

Roll No. _____

GS SCORE

SECTION-A

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Attempt all questions:

1. Answer the following questions in about 150 words each: (10 x 5 = 50)

- (a) Model Code of Conduct in Indian Elections.
- (b) Rajya Sabha: Second or Secondary Chamber?
- (c) Election Commission of India.
- (d) Issues of Fiscal Federalism in India.
- (e) Criticism of Directive Principles

Your answers can improve substantially if they are structured properly. Try to put points under relevant headings.

(a) Model code of conduct is the Conduct Code (MCC) on political parties and candidates during elections.

Election Commission of India (ECI) enforce the code immediately since declaration of election schedule.

But there are growing instances of violation/circumvention of the code as observed during General elections-2019. Some instances:

- ① Appealing to voters in the name of religion
- ② Money power and alcohol use to influence voters

Remarks

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③ Governments scheduling the cash disbursement programme (before code came into effect) in a manner to coincide with election date
E.g. Then Andhra Pradesh govt. ⇒ money to SHGs via DBT

④ Nexus between politics & media houses ⇒ influence voters

⑤

Such and other instance led to rising calls for enforcing MCC by law. For, in the absence of enforceability MCC remained 'moral' code.

However giving legal backing to MCC is not advisable as it may lead to delays in electoral process through judicial route. Further many offences are covered under existing laws such as IPC, CrPC etc.

The path ahead is to further involve citizens through apps like e-vigil in enforcing MCC, followed by swift and timely decisions of ECI without partiality.

Remarks Mention level playing field, misuse of official position, Kerala Assembly Elections 1960, implementation after 1991, T.N. Sheshan, implications of poll code violations, challenges, suggestions.

(b) Rajya Sabha is the upper house/ house of elders in Indian Parliament. It is intended to provide a mechanism for expert and educated views on legislations.

However, certain practical happenings made it appear a secondary chamber such as:

- ① Resorting to "money bill" route inappropriately and frequently to subvert Rajya Sabha scrutiny
- ② Rajya Sabha becoming a parking lot for popularly rejected politicians - thus taking away the character of wisdom and expertise from it
- ③ Live telecast of proceedings made Rajya Sabha also prone to populism through disruptions etc.
- ④ Abuse of Schedule X to engineer defections and

Remarks

- Mention in context of current events,
- ① RS Chairman report to people, report highlights, reasons for low productivity, relevance of RS, criticism, suggestions

has secure majority to pass a law.

- ② Despite these sad instances and developments, Rajya Sabha has practical utility. It is expected to function as a dilatory chamber and revisory house to stop populism, ^{and have} of lower house.

The need of the hour is that all parties should come together to uphold the spirit behind the house's origin as "second" chamber.

(c)

Election Commission of India (ECI) is responsible for conduct of free, fair and impartial elections under the mandate of Art. 324 of the Constitution. Free & autonomous functioning of the body is vital for healthy democracy in India.

Of late, there have been growing concerns over its autonomy and also bipartisanship during

Remarks

elections. Some concerns are:

- ① Chief Election Commissioner (CEC) and other ECs are appointed by Union government alone. Thus there is a scope for Spoils system
- ② Doubts have been raised over neutrality of EC in the wake of its actions during violation of model code. The dissent within the body has strengthened the perception
- ③ Further EC is lacking many quisite powers like:
 - power to deregister parties
 - ^{Legal} power to quash elections for use of excess money etc.

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Therefore, to preserve its integrity and autonomy some suggested measures are:

- ① Appointing CEC & ECs through collegium, involving opposition parties
- ② Amending Representation of People's Act suitably to enhance its powers - for free and fair elections

Remarks

Mention breakdown of democratic principles, erosion of institutional integrity, people losing trust, politicisation of EC.

(d)

Fiscal federalism refers to division of financial powers and responsibilities between various tiers of government - Union and state. It is one of the most contended aspect of federalism.

Some major issues in recent times are:

- ① Concerns over GST
 - loss of revenue to some states
 - restriction of taxation powers of states thus curtailing their ability to attract investments.
- ② Concerns over Finance:
 - despite 42% devolution as per 14th Finance Commission recommendation, states still fall short of revenue to meet their socio-political obligations
 - cutting down of Centre's share in centrally sponsored schemes
 - stringent restrictions on borrowing ability through FEBM Act
 - Differences among states - special category versus

Remarks Mention Art. 246, 268, 271, 275, 282, 280, 292, 293, vertical - horizontal imbalance, imbalance after liberalization, financial deterioration of states

non-special category leading to more demands for special category status (eg: odisha)

③ Concerns over Finance Commission:

- States have no say in appointments or deciding terms and conditions of Finance Commission

- The terms of 15th Finance Commission such as using 2011 census put some states at disadvantage.

Union must come forward as "elder brother" to resolve these concerns in the spirit of cooperative federalism based on the mantra - "Sabka saath, sabka vitar"

(c)

Part IV of the Indian Constitution talks about various directives to the state. They are non-justiciable, yet fundamental to governance.

State must pay due regard to them in making laws.

However, DPSPs are a subject of criticism since the time of constitution making. Some criticisms are:

① DPSPs are non-enforceable and so can not be

Remarks

Part of the Constitution - fundamental law of the land

② Such provisions create hurdles for judiciary especially when they come into conflict with fundamental rights

③ In the absence of legal sanctions, they are mere 'pious declarations'

T.T. Krishnamoorti
of Chennai
Atal Bihari Vajpayee called them "dead bits of sentiments".
Ivor Jennings criticized them for being illogically advanced and without consistent philosophy.

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However DPSPs have very vital role in Indian polity.

① They act as beacon to government of the day - reminding it of the goals of the nation

② They have political sanction and are enforceable in court of people

③ They are not anti-thesis to fundamental rights. Along with them, they provide for comprehensive democracy - social, economic, political as envisioned by Dr. Ambedkar

Remarks Mention views of N. Srinivasan, K. Santhanam, you have quoted scholars and their statements wrong.

2. Answer the following questions:

- (a) Governor's role has been perverted to create a permanent threat to legislative assemblies. How is far is this statement true? Examine with help of constitutional provisions. (200 Words) (15)
- (b) Discuss the issues related to Concurrent List that are posing challenges to the idea of cooperative federalism in India? (200 Words) (15)
- (c) Enlist some of the major issues associated with Representation of People Act (RPA), 1951. (250 Words) (20)

a) Governor is the constitutional head of the states akin to President at union, under Article 153 of the constitution. He wears two hats on his head (Supreme Court) and acts as umbilical cord connecting union and states.

However, abuse of Governor's discretionary powers and his office in the interest of riding party at union is posing a threat to state polity, especially legislative assemblies. Some ways in which this is happening are:

- (a) Governor, mis using discretion under Article 101 to reserve bills for presidential assent, wantonly delaying

Remarks

Obstructing legislative action.

- (b) Abuse of Ar. 356 to recommend President rule which puts assembly in a state of "suspended animation". E.g: Uttarakhand - 2014

- (c) Governor in his discretion under Ar. 163, 174¹²³ is sending messages to legislatures, advancing sessions of the house as in case of Andhra Pradesh in 2016.

- (d) In states, riding parties are subverting assemblies through:

- abuse of ordinance route for temporary legislations
- nomination of politicians to legislative councils as highly qualified under constitutional criteria

- (e) Most importantly, misuse of Governor's discretion in inviting parties to form government in a hung assembly is injustice to people's mandate and role of legislature. E.g: Karnataka and Gos

Many such acts are posing permanent threat

Remarks

Mention reflection of vested political interest, details of the recommendations of Sarkaria & Punchhi Commission - constitutional conventions. Localized emergency, SC judgements

to legislative assemblies, in turn giving rise to calls for abolition of governor's post.

However as Sarkaria Commission noted, he/she is lynchpin of constitution. Governor's role is more important at present due to rise of secessionism and communal violence (Punchhi Commission). In this light, Governor's office must continue.

But individual occupants of the position must exhibit bipartisanship and act as pea their oath - preserve protect and defend the constitution. As Soli S. Jha notes, Governor can be a Sage or Scholar based on the way he acts.

- (b) India adopted a federal polity based on cooperative federalism notion. Schedule VII of the Constitution provides for division of powers/subjects between union and states. The concurrent list is one where subjects come under jurisdiction of both

Remarks

Union and state. But in case of conflict between laws made by Parliament and state legislature, Parliament shall prevail on these subjects.

The concurrent list has been posing a challenge to spirit of cooperative federalism in many ways:

- ① Ever increasing transfer of subjects from state list to concurrent list runs contrary to spirit and expectations of matured federation

eg: - 42nd amendment - transferred 'education' from state to concurrent list

- recent proposal to shift 'water' to concurrent list

- ② Through parliamentary legislations, Union has been binding/restricting state's legislative and executive power

- ③ Concurrent list promotes 'one size fits all' policymaking by Union

Remarks

Mention significance 42nd AA, centralization of power, ~~ind~~ confusion, dual legislation, detailed suggestions of Sarkaria Comm.; ~~but~~ give constructive suggestions

(4) As Parliament law is supreme in concurrent subjects, the state legislatures are undermined.

(5) Union tends to coerce states as their bills are subject to pridential assent

These issues have given rise to calls for abolition of concurrent list by states. From Rajamannar committee of Pamir Nadu to recent call by Klangana chief minister, the call for abolition sustained.

However the abolition is not advisable in lieu of practical utility of the concurrent list. There are areas such as water, environment etc. where states have limited capacity to achieve desirable outcomes. It is also vital in the wake of prevailing secessionism.

Therefore the way forward is the Union must review the subjects of list in consultation with states to suit current socio-economic conditions, in the spirit of "Team India".

Remarks

(C) Representation of People's Act, 1951 (RPA)

is the legislation governing conduct of elections in India. It aids in ensuring that the elections are free, fair and impartial, thus remain "a colorful festival" of Indian democracy.

Its provisions deal with registration and recognition of parties, electoral offences, postponement of elections, disqualification of candidates among others. However there are some long-standing issues that remain with respect to RPA due to Parliament's inaction such as:

① Section 29A

→ It provides for registration of political parties by Election Commission (EC).

Remarks

→ However it does not confer the power to derecognise parties on EC. This led to mushrooming of parties which often act as conduit for black money. As per a study, only 20% of the registered parties take active participation in elections.

① Section 33

It enables a single candidate to contest from two seats simultaneously. EC has proposed to limit this to one seat to avert avoidable expenditure.

③ Section 8

Current provisions disqualify convicted candidates for a maximum six year period above the convicted/sentenced period. EC has been pitching for life-long disqualification of those convicted of heinous offences.

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Remarks: Mention in detail why Section 33 (7) is opposed - one candidate, one constituency, an insurance to failure, Section 123(3) corrupt practices.

④ Section 53 B

Currently no such section exists in PAA. Thus while ECI can rescind/postpone elections for unbridled use of muscle power or booth capture, it can not do so for use of money in elections. In case of Tanjavur assembly election in 2016, it had to resort to Article 224 of constitution. Thus EC had been demanding to give the extra powers by adding section 53 B.

⑤ Further, there is a need to expand objectively electoral offences under section 123.

Such recommendations have also been extended by Law Commission and parliamentary standing committees from time-to-time. The Parliament must consider these issues and proposals in order to preserve the sanctity of elections and vibrancy of Indian democracy.

Remarks

3. Answer the following questions:

- (a) Right to Freedom of speech and expression vs Section 124-A. Elaborate. (200 Words) (15)
- (b) India must emulate best international practices and make CAG more independent. (200 Words) (15)
- (c) Provide an analysis of the issue of Criminalization of Indian Polity. (250 Words) (20)

(a) Freedom of speech and expression (fose) is

the most sacred right and vital for democracy, argued J.S. Mill. Indian constitution based on ideals of national movement has championed free speech through Article 19 in Part III of the constitution.

Section 124A of Indian penal code, a colonial legacy deals with sedition. It prohibits any speech/ action that incites or attempts to incite violence, hatred towards government; creates or attempts to create disaffection towards government. The provision was used by British to curb national movement and arrest

Remarks

national leaders like Gandhi and Tilak.

Continuation of the Section 124A in post-independence India on the grounds of prevailing secularist trends led to its misuse. For instance, Tamil Nadu government had slapped sedition charges on Singer Kavan for folk song on alcohol impact and government's inability to restrict it.

Supreme court from time-to-time had clarified the provision's scope by narrow interpretation. In Kedar Nath vs. State of Bihar, it held that only causing violence is the criteria for sedition. It further clarified that even calls for violence do not qualify as sedition, ~~only~~ as long as they do not actually materialise. The court had chided then Tamil Nadu government for abuse of sedition provision.

Remarks

Mention in details arguments for & against sedition; balance between right to free speech & reasonable restrictions, dilution unlikely, Romesh Tiwari, Karhaiva Kumar, views of Law Commission.

to with honest dissent.

Sedition provisions has a "chilling effect" on free speech and its political use militates against the spirit of democracy. Surprisingly, the Constitution Assembly had not included it as a reasonable restriction of free speech under Article 19(2) of the Constitution.

Law Commissioners have many times highlighted the need to make provision more objective and use it with utmost caution.

In this wake, Parliament will do well to incorporate SC pronouncement in law and sensitize officials to uphold FoSE.

(b) Comptroller and Auditor General (CAG) is the highest -- public audit institution. Under Article 151 of the Constitution. It audits the accounts of Union and state governments and thus helps the

Remarks

Parliament ensure financial accountability of the executive. It acts as friend, philosopher and guide to Public Accounts Committee of Parliament.

However certain issues/shortcomings persist with respect to the institution. India can emulate the international best practices to overcome some of these like:

① In India, CAG remains mere auditor-general and not comptroller -- no control over public purse before expenditure from consolidated fund

↳ Here India can emulate United Kingdom where CAG is comptroller as well as auditor general, to avert wasteful and extravagant expenditure in first place.

② CAG in India has freedom to decide on auditing methods and codes regarding expenditure. But similar

Remarks

freedom does not exist in case of revenue audit.

- ③ The provision of "secret expenditure" limits the audit efficiency as CAG can not enquire into particulars of expenditure.
- ④ CAG has limited audit role with respect to public corporations like Central Warehousing Corporation. It has no role in audit of ^{public} institutions like RBI. This limits overall effectiveness of CAG body.
- ⑤ Above All, the appointment of CAG is at the discretion of Union and does not involve opposition or states. Thus there is a scope for spoils system and partisanship.

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The above discussed shortcomings need to be bridged by the Union at the earliest to improve the effectiveness of Constitutional watchdog for accountability is the principle of parliamentary democracy and hallmark of good governance.

Remarks

Mention diff. provisions for the same office in diff. countries, problem in accessing records - guardian of public purse without powers, tenure, recognition of IA & AD as statutory body

(C) Criminalization of Politics refers to increasing role of criminals in Indian Politics. It can be through use of criminals by politicians or criminals themselves donning the hat of politicians and lawmakers.

The role of criminals in politics is on the rise ever since the rise of regional parties, argues Milan Vaishnav. In 17th Lok Sabha, a similar trend of ever-rising criminalisation can be noticed.

Criminal accused charges	45%
Serious criminal charges accused	29%

17th Lok Sabha composition - PRJ Legislative Research

Milan Vaishnav in "When Crime Pays" analysed the criminalised politics in India empirically. He

Remarks

presented a master model where politicians, criminal candidates and voters meet and perpetuate criminalised politics - each for their own benefit. Politicians look at criminals for their ability to fund their own campaign apart from contributing to party coffers. They also consider such candidates as an added advantage, especially in areas where social cleavages are prominent.

The candidates themselves choose politics for self-preservation. They project themselves as strongmen with capability to promote interests of constituents. Most voters eulogise such candidates believing in their ability to get things done. For many voters, criminality has become a norm rather than exception and they have come to accept

Remarks

such credentials. Many ~~are~~ voters despite the best efforts of ECI remain in darkness ~~of~~ about the criminal antecedents of the candidates.

All these factors form a vicious cycle that perpetuates political criminals and criminal politicians. They upturn the basic foundations of democracy by vitiating the electoral process through money and muscle power. Further the laws made by them tend to be self-perpetuating at the cost of long-term public interest.

To break this cycle, measures are required on both supply side and demand side of criminals. Public awareness, permanent disqualification of convicted criminals, fast-track courts to deal with criminal cases on legislators, transparent state funding - of elections are some of the ways through which this unholy nexus can be broken.

Remarks

Mention banned only after conviction, significance of Lily Thomas case, March 2014 SC judgement, give detailed reasons for criminalisation of politics, effect on democracy. Committee reports, suggestions

SECTION-B

Attempt all questions:

5. Comment on the following into 150 words:

(10 × 5 = 50)

- Critical Examination of the Anti-Defection Law
- While Secularism is a permanent feature of Indian Constitution, its nature and content are not.
- Justice delayed is justice denied
- Freedom of Speech and Fake news.
- 6th Schedule areas: Need for empowerment

(a) Anti-defection law is provided under Schedule X of the constitution through ^{52nd} ~~53rd~~ Constitution Amendment.

It aimed at tackling the "Aya Ram, Gaya Ram" culture in politics characterised by horse trading and floor crossing leading to political instability.

However political parties tended to abuse/ circumvent the law through misuse of Speaker's office and provisions of split/merger. In Kihoto Holohan vs. Bachchan, SC made speaker's decision subject to judicial review. Later amendments removed scope of

Remarks

Split; yet continued with merger exception - 2/3rd members of legislative party can join another party without attracting disqualification.

Yet political parties found other ways to subvert the law. Speaker's power veto provide way for engineering defections. For instance in 2014th, Andhra Pradesh had seen 23 legislators of opposition jumping into ruling party and some becoming ministers!

Further the ~~def~~ defections are also encouraged to shift opposition - merger of Congress with ruling TDS in Telangana (2019). Also the excessive control given to parties by Anti-defection law militates against ~~part~~ freedom of speech of legislators

Hence some reforms such as - eliminating merger exception, limiting anti-defection to certain important instances (sp. no-confidence motion), shift shifting the disqualification power to EC are needed.

Remarks

Mention arguments for & against the law, dissent & defection, party bossism, individual/group defection, independent/denominated members, Speaker's neutrality is questioned.

(b) Secularism in Indian context is based on "Sarva dharma samabhava" - equal respect to all religions. Article 25, 26, 27, 28 amongst others spell the secular character of India. And secularism is declared as basic structure of constitution by SC in S.R. Bommai case.

However there have been theoretical and political contentions over its nature and content. It is so as Indian secularism is a politically negotiated and context-specific model (Rajeev Bhargava).

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Some Rightists contend Indian secularism as Pseudo-secularism and minority appeasement. Rajeev Bhargava had given principle-distance model which Pratap Bhanu Mehta argues to be detrimental in practice. Neo-secularists like Ashis Nandy question

Remarks

Mention views of D.E. Smith, Suddipta Kaviraj, Akmal Bilgrami, Rajni Kothari, and analyse if secularism as practiced breeds communalism. Q. Give detailed arguments of Nandy.

The relevance of secularism to India in first place.

These contentions have at times manifested in judicial confusions. As Jayvi Madan notes, ambiguity in Indian secularism which was its strength earlier has become weakness in recent times. Thus there is a need for arriving at a much better model of secularism through bottom-up approach.

(c) 'justice' - in some notion - is vital for any state to continue. However delays in delivering justice by courts in India is limiting the effectiveness of justice and also ideals of constitution.

As per National Judicial Data Grid, over 3 crore cases are pending at various levels of

Remarks

Judiciary. Over 60% of cases are at least 2 years old.

Some reasons for this are:

- (a) Poor judge-to-population ratio (1:11) (18 per million)
- (b) Poor court infrastructure \rightarrow poor case management
- (c) vacations of judges
- (d) Lawyers resorting to adjournments for monetary benefits

These delays are effectively hindering deterrent effect of laws and so are

giving free run to criminals. Further delays disproportionately

effect poor and marginalised as they

are most of the undertrials - due to lack of

awareness of legal rights and affordability to deploy lawyers

In these ways justice delayed is justice denied. Union and states must act through cooperative

separation of powers (Economic survey 2013-14) to tackle

this systemic issue of judicial delays.

Remarks

Mention the statistics to show the severity of the situation, give detailed reasons for pendency, impact of pendency, steps to reduce it, 120th Law Commission report

(d)

Fake news has become characteristic

feature of post-modern era. It is intended to

manipulate people's choices and perceptions.

However attempts to curb fake news may come

in conflict with freedom of speech guaranteed

under Article 19(1)(a) of the Constitution.

Moreover, by altering perceptions of

public, fake news itself tends to negatively

impact freedom of speech of others. For

instance, micro-targeting of voters in USA by

Cambridge Analytica, actually militates against

individual's right to informed decision as

he/she is misinformed/disinformed.

Increasing reservation of governments to

Remarks

Mention freedom exploited, falsehood not reasonable restriction, mobocracy, communal frenzy, cases of violence, lack of centralized mechanism to

How is this an example for fake news?

censorship in the name of curbing fake news or, even attempts by vested interests to delegitimise certain non-palatable observations as fake news are causes of concern.

Going forward, the correct approach to fight fake news menace is self-regulation by media houses. Also independent efforts such as @alt-news on Twitter, to verify authenticity of news, enable checking this problem.

(e) 6th Schedule (under Article 244) of the Constitution deals with administration of tribal areas in states - Assam, Meghalaya, Mizoram and Tripura. It intends to provide these regions a degree of autonomy to preserve local cultures through autonomous district councils and Regional councils.

Remarks

However the areas are facing many governance issues and need empowerment.

- ① Lack of Panchayat Raj institutions limit availability of funds for socio-economic development programmes like NREGA
- ② Non-applicability of State Finance Commission recommendations lead to poor fund availability
- ③ Contentions over Governor's discretion, supremacy of state legislature vis-a-vis councils impact the autonomy of the areas
- ④ further there are overlapping jurisdictions with state legislatures eg. water
- ⑤ In many states, district councils have not led to further decentralisation in the form of Regional councils eg. Bodo Territorial Council

All these issues highlight the need for further empowerment of Schedule VI areas to secure social justice.

Remarks

Briefly, mentions power & functions of autonomous councils, issues like lack of financial self-sufficiency, non-representation, unskilled professionals, no codification of customary law, inefficiency

8. Answer the following questions:

- (a) Examine the mechanism of Public Interest Litigation as a tool of justice in India. (200 Words) (15)
- (b) River Water sharing is the biggest challenge to the idea of cooperation among states. (200 Words) (15)
- (c) Women in Indian Politics. (250 Words) (20)

(a) Aristotle noted that justice is ^{at} the foundation of continuation of state. Indian constitution aims to provide to its citizens justice - legal, political, and economic and social. Integrate Indian judiciary led by supreme court is the primary mechanism to achieve this.

Supreme court bench led by Jus. P.N. Bhagwati had expanded the scope of 'locus standi' under Article 32 (Writ Jurisdiction of SC) of the constitution.

It provided for Public Interest Litigation (PIL) to provide justice to citizens more comprehensively in regard to violation of fundamental rights.

PIL has expanded the jurisdiction of the

Remarks

Courts. It sought to serve the vulnerable and marginalised sections - in a better way. By expanding locus standi, the PIL mechanism has provided scope for civil society activism. Enhanced civil society watch upheld constitutionalism by limiting executive and legislative overreach.

PIL has also ^{enabled} grant of bouquet of rights to Indian citizens through liberal interpretation of Article 21 by judiciary. Rights such as clean environment, informed, decision in elections (ANR vs Union of India) are all outcomes of PILs. It enabled propagating constitutional morality, thus securing social justice.

-Eg: Sabharwal case.

However, many instances of misuse of PIL

Mention proving public interest, briefly mention origin & development - Krishna Iyer J., PIL & judicial activism, reasons for liberalisation of locus standi, merits, demerits, suggestions

Remarks

mechanism have ~~be~~ been noticed. As Justice Bhatia notes in "Transformative Constitution", PIL has become a political/private interest litigation. PILs have been used by political parties to stall governance and certain private corporations to negatively impact their rivals. These instances have delegitimised the PIL mechanism.

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Yet in the ultimate analysis, the benefits outweigh costs. PIL mechanism needs to be continued. And there should be a way to punish the false petitions so as to create deterrence.

(2) Indian federalism is based on the concept of cooperative federalism - between union and states as well as among states. River water sharing has emerged to be the biggest challenge

Remarks

to cooperative federalism in India.

Many river-water disputes such as Cauvery dispute between Tamil Nadu and Karnataka, Sutlej-Yamuna ^{link} dispute between Punjab and Haryana have drawn bad blood ~~between~~ in India's federal polity.

Some of the reasons for such challenge are:

- (a) Evergrowing demand for water - population rise, industrial and agri needs
- (b) Inconsistent supply especially in the wake of climate change and associated vagaries.

These natural factors have paved way for political disputes due to:

- (a) River water being subsistence factor, ~~there~~ is easily prone to politicisation.
- (b) Rise of regional parties with narrow outlook that

Remarks

Mention Art. 262, Entry 17 & 56 of State List & 56 of Union List, detailed reasons for rising disputes, issues with present IRWD Act & some taken suggestions.

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promoted passions among public for securing votes.
And the disputes have become and remained bitter bone of contention due to:

- (a) Inactive role of ~~state~~ union despite its mandate under Schedule VII - Control over inter-state rivers; and River Boards Act
- (b) Lack of give and take approach between states.
- (c) 'top-down' imposition of solutions by tribunals
- (d) Delays and politicisation in constitution of tribunals under ISWD Act, adjudication.
- (e) SC referring to Article 136 (special leave petition) to hear appeals causing further delays.

Some of the ways to avert this major irritant of federalism are:

- (a) Union's active and facilitator role; constitution of River Boards to facilitate inter-state river management.
- (b) Use of consultative platforms like Inter-State Council, Zone Councils to resolve disputes at political level.

Remarks → Mention more ~~and~~ suggestions that can be constructive — declassification of rivers as national property, bringing water into concurrent list.

(4) virtues of role of women in politics have been highlighted by J.S. Mill in "on subordination of women". Indian constitution also envisions gender equality in all spheres including political.

However, in reality women continue to be grossly under-represented in legislatures:

17th Lok Sabha — ~14% women

The situation is similar in states and Rajya Sabha. Such huge asymmetry in legislative composition is leading to "missing women perspective" in laws and legislative priorities.

73rd and 74th constitutional amendments have provided for reservation of posts for women in local self-governance institutions. The impact of the reservation is largely positive despite some

Remarks

Instances of "Pati Panchayats". A study by Prof. Rohini Pandey pointed to some of the positive outcomes including

- (a) Reduced discrimination and disparity vis-a-vis women
- (b) Increased self-confidence among women
- (c) Enhanced social mobility of women
- (d) Enhanced women education levels
- (e) More feminine perspective in administration - improved social outcomes in maternal and child health environment etc.

A case in point is Intima B, a Sarpanch of Kalva village in Andhra Pradesh who secured UN's Race against poverty award for her role in empowering SHGs. Such positive impact of women reservation is highlighted even in the study by Ministry of Panchayats.

Remarks

These notable successes at grass root level have become the bases for ~~the~~ demands of ^{33%} Women Reservation in Parliament and state legislatures and concomitant 108th Constitution Amendment Bill. Yet the bill has got stalled in the political awagmide of opposition towards women reservation and more so due to lack of strong political will.

Yet as Laura Keenan noted, ^{political} Reservation is needed as an external catalyst to further improve women participation in India. Such reservation has benefits not just for women but for a wider society.

The Parliament must show bipartisanship to enact 108th CA Bill at the earliest. Until then political parties must voluntarily come forwards to give 33% tickets to women candidates (Eg. BTD-Odisha).

Remarks

Mention feminization of politics, Women in Politics 2017 Map, India Ranks 148, mention in detail need for women in politics, economic aspect, factors restricting women, strategies.