

# UPPCS

31 January, 2025

**Q.1** Explain various reasons behind frequent disruptions in the functioning of the Parliament and state legislatures in India? (8 Marks)

## **Ans-Introduction**

The productivity of the **Lok Sabha** and **Rajya Sabha** was **54.5%** and **40%** respectively in the last winter session due to frequent disruptions. Several factors contribute to this issue, affecting the smooth functioning of legislatures.

### **1. Politically Sensitive and Controversial Issues**

- Raising politically charged issues often leads to **sloganeering, boycotts, and disruptions**.
- **Example:** Parliament was stalled due to allegations against a corporate group.

### **2. Allegations of Partiality and Bias**

- Presiding officers are often accused of **favouring the ruling party**, leading to **mistrust and disorder** in the House.

### **3. Lack of Effective Political Engagement**

- Absence of **constructive dialogue and consensus-building** among political parties outside the legislature results in conflicts within the House.

### **4. Legislatures as a Platform for Political Campaigning**

- Political parties often use legislative sessions to **push their narratives**, leading to **agenda-driven disruptions** instead of meaningful debates.

### **5. Government Denial of Discussion Time**

- The ruling government sometimes **refuses to allocate time** for issues raised by opposition parties, leading to protests.
- **Example:** The UP Legislative Assembly refused to discuss the **Kumbh stampede**.

### **6. Decline in Parliamentary Standards and Values**

- Erosion of **discipline and decorum** has led to frequent disruptions.
- **Example:** Use of **communal slurs and abuses** in debates.

## **Way forward**

Ensuring the **proper functioning of legislatures** is crucial for **effective law-making and governance**. **Strengthening legislative committees** can help resolve differences and ensure smoother proceedings.

## **Conclusion**

Thus ensuring parliamentary discipline, constructive dialogue, and strengthening committees is essential for effective governance and a functional democratic process.

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**Q.2** Mention three merits and demerits each of the collegium system of appointment in the higher judiciary in India. (8 Marks)

**Ans- Introduction**

The **Collegium System** is responsible for appointing and transferring judges in the **Supreme Court and High Courts**. It was established through **the Second and Third Judges Cases (1993, 1998)** and is not mentioned in the **Constitution**.

It consists of the **Chief Justice of India (CJI) and senior Supreme Court judges**, responsible for appointing and transferring judges in the **Supreme Court and High Courts**.

**Merits of the Collegium System**

1. **Judicial Independence** – Prevents executive interference, ensuring the **separation of powers** (Article 50).
2. **Expert Decision-Making** – Senior judges assess candidates, promoting a **merit-based** selection process.
3. **Stability in Judiciary** – The government must accept a reiterated collegium recommendation (**Article 124(2)**, SC Advocates-on-Record Association v. Union of India, 1993).

**Demerits of the Collegium System**

1. **Lack of Transparency** – No public accountability, leading to allegations of **favouritism**.
2. **Absence of Legislative Oversight** – Not subject to **Parliamentary scrutiny**, unlike the U.S. Senate confirmation process.
3. **Extra-Constitutional Origin** – Evolved through **judicial interpretations**, bypassing democratic processes.

**Conclusion**

Reforms such as a **Judicial Appointments Commission** could improve **transparency and accountability** while preserving judicial independence.

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**Q.3** Write a critical note on the role of pressure groups. How can they be an effective tool for supporting governance measures? (12 Marks)

**Ans-** Introduction

**Pressure groups** are organized groups that seek to **influence government policies and public opinion** on specific issues without contesting elections. They play a crucial role in democratic governance by acting as intermediaries between the **state and citizens**.

## Critical Analysis of the Role of Pressure Groups

- 1. Disproportionate Influence** – Some pressure groups represent **powerful interest groups**, exerting political influence at the cost of public welfare.
  - Example: **Trade unions and business lobbies** influencing labour laws or corporate policies.
- 2. Financial and Organizational Power** – Wealthy groups exert greater influence, distorting democratic representation.
  - Example: **Security think tanks and private rating agencies** impacting national policies.
- 3. Disruptive Tactics** – Strikes, blockades, and protests by pressure groups can cause public inconvenience.
  - Example: **Transport strikes affecting daily life**.
- 4. Lack of Internal Democracy** – Unelected, powerful leaders may dominate decision-making, sidelining members' interests.

## Effectiveness of Pressure Groups in Governance

- 1. Bridging Government and Citizens** – They **mobilize public support** and facilitate dialogue on governance measures.
- 2. Policy Inputs and Expertise** – Pressure groups provide **specialized knowledge** to policymakers.
  - Example: **Indian Medical Association (IMA)** influencing health policies.
- 3. Alternative Advisory Role** – They provide an independent perspective, balancing bureaucratic advice.
  - Example: **Council on Energy, Environment, and Water (CEEW)** shaping environmental policies.

## Conclusion

Pressure groups **enhance participatory democracy**, ensure **government accountability**, and reflect **public concerns in policymaking**, making them vital for effective governance.

# UPPCS

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**Q.4** Examine the recent changes in the appointment process of Chief Election Commissioner and other Election Commissioners. What issues have been raised with respect to these changes? (12 Marks)

**Ans-** Introduction

The **Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023** has introduced key changes in the selection process of the **Chief Election Commissioner (CEC) and Election Commissioners (ECs)**, replacing the previous system based on judicial recommendations.

**Changes in the Appointment Process**

- 1. Search Committee Formation** – The **Ministry of Law** will set up a **Search Committee** chaired by the **Law Minister** to shortlist five candidates.
- 2. Selection Committee Composition** – The **Prime Minister, a Cabinet Minister, and the Leader of the Opposition** will select from the shortlisted names or any other person. **Chief Justice of India (CJI) removed** from the selection process.
- 3. Eligibility Criteria** – Candidates must have held a post **equivalent to Secretary-level** in the central government.
- 4. Flexibility in Appointments** – The process allows **revisions by a new government** after elections.

**Issues Raised with These Changes**

- 1. Executive Dominance** – The **government holds a 2:1 majority** in the Selection Committee, affecting **ECI's independence**.
- 2. Contradiction with SC Judgment** – The **Anoop Baranwal case (2023)** emphasized a non-partisan appointment process.
- 3. Unchecked Executive Power** – Even in case of a **vacancy in the committee**, its recommendations remain valid.
- 4. Bureaucratic Influence** – Limiting eligibility to senior bureaucrats **excludes legal and constitutional experts**, affecting the quasi-judicial role of ECs.

**Conclusion**

Ensuring **Election Commission's independence** requires a **transparent and impartial selection process**, as suggested by the **Dinesh Goswami Committee** and the **255th Law Commission Report (2015)**.

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**Q.5 Describing the functions and composition of the National Human Rights Commission, analyse its limitations. (12 Marks)**

**Ans- Introduction**

The National Human Rights Commission (NHRC) was established in 1993 under the Protection of Human Rights Act (PHRA) to promote and protect human rights in India.

**Functions of NHRC**

1. **Inquiring into Complaints:** NHRC investigates complaints of human rights violations by public servants.
2. **Court Intervention:** It can intervene in court proceedings involving human rights violations with court approval.
3. **Monitoring Detention Conditions:** It visits jails and other institutions to study living conditions and recommend improvements.
4. **Reviewing Safeguards:** NHRC reviews existing laws and constitutional safeguards to ensure the protection of human rights.
5. **Promoting Human Rights Literacy:** NHRC promotes research and education on human rights.

**Composition of NHRC**

1. **Chairperson:** The Chairperson is either a former Chief Justice of India or a former Supreme Court Judge.
2. **Members:** It consists of five full-time members and seven deemed members, including individuals with experience in human rights, and representatives from various commissions such as NCW, NCSC, etc.

**Limitations of NHRC**

1. **Lack of Enforcement Power:** NHRC can only make recommendations, lacking the authority to enforce them.
2. **Post-Retirement Influence:** The political influence of retired judges, officers, and bureaucrats can undermine its effectiveness.
3. **Time Barred Complaints:** Complaints made after one year of the incident are not considered, leaving many genuine grievances unaddressed.
4. **Limited Jurisdiction over Armed Forces:** NHRC has restricted powers over human rights violations by the armed forces.
5. **Resource Constraints:** Vacancies and inadequate funding hinder its operational capacity.

**Conclusion**

To enhance its effectiveness, NHRC needs stronger enforcement powers, greater diversity in membership, and an independent recruitment process.