

85.5

VALUES IN THE CONSTITUTION

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. • The paper contains 3 Sections; First Section has direct questions for NCERT text books, while Second Section has questions from wide range of books and study material and the Third Section has inter-disciplinary and application based questions that require knowledge and information of other subjects as well. • Answers to questions no. 1 to 5 should be in 150 words, answers to questions no. 6 to 15 should be in 200 words, whereas answers to questions no. 16 to 20 should be in 250 words. • Keep the word limit indicated in the questions in mind. • Answers must be written within the space provided. • Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.
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Name Madhumita

Roll No. _____

Mobile No. _____

Date _____

Signature Madhumita

REMARKS

GS SCORE

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Section - A (NCERT)

Q1. Although, the Constitution of India does not use the word federation, yet the Indian Union is based on the principles of federalism. Discuss. (10 Marks)

Ans.: Article 1 of the Indian Constitution defines India as a 'Union of states'. Although, India has adopted the federal form of constitution, it doesn't use the word federation because...

- ① Indian federation is not the result of agreement among states.
- ② Union is Indestructible
- ③ States are destructible i.e. Parliament can unilaterally alter their area, names, boundaries.

Dr. Ambedkar remarked that Indian Constitution avoids the "tight mould of federalism". It can be Unitary and Federal according to time and circumstances.

Indian Union is thus essentially federal with strong centralising tendency.

Federal Principles in Constitution

* Division of powers between centre & states

* Rigid Constitution - provisions concerning states need state ratification (Half of them) to be amended.

* Supremacy of the Constitution : Both centre & state have to operate within the framework of the Constitution. Courts can declare any act violative of Constitution as invalid and hence legally unenforceable.

* Written Constitution : Centre & state's area of jurisdiction stands defined. Centre has exclusive jurisdiction on matters like currency, defence, foreign affairs. States enjoy autonomy in Public health, Local government, etc.

* Independent Judiciary to address centre-state disputes.

Thus, Indian federation is modelled after "Canadian Constitution". Presence of Governor in states as agent of Centre, Emergency declaration on grounds of war, external aggression, armed rebellion etc, Integrated-audit judiciary, Election Commission make India - "A strong Union with subsidiary federal features"

Remarks

Balanced and rigorous analysis - Good

Q2. Our interest in and fascination for democracy often pushes us into taking a position that democracy can address all socio-economic and political problems. Critically analyze.

(10 Marks)

Ans: Democracy means Popular Sovereignty i.e. rule by people. It can either be parliamentary or presidential. India has a "parliamentary democracy".

Political Democracy

- Idea of one man - one value - one vote
- ensured through Fundamental rights (Part III, Article 12-35)
- Upheld through regular, periodic free & fair elections
- Right to vote (article 326)
- legally enforceable provisions

explain these points.

Socio-economic democracy

- Includes economic equality
- Poverty, hunger, health issues
- Gender discrimination
- opportunities for growth & development
- Assistance for disables, old etc
- Ensured through "Directive Principles of State Policy (IV)"

utilize the space judiciously -

(DPSP)

Remarks

In Indian context, Democracy has not been able to solve all the socio-economic & political problems

Reasons :-

- ① Inability of people to hold their representative accountable.
- ② Prevalence of widespread illiteracy; lack of Awareness regarding rights
- ③ DRP Lack legal enforceability.
- ④ Lack of Commitment of public representatives to democratic ideals
- ⑤ Widespread Corruption
- ⑥ Developing nation's limited resources for welfare expenditure - dilution of Commitment to socio-economic improvement in life.

While democracy essentially means "Equality of all" despite differences among people, It essentially is the "People's Commitment" towards democratic governance that makes this system a success.

③
Through your analysis identify problems with democratic approach.
Read also about 'people's participation' approach.

Remarks

Q3. We cannot live in a world where there are no constraints. We need some constraints or else society would descend into chaos. Elaborate. (10 Marks)

Ans! Liberty is the term given to a life without constraints. However, liberty doesn't mean the license to do what one likes. It ^{should be} subject to some restrictions. Otherwise, people's liberty shall become violation of each other's right to life & liberty.

In this context Indian Constitution

Secures liberty to people through :-

① Preamble : liberty of thought, expression, belief, faith, worship.

② Fundamental rights : Article 12-35 under part III of the Constitution. They extend -

~~* Right to equality (Article 14-18)~~

~~* Right to freedom (Article 19-22)~~

~~* Right~~

Right to equality means all

~~* citizens are equal before the law. This means~~

Remarks

their rights shall be equally recognised by the law Courts.

Right to freedom of Right to Freedom extends -

① Right to freedom of speech & expression, Assembly,
 ② Association, movement, residence etc but they are
 Subject to Reasonable Restrictions. (Article 19)

* Speech & Expression is Subject to restrictions likely
contempt of Court, friendly relations with foreign
nations, public order, morality etc

* Movement is restricted in tribal Areas to protect
 their unique culture & Customs.

* Assembly for violent purposes is restricted.

* Residence is restricted in tribal Areas & Jammu &
 Kashmir for outsiders to maintain their distinct
 identity & allow undisturbed growth & development.

* Profession freedom to engage in any profession is
 Subject to public health. License is required to engage
 in liquor trade, other such activities. *

Thus Liberty should always be subject
 to ^{reasonable} restrictions to protect every one's rights against violation.

Remarks

↳ see from past/recent examples how
 this clause is prone to abuse -

Q4. The champions of democracy support the idea that equality is a necessary condition for social development. In this reference, elaborate on types of equality guaranteed by Indian constitution. (10 Marks)

Ans! Democracy means rule by people. It is based on concept of equal rights for all irrespective of race, religion, caste, sex, place of birth of country's citizens.

Equality as necessary for Social Development

- * Extension of equal opportunities to all citizens is must for inclusive development
- * Inequalities of income, opportunity, wealth lead to class stratification where many citizens can't develop at par with others - (violation of very idea of democracy)

Types of Equality Guaranteed by Indian

Constitution

- (1) Political Equality: This is guaranteed by Fundamental Rights Articles 12-35 in Part III of the Constitution extend
- (Article 14) Right to equality before law
 - (Article 15) Right against discrimination

Remarks

on grounds of religion, caste, sex, place of birth,

(Article 16) Equality of opportunities in matters of public employment.

(Article 17) Right against Untouchability

(Article 18) Abolition of titles.

(b) Article 326 → Universal adult

franchise to ^{all} eligible voters (above 18 years of age).

Political equality is legally enforceable in Courts of Law.

(2) Socio-Economic Equality → Guaranteed by Directive (Part IV Art. 36-51)

principle of state policy

→ not legally enforceable

→ Article 39 Equal work - Equal pay

→ Article 38: state shall endeavour to remove inequalities of wealth, income, opportunities.

→ Article 46 ∴ Socio-economic opportunities for SC, ST, weaker sections.

✳ ~~However,~~ Socio-economic democracy still is a dream for India while Political Equality has largely been realised.

(4) see if you can disaggregate

social and economic equality - what is the difference between formal/substantive equality?

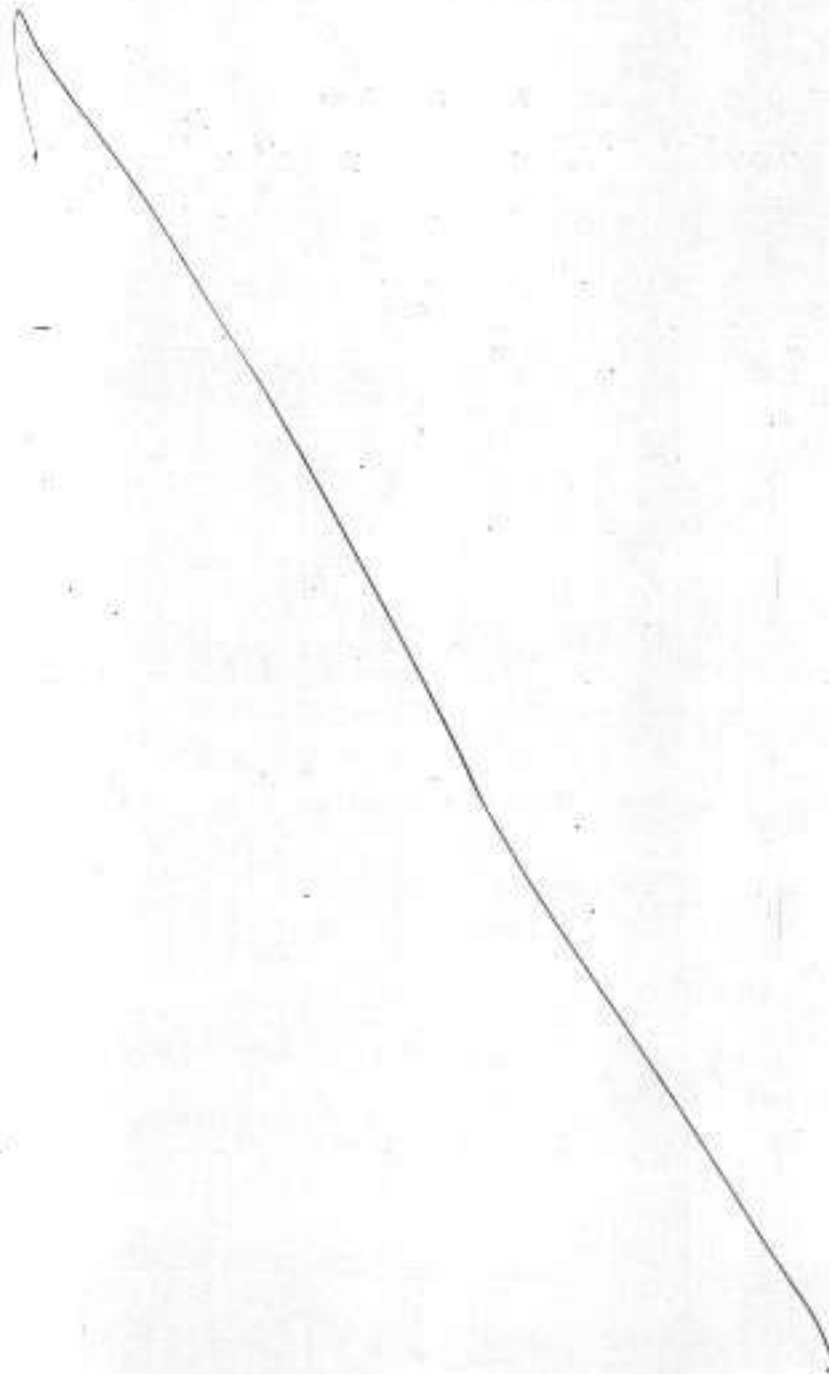
Remarks

Q5. Examine the similarities between the position of British Crown and Indian President.
(10 Marks)

Ans: Indian Constitution has adopted majority of the features from British Constitution. ~~But~~ Both have dual executive i.e. a Nominal head and a real Head. Both offices are "Nominal / ceremonial in nature".

British Crown	Indian President
<p>① The office is hereditary</p> <p>② Office occupied till death / abdication</p> <p>③ Office open to only Royal family members - (Monarchy)</p>	<p>① The Indian president is elected.</p> <p>② Office exp Elected for a 5 year term.</p> <p>③ Office open to all Citizens (Republic)</p>
<p>②</p> <p>Focus on similarities between British crown and Indian President -</p>	

Remarks



Remarks

Section - B

Q6. Under Indian setup, the president's job is restricted to rubberstamping the decisions of the central government, faithfully. In this context, analyse the functions, roles and responsibilities of President and why he doesn't need to be a rubber stamp.

(12.5 Marks)

Ans: India has adopted a parliamentary form of Government. Here, the President is the nominal head who function on the aid & advise of Council of ministers (Article 74 & 75). The advise is binding on the President.

President (Article 52) is merely the ceremonial Head. His functions :-

- ① Appointment of CAG, PM, Ministers, Chairman of UPSC, Election Commissioners. (all on the advise of the Council of ministers)
- ② President's rule, declaration of emergency etc in abnormal circumstances (on Council of ministers' advice only)

Remarks

can work
legislative,
judicial powers
executive,
separately -

- ③ Summoning the legislature
- ④ Seeking information on PM on matters of legislation, governance etc.
- ⑤ Dissolving the Lok Sabha on PM's advice or upon passage of No Confidence motions.

Not Merely A Rubber Stamp - The President

- ① He can refuse to dissolve Lok Sabha on advice of outgoing Council of Ministers.
- ② Can return the ^{ordinary} bill for reconsideration of Cabinet if ~~it~~ ~~is~~ ~~violative~~ ⑤
- ③ Exercise Veto & keep the bills hanging indefinitely.
- ④ Can refuse to impose President's rule on frivolous grounds.

Thus, President though is a nominal head, can exercise his power to ensure democracy is not corrupted by 'Unfair & arbitrary Governments.'

Remarks

Lead about
Parliament and
President's -

Q7. What is direct democracy? Is it time for India to adopt a measure of direct democracy as is being practiced to some extent in Switzerland and some states of the United States of America? Examine critically. (12.5 Marks)

Ans: Direct democracy means ~~the~~ direct involvement of people in governance, law making. Switzerland has adopted direct democracy.

Tools for direct democracy

- ① Referendum: direct voting on matters of public importance.
- ② Recall: of elected ^{leader} before completion of term.
- ③ Plebiscite: direct voting on legislation.
- ④ Initiative by public on law making, public initiates bill.

Time for adoption of Direct Democracy - No

① Population of India is huge.

→ Time taken for referendums would be too huge.

→ allowing vote on every legislation is not practically possible.

Remarks

→ few illiterate public or even educated public can't be expected to understand complex matters of policy legislation say GST Bill (new ^{an} act).

→ manipulation of ignorant, poor by vested interests to obtain a suitable legislation by luring with money, other benefits.

→ Wasteful expenditure on frequent referendums

Yes, it is time for direct democracy.

→ selective use of Direct democracy. ^{good examples}

→ Plebiscite - where public initiates legislation can be tried, it will be like PL in legislation.

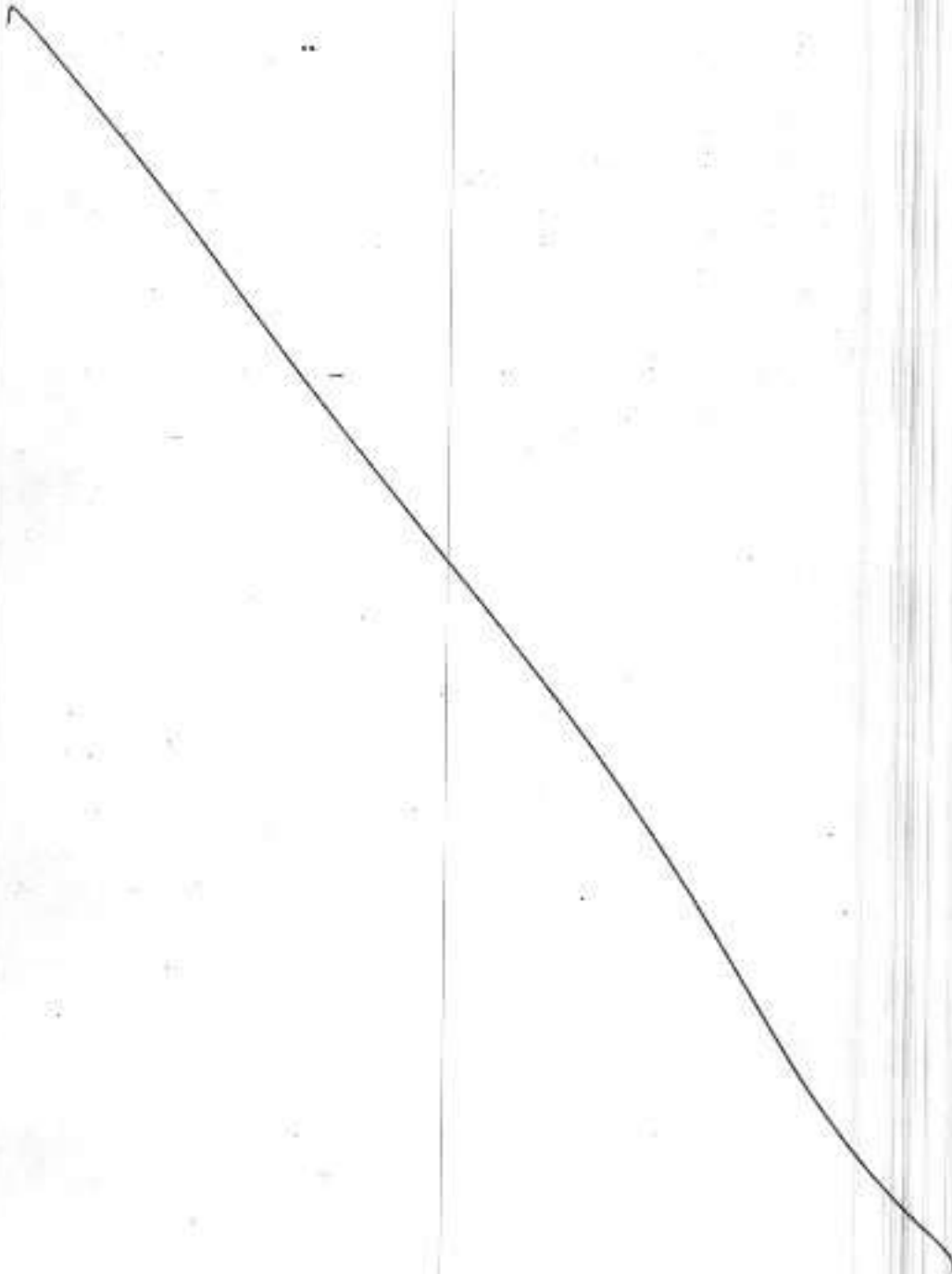
Thus, it can be concluded that selective use of tools of direct democracy is desirable while full adoption can destabilise the polity of the country.

Remarks

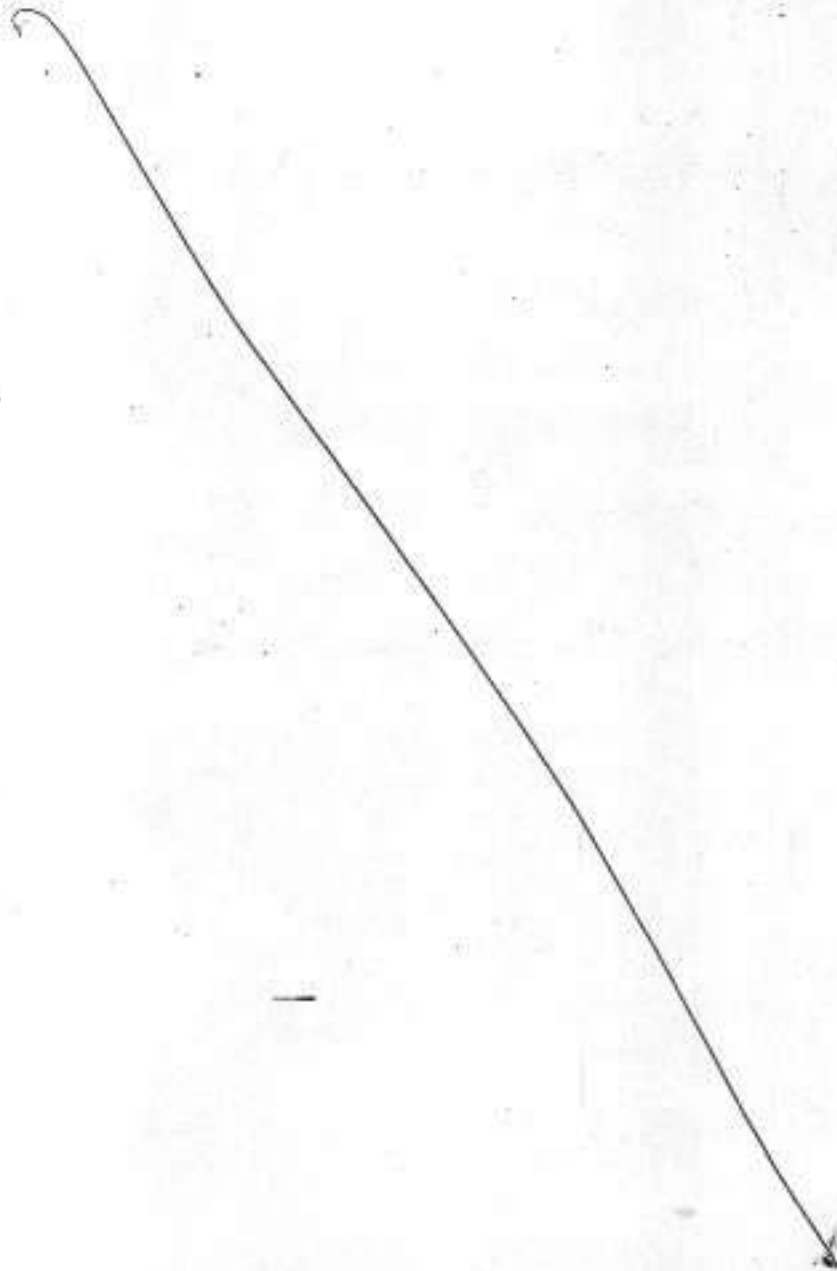
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what are issues with accountability in indirect democracy?

- Q8. Right to expression is guaranteed by the Indian Constitution, however, to ensure that citizen find proper avenues to express themselves, we need to evolve mechanisms. Elaborate. (12.5 Marks)



Remarks



Remarks

Q9. What are parliamentary privileges? Under what circumstances, they can have a conflict with civic liberties. Elaborate. (12.5 Marks)

Ans: Article 105 of the Constitution extends privileges to the parliamentarians to ensure effective performance of their duties without fear, favour, ill will.

Parliamentary Privileges

- ① Against Arrest & detention while parliament is in session.
- ② Can't be penalised for anything said or done with on the floor of the house.
- ③ Publication of genuine proceedings of the house.
- ④ Right to punish for contempt of the house.
- ⑤ Right to know regarding Arrest, detention of its members.

Remarks

Conflict of Parliamentary Privileges with Civic Liberties

- Case of sentencing of two Journalists by Karnataka ^{Assembly} Speaker for contempt of the house.
- Journalists were ~~not~~ accused of ~~a~~ violation of Parliamentary privilege by ~~it~~
- It is breach of freedom of expression guaranteed by our Constitution.

Hence, Parliamentary Privileges need to be codified to subject them to necessary reasonable restrictions & make them subject to fundamental rights of citizens.

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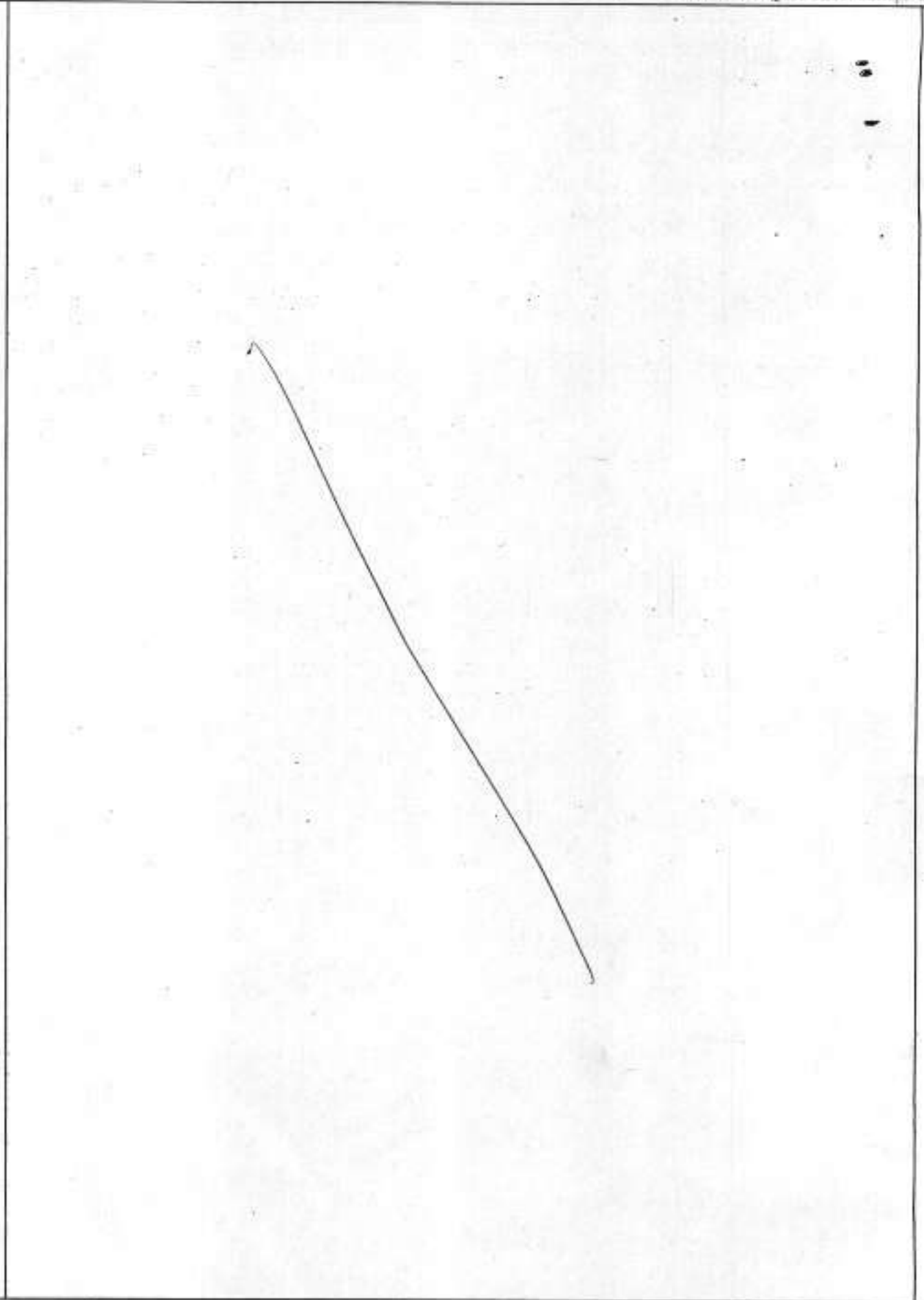
Good

Remarks

Q10. What is conscription? Examine the case of conscription in India in light of the balance between Fundamental Duties and Rights. (12.5 Marks)

Ans: Conscription means recruitment for military service.

Remarks



Remarks

Q11. Examine the difference between equality and liberty as a state's objective?

(12.5 Marks)

Ans: The Indian Constitution extends both equality and Liberty to its citizens.

EQUALITY ^{in Constitution} ∴ State extends equality through

* Preamble i.e. the Equality of Status and Opportunity

* Fundamental Rights (Article 14-18)

Liberty is secured through -

* Preamble; it is Liberty of thought, expression, belief, faith, worship.

* Fundamental rights - (Article 21) Right to life & liberty. () what about other rights?

Differences between Equality and Liberty as States objectives

* Liberty is objective → allow healthy opportunities for full development of every individual.

Remarks

* Equality of opportunity, income, employment is essential to ensure growth & development of all.

It includes, under article 15 & 16

affirmative action for weaker & backward section for their advancement in socio-economic spheres

(3)
 To elaborate on meeting provisions providing for equality and liberty, also see how it manifests into actions and nature of state.

Remarks

Q12. Examine the importance of elections in a modern democracy? Are they enough for working of a democracy? (12.5 Marks)

Ans: Democracy means rule by people. Indian Democracy is 'parliamentary'. Here people elect their representatives. These representatives in turn formulate laws & policies to effect "public welfare".

Importance of elections in modern democracy

- * Free & fair elections essential to elect "public spirited leaders" to office, for public interest
- * Opportunity for people to hold the representatives accountable; vote out the inefficient & elect alternatives.
- * Fear of being voted out compell poor representatives to work for people and honour their rights
- * Opportunity for new leaders to represent their community, region etc.
- * A sense of entitlement by exercising right to vote.

Remarks

Elections - Sufficient or not: For upholding democracy

- ① Only one of the means for democratic governance.
- ② Institutional safeguards like strengthening central vigilance Commission, Right to Information, whistle blower protection act, Lokpal etc need to be undertaken to address "electoral malpractices" like corruption.
- ③ Government by rich as elections are won by money and muscle power, poor can't compete with them.
- ④ Elections fail to address socio-economic democratic deficits - poverty, illiteracy, malnutrition, diseases, inequality of income, opportunities still persist.
- ⑤ Criminalisation of politics further limits utility of elections as a mode of upholding democracy.

Free & fair elections are essential to uphold democracy but systemic deficiencies in the system like corruption, unaccountability, money & muscle power along with communal & caste consciousness limits their ^{use}.

Remarks

what is the role played by other institutions?

Q13. What are some reasonable restrictions on freedom and liberty? Examine why they are needed for proper functioning of a modern society. (12.5 Marks)

Ans! The Constitution of India extends freedom & liberty to all its citizens through the Fundamental rights (Article 12-35, Part III). But these rights are subject to reasonable restrictions.

RIGHT TO FREEDOM

* Article 19-22 extend this right

[A-19] Right to freedom of Speech & Expression

Subject to restrictions of ^{Public} Morality, Contempt of Court, friendly relations with other nations, public order

* Right to freedom of Assembly - Subject to public order. Violent Assemblies, strikes are prohibited

* Right to movement - restricted to tribal Areas

* Right to freedom of Residence restricted in tribal Areas, state of Jammu & Kashmir.

Remarks

- * Right to freedom of Profession : Professions involving injury to public health are regulated, may require licensing. Example. Liquour Trade.

Need of Restrictions for Modern Society on Freedom

- ① To honour the natural differences of Citizens
For Example. Tribal Culture is distinct, has to be protected from outside interference. Hence restriction against free movement is justified.
- ② To avoid the violation of Community's fundamental rights : Strikes, violent protests may violate the larger Community's right of freedom of movement. Hence, restriction on freedom of Assembly is justified.
- ③ To avoid disruption of Law & order
Restriction on free speech & expression is essential to ensure 'no non-disruption of public order by individual's free speech that make invoke anger or hurt other's sentiments. Ban on Satanic verses to avoid Muslim Community's backlash.

Remarks

5/2
Rememberable clause of restrictions can be abused?

Q14. Did the Government of India Act, 1919 introduced responsible Government and ended 'benevolent despotism' in India? Discuss. (12.5 Marks)

Ans: Government of India act 1919 is also known as the "Montague-Chelmsford reforms". Its stated objective was "gradual realisation of responsible government in India" as announced by Lord Montague in British Aug house of Commons in August, 1917.

- GoI 1919 & Responsible Govt
- No definite time stated for realisation of responsible Govt.
 - Only delegated "seemingly unimportant issues to provinces" like education, health, local governance. (DYARCHY)
 - Provincial subjects (delegated) required responsibility of but less authority was given to raise finance (still with Centre)
 - 3 Indian members in Viceroy's executive Council were all elites, didn't represent real Indian interests.

Remarks

- * Reserved Subjects involving no responsibility of executive were greater than transferred subjects.
- * Right to vote extended on property, education criteria. only elites not masses could vote.
- * Governor could still veto all legislations by the legislative council.

Govt. of India act 1919, because of its failure in attaining "responsible Government" & systemic inefficiencies proved to be the shortest surviving legislation. Simon Commission was appointed to suggest improvements. GoI 1919 was a mere ploy to weaken the 'Home Rule League' & engage ~~ext~~ Moderates in the Indian National Congress to negotiate for "Constitution Reforms".

(5)

Must explain what is responsible government - relate with British constitution -

Remarks

Q15. Triple talaq which has been banned in more than 20 Islamic countries was still a practice followed in India, until recently. What is the reason behind it? How far the judicial pronouncements in India have been successful in opposing this practice? Critically Analyze. (12.5 Marks)

Ans! Triple Talaq is an Islamic practice whereby a husband pronounces the term 'Talaq' thrice to end the sacred institution of marriage.

Banned Practice in Islamic Countries, still practiced in India

Indian Constitution guarantees right to manage religious affairs (Article 26). Religious laws of Communities were considered free from scrutiny of fundamental rights until the

Shah Bano Vs Union of India Judgement by Supreme Court in 2018.

→ Triple Talaq, now is constitutionally invalid in India.

→ The judgement became ground for enactment of 'Muslim Marriage (Protection) act 2018

Remarks

- it is still in operation as an ordinance
- Rajya Sabha is yet to pass the bill.
- The ordinance makes it an unailable offence to divorce women (muslim) by Triple Talak.

Success of judicial pronouncement in opposing this practice

- ① Depends upon acceptance of the verdict by Muslim Personal Law Board.
- ② Practice may continue ~~in~~ "behind the veil of social pressure on women. They may not approach the court for enforcement of their right.
- ③ Political consensus on the issues is yet to be achieved.
- ④ Even muslim women have protested against the verdict as 'interference in their religious freedom'

(4)

categorically explain why did it continue till now!

Remarks

Section - C

Q16. The Supreme Court issued a notice to the Centre over a public interest plea seeking direction to establish guidelines to prevent torture, cruelty, inhuman or degrading treatment of jail inmates. In this context, discuss the need of prison reforms and various measures in this direction. (15 Marks)

Ans! Supreme Court, an institution established under article 124 of the Constitution, is the guarantor of fundamental rights of citizens against the arbitrary actions of state.

SC's notice to Centre over PIL seeking guidelines ~~to est~~ on prevention of torture, cruelty, inhuman or degrading treatment is justified.

Under Article 21 Right to life & liberty of the Constitution. The condition of inmates in prisons are obviously violation of right to life & liberty.

Prison Conditions in India

- ① Lack of Access to proper sanitation & hygiene (insufficient toilets, bathrooms vis-a-vis number of inmates)

Remarks

② Over crowding; inmates languish in jails without trial for years.

Law Commission reports almost 70% under-trials are accused of 'fetty crimes'

③ Violence by inmates in jails. Rape, murder convicts are hardened criminals vs-a-vis pick pockets & robbers

④ Women inmates & complaints of sexual assault & physical abuse. (Drohani Mukherjee & case in Ayculla Jail)

⑤ Sanitation issues - more impact on women's health.

⑥ Difficulty in securing bail.

⑦ Preferential treatment for few inmates (Sasikala case in Tamil Nadu)

⑧ Insufficient efforts on education & reform of inmates. & to allow assimilation in social mainstream fast release from jail.

Remarks

Need of Prison Reforms

- ① To uphold right of life & liberty of inmates last resort is state's responsibility,
- ② Need for simplification of ~~hair~~ bail securing procedures.
- ③ Addressing over crowding by speedy resolution of cases
- ④ Around 3 crore cases are pending across various courts in India. Alternative measures like National Lok Adalats need to be strengthened to address pending cases.
- ⑤ Skilling & rehabilitation of inmates need to be emphasized upon.
- ⑥ Special focus on "SWACCH BHARAT ¹⁹ ABHIYAN"s extension inside jails to protect against spread of diseases among inmates.

7½

Remarks

Comprehensively addressed the demands of the questions

Q17. Democracy is truly functioning when people have right to recall legislators and held them accountable for what they were elected for. In this reference, critically examine the need for the right to recall option in India. (15 Marks)

Ans! Democracy means rule by people. India has adopted ^{Indirect} parliamentary democracy, people elect their representatives through election conducted by Election Commission (Article 324)

Right to Recall It means the right to remove the elected representatives from office before the tenure ends.

Need for right to Recall → It's needed

- ① Legislators forget people after elections.
- ② Guaranteed 5 year tenure induces a sense of complacency.
- ③ Prevalence of widespread poverty, diseases, illiteracy even after seven decades joint

Remarks -

towards flaws in democratic governance, &
 commitment of the representatives.

⑥ IT IS NOT NEEDED

① Public spirited leaders might be recalled on frivolous grounds

② Unnecessary expenditure on ^{tr} regular-frequent elections

③ fear of being removed upon smallest of mistakes may deter representative from working with full efficiency

④ Opposition leaders may conspire in getting the right fully elected representative.

⑤ Not conducive to stability in Governance.

Thus, Right to recall seems like a potential tool of accountability

Remarks

→ your conclusion should not be abrupt; it should be based on above analysis!

in the first instance but associated evils can't be ignored. It's better to reform the electoral system to bring "representatives committed to public welfare" in Government.

Reforms in Electoral System

① Venkat Chaliah Committee recommendation on permanent ban on candidates convicted of heinous crimes needs consideration

② state funding of elections recommended by "Indrajit Gupta Committee" to address issue of corruption & use of money power needs to be considered.

③ Paid news be made an electoral offence (Law Commission recommendation (255th report))

Cleansing of electoral system

shall ensure only good people assume public offices thus avoiding the need for right to recall.

Remarks

Focus on
"Right to
recall"
largely

Q18. The Supreme Court's landmark and unanimous judgment that individual privacy is a guaranteed fundamental right under Article 21 will further increase the scope of the most liberally inserted article. In this context, discuss how the judgment interprets privacy and its implications on Aadhaar and Article 377? (15 Marks)

Ans! Supreme Court upheld Right to Privacy as "fundamental right" under article 21 of the Indian Constitution in its recent "PUTTASWAMY VS UNION OF INDIA" judgement.

Scope of Article 21 from its various judgements, the scope of right to life & liberty has been amplified by Court to include -

- * right to sleep
- * right to electricity → think again
- * Right to pollution free environment
- * Right against custodial torture
- * Right against expulsion from state etc.

Implication of 'Puttaswamy Judgement'

- * Privacy :- is interpreted as an inalienable

Remarks

Right of Citizens Subject to "Reasonable Restrictions"

Implication on Aadhar

- initially accused of being a tool of state surveillance
- SC Court recently upheld Aadhar as a tool of empowerment of poor.
- Aadhar is mandatory for filing tax returns, availing state subsidies etc.
- Use of Aadhar by private sector has been declared unconstitutional.

Thus, Aadhar has been declared constitutionally valid to the extent of effecting 'Public welfare'. It may be viewed as upholding privacy subject to 'welfare' obligation of state.

Remarks

Article 377 : In its recent judgement, Court has "NARTEO SINGH DOHAR VS UNION OF INDIA", "decriminalised Gray box."

It is also under Right to privacy that SC considered it illegal to punish individuals for their choice of sexual orientation & satisfaction of sexual urges.

Right to privacy's acceptance as fundamental right has also led to increasing concerns over 'Data Protection' in cyberspace. Saikrishna Committee recently came up with "Draft Data Protection guidelines". It is likely to lead usher in safe cyberspace for citizens.

(6)

Read more about reasoning of the SC; and also see criticism against it.

Q19. The indirect democracy stands on the principle that government of experts could make long-term plans for the nation's future than normal citizens. But political corruption has converted this principle to the myth. How can accountability be brought in indirect democracy? Does a qualification criterion be made for election both for election and candidate? (15 Marks)

Ans! Democracy means rule by people. It is of two types —

- ① Direct democracy: Swedish model of Polity through recall, initiative, referendum, plebiscite.
- ② Indirect Democracy: Representatives elected by public make laws & exercise power.

India adopted Indirect Democracy.

Myth of Indirect democracy & Political Corruption

- ① Political Corruption is the source of all forms of Corruption in India.
- ② Association for Democratic reforms → 69% of political party funding by ~~own~~ unknown sources.

Remarks

- ③ Huge expenditure on elections by candidates despite limits set by election Commission
- ④ Candidates see election expenditure as an investment which gives disproportionate returns post election.

They siphon off huge funds meant for public welfare for their own enrichment.

- ⑤ Criminalisation of politics - no hope of honesty from such candidates. Trust of public is obvious outcome.

Accountability in Indian Governance

INDIRECT DEMOCRACY

- ① Adopting Verkaat Chaliah Commission recommendations * permanent ban on heinous crime convicts from contesting elections.
- * ~~declaration of~~
- ② Right to Recall of inefficient, corrupt leaders.

- ③ Strengthening institutions like ~~Chief~~ ^{vij} Central vigilance Commission.
- ④ Enforcing right to information more efficiently through digitisation & public awareness.
- ⑤ Operationalise Whistle blowers protection act (2013) to expose & punish corrupt politicians
- ⑥ Lokpal ^{like} strong institutions to stop & punish corruption.

Qualification - Criteria for election

setting certain qualifications like -

Yr
5

- ① Zero Criminal record.
- ② Mandatory disclosure of Assets, wealth of candidates (after fresh audits) at the time of filing nominations
- ③ Contribution to public welfare prior to election

can go a long way in ensuring Assumption of public office by honest people who are committed to citizen welfare.

criteria who the
imposition of
a qualifications
criteria

Remarks

Q20. The Supreme Court upheld the constitutional validity of sections 499 and 500 of the Indian Penal Code providing for criminal defamation over free speech. In this context, elaborate on the arguments of the Supreme Court to uphold the validity of these sections and significance of the judgment. (15 Marks)

Ans! Criminal defamation means imposition of jail term for defaming any individual.

Section 499 & 500 of IPC were recently upheld by the Supreme Court.

A ~~Right Against~~ Right to reputation has been interpreted by the Court as part of Article 21: Right to life & liberty.

Implication of judgement

→ Political tool by parties to silence Civil Society upon its genuine criticism.

→ It is violative of freedom of speech & Expression.

→ Even legitimate concerns like exposing scams

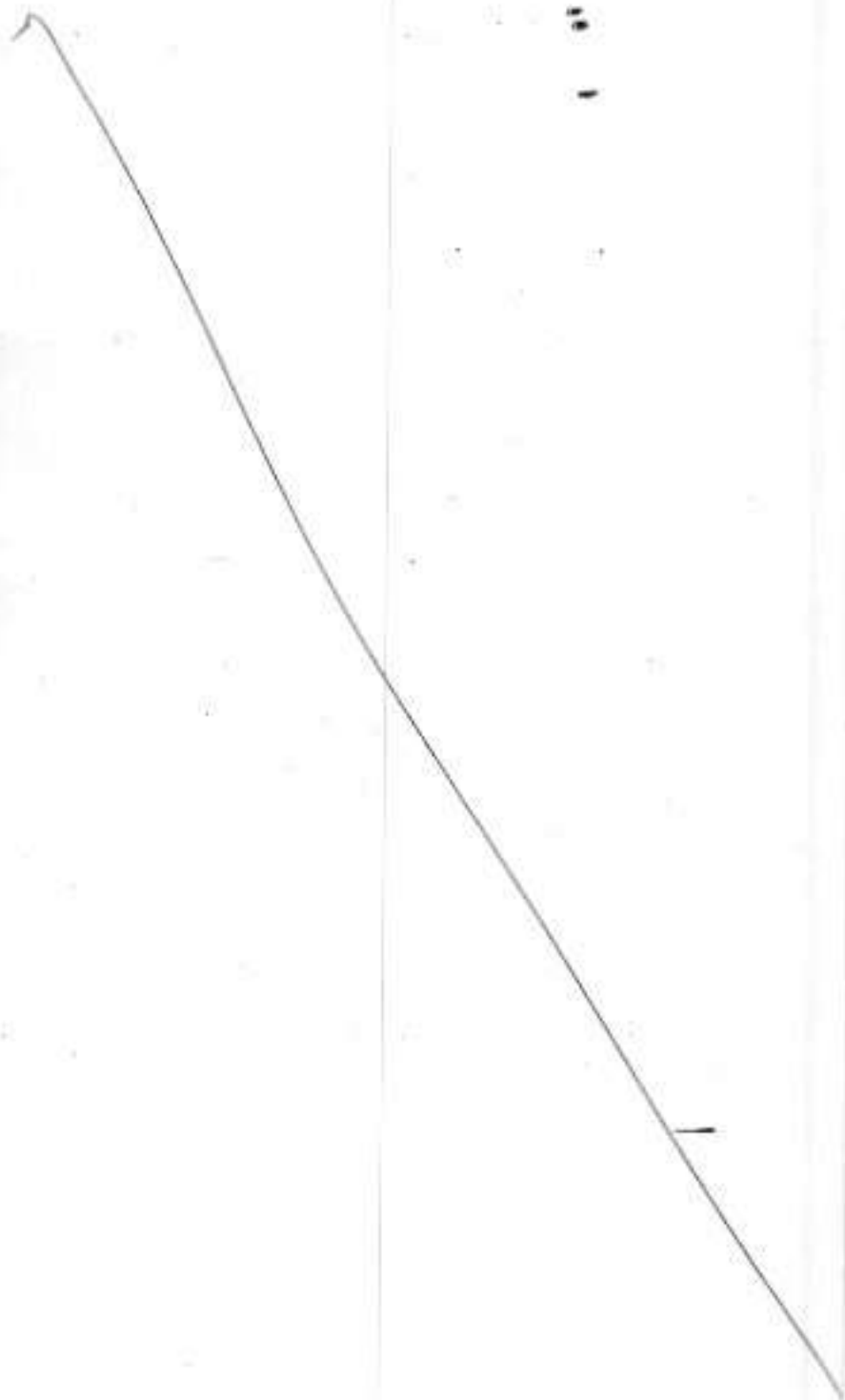
Remarks

may invite imprisonment for Activists.
 → most defamation cases are stopped by
 politicians against Journalists (THE HINDU REPORT)

Most of the nations have
 retained Defamation as a civil offence
 that can be compensated by commensurate
damages. At the time the Apex Court reviewed
 its verdict to usher in era of ^{legitimate} freedom of
 speech & expression without fear of Prosecution
 by those who exercise this freedom.

(5)

Bring aspects given
 by SC in defence of
 defamation as a
 criminal offence?



Remarks

- an order
- due
supra court

spec 2 cc
Asse 1919

→ note
→ 2. PCC

→ Boromendin
Dyarchy transfer Subj

Am
Brea
- note - | (5) members
of

19
20
21
22

14, 15, 19, 21

Liberal
Lafal
liber