

INDIAN POLITY AND CONSTITUTION + POST-INDEPENDENCE CONSOLIDATION

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. • Answers to questions no. 1 to 10 should be in 150 words, whereas answers to questions no. 11 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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95

1. Invigilator Signature _____
 2. Invigilator Signature _____

Name SHIREEN PRAKASH
 Roll No. _____
 Mobile No. _____
 Date _____
 Signature Shireen Prakash

REMARKS

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Section - A

Q1. What is the meaning of the term 'Sovereign'? Who is considered as 'the Sovereign' in India? How does 'the sovereign' command the country? (10 Marks)

The Preamble to the Indian Constitution mentions that India is a sovereign democratic socialist secular republic.

Meaning of Sovereign

- Sovereignty implies freedom from external interference to govern the nation. The sovereign nation has autonomy ^{and internal} ~~liberty~~.
- external - no outside powers (nations or organisations) can interfere or dictate the nation.
- internal - a legitimate government has the authority to govern the country without interference.

In India, people are considered as the sovereign and the constitution derives its authority from the people.

The people have the right to choose their representatives as individuals, who will exercise power on their behalf.

The sovereign commands the country through framing thousand policies and acts within the limits outlined by the

you have described it. meaning of well, but doesn't follow common sense. has any effect on India's sovereignty?

3.5

Remarks

2nd part needs to be described better. link it with representative democracy.

Good, that you linked it with popular sovereignty.

Constitution

Remarks

Q2. Elaborate the 'Principles of Natural Justice'? Illustrate how these are implemented by the Indian constitution? (10 Marks)

The principles of natural justice are necessary to ensure the delivery of fair and impartial justice.

Principles of natural justice

- No man shall be a judge in his own case
- No man shall be condemned unheard.
(right to free and fair trial)

Good points

The constitution through its various provisions facilitates the implementation of natural justice

Fundamental rights:

- Article 14 guarantees equality before law and rule of law according to which all no person shall be made to suffer in body or goods except for an offence which will be proved in an ordinary court in an ordinary legal manner.
- Hence no person is above the law and there are no privileges for any class of persons
- Article 22 of the constitution gives the right to be represented by a lawyer in case of arrest by the police. It also gives the right of representation ^{in case of preventive detention} of prisoners.

Remarks

Talk about Art 20, 21 well.

before the detaining authority in case of preventive detention.

- Article 32 of the constitution gives constitutional remedies against violation of fundamental rights
- Separation of judiciary from the executive to ensure judicial independence.
- Under the constitution, the judges of the Supreme Court can't practice in any court in India after retirement
- In the appointment process of to various watchdog bodies, pecuniary interest is a criteria for removal udangan
- The ~~word~~ office of profit is a criterion for disqualification for election to the legislatures.

Hence, the constitution upholds the principles of natural justice, in order to ensure complete justice.

Overall you have attempted it well

✓ Just Relate it with Preamble DPSP as well

4/2

Q3. Examine the difference between equality and liberty as a state's objective?

(10 Marks)

Equality implies the modern day nation state guarantees equality and liberty to citizens as being essential for their all round development.

Equality: → absence of privileges and in favour of any class or discrimination against a particular group (Article 14 of the Indian Constitution)
→ equality of treatment under equal circumstances (like should be treated alike - equal protection of laws)

→ All persons are subject to the law of the land and equally amenable to the jurisdiction of ordinary courts.

liberty, on the other hand, implies absence of restraints and ^{arising} opportunities for the development of all individuals, hence it implies freedom of thought, speech and action.

liberty as a state's objective also necessitates equality since in the absence of equality, liberty would be the privilege of a few class of individuals and perpetual discrimination and inequalities in society.

Remarks

Meaning of both the words has been explained well

However, equality without liberty would kill individual initiative.

Hence, while equality is meant to end discrimination and liberty is aimed at guaranteeing freedom to individuals in speech and action.

Thus,

According to B. R. Ambedkar, liberty, equality and fraternity form the trinity and hence can't be divorced from one another for enabling complete democracy.

In last part you should describe how state want to fulfil both the objectives

Link Equality with

Positive intervention of state, while Liberty

with minimal intervention

4

Q4. Harmony between Fundamental Rights and the Directive Principles of State Policy is essential to balance the "social interest" over "individual interest". Discuss the relationship that has evolved between the Fundamental Rights and DPSP. (10 Marks)

According to James Austin,
Fundamental rights and Directive Principles of State Policy collectively form the conscience of the constitution.

Introduced very well.

Fundamental rights: uphold civil rights and political democracy while DPSPs are aimed at bringing about social and economic democracy in the society. Hence, while fundamental rights uphold individual interest, DPSPs aim at achieving collective welfare. This sometimes creates conflicts like in case of land reforms (DPSPs - Article 38 and 39) and Right to Property (now former fundamental right).

Evolution of relationship

- The relationship evolved as a result of the tussle between the judiciary and the executive in the case of land reform implementation.
- In the early years, the Supreme Court always accorded a superior status to the fundamental rights (Solaknath case 1967 - Parliament can't amend fundamental rights) → mentioned 25th (A) after this
- In 1978 (Keshavnanda Bharati Case), the Supreme Court upheld the 25th constitutional Amendment Act, 1971 which added Article 31C accordingly.

Need to do this case as Champkam well.

Remarks

to which Article 14, 19 and 31 could be amended to implement Art 39(b) and (c) of DPSPs and said that balance between fundamental rights and DPSPs was a part of the basic structure.

• In 1980 (Minerva Mills case); the court ~~struck~~ however struck down the provision in the 42nd amendment Act of extending into Article 31C to all ~~fundamental~~ DPSPs by saying that the scarcity of resources is the reason for non justiciable nature of DPSPs and court will lead into harmony and not conflict between the rights and DPSPs.

• Subsequently, with the ~~rise~~ emergence of PILC and a more active judiciary in the recent years, the Supreme court has through narrow judgements enlarged the scope of Article 21 which has also led to implementation of DPSPs (environment (MC Menta case), Right to food etc).

rights, presently are Fundamental rights enjoy a privileged position above the DPSPs but the Parliament can amend the fundamental rights to the extent of not destroying the basic structure.

4.9

Conclusion is good, but try to explain and ^{looking} amendments and decision with more clarity.

Remarks

Q5. Moral policing and vigilantism inherently have element of coercion hence curbs individual liberty. What measures have been taken to curb vigilantism in India? (10 Marks)

The Preamble to the Indian

Constitution guarantees individual liberty to its citizens. However, ~~not~~ moral policing and vigilantism often restrict this exercise of liberty.

Moral policing is meant to enforce the rules of conduct in terms of clothing, social behaviour (manners), food habits of a particular group (ethnicity, religion, caste) on another group. Such coercion also results in ~~very~~ mob violence and vigilantism (now vigilantism, Mob violence after fake messages circulated on whatsapp).

Reasons → Commercial, caste divisions
 → Rising use of social media and social media illiteracy - fake news
 → Poor ^{law} enforcement and deterrence.

Steps taken to curb vigilantism

- Supreme Court judgement on mob violence in 2018 which outlined several measures to be taken by the police authorities like
 - appointing a Nodal officer
 - identification of sensitive districts
 - fast track courts and mob violence victims compensation scheme
 - wide publicity against mob violence in the media (print and electronic)

Good that you described it with relevant examples.

Remarks

- States like Madhya Pradesh and Rajasthan have formulated laws on mob lynching
- Ban on hate speech during elections. The Election Commission in view of Section 6 of Representation of People Act, 2013 took steps against candidates inciting mob violence.
- The Information Technology Intermediaries Rules, 2018 direct social media sites to ~~delete~~ block or take down indefinite content on the directions of the government.
- Vigilantism violates the principles of rule of law and innocent until proven guilty. It also brings a bad name to India.

Formulation of a comprehensive law on vigilantism along with creating awareness of India's ethos of Sama Bhava Samaan Bhava is the need of the hour.

4-2

Can suggest more measures to conclude it better

Further
Mention
↓
Declaring
what
punishing
illegal
- etc.

Q6. "Healthy bicameralism is predicated on the constructive relationship between Upper and Lower Houses of Parliament". Analyse the contemporary relevance of the statement. (10 Marks)

The Indian Parliamentary system of government is based on bicameralism - House of the People (Lok Sabha) and House of the States (Rajya Sabha) Council of

• The successful passage of all bills (except money bills) in both the Houses along with residential assent is needed for enactment of laws in India.

• While the Lok Sabha is comprised of elected representatives, the Rajya Sabha has indirectly elected and nominated members. The Rajya Sabha is ^{or} ~~a~~ second and not secondary house of Parliament and it helps in

- upholding federal equilibrium
- preventing hasty, ill-concerned legislation motivated by populist pressure
- representation to experts from various fields

Healthy bicameralism is based on constructive coordination between the two houses. However in

Recent times, it has been seen that the absence of majority ^{of the ruling party} in the Rajya Sabha ^{some} has led to certification of money bills

Good, you are describing significance of Rajya Sabha as required

Remarks

as money bills (~~Aadkaj~~) to avoid obstruction by the Rajya Sabha ^{bill} ~~bill~~ Aadkaj

→ Obstruction posed by the Rajya Sabha in case of bills passed by the Lok Sabha

→ 11 of 22 bills passed in the ~~new~~ last session were not referred to committees. This has adverse implications since it can reduce the quality of debate and discussion and also prevent the upholding of federal interests in Parliament. Frequent disruptions also lead to loss of productivity and delay in policy making.

Coordination and dialogue between the two houses achieved through the forum of Parliamentary Committees can generate healthy bicameralism and uphold parliamentary democracy.



Try to incorporate some concrete measures to solve issues such as Certificate of Money Bills etc.

Can also talk about Provision of Joint sitting sometimes undermining upper house

Q7. How far is the death penalty justified, given the 'Right to Life' in the constitution? (10 Marks)

Article 21 of the constitution guarantees that no person shall be deprived of right to life and liberty except in accordance with procedure established by law

India is one of the few (55) countries which still allows death penalty. Capital for certain offences does not violate Article 21 since or as long as it is ~~imposed~~ ^{imposed} by a competent legal authority.

- it is imposed in accordance with laws that have been framed by a competent legislature
- the prescribed ^{legal} procedure has been followed.

Moreover, the impact of the crime is seen by its impact on the victim and consequently death penalty produces a deterrence effect upholding Article 21 of the constitution for the victims (eg: Terrorism, sexual crimes...)

However, the death penalty may not be justified on the following grounds:

- Delays in the criminal justice system and arbitrary application of the rarest of rare doctrine

Good, but try to improve presentation

Need to highlight more facts to justify its existence

Remarks

have meant that the prescribed procedures are not followed adequately and there are delays in justice delivery and ^{compromised} deprivation of right to life

• Biasness in the criminal justice system leads to the poor or those socially marginalised disproportionately ~~being~~ ^{being} subject to death penalty.

• No deterrence effect - Substantiate

• It violates the theory of rehabilitation and reformation of justice.

Report. data

A discussion on the application of death penalty is needed to ascertain its

effectiveness.

Conclude it better by quoting opinion of law commission on this -

3.5

Good, just provide context facts etc strengthen your argument.

Q8. India adopted different methods for the integration of princely states. Critically analyse those methods and their effect. (10 Marks)

There were 565 princely states in India occupying 40% of the total area and having varying degrees of autonomy under British paramountcy. At independence their integration was necessary to safeguard the integrity and unity of the newly independent nation.

Integration of princely states: Sardar Patel played a stellar role in this regard.

→ First he convinced the princely states to give up their powers under 3 heads - Defence, External Affairs and Communications and also hinted at coercion in case of their refusal to do so.

As a result of his deft diplomacy, almost all the princely states decided to India except Kashmir, Jammu and Kashmir, Hyderabad, Manipur, Junagadh - integrated through a referendum in which people clearly expressed their wish for accession to India.

Junagadh - integrated through a referendum in which people clearly expressed their wish for accession to India.

Hyderabad - military operation (Operation Polo) in Hyderabad - the Nizam had unleashed razakars on the people and was not acceding to India.

• In Kashmir, Maharaja Hari Singh signed the Instrument of Accession in October 1947 after invasion by Pakistan where it was agreed

Remarks

Fairly good

Need to highlight his methods of persuasion of princely states
adult
primary
purpose
etc
well

Instrument of Accession

that a constituent assembly would be formed for Jammu and Kashmir and article 370 would be inserted in the Indian constitution to grant autonomy to Jammu and Kashmir, Jammu and Kashmir was an integral part of India.

Positive Analysis

→ the integration was in line with the desire of the princely states' people to join the Indian union since they had been a part of the freedom struggle.

→ flexibility in accommodating plurality and autonomy

→ safeguarding unity and integrity of India

However, there has been criticism in case of the accession of Jammu and Kashmir when it

was said that a separate constitution led to separatism and prevented complete integration

A strong yet flexible

constitutional framework along with strong leaders has made it possible to accommodate multiple identities.

4

basically good but you should also talk about

certain limitations/ issues with such methods

India still facing

Emergency in north East, the issues etc

Remarks

Q9. Critically examine the importance of complementarity between cooperative and competitive federalism in India, to promote economic growth and development. (10 Marks)

India has adopted the ~~best~~ Canadian model of federalism with a strong Centre. However, the cooperation of the states is necessary in achieving socioeconomic welfare.

Cooperative federalism envisages coordination between the states and the centre for achieving common policy goals. The GST Council with its concept of pooled sovereignty is an example. Competitive federalism envisages healthy competition between states in areas of improving health, education, attracting investment, etc.

For Need for complementarity

→ Structural reforms in case of economic sphere in terms of attracting investment, access to important resources like electricity, labour reforms, etc. require coordination between states since labour, etc. is a state subject and also competitive federalism can also incentivise the states to improve their performance.

eg: State's Ease of Doing Business Index, Innovation Index, etc.

→ Agriculture, health etc. are state subjects which require

Remarks

Among states and centre

far reaching reforms. While cooperative federalism can ensure harmony in the working of the centre and states, competitive federalism can incentivise states to reduce their dependence on the centre and also ensure sharing of best practices.

• Both working in tandem can also lead to states taking up the initiative to bring about reforms in different areas.

However, competitive federalism should not lead to competition between states that may be unequal in terms of economic growth and development.

The central government should encourage the states to implement their own development agendas and institutionalise cooperative and competitive federalism through institutions like the Niti Aayog, Inter State Council etc.

4½

Remarks

Good, but you should describe it as a limitation of competitive federalism and then suggest the need for co-operation as well.

Q10. Why is Article 19 (A) considered essential for the efficient working of Indian democracy?
In what way does it pave the way towards strengthening the fourth pillar of democracy?
(10 Marks)

Article 19(1)(a) of the Constitution in Part III states that all citizens have the right to freedom of speech and expression.

The right to freedom of speech and expression include:

- Freedom of the press
- Right to communicate one's own views as well as views of others → Under right to expression others' opinion → Freedom of press
- Right to know about government activities
- Right to commercial advertisements and freedom against tapping of electronic communication

Essential for the efficient working of Indian democracy

since it a) enables the citizens to indulge in free criticism and dissent of the government
b) gives the freedom to know about government activities which paved the way for the right to information act

c) electoral transparency - supreme court, in ADR vs union of india stated that Article 19 gave the right to have information about candidates for elections hence candidates have to give details about assets, liabilities, criminal antecedents
In 2013, it said that Art 19(1)(a) also conferred the right to negative vote (silence) - NOTA option

Remarks

Good, that you described facts to explain significance of this right.

Article 19(1)(a) is essential for strengthening the media that is the fourth pillar of democracy since it gives the right to the media to indulge on fair criticism of the government.

→ It also implies that the government can't have a monopoly over print or electronic media

→ the media also acts as the watchdog and brings about accountability and transparency and gives a voice to the citizens.
It also helps people aware about any

However, it has been seen that the government often imposes excessive restrictions like sedition, degradation, etc to curb dissent.
lawful dissent

Can members media is media independent explore democracy freedom

Freedom of speech and expression is the lifebreath of the democracy. and free and responsible media is necessary for empowering citizens to enjoy that freedom.

largely, you have attempted it well.

5

Section - B

Q11. There are three justifications for regulatory interventions; prevention of market failure, checking anti-competitive practices and promoting public interest. In context of the above statement, critically examine the functioning of regulatory bodies in India.

(15 Marks)

Remarks

Remarks

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Remarks

Q12. "Even though India represents a sui-generis case of a compromise between Parliamentary Supremacy and Judicial Supremacy, the Parliament still remains the dominant partner." Critically analyze. (15 Marks)

The British Parliament is sovereign or supreme in the sense that its acts or legislations can't be struck down by the judiciary. In contrast, in the US, the judiciary enjoys vast powers of judicial review, under the due process of law as a result of which it is ^{sometimes} called the third chamber of legislature.

In India, the constitution establishes a synthesis between parliamentary supremacy and judicial supremacy.

Hence, the Parliament's supremacy is limited or constrained by

- The written nature of the constitution which clearly stipulates the powers of the Parliament, the judiciary and the ~~executive~~ executive.
- The fundamental rights which limit the Parliament's powers.
- Federalism: states are supreme within their legislative domain except in special circumstances.
- The Doctrine of Judicial Review given under Article 13, 226, 32, etc of the constitution.

Remarks

Good, that you described meaning of 1st part of statement.

as a result of which laws which are violative of the constitution can be struck down to the extent of their violation.

However, the doctrine of judicial review is limited in comparison to the US since in India, it is based on ascertaining the procedures based on law and not due process of law.

Consequently, the courts can't go into the wisdom of the legislature or normally, the reasonableness of the law.

The procedure established by law stipulates that the judiciary ~~must~~ checks in undertaking judicial review checks

• whether the law was within the competence of the legislature which has framed it.

• This, the Parliament has a position of dominance. However, in recent years, the

rise of judicial activism and overreach has led to the judiciary acquiring dominance

for eg: → Ban on highway liquor (domain of legislature)

→ Striking down the National Judicial Appointments Act, 2014

→ Vishakha guidelines on sexual harassment

→ Electoral transparency.

Remarks

Explicitly relate it with concept of Basic structure -

While, such a situation has arisen in response to the legislative vacuum and the inability of the legislature to frame important laws, but judicial overreach violates the principle of separation of powers, causes policy uncertainty, creates a syndrome of judicial dependence among elites and leads to the unchecked judiciary undermining the elected parliament.

Good
 you also
 indeed it
 with principle
 of separation of
 power ~

A cooperative separation of powers between the ~~two~~ two will reinforce the constitutionally mandated harmonious synthesis of judicial and parliamentary supremacy.

7

Remarks

Q13. The Fifth Schedule has outlived its utility and instead of protecting the rights of tribes, it has rather prevented the assimilation of them in mainstream. Examine. (15 Marks)

In order to safeguard the distinctive culture of the tribes and to grant them a degree of autonomy in governance, Article 244 of the Indian Constitution stipulates the creation of Vth and VIth Schedule Areas (Scheduled)

The Fifth Schedule deals with certain areas in states having a significant share of tribal population and also in states having tribal ~~areas~~ but not scheduled areas.

Role of fifth schedule in protecting the rights of the Tribes

(The President has the power to increase or decrease, extend or declare any area as a scheduled area. These

areas lie within the executive power of the states and the centre but the governor has a special responsibility in these areas).

The Tribes Advisory Councils can with the approval of the governor make rules regulating moneylending, minor forest produce, village markets, ownership of land, schools, etc. This is meant to safeguard their culture and provide autonomy in formulating their own

Fair introduction

Need to highlight objectives of 5th sched

Remarks

institutions of governance. ~~in acc~~

This is in accordance with the Panchsheel principles in Tribal policy and preserving the cultural plurality of India.

However, it has been said that this schedule has prevented them from being assimilated into the mainstream.

→ The Tribes Advisory Councils are toothless bodies and have not been able to protect the tribal rights. There is a conflict of interest since they are headed by the Chief Minister in certain states (Virginia's Xaxa Committee). As a result, the tribal rights tend to be compromised ~~in the~~ for mining and other major projects.

→ Loss of control of tribals over their land and livelihood assets has continued unabated which has been exploited by the Naxalites to attract them towards left wing Extremism furthering ~~their~~ alienation.

→ This has been exacerbated by ~~mis~~ ^{poor} governance, misappropriation of funds attitude of the forest and other officials, etc.

But the 5th schedule is necessary

Remarks

also
 talk about their displacement due to developmental works.

Good Point

since past experience has shown total complete assimilation is detrimental to the tribal people

Way forward:

→ Strengthening the Tribes Advisory Councils
 → Improving employment opportunities in the tribal areas

→ Education in line with the tribal culture along with provision of health facilities.

Suggest more
 measures - Argue for
 better implementation
 of FRA, PESA etc -

6½

Remarks

Q14. In a paradigm shift from the command and control approach of the past, NITI Aayog accommodates diverse points of view in a collaborative, rather than confrontationist setting. Comment. (15 Marks)

The NITI Aayog (National Institute for Transforming India) replaced the erstwhile Planning Commission in January 2015 through an executive resolution of the government of India.

→ The Planning Commission advocated a top down one size fits all approach further reinforced by centralised planning which did not give any opportunity to the states to frame their own development agendas according to their needs.

Hence, the Niti Aayog was constituted to formulate a bottom up approach to governance.

The Niti Aayog acts as the policy think tank of the government and unlike the erstwhile Planning Commission does not possess any financial powers of recommending grants.

→ NITI AAYOG → (Team India Hub)
(Collaboration with the states)
→ Knowledge and Innovation Hub
(Policy think tank)

Remarks

Good, that you have discussed issues with previous Planning Commission

→ The governing council of the Niti Aayog Com has chief ministers of all states unlike the Planning Commission ~~where~~ states had no representation.

→ It also forms groups of ministers (Chief ministers of states) on several important issues like centrally sponsored schemes, etc fostering a collaborative approach.

→ The Niti Aayog ^{hence} facilitates cooperative federalism and also acts as the repository of best practices of states.

→ By maintaining comprehensive data bases (eg. SDG dashboard) and preparing ^{policy} documents the Niti Aayog ~~advocates~~ facilitates evidence based policy making.
 (3 year action Agenda, Electric vehicles, Model Land Leasing Act)

→ It also encourages competitive federalism by through comparison of states' performance across various parameters (eg: health, education, ease of doing business) etc

Remarks

• The Niti Aayog is thus a forum for
 Coordination and collaboration between the
 Centre and the states which is essential for

the achievement of sustainable development

Overall
 you have
 attempted
 it well -

and socio economic welfare

but, can also
 talk abouts ^{Release} various
 Reports, index etc
 to promote Competitive
Federalism as well.

7

Remarks

Q15. Does the recent Citizenship (Amendment) Bill, 2019 raise questions on secular credentials of the Indian state? Discuss the provisions of the bill and also the criticism raised from different corners. (15 Marks)

Good intro
 The Citizenship (Amendment) Bill, 2019 recently passed in the Parliament gives the right to illegal migrants of certain religions coming from certain states to obtain citizenship.

Provisions of the bill

→ ~~Respected~~ Illegal migrants from Bangladesh, Pakistan and Afghanistan belonging to six religions: Buddhist, Jain, Sikhs, Christians, Hindus and Sikhs can obtain Indian citizenship if they have entered India before 31st December, 2014.

→ Under the Citizenship Act, ¹⁹⁵⁵ the time period of stay for obtaining citizenship is 11 years in an aggregate period of 14 years and 12 months stay immediately preceding the application. The bill relaxes this requirement to six years of stay.

→ The Indian government can revoke citizenship of the person has been connected of

Remarks

It is only applicable for OCI.

only offence in India.

Criticism: The bill has raised questions over India's secular credentials since it grants or ~~also excludes from~~ citizenship on the basis of belonging to a religious group. However, the government has said that by granting protection to persecuted religious minorities from these ~~3 states~~ nations, it upholds India's secular values.

Criticism of the Bill

→ Violates the principle of equality under Article 14 by discriminating among migrants on the basis of ^{place} origin, religion, ~~and time~~ of coming to India.

~~→ Is against Article 25 which stipulates India to be a~~

→ If the objective is to protect persecuted minorities, then the bill does not include Bhutan, ~~which~~ Sri Lanka, Myanmar which have a state religion and there have been cases of religious persecution. Mention examples as well.

→ The Bill also has a different cut off date for Indian citizenship from that given in

Remarks

Talk about Ahmadnagar, Rohingya and Tamils.

the Indian constitution. Also, the Bill has the potential of altering the demography of the North East which ~~has~~ been historically affected by migrants.

• Assam Accord: ~~The~~ Assam argues that it violates the Assam Accord by prescribing a different cut off date (24th March 1971) and also Article 6 of the Accord which stipulates safeguard of Assamese culture ^{sphere}.

• International ^{sphere} relations: with Bangladesh and Afghanistan can suffer a setback as India has effectively said that they persecute religious minorities.

Or further talk about the logic for getting lost for visibility.

6 1/2

largely you have granted concern very well
Provide a suitable conclusion as well

Q16. Is there a need to comprehensively amend the constitution through a major revision exercise to make it more compatible with our times? Illustrate with the help of past SC observations on this matter? (15 Marks)

Remarks

Remarks

Remarks

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

Good that you described its merits to introduce it

Right to Recall option is an instrument of direct democracy where people have the right to recall legislators if they are not functioning properly before their term. It was the demand of the India Against Corruption Movement led by Anna Hazare in 2015.

Right to recall option can be exercised when at least 25% of the registered voters agree to exercise their option. Also, a significant part of the term of the legislator (at least 2 years) should have passed for voters to exercise this option.

Measures to improve this system should be described later.

Need of the Right to Recall

→ It will improve accountability of the legislators towards their electorate. It has been observed that after getting

Remarks

lected, the legislators do not engage themselves in undertaking the development of their constituency or putting forth their concerns in the parliament.

A right to recall option will ensure that they remain responsive to the needs and aspirations of the voters:

→ will reduce corruption and also curb identity politics

→ It will also encourage the citizens to participate more in holding the legislators accountable. creating a participative democracy and deepening roots

However, there are certain disadvantages:

→ frequent exercise of the right to recall option may create instability with charging legislators in short periods of time

→ it will also affect governance and paralyse administration due to imposition of electoral codes of conduct which restrict developmental works

→ The legislators may not devote their time to policy making from fear of the option

Remarks

Good, but also we will have money in election

Further
elaborate, if
it will lead to
populist policies?

and hence adversely affects development
→ It may also enlarge the role of money and
muscle power in politics if foolproof mechanism
are not devised to prevent so.

How? → though
you can
argue this
if can
reduce
money
muscle
power.

While the right to recall option
is certainly advantageous, the electorate is not
yet ~~trained~~ aware and mature enough for
the introduction of this option. Discussions and
White paper by Election Commission and Law
Commission may be helpful in this regard.

In this
part - you
can suggest measures
to address apprehensions.

6

Q18. The judiciary, due to its high pendency and delayed process, is losing faith of people to whom it is obliged to provide justice. In this context, analyze the reasons for high pendency of cases and its consequences. Also discuss the steps taken by government and recommendation of Law Commission to improve the situation. (15 Marks)

According to the National Judicial Data Grid, around 3.5 crore cases are pending in the subordinate courts, more than 2,00,000 cases in the high courts and 57,000 cases in the supreme court.

Reasons for high pendency of cases

→ Delay in judicial appointments

The vacancies in the subordinate judiciary are never filled on time as a result of which they work at around 70% of their sanctioned strength. The around 410 out of 1079 posts in the high courts are vacant due to the delay by the central government in finalising the appointments.

→ Inadequate process of appointments to the subordinate judiciary with delay in conducting exams by the 'State Service' Commission, nepotism, corruption etc.

→ Low expenditure by the government (only 0.66% of GDP) due to which there is lack of

Good, that you quoted relevant data to describe pendency.

Remarks

Requisite physical infrastructure

→ frequent use of injunctions and delays in court proceedings along with expansion in the jurisdiction of the courts under Art 226 (High Court) etc. Cases dealing with taxation matters require expertise and time which ultimately causes delays.

→ Ambiguity in government laws and absence of a national litigation policy. Frequent appeals by the government departments (tax) with high rates of failure compound the problem.

Consequences → Delay in justice delivery

→ Commercialisation of policies

→ Poor enforcement of contracts.

→ Rising legal costs reducing the accessibility of justice for the poor.

Recommendations of the Law Commission

→ Many reports have gone into creating the All India Judicial Service at the level of district judge in the subordinate judiciary.

→ Recommendation of creating a National Judicial Commission for appointments to the judiciary.

Also talk about faulty / slow investigation more Govt litigation inadequate infrastructure

relate it with economic activities in the nation.

→ The 270th Law Commission report recommends usage of technology like Artificial Intelligence for scientific management of case workload, stipulating time limits for cases, limited use of adjournments, etc. to reduce delays.

Steps taken by the government

→ Finalisation of memorandum of procedure (MOP)

→ The Prime Minister has called for the creation of AITS.

→ Tribunals created for handling complex cases require administrative expertise.

→ Increasing the limit for appeals in tax cases.

→ Arbitration and Conciliation Act, for alternative dispute resolution.

→ LIMBS → Formulation of national litigation policy.

Policy creation of AITS, use of technology, etc. is important.

→ Niti Aayog has created a Judicial Performance Index to assess performance of lower courts.

Same about B-Courts dole Adalat - etc

Good, but also suggest some measures from your side.

Increasing age of Retirement of Judges, Appointment of Judges on priority basis.

Remarks

①
②

Q19. Examine the importance of institution building in nation making in context of post-independence period. (15 Marks)

Strong institutions are necessary for socio economic development and the effective functioning of democracy. In this context, Nehru and other leaders focussed on building such institutions post independence.

Democratic Institutions

- Parliament: The Prime Minister Jawaharlal Nehru had great regard for parliamentary procedures and he actively participated in debates and the question hour. He even encouraged the development of a strong opposition as being important for the Parliament.

- Even in the Cabinet, Nehru encouraged discussions and debate for arriving at a consensus as noted by his Cabinet Minister C D Deshmukh

- The Constitution also enabled the development of effective institutions by creating necessary safeguards to ensure their

*Need to relate it with nation making process as well
Describe condition of India just after independence*

Remarks

Election Commission

Independence.

→ Elections were held in a free and fair manner despite ^{several} ~~severe~~ ^{considerable} ~~logical~~ ^{practical} difficulties.

Economic Policy: India adopted the mixed economy model which gave precedence to the public sector ^{taking the economy to} commanding heights and a centralised planning process.

The Planning Commission was created to formulate plans documents and participate in the formulation of economic policy.

Educational and Scientific Research Institutions
A strong science and technology base was considered essential for self reliance. Hence

Can further talk about Bureaucracy

→ Indian Institutes of Technology (IITs) were created.

→ National Medical Laboratory in 1954

→ Council of Scientific and Industrial Research

→ Department of Atomic Energy (DAE) in 1954

→ INCOSPAR for space

Local Government - The Community Development Programme and the National Panchayat Raj Institutions in 1954.

Thus these institutions aimed at
a) strengthening the unity and integrity of

Remarks

- the newly independent nation
- self reliance and economic development along with upliftment of living standards
- creation of a strong indigenous science and technology base
- strengthening democratic processes and plural ethos of the nation

Since you have to examine importance of independence of institutions building -

Hence, institutional building

was accorded an important priority post

6

Can discuss certain limitations as well

↳ Under performance of certain institution

↳ affected nation making exercise -

Remarks

Q20. Examine the causes and impacts of JP movement in the 1970's. Discuss whether it was the reason behind implementation of emergency in 1975. (15 Marks)

The Jayprakash Narayan
Narayan Movement or the Total Revolution
which originated in Bihar
arose in the 1970s in response to the
inadequacies in the process of democracies.
It was led by Jayprakash, a Gandhian leader
who had also participated in the Bhoodan
Movement.

Causes:

- Rise in prices of several essential commodities like oil, etc. (Anti-price rise movement in Bihar, especially)
- Shortage of essential commodities like foodgrains in the wake of crop failure due to weak monsoons in 1970s.
- Rising unemployment
- Subversion of democratic processes:

In the Ray Narain v/ India's
Nehru Gandhi Case, the Allahabad High
Court held that Indira Gandhi, the then
Prime Minister had played fraud with

Remarks

Apart from
these, you should
also relate it with
Gujarat Railway
Strikes, Case of Moraji
(Corruption)

the electoral processes and misused government machinery to win the election. Hence she must resign. This order was stayed by the Supreme Court. However, this increased the clamour for her removal.

• Dissatisfaction among the people with the processes of democracy since it had failed to bring about equitable development or fulfill aspirations.

Impact

- Student, worker demonstrations and strikes.
- Strikes by Trade unions followed with a consistent drop in popularity of Indira Gandhi.
- Railway strike of 1974.
- Arrests of popular leaders, excesses by the police, curbing of civil liberties.
- It was also the precursor of the opposition coming together to defeat the Congress in the 1977 elections.
- A participation of people in voluntary movements increased.

The biggest outcome of the J.P. Movement was the declaration of emergency.

Remarks

Good, that you linked it with success of Janata Party Govt.

on grounds of internal disturbance in 1975
 with the intention of curbing the movement.
 The imposition of emergency led to massive
 crackdown on civil liberties, freedom of the
 press, arrests of various leaders including J.P.

Good, but talk
 about other
 factors as well,
 which led to
 Emergency.

6½

Remarks