



SHUBHRA RANJAN

Always Ahead

25, Pusa Road, Karol Bagh, Delhi 110005. ☎ 011 45612719

PSIR Answer Writing Module 2023

Test 7

Time Allowed: 1 Hour 30 Minutes

Max Marks: 120

Name: Rishabh Choudhary

Test Submission Date: 01/06/2023

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:

Q. No.	Mark	Q. No.	Mark
01	02	01	02
02	02	02	02
03	02	03	02
04	02	04	02

Total Marks: _____

Examiner's Note: _____



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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)

Granville Austin states that 'Basic structure doctrine' has taken a pivotal role in constitutional interpretation in the democratic polity of India.

In landmark judgement of Keshwanand Bharti vs UOI (1973), Supreme court propounded this doctrine against arbitrary 'legislative' powers. It held that constitution envisages India to be based on certain basic concepts which are beyond the amending power of Parliament. It is an a severe challenge to the notion of parliamentary supremacy towards constitutional supremacy.

Subsequently in following judgements like



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Menka Gandhi, Waman Rao, Mirrara Mills
supreme court has expanded the Nation of
basic structure which includes parliamentary
form of government, federal polity, judicial
independence, secular nature of state.

Recently, Supreme court struck down
99th Constitutional amendment act which
envisages to establish National judicial
appointment commission (NJAC), stating that it
violates basic structure of independence of
judiciary.

Scholar Dr Upendra Baxi, have widely
admired the pro-active and creative interpretation
by supreme court in forming basic structure
doctrine where he states that 'Apex court
has co-existed 'uncertain democracy over certain
Authoritarianism'



However, scholars like Prateep Bhanu Mehta call this as 'judicial barbarism', where Basic structure doctrine acts as demise sword hanging on parliament. It in a way undermines the popular sovereignty vested in parliament.

Basic structure doctrine has played critical role in checking Authoritarian tendencies and maintaining checks and balances. If India is still a strong democratic republic, basic structure doctrines has a lion's share in maintaining that.



Que.2

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

Harold Laski in his book 'grammar of Anarchy' states that 'Rights are those conditions without which no man in general can seek to be at his best'.

However, the concept of rights in political science is largely debated. Scholars from 'social contract' traditions like Hobbes, Locke and Rousseau envisages rights as a precondition for political society. For them certain unalienable rights must be guaranteed by state. ~~For~~ For instance, Hobbes envisages right to life, Locke vouches for Right to life, liberty and property.

on the other hand scholars from Marxist school and socialist tradition envisages rights in a broader socio-political and economic sense. For them right to equality is essential and sovereign responsibility of state.



Social liberals like Amartya Sen argue for Right to develop capacities, Rawls's argue for Right to equality within the concept of liberty

Overall, Individual obligation towards states in varied perspective is critical in a sense that, without it the power to enforce the mutually agreed right will not be possible in a sovereign state.

But, Individual obligation can only be condition against a democratic state. An Unjust and unfair state might attract civil disobedience. Taking Indian freedom struggle for instance, Gandhian ideology of Non-cooperation and civil disobedience was against an illegitimate state which don't represent the interest of people and hence the rights guaranteed by such states are like 'rights written on paper'.



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For example the dual policy shown by british with ~~early minto reforms~~ montford reforms of 1919 and subsequently inacting rowlett act for restricting civil liberties.

In conclusion it would be fair assumption to make that rights ~~are~~ guaranteed by state attracts individual obligation on the perception of legitimacy.



Que.3

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

The ~~Preamble~~ of ~~India's~~ Constitution of India states India to be a sovereign, socialist, secular democratic Republic. which is interpreted by the Apex court as Basic structure of Constitution.

Recent judgement of Karnataka High Court which has banned Muslim women's headscarf (hijab) to be worn in educational institution as an valid limitation conferred and not a threat to secularism.

However, the views of different scholars and interest groups varies on the subject. Some are of a belief that 'Hijab' in schools would strengthen the communal cleavages in the Neutral and secular atmosphere of education institutions. whereas ~~or~~ on other hand



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Some scholars are of the view that restricting Muslim women from wearing headscarf is an violation of their fundamental right to liberty and practice of religion (A.S) (A25)

Further different interest groups and political parties have tried to divide the public opinion for political purposes to consolidate Vote Banks.

Overall, the issue remains debatable. From constitutional secularism the split verdict and subsequent reference to higher benches to ascertain the requirement of constitutional interpretation on the whole matter.

constitutional secularism and the doctrine of Beneficial construction states that such



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Matters should be dealt in a sensitive way as it involves wider communal harmony and principle of fraternity which in itself is an fundamental duty of all citizens.



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 emerged from the works of Jyotiba Phule's 'gulamgiri' and Ambedkar's 'Annihilation of caste', casting an alternative imagination of justice and fairness against historical injustice of centuries.

Ambedkar famously held that 'If there was dalit, he would have stated' annihilation of caste as my birth right'. The oppression of depressed caste in a sense by social isolation, denying the right to education, health and human dignity is solemnly observed anywhere else in the world. That made Ambedkar to state that depressed castes are most vulnerable sections and require highest attention from state.



From the perspective of dalits, Indian nationalism will only be beneficial when they were conferred with equality. Equality guaranteed by state in social, political and economic sense.

They were further under a ~~se~~ sceptical view of Congress and nationalist leadership due to their hesitation in stating abolition of caste. Gandhi's efforts towards eradication of untouchability was seen as 'paternalistic' by Ambedkar.

Further, Periyar left Congress due to 'Brahminical dominance' and not giving due credit to the cause of depressed castes.

However the efforts by dalit leaders to vouch for interest of 'dalits' were viewed with apprehension and anti-national by some leaders.



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Ambedkar was often criticised to be anti-national for Balkanization of Indian masses. In Second Round table congress Gandhi's statement that he represent whole of India and campaigning against separate electorates for depressed classes was in contradiction with Ambedkar.

However, it is pivotal to understand that dalit perspective of National movement represents the voices of hitherto masses repressed for centuries. They wanted India to be a Nation for all and where everyone have substantive equality to grow and develop.



Que.5

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

Peasant movements in India represent the sub-altern school of perspective of Indian nationalism. These movements have been born grassroots against the imperialist and despotic policies of British.

Peasant Movements Before 1857 —

* This movement represents interference of British in socio-cultural and Agrarian practices of peasants.

* Movements like Faiz Uprising, Tebhaga movement and Pabna revolt have been of a desperate nature to prevent alienation from land, protection of religious practices and non interference in the social practices.

* Jagan Pandey considers them as true peasant movement which reform grassroots without



Support of National leaders,

* However these movements are geographically limited, sporadic and not well organised.

Peasant Movement after 1857 -

* Peasant movement after 1857 represents protest against exploitative and revenue practices like Zamindari, Mahalwari systems.

* They were better organised and have attracted somewhat larger sections but of limited cause.

* ulgulan movement (~~and~~ Munda Revolt) of 1897 represent nature of protest against activities of Christian missionaries and attempt of consecration of land.

In the later phase of National movement peasant cause was expressly taken by National leaders; Swami ~~of~~ Sayanand Saraswati formed All India Kisan Sabha



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Nm Lokhande was pioneers by forming bonafide MUs and MU's hand association. Nr Ranga, Ems Noombodanipal have also formed various organisations to bring peasants in the fold of National Movement and developing consciousness of class in itself towards class for itself.

~~This in a way~~

Peasant movements represents inclusive trends in Indian national movement which brought all classes of society in the fold of fight against common enemy in colonial government.



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

102nd Constitutional amendment has established conferred constitutional status to National Commission of Backward Classes (Article 338B)

10th constitutional amendment that restores the power of state legislatures to declare the scheduled backward caste list based on localised criteria and promote their welfare within



their respective jurisdiction. This intends to promote regional efforts based on regional conditions for backwardness. This envisaging decentralized efforts towards social welfare.

This Amendment marks a trend towards expansion of ~~the~~ rights and protection guaranteed by Constitution to even wider communities who were left earlier.

Justice G. Rohini Commission on backward caste suggested that their condition need immediate attention and concentrated efforts to remove limitations of social, political and economic mobility.

Further conflicting judgment by Supreme Court's two judges in validating constitutionality of 2nd constitutional amendment act expressly stated the need to



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Right sizing and Targeted Reservations within communities to ensure that it's benefits are reaching to the lower strata among the Backward classes.

In famous Indra Sawhney judgement Court opined for establishing creamy layer which are out of Reservation's scope.

Hence overall, India's policy towards backward classes shows 'continuity in change' and expanding the rights to enhance the democratic and welfarist nature of Indian polity.

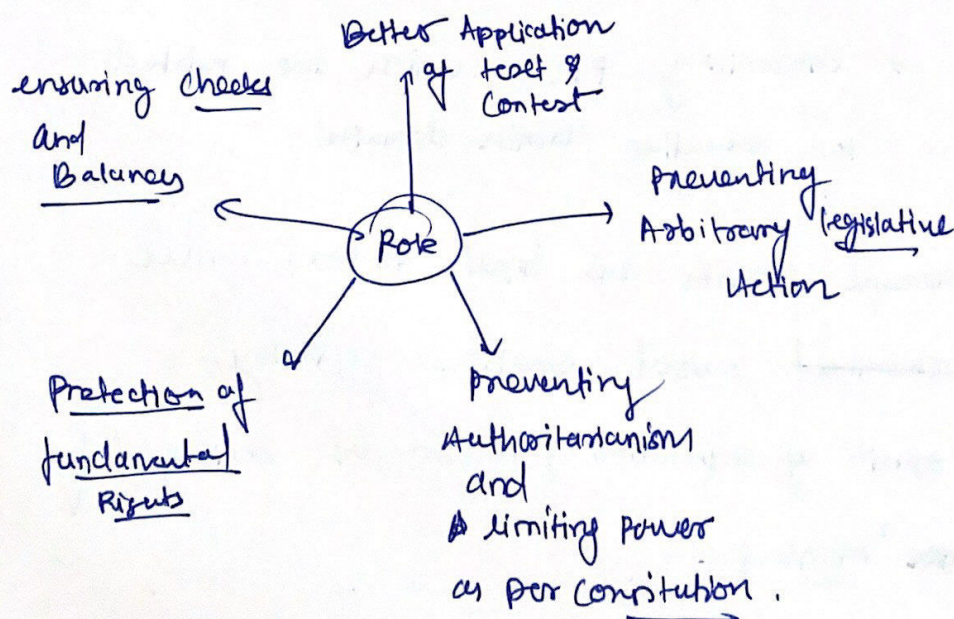


Que.7

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 is the power conferred to the courts to review the 'laws', 'Constitutional Amendments', 'subordinate legislation' or 'executive action' towards their constitutional validity based on 'spirit of law'.

Role of judiciary towards strengthening Rule of Law.





Honour due to judicial review leading
for judicial activism and judicial adventurism
by Actions like —

- High Court imposing Covid-19 Lockdown (Allahabad)
- Supreme Court constituting executive committee for Football Federation of India.
- Giving executive directions to the democratically elected government.
- Entertaining PIL's which are related to executive domain.

Supreme courts and high courts have
~~undoubtedly~~ raised questions regarding
'spirit of separation of power' as envisaged by
~~the~~ 'Montesquieu'.



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Sup courts are critical to the function of democracy. hence it is imperative for observance of Rule of law and spirit of separation of power.



Que.8

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

Structural functional pattern envisaged by gabriel and almond ~~views~~ expands David Easton's system's approach to view ~~stand~~ political system from perspective of different structures and the functions they perform.

Indian continues to be governed by colonial ideas

