



SHUBHRA RANJAN

Always Ahead

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

PSIR Answer Writing Module 2023

Test 9

Time Allowed: 1 Hour 30 Minutes

Max Marks: 120

Name: Rishabh Choudhary

Test Submission Date: 06/06/23

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:	

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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,



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Que.1

The quasi-judicial nature of ECI's functions makes it especially important that the integrity of the institution remains beyond doubt.
Comment. (200 words, 15 Marks)

Article 324 of the Constitution provides for Election Commission of India as an Independent body for conducting Elections.

S.Y. Pursehi in his book 'An Undocumented

Wonder' argues that India is known for three things Taj Mahal, Democracy and Election.

Hence Institutional Integrity of ECI becomes

Sine qua non for a functional democracy.

Quasi judicial function of ECI which includes -

- settling election disputes
- disqualification of candidates



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- Disputes regarding splits and mergers
- enforcing Model code of conduct and dispute around that
- Advising President on disqualification of Members.
- Preventing corrupt practices under section 87 of RPA 1951.

Above functions make ECI as an bulwark to be an mediator and Authority to settle disputes between rival political factions.

Without Integrity of ECI that can lively cause legitimation crisis and damage the democratic credentials of the country.

Recent Incidents like ECI Meeting with PMO, allowing show campaigning during and wave etc have raised issues about non-partisanship and

Impartiality of ECI. Letters from several
bureaucrats to president to call in ECI
to maintain integral conduct further raised
alarm.

However recent S.C. judgement in Anoop
Banermal case providing for collegium of
PM, 3 CJI and LOO (Law Sabha) for selection
of EC's have given impetus to independent
functioning of ECI.

As S.P. Purani states, free elections are gift
of democracy. it is our collective responsibility
to ensure that they remain fair.



Que.2

How do you define the minorities in context of the international law and under Indian Constitution? What constitutional safeguards exist in India for the protection of minorities? (200 words, 15 Marks)

According to universal declaration of Human Rights, 1948, Minorities are group of people in a geographic area which have unique ethnic, linguistic, religious, class or caste from the mainstream society. Protection of Rights of minorities and ensuring that they are not discriminated against is one of the key mandate of UDHR.

However Indian constitution does not explicitly define minorities but various Supreme Court judgements have affirmed them to have socio-cultural and religious distinction in society. For eg SC, ST, Muslims etc are considered as minorities for purpose of social justice & welfare.



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Indian Constitution is first and foremost a social document (Granville Austin). It represents interest of Minorities and aims to ~~transform~~ transform traditional society into a modern society. Fundamental Right to equality (Article 14-18) provides for protection against discrimination on the grounds of religion, race, caste, sex and place of birth. Further Article 17 explicitly abolishes untouchability. Right to religious freedom (Article 25-28) provides freedom to practice, propagate and profession of religion along with right to refuse taxes for promotion of particular religion (Article 27). Article 29-30 provides for cultural and educational rights of Minorities to protect



distinct culture and ~~also~~ established and administer educational institutions.

further other constitutional provisions outside Part 3 provides for National Commission of SC (433B), ST (338A) and BC (338B).

However National Commission for minorities does not have a constitutional status.

There are various demands from different sections to strengthen protection of minority and growing targeting. To provide for more affirmative action, constitution protection etc.

A democracy is not about rule of majority but the protection of minorities. The statement should be the paradigm for our vibrant democratic policy.



Que.3

Critically evaluate the effectiveness of National Commission for Scheduled Castes towards addressing the atrocities on the community. What powers and functions have been assigned to the commission to fulfil its mandate? (200 words, 15 Marks)

Article 338 of the Constitution provides for National Commission of Scheduled Caste (NCSC) as an protector and promoter of Rights of Scheduled ~~class~~ castes and enlarging their Social welfare.

The functions conferred to the commission are as follows —

- Protection of Rights of SC's
- Advise President on welfare measure for S.C.
- Present Annual report to President on the efficacy of safeguards and policies towards SC's.



- Acts as a civil court to enforce attendance, demands for evidence and Act as quasi-judicial body for violation of Rights of S.C.

The powers conferred by constitution to NCSC are as follows -

- To take suo-moto action on breach of protection guaranteed to S.C.
- To address any matters regarding S.C. which hinder their social progress or Rights.
- Power to advise government on matters regarding welfare of S.C.

However effectiveness of NCSC as an constitutional body has been in question due to several reasons -



→ The commission has not presented any report since last 4 years

→ 'Lack of regular meeting

→ Failed to protect the interest of SC at certain instances.

Some scholars call that the commission is a 'Toothless tiger' and become house for political patronage for bureaucrats and retired judges with political affiliations.

However to ensure constitutional mandate it is critical to adhere to constitutional morality. ~~and~~ NCS can become a forerunner to promote welfare of SC.



Que.4

What is the Constitutional mandate of UPSC and evaluate its role towards it? (200 words, 15 Marks)

Article 315 of the Constitution provides for establishment of Union public service commission (UPSC) as an ensurer of merit in the public services of the country.

The constitutional mandate of UPSC is as follows —

- ★ TO conduct examination for selection of services under central government and all-India services.
- ★ TO advise president on the disciplinary action that needs to be taken on any public servant for misfeasance activities



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* To Advise government on selection of Public servant for various role Under the government.

* To hold process of selection in any state or multiple state on advice of respective governors.

* To act according to the demands of present on any matter related to personnel management.

However UPSC's role towards its Mandate

represent highest level of institutional integrity.

~~Pravesh~~ Vinod Rai in his book 'Rethinking governance'

praises UPSC for ensuring merit based

selection in the public services.

It's role towards ensuring integrity in public services and monitoring the



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conduct of a Civil servant has also played important role in preventing ~~corrosion~~ corruption in civil services.

However some scholars argue that UPSC have failed in differentiating between 'bonafide mistake' and 'malafide intention'.

Ensuring merit based selection and upholding highest level of integrity in government personnels is *sine qua non* for a legitimate government.



Que.5

Women movement in India has a chequered history. Discuss. (200 words, 15 Marks)

Simone de Beauvoir in her book 'The second sex' says that women are not second sex but secondary sex. One is not born women but becomes women and their existence is only ~~provis~~ provisional.

Women in India are no anomaly, since ancient times practices like purdah, sati and domestic division of labour have kept the status of women secondary to men in society. Women have been discriminated for so long that their exploitation appears Natural (J.S. Mill in subjugation of women)



Women movements in India represents this desire to free themselves from a social discrimination. Pre-independence leaders like Sarla Devi Chaudharani formed Bharat stree mahamandala, Pandita Ramabai Ranade, Saritribai Phule etc. have been vocal advocate of women's rights to education. , Annie Besant, and Sorajini Naidu are among few congress leaders who became women president and stood for social and political rights for women.

Post Independence women's movements for protection of environment like Chipko movement have highlighted their close connect with environment. Further with 73rd and 74th CAA and mandatory provision



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for one-third reservation for women gave them political voice as well as better bargaining power in social relations at grassroots level (personal is political).

women's movements have further evolved to include rights of child, environment and culture. which can be seen from women against protesting large mining operation in Odisha, or women samakhya in M.P preventing child marriages.

As Ambedkar said, to know the democratic ethos of society, the status conferred to women is a prime measure. Hence ensuring gender justice should be a global priority (SDG 5)



Que.6

Environmental movement in India is rich and vibrant which has taken various forms. Analyse. (200 words, 15 Marks)

Environment movement represent grassroot efforts to protect environment due to triple whammy of capitalism, globalisation and industrialization,

Historically in west environmental movement emerged post 1950 led by upper middle caste for better standard for living and social cause for natural protection.

However India represent a unique case in a sense that environment movement in India are not for standard of life but for life and death. They are related to economical factors of tribals



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like forest rights to collect Minor forest
produce. Preventing their sacred groves
and traditional practices of Nature worship
etc.

With further political mobilisation and
liberalization post 1991, Environment movement
have seen a sharp uptick due to
encroachment of Industries into forests.

Efforts like enactment of 73rd & 74th
CAA which provided for establishing PFI
have given popular voice and powers to
gram sabhas for acting against big
Multinational multinationals on their own.
(mandatory ~~for~~ to take consent of gram sabha).
Further PESA & acts have empowered



tribals to do the same. This upsurge
is what Rajni Kothari calls 'grassroot
mobilisation' for the cause of environment.

Various form of this environment movement
have led to mobilisation of civil society
to give them popular space.

Article 48A of the constitution makes direction
to the state for safeguarding environment
and Article 51 provides for fundamental
duty of all citizens to protect Natural
environment. This environment movement are
implimentation of rich and vibrant forms of
environmentalism.



Que.7

Analyse the context and nature of emergence of human rights movement in India post-independence. What are the major contemporary concerns and challenges of the movement? (200 words, 15 Marks)

According to Harold Laswell, Rights are those conditions in life without which full development of human personality is not possible.

Universal declaration of Human Rights (1948) also defines Human rights as preconditions for full actualisation of human personality. They represent conditions for social participation that provides liberty to individual to develop completely completely.

Post Independence India represented various External contradictions, widespread Poverty, Inequality, deindustrialisation that happened



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Under the ~~Constitutional~~ colonial government
along with huge disparity in land holding
have raised popular demands from all
sections to work towards socio-economic
~~for~~ goal of development.

This human rights movement were of nature
for demands of tenancy rights, Right of
workers for safe working conditions, fair wages
and non-discrimination in the society.

Government efforts in ~~the~~ subsequent five-year
plans have led towards eradication of
the ~~social~~ structural causes of this inequality
further land reforms, green revolution have
increased prosperity of Rural & Agricultural
sectors -



In contemporary time the challenges of violation of Human Rights in form of Right to privacy, Rights against procurtine detention and state Right against tools of government officials - have centrestage in the debate around environment.



Que.8

Explain the origin and the constitutional provisions related to the institution of CAG. Critically evaluate the role of CAG in strengthening the Indian democracy. (200 words, 15 Marks)

Article 148 of the constitution envisages CAG as an independent body and supervisor of public purse to control every financial function of the government.

Constitutional provisions related to CAG are as follows —

- * He has power to audit the accounts of central as well as state government.
- * To present reports of public account, finance account and public undertakings to the president.
- * He acts as a friend and philosopher of PAC of the parliament.



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* CAG audits accounts of Public Undertakings of government as states. also any other institution referred by President to CAG.

* CAG ensures financial accountability on part of public spendings.

~~However~~ The Role of CAG has been contented due to various developments. on one hands Cases such as exposing 2G spectrum Augusta westland helicopter deal etc have ensured confidence in the Institution whereas on other have issue in discrepancy of accounts, allegation of political affiliation, mode of appointment by central government have raised questions on institutional integrity.



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Vinod Rai in his book 'not just an accountant'
argues that CAG has to be further
strengthened to ensure not just financial
accountability but financial prudence on
part of government and public purse.