

UNIT – V

Rights, duties and the citizen

Rights · Duties · Dissent · Recap of the paper

Explanatory Lecture Slides

Political Science — State and Political Obligations · Minor-I-3 · Semester III

POLITICAL SCIENCE — STATE AND POLITICAL OBLIGATIONS

Topics covered in this unit

01

Restate rights as the other face of obligation

02

Place Art. 51A without killing Part III

03

Dissent as a democratic obligation

04

Recap theories

05

16-mark machine

06

Bridge to law papers

How this unit is organised

01

Rights recap

02

Duties recap

03

Dissent

04

Thinker table

05

Article map

06

Machine

Rights as the point of obligation

We obey so that rights are possible for all, including those who lost the last election.

- A State that asks obligation but denies Art. 14/21 is collecting a tax it did not earn.
- This is Locke + Kesavananda in one sentence.

Rights as the point of obligation

OBEY FOR

- Equal rights.
- Peaceful change.

REFUSE (LEGALLY FIRST)

- A void law.
- A basic-structure theft.

Duties without a bargain

51A is a civic sermon with some statutory teeth elsewhere (environment, education of the child). It is not a sword against Part III.

- Minerva Mills again.
- Tax, jury (where it existed), witness box, military service in some States of the world — India's list is 51A plus ordinary law.

Duties without a bargain

51A

- Civic ethics in the text.

NOT

- A licence to suspend Article 19.

Dissent as obligation

In a democracy, the opposition and the protester perform a function of the State (Hegel might even agree, against his worse readers).

- Art. 19 is not a favour. It is how the trustee is audited between elections.
- Hate speech is not dissent. That distinction is the adult part of this paper.

Dissent as obligation

DISSENT

- Public.
- Peaceful.
- Fact-based.

NOT DISSENT

- Genocide talk.
- Riot.
- Fake-news pile-on.

Thinker table of the whole paper

Hobbes, Locke, Rousseau, Hegel, Green, Marx, Gandhi, Weber, Aquinas, Rawls (civil disobedience).

- Eight names, eight lines, before you turn the page.

Thinker table of the whole paper

CONTRACT

- Hobbes Locke Rousseau.

AFTER

- Green Gandhi Marx Weber.

Article map

Preamble, 13, 14, 19, 21, 32, 51A, 265, 300A, 368, 20–22.

- Cases: Kesavananda, Minerva, Maneka, Bachan Singh, ADM Jabalpur (as warning), Gandhi 1922.

Article map

MUST

- 13, 19, 21, 32, 51A, 368.

CASES

- Kesavananda.
- Bachan Singh.
- Maneka.

16-mark machine

Define obligation, state the theory asked, criticise, Indian text, one case of disobedience or punishment, conclude.

- Do not write a history of Europe.

16-mark machine

TIME

- 20 minutes.

CLOSE

- The Constitution is what we are obliged to — not every officer's mood.

Thinker table of the whole paper

Hobbes, Locke, Rousseau, Hegel, Green, Marx, Gandhi, Weber, Aquinas, Rawls (civil disobedience).

- Eight names, eight lines, before you turn the page.

Cases a KSLU answer should name

CASE

Kesavananda Bharati

(1973) 4 SCC 225

The object of obligation.

CASE

Maneka Gandhi

(1978) 1 SCC 248

Procedure that deserves obedience must be fair.

CASE

Bachan Singh

(1980) 2 SCC 684

The hardest obligation of the State.

Provisions & materials to quote

Preamble

The 'We' that obliges and is obliged.

Art. 13 + 32

The legal first response to unjust law.

Art. 19

Dissent.

Art. 51A

Duties.

Art. 21

The right that punishment must still honour.

10 / 16-mark frames from this unit

Q1

'Political obligation is the other side of political rights.' Discuss.

Q2

Write short notes: Art. 51A; Weber's legitimacy; rarest of rare.

Q3

Can a citizen of a democracy ever be obliged to disobey? How?

Q4

Recap the principal theories of political obligation with Indian illustrations.

Unit recap

- 1 We obey the Constitution, not every command.
- 2 Rights are why obligation is worth having.
- 3 51A does not repeal Part III.
- 4 Dissent is a democratic function; riot is not.
- 5 Eight thinkers, six articles, four cases — the paper in a pocket.