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Political Science & International Relations

PSIR Mains Test Series – 2024

Test 7

Time Allowed: 3 Hours

Max Marks: 250

Name DAMANPREET ARORA
Test Date 17 Sep 2024
Email Address _____
UPSC Roll No 2638548

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. Content of the answer is more important than its length.
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. Write the test in exam atmosphere.
9. **Filling all the details in BLOCK LETTERS is mandatory.**

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@shubhrranjan.com



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25-01-2025

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	Poor	Average	Good	Very Good	Excellent
Understanding of Questions					
Structure & Flow					
(a) Introduction					
(b) Conclusion					
(c) Overall					
Subject Knowledge					
Presentation					
(a) Underline					
(b) Paragraph					
(c) Overall					

Overall Remarks:

Dear Student,

All the best for next test...!!!



Que.1 (a)

Write on the following in about 150 words each:

Rights as trumps (10 Marks)

Dworkin called "Rights as Trumps" which means precedence of rights over all other values.

Further, he means that the Utilitarian dictum of Greatest Happiness of Greatest Number cannot be justified for the sake of violation of rights.

Dworkin in his ~~book~~ article "Taking Rights Seriously" also held that rights emanate from theory of 3 principles or theories → ① natural law theory
② Non Exclusion (Eg) universality
③ Positivism (Eg) Idea of modern times.

Moreover, Rights as Trumps ensure



the liberal notion of practical theory of right, however he also pointed out that state's justifications to protect rights as ~~is~~ immutable law is not always required.

Furthermore, rights are what constitutes the 'rational' in humans as argued by classical liberals like John Locke, Thomas Paine, and it is the most powerful idea of our times.

Quentin's 'Sovereign Virtue' of 'Equality' however is criticised by liberals of being unconvincing because of on one hand rights are trumps, and on other 'Equality as Sovereign Virtue'.

Thus, we can see his 'Rights' theory being the basis of rights as universal, indivisible.



Second Wave of Feminism (10 Marks)

Feminism central concern is the emancipation of women (Bell Hooks).

But who are women? Second wave of Feminism tends to answer this question.

It started with Radical Feminists like Sartre ('Being and Nothingness') and Essentialism where Existence is prior to Essence.

Further, the difference between 'Gender and Sex' in Second wave was debated by Simone De Beauvoir in book 'The Second Sex' where she says that "One is not born women, but becomes women".

Thus, 2nd wave of Feminism describes



Gender as a social construct and seen as natural due to patriarchy in society.

Carole Kanisk have called for 'Personal is Political' to address gender injustice within family (Eg) Domestic Violence Act, 1961 in India.

Marguerite, radical feminist like SM Eken in book 'Gender Justice and Family' calls for ending Heterosexual families and 'Sisterhood', because Rape has nothing to do with sexual desire, but to keep under subordination of men.

However, it was criticised for neglecting the efforts taken by men for women empowerment.

Above all, we can say that the current 'K. Hema' report shows the 2nd wave concerns.



Que.1(c)

The Overloaded Government Theory. (10 Marks)

Overload Government theory is given by Anthony Down which is similar to structural marxist concept of legitimation crises.

This shows how maximum gover-
ment and minimum governance
results into top-down approach and
elimination of middle class.

Further, Daniel Zablitt book
'How Democracies Die' also show how
overregulation and underdevelopment
leads to collapse of democracy because
of taking away legitimacy of the government.

Moreover, Habermas concept
of 'legitimation crisis' in 'Normative Media



of Democracy² shows, in the absence of Public Sphere, communicative Action and Ideal speech situation, the Government Overload occurs.

This also happens when governments prefer Socialism in politics and capitalism in Economics. Also Harsh V Pant pointed out that in current scenario 'the long arm of the State is getting longer and liberal order is Gasping for breath²'.

Further, the Bangladesh crisis of 5th August 2024 is a classic example of Government Overload leading to Revolt of masses.

Thus, some control is definitely needed to maintain Order, but it must be CONTROLLED.



1(d)

Normative Approach (10 Marks)

Normative Approach to Political Science was put forward by philosophers like Plato, Aristotle, Dante Germino, Ramamatz etc.

It is based on Normative values like Justice, Liberty, Equality, Freedom, which is prescriptive in nature.

Further, normative approach argue to tell us that 'what ought to be', based on 'Value theory' for (eg) Plato's theory of Ideas and 'theory of Forms'.

Similarly it tends to bend towards Political philosophy, rather than Political Science based on various approaches like historical observation



Study of Institutions and subjects such as History, Law, philosophy concerned with the basic issues of human life (Eg) Socrates's 'What constitutes a good life?'

The revival has been by John Rawls 'A Theory of Justice' book in 1971 with 'Justice as fairness', however after 2nd world war there was a reduction in popularity (Eg) with onset of Behaviouralism and positivism.

It was criticised by T.D Weldon that 'Values are like taste buds which can only be stated and not debated'

However, Leo Strauss defended Normative approach by saying that Facts and Values represent the Victory of Guilt.



ue.1(e)

Consociational model of democracy. (10 Marks)

C.B Macpherson in book 'Democratic theory' analysed various Democratic Structures from Classical to modern.

He came to the conclusion that Consociational model of democracy results into 100% developmental and Extractive power while 0% Extractive power.

Further, he sees Democracy as Development and Development as Freedom as also argued by social liberal Amartya Sen in book 'Development as Freedom'.

Consociational model argues for assimilating diverse perspectives based on principle of Popular Sovereignty of Rousseau's General will.



[Multiculturalists] also argue for Consonational model (Eg) Michael Sandel in book 'Liberalism and Limits to Justice' says that Cultural Relativists approach is required for the model which values each diverse perspective.

Further, It respects diverse perspectives and Block Exchanges leading to Inequality not extending to another Spheres and not Overlapping (Eg)

Michael Walzer's Spheres of Justice (Political Inequality must not lead to Economic Inequality -)

thus, consonational model can also be seen in Indian case where 700 tribes, 122 different languages has made it one of most successful one



Q.2(a)

Distinguish between procedural justice and substantive justice.
Compare the Greek and Rawlsian perspectives on Justice. (20 Marks)

Justice has been core concern of political philosophy from Plato to Karl Marx and from Karl Marx to John Rawls and from Rawls to Amartya Sen.

Procedural Justice however argues for 'Just Procedures' to arrive at Justice as held by Robert Nozick in his 'Entitlement Theory of Justice'.

Further Robert Nozick in book 'Anarchy, State and Utopia' called for Night watchman state and Progressive

Taxation as a bonded labour.

He was inspired from John Locke's Possessive Individualism.



book 2nd Treatise of Government, where he held that It is unjust for state to deprive anyone of his personal property

However, Substantive Justice argues for a holistic justice which is an outcome of not only fair procedures but result into fair outcomes based on Egalitarian society and notion of Human Dignity.

Further, John Rawls in his 'Justice as Fairness' criticised Utilitarian concept and gave a 'Theory of Justice' (1971) which is based on Maximin principle, decent, merit, need and Referential Equilibrium and his lexical order

Moreover, it results into balance of Equality and Liberty in the form of



Equity and Justice through steps such as affirmative actions and progressive taxation (Difference Principle)

Comparison of Greek and Roman Justice

Greek Scholars like Plato is

subtitled of book 'Concerning Justice'

called Justice as :-

- ① Proper stationing
- ② non interference in each other's domain.

He held that Justice is interest of all and would be beneficial if arranged in three classes based on Myth of metals where each does his duty.

Moreover, Aristotle's 'Theory of Justice' is based on 'proportionate justice' based on Meritocratic Society where both Distributive and Rectificatory Justice



holds importance • This could be seen when he justified his theory of slavery and confined women within 4 walls •

Thus, John Rawls criticised this notion of Merit based Justice and called 'Justice as Fairness' through his lexical order based on Reflective Equilibrium and 'Veil of Ignorance' in Original position to make man as rational and overcome 'biases' and distribute public goods •

- | | |
|-----------------------------|------------------------|
| (1) Liberty principle | } <u>lexical order</u> |
| (2) Equality of opportunity | |
| (3) Difference principle | |

Thus, we can see that Greek scholars were more biased towards ruling class and justified inequality as natural, however John Rawls sought to equalise the differences through Justice



e.2(b)

"Multiculturalists accept an essentially communitarian view of human nature". Discuss (15 Marks)

Will Kymlicka (Liberal Multiculturalist) in book 'Multicultural - to Citizenship' described Multiculturalism as a Bouquet of flowers.

Further, Human nature of Communitarians like Michael Sandel and Michael Walzer is in sync with Multiculturalist which call man as Situated self² and not an Island man².

Human nature is always guided by Discouraging Ends, rather than Choosing Ends. This could be seen when Will Kymlicka called for three basic rights to humans and



minorities, which are :-

- (1) Self governance rights
- (2) Self development rights
- (3) Poly Ethnic rights

Multiculturalists like Will Kymlicka also gave rights to Minorities and not to Immigrants because migration is a choice and minorities is not.

However, Bhikhu Parekh (post colonial Multiculturalist) in book 'Rethinking Multiculturalism' argues for deep Multiculturalism and not mass one like Will Kymlicka.

Human nature, according to him prefers Salad Bowl model rather than Melting Pot Model which leads



to culture acting like a Glass making the society rich, diverse and multicultural.

Further, Michael Sandel's book 'Communitarian Liberalism' also argues for man as Embedded in society and cannot escape it as John Rawls made him Individualistic under Original position.

Multiculturalists too argue for 'man as part of society' and Cultural relationship over Universalism as they believe that Universal Citizenship is Colourblindness.

However, Ananya Sen criticizes them for Ghettoisation, while Cosmopolitans like Jeremy Waldron also hold the similar critic of compromising cosmopolitanism.

But, we can see that Multiculturalism of Salad bowl leads to University Diversity rather than Uniformity.¹⁷



Que.2(c)

The pluralists believe that Austin's concept of sovereignty cannot be verified from history. Explain (15 Marks)

John Austin's book 'Lectures on Jurisprudence' justified monistic theory of sovereignty in sync with Hobbes sovereignty of Law is the command of the sovereign.

However, pluralists like Karol J. Laski and Macneil gave historical basis of medieval order where there were multiple centres of Authority.

Further, Pluralists led by Macneil argue that monistic sovereignty is a feature of capitalistic society and not postcapitalistic society.

Moreover, it also cannot be verified from history because



of Evolutionary theory where Man's
Society, Culture, Religion, Interactions
have all been the sources of Authority
and not just the states

For this reason, Laski held that
"If Society is Federal, state should
also be federal", and they called
state as the keystone of Social Architecture.

Although important for maintaining
neutrality, but it's not the sole
source of power and Authority as
argued by Legal Sovereignty of John Austin
and Thomas Hobbes.

Further, they oppose John Thomas
Hobbes concept of "In a particular
state, there is only one sovereign, which



is State alone's

Washu, confronts it by saying that 'Finding a Sovereign in a State is an Impossible Venture', it not only leads to myth, but neglecting the other Centers of Power.

However, pluralists were criticized that 'they want to eat the cake and keep it too', because 'pluralists do not end the State, do not give Authority to State, at the same time do not legitimise it too'.

thus, we can say that current Parallel Sovereignty concept of Globalization are the result of pluralists descriptions where there are multiple centers like Coburn Model by John Burton.



e.3(a)

Democracy and social movements are closely linked like two sides of the same coin. Critically Analyse whether Social Movements increase or decrease democratisation. (20 Marks)

Social Movements are the reflection of Collective Behaviours as per Structural Functional Approach of Gabriel Almond and Parsons.

Democracy, thus allows for such pooled and popular sovereignty based on Accommodative behaviour as argued by Joshua Cohen.

Further, Katzman's concept of Public Sphere, Communicative Action and Ideal Speech Situation shows how Democracy and Social Movements are closely linked.

Moreover, they are two sides of same coin because Power is with



the people and within the people in a democracy and is based on Deliberation and Discussion, as real meaning of democracy is debate, discussion only, which social movements through collectiveness tend to Achieve and are rooted in Civil Society. Example (eg) Gramsci's Integral State.

Hence, the Political Sociological approach shows the constant interaction between Democratic government and social movements because elected representatives are Responsible to people, are elected by people and have to face the Next election.

On the other hand, Authoritarian



Regime does not give space to such movements by repression (Eg) current Taliban ⁱⁿ Afghanistan

Social Movements Increase Democratisation
by (arguments for →) by deepening of democracy and liberalisation of Democracy

(Eg) Occupy wall Street movement, Seattle protests have led to increased consciousness and action against Climate Change (current Global Stocktake and NDC mechanism)

Furthermore, Social movements
as per Rajni Kethari are although least institutionalised but are agents of modernisation and reservoirs of leadership

(Eg) INC was once a Social Movement and led to Democracy in 1947.



However, It can lead to Decrease in Democratisation by propaganda movements such as Khalistan, Stone throwing incidents in Kashmir earlier, Manipur crisis etc where it leads to State increasing power because of Internal Security and Sovereignty Challenges (Eg) AFSPA, Preventive Detention, Sedition etc.

This leads to not only their delegitimisation but State's compulsion to curb such movements & because of National Security.

Thus, social movements like #EndMustro (in Kenya), #EndBad governance (in Nigeria) are stapshots of people rising against oppressive regimes and establishing democracies.



3(b)

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 (15 Marks)

Hannah Arendt belonged to the classic republican tradition and applied Phenomenology approach to study the Totalitarian Regimes in book "Human Condition".

For her, labour, work, Action constituted Human praxis because :-

① labour → 'Animal laborans' → leads to mechanical work

② work → 'Homo faber' → leads to creative, yet not perfect Freedom Action.

③ Action → 'Zoon Politikon' leads to Political Action and Vita Activa over Vita Contemplativa.



Further, they all three are not Equal in Dignity and Rank because

Soon Politikon leads to Political Action where people come in 'Polis' (public sphere) over 'Oikos' (Private realm) o

Action thus leads to victory of 'Vita Activa' rather than just 'Contemplation' of the other two o

Further, Action leads to Freedom where as labour, work leads to man becoming 'Superfluous Masses' based on 'Terror and Ideology' thesis of totalitarianism o

this leads to work and labour being guided by Automatically premises



of Ideology and not Active citizenship which can only be realised when a person comes in public sphere to Action (Inspired from Aristotle's concept of Active citizenship)

Thus, Hannah Arendt's book 'Principle of Politics' calls for 'Power' as 'Constructive' and a non conventional view which SPRINGS UP when people come for ACTION and goes back when they go back to WORK and LABOUR.

However, Clifford Geertz criticized such view by saying that ideologies act like 'Cultural Maps'.

But, we can say that 'Action' is in sync with current PM's call for 2 lakh political youth to join in on 15th Aug, 2024 speech.



Que.3(c)

Critically examine the "New Humanism" as given by MN Roy. (15 Marks)

MN Roy is book "New Humanism".
A manifesto gave a scientific basis
to Humanism calling it as Radical
Humanism.

Radical Humanism vouches for
'Cosmopolitan Union of Truly Liberated
Persons' and not a narrow form
of Nationalism as only in political
sphere.

Radical Humanism is composed
of Freedom, Rationality and Ethics,
inspired from Ethics of Spinoza,
materialism of Hobbes, Secularism of
John Locke etc, where Freedom



is in sense of Union (Eg) his 'Plan of Action' (People's Plan) and also called for partyless democracy which leads to freedom with rationality.

Further, New Humanism is Scientific, and he opposed Mahatma Gandhi's calling off of Non Cooperation Movement after the Chauri Chaura Incident in 1922 saying that he was fearful of mass.

Moreover, his New Humanism criticised Karl Marx's theory of 'History being history of Class Struggle' and he said that 'it has been history of Class cooperation' based on Dialectical Idealism and problem is not Surplus



Value but redistribution of resources

However Criticism emerged from Sudipta Kaviraj who called M.N.Poy as a Remarkable failure² because there has been a lot of transition in his idea.

For instance he transitioned from communism to nationalism to radical humanism leading to inconsistency in his thoughts, with copy paste work from Western Ideologies.

Thus we can see that, from historical evidences, transition in ideas does not matter, what matters is Belief in Values², hence, M.N.Poy is remarkable as he was the 1st to propose the Idea of Constituent Assembly.



e.4(a)

Discuss how Hobbes's psychological egoism, ethical relativism and political absolutism are all supposed to follow logically from the assumptions or principles underlying the physical world which primarily consists of matter and motion. (20 Marks)

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4(b)

Bring out Dr B. R. Ambedkar's views on Socialism and communism. (15 Marks)

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Que.4(c)

Major issues have divided competing traditions and tendencies within socialism. Bring out the faultlines along which there are schism within Socialism. (15 Marks)

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ue.5(a)

With the help of relevant Supreme Court judgements, analyze how Climate change threatens the constitutional guarantee of the right to life and equality. (10 Marks)

Supreme Court recently in Ranjit Singh case 2024² held that the Right to protection against the adverse effects of Climate Change forms part of Article 14 and 21 .

Further, SC held that the Right to Clean Environment as part of Right to Life under Article 21 under the same case .

Moreover, earlier Judgements also sought to give Transformative Document² a new and dignity environment life (Eg) Supreme court in M.C Mehta case 1984 held that the Doctrine of 'Polluter Pays Principle' is



necessary for the Equality in true sense.

Further, In ~~the~~ Vishnu Gaur case SC held that the right to Environmental Health as part of Right to life (Article 21).

Also, in Union Gas Leak Case, SC called for Doctrine of Absolute Liability to private players in case of any mishapening.

Also, recognising universals living entities and clean environment as part of right to life (MC Mehta case) shows the Environmental Jurisprudence.

Above all, 6 Bakrali Rakshati Rakshilah¹ (Nature protectors of sea is protected?



5(b)

Comment on Non-Cooperation Movement. (10 Marks)

Non Cooperation Movement Resolution adopted in Nagpur Session of Congress 1920 showed a shift away from the Constitutional means to extra Constitutional mass struggle.

It was a challenge to the Economic base of British Raj and was first pan-Indian Gandhi movement with mass participation based on prevalence of Lalbahadur Shastri case, Khilafat movement, sagas of world war I and dissatisfaction with Montague Chelmsford Reforms 1919.

It led to wider participation of peasants, workers, women.



leaders, with Hindu muslim unity
seen like never before .

Apart from it, the Boycott
of Prince Wales Visit was its
biggest achievement, along with
boycott of British Goods, Picketing of
Shops, Indigenous school admissions
by students (eg) push to Swadishi Learning
like lawyers renouncing practice .

However, 1922 Chauri Chaura
movement led to its withdrawal
due to movement turning violent which
M.N Roy criticized M Gandhi as being
Fearful of masses .

Thus, it can be said that
M-Gandhi wanted to test the Capacity
of masses in which he was successful (Bipin Chandra)



5(c)

Analyse the Dalit perspective on the nature of the Indian National Movement. (10 Marks)

Dalit perspective, also known as the subaltern perspective of Indian National movement in summation figured it as upper class movement led by Elites and Brahmins.

For this reason, Jyotiba Phule (book 'Gulamgiri' (1873)) called British Raj as much better than Peshwa Raj which Dr B. R Ambedkar also agreed to.

Further, Dr. B. R Ambedkar joined Advisory Committee of British, did not support Quit India Movement and wanted Britishers to stay because of the introduction of



Rule of Law in India.

In his book, 'What Gandhi and Congress have done to Untouchables'² he criticised INC as being led by Brahmins and even went to the extent of saying that 'Although being Chairperson of Constitution Committee'², I would be the first one to burn it, because it represented the views of only Nehru, Patel².

Furthermore, Periyar of South first joined INC but later withdrew and formed DMK party calling the movement as detrimental to Dalit cause.

Thus, we can see the perspectives but as Bipin Chandra held that Indian National Movement was the vital reason why today Dalits have progressed.



Que.5(d)

Comment on India's constitutional resilience. (10 Marks)

Honourable CJI D.Y Chandrachud
called India Constitution as the
'Transformative Constitution' ² .

This could be seen due to the
resilience of not only Amendments
and Organic Nature, but also because
it has survived the testing times .

Further, as per a survey, the
usual lifecycle of a Constitution is only
12 years (after the French Revolution),
and in Asiatic situations only a few
including Indian, Japanese ~~and~~ are
among the latter lot to survive .

This was evident as 1975 Emergency
has been declared as ⁶ Samvidhan



Kalya Dūvāi², the presidential form of governance which was sought to be achieved in those times for (eg) the 42nd Amendment as the mini Constitution.

However, the flexibility with which India Constitution has accommodated Diverse perspectives (eg) 106 amendments till now, apart from interpretation of Article 21 according to changing Circumstances (eg) K.S Puttaswamy (Right to privacy) has made it resilient.

Thus Judiciary through Doctrine of Basic Structure has also played crucial role in it, and Granville Austin rightly calls it as the cornerstone² due to a mix of Rigidity and Flexibility.



5(e)

Analyze whether Nationalism was a by-product of British rule in India. (10 Marks)

The 200 years of British rule has taught India a variety of lessons, the foremost being the Nationalism and fighting against Racism, white man's burden (Apartheid in South Africa).

It is a By product of British rule,
it was seen during growing discontent
like 1857 Revolt which V. D. Savarkar
called as 'First War of Independence'.

The Brutal face was clear
during Unrepealed Act, 1878 of
Lord Lytton and Arms Act, in addition
to Beating with sticks of Lala Lajpat
Rai during Simon Commission Protest.
It resulted into Revolutionary



Nationalism like of Bhagat Singh,
Rajguru etc.

Further, the Rising Consciousness
was also the reason and not just
British rule (Eg) Rise of Asian
Power Japan, Russian Revolution,
the Renaissance movement led by
Raja Ram Mohan Roy, Ishwar Chandra
Vidyasagar etc.

The so called Carrot and Stick
Approach led by British with
Morley Minto, Montford reforms were
well countered by Gandhi's movement
like Salt Satyagraha (1930), Quit
India movement (1942), which were
the chief cause of rise of nationalism
led by people themselves.



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ue.6(a)

Give the socio economic profile of the 18th Lok Sabha. Discuss the changing socio-economic profile of our legislators. (20 Marks)

20

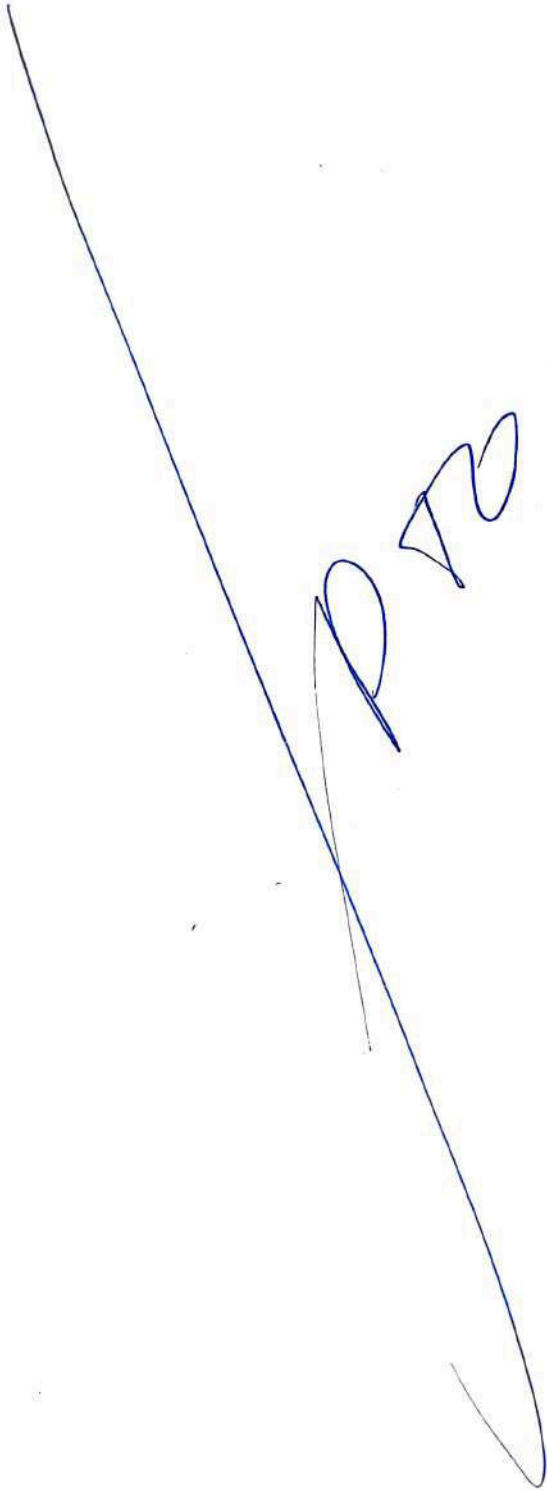


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Que.6(b)

The 16th Finance Commission is going to face fiscal difficulties faced by the 15th Finance Commission along with new challenges that have emerged in recent past. Discuss.(15 Marks)

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Que.6(c)

More than thirty years have passed since India's Economic reforms. There is now time for India 'economic reforms 2.0'. Discuss (15 Marks)



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Que.7(a)

Caste continues to play a significant role in Indian politics but some socio-economic differentiation is also taking place that is affecting the voting pattern. Examine in light of recent general elections. (20 Marks)

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Que. 7(b)

It is often argued that the Constituent Assembly of India did not represent the masses of India. Do you agree? Bring out the Nature of the constituent assembly's representation (15 Marks)

P.T.O.



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Que.7(c)

"The Freedom of Speech and Expression is a fundamental right guaranteed to all citizens under the Constitution of India. However, the Constitution does not guarantee an absolute individual right to freedom of expression". Comment (15 Marks)

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Que. 8(a)

An Independent judiciary protects the philosophy and wisdom of the constitution. Comment (20 Marks)

It is said that (from Bible) that

‘If the lamp of Justice goes away, then it is difficult to measure the amount of DARKNESS’.

Judiciary, is thus a lamp which lights the philosophy and wisdom of the Constitution. However, Independence of Judiciary is a Sine qua non for Judiciary to act as ‘Sentinel Qui Vige’ (‘Soldier with a sword’).

∴ Independent Judiciary protects the wisdom and philosophy of Constitution through Judicial Review (eg Article 32 and Doctrine of Basic Structure (Kesava Nanda Bharati Case, 1973), like



through Doraine of Severability applied
in 42nd Constitution enacted during emergency
(Indira Nehru Gandhi vs Nagari Case of
Free and Fair Elections)

Independence also necessary to
check the 'tyranny of majority' (Eg)
it was the biggest fear of J.S Mills with
respect to representative Government.

However, Former CJI N. Venkata
questioned that A Judge tell everyone
what is to be done, but 'who is to tell
us?'

The Compromise of Independence
in Judiciary is seen where Judges
join politics right after their retirement,
(Eg) Former Justice Ranjan Gogoi, also



Recent case of Calcutta High Court Judge joining Politics after resigning for Judiciary.

this leads to what former minister (Amr Jailley) held that 'Post retirement benefits affect the Retirement Judgements', thus eroding the principle of 'Justice as Fairness' and 'Justice for Elite'. •

this was the core reason why
Constituent Assembly member

K. T. Sat Shah recommended to prohibit Judges getting reappointed in Executive after retirement. •

However, Dr. B. R. Ambedkar's
view was that 'Judicial Innovation' and Post retirement does not affect their Judgements • as such •



Further, we can see breach
breach of separation of powers (article
50) in Judicial Activism and Judicial
Overreach (Eg) Unshakha Guidelines
(Judicial Legislation)

Apart from it, taking Independence
~~for~~ for granted also results in
breach of Judicial Accountability (Eg)
Uncle-Judge Syndrome (Nepotism) and
abrogation of NJAC (99th Constitution
Amendment) and Collegium proceeding
not under Right to Information.

Thus what is needed is Individual
Judge's, Independence and Accountability
must be balanced with Institutional
Independence and Accountability for lamp
of Justice to keep shining the way.



Que.8(b)

In a democracy attracted by power rather than constitutional form, power will continually need to be projected. Critically analyse the declining role of Parliament in light of frequent disruptions and suspension of Members of Parliament. (15 Marks)

Parliament represents the mirror of society, and as per current supreme court Judge Justice BV Nageswara,
Parliament is a nation in miniature²

The Democracy attracted by power leads to erosion of popular sovereignty and elitist nature of establishment of 'Consultation of Elites'²
(Robert Michels book 'Political Parties')

Further, the current declining role of Parliament could be seen from 17th Lok Sabha productivity being 88% and 16th Lok Sabha being 77%. (as per PRS Legislative Research)



This is due to frequent disruptions in parliament (eg) PM Modi on motion of thanks budget session being not allowed to speak; walkout by Vice President Shankar from Rajya Sabha is light to disruptions.

Further, suspension of 144 members of parliament in the same session in 2023 is what former UP Hamid Ansari has said parliament being reduced to Federation of Anarchy where debates are rare, informed debates rare.

thus, democracy not being attracted by constitutional power because of what Milan Vaishnav is



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book 'When crime pays' says that 'Muscle and Money power' dominates to stay in POWER rather than the goal of legislation or nation building.

Further, deliberations are being stopped aside (eg) parliament sat for average 125-130 days in 1950s, while it was reduced to just 55 days in 17th Lok Sabha (year 2022).

Moreover, only 16% bills were referred to parliamentary committees as compared to 68% in 15th Lok Sabha and 25% in 16th Lok Sabha.

Thus, what is needed is Ethics Commissioner as recommended by 2nd ARC Report, apart from codification of privileges and repeal in Anti Defection Law (N P Ux)



Que.8(c)

"The degeneration of constitutional political secularism into party-political secularism does not augur well for India". Discuss (15 Marks)

"Secularism" is a concept where Religion is neither actively criticised nor actively promoted (George Jacob Holyoke) o

Constitutional political Secularism is inspired from 'Dhammic Niyamshila' of J.L Nehru and 'Sarva Dharma Sambhava' of M. Gandhi in the form of 'Secularism' in Preamble, Article 25-28 (Freedom of Religion), Article 29-30 (Cultural and Educational rights), Article 15 (Prohibition of discrimination on the basis of religion, caste etc) o

Further, as per Rajni Bhargava



Indian Model is Contentual Model and not of western type which is Ultrasupremacy (France), Lack of Strict Separation of Powers •

However, Cases of Party - Political Secularism or using Religion as a means for Identity Politics based on political patronage and Religion favouritism has lead to Pratap Bhanu Meher saying that Principled Distance is a misleading metaphor •

This is so because it leads to Religion appeasement by Political Party
(Eg) Thomas Blom Hansen in book Saffron Wane and Christophe Jaffrelatte calls India a De facto Hindu Rashtra •



this is also not suitable for
India because it leads to
Majoritarianism and Fear of missing
out due to Satisfication (eg)
Nuh Riots, Udaipur recent violence,
Ran Janmabhoomi Case 1992 ◦

It further leads to Communalism,
for this reason Neo Gandhians like
T.N Madan and Ashis Nandy (Anti Secular
Manifesto) also calls for Sub-i-kul of
Akbar of Dharma of Ashoka for
Indian situations ◦

thus, India's Essence lies in
Peaceful coexistence and Unity in Diversity
through 'Secularism' and recent call
for Secular Civil Code by current PM on
15th Aug 2024 is a step in right direction



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Space for Rough Work



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