1. What is the 'Most Favoured Nation' status? Should India revoke the MFN status given to Pakistan? Critically examine.

Introduction

"Most Favoured Nation (MFN)" is a free trade principle employed in context of WTO's (World Trade Org) free trade agreements and negotiations. If a nation grants MFN status to another nation that means it would not discriminate imports from that nation in favour of imports from other nations.

This is put in place to to eliminate restrictions on trade and increase overall world trade.

Violation of MFN allows a member to take the dispute to WTO dispute settlement body.

National Scrutiny clause can be used by nations in extreme situation to deny MFN status to another county.

Should India revoke the MFN status given to Pakistan?

India has granted MFN status to Pakistan in 1996 but Pakistan haven't reciprocated as it would have required to reduce trade tariffs and open trade in more commodities. On the other hand, it came up with a Non-Discriminatory Market Access (NDMA) agreement. The reason Pakistan has chosen to adopt the NDMA with India is due to political mistrust and a history of border conflicts

There are growing voices to revoke MFN to Pakistan, They support such a move claiming:

- Increasing sponsoring of cross border terror by Pakistan especially in Jammu and Kashmir and constant ceasefire violations.
- As a diplomatic tool Globally Indian is seeking to isolate Pakistan and declare it as a safe haven for terror, so isolation has to begin by Indian taking strong measures.
- India has no significant need to depend on Pakistan for any specific import and India's annual trade is worth $650 bn and total trade with Pakistan is $2.6 bn. It's not even 0.5 % of the total trade.It will have miniscule impact on Indian trade interest.
- Pakistan's role in CPEC and gross ignorance of sovereign issues flagged by India.
- Hindrance created by Pakistan in Indian Trade relations with Central Asia and especially Afghanistan.

India should not revoke MFN status given to Pakistan:

- A ban on trade may give rise to cross-border smuggling, which, is already a multi-billion dollar covert network
- Harm India's standing: Maybe difficult to explain such a move at global commerce-based forums since Pakistan's trade practices have not raised any questions.
- Trade balance is in India's favour so India benefits from trade with Pakistan.

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- Greater trade will bring country and people closer to each other creating at atmosphere for peace talks and resolution of disputes.
- It can help India access Afghanistan, Central Asia via Pakistan and for Pakistan to access South Asian markets like Nepal and Bangladesh.
- IN long term it can help Indian wean away Pakistan from influence of China.

Conclusion

Currently India benefits from MFN status to Pakistan. Efforts should be made to get Pakistan reciprocate the same and setting stage fro greater trade between nations. But such a policy will not be in agreement with India attempting to isolate Pakistan and getting it declared terror sponsor state. A clear policy needs to drafted with respect to Pakistan and trade and MFN status will have to part of the larger policy.

Best Anwer: Abhijit(ABG)

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2. The Global competitiveness report of the world economic forum (WEF) was released recently which places at India at a good 39th. Why is this jump significant for India Discuss?

SYNOPSIS:

The promise of the ruling coalition at the centre of making India investor friendly destination seems to have borne when India climbed 16 places up to 39th in the Global competitiveness Index of the WEF.

SIGNIFICANCE FOR INDIA:

- GCI is a global benchmark for India in terms of improvement in both Macro economic climate and Micro economic factors which is a sign of positivity for global investors looking to invest in India
- The Index specifically mentions India's stellar role in transparency whose image was sullied globally by corruption scandals in previous years has improved.

Eg: e- auction of mines, Spectrum allocation, emphasis on e-procurement has yielded results

- According to analysts at Forbes reforms like opening the economy to global trade like increasing FDIs limits via automatic route especially in aviation and Defence, abolition of FIPB has made India as an attractive destination amongst BRICS nations.
- It also shows effectiveness of India's fiscal and monetary policies which have yielded results especially controlling macro-economic indicators like inflation , formulation of MPC etc.
- Any global index which is highly reputed like GCI also shows areas of readiness like the report mentioned lack of technological readiness which shows programs like Digital India need to pick up speed and rising NPAs among public sector banks will call for reforms like Asset reconstruction companies, Bankruptcy code etc.
- GCI also mentions Innovation and R&D as the chief drivers of competitiveness which signals that India in order to rise in rankings has to invest significantly in Human capital and better ecosystem for research.
- More significantly the GCI emphasises Macroeconomic stability which is a great sign for MNCs looking to exit India after not so encouraging reports of last year which will also have a definitive advantage in improving India's credentials in reports of credit rating agencies like Moody's etc.

The report is also a time for inner reflection on shortcomings in India's economy such as need to improve labour market efficiency, health indicators like IMR, MMR etc. and need for more investment in primary and technological education.
Thus furthering Nations transformation into a global superpower.

BEST ANSWER : PRANOTI

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3. The Government recently cancelled the registration of NGOs which violated the FCRA act 2010. Though illegality of conduct must be punished, the need of the hour is a structured dialogue between the Government and Civil society. Elucidate.

SYNOPSIS:

The recent crackdown on NGOs for allegedly violating provisions of FCRA act 2010(which monitors foreign contribution to voluntary sector) has resulted in cancellation of licences of

more than 20,000 NGOs. Though the act has been termed hasty, arbitrary and discriminatory by prominent personalities, the **Home ministry** under whose aegis the FCRA is implemented mentions the **IB report** in which the bureau terms many NGOs are involved in stalling of developmental projects etc.
Prominent amongst them is **Compassion International** which is allegedly involved in forceful conversions which can cause communal tensions impacting the internal security.
Similarly the **CBI** says though there are about 29 lakh NGOs registered only 2.1 lakh of them file **annual financialstatements**, similarly many NGOs are registered under FEMA but continue to disburse money to other sub groups which is gross violation of law.
Even **Supreme Court** has lamented lack of Uniform law to regulate the voluntary sector and has asked the **LawCommission** to look into it.

WAY FORWARD:

But the blanket ban of NGOs including many prominent ones like Green Peace, Ford foundation as has been done by MHA is not the way to go as pointed out by many of them are involved in filling out development lacunae . Many are involved in strengthening democratic process eg: **ADR**, Women and Child welfare like CRY, Help age India. Many are involved in formulating reports used by Government for monitoring eg: **ASER** by **Pratham**, rural indebtedness survey by CDS etc. **P.Sainath** opines that the misunderstanding is due to **trust deficit**.
Civil society is important for any dialogue in a nation. In the present situation, every Government needs to look into what is in the in the larger interest of the states and the nation. Every case should be measured in accordance with the rules and regulations which are in place. Public interest has lot of grey areas. Who decides public interest is a matter of concern. These are the times when Government spokesperson should come forward and clarify why these decisions were made. This **ambiguity** and **lack** of **information** is something which ferments all kinds of wrong information.
NGOs are not above scrutiny. FCRA cancellation only means that the NGOs cannot get foreign funds. They do not cease to exist. All NGOs cannot be painted with the same brush. There are organizations which are also doing good work. There needs to be **self–regulation** and a body which takes care of monitoring staffed by people from civil society as well.(This idea was mooted as a **National Accreditation council** under National policy on voluntary sector, 2007)
There should be a discourse working towards nation building.

BEST ANSWER: ALEX ROD

NGO's play an important role in democracy as – service provider, value generation, community building and as an advocacy group.

NGO's are playing an important role in areas like Human Rights, Environment, Social Service etc. However there are a number of problem in the functioning of NGO's:

- Accountability -not filing annual returns. As per CBI, out of 30 lakh NGO's, 8-10% have filed their returns.

  2. Misuse of Funds – like Zakir Naik's Islamic Research Foundation .

  3. Regulation – (i) strict rules under FCRA (ii) conflict between FEMA Act and FCRA Act – NGO's are registered under both act and it bring conflict between Finance and Hime Ministry.

  4. Change in Definition of Public Servant under Lokpal Act to include NGO's has been criticised.

  Government has taken certain measures like -amending FCRA rules, bringing NITI Aayog Darpan portal to register them and has proposed new rules to regulate NGO's.

Can Dialogue work?

1. Above measures were one sided and there is a need for structured dialogue. For e.g, in 2002, Planning Commission had an extensive discussion with NGO's and the result was National Policy on Voluntary Organisation(NPVO),2007.

2. A very important recommendation of NPVO was to set up a National Accredition Council(NAC) on the lines of Bar Council of India. This was recommended again by Second ARC which has not been implemented. NAC would have representatives from both Government and NGO's there by promoting a dialogue with the objective to promote norms, best practices, protect autonomy of NGO's.

3. NITI Aayog through its DARPAN portal can start a comprehensive dialogue on similar lines what Planning Commission did in 2002 and bring measures to solve above cited problem. For e.g. comprehensive law for NGO's just like firms have Companies Act.

4. Again it is only by dialogue that some self-regulatory bodies can emerge which is important as NGO's work in diverse sectors like Human rights, environment, social service and it is impossible to have single approach to regulate all.

5. Another good example is the National Advisory Council of UPA-I which had civil society members where Government and NGO's worked together on many issues. Such body can be reactivated.

A vibrant civil society is important for democracy to flourish and can only happen if Government and NGO's work together.

4. "The right to reputation is a constituent of Article 21 of the Constitution. It is an individual's fundamental right". Do you agree? Examine in light of the recent verdict of the Supreme Court to uphold the constitutional validity of the Criminal Defamation law.

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Introduction:

Supreme court in one of its recent judgement- Subramanian Swamy vs Union of India case upheld the constitutionality of criminal defamation (IPC 499 and 500) and extended Article21 (Right to life) to include right to reputation as well.

Main body:

Arguments for right to reputation as a fundamental right vis-a-vis criminal defamation can be:

- Reputation of a person is built over years, can be tarnished with a single utterance or stroke of a pen.
- Technology has been misused to manufacture baseless, outrageous lies which can significantly damage the public image of a person even before the validity of the accusation is verified by the legal system. E.g. doctored videos, mala fide political speeches etc.
- 19(2) does provide that Freedom of Speech and expression is not absolute and there may be reasonable restrictions placed upon it.
- Criminalization of defamation to protect individual dignity and reputation is a "reasonable restriction" as termed by Supreme Court
- Right to free expression does not allow unfettered right to malign the dignity of a person on baseless allegations.

However, right to reputation might not hold much value as an individual's right against the right of freedom of speech and expression (Article 21) as:

- Freedom of speech is important for a vibrant democracy and criminal defmation can have a chilling effect on free speech.
- Often Criminal defamation Law is abused by the high and the mighty to intimidate, harass and stifle honest and genuine criticism.
- Reputation can be exploited to silence civil society.
- Right to reputation cannot be extended to collective such as government which has the resources to set right damage to their reputation.
- Given that a civil remedy to defamation already exist, there seems to be no purpose for retaining the criminal remedies for denigrating reputation.
- Human Rights committee of the international Covenant on civil and political rights too has called upon States to abolish criminal defamation

Conclusion:

In the light of above arguments, the Supreme court's decision to uphold the validity of criminal defamation law doesn't seems to be a progressive step when there is already civil defamation law to protect one's reputation.

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Best answer: PD

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5. In addition to its present role of representation and accountability, the Rajya Sabha could be the House that represents difference in our polity, difference marked not merely by its culture but its diversity. Elucidate.

Rajya Sabha is the 'Council of states' as it aims to represents the interest of the states being elected by the elected representatives from diverse political background. Rajya Sabha presents **role of accountability and representation** as follows,

- It is constituted through proportional representation system by means of single transferable vote hence represent every political faction.
- Arena for debate over hasty legislations.
- Checking majoritarianism in Lok Sabha.
- Maintains continuum as the house can never be dissolved, etc

Along with these objectives, Rajya Sabha can be an **institution to represent difference and diversity** in Indian polity as:

- As 12 members are nominated by President from diverse background including arts, literature, social service etc., they can be a repository of diverse intellect.
- Due to diversity in background Different opinions over any subject can be explored in the house.
- Representation can be ensured to sections not represented adequately via electoral route eg-Muslims, women, people from linguistic, religious and ethnic diversity, etc
- Member of Parliaments having different economic viewpoints and ideologies enrich the overall legislative process. For eg.Socialist and Liberal.
- Rajya Sabha MPs collectively represents the diversity in different part of the states as they do not belong to a particular constituency but represents whole of the state.

However in recent times the diversity and representative characteristics of Rajya sabha is facing following **challenges,**

- With single party rule in centre and states Rajya sabha can become superfluous.
- Domicile requirement has been done away with diluting the spirit of federalism.

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- Instead of inculcating diversity, it has become a safe haven for defeated politicians and retired bureaucrats.

Hence, real role of Rajya Sabha can only be realised if it becomes a truly representative body of diverse political as well as socio-cultural sections of the country

Best Answer: Tavishi

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6. Over the years, Article 21 has become the foundation stone of part III of the Indian Constitution. Elucidate.

Article 21 reads as: "No person shall be deprived of his life or personal liberty except according to a procedure established by law."

This right has been held to be the heart of the Constitution, the most organic and progressive provision in our living constitution, the foundation of our laws. Article 21 applies to natural persons. The right is available to every person, citizen or alien. Thus, even a foreigner can claim this right.

- **Earlier Views of Supreme Court:**

When our constitutional history started, SC refused to give Article 21 a liberal interpretation (A K Gopalan case) and held that the expression "procedure established by law" meant any law made by Parliament/legislature and refused to invoke the principles of natural justice. It meant that the Article 21 gave protection only from arbitrary action of Executive and not Legislature.

- **Trend Reversal:**

But in Menaka Gandhi case, SC said that the procedure contemplated by Article 21 must be right, just and fair and invoked the principles of natural justice. From now on Article 21 gave protection to an individual from the arbitrary action of both executive and legislature.

- **Broad interpretation of the art 21:**
- Undertrials – Right to speedy trial was made part of Article 21 (Hussainara Khatoon case)
- Free legal services to poor was made part of Article 21 (Madhav Khosla case)
- Most significant case was Francis Coralie case in which the SC said the term "life" doesn't mean animal existence. It said that Right to life meant right to live with dignity and with it goes the bare necessities like shelter, food, clothing etc.

- Right to Livelihood (Olga Tellis Case), Right to clean environment,
- Right to Food (PUCL Vs UoI case)
- Right to sleep (Baba Ramdev's rally at Ramlila Maidan)
- Right to safe work place (Vishakha Guidelines)

For more examples Visit: https://www.lawctopus.com/academike/article-21-of-the-constitution-of-india-right-to-life-and-personal-liberty/

Best Answer: Red Fang.

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7. Why does India want the membership of the Nuclear Supplier Group (NSG)? What benefits will accrue if India gets the membership of NSG? What are the hurdles? Discuss.

Introduction

Nuclear supplier group is a group of 48 nuclear supplier countries that seeks to prevent the nuclear proliferation by controlling the export of materials,equipment and technology that can be used to manufacture nuclear weapons. NSG was formed with the objective of averting the proliferation of nuclear weapons and preventing acts of nuclear terrorism.

Main Body

Why to become NSG member?

- Integrate India in the Global Non-Proliferation regime and reiterate its non-proliferation credentials.
- NSG is the rule making body for Global Nuclear Order – by becoming a member India could influence the rules made by it – as happened in between 2010 and 2013 when certain restrictions were imposed on Non-NPT countries.

Membership of NSG helps india in the following manner,

1.Membership to the NSG will essentially increase India's access to state-of-the-art technology from the other members of the Group.

2.Access to technology and being allowed to produce nuclear equipment will give a boost to the Make in India program. That will, in turn, boost the economic growth of our country.

3.As per India's INDC under the Paris Climate agreement, we have committed to reducing dependence on fossil fuels and ensuring that 40% of its energy is sourced from renewable and clean sources. In order to achieve this target, we need to scale up nuclear power production. This can only happen if India gains access to the NSG.
4.Namibia is the fourth-largest producer of uranium and it agreed to sell the nuclear fuel to India in 2009. However, that hasn't happened, as Namibia has signed Pelindaba Treaty, which essentially controls the supply of uranium from Africa to the rest of the world. If India joins the NSG, such reservations from Namibia are expected to melt away.
5.This would boost India's efforts to demand and get access to the membership of permanent security council of UNO.

Some of the hurdles being faced by India,

- India is not a member of nuclear non proliferation treaty which is pre requisite to join NSG.
- Despite being supported by most of the countries including US, Russia, UK and France but it lacks support from countries like China.
- Demand from other non NPT countries like Israel and Pakistan as well to access to NSG membership.
- Some non-proliferation hardliners (some EU countries) – NSG was actually brought after India's Pokran-I and some countries see it against the spirit of NSG.

Factors in favor of India's membership,

- France got membership in the elite group without signing the NPT.
- Commitment to nonproliferation: India's commitment to bifurcate its civilian and military nuclear programs along with its nonproliferation record ensured indigenously developed technology is not shared with other countries.
- Transparency: India has also ratified an Additional Protocol with the International Atomic Energy Agency (IAEA) which means that its civilian reactors are under IAEA safeguards and open for inspections.

Conclusion

The recently framed draft proposal for accepting new members into the Nuclear Suppliers Group increases India's chances of entry into NSG. It's a welcome development for India as NSG membership would definitely boost the economic and strategic development in the future. It will also pave the way for clean energy initiatives and continued focus to achieve our commitments to reduce the carbon footprint pledged during the climate summit.

Best Answer: Red Fang

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8. Last year, the RTI law completed 11 years of its enactment. What is your assessment of the performance of the RTI law in these years? What are the concerns? Discuss.

SYNOPSIS:

Introduction

RTI, 2005 has brought a paradigm shift in the transparency and accountability in India. Enacted with much fanfare and hope RTI act 2005 turned out to be the most widely discussed legislation by the citizenry of India.

Assessment of RTI act:

In over one decade of being it's in force, ordinary citizens have used this law to question various acts of commission and omission on part of government. It played big role in exposing the Adarsh scam, irregularity in MGNREGA and other schemes. The largest role played by RTI has been in *institutionalising social audits* as an implicit part of governance. Indeed, RTI has been the weapon of the weak and set India's accountability landscape in a ground-up manner. What the RTI Act has managed to achieve in the last decade is to unleash a silent citizen's movement for government accountability across the country. The RAAG report found that on an average, 4-5 million applications are filed under the Act every year. But this has not been without its negative consequences.

Areas of concern:

- Inefficient implementation has delayed the settlement of information appeals. An October 2014 report brought out by the RTI Assessment and Analysis Group (RAAG) showed a waiting period of up to 60 years in Madhya Pradesh and up to 18 years in West Bengal, calculated on the basis of current rates of pendency in Information Commissions
- Forty activists who had demanded crucial information, with the potential to expose corruption within the government, had been killed. This has necessitated supplementary laws such as whistleblower protection laws to ensure protection for information activists. Which has been further diluted by the 2015 amendments leading to victimisation.

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- Over a period, the enthusiasm over RTI has waned. Political parties have resisted all efforts to bring them in RTI ambit which is a huge roadblock for true effectiveness despite a **2013** order of **CIC** citing them as "**publicauthorities**."
- Appointments to several posts in Information Commissions have been delayed. In fact the post of CIC was vacant for a period of 18 months between 2014 and 2016 when the new government took over despite numerous representations.
- This apart, RTI has been blatantly misused also. In the initial years, the act was used by the bureaucrats to know about transfers and postings. The government also started putting out less information on a *suo motu*
- In current times, the RTI Act, media and judicial activism etc. are proving helpful in bringing about greater transparency and accountability in the functioning of the government. But at the same time, it is also observed that these mechanisms are misused. Further, the officers are now afraid of taking prompt and speedy decisions. Thus, this dichotomy between the need for transparency and accountability and protecting honest civil servants from undue harassment needs to be resolved.
- Many RTI applications are blocked under **section 8**(**2**) of the act citing the reason of National security the ambit of which remains unclear.
- The judiciary which is a front runner in implementing RTI via various laws and interpretations and also has urged Political parties and RBI to come under it has itself insulated itself from the ambit of RBI which makes the entire judicial appointments process more opaque.

RTI act is one of the landmark legislations in India which has brewed a social revolution and has played a vital role in the governance with a few structural changes in legislation, robust grievance redressal mechanism and with political and judicial will can usher in an era of transparent, accountable and participatory governance.

BEST ANSWER: RED FANG

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9. The Indian Constitution provides for a scheme of checks and balances between the three organs of government namely, the legislature, the executive and the judiciary, against any potential abuse of power. Substantiate by taking examples.

Introduction:

According to Montesquieu: "Miserable indeed would be the case, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting powers, that of executing the public resolutions and that of judging the crimes or differences of individuals." The three main institutions of the State have been given clear and distinct power. Legislative, Executive and Judiciary keep a check on each other thereby maintaining balance and ensuring smooth functioning of democracy. Many provisions including Article 50 (which provides for separation of executive from judiciary) and others helps maintain the system of checks and balance.

Checks on legislature:

- The legislature has to work within the basic structure of the constitution.
- Article 13 of Indian Constitution has provision of Judicial review whereby the judiciary can examine the constitutional validity of any act/ordinance/regulations that are passed by the legislature. Laws can be declared ultra-vires if they violate the principles of the constitution.
- The legislatures also have to work within the rules and regulations of the Parliamentary norms.
- The executive also sets the agenda, dates for calling the assembly, what bills to be put up to keep a check on the legislature
- Executive may direct the President to dissolve Lok Saba.
- Through right to constitutional remedies under Articles 32 and 226, public can ensure that the judiciary keeps a check on legislative powers.

Example:

Keshvanand Bharti case- Basic structure doctrine.

Checks on executive:

- The law implementing organ is kept in check through parliamentary process like zero-hour, question hour, adjournment motion, censure motion, no confidence motion (under Article 75) and parliamentary committees.
- By the means of writs by the judiciary and use of judicial review of the laws passed and implemented by the executive, the judiciary keeps a check on then executive.
- Under Article 142 the judiciary can direct the executive to take actions meant for public welfare.
- Executive actions such as Emergency, declaring Presidents rule in a state etc. needs approval by the Parliament after its declaration.
- Ordinance created by the executive needs approval of legislature in 6 months to it remain valid.

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- Financial accountability is ensured through CAG reports

Examples-
2G scam, Coalgate scam- wherein SC put aside coal block allocations.
Ban against cattle slaughter stayed by SC.
Land oridnance not approved by parliament.

Checks on judiciary:

- The power to remove a judge through impeachment lies with the Parliament.
- Parliament has the power to determine the number of judges in the judiciary.
- The President, head of the executive, appoints judges.
- Parliament may enact laws that can nullify orders of judges if they come under the category of judicial overreach

But some instance of our political system undermines this check and balance:

- Re-promulgation of ordinances by the executive undermines the legislature as highlighted by the SC in D C Wadhwa case.
- Judicial overreach has at times blurred the distinction between executive and judiciary on certain occasions.
- The overlap between executive and legislature in case of ministers weaken the checks and balance to some extent.

Conclusion:

The checks and balances envisaged in our constitution has function quite well so far. The provisions though not water tight gives some flexibility in the system suited for Indian requirements. Nevertheless, the misuse of such flexibility needs to be arrested to strengthen the checks and balance and thus upholding the spirit of our democracy.

Best answer: Rahul

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10. Why having an alternative dispute resolution mechanism imperative for the Indian legal scenario? Discuss. Can you identify the existing alternative institutional arrangements for dispute resolution? Also discuss their merits and limitations.

Introduction

Alternative Dispute Resolution (ADR) mechanisms act as a means for parties to come to an agreement, to avoid litigation. Dispute resolution mechanisms provide an alternative to the conventional legal process of resolving disputes through mediation, arbitration and without needing the courts to give judgment in this process.

Main Body

ADR mechanisms are imperative for the Indian legal scenario as:-

- There is a huge pendency of cases in the courts and the Indian judiciary is overworked.
- They fulfill the provision of free legal aid under Article 39A of the constitution.
- there is acute shortage of judges in all levels of judiciary.
- ADR mechanisms save both time as well as money.
- Consensus among the parties is foremost in this process. Thus, it prevents further litigations.
- there is shortage of judges who are specially qualified for handling disputes which are coming up with the ever changing business and technology scenario

Justice Malimath Committee Report (1989-90) underlined the need for ADR mechanisms such as:-

- Arbitration:- It consists of hearing and determining of a dispute between parties by persons chosen by them.
- Conciliation:- It is the process of facilitating amicable settlement between parties. It can't be forced on a party not intending for conciliation.
- Mediation:- It is devised to assist disputants in reaching an agreement on their terms and conditions in arriving at a settlement.

Some ADR mechanisms present in India are,

- Lok Adalats brought about by the National Services Authorities Act 1987 which provides settlement of disputes through arbitration, counseling and mediation so that the disputing parties need not go to the courts for judgment.
- Gram Panchyats through Gram Nyalayas at village level provide dispute resolution of small , petty cases by panchayat decision for quick and early resolution of small cases.

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- The enactment of the Arbitration and Conciliation Act has set up coming upto to dispute resolution through arbitration and conciliation so that matters can be settled amicably outside the courts.
- Mahila Panchayats have also been setup to check the cases of atrocities against women.

Some merits of using ADR mechanisms are:-

- Multi-party disputes can be taken up easily.
- Likelihood and speed of settlements at a lower cost.
- The parties control the process while arriving at a settlement.
- The solution is very practical and can be devised for a wider range of issues, while protecting the interests of both the parties.

However, ADR mechanisms can't be used where:-

- There is a power imbalance in the parties involved.
- There is a substantial question of law and a court order or enforcement is crucial.
- The allegation is of a quasi-criminal matter which requires interpretation of evidential rules.
- The complexity in the case is of a high order.

Conclusion

However, the importance of ADR mechanisms can't be undermined in a high litigation load country like India and they serve as a viable alternative to conventional courts. This ADR process is step in the right direction to reduce the burden on the judiciary and proper development of ADR process will help give a good business and social environment in India.

Best Answer 1: RSP

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Best Answer 2: Akhil Pareek

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11. The way in which the architecture of our Constitution was conceived, the Council of States was envisioned as the House of federal bicameralism and not a simple bicameral Legislature. Elucidate.

Introduction:

Dr. B R Ambedkar believed that the Rajya Sabha would serve the larger purpose of being a instrument of federalism rather than being just a revising house.

RS as a house of federal bicameralism:

- Representation of States- The members of RS are elected by the members of legislative assembly of each state. Seats are distibuted in proportion to the population of each state.
- Article 249 of the constitution permits the Parliament to make law on state subject in national interest. Thus RS ensures that Centre doesn't ensures in the State jurisprudence.
- Under Article 312 RS can pass a resolution for creation of a new All India Service.
- Permanent nature of the house helps maintain continuum.

Examples:

State legislatures by nominating their representatives ensure protection of their interests against the unitary centre. Eg. In case of GST, Rajya Sabh played a key role in highlighting the concerns of states.

The land acquisition bill's failure to garner support in the Rajya Sabha reflected the lack of support from states for the legislation

The role of Rajya Sabha in its pure form is getting diluted as:

- Members elected to the Rajya Sabha often use coercion, muscle and money power to get elected.
- Parking of defeated politicians in RS.
- Doing away with domicile requirement for election.
- It has become a battleground to blindly oppose the ruling government's policies since it lacks majority

Way ahead:

- Equal representation of states irrespective of population, as recommended by Punchhi commission.
- Proper scrutiny through parliamentary committees before a bill is to be declared a money bill

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Conclusion:
Despite the initial concerns of the drafting committee, the Rajya Sabha has lived up to its role of protector of states and a symbol federal bicameralism but recent events such as bribing of legislators for votes has put a question mark over its credibility. RS should be continued as a house of debate, discussion and deliberation policy equal role with Lok Sabha and maintain the federal character of constitution. Rising above party politics and realizing the spirit of institution is the need of the hour.

Best answer: Red fang

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Best answer: Redeemer911

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12. From where do the emergency provisions in the Indian constitution come from? Compare these provisions with that of other countries.

Introduction:
Part XVIII (Articles 352-360) of the Indian constitution provides for emergency provisions so as to tackle extra-ordinary situations affecting sovereignty and national interest.
Source of emergency provisions:

- The emergency provisions in our constitution are mainly borrowed from the GOI Act, 1935
- However, the provision for suspension of fundamental rights during emergency has been taken from Weimar constitution of Germany.

Comparison:
On the basis of types of emergency:

- India- National Emergency(Article 352) , State emergency/President's rue (Article 356) and Financial emergency(Article 360).
- USA- National and Financial emergency.
- Canada- Public welfare emergency, Public order emergency, War emergency etc.

Authority to declare the emergency:

- India- Declared by President on the advice of executive.
- USA- A state governor or the mayor can proclaim emergency in their respective area of jurisdiction. Federal emergency is declared by President.
- Canada- Emergency can be declared by provincial, territorial and municipal governments.
- Australia- Each state has different emergency law.
- France- State emergency is proclaimed by Council of ministers.

On what grounds:

- USA- financial breakdown, natural disasters.
- France- threat of terror or terror attacks.

Time period required for approval:

- India- to be approved by Parliament within 30 days
- UK- 7 days
- Canada- Emergency declared automatically expires after 90 days unless extended by the Governor-in-council.
- France- It can be declared only for 12 days, post that it can be extended only after approval by the parliament.

To what effect:

- India- All fundamental rights except Right to life can be suspended.
- USA- The writ of Habeas corpus is suspended.
- France- The President assumes unlimited powers and the country politics is transformed into democratic dictatorship.

Conclusion:

Thus, it can be concluded that the emergency provision vary from one country to other depending on the political setup. It is observed that unitary polity/constitutions like the UK empowers only the national government to proclaim emergency while federal polity like USA, Australia empowers the provincial and local governments to declare emergency as well. Our

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emergency provisions are in conformity with the quasi federal nature of our polity with substantial safeguards to prevent abuse.

Best answer: Red fang

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Best answer: Peeku

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13. Which major countries of the world have bicameral parliament? How does India's bicameral system differ from that of UK? Discuss.

Introduction

A bicameral legislature is one in which the legislators are divided into two separate assemblies, chambers or houses. Bicameralism is distinguished from unicameralism, in which all of the members deliberate and vote as a single group. India is not alone in having bicameral system, as of 2015, somewhat less than half of the world's national legislatures are bicameral.

- US- US Congress is divided into Senate and House of Representatives.
- UK- House of Lords and House of Common. Indian bicameral set up was inspired from system though both have differences.
- Pakistan- It has Senate and National Assembly
- Australia, Canada, France, Japan are other major countries with bicameral set up.

Difference between Indian and UK bicameral system

1) The upper house in UK House of Lords is unelected but Rajya Sabha is elected.
2) The Rajya sabha is much more powerful that House of Lords in their own countries.
3) The Vice President is Head of Rajya Sabha in India but UK does not have Vice President.

4) The member of House of Lords has life long term, Rajya sabha has 6 year term for its members.
5) The Parliament if UK is a Sovereign body but not in India. In India people are sovereign.
6) India a Constitutional republic, UK is a Constitutional Monarchy.
7) Prime minister and most of the other cabinet ministers in UK are from lower house by convention, whereas in India they may be from either house.

Some similarities do exist
1) Leader of the house in lower house of UK and India becomes the Prime Minister.
2) Both have cabinet system of government accountable to the lower house.

Conclusion
Being an elected house, Rajya Sabha enjoys more power than the House of Lords. However, in both cases, the upper house acts as an additional layer of scrutiny and has played indispensible role in legislation. Thus though India has bicameral system like other countries, it has unique features modified to suit its requirements and conditions.

Best Answer: Red fang

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14. DPSPs and Fundamental Duties enshrined in the Indian Constitution have their inspiration from other constitutions of the world. Comment.

SYNOPSIS:
Indian constitution is often called as an elective constitution as it is an amalgamative mix of salient features of many of the constitutions around the world devised into a document by the Constituent assembly.
The directive principles of the state policy enumerated under part IV of the Constitution under articles 36-51 cannot be enforced by court of law sourced from Irish constitutions which were in turn sourced from the Spanish one.

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The DPSP of Ireland are enumerated in Article 45 of the Irish constitution which are similarly **non justiciable** are said to be a major influence since Ireland also endured similar colonial history says Jurist **AE Howard**.

In contrast the dynamic nature of Indian Directives, seen in socio economic sphere especially giving it a legal backing in **Champakan Dorairajan** case(1951) made sure that DPSP (Art 46 non-discrimination) can raise the constitutional effectiveness of Fundamental rights, **Irish** constitution DPSP are seen majorly as **static** .

Similarly the DPSP despite their external influence while incorporating them have been rendered uniquely Indian by the influence of **Gandhian** principles of promotion of cottage industries (Art 43), no intoxicants (47), organisation of village panchayats (Art 39), prevention of cow slaughter (Art 48)

Also addition of DPSPs by constitutional amendments like Free legal aid(Art 39A), Workers participation (43A) and protection of wildlife (48A) by 42nd amendment 1976 have emphasised the dynamic nature of DPSPs to the changing and evolving needs of the society making India a **welfare state** in its orientation.

Similarly Fundamental duties which trace their origin from the constitution of erstwhile USSR , recommended by the **Swaran singh** Committee in **1976** gave rise to Part IVA (Art 51A) which incorporated the Fundamental duties via the 42nd amendment

As the directive principles are addressed to the state, the fundamental duties are addressed to the Citizens. The citizens enjoying the fundamental rights must respect the ideals of the constitution, to promote harmony and spirit of the brotherhood.

The difference in both the duties lies in the objective of incorporating them while the Soviet Union made the duties compulsory and violation of them could cost them a penalty the Indian ones are not compulsory nor a limiting factor but are a gentle reminder to the citizenry of the country about their duties towards the society.

Justice Kurien Joseph says that Fundamental duties are nothing but an extension of the **concept of Dharma** of Ancient India which are imbibed across generation hence there is no coercion in enforcement or in their following

Thus it can be said though the idea of DPSPs and Fundamental Duties were sourced from outside countries the **Soul**and **the essence** of them in theory and practice is **uniquely Indian**.

BEST ANSWER : NANA

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15. Deep tentacles of corruption and mis-governance have consumed the medical regulatory regime in India. Do you agree? What are the associated issues? Examine.

Introduction:
Death of children in Gorakhpur hospital is an example of prevailing medical condition in India. MCI the statutory and accreditation body for Medicine is firmly placed in corruption and mis-governance which is the primary reason for present medical emergency.

Body:
Corruption is involved in:

- Appointment: Of doctor in government hospitals.
- Approval: Approval for medical college.
- Authorities: Medical council members' appointment.
- Treatment: Patients have to shell out even in government hospitals for most of the things.

Mis-governance in form like:

- Punishment: No process for pulling up negligence.
- Lack of Standard operating procedure: From general ward to ICU.
- Vacancy: At all levels.
- Politics: Recommendations over merits.
- Colleges: Owned by politicians so no actions taken for maladministration.

Associated Issues:

- Pharma-doctor nexus: Prescribing particular brand of medicines.
- Political-doctor nexus: Postings depends on political inclinations.
- Nepotism: Only Doctors children can become doctors' mindset.
- Government-private practice: Government doctors having private clinics.
- Counterfeited Medicines: Fake and low quality medicines.
- Fake doctors: Practice without having proper degree.
- Money: Overmedication and unwanted tests requirement to squeeze money.
- Accountability: Lack of accountability due to different regulators from Chemical ministry to health ministry and autonomous institutes.

Conclusion:
Root cause for all this problem is in first step i.e. joining of medicine. Due to lack of seats and management quota, lakhs and crores of rupees are shelled which becomes an investment and

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they need to take out the money invested. This is a cycle which has no end unless the root cause is prevented. Public investment is need of hour for effective solution.

Best Answer: Abhijit (ABG)

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16. BRICS countries must extend the synergy being witnessed in economic and strategic areas to the fight against terrorism? Discuss.

Introduction:
BRICS (Brazil, Russia, India, China, and South Africa) countries constitute 40% world population and 22% GDP making it most important Group for south- south cooperation. The summit was conceptualized as largely an economic entity over time other issues related to political, social, and cultural matters have also been added to the BRICS discussions.

Synergy in economic areas:

- BRICS countries have formed New Development Bank in 2011 to acquire loans for development activities specially infrastructure. BRICS bank with joint cooperation of IMF and FATCA can together check terror financing. It could be utilised in building infrastructure and community resilience.
- The BRICS Contingent Reserve Arrangement (CRA) is a framework for providing protection against global liquidity pressures these both became a strong competitor for IMF

Synergy in strategic areas:
Conducting defense exercises, operations at horn of africa and trade relations have improved the strategic ties.
Fighting terrorism:

- All the BRICS members suffers from terrorism. India faced by state sponsored terrorism in Kashmir, China in Uyghurs region, Russia in Chechenia region etc.
- BRICS countries should collectively put up the resources for best use to combat with increased surveillance and more cooperation among defense forces. The grouping can work together to expedite the adoption of the Comprehensive Convention on International Terrorism (CCIT) in the UN General Assembly.

However there are certain challenges:

- The denouncement at various platform is not adequately supported by tangible action as seen recently in Hafiz Sayed (a Pakistani terrorist) case was vetoed by China.
  Every group within the group has different goals and strategic interests which sometimes limits any synergy in action against the terrorism.
- With the risks that emerges from terrorism and affects every nation at the same level it is imperative that the group build a consensus on this issue. This will require a open dialogue supported by comprehensive diplomacy. The concerned of members are divergent but can be converged if the greater risks eg the rise ISIS is focused rather than narrow vested interests.

Way ahead:

- For better strategic cooperation to fight terror the BRICS nation should have a mechanism on the lines of RATS (Regional Anti-Terrorist Structure) of SCO.
- Cooperation on cyber front too – dark net, cyber terrorism, malicious hacking is required as BRICS nations have good IT network and human capital.
  Internal insurgencies also need to be mentioned in addition of cross border terrorism.
- Further convergence on global issues at WTO and other such bodies is required so as to leverage economic cooperation

Best answer: PD

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17. Recently, the Prime Minister suggested holding of simultaneous Lok Sabha and Assembly elections all over the country. Do you think it's a good idea? What are its pros and cons? Discuss.

Introduction:
Recently, the prime minister of country suggested having simultaneous elections to Lok Sabha and Assembly all over the country in order to save time and concentrates more on growth and development. It is a good idea however the possibility and support for it from various quarters are bleak.

Body:
Pros of having simultaneous election:

- Election and campaign: It will allow ministers and members to concentrate on government than spend time in campaigning.
- Money: Huge some of revenue can be saved in form of expenses.
- Availability: Huge man power will be available for which they are meant for.
- MCC: policy implementation and populistic policies will find back place.
- Development: Full concentration on growth and development by government.
- Accountability: Government can be held accountability for work done in 5 years.

Cons:

- Safety and security: Huge defense personnel's are needed which will put defense of country at stake.
- Manpower: Huge man power is required which is not available.
- National and regional issues: Both issues get mixed up.
- Regional politics: Regional party will be diminished.
- Employment: Many youths and party workers will become unemployed. In case of election they can earn some money.
- Early dissolution: In case of no-confidence or loss of majority or break up in coalition partners. In such cases what happens next.

Conclusion:
All stake holders should come together and decide keeping in mind the welfare of country and establishing the ideals of our framers of constitution. Utmost care should be taken to preserve the federal structure and our democratic setup.

Best Answer: Event Horizon

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18. What are the main recommendations of the TSR committee on education? What is your opinion on the recommendations made by by the committee?

Introduction:
Government of India to improve the education sector and bring reforms entrusted the task to former cabinet secretary TSR Subramanian. He came up with New Education policy for India which will change the lives of future generations.

Body:
Recommendations of TSR committee:

- IES: Establishing all India education services.
- Budget support: of 6% of GDP.
- TET to be compulsory and minimum 50% in graduation.
- Compulsory licensing: Of teachers.
- No-Detention: only up to 5th and Pre-schooling as right
- National level test: After 12th and on demand board exam earlier.
- Mid-day meal: Up to secondary level
- Management of Higher Education: Separate management and lapse of UGC
- Foreign universities: allowing top 200 universities to enter.

Views on the recommendation:

- The recommendations are positive steps towards reforms especially All India service, budgetary support, Mid-day meals scheme.
- Licensing of teachers might affect the quality especially in higher education. Professional employed as visiting professors provide invaluable insights which will be lost.
- There no formal institution for ranking university. In such case on what basic top 200 will be selected.
- Politics on campus is a sensitive issue. Implementing it will be difficult as most of present leaders were student leaders

Conclusion:
Lastly the most important is retaining teachers in the sector and addressing their issues. The nation is built on the educational foundation provided by them for future generations. Their salary and facility should be improved on par with developed countries to motivate them to give more.

Best Answer: The Silent Guardian

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19. The constitution of the State Reorganization Commission and its recommendations were testimony to the growing realization that regional and linguistic identities were a contemporary social reality and the best way to tackle it was to accept it. Discuss.

SYNOPSIS:

For a newly Independent India emerging from the pathos of partition The grouping of the States at Independence was done more on the basis of historical and political principles than social, cultural or linguistic divisions. There was not enough time to undertake a proper reorganisation of the units at the time of making the Constitution.

The Government appointed a commission under S.K. Dhar to examine the feasibility of reorganisation of states on a linguistic basis. The S.K Dhar Commission preferred reorganisation for administrative convenience rather than on linguistic basis. A Congress Committee under Jawaharlal Nehru, Sardar Patel and Pattabhi Sitaramayya (the JVP Committee) too did not favour a linguistic base.

However, in 1953, the first linguistic State came into being as Andhra Pradesh, created by separating the Telugu speaking areas from the State of Madras. This followed a prolonged agitation and the death of Potti Sriramulu after a 56-day hunger strike. As there were several more demands for states on a linguistic basis, a commission was set up under Justice F. Fazl Ali with H.N. Kunzru and KM. Panikkar as members to study the demand. The efforts of this commission were overseen by Govind Ballabh Pant, who served as the Home Minister from December 1954.

The Commission submitted its report on 30 September 1955, with the following recommendations:

- The three-tier (Part-A/B/C) state system should be abolished
- The institution of Rajapramukh and special agreement with former princely states should be abolished.
- The general control vested in Government of India by Article 371 should be abolished
- Only the following 3 states should be the Union Territories: Andaman & Nicobar, Delhi and Manipur. The other Part-C/D territories should be merged with the adjoining states

In Part II of Report of the States Reorganization Commission (SRC) 1955, titled "Factors Bearing on Reorganization", the Commission clearly said that "it is neither possible nor desirable to reorganise States on the basis of the single test of either language or culture, but that a balanced approach to the whole problem is necessary in the interest of our national unity. " Though sceptical of the recommendations the Congress government at the centre passed the State reorganisation committee act 1956 facilitating creation of newer states and 14 states and six union territories were formed via the 7thamendment.

Language was decided as the basis on which India's states were to be reorganised for the following reasons:

- Linguistic basis would ensure larger participation of the local people in the administration.
- Linguistic regions were, naturally, geographically contiguous also, and this made them easily governable.
- The vernacular languages neglected by the British can now flourish
- Volatile situation which occurred in various parts of the country has to be brought under control for which recognition of Language as a social reality has to not only be recognised but also has to be realised as the most suitable way forward for newly Independent India by the leadership even though the move was fraught with negative consequences of regionalism, lack of economic cooperation and a feeling of antagonism towards neighbouring states.

Thus the linguistic organisation of states emerged as the most suitable solution at the time to ensure the internal unity and acceptance of diversity amidst the various territories of India.

BEST ANSWER: SAURABH GARG

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20. The integration of the princely states was a result of the successful interplay of persuasion, diplomacy and force. Do you agree? Substantiate.

Introduction:

When British gave independence to India at stroke of mid-night, the first major issue was integration of 552 princely states in to Independent India. The "Iron Man of India" took up the role of integrating such diverse country into one assisted by able bureaucrat V.K Menon.

Body:

Many states willing joined but some didn't for which three major ways were used by Sardar Vallabhai Patel.

Persuasion:

- All but 3 states of the country were brought under the ambit of Indian republic by this method.
- Patel and Menon had days of negotiations, discussions, persuasion with the rulers.
- The rulers of Bhopal, Jodhpur were all assured of Privy Purse, their jewels, governorship and other entitlements to bring on course of joining the Indian Union.

Diplomacy:

- Junagadh:
- The ruler Nawab was bent on joining Pakistan despite being inside Indian Territory.
- Despite assurances and concessions when he did not accede, India had to cut of essential supplies and transportation for the state.
- When plebiscite was held, it was in favor of India. Thus it joined Indian Union.
- Kashmir:
- Kashmir's accession to India was when India sent its troops to fight the Pakistan sponsored tribes who had attacked Kashmir. The king signed the Instrument of Accession and it joined India.
- Force:
- The Nawab of Hyderabad aimed to create a separate country of Hyderabad within Indian Territory. His army (Razakars) did killings, human rights violations.
- So police action in the form of Operation Polo was done where the Indian armed forced defeated the Nawab's men and Hyderabad joined the Indian republic.
- Another was Operation Vijay much later to integrate Goa into India.

Conclusion:

The Indian political Map was changed in due course of time with addition of New state and few territories but the credit for integrating such a diverse country into one goes to the great statesman and stalwart Sardar Vallabhai Patel who is also known as "Bismarck of India".

Best Answer: Mayank

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21. The controversy surrounding the Hindu Code Bill immediately after India became a republic and the political acumen shown by the contemporary leaders to tackle the crisis exemplifies the importance of political will in pushing difficult reforms. What clues can be taken from history in the context of the debates over the uniform civil code? Discuss.

Background:

On the lines of **Article 44** of Indian constitution Jawaharlal Nehru, post-independence, entrusted his first Law Minister Dr. Ambedkar with the task of codifying the Hindu personal law as the first step towards a uniform civil code. The codification of the Hindu bill had 2 main purposes. Firstly, to elevate the social status of Hindu women and secondly to abrogate social disparities and inequality of caste.

Some of the prominent ideals proposed under this codification are as follows:

- The property of a dying man has to be shared equally among his widow, daughter and son.
- The right of any women over her inherited/self-obtained property should not be limited.
- Allowing either partner to file for divorce on certain grounds such as domestic violence, infidelity etc.
- The granting of maintenance to the wife if she decides to live separately due to divorce.
- Making monogamy mandatory.
- Allowance of inter-caste marriage and adoption of children of any caste.

Hindu Code Bill controversy:

Hindu code bill could not be passed during the provisional govt. just after the independence. It was subjected to strong opposition from staunch Hindutva supporters, RSS and Hindu Mahasabha etc. These conservative groups believed it to be a derogatory and absurd appeal against the basic Hindu laws that were governed by Dharmasastra (the textual authority on issues of marriage, adoption, inheritance). Even women belonging to the Hindu Mahasabha came to the forefront to oppose the bill.

Political acumen shown by contemporary leaders:

Dr. Ambedkar and his team, undaunted by the opposition from inside as well outside of the parliament, continued with their efforts with all seriousness and presented the draft bill to Nehru's cabinet, which unanimously approved it.

Finally, Nehru broke it down into 4 laws for the easy passing in the parliament. These four laws

were- Hindu Marriage Act, Hindu Succession Act, Hindu Minority and Guardianship Act and Hindu Adoptions and Maintenance Act.
They were passed one by one during 1955-56 leading to passing of what we call as Hindu code bill.

Clues that can be taken from history:
A stewardship is demanded when it comes to steps which is good for society but conservatism comes in between. The Uniform Civil Code which seeks to bring uniformity in all personal laws is being vehemently opposed by Muslim bodies like AIMPLB as it the UCC bill proposes doing away with discriminatory practices of triple talaq, nikah halah, polygamy etc. Within Muslims.

However as learnt for the Hindu bill controversy the government of the day needs to adopt a following approach:

- Involving all stakeholders- the religious law boards, intelligentsia from the religious communities etc.
- Taking gradual steps.
- Making it an important issue so that a rational debate and discussion take place.
- The government can also try to reform different segments of personal law like triple talaq, polygamy etc. individually rather than at one go.

Conclusion:
The UCC is the need of the hour to create an egalitarian society. Its passage will require political acumen on the part of the leadership today. The lessons learnt from the past must be utilized judiciously to resolve the conflict over UCC.

Best answer: Tshrt

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Best answer: arjun

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22. "The right to reputation is a constituent of Article 21 of the Constitution. It is an individual's fundamental right". Do you agree? Examine in light of the recent verdict of the Supreme Court to uphold the constitutional validity of the Criminal Defamation law.

Introduction

Right of reputation is one of the derived rights of the Article 21(Right to life and personal liberty). The definition of life under Article is very broadly based and provides adequate opportunity for holistic development of an individual. In social ecosystem in which a individual live, his reputation in public life is important to define his overall identity. The personal allegations which can tarnish the reputation is detrimental for his credibility and social interactions.

Recently with political propaganda used a medium to elicit public opinion and use of social medium for disseminating this at faster pace without knowing the authenticity of such information, the instances of using personal remarks are increasing.

Examination of verdict

Recently, the Supreme Court, in **Subramanian Swamy vs Union of India** case upheld the constitutionality of criminal defamation. As per SC, the right to free speech does not mean that a citizen can defame the other. This judgment is based on following reasoning:

- Protection of reputation is a fundamental right under Art-21, right to life with dignity and also a human right.
- Criminalization of defamation to protect individual dignity and reputation is a "reasonable restriction".
- A deliberate injury to one's reputation built over years is not a civil wrong.
- With the right to freedom of speech and expression, there is a correlative duty on citizens not to interfere with the liberty of others, as everyone is entitled to the dignity of person and of reputation.

However, there are following issues with such a stance:

- Freedom of speech is important for a vibrant democracy and must not be curbed in the garb of protecting reputation.
- Right to reputation cannot be extended to collective such as government which has the resources to set right damage to their reputations.

- Retaining the criminal remedies against defamation will be used less to preserve reputation and more to coerce, harass and threaten.
- Other countries like Sri Lanka have decriminalized defamation.

Conclusion

Though the arguments given by the court are convincing, in a democracy like India, there is no place for archaic laws restricting a person's freedom. There are enough evidences that such laws lead to self-censorship. So, the gains made through such laws are not commensurate to the loss. For a society to evolve, democracy to flourish, free speech is a sine-qua-non and the State has to every responsibility to uphold it.

Best Answer: The Silent Guardian

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23. Why does India want the membership of the Nuclear Supplier Group (NSG)? What benefits will accrue if India gets the membership of NSG? What are the hurdles? Discuss.

Background:

- NSG was established in the wake of the Pokhran I peaceful nuclear explosion conducted by India in 1974.
- The intent and purpose of the NSG is, however, different from that of the NPT. NSG is not an international treaty. It is a group of "nuclear supplier countries that seeks to contribute to nonproliferation of nuclear weapons through implementation of two sets of Guidelines for nuclear exports and nuclear-related exports."
- The 48-nation group frames and implements agreed rules for exporting nuclear equipment, with a view to controlling the spread of nuclear weapons; members are admitted only by consensus.
- After more than 25 years of its establishment, some suggested guidelines were evolved in 2001 at Aspen for admitting new members to the organization. Amongst these,

membership of NPT is only a guideline, a consideration, and not a mandatory requirement while deciding on a country's application.

- India was given a unique waiver in 2008, and china supported it then.
- **Why does India need the entry to the group and benefits:**
- India is keen to become a member of the NSG and other export control regimes such as the Wassenaar Agreement and Australia Group as it seeks to significantly expand its nuclear power generation and also enter the export market in the coming years.
- membership of the NSG will provide greater certainty and a legal foundation for India's nuclear regime and thus greater confidence for those countries investing billions of dollars to set up ambitious nuclear power projects in India.
- as India's international political, economic, military and strategic profile and clout increases, India would like to move into the category of international rule-creating nations rather than stay in the ranks of rule-adhering nations. For this, it is essential that India gets due recognition and a place on the NSG high table.
- India's track-record in observing the provisions of the NPT and NSG, even though it has not been a member of either body, is impeccable, But the entry into NSG will provide legitimacy to this past record.
- India became a Member of the Missile Technology Control Regime (MTCR) on 7 June 2016. All 34 members of MTCR are members of the NSG. India is hence assured of support of these 34 members in its quest for NSG membership.
- Provide greater certainty and a legal foundation for India's nuclear regime and thus greater confidence for those countries investing billions of dollars to set up ambitious nuclear power projects in India
- Access to technology for a range of uses from medicine to building nuclear power plants It can start building updated versions of its own fast breeder reactor and sell it to countries
- India committed to reducing dependence on fossil fuels and ensuring that 40% of its energy is sourced from renewable and clean sources, there is a pressing need to scale up nuclear power production
- Nuclear industry and related technology development could give the Make in India programme a big boost
- Training people in peaceful uses of nuclear energy, including use of radioisotopes, nuclear safety, radiation safety, nuclear security, radioactive waste management and nuclear and radiological disaster mitigation
- **Hurdles:**
- China been saying that India is not eligible to become a member of the NSG as it is not a member of the nuclear non-proliferation treaty (NPT),
- China has stated that Pakistan also has similar credentials to join the NSG; and that if India is admitted, Pakistan should also be admitted simultaneously.

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- The members of the group want to define the criteria for the entry of new countries, Brazil and Switzerland was in favour of discussing criteria of entry and India's case jointly and Ireland and New Zealand wanted to discuss criteria before discussing India's case.

Best Answer: NYK

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24. Iran is set to emerge as not only an important supplier of energy, but also as a key regional player in Central Asia and the Near East. Comment. How do you assess India's recent outreach to Iran? Will it benefit India? Examine.

Regional significance and importance for india:

Security aspect:

- Iran wants a peaceful Afghanistan in its neighbourhood. With the US presence being wound up in Afghanistan Iran can play a major role for a peaceful and stable Afghanistan.
- Both India and Iran has invested constructively in Afghanistan. Therefore, India and Iran can jointly fight against terrorism.
- Iran is playing a major role in eliminating ISIS from Syria

Connectivity:

- Iran's Bandar Abbas port conceived as the hub for the INSTC is the shortest and most economic route to central ASIA
- India is also developing Chabahar port which is the gateway to central Asia and also to Afghanistan bypassing Pakistan.

Economic:

- Huge oil and gas reserves which can complement Indian needs, Iran has 9.3 per cent of global oil reserves and 18.2 per cent of gas reserves.
- Chabahar Port: India is now looking to attain two berthing docks at the port, to give the country an edge not only in trade with Iran but access to Central Asia and beyond as well.
- Investments in Farzad B: India was awarded the development of the Farzad B block in the Farsi gas field, and had committed $1 billion to the project.

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- International North-South Transport Corridor (INSTC): The INSTC is a multi–modal idea to connect Indian trade with Central Asia, Eurasia and Russia.
- India–Iran gas pipeline: A pipeline connecting Chabahar port via Oman and then taking the subsea route to India.

Co-operation:

- Iranian authorities have accused Pakistan's ISI of helping the Baloch separatist movement in Iran and its leader Abdulmalik Rigi. This is a chance for India to develop co-operation with Iran as both the countries are facing internal disturbances funded by Pakistan.
- India has stood by Iran, even when it was facing economic sactions by the US, by agreeing to pay for oil in kind, now that the sanctions are lifted, both can mutually benefit

Best Answer: The Silent Guardian

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25. The decision by the apex court of India to declare Triple Talaq as unconstitutional addresses a grave problem. However, it is not certain whether the judicial pronouncement will have meaningful effect on the ground reality. Critically comment.

Introduction

Talaq -e- biddat is the irrevocable practice where a Muslim man can divorce his wife by pronouncing the "talaq" at a single time with no time for reconciliation.Though not in Quran it is protected by Sharia (Muslim personal law) Act 1937 framed in pre constitution era.

Main Body

In a judgment coming after long time, the Supreme Court in Shayara Bano vs Union of India Case has declared the practice of Triple Talaq as unconstitutional by giving following arguments,

- This practice is not supported by Quran and a law that is sinful cannot be given constitutional protection.• It is in violation of Muslim women's rights and is against article 14 of the constitution.

This is a landmark step for gender equality as,

- It provides a ground for women to challenge unilateral divorce by their husbands. Earlier women used to be left in the lurch without any legal recourse.
- It gives Muslim women equal footing in their marriage. Earlier, some women had to deal with the whims of their husbands merely to avoid getting divorced.
- It not only undermined equality before law, but also smothered gender justice.

So, the judgment was long overdue, as many women organizations have been demanding it for long. But, to what extent the judicial pronouncement will have effect at ground level is of question, because

- There was severe opposition from the All India Muslim Personal Law Board (AIMPLB) on judicial intervention in the matters of personal law and faith. After this judgment it is important how widely it is accepted and incorporated.
- Women from the marginalized sections of the Muslim community are still not aware and empowered enough to challenge their husbands if they go for Triple Talaq.
- Court dealt with Issue of Instant talaq only, other important issues of Nikah-e-halala and polygamy also need to be addressed.
- Modalities of implantation of this judgment is not clear, responsibility of legislature to come up with suitable legislation within six months is a challenge.

Conclusion

Thus there is still some work left to be done in sensitizing both men and women of the community to stand up against the practice. Moreover, this is just one step in our battle to ensure that conservative elements don't deny women their rights in the name of personal laws. Next steps should be bringing more reforms in personal laws through consensus and to bringing a Uniform Civil Code after wider consultation and negotiation.

Best Answer: NKY

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26. The latest shift in USA's strategy for Pakistan and Afghanistan is a golden opportunity for India to capitalise. Do you agree? Critically analyse.

New opportunities for India, as India can –

- Isolate Pak and expose Terror organisation on international stage.
- build closer ties with USA will also give more pitch to Indian voice for demanding a permanent seat in UNSC.
- Stronger ties with USA will mean, more access to nuclear technology, modern weapons and political influence on world stage and an ally to counter the Chinese advances and hostile assertion.
- India's active role in Afghan will do well for energy security with projects like TAPI, give her a second front from Afghan side in case of combat with Pak and make her geopolitically important player.
- **Hurdles or challenges:**
- Afghan already urges more role of India. So nothing new in US demanding the same.
- More economic resources to be poured in by India, which already runs on strained budgets and fiscal deficits
- Demands of 'Boots on the ground' need more political will and proper strategy to achieve the objectives to be accomplished.
- The current America is 'isolation-ist', she is only considering her interests like on issues of H1B visas, jobs to Americans etc. So, India must weight her options.
- A closer tie with USA will mean taking the opposite camp against old friend like Russia, and it may make China more hostile.

Best Answer: Redeemer

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27. Should India abandon its support for Palestine? Don't you think it would be a pragmatic decision keeping in mind the fact that India's interests are better served if it does so? Comment.

Introduction:

Recently Narendra Modi became the first Prime Minister of India to visit Israel and it became even more significant because of the timing of visit and calls for India to abandon its support for Palestine from various quarters.

Body:

India-Israel relationship has taken new shape after the new government came to power. The reasons for India to embrace Israel are:

- Strategic reasons: Israel is major exporter of defense equipment's' to us. It came to our rescue during Kargil war.
- Agriculture: They are very developed in Agriculture technologies from which we need help.
- Water technology: From water scarce land, they have made water available 24-hours.
- Make-in-India: They will help in being Industrial power.
- UNSC: There support is required for UNSC permanent seat.
- Terrorism: They are also fighting border terrorism like us.

Reasons why we should not abandon Palestine:

- Muslims: India has sizable Muslim population who support Palestine cause.
- Energy Security: Most of Arab nations will turn against us.
- India Expats: Majority of Indians live in Arab countries, it will affect their livelihood.
- Neighbor tensions: Will rise as two of our neighbors are Muslim majority country.

Conclusion:

India should take a balanced approach in this case and try to act as per Art 51 which mentions about International Peace and co-operation. India can take moral high ground and engage in negotiations for finding peaceful solutions. Also act within limitations as to not interfere in sovereign countries domestic matters.

Best Answer: akg

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28. What differences do you observe in the functioning of government and private sectors? What can they learn from each other? Discuss.

Introduction:

The public sector is usually composed of organizations that are owned and operated by the government. This includes federal, provincial, state, or municipal governments The private sector is usually composed of organizations that are privately owned and not part of the

government. These usually includes corporations (both profit and non-profit), partnerships, and charities. both sectors are indispensable part of the wellbeing of the economy

Differences:

- While public sector's basic objective is to serve the citizens of the country (social justice) and the private sector it is earning profit.
- The scale and complexity of the Government organizations is much larger than those in the private sector
- The private sector is driven by market driven competition and those in government sector is by legislation
- Authority and responsibility in the government tends to be asymmetric while authority and responsibility in the private sector are more clearly balanced. Responsibility in the government can be enormous while authority is frequently quite limited.
- The senior/political leadership in Departments and Agencies turns over more frequently and to a larger extent than occurs in the private sector.
- The government is much slower in action than the private sector; there is little sense of urgency or time
- The oversight mechanism for Governmental agencies both internal and external is high like periodic inspections, audits, press, media etc.

What private sector can learn from public sector?

- Proper oversight mechanism- ensuring compliance
- Have standard protocols and fixing responsibility
- Ensure societal well-being and employee satisfaction
- Environmental consciousness
- Strategic innovation than incremental innovation
- Invest more in R&D and encourage talent pool formation
- Ensure service delivery standards and grievance redressal
- Have more transparent corporate governance involving stakeholder participation

What public sector can learn from private sector?

- More risk taking ability
- Be more proactive and encourage competition(no laxity)
- Time bound result oriented management
- Ensure best management practices
- Faster career progression and ensure human capital enrichment
- Ensure measurement of progress for both organization and employees
- Be sensitive to market changes and ability to adapt

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- Higher compensation for employees to prevent corruption

Conclusion:
At present, India is adopting the policy of Privatization at a larger scale, through which Private Sector is gaining importance. For the progress and development of the country, both the sectors must go hand in hand as only one sector cannot lead the country in the path of success.

Best answer: Anant

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29. The right to privacy has been declared as a fundamental right by a 9 judge bench of Supreme Court. What implications will this judgment have on India's data security regime? Examine.

Introduction
9 judge bench delivered landmark judgement and unanimously declaring the Right to Privacy is fundamental right under constitution. SC has categorically held that Right to privacy will be protected as intrinsic part of Right to life and personal liberty under Article 21 of constitution of India. Judgement represents quantum leap in the evolution of legal jurisprudence pertaining to privacy in India.

Main Body
From relevance and contemporary stand point the fact that privacy is extremely important concern in technology intensive society which aims to become information based society especially at a time when we are pushing for Digital India. Right to privacy is intricately related to data security and it may have several implications on India's data security regime.
In this part focus on answer should be on following components,

- Aadhaar and data security concerns towards Aadhar, need for robust data protection mechanism.
- Cyber security policy upgradation, filling loopholes in backdrop of increased cyber crime and global ransom ware attacks.

- Need for revamped National encryption policy considering necessary changes suggested to previous draft.
- Need to regulate data and information with multinationals and ecommerce websites.
- Strengthening of Cert-In and data security council,IT Act 2000
- Crucial task ahead for Justice B.N.Srikrishna committee on draft data protection policy guidelines.

Conclusion

The important implication of this judgment is that now government needs to come with Stringent Privacy Law and Data Protection law. Also, Privacy is not absolute, and the State will always have the Primacy to impose Reasonable Restrictions in the Greater interest. Privacy is the essential part of Vibrant Democracy and it needs to be Protected and Conserved and that is responsibility of all stakeholders.

Best Answer: Redeemr911

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30. Primacy of the judiciary in judges' appointments is embedded in the basic structure of the Constitution. Do you agree? Critically analyse

INTRODUCTION:

The Supreme Court in October 2015, struck down the 99th constitutional amendment of the National Judicial Appointments Commission (NJAC) as null and void since it impedes into the tenet of Judicial Primacy which it said was a part of the basic structure of the constitution laid down by it in the historic pronouncement in Kesavananda Bharati case (1973)

EVOLUTION OF JUDICIAL PRIMACY:

The Constitutional bench in the verdict in **Three Judge case** (**1998**) established the collegium system overturning the previous judgement of 1981 where even the executive had a say in appointment of the judges to the higher judiciary.

The SC interpreted the word consultation used in **articles 124** and **217** as concurrence and the court then held that executive is bound by the advice of the CJI in making appointments to the higher judiciary in the second judge case (1993) which later evolved into the collegium system.

Thus the Judicial assertion and lack of contest by the executive turned this into the **Doctrine of Judicial primacy** (a judicial innovation).

WHETHER IT IS A PART OF BASIC STRUCTURE:

The court in its judgement asserted that Judicial primacy is non-negotiable in order to maintain the Independence of the judiciary which is an inalienable part of the Basic structure thus by extension even the Doctrine of Judicial primacy is a part of basic structure.

The proponents of the primacy doctrine also assert that it is a must in order to maintain a clear cut separation of powers enshrined in **Article 50** of the constitution.

Many Constitutional experts however said that the concept of primacy as a part of basic structure is misplaced. Even Dr.**BR Ambedkar** opined that primacy of CJI in appointments is a **dangerous proposition**.

In no constitution of the world is there any provision of judges having a decisive voice in appointing judges of superior courts. No such feature is found in any democratic country. It is not found in the appointments of judges in the US, UK, Australia, Canada, New Zealand and South Africa. Nobody has suggested these democratic states do not have independent judiciaries because judges are not appointed by the primacy of judges.

The five-judge bench in **Union of India** v. **Sankalchand Sheth**, (**1977**) has held, through Justice **VR Krishna Iyer's**majority opinion, in the context of transfers of high court judges under Article 222 that the word "consultation" used therein does not mean "concurrence.

The fear that the executive might use the authority vested on it to appoint pliant judges favourable to its government's outlook is well founded. But, the National Judicial Appointments Commission, established through the 99th Constitutional Amendment, does not permit such excessive authority. It's a six-member commission heavily tilted in favour of according the judiciary a significant say in matters of appointment. It not only comprises the three most senior judges of the Supreme Court, but it also accords the Chief Justice of India a vote in determining the two eminent persons to be nominated on the commission.

CONCLUSION:

Though the pragmatic view of SC in ensuring that Judicial primacy as a part of basic structure has to be seen as a Judicial Innovation but the NJAC does not comprehensively try to neither effect the Independence nor affect the Basic structure Doctrine thus the Evolution of Primacy need not be a part of Basic structure doctrine

BEST ANSWER: SAURABH GARG

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31. The Supreme Court has augmented its moral authority and acquired a new credibility with the people through judicial activism and judicial creativity. Critically comment.

Introduction:

Judicial activism is a legal term that refers to court rulings that are partially or fully based on the judge's political or personal considerations, rather than existing laws.

Judicial Creativity is where legislations are interpreted by judge's creative skills by introducing new principles and ways for implementation of laws.

Body:

Judicial Activism:

- Legislative and executive Vacuum: It evolved due to void created by executives and to establish rule of law.
- PIL: In form of Public interest litigations, court passed orders for executives.
- Pollution: Banning certain vehicles like SUV above 2000CCto preserve environment.
- Black Money: Forming SIT to recovered black money.
- Under trials: Release of under trials having served half there sentence if pronounced.

Judicial Creativity:

- Doctrine of Basic Structure: This new concept was created due to creativity which has no constitutional or statutory basis.
- Liquor ban from High ways: Banning liquor from 500m of National Highways.
- Art 21: various interpretations like Menaka Gandhi Case, Right to environment etc.
- Middle Income group scheme: For affordable settlement of cases for underprivileged.

Issues with these steps:

- Judicial overreach: Judiciary has taken control of executive and playing role of God father when they are equals with other institutes.
- Separation of power: Erosion of this concept with their high handedness.
- Excessive power: With no control and accountability, there are becoming super administrators.

Conclusion:

Their involvement is very much appreciated to preserve rule of land and control the other two organs when they go rogue but they are going beyond reach of any authority. They have

assumed super powers like collegium system, where nobody can question or control them which are a bad precedent. They should stick to their role given by constitution.

Best Answer: Red fang

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32. Discuss the role of Cabinet in the Indian polity. Also bring out the distinction between the Cabinet and the Council of Ministers?

Introduction:

Cabinet is the supreme directing authority, the magnet of policy, which co-ordinates and controls the whole of the executive government of the Union and integrates and guides the work of Parliament.

Role of cabinet in Indian polity:

- Cabinet is a deliberative and policy formulating body. It discusses and decides all sorts of national and international problems confronting the country.
- The Cabinet Ministers formulate policies, make decisions and draft Bills on all significant matters which in their judgement require legislative attention.
- It is their responsibility to see that Parliament meets at the most suitable time and the work of both the Houses is so conducted that it remains busy throughout the session.
- The Cabinet is the supreme executive body. It superintends, supervises and directs the work the civil servants do all over the Union.
- The essential function of the Cabinet is to co-ordinate and guides the functions of the several Ministries and Departments of Government.

· *Judges of the Su-preme Court and the High Courts, and members of the Union Public Service Commission etc. are se-lected by the Cabinet, and their appointments; are announced by the President on the recommenda-tion of the Cabinet.*

Distinction between the Cabinet and the Council of Ministers:

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- Council of Ministers is a wider body of which the Cabinet is a small but most powerful part. All ministers constitute the Council of Ministers whereas the Cabinet consists of the top 15-20 ministers only.
- Cabinet ministers are the part of council of ministers. Council of ministers is divided into three parts: cabinet ministers, ministers of state with independent charges and ministers of state.
- In the Indian Constitution, the provisions relating to the council of ministers are described in detail, in the Article 74 and 75. In contrast, the term cabinet is mentioned only once in the article 352, and that was also inserted through the 44th amendment act, in the year 1978.
- Policy-making is performed by the Cabinet and not by the Council of Ministers. Union Cabinet is the highest decision-making executive in India while Council of Ministers the highest political functionaries of India.
- The cabinet takes decisions relating to policies and monitors its implementation by the council of ministers. On the contrary, the council of ministers implements the decisions of the cabinet.
- Only the Cabinet ministers take part in the meetings of the cabinet. Other ministers attend only when specially asked by the Prime Minister. A full meeting of the council of ministers is rarely held.
- The Council has no collective functions; while the Cabinet performs a number of collective functions.

Conclusion:
Thus, in the words of M.V. Pylee “the Cabinet the formulator of national policies the highest appointing authority, the arbiter of inter-departmental disputes and the supreme organ of co-ordination in the Government”. However, both cabinet and council of ministers help the government to function smoothly.

Best answer: Chandler Bing

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Best answer: Red fang

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33. The permanent executive in India is led by civil servants most of whom are generalists. Do you think it is high time that area experts should be given lateral entry into the executive machinery? Critically analyse.

Introduction

In India permanent executive is lead by civil servants which are recruited by UPSC which examines the overall knowledge of something of everything.

Earlier this year, the Prime Minister's Office had asked the Department of Personnel and Training (DoPT) to prepare a proposal for considering the lateral entry of professionals into the middle levels of the civil services in ministries relating to economy and infrastructure. The need for lateral entry into the civil services has been debated for quite some time with even the Second ARC Report recommending the need for formalised procedures for such entry. But this has been met with resistance from many quarters particularly from civil servants themselves. This article discusses the issue of lateral entry into the civil services from both perspectives.

Main Body

The need for lateral entry into the civil services

The idea that the Indian civil services is in need of institutional reform is not a new one. Allegations of corruption, mediocrity, stagnation and inefficiency have been made against the services. There is also a shortage of officers particularly in the middle levels. The Baswan Committee report said that large states like Madhya Pradesh, Rajasthan and Bihar have a shortfall of 75 to 100 officers. Lateral entry is suggested to cover up this deficit and also avoid the difficulties of large-scale initial recruitment.

Another belief is that lateral entry will bring in people with experience of the private sector. This can infuse the system with fresh energy and outlook. This can also bring in people with specialized knowledge and expertise. Civil servants are said to be jacks of all trades with mastery in none. This is in part due to the varied nature of their jobs, but the truth is, there are many sectors that need officers with specific domain knowledge. The career progression of a career civil servant is such that there is not much scope for him/her to develop specialised knowledge. The frequent transfers to different places and departments also don't help. Thus,

lateral entry can help bridge this gap of individuals with domain expertise. In addition, lateral entry can also bring in people with corporate exposure in the private sector with inherent advantages like faster turnaround of projects and better efficiency due to their target-oriented nature.

The opposition

However, a move by the government to usher in lateral entry will not be easily welcomed by most of the current civil servants. Although the government has frequently roped in private sector individuals to head committees and projects, such a move into the mid-levels of the bureaucracy will affect the existing balance of officers. This can also demotivate current officers who would have struggled hard to get through to the services in the first place after clearing the tough UPSC civil services exam.

People hostile to the idea of lateral entry also say that it is not the individual but the enabling environment that can bring out the best in him/her. They say that even successful private-sector professionals can falter in an environment riddled with red tape and political interference. So what is needed is to reform the system from within first before looking for solutions outside. It is also said that this move can deter people from applying for the civil services because of a perceived slacking of promotional avenues.

Conclusion

There is no doubt that the civil service, which forms the backbone of Indian administration, needs reforms. The country's progress and development depend on this. Even if lateral entry is introduced, it must follow a strictly defined procedure and not give way to nepotism and further corruption. Many developed countries like the UK and Australia follow lateral entry to suit their needs. The need of the hour is to have internal reforms to improve systemic efficiency, and also have a defined structure in place to allow lateral entry of professionals into the civil services.

Best Answer: Red Fang

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34. Judiciary isn't devoid of corrupt practices. It is in this light that enforceable standards of conduct for the judges must become a reality in India. Discuss.

Socrates had said, four things should belong to a Judge; to hear courteously, to answer wisely, to consider soberly and to decide impartially.

- **Problems with the current system of judiciary:**
- Judge Selection: The current system of Judge selection i.e., the collegium system is opaque and inefficient. People of the country whose rights the courts are supposed to protect, are unaware of the mode of selection and the efficiency of the judges
- Judges arriving late: It has become a common practice has the proceedings of the court starts after the Judge, who are never on time.
- Uncle Judge syndrome: The law commission in its 230th report has criticized this practice of Uncle Judges. people who have practiced in the High courts for 20-25 years get elevated to the posts of Judges and are hearing the cases from their erstwhile Colleagues, friends and family members. This compromises the impartiality of the Judge. The equity demands that the justice shall not only be done but should also appear to have been done.
- Removal procedure: The Constitution-makers only provided for the removal from office of Supreme Court and High Court judges by means of joint action by the two Houses of Parliament, for proved misbehavior or incapacity. Till today, no judge has been removed according to this procedure.
- Punishment practice: Current practices are that of transferring the errant judges to other state's High Court. This does not solve the core problem i.e., of correcting the wrongs made by the judge, rather only transfers the problem from one High Court to another

Solutions:

- The U.S. Constitution has the method of removal by impeachment of federal judges, but there is a supplemental law to consider complaints of misbehavior by federal court judges and discipline them, short of their removal. This has to be adopted in India too, so that disciplinary actions short of removal can be taken.
- Create a dedicated investigative agency to investigate the matters relating to allegations against the judges.
- judiciary must have a known system to govern and Court hours should not be judge centric.
- The judges, whose kith and kin are practicing in a High Court, should not be posted in the same High Court. This will eliminate "Uncle Judge"
- need to develop a uniform court procedure and eliminate the personality driven functioning of Judges.

Best Answer: Redeemer

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35. In a welfare State driven by directive principles of state policy, the role of pressure groups becomes indispensable. Elucidate

SYNOPSIS:

The directive principles enshrined in articles 36-51 in part IV of the constitution is an effort on the part of the constitution makers to make India a welfare state but due to the exigencies of the period and time these were made non justiciable due to lack of resources and which would come into force vide a legislation.

Pressure groups are groups which try to influence public policy in the interest of a particular cause without being part of a political party or process. In a democracy with limited resources allocation towards a particular cause become very important this is where the role of pressure groups becomes indispensable.

DIRECTIVE PRINCIPLES AND PRESSURE GROUPS:

- Art 38 mentions about a just socio-economic order this is where various trade unions such as CITU, AITUC affiliated to various political parties influence policies like minimum wage(art 43) , workers participation in management(43A) etc.
- Organizations such as legal aid, NALSA group offer free legal aid to poor thus fulfilling objectives of article 39.
- Environment protection groups like Narmada bachao andolan, green peace, blue cross etc fulfill the objective of a Art 48A.
- Organisations such as IDSA, ORF help in track II diplomacy in ensuring a peaceful and cooperative international order (art 51).
- Organisations such as FTO(fair trade organization) help in promotion of cottage industries(ART 43).
- Organisations like SEWA, Mahila sashaktikaran andolan, etc have helped formulate various legislations like new maternity benefit, criminal law amendment, IPC 498A(domestic violence), similarly bachpan bachao andolan(BBA) have made changes in national child policy, new labour reforms , POSCO etc fulfilling objectives of ART 46
- Organisations such as NCLP have formulated new bonded labour rehabilitation bill 2016 thus fulfilling objectives of protection of weaker sections.

- Many organizations like akshaya patra, , navjyoti organization ensure nutrition via mid day meal scheme, fight substance abuse etc(ART 47)
- Various organizations like bhartiya kisan sangh, RKSS, shetkari sangathan, AOFG help in sustainable organic farming, fight for farmers rights and also in technology dissemination to fulfill objective of scientific farming and animal husbandry (Art 48).
- Many organizations liken NFIW, sadbhavana trust have stood against regressive personal laws like triple talaq, polygamy to ensure uniformity in personal laws in order to enforce a uniform civil code which bore fruit when SC ruled triple talaq as unconstitutional (art 44).
- However the negative influence of pressure groups can be felt when some vigilante groups like gau rakshana samitis become anonymous empires to prevent cow slaughter as seen in recent lynching cases(art 48), try to influence policy for narrow gains help in concentration of wealth(FICCI, CII) etc.

Thus pressure groups act both as carriers of democracy or influencers o public policy but a lot depends on the influence the group commands and the political institutions determine the role and scope the pressure group can play in a representative multifarious democracy like India.

BEST ANSWER: RED FANG

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35. Business groups like FICCI, CII etc and trade unions like AITUC, INTUC etc are pressure groups operating under the same democratic set up. Yet we find a difference in their approach, strategy and successes. Why? Critically analyse.

Introduction:

Pressure groups may be formal or informal, recognized by law or unrecognized who are a group that tries to influence the policy of government through various tactics and strategies. They maybe environmental, business, trade related among many more.

Body:

	Business group	**Trade union**
	· Professional, Media shy and	· Professional but at times take

	democratic. · Back door approach like lobbying. · Soft power like convincing, positive forecasting.	law in hand and Media attention seekers. · Front door approach like open confrontation. · Hard power.
	· Professional advices and expertise. · Political funding, meetings, conference, CEO conclaves etc. · Memorandum, petition types.	· Direct confrontation like strike, picketing. · Sometimes also violence like riots, bandhs etc. · Affiliation to political parties
	· They hit the bulls' eye like political funding so they have more success. · Their success results in dramatic changes in Economy like Budget, employment, FDI etc.	· They follow traditional routes so chances of success are less. · Their success results in changes to only particular group like employees of that sector etc.

Even after so many differences, they still have certain similarities:

- They both have support from political parties, which makes them an influencing group.
- They both decide fate of political parties coming to power so both are given attention even if they play different level plays.
- Both have some aim and strive for it till it is achieved.

Conclusion:

Representative democracy exists to fulfil the needs of the electors. They both play a huge role in growth and development of Economy and Standard of living as a whole. Their success and approaches might be different but they are very important part of our democratic setup.

Best Answer: arjun choudhary

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36. Pressure groups and their roles in a democracy are not always unharmful. Do you agree? What are the fallouts of having notorious pressure groups in a democratic polity? Examine with the help of suitable examples.

Introduction:

Pressure group are the interest groups which work to secure certain interest by influencing the public policy. They are non-aligned with any political party and work as indirect yet powerful group to influence the decision.

Their role in democracy:

- Pressure Groups represent various demands and interests (e.g. pro and anti-fox hunting), and are therefore a vital element of a pluralist society. They encourage and enable the people to participate in the political process.
- Pressure Groups can also educate and inform the electorate, and thus enhance political education.
- Pressure Groups can help to achieve change within society that strengthens democracy.
- Decision-makers are made aware of how the public feel about certain issues.
- Development of marginalized section- Several Tribal activist groups have spearheading the movements against the exploitation of tribal population and forced Govt. to pass pro-tribal forest policies and Forest Act. Example- The Forest Act, 2006.

Harm created by these groups:

- Focus on parochial interest-Pressure groups at times gets influence by their sectional and local interest more as compared to their common interest as seen in Jalllikaatu ban case in Chennai.
- Pressure groups in India tries to influence the government mainly through various unconstitutional method as strikes, agitation, demonstration, lockouts etc.
- At times hinders development. Eg. In case of protests against Kudankulam nuclear power project, a large no, of protests were organized by mobilizing people on propaganda of safety issues. The NGOs took benefit of the available resources to hinder projects as per the intelligence agencies.
- Pressure group involves with protest and certain radicalization of political life results into mass violence. For example, Naxalite movement starting after fourth general election of 1967 in west Bengal.
- The tendency of pressure group to resort to coercion to secure the solution of a socio-political problem in streets could be regarded as a serious threat to democratic set up.

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- Insider Pressure Groups can hold too much influence over government ministers, which can be detrimental to those who wish to reduce the role of the state. Eg. Anti-tobacco lobby has long maintained the pressure regarding the size of warning images over cigarette packs.
- Some Pressure Groups could be accused of holding the country to ransom. Many NGOs have been accused of misappropriation of funds**.** Corrupt or unscrupulous NGOs that receive foreign funds may serve as conduits for money laundering. CBI records filed in the Supreme Court show that only 10% of the total registered NGOs under the Societies Registration Act file annual financial statements.

Conclusion:

Despite of all these major criticisms the existence of pressure groups is now indispensable and helpful element of democratic setup. Pressure group promotes national and particular interests and constitutes a link of communication between citizen and the government. Pressure groups are an important dimension of any democracy, yet they can imperil it if sectional groups weaken the public interest or if the methods they use are immoral or threatening. Saying that we need to be aware of the activities of the NGOs as the transparency in their operations is vital for the credibility. So, the NGOs must abide by law of land.

Best answer: Anant

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37. The provisions of the Representation of People Act have many loopholes that keep the arena of politics open for criminal elements. Do you agree? What safeguards do you suggest in this regard? Discuss.

Introduction:

Article 327 empowers the parliament to enact laws for the conduct of elections. Following which, parliament came up with RPA 1950 and 1951. Criminalisation of politics refers to a situation when people with criminal backgrounds become elected representatives and politicians. It has acquired deep roots in India leading to poor governance.

Main Body

Various sections of RPA to keep a check on criminals in politics are,

- Disqualification for certain offences is provided for in Section 8.
- Section 33A under which each candidate has to file an affidavit furnishing details about cases in which he has been accused of an offence punishable with 2 or more years.
- Section 125A provides for punishment of imprisonment for a term upto six months or with fine for declaring wrong information.
- Section 123 deals with corrupt practices.
- Section 29C mandates parties to furnish reports about their financing to keep a check on illegitimate funding by criminals.

However, above provisions are not well equipped to prevent criminsalisation due to various legal lacunae.

- As per Section 8, a person is disqualified from contesting election only on conviction by the Court of Law.

Due to huge pendency of cases in courts, persons charged with serious and heinous crimes contest election, pending their trial, and even getting elected in a large number of cases. In power, they tend to distort trials in their favor.

- Section 8(3) of RPA allows convicts from disqualification if the sentence is less than 2 years.
- Section 125 provides for imprisonment of just 6 months with fine as optional. It will hardly deter.
- Due to strong nexus between criminals and parties, there transpires a quid pro quo corruption. Criminals finance parties with illegitimate funds and expect protection in return.

Conclusion

Hence, despite being a well framed legislation, RPA can't tackle criminalisation alone. It needs multiple reforms in tandem – internal democracy, financial transparency, partial state funding, empowered ECI, strong judiciary – to ensure that criminals are not allowed to enter the political arena. Suggestions of ECI, LCI, committees such as NN Vohra need to be taken seriously.

Best Answer: Redeemer911

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38. The International Tribunal for the Law of the Sea was in news recently? Why? What is its mandate?

The International Tribunal for the Law of the Sea:

- The International Tribunal for the Law of the Sea was formed under the The United Nations Convention on the Law of the Sea which came into force in 1994.
- The International Tribunal for the Law of the Sea is an independent judicial body established by the United Nations Convention on the Law of the Sea to adjudicate disputes arising out of the interpretation and application of the Convention. The Tribunal is composed of 21 independent members, elected from among persons enjoying the highest reputation for fairness and integrity and of recognized competence in the field of the law of the sea.

Mandate and Jurisdiction:

The jurisdiction of the Tribunal comprises all disputes and all applications submitted to it in accordance with the Convention. It also includes all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal (Statute, article 21). The Tribunal has jurisdiction to deal with disputes (contentious jurisdiction) and legal questions (advisory jurisdiction) submitted to it.

Contentious jurisdiction

The Tribunal has jurisdiction over all disputes concerning the interpretation or application of the Convention, subject to the provisions of article 297 and to the declarations made in accordance with article 298 of the Convention.

Article 297 and declarations made under article 298 of the Convention do not prevent parties from agreeing to submit to the Tribunal a dispute otherwise excluded from the Tribunal's jurisdiction under these provisions (Convention, article 299).

The Tribunal also has jurisdiction over all disputes and all applications submitted to it pursuant to the provisions of any other agreement conferring jurisdiction on the Tribunal. A number of multilateral agreements conferring jurisdiction on the Tribunal have been concluded to date.

Advisory jurisdiction

The Seabed Disputes Chamber is competent to give an advisory opinion on legal questions arising within the scope of the activities of the Assembly or Council of the International Seabed Authority (article 191 of the Convention).

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The Tribunal may also give an advisory opinion on a legal question if this is provided for by "an international agreement related to the purposes of the Convention" (Rules of the Tribunal, article 138).

Why in news:

- Law expert Neeru Chadha has been elected to the International Tribunal for the Law of the Seas (ITLOS). With this election, she has become the first Indian Women to become the judge of the ITLOS.
- In 2016, the International Tribunal for the Law of the Sea (ITLOS) had rejected the plea of Italy, that it has the sole jurisdiction to try the marines who had killed two Indian fisherman in the Arabian Sea. This had become a reason for bilateral tussle between India and Italy, who both claimed that the trail was to take place under their respective laws.

Best Answer: RSP

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39. What are the functions and responsibilities of UPSC? Does it play any role in checking corruption? Examine.

SYNOPSIS:

The Union Public Service Commission is the central recruitment agency in India. It is an independent constitutional body being directly created by the Constitution of India under Article 315 under part XIV of the COI. The UPSC consists of a Chairman and other members appointed by the President of India. The President is empowered by the Constitution to determine the condition of service of the Chairman and other members of the commission.

FUNCTIONS AND RESPONSIBILITIES OF UPSC:

- Conducts exams and merit based appointments for the All-India Services Central Services and Public Services of the centrally and Ministered Territories as per Article 320.
- Assists the States in framing and operating schemes of joint recruitment for any services requiring special qualifications and also autonomous bodies like DMC, EPFO, and ESIC etc.

- Serves the interests of the State on the request of the State Governor and with the approval of the President of India.
- Consulted on matters, some of which may be identified as:

Claim for reimbursement of legal express incurred by a civil servant in defending proceeding instituted against him.

Matters of temporary appointments for period exceeding one year and on regularization of appointments.

Matters related to personnel management etc.

Promotions, transfers of the AIS and suitability of the candidates for such.

ROLE IN CHECKING CORRUPTION:

- Though control or checking of corruption is not an explicit mandate of UPSC its track record in recruitment by ensuring transparency and time bound process has ensured that it remains "The watchdog of meritocracy "in India and a role model for other recruitment agencies which are embroiled in various issues of not following norms or allegations of corruption.
- It is also required to be consulted by the Government in matters relating to the appointment, transfer, promotion and disciplinary matters. The commission reports directly to the President and can advice the Government through him. Although, such advice is not binding on the Government. UPSC is amongst the few institutions which function with both autonomy and freedom.
- As per 323, it shall be the duty of the Union Commission to annually present a report to the President of the work done by the Commission. On receipt of such report, the President shall present a copy before each House of Parliament; together with a memorandum, if any, explaining the reasons where the advice of the Commission was not accepted by him.
- Under Art.320 (3) it handles various disciplinary cases referred to it by ministries and DoPT.(Department of personnel)

Though many feel the role of UPSC has been usurped by creation of CVC (Central Vigilance commission) UPSC by virtue of its autonomy and on basis of Article 321 it can exercise additional functions if delegated so by the president. Though questions are raised time and again over its functioning It must ensure transparency, adopt RTI , respect the mandate of Supreme court and remain a beacon of accountability.

BEST ANSWER: RED FANG

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40. Assess the role of CVC in checking corruption. Do you think the office of CVC requires more powers and personnel to tackle the cases of corruption in the government set up? Discuss.

Introduction:

The CVC was set up by the Government in February, 1964 on the recommendations of K. Santhanam committee, to advise and guide Central Government agencies in the field of vigilance and was given statutory powers in 2003.

Body:

Role of CVC in checking corruption:

- CBI: exercises superintendence over function of CBI in corruption cases.
- Investigation: Of complaints received over corruption on central government employees.
- Sanctions: Review of progress and sanctioning of prosecution under prevention of corruption act, 1988.
- Advice: tender advice on matters referred to it.
- Civil court: has power of civil court while conducting enquiry.
- Consultation: advices government on rules and regulations regarding vigilance matters.

Reforms needed in CVC:

- Independent identity: Relieve its powers of superintendence on CBI and give separate officials.
- Powers: Independent powers to prosecute than being just recommendation body.
- Binding: Powers to pronounce verdict, binding and non-interference from judiciary.
- Constitutional status: On par with election commission with security of tenure.
- All levels: Power to enquiry into officials up to Cabinet secretary level than just joint secretary.

Conclusion:

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With constitutional status it will get independence, non-interference from executive. It should also be given fixed function and no overlap with other institutions like ED, CBI etc. Recently RBI has given power to cover under its ambit private bank also.

Additional Info:
The Commission shall consist of:

- A Central Vigilance Commissioner – Chairperson;
- Not more than two Vigilance Commissioners – Members;
- ·Has its own secretariat, consisting of a Secretary of the rank of Additional Secretary to the GOI, four officer of the rank of Joint Secretary to the GOI, thirty officers of the rank of Director/Deputy Secretary (including two OSDs), four Under Secretaries and office staff

Best Answer: shiva09

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41. The Inter State Council remains a highly underutilized forum. Do you agree? What role was envisaged for the Inter State Council? What role can it play in the current federal polity? Critically evaluate.

Introduction:
The Inter-State Council was created on the recommendation of Sarkaria commission on Centre-State relations in 1990 under Article 263 of our constitution.
Role envisaged for the council:
The forum was envisaged to promote coordination and cooperation between the states and the centre leading to evolution of new policies and smooth functioning and strengthening of federal structure.

Highly underutilized:

- The council meeting has taken only 11 times since its creation in 1990.
- Restricting matters to discussion and no follow up being taken. No tangible outcome has emerged out of the meetings held till now.
- Less interest from centre and state in utilizing this forum. Absenteeism is an issue.

What role can ISC play in current federal polity:

- Strengthening federal polity, Platform for solving contentious matters.
- It can be a forum to discuss and adopt role model of best practices in each states leading to balanced regional development.
- ISC provides a platform for discussion for the legislation related to subjects like health, education etc. mentioned in concurrent list so that State doesn't feel left out in the process.
- Adventurism of governors of which we have many examples is an issue which can be discussed at this platform.
- It can create a pressure on centre as well as build consensus among the states so as to ensure implementation of Sarkaria and Punchhi commissions reports.

Conclusion:

The ISC can thus provide a platform for periodic consultation and assessment. The challenge of maintaining a federation could be met through healthy debate and discussion on this platform. However, to increase its effectiveness the recommendations of Punchhi commission regarding ISC- involving experts from various domains in the meetings, three meeting a year etc.- must be implemented at the earliest.

Best answer: ankita

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Best answer: arjun choudhary

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42. What are quasi judicial bodies? What are their special functions? Do they enjoy adequate powers to perform their mandate effectively? Discuss by taking at least two examples.

Definition

Quasi-judicial bodies are such institutions which have power of enforcement of law but are not courts. These bodies can inquire, investigate, summon & award legal penalties to any administrative agency. Generally these bodies have limited judiciary power in specialized areas such as

- NHRC/SHRC in human rights violation
- CVC in corruption cases
- CIC/SIC related to RTI act
- NGT in environment cases
- Income tax tribunals

They lessen the burden of already encumbered Judiciary system.

Since these bodies deal with specific jurisdiction, experts in the particular field work for dispute resolution. Thus expertise is a major advantage.

Quasi judicial bodies are more accessible to the common men and are also cheaper and faster than court process.

Powers

Such bodies usually have powers of adjudication in such matters as:

breach of discipline,

conduct rules,

trust in the matters of money or otherwise,

Their powers are usually limited to a very specific area of expertise and authority, such as land use and zoning, financial markets, employment law, public standards, and/or a specific set of regulations of an agency.

Examples

Write two examples from the following,

1.National Human Rights Commission

2.State Human Rights Commission (established at each state)

3.Central Information Commission

4.State Information Commission (established at each state)

5.National Consumer Disputes Redressal Commission

6.StateConsumer Disputes Redressal Commission (established at each state)

7.Competition Commission of India

8.Appellate Tribunal for Electricity

9.Railway Claims Tribunal

10.Income Tax Appellate Tribunal

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11.Intellectual Property Appellate Tribunal
12.Central Excise and Service Tax Appellate Tribunal
13.Banking Ombudsman
14.Income tax Ombudsman

Limitations

- A person can again appeal in the court against the decision of the Quasi Judicial body. This fades away the advantage of cost and time provided by the Quasi Judicial body.
- Most of these bodies are recommendatory in nature, like NHRC and CIC. They can't even award compensation or relief to the victims directly, but can only recommend it.
- Many Quasi Judicial bodies are suffering with lack of strength. Proper and quick investigation is not being done.
- These are not as independent as the Judiciary. Frequent interference from the executive is evident.

Best Answer: Lokmanya

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43. Keeping in mind the increasing instances of violence and atrocities against Dalits, do you think giving more powers and teeth to the National Commission for Schedule Castes will address the issue? Examine.

About National Commission for Scheduled Castes (NCSC):
NCSC is a Constitutional Body whose functions, duties and power of the Commission have been laid down in the Article 338 of the Constitution.

- **Functions include:**
- To investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution or under any other law for the time being in force.
- To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;

- To participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their development under the Union and any State;
- to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards.
- It is the duty of The Union and every State Government to consult the Commission on all major policy matters affecting Scheduled Castes
- The NCSC has classified the constitutional safeguards it seeks to monitor and evaluate in five broad categories: (a) social safeguards (e.g., untouchability and child labour); (b) economic safeguards; (c) educational and cultural safeguards (such as reservations in technical and professional courses); (d) political safeguards (reserved seats in legislatures); and (e) service safeguards (relating chiefly to reservations in recruitment to public employment). The remedial action that the Commission suggests is purely recommendatory in character. It also plays an advisory role vis-à-vis the union and state governments who are obliged to consult it on all major policy matters affecting the Scheduled Castes.

Evaluation of the functioning:

- The Commission's competence in settling service-related grievances may be contrasted with its inability to reduce the incidence of atrocities and violence against dalits, or to effectively fight the persistent scourge of untouchability. The Commission has been active in suggesting ways of streamlining procedures or ensuring fairness in the implementation of reservations and development schemes. It is, however, less active in making a stronger case for fundamental change, or even a frank and sharp analysis of the social realities of discrimination.
- By choosing to interpret its constitutional mandate narrowly, the Commission has laid itself open to the charge of elite bias. i.e., the complaints that are revieved are by those who are educated and can articulate. Vast majority of the Scheduled castes have no education and as such no avenue to approach the commission.
- A particular Commission seems to be only as good as its members, and especially its Chairperson, are. The lack of institutionalisation in the procedures of appointment to the Commission has meant that competent and committed members are less likely to be appointed.
- The most significant handicap of the Commission is the fact that its decisions are not binding, but recommendatory. Though this is not explicitly stated in the Constitution (as amended), Article 338, with all its sub-clauses, is deeply ambiguous on this issue. It gives the Commission quasi-judicial powers of investigation, but does not mention the form in which the Commission's judgement of a particular issue would be delivered and

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implemented. It makes it incumbent upon the Central and state governments to consult the Commission, but does not state that its advice would be binding.

- The Commission is supposed to prepare an Annual Report for presentation to Parliament. Reports are often tabled two or more years after they have been submitted to the President. Such delays are usually on account of the requirement that the Action Taken Report be submitted along with the main report. This means that the President circulates the Report to all the Ministries and Departments which are mentioned in it, and it is only when they have all explained their actions, or justified their inaction, that the Report can be presented in Parliament. The Constitution does not fix any period within which the Report must be discussed in Parliament.

What powers should be given to the commission:

- The commission should be given powers to act as criminal court that can conduct a trial and announce punishment, current system is highly ineffective, time consuming and costly
- The commission's report should be tabled in the parliament within 6 months from the date of submission along with the Action taken report from the concerned ministries, this will make the implementations faster and effective
- The constitution of the members should be changed to include more pro-active members with impeccable integrity. This will not only improve the moral stature of the commission but will also make it look more impartial.
- The Suo-moto powers must be used more often where the people are either unable to reach NCSC or are being prevented form approaching. This will give more credibility to the commission and help in getting justice to the oppressed people.

Best Answer: AKS

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44. Education sector shouldn't become a theatre of ideological battles. While it is fine to infuse indigenous sources and perspectives into the current education system, the modern and scientific outlook towards knowledge can't become subservient to ideology of any kind. Critically analyze

SYNOPSIS:

India's education sector has long been held hostage to changing political landscape and the ideologies that drive them it has oscillated between the whims of Occidentalism , Christian theology ,Nehruvian socialism, liberal arts to the fancies of mythologically driven right wing governments bent on changing the historical narrative and perspectives whenever they are in power.

" Ideology in the guise of education is nothing but indoctrination" said John Amos. The recent skirmishes happening in JNU, the move to replace German with Sanskrit in kendriya vidyalayas, the fiasco at Indian science congress where mythology was given precedence over hard scientific facts, the changing of curriculum and pedagogy by Rajasthan Government on the basis of Narendra Batra panel and the appointment of ICHR chairman has led to fears of saffronization of education.

While the fears may be unfound it has led to a debate about the approach towards education it is necessary to blend our education into a blend of both indigenous and scientific approach as our constitution tells us to develop scientific temper (under Article 51A of DPSP) many educationists believe that castigating indigenous sources of education as outdated can be perilous.

Indian medicine systems like ayurveda and unani are feted for their effective palliative treatment , our traditional knowledge of herbs (like turmeric, condiments) is also famous there is a need to not only preserve but also pass on these valuable source of information to the future vide institutes like TKDL etc. in order to protect from IPR issues (as seen in cases of basmati rice).

But all said and done it is the imperative of political class and the active civil society that the education system must follow the global best practices and also to disseminate our indigenous cultural knowledge on the lines of Singapore and prevent it from becoming an weapon in the ideological battles .

BEST ANSWER

Education aims to impart modern ideas and critical reasoning to the receivers in objective manner free of any prejudice or predilection. It should not become theatre for ideological battle given its adverse affects:

> **Historical distortion** – eg- amending the NCERTs according to political ideology, inclusion of vedas /puranas as part of the subject

>**Nationalisation of education** – eg- forcing Hindi as medium of education despite the fact that knowledge of English is India's strength especially vis-à-vis countries like China.

>**Religious ideas in education** – often conflict with the modern scientific ideas eg- creationism vs darwinism

>**Effects on Democratic education** eg- terming JNU leftist/anti-nationalist

>**Xenophobic ideas** – Pakistan's official textbooks has often been criticized for sometimes promoting religious intolerance and Indophobia

However, indigenous source and perspective may prove to be productive for India's education sector:

> **Exploring Scientific history of India**– India being a land of great mathematicians like Bhaskaracharya, astronomers like Varahmira, etc

> **Indigenous source of knowledge** – such Yoga, Naturopathy, Ayurveda, etc

> **Exploring Indian perspectives** – eg- Babu Kunwar Singh considered a 'Baghi' in British texts, while a hero in local folktales

> **Defining true Indian culture** – respect for dignity of women e.g.- Matreyi and Gargi in early Vedic times; respect to teachers as stipulated in Brahmacharya ashram

Hence, instead of enforcing a particular ideology in the garb of indigenising education should be replaced by scientific and empirical enquiry of curriculum to present objective facts to young minds.

45. The government through various interventions and policies has tried to make manufacturing a dynamic sector, one of which is the emphasis on skill development. Examine the policies and interventions in the area of skill development and also evaluate their effectiveness.

Introduction:

In order to utilize and channelize the huge demographic dividend, government is focusing more on manufacturing sector which provides high rate of employment. But due to lack of skills, GOI is emphasizing on skill development with introduction of various schemes and policies.

Body:

Policies and schemes:

- Pradhan Mantri Yuva yojana: To scale up ecosystem for new generation and 1st generation entrepreneurs and train them with easy access to information and networking, incubator facility etc.
- National apprenticeship scheme: To promote industrial on hands training to students, in which government will share 25% of stipend amount.
- Pradhan Mantri Kaushal Vikas Yojana: To train people with focus on youths seeking employment opportunity in foreign country and required skills for the same.
- Prior learning scheme: Due to lack of formal education, many skilled people lack opportunity. So government will recognize the acquired skills in particular industry and certify them.

- Ustaad, Nai Manzil, Nai roshni: For minority community, to impart skills for women, recognition, safeguarding and training of traditional skills of community among others.
- UDAN: To provide training for unemployed youths of Jammu and Kashmir and integrate them with the formal work force of the nation.
- ITI: More vocational training and Industrial training institutes are being opened to train youth's after schooling.

Effectiveness:

- GDP: It will result in increase of manufacturing sector's share in GDP.
- Employment: It will increase the employment percentage of country.
- Formal employment: It will help in movement from informal to formal workforce.
- Inclusiveness: It leads to inclusive development of Women and vulnerable sections of community.
- Industry ready: It will make students or job seeker's industry ready with necessary skills

Conclusion:

The seriousness of the present government towards Skill development can be seen in policies and schemes introduced. Also a new Ministry was carved out for skill development and NSDC was given more teeth. Also new skill development service cadre is under consideration. The success these will be known very soon.

Best Answer: oliver27

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