

907/150

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Paper - 2 Part - A

प्रश्न संख्या

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मुख्य परीक्षा उत्तर पुस्तिका (Mains Answer Sheet)

कौटिल्य एकेडमी

good keep it up

Q1. A

Cabinet Mission - A mission sent to India by British Prime Minister Atlee on Feb. 1946,

1

- for transfer of powers from British Government to Indian leaders. ~~Wrong~~

- 3 members - Lawrence, Stafford and Alexander.

The mission was a failure. ~~Wrong~~

Zero hour - Time gap between Question Hour and agenda is zero hour.

2

✓ Not mentioned in Rules of procedure.

• It's an informal device for member of parliament. Indian innovation

Estimate committee - 1st constituted in 1950.

• consist member of Lok Sabha only

1

function → • to suggest alternative policies in order to bring efficiency in what P

• examine whether money is laid within limits of policy. Number of members P

Part XI - Deals with the relations between Union and the states.

3

• Article 245 to 263 covers legislative powers, Administrative relations, dispute relating to water under this part

E Article 311 - Article mentions dismissal, removal or reduction of rank of a person employed in union/state not to be dismissed by authority subordinate to him. to be removed after an enquiry.

2 1/2

F Judicial Activism - Role of judiciary in protection of rights of citizens and promotion of justice in society.

2 1/2

Example P is the common form of judicial Activism.

G. Basic structure Doctrine - Kesavananda Bharati

- Parliament through Art. 368 can amend any part of constitution including fundamental rights with affecting the basic structure of constitution.
- Basic structure is not defined but supreme court from case to case specifies basic structure is.

H. Right to property - It was a fundamental right under Art-31 of constitution.

- ~~Later~~ in 1978, repealed by 44th amendment Act 1978.
- ~~Not~~ Now under Art. 300A, no person to be deprived of his property.

3

<input type="checkbox"/>	I.	<u>Uniform civil code</u> — It is a Directive Principle of state Policy.
<input type="checkbox"/>	2	<u>GOA</u> • by Article 44 of constitution to secure a uniform civil code throughout the country.
<input type="checkbox"/>	J.	<u>Special officer for linguistic minorities</u> —
<input type="checkbox"/>	3	According to Article 350-B of Part XVII there should be a special officer for linguistic minorities appointed by president to safeguard interest of these minorities.
<input type="checkbox"/>	K.	<u>C.A.G</u> — Article 148 defines Comptroller and Auditor General of India.
<input type="checkbox"/>	2	• appointed by President. • for a period of 6 years or upto age of 65. • Controls the financial system of country.
<input type="checkbox"/>	L.	<u>All India Services</u> — Art. 312 of constitution permits parliament to create, regulate recruitment, all India services

m.

Financial Emergency -

2

Art. 360 empowers president
for financial emergency.

Never
imposed

decision of president
is out of judicial review
It continues till president
revokes it.

o.

3

K.M. Pannikar -

- Indian professor, diplomat.
- member of states reorganization committee 1953.
- Also served as ambassador of India to
France and Egypt.

2.	A.	Electronic voting machine was introduced in Indian election system as a means to solve problem of <u>Ballot Box capturing</u> , <u>casting false votes</u> , <u>invalid votes</u> etc.
		<u>Impact of EVM on Indian Election system</u>
		<u>Positive</u>
		✓ <u>Credibility</u> of votes have improved. (trustworthy)
		✓ It's a <u>time-efficient</u> method along with <u>standard timing</u> .
		✓ <u>less chances</u> of false voting.
		✓ voters can have <u>verification</u> of his vote through <u>printed paper slip</u> . (for 7 second).
		✓ Process of election made <u>easy & efficient</u> .
		<u>Negative</u>
		✓ <u>Tampering</u> of eum machines.
		✓ <u>Technical glitches</u> which led to <u>doubt</u> of <u>authenticity</u> of eum.
		✓ <u>debatable</u> topic of <u>electoral system</u> being <u>hackable</u> .
		✓ <u>High cost</u> of installing machines, training <u>staff</u> of employees to use machines.

Election commission can bring more reform in process of election.

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2. 3.

National Green Tribunal (NGT) a specialised body set up under NGT Act 2010. It is a specialised environmental tribunal.

Objectives

→ established for effective and expeditious disposal of cases related to environmental protection.

→ Protection and conservation of forests and other natural resources.

→ Timely disposal of applications or appeals within 6 months of filing of the case.

→ Provides relief and compensation to victims of pollution or environmental damage (disasters, accident)

→ Restitution of property, of environment or area as Tribunal may find fit.

4

Tribunal also provides for penalty of fine and imprisonment if found guilty. Tribunal needs to widen its scope to bring balance between human and environment.

Conclusion

9.	E.	Detention of a person without trial and conviction by a court is preventive
		Detention. This detention is precautionary measure preventing a person from committing an offence in near future.
		Second part of Article 22 deals with it.
		detention to not exceed 3 months. - chance to defend to board) prove himself.
		reason for detention be communicated to detenu.
		Reason for inclusion -
		included on issues regarding safety of defence, foreign affairs and security of India.
		for maintenance of public order.
		security of state, maintenance of supplies and services essential to community.
		Preventive Detention had become an integral part of Indian constitution taking away all the personal liberty of detenu.

Underline imp words

Clause (5)

4

No democratic country has this power

2. F.

Judicial review is the basic feature of constitution. It is the power of the judiciary to examine the constitutionality of legislative enactments and orders of centre & state. Judicial review

- of constitutional amendments.
- of legislation of parliament & state legislature.
- of administrative action of union & state.

Objective -

- To ensure fairness in administrative action.
- To protect the constitutionally guaranteed fundamental rights of citizens.

Provide examples of cases

On question of legislative competence between centre and states.

3 1/2

Why Public Interest Litigation (PIL) judicial review is ensured. PIL is one step addition in it.

Need is to encompass those areas outside the reach of review jurisdiction.

2. G.

Quasi-judicial body is a non-constitutional body which can be an individual or body with powers resembling a court of law.

Features →

→ Decisions are often legally enforceable under laws of jurisdiction.

→ Can adjudicate and decide penalties on guilty.

→ They can be a tribunals for specific matters.

→ Can be formed on matters pending in court. (court appoints member of such bodies).

→ These powers are limited to scout of courts.

→ limited to } NOT necessarily
 } financial markets
 } Employment laws
 } land use, zoning etc.

examples of Quasi-judicial bodies are → National Human Right Commission, National Consumer Dispute Redressal.

These bodies significantly reduces burden of cases with the courts.

4

2.	H.	French have a <u>written</u> constitution along with a <u>preamble</u> . France being a <u>secular state</u> have a <u>rigid</u> constitution.
		Tell something about history of French Constitution
		Features →
		→ unitary form of government.
		→ Division of power between president and prime minister.
		→ Constitution can be amended but a rigid process.
		→ Bicameral Parliament.
		→ Emergency power of presidents in the constitution.
		→ Certain Rights of people
		Liberty
		Equality
		Fraternity
		→ Multi-party system.
		Republic, ideas of <u>liberty</u> , <u>equality</u> and <u>fraternity</u> in the preamble of Indian constitution are taken from French constitution.

3-2

2.	I.	<p>Media plays an important role in democracy and acts as a watchdog of public interest</p>
□	□	<p>It is considered the 'Fourth pillar' in democracy along with legislature, Executive,</p>
□	□	<p>Judiciary.</p>
□	□	<p>- provides truthful information to the people.</p>
□	□	<p>- provides unbiased honest news without any personal agenda.</p>
□	□	<p>- informs events of national and international significance.</p>
□	□	<p>- It bridges gap between government & public.</p>
□	□	<p>Freedom of media is a part of Freedom of speech under Article 19(1)(a).</p>
□	□	<p><u>challenges</u> → . Rising issue of <u>paid news</u>, <u>fake news</u>.</p>
□	□	<p>news undermining <u>public privacy</u> & <u>national security</u>.</p>
□	□	<p>manipulation of information, reducing public trust.</p>
□	□	<p>It is only necessary for media to stick to principles such as transparency, truth, fairness.</p>
□	□	<p>the demand of the hour is ^{need of} <u>media ethics</u> for better functioning & trustworthiness of media.</p>

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3 1/2

2. J. Naxalism

Background → word derives from village Naxalbari of West Bengal ~~yes~~

- spread from West Bengal spread to Chhattisgarh, Odisha and Andhra.

- Originally it was rebellion against local landlords.

Reasons

→ Easy target for Marxists (people who do not have any source of living are taken into Naxalism).

→ Massive displacements of tribal population due to development projects.

→ Unemployed youth of India (find no motive thus turn to Naxalism).

3 2

Interregional differences where government policies fails on issues Exploitation of Tribal land

→ forest mismanagement → tribal land
→ Others - lack of industrialisation, no jobs,

poor implementation of land reforms etc are factors of Naxalism. Government - need to ensure security

demands needs, development of Naxalism affected areas.

2. K.

Indian constitution provides for gender equality but there are certain provisions for womens to empower them with positive discrimination.

□ □

↳ (Art. 14) - equality before law for women.

□ □

↳ (Art. 15(1)) , no discrimination on the basis of caste, sex, place of birth etc.

□ □

↳ (Art. 15(3)) , special provision for women & children.

□ □

↳ (Art. 16) , equality of opportunity in employment.

□ □

↳ (39(d)) , equal pay for equal work.

□ □

↳ (Art. 42) , maternity relief

□ □

↳ (Art. 46) Promoting educational and economic interest of weaker sections.

□ □

↳ (Art. 243 D) (Art 243 T) - reservation of not less than 1/3 for panchayat for municipality.

□ □

there are such more provision for empowerment of womens which makes Indian constitution unique in itself.

9/10/24
5

2.	I.	Madhya Pradesh Public Service Provision Guarantee Act, 2010 →
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	the act deals with guaranteeing of providing public services to citizens of m.p. in time framed manner. (also known as Right to services act)
<input type="checkbox"/>	<input type="checkbox"/>	<u>features</u> →
<input type="checkbox"/>	<input type="checkbox"/>	→ m.p. becomes the first state to enact Right to service on 18 August 2010.
<input type="checkbox"/>	<input type="checkbox"/>	→ It makes officials <u>accountable</u> for their work and improves <u>transparency</u> in government functioning.
<input type="checkbox"/>	<input type="checkbox"/>	→ <u>Online tracking</u> of request by applicant
<input type="checkbox"/>	<input type="checkbox"/>	→ <u>Registration</u> of request under the act
<input type="checkbox"/>	<input type="checkbox"/>	→ ' <u>Notice Board</u> ' which shows service offered along with documents required by officers.
<input type="checkbox"/>	<input type="checkbox"/>	→ <u>monitoring</u> of performance by a senior officials.
<input type="checkbox"/>	<input type="checkbox"/>	It deals with speedy and time bound delivery of service along with provision of appealing to first and second <u>appellate authorities</u> .

3. 1.

President is the head of the state of Republic of India. He is also the commander-in-chief of the Indian Armed forces.

According to Article 52, in Part V a Union has a president.

Powers →

1)

Executive Power :- Art. 53.

• appoints Prime Minister & other ministers

• appoints Comptroller & Auditor General of India.

• inter-state council appointment

• appoint commission for SC, ST & other

• makes rule for backward classes consequent transactions of orders, rules.

and many other executive powers.

2)

Military Powers :- • commander in chief of armed forces.

• appoints chiefs of Army, Navy & Air Force.

<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none">• can declare or conclude peace or war.
<input type="checkbox"/>	3)	<u>Legislative powers :-</u>
<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none">• summon or prorogue parliament
<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none">• addresses 1st session of parliament
<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none">• nominates 12 members of Rajya Sabha.
<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none">• decides on disqualification of member of parliament.
<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none">• promulgate ordinance etc.
<input type="checkbox"/>	4)	<u>Financial Powers :-</u>
<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none">• money bills introduced by his prior recommendations.
<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none">• fund from contingency fund of India by his permission.
<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none">• constitution of finance commission
<input type="checkbox"/>	5)	<u>Diplomatic Powers :-</u> Negotiates international treaties & agreements.
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	6)	<u>Emergency powers :-</u> National emergency, Presidential & Financial emergency.

<input type="checkbox"/>	7)	Judicial Powers:—
<input type="checkbox"/>	<input type="checkbox"/>	appoints chief justice of India
<input type="checkbox"/>	<input type="checkbox"/>	Grants pardon, reprieve sentence of any person convicted
<input type="checkbox"/>	<input type="checkbox"/>	President is the Nominal head of the state. The real power lies in the hands of Prime Minister and its council where only nominal signature of president is necessary.
<input type="checkbox"/>	<input type="checkbox"/>	But calling President a rubber stamp is not at all justified as president have so many decisive powers such as →
<input type="checkbox"/>	→	<u>Veto power</u> of the president - Even bill is present he may either accept, reject or withhold it.
<input type="checkbox"/>	→	<u>Emergency powers</u> - most important power with the president to declare emergency whenever he finds situation of unrest, instability
<input type="checkbox"/>	→	other powers as pardoning death sentence, no reasons for his actions done.
<input type="checkbox"/>		thus president is the one who maintain stability in the Indian parliamentary system.

7

So is he

a rubber stamp or not

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Local self government is management of local affairs by local bodies who have been elected by local people.
<input type="checkbox"/>	<input type="checkbox"/>	Mahatma Gandhi believed in power to the villages. Village / rural bodies are the backbone of any nation. So strong rural body are must.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local self government is transfer of power to downward to the <u>grassroot level</u> .
<input type="checkbox"/>	<input type="checkbox"/>	<u>Foundation</u>
<input type="checkbox"/>	<input type="checkbox"/>	- laid by <u>Panchayati Raj system</u> in 1992.
<input type="checkbox"/>	<input type="checkbox"/>	- mentioned in Art-40 also for local governance.
<input type="checkbox"/>	<input type="checkbox"/>	<u>committees</u> were made
<input type="checkbox"/>	<input type="checkbox"/>	↳ Balwant Rai Mehta committee (1957)
<input type="checkbox"/>	<input type="checkbox"/>	↳ Dehon Mehta committee
<input type="checkbox"/>	<input type="checkbox"/>	↳ GVK Rao committee
<input type="checkbox"/>	<input type="checkbox"/>	↳ LM Singhvi committee (1986)
<input type="checkbox"/>	<input type="checkbox"/>	most of them gave suggestion for Zila panchayats, some at three-tier level, some at 2 tier level.
<input type="checkbox"/>	<input type="checkbox"/>	Finally with Singhvi committee constitutional

<input type="checkbox"/>	<input type="checkbox"/>	recognition was given through 64 th constitutional amendment Act.
<input type="checkbox"/>	<input type="checkbox"/>	73 rd & 74 th Constitutional Amendment Act, 1992
<input type="checkbox"/>	<input type="checkbox"/>	↳ 73 rd amendment act provides for (panchayats) <u>Panchayati Raj</u> system.
<input type="checkbox"/>	<input type="checkbox"/>	↳ 74 th for municipalities for <u>Nagar Panchayat</u> , <u>municipal council</u> & <u>municipal corporation</u> .
<input type="checkbox"/>	<input type="checkbox"/>	<u>Features</u> → for term of 5 years.
<input type="checkbox"/>	<input type="checkbox"/>	→ elected through election.
<input type="checkbox"/>	<input type="checkbox"/>	→ from election every 5yr and also election for remaining terms.
<input type="checkbox"/>	<input type="checkbox"/>	<u>Qualifications</u> →
<input type="checkbox"/>	<input type="checkbox"/>	• a person above age of 21.
<input type="checkbox"/>	<input type="checkbox"/>	• sound mind.
<input type="checkbox"/>	<input type="checkbox"/>	• not a insolvent.
<input type="checkbox"/>	<input type="checkbox"/>	<u>Powers</u> → these amendments
<input type="checkbox"/>	<input type="checkbox"/>	• Budgetary allocation from state governments.
<input type="checkbox"/>	<input type="checkbox"/>	• certain taxes to be implemented.
<input type="checkbox"/>	<input type="checkbox"/>	• collection & retention of revenue.
<input type="checkbox"/>	<input type="checkbox"/>	• finance resources allocation
<input type="checkbox"/>	<input type="checkbox"/>	• making schemes for area under control.

Importance

Development of village, urban local bodies.

promotion of health, primary education in the rural areas.

Agricultural development of areas.

most important is development of women and children through focus more focus on these two vulnerable groups.

Women participation in local government as $1/3rd$ seats are reserved for women.

Increased role of women in decision making

Active participation in the lowest part of administration at grass root level (Gross Root Level)

Understanding problems of poor people more seriously:

Reduces responsibility on state and democracy at grass root level.

Apart from all these, better training to locals, social & political empowerment of people is necessary.

3.	D.	The Indian constitution provides for Religious freedom to every individual.
		Article 25 to 28 deals with <u>freedom of Rights</u> .
		<u>Art. 25</u> → <u>Freedom of conscience & free profession, practice & propagation of religion</u>
		↓ ↓
		• <u>Freedom of individual to mould relation in whatever way:</u>
		• to freely profess one's religion
		• perform in any form.
		• propagate one's religion to other but not by forceable means.
		<u>Art. 26</u> → <u>Freedom to manage religious Affairs.</u>
		↓
		• <u>Right to establish a institution for religious or charitable purpose.</u>
		• to manage own affairs of religion.
		• <u>right to acquire or own movable or immovable property.</u>
		• <u>administer such property under Law.</u>

प्रश्न
संख्या

मुख्य परीक्षा उत्तर पुस्तिका
(Mains Answer Sheet)

कौटिल्य एकेडमी
अध्ययन से प्रेरित होकर

<input type="checkbox"/>	<input type="checkbox"/>	→ <u>Art. 27</u> → <u>Freedom from taxation for promotion of religion.</u>
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	• no person to be compelled to pay taxes for promotion of religion.
<input type="checkbox"/>	<input type="checkbox"/>	• it prohibits tax but not fee.
<input type="checkbox"/>	<input type="checkbox"/>	• fee can be levied on pilgrimages for safety measures or services.
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	→ <u>Art. 28</u> → <u>Freedom from attending Religious Instructions.</u>
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	↓
<input type="checkbox"/>	<input type="checkbox"/>	• No religious instructions in educational institute held wholly by state.
<input type="checkbox"/>	<input type="checkbox"/>	• 4 types of institute.
<input type="checkbox"/>	<input type="checkbox"/>	a. wholly owned.
<input type="checkbox"/>	<input type="checkbox"/>	b. administered by state, but established under trust (cannot impart) only by permission.
<input type="checkbox"/>	<input type="checkbox"/>	c. institution recognised by state.
<input type="checkbox"/>	<input type="checkbox"/>	d. institution receiving aid from the state.
<input type="checkbox"/>	<input type="checkbox"/>	of last two, education on religion can be given on voluntary basis.
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<u>Restrictions</u>
<input type="checkbox"/>	<input type="checkbox"/>	→ these are certain restrictions on subject to public order, morality, health and other provision relating to fundamental rights.
<input type="checkbox"/>	<input type="checkbox"/>	For ex - Due to occurrence of covid 19, Festivals such as Ganesh chaturthi, Moharram were celebrated with certain restrictions.
<input type="checkbox"/>	<input type="checkbox"/>	→ state have permission to regulate or restrict any economic, financial, political or other secular activity associated with religious practice which may find would have community interest & led to community violence.
<input type="checkbox"/>	<input type="checkbox"/>	Being a secular country, india promotes every religion, no discrimination on basis of caste or religion is done. india is best example of 'Unity in Diversity' its different cultures, religion makes it a unique nation.