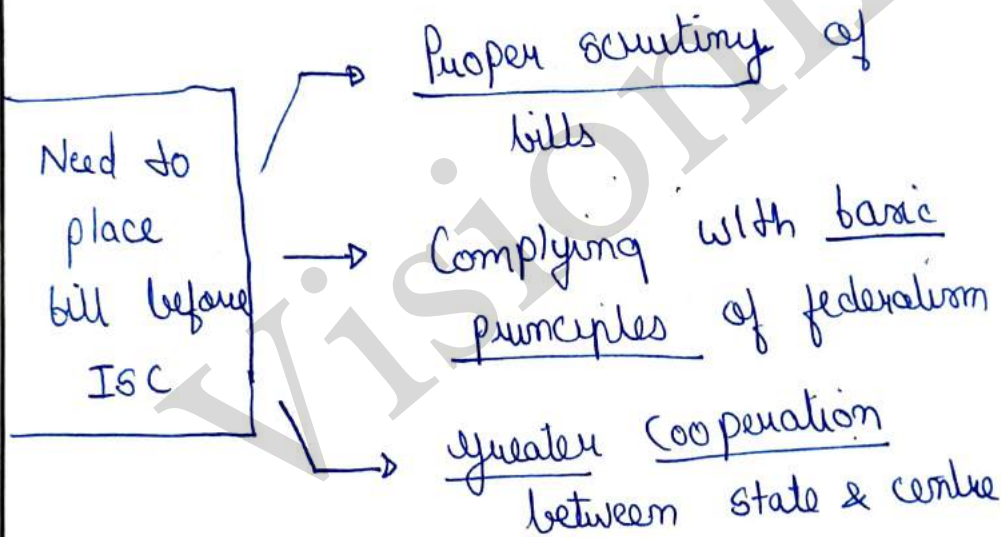


1. There are arguments that bills of national importance should be placed before the Inter-State Council prior to their introduction in the Parliament. Discuss in light of the issues that have been observed in the passage of bills in the Parliament in recent times. **(150 words) 10**

यह तर्क दिया जाता है कि राष्ट्रीय महत्व के विधेयकों को संसद में पुरःस्थापित किए जाने से पहले अंतर-राज्य परिषद के समक्ष रखा जाना चाहिए। हाल के दिनों में संसद में विधेयकों के पारित होने के दौरान अवलोकित मुद्दों के संदर्भ में चर्चा कीजिए।

Sarkaria Commission highlighted the need to place bills in concurrent list before the Inter-State Council to ensure cooperation in federalism.



Issue with Passage of Bills in recent

① Passing in haste : Most of important bills

like Agric laws, IT (Amendment) were passed quickly

② Not referring to Parliamentary Committee

- Bills referred to Committee were down from 71% in 15th Lok Sabha to 29% in 16th Lok Sabha

③ Declining productivity of Parliament

- From 120 sittings in 1947 to 70 sittings in year in 2021.

④ Opposition not been given ~~sufficient~~ adequate time + frequent adjournment

⑤ Bypassing Rajya Sabha through Money Bill route eg Aadhar Bill

Way forward → More space to opposition

↓
⑥ Reduce Debate & discussion. → ISC meeting before any law on concurrent list.

Parliament is a temple in Parliamentary form only if it properly deliberates instead of haste

2. Discuss the role played by the Directorate of Enforcement in the investigation of offence of money laundering and violations of foreign exchange laws. (150 words) 10

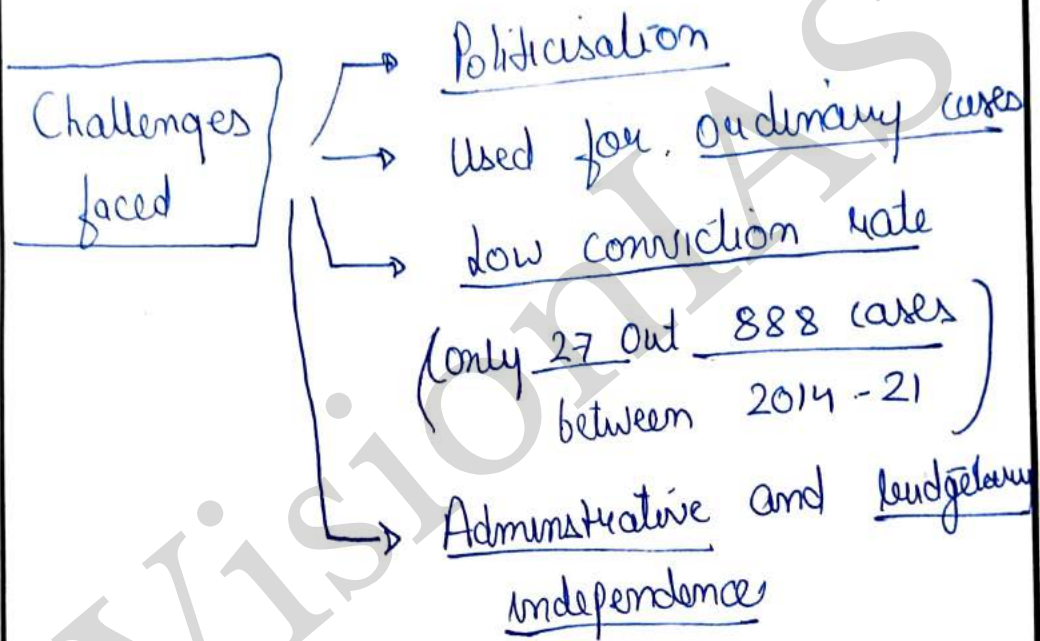
मनी लॉन्ड्रिंग के अपराध और विदेशी मुद्रा कानूनों के उल्लंघन की जांच में प्रवर्तन निदेशालय द्वारा निभाई गई भूमिका पर चर्चा कीजिए।

Directorate of Enforcement (ED) is a central investigative agency designate to handle cases under Prevention of Money Laundering Act (PMLA) & Foreign Exchange Management Act (FEMA)

Role played by ED

- ① Primary agency to investigate money laundering & violation of FEMA.
- ② Has power of arrest and confiscation of property under PMLA.
- ③ Coordinates with Department of Revenue to identify potential violation.

- (4) Has Specialised team to investigate complex Money laundering frauds
- (5) Can carry out direct search and seizure under PMZA.



Idea of CJI (NV Ramana) to establish umbrella body for central investigative agency with clearly defined powers, procedures and autonomy can be way forward.

3. The Indian Constitution has been successful in providing a framework for liberal democracy to flourish in India. Analyse. (150 words) 10

भारतीय संविधान भारत में उदार लोकतंत्र के विकास हेतु एक ढांचा प्रदान करने में सफल रहा है। विश्लेषण कीजिए।

Indian Constitution is fundamental law of the land, which provides for conception, organisation and function of State in order to establish liberal democracy in India.

Indian Constitution & liberal democracy

① Article 325 provides for Adult franchise and Article 324 for free and fair election in India.

② Article 19 provides citizen with freedom of speech & expression → critical for liberal democracy.

③ Supreme Court time and again highlighted that liberal democratic principle are part of basic structure (PULC Judgement)

④ Article 21 provides for right to dignified life and freedom against exploitation by state.

⑤ DPSPs provides for separation of power and equal representation of all sections

Not quite successful in providing liberal democracy

↳ 'Flawed Democracy' - 54/180

Countries in EIU Democracy Index

↳ Curbing of dissent in name of sedition & hate speech

↳ 150/180 in Press freedom Index

"Constitution can only provide a basic framework, but it will be bad or good based on people who rule" - BR Ambedkar

4. The Central Information Commission plays a key role in empowering people through information. In this context, discuss the issues faced by it and suggest measures that are required to strengthen the institution.

(150 words) 10

केंद्रीय सूचना आयोग सूचना के माध्यम से लोगों को सशक्त बनाने में महत्वपूर्ण भूमिका निभाता है। इस संदर्भ में, इसके द्वारा सामना किए जाने वाले मुद्दों पर चर्चा कीजिए और इस संस्था को मजबूत करने के लिए आवश्यक उपायों का सुझाव दीजिए।

"The information is new currency
of in digital era"

CIC (Central Information Commission) is
responsible for providing information
to citizens under Right to Information
Act, 2005.

Issues faced by CIC

- ① lack of adequately trained work
force (Vacant posts)
- ② Official Secrets Act allows hiding
of information by authorities

- ③ Lack of Awareness of common people about RTI Act.
- ④ RTI Activist burdening CIC with fraudulent and motivated applications.
- ⑤ Delays in disposing off RTI Application due to non-availability of data.

Measures to be taken by CIC

2nd ARC Recommendation

- Repealing Official Secret Act
- Creating centralised system for online data management
- Increasing Strength of Commission
- Time bound disposal of pleas

Right to Information Act was Significant legislation to empower citizens and make them smart.

5. What do you understand by the "principle of subsidiarity"? Discuss its importance in the context of India. (150 words) 10

"समन्वयिता के सिद्धांत" से आप क्या समझते हैं? भारत के संदर्भ में इसके महत्व की विवेचना कीजिए।

'Principle of Subsidiarity' refers that government at lower level ~~can~~ ^{should} frame subsidiary laws based on law formulated by upper tier government.

Importance of Subsidiarity Principle

- ① Greater democratic participation
- ② Clear delimitation of responsibility
- ③ Improved efficiency & better decision
- ④ Government at local level are closer to people, thus understand their issue better.
- ⑤ Very difficult for a centre to make uniform law for diverse

Country like India, which can
fulfill aspiration of all

- ⑥ young level people have better
knowledge of limited resources
and thus can use them wisely

Challenges

- Funds : lack of own funds
(Highly depend on grant)
- Function : State taking away
limited power given to
them
- Functionary : Delayed election and
chemical on hand
of state.

The 73rd & 74th Amendment tried to
establish 'principle of Subsidiary' through
grassroot democracy but turned to be grass without
root.

- Q. Bringing out the differences between political parties and pressure groups, discuss how pressure groups play an important role in improving governance and democratic processes in India. (150 words) 10

राजनीतिक दलों और दबाव समूहों के बीच विद्यमान अंतरों को स्पष्ट करते हुए, चर्चा कीजिए कि भारत में शासन (गवर्नेंस) और लोकतांत्रिक प्रक्रियाओं को बेहतर बनाने में दबाव समूह कैसे महत्वपूर्ण भूमिका निभाते हैं।

A political party is registered entity formed to fight election, while a pressure group is created to pressurise government on specific issues.

Political Party	Pressure group
① <u>fight election</u>	① <u>Not involved in election</u>
② <u>Run the government</u>	② <u>Pressurise government</u> for demands
③ Focus on <u>whole citizens</u>	③ Focus on <u>specific groups</u> like farmers, women
eg BJP, INC, CPM	eg SEWA, MKSS

Role of Pressure group in Governance

① Effective implementation of planned policy of government

↳ Akshay Patra foundation in Mid day meal scheme

② Enforce accountability of government

↳ Social audit by MKSS.

③ Convey class interest and mood to government

↳ Kisan Mahasabha in Agriculture Bill revolt

④ Ensure services of government reach most vulnerable

↳ SEWA in women empowerment

⑤ Ensuring social justice & last mile delivery

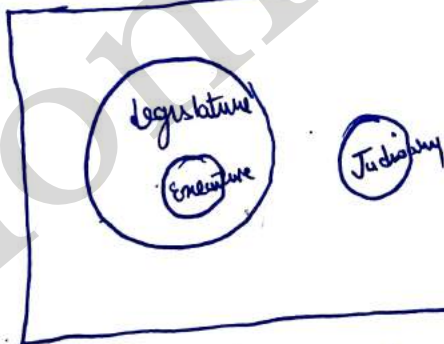
Pressure group play key role in democratic setup by raising voices of vulnerable sections

7. The practice of separation of powers in the Constitutional scheme of India and USA is distinct in its own way. Examine. (150 words) 10
भारत और यू.एस.ए. की संवैधानिक योजना में शक्तियों के पृथक्करण का कार्य अपनी व्यवस्था के अनुसार भिन्न है। परीक्षण कीजिए।

Separation of power is a concept where power is distributed among different organs of society to avoid concentration of power in hands of few

Separation of Power in India

- Article 50 provides for separation of Judiciary from executive



- In India's parliamentary form of government executive are taken from legislature itself

Separation of Power in USA

- The executive is completely separate

from the legislature

→ President and ministers are not accountable directly to the legislature.

Executive

Judiciary

Legislature

Differences

- Parliamentary form of government (India) vs Presidential form of government (USA)
- Council of ministers from legislature in India, whereas independent executive in USA.
- Continuous responsibility in Indian system vs periodic accountability in USA.

Indian system is based on checks and balances and continuous and concurrent accountability to Lok Sabha suits us better

8. "The moral value of fundamental duties would not be to smother rights but to establish a democratic balance by making the people conscious of their duties equally as they are conscious of their rights". Discuss.

(150 words) 10

"मूल कर्तव्यों का नैतिक मूल्य अधिकारों का दमन करना नहीं होगा, बल्कि लोगों को अपने कर्तव्यों के प्रति उसी रूप में जागरूक बनाकर एक लोकतांत्रिक संतुलन स्थापित करना है, जिस प्रकार वे अपने अधिकारों के प्रति जागरूक हैं।" चर्चा कीजिए।

"Rights and duties are two sides of same coin" - President Muammar

Through 42nd Amendment based on Swarn Singh Committee report, India introduced fundamental duties in part IV of Constitution to balance between rights and duties.

Need to perceive them together

- ① Complementary nature of rights and duties.
- ② Enables establishing a Civilised Society and liberal democracy.

- ③ If everyone perform their duties, no one's rights would be violated
- ④ Promotes discipline in citizen and acts as reminder against anti national activities
- ⑤ Helps state in achieving its goals of social justice and welfare

Rights as precursor to duty

- However, rights are precursor to fundamental duties to be valued
- Only if state can enforce rights, it has moral obligation from citizen to ask for duties.
- limited awareness among citizens of duties

There is need to establish a democratic balance among rights and duties for India

9. Discuss the impact of the proclamation of National Emergency on Fundamental Rights in India. Also, highlight the various Supreme Court judgments in this context.
(150 words) 10

भारत में मूल अधिकारों पर राष्ट्रीय आपात की उद्घोषणा के प्रभाव की विवेचना कीजिए। साथ ही, इस संदर्भ में उच्चतम न्यायालय के विभिन्न निर्णयों को रेखांकित कीजिए।

Article 352 of Constitution empowers
President to proclaim national emergency
in case there is threat to sovereignty
of nation due to war, external aggression
or armed rebellion

Impact of Proclamation of National
Emergency on Rights

- ① Article 358 asks for automatic
suspension of rights under Article 19
in case of Emergency on grounds
of external factors
- ② Article 359 asks for suspension
by proclamation during National
Emergency
- ③ Article 20 and 21 cannot be taken

away during emergency.

Supreme Court Judgement

- ① In ADM Jabalpur case, HR Khanna held that personal liberty is paramount, even during emergency.
- ② In Munewar Mills case (1980) SC held that Article 20 and 21 can not be suspended in emergency.
- ③ Emergency only suspends enforcement for time period and people can claim violation of rights during emergency, once period gets over.

The 44th Amendment Act and ADM Jabalpur case were significant in curtailing misuse of emergency provision

10. The Seventh Schedule is a relic from the colonial past inherited from the Government of India Act, 1935 which needs to be revisited for improving Centre-state relations. Discuss. (150 words) 10

सातवीं अनुसूची भारत सरकार अधिनियम, 1935 से विरासत में मिले औपनिवेशिक अतीत का एक पैग अवशेष है, जिसका केंद्र-राज्य संबंधों में सुधार के लिए पुनरीक्षण किये जाने की आवश्यकता है। विवेचना कीजिए।

Seventh schedule provides for distribution of subjects of governance into 3 list namely, centre, state and concurrent based on Government of India Act, 1935.

Need to revisit Seventh Schedule

① Relic of Colonial Past

- Not based on 21st Century governance needs

② Countering centralising tendencies
⇒ Addressing state grievances

③ Residuary list with the centre
- In most federation they lie
with States

④ Missing entries in the seventh
Schedule Req e-governance

⑤ Demand for fourth list of local bodies

⑥ Increasing number of topics in concurrent list from state list

↳ Education

Way forward

→ Punchi Commission Recommendation

- Transferring residual powers to state
- Concurrent list bills only after consultation with States

→ Periodic review of the seventh schedule to add or remove entries

→ High powered commission to rationalise existing entries

For federal polity like India, it is much important that power are equally divided

11. Technology has the potential to bring drastic changes in the field of law and transform the court system. In this context, discuss the need for digitization of Indian judiciary and challenges faced in this regard. (250 words) 15

शैलीगतिकी में कानून के क्षेत्र में व्यापक बदलाव लाने और न्यायिक प्रणाली को रूपांतरित करने की क्षमता विद्यमान है। इस संदर्भ में, भारतीय न्यायपालिका के डिजिटलीकरण की आवश्यकता और इस संबंध में सामना की जाने वाली चुनौतियों पर चर्चा कीजिए।

From DISHA platform to e-courts,
Indian judicial system is modernising
to improve its reach and dispose
of cases quickly.

Potential of Technology for court

① Issue of delays : Through online hearings and improving access throughout India

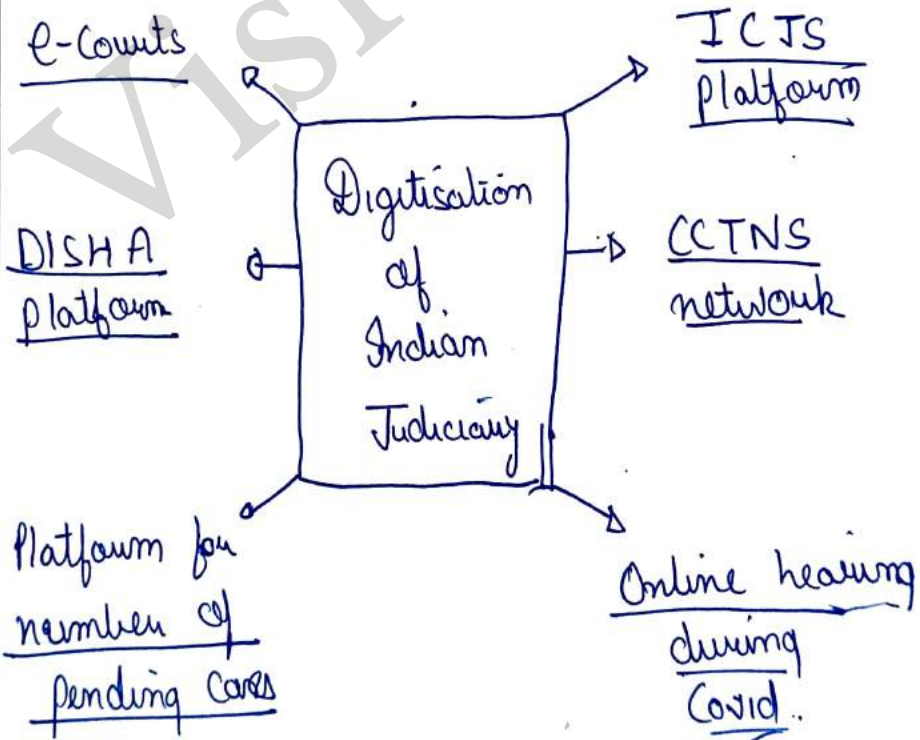
② disting of cases : AI enabled platform for listing cases based on priority without human interference

③ Monitoring & Evaluation : Online portal to display

number of pending cases.

- (4) Appointment of Judges : To ensure unbiased shouting of judges and lawyers for recommendation of only merited and committed lawyers to the collegium.

- (5) Improving accessibility to justice : To poor & vulnerable who cannot afford to reach courts



Challenges in using Technology

- ① Rural - Urban divide and lack of digital literacy
- ② Judiciary can be highly vulnerable in case of data theft or cyber attack
- ③ Profiling of accused and victims on internet
 (eg) NRI denied job because google search showed case registered against him
- ④ Many lawyers and even judges are not comfortable with digital platforms

Way forward → Improving access

↓
 Best practices for data privacy → Capacity building
 → Controlled Cyber threats

In the coming times, technology will be key in resolving issues burdening Judiciary.

12. Even after three decades of constitutional amendments, India is yet to decentralise power to local self-government institutions in the true sense. Discuss. Do you agree with the view that Rashtriya Gram Swaraj Abhiyaan will be able to develop the governance capabilities of the Panchayati Raj Institutions (PRIs)? (250 words) 15

संवैधानिक संशोधनों के तीन दशकों के बावजूद, भारत में अभी भी स्थानीय स्व-शासन की संस्थाओं का वास्तविक अर्थों में शक्तियों का विकेंद्रीकरण किया जाना शेष है। चर्चा कीजिए। क्या आप इस विचार से सहमत हैं कि राष्ट्रीय ग्राम स्वराज अभियान पंचायती राज संस्थाओं (PRIs) की शासन (गवर्नेंस) क्षमताओं को विकसित करने में सक्षम होगा?

'The voice of Panchayat is voice of people
, ~~the~~ ideologies of Gandhiji were
brought here using the 73rd & 74th
Amendment, which brought grass root
democracy in India.

Issues with current ~~PRIs~~ local self govt

① Funds: Highly depend on transfer
for revenue

⇒ Municipal own resource are only
5% of total budget.

② Functions: Not given proper
functions + state
encroaches on already limited function

③ Junctionary : → Delayed election to
PRI's
frequent dismissal by state → Depend on wish of State

④ Corruption and red tapism in Panchayat works.

↳ MGNREGA 'ghost work' in Andhra.

⑤ No regular meeting of Gram Sabha in year. (Mamishankar Aujan Committee Report)

Rashtriya Gram Swaraj Abhiyan

To empower PRI's.

Performance based incentives

Improving socio-economic outcomes

By Ministry of Panchayat Raj

3rd party evaluation.

Significance to develop Governance Capabilities

- ① Potential to solve issue of fund
leakage with panchayats.
- ② Involves replication of best
practices among panchayat.
- ③ Empowers panchayat, through
technology and digitisation (BharatNet
project)
- ④ Specially focus on training of
women Sarpanch & empowerment.

The grassroot democracy turned out
to be grass without roots, structural
reforms like RGSA are required to
fulfill our ~~idea~~ idea of 'Swajya'

13. With 98% coverage in rural India, cooperatives are the mainstay of rural economy ensuring sustainable livelihoods and income for people. Discuss. Also, state the recent initiatives taken by the government to improve the functioning of cooperative societies and make them more effective. (250 words) 15

ग्रामीण भारत में 98% कवरेज के साथ, सहकारी समितियां ग्रामीण अर्थव्यवस्था का मुख्य आधार हैं जो लोगों के लिए स्थायी आजीविका और आय सुनिश्चित करती हैं। चर्चा कीजिए। साथ ही, सहकारी समितियों के कामकाज में सुधार तथा उन्हें और अधिक प्रभावी बनाने के लिए सरकार द्वारा हाल ही में प्रारंभ की गई पहलों का उल्लेख कीजिए।

Cooperative Societies are organisation
formed by individual (10 or more)
to pool common resources for achieving
common goals through economies of
Scale.

Importance of Cooperative for rural India

① Achieving economies of Scale

Req → 75% farmers are small &
marginal

② Reducing cost and enhancing collective bargaining power

③ Providing credit to rural household

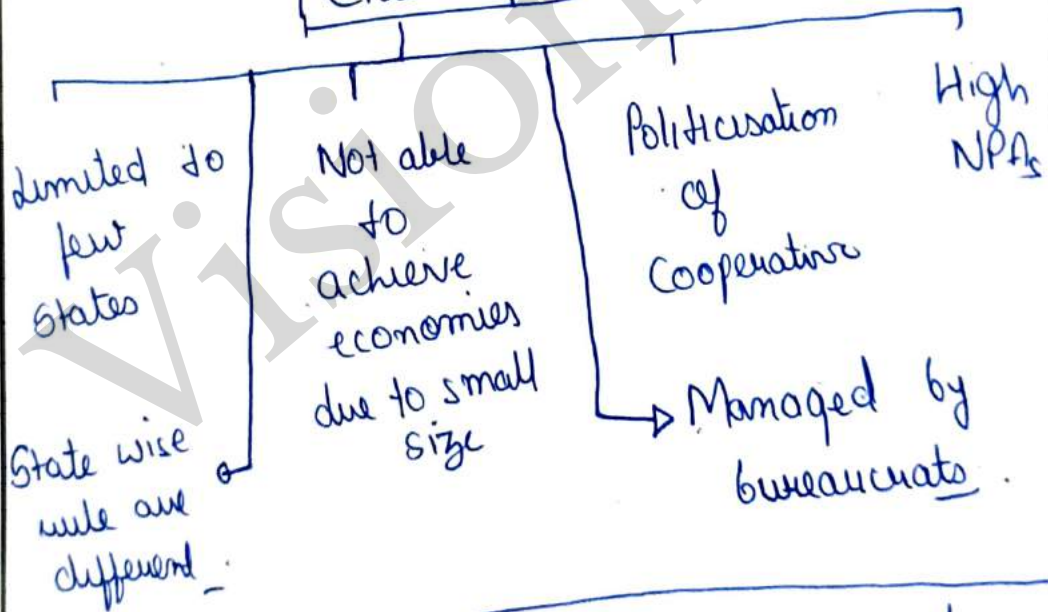
through PACS (1987. coverage)

④ Pooling of resources for collective goods of all.

⑤ Huge Potential
 → AMUL success story.

⑥ Providing livelihood to women's and vulnerable.

Challenges



Initiatives taken by government

① Ministry of cooperative to coordinate

among state and reduce regional divide

② NAFED for marketing of cooperative products in market.

③ Banking Amendment Act, 2020 to bring cooperative bank under RBI control

④ Part IX B in Constitution for cooperative

⑤ Multi-State Cooperative Amendment Bill for multi-state based cooperative

⑥ Setting up cooperative election board for free & fair election to board.

Cooperative offer a solution against crony capitalism and slothful PSUs and thus should be promoted to empower common people through vision of

'Sahakar se Samridhi'

14. Governance of inter-state rivers in India suffers from various issues due to conflictual federalism. Discuss. Also, highlight the mechanisms which can be utilised to resolve inter-state river water disputes in India. (250 words) 15

भारत में अंतरराज्यीय नदियों का प्रबंधन परम्परा विरोधी संघवाद के कारण विभिन्न समस्याओं से ग्रस्त है। चर्चा कीजिए। साथ ही, उन तंत्रों को रेखांकित कीजिए, जिनका उपयोग भारत में अंतर-राज्यीय नदी जल विवादों को हल करने के लिए किया जा सकता है।

Inter-state river dispute remains one of the most conflictual issues in Indian federalism.

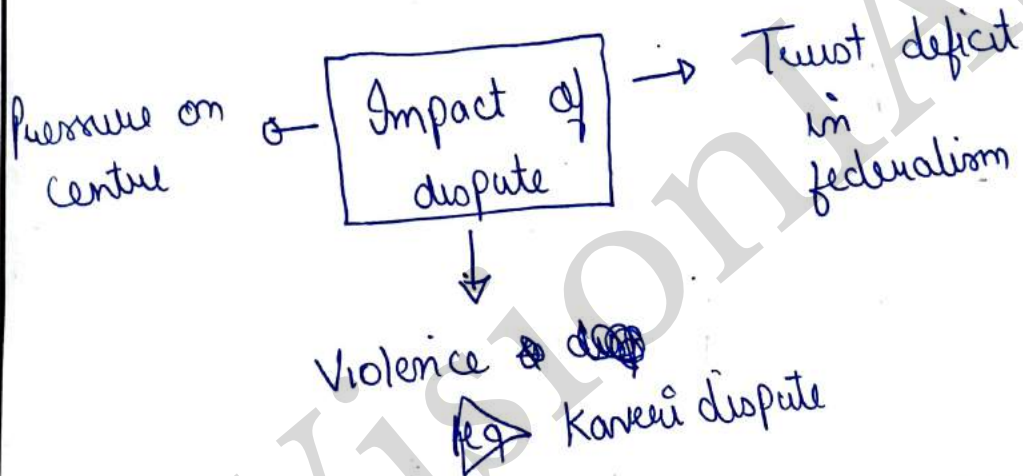
Reasons for Inter-state river dispute

- ① Colonial legacy of disputes on river water
- ② Rising water scarcity
- Per capita water declined from 6000 m³ in 1947 to 1480 in 2021.
- ③ Dependence on rivers for irrigation and agriculture
↳ 60% irrigation from river water in Ganga Basin area.

④ Inter State water dispute were kept outside jurisdiction of Supreme Court (neutral arbitrator)

⑤ Politicisation of issue for vote bank & regionalism.

⑥ Non-understanding among states to resolve issue.



Mechanism to resolve river dispute

① Setting up Inter-State Council to bring solution through negotiation

② Interlinking of rivers to solve water deficit.

- ③ Setting up water tribunal board
for neutral arbitration.
- ④ Scientific formula for sharing
river water among states

Way forward

↳ Mihir Shah Committee Recommendation

- Taking water to consent level
- DNA Approach

Dialogue Negotiation Action.

- Developing alternate modes
of irrigation based on agro-
climatic zones.

'Samvad', 'Samanyay' and 'Samadhan'
is only way forward to solve river
water disputes and enhance cooperative
federalism

15. A dysfunctional criminal justice system, absence of well-considered legislation and need for domain expertise, are being seen as the new challenges for the Indian judiciary. Discuss. (250 words) 15

एक दोषपूर्ण आपराधिक न्याय प्रणाली, सुविचारित कानून की अनुपस्थिति और डोमेन विशेषज्ञता की कमी को भारतीय न्यायपालिका के लिए नई चुनौतियों के रूप में देखा जा रहा है। चर्चा कीजिए।

India follows a colonial era criminal justice system with focussing more on fail not bail as the rule.

Challenges for Judiciary

① Dysfunctional Criminal Justice System

① Colonial era provisions

② Jail not bail as underlying principle

③ High pendency of cases
(4.7 crore pending cases)

④ High number of undertrials
in jail

(67% prisoners are undertrial)

⑤ More contradictory provision & exemption in legal system

② Absence of well considered legislation

(i) laws ending up before court

eg NJAC, CAA, J&K Bill, 2019

(ii) Passing laws by legislature in haste

- ~~pro~~ lower sittings (70 in 2021 from 120 in 1947)

- money bill route to bypass Rajya Sabha

(iii) Non-regulation of certain crimes by legislature

eg Martial Rape

(iv) Providing rights to vulnerable

eg LGBTQ + marriage recognition

③ Need for domain expertise

(i) Complex issues before court

like crypto currency ban, Stock market scam

- (ii) Judges does not know nutly judly
& fine nuances of judgement.
- (iii) Increase in specialisation due to
technology & globalisation requires
specialised domain expert.

Way forward

- Reforming criminal justice system
'bail not jail' a rule (2nd ARC)
- Creating specialised tribunals for
subject of expertise → NGT.
- Capacity building and training
of ~~the~~ judicial officers.
- Only passing laws after due consideration

New era of technology will bring new
problems for Judiciary. Proper capacity
building and specialised expertise is
way forward.

16. To what extent has the anti-defection law been able to address the issue of political instability in India? Discuss with suitable arguments.
(250 words) 15

दल-बदल विरोधी कानून भारत में राजनीतिक अस्थिरता के मुद्दे को किम हद तक हल करने में सक्षम रहा है? उपयुक्त तर्कों के साथ चर्चा कीजिए।

Schedule 10 and Article 102 (b) talks
of disqualification of MP/MLA for
defection from ^{one} party to other

Anti Defection Law : In solving political
instability

- ① lowered the number of defection
among legislature from 1960s
- ② Acts as deterrent : Disqualification
- ③ Punishment from people for defecting
politician by not electing him again
- ④ Upholds will of people

Anti defection law : Failed to
 curb instability

- ① Still defection is common culture
 (eg) In 2017-22, 67% of
legislature in Goa Assembly
 changed party (ADR Report)
- ② Political instability & resort politics
 (eg) Madhya Pradesh & Karnataka
 in 2020.
- ③ Rising role of money and muscle
power in politics
- ④ Allows wholesale defection but
 not retail defection ($\frac{2}{3}$ rd exception
 of merger)
- ⑤ Wide powers to speaker
 - No time period for action
 - May lack legal expertise on
issue.

6) Blurs distinction between dissent and defection among legislature

Way forward

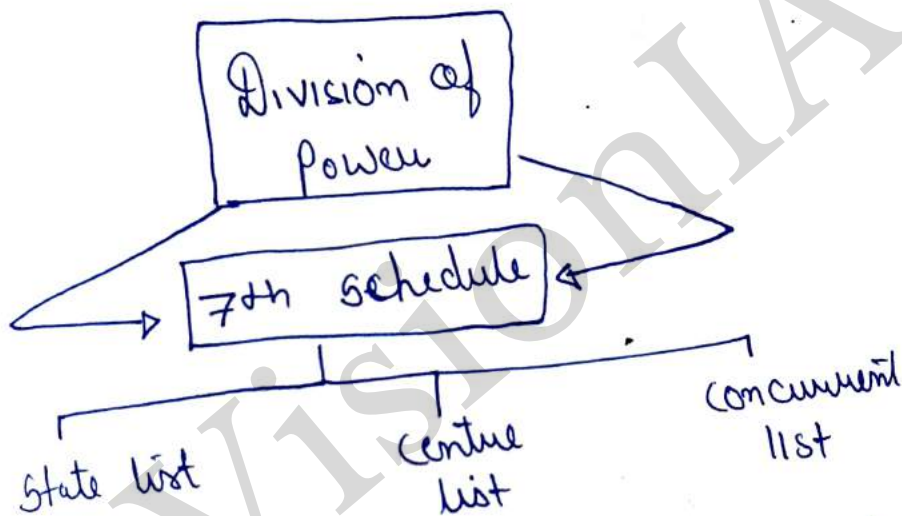
- Transferring power from Speaker to governor for ADL proceedings (Yoswami Committee)
- Constituting an independent committee to solve defection (SC in Karnataka MLA case)
- Time bound resolution of disputes (Halim Committee)
- Removing merger provision

Anti-Defection law in current form changed culture from 'Aaya Ram, Jaya Ram' to 'Hey Ram!' and thus must be reformed.

17. Though the Indian Constitution provides a clear division of legislative powers allotted to them, this division is tilted towards the Union. In this context, discuss the powers of the Parliament to legislate on subjects in the State List. (250 words) 15

यद्यपि, भारतीय संविधान संघ और राज्यों के बीच विधायी शक्तियों के स्पष्ट विभाजन का प्रावधान करता है, जिनमें से प्रत्येक उन्हें आवंटित क्षेत्रों में सर्वोच्च हैं, तथापि यह विभाजन संघ की ओर झुका हुआ है। इस संदर्भ में, राज्य सूची के विषयों पर कानून बनाने की संसद की शक्तियों की विवेचना कीजिए।

Indian federalism is described to be quasi federal with unitary bias



→ Among the three list the central list has maximum number of entries

→ Even in concurrent list, central law prevails over state law.

- More important subjects like Telecom, Railway allocated to centre.
- Residuary power with centre in the constitution.

Powers of Parliament to legislate State subject

① Article 249 : Empowers Rajya Sabha to ask Parliament to make law on state subject in 'national interest'

② Article 250 : During national emergency conceded legislative power of Parliament in state list subjects.

③ Article 252 : When two or more state request centre

To make law on state, Subject.

(4) Article 253 : To enforce an international treaty,
Parliament can make laws on state

Subject

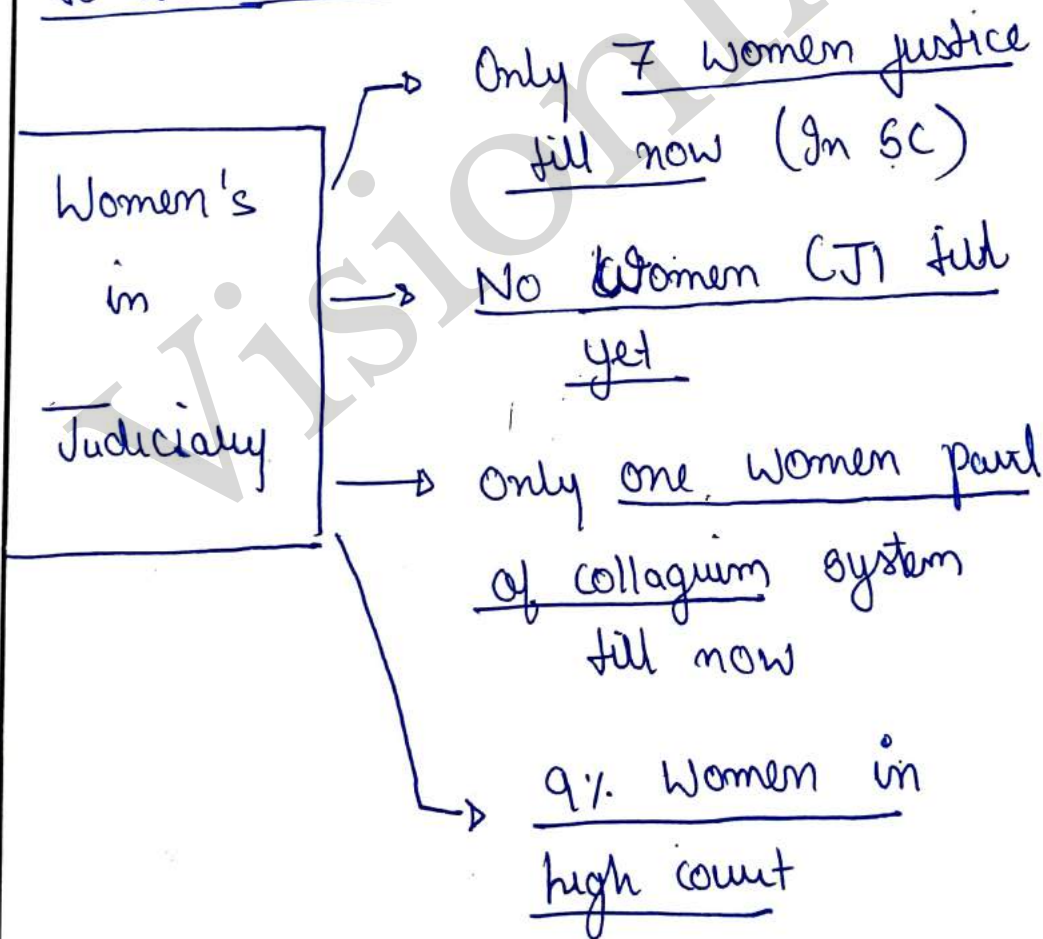
(5) Article 356 : During President's
Rule in State, Parliament
has exclusive power to legislate on
State Subject

Regionalism, experience of Partition &
princely states were reason for such
provision and features in Indian
Constitution such as to ensure security
and sovereignty of nation as whole.

18. Despite the benefits of wider representation of women in the judiciary, Indian courts have significantly fewer women as compared to men. Discuss. Also, suggest some measures to bridge the gender gap in Indian judiciary. (250 words) 15

न्यायपालिका में महिलाओं के व्यापक प्रतिनिधित्व के लाभों के बावजूद, भारतीय न्यायालयों में पुरुषों की तुलना में महिलाओं की संख्या काफी कम है। चर्चा कीजिए। साथ ही, भारतीय न्यायपालिका में लैंगिक अंतराल को कम करने के लिए कुछ उपायों का सुझाव दीजिए।

With Ex - CJI NV Ramana asking for higher women representation, their are growing voices for giving reservation to women in Judiciary.



Benefits of Women representation

- ① Inclusivity in Judiciary
- ② Sensitisation of Judiciary on women related issue
 - ↳ Madras HC judgement freeing
rape accused
 - ↳ MP High court asking rape
victim to marry accused.
- ③ Enhancing trust among women in judicial setup
- ④ Acting as role model for other women.
- ⑤ First step toward Wider women
participation all over.

Measures to bridge gender gap

- ① Reservation to women in Judiciary.

- ② Educating women and promoting them to take law as field.
- ③ AWA Capacity Building
eg Only 24% courts have women toilets & lactating areas.
- ④ Reforms in appointment process & collegium system to favour women
- ⑤ Sensitisation and reviewed verdict on women related issue.

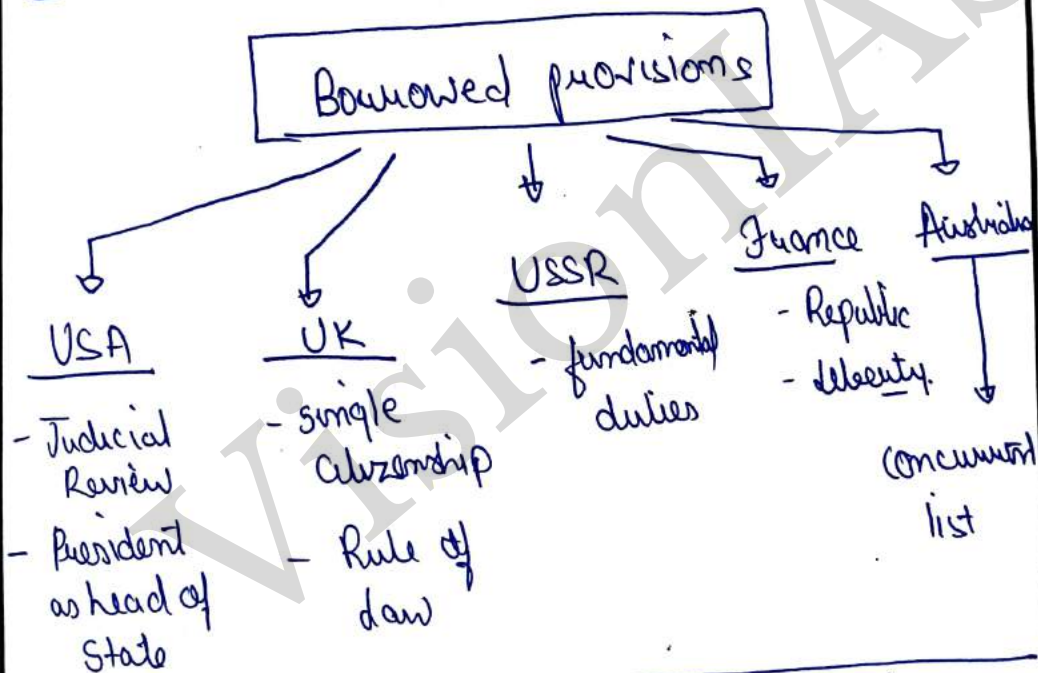
"No country can progress untill women get empowered, A bird can not fly with one wing" - Swami Vivekananda

19. Elaborate on the fundamental aspects in which the Indian Constitution differed from its contemporaries despite being a post-colonial document.

(250 words) 15

उत्तर-औपनिवेशिक दस्तावेज होने के बावजूद भारतीय संविधान के उन मूलभूत पहलुओं का सविस्तार वर्णन कीजिए, जिनके संदर्भ में यह अपने समकालीन संविधानों से भिन्न था।

Indian Constitution is a charter which set an ancient colonised society like India on path of modernity and development.



Fundamental Aspect in which Indian Constitution differed from contemporary

① Secular Constitution : Others like

Pakistan, Bangladesh adopted
religion in constitution

- ② Respecting Individual freedom and
liberty
- ③ Democratic Setup → Others contemporary
like Myanmar,
Pakistan turned to be ~~no~~ dictatorial
- ④ Embodies principle of social justice
and Socialism
- Afganistan, Sri Lanka, Pakistan
were market oriented.
- ⑤ Protection of religious and linguistic
minority and offering them equal
right.
- Persecution in Pakistan,
Sri Lanka.

⑥ gave equal importance to
right and duties compared to
other post colonial countries which
focussed on rights mainly.

⑦ DPSPs represent novel feature of
Indian constitution acting as
guiding light for policy makers.

While contemporary documents focussed
only on political democracy, Indian
constitution established a vibrant social
economic and political democracy in
India.

20. The tribunalisation of justice though considered to be an effective step is fraught with several challenges. Discuss in light of the Law Commission of India's report on the working of tribunals in India. (250 words) 15

हालांकि, न्याय के ट्रिब्यूनलीकरण को एक प्रभावी कदम माना जाता है, लेकिन इसमें कई चुनौतियां भी विद्यमान हैं। भारत में अधिकरणों की कार्यपद्धति पर भारत के विधि आयोग की रिपोर्ट के आलोक में चर्चा कीजिए।

42nd Amendment Act introduced Article 323 A and 323 B, paving way for establishment of tribunal system in India.

Significance
of
Tribunal
in

Justice
Delivery
System

- Faster disposal of cases
- Inexpensive procedure
- Flexibility (based on natural justice principle)
- Recruitment of experts of domain
- Suo moto cognisance

Key → NGT Yamuna Judgement

Challenges in effective functioning

① High Pendency of Cases

⇒ 44,000 + pending cases as per
Law Commission Report, 2017.

② Vacancy of post

⇒ 40% of post are currently
vacant in CAT.

③ Overlapping jurisdiction and stand-
off with High court.

④ Against Article 50 : Involves
executive
into judicial process.

⑤ High cost of administration (14th
Finance Commission)

⑥ To able to serve purpose of
faster decision making.

Way forward

- National Tribunal Commission
as per L Chandra Case Judgement
- Faster & time bound disposal
of case.
- Reforming appointment process

Government brought Tribunal Reforms Act, 2021 to solve the issue of vacancy and retirement, more such structural reforms to fast track Tribunals are needed.