

R-2
D-10

POLITICAL SCIENCE

Time Allowed: 3 hrs.

Max. Marks: 250

Instructions to Candidate

- There are EIGHT questions. Candidate has to attempt FIVE questions in all.
- Question no. 1 and 5 are compulsory and out of the remaining, THREE are to be attempted.
- Answers must be written in the medium authorized in the Admission certificate which must be stated clearly on the cover of this Question-cum-Answer (QCA) booklet in the space provided. No marks will be given for answers written in medium other than the authorized one.
- Word limit in questions, wherever specified, should be adhered to.
- Attempts of questions shall be counted in chronological order. Unless struck off, attempt of a question shall be counted even if attempted partly. Any page or portion of the page left blank in the answer book must be clearly struck off.

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Confidence
Understanding has
improved. Just follow
suggestions on
improving on
the structure of
answers

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2. Invigilator Signature

Name Raspreet Singh

Mobile No. _____

Date _____

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REMARKS

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SECTION A

1. Answer the following questions: (150 Words Each)

(10 × 5 = 50)

- (a) Preamble vs DPSP.
- (b) Discuss a brief critique of the Constituent Assembly.
- (c) Socialist perspective of Freedom Struggle
- (d) Green Revolution: Short term remedy and long term tragedy
- (e) Critically examine DPSP.

Preamble to the Indian Constitution is based on the "Objective's Resolution" moved by Pandit Nehru in Constituent Assembly. It presents the Philosophy of the Constitution or ideals that Constitution wants to achieve.

DPSPs are based on "Instrument's of Instruction" in Government of India Act, 1935. They are non-enforceable in nature and are in the form of directions that should be kept in mind while enacting laws or taking executive decisions.

Preamble is a horoscope of the democracy (FM Menon). Thus preamble tells about the

Remarks

the date of commencement, objectives (future) etc. According to Ernst Barker, Preamble (Ind) is one the best written preambles which explain entire philosophy in few words.

DPSR are one of tools to achieve the objectives of Preamble. Other tools are fundamental Rights, fundamental duties etc. They are not enforceable. They may not enjoy political sanctions yet they enjoy social sanctions (Ambedkar).

Thus, to conclude if Preamble presents the goal, DPSR is one of the means to achieve those goals.

(6) The idea of Constituent Assembly was first mooted by M. N. Roy. Later, in 1934 Congress Working Committee adopted a resolution for Constituent Assembly to be based on Universal Adult Franchise.

Remarks

However, in reality Constituent Assembly was based on Cabinet Mission Plan. It was indirectly elected by provincial assemblies which ~~in turn~~ themselves were elected by limited franchise.

Constituent Assembly is often criticized as non representative. Granville Austin called it assembly of few by the few. MN Roy criticized it for representing propertied class as 82% members were from Congress. Churchill called it the assembly of Brahmins.

However, these criticisms may be factually correct but in reality Constituent Assembly represented all sections as -

(1) If elections would have taken place, competition would not have changed as first general elections show.

(2) Granville Austin - Congress was India's & India's was Congress.

Also discuss the arguments related to sovereignty of the body

Remarks

(6)

- (3) Nehru accommodate all sections, most of the provisions passed by consensus.
- (4) Existence & survival itself shows the legitimacy of Constitution.

Supreme Court has declared that the correctness of the phrase "we the people" cannot be questioned.

- (6) Socialism is a western idea. After the emergence of USSR, socialism became a rising trend in India as well.

Socialists like Nehru, Sabhas Chandra Bose toured the country to mobilize people in favour of Congress left freedom struggle. They helped the spread of socialist ideas as well.

While other socialists like Jayprakash Narayan, Acharya Narendra dev formed

Remarks

Congress Socialist Party in 1934. They favoured the interests of peasants and considered Congress as representative of bourgeois interests.

Another socialist perspective was presented by revolutionaries. Bhagat Singh, Khudi Ram Bose were also inspired by socialist ideas. They established Hindustan Socialist Republican Army (HSRA). They believed in revolutionary means as an effective weapon rather than Gandhian techniques.

As it can be seen from the above discussion that the socialists ~~are~~ ^{were} not able to form a coherent perspective on freedom struggle.

Don't just focus on the leaders ~~also write about the major demands by this group~~

d.) Green Revolution means the introduction of High Yield Variety (HYV) seeds, irrigation, fertilizers, pesticides to increase crop production.

Remarks

The Green Revolution was started in India in 1960s. Green Revolution led to 25% increase in production. India became self dependent in food security & it had not to depend on programmes like PL480. According to U.S. Bhalra & G.K. Uddha, the green revolution increased farm wages, increased total income by four times.

However, the improvements in agri productivity have come at a very bigger cost. Acc. to V.K.R.V. Rao, green revolution has increased the rural indebtedness because farmers had to borrow for seeds & new equipments.

The disparity between regions has increased. Green Revolution neglected the eastern areas. It was too much focused on wheat & rice.

Remarks

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 on the part of negative input sectors political economic of the country

Vandana Shiva in her book "The violence of Green revolution" also mentions the negative impacts of green revolution on environment.

Thus Green revolution may have provided short term gains but it also created long term problems. Therefore, new agriculture policies must include SUSTAINABILITY as their goal.

(e) DPSP

Directive Principles of State Policy (DPSP) are enumerated in Part III of the Constitution. As the name itself suggests, they are directives which should be followed by state in its policies. They are also used by Courts to determine Constitutionality of law.

DPSP are often criticized for being unenforceable. Also, they are not categorized or based on single coherent idea, rather different ideologies got mixed. Another,

Remarks

Criticism is that non-enforceable part should not be there in the Constitution.

— However, BR Ambedkar held that DPSP don't enjoy Political sanctions rather social sanctions. It means people can check the performance of Government on the basis of DPSP and hold the government Accountable.

According to BN Rau, the DPSP & Fundamental Rights form the integrated Scheme. They were both presented together in Nehru report. However, they had to be separated because of lack of resources.

Crenville Austin also suggests that the country ushered a social revolution after independence through DPSP & Fundamental Rights.

Thus DPSPs form the integral part of the Constitution. They ~~supple~~ complement Fundamental Rights.

Remarks

They are
of the
entire
being
&
integrated
for
conservative
at the same
time.
Explain

3

RE

2. Attempt all questions:

- (a) Examine the nature and essence of Fundamental Rights. (200 Words) (15 Marks)
- (b) What are the various issues related to Pardoning powers of the President? How have the courts examined the issue? (200 Words) (15 Marks)
- (c) Judicial activism for Women in India. Discuss. (250 Words) (20 Marks)

Remarks

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Remarks

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Remarks

Remarks

Remarks

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Remarks

Remarks

7. Attempt all questions:

- (a) Fundamental rights versus parliamentary privileges. Elaborate with examples.
(200 Words) (15 Marks)
- (b) India constitution is product of evolution rather than revolution, examine.
(200 Words) (15 Marks)
- (c) Describe the factors responsible for decline of Indian legislatures with special reference to misuse of ordinance making powers. (250 Words) (20 Marks)

(a)

Parliamentary Privileges are provided in Article 105 and 191 of the Indian Constitution. Some of the privileges are enjoyed by the house collectively (committees also) and the others are enjoyed by members individually.

Collective Privileges

- Right to publish the proceedings of the house & stop others from publishing.
- Punishment for contempt of house.
- To regulate its own procedures.
- Punishment for breach of privileges.
- Holding secret meetings of the house.

Remarks

Individual Privileges

- MPs can't be arrested 40 days before & after the session of Parliament.
- Exemption from Jury Service when house in session.

Freedom of Speech & Expression in the House

These privileges often come in conflict with fundamental rights. For example Historically used these privileges to punish journalists.

Supreme Court in its Judgment has declared that ~~the~~ when there is any conflict between fundamental rights & parliamentary privileges, the latter would prevail.

However, there needs a codification of privileges. The codification will ensure that the use of privileges is according to the Rule of law. This will also ensure that the

Remarks

Court's could intervene when there is a need. The floating of money in Parliament, used against journalists, to escape just judicial intervention, hate speeches etc. are leading to decline of Parliament.

Therefore, codification should be there as recommended by M.N. Venkataswami Commission.

§ You need to elaborate on the conflict in constitutional case. Elaborate on why are legislators reluctant to codify their privileges.

6) According to Bipan Chandra, the Indian freedom struggle was a gradual struggle unlike American French or Soviet revolutions. Therefore, Indians did not start from ~~them~~ clean slate as China did and colonial legacy continues.

The process of evolution of laws/Constitutions started with Regulating Act of 1773

Remarks

and ended with Independent India's Constitution.

The freedom struggle led to transfer of power rather revolution. When the transfer of power took place, the Constituent Assembly was established under the provisions of Cabinet Mission Plan.

Constituent Assembly incorporated various provisions of the colonial acts so that people don't get confused with new laws. People were familiar with Montagu-Chelmsford Reforms & Government of India Act, therefore Assembly incorporated their provisions.

Montagu-Chelmsford Reforms is considered as Magna Carta of Constitution. Government of India's federal scheme, Governors

Remarks

position, bicameralism, three lists to divide powers between Centre & States, Supreme Court were also incorporated in Constitution.

further the institutions like UPSC, RBI also saw their emergence in colonial period.

The Indian Constitution is a product of evolution rather revolution in another way also. The freedom struggle was a gradual struggle, many developments took place during this time and many new ideas emerged. For example - Abolition of untouchability, equality for all, universal adult franchise, socialist ideas, minority rights etc

These ideas also took one or other form in the Constitution. Thus Constitution is the outcome of evolution of colonial acts & freedom struggle's ideas

Remarks

8

Your understanding & direction are correct
 Just need to give more examples from British Constitutional Reform & French Revolution & Indian freedom struggle

(C)

According to Harniel Anseri, Indian Parliament has become "federation of anarchy", debates are rare, ~~performed~~ debates are rare.

Since 1990s, there has been an greatest decline in the functioning of Parliament. The sittings have reduced to 60-65 from 125-140 during initial years. Disruptions are common, there is less scrutiny of bills etc.

According to MPSingh, the major reasons for dysfunctioning of Parliament are coalition politics, rise of regional parties, destructive opposition, lack of parliamentary ethics.

o Dr Pratap Bhanu Mehta & Devshil Kapoor in their book "Public Institutions in India" consider criminalization as the main cause.

Subhas Kashyap considered disconnected

Remarks

Why is the decline of regional parties?

between people & representatives of the main cause.

The ordinance making powers of President under Article 123 is also considered as the major cause of decline of Parliament.

The major function of Parliament is to make laws & hold executive accountable.

The ordinance making powers when used, it bypasses these functions & makes Parliament redundant.

Supreme Court in D.C. Wadhwa Case has brought Ordinance under Judicial review. However, it is still used & often curbs the principle of Separation of Powers.

Various reforms have been suggested regarding ~~the~~ Ordinance making powers for

Remarks

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example - Ordinance making power to be used only in emergency, reducing the time limit of ordinances in force etc.

These reforms are necessary to arrest the decline of Parliament.

However, there are some scholars like Shankar A Rodriguez, he suggests that there is no decline & Parliament is in the state of evolution. Some crisis may be there in functioning due to coalition, Criminalisation etc.

Along with ordinance reforms, other reforms like Anti-defection law reforms, minimum sittings, ensure reusability of speaker, electoral reforms should be implemented.

According to Parthab Ghose (Mitra), if the ~~same~~ Parliament's decline is not arrested now then it will lead to permanent era of "Post democracy".

Remarks

9 It will be better if you mention the pointwise manner the challenges, then discuss ordinance (then discuss bring in views of scholars Don't miss them up

4. Attempt all questions:

- (a) The constitutional crisis of President Rule. Explain. (200 Words) (15 Marks)
- (b) Provide a critique of Fundamental Rights. Also discuss the various episodes of struggle between legislature and judiciary regarding them. (200 Words) (15 Marks)
- (c) Major functional challenges of Panchayati Raj in India. (250 Words) (20 Marks)

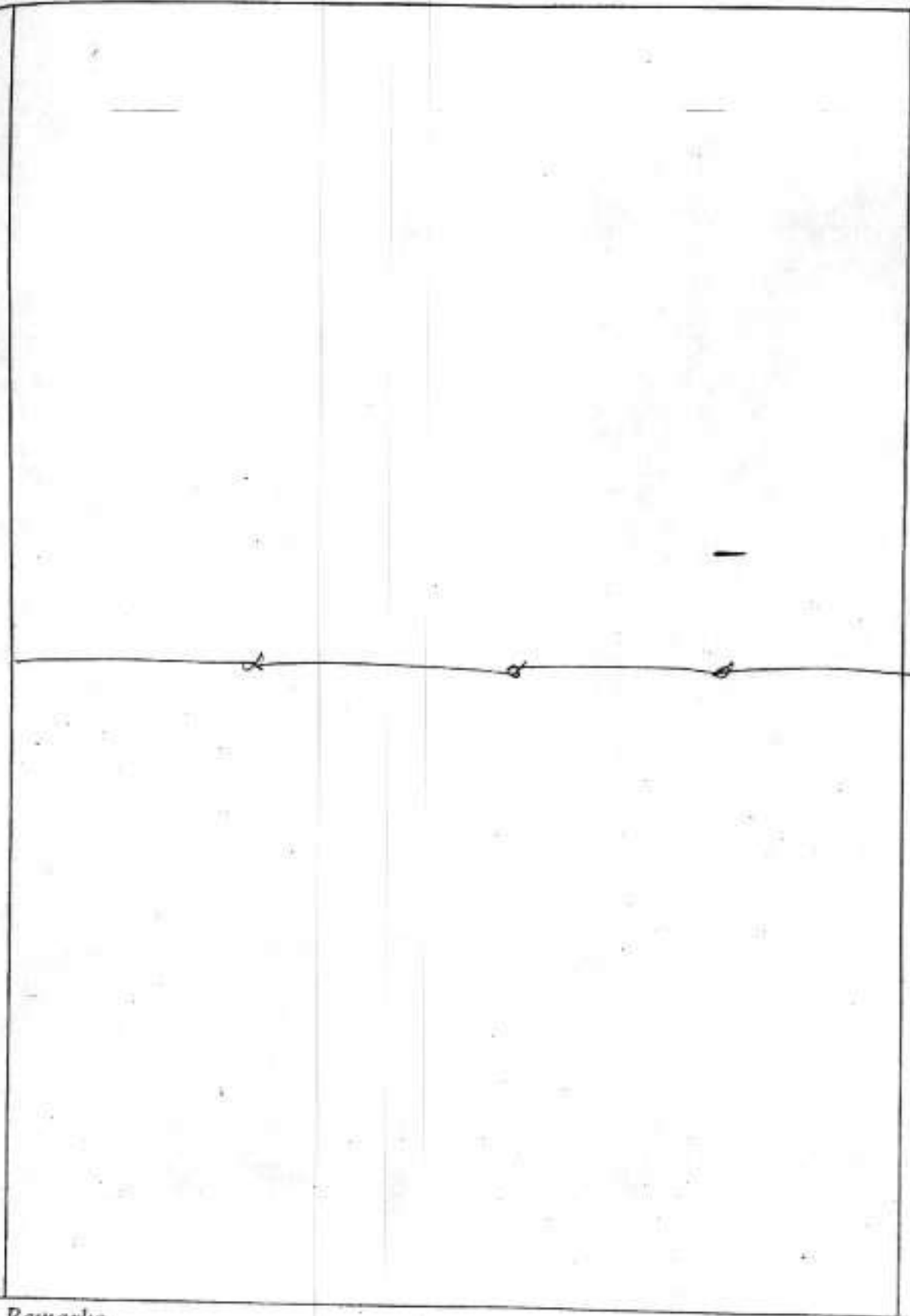
Remarks

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Remarks

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Remarks

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Remarks

Remarks

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Remarks

SECTION B

5. Answer the following questions: (150 Words Each)

(10 × 5 = 50)

- (a) Merits and Demerits of Public Interest Litigation.
- (b) Judiciary and RTI
- (c) Uniform Civil Code and Gender Justice.
- (d) The paradox of political representation in India: Politics vs Policies.
- (e) Role of Indian constitution in social transformation

a.) Public Interest Litigation was introduced by Supreme Court in 1990s. Justice P.N. Bhagwati is the pioneer in introducing PIL.

PIL's introduction was both criticized as well as appreciated. PIL has various merits -

First, provides Justice to hitherto neglected sections.

Second, Justice should not be denied for people for the reason that they are economically weak.

Third, Any Publicly interested person or NGO can move to Supreme Court to provide Justice to

Remarks

Not to
bring
one can
highlight
hand

person who cannot reach supreme court because of lack of resources.

Demerits of PIL

first, often used to settle political goals.

second, increased pendency of cases in supreme court as pointed by Economic survey.

Third, other important cases gets delayed.

Sparsity of
elaborate in
the nature of
cases

fake
Supreme court has held that PIL should not be treated as Political Interest Litigation or Personal interest litigation. The litigator must come with clean heart. However, Supreme court should admit PIL after full scrutiny of the case.

b)

Right to Information Act was passed in 2005. According to this act every public authority has to provide Public information officer (PIO) to provide information sought by public. It has various provisions like proactive

Remarks

disclosure 8(H), time bound service etc.

In its latest verdict, Delhi High Court has reverted the CIC's order bringing Judiciary under RTI. CIC observed that Judiciary's present registry suffers from various problems like no time bound, no penalties, cause to be shown etc.

These arguments were rejected by High Court & held that present structure is totally in line with RTI.

Judiciary Under RTI

- ① Corruption, Nepotism can be reduced.
- ② More transparency in the functioning.
- ③ Judiciary should follow what it preaches.

Judiciary not under RTI

- ① May jeopardise independence of Judiciary.
- ② Already facing delays in cases.
- ③ May impact the judgements

Remarks

6

good structure & link

Just increase no arguments
both in favour & against the
idea.

The way forward is to bring Judiciary under RTI with special safeguards like information sought for public interest cases, do not jeopardise independence etc.

Along with its other reforms like NJAC, AISC, reduce delays need to be implemented.

c) Unified Civil Code means some personal laws for all communities eg. same marriage, divorce & inheritance laws. Article 44 envisages that state should take effective steps to implement UCC.

One of the objectives of implementing UCC is Gender Justice, others being streamlining of procedures & national unity.

There was a debate in Constituent Assembly also regarding UCC. Of Minoo Meheri & Hansa.

Remarks

Mehta recommended UCC, then Poker Sahib Naziruddin Ahmed rejected because it forces other communities to live according to majoritarian traditions.

Law Commission in its recent report suggested against the implementation of U.C. It suggests that diversity is the core of India's value. However, ^{personal} laws against women should be amended.

Supreme Court also took steps through Shah Bano Case, Triple Talaq Case, Dona Letifi Case.

However scholars like Meredithon believe that UCC debate is about stigmatizing customs of particular community. Fiona Agnes believes that UCC is not a silver bullet to achieve Gender Justice.

(4) You need to write more on the role played by SC
 Give more examples of landmark Judgments provided by SC.

Remarks

Remarks

e) The preamble of the Indian Constitution provides for Justice—Social, Economic & Political. According to Granville Austin, in his book, Indian Constitution: A Cornerstone of a Nation, the political revolution ended in 1947 while social revolution started through the Constitution.

Indian Constitution provides for social transformation. According to Aravindhan, political democracy can exist only if social democracy is there.

Remarks

for Lower CasteArticle 17 - Untouchability banned.Article 14, 15, 16 - EqualityArticle 338 - National Commission for SCsArt 332, 334, 243 - Reservation in legislatures,
& panchayats.for TribalsArticle 14, 15, 16 - EqualityArticle 17, 23, 24 - Untouchability, forced labour banned.Article 336 A - National Commission for STsArt. 332, 334, 243 - Reservation, Article 29(1)for MinoritiesArticle 14, 15, 16 - Equality.Article 29, 30 - Educational Institutions, special rights.Article 25 - Freedom of Religion.for WomenArticle 14, 15, 16 - Equality,Article 243 - Reservation in Panchayats.

The above mentioned Constitutional provisions show that Indian Constitution is the foremost document to usher social transformation in the Country.

Remarks

2

wrong approach
you had to actually
analyse the performance
of these provisions in bringing
social transformation

6. Attempt all questions:

- (a) Communist perspective and contribution to Indian Freedom Struggle. (200 Words) (15 Marks)
- (b) What is the background of the Special Status of Jammu and Kashmir and its specific provisions? What is the importance of Article 370 in this regard? Examine. (200 Words) (15 Marks)
- (c) What is judicial review, how far it successfully address the issue of executive and legislature encroachment against fundamental rights? (250 Words) (20 Marks)

a.) The first idea of Communist perspective about freedom struggle of India can be traced to Marx ~~himself~~ himself. Karl Marx held that British Rule is a source of modernisation & 1857 revolt was a feudal revolt.

Although Communists believe in internationalism & do not believe in nationalism (Benedict Anderson - Nationalism is an invented tradition) yet many scholars have provided their views.

M.N. Roy considered Congress as a bourgeois party & Gandhi as a bourgeois leader.
R.C. Dutt & A.R. Desai suggests that there

Remarks

was a class character of INM. Sumit Sarkar warns Communists for being causal & suggests that although Congress has not done anything for masses yet we cannot say that it was again lower classes.

S.N Mukherjee held that Indian Nationalism is a complex process & cannot be analysed by economic reductionism. BP Bipin Chandra regarded INM as one of the most spectacular movements.

Thus above analysis that Communists are internally divided on their perspective regarding freedom struggle.

As far as contribution is concerned, MN Roy established Communist Party in 1920 at Tashkent, then he formed the League of Radical Congressmen.

Communists influenced peasants movements & workers movement during 1920s & 1930s.

Structure
 Remarks
 Point
 - name for
 - leaders
 - demands, approach
 - methods, critique &
 - limitations, overall
 contribution of the
 approach (then finally
 bring in the view of
 scholars)

8

Workers & peasant party was established, Communists spread socialist ideas on the land.

They also organised violent movements for example Telangana movement in 1940s.

However, Communists stand during Quit India movement is often criticized as anti National. They supported British rather than Gandhian movement during 2IM.

b) Jammu & Kashmir's special status in the Constitution owes to its history. After Independence, the ruler of the State (Hari Singh) decided not to join either Pakistan or India. He was fearful of India's democracy & Pakistan's communalism.

However, Pakistan seeing the increasing influence of India interfered. Pathans from

Remarks

North West Kashmir invaded Kashmir. They were supported by Pakistan Army.

In the presence of existential crisis, the Maharaja signed "Instrument of Accession" with India.

In this scenario, the special status was provided to Jammu & Kashmir to remove the fears of the indigenous people regarding their culture & traditions.

Jammu & Kashmir has a separate Constitution, the laws passed by Indian Parliament are not applicable to J&K except when ratified by the assembly. Article 35A provides exceptions like special rights of indigenous people in matters of jobs & land acquisition.

Article 370 forms the core of special status of Jammu & Kashmir.

Remarks

- It provides that provisions related to other states do not apply to J&K.
- The powers of Parliament in Union & Concurrent list w.r.t J&K only applies to that matters which are enumerated in Instrument of accession.
- Article 1 applies to the State.
- Further, Article 370 can only be removed with the consent of Constituent Assembly of J&K.

Article 370 is often the topic of debate because critics argue that it restricts the unification of ~~Part~~ J&K with India.

However, we have to understand that Article 370 is not the reason for the militancy in Kashmir, rather democratisation & decentralisation are the solutions to J&K problem.

First part of answer is good
 But in 2nd part you need to include a lot more provisions actually mentioned in Art 370

Remarks

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c) Judicial Review is provided by the Constitution under Article 13, Article 32. Accordingly, any law or executive action can be challenged in the Supreme Court or High Courts on the ground that it violates the Constitution of India.

Judicial Review provides for separation of powers & a check on executive & legislature's encroachment against fundamental rights.

Initially Judiciary acted passively & allowed legislature to go for for reaching amendments. eg. K. A. N. Gopalan Case. However, later after the pronouncement of Jud Basic structure doctrine, Judiciary has again established itself as a supreme guardian of fundamental rights.

Remarks

Now Judiciary can check the encroachment of fundamental rights through Constitutional amendments as well. The history shows that on various occasions, Judiciary stopped legislature's interference eg. Minerva Mills Case, Maneka Gandhi Case, K.S Pattaswamy Case, Daniel Bhatiji Case, S.R Bommai Case.

According to Zia Saeedi, the Basic Structure doctrine may appear bad from academic perspective but from practical perspective it proved blessing in disguise. "Uncertain democracy is better than certain tyranny".

Judiciary also used its power of ~~Judiciary~~ Judicial review to check

Remarks

executive's high handedness. Judiciary in D.C. Wadhwa case declared that Ordinance making power can be questioned on the grounds of "malafide".

Judiciary's activism has reduced the use of Article 356 after G.R. Bommai Case.

Pravara Prades Assembly was restored when Governor prorogued the assembly. Thus Governor's role was questioned. Recently, during Karnataka Assembly elections Supreme Court kept an eye on the whole process.

Supreme Court is hearing Rohingya issue, after executive's decision to deport Rohingyas.

Thus Judicial Review makes sure that separation of powers is maintained.

Remarks

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Need to give more examples

Also mention briefly the challenges which have arisen from H.S. include names of scholars who are against judicial review

7. Attempt all questions:

- (a) Critically examine the procedure to amend the Indian constitution.
(200 Words) (15 Marks)
- (b) What was the controversy regarding preamble being a part of the constitution? Elaborate on the significance of the preamble with special references to views of constitutional experts.
(200 Words) (15 Marks)
- (c) Nehruvian plan or consensus for national development. Examine.
(250 Words) (20 Marks)

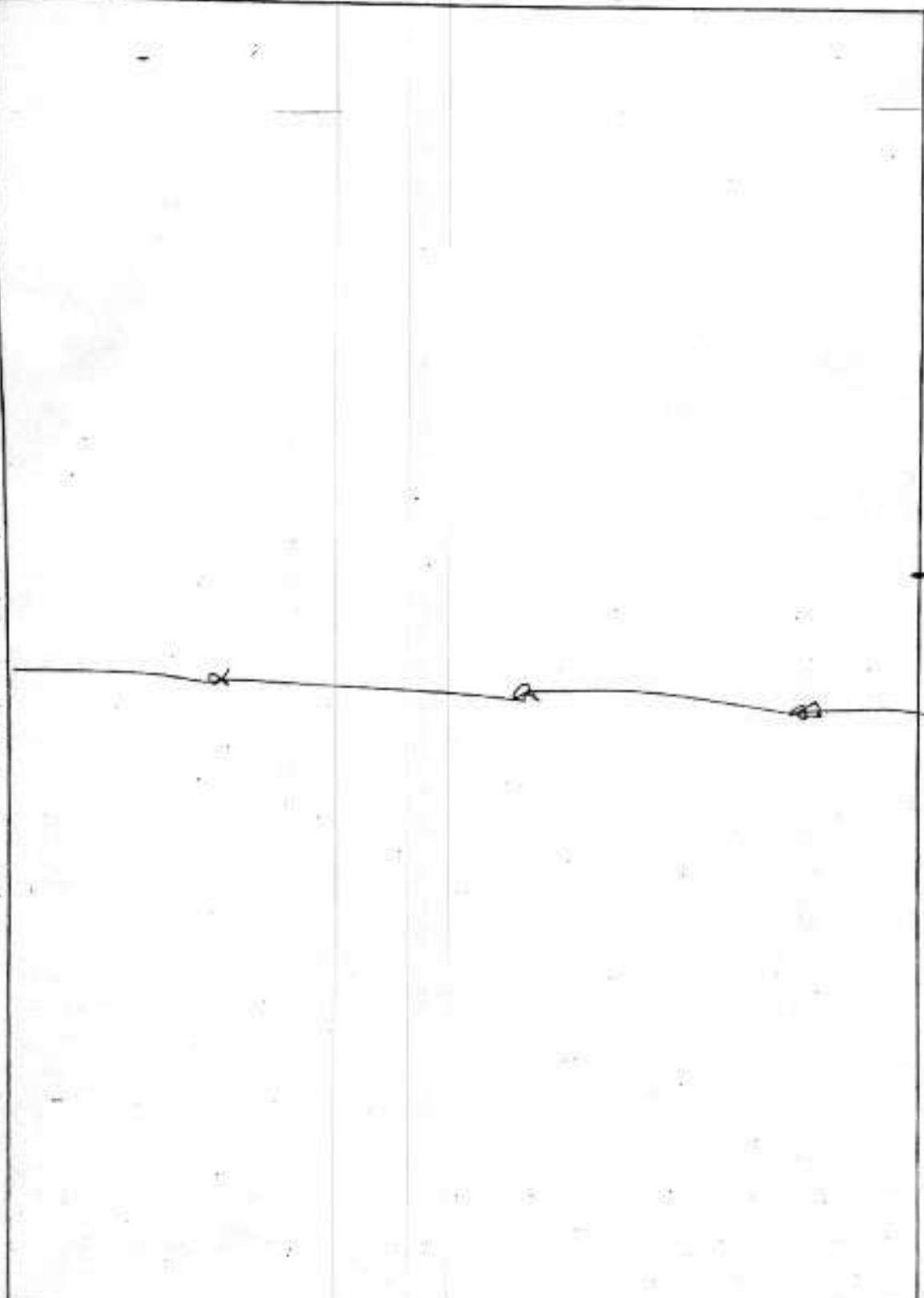
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8. Attempt all questions:

- (a) Briefly illustrate the functions of the Public Accounts Committee and what factors have limited its performance since its inception? (200 Words) (15 Marks)
- (b) Discuss the major functions, powers and controversies associated with the post of Presiding officer (e.g. Speaker) of legislatures? (200 Words) (15 Marks)
- (c) Analyze the relationship between the Prime Minister and the President? What were the major debates on the President's decision making powers? (250 Words) (20 Marks)

(a) Public Accounts Committee (or PAC) is the most important Committee of Parliament. It comprises of 22 members (15 from Lok Sabha and 7 from Rajya Sabha).

PAC's main function is to scrutinize the CAG reports on financial accounts, appropriation accounts and accounts of public undertakes. PAC prepares reports on these CAG findings & tables it in Parliament.

Public Accounts Committee's performance has not been very effective in recent years.

Remarks

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:-

PAC's meeting were often politicized due to non-cooperative attitude of opposition members who are elected according to proportional representation.

Another problem with the working of PAC is its short term tenure. PAC is constituted for one year. This tenure is very short for the members to develop expertise in the work.

The expertise, resources available to members are also not adequate. CAG's findings are often critical of government, therefore the PHL findings are often delayed to be tabled in the Parliament.

Also, there have been cases of leakage of reports.

In this situation, there need some reforms -

First, Make the tenure of PAC coterminous with the tenure of assembly.

Second, Live telecast of the proceedings is also suggested to make people aware about the back door talks.

Third, 2nd ARC recommended proper time schedule for tabling of reports.

Fourth, Developing expertise & making the resources available to members. (10)

~~Good effort~~ - Provide suitable conclusion to your answer

b) The neutrality & impartial working of presiding officer is very essential for the working of parliamentary democracy.

Major functions of presiding officer

- To maintain the decorum in the house.
- To prorogue the house in case of lack of quorum.
- Presiding officer is also the ex-officio chairman of the committees of house.

Remarks

- Speaker presides over the joint sitting of the two houses. (India)

Major Powers of the Speaker

- Speaker in India decides the question of Anti-defection Law.
- Speaker decides the question of money Bill. (under Article 110).
- Speaker votes only in the case of tie.
- In the order of precedence, the position of Speaker is next to Chief Justice of India.

These presiding officers of legislatures are often endowed with lot of functional powers. However, their working is often called in question -

- The decision of speaker in Antideflection laws is sometimes based on party politics.
- Held political officers after their tenure.

Remarks

Allocation of time to speaker to members of opposition

- Voice vote do be used to decide very important matters.
- Question on speaker's neutrality in deciding money Bill eg. Adhar Bill & Monetary Policy Committee Bill controversy.
- further, the day to day working of legislatures depends a lot on speaker's neutrality.

In this respect, various reforms are suggested -

- first, Page Committee recommended the re-election of speaker.
- Second, Resignation from party membership after election.
- Third, Decision on Antideflection Law by President on the recommendation of Election Commission as recommended by Election & Law Commission.

(9) Analysis for idea of adopting British model of speaker election

Remarks

(6)

According to James Menor, the Constituent Assembly has not done a perfect job with the office of President. It decided to keep the office on time & believed that the office will take its shape according to the needs.

The nature of President's position led to the dispute between first President & first Prime Minister (Nehru) over Hindu Code Bill. Rajendra Prasad held that the position of President is different from England as here President can be impeached.

The 42nd & 44th Amendment Acts resolved the controversy to some extent. 42nd Amendment made the advice of Council of Minister binding & 44th Amendment allowed to send back the advice for reconsideration once. E.g. K.R. Narayanan send back the proposition of President's role in UP, APJ Abdul Kalam send back office of Profit Bill -

Remarks

The above discussion shows that the President is a constitutional head (Shankar Singh & Ran Jeyaraj use). President Venkateswaram used to call him "copy book" President.

Therefore PM emerges as the "de facto" head. This office is the strongest position in India's democracy. The office of PM is one of the strongest in the world as US President do not has the powers over budget.

Thus PM is the strongest elected head, however the position also depends on other factors like Personality, party system etc.

"PM is the strongest elected head yet it is said that the real rulers are undiscoverable."

Provides examples of struggle for the PM's work

2nd part of answer is not done properly
Refer marks

Remarks

7

President's decision making powers were resolved after 42nd & 44th Amendment Act. 24th Amendment already made the advice of President binding on him.

Due to activism of President, Indira Gandhi government made Council of Ministers' advice binding on government. However, Janata government in 1977 gave the President a power to send back the advice for reconsideration.

Supreme Court in Shamsher Singh Case & Re Jaganmohan Reddy Case held that President is the Constitutional head & where it is President's discretion, it is actually the decision of Council of Ministers.

Discretion means of
discretionary examples,
news of
express symbols

7+2 = 9

Remarks

9:30

10:45