



MGP 2024 (Cohort 4)

Half Length Test #8 – Solution

Instruction to Students

Answers provided in this booklet exceed the word limit so as to also act as source of goodnotes on the topic.

Candidates must focus on the keywords mentioned in the answers and build answers around them. Elaborate answers are given with the purpose that candidates understand the topic better.

We have also adopted a grey box approach to provide context wherever necessary, which is not to be considered a part of the answer.

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Q.1) What are some of the similarities and differences between the Indian constitution and the constitution of the United States of America (USA) in terms of fundamental rights, federalism, and separation of powers?

Approach: Introduce your answer by highlighting India and the USA as the largest and oldest democracies. In the body of the answer, discuss the differences and similarity between US and Indian constitution in terms with fundamental rights, federalism, and separation of powers. Conclude the answer by stressing on how these features give a distinct outlook to the body politic in both the countries.

India and the USA as largest and oldest democracy **share many similarities and differences across constitutional principles, such as:**

Principles	Similarities	Differences
Fundamental Rights	<ol style="list-style-type: none"> The Indian system, post the Maneka Gandhi case, have incorporated the American principle of due process of law. Both the constitutions have Fundamental rights, albeit with reasonable restrictions. Inviolable fundamental rights protected through Judicial review. Both the constitutions provide right to education, explicitly. 	<ol style="list-style-type: none"> Unlike the bill of rights, Indian constitution do not allow right to carry fire arms. US constitution has the provision for trial by jury. Right to property present in US constitution; absent in India; further, freedom of press is expressly recognized in the US. In comparison to Indian constitution, the paradigm of rights are more absolute in USA. E.g., Detention provisions present in part III of Indian constitution.
Separation of power	<ol style="list-style-type: none"> In both the constitution, judicial review is provided against arbitrary executive and legislative actions. Both constitutions give the President with Veto powers over the legislature. Both the constitution follows the idea of checks and balances. Separation of power is part of the basic feature of constitution both in US and in India. 	<ol style="list-style-type: none"> Indian polity subscribe to both personnel and functional overlapping, whereas the US constitution follows a strict compartmentalization. E.g., In India executive is derived from the legislature; while, the USA follows spoils system. In US Supreme court Judges are nominated by President; judges in India appointed through collegium system. USA leans towards a judicial supremacy; Indian system favors constitutional supremacy. Unlike in USA, executive is accountable to legislature in India; President in India is part of both the executive and the legislature.
Federalism	<ol style="list-style-type: none"> Both India and US have written constitution. 	<ol style="list-style-type: none"> As opposed to US Indian constitution is quasi federal.

<p>2. Idea of an indestructible union is present in both the constitution.</p> <p>3. Superiority to federal laws over state laws.</p> <p>4. The US constitution is rigid and cannot be altered easily; Indian constitution is a mix of flexible and rigid features.</p>	<p>2. US federation is based on "coming together model" whereas Indian federation is based on "holding together model."</p> <p>3. Unlike in USA, Union can alter state boundaries in India.</p> <p>4. Unlike India, USA has dual citizenship and each state has its own constitution.</p> <p>5. In India SC can interpret and adjudicate state laws; SC in US cannot interpret state laws.</p> <p>6. Residuary powers in the USA lies with the state in contrast to India where the residuary powers are with the Union in India.</p>
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The constitutional principles of **separation of powers, federalism, and fundamental rights** in Indian and US constitution provide a **distinct texture to the body politic in the two countries.** (455 words)

Q.2) Describe the constitutional provisions aimed at ensuring the impartiality of the speaker and assess their effectiveness in maintaining the speaker's political neutrality.

Approach: Introduce the answer by defining the office of speaker. In the body of the answer, discuss the provisions that ensure the independence and impartiality of the speaker. In the next part, assess the effectiveness of these provisions in maintaining the political neutrality of the post of speaker. Conclude the answer with impressing the requirement of individual efforts alongside constitutional provisions to maintain the sanctity of the office of speaker.

Speaker is the **presiding officer of Lok Sabha (LS)**, elected by the LS from amongst its members. The **key role of speaker in a parliamentary democracy** makes the **independence of the office an imperative, therefore:**

1. The Speaker is provided with **security of tenure** and can be removed only by a resolution passed by the Lok Sabha with a **special majority**.
2. The speaker **cannot vote in the first instance**, thereby upkeeping his/her neutrality.
3. He/she is **exempted under the anti-defection law** and **can give up the membership** of the political party.
4. **Salaries and allowances** of the speaker are **charged on the Consolidated Fund of India** therefore are not subject to the annual vote of Parliament.
5. Speaker's **conduct cannot be discussed** and criticised in the Lok Sabha except on a Substantive motion.

The effectiveness of the above provisions in **ensuring speaker's independence and neutrality** can be seen as:

Effective	Shortcomings
<ol style="list-style-type: none"> These provisions have aided the speakers to rise above the party interests and uphold national interests. E.g., In 2008, Somnath Chatterjee refused to step down from office over the issue of civilian nuclear agreement between India and the United States. The provisions have effectively enabled the Speaker to run the house without any fear or favour. These provisions have allowed the speaker to act as the guardian of the privileges of the members, the House and its committees. Independence and impartiality of the speaker has ensured that parliament, the bastion of representative democracy, can function without becoming susceptible to vested interests. 	<ol style="list-style-type: none"> As per experts, continued political affiliations of the Speaker may influence their actions and decisions within the House. The role of Speaker as the final arbiter in the Anti-defection law has been questioned on many instances. E.g., In Karnataka, Speaker allegedly delayed the acceptance of resignation of MLAs. The power of the Speaker to declare a bill as 'Money Bill' has been, as per experts, allegedly misused many times to avoid legislative scrutiny by Rajya Sabha. E.g., paasage of Aadhar Bill as a money bill. As per critics, the role of speaker in conducting deliberations in the house smacks of partisan attitude. E.g., Opposition members have alleged less allotment of time for debates. The acts of constitutional delays. E.g., Election of Deputy Speaker has been kept in abeyance and no date has been fixed by the Speaker. Allegations of non-reference of many bills by the Speaker to Parliamentary Committees. E.g., Only 27% of the bills were referred to parliamentary committees in the 16th Lok Sabha.

The **placement of Sengol**, a mark of **righteousness**, near the speaker indicates the **importance of the office**. Thus, **individual efforts** in addition to **constitutional provisions** are a must to maintain the **sanctity of the post of speaker**. (455 Words)

Q.3) How does the Indian Constitution's emphasis on religious harmony and equal treatment of all religions provide a contrasting perspective to the practice of secularism in France? What lessons can the two countries learn from each other's approach to secularism?

Approach: Introduce the answer by briefly describing the fundamental difference in the approach of constitution of India and Constitution of France in respect of secularism. In the body of the answer, first compare the various provisions in both the constitutions relating to secularism. Next, list lessons for India and France from each other's best practices on secularism. Conclude with the need for public engagement and continued change in approach to balance societal interests.

The Indian Constitution and the French approach to secularism offer **contrasting perspectives** on the place of **religion in public life**.

Comparison between the practice of **secularism in India and France** is as follows:

India	France
<ol style="list-style-type: none"> 1. It emphasizes religious freedom through the right to practice, profess, and propagate any religion. It includes rituals and articles of faith such as kirpan and kesh among Sikhs. 2. Indian secularism is based on a positive engagement model. The state maintains equal engagement with all religions. E.g., char-dham yatra, haj etc. 3. It provides for the protection of minority rights. 4. It implies public celebration of religious and cultural diversity. 5. The State intervenes in secular aspects of religions. E.g., Boards for the administration of large temples, Waqf Board, etc. 	<ol style="list-style-type: none"> 1. It promotes a secular public sphere where religious symbols and practices are confined to the private sphere. E.g., religious articles like kirpan, hijab etc. in schools, government offices, and courts are banned. 2. It prescribes neutrality of the state which maintains an equal distance from all religions. The State does not offer financial support to any religious cause. 3. French secularism upholds individual freedom of conscience as opposed to groups' religious rights. 4. The opposition to religion in public life protects against the negative influence of religion in public life. 5. France practices a strict separation of religion and state affairs known as laïcité.

Both approaches to secularism have their own merits and challenges. India and France can **learn from each other's approach** to secularism in the following ways:

Lessons for India	Lessons for France
<ol style="list-style-type: none"> 1. The French approach of the individualization of religious freedom makes secularism reformatory. It militates against controlling influence of religious orthodoxy. 2. French approach can help in maintaining a clear distinction between religious and public life. E.g., preventing appeal to religious identities in elections. 3. It can foster public confidence about the neutrality of the state in religious disputes. E.g., challenges to Places of Worship Act. 4. Strict separation between religion and the state is helpful in preserving the idea of a common, secular citizenship against threats of ethnic or religious nationalism. 	<ol style="list-style-type: none"> 1. India's secularism is helpful for fostering inclusivity, particularly in addressing the concerns of religious minorities. E.g., accommodation of diverse religious practices. 2. France can adopt lessons on the positive influence of religion in public life e.g., including moral stories from various religions in school curriculum. 3. Religious sensitivity can be improved through concepts like 'samvaad', 'purva-paksha' etc. for respectful and informed discourse on religious matters. E.g., inter-faith dialogue.

India and France must strive for a **balanced approach towards secularism**. It entails **accommodating religious diversity** while upholding core principles of **equality, non-discrimination**, and **the common good**. (450 words)

Q.4) Though President of India is the constitutional head of the state, he is only a nominal executive and not a real executive. Comment

Approach: Introduction the answer with the role of President in India. In the body of the answer, list the role of the President as the constitutional head of the state. Then, list reasons why the President is not considered the real executive. Conclude with the constitutional influence of the President even in her limited role.

In the Indian parliamentary system, the **President is the constitutional head** of the state and represents the unity of the country. However, the President's **powers and functions are largely ceremonial** and symbolic in nature. The **real executive power is vested in the Council** of Ministers headed by the Prime Minister.

The role of the President of India **as the constitutional head of the state** is as follows:

1. **Head of State:** The President of India is the formal head of the state and represents the nation in both domestic and international affairs.
2. **Symbolic Role:** The President embodies the unity and sovereignty of the country and acts as a symbol of **national unity**.
3. **Constitutional Duties:** The President performs various constitutional duties such as giving **assent to bills, summoning and proroguing** the Parliament, and **appointment** of officials, ministers, and prime ministers.
4. **Commander-in-Chief:** The President is the Supreme Commander of the Indian Armed Forces.
5. **Diplomatic Representation:** The President represents India in diplomatic engagements and receives foreign dignitaries.
6. **Judicial Role:** The President has the power to grant **pardons**, **commute** sentences, and exercise other powers to ensure **justice** as a last resort.

However, the President is considered a nominal executive and **not the real executive** due to the following **reasons**:

1. **Executive Power with Council of Ministers:** The President exercises executive powers on the advice of the Council of Ministers headed by the Prime Minister.
2. **Aid and Advice:** The President is **constitutionally bound to act** in accordance with the advice of the Council of Ministers. The scope for **independent decision-making** by President is non-existent.
3. **Ceremonial Functions:** The President's role is largely ceremonial. She has limited involvement in **day-to-day governance** and policy-making. E.g., requirement to summon each House of Parliament under **article 85**.
4. **Limited Discretionary Powers:** The President does not possess extensive discretionary powers. Her powers are subject to constitutional provisions and restrictions, such as power of **suspensive veto**.
5. The **Prime Minister is the head of the government**. She exercises the real executive powers, leading the Council of Ministers in policy formulation and implementation, while the **President's role** is criticised as being akin to **rubber-stamp**.
6. **Accountability to Parliament:** The Council of Ministers is accountable to the Parliament for its actions and policies and not to the President.

Overall, while the President holds **a significant constitutional position** and performs important **ceremonial and symbolic** functions, the real executive powers are exercised by the Prime Minister.

However, presidents such as Dr Rajendra Prasad and Dr APJ Abdul Kalam have shown that the office of the President could exert a tremendous **influence on the government** even in the limited scope as the **constitutional head of the state**. (447 words)

Q.5) Compare the powers and roles of Rajya Sabha with State Legislative Councils. Do you think having a legislative council as a second chamber in the state legislature is justified in the present context?

Approach: Introduce the answer with description of Rajya Sabha and State Legislative Councils. In the body of the answer, first compare the power and roles of Rajya Sabha and legislative Councils in a table. Lastly, list reasons in favor of and against the need for legislative councils. Conclude with the need for checks and balances to curb vested interests.

Rajya Sabha (RS) and State Legislative Councils (SLCs) are **the upper houses** of Parliament and State Legislatures, respectively. In India, only **six states have a legislative council**, namely Andhra Pradesh, Telangana, Karnataka, Maharashtra, Uttar Pradesh, and Bihar.

Comparison between the **powers and roles of Rajya Sabha and State Legislative Councils** is as follows:

Rajya Sabha	State Legislative Councils
1. RS acts as a revising body . In its legislative capacity, it is equal to Lok Sabha except for money bill and budget.	1. SLCs acts as a dilatory (delaying) chamber and an advisory body .
2. RS has equal powers with Lok Sabha in constitution amendment bills.	2. SLCs have no role in constitution amendments . Legislative assemblies' assent is sufficient.
3. In certain matters, RS enjoys special powers that are not available to Lok Sabha. E.g., authorization for making laws on state list subjects.	3. SLCs are subordinate to State Legislative Assemblies even for ordinary legislation. The assembly can override SLC's recommendations on bills.
4. Rajya Sabha cannot be abolished . It is a permanent federal chamber .	4. SLCs can be abolished by the parliament as per article 169 of the constitution. It has no federal role .
5. Rajya Sabha makes the parliament bicameral .	5. Only 6 state legislatures are bicameral; the rest are unicameral.

The **need for legislative council** as a second legislative chamber in states is discussed below:

For	Against
1. It prevents hasty decision-making as the council can induce a 4 month-delay in passage of ill-considered bills if needed.	1. Legislative Councils are seen as places to rehabilitate political veterans and unpopular politicians who lost the election.
2. Participation of the non-elected intelligentsia enriches advisory roles for more effective legislation. E.g., inputs of eminent experts and professionals from backgrounds of arts, sciences, literature, etc.	2. The members are concerned about retaining their own political influence through closeness to power corridors rather than enriching legislation.
	3. Financial Burden : The Councils are an expensive luxury . They place a significant burden on the

3. It helps in democratic decentralisation through participation of local government .	State exchequer financed by poor tax-payers , especially in states such as UP and Bihar .
	4. Vested interests : The Legislative Council serves as a stronghold for people with personal stakes . They might prolong legislation that undermines their private concerns including issues of corruption .
	5. Questionable Utility : Delaying role is incommensurate with legislative issues of poor efficiency and delayed policy responses .

The necessity of legislative councils as **second chamber in state legislatures** should be reevaluated considering limited resources and **limited gains**. In addition, **checks and balances** should be in place to **curb the influence of political and vested interests**. (438 words)

Q.6) "The true function of a legislature is to discuss and deliberate and not merely to pass laws." Do you think the deliberative role of parliament has deteriorated over time? If so, what factors have contributed to this decline? Suggest measures to make the parliament a more effective forum for policy deliberations.

Approach: Introduce the answer by defining the Parliament as the highest platform for deliberations and discussions. In the body of the answer, discuss in detail the extent and quality of deliberation in Parliament. Next, discuss the reasons for a decline in the quality of deliberations in Parliament. Lastly, discuss how Parliament can be made a more effective forum for policy deliberations. Conclude by highlighting the role of all stakeholders in upholding parliamentary sanctity.

Parliament is the **highest forum for deliberations and discussions** on the matters of public importance. However, in recent times, various concerns have been raised regarding the drastic **reduction in both the extent and quality of deliberation in the parliament, as can be seen from:**

1. **Lack of deliberation**: Absence of quality deliberation has become a norm. E.g., In the last 7 years, **79% of the budget** has been **passed without any deliberation**; **34% bills in the previous Lok Sabha (16th)** were introduced and **passed on the same day** as compared to 16% in the 15th Lok Sabha.
2. An **increase in promulgation of ordinances**. E.g., The **number of ordinances passed** during the 16th Lok Sabha and first two years of 17th Lok Sabha **surpassed total number of ordinances passed** in 14th and 15th Lok Sabha combined.
3. There has been a **decline in average number of days** of meeting of Lok Sabha to **less than 70 days** over the last decade (**from around 120** in 1980s) owing to **repeated disruptions**.
4. As per critics, **misuse of the money bill** provision is done to **bypass the Upper House**.
5. **Undermining the parliamentary committees** have had the effect of reducing the **threadbare scrutiny** of the important bills. E.g., **Lesser bills** (from **71% in 15th Lok Sabha** to **25% in the 16th Lok Sabha**) have been **referred to the parliamentary committees**.
6. Dilution of the role of **exacting executive accountability**. E.g., In the 17th Lok Sabha, **only 11 short duration discussions** and **one half-an-hour discussion** have been held so far.



The **factors that have contributed to the decline in the deliberations** in Parliament are:

1. **Frequent interruptions and adjournments** is one of the most seminal reasons. E.g., The amount of time lost due to interruptions and adjournments have increased from 5.28% during the 11th Lok Sabha to 41.6% during the 15th Lok Sabha.
2. **Opposition has not played a constructive role** of ensuing quality deliberations. E.g., **Unruly behaviour** has become common in recent sessions.
3. Reports of **non-serious and unethical conduct of Members** within the Parliament has come to the fore. E.g., some Members were seen watching pornographic content inside the House.
4. **Politization of the post of Speaker**. E.g., some critics have highlighted that the opposition is not given adequate time to speak; role of speaker about money bill has come under scrutiny.
5. **Lack of information, poor technological interventions** etc. E.g., as per critics, most of the members rely on outdated published materials.

The Parliament can be made an **effective body for policy deliberations by**:

1. As recommended by the NCRWC, it should be **mandatory for the Houses to meet for a minimum number of days** in a year.
2. The **anti-defection law must be tweaked**, allowing Members to **express their opinion freely**.
3. **Disruption of the Proceedings of Parliament (Disentitlement of Allowances) Bill** must be passed to **penalize members deliberately trying to obstruct the proceedings**.
4. Measures should be taken to initiate **more informed debates**. E.g., funds for research teams for MPs; creation of **national information reservoir** etc.
5. Certain days of the week can be reserved for the opposition to raise, **discuss and debate issues** rather than the government dictating the order of business every day of the session.

As the Parliament is the most sacrosanct symbol of democracy, it is the **responsibility of all stakeholders** to protect its dignity and make it a platform for **healthy and constructive debates**. (565 words)

Q.7) "Amidst the clamor of competing interests, the government's wisdom lies in striking a fine balance, harnessing the energies of pressure groups while staying steadfast in its commitment to uphold the broader public interest." How do pressure groups influence public affairs? How can the government strike a balance between accommodating the demands of pressure groups while ensuring the overall public interest is upheld?

Approach: Introduce the answer with definition of pressure groups. In the body of the answer, list the various ways in which pressure groups influence public affairs. Next, list ways in which the government should balance conflicts between public interest and the agenda of pressure groups. Conclude with the need to find middle ground to uphold public interest.

Pressure groups, also known as interest groups or advocacy groups, are **organized entities** that represent **specific interests**, causes, or ideologies within a society. They are formed by individuals, associations, or organizations sharing **a common goal or concern** and actively seek to **influence public affairs** and policies, while operating outside the formal structures of government and political parties.

Pressure groups influence public affairs through the following ways:

1. **Prayers and petitions:** They send **representations to ministers**, discuss issues, and launch **legal challenges/ PILs** etc. for protection of rights. E.g., role of organizations like the **Naz Foundation** and Humsafar Trust in **decriminalization of homosexuality** in India.



2. **Protests:** Staging protests at state and national levels, **strikes** or **rallies** at prominent places has become an **effective mechanism** for raising issues in public. E.g., the **farmers' protests** in India by organizations like the All-India Kisan Sabha and Bharatiya Kisan Union.
3. **Propaganda:** Pressure groups utilize mass media to educate the public and raise awareness about their causes. Experts and members constantly express their opinions through **media**, **social media**, and **interviews**. Public **influencers** and **celebrities** are also used for shaping public opinion.
4. **Lobbying:** Pressure groups attempt to win support of people in power for their cause, such as **politicians, bureaucrats** etc. E.g., Business pressure groups like **FICCI**.
5. **Electioneering:** It refers to support for a favourably disposed person or political party in election to public offices. E.g., **political funding**, electoral support etc.

At times, the interests advocated by **pressure groups conflict with the broader public interest** or government policy. To strike a balance between accommodating pressure groups' demands and upholding the broader public interest, the **government can adopt the following strategies:**

1. **Inclusive policy-making:** The government should practice **wider engagement** by soliciting inputs and incorporating diverse perspectives from a **spectrum of pressure groups** during the policymaking process. E.g., formation of **expert committees** and **stakeholder consultations** in formulating the **National Education Policy 2020** was key to build **national consensus**.
2. **Constitutional values:** The government must **act decisively** in interest of social justice and for protection of constitutional values from a regressive agenda. E.g., social dictates from **khaap panchayats** that violate **constitutional morality** or demand for **reservation for dominant castes**.
3. **Common good** should be prioritized when it seems that broader public interest is not aligned with the demands of specific groups. This is particularly relevant in **development projects**, where certain **environmental pressure groups** may seek to halt projects without being sensitive to the country's developmental needs.
4. **Long-term interests:** Short-term populist measures that may appease specific pressure groups should be balanced with long-term views. Policymakers should conduct **rigorous impact assessments** based on expert opinions to make informed decisions that balance immediate concerns with **long-term sustainability**.
5. **Open dialogue:** Actively listening to the **grievances** and **aspirations** can help identify potential areas of compromise. The government should encourage open dialogue and negotiation with pressure groups to address their concerns. Close-door engagement should be avoided in interest of **transparency**.

While pressure groups provide valuable input and feedback to the government over various policy issues, it is the elected government's responsibility to **uphold public interest**. Allowing a specific pressure group to hijack the decision-making power of the government should be avoided. **Finding a middle ground** is the need of the hour. (542 words)



Q.8) "Parliamentary committees serve as the engine room of legislative scrutiny, delving deep into policy matters and holding the government to account." In this perspective, evaluate the role of departmentally-related standing committees (DRSCs) in holding the executive accountable to the parliament.

Approach: Introduce the answer with the role and background of parliamentary committees. In the body of the answer, first discuss the role of departmentally-related standing committees in holding the executive accountable to the parliament. Next, list limitations of DRSCs in ensuring parliamentary accountability of the executive. Conclude with DRSCs as the backbone of the parliament.

The functioning of Parliament is a complex mechanism and the role of parliamentary committees is key to the **effective functioning of the parliament**. Parliamentary committees draw their authority from **Article 105** on privileges of Parliament members and **Article 118** on Parliament's authority to make rules for regulating its procedure and conduct of business.

There are broadly **two kinds of parliamentary committees**:

1. **Standing committees:** These are permanent in nature. E.g., Financial Committees, **Departmentally-Related Standing Committees**, Administrative Committees etc.
2. **Ad-hoc committees:** These are established for specific purposes. E.g., by Rajya Sabha's **Select Committee on GST Bill**.

There are 24 departmentally-related standing committees (DRSCs), of which 8 work under the Rajya Sabha and 16 under the Lok Sabha. The role of DRSCs in **holding the executive accountable to the parliament** is as follows:

1. **Mini-parliament:** As a small body of **31 members**, DRSCs can exercise much **better oversight over the executive**. They have members from the government as well as the opposition. Parliament, on the other hand, is a much larger body, which fails to scrutinize every aspect of the functioning of the executive.
2. **Continuous Functioning:** Parliamentary work is scattered between sessions, however, the DRSCs function throughout the year. They also assist the parliament to question the executive through more **effective debates** based on the **reports of DRSCs**.
3. **Public participation:** DRSCs invite **comments from the public** or **opinions from the experts** on relevant issues and policy matters. It thus brings in **elements of direct democracy** in holding the policy decisions by the executive.
4. **Consensus-building:** DRSCs facilitate building of **political consensus** across party lines, beyond the glare of the media and public eye. **Party biases** can be contained in favour of issue-based **bipartisan opinion**.
5. **Thorough scrutiny** of policies is possible as members can air their opinion without the fear of **anti-defection law**. It is better able to evade **issues of politicization** that plague parliamentary discussions.
6. **Opposition's rule:** DRSCs give greater role to opposition parties in exercising **financial control over the executive**. All parties get to contribute to the **functioning of the government**.

However, DRSCs also have **certain limitations in enforcing accountability of the executive**, as discussed below:

1. It is **not mandatory** for the government to refer the bills to DRSCs. E.g., **only 27% of bills were referred to DRSCs** in the 16th Lok Sabha.
2. The **recommendations of DRSCs are not binding** on the government. E.g., in 13% cases, an **action taken report** is submitted by the government on recommendations from DRSCs.

3. As per **National Commission on Review of the Working of the Constitution**, DRSCs do not have any **standing research support**. They are also not mandated to seek expert opinion. The **lack of expertise** handicaps the working of DRSCs
4. **Short Tenure:** While DRSCs function continuously across sessions of the parliament, the total term of a DRSC is only one year.
5. There is a **lack of transparency** in the way DRSCs function.

The DRSCs have reduced the burden on the Parliament and contributed to making Parliament an effective forum for **informed debates on policy issues**. Thus, these committees along with ensuring the **accountability of the executive** also act as **the backbone** in the functioning of the parliament. (534 words)

Q.9) "The judiciary must not see itself as being above the measures for transparency, accountability and demographic representation that apply to the other pillars of democracy." In this perspective, discuss the reforms that are needed in India's judiciary. Do you think that the task of judicial reforms would be best entrusted to the judiciary itself?

Approach: Briefly introduce your answer by mentioning about Judiciary. In the main body of the answer, discuss various problem with Justice system. Then discuss reform which can brought by Judiciary by itself and by other external agencies i.e., executive and Legislative. Conclude the answer by impressing on the need for all the stakeholders to work together towards creating an effective and efficient justice delivery mechanism.

Judiciary is one of the three **important pillars/organs of Indian democracy**. As a **guardian of fundamental rights**, judiciary (Supreme Court) has been at the **forefront of various socio-economic reforms**. However, **despite its stellar role in upholding the rule of law, there are some challenges**:

1. **Delay in justice delivery:**
 - a) **High pendency of cases renders the judicial system ineffective** and may result in dilution of rights and liberty of people. E.g., As per an estimate, overall, more than 4 crore cases are pending in Indian judiciary.
 - b) **Presence of high number of undertrials** in jails is **antithetical to the ideas of personal liberty**. E.g., As per some reports, out of **5, 54, 034 inmates about 77.1% were undertrials**.
2. **Issues with Collegium system:**
 - a) **Lack of transparency and accountability**. E.g., in the past allegations of corruption have been made with respect to judicial appointments.
 - b) **Lack Grievance redressal system** makes collegium a closed entity leaving no recourse to the aggrieved.
3. **High Vacancy:** High vacancy in courts overburdens the justice delivery mechanism. E.g., there are just **about 21 judges per million of population**.
4. **Lack of judicial infrastructure:** According to **the National Mission for Justice Delivery and Legal Reforms**, adequate judicial infrastructure is a prerequisite for reducing delays in cases
5. **Poor court Management:** As per a study, **poor management of courts** makes the process of adjudication **cumbersome and inefficient**.
6. **Disparity in representation:** Composition of Indian judiciary, **especially in HCs and SCs**, lack representation from **marginalized sections** like women, OBC, ST/SC etc.

The imperative of judicial reforms **should involve all the stakeholders**:

Reforms from within judiciary	Reform through External organs
<ol style="list-style-type: none"> Reform in collegium: <ol style="list-style-type: none"> Bringing collegium consultation process in public domain, to the extent possible. providing grievance redressal mechanism. Secretariat can be established for the collegium. Tackling Corruption: Corruption in lower courts should be tackled by adequate measures such as enhanced technological interventions. Issue of high number of undertrials can be by resolved by: <ol style="list-style-type: none"> Reforming bail condition. Providing free legal aid. Establishing e-courts for fast disposal of cases. Possibility of reservation for the marginalized sections can be explored. E.g., women reservation in Higher judiciary. Bar and bench should collectively work to lower the number of adjournments. Streamlining court's administrative work. E.g., Bench of Ex - CJI Dipak Misra ordered for creation of post of Court Managers for Court management. Increasing the number of working days. E.g., CJI Lodha advised for round the year court. 	<ol style="list-style-type: none"> Increasing Appointment of judges - As per some Law experts, Increase in Judicial strength By 20% will have positive effect on pendency of cases. Government can decrease its litigation by following its National Litigation Policy, 2010. Increase retirement age: Increasing retirement age will reduce number of vacant posts. Improving Infrastructure: Well-designed equipped courtroom can help enhance the productivity of siting judges, enhancing the quality and efficiency of justice delivery. Reforming all the pillars of criminal Justice system requires dedicated efforts from the executive. Legislative Impact Assessment will also go a long way in reducing judicial delays and confusion.

There is an **imperative for judicial reforms** in India to enable an **effective and efficient justice delivery mechanism**. All the organs of the Indian democracy should **work together towards this end**. (555 words)

Q.10) "By extending the protective umbrella of Article 21 to shield individuals from not just arbitrary executive action but infringements by private citizens as well, the Supreme Court has reaffirmed its role as the formidable champion of the cause of the marginalized and the underprivileged." Discuss this statement with the help of relevant case laws.

Approach: Introduce the answer by defining article 21. In the body of the answer, explain the expansion of article 21 through the progressive pronouncements of the higher judiciary/Supreme Court. Conclude the answer by stressing how article 21 is a progressive and organic provision which complements human rights according to the changing times.

Article 21 of our constitution declares that "no person shall be deprived of his life or personal liberty except according to the **procedure established by law**". This provision was narrowly interpreted by the Supreme Court in the **Gopalan case**:

- It made a distinction between the **'procedure established by law'** and the **'due process of law'**. The court argued that the law **cannot be questioned** on the grounds of being **'unreasonable'**.



unfair or unjust because Indian constitution does not follow the doctrine of the due process of law, which is a feature of the American constitution.

- The meaning of 'liberty' was understood as a **mere absence of restraint** rather than as a foundation for the personality development of an individual human being.

This **narrow interpretation of Article 21** was shed in the **landmark Menaka Gandhi case (1978)**. The court applied the principle of natural justice and held that:

- The procedure prescribed by the law must be **reasonable, fair and just**. This was necessary to **fully protect the individual liberties** even against the **arbitrary legislative measures**.
- The 'right to life' **does not mean mere animal existence** or survival, but it means the right to live a dignified life.
- The expression 'personal liberty' **covers a variety of rights** that go to constitute the personal liberties of a man.

Incorporating the idea of **"due process of law,"** the SC has progressively **expanded the umbrella of rights** under article 21:

- In **Sunil Batra vs Delhi Administration**, the SC held that right to life include **right to healthy life**.
- SC interpreted **sexual harassment of women as the violation of their right to life**, in addition to violation of right to equality.
- Individual's dignity**:
 - In various cases, such as **M. J. Sivani vs Karnataka, Narendra Kumar Chandala vs state of Haryana etc.**, the SC held that **"right to livelihood"** is protected as an **integral part of right to life** (article 21).
 - In **Chameli Singh vs state of Punjab**, the Supreme Court brought **"right to shelter"** as a fundamental part of right to life.
 - In **State of Maharashtra vs public concern for Governance Trust**, the apex court settled that **"reputation is an inseparable part of human life."**
 - In **R.P. Ltd. vs Proprietors Indian Express Newspapers**, the SC ruled that **"right to know"** flows directly from right to life under article 21.
- Right to environment under article 21**:
 - In **M. C. Mehta vs UoI (1988)**, the apex court ordered the closure of various tanneries polluting water.
 - In **M. C. Mehta vs UoI (1997)**, SC gave comprehensive guidelines for protection of Taj Mahal.
- Access to justice**:
 - In **M.H. Hoskot v. State of Maharashtra**, SC held free legal aid inseparable from right to life.
 - In **Hussainara Khatoon v. Home Secretary, State of Bihar**, SC brought speedy trial under the ambit of right to life.
 - In other significant cases, the SC has brought the **right against handcuffing, against delayed execution** etc., under article 21.
- Right to privacy**: In **K. S. Puttaswamy case**, a 9-judge bench of the SC held that **"right to privacy"** is an intrinsic part of right to life.

Right to life in part III is not a static concept, but **most organic and progressive provision** in our living constitution, providing **human rights in accordance to changing times**. (555 words)