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Q. 1

Starting from inventing the 'basic structure' doctrine, the judiciary has played a highly proactive role in ensuring that India develops into a thriving democracy. In light of the statement, evaluate the role played by judicial activism in achieving the ideals of democracy. (Answer in 200 words) 12.5

2/

Apex Court propounded the concept of Basic ^{structure} Doctrine in Kesavananda Bharati Case 1973.

Explain briefly basic structure doctrine and its examples related to democracy e.g welfare state, dignity of individual

Judiciary & Democracy

- 1) Independence of Judiciary: declared 99th Constitutional Amendment Act bringing NTAJ ultra vires of Basic Structure.
- 2) People-centrism: encouragement of PIL and web petitions.
- 3) Education: Declared right to education on internet as FR. (Kerala Case),
- 4) Health: migrant crisis and Free transport services by State as a matter of social Justice.

Write about NOTA, criminal antecedent declaration, automatic disqualification in various judgement e.g. PUCJ vs UOI.

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That was done by state. Write judiciary role,

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5) Legislature: can not make extra-judicial laws.

Role of Judicial Activism

1) Intervention during Horse-trading
eg. MP / MH.

2) Judicial Overreach: eg. policy matters
eg. freelies

3) Separation of Power:

Executive + Legislature + Judiciary
+ Media.

4) Executive Apathy: eg. Anti-defection laws, 'Derecognition of Parties' demanded by GCI.

5) Priority of Govt: Govt seems ignoring institutional empowerment, so Judiciary needs to direct for contempt.

However, the four pillars of democracy needs to work in tandem with people-centrism approach.

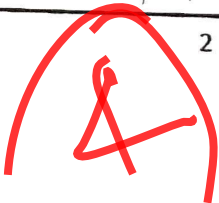
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Elaborate more.

Elaborate more

Give examples

Good conclusion



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Q. 3(a)

What is meant by 'Constitutional Morality'? How does one uphold constitutional morality? (Answer in 150 words) 10

The discretionary powers & obligations emanating from constitution which is expected to be followed even in absence of legal provisions is constitutional morality.

Good

Meaning

- 1) Integrity eg. President needs to be of nation not a political party.
- 2) Impartiality: eg. calling for a floor test by Governors.
- 3) Non-partisanship: Speaker is expected to resign from party (UK & India).
- 4) Compassion: Civil servants executing policies should have compassion towards weaker sections.
- 5) Welfarism: though preamble says 'socialist' but no specific but Abstract praisms in DPSP.

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Ways To Uphold

- 1) Transparency: by digitisation
eg. faceless assessments
- 2) Accountability eg. RTI needs to
be priority over secrecy.
- 3) Training & Best Practices from
Norway, Sweden, Switzerland
- 4) Education: Spiritual Education
as propounded by Bapu.
- 5) Bridging legal loophole i.e. Codification
of parliamentary conventions and
others.

⇒ Constitutional morality
comes from conscience, as the source
of ethical guidance. Minimum greed,
Maximum Duty should be adhered to.

Spirit of social welfare as the ultimate
satisfaction shall be the way forward.

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Write some

Good answer

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Q. 1

Assess the main administrative issues and socio-cultural problems in the integration process of Indian Princely States. (Answer in 150 words) 10

India integrated about 565 princely states into Indian Union by 1950.

Administrative Issues

1) Synchronization of Police System: because some princely states had and some not

2) Republican or Monarchical: many of kings were made governors or assumed heredity position.

3) Inadequate Privy Purses: Negotiation for the same.

4) Elections: Princes hardly accepted local elections and Panchayati Governance.

5) Economic Integration: They had their own currency system and monetary control.

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Territorial Contiguity or lack of it such as in Patiala, Kapurthala etc. which were combined into PEPSU, or Jammu and Kashmir whose connectivity was threatened due to disruption of railway and roads passing through areas under Pakistan.

Lapse of British paramountcy created a lacuna of sovereignty.

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Socio-cultural Problems

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- 1) Demography: Hindus were ruled by Muslim Kings or vice-versa so integration with larger state brought conflict of demographic naturalization.
- 2) Linguistic Naturalization e.g. Princely State of Hyderabad into Madras State.
- 3) Tribal conflicts e.g. Naga Issues and 'Aheron Kingdom remains' leaders desired for integration while tribes defied.
- 4) minority: fear of religious and linguistic minorities e.g. Muslims & Tulu etc.
- 5) Communalism: e.g. Tunagarh, Hyderabad and Kashmir

Patel Ji finally united. However, grip of Sardar

Good coverage of points
Well analysed answer
Keep it up.

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Q. 2

Though the federal principle is dominant in our Constitution and that principle is one of its basic features, but it is equally true that federalism under the Indian Constitution leans in favour of a strong Centre, a feature that militates against the concept of strong federalism. Discuss. (Answer in 200 words) 12.5

2/

Babasaheb Ambedkar thought of a strong union for the sake of national integration.

Indian Union: Federal or unitary?

1) Independent Election Commission under Article 324. for the conduct of Parliamentary and State legislatures.

2) Independent Judiciary under Art 124. Apex Court and Art 214 the H.C.s.

3) Written Constitution: which ensures Rule of Law and Rule by Law.

4) 8th schedule: concurrent + State lists favour states.

5) Republican Polity: President of India is a federal Representative, can refuse or withhold union laws.

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Not Actually Federal

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- 1) Emergency Provisions: Article 352, 356, 360 and 365.
coercive direction under ↓
- 2) Integrated Judiciary: HC decisions can easily be turned down by SC.
Appointment of HC justices also by SC collegium.
- 3) Easy Amendment Procedure under A 368,
eg. Consent of just half states on federal issues.
- 4) Unitary Finance Commission: is appointed by union and voluntary/non-binding recommendation.
- 5) Deployment of Armed forces by Union

Write recent examples
Fiscal centralisation GST
farm laws
More subjects in union and
concurrent list

However, recommendations of Sarkaria and Punchhi commissions call for cooperative Federalism as the way forward. Apex Court admit India

Try to give recent examples to add value in answer

to be completely federal except for emergencies. This is what Batasraheb had contemplated.

4.5