



- This erosion of federal relations is often countered through appeals to restore the constitutional powers of States.

Considering the issues in political party, administrative orders of Election commission of India greatly possess the judicial capacity to find better solution. Examine

KEY POINTS

- The EC does not take suo motu cognisance of cases and comes into the picture only when one party approaches it with its claim.
- The Commission then starts proceedings which are quasi-judicial in nature, under Section 15 of the Election Symbols (Reservation and Allotment) Order, 1968, by giving a notice to the other faction to give its version
- The EC examines the claims and counterclaims of the two factions to determine which one has the majority.
- The EC looks at the strength of each group, in the party's organisation and in the legislatures, applying the test of majority.
- Whenever the EC could not determine the strength of rival groups based on support within the party organisation, it fell back on testing the majority among elected MPs and MLAs.
- Many of these cases have landed in the Supreme Court. The most significant case was that of the INC in 1969 where the Supreme Court upheld the order of the ECI applying the test of majority (Sadiq Ali vs ECI, 1972).
- It has always been the practice of the commission to give a detailed, speaking order which will stand judicial scrutiny. This is why the EC's quasi judicial or administrative orders almost always pass the judicial test.

3. GOVERNANCE

The problems in India's criminal justice system must be addressed comprehensively to help the people repose faith in governance. Analyse

KEY POINTS

- In 2002, based on the recommendations of the 172nd report of the Law Commission of India, major changes were made in the Evidence Act.
- The Supreme Court, in *Aparna Bhat and Ors. vs the State of Madhya Pradesh & Ors.* (2021) specifically said that courts should desist from expressing any stereotype opinion.

Prison reforms

- Indian prisons face three obstacles: overcrowding, understaffing and underfunding.
- No separation between hard criminals and under trails.
- Justice Mulla Committee 1983, All India cadre for prison staff and Bringing prison under the concurrent list
- Government should form a National Policy on Prisons

Police reforms