

# IPPM(Mains Test-3)-21/08/2022

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## How can the independence of the judiciary be provided and protected?

### Introduction

The Indian Constitution has ensured the independence of the judiciary through several measures.

The legislature is not involved in the process of appointment of judges.

Thus, it was believed that party politics would not play a role in the process of appointments.

To be appointed as a judge, a person must have experience as a lawyer and/or must be well versed in the law.

Political opinions of the person or his/ her political loyalty should not be the criteria for appointments to the judiciary. The judges have a fixed tenure. They hold office till reaching the age of retirement.

Only in exceptional cases, judges may be removed. But otherwise, they have the security of tenure.

Security of tenure ensures that judges could function without fear or favour.

### Key Points

The Constitution prescribes a very difficult procedure for the removal of judges. The Constitution makers believed that a difficult procedure of removal would provide security of office to the members of the judiciary.

The judiciary is not financially dependent on either the executive or legislature. The Constitution provides that the salaries and allowances of the judges are not subjected to the approval of the legislature.

The actions and decisions of the judges are immune from personal criticisms. The judiciary has the power to penalise those who are found guilty of contempt of court.

This authority of the court is seen as effective protection for the judges from unfair criticism.

Parliament cannot discuss the conduct of the judges except when the proceeding to remove a judge is being carried out. This gives the judiciary independence to adjudicate without fear of being criticised.

## **Do you think that judicial interventions can lead to a conflict between the judiciary and the executive? Why?**

### **Introduction**

The court has been active in seeking to prevent subversion of the Constitution through political practice.

Thus, areas that were considered beyond the scope of judicial reviews such as the powers of the President and Governor were brought under the purview of the courts.

There are many other instances in which the Supreme Court actively involved itself in the administration of justice by giving directions to executive agencies.

Thus, it gave directions to CBI to initiate investigations against politicians and bureaucrats in the hawala case, the Narasimha Rao case, the illegal allotment of petrol pumps case etc.

Many of these instances are the products of judicial activism. The Indian Constitution is based on a delicate principle of limited separation of powers and checks and balances.

This means that each organ of the government has a clear area of functioning. Thus, the Parliament is supreme in making laws and amending the Constitution, the executive is supreme in implementing them while the judiciary is supreme in settling disputes and deciding whether the laws that have been made are by the provisions of the Constitution.

Despite such a clear-cut division of power the conflict between the Parliament and judiciary, and the executive and the judiciary has remained a recurrent theme in Indian politics.

### **Differences**

The differences emerged between the Parliament and the judiciary over the right to property and the Parliament's power to amend the Constitution.

Let us recapitulate that briefly: Immediately after the implementation of the Constitution began, a controversy arose over the Parliament's power to restrict the property right.

The Parliament wanted to put some restrictions on the right to hold property so that land reforms could be implemented.

The Court held that the Parliament cannot thus restrict fundamental rights. The Parliament then tried to amend the Constitution. But the Court said that even though an amendment, a fundamental right cannot be abridged.

The following issues were at the centre of the controversy between the Parliament and the judiciary.

- What is the scope of the right to private property?
- What is the scope of the Parliament's power to curtail, abridge or abrogate fundamental rights?
- What is the scope of the Parliament's power to amend the constitution?
- Can the Parliament make laws that abridge fundamental rights while enforcing directive principles?

During the period 1967 and 1973, this controversy became very serious.

Apart from land reform laws, laws enforcing preventive detention, laws governing reservations in jobs, regulations acquiring private property for public purposes, and laws deciding the compensation for such acquisition of private property were some instances of conflict between the legislature and the judiciary.

### References

In 1973, the Supreme Court gave a decision that has become very important in regulating the relations between the Parliament and the Judiciary since then. This case is famous as the Kesavananda Bharati case. In this case, the Court ruled that there is a basic structure of the Constitution and nobody, not even the Parliament (through amendment) can violate the basic structure.

The Court did two more things.

1. It said that the right to property (the disputed issue) was not part of the basic structure and therefore could be suitably abridged.

2. The Court reserved to itself the right to decide whether various matters are part of the basic structure of the Constitution.

This case is perhaps the best example of how the judiciary uses its power to interpret the Constitution.

This ruling has changed the nature of conflicts between the legislature and the judiciary.

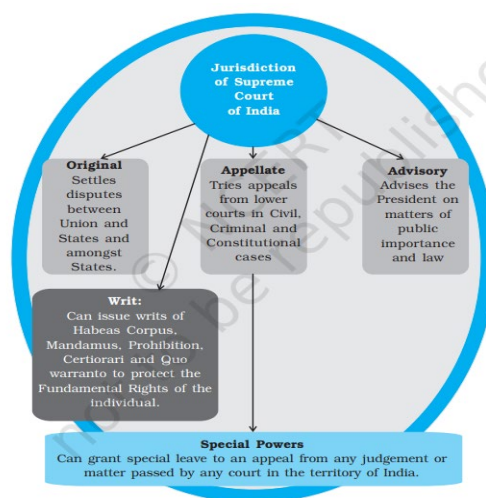
Property right was taken away from the list of fundamental rights in 1979 and this also helped to change the nature of the relationship between these two organs of government.

## Critically analyse the Jurisdiction of the Supreme Court of India.

### Introduction

The Supreme Court of India is one of the very most powerful courts anywhere in the world. It functions within the limitations imposed by the Constitution.

The functions and responsibilities of the Supreme Court are defined by the Constitution. The Supreme Court has specific jurisdiction or scope of powers.



## Original Jurisdiction

Original jurisdiction means cases that can be directly considered by the Supreme Court without going to the lower courts before that. From the diagram above, you will notice that cases involving federal relations go directly to the Supreme Court. The Original Jurisdiction of the Supreme Court establishes it as an umpire in all disputes regarding federal matters. In any federal country, legal disputes are bound to arise between the Union and the States; and among the States themselves.

The power to resolve such cases is entrusted to the Supreme Court of India. It is called original jurisdiction because the Supreme Court alone has the power to deal with such cases. Neither the High Courts nor the lower courts can deal with such cases. In this capacity, the Supreme Court not just settles disputes but also interprets the powers of the Union and State government as laid down in the Constitution.

## Writ Jurisdiction

As you have already studied in the chapter on fundamental rights, any individual, whose fundamental right has been violated, can directly move the Supreme Court for remedy. The Supreme Court can give special orders in the form of writs. The High Courts can also issue writs, but the persons whose rights are violated have the choice of either approaching the High Court or approaching the Supreme Court directly. Through such writs, the Court can give orders to the executive to act or not act in a particular way.

## Appellate Jurisdiction

The Supreme Court is the highest court of appeal. A person can appeal to the Supreme Court against the decisions of the High Court. However, High Court must certify that the case is fit for appeal, that is to say, that it involves a serious matter of interpretation of law or Constitution.

In addition, in criminal cases, if the lower court has sentenced a person to death then an appeal can be made to the High Court or Supreme Court. Of course, the Supreme Court holds the power to decide whether to admit appeals even when an appeal is not allowed by the High Court. Appellate jurisdiction means that the Supreme Court will reconsider the case and the legal issues involved in it. If the Court thinks that the law or the Constitution has a different meaning from

what the lower courts understood, then the Supreme Court will change the ruling and along with that also give a new interpretation of the provision involved.

The High Courts too, have appellate jurisdiction over the decisions given by courts below them.

### **Advisory Jurisdiction**

In addition to original and appellate jurisdiction, the Supreme Court of India possesses advisory jurisdiction also. This means that the President of India can refer any matter that is of public importance or that which involves interpretation of the Constitution to the Supreme Court for advice. However, the Supreme Court is not bound to advice on such matters and the President is not bound to accept such advice.

The utility is two-fold.

It allows the government to seek legal opinion on a matter of importance before taking action on it. This may prevent unnecessary litigations later.

In light of the advice of the Supreme Court, the government can make suitable changes in its action or legislation.

### **Powers**

Article 137 ..... The Supreme Court shall have the power to review any judgment pronounced or order made by it.

Article 144 ..... All authorities, civil and judicial, in the territory of India shall act in aid of the Supreme Court.

Decisions made by the Supreme Court are binding on all other courts within the territory of India. Orders passed by it are enforceable throughout the length and breadth of the country. The Supreme Court itself is not bound by its decision and can at any time review it. Besides, if there is a case of contempt of the Supreme Court, then the Supreme Court itself decides such a case.

## Define and explain the process of eutrophication. What are different types and sources of eutrophication?

### Introduction

Eutrophication is the process of accumulation of excess nutrients in an aquatic body, frequently due to run-off from the land, which causes a dense growth of plant life.

### Process-

- Agricultural runoff, untreated sewage, etc.
- Transportation to the aquatic ecosystem.
- Nutrient accumulation and enrichment.
- Overgrowth of algae.
- Algal bloom.
- Algae covering the aquatic surface layer.
- Restricts the sunlight penetration, diffusion of dissolved oxygen.
- Underground aquatic algae, plants die.
- Bacterial decomposition consumes the available oxygen in the aquatic ecosystem
- Anoxia condition- devoid of oxygen
- All aquatic organisms die due to lack of dissolved oxygen.
- Degradation of aquatic ecosystem.

### Types-

#### Natural-

It is a process that occurs as a result of a gradual buildup of nutrients, organic matter in water resources over a long period of time.

Natural calamities like floods, landslides cause eutrophication.

#### Anthropogenic-

It is the process of accumulation of excess nutrients in water ecosystem as a result of human activities.

Untreated sewage discharges, runoff fertilizers, golf courses, animal wastes cause eutrophication.

### Sources-

There are two different sources of eutrophication.

### **POINT SOURCE-**

- Directly attribute to one influence.
- Point sources are easy to regulate.
- In point source, nutrient waste travels directly from source to water.

### **NON-POINT SOURCE-**

- It is from various ill-defined and diffuse sources.
- Vary spatially and temporarily and are difficult to regulate.

## **What are wetlands? Mention its characters and types. Explain in detail about India's wetlands.**

### **Introduction**

Areas of marsh, fen (low & marshy or frequently flooded area of land), peat land/water, whether natural or artificial, permanent or temporary with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed 6 meters.

### **CHARACTERISTICS-**

- Covered by water or has waterlogged soil for at least seven days during the growing season.
- Adopted plant life(hydrophytes)
- Hydric soils(not enough oxygen available for some plants)

### **WETLANDS CLASSIFICATION-**

Wetlands is classified into –

#### **A. Inland wetland—two types**

- 1) Natural- lakes, ponds, ox-bow lakes, water logged, seasonal, swamp/marsh.
- 2) Manmade-reservoirs, tanks, water logged, ash pond.

#### **B. Coastal wetland—two types**

- 1) Natural- estuary, lagoon, creek, backwater, bay, coral reef, tidal flat, mangroves, salt marsh
- 2) Manmade- salt pans, aquaculture

### **INDIA'S WETLANDS-**

- Wetlands are areas of critical ecological significance, as they support biodiversity, support millions of people directly and indirectly, protect

from storms, flood control, improve water quality, supply food, fiber and raw materials.

- India has totally 27,403 wetlands of which 23,444 are inland wetlands and 3,959 are coastal wetlands. Wetlands occupy 18.4% of the country's area of which 70% are under paddy cultivation.
- Natural wetlands in India range from high altitude wetlands in Himalayas; flood plains of the major river systems; saline and temporary wetlands of the arid and semi-arid regions; coastal wetlands like lagoons, backwaters, estuaries, mangroves, swamps and coral reefs etc.,

### **NATIONAL WETLANDS CONSERVATION PROGRAM (NWCP)-**

- NWCP was implemented in the year 1985-86.
- Under the program, 115 wetlands (annexure) have been identified by the Ministry which requires urgent conservation and management interventions.

#### **AIM-**

Conservation of wetlands to prevent their further degradation and ensuring their wise use for the benefit of local communities and overall conservation of biodiversity.

#### **OBJECTIVES-**

- To lay down policy guidelines for conservation and management of wetlands in the country.
- To provide financial assistance for undertaking intensive conservation measures in the identified wetlands.
- To monitor implementation of the program and to prepare an inventory of Indian wetlands.
- The Central Government is responsible for overall coordination of wetland conservation programs and initiatives at the international & national levels. It also provides guidelines, financial & technical assistance to state government.
- Since the land resources belong to them, the state governments / UT Administration are responsible for management of wetlands and implementation of the NWCP for ensuring their wise-use.

### **CRITERIA FOR IDENTIFICATION OF WETLANDS OF NATIONAL IMPORTANCE-**

Criteria for identification of wetlands of national importance under NWCP are same as those prescribed under the "Ramsar Convention on Wetlands" and are as given below:

- i. If it contains a representative, rare or unique example of a natural or near-natural wetland type found within the appropriate biogeographic region.
- ii. If it supports vulnerable, endangered or critically endangered species; or threatened ecological communities.
- iii. If it supports populations of plant or animal species important for maintaining the biological diversity of a particular biogeographic region.
- iv. If it supports plant or animals species at a critical stage in their life cycles or provides refuge during adverse conditions.
- v. If it regularly supports 20,000 or more water birds.
- vi. If it regularly supports 1% of the individuals in a population of one species or subspecies of water birds.
- vii. If it supports a significant proportion of indigenous fish subspecies, species or families, life-history stages, species interactions or populations that are representative of wetland benefits or values and thereby contributes to global biological diversity.
- viii. If it is an important source of food for fishes, spawning ground, nursery or migration path on which fish stocks, either within the wetland or elsewhere depends. Specific criteria based on water / life and culture.
- ix. If it is an important source of food and water resource, increased possibilities for recreation and eco-tourism, improved scenic values, educational opportunities, conservation of cultural heritage.

### **Explain the significance Treaty of Lahore**

#### **FIRST ANGLO SIKH WAR (1845-46)**

- Major Broad was placed in Amritsar as the East India Company's agent in 1843.
- The Sikh forces crossed the Sutlej in December 1845 and took offensive positions against the English forces.
- Battle was fought in different places and the English victory at Sobraon led to the signing of the Lahore Treaty in 1846 which ended the war.

#### **TREATY OF LAHORE**

- Sikh had to give the southern territory of Sutlej – the Jalandhar Doab.
- Punjab had to give rs 1.5 crore as indemnity but Lahore Durbar was not in position to give it. so it agreed to transfer to the company the territories situated between the rivers Beas and Indus, including Kashmir and Hazarah, in lieu of one crore rupees . Punjab agreed to pay the remaining 50 lakh rupees in cash.

- The Maharaja of Punjab gave up his entire claim over the forts, land, hills situated between Beas and Sutlej.
- Maharaja agreed to reduce his army. Punjab was not allowed to retain more than 12000 troops in cavalry and 20,000 troops in infantry.
- All 250 guns were given to the British
- British troops were to be allowed to pass through Lahore territories.
- Without the prior approval of the British no European or American would be employed in Punjab.
- Dalip Singh was recognized as the Maharaja, his mother Rani Jindan as regent and Lal Singh as Weir.
- The company promised not to interfere in the internal matter of Punjab. However the Company's Resident in Punjab, Sir Henry Lawrence always violated this code.

### Explain what a constitutional body is and write functions and Limitations of Attorney General

#### Introduction

- A Constitutional body is a **body which is established by the Constitution of India.**
- Such Constitutional bodies can only be created or changed after a **Constitutional Amendment bill** is passed and not by a regular government bill or a private bill.
- The powers and authorities for the Constitutional bodies are derived from the Indian **Constitution.**
- These bodies are considered more prestigious, powerful and supreme than any other **organizations or institutions present in India.**
- Thus, if any change is to be made in the powers of functions related to such bodies a **Constitutional amendment is required.**
- In India, the Constitutional bodies hold **permanent or semi-permanent positions** within the machinery of the government.
- These bodies are responsible to **carry out executive functions for the proper administration of the Government.**
- The Indian constitution empowers the **President of India to make such Constitutional appointments.** But the President exercises this power only after a proposal is made by the **Cabinet**; it is the duty of the Cabinet to decide who is to be appointed and at what position.

### Duty of Attorney General of India:

- It is the duty of the Attorney General to give legal advice to the Government of India on legal matters referred to him.
- It is the duty of the Attorney General to perform such other duties of a legal character as may be referred to him or assigned to him by the President.
- To discharge the functions conferred on him under the Constitution of India or under any other law in force.
- To appear in the Supreme Court on behalf of the Government of India in cases concerning the Government.
- To represent the Government of India in such references made to the Supreme Court by the President of India under article 143 of Indian Constitution.

### Limitations to the Attorney General of India:

- He/she should not advise or hold a brief against the Government of India.
- He/she should not advise or hold a brief in cases in which he is called upon to advise or appear for the Government of India.
- He/she should not defend accused persons in criminal prosecutions without the permission of the Government of India.
- He/she should not accept an appointment as a director in any company or corporation without the permission of the Government of India.
- He/she should not advise any ministry or department of Government of India or any statutory organization or any public sector undertaking unless the proposal or a reference in this regard is received through the Ministry of Law and Justice, Department of Legal Affairs.
- However, the Attorney General is not a full-time counsel for the Government and does not fall in the category of government servants.
- Further, he/she is not debarred from private legal practice.
- The Attorney General is not a member of the Central cabinet. There is a separate law minister in the Central cabinet to look after legal matters at the government level.

- The Delhi High Court has ruled that the office of the Attorney General of India (AGI) does not come under the ambit of the Right to Information (RTI) Act as it is not a public authority.

### How Does Bangladesh emerge as a Democratic Country? Discuss in detail (250 words)

#### Democracy in Bangladesh

- Bangladesh was part of Pakistan since 1947 to 1971
- It consisted areas of Bengal and Assam from British India
- The people of this region resented the domination of western Pakistan and imposition of Urdu Language
- Soon after the partition, they have started to protest against the unfair treatment towards Bengali Culture and Language
- They also demanded fair representation in administration and a fair share in political power
- **Sheikh Mujhib ur Rahman** led the popular struggle against west Pakistani domination, demanded autonomy for the eastern region
- In the 1970 elections, the **Awami** group led by Sheikh **Mujhib ur Rahman** won all seats in East Pakistan and secured a majority in the Proposed Constituent Assembly for the whole Pakistan election
- Under the military rule of General Yahya Khan, the Pakistani army tried to suppress the mass movement of the Bengali People, thousands were killed by the Pakistan Army
- This led to large migration to India, which become a problem for India, creating a huge refugee problem for India
- The Government of India supported the demand of the people of East Pakistan for their independence and helped them financially and militarily
- This resulted in a war between India and Pakistan in December 1971 which ended surrender of the Pakistani forces in East Pakistan and the formation of Bangladesh as an Independent Country

- Bangladesh drafted its own constitution declaring faith in Secularism, democracy, and Socialism
- In 1975, Sheikh Mujib got the constitution amended and abolished all other parties except his own **Awami League** which led to conflicts
- Sheikh Mujib was assassinated in 1975 with a military uprising
- The new military ruler, Ziaur Rahman formed his own Bengal National Party and won elections in 1979
- He was assassinated and another military leader took over under the leadership of Lt.Gen.H.M Ershad
- People of Bangladesh were soon in support of Bangladesh, especially students in the forefront, with mass public protest Ershad got down in 1990
- Elections were held in 1991, since then representative democracy based on multi party election has been working in Bangladesh

**Write a short note on the artefacts of the Harappa civilizations.**

### **DANCING GIRL**

One of the best-known artefacts from the Indus Valley is this approximately four-inch-high copper figure of a dancing girl. Found in Mohenjo-Daro, this exquisite casting depicts a girl whose long hair is tied in a bun. Bangles cover her left arm, a bracelet and an amulet or bangle adorns her right arm, and a cowry shell necklace is seen around her neck. Her right hand is on her hip and her left hand is clasped in a traditional Indian dance gesture. She has large eyes and a flat nose. This figure is full of expression and bodily vigour and conveys a lot of information.

### **BULL**

This bronze figure of a bull from Mohenjo-Daro deserves mention. The massiveness of the bull and the fury of the charge are eloquently expressed. The animal is shown standing with his head turned to the right and with a cord around the neck.

### **MALE TORSO**

In this red sandstone figure, there are socket holes in the neck and shoulders for the attachment of the head and arms. The frontal posture of the torso has been

consciously adopted. The shoulders are well baked and the abdomen slightly prominent.

### **PAINTED EARTHEN JAR**

Found in Mohenjo-Daro, this jar is made on a potter's wheel with clay. The shape was manipulated by the pressure of the crafty fingers of the potter. After baking the clay model, it was painted black colour. High polishing was done as a finishing touch. The motifs are of vegetal and geometric forms. Designs are simple but with a tendency toward abstraction.

### **MOTHER GODDESS**

The mother goddess figures are usually crude standing female figures adorned with necklaces hanging over prominent breasts and wearing a loin cloth and a girdle. The fan-shaped head-dress with a cup-like projection on each side is a distinct decorative feature of the mother goddess figures of the Indus Valley. The pellet eyes and beaked nose of the figures are very crude, and the mouth is indicated by a slit.

### **Critically evaluate different types of seals and pottery of the Harappa Civilization**

The following are important Artefacts from Harappa Civilization, from which we can assess the culture

#### **Seals**

Archaeologists have discovered thousands of seals, mostly made of steatite, and occasionally of agate, chert, copper, faience and terracotta, with beautiful figures of animals, such as unicorn bull, rhinoceros, tiger, elephant, bison, goat, buffalo, etc.

The realistic rendering of these animals in various moods is remarkable. The purpose of producing seals was mainly commercial. It appears that the seals were also used as amulets, carried on the persons of their owners, perhaps as modern-day identity cards.

## Steatite

The standard Harappa seal was a square plaque 2×2 square inches, made from steatite. Every seal is engraved in a pictographic script which is yet to be deciphered.

## Ivory

Some seals have also been found in ivory. They all bear a great variety of motifs, most often of animals including those of the bull, with or without the hump, the elephant, tiger, goat and also monsters.

## Trees and human seals

Sometimes trees or human figures were also depicted. The most remarkable seal is the one depicted with a figure in the centre and animals around. This seal is generally identified as the Pashupati Seal by some scholars whereas some identify it as the female deity. This seal depicts a human figure seated cross-legged. An elephant and a tiger are depicted on the right side of the seated figure, while on the left a rhinoceros and a buffalo are seen. In addition to these animals, two antelopes are shown below the seat. Seals such as these date from between 2500 and 1900 BCE and were found in considerable numbers in sites such as the ancient city of Mohenjo-Daro in the Indus Valley. Figures and animals are carved in intaglio on their surfaces.

**Square or rectangular copper tablets**, with an animal or a human figure on one side and an inscription on the other, or inscription on both sides have also been found. The figures and signs are carefully cut with a burin. These copper tablets appear to have been amulets. Unlike inscriptions on seals which vary in each case, inscription on the copper tablets seem to be associated with the animals portrayed on them.

## Pottery

A large quantity of pottery excavated from the sites, enables us to understand the gradual evolution of various design motifs as employed in different shapes, and styles. The Indus Valley pottery consists chiefly of very fine wheel-made

wares, very few being hand-made. Plain pottery is more common than painted ware.

### **Plain pottery:**

**It** is generally of red clay, with or without a fine red or grey slip. It includes knobbed ware, ornamented with rows of knobs. The black-painted ware has a fine coating of red slip on which geometric and animal designs are executed in glossy black paint.

### **Polychrome pottery**

**It** is rare and mainly comprises small vases decorated with geometric patterns in red, black, and green, rarely white and yellow. Incised ware is also rare and the incised decoration was confined to the bases of the pans, always inside and to the dishes of offering stands.

### **Perforated pottery**

**Pottery** includes a large hole at the bottom and small holes all over the wall, and was probably used for straining beverages. Pottery for household purposes is found in as many shapes and sizes as could be conceived of for daily practical use. Straight and angular shapes are an exception, while graceful curves are the rule. Miniature vessels, mostly less than half an inch in height are, particularly, so marvellously crafted as to evoke admiration.