

EVALUATION INDICATORS

1. Alignment Competence
2. Context Competence
3. Content Competence
4. Language Competence
5. Introduction Competence
6. Structure - Presentation Competence
7. Conclusion Competence

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

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5.

6.

All the Best

4. Child Labour : A Necessary Evil or Just Plain Evil.

Let's meet Subhroto and Sukirti. Subhroto is 10 years old, innocent but caring and determined brother of Sukirti. Sukirti, is just 5 year old girl. For her, her brother is family. Unfortunately in an accident, they lost their families i.e both parents. Since belonging to poor background, with no support system, they were admitted into NAO-run childcare home, in hope of better future.

But, their misery did not end there. Poor living conditions, jail-like environment and neglect of basic needs, made Subhroto to run away, with Sukirti, from there. Subhroto started working in a dhaba (restaurant) and earn enough for himself and her sister. They

lead "relatively" happy life,
with freedom and basic needs.
Sukirti even goes to school. Seeing
her Subhroto feels content and
happy.

But what about Subhroto,
a child labourer. He has to sacrifice
his childhood and play adult role.
He has to suffer and bear abuses
of employer. He is not paid at par
with his work. His future prospects
are compromised, as he will now
lack education. This happiness of
Subhroto and Sukirti is temporary.
When Sukirti grows old, Subhroto
may not be able to afford her
education.

This story, in start, may
give impression that child labour
is necessary evil for Subhroto and
Sukirti happiness. But they and some
don't realise the hidden evil behind
child labour, which is plainly evil.

Thus the need is for removing the necessary evil nature of child labour, and end child labour. We may face hurdles in doing that, but with conviction and collaboration, we can end it.

To eliminate something, we need to understand it. "Child Labour", in nutshell, is the employment (forcible or voluntary) of children aged below 18 years whether paid, partially paid or non-paid. But it does not mean, we cannot ask a child to do something out of free will. In Japan, children in schools are ~~not~~ encouraged to clean their schools weekly to sensitize them and respect the cleaning job. This cannot be called child labour.

Even if we look at our history, child labour was largely absent. Children - Krishna and Balram (Bhagat Gita epic) were sent to Gurukuls for education, instead of asking them to administer the state in childhood itself. But at Gurukul, they contributed to labour by cleaning 'ashrams' (school). But it was not child labour per se.

In modern times, the child labour, where children exploitation and loss of childhood, started with industrial revolution. Britishers employed children in industries, for profitability. Continuous working in polluted environment with no breaks, exhibited their pitiabile condition.

GENESIS OF CHILD LABOUR

This exploitation for profitability was supplemented by

other factors to make child labour a normal phenomena in society.

Child labourers lack knowledge of their rights and lack strength to fight against their exploitation. This weakness of theirs, becomes tool of exploitation for business owners who employ them, for instance in brickkilns.

Though laws regulate businesses, but political leaders apathy and poor implementation of policies like Child Labour Prohibition Act, Right to Education Act, gives free hand to child labour menace in society.

Political apathy compounded by family misery like poverty illiteracy aids to child labour. The societal attitude that at the end, boy child has to run,

family business, so why not make him sit at shop, not send to school, also leads to child labour.

Society at international level, driven by globalisation and demand for child labour for him is evident when children are trafficked for tying to camels during camel race in Gulf countries. Their cry make camels run faster. It is worst form of child labour.

CHILD LABOUR : PLAIN EVIL :

Such employment of children in camel race, may have made even "God ashamed", and question himself or herself, that why did he created humans at all.

God created family especially parents to nurture his/her creation a child. But family lacking basic means - food, shelter, cloth etc gets compel to send children to work, not school. Though this labour seems necessary, but it is plain evil, as family for short term gain doesnot realise long term lost future of child. Pressure to work in hostile environment and lack of education and targeted socialization make child delinquent or marginalised.

With such vulnerabilities, both marginalisation and delinquency, society suffers in long term. High illiteracy and non-confident citizens (groom up child labourer) donot help India to realise "Demographic Dividend". Rising crimes in society

both crime on children and children-led crime can be attributed to child labour. Thus, affecting social harmony and peace. Hiring of children in Jammu and Kashmir for stone pelting by militants clearly shows evilness of child labour.

Such societal disturbances are not even good for Indian democracy. When child labourers after sufferings, develop indifferent or negative attitude towards government. Lacking education, they after turning 18, do not realise the power of their vote and so either get swayed by freebies or withdraws from election process. Thus child labour becomes evil for democracy also.

Democracy striving for inclusive development could not be achieved, when business player

fails to recognise that by employing children, they themselves get deprived of skilled and educated and so more productive adult workforce. NSSO data, that ~~majority that~~ 80% of workforce is unemployable, clearly highlight evilness of childlabour.

Child labour evilness is recognised even by international organisation - ILO, UNICEF, CRY etc, who advocate to let children enjoy childhood and learn in free environment. Even our religion (all world religion) considers children as God's gift, who need to be taken care of, not exploited.

CHILD LABOUR : IS IT NECESSARY

Citing the family's poverty and misery, the child labour may seem necessary. Similarly, employment of children for entertainment industry for free speech and expression (Article 19 of Constitution) seems necessary. When a Mumbai kid starts his own venture at the age of 14 in collaboration with Dabbawalas for postal services, may exhibit a working child, is not entirely a bad concept.

CHILD LABOUR : ALTERNATES TO NECESSITY OF IT

As we know, there is always Plan B, similarly ~~there~~ there is always an alternate to evil, even if necessary, of child

labour.

Family compulsion to send children to work can be ~~semo~~ tackled, if business employs parent not children. When government guarantees right to livelihood, under MGNREGA and Make in India to family, then children's right to joyful childhood and education gets achieved.

The demand side of child labour from business can be curtailed, when Child Labour Prohibition (Amendment) Act 2018 gets implemented in true spirit. Kailash Satyarthi's initiative of labelling "Child Labour Free" carpets shows ethical business approach. Its a win-win game, as products gets publicity and acceptability.

When children are organised through children Panchayats in villages and Youth or Child Parliament in cities, then their exploitation could not be possible.

Some economic domain, where children work is eminent can be allowed but without affecting their childhood and education. In entertainment industry, let children act or sing or dance only after school hours for limited time only.

Child prodigy, starting own startups and employing other adults may not be considered as child labour provided their education and recreation time is secured.

To conclude, lets take a pledge, that just like animals who nurture their children,

and letting them develop at their own pace, for instance, tiger, we - entire humanity - develops zero tolerance to child labour, and create alternates like foster home where families adopt orphaned children like Subhroto and Sukirti. In this way, Subhroto also enjoy his rightful childhood,

SECTION-B

1. The more Things change ,
The more they stay the
same .

SECTION B

4. INDEPENDENCE OF JUDICIARY IS
THE HALLMARK OF DEMOCRACY

History acknowledges/marks
the "BLACK DAY" for Indian
judiciary and so of democracy
when a constitutional bench,
during Emergency period in 1970s
ordered that people's right
to life and liberty under
Article 21 of Constitution, can be
withdrawn. As a result, we
saw mass sterilisation and
illegal confinement during that
time. On the other hand,
1980s marked the birth of
real democracy i.e. social democracy

when judiciary innovated the PUBLIC INTEREST LITIGATION (PIL) in famous Hussainar Khatoon case. Under it, the rights of voiceless and powerless marginalised communities were upheld.

So what's the striking difference between the conditions that existed during these two periods. Where in 1970s, we saw, usurpation of democracy, on the other hand in 1980s, we saw, democracy maturation. The difference was "INDEPENDENCE" of Indian judiciary, in 1980s, while its political dependence in 1970s.

This clearly shows independence of judiciary is hallmark of democracy. In turn, true democracy further promotes judiciary.

Independence. However, challenges to independence of judiciary lies. But with effective measures, these challenges can be tackled.

~~In India~~

Independence of judiciary

Can also be traced in ancient times, where 'Panchas' - village council leaders acted as independent arbitrators. In modern times, the codification of judicial independence was done in America after its war of independence.

In India, during British rule, judiciary was not independent. Rule of Law existed only on paper. Constitution makers realising the adverse effects of judicial dependency on democracy, envisaged the independent judiciary.

Article 142, 32 of

Constitution shows the independent role of that judiciary supposed to play. The separation of power doctrine adopted by Indian Constitution emphasises judiciary's independence.

Barring emergency period, the Indian judiciary could maintain its independence. This independence got consolidated after famous "Three Judge Cases", where collegium of judges freed judiciary from executive dependency for appointments.

In contemporary times, judiciary independence was exhibited when collegium of judges prevented (to some extent) the politicization of appointment of Justice Thomas. High Courts alongwith State Public Service Commission ensures independence of

lower judiciary through appointment

Any world democracy
stands on 3 pillar of legislative
executive and judiciary. It
is the 3rd pillar i.e judiciary
helps in realising the democracy.
Thus, its independence becomes
more crucial.

Independent judiciary
guarantees free and fair election,
when right to know candidates
antecedents becomes fundamental
right under Article 19 of
Constitution in Association of
Democratic Reforms Case. Thus
the basis of democracy i.e
elections itself become fair

The working of democracy
i.e government administration as
per people will is ensured

by independent Supreme Court, in NCT of Delhi vs Union of India Case, where the elected government of Delhi was bestowed with power to administer Delhi. This was possible, when judiciary is independent of central government.

Political democracy is futile if social democracy is absent. But judiciary in U.S.A when extends marriage rights to LGBT community, then social democracy upholding rights of all is evolved. In India, this democracy was brought when its apex court, ~~is~~ realising its independence, extend right to land to Dongria Kond of Odisha and upholds Dongria Panchayats decision.

Social issues have genesis in religion/culture also. Independent judiciary by upholding the Article 25 to 30 of constitution extends cultural democracy in India. The famous Hadiya case - right to choose partner and religion and entry of women in Shani Shignapur temple, ensures that people enjoys their cultural identity besides citizenship.

Culture gets penetrated into economy. As we see, only 30% female workforce, or when we see exploitation of marginal employees by employer. But independent judiciary addresses this, by reminding executives (or legislature to implement Minimum Wages Act or bring Visakha guidelines to promote women participation in economy by ensuring their safety. Thus

realising economic democracy.

Human rights to all
is are' guaranteed by democracy.
But through judiciary. Apex
Court ruling on ~~nullify~~ AFSPA
and jail reforms to ensure
that citizen's rights (even if
criminals) ~~is~~ are not violated
by government machineries.

Thus, if judiciary would
not have been independent, then
elections would have always favoured
ruling party, Centre would have
compromised federation ethos,
minorities may not enjoy fruit
of democracy, Rule of Law
gets becomes privilege of only
mainstream society (urban and rich),
the Indian pluralism would have
threatened by right wing extremists

and economic inequalities instead of bridging, gets widened. Rights of citizen will become State's discretion. In nutshell, the democracy - political, economic, social, cultural and ~~economic~~, gets compromised.

It is not just one-way process that judicial independence guarantees democracy, rather two-way process. A vibrant and representative democracy also upholds judicial independence, when Parliament debates on NJAC Bill, and ensures safeguards to independence of judiciary under it.

However, the debate raises whether independence of judiciary is enough for realising democratic ideals. The huge backlog over 3 crore cases in Indian judiciary shows how ineffective, though independent, judiciary affects

the rights of undertrials and
victims and accused.

Even over-active judiciary
affects democracy, when it
breaches the thin line of separation
of powers and encroaches in
executives or legislature's domain.
Latter develops apathy and gets
dependent on former i.e. judiciary
for social legislation like banning
repealing of Section 377.

Beside overactive, non-
transparent judiciary also questioned
it by citizen, when it refuse to
adhere to RTI Act, which
judiciary itself guaranteed to
citizens. "~~NOT PREACHES~~ but "Not
practices, what it preaches".

Even independence of
judiciary gets challenged when
few judges try to appease

ruling party for post-retirement assignments

Thus, the need is to address above lacunae of judiciary by making it accountable and transparent. The early finalisation of Memorandum of Appointments, and open hearing of court cases with adequate privacy safeguards is the need of hour.

Judiciary instead of encroaching the executive and ~~just~~ legislative domain for filling policy gaps, should rather encourage or issue directives, to bring laws or rules after deliberation quickly, to legislatures or executives.

~~Judiciary shall start~~
Above all, the citizenry ~~pract~~ shall be educated and made aware of their rights and

empowered to uphold both
democracy and judicial independence

To conclude, the vision
of democracy as listed in
Preamble of Constitution, that
guarantees equality, liberty,
freedom, justice and fraternity
can be realised when independent
judiciary gets supplemented by
deliberative legislature, accountable
executives and empowered
citizensry.

