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PSIR Answer Writing Module 2023

Test 9

Time Allowed: 1 Hour 30 Minutes

Max Marks: 120

Name: VISHWAJEET GUPTA

Test Submission Date: 04-02-2023

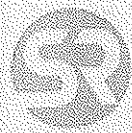
Email Address: _____

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,



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)

Article 324 of Indian Constitution establishes an impartial Election Commission for free and fair conduct of elections in India. Simultaneously, EC is also vested with Quasi-judicial and Advisory powers as well.

The quasi-judicial nature of institution is reflect in the powers vested related to election disputes, disputes regarding symbols allotted, disqualification of ~~the~~ contestants and members (of LS & SA), and more importantly, violations of Model Code of Conduct (MCC).

Constitution has given vast powers to the Commission to settle such disputes of judicial nature or advise the President regarding the same.



Some recent examples are: ~~set~~ political tussle between Shiv Sena and rival faction over name and symbol.

In a diverse country like India, it becomes all the more important to maintain integrity of the commission as hopes of over a billion people are attached to a fair and free election (Sunil Khilnari)

Supreme Court as well has acknowledged in verdicts like TN Sheshan vs Union of India and Union of India vs Association for Democratic Reforms

that impartiality of the commission in settling disputes can not be stressed more, also suggested by David Gilmartin.
(The Great March of Democracy)

Hillary Clinton has also called the performance of Election Commission a 'shining light' in democratic world.



Some recent challenges and criticisms to integrity have been raised. Opposition parties have alleged EC for turning a blind eye towards hate-mongers in recent elections. Commission's decision to not mandate VVPAT ~~in~~ with all EVMS also raised questions. Further, internal lickering has also been on media.

As suggested by Yogendra Yadav, it becomes imperative for the EC to raise ~~as~~ above partisanship and maintain faith of people in the process. The Commission should delve into the vast powers granted to make elections a 'procedural certainty' to ensure 'democratic' 'uncertainty' of 'electoral outcomes'.



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)

Democracy works on the maxim of
"majority rule and minority rights".

The definition of minorities has evolved over international conventions. The importance of protecting their rights remain paramount, nonetheless.

International Law as observed by legal scholars defines minorities as a group or community, numerically insignificant to influence major decisions.

Indian Constitution, however, have defined majority - minority on linguistic and religious grounds (Article 25-28).

Religious minorities include Sikh, Jain, Buddhist, Muslim, Christian & Parsis.

Linguistic minorities are generally non-Hindi speaking communities.



Constitution provides for Articles 25-28 in Part III (Fundamental Rights) to minorities to practice, profess and propagate their religion. Cultural and Educational Rights have also been provided to provide education in their language.

Government has also been empowered to make impartial grants to establish educational institutions of minorities.

In 1992, through a legislative act, National Commission for Minorities was established to look into the grievances and demands of minorities.

However, Standing Committee headed by Sumitra Mahajan (2004) highlighted the inadequacy of institutional mechanisms to raise voices of minorities.



Former Vice President Hamid Ansari has also stated that the political will and tardy approach have resulted in failure of constitutional mechanisms.

The reports of National Commission are not tabled in Parliament. The lack of capacity and skill set renders the commission ineffective. Furthermore, the Commission is heavily dependent on bureaucracy and government.

Therefore, it ~~be~~ becomes essential to bring an overhaul in the system of administration of minorities. Believing in principles of 'Vasudhaiva Kutumbakam', India can not fail to impress in improving the situation of minority communities.



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 Castes (NCSC) was established as independent commission by 89th Amendment Act, 2003. Under Article 338, the Commission has powers of a civil court to deal and mitigate grievances of the community.

The Commission has also been strengthened by ^{SC/ST} Prevention of Atrocities Act to deal with issues of SCs with a firm hand.

Powers assigned to NCSC has been on similar lines of a civil court. It has power to hear grievances, consider evidences submitted affidavits, call for the presence of a witness/person & give adjudications related to the matter.



The functions associated with the Commission include presenting a report to the President annually regarding the issues of SC and what can be done for their betterment.

Another important function is to advise the President or government issues related to SC community.

However, the functioning of the Commission has been questioned by critics due to lack of transparency in appointment process, absence of experts, activists from the panel and opaque functioning.

The Commission is severely understaffed and dependent on the government for funds & functionaries.



Even the secretariat staff is not technologically capable to deal with contemporary issues of cyber space.

Another concern is virtual invisibility of state commissions. They are in dire need of overhauled.

Experts and human rights activists have time and again pointed at the rising cases of atrocities against SC. (National Crime Records Bureau)

Therefore, there is a strong demand to restructure, merge the commissions and establish a parliamentary committee for oversight (2nd ARC recommendation).

The commission should further be given enforceable powers by making its

recommendations mandatory.



Que.4

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

The bureaucratic structure for efficient organisation and functioning of society is essential, suggested Max Weber.

This structure of civil servants has been borrowed from colonial legacy in India.

Article 315-323 of Part XIV Indian Constitution mandates a service commission to recruit and select able persons for bureaucratic machinery.

UPSC is empowered to set standard of the examination, define the framework of recruitment and recommend the final list of selected candidates to the respective Ministry, here Ministry of Home Affairs.



The UPSC is further mandated to advise the government on selection of various other posts & their framework of recruitment.

Furthermore, UPSC consults the government regarding the removal of any officer over breach of conduct. The recommendation becomes the ground for action by the government.

However, at the same time, there are certain positions over whose recruitment the government may not consult the commission.

Eg., Temporary posts, offices for tenure less than a year.

India's first Home Minister Sardar V. Patel referred to the All India Civil Services as the "steel frame" of independent India.



The UPSC had been functioning efficiently over the years. However in post liberalisation era (1990s onwards), the role of civil servants has transformed from enforcer to facilitator.

Furthermore, judicial activism has also been feeding on popularity on AICS.

Nonetheless, the Commission and civil servants stand firm against all problems. In the remarkable growth story of India, proportionate share of credit goes to UPSC and civil servants as well.



Que.5

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

Women movement in India never really developed as an independent struggle.

The movement was mainly part of a larger narrative, during national struggle and even after that.

During national movement, women issues remained in background. The demand for freedom and calls for unity among populace subdued the demands for women's rights.

In independent India, till 1970s the women's issues were raised by elite women such as Sarla Devi Chaudharani, Hansa Mehta, Rajkumari Amrit Kaur, etc. This was the phase regarded as 'grey years'.



With the publication of 'Towards Equality' report in 1974 and UN declaring the Decade of Women (1970-80), the issues regained ground.

After 1980s, the women movement again got submerged into larger politics of Mandal and Kamandal. There appeared factions and differences among women groups.

Till now, the women movement was guided by liberal ~~pro~~ principles. The feminist movement emerged in post-liberalisation era with increasing ~~as~~ contacts with West and radical feminism ~~and~~ gained traction.



It was in this background that Indian government established National Commission for Women in 1993. The mandate of this 7-member commission was to specifically look into issues of women.

However, the commission has been left impaired with 'organisational infirmity'. The constant tussle of Chairperson with Member secretary has no end in sight. Commission already lacks efficiency and dependency on bureaucracy doesn't help.

Thus, the time ~~has~~^{is} ripe to reform the commission, bring in experts and rights activists, bring transparency in appointment and strengthen the powers of Chairperson, suggests Sadhana Arya in her EPW article titled 'NCW: Overview & Performance'



Que.6

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

Environment is considered an integral aspect of Indian society since ancient times. The history of environmental movement is considered as "Empty Stomach" (R.C. Guha) as well as "utilitarian and protectionist".
(Sumita Nair)

The environmental movements have been broadly divided into four periods :

- Interloper of the consensus,
- Journalism,
- Professionalism,
- Backlash against the movement.

The "interloper" phase denotes the initial reluctance of people to address the problem. Activists were regarded as "agents of CIA".



Second phase witnessed media attention and a lot of coverage of the issue.

Third phase brought professional expertise, establishment of Indian Institute of Environmental Sciences.

The backlash was against the backdrop of liberalisation and globalisation.

These environmental movements were hugely concentrated on issues of :

- protection of forests - 'Chipko Andolan'
- against construction of dams -

'Narmada Bachao Andolan'.

- Against mining - Niyamgiri hills -
Bauxite mining (Odisha)

Niyamgiri movement against mining rights given to Vedanta group also reflected

the of leadership of people and is the

first case of use of method of referendum to arrive at a decision.



Alongwith multiple streams of thoughts such as Gandhian, Mannist and Technocrats, Supreme Court also played a vital role in developing principles such as 'Polluter Pays Principle', Doctrine of Full
Liability .
(Union Carbide vs Union of India)

Therefore, it can be concluded that the environmental movement in India has an enriched and comprehensive participation from all sections of society. The main reason being the issues of environment are very intimately related to livelihood concerns.



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)

Human rights as documented by UDHR 1948 refers to certain basic rights ~~which~~ an individual is entitled to by virtue of being a human. Such rights are grounded ~~on~~ in concept of human dignity (Immanuel Kant).

The foremost and supreme upholder as well as guarantor of rights in India is the Constitution. It provides certain inalienable rights called Fundamental rights in Part III as well as other Constitutional rights for fulfilment of promise of social democracy in India.



These rights emerged against the backdrop of colonial rule and existing inequalities in the society. J.L. Nehru also promised in 'Objectives Resolution' that basic rights would be ensured in independent India.

These rights (fundamental rights) were guaranteed by the Constitution and to be ensured by Supreme Court.

With the developing horizon, new challenges emerged in a globalised world. The concerns of multiculturalists like Bhikhu Parekh & Will Kymlicka questioned the universality of human rights and demanded community specific rights (differentiated citizenship).



Another important concern is the rising level of surveillance and 'technocrat state' in modern democracies.

The swinging nature of electoral politics alongwith rise of the right-wing parties has presented a stiff challenge to 'free speech'.

The developing cyber domain and restricted powers of UN ~~too~~ exacerbates human rights violations of minority and refugees. Eg., Refugee crisis in West Asia.

Therefore, it is being acknowledged that national steps alone won't be enough. A coordinated global approach seems to be the way forward. Active involvement of civil society would also be a boost to rights of backward classes.



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)

The institution of Comptroller and Auditor General (CAG) is defined in Article 148 of the Constitution. It is regarded as the guardian of public purse and most important position / office of country.
(Dr Ambedkar) =

The constitutional mandate of CAG includes audit of all governmental expenditures, giving directions towards compliance of framework and ~~and~~ advising the President regarding the nature in which accounts of the govt are to be kept.

It conducts three audits: Compliance Audit,
Financial Attest Audit and Performance Audit.

Further, it audits Consolidated fund, Contingency fund and Public Accounts.

The government can also ask the institution to ~~can~~ audit any other governmental branch or institution.

The CAG is a friend, guide and advisor to the Public Accounts Committee.

It is also to present an annual report to President regarding audits done.

The major role of CAG is to check on unnecessary expenditure, ensuring the compliance of laws, rules and ~~*~~ conventions.

CAG audits have uncovered various problematic governmental deals in past.

Eg., 2G spectrum, Bofors deal,

Augusta Westland VIP Chopper scam.



Considering the importance of CAG, it becomes essential to maintain impartiality & transparency of the office.

Criticisms have also been labelled as the 'Controlled' aspect of the institution is defunct. CAG merely does post-mortem of the expenses. Moreover, opposition parties have been unhappy about the passive stance of CAG in Rafael deal.

Nonetheless, CAG has remained an essential institution of the democratic government to ensure accountability by the govt.

Former CAG Vinod Rai in his book,

"Not just an Accountant" has affirmed CAG as the fifth pillar of democracy.



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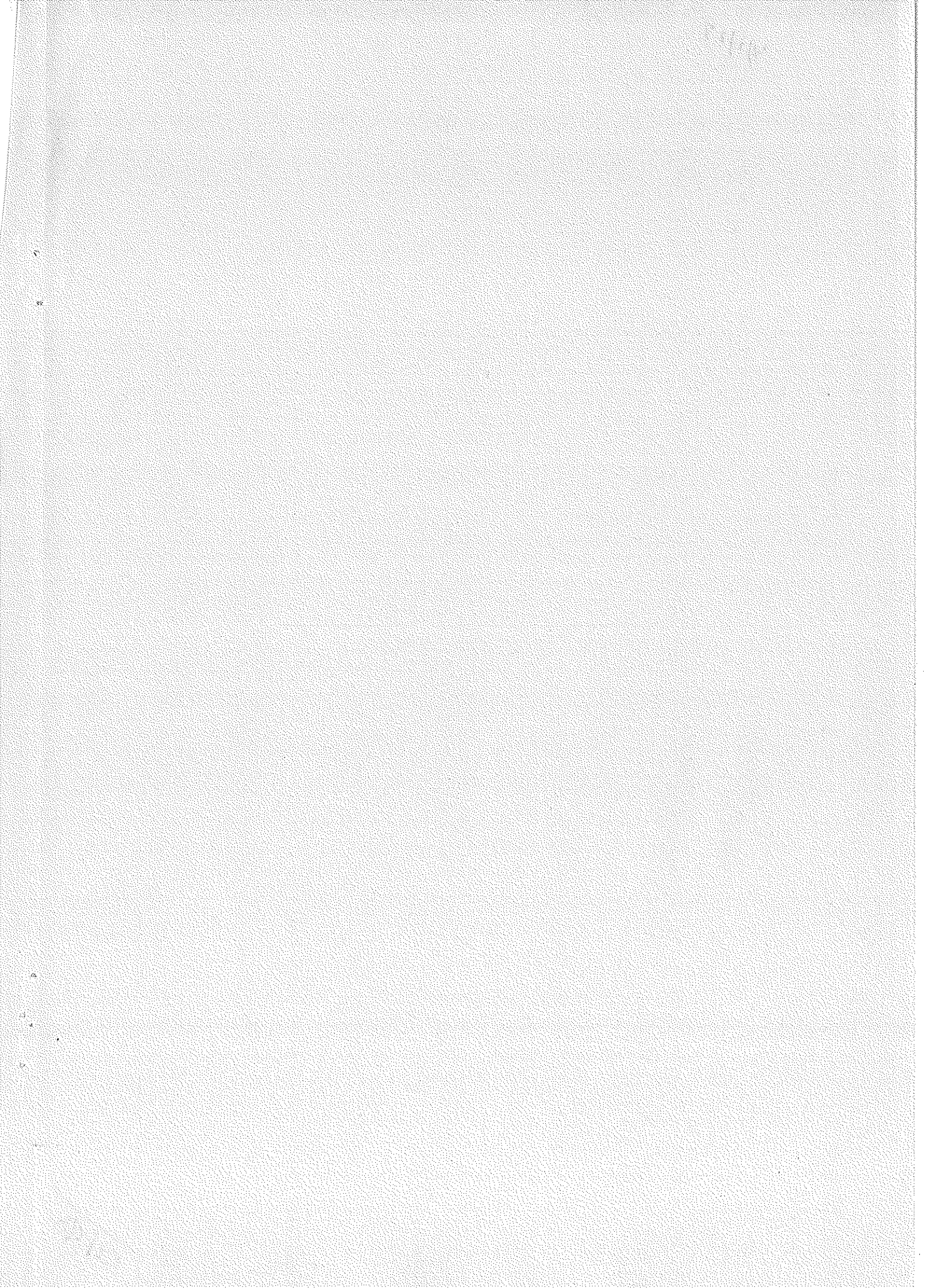


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4/2/23

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