

Name : ANISHA TOMAR

Roll No. :

Mobile No. :

Values in the Constitution

Time Allowed: 3 Hr.

Max. Marks: 250

Instructions to Candidate

- ▶ There are 20 Questions.
- ▶ All questions are compulsory.
- ▶ The number of marks carried by a question is indicated against it.
- ▶ Answer the questions in **NOT MORE THAN 200** words each. Contents of the answer is more important than its length.
- ▶ Answers must be written within the space provided.
- ▶ Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.

Q	Answer	Q	Answer
1	4	11	3
2	6	12	—
3	5	13	4
4	4.5	14	2.5
5	—	15	1
6	—	16	5.5
7	3	17	3
8	6	18	6
9	3	19	—
10	3	20	1

Date: 30 09 2017

Candidate's Signature

Anisha Tomar

Examiner's Signature

[Signature]
60.5

REMARKS

- ① Try to mention Articles whenever necessary
for example in the question 14 - Art 352, 356, 360
- ② your Answer writing skills are good
- ③ language flow is also good
- ④ your Introduction needs to be within 2 to
3 lines
- ⑤ Try to attempt all the questions

All the Best

Q1. What do you understand by privacy of an individual? How far is it true to state that privacy is affected more because of technology and private agents rather than the government and state? (12.5 Marks)

→ Privacy of an individual refers to the right of the person to be left alone. According to British law it means that the home of every man is his castle. Privacy as a right is explicitly provided by the 4th constitutional amendment in the American constitution. In Justice Puttaswamy case the SC stated that privacy is a natural right and is inherent in each individual.

↳ The issue of privacy has been long debated in India, it came to the forefront during the discussion of Aadhar. Aadhar is the scheme started by Government to target and provide benefits in an efficient manner. It collects biometric and personal information of citizens.

→ An important aspect is the security of the information collected by the government. India has no data security law which makes the Aadhar data vulnerable to external parties.

→ Another issue could be the usage of this data by the private or corporate entities to study customer's behaviour and customise products according to it. As we know that in this era of 4th revolution data is gold.

→ There is an increasing threat of hackers as India has recently witnessed ransomware

4
 Include
 2/A
 Issues like
 Hacking
 phone
 tapping
 etc

Remarks

attack. Also there is a possibility of this data falling in the hands of non-state actors.

→ Also it would not be entirely wrong to say that such a large collection of personal information can also be used for data profiling or can turn the state into a surveillance state.

↳ In future data is going to be the most important resource in the hands of private or government. Strong data protection laws along with enforcement of privacy rights can ensure that it is used judiciously and for the benefit of the citizens.

Q2. Rights granted by the state constitutionally can never make them de-facto reality, but they are dependent on the economic structure and cultural development of society for a real existence. Discuss with respect to the rights related to women provided in the constitution.

(12.5 Marks)

→ The constitution of India is a visionary document and encompasses within it high ideals that the constitution makers wanted to be incorporated in the nation. Universal adult franchise was granted even though the literacy rate was very low. FR were given to all and the DPSP were the guiding lights for future policies. It was hoped and expected that with time more and more provisions of constitution will be implemented in letter and spirit.

→ The constitution provides for Art 14 which states that all citizens are equal before law and equal protection of law. The second provision is a positive concept and points to equity. It means that like must be treated like. In Indian society women have historically been disadvantaged and Art 14 provides for their empowerment and equal treatment as men, yet we witness multiple instances of inequality.

→ Art 15(B) is a reasonable restriction to Art 15 which states that programs and schemes for benefit of women and children can be implemented by the state. With regard to this schemes such as SABLA, MAI, Janani Suraksha etc are implemented. This is due to a renewed understanding of women's role in the 21st century.

Remarks.

→ Art 23 puts a ban on immoral trafficking of women and children. In India due to the widespread poverty many women are forced into this; also as they are illiterate and lack education they are trapped in a vicious cycle. The elimination of such a trade will depend on better economic conditions and stricter enforcement of law.

It also bans devadasi system. But due to the belief in ancient practices by many, such a practice continues in parts of Andhra and Tamil Nadu. Lack of cultural development in such areas leads to continuation of these practices.

→ DPSP of the state that there must be equal wages for equal work for both men and women. Yet we frequently witness women working for lesser wages in most occupations. Also in corporates very few women are found at higher post. This is due to inherent patriarchy in the Indian culture which must be done away with.

↳ The Constitution of India is a free signed document. To achieve all its ideals India must grow equally in spheres of economic, society, and cultural aspects.

Q3. Concept of equality is fundamentally against the idea of liberty. Equality needs a positive interventionist state, whereas Liberty needs a negative and minimized State. Discuss with suitable examples. Also, examine what kind of political system is most conducive for each and why? (12.5 Marks)

↳ The Preamble in Indian constitution states that the state will strive to provide -

- equality of status and opportunity.
- liberty of speech, expression, belief, faith and worship.

↳ At Independence India was a divided state, it was divided on lines of religion, race, caste, sex etc. It was decided that India will follow a socialist democracy and strive to achieve equality for all its citizens. This saw many interventions by the state such as -

- 1) Land ceiling act - for redistribution of land
- 2) Reduction of poverty schemes.
- 3) Assured employment - MGNREGS

More recently National rural urban livelihood mission, skill development, Right to compulsory education, promotion to entrepreneurship, stand up, start up India. Also rationalising of indirect taxes through GST which will reduce burden on poor etc.

All these are positive interventions by the state to reduce the gap between rich and poor.

Ar 34 (b) and (c) also state for non prevention of concentration of wealth and equal distribution of resources by the state.

Good
intention

5

Examples
not account
are not
relevant

Remarks

For equality between men and women, various laws empowering women have been enacted according to Art 15(3). ~~α-Dowry Prohibition, Prohibition, Maternity benefit, sex prohibition of sexual harassment,~~ the recent judgement of SC banning triple talaq, etc.

↳ Liberty essentially means the freedom of citizens to exercise their will. But in a developing nation like India with vast diversity, regulation is required as to prevent the clash of two conflicting ideas. The constitution under Art 19 provides freedom of speech, assembly, association, movement, ~~residence and occupation,~~ yet these are not without reasonable restrictions. In India the state regulates abortion, surrogacy, preventive detention, ~~free speech etc.~~ The state and citizens will have to mature to enjoy liberties unshackled.

→ A democratic state is the best option for providing civil liberties to its citizens and also for promoting equality between rich and poor, male and female. This is because people are the ultimate sovereign in a democracy.

Remarks

Q4. With the advent of globalization, the concept of sovereignty has diluted. Analyze, whether globalization has affected the ability of India to determine its policies and strategy? (12.5 Marks)

→ With the advent of globalization, the concept of sovereignty has diluted to an extent. An example of this would be the year 1991 when India introduced the LPG reforms and experienced a BOP crisis. Due to the ~~the~~ ~~aid~~ ~~condition-~~ ~~alities~~ of IMF, India did not have full control over its decision making.

The Preamble of India states it to be a sovereign nation. ~~All decisions~~ ~~are~~ ~~taken~~ ~~by~~ the Government that is popularly elected by the citizens. Due to the hyper connectivity in this globalised world, it is imperative for India to be a part of world groupings, multi-lateral forums etc, it can no longer follow the NAM policy. Currently India is a part of BRICS, SAARC, BIMSTEC, associate member of OECD etc. Decisions in such groupings are for the benefit of all members and not just one.

In terms of trade, India is a member of WTO, ADB, RCEP etc. India has signed goods agreement with ASEAN members, which might incur a loss to indigenous manufacturers but has been unable to broker deal for services. This points to dilution of complete authority in terms of decision making.

35
Discuss about Binding Agreements which affect India's sovereignty

Remarks

In the 21st century all nations which are involved in trade lose their sovereignty upto some extent. This is a fall out of the globalised order.

Remarks

Q5. Right To Education is a fundamental right which places obligation on states, parents, civil societies, teachers, and other stakeholders to define the new futuristic India. Describe respective provisions of the Act and challenges related to that. (12.5 Marks)

Remarks



Remarks

Q6. Explain what is parliamentary privileges. Also, bring out the dispute between the fundamental rights of citizens and privilege of the legislature. (12.5 Marks)

Remarks



Remarks

Q7. Do you agree that "Right to personality" inherit all the other basic human rights of the individual? What role may government play in providing it? (12.5 Marks)

→ The preamble states that dignity of all individuals must be upheld. It means the personality, i.e. respect of each person is paramount in the Indian democracy. The Right to personality is inherent in Art 21 Right to life and personal liberty. It includes not just the right of an individual to material benefits but also to a quality of life, respect etc.

The government of any nation can play an instrumental role in providing right to personality -

① Public spending in health and education

According to SDG 3 and 4, proper health and education must be provided to all. They are the bedrock for a sustainable growth of an individual. The GOI enacted RTE and introduced a new health policy which aims at well being and cheap medicines for all.

② Boost to scientific temper

Research must be promoted and made lucrative - Atal tinkering labs by Niti Aayog is a good step towards promoting innovation in children.

Discuss
Govt Role
To provide
Health
Education
Employment
Low order
etc.

Remarks

③ Freedom of speech

↳ By reducing regulations on colleges and universities, state must create space for healthy discussion and debate.

④ Job creation

↳ The state must stop this cycle of underemp. by creating state capacity and providing jobs to those who are able and willing to work.

The state can play a very positive role in the development of the personality of an individual.

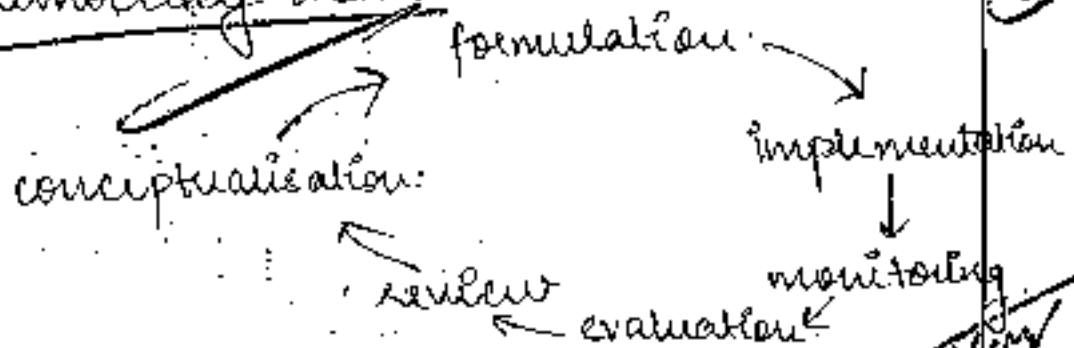
Remarks

Q8. Do you agree that by just having democratic codes and guidelines alone without effective reporting mechanism is insufficient, this requires good and strong citizen's base? Discuss the steps needed for building strong citizen base and role of Right to Expression in that.

(12.5 Marks)

→ A successful democracy must be bottom-up and involve high levels of citizen participation. Countries such as Switzerland have direct democracy tools and due to its low population involve all its citizens in decision-making.

The cycle of a positive effective policy-making in a democracy involves.



↳ The process of monitoring, evaluation and review are as important as the others. In a country as vast as India it is virtually impossible for the state to regulate and review all aspects, this is where citizens can help. Some mechanisms are - social audit, participatory budgeting, citizen report card, feedback forms, mid-level evaluation by citizens, etc.

↳ citizen reporting mechanism will help in full ways -

1) The wishes and aspirations of citizens will be communicated to the policy makers.

Remarks

2) The citizens will feel a sense of belonging to the nation and compliance will increase.

3) Measures such as citizen report cards will empower citizens and provide them opportunity to express their rights.

4) It will reduce burden on governments and lead to an efficient monitoring/reporting mechanism.

For implementing such measure it is imperative that the citizens have the freedom of speech and expression. It must not be curbed by state.

5) Citizens must be encouraged to be a part of national programs. ex - Swachh Bharat Abhiyan, social audit in MGNREGS.

6) Community resource holding must be given a push. ex - Tribals, locals. The RWAs is responsible for the ^{upkeep of} gardens of the locality etc.

7) Instruments such as RTI must be introduced to empower the citizens.

Remarks

Q9. Freedom and liberty are genuine aspirations of the people in a democracy. But without reasonable restrictions and self-discipline there is a danger that we may end up in an unprincipled anarchy. Examine the statement in view of some of the recent happenings in the country. (12.5 Marks)

→ The constitution of India provided freedom and liberty under Art 19 as fundamental rights. All FR are subject to reasonable restrictions. This is to protect morality, public order, security of state, health, sovereignty of nation etc. These are essential to so as to resolve conflicts between rights of two individuals or using rights to harm the nation or incite violence.

↳ Recently Indian states have witnessed a spate of attacks in the name of cow vigilantes on those whose livelihood depend on cattle trading. The constitution provides for freedom of religion and also at the same time Art 21 (Right to life). No person can arbitrarily impinge on others right to life.

↳ Also the universities of India have remained temples of learning and freedom of speech and expression is essential for growth of students. But when the speech threatens unity and integrity of the nation it must be curbed and reasonably restricted.

↳ Also ~~the~~ FR provide for freedom of peaceful assembly but as it was witnessed during a recent judgement of supreme court

Remarks

3

mention
issues like
Section 68A
tolerance
Books such
as
Kanchi Math
etc

The mob turned violent, resulting in loss of life and property.

-> FR must be utilised responsibly by all, only then can there be peace and prosperity for the nation.

Remarks

Q10 The absence of planning of Parliament's calendar and business directly impacts the quality of debate in Parliament. Do you agree? Compare the working of Indian Parliament with respect to Britain in the above case. (12.5 Marks)

→ The Parliament of India sits for three sessions on an average during the year. The business and agenda of Parliament is set by the government of the day. A parliamentary affairs minister is appointed to facilitate smooth functioning of parliament. Also a business advisory committee recommends the plan of functioning of Parliament.

Due to lack of clarity in the planning process of parliamentary affairs, the members of the legislature are ill prepared for dialogue, discussion and debate on matters of national importance. The ambiguity in some cases is maintained by the govt to readily pass the bills without delay.

It prevents all points from being incorporated and concerns of all sections are left unaddressed.

→ The British Parliament functions for more number of days on an average than the Indian Parliament.

→ Their calendar of the year is prepared at the start of the year and incorporates agenda, holidays etc.

3

I think
Answer

Remarks

The functioning of British Parliament seems more efficient than the Indian. - functioning

Remarks

Q11. "The government is best, which governs least" is one of the most commonly accepted principles in western democracies, however, the Indian constitution, doesn't follow it to the spirit. Examine. (12.5 Marks)

→ The principle that "The government is best, which governs the least" is a commonly accepted principle in western democracies, but doesn't work in the Indian context. During independence India resolved to be a socialist democracy inspired by the Russian model of government. India was a poor, malnourished, divided young nation. In such a scenario state intervention was necessary to provide even the basic needs.

↳ The five year planning started it envisaged a greater government role and a limited role for private sector, ~~most~~ inward oriented policy was followed and state manufactured every thing from scooter to clocks.

↳ As this model failed to sustain the economy started opening up, the reforms of 1991 were introduced, the state retreated in some sectors and created space for private.

↳ During the early 2000s state took up the role of a regulator and private sector flourished.

↳ Today the role of state is envisaged as a facilitator and capacity builder. The motto followed is "Minimum govt, max governance".

Remarks

→ In a developing nation such as India, state intervention is essential in sectors such as food security, health, nuclear power etc. This is due to the profit making nature of private and inability of many Indians to afford such services.

Remarks

Q12. "You can't reinvent a wheel, and if something good exists, you have to adapt from it."
Critically analyze the given statement in context of making of Indian Constitution.
(12.5 Marks)

→ The Indian Constitution is a result of the various act and provision of the British government during their approx. 200 year rule. The most important of these acts is the Government of India Act, 1935.

↳ It laid the foundation for the Constitution of free India.

Remarks

Remarks

Q13. Discuss the provisions in constitution, designed to ensure neutrality of Judiciary, President, Governors, and Lok Sabha Speaker, etc. Analyze why they fail to maintain the same from time to time? (12.5 Marks)

→ The constitution provides various safeguards and checks and balances for the court posts so as to maintain their impartiality and neutrality.

↳ Judiciary - The constitution states that the Judiciary is the defender and guarantor of the fundamental rights of citizens under Art 32. ~~They~~ The judges are provided with full autonomy, they do not to be held responsible for their statements during cases. Their salary is charged on the consolidated fund and hence not voted upon.

↳ In some cases we see an unethical understanding between judiciary, corporates and executive. This is due to the lack of maturity of our society and unethical officials.

↳ President - The president takes the oath and vows to protect the constitution. He ~~is~~ is immune from criminal proceedings, cannot be jailed, cannot be removed by ordinary procedure, his salary is charged on the consolidated fund of India.

Remarks

↳ Governors - He has the ^{similar} ~~same~~ privileges as President. Must not belong to the state for which he is selected as Governor. He must also not have any political affiliations. But we have seen in the context of Indian polity that they act as the agents of the centre.

Missing

Speakers Role & Functions

- ① Anh - delegation or being properly implemented
- ② speaker is politically motivated in few areas

eh

Remarks

Q14. Elaborate on the various emergency provisions of Indian Constitution? Also, examine the various built-in safeguards, to prevent misuse of these? (12.5 Marks)

→ The Indian Constitution provides for three kinds of emergencies - National emergency, ~~President's rule~~ and financial emergency.

① National emergency -

Such an emergency can be called in three circumstances - ~~external aggression, war and armed rebellion~~. Earlier the provision was internal disturbance, but after the emergency of 1975 through the 44th CA it was changed to armed rebellion. 2.5

② President's rule -

This can be called when it is ascertained that the respective state is not being run democratically through a governor's report or ~~report~~ note by the President. The President takes over the functioning of state and can appoint any official for the same.

↳ It is observed that this provision was being used by consecutive central governments to dissolve govt. of opposition parties at the state level. So in the Bommai Judgment it was stated that -

↳ No ~~legislation~~ ^{executive} of state may be dismissed without the conducting of floor test.

Remarks

↳ No legislature must be arbitrarily dissolved by Governor.

↳ The courts hold the power of judicial review to ascertain the extent of application of President's rule.

③ Financial emergency

↳ It is called into action when a state has been fiscally impotent. India has never applied this type of emergency.

~~Built in mechanism is
Not well explained~~

Q15. To what extent, status of British Crown influenced the constitutional powers of President of India? Elaborate. (12.5 Marks)

→ The British Crown and the President of India share some similarities and dissimilarities.

- ① The British Crown is a monarchy and is hereditary in nature whereas the Pres of India is (indirectly elected. The India is a republic)
- ② Both the positions are ceremonial in nature. The Indian President does have some situational discretion.
- ③ It is said that the Queen reigns but does not rule, similarly the President has limited role to play in policy making or administration.
- ④ The documents, international treaties are signed in the name of the President just like the Queen of England.
- ⑤ Both are the head of the state.

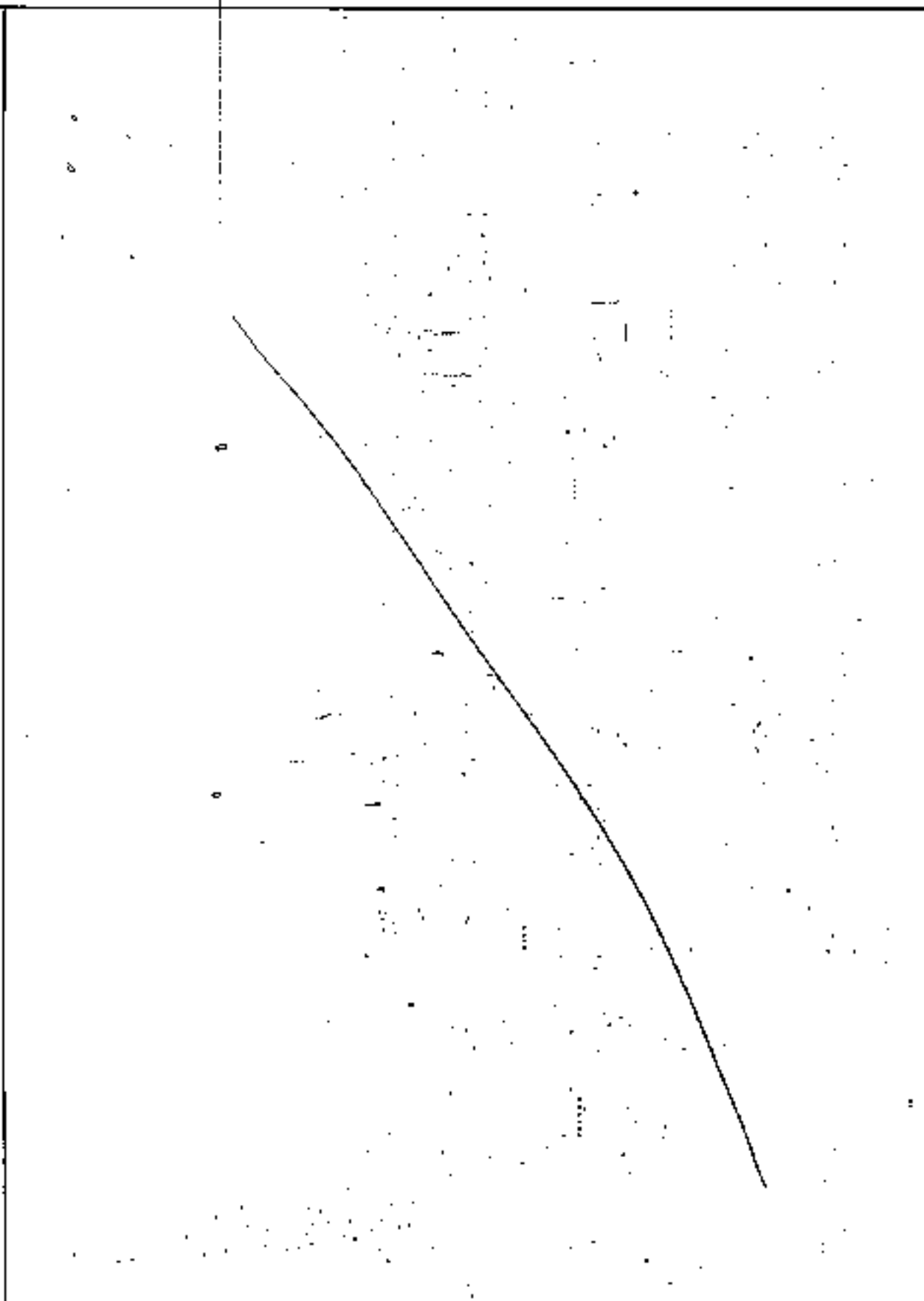
Discuss powers regarding

① Assent to bills

② Appointments

③ Commander in Chief
etc.

Remarks



Remarks

Q16. The nation state was enjoying autonomy to confer citizenship rights however due to rise in new form of citizenship to integrate people together in this globalized world concept of Global Citizen has come up. Discuss the concept of Global Citizen and its significance in the present violent world. (12.5 Marks)

→ Due to hyper connectivity of the 21st century the world has been reduced to a global village. On the physical level the world has experienced mass migration of people due to various reasons such as in search of food, water, shelter etc. For the past few years the world is witnessing mass migration due to persecution of certain sections of people. Citizens from developing nations are moving to developed countries in search of jobs, better living conditions etc. The physical boundaries and geographical identities are slowly diluting.

↳ People are moving towards becoming global citizens today. They may hold citizenship of one nation while in one nation and work in another. The move prevailed among the lot have the choice of travel and residence.

↳ The world is currently witnessing the Syrian war, which has led to mass migration towards Europe. A fallout of this was the Brexit. Countries such as Canada and Turkey have welcomed persecuted minorities into their nation. Such an action becomes significant on two grounds:-

① Humanitarian basis.
UN Human rights commission declares for all

55

very well articulated

Remarks

people to live a safe and healthy life. It becomes the moral duty of nations to help rehabilitate those in need irrespective of their nationality.

② To prevent them from turning hostile.

Migrants are vulnerable and are targeted by terrorists and non state actors. They may become a threat in future if not properly taken care of.

India is home to many persecuted minorities historically. The Chakmas and Hajongs, Tibetan Buddhist, Srilankan-Tamils etc. The citizenship

Act was amended, specifically to provide "to people of persecuted minorities from Pakistan, Bangladesh and Afghanistan."

↳ The ~~see~~ most recent violence is seen against Rohingyas muslims of Myanmar. It is imperative that neighbouring nations provide shelter to such sections which face threat to their life. It is a moral obligation of each nation on humanitarian grounds.

Remarks

Q17. Free and fair elections are necessary, but not a sufficient condition for efficient working of a democracy. Examine. (12.5 Marks)

→ Indian democracy is famed all over the world for holding the largest elections based on universal adult franchise. Free and fair elections are the first step towards establishment of a democratically elected government. It gives the elected members legitimacy and authority. It is a necessary condition, but most definitely not sufficient.

As Woodrow Wilson had stated "It is easier to write a constitution, than run one". A vast, diverse and young democracy requires multiple other factors for efficient functioning such as -

① Separation of powers

The three organs of the government must be sufficiently autonomous in decision making and there must be a healthy system of checks and balances amongst them to prevent arbitrary decision making.

② Federal polity

India is an indissoluble union of destructible states. Adequate devolution of funds and powers, have to be provided for proper functioning of states.

Include
① Role of judiciary
② Role of citizens
③ Role of media etc

Remarks

③ Rule of Law

India transitioned to a welfare state from a police state after independence. RoL is a part of basic structure of constitution and must be upheld at all costs.

④ Functionalities

We must remember that in all systems the most important resource is always the humans which are part of the system. Educated, healthy, honest people can skyrocket the nation to greater heights and so in a democracy sufficient investment must be made in increasing human capacity.

↳ Elections conducted in a free and fair manner mark the beginning of a democracy. Sustaining a democracy is a bigger challenge.

Remarks

Q18. The DPSPs are an unofficial manifesto for good governance. If a political party can only adhere to them properly, when in power, there is no need for any other manifesto. Examine. (12.5 Marks)

→ Dr B R Ambedkar had said "that any democratically elected ~~body~~ would be ill advised to ignore the DPSP in policy making, if they do so they will be ~~unsuccessful~~ in the next election". The DPSP consist of all those provisions which could not be implemented during independence due to lack of capacity of the state. It was expected that as the country would grow ~~and~~ more and more DPSP would be implemented.

↳ Currently they serve multiple purposes -

→ They are indicators towards which the policies of the nation must be fashioned by the govt. in power.

→ They provide a visionary future road map for the country.

→ It is also used by opposition to hold the government responsible and accountable. It allows for course correction in policy making.

→ The constitution makers depended on the power of the people to generate consensus and get ~~them~~ in demand for their implementation.

→ RTE which was earlier a DPSP is now a FR under Art 21(A) and provides compulsory

Remarks

education to all children between 6 to 14
years of age

↳ The Bharat is envisaged by our constitution makers will come into being when each and every DPSP will be implemented in letter and spirit.

Remarks

Q19. Section 123 of the Representation of People's Act, 1951 (Act) impose restrictions on speech thus discuss the limits of those restrictions and the purpose of the law. (12.5 Marks)

Remarks



Remarks

Q20. What is the nature of Fundamental Duties? Why aren't they given legal backing like Fundamental Rights? Can they be enforced under special circumstances? Debate, the case for conscription in India, like many developed countries? (12.5 Marks)

→ Fundamental duties were added by the 42nd Constitutional amendment act as Art 51(A). They are positive instructions to the citizens of the nation. They are meant to instill a sense of duty and national pride among the citizens.

Japan is the only other democratic nation to have fundamental duties in its const. They are not enforceable as they are mere directions and the makers hoped that ~~the~~ due to heightened consciousness of the citizens, ~~these~~ will be followed in spirit by the people.

b) The FD can not be enforced in India. Though laws can be made for implementation of them such as the flag code.

c) Conscription in India is not enforced as the FR provide freedom of ^{choosing} occupation to its citizens.

Remarks

<i>Remarks</i>		
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