



SHUBHRA RANJAN

Always Ahead

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PSIR Answer Writing Module 2023

Test 9

Time Allowed: 1 Hour 30 Minutes

Max Marks: 120

Name: Shakti Dubey

Test Submission Date: 6/12/22

Email Address: _____

Instructions:

1. All questions are compulsory.
2. All questions are for **15 marks** each.
3. Word limit for each question is **200 words**.
4. Answers must be written in the medium authorized in the admission Certificate, which must be stated clearly on the cover of the booklet in the space provided.
5. Content of the answer is more important than its length.
6. Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be clearly struck off.
7. All parts of the question should be written at one place itself.
8. **Filling all the details in BLOCK LETTERS is mandatory.**

Q. No.	Marks	Q. No.	Marks
Q1		Q5	
Q2		Q6	
Q3		Q7	
Q4		Q8	
Total Marks:		Evaluator Code:	

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	Poor	Average	Good	Very Good	Excellent
Understanding of Questions					
Structure & Flow					
(a) Introduction					
(b) Conclusion					
(c) Overall					
Subject Knowledge					
Presentation					
(a) Underline					
(b) Paragraph					
(c) Overall					

Overall Remarks:

Dear Student,



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Que.1

The quasi-judicial nature of ECI's functions makes it especially important that the integrity of the institution remains beyond doubt.
Comment. (200 words, 15 Marks)

Recently, Chief Justice of India Justice DY Chandrachud has raised the question on independence of EC based on its term of office & method of appointment.

EC is an independent constitutional office created under A-323 of the constitution mandated with the task of ensuring free and fair election. It is an all India body in sense that it conducts election both at central and state level.

The functions of ECI can be categorised into three types :- Advisory function, Administrative function and Quasi Judicial function.

Quasi Judicial is basically a non judicial body vested with adjudication power on certain specific issues. The Quasi Judicial function of EC are :-

- (a) Acts as a court for settlement of election related disputes like recognition of political parties, allocation of election symbol, etc.
- (b) In case of split, EC is mandated with the task of recognition of the original faction and providing the election symbol to both the factions eg:- recent split in Shiv Sena
- (c) EC advises the president on matters related to disqualification of the Member of Parliament
- (d) EC provides for moral code of conduct to be observed by political parties and the candidates during election and looks into their violation
- (e) EC disqualifies the members who fail to lodge election expenditure in due time.

Since the power of "Adjudicating election dispute" is vested in the



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EC it is very important to ensure that the institution remains neutral so as to fulfil its mandate of free and fair election

In this regard 2nd ARC report has highlighted the issue related to appointments made to the office of EC (President on advice of council of minister) and has advised for collegium based system for appointment consist of Prime minister, leader of opposition, speaker, deputy speaker, vice president, etc

EC is a bulwark of Indian democracy and hence there is a need to ensure a neutral organisation so as to ~~ensure~~ preserve the democratic nature of Indian election system.



Que.2

How do you define the minorities in context of the international law and (under Indian Constitution)? What constitutional safeguards exist in India for the protection of minorities? (200 words, 15 Marks)

UN declaration on minorities 1992 was adopted by consensus ~~by UNHRA~~ with the purpose of promotion & protection of the rights of people belonging to National/ethnic, religious & linguistic minorities

There is no internationally accepted definition as to who is a minority as it is a matter of fact depending on several subjective as well as objective factors

Similarly Indian constitution also does not provides for the definition of minorities, however does recognises religious and linguistic minorities

In order to ensure the protection of their rights the Indian



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constitution has adopted several constitutional and legal safeguards in this regard

Art-29 and 30 provides for protection of interest of the minorities, while A-25-28 provides freedom of religion bringing the religious minorities at par with the religious majority and A-32 makes the enforcement of those rights itself a fundamental right

Government of India has also created legal safeguard by enacting NCM Act 1992 which recognises 6 communities as religious minorities (Buddhist, Jain, Muslim, Sikh, Parsi, Christian) and also led to the establishment of a watch dog institution i.e. Nation Commission for Minorities (NCM)

NCM is a multimembered body mandated with the following

Task :- (a) to evaluate the progress and developments made by minorities (b) Monitor effective implementation of constitutional & legal safeguards (c) looks into specific complaints of violation of the safeguards, etc

Though NCM has been created as a watchdog institution but is plagued by several issues like its recommendations are only advisory & not binding on the government

there is a need to strengthen the organisation by making its recommendation enforceable & by providing this organisation a constitutional status

Bhikhu Parekh appreciates the multicultural approach taken up by India for protection of minorities and establishing the rule of law.



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Que.3

Critically evaluate the effectiveness of National Commission for Scheduled Castes towards addressing the atrocities on the community. What powers and functions have been assigned to the commission to fulfil its mandate? (200 words, 15 Marks)

- National commission for scheduled Caste (NCSC) is a constitutional body (A-338) mandated with the task of protection, development, welfare and advancement of SCs

NCSC consists of a chairperson, vice chairpersons and 3 other members appointed by the President under his hand & seal and has been empowered with following tasks:-

- (a) To evaluate the development and progress of the SC communities
- (b) Monitor the effective implementation of legal and constitutional safeguards
- (c) To make recommendations for effective implementation of these safeguards



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- (d) To look into specific complaints of violation of these safeguards and deprivation of the rights of SC
- (e) To do research and analysis on the socio-economic development of the community & make suitable recommendations for their upliftment

NCSC produces an annual report (or at any such time as it deems necessary) to the president who places it in the Parliament for discussion.

While investigating into any matter NCSC acts as civil court and has power to summon the attendance of any person, requir-
ing production of any public docu-
ment / record from any office or court, receiving evidences and summoning of required witnesses, etc.

Though the constitution has awarded the commission constitutional status to ensure its autonomy and independence yet it is plagued by several issues like :- (a) Those commendation of NCSC are advisory in nature i.e. it does not have enough power to enforce its decision reducing it to a "Paper Tiger", (b) overlapping functions with ministry of social Justice leads to conflict. (c) Its reports are not properly deliberated and debates (d) Priorities of NCSC are lopsided in favour of elites of SC.

Hence there is a need to give powers to NCSC to enforce its decisions and also ensure that the commission is consulted by the Government in policy matters related to NCSC.



Que.4

What is the Constitutional mandate of UPSC and evaluate its role towards it? (200 words, 15 Marks)

UPSC is a central recruitment agency provided in Part XIV of the constitution (A-315-323) consisting of a chairman and other members as appointed by the president

The constitution does not provides for the strength of commission (left to discretion of UPSC) and neither Qualification (except that at least one half of the members have held office under Govt of India/State for at least 10 years)

The members of commission hold office for 6 yrs/65 years of age and can relinquish the office anytime by addressing their resignation to President and can be removed from the office before completion of term by the President on grounds of :- Invol-

away, in affirmation of mind & body, engages in paid employment outside the office or on grounds of misbehaviour (in this case matter is referred to SC)

The commission envisions UPSC as a central recruitment agency mandated with the task of appointments to All-India services, central services and public service.

They advise the government when consulted on promotion and disciplinary matters, but the role of UPSC is very limited as they do not have say in matters related to reservation in appointment in favour of OBCs or while taking into consideration the claims of SC/ST, they are also not consulted on appointments made to the chairmanship or membership of any commission.

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or tribunals of diplomatic nature

Also, the recommendations of UPSC are advisory in nature, i.e., the government can either accept or reject it, the only safeguard provided is the answerability of the government to the parliament for departing from its recommendation.

Creation of CVC in 1963 has impacted the role of UPSC as both the organisations are consulted during disciplinary action against the public servant, but UPSC being a constitutional body has precedence over CVC.

However, the President is empowered to exclude any matter or post from the purview of UPSC while the parliament has power to expand its jurisdiction.

Hence, there is a need to strengthen the organisation by making its recommendation binding & ensuring its consultation by government during appointments.

Que.5

Women movement in India has a chequered history. Discuss. (200 words, 15 Marks)

women movements in India can be traced to the pre-independence era to the liberal scholars like Raja Ram Mohan Roy, Ishwar chandra Vidyasagar, etc whose efforts led to the enactment of several important legislations like - Abolition of sati, widow remarriage act, etc.

Though Gandhian movement was not directly targeted at the women it led to their empowerment by bringing consciousness among women and ending stigma.

After independence the women movement can be divided into 3 phases :- [A] Phase 1 (up to 1970)

This phase is known as "crisis years" as the activism was stopped



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because after independence focus of government shifted towards other issue like — Economic growth, food security, etc.

[B] Phase 2 (1970s-80s) — is known as Phase of revival and activism.

UN declared 70s as "Decade for women" and directed governments to prepare report on condition of women. Consequently "Towards Equality report 1974" was published which acted as an eye opener, by highlighting the condition of women like — declining sex ratio, violence against women, discrimination, etc.

This led to change in approach of government from welfare to development and empowerment to empowerment.

Several prominent women issue during these phase are — Sabir at deodhala, Mathura rape case, increasing dowry deaths, etc.



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with made it imperative for government to act towards security of women leading to establishment of watchdog institution like NCU and Shah Bano Judgement.

[c] Phase 3 (1980s onward) India politics went forward to get divided on caste, class & religious line which impacted the women movement as well

Radha Krishnan while assessing the women movement states that the only achievements have been some bizarre piece of legislation which Neera Desai & Usha Nathkar have highlighted the ideological divides existing in the women movement rendering them ineffective.

Some of the contemporary successful women movements are #MeToo, HeForShe, etc which has empowered women to raise voice against injustice so that no issue goes unnoticed.



Que.6

Environmental movement in India is rich and vibrant which has taken various forms. Analyse. (200 words, 15 Marks)

Environmental movements occupies central stage in political science because they revolve around development and democracy.

RC Guha calls Indian environmentalism as environmentalism of poor because unlike "Ecology of affluence" in the west, Indian environmentalism is defined by survival.

It revolves around competing claims over resources such as forest, fire, water, etc. and these are the movements led by the weakest section of the society, major participant being the tribals & people whose life is dependent on nature.

India has a long history of environmental movement, tribal



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revolt against british are it's earliest example. RC Guha has analysed Indian environmental movement and divided it into 3 phases :-

(A) Phase I (up till 70s) known as interloper or phase of environmental innocence as "conservation of nature" was seen as luxury of rich nation. However "Chipko movement" during this phase triggered a wave of environmental movement in India

(B) Phase II (1970-80s) marked by growth of environmental consciousness. The Government of India created a department of environment further upgraded to ministry

(C) Phase III (1990s onward) There was growth of professionalism in environment movement hence it was taken as area of research. During this phase environmental issue



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gained prominence even on Global Platform (1992- Earth Summit)

With advent of five year plan post-independence focus was much more on Economic growth and Increased productivity, hence phenomenon like - Green revolution, New economic reforms, etc ended up degrading the environment as they were neither pro-poor nor pro-environment.

Some of prominent environmental movement are :- Narmada Bachao Andolan, Chipko movement, etc.

Sumita Narain calls Indian environmental movement as utilitarian conservatism ~~instead of~~ and western movement as protectionist conservatism & its biggest drawback is fire fighting approach

Hence there is a need to strengthen these movement to ensure environmental protection.



Que.7

Analyse the context and nature of emergence of human rights movement in India post-independence. What are the major contemporary concerns and challenges of the movement? (200 words, 15 Marks)

The concept of Civil liberties and human rights has its roots in philosophy of liberalism to check the arbitrary exercise of power by the state (Mill, Bentham, Locke, etc)

Origin of human rights movement can be traced to pre-independence era as along with national movement, a parallel movement was led by BR Ambedkar against untouchability & discrimination

Post-independence the focus of the government was on economic growth and political advancement that led to ignorance of vital issues of human rights.

There has been decline in the rule of law & rise of police/over developed state (Hamza Ali)



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particularly during Emergency that led to alienation of masses (N. Dutta)

Human rights movement post independence were particularly enhanced after the wake of national emergency, democratic decentralisation (73rd & 74th Amendment Act) & LPG reforms

1980s onward developments took place in human rights movement and it reached its pinnacle in 1990s which brought a fundamental change in nature of Human Rights movement from marginalised section the movement shifted gear and started incorporating more & more middle class concerns such as Rights to Education, Right to Information, Gender Equality, LGBTQ, etc



Another important trend that gained prominence was rise of Judicial activism in ensuring human rights and civil liberties by positive interpretation of fundamental rights and expansion of scope of Art 21 (Maneka Gandhi case)

Most phases in human rights movement in India have retained non-violent nature eg:- Anna Movement, Farmers Movement, etc

Some of contemporary human rights concerns are:- large number of undertrials, condition of Prison (114% occupancy), human right violation under AFSPA, death through hunger, Rape, etc. and there is a need for greater reforms in watchdog institution, police, judiciary and criminal justice system in India to ensure the preservation of human rights and dignity.



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Que.8

Explain the origin and the constitutional provisions related to the institution of CAG. Critically evaluate the role of CAG in strengthening the Indian democracy. (200 words, 15 Marks)

Constitution of India (A-148) provides for an independent office of CAG. He is the head of audits & account department & is the guardian of public purse & controls the entire financial system of the country both at central & state level.

Appointed by the president for a period of 6 year / 65 year of age & can resign anytime from office by addressing the resignation to president and can be removed from office before completion of term by president on same grounds as judge of supreme court

In order to ensure its independence constitution has provided for several provisions like :- security of tenure, can only be removed on



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grounds mentioned in constitution, his salary and allowances, etc are charged on consolidated fund and not voted upon, etc.

A-149 authorises the parliament to prescribe the duties and powers of the CAG and duties as laid down by Parliament are :- Audit the accounts related to all expenditure at centre (consolidated fund of India, contingency fund of India and Public Account of India) and states (consolidated fund of state, contingency fund and public account of state) along with that of UTs with legislative assembly and also can audit all other receipts and expenditure of the Centre & state.

A-151 provides for submission of audit reports by CAG to the President (Centre) and Governors (state) CAG submits 3 reports :- Audit report on finance account, Appropriation account

and public undertaking.

2nd ARC report on financial management highlights systematic weaknesses such as mode of appointment and hence suggest for collegium based appointment to ensure neutrality of the organisation, and has also argued for time bound procedure of CAG.

The role of CAG is to uphold the constitution and laws of parliament in the field of financial administration. The accountability of executive to the parliament in the sphere is secured through the audit reports of CAG and hence neutrality is central to good governance.

Due to these reasons Ambedkar called CAG as the most important office under the constitution & as one of the Bulwark of democratic system of governance.