



SHUBHRA RANJAN

Always Ahead

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PSIR Answer Writing Module 2023

Test 8

Time Allowed: 1 Hour 30 Minutes

Max Marks: 120

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Test Submission Date: 30/11/2022

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:	

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Understanding of Questions

Structure & Flow

(a) Introduction

(b) Conclusion

(c) Overall

Subject Knowledge

Presentation

(a) Underline

(b) Paragraph

(c) Overall

Overall Remarks:

Dear Student,

This image shows a single sheet of white paper with ten horizontal black lines. The lines are evenly spaced and run across the width of the page, providing a template for handwriting practice or simple drawing. There is no text or other markings on the paper.



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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)

The constitution of India, has provided for parliamentary democracy consequently the President (A-54) is the nominal executive, the real executive power lies with the council of ministers headed by PM (A-74)

In other words President has to exercise his powers and functions with the aid and advice of the council of Ministers.

Originally, the constitution has created an empowered constitutional office of President with certain powers like - Veto power (A-111), Ordinance making power (A-123), situational discretionary powers, etc but with the evolution of Indian parliamentary system and advent of coalition era politics with



the rise of strong opposition has led to politicisation and weakening of the position of president.

Various legislation like - 24th Amendment Act (Made binding on president to give assent to amendment Bills) 42nd CAA (Advice of council of ministers binding on president), 44th CAA (Allowed president to send the advice back of council of ministers only once for reconsideration), etc have further weakened the position of president reducing it to a rubber stamp.

This has led to presidential activism at several instances (especially during cohabitation i.e., when president and PM belong to different party) According to John Mayer India has had a long list of activist presidents:-

Rajendra Prasad (Minor code Bill),
Gyani Zail Singh (Post office bill)
A.P.J. Abdul Kalam (Office of profit bill), etc. But it must be noted that presidential activism is not similar to Judicial activism & is not desirable.

In case PM & president are from same party, they have been misuse of the Ordinance route (A-111) in order to bypass the legislative scrutiny eg:- Farm law, change in tenure of ED & CBI directors, etc.

Hence, there has been change in the role of president in recent years, however we need to understand the constitutional position of president was to "act as a source of power only when main switch is off" (R Venkatraman) and hence it's politicisation observed over the years is not desirable.



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 provides for Parliament of India as the supreme legislative body of republic of India. India adopted for parliamentary democracy due to familiarity with the system and huge diversity of Indian society. It is more democratic (ensures accountability) and representative (Plural executive).

In order to ensure its efficient functioning several scrutiny has been designed for the legislators eg:- Question hour, parliamentary committees, etc but in recent years there has been several instances which has led to decline of parliament.

According to PRS - The question hour is completely flawed - less



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than 15% of questions are answered orally due to frequent disruptions. There has been decrease in the number of sittings and the productive hours have further declined, along with lack of proper debate.

Former Vice president Hanuman Laxari states "Debates are rare, informed debates are rarer"

Devesh Kapur and Pratap Bhanu Mehta in their book "Rethinking Public Institution in India" have blamed criminalisation of politics for the decline in Parliament. Shankar and Rodrigues in their book "Indian Parliament" have highlighted the destructive role played by opposition in Indian parliament which is much more focussed on disruptions than constructive criticisms.

The overarching power vested in speakers through the 52nd Amendment Act (Anti Defec



tion law) has led to the politicisation of the position of speaker.

In recent time there has been increase in number of Ordinances and Money bills in order to bypass the legislative scrutiny by the executive.

The number of bills referred to the parliamentary committee was also declined considerably.

As Vinod Rai states in his book that Parliament is the most defining feature of democratic republic there is a need to reform the working of Indian parliament to ensure its dignity and maintain ~~of~~ the trust of people in public institution.

There is a need for electoral reforms, fixing the number of sittings and hours for the parliament, reform anti defection, use the Money bill and Ordinance route at appropriate time, etc.



Que.3

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

Indian constitution provides for 3 organs of government - legislative, executive and judiciary based on check and balances. Among them Indian Judiciary plays an important role to ensure that the "Democracy" does not turn into "tyranny of majority".

Lord Bryce states that "an efficient judiciary is an important component of Good Governance". Indian constitution has created an Independent and a strong judiciary which is not passive and plays important role as the guarantor of fundamental rights of citizen, interpreter of constitution, ensuring constitutional morality etc.



Constitutional provisions from which Judiciary derives its powers are —: A-13 & 36 (Gives definition of state, which includes Judiciary as well), A-32 (Power to issue writs, in order to secure fundamental rights), A-136 (Special leave petition), A-142 (Power for complete justice), etc.

Using these powers Indian judiciary has actively participated in the process of social revolution in India. Some of the major instances are —: Vishakha Guidelines on sexual harassment at workplace came way before Govt. law on the same matter.

Navtej Singh Johar (2018) Judgement which decriminalised homosexuality, Sabariimala Judgement that recognised rights of women, Tripal Talag



Case, Adultery case, etc have been some active role played by Judiciary to establish equality, liberty and fraternity in the Indian society

Recently SC has asked suggestion from the Govt. on legalising the same sex marriages and these active role has highlighted importance of Judiciary in India's silent revolution as Nehru stated "Indian Judiciary will not be a mere spectator, rather an active participant of India's social revolution"

Pratap Bhanu Mehta & Devraj Kapur have blamed the void created by dysfunctional Executive & legislative that has led to emergence of Judiciary as a political institution to uphold constitutional morality



Que.4

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

In context of parliamentary form of government - Harold Laski held that PM is the pivot around which all the governmental machinery revolves i.e., he is central to the cabinet system.

Article-74 provides for council of minister headed by PM to aid & advise the president. Yet, the constitution does not provides for method of selection & appointment of PM, according to the convention the leader of majority party is appointed as the PM by the president, however in democracy when no single party has majority then, many parties come together to form a coalition Govt and in this case leader of the largest party in coalition is appointed as the PM.



Coalition is a fragmented government and hence in principle the position of PM is not as strong as that in case of majority government, yet it also depends on several other factors like political culture, political environment, personality of PM, etc.

The question of role of PM arises here because coalition is a multiparty system where different political parties with varied agenda come together just to capture power and hence each one has its own reason for supporting the Govt.

Every party has different agenda and they want it to be implemented, each party wants its members to occupy important cabinet ranks, etc. all this leads to tussle within the coalition which can



create a hostile situation leading to collapse of the Govt.

Hence, the PM in coalition is not strong enough to take independent decision, rather he needs to ensure consensus to maintain stability which can be achieved through intraparty democracy.

There has been instances of successful coalition as well eg!- Vajpayee Govt. was the 1st coalition to complete a full term, similarly UPA-I under Manmohan Singh was also a strong coalition.

Hence, we can say that during coalition the position of PM will not be as strong as during majority government but it is also not necessary that it will lead to weakening of the institution.



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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)

A-124(2) and 217 provides for the appointment of Judges to SC and HC respectively. The Chief Justice of SC & HC are appointed by the President after consulting such Judges of SC & HC as he deems necessary, while Judges are appointed by President after consultation with such Judges of SC & HC as he deems necessary.

There has been debates around the term "consultation" which has been resolved through series of Judgements like "Judges case" i.e. First, Second and Third Judges case which established that consultation means concurrence.

The Third Judges case led to



The establishment of collegium system consisting of four senior most Judges. Hence, collegium is an extra constitutional body which was brought into force through judgement of SC.

Though collegium system ensures "Independence of Judiciary" which forms the basic structure of constitution it does suffer from certain sets of limitations.

The collegium does not contain any non-Judge member - neither from executive nor the bar council and hence violates the principle of checks and balances.

The system is also blamed for its opaqueness and lack of transparency as it follows the closed door approach. The system even provides scope for Nepotism and overlooks talent.



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As there has been no appointment in the "Distinguished Jurist" category so far

Hence collegium system is not an efficient appointment mechanism for the judiciary and therefore the parliament came up with the 99th Constitution Amendment Act (2014) which provided for establishment of a constitutional body (NJAC) consisting of 6 members i.e. Chief Justice, two senior most Judge of SC, Law Minister & 2 eminent person in order to ensure checks & balances

This has been stuck down by SC on grounds of violating the Basic Structure doctrine (i.e. Independence of Judiciary)

In this regard NCRWC & N. Venkat Chelliah committee has recommended to reform NJAC so that it does not violate the basic structure along with ensuring accountability & transparency in appointment to 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)

Grassroot democracy refers to the shift in the decision making power to the organisation at lowest level. The concept of local self government is not new to India rather dates back to Vedic Period (Sabha, samitis, etc) Indus Valley civilisation (city Administration) and even British India (Lord Ripon resolution on local Government, 1882)

In the constituent assembly there has been debate around the model of democracy and finally Nehru's idea of state led democracy was adopted and Gandhian idea of Grassroot democracy found its place in DPSP (A-40)

However congress under PV Narasimha Rao reconsidered the constitutionalisation of Panchayats



Raj institution which led to the enactment of 73rd and 74th Amendment Acts (1992)

These acts added a new part (Part IX & IX) and new schedules (11th & 12th Schedule) to the constitution which provided the bodies of local self government the status of constitutional bodies

The act consists of two set of provision—: compulsory and voluntary provisions. The compulsory provision provides for the basic framework of decentralisation of power and authorities at local level like— there shall be a uniform 3-tier system, direct elections to the membership of Panchayats & municipalities, reservation of seats for SC/ST and women and also provide for constitution of state Finance & election commission.



Hence, compulsory provision provides for skeletal framework while it has been left to the states to add flesh & blood (Voluntary provision)

As a result of this we have observed uneven development in local self government in different states eg:- It has been successful in states like Kerala, TN, etc while failed in others like UP, Bihar, etc.

Looking at India's local government the term "Government" is actually a misnomer as these bodies aren't empowered to act independently and are dependent on states for devolution of finance, power & authority

Hence there is a need to empower these institutions in order to ensure grass root democracy in the country

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)

According to DL Sethi - "Grassroot movements are actually the struggle of economically marginalised and socially excluded section of the society". They attempt to mobilise individuals to take action in order to influence an outcome which is often political in nature.

India has observed increase in the Grassroot movements in 1970s due to several reasons like - : Imposition of emergency, decentralisation through 73rd and 74th amendment act, Destructive fruit of development, liberalisation, Globalisation, etc

According to Rajni Kothari - there has been decline in the parliament and political parties as they have abandoned the movement aspect of politics and reduced themselves to electoral machinery and hence we are observing rise in grassroots movement as these represent lack of connect between people and representatives

According to Ranjita Mohanty grassroots movement have expanded the non-political space which has led to emergence of local issues in form of civil societies, etc.

Raghuram Rajan in his Book - "The Third Pillar" has stated that the government and the market develop faster

than the community which has led to creation of a space that has been occupied by civil societies.

Following Foucault's notion it has been argued that power can no longer be seen to be centrally located in the government or the market rather it is exercised as well as resisted at the societal ~~more~~ level.

Grassroot movement are therefore the indicators of the pulse of the people ~~they~~ that they are no longer ready to accept the development paradigm that keeps them excluded rather they are active participants of India's Growth story.

Que 8

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

Federalism is a political system that is formed through treaty or an agreement between a central authority and its various constituent. Hence, Federalism is a government by contract

In Federalism the subnational government is not subordinate to the national government instead there is division of power

Though Indian constitution does not use the term "Federation" anywhere yet it provides for Federal system. Federal provision of Indian constitution are - : written constitution, supremacy of constitution, division of power, integrated judiciary, etc along with this it also has some unitary provisions like - : All India services, integrated judiciary, residuary

power with states, emergency provisions, etc

Hence Indian constitution is a proper mix of federal and unitary feature with a tilt towards strong centre and hence K.C. Wheare calls Indian model as "Quasi Federal"

In India we have observed a strained relationship between the centre and the state on several fronts like :-

Constitutional front :- A-312 provides for All India services where appointment, recruitment and training is done under the centre while they work under state and hence there has been tussle b/w the centre & state on the AIS officers eg:- recently a WB cadre officer requested transfer that was denied by state but forwarded by centre

Economic front :- Fiscal federalism is an important component of federalism. With the enactment of 101st

amendment act ~~the~~ (GST) there has been tussle between the Centre & state over taxing power and also issue persists with respect to devolution of fund by finance commission

Political and electoral front - The provision of Emergency (President rule) reservation of state bill for president's consideration, etc has always created conflict & in this regard role of governor has been crucial which is now acting as an agent of centre in state

In 2016, Govt of Maharashtra ^{party with} governor did not invite larger majority to form the government.

Looking at the strained relationship there is a need to go for cooperative Federalism in order to ensure smooth governance & contribution of NITI Aayog or GST Council is a great step towards strengthening the states