



SHUBHRA RANJAN

Always Ahead

12B, Bada Bazar Rd, ORN, New Delhi, 110060. ☎ 9810212719

PSIR Answer Writing Module – Target 2025

Test - 08

Time Allowed: 1 Hour 30 Minutes

Max Marks: 120

Name: MINAL NEGI

Test Submission Date: 04/10/2024

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 :			

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	Poor	Average	Good	Very Good	Excellent
Understanding of Questions					
Structure & Flow					
(a) Introduction					
(b) Conclusion					
(c) Overall					
Subject Knowledge					
Presentation					
(a) Underline					
(b) Paragraph					
(c) Overall					

Overall Remarks:

Dear Student,

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Q1.

The essence of federalism is the presence of a union & states and distribution of power between them by a written constitution. Daniel Elazar Defines federalism as shared rule plus self rule.

Asymmetrical federalism refers to inequality in powers and responsibilities of sub-national units. In case of India, it is inherent in following elements:-

1) States and Union Territories (UTs)

↳ States are purely federal units while UTs are governed by centrally appointed administrators

2) UTs with and without legislature

↳ J&K, Puducherry and Delhi have legislative assemblies while others do not.

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3) Special provisions - A.370 Hill 2019
which gave special status to J&K

4) 5th and 6th schedule

↳ To balance democratic
decentralisation with protection of
tribal ethos.

5) Unequal allocation of resources by
Finance Commission (A.280) and
special schemes and grants in
aid by the centre.

Louis Tellen in his
book "Indian Federalism" justifies
asymmetric federalism as indispensable
in a country with secessionist
tendencies.

Although, these features
lead to scholarly view of pseudo-
federalism in Indian context, Alfred
Stefen calls it a demos enabling
model which enables greater flexibility.

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Prof. Rekha Saxena calls asymmetric federal features as inherent in a multicultural country like India. According to her, it is not a deliberate choice but an indispensable outcome of Indian diversity.

However Prof. Amitabh Mattoo in "Rethinking Indian federalism" opines that these features lead to centrifugal tendencies and are often politicised (eg. 370). They are instruments of political balancing rather than deepening democracy.

Hence, asymmetry is an unavoidable part of Indian federalism but smooth functioning requires non-partisaned political action and bureaucratic control.

Q2.

73rd constitutional amendment gave constitutional backing to Panchayati Raj. Among other unique features like direct democracy and SC/ST reservation, the act mandated 33% reservation for women as well.

Esther Duflo in her report, 'Unappreciated Service' highlights the success of the provision. According to the study, women led villages have better management of public services, higher female gross enrollment ratio and higher number of women working in MGNREGA.

Women are comparatively more accessible than their male counterparts, hence act as a reporting channel for others. This has led to impetus to women led SHGs, cooperatives, MSMEs and other livelihood opportunities.

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However Kuldeep Mathur provides a different view and says that Panchayati Raj has brought women issues to forefront. They have become more articulate and conscious about their power and learnt how to tackle bureaucratic hurdles.

The success, though limited, is evident in the issues taken up by women leaders: education, alcohol abuse, health, domestic violence and women centric civic facilities.

Today there are 45% women leaders at grassroots constituting 1.3 million representatives. However, substantive empowerment requires regular training, refresher courses and political impetus.

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Q3

73rd constitutional amendment provided constitutional backing to three-tiered panchayati Raj under Part IX.

The success of the amendment is often seen in terms of empowerment of marginalised sections, funds devolution, leadership development etc.

Today there are 3.2 million representatives ~~of~~ at the grassroot level, making India a nation with highest no. of local representatives and also highest proportion of women participation (45%).

However, the lacunae highlighted by Atul Kohli such as elite capture of power, tokenisation and capacity constraints question the feasibility of this step taken.

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Rajni Kothari argues that grass root movements driven by misplaced ideologies and local issues is often counter productive. It may drive the youth towards extremist activities and mask real grass root problems.

Pratap Bhanu Mehta weighs on the same fact by saying that caste structure and patriarchy looms large over local governance. It has succeeded structurally in creating institutions but failed in deepening substantive democracy.

Moreover, Vivek Kaul highlights that state governments have been reluctant in devolving funds to local governments which has led to corruption. Amitabh Mattoo

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puts it as decentralisation of corruption instead of democracy.

Political interference and presence of MPs & MLAs in PRIs has ~~be~~ rendered these institutional dysfunctional. They have become a forum for accomodating ciphers of politicians and act as a stepping stone for their political careers.

Hence bureaucratic apathy and lack of political will is a well documented failure. To keep the administrative wheel of local governance spinning, activity mapping, setting up panchayat planning committee and awareness is required.

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Q. 4.

A. 152 of the constitution mandates establishment of Governor's office in every state. A. G. Noorani traces the origin of the ~~state~~ office to Government of India Act, 1935.

Governor's office has been one of the most controversial features of Indian federalism since its inception. Rohini Kumar Chaudhary in constituent assembly called it as paradoxical feature of draft constitution where an ornamental office has discretionary power.

Although, his office emerges directly from the constitution, the appointment process under A. 153 and the provision that he shall hold office during

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the pleasure of the President (A-154) limits its authority.

Being a centrally appointed administrator, he becomes a tool in the hand of central government to influence decision making in opposition states. Hence Pratap Bhanu Mehta calls him a long arm of centre with velvet gloves.

A-356 allows the governor to present a report to the president with respect to failure of constitutional machinery at his own discretion, which is often misused. Sarkaria commission recommends rare usage of the provision and the report should be a speaking document.

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Governor's powers under A.200 to give assent, withhold, return or reserve a bill for president's assent has led to turf fights between state governments and the governor. (eg. Tamil Nadu)

In a judgement in Nov 2023, SC held that, once the bill have been passed second time by the assembly, the governor cannot reserve him for president's assent.

Although, governor's office has often been misused by the centre for political balancing, judiciary has acted as a balancing force eg. in cases like Purushottam Nambudiri vs. Dy. Speaker, Nabam Rebia case etc.

Q5.

The unitary bias of Indian federalism, asymmetrical features and subordinate role of states has led KC Wheare's opinion of Indian federalism as quasi federal.

The constitution makers especially Nehru and Patel rooted for a strong centre to maintain unity and integrity of India with the experience of partition. However, the circumstances have changed in past seven decades and distribution of powers needs a relook.

Increasing centralising tendencies have been evident in 101st amendment (GST Council), misuse of office of governor, central flagship schemes like Ayushman Bharat where states have negligible say.

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However, the Indian model is a sui-generis model (Granville Austin) which combine features of unitary as well as federal system. It has emerged out of India's unique circumstances.

Louis Tully in his book "Indian Federalism" justifies that Indian model has allowed it to accommodate diversity and prevented success of any destabilising attempt from outside as well as inside.

Similarly Rekha Saxena opines that in a multi-cultural country like India, a unitary bias is not a deliberate choice but an indispensable outcome.

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Alfred Stepan in "Federalism and Democracy" highlights that Indian model is a demos enabling model. According to him, any country with secessionist tendencies is bound to have a strong centre.

However, Professor Amitabh Nathoo in "Rethinking Indian federalism" calls the quasi federal features as root of centrifugal tendencies and resistance on part of poorly governed states.

All things considered, Indian model is well suited for its unique conditions. However, decentralisation shall be the main countervailing force of India towards sabka saath sabka vikas.

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Q 6-

A.124 and A.217 list the provisions for inter-institutional model of appointment in higher judiciary of India.

The series of three judges case has resulted into the collegium system. The 1st judges case ^{interpreted} ~~replaced~~ consultation as concurrence. The second judges case established the collegium which was expanded in third judges case to include CJ and four senior most judges of SC.

Justice Chelameshwar condemn the appointment process by calling it as transparent as a blackhole. He highlights the role of nepotism which was substantiated by Law Commission in a 2009 report.

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The government tried to subvert the judicial supremacy through 99th constitutional amendment and creation of NJAC. However it was rendered unconstitutional and void in 4th judges case.

The NJAC judgement was criticised by Arun Jaitley as the tyranny of the unelected. He quoted that "the judiciary is playing God brick by brick, step by step".

On similar lines, Vice President Jagdeep Dhankar calls the judiciary as least transparent, most elitist and least accountable institution of the government.

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However, Justice UU Lalit justifies the collegium system as a fool proof mechanism. As per him, any interference by the executive will be a conflict of interest as government is the biggest litigant of the nation.

Judges appointing judges goes against the principle of division of power and breaches constitutional mandate.

Hence to avoid as fifth judges case, there shall be representatives from the bar, the bench, civil society as well as executive as recommended by Faizan Mustafa.

Q 7.

A.93 of the constitution establishes the office of speaker to act as a neutral arbiter of the house. In this capacity he is the constitutional head of the Lok Sabha.

The speaker in India holds a position of immense responsibility. He is the final interpreter of rules of the house, constitution and memorandum of procedure inside the house.

Unlike UK tradition, the speaker in India is expected to be politically neutral without guaranteeing political security.

This makes his position extremely controversial (eg. Recent mass suspension of opposition members)

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The speaker's discretion under section 6 and 7 of Xth schedule is often accused of intertwining with political affiliations. Kihoto Hollohan case however, brought speaker's decision under judicial review.

The speaker also maintains dignity of the house by taking disciplinary measures against members causing disruptions. He may call secret meetings and ask strangers to leave the lobby when needed.

However, as Subhash Kashyap says, it is impossible for a speaker to remain politically neutral in Indian Parliament. It often downgrades democratic deliberations and civilised debates in the house.

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JP Narayan in his book "A Plea for Reconstruction of Indian Parliament" says that the speaker shall be a figure above party lines and political fervour who shall ensure that even voice of dissent is heard.

Hence the position of speaker, though controversial, shall be reformed by following SC's recommendation to relook into his powers of defection and certification of money bill, (as given in manipur Legislative assembly case)

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Q8.

The Rajya sabha acts as a forum for states representation under the Westminster model adopted by India.

Because of its lesser effective powers in case of money bill, budgetary grants, and passing a bill once passed again by Lok Sabha. It is often called superfluous.

However, it has important role in checking hasty decisions of lower house, remaining unperturbed by political enthusiasm in Lok Sabha, election of vice president etc. Hence it is not merely a burden on the central budget but also an important part of parliamentary system.

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The 2003 amendment to RPA, 1951 which removed domicile requirements for Rajya Sabha was widely criticised. Shashi Tharoor called it a forum to accommodate losers in elections, industrialists and ciphers of the government.

However, area experts such as Manmohan Singh, and S. Jaishankar were accommodated in the cabinet through Rajya Sabha. It is a place for intellectuals who cannot win a constituency.

Abbe Sieyes, a french constitutional expert points out that the upper house shall not be called mischievous if it stops a bill & superfluous if it passes it.

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Bryce Commission of UK recommends upper house to stop a bill till the time passion subsides and nation is ready to express its will.

As far as removing Rajya Sabha is considered, it is merely an intellectual debate as it would require major rewriting of the constitution and will not stand the test of basic structure.

The Rajya Sabha, instead of being removed shall be reformed to find a balance between being obstructionist and being redundant. It is indispensable in a parliamentary model.