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ANANTH CHANDRASEKHAR

**AIR - 377
(CSE 2022)**

POLITICAL SCIENCE



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POLITICAL SCIENCE

Time Allowed: 3 hr.

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.

1. Invigilator's Signature _____

2. Invigilator's Signature _____

Name ANANTH CHANDRA SEKHAR

Mobile No. _____

Date _____

Signature Ananth

Important points are noted down
from your answer
you need to
mention all the
important relevant
opinions with relevant
details
make
more answers
informative

SECTION-A

Attempt all questions:

1. Answer the following questions in about 150 words each: (12.5 × 4 = 50)

- (a) Superiority of Satyagraha to Passive Resistance. Comment.
- (b) Examine the relevance of non-violence in today's times
- (c) Examine the nature of the Constituent Assembly's Representation
- (d) Socialist perspective of Freedom Struggle

(a) Passive resistance was constitutional methods of protest by moderates. Satyagraha was an active & actual and spiritual mode of protest by Gandhi.

Passive resistance was governed by methods of prayers and petitions. Gokhale argued that it was better because masses weren't ready and war of position (Gramsci) wasn't won to establish a COUNTER-HEGEMONY.

This was deemed inadequate by extremists and later Gandhi. Satyagraha built a warter-narrative to British ideological hegemony. It also galvanised the masses and taught them in a moral code that emphasised spiritual awakening, commitment to Satya, ahimsa and gave

Remarks

common end of RAM RAYA / Moral Eutopia. Satyagraha also gave a more complete meaning to Swaraj as economic, social and spiritual than just political freedom.

Satyagraha was also more effective. Prayers and petitions were given little attention by British. Bipan Chandra notes that piecemeal Acts of 1861, 1892 were piecemeal endeavours. But Satyagraha in Non-Cooperation and Civil Disobedience extorted concessions like Gandhi-Irwin pact.

Necessity of passive resistance

Gokhale argues that passive resistance was only option as India didn't have apt critique to imperialism. Bipan Chandra argued that moderates were "leaders as well as learners". Gokhale also believed the ideological hegemony of British was not yet countered by Indian nationalism.

Thus, Satyagraha eventually led to Indian independence and its values of consensus and accommodation gave spirit to Constituent Assembly.

Remarks

(iv) Gandhian concept of non-violence stressed on a moral code to achieving spiritual liberation. He argued that non-violence would teach to bate evil and not evil-deer.

In today's world, its relevance is seen in rising communalism, majot terrorism, right-wing exclusionary groups (Neo-Nazis) and ethnic nationalism.

Gandhian principles of non-violence can also spur counter-movements against citizens grievances. Rising inequality, restricting access to state services, neo-liberal focus on unsustainable profit-making can be countered by non-violent Satyagraha.

Ashish Varshney (neo-Gandhian) argues that the normative ideal of Satyagraha and non-violence can be useful in today's 'task of civilization's world'.

Remarks

Examples of non-violent contemporary movements are Greta Thunberg's "Fridays for Future movement", 2000's Occupy Wall Street and largely peaceful Black Lives Matter.

Non-violence is also connected to Arendt's conception of "power" as a constructive force - that appears when people act in concept - a feature missing in today's social media-campaign centric world.

However, non-violence itself was given a backseat by Gandhi in his "Quit India movement" with call for "Do or Die". Thus, non-violent Satyagraha can be seen as a precursor war of position to the later war of manceuvre.

True, Normative concepts such as non-violence are increasingly relevant to post-behaviouralist post-modern discipline to address modern problems.

Remarks

Discuss with critical documents in today International Day 1989. Vocation to global relevance to today's time.

(c) Constituent Assembly was formed to draft India's constitution as per Government of India Act, 1947. It was elected by an electorate of 10% of population, indirectly via ~~constitu~~ provincial assemblies.

Granville Austin writes that Constituent Assembly represented a one-party assembly, with 4 leaders of Congress being a "virtual oligarchy" (Patel, Nehru, R. Prasad, MAK Azad). However, India was also a one-party state at the time.

W. Churchill called it an "Assembly of Brahmins" while Viscount Simon an "Body of Hindus". Prasad dismissed it as baseless and irrational as 37% of provincial membership was by minorities.

It was also called as a "Lawyers paradise" and "relief". To counter this narrative,

Remarks

adult franchise
how it kept different types of religious communities together
of open & closed
consensus & majority
making membership
feel secure
adult franchise
lawyers paradise
to counter this narrative
how it kept different types of religious communities together
of open & closed
consensus & majority
making membership
feel secure

diverse membership was incorporated like B.R. Ambedkar, Jaypal Singh Munda, Rajkumarji Amrit Kumar, Hansa Mehta etc.

The constituent Assembly was also described as not directly elected and not a fully sovereign body as it was formed by indirect elections and a British Act. However, J. Austin argues that the assembly was a sovereign body, as specified in phrase "We, the people".

Further, no major constitution at the time like US, Britain, Canada was by a directly elected body with true universal adult franchise. Prasad thus dismisses these as baseless and irrational.

The 1950 constitution of Assembly was based on consensus and accommodation (Austin) that allowed India to survive its "dangerous decades" & enact a "social revolution".

(d) + socialist perspective was an alternative narrative to freedom struggle that stressed on critique of meta-narrative of independence movement.

It had two strains of thought

(a) Lum perspective - stressed on supporting nationalist parties to gain independence. The revolution would then follow after independence.

(b) M N Roy - argued that the mass revolution should be parallel. B. Karivaj argues that Roy committed "guilt of Heteronomy / Historicism" with this endeavour.

Indian socialists thus joined the national Indian Congress. The aim was the radicalisation of party, people reducing of right-wing influence and ensure socio-economic justice to peasants and workers.

Philosophy Socialism Socialist Capitalism Economic Reconstruction Peasant Workers Victory Technique of Supremacy the Answer to Political Problems

Remarks

Leaders like JP, Ram Manohar Lohia were initially critics of Gandhiji but came to believe in his concept of moral and consensus politics. JP advocated for a partyless democracy, Lohia for CHAKRAKBARTA (4-pillared state) and socialism in Asian context.

Auricular gave concept of State socialism as an alternative to Marx's scientific socialism to build India's social kinship and fraternity.

Socialist perspective thus influenced policies like land reforms, pro-poor agenda and prevented communal politics and economic inequality.

Apart from it, subaltern (Safdar Habib), Marxist (SA Dange) and Dalit (Ambedkar) and women narratives were also present, leading to a diverse historiography apart from "Nationalist narrative" (R.C. Majumdar).

Remarks

3. Answer the following questions:

(a) The Basic structure doctrine holds certain implied limitations on Parliament's amending power and at the same time put the judiciary in the exact position of unlimited power. Discuss. (300 Words) (25)

(b) What do you understand by Militant Nationalism? Discuss the distinctive Characteristics of Militant Nationalism. (300 Words) (25)

(a) Basic structure doctrine was evolved by the 1969 verdict of Supreme Court in Kesava Reddy v. Bharati case 1973.

It restricted the amending power of Parliament by A 368 by limiting its amending of certain "basic structure features" of constitution. This evolved in subsequent cases like Mirzapur Mills 1980 to include provisions like fundamental rights, Preamble. SR Bommai Case saw federalism added as basic feature.

Alongside with limiting Parliament's amending power, it has also increased judicial scope.

Firstly, the definition of

Remarks

basic structure has been vague, with various cases defining various provisions of constitution as basic feature.

Secondly, the court has effectively elements listed in the 9th Schedule by ruling in Waman Rao and IR Coelho Case. SC ruled that Acts placed in 9th Schedule after April 24, 1973 would be tested on confrontation of fundamental rights and/or basic structure.

Thirdly, reforms such as NJAC were struck down that attempted reforms of judicial system. SC in 2016 4th judges case ruled that NJAC was ultra vires as it violated judicial independence as part of basic structure.

PB Mehta calls this as a

classic example of Judicial Sovereignty. Brijlal Parikh refers to it as Judicial Co-govern

Remarks

Deepak Mehta argues that the Supreme Court has embarked on "judicial adventurism" instead of judicial activism.

The critique has resulted in the court facing a "crisis of institutional credibility" according to PB Mehta. He cites the example of US Supreme Court that restricts itself as per Doctrine of Separation of Powers and goes for activism than adventurism.

However, the basic structure doctrine is said by ZIA MOHY to have "saved India's Democracy". Upendra Bakshi argues that the court has cleansed the carcinogenic nature of Indian politics.

It also prevented many Emergency-era excesses and complete change of Constitution via 42nd Amendment to create

an "executive dictatorship." It also helped in evolution of Doctrine of Due Process of Law being Procedure established by law in Minerva Maneka Gandhi case.

It has also been adopted by Supreme Courts of Malaysia, Bangladesh, Pakistan and Uganda. It has lent credence to the wisdom and sovereignty of Constituent Assembly and limited arbitrary exercise of legislative sovereignty.

True, it has been adopted as a sentinel qui vive, however this should not stifle genuine subversive systems as subversion of colligium system (imperial in imperio)

Remarks

I judicial review to basic protection from the hands of unelected judiciary

(b) Militant nationalism is a form of nationalism that seeks to use violence to achieve political ends against symbols/ representation/institutions of opposing state.

It differs from terrorism in that common people are not targets for political violence.

Characteristics

Militant nationalism is an extreme form of nationalist expression, and can have serious international consequences.

Eg:- Serbian militant nationalism kicked off world war II.

Benedict Anderson argues that militant nationalism is the outcome of an extreme narrative that constructs a nationalist identity based on violence.

Eg:- Basque nationalism. They seek to attack symbols of state, such as IRA's assassination of Lord Mountbatten, assassination

of general Dwyer, bombing of Central Legislative Assembly by Bhagat Singh.

Militant nationalism uses propaganda to attract masses and justify violence as a means to an end. It also uses CULTURAL symbols (Hindu).

It is also associated with independent movements (e.g Indian Revolutionaries - Lala Hardayal, Chandra Shekhar Azad) as well as Balkanisation (assassination of Archduke Franz Ferdinand of Austria-Hungary) as well as Fascist ethno-nationalist movements (Fascist party, Nazi party, Peronism of Argentina).

Criticisms

It has been argued by Gokhale that militant nationalism was not useful against better equipped enemies like British.

Gandhi argued that ahimsa was the way forward. He said Satyagrahi was to shun violence as violence would not lead to spiritual upliftment.

B. Anderson in his "Imagined Communities" criticised the organic argument of Tocqueville. He called nationalists as "imagined communities" and associated their rise with "point capitalism".

Contemporary events

Militant nationalism has been associated with state-sponsored non-state actors in areas like Kurdistan (Syria), Abkhazia of

Armenia.

It has also led to recent civil wars, leading to Pakistanisation (term denoting division of country on religious lines) of Sudan into South Sudan.

Remarks

best needs to be achieved through people's movement of religion, emotion, leadership, conservation means and

It has also resulted in genocides. Eg:- Bosnia and Rwanda.

Influence in India

Militant nationalism evolved as a critique of "prayer and petition" approach of moderates. It resulted into revolutionaries and extremists. Extremists (Bal - Bal - Pal) within Congress advocated for Swaraj, cultural nationalism and for mass protests based on Swadeshi. They used cultural symbols (Bharath Mata), festivals (Ganesh Chaturthi) and symbols Moolay - Minto reform.

Revolutionaries had two stages - pre WWI and post WWI. They were not effective due to heavy British suppression. Subhash Chandra Bose with IRA came close but was defeated.

Thus, it had an important stage in the evolution of national movements around the world and in India.

Remarks

Answer the following questions:

- (a) Exceptional power of law-making through ordinance cannot be used as a substitute for the legislative power of the state legislature. Discuss. (300 Words) (25)
- (b) Without ensuring equal rights of Dalits, political freedom had no meaning. Discuss in the light of Dalit perspective on Indian national movement. (300 Words) (25)

Ordinance making is governed by articles 123 and 213 of constitution and are pieces of "executive legislation" ratifiable later by Parliament / Assembly.

Ordinances are effected for emergency situations, where normal process of deliberative legislations making of elected legislature is insufficient.

Further, Dr. Ambedkar argued for two conditions as reasons for ordinances -

(a) emergency clause - there arises a situation where legislature is not in session

(b) confidence clause - executive enjoys confidence of legislature as it is a parliamentary system so can legislate temporarily with future ratification

Remarks

As a substitute for law making

The Supreme Court in DC Wadhwa Case noted that Governor of Bihar had promulgated bills over 200 times.

Thus, re-promulgation without legislative approval was deemed by SC as "unlawful legislation and a "fraud upon the Constitution".

Recently, Union in 2014, 2016 attempted to pass land bill amendment but resorted to the ordinance route to defy an opposition-controlled Rajya Sabha.

Such act of bypassing criticism also lends critique of entire ordinance-making process.

Positives among cases

Ordinance making has also been a boon. In COVID-19 lockdown time, Parliament was not assembled; thus ordinances

amending Essential Commodities Act and Epidemic Acts to ensure food security and safety of health workers especially were crucial.

Further, several regulatory bodies like SEBI, TRAI were enacted first by ordinance and has resulted in a total case that led to later legislative acts.

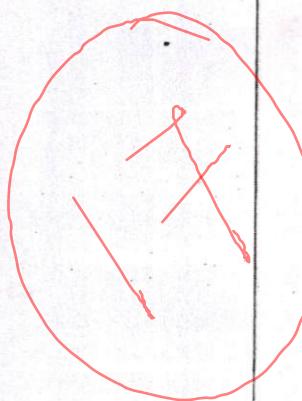
Judiciary has also been active in safeguarding such bounds by its judgements in D C Wadhwa and Krishna Kumsar judgments

The Law Commission has recommended restriction of ~~extra-promulgation~~
~~number~~
~~by a~~
~~amendment~~ to a certain constitutional

*with the
Ordinance
by
Ordinance
by
Judiciary
Name/
the
view of
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Remarks

However, the onus remains on civil society and political parties in opposition. Judicial activism should be regarded as a necessity not as desirable.

 Thus, the overdramatic route as a symptom of declining Parliamentary norms (PB Mehta) should be countered by effective Parliamentary reforms as well - reform of anti-defection, institution of a strong committee system, enhancing MP/MLA capacity.

Thus, the present no-liberal focus on executive actions and judicial law making should take a step back and allow people's legislative to deliberate and achieve at consensus.

Remarks

(b) Dalit perspective on the national movement aimed to give an alternative to Savarna hegemony and ensure political-socio-economic justice.

Ambdekar argued that the need for equal rights stemmed from millennia of historical oppression and exploitation in his "who are the Dalits?"

Dalit perspective evolved under Jyotiba Phule. He argued that British Raj was better than Peshwa Raj.

EV Ramaswamy Naicker (Periyar) evolved an ethno-centric critique of national movement. He argued that Dalits and non-Savarnas were the original inhabitants of India, that upper castes were descendants of Aryans who brought Sanskrit and Brahmanical hegemony.

He thus argued for a Dravidian nation based on brotherhood and social justice, forming Justice Party and later the Dravidian Kongrassam.

Dr. Ambedkar refuted the Aryan Invasion Theory in his "Origin of Untouchability". He advocated for separate electorates for depressed classes as they were not considered part of the Hindu community.

Ambedkar argued for a state-centric model to ensure "Economic Democracy". For him, India as a nation was not possible unless "social kinship/fraternity evolved". He argued that India right now was a "Community of communities". Only concept of social justice led by state could counter this.

Remarks

Further, he critiqued the caste-leaders of congress for their deliberate ignoring of Dalit needs. Argued that if Tilak was born as untouchable, he would declare abolishing of untouchability was my birthright!.

Scholars like Gopal Guru argue that Dalits would have joined the movement had there been an equal voice for their demands of equality and upliftment.

Rudolph Steiner writes that American's Newayana (New Buddhism)

was the way of ensuring equal political rights for Dalits within caste majority India.

Remarks

This has been criticized by nationalist historians. ^{RC} Magunzade argues that Gandhian movement allowed for consensus-politics.

Further, Ann Shreve has called Ambedkar's anti-national for his criticism of Quit India movement as a "mad venture".

However, the Palit perspective has led to several affirmative policies (reservation in legislature, A¹⁶, 15) and abolition of untouchability (Article 17) and legislations such as Protection of Civil Rights Act and Protection Against Atrocities.

The normative concepts of "One man, One Value", "sowal justice" and "compensatory justice", "economic democracy" have thus expanded mere negative equal rights to a substantive and positive conception.

Remarks

SECTION-B

Attempt all questions:

5. Answer the following questions in about 150 words each: $(12.5 \times 4 = 50)$

- (a) Discuss impact of COVID-19 on women and Working of National Commission of Women (NCW)
- (b) Discuss the Significance of the Preamble
- (c) Comment on Marxist Perspective on Indian National Movement
- (d) Criticism of Directive Principles

(a) COVID-19 has widened the marginalisation of women in political, social and economic terms.

It has resulted in an 8% increase in unemployment. Women participation in labour dropped below 22%. Returning migrants have improved nutritional conditions.

Further, there has been a two-fold spike in domestic violence cases. However, the

traditional brick-and-mortar structure of grievance redressal institutions like NCW were not open. Women could not stay at their in-laws native home in case of violence due to toxic restrictions.

Remarks

Institutions like NCR had to shore up their digital infrastructure. Several measures like online portal for complaints, helpline numbers were started.

However, vulnerability of women to dangers of home quarantine were exposed. There were many instances of sexual violence in quarantine centres and ambulances.

Thus, it has resulted in a ~~malfunctioning~~ ^{up with} increasing demand for cyber-space and e-governance.

~~A critical discussion of examples from the world over in detail is required.~~

~~Remarks~~

~~Discussions taken with respect to~~

(b) The Preamble gives a normative summary of the ideals of the Constitution. It declares popular sovereignty in the phrase "We the people".

Further, it spells out the nature of the state - Democratic, secular, socialist, sovereign republic. Further it identifies liberty, equality, justice and fraternity as norms to be achieved.

It was passed by the Constituent Assembly at the end to ensure conformity with the Constitution. SC in Kesavananda Case said that unlike the American constitution, the Indian preamble walks along with the constitution rather than ahead.

SC has called the preamble at "light house beacon". It has ruled that preamble can be referred to whenever looking at constitutional validity of acts.

Remarks

Discusses with respect to the significance of the nature of the Constitution

since the Preamble can be amended (SC in Kesavanda Bharti case), it is meant to be in tune with changing demands of India and her people.

Further, it was very declared as part of the "Basic Structure". Thus amendments that change it can be struck down by court if it alters basic structure.

SC in Kesavanda Bharti case has also ruled that Constitution must be regarded and interpreted in the ORPANO VISION of Preamble. This is a change from court's earlier argument that Preamble wasn't part of Constitution as per Bambawali Union judgement.

According to KM Munshi, Preamble is the MOROSCOPE of the constitution. It thus guides us towards a better India.

Remarks

(c) Marxist perspective attempts to critique the grand narrative of nationalism on the basis of scientific socialism of Marx.

Scholars like SA Dange, MN Roy, EMS Neamboothiripad argued that masses national movement led by Gandhi and INC was bourgeoisie movement led by upper-caste elites.

MN Roy criticised Gandhi for his lack of mass participation and called him a bourgeoisie leader. He argued that political independence meant nothing without economic and social justice.

~~Gandhi learnt from the masses~~

~~EMS Neamboothiripad is~~
~~in "Gandhian" or "Gandhian" movement~~
~~argued that Gandhi movement~~
~~was a RESTRICTED mass structure~~

Remarks

~~Several other scholars~~
~~in Congress~~
~~fought for~~
~~against~~
~~ideology of~~
~~to Federal~~
~~national~~
~~of masses~~

RP Dutt was extremely critical of Gandhian movement and called him a "Mascot of Bourgeoisie"

However, scholars like IRFAN HABIB were more measured in their criticism. Agreed that Gandhians and Congress movement understood modernity and western thought. Thus, they gave a left orientation eg Congress Socialist Party

Marxist perspective also gave an alternative account of peasant and worker rebellion (Telaga and Telangana), radical land reforms, regulation of rent and working hours, and focus on socio-economic justice rather than mere political sway.

Thus, it led to wider discourse and re-interpretation of subaltern nationalist historiography as a counter-narrative.

Remarks

(d) Directive Principles are found enunciated as in part IV. They are commonly referred to as socio-economic rights, are non-justiciable and provide a guide to state policy.

Criticisms

It has been criticised foremost as ill-conceived and illogically arranged. Ivor Jennings calls them "pious aspirations", KT Shah as "pious superfluities".

Further, it is regarded by N Srinivas as having no consistent philosophy.

Ivor Jennings calls them as expressing "Fabian Socialism" without the socialists. As neo-liberal world, they are seen as symbols of a bygone era.

K Santharam has pointed out the possibility of there being a perpetual conflict

Remarks

Benefits

with rights in Part III.

However, Ambedkar argued that they lay down the twin goals of "economic democracy" and "social fraternity". Gramville Austin argued that DPSP contained "the ingredients for India's social Revolution".

SC has also declared that these provisions make India a "welfare state". It also enables stability and continuity of government policy.

Further, people can hold the govt accountable for not implementing these provisions. Thus, it helps fulfil Nehru-Ambdekar's vision of a

prosperous yet not unequal India.

Remarks

With England's critical comments, how there's no legal force! How it logically arises! conservatism / dissent, the constitutional conflict

8. Answer the following questions:

- (a) Several states amended existing labour laws, either suspending them altogether or increasing working hours. Do you think changes proposed to labour laws are unconstitutional? Examine. (200 Words) (15)
- (b) In the area of personal laws, the hands of the court are tied, while in other areas it has exhibited a much more activist stand. In the light of Gender equality, examine strange paradox between the court's call for a UCC on the one hand and a notable reluctance to take any concrete action on the other. (200 Words) (15)
- (c) Governor should use his discretion not as "representative of a party" but as "the representative of the people as a whole of the State". Discuss. (250 Words) (20)

(a) States like UP, MP, Karnataka have amended labour laws. The objective is to introduce flexibility to employers for "hire-and-fir".

This has been done to enhance ease of doing business and curb regulatory burden on businesses during COVID-19 pandemic. However, the aim of speedy recovery has prompted a debate with rights of workers.

Most ~~new~~ such amendments were passed via ordinance (Art 23 and 23). Thus, it used ~~confidential criteria and emergency criteria~~ as a justification. However, suspension/increase

Remarks

*Constitutional
with certain
modifications
against the State
Court for
Judicial
Violation
of fundamental
rights*

of working hours calls into play fundamental rights of articles Q3, 24. Further, it conflicts with Part IV Directive Principles calling on state to ensure safe working conditions. (A42)

Thus, the question arises as to whether state ordinances can be contravening of constitutional provisions, which requires judgement of courts.

Further, arbitrary regulation by state may contravene to Code on Social Security and Industrial Relations by central. By the Doctrine of paramountcy / Federal Supremacy, when there is a conflict, central laws prevail. Thus, this is also a potential area of conflict.

However, the emergency condition of businesses are the other side of the debate. But the state should look at

Remarks

harmony of all sections. Thus, arbitrary amendments can resolve into a chain of de-regulation that marginalises working class and results in the exploitation.

The potential for constitutional conflict must thus be addressed by courts as per Article 32 and 226

(b) Universal Civil Code has been directed by Article 44 of Part IV. As a directive, the state may implement it at the needed time.

The Supreme Court has displayed a dichotomy, one hand trying to call for UCC while not interfering in personal laws. An eg is Shayara Bano (Triple Talaq) case where court restricted itself only to constitutionality of Triple Talaq, instead of nikah halala - polygamy as well

Remarks

Judge Nauman in the dissenting view, even compared personal laws as equivalent to fundamental rights. Even in Dannal Latifi case, the court has attempted harmonious construction of Shah Bano & Muslim

PB Mehta refers to this as Women (Protection of Rights) Act, rather than declare it ultra vires.

PB Mehta has referred to this tendency of courts as "promise of uncertainty". The court has not evolved a comprehensive set of safeguarding norms to help guide judgements. Instead, they are "artefacts of individual judges".

Further, the court has been called a "paradoxical institution". It sometimes favours gender justice (Shah Bano case) and otherwise favours personal laws (Sabarimala review). Thus, this has led to PB Mehta calling it as failing as "institutional crisis".

Remarks

However, the court according to Upendra Baskhi has responsibility to people to make balanced judgments. Nehru, subsequent law commissions have all argued in favour of UCC, but not as a top-down enforced model, but rather within the community.

Further, Nivedita Menon has argued that the argument for a UCC shouldn't come from a biased assumption of Hindu personal laws superiority.

Thus, the court has preferred a balanced approach, using piecemeal harmonious constructions to further gender justice at a pace acceptable to society. Even in Salavimala review, the order to open doors to women was not stayed and continues to be in effect.

How all decisions were taken before review of power, decisions to be taken by national integration board around separation

Remarks

(c) Governor is declared as the de jure Head of states according to Article 153. However, critics like have called the Governor the longarm of union in the states.

Nehru had assured that healthy conventions of non-partisan eminent appointees to governorship. However, this has not been followed, and centre appoints party favourites.

~~This has led to frequent centre-state conflicts. Rajamannar committee suggested of Tamil Nadu even abolishing of the post.~~

Apart from mode of appointment, discretionary powers under 163(1) and 163(2) have been misused by governors. Eg:- You Governor invited BJP

to form government rather than Congress, which was single largest party.

Another example is dismissal of state govt, such as Arunachal Pradesh 2016.

Remarks

Further, reservation of bills for presidential assent and use of Article 256 (more than 100 times in 70 years) are other issues.

This has led to frequent centre-state conflicts, Rajmangar committee of TN even suggested abolition of post. However, as Paul Brass argued, the constitution was framed in era of fear. Panchshi Commission argued that role of governors was vital in light of increasing security threats.

- Mammotha Singh gave 4 maxims to governors
 - you are sole judge of right & wrong
 - you have to see what's in best interest of country
 - your judgement to understand mandate of constitution.
 - your attention to work for people of the state.

Remarks

Sarkaria Commission argues that Governor should be appointed with consultation of Cm of state.

SC in Asmacal Pradesh case 2016 argued that discretion of Governor was under Judicial review.

In spite of such safeguards there should be a capacity training of governors when they enter office. Eligibility criteria like non-partisanship can be enshrined in Constitution.

Further, Panchayati Commission recommended an inter-state council as a recommendatory body for appointment of pool of candidates.

~~Thus, there should be a balance between Article 154 and Article 63 to prevent state-centre conflicts.~~

Remarks

~~With due respect to the Commission, I would like to point out that the recommendations made by the Commission are not feasible. The Commission has proposed a central committee for the appointment of governors, which would be a violation of the federal structure of India. It would also lead to a concentration of power in the hands of the central government, which goes against the principles of federalism. The Commission has also proposed a constitutional amendment to give the central government the power to appoint governors, which would be a violation of the autonomy of states. The Commission has also proposed a constitutional amendment to give the central government the power to appoint governors, which would be a violation of the autonomy of states. The Commission has also proposed a constitutional amendment to give the central government the power to appoint governors, which would be a violation of the autonomy of states.~~

