

GSSCORE

An Institute for Civil Services

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AIR 205

CSE 2024

POLITY (GS PAPER-II)

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POLITY - 3

Time Allowed: 50 Mins.

Max. Marks: 75

| Q. | Marks | Instructions to Candidate |
|----|-------|--|
| 1. | | <ul style="list-style-type: none">There are 5 Questions.All questions are compulsory.The number of marks carried by a question is indicated against it. |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| | | <ul style="list-style-type: none">Answer the questions in 250 words each. All questions carry equal marks. 15 x 5 = 75 MarksKeep the word limit indicated in the questions in mind.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. |

Name Satyam ChaturvediRoll No. 117343Mobile No. Date Signature Schaturvedi

1. Invigilator Signature _____

2. Invigilator Signature _____

- Q1. The moral value of Fundamental Duties is not to stifle rights but to establish a balance and further make people more responsible for the country's development. Discuss. (15 Marks) (250 Words)

Fundamental Duties are the expectations from citizens, in lieu of fundamental Rights given by the constitution. The moral value of fundamental duties is to create a sense of respect for the unity & diversity of country as well as actions to be taken for the developmental journey of Nation.

Not a tool to stifle FR —

1. F.D. are non-enforceable, so, they can't be challenged against FR.
2. F.D. are not binding claims on government but it is more of a citizen-centric expected behaviour.
3. F.D. are reverse claims of State from citizens though not binding.

Remarks

Strike a balance between FR & FD:

These points are not addressing the demand
↓
You have to show how FR & FD are benefiting each other!

1) By incorporating some provisions from duties for making laws.
eg: Flag Code etc

2) as Rights are not devoid of duties, they are act in consonance with the F.R.

3) Duties as ~~an~~ goal towards a better, unified & rational India against FR, which deals with legal & social practices.

eg: F.D. to develop a scientific temper

FD make people responsible for country's development:

1) By making people adhering to environmental justice

eg: F.D to preserve environment

→ which is also in FR (Art 21)

2) People should follow rules towards

Remarks

Mention points like

- FD → Brotherhood & harmony
- FR also talks about protecting F of S & E (Art 19) → to avoid tension.

- FD → Value Heritage
- FR talks about prot. culture (Art 29).
- + similar points

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International justice

Q: F. Duty to secure international peace etc

Not relevant to demand

2) F.D. are in congruence with the ethos of preamble & constitution.

Q: To maintain liberty and social ^{defy} ~~stigma~~ _{dece}

Both FR & FD are constitutional principles.

F.D. are added in constitution by 42nd CAA Act,

1976. These are 11 in number giving a directions

to citizens to follow a model citizen model.

These points should be mentioned in intro part not in Conclusion

3

As you have not addressed the demand & gave a very generalised statement.

Feedback (for office use only)

1. Objectivity

2. Content

3. Articulation:

Remarks

Q2. Uniform Civil Code (UCC) calls for the formulation of one law for India, which would be applicable to all religious communities. Do you agree that UCC will pave the way for national integration and strengthen secularism in the country? Justify your answer. (15 Marks) (250 Words)

Article 44 of the constitution states that state should strive for formulating a uniform civil code for entire country. However, it is listed in DPSP and is not enforceable.

UCC as a harbinger for National Integration ⇒

1. Ensure equality by codify all customs and traditions (Personal laws).
↳ one law will increase uniformity

2. Sense of fraternity
↳ due to singular law & concept of equality before law.

3. Democratize the country
↳ on principles of equality, justice & fair treatment

Remarks

Try to mention
UCC will help

Gender Justice

Promote freedom of choice

Promote Natural Justice

Improve Democratic ethos

Uphold Court's morality — Equality, Justice etc.

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Not relevant
to
Q demand

4. Enhance condition of women

↳ various laws gave unequal rights

⊙ Shariat Act (divorce), Hindu marriage Act (Intestacy) etc

5. People will find common objectives

↳ to reduce social evils

Strengthen Secularism —

1. (Separation of State from religion)
↳ modern Democracies

2. Secularism as a Basic Structure

↳ Enhance Substantive democracy

3. Equal treatment of citizens

↳ on inheritance, marriage, divorce etc

4. SC in various judgements supported

UCC

↳ Shah Bano case (1985)

eg. Danial Latifi case

This is a western concept
↳ Factual error

↓
Need more
conceptual
clarity.

Good point
or u have
given example
to substantiate

Your answer → Try to do the same with other points

Remarks

Yet, ? elaborate this point

UCC may increase social tensions in society! —

1. Right to religion (Art 25(1)) violated

Both are same points

2. Right to practice & manage religious customs as FR violated

3. Some parts of society will feel threatened on customary rights.

4. Secularism as a western concept

↳ Asian values theory? → Explain this little more.

In this context, it is pertinent that policy

should be formed only after taking consultations between different sections & wide deliberations.

However, law commission recommendation may be needed "not desirable as well needed now"

Feedback (for office use only)

1. Objectivity

2. Content

3. Articulation:

Remarks

Q3. A Constitution is a living document and, hence, it has to reflect the changing times. Discuss this statement by citing some of the recent Amendments to the Indian Constitution.
(15 Marks) (250 Words)

Constituent Assembly had formulated

constitution not as some rigid & non-changing set of laws but flexible and a living document which will reflect the changing times.

In this context, several Amendments of constitution may be seen, which show the testimony of constitution through age: —

1. 106th CAA Act: Nari Shakti Vandan Adhiniyam Act

→ provided $\frac{1}{3}$ reservation to women in LS / State legislatures & NCT of Delhi

→ to arrest the political patriarchal setup & enhance participation of women

(eg: (only 14 women MP in 18th LS)

Remarks

Also, explain - which provision of Constitution are showing its rigid + which are flexible character.

2. Constitutional States to National Commission for Backward classes (NCBC)

→ through 102nd CAA

→ for giving justice to other weaker sections.

3. Reducing Age of voters from 21 to 18.

→ 69th CAA 1989

→ for increase in participation of youth in decision making.

4. Gave Secularism its explicit form

→ 42nd CAA 1976

→ added Secularism, integrity of nation & Socialism.

5. 18th CAA 1957

→ to safeguard the land reforms Act of different states
→ 9th Schedule

Keep it up.
↓
All the arguments u have mentioned are well explained & valid

Remarks

Mention about Art-368 - Amendment
→ simple & special majorities etc.

6. Right to marry (Nadra case in SC)
↳ under Article 21

7. Added Fundamental duties (Art 51-A)
↳ 42nd CAA 1976
↳ to give a sense of duty to citizens

8. Right to Privacy (Puttaswamy case)
↳ under Art 21
↳ in changing digital world.

9. Affirmative Actions

↳ Art 15(4) & 16(4)

↳ 77th CAA (for promotional reservation)

hence, it is clear that our constitution is a living document and encompasses various societal changes as per need of the time.

All are valid arguments
↓
good attempt

Valid conclusion

6 1/2

Feedback (for office use only)

1. Objectivity

2. Content

3. Articulation:

Remarks

Q4. The Doctrine of Basic Structure has assisted in maintaining the identity of the Constitution intact but the same has also created a framework with judiciary holding veto power on the question of amendment vis-à-vis legislature. Discuss.
(15 Marks) (250 Words)

You gave a good intro by explaining the evolution of Basic Str. theory

The Doctrine of Basic Structure (DBS) was formulated in the Keshavanand Bharti (1973) judgement, in which SC has curtailed the power of legislature to amend the constitution i.e. o. some basic features like independence of judiciary, secularism, parliamentary form of govt etc.

It has Assisted in maintaining the identity of constitution intact by: — (Effects of Basic str. doctrine..)

1. Protecting fundamental Rights of citizens
 - Right to livelihood
 - Right to environment (MC menta case)
2. Protected independence of judiciary
 - collegium system (2nd judges case)

Very general points

Try to explain the doctrine of Basic structure & their effect.

Mention Articles whenever possible

3. Secular character of state (Art 25-29)

↳ Sabrimala verdict (Right to Equality for women)

4. Socialistic nature of state (DPSP Art 36-51)

↳ Right to food etc
↳ Right to shelter

5. Vulnerable sections — (Art 29-30)

↳ LGBTQIT (Sec 377 decriminalise)

However, a veto power: — ? to whom?

1. making legislature unconstitutional

↳ NJAE Act 2018

2. Judicial Activism

↳ Vishakh Guidelines

This is a true example
↳ instead give fire crackers example.

3. Legislative power to change the amendment

↳ Affirmative Actions

↳ again not a criticism.

Remarks

Judicial overreach as an example

~~4.~~ Ban on firecrackers - explain

5. Suo motu decisions (separation of powers violated) - good point

In this context, it is important to note that in democracy, separation of powers is supreme.

India name
not a
strict
separation
of
power
↓
delegated
legislation

↳ Judicial Activism should not increase to judicial overreach. (LGBTQ case)

~~4~~ Separation of Powers Doctrine

↳ Reforms as per changing times should be welcomed (eg: NTAC etc)

take over the

↳ Judiciary should not take power from Elected Representatives.

Good conclusion

DBS act as a harbinger for Indian democracy.

Try to address the Q Demand

Feedback (for office use only)

1. Objectivity

2. Content

3. Articulation:

Remarks

Q5. Welfare of an individual cannot be alienated from the welfare of society and vice versa. Considering the above statement, evaluate the Constitutional position between Fundamental Rights and Directive Principles of State Policy. Mention the Supreme Court's view of relation between Part III and Part IV of the Constitution.

(15 Marks) (250 Words)

Ans by mentioning FR + DPSP + their Constitutional position.

The Above statement is testament to the difference between Part III & Part IV of constitution, which differentiates between individual rights & Societal Rights.

Constitutional Position :-

F. R.

D. P. S. P.

1. Enforceable in court of law
(ART 13-35)
Do mention

2. Non Enforceable
(ART 36-51)

2. Individual Rights
(eg. Right to Equality, Abolition of untouchability)
not an individual right

3. Societal Rights
eg: Right to life
Equal Pay Equal work,
Nationality benefits, environment etc

Remarks

Constitution doesn't make any distinction on these grounds

3. Principle of Rule of law

3. Differentiated on various principles like socialist, Gandhian etc

4. They have primacy over DPSP. (Mention SC judgement).

4. They are given ~~also~~ to give directives to state.

5. Western concepts mainly.

5. Indian concepts rooted in Indian society
e.g. cottage industries.

Try to have a conceptual clarity. → Demand is not met

Various SC cases on Relations: —

1. Golaknath case:

- SC gave DPSP > FR
- challenged the govt's view.

2. Kesavanand Bharti case (1973):

- FR have primacy over DPSP
- DPSP give directives to state

Remarks

3. Minesra Mills case (1980):

↳ Doctrine of Harmonious construction

↳ Balance between FR & DPSP

Valid
Case
↓
good
attempt

4. Shah Bano case:

↳ SC instigated state to adopt a UCC
(which is DPSP)

Line Independence — work on your sentence
formation

Hence, from the independence, the nature of
debate between FR & DPSP have been evolving.

currently, FR & DPSP serves as a guide to
state to go for democratisation of India.

5

FR & DPSP are inseparable as both give a
sense of duality to policy making & make
constitution vibrant

* You haven't addressed
all the visions of the Q.

Try to read &
2-3 times to
understand the
Q demand.?

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1. Objectivity

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3. Articulation:

Remarks

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Strike a balance between FR & FD:

1) By incorporating some provisions from duties for making laws.

eg: Flag Code etc

2) as Rights are not devoid of duties, they are act in consonance with the F.R.

3) Duties as ~~an~~ goal towards a better, unified & rational India against FR, which deals with legal & social practices.

eg: F.D. to develop a scientific temper

FD make people responsible for country's development:

1) By making people adhering to environmental justice

eg: F.D to preserve environment

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Remarks

International justice

Q: F. Duty to secure international peace etc

3) F.D. are in congruence with the ethos of preamble & constitution.

Q: To maintain liberty and social ^{defy} dignities _{dece}

Both FR & FD are constitutional principles.

F.D are added in constitution by 42nd CAA Act, 1976. There are 11 in number giving a directions to citizens to follow a model citizen model.

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Article 44 of the constitution states that state should strive for ~~formulating~~ a uniform civil code for entire country. However, it is based in DPSP and is not enforceable.

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1. Codify all customs and traditions
↳ one law will increase uniformity
2. Sense of fraternity
↳ due to singular law & concept of equality before law.
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Remarks

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4. SC in various judgements supported

vcc

↳ Shah Bano case (1985)

⇒ eg. Danial Latifi case

Remarks

Yet,

UCC may increase social tensions in society: —

1. Right to religion (Art 25(1)) violated
2. Right to practice & manage religious customs as FR violated
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↳ Asian values theory.

In this context, it is pertinent that policy may be formed only after taking consultations between different sections & wider deliberations. However, law commission recommendation may be heeded "not desirable as well needed now"

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→ 1st schedule

Remarks

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Remarks

3. Secular character of state

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↳ Right to shelter

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In this context, it is important to note that in democracy, separation of powers is supreme.

↳ Judicial Activism should not increase to judicial overreach. (LGBTQ case)

↳ Separation of powers doctrine

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↳ Judiciary should not take power from Elected Representatives.

Hence, DBS act as a harbinger for Indian democracy.

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Remarks

3. Principle of Rule of law

3. Differentiated on various principles like socialist, Gandhian etc.

4. They have primacy over DPSP.

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ex: cottage industries.

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