

POST-INDEPENDENCE CONSOLIDATION AND INDIAN POLITY

Time Allowed: 3 hrs.

Max. Marks: 250

Q.	Marks	Instructions to Candidate
1.		<ul style="list-style-type: none">• There are 20 questions.• All questions are compulsory• The number of marks carried by a question is indicated against it.• Answer the questions in NOT MORE THAN 200 words each. Contents of the answer is more important than its length.• Answers must be written within the space provided. <p>Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.</p>
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16/7/2017

Name JASROOP KAUR

Roll No. IAS-16961

Mobile No. [REDACTED]

Date 11-7-2017

Signature [Signature]

1. Invigilator Signature _____

2. Invigilator Signature _____

Q1. "A party that comes second, has no right to form the Government." Comment on the statement keeping in mind, the recently concluded elections in Goa. Analyze, if it was a case of abuse of Governor's discretionary powers? (12.5 Marks)

It was recently seen in the Goa elections that the INC (Indian National Congress) that got the most number of seats was circumvented in inviting parties to form government. Instead BJP (Bharatiya Janata Party), with the second largest number of seats was invited.

This is unusual as usually the party with the most number of seats is invited to form government.

However, it would be wrong to say that parties that come second has no right to form government as-

- There may be instances where the party with the most number of seats is unwilling to form a government.
- On the party with the most number of seats does not have a majority and is unable to find ^{enough} support to form government. Whereas, the party that came second has a pre or post election coalition that gives it a majority.

In such situations where no party has an outright majority, the Governor has discretionary powers as

Remarks

There are no guidelines given in the Constitution as to what to do. Usually the party with the most seats is invited which was overlooked in the recent case of Goa.

- In such a situation, the recommendations of Punchis commission come in handy which had recommended an order in which different parties may be invited by government formation by Governor such as
 - Party with an absolute majority should be invited first; then
 - Party with the most number of seats; then
 - Pre-electoral coalition of parties and so on.

The Governor seems to have ignored these guidelines in this case.

This seems like a misuse of Governor's powers as people's mandate must be respected by inviting the largest party first. The reason stating that the second largest party submitted its support coalition support first & the biggest party (INC) was too late is not a good enough reason.

To end this misuse, Governor's discretionary powers should be limited by adding such Punchis commission recommendations to the Constitution & making them mandatory.

Remarks

Support Governor's discretionary power in light of Governor's Committee (1971) recomm.

Good analysis

Q2. Do you think, making National Commission for Backward Classes a constitutional body was necessary? Critically analyze how this move of assigning constitutional status would affect the working of this body? (12.5 Marks)

Ans-

The National Commission for Backward Classes was formed after the Supreme Court suggested on the same under the famous Mandal Case or Indira Sawhney vs Union & India case.

A case arises for making the NCBC (National Commission on Backward Classes) into a Constitutional Body as

- The present NCBC is a statutory body and at present can't look into cases of complaints by Backward Classes unlike the National Commission on SC's (Scheduled Castes) or ST's (Scheduled Tribes).
- At present NCBC can also not suggest the government on policy initiatives to be carried out in favour of Backward Classes or review government policy with respect to Backward Classes.
- It can merely recommend with respect to inclusion & exclusion of castes in the Backward Classes list.

By making it a constitutional body, it will

- Looking into cases & complaints
- Advise on policies to be undertaken by government for BC's.

Remarks

Completed
 Policy
 supply
 Placement
 doctor
 Contract
 Joint
 Party
 Status

Major requirement of provisions and analysis of merits in detail required

• look into constitutional & statutory protection given to Backward classes & review its working.

However, given NDC a constitutional status has a few negative implications -

• It will make - the Centre powerful in deciding inclusion & exclusion of Backward classes in list of

Backward classes & drown the voices of states

• Till now, advice of NDC was ^{taken} considered as binding & accepted so by the government even though it Government could reject the advice.

But now Government at Centre ~~may~~ may ignore NDC's advice for political gains.

4/2

As the autonomy of NDC and voice of states is to be severely affected by making it a constitutional body, the Government should send the bill to a joint committee of Parliament & accept its recommendations wanted by the Opposition & the States.

An autonomous & inclusive NDC with critical input from the states is important for upliftment of Backward Classes in India.

Remarks

Q3: What is Separation of Power? Examine the idea of separation of power enshrined in Indian Constitution with suitable examples? (12.5 Marks)

Ans-

Separation of powers is the functional separation of the 3 limbs of the government - the Judiciary, Executive and the legislature so that they work independently without influencing or getting influenced by each other.

To ensure separation of powers, the constitution provides the following:

- An independent judiciary. The judges are appointed by the collegium system where by the legislature or the executive can't interfere in appointment process.
- Conduct of judges can't be discussed in legislature (except on a substantive motion) & conduct of legislators can't be questioned in a court of law.
- Judges have freedom to appoint its own staff, their salaries are charged on Consolidated Fund & their conditions of service can't be changed to their disadvantage.
- Advice given by Ministers to the President can't be questioned in a court of law.

Independent
judiciary
Executive
power
Judicial
collegium
Judges can
not be
discussed
D. D.

Remarks

But our Constitution doesn't provide for a perfect separation of powers as -

- Executive is part of the legislature (Ministers are members of Parliament).
- Executive is responsible to the legislature (Cabinet Council & ministers are responsible to the Lok Sabha)
- Executive is also responsible for legislating as the permanent executive, i.e. IAS officers are responsible for delegated legislation
- Legislators can also take up executive responsibilities eg - MP's and MLA's can recommend works under MGNREG
- ~~But~~ President is part of the legislature as without his consent no bill becomes a law and he summons & prorogues the parliament.

Thus the Indian Constitution relies ~~more~~ on co-operation between the 3 organs while also separating their powers in other respects.

Analytically elaborate upon underlying nature

Remarks

Imp. of elections in a democracy and adverse impact of Black money as intro.

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Q4. Highlight the key reforms regarding political funding undertaken recently by the Indian Government? Examine, if these would help to induce transparency in political and electoral system? (12.5 Marks)

Ans- Under the Budget 2017-18, the government has taken a number of steps to reform political funding.

- Cash donations to parties, which till now could be upto ₹ 20,000 per individual. Now has now been reduced to ₹ 2,000.

- The government has introduced the concept of Electoral Bonds where by any person or company which wishes to donate to the government can do so using the Bonds. As these bonds can be issued against bank accounts only in electronic form, it will curb

cash & black money used in elections. Also, parties involved will have to use it in a stipulated period of time.

- Electoral funding by ^{companies & corporates} parties has also been modified as the companies have to now disclose which party they donated to, thus introducing transparency.

- Also, Corporates can donate any amount to political parties as against 7.5% of average profits earlier.

Electoral Bonds
7.5% of average profits
Have to use it
party disclosed

Remarks

These steps have a number of implications -

- Anonymous cash donations, which earlier used to be capped at ₹ 19500 & will now be capped at ₹ 1900 & parties will still declare most of their funding came from cash donations of less than ₹ 1000 thus defeating the purpose of introducing transparency.
- Electoral bonds too won't provide transparency as name of the ^{buyer} ~~buyer~~ who buys & donates these bonds will be anonymous, defeating transparency.
- Companies by declaring their donations to particular parties will bring about transparency but they will now be harassed & victimized by ~~different parties~~ ~~to not donate to their rivals~~ & as they now will be able to know who the corporates donated to.
- By removing limit on corporate donation, corporates will be harassed by party supporters to donate them more & more.

Thus, the reforms aim to bring about digital money by curbing cash but electoral bonds should be modified by ~~not staying anonymous~~ & corporate funding should be protected from victimization.

Remarks

Highlight the positive aspect

Q5. The Religion, Caste, and Language has been the major theme of Social Segregation and division. In this reference, analyze whether the recent decision of the Supreme Court to put a blanket ban on political parties and candidates to appeal people on basis on religion, caste etc. would amount to strengthening of democracy in country? (12.5 Marks)

Ans: The Supreme Court in its recent judgement has interpreted Section 123(3) of RPA (Representation of People's Act), 1951 to ban an appeal for votes on the basis of religion, caste, community etc.

This will help strengthen democracy in the following ways.

• Politics in India has been identity based (caste, religion or community) & divisive where religion has been pitted against religion & caste against caste.

Now such divisive & identity based politics will have to be given up.

• Now politicians will have to appeal for votes based on secular developmental demands such as - setting up of more schools, hospitals, building roads & bridges, improving income, providing jobs to people. And not on basis of religion or caste.

• Election Commission will now have more teeth to tackle communal politics.

Remarks

But it will also have negative implications

Particular castes & religions in our country are discriminated against socially. eg Dalits not allowed to enter temples.

If politicians make an appeal for votes on basis that they will open temples to Dalits, then ~~this is a secular appeal.~~

But under present judgement, it will be made illegal.

Socio-

Economic indicators in various parts of the country are divided along caste & religion. eg Muslims in various parts are lagging behind in education, skills,

incomes, etc. Demanding to ~~vs~~ Appealing for votes by saying that Muslims will be educated & skilled, pulled out of poverty, Muslim lactating mothers would be provided supplementary nutrition are secular demands.

But now they will be rendered illegal.

Supreme Court judgement, thus aims to cleanse politics of communal & casteist practices but at the same time will hinder those parties coming to power who wish to uplift backward castes, religious communities.

6
Good analysis

Remarks

Q6. In the light of growing pendency of cases with traditional judicature, the need for alternative dispute mechanism has been felt. What are the merits and demerits of alternative dispute redressal mechanism? Also suggest measures to improve the performance of the traditional judiciary. (12.5 Marks)

Ans- As of 2016, about 2.7 crore cases lie pending in the district courts and 45 lakh cases in High Courts.

Cases take years if not decades to be solved. In such a case scenario, alternate dispute resolution such as Lok Adalat, Arbitration & Conciliation, Plea bargaining can help.

Briefly explain Arbitration, Conciliation
Merits & alternate dispute resolution

- Can reduce the burden of the judiciary by settling small disputes such as by mediation in Lok Adalats.
- Will reduce time & money spent by people fighting cases by hiring lawyers, going to courts, or every hearing.
- Time reduced to a few hearings, as in case of Gram Nyayalaya - just 1 summary hearing.
- Will improve image & credibility of judiciary.

DEMERITS

- Appeals to ~~upper~~ higher courts are allowed eg. In case of Arbitration & Conciliation act, appeal to High Court is allowed, defeating its very purpose.
- Alternate dispute resolution is not popular, & wasting precious

Remarks

Include more merits and demerits

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resources of government spent on it & thus keeping the burden on judiciary intact.

• Quality of investigation & prosecution is poor.

Improving performance of traditional judiciary.

• Judge-population ratio in India at present is about

17 judges per 10 lakh of population. This needs to be increased to 50 judges per 10 lakh people as in USA.

• Fill out vacancies in High Courts & District Courts.

About 40% positions in High Courts are vacant at present.

• Increase the number of days for which Supreme, High & district courts sit in a year, which at present is

less than 200.

• Culture of adjournments & reservation of judgements should be stopped.

• Judges should refrain from giving long judgments running into hundreds & thousands of pages.

• Favourable litigation should be hampered by enacting a tough law against it.

• Government is a party in majority of the cases & is an irresponsible & compulsive litigant. This needs to be reversed.

Improving traditional judiciary should be accompanied with popularizing Alternative Dispute Settlement.

Remarks

Q7. Indian states have not only been denied the 'guarantee of their territorial integrity', but also due rights as federal units. Examine the above statement considering idea of co-operative federalism, especially in context of bifurcation of erstwhile Andhra Pradesh?

(12.5 Marks)

Ans: →
 India is considered as an indestructible Union of destructible states. This is so because the name, area & boundary of states can be altered without their consent. Such a law needs to be passed only by a simple majority of the Parliament & is not considered an amendment to the Constitution. The recommendation of the state ~~case~~ concerned is not binding, but

Ref. hints

2 Although the recommendation is not binding, Centre has usually abided it. However, the case with bifurcation of Andhra Pradesh was different. The legislature of Andhra Pradesh was against a bifurcation of the state & requested the Parliament to not go ahead with it. But the Parliament went ahead with the bifurcation based on the demands of the people of Telangana region.

This goes against the principle of co-operative federalism where by the Centre is supposed to work in co-operation with ~~not~~ against the states of the Indian Union.

Remarks

Analysis of growing regionalism and parochial outlook required

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Remarks

Q8. Justice delayed is justice denied. Judiciary on one erstwhile hand is facing the crunch of manpower on other hand quality of talent is another big issue. In this reference examine the need of an All India Judicial Service? (12.5 Marks)

Ans-

- Indian judiciary is facing a number of crises -
- There are about 45 lakh cases pending in various High Courts and about 50,000 - 60,000 in the Supreme Court.
 - About 45% of judicial positions in High Courts are vacant.
 - Judge population ratio has fallen to 17 per 10 lakh people.
 - Judiciary is not attracting talented young persons due to its overburdened courts, slow pace, better employment options in private sector etc.

In such a case, forming an All India Judicial Service can be considered.

- First introduced by the 42nd Amendment act, in the Constitution, it has since been left untouched.
- By introducing it as a new All-India Service, it can attract the young talent other All-India Services such as IAS & IPS has attracted.
- Students of law who now wish to join Government Service have few options. With a dedicated service, it will attract talent from all over India in the form

Remarks

✍

- It might be the only way of ~~increasing~~ raising the Judge = population ratio in a short period of time.
- By having a specific criteria, a rigorous entrance exam & good pay, it will attract the best talent.
- It will make judiciary an attractive career option once again.

5

Indian judicial service thus seems to be a good way out to all the ill plaguing the Indian judiciary.

Elaborate

Remarks:

Q9. FRBM Act 2003, was introduced to bring transparency in fiscal management systems in the country and fiscal stability in long term. Critically analyze the success of FRBM Act and suggest the necessary reforms in the law to make it more suitable to India?

(12.5 Marks)

Ans - FRBM act, first introduced in 2003 aimed to improve the financial health of the country by

- Introducing yearly limits for fiscal & revenue deficit.
 - Barring the government from borrowing through RBI's printing money. (~~also~~ monetized deficit)
 - Govt could only borrow through WMA's ways & means advan
 - Introducing Medium term fiscal policy statement etc
- Given up after 2008 World Financial Crisis. It was reintroduced in 2012.

Effects of FRBM act

• It has helped reduce the Fiscal & revenue deficit of Union government which in 2017-18 financial year is to be 3.0% & 1.9% respectively.

- It has even managed to reduce deficits of states.
- WMA's have become the primary borrowing tool for central & state governments & RBI no longer prints currency to fund deficit.

Assessment in detail required (Cover 2003-2009 phase also)

Remarks

But

- Decline in deficits at state level has come at the cost of welfare measures.
- Gold imports have been a problem.
- Decrease of deficit means decrease in government spending on infrastructure to pull up the economy.

3

Analysis of NK Singh committee
recomm.

Remarks

Q10: Article 356 has become, 'a tool of political revenge and instrument of dominance over federal units'. In the light of the above statement, discuss constitutional provisions for President's rule? (12.5 Marks)

Ans:-

President's rule or State Emergency under the Indian Constitution can be imposed on a state on the basis of a report by the Governor or otherwise. When President's rule is imposed, the Legislative Assembly is suspended or dissolved and all the executive powers of the state lie with the President who can exercise this power through the Parliament or through officers selected by him.

In other words, during President's rule, the central Government runs the affairs of the state.

President's rule can be imposed when;

- The Governor, in his report certifies that the administration of the state can't be carried on according to the provisions of the Constitution, or
- When the state fails to carry out any direction from the Central Government.
- Break down of law & order amounting to subversion

Remarks

also qualifies for imposition of President's rule.

Since the provisions for imposition of State Emergency are open to interpretation, they have been misused from time to time by the Union Government, especially to impose it on states run by parties other than the ruling party at the centre.

Criticisms related facts in detail

The imposition of President's rule in the States of Uttarakhand and Arunachal Pradesh & on flimsy grounds by the Union Government in 2015-2016 has been criticized for ~~for~~ targeting the opposition & struck down by courts.

5/2

To avoid such misuse of Art 356, the Court judgement in the SR Bommai Case (such as compulsory floor test before suspending state government, passage of emergency by Parliament before dissolving State Assembly) must be adhered to so that federalism in India stays strong & vibrant.

Remarks.

SC's view in detail

Relevant arguments opposing the proposition required

Q11. The Internet is one of the fundamental aspect of infrastructure, which not only affects provision of government services, but also day to day transactions, especially when we are pushing hard towards the digital banking and cashless payments. In such a scenario, lacking the connectivity will not only increase digital divide, but also development deficit. Critically analyze the need for a recognition of right to internet in above context. Also, elaborate on the efforts taken by the government to achieve connectivity in rural areas. (12.5 Marks)

Ans: After Rohi, Kapda, Makan (Food, clothing & shelter), Bijli, Sochak, Paani (Electricity, Roads, Water) are said to be the basic infrastructure needed for development. ~~Seeing the rise in spread and importance of internet in recent years, internet too can be added to the list.~~

Importance of internet in today -

- To implement government's 'Digital India' mission, all products & services of government & its ministries has to be made available online for the people.
- To access benefits & services of Government schemes & policies such as National digital library, National academics directory, SWAYAM & MOOCs (Massive Open Online courses), internet connectivity is needed.
- Government's push to a less cash economy requires e-wallets, UPI app (United Payments Interface) & online/net-banking which too need internet.
- Distribution of PDS, subsidy linked to Aadhar based verification. But there are still problems areas in widespread internet.

Remarks

penetration -

- lack of connectivity, especially in remote villages, forest & hilly areas.
- Technological backwardness among people - as majority of villagers, poor, senior citizens etc don't know how to access the internet.
- General discomfort among Indians about banking over the internet, use of credit/debit cards (for fear of their card information / bank account information being stolen) & their preference for cash.
- Where internet is available in villages, its speed is slow, quality is poor.
- Poverty - Poor people can't buy smart phones or internet connection.

In view of the importance of internet & the prevalent problems, right to internet becomes important. This should be available as cheap internet services to all in form of village level kiosks, common service centres in cities & villages where services can be accessed online for one's development.

Government is taking steps to provide connectivity through

- Bharat net to provide internet to 2 lakh gram panchayats till 2018.

2. APSWAN - An initiative by Andhra Pradesh government to provide state wide aerial network.

More initiatives required

Q12. Electoral reforms are a regular and continuing process to ensure free and fair election in India. However, the recent attack by several political parties on ECI (Election Commission of India) citing tamperability of EVM has once raised the question of neutral elections. Do you think the response by ECI is adequate and satisfactory? Suggest measures to further improve electioneering in India. (12.5 Marks)

Challenging
VVPAT
Outside expert

Ans- India is one of the few countries in ~~India~~ the world to use EVM's (Electronic voting machines) for all elections. Use of technology on this scale has been hailed as progressive. But after elections for state assemblies, especially of Uttar Pradesh, it was alleged that EVM's have been tampered with & produce a result favourable to one party.

ECI in its response threw open a challenge to political party representatives to try & hack into EVM's in a stipulated amount of time. However the parties could not hire outside experts or tamper with the master board of EVM's.

This was seen as a restrictive condition, without which EVM's cannot be hacked. The response of ECI has been criticized to be insufficient to address parties' concerns.

ECI has also requested the Union Government to deploy VVPAT's (Voter Verifiable paper audit trail) in all elections so that a print out recording of votes cast can be saved & later verified in case of

Remarks

Fear of EVM tampering.

Although the ECI is taking substantial steps, parties seem to be untrusting. In order to spread confidence

among parties, it must throw open EVM's for inspection by political parties & any weaknesses in EVM's that come forward can be immediately fixed.

Transparency is the only way to achieve confidence & among parties & the general populace.

Along with it, a few other steps can be taken to improve electioneering.

- Hire foreign & Indian experts to analyze flaws in EVM's & constantly improve the machines.

- Where EVM's are stored, there should be, along with deployment of paramilitary forces, live video recording, surveillance by drones to ensure they are not tampered.

Constant improvement is the only way to ensure elections remain free & fair & both people & political parties remain confident about ECI.

Remarks

Issues other than EVMs

↓
 Measures to overcome the issues.

Q13. Failure to implement the Lokpal Bill by the government is an indication of how the political parties engage in renege with impunity on the government's promise of a corruption-free India. Analyze the statement and elaborate the recourse available with citizen to deal with political parties forgoing their key promises. (12.5 Marks)

Ans. The Lokpal bill was introduced by the government after heavy pressure was brought upon it by Anna Hazare & the huge popular support he got to wipe corruption from the Government servants & Public Sector.

Yet years after it was introduced, it has not yet been implemented but has also been watered down.

The lack of a leader of Opposition in the present Lok Sabha is listed as a reason why the Search cum selection committee can't be set up.

But the same drawback in case of selection committee for Director of CBI was overcome by an amendment calling for leader of the largest party when there is no leader of Opposition.

The provision for declaration of assets by the spouse and children of a public servant has been amended. Such a declaration is no longer needed.

Remarks

- The protection available to Public ~~servants~~ servants from prosecution ~~provided~~ by the Government has ~~now~~ been extended to retired public servants as well.

Analytically discuss the provisions as mentioned as a delimitation of Lokpal Act.

- In such a case, where political parties go back on their promises, Citizens can collectively bring pressure on the political class, as was done before by the non-violent Anna Hazare movement.

- Vote the political party out of power in the next election & vote for a party that promises change.
- Express dissatisfaction with all political parties through widespread use of NOTA (None of the above) vote.

- Take recourse through judiciary.
 - Form a political party themselves like AAP was formed.
- Citizens are thus the ultimate makers of the destiny of a nation, ^{only when} collectively ^{working} they can bring about the change they want.

5

Remarks

Q14. The numerous parliamentary committees together are acting as an ad-hoc legislature, especially in times of frequent walk-outs by the opposition parties and parliamentary blockades. Discuss how this practice affects the legitimacy of legislature in Indian political system and also analyze its effects on a ordinary MP, who is merely whipped into submission. (12.5 Marks)

Ans -

Parliamentary committees have seen a tremendous rise in their importance in the past couple of years.

Due to walk outs by opposition, increasing burden of the Parliament, increasingly technical aspects of legislations, bills are often referred to Parliamentary committees where their details are decided about by various party representatives & passage through both houses of Parliament becomes easy.

However the course to Parliamentary Committees has a number of effects on legitimacy of legislature -

- Legislation to be passed should have to be agreed to by majority of members of parliament with inputs from them, hard bargaining on contentious clauses & some give & take, which is avoided in case of Parliamentary Committees.
- Parliamentary Committees represent only a small fraction

Remarks

of the representatives of people ~~whereas~~ bills passed by should have widespread support.

- Concerns of individual MP's, even when genuine, don't get addressed.
- Individual MP's may have innovative ideas or important amendments which get ignored.
- Small groups or parties, still representing millions of people get ignored.

Parliamentary Committee system. This helps in saving time, chalking out hard bargains & increased productivity but they are unrepresentative, go against collective responsibility & are undemocratic.

Reforms such as more say to small parties, change of individual legislators to give contributions can make them more democratic.

Discuss the decline of work of PCs due to frequent walkouts also
(Ref hints)

Remarks

- Both ideas of Federalism (from USA) & Centralization (from Canada) have been borrowed but the balance maintained between them (eg. integrated but independent judiciary, centralizing tendencies, centralized CAG, elections & planning but rights of states exist) is unique.
- DPSP's (Directive principles of state policy) have been laid out keeping Indian requirement in mind.

Alongside, Indian Constitution also contains some unique features -

- Constitutional Protection to Urban Local Bodies.
- Provision of preventive detention.
- Rights to linguistic & religious minorities.
- Balance between Parliamentary Sovereignty & Judicial Supremacy.

Mention them first

Indian Constitution is thus a patchwork. It is unique & beautiful & in the words of Goemville Austin,

"India would do as she had done for centuries. Take what she desired from other cultures & bend it to her needs."

Remarks

6
Good analysis

Q16. Demand for a separate Gorkhaland is rooted into the idea of self-regulation of linguistic minorities and geographically too-different region within a state. Discuss the prudence of creating too many small linguistic or hilly states in India. Also, analyze the merits of the case of Gorkhaland as a separate state. (12.5 Marks)

Ans-

A separate state of Gorkhaland has since long been demanded out of the present state of West Bengal. The demand rests on the fact that the geography, language & culture of the area is too different from the rest of the state & only limited avenues for self-determination exist.

Separate linguistic or hilly states will have the following advantages

- Since administration will be in the local language or the language of the people, they will be able to better take part in administration.
- Protection & promotion of local language & culture.
- An end to the disturbance & unrest will promote local economy, tourism, agriculture etc.
- Grievance redressal becomes easier in a small & homogenous state.
- Homogenous developmental urges.

But if too many small & hilly states have the following

Remarks

disadvantages

- Small states may not be financially viable & may have greater dependence on Centre for funds. eg. North Eastern states depend on Centre & Finance Commission transfers to keep their economy going.
- It may lead to balkanization of the country as India consists of hundreds of languages & ethnicities which may further demand smaller states.
- Small states does not guarantee human development (education, skillings & health facilities) which may lack due to poor finances of states.
- It causes increased disputes over resource sharing. eg. Andhra Pradesh & Telangana have already started arguing over Krishna waters.

— Seat allotment
in RS and LS

(6)

The case of Gorkhaland too is an unviable one as

- It may open Pandora's box for more demands.
- The small state won't be self-sufficient in electricity, water & precious finances.

A solution may emerge in the form of making Gorkhaland a substate within state of West Bengal (like Meghalaya was part of Assam) by a constitutional amendment & putting it under Article 371 (special states) with autonomy in the form of

Remarks elected Chief Minister, Council of Ministers & own capital

Q17: "No democracy can long survive, which does not accept as fundamental to its very existence the recognition of the rights of minorities". Do you think that constitutional protection of minorities is well followed in practise? Critically Analyze. (12.5 Marks)

Ans- The function of a democracy is providing equal rights, opportunities & access to justice to all its people alike, whether they form a part of majority or minority. India is unique in this respect to have many religions & hundreds of linguistic minorities.

Art. 16, 25, 29 and 30

Provisions minorities' rights have been protected as part of Fundamental

Rights-

- They have the right to conserve their language, script & culture
- No such citizen shall be denied admission to a government aided educational institution.
- They have the right to establish & administer educational institutions
- They will be provided compensation in case of land acquisition
- They won't be discriminated against for receiving government aid

Other Constitutional rights to minorities include.

- Every state shall provide education in mother tongue to linguistic minorities

These measures are protected & enforced through

- Existence & working of special officer for linguistic

Remarks

Recent govt. initiatives

minorities.

- Inclusion of minority languages in the 8th schedule
- Providing ~~to~~ a research department, a Chair in Central University & a Centre of excellence for languages in 8th schedule
- Giving more powers to Panchayats & Rural local bodies, especially tribals under PESA (Panchayats, extension to Scheduled Areas act) to protect their languages & culture.

But protection of minorities lacks in the following areas

- Primary education to linguistic minorities in mother tongue is not always followed in practise.
- Special officer for linguistic minorities does not have power of a civil court & can't address problems of complaint.
- Not sufficient steps taken to preserve dying tribal languages.

4/2

Constitutional protection of minorities. This needs to be followed in practise. Government can help by giving more teeth to special officer to linguistic minorities or by setting up a constitutional regulatory body.

Discuss aspects in context of religious minorities also

Remarks

Q18. What is the significance of Bhoodan Movement in context of social and land reforms. Also discuss the contribution of Vinoba Bhave? (12.5 Marks)

Ans.

Bhoodan movement was a socialistic movement in post independence India. Started by Vinoba Bhave, it aimed for upliftment of the poor, marginalized landless people in rural areas.

It worked by urging rich farmers & big land holders to donate a part of their land to the landless so that they may have enough land to feed themselves & sustain their families & thus may grow economically & socially.

It was an egalitarian movement that worked against the concept of caste & class & considered everyone equal.

It was a precursor to govt government's land ceiling laws but in a voluntary manner.

Whereas government's ceiling laws took away extra land of a farmer (above the ceiling-limit) by law, Bhoodan movement persuaded the farmer to do so & his own free will.

Remarks

- It also involved redistribution of land, like the Government's land reform measure, among the landless labourers
- In the social context, it tried to fight caste hierarchy & caste discrimination in rural India.

In this movement, Vinoba Bhave had a phenomenal role to play, as he walked, on foot, scores of kilometres, persuading farmers & villagers to donate their land.

Vinoba Bhave's efforts also resulted in another socialist & egalitarian movement - the Gramdan movement.

It spread awareness in rural India of the caste discrimination & hardships faced by low castes & landless & made them try to reverse it.

Assessment of the movement in detail

4

Remarks

Q19. Discuss the contribution of Kesavananda Bharti Case Judgement in retaining India as a cherished republic envisioned by its founding fathers? (12.5 Marks)

Ans-

The Kesavananda Bharti case is a landmark judgement in the Judicial history of India. Passed in 1973.

with a 7-6 ⁴⁻³ verdict, it gave rise to a number of important pronouncements.

Most important among these was the answer to the question that 'Was the Parliamentary power to amend the constitution unlimited?'

The Supreme Court, while putting no restriction on the amending power of the Constitution put in a caveat, that the Constitution could be amended only in far as it did not amend the Basic structure of the Constitution.

The case has become famous for its doctrine of Basic features.

Kesavananda Bharti case has helped retain the idea of republic as envisioned by our founding fathers by.

Remarks

- By recognizing the basic features that making our Constitution as it was made by our fore fathers, so that the core values of our constitution can't be changed.
 - By recognizing that a transitional majority (the Parliament gets elected every 5 years & may change in composition during next elections), can't override the permanent vision of our fore fathers.
 - The courts have been empowered to protect that idea of republic as our fore fathers viewed it.
- Thus the Kesavananda Bharati case helps preserve the Indian republic & democracy but by making the some provisions of our constitution unamendable.

Discuss the observations of SC in detail

3 1/2

Shortcomings of the decision

Implications

Remarks

Q20. Discuss the process of integration of Sikkim to India? Also analyze why it is considered to be an unique example of integration of a territory? (12.5 Marks)

Ans-20 The State of Sikkim was integrated into the Indian Union in 1974. The state was originally a principality ruled by the Chogyal.

In the 1970's the Chogyal wished for greater integration with India because of which Sikkim was accepted as a ^{protectorate} Special State of India by the 35th Constitutional Amendment adding the 10th Schedule in the Constitution.

Through the amendment the Indian government vowed to oversee its defence, communication, currency & external affairs.

However the people of Sikkim wished for greater integration with India which resulted in a referendum with the majority choosing to join India.

And so the 10th schedule was deleted & Sikkim became a full fledged part of India in the year 1974.

Remarks

It is considered unique in the sense that it was a principality that didn't need to be persuaded or coaxed into joining India but did so of its own accord.

Discuss in detail

3 1/2

Remarks

