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Political Science & International Relations

PSIR Crash Course- 2025

Test 5

Time Allowed: 3 Hours

Max Marks: 250

Name	Animesh Jain
Test Submission Date	1/8/25
Email Address	
Test Start Time	9:00
Test End Time	12:10
UPSC Roll Number	5810932
Phone Number	

Instructions:

1. There are EIGHT questions divided in TWO SECTIONS and candidate has to attempt five questions in all.
2. Question Nos. 1 and 5 are compulsory and out of the remaining, any three are to be attempted choosing at least ONE question from each section.
3. Answers must be written in the medium authorised in the admission Certificate, which must be stated clearly on the cover of the booklet in the space provided.
4. Content of the answer is more important than its length.
5. Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be clearly struck off.
6. All parts of the question should be written at one place itself.
7. Filling all the details in BLOCK LETTERS is mandatory.

Marks Table (To be filled by Evaluators):

S. No.	a	b	c	d	e	Total
1						
2				X	X	
3				X	X	
4				X	X	
5						
6				X	X	
7				X	X	
8				X	X	
Grand Total						

For any issue related to PSIR Test Series, write only at psirtestseries@shubhبرانان.com



Remarks by Evaluator:

1. Contextual understanding

2. Content

3. Structure & Flow

4. Introduction

5. Conclusion

6. Language

7. Presentation



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Student's Queries: -

Is the flow appropriate ?

Am I sticking to the demand ?

Need to include more scholars ?

Evaluator's Feedback: -



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Quest (a)

राजनीति विज्ञान के आधुनिक और पारंपरिक दृष्टिकोणों की तुलना करें। (10 अंक)

Compare the Modern and Traditional Approaches to Political Science.

Political science is an evolving discipline with changing methodologies to solve the predicaments of human life and provide answers for socio-political crisis.

Traditional political science was normative in nature and thus value laden whereas modern approach like behaviouralism aims to provide value free analysis by focusing on 'facts and facts' (Lord Bryce).

Traditional approach was legal institutional with focus on study of state and constitutions. Whereas modern approaches like political sociology, political economy, political culture



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provide a systemic analysis by focusing on both state and secretal factors.

If traditional approach was ~~for~~ Euro-centric, modern approach enters the study of developing countries through approaches like political development and political modernisation.

We see synthesis of traditional and modern approaches in post-behaviouralism which combines normative concerns of traditional approach with behavioural methods of modern approaches.

Thus we see revival of traditional philosophical approaches in works of John Rawls, Leo Strauss who also used data based analysis (modern) to arrive at their conclusions.



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Que.1 (b)

राज्य के बहुलवादी सिद्धांत और अद्वैतवादी सिद्धांत द्वारा इसकी आलोचना पर चर्चा करें। (10 अंक)

Discuss the Pluralist Theory of the State and its critique by the Monistic Theory.

~~Pluralist~~ 'Political science begins and ends with the state' - Gaunce.

Pluralist theory of state was given by H.J Laski and MacIver.

It consider state as one of the association and not the only association created by man to satisfy his needs.

Pluralist theorist like Laski believes that 'since society is federal, authority should be federal', thus instead of giving supreme authority to state, they distribute the authority among multiple associations like civil society, pressure groups etc.

Laski argues that 'state is both child and guardian of law'.



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Thus, state is bounded by law and is not above it. MacIver argues that 'state command respect because it serves' (service state).

Pluralist theory is critiqued by Monistic theory. They believe sovereignty is indivisible and lies solely with state. In words of Hobbes, 'law is the command of sovereign'.

They argue that state is not 'one of the associations', state automatically assumes supremacy due to its role of conflict resolution and monopoly over use of violence.

Thus like all concept, nature of state is also a contented concept in political science.



Que.1 (c)

निजी संपत्ति पर जॉन लॉक के विचारों का विश्लेषण करें। (10 अंक)

Analyse John Locke's views on Private Property.

John Locke is father of liberalism.

In his work 'two treatises of government',

his central concern is protection of

Property. For him property comprise

'life, liberty and property'. he calls

it natural right and the main role

of state is protection of property.

For his defense of private property,

Locke is considered a bourgeoisie thinker.

However, Locke supports right to property

over those property which is acquired

by putting one's labor. He does not

defend hereditary right to property.

For protection of property, Locke

creates a 'nightwatchman state'. He



give people right to revolt when
state fails in its duty to protect
property.

Locke's views has been criticised
by social liberals like Dworkin, Rawls,
Amartya Sen who favor redistribution
of property to minimise inequalities.

His views are also criticised
by Marxists who argue for abolition
of private property as it is the
basis of exploitation of proletariat.

Though Locke's principle of private
property gave rise to modern capitalism,
it also raised concerns over inequalities.
Locke's contemporary relevance is
reflected in works of Neoliberalism
like Hayek and Nozick who defend
private property.



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Que.1 (d)

समकालीन राजनीतिक सिद्धांत में महात्मा गांधी की अहिंसा की अवधारणा की प्रासंगिकता का परीक्षण करें।
(10 अंक)

Examine the relevance of Mahatma Gandhi's concept of Ahimsa in contemporary political theory.

Contemporary political theory emerged after World War II. Its emphasis was on protection of individual rights, dignity to individuals and peaceful resolution of conflicts.

Mahatma Gandhi concept of Ahimsa is based on continuity between means and ends. He subscribes to Kantian deontology when he suggests means have to be right to achieve desired ends.

Using Ahimsa, Mahatma Gandhi not only waged the biggest mass movement in history of mankind but also inspired leaders like Martin



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Luther King, and Nelson Mandela.

However, Gandhi's emphasis on ~~non violence~~ is also critiqued by political theorist. In words of Hannah Arendt], if Gandhi would have faced Hitler or Mussolini, Ahimsa would have led to massacre rather than independence.

Similarly, post colonial theorist like Frantz Fanon support violence against colonisers ('Black skins, white masks'). Marxists, suggest that 'violence is midwife of change' and critique Gandhi as a bourgeois thinker for supporting non violence.

Despite its critique, non-violence provides an ethical vision to resolve disputes in a conflict ridden world.



Que.1 (e)

स्वतंत्रता की नकारात्मक और सकारात्मक धारणाओं के बीच अंतर बताइए। (10 अंक)

Distinguish between negative and positive notions of liberty.

Liberty is a modern concept in political science which emerged in the ideology of liberalism during enlightenment period.

Isiah Berlin suggests that there are two conceptions of liberty :- negative liberty and positive liberty.

Negative liberty emerged in work of John Locke, who suggest 'over himself and his body man is sovereign'.

They suggest minimal state, for maximising the happiness of people.

If negative liberty stand for autonomy of individual to pursue his ends without state's interference,



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positive liberty suggest active state intervention to enhance liberty of citizens.

Positive liberty finds mention in work of Locke when he suggest state intervention in 'other regarding actions', however the proper conception was given by scholars like Laspi, T.H Green etc.

T.H Green suggest role of state is to 'hinder the hindrances' in man's liberty. this is positive when state supports individual through capacity building (Amartya Sen) and enhancing his developmental power (Marxherson).

Today, welfare states conceptualise positive liberty through state supported education, skill development and health care.



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Que.3(a)

न्याय की अवधारणा के विकास पर चर्चा कीजिए। रॉल्स का 'अंतर सिद्धांत' सामाजिक असमानताओं को कैसे संबोधित करता है? (20 अंक)

Discuss the evolution of the concept of justice. How does Rawls' 'Difference Principle' address social inequalities?

Justice has been a central concept in the discipline of political science. Plato, the father of political philosophy dealt with the idea of justice in his book Republic which stretches across justice in Greek.

In Republic, Polemarchus suggest 'Justice is following one's duty and giving one's due'. Thrasymachus suggest justice is the interest of strong and Glauccon suggest justice is interest of weak. Plato rejects these ideas and suggest justice is virtue, duty and does not involve harming someone.



A just state according to plato is where all individuals do what they are meant to do i.e. Men of reason will rule, Men of appetite will serve etc.

Similar idea is found in Indian philosophy, where a just social order is where people follow their Varna dharma. Duty of king as per Mencius is to ensure this principle.

Aristotle, the disciple of plato gave justice based on proportionate equality. He ^{suggest} just ~~as~~ like 'equals cannot be treated unequally, unequals also cannot be treated equally'. Thus he justified the institution of slavery and denial of citizenship rights to women based on this principle. ²²



In modern times, scholars like John Locke have suggested that Justice is state safeguarding people's Life Liberty and property, whereas Hobbes suggest Justice is preservation of human life in a Leviathan state.

The idea of justice assumed renewed focus due to socio-economic inequalities caused by Neoliberal model of development. Neoliberals like Nozick gave entitlement theory of justice defending absolute right to property.

In this context, ^{John}Rawls in his 'theory of Justice' gives a procedural theory based on three principles in



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Justice order - Max equal liberty,
equality of opportunity and difference
principle.

Rawls Difference principle suggest-
that inequalities are justified only
when it helps the least advantaged.

This principle ensures addressal of
social inequalities, as state can intervene
when inequalities do not favor least
advantaged.

Thus state can go for redistribution
and affirmative actions to ensure
substantive equality in society. Policies
like progressive taxation, welfare state
and reservation policies is a reflection
of Rawls difference principle.

Through his theory of Justice Rawls
has led to revival of political
philosophy by making justice a central
concern.



Que.3(b)

बहुसंस्कृतिवाद अपने आप में एक विचारधारा से अधिक वैचारिक बहस का क्षेत्र है। (15 अंक)

Multiculturalism is more an arena for ideological debate than an ideology in its own right.

Multiculturalism emerged as a critic of universal citizenship for its neglect of cultural rights of minorities and immigrants. They critic equal rights for all citizens as color blindness and an attempt towards homogenisation.

Multiculturalism in contrast favors group differentiated rights. Will Kymlicka in Multicultural citizenship argues for three sets of rights for national minorities + self governance rights, polyethnic/cultural rights and special representation rights.

However Multiculturalism itself



has become an arena of ideological debate. Post-colonial scholars like Bhikhu Parekh in 'Rethinking Multi-
-culturalism' critique Will Kymlicka for basing multiculturalism on West-
-ern values like autonomy of individual.

Bhikhu Parekh suggest West cannot claim monopoly over multi-
-culturalism and its should be based on cosmopolitan values rather than western values alone.

Another contestation is over rights of immigrants. While Kymlicka support polyethnic rights for immigrants, he deny them self-governance rights.



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scholars suggest this dilutes the spirit of multiculturalism and is an attempt for homogenisation.

Multiculturalism has also been criticised by feminist thinkers like Susan Moller Okin who suggest group rights will lead to justification of patriarchal practices (e.g. triple talaq).

similar scholars like Chandran Kukerthas suggest that there can be 'minorities within minorities' (e.g. homosexuals) and multiculturalism violates their rights. Western scholars like Bruce Bawer in 'Appeasing Islam' suggest West is compromising with liberal values. Thus the ²⁷ theory of multiculturalism has itself become arena of ideological contestation.



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Que.3 (c)

आधुनिक शासन कला और शासन को समझने में कौटिल्य के अर्थशास्त्र की प्रासंगिकता का आकलन करें।
(15 अंक)

Assess the relevance of Kautilya's Arthashastra in understanding modern statecraft and governance.

Kautilya's Arthashastra is considered as first systemic treatise on statecraft.

It deals with diverse issues like taxation, corruption, foreign policy and duties of a ruler.

Central to Arthashastra is Kautilya's emphasis on Artha or economic well being. Realisation of all other goals like Kama, dharma, Moksha depends on it. Its relevance is evident today in form of state's emphasis on economic growth, both domestic and foreign policies of countries are aimed at boosting Artha/economy.



Another concern is role of state in welfare of individual. In Kautilya's words -

'In happiness of subjects lies the happiness of king.'

Modern states based on welfarism with state providing education, health - care (cf Scandinavian model) reflect this central concern of welfare.

Kautilya suggest corruption is inevitable in governance by giving honey on tongue analogy. Today, modern states suffer from bureaucratic corruption and Kautilya's remedy of a system of spies is reflected in Vigilance mechanisms in modern states.



Foreign policy is another key concern of Kautilya. He gives realist assessment through his Mandel theory where he suggest one's neighbour is a natural enemy and suggest balancing strategies through alliances.

This dynamic is reflected today in India's relation with China and India joining Quad to balance China. scholars like Wintunitz and Bottazi while tracing the roots of Realism have reached Kautilya.

However, modern states are based on limited, constitutional and representative democracies based on respect for rights, these elements were missing in Kautilya's times as it was based on Monarchy thereby limiting the relevance of his ideas in many spheres.



Que.4 (a)

द्वितीय विश्व युद्ध के बाद के काल में, समानता के विचार को और अधिक व्यापक मान्यता मिली है। व्याख्या कीजिए।
(20 अंक)

In the post-Second World War period, the idea of equality has gained a much wider currency. Explain

Equality has been a central concern in political science. Dworkin has described equality as a 'sovereign virtue'.

Equality assumed wider currency in post-second world war period due to atrocities committed by Hitler against Jews. It was realised that all humans deserve dignity irrespective of their place of residence, gender, race or religion. Thus equality was enshrined in Universal Declaration of Human Rights in 1948.



Though equality has been a key concern of political philosophers since antiquity. Aristotle supported proportional equality in ancient Greece. In modern times, Hobbes suggest all men are equal since all are utilitarian. Locke has based his social contract on basis of equality of rational beings.

Principle of equality has evolved from procedural to substantive. During post world war phase, the first focus was on equality before law. this is procedural equality. It materialised on form of equal civil and political rights like right to vote for women and Blacks in USA in 1950s.



However, it was soon realised that procedural equality alone is not enough as men differ in their access to opportunities and circumstances and thus emerged the idea of substantive equality.

Under substantive equality, three schools have emerged. First is equality of resources as represented by Dworkin. Dworkin suggest making initial distribution fair thereby converting "brute luck" into "chosen luck".

second is equality of opportunities as found in work of Rawls and Amartya Sen. Rawls through difference



Principle and Sen through 'equality of capabilities' stand for equal opportunities especially for ~~exposed~~^{vulnerable} sections.

The third school represented by Marxist criticise equality of resources and opportunity and stand for equality of outcomes through centralised planning and classless society.

Today, as inequalities rise as evident from Thomas Piketty work 'Capital in 21st century', concern over equality has assumed renewed significance. Violations of rights in Gaza and Ukraine reflects World War II atrocities against Jews demanding a renewed attention toward ³⁴ protecting equality and dignity of all beings.



Que.4 (b)

हन्ना अरेंड्ट के अनुसार, श्रम, कार्य और कर्म की तीन गतिविधियाँ सामूहिक रूप से मानव व्यवहार की दुनिया का निर्माण करती हैं, लेकिन वे 'गरिमा' और 'पद' में समान नहीं हैं। व्याख्या कीजिए। (15 अंक)

For Hannah Arendt, the three activities of labour, work and action collectively constitute the world of human praxis, but they are not equal in 'dignity' and 'rank'. Explain.

Hannah Arendt, a Jewish American political philosopher is considered with rise of totalitarianism. She blames totalitarianism on modernity which led to economic sphere dominating political sphere creating mass society.

Her theory of action given in her work 'On human Condition' is aimed ~~to~~ at reviving public sphere through people's participation. She divides action into three parts :- labour, work and action. Man as ^{animal} ~~as~~ laborator performs repetitive



biological labor akin to animals.
this is not real action. Similarly,
man as Homo Faber performs work
which is economic activity for
survival. this is also not real
action.

For Arendt, real action is action
i.e. when man as Zoon Politicon performs
political action through 'speech'. Thus
for her real action is speech. Through
speech in public sphere, human realizes
his personality and becomes universal
through his words.

Arendt suggest that totalitarianism
- ism collapse when people perform



action by participating in public sphere through speech. Thus in her work 'On power' she suggest that power is 'people acting in concert' with each other.

Though her theory of action, Arendt comes out as champion of civic republicanism. Her work needs to be appreciated in context of rise of fascism the world over as evident in USA, Russia, Hungary.

Arendt theory of action can provide a roadmap to resist totalitarian regimes by reviving the public sphere.



Que.4 (c)

वैधीकरण संकट से आप क्या समझते हैं? उन तरीकों पर चर्चा कीजिए जिनसे राज्य वैधता प्राप्त करने का प्रयास करते हैं। (15 अंक)

What do you understand by legitimation crisis? Discuss the ways in which states try to gain legitimacy.

The concept of legitimacy is based on the idea of consent of governed or political obligation. People consider state as legitimate when they feel state protect their interests.

In absence of legitimacy arises legitimation crisis. The concept is given by Neo-Marxist (Habermas). He suggest that modern capitalist states suffer from legitimation crisis due to internal contradiction of capitalism. socialism in politics and capitalism in economics has created crisis in states.



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Like Greece where state had to 'roll back' further meeting the discontent. legitimation crisis also arises when state is unable to fulfil the promises given to people leading to revolt as was evident in Bangladesh recently.

State try to gain legitimacy through multiple tools. Free and fair elections gives people faith that state represents their voice. Similarly, freedom of speech and free press ensure participation of people in governance boosting state's legitimacy.



Neo-Marxist like Gramsci highlight the role of civil society in creating 'Illusion of Consent' by establishing hegemony. Institutions like church, NGOs, etc increase the legitimacy of state by spreading its ideas/positive aspect among masses.

The Concept of Legitimacy remains central in political science as shown by Max Weber when he suggest Authority is only when power is exercised with legitimacy.



Que.5 (a)

भारत के लोकतांत्रिक लोकाचार को आकार देने में भारतीय संविधान की प्रस्तावना के महत्व पर चर्चा करें। (10 अंक)

Discuss the significance of the Preamble to the Indian Constitution in shaping India's democratic ethos.

India has borrowed the concept of Preamble from USA Constitution. N.A. Palkiwale calls it identity card of the constitution highlighting its significance.

Preamble reflect popular sovereignty of Resseaux when it suggest state draws its authority from the const itution. Preamble is based on democratic ethos of Liberty, equality and Justice.

By giving 'Liberty of speech, expression, belief, faith and worship', it provides opportunity for individuals to develop his personality to the fullest. This reflect Lockeian concern



for free speech as basis of democracy.

Similarly, thought 'socio, economic and political' justice', Preamble provides basis for affirmative action thereby making Indian democracy substantive.

Its emphasis on socialism added through 42nd Amendment reflect concern for economic equality thereby ensuring dignity for individuals (Rent),

highlighting its significance, S.C has observed in Keshavnanda Bharti case that, constitution has to be interpreted in light of grand vision given in the preamble.



Que.5 (b)

भारतीय संविधान के अंतर्गत CAG की भूमिका और स्थिति का विश्लेषण कीजिए। (10 अंक)

Analyze the role and position of CAG under the Indian Constitution.

Comptroller and Auditor General is a constitution office created under the 148-151 to ensure financial accounts - bility of executive & legislature.

CAG ensures this financial accountability by conducting :-

- a) audit of appropriation account and finance account
- b) audit of profit/loss account of government department.
- c) performance audit of schemes thereby enhancing efficiency.
- d) Acting as friend, philosopher and guide to public account Committee.

CAG: effectiveness is evident from



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its role in unearthing major corruptions like 2G, Coalgate etc. Its performance audit highlighted corruption and wastage in Yamuna expressway case.

However, the office has also come under criticism. Since CAG is appointed solely by executive it raises concerns over neutrality of office. Secondly, CAG only does post mortem audit and its recommendations are not binding. With emergence of PRIs and PPP projects major areas have come outside his audit ambit.

To safeguard the office of this 'most important officer' (Ambedkar), reforms like collegium for appointment as suggested by ⁴⁴ Vinod Rai needs to be implemented.



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Que.5 (c)

भारत के संघीय ढांचे पर गठबंधन राजनीति और क्षेत्रीय दलों के प्रभाव का परीक्षण करें। (10 अंक)

Examine the impact of coalition politics and regional parties on India's federal structure.

Federalism refers to division of power among different units of government. Indian federalism is often described as quasi federal (k.c. Wheare) due to strong Centre.

Coalition politics and regional parties have influenced the evolution of India's federalism. During Congress system (1950-67), India saw centralised governance due to absence of regional parties.

The trend of federalisation of Indian politics started in 1967 with rise of regional parties like Jansangh. ~~and~~ The biggest ⁴⁵ impact is visible



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since 1989 with rise of coalition politics. As per Prof MP Singh, due to coalition era, there was not one PM but many PM's. Regional leaders exercised preponderant influence over state policies as evident from role of TMC in stalling Testa river agreement.

Rise of multipolarity with regional parties has forced Centre to go for cooperative federalism through institutions like NITI Aayog, GST Council and Finance Commission. state parties not just influence economic policies and foreign policies but also socio-economic agenda & role of IDH in caste census demand.

Thus, regional politics has reshaped Indian federalism⁴⁶ in a fundamental way.



Que.5 (d)

1857 के विद्रोह की प्रकृति और चरित्र पर टिप्पणी करें। (10 अंक)

Comment upon the nature and character of the Revolt of 1857.

The Revolt of 1857 was the first systemic challenge to British hegemony, starting with issue of greased cartridge, it assumed national character with dissatisfied princes, peasants, zamindars joining the revolt.

However the nature and character of revolt is highly contested. Scholars from Cambridge school like John Strachey calls it sepoys mutiny underplaying its mass character.

Nationalist leaders like Savarkar contest this narrative and call 1857 revolt as first war of independence. He highlight Hindu - Muslim unity,



mass participation and consensus over replacing British rule with Mughals under Bhadrin Shah Zafar.

However, not all nationalist leaders agree with this claim. Pt Nehru in Discovery of India calls 1857 revolt a feudal uprising led by Zamindars^{and princes} to protect their privilege against British rule.

Scholars from sub-altern school like Ranajit Guha and Gyanendra Pandey highlight the participation of peasants and tribals and call it a revolt by exploited classes.

Thus, the nature of 1857 revolt continues to be contested.



Que.5 (c)

भारतीय राष्ट्रवाद पर औपनिवेशिक परिप्रेक्ष्य पर टिप्पणी करें। (10 अंक)

Comment upon the Colonial perspective on Indian Nationalism.

Colonial perspective on Indian Nationalism is given by Cambridge school scholars. They highlight that, ~~th~~ it was not a 'freedom movement' but 'competition among elites' for political offices.

They suggest that there was no unified national struggle but only caste and ethnic movements (Anil Seal). Leaders like Nehru, Gandhi and Ambedkar represented class/caste interests.

According to them there was no fundamental contradiction between colonialism and indigenous development.



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In fact, they defend British providence Mission in the modernisation of India.

Scholars like John Stachey suggest that people element/mass participation came during Non-Cooperation but ~~that~~ that was due to economic hardships caused by 2nd world war.

However, this narrative is critiqued by nationalist historians like P.C. Majumdar who say Congress led the unified mass movement. Even Marxist like Bipin Chandra argue that freedom struggle was the most spectacular mass movement.

Thus nature of Indian freedom struggle is like 6 blind men touching to understand the elephant
(R. Chandu Pradhan).



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Que.6 (a)

"भारतीय संविधान एक जीवंत दस्तावेज है।" न्यायिक व्याख्याओं और संशोधनों के संदर्भ में इस कथन पर चर्चा कीजिए। (20 अंक)

"The Indian Constitution is a living document." Discuss this statement with reference to judicial interpretations and amendments.

Indian Constitution is often described as sui-generis. In words of Dr Ambedkar, Constitution was formed after analysing every constitution in world and taking best elements from all.

This hybrid nature of constitution makes it a living document. It has constantly evolved through changing needs of society through amendments and judicial interpretations.

The amendment process given in Art 368 is neither rigid like USA nor flexible like UK making



its amendments easier. More than 100 amendments reflects its dynamic nature. Similarly, the language of Constitution gives huge scope to judiciary to creatively interpret Constitution as per needs.

The very first amendment in 1951 came in response of Champakam Dorairajan case which struck down reservations. It included Art 15(4) and Art 16(4) making reservations explicit.

Similarly, to implement DPSP for social justice, 24th and 25th amendments put laws for DPSP implementation outside the scope of judiciary.



Institutions like NCSC and NCST were created through constitutional amendments (61st amendment). Similarly, to tackle the phenomenon of defections, anti-defection was added through 52nd amendment 1985.

Gandhian dream of gram swaraj was realised through 73rd and 74th amendments in 1992. Similarly, 101st amendment made GST Council embarking a major economic reform.

Judiciary has creatively used Constitution to evolve and expand fundamental rights of people. In Olga Tellis case (1985), it read Right



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the livelihood as part of Art 21. In Pt Parmanand Katara, it included speedy access to healthcare in Art 21. In present times, S.C has expanded rights through K.S Putteswamy (Right to life) and Anuradha Bhasin (right to internet in Art 19).

It has also evolved environmental jurisprudence (Lavanya Rajamani) through M.C Mehta cases. Recently in M.K Rajitsingh case it read protection against climate change as fundamental right.

As per prob Upendra Baxi, S.C is doing 'chemotherapy of politics' using constitution. In P.U.C.L. vs UoI and A.D.R. vs UoI cases, it expanded transparency and political accountability.

Thus Constitution of India is truly a living document.



Que.6 (b)

भारत के राष्ट्रपति की संवैधानिक स्थिति की तुलना राज्यों के राज्यपाल की स्थिति से करें। (15 अंक)

Compare the constitutional position of the President of India with that of the Governor of states.

The President and Governor were envisaged as a de-jure authority in India's constitutional scheme. Both derive their authority directly from Constitution as Art 52 provides for President and Art 153 provides for Governor.

As per Constitution, both are required to act on aid and advice of Council of Ministers. However, Governor enjoys more discretionary powers than President. Governor's discretionary power derive directly from Constitution as given in Art 163. (except when he has to act in his discretion)



Thus in cases like recommending
(Art 356)
President's rule, reserving Bill for
President (Art 200) etc Governor enjoys
vest constitutional discretion.

In contrast, President is merely
a gramophone of the government (K.T
Shah). He is bounded by advice of
Cabinet in cases like National Emergency
(Art 352) and reserving Bill.

Both enjoys vest legislative and
executive powers. President and
Governor address parliament and state
legislature and money bill are present
on their recommendations - Similarly,
they play a role in appointment of



persons in institutions like SC,
UPSC etc

However in recent times with
judicial interventions, even the limited
powers of President and Governor
are being reduced. In Sanku Singh
Case, S.C ruled Governor is bounded
by advice of Cabinet.

In recent, case of T.N Governor
v. State of TN, S.C has put twin
limits on President and Governor
to decide on state legislations.

Thus, President and Governor
enjoy limited powers in India.

Constitutional Scheme



Que.6 (c)

भारत में मानवाधिकार आंदोलन के विकास का पता लगाएँ (15 अंक)

Trace the evolution of the Human rights movement in India.

'Rights are these conditions of social life without which no one in general can be at his best'

- H.J. Leski

Human Rights movement in India traces its roots to independence when freedom fighters like Bhagat Singh protested against poor conditions in jails. It manifested in form of Peasant and women movement demanding protection against evictions and universal suffrage respectively.

After independence, the human movements subsided as state took the responsibility of welfare under



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Constitutional framework. We see revival of human rights movement during emergency when organisation like PUCL and AOR were formed demanding protection against arbitrary arrest and detention.

Due to neo-liberal economic model, human rights movement picked up pace in form of tribal movement against displacement. They challenged corporate, state nexus as evident from Nimigiri protest and Narmada Bachao Andolan.

With rising awareness of rights, women rights movement



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have raised issues of workplace harassment, unequal property rights, Marital rape, gender pay gap etc. -
The movement like Nubhaya protest have resulted in reforms in Criminal laws.

In recent times, we see human rights based on intersectionality. Demand for transgender rights have led to landmark rulings like Naveen Jha, similarly Delit Women and Manual Scavengers have raised issue of violation of rights.

Despite its emancipatory role, critics like Nandita Haksar argue that state has⁶⁰ not allowed the movement to go beyond nationalist limitations to its potential.