

PSIR Answer Writing Module 2023**Test 8****Time Allowed: 1 Hour 30 Minutes****Max Marks: 120**Name: Astha JainTest Submission Date: 19/July/23

Email Address: _____

Instructions:

1. All questions are compulsory.
2. All questions are for **15 marks** each.
3. Word limit for each question is **200 words**.
4. Answers must be written in the medium authorized in the admission Certificate, which must be stated clearly on the cover of the booklet in the space provided.
5. Content of the answer is more important than its length.
6. Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be clearly struck off.
7. All parts of the question should be written at one place itself.
8. Filling all the details in **BLOCK LETTERS** is mandatory.

Q. No.	Marks	Q. No.	Marks
Q1		Q5	
Q2		Q6	
Q3		Q7	
Q4		Q8	
Total Marks:		Evaluator Code:	

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Que.1

Critically analyse the role of President in India's Constitutional setup and in actual political process. What trends can be inferred on the basis of the analysis of the nature of the institution? (200 words, 15 Marks)

Article 72 of the constitution states that there shall be a council of minister headed by Prime minister to aid and advice President.

This is in consonance to the parliamentary type of government India adopted which has 2 heads — Real - P.M. and nominal - President.

Thus, President is constitutional head entrusted to act as friend, philosopher and guide to the government.

Envisaged Role of President was

to act as executive head as well as representative of states at the centre. He should be a neutral person holding this office of dignity.

But in actuality, functioning differ as India is a prismatic society. It's shaped by various factors — party system, prevailing politics, federal system etc. Many times, President has deflected from constitutional mandate.

For instance, it's often blamed that President act in party interest. Also, it's seen that President asserting their discretionary power. (Eg) — President Rajendra Prasad asserting that it's not mandatory to give

consent to bills. 42nd and 44th amendment act curtailed this discretion.

Trends —

- 1) In the post independence time, the issue about President's assent was debated. But as India follows parliamentary system, President is bound to give permission.
- 2) It's observed that Presidential Activism is happening. Eg - Abdul Kalam was a populist President.
- 3) Inhibition is also observed as in the case of K.R. Narayan asserting his independence (Coalition era).
- 4) Overall, President has acted as per constitutional mandate.

As President Venkataraman said President is the lighthouse which comes when main switch is off.

Que.2

As India celebrates its 75th year of independence, the glaring irony of a dysfunctional Parliament can no longer be ignored. Give reasons for the decline of Parliament. (200 words, 15 Marks)

Parliamentary system in India ensures that popular sovereignty is reflected in the elected house of Parliament. For its crucial role, Parliament is called as 'Temple of Democracy'.

In the initial years of independence, Parliament was dominated by Congress but reflected varied interests. The decline of Parliament started during Indira Gandhi's tenure as she concentrated powers in her hands.

Emergency era was darkest hour of Indian politics, it undermined

parliament as well. The dangerous decade of 60s also saw regionalisation and increasing political competition, thereby leading to money and muscle power usage.

As the coalition era started, decline of parliament was glaring, scholars calling it 'federation of anarchy'. Increased criminalisation, money usage, opposition's role, centralising tendency, delegated legislation, less debates and more disruptions are just some of the numerous issues Parliament currently face.

Reasons for decline

- 1) Saffron wave in the recent years has led to strong executive, which



has clear majority in Lok Sabha - can use Lok Sabha as rubber stamp only

2) Opposition is for namesake and the parties are going for street politics rather than debates in Parliament.

3) Recent Lok Sabha saw less productivity as disruptions continued - both ruling and opposition party to be blamed as they play party politics.

4) Informed debates are rarer - generating more heat than light - due to lack of capacity in legislatures.

5) Judicial and Presidential activism also undermine Parliament.

World Bank Parameters - efficiency, capability, accountability etc are to act as guide for Parliament.

Que.3

Discuss the contribution of Indian judiciary towards the goal of India's silent revolution. (200 words, 15 Marks)

'Judiciary will not be a passive participant but it will play an active role in the social revolution of India'

— Nehru

Thus, Constitution envisaged an Independent and powerful judiciary to play a crucial role in defending citizens rights and constitution.

Contribution

1) In initial phase, Judiciary was a passive onlooker and let executive make far reaching changes in the constitution.

2) This changed in Golaknath case -
fundamental rights as immutable
but it was seen as negative activism.

3) Biggest contribution of Judiciary
was Basic Structure Doctrine given
in Keshwanand Bharati case, which
saved the fragile democracy of
India (Zia Modi)

4) In 1970s, Judiciary initialised
Public Interest Litigation (PIL) to
meaningfully protect citizen's right
and marginalised sections.

5) Judiciary expanded fundamental
rights of citizens by interpreting
them widely. (Eg) - Right to live

include Right to education, health etc.

6) Various Judgements upheld Constitutional morality and brought Social Reforms.

(Eg) - Navtej Singh Johar Case,
Triple talak & Sabrimala Case.

But Pratab bhanu Mehta criticises Judiciary as a self perpetuating institution and paradoxical. Judicial activism has yielded no ground result. He says, judgement are judges artifacts and no overarching framework guided them.

Upendra Baxi counter Mehta and says 'Judiciary has done chemotherapy of carcinogenic Indian Politics'

Que.4

Analyse the position of the Prime Minister of India in a coalition regime. (200 words, 15 Marks)

Prime Minister is the real head of executive in India's parliamentary system. He is described as the 'Keystone' of cabinet architecture (KC wheave) -

His position is also shaped by factors such as party politics, personality factor, hung assembly etc. His position revolve around 2 axis —

- 1) Interstellar lumaria Minoris
- 2) Primus Inter Pares

The first one is 'Moon among stars' means powerful position as seen

during Nehru, Indira and Rajiv Gandhi's Tenure.

The second is 'first among equals' describes weak position of PM seen during coalition era. In coalition, there are many PMs weakening position of PM.

During coalition era, P.M. has to act as consensus builder working constantly to get approval from all partners. This creates scope for petty squabbles, bargaining and instability.

Due to this, other non elected institutions gain prominence, as



seen in India - Judicial Co-governance.
~~Also~~ 'centre of gravity' shifts from
P.M. to party leaders and focus
moves from policy making to holding
coalition together.

But as seen during Narsimha
Rao and Atal Behari Vajpayee's
tenure, PM were successful in not
only holding and moving together
but also taking strong actions.
Eg - Nuclear Test, LPG Reforms.

After 2014 elections, coalition
era has come to an end and India
is witnessing majoritarian trends
under leadership of PM Modi.

Que.5

"The most obvious aspect of the functioning of the collegium system of judicial appointments and transfers is its opaqueness." In the light of this statement, examine the debates on the appointment procedure of judges to the higher judiciary in India. (200 words, 15 Marks)

Constitution of India envisaged an independent judiciary which has considerable powers to carry on its task of guarding Constitution.

Collegium system was not mentioned in the constitution. In constitution, Judges were to be appointed by President after consulting no. of Judges as he deems necessary.

In First Judges Case 1981, the debate between consultation being concurrence was settled, saying

consultation doesn't means concurrence.

But in 2nd & 3rd Judges Case,
consultation was seen as concurrence
with CJI + 4 judges acting as collegium,
to recommend names to President.

But it was criticised as an opaque
and against constitutional vision.

Dr. Ambedkar was against Judges
appointing Judges, saying there
can't be 'Imperio in Imperium'.

BJP government tried to bring
NJAC for appointment by a body
but it was struck down by SC
saying it violates judicial independency.



Since then, various experts have recommended to bring transparency in appointment procedure to curtail demerits of Collegium system (Nepotism, favoritism etc.)

Worldwide practises are getting debated. UK has a commission for appointment and US legislature sign names of appointed judges.

There is a need to bring reforms in Judicial appointment but keeping in mind independency of judiciary.

Que.6

"73rd and 74th amendment acts provide a basic framework of decentralization of power and authorities at the grassroot level". Critically analyse. (200 words, 15 Marks)

Idea of local government is based on the ideas of Gandhi's oceanic circles of power and Gram Swaraj to ensure Sarvodaya by Antodaya.

73rd and 74th amendment Act were landmark legislature, hailed as beginning of new era of decentralisation and grassroots democracy.

How they provided basic framework for decentralisation —

1) 3 tier Panchayati Raj and urban

government structure — village, block and district level.

- 1) Gram Sabha as embodiment of direct democracy.
- 2) Periodic elections in transparent manner.
- 3) Constitutional status to local government protected them from uncertainty and politicisation.
- 4) Constitution of SEC and SFC for election & finances.

But it remained a half baked cake and provided 'skelaton with out flesh and blood' as it divided provisions into compulsory and voluntary.

Issues

- 1) 3Fs - funds, functions and functionaries not devolved, leaving it upto state government.
- 2) As Ashok Mehta committee pointed out - there was conspiracy to fail panchayats by Union, States and Bureaucracy.
- 3) Capacity building of elected officials is lacking - government run by immature.
- 4) 'Gross without Roots' - as effective authority and financial power was not entrusted.

'Bad panchayat is worse than no panchayat' - Thus need to improve for 'Suraj'

Que.7

How do you define grassroot movements? Do you think there is a rise of grassroot activism in India in recent times? Examine the impact of grassroot activism on Indian politics? (200 words, 15 Marks)

Grassroot movements are the expression of vulnerable, marginalised and awared citizens, their demands and grievances in the form of protest and marches.

(Eg) - India Against Corruption Movement.

Rise of grassroot activism in recent times —

1) LPG reforms - led to rise in no. of advocacy and human right groups, effectively mobilising



people to assert their rights.

2) Rising inequalities:- Oxfam report highlighted 1% top rich Indians holding 50% wealth. This is arousing protests around the country.

Eg - Anti Price Rise movement in Maharashtra.

3) Rise in non^{Party} democratic space -

Political parties are getting disconnected as a result, grassroot movements rising.

Impact on Indian politics

Positive

1) Participatory Democracy - Rising movements pressuring Government

to follow citizen centric governance.

2) grassroot leadership - New leaders arising out of these movements and entering politics - eg - Kejriwal

3) Interest articulation & feedback
- To make politics representative
& consociational

Negative

1) Chaos and instability - (eg) -
Anti-CAA protest leading to
traffic issue

2) Law and order situation

3) Political parties undermined

Grassroot movement reflect Hannah
Arendt idea of communicative
speech in public sphere

Que.8

Federalism in India is under strain on several fronts- Constitutional, economic, political and electoral. Comment. (200 words, 15 Marks)

Federalism is a constitutional agreement between different units and Centre to ensure 'Unity without uniformity.' 3 basic features of federalism are -

- 1) Written Constitution
- 2) Independent Judiciary
- 3) Clear demarcation of power.

In India, parliamentary system exist with federal system which is contradictory because parliament-ary system is based on party-politics which undermine federalism.

Federalism under Strain

1) Constitutional :- Constitution in India is tilted towards Union.

Legislative division of power is not balanced and Centre's scope to legislate on state's list is enormous.

Also, 'executive federalism' gives scope to centre to give direction to governments and dismiss them if not followed (A356).

2) Economic :- Financial distribution of power is also biased against states — high yielding tax to centre. States are dependent on Centre for grants and tax devolution.

3) Political:- Misuse of powers of
governor, President's power to
reserve bills, tension between Centre
and states if opposite parties rule.

4) Electoral:- Increasing criminalisation,
competition, money power and
misuse of powers to gain electoral
benefits - impacting federal spirit

But all is not dark, as India
is moving towards competitive
cooperative federalism with
formation of NITI Aayog, GST.
Constitution envisaged an organic
relation between centre & states.