

Construe the Constitution

General Instructions

- Students can send in their research write-ups in teams of three
- There are two parts- Analysis and Synthesis
- The Analysis part gives the required subject background.
- Students would have to submit both Synthesis themes, would present only one in the competition, the team which secures more points in analysis round gets the first preference to pick a particular Synthesis theme.
- The team which would have submitted the best research shall present during the event.
- Describe the background work which was done to complete the research report.
- Interesting wrong answers are valued more than correct answers, at Sciensation!
- If you disagree with any implicit assumptions in the question, please state your point of view explicitly. You'd receive extra marks.
- Sciensation is very generous when it comes to awarding points, creative answers receive extra-marks!

Selection Criterion

- Examples- Can the student provide intuitive examples to justify the logic?
- Eloquence- Were the arguments explained carefully?
- Rigor- The arguments/assertions need to be justified.
- Robustness- Can the argument break down easily? How general is it?
- Elegance- Were the arguments beautifully constructed?

Scoreboard

	Examples	Eloquence	Rigor	Robustness	Elegance
Analysis: P1	/5	/5	/5	/5	/5
Analysis: P2	/5	/5	/5	/5	/5
Analysis: P3	/5	/5	/5	/5	/5

	Examples	Eloquence	Rigor	Robustness	Elegance
First Theme	/5	/5	/5	/5	/5
Second Theme	/5	/5	/5	/5	/5

Total (Analysis + Synthesis):

A1: Feudalism

Q1: Why do you think “land” was an important issue behind several protests witnessed through human history? Can land transform a human into a slave? Why would human-beings require land? Why is it illegal for an outsider to buy land in the (protected tribal regions) North-Eastern part of India, today? Can decentralization of power be a reason for feudalism? Why would a king find it convenient to appoint a person as his vassal and controller of a certain region? Why would wars lead to creation of more slaves? Why wouldn't the people just be killed after wars? Why would people accept to be slaves?

Q2: Why do you think people protested against feudalism? How did people muster courage to be able to take on feudal lords? Why are these revolutions taught in our history textbooks today? Why should the cost of these revolutions, across the world, be understood by later generations?

Q3: Are we still living in the shadows of a feudal past? Do we still worship a few people to be above us? Does the hero-worship, of a few public figures, indicate a repackaged form of feudalism? Does this indicate lack of self respect and individuality? Does feudalism challenge independent thought? Why is it that independent thought is largely encouraged only in say 3rd or 4th generation learners in India? Why would a 17yr girl and her family fear the “customs” and get married, forcefully, in this modern democratic society, which provides the required fundamental rights? Does that indicate that the family is perceiving a feudal world around them? What kind of education would be required to overcome this kind of mindset? What role would social studies education play?

Q4: Can feudal mindset imply lack of risk-taking? Would you expect regions ruled by feudal lords, with zamindari system, have shown lesser economic activity, especially entrepreneurial activity, in comparison to regions ruled by the Britishers? Does this defend the British rule? Does this indicate the adverse effects of a feudal past? Would lack of risk-taking imply limited individual growth and limited national growth? Should a student aim for job security and should the student risk failure? Is the outsourcing model destroying the quality of higher education in India? If one is given a job for communication skills alone, irrespective of the specialization, would that lower the ambition levels of students? How can these students be motivated to take up more ambitious careers?

Q5: How is feudal mindset or lack of independent thinking hampering India? Does India have a huge responsibility, being the world's largest responsibility? How do you think India can realize the vision of its founding fathers? Can feudalism be killed without killing the feudal mindset? Would the oppressors allow it? For instance, if a human rights activist counsels a family to file a complaint, can feudal mindset stop them from doing so? How can they be counseled? Do we need long-term educational reforms?

QFD: How would you eliminate feudal mindset from people across the world?

A2: Collective Action

Q1: Why did humans get into a feudal setup? Why not just rebel and live independently? Why did humans form tribes and then kingdoms and then nation-states? We see a lot of thought around institutions and institution building, but why live together? How many different people work towards producing commodities or in any other activity which helps in sustaining your normal life? Would it be possible to live alone? What would you prefer? Would you have the “we-intension”?

Q2: Even if we do agree to come together, how do we ensure that everybody benefits? What if some people benefit more than the others? What would be the cost involved in bringing people together? What if a few people decide that they are better off working alone? [Collective Action Problem] What if a few people pull out after they get their desired outcome? Why do we have agreements/contracts? Can the constitution be understood as a contract? Who are the ultimate protectors of a constitution?

Q3: How does a group reach a consensus? How is consensus different from collective action problem? How is agreeing for something different from working together? Look at the four dimensions of spontaneous consensus (consensus without the presence of a centralized institution amongst self interested individuals)- cooperation vs competition and local vs global. Would individuals try to cooperate amongst themselves or would they look at it as competition amongst choices given to them? Would they look at it as a combination of both? Would the individuals think at a local level (neighbors) or at the global level (population level)? Why do we try to understand consensus?

Q4: How can one arrive at a common solution? How can communication be used? How can punishment be used? How about incentives? Would people’s biases also be useful? How do people make choices? Why does one have to try and understand decision making of people? Is it always rational? Do people always think logically? Do people leave their future to chance? Do they pick choices at random? How does one design a system to bring people together for a desired action?

Q5: Why do people have to come together and form nation states? Would nation states disappear in the globalized world? Why would we require institutions? Why do we require rules, punishments, powers and institutions to bring out an institution? What kind of thought goes into developing these structures? Why are values thought of, while designing these institutions? If we do have to come together, what would be the principles on which we’d lay the foundations of the institution? Can you design your own institution structure and define its values

QFD: Design an institution structure, explains its values and it’s need.

A3: Democracy

Q1: If the root words of democracy are demos (people) and kratia(rule), what would the word democracy mean to you? What do you mean by people's rule? Can you think of a few situations and then analyze the expected actions in a monarchy versus a democracy? If the farmers of the country undergo huge losses, what would be done in both the regimes? Why would we require a democracy, why not choose a good king? Why did the feudal past push people to fight for a democratic state?

Q2: Do elections transform a state into a democracy? Wouldn't that be time bound monarchy (minus dynastic rule)? Do people require a say in the actions of the government? What is the government, in a democracy? Does this mean that the government has to put up every single issue for a vote? Would you want a class-leader who puts up every issue for a vote? What would you do if the entire classroom votes for a non-vegetarian meal? How does one balance the power of the leader and the people? Karl Popper spoke about opportunities for people to control leader and oust them without the need for a revolution? Are revolutions or freedom struggles easy? Why would they require such opportunities?

Q3: There is an argument that democracy is not feasible with large groups and a dictatorship would be required, with a leader taking charge. Would you agree with this argument? Let us consider a situation wherein you had just formed a cricket team and you need to take some decisions regarding the group, would you take the calls or would get a consensus? Is democracy feasible or would you require an autocratic structure? Indian democratic setup allows the government to declare an emergency, would that be against the idea of a democracy? Would you have to dictate terms in case your team doesn't listen to you? Do you think democracy is feasible at a large scale? Is India a successful democracy?

Q4: UK follows a constitutional monarchy form of democracy. Do you think India should follow such a variant? What do you understand by Parliamentary democracy? What is a Parliament? Why would we want to separate the head of the state (president) and the head of the government (prime minister)? Why have a head of the state? How would you contrast this with presidential system, in the United States? Is Indian democratic system moving towards a Presidential system? Should Indians vote for a good MLA /MP candidate or should they pick an MLA/MP candidate endorsing their CM/PM candidate?

Q5: Preamble defines India to be a sovereign, socialist, secular, democratic republic. Why would choose to be a democratic republic, what is the difference between democracy and republic? The preamble states that equality, liberty and fraternity are the three principles of life, why would these principles make choose a socialist, secular path? Why is preamble an important part of the constitution? [In the Kesavananda Bharti case, the preamble was used to interpret the constitution and override a law]

QFD: How can you get your classmates to get a holistic perspective of a democracy?

S1: Fundamental Rights/Duties

Q1: What is power? Why do you have to get one person to make choices for the group? Why put one person in charge of the resources? For instance, why would your school give the class leader the “power”? What kind of “powers” would your class leader have? What kind of restrictions would your school place on the powers of the class leader? Can he/she force all students to bunk the class? Are we at the risk of the person in power misusing the power? Can you think of one potential intentional misuse of power and one unintentional misuse of power by your class leader?

Q2: Is equality self evident or does one have to spend time to understand it? Why did Philosophers ask a lot of questions about equality and ethics? How did this influence Fundamental Rights? Why would sources of thought be required while analyzing a constitution? India’s Fundamental Rights are inspired by the constitutions of France, UK and USA [“Bill of Rights”]. Why was the “The Declaration of Rights of Man and of the citizen” a very important document of the French Revolution? If the French Revolution represented the first clear expression of nationalism in the world and if it was a fight for a nation state to be built on the concept of equality, why would “liberty, property, security and resistance to oppression” be so important, while trying to end aristocratic privileges and feudalism? Why do you think these rights, especially Women’s Rights and Right to Freedom of Religion were extremely important, to bring out equality and secularism? How do fundamental rights restrict power, in a democracy?

Q3: The Supreme Court can directly be approached in case of any fundamental right violation, in India. Why do you think such a special protection is given to fundamental rights? In the Golaknath case in Feb 1967, Supreme Court’s judgement forced the 1953 Punjab act to be amended, and William Golak Nath’s 500 acres of farmland was protected under right to property. Hundreds of cases were cited and a comparative chart analysis of provisions of constitutions of 71 countries was done to decide the Keshavanand Bharti Case, to answer one question- “was the power of the Parliament to amend the Constitution unlimited”? Does this case showcase balance of power between judiciary and legislature? What does this case imply in terms of human rights in India and in democracies at large? Does a judge have to merely follow or does he/she have to “construe” the constitution?

Q4: If such a heavy context brought out fundamental rights and if the larger objective is to realize a certain kind of a society, what is the role of the citizens? Can power alone bring out such a society? Why have fundamental duties? If fundamental duties are important, why are they non-juristicable?

Q5: Can you think of a fundamental right which every student in your classroom should have? What is the philosophical concept behind this, why is it essential? Can you think of a complementary Fundamental Duty which helps in realizing under the underlying spirit of the fundamental right?

QFD: Explain how Fundamental Rights/Duties are important, with your own example

S2: Affirmative Action

Q1: Is an equal society a Utopia or is it possible? Do we have an equal society anywhere in the world? What do you mean by an equal society? What is discrimination? Can it be understood as the absence of equality? Can it be understood as privilege to a few? Can lack of equality affect the growth of an individual, in a society? Think of your classroom, can personal attention improve the performance of a student? Can lack of personal attention affect his/her performance? Would any form of discrimination affect the growth of the classroom? Does every child deserve the right to grow to full potential?

Q2: "I am happy to join you today in what will go down in history as the greatest demonstration for freedom in the history of our nation" said Martin Luther King Jr. during the "March on Washington for Jobs and Freedom" in which he spoke against racism and about the gap between the dream and reality. While passing a version of the affirmative action law, South African National Congress Party said, in their Parliament, that "The shop floor is black and the boardroom is white. This is the reality of South Africa". Why do you think World History would be relevant while analyzing equality in India?

Q3: If a certain system believes that a few people have more intelligence than the others, would you subscribe to that? Can a few people be denied education? If a person is proven to be "weak" in a certain area, but wants to pursue it, say music or dance, should he/she get an opportunity? What do you think of the purity versus parity debate (some are purer than others versus all are equal)? Why do you think most systems of discrimination were tied up with religion? Wouldn't that contradict the philosophy and the concepts of equality stated by the religions? Why do we have such discrimination then?

Q4: Can we have a state of equality immediately after deciding to have it or do we need some provisions for it? Can we move into a state of equality at the click of a button or do we have to transition ourselves into it? Do you think representation for the discriminated sections help? For instance, would representation for girls help in getting more girls into debate/dialogue competitions? Would this hurt the opportunities for boys? Would the competition between boys and girls be "fair"?

Q5: Affirmative action has been one of the most controversial policies all over the world. However numerous research studies have shown that affirmative action in fact improves the productivity of the organization, contrary to the claims that merit is compromised by affirmative action. A research paper "Do Reservation Policies Affect Productivity in Indian Railways" by A.Deshpande demonstrates how affirmative action can improve productivity. If a person, who is usually discriminated is given an opportunity, is he/she likely to perform well? Whom would you pick someone with better qualifications or someone who has been discriminated against and who is desperately looking for an opportunity?

QFD: Design an affirmative action policy for your classroom, to protect rights of a discriminated group.