



# GS Advance Program 2026

## Generic Booklet

Test Name /Code/No.: 990015 (#15)

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**Instructions to Candidates -**

- ◆ There are 5 Questions in this Question paper.
- ◆ All Questions are Compulsory.
- ◆ For all updates, please visit the noticeboard -  
<https://noticeboard.forumias.com/notice-board-gsap-for-mains-2026-batch-1/>

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- ◆ Answers must be attempted in the QCA Booklet only.
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| Q. No.                     | Grade/Score |
|----------------------------|-------------|
| 1                          |             |
| 2                          |             |
| 3                          |             |
| 4                          |             |
| 5                          |             |
| <b>Overall Grade/Score</b> |             |

## GS Advance Program For Mains 2026

### Benchmark Assignment #15 - (Test Code : 990015)

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**Q.1)** Freedom of expression enshrined under Article 19 (1) of the Constitution is not an absolute right; it comes with safeguards outlined under Article 19 (2). What are these safeguards? Discuss their need and significance. (150 words)

**Q.2)** The Right to life and personal liberty under article 21 of the Indian constitution has an expansive vision. Elucidate. (150 words)

**Q.3)** Fundamental Rights and Directive Principles of State Policy collectively form the conscience of the Constitution, yet they are outwardly distinguished from each other. Comment. (250 words)

**Q.4)** Which fundamental right is considered as ‘heart and soul of the constitution’ and why? (250 words)

**Q.5)** Democracy thrives on disagreements; critical and dissenting voices make a society vibrant. In your opinion, do limitations on hate speech infringe right to freedom of speech and expression? Discuss how hate speech impacts the society and ways to restrain it. (250 Words)

Q.1) Article 19(1)(a) provides for the freedom of speech and expression, however Article 19(2) provides reasonable restrictions on freedom of speech and expression.

### Safeguards under article 19(2)

- 1) sovereignty and integrity of India;
- 2) security of the state;
- 3) friendly relations with foreign states,
- 4) public order;
- 5) decency or morality;
- 6) contempt of court;
- 7) defamation; or
- 8) incitement to an offence.

### Need and significance of the safeguards

1) upholds the national interest by achieving the Preamble objective of sovereignty and integrity of India.

(Kedar Nath Singh case)

2) To maintain law and order, prevent the disturbances, and protecting the

rights of others.

~ (Arun Ghosh v. State of WB)

3.) to uphold the security of the state.

↳ during national emergency (Art. 352), under article 358, article 19 gets suspended.

4.) to safeguard the administration of justice, and maintaining the decency and dignity and authority of the courts.

↳ Contempt of Courts Act, 1971 provides framework to deal with contempt.

5.) to strike a balance between the right to reputation and the freedom of speech

~ Subramaniam Swamy case

Since the freedom of expression is an expansive right, any restriction on it must meet the proportionality principle propounded in Puttaswamy judgment.

Q.2)

Article 21 which provides for the protection of life and personal liberty has an expansive vision, post the Maneka Gandhi judgment.

Expansive vision under art. 21.

Case Laws

1.) Maneka Gandhi case

2.) Francis Coralie case

3.) Olga Tellis case

4.) Hussainara Khatoon case

Related aspects

→ Article 21 imbibes the due process of law;

→ A law must be just, fair and reasonable;

→ Art. 21 includes the right to live with human dignity and those aspects which make life meaningful, complete and worth living;

Right to life includes right to livelihood;

right to a fair and speedy trial is an essential facet of art. 21

- |                               |  |
|-------------------------------|--|
| 5.) Bandhua Mukti Morcha case | Rt. to life under art-21 derive its <u>life breath</u> under DPSPs ;                     |
| 6.) Asiad case                | non payment of <u>minimum wages</u> is denial of workers right to live with dignity ;    |
| 7.) Shayara Bano case         | instant triple-talak is violation of right to life.                                      |
| 8.) Puttaswamy case           | Article 21 includes the right to privacy   |
| 9.) Navtej Singh Johar case   | discrimination based on sexual orientation defies article 21 (sec. 377 of IPC read down) |
| 10.) Ranjit Singh case        | article 21 includes the right against adverse effects of climate change                  |

Therefore, article 21 due to its creative and transformative interpretation provides an expansive vision to the Indian Constitution.

Q.3) The nature of fundamental rights under Part 3 of the Constitution differs from the Directive Principles of State Policy (DPSP) [Part 4] yet they are complimentary.

FRs and DPSPs form the conscience of the Constitution.

1.) Keshavananda Bharati case: DPSPs and FRs ought to supplement each other

\* DPSPs provide the goals to be achieved by the state while FRs represent the means to achieve them (i.e. through liberty, equality, dignity etc.)

2.) Minerva Mills case → The Constitution is found on the bedrock of balance between Parts 3 and 4

3.) Unnikrishnan v. State of Andhra Pradesh → FRs and DPSPs are supplementary and complementary to each other

\* FR should always be interpreted having regards to DPSP and Preamble;

4.) Granville Austin has called FR and DPSP "conscience of the constitution" because both are on same level;

5.) In case of a conflict, it is court's responsibility to interpret them harmoniously (principle of harmonious construction - Minerva Mills case);

6.) Article 21 acts as a bridge between the FR and DPSP, where via creative interpretation judiciary has enforced certain DPSPs.

eg. Rt. to privacy, clean environment etc.

Despite forming conscience of the Constitution, FR and DPSPs are distinguished:

Fundamental Rights

1.) negative in nature (prohibit state from violating FR - Art. 13)

Directive Principles of State Policy

positive in nature (obliges the state to act in a certain manner)

Q.4)

FR

- 2) are justiciable  
(art. 13 and 12)
- 3) are in force by own
- 4) laws will be set aside on the ground of inconsistency with FRs. (Art. 13)
- 5) Political rights

DPSP

- are nonjusticiable  
(art. 37)
- requires legislation for their implementation
- cannot declare a law void for the contravention of DPSPs
- socio-economic rights.

Based on the creative interpretation and the harmonious construction principle, the courts should try for giving harmonious effect to FR and DPSP.

4.) Article 32 which provides for the right to move the Supreme Court for the enforcement of fundamental rights (FR) is called as the heart and soul of the Constitution.

Article 32

→ The Heart and Soul of the Constitution

1.) Provides, via appropriate proceedings, the right to move the Supreme Court;

2.) where the Supreme Court issue writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari;

\* for the enforcement of FR;

3.) Further, this article cannot be suspended except as otherwise provided under the Constitution (Art. 358, 359);

4.) This makes Article 32 itself a fundamental

right, and therefore Dr. Ambedkar called it the heart and soul of the Constitution.

### Case laws

1.) Poonam v. Sumit Tarnwar -

Citizens are entitled to appropriate relief under the provisions of Art-32 provided it is shown to the satisfaction of the court that the FR of the petitioner has been violated

2.) K.N. Lepcha v. State of Sikkim -

The remedies evolved by way of writ jurisdiction are of extra-ordinary nature.

3.) Kihota v. Zachilhu -

Judicial review under art-32 is a basic feature of the Constitution

Q.5) beyond the pale of amendability.

4.) Under article 32, it is the original jurisdiction (and not the exclusive) of the Supreme Court, to hear cases on violation of FR.

5) Article 19(1)(a) of the Constitution provides for the freedom of speech and expression, a vital aspect to make the democracy vibrant.

### Hate speech and Art-19(1)(a)

\* The Law Commission (267<sup>th</sup> report) has defined the hate speech as :

"incitement to hatred on the basis of race, ethnicity, gender, sexual orientation and religious beliefs."

### \* Limitations on Hate speech

1) Under Article 19(2), hate speech is not one of the reasonable restrictions to limit the freedom of speech and expression.

2) However, under various statutes and judicial pronouncements hate speech has been criminalised.

3) For example → under Representation of

People Act, 1951 a person is restricted from contesting elections who has been convicted on the illegal use of freedom of speech and expression.

Hate speech impact the society in following ways:

- 1.) creates enmity and tension, among the various diverse groups in the society;
- 2.) dilutes and threatens the composite culture of India [Art. 51A(f)];
- 3.) restrict the right to life (Art. 21) of individuals against whom hate speech is directed
- 4.) brings artificial distinction among the citizens (violate right to equality - article 14, 15)
- 5.) against the preamble goals of Justice, equality, liberty and fraternity; and the territorial integrity of India;

## Ways to restrain the hate speech

- 1.) Media literacy : to censor and sensitise citizens the aspects of hate speech
- 2.) Self restraint and regulation by the individuals → observe their freedom of expression while also respecting others' rights.
- 3.) Counter speech - to bring out the truth
- 4.) Codify hate speech ( T.K. Vishwanathan committee )
- 5.) strong implementation of the existing laws.

Supreme Court in the Imran Pratapgadhī case (2025) has said that the law enforcement authorities and courts must employ the standards of reasonable and courageous minds to counter hate speech.