



P. KRISHNA PRADEEP
Chairman
KPSIR UPSC Universe



Dr. BHAVANI SHANKAR
Chief Mentor
KPSIR UPSC Universe

UPSC Mains 2023

4 am Batch Test

(DAY-28)

- 1) What are the key provisions of the Preamble that reflect the values and ideals of the Indian nation? How has the Preamble of the Indian Constitution been amended over time?

UPSC Mains Syllabus topic	Indian Constitution historical underpinnings, evolution, features, amendments, significant provisions and basic structure.
Why was this question asked?	<ul style="list-style-type: none"> Discuss each adjective attached to the word Republic in the Preamble. Are they defensible in the present circumstances? (2016)
Introduction	The Preamble of the Indian Constitution reflects the values and ideals of the Indian nation by setting out the guiding principles that inspired the making of the Constitution and that continue to guide the governance of the nation. The key provisions of the Preamble that reflect these values and ideals include:
Body	<ul style="list-style-type: none"> Sovereign: The term means that India has its own independent authority and it is not a dominion of any other external power. In the country, the legislature has the power to make laws which are subject to certain limitations. Socialist: The term means the achievement of socialist ends through democratic means. It holds faith in a mixed

	<p>economy where both private and public sectors co-exist side by side.</p> <p>It was added in the Preamble by 42nd Amendment, 1976.</p> <ul style="list-style-type: none"> • Secular: The term means that all the religions in India get equal respect, protection and support from the state. <p>It was incorporated in the Preamble by 42nd Constitutional Amendment, 1976.</p> <ul style="list-style-type: none"> • Democratic: The term implies that the Constitution of India has an established form of Constitution which gets its authority from the will of the people expressed in an election. • Republic: The term indicates that the head of the state is elected by the people. In India, the President of India is the elected head of the state. • Justice: It is necessary to maintain order in society that is promised through various provisions of Fundamental Rights and Directive Principles of State Policy provided by the Constitution of India. It comprises three elements, which is social, economic, and political. • Social Justice – Social justice means that the Constitution wants to create a society without discrimination on any grounds like caste, creed, gender, religion, etc. • Economic Justice – Economic Justice means no discrimination can be caused by people on the basis of their wealth, income, and economic status. Every person must be paid equally for an equal position and all people must get opportunities to earn for their living. • Political Justice – Political Justice means all the people have an equal, free and fair right without any discrimination to participate in political opportunities. • Equality: The term ‘Equality’ means no section of society has any special privileges and all the people have given equal opportunities for everything without any discriminations. Everyone is equal before the law. • Liberty: The term ‘Liberty’ means freedom for the people to choose their way of life, have political views and behavior in society. Liberty does not mean freedom to do anything, a person can do anything but in the limit set by the law.
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	<ul style="list-style-type: none"> • Fraternity: The term ‘Fraternity’ means a feeling of brotherhood and an emotional attachment with the country and all the people. Fraternity helps to promote dignity and unity in the nation. <p>The Preamble of the Indian Constitution has not been amended since it was adopted by the Constituent Assembly on 26 November 1949. However, several amendments have been made to the Constitution as a whole, and these amendments have had an impact on the provisions of the Preamble.</p> <ul style="list-style-type: none"> • 42nd Amendment Act, 1976: After the judgment of the Kesavanand Bharati case, it was accepted that the preamble is part of the Constitution. • As a part of the Constitution, preamble can be amended under Article 368 of the Constitution, but the basic structure of the preamble can not be amended. • As of now, the preamble is only amended once through the 42nd Amendment Act, 1976. • The term ‘Socialist’, ‘Secular’, and ‘Integrity’ were added to the preamble through 42nd Amendment Act, 1976. • ‘Socialist’ and ‘Secular’ were added between ‘Sovereign’ and ‘Democratic’ • ‘Unity of the Nation’ was changed to ‘Unity and Integrity of the Nation.’
Conclusion	<p>Overall, the amendments to the Constitution have served to further clarify and strengthen the values and ideals reflected in the Preamble, and to ensure that they are more fully realized in the governance of the nation.</p>

2) Describe the fundamental duties outlined in the Indian Constitution. Is there a need to legally enforce them?

UPSC Mains Syllabus topic	Indian Constitution-historical underpinnings, evolution, features, amendments, significant provisions and basic structure.
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Why was this question asked?	(Theme - Fundamental Duties) <ul style="list-style-type: none"> Essentially all that is contained in part 4 Aof the Constitution is just a codification of tasks integral to the Indian way of life. Critically examine this statement (2012)
Introduction	<p>The fundamental duties of the Indian Constitution are a set of duties that are enforceable by law and are intended to encourage responsible citizenship and promote national unity. These duties are listed in Part IV-A of the Constitution of India and were added to the Constitution through the 42nd Amendment Act of 1976.</p>
Body	<p>The fundamental duties of the Indian Constitution are as follows:</p> <ul style="list-style-type: none"> To abide by the Constitution and respect its ideals and institutions, the National Flag, and the National Anthem. To cherish and follow the noble ideals which inspired our national struggle for freedom. To uphold and protect the sovereignty, unity, and integrity of India. To defend the country and render national service when called upon to do so. To promote harmony and the spirit of common brotherhood amongst all the people of India, transcending religious, linguistic, and regional or sectional diversities; to renounce practices derogatory to the dignity of women. To value and preserve the rich heritage of our composite culture. To protect and improve the natural environment, including forests, lakes, rivers, and wild life, and to have compassion for living creatures. To develop the scientific temper, humanism, and the spirit of inquiry and reform. To safeguard public property and to abjure violence. To strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement.

	<p>The fundamental duties of the Indian Constitution are related to the rights and responsibilities of citizens in the country in that they are intended to guide and encourage responsible citizenship and promote national unity. By fulfilling their fundamental duties, citizens of India can contribute to the development and progress of the nation, and by exercising their rights responsibly, they can help to create a harmonious and inclusive society.</p> <ul style="list-style-type: none"> • The fundamental duties of the Indian Constitution are not legally enforceable in the same way that fundamental rights are. While fundamental rights are enforceable by the courts, fundamental duties are intended to be a moral obligation on the part of citizens to fulfill their responsibilities as members of the nation. • However, the government of India has the power to take measures to promote the observance of these duties. For example, the government may take steps to educate citizens about their fundamental duties, or it may pass laws or implement policies that are intended to encourage citizens to fulfill their duties. • Additionally, the government may use its powers under the Constitution to take action against any person or group that engages in activities that are harmful to the nation or that go against the ideals and values enshrined in the Constitution, such as promoting violence or promoting social disharmony.
Conclusion	<p>In summary, while the fundamental duties of the Indian Constitution are not legally enforceable in the same way that fundamental rights are, the government has the power to take measures to promote their observance and to take action against those who engage in activities that are harmful to the nation.</p>

3) How do the Indian Constitution ensure distributive justice? Discuss the challenges and successes of implementing distributive justice in India, and suggest ways in which the government can further promote this principle in the country?

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Why was this question asked?	<p>(Theme- Fundamental Rights)</p> <ul style="list-style-type: none"> • What are the rights within the ambit of Article 21 of the Indian Constitution? (2012)
Introduction	<p>There are several provisions of the Indian Constitution that aim to ensure distributive justice, which is the principle that resources, and benefits should be distributed fairly and equitably within a society. These provisions include:</p>
Body	<ul style="list-style-type: none"> • Directive Principles of State Policy: The Directive Principles of State Policy, which are contained in Part IV of the Constitution, outline the goals and ideals of the Indian state and provide guidance to the government on how to promote the welfare of the people. These principles include provisions that aim to ensure distributive justice, such as the principle that the state should strive to eliminate inequalities in income, status, and opportunities, and the principle that the state should promote the distribution of ownership and control of the material resources of the community as best as it may. • Fundamental Rights: The Fundamental Rights, which are contained in Part III of the Constitution, are enforceable by the courts and provide individuals with certain protections and freedoms. These rights include provisions that aim to ensure distributive justice, such as the right to equality before the law, the right to freedom from discrimination on grounds of religion, race, caste, sex, or place of birth, and the right to life and personal liberty. • Economic and Social Development: The Constitution also contains provisions that aim to promote economic and social development in the country, which can contribute to distributive justice by reducing inequalities and improving the welfare of disadvantaged groups. These provisions include the directive principles that call for the promotion of cottage industries and small-scale industries, the promotion of agriculture and animal husbandry, and the protection of forests and wild life and also reservation to uplift socio-economically backward sections. <p>In practice, the Indian government has implemented a range of policies and programs aimed at promoting distributive justice in the country. These include policies and programs related to</p>

education, health care, employment, and social welfare, as well as policies and programs aimed at promoting economic development and reducing poverty.

However, there have also been challenges in implementing distributive justice in India, including issues related to corruption, inadequate infrastructure and resources, and social and cultural barriers. To further promote distributive justice in the country, the government could consider implementing policies and programs that address these challenges and work towards reducing inequalities and promoting the welfare of disadvantaged groups.

Some of the challenges include:

- **Poverty:** India has a large population and a high poverty rate, with approximately 27% of the population living below the poverty line. This makes it difficult to ensure that resources and benefits are distributed fairly and equitably, as disadvantaged groups may have limited access to education, health care, and other basic services.
- **Inequality:** There are significant inequalities in income, education, and other social indicators in India, with certain groups, such as Dalits (formerly known as "untouchables") and tribal communities, experiencing higher levels of poverty and social exclusion.
- **Corruption:** Corruption is a major challenge in India, and it can undermine efforts to promote distributive justice by diverting resources away from disadvantaged groups and towards the wealthy and powerful.
- **Inadequate infrastructure and resources:** Limited infrastructure and resources can also hinder efforts to promote distributive justice, as it can be difficult to deliver services and benefits to disadvantaged groups in remote and rural areas.

Despite these challenges, there have also been successes in implementing distributive justice in India. Some of the successes include:

- **Economic growth:** India has experienced significant economic growth over the past few decades, which has contributed to an overall reduction in poverty and an improvement in the standard of living for many people.

	<ul style="list-style-type: none"> • Social welfare programs: The Indian government has implemented a range of social welfare programs, including the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA), which provides a guaranteed minimum wage for rural workers, and the Public Distribution System (PDS), which provides subsidized food and other essential goods to low-income households. • Education: The government has also made efforts to improve access to education, particularly for disadvantaged groups, through initiatives such as the Sarva Shiksha Abhiyan, which aims to universalize primary education, and the Right to Education Act, which guarantees the right to free and compulsory education for children aged 6-14. • Health care: The government has implemented a range of health care initiatives, including the National Health Mission, which aims to improve access to health care services, particularly in rural and remote areas, and the Ayushman Bharat scheme, which provides health insurance to low-income households.
Conclusion	<p>To further promote distributive justice in the country, the government could consider implementing policies and programs that address these challenges and work towards reducing inequalities and promoting the welfare of disadvantaged groups.</p>

4) "Non-performance of duty by a public servant is a form of corruption". Do you agree with this view? Justify your answer.

Corruption has long been recognized as a significant ethical issue plaguing societies worldwide. In this context, the statement that "non-performance of duty by a public servant is a form of corruption" raises an important question regarding the ethical implications of neglecting one's responsibilities in public service.

Definition of Corruption:

- Corruption refers to the abuse of entrusted power for personal gain or to the detriment of the public interest.
- It involves dishonest or unethical conduct, often leading to the erosion of public trust and the misallocation of resources.

Non-Performance of Duty:

- Non-performance of duty refers to the failure of a public servant to fulfill their obligations and responsibilities.
- It can manifest as negligence, deliberate inaction, or dereliction of duties.

Corruption as an Ethical Issue:

- Corruption undermines the principles of fairness, justice, and equality in society.
- It leads to the erosion of public trust and the distortion of democratic processes.
- Ethically, corruption is widely condemned due to its detrimental impact on the well-being of individuals and communities.

Non-Performance of Duty as Corruption:

- When a public servant fails to perform their duties, it can result in significant harm to the public interest.
- Resources may be mismanaged, public services may suffer, and citizens' rights may be violated.
- Such negligence or deliberate inaction can be seen as a breach of the ethical obligations associated with public service.

Dimensions of Non-Performance as Corruption:

- Financial implications:** Failure to ensure proper financial management and accountability can lead to embezzlement or misappropriation of public funds.
- Service delivery:** Non-performance can result in inadequate delivery of essential services, such as healthcare, education, or infrastructure development.
- Rule of law:** Neglecting duty can contribute to the breakdown of the rule of law, impeding justice and perpetuating a culture of impunity.

In light of the discussion above, it can be concluded that non-performance of duty by a public servant can indeed be viewed as a form of corruption. Such behavior undermines the ethical principles of public service, erodes public trust, and leads to significant harm to society and its citizens. Efforts must be made to uphold the highest standards of integrity, accountability, and professionalism to combat corruption and ensure the effective functioning of public institutions for the betterment of society as a whole.

5) **Optional Self-Practice Questions:**

HISTORY:

- How does Tuzuk-Babri testify that Babar had been a culture man?

PUBLIC ADMINISTRATION:

- In the absence of a merit-based, fair and objective civil service a more partisan and corrupt government will emerge. Is the statement justified? Give reasons.

ANTHROPOLOGY:

- Write a short note on 'Epidemiological Anthropology'.

SOCIOLOGY:

- How does Marx view social conflict as an essential element in social change?

GEOGRAPHY:

- Isostasy studies aids in the understanding of more complicated processes such as mountain development, continent break-up, and the formation of new ocean basins. Comment