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Q.1) Consider the following pairs.

Constitutional developments	Significance
1. Charter Act of 1833	Indian Legislative Council
2. Charter Act of 1853	Final step towards centralization
3. Government of India Act 1919	Introduction of responsible government in India
4. Government of India Act 1935	Introduction of responsible government in provinces

Which of the pairs given above are correctly matched?

- a) 1 and 3 only
- b) 2 and 3 only
- c) 3 and 4 only
- d) All the above

Q.1) Solution (c)

Charter Act of 1833

- It redesignated the Governor-General of Bengal as the Governor-General of India. Under this provision Lord William Bentinck became the first Governor-General of India.
- It deprived the Governors of Bombay and Madras of their legislative powers. For the first time, the Governor-General's Government was known as the 'Government of India' and his council as the 'India Council'. The Governor-General and his executive council were given exclusive legislative powers for the whole of British India.

Charter Act of 1853

- It separated for the first time, the legislative and executive functions of the governor-general Council. It provided for the addition of six members called legislative councilors to the council. In other words, it established a separate

Governor's General legislative council which came to be known as Indian legislative Council.

Government of India Act 1919

- In November 1917, Montague had visited India to ascertain views from all sections of polity including talks with Gandhi and Jinnah. A detailed report on Constitutional Reforms in India {Mont-Ford Report} was published on 8th July 1918. This report became the basis of Government of India Act 1919. Key features of this report were as follows:
- Increasing association of Indians in every branch of administration.
- Gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire.
- Progress towards responsible government in successive stages.

Government of India Act 1935.

- The most remarkable feature of the Act was the provincial autonomy. With the abolition of Dyarchy at provinces, the entire provincial administration was instructed to the responsible ministers who were controlled and removed by the provincial legislatures.
- The provincial autonomy means two things. First, the Provincial Governments were wholly, responsible to the provincial legislatures and secondly, provinces, were free from outside control and interference in a large number of matters. Thus, in the provincial sphere, the Act of 1935 made a fundamental departure from the act of 1919.

Do you know?

Indian constitution adopted various provisions of government of India Act 1935

- Federal Scheme (also from constitution of Canada)
- Office of Governor
- Judiciary
- Public Service Commission
- Emergency Provisions

- Administrative Details

THINK!

- Indian Independence Act 1947

Q.2) With reference to the Constitution of India, consider the following statements:

1. The Constitution Day is celebrated to commemorate the commencement of constitution.
2. Republic Day is celebrated to commemorate the adoption of constitution.

Which of the above statement is/are correct?

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

Q.2) Solution (d)

Constitution Day (National Law Day), also known as Samvidhan Divas, is celebrated in India on 26 November every year to commemorate the adoption of Constitution of India. On 26 November 1949, the Constituent Assembly of India adopted the Constitution of India, and it came into effect on 26 January 1950.

The Constitution was adopted by the Indian Constituent Assembly on 26 November 1949, and came into effect on 26 January 1950 with a democratic government system, completing the country's transition towards becoming an independent republic. 26 January was chosen as the Republic day because it was on this day in 1930 when Declaration of Indian Independence (Purna Swaraj) was proclaimed by the Indian National Congress as opposed to the Dominion status offered by British Regime.

Do you know?

- The Beating Retreat ceremony is held after officially denoting the end of Republic Day festivities. It is conducted on the evening of 29 January, the third day after the Republic Day. It is performed by the bands of the three wings of the military, the Indian Army, Indian Navy and Indian Air Force. The venue is Raisina Hill and an adjacent square, Vijay Chowk, flanked by the North and South block of the Rashtrapati Bhavan (President's Palace) towards the end of Rajpath. The Chief

Guest of the function is the President of India who arrives escorted by the (PBG), a cavalry unit.

THINK!

- Army Day, Navy Day and Air force Day.

Q.3) Consider the following statements about the Preamble of the Constitution.

1. It is not justiciable in nature.
2. It cannot be amended.
3. It can override specific provisions of the constitution.
4. It has been a source of power to the executive.

Select the correct answer using the codes below.

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

Q.3) Solution (a)

The Preamble is non-justiciable, that is, its provisions are not enforceable in courts of law.

In Kesavanand Bharti case the supreme Court held that the Preamble can be amended, subject to the condition that no amendment is done to the basic features.

The Preamble cannot override any of the provisions of the constitution, because it is neither a source of power to legislature nor a prohibition upon the powers of legislature.

Do you know?

- The Preamble is amended only once so far, in 1976, by the 42nd Constitutional amendment act, which added three new words socialist, secular and integrity.

THINK!

- Preamble is the horoscope of our sovereignty democratic republic.

Q.4) The 'Fraternity' mentioned in the preamble refers to the common brotherhood of all citizens. The constitution promotes fraternity through the following,

1. Single citizenship

2. Fundamental rights
3. Fundamental duties
4. Directive principles of state policy

Select the correct answer using the codes below.

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

Q.4) Solution (c)

Fraternity means a sense of brotherhood. The Constitution promotes this feeling of fraternity by system of single citizenship. Also, the Fundamental Duties(Article-51A) say that it shall be the duty of every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, regional, or sectional diversities.

Do you know?

- The terms liberty, equality and fraternity in the Preamble are taken from French revolution (1789-1799) and the ideal of justice social, economic and political from that of Russian revolution (1917).

THINK!

- Preamble is the key to the minds of the makers of Constitution.

Q.5) The word *socialist* in the Preamble imply which of the following principles?

1. Social equality
2. Economic equality
3. Political equality
4. Civic equality

Select the correct answer using the codes below.

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

Q.5) Solution (a)

The word socialist in the Preamble imply the following principles,

Social equality, in this context means the absence of discrimination on the grounds only of caste, color, creed, sex, religion, language. Under social equality everyone has equal status and opportunity.

Economic equality, in this context means the state will endeavor to make the distribution of wealth more equitable and provide a descent standard of living for all. This in effect emphasizes the commitment towards the formation of welfare state.

Do you know?

- Following are the values enshrined in the Preamble viz. Justice, liberty, equality and fraternity.

THINK!

- The relevance of the values enshrined in the Preamble in the present context of Indian society. (GS-4 ethics).

Q.6) Consider the following statements about the Union and territories of India.

1. The territories of India share federal power with the center.
2. The Union of India includes the states only.
3. The constitution describes India as, 'India that is Bharat, shall be Union of states'.
4. The settlement of border dispute requires constitutional amendment.

Which of the given statements is/are correct?

- a) 1 only
- b) 2 and 3 only
- c) 1 and 3 only
- d) None

Q.6) Solution (b)

The union of India includes states which shares federal powers with center. The territory of India includes the entire territory over which sovereignty is exercised. Apart from states it includes union territories (which does not share federal power with center) and other territories acquired by India.

The article 1 describes India, that is, Bharat as a 'Union of states'.

Supreme Court in 1969 ruled that, settlement of border dispute between India and other countries does not require constitutional amendment. It can be done by executive action as it does not involve cession of Indian territory to foreign country.

Do you know?

- Andhra is the first state in India to be created on linguistic basis, and now the state is divided on developmental issues into Andhra and Telangana.

THINK!

- Regionalism and demand for smaller state.

Q.7) Under articles 5-8 of the constitution, the following persons became citizens of India at the commencement of the Constitution,

1. Citizenship by descent.
2. Citizenship by registration.
3. Citizenship by naturalization.
4. Citizenship by incorporation of territory.

Select the correct answer using the codes below.

- a) 1 only
- b) 2 and 3 only
- c) 1 and 3 only
- d) None of the above

Q.7) Solution (d)

Citizenship at the commencement of the Constitution

- Article 5 -At the commencement of this Constitution, every person who has his domicile in the territory of India.
- Article 6 -Rights of citizenship of certain persons who have migrated to India from Pakistan.
- Article 7 - Rights of citizenship of certain migrants to Pakistan.
- Rights of citizenship of certain persons of Indian origin residing outside India.

Do you know?

- Constitution of India recognises only one domicile, namely, the domicile in India.

THINK!

- Persons of Indian origin
- Overseas citizens of India.

Q.8) Who of the following was the first Indian to be appointed in Viceroy's executive Council?

- a) Rashbehari Ghosh
- b) Satyendra Prasad Sinha
- c) Badruddin Tayyabji
- d) B R Ambedkar

Q.8) Solution (b)

Features of the Act of 1909

This Act is also known as Morley-Minto Reforms (Lord Morley was the then Secretary of State for India and Lord Minto was the then Viceroy of India).

1. It considerably increased the size of the legislative councils, both Central and provincial. The number of members in the Central Legislative Council was raised from 16 to 60. The number of members in the provincial legislative councils was not uniform.
2. It retained official majority in the Central Legislative Council but allowed the provincial legislative councils to have non-official majority.
3. It enlarged the deliberative functions of the legislative councils at both the levels. For example, members were allowed to ask supplementary questions, move resolutions on the budget, and so on.
4. It provided (for the first time) for the association of Indians with the executive Councils of the Viceroy and Governors. **Satyendra Prasad Sinha** became the first Indian to join the Viceroy's Executive Council. He was appointed as the law member.
5. It introduced a system of communal representation for Muslims by accepting the concept of 'separate electorate'. Under this, the Muslim members were to be elected only by Muslim voters. Thus, the Act 'legalised communalism' and Lord Minto came to be known as the **Father of Communal Electorate**.
6. It also provided for the separate representation of presidency corporations, chambers of commerce, universities and zamindars.

Think

- Communal Electorate
- Difference between Official and non – official member

Q.9) Consider the following statements regarding Communal Award:

1. It is the term given for the allotment of separate electorate for depressed castes by Ramsay McDonald.
2. Ramsay McDonald is known as the father of Communal Electorate.

Which of the above statements are correct?

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

Q.9) Solution (a)

Communal Award In August 1932, Ramsay MacDonald, the British Prime Minister, announced a scheme of representation of the minorities, which came to be known as the Communal Award. The award not only continued separate electorates for the Muslims, Sikhs, Indian Christians, Anglo- Indians and Europeans but also extended it to the depressed classes (scheduled castes). Gandhiji was distressed over this extension of the principle of communal representation to the depressed classes and undertook fast unto death in Yeravada Jail (Poona) to get the award modified. At last, there was an agreement between the leaders of the Congress and the depressed classes. The agreement, known as Poona Pact, retained the Hindu joint electorate and gave reserved seats to the depressed classes.

Note: Lord Minto is called the father of Communal Electorate as he introduced Communal Electorate in Indian Councils Act 1909.

Think

- Poona Pact
- Indian Councils Act 1909

Q.10) Which of the following statements are correct regarding 'Objectives Resolution'?

1. The resolution defined the aims of Constituent Assembly.
2. It was moved by Pt Nehru and adopted unanimously by INC in 1931.
3. The modified form of it forms present day Preamble of Indian Constitution.

Select the code from following:

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

- c) 1 and 3
- d) All of the above

Q.10) Solution (c)

Before the framing of the constitution started, an **Objectives Resolution** (the resolution that defined the aims of the Assembly) was moved by Nehru in 1946. This resolution enshrined the aspirations and values behind the Constitution making. On the basis of the Objectives Resolution, India's Constitution gave institutional expression to the fundamental commitments: equality, liberty, democracy, sovereignty and a cosmopolitan identity. This made the moral commitment to establish a government that will fulfill the many promises that the nationalist movement held before the people of India.

In its modified form it was made the preamble of Indian Constitution.

Q.11) Consider the following statements:

1. Portfolio system in India started by Indian Councils Act 1961.
2. Portfolio system started during the governorship of Lord Canning.

Which of the above statements is/are correct?

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

Q.11) Solution (b)**Provisions of Indian Councils Act 1861:**

- The executive council of Governor General was added a fifth finance member. For legislative purpose, a provision was made for an addition of 6 to 12 members to the central executive. At least half of the additional members were to be non-officials. These members were nominated by the Viceroy for the period of two years.
- The Act empowered the Governor-General to delegate special task to individual members of the Executive council and hence all members have their own portfolio and deal with their own initiative with all but the most important matters. This was the first beginning of Portfolio system in India.
- The Governments of Bombay and Madras were given the power of nominating Advocate-General and not less than 4 and not more than 8 additional members of the Executive council for purpose of legislation.

- No distinction was made between the central and provincial subject. But measures concerning public debt, finances, currency, post-office, telegraph, religion, patents and copyrights were to be ordinarily considered by the Central Government.
- Portfolio system came during the Tenure of Lord Canning in 1861.

Think

- Introduction of indirect elections

Q.12) Consider the following provisions under Government of India 1935 act:

1. It abolished diarchy at the center and adopted it in provinces.
2. Abolished council of India, which was established in GOI act 1858 to assist secretary of state
3. Provided for the establishment of federal court

Which of the above statements are correct?

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

Q.12) Solution (b)

Government of India Act of 1935

The Act marked a second milestone towards a completely responsible government in India. It was a lengthy and detailed document having 321 Sections and 10 Schedules.

Features of the Act

1. It provided for the establishment of an All-India Federation consisting of provinces and princely states as units. The Act divided the powers between the Centre and units in terms of three lists—**Federal List** (for Centre, with 59 items), **Provincial List** (for provinces, with 54 items) and the Concurrent List (for both, with 36 items). Residuary powers were given to the Viceroy. However, the federation never came into being as the princely states did not join it.
2. It abolished dyarchy in the provinces and introduced 'provincial autonomy' in its place. The provinces were allowed to act as autonomous units of administration in their defined spheres. Moreover, the Act introduced responsible governments in provinces, that is, the governor was required to act with the advice of ministers responsible to the provincial legislature. This came into effect in 1937 and was discontinued in 1939.

3. It provided for the adoption of dyarchy at the Centre. Consequently, the federal subjects were divided into reserved subjects and transferred subjects. However, this provision of the Act did not come into operation at all.
4. It introduced bicameralism in six out of eleven provinces. Thus, the legislatures of Bengal, Bombay, Madras, Bihar, Assam and the United Provinces were made bicameral consisting of a legislative council (upper house) and a legislative assembly (lower house). However, many restrictions were placed on them.
5. It further extended the principle of communal representation by providing separate electorates for depressed classes (scheduled castes), women and labour (workers).
6. It abolished the Council of India, established by the Government of India Act of 1858. The secretary of state for India was provided with a team of advisors.
7. It extended franchise. About 10 per cent of the total population got the voting right.
8. It provided for the establishment of a Reserve Bank of India to control the currency and credit of the country.
9. It provided for the establishment of not only a Federal Public Service Commission but also a Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.
10. It provided for the establishment of a Federal Court, which was set up in 1937.

Think

Difference between Dyarchy, bicameralism and dual polity

Q.13) Through which of the following modes can Indian citizenship be lost?

1. Naturalisation
2. Renunciation
3. Termination
4. Deprivation

Select the code from following:

- a) 1,2 and 3
- b) 2,3 and 4
- c) 1,3 and 4
- d) All of the above

Q.13) Solution (b)

The Citizenship Act, 1955, prescribes three ways of losing citizenship whether acquired under the Act or prior to it under the Constitution, viz, renunciation, termination and deprivation:

1. By Renunciation Any citizen of India of full age and capacity can make a declaration renouncing his Indian citizenship. Upon the registration of that declaration, that person ceases to be a citizen of India. However, if such a declaration is made during a war in which India is engaged, its registration shall be withheld by the Central Government.

Further, when a person renounces his Indian citizenship, every minor child of that person also loses Indian citizenship. However, when such a child attains the age of eighteen, he may resume Indian citizenship.

2. By Termination When an Indian citizen voluntarily (consciously, knowingly and without duress, undue influence or compulsion) acquires the citizenship of another country, his Indian citizenship automatically terminates. This provision, however, does not apply during a war in which India is engaged.

3. By Deprivation It is a compulsory termination of Indian citizenship by the Central government, if:

(a) the citizen has obtained the citizenship by fraud:

(b) the citizen has shown disloyalty to the Constitution of India:

(c) the citizen has unlawfully traded or communicated with the enemy during a war;

(d) the citizen has, within five years after registration or naturalisation, been imprisoned in any country for two years; and

(e) the citizen has been ordinarily resident out of India for seven years continuously.

Note: Naturalisation is the process of attaining the Indian Citizenship.

Q.14) Consider the following statements:

1. A person who has been residing in India for more than 182 days can apply for Aadhar.
2. Aadhar card is considered as a proof of citizenship.

Which of the above statements are correct?

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

Q.14) Solution (a)

Aadhaar is a 12-digit unique identity number issued to all Indian residents based on their biometric and demographic data. The data is collected by the Unique Identification Authority of India (UIDAI), a statutory authority established in January 2009 by the Government of India, under the jurisdiction of the Ministry of Electronics and Information

Technology, following the provisions of the Aadhaar (Targeted Delivery of Financial and other Subsidies, benefits and services) Act, 2016.

The Aadhaar Act, 2016 states, "Every resident shall be entitled to obtain an aadhaar number by submitting his demographic information and biometric information by undergoing the process of enrolment."

The Act further defines residency as, "An individual who has resided in India for a period or periods amounting in all to 182 days or more in the 12 months immediately preceding the date of application for enrolment."

This means that it does not matter whether you are an NRI or foreign national, if you have stayed in India for more than 182 days, you will be eligible to apply for Aadhaar

The Aadhaar Act has clarified that even if you're holding an Aadhaar or applied for one it does not mean that you have received Indian citizenship.

Do you know?

UIDAI has now released the concept of a temporary, 16-digit Virtual ID (VID) that can be used by Aadhaar card holders for authentication purposes.

The Virtual ID, which would be a random 16-digit number, together with biometrics of the user would give limited details like name, address and photograph, which are enough for any verification. This will give the users the option of not sharing their Aadhaar number at the time of authentication.

Think

- Digital India

Q.15) Which among the following British India Acts ended the system of double government by abolishing the Board of Control and Court of Directors?

- a) Charter Act of 1853
- b) Government of India Act of 1858
- c) Indian Councils Act of 1861
- d) Indian Councils Act of 1892

Q.15) Solution (b)

Government of India Act of 1858 - The act known as the Act for the Good Government of India, abolished the East India Company, and transferred the powers of government, territories and revenues to the British Crown.

It also ended the system of double government by abolishing the Board of Control and Court of Directors.

Do you know?

Other Features of the Government of India Act of 1858

1. It provided that India henceforth was to be governed by, and in the name of, Her Majesty. It changed the designation of the Governor-General of India to that of Viceroy of India. He (viceroy) was the direct representative of the British Crown in India. Lord Canning thus became the first Viceroy of India.
2. It created a new office, Secretary of State for India, vested with complete authority and control over Indian administration. The secretary of state was a member of the British cabinet and was responsible ultimately to the British Parliament.
3. It established a 15-member Council of India to assist the secretary of state for India. The council was an advisory body. The secretary of state was made the chairman of the council.
4. It constituted the secretary of state-in-council as a body corporate, capable of suing and being sued in India and in England.

Q.16) Consider the following statements with regard to Constitution of India

1. Territorial integrity or continued existence of any state is not guaranteed by the Constitution.
2. The Constitution prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth but not on the ground of residence.

Which of the statements given above is/are correct?

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

Q.16) Solution (c)

Constitution authorises the Parliament to form new states or alter the areas, boundaries or names of the existing states without the consent of concerned state legislature or union territory. In other words, Parliament can redraw the political map of India according to its will. Hence, the territorial integrity or continued existence of any state is not guaranteed by the Constitution.

Do you know?

Constitution (Article 4) itself declares that laws made for admission or establishment of new states (under Article 2) and formation of new states and alteration of areas, boundaries or names of existing states (under Articles 3) are not to be considered as amendments of the Constitution under Article 368. This means that such laws can be passed by a simple majority and by the ordinary legislative process.

The Constitution (under Article 15) prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth and not on the ground of residence. This means that the state can provide special benefits or give preference to its residents in matters that do not come within the purview of the rights given by the Constitution to the Indian citizens. For example, a state may offer concession in fees for education to its residents.

Q.17) The power to grant Indian citizenship according to Citizenship Act lies with the

- a) Ministry of Home Affairs
- b) Cabinet Secretariat
- c) President
- d) Prime Minister's Office

Q.17) Solution (a)

The power to grant citizenship lies only with the Home Ministry under the Citizenship Act.

Think!

Find out whether Prime Minister's Office has the power to grant Indian citizenship?

Q.18) List I consists of the provisions borrowed from constitutions of different countries and List II consists of the names of different countries. Match List I with List II and select the correct answer using the code given below the Lists:

List I

1. First Past the Post
2. The idea of Residual Powers
3. Principles of Liberty, Equality and Fraternity
4. Directive Principles of State Policy

List II

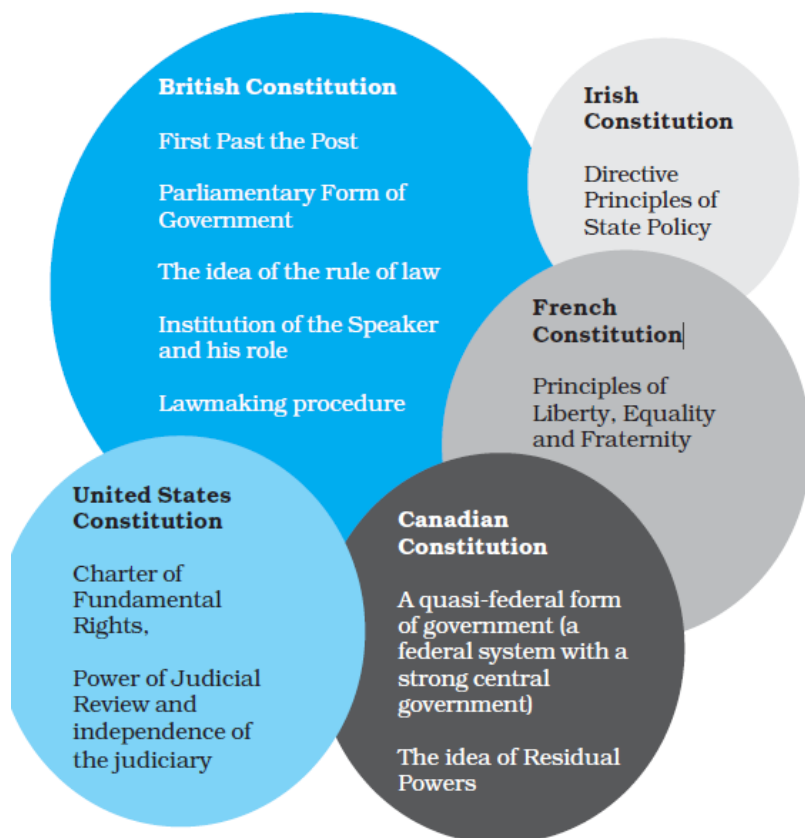
- A. British
- B. Canada
- C. French
- D. Irish

1-2-3-4

- a) D-B-C-A
- b) B-A-C-D
- c) A-B-C-D

d) A-D-C-B

Q.18) Solution (c)



Q.19) Consider the below statements:

1. Lord Warren Hastings is known as the 'Father of Civil Service' in India.
2. Charter Act of 1833 introduced an open Competition system as a basis of selection and recruitment of civil servants of the Company.

Which of the statements given above is/are correct?

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

Q.19) Solution (d)

The efforts of Lord Warren Hastings and Lord Cornwallis led to the rise of civil service. Hastings laid the foundations of civil service and Cornwallis reformed, modernised and

rationalised it. Hence, he (Cornwallis) came to be known as the 'Father of Civil Service' in India.

The Charter Act of 1833 attempted to introduce a system of open competition as the basis of selection of civil servants of the Company, and stated that the Indians should not be debarred from holding any place, office and employment under the Company. However, this provision of the Act was negated due to the opposition of the Court of Directors which wanted to continue the patronage system.

The Charter Act of 1853 abolished the patronage system and introduced an open Competition system as a basis of selection and recruitment of civil servants of the Company.

Q.20) Which of the following statements is/are true in regard to the Preamble of India?

1. The term 'justice' in the Preamble embraces social, economic and political justice.
2. The ideal of justice – social, economic and political – in our Preamble has been taken from the American Revolution.
3. The ideals of liberty, equality and fraternity in our Preamble have been taken from the French Revolution.

Select the appropriate code:

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

Q.20) Solution (b)

The term 'justice' in the Preamble embraces all the three – social, economic and political justice.

The ideal of justice—social, economic and political— in our Preamble has been taken from the Russian Revolution (1917).

The ideals of liberty, equality and fraternity in our Preamble have been taken from the French Revolution.

Q.21) Which of the following aims at the establishing 'a government of laws and not of men'?

- a) Directive Principles of State Policy

- b) Fundamental Rights
- c) Fundamental Duties
- d) Both (b) and (c)

Q.21) Solution (b)

The Fundamental Rights are meant for promoting the ideal of political democracy. They prevent the establishment of an authoritarian and despotic rule in the country and protect the liberties and freedoms of the people against the invasion by the State. They operate as limitations on the tyranny of the executive and arbitrary laws of the legislature. In short, they aim at establishing 'a government of laws and not of men'. Fundamental Duties have nothing to do with the concept of rule of law.

Do you know?

- The Fundamental Rights in our Constitution are more elaborate than those found in the Constitution of any other country in the world, including the USA.

THINK!

- Magna Carta.
- Bill of Rights.

Q.22) Consider the following statements about Constitution and Rights in Indian context:

1. The constitution is the result of the rights of the individual as defined and enforced by the courts of law.
2. The constitution is the source of the individual rights.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.22) Solution (b)

The primacy of the rights of the individual, that is, the constitution is the result of the rights of the individual as defined and enforced by the courts of law rather than the constitution being the source of the individual rights (it is in case of England). Because the Magna Carta is the source of Rights from where the genesis of constitution of England began.

In the Indian System, the constitution is the source of the individual rights as codified in Part III of the constitution.

Do you know?

- The Supreme Court held that the 'Rule of Law' as embodied in Article 14 is a 'basic feature' of the constitution. Hence, it cannot be destroyed even by an amendment.

THINK!

- Human Rights.
- Natural Rights

Q.23) Consider the following statements.

Assertion (A): Fundamental Rights check the absoluteness of the authority of the government.

Reason (R): Fundamental Rights itself are absolute.

In the context of the above, which of these is correct?

- a) A is correct, and R is an appropriate explanation of A.
- b) A is correct, but R is not an appropriate explanation of A.
- c) A is correct, but R is incorrect.
- d) Both A and R are incorrect.

Q.23) Solution (c)

Most of FR are available against the arbitrary action of the State, with a few exceptions like those against the State's action. Some of them are negative in character, that is, place limitations on the authority of the State,

Article 13 declares that all laws that are inconsistent with or in derogation of any of the fundamental rights shall be void. In other words, it expressly provides for the doctrine of judicial review. This power has been conferred on the Supreme Court (Article 32) and the high courts (Article 226) that can declare a law unconstitutional and invalid on the ground of contravention of any of the Fundamental Rights. Thus, FR checks the absoluteness of the government.

They are not absolute but qualified. The state can impose reasonable restrictions on them. However, whether such restrictions are reasonable or not is to be decided by the courts. Thus, they strike a balance between the rights of the individual and those of the society as a whole, between individual liberty and social control.

Do you know?

- 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.

THINK!

- Armed Forces and Fundamental Rights.
- Quo – warranto.

Q.24) Article 18 abolishes the titles to ensure Right to Equality. Which of the following titles comes under this provision of abolishment?

- a) Major, Colonel, General etc.
- b) Doctor (Ph.D., MBBS), Professor, Lecturer and Scientist.
- c) Maharaja, Raj Bahadur, Rai Bahadur, Rai Saheb, Dewan Bahadur.
- d) Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padma Sri.

Q.24) Solution (c)

Article 18 abolishes titles and makes four provisions in that regard:

- It prohibits the state from conferring any title (**except a military or academic distinction**) on anybody, whether a citizen or a foreigner.
- It prohibits a citizen of India from accepting any title from any foreign state.
- A foreigner holding any office of profit or trust under the state cannot accept any title from any foreign state without the consent of the president.
- No citizen or foreigner holding any office of profit or trust under the State is to accept any present, emolument or office from or under any foreign State without the consent of the president.

From the above, it is clear that the hereditary titles of nobility like **Maharaja, Raj Bahadur, Rai Bahadur, Rai Saheb, Dewan Bahadur, etc.**, which were conferred by colonial States are banned by Article 18 as these are **against the principle of equal status of all.**

Supreme Court upheld the constitutional validity of the National Awards—Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padma Sri. It ruled that these awards do not amount to 'titles' within the meaning of Article 18 that prohibits only hereditary titles of nobility. Therefore, they are not violative of Article 18 as the theory of equality does not mandate that merit should not be recognized. However, **it also ruled that they should not be used as suffixes or prefixes to the names of awardees.** Otherwise, they should forfeit the awards.

Do you know?

- The term 'untouchability' has not been defined either in the Constitution or in the Protection of Civil Rights Act 1955.

THINK!

- Apartheid.
- Dalit movements.

Q.25) Which of the following programs or schemes strives to implement Directive Principles of State Policy?

1. National programme for bovine breeding & dairy development (NPBBDD).
2. Legal Services Authorities Act 1987.
3. Maternity Benefit Act 1961.
4. Hill Area Development Program.

Select the correct answer using the codes given below.

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

Q.25) Solution (d)

To organize agriculture and animal husbandry on modern and scientific lines (Article 48) - National programme for bovine breeding & dairy development (NPBBDD).

To promote equal justice and to provide free legal aid to the poor (Article 39 A) - Legal Services Authorities Act 1987.

To make provision for just and humane conditions of work and maternity relief (Article 42) - Maternity Benefit Act 1961.

To secure the right to adequate means of livelihood for all citizens; (Article 39) - Hill Area Development Program.

Do you know?

- In the *Minerva Mills* case (1980), the Supreme Court also held that 'the Indian Constitution is founded on the bedrock of the balance between the Fundamental Rights and the Directive Principles. They together constitute the core of commitment to social revolution.

THINK!

- Uniform Civil Code.

Q.26) Consider the following statements about Directive Principles of State Policy (DPSP) and select the correct statement/s:

1. They are fundamental to the governance of the country.
2. They have served as useful beacon-lights to the courts.
3. They are complementary to the fundamental rights of the citizens.
4. They seek to establish Social and economic democracy in the country.

Choose the correct answer using the codes given below.

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

Q.26) Solution (c)

The Constitution itself declares that they are fundamental to the governance of the country. According to L M Singhvi, an eminent jurist and diplomat, 'the Directives are the life-giving provisions of the Constitution. **They constitute the stuff of the Constitution and its philosophy of social justice**'.

They have served as useful beacon-lights to the courts. They have helped the courts in **exercising their power of judicial review**, that is, the power to determine the constitutional validity of a law.

They are supplementary to the fundamental rights of the citizens. They are intended to fill in the vacuum in Part III by providing for social and economic rights.

The Directive Principles constitute a very comprehensive economic, social and political programme for a modern democratic State. **They aim at realizing the high ideals of justice, liberty, equality and fraternity as outlined in the Preamble to the Constitution.** They embody the concept of a 'welfare state' and not that of a 'police state', which existed during the colonial era. In brief, they seek to establish economic and social democracy in the country.

Do you know?

- The 44th Amendment Act of 1978 added one more Directive Principle, which requires the State to minimize inequalities in income, status, facilities and opportunities (Article 38).

THINK!

- Article 19(iii) and Article 43(B).

Q.27) Consider the following statements about Fundamental Duties.

1. Fundamental duties in Part IV A of constitution are confined only to citizens and not extended to foreigners.
2. Constitution contains duties of citizens and not the duties of state.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.27) Solution (a)

Unlike some of the Fundamental Rights which extend to all persons whether citizens or foreigners, the Fundamental Duties are confined to citizens only and do not extend to foreigners.

Though the rights and duties of the citizens are correlative and inseparable, the original constitution contained **only the fundamental rights and not the fundamental duties**. In other words, the framers of the Constitution did not feel it necessary to incorporate the fundamental duties of the citizens in the Constitution. However, **they incorporated the duties of the State in the Constitution in the form of Directive Principles of State Polity**. Later in 1976, the fundamental duties of citizens were added in the Constitution.

Do you know?

- Like the Directive Principles, the fundamental duties are also non-justiciable.

THINK!

- The Verma Committee on Fundamental Duties of the Citizens (1999).

Q.28) Which of the following statements are correct regarding the writ 'Quo-Warranto':

1. It prevents illegal usurpation of public office by a person.
2. It cannot be issued in case of Ministerial office or private office.

3. This can be sought by any interested person and not necessarily by the aggrieved person.

Select the code from following:

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

Q.28) Solution (d)

Quo-Warranto

In the literal sense, it means 'by what authority or warrant'. It is issued by the court to enquire into the legality of claim of a person to a public office. Hence, it prevents illegal usurpation of public office by a person.

The writ can be issued only in case of a substantive public office of a permanent character created by a statute or by the Constitution. It cannot be issued in cases of ministerial office or private office. Unlike the other four writs, this can be sought by any interested person and not necessarily by the aggrieved person.

Think

- Writ jurisdiction of High Court and Supreme Court
- Soul of Constitution

Q.29) Article 34 of the Indian Constitution provides for the restriction on fundamental rights while 'Martial Law' is in force in any area within the territory of India. Which of the following statements regarding 'Martial Law' are correct?

- 1. The concept of Martial law has been borrowed from the 'Weimar Constitution of Germany.
- 2. It refers to a situation where civil administration is run by military authorities according to their own rules and regulations.
- 3. The expression 'Martial Law' has not been defined anywhere in the constitution.

Select the correct code from the following:

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

Q.29) Solution (b)

Martial Law

The concept of martial law has been borrowed in India from the English common law. However, the expression 'martial law' has not been defined anywhere in the Constitution. Literally, it means 'military rule'. It refers to a situation where civil administration is run by the military authorities according to their own rules and regulations framed outside the ordinary law. It thus imply the suspension of ordinary law and the government by military tribunals. It is different from the military law that is applicable to the armed forces.

There is also no specific or express provision in the Constitution that authorises the executive to declare martial law. However, it is implicit in Article 34 under which martial law can be declared in any area within the territory of India. The martial law is imposed under the extraordinary circumstances like war, invasion, insurrection, rebellion, riot or any violent resistance to law. Its justification is to repel force by force for maintaining or restoring order in the society. During the operation of martial law, the military authorities are vested with abnormal powers to take all necessary steps. They impose restrictions and regulations on the rights of the civilians, can punish the civilians and even condemn them to death.

Do you know?

The Supreme Court held that the declaration of martial law does not *ipso facto* result in the suspension of the writ of *habeas corpus*.

The declaration of a martial law under Article 34 is different from the declaration of a national emergency under Article 352.

Think

- Difference between Martial Law and National Emergency

Q.30) Consider the following statements regarding Uniform Civil Code:

1. It is a Directive Principle of State Policy given under article 45 of Indian Constitution.
2. It is a Gandhian directive principle.
3. *Uniform Civil Code* refers to the body of laws governing rights and duties pertaining to property and personal matters like marriage, divorce, adoption and inheritance.

Which of the above statements are correct?

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

Q.30) Solution (d)

- It is a DPSP given in article-44
- It is a Liberal- Intellectual principle.

Think

Directives outside Part IV of Constitution.

Q.31) Consider the following statements:

1. Right to elementary education is under right to freedom.
2. Right to elementary education is available to citizens only.

Which of the above statements are not correct?

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

Q.31) Solution (b)**Right to Education**

Article 21 A declares that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the State may determine. Thus, this provision makes only elementary education a Fundamental Right and not higher or professional education.

This provision was added by the 86th Constitutional Amendment Act of 2002. This amendment is a major milestone in the country's aim to achieve 'Education for All'. The government described this step as 'the dawn of the second revolution in the chapter of citizens' rights'.

It is available to both citizens and aliens.

Do you know?

Even before this amendment, the Constitution contained a provision for free and compulsory education for children under Article 45 in Part IV. However, being a directive principle, it was not enforceable by the courts. Now, there is scope for judicial intervention in this regard.

Q.32) Which of the following statement is/are correct?

1. Except Articles 20 and 21, remaining Fundamental rights will be suspended during operation of National Emergency
2. All FRs are negative in character as they place limitations on the authority of the State

Select the code from below:

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

Q.32) solution (d)

Article 19 will be suspended only when national emergency is declared based on external aggression or war and not on the ground of armed rebellion.

Some FR are negative, not all, some are positive which confer certain privilege to citizen eg: Article 17, Article 16 etc.

Think

Why do we say that FRs are negative while DPSPs are positive?

Q.33) Which of the following is known 'Conscience of the Constitution' by Granville Austin?

- 1. Fundamental Rights
- 2. DPSPs
- 3. Fundamental Duties
- 4. Parliament

Select the code from below:

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

Q.33) Solution (a)

The Directive Principles along with the Fundamental Rights contain the philosophy of the Constitution and is the soul of the Constitution. Granville Austin has described the Directive Principles and the Fundamental Rights as the 'Conscience of the Constitution'

Think

- Granville Austin
- Soul of the Constitution

Q.34) consider the following statements

- a) Fundamental duties were not present in original constitution
- b) All Fundamental duties were added by 42nd CAA, in 1976.
- c) Fundamental duties were introduced after recommendation of Swaran Singh Committee
- d) Fundamental duties are confined to only citizens and not to foreigner

Which of the above statements is NOT correct?**Q.34) Solution (b)**

86th CAA in 2002 added "To provide opportunities for education to his child or ward between the ages of 6 – 14yrs"

Think

- Right to Education
- Definition of Child in India

Q.35) Which among the following is/are provisions provided by Constitution of India?

1. The State shall endeavour to promote international peace and security.
2. The State shall endeavour to maintain just and honourable relations between nations.
3. The State shall endeavour to encourage settlement of international disputes by arbitration.

Choose the appropriate option:

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

Q.35) Solution (d)**Article 51 in the Constitution of India: Promotion of international peace and security**

The State shall endeavour to –

- (a) promote international peace and security;
- (b) maintain just and honourable relations between nations;

- (c) foster respect for international law and treaty obligations in the dealings of organised peoples with one another; and
- (d) encourage settlement of international disputes by arbitration

Q.36) The provision which says – “to renounce practices derogatory to the dignity of women” in Indian Constitution is provided in

- a) Preamble
- b) Fundamental Rights
- c) Fundamental Duties
- d) DPSPs

Q.36) Solution (c)

Article 51 A (e) provides that - It shall be the duty of every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women.

Q.37) Which among the following are protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedoms guaranteed by Part III of the Constitution?

- 1. Live-in Relationships
- 2. Right to privacy
- 3. Right to electricity

Choose correct answer:

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

Q.37) Solution (d)

Article 21 of Constitution of India – “No person shall be deprived of his life or personal liberty except according to procedure established by law.”

The Indian judiciary has included under the umbrella of Right to life and liberty, Right to free and fair trial, Right to privacy, Right to clean environment, Right to food, sleep and even

electricity. The courts have not limited the ambit of life to the above rights but also to a plethora of others.

The question of interpretation of this paltry worded provision (Article 21) possessing immense importance came before the Supreme Court as early as in 1953 in the case of A.K. Gopalan v. State of Madras.

The judiciary has adopted judicial activism to put fetters to governmental actions by safeguarding public interests through the liberal interpretation of the fundamental rights.

In the case of S. Khushboo v. Kanniammal & Anr., the Supreme Court held that living together is a right to life under article 21.

Q.38) Right to Privacy as part of the Right to Life was established in –

- a) Justice K.S. Puttaswamy v. Union of India
- b) Maneka Gandhi v. Union of India
- c) Olga Tellis v. Bombay Municipal Corporation
- d) Indira Sawhney v. Union of India

Q.38) Solution (a)

Justice K. S. Puttaswamy (Retd.) and Anr. vs Union Of India And Ors is a landmark judgement of the Supreme Court of India, which holds that the right to privacy is protected as a fundamental constitutional right under Articles 14, 19 and 21 of the Constitution of India.

The judgement of the 9-judge bench contains six concurring opinions affirming the right to privacy of Indian citizens. The judgement explicitly overrules previous judgements of the Supreme Court in Kharak Singh vs. State of UP and M.P Sharma v Union of India, which had held that there is no fundamental right to privacy under the Indian Constitution.

Q.39) Which of the following does not relate to the Fundamental Rights as enshrined in the Constitution of India?

1. Free and compulsory education to all children of the age 6-14yrs
2. Prohibition of trafficking in human beings and forced labour
3. Improvement of public health and prohibition of intoxicating drinks
4. Promotion of the educational and economic interest of the weaker sections of the people, especially SCs and STs

Select the correct answer using the code given below

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

Q.39) Solution (c)

Statement (3) and (4) does not relate to the Fundamental Rights as enshrined in the Constitution of India.

Article 47 in the Constitution of India (DPSP) - Duty of the State to raise the level of nutrition and the standard of living and to improve public health. The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

Article 46 (DPSP): it provides, "The state shall promote with special care the educational and economic interest of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."

Q.40) Consider the following statements about Directive Principles of State Policy:

1. The Directive Principles resemble the 'Objective Resolutions' which was moved by Nehru in 1946.
2. They lay down the foundation stone of social equality and social justice.
3. DPSP consists of certain rights that individuals should enjoy apart from the Fundamental Rights.

Select the correct answer:

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

Q.40) Solution (b)

The Directive Principles resemble the 'Instrument of Instructions' enumerated in the Government of India Act of 1935.

Fundamental Rights lay down the foundation stone of social equality and social justice.

The chapter on Directive Principles lists mainly three things:

1. The goals and objectives that we as a society should adopt;
2. Certain rights that individuals should enjoy apart from the Fundamental Rights; and
3. Certain policies that the government should adopt.

Q.41) The provisions of the Constitution which are related to the federal structure of the polity can be amended by a special majority of the Parliament and with the consent of half of the state legislatures by a simple majority. Which of the following provisions can be amended this way?

1. Distribution of legislative powers between the Union and the states.
2. Representation of states in Parliament.
3. Abolition or creation of legislative councils in states.
4. Fifth Schedule—administration of scheduled areas and scheduled tribes.

Select the correct answer using the codes given below.

- a) 1 and 2 only
- b) 1 and 3 only
- c) 1 and 4 only
- d) All the above

Q.41) Solution (a)

Those provisions of the Constitution which are related to the federal structure of the polity can be amended by a special majority of the Parliament and also with the consent of half of the state legislatures by a simple majority.

The following provisions can be amended in this way:

- Election of the President and its manner.
- Extent of the executive power of the Union and the states.
- Supreme Court and high courts.
- Distribution of legislative powers between the Union and the states.
- Any of the lists in the Seventh Schedule.
- Representation of states in Parliament.
- Power of Parliament to amend the Constitution and its procedure (Article 368 itself)

A number of provisions in the Constitution can be amended by a simple majority of the two Houses of Parliament outside the scope of Article 368.

These provisions include:

- Admission or establishment of new states.
- Formation of new states and alteration of areas, boundaries or names of existing states.
- Abolition or creation of legislative councils in states.
- Delimitation of constituencies.
- Union territories.
- Fifth Schedule—administration of scheduled areas and scheduled tribes.
- Sixth Schedule—administration of tribal areas.

Do you know?

The Constitution can be amended in three ways:

- Amendment by simple majority of the Parliament,
- Amendment by special majority of the Parliament, and
- Amendment by special majority of the Parliament and the ratification of half of the state legislatures.

THINK!

- Privileges of the Parliament, its members and its committees.

Q.42) Supreme court in Kesavananda Bharati case (1973) laid down a new doctrine of the 'basic structure' ('basic features') of the Constitution. Consider the following statements about basic structure of constitution.

1. The Supreme Court in the Minerva Mills case (1980) defined what constitutes basic structure.
2. Welfare state is a component of basic structure.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.42) Solution (b)

The Supreme Court is yet to define or clarify as to what constitutes the 'basic structure' of the Constitution. From the various judgements, the following have emerged as 'basic features' of the Constitution or elements / components / ingredients of the 'basic structure' of the constitution:

- Supremacy of the Constitution

- Sovereign, democratic and republican nature of the Indian polity
- Secular character of the Constitution
- Separation of powers between the legislature, the executive and the judiciary
- Federal character of the Constitution
- Unity and integrity of the nation
- Welfare state (socio-economic justice)
- Judicial review
- Freedom and dignity of the individual
- Parliamentary system
- Rule of law
- Harmony and balance between Fundamental Rights and Directive Principles
- Principle of equality
- Free and fair elections
- Independence of Judiciary
- Limited power of Parliament to amend the Constitution
- Effective access to justice
- Principles (or essence) underlying fundamental rights.
- Powers of the Supreme Court under Articles 32, 136, 141 and 142
- Powers of the High Courts under Articles 226 and 227

Do you know?

- In Indira Nehru Gandhi case (1975) (popularly known as the Election Case) supreme court declared that 'Government of laws and not of men' (i.e., Rule of Law) as basic structure of constitution.

THINK!

- I.R. Coelho Case (2007) (popularly known as IX Schedule Case).

Q.43) In India the Parliament is not supreme (sovereign body) and enjoys limited and restricted powers. Which of the following features are responsible for this limitation on Parliament?

1. Written Constitution.
2. Federal system.
3. Judicial review.
4. Fundamental rights.

Select the correct answer using the codes given below.

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

- c) 3 and 4 only
- d) All the above

Q.43) Solution (d)

The doctrine of '**sovereignty of Parliament**' is associated with the British Parliament. Sovereignty means the **supreme power** within the State. That supreme power in Great Britain lies with the Parliament. There are no 'legal' restrictions on its authority and jurisdiction.

The Indian Parliament, on the other hand, cannot be regarded as a sovereign body in the similar sense as there are 'legal' restrictions on its authority and jurisdiction. The factors that limit the sovereignty of Indian Parliament are: **written Constitution, federal system, judicial review and fundamental rights.**

Do you know?

- 'Shadow cabinet' is a unique institution of the British cabinet system. It is formed by the opposition party to balance the ruling cabinet and to prepare its members for future ministerial office. There is no such institution in India.

THINK!

- Kitchen Cabinet.

Q.44) The President can be removed from office by a process of impeachment for 'violation of the Constitution'. Consider the following statements.

1. Constitution does not define the meaning of the phrase 'violation of the Constitution'.
2. Constitution does not provide the procedure for impeachment of president and left the Parliament to frame a law.
3. Parliament enacted President Act 1950 for the impeachment of President.

Which of the above statements is/are correct?

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

Q.44) Solution (a)

The President can be removed from office by a process of impeachment for 'violation of the Constitution'. However, the Constitution does not define the meaning of the phrase 'violation of the Constitution'.

Since Constitution provides the mode and ground for removing the President, he cannot be removed otherwise than by impeachment, **in accordance with the terms of articles 56 and 61.**

Do you know?

- The nominated members of either House of Parliament can participate in the impeachment of the President though they do not participate in his election; the nominated members of either House of Parliament can participate in the impeachment of the President though they do not participate in his election;

THINK!

- Vice President.

Q.45) Consider the following statements about the amendment of constitution.

1. For amendments which affect the federal provisions of the constitution, the state legislatures can also initiate the amendment.
2. Amendments regarding abolition or creation of legislative councils in states requires special majority.
3. President's recommendation is required in case of amendments relating to Fifth Schedule.

Which of the above statements is/are correct?

- a) 1 and 2 only
- b) 1 and 3 only
- c) 2 only
- d) None

Q.45) Solution (d)

An amendment of the Constitution can be initiated only by the introduction of a bill for the purpose in either House of Parliament and not in the state legislatures.

A number of provisions in the Constitution can be amended by a simple majority of the two Houses of Parliament outside the scope of Article 368. These provisions include:

- Admission or establishment of new states.
- Formation of new states and alteration of areas, boundaries or names of existing states.

- Abolition or creation of legislative councils in states.
- Second Schedule—emoluments, allowances, privileges and so on of the president, the governors, the Speakers, judges, etc.
- Quorum in Parliament.
- Salaries and allowances of the members of Parliament.
- Rules of procedure in Parliament.
- Privileges of the Parliament, its members and its committees.
- Use of English language in Parliament.
- Number of puisne judges in the Supreme Court.
- Conferment of more jurisdiction on the Supreme Court.
- Use of official language.
- Citizenship—acquisition and termination.
- Elections to Parliament and state legislatures.
- Delimitation of constituencies.
- Union territories.
- Fifth Schedule—administration of scheduled areas and scheduled tribes.
- Sixth Schedule—administration of tribal areas.

There is no provision regarding the- President's recommendation is required in case of amendments relating to Fifth Schedule.

Do you know?

- Amendment of constitution signifies 'Reconciliation of written Constitution with Parliamentary Sovereignty'.

THINK!

- Unitary features of the parliament.

Q.46) Which of the following amendments affected the executive authority of the President?

1. 42nd Constitutional Amendment Act.
2. 44th Constitutional Amendment Act.
3. 91st Constitutional Amendment Act.
4. 86th Constitutional Amendment Act.

Choose the correct answer using the codes given below.

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

Q.46) Solution (a)

Article 74 was amended by **the 42nd Constitutional Amendment Act of 1976** to the effect that the President *shall*, in the exercise of his functions, act in accordance with the advice rendered by the council of ministers.

The 44th Constitutional Amendment Act of 1978 further added a proviso to this(74th) article to the effect that the President **may require** the council of ministers to **reconsider such advice** and the president shall act in accordance with the advice tendered after such reconsideration.

The **91st Amendment** to the Constitution is related to, limiting the size of the Council of Ministers at the Centre and the States to no more than 15 per cent of the numbers in the Lok Sabha or the State Legislature respectively.

Spurred by the **Unnikrishnan judgment** and a public demand to enforce the right to education, successive governments from 1993 worked towards bringing a constitutional amendment to make education a fundamental right. That led to **the 86th amendment** in December 2002.

Do you know?

- The Supreme court held that 'wherever the Constitution requires the satisfaction of the President, the satisfaction is not the personal satisfaction of the President, but it is the satisfaction of the council of ministers with whose aid and on whose advice the President exercises his powers and functions'.

THINK!

- Collective responsibility.

Q.47) Who among the below is qualified to be appointed as Attorney General?

1. He should have been a judge of a High Court (or high courts in succession) for five years.
2. He should have been an advocate of a High Court (or High Courts in succession) for ten years.
3. He should be a distinguished jurist in the opinion of the president.

Choose the correct answer using the codes given below.

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

Q.47) Solution (d)

The Attorney General (AG) is appointed by the president. He must be a person who is qualified to be appointed a judge of the Supreme Court.

A person to be appointed as a judge of the Supreme Court should have the following qualifications:

1. He should be a citizen of India.
2. (a) He should have been a judge of a High Court (or high courts in succession) for five years; or (b) He should have been an advocate of a High Court (or High Courts in succession) for ten years; or (c) He should be a distinguished jurist in the opinion of the president.

Do you know?

- In the performance of his official duties, the Attorney General has the right of audience in all courts in the territory of India.

THINK!

- Advocate General.

Q.48) Which of the following statements about the cabinet committees are *incorrect*?

1. They are setup by the Speaker of the Lok Sabha
2. No minister can be part of these committees
3. They are not mentioned in the Constitution

Select the code from following:

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

Q.48) Solution (a)

Note: The question is asking for Incorrect statements.

Cabinet Committees

The Cabinet Committee are organizations which are instrumental in reducing the workload of the Cabinet. They are formed under **Transaction of Business Rules (TBR), 1961**. These committees are extra-constitutional in nature and are nowhere mentioned in the Constitution.

Types and Composition of Cabinet Committees

1. Standing Cabinet Committee

- These are permanent in nature with a specific job. These are specified in the First Schedule of TBR
- The Cabinet Ministers are called its 'members' while the people without the rank of Cabinet Committee are called 'special invitees'.

2. Ad-hoc Cabinet Committee

- These are temporary in nature and are formed time to time to deal with specific tasks.

The composition of a Cabinet Committee **varies from 3 to 8 people**. Even Ministers who are not the part of the Cabinet can be added to a Cabinet Committee. Usually, each cabinet committee has at least one Cabinet Minister. The members of the Cabinet Committee can be from both the Lok Sabha and the Rajya Sabha.

Recent Cabinet Committees

1. Appointments Committee of the Cabinet (ACC)

- This committee is responsible for all appointments of higher ranks in the Central Secretariat, Public Enterprises, Public Enterprises and Financial Institutions.

2. Cabinet Committee on Accommodation(CCA)

- This Committee is responsible for the allotment of accommodation for various top positions in the Government of India.

3. Cabinet Committee on Economic Affairs (CCEA)

- This committee deals with the activities pertaining to the economics of the country.

4. Cabinet Committee on Parliamentary Affairs(CCPA)

- This committee looks into the matters related to the progress of government business in the Parliament of India.

5. Cabinet Committee on Political Affairs (CCPA)

- This committee is responsible for all issues related to domestic and foreign affairs.

6. Cabinet Committee on Security (CCS)

- This is one of the most important committees in India, it looks into the matters of defense expenditures and National Security.

THINK!

- Parliamentary Committees

Q.49) Which of the following amendments are correctly matched?

1. 89th Amendment Act - The National Commission for SC and ST was bifurcated
2. 61st Amendment Act – Reduce age of voting from 21 years to 18 years
3. 92nd Amendment Act – Changed anti-defection laws
4. 69th Amendment Act – Establishment of legislative assembly and council of ministers for Federal National Capital of Delhi

Select the code from following:

- a) 1,2 and 3
- b) 2,3 and 4
- c) 1,2 and 4
- d) All of the above

Q.49) Solution (c)**91st Constitution Amendment Act, 2003**

91st Amendment Act - Restrict the size of council of ministers to 15% of legislative members & to strengthen Anti Defection laws

Prior to January 1, 2004 (effective date of 91st Amendment of the Constitution) the Prime Minister had discretion to appoint any number in his council of ministers. But the Constitution (Ninety-first Amendment) Act in 2003 made a drastic change in curbing such power of the Prime Minister.

This Amendment added clause (1A) in this Article which made a specific provision that, the total number of Ministers, including Prime Minister, in no case can exceed 15 per cent of the total number of Lok Sabha members.

The Prime Minister can induct into his ministry a person who is not a member of either House of Parliament. However, a minister who for a period of six consecutive months is not

a member of either House of Parliament shall at the expiration of that period cease to be one.

Q.50) Consider the following statements regarding Constitution Amendment Bill:

1. It cannot be initiated in State Legislatures.
2. It cannot be initiated by a Private member in Parliament.

Which of the above statements are correct?

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

Q.50) Solution (a)

Procedure of Constitution Amendment

As per the procedure laid out by article 368 for amendment of the Constitution, an amendment can be initiated only by the introduction of a Bill in either House of Parliament. The Bill must then be passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting. There is no provision for a joint sitting in case of disagreement between the two Houses. Total membership in this context has been defined to mean the total number of members comprising the House irrespective of any vacancies or absentees on any account vide Explanation to Rule 159 of the Rules of Procedure and Conduct of Business in Lok Sabha.

The Bill, passed by the required majority, is then presented to the President who shall give his assent to the Bill. If the amendment seeks to make any change in any of the provisions mentioned in the proviso to article 368, it must be ratified by the Legislatures of not less than one-half of the States. These provisions relate to certain matters concerning the federal structure or of common interest to both the Union and the States viz., the election of the President (articles 54 and 55); the extent of the executive power of the Union and the States (articles 73 and 162); the High Courts for Union territories (article 241); The Union Judiciary and the High Courts in the States (Chapter IV of Part V and Chapter V of Part VI); the distribution of legislative powers between the Union and the States (Chapter I of Part XI and Seventh Schedule); the representation of States in Parliament; and the provision for amendment of the Constitution laid down in article 368. Ratification is done by a resolution passed by the State Legislatures. There is no specific time limit for the ratification of an

amending Bill by the State Legislatures. However, the resolutions ratifying the proposed amendment must be passed before the amending Bill is presented to the President for his assent.

Note: Any member of the House can initiate the Constitution Amendment Bill. It can be done only in the Parliament and not in State Legislature.

THINK!

- Joint Sitting
- Position of President in Constitution Amendment Bill

Q.51) Indian President has got the power of 'Absolute Veto' i.e. he can withhold his assent to the bill passed by the Parliament. In which of the following cases can he use 'Absolute Veto'?

1. With respect to Private Members' bill
2. With respect to the government bill when the cabinet has resigned.
3. With respect to the bill making changes in the name and boundary of a state.
4. With respect to a Constitutional Amendment Bill

Select the code from below:

- a) 1 and 2
- b) 3 and 4
- c) 1,2 and 3
- d) All of the above

Q.51) Solution (a)

Veto Power of Indian President:

The veto power enjoyed by the executive in modern states can be classified into the following four types:

1. Absolute veto, that is, withholding of assent to the bill passed by the legislature.
2. Qualified veto, which can be overridden by the legislature with a higher majority.
3. Suspensive veto, which can be over ridden by the legislature with an ordinary majority.
4. Pocket veto, that is, taking no action on the bill passed by the legislature.

Of the above four, the President of India is vested with three—absolute veto, suspensive veto and pocket veto. There is no qualified veto in the case of Indian President; it is possessed by the

American President.

Absolute Veto

It refers to the power of the President to withhold his assent to a bill passed by the Parliament. The bill then ends and does not become an act. Usually, this veto is exercised in the following two cases:

- (a) With respect to private members' bills (ie, bills introduced by any member of Parliament who is not a minister); and
- (b) With respect to the government bills when the cabinet resigns (after the passage of the bills but before the assent by the President) and the new cabinet advises the President not to give his assent to such bills.

Do you know?

In 1954, President Dr Rajendra Prasad withheld his assent to the PEPFU Appropriation Bill. The bill was passed by the Parliament when the President's Rule was in operation in the state of PEPFU. But, when the bill was presented to the President for his assent, the President's Rule was revoked.

Again in 1991, President R Venkataraman withheld his assent to the Salary, Allowances and Pension of Members of Parliament (Amendment) Bill. The bill was passed by the Parliament (on the last day before dissolution of Lok Sabha) without obtaining the previous recommendation of the President.

THINK!

- Money Bill
- Qualified Veto

Q.52) Consider the following statements regarding the Ordinance making power of President:

1. An ordinance can be promulgated even if one house is in session.
2. If no action is taken by the parliament, the maximum life of an ordinance is six months and six weeks.
3. If the ordinance is approved by both the houses, it becomes an Act.

Which of the above statements are correct?

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

- c) 1 and 3
- d) All of the above

Q.52) Solution (d)**Ordinance making Power of President:**

He can promulgate an ordinance only when both the Houses of Parliament are not in session or when either of the two Houses of Parliament is not in session. An ordinance can also be issued when only one House is in session because a law can be passed by both the Houses and not by one House alone. An ordinance made when both the Houses are in session is void. Thus, the power of the President to legislate by ordinance is not a parallel power of legislation.

Every ordinance issued by the President during the recess of Parliament must be laid before both the Houses of Parliament when it reassembles. If the ordinance is approved by both the Houses, it becomes an act. If Parliament takes no action at all, the ordinance ceases to operate on the expiry of six weeks from the reassembly of Parliament. The ordinance may also cease to operate even earlier than the prescribed six weeks, if both the Houses of Parliament pass resolutions disapproving it. If the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks is calculated from the later of those dates. This means that the maximum life of an ordinance can be six months and six weeks, in case of non-approval by the Parliament (six months being the maximum gap between the two sessions of Parliament). If an ordinance is allowed to lapse without being placed before Parliament, then the acts done and completed under it, before it ceases to operate, remain fully valid and effective.

THINK!

- Legislative power of President on State Subjects

Q.53) Which of the following constitutes the electoral college of Vice – President?

1. Elected and nominated members of the Parliament.
2. Elected members of the State Legislatures
3. Elected members of Union territories of Delhi and Pondicherry

Select the code from following:

- a) 1 only
- b) 2 and 3
- c) All of the above
- d) None of the above

Q.53) Solution (a)**Electoral College of Vice President**

The Vice-President, like the president, is elected not directly by the people but by the method of indirect election. He is elected by the members of an electoral college consisting of the members of both Houses of Parliament. Thus, this Electoral College is different from the Electoral College for the election of the President in the following two respects:

1. It consists of both elected and nominated members of the Parliament (in the case of president, only elected members).
2. It does not include the members of the state legislative assemblies (in the case of President, the elected members of the state legislative assemblies are included).

THINK!

- Electoral College of President
- Indirect Elections in India

Q.54) The Vice President of India can be removed by a resolution passed in Rajya Sabha by an absolute majority. According to constitution on what grounds can he be removed?

- a) Violation of Constitution
- b) Discharged insolvent
- c) If he loses majority in Rajya Sabha
- d) None of the above

Q.54) Solution (d)**TERM OF OFFICE**

The Vice-President holds office for a term of five years from the date on which he enters upon his office. However, he can resign from his office at any time by addressing the resignation letter to the President. He can also be removed from the office before completion of his term. A formal impeachment is not required for his removal. He can be removed by a resolution of the Rajya Sabha passed by an absolute majority (ie, a majority of the total members of the House) and agreed to by the Lok Sabha. But, no such resolution can be moved unless at least 14 days' advance notice has been given. Notably, no ground has been mentioned in the Constitution for his removal.

The Vice-President can hold office beyond his term of five years until his successor assumes charge. He is also eligible for re-election to that office. He may be elected for any number of terms.

THINK!

- Impeachment of President
- Different between Vice President of India and America

Q.55) Consider the following statements with respect to Constitutional Amendment Bill:

1. Such bill can be introduced by a private member, but require prior permission of the president.
2. There is no provision for holding a joint sitting of both the Houses of Parliament if there is a deadlock over the passage of such bill.
3. President cannot withhold his assent to such bill, he can only return the bill for reconsideration.

Which of the statements given above is/are correct?

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

Q.55) Solution (a)

The procedure for the amendment of the Constitution as laid down in Article 368 is as follows:

1. An amendment of the Constitution can be initiated only by the introduction of a bill for the purpose in either House of Parliament and not in the state legislatures.
2. The bill can be introduced either by a minister or by a private member and does not require prior permission of the president.
3. The bill must be passed in each House by a special majority, that is, a majority (that is, more than 50 per cent) of the total membership of the House and a majority of two-thirds of the members of the House present and voting.
4. Each House must pass the bill separately. In case of a disagreement between the two Houses, there is no provision for holding a joint sitting of the two Houses for the purpose of deliberation and passage of the bill.

5. If the bill seeks to amend the federal provisions of the Constitution, it must also be ratified by the legislatures of half of the states by a simple majority, that is, a majority of the members of the House present and voting.
6. After duly passed by both the Houses of Parliament and ratified by the state legislatures, where necessary, the bill is presented to the president for assent.
7. The president must give his assent to the bill. He can neither withhold his assent to the bill nor return the bill for reconsideration of the Parliament.
8. After the president's assent, the bill becomes an Act (i.e., a constitutional amendment act) and the Constitution stands amended in accordance with the terms of the Act.

Q.56) Consider the below statements and identify the appropriate Constitutional Amendment Act which made the following changes in the constitution –

1. It made the right to form co-operative societies a fundamental right.
2. It included a new Directive Principle of State Policy on promotion of co-operative societies.
3. It added a new Part IX-B in the constitution, entitled as "The Co-operative societies".

Choose correct answer:

- a) Ninety-Seventh Amendment Act, 2011
- b) Ninety-First Amendment Act, 2003
- c) Ninety-Fourth Amendment Act, 2006
- d) Eighty-Sixth Amendment Act, 2002

Q.56) Solution (a)

Ninety-Seventh Amendment Act, 2011 - Gave a constitutional status and protection to co-operative societies.

In this context, it made the following three changes in the constitution:

1. It made the right to form co-operative societies a fundamental right (Article 19).
2. It included a new Directive Principle of State Policy on promotion of co-operative societies (Article 43-B).
3. It added a new Part IX-B in the constitution which is entitled as "The Co-operative societies" (Articles 243-ZH to 243-ZT).

Q.57) The case of dispute in the presidential election is referred to

- a) Chief Election Commissioner
- b) Supreme Court

- c) Parliament
- d) None of these

Q.57) Solution (b)

All doubts and disputes in connection with election of the President are inquired into and decided by the Supreme Court whose decision is final. The election of a person as President cannot be challenged on the ground that the electoral college was incomplete (ie, existence of any vacancy among the members of electoral college). If the election of a person as President is declared void by the Supreme Court, acts done by him before the date of such declaration of the Supreme Court are not invalidated and continue to remain in force.

Q.58) Consider the following statements with respect to vacancy in the President's office is going to be caused by the expiration of the term of the sitting President

1. An election to fill the vacancy must be held before the expiration of the term.
2. In case of any delay in conducting the election of new President by any reason, the Vice-President gets an opportunity to act as President or to discharge the functions of the President.
3. In case the office of Vice-President is vacant, the Chief Justice of India (or if his office is also vacant, the senior most judge of the Supreme Court available) acts as the President or discharges the functions of the President.

Choose the correct statement/s from below options:

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

Q.58) Solution (a)

When the vacancy in the President's office is going to be caused by the expiration of the term of the sitting President, an election to fill the vacancy must be held before the expiration of the term.

In case of any delay in conducting the election of new President by any reason, the outgoing President continues to hold office (beyond his term of five years) until his successor assumes charge. This is provided by the Constitution in order to prevent an 'interregnum'. In this situation, the Vice-President does not get the opportunity to act as President or to discharge the functions of the President.

If the office falls vacant by resignation, removal, death or otherwise, then election to fill the vacancy should be held within six months from the date of the occurrence of such a vacancy. The newly elected President remains in office for a full term of five years from the date he assumes charge of his office.

When a vacancy occurs in the office of the President due to his resignation, removal, death or otherwise, the Vice-President acts as the President until a new President is elected. Further, when the sitting President is unable to discharge his functions due to absence, illness or any other cause, the Vice-President discharges his functions until the President resumes his office.

In case the office of Vice-President is vacant, the Chief Justice of India (or if his office is also vacant, the senior most judge of the Supreme Court available) acts as the President or discharges the functions of the President.

Q.59) Which among the following type of bills require prior recommendation or permission of the President to be introduced in the Parliament?

1. a bill involving expenditure from the Consolidated Fund of India
2. a bill for the alteration of boundaries of states
3. a bill for the creation of a new state

Choose the appropriate answer:

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

Q.59) Solution (d)

All the given bills – i.e., a bill involving expenditure from the Consolidated Fund of India, or a bill for the alteration of boundaries of states or creation of a new state – requires prior recommendation or permission from the President to be introduced in the Parliament.

Do you know?

Money bills can be introduced in the Parliament only with President's prior recommendation.

Q.60) Which among the following are correct with regard to Council of Ministers and Cabinet?

1. Council of Ministers does not meet, as a body, to transact government business. It has no collective functions.
2. Cabinet meets, as a body, frequently and usually once in a week to deliberate and take decisions regarding the transaction of government business. Thus, it has collective functions.
3. Council of Ministers enforces the collective responsibility of the council of ministers to the Lower House of Parliament.
4. Cabinet is collectively responsible to the Lower House of the Parliament.

Choose the correct code from below options:

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

Q.60) Solution (a)

Council of Ministers does not meet, as a body, to transact government business. It has no collective functions.

Cabinet meets, as a body, frequently and usually once in a week to deliberate and take decisions regarding the transaction of government business. Thus, it has collective functions.

Cabinet enforces the collective responsibility of the council of ministers to the Lower House of Parliament.

Council of Ministers is collectively responsible to the Lower House of the Parliament.

Q.61) Consider the following statements.

Assertion (A): Cabinet is responsible to the House of People

Reason (R): The membership of the Cabinet is restricted to the House of the People.

In the context of the above, which of these is correct?

- a) A is correct, and R is an appropriate explanation of A.
- b) A is correct, but R is not an appropriate explanation of A.
- c) A is correct, but R is incorrect.
- d) Both A and R are incorrect.

Q.61) Solution (d)

Cabinet enforces the collective responsibility of the council of ministers to the Lower House of Parliament.

Council of Ministers is collectively responsible to the Lower House of the Parliament.

However, the membership of the cabinet is not restricted to the House of the People; it has members from both the houses.

Do you know?

- Parliamentary form government is also described as '**Westminster model of government**' after the location of the British Parliament, where the parliamentary system originated.

THINK!

- Presidential form of government.

Q.62) Which of the following statements is/are correct regarding the members of the Rajya Sabha?

1. Some of the members are elected by the elected members of state legislative assemblies.
2. Some of the members are indirectly elected by members of an electoral college specially constituted for the purpose.
3. Some of the members are nominated by the President.

Select the correct answer using the codes given below.

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

Q.62) Solution (a)

Representation of States: The representatives of states in the Rajya Sabha are elected by the elected members of state legislative assemblies. The election is held in accordance with the system of proportional representation by means of the single transferable vote.

Representation of Union Territories: The representatives of each union territory in the Rajya Sabha are indirectly elected by members of an electoral college specially constituted

for the purpose. This election is also held in accordance with the system of proportional representation by means of the single transferable vote.

Nominated Members: The president nominates 12 members to the Rajya Sabha from people who have special knowledge or practical experience in **art, literature, science and social service.**

Do you know?

- The president can nominate two members from the Anglo-Indian community if the community is not adequately represented in the Lok Sabha.

THINK!

- Rajya Sabha and the federalism.

Q.63) In which of the following cases the member of parliament can be disqualified?

1. If he holds government contracts.
2. If he acquires voluntarily the citizenship of a foreign country.
3. If he voluntary gives up the membership of the political party on whose ticket he is elected to the House.

Select the correct answer using the codes given below.

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

Q.63) Solution (d)

Under the Constitution, a person shall be disqualified for being elected as a member of Parliament:

- If he **holds any office of profit under the Union or state government** (except that of a minister or any other office exempted by Parliament). Holding government contracts amounts to office of profit.
(<http://www.dnaindia.com/india/report-disqualification-of-2-up-mlas-in-oop-cases-historic-2056686>).
- If he is of unsound mind and stands so declared by a court.
- If he is an undischarged insolvent.

- If he is not a citizen of India or has voluntarily acquired the citizenship of a foreign state or is under any acknowledgement of allegiance to a foreign state; and
- If he is so disqualified under any law made by parliament.

A member incurs disqualification under the defection law:

- If he **voluntary gives up the membership of the political party** on whose ticket he is elected to the House;
- If he votes or abstains from voting in the House contrary to any direction given by his political party;
- If any independently elected member joins any political party; and
- If any nominated member joins any political party after the expiry of six months.

Do you know?

- The question of disqualification under the Tenth Schedule is decided by the Chairman in the case of Rajya Sabha and Speaker in the case of Lok Sabha (and not by the president of India).
- In March 2006, President APJ Abdul Kalam disqualified Jaya Bachchan of the SP from Rajya Sabha with retrospective effect from July 14, 2004, for holding an office of profit as chairperson of the UP Film Development Council. In January 2015, UP MLAs Bajrang Bahadur Singh (BJP) and Uma Shankar Singh (BSP) were disqualified from the assembly after they were indicted by the Lokayukta for bagging government construction contracts by misusing their position.

THINK!

- Test of appointment.

<http://www.thehindu.com/todays-paper/tp-opinion/office-of-profit-and-disqualification/article3147008.ece>

Q.64) The Speaker of the Lok Sabha derives his powers and duties from which of the following sources?

1. Constitution of India
2. Rules of Procedure and Conduct of Business of Rajya Sabha.
3. Parliamentary Conventions

Select the correct answer using the codes given below.

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

Q.64) Solution (b)

The Speaker of the Lok Sabha derives his powers and duties from three sources, that is, the **Constitution of India, the Rules of Procedure and Conduct of Business of Lok Sabha, and Parliamentary Conventions** (residuary powers that are unwritten or unspecified in the Rules).

Do you know?

- The Speaker is the head of the Lok Sabha, and its representative. He is **the guardian of powers and privileges** of the members, the House as a whole and its committees.

THINK!

- Chairman of Rajya Sabha.

Q.65) Consider the following statements in Indian innovations in the parliamentary procedure.

1. Zero hour and Calling attention motion are Indian innovation in the parliamentary procedure.
2. Both Zero hour and Calling attention motion are not mentioned in the Rules of Procedure.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.65) Solution (a)

Unlike the question hour, the **zero hour is not mentioned in the Rules of Procedure**. Thus, it is **an informal device** available to the members of the Parliament to raise matters without any prior notice. The zero hour starts immediately after the question hour and lasts until the agenda for the day (ie, regular business of the House) is taken up. In other words, the time gap between the question hour and the agenda is known as zero hour. It is an Indian innovation in the field of parliamentary procedures.

Calling Attention Motion, it is introduced in the Parliament by a member to call the attention of a minister to a matter of urgent public importance, and to seek an authoritative statement from him on that matter. Like the zero hour, it is also an Indian innovation in the parliamentary procedure and has been in existence since 1954. However, **unlike the zero hour, it is mentioned in the Rules of Procedure.**

Do you know?

- A matter which is not a point of order or which cannot be raised during question hour, half-an hour discussion, short duration discussion or under adjournment motion, calling attention notice or under any rule of the House can be raised under the **special mention in the Rajya Sabha**. Its equivalent procedural device in the Lok Sabha is known as 'Notice (Mention) Under Rule 377'.

THINK!

- Privilege Motion.

Q.66) Which of the following are the expenditure 'charged' upon the Consolidated Fund of India?

1. Emoluments and allowances of the President and other expenditure relating to his office.
2. Salaries, allowances and pensions of the judges of the High Courts.
3. Salaries, allowances and pension of the chairman and members of the Union Public Service Commission.
4. Any sum required to satisfy any judgement, decree or award of any court or arbitral tribunal.

Select the correct answer using the codes given below.

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

Q.66) Solution (a)

The charged expenditure is non-voteable by the Parliament, that is, it can only be discussed by the Parliament, while the other type has to be voted by the Parliament. The list of the charged expenditure is as follows:

- Emoluments and allowances of the President and other expenditure relating to his office.
- Salaries and allowances of the Chairman and the Deputy Chairman of the Rajya Sabha and the Speaker and the Deputy Speaker of the Lok Sabha.
- **Salaries, allowances and pensions of the judges of the Supreme Court.**
- **Pensions of the judges of high courts.** (Salary and allowance are charged on consolidated fund of concerned state/s).
- Salary, allowances and pension of the Comptroller and Auditor General of India.
- Salaries, allowances and pension of the chairman and members of the Union Public Service Commission.
- Administrative expenses of the Supreme Court, the office of the Comptroller and Auditor General of India and the Union Public Service Commission including the salaries, allowances and pensions of the persons serving in these offices.
- The debt charges for which the Government of India is liable, including interest, sinking fund charges and redemption charges and other expenditure relating to the raising of loans and the service and redemption of debt.
- Any sum required to satisfy any judgement, decree or award of any court or arbitral tribunal.
- Any other expenditure declared by the Parliament to be so charged.

Do you know?

- No money bill imposing tax shall be introduced in the Parliament except on the recommendation of the President, and such a bill shall not be introduced in the Rajya Sabha.

THINK!

- Role of Rajya Sabha in Money Bill.

Q.67) Consider the following statements about the cut motion.

1. It should relate to one demand only.
2. It can make suggestions for the amendment or repeal of existing laws.
3. It can be related to any matter that's expenditure charged on the Consolidated Fund of India.
4. It can be related to a matter that is under adjudication by a court, only in special cases.

Select the correct answer using the codes given below.

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

d) None

Q.67) Solution (a)

The members of Parliament can discuss the details of the budget. They can also move motions to reduce any demand for grant. Such motions are called as 'cut motion'.

A cut motion, to be admissible, must satisfy the following conditions:

- It should relate to one demand only.
- It should be clearly expressed and should not contain arguments or defamatory statements.
- It should be confined to one specific matter.
- It should not make suggestions for the amendment or repeal of existing laws.
- It should not refer to a matter that is not primarily the concern of Union government.
- It should not relate to the expenditure charged on the Consolidated Fund of India.
- It should not relate to a matter that is under adjudication by a court.
- It should not raise a question of privilege.
- It should not revive discussion on a matter on which a decision has been taken in the same session.
- It should not relate to a trivial matter.

Do you know?

The significance of a cut motion lies in:

- Facilitating the initiation of concentrated discussion on a specific demand for grant.
- Upholding the principle of responsible government by probing the activities of the government.

THINK!

- Policy Cut Motion.

Q.68) Consider the following statements:

1. Office of Speaker and Deputy Speaker originated in India under the provisions of Government of India act 1909.
2. Deputy Speaker performs the duties of Speaker both when the Speaker is absent and when the office of Speaker is vacant.

Which of the above statements are correct?

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

Q.68) Solution (b)

Office of Speaker and Deputy Speaker originated in India under the provisions of Government of India act 1919.

They were called President and Deputy President until 1947.

Deputy Speaker of Lok Sabha

Like the Speaker, the Deputy Speaker is also elected by the Lok Sabha itself from amongst its members. He is elected after the election of the Speaker has taken place. The date of election of the Deputy Speaker is fixed by the Speaker. Whenever the office of the Deputy Speaker falls vacant, the Lok Sabha elects another member to fill the vacancy.

Like the Speaker, the Deputy Speaker remains in office usually during the life of the Lok Sabha. However, he may vacate his office earlier in any of the following three cases:

1. if he ceases to be a member of the Lok Sabha;
2. if he resigns by writing to the Speaker; and
3. if he is removed by a resolution passed by a majority of all the members of the Lok Sabha.

Such a resolution can be moved only after giving 14 days' advance notice. The Deputy Speaker performs the duties of the Speaker's office when it is vacant. He also acts as the Speaker when the latter is absent from the sitting of the House. In both the cases, he assumes all the powers of the Speaker. He also presides over the joint sitting of both the Houses of Parliament, in case the Speaker is absent from such a sitting.

Think

- Pro Tem Speaker

Q.69) Consider the following statements:

1. A minister can participate in the proceedings of a house of Parliament, of which he is not a member.
2. A minister who is not a member of either of the houses of Parliament can participate in the proceedings of both the houses.

Which of the above statements are correct?

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

Q.69) Solution (c)

Usually, the members of Parliament, either Lok Sabha or Rajya Sabha, are appointed as ministers. A person who is not a member of either House of Parliament can also be appointed as a minister. But, within six months, he must become a member (either by election or by nomination) of either House of Parliament, otherwise, he ceases to be a minister.

A minister who is a member of one House of Parliament has the right to speak and to take part in the proceedings of the other House also, but he can vote only in the House of which he is a member.

Q.70) Which of the following statements regarding advancement of date of presentation of budget is correct?

1. The shift of date of presentation of budget was made after the approval of the Lok Sabha.
2. The shift of date of presentation of budget was made after the assent of the President.

Select the code from following:

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

Q.70) Solution (d)

The decision to advance the date was approved by Cabinet. It did not require parliamentary approval.

The Cabinet has decided in principle to advance the presentation of the Union Budget by a month, from February to January. The objective is to have the Budget constitutionally

approved by Parliament and assented to by the President, and all allocations at different tiers disseminated to budget-holders, before the financial year begins on April 1.

The new system will eliminate the need for the executive to obtain a vote-on-account budget approval to incur expenditure during the first two months, which normally is in the second fortnight of May.

The aim is that all spending authorities within the system and those financially dependent on the Centre be in a position to work out their activities with assured resources in the beginning of the year itself. With annual financial resources approved and bestowed on April 1, a more planned and regulated expenditure profile during the year is expected.

Think

- Pros and cons of Shifting Budget

Q.71) consider the following statements

1. When president submits resignation to vice president , VP has to intimate the same to both speaker and chief justice of India
2. When president resigns and election to post of president is delayed due to some reason, the vice president will remain as president till such date of election of new president.

Which of the above statements are NOT correct?

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

Q.71) Solution (c)

Note: The question is asking for incorrect options.

- When president resigns VP intimate the same only to speaker
- Till new president is elected the previous president will remain in office

Article 56(1) of the Constitution provides that the President shall hold office for a term of five years from the date on which he enters upon his office. According to Article 62, an election to fill a vacancy caused by the expiration of the term of office of President shall be completed before the expiration of the term. An election to fill a vacancy in the office of

President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after, and in no case later than six months from, the date of occurrence of the vacancy; and the person elected to fill the vacancy shall, subject to the provisions of Article 56, be entitled to hold office for the full term of five years from the date on which he enters upon his office. To meet the contingency of an election to the office of President not being completed in time due to unforeseen circumstances like countermanding of election due to death of a candidate or on account of postponement of the poll for any valid reason, Article 56(1)(c) provides that the President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

Q.72) Which of the following regarding Lok Sabha Secretary General is incorrect?

- a) Secretary General is appointed by the President
- b) He remains in the office till age of 60 years (retirement).
- c) His functions are to provide a link between changing members and keeping the records.
- d) He summons the members to attend the session of parliament on behalf of President.

Q.72) Solution (a)

Lok Sabha Secretary General is appointed by The speaker in consultation with PM and opposition leader.

Do you know?

Snehlata Shrivastava has been appointed as the new Secretary General of the Lok Sabha, a notification issued by the secretariat of the lower house said.

She will be the first woman secretary general of the Lok Sabha and will assume charge on December 1. Her tenure will end on November 30, 2018.

<https://economictimes.indiatimes.com/news/politics-and-nation/snehlata-shrivastava-appointed-lok-sabha-secretary-general/articleshow/61838807.cms>

Q.73) Which of the following are the exclusive powers of Rajya Sabha and not enjoyed by Lok Sabha?

1. It can authorise the Parliament to make a law on a subject enumerated in the State List.
2. It can authorise the Parliament to create new All-India Services common to both the Centre and states
3. A constitutional Amendment Bill can be initiated only in Rajya Sabha

Select the code from following:

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

Q.73) Solution (c)

Special Powers of Rajya Sabha

Due to its federal character, the Rajya Sabha has been given two exclusive or special powers that are not enjoyed by the Lok Sabha:

1. It can authorise the Parliament to make a law on a subject enumerated in the State List (Article 249).
2. It can authorise the Parliament to create new All-India Services common to both the Centre and states (Article 312).

Think

- Indian Federalism
- Parliament's power to legislate on State Subjects

Q.74) Which of the following statements regarding Estimates Committee are correct?

1. Rajya Sabha does not have any representation in this committee.
2. All parties get due representation in it.
3. A minister cannot be elected as a member of this committee

Select the code from following:

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

Q.74) Solution (d)**Estimates Committee**

The origin of this committee can be traced to the standing financial committee set up in 1921. The first Estimates Committee in the post-independence era was constituted in 1950 on the recommendation of John Mathai, the then finance minister. Originally, it had 25 members but in 1956 its membership was raised to 30. All the thirty members are from Lok Sabha only. The Rajya Sabha has no representation in this committee. These members are elected by the Lok Sabha every year from amongst its members, according to the principles of proportional representation by means of a single transferable vote. Thus, all parties get due representation in it. The term of office is one year. A minister cannot be elected as a member of the committee. The chairman of the committee is appointed by the Speaker from amongst its members and he is invariably from the ruling party.

The function of the committee is to examine the estimates included in the budget and suggest 'economies' in public expenditure. Hence, it has been described as a 'continuous economy committee'. In more detail, the functions of the committee are:

1. To report what economies, improvements in organisation, efficiency and administrative reform consistent with the policy underlying the estimates, can be affected.
2. To suggest alternative policies in order to bring about efficiency and economy in administration.
3. To examine whether the money is well laid out within the limits of the policy implied in the estimates.
4. To suggest the form in which the estimates are to be presented to Parliament.

The committee continues the examination of the estimates from time to time, throughout the financial year and report to the House as its examination proceeds. It is not incumbent on the committee to examine the entire estimates of any one year. The demands for grants are finally voted despite the fact that the committee has made no report.

Think

- Public Accounts Committee
- Parliamentary Committees

Q.75) Consider the below statements:

1. Though the Constitution has abandoned the system of separate electorate, it provides for the system of communal representation by reserving seats for scheduled castes and scheduled tribes in the Lok Sabha.
2. Though the Constitution has adopted the system of proportional representation in the case of Rajya Sabha, it has not preferred the same system in the case of Lok Sabha.

Which of the statements given above is/are correct?

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

Q.75) Solution (b)

Though the Constitution has abandoned the system of communal representation, it provides for the reservation of seats for scheduled castes and scheduled tribes in the Lok Sabha on the basis of population ratios.

Though seats are reserved for scheduled castes and scheduled tribes, they are elected by all the voters in a constituency, without any separate electorate. A member of scheduled castes and scheduled tribes is also not debarred from contesting a general (non-reserved) seat.

Though the Constitution has adopted the system of proportional representation in the case of Rajya Sabha, it has not preferred the same system in the case of Lok Sabha. Instead, it has adopted the system of territorial representation for the election of members to the Lok Sabha.

Q.76) Which of the below statements is/are true about the two houses of the Parliament?

1. A person must be not less than 30 years of age in the case of the Rajya Sabha and not less than 25 years of age in the case of the Lok Sabha.
2. Minimum age for election to the post of Vice-President and Governor is 30 years as in the case of Rajya Sabha.

Choose correct answer:

- a) 1 only
- b) 2 only

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

Q.76) Solution (a)

The Constitution has laid out the qualifications for a person to be chosen a member of the Parliament. Among them one of the important qualification is – A person must not be less than 30 years of age in the case of the Rajya Sabha and not less than 25 years of age in the case of the Lok Sabha.

Minimum age for election to the post of Vice-President and Governor is 35 years (not 30 years). Hence, statement (2) is wrong.

Think!

- Minimum age for election to other posts such as President, PM, CM etc.

Q.77) Consider the below statements with respect to panel of chairpersons and vice-chairpersons:

1. Under the Rules of Lok Sabha and Rajya Sabha, the Speaker and the Chairman can nominate from amongst the members a panel of chairpersons and vice-chairpersons respectively.
2. Any of them can preside over the House when the office of the Speaker or the Deputy Speaker is vacant.

Which of the statements given above is/are correct?

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

Q.77) Solution (a)

Under the Rules of Lok Sabha and Rajya Sabha, the Speaker and the Chairman can nominate from amongst the members a panel of chairpersons and vice-chairpersons respectively.

Any one of them can preside over the House in the **absence** of the Chairman or the Deputy Chairman.

It must be emphasised here that a member of the panel of vice-chairpersons **cannot preside** over the House, **when the office of the Chairman or the Deputy Chairman is vacant**.

During such time, the Chairman's duties are to be performed by such member of the House as the president may appoint for the purpose. The elections are held, as soon as possible, to fill the vacant posts.

Q.78) Which among the given statements is/are true in regard to the Speaker of Lok Sabha?

1. He is the final interpreter of the provisions of the Constitution of India within the House.
2. President enables the House to elect the new Speaker.
3. He is the guardian of powers and privileges of the members, the House as a whole and its committees.

Choose the correct answer:

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

Q.78) Solution (c)

Speaker is the final interpreter of the provisions of (a) the Constitution of India, (b) the Rules of Procedure and Conduct of Business of Lok Sabha, and (c) the parliamentary precedents, **within the House**.

Speaker is the guardian of powers and privileges of the members, the House as a whole and its committees.

The main duty of Speaker *Pro Tem* is to administer oath to the new members. He also enables the House to elect the new Speaker. Therefore, it is not President who enables the House to elect the new Speaker (hence statement 2 is wrong).

Think!

- Speaker Pro Tem

Q.79) Which among the following is/are correct in regard to Motions associated with Parliamentary functions?

1. No-Confidence Motion and Censure motion can be moved against the entire council of ministers
2. Calling Attention Motion is introduced in the Parliament to draw attention of the House to a definite matter of urgent public importance
3. All resolutions come in the category of substantive motion

Select the appropriate code

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

Q.79) Solution (a)

Censure motion can be moved against an individual minister or a group of ministers or the entire council of ministers. No-Confidence Motion can be moved against the entire council of ministers only.

It is Adjournment Motion (not Calling Attention Motion), which is introduced in the Parliament to draw attention of the House to a definite matter of urgent public importance.

Calling Attention Motion is introduced in the Parliament by a member to call the attention of a minister (not the House) to a matter of urgent public importance, and to seek an authoritative statement from him on that matter.

All resolutions come in the category of substantive motions, that is to say, every resolution is a particular type of motion.

Think!

- Motions which are Indian innovation

Q.80) Consider the following about Money Bills and Financial bills:

1. Money bills and financial bills can be introduced only on the recommendation of the President.
2. A Money Bill can be tabled in either House of Parliament.
3. The Rajya Sabha must return a Money Bill passed by Lok Sabha and send it for consideration within 14 days.
4. The President cannot return a Money Bill to Lok Sabha for reconsideration.

Which of the statements given above are correct?

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

Q.80) Solution (c)

Money bill and Financial Bill

- Money Bill and Financial Bill (I) can be introduced only on the recommendation of the President, but recommendation of the President is not necessary for the introduction of Financial bill (II)
- Financial Bills (both I and II) are governed by the same legislative procedure which is applicable to an ordinary bill
- The only special feature of Financial Bill (II) is that it cannot be passed by either House of Parliament unless the President has recommended to that House the consideration of the bill (Financial Bill (I) has no such special feature)

A Money Bill can be introduced only in Lok Sabha. Hence, statement 2 is wrong.

The Rajya Sabha must return a Money Bill passed by Lok Sabha and send it for consideration within 14 days.

The President cannot return a Money Bill to Lok Sabha for reconsideration.

Q.81) Consider the following statements with regard to a Private Bill?

1. It can be introduced by any member of Parliament
2. Its rejection by the House has an implication on the parliamentary confidence in the government

Select the correct code

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

Q.81) Solution (d)

Members of parliament other than ministers are called private members and bills presented by them are known as private member's bills

Bills introduced in the Parliament are of two kinds: **public bills and private bills** (also known as government bills and private members' bills respectively). Though both are governed by the same general procedure and pass through the same stages in the House, they differ in various respects

Public Bill

- It is introduced in the **Parliament by a minister.**
- It reflects the policies of the government (ruling party).
- It has greater chance to be approved by the Parliament.
- Its rejection by the House amounts to the expression of want of parliamentary confidence in the government and may lead to its resignation.
- Its introduction in **the House requires seven days' notice.**
- It is drafted by the concerned department in consultation with the law department.

Private Bill

- It is introduced by **any Member of Parliament other than a minister.**
- It reflects the stand of opposition party on public matter.
- It has lesser chance to be approved by the Parliament.
- **Its rejection by the House has no implication on the parliamentary confidence in the government or its resignation.**
- Its introduction **in the House requires one month's notice.**
- Its drafting is the responsibility of the member concerned.

Do you know?

The bills introduced in the Parliament can also be **classified into four categories:**

- Ordinary bills, which are concerned with any matter other than financial subjects.
- Money bills, which are concerned with the financial matters like taxation, public expenditure, etc.
- Financial bills, which are also concerned with financial matters (but are different from money bills).
- Constitution amendment bills, which are concerned with the amendment of the provisions of the Constitution.

Q.82) Consider the following statements.

1. Parliamentary Affairs Committee is chaired by the Prime Minister.
2. The Political Affairs Committee, the most powerful often described as a “Super-Cabinet”.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.82) Solution (b)

The following four are the more important cabinet committees:

- The Political Affairs Committee deals with all policy matters pertaining to domestic and foreign affairs.
- The Economic Affairs Committee directs and coordinates the governmental activities in the economic sphere.
- Appointments Committee decides all higher-level appointments in the Central Secretariat, Public Enterprises, Banks and Financial Institutions.
- Parliamentary Affairs Committee looks after the progress of government business in the Parliament.

The first three committees are chaired by the Prime Minister and the last one by the Home Minister. Of all the Cabinet Committees, the most powerful is the Political Affairs Committee, often described as a “Super-Cabinet”.

Do you know?

- The position of the Cabinet in the British Government has become so strong that Ramsay Muir referred to it as **the ‘Dictatorship of the Cabinet’**. In his book ‘How Britain is Governed’, he writes “A body which wields such powers as these may fairly be described as ‘omnipotent’ in theory, however, incapable it may be of using its omnipotence. Its position, whenever it commands a majority, is a dictatorship only qualified by publicity. This dictatorship is far more absolute than it was two generations ago”. **The same description holds good in the Indian context too.**

THINK!

- The role of Cabinet.

Q.83) With regard to Secretariat of Parliament, consider the following

1. The recruitment and service conditions of the Secretariat are regulated by the presiding officer of the House
2. Secretary-general of the Secretariat is appointed by the President

Select the correct code

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

Q.83) Solution (d)

Secretariat of Parliament: Each House of Parliament has separate secretarial staff of its own, though there can be some posts common to both the Houses.

Their recruitment and service conditions are regulated by Parliament.

The secretariat of each House is headed by a secretary-general. **He is a permanent officer and is appointed by the presiding officer of the House.**

Q.84) Which of the following statements are correct about 'Censure motion'?

1. It can be moved against any individual minister
2. It should state the reasons for its adoption in the Lok Sabha.
3. If it is passed in the Lok Sabha, the council of ministers need not resign from the office.

Choose the correct code

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

Q.84) Solution (d)

Censure Motion vs No Confidence Motion

- In case of **censure motion**, reasons must be stated for its adoption in the Lok Sabha while in case of motion of no confidence no such reasons for its adoption are required to be stated in the Lok Sabha.
- Censure motion can be moved against an **individual minister** or a group of ministers or the entire council of ministers, whereas No confidence motion can only be moved against the entire council of ministers
- If Censure motion is passed in the Lok Sabha, **the council of ministers need not resign** from the office, while in case of motion of no confidence, the council of minister must resign from office if the motion is passed.
- **Censure motion** is moved for censuring the council of ministers for **specific policies and action** and no confidence motion on the otherhand, is moved for ascertaining the confidence of Lok Sabha in the council of ministers.

Q.85) In which of the following situations the President can exercise constitutional discretion?

1. Appointment of Prime Minister when no party has a clear majority in the Lok Sabha or when the Prime Minister in office dies suddenly and there is no obvious successor.
2. Dismissal of the council of ministers when it cannot prove the confidence of the Lok Sabha.
3. Dissolution of the Lok Sabha if the council of ministers has lost its majority.

Select the correct answer using the codes given below.

- a) 1 and 2 only
- b) 2 and 3 only
- c) 1, 2 and 3 only
- d) None of the above

Q.85) Solution (d)

Though the President has no constitutional discretion, he has some situational discretion. In other words, the President can act on his discretion (that is, without the advice of the ministers) under the following situations:

- Appointment of Prime Minister when no party has a clear majority in the Lok Sabha or when the Prime Minister in office dies suddenly and there is no obvious successor.
- Dismissal of the council of ministers when it cannot prove the confidence of the Lok Sabha.
- Dissolution of the Lok Sabha if the council of ministers has lost its majority.

Do you know?

Article 72 of the Constitution empowers the President to grant pardons to persons who have been tried and convicted of any offence in all cases where the:

- Punishment or sentence is for an offence against a Union Law;
- Punishment or sentence is by a court martial (military court); and
- Sentence is a sentence of death.

THINK!

- Supreme Court principles on pardoning power of President.

Q.86) The Electoral College for the election of President consists of

1. Elected members of both the houses of parliament.
2. The independently elected members of the legislatures assemblies of the state.
3. Lt. Governor of Union territories.

Select the correct answer using the codes given below.

- a) 1 and 2 only
- b) 2 and 3 only
- c) 1, 2 and 3 only
- d) None

Q.86) Solution (a)

The President is elected not directly by the people but by members of electoral college consisting of:

- the elected members of both the Houses of Parliament;
- the elected members of the legislative assemblies of the states; and
- the elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry

Do you know?

- The nominated members of both of Houses of Parliament, the nominated members of the state legislative assemblies, the members (both elected and nominated) of the state legislative councils (in case of the bicameral legislature) and the nominated members of the Legislative Assemblies of Delhi and Puducherry do not participate in the election of the President.

THINK!

- Election of Vice-President.

Q.87) Prime Minister of India is chairman of

1. NITI Aayog
2. National Integration Council
3. National Water Resources council

Select the correct answer using the codes given below.

- a) 1 and 2 only
- b) 2 and 3 only
- c) 1, 2 and 3 only
- d) None

Q.87) Solution (c)

Prime Minister of India is chairman of **NITI Aayog, National Integration Council, Inter-State Council and National Water Resources council.**

Do you know?

- The President is the head of the Indian State. He is the first citizen of India and acts as the **symbol of unity, integrity and solidarity of the nation.**

THINK!

- Powers and Functions of the Prime Minister.

Q.88) Consider the following statements regarding the passing of an ordinary bill in the Parliament:

1. In first stage a bill is introduced in the house and detailed discussion will take place.
2. In second stage bill is generally referred to a Select committee of the house.
3. In third reading the debate is confined to the acceptance or rejection of the bill as a whole and no amendments are allowed.

Which of the above statements are correct?

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

Q.88) Solution (b)**Ordinary Bills**

Every ordinary bill has to pass through the following five stages in the Parliament before it finds a place on the Statute Book:

1. First Reading

An ordinary bill can be introduced in either House of Parliament. Such a bill can be introduced either by a minister or by any other member. The member who wants to introduce the bill has to ask for the leave of the House. When the House grants leave to introduce the bill, the mover of the bill introduces it by reading its title and objectives. No discussion on the bill takes place at this stage. Later, the bill is published in the Gazette of India. If a bill is published in the Gazette before its introduction, leave of the House to introduce the bill is not necessary.¹⁸ The introduction of the bill and its publication in the Gazette constitute the first reading of the bill.

2. Second Reading

During this stage, the bill receives not only the general but also the detailed scrutiny and assumes its final shape. Hence, it forms the most important stage in the enactment of a bill. In fact, this stage involves three more sub-stages, namely, stage of general discussion, committee stage and consideration stage.

(a) Stage of General Discussion: The printed copies of the bill are distributed to all the members. The principles of the bill and its provisions are discussed generally, but the details of the bill are not discussed.

At this stage, the House can take any one of the following four actions:

- (i) It may take the bill into consideration immediately or on some other fixed date;
- (ii) It may refer the bill to a select committee of the House;
- (iii) It may refer the bill to a joint committee of the two Houses; and
- (iv) It may circulate the bill to elicit public opinion.

A Select Committee consists of members of the House where the bill has originated and a joint committee consists of members of both the Houses of Parliament.

(b) Committee Stage: The usual practice is to refer the bill to a select committee of the House. This committee examines the bill thoroughly and in detail, clause by clause. It can

also amend its provisions, but without altering the principles underlying it. After completing the scrutiny and discussion, the committee reports the bill back to the House.

(c) Consideration Stage: The House, after receiving the bill from the select committee, considers the provisions of the bill clause by clause. Each clause is discussed and voted upon separately. The members can also move amendments and if accepted, they become part of the bill.

3. Third Reading

At this stage, the debate is confined to the acceptance or rejection of the bill as a whole and no amendments are allowed, as the general principles underlying the bill have already been scrutinised during the stage of second reading. If the majority of members present and voting accept the bill, the bill is regarded as passed by the House. Thereafter, the bill is authenticated by the presiding officer of the House and transmitted to the second House for consideration and approval. A bill is deemed to have been passed by the Parliament only when both the Houses have agreed to it, either with or without amendments.

Q.89) The scheme of Youth Parliament was started to acquaint the younger generations with practices and procedures of Parliament. It was started by the recommendation of

- a) All India Whips Conference
- b) Constituent Assembly of India
- c) Planning Commission
- d) Election Commission

Q.89) Solution (a)

Youth Parliament

The scheme of Youth Parliament was started on the recommendation of the Fourth All India Whips Conference. Its objectives are:

1. To acquaint the younger generations with practices and procedures of Parliament;
2. To imbibe the spirit of discipline and tolerance cultivating character in the minds of youth; and
3. To inculcate in the student community the basic values of democracy and to enable them to acquire a proper perspective on the functioning of democratic institutions.

The ministry of parliamentary affairs provides necessary training and encouragement to the states in introducing the scheme.

Q.90) Which of the following statements are correct regarding Adjournment Motion?

1. It is introduced in the house to draw attention to a definite matter of urgent public importance.
2. It needs support of at least 50 members to be admitted.
3. It involves an element of censure against the government.
4. It can be introduced in both the houses.

Select the code from following:

- a) 1 and 2
- b) 2,3 and 4
- c) 1,2 and 3
- d) All of the above

Q.90) Solution (c)**Adjournment Motion**

It is introduced in the Parliament to draw attention of the House to a definite matter of urgent public importance, and needs the support of 50 members to be admitted. As it interrupts the normal business of the House, it is regarded as an extraordinary device. It involves an element of censure against the government and hence Rajya Sabha is not permitted to make use of this device. The discussion on an adjournment motion should last for not less than two hours and thirty minutes.

The right to move a motion for an adjournment of the business of the House is subject to the following restrictions:

1. It should raise a matter which is definite, factual, urgent and of public importance;
2. It should not cover more than one matter;
3. It should be restricted to a specific matter of recent occurrence and should not be framed in general terms;
4. It should not raise a question of privilege;
5. It should not revive discussion on a matter that has been discussed in the same session;
6. It should not deal with any matter that is under adjudication by court; and
7. It should not raise any question that can be raised on a distinct motion.

Q.91) Which of the following statements are NOT correct regarding the three types questions asked in question hour?

1. Starred question – requires a written answer.
2. Unstarred question – requires an oral answer.
3. Short Notice Question – requires an Oral Answer.

Select the code from below:

- a) 1 and 2
- b) 3 only
- c) All of the above
- d) None of the above

Q.91) Solution (a)

Note: Incorrect questions have been asked.

Question Hour

The first hour of every parliamentary sitting is slotted for this. During this time, the members ask questions and the ministers usually give answers. The questions are of three kinds, namely, starred, unstarred and short notice.

- A starred question (distinguished by an asterisk) requires an oral answer and hence supplementary questions can follow.
- An unstarred question, on the other hand, requires a written answer and hence, supplementary questions cannot follow.
- A short notice question is one that is asked by giving a notice of less than ten days. It is answered orally.

Q.92) In case of dissolution of Lok Sabha

1. A bill pending in the Lok Sabha lapses
2. A bill passed by the Lok Sabha but pending in the Rajya Sabha lapses
3. A bill not passed by the two Houses due to disagreement and if the president has notified the holding of a joint sitting before the dissolution of Lok Sabha, lapses.
4. A bill pending in the Rajya Sabha but not passed by the Lok Sabha, lapses.

Which of the above statements are correct?

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

Q.92) Solution (c)**Lapsing of Bills**

When the Lok Sabha is dissolved, all business including bills, motions, resolutions, notices, petitions and so on pending before it or its committees lapse. They (to be pursued further) must be reintroduced in the newly-constituted Lok Sabha. However, some pending bills and all pending assurances that are to be examined by the Committee on Government Assurances do not lapse on the dissolution of the Lok Sabha. The position with respect to lapsing of bills is as follows:

1. A bill pending in the Lok Sabha lapses (whether originating in the Lok Sabha or transmitted to it by the Rajya Sabha).
2. A bill passed by the Lok Sabha but pending in the Rajya Sabha lapses.
3. A bill not passed by the two Houses due to disagreement and if the president has notified the holding of a joint sitting before the dissolution of Lok Sabha, does not lapse.
4. A bill pending in the Rajya Sabha but not passed by the Lok Sabha does not lapse.
5. A bill passed by both Houses but pending assent of the president does not lapse.
6. A bill passed by both Houses but returned by the president for reconsideration of Houses does not lapse.

Q.93) Consider the following statements regarding Prorogation of Lok Sabha:

1. Lok Sabha is prorogued by the Speaker.
2. House cannot be prorogued while it is in session.
3. House is prorogued only after the completion of tenure of a Government.

Which of the above statements are correct?

- a) 1 only
- b) 2 and 3
- c) 1 and 3
- d) None of the above

Q.93) Solution (d)**Prorogation**

The presiding officer (Speaker or Chairman) declares the House adjourned *sine die*, when the business of a session is completed. Within the next few days, the President issues a notification for prorogation of the session. However, the President can also prorogue the House while in session.

The specific differences between adjournment and prorogation are summarised in the following table.

	Adjournment		Prorogation
1	It only terminates a sitting and not a session of the House.	1	It not only terminates a sitting but also a session of the House.
2	It is done by presiding officer of the House.	2	It is done by the President of India.
3	It does not affect the bills or any other business pending before the House and the same can be resumed when the House meets again.	3	It also does not affect the bills or any other business pending before the House. However, all pending notices (other than those for introducing bills) lapse on prorogation and fresh notices have to be given for the next session.

Q.94) Consider the following statements and identify the incorrect statement:

- a) The office of 'whip' is mentioned neither in the Constitution of India nor in the Rules of the House nor in a Parliamentary Statute.
- b) The members of Rajya Sabha are elected by the State Legislatures.
- c) The maximum gap between two sessions of Parliament cannot be more than six months.
- d) There is the 'Leader of the Opposition' in each house of Parliament.

Q.94) Solution (b)

Note: Members of Rajya Sabha are elected by State Legislative Assemblies and not 'State Legislature'. State Legislature includes Legislative assembly and Legislative Council.

Leader of the Opposition

In each House of Parliament, there is the 'Leader of the Opposition'. The leader of the largest Opposition party having not less than one-tenth seats of the total strength of the House is recognized as the leader of the Opposition in that House. In a parliamentary system of government, the leader of the opposition has a significant role to play. His main functions are to provide a constructive criticism of the policies of the government and to provide an alternative government. Therefore, the leader of Opposition in the Lok Sabha and the Rajya Sabha were accorded statutory recognition in 1977. They are also entitled to the salary, allowances and other facilities equivalent to that of a cabinet minister. It was in 1969 that an official leader of the opposition was recognised for the first time. The same functionary in USA is known as the 'minority leader'.

Whip

Though the offices of the leader of the House and the leader of the Opposition are not mentioned in the Constitution of India, they are mentioned in the Rules of the House and Parliamentary Statute respectively. The office of 'whip' is mentioned neither in the Constitution of India nor in the Rules of the House nor in a Parliamentary Statute. It is based on the conventions of the parliamentary government. Every political party, whether ruling or Opposition has its own whip in the Parliament. He is appointed by the political party to serve as an assistant floor leader. He is charged with the responsibility of ensuring the attendance of his party members in large numbers and securing their support in favour of or against a particular issue. He regulates and monitors their behaviour in the Parliament. The members are supposed to follow the directives given by the whip. Otherwise, disciplinary action can be taken.

Summoning of Parliament

The president from time to time summons each House of Parliament to meet. But, the maximum gap between two sessions of Parliament cannot be more than six months. In other words, the Parliament should meet at least twice a year. There are usually three sessions in a year, viz,

1. the Budget Session (February to May);
2. the Monsoon Session (July to September); and
3. the Winter Session (November to December).

Q.95) Which among the given statements is/are true in regard to the Speaker of Lok Sabha?

1. Parliamentary Affairs Committee, which looks after the progress of government business in the Parliament, is chaired by the Speaker

2. He is the guardian of powers and privileges of the members, the House as a whole and its committees
3. President enables the House to elect the new Speaker

Select the appropriate code

- e) 1 only
- f) 1 and 2 only
- g) 2 only
- h) All of the above

Q.95) Solution (c)

Speaker is the guardian of powers and privileges of the members, the House as a whole and its committees.

- The main duty of Speaker *Pro Tem* is to administer oath to the new members. He also enables the House to elect the new Speaker.
- Parliamentary Affairs Committee, which looks after the progress of government business in the Parliament, is chaired by the Home Minister (not Speaker).

Q.96) Consider the following statements with regard to Parliamentary Privileges:

1. Without these privileges, the Parliament can neither maintain their authority, dignity and honour nor can protect their members from any obstruction in the discharge of their parliamentary responsibilities
2. The Constitution has extended Parliamentary privileges to the Parliament, including the attorney general of India

Which of the statements given above is/are correct?

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

Q.96) Solution (d)

Parliamentary privileges are special rights, immunities and exemptions enjoyed by the two Houses of Parliament, their committees and their members. They are necessary in order to secure the independence and effectiveness of their actions.

- Without these privileges, the Houses (not the Parliament) can neither maintain their authority, dignity and honour nor can protect their members from any obstruction in the discharge of their parliamentary responsibilities.
- The Constitution has also extended the parliamentary privileges to those persons who are entitled to speak and take part in the proceedings of a House of Parliament or any of its committees. These include the attorney general of India and Union ministers.
- It must be clarified here that the parliamentary privileges do not extend to the president who is also an integral part of the Parliament.
- **Note:** As Parliament consists of President, both the statements are incorrect.

Q.97) Which among the following qualifications for a person to be chosen a member of the Parliament is laid down by the Constitution of India?

1. He must be not less than 30 years of age in the case of the Rajya Sabha and not less than 25 years of age in the case of the Lok Sabha.
2. He must be registered as an elector for a parliamentary constituency. This is same in the case of both, the Rajya Sabha and the Lok Sabha.
3. He must make and subscribe to an oath or affirmation before the person authorised by the election commission for this purpose, according to the form prescribed in the Fourth Schedule.

Choose the appropriate code:

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

Q.97) Solution (a)

- He must be not less than 30 years of age in the case of the Rajya Sabha and not less than 25 years of age in the case of the Lok Sabha. This qualification is laid down by the Constitution.
- He must be registered as an elector for a parliamentary constituency. This is same in the case of both, the Rajya Sabha and the Lok Sabha. (This statement is incorrect because the Constitution does not lay down this qualification, it is provided in the Representation of People Act (1951))

- He must make and subscribe to an oath or affirmation before the person authorised by the election commission for this purpose, according to the form prescribed in the Third Schedule (not fourth).

Q.98) Consider the below legislative procedures in the State Legislature with regard to Ordinary Bills. Select the incorrect statement if any:

- a) It can be introduced either by a minister or by private member.
- b) The Constitution provides for the mechanism of joint sitting of two Houses of the state legislature to resolve a deadlock between them over the passage of a bill.
- c) It is deemed to have been passed by the state legislature only when both the Houses have agreed to it, either with or without amendments.
- d) None of the above

Q.98) Solution (b)

With Regard to Ordinary Bills, the state legislature has following procedures:

1. It can be introduced in either House of the state legislature.
2. It can be introduced either by a minister or by private member.
3. It passes through first reading, second reading and third reading in the originating House.
4. It is deemed to have been passed by the state legislature only when both the Houses have agreed to it, either with or without amendments.
5. A deadlock between the two Houses takes place when the legislative council, after receiving a bill passed by the legislative assembly, rejects the bill or proposes amendments that are not acceptable to the legislative assembly or does not pass the bill within three months.
6. The Constitution does not provide for the mechanism of joint sitting of two Houses of the state legislature to resolve a deadlock between them over the passage of a bill.
7. The legislative assembly can override the legislative council by passing the bill for the second time and not vice versa. When a bill is passed by the assembly for the second time and transmitted to the legislative council, if the legislative council rejects the bill again, or proposes amendments that are not acceptable to the legislative assembly, or does not pass the bill within one month, then the bill is deemed to have been passed by both the Houses in the form in which it was passed by the legislative assembly for the second time.

8. The mechanism of passing the bill for the second time to resolve a deadlock applies to a bill originating in the legislative assembly only. When a bill, which has originated in the legislative council and sent to the legislative assembly, is rejected by the latter, the bill ends and becomes dead.

Q.99) Chief Justice of India has to take approval or previous consent of the president while:

1. appointing a judge of a High Court as an ad hoc judge of the Supreme Court
2. appointing a retired judge of the Supreme Court or a retired judge of a high court to act as a judge of the Supreme Court
3. appointing other place or places other than Delhi as seat of the Supreme Court.

Choose the correct code from below options:

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

Q.99) Solution (d)

In all the conditions provided in statements of the question, CJI is required to take approval or previous consent of the President.

Chief Justice of India has to take approval or previous consent of the president while –

1. appointing a judge of a High Court as an ad hoc judge of the Supreme Court
2. appointing a retired judge of the Supreme Court or a retired judge of a high court to act as a judge of the Supreme Court
3. appointing other place or places other than Delhi as seat of the Supreme Court.

Q.100) Which committee of Parliament in India does not have members from Rajya Sabha?

- a) Committee on Public Undertakings
- b) Estimates Committee
- c) Public Accounts Committee
- d) Privileges Committee

Q.100) Solution (b)

Estimates Committee

The origin of this committee can be traced to the standing financial committee set up in 1921. The first Estimates Committee in the post-independence era was constituted in 1950 on the recommendation of John Mathai, the then finance minister. Originally, it had 25 members but in 1956 its membership was raised to 30. All the thirty members are from Lok Sabha only. The Rajya Sabha has no representation in this committee. These members are elected by the Lok Sabha every year from amongst its own members, according to the principles of proportional representation by means of a single transferable vote.

Q.101) Which of the following are the powers and functions of governor?

1. Executive
2. Legislative
3. Emergency
4. Judicial

Select the correct answer using the codes given below.

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

Q.101) Solution (c)

A governor possesses executive, legislative, financial and judicial powers more or less analogous to the President of India. However, **he has no diplomatic, military or emergency powers like the president.**

Do you know?

Reserve the bill for the consideration of the president. In one case such reservation is obligatory, that is, where the bill passed by the state legislature endangers the position of the state high court. In addition, the governor can also reserve the bill if it is of the following nature:

- Ultra-vires, that is, against the provisions of the Constitution.
- Opposed to the Directive Principles of State Policy.
- Against the larger interest of the country.
- Of grave national importance.

- Dealing with compulsory acquisition of property under Article 31A of the Constitution.

THINK!

- Financial powers of governor.

Q.102) Consider the following statements.

1. The Constitution envisages the possibility of the governor acting at times in his discretion, no such possibility has been envisaged for the President.
2. After the 42nd Constitutional Amendment (1976), ministerial advice has been made binding on the President, but no such provision has been made with respect to the governor.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.102) Solution (c)

There shall be a council of ministers with the chief minister as the head to aid and advise the governor in the exercise of his functions, except in so far as he is required to exercise his functions in his discretion (Article 163).

From the above, it is clear that constitutional position of the governor differs from that of the president in the following two respects:

1. While the Constitution envisages the possibility of the governor acting at times in his discretion, no such possibility has been envisaged for the President.
2. After the 42nd Constitutional Amendment (1976), ministerial advice has been made binding on the President, but no such provision has been made with respect to the governor.

Do you know?

Situational discretion of the Governor.

- Appointment of chief minister when no party has a clear-cut majority in the state legislative assembly or when the chief minister in office dies suddenly and there is no obvious successor.

- Dismissal of the council of ministers when it cannot prove the confidence of the state legislative assembly.
- Dissolution of the state legislative assembly if the council of ministers has lost its majority.

THINK!

- Constitutional discretion of Governor.

Q.103) The Constitution has assigned a dual role to the office of a governor in the Indian federal system. He is the constitutional head of the state as well as the representative of the Centre.

1. For peace and for ensuring social and economic advancement of the different sections of the population in Sikkim state.
2. Establishment of a separate development board for Hyderabad-Karnataka region in Karnataka state.
3. Determining the amount payable by the Government of Assam, Meghalaya, Tripura and Mizoram to an autonomous Tribal District Council as royalty accruing from licenses for mineral exploration.

Which of the above provisions supports the governor as the representative of the center?

- a) 1 and 2 only
- b) 1 and 3 only
- c) 3 only
- d) None

Q.103) Solution (a)

The governor has certain special responsibilities to discharge according to the directions issued by the President. In this regard, the governor though has to consult the council of ministers led by the chief minister, acts finally on his discretion. They are as follows:

- Maharashtra—Establishment of separate development boards for Vidarbha and Marathwada.
- Gujarat—Establishment of separate development boards for Saurashtra and Kutch.
- Nagaland—With respect to law and order in the state for so long as the internal disturbance in the Naga Hills–Tuensang Area continues.
- Assam—With respect to the administration of tribal areas.
- Manipur—Regarding the administration of the hill areas in the state.
- Sikkim—For peace and for ensuring social and economic advancement of the different sections of the population.

- Arunachal Pradesh—With respect to law and order in the state.
- Karnataka – Establishment of a separate development board for Hyderabad-Karnataka region.

Thus, the Constitution has assigned a dual role to the office of a governor in the Indian federal system. He is the constitutional head of the state as well as the representative of the Centre (i.e., President).

Do you know?

The Chief Minister enjoys the following powers as the leader of the house:

- He advises the governor with regard to the summoning and proroguing of the sessions of the state legislature.
- He can recommend the dissolution of the legislative assembly to the governor at any time.
- He announces the government policies on the floor of the house.

THINK!

- Organization of state legislature.

Q.104) Consider the following statements.

1. Some members of the legislative assemblies in Sikkim and Nagaland are elected indirectly.
2. The governor can nominate one member from the Anglo-Indian community, if the community is not adequately represented in the council.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.104) Solution (a)

The legislative assembly consists of representatives directly elected by the people on the basis of universal adult franchise. Its maximum strength is fixed at 500 and minimum strength at 60. It means that its strength varies from 60 to 500 depending on the population size of the state³. However, in case of Arunachal Pradesh, Sikkim and Goa, the minimum number is fixed at 30 and in case of Mizoram and Nagaland, it is 40 and 46 respectively.

Further, some members of the legislative assemblies in Sikkim and Nagaland are also elected indirectly.

The governor can nominate one member from the Anglo-Indian community, **if the community is not adequately represented in the assembly**. Originally, this provision was to operate for ten years (ie, upto 1960). But this duration has been extended continuously since then by 10 years each time. Now, under the 95th Amendment Act of 2009, this is to last until 2020.

Do you know?

- The maximum strength of the council is fixed at one-third of the total strength of the assembly and the minimum strength is fixed at 40. **It means that the size of the council depends on the size of the assembly of the concerned state.** This is done to ensure the predominance of the directly elected House (assembly) in the legislative affairs of the state. Though the Constitution has fixed the maximum and the minimum limits, the actual strength of a Council is fixed by Parliament.

THINK!

- Manner of election of members of legislative council.

Q.105) Consider the following statements regarding an ordinary bill in state legislature:

1. At the most, the council can detain or delay the bill for a period of four months.
2. The bill, which has originated in the council and was sent to the assembly, if rejected by the assembly, the bill ends and becomes dead.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.105) Solution (c)

The ultimate power of passing an ordinary bill is vested in the assembly. **At the most, the council can detain or delay the bill for a period of four months—three months in the first instance and one month in the second instance.** The Constitution does not provide for the mechanism of joint sitting of both the Houses to resolve the disagreement between the two Houses over a bill. On the other hand, there is a provision for joint sitting of the Lok Sabha and the Rajya Sabha to resolve a disagreement between the two over an ordinary bill.

Moreover, when a bill, which has originated in the council and was sent to the assembly, is rejected by the assembly, the bill ends and becomes dead.

Do you know?

- When a bill is reserved by the governor for the consideration of the President, the President may either give **his assent to the bill** or **withhold his assent to the bill** or **return the bill for reconsideration of the House** or Houses of the state legislature.
- When a bill is so returned, the House or Houses **have to reconsider it within a period of six months**. The bill is presented again to the presidential assent after it is passed by the House or Houses with or without amendments.
- **It is not mentioned in the Constitution** whether it is obligatory on the part of the president to give his assent to such a bill or not.

THINK!

- POSITION OF LEGISLATIVE COUNCIL.

Q.106) Consider the following statements about Constitutional Amendment Bill.

1. The legislative assembly can initiate the constitutional amendment bill related to federal character of polity only.
2. Both Vidhan Parishad and Vidhan Sabha has the same power with respect to ratification of constitutional amendment bill.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.106) Solution (d)

A constitution amendment bill can be introduced in any house of the parliament. A bill for the purpose of amendment of constitution cannot be introduced in any state legislature.

Do you know?

- The Ordinance making power of the President cannot be used to amend the Constitution.

THINK!

- Article 370 and article 35A.

Q.107) Consider the following statements.

1. Article 356 which deals with the imposition of President's Rule in the states applies to National Capital territory of Delhi.
2. The ministers of Delhi assembly hold office during the pleasure of the president.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.107) Solution (b)

The strength of the council of ministers is fixed at ten per cent of the total strength of the assembly, that is, seven—one chief minister and six other ministers. **The chief minister is appointed by the President (not by the Lt. Governor).** The other ministers are appointed by the president on the advice of the chief minister. **The ministers hold office during the pleasure of the president.** The council of ministers is collectively responsible to the assembly.

When a situation arises in which the administration of the territory cannot be carried on in accordance with the above provisions, the president can suspend their (above provisions) operation and make the necessary incidental or consequential provisions for administering the territory. In brief, in case of failure of constitutional machinery, the president can impose his rule in the territory. This can be done on the report of the Lt. governor or otherwise. **This provision resembles Article 356 which deals with the imposition of President's Rule in the states.**

Do you know?

- All the five UTs without legislature (Andaman and Nicobar Islands, Chandigarh, Daman and Diu, Dadra and Nagar Haveli and Lakshadweep) have **the forum of Home Minister's Advisory Committee (HMAC / Administrator's Advisory Committee (AAC)).**
- While HMAC is chaired by the Union Home Minister, AAC is chaired by the Administrator of the concerned UTs.
- Member of Parliament and elected members from the local bodies e.g. District Panchayats and Municipal Council of the respective UTs are members of these committees among others.

- The Committee discusses the general issues relating to social and economic development of the UTs.

THINK!

- The 69th Constitutional Amendment Act of 1991.

Q.108) Consider the following statements regarding the appointment of Chief Minister:

1. Constitution does not contain any specific procedure for selection and appointment of a Chief Minister.
2. When no party has a clear majority, the Governor has to consult the President to select a candidate.

Which of the above statements are correct?

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

Q.108) Solution (a)**APPOINTMENT OF CHIEF MINISTER**

The Constitution does not contain any specific procedure for the selection and appointment of the Chief Minister. Article 164 only says that the Chief Minister shall be appointed by the governor.

However, this does not imply that the governor is free to appoint any one as the Chief Minister. In accordance with the conceptions of the parliamentary system of government, the governor has to appoint the leader of the majority party in the state legislative assembly as the Chief Minister. But, when no party has a clear majority in the assembly, then the governor may exercise his personal discretion in the selection and appointment of the Chief Minister. In such a situation, the governor usually appoints the leader of the largest party or coalition in the assembly as the Chief Minister and asks him to seek a vote of confidence in the House within a month.

Q.109) The oath of office and secrecy is administered to the Chief Minister by

- a) Speaker of Legislative Assembly

- b) Governor
- c) Chief Justice of the High Court
- d) Senior most Member of Legislative Assembly

Q.109) Solution (b)

Oath of Chief Minister

Before the Chief Minister enters his office, the governor administers to him the oaths of office and secrecy. In his oath of office, the Chief Minister swears:

1. To bear true faith and allegiance to the Constitution of India,
2. To uphold the sovereignty and integrity of India,
3. To faithfully and conscientiously discharge the duties of his office, and
4. To do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will.

In his oath of secrecy, the Chief Minister swears that he will not directly or indirectly communicate or reveal to any person(s) any matter that is brought under his consideration or becomes known to him as a state minister except as may be required for the due discharge of his duties as such minister.

Q.110) Consider the following statements regarding the strength of Council of Ministers in a state:

1. The total number of Ministers including the Chief Minister shall not exceed 15% of the total membership of the State legislative Assembly.
2. The total number of Ministers including Chief Minister in a State shall not be less than 50.

Which of the above statements is/are correct?

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

Q.110) Solution (a)

The total number of ministers, including the chief minister, in the council of ministers in a state shall not exceed 15 per cent of the total strength of the legislative assembly of that state.

But, the number of ministers, including the chief minister, in a state shall not be less than.

This provision was added by the 91st Amendment Act of 2003.

Think

- Strength of Council of Minister in Parliament.
- Cabinet Ministers

Q.111) Consider the following Statements:

1. A council of ministers must always exist to advise the governor, even after the dissolution of the state legislative assembly or resignation of a council of ministers.
2. The governor has to act on the aid and advice of the council of ministers in the exercise of his powers and functions.

Which of the above statements is/are correct?

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

Q.111) Solution (c)

NATURE OF ADVICE BY MINISTERS

Article 163 provides for a council of ministers with the chief minister at the head to aid and advise the governor in the exercise of his functions except the discretionary ones. If any question arises whether a matter falls within the governor's discretion or not, the decision of the governor is final and the validity of anything done by him cannot be called in question on the ground that he ought or ought not to have acted in his discretion. Further, the nature of advice tendered by ministers to the governor cannot be enquired by any court. This provision emphasises the intimate and the confidential relationship between the governor and the ministers.

In 1971, the Supreme Court ruled that a council of ministers must always exist to advise the governor, even after the dissolution of the state legislative assembly or resignation of a

council of ministers. Hence, the existing ministry may continue in the office until its successor assumes charge. Again in 1974, the Court clarified that except in spheres where the governor is to act in his discretion, the governor has to act on the aid and advice of the council of ministers in the exercise of his powers and functions. He is not required to act personally without the aid and advice of the council of ministers or against the aid and advice of the council of ministers. Wherever the Constitution requires the satisfaction of the governor, the satisfaction is not the personal satisfaction of the governor but it is the satisfaction of the council of ministers.

Q.112) Consider the following statements regarding formation of Legislative Council in a State:

1. A resolution must be passed in State Assembly by majority of total membership of assembly and two thirds of members present and Voting.
2. The Act of Parliament to constitute a Legislative Council is deemed as a Constitutional Amendment under article 368.

Which of the above statements are correct?

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

Q.112) Solution (a)

The Constitution provides for the abolition or creation of legislative councils in states. Accordingly, the Parliament can abolish a legislative council (where it already exists) or create it (where it does not exist), if the legislative assembly of the concerned state passes a resolution to that effect. Such a specific resolution must be passed by the state assembly by a special majority, that is, a majority of the total membership of the assembly and a majority of not less than two-thirds of the members of the assembly present and voting. This Act of Parliament is not to be deemed as an amendment of the Constitution for the purposes of Article 368 and is passed like an ordinary piece of legislation (i.e., by simple majority).

Do you know?

“The idea of having a second chamber in the states was criticised in the Constituent Assembly on the ground that it was not representative of the people, that it delayed legislative process and that it was an expensive institution.” Consequently the provision was made for the abolition or creation of a legislative council to enable a state to have a second

chamber or not according to its own willingness and financial strength. For example, Andhra Pradesh got the legislative council created in 1957 and got the same abolished in 1985. The Legislative Council in Andhra Pradesh was again revived in 2007, after the enactment of the Andhra Pradesh Legislative Council Act, 2005. The legislative council of Tamil Nadu had been abolished in 1986 and that of Punjab and West Bengal in 1969.

Q.113) Which of the following statements is NOT correct regarding election of Legislative Council?

- a) $1/3^{\text{rd}}$ members are elected by members of State's local bodies.
- b) $1/12^{\text{th}}$ members are elected by graduates of three years standing and residing within the state.
- c) $1/12^{\text{th}}$ are elected by the members of the legislative assembly of the state from amongst persons who are not members of the assembly.
- d) $1/12$ are elected by teachers of three years standing in the state, not lower in standard than secondary school

Q.113) Solution (c)

Composition of Legislative Council

Of the total number of members of a legislative council:

1. $1/3$ are elected by the members of local bodies in the state like municipalities, district boards, etc.,
2. $1/12$ are elected by graduates of three years standing and residing within the state,
3. $1/12$ are elected by teachers of three years standing in the state, not lower in standard than secondary school,
4. $1/3$ are elected by the members of the legislative assembly of the state from amongst persons who are not members of the assembly, and
5. The remainder are nominated by the governor from amongst persons who have a special knowledge or practical experience of literature, science, art, cooperative movement and social service.

Thus, $5/6$ of the total number of members of a legislative council are indirectly elected and $1/6$ are nominated by the governor. The members are elected in accordance with the system of proportional representation by means of a single transferable vote. The bonafides or propriety of the governor's nomination in any case cannot be challenged in the courts.

Q.114) Which of the following Qualifications are given in the Constitution for a person to be able to contest for election for Legislative Assembly?

1. He must be a citizen of India.
2. He must make and subscribe to an oath or affirmation before the person authorised by the Election Commission for this purpose.
3. He must not be less than 25 years of Age.
4. He must be an elector for an assembly constituency in the concerned state.

Select the code from below:

- a) 1,2 and 3
- b) 2,3 and 4
- c) 1,3 and 4
- d) All of the above

Q.114) Solution (a)

Qualifications for Legislative Assembly

The Constitution lays down the following qualifications for a person to be chosen a member of the state legislature.

- (a) He must be a citizen of India.
- (b) He must make and subscribe to an oath or affirmation before the person authorised by the Election Commission for this purpose. In his oath or affirmation, he swears
 - (i) To bear true faith and allegiance to the Constitution of India
 - (ii) To uphold the sovereignty and integrity of India
- (c) He must be not less than 30 years of age in the case of the legislative council and not less than 25 years of age in the case of the legislative assembly.
- (d) He must possess other qualifications prescribed by Parliament.

Accordingly, the Parliament has laid down the following additional qualifications in the Representation of People Act (1951):

(a) A person to be elected to the legislative council must be an elector for an assembly constituency in the concerned state and to be qualified for the governor's nomination, he must be a resident in the concerned state.

(b) A person to be elected to the legislative assembly must be an elector for an assembly constituency in the concerned state.

(c) He must be a member of a scheduled caste or scheduled tribe if he wants to contest a seat reserved for them. However, a member of scheduled castes or scheduled tribes can also contest a seat not reserved for them.

Note: The 4th point is a qualification prescribed by RPA and not by the Constitution.

Q.115) Which of the following provisions of the Constitution that deals with the relationship between the Governor and the Chief Minister is *incorrect*?

- a) The Chief Minister shall be appointed by the governor and other ministers shall be appointed by the governor on the advise of the Chief Minister.
- b) The Chief Minister of Delhi is appointed by the Lt. Governor.
- c) The ministers shall hold office during the pleasure of the Governor.
- d) The Chief Minister advises the governor with regard to the summoning and proroguing of the sessions of the state legislature.

Q.115) Solution (b)

Article 164:

(a) The Chief Minister shall be appointed by the governor and other ministers shall be appointed by the governor on the advise of the Chief Minister;

(b) The ministers shall hold office during the pleasure of the governor; and

(c) The council of ministers shall be collectively responsible to the legislative assembly of the state.

POWERS AND FUNCTIONS OF CHIEF MINISTER

In Relation to State Legislature

The Chief Minister enjoys the following powers as the leader of the house:

(a) He advises the governor with regard to the summoning and proroguing of the sessions of the state legislature.

(b) He can recommend the dissolution of the legislative assembly to the governor at any time.

(c) He announces the government policies on the floor of the house.

Do you know?

SPECIAL PROVISIONS FOR DELHI

The 69th Constitutional Amendment Act of 1991 provided a special status to the Union Territory of Delhi, and redesignated it the National Capital Territory of Delhi and designated the administrator of Delhi as the lieutenant (lt.) governor. It created a legislative assembly and a council of ministers for Delhi.

The strength of the council of ministers is fixed at ten per cent of the total strength of the assembly, that is, seven—one chief minister and six other ministers. **The chief minister is appointed by the President (not by the lt. governor).** The other ministers are appointed by the president on the advice of the chief minister. The ministers hold office during the pleasure of the president. The council of ministers is collectively responsible to the assembly.

Q.116) Which one of the following statements regarding the levying, collecting and distribution of Income Tax is correct?

- a) The Union levies, collects and distributes the proceeds.
- b) The Union levies, collects and keeps all the proceeds of income tax to itself.
- c) The Union levies and collects the tax but all the proceeds are distributed among the states.
- d) Only the surcharge levied on income tax is shared between the Union and the states.

Q.116) Solution (a)

India is a Federal state. Power is divided between the Union and the states. The functions have been classified as exclusively for the centre, exclusively for the state and both for the centre and the states.

Do you know?

Article 280 of our constitution empowers the President of India to set up a Finance Commission in India; taxes are divided into six groups:

(I) Taxes Levied, Collected and Retained by the Centre:

These taxes are belonging to the centre exclusively. In other words, no part of the proceeds of these taxes can be assigned to the states. The following taxes fall under this category:

- (i) Corporation Tax (Corporate tax)
- (ii) Customs Duties.
- (iii) Surcharge on Income Tax.
- (iv) Taxes on capital value of assets of individual and companies.
- (v) Fees on matters of the Union list.

(II) Taxes Levied by the Centre but Collected and Appropriated by the States:

The following taxes are included in this category:

- (i) Stamp duties on bills of exchange, cheques, promissory notes and others.
- (ii) Excise duties on medicinal and toilet preparation containing alcohol.

There taxes which form part of the union list are levied by the centre but (a) collected by the states within which such duties are levied; and (b) collected by the centre when such duties are levied within any Union Territory.

(III) Taxes Levied and Collected by the Centre but Assigned to the States:

This category includes the following duties and taxes:

- (i) Duties on succession to property (other than agricultural land).
- (ii) Estate duty on property (other than agricultural land).
- (iii) Terminal taxes on goods and passengers carried by railways, sea and airways.
- (iv) Taxes on railway fares and freights.
- (v) Taxes on transaction in stock exchanges and future markets (other than stamp duties).
- (vi) Taxes on the sale or purchase of newspapers and taxes on advertisements published in them.
- (vii) Taxes on the sale or purchase of goods in course of inter-state trade or commerce (other than newspaper).
- (viii) Taxes on the consignment of goods in the course of inter-state trade or commerce.

The net proceeds of these duties and taxes are assigned to states in accordance with the principles laid down by the parliament.

(IV) Taxes Levied and Collected by the Centre and Compulsorily Distributed between the Centre and the States:

Taxes on income (other than agricultural income and corporation tax) shall be levied and collected by the centre but compulsorily distributed between the centre and the states in such manner as prescribed by the president on the recommendations of the Finance Commission. The obligatory sharing of income tax is provided by Article 270 of the Constitution.

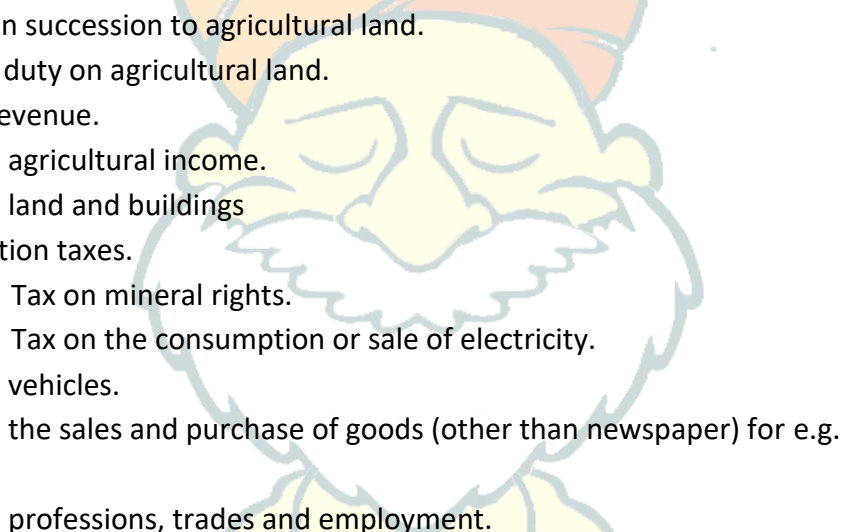
(V) Taxes Levied and Collected by the Centre and may be distributed between the Centre and the States:

Under this category falls the excise duties included in the Union list except those on medicinal and toilet preparations. These are levied and collected by the centre. The net proceeds of such duties can be paid to states out of the consolidated Fund of India only if the parliament so provides.

Further, the principles of distribution shall also be laid down by the parliament. It is to be noted that sharing of the proceeds, of income tax is obligatory, while that of excise duties is permissible.

(VI) Taxes Levied and Collected and Retained by States:

The following taxes and duties exclusively belong to states. They are mentioned in the State list. Every state is entitled to levy, collect and appropriate these taxes. The taxes are

- 
- (i) Duty on succession to agricultural land.
 - (ii) Estate duty on agricultural land.
 - (iii) Land revenue.
 - (iv) Tax on agricultural income.
 - (v) Tax on land and buildings
 - (vi) Capitation taxes.
 - (vii) Tax on mineral rights.
 - (viii) Tax on the consumption or sale of electricity.
 - (ix) Tax on vehicles.
 - (x) Tax on the sales and purchase of goods (other than newspaper) for e.g. Sales tax.
 - (xi) Tolls
 - (xii) Tax on professions, trades and employment.

Q.117) Consider the below statements with regard to legislative councils in states:

1. Parliament can abolish a legislative council or create it.
2. Constitution of India does not provide for the abolition or creation of legislative councils in states.
3. States can have a legislative council or not according to its own willingness and financial strength.

Which of the statements given above is/are correct?

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

d) 3 only

Q.117) Solution (a)

There is no uniformity in the organisation of state legislatures. Most of the states have an unicameral system, while others have a bicameral system.

The Constitution provides for the abolition or creation of legislative councils in states. Accordingly, the Parliament can abolish a legislative council (where it already exists) or create it (where it does not exist), if the legislative assembly of the concerned state passes a resolution to that effect. Such a specific resolution must be passed by the state assembly by a special majority, that is, a majority of the total membership of the assembly and a majority of not less than two-thirds of the members of the assembly present and voting.

Note:

- This Act of Parliament is not to be deemed as an amendment of the Constitution for the purposes of Article 368 and is passed like an ordinary piece of legislation (ie, by simple majority).
- The provision was made for the abolition or creation of a legislative council to enable a state to have a second chamber or not according to its own willingness and financial strength.
- The very existence of the council depends on the will of the assembly. The council can be abolished by the Parliament on the recommendation of the assembly.

Q.118) An administrator of a union territory is

1. an agent of the President
2. appointed by the President
3. head of state like a governor

Select the appropriate code:

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

Q.118) Solution (b)

Every union territory is administered by the President acting through an administrator appointed by him.

Note: An administrator of a union territory is an agent of the President and not head of state like a governor.

The President can specify the designation of an administrator; it may be Lieutenant Governor or Chief Commissioner or Administrator.

At present, it is Lieutenant Governor in the case of Delhi, Puducherry and Andaman and Nicobar Islands and Administrator in the case of Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.

Q.119) Consider the below legislative procedures in the State Legislature with regard to Ordinary Bills. Select the *incorrect* statement if any:

- e) It can be introduced either by a minister or by private member.
- f) The Constitution provides for the mechanism of joint sitting of two Houses of the state legislature to resolve a deadlock between them over the passage of a bill.
- g) It is deemed to have been passed by the state legislature only when both the Houses have agreed to it, either with or without amendments.
- h) None of the above

Q.119) Solution (b)

With Regard to Ordinary Bills, the state legislature has following procedures:

- 9. It can be introduced in either House of the state legislature.
- 10. It can be introduced either by a minister or by private member.
- 11. It passes through first reading, second reading and third reading in the originating House.
- 12. It is deemed to have been passed by the state legislature only when both the Houses have agreed to it, either with or without amendments.
- 13. A deadlock between the two Houses takes place when the legislative council, after receiving a bill passed by the legislative assembly, rejects the bill or proposes amendments that are not acceptable to the legislative assembly or does not pass the bill within three months.
- 14. The Constitution does not provide for the mechanism of joint sitting of two Houses of the state legislature to resolve a deadlock between them over the passage of a bill.

15. The legislative assembly can override the legislative council by passing the bill for the second time and not vice versa. When a bill is passed by the assembly for the second time and transmitted to the legislative council, if the legislative council rejects the bill again, or proposes amendments that are not acceptable to the legislative assembly, or does not pass the bill within one month, then the bill is deemed to have been passed by both the Houses in the form in which it was passed by the legislative assembly for the second time.
16. The mechanism of passing the bill for the second time to resolve a deadlock applies to a bill originating in the legislative assembly only. When a bill, which has originated in the legislative council and sent to the legislative assembly, is rejected by the latter, the bill ends and becomes dead.

Q.120) In which of the following matters, the powers and status of the council are broadly equal to that of the assembly?

1. Introduction and passage of ordinary bills.
2. In case of disagreement between the two Houses of ordinary bills.
3. Approval of ordinances issued by the governor.
4. Selection of ministers including the chief minister.

Choose the correct code from below options:

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

Q.120) Solution (c)

Only in case of introduction and passage of ordinary bills, the powers and status of the council are broadly equal to that of the assembly. However, in case of disagreement between the two Houses, the will of the assembly prevails over that of the council. Hence, statement (2) is wrong.

Do you know?

The following are the other matters where the powers and status of the council are broadly equal to that of the assembly:

1. Approval of ordinances issued by the governor.
2. Selection of ministers including the chief minister. Under the Constitution the, ministers including the chief minister can be members of either House of the state

legislature. However, irrespective of their membership, they are responsible only to the assembly.

3. Consideration of the reports of the constitutional bodies like State Finance Commission, state public service commission and Comptroller and Auditor General of India.
4. Enlargement of the jurisdiction of the state public service commission.

Q.121) Constitution has defined the territorial limits of the legislative powers vested in the Centre and the states. Which of the below statement is not true in regard to it?

- a) A state legislature can make laws for the whole or any part of the state.
- b) The laws made by a state legislature are not applicable outside the state, except when there is a sufficient nexus between the state and the object.
- c) Parliament can make laws for the whole or any part of the territory of India.
- d) Neither parliament nor state legislature can make 'extra-territorial legislation'.

Q.121) Solution (d)

Territorial Extent of Central and State Legislation

The Constitution defines the territorial limits of the legislative powers vested in the Centre and the states in the following way:

- (i) The Parliament can make laws for the whole or any part of the territory of India. The territory of India includes the states, the union territories, and any other area for the time being included in the territory of India.
- (ii) A state legislature can make laws for the whole or any part of the state. The laws made by a state legislature are not applicable outside the state, except when there is a sufficient nexus between the state and the object.
- (iii) The Parliament alone can make 'extra-territorial legislation'. Thus, the laws of the Parliament are also applicable to the Indian citizens and their property in any part of the world.

Q.122) The "Instrument of Instructions" contained in the Government of India Act 1935 have been incorporated in the Constitution of India in the year 1950 as

- a) Fundamental Rights
- b) Extent of executive power of State
- c) Directive Principles of State Policy
- d) Conduct of business of the Government of India

Q.122) Solution (c)

Instruments of instructions were issued by British Government under the 1935 Act under the Draft Constitution.

The Directive Principles resemble the 'Instrument of Instructions' enumerated in the Government of India Act of 1935. In the words of Dr B R Ambedkar, 'the Directive Principles are like the instrument of instructions, which were issued to the Governor-General and to the Governors of the colonies of India by the British Government under the Government of India Act of 1935. What is called Directive Principles is merely another name for the instrument of instructions. The only difference is that they are instructions to the legislature and the executive'.

Q.123) Which among the following writs is known as 'bulwark of individual liberty against arbitrary detention'?

- a) Habeas Corpus
- b) Mandamus
- c) Prohibition
- d) Quo-warranto

Q.123) Solution (a)**Habeas Corpus**

- It is a Latin term which literally means 'to have the body of'. It is an order issued by the court to a person who has detained another person, to produce the body of the latter before it.
- The court then examines the cause and legality of detention. It would set the detained person free, if the detention is found to be illegal. Thus, this writ is a bulwark of individual liberty against arbitrary detention.

Q.124) Consider the following statements about 'Section 124 A of the Indian Penal Code'

1. It defines the criminal act of revolting against an established authority, usually in the form of treason or defamation of a government
2. It is a pre-independence provision

Select the correct statements

- a) 1 Only

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

Q.124) Solution (c)

Sedition in India is defined by section 124 A of the Indian Penal Code. Section 124A was introduced by the British colonial government in 1870 when it felt the need for a specific section to deal with radical Wahabi movement of the 19th century.

124A. Sedition — Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

Punishment—Imprisonment for life and fine, or imprisonment for 3 years and fine, or fine—
Cognizable—Non-bailable—Triable by Court of Session—Non-compoundable.

Sedition was not a part of the original Indian Penal Code (IPC) enacted in 1860 and was introduced in 1870.

THINK!

- Kedar Nath Singh v. State of Bihar (1962)

Source: <http://www.thehindu.com/opinion/op-ed/left-right-centre-should-the-sedition-law-be-scrapped/article19181085.ece>

Q.125) Consider the following statements:

1. The Ministries/Departments of the Government of India are created by the Parliament on the Prime Minister.
2. Each of the Ministries is assigned to a Minister by the Prime Minister on the advice of the Cabinet Secretary.

Which of the statements given above is/are correct?

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

Q.125) Solution (d)

The Ministries/Departments of the Government of India are created by the President on the advice of the Prime Minister under the Government of India (Allocation of Business) Rules, 1961.

The business of the Government of India are transacted in the ministries/departments, secretariats and offices (referred to as "Department") as per the distribution of subjects specified in these Rules.

Each of the Ministry (ies) will be assigned to a Minister by the President on the advice of the Prime Minister. Each department will be generally under the charge of a Secretary to assist the Minister on policy matters and general administration.

Q.126) Consider the following statements about 'Article 244A of the Indian Constitution'

1. It provides for an autonomous state for certain tribal areas in Assam with its own legislature and council of ministers
2. It was inserted by the Twenty-second Amendment of the Constitution of India

Select the correct statements

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

Q.126) Solution (c)

The Twenty-second Amendment of the Constitution of India, officially known as The Constitution (Twenty-second Amendment) Act, 1969, inserted new article 244A in the Constitution to empower Parliament to enact a law for constituting an autonomous State within the State of Assam and also to provide the autonomous State with Legislature or a Council of Ministers or both with such powers and functions as may be defined by that law.

Source (Do go through the editorial):

<http://indianexpress.com/article/opinion/columns/a-gorkhaland-west-bengal-could-live-with-darjeeling-protests-4726753/>

Q.127) With regard to pardoning power of the President, which of statements given below is incorrect?

- a) The power to pardon is to be exercised by the President on the advice of the Union Cabinet
- b) The President cannot pardon sentences inflicted by court martial
- c) The Constitution does not provide for any mechanism to question the legality of decisions of President
- d) None

Q.127) Solution (b)

Pardoning power of the President :

Article 72 of the Constitution empowers the President to grant pardons to persons who have been tried and convicted of any offence in all cases where the:

1. Punishment or sentence is for an offence against a Union Law;
2. Punishment or sentence is by a court martial (military court); and
3. Sentence is a sentence of death.

The pardoning power of the President is independent of the Judiciary; it is an executive power. But, the President while exercising this power, does not sit as a court of appeal. The object of conferring this power on the President is two-fold: (a) to keep the door open for correcting any judicial errors in the operation of law; and, (b) to afford relief from a sentence, which the President regards as unduly harsh.

Under **Article 161 of the Constitution**, the governor of a state also possesses the pardoning power. But, the pardoning power of the governor differs from that of the President in following two respects:

1. The President can pardon sentences inflicted by court martial (military courts) while the governor cannot.
2. **The President can pardon death sentence while governor cannot.** *Even if a state law prescribes death sentence, the power to grant pardon lies with the President and not the governor.* However, the governor can suspend, remit or commute a death sentence. In other words, both the governor and the President have concurrent power in respect of suspension, remission and commutation of death sentence.

The Constitution does not provide for any mechanism to question the legality of decisions of President with regard to mercy jurisdiction. But the Supreme Court in *Epuru Sudhakar*

case has given scope for judicial review of the pardon powers of President and Governors for the purpose of ruling out any arbitrariness. The court has earlier held that court has retained the power of judicial review even on a matter which has been vested by the Constitution solely in the Executive.

Do you know?

The Supreme Court has laid down the following principles:

1. The petitioner for mercy has no right to an oral hearing by the President.
2. The President can examine the evidence afresh and take a view different from the view taken by the court.
3. **The power is to be exercised by the President on the advice of the union cabinet.**
4. The President is not bound to give reasons for his order.
5. The President can afford relief not only from a sentence that he regards as unduly harsh but also from an evident mistake.
6. There is no need for the Supreme Court to lay down specific guidelines for the exercise of power by the President.
7. The exercise of power by the President is not subject to judicial review except where the presidential decision is arbitrary, irrational, mala fide or discriminatory.
8. Where the earlier petition for mercy has been rejected by the President, stay cannot be obtained by filing another petition.

Q.128) Constitution has defined the territorial limits of the legislative powers vested in the Centre and the states. Which of the below statement is not true in regard to it?

- a) A state legislature can make laws for the whole or any part of the state.
- b) The laws made by a state legislature are not applicable outside the state, except when there is a sufficient nexus between the state and the object.
- c) Parliament can make laws for the whole or any part of the territory of India.
- d) Neither parliament nor state legislature can make 'extra-territorial legislation'.

Q.128) Solution (d)

Territorial Extent of Central and State Legislation

The Constitution defines the territorial limits of the legislative powers vested in the Centre and the states in the following way:

- (iv) The Parliament can make laws for the whole or any part of the territory of India. The territory of India includes the states, the union territories, and any other area for the time being included in the territory of India.
- (v) A state legislature can make laws for the whole or any part of the state. The laws made by a state legislature are not applicable outside the state, except when there is a sufficient nexus between the state and the object.
- (vi) The Parliament alone can make 'extra-territorial legislation'. Thus, the laws of the Parliament are also applicable to the Indian citizens and their property in any part of the world.

Q.129) Consider the following statement regarding the federal system in India:

1. The zonal councils aim at promoting cooperation and coordination between states, union territories and the Centre.
2. Chairman of Zonal councils is Prime Minister.
3. The Zonal Councils are neither statutory nor constitutional bodies.

Which of the statements given above is/are correct?

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

Q.129) Solution (a)

The Zonal Councils are the statutory (and not the constitutional) bodies. They are established by an Act of the Parliament, that is, States Reorganisation Act of 1956.

The act divided the country into five zones (Northern, Central, Eastern, Western and Southern) and provided a zonal council for each zone.

Each zonal council consists of the following members:

- a) home minister of Central government.
- b) chief ministers of all the States in the zone.
- c) Two other ministers from each state in the zone.
- d) Administrator of each union territory in the zone.

Do you know?

The home minister of Central government is the common chairman of the five zonal councils. Each chief minister acts as a vice-chairman of the council by rotation, holding office for a period of one year at a time.

The zonal councils aim at promoting cooperation and coordination between states, union territories and the Centre. They discuss and make recommendations regarding matters like economic and social planning, linguistic minorities, border disputes, inter-state transport, and so on. They are only deliberative and advisory bodies.

Q.130) Consider the statements related to Fast Track Courts

1. FTCs were to be established by the state governments in consultation with the CJI.
2. The judges for these FTCs were appointed by promoting members from amongst the eligible judicial officers on ad-hoc basis only.
3. Under the scheme average of five FTCs were to be established in each district of the country.

Choose the correct codes from below options:

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

Q.130) Solution (c)

FTCs were to be established by the state governments in consultation with the respective High Courts.

An average of five FTCs was to be established in each district of the country.

The judges for these FTCs were appointed on an ad-hoc basis. The judges were selected by the High Courts of the respective states.

There are primarily three sources of recruitment.

- 1) First, by promoting members from amongst the eligible judicial officers;
- 2) Second, by appointing retired High Court judges and
- 3) Third, from amongst members of the Bar of the respective state.

THINK!

- National Green Tribunal and Lok Adalats

Q.131) Consider the following features of administration contained in the Fifth Schedule.

1. The parliament is empowered to declare an area to be a scheduled area.
2. The governor is empowered to direct that any particular act of Parliament or the state legislature does not apply to a scheduled area or apply with specified modifications and exceptions.
3. The governor is empowered to organize and re-organize the autonomous districts.

Which of the above statements is/are correct?

- a) 1 and 2 only
- b) 1 and 3 only
- c) 1, 2 and 3
- d) None

Q.131) Solution (d)

The various features of administration contained in the Fifth Schedule are as follows:

Declaration of Scheduled Areas: The president is empowered to declare an area to be a scheduled area.

Executive Power of State and Centre: The executive power of a state extends to the scheduled areas therein. But the governor has a special responsibility regarding such areas.

Tribes Advisory Council: Each state having scheduled areas has to establish a tribe's advisory council to advise on welfare and advancement of the scheduled tribes. It is to consist of 20 members, three-fourths of whom are to be the representatives of the scheduled tribes in the state legislative assembly.

Law applicable to Scheduled Areas: The governor is empowered to direct that any particular act of Parliament or the state legislature does not apply to a scheduled area or apply with specified modifications and exceptions. He can also make regulations for the peace and good government of a scheduled area after consulting the tribes advisory council.

The various features of administration contained in the Sixth Schedule are as follows:

The tribal areas in the four states of Assam, Meghalaya, Tripura and **Mizoram have been constituted as autonomous districts**. But, they do not fall outside the executive authority of the state concerned.

The governor is empowered to organise and re-organise the autonomous districts. Thus, he can increase or decrease their areas or change their names or define their boundaries and so on.

Do you know?

The Constitution, under Sixth Schedule, contains special provisions for the administration of tribal areas in the four north-eastern states of Assam, Meghalaya, Tripura and Mizoram. The rationality behind the special arrangements in respect of only these four states lies in the following:

- “The tribes in Assam, Meghalaya, Tripura and Mizoram have not assimilated much the life and ways of the other people in these states. These areas have hitherto been anthropological specimens. The tribal people in other parts of India have more or less adopted the culture of the majority of the people in whose midst they live. The tribes in Assam, Meghalaya, Tripura and Mizoram, on the other hand, still have their roots in their own culture, customs and civilization. These areas are, therefore, treated differently by the Constitution and sizeable amount of autonomy has been given to these people for self-government.”

THINK!

- Criteria for Declaring Schedule Areas.

Q.132) Consider the following statements.

1. The National Institute of Labour Economics Research and Development (NILERD) is a subordinate office of the NITI Aayog.
2. The prime objective of NILERD has been to develop an institutional framework for socio-economic development of the nation.
3. The Institute has its own campus at Narela.

Which of the above statements is/are correct?

- a) 1 and 2 only
- b) 1 and 3 only
- c) 1, 2 and 3
- d) None

Q.132) Solution (b)

The National Institute of Labour Economics Research and Development (formerly Institute of Applied Manpower Research) is a **subordinate office of the NITI Aayog.**

The Institute of Applied Manpower Research (IAMR) was established in 1962 under the Societies Registration Act of 1860 as an institution that would function as a clearing-house of ideas and undertake policy research on human capital development to inform perspective planning and promote policy integration.

IAMR has been renamed as National Institute of Labour Economics Research and Development (NILERD) on the 9th of June, 2014. NILERD is mainly funded by grants-in-aid from the NITI Aayog and supplemented by its own revenue from contracted research projects, and education and training activities. **The prime objective of NILERD has been to develop an institutional framework capable of sustaining and steering a systematic applied human resource planning research process.**

The Institute moved to its own campus at Narela in 2002. Narela is a developing urban and institutional hub declared as a **special economic zone** for knowledge in the National Capital Region

Do you know?

- The erstwhile Planning Commission was originally established as a staff agency with advisory role but in the course of time it had emerged as a powerful and directive authority whereby its recommendations were considered both by the Union and states. **The critics had described it as a 'Super Cabinet', an 'Economic Cabinet', a 'Parallel Cabinet', the 'Fifth Wheel of the Coach' and so on.**

THINK!

- NITI Aayog.

Q.133) Consider the following related to position of 'Water' in Indian Constitution.

1. The provision for water being in the Union, State and Concurrent List is the major bone of contention in present day Inter-Water dispute.
2. Article 262 deals with adjudication of disputes relating to waters of inter State Rivers or river valleys
3. Indian Constitution explicitly grants parliament the right to legislate over the matters in Entry 56, and also gives it primacy over the Supreme Court.

Which of the above statements is/are correct?

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

Q.133) Solution (c)

WATER in Indian constitution (not in Concurrent List)

- Article 262
- Entry 17 in the State List
- Entry 56 in the Union List

Article 262- Adjudication of disputes relating to waters of inter State Rivers or river valleys

- Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter State river or river valley
- Notwithstanding anything in this Constitution, Parliament may by law provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint as is referred to in clause (1) Coordination between States

The provision under Entry 17-State List, makes water a state subject, however, the second provision via Entry 56 in the Union List allows regulation and development of water under the control of the Union declared by parliament to be expedient in the public interest.

Further, Article 262 explicitly grants parliament the right to legislate over the matters in Entry 56, and also gives it primacy over the Supreme Court.

While water supplies, irrigation and canals, drainage and embankments and storage fall in the State List, issues **like development of inter-state rivers come under the Union List.**

Q.134) Consider the following statements.

1. The Constitution of India, being federal in structure, divides all powers (legislative, executive, financial and judiciary) between the Centre and the states.
2. There is no restriction on plenary territorial jurisdiction of the parliament.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.134) Solution (d)

The Constitution of India, being federal in structure, divides all powers (legislative, executive and financial) between the Centre and the states. **However, there is no division of judicial power as the Constitution has established an integrated judicial system to enforce both the Central laws as well as state laws.**

The Constitution places certain restrictions on the plenary territorial jurisdiction of the Parliament. In other words, the laws of Parliament are not applicable in the following areas:

- The President can make regulations for the peace, progress and good government of the four Union Territories—the Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Daman and Diu. A regulation so made has the same force and effect as an act of Parliament. It may also repeal or amend any act of Parliament in relation to these union territories.
- The governor is empowered to direct that an act of Parliament does not apply to a scheduled area in the state or apply with specified modifications and exceptions.
- The Governor of Assam may likewise direct that an act of Parliament does not apply to a tribal area (autonomous district) in the state or apply with specified modifications and exceptions. The President enjoys the same power with respect to tribal areas (autonomous districts) in Meghalaya, Tripura and Mizoram.

Do you know?

- The 42nd Amendment Act of 1976 transferred five subjects to Concurrent List from State List, that is, (a) education, (b) forests, (c) weights and measures, (d) protection of wild animals and birds, and (e) administration of justice; constitution and organization of all courts **except the Supreme Court and the high courts.**

THINK!

- Mutual delegation of administrative functions between center and state.

Q.135) Consider the following statements.

1. All-India services strengthen the principle of federalism under the Constitution.
2. They help in maintaining high standard of administration in the Centre as well as in the states;
3. They help to ensure uniformity of the administrative system throughout the country;
4. They facilitate liaison, cooperation, coordination and joint action on the issues of common interest between the Centre and the states

Which of the above statements is/are correct?

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

d) All the above

Q.135) Solution (c)

Though **the all-India services violate the principle of federalism under the Constitution** by restricting the autonomy and patronage of the states, they are supported on the ground that

- they help in maintaining high standard of administration in the Centre as well as in the states;
- they help to ensure uniformity of the administrative system throughout the country; and
- they facilitate liaison, cooperation, coordination and joint action on the issues of common interest between the Centre and the states.

Do you know?

- **There are extraconstitutional devices to promote cooperation and coordination between the Centre and the states.** These include a number of advisory bodies and conferences held at the Central level.
- The non-constitutional advisory bodies include the Planning Commission (now NITI Aayog), the National Development Council, the National Integration Council, the Central Council of Health, the Central Council of Local Government and Urban Development, the Zonal Councils, the Northeastern Council, the Central Council of Indian Medicine, Central Council of Homoeopathy, the Central Family Welfare Council, the Transport Development Council, the University Grants Commission and so on.

THINK!

- FINANCIAL RELATIONS.

Q.136) Consider the following pairs.

Constitutional Amendment	Significance
1. 80 th Constitutional Amendment Act	Service tax
2. 88 th Constitutional Amendment Act	Alternative Scheme of Devolution
3. 101 st Constitutional Amendment Act	GST

Which of the above pairs is/are correctly matched?

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

Q.136) Solution (b)

The **80th Amendment of 2000** and the **88th Amendment of 2003** have introduced major changes in the scheme of the distribution of tax revenues between the centre and the states.

The 80th Amendment was enacted to give effect to the recommendations of the 10th Finance Commission. The Commission recommended that out of the total income obtained from certain central taxes and duties, 29% should go to the states. **This is known as the 'Alternative Scheme of Devolution' and came into effect retrospectively from April 1, 1996.** This amendment has brought several central taxes and duties like Corporation Tax and Customs Duties at par with Income Tax (taxes on income other than agricultural income) as far as their constitutionally mandated sharing with the states is concerned.

The 88th Amendment has added a new Article 268-A dealing with service tax. It also added a new subject in the Union List – entry 92-C (taxes on services). **Service tax is levied by the Centre but collected and appropriated by both the Centre and the States.**

The One Hundred and Twenty Second Amendment Bill of the Constitution of India, officially known as The **Constitution (One Hundred and First Amendment) Act, 2016, introduced a national Goods and Services Tax in India from 1 July 2017.**

The GST is a Value added Tax (VAT) proposed to be a comprehensive indirect tax levy on manufacture, sale and consumption of goods as well as services at the national level. It will replace all indirect taxes levied on goods and services by the Indian Central and state governments. It is aimed at being comprehensive for most goods and services.

Do you know?

- **Statutory Grants:** Article 275 empowers the Parliament to make grants to the states which are in need of financial assistance and not to every state. Also, different sums may be fixed for different states. These sums are charged on the Consolidated Fund of India every year.
- The statutory grants under Article 275 (both general and specific) are given to the states on the recommendation of the Finance Commission.

- **Discretionary Grants:** Article 282 empowers both the Centre and the states to make any grants for any public purpose, even if it is not within their respective legislative competence. Under this provision, the Centre makes grants to the states.

THINK!

- Direct Transfers of funds to Local Bodies and Implementing Agencies.

Q.137) Consider the following statements.

1. Article 280 provides for a Finance Commission as a quasi-federal body.
2. The Constitution envisages the Finance Commission as the balancing wheel of fiscal federalism in India.
3. The Fifteenth Finance Commission headed by Shri. N.K.Singh will make recommendations for the five years commencing on April 1, 2020.

Which of the above statements is/are correct?

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

Q.137) Solution (b)

Article 280 provides for a Finance Commission as a quasi-judicial body. It is constituted by the President every fifth year or even earlier. It is required to make recommendations to the President on the following matters:

- The distribution of the net proceeds of taxes to be shared between the Centre and the states, and the allocation between the states, the respective shares of such proceeds.
- The principles which should govern the grants-in-aid to the states by the Centre (i.e., out of the Consolidated Fund of India).
- The measures needed to augment the consolidated fund of a state to supplement the resources of the panchayats and the municipalities in the state on the basis of the recommendations made by the State Finance Commission.
- Any other matter referred to it by the President in the interests of sound finance.

Fiscal federalism implies the division of financial powers and responsibility between the center and the federal units. **Indian constitution provides for Finance Commission under Article 280 to balance the wheel of fiscal federalism.**

Being a federal nation, it is important that the states are provided sufficient autonomy over the financial matters. **Federal spirit is reflected in the seventh schedule of constitution**, where the power of taxation is clearly demarcated between center and the states.

The Government of India, with the approval President of India, has constituted **Fifteenth Finance Commission in pursuance of clause (1) of article 280 of the Constitution**, read with the provisions of the Finance Commission (Miscellaneous Provisions) Act, 1951 w.e.f. 27th November 2017. The Commission will make recommendations for the five years commencing on April 1, 2020.

This Commission will be headed by Shri. N.K.Singh, former Member of Parliament and former Secretary to the Government of India.

Do you know?

- The Supreme Court, in an advisory opinion (1963), held that the immunity granted to a state in respect of Central taxation does not extend to the duties of customs or duties of excise. In other words, **the Centre can impose customs duty on goods imported or exported by a state, or an excise duty on goods produced or manufactured by a state.**

THINK!

- Effects of Emergencies on center-state relations.

Q.138) Which of the following statements are correct regarding the Constitution of Jammu and Kashmir?

1. It declares the state as an integral part of India
2. Jammu and Kashmir comprises all the territories that were under the ruler of the state on 15th August 1947.
3. It contains a list of directive principles that are to be treated as fundamental in the governance of the state and are judicially enforceable.
4. It provides for bicameral legislature in J and K.

Select the code from following:

- a) 1,2 and 3
- b) 2,3 and 4
- c) 1,2 and 4
- d) All of the above

Q.138) Solution (c)

The Constitution of J&K was adopted on 17 November 1957, and came into force on 26 January 1957.

Its salient features (as amended from time to time) are as follows:

1. It declares the State of J&K to be an integral part of India.
2. It secures justice, liberty, equality and fraternity to the people of the state.
3. It says that the State of J&K comprises all the territory that was under the ruler of the state on 15 August 1947. This means that the territory of the state also includes the area which is under the occupation of Pakistan.
4. It lays down that a citizen of India is treated as a 'permanent resident' of the state if on 14 May 1954 (a) he was a state subject of Class I or Class II, or (b) having lawfully acquired immovable property in the state, he has been ordinarily resident in the state for 10 years prior to that date, or (c) any person who before 14 May, 1954 was a state subject of Class I or Class II and who, having migrated to Pakistan after 1 March 1947, returns to the state for resettlement.
5. It clarifies that the permanent residents of the state are entitled to all rights guaranteed under the Constitution of India. But, any change in the definition of 'permanent' can be made by the state legislature only.
6. It contains a list of directive principles that are to be treated as fundamental in the governance of the state. However, they are not judicially enforceable.
7. It provides for a bicameral legislature consisting of the legislative assembly and the legislative council. The assembly consists of 111 members directly elected by the people. Out of this, 24 seats are to remain vacant as they are allotted for the area that is under the occupation of Pakistan. Hence, as an interim measure, the total strength of the Assembly is to be taken as 87 for all practical purposes. The council consists of 36 members, most of them are elected in an indirect manner and some of them are nominated by the Governor, who is also an integral part of the state legislature.
8. It vests the executive powers of the state in the governor appointed by the president for a term of five years. It provides for a council of ministers headed by the chief minister to aid and advise the governor in the exercise of his functions. The council of ministers is collectively responsible to the assembly. Under the original Constitution of J&K (1957), the head of the state and head of the government were designated as Sadar-i-Riyasat (President) and Waziri- Azam (Prime Minister) respectively. In 1965, they were redesignated as governor and chief Minister respectively. Also, the head of the state was to be elected by the state assembly.

9. It establishes a high court consisting of a chief justice and two or more other judges. They are appointed by the president in consultation with the Chief Justice of India and the Governor of the state. The High Court of J&K is a court of record and enjoys original, appellate and writ jurisdictions. However, it can issue writs only for the enforcement of fundamental rights and not for any other purpose.

10. It provides for Governor's Rule. Hence, the governor, with the concurrence of the President of India, can assume to himself all the powers of the state government, except those of the high court. He can dissolve the assembly and dismiss the council of ministers. The Governor's Rule can be imposed when the state administration cannot be carried on in accordance with the provisions of the J&K Constitution. It was imposed for the first time in 1977. Notably, in 1964, Article 356 of the Indian Constitution (dealing with the imposition of President's Rule in a state) was extended to the state of J&K.

11. It declares Urdu as the official language of the state. It also permits the use of English for official purposes unless the state legislature provides otherwise.

12. It lays down the procedure for its amendment. It can be amended by a bill passed in each house of the state legislature by a majority of two-thirds of the total membership of that house. Such a bill must be introduced in the assembly only. However, no bill of constitutional amendment can be moved in either House if it seeks to change the relationship of the state with the Union of India.

Q.139) Consider the following statements:

1. In Kashmir's legislature some seats are allotted to areas which are occupied by Pakistan and these seats remain vacant.
2. Governor of J and K is appointed for a term of five years.

Which of the above statements is/are correct?

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

Q.139) Solution (c)

The Constitution of J and K provides for a bicameral legislature consisting of the legislative assembly and the legislative council. The assembly consists of 111 members directly elected by the people. Out of this, 24 seats are to remain vacant as they are allotted for the area

that is under the occupation of Pakistan. Hence, as an interim measure, the total strength of the Assembly is to be taken as 87 for all practical purposes. The council consists of 36 members, most of them are elected in an indirect manner and some of them are nominated by the Governor, who is also an integral part of the state legislature.

It vests the executive powers of the state in the governor appointed by the president for a term of five years. It provides for a council of ministers headed by the chief minister to aid and advise the governor in the exercise of his functions. The council of ministers is collectively responsible to the assembly. Under the original Constitution of J&K (1957), the head of the state and head of the government were designated as Sadar-i-Riyasat (President) and Wazir – e – Azam (Prime Minister) respectively. In 1965, they were redesignated as governor and chief Minister respectively. Also, the head of the state was to be elected by the state assembly.

Q.140) Article 371 J was added in the constitution by 118th Constitution Amendment Bill. Which of the following statements are correct regarding Article 371 J?

1. It grants special status to six backward districts of Andhra Pradesh.
2. It established a separate Development board to allocate sufficient funds for the development of the region.
3. It allows for local reservation in education and government jobs.

Select the code from below:

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

Q.140) Solution (b)

Article 371-J grants special status to 6 backward districts of Hyderabad-Karnataka. Region includes Gulbarga, Bidar, Raichur, Koppal, Yadgir and Bellary districts.

Provisions of 371 J

- Establish a separate Development Board
- Have a board which will see that appropriate funds are allocated for Development of the region.
- Have local reservation in education and Government jobs.

Q.141) Which of the following are Federal features of Indian Polity?

1. Supremacy of Constitution
2. Flexible Constitution
3. Division of Power
4. Independent Judiciary

Select the code from below:

- a) 1,2 and 3
- b) 2,3 and 4
- c) 1,3 and 4
- d) All of the above

Q.141) Solution (c)

The federal features of the Constitution of India are explained below:

1. Dual Polity

The Constitution establishes a dual polity consisting the Union at the Centre and the states at the periphery. Each is endowed with sovereign powers to be exercised in the field assigned to them respectively by the Constitution. The Union government deals with the matters of national importance like defence, foreign affairs, currency, communication and so on. The state governments, on the other hand, look after the matters of regional and local importance like public order, agriculture, health, local government and so on.

2. Written Constitution

It specifies the structure, organisation, powers and functions of both the Central and state governments and prescribes the limits within which they must operate. Thus, it avoids the misunderstandings and disagreements between the two.

3. Division of Powers

The Constitution divided the powers between the Centre and the states in terms of the Union List, State List and Concurrent List in the Seventh Schedule. The Union List consists of 100 subjects (originally 97), the State List 61 subjects (originally 66) and the Concurrent List 52 subjects (originally 47). Both the Centre and the states can make laws on the subjects of the concurrent list, but in case of a conflict, the Central law prevails. The residuary subjects (ie, which are not mentioned in any of the three lists) are given to the Centre.

4. Supremacy of the Constitution

The Constitution is the supreme (or the highest) law of the land. The laws enacted by the Centre and the states must conform to its provisions. Otherwise, they can be declared invalid by the Supreme Court or the high courts through their power of judicial review. Thus, the organs of the government (legislative, executive and judicial) at both the levels must operate within the jurisdiction prescribed by the Constitution.

5. Rigid Constitution

The division of powers established by the Constitution as well as the supremacy of the Constitution can be maintained only if the method of its amendment is rigid. Hence, the Constitution is rigid to the extent that those provisions which are concerned with the federal structure (i.e., Centre–state relations and judicial organisation) can be amended only by the joint action of the Central and state governments. Such provisions require for their amendment a special majority⁴ of the Parliament and also an approval of half of the state legislatures.

6. Independent Judiciary

The Constitution establishes an independent judiciary headed by the Supreme Court for two purposes: one, to protect the supremacy of the Constitution by exercising the power of judicial review; and two, to settle the disputes between the Centre and the states or between the states. The Constitution contains various measures like security of tenure to judges, fixed service conditions and so on to make the judiciary independent of the government.

7. Bicameralism

The Constitution provides for a bicameral legislature consisting of an Upper House (Rajya Sabha) and a Lower House (Lok Sabha). The Rajya Sabha represents the states of Indian Federation, while the Lok Sabha represents the people of India as a whole. The Rajya Sabha (even though a less powerful chamber) is required to maintain the federal equilibrium by protecting the interests of the states against the undue interference of the Centre.

Note: Don't get confused between Division of Power and Separation of Power. Division of Power is between Centre and State while Separation of Power is between Legislature, Executive and Judiciary.

Q.142) Rajya Sabha can pass a resolution to allow Parliament to legislate in the matter under state List. Which of the following statements regarding this are correct?

1. Such a resolution must be supported by $2/3^{\text{rd}}$ of the members present and Voting.

2. The resolution remains in force for one year and can be renewed any number of times but not exceeding one year at a time.
3. Till the resolution is in Force, State legislature cannot make a law on the same matter.

Select the code from following:

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

Q.142) Solution (a)

The Constitution empowers the Parliament to make laws on any matter enumerated in the State List under the following five extraordinary circumstances:

When Rajya Sabha Passes a Resolution

If the Rajya Sabha declares that it is necessary in the national interest that Parliament should make laws on a matter in the State List, then the Parliament becomes competent to make laws on that matter. Such a resolution must be supported by two-thirds of the members present and voting. The resolution remains in force for one year; it can be renewed any number of times but not exceeding one year at a time. The laws cease to have effect on the expiration of six months after the resolution has ceased to be in force. This provision does not restrict the power of a state legislature to make laws on the same matter. But, in case of inconsistency between a state law and a parliamentary law, the latter is to prevail.

During a National Emergency

The Parliament acquires the power to legislate with respect to matters in the State List, while a proclamation of national emergency is in operation. The laws become inoperative on the expiration of six months after the emergency has ceased to operate. Here also, the power of a state legislature to make laws on the same matter is not restricted. But, in case of repugnancy between a state law and a parliamentary law, the latter is to prevail.

When States Make a Request

When the legislatures of two or more states pass resolutions requesting the Parliament to enact laws on a matter in the State List, then the Parliament can make laws for regulating that matter. A law so enacted applies only to those states which have passed the resolutions. However, any other state may adopt it afterwards by passing a resolution to

that effect in its legislature. Such a law can be amended or repealed only by the Parliament and not by the legislatures of the concerned states.

The effect of passing a resolution under the above provision is that the Parliament becomes entitled to legislate with respect to a matter for which it has no power to make a law. On the other hand, the state legislature ceases to have the power to make a law with respect to that matter. The resolution operates as abdication or surrender of the power of the state legislature with respect to that matter and it is placed entirely in the hands of Parliament which alone can then legislate with respect to it. Some examples of laws passed under the above provision are Prize Competition Act, 1955; Wild Life (Protection) Act, 1972; Water (Prevention and Control of Pollution) Act, 1974; Urban Land (Ceiling and Regulation) Act, 1976; and Transplantation of Human Organs Act, 1994.

To Implement International Agreements

The Parliament can make laws on any matter in the State List for implementing the international treaties, agreements or conventions. This provision enables the Central government to fulfill its international obligations and commitments.

Some examples of laws enacted under the above provision are United Nations (Privileges and Immunities) Act, 1947; Geneva Convention Act, 1960; Anti-Hijacking Act, 1982 and legislations relating to environment and TRIPS.

During President's Rule

When the President's rule is imposed in a state, the Parliament becomes empowered to make laws with respect to any matter in the State List in relation to that state. A law made so by the Parliament continues to be operative even after the president's rule. This means that the period for which such a law remains in force is not co-terminus with the duration of the President's rule. But, such a law can be repealed or altered or re-enacted by the state legislature.

Q.143) In case of subjects enumerated in Concurrent List, the executive power rests with the

- a) Centre
- b) States
- c) Depends on who makes the law
- d) Decided by the President

Q.143) Solution (b)

Distribution of Executive Powers

The executive power has been divided between the Centre and the states on the lines of the distribution of legislative powers, except in few cases. Thus, the executive power of the Centre extends to the whole of India:

- (i) to the matters on which the Parliament has exclusive power of legislation (i.e., the subjects enumerated in the Union List); and
- (ii) to the exercise of rights, authority and jurisdiction conferred on it by any treaty or agreement.

Similarly, the executive power of a state extends to its territory in respect of matters on which the state legislature has exclusive power of legislation (i.e., the subjects enumerated in the State List).

In respect of matters on which both the Parliament and the state legislatures have power of legislation (i.e., the subjects enumerated in the Concurrent List), the **executive power rests with the states** except when a Constitutional provision or a parliamentary law specifically confers it on the Centre. Therefore, a law on a concurrent subject, though enacted by the Parliament, is to be executed by the states except when the Constitution or the Parliament has directed otherwise.

Q.144) Consider the following statements regarding Statutory Grants given by the Centre to the State:

1. The sum is charged on the Consolidated Fund of India
2. In a year, equal fund is fixed for all the states.
3. Statutory grants are given to the states on the recommendation of NITI Aayog.

Which of the above statements are NOT correct?

- a) 1 only
- b) 2 and 3
- c) 1 and 3
- d) None of the above

Q.144) Solution (b)

Note: Incorrect statements are asked.

Grants-in-Aid to the States

Besides sharing of taxes between the Centre and the states, the Constitution provides for grants-in-aid to the states from the Central resources. There are two types of grants-in-aid, viz, statutory grants and discretionary grants:

Statutory Grants

Article 275 empowers the Parliament to make grants to the states which are in need of financial assistance and not to every state. Also, different sums may be fixed for different states. These sums are charged on the Consolidated Fund of India every year. Apart from this general provision, the Constitution also provides for specific grants for promoting the welfare of the scheduled tribes in a state or for raising the level of administration of the scheduled areas in a state including the State of Assam. The statutory grants under Article 275 (both general and specific) are given to the states on the recommendation of the Finance Commission.

Think

- Discretionary grants
- Other Grants

Q.145) Which one of the following statements correctly describes the Fourth Schedule of the Constitution of India?

- It contains the scheme of the distribution of powers between the Union and the States
- It contains the languages listed in the Constitution
- It contains the provisions regarding the administration of tribal areas
- It allocates seats in the Council of States

Q.145) Solution (d)

Fourth schedule allocates seats in the Council of States i.e. Rajya Sabha (Upper House of Parliament)

Do you know?

Followings are the schedules in Constitution of India

First Schedule	<ul style="list-style-type: none"> • List of States & Union Territories
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Second Schedule	<ul style="list-style-type: none"> Salary of President, Governors, Chief Judges, Judges of High Court and Supreme court, Comptroller and Auditor General 																		
Third Schedule	<ul style="list-style-type: none"> Forms of Oaths and affirmations 																		
Fourth Schedule	<ul style="list-style-type: none"> Allocate seats for each state of India in Rajya Sabha 																		
Fifth Schedule	<ul style="list-style-type: none"> Administration and control of scheduled areas and tribes 																		
Sixth Schedule	<ul style="list-style-type: none"> Provisions for administration of Tribal Area in Asom, Meghalaya, Tripura, Mizoram & Arunachal Pradesh 																		
Seventh Schedule	<ul style="list-style-type: none"> Gives allocation of powers and functions between Union & States. It contains 3 lists <ul style="list-style-type: none"> Union List (For central Govt) 97 Subjects. States List (Powers of State Govt) 66 subjects Concurrent List (Both Union & States) 47 subjects. 																		
Eighth Schedule	<ul style="list-style-type: none"> List of 22 languages of India recognized by Constitution <table border="1" data-bbox="453 1167 970 1312"> <tr> <td>1. Assamese</td> <td>2. Bengali</td> <td>3. Gujarati</td> </tr> <tr> <td>4. Hindi</td> <td>5. Kannada</td> <td>6. Kashmiri</td> </tr> </table>	1. Assamese	2. Bengali	3. Gujarati	4. Hindi	5. Kannada	6. Kashmiri												
1. Assamese	2. Bengali	3. Gujarati																	
4. Hindi	5. Kannada	6. Kashmiri																	
	<table border="1" data-bbox="453 1384 1046 1823"> <tr> <td>7. Manipuri</td> <td>8. Malayalam</td> <td>9. Konkani</td> </tr> <tr> <td>10. Marathi</td> <td>11. Nepali</td> <td>12. Oriya</td> </tr> <tr> <td>13. Punjabi</td> <td>14. Sanskrit</td> <td>15. Sindhi</td> </tr> <tr> <td>16. Tamil</td> <td>17. Telugu</td> <td>18. Urdu</td> </tr> <tr> <td>19. Santhali</td> <td>20. Bodo</td> <td>21. Maithili</td> </tr> <tr> <td>22. Dogri</td> <td></td> <td></td> </tr> </table> <ul style="list-style-type: none"> Sindhi was added in 1967 by 21 Amendment Konkani, Manipuri and Nepali were added in 1992 by 71 amendment Santhali, Maithili, Bodo and Dogri were added in 2003 by 92 amendment 	7. Manipuri	8. Malayalam	9. Konkani	10. Marathi	11. Nepali	12. Oriya	13. Punjabi	14. Sanskrit	15. Sindhi	16. Tamil	17. Telugu	18. Urdu	19. Santhali	20. Bodo	21. Maithili	22. Dogri		
7. Manipuri	8. Malayalam	9. Konkani																	
10. Marathi	11. Nepali	12. Oriya																	
13. Punjabi	14. Sanskrit	15. Sindhi																	
16. Tamil	17. Telugu	18. Urdu																	
19. Santhali	20. Bodo	21. Maithili																	
22. Dogri																			

Ninth Schedule	<ul style="list-style-type: none">Added by 1st amendment in 1951. Contains acts & orders related to land tenure, land tax, railways, industries. {Right of property not a fundamental right now}
Tenth Schedule	<ul style="list-style-type: none">Added by 52nd amendment in 1985. Contains provisions of disqualification of grounds of defection
Eleventh Schedule	<ul style="list-style-type: none">By 73rd amendment in 1992. Contains provisions of Panchayati Raj.
Twelfth Schedule	<ul style="list-style-type: none">By 74th amendment in 1992. Contains provisions of Municipal Corporation.

Q.146) Which of the following procedures can be amended by Special Majority of Parliament and Consent of States?

1. Election of the President and its manner
2. Admission or establishment of new states
3. Representation of states in Parliament
4. Use of official language

Select the correct answer using the code given below.

- a) 1 and 3 only
- b) 2 and 4 only
- c) 1, 2 and 4 only
- d) All of the above

Q.146) Solution (a)

The procedures that can be amended by **Special Majority of Parliament and Consent of States** following provisions are in this way:

1. Election of the President and its manner.
2. Extent of the executive power of the Union and the states.
3. Supreme Court and high courts.
4. Distribution of legislative powers between the Union and the states.
5. Any of the lists in the Seventh Schedule.
6. Representation of states in Parliament.
7. Power of Parliament to amend the Constitution and its procedure (Article 368 itself).

Do you know?

The following can be done by Simple majority of Parliament

- Admission or establishment of new states
- Use of official language

Q.147) The legislative power of the Parliament includes making laws

1. on matters not enumerated in the Concurrent List and State List
2. in respect of entries in the State List if two or more State Legislatures consider it desirable
3. for implementing any treaty, agreement or convention with any country even if it falls in the State List

Select the correct answer using the code given below.

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

Q.147) Solution (d)

The primary function of Parliament is to make laws for the governance of the country. It has exclusive power to make laws on the subjects enumerated in the Union List (which at present has 100 subjects, originally 97 subjects) and on the residuary subjects (that is, subjects not enumerated in any of the three lists). With regard to Concurrent List (which has at present 52 subjects, originally 47 subjects), the Parliament has overriding powers, that is, the law of Parliament prevails over the law of the state legislature in case of a conflict between the two.

The Constitution also empowers the Parliament to make laws on the subjects enumerated in the State List (which at present has 61 subjects, originally 66 subjects) under the following five abnormal circumstances:

- (a) when Rajya Sabha passes a resolution to that effect.
- (b) when a proclamation of National Emergency is in operation.
- (c) when two or more states make a joint request to the Parliament.
- (d) when necessary to give effect to international agreements, treaties and conventions.
- (e) when President's Rule is in operation in the state.

Do you know?

All the ordinances issued by the president (during the recess of the Parliament) must be approved by the Parliament within six weeks after its reassembly. An ordinance becomes inoperative if it is not approved by the parliament within that period.

Q.148) Constitution has provided for certain provisions with regard to inter-state comity or harmony. Identify the correct ones from the below:

1. Freedom of inter-state trade, commerce and intercourse.
2. Adjudication of inter-state water disputes.
3. Coordination through inter-state councils.
4. Establishment of zonal councils.

Choose the correct codes from below options:

- a) 1, 2 and 3
- b) 1, 2 and 4
- c) 1, 3 and 4
- d) All of the above

Q.148) Solution (a)

The successful functioning of the Indian federal system depends not only on the harmonious relations and close cooperation between the Centre and the states but also between the states inter se. Hence, the Constitution makes the following provisions with regard to inter-state comity:

1. Adjudication of inter-state water disputes.
2. Coordination through inter-state councils.
3. Mutual recognition of public acts, records and judicial proceedings.
4. Freedom of inter-state trade, commerce and intercourse.

In addition, the **zonal councils have been established by the Parliament (not provided by the Constitution, hence option 'a' is the correct answer)** to promote inter-state cooperation and coordination.

Q.149) Constitution of India provides for special provision for some states under Part XXI. Which among the following is/are intention behind them?

1. to meet the aspirations of the people of backward regions of the states
2. to protect the cultural and economic interests of the tribal people of the states
3. to deal with the disturbed law and order condition in some parts of the states

4. to protect the interests of linguistic minorities

Select the correct answer using the code given below.

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

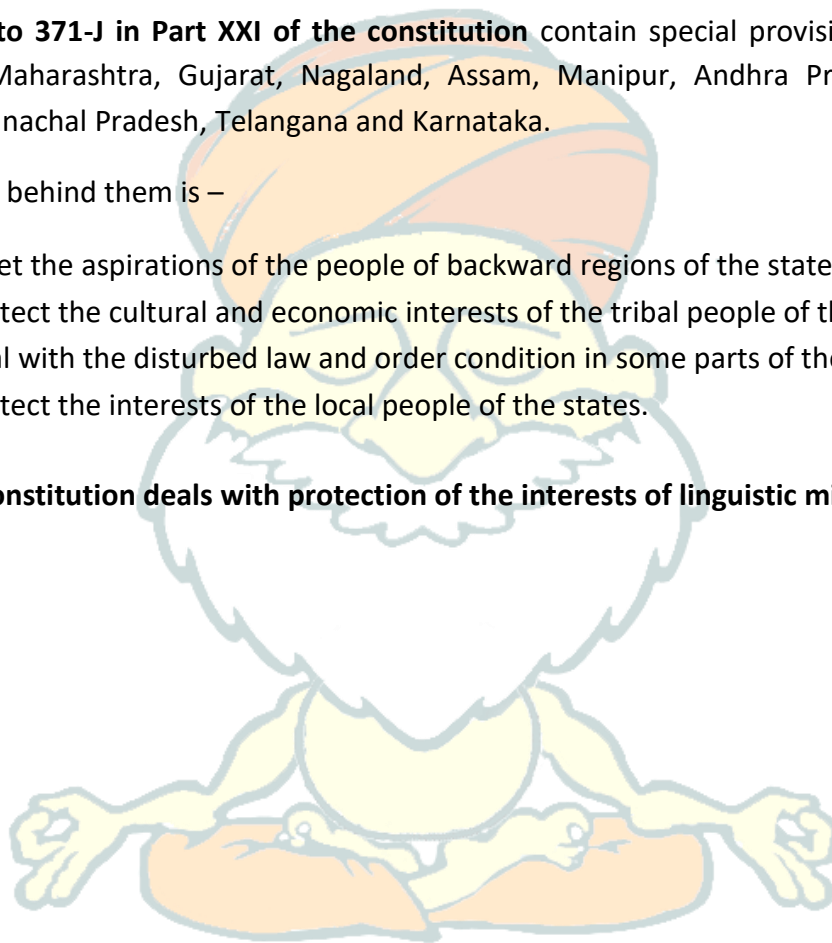
Q.149) Solution (c)

Articles 371 to 371-J in Part XXI of the constitution contain special provisions for eleven states viz., Maharashtra, Gujarat, Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim, Mizoram, Arunachal Pradesh, Telangana and Karnataka.

The intention behind them is –

- to meet the aspirations of the people of backward regions of the states (or)
- to protect the cultural and economic interests of the tribal people of the states (or)
- to deal with the disturbed law and order condition in some parts of the states (or)
- to protect the interests of the local people of the states.

XVII of the Constitution deals with protection of the interests of linguistic minorities.



MAHARASHTRA & GUJARAT**(ART 371)**

"Special responsibility" to Governor to establish "separate development boards" for "Vidarbha, Marathwada, and the rest of Maharashtra", and Saurashtra and Kutch in Gujarat; "equitable allocation of funds for developmental expenditure over the said areas"; "equitable arrangement providing adequate facilities for technical education and vocational training, and adequate opportunities for employment" under the state government.

SIKKIM**(ART 371F, 36TH AMENDMENT ACT, 1975)**

The members of the legislative Assembly of Sikkim shall elect the representative of Sikkim in the House of the People. To protect the rights and interests of various sections of the population of Sikkim, Parliament may provide for the number of seats in the Assembly, which may be filled only by candidates from those sections. Governor shall have "special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population". All earlier laws in territories that formed Sikkim shall continue, and any adaptation or modification shall not be questioned in any court.

ASSAM**(ART 371B, 22ND AMENDMENT ACT, 1969)**

President may provide for the constitution and functions of a committee of the Assembly consisting of members elected from the tribal areas of the state.

ARUNACHAL PRADESH**(ART 371H, 55TH AMENDMENT ACT, 1986)**

The Governor has a special responsibility with regard to law and order, and "he shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken". Should a question arise over whether a particular matter is one in which the Governor is "required to act in the exercise of his individual judgment, the decision of the Governor in his discretion shall be final", and "shall not be called in question...".

KARNATAKA**(ART 371, 98TH AMENDMENT ACT, 2012)**

There is a provision for the establishment of a separate development board for the Hyderabad-Karnataka region, the working of which will be reported annually to the Assembly; there shall be "equitable allocation of funds for developmental expenditure over the said region"; and "equitable opportunities and facilities" for people of this region in government jobs and education. An order can be made to provide for reservation "of a proportion" of seats and jobs in educational and vocational training institutions and state government organisations respectively in the Hyderabad-Karnataka region for individuals who belong to that region by birth or domicile.

ANDHRA PRADESH & TELANGANA**(ART 371D, 32ND AMENDMENT ACT, 1973; SUBSTITUTED BY THE ANDHRA PRADESH REORGANISATION ACT, 2014)**

President must ensure "equitable opportunities and facilities" in "public employment and education to people from different parts of the state"; he may require the state government to organise "any class or classes of posts in a civil service of, or any class or classes of civil posts under, the State into different local cadres for different parts of the State", and allot them. The President has similar powers vis-à-vis admissions in any university or state government-run educational institution. Also, he may provide for setting up of an administrative tribunal outside the jurisdiction of the High Court to deal with issues of appointment, allotment or promotion in state civil services. [ART 371E allows for the establishment of a university in Andhra Pradesh by a law of Parliament. But this is not really a 'special provision'.]

MIZORAM**(ART 371C, 53RD AMENDMENT ACT, 1986)**

Parliament cannot make laws on "religious or social practices of the Mizos, Mizo customary law and procedure, administration of civil and criminal justice involving decisions according to Mizo customary law, ownership and transfer of land, unless the Legislative Assembly... by a resolution so decides."

MANIPUR**(ART 371C, 27TH AMENDMENT ACT, 1971)**

President may provide for the constitution and functions of a committee of elected members from the Hill areas in the Assembly; entrust "special responsibility" to the Governor to ensure its proper functioning. The Governor has to file a report every year on this to the President.

NAGALAND**(ART 371A, 13TH AMENDMENT ACT, 1962)**

Parliament can't legislate in matters of Naga religion or social practices, the Naga customary law and procedure, administration of civil and criminal justice involving decisions according to Naga customary law, and ownership and transfer of land and its resources, without concurrence of the legislative Assembly. This provision was inserted in the Constitution after a 36-point agreement between the Centre and the Naga People's Convention in 1960, which led to the creation of Nagaland in 1963. Also, there is a provision for a 35-member regional council for Tuensang district, which elects the Tuensang members in the Assembly. A member from the Tuensang district is Minister for Tuensang Affairs; Governor has the final say on Tuensang-related matters.

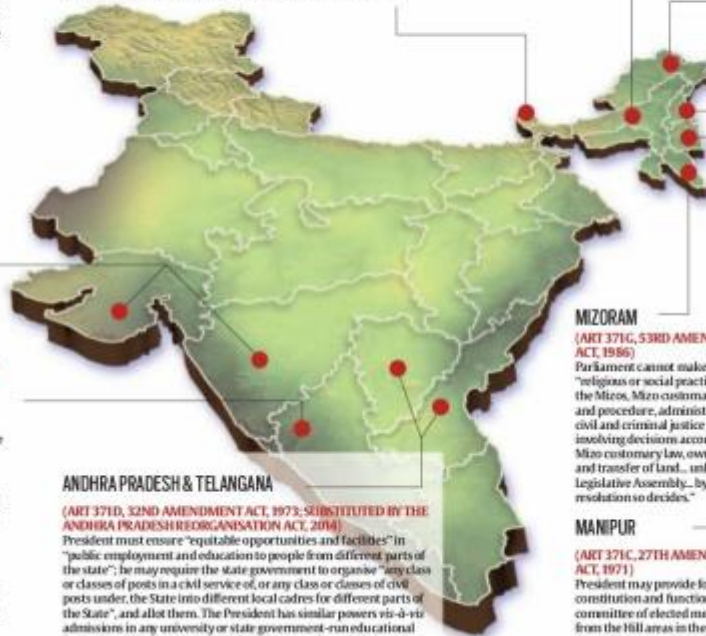


Image link: <http://images.indianexpress.com/2017/09/explained-graph.jpg?w=600>

Q.150) Recently, some states are racing to gain special status which confers preferential treatment in the form of central assistance and tax breaks. Which among the following are the conditions to categorize states for special status?

1. hilly and difficult terrain
2. low population density or sizable share of tribal population
3. strategic location along borders with neighboring countries
4. economic and infrastructural backwardness
5. non-viable nature of state finances

Select the correct code given below:

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

Q.150) Solution (d)

The concept of a special category state was first introduced in 1969. The 5th Finance Commission decided to provide certain disadvantaged states with preferential treatment in the form of central assistance and tax breaks. Initially three states Assam, Nagaland and Jammu & Kashmir were granted special status but since then eight more have been included Arunachal Pradesh, Himachal Pradesh, Manipur, Meghalaya, Mizoram, Sikkim, Tripura and Uttarakhand.

Recently, states like Andhra Pradesh, Orissa, West Bengal, Bihar, Tamil Nadu are racing for the special status.

Do you know?**Conditions to categorize states for special status :**

The special status is given to certain states because of their inherent features; like they might have a low resource base and cannot mobilize resources for development. Some of the features required for special status are:

- (i) hilly and difficult terrain;
- (ii) low population density or sizable share of tribal population;
- (iii) strategic location along borders with neighboring countries;
- (iv) economic and infrastructural backwardness; and
- (v) non-viable nature of state finances.

For further reading: <http://www.thehindu.com/news/national/What-is-the-special-category-status/article14553662.ece>

Q.151) Consider the following statements:

1. The laws made by Parliament on the state subjects during a National Emergency become inoperative six months after the emergency has ceased to operate.
2. During proclamation of national emergency is in operation, the President can issue ordinances on the state subjects also, if the state legislature is not in session.

Which of the above statements is/are correct?

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

d) None

Q.151) Solution (a)

During a national emergency, the Parliament becomes empowered to make laws on any subject mentioned in the State List. Although the legislative power of a state legislature is not suspended, it becomes subject to the overriding power of the Parliament. Thus, the normal distribution of the legislative powers between the Centre and states is suspended, though the state Legislatures are not suspended. In brief, the Constitution becomes unitary rather than federal.

The laws made by Parliament on the state subjects during a National Emergency become inoperative six months after the emergency has ceased to operate.

Notably, while a proclamation of national emergency is in operation, the President can issue ordinances on the state subjects also, **if the Parliament is not in session.**

Do you know?

- The Parliament can confer powers and impose duties upon the Centre or its officers and authorities in respect of matters outside the Union List, in order to carry out the laws made by it under its extended jurisdiction as a result of the proclamation of a National Emergency.

Q.152) Consider the following statements about President's rule:

1. A law made by the Parliament or President or any other specified authority is co-terminus with the duration of the proclamation.
2. The constitutional position, status, powers and functions of the concerned state high court remain same even during the President's Rule.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.152) Solution (b)

A law made by the Parliament or president or any other specified authority continues to be operative even after the President's Rule. **This means that the period for which such a law remains in force is not co-terminus with the duration of the proclamation.** But it can be repealed or altered or re-enacted by the state legislature.

It should be noted here that the President cannot assume to himself the powers vested in the concerned state high court or suspend the provisions of the Constitution relating to it. **In other words, the constitutional position, status, powers and functions of the concerned state high court remain same even during the President's Rule.**

Do you know?

- The 38th Amendment Act of 1975 made the satisfaction of the President in invoking Article 356 final and conclusive which could not be challenged in any court on any ground. But, this provision was subsequently deleted by the 44th Amendment Act of 1978 implying that the satisfaction of the President is not beyond judicial review.

THINK!

- Supreme Court guidelines to impose the President's Rule in a state under Article 356.

Q.153) Which of the following schedules get affected during proclamation of national emergency?

1. Fifth schedule
2. Sixth schedule
3. Seventh schedule
4. Eleventh schedule

Select the correct answer using the codes given below.

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

Q.153) Solution (d)

During a national emergency, **the Parliament becomes empowered to make laws on any subject mentioned in the State List.** Although the legislative power of a state legislature is not suspended, it becomes subject to the overriding power of the Parliament. Thus, the normal distribution of the legislative powers between the Centre and states is suspended,

though the state Legislatures are not suspended. In brief, the Constitution becomes unitary rather than federal.

While a proclamation of national emergency is in operation, the President can modify the constitutional distribution of revenues between the center and the states. This means that the president can either reduce or cancel the transfer of finances from Centre to the states. Such modification continues till the end of the financial year in which the Emergency ceases to operate. Also, every such order of the President has to be laid before both the Houses of Parliament.

So the following schedules get affected due to proclamation of emergency.

Second Schedule: Second schedule lists the emoluments for holders of constitutional offices such as salaries of President, Vice President, Ministers, Judges and Comptroller and Auditor-General of India etc.

Fifth Schedule: This schedule enumerates administration and control of Scheduled Areas and Scheduled Tribes (areas and tribes needing special protection due to disadvantageous conditions).

Sixth Schedule: This schedule comprises provisions for the administration of tribal areas in Assam, Meghalaya, Tripura, Mizoram. Read this article in detail about sixth schedule.

Seventh Schedule: This schedule has divided the Union and State subjects on which they can make laws. It comprises Union List, State List and Concurrent List.

Ninth Schedule: This schedule enumerates land and tenure reforms; the accession of Sikkim with India.

Eleventh Schedule: It was added by 73rd amendment and has list of subjects under the Panchayat Raj institutions or rural local government.

Twelfth Schedule: It was added by 74th amendment and enlists the subjects under Municipalities or urban local government.

Do you know?

- The rationality behind the incorporation of these provisions in the Constitution is to safeguard the **sovereignty, unity, integrity and security of the country, the democratic political system, and the Constitution.**

THINK!

- Financial Emergency

Q.154) Consider the following statements.

1. The independent and integrated judicial system was borrowed from USA constitution.
2. The term 'judicial review' is not mentioned in the constitution.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.154) Solution (b)

The **independent judiciary system is borrowed from USA constitution**, where as the **integrated judiciary was borrowed from Government of India Act-1935**.

There is no word like 'Judicial Review' is mentioned in Constitution of India. The power of Judicial Review is incorporated in Articles 226 and 227 of the Constitution insofar as the High Courts are concerned. In regard to the Supreme Court Articles 32 and 136 of the Constitution, the judiciary in India has come to control by judicial review every aspect of governmental and public functions.

High Court

- Article-226: Power of High Courts to issue certain writs.
- Article- 227: Power of superintendence over all high Court by the high Court.

Supreme Court

- Article-32: Right to Constitutional Remedy
- Article-136: Special leave to appeal by the Supreme Court.

Do you know?

- The Supreme Court of India was inaugurated on January 28, 1950. **It succeeded the Federal Court of India, established under the Government of India Act of 1935.** However, the **jurisdiction of the Supreme Court is greater than that of its predecessor.** This is because, the Supreme Court has replaced the British Privy Council as the highest court of appeal.

THINK!

- NJAC Act.

Q.155) Consider the following pairs.

Cases	Verdict
1. First judges case	Court held that consultation does not mean concurrence
2. Second judges case	Collegium of four senior most judges of the Supreme Court
3. Third judges case	Senior most judge of the Supreme Court should alone be appointed to the office of the chief justice of India.
4. Fourth judges case	NJAC Act as unconstitutional and void.

Which of the above pairs is/are correctly matched?

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

Q.155) Solution (a)

The Supreme Court has given different interpretation of the word 'consultation' in the above provision. In the First Judges case (1982), **the Court held that consultation does not mean concurrence and it only implies exchange of views.**

But, in the Second Judges case (1993), the Court reversed its earlier ruling and changed the meaning of the word consultation to concurrence. Hence, it ruled that the advice tendered by the Chief Justice of India is binding on the President in the matters of appointment of the judges of the Supreme Court. But, **the Chief Justice would tender his advice on the matter after consulting two of his senior most colleagues.**

Second Judges Case (1993), in which the **Supreme Court ruled that the senior most judge of the Supreme Court should alone be appointed to the office of the chief justice of India.**

In the Third Judges case (1998), the Court opined that the consultation process to be adopted by the Chief justice of India requires '**consultation of plurality judges**'. The sole opinion of the chief justice of India does not constitute the consultation process. **He should consult a collegium of four senior most judges of the Supreme Court and even if two judges give an adverse opinion, he should not send the recommendation to the**

government. The court held that the recommendation made by the chief justice of India without complying with the norms and requirements of the consultation process are not binding on the government.

In 2015, the Supreme Court has declared both the 99th Constitutional Amendment as well as the NJAC Act as unconstitutional and void. Consequently, the earlier collegium system became operative again. **This verdict was delivered by the Supreme Court in the Fourth Judges case (2015). The court opined that the new system (i.e., NJAC) would affect the independence of the judiciary.**

Do you know?

- The Constitution has not prescribed a minimum age for appointment as a judge of the Supreme Court.
- The Constitution has not fixed the tenure of a judge of the Supreme Court.

THINK!

- Removal of Judges.

Q.156) To which of the following the original jurisdiction of the supreme court does not extend?

1. Inter-state water disputes.
2. Matters referred to the Finance Commission.
3. A dispute arising out of any pre-Constitution treaty, agreement, covenant, engagement, Sanad or other similar instrument.

Select the correct answer using the codes given below.

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

Q.156) Solution (a)

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

- the Centre and one or more states; or
- the Centre and any state or states on one side and one or more states on the other;
- or 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.

Further, this jurisdiction of the Supreme Court does not extend to the following:

- A dispute arising out of any pre-Constitution treaty, agreement, covenant, engagement, Sanad or other similar instrument.
- A dispute arising out of any treaty, agreement, etc., which specifically provides that the said jurisdiction does not extend to such a dispute.
- Inter-state water disputes.
- Matters referred to the Finance Commission.
- Adjustment of certain expenses and pensions between the Centre and the states.
- Ordinary dispute of Commercial nature between the Centre and the states.
- Recovery of damages by a state against the Centre.

Do you know?

- The original jurisdiction of the Supreme Court with regard to federal disputes is different from its original jurisdiction with regard to disputes relating to fundamental rights. In the first case, it is exclusive and in the second case, it is concurrent with high court's jurisdiction.

THINK!

- National Court of Appeal.

Q.157) A person to be appointed as a judge of a high court, should have the following qualifications:

1. He should have been an advocate of a high court (or high courts in succession) for ten years
2. He should have held a judicial office in the territory of India for ten years.
3. A distinguished jurist in the opinion of President.

Which of the above statements is/are correct?

- a) 1 and 2 only
- b) 2 and 3 only
- c) 1, 2 and 3
- d) None

Q.157) Solution (a)**Qualifications of Judges:**

A person to be appointed as a judge of a high court, should have the following qualifications:

- He should be a citizen of India.
- He should have held a judicial office in the territory of India for ten years; or
- He should have been an advocate of a high court (or high courts in succession) for ten years.

From the above, it is clear that the Constitution has not prescribed a minimum age for appointment as a judge of a high court. **Moreover, unlike in the case of the Supreme Court, the Constitution makes no provision for appointment of a distinguished jurist as a judge of a high court.**

Do you know?

- In the Third Judges case (1998), the Supreme Court opined that in case of the transfer of high court judges, the Chief Justice of India should consult, in addition to the collegium of four senior most judges of the Supreme Court, the chief justice of the two high courts (one from which the judge is being transferred and the other receiving him). **Thus, the sole opinion of the chief justice of India does not constitute the 'consultation' process.**

THINK!

- JURISDICTION AND POWERS OF HIGH COURT.

Q.158) According to the Constitution, what is the minimum age of eligibility to become a Supreme Court's Judge?

- a) 21 years
- b) 35 years
- c) 30 years
- d) None of the above

Q.158) Solution (d)**Qualifications of Judges**

A person to be appointed as a judge of the Supreme Court should have the following qualifications:

1. He should be a citizen of India.
2. (a) He should have been a judge of a High Court (or high courts in succession) for five years; or (b) He should have been an advocate of a High Court (or High Courts in succession) for ten years; or (c) He should be a distinguished jurist in the opinion of the president.

From the above, it is clear that the Constitution has not prescribed a minimum age for appointment as a judge of the Supreme Court.

Q.159) Which of the following Emergencies have never been imposed in India till now?

1. National Emergency
2. State Emergency
3. Financial Emergency

Select the code from following:

- a) 1 and 2
- b) 3 only
- c) 1 and 3
- d) None of the above

Q.159) Solution (b)

- No Financial Emergency has been declared so far, though there was a financial crisis in 1991.
- Presidential rule or State Emergency has been imposed more than 100 times after independence.
- National Emergency has been imposed thrice in India - in 1962, 1971 and 1975.

THINK!

- What are the basis on which National Emergency can be proclaimed?
- 1991 Financial Crisis

Q.160) Which of the following statements is/are correct regarding Financial Emergency?

1. There is no maximum period prescribed for its operation.

2. Repeated parliamentary approval is not required for its continuation.

Select the code from following:

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

Q.160) Solution (c)

Parliamentary Approval and Duration of Financial Emergency

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.

Note: Parliamentary approval is not required for revocation of Financial Emergency.

Q.161) Which of the following statements are correct regarding the consequences of Financial Emergency?

1. Central Government may ask states to reserve all money and financial bill for consideration of the president once they are passed by the state legislature.
2. Salaries and allowance of all or any class of persons serving in the Union may be reduced.
3. Salaries of judges of Supreme Court and High Court can be reduced.

Select the code from following:

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

Q.161) Solution (d)

Effects of Financial Emergency

The consequences of the proclamation of a Financial Emergency are as follows:

1. The executive authority of the Centre extends (a) to directing any state to observe such canons of financial propriety as are specified by it; and (b) to directions as the President may deem necessary and adequate for the purpose.
2. Any such direction may include a provision requiring (a) the reduction of salaries and allowances of all or any class of persons serving in the state; and (b) the reservation of all money bills or other financial bills for the consideration of the President after they are passed by the legislature of the state.
3. The President may issue directions for the reduction of salaries and allowances of (a) all or any class of persons serving the Union; and (b) the judges of the Supreme Court and the high court.

Q.162) Supreme Court and High Courts are considered as the Court of Record. What does this mean?

1. The judgements, proceedings and acts of these Courts are recorded for perpetual memory and testimony.
2. These records are admitted to be of evidentiary value and cannot be questioned when produced before any court.
3. They have the power to punish for contempt of court.

Select the code from following:

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

Q.162) Solution (d)**A Court of Record**

As a Court of Record, the Supreme Court and High Courts have 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) scandalizes 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.

Q.163) On any dispute arising out of any pre-constitution treaty, agreement, covenant, engagement, sanad or other similar instruments, President can seek opinion of the Supreme Court. In this case:

1. Supreme Court may tender or refuse to tender its opinion.
2. The opinion expressed by the Supreme Court in this case is binding on the President.

Which of the above statements is/are NOT correct?

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

Q.163) Solution (c)

Note: Incorrect options have been asked.

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.

In the first case, the Supreme Court may tender or may refuse to tender its opinion to the president.

But, in the second case, the Supreme Court 'must' tender its opinion to the president. In both the cases, the opinion expressed by the Supreme Court is only advisory and not a judicial pronouncement. Hence, it is not binding on the president; he may follow or may not follow the opinion. However, it facilitates the government to have an authoritative legal opinion on a matter to be decided by it.

Q.164) President can appoint duly qualified people as Additional Judge in a High Court. Which of the following statements regarding Additional Judge is/are correct?

1. They are appointed when a seat gets vacant in a High Court.
2. They are appointed for indefinite period till they attain the age of 62 years.

Select the code from below:

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

Q.164) Solution (d)

Note: There is a difference between Additional Judge and Acting Judge.

Additional and Acting Judges

The President can appoint duly qualified persons as additional judges of a high court for a temporary period not exceeding two years when:

1. there is a temporary increase in the business of the high court; or
2. there are arrears of work in the high court.

The President can also appoint a duly qualified person as an acting judge of a high court when a judge of that high court (other than the chief justice) is:

1. unable to perform the duties of his office due to absence or any other reason; or
2. appointed to act temporarily as chief justice of that high court.

An acting judge holds office until the permanent judge resumes his office. However, both the additional or acting judge cannot hold office after attaining the age of 62 years.

Q.165) Consider the below statements with regard to Article 352:

1. President can declare a national emergency when the security of India or a part of it is threatened by war or external aggression or internal disturbance.
2. Proclamation of a national emergency by President is not a discretionary power, as he can proclaim only after receiving a written recommendation from the Prime Minister.

Which of the statements given above is/are correct?

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

Q.165) Solution (d)

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 (but not on the ground of 'internal disturbance')

The President 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.

THINK!

- Can President issue ordinances on the state subjects during national emergency is in operation?

Q.166) The expression, “Proclamation of Emergency” as used in the Constitution refers to

–

- a) State Emergency or Constitutional Emergency
- b) Financial Emergency
- c) National Emergency
- d) All of the above

Q.166) Solution (c)

Article 352 – *Proclamation of Emergency* – The Constitution employs the expression ‘proclamation of emergency’ to denote the National Emergency only – i.e. an emergency due to war, external aggression or armed rebellion.

An Emergency due to the failure of the constitutional machinery in the states (Article 356). This is popularly known as ‘President’s Rule’. It is also known by two other names—‘State Emergency’ or ‘constitutional Emergency’. However, the Constitution does not use the word ‘emergency’ for this situation.

Financial Emergency is proclaimed under Article 360 – due to a threat to the financial stability or credit of India.

THINK!

- Under what conditions, President can proclaim State Emergency or Constitutional Emergency?

Q.167) What happens when a proclamation of national emergency is in operation?

1. The executive power of the Centre extends to directing any state regarding the manner in which its executive power is to be exercised.
2. State governments can be suspended and be brought under the complete control of the Centre.
3. The President can either reduce or cancel the transfer of finances from Centre to the states.

Choose the appropriate answer:

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

d) 1, 2 and 3

Q.167) Solution (b)

During a national emergency, the executive power of the Centre extends to directing any state regarding the manner in which its executive power is to be exercised.

Thus, the state governments are brought under the complete control of the Centre, though they are not suspended.

While proclamation of national emergency is in operation, the President can either reduce or cancel the transfer of finances from Centre to the states. However, every such order of the President has to be laid before both the Houses of Parliament.

THINK!

- What happens to Fundamental Rights when a proclamation of national emergency is in operation?

Q.168) Which of the following is not true in regard to the proclamation of Emergency?

- a) The proclamation of Emergency must be approved by both the Houses of Parliament within one month from the date of its issue.
- b) Every resolution approving the proclamation of emergency or its continuance must be passed by either House of Parliament by a special majority.
- c) A proclamation of emergency may be revoked by the President at any time by a subsequent proclamation. Such a proclamation does not require the parliamentary approval.
- d) Further, the President can revoke a proclamation on his own and the Lok Sabha has no control in this regard.

Q.168) Solution (d)

Parliamentary Approval and Duration

The proclamation of Emergency must be approved by both the Houses of Parliament within one month from the date of its issue.

However, if the proclamation of 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 one month 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.

Do you know?

Originally, the period allowed for approval by the Parliament was two months, but was reduced by the 44th Amendment Act of 1978.

Every resolution approving the proclamation of emergency or its continuance must be passed by either House of Parliament by a special majority, that is, (a) a majority of the total membership of that house, and (b) a majority of not less than two-thirds of the members of that house present and voting.

This special majority provision was introduced by the 44th Amendment Act of 1978. Previously, such resolution could be passed by a simple majority of the Parliament.

Revocation of Proclamation

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

Further, the President must revoke a proclamation if the Lok Sabha passes a resolution disapproving its continuation. Again, this safeguard was introduced by the 44th Amendment Act of 1978. Before the amendment, a proclamation could be revoked by the president on his own and the Lok Sabha had no control in this regard.

THINK!

- How a resolution of disapproval is different from a resolution approving the continuation of a proclamation?

Q.169) Consider the below statements:

1. CJI can request a retired judge of the Supreme Court to act as a judge of the Supreme Court for a temporary period.
2. The President can appoint an ad hoc judge for a temporary period when the CJI is unable to perform the duties of his office.

Which of the statements given above is/are correct?

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

Q.169) Solution (a)

The President can appoint a judge of the Supreme Court as an acting Chief Justice of India (not ad hoc judge) when:

1. the office of Chief Justice of India is vacant; or
2. the Chief Justice of India is temporarily absent; or
3. the Chief Justice of India is unable to perform the duties of his office.

Hence, statement (2) is incorrect.

Ad hoc Judge:

- When there is a lack of quorum of the permanent judges to hold or continue any session of the Supreme Court, the Chief Justice of India can appoint a judge of a High Court as an ad hoc judge of the Supreme Court for a temporary period.
- He can do so only after consultation with the chief justice of the High Court concerned and with the previous consent of the president.
- The judge so appointed should be qualified for appointment as a judge of the Supreme Court.

Retired Judges

- At any time, the chief justice of India can request a retired judge of the Supreme Court or a retired judge of a high court (who is duly qualified for appointment as a judge of the Supreme Court) to act as a judge of the Supreme Court for a temporary period.
- He can do so only with the previous consent of the president and also of the person to be so appointed.

Q.170) Which of the below statements is/are correct about High Courts?

1. In India, the high court operates below the Supreme Court.
2. The high court occupies the top position in the judicial administration of a state.
3. Constitution does not specify the strength of a high court and leaves it to the discretion of the Parliament.

Choose the correct code from below options:

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

Q.170) Solution (a)

In the Indian single integrated judicial system, the high court operates below the Supreme Court but above the subordinate courts. The judiciary in a state consists of a high court and a hierarchy of subordinate courts. The high court occupies the top position in the judicial administration of a state.

Every high court (whether exclusive or common) consists of a chief justice and such other judges as the president may from time to time deem necessary to appoint. Thus, the Constitution does not specify the strength of a high court and leaves it to the discretion of the president (not Parliament, hence statement 3 is wrong). Accordingly, the President determines the strength of a high court from time to time depending upon its workload.

Q.171) Which of the following committee was first to recommend constitutional status for Panchayati Raj Institutions (PRI)?

- a) G V K Rao Committee
- b) L M Singhvi Committee
- c) Ashok Mehta Committee
- d) Balwant Rai Mehta Committee

Q.171) Solution (c)

In December 1977, the Janata Government appointed a committee on Panchayati raj institutions under the chairmanship of Ashok Mehta. It submitted its report in August 1978 and made 132 recommendations to revive and strengthen the declining Panchayati raj system in the country. **This committee was first to recommend the constitutional status for PRI.**

Do you know?

- **Gadgil Committee** became the **basis for drafting an amendment bill** aimed at conferring the constitutional status and protection to the Panchayati Raj institutions.

THINK!

- Ashok Mehta committee

Q.172) Consider the following recommendations about L M Singhvi Committee.

1. It recommended establishment of Nyaya Panchayats.

2. The judicial tribunals should be established in each state to adjudicate controversies about election to the Panchayati Raj institutions.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.172) Solution (c)

In 1986, Rajiv Gandhi government appointed a committee to prepare a concept paper on 'Revitalization of Panchayati Raj Institutions for Democracy and Development' under the chairmanship of L M Singhvi. It made the following recommendations.

- The Panchayati Raj institutions should be constitutionally recognized, protected and preserved. For this purpose, a new chapter should be added in the Constitution of India. This will make their identity and integrity reasonably and substantially inviolate. It also suggested constitutional provisions to ensure regular, free and fair elections to the Panchayati Raj bodies.
- **Nyaya Panchayats should be established for a cluster of villages.**
- The villages should be reorganized to make Gram Panchayats more viable. It also emphasised the importance of the Gram Sabha and called it as the embodiment of direct democracy.
- The Village Panchayats should have more financial resources.
- **The judicial tribunals should be established in each state to adjudicate controversies** about election to the Panchayati Raj institutions, their dissolution and other matters related to their functioning

Do you know?

- **Thungon Committee** was first to recommend a **state finance commission** should be set-up in each state. It would lay down the criteria and guidelines for the devolution of finances to the Panchayati Raj institutions

THINK!

- Gadgil committee recommendations.

Q.173) Which of the following is/are the significance of 73rd Constitutional amendment act?

1. The act has given a practical shape to Article 40 of the Constitution.
2. The act gives a constitutional status to the Panchayati raj institutions.
3. The act has brought PRIs under the purview of the justiciable part of the Constitution.

Select the correct answer using the codes given below.

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

Q.173) Solution (a)

Significance of 73RD AMENDMENT ACT OF 1992

This act has added a **new Part-IX to the Constitution of India**. This part is entitled as 'The Panchayats' and consists of provisions from Articles 243 to 243 O. In addition, the act has also added a **new Eleventh Schedule to the Constitution**. This schedule contains 29 functional items of the panchayats. It deals with Article 243-G.

The act has given a practical shape to Article 40 of the Constitution which says that, "The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government." This article forms a part of the Directive Principles of State Policy.

The act gives a constitutional status to the panchayati raj institutions. It has brought them **under the purview of the justiciable part of the Constitution**. In other words, the state governments are under constitutional obligation to adopt the new panchayati raj system in accordance with the provisions of the act.

Do you know?

- The 73rd constitutional amendment act is a significant landmark in the evolution of grassroots democratic institutions in the country. **It transfers the representative democracy into participatory democracy**. It is a revolutionary concept to build democracy at the grassroots level in the country

THINK!

- Compulsory and voluntary provisions of 73rd CAA.

Q.174) Which of the following are the authorities of Municipal Corporation?

1. Council
2. Standing committee
3. Commissioner

Select the correct answer using the codes given below.

- a) 1 only
- b) 1 and 3 only
- c) 1, 2 and 3
- d) None

Q.174) Solution (c)

Municipal corporations are created for the administration of big cities like Delhi, Mumbai, Kolkata, Hyderabad, Bangalore and others. They are established in the states by the acts of the concerned state legislatures, and in the union territories by the acts of the Parliament of India.

A municipal corporation has three authorities, namely, the council, the standing committees and the commissioner.

The Council is the deliberative and legislative wing of the corporation. It consists of the Councilors directly elected by the people, as well as a few nominated persons having knowledge or experience of municipal administration.

The standing committees are created to facilitate the working of the council, which is too large in size. They deal with public works, education, health, taxation, finance and so on. They take decisions in their fields.

The municipal commissioner is responsible for the implementation of the decisions taken by the council and its standing committees. Thus, he is the chief executive authority of the corporation.

Do you know?

- A notified area committee is created for the administration of two types of areas—a fast developing town due to industrialization, and a town which does not yet fulfil all the conditions necessary for the constitution of a municipality, but which otherwise is considered important by the state government. **It is neither an elected body nor a statutory body.**

THINK!

- Town area committee

- Cantonment board

Q.175) Which of the following are the Special Purpose Agency set up to undertake designated activities or specific functions that 'legitimately' belong to the domain of municipal corporations or municipalities or other local urban governments?

1. Town improvement trusts.
2. Urban development authorities.
3. Water supply and sewerage boards.
4. Housing boards.

Select the correct answer using the codes given below.

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

Q.175) Solution (d)

Special Purpose Agency

In addition to these seven area-based urban bodies (or multipurpose agencies), the states have set up certain agencies to undertake designated activities or specific functions that 'legitimately' belong to the domain of municipal corporations or municipalities or other local urban governments. In other words, these are function-based and not area-based. They are known as 'single purpose', 'uni-purpose' or 'special purpose' agencies or 'functional local bodies'. Some such bodies are:

- Town improvement trusts.
- Urban development authorities.
- Water supply and sewerage boards.
- Housing boards.
- Pollution control boards.
- Electricity supply boards.
- City transport boards.

Do you know?

There are five sources of income of the urban local bodies. These are as follows:

- Tax revenue

- Non-tax revenue
- Grants
- Devolution
- Loans

THINK!

- CENTRAL COUNCIL OF LOCAL GOVERNMENT

Q.176) Consider the following statements about Comptroller and Auditor General of India.

1. The role of CAG is to uphold the Constitution of India and the laws of Parliament in the field of financial administration.
2. The Estimates Committee examines audit reports of CAG.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.176) Solution (a)

The role of CAG is to uphold the Constitution of India and the laws of Parliament in the field of financial administration. The accountability of the executive (i.e., council of ministers) to the Parliament in the sphere of financial administration is secured through audit reports of the CAG. The CAG is an agent of the Parliament and conducts audit of expenditure on behalf of the Parliament. Therefore, he is responsible only to the Parliament.

The CAG submits three audit reports to the President—audit report on appropriation accounts, audit report on finance accounts, and audit report on public undertakings. The President lays these reports before both the Houses of Parliament. **After this, the Public Accounts Committee examines them and reports its findings to the Parliament.**

Do you know?

- The administrative expenses of the office of the CAG, including all salaries, allowances and pensions of persons serving in that office are **charged upon the Consolidated Fund of India**. Thus, they are not subject to the vote of Parliament.

THINK!

- Attorney General of India

Q.177) Consider the following statements.

1. The linguistic minorities are determined on a state-wise basis.
2. Special Officer for Linguistic Minorities is appointed by a committee headed by Prime Minister.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.177) Solution (a)

The Seventh Constitutional Amendment Act of 1956 inserted a new Article 350-B in Part XVII of the Constitution. This article contains the following provisions:

There should be a Special Officer for Linguistic Minorities. **He is to be appointed by the President of India.**

It would be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under the Constitution. He would report to the President upon those matters at such intervals as the President may direct. The President should place all such reports before each House of Parliament and send to the governments of the states concerned.

A linguistic minority is a group of people whose mother tongue is different from that of the majority in the state or part of a state. **Thus, the linguistic minorities are determined on a state-wise basis.**

Do you know?

- At the Central level, the Commissioner for Linguistic Minorities falls under the Ministry of Minority Affairs. Hence, he submits the annual reports or other reports to the President through the Union Minority Affairs Minister.

THINK!

- Advocate General of states

Q.178) Who was the Prime Minister of India when Local Self Governments were made constitutional?

- a) Rajiv Gandhi
- b) Indira Gandhi
- c) V P Singh
- d) P V Narasimha Rao

Q.178) Solution (d)

73rd and 74th Constitutional Amendment Act passed in 1992, when P V Narasimha Rao was Prime Minister of India.

Q.179) Which of the following statements are correct regarding reservation of seats in Panchayat?

1. 1/3rd seats are reserved for SCs and STs in every Panchayat.
2. The state legislature shall provide for the reservation of offices of chairperson in the panchayat at the village or any other level for the SCs and STs.
3. 1/3rd seats are reserved for women.

Select the code from following:

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

Q.179) Solution (b)

Reservation of Seats

The act provides for the reservation of seats for scheduled castes and scheduled tribes in every panchayat (i.e., at all the three levels) in proportion of their population to the total population in the panchayat area. Further, the state legislature shall provide for the reservation of offices of chairperson in the panchayat at the village or any other level for the SCs and STs.

The act provides for the reservation of not less than one-third of the total number of seats for women (including the number of seats reserved for women belonging the SCs and STs).

Further, not less than one-third of the total number of offices of chairpersons in the panchayats at each level shall be reserved for women.

The act also authorises the legislature of a state to make any provision for reservation of seats in any panchayat or offices of chairperson in the panchayat at any level in favour of backward classes.

Q.180) Which of the following statements are correct regarding State Finance Commission?

1. It recommends the distribution of proceeds of taxes between State and Panchayat.
2. It recommends for Grants in Aid to the Panchayats from the Consolidated Fund of the State.
3. It recommends for Grants in Aid to Cooperative Societies in the State.

Select the code from following:

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

Q.180) Solution (a)

State Finance Commission

The governor of a state shall, after every five years, constitute a finance commission to review the financial position of the panchayats. It shall make the following recommendations to the Governor:

1. The principles that should govern:

- (a) The distribution between the state and the panchayats of the net proceeds of the taxes, duties, tolls and fees levied by the state.
- (b) The determination of taxes, duties, tolls and fees that may be assigned to the panchayats.
- (c) The grants-in-aid to the panchayats from the consolidated fund of the state.

2. The measures needed to improve the financial position of the panchayats.

3. Any other matter referred to it by the governor in the interests of sound finance of the panchayats.

Note: There is no devolution of funds to Cooperative Societies from the State Finance Commission. Cooperatives Societies are not covered under 73rd Constitution Amendment Act.

Q.181) Consider the following statements:

1. 73rd CAA made it mandatory for all the states to have Panchayati raj system except Jammu and Kashmir.
2. The Parliament has enacted the 'Provisions of the Panchayats (Extension to the Scheduled Areas) Act', 1996 (PESA) to enact the Panchayati Raj in scheduled areas.

Which of the above statements are correct?

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

Q.181) Solution (b)

Exempted States and Areas

The 73rd CA act does not apply to the states of Jammu and Kashmir, Nagaland, Meghalaya and Mizoram and certain other areas. These areas include,

- (a) the scheduled areas and the tribal areas in the states;
- (b) the hill area of Manipur for which a district council exists; and
- (c) Darjeeling district of West Bengal for which Darjeeling Gorkha Hill Council exists.

However, the Parliament may extend the provisions of this Part to the scheduled areas subject to such exceptions and modifications as it may specify. Under this provision, the Parliament has enacted the 'Provisions of the Panchayats (Extension to the Scheduled Areas) Act', 1996 (PESA).

Q.182) Which of the following is not a Voluntary Provision for States under 73rd Constitutional Amendment Act?

1. Giving representation to members of the Parliament at different levels in Panchayat
2. Providing reservation of seats (both members and chairpersons) for backward classes in panchayats at any level.
3. Granting financial powers to the panchayats, that is, authorizing them to levy, collect and appropriate taxes, duties, tolls and fees.
4. To perform some or all of the 29 functions listed in the Eleventh Schedule of the Constitution.

Select the code form below:

- a) 1,2 and 3
- b) 3 and 4
- c) 1 and 3
- d) All of the above are voluntary provisions

Q.182) Solution (d)

Voluntary Provisions of 73rd CAA

1. Giving representation to members of the Parliament (both the Houses) and the state legislature (both the Houses) in the panchayats at different levels falling within their constituencies.
2. Providing reservation of seats (both members and chairpersons) for backward classes in panchayats at any level.
3. Granting powers and authority to the panchayats to enable them to function as institutions of self-government (in brief, making them autonomous bodies).
4. Devolution of powers and responsibilities upon panchayats to prepare plans for economic development and social justice; and to perform some or all of the 29 functions listed in the Eleventh Schedule of the Constitution.
5. Granting financial powers to the panchayats, that is, authorizing them to levy, collect and appropriate taxes, duties, tolls and fees.

Q.183) Which of the following statements are correct regarding District Planning Committee?

1. It is constituted to consolidate the plans made by Panchayats and Municipalities and make a common plan for the district.

2. Four-fifths of the members of a district planning committee should be elected by the elected members of the district panchayat and municipalities.

Select the code from following:

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

Q.183) Solution (c)

District Planning Committee

Every state shall constitute at the district level, a district planning committee to consolidate the plans prepared by panchayats and municipalities in the district, and to prepare a draft development plan for the district as a whole. The state legislature may make provisions with respect to the following:

- 1. The composition of such committees;
- 2. The manner of election of members of such committees;
- 3. The functions of such committees in relation to district planning; and
- 4. The manner of the election of the chairpersons of such committees.

The act lays down that four-fifths of the members of a district planning committee should be elected by the elected members of the district panchayat and municipalities in the district from amongst themselves. The representation of these members in the committee should be in proportion to the ratio between the rural and urban populations in the district.

The chairperson of such committee shall forward the development plan to the state government.

Q.184) Township is a type of urban government that is established by a large public enterprises to provide civic amenities to its staff and workers who live in the housing colonies built near the plant. Which of the following statements are correct regarding Townships?

- 1. The enterprise appoints a town administrator to look after the administration of the township.

2. Administrator of a township is assisted by a council with half elected and half nominated members.

Select the code from following:

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

Q.184) Solution (a)

Township

This type of urban government is established by the large public enterprises to provide civic amenities to its staff and workers who live in the housing colonies built near the plant. The enterprise appoints a town administrator to look after the administration of the township. He is assisted by some engineers and other technical and non-technical staff. Thus, the township form of urban government has no elected members. In fact, it is an extension of the bureaucratic structure of the enterprises.

Q.185) Consider the following statements in accordance to Duration of panchayats:

- 1. Every panchayat shall continue for 5 yrs from the date of its 1st meeting.
- 2. It can be dissolved earlier in accordance with the procedure prescribed by the Constitution.
- 3. In case, it is dissolved earlier, elections must take place within 6 month of its dissolution.

Which of the statements given above is/are correct?

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

Q.185) Solution (b)

Duration of panchayats

- Every panchayat shall continue for 5 yrs from the date of its 1st meeting.

- It can be dissolved earlier in accordance with the procedure prescribed by the state legislature (not Constitution, hence statement 2 is wrong).
- In case, it is dissolved earlier, elections must take place within 6 month of its dissolution.

Q.186) Consider the below statements and choose the correct one/s from the code given below:

1. The subject of 'Local Government' is mentioned in the State List under the Eleventh and Twelfth Schedule of the Constitution.
2. State has to take steps to organize Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self government.

Code:

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

Q.186) Solution (b)

The subject of 'Local Government' is mentioned in the State List under the Seventh Schedule of the Constitution. (not in Eleventh and Twelfth Schedule, hence statement 1 is wrong)

Article 40 of the Constitution, under Directive Principles (DPSP), says that the state shall take steps to organize Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self government. Hence, statement 2 is correct.

Q.187) Which one of the following statements with respect to Local Government in India, is correct?

- a) 33% of the seats in local bodies are reserved for women.
- b) According to the Indian Constitution, the local government is not an independent tier in the Federal system

- c) The grants-in-aid to Panchayats are from Consolidated fund of India.
- d) The state election commission may endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government.

Q.187) Solution (a)

Statement 1 is correct. Statement 2 is wrong the local government is an independent tier in the Federal system

Statement 3 is wrong. The grants in aid to Panchayats are from Consolidated fund of State (not India).

Statement 4 is wrong. The state legislature may endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government. Such a scheme may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level with respect to (a) the preparation of plans for economic development and social justice; (b) the implementation of schemes for economic development and social justice as maybe entrusted to them, including those in relation to the 29 matters listed in the Eleventh Schedule.

Q.188) Consider the following statements in regard to local governments:

1. Mahatma Gandhi had strongly pleaded for decentralisation of economic and political power as strengthening village panchayats was a means of effective decentralization.
2. Mahatma Gandhi is known as Father of Local Self Government in India.

Which of the above given statement(s) is/are incorrect?

- a) 1 only
- b) 2 only
- c) Both
- d) None

Q.188) Solution (b)

Lord Ripon is known to have granted the Indians first taste of freedom by introducing the Local Self Government in 1882. His scheme of local self government developed the Municipal institutions which had been growing up in the country ever since India was occupied by the British Crown. He led a series of enactments in which larger powers of the

Local self government were given to the rural and urban bodies and the elective people received some wider rights.

Lord Ripon is known as Father of Local Self Government in India. This was not enacted by any act, it was a resolution that was passed in 1882.

Q.189) Which one among the below given bodies is not a statutory body?

- a) National Commission for SCs/STs
- b) National Commission for Women
- c) National Commission for Protection of Child Rights
- d) National Commission for Backward Classes

Q.189) Solution (a)

National Commission for Schedules Castes (SCs) and National Commission for Scheduled Tribes (STs) are constitutional bodies in the sense that they are directly established by Article 338 and Article 338-A of the Constitution respectively.

On the other hand, the other national commissions like the National Commission for Women (1992), the National Commission for Minorities (1993), the National Commission for Backward Classes (1993), the National Human Rights Commission (1993) and the National Commission for Protection of Child Rights (2007) are statutory bodies in the sense that they are established by acts of the Parliament.

Q.190) Which among the following is set up by the legislation enacted by the Central Government?

- a) Municipality
- b) Notified Area Committee
- c) Cantonment Board
- d) Town Area Committee

Q.190) Solution (c)

A cantonment board is established for municipal administration for civilian population in the cantonment area.

It is set up under the provisions of the Cantonments Act of 2006—a legislation enacted by the Central government. It works under the administrative control of the defence ministry of the Central government.

Thus, unlike the other four types of urban local bodies (i.e., Municipal Corporation, Municipality, Notified Area Committee and Town Area Committee) which are created and administered by the state government, a cantonment board is created as well as administered by the Central government.

Q.191) Which among the below given statement(s) is/are correct about Panchayat system in India?

1. The provisions of Part IX of the constitution relating to the Panchayats are not applicable to the Fifth Schedule areas and Sixth Schedule areas.
2. PESA was enacted to extend the provisions of Part IX of the Constitution to Scheduled Areas and Tribal areas.

Select the correct answer from the codes given below:

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.191) Solution (a)

The provisions of Part IX of the constitution relating to the Panchayats are not applicable to the Fifth Schedule areas. However, the Parliament may extend these provisions to such areas, subject to such exceptions and modifications as it may specify.

Under this provision, the Parliament has enacted the “Provisions of the Panchayats (Extension to the Scheduled Areas) Act”, 1996, popularly known as the PESA Act or the Extension Act.

PESA, as the name says the extension is with regard to Scheduled Areas (Fifth Schedule Areas) and not Tribal areas (under Sixth Schedule)

Q.192) Who among the following are involved in appointment of Chief Information Commissioner and Information Commissioners?

1. President
2. Prime Minister

3. Leader of Opposition in the Lok Sabha
4. Union Home Minister

Select the correct answer using the codes given below.

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

Q.192) Solution (a)

The Commission consists of a Chief Information Commissioner and not more than ten Information Commissioners. They are appointed by **the President** on the recommendation of a committee consisting of the **Prime Minister as Chairperson, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister.**

Do you know?

While inquiring, the Commission has the **powers of a civil court** in respect of the following matters:

- summoning and enforcing attendance of persons and compelling them to give oral or written evidence on oath and to produce documents or things;
- requiring the discovery and inspection of documents;
- receiving evidence on affidavit;
- requisitioning any public record from any court or office;
- issuing summons for examination of witnesses or documents; and
- any other matter which may be prescribed.

THINK!

- State Information Commission

Q.193) Consider the following pairs.

Commission/Body	Falls under
1. National Commission for STs	Ministry of Social Justice & Empowerment
2. Central Vigilance Commission	Ministry of Personnel
3. Inter-State Council	Ministry of Home Affairs
4. Finance Commission	Ministry of Finance

Which of the above pairs is/are correctly matched?

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

Q.193) Solution (c)

Commission/Body	Falls under
Central Information Commission	Ministry of Personnel
Finance Commission	Ministry of Finance
Union Public Service Commission	Ministry of Personnel
Inter-State Council	Ministry of Home Affairs
Staff Selection Commission	Ministry of Personnel
National Commission for SCs	Ministry of Social Justice & Empowerment
National Commission for STs	Ministry of Tribal Affairs
Central Vigilance Commission	Ministry of Personnel

Do you know?

- Central Vigilance Commission
- The Central Vigilance Commission (CVC) is the main agency for preventing corruption in the Central government. It was established in 1964 by an executive resolution of the Central government. **Its establishment was recommended by the Santhanam Committee on Prevention of Corruption (1962–64).**
- Thus, originally the CVC was neither a constitutional body nor a statutory body. Later, in 2003, the **Parliament enacted a law conferring statutory status on the CVC.**

THINK!

- Functions of CVC

Q.194) Section 6A of Delhi Special Police Establishment Act, violative of which of the following article?

- a) Article 14
- b) Article 16
- c) Article 19
- d) All the above

Q.194) Solution (a)

The CBI is required to obtain the prior approval of the Central Government before conducting any inquiry or investigation into an offence committed by officers of the rank of joint secretary and above in the Central Government and its authorities.

On May 6, 2014, the Supreme Court held as invalid the legal provision that makes prior sanction mandatory for the Central Bureau of Investigation to conduct a probe against senior bureaucrats in corruption cases under the Prevention of Corruption Act.

A Constitution Bench held that Section 6A of the Delhi Special Police Establishment Act, which granted protection to joint secretary and above officers from facing even a preliminary inquiry by the CBI in corruption cases, was violative of Article 14.

Do you know?

- The role of the Special Police Establishment (a division of CBI) is supplementary to that of the state police forces. Along with state police forces, the Special Police Establishment (SPE) enjoys the concurrent powers of investigation and prosecution for offences under the Delhi Police Establishment Act, 1946.

THINK!

- NIA

Q.195) The National Green Tribunal derives its jurisdiction from which of the following acts?

1. The Forest (Conservation) Act
2. The Air (Prevention and Control of Pollution) Act, 1981
3. The Public Liability Insurance Act, 1991
4. Prevention of corruption Act, 1988

Select the correct answer using the codes given below.

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

Q.195) Solution (c)

The National Green Tribunal has jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I of the National Green Tribunal Act 2010. The acts listed in Schedule 1 are:

- The Water (Prevention and Control of Pollution) Act, 1974;
- The Water (Prevention and Control of Pollution) Cess Act, 1977;
- The Forest (Conservation) Act,
- The Air (Prevention and Control of Pollution) Act, 1981;
- The Environment (Protection) Act, 1986;
- The Public Liability Insurance Act, 1991;
- The Biological Diversity Act, 2002.
- It would deal with all environmental laws on air and water pollution, the Environment Protection Act, the Forest Conservation Act and the Biodiversity Act.

Do you know?

The objective of establishing a National Green Tribunal was as follows:

- To provide effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment.
- Giving relief and compensation for damages to persons and property
- Other Related Matters.

THINK!

- Armed Forces Tribunal.

Q.196) Consider the following statements about Central Administrative Tribunal (CAT).

1. It is guided by the principles of natural justice in addition to procedure laid down in the Civil Procedure Code of 1908.
2. Appeals against the orders of the CAT could be made only in the Supreme Court and not in the high courts.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.196) Solution (d)

The CAT is not bound by the procedure laid down in the Civil Procedure Code of 1908. **It is guided by the principles of natural justice.** These principles keep the CAT flexible in approach. Only a nominal fee of 50 is to be paid by the applicant. The applicant may appear either in person or through a lawyer.

Originally, appeals against the orders of the CAT could be made only in the Supreme Court and not in the high courts. **However, in the Chandra Kumar case (1997), the Supreme Court declared this restriction on the jurisdiction of the high courts as unconstitutional, holding that judicial review is a part of the basic structure of the Constitution.** It laid down that appeals against the orders of the CAT shall lie before the division bench of the concerned high court. Consequently, now it is not possible for an aggrieved public servant to approach the Supreme Court directly against an order of the CAT, without first going to the concerned high court.

Do you know?

India's Income Tax Appellate Tribunal (ITAT) was set up on 25 January 1941, and it was the **first experiment in tribalization in the history of India.** It is second appellate authority under the direct taxes and first independent forum in its appellate hierarchy. The orders passed by the ITAT can be subjected to appellate challenge, on substantial questions of law, before the respective High Court.

THINK!

- Securities Appellate Tribunal (SAT).

Q.197) Under Article 323 B, the Parliament and the state legislatures are authorized to provide for the establishment of tribunals for the adjudication of disputes relating to the following matters:

1. Taxation
2. Foreign exchange, import and export
3. Industrial and labour
4. Public health and sanitation; hospitals and dispensaries.

Which of the above listed matters is/are correct?

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

Q.197) Solution (a)

Under Article 323 B, the Parliament and the state legislatures are authorized to provide for the establishment of tribunals for the adjudication of disputes relating to the following matters:

- Taxation
- Foreign exchange, import and export
- Industrial and labour
- Land reforms
- Ceiling on urban property
- Elections to Parliament and state legislatures
- Food stuffs
- Rent and tenancy rights

Public health and sanitation; hospitals and dispensaries is item number 6 in state list.

Do you know?

- Under Article 323 A, only one tribunal for the Centre and one for each state or two or more states may be established. There is no question of hierarchy of tribunals, whereas under Article 323 B a hierarchy of tribunals may be created.

THINK!

- State Administrative Tribunals.

Q.198) Which of the following agencies act as National Central Bureau of Interpol in India?

- a) Central Vigilance Commission
- b) CBI
- c) RAW
- d) Delhi Police

Q.198) Solution (b)

Central Bureau of Investigation (CBI) acts as the National Central Bureau of Interpol in India.

Functions of CBI

- Cases of corruption, bribery, etc. of Union government employees is investigated by it.
- Cases relating to infringement of fiscal and economic laws, customs and central excise, income tax etc., are also investigated.
- But such cases are taken on request of the concerned department or CBI acts as a consultant to them.
- Grave crimes of national and international effects, committed by organized gangs are also investigated.
- Activities of anti-corruption agencies and various state police forces are coordinated by CBI.
- State Government can request CBI to take up any case of public importance for investigation.
- CBI maintains and shares criminal records and crime statistics.
- CBI normally restricts its ambit to anti-corruption offences committed by Union Government employees.
- It is only on request of state government or order of the Supreme/High Court that CBI looks into crimes like murder, kidnapping etc.

Think

- Interpol

Q.199) Consider the following statements regarding Central Information Commission:

1. The Commissions have suo-moto power to order inquiry into any matter if there are reasonable grounds
2. While enquiring a complaint, the commissions have the power of a civil court.
3. The commission has to submit an annual report to the parliament.

Which of the above statements are correct?

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

Q.199) Solution (a)

Functions of Central Information Commission

Receive and inquire into a complaint from any person –

1. who, due to non-appointment of a Public Information Officer, has not been able to submit an information request;
2. who has been refused requested information;
3. who thinks the charged fees are unreasonable;
4. who thinks information given is false, incomplete etc.;
5. who has not received response within specified time to his information request;
6. any other matter relating to obtaining information.
 - The Commissions have suo-moto power to order inquiry into any matter if there are reasonable grounds.
 - While inquiring, the Commissions have the powers of a civil court.
 - The Commissions have the power to secure compliance of its decisions from the public authority.
 - The Commission submits an annual report to the Union Government (State Government, in case of State) on the implementation of the provisions of this Act.
 - The Union Government (State Government, in case of state) places this report before each House of Parliament (State Legislature, in case of State).
 - When a public authority does not conform to the provisions of this Act, the Commission may recommend measures to the authority, which ought to be taken for bringing in such conformity.

Q.200) Which of the following statements is/are NOT correct regarding working of National Human Rights Commission?

1. NHRC has got the right to punish the people found guilty of violation of Human Rights.
2. The recommendations of NHRC are binding on the Government.

Select the code from following:

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

Q.200) Solution (c)

Note: Incorrect options have been asked.

The commission may take any of the following steps during or after the completion of an inquiry

(a) it may recommend payment of compensation to victims, to concerned government or authority;

(b) it may recommend to initiate proceedings for prosecution or any other action against the guilty public servant, to the concerned government or authority;

(c) it may recommend to the concerned government or authority for the grant of immediate interim relief to the victim;

(d) it may approach the Supreme Court or the concerned high court for the necessary directions, orders or writs.

Role of the Commission -

- The functions of the commission are mainly recommendatory.
- It cannot punish the violators of human rights, nor to award any relief including monetary relief to the victim.
- Its recommendations are not binding on the concerned government or authority.
- But, it should be informed about the action taken on its recommendations within one month.
- The National Commission has limited powers with respect to the violation of human rights by the members of the armed forces.
- In this sphere, the commission may make its recommendations.
- The Central Government should inform the commission of the action taken on the recommendations within three months.
- The National Commission submit its annual or special reports to the Central government and to the State Government concerned.
- The State Commission submits it to the State Government.
- These reports are laid before the respective legislatures, along with a memorandum of action taken on its recommendations and the reasons for non-acceptance of any of such recommendations.

Q.201) Which of the following categories have been defined in the Constitution?

1. Scheduled Castes
2. Scheduled Tribes

3. Anglo Indians

Select the code from following:

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

Q.201) Solution (c)

The Constitution does not specify the castes or tribes which are to be called the SCs or the STs.

The President has the power to specify as to what castes or tribes in each state and union territory are to be treated as the SCs and STs. Thus, the lists of the SCs or STs vary from state to state and union territory to union territory.

Unlike in the case of SCs and STs, the Constitution has defined the persons who belong to the Anglo-Indian community.

Accordingly, 'an Anglo-Indian means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory of parents habitually resident therein and not established there for temporary purposes only'.

Q.202) Consider the following statements:

- 1. Delimitation Commission is a statutory body.
- 2. It has the responsibility to redraw the boundaries of states.
- 3. The orders of commission cannot be challenged in the court of law.

Which of the above statements are correct?

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

Q.202) Solution (c)

Delimitation commission

The Delimitation commission or Boundary commission of India is a commission established by the Government of India under the provisions of the Delimitation Commission Act. The main task of the commission is redrawing the boundaries of the various assembly and Lok Sabha constituencies based on a recent census. The representation from each State is not changed during this exercise. However, the number of SC and ST seats in a state are changed in accordance with the census. The present delimitation of constituencies has been done on the basis of 2001 census under the provisions of Delimitation Act, 2002.

The Commission is a powerful body whose orders cannot be challenged in a court of law. The orders are laid before the Lok Sabha and the respective State Legislative Assemblies. However, modifications are not permitted.

Think

- Boundaries of States

Q.203) Which of the following states was the first to establish the institution of Lokayukta?

- a) Maharashtra
- b) Rajasthan
- c) Uttar Pradesh
- d) Kerala

Q.203) Solution (a)

Maharashtra established the system of Lokayukta in 1971 through 'The Lokayukta and Upa-Lokayuktas Act', and the institutions of the Lokayukta and Uplokayukta came into existence on October 25, 1972

Q.204) The Lokpal and Lokayuktas Act, 2013, commonly known as The Lokpal Act, is an anti-corruption Act of Indian Parliament in India which "seeks to provide for the establishment of the institution of Lokpal to inquire into allegations of corruption against certain public functionaries and for matters connecting them". Who of the following comes under the purview of Lokpal?

1. Armed Forces
2. Prime Minister of India

3. Group 'A' or Group 'B' officers
4. Group 'C' or Group 'D' officials

Select the code from following

- a) 1,2 and 3
- b) 2,3 and 4
- c) 1,3 and 4
- d) All of the above

Q.204) Solution (b)

The following come under the jurisdiction of Lokpal:

- Prime Minister of India, under certain conditions as stipulated in the adjacent box.
- All ministers of the Union
- Members of Parliament except for matters related to article 105 of constitution. (that is anything said or a vote given by him in Parliament)
- Group 'A' or Group 'B' officers
- Group 'C' or Group 'D' officials
- Any person who is or has been in-charge (director / manager/ secretary) of anybody / society set up by central act or any other body financed / controlled by central government.
- Any other person involved in act of abetting, bribe giving or bribe taking

Think

- Lokayukta
- Anna Hazare

Q.205) Which one among the following principles deal with set of international standards which frame and guide the work of National Human Rights Institutions (NHRIs)?

- a) Hague Principles
- b) Paris Principles
- c) Rio Principles
- d) Vienna Principles

Q.205) Solution (b)

A National human rights institution (NHRI) is an independent institution bestowed with the responsibility to broadly protect, monitor and promote human rights in a given country.

The Paris Principles (1991) had laid down a set of international standards which frame and guide the work of National Human Rights Institutions (NHRIs).

They were adopted by the United Nations Human Rights Commission by Resolution 1992/54 of 1992, and by the UN General Assembly in its Resolution 48/134 of 1993. The Paris Principles relate to the status and functioning of national institutions for the protection and promotion of human rights.

Q.206) Which of the following is/are related to CBI?

1. Balwantray Mehta committee
2. Vineet Narain case
3. Delhi Special Police Establishment (DSPE) Act of 1946

Choose the correct option

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

Q.206) Solution (c)

Balwantray Mehta Committee is not associated with CBI, but with evolution of Panchayati Raj. It was set up to examine the working of the Community Development Programme (1952) and the National Extension Service (1953) and to suggest measures for their better working.

CBI derives its powers from the Delhi Special Police Establishment Act, 1946.

Vineet Narain case is associated with CBI. The CBI was widely criticised by the Supreme Court and in this case, the SC made directions that included new supervision of the CBI by the Central Vigilance Commission.

Q.207) Consider the below statements about NITI Aayog:

1. It enjoys the power of allocating funds to ministries and state governments.

2. It includes the Chief Ministers of all States and the Lieutenant Governors of all Union territories in its Governing Council.
3. CEO of NITI Aayog is appointed by the Prime Minister.

Which of the statements given above is/are incorrect?

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

Q.207) Solution (b)

National Institution for Transforming India or NITI Aayog is a policy think-tank of Government of India.

Some of the differences between NITI Aayog and Planning Commission:

Finance related:

- NITI Aayog - No power of allocating Funds. It is just an advisory body, or a think-tank. The powers to allocate fund rests in the Finance ministry.
- Planning Commission - Enjoyed the powers to allocate funds to ministries and state governments

Full-time members:

- NITI Aayog - Two full-time members.
- Planning Commission - had eight full-time members

Role of States:

- NITI Aayog - Includes the Chief Ministers of all States and the Lieutenant Governors of all Union territories in its Governing Council, devolving more power to the States of the Union.
- Planning Commission - State's role was limited to the National Development Council and annual interaction during Plan meetings.

Member secretary:

- NITI Aayog - To be known as the CEO and to be appointed by the Prime Minister
- Planning Commission - Secretaries or member secretaries were appointed through the usual process

Part-time members

- NITI Aayog - To have a number of part-time members, depending on the need from time to time
- Planning Commission - Full Planning Commission had no provision for part-time members

Constitution

- Niti Aayog - Governing Council has state chief ministers and lieutenant governors.
- Planning Commission- The commission reported to National Development Council that had state chief ministers and lieutenant governors.

Q.208) The expression 'district judge' in the Constitution of India, does not include

- a) Tribunal judge
- b) Chief judge of a small cause court
- c) Session judge
- d) Chief Presidency magistrate

Q.208) Solution (a)

The expression 'district judge' includes judge of a city civil court, additional district judge, joint district judge, assistant district judge, chief judge of a small cause court, chief presidency magistrate, additional chief presidency magistrate, sessions judge, additional sessions judge and assistant sessions judge.

The expression 'judicial service' means a service consisting exclusively of persons intended to fill the post of district judge and other civil judicial posts inferior to the post of district judge.

Q.209) The functions of the National Commission for SCs include:

1. Investigation and monitoring of all matters relating to the constitutional and other legal safeguards for the SCs and evaluating their working.
2. It also discharges similar (above) functions with regard to the other backward classes (OBCs)
3. The commission presents an annual report to the Parliament upon their working.

Select the correct answer from the codes given below:

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

Q.209) Solution (c)

The commission presents an annual report to the President (not Parliament) upon their working.

The functions of the National Commission for SCs are:

- (a) To investigate and monitor all matters relating to the constitutional and other legal safeguards for the SCs and to evaluate their working;
- (b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the SCs;
- (c) To participate and advise on the planning process of socio-economic development of the SCs and to evaluate the progress of their development under the Union or a state;

and so on.

The Central government and the state governments are required to consult the Commission on all major policy matters affecting the SCs.

The Commission is also required to discharge similar functions with regard to the other backward classes (OBCs) and the Anglo-Indian Community as it does with respect to the SCs. In other words, the Commission has to investigate all matters relating to the constitutional and other legal safeguards for the OBCs and the Anglo-Indian Community and report to the President upon their working.

Q.210) Consider the below statements about Central Administrative Tribunal (CAT):

1. CAT exercises original jurisdiction in relation to recruitment and all service matters of public servants covered by it.
2. Its jurisdiction extends to the all-India services, the Central civil services and civilian employees of defence services also.
3. Members of the defence forces, officers and servants of the Supreme Court and the secretarial staff of the Parliament are not covered by it.

Which of the statements provided above is/are correct?

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

Q.210) Solution (d)

Article 323 A empowers the Parliament to provide for the establishment of administrative tribunals for the adjudication of disputes relating to recruitment and conditions of service of persons appointed to public services of the Centre, the states, local bodies, public corporations and other public authorities.

In pursuance of Article 323 A, the Parliament has passed the Administrative Tribunals Act in 1985. The act authorises the Central government to establish one Central administrative tribunal and the state administrative tribunals. This act opened a new chapter in the sphere of providing speedy and inexpensive justice to the aggrieved public servants.

The Central Administrative Tribunal (CAT) was set up in 1985 with the principal bench at Delhi and additional benches in different states.

The CAT exercises original jurisdiction in relation to recruitment and all service matters of public servants covered by it. Its jurisdiction extends to the all-India services, the Central civil services, civil posts under the Centre and civilian employees of defence services. However, the members of the defence forces, officers and servants of the Supreme Court and the secretarial staff of the Parliament are not covered by it.

Q.211) Consider the following statements about National Commission for Backward Classes Act:

1. It extends to the whole of India including Jammu and Kashmir.
2. Backward classes means such backward classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the Central Government in the lists.
3. The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists.

Which of the statements above is/are correct?

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

d) 2 only

Q.211) Solution (b)

National Commission for Backward Classes Act extends to the whole of India except the State of Jammu and Kashmir.

The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion or under-inclusion of any backward class in such lists and tender such advice to the Central Government as it deems appropriate.

The advice of the Commission shall ordinarily be binding upon the Central Government.

Q.212) With regard to National Human Rights Commission, Consider the following statements.

1. The National Human Rights Commission (NHRC) has got 'A' status of accreditation of Global Alliance of National Human Rights Institutions (GANHRI) for first time.
2. The accreditation is given to those human rights institutions, which after rigorous process of review every five years are found fully compliant with UN-mandated Paris Principles.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

Q.212) Solution (b)

NHRC has retained the status A of accreditation of United Nations mandated Global Alliance of National Human Rights Institutions (GANHRI) **for fourth consecutive term.**

NHRIs are accredited if they are found fully compliant with the **UN mandated Paris Principles** after a review process by GANHRI through sub-committee on Accreditation every five years.

The accreditation confers international recognition and protection on National Human Rights Institutions and also grants participation in work and decision-making of GANHRI as well as the work of Human Rights Council and other UN mechanisms.

Do you know?

Levels of Accreditations of GANHRI are:

- **“A” Voting members** – They comply fully with Paris Principle and can participate as voting member in international and regional work and meetings of national institutions.
- **“B” Observer member:** They do not comply with the Paris Principles and hasn't submitted the required documents
- **“C” Non-member:** They do not comply with Paris Principles and have no rights or privileges with ICC.

THINK!

- Paris principle on Human rights.

(Source http://www.business-standard.com/article/pti-stories/nhrc-retains-global-accreditation-118022301184_1.html)

Q.213) The 'Paris Principles' is associated with

- a) Human Rights
- b) Export Control Regimes
- c) Non-proliferation of weapons of mass destruction
- d) All of the above

Q.213) Solution (a)

The United Nations Paris Principles provide the international benchmarks against which national human rights institutions (NHRIs) can be accredited by the Global Alliance of National Human Rights Institutions (GANHRI).

Q.214) Consider the following statements about 'office of profit'

1. The origin of this term can be found in the English Act of Settlement, 1701.
2. If an MLA or an MP holds a government office and receives benefits from it, then that office is termed as an "office of profit"

3. The word 'office' has not been defined in the Constitution, but is defined in the Representation of the People Act of 1951.

Select the correct code:

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

Q.214) Solution (a)

Office of Profit

What are the basic criteria to disqualify an MP or MLA?

Basic disqualification criteria for an MP are laid down in Article 102 of the Constitution, and for an MLA in Article 191.

They can be disqualified for

- Holding an office of profit under government of India or state government
- Being of unsound mind
- Being an undischarged insolvent
- Not being an Indian citizen or for acquiring citizenship of another country

What is 'office of profit'?

- It is a position in the government which cannot be held by an MLA or an MP. The post can yield salaries, perquisites and other benefits.
- The origin of this term can be found in the English Act of Settlement, 1701.
- Under this law, "no person who has an office or place of profit under the King, or receives a pension from the Crown, shall be capable of serving as a member of the House of Commons."
- This was instituted so that there wouldn't be any undue influence from the royal household in administrative affairs.
- If an MLA or an MP holds a government office and receives benefits from it, then that office is termed as an "office of profit".
- A person will be disqualified if he holds an office of profit under the central or state government, other than an office declared not to disqualify its holder by a law passed by Parliament or state legislature.
- The word 'office' has not been defined in the Constitution or the Representation of the People Act of 1951.

- But different courts have interpreted it to mean a position with certain duties that are more or less of public character.

Why should an MLA or an MP not hold an office of profit?

- According to Articles 102(1)(a) and 191(1)(a) of the Constitution, an MP or MLA is barred from holding an office of profit as it can put them in a position to gain a financial benefit. "A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament, (a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder," says the law.
- Under the Representation of People Act too, holding an office of profit is grounds for disqualification.

What is the underlying principle for including 'office of profit' as criterion for disqualification?

- Makers of the Constitution wanted that legislators should not feel obligated to the Executive in any way, which could influence them while discharging legislative functions.
- In other words, an MP or MLA should be free to carry out her duties without any kind of governmental pressure.

What do parliamentary secretaries do?

- In the Westminster system, a parliamentary secretary is a Member of Parliament who assists a Minister in their duties.
- Prime Ministers and Chief Ministers usually appoint parliamentary secretaries from their own parties.

All the best

IASbaba