

126
12:18 - 15:20**FEATURES OF INDIAN POLITY
AND CONSTITUTION**

Time Allowed: 3 hrs.

Max. Marks: 250

Q.	Marks	Instructions to Candidate
1.		<ul style="list-style-type: none"> • There are 20 questions. • All questions are compulsory. • The number of marks carried by a question is indicated against it. • Answers to questions no. 1 to 10 should be in 150 words, whereas answers to questions no. 11 to 20 should be in 250 words. • Keep the word limit indicated in the questions in mind. • Answers must be written within the space provided. • Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.
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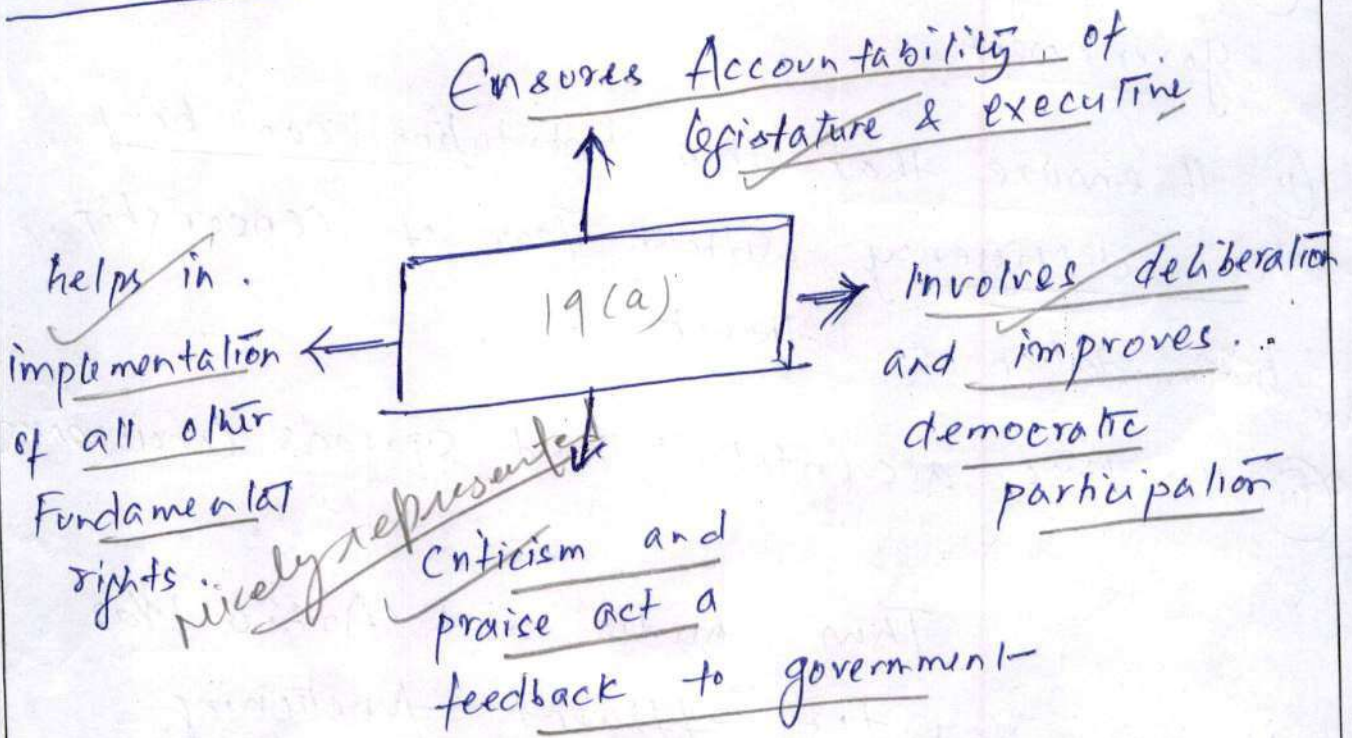
Name UTSAV PANDEY
 Roll No. 19874
 Mobile No. _____
 Date 16/09/2019
 Signature Utsav Pandey

Section - A

Q1. Why is Article 19 (a) considered essential for the efficient working of Indian democracy?
In what way does it pave the way towards strengthening the fourth pillar of democracy?
(10 Marks)

Article 19(a) which ensure freedom of Speech and expression is one of the most extensively debated articles of the part III Constitution. It is essential for efficient working of Indian democracy.

Role of Freedom of Speech and Expression



It is for this reason that the

Remarks

freedom of speech and expression, scope has been enlarged by Supreme Court in its various judgments. *write the name of one or two judgements.*

Strengthening 4th pillar

Media has emerged as a fourth pillar of democracy, the freedom of speech and expression strengthens it.

(i) It highlights the issue faced by society to government.

(ii) It ensure that this institution can bring out difficiency without fear of censorship, intimidation or threat.

(iii) It fixes accountability and spreads awareness. *helps strengthen Media i.e. fourth pillar of democracy.*

Thus media and Article 19(a) is important for efficient functioning of democracy. Conclude in impressive words

Remarks

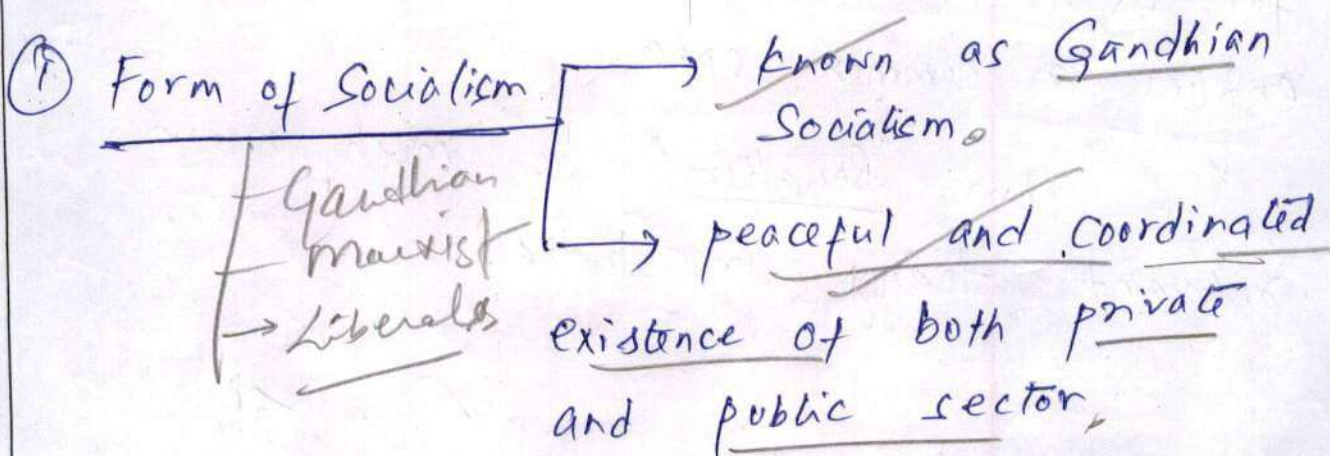
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Q2. Do you think there is a need to amend the word 'Socialist' out of our Preamble, as we have become a market economy in principle? Give reasons in support of your answer? (10 Marks)

The term 'Socialist' was added ^{you can define} through 42nd Constitutional amendment ^{socialism in introduction} in India.

It must be highlighted here that the socialism in India is very different from Soviets (Marxism and Leninism) or Chinese (Maoism). It is this distinctiveness that makes our form of socialism still relevant;

Relevance of 'Socialism' — Explain it



Remarks

This can be seen with the presence of many PSUs (BHEL, SAIL, SBI) along with flourishing private enterprises.

briefly define market economy

(ii) Form of Society

→ The role of government is important to provide basic necessities.

You don't understand the demand of question

(i.e)

→ At the same time address needs and aspiration of

give more concrete higher class. point in support of your argument.

The idea of distributive justice as mentioned in our DPSPs make it even more necessary

for existence of Public and Private entities in common space.

you don't explain it

Thm 'Socialism' is much more relevant today in India.

2/2

Q3. What is the meaning of the term 'Sovereign'? Who is considered as 'the Sovereign' in India? How does 'the sovereign' command the country? (10 Marks)

"Sovereign" is defined as form of ~~govern~~ state which is free to decide good its internal and external policies without the interference of external power.

This is different from "Colonies" where both internal and external policies are decided by external power and dominion where external policies are decided by external power. *Noneed to write this directly comes to the question.*

In Indian Context

In India the preamble mentions that people of India are free and the Constitution of India is sovereign (Constitutional Sovereignty). The institutions that derive power from this constitution

Remarks

e.g.

- 1) Legislature
- 2) Executive
- 3) Judiciary

people are 'sovereign' of India, as constitution directs.

have the power to function within its constitutional domains without the interference of external power.

function within its without the interference

Effect of "Sovereign"

people (sovereign) used vote to command country.

You need to work on your content

India policies are defined by interest of its nation and its people and not be interest of external power.

Whether it be WTO, NAM, United Nations; India has made policies that suit its requirements

good

Then "Sovereignty" of nation is important for its existence and growth.

3

Q4. Harmony between Fundamental Rights and the Directive Principles of State Policy is essential to balance the "social interest" over "individual interest". Discuss the relationship that has evolved between the Fundamental Rights and DPSP. (10 Marks)

In introduction you simply define FR & DPSP. In the famous 'Minerva Mills Case' Supreme court highlighted the balance between 'Fundamental Rights' and 'Directive Principles of State Policy' was bedrock for proper functioning of Indian Constitution. *write this part in conclusion*

Relationship between Fundamental Rights and DPSPs

<u>Pre-Kesavanand Bharti Case</u>	<u>Post - Kesavanand Bharti Case</u>
Conflict = Right to property (FRs)	vs Distributive justice (DPSPs)

Shankari Prasad Deo (1957) Minerva Mills (1980)
Golaknath Case (1964)

Briefly explain the judgements of SC.

In post Kesavanand Bharti Case (1973)

Remarks

Handy Definition

government enabled the Basic Structure of constitution with harmony between DPSPs and FRs as one of basic tenants.

Various Constitutional provision were also enabled.

i) Right to property was made legal interests and personal interests.
(Art 300A)

ii) Art 39 (b) was made so as remove conflict between Art 14, 21 and DPSPs.

→ work on representation of answer, its structure.
Then over a period of time the Supreme Court has tried to strike a harmony between Fundamental rights and DPSPs.

3

Remarks

Q5. How does the provision of amendment maintain a healthy balance between popular demands and constitutional ideals? Identify the role of the Doctrine of Basic Structure and that of the Judiciary in interpreting it. (10 Marks)

→ Intro must be provision of Amendment of Constitution mention in Constitution of American "rigid Constitution" and British "parliamentary sovereignty." It attempts to make Indian Constitution a dynamic entity at the same time preserving the essence of Constitution.

Provision of Amendment

Art 368 of Indian Constitution deals with amendment of Constitution

① Few provision which require special majority (FRs, DPSPs) but not consent of states.

② Provisions dealing with Federal structure (SC & HC, Allocation of seats to Parliaments) also require consent of 50% of states.

Remarks

Thus aim is to preserve the basic ideals of Constitution along with dynamism.

(ii) Different type of majority (Simple majority, Special majority) make sure that based on effect of legislation, popular comment is obtained.

Basic structure and its Role.

In Kesavanand Bharati Case (1973), Supreme Court highlighted that India has Constitutional Sovereignty and parliament by its very amending power cannot enlarge its power.
your content is good use it

Judiciary has played vital role in

this ef.

- (i) Art 39(c) of Constitution was nullified because it was against basic structure of Constitution.
 (ii) 9th Schedule was removed because it was against basic structure of Judicial Review.

Thus role of basic structure is imperative in protecting Constitutional Supremacy.

Remarks

Q6. To realize social justice and liberal values in governance, effective implementation of DPSP is sine qua non. Explain the implementation of various DPSP with examples. (10 Marks)

DPSP acts as a beacon light for the government, ~~for~~ a audit for it citizens about government performance and tool for judicial activism.

Then implementation of DPSPs are sine qua non for effective delivery of governance.

Implementation of various DPSPs

Art 38 → Removal of inequality in status, income, opportunity.

→ Planning Commission was established for this purpose. *Write some example such as*

→ Gram Sabha *Art 40*
→ 73rd Amendment

Art 39 A → Free legal aid to poor

→ establishment of NALSA and Environment Protection Act

Remarks

new scheme like 'nyaymitra' attempt to make justice accessible to all

Art 39(e) → equal pay to equal work
 → Equal Remuneration act (1946) was passed.
 check date?

Art 51 → Respect other nation and non interference in internal matters, solving disputes through discussion

Article 50 - Separation of executive and Judiciary

→ Panchsheel Agreement, NAM.

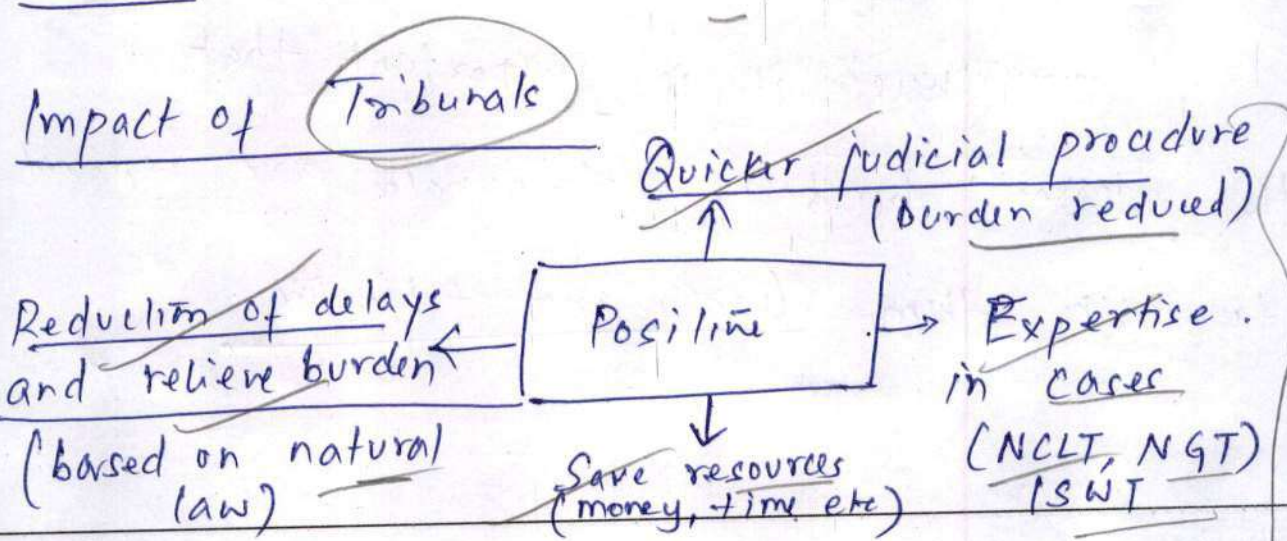
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Then Indian government has passed series of law for implementation of DPSPs and provide good governance to all section of society.

Q7. The delay in justice administration is one of the biggest obstacles which have been tackled with the establishment of tribunals. Assess the impact of tribunals on the administration of justice in India? (10 Marks)

Effective distribution of Justice is basic structure of the Indian Constitution. But with high pendency of cases, shortage of judges, adjournments there has been delay in realization of this right and basic structure of constitution.

briefly define and mention tribunals have been established for reducing this burden on the judiciary and provide quick and effective remedies



Remarks

These cases referred to the tribunal and its establishment has led to development of expertise, enhanced ease of doing business, reduced financial burden, time and money save.

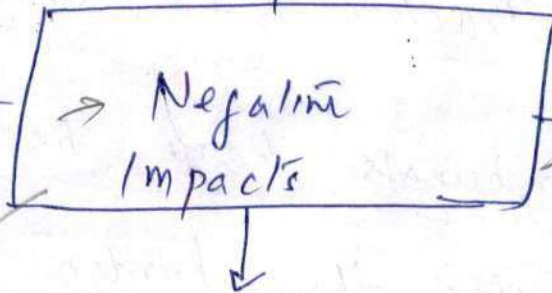
But-

write some more points

Against separation power
(Executive in judicial domain)

Delays.

(Carvey Tribunal = 20yrs)



Appeal to Supreme Court most of times.

Distant

Large number of tribunals

(Tribunalization of Justice)

good

Government include Recommendation of Law Commission to improve

Thus the efficiency of tribunals is important that

the issues faced by tribunals are removed to make them lean and effective.

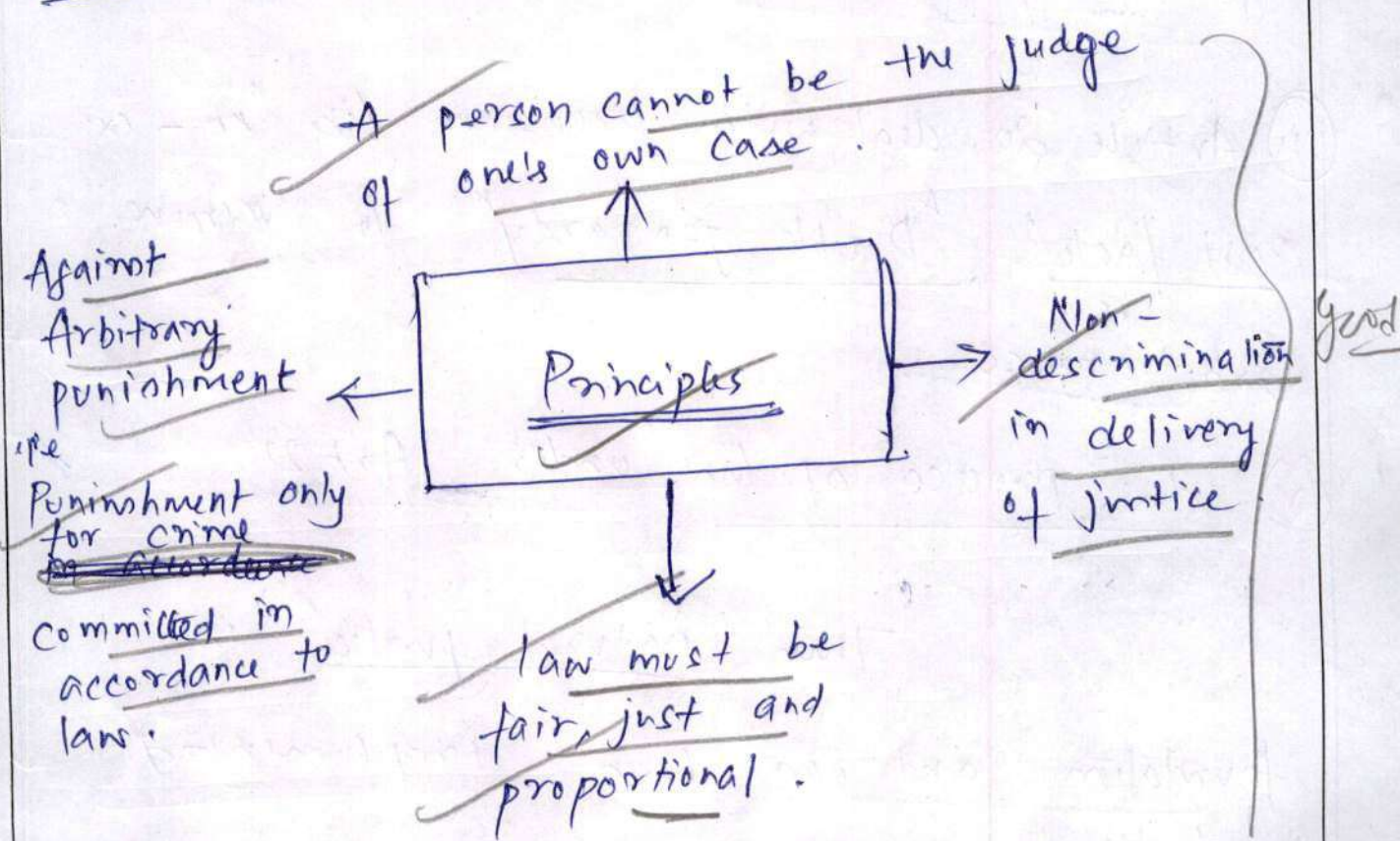
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Remarks

Q8. Elaborate the 'Principles of Natural Justice'? Illustrate how these are implemented by the Indian constitution? (10 Marks)

Principle of 'Natural Justice' enshrined in our constitution helps in you should write this in alter conclusion delivery of effective justice and to establish that law is propected not only in alter conclusion but in spirit.

Principles of Natural Justice (A.V. Dicey)



Remarks

For the implementation of the "natural
justice" convention and provision are
there in and outside the constitution -

(i) The convention where judge & recluse
himself the hear cases where he is involved.

(ii) Article 14 Rule of law - "equality before law"
and equal protection of law mentioned in
Part 14 of constitution.

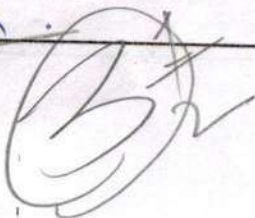
(iii) Article 20 deal with provisions like "no - ex
post facto", "Double jeopardy" to remove
arbitrariness.

(iv) due process of law under Art 21

Then "natural justice" is
foundation and has been implemented
in India.

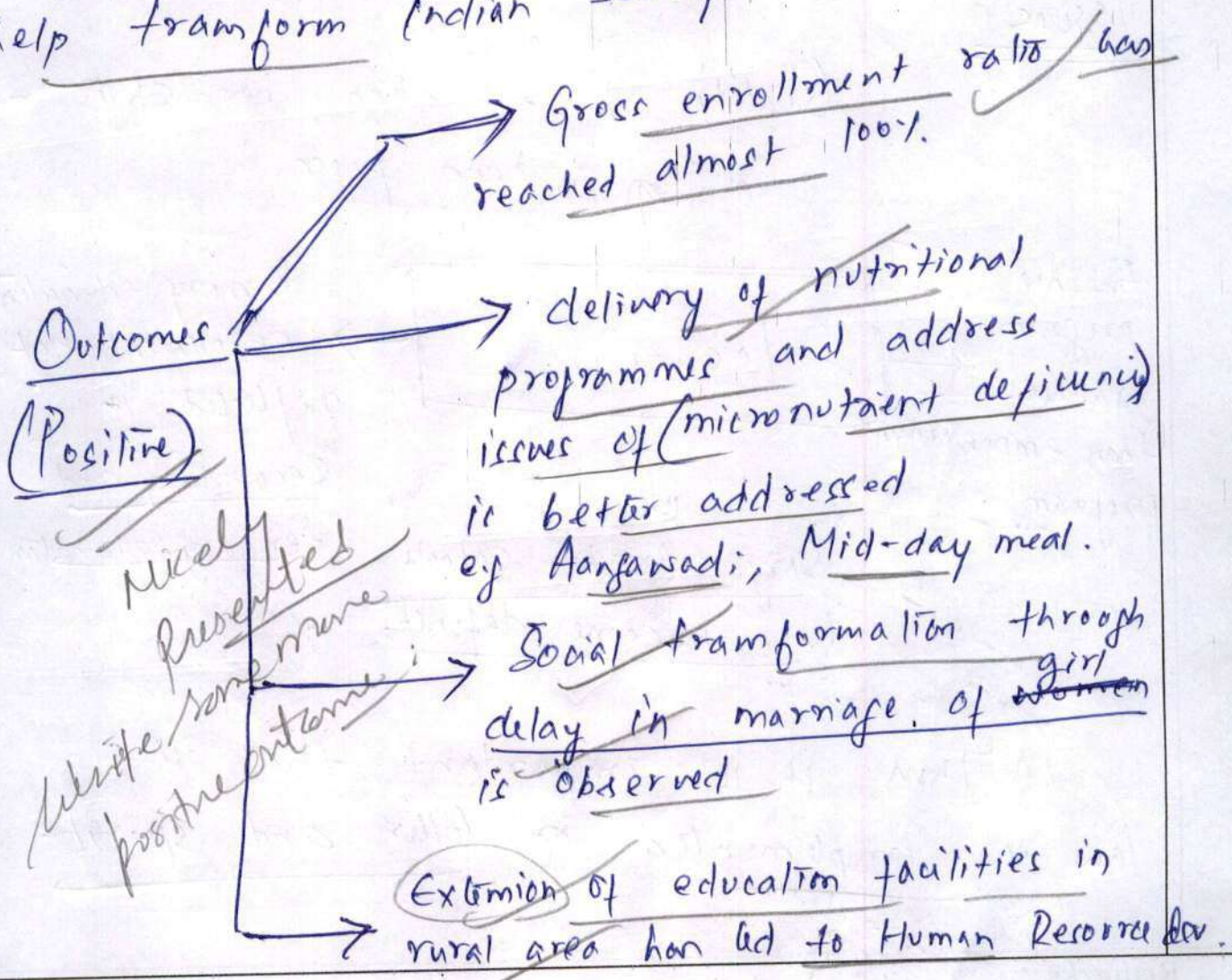
Remarks

Work on introduction and conclusion



Q9. Implementing the Right to Education as a Fundamental Right was indeed a revolutionary step. Analyse the outcomes of this law? (10 Marks)

Article 21 A of the Indian Constitution deals with "Right to Education" as a fundamental right to all citizens between the age of 6-14 years. This law was implemented in 2002 and since then has helped transform Indian society.



Remarks

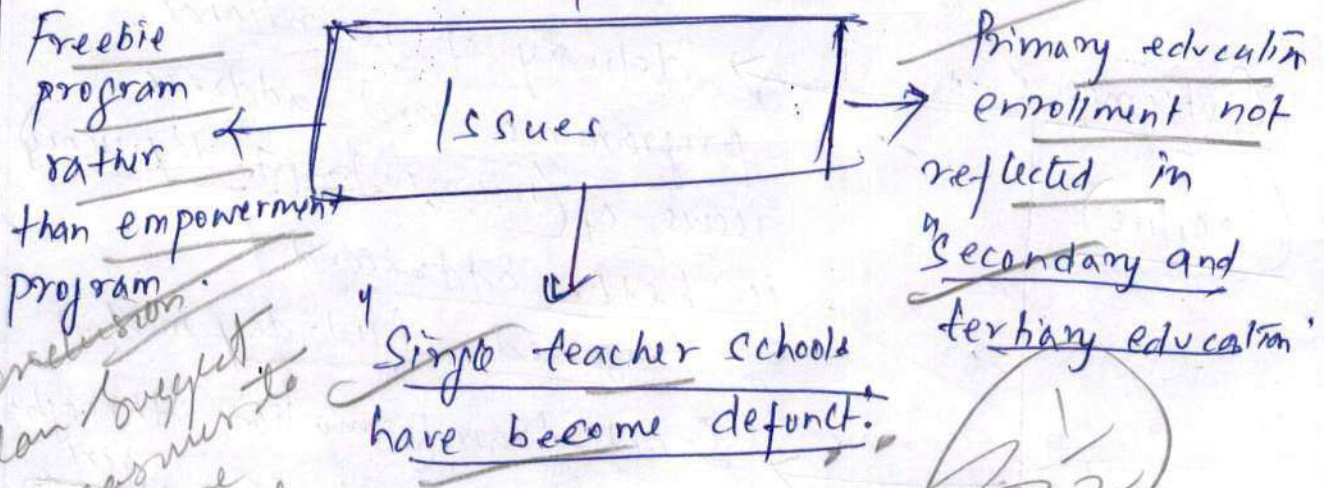
Then overall the implementation of "Right to education" has been a positive step for social, economic transformation.

but

there are few issues which needs to be addressed -

Issues

Quality of education has still been poor



Before in conclusion you can suggest some measures to make it more effective

52

Then it is important that the law is implemented in letter and spirit.

Remarks

National Education Draft

Q10. Fundamental Duties are non-justiciable but enforceable by law. Explain and illustrate.
Discuss the observations of the JS Verma Committee on the same. (10 Marks)

You can also define FD in ^{introduction} Part IV A of the Indian Constitution deals with Fundamental Duties of every citizen. It was based on Swaran Singh Committee recommendation and has been included in Indian Constitution in 2002. ^{correct this fact} 1978 ^{42nd Constitutional Amendment} Even though non-justiciable Fundamental duties have been enforced by law.

e.g

Art 51A → "To honour national flag and national Anthem" has been enforced by.

"Flag Code of India - 2002";

"Honour to National Identity (1971)"

→ To safeguard Indian monument and preserve it has been enforced by Archaeological Survey of India.

Remarks

↳ Similarly protection of wildlife has been enforced through Wildlife Protection Act (1972)

JS Verma Committee (1998)

JS Verma Committee appointed to make observation regarding Fundamental duties made important suggestions -

(i) Include important Fundamental duties like -
 "Support legitimate civil movements", "payment

Wanted some other
 Goal of
 Value based society
 must be included. → duty to vote at election
 remove regionalism etc which

(ii) Fundamental duties must be nicely phrased and justiciable in nature.

(iii) A should be included in Part IV of constitution

Duties and Rights go hand in hand and must be respected.

Remarks
 → make conclusion impressive.

4

Section - B

Q11. Cultural rights are required in a diverse country like India, however, at the same time, there shall be a semblance of similar legal yardstick for each citizen. Critically analyse the need for a uniform civil code as enshrined in DPSP of India and its feasibility? (15 Marks)

Simply define UCC

India is a multi-cultural, multi ethnics society. With presence of all major religions and variety of tribes the cultural distinctiveness and heterogeneity is a norm in India.

It was for this respect and view to protect practices that India adopted a Uniform Criminal Code but left Civil Code to communities.

The idea of Uniform Civil Code is enshrined in Part IV (Directive Principles of State Policy) Art 44 of

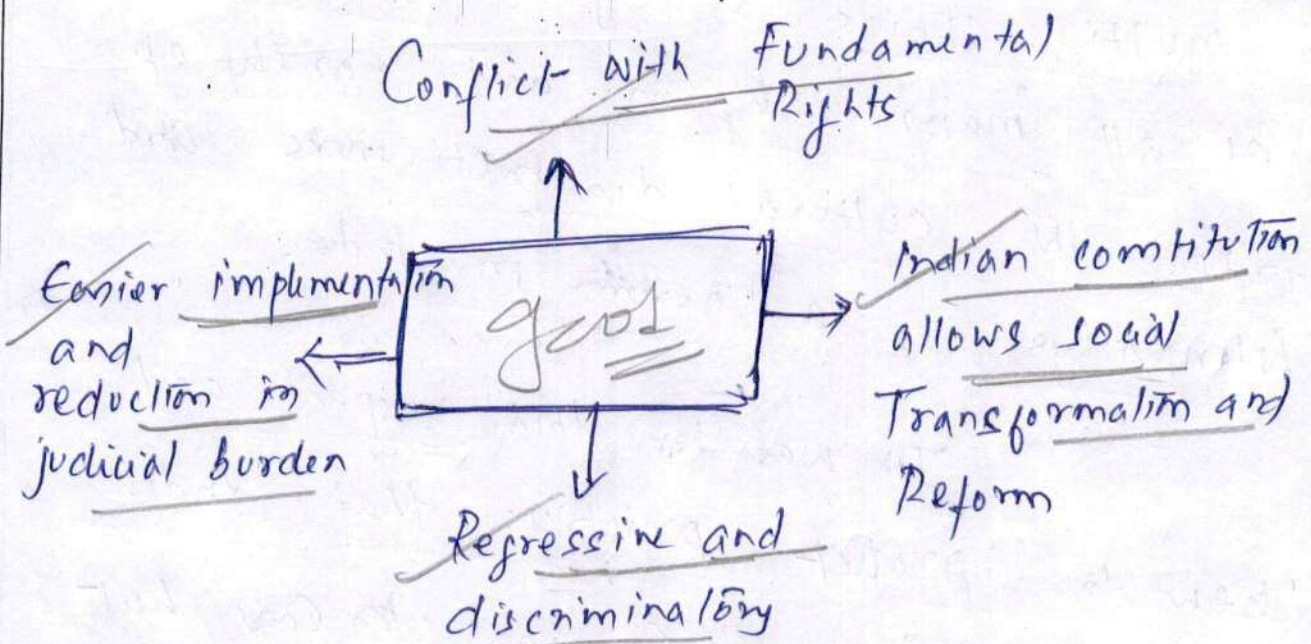
Indian Constitution. It directs the government

Directly write to the point

Remarks

to proceed towards this when society is ready and resources are enough.

Need for Uniform Civil Code.



(i) Practices like Triple talaq, property rights in Hinduism are discriminatory towards women and again Fundamental Rights.

(ii) Indian secularism and role of government is important in social transformation and promote constitutional morality.

Remarks

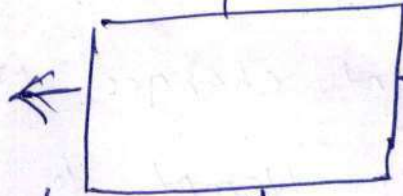
- (ii) Varied laws also have a burden of interpretation by judiciary.
- (iii) Various laws have been discriminatory and promotes patriarchal society.

Issues and Feasibility

Nicely Represented

Need for deliberation and Consensus

May lead to alienation of people & harassment (e.g. tribes, hill dwellers)



Apart from 'few practices' most in line with Fundamental Rights.

Unified Civil Code rather

You can suggest how it can be reality -> such as central legislation and people's awareness.

It is important the such

uniform law can be deliberated and made on consensus for wider acceptability.

6 1/2

Q12. Social media and governance reforms like Aadhar are making it very difficult to have complete implementation Article 21 of the constitution. Explain. (15 Marks)

Article 21 of the Indian Constitution which deal with "Right to life and Personal Liberty" has been one of the most debated article of Indian Constitution.

The recent changes in technology and government attempt to harness technology has always been challenged on ground of violation of Art 21.

Social Media and Art 21

write more concrete point about social media
 Social media platform like Facebook, Instagram has reduced personal space through sharing and posting.
Facebook's idea
violation fight to privacy

Remarks

→ fake news circulated through social media
 like Whatsapp has resulted in death
 and harm to various sections of society.

→ Hacking and leakages have resulted
 in death and harassment of people.

Governance reforms

→ linking of Aadhar Card to PDS.

or compulsory need of Aadhar card
 is against Right to be left

also include
 TAM
 privacy
 alone"

→ Storage of Genetic mapping is
against Right to Privacy of Individual.

→ Further recent government move.

mention → section 33
 57 etc.

Good

→ attach Aadhar Card with Social media sites to check spread of fake news is also against "Right to Privacy".

Some measures → Data Protection policy

It is important that all stakeholders respect the personal space of individual and at the same time

"Governance reforms" are proportional and justified in its encroachment of fundamental rights.

6

Q13. The Fifth Schedule has outlived its utility and instead of protecting the rights of tribes, it has rather prevented the assimilation of them in mainstream. Examine. (15 Marks)

Indian Constitution deals with protection of rights of individuals, preservation of their native culture and to prevent imposition of development methods on them.
 Fifth and Sixth Schedule of the ^{write specific to 5th schedule} Indian Constitution.

Based on Nehruji's vision of tribal development (Panchshel) it was identified that a balance must be struck between development and preservation in case of tribal areas.
 you should write if in Conclusion

Significance of Fifth Schedule

Fifth Schedule that was formulated for Indian states with sizeable tribal population has following provisions

Remarks

(i) establishment of 20 member board to advise the legislature in policies to tribal region.

(ii) the role of governor in protecting governor the rights of people in this region.
 clearly explain role of

Issues with 5th Schedule.

(i) advice of tribal board is not binding.

(ii) Proactiveness from Governor not witnessed.

Issues with 5th schedule

(iv) executive jurisdiction extends (of state) to these regions

(iii) Board essentially made of people of legislature only

- (i) lack of expertise
- (ii) lack of regular meeting
- (iii) no grass root participation

1) no financial power to board or people.

ii) Yes men⁹ in board

presentational
no good -

Remarks

Due to the above mentioned issues these tribal belts have been reduced to "Islands of Isolation" in midst of vibrant State.

This has led to isolation from the mainstream, lack of governance, dormancy in activities, lack of financial allocation of resources etc

It is thus required proactive measures of development are adopted with popular participation robust governance

Briefly enlist these measures.

must suggest to make 80% scheduled Area
immediatmany
Effective implementation of PESA Act.
etc
Melnu

5/2

Q14. Do we need to bring back the right to property as a fundamental right as it was earlier enshrined in the constitution? (15 Marks)

Article 19(1)(f) & Art 31(c) long witnessed judicial process from Shankari Prasad Deo Case (1951) to Kesavanand Bharati Case (1973), right to property was finally removed from fundamental Right to a legal right under Art 300A of Indian Constitution. check this fact?

This was done to maintain a harmony between "Individual rights" and "Souetal Welfare".

Need for Right to Property as Fundamental

Right

Write some more points in favour of right to property as india is moving to a market economy.

Remarks

1) Dependency of 50% of the population on agriculture for livelihood and increasing encroachment of land for public and private enterprise. (Land Acquisition & Rehabilitation Bill, 2013)

2) Discriminatory against few sections of people.

e.g. 'land on minority institutions'.

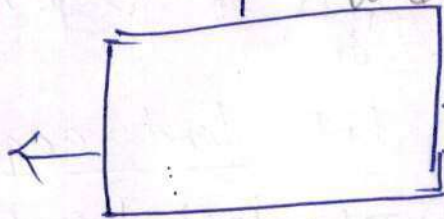
The 'equality of law' must be protected for

all

Issues with Right to Property as Fundamental

Right

Public goods (Societal Welfare)
① In line with DPSPs.
India, Socialist nation



Against distributive justice

Regressive

① land mafia

② Zamindari

Room for political

motivated

disruptions

③ One man protest

→ delay in economic activities

① land acquisition biggest hurdle in Industrial establishment

① posco case

② Tata Nano Case

Right to property is a fundamental Right

is

(i) Against land reforms that was a part of Indian freedom struggle.

(ii) "Ease of doing business" biggest hurdle is land acquisition.

(iii) Promotes exploitation of land mafia, big zamindars and harrasment of landless peasants.

Thus Right to property should

remain legal right but land acquisition

should be transparent, just and quick.

(6)

Remarks

Q15. How far is the death penalty justified, given the 'Right to Life' in the constitution? (15 Marks)

Art 21 of the Indian constitution ensures 'right to life and Personal Liberty' to every individual.

It highlights that a person can be deprived of his life only through a 'procedure established by law' and the procedure must be just and fair i.e. (due process of law).

From the above discussion it is clear that in Maneka Gandhi case, courts have extended the provision in case of Art 21.

Death Penalty & India

India is only one of few democracies that still has death penalty in 'rarest of rarest cases'. Most of European nations have.

Remarks

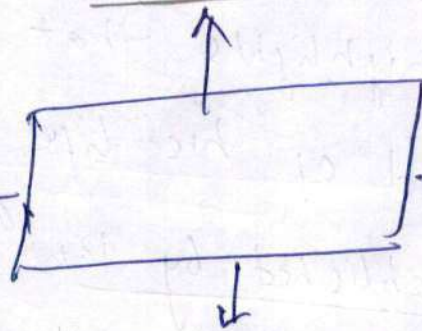
↳ write the name of Judge of judgement.

done away with it.

Justification of Death Penalty

Act as a deterrent for certain crimes ∴

Sends a clear message to all sections of society that certain acts are intolerable.
eg (rape of minor, terrorism)

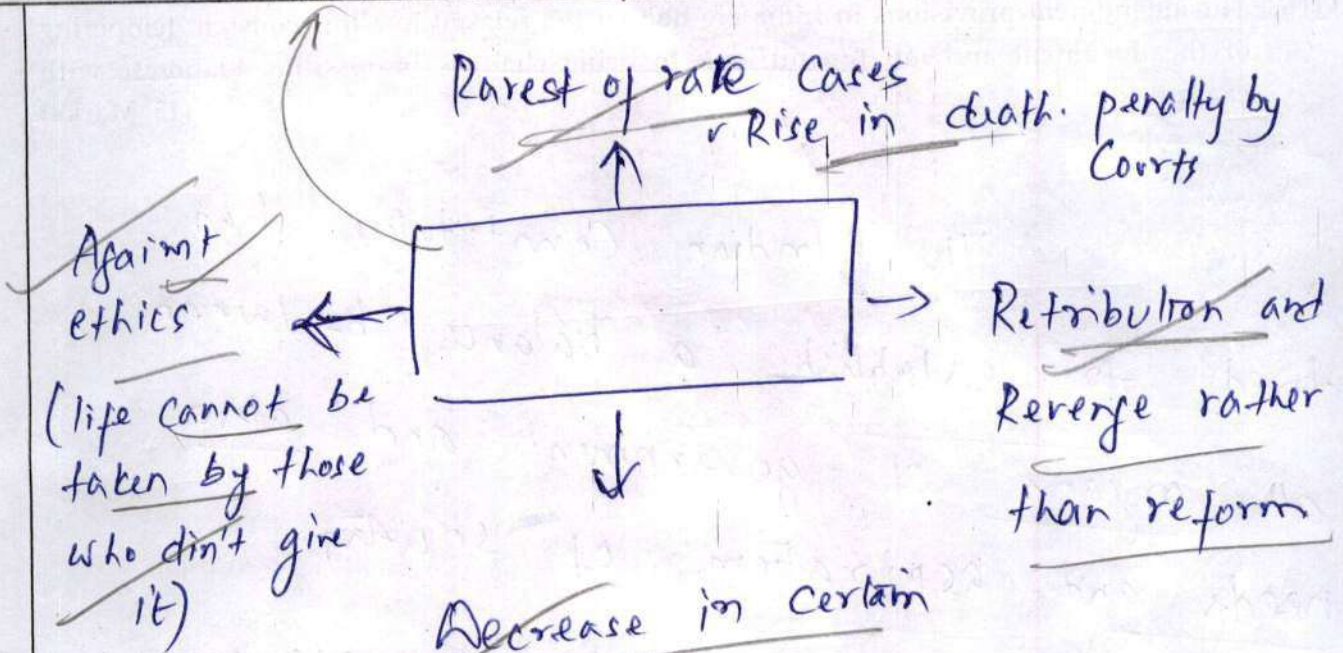


Consolation and solidarity to loss.

Reduces state burden of maintaining life long inmates when reform is not possible.

→ Must include recommendation of Law Commission in this regard.

Issues with Death Penalty



Decrease in certain crime not witnessed.

Substantiate your answer with facts. rapes are increasing.

NERB,

Then it is important that the idea and 'rare case' is upheld and arbitrary use to be avoided.

Principle of 'rarest of rare' is upheld and arbitrary use may cause the purpose of death penalty should remain abolished.

Guidelines suggest socio-economic development

6

Q16. The amendment provisions in India are neither too relaxed to allow constant tempering of the document and nor too difficult to bring changes impossible. Elaborate with examples. (15 Marks)

In introduction
Simply define

provisions of amendment mentioned in Constitution

The Indian Constitution has tried to establish a balance between all organs of government and also needs and aspirations of society;

Don't write this

For this the framers of India extensively studied and included ideas from other constitutions.

Amendment Provision

Amendment to the Constitution

has been a balance between American "Constitutional fidelity" and British "Parliamentary Sovereignty".

You can write this in conclusion

Art 368 extensively deals with

amendment to constitution.

Remarks

Art 368

Case I Few provision of constitution like:

- i) Change of state boundaries.
- ii) Increasing number of permanent judges in SC.

iii) Citizenship

Can be altered by Simple majority. They are not even considered amendment to Constitution.

$\frac{1}{2}$ support of members of voting

Case II

Certain provision that has larger implication on life and wellbeing of society can be altered by Special majority.

i) FRs

ii) DPSPs

This is to ensure larger support $\frac{2}{3}$ of mps and prevent hasty legislation.

Clearly mention the $\frac{2}{3}$ support of mps
 Presents voters

Remarks

Case III

few provision that affect the
federal structure of India. also needs
(ratification of 50% of states) - $2\frac{1}{2}$ present existing

Good 1) Supreme Court & High Court

n) Art 368 itself

ii) Allocation of seats to Parliament.

each house must pass the legislation

with Special majority (Case II & Case III) and

there is no provision of Joint Sitting
 (to maintain independence of each house.)

needed during
 Amendment.

Thus Constitution amendment
 in India is mixture of rigidity and

Flexibility.

6

Remarks

Q17. The Article 356 is one of the most abused and misused articles of the constitution? Discuss what are the weaknesses in the law that allowed its misinterpretation? Examine, how in recent years its use has been brought down? (15 Marks)

Art 356 on Indian Constitution deals with President's Rule. Part XI
Emergency Provisions (including President's rule) were included in Indian Constitution with a view that in extreme circumstances when security of state, its unity and integrity is threatened, it would be its foremost duty to survive and in such case extra-ordinary power was given to centre.

Art 356

- ① Art 356 deals with imposition of president's rule.
- ② Art 356 highlights that a state must function
- ① In ambit of constitutional provision
 - ② In accordance with direction given by Centre.

Remarks

In case the states fail to adhere
 to advice given by Centre it would imperish
 to declare President's rule.

Use of President's rule.

Art 356 has been most
misused article of constitution
 It has been used for over 100

times, on account of failure to adhere to advice of
Centre.

famously

- ① 1977 - Janata Dal removed all Congress
ruled states
- ② 1980 - Congress imposed rule when
it came to power in all opposition
ruled state

Clearly "dead letter to constitution" has
become living document"

SR Bommai Case.

In famous SR Bommai Case the Supreme Court laid down guidelines for President's rule:

- (i) Decision under Judicial Review.
- (ii) Correctness of material cannot be questioned but decision based on material (information) can take by Parliament.
- (iii) President to dismiss government only after both houses approve of it.
 - (v) Also include secularism and rule of law as criteria to impose PR in state.
- (iv) No single party government, mal administration, loss of election by ruling party. cannot be impose PR in state. ground for imposition.

This has led to decline in imposition of president's rule now in states.

Remarks

Conclusion
Impressions

6

Q18. Does the recent Citizenship (Amendment) Bill, 2019 raise questions on secular credentials of the Indian state? Discuss the provisions of the bill and also the criticism raised from different corners. (15 Marks)

Citizenship (Amendment) Bill, 2019

Which allows for lineant requirement for persecuted minorities (Hindu, Buddhist, Sikh, Jain)

for citizenship has been debated and questioned.
Somewhat Christian and Parsi

Provision of the bill

Resident requirements for persecuted minorities decreased from 12 yrs to 5 yrs for Citizenship. (Park, Afg, Bag only)

Correct this 14y to 6y

Registered Citizens can be sent back in case of crimes involving jail term

These people will not be treated as illegal immigrants if without proper documents.

Governmental support for such groups

Additionaly cancellation of OI card holder if

Remarks

Issues with the bill

(i) Against Art (14) and (15) of the Indian Constitution that says that people will not be discriminated on grounds of Race, Religion, Caste, Sex and Place of birth. Persecuted community is persecuted everywhere. Religion discrimination against human ethics.

(ii) Assam has been protesting against this bill as they feel it to be backdoor to settle illegal hindu immigrants into the state.

(iii) Policy of repatriation for minor crimes has been viewed by judicial

Experts with suspicion as it will
increase the arbitrariness of the
government.

write about
status of
Bill.

(ii) It is felt that resources of nation
 are not adequate for domestic population
 so India should not encourage.

active immigration through such legislation

Also write it is
 against the secular
feature of India

It is important that "Secular"
nature of our constitution is maintained
 which is also basic structure of govt
Constitution.

62

Q19. Abolition of untouchability is one of the fundamental objectives mentioned in the constitution, however, practices like manual scavenging are the biggest hindrances in achieving this objective. In this light, discuss the role of the Swachh Bharat Abhiyan in fulfilling various ideals and aspirations mentioned in the constitution.

(15 Marks)

Art 17 of the Indian constitution deals with abolition of untouchability.

Prevention of Civil Disabilities Act (1955) was framed to deal with such social evil. It made practice of untouchability, non-bailable, offense.

Even after years of implementation the dream of elimination of such practice has not been fulfilled.

Remarks

Manual Scavenging & Swatch Bharat

Abhiyan

Manual Scavenging is defined as practice of "cleaning or carrying" night soil by certain sections of society.

It is still practiced in India and concentrated by few sections of society (lower caste).

Swatch Bharat Abhiyan

Briefly mention
basic features
of schemes.

- ① Government is the largest employer of "Safai karamchamis" in India and this provides legitimacy to such practice.

(ii) But 'Swachh Bharat Abhiyan' intends to make cleanliness drive a mass movement through participation of all sections of society.

→ Kindly comment these features to fulfill the ideals and aspirations mentioned in constitution

(iii) Concerns have been raised that this will further perpetuate problems of manual scavenging and discrimination against those.

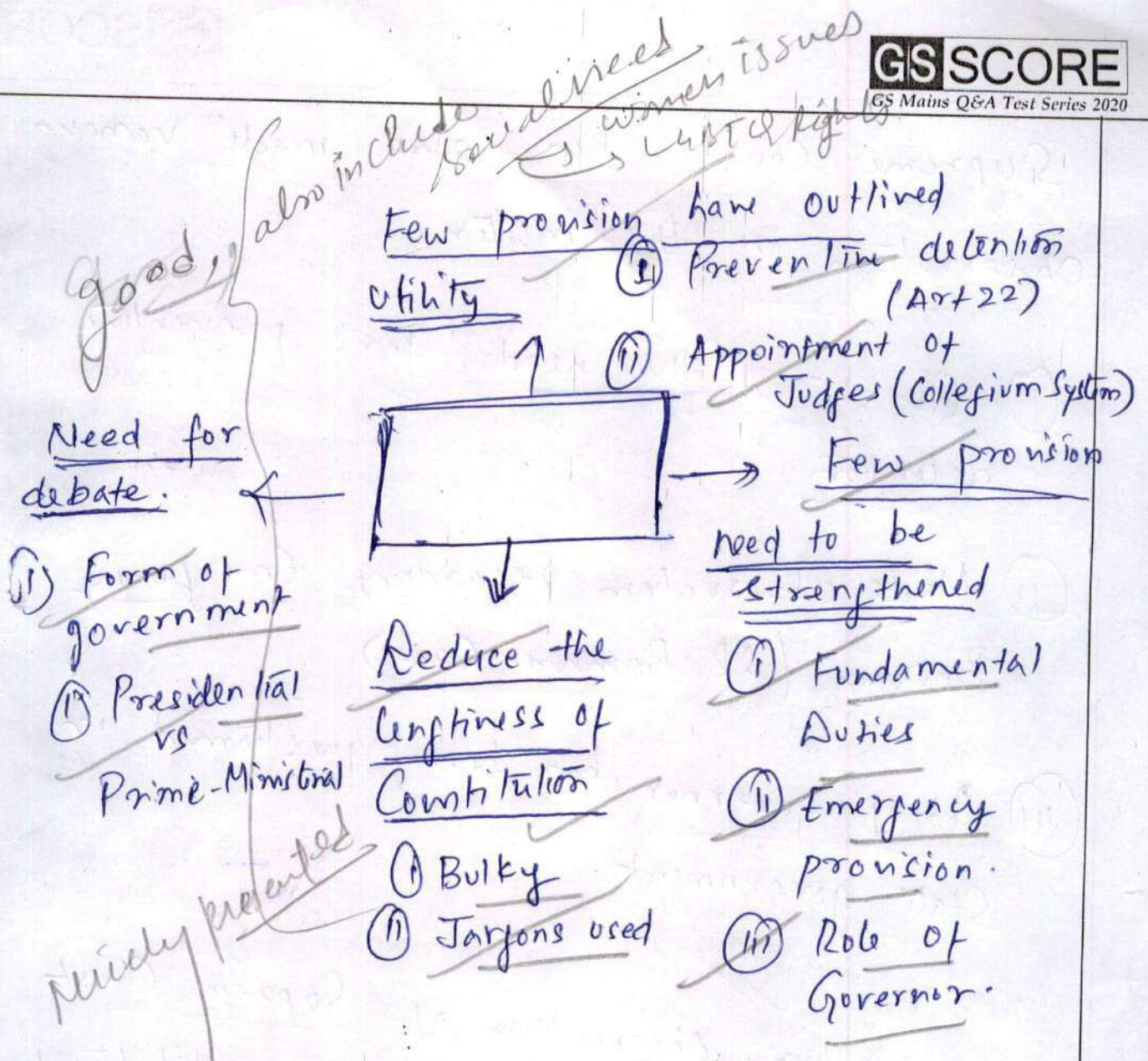
Thus it is important that technology be used, right of safai karamchan's be restored and make cleanliness a mass movement rather than responsibility of few. give statutory status to Safai Karamchari Act 1983

5 1/2

Q20. Is there a need to comprehensively amend the constitution through a major revision exercise to make it more compatible with our times? Illustrate with the help of past SC observations on this matter? (15 Marks)

Constitution of India was envisaged to be a dynamic living document and not a static one.
 With the changing times it is important that the constitution of India evolves.
 → Named some Judgments
Supreme Court in its various judgements have tried to suggest revision of various provisions of Constitution in line with current times.

Need for Revision.



Thus it is important

that constitution is ever evolving and in line with modern ideas. The Senior ~~court~~ jurist and law commission have also made recommendation on this matter.

Supreme Court has also made various observations in this matter.

- (i) Questioned the need for preventive detention. Death penalty, Subsidiary of indis case.
 → Mandey Singh Johar v/s Union
 - (ii) Made observations regarding Emergency Provision (SR Bommai Case)
 - (iii) Rob of governor has been questioned in State government.
 → Joseph Shine v/s UoP Case
 → Adultery Supreme Court
- Also suggest measures to make Court function more compulsible. Thus observations of few constitutional provision.

Remarks