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Name of candidate : SESHAN M S

Roll Number : MT24FLTON018

Date of examination : 12.8.2024

MEDIUM : ENGLISH

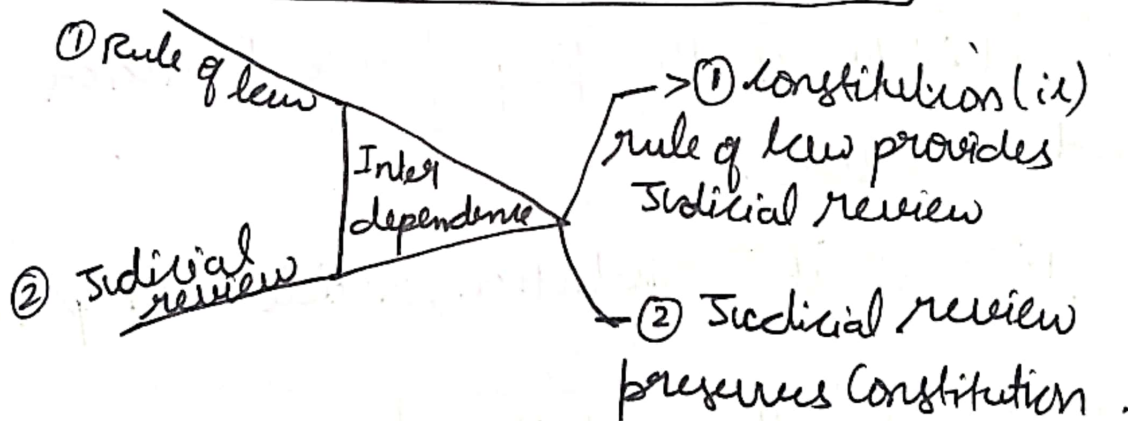
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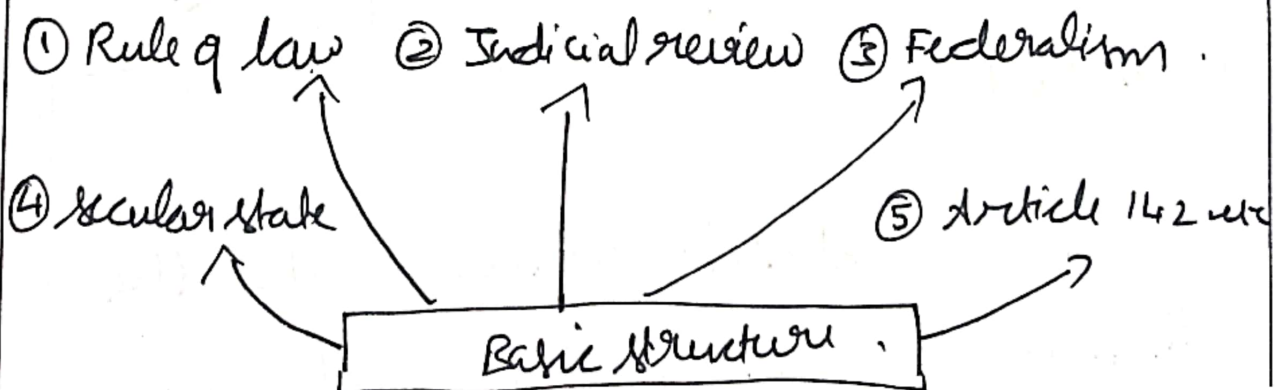
①

on April 24, 1973 Supreme Court established Basic structure doctrine in the Kesavanandha Bharathi case by exercising judicial review (Article 13) to establish rule of law.

Rule of law and Judicial review



This interdependence establishes the Basic structure doctrine.



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Among them judicial review is considered as most important.

Importance of Judicial review

- ① protects the basic nature of the constitution.
- ② Vision of the constitution assembly is maintained.
- ③ Rights of the people are protected and enhanced.
- ④ Writ Jurisdiction, Article 21 interpretation
- ④ Checks the arbitrary actions of the executive.
- ⑤ enhances the quality of the legislature.

The Judicial review makes the constitution a transformative and a living document.

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②

The head of the state government & government of Delhi are Governor & Lieutenant governor respectively. Both have similarities and differences in terms of powers and authorities in terms of acting in aid & advice of the Council of ministers.

Governor	Lieutenant governor
① He/she appoints the Council of ministers (COM) ② The advice of COM are <u>binding</u> on the governor	Council of ministers are appointed by the <u>president</u>. As per Supreme Court the advice is <u>not binding</u>.

③ He/she is a constitutional authority established by Article 161

④ He/she exercise the constitutional discretion and it is limited.

⑤ Doesnot exercise (exercise) control over police, land without advice of COM

⑥ exercises the emergency power through Article 356

The lieutenant is established by the National Capital Territory Act.

exercise wider discretionary powers.

He/she exercise control over land & police and other bureaucracy without the aid and advice.

Reports to the president based on the act.

Though both governor & lieutenant have differences, they ensure smooth functioning of federation & cooperation.

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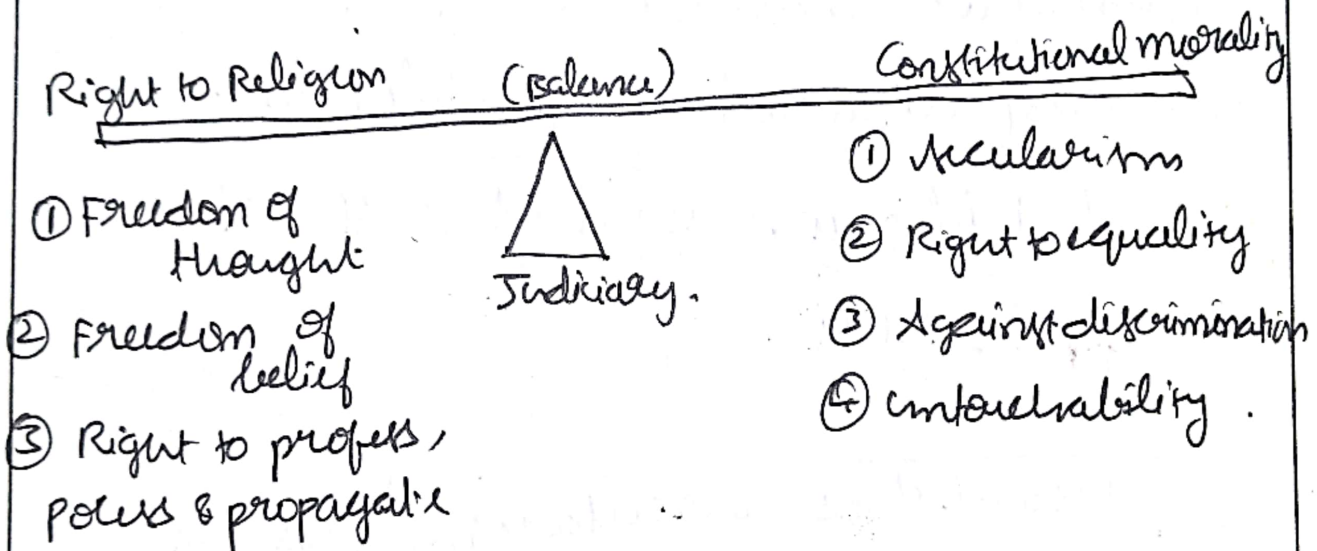
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③

Judiciary plays an important role as a guardian of rights of people and protector of constitutional morality by striking a balance between them.

Right to Religion and Constitutional morality



Role of Judiciary

- ① protects the right to equality of people while exercising religious beliefs.
- ② Remains the untouchability while exercising religious practices.

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⇒ Mysore high court definition of
Intouchability.

③ ensures gender rights and
removal gender discrimination.

⇒ Woman entry in Sabarimala
case.

④ ensures morality seen in Civil
procedures attached with religion.

⇒ Shah Bano case and restoration
of longigal rights.

⑤ Establishes secularism as a
basi structural doctrine.

⇒ Kesavananda Bharathi case.

The Judiciary strikes the right
balance between the two, and enables
India to function as a secular democracy.

④

The separation of rights is nothing but the independent functioning of organs of the government such as State executive, legislature and Judiciary from each other.

Difference between USA and Indian Constitution

India

USA

① Follows checks & Balances

Follows strict separation of powers.

② Membership of executive in legislature.

executives are independent of legislature.

③ Appointment of Judiciary by executive.

More emphasis for restoration of Judicial independence.

Advantages of Checks and Balances

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- ① checks the excess power and arbitrary actions of the executives
- ② The unconstitutional acts of legislature is struckdown by Judiciary
- ③ The Legislature can be dissolved by the president ensures checks and balance.
- ④ Rights of people are protected by the Judicial review
- ⑤ Judges are removed by the Parliament creates Judicial accountability

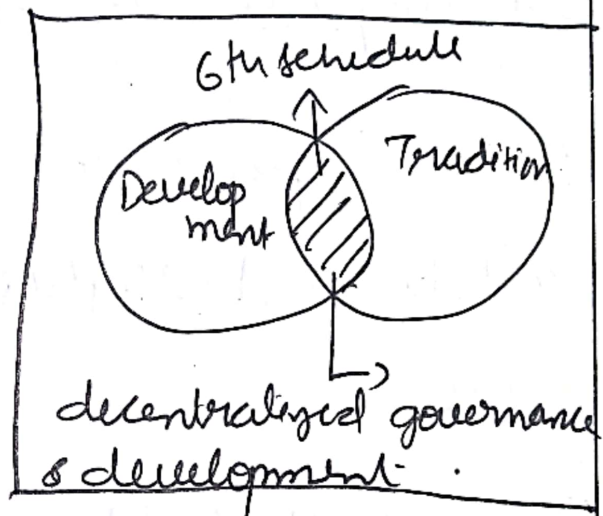
The checks and balance works perfectly for India and creates a healthy democratic atmosphere in governance of the country.

(5)

The sixth schedule of Indian Constitution establishes autonomous district councils in Assam, Meghalaya, Mizoram and Tripura.

Sixth schedule

strikes balance between the development and tradition and produces decentralized governance & development.



How does sixth schedule does this

① empowers gram Sabha to exercise control over developmental plans.

② requires approval for developmental plan.

- ② The targeted beneficiaries are identified by gram sabha.
- ③ The auctions of minor minerals are under gram sabha approval.
- ④ The social infrastructure like schools and hospitals are under grampanchayat.
- ⑤ The power to regulate the markets and rights over Minor forest produce.
- ⑥ powers to prevent alienation of people from land.
- ⑦ rights to follow tradition Susta system
- ⑧ Right to learn in Mother tongue

The 6th schedule empowers the tribal district council to be really autonomous and to preserve the culture & development.

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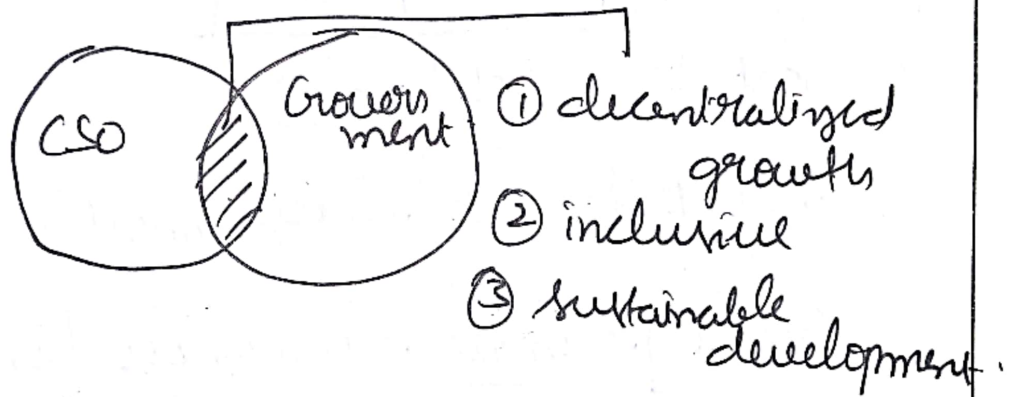
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⑥

Article 19 of the Indian

Constitution empowers citizens to form
associations including Civil Society Organization
(CSO)

Partnership between CSO and Government
Entities in developmental goals



① CSO helps in creating awareness
and educate people about their
rights. ⇒ rights development.

② CSO helps the society in enabling
people's participation in elections through
campaign for exercising voting rights.

⇒ Political development.

③ Helps the government to identify the target people of the welfare schemes.

⇒ Inclusive development.

④ Identify the areas of backwardness, loopholes in public policies and enable government to rectify.

⇒ Balanced development.

⑤ Create climate awareness among people and aid in government policy making to achieve climatic goals.

⇒ Sustainable development.

⑥ Empowers people at grass root level, and establishes mechanism like social audit.

⇒ Decentralized development.

The above praxis the CSO and Government entities are different side of same coin called overall development.

⑦

The civil servants are the steel frame of the governance of India which necessitated their long term learning.

Importance of long-term learning

- long term learning
- ① Society is transforming at a regular intervals.
 - ② Demographic transition brings the different issues and challenges
 - ③ Rights of the people are evolving through times.
Ex) Article 21
 - ④ New problems in the society due to development of new technologies
Ex) cyber crime.
 - ⑤ development result in change in status & needs of people.

Contributions of Mission Karma Yogi

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- ① provides for overall development of civil servants. This enhances long term learning.
- ② Builds emotional intelligence that provides good quality public services.
- ③ Citizen centric approach makes citizen the core of development.
- ④ Makes civil servants from controllers to enablers. $\Rightarrow$ liberalization needs;
- ⑤ gives efficiency in digital & e-governance in the era of internet.

Thus Mission Karma Yogi enforces good governance through long term learning of civil servants.

⑧ As per the recent Multidimensional poverty index of the [Nitiayog 12.1] of Indians are multidimensionally poor.

[Yes, the country] should redefine the poverty line.

Need to redefine poverty line

① Needs of the people are changing after liberalization, globalization and privatization reforms.

② Expansion and [progressive realization] of rights of people increases their entitlement.

③ Faster urbanization and development creates [new urban poverty].

④ Changes in the forms of poverty like [digital poverty] etc.

⑤ shift of concentration for
Quantity to Quality, happiness of people as
a index.

⇒ Economic growth to development.

Potential Benefits

- ① target identification of poor people
includes true beneficiaries.
- ② promotes inclusive development.
- ③ provides qualitative outcome of the
welfare scheme.

Challenges

- ① Lack of data or poor quality and
truth of data collection.
 - ② delay in conducting decadal census.
 - ③ Quantity measurement is a challenge.
- ⇒ how to measure happiness.

Poverty should be addressed holistically
to enhance the life of poor & ensure overall
development.

⑨

Recent years have seen

Unrest in different parts of the world which results in deepening political divisions among western states resembles the times of Cold War period.

Impact of deepening political divisions

① Lack of consensus in the functioning of United Nations;

Ex Exercise of Veto in Security Council.

② Proxy wars among western nations affects regional stability.

③ Economic sanctions among each other hinders world trade and causes price rise.

Ex oil crisis during Russia-Ukraine War.

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India's plan of action

① Shift from the non-alignment from multialignment- to all the western powers.

② Regional cooperation and security engagement with different partners

Ex) Quad, G20, Malabar exercise.

③ Push for the inclusion of India in the security council.

④ Trade ties with all major western powers to ensure economic security.

Ex) free trade agreements, 2+2 meetings.

These proves that it is time for India to become a major regional superpower and to play the role of mediator between the western countries.

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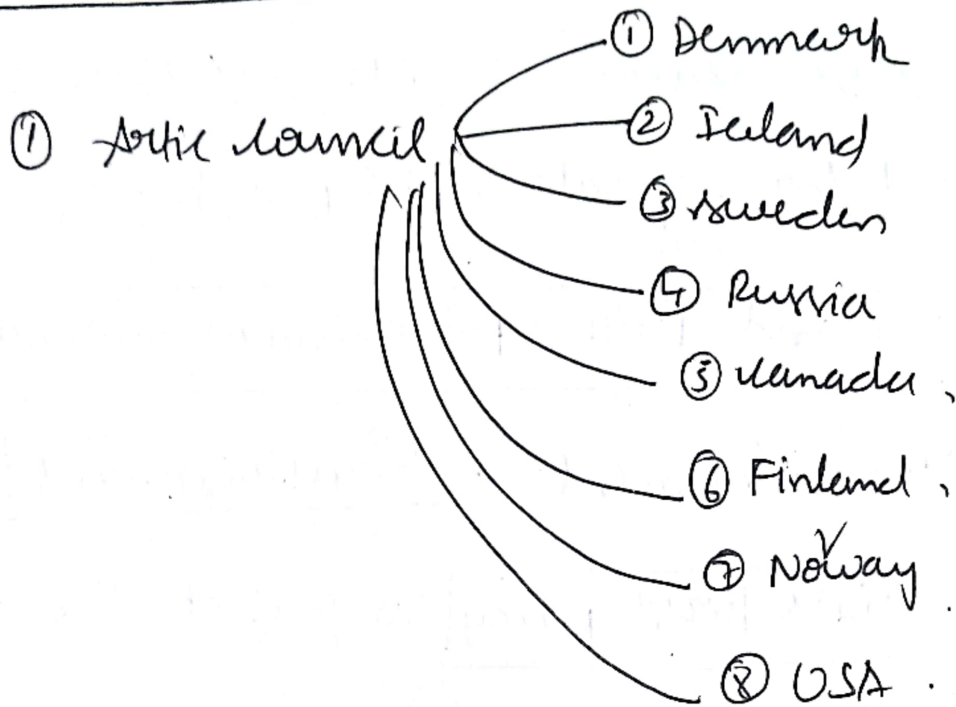
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India has a significant interest in the Arctic region which necessitates the need for separate Arctic policy.

Arctic policy and Foreign policy common objectives

- ① Non-alignment to multialignment.
- ② India's first policy to protect the national interest.
- ③ Respecting sovereignty of the other country.
- ④ Mutual cooperation and multilateralism.
- ⑤ Sustainable economic ties.
- ⑥ Scientific research and cooperation in addressing climatic goals.

India and Arctic Council



② Spitsbergen agreement resulted in establishment of Research Station in the Norway for climatic research.

③ MARPOL Convention to keep the Arctic & Atlantic ocean pollution free.

④ Climatic deal - Paris 2015 to reduce Arctic melting.

These prove that the present global warming requires higher degree of cooperation between India and Arctic Council.

C-AVZ-O-FTTZ

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Article 280 of the constitution

provides for the finance commission

appointed by the president every 5 years.

Difference in terms and reference of
the 15th Finance Commission.

① Vertical devolution - of taxes

between states and center should be
on the basis of more autonomy to states

② Horizontal devolution - between the

states are based on population of 2011
census which enhances devolution.

③ Grant in aids - identification

such as statutory grants.

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④ Augment the financial resources of the local self government.

⑤ possibilities of status change for the special category change status of states.

⑥ devolution and grants for the disaster management from National disaster management Fund.

Factors propel economic disparities

① Geographical factors such as hilly terrain reduces development.

② climatic factors such as rainfall reduces development.

③ Konkani vs. Vidharbha.

③ inequality in spatial distribution
of resources.

④ Some states are landlocked
and do not have access to ports.

⑤ The phenomenon of overpopulation
creates resource crunch in some northern
states.

⑥ prevalence of internal security issues
such as Naxalism and regionalism.

⑦ The establishment of cross border
terrorism ⇒ reduced growth in Jammu
and Kashmir.

⑧ Historical factors like colonial capitals
have advantage such as Chennai, Kolkata &
Mumbai.

C-AVZ-O-FTTZ

Thus proper financial planning by
finance commission has potential to remove unequal development.

13

The proactive role played by

Judiciary to fill the lacunae in functioning of executive and legislature is called as

Judicial activism

Role of Judicial activism in shaping Public policy and governance

① The quality of legislature can be enhanced by Judicial activism.

② The nature of constitution is protected by Judicial interpretation.

⇒ Basic structure doctrine.

③ The reduces corruption in the legislature.

⇒ Judicial review of anti defection decisions

④ The rights of people are ensured through two motto cases.

⑤ Strike balance between parliamentary supremacy and Judicial independence.

⑥ legislating in the absence of legislature for social issues -

⑥② Vishaka guidelines on woman safety

Effectiveness of Judicial interventions

① plays a complimentary role to legislature.

② Continuous and efficient governance is ensured.

③ Recognition of rights of people

when legislature fails to recognize.

⑦ enables legislature to function effectively through judicial directions.

Challenges

① sometimes could lead to Judicial overreach

② Non cooperation from the legislature and executive.

③ Judicial legislatures do not see the fiscal capabilities of government.

④ lack of competence and experience in Judicial legislature.

⑤ Violates democratic process of legislature making

The parliamentary supremacy and Judicial independence should go hand in hand to enhance good governance.

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④ The Political parties form the basis for ensuring electoral democracy in India, which requires proper internal democratic structure for smooth functioning.

Impact on internal democracy within parties

① It enhances democratic participation of quality candidates in elections.

② Role of women in politics can be enhanced due to gender equality.

③ Reduces the money and muscle power in elections.

④ It also includes proper awareness education among people about their political rights.

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⑤ Struggle for party symbol can

be reduced.

⑥ Prevention of splitting of parties

in the legislature.

⑦ Improper use of anti defection law

would be reduced.

Reforms required

① Establishment of code of
conduct and code of ethics by the parties.

② Internal party elections to fill the seats for candidature.

③ Avoid dynastic politics in the

Party elections.

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④ Right to information Act should

cover all political parties.

⑤ periodic checking of election commission

over registered party affairs.

⑥ power of deregistration of political

parties should be given to election commission.

⑦ social audit of the political

parties should be conducted to prevent
role of money.

The political parties forms the corner
stone of Indian elections. The democracy
within political parties is true reflection of
working of democracy at ground level in
India.

(15)

The National Human rightsCommission Act of 1993 establishes

NHRC as a statutory body to enforce human rights in India.

Role and mandate of NHRC

① To enquire into the Violation of human rights by the agents of the state.

② powers to suomotto filing of cases without complaints

③ Advising government in polymaking for realization of human rights-

④ To cover lists mentioned in Central, Concurrent & State lists

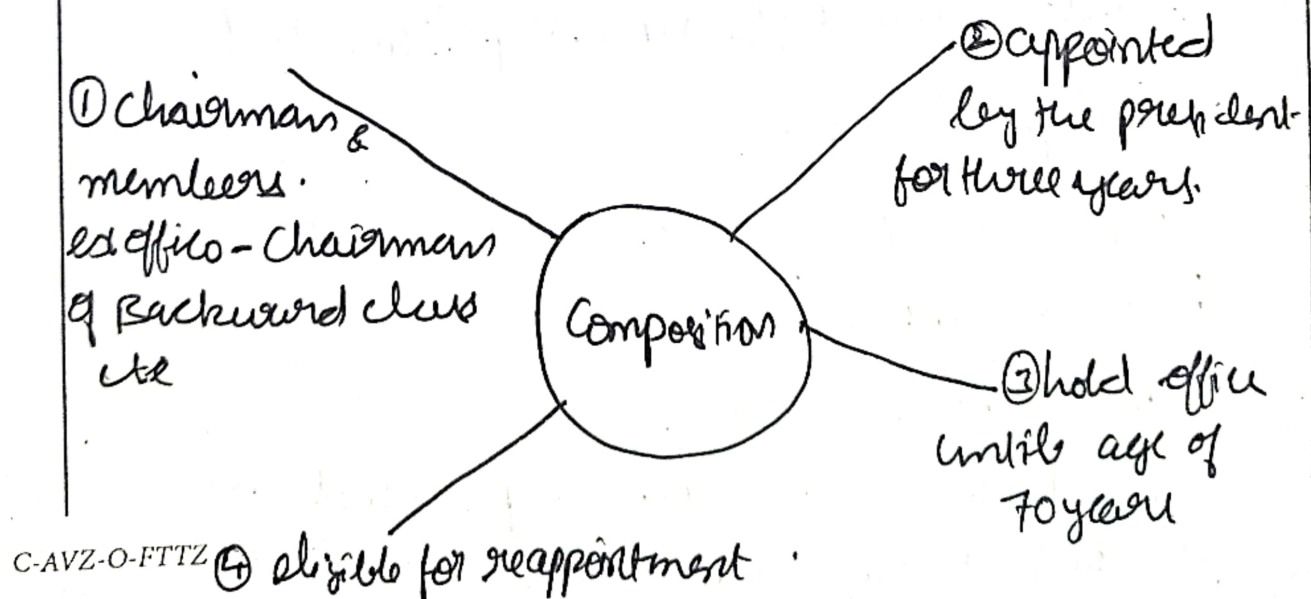
⑤ To exercise power of civil court to reward compensation.

⑥ The procedure of natural justice should be followed to enhance human rights.

⑦ To submit report in the parliament about the recommendations taken about given to the government.

⑧ To create awareness among the people about human rights.

Current Composition of NHRCS



Independence and effectiveness

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① They do not have financial independence

② salaries are not charged on consolidated fund of India.

③ Their recommendations are not binding on the government.

④ The removal process is not so safe for independence (ie) grounds for removal by president is vivid like unbounded mind.

⑤ No search committee to quality candidates have risk of nepotism and affects independence.

⑥ The presence of ex-officio chairmembers like National Commission of Backward classes dilutes its unique mandate.

The NHRC should be empowered to function as an autonomous organization.

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④ Article 21 of the Indian Constitution
recognised Right to health as a
fundamental rights which has to be
ensured to all the persons of the country.

Role of public sector in universal health
coverage

① sufficient budgetary allocation
for health care services.

Ex) Health sector receives less than
3% of GDP for the past decade.

② Improvement in physical infrastructure
are in rural areas to remove rural &
urban divide.

③ enhance community participation in
rural areas.

④ enhance penetration of insurance
to reduce out of pocket expenditure

⇒ Aashman Bharath scheme.

⑤ prevention of communicable diseases
by vector control programs by the
government in rural areas.

⑥ Focus on universal immunization
to reduce disease burden in rural
areas.

⑦ Ensuring nutritional security
to reduce disease related to malnutrition
among poor.

Role of private sector in universal health
coverage

① Complement government efforts.

⇒ enrolment in aashman Bharath scheme.

② Transfer of technology from other countries to enhance quality of health.

③ devolution of tele medicines in rural areas reduces physical barriers.

④ creation of generic medicines reduces the cost of medical expenditure.

⑤ Innovation and solutions can provide cost effective treatment for diseases like cancer.

⇒ proton therapy in Apollo hospital.

⑥ due to many rare and incurable diseases through private investment.

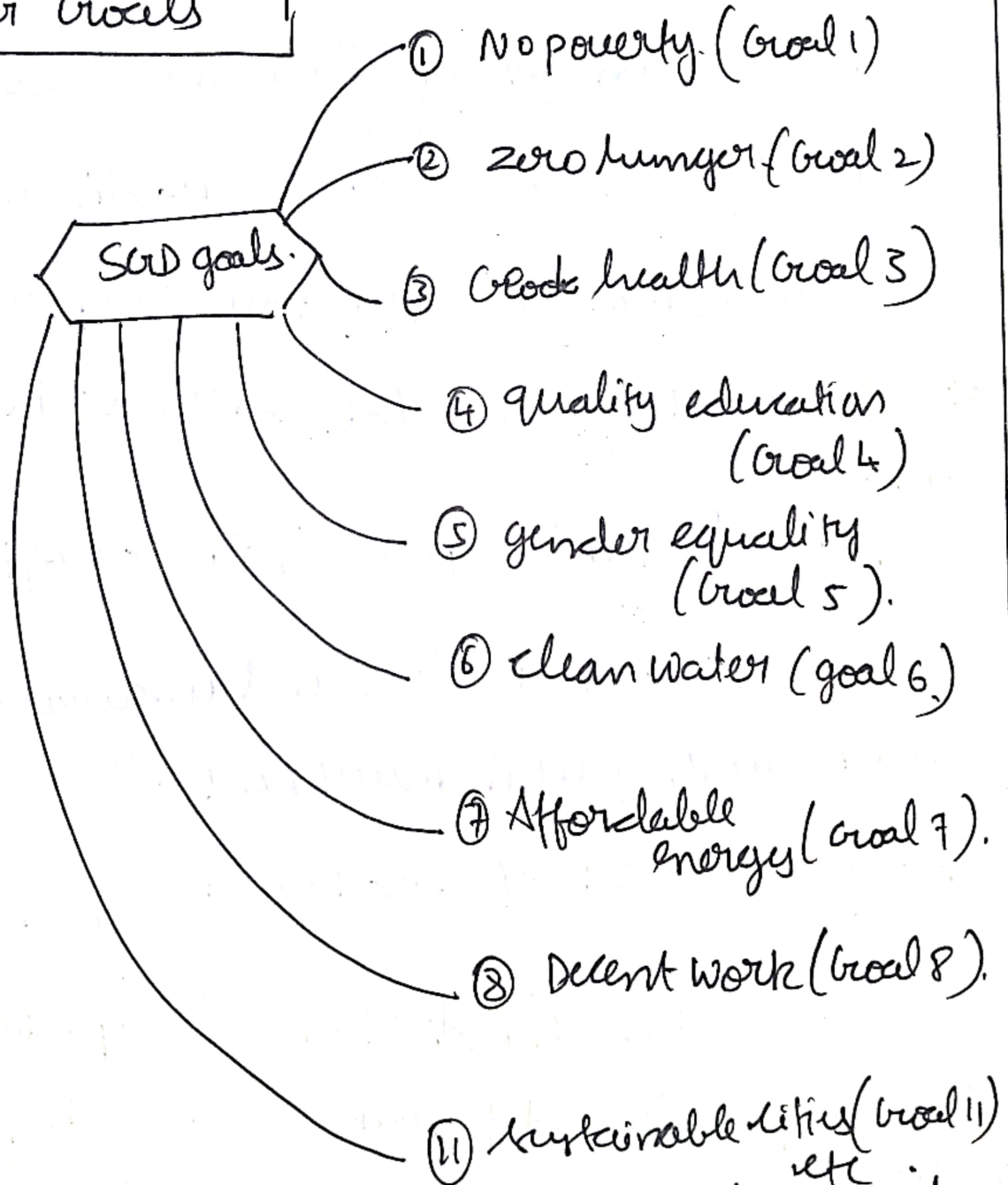
⇒ development of CAR-T cell therapy

The mutual coordination and cooperation between public and private can bring healthcare to doorsteps of people at very low cost.

(17)

Sustainable development
goals (17) replaced the millennium
development goals to be achieved by
2030 to ensure development for all.

SDG Goals



These requires regional context and
local solutions

Role of panchayats as a catalyst

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Goal	Role of Panchayats.
Goal 1	<u>Target identification of</u> beneficiaries by gram sabha
Goal 2	<u>Maintenance of public distribution</u> <u>system and its functioning.</u>
Goal 3	<u>Establishment of primary</u> <u>health care centers under powers</u> <u>of 11th schedule.</u>
Goal 4	<u>Establishment of primary</u> <u>schools and anganwadis.</u>
Goal 5	<u>Reservation of women in</u> <u>Panchayats at all levels.</u>

Goal 6 .

Renovation & rehabilitation
of water bodies .Ex) PM Jal Jeevan mission

Goal 7 .

Production of energy from
solid municipal wastes by
local bodies .

Goal 8

MGNREGS works during
off seasons of agriculture .

Goal 11

Sustainable cities through
smart city missions

Goal 17 .

Cooperation between different
layers of panchayats .

With the effective role of panchayats
realization of SDG goals by 2030 is not
far from reality .

(18)

Prevention of children
from sexual offences Act 2012,
was established to ensure child
safety in India.

Implications of POCSO on Rights and
Welfare

- ① protects the bodily autonomy
of the children.
- ② It covers and offers to
protection of both male & female children
- ③ Creates awareness among the
various sections such as teachers,
parents, childrens etc.
- ④ Enable speedy justice to the
affected children.

⑤ The child friendly judicial procedures reduces trauma of child.

⑥ protects the identity and dignity of the children.

Role of POCSO in transforming legal framework.

Positives.

Negatives.

① policy sensitivity towards childrens.

② gender neutral legislature.

③ establishment of separate fast track courts.

④ Increase in filling of cases.

Transformation

Role of POCSO

① No provisions for false accusations.

② delay in establishment of special courts.

③ Lack of protection against harassment of victims.

④ prevalance of media trials.

Measures needed in case of POCSO

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- ① mechanism for prevention of
stigmatisation of victims
 - ② preventive mechanisms rather
than punitive punishment.
 - ③ same higher punishment of
rape and murder results in commission
of both offence at a time.
 - ④ establishment of legal compensation
in case of delay in justice.
 - ⑤ strict actions against medical trials
and medical aid to the post traumatic recovery.
- POCSO with right implementation
can reduce crime against children
and ensure safe and healthy environment
for child development.

19

The world largest democracy India, and the world oldest democracy USA, both value human rights & democratic values but sometimes cause divergence of interest between the two.

Influence of human rights issues and democratic values on USA & India relationships

① Mutual criticism between the both the countries.

USA criticism on India

→ Kashmir issue

→ Polio issue.

→ Citizenship Amendment Act

India criticism on USA

→ George Floyd murder & racism.

→ discrimination of Mexican refugees.

→ Inaction toward climate goals.

Affect on Bilateral relationships

① delay in establishment of free trade agreement.

② removal of India from generalised system of preferences of USA.

③ lack of unified cooperation in countering chinese influence.

EX) Quadrupling by Squad

④ Fear of implementation of CITTA Act on India.

⑤ protection of Indian NRIs & diaspora in USA

⑥ restriction on H1B Visas to the Indian technocrats.

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Measures needed to remove tensions

- ① Cooperation in areas of establishment of human rights in Africa and other affected areas
- ② Joint implementation of disaster recovery or peace keeping operations
- ③ Mediation of both USA & India to restore ~~des~~ democracy in neighbouring countries such as Bangladesh & Myanmar
- ④ exchange of member of Parliamentary dignitaries for seminars and conferences -

Thus relationship between India and USA are very crucial for the establishment of human rights & democratic values all around the world.

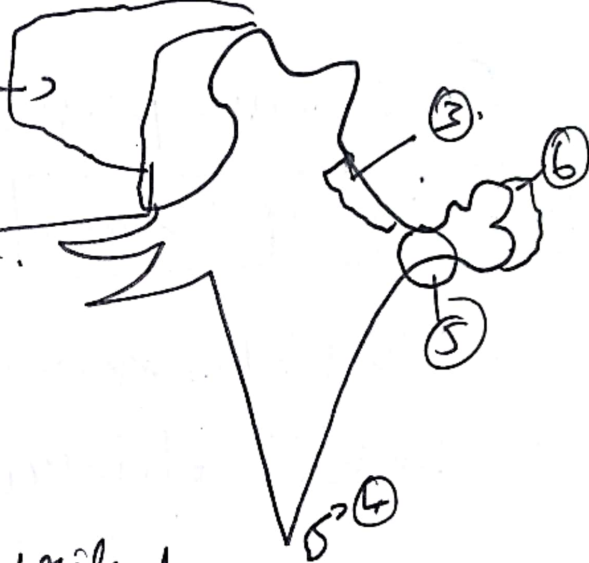
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India emerged as a regional leader of south asia due to its economic and cultural influence over the region.

geopolitical challenges in south Asia

- 
- ① Taliban government in Afghanistan
 - ② Army & terrorism from Pakistan
 - ③ pro China government in Nepal.
 - ④ Chinese presence in Sri Lanka.
 - ⑤ Care taker government in Bangladesh.
 - ⑥ Rohingya crisis.

① Taliban government in affects the implementation of TAPI pipeline and affects regional stability.

② Terrorism from Pakistan affects development of Kashmir

③ pro China government in Nepal affects water diplomacy, energy diplomacy between the two.

④ China's presence in Sri Lanka affects sovereignty of India in Indian ocean.

⑤ Care taken government in Bangladesh cause tensions & conflict in Indian border

⑥ Rohingya crisis affects and alters the demography of Northeast due to the migration influx.

Steps taken by India

① effective engagement with

Taliban government by developmental

activities

② Restarting trade relationship with Pakistan to reduce tension.

③ enhance Cultural ties with Nepal and disaster management works during earthquake crisis.

④ declaration of Border management with China by mutual cooperation.

⑤ Relocation & deportation of Rohingyas & other border management measures-

⑥ removal of free movement regime

If these geopolitical challenges are properly resolved through multi-engagement India can effectively prove the world as a regional leader of South Asia.

⑫

The ethics committee and privileges committee functions to establish Parliamentary democracy in India.

Ethics committee	Privileges committee
1) Established to enquire about <u>unethical practices</u> .	1) Established to enquire into <u>breach of privileges</u> .
2) This committee establishes & examines Code of conduct & ethics.	2) Based on privileges given in Article 194 of the Constitution.
3) <u>Separate committee</u> for both houses	<u>Separate committee</u> for both houses.
4) Referred to it by the <u>presiding officer</u>	<u>presiding officer</u> refers the case

5) Ministers are not members -

Ministers are not members -

6) Gives only suggestions of actions

gives only suggestion of actions.

7) Actions depend on the voting of the house.

Voting of the house is required for action.

Complementing each other

① unethical practices often results in breach of privileges.

② Both are not codified and based on parliamentary convention.

③ Both ensures smooth functioning of

Parliament.

⑤ Both ensures rights of private
members and also sovereignty of the
Parliament.

Thus both committees ensures
Parliamentary democracy.

उम्मीदवारों
इस हागिए
नहीं लिख
चाहिए

Candidate
must not
on this m