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कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

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Name - Gauima Lohia

Date - 1/09/2022

Subject - Polity Test 3 51223

Rollno → 1910102924

Time . 6:08 pm → 9:08 pm

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(1) The SC formulated the Basic Structure Doctrine as part of Kesavanand Bharti judgement 1973.

Though it did not clearly spell out what constitutes basic structure, courts from time to time have pointed out features that amount to Basic structure eg Judicial Review in Minerva Mills case.

This confusion & vagueness has led to tensions and apprehensions -

1) Doctrine of judicial review empowers HCD ~~Centre~~ SC to invalidate any law or judicial action which is violative of basic structure. However since what's basic structure is not clear, it leads to unlimited powers with the courts

2) Using Basic Structure, SC has untailed many prior legislations such as the

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Tribunals ~~has~~ Act which kept away the jurisdiction of HC.

However it is the the doctrine of basic structure that has upheld the fundamentals of our constitution and protected our basic features like Sovereignty, Secularism & Separation of Power.

Not delineating it clearly gives SC a power which is much needed to keep with the Living Tree nature of our Constitution

However courts must make sure that any arbitrary encroachment into each other's domain is not desirable.

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Q.2

Recently SC put in abeyance the operation of Sec 124 of IPC which defines sedition as - " anyone who by words, written or spoken, signs or visible representation brings or attempts to bring disaffection, contempt or hatred towards govt established by law is guilty of sedition.

Should India do away with sedition

- i) a colonial relic which has outlived its utility, and is a threat to civil liberties need to be done away with
- ii) It presents opportunity for weaponization against dissenters; violates Art 19(1)(a)
- iii) It doesn't differentiate between govt and state eg Vinod Dua, NDTV journalist was charged under 124 for his criticism of Central govt handling covid-19
- iv) Conviction rate as per NCRB - 3.3%. This shows the frivolous nature of charges & potential misuse for victimization

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of dissenters, violates UDHR of 1948
v) SC in Sankar Maratha vs State of Maharashtra upheld that legitimate criticism of govt is not seditious

However some also argue that ^{Sec} 124 is needed
→ to tackle anti national elements, secessionist tendencies and violent overthrow of state
→ it is in line with power of contempt provided to courts

Way forward

1) Till Centre doesn't come up with its criminal law amendment, SC recommendation in Kedar Nath vs State of Bihar needs to be followed → sedition cases charged only when it leads to incitement to violence

As SC in Shreya Singhal judgement said that innocent and protected criticism of govt is sine qua non for a vibrant democracy, oppressive laws like sedition should be done away with

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- (3) NA Palkhiwala called our Preamble as the identity card of the constitution. It is not a mere solemn resolution, but an expression of philosophy, purpose & principles of constitution.

Philosophy of Constitution

- i) Our constitution envisages democratic institutions and functioning & it is reflective in our preamble
- ii) It talks about Justice - social, economic and political and as constitution makers said it is the essence of our constitution
- iii) Liberty and equality are essential for full potential of individuals

Purpose of Constitution

It established the nature of our governance

- Democratic - found in Art 325, 326
- ↳ Sovereign → as reiterated by GOI

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from time to time

Socialist → as reflected in our DPSP

Secular Art 25 to 28, Art 14, 15, 16, 44

Republic → Parliamentary form of govt, elected
head of state and no privileged class of
persons.

Principles of Constitution

It upholds liberty, equality, justice,
fraternity and integrity of the nation.

Therefore SC in Kesavanand Bharati case
1973 ruled that preamble is an
integral part of our constitution and
reference is made to it in case of
any conflicting interpretations.

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(4)

Doctrine of Essential Religious Practice (ERP) was enumerated by apex court in Shirur Mutt Case of 1954. It says that every religion allows for a set of practices to be performed by its people.

As to ~~ap~~ SC, some of them are so essential to their religious value that they cannot be curtailed by any court or any legislation.

However other than those all other practices are non essential and can be reasonably restricted by legislatures.

For eg - Recently Karnataka HC has said that wearing hijab is not an ERP and can be curtailed.

Does Doctrine of ERP restrict autonomy to practice religion?

1) The absolute discretion of courts in interpreting what constitutes ERP often leads to restricting autonomy of religions.

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2) Many a times it is cited as Judicio PAPISmand
is against the secular fabric of India

3) The sheer lack of knowledge of all religions
makes room for errors.

Insc overturned erroneous judgement of
Rajasthan HC which banned Santhara among
Jains

However it is not completely unnecessary
also

1) using this doctrine courts have ensured
gender justice eg → in Sabumala judgement
in Triple Talag judgement

2) given transformative nature of our
Constitution such doctrines helps in
Reasonable Accomodation of interests
of religion with that of public order
and morality.

Howevr courts should refrain from
any activism in such matters and ensure
a consensus among people before
doing the same

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(5) 52nd CAA added xth schedule - Anti Defection Law.

Intent of the Act

- 1) prevent horse trading and thereby curb money & muscle power in politics
- 2) ensure stability of govt by disallowing defections
- 3) reduce burden on state exchequer for conduct of frequent elections
- 4) uphold parliamentary democracy and makes legislators responsible to their political parties

Impact of the Act

- 1) A/c to ADR, 43% of candidates in 16th LS defected & 52% of them were able to get re-elected
- 2) It allows wholesale defection via mergers and thus doesn't effectively meet the intent
- 3) works inner party democracy and

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freedom of speech of individual legislators

- 4) undermines legislator's accountability to their constituency
- 5) doesn't apply to post poll/pre poll alliances
- 6) Speakers have inordinately delayed on deciding on matters on anti defection

Way forward

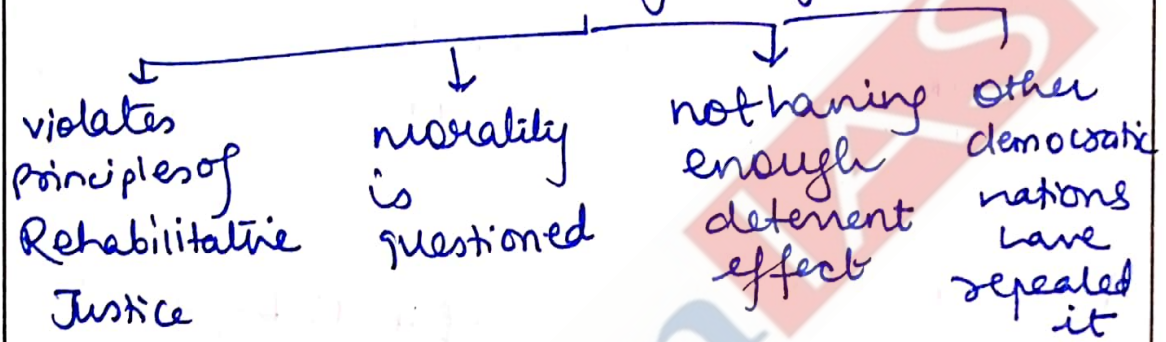
- i) a fresh look at need of Anti Defection law
- ii) make clarification on vague terms like "voluntary give up of membership"
- iii) cases should be decided by Puzon advice of EC - 2nd ARC
- iv) Provisions of whip shall apply on cases where the confidence of parties is in question
- v) should apply to post poll alliances as well.

Anti Defection law though well intended has mostly failed to achieve its outcomes and needs to be amended.

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(6) Death Penalty or capital punishment still exists as one of the modes of delivering justice in our country.

It has been criticised by many because



However it still continues in India but with certain safeguards -

i) SC in Bachan Singh vs State of Punjab states that aggravating & mitigating factors need to be considered and it should be awarded only in Rarest of the rare case

ii) Machhi Singh case → circumstances, personality of the accused also need to be considered

iii) Shatoughan Chauhan case - inordinate delay in execution leads to commutation

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Governor's power to pardon death penalty -
The power to pardon a death penalty lies only with the President. ~~to~~ even if a state law awards it. However he can commute, remit or suspend it.

Various limitations on pardoning power of governor

i) governor cannot pardon a death sentence

ii) governor cannot pardon a sentence of a court martial

iii) this is not a discretionary power. He has to act on aid & advice of council headed by CM

iv) such power is subject to judicial review on grounds of malafide, perversity or without application of mind

The mercy powers of governor act as corrector of any miscarriage of justice.

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(7) Competition Commission of India formed under Competition Act 2002 aimed at upholding competition & preventing monopolistic tendencies.

How far has it been successful

i) Through its orders it has ruled against multiple unfair trade practices like misleading advertisements of brands

ii) It has played active role in restricting monopolistic tendencies of companies thus leading to a healthy business environment, cheaper & quality products to consumers.

However it has failed many a times

i) It has not been able to provide level playing field to multiple smaller companies & brands.



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2) Unlike western ~~for~~ Commissions, it has not been able to secure citizen's participation and could not ensure effective grievance redressal.

Way forward

1) engagement with civil society organisations

2) providing grievance redressal machinery to citizens for proactive grievance redressal.

3) independent audit of its functioning

A healthy competitive business environment is crucial for a healthy

economy and CCI should take up this mandate in true spirit.

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(8) RTI Act 2005 was implemented as a landmark legislation after the efforts of Mazdoor Kisan Shakti Sangathan.

As James Madison say - democracy without information is a prologue to a tragedy or a farce or perhaps both.

Issues with RTI Act 2005

- i) non appointment of Public Information officers (PIO) in many govt offices
- ii) lack of trained manpower with regard to RTI
- iii) bureaucratic hurdles & attitude of secrecy
- iv) exceptions under OSA (1923), armed forces and security agencies
- v) lack of whistleblower protection leads to cases like Satyendra Dubey being killed.
- vi) lack of automation & digitization of records which hinders the provision of documents

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(vii) time limit of 20 yrs beyond of which any information cannot be extracted is a hinderance for land records

(viii) only 'citizens' can ask for any informations , hampers ease of doing business for companies

Way forward

- 1) 2nd ARC suggesting scrapping OSA 1923 and incorporations exceptions under NSA itself
- 2) Specific fund allocation & training of manpower for handling RTI
- 3) accompanied by digitization efforts
- 4) time limit of 20 yrs shall be removed
- 5) political parties be brought and implemented under RTI
- 6) independence of CIC via recent amendment has been questioned & needs to be deliberated
- 7) whistleblower Protection Rules 2014 given the transformative potential of RTI, it should effectively implemented in letter & spirit

(9) Bureaucracy though envisaged to be the steel frame of our constitution has led to perpetuation of old order.

Hurdles in effective functioning of bureaucracy

How it has led to continuation of old order

i) promotions by seniority and not by merit has undermined effective performance, led to politicization and reluctance to lateral entry

ii) ever adherence to rules & hierarchy undermine public service delivery eg chattris garh, a girl died due to lack of ration provided

iii) elitist attitude & disconnect with public makes them non approachable

Bureaucracy has taken up the new role

i) plentiful examples of civil servants like Mif Shaikh, IPS who started Chupp; Tod

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Campaign to raise voice against dowry
ii) IAS, Champaran district started a Startup Zone for migrants during COVID

iii) Armstrong, Miracle Man went a step ahead to construct a road in hilly terrain

iv) Durgashakti Nigpal exposed politicization of bureaucracy

Way forward

i) implementing SC recommendations in TSR Subramaniam case - establishing a Civil Service Board for independent transfer and posting

ii) HoTA Committee & Suresh Nath Committee have called for reforms in entry, exam process

iii) Mission Karamyogi needs to be effectively implemented.

Bureaucracy should act as a complement to democracy by upholding its transformative nature.

(10)

Lokpal was established as a guardian of public servants & to check against cases of corruption after the long public agitation of Anna Hazare.

However contrary to its huge expectations, it has not proved effective in dismantling corruption.

Reasons -

i) overlapping jurisdictions with CVC

ii) recommendations not binding in nature.

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11. Article 1 of the Indian Constitution describes India as a Union of states and not a federation of states. Despite India being a federal country, the term federation has nowhere been used.

Reasons as cited by B. R. Ambedkar

1) Indian federation is not a result of agreement among the states as USA is. Thus the manner of creation of Indian federation is different.

2) To reiterate that no state has a right of secession from the Indian federation.

Therefore making India an indestructible union of destructible states.

Centre-State relations in India are marked by several tension. From a phase of Cooperative federalism to combative federalism.



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To what extent is 'union of states' over 'federation of states' responsible?

- 1) Article 3 gives the Parliament right to alter the boundaries of the state unilaterally
- 2) Parliament can also merge any state with UT, change its position, etc and such amendments require only a simple majority and are not deemed to be a Constitutional Amendment via 368
Therefore territorial integrity of states is under perpetual threat
- 3) Such realignment creates tensions over state's control on critical resources, water sharing and monetary resources.

However, there are multiple reasons for entire state relations apart from it -

① Appointment of Governor as an agent

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of the Centre

- ii) Centre's dominance in fiscal domain
 - iv) faulty implementation of GST has harmed fiscal federalism
 - v) Use of CBI, NIA has created fresh row of tension
eg Chhattisgarh appeal under Art 131 against NIA
 - v) Recent increase in jurisdiction of BSF in border states
 - vi) Use of Art 356 to impose Prez rule
 - vii) Developmental narratives like One Nation One Language
- Way forward - i) implement recommendations of Sarkaria & Punchi Commission on Centre State Relations
- ii) enhance fiscal powers to states
 - iii) consult state govt before passing any law altering its borders.
- Centre and State cooperation is necessary to achieve a 5 trillion economy - PM Modi

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- (12) 42nd CAA added a new Article 51A in Part IVA of Constitution providing a Set of ten fundamental duties. Recently SC sought response from AGI over legal enforcement of fundamental duties.
- Fundamental Rights (Part III) have strengthened our democracy
- i) they provide opportunity to all sections of society to achieve full potential
art(14, 15, 16)
 - ii) strengthen secular fabric → social harmony
art(25-28)
 - iii) curtail discrimination, uphold equality and liberty (art 17)
 - iv) provide for a dignified life, not just mere existence (art 21)
 - v) protect against arbitrariness of state & other individuals

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Importance of fundamental duties

- 1) Duty to give up practices derogatory to women are essential to secure fuller participation of women in society
- 2) Duty to protect our environment becomes more relevant in context of climate change
(IPCC-AR-6 there has been 0.6° rise in average temperature since 1950s)
- 3) Duty to abjure violence and protect public property serves as a reminder that as we enjoy public services, protecting public property is crucial
- 4) Duty to promote scientific temper & humanism is crucial given superstitions that still prevail and hampers participation of multiple communities

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(eg the superstitions among STs - led to vaccine hesitancy)

5) Duty to protect our national symbols, flag and anthem and uphold sovereignty, integrity & unity of India is a reminder for anti national elements to not perform activity prejudicial to national interest

gives the paramount importance of fundamental duties in strengthening our society, SC in Rangnath Mishra judgement talked about legal enforcement of fundamental duties.

However being responsible citizens, as John F Kennedy says "We should not ask what the state can do for us, rather do whatever we can do for the state".

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3

Judiciary as the interpreter of the constitution, guarantor of fundamental rights and preserver of the democracy has through judicial pronouncements brought in electoral reforms.

1) CRIMINALIZATION OF POLITICS

In ADR vs VOI SC said declaration of criminal antecedents of political candidates is vital for exercising right to vote

In PVEL vs VOI, it struck down Sec 33 of ROPA 1951 which intended to undo the previous pronouncement

even in the Lily Thomas case, SC reiterated this stand

Thus it aims to reduce the role of money & muscle power in politics

2) ELECTORAL FREEBIES

In Subramanian Balaji vs State of TN, SC said ECI lacks sufficient powers & so amendments should be made in MCE to empower ECI

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to regulate irrational subsidies.

This helps curb fiscal profligacy, risk of national and subunit bankruptcy.

(3) INTERNAL PARTY DEMOCRACY → In INC vs Institute of Social Workers, SC said though it doesn't have powers to enforce inner party democracy, it is a much desirable step

(4) SC through judicial pronouncement brought political parties under the ambit of RTI to ensure transparency and accountability in funding

(5) Adhar judgement / K.S. Puttaswamy case provides the basis of not mandating Adhar for exercise of public services. Therefore deduplication via electoral amendment Bill 2021 is a welcome step given the safeguard provided by judiciary.

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Has judicial reforms violated separation of Power?

Our constitution works on the principle of clear separation of power between the 3 organs. Therefore through Judiciary induced reforms it encroaches upon legislative and executive domain.

However our judiciary has often shown JUDICIAL RESTRAINT by referring the matter for consideration of the legislature.

For instance, with regard to criminalization of politics, it has asked the Parliaments to adopt suitable legislations.

Similarly on matter of poll taxes, it has asked parties to differentiate between those that are in consonance with DPSP vs those that are irrational.

A proper balance between 3 organs of government can ensure harmonious functioning of democracy - Lord Montesquie

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(14) Art 246 in the Seventh Schedules provides for 3 lists

- Union list - legislated by Union
- State list - by States
- Concurrent list - jointly by States and Centre

On matters contained in concurrent list, Centre enjoys legislative predominance since laws passed by Parliament override over State laws except when State laws have received presidential assent.

Some matters present in concurrent list

- 1) civil and criminal laws
- 2) protection of forests
- 3) weights & measures
- 4) education
- 5) inter state trade & commerce

Utility of doing away with concurrent list

1) ~~Since~~ In effect, matters mentioned in concurrent list are legislated by the Centre and they've supremacy over States. So such "grey area" of legislation is not needed.

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2) There has been conflict among Centre and States over matters mentioned in concurrent list with both legislative contradicting laws

3) Many a times, it leads to abdication of responsibility by both entities.

Farm laws, passed by Centre using powers under concurrent list heavily criticized because it was seen as an encroachment in state's domain of making laws on matters related to agriculture

→ Similarly Labour codes were also criticized for not taking state's concurrence on these matters.

Utility of continuing with concurrent list

1) certain matters require state's legislative assembly's deliberations as per Principle of Subsidiarity

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2) Though uniform legislation nationwide may not be needed, some form of Centre's Superintendence is required on those matters

Way Forward

i) Implementing Recommendations of Sarkaria & Punchhi Commission - Centre should consult states before enacting a law on Concurrent list

ii) any matter before being transferred from State to concurrent list, states should be taken into confidence

iii) given the emerging areas of legislation such as cyber space, blockchain, a relook at 7th schedule of Constitution is needed

To make sure Centre & states work in harmony with each other, effective devolution of power to states must be done.

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15) Art 163 of constitution provides for a Council of Minister headed by chief minister to aid and advice the Governor in discharge of his functions except where he is allowed to act on his own discretion

Unlike President, Governor has been provided constitutional discretion apart from situational discretions

Discretions provided in Constitution

1) Reserve a bill for presidential assent → mandatory if it alters powers of high court
Other cases - if -

1) matter of national importance
2) amount to be given by States of Tripura, Assam, Meghalaya, Mizoram for mineral exploration

3) Recommending imposition of President's Rule
V/A 356

4) When he is acting as a governor of an adjoining UT / states

5) ask the state to refer any matter for his consultation

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Situational discretions

- i) If there is no clear majority / hung assembly
- ii) If CM in office dies and no clear successor, can invite ~~an~~ leader of majority party to form a new government

Issues associated with discretionary powers

- i) The provisions of reservation of bill by Governor has been used as a political tool - eg TN Governor didn't assent to bill seeking to do away with NEET based admissions
- ii) Kerala Governor refused to summon a joint sitting over issues of farm laws
- iii) Art 356, has been used to topple down stable government for petty political gains
- iv) Governor has dismissed a state govt without providing opportunity to prove majority at the floor of the house.
- v) In Purushottam Vs State of Kerala, SC clarified that no time

, limit within which Governor has to decide on a bill.

All of this has created Centre - state tensions

Way Forward

1) Implement SC judgement in Nabam Rebia Case, any question regarding majority of govt shall be decided via a floor test

2) Rameshwar Prasad case SC said governor can not shut off post poll alliances

3) Governor doesn't have discretion in summoning & proroguing a session if CM enjoys majority

4) Sarkaria, Punchii, & V. Chelliah committees have recommended that Art 356 be used sparingly, governor be given security of tenure, convention of consulting CM before appointed be added to constitution

Governor is an important body in a parliamentary form of govt and his independence shall be ensured for effective functioning.

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(16)

The recent Winter session of parliament witnessed productivity of Lok Sabha of 82% and Rajya Sabha of 48%.

Parliament has seen a decline in its functioning. Reasons for this are

DELIBERATION

1) The days of parliamentary meeting in the sessions have been declining -
In the latest winter session it was below optimal

2) outrightly skipping sessions such as during COVID when other organs functioned through online mode

3) attendance of parliamentaries have been 71% in Lok Sabha & 74% in Rajya.
This affects the quality of legislation & deliberation.

4) lack of secretarial staff

5) time limit between introducing & debating a bill has reduced. eg EWS Bill was introduced & debated the same day

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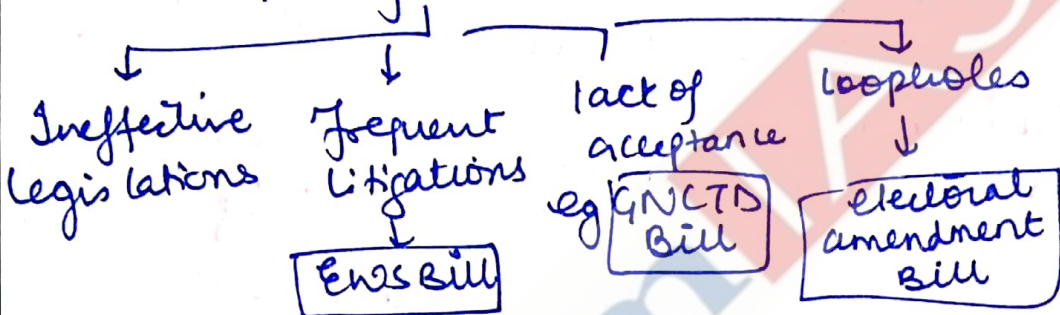
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6) 75% of the Budget was guillotined and only budgets of 5 ministries were discussed separately.

Decline in quality of deliberation leads to



Declining Representation

1) According to IPU, only 9% parliamentarians are women compared to 22% global average

This affects the ethos of representative democracy

2) The experts nominated in RS have such low attendance that it makes the entire purpose of expert representation futile. This is because of lack of mandated sitting hours, ineffective check on their conduct

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Declining Scrutiny

1) hasty legislations, declining numbers of bills referred to PSC

2) question hours skipped during COVID

3)

Way forward

1) NCRWC recommends minimum no. of days for LS to be fixed at 120 and for RLs to be fixed at 100 days

2) Use of ICT such as biometric attendance

3) providing secretarial staff, possibility of adding one more session in between

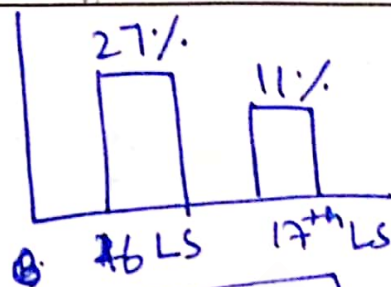
4) Internal Party democracy

5) making it a norm to refer bills on new and emerging matters to PSC

6) Reservation of women in LS Bill can ensure women's participation

7) NO work ~~for~~ pay for members.

Parliament's performance affects the quality of legislation & democracy



Bills referred to PSC

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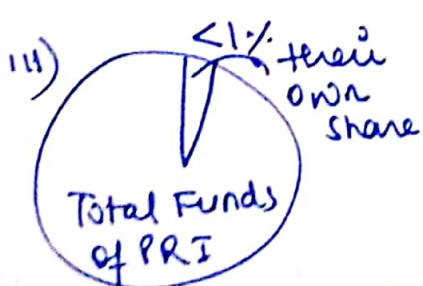
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17) 73rd Constitutional Amendment Act provided a part IX of the Constitution adding articles 243-2430 and providing for establishing a 3 tier local self governance.
Since devolution of powers (under 243G) and funds were a voluntary provision only, there has been lack of effective devolution of funds & functions to panchayat resulting in representation but not empowerment.

Devolution of funds can improve panchayats

- i) Presently Panchayats are heavily dependent on State & Central govt grants for funds
- ii) State govt do not implement recommending of State finance commission as a result of which PFI lacks funds



most of the PFI are reluctant to tax because they are staying close to the community.

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All of this leads to situation of heavy fiscal responsibility but financial position

iv) tied nature of funds under centrally sponsored schemes reduces autonomy in expenditure

Therefore effective devolution of funds from Centre & State will be one step towards improving their functioning

Devolutions of Functions

1) Some states like Kerala have transferred 26 out of 29 subjects to Local Bodies, while some only 3 functions

2) lack of clarity among the distribution of function

3) despite devolution, creation of parallel bodies eg Haryana created a Rural development agency

Therefore effective devolution of Finance is crucial.

Kerala → transferred majority functions and 35-40% of state finances to its local bodies and their response during

COVID 19 was lauded even by home minister
 however apart from funds & functions other
reforms are also needed

- 1) Sunil Bose Committee → use of ICT such
 as PRIA soft, eGRAMSWARAJ, ~~the~~ People's
 Plan Campaign
- 2) capacity building & training of officials
- 3) attitudinal change towards women
 representation to curb Sarpanch Pati syndrome
- 4) Reducing their dependence on bureaucracy
 for approvals & sanctions
- 5) infrastructure, secretarial staff to be
 provided
- 6) appointment of State Election Commissioner
 by a collegium to ensure independence
- 7) Institutionalize social audit mechanism

In spirit of Article 40 of Constitution,
 and dreams of Gandhiji, Panchayats
 should be strengthened in India.

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प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

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18)

Recently a 2 judge bench of Delhi HC delivered a split verdict with regard to criminalization of marital Rape.

Presently Marital Rape is an exception under Art 375 of IPC and is not a punishable offence

Should marital rape be criminalized?

1) Kerala HC recently ruled that marital rape is a sufficient ground for divorce highlighting the sensitivity of the issue

2) NCRB reports 1/3 women have reported some form of spousal abuse
80% of the times the perpetrators have been husbands

3) Psychological & physical impact of rape is the same in marital rape also

4) Art 21 of the Constitution provides for protecting life & liberty

5) SC in Nimeshbhai Bharatbai vs State of Gujarat ruled that marital rape amounts to cruelty.

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Even Justice Verma Committee, Law Commission
have called for criminalization of marital rape

~~It~~ Issues arising out of criminalization
of marital rape

Centre has been skeptical in criminalization
of marital rape because it believes this
will lead to breakdown of the
institution of marriage

2) It can be misused as the new legal
terrorism like 498A of ~~the~~ IPC
and fake cases can be registered

3) It allows court to enter into
private spaces like bedroom, to establish
the facts of the case will be difficult.

4) It ~~can~~ will be in contradiction
to other provisions like Age of Consent
Act and will require rationalization
of other laws.

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5) Given Data Protection Bill is yet not passed, concerns regarding privacy still linger.

Way forward

- 1) Based on recommendation of Justice Verma committee, further discussions should be undertaken
- 2) Loopholes that can arise out of the law need to be addressed well in advance
- 3) Such cases can be tried in special courts using principles of natural justice
- 4) Precedents set by other countries like UK who have already criminalized marital rape & their laws can be studied

As Karnataka HC said a victim of rape stays with horrible memory of a gruesome act but victim of marital rape stays with the rapist, given the sensitivity of the issue SC needs to decide ~~and~~ on the legal issues involved here.

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(19) Pressure groups have emerged as the third sector of governance in our country. Varying from industrial advocacy groups like FICCI to charitable institutions they have successfully ensured good governance is upheld in India.

They make democracy participatory

- i) provides crucial inputs to govt. eg govt consulted FICCI, CII during GST implementation
- ii) raise issues & concerns with legislations → eg DICCI revealed ineffectiveness of MUDRA scheme due to digital illiteracy
- iii) provide inputs on matters that need to be taken up for legislation. eg trade union democracy, etc.

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They make democracy transparent

- 1) hold the govt accountable by using the information and making disclosures
- 2) people come to know about intent behind passage of various legislations

They make democracy Accountable

- 1) eg FICCI raised concerns on inverted duty structure in GST and held govt responsible for it
- 2) By not providing their support through electioneering in the next elections, they keep govt at its toe to uphold public welfare.

They make democracy Responsive

- 1) given their huge social capital,

their efforts cannot be overlooked

ii) They cast pressure on govt to pass
public welfare policies

However many a times, negative role
is also played by them in vested interest
which undermines democratic values

eg- their opposition to ~~the~~ labour laws
because it would have led to

increased compliance requirements.

Given the crucial role played by
pressure groups they must play
a proactive & responsive role.

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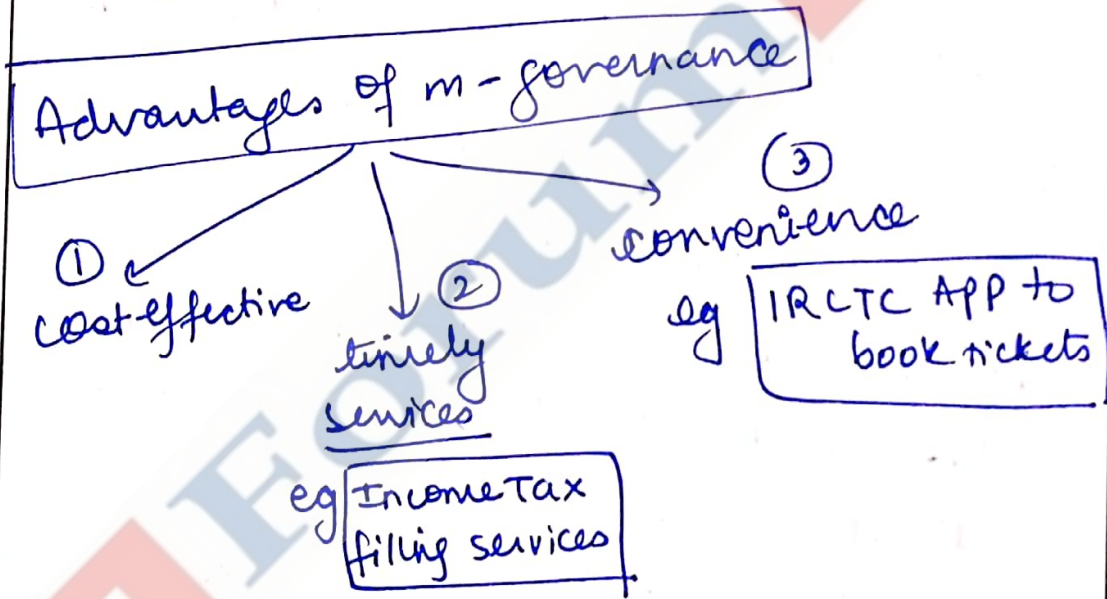
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(20) India presently has 3rd largest base of internet users - given this huge base of mobile and internet users, M-governance or Mobile governance have become an integral part of government welfare programs.



④ hassle free - eg use of Kisan Vigyan Apps. by farmers - have made it easy for them.

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(5) During COVID, covid app and Aarogya setu app provided us real time and quick information

(6) Digi Locker has been revolutionary in its impact on providing online, on time documents

Concerns with m-governance

i) Digital literacy and digital divide

ii) possibility of frauds, payment frauds etc

iii) cyber attack eg hacking of govt websites etc

iv) privacy and threat of profiling in absence of a data protection law

v) fear of exclusion from essential public service

(vi) Denial of service, maintenance of digital infrastructure.

Given the transformative potential of m-governance, government must ensure that moving ahead m-governance is inclusive and sustainable.

Way forward

- i) digital literacy programs
- ii) Data Protection Bill needs to be passed
- iii) Digital Rights on the lines of EU which guarantee inclusivity, sustainability and access need to be ensured
- iv) cyberinfrastructure needs to be strengthened.

Remember the objective of m governance is better governance, ICT is just a tool - 2nd ARC.