

Political Science

Question Paper 2010

Maximum Marks: 80

Time allowed: Three hours

- Candidates are allowed additional 15 minutes for only reading the paper. They must NOT start writing during this time.
 - Answer Question 1 (Compulsory) from Part I and five questions from Part II, choosing two questions from Section A, two questions from Section B and one question from either Section A or Section B.
 - The intended marks for questions or parts of questions are given in brackets [].
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Part—I (Compulsory)

Question 1.

Answer briefly each of the questions (i) to (xv): [15 x 2]

(i) How are states classified on the basis of territorial division of authority and on the basis of the nature of use of authority ?

(ii) What is a confederation ?

(iii) Differentiate between a totalitarian state and an authoritarian state.

(iv) What is the position of the cabinet in a Presidential system of government ?

(v) Explain the meaning of the term convention.

Give one example.

(vi) Classify the constitutions on the basis of their amending processes. Give examples.

(vii) Why did Montesquieu advocate the Theory of Separation of Powers ? What does the theory imply ?

(viii) How does the President of the USA exercise checks upon the Judiciary ?

(ix) Explain Cumulative Vote System.

(x) What is functional representation ?

(xi) Explain what is meant by the term pocket veto of the U.S. President.

(xii) Define Rule of Law.

(xiii) Mention the special powers enjoyed exclusively by the Rajya Sabha.

(xiv) Name the apex judicial institutions in the U.K. and India.

(xv) What is the meaning of regional imbalance

Answer:

(ii) Confederation is an association of sovereign member states that by treaty have delegated certain of their competences to common institutions, in order to coordinate

their policies in a number of areas, without constituting a new state on top of the member states. It is a permanent union of sovereign states for common action in relation to other states.

(iv) The Cabinet in the United States is in fact the President's family : It is he who makes his Cabinet and he can also unmake it at his will. The Cabinet has a character and importance of its own. Membership in it continues to be an ambition of many politicians because the Cabinet examines and discusses broad policies of the Government.

While evaluating the role of the American cabinet it may be added that it is a body of advisers and not a council of his colleagues with whom he has to work and upon whose approval he depends.

(vi) A Flexible Constitution is one which can be easily amended. Many political scientists define a Flexible Constitution as one in which the Constitutional law can be amended in the same way as an ordinary law is made by the Legislature. Britain presents a classic example of a Flexible Constitution. The Rigid Constitution is one which cannot be easily amended. Its method of amendment is difficult. For amending it, the Legislature has to pass a proposal by a specific, usually big majority of 2/3rd or 3/4th or absolute majority, i.e., 51% of votes. The American Constitution is a classic example of Rigid Constitution.

(vii) The framers of the American Constitution wanted to prevent separate branches from encroaching upon one another, and to avert deadlock, the fathers of the Constitution provided an elaborate system of checks and balances. The judicial organ is checked by the fact that all the Judges are appointed 'by the President with the approval of the Senate.' Then, all judges can be impeached. The Congress can determine the size of the courts.

(xi) A Pocket Veto occurs when a Bill fails to become law because the President does not sign the Bill and cannot return the Bill to Congress within a 10-days period because Congress is not in Session. Article 1, Section 7 of the U.S. Constitution States : 'If any Bill shall not be returned by the President within ten days (excluding Sundays) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their Adjournment prevent its return, in which case it shall not be a law.'

(xiii) Two powers enjoyed exclusively by the Rajya Sabha are:
The power to declare a subject of State List as a subject of national importance. Under Article 249, the Rajya Sabha can pass a resolution by 2/3rd majority of its members for declaring a subject of the State List as a subject of national importance.

Power in respect of creation or abolition of an All India Service. Art. 312 of the Constitution empowers the Rajya Sabha to create one or more new All India Services. It

can do so by passing a resolution supported by 2/3rd majority on the plea of national interest.

Part—II
Section—A
Answer two questions

Question 2.

- (a) What were the criteria used by C.F. Strong for 'classification of States' ? Give examples. [8]
(b) Critically evaluate Aristotle's 'classification of States'. [6]

Question 3.

- (a) Distinguish between Unitary and Federal forms of Governments. [8]
(b) Discuss six conditions which are essential for the successful working of a federation. [6]

Answer 3.

(a) Unitary Government : Power is almost entirely centralized in a national Government. Power devolves to local Governments only for the sake of convenience (such as garbage collection times or issuing parking tickets). Any local Governments that exist hold power only with permission from the national Government, and they cannot ever conflict with national policy. Thus, in the UK, the counties into which England is divided have their own bureaucracies and regulations, but only in areas where the national Parliament has given them permission to set up those systems. Unlike a Federal system, there are no reserved powers for states or provinces.

Local power may be granted by the national legislature, but it can be modified or revoked. Unitary nation-states might set up regional Governments, but only to handle regulations that might be too burdensome to control entirely from a nationwide bureaucracy. Unitary Governments are relatively common.

Federal Government : The central (or federal) Government controls more trade policy, and makes decisions about policy areas that involve interactions between states (such as highway systems). It usually has the power to tax independently of the states and to control the money supply. A Federal Government also usually has its own mechanisms for enforcement. For example, in the USA, the FBI is the primary agency for investigating Federal crimes and crimes that occur between or among multiple states.

The Royal Canadian Mounted Police have a similar function in Canada. Federal systems (or federations) are more common than Confederal Governments today. The USA, Germany and Canada are Federal, and Russia is a rather centralized federation. Federal systems differ in how much power they give to the Federal, as opposed to the

regional Governments, but they are all alike in that some powers are reserved at each level of Government in a balancing act.

Question 4.

- (a) Define Constitution and discuss the various kinds of Constitutions. [8]
- (b) Discuss the merits and demerits of the Presidential form of Government. [6]

Answer 4.

(a) In simple words, we can define a Constitution as the basic design of the organisation and power of the Government. A modern Constitution necessarily involves a charter of the rights and duties of its citizens. It is a body of the Constitutional Law of the state, the supreme and fundamental law of the state. Government is organised and it performs its functions according to the Constitution of the state. It lays down the nature of relations between the people with their Government. Woolsey defines a Constitution as “the collection of principles according to which the powers of the Government, the rights of the governed and the relations between the two are adjusted.”

Kinds of constitution are as follows:

Written Constitution : A written constitution means a Constitution written in the form of a book or a series of documents combined in the form of a book. It is a consciously planned and enacted Constitution which is formulated and adopted by a constituent assembly or a council or convention or a legislature. “A written Constitution”, observes Dr. Garner, “is a consciously planned Constitution, formulated and adopted by deliberate actions of a constituent assembly or a convention.” It provides for a definite design of Government institutions, their organisations, powers, functions and inter-relationships. It embodies the constitutional law of the state. It enjoys a distinct character, special sanctity and place of supremacy. The Government is bound by its provisions.

Unwritten Constitution : An unwritten Constitution is one which is neither drafted nor enacted by a Constituent Assembly and nor written in the form of a book. It is a product of slow and gradual evolution. The Government is organised and it functions in accordance with several well settled laws and several unwritten conventions. The people know their constitution and they accept and obey it, but they do not possess it in a written form.

Flexible Constitution : Constitutions can be classified on the basis of the nature of their amending processes into Flexible and Rigid constitutions. A Flexible Constitution is one which can be easily amended. Many political scientists define a flexible constitution as one in which the constitutional law can be amended in the same way as an ordinary law is made by the legislature. Britain presents a classic example of a flexible constitution.

Rigid Constitution : The Rigid Constitution is one which cannot be easily amended. Its method of amendment is difficult. For amending it, the legislature has to pass a

proposal by a specific, usually big majority of 2/3rd or 3/4th or absolute majority, i.e., 51% of votes. For passing or amending an ordinary law, the legislature passes the measure by a simple majority of the members present. The constitutional law is considered the fundamental law of the land or the supreme law of the land.

Evolved Constitution : An Evolved Constitution is one which is not made at any time by any assembly or persons or an institution. It is the result of slow and gradual process of evolution. Its rules and principles draw binding force and strength from the fact of their being recognized as ancient, time tested and respected customs and conventions. Some of these conventions stand recognized by law and hence become enforceable while others are followed because of the sanctions of public opinion, practical utility and moral consciousness in their favor. The Constitution of Great Britain presents a classic example of an evolved constitution.

Enacted Constitution : Unlike an Evolved Constitution, an Enacted Constitution is a man-made constitution. It is made, enacted and adopted by an assembly or council called a Constituent Assembly or Council. It is made like a law after full discussions over its objectives, principles and provisions. The Constituent Assembly is constituted by the representatives of the people and it drafts and enacts the constitution.

The Presidential Government is a form of government in which the executive is constitutionally independent of the legislature and the legislative of the executive in respect to their policies and powers and duration of their tenure. The government of the U.S.A. is the best example of the presidential type. The President is the executive head and is indirectly elected by the people for a specified term fixed by the constitution.

(b) Merits:

1. It is a stable government in which the tenures of the executive and legislature are fixed.
2. It is a strong government because of the fact that the executive is independent of day to day interferences by the Legislature and because the President has the power to take all decisions.
3. There is continuity in governmental policies because the tenure of the executive is definite and fixed.
4. It makes possible a government involving professionals and experts because the cabinet is constituted by the President strictly on merit.
5. It keeps contained the party politics to the Legislative sphere.
6. Because of being a strong executive, it is more conducive to the preservation of unity and integrity of the nation.

Demerits:

1. It depends upon the qualities of the single person who becomes the President.

2. The President can behave arbitrarily because he wields a large amount of power both as the head of state as well as of the Government.
3. Executive is not responsible before the Legislature.
4. Due to separation of powers, there are frequent deadlocks between the legislature and executive.
5. These are a source of inefficiency and mutual mud-slinging.
6. Fixed tenure makes the executive rigid and irresponsible in approach.
7. It is not free from evils of party system.

Section—B
Answer three questions

Question 5.

- (a) Discuss the role of political parties in a democracy. [8]
(b) What is meant by universal adult franchise? Explain its importance. [6]

(b) The principle of Universal Adult Suffrage has now received a universal acceptance and is implemented in all states which are democratic. This principle stands for the grant of right to vote/franchise or suffrage to all adult citizens, both men and women, without any discrimination. Only minimum age qualification is fixed. Usually all men women of 18 or 20 or 2 T years or above are given the right to vote. In India all the men as well as women who are adults i.e. who are 18 years or above of age, have right to vote. So is the case in the USA, UK, Canada, Australia, and in fact all democratic polities. In India, UK, USA, Russia the right to vote has been given to all citizens of 18 years or above of age.

Further, while no property, sex, and educational qualifications are now fixed for the right to vote, it is a universal practice to deny this right to minors, criminals, bankrupts, mentally unsound people and other persons who earn disqualification for one reason or the other. Minors are denied the right to vote till they attain adulthood i.e. when they cross the legally fixed voting age, as, for example, in India ,they attain the age of 18 years, they get the franchise.

The importance of Universal Adult Suffrage is that it is perfectly democratic, symbolizes the equality of all and assures faith in the ability of the people to elect their rulers i.e. representatives. It is a means for asserting the sovereignty of the people, which is the real basis of the authority of state and its govt. Right to vote acts as a source of strength and confidence for the people. It inculcates in them ‘ a sense of responsibility and participation in the political system.

Without suffrage i.e. without the people enjoying the freedom to vote for electing their representatives, there can be no democratic system. Without a system of elections there can be no democracy and the right to vote and without an electorate, there can be

no elections. Right to suffrage constitutes the backbone of every modern democratic system. In a democracy, people are sovereign. They hold the supreme power.

Question 6.

- (a) Explain the composition and powers of the House of Representatives. [8]
- (b) Discuss the reasons for the decline in the position of the legislature in the last few decades. [6]

Answer:

(b) Regarding the position of Legislature, the situation remained really paradoxical in the 20th century. In almost all the states, the Legislatures remained working as the major instruments of law-making, custodians of the finances of the nation, as agencies of control over the executive, and as the representatives of the people. On the other hand, however, it was found that the Legislatures came to be dominated by the executives. Almost in all the states, the Legislatures suffered a loss of prestige and role due to the rise of powerful executives.

Reasons behind the Decline of Legislature. Several factors are responsible for the decline of Legislature:

Increased Burden of Work : The over-burdened Legislature of a contemporary welfare state is required to pass a very large number of laws most of which relate to highly technical spheres. The legislature finds itself living with paucity of time, resources and expertise, and hence has become dependent upon the executive. The latter has the potential to satisfy these needs of the legislature.

Rise of Delegated Legislation : The system of delegated legislation has considerably strengthened the hands of the executive. Every Legislature today, finds itself left with no other alternative except to delegate some of its law-making powers to the executive. This has become inevitable because of the changes produced by the rise of industrial society and welfare state.

Role of Political Parties : Due to the emergence of political parties, the legislatures all over the globe have suffered a decline. First, because the parties have definitely limited the nature and scope of Legislative debates. The members of the legislature always speak as party-men and in accordance with the directives and interests of the parties to which they belong.

This has adversely affected the quality of the legislative debates. Secondly, the parties have made it possible for the leaders, the power-holders in the executive, to bank upon the committed support by the 'majority'. The legislatures are under the control of the leaders, who in turn are arch-leaders. As a result of this, most of the Legislators are hardly in a position to assert their independence to any meaningful extent.

Rise of the Administrative State : The rise of the welfare state has been accompanied by a steep increase in the functions and responsibilities of the executive. The welfare state has given rise to the formulation of highly ambitious goals of socio-economic-cultural development. The people now accept and want the executive to run the administration as welfare administration and secure these goals. This has made it essential for the executive to take up new and newer responsibilities. Consequently, there has been a big increase in the quantity of work that the administration of the state has to handle. The modern state has in actual practice come to be an administrative state.

The System of Judicial Review : The system of Judicial Review has been a factor in the decline of legislature. The right of the courts to judge the constitutional validity of laws passed by the legislature and to reject those laws or such parts of the laws as are considered by them as unconstitutional, has definitely lowered the prestige of the legislature.

System of Direct Legislation : It states where the system of direct legislation prevails, the people acting through such devices as referendum and initiative, have the right to pass the final verdict on the fate of the bills passed by the legislature. Under such a system, the prestige of the elected assemblies has suffered a decline.

Question 7.

- (a) Explain the powers and functions of the Prime Minister of India. [8]
- (b) Discuss the role of the Civil Services in the administration of States. [6]

Answer:

(b) The success or failure of the administration depends upon the qualities and dedication of the civil servants who run the administration. They perform several key functions which when performed efficiently lead to the success of the administration and when performed weakly and inefficiently lead to weakness or even failure of the administration. Ministers always depend upon civil servants for such advice and information which helps them to make decisions and policies. Civil Service is a source of stability and continuity in policies. The effective implementation of policies and laws is really the work of the civil servants who work in government departments.

A Civil Service performs the following main functions:

Implementation of Governmental Policies and Laws : It is the responsibility of the bureaucracy to carry out and implement the policies of the Government. To implement the laws in actual practice is its important function. Good policies and laws can really serve their objectives only when these are implemented by the civil servants in true spirit, and with vigour.

Role in Policy Formulation : The policy-making is the function of the political executive. However, the civil servants always play an active role in this exercise. They supply the

data needed by the political executive for formulating the policies. In fact, they formulate several alternative policies in respect of a particular sphere of governmental activity and describe the merits and demerits, and pros and cons of each policy alternative. The ministers then select and adopt one such policy alternative as the government policy.

Conduct of Administration : To run the day to day administration in accordance with the policies, laws, rules, regulations and decisions of the Government with a view to realize the developmental goals set forth by the state, is also the key responsibility of the Civil Service. The political executive as the head of the administration simply exercises guiding, controlling and supervising functions.

Advisory Function : One of the important functions of the Civil Service is to advise the political executive. The ministers receive all the information and advice regarding the functioning of the government departments from the civil servants. As amateurs, the ministers have little knowledge of the functions of their departments. They, therefore, depend upon the advice of professionally trained, qualified and expert bureaucracy.

Role in Legislative Work : The civil servants, particularly working within the parliamentary system, play an important and big but indirect role in law-making. They draft the bills which the ministers submit to the legislature for law making. The ministers provide all the information asked for by the legislature and the legislative committees by taking the help of the civil servants. In this contemporary era when the system of delegated legislation has got involved the executive in the sphere of legislation, the role of bureaucracy has got a big boost. The delegated legislation is mostly done by the civil servants. The ministers simply perform a signing, supervisory and controlling role.

Semi-judicial Work : The emergence of the system of administrative justice, under which several types of the cases and disputes are decided by the executive, has further been a source of increased semi-judicial work of the bureaucracy. The disputes involving the grant of permits, licences, tax concessions, quotas etc. are now settled by the civil servants.

Question 8.

(a) Discuss the relationship between the :

(i) Judiciary and the Executive.

(ii) Judiciary and the Legislature. [8]

(b) Define Judicial Review. Explain how it works in India and the USA. [6]

Answer 8.

(a) **Relation of the Judiciary with the Executive :** Executive has always a role to play in the organization and working of the judiciary. Appointment by the executive is considered to be the best available method of appointing the Judges. Sometimes, the executive, in association with the legislature, is also assigned a role in the removal of the judges through impeachment. It is the responsibility of the executive to apprehend

the culprit in case of every breach of law and bring him before the judiciary for his conviction and punishment. However, it is the supreme function of the judiciary to try and judge whether the person apprehended and produced before it by the executive, is really guilty of the charges leveled against him or not.

The judiciary, also, exercises some control over the executive. The executive is, in all the democratic countries, subject to the jurisdiction of the courts. The officials of the executive are to appear before the judiciary in all cases necessitating their evidence. In case any breach of law is committed by them, they too have to face the trial before the courts and undergo punishment if found guilty and convicted by the courts.

The judiciary has the power to nullify any and every act of the executive, which, in its opinion, involves a dishonest or excessive or arbitrary use of power by the executive. The judiciary can conduct judicial review over the rules made by the executive whenever any of these rules is challenged by the people. Further, the judiciary has the power to initiate contempt of court proceedings against any member of the executive in case he acts in a manner which tends to lower the dignity and honour of the courts.

Relation of Judiciary with The Legislature : Judiciary is also related to the legislature because the laws made by the legislature are in practice interpreted and applied by the courts. In the process, the courts really give meaning and effect to the laws. Furthermore, in almost all democratic countries, the judiciary has the power to conduct judicial review over the laws with a view to determine whether these are ultra vires or intra vires. Judiciary has the power to reject those laws or such parts of the laws which are considered and found to be ultra virus by it.

In the US Constitution, the judiciary has the power to reject as unconstitutional all laws which are considered to be violative of the high principle of "Due Process of Law." The US Supreme Court can reject any law as unconstitutional and illegal if it is either found to be not passed in accordance with the procedure established by law or is held violative of the ends of justice and standards of goodness, or both. In India, the judiciary can reject a law as unconstitutional if it is found to be violative of the procedure established by law.

The judiciary, through the case laws or the judge-made laws, supplements the law making role of the legislature. While interpreting and applying laws, the judges also make laws. Judicial decisions, given by the Courts of Records, the higher level courts, are binding upon the lower courts as laws proper. All such judge-made laws supplement the legislation passed by the Legislature.

The legislature also plays a role in the organization and functioning of the courts. In some of the states, the appointment of the judges is made through election by the legislature, as for example is the case in Switzerland where the Federal Assembly elects the judges of the Federal Tribunal. In some other states, the appointment of a

judge by the executive is final only when it gets the approval/ratification by the legislature.

(b) The Constitution is supreme in the U.S.A. and the Supreme Court has the power to interpret it and preserve its supremacy by preventing its violations by any institution or person. This provision has been the basis for a very important power of the Supreme Court the power of judicial review. It has come to be recognized as the most distinctive attribute and function of the Supreme Court. It is the power to judge the constitutional validity of the acts of other two organs of the government. In case the court finds that any act of these does not comply with the fundamental constitutional principles, it is declared null and void.

Features of Judicial Review in India :

The following are the salient features of the system of Judicial Review in India : Both the Supreme Court and High Courts exercise the power of Judicial Review. But the final power to determine the constitutional validity of any law is in the hands of the Supreme Court of India.

Judicial Review can be conducted in respect of all Central and State laws, the orders and ordinances of the executive and constitutional amendments.

Judicial Review cannot be conducted in respect of the Acts incorporated in the 9th Schedule of the Constitution.

Judicial Review applies only to the questions of law. It cannot be exercised in respect of political issues.

Judicial Review is not automatic. The Supreme Court can conduct judicial review over a law only when it is challenged during the course of litigation. In other words, it becomes operative only when laws are specifically challenged before it or when during the course of litigation in a case, the question of constitutional validity of any law is raised before it.

The Supreme Court, after reviewing the challenged Act, can decide :

- The law is constitutionally valid. In this case the law continues to operate as before, or
- The law is constitutionally invalid. In this case the law ceases to operate with effect from the date of the judgement, or
- Only some parts or a part of the law is invalid. In this case only invalid parts or part becomes non operative and other parts continue to remain operative. However, if the invalidated parts are so vital to the law that other parts cannot operate without these, then the whole of the law gets invalidated.

While declaring a law void, the Supreme Court has to cite the provisions/ articles of the constitution which the said law violates. It has to demonstrate the invalidity of the law struck down by it.

The work done on the basis of the law before it is declared unconstitutional and invalid by the court, continues to remain valid.

The Supreme Court can revise or annul its own earlier decisions.

Procedure established by Law vs Due Process of Law or Difference between Indian and the American Systems of Judicial Review.

U.S.A. : While discussing the working of judicial review we must clearly understand that it is neither automatic nor mechanical. The laws passed by the Congress and the State Legislatures become operative the moment these become laws. These do not go to the court for judicial review. It is only when any of the law is specifically challenged or when during the course of litigation in a case, the issue of constitutional validity of any law arises, that the court conducts judicial review. The court cannot of its own take up any law and conduct judicial review on it.

Decisions in Judicial Review : After conducting the judicial review, the Supreme Court can give 3 types of decisions:

It can declare the law unconstitutional or ultra virus. In this case the law stands struck down and it ceases to operate from the date on which the Supreme Court declares it invalid;

It can declare the law constitutional and fair. In this case the law continues to operate as before without any change.

It can declare any part or some parts of the law unconstitutional. In this case only the part or parts declared unconstitutional cease to operate and the rest of law continues to v operate.

Due Process of Law and Judicial Review : Since the passing of the fifth amendment of the Constitution, the scope of judicial review has become very vast. In one of its clauses it has been laid down that “the Government cannot deprive anyone of life, liberty or property without due process of law.” The term “Due Process of Law” means that the life, liberty or property of the people cannot be subjected to arbitrary and unfair limitations by the law or the executive and even by the judges in the process of awarding punishments.

Question 9.

(a) Discuss the different kinds of social inequalities that exist in India. What is the impact

of these inequalities on the democratic system of India ? [8]

(b) Suggest remedial measures to remove regional imbalances in India. [6]

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