

Con 1642

R.B.I.S.B. (L.O.)

2012

PAPER II—ENGLISH

[TIME—2-30 P.M. TO 5-30 P.M.]

(Maximum Marks—100)

N.B.—(1) All questions are *compulsory*.

(2) Figures to the right indicate full marks to each question.

(3) Each question must be started on a fresh page.

(4) All parts of a question must be answered together without other answers intervening.

(5) Marks will be deducted if an answer far exceeds or falls short of the set limit, or is irrelevant, or if the handwriting is illegible.

(6) Answers must be written in *English*.

Marks

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| 1. | Write an argumentative essay of about 500 words on any <i>one</i> of the following topics :— | 40 |
| | (a) Should we tax the super-rich at a higher rate of income-tax ? | |
| | (b) Can Information Technology make banking sector safer and more effective ? | |
| | (c) How safe are women in our cities ? | |
| | (d) Foreign Direct Investment and its impact on Indian consumers. | |
| | (e) Wastage of food—a disturbing trend in India. | |
| 2. | (a) Make a precis of the following passage reducing it to about 200 words, and give it a suitable title. Write the precis on a sheet provided for this purpose :— | 24 |

Public interest law movement which came to be known as public interest litigation (PIL) in India and England is perhaps the most striking innovation in Indian judiciary. It emerged as a part of the legal aid movement directed towards the protection of the rights of minorities, women, children, the downtrodden and weaker sections of the society. The legal system had failed to protect their interests because of lack of access to justice, lack of standing or economic and other disabilities. The traditional legal or constitutional system could not provide quick relief in cases where interest of a large number of people was at stake. This led to the emergence of PIL. Judiciary came forward to provide quick remedy to suffering masses by relaxing the rule of 'locus standi'. It means a right of appearance in a court of justice or before a legislative body on a given question. Such steps have led to the emergence of PIL and Judicial Activism.

The expression 'Public Interest Litigation' means a legal action intended in a court of law for the enforcement of public interest or general interest in which the public or a class of the community has pecuniary interest or some interest by which their legal rights or

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liabilities are affected. PIL began as a movement to protect the Fundamental Rights of people who are poor, ignorant, downtrodden or are in a socially or economically disadvantaged position. It is different from ordinary litigation in that it is not filed by one private person against another for the enforcement of a personal right. The presence of 'public interest' is important to file a PIL.

PIL is a litigation for public good. Hence, it can be initiated by any person or group of persons who may be a third party or outsider to the matter. It is not necessary that they should be the aggrieved party. Earlier, only the aggrieved party would approach the Court to seek justice. But since the eighties the apex courts began to accept PILs moved at the instance of socially active and concerned persons for enforcement of legal and constitutional rights of weaker sections of the society. Such persons were unable to approach the court for redressal of their grievances. A PIL may be filed in the High Court of the State concerned as a writ petition under Article 226 of the Constitution. Alternately, a PIL can be filed in the Supreme Court under Article 32. These Articles empower the courts to issue writs, directions or orders for the enforcement of Fundamental Rights.

PIL is one of the main contributing factors that led to the rise of judicial activism. The intervention of courts has played a key role in protecting civil liberties, rights of workers, and also in ensuring accountability of public institutions. This has strengthened the position of the judiciary *vis-a-vis* the legislative bodies and the governments and raised its prestige in the general public. Some legal pundits have pointed out that PIL detracts the judiciary from the Constitutional principle of 'separation of powers'. It allows Courts to 'interfere' with the policy choices made by the Legislature and pass orders that may be difficult for the Governments to implement. But, it should be remembered that the main rationale for judicial activism in India lies in the highly unequal social profile of our population. Here, judges are required to take such proactive steps as are necessary to protect the interests of those who do not have a voice in the political system and means or information to move the courts. Judicial Activism is a powerful weapon which the judges have to wield to subserve the ends of justice by making the legislature responsive to the felt necessities of changing times.

- (b) (i) Answer briefly and in your own words the following questions based on the passage given above :— (10)
- (1) Trace the background that led to the emergence of Public Interest Litigation. 3
 - (2) Define 'Public Interest Litigation'. How does it differ from ordinary Litigation? 2
 - (3) Write any two salient features of Public Interest Litigation that have appealed to you. 2
 - (4) What is meant by 'Judicial Activism'? What is its need and importance in India? 3

- (ii) Explain clearly the contextual meaning of any *three* of the following expressions in the passage :—
- (a) 'locus standi'
- (b) pecuniary interest
- (c) aggrieved party
- (d) redressal of grievances
- (e) 'vis-a-vis'
- (f) proactive steps.
3. Attempt any *one* of the following in about 250 words :—
- (a) The Reserve Bank of India (RBI) has received several complaints from customers pertaining to bank accounts, loans and deposits. They have drawn the attention of RBI to hardship faced by them regarding minimum balance requirement, renewal of term deposits, disbursal and closure of loans. A Committee has been appointed to study customer service in banks and suggest ways to improve it. Draft the Committee's Report.
- (b) Draft a Circular to be sent by RBI to all State and Central Co-operative Banks to forgo levying of penalty on prepayment of home loans on floating interest with immediate effect. Give reasons for such an urgent decision taken by RBI.
- (c) The President of Bank Depositors' Association has written a letter to RBI in which he has pointed out that most agreements with banks are one-sided. They are loaded in favour of banks. Further, several banks have been charging hefty fees for closing bank accounts. In case of dispute the burden of proving innocence is put on the customers. On behalf of RBI, draft a letter to be sent to the President of the Association stating that a panel, headed by a person of the rank of Deputy Governor, has been constituted to study various customer-related issues and suggest measures to make banking sector globally competitive. Also, assure him that henceforth all customer complaints will be resolved within forty-five days.
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