

IASbaba's Daily Prelims Test [Day 38]

Polity - Emergency Provisions & Judiciary and Economic Survey

1. The Constitution of India has authorized the President to declare emergency in case of difficult situations arising suddenly. With reference to National Emergency, consider the following statements

1. It can be declared even before the actual occurrence of the war
2. It can be declared on a particular district in a State
3. It can continue upto a maximum period of three years with periodical approval every six months

Select the correct answer using the given codes below:

1. 2 and 3 Only
2. 1 and 3 only
3. 1 and 2 only
4. 1, 2 and 3

Solution (3)

Under Article 352, the President can declare a national emergency when the security of India or a part of it is threatened by war or external aggression or armed rebellion. It may be noted that the president can declare a national emergency even before the actual occurrence of war or external aggression or armed rebellion, if he is satisfied that there is an imminent danger.

There is no maximum period prescribed for its operation. It can be continued indefinitely with the approval of Parliament for every six months.

2. With regard to Judiciary in India, consider the following statements

1. Judiciary is not part of the State
2. Munsiff's courts have both civil and criminal jurisdiction
3. The district judge exercises both judicial and administrative powers.
4. The pattern and designation of subordinate courts in the States are not uniform

Select the correct answer using the given codes below:

1. 3 and 4
2. 1 and 3
3. 2 and 3
4. 2, 3 and 4

Solution (1)

State has been defined in a wider sense so as to include all its agencies. According to the Supreme Court, even a private body or an agency working as an instrument of the State falls within the meaning of the 'State' under Article 12. Hence, Judiciary is a part of the State.

District Munsiff Court (alternate spelling District Munsif Court) is the court of the lowest order handling matters pertaining to civil matters in India.

The organisational structure, jurisdiction and nomenclature of the subordinate judiciary are laid down by the states. Hence, they differ slightly from state to state.

The district judge is the highest judicial authority in the district. He possesses original and appellate jurisdiction in both civil as well as criminal matters. In other words, the district judge is also the sessions judge. When he deals with civil cases, he is known as the district judge and when he hears the criminal cases, he is called as the sessions judge. The district judge exercises both judicial and administrative powers.

3. Consider the following statements:

1. A resolution seeking disapproval of National emergency can be passed only by Lok Sabha
2. Article 356 can be invoked only on the written recommendation of the cabinet
3. A simple majority is enough to pass a resolution seeking disapproval of National emergency.

Select the correct answer using the given codes below:

1. 2 and 3 Only
2. 1 and 3 only
3. 1 and 2 only
4. 1, 2 and 3

Solution (2)

National emergency (Article 352) can be declared only on the written recommendation of the cabinet and not Article 356 or the President's rule.

A resolution of disapproval of National emergency is different from a resolution approving the continuation of a proclamation in the following two respects:

1. The first one is required to be passed by the Lok Sabha only, while the second one needs to be passed by the both Houses of Parliament.
2. The first one is to be adopted by a simple majority only, while the second one needs to be adopted by a special majority.

4. Regarding Advisory jurisdiction of the Supreme court, consider the following statements:

1. The advice given by the Supreme Court is binding on the President.
2. Advisory jurisdiction can be exercised over disputes arising out of references made over pre-constitutional treaties.
3. When the President seeks the opinion of the Supreme Court, it is bound to give advice to the President.
4. Advisory jurisdiction can be exercised over any law of public importance

Select the correct answer using the given codes below:

1. 1, 3 and 4
2. 1 and 2
3. 2 and 4
4. 1, 2 and 3

Solution (3)

The Constitution (Article 143) authorises the president to seek the opinion of the Supreme Court in the two categories of matters: 1) On any question of law or fact of public importance which has arisen or which is likely to arise. 2) On any dispute arising out of any pre-constitution treaty, agreement, covenant, engagement, sanad or other similar instruments.

Neither SC is bound to give advice or is bound to accept the advice.

5. With the imposition of the President's rule

1. The State legislature is either suspended or dissolved
2. All the Fundamental Rights are suspended except Article 20 and Article 21
3. The Parliament passes the State budget
4. President can promulgate ordinance for the governance of the State

Select the correct answer using the given codes below:

1. 1 and 2 only
2. 1 and 3 only
3. 1, 3 and 4
4. 1, 2 and 3

Solution (3)

President's rule does not have any effect on Fundamental rights. The other 3 statements are correct.

During its operation, the state executive is dismissed and the state legislature is either suspended or dissolved. The president administers the state through the governor and the Parliament makes laws for the state. In brief, the executive and legislative powers of the state are assumed by the Centre.

6. What is the provision to safeguard the autonomy of the Supreme Court of India?

1. The salaries of the Judges are charged on the Consolidated Fund of India to which the legislature does not have to vote.
2. The Supreme Court Judges can be removed by the Chief Justice of India only.
3. While appointing the Supreme Court Judges, the President of India has to consult the Chief Justice of India.
4. All appointments of officers and staffs of the Supreme Court of India are made by the Government only after consulting the Chief Justice of India.

Select the correct answer using the given codes below:

1. 1 only
2. 1 and 4
3. 1, 2 and 3
4. 1, 2, 3 and 4

Solution (2)

The Supreme Court Judges can be removed by an order of the President, which must be supported by a special majority of each house of the Parliament and not by Chief Justice of India.

The 3rd statement - While appointing the Supreme Court Judges, the President of India has to consult the Chief Justice of India – also safeguards the autonomy of the Supreme Court (as this provision curtails the absolute discretion of the executive as well as ensures that the judicial appointments are not based on any political or practical considerations). But considering the answer options given, the correct (best) choice would be option 2, that is statement 1 and 4 are correct.

7. In the Indian context, which among the following institutions can change the jurisdiction of a High Court?

1. the Parliament
2. the President of India
3. the Chief Justice of India
4. the Chief Justice of the concerned High Court

Solution (1)

The Constitution empowers the Parliament and the state legislature to change the jurisdiction and powers of a high court.

8. In which of the following cases is the imposition of the President's Rule is improper or not appropriate?

1. Maladministration in the State
2. Incase of a Hung Assembly
3. Allegations of corruption against the ministry
4. When a constitutional direction of the Central government is disregarded by the State government

Select the correct answer using the given codes below:

1. 2, 3 and 4
2. 1 and 3 only
3. 4 Only

4. 1, 2 and 4

Solution (2)

Imposition of President's Rule in a state would be proper - Where after general elections to the assembly, no party secures a majority, that is, 'Hung Assembly'; and improper when there is Maladministration in the state or allegations of corruption against the ministry or stringent financial exigencies of the state.

9. Consider the following statements:

1. During the operation of a financial emergency, the salaries of the central officials serving the State government can be reduced
2. During the operation of a national emergency, the Centre becomes entitled to give executive directions to a state on any matter.
3. During the operation of a financial emergency, the salaries of the High Court Judges can be reduced

Select the correct answer using the given codes below:

1. 1 and 2
2. 1 and 3
3. 2 and 3
4. 1, 2 and 3

Solution (4)

During the operation of a national emergency (under Article 352), the Centre becomes entitled to give executive directions to a state on 'any' matter. Thus, the state governments are brought under the complete control of the Centre, though they are not suspended.

During the operation of a financial emergency (under Article 360), the Centre can direct the states to observe canons of financial propriety and the President can give other necessary directions including the reduction of salaries of persons serving in the state and the high court judges.

10. Consider the following statements:

1. A Judge can resign his/her office by writing to the President
2. Constitutional cases are decided by a bench consisting of minimum of three judges

3. The Judges of the High Court of the States in India are appointed by the Governor of the State just as the Judges of the Supreme Court are appointed by the President

Select the correct answer using the given codes below:

1. 1 and 3
2. 2 Only
3. 1, 2 and 3
4. 2 and 3

Solution (2)

The Judges of the High Court are appointed by the President and not the Governor. 2nd statement is Correct. Constitution bench is the name given to the benches of the Supreme Court of India which consist of at least five judges of the court which sit to decide any case “involving a substantial question of law as to the interpretation” of the Constitution of India.

11. Consider the following statements regarding India’s population in recent times

1. There is an increasing trend in share of population in the age group of 0-14 age group.
2. There is a declining trend in percentage of elderly (60+) on account of poor health facilities.

Select the correct code

1. Only 1
2. Only 2
3. Both
4. None

Solution- 4

It is exactly opposite. Decline in age group of 0-14 and increase in percentage of elderly, on account of better health facilities.

12. As per Economic Survey and other government reports, impediments to India’s growth is/are

1. Increasing Child Population
2. Inadequacy of Human Capital at the base of population pyramid
3. Lack of Basic Skill

Select the correct code

1. 1, 2 and 3
2. 2 and 3
3. 1 and 3
4. 1 and 2

Solution- 2

Decline in child population, inadequacy in human capital and lack of basic skills

13. What are the initiatives of GoI that aims to enhance access, equality, quality and innovation in the area of higher and vocational education

1. Rashtriya Uchchar Shiksha Abhiyan (RUSA)
2. Sarva Shiksha Abhiyaan (SSA)
3. Mid Day Meal (MDM)
4. Technical Education Quality Improvement Programme (TEQIP)
5. National Skill Qualification Framework (NSQF).

Select the correct code

1. 1, 2, 4 and 5
2. 1, 4 and 5
3. 2, 3 and 4
4. 2, 3 and 5

Solution- 2

As per survey

1. Rashtriya Uchchar Shiksha Abhiyan (RUSA)
2. Technical Education Quality Improvement Programme (TEQIP)
3. National Skill Qualification Framework (NSQF).

14. The initiatives that aim at bringing minorities into mainstream development

1. Nai Manzil
2. MANAS
3. Nai Roshni

4. USTTAD

Select the correct code

1. 1, 2, 3 and 4
2. 2, 3 and 4
3. 1, 3 and 4
4. 1, 2 and 4

Solution- 1

All are for minority

15. Consider the following

1. Textile Industry
2. IT/BPO
3. Metal Industry
4. Leather Industry

Arrange the above sectors according in decreasing order of employment generation

1. 3-2-4-1
2. 1-2-3-4
3. 2-1-3-4
4. 2-1-4-3

Solution- 2

Economic Survey

At industry level, the highest jump in employment is observed in the textile including apparel sector, where employment has increased by 69,000 during June 2014 over March 2014, followed by 51,000 in IT/BPOs, 47,000 in metals, 7000 each in leather and gems & jewellery and 1000 in the automobiles sector.