Hornbill
Classes

INDIAN POLITY & GOVERNANCE

General Studies – 10 Years PYQs with Model Solutions

UPSC Indian Forest Service (Main) Examination

2016–2025

2026 Edition



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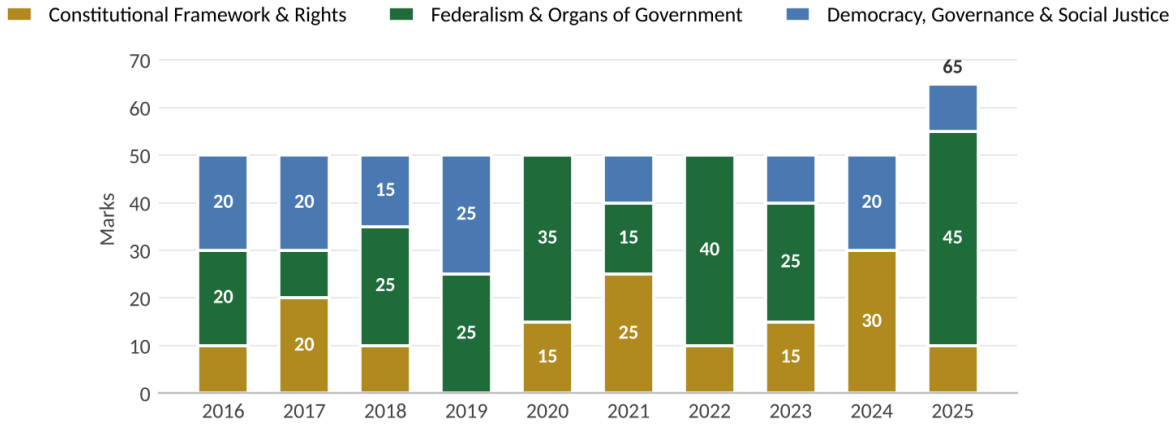
MODULE 3

UPSC/ IFoS / GS

INDIAN POLITY

Marks distribution

Year	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
No of Que.	5	5	4	4	4	4	4	4	4	5
Marks	50	50	50	50	50	50	50	50	50	65
Constitution & Rights	10	20	10	–	15	25	10	15	30	10
Federalism & Organs	20	10	25	25	35	15	40	25	–	45
Democracy & Welfare	20	20	15	25	–	10	–	10	20	10



Chapter-wise distribution

#	Chapter / Theme	Qs	Marks	Years asked
CONSTITUTIONAL FRAMEWORK & RIGHTS · 12 Qs · 145 marks				
1	**Constitution — Preamble, Philosophy & Basic Features**	4	45	2016, 2017, 2022, 2023
2	Fundamental Rights	2	20	2018, 2025
3	**Directive Principles & the FR–DPSP Relationship**	4	50	2017, 2020, 2021, 2024
4	Amendment of the Constitution & Basic Structure Doctrine	2	30	2021, 2024
FEDERALISM & ORGANS OF GOVERNMENT · 19 Qs · 240 marks				
5	**Federalism & Centre–State Relations (incl. fiscal)**	4	60	2019, 2020, 2022, 2025
6	Emergency Provisions (President's Rule) & Special Provisions	2	25	2016, 2025
7	Parliament & State Legislatures	2	25	2020, 2022
8	**Executive — President, Governor & Council of Ministers**	3	35	2019, 2020, 2025
9	**Judiciary & Separation of Powers — Judicial Review, Activism, Checks & Balances**	6	75	2016, 2018, 2021, 2022, 2023 (×2)

#	Chapter / Theme	Qs	Marks	Years asked
10	Constitutional, Statutory & Regulatory Bodies	2	20	2017, 2018
DEMOCRACY, GOVERNANCE & SOCIAL JUSTICE · 12 Qs · 130 marks				
11	**Elections & Representation of the People**	**3**	30	2021, 2024 (×2)
12	**Local Government — PRIs & Municipalities**	**3**	30	2016, 2019, 2023
13	**Governance, Transparency & Accountability**	**3**	35	2016, 2017, 2018
14	**Social Justice, Welfare & Vulnerable Sections**	**3**	35	2017, 2019, 2025
15	**International Relations** *No direct IR question since 2016 (last asked 2014–15: EU, SAARC, NAM, UNHRC, Israel–Palestine, Indo-Japan). Climate diplomacy (COP26, Paris Agreement) is placed in Geography (B).*	0	–	*Not asked 2016–2025*
	TOTAL	**43**	**515**	**2016–2025**

PREVIOUS YEAR QUESTIONS — PYQs

Highlight key: ***Constitutional Framework & Rights*** ***Federalism & Organs of Government*** ***Democracy, Governance & Social Justice***

2025

- Discuss the scope of ***Article 21*** of the Indian Constitution. Has '***due process of law***' been incorporated under Article 21 of the Indian Constitution? [IFoS 2025 / 3 (c) / 10 M / 125 Words]
- Critically examine the ***Centre-State-Local financial relations*** as prescribed in the Indian Constitution. Given the experience of the last 75 years, what changes are necessary to improve the situation? Also suggest some measures for consideration of the ***16th Finance Commission***. [IFoS 2025 / 2 (a) / 15 M / 200 Words]
- How is ***President's rule*** imposed in a State in India? How have different ***Governors*** dealt with dissolving Legislative Assemblies after President's rule has been invoked? [IFoS 2025 / 3 (a) / 15 M / 200 Words]
- What is the process of granting ***assent to the Bills*** by a Governor of State? Can the Governor exercise a '***pocket veto***'? What are the potential implications of the 'pocket veto'? Answer in the light of recent judgement of the Supreme Court of India. [IFoS 2025 / 3 (b) / 15 M / 200 Words]
- "The philosophy behind the system of ***reservation*** in India is evolving." Analyze. [IFoS 2025 / 3 (d) / 10 M / 125 Words]

2024

- With reference to ***Parts III and IV*** of the Indian Constitution, elaborate how the Indian Constitution aims to foster ***social revolution***. [IFoS 2024 / 3 (a) / 15 M / 200 Words]
- "Democracy and rights have been the two values around which the debates on the ***basic structure doctrine*** have been framed and performed." Justify your answer with relevant judgements of the Supreme Court. [IFoS 2024 / 3 (b) / 15 M / 200 Words]
- "There is no scope for any agencies in India of ***direct control by the people*** such as ***referendum***." In the light of this statement, evaluate Indian democracy as a ***representative form of government***. [IFoS 2024 / 3 (c) / 10 M / 125 Words]
- Discuss how the ***State Election Commission*** serves the channel of political expression at local level. Examine how it reconciles people's basic desire and regional democratic needs. [IFoS 2024 / 3 (d) / 10 M / 125 Words]

2023

- Indian Constitution can be viewed as oriented towards four intertwined goals : '***Rights, Justice, Development and Governance***'. Elucidate. [IFoS 2023 / 3 (a) / 15 M / 200 Words]
- "India has a multiplicity of major institutions which provide a series of ***checks and balances***, ensuring that the infirmities of one institution can be compensated for by the actions of another." Explain. [IFoS 2023 / 3 (b) / 15 M / 200 Words]
- "As one of the world's most powerful courts, the ***Supreme Court of India*** has evolved in its role as ***guardian of the Rights*** provisions, as enshrined in the Constitution." Explain. [IFoS 2023 / 3 (d) / 10 M / 125 Words]
- Explain how ***local government institutions*** have led to the considerable deepening of India's ***constitutional democracy***. [IFoS 2023 / 3 (c) / 10 M / 125 Words]

2022

- Why is ***Indian secularism*** regarded as an exemplary model of inter-faith coexistence and peace? [IFoS 2022 / 3 (c) / 10 M / 125 Words]
- "A continental sized polity, carved out of the socio-cultural and ethno-geographic diversities is best governed and strengthened by the principle and practice of ***federalism*** in India." Explain. [IFoS 2022 / 3 (a) / 15 M / 200 Words]
- How do ***coalition governments***, being formed after fiercely contested elections on diametrically opposed political ideologies, strengthen and deepen democracy in India? [IFoS 2022 / 3 (b) / 15 M / 200 Words]
- How is ***independence of Indian judiciary*** ensured in the Indian Constitution? [IFoS 2022 / 3 (d) / 10 M / 125 Words]

2021

- 'Despite undergoing many ***amendments***, the Constitution of India has remained intact and the ***basic premises*** have not changed.' Comment. [IFoS 2021 / 3 (a) / 15 M / 200 Words]
- '***Fundamental Rights*** and ***Directive Principles*** are complementary and supplementary to one another.' Comment. [IFoS 2021 / 3 (c) / 10 M / 125 Words]
- 'Indian Constitution is founded on a nice ***balance of power*** among the three wings of the State, namely the Executive, the Legislature and the Judiciary.' Explain. [IFoS 2021 / 3 (b) / 15 M / 200 Words]
- While India's Constitutional framework has an elaborate set of mechanisms that govern and control the ***electoral process*** well, still there are some regulatory aspects that need improvement. Identify them and suggest ***electoral reforms***. [IFoS 2021 / 3 (d) / 10 M / 125 Words]

2020

- Can ***Directive Principles*** be best understood as providing the framework of values that structure and constrain the interpretation and construction of ***Fundamental Rights*** as enshrined in the Constitution of India? Explain. [IFoS 2020 / 3 (a) / 15 M / 200 Words]
- 'The ***Indian federal model*** emerged out of, and has been sustained by, an understanding that only a ***strong union*** can keep the country together and is necessary in the conditions in which our Constitution is operating.' Comment. [IFoS 2020 / 3 (b) / 15 M / 200 Words]
- What are the grounds for ***disqualification*** of Members of Parliament, State Legislative Assembly or State Legislative Council under the Constitution (Fifty-second) Amendment Act? On what basis is the ***anti-defection*** provision critiqued? [IFoS 2020 / 3 (c) / 10 M / 125 Words]
- Presidents and Governors enjoy ***discretionary powers*** in some situations. What are these situations? [IFoS 2020 / 3 (d) / 10 M / 125 Words]

2019

- To what extent has the ***asymmetrical federal scheme*** offering differential autonomy for territorially concentrated ethnic groups helped in protecting the rights of minorities within these sub-units, or the rights of inter-state migrants in India? Critically analyse. [IFoS 2019 / 3 (a) / 15 M / 200 Words]
- Comment on the nature of ***ordinance-making power*** of the President of India. Also discuss the various safeguards which can help to prevent possible misuse of such a power. [IFoS 2019 / 3 (c) / 10 M / 125 Words]
- While civil-political rights merely ask the state to refrain from acting in a certain way, the satisfaction of ***social rights*** requires the state to act affirmatively. Comment while assessing the success and limitations of state's ***affirmative actions*** in providing social and economic justice in India. [IFoS 2019 / 3 (b) / 15 M / 200 Words]
- While contextualizing the ***Panchayats*** in their larger institutional and functional framework, outline the critically important role they play in ensuring ***democratic decentralization*** in India. [IFoS 2019 / 3 (d) / 10 M / 125 Words]

2018

- Though the ***right to life*** as enshrined in Part III of the Constitution includes rights to food, shelter and employment, these rights remain ***non-justiciable***. Examine. [IFoS 2018 / 3 (c) / 10 M / 125 Words]
- What do you understand by the term '***Judicial Governance***'? Do you think the judiciary in India has started exercising overarching powers in the name of judicial governance? Comment citing recent examples. [IFoS 2018 / 3 (a) / 15 M / 200 Words]
- Providing constitutionality to the ***backward classes*** will ensure their legitimate empowerment and integration. Give arguments in light of the passage of the recent ***Constitution (123rd Amendment) Bill*** for backward classes. [IFoS 2018 / 3 (d) / 10 M / 125 Words]
- ***Communal-Secular*** debate in Indian polity seems to be dissipating under the ambit of '***Government-Governance***' discourse. Comment. [IFoS 2018 / 3 (b) / 15 M / 200 Words]

2017

- What are the significant features of ***Directive Principles of State Policy***? [IFoS 2017 / 3 (a) / 10 M / 100 Words]
- What is ***rule of law***? Explain. [IFoS 2017 / 3 (b) / 10 M / 100 Words]
- Do you think ***National Commission for Scheduled Castes*** succeeded in protecting Scheduled Caste communities? Give reasons for your answer. [IFoS 2017 / 3 (c) / 10 M / 100 Words]
- Do you perceive development discourse in contemporary India ensures ***economic democracy***? Elaborate. [IFoS 2017 / 3 (d) / 10 M / 100 Words]
- Why is that ***Media*** is characterised as the ***Fourth Pillar*** of Indian Democracy? [IFoS 2017 / 3 (e) / 10 M / 100 Words]

2016

- Why is the ***Preamble*** to the Indian Constitution considered as a unique feature? What are its main objectives? [IFoS 2016 / 3 (a) / 10 M / 100 Words]
- What are the ***special provisions*** for the State of ***Jammu and Kashmir*** in the Indian Constitution? [IFoS 2016 / 3 (b) / 10 M / 100 Words]
- What does the term '***Judicial Democracy***' signify? [IFoS 2016 / 3 (d) / 10 M / 100 Words]
- How did the ***Right to Information Act, 2005*** originate? How does it strengthen the democracy in India? [IFoS 2016 / 3 (c) / 10 M / 100 Words]

- What are the special features of the new system of ***Panchayats and Municipalities***? [IFoS 2016 / 3 (e) / 10 M / 100 Words]

2015

- The existence of the ***Article 3*** in the Indian Constitution is reason enough to believe that the Indian Constitution empowers the ***Centre at the expense of the State***. Do you agree? If so, elaborate with an example. [IFoS 2015 / 4 (a) / 20 M / 150 Words]
- Do you think that in India, the ***government*** remains strong and ***governance*** still continues to be subordinate to the government? Can this be seen as ***strong institutions and weak processes*** playing a part in the administering of the country? [IFoS 2015 / 4 (b) / 15 M / 150 Words]
- "In India, despite the economy becoming totally capitalistic, ***class*** as the most important social category has not emerged powerfully and it is still ***caste*** that plays an important role in India's social fabric." Elucidate. [IFoS 2015 / 4 (c) / 15 M / 150 Words]
- "The collapse of the Greek economy and the weakening of the economies of Italy, Spain and even the UK to an extent is suggestive of cracks in the foundation of the ***European Union***." Do you agree or disagree with this? Give reasons in either case. [IFoS 2015 / 5 (a) / 20 M / 150 Words]
- Do you agree with the perception that **SAARC** is important to India only for political reasons and not for economic reasons? Give reasons. [IFoS 2015 / 5 (b) / 15 M / 150 Words]
- With India now seeing itself as a brain power and allying itself increasingly with USA, it no longer sees itself as a country in the category of backward countries of Africa and other countries which have traditionally been its allies in the ***Non-Aligned Movement***. Do you think it is time to give the ***NAM a burial***? [IFoS 2015 / 5 (c) / 15 M / 150 Words]

2014

- How is the ***federal structure*** of the Indian Constitution ensured? [IFoS 2014 / 4 (a) / 12.5 M]
- What do you understand by '***minimum government and maximum governance***'? [IFoS 2014 / 4 (b) / 12.5 M]
- Explain the ***Right of Constitutional Remedies*** given in the Indian Constitution. [IFoS 2014 / 4 (c) / 12.5 M]
- How is a ***Money Bill*** different than a ***Financial Bill***? [IFoS 2014 / 4 (d) / 12.5 M]
- Discuss the role of **UNHRC** in Indian perspective. [IFoS 2014 / 5 (a) / 12.5 M]
- Comment on ***Israel-Palestinian conflict***. [IFoS 2014 / 5 (b) / 12.5 M]
- What are the objectives of ***European Union***? [IFoS 2014 / 5 (c) / 12.5 M]
- Write a note on ***Indo-Japanese collaboration***. [IFoS 2014 / 5 (d) / 12.5 M]

CHAPTER 1

CONSTITUTION

◈ Preamble, ◈ Philosophy, ◈ Basic Features,
◈ FR, ◈ DPSP ◈ Amendments.

CONSTITUTION : PREAMBLE, PHILOSOPHY & BASIC FEATURES

Why is the ***Preamble*** to the ***Indian Constitution*** considered as a ***unique feature***? What are its ***main objectives***?

UPSC IFoS (Mains) 2016 | Q.3(a) | 10 Marks | 100w

The **Preamble** — the **identity card of the Constitution** — contains the **summary and essence** of the Constitution, based on the **Objectives Resolution** adopted by the Constituent Assembly on January 22, 1947. It uniquely declares the *source of authority*, *nature of the State*, and *constitutional objectives* in a single preface.

WHY THE PREAMBLE IS A UNIQUE FEATURE

1. **Popular Sovereignty** : "**We, the People of India**" uniquely establishes the people as the **source of constitutional authority** — a feature absent in most constitutional preambles.
2. **Integral Part of the Constitution** : in **Kesavananda Bharati case (1973)** and **LIC of India case (1995)** — making it judicially significant and constitutionally operative.
3. **Subject to Basic Structure** : Amendable under **Article 368** but its **fundamental features cannot be altered** — amended only once by the **42nd Amendment (1976)** adding **Socialist, Secular, and Integrity**.
4. **Key to Constitutional Interpretation** : Courts use it to resolve ambiguity in constitutional provisions — giving it a unique **interpretive authority** beyond a mere preface.

MAIN OBJECTIVES

1. **Justice** : social, economic, and political — secured through Fundamental Rights and Directive Principles.
2. **Liberty** : of thought, expression, belief, faith, and worship — enforceable through Article 32.
3. **Equality** — of status and opportunity : operationalised through Articles 14, 15, and 16.
4. **Fraternity** : assuring **dignity of the individual** and **unity and integrity of the nation**, promoted through **single citizenship** and **Article 51A**.

Thus, the Preamble's **unique constitutional status, interpretive authority, and limited amendability** make it the **philosophical soul** of the Indian Constitution.

Indian Constitution can be viewed as oriented towards four ***intertwined goals*** : '***Rights***, ***Justice***, ***Development*** and ***Governance***'. Elucidate

UPSC IFoS (Mains) 2023 | Q.3(a) | 15 Marks | 200w

Approach

Understanding the Question !!

1. *Introduction* : Present the Constitution as a transformative framework in which Rights, Justice, Development and Governance are not separate compartments but mutually reinforcing constitutional goals.
2. *Main Body* : Explain each goal through relevant constitutional provisions and then establish their interdependence.
3. *Conclusion* : Show that the Constitution seeks to combine liberty, social transformation, human development and accountable government within one integrated design.

The Indian Constitution is not merely a legal charter for creating institutions; it is *a transformative constitutional project* aimed at *building a democratic*, *just* and *developed society*. Its orientation can be understood through four intertwined goals : *Rights*, *Justice*, *Development* and *Governance*, each reinforcing the others and together advancing the values of the Preamble.

RIGHTS → Protecting Individual Freedom and Dignity

Part III provides the enforceable foundation of constitutional democracy through :

— Equality under Articles 14–18
— Freedoms and personal liberty under Articles 19–22
— Protection against exploitation under Articles 23–24
— Religious freedom under Articles 25–28
— Cultural and educational rights under Articles 29–30
— Constitutional remedies under Article 32

Judicial expansion of Article 21 has further connected rights with dignity, livelihood, education, health, privacy and environmental protection.

JUSTICE → Correcting Social and Economic Inequalities

The Preamble promises social, economic and political justice.

- *Social justice* : Articles 15, 16 and 17 attack discrimination, exclusion and untouchability.
- *Economic justice* : Articles 38 and 39 seek reduction of inequalities, equitable distribution of resources and prevention of concentration of wealth.
- *Political justice* : Universal adult suffrage under Article 326 ensures equal political participation.

Thus, constitutional justice goes beyond formal equality towards substantive equality.

DEVELOPMENT → Building Human Capabilities and Welfare

The Constitution links development with human welfare rather than mere economic growth.

— Article 21A promotes universal elementary education.
— Articles 39–47 direct the State towards livelihood, health, nutrition, social

security and humane conditions of work.

— Article 48A introduces an ecological dimension by requiring protection of the environment, forests and wildlife.

— The 73rd and 74th Constitutional Amendments strengthen decentralised planning and local participation, making development more responsive to local needs.

Hence, development under the constitutional scheme is inclusive, human-centred and sustainable.

GOVERNANCE → Providing Institutions for Constitutional Goals

Rights, justice and development require effective constitutional institutions.

- *Parliamentary democracy* ensures political accountability.
- *Federalism* and *Separation of powers* b/w Legislature, Executive, Judiciary between v/s Union and States.
- *Independent institutions* such as the Election Commission and CAG strengthen electoral integrity and financial accountability.
- *Judicial review*, rule of law and separation of functions restrain arbitrary exercise of power.
- *Fundamental Duties* add a dimension of civic responsibility to democratic governance.

Interlinkage of the Four Goals

These goals are inseparable:

— Rights without governance remain unenforced.

— Justice without development remains incomplete.

— Development without rights may become exclusionary or authoritarian.

— Governance without justice loses constitutional legitimacy.

For example, Article 21A simultaneously represents a right, advances social justice, promotes human development, and imposes a governance obligation on the State.

Thus, the Constitution integrates Rights, Justice, Development and Governance into a single constitutional vision. Together, they seek to combine individual liberty, social transformation, human development and accountable government in pursuit of a democratic and welfare-oriented republic.

Why is ***Indian secularism*** regarded as an exemplary ***model of inter-faith coexistence*** and peace?

UPSC IFoS (Mains) 2022 | Q.3(c) | 10 Marks | 125w

Approach

Understanding the Question !!

1. *Introduction* : Explain the distinctive nature of Indian secularism as equal respect, equal citizenship and principled State engagement, rather than complete separation of State and religion.
2. *Main Body* : Show how religious freedom, equality, minority protection, State neutrality and reformist intervention together facilitate inter-faith coexistence and peace.

❸ *Conclusion* : Link secularism with pluralism, fraternity and national integration.

Indian secularism evolved in a deeply diverse and multi-religious society. Unlike a rigid "wall of separation" model, it seeks to *maintain equal respect for all faiths*, *freedom of conscience* and *non-discriminatory citizenship*, while *permitting State intervention when required for social reform*, *equality* and *public order*. The Supreme Court has characterised Indian secularism as a *positive concept* of *equal treatment* of *all religions*.

Indian secularism promotes inter-faith coexistence through several constitutional safeguards:

- **Equal citizenship** : Articles 14–16 prevent religion from becoming a basis for unequal citizenship or discriminatory State action.
- **Freedom of conscience** : Article 25 guarantees every person freedom of conscience and the right to profess, practise and propagate religion, subject to constitutional limitations.
- **Collective religious autonomy** : Article 26 allows religious denominations to manage their religious affairs, protecting institutional diversity.
- **Protection of diversity** : Articles 29–30 safeguard cultural interests and specifically protect the educational rights of religious and linguistic minorities.

WHY IT IS EXEMPLARY

→ **State neutrality** : Unlike French secularism, India **accommodates all faiths equally** — suited to a diverse multi-religious society.

→ **Active Social Reform without hostility to religion** : State intervention to remove social evils (e.g., abolition of untouchability, triple talak, FGM) makes secularism a tool of social transformation, not merely non-interference.

In S.R. Bommai v. Union of India (1994), the Supreme Court affirmed secularism as a basic feature of the Constitution, linking religious tolerance and equal treatment with national integration.

Thus, Indian secularism is distinctive because it combines religious freedom, equal citizenship, minority protection and reform-oriented State neutrality. It converts religious diversity from a potential source of conflict into a constitutional basis for pluralism, fraternity and peaceful coexistence.

FUNDAMENTAL RIGHTS

Explain the ***Right of Constitutional Remedies*** given in the Indian Constitution.

UPSC IFoS (Mains) 2014 | Q.4(c) | 12.5 Marks

The Right to Constitutional Remedies under *Article 32* provides the *enforcement machinery* for *Fundamental Rights* contained in *Part III*. It guarantees access to the Supreme Court when a Fundamental Right is violated. Hence, Dr. B.R. Ambedkar famously regarded Article 32 as the "*heart and soul*" of the Constitution.

CONSTITUTIONAL PROVISIONS UNDER ARTICLE 32

1. Every citizen has the right to move the **Supreme Court** for enforcement of

Fundamental Rights — this right cannot itself be suspended except as constitutionally provided.

2. The Supreme Court may issue **directions, orders, or writs** for their enforcement.
3. Parliament may empower other courts — not **High Courts**, already covered under **Article 226** — to exercise **writ jurisdiction** within their limits.
4. During a **National Emergency**, the President may suspend this right under **Article 359** — the sole constitutional exception.

Thus, Article 32 provides both a Fundamental Right and a constitutional remedy.

THE FIVE CONSTITUTIONAL WRITS

- **Habeas Corpus** — examines legality of **custodial or preventive detention**; issued against public authorities and private individuals both.
- **Mandamus** — commands performance of a **mandatory public duty**; not issued against private individuals, superior courts, or the **President and Governor**.
- **Prohibition** — restrains **judicial and quasi-judicial bodies** from exceeding jurisdiction; issued before final order; not against administrative authorities.
- **Certiorari** — quashes orders passed in **excess or absence of jurisdiction**; extended to **administrative authorities** as well.
- **Quo-Warranto** — challenges claim to a **substantive statutory public office** only; not applicable to ministerial or private offices; any **public-minded citizen** may seek it.

ARTICLE 32 VS ARTICLE 226

Article 32 is specifically meant for enforcement of Fundamental Rights, whereas High Courts under Article 226 may issue writs for Fundamental Rights as well as other legal rights. Therefore, Article 226 is wider in subject-matter, while Article 32 enjoys the special status of being itself a guaranteed Fundamental Right.

CONSTITUTIONAL LIMIT & BASIC STRUCTURE

During a National Emergency, Article 359 permits suspension of the right to move courts for enforcement of specified Fundamental Rights through a Presidential Order. However, after the 44th Constitutional Amendment, enforcement of Articles 20 and 21 cannot be suspended.

More importantly, in L. Chandra Kumar v. Union of India (1997), the Supreme Court held that the power of judicial review under Articles 32 and 226/227 forms an integral part of the Basic Structure and cannot be excluded.

Article 32 is therefore the guardian mechanism of Fundamental Rights. By combining direct access to the Supreme Court, writ jurisdiction and judicial review, it transforms constitutional liberties from paper guarantees into enforceable entitlements.

Though the right to life as enshrined in Part III of the Constitution includes rights to food, shelter and employment, these rights remain non-justiciable. Examine.

UPSC IFoS (Mains) 2018 | Q.3(c) | 10 Marks | 125w

Article 21 guarantees that no person shall be deprived of **life and personal liberty** except according to **procedure established by law**. In **Maneka Gandhi case (1978)**, the Supreme Court overruled the narrow **Gopalan case (1950)** interpretation —

holding that **"right to life"** extends beyond mere animal existence to encompass the **right to live with human dignity**, thereby expanding its scope to include food, shelter, and employment.

Judicial Expansion — Food, Shelter, Employment under Article 21:

1. **Right to Livelihood** : In **Olga Tellis v. Bombay Municipal Corporation (1985)**, the Court held that **deprivation of livelihood amounts to deprivation of life** — making the right to employment an integral part of Article 21.
2. **Right to Shelter** : In **Shantistar Builders v. N.K. Totame (1990)**, the right to shelter was recognised as a component of **right to live with human dignity** under Article 21.
3. **Right to Bare Necessities** : In **Francis Coralie Mullin case (1981)**, the Court held that Article 21 includes the **right to bare necessities of life** — food, clothing, and shelter. In **Rural Litigation and Entitlement Kendra case (1985)**, the **right to a clean environment** and protection of forest ecosystems was read into Article 21 — recognising that forest-dependent communities cannot enjoy a dignified life without ecological security.
4. **Right to Food** : In **PUCL v. Union of India litigation**, the Supreme Court issued extensive directions for implementation of food security schemes — treating adequate nutrition as inseparable from the right to a dignified life.

Why These Rights Remain Non-Justiciable :

1. **Rooted in Directive Principles** — Rights to food (**Article 47**), shelter and employment (**Article 41**) are primarily **DPSP obligations** — explicitly made **non-enforceable by courts** under **Article 37**. Judicial recognition through Article 21 does not override this structural limitation.
2. **Positive Rights Requiring State Resources** — Unlike civil-political rights requiring State restraint, food, shelter, and employment require **active State expenditure** — courts cannot compel resource allocation, which remains a **legislative and executive prerogative**.
3. **No Quantifiable Individual Entitlement** — Courts can issue **policy directions** but cannot guarantee specific quantum of food or employment to any individual — making individual enforcement structurally impossible.

Thus, while the Supreme Court has **constitutionalised** these rights under Article 21 through progressive interpretation, their realisation remains contingent on **State legislative action and fiscal capacity** — retaining their essentially **non-justiciable character** despite judicial recognition.

Discuss the scope of ***Article 21*** of the Indian Constitution. Has 'due process of law' been incorporated under Article 21 of the Indian Constitution?

UPSC IFoS (Mains) 2025 | Q.3(c) | 10 Marks | 125w

Approach

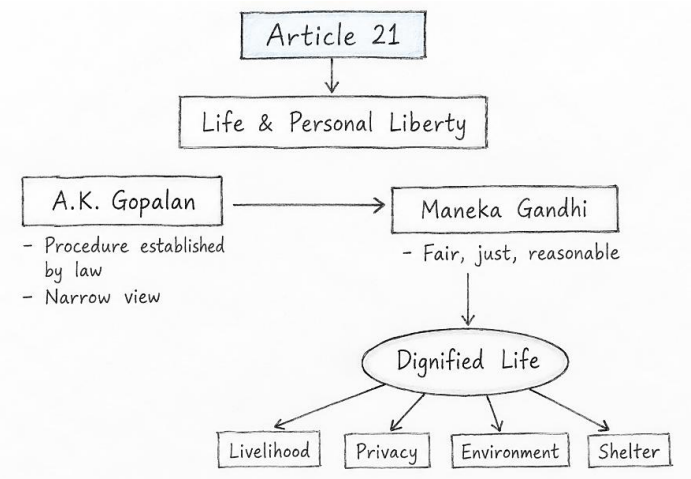
Understanding the Question !!

1. *Introduction* : State the constitutional guarantee under Article 21 and indicate its judicial expansion.
2. *Main Body* : Explain the widening scope from A.K. Gopalan to Maneka Gandhi, illustrate major rights derived from Article 21, and specifically examine whether due process of law

has become part of Article 21.

❸ Conclusion : Emphasise Article 21 as the constitutional foundation of dignified life and substantive fairness.

Article 21 provides that no person shall be deprived of life or personal liberty except according to procedure established by law. Through judicial interpretation, it has evolved from a narrow protection against unlawful deprivation into a broad guarantee of dignity, liberty and fairness.



In A.K. Gopalan v. State of Madras (1950), the Supreme Court adopted a narrow interpretation. It treated "procedure established by law" mainly as compliance with a validly enacted law.

The position changed fundamentally in Maneka Gandhi v. Union of India (1978). The Court held that any procedure depriving a person of life or liberty must be just, fair and reasonable, and not arbitrary or oppressive. It also linked Articles 14, 19 and 21, thereby greatly widening judicial scrutiny. The Supreme Court continues to describe Article 21 procedure in these terms.

Its expanded scope includes :

- Right to live with dignity: Francis Coralie Mullin
- Right to livelihood: Olga Tellis
- Right to shelter: Chameli Singh
- Right to a healthy environment: environmental jurisprudence under Article 21
- Right to privacy: K.S. Puttaswamy
- Right to die with dignity: Common Cause
- Has 'Due Process of Law' Been Incorporated?

Yes, substantially through judicial interpretation. The Constitution still textually uses "procedure established by law", not the American expression "due process of law". However, after Maneka Gandhi, both the procedure and the law affecting liberty can be tested for fairness, reasonableness and non-arbitrariness. Thus, Indian constitutional law has developed a strong form of procedural and substantive due process under Articles 14, 19 and 21.

Article 21 has therefore become the constitutional anchor of human dignity and personal liberty, with the spirit of due process firmly embedded in its judicial interpretation.

DIRECTIVE PRINCIPLES & FR–DPSP RELATIONSHIP

What are the significant features of ***Directive Principles of State Policy***?

UPSC IFoS (Mains) 2017 | Q.3(a) | 10 Marks | 100w

Approach

Understanding the Question !!

1. Introduction : Define DPSPs and mention their constitutional position and objective.
2. Main Body : Explain their legal nature, welfare orientation, broad classification, evolving character and relationship with Fundamental Rights.
3. Conclusion : Highlight their role in achieving social and economic democracy.

The Directive Principles of State Policy (DPSPs), contained in Part IV (Articles 36–51) of the Constitution, provide guidelines to the State for establishing a welfare-oriented social order based on justice, equality and human dignity.

THE SIGNIFICANT FEATURES OF DPSPS ARE

1. *Non-justiciable but fundamental* : According to Article 37, DPSPs are not enforceable by courts, but are fundamental in the governance of the country.
2. *Positive obligations on the State* : They direct governments to promote social welfare, equitable distribution of resources, livelihood, public health, education and social justice.
3. *Comprehensive constitutional programme* : DPSPs cover socialistic, Gandhian and liberal-intellectual principles, reflecting diverse goals of nation-building.
4. *Directions to State authorities* : They resemble the Instrument of Instructions under the Government of India Act, 1935, and primarily guide legislative and executive policy.
5. *Dynamic and evolving* : Constitutional amendments have expanded them through provisions such as Articles 39A, 43A, 48A, 38(2) and 43B.
6. *Complementary to Fundamental Rights* : In Minerva Mills (1980), the Supreme Court held that harmony between Fundamental Rights and DPSPs is an essential feature of the constitutional scheme.

Thus, DPSPs translate the constitutional ideal of political democracy into social and economic democracy, making them central to India's welfare-state vision.

Can Directive Principles be best understood as providing the framework of values that structure and constrain the interpretation and construction of Fundamental Rights as enshrined in the Constitution of India? Explain.

UPSC IFoS (Mains) 2020 | Q.3(a) | 15 Marks | 200w

Fundamental Rights (Part III) protect individual liberty and equality, while Directive Principles of State Policy (Part IV) lay down the socio-economic goals of the Constitution. Thus, DPSPs provide an important normative framework for interpreting and giving substantive meaning to Fundamental Rights.

The relationship between the two has evolved from conflict to harmony.

- *Interpretive guidance* : Under Article 37, DPSPs are non-justiciable but are declared fundamental in the governance of the country. Hence, courts use them to identify the social purpose behind Fundamental Rights.
- *Harmonious construction* : In Champakam Dorairajan (1951), Fundamental

Rights were given primacy. Later, Minerva Mills (1980) held that harmony and balance between Parts III and IV form part of the Basic Structure.

- *Expansion of Article 21* : DPSPs have helped courts derive socio-economic dimensions of the right to life, including:
  - Right to livelihood from Articles 39 and 41
  - Right to education from Articles 41 and 45, later strengthened through Article 21A
  - Right to health and shelter
  - Right to a clean environment, supported by Article 48A
- Substantive equality : DPSPs such as Article 46 support affirmative action and enable equality to be interpreted beyond mere formal equality.

Constitutional constraint : DPSPs guide interpretation towards social justice and welfare, but cannot be used to completely override expressly guaranteed Fundamental Rights.

Therefore, DPSPs act as the value-framework and normative compass of Fundamental Rights, ensuring that liberty and equality serve the larger constitutional goals of human dignity, social justice and welfare.

"***Fundamental Rights*** and ***Directive Principles*** are *complementary* and *supplementary* to one another." Comment.

UPSC IFoS (Mains) 2021 | Q.3(c) | 10 Marks | 125w

Approach

Understanding the Question !!

1. *Introduction* : Briefly distinguish Fundamental Rights (FRs) and Directive Principles of State Policy (DPSPs) and establish that both pursue the larger constitutional goals of justice, liberty and equality.
2. *Main Body* : Explain separately how they are complementary and supplementary, using constitutional provisions and judicial examples.
3. *Conclusion* : Emphasise that the Indian constitutional scheme is based on harmony, not conflict, between Parts III and IV.

Fundamental Rights under ***Part III*** guarantee enforceable civil and political liberties, while *Directive Principles* under *Part IV* guide the State in achieving social and economic justice. Though different in legal enforceability, both are mutually reinforcing instruments for realising the constitutional vision of a democratic welfare state.

HOW THEY ARE COMPLEMENTARY

- Common constitutional purpose : FRs protect liberty, equality and dignity, whereas DPSPs promote social welfare, distributive justice and economic democracy.
- Political and socio-economic democracy : FRs establish political democracy, while DPSPs create the socio-economic conditions necessary for meaningful enjoyment of those rights.
- Harmonious constitutional scheme : In Minerva Mills v. Union of India (1980), the Supreme Court held that harmony and balance between Part III and Part IV are part of the Basic Structure.

Therefore, neither Part III nor Part IV should be interpreted in isolation.

HOW THEY ARE SUPPLEMENTARY

- DPSPs provide the social and economic content that is not always expressly stated in Fundamental Rights.
- Article 45 influenced the evolution of the right to education, later constitutionalised as Article 21A.
- DPSPs such as Articles 39, 41 and 47 have helped judicial expansion of Article 21 into rights relating to livelihood, health and dignified life.
- Article 48A has strengthened environmental jurisprudence under Article 21, including the right to a clean and healthy environment.

At the same time, implementation of DPSPs must remain within the broader framework of Fundamental Rights, judicial review and constitutional limitations.

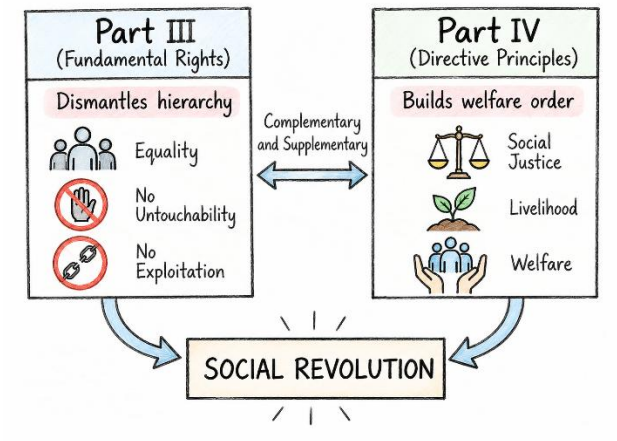
Thus, Fundamental Rights and DPSPs are twin pillars of constitutional governance. FRs secure individual freedom, while DPSPs give that freedom substantive social meaning, together advancing the goals of justice, dignity and welfare.

With reference to Parts III and IV of the Indian Constitution, elaborate how the Indian Constitution aims to foster social revolution.

UPSC IFoS (Mains) 2024 | Q.3(a) | 15 Marks | 200w

The Indian Constitution was designed *not merely to establish political institutions*, but also to transform a society marked by *caste/religious hierarchy, social exclusion, exploitation and economic inequality*. In this project, *Part III (Fundamental Rights)* and *Part IV (Directive Principles of State Policy)* operate as complementary instruments of *social revolution*.

The Supreme Court has similarly described Parts III and IV as the twin constitutional instruments for achieving social transformation.



PART III: DISMANTLING THE EXISTING HIERARCHICAL ORDER

Fundamental Rights provide the emancipatory dimension of social revolution by attacking institutions and practices that sustain inequality.

- Articles 14–16 : Establish equality and non-discrimination, while enabling affirmative action for historically disadvantaged groups. Thus, equality moves

from merely formal equality to substantive equality.

- Article 17 : Abolishes untouchability, directly challenging caste & firka based social exclusion.
- Article 18: Rejects State-recognised titles and inherited social privilege.
- Articles 23–24: Prohibit trafficking, begar, forced labour and prohibited child labour, protecting vulnerable and exploited sections.
- Articles 29–30: Safeguard cultural and educational rights, ensuring that social transformation remains pluralistic and inclusive.
- Judicial expansion of Article 21 has further placed human dignity at the centre of constitutional protection.

Thus, Part III performs a liberating function by removing legal disabilities, oppressive practices and discriminatory barriers.

PART IV: CONSTRUCTING AN EGALITARIAN SOCIAL ORDER

DPSPs provide the positive and reconstructive dimension of social revolution.

- Article 38 : Directs the State to establish a social order based on social, economic and political justice and minimise inequalities.
- Article 39 : Promotes adequate livelihood, equitable distribution of resources, prevention of concentration of wealth and equal pay for equal work.
- Article 39A : Seeks equal justice and free legal aid.
- Articles 41–43 : Promote work, public assistance, humane working conditions and a living wage, strengthening social security.
- Article 46 : Mandates advancement of SCs, STs and weaker sections, providing a constitutional basis for protective and welfare measures.
- Article 48A : Adds an ecological dimension by directing protection of the environment, forests and wildlife.

COMBINED CONSTITUTIONAL STRATEGY

The constitutional strategy is therefore:

Part III → dismantles oppression and protects freedom
Part IV → reconstructs society through welfare and distributive justice

The Supreme Court in Minerva Mills held that the harmony and balance between Parts III and IV is an essential feature of the Constitution's Basic Structure.

Thus, Parts III and IV together constitute the constitutional architecture of social revolution. Part III liberates individuals from inherited inequalities, while Part IV obligates the State to create an egalitarian, dignified and welfare-oriented social order.

AMENDMENT OF THE CONSTITUTION & BASIC STRUCTURE DOCTRINE

Despite undergoing many amendments, the Constitution of India has remained intact and the basic premises have not changed." Comment.

UPSC IFoS (Mains) 2021 | Q.3(a) | 15 Marks | 200w

Approach

Understanding the Question !!

1. *Introduction* : Present the Constitution as a living and amendable document, but distinguish amendment from destruction of its constitutional identity.
2. *Main Body* : Explain the mechanisms that permit adaptation while preserving foundational principles, particularly Article 368, judicial review and the Basic Structure doctrine. Support with major constitutional cases and amendments.
3. *Conclusion* : Establish that amendments have produced constitutional evolution, not constitutional replacement.

The Indian Constitution was designed as a *living document*, capable of responding to changing *social*, *economic* and *political* conditions. Despite numerous amendments since 1950, its foundational commitment to *constitutional supremacy*, *democracy*, *republicanism*, *secularism*, *federalism*, *rule of law*, *judicial review* and *individual liberty* has substantially endured. This reflects a constitutional design that permits change without destruction of constitutional identity.

AMENDMENT AS AN INSTRUMENT OF ADAPTATION

Article 368 enables Parliament to amend the Constitution, allowing it to respond to emerging needs. At the same time, amendments affecting important federal provisions require *ratification by at least half of the State Legislatures*.
Thus, the Constitution combines flexibility with constitutional restraint.

Amendments have enabled major adaptations such as :

- Strengthening *local self-government* through the 73rd and 74th Amendments;
- Introduction of *GST* through the 101st Amendment;
- Providing *EWS reservation* through the 103rd Amendment;
- Providing for *women's reservation* in legislatures through the 106th Amendment.

These changed constitutional arrangements without replacing the basic constitutional order.

BASIC STRUCTURE DOCTRINE AS THE ULTIMATE LIMITATION

The major safeguard emerged in *Kesavananda Bharati v. State of Kerala* (1973). The Supreme Court held that Parliament may amend any part of the Constitution, but cannot damage or destroy its Basic Structure.

- The doctrine has subsequently protected principles such as:
- Supremacy of the Constitution
- Democratic and republican government
- Secularism and federalism
- Separation of powers
- Judicial review
- Free and fair elections
- Balance between Fundamental Rights and DPSPs

Thus, the constituent power under Article 368 is wide but not unlimited.

JUDICIAL REVIEW PRESERVES CONSTITUTIONAL IDENTITY

The **42nd Amendment** attempted to make Parliament's amending power effectively unlimited and exclude judicial scrutiny of constitutional amendments.

In Minerva Mills v. Union of India (1980), the Supreme Court invalidated these limitations and held that limited amending power itself forms part of the Basic Structure.

Similarly, constitutional jurisprudence after Kesavananda Bharati has ensured that amendments may modernise institutions but cannot dismantle the constitutional framework.

Change Has Occurred, but within the Larger Constitutional Philosophy

The Constitution has undergone significant substantive changes. For example, the right to property ceased to be a Fundamental Right, new affirmative-action provisions were introduced, local governments received constitutional status, and the federal fiscal system was reorganised.

Yet these developments largely represent adaptation and expansion of constitutional objectives, rather than abandonment of the original commitment to democracy, liberty, equality and constitutional government.

The Basic Structure doctrine is judicially evolved and not exhaustively defined in the constitutional text. Its precise content continues to develop through constitutional adjudication. Nevertheless, this very flexibility enables courts to preserve constitutional identity without freezing the Constitution against legitimate democratic change.

"Democracy and rights have been the two values around which the debates on the basic structure doctrine have been framed and performed." Justify your answer with relevant judgements of the Supreme Court.

UPSC IFoS (Mains) 2024 | Q.3(b) | 15 Marks | 200w

The Basic Structure doctrine emerged from a fundamental constitutional dilemma: how far can a democratically elected Parliament alter the Constitution, particularly when amendments affect individual rights and democratic institutions? Its jurisprudence has therefore largely developed around two interconnected values, Rights and Democracy, seeking to reconcile popular sovereignty with constitutional limitations.

RIGHTS AS A CENTRAL AXIS

- *Golak Nath* v/s *State of Punjab* (1967) : Before the Basic Structure doctrine formally emerged, the Court held that Parliament could not amend Fundamental Rights. Though subsequently modified, the decision established the rights-protective background to the later doctrine.
- *Kesavananda Bharati v. State of Kerala* (1973) : The Court struck a middle path. Parliament could amend every part of the Constitution, including Fundamental Rights, but could not damage or destroy its Basic Structure. The judgment recognised the republican-democratic form of government as a basic

feature and treated individual freedom and dignity as foundational to the constitutional structure.

- *Minerva Mills v. Union of India* (1980) : The Court invalidated provisions of the 42nd Amendment that attempted to make Parliament's amending power unlimited and exclude judicial review. It emphasised limited amending power, judicial review and harmony between Fundamental Rights and DPSPs. Without judicial remedies, rights could become merely ornamental.

DEMOCRACY AS THE OTHER CENTRAL AXIS

- *Kesavananda Bharati* : Republican and democratic government itself was recognised as part of the Basic Structure.
- *Indira Nehru Gandhi v. Raj Narain* (1975) : The Court invalidated Article 329A(4), introduced through the 39th Amendment, which sought to immunise the Prime Minister's election from normal adjudication. Free and fair elections were recognised as an essential element of representative democracy.
- *S.R. Bommai v. Union of India* (1994) : The doctrine was extended to protect the wider democratic constitutional order, particularly secularism and federalism, against arbitrary use of constitutional power.

CONSTITUTIONAL SYNTHESIS

The doctrine therefore protects constitutional democracy, not mere majority rule. Parliament retains wide democratic authority to amend the Constitution, but cannot use that authority to destroy elections, equality, liberty, judicial review or other foundational guarantees. Similarly, not every Fundamental Right is individually immutable; rather, its core constitutional principles, where part of the Basic Structure, receive protection.

FEDERALISM & CENTRE–STATE RELATIONS

How is the federal structure of the Indian Constitution ensured?

UPSC IFoS (Mains) 2014 | Q.4(a) | 12.5 Marks

The *Indian federation is not a classical compact among sovereign States; it is a constitutionally created federation designed to combine a strong national government with meaningful State autonomy*. Although Article 1 describes India as a "Union of States", the Constitution ensures its federal structure through a carefully designed distribution of powers, institutions and constitutional safeguards.

Federal Features Ensuring the Structure

- ***Dual Polity*** : The Constitution establishes two constitutionally recognised levels of government, the Union and the States, each exercising legislative and executive authority within its assigned sphere. States therefore have an independent constitutional existence and are not merely administrative agencies of the Centre.
- ***Constitutional Division of Legislative Powers*** : Article 246 read with the Seventh Schedule distributes legislative subjects between :
  - Union List : defence, foreign affairs, currency, etc.
  - State List : public order, police, public health, agriculture, etc.

— Concurrent List : subjects on which both Parliament and State Legislatures can legislate.

Residuary legislative power rests with Parliament under Article 248. This distribution gives States an identifiable constitutional sphere of governance.

- ***Written and Supreme Constitution*** : Both Union and State governments derive their authority from the Constitution, not from each other. Neither level can ordinarily exercise powers outside the constitutional distribution.
  The supremacy of the Constitution therefore prevents either level from becoming legally unlimited.
- ***Rigidity of Federal Provisions*** : Under Article 368, amendments affecting important federal provisions, such as Union-State legislative relations, representation of States in Parliament and the judiciary, require:
  Special majority of Parliament + ratification by at least half of the States.
  Thus, Parliament alone cannot fundamentally restructure important aspects of the federal arrangement.
- ***Independent Judiciary as Federal Arbiter*** : The Supreme Court protects the constitutional division of powers through judicial review and possesses original jurisdiction under Article 131 in specified disputes between the Union and States or among States.
  Hence, constitutional courts maintain the boundaries of legislative and executive competence.
- ***Representation of States at the Union Level*** : The Rajya Sabha or Council of States gives States representation in the Union Parliament.
  It also performs special federal functions. Under Article 249, for example, the Rajya Sabha can authorise Parliament to legislate on a State List subject in the national interest, thereby requiring a federal institutional process before such exceptional expansion.
- ***Financial Federalism*** : Legislative autonomy requires financial capacity. The Constitution therefore provides for:
  — Distribution of taxation powers and revenues between Union and States;
  — Commission under Article 280;
  — Grants-in-aid and fiscal transfers;
  — GST Council under Article 279A, providing a mechanism of cooperative fiscal decision-making.
  Thus, fiscal relations supplement legislative federalism.
- ***Inter-governmental Coordination*** : Institutions such as the Inter-State Council, Zonal Councils and GST Council facilitate negotiation and coordination between different levels of government, giving Indian federalism a strong cooperative dimension.

Indian federalism undoubtedly has a *centralising tilt*, visible in residuary powers, emergency provisions, Parliament's power in certain circumstances to legislate on State subjects, and the power to alter State boundaries.

However, a strong Centre does not eliminate federalism. Within constitutionally allotted spheres, States exercise substantial governmental authority, and their

position is protected by constitutional supremacy, judicial review and the Basic Structure doctrine.

The existence of the Article 3 in the Indian Constitution is reason enough to believe that the Indian Constitution empowers the Centre at the expense of the State. Do you agree? If so, elaborate with an example.

UPSC IFoS (Mains) 2015 | Q.4(a) | 20 Marks | 150 Words

Article 3 of the Constitution grants Parliament the power to **reorganise states** — forming new states, altering boundaries, diminishing areas, and changing names — making the Indian federation an **"indestructible Union of destructible states"**, unlike the American model of **"indestructible Union of indestructible states"**. The statement is substantially correct.

How Article 3 Empowers the Centre

1. **State Legislature's View — Non-Binding** — The President must refer the bill to the state legislature for views, but **neither the President nor Parliament is bound** by its opinion — making consultation purely procedural, not substantive.
2. **Simple Majority Sufficient** — **Article 4** declares laws under Article 3 are **not amendments under Article 368** — requiring only a **simple majority**, removing the constitutional safeguard that federal provisions normally enjoy.
3. **No Territorial Integrity** — States have **no constitutional guarantee of territorial existence** — Parliament can unilaterally redraw state boundaries without state consent.

Example — Telangana (2014): The **Andhra Pradesh Reorganisation Act, 2014** bifurcated Andhra Pradesh into Telangana and residual Andhra Pradesh. The **AP Legislative Assembly passed a resolution opposing bifurcation** — Parliament proceeded regardless — the clearest demonstration of Article 3 overriding explicit state opposition.

In **S.R. Bommai case (1994)**, the Supreme Court held states are **"not satellites or agents of the Centre"** — autonomy within assigned spheres remains intact. Creation of Jharkhand, Chhattisgarh, and Uttarakhand (2000) shows Article 3 fulfilling **regional aspirations**, not merely centralising power.

Article 3 **structurally advantages the Centre** — a pragmatic federal compromise enabling national integration, but undeniably at the cost of state territorial security.

To what extent has the asymmetrical federal scheme offering differential autonomy for territorially concentrated ethnic groups helped in protecting the rights of minorities within these sub-units, or the rights of inter-state migrants in India? Critically analyse.

UPSC IFoS (Mains) 2019 | Q.3(a) | 15 Marks | 200 Words

India's federalism does not insist upon identical arrangements for every State or region. Through the Fifth and Sixth Schedules and special provisions such as Articles 371A–371J, the Constitution provides differentiated autonomy to accommodate distinct tribal, ethnic and cultural identities. The Supreme Court has recognised such

arrangements as a feature of *asymmetrical federalism*. However, protecting a territorial ethnic majority may also create tensions with the rights of "minorities within minorities" and inter-State migrants.

How It Has Helped Protect Minority Rights ?

- *Political self-government* : The Sixth Schedule establishes Autonomous District and Regional Councils in tribal areas of Assam, Meghalaya, Tripura and Mizoram, giving local communities institutional space for self-rule.
- *Protection of customary institutions* : These Councils can legislate on matters such as land, non-reserved forests, shifting cultivation, inheritance, marriage and social customs, thereby protecting indigenous social systems from uniform legislation.
- *Protection of land and resources* : Special arrangements reduce alienation of tribal land and help maintain community control over natural resources, an important safeguard where livelihood and cultural identity are closely linked to territory.
- *State-specific autonomy* : For example, Article 371A gives special protection to Naga customary law, religious and social practices, administration of customary justice and ownership of land and resources.

Thus, asymmetry has contributed to cultural survival, political accommodation and conflict-management within a highly diverse federation.

Limits : Minorities within Autonomous Sub-units

However, territorial autonomy does not automatically ensure intra-regional pluralism.

- A numerically dominant ethnic group may control autonomous institutions, leaving smaller tribes, linguistic groups or non-tribal residents inadequately represented.
- Protection of community land and customary institutions can sometimes restrict equal access to property, political participation and local opportunities for outsiders.
- Limited financial resources, overlapping jurisdiction and dependence on State governments may reduce the effective autonomy of local councils.

Hence, autonomy may solve Centre–ethnic group conflict, while reproducing majority-minority tensions within the autonomous territory.

Inter-State Migrants and the Citizenship Dilemma

The Constitution simultaneously creates a common Indian citizenship. Article 19 protects citizens' freedom of movement and residence, while Article 16(2) prohibits discrimination in public employment on the ground of residence. However, Article 16(3) permits Parliament to prescribe residence requirements in specified cases.

Special protective regimes such as Inner Line Permit arrangements also regulate entry into certain tribal regions. Such restrictions aim to protect vulnerable

indigenous populations from demographic, cultural and economic displacement, but can constrain the practical mobility of other Indian citizens.

Therefore, the constitutional challenge is not simply ethnic autonomy versus migrant rights, but balancing collective cultural security with individual equality and mobility.

India's asymmetrical federalism has been significantly successful in protecting territorially concentrated ethnic identities and self-government, but its record is less satisfactory regarding minorities within autonomous regions and inter-State migrants. Its legitimacy ultimately depends on combining differentiated autonomy with Fundamental Rights, representation, judicial review and equal constitutional citizenship.

The Indian federal model emerged out of, and has been sustained by, an understanding that only a strong union can keep the country together and is necessary in the conditions in which our Constitution is operating." Comment.

UPSC IFoS (Mains) 2020 | Q.3(b) | 15 Marks | 200 Words

The Indian federal model was shaped by the understanding that a newly independent country facing Partition, communal tensions, integration of princely States, regional diversity and developmental disparities required a Centre strong enough to preserve national unity. Consequently, the Constitution created a federation with a distinct centralising tilt, while retaining constitutionally protected spheres of State autonomy.

Why a Strong Union was Considered Necessary

Unlike classical federations formed by previously sovereign States, the Indian Union was created through the Constitution itself. The Constituent Assembly therefore preferred “Union of States” under Article 1 to underline the permanence of the Union.

The Supreme Court in S.R. Bommai also noted that the framers leaned towards a strong Centre because maintaining the unity and integrity of the nation was a paramount concern.

Constitutional Design Strengthening the Union

- ***Legislative predominance*** : The Union List contains subjects of national importance such as defence, foreign affairs, currency and communications. Residuary powers also vest in Parliament. In case of repugnancy on Concurrent List matters, Union law ordinarily prevails.
- ***Power over State subjects in exceptional situations*** : Parliament may legislate on State List subjects under circumstances such as national interest, emergency, State consent or implementation of international obligations.
- ***Emergency provisions*** : Articles 352, 356 and 360 permit substantial expansion of Union authority during national, constitutional or financial crises. These provisions allow the federal system to acquire a stronger unitary character when extraordinary circumstances demand it.

- ***Administrative integration*** : All India Services such as IAS, IPS and IFoS create common administrative standards and link national policy with State-level implementation.
- ***Single citizenship and integrated institutions*** : India follows single citizenship, an integrated judiciary, common constitutional institutions and nationally coordinated services, strengthening political and administrative unity.
- ***Control over State reorganisation*** : Under Articles 2–4, Parliament possesses extensive power regarding the creation, alteration and reorganisation of States. State consent is not constitutionally mandatory.
- ***Concurrent responsibility for national priorities*** : The transfer of subjects such as forests to the Concurrent List by the 42nd Amendment enables both Union and States to address matters involving national ecological and developmental interests.

Why Strong Union Has Helped Sustain the Federation

A strong Union has facilitated :

- maintenance of territorial integrity and national security;
- management of inter-State and regional conflicts;
- redistribution of resources across regions;
- nationwide economic and social programmes;
- minimum administrative and constitutional standards across States.

Thus, central strength has often acted as a binding force in a highly diverse federation.

Counter-Perspective : Strength Cannot Mean Central Supremacy

Indian federalism is nevertheless not a system of administrative decentralisation from the Union. States derive their authority directly from the Constitution.

In S.R. Bommai v. Union of India (1994), the Supreme Court emphasised that States possess an independent constitutional existence and are neither "satellites nor agents" of the Centre. It also affirmed federalism as a Basic Feature of the Constitution.

The increasing importance of the Finance Commission, GST Council, Inter-State Council, regional parties and inter-governmental consultation further shows that contemporary Indian federalism must operate through cooperative and negotiated federalism, not unilateral centralisation.

A continental sized polity, carved out of the socio-cultural and ethno-geographic diversities is best governed and strengthened by the principle and practice of federalism in India." Explain.

UPSC IFoS (Mains) 2022 | Q.3(a) | 15 Marks | 200 Words

India is a **continental-sized polity** of 28 states and 8 Union Territories — characterised by extraordinary **linguistic, ethnic, religious, geographic, and cultural diversity**. No uniform administrative model could have governed this plurality effectively. **Federalism** — the constitutional distribution of power between Centre

and states — is not merely a structural choice but a **civilisational necessity** for India's governance and unity.

Principle : Federal Design Addressing Diversity

- **Division of Powers (Seventh Schedule)** — The **State List (59 subjects)** assigns public order, agriculture, health, and local governance to states — ensuring that **regionally variable matters** are handled by administrations accountable to local populations rather than a distant Centre.
- **Asymmetrical Federalism** — The **Fifth Schedule** (10 states) and **Sixth Schedule** (Assam, Meghalaya, Tripura, Mizoram) — with **Autonomous District Councils** legislating on land, forests, and customary law — protect ethnically concentrated tribal communities. **PESA Act, 1996** extends self-governance to tribal areas, protecting forest-dwelling communities' control over **minor forest produce and natural resources** — of direct IFoS significance.
- **Linguistic Reorganisation** — The **States Reorganisation Act, 1956** reorganised states on linguistic lines — recognising that legitimate and effective governance requires roots in linguistic identity.
- **Rajya Sabha** — Represents states at the Centre — protecting regional interests against undue Central interference and providing a **federal deliberative forum**.

Practice : Cooperative Federalism Strengthening India

- **GST Council (Article 279A)** — A constitutional body of Centre and state finance ministers — the most successful example of **cooperative federalism in practice**, creating a unified national market while respecting state fiscal interests.
- **73rd and 74th Amendments (1992)** — Created a **three-tier federal structure** — Centre, states, and local bodies — enabling decentralised governance through Panchayati Raj Institutions, including tribal self-governance under PESA.
- **Sarkaria Commission (1983–88)** and **Punchhi Commission (2010)** — Both concluded that **cooperative federalism** — not centralisation — is the key to sustaining India's unity and socio-economic development.
- **Forests — Concurrent List** — The **42nd Amendment (1976)** placed forests in the Concurrent List — enabling both Centre and states to legislate on forest governance, balancing national conservation standards with regional administrative realities.

Thus, **federalism** has enabled India to govern its continental diversity not through uniformity but through **constitutional accommodation** — protecting regional identities, enabling local governance, and building cooperative institutions that make India's unity stronger through plurality rather than despite it.

Critically examine the Centre-State-Local financial relations as prescribed in the Indian Constitution. Given the experience of the last 75 years, what changes are necessary to improve the situation? Also suggest some measures for consideration of the 16th Finance Commission.

UPSC IFoS (Mains) 2025 | Q.2(a) | 15 Marks | 200 Words

Articles 268–293 (Part XII) govern Centre-State financial relations, with the **Finance Commission (Article 280)** — constituted every five years — serving as the **"balancing wheel of fiscal federalism"** for distributing revenues across Centre, states, and local bodies.

Constitutional Framework

- **Divisible Pool (Article 270)** — Central taxes shared with states on Finance Commission recommendations; **15th Finance Commission** allocated **41%** to states.
- **Article 271 — Surcharges** — Parliament can levy surcharges on shared taxes; proceeds go **exclusively to Centre** — reducing the divisible pool available to states.
- **Grants-in-Aid** — **Article 275** (statutory grants on FC recommendations) and **Article 282** (discretionary grants — Centre's discretionary tool, creating state dependence).
- **Local Bodies** — Finance Commission recommends augmenting **State Consolidated Funds** for PRIs and ULBs based on **State Finance Commission (SFC)** recommendations.
- **Article 293** — States cannot borrow without Central consent if outstanding Central loans exist — constraining state fiscal autonomy.

Critical Issues After 75 Years

- **Divisible Pool Erosion** — Growing surcharges and cesses reduce states' share — creating **vertical fiscal imbalance**.
- **Centrally Sponsored Schemes** — bypass Finance Commission framework, impose **tied spending**, reduce state expenditure autonomy.
- **Weak SFCs** — most lack independence, resulting in severely underfunded local bodies.
- **Forest States Disadvantaged** — states with large forest cover bear conservation costs without adequate fiscal compensation — **non-tax forest revenues** remain underutilised.

Necessary Changes

- Legislatively **cap surcharges and cesses** to protect divisible pool.
- **Rationalise CSS** — convert tied grants into untied block grants.
- Make **SFCs permanent and independent** with binding timelines.

Measures for 16th Finance Commission

- **Increase states' share** beyond 41% to compensate for cess/surcharge erosion.
- **Performance grants for forest governance** — fiscal incentives for states protecting forests and implementing **PESA and FRA 2006**.
- **Dedicated local body grants** conditional on SFC operationalisation.

The 16th Finance Commission has an opportunity to restore fiscal federal balance — making **cooperative fiscal federalism** real through equitable devolution, rationalised grants, and strengthened local body finances.

While civil-political rights merely ask the state to refrain from acting in a certain way, the satisfaction of social rights requires the state to act affirmatively. Comment while assessing the success and limitations of state's affirmative actions in providing social and economic justice in India.

UPSC IFoS (Mains) 2019 | Q.3(b) | 15 Marks | 200 Words

Fundamental Rights (Part III) establish **political democracy** through **negative obligations** — restraining State interference. **Directive Principles (Part IV)**, in contrast, impose **positive obligations** — directing the State to affirmatively secure **social and economic democracy**. This two-tier architecture forms the constitutional framework for justice in India.

Constitutional Basis for Affirmative Action

- **Article 38** — minimise inequalities in income, status, and opportunities.
- **Article 39** — equitable distribution of material resources; prevention of **concentration of wealth**; equal pay for equal work.
- **Article 39A** — free legal aid ensuring **equal justice** regardless of economic capacity.
- **Article 41** — right to work, education, and public assistance in unemployment and sickness.
- **Article 47** — raise nutrition levels and improve public health.

Successes of Affirmative Action

- **Reservation** — **Articles 15(4) and 16(4)** enable reservation for SCs, STs, OBCs; **103rd Amendment (2019)** extended it to **economically weaker sections**.
- **Legislative Protection** — **SC/ST (Prevention of Atrocities) Act, 1989**, **Protection of Civil Rights Act, 1955**, and **Legal Services Authorities Act, 1987** (operationalising Article 39A) address structural injustice.
- **Labour Welfare** — **Minimum Wages Act (1948), Maternity Benefit Act (1961), Bonded Labour System Abolition Act (1976)** protect working class rights.
- **Panchayati Raj — 73rd Amendment (1992)** — decentralised welfare delivery with mandatory reservation for women and SC/STs.
- **Forest Rights Act, 2006** — secured **livelihood and habitat rights** of forest-dwelling tribal communities — translating **Article 46** into enforceable entitlements.

Limitations

- **Non-justiciable Character** — DPSPs remain **non-enforceable under Article 37** — affirmative action depends on political will, not constitutional compulsion.
- **LPG Reforms (1991)** — liberalisation diluted the **welfare state framework**, reducing State capacity in social sectors.
- **Reservation Criticism** — primarily benefits the **relatively privileged within reserved categories**; **creamy layer exclusion** (Indra Sawhney case, 1992) further limits reach.
- **Fiscal Federalism Gaps** — **strained Centre-State relations** and resource imbalances impede uniform welfare delivery across states.

- **Structural Backwardness** — vast socio-economic diversity and population pressure continue to limit the pace of transformation despite constitutional directives.

Thus, India's affirmative action framework has achieved **meaningful but uneven progress**. The gap between constitutional vision and ground reality reflects **implementation deficits, resource constraints, and structural inequalities** — requiring sustained political commitment beyond formal constitutional guarantees.

CHAPTER 2

CENTRAL & STATE GOVERNANCE

PARLIAMENT & STATE LEGISLATURES

How is a Money Bill different than a Financial Bill?

UPSC IFoS (Mains) 2014 | Q.4(d) | 12.5 Marks

Bills in Parliament are classified into **ordinary bills, money bills, financial bills,** and **constitutional amendment bills**. While all money bills are financial bills, **not all financial bills are money bills** — the Constitution uses the term "Financial Bill" in a technical sense under **Article 117**, distinct from the **Money Bill** defined under **Article 110**. This distinction has significant implications for the **role of Rajya Sabha** and the **legislative procedure**.

Money Bill (Article 110)

A money bill deals **exclusively** with matters such as imposition or abolition of taxes, regulation of borrowing, custody or appropriation of the **Consolidated Fund of India**, declaration of charged expenditure, or audit of accounts. A bill is **not a money bill** merely because it imposes fines, fees for services, or taxes by local authorities. The **Speaker of Lok Sabha certifies** a money bill — this decision is **final and unchallengeable** in any court or House.

Financial Bills — Three Categories

Financial Bill (I) — Article 117(1): Contains **Article 110 matters plus other matters** of general legislation. Like a money bill — can be introduced **only in Lok Sabha** and only on the **President's recommendation**. Unlike a money bill — Rajya Sabha **can amend or reject** it; **joint sitting** is possible in case of disagreement; President **can return** it for reconsideration.

Financial Bill (II) — Article 117(3): Contains provision for **expenditure from the Consolidated Fund** but does not exclusively deal with Article 110 matters. Can be introduced in **either House**; does **not require** the President's recommendation for introduction; Rajya Sabha can **amend or reject** it; joint sitting is possible.

Key Differences

Feature	Money Bill	Financial Bill (I)	Financial Bill (II)
Introduction	Only Lok Sabha	Only Lok Sabha	Either House
President's recommendation	Required	Required	Not required
Rajya Sabha's power	Cannot amend/reject	Can amend/reject	Can amend/reject
Detention period	**14 days**	6 months	6 months
Speaker's certification	Required	Not required	Not required

Joint sitting	**No provision**	Possible	Possible
President's return	Cannot return	Can return	Can return

Thus, the key distinction lies in the **exclusivity of content** and the **consequent role of Rajya Sabha** — a money bill strips Rajya Sabha of any real power, while financial bills preserve its legislative role to varying degrees, reflecting the Constitution's calibration of **bicameral balance in financial legislation**.

What are the grounds for disqualification of Members of Parliament, State Legislative Assembly or State Legislative Council under the Constitution (Fifty-second) Amendment Act? On what basis is the anti-defection provision critiqued?

UPSC IFoS (Mains) 2020 | Q.3(c) | 10 Marks | 125 Words

The 52nd Constitutional Amendment Act, 1985 inserted the Tenth Schedule, popularly known as the Anti-Defection Law, and gave it constitutional basis through Articles 102(2) and 191(2). It sought to curb political defections that destabilised elected governments while preserving a minimum degree of party discipline.

Grounds for Disqualification

Under the Tenth Schedule, a legislator may be disqualified when:

- Voluntarily giving up party membership : A member belonging to a political party is disqualified if he/she voluntarily gives up membership of that party. This may be inferred from conduct and need not always involve a formal resignation.
- Violation of party direction : A member votes or abstains contrary to the party whip/direction, without prior permission, and the action is not condoned by the party within 15 days.
- Independent member : An elected independent member is disqualified if he/she joins a political party after election.
- Nominated member : A nominated member is disqualified if he/she joins a political party after six months from taking the seat.

Exceptions

- ***Merger*** : No disqualification arises where at least two-thirds of the members of the legislature party agree to a merger. The earlier one-third split exception was removed by the 91st Constitutional Amendment Act, 2003.
- A ***Speaker/Chairman*** may give up party membership on election to the presiding office without attracting disqualification, subject to the conditions of the Schedule.

The Speaker/Chairman decides disqualification petitions. In Kihoto Hollohan v. Zachillhu (1992), the Supreme Court upheld the anti-defection scheme but made the Presiding Officer's decision subject to judicial review.

Critique of the Anti-Defection Law

- *Weakens legislative deliberation* : A wide use of the party whip may compel legislators to follow the party line even on ordinary legislation, reducing Parliament and State Legislatures to arenas of party-controlled voting.

- *Restricts representative autonomy* : Legislators may be unable to vote according to constituency interests, conscience or informed disagreement, thereby weakening intra-party democracy.
- *Merger paradox* : The law penalises individual defection but permits a two-thirds collective defection through merger, creating an arguably artificial distinction between individual and group political opportunism.
- *Partisan adjudication* : The Speaker ordinarily belongs to a political party, creating concerns regarding neutrality and conflict of interest while deciding politically sensitive disqualification disputes.
- *Delay in decisions* : The Tenth Schedule prescribes no explicit statutory time limit, allowing delayed decisions to affect majority formation and government stability.

Significantly, expert reform proposals have recommended limiting disqualification for breach of whip mainly to confidence/no-confidence motions, Money Bills and similarly crucial votes, rather than every legislative issue.

The Anti-Defection Law has helped check unprincipled floor-crossing and governmental instability, but its broad operation has also weakened legislative independence, deliberative democracy and intra-party dissent. Reform should therefore protect government stability without converting legitimate disagreement into disqualification.

How do coalition governments, being formed after fiercely contested elections on diametrically opposed political ideologies, strengthen and deepen democracy in India?

UPSC IFoS (Mains) 2022 | Q.3(b) | 15 Marks | 200 Words

A coalition government — formed when no single party secures legislative majority in a multi-party parliamentary democracy — unites distinct parties on a minimum common programme. India's coalition era began with the Janata Party government (1977) — since when NDA, UPA, and successive alliances have governed the Centre, reflecting India's plural, continental-sized polity where no single ideology can claim monopoly over democratic representation.

How Coalition Governments Strengthen and Deepen Democracy

- Accommodation of Diverse Interests — Coalitions act as a channel to meet expectations and redress grievances of different communities, regions, and ideologies — interests that no single party can adequately represent.
- Greater Representativeness — India's linguistic, cultural, caste, and ethnic diversity finds expression in coalition governments — they represent a broader spectrum of public opinion than any single-party government.
- Consensus-Based Politics — Government policy requires concurrence of all coalition partners — forcing consensual decision-making rather than majoritarian imposition; diametrically opposed ideologies must negotiate, strengthening democratic deliberation.
- Strengthens Federal Fabric — Coalitions are more sensitive and responsive to regional demands — regional parties bring state-level concerns into national

governance, deepening cooperative federalism in practice.

- Reduces Tyranny of Majority — Coalition structures reduce domination of a single political party — decisions are more balanced, checked internally by coalition partners.

Challenges

- Instability — Three PMs in three years (1996–1999) undermined policy continuity.
- King-maker Problem — Smaller parties demand disproportionate power beyond their parliamentary strength.
- Super-Cabinet — Steering/Coordination Committee functions as a "Super-Cabinet", undermining constitutional cabinet responsibility.

Despite ideological contradictions, coalition governments have deepened Indian democracy by making governance more representative, consensual, and federally sensitive — proving that in a diverse democracy, accommodation rather than dominance is the true test of democratic maturity.

EXECUTIVE : PRESIDENT, PM, GOVERNOR, COM

Comment on the nature of ordinance-making power of the President of India. Also discuss the various safeguards which can help to prevent possible misuse of such a power.

UPSC IFoS (Mains) 2019 | Q.3(c) | 10 Marks | 125 Words

Article 123 empowers the President to promulgate an Ordinance when both Houses of Parliament are not simultaneously in session and circumstances require immediate legislative action. Although an Ordinance has the same force and effect as an Act of Parliament, it is an exceptional and temporary legislative device, intended to meet situations where waiting for Parliament to legislate would be impracticable.

Nature of Ordinance-Making Power

- ***Executive exercise of legislative power*** : Ordinance-making enables the executive to temporarily exercise legislative power during parliamentary recess. However, the President exercises this power on the aid and advice of the Council of Ministers, not as a personal discretion.
- ***Conditional power*** : It can be exercised only when Parliament is not fully in session and the President is satisfied that circumstances require immediate action.
- ***Co-extensive with parliamentary legislative competence*** : An Ordinance can deal only with matters on which Parliament is constitutionally competent to legislate. A provision beyond Parliament's competence is void.
- ***Subject to constitutional limitations*** : Like an ordinary parliamentary law, an Ordinance cannot violate Fundamental Rights or other constitutional limitations. It also cannot be used to amend the Constitution under Article 368.
- ***Temporary character*** : Every Ordinance must be laid before both Houses and normally ceases to operate six weeks after Parliament reassembles, unless

replaced by legislation or disapproved earlier.

Safeguards against Misuse

- ***Parliamentary control*** : Laying the Ordinance before Parliament is a mandatory constitutional requirement. Parliament may approve, modify, replace or disapprove it.
- ***Limited duration*** : Automatic expiry prevents executive legislation from acquiring permanence without parliamentary approval.
- ***Judicial review*** : In Krishna Kumar Singh v. State of Bihar (2017), the Supreme Court held that Presidential satisfaction is not immune from judicial review, particularly where there is absence of relevant material, abuse of power, fraud on power or an oblique purpose.
- ***Bar on routine re-promulgation*** : Following D.C. Wadhwa, reaffirmed in Krishna Kumar Singh, repeated re-promulgation to bypass the legislature amounts to a fraud on constitutional power and subverts parliamentary democracy.
- ***Political accountability*** : Since the President acts on ministerial advice, the elected government remains accountable to Parliament for resorting to the ordinance route.

Thus, ordinance-making is a constitutional necessity for exceptional situations, not a parallel source of legislation. Parliamentary scrutiny, temporal limitation, judicial review and the prohibition on re-promulgation ensure that legislative primacy remains with Parliament.

Presidents and Governors enjoy discretionary powers in some situations. What are these situations?

UPSC IFoS (Mains) 2020 | Q.3(d) | 10 Marks | 125 Words

India follows the parliamentary form of government, under which the President and Governor normally act on the aid and advice of their respective Councils of Ministers. However, constitutional deadlocks, absence of a clear majority and certain specifically assigned functions create limited areas where they may exercise independent constitutional judgment.

President : Limited Situational Discretion

Under *Article 74*, ministerial advice is binding on the President. However, the President may once require the Council of Ministers to reconsider its advice; after reconsideration, the advice becomes binding.

Situational discretion may arise in

- ***Appointment of Prime Minister*** : When no party or pre-poll coalition commands a clear Lok Sabha majority, the President must identify the person most likely to secure the confidence of the House.
- ***Dismissal of a Ministry*** : If a Council of Ministers has clearly lost Lok Sabha confidence but refuses to resign, the President may dismiss it, normally after the majority position is tested on the floor.

- ***Dissolution of Lok Sabha*** : Where a defeated ministry advises dissolution, the President may examine whether an alternative stable government can be formed before accepting such advice.

Thus, presidential discretion arises primarily from political uncertainty, not from a general constitutional power to act independently.

Governor : Constitutional and Situational Discretion

Unlike the President, ***Article 163*** expressly recognises situations in which the Governor may act in discretion.

A. Constitutional Discretion

The Governor may exercise discretion in situations such as:

— Reserving a State Bill for consideration of the President under Article 200;
— Sending a report recommending President's Rule under Article 356;
— Performing functions as Administrator of an adjoining Union Territory, where so appointed under Article 239(2);
— Exercising special responsibilities assigned under provisions such as the Sixth Schedule or Article 371-series in specified States.

B. Situational Discretion

It may arise in :

— Appointing a Chief Minister in a hung Assembly;
— Requiring a government whose majority is doubtful to prove confidence on the floor of the House;
— Dismissing a ministry that has lost majority but refuses to resign;
— Deciding on dissolution of the Legislative Assembly where no viable government appears possible.

Constitutional Limitation

Governor's discretion is not general or unlimited. In Nabam Rebia v. Deputy Speaker (2016), the Supreme Court held that Article 163 must be strictly construed and permits independent action only where the Constitution expressly or by necessary implication requires it.

Thus, while the President possesses narrowly confined situational discretion, the Governor has both constitutional and situational discretion. In both cases, discretion remains an exception to responsible government, not an alternative to ministerial accountability.

How is President's rule imposed in a State in India? How have different Governors dealt with dissolving Legislative Assemblies after President's rule has been invoked?

UPSC IFoS (Mains) 2025 | Q.3(a) | 15 Marks | 200 Words

President's Rule under Article 356 is an exceptional constitutional mechanism used when the government of a State cannot be carried on in accordance with the Constitution. It may be imposed on the basis of a Governor's report or otherwise. Since it displaces an elected State government, its exercise is subject to strict parliamentary and judicial safeguards.

How is President's Rule imposed?

- ***Constitutional breakdown*** : Under Article 356, the President must be satisfied that constitutional government in the State has become impossible. A Governor's report is common, but is not indispensable.
- ***Article 365*** : Failure of a State to comply with valid Union directions may permit the President to hold that constitutional government cannot be carried on properly. Article 365 therefore supplements Article 356 rather than constituting a separate emergency.
- ***Presidential Proclamation*** : The proclamation may
  - — Assume functions of the State executive;
  - — Declare that the powers of the State Legislature shall be exercisable by Parliament;
  - — Make necessary incidental and consequential provisions.
- ***Parliamentary approval*** : The proclamation must be approved by both Houses of Parliament within two months, by simple majority; otherwise it ceases to operate.
- ***Duration*** : Once approved, it continues for six months at a time, subject to a maximum of three years. Continuation beyond one year requires both :
  - — A National Emergency operating in India or in the whole or any part of the concerned State; and
  - — Certification by the Election Commission that elections cannot be held.

Governors and Dissolution of Legislative Assemblies

Earlier constitutional practice sometimes treated dissolution almost as an immediate consequence of President's Rule. This enabled the Union, often acting upon Governors' reports, to remove governments and seek fresh elections, raising concerns of partisan misuse.

The constitutional position was transformed by S.R. Bommai v. Union of India (1994):

- Where the majority of a government is doubtful, it should ordinarily be tested on the floor of the House;
- The Presidential proclamation is subject to judicial review;
- before parliamentary approval, the Assembly should ordinarily be kept in suspended animation, because dissolution is an irreversible step;
- if the proclamation is unconstitutional, courts may restore the dismissed government and even revive the Assembly. The Supreme Court has subsequently reaffirmed that dissolution is not a natural consequence of an Article 356 proclamation and should not precede parliamentary approval.

A significant illustration is Rameshwar Prasad v. Union of India (2006). After the 2005 Bihar elections produced a hung Assembly, it was initially kept in suspended animation. Acting substantially on the Governor's reports alleging attempts to manufacture a majority, the Assembly was later dissolved before it had even met. The Supreme Court held the dissolution unconstitutional, although it did not restore the Assembly because fresh elections were already underway.

What is the process of granting assent to the Bills by a Governor of State? Can the Governor exercise a 'pocket veto'? What are the potential implications of the 'pocket veto'? Answer in the light of recent judgement of the Supreme Court of India.

UPSC IFoS (Mains) 2025 | Q.3(b) | 15 Marks | 200 Words

Article 200 governs the process by which a Governor grants or withholds assent to bills passed by the state legislature — a provision that has become a major site of **constitutional controversy** between elected state governments and Governors in recent years.

Process of Granting Assent : Four Alternatives under Article 200:

- **Give Assent** : the bill becomes an **Act of the state legislature**.
- **Withhold Assent** : the bill ends; this is the **absolute veto** — the legislature cannot override it.
- **Return for Reconsideration** : applicable only to **non-money bills**; if the state legislature passes the bill again with or without amendments, the **Governor must give assent** : making this a **suspensive veto** only.
- **Reserve for President's consideration** : under **Article 201**, the President may give assent, withhold assent, or return for reconsideration; if passed again, President is **not bound to assent** — unlike the Governor's position.

For Money Bills : the Governor can only **give assent or reserve for the President** — cannot return or withhold.

Can the Governor Exercise a Pocket Veto?

The **pocket veto** refers to indefinitely keeping a bill without taking any action. **Article 200 uses "as soon as possible"** — suggesting the Governor must act within a reasonable time. However, no specific time limit is prescribed, and several Governors have kept bills pending for months and years — effectively exercising a pocket veto against elected state governments.

Implications of the Pocket Veto

- **Undermines democratic mandate** : bills passed by elected legislature are blocked through executive inaction, not constitutional process.
- **Constitutional crisis** : prolonged standoffs between Governors and state governments erode institutional trust.
- **Delays welfare legislation** : citizens are denied benefits of enacted laws on health, education, and governance.
- **Centre-State tensions** : Governors' inaction, perceived as Central interference, damages **cooperative federalism**.

Recent Supreme Court Judgment: In **State of Tamil Nadu v. Governor of Tamil Nadu (2025)**, the Supreme Court held:

- The Governor **cannot exercise a pocket veto** — "as soon as possible" in Article 200 imposes a **constitutional obligation to act within a reasonable time**.
- The Governor must act on the **aid and advice of the Council of Ministers** on matters of assent.

- The Court **declared pending bills to have received deemed assent** — a landmark assertion of constitutional supremacy over gubernatorial inaction.

Thus, **Article 200 does not contemplate a pocket veto** — the Tamil Nadu Governor judgment has authoritatively settled that indefinite inaction is unconstitutional, making **deemed assent** the judicial remedy against gubernatorial overreach.

JUDICIARY : SUPREME COURT, HIGH COURTS, JUDICIAL REVIEW, PIL

What does the term 'Judicial Democracy' signify?

UPSC IFoS (Mains) 2016 | Q.3(d) | 10 Marks | 100 Words

Judicial Democracy signifies the **proactive and assertive role of the judiciary** in deepening democratic governance — going beyond conventional dispute resolution to become an active enforcer of **constitutional values, fundamental rights, and social justice** for citizens who cannot access formal democratic processes.

What Judicial Democracy Signifies

- **Democratising Access to Justice** : Through **relaxation of locus standi** and the evolution of **Public Interest Litigation (PIL)** under **Articles 32 and 226**, any **public-spirited citizen** can approach the court for enforcement of rights of the poor, ignorant, or socially disadvantaged — making constitutional remedies accessible beyond the privileged.
- **Judicial Review as Democratic Check** : Courts examine whether legislative and executive actions conform to the Constitution — ensuring that **elected majorities cannot transgress constitutional limits**, protecting minorities and the marginalised from majoritarian excess.
- **Enforcing Constitutional Duties** : When the legislature and executive fail to discharge their constitutional obligations, judicial activism compels them — through directions in PIL — to fulfil promises of welfare, environmental protection, and fundamental rights.
- **Protecting Rights of Forest Communities** : PIL has been instrumental in protecting **forest dwellers, tribal communities (Fifth and Sixth Schedule areas)**, and environmental rights — with courts issuing directions on forest conservation, displacement, and livelihood — of direct IFoS significance.
- **Judicial Activism as Democratic Deepening** : The assertive interpretation of **Article 21** (dignity, livelihood, environment, privacy) has expanded the substantive content of democracy beyond mere elections to include **social and economic entitlements**.

Thus, Judicial Democracy signifies that the Supreme Court and High Courts are not merely arbiters of disputes but **active constitutional partners** in ensuring that India's democracy delivers justice, dignity, and rights to every citizen.

What is rule of law? Explain.

UPSC IFoS (Mains) 2017 | Q.3(b) | 10 Marks | 100 Words

Rule of Law is the foundational principle of **constitutionalism** holding that the **law is supreme** over all — individuals, institutions, and government alike. It is the antithesis of arbitrary rule, ensuring that power is exercised in a **regulated, predictable, and**

accountable manner. The Supreme Court has held Rule of Law as a **basic feature of the Constitution**.

Three Elements of Rule of Law

The concept was propounded by **A.V. Dicey**, the British jurist, comprising three elements:

- **Absence of Arbitrary Power** : no person can be punished except for a **distinct breach of law** established in the ordinary legal manner before ordinary courts.
- **Equality before Law** : equal subjection of **all persons** — rich or poor, high or low, official or non-official — to the ordinary law of the land administered by ordinary courts.
- **Primacy of Individual Rights** : the constitution is the **result** of rights of individuals as defined and enforced by courts of law.

Application in India : The **first two elements** apply to India; the **third does not** — in India, the **Constitution is the source** of individual rights, not their result.

Constitutional Embodiment

- **Article 13** : laws inconsistent with Fundamental Rights are void — making **judicial review** the institutional expression of rule of law.
- **Article 14** : equality before law and equal protection — the Supreme Court held Rule of Law embodied in Article 14 is a **basic feature** of the Constitution (**Kesavananda Bharati, 1973**).
- **Article 21** : after **Maneka Gandhi case (1978)**, procedure must be **reasonable, fair, and just** — incorporating the spirit of rule of law against arbitrary legislation.

Thus, Rule of Law ensures that in India, **no authority — however high — is above the Constitution**, making constitutional supremacy the foundation of democratic governance.

What do you understand by the term 'Judicial Governance'? Do you think the judiciary in India has started exercising overarching powers in the name of judicial governance? Comment citing recent examples.

UPSC IFoS (Mains) 2018 | Q.3(a) | 15 Marks | 200 Words

Judicial Governance refers to the phenomenon where the judiciary — through **PIL, suo motu cognisance, continuing mandamus**, and **judicial commissions** — goes beyond adjudication to directly govern matters ordinarily within the domain of the **executive and legislature**. It is the most assertive manifestation of **judicial activism** — when courts not only declare law but direct its implementation and monitor compliance.

Judicial Governance — When It Arises

- When the **legislature fails to discharge its constitutional responsibilities**.
- When the **government is unable to take hard decisions** for fear of losing power.
- When **basic rights of citizens** — life, dignity, healthy environment — remain unprotected by the executive.

- **Legislative vacuum** — areas where Parliament has not legislated, compelling courts to fill gaps through judicial direction.

Has the Judiciary Exercised Overarching Powers? — Yes, with Justification:

- **BCCI case** : the Supreme Court appointed the **Lodha Committee** to restructure a private sporting body — a clear example of judicial governance beyond conventional adjudication.
- **Vishakha guidelines (1997)** : the Court laid down **quasi-legislative guidelines** on sexual harassment at the workplace, filling a legislative vacuum until the **POSH Act (2013)** was enacted.
- **T.N. Godavarman case (1996–ongoing)** : the Supreme Court has exercised **continuous judicial supervision** over India's forests — directing felling permissions, compensatory afforestation, and forest governance — the longest-running example of judicial governance with direct **IFoS significance**.
- **Delhi air quality management** : court orders on odd-even schemes, stubble burning, and industrial shutdowns represent direct executive governance through judicial directions.

Counter-Perspective — Judiciary's Own Caution : In a **December 2007 judgment**, the Supreme Court itself called for **judicial restraint** — observing that **"judicial activism must not become judicial adventurism"**, that **"judges must not try to run the government"**, and that encroachment on the executive's domain is **"clearly unconstitutional"** — acknowledging the overreach concern from within the institution.

Thus, while judicial governance has filled critical institutional voids — particularly in **forest protection, environmental rights, and tribal welfare** — the line between enforcing constitutional rights and governing executive functions remains constitutionally contested, requiring the judiciary to exercise power with **principled restraint**.

"Indian Constitution is founded on a nice ***balance of power*** among the three wings of the State, namely the Executive, the Legislature and the Judiciary." Explain.

UPSC IFoS (Mains) 2021 | Q.3(b) | 15 Marks | 200 Words

The Indian Constitution does not establish an absolute separation of the Legislature, Executive and Judiciary. Instead, it distributes their principal functions while deliberately creating areas of interaction and mutual control. Thus, India follows a system of separation of functions with checks and balances, in which none of the three organs can claim absolute supremacy; all remain subordinate to the Constitution. The Supreme Court has similarly held that separation of powers is not rigid in India, but the functions of the organs are sufficiently demarcated.

Legislature : Law-making with Constitutional Limits

Parliament and State Legislatures exercise the primary law-making function.

- The Legislature controls the Executive through questions, debates, financial control, parliamentary committees and no-confidence motions.
- Under Article 75(3), the Union Council of Ministers is collectively responsible to the Lok Sabha.

- Parliament also possesses constituent power under Article 368.

However, legislative power is not unlimited. Courts may invalidate laws violating Fundamental Rights, legislative competence or other constitutional provisions. Even constitutional amendments cannot destroy the Basic Structure.

Executive : Administration under Legislative and Judicial Control

The Executive implements laws and exercises the day-to-day powers of government.

- The President ordinarily acts on the aid and advice of the Council of Ministers under Article 74.
- The Executive also participates in legislation through ordinances, delegated legislation and introduction of government Bills.
- Ordinances under Article 123 are temporary and remain subject to parliamentary approval.
- Executive action can be struck down by courts if it is arbitrary, unconstitutional or beyond statutory authority.

Thus, the Executive possesses substantial power but remains politically accountable to Parliament and legally accountable to courts.

Judiciary : Constitutional Guardian with Institutional Limits

The Judiciary interprets the Constitution, protects Fundamental Rights and exercises judicial review.

- Articles 32 and 226 enable constitutional courts to enforce Fundamental Rights and review State action.
- In Kesavananda Bharati, the Supreme Court recognised separation of powers as part of the Basic Structure.
- Judicial independence is further strengthened by security of tenure and the difficult procedure for removal of judges.

However, the Judiciary does not ordinarily legislate, administer government or control public finances. Judges of the Supreme Court and High Courts can also be removed through the constitutionally prescribed parliamentary process for proved misbehaviour or incapacity.

Constitutional Equilibrium

The balance operates through mutual checks:
Legislature → controls Executive through accountability
Executive → administers and participates in legislation
Judiciary → reviews both legislative and executive action

At the same time, Article 50 directs separation of the judiciary from the executive, while the Basic Structure doctrine prevents any organ from acquiring unlimited constitutional power.

Thus, the Constitution creates neither rigid separation nor supremacy of any single organ. Its design rests on a dynamic balance of power, where functional autonomy is combined with mutual accountability, ensuring that constitutional supremacy, rule of law and limited government prevail.

How is ***independence*** of ***Indian judiciary*** ensured in the Indian Constitution?

UPSC IFoS (Mains) 2022 | Q.3(d) | 10 Marks | 125 Words

The **Supreme Court** is the **guardian of the Constitution, defender of Fundamental Rights**, and final interpreter of law. Its independence from the **executive and legislature** is essential for it to discharge these functions without fear or favour. The Constitution provides the following safeguards:

Constitutional Safeguards

- **Mode of Appointment** : Judges of the Supreme Court are appointed by the President in **consultation with members of the judiciary** — curtailing absolute executive discretion and ensuring appointments are not based on political considerations. The **collegium system** (evolved through First, Second, and Third Judges cases — 1981, 1993, 1998) gives primacy to the **Chief Justice and senior judges** in appointments; the **NJAC (99th Amendment, 2014)** was struck down in the **Fourth Judges case (2015)** as impairing judicial independence.
- **Security of Tenure** : Judges hold office until **65 years of age** and can be removed only through **impeachment** — by special majority of both Houses of Parliament on grounds of **proved misbehaviour or incapacity** — regulated by the **Judges Enquiry Act, 1968**. No judge has ever been successfully removed.
- **Fixed Service Conditions** : Salaries and allowances are determined by Parliament and **cannot be changed to their disadvantage** after appointment except during a **Financial Emergency**.
- **Expenses Charged on Consolidated Fund** : Salaries, allowances, and pensions are charged on the **Consolidated Fund of India** — making them **non-votable** by Parliament.
- **Conduct Cannot Be Discussed** : The Constitution **prohibits discussion** in Parliament or state legislatures on the conduct of judges in discharge of their duties, except during an impeachment motion.
- **Ban on Practice After Retirement** : Retired Supreme Court judges are **prohibited from pleading** before the Supreme Court — preventing post-retirement considerations from influencing judicial decisions.
- **Article 50** : directs the State to take steps to **separate the judiciary from the executive** in public services — ensuring judicial independence in administration.

In **Kesavananda Bharati case (1973)**, the **independence of judiciary** was held a **basic feature of the Constitution** — these safeguards collectively ensure that India's judiciary remains impartial, fearless, and truly independent.

"India has a multiplicity of major institutions which provide a series of checks and balances, ensuring that the infirmities of one institution can be compensated for by the actions of another." Explain.

UPSC IFoS (Mains) 2023 | Q.3(b) | 15 Marks | 200 Words

India's constitutional democracy does not rely solely on the three branches — Legislature, Executive, and Judiciary — for accountability. It has created a **multiplicity of independent constitutional and statutory institutions**, each with

defined jurisdiction, ensuring that the failure of one can be corrected by another — building **institutional resilience** into the democratic order.

The Three Primary Institutions : Mutual Checks

- **Legislature** : makes law and holds the executive accountable through **Question Hour, no-confidence motions**, and financial control; when Parliament fails, courts step in through PIL.
- **Executive** : implements law but is checked by **parliamentary accountability** (Article 75(3)) and **judicial review**; when executive is inefficient, CAG exposes it.
- **Judiciary** : through **judicial review and PIL**, corrects legislative and executive failures; when judiciary is slow, statutory commissions provide alternative remedies.

Constitutional Bodies as Institutional Checks

- **Election Commission (Article 324)** : ensures **free and fair elections** through superintendence, direction, and control; when political parties misuse State machinery, ECI enforces the **Model Code of Conduct** independently.
- **Comptroller and Auditor General (Article 148)** : the **"guardian of the public purse"** — audits Central and state government expenditure; one of the four **bulwarks of Indian democracy** along with the Supreme Court, ECI, and UPSC. CAG reports on **2G spectrum, Coalgate**, and **forest-related expenditure** exposed executive infirmities Parliament had missed.
- **Union Public Service Commission (Article 315)** : ensures **merit-based recruitment** to civil services including **IFoS** — checking executive patronage and politicisation of administration.
- **Finance Commission (Article 280)** : independently recommends **fiscal devolution** between Centre and states, checking Central tendencies to control state finances.

Statutory Institutions as Compensatory Mechanisms

- **Lokpal and Lokayuktas (2013)** : investigate corruption by high public functionaries when parliamentary accountability fails.
- **Central Information Commission (RTI Act, 2005)** : enables citizens to access government records, checking executive opacity.
- **National Green Tribunal** : provides specialised judicial oversight on **environmental and forest governance** when regular courts are slow — of direct IFoS significance.

How One Compensates for Another?

The **2G spectrum allocation** — the executive allocated illegally, Parliament failed to scrutinise, but the **CAG audit exposed it**, the **Supreme Court cancelled licenses (2012)**, and **parliamentary committees** then investigated — demonstrating the compensatory chain of institutional accountability.

Thus, India's **multiplicity of institutions** is not bureaucratic redundancy but deliberate constitutional design — ensuring that no single institutional failure

destabilises democratic governance, making the system collectively more resilient than any single institution could be.

"As one of the world's most powerful courts, the Supreme Court of India has evolved in its role as guardian of the Rights provisions, as enshrined in the Constitution." Explain.

UPSC IFoS (Mains) 2023 | Q.3(d) | 10 Marks | 125 Words

The Constitution confers on the Supreme Court **extensive jurisdiction and vast powers** — making it simultaneously a **federal court, final court of appeal, constitutional interpreter**, and **guarantor of Fundamental Rights** — described as having **more powers than any other Supreme Court in the world**.

Evolution as Guardian of Rights

- **Writ Jurisdiction (Article 32)** : The Supreme Court is the **defender and guarantor of Fundamental Rights** through five writs — with **original, mandatory jurisdiction** that cannot be refused, making rights immediately enforceable.
- **Expansion of Article 21** : From the narrow **Gopalan case (1950)** to **Maneka Gandhi (1978)** — right to life expanded to include **human dignity, livelihood (Olga Tellis, 1985), shelter (Shantistar Builders, 1990), environment and forest protection (Rural Litigation case, 1985), privacy (K.S. Puttaswamy, 2017)** — progressively deepening the rights framework.
- **Public Interest Litigation** : Relaxation of **locus standi** enabled any public-spirited citizen to approach the Court for forest dwellers, tribal communities, and bonded labourers — **democratising constitutional remedies**.
- **Basic Structure Doctrine** : **Kesavananda Bharati case (1973)** held that Fundamental Rights cannot be destroyed even by constitutional amendment — making the Court the **ultimate guardian** against parliamentary overreach.
- **Ninth Schedule Review** : **I.R. Coelho case (2007)** — laws in the Ninth Schedule added after April 24, 1973 are subject to **judicial review** if they violate the essence of Fundamental Rights.

Through progressive interpretation, PIL, and the Basic Structure doctrine, the Supreme Court has evolved into a **transformative guardian of constitutional rights** — making Fundamental Rights living, enforceable guarantees for every citizen.

LOCAL GOVERNMENT : PRIs, MUNICIPALITIES, SIXTH SCHEDULE

What are the special features of the new system of Panchayats and Municipalities?

UPSC IFoS (Mains) 2016 | Q.3(e) | 10 Marks | 100 Words

The **73rd Constitutional Amendment Act (1992)** constitutionalised Panchayats through **Part IX**, while the **74th Amendment** constitutionalised Municipalities through **Part IX-A** — together creating a **mandatory third tier of democratic governance** that transforms **representative democracy into participatory democracy**.

Special Features : Panchayats (73rd Amendment)

- **Gram Sabha** : foundation of the system; village assembly of all **registered**

voters.

- **Three-Tier Structure** : mandatory panchayats at **village, intermediate, and district levels**.
- **Mandatory Reservations** : for **SCs/STs** proportional to population; **one-third for women** including chairpersons.
- **Fixed Five-Year Term** : fresh elections within **six months of dissolution** conducted by **State Election Commission**.
- **State Finance Commission** : constituted every five years to review financial position.
- **Eleventh Schedule** : **29 functional items** including agriculture, minor irrigation, **social forestry, forest products** — of direct IFoS significance.
- **PESA Act, 1996** : extended provisions to **Fifth Schedule tribal areas** protecting tribal self-governance.

Special Features : Municipalities (74th Amendment)

- **Three Types** : **Nagar Panchayat, Municipal Council, Municipal Corporation** — based on population and importance.
- **Ward Committees** : mandatory for municipalities with **three lakh or more** population.
- **Twelfth Schedule** : **18 functional items** including **urban forestry, slum improvement, regulation of land use**.
- **District Planning Committee (Article 243ZD)** : integrates panchayat and municipality plans at district level.
- **Metropolitan Planning Committee (Article 243ZE)** : for cities with **one million or above** population.

Thus, the 73rd and 74th Amendments created a **constitutionally mandated, reservation-enabled, and financially supported** system of local self-governance — the world's largest democratic decentralisation exercise.

While contextualizing the ***Panchayats*** in their larger institutional and functional framework, outline the ***critically important role*** they play in ***ensuring democratic decentralization*** in India.

UPSC IFoS (Mains) 2019 | Q.3(d) | 10 Marks | 125 Words

Panchayati Raj Institutions (PRIs), constitutionalised through the **73rd Constitutional Amendment Act (1992)** under **Part IX (Articles 243–243O)**, represent a **"revolutionary concept to build democracy at the grassroot level"** — transforming **representative democracy into participatory democracy**.

Larger Institutional and Functional Framework

- **Three-tier structure** : **gram panchayat (village), panchayat samiti (block), zila parishad (district)** — an interlocked system of rural governance covering the entire country.
- **Eleventh Schedule** : **29 functional items** including agriculture, minor irrigation, social forestry, **fuel and fodder, minor forest products** — placing the entire rural welfare and natural resource framework within PRI jurisdiction.

- **State Election Commission (Article 243K)** : independent conduct of panchayat elections.
- **State Finance Commission (Article 243-I)** : fiscal devolution from state to PRIs every five years.
- **District Planning Committee (Article 243ZD)** : integrates panchayat plans with municipal plans at district level.

Role in Ensuring Democratic Decentralization

- **Gram Sabha as Direct Democracy** : village assembly of all registered voters exercises **social audit**, approves beneficiary lists, and holds panchayat accountable — the most direct form of democratic participation in India.
- **Women's Empowerment** : mandatory **one-third reservation** for women including chairpersons — the largest exercise of **gender-inclusive democratic decentralization** globally.
- **SC/ST Representation** : proportional reservation ensuring historically excluded communities exercise **constitutional political power** at the most immediate governance level.
- **Tribal Self-Governance** : **PESA Act, 1996** empowers Gram Sabhas in Fifth Schedule areas with authority over **land acquisition, minor forest produce, and minor mineral prospecting licences** — operationalising forest community governance.

Limitations

- PRIs have **"responsibility but grossly inadequate resources"** — state governments reluctant to devolve funds.
- **Parallel bodies** bypass PRIs — undermining democratic accountability.

Thus, PRIs are India's most critical institution for democratic decentralization — constitutionally mandated, reservation-enabled, and ecologically significant — though their potential remains constrained by **fiscal dependence and parallel administrative structures**.

Explain how ***local government institutions*** have led to the considerable deepening of India's constitutional democracy.

UPSC IFoS (Mains) 2023 | Q.3(c) | 10 Marks | 125 Words

The **73rd and 74th Constitutional Amendment Acts (1992)** transformed local government into a **constitutionally mandated third tier of governance** — described as a **"revolutionary concept to build democracy at the grassroot level"** that transfers **representative democracy into participatory democracy**.

How Local Government Institutions Have Deepened Constitutional Democracy

- **Largest Democratic Exercise** : PRIs and Urban Local Bodies together account for nearly **30 lakh elected representatives** — the largest pool of democratic representatives in the world, making constitutional democracy truly mass-based.
- **Gram Sabha as Direct Democracy** : village assembly of all registered voters

exercises **social audit, approves beneficiary lists**, and holds gram panchayat accountable — the most direct form of popular participation.

- **Women's Political Empowerment** : mandatory **one-third reservation** for women at all levels including chairpersons — extended to **50% in several states** — deepening **gender-inclusive democracy**.
- **SC/ST Constitutional Inclusion** : proportional reservation ensures historically excluded communities exercise **constitutional political power** at the most immediate governance level.
- **Ecological Governance** : **Eleventh Schedule** includes **social forestry, fuel and fodder, minor forest products**; **Twelfth Schedule** includes **urban forestry and environmental protection** — embedding ecological governance constitutionally at the local level.
- **Tribal Forest Self-Governance** : **PESA Act, 1996** empowers tribal Gram Sabhas with authority over **land, minor forest produce, and minor mineral prospecting** in Fifth Schedule areas.
- **Fiscal Decentralisation** : **State Finance Commissions (Article 243-I)** ensure local bodies have fiscal resources for welfare delivery — making decentralisation substantive, not merely structural.

Thus, local government institutions have deepened constitutional democracy by distributing power, enabling inclusion, and embedding **ecological and tribal governance** within the constitutional framework — fulfilling the promise of self-governance at the grassroot level.

CONSTITUTIONAL, STATUTORY & REGULATORY BODIES

Do you think National Commission for Scheduled Castes succeeded in protecting Scheduled Caste communities? Give reasons for your answer.

UPSC IFoS (Mains) 2017 | Q.3(c) | 10 Marks | 100 Words

The **National Commission for Scheduled Castes (NCSC)** is a **constitutional body** established under **Article 338**, bifurcated from the combined National Commission for SCs and STs by the **89th Constitutional Amendment Act (2003)**. It has achieved **meaningful but incomplete success** in protecting SC communities.

Where the NCSC Has Succeeded

1. **Constitutional Status and Independence** : Unlike statutory bodies, the NCSC cannot be abolished by ordinary legislation — giving it institutional permanence and protection from political pressure.
2. **Civil Court Powers** : The Commission has powers of a **civil court** — summoning persons, requiring documents, receiving evidence on affidavits — enabling credible investigation of SC rights violations.
3. **Mandatory Consultation** : Central and state governments are required to **consult the NCSC** on all major policy matters affecting SCs — giving it a constitutional voice in protective legislation.
4. **Parliamentary Accountability** : Annual reports placed before Parliament with a **memorandum of action taken and reasons for non-acceptance** create formal legislative scrutiny of SC welfare.

Where the NCSC Has Failed

1. **Advisory, Non-Binding Recommendations** : The Commission's recommendations are **not binding** on governments — Central and state authorities routinely ignore them without constitutional consequence.
2. **Atrocities Continue** : Despite the Commission's existence, **SC/ST (Prevention of Atrocities) Act, 1989** violations persist — caste discrimination, manual scavenging, and untouchability continue in practice.
3. **No Enforcement Power** : The Commission can investigate and recommend but **cannot enforce compliance** — making it structurally dependent on executive goodwill.

Thus, the NCSC has succeeded as an **advocacy and monitoring institution** but failed as an **enforcement mechanism** — its constitutional status gives it voice but not power, making SC protection contingent on State will rather than constitutional compulsion.

Providing constitutionality to the backward classes will ensure their legitimate empowerment and integration. Give arguments in light of the passage of the recent Constitution (123rd Amendment) Bill for backward classes.

UPSC IFoS (Mains) 2018 | Q.3(d) | 10 Marks | 125 Words

The **Constitution (123rd Amendment) Bill, 2017** — enacted as the **102nd Constitutional Amendment Act, 2018** — conferred **constitutional status** on the **National Commission for Backward Classes (NCBC)** by inserting **Article 338B**, elevating it from a **statutory body** to a **constitutional body** at par with NCSC and NCST — a landmark step for OBCs constituting **52% of India's population**.

Arguments Supporting the Statement

1. **Security from Legislative Reversal** : A statutory body can be abolished by **simple parliamentary majority**; a constitutional body requires a **constitutional amendment** — giving the NCBC permanence against transient political majorities.
2. **Constitutional Parity** : NCBC now stands **at par with NCSC (Article 338) and NCST (Article 338A)** — ending institutional discrimination and recognising OBC backwardness as constitutionally significant.
3. **Enlarged Functions** : Constitutional status has **enlarged the Commission's mandate** — investigating, monitoring, advising on socio-economic development, and evaluating progress beyond the limited statutory scope.
4. **Civil Court Powers** : The NCBC has **powers of a civil court** — summoning persons, requiring documents, receiving evidence — making investigations credible and enforceable.
5. **Mandatory Consultation** : Central and state governments must **consult the NCBC** on all major policy matters affecting backward classes — giving OBCs a **constitutionally guaranteed voice**.
6. **Fulfils Judicial Direction** : In **Indra Sawhney case (1992)**, the Supreme Court directed a **permanent body** for backward class welfare — constitutional status fulfils this mandate comprehensively.

7. **Parliamentary Accountability** : Annual reports placed before Parliament with **memorandum of action taken** create formal legislative scrutiny of OBC welfare.

Thus, constitutionality transforms the NCBC from a discretionary executive instrument into a **permanent constitutional institution** — ensuring OBC empowerment and integration are **constitutional obligations**, not political choices.

ELECTIONS & REPRESENTATION OF PEOPLE

While India's Constitutional framework has an elaborate set of mechanisms that govern and control the electoral process well, still there are some regulatory aspects that need improvement. Identify them and suggest electoral reforms.

UPSC IFoS (Mains) 2021 | Q.3(d) | 10 Marks | 125 Words

India's electoral framework — anchored in **Article 324**, the **Representation of the People Acts (1950 and 1951)**, and successive reforms — is among the most elaborate in democratic governance. Yet structural gaps persist, undermining electoral integrity.

Regulatory Aspects Needing Improvement

1. **Criminalisation of Politics** : **Lily Thomas case (2013)** disqualifies convicted sitting members, but candidates with **pending serious criminal charges** continue to contest freely — no pre-conviction disqualification framework exists despite Supreme Court directions.
2. **Opacity in Political Funding** : The **Electoral Bond Scheme (2018)** — struck down in **Association for Democratic Reforms case (2024)** — demonstrated how **money power** distorts competition; the ₹2,000 cash limit alone is insufficient.
3. **Absence of Inner Party Democracy** : Political parties have **no legal obligation** to hold internal elections, file public accounts, or follow democratic norms in candidate selection — enabling dynasticism and opacity.
4. **Social Media Disinformation** : No statutory framework for regulating **digital political advertising and misinformation** — a growing threat to free and fair elections.
5. **Frequent Elections** : Staggered elections trigger prolonged **Model Code of Conduct** restrictions, paralysing governance and exhausting administrative machinery.

Suggested Electoral Reforms

1. **State Funding of Elections** : as recommended by **Indrajit Gupta Committee (1998)** — reducing private funding dependence.
2. **Disqualification at Charge-Framing Stage** : for heinous offences.
3. **Statutory Regulation of Political Parties** : mandating internal democracy and transparent public accounts.
4. **Simultaneous Elections** : as recommended by **Law Commission's 255th Report (2015)** — synchronising Lok Sabha and state assembly elections.

Translating India's elaborate electoral constitutional framework into genuinely **free, fair, and inclusive elections** requires targeted legislative reforms addressing **funding opacity, criminalisation, and digital threats**.

"There is no scope for any agencies in India of direct control by the people such as referendum." In the light of this statement, evaluate Indian democracy as a representative form of government.

UPSC IFoS (Mains) 2024 | Q.3(c) | 10 Marks | 125 Words

Democracy is of two types — **direct** and **indirect (representative)**. In direct democracy, people exercise supreme power through **Referendum, Initiative, Recall, and Plebiscite** — as in Switzerland. India has adopted **representative parliamentary democracy** with **no provision for any of these four devices of direct democracy**.

Why India Chose Representative Democracy

India's **continental size, diversity, and population** make direct democracy impractical. The Constitution establishes **universal adult franchise (Article 326)**, periodic elections, rule of law, and independence of judiciary as manifestations of democratic character.

Strengths of India's Representative Democracy

- **Parliamentary Accountability** : Council of Ministers **collectively responsible to Lok Sabha (Article 75(3))** : continuous executive accountability to elected representatives.
- **Universal Adult Suffrage (Article 326)** : every citizen above 18 votes regardless of caste, religion, or gender.
- **Multi-party system** : regional parties bring diverse local concerns into national governance.

Limitations and Compensatory Mechanisms

— **No Recall** : citizens cannot remove dishonest representatives before term — compensated by **anti-defection law (Tenth Schedule)**.
— **No Referendum** : citizens cannot reject bad laws — compensated by **PIL (Articles 32, 226)**.
— **Gram Sabha (Article 243A)** : closest India comes to **direct democracy** — village assembly participates in local governance.
— **RTI Act (2005)** : enables indirect popular control over executive action.

India's representative democracy — while lacking direct instruments — has developed **PIL, RTI, Gram Sabha, and parliamentary accountability** as institutional substitutes, making it a robust expression of popular sovereignty suited to India's scale and diversity.

Discuss how the State Election Commission serves the channel of political expression at local level. Examine how it reconciles people's basic desire and regional democratic needs.

UPSC IFoS (Mains) 2024 | Q.3(d) | 10 Marks | 125 Words

The **State Election Commission (SEC)** — established under **Article 243K** (Panchayats) and **Article 243ZA** (Municipalities) — exercises **superintendence, direction, and control** over local body elections. The **State Election Commissioner**, appointed by the Governor, is removable only in the manner of a **High Court judge** — ensuring institutional independence.

SEC as Channel of Political Expression

- **Constitutionally Mandatory Elections** : Prior to 1992, local elections were irregular and subject to executive manipulation. The SEC makes them **constitutionally mandatory** — fresh elections within **six months of dissolution** — converting local governance into a **guaranteed democratic exercise**.
- **Grassroots Participation** : The SEC conducts elections to approximately **2.5 lakh gram panchayats, panchayat samitis, zila parishads**, and thousands of urban local bodies — the **world's largest democratic electoral exercise** at sub-state level.
- **Operationalising Reservations** : The SEC implements mandatory reservations for **SCs, STs, and one-third women** including chairpersons — ensuring historically excluded groups access the most immediate tier of governance.

How SEC Reconciles People's Basic Desire and Regional Democratic Needs

— **Universal vs Regional** : People desire **free, fair, periodic elections** — the SEC delivers this while adapting to vastly different regional realities of terrain, language, and tribal governance — reconciling universal democratic norms with local specificity.

— **SEC vs ECI** : The **ECI (Article 324)** is expressly excluded from local body elections — recognising that **local democracy has distinct regional characteristics** requiring a dedicated state-level institution.

— **Tribal Areas** : In Fifth Schedule states, the SEC conducts elections sensitive to **PESA Act provisions** and Gram Sabha primacy — reconciling indigenous governance traditions with constitutional democratic norms.

Thus, the SEC is the **constitutional guardian of local democracy** — institutionalising political expression at the grassroots and adapting democratic processes to India's extraordinary regional plurality.

GOVERNANCE, CIVIL SERVICES & PUBLIC ADMINISTRATION

What do you understand by 'minimum government and maximum governance'?

UPSC IFoS (Mains) 2014 | Q.4(b) | 12.5 Marks

"Minimum Government, Maximum Governance" distinguishes between **government** — the formal institutional apparatus — and **governance** — the quality and accountability with which authority is exercised. It calls for reducing the State's unnecessary footprint while strengthening delivery where constitutionally mandated.

Minimum Government

- **Withdrawal from commercial activities** : State exits competitive sectors where private enterprise performs more efficiently.
- **Subsidiarity** : Functions best handled at lower levels not concentrated at Centre — aligned with **73rd and 74th Amendments** decentralising to local bodies.
- **NITI Aayog (2015)** : Replaced Planning Commission acknowledging **"one-size-fits-all planning is obsolete"** — shifting to **bottom-up governance** in a diverse federal India.

Maximum Governance

1. **Seven Pillars of Effective Governance** : NITI Aayog identifies: **pro-people agenda, participatory governance, inclusion, equal opportunity, transparency through technology**, and sustainability.
2. **Outlay to Output to Outcome** : Governance measured by **real-world outcomes** for citizens, not budgetary inputs.
3. **Cooperative Federalism** : **GST Council (Article 279A)** and NITI Aayog's **Team India approach** exemplify maximum governance through Centre-state collaboration.

Constitutional Tension : Article 37 makes **Directive Principles fundamental in governance** — mandating active State welfare delivery. **Minimum government cannot mean minimum welfare** — it means smarter, not smaller, State action where constitutionally obligated.

Thus, minimum government and maximum governance is the **reinvention of the State** — withdrawing from where it is inefficient, strengthening where obligated, and measuring success by **outcomes for citizens**, not outlays by institutions.

Do you think that in India, the government remains strong and governance still continues to be subordinate to the government? Can this be seen as strong institutions and weak processes playing a part in the administering of the country?

UPSC IFoS (Mains) 2015 | Q.4(b) | 15 Marks | 150 Words

Government refers to the formal institutional apparatus; **governance** refers to the quality and accountability with which authority is exercised. In India, the government remains constitutionally strong while **governance quality continues to lag** — creating a persistent gap between policy intent and ground-level outcomes.

Government Remains Strong

1. **Constitutional Dominance** : Union List's **98 subjects**, residuary powers, and **emergency provisions (Articles 352, 356, 360)** concentrate executive authority at the Centre.
2. **All-India Services** : **IAS, IPS, and IFoS** — recruited centrally, deployed in states — reinforce the government's administrative reach across the federation.
3. **Parliamentary Supremacy** : Council of Ministers controls Parliament through majority — enabling rapid legislative action while limiting sustained scrutiny.

Governance Remains Subordinate

1. **Implementation Deficit** : NITI Aayog acknowledges the need to shift **"from Outlay to Output to Outcome"** — recognising government spending has not translated into governance outcomes.
2. **Bureaucratic Inertia** : Transfer and posting of civil servants as political tools undermines **administrative autonomy** — making processes subordinate to political will.
3. **Transparency Gap** : Despite the **RTI Act (2005)**, compliance remains uneven — limiting citizen-level accountability.

Strong Institutions, Weak Processes

1. **Strong Institutions** : **Election Commission (Article 324), CAG (Article 148)** — one of the **four bulwarks of Indian democracy** — **Supreme Court, and UPSC** function with credible institutional integrity.
2. **Weak Processes** : Inter-departmental coordination, grievance redressal, and service delivery monitoring remain fragmented and opaque — regardless of institutional strength.
3. **The Paradox** : Strong institutions expose failures (CAG reports, judicial intervention) — yet weak processes prevent systematic governance improvement.

India's governance challenge is not institutional absence but **process weakness** — bridging this gap requires **better governance**, not more government — accountable, transparent, and outcome-oriented.

Do you perceive development discourse in contemporary India ensures economic democracy? Elaborate.

UPSC IFoS (Mains) 2017 | Q.3(d) | 10 Marks | 100 Words

Economic democracy signifies the distribution of economic power, resources, and opportunities across all sections of society. The Constitution's Preamble promises **economic justice**; **Directive Principles (Part IV)** constitute its blueprint. Development discourse in India **aspires to** economic democracy but has **not yet fully ensured it** — achieving meaningful but uneven progress.

Where Development Discourse Advances Economic Democracy

1. **Constitutional Mandate** : **Article 38** directs minimising inequalities; **Article 39** mandates **equitable distribution of resources and prevention of concentration of wealth**; **Article 39A** ensures free legal aid — together forming the framework for economic democracy.
2. **Legislative Implementation** : Land reform laws, **Minimum Wages Act (1948), Equal Remuneration Act (1976), Bonded Labour System Abolition Act (1976)**, and **Legal Services Authorities Act (1987)** have progressively dismantled exploitative economic structures.
3. **Welfare Architecture** : MGNREGA, PDS, and financial inclusion schemes target economic inclusion at the grassroots — translating constitutional directives into ground-level entitlements.

Where Development Discourse Falls Short

1. **Concentration of Wealth** : Despite **Article 39's** mandate to prevent concentration, wealth inequality has grown — the top 1% controls a disproportionate share of national income, contradicting the constitutional vision.
2. **Jobless Growth** : Capital-intensive growth has failed to generate adequate employment — denying the majority the economic participation that democracy requires.
3. **Non-justiciable DPSPs** : Development goals remain dependent on **political will** rather than constitutional compulsion — making economic democracy aspirational, not enforceable.

Thus, development discourse has laid important foundations for economic democracy through constitutional directives and legislative action — but **persistent inequality and non-justiciable social rights** ensure it remains an **ongoing constitutional promise rather than a realised democratic achievement**.

Why is that Media is characterised as the Fourth Pillar of Indian Democracy?

UPSC IFoS (Mains) 2017 | Q.3(e) | 10 Marks | 100 Words

India's constitutional democracy rests on three formal pillars — **Legislature, Executive, and Judiciary** — each with defined powers and accountability mechanisms. **Media** is characterised as the **Fourth Pillar** because it performs functions that the three formal branches cannot — informing citizens, holding power accountable, and sustaining the **informed public discourse** without which democratic governance loses legitimacy.

Constitutional Foundation: The **freedom of the press** flows from **Article 19(1)(a)** — freedom of speech and expression. The Supreme Court in **Indian Express Newspapers v. Union of India (1985)** affirmed that freedom of the press is an **essential component of Article 19(1)(a)** — giving media a constitutional status, not merely a functional one.

Why Media is the Fourth Pillar

1. **Informing the Electorate** : Democracy requires **informed citizens** to make meaningful electoral choices; media is the primary mechanism through which voters access information about government performance and policy.
2. **Watchdog Function** : Media investigates and exposes **corruption, executive excess, and policy failures** — compensating for the limitations of formal accountability mechanisms like parliamentary oversight.
3. **Agenda-Setting** : By highlighting public issues — forest rights violations, tribal displacement, environmental degradation — media compels the State to respond, serving as a **voice for the marginalised**.
4. **Supplementing Parliamentary Accountability** : Parliament sits for fewer than **70 days a year** — media provides **continuous accountability** when Parliament is not in session.

Limitations: Ownership concentration, paid news, and TRP-driven journalism increasingly compromise media's role as an **independent democratic institution**.

Thus, media's characterisation as the Fourth Pillar reflects its indispensable function — without a **free, credible, and diverse press**, the constitutional promise of participatory democratic governance remains hollow.

Communal-Secular debate in Indian polity seems to be dissipating under the ambit of 'Government-Governance' discourse. Comment.

UPSC IFoS (Mains) 2018 | Q.3(b) | 15 Marks | 200 Words

Communalism — defined as love for one's religious community in preference to the nation — has historically structured Indian political competition alongside **secularism**, the constitutional commitment to equal respect for all religions enshrined in the Preamble (**42nd Amendment, 1976**). The **government-governance**

discourse — centred on development, delivery, and institutional performance — has increasingly contested this space. The statement captures a real trend but overstates the dissipation.

Where Governance Discourse Has Gained Primacy

- **Developmental Politics** : Electoral campaigns increasingly fought on **economic performance, infrastructure, corruption-free governance, and digital delivery** — replacing explicit communal mobilisation with aspirational politics centred on welfare schemes and economic growth.
- **Institutional Governance Focus** : Initiatives like the **GST Council (Article 279A), NITI Aayog's Outlay-to-Outcome framework**, and cooperative federalism have made governance quality a visible political issue — shifting voter expectations toward delivery metrics.
- **Aspirational Electorate** : A growing urban middle class evaluates governments on **economic outcomes** — jobs, infrastructure, and services — rather than religious identity alignment.

Where Communal-Secular Debate Has NOT Dissipated

- **Secularism as Constitutional Bedrock** : In **S.R. Bommai case (1994)**, the Supreme Court held **secularism** to be a **basic feature of the Constitution** — it cannot be dissolved by any governance discourse shift. **Articles 25-28** (religious freedom) and **Articles 29-30** (minority rights) continue as enforceable constitutional commitments.
- **Communalism Persists** : Communal riots, religious disputes, and political mobilisation on religious identity — as documented in Laxmikant — have not disappeared from Indian polity, demonstrating the debate's structural persistence.
- **Institutional Response** : The **National Integration Council** and **National Foundation for Communal Harmony (NFCH, 1992)** continue to actively address communal tensions — signalling that the State itself recognises the debate has not dissipated.

Thus, the communal-secular debate has not dissipated — it has been **overlaid by governance discourse** without being replaced. Both coexist in Indian polity: governance discourse dominates economic competition while communal-secular contestation continues on constitutional and social terrain, with secularism as an **inviolable constitutional value** protecting against either's excesses.

CHAPTER 3

WELFARE STATES

WELFARE, VULNERABLE SECTIONS & SOCIAL JUSTICE

"In India, despite the economy becoming totally capitalistic, class as the most important social category has not emerged powerfully and it is still caste that plays an important role in India's social fabric." Elucidate.

UPSC IFoS (Mains) 2015 | Q.4(c) | 15 Marks | 150 Words

Casteism — defined as love for one's own caste-group in preference to the general national interest — is **mainly an outcome of the politicisation of caste**. Despite decades of capitalist economic development, which theoretically generates **class consciousness** transcending birth-based identities, caste continues to dominate India's social and political fabric — a paradox rooted in historical, constitutional, and electoral factors.

Why Caste Has Persisted over class

1. **Politicisation of Caste** : Indian electoral democracy incentivises caste-based mobilisation — party tickets, ministerial berths, and electoral alliances are structured on caste arithmetic. State-level politics remains **fundamentally a contest between caste groups** — Kamma vs Reddy in Andhra Pradesh, Lingayat vs Vokaligga in Karnataka, Jat vs Ahir in Haryana — demonstrating that capitalism has not dissolved these distinctions.
2. **Reservation Policy Institutionalises Caste** : **Articles 15(4) and 16(4)** make caste identity legally significant for access to education and public employment. The **Mandal Commission (1980)** identified OBCs as **52% of the population** — constitutionally embedding caste as the primary category of affirmative action. The **102nd Amendment (2018)** further constitutionalised OBC identity through **Article 338B**.
3. **Untouchability Persists** : Despite **Article 17** abolishing untouchability and the **SC/ST (Prevention of Atrocities) Act, 1989** criminalising caste violence, caste-based discrimination and violent disputes over the reservation policy continue — demonstrating the gap between constitutional intent and social reality.
4. **Endogamy Prevents Class Formation** : Caste endogamy — marriage strictly within caste — prevents the social integration that class consciousness requires. Unlike capitalist societies where economic class creates cross-group solidarities, India's **caste-bound social reproduction** maintains rigid hierarchies regardless of economic mobility.

Where Class Has Emerged Partially

Urban migration and organised labour movements have created **limited cross-**

caste class solidarity — but this remains confined to the formal sector employing barely 10% of India's workforce.

Thus, in India, **caste precedes class** — capitalism has created economic inequality but not class consciousness, because the social infrastructure of caste — endogamy, electoral politics, and constitutional reservation — continues to make caste the primary organising category of India's social and political life.

The philosophy behind the system of reservation in India is evolving." Analyze.

UPSC IFoS (Mains) 2025 | Q.3(d) | 10 Marks | 125 Words

India's reservation system — rooted in **Articles 15 and 16** — was originally a **time-bound remedial mechanism** addressing caste-based historical injustice. Over seven decades, through constitutional amendments and judicial pronouncements, its philosophical basis has evolved significantly.

PHASE 1 — Social Backwardness As Criterion**:**
Article 15(4) (**1st Amendment, 1951**) and **Article 16(4)** established **social and educational backwardness and inadequate representation** as foundational criteria — reservation as corrective justice.

PHASE 2 — Expanding To Obcs**:**
Mandal Commission (1980) identified **3743 castes as OBCs constituting 52% of population**. **Indra Sawhney case (1992)** upheld 27% OBC reservation but imposed — **creamy layer exclusion, 50% ceiling**, and no reservation in promotions.

PHASE 3 — Parliament Overriding Judicial Limits:

- **77th Amendment (1995)** — **Article 16(4A)** — reservation in **promotions** for SC/ST.
- **85th Amendment (2001)** — **consequential seniority**.
- **81st Amendment (2000)** — **Article 16(4B)** — backlog vacancies as separate class — ending 50% ceiling for carry-forward vacancies.

PHASE 4 — Economic Criterion**:**
103rd Amendment (2019) — **Articles 15(6) and 16(6)** — **10% EWS reservation** — a fundamental philosophical shift: **economic backwardness alone** as criterion, without social backwardness. Upheld in **Janhit Abhiyan case (2022)**.

PHASE 5 — Sub-Classification**:**
State of Punjab v. Davinder Singh (2024) — seven-judge bench — states can **sub-classify within SCs and STs** — shifting from group equality to **differentiated group justice**.

Reservation has evolved from a **caste-based social corrective** to **multi-dimensional affirmative action** — whether this expansion advances or dilutes the original constitutional vision remains India's defining constitutional question

TRANSPARENCY, RTI, LOKPAL & ANTI-CORRUPTION

How did the Right to Information Act, 2005 originate? How does it strengthen the democracy in India?

UPSC IFoS (Mains) 2016 | Q.3(c) | 10 Marks | 100 Words

The **Right to Information Act, 2005** operationalises the **implicit right to information** recognised by the Supreme Court as flowing from **Article 19(1)(a)** — freedom of speech and expression — on the premise that an uninformed citizen cannot meaningfully participate in democracy

Origin of the RTI Act

1. **Grassroots Movement** : The **Mazdoor Kisan Shakti Sangathan (MKSS)** movement in Rajasthan in the 1990s — demanding public inspection of muster rolls and expenditure records to expose corruption — generated national momentum for a right to information law.
2. **Freedom of Information Act, 2002** : Parliament's first attempt — but it was **never notified or implemented** due to excessive exemptions and absence of penalty provisions.
3. **RTI Act, 2005** : Enacted on **June 15, 2005** (came into force October 12, 2005) — with robust provisions including **Public Information Officers (PIOs), 30-day response deadline, penalty of ₹250 per day up to ₹25,000**, and independent **Central Information Commission (CIC)** and **State Information Commissions (SICs)** as enforcement bodies.

How RTI Strengthens Democracy

1. **Transparency and Accountability** : Citizens can access government files, decisions, and expenditure records — converting administrative opacity into **justiciable transparency**.
2. **Anti-Corruption Tool** : PIOs face **personal penalties** for denial or delay — creating deterrence against information gatekeeping and corrupt practices.
3. **Supplements Parliamentary Oversight** : Parliament sits for fewer than 70 days a year; RTI enables **continuous citizen scrutiny** of government action throughout the year.
4. **Empowers Marginalised Citizens** : Forest communities, tribal groups, and rural citizens can access **land records, welfare scheme beneficiary lists, and forest rights decisions** — making governance accountable to those most affected by it.

Thus, RTI transforms the relationship between State and citizen from **administrative secrecy to constitutional transparency** — making informed democratic participation a practical reality, not merely a formal right.

EMERGENCY PROVISIONS & SPECIAL PROVISIONS

What are the special provisions for the State of Jammu and Kashmir in the Indian Constitution?.

UPSC IFoS (Mains) 2016 | Q.3(b) | 10 Marks | 100 Words

The Indian Constitution contained Article 370 in Part XXI (Temporary, Transitional and Special Provisions) — conferring a special constitutional status on J&K arising from the historical circumstances of its accession through the Instrument of Accession (1947).

Special Provisions under Article 370

1. **Limited Applicability** : Only **Article 1** and **Article 370** applied to J&K by default; all other constitutional provisions applied only with the **concurrence of the J&K government** or its Constituent Assembly.
2. **Separate State Constitution** : J&K was the only state with its **own State Constitution (1956)** — governing its internal administration and fundamental rights for residents.
3. **Permanent Resident Rights** : The J&K legislature defined **permanent residents** with exclusive rights regarding: employment under state government, **acquisition of immovable property, settlement in the state**, and eligibility for scholarships — non-residents could not purchase land in J&K.
4. **Restricted Emergency Powers** : **Article 356 (President's Rule)** could apply on grounds of **internal disturbance** only with the **concurrence of the J&K government** — unlike other states. **Article 360 (Financial Emergency)** did not extend to J&K.
5. **Parliamentary Legislation** : Parliament could legislate on **State List subjects** for J&K only with the state government's concurrence.

Abrogation — 2019

The **Constitution (Application to Jammu and Kashmir) Order, 2019** extended the entire Constitution to J&K, rendering Article 370 inoperative. The **J&K Reorganisation Act, 2019** bifurcated it into **Union Territory of J&K** (with legislature) and **Union Territory of Ladakh** (without legislature) — upheld by the Supreme Court in **December 2023**

Thus, Article 370 created a unique constitutional arrangement — since abrogated — that gave J&K a distinct position within the Indian Union through a separate Constitution, restricted Central powers, and exclusive permanent resident rights.

Note: This question was asked in 2016 when **Article 370** was in force. The special provisions were **abrogated in 2019**. The answer addresses both

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03 AIR

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04 AIR

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05 AIR

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08 AIR

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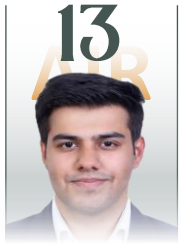
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13 AIR

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17 AIR

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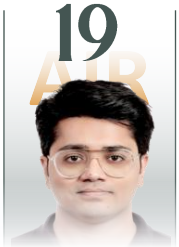
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19 AIR

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26 AIR

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27 AIR

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34 AIR

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35 AIR

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50 AIR

B Jaya Aswantha Reddy

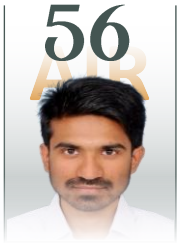
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56 AIR

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63 AIR

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65 AIR

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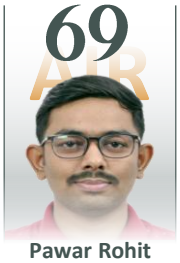
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69 AIR

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79 AIR

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80 AIR

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84 AIR

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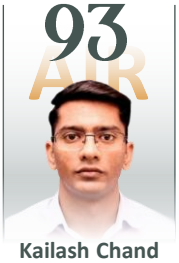
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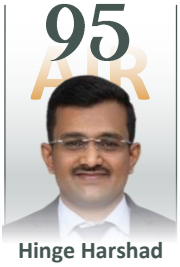
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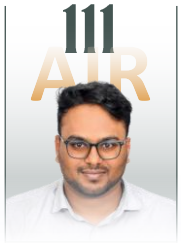
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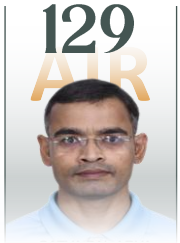
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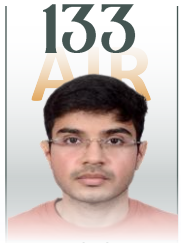
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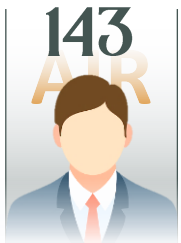
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