

(723)

## INDIAN POLITY - 2

Time Allowed: 50 Mins.

Max. Marks: 55

Q.	Marks	Instructions to Candidate
1.		<ul style="list-style-type: none"><li>• There are 05 questions.</li><li>• All questions are compulsory.</li><li>• The marks carried by a question is indicated against it.</li><li>• Keep the word limit indicated in the questions in mind.</li><li>• Answers must be written within the space provided.</li><li>• Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.</li></ul>
2.		
3.		
4.		
5.		

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1. Invigilator Signature \_\_\_\_\_

2. Invigilator Signature \_\_\_\_\_

Name Uttam

Roll No. 57128

Mobile No. \_\_\_\_\_

Date 24 Nov.

Signature Uttam

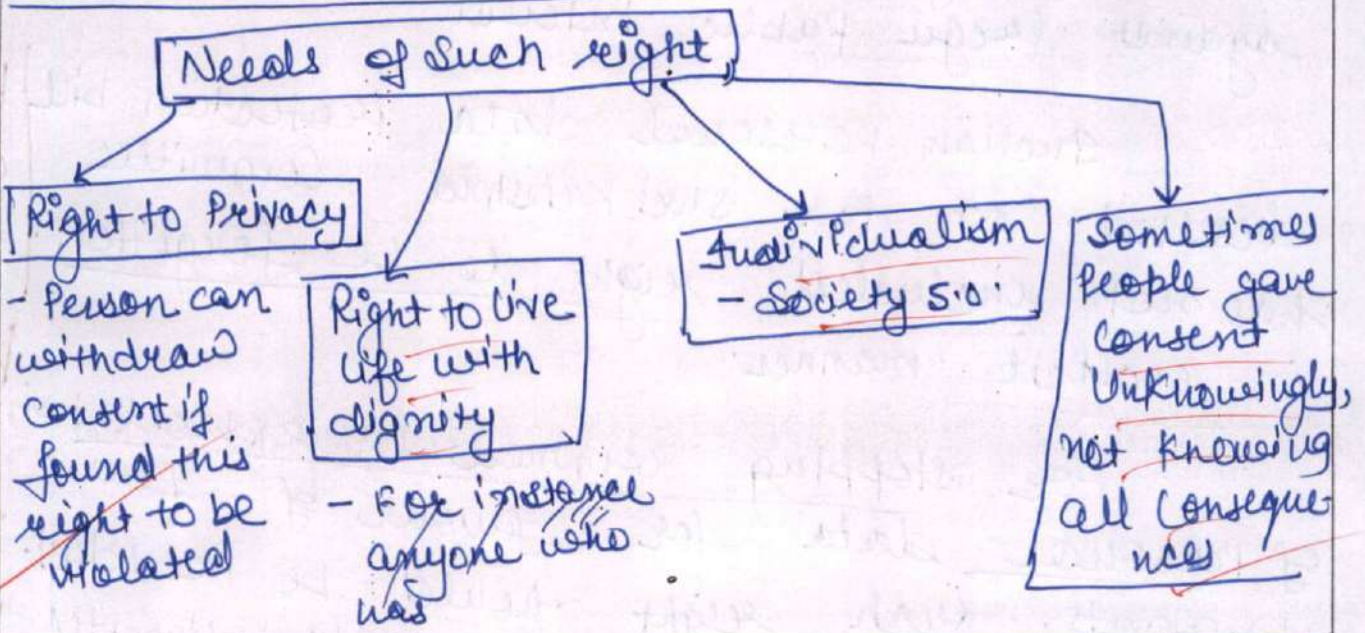
- Try to understand the essence of given question carefully & answer accordingly only.
- Try to fulfil the demand of given question only but not what you want.

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Q1. What do you understand by 'right to be forgotten'? Explaining the need of such a right and the ensuing challenges, evaluate how the Personal Data Protection Bill 2019 aims to secure it for the citizens. (10 Marks) (150 Words)

Right to be forgotten is right provided under general data protection law of European Union. Under which a person who has consented earlier for data use - can withdraw consent and delete all his/her data from data sets.

Sound intro



Such right has not been provided globally as it faces numerous challenges

(±) Difficult to maintain data - Any data that has been processed earlier - used already. sold to many parties - Difficult to delete from last person.

Remarks

2) Government also needs data like habitual offenders list, other criminal background persons to ensure prevention of further crimes. This right is a tussle with government supervisory powers.

3) Sometimes right may go against public interest for instance data related to terrorists, can be (if right to <sup>be</sup> forgotten used) - may go against large public interest.

Indian Personal data protection bill drafted on B.N. Sri Krishna Committee has not included right to be forgotten in explicit manner.

For stopping commercial exploitation of personal data for favour of few giants. such right should be provided. - for giving right of life with dignity and privacy (K.S. Puttaswamy Judgement) this right is required.

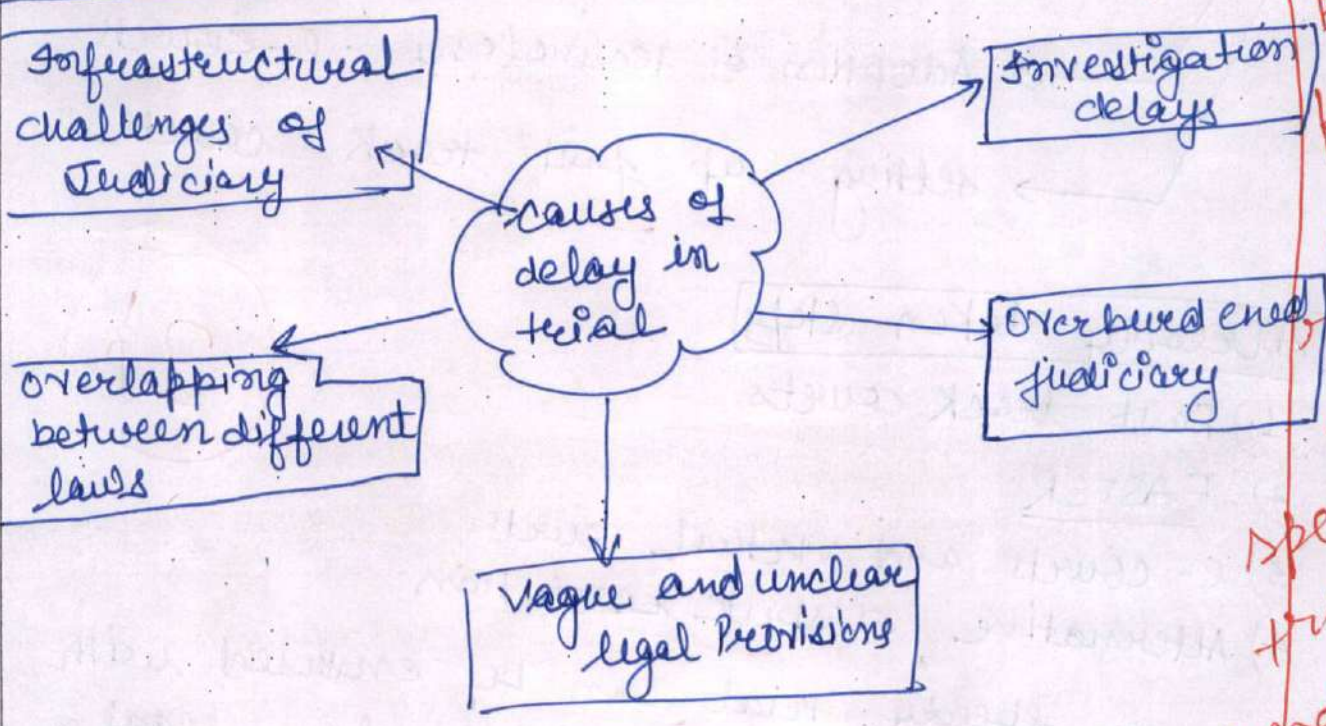
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Q2. The terms 'Life and Liberty' are very comprehensive terms and if interpreted through the prism of fundamental right, it includes a person's right to a speedy trial. Discuss. (10 Marks) (150 Words)

Life and liberty mentioned under Art. 21 of constitution has evolved with SC interpretation which includes right to healthy environment, right to travel abroad and right to speedy trial.

*Explain Art. 21 as well*

Speedy trial ensures person's economic, social, political opportunities remains open. In our country according to NCRB data 67% of prisoners are under trial (in 2019).



*Better focus on right to speedy trial under Art. 21*

Remarks

Speedy trial is a right of a person (fundamental right) following steps can be taken to ensure

Discuss it in the light of the Supreme Court Judgment

Needs to be done

Different investigating arm of law and order administration

Repealing outdated laws and update according to changes. For example Indian evidence act, 1872.

Strengthening Judiciary  
 - Infrastructure  
 - Judicial Penobncy

Adoption of technology - e-courts

setting up fast track courts.

Already taken steps

- 1) Fast track courts
- 2) FASTER
- 3) e-courts and Virtual courts
- 4) Alternative dispute resolution

2 1/2

speedy trial can be ensured with reforms in all police, Judicial, legal provisions. It is more like a cycle.

Q3. Is the Right to Protest enshrined in the constitution, an absolute one? Discuss in light of Supreme Court judgement on the same. (15 Marks) (250 Words)

Supreme Court in judgement related to Shahen Bugh case declared that right to protest is not an absolute right.

Explain right to protest in Intro

Right to Protest

International  
International convention on civil and political rights - includes this right

Indian  
Art - 19 of constitution freedom of speech and expression includes this

It is literally defined as representing different opinion and opposing government policy either individually or in group.

Need for such Right

1) Right to protest is required for development of individual. (Liberty has been

provided by constitution.)

2) For strengthening democracy - dissent and opposing views are required.

Just discuss various relevant provisions of the constitution.

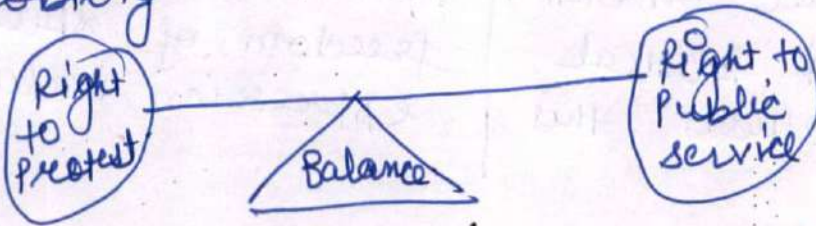
Remarks

- ③ For exposing grievances in Public
- ④ making government more accountable and responsive to need of citizen.

Indians get freedom with this weapon of Right to peaceful protest.

This Right is not absolute

- ① SC in judgement clarified that this right should be in balance of right to mobility.



Shahen Bugh Protesters right should not come in conflict with Right to mobility of people.

- ② Right should be exercised within ambit of reasonable restrictions. Like sovereignty, unity integrity of India (imposed by Act 19)

- ③ Right should be in Public interest, if promoting Parochial interest - then it is not absolute.

- ④ should not be in conflict with authority, dignity of country (Promoting violence is not promoted)

Highlight various reasonable restriction

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In recent period protests are happening around the world

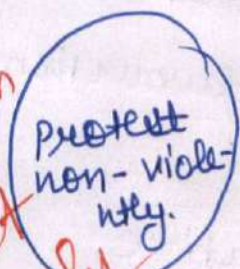
USA  
for killing of George Floyd by police

Hong Kong  
- pro demo  
cracy  
protests

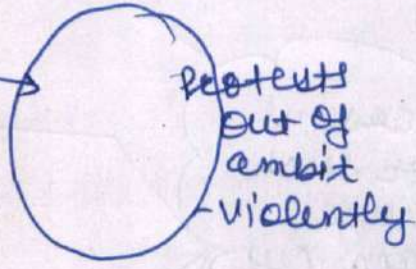
India  
Protest by farmer against farm laws

Protests are coloured with local colours. ~~is~~, influenced by social media and promoting more and more direct democracy.

Four on Indian aspect exclusively



Reasonable Restrictions



Allowed in India

Not allowed in India

Remarks

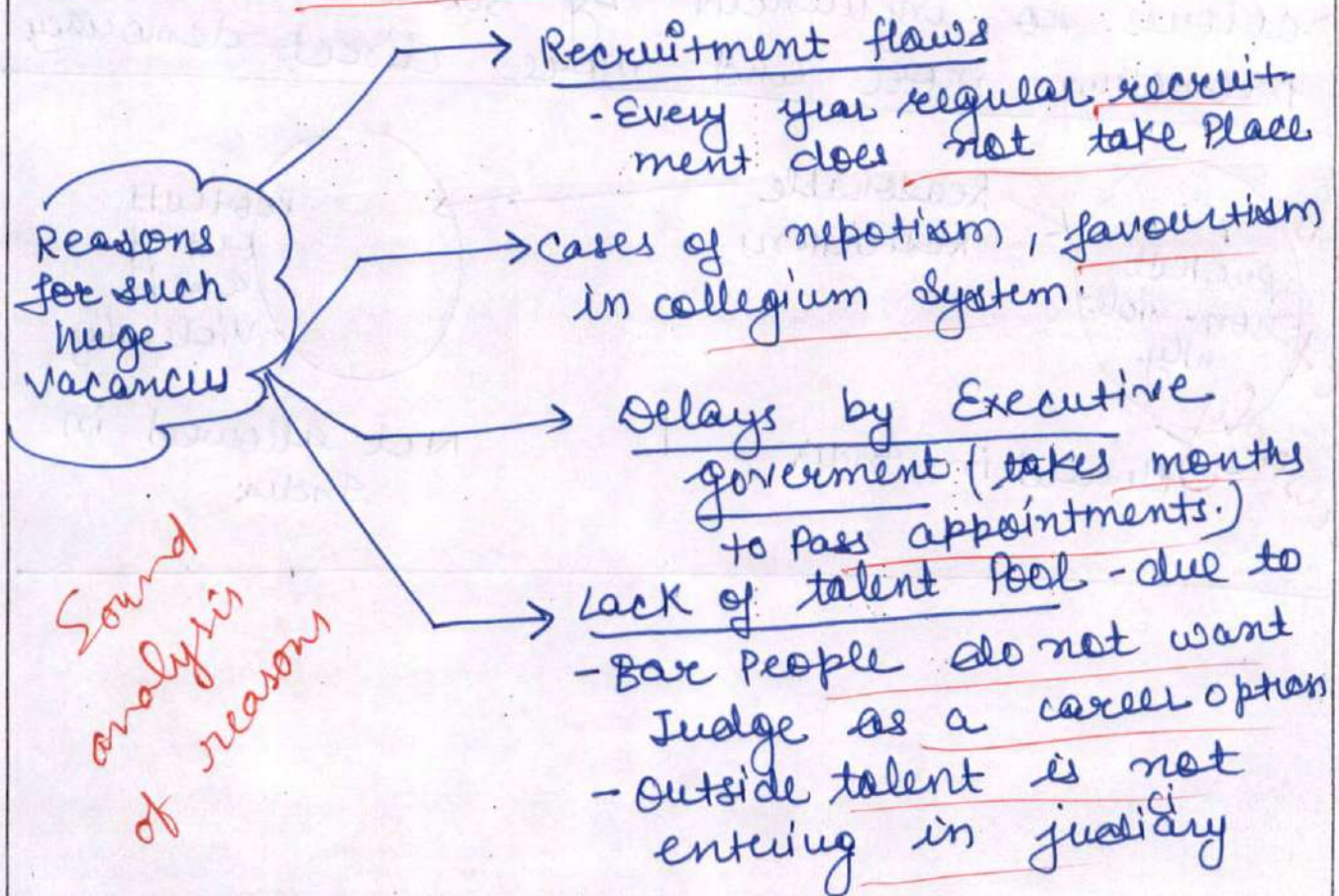
Q4. "We have never had a zero vacancy situation in the High Court in the last 40 years, the judiciary must exert itself". Justify the statement, while discussing the way forward as well as the process of appointment of judges in the higher judiciary in India.

(10 Marks) (150 Words)

India has 24 High Courts (At state level in integrated judicial machinery). Around 40% of seats allotted to high courts are vacant.

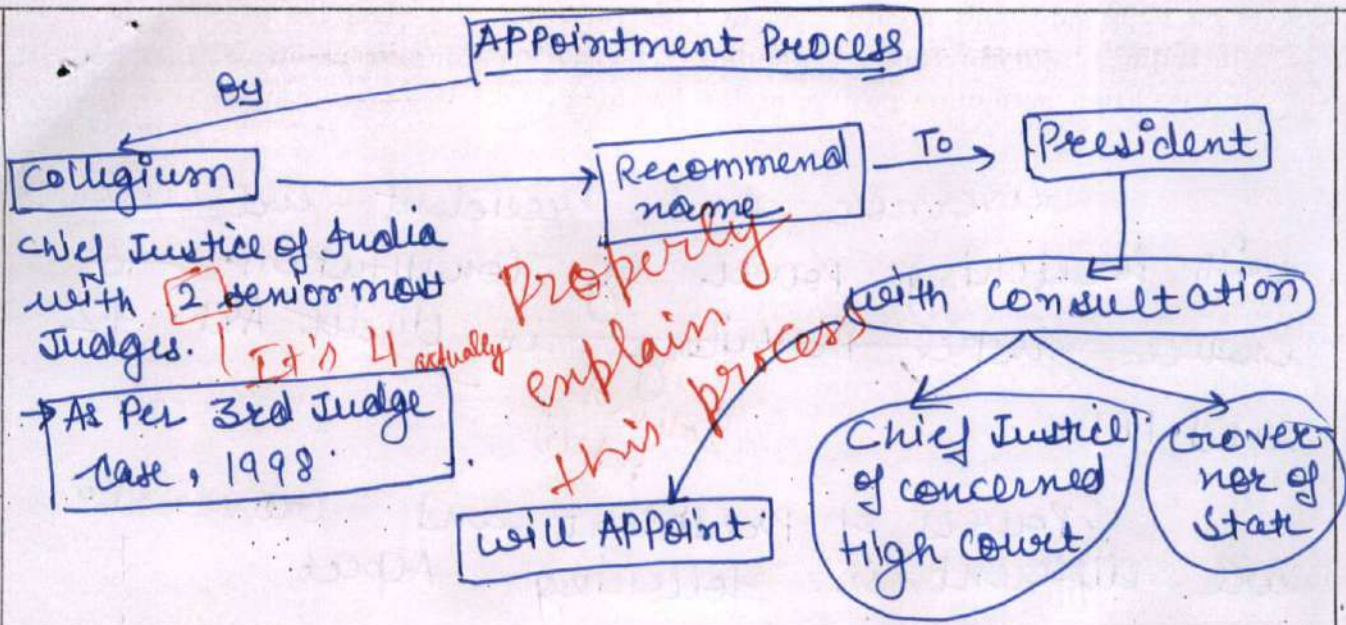
Satisfactory Intro

Strength of high court is decided by President time to time under Act- 217.



Reasons mentioned above points majorly towards appointment process.

Remarks



eligibility is - 7 years judicial officers (District)  
 - 10 years advocate in high court  
 - citizen of India.

what changes Appointment process is very lengthy and confidential. So, recent SC step of opening of Government Process of choosing rejecting name under RTI may prove helpful.

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Recently, Chief Justice of India has recommended name of many high court judges and government also cleared the appointments within days is a good precedent.

To attract more talent All India Judicial services can be created and salaries, condition of services can be improved to attract bar members.

Remarks

Q5. The Supreme Court recently held that the Governor of a State can pardon prisoners, including death row ones. Explaining Governor's pardoning power; discuss how it differs from pardoning powers of the President. (10 Marks) (150 Words)

Governor and President are endowed with pardoning power by Constitution. ~~to ensure justice prevailing in Under Art. 72 and 161.~~

Sound intro

Powers of President and Governor are different in following Aspect

President	Governor
<p>1) President can Pardon any sentence including death sentence</p> <p>It extends to Union Law only</p> <p>2) President can also Pardon Punishment given by martial court</p>	<p>1) Governor can Pardon life imprisonment, other punishment but not death sentence even if state law include death Penalty</p> <p>- It extends to state laws only</p> <p>2) Governor can't Pardon sentence of martial court, even if, tribunal / court functioning in its state</p>

Pardoning Powers of Governor :-

1) Governor can Pardon the sentence

Remarks

given by courts functioning in state (excluding martial tribunals/courts)

2) Any sentence life imprisonment, rigorous imprisonment can be pardoned.

3) Power of remit, commute, reprieve is given to the governor.

4) Death sentence can be remitted, commuted, reprieved by governor, but can't be pardoned completely.

With recent SC judgement that governor can pardon death row cases also, would change scenario as given by constitution.

→ Mention the reasoning given by the apex court in this regard.

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... of such functions in state (excluding ...)

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