

Q1.

The Pala period is the most significant phase in history of Buddhism. Enumerate. (10M)

The Pala period [8th-12th C] was one of the most remarkable periods in the development of Buddhism which received unprecedented patronization during this time.

SIGNIFICANT CONTRIBUTIONS :-

- 1) spread :- Palas were the patrons of Buddhism who expounded and promoted it.
- 2) Development of trade relations with other Buddhist countries - eg: Indonesian king sent embassy
- 3) Development of Vajrayana school of Buddhism - They promoted tantric practices in Buddhism, thus, boosted this school.
- 4) Development of monasteries - Odantpuri, Somapura universities were commissioned by Pala kings who also gave several villages in grant for upkeep of these

universities.

5) Art and architecture :-

- (i) construction of various stupas.
- (ii) sculpture - Avalokiteshwara found at Nalanda was dated back to this era.

6) Promoted cultural exchange :-

- (i) sent various scholars to Tibet and other places for spread of ideas.
- (ii) welcomed scholars from these countries and learnt from them.

7) miniature paintings produced on themes like Jataka stories etc.

therefore, several Pala kings like Dharampala, Gopala etc have immensely contributed to growth of Buddhism.

Q2.) Evaluate the nature of Bhakti literature and contribution to Indian culture. (10M)

Bhakti movement started as a revolution in south India in 6th CAD and gradually spread to north India. It transformed the outlook on religion, god and devotion.

NATURE OF BHAKTI LITERATURE:-

- 1) Doing away with rituals and sacrifices which were essential in Vedic religion.
- 2) Love and devotional aspect in composition became prominent eg:- Miras' bhajans
- 3) Use of vernacular language instead of chaste Sanskrit eg:- Gurumukhi script by Nanak; Marathi by Tukaram.
- 4) Multi religious :- Literature wasn't bound by one religion but heavily drew from each other - eg: Kabir's dohe - drew from Hinduism, Islam etc
- 5) Influence of sufism on literature

as they borrowed from it.

6) Use of poems and songs also became prominent for devotion.

CONTRIBUTION TO CULTURE :-

1) Caste barriers broken - Diff- castes' people came together in devotion. New religion by Ravidas - everyone treated equally.

2) Nirguna and saguna form of Bhakti developed as alternative: eg: Kabir-Nirguna (formless); Mira-saguna (Krishna with attributes)

3) Challenged the authority of Varna system and priests - eg:- Basavanna's Vachana didn't believe in caste.

4) Growth of vernacular languages like Punjabi, Bengali, Marathi.

Therefore, Bhakti literature shows us a glimpse of the syncretism which was a feature of that society.

Q3) Persian literary sources of medieval India reflect the spirit of age. Comment.

The medieval age, especially the Mughal rule, produced numerous Persian works which not only add to our literary treasure but also is a key to that era.

SPIRIT OF AGE :-

1) Understanding society through various chronicles:- Often court chronicles like Akbar nama, Humayun nama, Badshah nama gave us an insight to king's life and society that existed at the time.

2) Ain-e-Akbari by Abul Fazl - presents us insight into Akbar's tolerant policies on religion, Ain-e-Shahi etc.

3) Sufi Literature by various saints and composition by Auliya, Khawass presents insight into devotion.

4) Poetry and ghazal by artists like Anis Khusro added greatly to literature and understanding eg: Tutinama by Khusro

5) Translations of Upanishads and Bhagavad Gita by scholars like Bara Shikoh → shows assimilation feature and keenness to be diverse.

6) Historical works like Burhan Raza Khan's Tahrik-e-Firozshahi gave us chronology of era.

7) Travellogues by Ibn Batuta [Rihala] Al-Biruni [Kitab-ul-Hind] provide us insight into culture, language and habits of people.

Thus, Persian literary sources play a crucial role in painting an accurate picture of the era.

Q4) Constitutional morality is rooted in Constitution itself and is founded on its essential facet. Explain doctrine consti morality with help of relevant decisions. (10M)

Constitutional morality means actions bound by the essential features of Constitution. As per Dr. Ambedkar, it is necessary for effective coordination and cooperation in society.

DOCTRINE OF CONSTITUTIONAL MORALITY :-

1) Preamble - First and foremost repository of morality. Even though not binding, requires to have a complete understanding of values, aspirations in decision making.

2) Rule of law - essential facet of constitutional morality → everyone is bound by law and no one is above it. Eg: Art 14 - equality.

In Air India v/s Nargesh Mirza - it was held that women & men cannot be discriminated against on grounds of sex.

3) Religion - Constitutional morality places rights of individuals to have freedom of religion below the right of Equality and dignity. Eg: In Sabrimala case - based on this doctrine, women were allowed to make entry into temple.

4) Art 21 :- protects rights to life and liberty and has been expanded ever since to live upto its true meaning.

Eg (i) In KS Puttuswamy vs UOI (2017) - right to privacy as right to life.

(ii) In Joseph Shine vs UOI :- Using the manifest arbitrariness doctrine, it held that adultery violated the right to equality & dignity and is against constitutional morality.

(iii) In Shayara Bano Begum case, triple talaq declared unconstitutional.

Thus, various decisions of SC recently have bolstered this doctrine.

Q5. Right to move and residence throughout the territory of India are freely available to Indian citizens, but aren't absolute. Comment.

Right to movement [Art 19(1)(d)] and residence [Art 19(1)(e)] are essential part of the bouquet of freedoms granted to an individual, yet like other rights, they are limited by restrictions.

RIGHTS AND LIMITATIONS:-

1) Constitutional limit of Art 19(5), these rights are limited on grounds of public interest and protection of schedule tribes.

eg:- Sex workers have been restricted to reside in specific parts of city in interest of general public.

2) In case of public unrest covered under ~~Art~~ S. 144 CrPC, limitations on movement and forming groups

eg: Babulal Prate vs S/o of Maharashtra

3) Protection of Tribal areas :- In several states like Nagaland, Mizoram etc. 'The Inner Line Permit' exists which necessitates seeking permission to enter these areas.

4) cannot take property and reside in tribal areas - eg in Himachal Pradesh, N-E India to restrict outsiders.

5) Legislative restrictions in public interest
eg: During COVID-19 pandemic, the Epidemic Diseases Act restricted movement of various groups and people to contain the spread.

6) No illegal occupation allowed.

Therefore, the rights to movement and residence, have been time and again curtailed in order to promote public interest.

26. Discuss the role of VP as chairman of R.S.

Vice President is elected in India as per Art. 63 which mentions its office. Second in line to President, he is appointed under Art 64 as the ex-officio chairman of Rajyasabha and complies with various responsibilities and powers therein.

ROLE OF VP AS CHAIRMAN OF R.S.:-

- 1) Presiding officer of House - similar to Speaker in Lok Sabha, he is the presiding officer of House in R.S.
- 2) Summon the session of the house and chairs its discussions.
- 3) All the decisions and proposals of the house are communicated through him.
- 4) Power to adjourn any sitting of house due to disruption, end of day's business,

lack of quorum etc.

5) Sits in judicial position while deciding on issues of anti-defection.

6) Power to initiate disciplinary proceedings against any member for violation of rules.

F) Can allow the usage of Rule 267 to stop discussion on regular matters to discuss urgent matters eg:- Demonetization, 2016.

IN A CHAIR POSITION TO GROUPS :-

8) Heads all the Parliamentary Committees formed in the Rajya Sabha.

9) Oversees the work of the Rajya Sabha secretariat and controls the function of secretarial staff.

10) Has a casting vote in case of tie on any issue in Rajya Sabha.

11) Responsibility to maintain the decorum of house during proceedings

However, the position of R.S chairman is weak vis-a-vis speaker of LS as:-

- 1) No power of control over money bill.
- 2) Doesn't preside over joint sitting.
- 3) Is always placed second in any group where speaker is a member.

Therefore, as a coordinator and chair of house, VP has served and continues to serve an important role. This can be further enhanced by providing him with more powers.

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Q7.

Individual parliamentarian's role as the national lawmaker is on a decline, which in turn, adversely impacted Quality of debates and outcome. Comment. (15M)

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Indian model of parliamentary democracy necessitates the members of house to debate, discuss and then put forth any legislation. This model ensures accountability of executive and better quality of legislation. Yet, this role has been on decline for some time.

ROLE OF INDIVIDUAL PARLIAMENTARIAN

- 1.) Decline in attendance :- close to half the members have minimal attendance. Some Nominated members such as filmstars have attended less than 30 days on average.
- 2.) Decrease in sittings - from 130 days a year in 1950s to close to 70 days nowadays.

3.) Role of Whip in giving instruction on voting and no right of choice.

4.) Use of anti-defection law → Brought through 52nd Amendment Act, 1985, doesn't allow members to go against party.

5.) Overriding majority of govt to pass the bills which doesn't provide scope for any dissent.

6.) Opposition member's lack of interest to question developmental issues if not linked to their interests.

ADVERSE IMPACT ON QUANTITY OF DEBATE AND OUTCOME

1.) Hurried passage of Bills :-

[eg] in Monsoon session recently concluded, many Bills were passed in a matter of 10 minutes.

2.) Absence of opposition at times and important Bills like Digital Data Protection

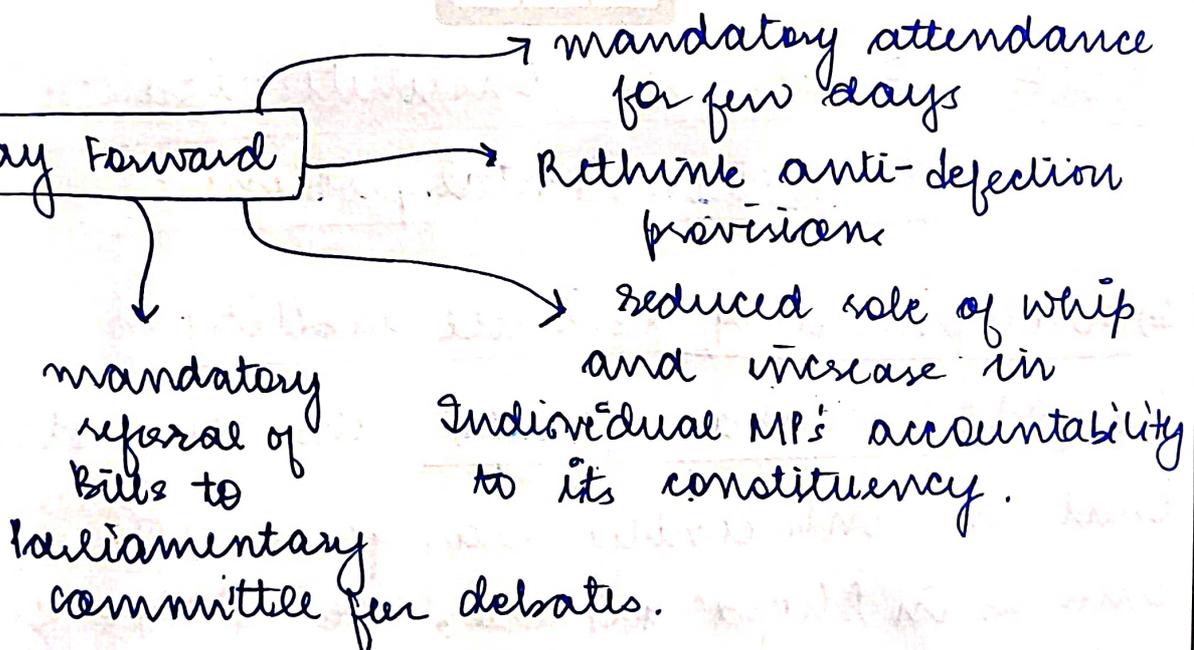
etc passed without any discussion.

3) In the 15th and 16th Lok Sabha around 66% and 70% Bills passed without any debate

4) Quality discussion needed for highlighting flaws of bills were missing

(eg) - In transgender Bill, Rajya Sabha inputs gave some better results but this has become rarity.

Way Forward



Therefore, a overhaul is needed in role of individual parliamentarian to improve Parliamentary democracy

Q8. The most significant achievement of modern law is the constitutionalization of environmental problems by SC. Discuss with help of case laws.

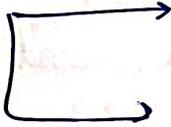
Environment and a right to a clean space has been part of various policies, plans and legislation post independence. They were also introduced to constitution under Art 48A and 51A(g) but the real advance in environmentalization of law came from the Supreme Court (SC).

ROLE OF SC in constitutionalization of environmental problems:-

- 1) Development of Absolute liability
in MC Mehta vs UOI - the court stated that in inherently dangerous acts such as in Bhopal gas leak, the company owes absolute liability to people and nature.
- 2) Enhancing the scope of constitutional provisions:-

i) The court has read Art 21 along with Art 48A [duty of state to protect environment] and 51A g - [duty of citizens] to make this a part of right of life.

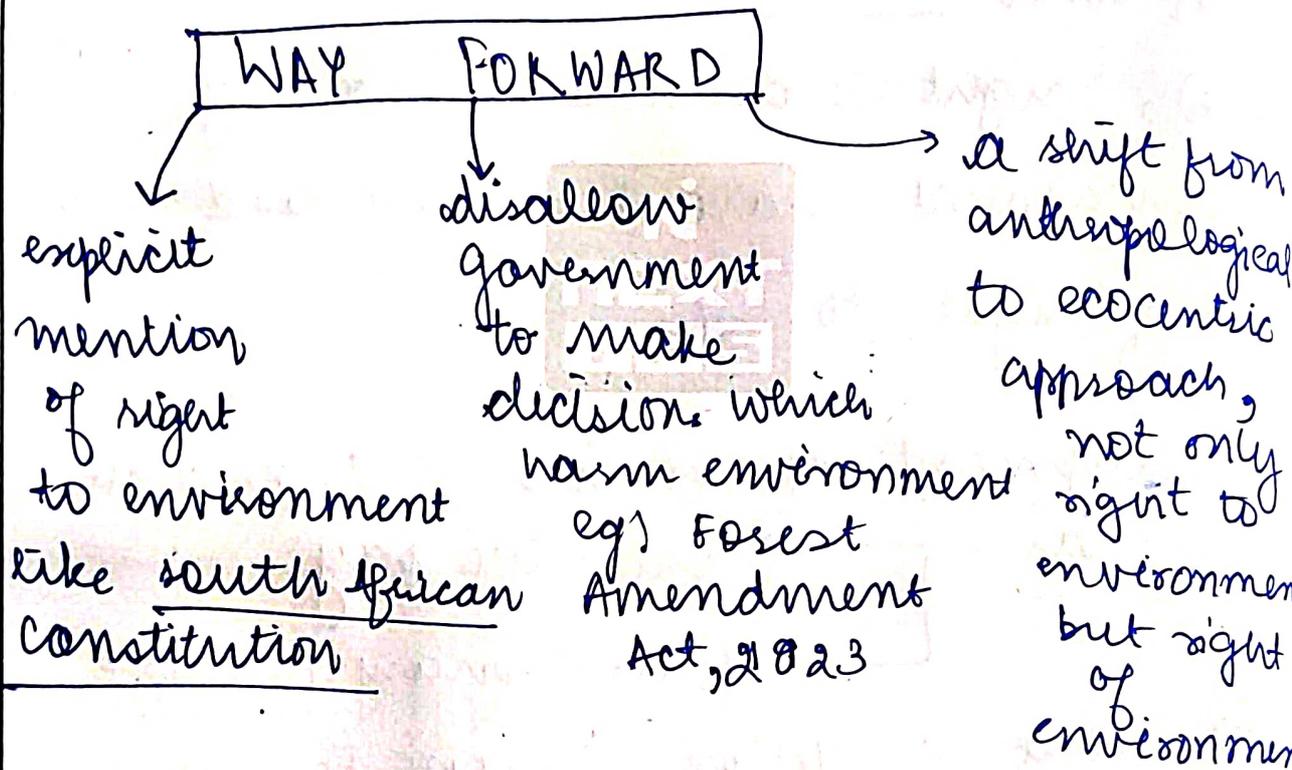
(ii) In cases of Subhash Kumar v/s State of Bihar and MC Mehta (Delhi Pollution case), right to clean and healthy environment have been declared as a part of right to life.

③ Development of various doctrines such as
 as  polluter's pay
 precautionary principle
 in case of Vellore Citizens' Forum.

④ Inspired by SC, the Uttarakhand HC also declared that Ganga and Yamuna are legal entities with rights of Art 21.

⑤ Focus on sustainable development

↳ The Court in various decisions such as Twin tower case in Noida, Silent valley project in Kerala have responded to questions of ecology and development and ruled in favour of sustainable growth.

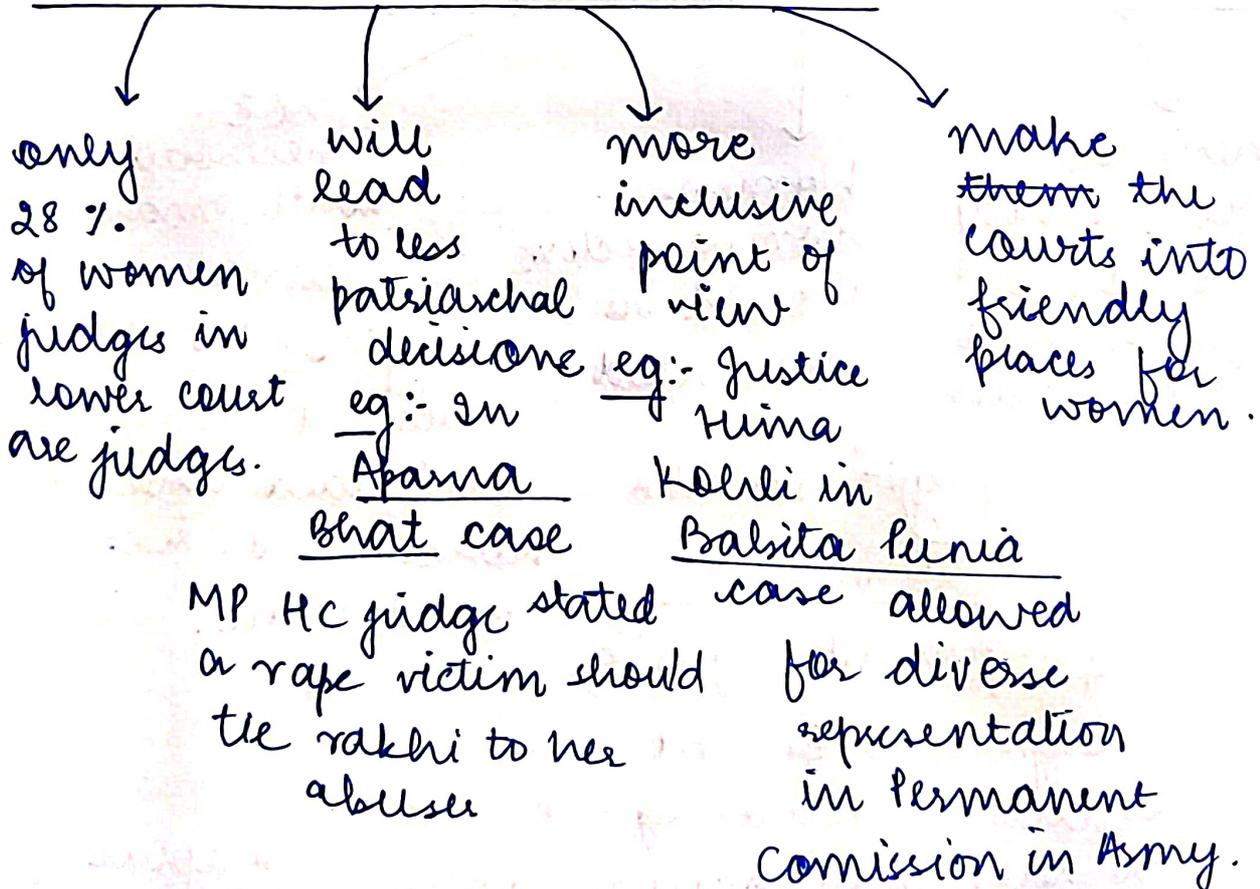


The SC has truly transformed the nature of environmental litigation in India.

Q9) Discuss the desirability of greater representation to women in higher judiciary to ensure diversity, equity and inclusiveness.

Women in judiciary have always been undervalued. Only 11 women judges have made it to Supreme Court so far and presently only 4 of 33 judges. This needs a serious attention and holistic efforts to increase women representation in judiciary.

TO ENSURE DIVERSITY



To ENSURE EQUITY

In terms of number of women judges and lawyers (in tune with population %)

constitutional right u/ Art 14 and 15 would be fulfilled.

include role models and seniors for young female lawyers.

To ENSURE INCLUSIVITY

decision for minority would be fairer and representative

Women's own perspective would be accounted for

not necessarily anti-male decisions -

(eg:- In the Vishakha

judgment & Justice

eg:- Indu Malhotra dissent in the Lalrimala case was based on her reason and logic.

Syeta provided an exclusive reading of Art 142 to take into account reality of workplace harassment

STEPS TO ENSURE GREATER REPRESENTATION

- Reservation in colleges
[eg: NLSIU horizontal reservation for women]
- Reservation in lower judiciary
[eg: States like Odisha, Rajasthan]
- Increase enrollment for women in Bar Council - providing fee concession & assistance.
- Fast tracking applications and cases involving women's sensitive matters must have women judges on panel.

Thus, diversity in judiciary would overhaul the exclusionary judicial set up by improving its membership and outcomes.

NEXT IAS

(Q10) Discuss the procedure to describe dispute arising out of election of MP/MLA u/ RPA, 1951. What are the grounds on which the election of any returned candidate may be declared void? Who are the remedies available to aggrieved party against the decision? Refer to case laws.

Representation of people Act, 1951 under section 100 provides various grounds on which the election of a returned candidate can be declared void.

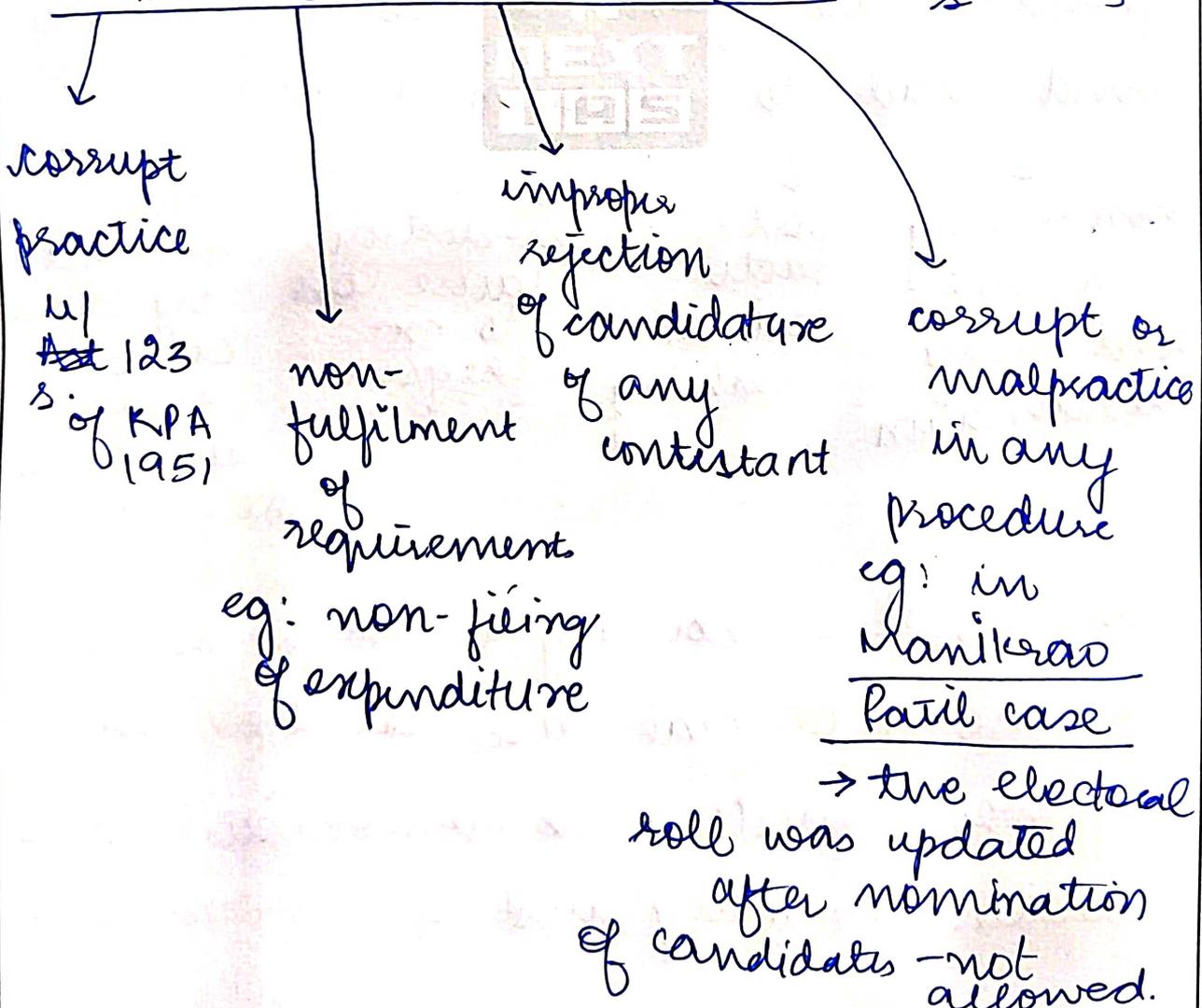
PROCEDURE TO DESCRIBE DISPUTE

ARISING OUT OF ELECTION:-

- 1) The election petition contesting election can be filed by a petitioner before the court prescribed in RPA, 1951.
- 2) The High Court as per the act shall have jurisdiction but can't suo moto take cognizance.
- 3) Within 45 days of the declaration of result, the election can be challenged.

- 4) The petition - must contain statement of facts, grounds and claims.
- 5) The HC must decide the same within 6 months. [though not mandatory]
- 6) The aggrieved also has a right to challenge it in appeal before SC.

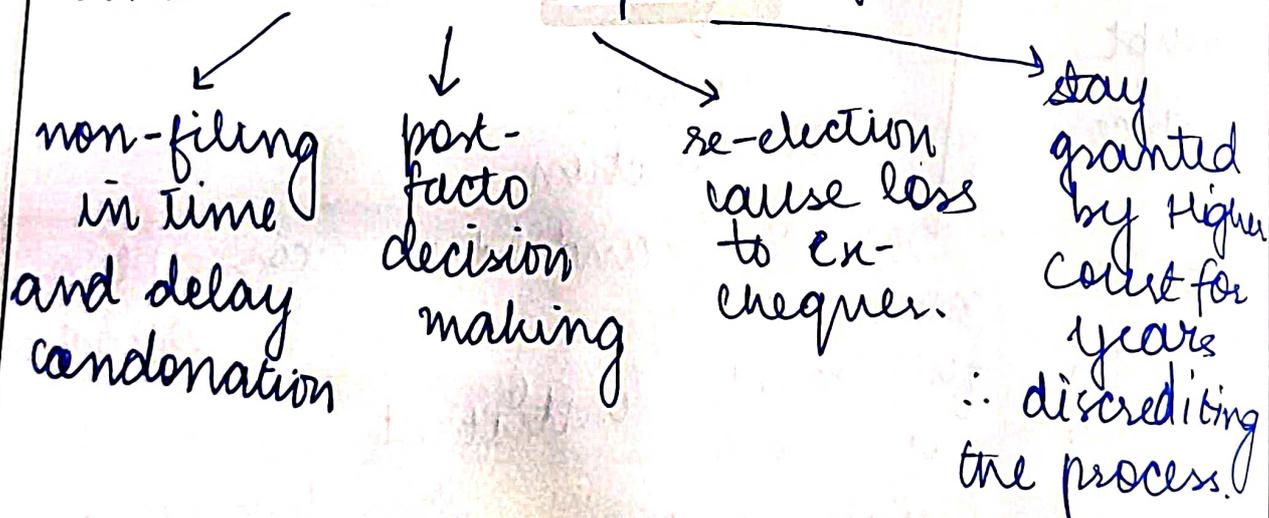
GROUND S ON WHICH THE ELECTION CAN BE DECLARED VOID [100]



Remedies available against decision:-

- 1) stay order before HC if there are valid grounds.
- 2) Review of decision by a higher bench of HC
- 3) Appeal to SC within 30 days.

However, it must be noted that these procedures are often not followed strictly and leads to lapses in system →



Therefore, it is necessary to observe strict timelines in crucial cases like these lest they would disturb the harmonious balance between democracy and rights of candidates.