

GS - 2 Mains

Polity (85 marks) (34 %)

<p>The most significant achievement of modern law in India is the constitutionalizing of environmental problems by the Supreme Court. "Discuss this statement with the help of relevant case laws" (10)</p>	<p>Structure, organization and functioning of the Executive and the Judiciary</p>
<p>Right of Movement and Residence throughout the territory of India are freely available to the Indian citizens, but these rights are not absolute". Comment (10)</p>	<p>Indian Constitution – historical underpinnings, evolution, features, amendments, significant provisions and basic structure.</p>
<p>To what extent, in your opinion, has the decentralisation of power in India changed the governance landscape at the grassroots? (10)</p>	<p>Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure, devolution of powers and finances up to local levels and challenges therein.</p>
<p>Discuss the role of Vice President of India as the Chairman of the Rajya Sabha. (10)</p>	<p>Appointment to various Constitutional posts, powers, functions and responsibilities of various Constitutional Bodies.</p>
<p>Discuss the role of National Commission of Backward Classes in the wake of its transformation from a statutory body to a constitutional body. (10)</p>	<p>Appointment to various Constitutional posts, powers, functions and responsibilities of various Constitutional Bodies.</p>
<p>Discuss the procedures to decide the disputes arising out of the election of a Member of Parliament or State Legislature under the Representation of People's Act 1951. What are the grounds on which the election of any returned candidate may be declared void? What remedy is available to the aggrieved party against the decision? Refer to the case laws. (15)</p>	<p>Salient features of the Representation of People's Act.</p>

<p>Discuss the essential conditions for exercise of legislative powers by the Governor. Discuss the legality of re promulgation of ordinances by the governor without placing them before the legislature. (15)</p>	<p>Structure, organization and functioning of the Executive and the Judiciary</p>
<p>Critically examine the procedures through which the presidents of India and France are elected. (15)</p>	<p>Comparison of the Indian constitutional scheme with that of other countries.</p>

1. The most significant achievement of modern law in India is the constitutionalizing of environmental problems by the Supreme Court. "Discuss this statement with the help of relevant case laws (10)

Introduction: Environment and judiciary

Body: How environmental problems were constitutionalised

M.C Mehta v/s Union of India (Bhopal gas tragedy) (litigation under Article 32)

M.C Mehta v/s Union of India (Ganga pollution case) (Article 48 A, 51 A)

Subhash Kumar v/s State of Bihar (right to get pollution free water and air is a fundamental right under Article 21.

Conclusion : Although included in our constitution, supreme court revitalised environmental law.

2. Right of Movement and Residence throughout the territory of India are freely available to the Indian citizens, but these rights are not absolute". Comment (10)

Introduction : Mention Articles 19(1) (d) and 19(1) (e), 19 (5)

Body : Right to movement

Restrictions with examples

Right to residence

Restrictions with examples

Conclusion : Discuss how reasonable restrictions are necessary for balancing the individual rights with community/group rights.

<u>Right:</u>	<u>Provisions:</u>	<u>Restrictions:</u>
Freedom of Movement	<ul style="list-style-type: none"> • Every citizen has the right to move freely throughout the territory of the country. • This right underlines the idea that India is one unit so far as the citizens are concerned. • Only covers internal (right to move inside the country) while the second dimension that is external move is dealt by Article 21 (right to life and personal liberty). 	<p>The State can impose reasonable restrictions on the grounds of:</p> <ul style="list-style-type: none"> • interests of general public and, • the protection of interests of any scheduled tribe. • The Supreme Court held that the freedom of movement of prostitutes can be restricted on the ground of public health and in the interest of public morals. • The Bombay High Court validated the restrictions on the movement of persons affected by AIDS.

<u>Right:</u>	<u>Provisions:</u>	<u>Restrictions:</u>
Freedom of Residence	<p>Every citizen has the right to reside and settle in any part of the territory of the country. This right has two parts:</p> <ul style="list-style-type: none">• The right to reside in any part of the country, which means to stay at any place temporarily,• the right to settle in any part of the country, which means to set up a home or domicile at any place permanently.	<p>The State can impose reasonable restrictions on two grounds:</p> <ul style="list-style-type: none">• the interest of general public,• the protection of interests of any scheduled tribes.

3. To what extent, in your opinion, has the decentralisation of power in India changed the governance landscape at the grassroots? (10)

Introduction: Mention 73rd and 74th Caa 1992

Body:

Achievements of decentralisation of power

1. Participative government
2. Schemes implementation- SBM, MGNREGS
3. Women representation
4. Social audit
5. Examples of well performing urban local bodies

Drawbacks

Stated from second ARC, current affairs (election in Chennai municipal corporation after 10 years etc)

Conclusion : Extent to which work is done

4. Discuss the role of Vice President of India as the Chairman of the Rajya Sabha. (10)

Introduction : Article 63

Body : Article 64, ex officio chairperson of Rajya sabha

All functions and powers

Some difference with respect to lok sabha speaker

Conclusion : What constitution makers envisaged for VP.

5. Discuss the role of National Commission of Backward Classes in the wake of its transformation from a statutory body to a constitutional body. (10)

Introduction : Refer to Mandal case

Body : Article 338-B and 102nd Constitutional Amendment Act

Powers and functions :

Still pending issues and what further role it could have

Conclusion : Constitutional bodies and their empowerment ensures

Despite being constitutional bodies, National Commissions for Scheduled Castes and National Commission for Scheduled Tribes have been unable to fulfill their mandate. Critically evaluate.

Introduction:

The National commission for scheduled castes (NCSC) and the National Commission for scheduled tribes (NCST) are established under Articles 338 and 338A of the Indian constitution through the Constitution (89th Amendment) Act, 2003.

Body

The mandate of NCSC/NCST:

- To investigate & Monitor matters relating to Safeguards provided

6. Discuss the procedures to decide the disputes arising out of the election of a Member of Parliament or State Legislature under the Representation of People's Act 1951. What are the grounds on which the election of any returned candidate may be declared void? What remedy is available to the aggrieved party against the decision? Refer to the case laws. (15)

Introduction : Part 6 related to disputes (section 79-122)

Body : election petition, high court is designated court

Article 100 grounds of declaring election to be void : not qualified, corrupt practice, any appellant's nomination is improperly rejected

Remedy available

Appeal to supreme court stay order can be taken

Best case law readily available is Raj Narain case

Tej Bahadur v/s Shri Narendra Modi 2020

Way forward/few suggestions : Separate body for election disputes, more powers to Election commission etc.

7. Discuss the essential conditions for exercise of legislative powers by the Governor. Discuss the legality of re promulgation of ordinances by the governor without placing them before the legislature.(15)

Introduction : Article 213 ordinance of governor

Body : All essential conditions enumerate

Refer to supreme court judgement - DC Wadhwa case must remember !!

Bihar governor promulgated 256 ordinances between 1967 to 1981

Court believed it was colourable exercise of power by executive and mechanical repromulgation was unconstitutional

But it also gave two exceptions to the above rule

If legislature cannot take it up due to existing legislative business

If government feels emergent situation has emerged and re promulgation is necessary

Krishna Kumar Case 2017 - Re promulgation of ordinances is a fraud on the constitution

Suggestions/way forward

8. Critically examine the procedures through which the presidents of India and France are elected.(15)

Introduction : Recent current affairs -both presidents elected within last 6 months

Body :

French election as per 1958 constitution of fifth republic

Two rounds of voting

Two candidates who receive most votes reach next round

Indian President election -we all know

Conclusion -each country's process suits its own political set up.