

TOPICS:

- Emergency provisions
- Judiciary

PRELIMS MCQ's:

Q.1) Consider the following statements

1. The President can declare a national emergency even before the actual occurrence of war or armed rebellion
2. The President can proclaim a national emergency only after receiving a written recommendation from the cabinet

Which of the above statement[s] is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

Q.1) Solution (c)

Under Article 352 (National Emergency), 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.

Originally, the Constitution mentioned 'internal disturbance' as the third ground for the proclamation of a National Emergency, but the expression was too vague and had a wider connotation. Hence, the 44th Amendment Act of 1978 substituted the words 'armed rebellion' for 'internal disturbance'. Thus, it is no longer possible to declare a National Emergency on the ground of 'internal disturbance' as was done in 1975 by the Congress government headed by Indira Gandhi.

The President, however, can proclaim a national emergency only after receiving a written recommendation from the cabinet. This means that the emergency can be declared only on the concurrence of the cabinet and not merely on the advice of the prime minister. In 1975, the then Prime Minister, Indira Gandhi advised the president to proclaim emergency without consulting her cabinet.

The cabinet was informed of the proclamation after it was made, as a fait accompli. The 44th Amendment Act of 1978 introduced this safeguard to eliminate any possibility of the prime minister alone taking a decision in this regard.

The 38th Amendment Act of 1975 made the declaration of a National Emergency immune from the judicial review. But, this provision was subsequently deleted by the 44th Amendment Act of 1978.

Further, in the *Minerva Mills* case, (1980), the Supreme Court held that the proclamation of a national emergency can be challenged in a court on the ground of malafide or that the declaration was based on wholly extraneous and irrelevant facts or is absurd or perverse.

Source: Chapter-16 “Emergency Provisions” - Indian Polity by M. Laxmikanth (4th Edition)

Q.2) Article 358 and 359 describes the effect of National emergency on Fundamental Rights. With regard to this, which of the following statements is *incorrect*?

- a) Article 358 deals with the suspension of the Fundamental Rights guaranteed by Article 19 only
- b) Article 359 empowers the Parliament to suspend the enforcement of the specified Fundamental Rights in the Presidential order
- c) Legislative and Executive actions taken during the national emergency cannot be challenged even after the emergency ceases to operate
- d) Article 359 operates in case of both External Emergency as well as Internal Emergency

Q.2) Solution (b)

Article 358 deals with the suspension of the Fundamental Rights guaranteed by Article 19, while Article 359 deals with the suspension of other Fundamental Rights (except those guaranteed by Articles 20 and 21). These two provisions are explained below:

(a) Suspension of Fundamental Rights under Article 19 According to Article 358, when a proclamation of national emergency is made, the six Fundamental Rights under Article 19 are automatically suspended. No separate order for their suspension is required. While a proclamation of national emergency is in operation, the state is freed from the restrictions imposed by Article 19.

In other words, the state can make any law or can take any executive action abridging or taking away the six Fundamental Rights guaranteed by Article 19. Any such law or executive action cannot be challenged on the ground that they are inconsistent with the six Fundamental Rights guaranteed by Article 19. When the National Emergency ceases to

operate, Article 19 automatically revives and comes into force. Any law made during Emergency, to the extent of inconsistency with Article 19, ceases to have effect. However, no remedy lies for anything done during the Emergency even after the Emergency expires. This means that the **legislative and executive actions taken during the emergency cannot be challenged even after the Emergency ceases to operate.**

Distinction Between Articles 358 and 359

1. Article 358 is confined to Fundamental Rights under Article 19 only whereas Article 359 extends to all those Fundamental Rights whose enforcement is suspended by the Presidential Order.
2. Article 358 automatically suspends the fundamental rights under Article 19 as soon as the emergency is declared. On the other hand, Article 359 does not automatically suspend any Fundamental Right. It only empowers the president to suspend the enforcement of the specified Fundamental Rights.
3. Article 358 operates only in case of External Emergency (that is, when the emergency is declared on the grounds of war or external aggression) and not in the case of Internal Emergency (ie, when the Emergency is declared on the ground of armed rebellion). **Article 359, on the other hand, operates in case of both External Emergency as well as Internal Emergency.**
4. Article 358 suspends Fundamental Rights under Article 19 for the entire duration of Emergency while Article 359 suspends the enforcement of Fundamental Rights for a period specified by the president which may either be the entire duration of Emergency or a shorter period.
5. Article 358 extends to the entire country whereas Article 359 may extend to the entire country or a part of it.
6. Article 358 suspends Article 19 completely while Article 359 does not empower the suspension of the enforcement of Articles 20 and 21.
7. Article 358 enables the State to make any law or take any executive action inconsistent with Fundamental Rights under Article 19 while Article 359 enables the State to make any law or take any executive action inconsistent with those Fundamental Rights whose enforcement is suspended by the Presidential Order.

There is also a similarity between Article 358 and Article 359. Both provide immunity from challenge to only those laws which are related with the Emergency and not other laws. Also, the executive action taken only under such a law is protected by both.

Source: Chapter-16 “Emergency Provisions” - Indian Polity by M. Laxmikanth (4th Edition)

Q.3) Consider the following

1. The Constitution has not fixed the tenure of a judge of the Supreme Court
2. A judge of the Supreme Court can resign his/her office by writing to the President
3. Supreme Court acts as the custodian of the Constitution of India

Which of the above statement[s] is/are correct?

- a) 1 only
- b) 1 and 2 only
- c) 2 only
- d) 1, 2 and 3

Q.3) Solution (d)

Tenure of Judges - **The Constitution has not fixed the tenure of a judge of the Supreme Court.** However, it makes the following three provisions in this regard:

1. He holds office until he attains the age of 65 years. Any question regarding his age is to be determined by such authority and in such manner as provided by Parliament.
2. **He can resign his office by writing to the president.**
3. He can be removed from his office by the President on the recommendation of the Parliament.

The Supreme Court acts as the custodian of the Constitution through its power of judicial review. It is called the custodian of the Constitution because, of the following functions

- To interpret the Constitution in such a way, that the intent of the founding Fathers is taken into consideration.
- To safeguard the fundamental rights of the people of this country.
- To protect the Constitution from any un-constitutional amendments passed by the parliament, by exercising the power of judicial review.

Source: Chapter-25 "Supreme Court" - Indian Polity by M. Laxmikanth (4th Edition)

Q.4) Which of the following statement is *incorrect*?

- a) The district judge possesses original and appellate jurisdiction in both civil and criminal matters

- b) The district judge exercises both judicial and administrative powers
- c) A sessions judge has the power to impose any sentence including life imprisonment and capital punishment
- d) None

Q.4) Solution (d)

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.** He also has supervisory powers over all the subordinate courts in the district. Appeals against his orders and judgements lie to the High Court. **The sessions judge has the power to impose any sentence including life imprisonment and capital punishment** (death sentence). However, a capital punishment passed by him is subject to confirmation by the High Court, whether there is an appeal or not.

Source: Chapter-31 “Subordinate Courts” - Indian Polity by M. Laxmikanth (4th Edition)

Q.5) What is the provision to safeguard the autonomy of the Supreme Court of India?

1. While appointing the Supreme Court Judges, the President of India has to consult the Chief Justice of India.
2. The Supreme Court Judges can be removed by the Chief Justice of India only.
3. The salaries of the Judges are charged on the Consolidated Fund of India to which the legislature does not have to vote.
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.

Which of the statements given above is/are correct?

- a) 1 and 3 only
- b) 3 and 4 only
- c) 4 only
- d) 1, 2, 3 and 4

Solution (a)**Independence of Supreme Court**

The Supreme Court has been assigned a very significant role in the Indian democratic political system. It is a federal court, the highest court of appeal, the guarantor of the fundamental rights of the citizens and guardian of the Constitution. Therefore, its independence becomes very essential for the effective discharge of the duties assigned to it. It should be free from the encroachments, pressures and interferences of the executive (council of ministers) and the Legislature (Parliament). It should be allowed to do justice without fear or favour.

The Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of the Supreme Court:

1. Mode of Appointment The judges of the Supreme Court are appointed by the President (which means the cabinet) in consultation with the members of the judiciary itself (ie, judges of the Supreme Court and the high courts). 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.

2. Security of Tenure -The judges of the Supreme Court are provided with the Security of Tenure. They can be removed from office by the President only in the manner and on the grounds mentioned in the Constitution. This means that they do not hold their office during the pleasure of the President, though they are appointed by him. This is obvious from the fact that no judge of the Supreme Court has been removed (or impeached) so far.

3. Fixed Service Conditions The salaries, allowances, privileges, leave and pension of the judges of the Supreme Court are determined from time to time by the Parliament. They cannot be changed to their disadvantage after their appointment except during a financial emergency. Thus, the conditions of service of the judges of the Supreme Court remain same during their term of Office.

4. Expenses Charged on Consolidated Fund The salaries, allowances and pensions of the judges and the staff as well as all the administrative expenses of the Supreme Court are charged on the Consolidated Fund of India. Thus, they are non-votable by the Parliament (though they can be discussed by it).

5. Conduct of Judges cannot be Discussed The Constitution prohibits any discussion in Parliament or in a State Legislature with respect to the conduct of the judges of the Supreme Court in the discharge of their duties, except when an impeachment motion is under consideration of the Parliament.

6. Ban on Practice after Retirement The retired judges of the Supreme Court are prohibited from pleading or acting in any Court or before any authority within the territory of India. This ensures that they do not favour any one in the hope of future favour.

7. **Power to Punish for its Contempt** The Supreme Court can punish any person for its contempt. Thus, its actions and decisions cannot be criticised and opposed by any body. This power is vested in the Supreme Court to maintain its authority, dignity and honour.

8. **Freedom to Appoint its Staff** The Chief Justice of India can appoint officers and servants of the Supreme Court without any interference from the executive. He can also prescribe their conditions of service.

9. **Its Jurisdiction cannot be Curtailed** The Parliament is not authorised to curtail the jurisdiction and powers of the Supreme Court. The Constitution has guaranteed to the Supreme Court, jurisdiction of various kinds. However, the Parliament can extend the same.

10. **Separation from Executive** The Constitution directs the State to take steps to separate the Judiciary from the Executive in the public services. This means that the executive authorities should not possess the judicial powers. Consequently, upon its implementation, the role of executive authorities in judicial administration came to an end

Source: Chapter-25 “Supreme Court” - Indian Polity by M. Laxmikanth (4th Edition)

Q.6) Consider the following

1. The Parliament can curtail the jurisdiction of the Supreme Court
2. The Constitution authorises the Chief Justice of India to appoint other place or places as seat of the Supreme Court

Which of the above statement[s] is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

Q.6) Solution (b)

Seat of Supreme Court -The Constitution declares Delhi as the seat of the Supreme Court. But, it also **authorises the chief justice of India to appoint other place or places as seat of the Supreme Court**. He can take decision in this regard only with the approval of the President. This provision is only optional and not compulsory. This means that no court can give any direction either to the President or to the Chief Justice to appoint any other place as a seat of the Supreme Court.

The SC's Jurisdiction cannot be Curtailed - **The Parliament is not authorised to curtail the jurisdiction and powers of the Supreme Court.** The Constitution has guaranteed to the Supreme Court, jurisdiction of various kinds. However, the Parliament can extend the same.

Source: Chapter-25 "Supreme Court" - Indian Polity by M. Laxmikanth (4th Edition)

Q.7) Which of the following statement is *not true* with regard to President's rule in India?

- a) A proclamation imposing President's Rule must be approved by both the Houses of Parliament within one month from the date of its issue
- b) It has no effect on the Fundamental Rights of the citizens
- c) It can be extended to a maximum period of three years
- d) None

Q.7) Solution (a)

A proclamation imposing President's Rule must be approved by both the Houses of Parliament within two months from the date of its issue. However, if the proclamation of President's Rule is issued at a time when the Lok Sabha has been dissolved or the dissolution of the Lok Sabha takes place during the period of two months without approving the proclamation, then the proclamation survives until 30 days from the first sitting of the Lok Sabha after its reconstitution, provided the Rajya Sabha approves it in the mean time.

If approved by both the Houses of Parliament, the President's Rule continues for six months. It can **be extended for a maximum period of three years with the approval of the Parliament, every six months.** However, if the dissolution of the Lok Sabha takes place during the period of six months without approving the further continuation of the President's Rule, then the proclamation survives until 30 days from the first sitting of the Lok Sabha after its reconstitution, provided the Rajya Sabha has in the meantime approved its continuance.

Unlike National Emergency, the **President's rule has no effect on FR's of the citizens**

Every resolution approving the proclamation of President's Rule or its continuation can be passed by either House of Parliament only by a simple majority, that is, a majority of the members of that House present and voting.

The 44th Amendment Act of 1978 introduced a new provision to put restraint on the power of Parliament to extend a proclamation of President's Rule beyond one year. Thus, it provided that, beyond one year, the President's Rule can be extended by six months at a time only when the following two conditions are fulfilled:

1. a proclamation of National Emergency should be in operation in the whole of India, or in the whole or any part of the state; and
2. the Election Commission must certify that the general elections to the legislative assembly of the concerned state cannot be held on account of difficulties.

A proclamation of President's Rule may be revoked by the President at any time by a subsequent proclamation. Such a proclamation does not require the parliamentary approval.

Source: Chapter-16 "Emergency Provisions" - Indian Polity by M. Laxmikanth (4th Edition)

Q.8) Every resolution of Parliament approving the proclamation of President's Rule or its continuance can be passed

- a) only by a simple majority by either House of Parliament
- b) only by a special majority by either House of Parliament
- c) only by a simple majority of Lok Sabha
- d) only by a special majority of Lok Sabha

Q.8) Solution (a)

Every resolution approving the proclamation of President's Rule or its continuation can be passed by either House of Parliament only by a simple majority, that is, a majority of the members of that House present and voting.

Source: Chapter-16 "Emergency Provisions" - Indian Polity by M. Laxmikanth (4th Edition)

Q.9) Consider the following statements

1. The power to increase the number of judges in the Supreme Court of India is vested in the Parliament
2. 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

Which of the above statement[s] is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

Q.9) Solution (a)

In February 2009, the centre notified an increase in the number of Supreme Court judges from twenty-six to thirty-one, including the Chief Justice of India. This followed the enactment of the Supreme Court (Number of Judges) Amendment Act, 2008. Originally, the strength of the Supreme Court was fixed at eight (one chief justice and seven other judges). **The Parliament has increased this number of other judges** progressively to ten in 1956, to thirteen in 1960, to seventeen in 1977 and to twenty-five in 1986.

Latest fact: There are currently **28 sitting judges, against a maximum possible strength of 31**. There is only one lady sitting judge. As per the Constitution of India, Supreme Court judges retire at age 65

Jagdish Singh Khehar is the current Chief Justice of India, after T. S. Thakur retired on 3 January 2017

Appointment of Judges- The **judges of the Supreme Court are appointed by the president**. The chief justice is appointed by the president after consultation with such judges of the Supreme Court and high courts as he deems necessary. The other judges are appointed by president after consultation with the chief justice and such other judges of the Supreme Court and the high courts as he deems necessary. The consultation with the chief justice is obligatory in the case of appointment of a judge other than Chief justice.

The **judges of a high court are appointed by the President**. The chief justice is appointed by the President after consultation with the chief justice of India and the governor of the state concerned. For appointment of other judges, the chief justice of the concerned high court is also consulted. In case of a common high court for two or more states, the governors of all the states concerned are consulted by the President.

Source: Chapter-25 "Supreme Court" & Chapter-30 "High Court" - Indian Polity by M. Laxmikanth (4th Edition)

Q.10) According to the Constitution, a Judge of the Supreme Court or a High Court can be impeached by

- a) a majority of not less than two-thirds of the members of each House present and voting
- b) a majority of not less than two-thirds of total membership of each House
- c) a majority of the total membership of each House and a majority of not less than two-thirds of the members of each House present and voting
- d) None

Q.10) Solution (c)

Removal of Judges - A judge of the Supreme Court can be removed from his Office by an order of the president. The President can issue the removal order only after an address by Parliament has been presented to him in the same session for such removal. **The address must be supported by a special majority of each House of Parliament (ie, a majority of the total membership of that House and a majority of not less than two-thirds of the members of that House present and voting).** The grounds of removal are two—proved misbehaviour or incapacity.

a majority of not less than two-thirds of total membership of each House – **removal of President**

The Judges Enquiry Act (1968) regulates the procedure relating to the removal of a judge of the Supreme Court by the process of impeachment:

1. A removal motion signed by 100 members (in the case of Lok Sabha) or 50 members (in the case of Rajya Sabha) is to be given to the Speaker/Chairman.
2. The Speaker/Chairman may admit the motion or refuse to admit it.
3. If it is admitted, then the Speaker/Chairman is to constitute a three-member committee to investigate into the charges.
4. The committee should consist of (a) the chief justice or a judge of the Supreme Court, (b) a chief justice of a high court, and (c) a distinguished jurist.
5. If the committee finds the judge to be guilty of misbehaviour or suffering from an incapacity, the House can take up the consideration of the motion.
6. After the motion is passed by each House of Parliament by special majority, an address is presented to the president for removal of the judge.
7. Finally, the president passes an order removing the judge.

It is interesting to know that no judge of the Supreme Court has been impeached so far.

Source: Chapter-25 “Supreme Court” & Chapter-30 “High Court” - Indian Polity by M. Laxmikanth (4th Edition)

Q.11) With regard to the structure of judiciary in India, consider the following statements

1. The organisational structure and jurisdiction of the subordinate judiciary are laid down by the respective State government
2. Munsiff's Courts are the lowest in the hierarchy of criminal courts in India

Which of the above statement[s] is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

Q.11) Solution (a)

The organisational structure, jurisdiction and nomenclature of the subordinate judiciary are laid down by the states. Hence, they differ slightly from state to state. Broadly speaking, there are three tiers of civil and criminal courts below the High Court.

The district judge is the highest judicial authority in the district.

Below the District and Sessions Court stands the Court of Subordinate Judge on the civil side and the Court of Chief Judicial Magistrate on the criminal side. The subordinate judge exercises unlimited pecuniary jurisdiction over civil suits. The chief judicial magistrate decides criminal cases which are punishable with imprisonment for a term up to seven years.

At the **lowest level, on the civil side, is the Court of Munsiff** and on the criminal side, is the Court of Judicial Magistrate. The munsiff possesses limited jurisdiction and decides civil cases of small pecuniary stake. The judicial magistrate tries criminal cases which are punishable with imprisonment for a term up to three years.

Source: Chapter-31 "Subordinate Courts" - Indian Polity by M. Laxmikanth (4th Edition)

Q.12) With regard to Financial emergency, consider the following statements

1. A resolution approving the proclamation of financial emergency can be passed by either House of Parliament only by a simple majority
2. Financial Emergency continues indefinitely till it is revoked

Which of the above statement[s] is/are correct?

- a) 1 only
- b) 2 only

- c) Both 1 and 2
- d) Neither 1 nor 2

Q.12) Solution (c)

A proclamation declaring financial emergency must be **approved by both the Houses of Parliament within two months** from the date of its issue. However, if the proclamation of Financial Emergency is issued at a time when the Lok Sabha has been dissolved or the dissolution of the Lok Sabha takes place during the period of two months without approving the proclamation, then the proclamation survives until 30 days from the first sitting of the Lok Sabha after its reconstitution, provided the Rajya Sabha has in the meantime approved it.

Once approved by both the Houses of Parliament, the **Financial Emergency continues indefinitely till it is revoked**. This implies two things:

1. **there is no maximum period prescribed for its operation**; and
2. repeated parliamentary approval is not required for its continuation.

A resolution approving the proclamation of financial emergency can be passed by either House of Parliament only by a simple majority, that is, a majority of the members of that house present and voting.

A proclamation of Financial Emergency may be revoked by the president at anytime by a subsequent proclamation. Such a proclamation does not require the parliamentary approval.

Source: Chapter-16 “Emergency Provisions” - Indian Polity by M. Laxmikanth (4th Edition)

Q.13) With regard to the writ jurisdiction of Supreme and High Court, consider the following

1. The writ jurisdiction of the Supreme Court is wider than that of the High Court
2. The High Court can issue writs for the enforcement of both fundamental rights and ordinary legal rights of the citizen
3. When the fundamental rights of a citizen are violated, the aggrieved party has the option of moving either the high court or the Supreme Court directly

Choose the correct code

- a) 1 only
- b) 2 and 3 only

- c) 1 and 3 only
- d) 1 and 2 only

Q.13) Solution (b)

Writ Jurisdiction -**Article 226** of the Constitution empowers a high court to issue writs including habeas corpus, mandamus, certiorari, prohibition and quo-warranto for the enforcement of the **fundamental rights of the citizens and for any other purpose**. The phrase 'for any other purpose' refers to the **enforcement of an ordinary legal right**. The high court can issue writs to any person, authority and government not only within its territorial jurisdiction but also outside its territorial jurisdiction if the cause of action arises within its territorial jurisdiction.

The writ jurisdiction of the high court (under Article 226) is not exclusive but concurrent with the writ jurisdiction of the Supreme Court (under Article 32). It means, when the fundamental rights of a citizen are violated, the aggrieved party has the option of moving either the high court or the Supreme Court directly. However, **the writ jurisdiction of the high court is wider than that of the Supreme Court**. This is because, the Supreme Court can issue writs only for the enforcement of fundamental rights and not for any other purpose, that is, it does not extend to a case where the breach of an ordinary legal right is alleged.

Source: Chapter-25 "Supreme Court" & Chapter-30 "High Court" - Indian Polity by M. Laxmikanth (4th Edition)

Q.14) Which of the following are included in the original jurisdiction of the Supreme Court?

1. A dispute between the Government of India and one or more States
2. A dispute regarding elections to either House of the Parliament or that of Legislature of a State
3. A dispute between the Government of India and a Union Territory
4. A dispute between two or more States

Select the correct answer using the codes given below:

- a) 1 and 2
- b) 2 and 3
- c) 1 and 4
- d) 3 and 4

Q.14) Solution (c)

Original Jurisdiction -As a federal court, the Supreme Court decides the disputes between different units of the Indian Federation. More elaborately, any dispute between:

- (a) the **Centre and one or more states**; or
- (b) the Centre and any state or states on one side and one or more states on the other; or
- (c) **between two or more states.**

In the above **federal disputes**, the **Supreme Court has exclusive original jurisdiction**. Exclusive means, no other court can decide such disputes and original means, the power to hear such disputes in the first instance, not by way of appeal.

With regard to the exclusive original jurisdiction of the Supreme Court, two points should be noted. One, the dispute must involve a question (whether of law or fact) on which the existence or extent of a legal right depends. Thus, the questions of political nature are excluded from it. Two, any suit brought before the Supreme Court by a private citizen against the Centre or a state cannot be entertained under this.

Source: Chapter-25 “Supreme Court” - Indian Polity by M. Laxmikanth (4th Edition)

Q.15) Which of the following is *incorrect*?

- a) A resolution for disapproval of National Emergency requires to be passed by the Lok Sabha only
- b) A resolution of approval for the continuation of National Emergency needs to be passed by the both Houses of Parliament by a simple majority
- c) A resolution for disapproval of National Emergency is adopted by a simple majority only
- d) A resolution of approval for the continuation of National Emergency is adopted by a special majority only

Q.15) Solution (b)

A **resolution of disapproval** of National Emergency (A 352) 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.

Source: Chapter-16 “Emergency Provisions” - Indian Polity by M. Laxmikanth (4th Edition)

Q.16) The Constitution has conferred extensive jurisdiction and powers to both Supreme and High Court. Which of the following jurisdiction or power is exclusive to Supreme Court?

1. Original Jurisdiction
2. Appeal by Special Leave
3. Advisory Jurisdiction
4. A Court of Record
5. Looking into the disputes regarding the election of President and Vice-President
6. Administrative control over subordinate courts

Choose the correct code

- a) 2, 3 and 5 only
- b) 1, 2, 4 and 6
- c) 1, 2, 3 and 5
- d) 2 and 3 only

Q.16) Solution (a)

The jurisdiction and powers of the Supreme Court can be classified into the following:

- Original Jurisdiction.
- Writ Jurisdiction.
- Appellate Jurisdiction – **Appeal by Special Leave**
- **Advisory Jurisdiction.**
- A Court of Record.
- Power of Judicial Review.
- Other Powers.

A high court enjoys the following jurisdiction and powers:

- Original jurisdiction.
- Writ jurisdiction.
- Appellate jurisdiction.
- Supervisory jurisdiction.
- Control over subordinate courts.

- A court of record.
- Power of judicial review.

1. Original jurisdiction – it means power of a court to hear disputes in the first instance

Both SC & HC have original jurisdiction but in different matters. *SC has original jurisdiction In Federal matters, whereas HC has original jurisdiction in matters related to marriage, divorce, will, disputes relating to election of members of Parliament and State Legislature etc.*

2. Appellate Jurisdiction -As mentioned earlier, the Supreme Court has not only succeeded the Federal Court of India but also replaced the British Privy Council as the highest court of appeal. The Supreme Court is primarily a court of appeal and hears appeals against the judgements of the lower courts. It enjoys a wide appellate jurisdiction which can be classified under four heads:

(a) Appeals in constitutional matters.

(b) Appeals in civil matters.

(c) Appeals in criminal matters.

(d) Appeals by special leave - The Supreme Court is authorised to grant in its discretion special leave to appeal from any judgement in any matter passed by any court or tribunal in the country (except military tribunal and court martial)

3. Advisory Jurisdiction -The Constitution (**Article 143**) authorises the president to seek the opinion of the Supreme Court in the two categories of matters:

(a) On any question of law or fact of public importance which has arisen or which is likely to arise.

(b) On any dispute arising out of any pre-constitution treaty, agreement, covenant, engagement, sanad or other similar instruments

4. A Court of Record - As a Court of Record, the Supreme Court and High Court (**common to both**) has two powers:

(a) The judgements, proceedings and acts of the Supreme Court are recorded for perpetual memory and testimony. These records are admitted to be of evidentiary value and cannot

be questioned when produced before any court. They are recognised as legal precedents and legal references.

(b) It has power to punish for contempt of court, either with simple imprisonment for a term up to six months or with fine up to `2,000 or with both. In 1991, the Supreme Court has ruled that it has power to punish for contempt not only of itself but also of high courts, subordinate courts and tribunals functioning in the entire country.

Contempt of court may be civil or criminal. Civil contempt means wilful disobedience to any judgement, order, writ or other process of a court or wilful breach of an undertaking given to a court. Criminal contempt means the publication of any matter or doing an act which— (i) scandalises or lowers the authority of a court; or (ii) prejudices or interferes with the due course of a judicial proceeding; or (iii) interferes or obstructs the administration of justice in any other manner.

However, innocent publication and distribution of some matter, fair and accurate report of judicial proceedings, fair and reasonable criticism of judicial acts and comment on the administrative side of the judiciary do not amount to contempt of court.

5. The Supreme Court decides the disputes regarding the election of the president and the vice-president. In this regard, it has the original, exclusive and final authority.

6. Control over Subordinate Courts - this power/jurisdiction belongs to High Court

In addition to its appellate jurisdiction and supervisory jurisdiction over the subordinate courts as mentioned above, a **high court has an administrative control and other powers over them.** These include the following:

(a) It is consulted by the governor in the matters of appointment, posting and promotion of district judges and in the appointments of persons to the judicial service of the state (other than district judges).

(b) It deals with the matters of posting, promotion, grant of leave, transfers and discipline of the members of the judicial service of the state (other than district judges).

(c) It can withdraw a case pending in a subordinate court if it involves a substantial question of law that require the interpretation of the Constitution. It can then either dispose of the case itself or determine the question of law and return the case to the subordinate court with its judgement.

(d) Its law is binding on all subordinate courts functioning within its territorial jurisdiction in the same sense as the law declared by the Supreme Court is binding on all courts in India.

Source: Chapter-25 “Supreme Court” & Chapter-30 “High Court” - Indian Polity by M. Laxmikanth (4th Edition)

Q.17) Consider the following statements about ‘The Lisbon Treaty’

1. It amended the Maastricht Treaty, Treaties of Rome, and other documents to simplify and streamline the institutions that govern the European Union
2. It established procedures for a member country to leave the European Union

Select the correct statements

- a) Only 1
- b) Only 2
- c) Both 1 and 2
- d) Neither 1 nor 2

Q.17) Solution (c)

The Lisbon Treaty updated regulations for the European Union, establishing a more centralized leadership and foreign policy, a proper process for countries that wish to leave the Union, and a streamlined process for enacting new policies. The treaty was signed on December 13, 2007, in Lisbon, Portugal, and amends the two previous treaties that established the foundation for the European Union.

Also known as the Treaty of Lisbon.

The Lisbon Treaty was signed by the 27 member states of the European Union and officially took effect in December of 2009, two years after it was signed. It amends two existing treaties, the Treaty of Rome and the Maastricht Treaty.

Treaty of Rome: Signed in 1957, this treaty introduced the European Economic Community (EEC), reduced customs regulations between member countries, and facilitated a single market for goods and the set of policies for transporting them. Also known as the Treaty on the Functioning of the European Union (TFEU).

Maastricht Treaty: Signed in 1992, this treaty established the three pillars of the European Union and paved the way for the euro, the common currency. Also known as the Treaty on European Union (TEU).

While these previous treaties set ground rules and tenets of the European Union, the Lisbon Treaty went further to establish new Union-wide roles and official legal procedures.

The Lisbon Treaty was built on existing treaties but adopted new rules to enhance cohesion and streamline action within the European Union. Important articles of the Lisbon Treaty include:

Article 18: Established protocol for electing a High Representative of the Union for Foreign Affairs and Security Policy. Elected in or out of office by a majority vote, this Representative oversees the Union's foreign and security affairs.

Article 21: Detailed global diplomatic policy for the European Union, based on the principles of universal human rights, democracy and development. The Union pledged to forge alliances with those countries that support these beliefs and reach out to third-world nations to help them develop.

Article 50: Established procedures for a member country to leave the European Union.

The Lisbon Treaty also replaced the previously rejected Constitutional Treaty, which attempted to establish a Union constitution. Member countries couldn't agree on the voting procedures established in the constitution, since some countries, such as Spain and Poland, would lose voting power. The Lisbon Treaty resolved this issue by proposing weighted votes and extending the reach of qualified majority voting.

Q.18) Consider the following statements about Zircons'

1. It contains trace amounts of uranium and thorium
2. It can survive geologic processes like erosion, transport and high-grade metamorphism
3. India leads the world in zircon mining

Select the correct statements

- a) 1 and 2
- b) 2 and 3
- c) 1 and 3
- d) All of the above

Q.18) Solution (a)

Zircon is a common accessory to trace mineral constituent of most granite and felsic igneous rocks. Due to its hardness, durability and chemical inertness, zircon persists in sedimentary

deposits and is a common constituent of most sands. Zircon is rare within mafic rocks and very rare within ultramafic rocks aside from a group of ultrapotassic intrusive rocks such as kimberlites, carbonatites, and lamprophyre, where zircon can occasionally be found as a trace mineral owing to the unusual magma genesis of these rocks.

Australia leads the world in zircon mining, producing 37% of the world total and accounting for 40% of world EDR (economic demonstrated resources) for the mineral. South Africa is Africa's main producer, with 30% of world production, second after Australia.

Zircon has played an important role during the evolution of radiometric dating. Zircons contain trace amounts of uranium and thorium (from 10 ppm up to 1 wt%) and can be dated using several modern analytical techniques. Because zircons can survive geologic processes like erosion, transport, even high-grade metamorphism, they contain a rich and varied record of geological processes. Currently, zircons are typically dated by uranium-lead (U-Pb), fission-track, cathodoluminescence, and U+Th/He techniques. For instance, imaging the cathodoluminescence emission from fast electrons can be used as a prescreening tool for high-resolution secondary-ion-mass spectrometry (SIMS) to image the zonation pattern and identify regions of interest for isotope analysis. This is done using an integrated cathodoluminescence and scanning electron microscope. Zircons in sedimentary rock can identify the sediment source.

Source: <http://www.thehindu.com/sci-tech/science/%E2%80%98Lost-continent%E2%80%99-found-lurking-under-Mauritius/article17129176.ece>

Q.19) Consider the following statements about Tribal Health Care Project

1. It was started by the Ministry of Health and Family Welfare
2. The objective of the project is to collect and document the folk claims and local health traditions to enable research

Select the correct statements

- a) Only 1
- b) Only 2
- c) Both 1 and 2
- d) Neither 1 nor 2

Q.19) Solution (b)

The Tribal Health Care Research Program (THCRP) was started by the Central Council for Research in Ayurvedic Sciences (CCRAS), an autonomous organization under Central

Government in 1982. The project involves studies of the living condition of tribal people including health Traditions (LHT); use of common medicinal plants in the area; propagation of knowledge about hygiene and prevention of diseases; and extending medical aid at door steps. The objectives of the project are as under:

- Provide health care facility to tribal population;
- Promote healthy living among tribes; and
- Collect and document the folk claims and local health traditions to enable research etc.

Q.20) Consider the following statements about Al-Qaida Sanctions Committee

1. Only the permanent members of the United Nations Security Council (UNSC) are on the Sanctions Committee
2. India is not on the Sanctions Committee
3. The 10-member 'Analytical Support and Sanctions Monitoring Team' comprising independent experts assists the Sanctions Committee

Select the correct statements

- a) 1 and 2
- b) 2 and 3
- c) 1 and 3
- d) All of the above

Q.20) Solution (b)

The fifteen members (Permanent and non-permanent) of the United Nations Security Council (UNSC) are on the Sanctions Committee. India is currently not a member of the UNSC and hence also not on the Sanctions Committee.

The 10-member 'Analytical Support and Sanctions Monitoring Team' comprising independent experts assists the Sanctions Committee.

Depending on the vacancies available, India and all other member states can forward nominations of their nationals to serve on the monitoring team.

The final selection of the team is made by the UN secretariat based on assessment of the individual qualifications of the candidate.

The monitoring team works in tandem with the UN Secretariat to standardise the format of all United Nations sanctions lists and also assists the Committee in regularly reviewing names on it.

Source: <http://www.ndtv.com/india-news/united-nations-seeks-indias-nominee-for-anti-terror-panel-1656216>

Q.21) Consider the following statements about 'Composite Floor Testing'

1. If there is more than one person staking claim to form the government and the majority is not clear the governor may call for a special session to see who has the majority.
2. It was a Supreme Court innovation in 1998 in Jagadambika Pal case
3. The vote can either be orally, secret, ballot or electronic

Which of the following statements is/are correct?

- a) 1 and 2
- b) 2 and 3
- c) 1 and 3
- d) All of the above

Q.21) Solution (d)

It was a Supreme Court innovation in 1998 to resolve a tussle after Kalyan Singh govt (BJP) was toppled and Jagadambika Pal (Congress) was made the CM. Each MLA in the UP House was given a ballot paper to indicate their preference and append their signature. Pal lost by 29 votes. He was the CM for just three days. Pal now is a BJP MP.

If the Assembly strength of a govt is in question, the chief minister can move a confidence motion in the House, and prove his majority. The vote is for or against one candidate, not two, as in the case of a composite vote.

Some legislators may be absent or choose not to vote. The majority is then counted based on those present and voting. This can be done through a voice vote, where the legislators respond orally, or through a division vote.

In case of a division vote, voting can be done using electronic gadgets, slips or in a ballot box. Ballot box is usually a secret voting - just like how people vote during state or parliamentary elections. The person who has the majority will be allowed to form the government. In case there is a tie, the speaker can cast his vote.

Source: <http://timesofindia.indiatimes.com/city/chennai/tn-political-crisis-what-do-floor-test-and-composite-floor-test-mean/articleshow/57150670.cms>

Q.22) Consider the following statements about South Asia Training and Technical Assistance Centre (SARTTAC)

1. It is a venture by the National Development Bank
2. India, Bangladesh, Bhutan, Maldives, Nepal, and Sri Lanka are members of SARTTAC

Which of the following statements is/are correct?

- a) Only 1
- b) Only 2
- c) Both 1 and 2
- d) Neither 1 nor 2

Q.22) Solution (b)

SARTTAC is a collaborative venture between the IMF, the member countries (Bangladesh, Bhutan, India, Maldives, Nepal, and Sri Lanka) , and development partners.

The Center aims at helping its member countries strengthen their institutional and human capacity to design and implement macroeconomic and financial policies that promote growth and reduce poverty in a rapidly growing region that is home to one fifth of the world's population.

SARTTAC will allow the IMF to meet more of the high demand for technical assistance and training from the region

SARTTAC is a collaborative venture between the IMF, the member countries, and development partners. The center's strategic goal is to help its member countries strengthen their institutional and human capacity to design and implement macroeconomic and financial policies that promote growth and reduce poverty.

South Asia is a rapidly growing region that is home to one fifth of the world's population. SARTTAC will allow the IMF to meet more of the high demand for technical assistance and training from the region. Through its team of international resident experts, SARTTAC is expected to become the focal point for the delivery of IMF capacity development services to South Asia.

SARTTAC, the newest addition to the IMF's global network of fourteen regional centers, is a new kind of capacity development institution, fully integrating customized hands-on training

with targeted technical advice in a range of macroeconomic and financial areas, and generating synergies between the two. SARTTAC is located in world class facilities in New Delhi and is financed mainly by its six member countries — Bangladesh, Bhutan, India, Maldives, Nepal, and Sri Lanka — with additional support from Australia, the Republic of Korea, the European Union and the United Kingdom.

A global network of fourteen regional technical assistance and training centers anchor IMF support for economic institution building and are complemented by global thematic funds for capacity development. They are financed jointly by the IMF, external development partners, and member countries.

Source: <http://pib.nic.in/newsite/mbErel.aspx?relid=158430>

Q.23) Country “X” became the world's first country to stop investing in fossil fuels. Which is that country?

- a) Sweden
- b) Ireland
- c) Iceland
- d) Denmark

Q.23) Solution (b)

Source: <http://timesofindia.indiatimes.com/home/environment/ireland-just-became-the-worlds-first-country-to-stop-investing-in-fossil-fuels/articleshow/56872723.cms>

Q.24) Consider the following statements about Maintenance and Welfare of Parents and Senior Citizens Act, 2007

1. Parents can opt to claim maintenance either under Section 125 of the Criminal Procedure Code, 1973 or under Maintenance and Welfare of Parents and Senior Citizens Act, 2007
2. Only biological and adoptive parents can claim maintenance under the Act and not step parents

Which of the following statements is/are correct?

- a) Only 1
- b) Only 2
- c) Both 1 and 2

d) Neither 1 nor 2

Q.24) Solution (a)

In 2007, the Maintenance and Welfare of Parents and Senior Citizens Act was passed to provide maintenance support to elderly parents and senior citizens. The Act establishes the Maintenance Tribunal to provide speedy and effective relief to elderly persons. Section 19 of the act also mandates the establishment of an old age home in every district and provides for the protection of life and property of the elderly.

Parents can opt to claim maintenance either under Section 125 of the Criminal Procedure Code, 1973 or under this Act – they cannot opt for both. If a person has an application under Section 125 pending before the court, a request can be made to the court to withdraw the application. After the withdrawal, the person can file an application before the Maintenance Tribunal under this Act.

Parents - Parents means biological, adoptive and step parents. The age of parents is irrelevant to claim maintenance.

Grandparents - Grandparents includes both maternal and paternal grandparents.

Senior Citizen - A senior citizen is an Indian citizen who is 60 years of age or older.

The only condition for claiming maintenance under this Act is that the persons must be unable to maintain themselves from their own earnings and property.

Read More - <http://vikaspedia.in/social-welfare/senior-citizens-welfare/policies-and-acts>

Source - <http://indianexpress.com/article/india/senior-citizens-below-the-poverty-line-to-get-wheel-chairs-hearing-aids-4539727/>

Q.25) Supreme Court has named a four-member Committee of Administrators to run the affairs of the Board of Control for Cricket in India as part of a continuing judicial exercise to reform the way the body is administering the game. It is chaired by

- a) Vinod Rai
- b) Ramchandra Guha
- c) Sunil Gavaskar
- d) Harsha Bhogale

Q.25) Solution (a)

The Supreme Court has appointed former Comptroller and Auditor General (CAG) Vinod Rai as head of four-member Committee of Administrators to run Board of Control for Cricket in India (BCCI). Other three members of the committee are noted historian Ramachandra Guha, former Indian women's cricket team captain Diana Edulji and managing director of IDFC Limited Vikram Limaye. They will function as the interim bosses of the BCCI and run the day-to-day administration of cricket body till the Lodha Committee reforms are fully implemented and elections held.

