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SUBJECT:				Test Code:		9	3	0	-
Name of Candidate		NAVNEET MANN							
Medium Hindi/Eng.		ENG.		Registration Number		3	6	4	73 -
Center		ORN, N.D.		Date		0	3	09	17

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INDEX TABLE

INSTRUCTIONS

1. Do furnish the appropriate details in the answer sheet (viz. Name, Registration Number and Test Code).
उत्तर पुस्तिका में सूचनाएं भरना आवश्यक है (नाम, प्रश्न-पत्र कोड, विद्यार्थी क्रमांक आदि)।
2. All questions are compulsory.
सभी प्रश्न अनिवार्य हैं।
3. The number of marks carried by a question/part is indicated against it.
प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।
4. Answers must be written in the medium authorized in the Admission Certificate, which must be stated clearly on the cover of this Question-Cum-Answer (QCA) Booklet in the space provided. No marks will be given for answers written in medium other than the authorized one.
प्रश्नों के उत्तर उसी माध्यम में लिखे जाने चाहिए जिसका उल्लेख आपके प्रवेश पत्र में किया गया है और उस माध्यम का स्पष्ट उल्लेख प्रश्न-सह-उत्तर (क्यूसीए) पुस्तिका के मुख्य पृष्ठ पर अंकित निर्दिष्ट स्थान पर किया जाना चाहिए। उल्लिखित माध्यम के अतिरिक्त अन्य किसी माध्यम में लिए गए उत्तर पर कोई अंक नहीं मिलेंगे।
5. Word limit in questions, if specified, should be adhered to.
प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।
6. Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be clearly struck off.
उत्तर पुस्तिका में खाली छोड़ा हुआ पृष्ठ या उसके अंश को स्पष्ट रूप से काटा जाना चाहिए।

Total Marks Obtained:

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EVALUATION INDICATORS

1. Alignment Competence
2. Context Competence
3. Content Competence
4. Language Competence
5. Introduction Competence
6. Structure - Presentation Competence
7. Conclusion Competence

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

6.

All the Best

SECTION[A]

Q1 "Need of the Hour: An Active Judiciary or
An Activist Judiciary?"

According to Upendra Baxi, "the Supreme court is the most favourite institution of the Indians." This clearly brings to fore how much critical and proactive the role of the Indian judiciary has been in the Indian landscape.

Even though the judiciary's role is critical. Yet the perplexing question remains - what should be the envisaged role of the Indian judiciary - active or activist?, and what has been its actual role in this regard.

Before deliberating upon what the desired role of the Indian judiciary should be, it seems instructive first to analyse

why judiciary is required in the very first instance. And if so required, what role the Indian Constitution gives the Indian judiciary to play - passive, active or activist.

The need and the origins of the judiciary flows from the idea of the Separation of Powers. According to John Locke and Montesquieu, judiciary is critical to maintain a system of checks and balances so that the government in power does not go for the arbitrary use of power. The extent to which a country's judiciary can maintain such checks i.e., the ~~country~~ extent to which the judiciary enjoys power is determined by the country's

founding leaders. It is they who spell out the nature of their country's judiciary - active, passive, or activist.

The founding fathers of India envisaged the role of the Indian judiciary as an active institution. According to JL Nehru, the Indian judiciary by playing an active role will help bring about a 'silent revolution' and thus, aid in the socio-economic development of the nation.

The Constituent Assembly gave the Doctrine of Judicial Review in the Constitution which provides ^{for} the active role of the judiciary to declare any law as unconstitutional and void if it is not in consonance with any of the constitutional provisions.

Art 13(2), Art 32 and Art 226 of the Constitution bestows the power and the responsibility ~~of~~ on the judiciary as the 'custodian of the Indian Constitution'.

It is through its power under the writ jurisdiction that the Supreme Court performs the active role of as the ultimate protector of our fundamental rights.

It is due to its role laid down in the constitution that the Indian Judiciary has not only emerged as the ^{one of the} most active judiciaries in the world but also the most powerful judicial institution.

This is not only because of its active role but also due to its nature as an integrated and hierarchally arranged institution.

It is due to this arrangement and nature of the Indian Judiciary and its increasing role as an active institution, many consider that the need of the hour is not an highly active judiciary.

According to critics of the Indian judicial system, the judiciary today is overstepping its role and thus is creating an imbalance in the balance between the 3 organs of the government.

There is a need to differentiate between judicial review on one hand and judicial activism and overreach on the other.

~~where~~ the former only confers the power on the judiciary to only declare a law as invalid. However, when the judiciary goes ahead to make suggestions for reform it enters into the latter situation. In such a scenario it

encroaches upon the domain of the executive and the legislature.

This is why Pratap Bhanu Mehta calls the Indian judiciary as highly paradoxical and self perpetuating institution.

The first instance of an activist judiciary appeared in the Golak Nath vs State of Punjab (1967) case when the Supreme Court (S.C) went ahead to set aside the previous Constitutional Amendments Acts so enacted by limiting the amending power of the Constitution.

For many the Doctrine of Basic Structure too is an instance of an activist judiciary. Declared during the Keshavanand Bharati case (1973), critics consider the doctrine as vague and 'prone to misuse' by the judiciary.

The resentment of the government to the Basic Structure Doctrine was soon seen during the times of the Emergency. Calls were made for a 'committed judiciary' and the judiciary faced its darkest period (Habeas corpus case).

Recently the activist and overreaching role of the judiciary was manifested when made a direction for compulsory playing of the National Anthem in cinema halls. BCCI Reforms was ~~also~~ considered ^{by} many as another instance. The recent liquor ban on National Highways too was seen as a work of the activist judiciary.

The resentment is even more due to the continuance of the collegium system and striking down of the NJAC Act. This had led to the

critics to conclude that the Indian judiciary does want to play an activist role but doesn't want to actively reform itself.

However, it is wrong to suggest that the judiciary has played an activist role only for its own benefit. There is a reason why the Indian judiciary is the most revered public institution in India.

According to Zia Mody, the reason why India continues to survive and thrive as a democracy while it collapsed in the 3rd world, is because of the Basic Structure Doctrine. This was evident in the Minerva Mills case where the active role of the judiciary restored the democratic nature of the polity after the Emergency.

There are innumerable instances where the judiciary has furthered the case for human rights, aid in socio-economic development and have maintained the Rule of law.

In the Maneka Gandhi vs UOI Case, the SC expanded the scope of Art 21 to include the 'due process of law'. In the Indira Sawhney Case, it defined the contours of the Indian Reservation Policy.

The Judiciary has played an active role in bringing about electoral reforms - disqualification due to corruption/conviction, NOTA, etc.

Even in the environmental domain it has played a crucial role. Be it dealing ^{with} Delhi's Air Pollution Crisis or the cleaning of the Ganga river.

In case where sufficient laws didn't exist, the judiciary provided for guidelines which enjoyed the force of law ~~to that~~ like the Vishakha Guidelines (for women's safety) and the guidelines for the protection of Good Sanitation.

It also played an active role in protecting India's IPR Regime by upholding of compulsory licensing and against evergreening.

Recently, the S.C. also expressed its concerns against the autonomy granted to Armed Forces under the Armed Forces Special Powers Act.

But the most momentous role of an active judiciary has been its recent striking down of Triple Talac and its declaration of the Right to Privacy as a fundamental right.

These instances clearly show that the Indian judiciary through its active role has done more good than harm. It has provided for an alternative channel for the citizenry to express their concerns and criticisms and thus have helped maintain faith of the citizens in the government.

More than the role of the judiciary as active or activist, the need of the hour is actually to reform the judiciary. It involves the role of ~~not~~ ^{not} only the government (executive + legislature) but also the judiciary itself and even the civil society.

Given the mounting pendency of cases, the government needs to bring an overhaul in the judicial infrastructure - resource as well as human. Increasing the number

of judicial posts and moving towards digitalisation can be considered as possible suggestions.

Introduction of an All India Judicial Service too can be considered. Along with this it has also been proposed to introduce a National Court of Appeal with regional benches.

There is a need to revive the Gram Nyayalas and provide for new forms of alternative dispute resolution mechanisms.

Police Reforms and Judicial Impact Assessment too can be pursued.

Most importantly, a revised National Rights Litigation Policy is needed as the Government itself is the largest litigant.

The judiciary also needs to reform from within. There is a need to

bring in greater transparency and accountability in judicial appointments.

There should be timely filling up of vacancies. Moreover, the SC itself noted that the judges should not see themselves as 'candles of hope'.

~~also~~

The civil society too has a role to play in increasing judicial awareness and literacy among the masses. Judicial services can be made more accessible and accountable to the masses.

But the larger question is why the judiciary plays an activist role. This is only because the executive and legislature itself give much room to it. The Constitution is an organic law. The Doctrine of Separation of Powers so enshrined too is organic and so fluid. So when the executive and legislature do not perform their

adequate ~~q~~ functions, the judiciary is bound to fill in the vacuum.

Thus, the judiciary is activist not only due to its own will but due to the decline of the Parliament and the ^{increasing} lack of transparency in the functioning of the executive.

Therefore, it is clear that the need of the hour is surely an active judiciary but that alone is not sufficient. There is also a need to improve the nature of governance fundamentally. ~~therefore~~

The judiciary can be considered 'as medicine but not daily bread'.

Section B

Q3 "Education System in India -
A leveller or a source of inequality?"

According to Nobel Prize Laureate
Rabindra Nath Tagore, education is
not just giving information but should
also provide for one's life to be in
harmony with all existence.

Such a harmonious existence of one with
all is possible only when the system
of education acts as a leveller rather
than a source of inequality. This is
because inequality always breeds in
dissatisfaction, a feeling of 'us v/s them'
and thus leading to disharmonious
existence.

In this context, an assessment of the
Indian education system clearly shows

that it has inadvertently turned out to be a source of inequality. This observation becomes even more crucial since we are passing today through a phase of 'demographic dividend'.

In order to surmise as to how and why, the Indian Education system acts as a source of inequality, it seems ~~†~~ instructive first to highlight the envisaged role of the Indian education system.

Since the inception of an India which is free and independent since 1947, the education system was seen as a tool and mechanism to uplift the masses and thus act as a leveller. This vision is held by the Indian governmental system even today.

The Indian Constitution provides for ample provisions and doors for the Indian Educational System to act as a leveller.

Art 21A provides for the fundamental right to basic elementary education for all. The Directive Principle under Art 46 and the fundamental duty as given under Art 51(e) calls for the responsibility of the parents to provide for basic education to their wards between the ~~education~~ years zero to six.

The Right to Education Act (RTE Act) is seen as a prime source of leveller. It not only provides for basic elementary education for all but also provides for reservation of seats for the economically weaker sections (EWS).

By ensuring that education does not remain a luxury of the rich, the RTE Act seems to provide a level ground for all.

In addition to this, numerous programs launched by the government over the years too serve as potential levellers. For instance, the Sarva Shiksha Abhiyan, the Mid Day Meal Scheme, Beti Bachao Beti Padhao campaign etc. aim at creating a levelled society with no inequalities.

Moreover, the government is also actively engaging in providing for skill training and vocational training so that lack of access to formal education does not create inequalities for adults. Nai Manzil Scheme, PM Kaushal Vikas Yojana, STRIVE, SVEP, etc. serve this purpose.

However in reality, the Indian Education system has not lived up to its envisaged role as a leveller in the true sense. From pre-school to primary school to higher education, the Indian education system to some extent ends up contributing to the growing inequalities in the Indian society.

As Swami Vivekananda says education is a manifestation of perfection already present in man, but on the contrary, the Indian education system has only exacerbated the imperfections and inequalities.

Education becomes a source of inequality where it is seen as anti-thetical to women empowerment. It becomes a source of inequality when its

institutions and mechanisms turn out to be an active source of discrimination of the depressed classes and the minorities. Education becomes a source of inequality when it closes door for those inflicted with HIV/AIDS, persons with disabilities (PWDs) and sexual minorities.

The considerably higher rates of dropouts for girls, SC/STs, Religious minorities (Muslims) and the perpetually lower levels of literacy among the PWDs, sexual minorities are clear 'manifestations of imperfection' and prevalence of inequality.

Education system too has ended up creating a Rural-urban divide where in contrast to 'urban India' the 'rural Bharat' is marked by poor school infrastructure, low teacher-pupil ratio,

poor teaching quality standards. This too promotes education's role as a creator of inequality. All this has led to 52% of class V students unable to read a class II textbook (Pratham study).

The same situation is carried forward to the higher education sector which is marked by glaring inequalities and poor learning outcomes.

A major cause behind is the inadequate levels of expenditure on the education system which remain close to 2% of the GDP.

The role of globalisation in further attenuating the inequalities caused by the educational system too can't be ignored. Globalisation though has improved standards of living but it has also contributed to greater educational inequalities by the means of 'Brain Drain'.

Therefore, it becomes extremely crucial to restore the nature of the Indian education system as a leveller.

According to Kofi Annan (former UN Secretary General), education is the premise of every society, every family.

Reform should begin with changes in the RTE Act such that inequalities along the lines of gender, class, ~~age~~^{caste}, religion are eliminated. The scrapping of the No Detention Policy should not do otherwise.

By bringing greater improvements in teaching skills and ensuring teacher attendance, spatial inequalities across India can be reduced.

In the present context, the most potent tools to minimise inequalities caused due to ^{the} educational system is to

provide for an all new, inclusive
National Education Policy with an
enhanced government expenditure

(T.S.R. Subramaniam Committee
recommends 6% to GDP as educational
expenditure).

We need today not just a Right to
Education but a 'Right to Quality
Education'.

One of the most effective to restore Indian
education's role as a leveller is
by following ~~and~~ Mahatma Gandhi's
Nai Talim which talks about basic
education based on the pillars of
life long education, social / value
education and holistic education.
It is education which is value-based
which holds the key to wipe out
inequalities based on gender, caste,

creed and create an egalitarian society.

The vision of an Indian Educational system as a leveller is in consonance with the SDG4 - "to ensure inclusive and equitable education ~~for~~ and lifelong learning opportunities for all".

As we move towards a New India of 2022 which is free of any inequalities due to casteism, communalism, poverty, education holds the key to renew our pledge for the service of the nation as Swami Vivekananda, 'go and educate the masses, and thus alone a nation is possible'.

levels or
some of inequality

- ## History

↑ Gumbel's
+ trad.
feach

British & consens

"Independence stat d fedn"

Justus + RTagene + Thon

E/P/S/C/L/I/N

Consolidated Ratio $\rightarrow$ Profit $(A + C + P)$ as leveler

Actual Role → Env. Gen. Sci/ST Minorities Imports

→ Role of aloby
+ effects → on P/E/S/C/
Covete & 3 Teacher, infra etc. (Rural vs urban)
4. Pathnam To govt exp. To state of myth
Wirel (i) → Proschool etc // Edⁱⁿ

Regions

1. RTI, Teacher, King, 2. Line (Pond & Hive)

NDP/CEE + Equality + values + Gandhi + Capitalism

1. Kofi Annan

Exp A.

NE Policy

3

6

JUST MEPA

- Role of ClO_2

- Ethics → value edⁿ

- Polity = Acts & Govt.

ATE	Gov.
Programs	2A
	4 (6)
	5 (e)
Effect on	
- Gov	

Conclusion $\rightarrow$ SDG 4 + Vireka (nahen) + New India

VISION IAS™

organic unit
↓
fluid/organic transition
SOP

Don't write anything this margin
(इस कक्ष में कुछ ना लिखें)

Need of the Hour: Active J or Activist J?

✓ Intro: Baxi, Question + Flow

✓ Need of judiciary + const. provisions + origin of judiciary. as active jud, vision of CA

Status of judiciary in India

13, 226, 39(a), 32 etc.

Jud. Review

How Activist judiciary?

✓ the Role of judiciary

- suggestions & Reforms

- conclusion

- Baxi
- LSP (via Moot)
- Minerva Mills

- Right to Privacy
- Indira Gandhi
- Maneka Gandhi

- Emergency
- Limbo vs. India
- Triple Talag
- Electoral Reforms

- Env → Delhi, Ganga, NCT

- Vishnupha Guidelines
- AFSPA

- IPR (Nexavar etc.)

- Aadhaar

Jud. Activism + Overreach

Jud Appointment: Cases & NJAC

PB Mehta

→ Golak Nath

→ Kiz Case, BSO, 42nd CA, National Anthem

→ Pendency of cases, Issues with legal backlog

→ by judiciary

→ by govt

→ by civil society

→ Nat. Appellate

→ anusha mech.

→ NAISA

→ Ref.

→ Infra, transport

→ Gram Nyayale

→ Wleg Policy

→ Map

→ AIJS

→ digitisation

→ Area Reforms

History → Modern India

(Pol)

- World Court ICT

- Locke, Montesquien (SOP)

- Justice (Rawls)

- Jud → PB Mehta → Baxi

Jud Review/Activism/Overreach

Jud Appointment

Jud Reforms

Basic Str.

writs

Issues with jud.

Ref.

→ Infra, transport

→ Gram Nyayale

→ Wleg Policy

→ Map

→ AIJS

→ digitisation

→ Area Reforms

→ Jud. Impact Assessment

1 [1/2 [2 [-ve → 2 [2 1/2 [

- Art 13(2)
- Art 32/225
- Art 39(a)
- Art 124 onwards

Harassment

alternat channel of CR

Success of democracy in 3rd world

more good than harm