

Construe the Constitution 2019

India's 70th Republic Day

General Instructions

- There are two parts- Analysis and Synthesis. Analysis gives the required background.
- Interesting wrong answers are valued more than correct answers, at Sciensation!
- You need not confirm to the arguments in the questionnaire. If you disagree with any implicit assumptions in the question, please state it explicitly, you're receive extra marks.
- Some examples maybe provided within brackets, you needn't confine your thought process to these examples. They are stated for your ease of understanding, not for confinement.
- The format for answers to Analysis QFD (Question for Discussion): Concepts Learnt, Tricks observed, Learning (how it has changed the way you think) and your response (within 4-5 sentences or even a small mind-map would do – any comprehensible expression of ideas)
- The Synthesis question shall involve any 2 of the 3 given snippets and shall be explained within 5-8 sentences or a page long mind-map.

Evaluation 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?

Sciensation at Hyd Literary Festival

Literature Socratic Dialogue 2018 Champions: Gitanjali Devashray, Secunderabad

Jury: Prof. Susie Tharu (retired EFLU professor), Prof. Usha Raman (Editor, TeacherPlus), Mr. Vijay Marur (popular Theatre personality and AdFilm maker) and Ms. Aparna Thota (writer)

Construe the Constitution 2018 Champions: Vikas the Concept School, Bachupally

Jury: Mr. Marri Adithya Reddy (Secretary, Telangana Pradesh Congress Party), Mr. L.Ravichander (official Legal Counsel, AP and TS State High Court), Dr. Jayashree Subramanian (Faculty, TISS Hyd) , Dr. Lavanya Suresh (Faculty, BITS Hyderabad) and Ms. Kalpana Ramesh (Co-Founder, Kaava the Design Studio)

Analysis1: Policy and Governance

Q1. Why do people have to live together? Why does a group require a leader? Why can't people take decisions collectively? Why can't they just vote for every single decision? Can a cricket team play without a captain? Can a team vote for each and every decision? But what if they do vote and get a captain and the captain doesn't listen to them? Why do they take the risk of naming a captain when there is a chance of him not listening to them? Should it be easy to remove a captain or should it not be easy? Will the captain be able to do something good for the team if he is under threat of being removed? Will the captain become a dictator if it is hard to remove him? Does the team have to write down rules governing the captain? Does the team need a constitution?

Q2. How is formation of a new team different from taking over captaincy of an existing team? Is it easy to change things in an existing team? Should a new captain stop all the old practices of the team? Should the captain continue the old practices as such? Will the players find it easy to accept the captain if he does everything in a new way? Will the team progress if the captain doesn't change the old methods? So what should the captain do- make his team feel comfortable by not changing or make his team progress, by innovating? Does the captain have to balance both?

Q3. How is a team different from a country? Can a captain talk to all the remaining 10 players? Can the captain handle everything? Can a prime minister handle all the works? How does a prime minister bring out a change in the country? Even if the prime minister has a lot of people to work for him, how does he guide all of them? Can clear rules be given for everything? Should the government procedure food for mid-day meals at low price or high price? Can the government set a rule for this? Can the government have a guiding principle(policy)- get the best quality at a reasonable price? Why can't this be a rule? Why should prime minister introduce both rules and policies?

Q4: Jawaharlal Nehru had policies which encouraged Higher Education in India, was that useful? If the government talks about importance of setting up institutions like IITs, IIMs, what would happen? Why would more such institutions come up even though it is not a rule? Why did Indian government introduce mid-day meal scheme for school students studying in government schools? Why did Indian government start MGNREGA schemes which guarantees atleast 100 days of work in rural areas? How do leaders develop their countries using schemes, policies and rules?

Q5: How should new rules/schemes/policies be developed? How should old rules/schemes/policies be modified? Should the government look at the problems of the people? Should the government only look at the problems of the people? Would the government be missing on future problems if it focuses on present problems? Should the government only focus on present and past problems? Would the government be missing on new ideas if it only focuses on problems?

QFD: Can you design one scheme, one rule and one policy for your school?

Analysis2: Legal Awareness

Q1. Delhi Government had recently announced that they would be launching a campaign to connect school students with constitution. Do you think it is a good idea? But, doesn't the current Social Studies textbook teach about the Indian constitution already? Why is civics considered to be a boring subject? Why is civics important, in the world's largest democracy having the world's longest constitution?

Q2: What happens if the citizens are not aware of the law? What happens if the citizens aren't aware of the core philosophies which shape the law? Why should all the citizens be critically analyzing the law and the news/perspectives regarding the law governing them? Would the citizens be less likely to be exploited if they are aware of the law? Indian law has some special provisions to protect tribals, if a person helps an accused in tampering the evidence, then the sections under which the accused was being tried for shall also be applicable to the person helping him or her. If the tribals know this and if someone helps a bad person in fudging evidence, what can they do? Should they be depending on a lawyer or should they have a basic understanding of law?

Q3: The 2012 Delhi gang-rape or the Nirbhaya case led to a lot of protests. Were these candle lamp marches and social media campaigns useful? Does such an outpour of anger lead to something constructive? Why did so many governments start implementing measures to ensure security of women, after the Nirbhaya incident, even though several such incidents happened in the past? Why did government bring new laws to prosecute accused in rape-cases (Nirbhaya case was the only conviction amongst 706 rape cases filed in New Delhi in 2012)? Why did this case lead to lots of public discussion? Why are public discussions very important especially when lots of rapes go unreported?

Q4: There was a new law introduced in the United States declaring that bakers cannot work more than 10 hours a day. The bakers then pursued this legally and argued that this violates the citizen's liberty. Does it protect the employees from long work hours or does it challenge the baker's liberty to operate as per their choice, which best suits their business? How did an understanding of the core philosophy of the American Constitution help the bakers? In the Golaknath v Govt of Punjab case, the Supreme Court felt that the land acquisition act (government taking away land from the rich) was violating the right to property (the right to inherit ancestral property). What do you infer from these two cases?

Q5: Many tribals in Dantewada district of Chattisgarh are not even aware that a country called India exists and they have some rights as the citizens of this country, does that make them soft targets? Does it make it easy for people in power to harass them if they wish to? Are we any different from them if we don't critically analyze legal system and the constitution of India? How do we critically analyze? Do we deserve justice? Does our constitution give us that right? How do we redeem that right?

QFD: Can you think of how you could help in delivering justice to some, by understanding the law?

Analysis3: Extrapolation

Q1: Does every accused deserve a free trial? Should Ajmal Amir Kasab or the accused in the Nirbhaya case get a lawyer? Do they deserve justice? If a policeman is attacked by a gangster, should he be allowed to kill the gangster, for self-defence(encounter) ? But what if the policeman shoots his own hand and fakes an encounter? Should this be investigated? UN's declarations of human rights has the principle that "one is innocent until proven guilty"? Should the burden of proof lie on the one declaring or the one denying? If a poor man is cheated and if a case is lodged against the cheater, should the burden of proof be on the poor man to prove the incident of cheating or on the cheater to deny it? If the burden of proof rests on the cheater, can he be potentially harassed? Can we ask the cheater to prove that he/she did not cheat? Why is it easy for media to give judgement than it is for courts?

Q2: Does constitution gives powers to institutions like police, courts, governments? Can this power be misused? Is this power useful or harmful? Do we need to protect citizens against the power? Can Fundamental Rights be understood as an instrument to limit the powers and protect citizens? How would you define fundamental rights in your classroom, to limit powers of teachers or class monitor?

Q3: Why does our constitution start with a preamble and why does our preamble define values? If a rule in the constitution clashes with the core values enshrined in the preamble, what do we follow- preamble or constitution? In the Kesavanada Bharati v. State of Kerala case, the judgement was " "The edifice of our Constitution is based upon the basic elements mentioned in the Preamble. If any of these elements are removed the structure will not survive and it will not be same Constitution or it cannot maintain its identity. The Preamble declares that the people of India resolved to constitute their country into a Sovereign Democratic Republic. No one can suggest that these words and expressions are ambiguous in any manner. An amending power cannot be interpreted so as to confer power on the Parliament to take away any of these fundamental and basic characteristics of policy." What do you think?

Q4: Are these principles explaining human/organizational behaviour or is it knowledge which is only useful to lawyers? Do we learn this to be able to read legal agreements or does it have other uses? Can we think of other situations where we need to understand how people participate together towards a common goal? Was Chanakya right in comparing a child who was told not to eat porridge from the centre of the bowl (it's hot), but from the edges to war and then instructing- don't conquer a kingdom from the center? A Telugu film Guru compares Ghenghiz Khan's strategy of destroying enemy's weapons with a boxer's strategy of punching the other player's shoulders, what do these two cases suggest?

Q5: How would you extrapolate these ideas to situations outside law/civics/public policy? How would you use these ideas while running a company? Would a lot of conflicts arise? how would you go about them? Would you probe the incidents carefully or would you be emotional? Would you define values for your organization? Would you define basic structure for your organization?

QFD: Pick a company and extrapolate one of the above ideas to a potential situation in that company?

Synthesis

We have three interesting legislations across the world and three interesting problems to work on.

- 1- Pick any one problems which interest you.
- 2- Use ideas from the given legislations and extrapolate them to come up with legal/ institutional solutions to the problems

Interesting Legislations

- 1- Australia does not allow people to buy more than 50kg of potato per month, to limit imports (if people want more potatoes, there will be more need and less availability so sellers can increase prices). The Potato Board can stop vehicles and check if people are carrying more than 50kg of potatoes.
- 2- California has a rule which requires film producers to get permission from a board certified paediatrician before filming a child under the age of one month.
- 3- France has this rule that people should not work more than 35 hours per week and people need not answer work emails or phone calls after 6pm.
- 4- Czech Republic provides free quality education at all levels to its citizens. They have well defined parameters to define what constitutes a complete and rounded education.
- 5- All new rooftops in France must be covered with plants or solar panels.
- 6- Germany is the first country in the European Union to constitutional protection to animals. Human beings constitutional protected through fundamental rights, but what about animals?

Problem Statements

- 1- Intellectual Property:** You can think of ownership of physical objects but what about ideas? What if someone thinks of a new design which allows people to chat comfortably? How do you help them in protecting their idea by preventing others from copying the idea?
- 2- Privacy:** People's private information is easily available to companies as everything is digitized right now. Companies collect this information to serve you better- Flipkart knows what you buy, Google knows what you search and YouTube knows what you watch. Would you be happy with these companies knowing more about you than what your parents know?
- 3- Women's issues:** Most companies have very few women in top roles and women go through a lot of harassment at the workplace and the recent #MeToo campaign demonstrated that. Most women don't even report these incidents as they fear losing their jobs. A woman who loses a job in one place may not even be hired somewhere else and she is considered a rebel. How do we design our workplace to have a level playing field which provides equal opportunities for both men and women to grow?