

VISION IAS
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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.

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6.

All the Best

SECTION A

NEED OF THE HOUR: AN ACTIVE JUDICIARY OR AN ACTIVIST JUDICIARY?

India is the world's largest democracy. That we have been a democracy throughout the 70 years since Independence is in itself a huge achievement. An important pillar of democracy is the judiciary.

Our constitution has provided a powerful judiciary. Article 32 gives power of judicial review which has expanded the scope of judicial power. Both Supreme and High courts have a wide writ jurisdiction as well.

ACTIVE JUDICIARY

An 'active' judiciary means that judiciary has a proactive approach while limiting itself

to its own jurisdiction as defined by the Constitution.

There is immense potential in India for an active judiciary.

The judiciary can take steps to standardise & improve the quality of ~~eds~~ legal education. While it is an upcoming field, it needs proper guidance. Cases like poor state of affairs in Delhi University's Faculty of Law should not be repeated.

The judiciary can also ensure that lawyers adhere to a code of conduct and ethics. Lawyers often show unruly behaviour and are often exploitative, especially towards poor litigants.

The judiciary can also take measures to make the profession attractive. In order

to attract talent reforms in subordinate judiciary such as All-India Judicial Service is needed. Here, judiciary can take proactive steps to generate consensus for such reforms in the profession.

Issues in the legal system such as delays need proactive steps from the judiciary. Delays in legal process are the biggest challenge facing the legal system. Reforms such as increasing number of working days or working during vacations can be initiated by judiciary only.

Recently, Chief Justice of India wrote to the High Courts to take steps with respect to case pendency. As a result, a number of High Courts will be hearing criminal appeals where state has provided legal aid on Saturdays.

Another example is the Supreme Court hearing cases on Privacy and Triple Talag during summer vacation.

Such active judiciary has several benefits.

It will be able to initiate reforms while maintaining its independence and not infringe on jurisdiction of other branches, maintaining seperation of powers.

Overall standard of legal system and judgements will improve. It will help in deepening of democracy.

It will also result in empowerment of the people. As people face less harassment, they will find it easier to approach the courts if their rights are infringed. It will help to reduce cost & time that is spent fighting

cases.

As pendency of cases reduces it will also mean that each case will get more scrutiny, ensuring that complete justice is done. It will benefit the prosecution as witnesses will be forthcoming. Delays often mean witnesses forget the case details. It will benefit undertrials as well who often languish for years, without trial, in jails.

This will further re-affirm faith of the people in the judiciary and democracy.

However, several gaps would still exist in the system.

Judiciary alone cannot initiate reforms. Success of such initiatives needs cooperation of other branches of govt, particularly the executive.

Infrastructure, both physical

and manpower, needs govt to be active as well.

Also, in several areas the govt and Parliament is not as forthcoming in making and implementing laws. There are several instances where the other two branches fail to perform their duties where a law to address a problem doesn't exist, the judiciary will not be able to adjudicate and do justice.

ACTIVIST JUDICIARY

An 'activist' judiciary means that judiciary has a proactive approach while intervening in the jurisdiction of other branches of the govt - the executive and legislature.

An activist judiciary has several benefit and helps

address the several gaps that exist as mentioned earlier.

Article 32 of constitution, the 'Basic Structure' doctrine & Public Interest litigation, which is in itself the result of judicial activism, form the basis for an activist judiciary.

This has proved to be effective in instances where other two branches have failed to perform their duties.

Several instances exist where significant gaps in the law ~~were~~ were plugged as a result of activist judiciary. The Vishakha guidelines which addressed the lack of sexual harassment law & the judgements on Passive Euthanasia & Good Samaritan law have helped address certain neglected issues.

Judiciary has also played a role in bringing in

necessary reforms where there was resistance. Judiciary's role in IPL & BCCI case has given hope for not only cricket but other neglected sports. It can initiate reforms in other sports bodies as well.

Public Interest litigation is a big innovation in the Indian legal system. It has played a key role in empowering the vulnerable especially women & strengthening democracy. The Vishakha Judgement & judgement striking down Section 66 A of IT Act in Shreya Singhal case were result of PILs. The PIL is a stellar example of judicial activism.

However, activism by judiciary has also been criticised.

It infringes on the jurisdiction of other branches of the govt and may limit its scope to exercise to those powers which have been bestowed by the Constitution. Often judiciary ends up legislating or directs executive to ~~do~~ something which it is ill-equipped to do.

Legislation requires wide consultation & involvement of subject experts, which judiciary cant do.

Also, while, motivation of judiciary may be positive, the result may end up being negative.

An example would be the Supreme Court judgement banning sale of alcohol on highways; which had implications for livelihoods of several people. Ultimately, state govt in certain states were pressured to

find loopholes like de-notifying highways.

Also, judiciary on its own can't do much unless other branches especially govt executive cooperates.

Prakash Singh judgement on police reforms has yet to be implemented on ground. ¶
As a result, other directives of judiciary directing police action, example being cow vigilantism, remain of symbolic importance.

WAY FORWARD

It is clear that 'one size fits all' approach doesn't work. Going one way only is not the solution. Both an active and activist judiciary are needed, as ~~and~~ India has had good and bad experience with both.

Judiciary has to make efforts for self reform and self regulation. It also should use judicial activism carefully to avoid criticism.

Govt also has to be more proactive towards improving the judicial system. Creating infrastructure & following order in letter and spirit is the needed.

Judiciary is an important & indispensable pillar of our democracy. Its judgements have served as a beacon of hope for the masses. An active and activist judiciary will help in deepening of our democracy.

SECTION B

EDUCATION SYSTEM IN INDIA -
A LEVELLER OR A SOURCE
OF INEQUALITY?

India is home to the world's largest youth population comprising about one-fifth of the world's youth. India is also set to experience the 'demographic dividend' very soon. However, the demographic dividend only provides potential and not guarantee for success. Education of the youth will help transform human resource into human capital.

EDUCATION AS A LEVELLER

Education has a multi-dimensional impact.

Socially, it helps in empowerment of the masses & strengthening of democracy. A

literate or educated population is aware of its rights and govt's initiatives to improve their lives. A literate, educated citizen is an aware & informed citizen. He/she can fight against social injustices while taking support of govt apparatus.

Politically, education benefits people as it enables them to be effective participants in the electoral process. People become aware of issues & focus on issues like growth & development, instead of voting ~~person~~ purely on basis of caste or religion. As a result, they cannot be reduced to the status of a mere vote bank.

Economically, education helps pull out people from poverty.

As people acquire skills &

vocational training they can shift away from agriculture to fields with better remuneration. This will help to alleviate stress on agriculture as well.

High education enables people to work in white collar jobs with higher pay.

It also creates more opportunities, such as access to formal/institutional credit, starting own businesses etc.

In India, special care has been given to linguistic, and cultural & religious minorities. Articles 29 & 30 of the constitution gives special rights to minorities to establish & administer educational institutions to preserve their way of life. Thus, it helps maintain our cultural diversity.

Education benefits the

vulnerable & marginalised sections of society, especially women. Women are the biggest beneficiaries of education. It enhances gender equality, enables women to become financially independent, reproductive and sexual health. They can play an effective role in the family as well.

Education also helps secure dignity, restore self confidence, thereby helping in utilising full potential of an individual.

An example of education being a leveller is that of our President Shri Kovind. He comes from a poor, rural, marginalised Dalit community. But, his education as a lawyer enabled him to ~~p~~ reach become the President.

Another example is of former President APJ Abdul Kalam, who

came from poor background but played crucial role in development of India's nuclear weapons & became the People's President.

Several initiatives of the Indian govt like Sarva Shiksha Abhiyaan, Mid-Day Meal scheme, Right to Education Act, Digital Libraries, SWAYAM (Open online courses) etc are aimed at equalising education. * Compulsory ^{free} elementary education for children between 6-14 years is a fundamental right. As a result, massive improvements have been made. India has achieved near universal (almost 97% as per ASER Report) enrolment in primary education.

EDUCATION AS A SOURCE OF INEQUALITY

Despite several efforts, education

system in India continues to suffer from several inequalities, with students from poor, rural background being at a disadvantage.

So far focus has only been on quantity, neglecting quality. Education suffers from low quality.

ASER Report has shown that 48% of Class V students can't read ~~for~~ Class II level text. 43% of Class VIII students can't carry out long division of 3 digits by single digit.

This poor quality is result of poor infrastructure, overcrowding, low teacher to pupil ratio, lack of teacher training & teacher absenteeism.

Education also suffers from high drop out rates as poverty & child labour continue to

exist. Parents prefer to pull out children from schools, especially if they fail, so that additional income flows in.

Girls are disproportionately affected and have high drop out rates. According to ASER Report around 5% of girls in age group of 11-14 years don't go to school. Reasons are menstruation, lack of toilets, early marriage, preference among parents to spend on sons and taking care of siblings.

Higher education is also plagued with inequalities. Inadequate number of institutions, privatised and unregulated nature, lack of infrastructure, outdated syllabi are some problems which make it unattractive. Poor students often can't afford fees in private

institutions if they are unable to get admission in govt institutions. Poor quality of higher education means students are not job ready and can't find jobs. As a result, unemployment among educated youth is on the rise. Those who seek better quality & research avenues go abroad but they belong to well off families.

Another problem is that of need for tutions and coaching. As syllabus ~~is~~ taught in schools is inadequate to clear entrance exams, students have to take coaching to clear exams. This automatically puts poor students at a disadvantage. IIT, ~~AIIMS~~ AIIMS, NEET entrances ~~require~~ have spurred a whole industry.

WAY FORWARD.

Education can only be a

levelled, if there is equal emphasis on quality and quantity.

Massive investment in education, led by the govt is needed. At present, expenditure on education is barely 3% of GDP.

In order to ensure equality, govt has to take the lead in providing infrastructure, manpower, training, regulation. Leaving education completely to the market will exclude millions of children.

Education is ~~one~~^{as} investment which has multiplier effect & has potential to completely transform the fate of our country. It is an indispensable factor needed to fulfill our trust with destiny.

- inequality ① quality / focus only on qly.
ASER. absehim, poor healtha tang
poor, rural.
- ② drop outs — parents prefer to work
(15% 20%) poverty
child lab.
- ③ girls → 5% 11-14 yrs not in sch
drop out — periods, look after
siblings, early marriage
preference to spend on boys, toilets.
- ④ higher edu —
→ 22% Annual sum
expenditure,
go abroad quality poor
unregulated, money.
inadequate
- ⑤ unemployment → edu, sys
PMKV unemp
not job ready
import → poor, rural
good ~~for~~ mean
startups, etc. good
women > men.
- ⑥ coaching needed eg NEET, IIT.
- ⑦ english medium
sch

education imp - WB - best inst ...
India - largest youth popⁿ - 1/5th youth
youth bulge demographic dividend - potential not

guarantee
education - imp - transform lives.

* explicit
* bonded
* slavery etc.

levelled
① literacy + fin literacy
social → impact - empowerment of men
know rights, govt in direction
pol. → ② effective particip in democ
able to understand issues
can't be misused as votebank.
beyond caste relig
issue based politics

③ Eco → away from poverty
in skills, vocational to higher edu
agri → ind. → high skills
in demand
awareness
loans, credit, start up etc. - govt initiative
emp. gen.

④ integ integration in society cultural
tribals
eg → Dalits, OBCs
eg → Muslim community largely low
dignity → most imp + equality → confidence

⑤ women ← biggest impact → health

⑥ reproduction, equality
UDAN → locally

- ③ ambiguity - women 498A
- ④ not enough - cow vigilantism.
- ⑤ govt ~~for~~ cooperative
- (1) ~~lacunae~~ itself self regulation not present.
- ② soln transparency
- ① self reform
- ② govt infrastructure - 18 july 50 july
- ③ both needed
- one size fits all not approp
- both experience good & bad
- good outcome
- intro de
- ① Judiciary imp pill → largest democracy & beacon of hope
- ② Constitution makers → powerful jud
- ③ Art 32 → judicial review
- ④ writs SC & HC
- ⑤ outside jurisdiction
- ⑥ large
- state 70 yrs always
- lawyer
- 3rd year

within own sphere of jurisdiction

VISION IAS™

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

ecbpe

law

educational → legal prof

lawyers
code of conduct
ethics

delays
vacations

judges → attractive job

subordinate judiciary

reforms

eg CTI

Saturdays

criminal

state legal aid

Summer

vacations

8pt hearing

Aadhar

Privacy

+ Triple

Talag

ve

① gaps addressed

② law doesn't exist - women's right

③ force others do their job - IPL, BCCI

④ suo moto / PIL → empowerment - Vishalika

⑤ biggest example

⑥ Right to life

ve

① infringe on other jurisdiction

like making law - illegitimate

② Villains

← Active

+ve :

① lacunae - address delays → justice

② no maintain independence

③ legitimacy crisis, reattain faith

④ poor, marginalised benefit

⑤ lower costs of fighting

⑥ lower time spent

⑦ lessen harassment

⑧ witnesses come forward prosecution better

⑨ under trials

⑩ stds improve of judges/lawyers

⑪ deepening of dem

⑫ empowerment

ve

① several gaps exist

② on its own can't do much

③ cooperation infrastr, judges appointment

④ implementation of judgment

⑤ govt/pol not furthering

Activist : other spheres

Vishalika
Good sam

-Vishalika
IT Act

① Ban on alcohol
② Villains inducements eg Censorship. Privacy depends on