

PSIR OPTIONAL · UPSC CSE

EDITION 2026

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days

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DAY 21

Statutory & Constitutional Bodies · 10 questions

Every question carries a Flow Snapshot — and a handwritten model answer on the channel.

“No PYQ will be unfamiliar.”

PREVIOUS YEAR QUESTION

UPSC 2016 · 15 marks

Examine the objective and role of the National Human Rights Commission.

FLOW SNAPSHOT — how the answer moves

Intro routes

R1 NHRC under PHRA 1993 → **Bhatia's** "fourth branch institution" (makes democracy workable) → objective = protect/promote life, liberty, equality, dignity (Constitution + covenants, enforceable in courts)

R2 **Mandela's** moral framing on denying rights → rights as life/liberty/equality/dignity → NHRC as their statutory guardian under PHRA 1993

Body flow

objective shapes role → Section 12 inquiry (petitions / suo motu / court direction) + negligence of public servants → prison visits, court intervention, review of safeguards, research, rights literacy → reach to vulnerable groups (women, children, SC/ST, minorities, refugees, prisoners) → **Dayal**: strengthened democracy

Counter-view

recommendatory design caps reach → non-binding, govt dependence, one-year bar, armed-forces restriction → **Krishna Iyer** "biggest post office" / **Baxi** "toothless tiger", "grammar of governance"

Conclusion routes

R1 objective sound, institution necessary → role serves it fully only with enforceable powers + independent cadre + plural composition

R2 move from "post office"/critique to **Verma's** "conscience keeper of the nation" → empowerment, not abolition, is the corrective

The National Human Rights Commission, set up under Protection of Human Rights Act, 1993, is called the "fourth branch institutions". Its objective is to protect and promote the rights to life, liberty, equality and dignity, guaranteed by the Constitution.

Under Section 12, it enquires into human rights violations i.e. on petitions, *suo moto*, or on court direction & into negligence by public servants. It visits prisons and detention centres, intervenes in court proceedings, reviews legal safeguards, promotes research & spreads human rights literacy.

It has worked for vulnerable groups: women, children, SCs & STs, minorities, refugees and prisoners. Virendra Dayal praises it with strengthening democracy against police brutality, poverty and discrimination.

But its design limits this reach. Justice U.R. Krishna Iyer called it "biggest post office in India"; Upendra Baxi terms it a "toothless tiger" working within the "grammar of governance".

The objective remains sound and the institution necessary; the role can fulfil it only with enforceable powers, an independent investigative cadre and plural composition.

PREVIOUS YEAR QUESTION

UPSC 2017 · 15 marks

Examine the role of the National Commission for Minorities in preserving, promoting and protecting the rights of minorities in India.

FLOW SNAPSHOT — how the answer moves

Intro routes

R1 NCM as institutional answer to an admitted gap → 1978 Resolution's own confession → statutory status, 1992

R2 safeguards exist on paper → felt inequality persists → NCM created to bridge paper and practice

Body flow

threefold role tied to the question's verbs → *preserve*: monitor Arts 15, 16, 25–30, 350A/B + evaluate development → *promote*: study discrimination + recommend to governments → *protect*: investigate complaints, civil-court powers, Bharatpur 2011 / Assam 2012

Counter-view

statutory not constitutional → recommendations non-binding → **Mahmood** "toothless tiger" / "Sarkari puppet" → **Hasan**: no rights without constitutional backing + political will

Conclusion routes

R1 preserves and promotes more than it protects → **Kymlicka's** group-differentiated rights → constitutional status + binding powers to secure, not record

R2 role is real but reach is limited → reform closes the very gap the 1978 Resolution first named

The National Commission for Minorities answered a recognised problem. The 1978 resolution that first created it admitted that "despite the safeguards provided in the Constitution and the laws in force, there persists among the Minorities a feeling of inequality & discrimination."

Its role runs along three lines. To preserve safeguards, it monitors constitutional & legal protections – Articles 15, 16, 25 to 30, 350 A and 350 B and evaluates minority development under the Union and States. To promote rights, it studies discrimination and recommends measures to governments. To protect rights, it investigates complaints of deprivation with the powers of a civil court, as it did after the Bhanatpur riots of 2011 and the Bodo-Muslim clashes in Assam in 2012.

Its protective reach stays limited. Tahir Mahmood called it a "toothless Tiger" and a "Sarkari puppet"; Zoya Hasan holds that minority rights cannot be realised through passive commissions without constitutional backing & political will.

Will Kymlicka's case for accommodating group differentiated rights shows the way: constitutional status and binding inquiry powers would let it secure, not merely record, the rights it guards.

PREVIOUS YEAR QUESTION

UPSC 2019 · 15 marks

The Comptroller and Auditor-General of India enhances the accountability of the Government and serves as the watchdog of the finances of the Government. Explain.

FLOW SNAPSHOT — how the answer moves

Intro routes

R1 Art. 148 → independent CAG → **Ambedkar**: most important office → secures answerability for public money

R2 executive handles finance → needs an external check → CAG stakes that check

Body flow

audit scope (Consolidated/Contingency/Public Account, receipts, govt companies, financed bodies, net proceeds of taxes) → reports to President/Governors → laid before legislatures → PAC (friend, philosopher, guide) tests authorised spending → **Iyer**: accountability = answerability → performance audit (economy/efficiency/effectiveness) → **Vinod Rai** (2G, coal, CWG) → watchdog made visible

Counter-view

Basu: no control over release of funds → audits after spending → watchdog, not comptroller → delayed reports, weak PPP coverage

Conclusion routes

R1 within limits, CAG converts financial power into answerability → enhances accountability

R2 strength rests on independence + reporting to legislature, not executive → watchdog is real only when Parliament acts on its reports

Article 148 creates an independent CAG, an office Dr. B.R. Ambedkar described as the most important in the constitution, with duties weightier even than those of the judiciary. Its value lies in securing answerability for the way the government handles public money.

As watchdog of finances, the CAG audits expenditure from the Consolidated Fund, Contingency Fund and Public Account of both the Union and the states. It audits receipts, government companies and bodies substantially financed by government & certifies the net proceeds of taxes.

Audit becomes accountability because the reports do not end with the CAG. They reach the President and Governors and are laid before the legislatures. The PAC, which treats CAG as its friend, philosopher and guide, uses them to test whether money was spent as Parliament authorised.

According to Rameshwar R. Iyer, accountability here means answerability, not mere accounting.

Performance audit deepens this by examining economy, efficiency and effectiveness. Vinod Rai's reports on 2G, coal & Commonwealth Games showed how visible this watchdog can be.

Yet, as Durga Das Basu notes, the Indian CAG cannot control the release of funds; it only audits after spending. It is a watchdog, not a comptroller and delayed reports & limited PPP audit weaken it further. Hence, it remains the office that turns financial power into answerability.

PREVIOUS YEAR QUESTION

UPSC 2019 · 15 marks

Discuss, in brief, the role of the National Commission for women. Do you think it is a toothless organization?

FLOW SNAPSHOT — how the answer moves

Intro routes

R1 constitutional gap → Arts 14, 15(3), 21 promise equality, no permanent monitor → NCW fills it (statutory, 1990 Act, est. 1992)

R2 women's question vanished post-Independence (**Mazumdar**) → institutional guardian needed

Body flow

reviews safeguards + recommends reforms → complaint/counselling cells + Parivarik Mahila Lok Adalats → civil court powers + suo motu → shaped DV Act 2005 / workplace harassment law

Counter-view

"toothless" charge → recommendations non-binding → no power to punish → appointments + funds with Centre → **Arya**: two power centres (Chairperson / Member-Secretary) weaken autonomy

Conclusion routes

R1 not toothless but underpowered → persuasion, not compulsion
R2 reform direction (**Agnes**) → grievance redressal → rights-based advocacy institution

The National Commission for Women, a statutory body set up in 1992 under the National Commission for Women Act, 1990, fills a gap the Constitution itself left open : Articles 14, 15(3) and 21 promise equality, but no permanent body checks whether that promise is kept.

Vina Mazumdar noted that after Independence the women's question has disappeared from public life for over 20 years, which is why an institutional guardian became necessary.

The Commission reviews legal safeguards, recommends reforms, runs complaint and counselling cells and created Parivarik Mahila Lok Adalats for family disputes.

During inquiry it holds civil court powers – summoning witnesses, examining on oath, requisitioning records and can act suo motu where women's rights are denied. It helped shape the Domestic Violence Act, 2005 and the workplace sexual harassment law.

Calling it toothless overstates the case, though it works through persuasion, not compulsion. Its recommendations bind no one; it cannot punish offenders; appointments and funds rest with the Centre.

Sadhana Arya shows how two power centres, the chairperson and the member-secretary, weaken its autonomy. The body is not useless but underpowered. As Flavia Agnes argues, it must grow from a grievance-redressal forum into a rights-based advocacy institution.

PREVIOUS YEAR QUESTION

UPSC 2020 · 20 marks

Examine the role and functioning of the election commission of India and the comptroller and Auditor General in last two decades.

FLOW SNAPSHOT — how the answer moves

Intro routes

R1 two constitutional guardians, Art 324 / Arts 148–151 → one guards the vote, the other guards funds

R2 last two decades = institutional deepening + rising partisan strain → stake both at once

Body flow

ECI modernisation (EVM nationwide 2004 → EPIC, VVPAT, NOTA 2014, SVEEP, expenditure monitoring) → malpractice cut, trust raised → **deSouza** → but functioning still contested (Model Code, money power, criminalisation) → appointment crisis, Anoop Baranwal 2023 → **Ambedkar's** "thumb of the Executive" → CAG shifts accounting → performance audit → 2G / coal / CWG, **Vinod Rai** → accountability widened → **Durga Das Basu**: post-facto, watchdog not comptroller → non-binding findings, PPP gaps, policy-paralysis charge

Counter-view

the very assertiveness that deepened accountability also invited the charge of overreach/paralysis → both ultimately rest on perceived neutrality

Conclusion routes

R1 deepened in capacity, vulnerable in autonomy → credibility hinges on neutrality

R2 their reports and decisions matter only with serious legislative follow-up

Both the ECI and CAG are constitutional bodies under Article 324 and Articles 148 to 151 that make democracy workable : the first by guarding electoral competition, the second by guarding the public purse.

The EC's functioning in this period rested on steady modernisation. EVM were used across India from 2004, followed by photo IDs, VVPAT and NOTA in 2014, the SUEEP voter-education program & tighter expenditure monitoring.

These reforms cut malpractice and raised public trust, keeping the Commission, in Peter Ronald deSouza's words, "the means to the end of a vibrant representative democracy." Yet its working stayed contested. Uneven Model Code enforcement, money power & criminalisation persisted and the appointment question came to a head in Anoop Baranwal vs. Union of India in 2023, reviving B.R. Ambedkar's warning against a Commissioner "under the thumb of the Executive."

High profile reports on 2G spectrum, coal blocks and the Commonwealth Games, the phase Vinod Rai captured in Not Just an Accountant, sharply expanded executive accountability. But Durga Das Basu reminds us that the Indian CAG audits only after expenditure : a watchdog, not a comptroller.

Both bodies thus deepened institutionally, yet their authority now rests on perceived neutrality and serious legislative follow-up.

PREVIOUS YEAR QUESTION

UPSC 2021 · 20 marks

"The success of electoral democracy can partly be attributed to the status and role of the Election Commission of India." Explain.

FLOW SNAPSHOT — how the answer moves

Intro routes

- R1** world's largest elections in a poor, diverse society → trust traced to one institution → Article 324 status
- R2** ECI not a government department but a constitutional authority → independence (Seshan case) → standing to act against power

Body flow

Article 324 status → SC-level rank + equal Commissioners (Seshan v. Union) → core functions (rolls, schedules, parties, symbols, expenditure, MCC) → **Seshan / Gill / Lyngdoh**: conductor → regulatory referee → modernisation (EVM / VVPAT / NOTA / EPIC / SVEEP) → reaching marginalised voters → **Khilnani**: link between state and society → **Quraishi**: An Undocumented Wonder

Counter-view

"partly" is honest → voters' own commitment also sustains democracy → institution incomplete: opaque appointments (**Ambedkar's** fear), staff dependence, weak Model Code enforcement

Conclusion routes

- R1** status + role a central, not sole, cause of success
- R2** strengthening autonomy preserves ECI as guardian of that success

India conducts the world's largest elections among a poor, diverse and long semi-literate population, yet the result commands wide public trust. The ECI is not a government department but a constitutional authority under Article 324, vested with the superintendence, direction and control of elections.

Its Supreme Court level status and the equal authority of all Commissioners affirmed in *T.N. Seshan vs. Union of India*, give it the standing to act against power rather than for it.

Status alone would achieve little without an active role. The Commission prepares electoral rolls, fixes schedules, recognises parties, allots symbols, caps expenditure and enforces the Model Code of Conduct.

Under the *T.N. Seshan*, *M.S. Gill* and *James M. Lyngdon* it grew from a body that merely conducted polls into a regulatory referee that disciplines contestants and the ruling party alike.

This role matters most in Indian conditions. By securing booths in vulnerable areas and reaching marginalised voters, Commission made elections the chief link between state and society, as Sunil Khilnani suggests Dr. S.Y. Quraishi calls the Indian election An Undocumented Wonder.

voters' commitment sustains democracy too, and the institution remains incomplete, opaque appointments that B.R. Ambedkar feared could place a pliable person under the executive, dependence on government staff and weak Model Code enforcement.

Its constitutional status and widening role are a central, not the sole reason for electoral democracy's success. Strengthening its autonomy will keep it the guardian of that success.

PREVIOUS YEAR QUESTION

UPSC 2022 · 10 marks

How far is the National Commission for Backward Classes an empowered body? Assess its role in the context of rising demand for backwardness among dominant communities.

FLOW SNAPSHOT — how the answer moves

Intro routes

R1 empowerment real but partial → status without full force
R2 statutory origin (*Indra Sawhney*) → constitutional upgrade (338B) → frame the "how far"

Body flow

Indra Sawhney 1992 + NCBC Act 1993 → 102nd Amendment / Art 338B → parity with NCSC & NCST → functions (inclusion/exclusion in OBC list, advice) → civil court powers + reports to Parliament → limits: non-binding, no definition of backwardness, weak data/staff → dominant-community demand → evidentiary weakness exposed → sub-categorisation guards advanced groups

Counter-view

form vs effect: constitutional status & inquiry powers ↔ non-enforceable recommendations and dependence on government

Conclusion routes

R1 empowered in form, constrained in effect
R2 real test = defending evidence-based classification against political pressure

The NCBC's empowerment is real but partial. Born as a statutory body after *Indira Sawhney vs. Union of India* (1992) and NCBC Act, 1993, it gained genuine standing only through the 102nd Amendment (2018) which inserted Article 338 B and placed it broadly on par with the NCSC and NCST.

It now examines inclusion, exclusion, over-inclusion and under-inclusion in the Central OBC list, advises government and enjoys civil court powers to summon witnesses and take evidence on oath, with reports laid before parliament.

Yet its strength stops short of teeth. Its recommendations lack binding force, no clear definition of backwardness exists and data & staff support remain inadequate.

The commission can resist unjustified claims only through credible socio-economic data ; sub-categorisation further guards against advanced groups monopolising benefits.

Empowered in form yet constrained in effect, the NCBC's real test lies in defending evidence-based classification against political pressure.

PREVIOUS YEAR QUESTION

UPSC 2023 · 10 marks

National Commission for Minorities

FLOW SNAPSHOT — how the answer moves

Intro routes

R1 no single constitutional definition → notified minority groups need protection → NCM gives this institutional form

R2 1978 Minorities Commission → 1992 Act → statutory status to safeguard minorities

Body flow

seven-member composition → monitors Articles 25–30 safeguards → evaluates minority development → investigates complaints (Bharatpur, Assam) → civil court powers

Counter-view

statutory, not constitutional → recommendations non-binding → vacancies + delayed reports → **Tahir Mahmood** (toothless tiger / Sarkari puppet) → **Zoya Hasan** (needs constitutional backing + political will)

Conclusion routes

R1 institutionally real but underpowered → needs constitutional status + binding powers

R2 move from optics to genuine mandate → enforceable powers would let it deliver

India does not carry a single constitutional definition of minority, yet it has long recognised the need to protect notified groups, Muslims, Sikhs, Christians, Parsis, Buddhists and Jain from inequality.

The National Commission for Minorities gives this commitment institutional form. It grew from the 1978 Minorities Commission and received statutory status under the National Commission for Minorities act 1992.

A 7-member body of a chairperson, Vice-chairperson & 5 members, it monitors constitutional safeguards under Articles 25 to 30, evaluates minority development and investigates complaints, as it did the Bhanatpur riots and the Bodo-Muslim clashes in Assam. It also holds civil court powers to summon witnesses and records.

Yet its reach stays limited. Being statutory, not constitutional, its recommendations bind no one, while vacancies and delayed reports weaken it further.

Tahir Mahmood called it a toothless tiger and a Sarkari puppet. For Zoya Hasan, minority rights cannot be realised without constitutional backing and political will. Constitutional status and binding powers, not optics, would let it deliver.

PREVIOUS YEAR QUESTION

UPSC 2024 · 15 marks

Explain the structure and functions of the National Commission for Women.

FLOW SNAPSHOT — how the answer moves

Intro routes

R1 1992 origin under the 1990 Act → born of women's-movement demand

R2 compact statutory body → design shapes both its reach and its limits

Body flow

structure (Chairperson + five Members + Member-Secretary; GoI-appointed; SC/ST seats) → Section 10(1) fourteen-point mandate (safeguards → discrimination → status → cases) → functional cells (Complaint & Counselling → Legal → Parivarik Mahila Lok Adalat → Research) → civil court powers in inquiry

Counter-view

civil court powers in inquiry, but no power to punish offenders → role stays recommendatory

Conclusion routes

R1 genuine working machinery for women's rights, structurally embedded

R2 the structure equips the functions yet caps their enforcement

The National Commission for Women was set up in January 1992 under the National Commission for Women act 1990 after sustained demands from women's movements & committees. Its design as a compact statutory body shapes both what it does and where it falls short.

In structure, it has a chairperson committed to the cause of women, 5-members drawn from different fields and a member secretary with management, sociological or civil service expertise.

The central government appoints all of them, and at least one member each must belong to the SCs and STs.

Its function flow from the 14-point mandate under Section 10(1) reviewing constitutional & legal safeguards, studying discrimination and socio-economic problems, evaluating women's status and taking up rights based cases.

This work runs through specialised cells. The complaint and Counselling cell handles domestic violence, dowry, rape, harassment, desecration and workplace sexual harassment, received orally in writing or suo motu.

The legal cell recommends amendments and intervenes in courts; the Parivarik Mahila Lok Adalat resolves family disputes; the Research Cell studies emerging issues like trafficking & cybercrime.

PREVIOUS YEAR QUESTION

UPSC 2025 · 10 marks

How far has been the National Human Rights Commission successful in achieving its objectives?
Comment.

FLOW SNAPSHOT — how the answer moves

Intro routes

- R1** state the objective (life / liberty / equality / dignity, PHRA 1993)
→ verdict: success real but uneven
- R2** NHRC as rights-protection body → measure success against its own mandate, not an abstract ideal

Body flow

gains = norm-building + access → national complaint forum → standards on custodial death / prison conditions / police-action deaths → cases: Chakma, Punjab mass cremations, mental health institutions → rights literacy + camp sittings & open hearings (access) → **Dayal** positive verdict → turn to weakness = enforcement → recommendations non-binding → **Krishna Iyer** "post office" → **Dattu** "Toothful Tiger" → one-year bar / staff shortage / armed-forces restriction

Counter-view

norm-building and access are genuine, but the recommendatory design leaves it forwarding rather than enforcing → success without teeth

Conclusion routes

- R1** institutionally necessary, but objectives stay unmet without enforceable powers
- R2** real but partial success → completion needs enforceable powers, independent cadre, stronger autonomy

The National Human Rights Commission, created under the Protection of Human Rights Act 1993, exists to protect and promote the rights to life, liberty, equality and dignity. Judged against this mandate, its success is real but uneven.

Its gains lie in norm-building and access. It opened national forum for rights complaints and set standards on custodial death reporting, prison conditions and police-action deaths.

It intervened in the Chakma refugee case, the Punjab mass cremations and mental health institutions, while spreading human rights literacy; camp sittings and open hearings widened its reach. Vinendra Dayal held that it strengthened democracy against police brutality & discrimination.

Its weakness is enforcement, Recommendations stay non-binding.

V.R. Krishna Iyer called it the "biggest post office", forwarding complaints rather than settling them.

H.L. Dattu sought powers to make it a "Toothful Tiger". A one-year limitation, staff shortage and restricted jurisdiction over armed forces further weaken it.

The commission is institutionally necessary, yet meeting its objectives now needs enforceable powers, an independent cadre and stronger autonomy.

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