



Always Ahead

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

## **PSIR Answer Writing Module 2022**

### **Model Answers**

#### **Test 7**

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1. **Critically examine the Dalit perspective on Indian National Movement. How does it differs from Nationalist Perspective.**

Nationalist views on Indian nationalism and national movement were **formed in response to the colonialist view. While the nationalist writers accepted some of the ideas present in colonialist historiography, they strongly reacted against colonialist denigration of India and its people.**

The **Moderate nationalists generally thought that this spirit of freedom arose primarily due to Western influences. Surendranath Banerjee, regarded India as 'a nation-in-the-making'.**

**R.C. Majumdar argued that 'the conception of India as a common motherland was still in the realm of fancy. He thought that it was the movements launched by the Congress which 'gave reality to the ideal of Indian unity'.**

**However, leaders like Lajpat Rai asserted in his Young India (1916) that 'fundamentally India has been a nation for the last 2,000 years'. They pointed to the underlying contradiction between the imperialist rule and the Indian people as a whole. Aurobindo Ghosh declared that India is neither just a geographical unit nor a nation in making, rather India was always a nation and is like a spirit, which is immortal due to the strength of God in it.**

**Dalit intelligentsia at the regional as well as national levels tried to mobilise people belonging to their social groups in order to assert their social and political rights. Liberation from internal oppression rather than liberation from the British rule was the desired goal.**

**Evolving initially as Sanskritisation movement, mainly in southern and western India, the Dalit movements gained the shape of self-respect movements, a part of broader democratic movement, whereby they demanded equal access to public places in addition to economic and political rights for themselves**



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*Granville Austin observes that two revolutions, National and social, had been running parallel during the INM, focusing on freedom from the colonial rule and 'medievalism' respectively.*

*The Dalit perspective represents an alternative imagination of India as proposed by **Ambedkar, Phule and Periyar** and some other scholars. Ambedkar considers India both as "prabuddha Bharat" (enlightened India) and "bahishkrit Bharat" (ostracized India).*

***Mahatma Jotiba Phule**, who is considered the first ideologue of anti-caste movement in modern India, in his book **Gulamgiri (1873)**, described **Brahmans as Aryans who came from outside and subdued the indigenous people who were Shudras** and he gave a call to discard caste.*

*Periyar was initially a member of the Indian National Congress (INC) but eventually got frustrated with the **Brahminical attitude of the INC** leaders. He started the 'self-respect' **movement** rejecting Brahmanism and Hinduism.*

*Ambedkar, in his work 'what congress and Gandhi have done to the untouchables' (1945), has referred to Gandhian movement as a paradox as it didn't articulate issues around caste & class prevailing in the Indian society. He held that the national movement, spear headed by congress and Gandhi, was wrongly aimed as it results into a life of contradiction by establishing 'political democracy without social democracy'.*

*The Dalit attitude has been criticized as **anti-national by nationalists and right-wing historians like Arun Shourie**. However, **Prof. Gopal Guru** says Arun Shourie's criticism is politically motivated and there is a need to understand Ambedkar's perspective more scientifically.*

*Leadership of the national movement, particularly Gandhi, viewed the problem of Dalits as predominantly a religious matter and in no way he wanted any division within the Hindus for the greater cause of political emancipation.*

- 2. Enumerate the distinctive features of Gandhian movements. To what extent can it be said that Quit India Movement was the most Un-Gandhian of all.**

*Gandhi is recognized as one of the most successful mass leader. The Gandhi led movement was described by Bipan Chandra as one of the most spectacular mass movements. Mass movements are considered as controlled or uncontrolled. The Gandhian movements were controlled and non-violent movements. Gandhi led the protracted battle. He fought the war of position when he criticized the western civilizations. He also fought the war of maneuver. There is an evolution in Gandhian strategy in movements like Champaran and Kheda*



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*Satyagraha, Non-cooperation Movement, Civil Disobedience Movement and Quit India Movement.*

*As mentioned by Bipan Chandra, Gandhian movements had active and passive phases. In passive phases, Gandhi conducted his constructive programmes. This strategy has been called as Pressure-Truce-Pressure tactics.*

*Quit India Movement (QIM) has been called as the most un-Gandhian of all because it goes against Gandhian dictum of continuity of means and ends and non-violence. There were many instances of violence during the course of QIM. Even Gandhi gave the call for 'Do or Die'. Gandhi declared that either Indians will achieve the freedom or die in the attempt, but shall not live to see the plight of their motherland. Gandhi also declared that unlike in the past, he had no plans of withdrawing the movement. He held QIM as the last struggle of his life.*

*However, it is not completely correct to call QIM as un-Gandhian, as this time also Gandhi led a mass movement involving women too. Gandhi was never politically naïve enough to have believed that mass movement can be completely violence free. Being a seasoned politician, Gandhi was waiting for the masses to gain national consciousness. Once he was convinced that Indian masses have transformed themselves from class in itself to class for itself, Gandhi left loose the condition of complete non-violence. Nevertheless, the true nature of Gandhian movements is still a matter of debate in academic circles and each perspective reveals something new on Gandhian movements.*

**3. Compare the strategy employed by Extremists with that of Moderates. Critically analyse the contribution of Extremists in the freedom struggle.**

*The nationalist response was articulated differently in different phases of India's freedom struggle. During the period 1885-1907, the early nationalist response to the colonial rule was 'moderate' response to the colonial rule was 'moderate' in nature based on their peaceful and constitutional methods. On the contrary, the extremist phase began from 1907 and continued until the Gandhian phase started.*

*The basic difference between the two nationalist responses lay in their perception of British rule and its articulation in concrete programmes. While the moderates considered British rule as a 'blessing-in-disguise' and had faith in Britisher's sense of justice, the extremists had no faith in the 'benevolence' of the British rulers and wanted to establish complete 'Swaraj' or 'Self-rule'. They differed substantially in the form of the strategies adopted. The early nationalist response in India was based on 'Constitutionalism', which got transformed into*



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*the following two-pronged methodology - Creation of a strong public opinion to arouse public consciousness and then educate and unite people on common political questions . Secondly they focused on persuading the British government in India and British public opinion to introduce reforms in India to attain political rights and self-government stage by stage. On the contrary to the strategy adopted by moderates, the extremists favoured a strategy of direct actions, such as passive resistance, boycott, swadeshi, national education etc, to overthrow the colonial rule.*

*However, despite constituting contrasting viewpoints, the two groups supplemented each other with their response. According to Bidyut Chakraborty, extremists were an offshoot of the process emerged due to moderate campaign. The nationalist leaders of both camps propagated the true nature of political and economic contradiction, between the British rule and Indian people, in a way that supplemented each other while the moderates limited their political programmes to upper and middle-class intelligentsia and didn't work among the masses. The supplementary relationship between these two contrasting nationalist responses was clearly evident when the nationalist movement suffered and took a backseat Post Surat split.*

**4. Success of democratic politics depends upon the kind and quality of citizens. Explain with reference to the citizenship values found in Indian Constitution.**

*Democracy is considered as the best practicable form of government. It has become almost synonymous to good governance as it is based on transparency and accountability which in turn is based on citizen's participation. Democracy is the only form of government that ensures participation of citizens. So, it is believed that the quality of democracy to large extent depend on the quality of the citizens. From the very beginning, political scholars have referred to the virtues of good citizens. Aristotle said Citizenship means "active participation in the affairs of the city state." Machiavelli has also held that democracy is suitable only where citizens are virtuous which means that citizens must understand their responsibilities and they must have a commitment towards democracy.*

*Citizenship values are represented in India constitution in Part IV A i.e. related to Fundamental Duties which was introduced by 42<sup>nd</sup> amendment act on the recommendation by Swaran Singh committee when there was a growth of lawlessness in the country. The concept of Fundamental Duties is primarily based on Socialist constitution but it was realized that it was worthwhile to introduce citizenship duties to create responsible citizens. As of now, there are 11 citizenship duties, though they are not enforceable in the court of law. Yet sometimes Judiciary adopts the attitude of the harmonious construction between citizenship duties and fundamental rights. Hence it can be said though while introducing Fundamental*



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*Duties, India has deviated from the path of liberal constitution but it is based on the assumption that the rights and duties are interlinked. It has also been the feature of Indian culture where we have always emphasized on Dharma. Undoubtedly without enlightened citizen, we cannot achieve the objectives of Democracy because without responsible citizens, we cannot ensure transparency and accountability.*

- 5. The constituent assembly accomplished the tremendous task of working out an acceptable constitutions for a highly diverse and fragmented society with many divergent pulls and formidable problems. Substantiate.**

*According to Pratap Bhanu Mehta, the study of Indian Constitution is quite unique exercise in the field of constitutional law. Indian constitution is not only one of the lengthiest constitution in the world but it has also many unique features like it is transformative in nature by which we want to change a traditional society to a modern society. It contains cosmopolitan ideas. It has been a source of inspiration for many other developing countries.*

*Granville Austin has rightly said that Indian constitution is the cornerstone of the nation. When India became independent, western scholars held that the entire Indian experiment will be over by 60s and there will be no Indian state after that. However, India survived as a nation and has become stronger and is now recognised as one of the major powers. This credit goes to the Constituent Assembly for writing such a tremendous constitution. Many other countries which became independent at the same time including China, have gone for re-writing their constitutions. But Indian constitution has not only endured but it has also supported the foundation and growth of our nation.*

*Writing constitutions is not an ordinary task. It is often said that Constitutions are mostly written with blood rather than ink, as it is born in exceptional circumstances. The edifice of every Constitution is built on the plinth of the country's past. It represents the vision and values of its founding fathers and is based on the social, political and economic ethos and the faith and aspirations of the people. It would be wrong to regard a country's constitution as an inert document. For, Constitution is not only what is written in the text of its provisions. Constitution is a living organism of functioning institutions. It keeps constantly growing, evolving.*

*The Indian Constitution has proved to be the greatest force for national integration and protection of human rights. Whatever problems we faced were sought to be resolved within the framework of the Constitution, without it breaking down, getting abrogated or taken over by undemocratic forces. As many as 17 general elections for the largest electorate on earth have been successfully conducted under our Constitution.*



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*The achievement of the Constituent Assembly was extra-ordinary. They could develop a constitution which endured for long. They adopted approach of building consensus. They gave a lot of emphasis on deliberations which continued for more than 2 years. The Constituent Assembly was made of people from different walks of life including members from Congress, other parties and distinguished Indian citizens. During deliberations, on issues which had wider agreement, they became enforceable while other views were contained in Part IV. They adopted the accommodated spirit which led to Asymmetrical model of Federalism. They adopted a multicultural approach to Rights and unique understanding of Secularism. This made the Constitution of India, a document based on consensus rather than based on ideas of the majority. The Constitution was framed in such a manner that it gained legitimacy and acceptability from the wider society which is a pre-condition for endurance of any constitution.*

**6. The edifice of every Constitution is built on the plinth of the country's past. Explain with reference to the legacy of the British Rule.**

*Unlike China, India didn't have a revolution instead there was a peaceful transfer of power. This led to many constitutional and administrative features of the British raj to become incorporated in the Indian constitution. As a society, we have always accepted the good things from others. Some of the positive features that were incorporated are the concept of Rule of Law, Equality before Law, Parliamentary form of government, separation between executive and judiciary. This is known as the British legacy in the Indian Constitution development.*

*One of the major legacy was the impact of Government of India Act 1935 that shaped certain unique features of India's centralized federation, the institution of governance, the provision of ordinances etc.*

*The makers of our Constitution were aware that it was important to learn from the experiments of other countries. They read various constitutions and borrowed certain provisions from them which suited the Indian context. The borrowing of these ideas were not merely slavish imitation as the idea was to learn from the experiences of the others in order to provide a solution for the future problems and aspirations of India.*

*We have not just adopted these features to maintain the legacy but because it appeared to be more relevant to the Indian situation at the given time. We have also taken inspiration from other constitutions, modified as and when required. Gandhi had said, we can accept the winds from other places without being uprooted. The Indian Constitution does have legacy of the British rule but that was not just to maintain the legacy.*



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**7. Critically analyse the contribution of the Doctrine of the basic structure with respect to the strengthening of democracy in India.**

*The doctrine of basic structure is a judicial innovation to ensure that the power of amendment is not misused by Parliament. The idea is that the basic features of the Constitution of India should not be altered to an extent that the identity of the Constitution is lost in the process.*

*Indian Constitution upholds certain principles which are the governing rules for the Parliament, any amendment cannot change these principles and this is what the doctrine of basic structure upholds. The doctrine as we have today was not present always but over the years it has been propounded and upheld by the judicial officers of this country.*

*The concept of the basic structure of the constitution evolved over time.*

- *Golaknath case (1967)- In this case, the court reversed its earlier stance that the Fundamental Rights can be amended. It said that Fundamental Rights are not amenable to the Parliamentary restriction as stated in Article 13 and that to amend the Fundamental rights a new Constituent Assembly would be required. Also stated that Article 368 gives the procedure to amend the Constitution but does not confer on Parliament the power to amend the Constitution. This case conferred upon Fundamental Rights a 'transcendental position'. The majority judgment called upon the concept of implied limitations on the power of the Parliament to amend the Constitution. As per this view, the Constitution gives a place of permanence to the fundamental freedoms of the citizens.*
- *24<sup>th</sup> and 25<sup>th</sup> Amendment*
- *Kesavananda Bharati case (1973)- This was a landmark case in defining the concept of the basic structure doctrine. The SC held that although no part of the Constitution, including Fundamental Rights, was beyond the Parliament's amending power, the "basic structure of the Constitution could not be abrogated even by a constitutional amendment." The judgment implied that the parliament can only amend the constitution and not rewrite it. The power to amend is not a power to destroy. This is the basis in Indian law in which the judiciary can strike down any amendment passed by Parliament that is in conflict with the basic structure of the Constitution.*
- *42<sup>nd</sup> Amendment*
- *Minerva Mills case (1980)-This case again strengthens the Basic Structure doctrine. The judgement struck down 2 changes made to the Constitution by the 42nd Amendment Act 1976, declaring them to be violative of the basic structure. The judgement makes it clear that the Constitution, and not the Parliament is supreme.*

*The significance of Basic Structure doctrine in strengthening democracy can be seen in three aspects. Firstly, it saved Indian democracy from degenerating into authoritarian regime.*



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*Secondly, It strengthens our democracy by delineating a true separation of power where Judiciary is independent of other two organs. It has also given immense untold unbridled power to Supreme Court and made it the most powerful court in the world. Thirdly, It, by restraining the amending powers of legislative organ of State, provides basic Rights to Citizens which no organ of State can overrule. These rights are called Fundamental Rights.*

*The Doctrine is considered as a unique example where judiciary has assumed the role of the super legislature. Being dynamic in nature, it is more progressive and open to changes in time unlike the rigid nature of earlier judgments.*

*Zia Modi adopts a non-conventional approach. She points out that the Doctrine of Basic Structure may not have been in accordance to the traditional role of Judiciary but it did act as a safety valve for India's democracy. It prevented the rise of executive dictatorship. She further argued that had this not been there, democracy would have collapsed like in other countries. It has strengthened the constitutionalism in the country. It has established Supreme Court as the true conscience keeper of not just the constitution but also of the constitutionalism.*

**8. Explain the uniqueness of the Indian Model of secularism. Do you think Uniform Civil Code will strengthen Indian secularism?**

*Indian Model of Secularism contains many unique features. One of the earlier works on Indian secularism is by Donald E. Smith- "India as a Secular State" in which he says that India has some of the features but not all. He further writes "Throughout India's history, religion has been the most powerful single factor in the development of her civilization." The most unique aspect of Indian secularism has been that it has not gone for strict separation between religion and state or completely equi-distance model. Prof. Rajeev Bhargava calls "Indian model as the principled distance model or a politically negotiated model.*

*Compared to the other models of Secularism like the Western model of Secularism, Indian model subscribes to the idea of multi-cultural citizenship rather than universal citizenship. It introduced universal adult franchise, abolished communal electorate but does not introduce Uniform Civil Code (UCC). It allows state to intervene in the Hindu religious practices for the purpose of reforms as it was believed that in India only state can act as a Vanguard of reforms considering the backwardness of civil society. The Indian model is suo-generis which emerges from its unique situations.*

*UCC remains a directive principle till date. It is not enforceable. Judiciary time and again has talked about the introduction of UCC in India but no concrete steps have been taken. It is important to understand that Indian Sec. is also quite multidimensional. It can be argued that UCC can strengthen Indian Secularism as it goes for the rationalization of the personal*



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*laws. However Indian Secularism incorporates the idea of multiculturalism and if state imposes Universal laws which then becomes majoritarian laws on minority, it can weaken the multicultural view of Indian secularism. So, it is a complicated question.*

*It is also important to understand the directive of the Constituent Assembly when they were deliberating on the UCC issue. They were clear that the State should make special efforts or endeavor to create a conducive condition for implementation of the UCC. The assembly was aware of the sensitivity of the issue and they believed that a lot of ground work had to be done before development of UCC.*

*There is a need that different communities form overlapping consensus using the bottom-up approach. The enlightened part of the muslim community should come forward and join the deliberations regarding UCC. The Law commission report suggests that 'present situation is not suitable for UCC implementation.' There is a need to adopt gradual steps wherein initially internal reform of the laws of each community should begin for example: we have to adopt gender justice within a community before we can go ahead in achieving the same in the society.*

*However, as it a sensitive matter. The introduction of UCC should not be done with political motive considering the fragility of the Indian nation. The implementation requires lot of patience. A lot concerted efforts to spread scientific temper and education has to be made before making such overarching reforms.*

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