

✓ Online ✓

68

# Indian Polity

Time Allowed: 3 hr.

Max. Marks: 250

Q.	Marks	Instructions to Candidate
1.		<ul style="list-style-type: none"><li>• There are 20 questions.</li><li>• All questions are compulsory</li><li>• The number of marks carried by a question/part is indicated against it.</li><li>• Answer the questions in <b>NOT MORE THAN 200</b> words each. Contents of the answer is more important than its length.</li><li>• Answers must be written in the space provided.</li></ul> <p>Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.</p>
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Name SHASHANK CHAUDHARY  
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Date 13-3-16  
Signature [Signature]

# REMARKS

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Q1. "No democratic country in the world has made preventive detention an integral part of its constitution as has been done in India." Critically analyse the statement explaining its need in Indian context? (12.5 Marks)

Ans Preventive detention has always been a topic of contention among the government and proponents of fundamental rights. Preventive detention means, detaining an individual on the grounds of doubts that he may be a potential threat to the society. These threats may include terrorist attacks, murder attempts etc.

The inclusion of preventive detention as an integral part of Indian constitution was necessary because:

(i) Fissiparous tendencies Art 22(3) and its provision

Just after independence, there have been demands for independent countries within India e.g. Kashmir, Junagarah and Hyderabad. In such circumstances government needed some tool to prevent such tendencies to ~~percolate~~ ~~to~~ into the society. Hence, preventive detention was need of the hour.

However, according to some there had existed enough laws to prevent such occurrences and as a democratic country India always supported right to self determination hence preventive detention was not required.

Mention the Acts having provision of PD

Also discuss its unlawfulness in UK and US, issue related to FR precisely

Remarks

(i) Diversity and religious riots

Post-partition India witnessed one of the worst religious riots. To check this there was a need of law like Preventive detention.

However, this law instead of mitigating, aggravated the feelings of people towards religious fanaticism.

(ii) Terrorist attacks from LeT, ISI etc

India has always been haunted by terrorism due to presence of hostile countries in the neighbourhood.

However, PD has also led to exploitation and violation of Right of freedom of many individuals.

The need of PD ~~not~~ requires a ~~new~~ reevaluation in the contemporary situation.

Although security of nation is important but it should not be at the cost of personal freedom.

Remarks

Q2. "Directive Principles of State Policy serve as a common political manifesto." Critically analyse the statement in the light of implementation of the Directive Principles of State Policy in India? (12.5 Marks)

Ans Directive Principles are a set of directions which are included in the constitution as a roadmap for the governments to achieve social, economical and political equality in the country.

A political manifesto contains the future nature of plans and strategies of a political organization after coming to power. DPSP holds all the ingredients of ~~the~~ being an ideal political manifesto like:

*Elaborate the objectives the nature of DPSP*

- (i) Right to education
- (ii) Right to health
- (iii) Public Assistance
- (iv) Conservation of forest, natural wealth and heritage
- (v) Redistribution of wealth and prevent its concentration.

Remarks

Despite such ~~also~~ moral, economical, social, detailed and clear principles mentioned in our constitution. The states have failed to implement them in full letter and spirit.

- Right to education was made a legal right after ~~to~~ nearly 60 years of independence.
- No right to public health, even public health facilities in the country are dismal
- Not enough efforts towards environmental conservation
- Lacunae in public assistance, living wages and decent work condition
- Gross inequality in the country.

Efforts of ~~a~~ continuous governments have been inadequate in terms of DPSP. ~~a~~ Government should make them a guiding light if India has to improve its social welfare infrastructure.

Mention other Act and Law enacted to implement DPSP

Remarks

31/34

Q3. "There is a synthesis of parliamentary sovereignty and judicial supremacy in the constitutional framework of India." Analyse. (12.5 Marks)

Ans The essence of parliamentary sovereignty and judicial supremacy have been adopted in Indian constitution from Britain and USA respectively.

Explain the concepts

Parliamentary Sovereignty

- Apex law making body in the country. ~~Any~~  
Its laws take precedence in cases of conflict with the state laws.
- No Judicial procedures in cases of parliamentary proceeding. Anything said or voted, can't be questioned in any court of law.
- Only Parliament has the authority to amend the constitution, in such cases it acts as the constituent assembly.
- Control of entire country in instances of National emergency (Art 352).
- President's rule (Art 356)
- Sovereign body in terms of enacting laws on international conventions.

Remarks

Judicial Supremacy:

- NO conduct of Judges can be discussed in parliament
- SC is the final interpreter of the laws made by parliament or state legislatures
- Article 32 makes SC as the guardian of fundamental rights of the citizens.
- Supreme court enjoys appellate jurisdiction which makes it to apex court of law.
- Supreme Court of India is one of the most powerful judicial institutions of the country.
- Judiciary can declare a law void if it conflicts with provisions of the constitution

4

Analytically discuss the check and balance system



Q4. PESA is an incomplete document, which failed to address the socio-economic developmental challenges of Tribal societies. Examine. (12.5 Marks)

Ans PESA was enacted by the Parliament with an intent to extend the provisions of 73<sup>th</sup> and 74<sup>th</sup> constitutional amendments to the Scheduled (V) areas. But in course of time, its effectiveness has come under doubts because:

- (i) The state governments have ~~over~~ total control in terms of finances, functionaries and functions over the local bodies in schedule areas.
- (ii) No significant power is devolved to local bodies and status quo is maintained.
- (iii) Local bodies are suffering from lack of enough resources. and hence they are becoming ineffective.
- (iv) Local ~~authorities~~ governments come in conflict with parastatal bodies, and other authorities.
- (v) Even though Gram Sabha is given significant importance in the statute, the overall implementation is inadequate.
- (vi) The Higher Caste still holds the significant positions in Panchayats, neglecting the tribal communities.

Remarks

Precisely explain the issues

(vii) There have been cases of corruption in land acquisition where tribals are devoid of their ancestral lands.

(viii) The local bodies are continuously undermined in the name of ~~economic~~ infrastructure development of the areas.

The PESA holds immense potential towards improving the socio economic conditions of the tribal. Need of the hour is to

equip them with required resource so that they can become an example of good governance in the country.

Also discuss measures to make PESA more effective

Remarks

Q5. Decriminalization of suicide attempt has been a long standing demand by the human right activists in India; discuss the pros and cons of any such law, if it gets passed in India? (12.5 Marks)

Suicide is an attempt to end one's life in circumstances when there is no immediate hope for living or there have been a catastrophe, recovery from which seems impossible.

Decriminalization of suicide attempt have Sec 309 of IPC and its provision been a long standing demand by Human Right activists because:

- (i) Criminalization nature is against the very basic morality.
- (ii) As Article 21 confers Right to life, it also entails right to die.
- (iii) Punishing an individual who is already in despair is against basic logic and totally irrational.
- (iv) Instead of criminal charges imposed on the individual, the need is of rehabilitation and counselling.

Remarks

However, criminality of such an act is essential because:

- (i) It acts as deterrent <sup>towards</sup> of any such suicide attempts.
- (ii) The 'abetting for suicide' is also an criminal offence which prevents others to encourage for suicide.
- (iii) India is diverse religious country, ~~so~~ people can be encouraged to suicide in the name of religion even if they are against it ~~like~~ like Sathara.
- (iv) There have been practices like Sati in the country in which women ~~were~~ were murdered in the name of suicide.
- (v) Human life is precious and it is the duty of the state to prevent its loss.

3 1/2

Remarks

Supportive argument for decriminalization as conclusion

Mention the provisions

Q6. Critically examine the recent decision of SC to support the Haryana Government's initiative to set minimum educational qualification for PRIs and ULBs. Discuss the right to contest elections in light of this development? (12.5 Marks)

Ans

Recently, SC has supported the ~~decision~~ initiative of Haryana Government to restrict the right to contest election on the following broad grounds:

(i) Educational qualification

- A minimum standard for educational qualification have been set for contesting the election <sup>in ULBs and PRIs</sup>. This was done to promote the importance of education in the state. Moreover, it has been said that a minimum education is necessary for better quality of service delivery by the elected representatives.

However, there is a basic lacuna in the initiative. Given that the Right to Education was enacted only in the last decade, it is ~~un~~ irrational to expect

Remarks

# Discuss pros and cons more precisely

major rural population who ~~are~~ <sup>is</sup> contesting is educated. The education indicators of the country are very dismal. In such circumstances making such a rule is a deliberate attempt to marginalise the poor and include the rich and already educated in power positions.

## (ii) Toilet requirement at homes

- This was <sup>done</sup> to encourage the building up of toilets in each households. As stipulated under the Swachh Bharat Mission.

- However, such an requirement is also skewed. Swachh Bharat is also an recent initiative and it will take time to

improve the sanitary conditions. Such a coercive measure to promote sanitation

is against the spirit of democracy. moreover, there have been lack of finances due to which there is lack of toilets in the rural households and not at will.

Remarks

Grounds on which SC validated the Amendments

31  
Ref hints

Q7. The Upper house of parliament is there to ensure that the concerns of states aren't looked-over, however, overtime it has become a roadblock and has stalled functioning of a legitimated house selected directly by people; critically analyse. (12.5 Marks)

Ans Rajya Sabha in the Parliament was envisaged as the revisory house of the parliament to check the hasty legislations by the House of people.

In a democratic country where the elected candidates and parties in the Lok Sabha sometime succumb to the will of a certain group of citizens due to vote bank politics. In such situations Rajya Sabha acts as the guardian of Parliamentary spirit and preserve the political space and stature granted to the Parliament by the constitution.

Moreover, it is the house which also is to ensure that the federal structure of the country is not compromised. And there is always an element of co-operation between Centre and the States for the good governance in the country.

Nature of functions and relevance in detail

Remarks

# Reasons for such behaviour

In recent times it has been witnessed that Rajya Sabha is acting as a roadblock in passing of legislation. <sup>however,</sup> This should not be seen as disrespecting the will of the people but it is in the longer and sustainable development of India. The Land Acquisition bill which lapsed due to non-passage in Rajya Sabha displays the best example of this.

Not only Lok Sabha but also the Rajya Sabha is an elected body and represent the will of the people. Its legitimacy should not be questioned on any ground.

At the same time it should be ensured that ~~such~~ the constitutional powers given to Rajya Sabha ~~should~~ not be used to settle political scores.

Expected attitude from RS

Remarks

Measures to increase accountability of RS members



Q8. Discuss the major reasons, because of which SC has struck down the Section 66A of the IT Act? Discuss how it will hamper the job of security agencies regarding the maintenance of Cyber Crime and monitoring of Social Media? (12.5 Marks)

Ans Section 66A of the IT Act has been struck down by the Supreme Court because:-

(i) It had a "chilling effect" on the freedom of speech.

(ii) There had already existed laws which prevent defamation and such a draconian provision is not required.

(iii) It was a vague provision which lacked clarity in terms of what-not-to-do which could be used by the police to harass citizens.

Cyber crime has increased manifold in the recent times and repeal of such an provision could hamper the security in following ways:

(1) Internet is a unregulated platform unlike television and print media.

Remarks

(ii) Any offensive information or visual can reach millions in matter of seconds hence more stringent laws are needed

(iii) ~~to~~ 66A would act as a deterrent towards cyber bullying, cyber-harassment etc.

(iv) It would be difficult for the agencies to track down the offenders.

There is no doubt that proper regulation and security provision are needed in the wake of increased cyber-attack like ISIS propaganda etc but there should be a harmony between freedom of ~~express~~ expression and security of Nation.

Necessity of more sound and well defined law

4

Remarks

Q9. The 73rd and 74th amendments to the Constitution of India have been seen as landmark amendments for boosting the process of decentralization in India. How such decentralization has contributed to the achievement of gender and social justice at the grass root level? Give reasons for your answer. (12.5 Marks)

Ans The 73rd and 74th amendment to the Constitution have brought government closer to the people. It has been a great step forward towards decentralization.

Gender equality and justice.

(i) The provision for reservation of not less than  $\frac{1}{3}$ rd of the seats in the local bodies will act as a ~~big~~ initiative towards empowerment of women and inclusion at the decision-making positions.

(ii) Women in the society feel more comfortable ~~to~~ in approaching a women member in the local bodies hence grievance ~~to~~ redressal will be strengthened.

(iii) Adequate emphasis will be give to ~~women~~ girl education, ~~checking~~ female foeticides etc.

Remarks

Discuss facts regarding empowerment of vulnerable class in detail.

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Social Justice

(i) Reservation of seats for SC/ST will ensure their empowerment.

(ii) As government and representatives will be close to the people, they can be easily approached.

(iii) Grievances of people can be addressed in the <sup>only</sup> direct democratic institution of the country that is "Gram Sabha".

(iv) Marginalisation, injustice and discrimination will be checked as there be open discussions and consensus building.

Also discuss related issues and required approach.

Remarks

Q10. Do you think that rationalization of Centrally Sponsored Schemes and simply transferring of fund to state without central monitoring may bring people at the verge of mercy of state government? Discuss the steps needed for improving CSS. (12.5 Marks)

Ans There is no doubt that the centrally sponsored scheme (CSS) are plagued with some of the worst issues:

- (i) corruption and leakages
- (ii) Inclusion and Exclusion problems
- (iii) Inflexibility in terms of statewise implementation

Therefore, there is an urgent need for rationalization of the CSS. However, the answer to it does not lie in simply transferring the fund to state but in a more comprehensive cooperative environment that includes not only the central, state and governments but also local bodies, parastatal agencies, civil society and other relevant organisations.

The steps need to improve CSS include

- (i) Flexibility to the states in terms of use

Remarks

Precisely discuss issues like  
 • Flaws with one size fit for all approach  
 • Diversion of funds toward populist schemes

of finances in accordance with circumstances  
in the states.

(ii) A review and monitoring mechanism  
at the centre with the entire implementation,  
revision and administrative control  
to the state and local government.

(iii) Inclusion of civil societies.

(iv) Increasing finance generating tools  
for the local governments.

(v) Cooperative federalism in terms of  
formulation of CSS at the  
platforms like Interstate Councils.

Conclusion required

Remarks

# Role and importance in detail

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Q11. Effective scrutiny of the documents by the committees in the Parliament depends on the skill and resources available to the parliamentary committees. Is it possible to upgrade these facilities with the existing talent pool and civil services structure? Discuss how it can be improved and would affect the functioning of parliamentary committees? (12.5 Marks)

Ans. A committee is as good as the members of the ~~of the~~ committee. And the resources available to them. ~~The~~ In this respect there is a need to enhance the capabilities of the parliamentary committees because they are responsible for scrutinizing some of the major government decisions, ~~status~~ and ~~and~~ policies.

There is an immense potential to upgrade the committees based on the available pool of civil servant:

- (i) Civil servants have the enormous experience and field knowledge which makes them the right choice for the job.
- (ii) They are neutral in terms of parties and political ideologies.

Remarks

Precisely discuss problems related to Secretariat Staff in context of expertise and specialization

(iii) By outsourcing the working of committees to civil servants, the legislators can concentrate on more important works.

However, there <sup>is a</sup> need to prevent bad practices such that:

(i) It should not act as an allurements for civil servant as post-retirement positions

(ii) Only the civil servants right for the job should be included and favouritism should be avoided.

(iii) The civil servants under the committees should be given enough autonomy and political control should not dictate their actions.

Properly discuss relevant measures

Remarks



Q12. What do you understand by the concept "Contempt of Court"? Does it cover criticism of judiciary also? Does it violate the provision under Article 19(1) (a), which grants to the country's citizens a right to freedom of speech and expression? Critically examine.

(12.5 Marks)

Ans Contempt of court are the actions which are against the ~~private~~ respect which is held by the courts in our country. It includes deliberate non-compliance of the court orders, interfering in the judicial proceedings of the court and disrespecting the judges of the courts. Civil and Criminal Contempt Separately explain

However, it does not cover the criticism of the rulings and judgements of the judiciary. For example, the recent move of SC to strike down the 99<sup>th</sup> <sup>(NJAC)</sup> Amendment to the constitution can be criticised giving logical reasons during a personal or public debate. Every citizen has the right under Article 19(1)(a) to free express his/her view and the "contempt of court" concept does not violate it.

But care should be given to the fact that the judgements can be criticised and not the

Remarks

the authority of the courts. The judiciary in India derives its authority and high stature from the constitution and it the fundamental duty of every citizen to respect the constitution.

As long the criticism is backed by logic and facts and does not impede the procedure of working of the courts it does not constitute the contempt of the court. This

4 view has been reiterated by Supreme Court of India in several judgements.

Precisely discuss the issue of arbitrariness in Contempt implementation

Remarks:

Q13. In view of trend in the last few decades in India of fractured mandate and coalition governments, allegedly the prime ministerial form of government by the very nature has impeded the process of legislation and governance, and, hence, it is suggested by some experts that India should adopt Presidential system of government. Evaluate the pros and cons of the presidential system for India. (12.5 Marks)

Ans Since the advent of 90's there have been an era of coalition governments in the country. The Prime Ministerial form of government have been criticised on various ground :-

First explain in both the systems

- (i) PM acts to conserve the government and not public welfare.
- (ii) Due to coalition government there is always the threat of no-confidence if not all parties of the coalitions are placated.
- (iii) Slow decision making.
- (iv) No separation of Legislature from executive hence conflict of Interest.

Hence, there have be demands for Presidential system in the countries, its positive arguments include

Remarks

- (i) Separation of executive ~~not~~ from legislature.
- (ii) Experts can be included by the President in the cabinet which need not be elected.
- (iii) President directly accountable to people and not to the parties.
- (iv) Quick decision making.
- (v) Proper checks and Balances in the government.

First explain the drawbacks of Presidential system. However, there are some limitations also while applying it in Indian context:

- (i) ~~The~~ Prime ministerial system is well known as it is continued from colonial times. Given the illiteracy in the country any such overhaul will be destabilizing.
- (ii) Since India is diverse and various religious, racial, linguistic communities exist. The selection of only one President will be followed by neglect of interests of various communities.
- (iii) Interest of all communities will not be upheld by a single individual in power.

Remarks

Supportive arguments for existing system in India

Q14. Explain how creation of Niti Ayog and recommendations of 14<sup>th</sup> Finance Commission intend to promote cooperative federalism better than their earlier counterparts?

(12.5 Marks)

Ans

Cooperative Federalism is an essential component for good governance in a country and achieving welfare of the people.

Approach of Planning Comm. in brief

The Niti Ayog

It is the step by the government to adopt a bottom-up approach in governance of the country in place of Planning Commission which used to work on a top-down approach.

It will ensure that the consultation and negotiation will be adequately held between the centre and state before for any socio-economic and infrastructure planning towards sustainable development.

Instead of directions to the states by the centre an environment of cooperation will be promoted.

Remarks

14th Finance Commission

It has increased the devolution of the funds from centre to the state to 42%.

It will increase the resources of the state government to undertake the developmental projects in the state.

It will also increase the flexibility in terms of utilizing the funds.

The commission has ~~also~~ also repealed the dimercation special category states which has been a bone of contention among the states since long.

4 This will ensure that all the state are equal in the federalism and there is a broader scope for cooperation among them.

Precisely explain positive impact of both on Centre-State relations

Remarks

Q15. What are the main features of 122<sup>nd</sup> Amendment (GST) Bill of the Indian Constitution? What are the main differences between the treasury and opposition benches in this regard? (12.5 Marks)

Ans - The long awaited GST Bill has the following features:

- (i) It will unify all the indirect taxes in the country into a GST tax.
- (ii) The interstate taxes will be abolished and there will be only a single tax at its place.
- (iii) It will digitalize the taxing system in the country and hence reduce corruption, tax evasion and avoidance.
- (iv) The tax revenue of the government will be increased.

However, there have been contention over some provisions of the GST.

- (i) There will be loss of ST revenue for the states in the initial years and therefore they are demanding compensation.
- (ii) Taxation on some commodities like on alcohol is being debated by the treasury and opposition benches.

Precisely mention more features and points of differences

Remarks

**Remarks**



First discuss in light of few controversial Amendments and then refute the statement

Q16. The Indian constitution has been amended several times and some people think that it is due to the failure of our founding fathers to foresee the future? Do you agree? On what grounds amendment of the articles and clauses of the constitution could be justified?

(12.5 Marks)

Ans Unlike, the USA constitution, ~~the Indian~~ constitution can be amended more easily which is clear from the plethora of the amendments that have been done since the constitution came into force.

A constitution should be amendable because:

- (i) As it is an organic law, and as time changes and circumstances demand new rules and regulation there should be flexibility to incorporate such changes into the constitution.
- (ii) Over the years many laws lose their utility and hence be repealed.
- (iii) Several Articles of the constitution may go against the spirit of social welfare e.g. the right to property which was repealed subsequently.

Remarks

A constitution should be restricted from amendments because:

- (i) It undermines the intentions of the constitutional framers
- (ii) Political parties may try to incorporate their personal ideologies in the constitution

On the question of amendability of constitution SC has innovated a doctrine of "Basic Structure" in the Kesavananda Bharati case.

It preserves the ~~to~~ spirit of the constitution.

Therefore, with reference to the SC judge constitution should be amendable but the basic spirit of the constitution like democracy, federalism, separation of power should

not be tempered with. The amendments to the constitution should be intended to improve the law and not downgrade it.

Remarks

Precisely and analytically discuss the wisdom of Constituent Assembly for providing Art. 368 and partly rigid and partly flexible consti.

Ref. hints

3 1/2

Q17. It is said that model code of conduct over the years have become like a toothless tiger and party manifesto is merely a crude joke to the voters, to ensure reforms regarding these, ECI has taken steps from time to time, discuss why these steps have been inadequate and what could be done to ensure their proper implementation and enforcement? (125 Marks)

MCC are the set of guidelines laid out by ECI to ensure impartiality, level playing ground and fair and free elections in the country.

But the circumstances suggest that the MCC have been inadequate in ensuring the free and fair election. Because:

- (i) They are not backed by a legislation and hence can't be enforced by law.
- (ii) They are vague guidelines which allows political parties to find a lot of loopholes.

⇒ Party manifesto has been inadequate because:

- (i) It consists of a lots of promises to allure the voters.
- (ii) There is no provision for their enforcement.

Remarks

Precisely mention about Draft guidelines on Election Manifesto

(iii) Parties try to include commitment beyond their potential. This encourages a practice of immorality in the politics.

The following steps should be taken to ensure their better implementation :

(i) ECI should be given more powers to take action against the mal practices.

(ii) MEC should be included in the Representation of Peoples Act, 1951.

(iii) More clear guidelines should be laid out by the ECI.

(iv) Political Parties should be covered under the ambit of RTI.

32  
Discuss implementation related challenges in detail

Remarks

# First discuss the Judicial Activism

Q18. While Judiciary has been at forefront in the fight to make the administrative and electoral system transparent and accountable, it has displayed the attitude of touch me not when it comes to applying the same principles to itself. Critically comment with respect to the recent NJAC ruling and other Judgments related to it in last few years. Also suggest what should be the ideal method of selecting the HC & SC judges. (12.5 Marks)

Ans. The NJAC ruling by the SC is valid on the grounds:-

(i) The separation of executive from judiciary should be adhered to as given in Article 50

(ii) Since government is the largest litigant in the SC, if the appointment be in hands of government it will malign the judicial process.

(iii) The NJAC Ruling is no valid because:

(i) The amendment was done by Parliament in consonance with the state legislatures hence it was the will of the people.

(ii) The collegium system of appointment is too vague opaque, NJAC was a step towards transparency.

(iii) There have been cases of favouritism in judicial appointment under collegium

Discuss as per requirement of the Question

Remarks

And then critically discuss the touch me not approach of Judiciary

The ~~idea~~ debate should be on not who is appointing the judges but on how the judges are appointed. ~~The syst~~ There is no

doubt that there are problem with the collegium system. The following suggestions are:

- (i) Appointments to be done on the recommendations of a committee.
- (ii) Talented candidates be given precedence to experience.
- (iii) No judge should be in the committee who has a candidate ~~in~~ of his self or kin.

Mention more methods

25

Remarks

Q19. LGBT rights are in consonance with spirit of fundamental rights; analyze the statement in light of Naz foundation judgment. (12.5 Marks)

Ans. LGBT constitutes the minority in the country which has been discriminated since a long time.

The Naz foundation judgement was a step in the right direction to ensure the rights of the LGBT community.

- SC has directed their inclusion in the OBC category which will ensure their social, economic and educational security.
- The right to self-determination has been ensured to them which was guaranteed under the Article 21 of the Constitution.
- They can marry and have a family which was hitherto stigmatised.
- Also inclusion of a third gender in the application forms have been directed by the SC. This is in consonance

Remarks

with the Article 15, 16 and 17 of the Constitution.

They are free to follow their respective religion which was granted by Article 25 of the Constitution.

2  
Discuss FRs related issues in light of Art 377 in detail.

Remarks



Q20. While in last 3 Decades numerous statutory rights commission like National Minority commission, National women commission, and National Backward class commission have been established to protect and promote the rights of the vulnerable & weaker sections of the their society. However functioning is marked by several weaknesses and deficiencies. Highlight those weaknesses & Deficiencies. What should be done to address these deficiencies? (12.5 Marks)

Ans In correspondence with International norms, India has also formed various statutory commissions to protect the rights of the weaker section like, NMC, ~~AW~~ NWC etc

Despite their statutory backing, they have failed to achieve their intended goals due to certain weakness and deficiencies which include:

(i) to government control

No-adequate autonomy has been granted to such commissions

(ii) Lack of finances

Due to paucity of finances they are unable to protect the rights of the vulnerable

Remarks

(iii) No authority over investigative agencies like CBI etc. and conflict with local bodies

(iv) These ~~recomende~~ recommendations are not binding on the government making them ineffective

(v) The appointment is largely in the hands of government and therefore they are controlled from above.

(vi) No coordination among such commissions. Measures to reform them include:

(i) Adequate manpower and functionaries to be granted with sufficient capacity and training.

(ii) Finances to be devolved.

(iii) These recommendations should be binding on government

(iv) ~~They must~~ There must be a National level platform where such commissions can coordinate not only among themselves but with governments ~~also~~ including centre state and local.

Remarks

Discuss problems and solutions more precisely