

## **PART I- INDIAN CONSTITUTION**

### **CHAPTER-1 CONSTITUTION: WHY & HOW**

#### **1. What is Constitution? Explain the functions of a Constitution.**

Constitution is a document or a set of documents comprises a number of articles about the state, specifying how the state is to be constituted and what norms it should follow. It consists of the basic principles and laws of a state that determines the powers and functions of the government. Thus constitution is the basis laws of a state. Followings are the major functions of the Constitution:

- Provides a set of basic laws to coordinate the people of a given society.
- Specifies which institution has the power to make laws and take decisions.
- Limits the powers of the government and protects citizen's rights.
- Enables the government to fulfill the aspiration and goal of society.

#### **2. Describe about the Constituent Assembly of India.**

The Constitution of India was drafted by the Constituent Assembly. It was formed on the recommendation of Cabinet Mission plan in 1946. Its first session was held on 9 December 1946 at Delhi. Dr. Rajendra Prasad was the President of the Constituent Assembly. Jawaharlal Nehru introduced 'Objective Resolution' in the Constituent Assembly which defined the aims of the Constituent Assembly. Initially the total membership of the Constituent Assembly was 389. Due to the partition of India under the Mountbatten Plan (June 3<sup>rd</sup> plan) the number was reduced to 299.

The members of the Constituent Assembly were not elected by universal suffrage. So, there was a serious attempt to make the Constituent Assembly a representative body. Members of all religions were given representation. Although Congress occupied 82 per cent of the seats in the Constituent Assembly, the Congress itself represented the ideologies of Socialism, Liberalism, Conservatism etc. In addition, the Constituent Assembly had twenty-eight members from the Scheduled Castes. Constituent Assembly had eight major committees on different subjects. The most important committee was Drafting Committee. Dr. B.R. Ambedkar was the Chairman of Drafting Committee. Each Committee drafted particular provisions of the Constitution. These were presented in the Constituent Assembly for discussion. In 1949 November 26, the Constitution of India passed and adopted by the Constituent Assembly. It came into force on 26 January 1950.

3. Who is known as the Architecture of Indian Constitution? Dr. B.R. Ambedkar

**4. Explain about the major items of Objective Resolution.**

Jawaharlal Nehru introduced 'Objective Resolution' in the Constituent Assembly on 13 December, 1946. It defined the aims of Constituent Assembly and also expressed the aspirations and the values behind the Constitution. Major contents of 'Objective Resolution' are as follows

- India is a Sovereign, Democratic, Republic.
- India shall be a Union of States consists of former British Indian territories, Indian states and other territories as are willing to be a part of the union.
- All the authority and powers of India shall flow from the people
- To ensures the Socio-Economic Justice for all.
- To ensure the protection of minorities and the other backward classes.
- To maintain unity of our nation.
- To ensure world peace and welfare

**5. What is meant by Authority of a Constitution? Explain the factors determining the authority of Indian constitution.**

Authority of a constitution means acceptance on the part of the people to abide and obey the Constitution. Following are the factors that determining the authority of Indian constitution.

**a. Principle of Deliberation-** In the Constituent Assembly there was a detailed discussion and debates on each and every subject and finally added them to the provision of the Constitution. 'Public reason' was the basis of all the discussions.

**b. Procedure-** The Constituent Assembly consists of 8 major committees on different subjects. Each Committee drafted particular provisions of the Constitution which were presented in the Constituent Assembly for discussion. Each decision was taken either on the basis of consensus or voting. They were also open to press and the public.

**c. Inheritance of the Nationalist Movement-** The values and ideals uphold in the national movement such as Sovereignty, Democracy, Equality, Liberty etc. were the basis of our Constitution.

**d. Institutional arrangement-** In our Constitution there is separation of powers between Legislature, Executive and Judiciary. Besides, there is a clear demarcation between the powers of Centre and the states.

## **6. What are the borrowed provisions in Indian Constitution?**

**British Constitution-** Parliamentary System, Rule of Law, Role of Speaker, Law Making Procedure.

**American Constitution-** Preamble, Fundamental Rights, Judicial Review, Independent Judiciary.

**Canadian Constitution-** Quasi-Federal Form of Government, Idea of Residual Powers

**French Constitution-** Liberty, Equality and Fraternity

**Irish Constitution-** Directive Principles of State Policy

**Russian Constitution (USSR)-** Fundamental Duties

## **CHAPTER 2 RIGHTS IN THE INDIAN CONSTITUTION**

### **1. Explain the Fundamental Rights in Indian constitution.**

Fundamental Rights are those rights which are protected and guaranteed by the constitution of a country. Part III of the Indian Constitution deals with Fundamental Rights. There are six categories of fundamental rights. These are:

**A. Right to Equality (Article 14 - 18).** It is the basic principle of Indian Constitution.

**Art.14-** Equality before law and equal protection of law. It means all are equal before law and no special privileges in favour of any person. The concepts 'equality before law' is borrowed from British Constitution and 'equal Protection of law' from U.S Constitution.

**Art.15-** Prohibits discrimination in public places based on religion, caste, sex, place of birth

**Art.16-** Equality of opportunity in matters of public employment. Article 16(4) of the constitution explicitly clarifies that a policy like reservation will not be seen as a violation of right to equality.

**Art.17-** Prohibits untouchability and makes its practice punishable by law.

**Art.18-** Prohibits the state from conferring the titles except military or academic distinction.

**B. Right to Freedom (Article 19 - 22)**

**Art.19.** It is considered as the backbone of all other fundamental rights. It consists of 6 types of freedom. These are:

- Freedom of Speech and Expression
- Freedom to Assemble Peacefully
- Freedom to Form Association or Unions
- Freedom to Move throughout the territory of India
- Freedom to Reside in any part of India
- Freedom to practice any Profession or Occupation

**Art.20-** Protection in respect of conviction of offenses. It says (a) No person shall be punished for the same offense more than once, (b) No law shall declare any action as illegal from a backdate, and (c) No person shall be compelled to be a witness against himself.

**Art.21-** Right of Life and Personal Liberty. It says no person shall be deprived of his life and personal liberty except according to the procedure established by the law. Right to Education is in Article 21 A (This provision was added by 86<sup>th</sup> amendment in 2002)

**Art.22-** Protection against arbitrary arrest and detention. It confers the following rights on a person who is arrested or detained under ordinary law- right to be informed of the ground of arrest, right to consult and defended by a legal practitioner, right to be produced before a magistrate within 24 hours etc.

### **C. Right against Exploitation (Article 23 - 24)**

**Art. 23-** Prohibits traffic in human beings and forced labor. Traffic in human beings include selling and buying of men, women and children like goods, immoral traffic in women and children, and slavery. This article also prohibits forced labour without payment.

**Art. 24-** Prohibits employment of children below the age of 14 in dangerous jobs like mines and factories.

### **D. Right to Freedom of Religion (Article 25 – 28).** These articles envisage secularism in India.

**Art.25-** Freedom to conscience and the right to freely profess, practice and propagate religion.

**Art.26-** Freedom to establish and maintain religious or charitable institutions.

**Art.27-** No person shall be compelled to pay religious taxes on the promotion of a religion.

**Art.28-** Prohibits imparting of religious instructions in state funded educational institutions.

The freedom of religion is not an unlimited right. The government can impose restrictions on the practice of freedom of religion in order to protect public order, morality and health.

### **E. Cultural and Educational Right (Article 29 - 30)**

**Art.29-** Any section of citizen having distinct language, script or culture of its own, shall have the right to preserve the same.

**Art.30-** Right of 'Religious and Linguistic Minorities' to establish and administer educational institutions. The govt. will not discriminate against these institutions while giving grant in aid.

## F. Right to Constitutional Remedies (Art 32)

**Art 32-** Right to remedies for the enforcement of the fundamental right of an aggrieved citizen.

Dr. B.R Ambedkar considered Article 32 as heart and soul of the constitution. Article 32 made Fundamental Rights legal and justifiable.

A citizen can approach a High Court or the Supreme Court to restore the fundamental rights in case of its violation. The Supreme Court and the High Courts can issue orders and give directives to the government for the enforcement of rights.

### 2. Explain the various writs issued by the Supreme Court and High Courts.

The Supreme Court (under article 32) and High Court (under article 226) can issue writs for the enforcement of fundamental rights. However high court can issue writs not only for the enforcement of fundamental rights but for the enforcement of an ordinary legal rights.

- **Habeas corpus:** A writ of habeas corpus means that the court orders that the arrested person should be presented before it. It can also order to set free an arrested person if the manner or grounds of arrest are not lawful or satisfactory. In India it can also be issued against private individuals or organizations.
- **Mandamus:** This writ is issued when the court finds that a particular office holder is not doing legal duty and thereby is infringing on the right of an individual.
- **Prohibition:** This writ is issued by a higher court (High Court or Supreme Court) when a lower court has considered a case going beyond its jurisdiction.
- **Quo Warranto:** If the court finds that a person is holding office but is not entitled to hold that office, it issues the writ of quo warranto and restricts that person from acting as an office holder.
- **Certiorari:** Under this writ, the court orders a lower court or another authority to transfer a matter pending before it to the higher authority or court.

3. Which committee report recommended the inclusion of Fundamental Rights in the Indian Constitution? Motilal Nehru report (1928)

4. Which articles cannot be suspended during emergency?

Art. 20 and Art.21 (by the 44<sup>th</sup> amendment in 1978)

5. Which Fundamental Right was abolished in 1978 by 44<sup>th</sup> amendment?

Right to property (Right to Property is a legal right now under Article 300 A).

6. The practice of making provision for the reservation of appointments in favour of socially and educationally backward classes and SC and ST under Article 16 known as- Protective Discrimination.

**7. What is meant by Preventive detention?**

Preventive detention means detain or arrest a person on the assumption that he can be a threat to law and order or to the peace and security of the nation. It prevents a person from committing further offence. The preventive detention can be extended only for three months. After three months such a case is brought before an advisory board for review.

8. Which Committee recommended the insertion of Fundamental Duties? Swaran Singh Committee

9. In which year Fundamental Duties added in the Indian constitution? 1976 (42<sup>nd</sup> Amendment)

10. Which article of Indian Constitution deals with Fundamental Duties? Art 51 A

11. How many duties are given in Indian constitution? 11 Fundamental Duties.

12. Which amendment incorporated 11<sup>th</sup> Fundamental Duty? 86<sup>th</sup> amendment (2002)

13. What does the 11<sup>th</sup> fundamental duty says?

Parents/Guardians should provide education for their children between the ages of 6 to 14.

14. Which Part of the Indian constitution deals with Directive Principles of State Policy (DPSP)?

Part IV (Art. 36-51)

15. What is the chief aim of Directive Principles of State Policy (DPSP)?

To make a welfare state and to ensure social, economic and political justice for all.

**15. What is the major differences between Fundamental Rights and Directive Principles?**

Fundamental Rights mainly protect the rights of individuals while directive principles ensure the well-being of the entire society. Fundamental rights are justiciable right which can be protected by the court. But Directive Principles of State Policy is non-justiciable that cannot be enforced by the court.

16. When was National Human Rights Commission (NHRC) established in India? 1993.

17. Who was the first chairman of National Human Rights Commission? Ranganadha Mishra

18. Which day is celebrated as 'Human Rights Day'? December, 10

19. In which year UN General Assembly declared Human rights? 10<sup>th</sup> December 1948.

## **CHAPTER – III- ELECTION AND REPRESENTATION**

### **1. What is election? What are the different methods of election?**

In modern democracy people choose their representatives. These representatives are actively involved in governing and administering the country. The method followed to choose these representatives is referred to as an election. There are different methods of elections. Among these most important methods are the First Past The Post System and the Proportional Representation.

**a. First Past The Post System (FPTP)-** First Past The Post System is also known as Simple Majority System (SMS). In this system the entire country is divided into a number of small constituencies. Voters in the constituency casts their vote to the candidates. Candidate who gets highest votes from the constituency gets elected. This method is also called the Plurality System. In India simple majority system followed in the elections of Lok Sabha, state Legislative Assemblies and Panchayats. For example, in Lok Sabha election the entire country is divided into 543 Parliamentary constituencies. Each constituency elects one representative.

One of the criticism against this method is that the winning candidate need not secure a majority of the votes. If there are several candidates, the winning candidate often gets much less than 50% of the votes. The votes that go to failed candidates go 'waste' because those failed candidates or parties do not get seats or representation in the legislature. In such situation certain classes of people never get share in the power structure.

**b. Proportional Representation-** In Proportional Representation the country is divided Large geographical areas even the entire country may be a single constituency. More than one representatives elect from a single constituency. Votes are casted for the party not for candidates. After the election, each party gets seats in the legislature in accordance with the proportion of their voting strength. In Proportional Representation the representation of various classes of people can be ensured. It is the best method for ensuring sufficient representation of minorities. In India Proportional Representation system used for the election of President, Vice President, and for the election to the Rajya Sabha and Vidhan Parishads.

### **2. Difference between First Past The Post System (FPTP) and Proportional Representation (PR)**

- In the First Past The Post System the country is divided into small geographical units called constituencies. Example: in India the country is divided into 543 Parliamentary constituencies. But in Proportional Representation large geographical areas are demarcated as constituencies. In some countries, like Israel or Netherlands, the entire country is treated as one constituency.

- In the First Past The Post System the voters vote for a candidate while in Proportional Representation the voters vote for the party. So each party prepares a list of candidates for each constituency.
  - In the First Past The Post System every constituency elects one representative. But in Proportional Representation more than one representatives are elected from a single constituency. Example: in Argentina and Portugal the country is divided into several multi-member constituencies.
  - In the First Past The Post System candidate who gets highest votes only elected to the legislature. But in Proportional Representation even small party's representatives get seats in the legislature.
  - In the First Past The Post System a party may get more seats in the legislature than the proportion of its votes. For example, in 1984 Lok Sabha election, the Congress party got 415 seats out of 543 seats (more than 80% of the seats). But its vote share was only 48%. In Proportional Representation every party gets seats in the legislature in proportion to the percentage of votes that it gets. For example, in Israel once the votes are counted, each party is allotted the share of seats in the parliament in proportion to its share of votes. Each party fills the allotted seats by picking those many of its nominees from a preference list that has been declared before the elections.
3. Who decides the redrawing the boundaries of the various Assembly and Lok Sabha constituencies? Delimitation Commission of India

#### **4. What is meant by Universal Adult Franchise?**

It gives the right to vote to all adult citizens regardless of their, religion, caste, income, gender, social status, race etc. Article 326 of the Indian constitution says that the election to Lok Sabha and Legislative Assembly should be based on adult franchise.

5. Which amendment of the Indian Constitution reduced the voting age from 21 to 18?

61<sup>st</sup> Constitutional Amendment (1989)

6. What should be the minimum age to contest in the election of Lok Sabha and State Legislative Assembly? 25

7. What should be the minimum age to contest in Rajya Sabha election? 30 years

### **8. Explain the functions of Election Commission.**

Article 324 of the Indian Constitution provides for an independent Election Commission for the 'superintendence, direction and control of the electoral roll and the conduct of elections' in India. Election Commission is an autonomous body. The members of the commission are appointed by the President of India. The Election Commission was single member body until 1989. In the 1989 general election, two more Election Commissioners were appointed and it became multi-member body. After the election, the Commission reverted to its single member body. In 1993, two more Election Commissioners were once again appointed. Since then Election Commission became a multi-member body. Now it is a three-member body consists of Chief Election Commissioner and 2 other Election Commissioners. To assist the Election Commission of India there is a Chief Electoral Officer in every state. The Chief Election Commissioner and the two Election Commissioners have equal powers to take all decisions relating to elections as a collective body. The term of the Election Commissioner is 6 years or up to the age of 65. However, they can be removed from the office by the President of India for proved misbehavior or incapacity if both Houses of Parliament make such a recommendation with a special majority.

#### **Functions of Election Commission in India.**

- To conduct free and fair elections to Parliament and State Legislatures and of the President, Vice President.
- To give approval to political party and provide symbol.
- To prepare electoral rolls for the elections.
- To notify the date and schedule of election
- To supervise the machinery of election.
- Prepare code of conduct for political parties at the time of elections.
- To settle a dispute related to election.
- Counting the vote and announcement of result.

The Election Commission of India is not responsible for the conducting elections to local body. The State Election Commissioner conduct elections to local body. His office is not under the control of Election Commission of India.

9. Short form of NOTA –None Of The Above

10. The practice of redrawing the electoral districts by a party in power in its electoral prospects is known as -Gerrymandering

### **11. Explain the need for Electoral Reforms in India.**

In India free and fair elections are going on for decades. But some experts pointed out many drawbacks in election process and suggested some electoral reforms. They are:

- Election must be changed from First Past The Post System to proportional representation. Then the parties would get seats in proportion to the votes they get.
- In India women constitute 50% of total population. But they do not get adequate representation in the Parliament and State Assemblies. So women should be given sufficient representation.
- Election expenses should be paid from the special fund of the government. Money and muscle power should be controlled.
- Caste and religious forces should not be allowed to influence election.
- Criminals should not be allowed to contest in elections.
- For the recognition of national or state party certain number of votes and seats should be secured. It reduced the number of political parties and candidates.

### **12. Who was the first Election Commissioner of India? – Sukumar Sen**

13. Who was the first woman Election Commissioner of India? – V.S. Ramadevi

## **CHAPTER – IV- EXECUTIVE**

### **1. Explain the Central Executive and State Executive of India.**

Executive is the branch of government responsible for the implementation of laws and policies adopted by the legislature. The official designations of the executive vary from country to country. Some countries have presidents, while others have chancellors. In India central executive consists of President, Vice president, Prime Minister and Council of Ministers. The State Executive consists of Governor, Chief Minister and State Ministers. The executive branch is not just about President, Prime Minister and Ministers. It also extends to the administrative machinery (Bureaucracy). The heads of the state and government and their ministers carried out the overall responsibility of government policy, are together known as the Political Executive. The officials (Bureaucrats) who are responsible for day to day administration are called the Permanent Executive.

### **2. Explain the Powers and Functions of the President of India.**

In India President is the formal head of the state. The Constitution of India vests the executive power of the Union formally in the President. In reality, the President exercises these powers through the Council of Ministers headed by the Prime Minister. The term of the President is 5 years. The president is elected by Electoral College consists of all the elected members of both the

houses Parliament and State Legislative Assemblies. This election takes place in accordance with the principle of proportional representation with single transferable vote. The President can be removed from office by the Parliament in case of the violation of the Constitution. This process is called impeachment. Minimum age to contest in presidential election is 35 years.

### **Power and Function of Indian President**

The President has wide ranging executive, legislative, judicial and emergency powers. In a parliamentary system, these powers are in reality used by the President only on the advice of the Council of Ministers.

- The President has a right to be informed of all important matters and deliberations of the Council of Ministers.
- Every bill passed by the Parliament goes to the President for his assent before it becomes a law.
- The President has veto power by which he can withhold or refuse to give assent to Bills other than Money Bill. The President can send the bill back to the Parliament for reconsideration. But, if the Parliament passes the same bill again and sends it back to the President, then, the President has to give assent to that bill.
- Indian president can announce ordinance (Article 123). An ordinance will expire after 6 weeks once the both the houses of parliament are in session.
- The President appoints Prime Minister and Council of Ministers, Judges of Supreme Court and High Court, State Governors, Finance Commissioner, Attorney General, CAG, Chairman and members UPSC, Election Commissioners etc.
- President has the power to give pardon to the prisoner.
- President has the power to declare three types of emergency
  - National Emergency (Article 352)
  - President's Rule (Article 356 and 365)
  - Financial Emergency-Article 360

### **3. What is meant by 'Pocket Veto'?**

Every bill passed by the Parliament goes to the President for his assent before it becomes a law. However, there is no mention in the Constitution about the time limit within which the President has to give his assent. This means that the President can just keep the bill pending with him without any time limit. This is sometimes referred to as 'Pocket Veto'.

#### **4. Explain the powers and functions of the Prime Minister.**

Article 74 (1) says that there shall be a Council of Ministers headed by the Prime Minister to aid and advise the President. It means the President exercises his powers only on the advice of the Council of Ministers. The Council of Ministers is headed by the Prime Minister. Thus in India Prime Minister is the real executive. He is the head of the government. The President appoints the leader of the majority party or coalition of parties in Lok Sabha as Prime minister. The powers and functions of the Prime Minister are as follows.

- Prime Minister is the chairman of the cabinet.
- Prime Minister distributes the portfolio of the ministers.
- Prime Minister has the power to reshuffle the portfolio of the ministers.
- Prime Minister decide the cabinet meeting.
- Prime Minister acts as mediator between President and Council of ministers
- Prime Minister acts as mediator between the President and the Parliament.
- Prime Minister decides the policies and programmes of the government.

5. How long can a person continue to be a Prime Minister or minister without being a member of either house of the parliament? Six months

#### **6. How many ministers can be appointed in the council of ministers?**

The total number of Council Ministers including Prime Minister shall not exceed 15 percent of total strength of the Lok Sabha (Legislative Assembly in the case of the States). This provision was added by the 91<sup>st</sup> Amendment Act of 2003.

#### **6. Explain the role of Permanent Executive (Civil service) in modern period.**

The Executive organ of the government includes the Prime Minister, the Ministers and a large organization called the bureaucracy. To underline the difference between this machinery and the military service, it is described as civil service. The officials who assists the political executives in their policy making and carries out the policies of the government is known as Permanent Executive. They are recruited on the basis of merit for a long period (until the age of retirement). These trained and skilled officers assisting the ministers in formulating policies and implementing these policies. The capacity and knowledge of the civil servants helps the ministers to minimize the complexity of modern scientific legislation. The bureaucracy is an instrument through which welfare policies of the government must reach the people.

## 7. Explain the structure of Civil Service in India.

**a. All India Service-** All India Services are common to both Central and the State governments. They are elected through the civil service exam conducted by Union Public Service Commission (UPSC). E.g. Indian Administrative Service (IAS), Indian Police Service (IPS)

**b. Central Service-** The Central Services works under the exclusive jurisdiction of the Central government.

**c. State service-** The administration of the State is looked after by officers appointed through the State Public Service Commissions. The state government determines the service conditions of them.

## CHAPTER –V LEGISLATURE

### 1. Explain the powers and functions of the Parliament?

Legislature is the law making body in a democracy. In India legislature is known as Parliament. It is a bicameral legislature consists of Rajya Sabha (also known as Council of States) and Lok Sabha (also known as House of People). Following are the powers of the parliament

- **Legislative Function:** The Parliament enacts laws for the country. it approves the ordinances issued by the president.
- **Control of Executive and ensuring its accountability.** Parliament control the executive through question hour, zero hour, half-an-hour discussion, calling attention motion, no-confidence motion, adjournment motion, etc.
- **Financial Function:** No tax can be imposed or collected and no expenditure can be incurred by the executive without the approval of the Parliament. Hence the budget is placed before the parliament for approval.
- **Approval of emergencies:** It approves the three types of emergencies proclaimed by the President.
- **Representation:** Parliament represents the divergent views of members from different regional, social, economic, religious groups of different parts of the country.
- **Debating Function:** Members of the Parliament are free to speak on any matter without fear.
- **Constituent Function:** The Parliament has the power to amend the constitution.
- **Electoral functions:** The Parliament members are participated in the election of the President and Vice President of India.

- **Judicial functions:** It has the right to considering the proposals for the removal of President, Vice-President and Judges of the Supreme Court and High Courts.

## **2. Explain the powers and functions of Lok Sabha**

Lok Sabha is the lower house of the parliament. Its members are directly elected by the people. For the purpose of election, the entire country is divided into territorial constituencies. One representative is elected from each constituency through universal adult suffrage. At present there are 543 constituencies. The normal period of Lok Sabha is 5 years. Minimum age to contest in Lok Sabha election is 25. Followings are the powers and functions of Lok Sabha

- It has the power to make laws all subjects in the Union List, Concurrent List and also in Residuary Subjects.
- Introduce Money Bill and Non-Money Bills. Money bill can be introduced only in Lok Sabha.
- Approves proposals for taxation, budgets and annual financial statements. Union budget should be approved by the Lok Sabha.
- It controls the executive by asking questions and supplementary questions and by moving resolutions and motions.
- Lok sabha can pass no confidence motion against the Council of Ministers. So the Council of Ministers is responsible to the Lok Sabha.
- It has the power to amend the Constitution.
- It approves the three types of emergencies proclaimed by the President.
- Its members participate in the election of the President and the Vice President.
- Its members participate in the process of removing President, Vice-President, Judges of Supreme Court and Judges of High Court.
- Establishes committees and commissions and considers their reports.

## **3. Explain the powers and functions of Rajya Sabha**

Rajya Sabha (Council of states) is the upper house of the Parliament. The Rajya Sabha represents the States of India. It is an indirectly elected body. The elected members of State Legislative Assembly elect the members of the Rajya Sabha. Each state has given representation according to their population. The number of members to be elected from each State has been fixed by the fourth schedule of the Constitution. States with larger population get more representatives than States with smaller population get. For example, Uttar Pradesh sends 31 members to the Rajya

Sabha, while a smaller and less populous State like Sikkim has one seat in the Rajya Sabha. The term of the Rajya Sabha member is six years. However, it is a permanent house in which one third retire every two years. The maximum strength of the Rajya Sabha is 250 including 12 nominated members. The President of India nominate 12 members to the Rajya Sabha from persons having special experience in literature, science, arts, and social service. Minimum age to contest in the Rajya Sabha election is 30.

- Consider and approves non money bills and suggests amendments to money bills.
- Approves constitutional amendments.
- Control the executive by asking questions and introducing motions and resolutions.
- Participates in the election of the President and Vice President
- Participates in the procedure for the removal of the President, Vice-President, Judges of Supreme Court and Judges of High Court.
- It can alone initiate the procedure for removal of Vice President.
- Authorize the parliament to make laws on matters included in the State list (Art.249.)
- Any matter that affects the States must be referred to it for its consent and approval.
- Authorize the parliament to create new All India Services.

#### **4. How does the Parliament make laws?**

The basic function of any legislature is to make laws for its people. A definite procedure is followed in the process of making law. Followings are the different stages of ordinary law making in India.

- **First reading (Introduction of bill)** A bill is a draft of the proposed law. The draft of any bill is prepared by the concerned ministry. An ordinary bill can introduce in either house of the Parliament Usually a bill is introduced by a minister of the concerned ministry.
- **Second reading-** this stage consist of three more stages
  - (a) General discussion on the principles and provisions of the bill.
  - (b) Committee stage- The Bill refer to the select committee (consist of the members of the where the bill is originated) or joint committee (consist of the members of both houses). Usually the bill is referring to the select committee of the house. A large part of the discussion on the bills takes place in the committees. That is why committees are referred to as miniature legislatures. It can amend the its provisions but without altering the basic principles.

(c) Consideration stage- The house after receiving the bill from the committee considering the provisions of the bill clause by clause. House may or may not accept the recommendations of the committee. The members can also move amendments and if accepted they become part of the bill.

- **Third reading-** a debate is confined to the acceptance or rejection of bill. In this stage no amendments are allowed. If the majority of the members present and voting accept the bill, the bill is regarded as passed. Then the bill sent to other house.
- **Bill in other house-** If a Bill is passed by one House, it is sent to the second House where it goes through exactly the same procedure. If the bill passes the second house without any amendment or first house accept the amendments suggested by the second house the bill is deemed to have been passed by both the houses. If the bill rejected by the second house or the first house rejected the amendments proposed by the second house or second house does not take any action for six months, a deadlock is deemed to have taken place. In case of deadlock the president can summon Joint session of both houses. If the majority of members present and voting in the joint sitting approves the bill, the bill is deemed to have been passed by both the houses.
- **Assent of the President** -When a bill is passed by both Houses, it is sent to the President for his assent. If the president gives his assent the bill become a law.

### **Money bill**

Money bill can be introduced only in Lok Sabha. In this case the Rajya Sabha can either approve the bill or suggest changes but cannot reject it. Amendments to the bill, suggested by Rajya Sabha, may or may not be accepted by the Lok Sabha. It should return the bill to the Lok Sabha within 14 days. Otherwise the bill is deemed to have been passed.

### **5. How does the parliament control the executive?**

In India Parliament can effectively control the executive and ensure a more responsive government. The executive is drawn from the party or a coalition of parties that has a majority in Lok Sabha. The members of the Parliament are free to speak on any matter without fear. No action can be taken against a member for whatever the member may have said in the legislature. This is known as parliamentary privilege. Followings are the major instruments of parliamentary control on the executive.

**a. Deliberation and discussion:** During the law making process, members of the legislature get an opportunity to deliberate on the policy direction of the executive. Apart from deliberating on bills, control may also be exercised during the general discussions in the House.

- **Question hour-** The first hour of every parliamentary sitting is slotted for this. During the Question Hour, the members ask questions and the ministers usually give answers. This gives the members an opportunity to criticize the government.
- **Zero Hour-** The zero hour starts immediately after the question hour. In zero hour, members are free to raise any matter that they think is important (though the ministers are not bound to reply).
- **Half-an-hour discussion-** It is meant for discussing a matters of public importance. The speaker can allot three days in a week for such discussion.
- **Adjournment motion-** It aims to draw attention of the house to a definite matter of urgent public importance and need the support of 50 members to be admitted.

**b. Approval and ratification of laws:** A bill can become a law only with the approval of the Parliament. A government supported by the majority members may not find it difficult to get the approval of the parliament. However, it opened an intense bargaining and negotiations amongst the members of ruling party and opposition.

**c. Financial control:** Preparation and presentation of budget for the approval of the Lok Sabha is constitutional obligation of the government. Before granting money the Lok Sabha can discuss the reasons for which the government requires money. It can enquire into cases of misuse of funds on the basis of the report of the Comptroller and Auditor General and Public Accounts committees.

**d. No-Confidence Motion:** It means that the ministry stays in office as long as it enjoys confidence of the majority members in the Lok Sabha. In other words, the Lok Sabha can remove the ministry from office by passing a no-confidence motion.

## **CHAPTER 6- JUDICIARY**

### **1. Analyse the functions of Judiciary in a country. Explain how does the Indian constitution ensure the independence of the Judiciary.**

Judiciary is one of the important organ of the government. Followings are the chief functions of judiciary.

- Interpret the constitution
- Interpret the law of the land
- Protect the rights of the citizens
- Examine the constitutionality of the law passed by the legislature or ordinances issued by the executive
- Settles the disputes between the individuals, between individual and organizations and between individual/organizations and government
- Punish the law breakers.

#### **Independence of the judiciary**

Independence of judiciary means that the other organs of the government like the executive and legislature must not restrain the functioning of the judiciary. It means judiciary should be free from encroachments, pressures and from the executive and legislature. Judges must be able to perform their functions without fear or favor. The Indian Constitution has ensured the independence of the judiciary through a number of measures.

- The legislature is not involved in the process of appointment of judges. Thus, party politics would not play a role in the process of appointments.
- The judges have a fixed tenure. They hold office till reaching the age of retirement.
- The Constitution prescribes a very difficult procedure for removal of judges.
- The Constitution provides that the salaries and allowances of the judges are not subjected to the approval of the legislature.
- The actions and decisions of the judges are immune from personal criticisms. It has the power to punish the contempt of court.
- Parliament cannot discuss the conduct of the judges except when the proceeding to remove a judge is being carried out.

## **2. Explain the jurisdiction of the Supreme Court of India.**

The Constitution of India provides for a single integrated judicial system. The Supreme Court stands at the top of the integrated judicial system, High Courts below it and district and subordinate courts at the lowest level. The senior most judge of the supreme court is appointed to the office of the Chief Justice of India. The Judges of the Supreme Court are appointed by the President after 'consulting' the Chief Justice of India. However, the Chief Justice should recommend names of persons to be appointed in consultation with the collegium of four senior-most judges of the Supreme Court. Judges of the Supreme Court retire at the age of 65. However, they can be removed from office by the parliament only on proved misbehavior or incapacity.

### **Jurisdiction of the Supreme Court**

**a. Original jurisdiction-** The cases involving federal relations go directly to the Supreme Court. The Supreme Court has original jurisdiction on the dispute between union government and one or more states and dispute between states. It is called original jurisdiction because the Supreme Court alone has the power to deal with such cases.

**b. Appellate Jurisdiction-** The Supreme Court is the highest court of appeal in constitutional, civil and criminal matters. A person can appeal to the Supreme Court against the decisions of the High Court. However, High Court must certify that the case is fit for appeal.

**c. Writ Jurisdiction-** A person can directly move to supreme court if the fundamental right is violated. The Supreme Court has the power to issue orders or writs such as Habeas Corpus, Mandamus, Prohibition etc. for the enforcement of fundamental rights under article 32. The Court can give orders to the executive to act or not to act in a particular way.

**c. Advisory Jurisdiction-** The President of India can refer any matter that is of public importance or that which involves interpretation of Constitution to Supreme Court for advice.

## **3. What is meant by Judicial Activism?**

Judicial activism denotes an active judiciary that takes up public issues. Judiciary began to considering many cases merely on the basis of newspaper reports and postal complaints received by the court. The important instrument of judicial activism is public interest litigation.

## **4. What is meant by Public Interest Litigation (PIL) or Social Action Litigation (SAL)?**

In Public Interest Litigation any person or organization can approach the court for enforcing the rights of other person. Thus public spirited citizens and voluntary organizations approach the court for the protection of existing rights, betterment of life conditions of the poor, protection of

the environment, and many other issues in the interest of the public. PIL has become the most important vehicle of judicial activism. PIL brings judiciary within the reach of ordinary people.

### **5. What is meant by Judicial Review?**

Judicial review means the power of the Supreme Court and high courts to examine the constitutionality of any law passed by the legislature or ordinance issued by the executive.

6. In which case, Supreme Court said that the basic structure of the constitution cannot be changed even with constitutional amendments? Kesavananda Bharati case

## **CHAPTER 7- FEDERALISM**

### **1. What is federalism? Explain the features of federalism in India.**

In Federalism there are two sets of governments- one at national level and other at regional level. The powers of the Government at these two levels have autonomy in their respective area. It means there is a division of powers between Center and the States. India is a federation because all the features of the federations are there. These are given below.

- **Two sets of government-** one at the central level (union government) and another at state level (State government). Both of these have constitutional status and clearly identified area of activity.
- **Division of Powers-** The Constitution clearly demarcates subjects, which are under the exclusive domain of the Union and those under the States. The VII schedule of the Indian Constitution consists of three lists- Union List, State List and Concurrent List.
- **Supremacy of the Constitution-** The powers of both the Central government and State governments are derived from the constitution. So there is no confusion or dispute.
- **Independent Judiciary-** If there is any dispute between the Union and the State on the division of powers, this can be resolved by the Judiciary on the basis of the constitutional provisions.

### **2. Explain about the Division of Powers in India**

The constitution of India made a clear division of powers between Centre and the states. The VII schedule of the Indian Constitution consists of three lists. They are

- **Union list-** It consist of 97 items such as defense, atomic energy, foreign affairs, war and peace, citizenship, railways, communication, banking, insurance, currency, income tax, post and telegraph, airways, ports, foreign trade etc. Legislation on these subjects is exclusively for the Union or Central Government.

- **State list-** It consists of 61 items such as police, law and order, public health, land, fisheries, local government, agriculture, prison, liquor, trade and commerce, livestock and animal husbandry, state public services etc. Legislation on these subjects is assigned to the state governments.
- **Concurrent list-** It consist of 52 items such as education, forest, trade unions, marriage, population control, price control, electricity, newspapers, transfer of property other than agricultural land, adulteration, adoption and succession etc. Both Union government and State governments has the power to made legislation on these subjects.

### **3. Examine why it's says that India is a federation with a strong Central Government.**

Indian Constitution has created a strong central government. The framers of the Constitution believed that we required a federal constitution that would accommodate diversities. But they also wanted to create a strong Centre to stem disintegration and bring about social and political change. Following are the provisions which made a strong Central Government.

- The parliament can create a new state by separation of territories from other state or states or by uniting two or more states.
- The President can declare emergency in the state on the recommendation of the State Governor.
- During emergency parliament can make laws on subjects within the jurisdiction of the States.
- Central government has many revenue sources and the states are mostly dependent on the grants and financial assistance from the Centre.
- Central government appoints the Governor of the state. The Governor has the power to reserve a bill passed by the State legislature, for the assent of the President.
- Parliament can make laws on any matter enumerated in the state list, if the move is ratified by the Rajya Sabha.
- All India Services like IAS, IPS are common to the entire territory. Officers chosen for these services serve in the administration of the States. States can neither take disciplinary action nor can they remove these officers from service.

## **CHAPTER 8- LOCAL GOVERNMENTS**

### **1. Explain the need of Local Government.**

Local government is government at the village and district level. It involves the day-to-day life and problems of ordinary citizens. Local governments are close to common people than governments at state and national levels. Local interests are considered in decision making by which people's participation in the administration can be ensured. It helps to strengthen the sense responsibility among the local people.

### **2. Explain the evolution of the Panchayat Raj Institutions in India.**

In 1882 Lord Rippon, Viceroy of India, took the initiative in creating local bodies. They were called the local boards. Following the Government of India Act 1919, village panchayats were established in a number of provinces. This trend continued after the Government of India Act of 1935. During freedom movement, Mahatma Gandhi had strongly pleaded for decentralization of economic and political power through village panchayats. In 1952 Community Development Programme started to promote people's participation in local government. In 1957 Balwant Rai Mehta committee recommended a three tier panchayat raj system. They are Gram panchayat at the village level, Panchayat Samiti at the block level and Zilla Parishad at the district level.

Rajasthan was the first Indian state introduced Panchayati Raj system in 1959, followed by Andhra Pradesh and Tamilnadu. But in many States those local bodies did not have enough powers and functions to look after the local development. They were very much dependent on the State and central governments for financial assistance. In 1989, P.K Thungon Committee recommended constitutional recognition for the local government bodies. In 1989, the central government introduced two constitutional amendments aimed at strengthening local governments. It was not approved by the Rajya Sabha. In 1992, the 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendments were passed by the Parliament. The 73<sup>rd</sup> Amendment is about rural local governments (Panchayat Raj Institutions) and the 74<sup>th</sup> amendment made the provisions relating to urban local government (Nagarpalikas). The 73<sup>rd</sup> and 74<sup>th</sup> Amendments came into force in 1993.

### **3. Explain the features of 73<sup>rd</sup> amendment in the functioning of Panchayat Raj Institutions.**

- 73rd Amendment Act provided for a uniform three tier Panchayat Raj system at the village level, intermediate level and district level in all states. Gram Panchayat at the base level covers a village or group of villages. The intermediary level is the Mandal or Block. Zilla Panchayat at the

apex level covering the entire rural area of the District. The intermediary level body need not be constituted in smaller States (below the population of 20 lakh).

- The concept of Gram Sabha is incorporated in this Act. The Gram Sabha would comprise all the adult members registered as voters in the Panchayat area.
  - All the three levels of Panchayat Raj institutions are elected directly by the people.
  - The term of each Panchayat body is five years.
  - One third of the positions in all panchayat institutions are reserved for women.
  - Reservations for Scheduled Castes and Scheduled Tribes are also provided for at all the three levels, in proportion to their population. If the States find it necessary, they can also provide for reservations for Backward Classes.
  - Twenty-nine subjects listed in the Eleventh Schedule of the Constitution are to be transferred to the Panchayati Raj institutions. Each State decides how many of these twenty-nine subjects would be transferred to the local bodies.
  - Eleventh schedule consists of 29 items such as agriculture, land improvement, minor irrigation, animal husbandry, fisheries, small scale industries, drinking water, education etc. The panchayat raj bodies can take decisions on these 29 subjects.
  - The State government is required to appoints the State Election Commissioner for conducting election to the local governments.
  - The State government is also required to appoint a State Finance Commission once in five years. This Commission would examine the financial position of the local governments in the State.
4. Which Amendment Act prescribed the structure, composition and powers of the Urban local government (Nagarpalikas)? 74<sup>th</sup> Amendment Act.
5. What is the minimum age to contest in local government bodies? 21

## **CHAPTER- 9 CONSTITUTION AS A LIVING DOCUMENT**

### **1. What is Amendment? Explain the procedure for the Amendment of the Indian constitution.**

Amendment means to remove or include a new law in the constitution or to modify the existing laws. Article 368 of the Indian Constitution outlines the two procedures for the amendment of the constitution. However, there are three ways to amend the constitution. These are

#### **a. Simple Majority of the Parliament**

There are many articles in the Constitution, which mention that these articles can be amended by a simple law of the Parliament. These provisions of the constitution can be amended by the simple majority of the two houses of parliament. Simple majority means the majority of the members of each house present and voting. These parts of the Constitution are very flexible. For example, Article 2 says that parliament may 'by law' admit into the union or establish, new states on such terms and conditions, as it thinks fit. Here the wording 'by law' indicates that this article can be modified by the Parliament without recourse to the procedure laid down in Article 368.

#### **b. Special Majority of the Parliament in both the houses separately (Art.368)**

Majority of the provisions of the constitution can be amended by a special majority of the parliament in both the houses separately. It requires two different kinds of special majorities:

- Majority of total strength of each House (more than 50 percent).
- Majority of two-thirds of the members of each house present and voting.

Both Houses of the Parliament must pass the amendment bill separately in this same manner (there is no provision for a joint session). In Lok Sabha, there are 545 members. Therefore, any amendment must be supported by a minimum of 273 members. Even if only 300 members are present at the time of voting, the amendment bill must get the support of 273 out of them.

**c. Special Majority of the Parliament and the ratification of not less than half of the state's legislatures (Art.368)-** Some provisions of the Constitution can be amended by a special majority of the both the houses of the parliament and also with the consent of not less than half of the state legislatures by a simple majority.

## **CHAPTER 10- THE PHILOSOPHY OF THE CONSTITUTION**

### **1. Limitations of the Indian constitution**

- The Indian Constitution has a centralized idea of national unity.
- It avoids considering some important issues of gender justice, particularly within the family.
- It does not exactly provide certain basic socio-economic rights as fundamental rights.

### **2. Write the criticism of Indian Constitution.**

- Indian constitution is a bulky constitution because important constitutional statements and practices are included in the one single document.
- Another criticism is that members of the Constituent Assembly were not elected based on adult franchise and most of the members of the Constituent Assembly came from the upper class.
- Some criticized that Indian constitution is a borrowed constitution from western countries. It is doesn't reflect the culture of our country.

## **PART II- POLITICAL THEORIES**

### **CHAPTER 11- POLITICAL THEORY: AN INTRODUCTION**

#### **1. What is Political Theory?**

A theory is an intellectual device to understand reality pertaining to a discipline. Political theory analyses certain basic questions such as How should society be organised?, Why do we need government?, What is the best form of government?, Does law limit our freedom?, What does the state owe its citizens?, What do we owe each other as citizens?. Political theory examines these kinds of questions and systematically thinks about the basic values, ideas and principles that shape Constitutions, governments and social life in a systematic manner. It clarifies the meaning and significance of concepts such as freedom, equality, justice, democracy, secularism and so on. Thus the objective of political theory is to train citizens to think rationally about political questions and assess the political events of our time.

#### **2. What do we study in political theory?**

- Political theories are still relevant because issues concerning freedom, equality, democracy, arise in many areas of social life and they are being implemented in different sectors at different paces. For instance, although equality may exist in the political sphere in the form of equal rights, it may not exist to the same extent in the economic or social spheres because of poverty, caste system etc.
- The rights guaranteed by our Constitution are continually being reinterpreted in response to new circumstances. Political theories presents new meanings and interpretations to these ideas in the new circumstances. For instance, the right to life has been interpreted by the Courts to include the right to livelihood.
- As our world changes, we may discover new dimensions of freedom as well as new threats to freedom. With the development of Information and Communications Technology, several questions are raised regarding how much freedom should be given to people using the net. For instance, should they be allowed to send unsolicited e-mails to strangers? Can you advertise your products in chat rooms? Should governments be allowed to read private e-mails to track down terrorists? How much regulation is justified and who should regulate– governments or some private regulators? Political theory has a lot to teach us about possible answers to these questions.

## CHAPTER 12- FREEDOM

### 1. What is Freedom?

Freedom in its restricted sense is absence of constraints. But in our social life some forms of social constraints are necessary. In its positive dimension freedom is about expanding the ability of the people to freely express themselves and develop their potential. In this sense freedom is a condition in which people can develop their creativity and capabilities.

### 2. What is called Harm Principle?

John Stuart Mill in his essay 'On Liberty' distinguish the actions of an individual into two- Self-regarding actions and Other regarding actions

- **Self-regarding actions-** Self-regarding actions are those actions that have consequences only for the individual and nobody else. In his opinion with regard to the self-regarding action the state or any other external authority has no power to interfere.
- **Other regarding actions-** Other regarding actions are those actions that also have consequences for others. In the case of other regarding actions, the state can constrain a person from acting in a way harmful to others.

### 3. What's the difference between Negative Liberty and Positive Liberty?

In political theory, the two dimensions of freedom—freedom as the absence of external constraints, and freedom as the expansion of opportunities to express one's self have been called negative and positive liberty.

**a. Negative Liberty-** Negative liberty seeks to define an area in which the individual could do whatever he or she wished do. This is an area in which no external authority can interfere. The existence of the 'minimum area of non-interference' is the recognition that human beings need an inviolable area of non-interference in which the individual can express himself or herself. If the area is too small, then human dignity gets compromised.

**b. Positive Liberty-** Positive liberty recognizes that one can be free only in society. Positive Liberty concerned that positive conditions in material, political and social domains help an individual to develop his or her capabilities. People must have adequate material resources to pursue their wants and needs. They must also have the opportunity to participate in the decision making process so that the laws made reflect their choices. Above all, to develop their mind and intellect, individuals must have access to education and other associated opportunities necessary to lead a reasonably good life.

4. Who said that equality was as crucial as freedom? Karl Marx
5. Who fought against apartheid policy of South Africa? Nelson Mandela
6. Who was the author of the book '*Long Walk to Freedom*'. Nelson Mandela
7. Who was the author of the book '*Freedom from Fear*'? Aung San Suu Kyi
8. Who made this famous statement "Swaraj is my birth right and I shall have it."? Tilak
9. Who wrote the book *Hind Swaraj* in 1909? Mahatma Gandhi
10. Which Philosophy says 'state is a necessary evil'? Liberalism

### **11. What are the Safeguards of Liberty?**

Democracy, Independent judiciary, Rule of law, Separation of Power, Economic liberty etc. are the major safeguards of liberty.

## **CHAPTER 13- EQUALITY**

### **1. What is meant by equality? Explain the three dimensions of Equality.**

Equity means all human beings have an equal worth regardless of their colour, gender, race, or nationality. Human beings deserve equal consideration and respect because of their common humanity. All are entitled to the same rights and opportunities to develop their skills and talents. There are mainly three dimensions of equality- political, social and economic, which we need to address to make a just and equal society. Followings are the three dimensions of equality.

**a. Political Equality-** Political equality means that all citizens have an equal voice in the government and equal access to all offices of the government. It involves right to vote, right to contest elections, right to hold the public offices, right to criticize the government etc. These rights are considered necessary to enable citizens to develop themselves and participate in the affairs of the state.

**b. Social Equality-** Social equality means that all are enjoying equal status and equality of opportunity in society. There shall be no discrimination to any sections of society on the ground of religion, caste, gender, race, wealth, color and so on. Social equality concerned that inequalities are the creation of the society. So the state has a significant role to make policies to prevent discrimination and harassment towards the neglected and marginalized sections in the society. The state should adopt protective discrimination to make social equality.

**c. Economic Equality-** Economic equality means all should enjoy the wealth of the state equally. Of course, absolute equality of wealth or income has probably never existed in a society. It is argued that economic resources should not be concentrated in a few hands. It should ensure a minimum

standard of living to all and equal opportunities for all. It involves equal opportunity in education and employment, equal pay for equal work, abolition of poverty etc.

2. What was the slogan of French revolutionaries? 'Liberty, Equality and Fraternity'

### **3. What is socialism?**

Socialism is emerged as a reaction against the inequalities existing in the capitalist economy. The main concern of Socialism is to minimize existing inequality and to distribute resource justly. Although advocates of socialism are not entirely opposed to the market, they favour some kind of government regulation, planning and control over certain key areas such as education and health care.

### **4. How can we promote Equality?**

**a. Official Establishment of Equality-** Inequalities can be abolished by law. Most modern constitutions have formally accepted the principle of equality. The Constitution of India prohibits discrimination on grounds of religion, race, caste, sex or place of birth. It also abolishes the practice of untouchability.

**b. Equality through Differential Treatment-** Formal equality or equality before law is necessary but not sufficient to realise the principle of equality. Sometimes it is necessary to treat people differently in order to ensure that they can enjoy equal rights. Certain differences between people may have to be taken into account for this purpose. Some countries have used policies of affirmative action to enhance equality of opportunity. In our country we have relied on the policy of reservations.

**Affirmative Action-** Inequalities are sometimes deeply rooted in our social system. Affirmative action means positive measure taken to increase the representation of disadvantaged sections in areas in which they are underrepresented. Most policies of affirmative action are aimed to correct the cumulative effect of past inequalities. Affirmative action can however take many forms, from preferential spending on facilities for disadvantaged communities, such as, scholarships and hostels to special consideration for admissions to educational institutions and jobs. In our country we have adopted a policy reservation in education and employment to provide equality of opportunity to deprived sections. These sections have been victims of social prejudice and discrimination in the form of exclusion and segregation. then compete with others on equal terms.

## **CHAPTER 14- SOCIAL JUSTICE**

### **1. What is justice? Explain the three principles of justice.**

Justice implies fulfillment of the legitimate expectations of the individual under the existing law and to provide him protection against any violation of his rights. The essence of justice is common good which involves the well-being of all people. Ensuring the well-being of the people includes giving each person his due.

#### **Three Principles of Justice**

In order to maintain justice in the society the government should harmonies following three principles.

##### **a. Equal Treatment for Equal**

It is considered that all individuals share certain characteristics as human beings. Therefore, they deserve equal rights and equal treatment. Some of the important rights namely civil rights such as rights of life, liberty and property, political rights like the right to vote and certain social rights like right to equal opportunities should be deserved for all. The principle of treating equals equally would require that they should be judged on the basis of their work and actions and not on the ground of class, caste, race or gender. Therefore, if two persons from different castes perform the same kind of work, they should receive the same kind of reward. Otherwise it would be unjust and unfair.

##### **b. Proportionate Justice**

Equal treatment would not be fair in all situations. It is unfair if we reward workers equally when different jobs require different skills and efforts without considering risks involved. In such cases justice would mean rewarding people in proportion to the effort required, the skills required, the possible dangers involved in that work, and so on. So for a just society equal balance between equal treatment and the principle of proportion.

##### **c. Recognition of Special Needs**

Another important principle of justice is the recognition of special needs of people while distributing rewards. In certain cases, equal treatment and proportionate justice may not enough to ensure justice in the society. Physical disabilities, social backwardness, age, lack of access to good education or health care etc. are usual factors considered for special needs. For example, Indian constitution provides reservation for people belongings to SC/ST to maintain equal justice.

## **CHAPTER 15- RIGHTS**

### **1. What is a right? Explain the different types of rights.**

Rights are claims recognized by the society and if necessary enforced by the state. This does not mean that everything that a person regards to be necessary and desirable is a right. It aims to protect the wellbeing of the individual. Thus rights are primarily those claims that an individual along with others regard to be necessary for leading a life of respect and dignity. For example, right to education, right to livelihood etc. helps a person to lead a dignified life.

### **Kinds of Rights**

#### **a. Political Right**

Political rights give to the citizens the right to equality before law and the right to participate in the political process. It includes the right to vote, the right to contest elections, the right to form political parties, right to join in political parties etc. Political rights are supplemented by civil liberties such as the right to a free and fair trial, the right to express one's views freely, the right to protest and express dissent. Collectively, political rights and civil liberties form the basis of a democratic system of government. Political rights making the government accountable to the people.

#### **c. Economic Right**

Economic rights are concerned with making adequate facilities to meet the basic needs and reasonable conditions of work. It includes Right to work, right to equal pay for equal work, right to rest etc.

#### **c. Cultural Rights**

Today, in addition to political and economic rights more and more democracies are recognizing the cultural claims of their citizens. It includes right to education in mother tongue, right to keep one's language and culture, right to protect and preserve one's language, culture and script in original.

### **2. In which year UN General Assembly proclaimed the Universal Declaration of Human Rights?**

1948 Dec 10

## **CHAPTER 16- CITIZENSHIP**

### **1. Define citizenship?**

Citizenship has been defined as full and equal membership of a political community. Citizens enjoyed certain rights and protection in a state. Equality of rights and status is one of the basic rights of citizenship. In a democratic country citizens enjoyed certain political, civil, social and economic rights. However, citizenship involves certain obligations of citizens to each other and to the society. These would include not only the legal obligations imposed by states but also a moral obligation to the social life. Citizens are also considered to be the inheritors and trustees of the culture and natural resources of the country.

### **2. Explain the ways of attaining Indian citizenship.**

In India, the provisions about citizenship can be found in Part II (Article 5 to 11) of the constitution and in subsequent laws passed by Parliament. The Citizenship Act (1955) prescribes five ways of acquiring Indian citizenship. These are birth, descent, registration, naturalization and incorporation of territory.

### **3. Define the concept of Universal Citizenship.**

Universal Citizenship means full membership of a state should be available to all those who ordinarily live and work in the country as well as to those who apply for citizenship. The concept of universal citizenship is more inclusive which accepting the claims of migrants and even the refugees.

### **4. Define the concept of Global Citizenship.**

Global Citizenship is a feeling that we are not only the citizen of a particular country but citizen of a global society. It reminds us that national citizenship should be supplemented by an awareness that we live in an interconnected world and need to strengthen our links with people in different parts of the world. Also we ready to work with people and governments across national boundaries. Though the global society does not yet exist, people already feel linked to each other across national boundaries. The support of people from different parts of the world for the victims of the tsunami and other major calamities is a sign of the emergence of a global society. So we should try to strengthen the feeling of global citizenship. It would enhance the interdependence and cooperation among the people and governments of many states. Today states are facing many problems which cannot be solved by an individual state alone. These problems can be solved by the cooperative endeavor of the people and governments of many states.

## CHAPTER 17- NATIONALISM

### 1. What is nationalism? Explain the factors affecting nationalism.

Nationalism is a psychological expression that is feeling of oneness. Nationalism imparts a sense of unity to the people of a country by imposing the same set of identities such as history, culture, common belief etc. following factors affecting Nationalism

- **History**- Each country has its own historical background which makes a sense of historical identity.
- **Territory** - The state should have a particular territorial area. Living together on a territory for several years make the people a sense of collective identity.
- **Common Belief (Shared Belief)** - The common belief, customs, tradition, law etc. make sense of oneness among the people.
- **Common Political Ideas (Shared Political Ideas)**- The major political ideas like democracy, secularism, parliamentary system etc. makes them together.
- Besides, common language, common decent, common religion etc. can make sense of oneness among the people.

## CHAPTER 18- SECULARISM

### 1. Difference between inter-religious domination and intra-religious domination.

- **Inter-religious domination**- Inter religious domination means one religion try to keep domination over another religion. For instance, several thousands of Hindu Kashmiri pandits have been forced to leave their homes in the Kashmir valley.
- **Intra-religious domination**-Intra religious domination means discrimination within a religion. One religious group tries to keep domination over other groups within the religion. For example, dalits have been barred from entering Hindu temples. In some parts of the country, Hindu woman cannot enter temples.

### 2. What is secularism?

It is a normative doctrine which seeks to realise a secular society based on inter-religious or intra-religious equality. It promotes freedom within religions and equality between religions as well as within religions.

### 3. What is meant by secular state?

A secular state should not have an official religion. It should not make legal alliance with any religion. The essence of secularism lies in the basic principle of separation of religion from politics.

Moreover, a secular state must be committed to principles and goals which are at least partly derived from non-religious sources. It should promote peace, religious freedom, freedom from religious oppression, discrimination, inter-religious and intra-religious equality etc.

#### **4. Difference between western model of secularism and Indian model of secularism.**

##### **Western model of secularism**

In western model, secularism is based on mutual exclusion that is separation of state from religion. The state will not intervene in the affairs of religion and, in the same manner, religion will not interfere in the affairs of the state. Each has a separate sphere of its own with independent jurisdiction. No religious classification can be the basis of any public policy. Similarly, the state cannot aid any religious institution. It cannot give financial support to educational institutions run by religious communities. State never support for religious reformation. The state never hinders the activities of religious communities, as long as they are within the broad limits set by the law of the land. For example, if a particular religion forbids the entry of some of its members in the sanctum of its temple, then the state has no option.

##### **Indian model of secularism**

Indian model of secularism is fundamentally different from Western secularism. Indian secularism does not focus only on church-state separation. The idea of inter-religious and intra-religious equality is crucial to the Indian concept of secularism. Indian secularism equally opposed the oppression of *dalits* and women within Hinduism, the discrimination against women within Indian Islam or Christianity, and the possible threats that a majority community might pose to the rights of the minority communities. Indian secularism considered not only the religious freedom of the individuals but also the religious freedom of the minority communities. Every individual has the right to profess the religion of his or her choice. Likewise, religious minorities also have a right to maintain their own culture. Moreover, the state supports the religious reformation. Thus, the Indian constitution bans untouchability. The Indian state has enacted several laws abolishing child marriage and lifting the taboo on inter-caste marriage sanctioned. We have enacted several laws such as abolishing child marriage, lifting the taboo on inter-caste marriage etc. All the above facts reflect the interfere of state in religious matters positively and negatively.

## CHAPTER 19- PEACE

### 1. What is meant by Structural Violence? Explain the forms of Structural Violence.

Violence may emerge as responses to inequalities and exploitation inherent in certain societies. Social institutions and practices that reinforce entrenched inequalities of caste, class and gender, can also cause injury in subtle and invisible ways. If any challenge is made to these hierarchies by oppressed classes, it may also breed conflict and violence. Thus structural violence refers to a form of violence wherein a social structure or social institution may harm people by preventing them from meeting their basic needs. Followings are the different forms of structural violence.

- **Caste-** In a caste ridden society certain groups of people treated as untouchable. It leads to their social exclusion and deprivation. They even denied the benefits of education and social mobility.
- **Class-** In the developing countries a majority of the labouring classes are confined to the informal sector. Their wages and conditions of work are abysmal. It generates a great deal of inequality and oppression.
- **Patriarchy-** In patriarchal society women are subordinated and discriminated. It leads to sexual harassment, child marriage, denial of education to girls, abortion of female fetuses, undernourishment of the girl child, dowry system, sexual harassment, rape etc.
- **Colonialism-** Colonial powers conquered the territories of other countries begin to exploit them in several ways.
- **Racism-** Racial discrimination was prevalent in many countries. Negro slavery in USA, massacre of Jews in Germany, apartheid policy of South Africa are the examples.
- **Communalism-** Communalism may be seen as the South Asian counterpart of racism. Conflicts between different religious communities are causing lots of violence. Minority religious groups of become victims of such violence

### 2. What are the challenges of world peace?

- Powerful countries are resorting to unilateral military action over other nations to achieve their objectives
- Terrorism has become a big threat to the world peace
- Genocides in various parts of the world
- Regional military alliances of the Nations

## **CHAPTER 20- DEVELOPMENT**

### **1. What is meant by Development?**

In the broadest sense of the term, development conveys the ideas of improvement, progress, well-being and an aspiration for a better life. It aims to enhancing the quality of life of the people. However, the term development is also often used in a narrower sense to refer to more limited goals such as increasing the rate of economic growth. Unfortunately, it often identified with achieving some pre-set targets, or completing projects like dams, factories, hospitals etc. rather than with realising the broader vision of development. In the process some sections of society may have benefited while others may have had to suffer loss of their homes, or lands, or way of life, without any compensatory gains.

### **2.Explain the social costs of development.**

Development has economic benefits such as higher employment, higher incomes etc. But every major project such as construction dams, large industries, highways etc. has its social cost. It means these activities adversely affect the life of the people in these areas. Social costs of development are given below.

- Displacement of people from their living places
- Loss of livelihood
- Loss of traditional skill
- Movement of displaced people to urban areas leading to growth of slums
- Adverse impact on their culture

### **3. Explain the environmental costs of development.**

Developmental activities are adversely affect the environment. Environmental costs of development are given below.

- Air Pollution
- Water Pollution
- Global warming due to the ozone depletion by the release of chlorofluorocarbons
- Soil Pollution due to the excessive use of chemical fertilizers and pesticides
- Destruction of plant life, birds and animal