

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.

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All the Best

Need of the hour: An active judiciary
or an activist judiciary?

The Preamble declares India to be
a sovereign, socialist, secular,
democratic, republic and ensures
liberty of faith, worship, belief;
justice: political, social and economic;
fraternity and equality of status and
opportunity to all. These ideals are
best fulfilled by our independent and
active judiciary. We have a hierarchical,
integrated judiciary which forms one
of the democratic bulwarks of our
nation. Its main purpose is to fulfill
the aspirations of 1.2 billion people and

enforce the provisions of our Constitution, its fundamental rights so as to protect its citizens against any excesses or injustices. People look at it as their only impartial hope and expect it to provide speedy, inexpensive justice.

Recent occurrences like ban ~~of~~ on BSIII vehicles, ban on liquor sale along highways, unbecoming behaviour and adventurist verdicts of a High Court judge like Justice C S Karan, appointment procedure of judges via collegium mode and much more has raised the debate about the efficacy of judicial activism once again.

I would like to contend strongly for an active judiciary and a calibrated

activism in emergency situations in case Parliament neglects its own role as a policy maker. But such activism needs to have adequate checks and balances to ensure separation of powers. We shall discuss the recent judgments of judiciary, especially Supreme Court which has generated arguments for and against judicial activism. We shall discuss their ^{and} significances ^{and} limitations. We shall then discuss the need and significance of an active judiciary, the measures taken to promote it and then conclude with the subsequent role of Parliament and judiciary respectively to collaborate in such times when justice cannot be delivered in silos but only with active coordination.

and responsible leaderships displayed by both.

Judicial Activism: Significance and limitations.

Article 142 empowers Supreme Court to ensure complete justice in cases pending before it. As 'justice' in itself has a broad scope, the invocation of this article has generated discussions. SC, in a bid to give priority to the health and lives of people delivered a landmark judgment recently to ban BSIII vehicles and move on to BSIV norms. This has ensured environmental integrity and social justice in the form of less morbidity and mortality rates due to air pollutants and vehicular exhaust emissions.

Similarly, another controversial judgment regarding ban on liquor sale and liquor outlets along all highways of India to ensure decline in mortality rates due to road rage and traffic accidents under influence of alcohol has sparked off a debate. Judiciary has gone into moral, ethical and human dimensions to deliver such a judgment under Art 142 but has been unable to placate those who will be rendered jobless due to such a ban. Judiciary, no doubt has given precedence to human value and human life over commercial interests and gains in this case but it has generated discussions on whether judiciary can go into policy decisions, whether it has usurped the role

of lawmakers and has ventured into judicial adventurism.

In my opinion, at best what judiciary shall do in such cases is to send creative nudges to Parliament to formulate policies to address the dire needs such as environmental security and social evils like alcohol ban and road rage. This shall help Judiciary become active more and activist less. This shall also ensure separation of Powers doctrine and independence of institutions. Having said so, we have come to discuss another dimension, that is: need and significance of an active judiciary in current compelling times.

Need and Significance of an active judiciary.

There are 13 judges per million population in India. There are over two crore cases pending at all levels of judiciary.

In spite of this, there is no transparent collegium system to appoint judges timely.

Moreover, there are long summer vacations to add to our woes. This has led to

delayed justice, eventually leading to denial of justice. This has affected the

weak, marginalised, poor and minority strata of our society the most. It has

led to underperformance of judges, lax behaviour of judiciary and adventurism

and activism stance too at times to

remain relevant. Its main role and purpose to become an active judiciary has receded into oblivion over decades, resulting in erosion of confidence of millions in our independent, democratic bulwark. Hence, the need of the hour to have an active, alert and vigilant > responsive judiciary has never been felt more in independent

Indian history.

It will serve many a purposes and carries a lot of significance. Active judiciary ensures timely justice, thus ensuring Right to Life and Liberty of trial prisoners. Right to free and fair trial, speedy and inexpensive justice premises weak and marginalised to trust in judiciary. Active judiciary ensures

that its gaps are plugged immediately to suit to the changing circumstances and challenges. It strives to have a fair, transparent and accountable collegium mechanism, in coordination with legislature and civil society to ensure honest, vigilant and alert judges who shall have an ethical, upright character in addition to legal expertise.

There is a thin line between an active judiciary and an activist judiciary and that thin line is best respected by ethical judges by practising judicial restraint. Measures taken to ensure separation of powers as well as realising the widened scope of judiciary:

It is the ingenuity of Indian democracy to devise ways to ensure harmony

between an active judiciary and executive authority. As justice mechanism needs to be reformed to make it more active and decentralised, various quasi-judicial bodies have been established with statutes backing them.

National Green Tribunal follows natural laws and principles to ensure environmental justice. Lok Adalats realise to resolve disputes at ground level in local traditional ways to reduce court litigations and pendencies. This is a principle of subsidiarity. Free legal aid to Below Poverty line is ensured via National Legal Services Authority. Gram Nyayalayas have been established. These steps have ensured that there

be harmony between executive and judiciary by establishing bodies via statutes and delineating their roles and responsibilities clearly to ensure that they do not overstep their jurisdiction.

Subsequent Role of Parliament and judiciary:

Parliament and judiciary are two active organs of the government. Just like executive is responsible to legislature in Indian Parliamentary system, Parliament needs to be responsible to judiciary also and vice-versa. Legislature's purpose is to have responsible law making as its primary role. It should not shy away from this crucial responsibility. This way, judiciary will be able to restrain itself by not overstepping its jurisdiction.

As far as judiciary is concerned, it needs

to overhaul its appointment procedure of judges, take up its infrastructural capacity, computerise its processes and judicial proceedings, coordinate with police to have speedy investigations done, ensure Police reforms have taken place. Its administrative dimension should be brought under RTI to have adequate checks and balances against judicial excesses. Also, on deciding controversial cases, it should have a 9 bench judge instead of 3-bench judge capacity to interpret the case comprehensively.

At last, it is the independent institutions of India which ensure operational efficiency and social justice. There is a need to have proper coordination with adequate checks and balances to realize the ideals of our

Constitution

Education System in India : a leveller
or a source of inequality.

'Intelligence plus character - that
is the goal of true education'
- Martin Luther
King Junior

During our freedom struggle, it was very well envisaged how our education system would be. Gandhi's Wardha Scheme of education promoting 'Nazim' Nehru's vision of a socialistic India where education would be a state responsibility and strive towards eliminating ignorance and promoting scientific temper among all was very well delineated. It was with their visionary efforts that India today

boasts of increasing its literacy rate from a mere 5% in 1947 to over 75% in 2017. The establishment of IITs, CSIR, IISc, Bangalore during Nehruvian era contributed a lot to socio-economic welfare and development of India in multitudinous ways.

It helped promote National Service, eradication of poverty and sufferings by inclusion of ethical, educated, willed politicians in Parliament; helped develop dams, irrigation canals, bridges by able engineers to plug gaps and eradicate multifarious inequalities. It helped increase labour force participation of girls in economy, albeit at a snail's pace.

These multiplier effects got compounded further by the implementation of Right to Education, 2009 via 86th Constitutional Amendment Act. Inclusion of Art 21A as a Fundamental Right ensured education to all, hence enhancing equality and becoming a leveller.

I would like to contend strongly that though many attempts have been made to make education system a leveller in a diverse society like India, its poor implementation on ground has resulted into mass inequalities of immeasurable nature. We shall discuss the leveller attempts by state and civil society and then various drawbacks

of our education system and the resultant consequences of inequalities emanating from them. We shall dissect the causes of this style of education system in India and shall conclude with desired suggestions and measures to opt in order to bring equality and distributive justice in the form of inclusive education system.

Levelled Attempts: Significance and Limitations.

In pursuit of the Constitutional Provisions like Article 21A and various Directive Principles of State Policy and Elemental Fundamental Duty, the state implemented various policies, schemes like Mid Day Meal, Sarva Shiksha, Abhyas, Beti Bachao Beti Padhao etc.

These schemes have generated awareness,
increased retention and attendance in
schools, enhanced enrollment of girls,
improved cognitive abilities of children
to comprehend texts in a better manner.

But bureaucratic burdening and inefficient
implementation has rendered such schemes
only an election campaigning model, without
any ground level results. Lack of proper
implementations of provisions of RTE Act,
2009 like 25% reserved seats to
Economically weaker sections has resulted
in non-inclusivity and inequality. Lack
of functional toilets and poor infrastructure
has led to increased drop outs, especially
that of girl child. Minorities have been

reflected in mainstream, secular educational institutions. And higher education has become a privilege of only a few.

Education System in India : Its drawbacks

One, the educational institutes - schools as well as colleges are regionally concentrated. And even in those institutes, rote learning is the method of teaching. ASER Report brings about the inefficient learning outcomes of elementary level students starkly in their report.

Materialism is the goal of today's education system, which has fostered greed, avarice and many vices in our educated youth. This has promoted corruption, nepotism and abuse of power,

hence acting as a source of inequality in society.

Commercialisation of higher education, provision of donations in the guise of management quotas has rendered education accessible to only a few. Arbitrary fee structures has led to dropouts of marginalised after their secondary education only. This has fostered child labour in India.

No vocational efforts and no dignity provided to ITIs have led to immeasurable loss to our economy. It has undermined the confidence of weaker sections to pursue Industrial Training Institutes because they are looked at by educated degree holders and intelligentsia with contempt.

The biggest drawback of our education system is lack of adequate public spending. This has amplified after liberalisation leading to inaccessibility of education to all.

Poor digital literacy has rendered many digital literacy initiatives non-fruitful. Non-connectivity and digital gaps has fostered two Indias: online India which is fast growing and an offline India which is fast receding.

Consequences:

Commercialisation, few educated elites has fostered an arrogant culture in India which is more Westernized and

less modernised and looks at its own fellowmen with deep condescension and hatred. It has also led to intolerance. Politicisation and casteism practised even in our elite institutions in spite of Constitutional safeguards to untouchables are recent instances of our unequal education system in India. Quelling the freedom of speech, dissent and original thinking are its natural corollaries.

Rote learning since elementary level has led to 4% skilled workforce in our country, compared to South Korea's 96%.

"A nation whose girls are educated is an empowered nation"

— Michelle Obama

Gender Parity Index at higher education in India is less than 1, speaking volumes about our unequal, gender biased education system. Fostering gender stereotypes in our educational texts has led to a culture of Chauvinism and male masochism. This has weakened the women empowerment across religions, Caste and places.

Educational system has accentuated poverty, unemployability and futile accumulation of degrees with no meaningful skills to contribute to polity, society, economy and culture.

Let us dissect the causes:

Weak regulatory bodies like MCI,
AICTE, UGC has led to stagnant
academic curricula with no equitable
measures to foster social inclusion.

Corruption in bureaucracy has rendered
effective implementation of good schemes
almost impossible.

Teacher absenteeism and non-quality
teaching and skills to match changing
circumstances has led to poor learning
outcomes. Students are not at all
industrious and this shall become
a challenge in 4th Industrial Revolution.

Non effective policy making like
lack of effective global partnership and

~~more~~ public spending in educational, infrastructural and institutional capacities has rendered education at the mercy of crony capitalists.

Measures to make education a leveller:

Participation of NGOs like "Teach for India" with young, innovative graduates can be a game changer.

Collaboration with higher institutes of excellence like IITs to solve basic problems of rural sector via

Unnat Bharat Abhiyan can foster equality and democratic participation of rural community. Global partnerships via

GIAN initiative can lead to comprehensive

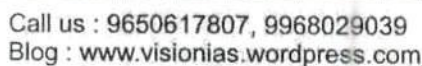
education system, focussing both on knowledge and skills. Overarching single, strong, independent regulatory agency HEERA (Higher Education Empowered Regulatory Agency) can build inclusive, equitable academic curricula. Inclusion of Massive Open Online Courses (MOOCs) and National Digital Library via effective state-technological institutions collaboration can bridge the literacy gap and foster renewed digital vigour to one and all. It shall definitely have multiplier effects and shall lead to social inclusion on a rapid pace. Moreover,

implementation of TSR Subramanian
Committee Recommendations, and formulation
of New Education Policy. with public
consultation is the sure way ahead
to have an inclusive education system.
NIRF parameters like Graduation
outcomes, outreach and inclusivity,
infrastructure (teaching qualities,
laboratories) and perception should be
adhered to by all higher educational
institutions. Accessibility, affordability
is the key to a successful educated
society.

"One pc, one book, one teacher, one
tablet
will transform humanity!"

— ~~Mahesh Kumar~~

(इस भाग में
कुछ नोट्स हैं)



Educational System in India - a leveler or
a source of inequality?

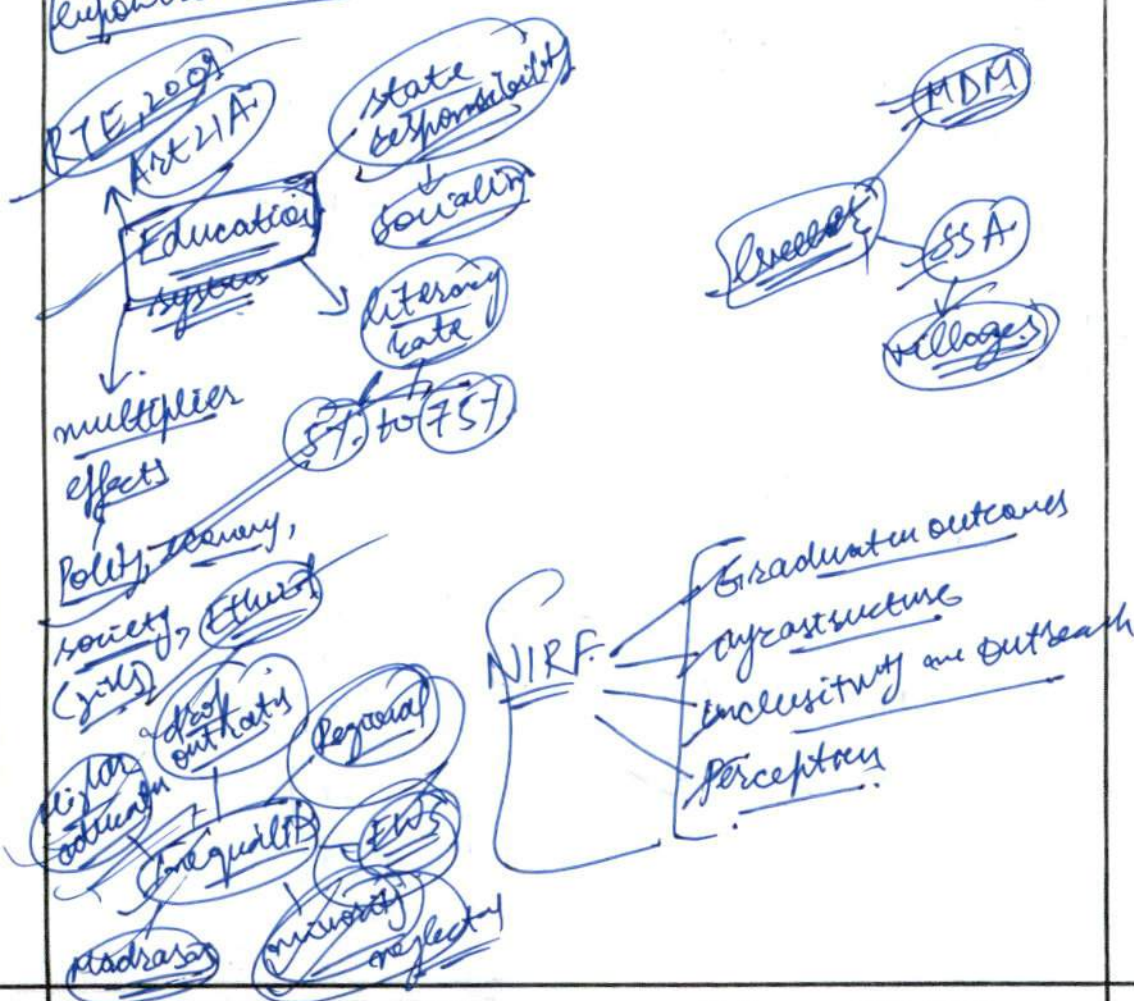
Intellect + Character - that is the goal

→ true education - (Litur)

learn by doing etc.

Education is a progressive realization of all
our ignominy - well Dumont

A nation whose girls are educated is an
empowered nation.





Rise of machines, an opportunity or threat to humanity

Need of the hour: an active judiciary or an activist judiciary?

