



SHUBHRA RANJAN

Always Ahead

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PSIR Answer Writing Module 2023

Test 7

Time Allowed: 1 Hour 30 Minutes

Max Marks: 120

Name: NIKITA VERMA

Test Submission Date: 11/12/2022

Email Address: _____

Instructions:

1. All questions are compulsory.
2. All questions are for **15 marks** each.
3. Word limit for each question is **200 words**.
4. Answers must be written in the medium authorized in the admission Certificate, which must be stated clearly on the cover of the booklet in the space provided.
5. Content of the answer is more important than its length.
6. Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be clearly struck off.
7. All parts of the question should be written at one place itself.
8. **Filling all the details in BLOCK LETTERS is mandatory.**

Q. No.	Marks	Q. No.	Marks
Q1		Q5	
Q2		Q6	
Q3		Q7	
Q4		Q8	
Total Marks:		Evaluator Code:	

For any issue related to PSIR Test Series, write only at testseries@shubhrranjan.com



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Overall Remarks:

Dear Student,



Que.1

The basic structure doctrine is one of the most potent tools of judiciary for maintaining the checks and balances for smooth functioning of democracy. Comment. (200 words, 15 Marks)

Basic structure doctrine traces its origin to Kesavananda Bharti case of 1973. As per it, the Parliament can amend any part of the Constitution, including part III of the Constitution but it can't do it in a manner that destroys the basic structure. Though what constitutes the basic structure wasn't defined by the Supreme Court and was to be decided on a case to case basis.

The doctrine is a potent tool for maintaining checks and balances. It can check both the legislative, constitutional powers of Parliament as well as



the Executive actions.

• The Supreme Court while reviewing laws, amendments and executive actions checks whether they are in line with the conscience of the Constitution - uphold Rule of Law, separation of powers, checks democratic form of government.

For Instance, Supreme Court in Minerva Mills Case, 1980 declared that Fundamental Rights & Directive Principles are organically linked and one can't be sacrificed for the sake of other.

Recently, the Court struck down the NJAC on the grounds that it violates the principle of Separation of Powers.



The Basic structure doctrine provides the Court with a metaphysical approach of determining the due process of law and ensure smooth functioning of democracy.

However, critics have pointed out that the doctrine has placed excessive powers in the hands of Judiciary. Since, what constitutes basic structure is not defined, thus, decisions can be arbitrary & for vested political interests.

Thus, the Court should exercise restraint in exercising its jurisdiction and ensure that democracy isn't compromised.



Que.2

Individual obligation is meaningful only when rights are guaranteed by the state. Comment. (200 words, 15 Marks)

There has always been a debate on the relationship between Rights & Duties. For Liberals, Rights precedes duties. Thus, when rights are guaranteed by the state, only then an individual is obliged to recognise his 'duty' (obligation) to respect others.

For eg Only when the state guarantees my freedom of speech and expression, only then I will recognise others right to their freedom.

Since, freedom is fundamental to my well-being, so, it should be backed by the sovereign.



The above view is supported by scholars like Mill & Locke, and even Nozick

However, socialist believe that duties precede rights. When we perform our duties we automatically get our rights. Gandhi believed that only when we lose ourselves to the service of others do we recognise our rights/freedom.

Other thinkers like Deen Dyal Upadhyay, Tagore, Ghosh believed that service to mankind leads to true freedom.

Around the world, with different constitutions we see this reflection.



Liberal democracies like US, UK recognise absolute right to properties.

Others like Japan, USSR recognize duties of an individual towards the society & state.

India, however is a classic example that recognises both rights as well as duties. Part III contains Fundamental Rights (Article 13-35), Part IV-A Fundamental Duties of citizen & Part IV Directive Principle for states towards people.

Thus, ours is the mutual intercourse of both rights & duties.



Que.3

Analyse the recent controversy on Muslim women's headscarf from the perspective of constitutional secularism in India. (200 words, 15 Marks)

India is a secular country as it can be seen from the perspective of Preamble as well as Right to Freedom of Religion (Article 25-28).

Recently, Hijab controversy was witnessed in an educational Institution in Karnataka over the issue whether - uniform should be followed or women should be allowed to wear hijab inside the premises. Karnataka High Court gave a split verdict of 1:1 & the case has been referred to a larger bench.

The issue here is the nature, scope and extent of freedom of religion practiced in India.



Secularism, in the West means strict separation of Religion and State. In France, individuals are not allowed to wear heads -veils, turban in public domain.

However, in India we don't follow the same separation. In India, we recognise the individual's right to profess, practice and propagate one's religion. Hence, Sikhs can wear the turban. Similarly, the state can interfere in the religion for the sake of reforming it. for eg dalit temple entry movement.

However, here the issue is different. Hijab is not recognised yet as an essential practices of Islam. In fact, many Middle East countries have banned or advocating ban in



future (for eg: Iran).

The argument in favour of continuance of Hijab is the right of the women to choose what she wishes to wear.

However, here again there is a catch. Many sections believe that 'choice' of an individual isn't independent of the society. Patriarchy and other societal factors determine the choice of an individual.

Since, the matter is sub-judice, neither of the above arguments can be disregarded.

The Court, as a temple of Justice, will pick the right course. But it can be said with conviction that Indian secularism with its unique characteristics has knit the entire country.



Que.4

Dalit perspective represents an alternative imagination of India based on the views of Phule, Ambedkar and Periyar. Discuss (200 words, 15 Marks)

Dalit perspective is an alternative to the Nationalist school of thought to Indian Nationalism.

For them, emancipation from the social evils of society like untouchability and exclusion were more important than freedom from British Rule.

Ambedkar, their greatest leader believed that British Rule ~~of~~ is a blessing that will help establish rule of law in the country.

Savitri Bai Phule & Jyotibai Phule were active in Maharashtra and were vocal for women education, temple entry movement.



Ambedkar initiated the Mahad Satyagraha where dalits drew the water from the same well as the other villagers.

E. V. Ramaswamy 'Periyar', a celebrated figure among Dravidians established DK - Dravidan Kazhagam, started temple entry movement and self Respect movement. He was against the Brahmanical domination in the society. Congress represented the Brahmanical interests as per him.

Ambedkar went ahead to represent the Dalits in the Round Table Conferences, demanded separate electorates. It was only after the Poona Pact did Ambedkar conciliated with the Congress.



Scholars like Sumit Sarkar has pointed out that Dalits through active mobilisation under the leaders, could get a greater say in the mainstream politics.

However, we shouldn't forget that Britishers manipulated the Dalit leaders so that they can use them against the Congress National Movement.

Nonetheless, at present we have several constitutional, statutory and Institutional safeguards for the betterment of the dalits.



Que.5

Compare the nature of peasant movements in India before 1857 and after. (200 words, 15 Marks)

Peasants movement in India has been widely covered by the subaltern school theorists like Sumit Sarkar, Amit Trivedi etc

Before 1857, the peasant movement were largely spontaneous. In 1860, the Indigo Rebellion took place in erstwhile Bengal province and has been captured in Nil Darpan. Other movements included in the small pockets of various villages.

During the Revolt of 1857, whose centres remained in the Northern belt of India like Meerut, Awadh. Peasantry participated in large numbers against the oppressive land revenue system. In fact, the sepoy was a peasant in uniform



Thus, the army and the peasants were organically linked.

After the Revolt of 1857, there were a significant decline in the number of rebellion because of the massive repression during the revolt.

However, the Congress expanded its base post swadeshi movement in 1906, and included the masses. It was under

Gandhi, that the movement truly became mass centric

It started with the champan satyagraha and expanded to include Ahmedabad & Bardoli satyagraha.

The two of the greatest mass movements like the Non Cooperation & Civil Disobedience



Movement saw massive participation of the masses.

Finally, in the Quit India Movement of 1942, the ~~poor~~ peasantry took to arms to save the country from further bondage.

Thus, the remarkable contribution of peasantry to the National Movement can never be forgotten, sidelined or undermined. It has been a fundamental bedrock to the independence in 1947.



Que.6

In what way 102nd and 105th amendment acts shape India's policy towards the backward classes? (200 words, 15 Marks)

102nd Amendment gave Constitutional status to National Commission of Backward class and 105th Amendment ^(NCBC) gave the power to President to declare a particular community in a state as Socially & Educationally backward ^(SEBC). Thus, entitled to reservation in jobs and other educational opportunities.

The Constitution empowers Parliament to take special measures for the upliftment of the SEBC. (under Article 15(4) & Article 16(4)). In the Indira Sawhney Judgement (Mandal Judgement) it was decided that OBCs would be given 27% Reservation & the centre will set up NCBC.



102nd Amendment certified that NCBC ~~has~~^{is} a constitutional body, and highlights the significance it holds in the governance of the country. Since, it is a platform that checks the effective implementation of laws related to the OBCs, provides mechanism for grievance redressal etc.

105th Act gives only the President the power to declare a community. Thus, the state government can't do so. This ensures that political parties just for the sake of vote bank politics or other parochial vision declare a particular caste as backward.



The Indian constitution was formed with the vision of empowering the vulnerable and provide social Justice. The above mentioned steps are in line with the same and will eventually pare way for socially empowered India.



Que.7

Define the concept of Judicial review. Critically examine the role of judiciary towards strengthening the rule of law in the country. (200 words, 15 Marks)

Judicial Review refers to the power of the Higher Courts (Supreme Court and High Court) to review the actions of the Legislature and Executive and check whether they are as per the "due process of law" i.e. just, reasonable and fair. Any unjust and arbitrary action can be struck down on the grounds as above. The Courts derive their power as per Article 32, Article 13, Article 226, Article 131 and so on.

Judiciary as an institution upholds and maintains rule of law. Rule of law can be understood as Constitutionalism i.e. supreme reverence to the



Constitution.

unlike UK, where the Court can review only the Executive actions, Judiciary in India can review both Legislative as well as Executive Actions.

For executive action, Supreme Court uses writs like Habeas Corpus against illegal detention

Similarly, it has the power to unjust laws void. For eg:- Shreya Singhal case, the Court struck down section 66A of IT Act, 2000 which gave arbitrary powers of arrest for social media post. In Nartej Singh Johal case, the Court struck down sec 377 of IPC and decriminalised same sex relationship.



The Court through its judgements strengthens the rule of law in the country. It ensures the organic relation between the different organs of the ~~society~~ government and provide justice to the aggrieved.

Though sometimes, the Court faces backlash from Executive eg In case of NJAC, though the Court struck down the commission, Executive blamed Judiciary for its continued opaqueness of appointment.

However, it is necessary that all the organs should stick to their domains and ensure checks & balances to uphold rule of law.



Que.8

The structural functional pattern of governance in India continues to be based on colonial ideas and philosophy. Comment. (200 words, 15 Marks)

It is often said that the III World of Asia, Africa and Latin America or the former colonies are the post colonial world. Though through their freedom movement they could ouster the Britishers, yet, they have adopted the same practices of their masters.

Partha Chatterjee emphasises that Indian Nationalism was a derivative discourse yet it was different. Though we fought to end the British Rule.

Ultimately, we adopted their structure, functions and models of governance. eg:- Parliamentary democracy,



Government of India Act, system of bureaucracy etc.

Hamza Alvi has called out the countries of III world as "over developed state" where the state continues to exploit and dominate its own masses.

continuation of stringent laws of IPC on sacrilege, sedition 124 A, show the influence of the former masters on Indian governance.

Gayatri Spivak in her writings has emphasised that governance theory & literature is devoid of III world perspective. Thus, she emphasises on "Can the subalterns speak?" where she is critical of their underrepresentation.



The British Raj was followed by the Inspector Raj and License Raj. The evils of alienation, bureaucratic apathy, red tapism, corruption have crept so deep in the Indian bureaucracy and government that it is like a termite eating the system everyday.

However, as Indians adopt the new governance model based on digitalisation and openness, the evils of the past can be overpowered through the efforts of today's leaders & citizens.



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