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**SHREYA SINGHAL**

**RANK - 176**

**POLITICAL SCIENCE  
TEST - 6**



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# TEST 06

Enter number  
of question

Name : SHREYA SINGHAL

Module No.:

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Remarks

Some points are mentioned below:-  
1. You need to elaborate your answers.  
2. Your answers should be brief and to the point.  
3. You need to make sure that your answers are correct and relevant.  
4. You need to have been able to answer all the questions correctly.  
5. You need to have been able to answer all the questions correctly.  
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10. You need to have been able to answer all the questions correctly.

प्रश्नों के लिए  
सही वाक्य  
निर्देश दिये

The Gandhian tool of 'Satyagraha' was similar to strategy of 'passive resistance' in the sense that both involved non-violence.

However, Satyagraha, according to Gandhi was much superior.

Passive resistance as advocated by Aurobindo was response to moderate strategy of petitions and prayers. He called for extra-constitutional means of protest, national education, strike at the very base of British economy etc. However, Aurobindo called for Passive resistance only because at that point of time, Indians lacked the means to wage a full blown battle against British. It was not a matter of principle but due to circumstances.

On other hand, Satyagraha or 'Struggle through true truth and non violence' was an ~~not~~ article of faith. Gandhi believed that use of force degrades one to the level of animals. For him, Shimla



or non-violence was not for the weak  
but for those ~~with~~ with moral courage.  
It was not a matter of convenience,  
rather of strong passion.

Moreover, Satyagraha did not consider involve hating the enemy i.e British. According to Gandhi, our enemy is a part of ourselves. Shivasa is not just non-violence, rather <sup>feeling of</sup> love and compassion for

all living beings.

Thus the strategy of Satyagraha was at higher spiritual and moral level and became the most evident tool of Indian National Struggle.

1.(b) Satyagraha, or non-violence is widely known for its role in Indian national movement. However, it continues to be much relevant to even today.

Non-violence does not only have a <sup>narrow</sup> negative meaning, i.e. non-engagement in violence, rather it should be understood in broad sense. It implies feeling of love, empathy and compassion for others. It has huge scope, from personal to life to international relations.

Non-violence advocates greater tolerance for pluralism, respect for all cultures and religion. It shuns mob violence, lynchings, sexual harassment of women.

For state, non-violence involves minimum use of capital punishments, resolve people's grievances in peaceful manner etc. It rejects the authoritarian approach of how

Tiananmen Square protests, 1989, that Spring

protests and now the Hong Kong protests are being handled using force on peaceful protestors. It also negates terrorism in the name of religion. In international arena, non-violence is relevant to in view of ongoing arms race, both nuclear and conventional & among nations. It rather propagates strengthening of institutions like the United Nations for peaceful resolution of disputes among nations:

Lastly, non violence is also relevant in context of climate change, a result of human assault on nature.

Thus, as Martin Luther King said, 'The choice is not between violence and non-violence, but between non-violence and non-existence.

(c) The constituent Assembly of India, was constituted in accordance with the Cabinet Mission plan, 1946. It was entrusted with task of preparation of a constitution for independent India.

The members of constituent assembly were elected by state legislatures through proportional representation. The purely state members were nominated by the princes.

There was majority of Congress members in the assembly. Moreover 80% were upper caste and 25% were Brahmins. It is for this reason that Churchill calls the assembly as 'assembly of Brahmins', rather than assembly of all Indians.

However, such criticism is myopic in nature. As pointed by Granville Austin, it was a 'one party assembly in one party state'. 'Congress was India and India was congress'. Congress was itself an umbrella

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adult  
disrupt  
restricted  
branches / offices  
different shades  
of opinions  
of committees  
gives its due  
making process  
overlapping member  
shorter & domineering  
few

उम्मीदवारों को इस  
लाभिए में नहीं  
सिताना वाहिर

hostly. Moreover, it co-opted members of Republican party like Shivsabhar and the Hindu Mahasabha.

After the first general elections in 1951 did not change the composition of the assembly to a large extent, highlighting the legitimacy of the assembly.

Moreover, as K. Sankaran points, there was not even a single shade of Ideology that was not reflected during the debates on Fundamental rights, directive principles, nature of federation, system of elections etc.

Thus western criticism is based on "ethno-nationalism" and inadequate understanding. As the success of Indian democracy itself vindicated the Indian Constitution as the tool for "social revolution", syncretic electi in notice (G. Austin).

Indian freedom struggle is marked by various shades of Ideology and systems of thought.

- The socialist perspective is inspired by the Lenin's approach to freedom and imperialism. Unlike Marxists, it did not undermine the national struggle, rather seek to give it a pro-poor or socialist orientation.

Tatyasaheb Narayan, the prominent advocate of socialist approach in 'why socialism' criticised Gandhian program as "dreamy" initially. He refused to believe that political freedom can come in presence of economic inequality. However, later he was influenced by Gandhian program of 'Sarvodaya' and class-collaboration to drive the British out.

Within Congress, Nehru and Sudhindra Chandra Bose gave the nationalistic programme

- Marxist  
- Socialist  
- Communist or  
Socialism of Soc-  
iopolgy.  
- National & Economic  
- Reconstruction  
- Role of people  
- Great figures  
- & scholars

a socialist orientation through to inclusion of peasants and workers, 1936 All India agrarian agenda in 1936 Faizpur session

Etc.

 further, Lala Lajpat Rai, influenced by the 1917 Russian revolution was a main member of All India Trade Union (AITU) and mobilised workers from all around the country.

Other socialists like Ram Manohar Lohiya gave call for "Sapt Kranti" or "Seven revolution" against caste inequality, economic inequality, gender inequality, communism etc. He also advocated "Charkha" integrating gandhian program of village panchayats with modern state apparatus.

These Indian socialists took a pragmatic approach, worked within the periphery of nationalist discourse and understood the priority of nationalist discourse.

(a) Article 213 of the constitution provides power to the governor to pass ordinances in case state assembly not in session and the situation demands urgent legislation. It is not a parallel power of law making, rather to be used in exceptional circumstances.

The Indian Parliamentary model provides for state legislatures as highest legislative body in states to frame laws on all matters in the State list as well as Concurrent list (Schedule VII). It represents the 'general will' of the people of state. However, of late, there is a greater reliance on ordinance route of legislation.

The ordinance route has become a favorite way of the executive to bypass the legislative scrutiny. When bills are passed in the house, it ensures debates and

discussions, realising the essence of deliberative democracy. It also generates political awareness among the public and help to shape the public sphere. Most importantly, it acts as check on executive powers, preventing executive overreach and violation of fundamental rights of citizens.

However, the ordinance route negates the very essence of democracy. As SC pointed in DC Nadhwa case, repeated ordinances amount to 'colorable legislation' and are liable to be struck down as ultra-vires to the constitutional ethos. It undermines the state legislative assembly and deny accountability.

The recent examples of ordinances passed by states such as

Uttar Pradesh on inter-religion marriage,  
imposition of penalties on protestors, created  
a controversy and huge opposition from  
the opposition parties.

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Thus, as BK Ambedkar pointed,  
the ordinance making powers are to ensure  
that state is able to deal with any  
emergent situation in case of parliamentary  
recess and not still be accountable  
after some time. It is mandatory for  
the ordinance to get nod of assembly  
within 6 weeks of reconvening. However,  
it cannot substitute the assembly  
altogether.

In this regard, SC's judgement  
in Krishna Kumar case are also relevant.  
SC held that ordinances come 'within'

समीक्षार्थी को इस  
हासिल में नहीं  
सिरजा भाइए

## provision of judicial review.

To conclude, Gandhi rightly pointed out however good the constitution is, it is likely to turn into bad if people implementing it happen to be bad. Thus, we need to revive the parliamentary ethos, better centre-state relations and a vigilant civil society. Moreover, Gandhi said, we need 'ethics in politics'.

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of damage  
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property

न की संभाला  
जिए

4) (b)  
'If Lokay was an untouchable, he would have demanded abolition of caste as his birthright' - Ambadekar

The Dalit perspective, championed by Ambadekar was influenced by Jyotiba Phule and Naicker. The concern of these leaders was that popular nationalist discourse was against the abolition of caste system.

Ambadekar, however criticised the nationalists for their hypocrisy. According to him, congress was itself a party of upper classes and failed to stand up for rights of all.

Ambadekar believed that nationalism is a consciousness of a kind, an awareness of the bond of kinship, a desire for separate existence among those who are bound by bond of kinship.

In his book 'Pakistan or Partition of India', he argued that, political freedom has no meaning for Dalits in absence of social freedom. Nationalism is ~~is~~ negation.

One cannot separate liberty, Equality and fraternity. In absence of fraternity, the above two have no meaning.

Thus, Babasaheb Ambedkar, argued that Nationalism is <sup>the</sup> negation of caste system, communalism and is rooted in human dignity and respect.

He criticised gandhian programme of Harijan as "false consciousness" rather advocated Dalits to agitate, organise and educate. He urged the Dalits to not join congress as it would keep them "hewers of wood & drawers of water for perpetuity".

Instead, Ambedkar demanded separate electorates for Dalits as those who are socially segregated should be politically segregated too. He even opposed the Gandhian ~~idea~~ utopia of 'village republics' as villages were dens of casteism, where untouchability was in the worst form.

Ambedkar even considered Congress program as injurious to the workers' cause. Citing the example of Industrial disputes Act 1937, which imposed restrictions on strikes, he even urged workers to not support Congress.

However, Ambedkar is criticised by Arun Shourie in 'worshiping false Gods' as anti-nationalists, leader of his community rather than

the entire country.

Nevertheless, as S N Gaitwad points, Ambedkar may be anti-nationalist, but he was successful in rejecting the elite hegemony in the national movement. He made the Congress more responsive to the demands of the Dalits. The modern Indian constitution that explicitly prohibits untouchability (Art 17) and provides equality to all (Art 14-18) is a result of Ambedkar's efforts.

की टिक्का

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The Covid 19 pandemic had immense impact on all sections of society, especially on women.

### Positive Impact of Covid 19 on Women:

- i) work from home that followed post lockdown, provided greater flexibility in managing work and personal time.
- ii) less exposure to sexual harassment at public places; buses, trains etc.
- iii) Improved entrepreneurial opportunities -  
Eg: home made tijis, cuisines etc.

However, negative impact was more severe.

- i) loss of employment as about 90+ women engaged in informal work
- ii) Greater vulnerability to Covid 19 - huge prevalence as hospital staff, care givers etc.
- iii) The rise in domestic violence cases and child marriages - upto 3 times distress calls

Received by agencies

- ii) Lower productivity at work - due to additional responsibilities of children (schools closed) and house work (no maids)

Working of the National Commission of Women (NCW)

The NCW plays the role of watchdog body to protect rights of women, inquire into violations of such rights etc.

In the view of current pandemic, the NCW has received increased complaints of domestic violence and has taken steps such as alerting the nearest police stations, counselling through whatsapp sessions and encouraging community led initiatives.

Further, the commission must prepare an exhaustive report of ~~&~~ the impact of pandemic on women and suggest recommendations to the government for empowerment of women in post lock era.

5) b)

NA Patelvaralla called Preamble as the "identity card of the constitution". The Preamble in Indian Constitution is inspired by "United States" constitution.

### Significance of Preamble:

- 1) Declares the nature of state as Sovereign, socialist, secular, independent republic, thus making the features of state explicit
- 2) determines the goals of state -  
  - i) Equality of status and opportunity - no discrimination among citizens on basis of caste, creed etc
  - ii) Justice - social, economic and political, affirming to Rawls' principle
  - iii) freedom of speech and expression - ensuring deliberation as the essence of democracy

Discuss  
discusses how  
Preamble reflects  
the nature of  
constitution give  
examples of  
discuss the  
significance

- ③ It acts as beacon light for courts to determine the constitutionality of a law passed by legislature, determined <sup>in</sup> Keshavanand Bhushani, 1973.
- ④ It serves as common manifesto for all political parties and a benchmark for the performance of government.
- ⑤ It underlines that the authority of state flows from "We the people", highlighting Gandhian trusteeship principle.

However the Preamble is criticised as it is neither a source of power, nor a prohibition on power of legislature.

Nevertheless, it has served as an "horoscope of constitution".

5) (g)

The Marxist perspective on Indian National Movement was championed by MN Roy who ~~advocates~~ gave a 'humanist perspective' to Marx in his theory of 'Radical democracy'.

MN Roy believed that the ~~1st~~ <sup>1<sup>st</sup></sup> liberal perspective sacrificed liberty equality for equal liberty, Marx sacrificed liberty for sake of absolute equality. Rather, he called for 'Cosmopolitan union' of free individuals' which treated man in radical form ie at "core of centre of Universe".

MN Roy, in his theory of 'radical humanism' explains freedom as freedom from all fears, superstitions and beliefs. It is rooted in reason of man, which is a product of man's existence. He believed in a society based on fraternal

ethics with secular ideology. Thus he gets criticised Gandhi for as medieval man trying to bring religion in politics.

⑥ Roy's economic programme resolved around abolition of feudalism, nationalisation of land, modernisation of industries, compulsory education etc.

He did not agree with Gandhian notion of neglect of materiel wealth.

However, the M N Roy was unable to have any significant impact on the course of freedom struggle. Sudipto Kaviraj calls him 'the severable failure'.

Nonetheless, Roy was first to rejected the notion of British rule as 'blessing in disguise' and demanded for an autonomous & independent constituent assembly.

Directive principle of State policy are derived from the Irish Constitution. Placed in Part IV of Indian Constitution, they aim at achieving socio-economic justice.

However, Directive Principles are much criticised on following grounds -

- i) No consistent philosophy - mixture of socialism (Art 38, 39), Gandhian (Art 40) and liberal-intellectual (Art 50)
- ii) Non-judiciable - unlike fundamental rights, citizens cannot use Art 32 for non-enforcement of DPSPs by state
- iii) Source of conflict between executive and judiciary - over priority of DPSPs over FRs; seen in Gobakonda Case 1961, Keshavananda Bharti etc

ii) Limitation on future government's programme - to in accordance with change in economics and markets etc.

Moreover, Anuker called OPSPs as "Novel features". They might not be justiciable, but the real force behind them is 'public opinion'. No party can seek to avoid them.

Moreover, OPSP such as. Art 38 - reduce Inequalities, Art 39 - maternity care, healthy development of children, Art 46 - protest rights of SC/ST have helped to realise ideal of welfare state. Art 40 has been implemented in form of 73<sup>rd</sup> & 74<sup>th</sup> amendment. Art 51 that advocates peaceful relations with other nations is bedrock of our foreign policy.

This as G. Austin points, OPSP along with the "soul of our constitution"

6)

India adopted the Westminster style of parliamentary democracy with Parliament as the highest legislative body in the country, the centre of our political system.

However as pointed by Shantilal and Rodrigues in "Indian Parliament", the parliament is witnessing a decline. In comparison with 1950, parliament sits for only 57 days, half of first session (127 days) in a year. Moreover, the 16<sup>th</sup> Lok Sabha passed only  $\frac{1}{3}$ rd bills as compared with the 1st parliament session (AER Report).

Further, due to frequent disruptions and adjournments, Parliamentary work gets affected. Eg: the 16<sup>th</sup> Lok Sabha worked for 40+ less time than

*Discuss  
Weakening of  
Parliament / extent  
of decline / performance / pros /  
cons / interpretation - its  
implications / critical  
comments*

full-term parliament, losing 161 time  
to disruptions (AOR)

The decline of parliament can also be seen in bypassing of committee system (only 25) bills sent in 16<sup>th</sup> Lok Sabha), decline in quality of debates and frequent resort to ordinances and delegated legislation.

Further, the composition of Parliament also indicates the decline. There is a rise in "Criminalisation of politics" with 431 MPs in 17<sup>th</sup> Lok Sabha having criminal background, up from 347 in 16<sup>th</sup> Lok Sabha. It has led to parliament become a 'self perpetuating' institution (P. Bhushan Mehta) where law breakers become law makers.

The decline of parliament has resulted in judicial activism as well as executive overreach. Moreover, it has

eroded public trust in the institution, visible in social protests, most recent being the farmers protest against new farm laws.

It is for this reason that Shashi Tharoor calls for transition to Presidential system which has advantages of stability, certainty and speed.

However, our constitutional forefathers gave priority to accountability over stability (Amedkar). Thus, the need is to reform the parliamentary form of government.

In this regard, WCRNC has recommended fixing the number of days for working of parliament, as done in Odisha assembly. Further, institutionalisation of committee system, legislative capacity



building of MPs stock as though schemes like LAMP can help improve quality of debates. Most importantly, electoral reforms to usher transparency in funding, as recommended by Indrajit Gupta committee and Denish Government committee should be done.

Moreover, the Speaker model as in Britain can be adopted to bring impartiality and non-partisanship. Reform in Anti-defection law to limit its usage to important bills, as recommended by 2nd AICC are much needed.

Thus, as PM model points, when in Parliament, one must forget about Paksh (ruling) and Vipaksh (opposition), emphasize on Nishpakshe public service.

6) b)

Lord Bryce points out 'There's no better test for the working of state than the working of its judiciary.'

Independent judiciary is the part of Basic Structure of the constitution. Nevertheless, in a democracy, accountability is necessary and desirable from all Organs of the state, including judiciary.

Issues pertaining to the accountability

of judges :-

Even in the constitution assembly, there was debate over the system of ~~elective~~ appointment of judges. A fragile balance was maintained between judicial independence and accountability.

However, at present, the system has evolved into situation where 'judge nominate judges' In the II and III

Judges cases, SC deOpined that a Collegium of judges would shortend names to the executive who shall act in accordance to such advise.

Any change to this system is viewed by judiciary as interference in its independence. The judiciary struck down the 99th constitution amendment bill which provided for National judicial appointment (NJAC) commission to appoint judges of higher judiciary. The NJAC composed of members of executive, legislature as well as judiciary. However, it was struck down owing to disproportionate representation of judiciary.

### Non accountability of judiciary

comes the risk of trust deficit among the institution people. Reluctance of judiciary to subject itself to Right to Information Act

non transparent and arbitrary mechanism to conduct inquiry in allegations of sexual assault against chief justice was not taken well by public.

Thus, given the paramount importance of the institution, reforms to ensure accountability is much needed.

1) Appointments - Judiciary must work earnestly with executive to prepare a memorandum of procedure, make minutes of collegium meeting, public and hold transparent proceedings.

The British system of independent judicial commission consisting of diverse members can also be looked into.

2) Regulation of internal administration.

2<sup>nd</sup> AEC recommends appointment of Judicial Lokpal to independently investigate cases of maladministration.

3) Delay in justice delivery - as about 3 crore cases pending; digital record of case status, improve case settlement rate through longer sitting, shortening vacations etc. Moreover, judiciary should be brought under ambit of RTI which has adequate provisions to safeguard private information.

Thus, accountability and independence go hand in hand.

Judiciary must remember that 'justice should not only be done but seen to be done'

## The Indian National Movement

7(a)  
8(b)

saw huge and wide participation from a wide section of society, with peasants being a prominent one.

The Peasants perspective revolved around exploitative land revenue policies of the colonial regime. It began as early as in 18<sup>th</sup> century with Sathish ~~the~~ Sanyasi rebellion and Indigo revolt.

Post 1957, peasants focused on exorbitant rents, violence of zamindars and lack of security of tenure. The Pabna agrarian crisis and Deccan revolt of 1870's saw peasants resorting to legal machinery to resist British. There was a significant role of emerging middle class intellectuals in these protests.

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further in 20<sup>th</sup> century, the  
Champaran and Kheda movements in  
(1917), Eka and Moplah movements  
in 1920, formation of the Indian Kisan  
Sangh under Swami Achyand Swami  
(1936) further shaped peasant perspective.

The communist party played a major role in organising peasants into workers and peasants parties. They criticised Congress for neglecting the concerns of peasants, considering them at periphery and secondary to nationalist struggle.

Instead the peasant perspective demanded security of tenure, lower rents and freedom from Zamindari. ~~Though~~  
The arrival of Congress ministers in 1937 generated a sense of hope among

peasants. However, due to limited powers, absence of land laws and dominance of zamindars in upper chamber, no substantive reform could be done.

Moreover, the benefits, ~~to~~ if any were cornered by the superior tenants rather than ~~classless~~ landless farmers.

Thus, the historians like Gyan Pandey called Congress an "elitist organisation". It failed to speak for the interests of the country as a whole.

Peasant movement were organised "autonomous" of the Congress. Gandhian approach of class-wooperation would have left peasants at mercy of Congress, dominated by bourgeoisie.

However, peasants movement could not make any significant

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provide  
subalternist  
view



in a  
greater detail  
in a little  
more detail

लम्पीदवारों को इस  
हासिल में नहीं  
शिखना चाहिए

(2) contribution to the national struggle or to their own cause. Lacks of visionary leadership at par with MAO, divisions on basis of caste, class, religion and region and no sustained organisation led to neglect of present agenda.

Nevertheless, peasants played significant role in non-cooperation as well as civil disobedience. Movements

Such as Telangana movement (seated conditions conducive for post independence

(b) Gandhi is called as Father

of Indian independence movement.

This arrival marked a "watershed moment" for Indian freedom struggle.

Essential elements in Gandhian

strategy :-

1) Truth and Non violence (Ahimsa)

which became a creed for Gandhi.

It laid basis for Satyagraha or "protest by truth" which expanded the

slope of movement ~~and~~ as well as

base to include women, youth,  
peasants etc.

2) Critique of modern civilisation

which was part of Gandhi's

"war of manouvre". Gandhi called

western civilisation as satanic,

imperialism as another face of fascism.

This helped to burst the myth of benevolent despotism and white man's

burden, the khadi-charkha economy was part of this critique

③ Spiritualisation of concept of Swarōg - not just limited to political freedom but also social and economic. He defined swarōg as "complete freedom" based on economic circles of power with individual as central.

④ Struggle-Tame Struggle - a proactive strategy of protest; struggle whenever

necessary, tame whenever possible. It could be seen in call for Non-cooperation (1920), followed by decade of const rutive work, only to begin Civil disobedience in 1930.

Gandhi recognised limit of mass struggle and preferred graceful exit to prevent

lowering of morale.

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⑤ Reconciliation of various ideologies and perspectives within an

overarching nationalist agenda -

Eg: 1924 Belgaum Session, Gandhi allowed Swaraj party leaders to contest council election (1924) preventing a breakdown of Congress as in 1917. He also merged the khilafat agenda to Non Cooperation to reject British policy of Divide and rule

⑥ Social upliftment and constitutional work - Gandhi initiated the

Anti-untouchability League as well as

Mahajan Sewak Sangh to appeal to

Conscience of upper class caste Hindus to give up untouchability, worked for

education and employment of Dalits etc.

कम्मीदारों को हत्ता  
काशिए में नहीं  
सिखना चाहिए

However, leaders such as Ambedkar criticised Gandhi for propagating "false caste consciousness" and neglecting the interests of Dalits. Unlike Gandhi, who appreciated Varna system, Ambedkar called for "annihilation of caste".

Nevertheless, as Bipin Chandra points out, Gandhian movement was the most peaceful, most inclusive and most spectacular movements of all times, whose warmth can be felt even today.

discuss  
how it  
socialistic  
movement  
moral  
stage  
good Devalaya