



SHUBHRA RANJAN

Always Ahead

25, Pusa Road, Karol Bagh, Delhi 110005. ☎ 011 45612719

PSIR Answer Writing Module 2023

Test 8

Time Allowed: 1 Hour 30 Minutes

Max Marks: 120

Name: Rishabh Choudhary

Test Submission Date: 05/06/2022

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:	

For any issue related to PSIR Test Series, write only at testseries@shubhrranjan.com



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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,

Q. No.	Ans.	Mark	Total
01			
02			
03			
04			

Sheet 1 of 1



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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 54 of the Constitution vests the power of executive in the President. He is the often termed as an de-jure leader in Parliamentary form of government.

Role of President since independence have shown diverse trends based on the Nature of President. For Instance Rajendra Prasad has withheld his assent for Hindu code Bill. Some other Activist President have also shown similar trends like K.R. Narayan's remainder to Adhere to non-alignment on visit of Bill Clinton. APJ Abdul Kalam used Pocket Veto. etc.



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However on other hand various presidents have shown conformist tendencies due to presidentialisation of politics and centralisation of power due to majority government.

Constitution of India envisaged the office of President as an head of Democratic Republic of India. and all actions of union are taken under his name, further he is also an integral part of parliament. No Bill becomes an act until it gets assent of president.

In Contemporary times scholars like pratap khanu mehta in his book rethinking public Institutions argue that president has become more 'rubber-stamp' of the



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Government signifying lowering of the dignity
of president.

Overall the office of president acts as a
'emergency lamp' it is envisaged to operate
when all other lights are ~~are~~ shut to
protect constitutional morality.



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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)

Article 79 of the constitution confers the legislative authority of the country in parliament. It represents highest representative and deliberative body in the Indian Parliamentary form of governance.

At 75 India as a young country and old nation is gearing up for growth and ambition to actualize its true potential, and rightful place in the comity of Nation. Hitherto the role of dysfunctional parliament can no longer be ignored. PRS research highlights that bills referred to committees have declined sharply from 61% in 15 Lok Sabha



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to 28.1% in 16 Lok Sabha and 11.1% in the current Lok Sabha. Further rising criminal profiles of parliamentarians, ~~reducing~~ continuously reducing productive time due to frequent disruptions have been cause of great worry.

This glaring irony is further exacerbated by allegations of partisan role of speaker and misusing the powers conferred under Schedule 10 (Anti-defection law) and suspension of members from opposition parties.

Further, indefinite delay in declaring defections have led to constitutional crisis in certain cases especially when government is running on wager thin majority.



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However, there is a Need for larger institutional reform is realised amid current circumstances. Various school of thought suggest measures as fixing minimum days for parliament to meet (NCRWC).

Barring legislators to hold office on defection and conviction of heinous crimes. Reforming mechanism for enactment of Bill by open debate before presentation on the floor (widening public sphere - Hannah Arendt) etc.

As Prime Minister Jawahar Lal Nehru stated Parliament represents the country and we must ensure that it is run with utmost integrity and responsibility.



Que.3

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

Lord Bryce states that functioning of judiciary represents the governance of the country. An Independent judiciary (Article 50) becomes sine-qua-non for functioning of democratic polity.

Since Independence judiciary has marked several phases that manifested itself into the silent revolution of India. First phase of 1951-1967 marks legal positivist reading of constitution which was in conformation to the text of ~~const~~ Constitution.

However, in golaknath case (1967) Supreme Court has reversed earlier trend to become an active propagator of the rights and liberties of citizens.



Further this phase marked by judgements like Geshwananda Bhandi (1973), Waman Rao and Minrara Mills marks theosophical interpretation of constitution.

Doctrines like 'Basic structure', 'Harmonious construction' given in the above judgements have shaped the judicio-political environment of the country.

The Third phase marked by from 1977 led by judges like P.N. Bhagwati, Hanray, Mehta have converted Judiciary into an Activist Institution expanding the rights and their interpretation in a broader sense. For Instance Article 21 of right to life and personal liberty was expanded



In many subsequent judgments to include
right to clean environment, right to
privacy etc.

This is what has been called by critics of
Judiciary such as Pratap Bhanu Mehta as
classical case of Judicial sovereignty,
Bhikshu Panikar as Judicial co-existence.

Overall, the role of Judiciary in India's
silent revolution is marked by separation
of Rights as well as protection of civil
liberties in times of crisis.



Que.4

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

Article 74 of the constitution state there shall be a ~~prime~~ ~~mini~~ council of Minister headed by Prime minister to aid and advice the president in discharge of his Constitutional functions.

During time of Independence, India was headed by J.L. Nehru with practically no opposition, in such absolute majority conditions the role of prime minister has preponderance over the executive function of government.

However, after the end of emergency and election of Morarji desai as a prime minister



Marked an era of coalition government; where small coalition partner got larger share in decision making power due to coalition arrangements.

With cases of defections and lack of majority on the floor such coalition partners punched above their weight and Prime Minister's role has often turned as 'coalition manager'. often time decisions regarding key national issues faced deadlock due to lack of consensus among coalition partners and ~~reduced~~ reduced the efficiency of government.

However Prime ministers like Atal Bihari Vajpayee have successfully led the NOA



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National democratic alliance) coalition followed by Manmohan Singh leading UPA based on agreement on a common minimum program.

Coalition politics have on one hand gave larger say to various sections of society strengthening the federal axis but on other hand it has diminished the role of prime minister. Politicisation of the issue have shown rise and constantly hanging damocles sword on prime minister have led to reluctance on key policy issues (for eg civil nuclear deal)

Coalition politics have to be managed with common minimum program to strength the popular responsibility and accountability ultimately to people.



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)

Article 124 of the Constitution deals with the appointment of judges in supreme court by President in consultation with the chief justice of India (CJI)

However, supreme court has given differing interpretation of 'consultation' in various judgements. In first judges case, Apex court have ruled that consultation with CJI is not binding on the President.

In second judge case, supreme court overturned earlier judgement and made the advice tendered by CJI binding on president. However, he have to consult two seniormost judges.



In Third judges case, Upper Court reiterated earlier stance and increased the number of ~~five~~ judges required to be consulted to S.

Later on in ~~in~~ government has enacted NJAC Act as 99th Constitutional Amendment, which was held unconstitutional because it violated the Basic structure of Independence of Judiciary. Subsequently earlier collegium system become operable again.

The opacity about appointment and transfer of judges have been called into question. The whole collegium system has been criticised for being not accountable and violates the principle of limited power as enshrined in constitution.



Scholars like Pratap Bhanu Mehta have called it an 'judicial barbarism' and criticised judiciary to be self perpetuating and political institution.

However scholars like Upendra Baxi have given credit to supreme court for upholding the constitutional morality and protecting civil liberties.

Rudolf Bhikhu Parekh have reconciled the two view points and called India as an example of 'judicial co-governance'

Overall, judiciary as an institution acts as an lighthouse of the democracy, ensuring independence of judiciary is constitutional mandate (Article 50) but the idea of limited government and checks and balances holds the key to constitutional morality.



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)

73rd and 74th Constitutional Amendment act of 1992 represents India's longstanding traditions of vedas of gram sabha's, samiti's and vidhata's. Further they are implementation of Gandhian idea of swaraj, Deen dayal Upadhyaya's idea of Antyodaya.

Based on the recommendations of L.M. Shrivastava committee the then government of Morarji Rao enacted this amendment to give voice to popular demands of democratic decentralisation with uniformity throughout the country on some basic mandatory provisions.



3 level of decentralisation at village, town and district level, direct election at village level, universal adult franchise and Minimum age of 21 for representative represents some basic features which were made mandatory to give basic framework.

Reservations for women ($\frac{1}{3}$), SC and ST communities based on their percentage of population have been widely praised for their power to empower the backward and sections and ensuring social justice. World Bank, in its report on democratic decentralisation compares India as best example of political decentralisation. However there are some challenges which still remain unaddressed.



local bodies were not given adequate financial powers. Further ~~then~~ tied nature of grants from centre and state restrict their liberty to spend based on local priorities. Lack of adequate devolution of power by states have led to reducing the role of PRI's as front offices of political parties.

73rd and 74th CAA have been a boon for increasing local representation and converting representative democracy into participative democracy widening the public sphere as given by Habermas.

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 expression of gap between expectation of people and the capacity of system to deliver.

What Habermas in 'Theory of Communicative Action' calls as 'legitimation crisis'.

Grassroot movements in India historically represented issues regarding basic necessities of life, preventing their cultural values and alienation of land. Tribal revolts pre Independence like Sanyasi uprising, Indigo revolts and Tehaga Movement have targeted colonial government for oppressive policies.



Post independence grassroot movements marked by protection of their forest-rights, environment (Chipko & Appiko Movements) and demand for greater decentralization of power.

In recent time due to primarily three factors, liberalisation, globalisation and enactment of 73rd & 74th CAA marked rise in grassroot movement due to wider public sphere and encroachment in their traditional lands and practices.

This grassroot movement have had impacted Indian politics in a sense what Rajni Kothari states as 'non-party political processes'



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They have raised Political consciousness
of masses and led collective voice.

Further power conferred by to gram sabha's
have empowered the grassroots movement
to take ~~an~~ substantive action to prevent
forest rights, mining rights and land
alienation.

This grassroots movement has have
strengthened the Indian political system
making it more representative and
participative.



Que.8

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

Federalism is the political system based on agreement between states which wants unity but not necessarily uniformity.
Federalism, in India, have been sinusoidal based on nature of political relations between Centre and states.
on Constitutional level, Partisan role of Governor, using power veto to undermine the sovereignty in state legislature have led to constitutional crisis for federalism. Further Centre's role in enacting colourable legislations and



Presidential ordinances on matters of state list (farm laws) have led to ~~inter~~ Centre-state conflict.

On Economic level due to enactment of GST and concurrent power of centre and state on matter have created deadlock further GST Compensation and delays in devolution of funds, Centre using cess and surcharges to gain larger share of tax collection have caused strains on fiscal federalism in India.

NK Singh argues for giving GST Council and financial commission as an independent regiment to solve this crisis.



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Politically due to difference in political parties at centre and state created strains on federalism. It is often argued that in India there are no federal disputes rather party-party disputes.

Electoral issues related to simultaneous elections and contest for Panchayati Raj institutions have caused federal conflict.

Federalism stands as a basic structure of constitution; strengthening Inter-state Council and using Functionalism (Daniel Drezner) to solve federal dispute can be way forward.