



ENLITE IAS

Enlightening minds. Lightening journeys

MAINS TEST SERIES

POLITY

Question Paper Specific Instructions

1. There are **TWENTY** questions printed in **ENGLISH**.
2. All the questions are **compulsory**.
3. The number of marks carried by each question (or part) is indicated against it.
4. Word limit in questions wherever specified should be adhered to.
5. Any page or portion of the page left blank in the Answer booklet must be clearly struck off.

Qn No.	Marks Obtained	Qn No.	Marks Obtained	Qn No.	
1	3½	8	3½	15	7
2	3½	9	4	16	7½
3	2½	10	4	17	6½
4	4	11	1	18	7½
5	4½	12	8	19	5
6	4	13	7½	20	7½
7	5	14	7½		
TOTAL					

Name

LAKSHMIPRIYA P.

Roll no

Subject

Polity

Date

Questions Attempted

19.

EXAMINER REMARKS

GRADE PARAMETERS	BELOW AVERAGE	AVERAGE	GOOD	BETTER	OUTSTANDING
Understanding of question					
Conceptual clarity					
Structure					
Content					
Presentation & legibility					

Any other remarks:



1. The paradox of an apolitical president and political governor needs to be reconciled, sooner than later. Comment. (10 Marks)

The heads of the Executive at the Centre and State level — the President and Governor respectively are paradoxical due to ~~their~~ difference in neutrality.

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Though both the offices are expected to be APOLITICAL, the implementation is visible only in President who

- 1) generally gives up party membership,
- 2) collaborates with all parties
- 3) Bring a federal bridge — through State into etc

Comparison b/w two would have been better Gov / prez

However the political nature of Governor is due to: -

- 1) Appointment by President — on the advice of Council of Ministers (Art 75)
- 2) Acting as an agent of the centre.

Some incidents: recently highlight political.



- 1) Recent row in Tamil Nadu - regarding authority
- 2) Kerala - Around the issue of Vice Chancellor
- 3) ~~Recomm~~ Non appointment of opposition members
as ~~not~~ CM in hugredict
- 4) Recommendation for President's rule in opposition/segment
party states etc..

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This paradox needs to be solved sooner for

1. True spirit of Indian federalism
2. Upholding dignity of office of Governor - not an
office of Government but an office of Constitution
3. Balancing of State's interests

For this SC guidelines shall be put into practice in
Governor appointment:

- ✓ ~~Not~~ Non-interested in politics of the State
- ✓ outsider
- ✓ from eminent walks of life



2. What is a 'corrupt act' according to the Representation of People Act, 1951?

(10 Marks)

The Parliament of India is empowered by the Constitution (Article 326) to make provisions regarding the conduct of elections and accordingly passed the Representation of People Act 1951.

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The Act defines several provisions for disqualification of Members of Parliament (and State legislature) under Section 123 of the act. One among them is corrupt practices.

It includes: -

- ① Acceptance of bribery during election procedure.
- ② Intentional spreading of hatred or communal disharmony through election procedure.



③ Non disclosure of complete election expenditure
of the candidate

④ Non disclosure of criminal antecedents of the
candidate

⑤ ~~Practise~~ Conviction under practice of
untouchability

⑥ Conviction under practice of dowry, sati etc.

Study
Add can to

These corrupt acts can incur disqualification
which can be recommended by Election Commission
of India to the President who then declares so
(binding advice)

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3. Discuss how inner party democracy is important for Indian democracy. Also compare the inner party democracy of India and Britain. (10 Marks)

~~Inner party~~ Political parties represent the voluntary association with the intent to capture power. In democracy, inner party democracy in dealing with its members is crucial.

Importance

1. Inner party democracy enables true political leadership within parties
eg popularity of Bose during INC Haripure Session
2. Helps overcome the current trend of dynasty politics
eg INC, Shiv Sena etc
3. Offers equitable leadership opportunity for every section of society
eg Women, SC/ST representation etc.

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④ : Trains political parties to be democratic in public spirit

eg) Office of the Whip in Parliament more democratic.

Comparison between Indian and Britain

• In India inner party democracy is voluntary.

• Some parties may favour democratic selection of leadership while others may follow cult politics of the leader. ~~Prime Minister~~

• Prime Minister is chosen by the legislative majority party.

In Britain — inner party democracy is manifested in the choice of Prime Minister itself. ~~The~~

• The party's elected representatives elect for the Prime

Minister

Inner party democracy has been recommended by NCRPC & Election Commission of India to bring out true spirit of Indian democracy.

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4. While the chances of any private member's bill, least of all a Constitution Amendment, becoming law is extremely low, it plays an important role in shaping parliamentary and public discourse. In this context, discuss the provisions for a private member bill and analyse the role it played in India's parliamentary history. (10 Marks)

Private members are members of the Parliament who are not ministers. They may be from ruling party or opposition.

In India, very few private members' bills have become law. Eg. Rejection of bills introduced by Sashi Tharoor.

Importance

Provisions of private Member bill

- ① The member may request the leave of the speaker to introduce a bill.
- ② If granted permission, he/she can draft the bill.
- ③ May be introduced in the Lok Sabha / Rajya Sabha.
- ④ Do not require any prior permission of President. for CA bill

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①

Role played in Indian parliamentary history

Minority rights
or
transgender
bill

- ① Voicing the viewpoints of the opposition
- ② Generating alternate legal discourse to the ~~the~~ bill of the Minister
- ③ Enhance the quality of discussions in the Parliament
- ④ Includes detailed provision - because often from spheres of personal experience.
- ⑤ Upholds the true nature of Indian parliamentary democracy.

Add ex:
of bills

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~~Shorokom~~ Unfortunately, the non passage highlights the intolerance and majoritarianism in Parliament. This can be overcome by dedicating certain days exclusively for private member bills (or practice)



5. Comment on the enabling provisions that extend the jurisdiction of CBI into States. Why such interventions often result in centre state tussle? (10 Marks)

Central Bureau of Investigation is the key Investigating Agency, working under DPSE Act, ^{provision} recommended by Santhanam Committee (1964). It is non statutory.

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The jurisdiction of this central agency (under MHA)

may extend to the States under:—

① State's general consent: ^{Blanket} permission given to CBI to conduct any investigation in the State.

Sec 5, 6 DPSE

② Case-to case basis consent given by State for specific cases.

→ However even without general consent. The jurisdiction extends if:—

③ The case being investigated in one state ~~of general~~ has considerable Nexus with the State



④ The ~~must~~ date of the crime is before the withdrawal of general consent.

⑤ Any special instruction given by the courts or such authority as Parliament may decide.

Such interventions result in centre state tussle because

① Law and order - State subject

↳ Hence States view CBI as encroachment into jurisprudence

② Allegation that CBI is often targeted against states in conflict with Centre (different from that at Centre)

③ Clash with State investigative bodies @ Police databanks

④ Lack of coordination

Thus in matters of CBI, broader consensus must be arrived at Centre-State level and shouldn't be deployed as political tool

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Caged person - SC



6. Multilingualism is an unavoidable facet of Indian Constitution. Discuss in the context of debate for 'one nation, one language'. (10 Marks)

The growing shetonic of One Nation One Language:

favoring Hindi by the Union Home Minister has gathered ~~pro~~ protests from non Hindi speaking states @ Tamil Nadu.

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Multilingualism is unavoidable facet of Indian Constitution

① Schedule Non Recognition of any 1 language as National Language

② Designation of both Hindi and English as official languages of the union

③ 8th Schedule - 22 recognized languages with few list being updated frequently.

④ Fundamental Rights - under Article 29, 30 - to protect the languages of the minorities

@ : ITMA Paicase



One Nation One Language system disfavours

the multilingualism :-

① Priority to Hindi over other Scheduled languages

② General tone of 'imposition' rather than

'popularization' has resulted in protests.

③ The NEP 2020 also recognizes importance of

multilingualism & 3 language formula

However the constitution has also provided for

protection and development of Hindi and has asked

Parliament to take steps to develop a lingua franca

for the Nation. In this context initiatives like

Hindi Dikrari are appreciable rather than coercive

imposition.

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7. "State sponsored religious reforms and freedom of religion has always remained in loggerheads". Elucidate with relevant examples. (10 Marks)

The Indian model of Secularism in a nation where [Sarra Dharma Sama Bhawa] is considered a unique virtue. However clashes occur.

Indian secularism upholds the right of the State to interfere for religious reforms while also giving freedom of religion as a fundamental right (Art 25-28)

① Remained at loggerheads

① The abolition of untouchability and throwing open of all Hindu religious institutions to all castes

— said to violate holy scriptures like Manusmriti (Article 25)

② Women's Entry to Sabramala temple — seen as violation of Right to preach religious norms — (Article 25) →

③ Right to alimony of the Muslim divorcee (Shayara

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Bano case) - seen violative of IDDAT practice of Islam.

4) Banon SHANTARA - Jain practice of fast unto death

However the doctrine of essential religious practices developed by the SC has helped in balancing this.

1) It enables upholding constitutional morality over individual religious rights

eg Hadiya Case : Right to choose lifepartner over religious prejudice

2) Helped solve disputes

eg Ismail Faruqi judgement over Ayodhya Ram Tanmabhooni - Babr Masjid

3) Triple Talak ban: upholds the Right of the woman while declaring talak as a nonessential practice

Thus the Indian model helps in resolution of issues in a multicultural society

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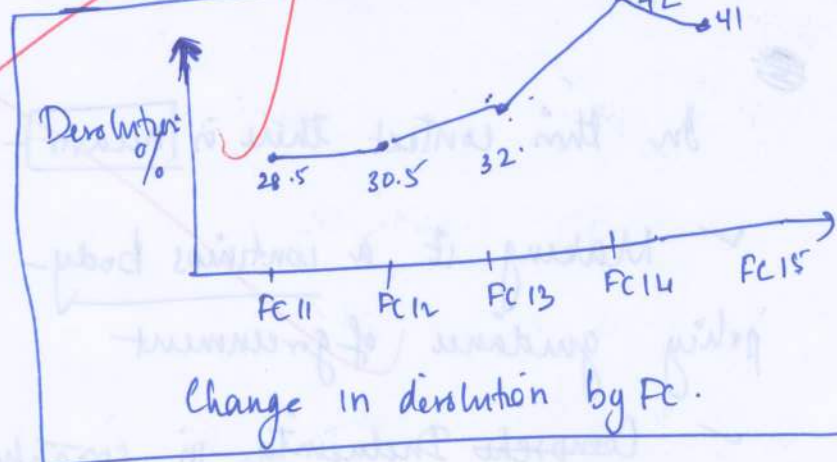


8. Finance commission plays an important role in devolution of resources. In this light discuss the challenges and limitations faced by Finance commissions of India in fulfilling their constitutional mandate, especially in the current circumstances.

(10 Marks)

The Finance Commission is a constitutional body set up under Article 280 of Constitution by the President. Every 5 years (or as and when required).

It plays important role in devolution of resources to the states from the central pool of resources.



In current circumstances, In current circumstances, #

Challenges and limitations faced :-

① Issues on the Terms of Reference :-

↳ Unilaterally decided by the Centre (against federal spirit). Some terms gathered protests

@ Use of population - 2011 census. in 15th FC

Do not write anything on the margin



② Only advisory. Hence recommendation are non-binding -

③ No clear mandate about the continuity of organization after submission of report

④ Several provisions not implemented -

④ Increase of fund devolution to local bodies



In this context there is need

✓ Making it a continuous body - which can aid policy guidance of government

✓ Complete Inclusivity in constitution - to include financial provisions of all areas.

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9. Which is in best interest for the progressive development of the nation, a coalition of regional parties with differing ideologies or a national party with a coherent vision? (10 Marks)

Indian multi party system has seen develop-
ment of coalition's as well as dominant parties at the
centre.

Coalition of Regional parties - In Best Interest?

Yes → varied perspectives of all regions included - ~~the~~
→ Inclusive of all opinions of the States - all stakeholders
→ Boost regional development.

However, there are issues -

No ⇒ Issues → Boosted regionalism tendencies
→ Loss of soil doctrine
→ Instability of the government

The coalition era of Indian politics - 1984 - 2014 has
seen both these advantages and disadvantages

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In this context >

National Party with coherent vision seems like
in best interest.

Because:

① National priority over regional biases. — ultimate example

eg climate change — PM Panchayat

② Stable government — boosting International
comprehension national power

↳ Aim to be 2nd largest economy

③ More time spent on welfare goals rather than
party conflicts

However this must ensure that federalism in
inclusive spirit is implemented — Stronger States

make strong nation ideology shall be given importance.

For this needs strengthening of Inter State Council;

Govt Council, NITI Aayog etc.



10. Basic structure doctrine developed to preserve the Constitution, in essence, assails the people's will. Critically comment. (10 Marks)

Basic structure doctrine is a judicial innovation of Supreme Court in the landmark Kesavananda Bhaskar judgement (24th April 1973). It ensures that while Article 368 enables the Parliament to amend the constitution, its basic tenets are sustained -

Do not write anything on the margin

Basic structure assails people's will

Preserving Court

① - Includes provisions upholding Indian popular democracy

eg Free and fair election - as per Indira Gandhi case

② - Enables provisions for quality of citizens life - which can't be curtailed by Parliament

eg liberty Right to life, Right to equality etc

③ - It upholds constitutional morality - reflecting the



minds of the makers of the constitution

eg - 'Secularism' is atomic structure -

④ - Strengthens popular belief in Judiciary - judice

eg judicial review atomic structure

However, there are certain issues

assails people will

1) Trench down of NJAC (99th constitutional Amendment) - as violative of judicial autonomy

↳ This highlights the potential for abuse.

2) Totally Defined per exact base basis - hence ambiguity of provisions is high.

not codified

In this context there is need for codification of

Basic Structure as done by Germany. ~~The doctrine~~

"Basic Structure is the North Star of Indian Constitution"

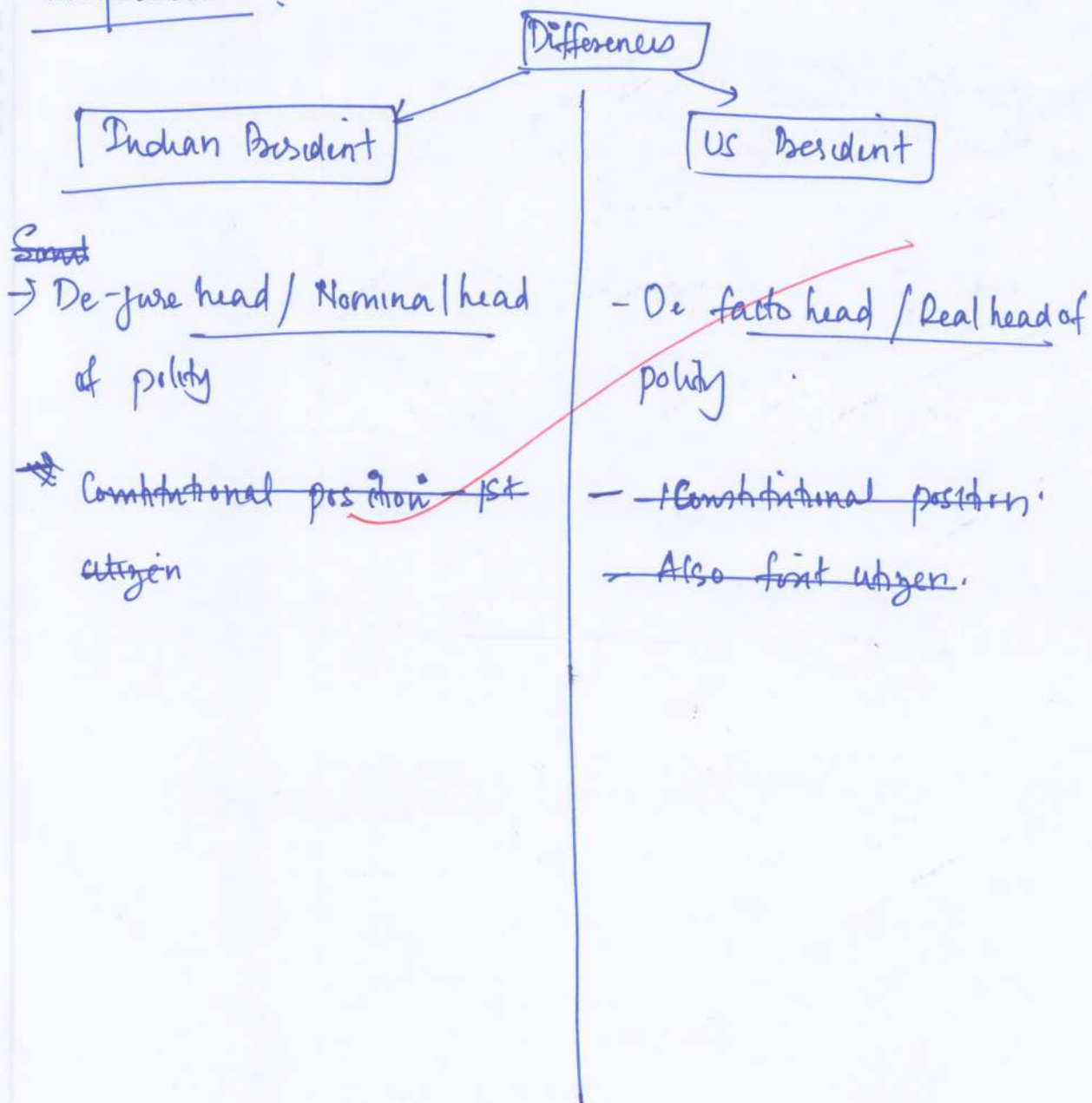
- CTJ Chandrachud

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11. Compare the constitutional status of Indian and American presidents.
Also compare the impeachment procedure of both the offices. (15 Marks)

The Indian parliamentary model's President
and US Presidential democracy's President have striking
uniqueness.



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Compare the constitutional status of Indian and American presidents.
Also compare the important procedure of both the offices. (15 Marks)

The Indian Parliamentary model President

and vs Presidential democracy's President are differing

Comparison



US President	Indian President
<u>Do not have / Real head of state</u>	<u>Do have / Nominal head</u>
<u>Policy</u>	<u>of policy</u>
<u>Constitutional position</u>	<u>Constitutional position</u>
<u>Also first citizen</u>	<u>Also first citizen</u>

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12. Do you think Competition Commission of India has evolved according to the changing dynamics of the market? Discuss with recent examples. (15 Marks)

Competition Commission of India (CCI)

Regulatory body established under Competition Commission

of India Act to regulate the competitive market of

India post 1991 for better

Positive evolution of CCI

1) Transformed into anti-competitive practices in

the market → in line with global standards

2) Expanding legal playing field for all market

enterprises in India

3) Protection of the identity element of the

companies - trademarks etc.

4) Converted suo moto enquiry into market investigations

Do not write anything on the margin



12. Do you think Competition commission of India has evolved according to the changing dynamics of the market? Discuss with recent examples. (15 Marks)

Competition Commission of India (CCI)

a regulatory body established under Competition Commission of India Act to regulate the competitive market of India post 1991 LPG reforms.

Do not write anything on the margin

Positive evolution of CCI

- 1) Inquiries into anti-competitive practices in the market → in line with global mandates
- 2) Enabling level playing field for all market entities in India.
- 3) Protection of the identity element of the Companies - trademarks etc.
- 4) Conducts suo moto enquiry into market monopolization



tactics of larger MNCs

@ Walmart - Flipkart issue

- 5) Ensure competitive pricing favourable to the customers of the market

However certain issues persist

- 1) Mushrooming of ~~other~~ several regulatory bodies with overlapping jurisdiction

@ CCI v/s TRAI debate - over ~~monopoly over~~ telecom merger issues

- 2) Interventions into areas of poor domain expertise

@ CCI intervening in Bank merger issue opposed by RBI/-

- 3) Create undue delays resulting in poor ease of Doing Business

Do not write anything on the margin



- 4) Continuing monopolising tendencies ~~in Indian~~
of State in Indian market

In this context there is need to :-

- 1) Clear delineation of regulatory jurisdiction of regulatory bodies.
- 2) Further strengthening of CCI - with ~~security of~~
tenure constitutional status to gain autonomy

2) in functioning

- 3) Allocation of adequate budgetary expenditure
- 4) Lesser State intervention in administration
- 5) Inclusivity in Commission - women, SC/ST members etc

There is need for constitutionalizing of the
Commission as India advert Amitkara - to be one of
the most competitive global markets

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13. Passage of fifty second amendment was a revolutionary initiative of that era, but has it withstood the growing challenges in the current era? Discuss. (15 Marks)

The 52nd constitutional Amendment 1986

introduced the 10th Schedule to the Indian Constitution -
the Anti Defection Law (ADL)

[A revolutionary initiative of the Era]

- ①. The ~~ADL~~ ADL law mandates disqualification of MPs/MLAs for the unethical practice of defection if
- A legislator from a party gives up party membership
 - Does not adhere to party guidelines in the legislature — whip's instruction
 - Independent member joins political party
 - Nominated member joins a party after 6 months
- ②. It ensured stability to the government of the era which was upset with horse-trading of legislators

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③ The 'Aaya Ram Gaya Ram' model of legislature politics guided by greed, and materialistic purress were crebed.

④ The exemption for split allowed for continued expansion of issues

↳ However this provision was misused and defections went wholesale than retail. So the provision removed through constitutional amendment

But it seems insufficient in current era

① Continued practice of defections and associated instability eg fall of government in MP recently

② The discretionary power to speaker to decide on ADL cases led to politicization of the post

eg cases against speaker in Karnataka

③ Provisions restricting Supreme Court intervention -

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upsets the judicial review.

Kihoto Hollohan case: SC can intervene after Speaker takes decisions.

- ④ The action of Speaker ~~can~~ usually favours ruling party leading to loss of credibility of parliamentary politics.
- ⑤ ~~Does~~ curbs parliamentarian's autonomy - limited by whip. In this context, there is need for:-

- ① Apolitical office - eg President on ECI recommendation should decide on ADL cases.
- ② Time limit for Speaker to decide on ADL case.
SC → mandated 3 months
- ③ Use of whip only to key motions eg Nonconfidence motion, vote of thanks etc.

Though these steps and defection law can be reformed to balance stability with quality of parliamentary discussions.

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14. Discuss the rationale behind preventive detention laws in India. Is it the lack of procedural safeguard or abuse by the executive that result in violation of rights? Comment. (15 Marks)

Preventive India is one of the rare democracies with preventive detention in the Constitution itself. Several other laws support it.

Article 22 is guaranteed

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Rationale

1) Curb the anti national activities that can upset national wellbeing

eg Prevention of Terrorism Act

2) Ensure immediate response amidst challenging situations

eg detention of enemy alien during war.

3) Cuebing the spread of unlawful activities eg smuggling of drugs, arms etc.

eg NAPA Act

The Indian constitution safeguards



It is said that lack of procedural safeguards leads to abuse of :-

However, Indian Constitution itself (Article 22) ensures that ~~commit~~ detention under preventive detention is given

~~for~~ safeguards like:-

- (i) Detention of maximum upto 2 months.
- (ii) Further detention requires court permission
- (iii) Access to a lawyer.
- (iv) Right to know about the grounds of detention

However they have issues

- ① Lack of clarity in provisions
- ② The legal advisor : often favours State.
- ③ Non disclosure of all information about grounds of arrest due to security reason.

This may lead to EXECUTIVE EXCESSES that result in violation of rights :-

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1. Custodial torture

(eg: Bennicks and Jeyaraj case)

2. Non availability of writ (Habeas corpus)

3. Lack of complete disclosure.

In this context, there is need for:

① Unambiguous comprehensive law on preventive detention

② Sc guidelines under Prakash Singh case to be followed for all instances of detention

③ Ensuring safety and dignity to the arrested

↳ Right to life (Article 21) upheld

Law Commission has recommended comprehensive reforms to fill the vacuum of legislation

which needs to be implemented:

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15. The legislature cannot transfer the power of making laws to any other hands: for it being but a delegated power from the people, they who have it cannot pass it over to others". In this light discuss about the increasing number of delegated legislations in India, issues involved and safeguards available. (15 Marks)

The parliament draws its law making powers from the Constitution where 'we the people of India' entrusts this duty on 'Parliament - the temple of democracy'

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However, delegated legislations: Parliament delegating its law making power onto lower levels of administration is on an increasing trend.

Reasons:-

- ① Parliament neither has the time, nor the expertise to chart detailed provisions for any law.
- ② The delegations ensure that Parliament's broad vision can be met with practical expertise of the executive.
- ③ Broad-based knowledge can help in making comprehensive



Laws -

eg Medical Termination of Pregnancy Act

Add more
instances

Issues involved

- ① Delegations take away Separation of power : Executive in domain of legislature.
- ② Law made by non representatives ^(bureaucracy) ⇒ affect democratic standing of the law making process
- ③ Non utilization of the parliamentary time for productive reasons is one of the key reasons for non.
- ④ Administrative biases - against visionary laws.

In this context Safeguards available include:-

- ① Parliamentary Standing Committee: Who examines the bills line by line in detail and with expert support.

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② Bill reading stage: of parliament → open to discussion

③ Rajya Sabha: as a revisionary chamber to check the issues in delegated legislation

④ Pocket veto ~~para~~ / Suspensive veto of President to ensure final checks and balances.

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In addition, the bureaucrats themselves function under Ministers which are responsible to the parliament.

(Ministers' principle of collective responsibility)
(Article 75)

Thus delegated legislation is the need of the time. But it can be reduced by increasing Parliamentary time (LS-120d, RS-100d as recommended by ~~NCWC~~ NCWC), reducing disruptions (by empowering speaker) etc. This will ensure balance of separation of power with checks and balances.



16. Elucidate the latest initiatives taken by the apex court of India to make judicial appointments more transparent, inclusive and accountable? (15 Marks)

The collegium system used for judicial appointments have attracted criticism for lack of transparency.

~~Latest initiatives taken~~

~~Importance of transparency, Inclusivity and Accountability~~

Latest steps taken for judicial appointments

Transparency :-

- ① Supreme Court recommended creation of All India Judicial Services (AIJS) for appointment to the lower judiciary.
- ② 2nd judge case mandated that the senior most SC judge should become next CTJ.
- ③ Gradual expansion of collegium system (4 members presently).

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④ ~~gradually increase~~ Opening office of CJI to the Right to Information - public authority

⑤ In other spheres - streamlining of cases (Swapnil Nupath case) etc highlight commitment to transparency.

Inclusive :-

- * Present ratio of women in judiciary 11%
 - * No female CJI till date
 - * Lack of reservation for SC/ST in collegium
- } Highlight need for inclusivity

Steps :

- ① ~~former~~ CJI Ramana recommended women reservation in lower judiciary - which can empower them to access higher judiciary
- ② Current recommendations include potential for the 1st female CJI in Indian history
- ③ Idea of SC/ST/SEBC reservation is being explored.

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Accountability:-

- The judicial accountability is as

Steps:-

① Opening CJI's office to limits of Right to Information

② Display of justice clock - at Gyaait HC →

highlighting judicial pendency and accountability to finish them

③ Procedural safeguards to ensure accountability of appointments

↳ appointment / transfer of HC judges should be

(i) done in non arbitrary manner.

(ii) here as punishment transfers

(iii) only in larger public interest -

In addition the NOAC system shall be revived with adequate procedural safeguards to balance Judicial Autonomy with transparency, accountability & integrity

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17. "The spirit of law lies in dissenting judgements". Explain the statement in light of the recent debates about judicial majoritarianism. (15 Marks)

Judicial majoritarianism - refers to the procedure of verdict of a case in which each individual judge of the bench is empowered to give own judgement - yet chooses to go by majority verdict.

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Issues of ~~majority~~ judicial majoritarianism lies in the fact

that the spirit of law lies in dissenting judgements.

When judges are truly empowered to give dissenting judgements, :-

- ① The contrasting value judgements are highlighted
- ② Fljab Ban case Karnataka - dissenting statements of Right to Religion/Culture.
- ③ Ensures the constitutional morality is



Subjected to public scrutiny - — Increase public faith

③ Enables a larger bench to look into key issues

④ Identification of the issue — itself is a route to solution in further dispute resolution

⑤ Dissent judgements — also add value as statement of record — opening newer dimensions to cases in future.

⑥ Representative of independence in judiciary.

eg Kesavananda Bharati verdict — 4:4:6 verdict
In contrast, majoritarianism may occur if: —

① Obvious violations of law.

② Strong shaken conscience of judiciary.

③ Representative of the strong message intended to be said by the bench.

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But in some cases may indicate :-

- 1) ~~Reduced~~ Potential for internal influences :
- 2) favouritism etc.

In this context, dissenting judgements are important because :

"It is not sufficient that justice is done. Justice must be seen to be done"

Here even if ~~the~~ the total verdict is in opposite direction, the dissent empowers litigant to fight for own rights.

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18. What are the sources of Parliamentary privileges in India? Discuss the need for its codification in a progressive democracy. (15 Marks)

Parliamentary privilege refers to a collection of rights enjoyed by the Parliament, its members, its committees etc.

Sources of Parliamentary privileges

- ① Constitution of India
- ② Rules of Procedure
- ③ Parliamentary Conventions

~~Constitution~~ These privileges are :-

Individual privileges

- (i) Protection from arrest - 40 days before and after the session of parliament.
- (ii) ~~Right~~ Conduct of MPs shall not be enquired into by judiciary.
- (iii) The members - right to freedom of speech and expression in floor of parliament

Judicial pronouncement
Mam Sharma case

Do not write anything on the margin



Collective privileges

- (i) To know about the present arrest of a member
- (ii) To publish reports on its transactions
- (iii) To conduct secret sessions if necessitated
- (iv) To be informed about court proceedings involving a member

Do not write anything on the margin

These are ~~scattered~~ not codified especially the convention.

Need for codification

- (i) To get rid of ambiguous statements in the privileges
- (ii) To clearly identify the limits of privileges and duties of parliamentarians.
- (iii) Reduced chances of misuse
- (iv) Lesser discretion of speaker / chairmen → of which Speaker is criticized as being increasingly political.



(v) In line with International practice

@ Britain - codified majority of privileges

However Issues of Codification

(i) Entail judicial intervention for violation of code

(ii) May affect independence of parliament to
frame its own procedure

(iii) Changing needs of the time $\Rightarrow$ may require
frequent updation of privileges

@ definitions of freedom of speech

In this context, a flexible approach with pilot
codification attempt shall be undertaken to understand
the practical challenges as recommended by NCRWC.

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19. The Government of National Capital Territory of Delhi (Amendment) Act, 2023 is the last among the long political tussle between Union and the elected government of Delhi. In this context, examine the underlying issues in the current system of governance of Delhi. (15 Marks)

The 69th Constitutional Amendment introduced Article 239 AA regarding administration of National Capital Territory - Delhi. The NCT (Amendment) Act 2023 is contradictory to the judgements of SC in the issue of tussle between Delhi's Legislator (LA) and CM.

Do not write anything on the margin

System of governance under 239 AA in Delhi

- 1) A Legislative Assembly - elected on universal adult franchise.
- 2) The Chief Minister and council of Ministers to aid and advise LA.
- 3) The CM's jurisdiction shall not include land, law and order and police.



Underlying issues

1) Tussle between LG and CM with the Latest NCT Act

↳ here the government of Delhi means LG.

↳ He shall have all discretionary powers in any matter of legislation

As

2) Intervention of SC to settle the dispute

↳ SC highlighted that the efforts of LG should be limited to land, Police and law and order

↳ The popular elected Legislative Assembly and CM should have adequate powers

3) Issue of administrative staff:

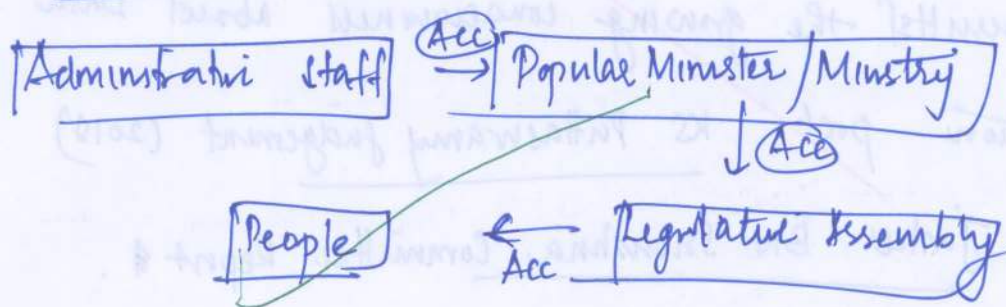
Delhi CM argues the need for independent administrative staff. While the LG holds on to the Centre's

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Sole authority in appointment.

4) Supreme Court Clarification - of TRIPLE LINE of ACCOUNTABILITY



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Acc: Accountable to

5) However the recent Amendment overturned the above judgement disrupting balance of power in favour of LG to make all appointments to administration.

In this context, there is need for FORBEARANCE in the political tussle to ensure the true spirit of democracy in Delhi. The adherence to SC guidelines shall be essential for a smooth polity in capital territory.



20. The new Digital Personal Data Protection Act, 2022 is more biased towards the rights of the data fiduciary rather than user's privacy. In this context critically analyse the provisions of the bill considering the recent global measures for personal data protection. (15 Marks)

The Digital Personal Data Protection Act 2022

is a result of the growing consciousness about Data Protection post KS Puttaswamy judgement (2018) and Justice BN Srikrishna Committee Report.

Provisions of the bill

- 1) Data fiduciary: safe harbour provision of no legal liability from actions on platforms.
- 2) Data protection principal: the right to privacy to the personal data of the individual including rights to be forgotten.
- 3) Data mirroring: The safeguarding of personal data, while non personal can be mirrored and used for analysis.

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4. Data Localization: Keeping data generated from India within the borders.

5. Data Protection Authority: for grievance redressal
Issues with the provisions:-

1) Biased to rights of fiduciary: and around safe harbours, but affect EODB - data localization.

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2) Affect user privacy: the provision enabling data tracing to origin of the message violate privacy.

3) State overlordship of data: potential to be violated / misused

4) Potential for transfer of data abroad

This is relative of global measures

* Osaka track of dialogue: free transmission of data -

* European data protection regime: GDPR

eg intervention into message origin.

Right to be forgotten
Exemptions
Compare with global initiative



However Advantages includes:-

Can merge with previous part

1) Starting point of Rights of Individual over own data.

2) Right to be forgotten, privacy (Art 21)

3) Help curb ~~hate~~ & radicalization messaging by ~~the~~ trying to trace origin

4) Provision of gracious redressal - Data Authority

5) Capitalization of data - the potential currency of AI era.

Thus this is the first step in the right direction. The guidelines of Krishna Gopalakrishnan Commission on non-personal data shall also be considered to comprehensively amend with needs of time.

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