountability, Expose Corruption, Effective Implementation of Policies and Welfare Schemes, etc.



Challenges in implementation of RTI Act

- **Functional Issues**: Defunct ICs and vacancies, Inordinate delays, Backlogs, Skewed gender composition.
- **Structural Issues**: Exemptions, Authorities outside 'Public Authority' definition (e.g. PM CARES Fund), Dilution through amendments (2019 Amendment), etc.
- **Procedural Issues**: Bureaucratic Resistance, corruption, Non-Compliance (Political parties), Lack of Awareness and Education, etc.
- **Dilution of Act**: **Digital Personal Data Protection (DPDP) Act, 2023** amended the Section 8 of the RTI Act, **prohibiting sharing of all 'personal information'.**
- **Other issues**: Lack of protection of RTI activists; Inadequate training of PIOs; Contradiction with Official Secrets Act, 1923 etc.

Way Forward

- **Recommendations of 2nd ARC:** National Coordination Committee (NCC); Awareness campaigns, etc.
- **Justice BN Srikrishna Committee (2018):** Recommended **narrowly tailored exemptions under Section 8(1)(j),** permitting **non-disclosure** only where there is a **risk of grave harm.** E.g. identity theft, discrimination.
- **Suo-motu disclosure**: Promoting public entities to **readily disclose information of public interest** as per Section 4 of the RTI Act.
- **Administrative measure**: Recruitment of adequate staff, proper record keeping by experts, rigorous training to officials, digitisation, etc.

Conclusion

Two decades of RTI have deepened participatory democracy in India by empowering citizens to hold institutions accountable. Further strengthening the RTI regime is vital to sustain transparency and good governance.

> "Where a society has chosen to accept democracy as its creedal faith, it is elementary that the citizens ought to know what their government is doing."
>
> **— Justice P. N. Bhagwati**

10.3. GLOBAL STATE OF DEMOCRACY 2024

Why in the news?

Recently, the International Institute for Democracy and Electoral Assistance (International IDEA) has released the

'The Global State of Democracy 2024: Strengthening the Legitimacy of Elections in a Time of Radical Uncertainty" report.

Challenges Faced by Electoral Systems

- **Declining Voter Turnout**: Global electoral participation dropped from 65.2% to 55.5% over 15 years due to disputed elections.
- **Eroding Electoral Integrity**: Electoral fraud, voter suppression, political interference, government intimidation, and irregularities threaten credible elections.
  - Of 39 countries with declining Credible Elections index, 38 faced increased government intimidation, 33 saw higher electoral irregularities.
- **Democratic Backsliding**: 47% of countries (82) experienced democratic decline in 2023.
- **Weakening Civil Liberties**: Threats to Freedom of Expression and Press, vital for informed voting, persist globally, including in established democracies.
  - Steep declines in Afghanistan, Belarus, Burkina Faso, Myanmar, Nicaragua; media pressure in high-performing European countries (Italy, Slovakia).
- **Digital Repression**: Misinformation, deep fakes, and online propaganda erode public trust and influence elections.
  - Increased spyware use in Europe against politicians, journalists, and activists.
- **Eroding Public Trust**: Political divides and false narratives, fueled by opportunistic politicians, undermine faith in democratic institutions (e.g., Brazil, USA, France, India).

Recommendations to Improve Public Confidence

- **Incorporate Public Opinion**: Address public doubts in election reforms to enhance legitimacy and stability.

- **Digital Protection**: Strengthen safeguards against digital threats via citizen rights, AI regulations, platform accountability, and data protection laws (e.g., EU's Digital Service Act, Brazil's Marco Civil, Canada's Digital Charter).
- **Awareness Campaigns**: Electoral Management Bodies (EMBs) should boost voter understanding through academic engagement and local election workers (e.g., Philippines' success with clear communication).
- **Stakeholder Engagement**: Introduce reforms through wide consultation, political consensus, and pilot studies to maintain trust.
- **Transparency**: EMBs should provide evidence-based, transparent information on voting processes, engaging civil society, media, and judicial bodies (e.g., Nigeria's daily televised briefings).
- **Counter Misinformation**: Use legal actions and media fact-checking to combat false narratives.
- **International Oversight**: Establish a UN or regional special rapporteur on electoral credibility and support independent election ombudspersons to enhance transparency.

10.4. MINORITY INSTITUTION

Why in the News?

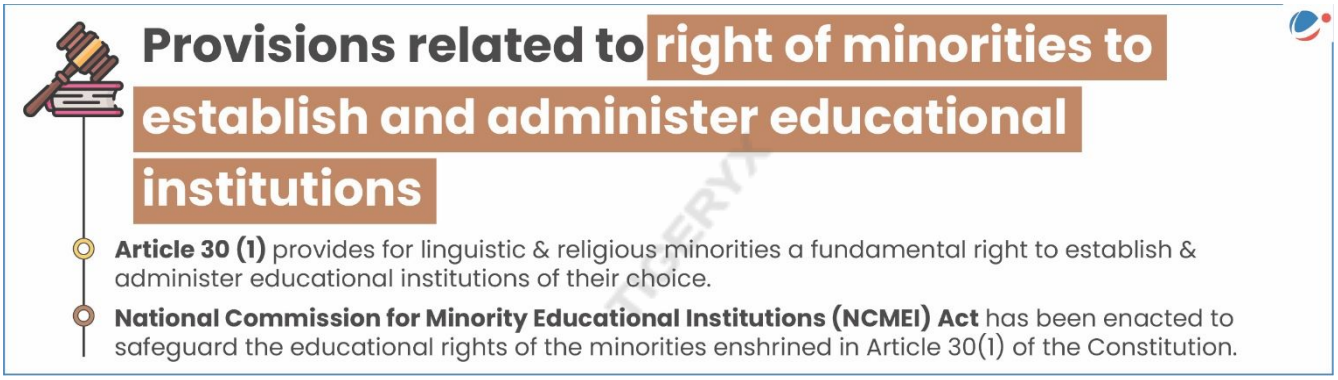
Recently, Supreme Court (SC) in AMU vs Naresh Aggarwal and others overturned its decision which had denied Aligarh Muslim University's (AMU) status as a minority institution.

More on the News

- The Supreme Court (by 4:3 majority), overruled its **S. Azeez Basha vs. UOI (1967) judgment** which held that **AMU cannot claim minority status** under Article 30 (1) as it was established by a statute.
  - SC held that **AMU was neither established nor administered by Muslim minority**, and it is a **central university** established through AMU Act, 1920.
- Later on, Parliament through **AMU (Amendment) Act, 1981 restored AMU's minority status**.
  - However, **Allahabad High Court struck down** the minority status of AMU in 2006 which was subsequently challenged in SC in 2019.
- SC has now referred '**issue of AMU's minority status under Article 30**' to a **regular bench** based on principles established in this judgment.

Key Highlights of Judgment

- **No need for minority control over administration** to prove that it is a minority educational institution.
- **Courts should trace Genesis and identify Brain behind the Institution to** determine who established the institution
- **Minority Status is not surrendered** because an institution was created by a statute or upon incorporation of the University.
- **Communities that weren't a minority before the Constitution** are also **entitled to Article 30 (1)** protection for institutions established before independence.



Conclusion

By upholding the educational rights of minorities, the judgment empowers marginalized communities, ensuring equitable access to institution-building and self-determined development.

10.5. KEY WORDS

Key Words				
Operational Efficiency	Exemptions from Disclosure	Cooperatives Movement	Democratic Backsliding	Minority Educational Rights
Gender Rights	Civic Education	Transparency and Accountability		

10.6. PRACTICE QUESTION

Answer Canvas

Critically evaluate the achievements and limitations of the Right to Information Act, 2005 in promoting transparency and accountability over the last two decades.

Introduction	Body Part: 1	Body part: 2	Conclusion
RTI as a cornerstone of good governance	Achievements & significance of RTI Act in last two decades	Challenges, dilution & reforms needed for strengthening RTI	Deepening transparency & citizen empowerment

11. PREVIOUS YEAR QUESTIONS 2013-2024 (SYLLABUS WISE)

Indian Constitution: Historical underpinnings, evolution, features, amendments, significant provisions and basic structure

- Explain the constitutional perspective of Gender Justice with the help of relevant Constitutional Provisions and case laws. (2023) 15
- "The Constitution of India is a living instrument with capabilities of enormous dynamism. It is a constitution made for a progressive society." Illustrate with special reference to the expanding horizons of the right to life and personal liberty. (2023) 15
- "Right of movement and residence throughout the territory of India are freely available to the Indian citizens, but these rights are not absolute". Comment. (2022) 10
- 'Constitutional Morality' is rooted in the Constitution itself and is founded on its essential facets. Explain the doctrine of 'Constitutional Morality' with the help of relevant judicial decisions. (2021) 10
- "Parliament's power to amend the Constitution is a limited power and it cannot be enlarged into absolute power." In the light of this statement explain whether Parliament under Article 368 of the Constitution can destroy the Basic Structure of the Constitution by expanding its amending power? (2019) 15
- Examine the scope of Fundamental Rights in the light of the latest judgement of the Supreme Court on Right to Privacy. (2017)15
- Discuss each adjective attached to the word 'Republic' in the 'Preamble'. Are they defendable in the present circumstances? (2016) 12.5
- Did the Government of India Act, 1935 lay down a federal constitution? Discuss. (2016) 12.5
- Discuss the possible factors that inhibit India from enacting for its citizen a uniform civil code as provided for in the Directive Principles of State Policy. (2015) 12.5
- Starting from inventing the 'basic structure' doctrine, the judiciary has played a highly proactive role in ensuring that India develops into a thriving democracy. In light of the statement, evaluate the role played by judicial activism in achieving the ideals of democracy. (2014) 12.5
- What do you understand by the concept "freedom of speech and expression"? Does it cover hate speech also? Why do the films in India stand on a slightly different plane from other forms of expression? Discuss. (2014) 12.5
- Discuss Section 66A of IT Act, with reference to its alleged violation of Art 19. (2013) 10
- 'The Supreme Court of India keeps a check on arbitrary power of the Parliament in amending the Constitution.' Discuss critically. (2013) 10
- The size of the cabinet should be as big as governmental work justifies and as big as the Prime Minister can manage as a team. How far is the efficacy of a government then inversely related to the size of the cabinet? Discuss. (2014) 12.5
- Many State Governments further bifurcate geographical administrative areas like Districts and Talukas for better governance. In light of the above, can it also be justified that more number of smaller States would bring in effective governance at State level? Discuss. (2013) 10

Functions and responsibilities of the Union and the States, Issues and challenges pertaining to the federal structure

- What changes has the Union Government recently introduced in the domain of Centre-State relations? Suggest measures to be adopted to build the trust between the Centre and the States and for strengthening federalism. (2024) 10
- Explain the significance of the 101st Constitutional Amendment Act. To what extent does it reflect the accommodative spirit of federalism? (2023) 15
- The jurisdiction of the Central Bureau of Investigation (CBI) regarding lodging an FIR and conducting probe within a particular state is being questioned by various States. However, the power of States to withhold

consent to the CBI is not absolute. Explain with special reference to the federal character of India. (2021) 15

- How far do you think cooperation, competition and confrontation have shaped the nature of federation in India? Cite some recent examples to validate your answer (2020) 15
- Indian constitution exhibits centralising tendencies to maintain unity and integrity of the nation. Elucidate in the perspective of the Epidemic Diseases Act, 1897; The Disaster Management Act, 2005 and recently passed Farm Acts. (2020) 15
- From the resolution of contentious issues regarding distribution of legislative powers by the courts, 'Principle of Federal Supremacy' and 'Harmonious Construction' have emerged. Explain. (2019) 10
- Explain the salient features of the constitution (One Hundred and First Amendment) Act, 2016. Do you think it is efficacious enough 'to remove cascading effect of taxes and provide for common national market for goods and services'? (2017) 15
- To what extent is Article 370 of the Indian Constitution, bearing marginal note "Temporary provision with respect to the State of Jammu and Kashmir", temporary? Discuss the future prospects of this provision in the context of Indian polity. (2016) 12.5
- The concept of cooperative federalism has been increasingly emphasised in recent years. Highlight the drawbacks in the existing structure and the extent to which cooperative federalism would answer the shortcomings. (2015) 12.5
- Though the federal principle is dominant in our Constitution and that principle is one of its basic features, but it is equally true that federalism under the Indian Constitution leans in favour of a strong Centre, a feature that militates against the concept of strong federalism. Discuss. (2014) 12.5

Devolution of powers and finances up to local levels and challenges therein

- Analyse the role of local bodies in providing good governance at local level and bring out the pros and cons of merging rural local bodies with urban local bodies. (2024) 10
- To what extent, in your opinion, as the decentralization of power in India changed the governancelandscape at the grassroots? (2022) 10
- The strength sustenance of local institutions in India has shifted from their formative phase of 'Functions, Functionaries and Funds' to the contemporary stage of 'Functionality'. Highlight the critical challenges faced by local institutions in terms of their functionality in recent times. (2020) 15
- "The reservation of seats for women in the institutions of local self- government has had a limited impact on the patriarchal character of the Indian Political Process." Comment. (2019) 15
- Assess the importance of the Panchayat system in India as a part of local government. Apart from government grants, what sources the Panchayats can look out for financing development projects? (2018) 15
- "The local self-government system in India has not proved to be effective instrument of governance". Critically examine the statement and give your views to improve the situation. (2017) 10
- In absence of well–educated and organised local level government system, 'Panchayats' and 'Samitis' have remained mainly political institutions and not effective instruments of governance. Critically discuss. (2015) 12.5
- Khap panchayats have been in the news for functioning as extra–constitutional authorities, often delivering pronouncements amounting to human rights violations. Discuss critically the actions taken by the legislative, executive and the judiciary to set the things right in this regard. (2015) 12.5

Separation of powers between various organs, dispute redressal mechanisms and institutions

- Explain the reasons for the growth of public interest litigation in India. As a result of it, has the Indian Supreme Court emerged as the world's most powerful judiciary? (2024) 10
- Explain and distinguish between Lok Adalats and Arbitration Tribunals. Do they entertain civil as well as criminal cases? (2024) 10
- Discuss the desirability of greater representation to women in the higher judiciary to ensure diversity, equity and inclusiveness. (2021) 10

- Judicial Legislation is antithetical to the doctrine of separation of powers as envisaged in the Indian Constitution. In this context justify the filing of large number of public interest petitions praying for issuing guidelines to executive authorities. (2020) 15
- Do you think that constitution of India does not accept principle of strict separation of powers rather it is based on the principle of 'checks and balance'? Explain (2019) 10
- Whether the Supreme Court Judgment (July 2018) can settle the political tussle between the Lt. Governor and elected government of Delhi? Examine. (2018) 15
- Discuss the essentials of the 69th Constitutional Amendment Act and anomalies, if any, that have led to recent reported conflicts between the elected representatives and institution of Lieutenant Governor in the administration of Delhi. Do you think that this will give rise to a new trend in the functioning of the Indian Federal Politics? (2016) 12.5

Parliament and State Legislatures – structure, functioning, conduct of business, powers & privileges and issues arising out of these

- "The growth of cabinet system has practically resulted in the marginalisation of the parliamentary supremacy." Elucidate (2024) 10
- Explain the structure of the Parliamentary Committee system. How far have the financial committees helped in the institutionalisation of Indian Parliament? (2023) 15
- Discuss the role of presiding officers of state legislatures in maintaining order and impartiality in conducting legislative work and in facilitating best democratic practices. (2023) 10
- Discuss the essential conditions for exercise of the legislative powers by the Governor. Discuss the legality of re-promulgation of ordinances by the Governor without placing them before the Legislature. (2022) 15
- Discuss the role of the Vice –Presidents of India as the chairman of the Rajya Sabha. (2022) 10
- Do Department -related Parliamentary Standing Committees keep the administration on its toes and inspire reverence for parliamentary control? Evaluate the working of such committees with suitable examples. (2021) 15
- Explain the constitutional provisions under which Legislative Councils are established. Review the working and current status of Legislative Councils with suitable illustrations. (2021) 15
- To what extent, in your view, the Parliament is able to ensure accountability of the executive in India? (2021) 10
- "Once a speaker, Always a speaker'! Do you think the practice should be adopted to impart objectivity tothe office of the Speaker of Lok Sabha? What could be its implications for the robust functioning of parliamentary business in India. (2020) 10
- Rajya Sabha has been transformed from a 'useless stepney tyre' to the most useful supporting organ in past few decades. Highlight the factors as well as the areas in which this transformation could be visible.(2020)15
- Individual Parliamentarian's role as the national lawmaker is on a decline, which in turn, has adversely impacted the quality of debates and their outcome. Discuss. (2019) 15
- Why do you think the committees are considered to be useful for parliamentary work? Discuss, in this context, the role of the Estimates Committee. (2018) 10
- The Indian Constitution has provisions for holding a joint session of the two houses of the Parliament. Enumerate the occasions when this would normally happen and also the occasions when it cannot, with reasons thereof. (2017) 15
- "The Indian party system is passing through a phase of transition which looks to be full of contradictions and paradoxes." Discuss. (2016) 12.5
- What was held in the Coelho case? In this context, can you say that judicial review is of key importance amongst the basic features of the Constitution? (2016) 12.5
- The 'Powers, Privileges and Immunities of Parliament and its Members' as envisaged in Article 105 of the Constitution leave room for a large number of un-codified and un-enumerated privileges to continue. Assess the reasons for the absence of legal codification of the 'parliamentary privileges'. How can this problem be addressed? (2014) 12.5

- The role of individual MPs (Members of Parliament) has diminished over the years and as a result healthy constructive debates on policy issues are not usually witnessed. How far can this be attributed to the anti-defection law which was legislated but with a different intention? (2013) 10
- Constitutional mechanisms to resolve the inter-state water disputes have failed to address and solve the problems. Is the failure due to structural or process inadequacy or both? Discuss. (2013) 10

Structure, organization and functioning of the Executive and the Judiciary; Ministries and Departments of the Government

- Account for the legal and political factors responsible for the reduced frequency of using Article 356 by the Union Governments since mid 1990s. (2023) 15
- "Constitutionally guaranteed judicial independence is a prerequisite of democracy." Comment. (2023) 10
- "The most significant achievement of modern law in India is the constitutionalization of environmental problems by the Supreme Court." Discuss this statement with the help of relevant case laws. (2022) 10
- "The Attorney-General is the chief legal adviser and lawyer of the Government of India." Discuss. (2019)15
- Under what circumstances can the Financial Emergency be proclaimed by the President of India? What consequences follow when such a declaration remain in force? (2018) 10
- How far do you agree with the view that tribunals curtail the jurisdiction of ordinary courts? In view of the above, discuss the constitutional validity and competency of the tribunals in India? (2018) 15
- Critically examine the Supreme Court's judgement on 'National Judicial Appointments Commission Act, 2014' with reference to appointment of judges of higher judiciary in India. (2017) 10
- Resorting to ordinances has always raised concern on violation of the spirit of separation of powers doctrine. While noting the rationales justifying the power to promulgate ordinances, analyse whether the decisions of the Supreme Court on the issue have further facilitated resorting to this power. Should the power to promulgate the ordinances be repealed? (2015) 12.5
- What are the major changes brought in the Arbitration and Conciliation Act, 1996 through the recent Ordinance promulgated by the President? How far will it improve India's dispute resolution mechanism? Discuss. (2015) 12.5
- Does the right to clean environment entail legal regulation on burning crackers during Diwali? Discuss in the light of Article 21 of Indian Constitution and Judgement(s) of the Apex court in this regard. (2015) 12.5
- Instances of President's delay in commuting death sentences has come under public debate as denial of justice. Should there be a time limit specified for the President to accept/reject such petitions? Analyse. (2014) 12.5

Appointment to various Constitutional posts, powers, functions and responsibilities of various Constitutional Bodies, Statutory, regulatory, and various quasi-judicial bodies

- "The duty of the Comptroller and Auditor General is not merely to ensure the legality of expenditure but also its propriety." Comment. (2024) 10
- Who are entitled to receive free legal aid? Assess the role of the National Legal Service Authority (NALSA) in rendering free legal aid in India. 2023 (10)
- Discuss the role of the National Commission for Backward Classes in the wake of its transformation from a statutory body to a constitutional body. (2022) 10
- Though the Human Rights Commissions have contributed immensely to the protection of human rights in India, yet they have failed to assert themselves against the mighty and powerful. Analyzing their structural and practical limitations, suggest remedial measures. (2021) 15
- How have the recommendations of the 14th Finance Commission of India enabled the states to improve their fiscal position? (2021) 10
- Which steps are required for constitutionalization of a commission? Do you think imparting constitutionality to the National Commission for Women would ensure greater gender justice andempowerment in India? Give reasons. (2020) 15

- "The Central Administration Tribunal which was established for redressal of grievances and complaints by or against central government employees, nowadays is exercising its powers as an independent judicial authority." Explain. (2019) 10
- In the light of recent controversy regarding the use of Electronic Voting Machine (EVM), what are the challenges before the Election Commission of India to ensure the trustworthiness of elections in India? (2018) 10
- "The Comptroller and Auditor General (CAG) has a very vital role to play." Explain how this is reflected in the method and terms of his appointment as well as the range of powers he can exercise. (2018) 10
- How is the Finance Commission of India constituted? What do you know about the terms of reference ofthe recently constituted Finance Commission? Discuss. (2018) 15
- Whether National Commission for Scheduled Castes (NCSC) can enforce the implementation of constitutional reservation for the Scheduled Castes in the religious minority institutions? Examine. (2018)10
- Multiplicity of various commissions for the vulnerable sections of the society leads to problems of overlapping jurisdiction & duplication of functions. Is it better to merge all commissions into an umbrella human rights commission? Argue your case. (2018) 15
- Exercise of CAG's powers in relation to the accounts of the Union and the States is derived from Article 149 of the Indian Constitution. Discuss whether audit of the Government's policy implementation could amount to overstepping its own (CAG) jurisdiction. (2016) 12.5
- What is quasi-judicial body? Explain with the help of concrete examples. (2016) 12.5
- National Human Rights Commission (NHRC) in India can be most effective when its tasks are adequately supported by other mechanisms that ensure the accountability of a government. In light of the above observation assess the role of NHRC as an effective complement to the judiciary and other institutions in promoting and protecting human rights standards. (2014) 12.5
- Discuss the recommendations of the 13th Finance Commission which have been a departure from the previous commissions for strengthening the local government finances. (2013) 10
- The product diversification of financial institutions and insurance companies, resulting in overlapping of products and services strengthens the case for the merger of the two regulatory agencies namely SEBI and IRDA. Justify. (2013) 10

Comparison of the Indian constitutional scheme with that of other countries

- Discuss India as a secular state and compare with the secular principles of the US constitution. (2024) 15
- Compare and contrast the British and Indian approaches to Parliamentary sovereignty. (2023) 10 Marks
- Critically examine the procedures through which the Presidents of India and France are elected. (2022) 15
- Analyze the distinguishing features of the notion of Equality in the Constitutions of the USA and India. (2021)15
- The judicial systems in India and UK seem to be converging as well as diverging in the recent times. Highlight the key points of convergence and divergence between the two nations in terms of their judicial practices. (2020) 10
- What can France learn from the Indian Constitution's approach to secularism? (2019) 10
- India and USA are the two large democracies. Examine the basic tenets on which the two political systems are based. (2018) 15

Salient features of the Representation of People's Act

- Examine the need for electoral reforms as suggested by various committees with particular reference to "one nation – one election" principle. (2024) 10
- Discuss the role of the Election Commission of India in the light of the evolution of the Model Code of Conduct. (2022) 15
- While the national political parties in India favour centralisation, the regional parties are in favour of State autonomy." Comment. (2022) 15

- Discuss the procedures to decide the disputes arising out of the election of a Member of the Parliament or State Legislature under the Representation of the People Act, 1951. What are the grounds on which the election of any returned candidate may be declared void? What remedy is available to the aggrieved party against the decision? Refer to the case laws. (2022) 15
- "There is a need for simplification of procedure for disqualification of persons found guilty of corrupt practices under the Representation of peoples Act" Comment (2020) 10
- On what grounds a people's representative can be disqualified under the Representation of People Act,1951? Also mention the remedies available to such person against his disqualification. (2019) 15
- 'Simultaneous election to the Lok Sabha and the State Assemblies will limit the amount of time and money spent in electioneering but it will reduce the government's accountability to the people' Discuss. (2017) 10
- To enhance the quality of democracy in India the Election Commission of India has proposed electoral reforms in 2016. What are the suggested reforms and how far are they significant to make democracy successful? (2017) 15

Governance and Policy Government policies and interventions for development in various sectors and issues arising out of their design and implementation

- In a crucial domain like the public healthcare system the Indian State should play a vital role to contain the adverse impact of marketisation of the system. Suggest some measures through which the State can enhance the reach of public healthcare at the grassroots level. (2024) 15
- Poverty and malnutrition create a vicious cycle, adversely affecting human capital formation. What steps can be taken to break the cycle? (2024) 10
- "Development and welfare schemes for the vulnerable, by its nature, are discriminatory in approach." Do you agree? Give reasons for your answer. (2023) 15
- The crucial aspect of developmental process has been the inadequate attention paid to Human Resource Development in India. Suggest measures that can address this inadequacy. (2023) 10
- Do you agree with the view that increasing dependence on donor agencies for development reduces the importance of community participation in the development process? Justify your answer. (2022) 15
- Besides the welfare schemes, India needs deft management of inflation and unemployment to serve the poor and the underprivileged sections of the society. Discuss. (2022) 15
- "Besides being a moral imperative of Welfare State, primary health structure is a necessary pre-condition for sustainable development." Analyze. (2021) 10
- 'In the context of neo-liberal paradigm of development planning, multi-level planning is expected to make operations cost effective and remove many implementation blockages.'- Discuss. (2019) 15
- "Policy Contradictions among various competing sectors and stakeholders have resulted in inadequate 'protection and prevention of degradation' to environment." Comment with relevant illustrations. (2018)10
- Has the Indian governmental system responded adequately to the demands of Liberalization, Privatization and Globalization started in 1991? What can the government do to be responsive to this important change? (2016) 12.5
- "For achieving the desired objectives, it is necessary to ensure that the regulatory institutions remain independent and autonomous." Discuss in the light of experiences in recent past. (2015) 12.5
- Two parallel run schemes of the Government, viz. the Aadhaar Card and NPR, one as voluntary and the other as compulsory, have led to debates at national levels and also litigations. On merits, discuss whether or not both schemes need run concurrently. Analyse the potential of the schemes to achieve developmental benefits and equitable growth. (2014) 12.5
- Though 100 percent FDI is already allowed in non-news media like a trade publication and general entertainment channel, the Government is mulling over the proposal for increased FDI in news media for quite some time. What difference would an increase in FDI make? Critically evaluate the pros and cons. (2014) 12.5
- The setting up of a Rail Tariff Authority to regulate fares will subject the cash strapped Indian Railways to demand subsidy for obligation to operate non-profitable routes and services. Taking into account the

experience in the power sector, discuss if the proposed reform is expected to benefit the consumers, the Indian Railways or the private container operators. (2014) 12.5

- An athlete participates in Olympics for personal triumph and nation's glory; victors are showered with cash incentives by various agencies, on their return. Discuss the merit of state sponsored talent hunt and its cultivation as against the rationale of a reward mechanism as encouragement. (2014) 12.5
- Recent directives from Ministry of Petroleum and Natural Gas are perceived by the 'Nagas' as a threat to override the exceptional status enjoyed by the State. Discuss in light of Article 371A of the Indian Constitution. (2013) 10

Pressure groups & formal/informal associations & their role in Polity

- "Pressure groups play a vital role in influencing public policy making in India." Explain how the business associations contribute to public policies. (2021) 10
- What are the methods used by the Farmers organizations to influence the policy- makers in India and how effective are these methods? (2019) 10
- How do pressure groups influence Indian political process? Do you agree with this view that informal pressure groups have emerged as powerful as formal pressure groups in recent years? (2017) 10
- Pressure group politics is sometimes seen as the informal face of politics. With regards to the above, assess the structure and functioning of pressure groups in India. (2013) 10

Development processes and the development industry- the role of NGOs, SHGs, various groups and associations, donors, charities, institutional and other stakeholders

- Public charitable trusts have the potential to make India's development more inclusive as they relate to certain vital public issues. Comment. (2024) 10
- Skill development programmes have succeeded in increasing human resources supply to various sectors. In the context of the statement, analyse the linkages between education, skill and employment. (2023) 15
- Discuss the contributions of civil society groups for women's effective and meaningful participation and representation in State Legislatures in India. (2023) 15
- Discuss the role of the Competition Commission of India in containing the abuse of dominant position by the Multi-National Corporations in India. Refer to the recent decisions. (2023) 10
- "The states in India seem reluctant to empower urban local bodies both functionally as well as financially." Comment (2023) 10
- Can Civil Society and Non-Governmental Organizations present an alternative model of public service delivery to benefit the common citizen. Discuss the challenges of this alternative model. (2021) 15
- "Micro-Finance as an anti-poverty vaccine, is aimed at asset creation and income security of the rural poor in India". Evaluate the role of Self-Help Groups in achieving the twin objectives along with empowering women in rural India. (2020) 15
- The need for cooperation among various service sector has been an inherent component of development discourse. Partnership bridges bring the gap among the sectors. It also sets in motion a culture of 'Collaboration' and 'team spirit'. In the light of statements above examine India's Development process. (2019) 15
- Despite Consistent experience of High growth, India still goes with the lowest indicators of human development. Examine the issues that make balanced and inclusive development elusive. (2019) 10
- The emergence of Self-Help Groups (SHGs) in contemporary times points to the slow but steady withdrawal of the state from developmental activities'. Examine the role of the SHGs in developmental activities and the measures taken by the Government of India to promote the SHGs. (2017) 15
- "In the Indian governance system, the role of non-state actors has been only marginal." Critically examine this statement. (2016) 12.5
- "Effectiveness of the government system at various levels and people's participation in the governance system are interdependent" Discuss their relationship in the context of India. (2016) 12.5

- Examine critically the recent changes in the rules governing foreign funding of NGOs under the Foreign Contribution (Regulation) Act (FCRA), 1976. (2015) 12.5
- The Self Help Group (SHG) Bank Linkage Programme (SBLP), which is India's own innovation , has provedto be one of the most effective poverty alleviation and women empowerment programmes. Elucidate. (2015) 12.5
- How can the role of NGOs be strengthened in India for development works relating to protection of the environment? Discuss throwing light on the major constraints. (2015) 12.5
- The penetration of Self Help Groups (SHGs) in rural areas in promoting participation in development programmes is facing socio-cultural hurdles. Examine. (2014) 12.5
- The legitimacy and accountability of Self Help Groups (SHGs) and their patrons, the micro-finance outfits, need systematic assessment and scrutiny for the sustained success of the concept. Discuss. (2013) 10

Important aspects of governance, transparency and accountability, e-governance- applications, models, successes, limitations, & potential

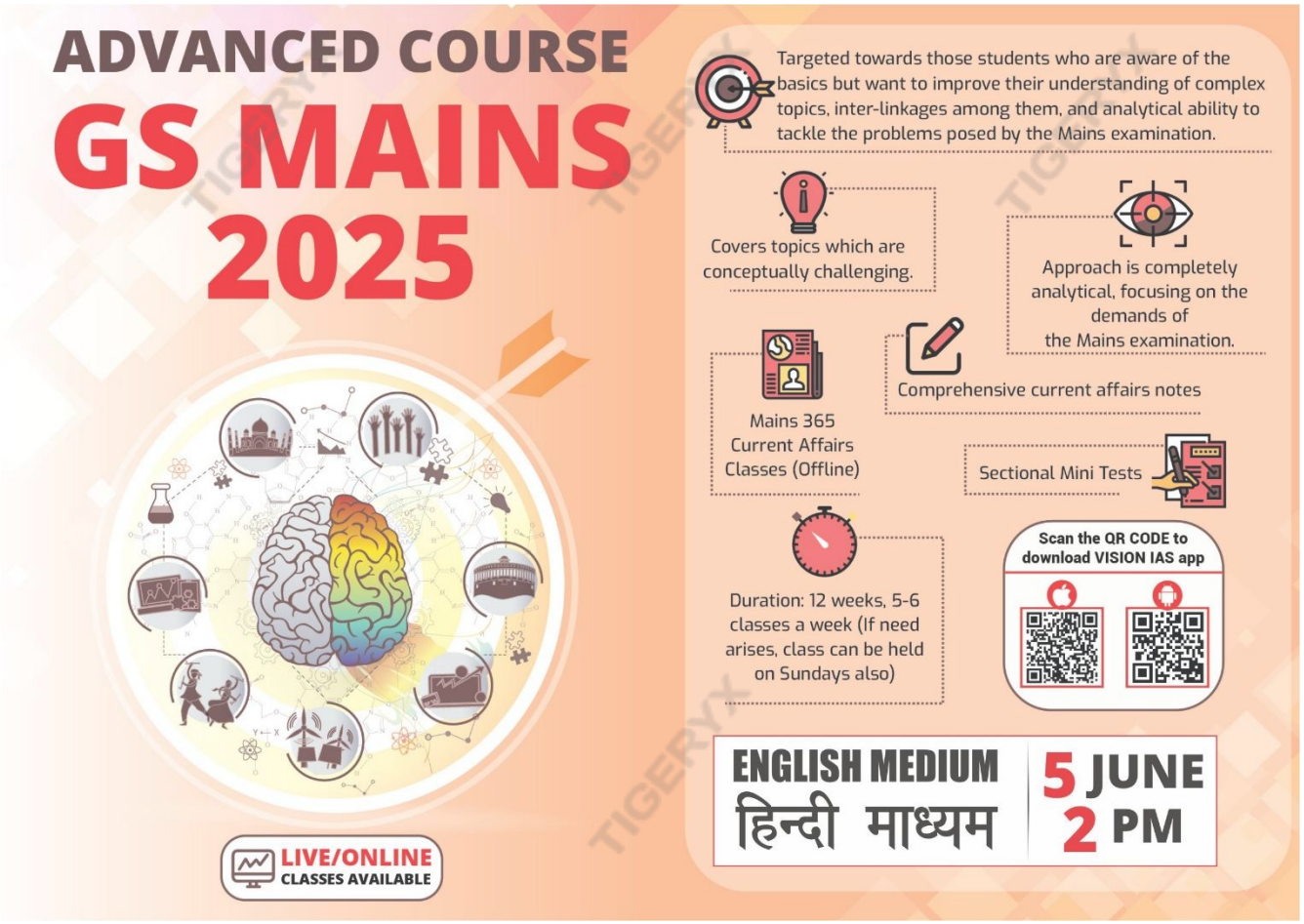
- Right to privacy is intrinsic to life and personal liberty and is inherently protected under Article 21 of the constitution. Explain. In this reference discuss the law relating to D.N.A. testing of child in the womb to establish its paternity. (2024) 15
- e-governance, as a critical tool of governance, has ushered in effectiveness, transparency and accountability in governments. What inadequacies hamper the enhancements of these features? (2023) 10
- "The emergence of Fourth Industrial Revolution (Digital Revolution) has initiated e-Governance as an integral part of government". Discuss. (2020) 10
- Implementation of information and Communication Technology (ICT) based Projects / Programmes usually suffers in terms of certain vital factors. Identify these factors, and suggest measures for their effective implementation. (2019) 10
- E-governance is not only about utilization of the power of new technology, but also much about critical importance of the 'use value' of information. Explain. (2018) 10
- Electronic cash transfer system for the welfare schemes is an ambitious project to minimize corruption, eliminate wastage and facilitate reforms. Comment. (2013) 10

Citizens charters, Transparency & accountability & institutional & other measures

- The Citizens' charter has been a landmark initiative in ensuring citizen-centric administration. But it is yet to reach its full potential. Identify the factors hindering the realisation of its promise and suggest measures to overcome them. (2024) 15
- What are the aims and objects of the Public Examination (Prevention of Unfair Means) Act, 2024? Are University/State Education Board examinations covered under this Act? (2024) 15
- "Recent amendments to the Right to information Act will have profound impact on the autonomy and independence of the Information Commission". Discuss (2020) 10
- The Citizen's Charter is an ideal instrument of organizational transparency and accountability, but it has its own limitations. Identify the limitations and suggest measures for greater effectiveness of the Citizens' Charter. (2018) 15
- Discuss the role of Public Accounts Committee in establishing accountability of the government to the people. (2017) 10
- In the light of Satyam Scandal (2009), discuss the changes brought in corporate governance to ensure transparency, accountability. (2015) 12.5
- "If amendment bill to the Whistleblowers Protection Act, 2011 tabled in the Parliament is passed, there may be no one left to protect." Critically evaluate. (2015) 12.5
- Though Citizens' charters have been formulated by many public service delivery organizations, there is no corresponding improvement in the level of citizens' satisfaction and quality of services being provided. Analyse. (2013) 10

Role of civil services in a democracy

- The Doctrine of Democratic Governance makes it necessary that the public perception of the integrity and commitment of civil servants becomes absolutely positive. Discuss. (2024) 10
- "Institutional quality is crucial driver of economic performance". In this context suggest reforms in Civil Services for strengthening democracy. (2020) 10
- Initially Civil Services in India were designed to achieve the goals of neutrality and effectiveness, which seems to be lacking in the present context. Do you agree with the view that drastic reforms are requiredin Civil Services. Comment. (2017) 15
- In the integrity index of Transparency International, India stands very low. Discuss briefly the legal, political, social and cultural factors that have caused the decline of public morality in India. (2016) 12.5
- "Traditional bureaucratic structure and culture have hampered the process of socio-economic development in India." Comment. (2016) 12.5
- Has the Cadre based Civil Services Organization been the cause of slow change in India? Critically examine. (2014) 12.5
- 'A national Lokpal, however strong it may be, cannot resolve the problems of immorality in public affairs.' Discuss. (2013) 10



12. APPENDIX

Topics	Key Constitutional provisions/Judgments/ Data
Caste Census	• **Article 246** and **Seventh Schedule (Entry 69)** make the census a Union subject. • **Article 340** mandates a commission to examine backward classes. • The **Census Act, 1948** and **Census Rules, 1990** govern the process. • The **Justice Rohini Commission** submitted a report on the sub-categorization of OBCs.
Citizenship	• **Article 5:** Citizenship at the commencement of the Constitution. • **Article 6:** Rights of citizenship of certain persons who have migrated to India from Pakistan. • **Article 8:** Rights of citizenship of certain persons of Indian origin residing outside India. • **Article 11**: Parliament to regulate the right of citizenship by law.
Uniform Civil Code (UCC)	• **Article 44:** Directs the state to strive for a UCC. • **Article 25** (Freedom of Religion): Used as an argument against UCC. • **Shah Bano Begum (1985)** and **Sarla Mudgal (1995)** highlight the need for UCC. • **21st Law Commission (2018)** found a UCC to be neither necessary nor desirable at present.
Property Rights	• **Article 300A:** Right to property is a constitutional right. Originally a fundamental right (Articles 19(1)(f) & 31), ○ The 44th Amendment (1978) removed property as a fundamental right. • **Property Owners Association v. State of Maharashtra**: SC limited state powers in acquiring private property. • **T.N. Godavarman v. Union of India:** State as trustee manages resources for public benefit (Public Trust Doctrine).
State Autonomy	• **Rajamannar Committee (1969):** Recommended for a **High Power Commission** to be constituted for the **redistribution of the three** lists. • **Anandpur Sahib Resolution (1973):** Demanded **Centre's powers to be restricted only to defence, foreign affairs, communication, currency, etc.,** with all other powers vested in the **states.** • **West Bengal Memorandum (1977):** Demanded the **removal of Article 356** (President's Rule) and the **inclusion of the word "Federal"** in the Constitution.
Demand for New States	• **Article 3:** Empowers Parliament to form new states, alter boundaries, or rename existing states through ordinary legislation. • **S.K. Dhar Commission (1948):** Advocated reorganization based on administrative convenience, not language. • **JVP Committee (1948)**: Rejected language as a basis for reorganization. • **Fazl Ali Commission (1953):** Recommended reorganization based on Unity and security of the country; Linguistic and cultural homogeneity; Financial, etc. • **Berubari Union case (1960):** SC held that ceding territory requires a constitutional amendment.
Decline in Parliamentary and State Productivity (PRS Report)	**Parliament** • **17th Lok Sabha functioning at 88% and Rajya Sabha at 73% of the scheduled time**. • **18th Lok Sabha (Winter 2024)**, productivity **further dropped to 54.5% and 40% in Lok Sabha and Rajya Sabha** respectively. **State Legislature** • **Declined in Average Number of Sitting Days:** from 28 in 2017 to **20** in **2024**.

	• **Limited Debate:** 51% Bills passed in a day; only 4% sent to committees.
Anti-defection Law	• Introduced through **52nd Amendment Act, 1985,** adding the **Tenth Schedule** to the Constitution • **Kihoto Hollohan v. Zachillhu (1992):** Courts should have the power of judicial review to intervene if the Speaker delays action. • **Karnataka MLAs' disqualification case (2020):** Consider transferring disqualification powers from the Speaker to an independent tribunal**.**
Office of Deputy Speaker	• **Article 93 (Election):** As per a **long-standing convention,** the post of DS has been offered to the **Opposition.** • **Article 94:** Deals with **vacation, resignation** and **removal** (by a resolution passed by a majority of all then members of the House). • **Article 95:** He performs the duties of Speaker in case of vacancy, absence, etc.
Representation of Women in Legislature	• **18th Lok Sabha (LS):** Representation of women saw a **slight dip to 74 (**from **78 in 17th LS)**, making 13.6% of total members. ○ Globally, share of women in national parliaments is **26.9%.**
Criminal Justice System in India	• **Low Conviction Rates:** Murder – 43.8%, Rape – 27.4% (NCRB, 2022). • **Case Pendency:** 4.7 crore cases pending across courts. • **Undertrials** constitute 75.8% of India's prison population. • The **national prison occupancy rate** is 131.4% • **Poor Extradition Rate:** Only 1 in 3 fugitives successfully extradited • **Manpower Shortage:** 192 police per lakh vs. UN norm of 222 • **Low Judge-Population Ratio:** Only 21 judges per million.
Legal Aid	• **M.H. Hoskot v. State of Maharashtra (1978):** Established prisoners' right to free legal assistance under Article 21. • **Hussainara Khatoon v. State of Bihar (1979):** Affirmed the right to a speedy trial under Article 21, emphasizing access to legal aid.
Prison Reforms	• **Model Prison Manual, 2016 and Model Prisons and Correctional Services Act, 2023**: Provides guidance to states to incorporate best modern practices related to prisons. • **Ramamurthy vs state of Karnataka case 1996:** Supreme Court emphasised upon the need to replace Prisons Act, 1894.
Tribunals in India	• **Article 323A**: Empowers Parliament to set up administrative tribunals for public service matters. • **Article 323B**: Allows legislatures to create tribunals for specific subjects like taxation, land reforms, etc. • **L. Chandra Kumar Case (1997)**: Recommended a National Tribunals Commission (NTC) to oversee all tribunals.
Internal Democracy in Political Parties	• **46% of the** newly elected **Lok Sabha members** have **criminal cases** against them **(ADR).** • **Tarkunde Committee (1975), Dinesh Goswami Committee (1990),** and **Indrajit Gupta Committee (1998)** strongly **argued for more transparent working of the political parties** in the country. • **Law Commission (255th Report):** Give ECI power to de-register a party in certain cases of non-compliance.
Criminalisation of Politics	• **ADR Case (2002)**: Voters have a right to know candidate background • **PUCL Case (2004)**: Struck down Sec 33B, upholding full disclosure • **Lily Thomas Case (2013)**: Held Sec 8(4) unconstitutional; no stay on disqualification
Freebies	• **Subramaniyam Balaji Case (2013):** Court upheld state distribution of items like TVs and laptops as aligned with DPSP.

	• **Ashwini Kumar Upadhyay v Union of India (pending):** Court is reviewing challenges to freebies in election campaigns.
Election Commission of India	• **Article 324:** Power of superintendence, direction and control of elections to **Parliament, State Legislatures**, offices of **President** and **Vice-President** with the ECI. • **Goswami Committee (1990**): recommended that CEC and ECs should not be eligible for any further office under government • **255th Law Commission Report:** Article 324(5) should be amended to equate the removal procedures of ECs with that of CEC.
State Election Commission	• **73rd and 74th Amendment Act, 1992** provides for constitution of SEC (on Gadgil Committee recommendation). • **Article 243K (1) & 243ZA**: SEC has control over electoral rolls and conduct of Panchayat and Municipality elections. • **Article 243K (2):** Governor decides service conditions and tenure of the State Election Commissioner. • **2nd ARC:** Appoint State Election Commissioners via a **collegium** (Chief Minister, Speaker, and Leader of Opposition).
Delimitation Commission	• **Article 82:** Parliament enacts a **Delimitation Act after every Census** which establishes a delimitation commission. • **Article 170**: **States get divided into territorial constituencies** as per Delimitation Act after every Census. • **Kishorchandra Chhanganlal Rathod Case:** SC held that **constitutional courts have the power to review orders of the Delimitation Commission** if an order is manifestly arbitrary and irreconcilable to constitutional values.
Participative Governance	• **Land Acquisition Act, 2013:** Social impact assessment study in collaboration with affected families. • **Forest Rights Act, 2006:** Gram Sabha as the statutory institution due to its participatory and democratic nature. • **Nagoya Protocol on Access and Benefits Sharing:** Benefits arising from the use of traditional knowledge be shared with indigenous communities.
Obscenity on Digital Format	• **Ranjit D. Udeshi v. State of Maharashtra (1964):** SC used the Hicklin test—anything that could "deprave and corrupt" was obscene. • **Aveek Sarkar v. State of West Bengal (2014)**: SC adopted the community standards test, judging obscenity by current social norms.
Constitutionalization of environmental issues	• **M.K. Ranjitsinh and Others v. Union of India and Others (2024):** SC stated that the **right to be free from the adverse effects of climate change** should be recognised by **Articles 14 and 21** of the Constitution. • **M.C. Mehta vs. Union of India (1986)** – SC recognized pollution-free environment as part of Article 21 (Right to Life). • **Maneka Gandhi vs. Union of India (1978): Right to environment,** free of danger of disease and infection is inherent in **Article 21.**
NGOs	• **Vijay Kumar Committee (2017):** Light regulation, modernized registration, nodal body for oversight, accreditation, database for transparency, promoting volunteerism. • **2nd ARC Recommendations:** Decentralize FCRA implementation, balanced legislative interpretation.
Devolution	• **243G:** State endows Panchayats with powers to function **as institutes of self-governments.** • **243H:** State Legislatures **can authorize Panchayats** to **collect taxes, duties, tolls, fees.**

	• **243I: State Finance Commission (SFC)**, every five years, transfers resources to Panchayats. • **243ZD: District Planning Committee** consolidates Panchayat, Municipality plans into district development plan.
CBI	• **Common Cause vs Union of India (2019):** CBI Director's appointment to be recommended by a committee comprising: ○ Prime Minister (Chairperson) ○ Leader of Opposition (Lok Sabha) or Leader of the largest opposition party ○ Chief Justice of India or a nominated Supreme Court Judge • **CPIO CBI v. Sanjiv Chaturvedi (2024):** Delhi High Court ruled that CBI is not fully exempt from the RTI Act; must disclose information on corruption and human rights violations.
Internet Shutdown	• **CrPC, 1973**: Before 2017, under Section 144 (now 163 of BNSS). ○ Allowed Magistrates to curb gatherings/activities. • Telecommunications Act, 2023: Empowers temporary suspension of internet services to maintain law and order, public safety etc. except for natural disaster or public emergency. • **Faheema Shirin v. State of Kerala**: Kerala HC recognized internet as **Fundamental Right (Art. 21)** • **Anuradha Bhasin v. union of India:** SC reaffirmed internet freedom as Fundamental under **Article 19(1)(a).**
Cooperatives in India	• **Genesis**: Started with the **Cooperative Credit Societies Act, 1904.** • **Status**: India holds 27% of world's cooperatives. • **Top 3 Sectors**: Housing, Dairy & Primary Agriculture Credit (PACS). • **Leading States:** Maharashtra (25%), Gujarat, Telangana, MP, Karnataka. • **Constitutional Status**: 97th Amendment, 2011 added following ○ **Fundamental Right**: Article 19(1)(c) ○ **Directive Principle**: Inserted **Article 43B** ○ **New Part IXB**: Articles 243ZH-243ZT • **Governance**: ○ **Multi-State**: Union List Entry 44; **Multi-State Cooperative Societies Act, 2002**. ○ **State**: State List Entry 32; respective State Acts.
Right to Information (RTI)	• **People's Union for Civil Liberties v. Union of India (2004):** Declared RTI a fundamental right under Article 19(1)(a), paving the way for the RTI Act, 2005. • **Namit Sharma v. Union of India (2013):** Held the Information Commission as a quasi-judicial tribunal, similar to a court, under the RTI Act. • **Recommendations of 2nd ARC:** National Coordination Committee (NCC); Awareness campaigns, etc. • **Justice BN Srikrishna Committee (2018):** Recommended **narrowly tailored exemptions under Section 8(1) (j),** permitting **non-disclosure** only where there is a **risk of grave harm.** E.g. identity theft, discrimination.
Minorities Educational Institutions	• **Article 30 (1)** provides for linguistic & religious minorities a fundamental right to establish & administer educational institutions of their choice. • **National Commission for Minority Educational Institutions (NCMEI) Act** has been enacted to safeguard the educational rights of the minorities enshrined in Article 30(1) of the Constitution

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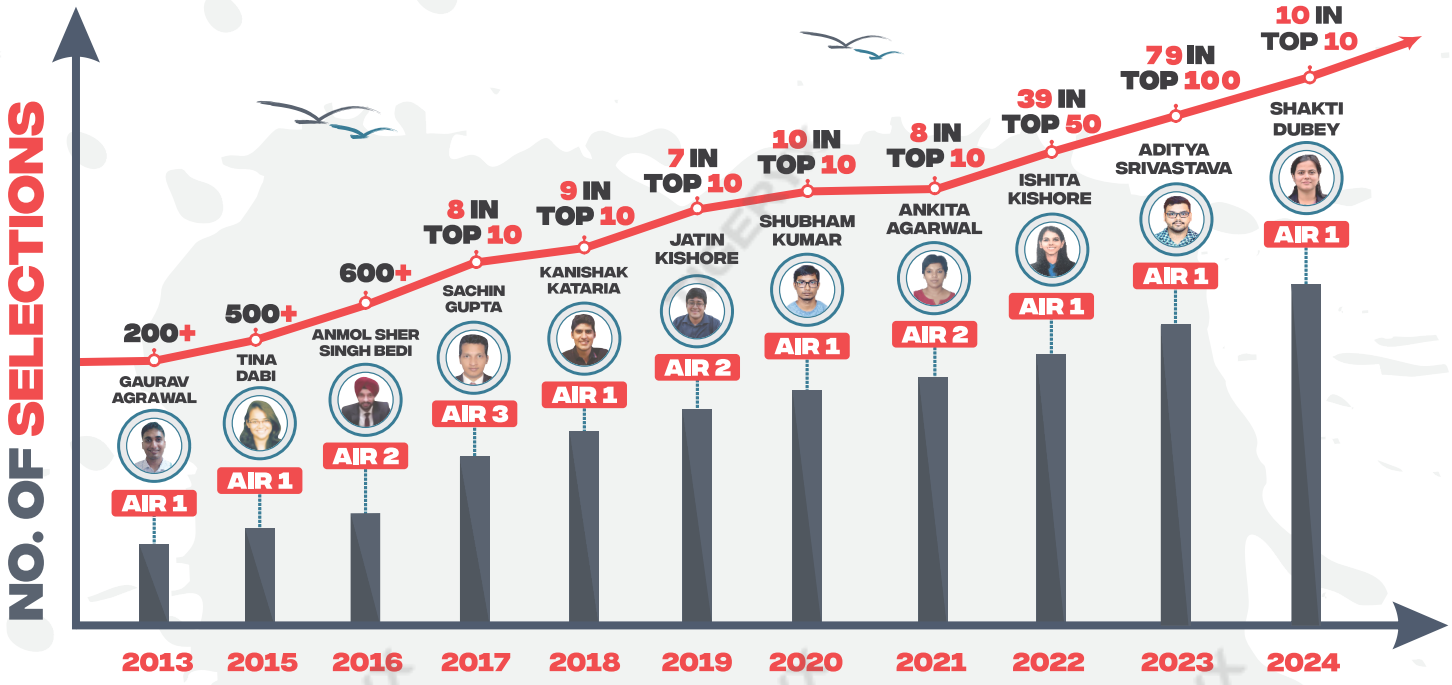

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GS Foundation Classroom Student

3 AIR **Dongre Archit Parag**
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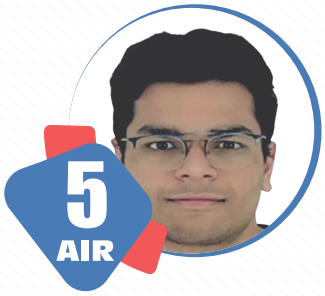
4 AIR **Shah Margi Chirag**



5 AIR **Aakash Garg**

6 AIR **Komal Punia**

7 AIR **Aayushi Bansal**

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9 AIR **Aditya Vikram Agarwal**

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