

Q.1) The Indian federal system is based on the –

- a) American model
- b) Britain model
- c) Canadian model
- d) Westminster model

Q.1) Solution (c)

Federalism in India describes the distribution of legal authority across national, state and local governments in India. It is imbibed from the of **Canadian model** federalism.

Q.2) Consider the following features:

- 1. Unwritten Constitution
- 2. Rigid Constitution
- 3. Integrated judiciary
- 4. Bicameral legislature
- 5. No division of powers
- 6. Single government

Which of the above can be considered as features of Federal Government?

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

Q.2) Solution (a)

The following are the features of Federal Government:

- 1. Dual Government (that is, national government and regional government)
- 2. Written Constitution
- 3. Division of powers between the national and regional government
- 4. Supremacy of the Constitution
- 5. Rigid Constitution

6. Independent judiciary
7. Bicameral legislature

Table 13.1 Comparing Features of Federal and Unitary Governments

<i>Federal Government</i>	<i>Unitary Government</i>
1. Dual Government (that is, national government and regional government)	1. Single government, that is, the national government which may create regional governments
2. Written Constitution	2. Constitution may be written (France) or unwritten (Britain)
3. Division of powers between the national and regional government	3. No division of powers. All powers are vested in the national government
4. Supremacy of the Constitution	4. Constitution may be supreme (Japan) or may not be supreme (Britain)
5. Rigid Constitution	5. Constitution may be rigid (France) or flexible (Britain)
6. Independent judiciary	6. Judiciary may be independent or may not be independent
7. Bicameral legislature	7. Legislature may be bicameral (Britain) or uni-cameral (China)

Q.3) Consider the following statements:

1. The Constitution of India, being federal in structure, divides all powers related to legislative, executive, judiciary and financial between the Centre and the states.
2. The subject of 'Local Government' is mentioned in the State List under the Seventh Schedule of the Constitution.

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.3) Solution (b)

Statement (1) is wrong as 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.

Statement (2) is correct. The subject of 'Local Government' is mentioned in the State List under the Seventh Schedule of the Constitution.

Q.4) Consider the following statements:

1. President can make regulations for the peace, progress and good government of all the Union Territories.
2. The governor is empowered to direct that an act of Parliament does not apply to a scheduled area in the state.
3. The President is empowered to direct that an act of Parliament does not apply to tribal areas of all sixth schedule states.

Which of the above statements is/are correct?

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

Q.4) Solution (b)

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. **Statement (1) is wrong as it says "all the UTs"**.

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. Therefore, **statement (2) is correct.**

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. **Statement (3) is wrong as President doesn't enjoy such power in Assam.**

Q.5) Which among the following British-India Act provided for a three-fold emuneration, viz., federal, provincial and concurrent?

- a) Government of India Act of 1858
- b) Government of India Act of 1919
- c) Government of India Act of 1935
- d) Indian Independence Act of 1947

Q.5) Solution (c)

The Government of India (GoI) Act of 1935 provided for a three-fold emuneration, viz., federal, provincial and concurrent. The present Constitution follows the scheme of this act but with one difference, that is, under this act, the residuary powers were given neither to the federal legislature nor to the provincial legislature but to the governor-general of India. In this respect, India follows the Canadian precedent.

Q.6) Consider the below statements:

1. In case of a conflict between the Central law and the state law on a subject enumerated in the Concurrent List, always the Central law prevails over the state law.
2. Where there is a conflict between the Concurrent List and the State List, it is the former that should prevail.

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.6) Solution (b)

The Constitution expressly secure the predominance of the Union List over the State List and the Concurrent List and that of the Concurrent List over the State List. Thus, in case of overlapping between the Union List and the State List, the former should prevail. In case of overlapping between the Union List and the Concurrent List, it is again the former which should

prevail. Where there is a conflict between the Concurrent List and the State List, it is the former that should prevail.

In case of a conflict between the Central law and the state law on a subject enumerated in the Concurrent List, the Central law prevails over the state law. **But, there is an exception.** If the state law has been reserved for the consideration of the president and has received his assent, then the state law prevails in that state. **Hence, statement (1) is wrong.**

Q.7) Which of the following are not the federal features of Indian Constitution?

1. Single Constitution
2. Supremacy of Constitution
3. Independent Judiciary
4. All-India services
5. Integrated Election Machinery

Choose correct answer from the options given below:

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

Q.7) Solution (a)

The federal features of the Constitution of India include –

1. Dual Polity
2. Written Constitution
3. Division of Powers
4. Supremacy of the Constitution
5. Rigid Constitution
6. Independent Judiciary
7. Bicameralism

Indian Constitution possesses the following unitary or non-federal features:

1. Strong Centre
2. States Not Indestructible

3. Single Constitution
4. Flexibility of the Constitution
5. No Equality of State Representation
6. Emergency Provisions
7. Single Citizenship
8. Integrated Judiciary
9. All-India Services
10. Integrated Audit Machinery
11. Parliament's Authority Over State List
12. Appointment of Governor
13. Integrated Election Machinery
14. Veto Over State Bills

Q.8) Constitution empowers the Parliament to make laws on any matter enumerated in the State List under the following extraordinary circumstances?

1. When Rajya Sabha Passes a Resolution supported by two-thirds of the members present and voting.
2. During a National Emergency
3. When States Make a Request
4. To Implement International Agreements
5. During Governor's Rule

Choose the correct answer:

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

Q.8) Solution (c)

Constitution empowers the Parliament to make laws on any matter enumerated in the State List under the following five extraordinary circumstances:

1. When Rajya Sabha Passes a Resolution. Such a resolution must be supported by two-thirds of the members present and voting.

2. During a National Emergency, the Parliament acquires the power to legislate with respect to matters in the State List.
3. When the legislatures of two or more states pass resolutions requesting the Parliament to enact laws on a matter in the State List.
4. The Parliament can make laws on any matter in the State List for implementing the international treaties, agreements or conventions.
5. When the **President's rule (not Governor'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. **Hence, option (c) is correct answer.**

Q.9) Consider the below statements:

1. The Constitution provides for inter-government delegation of legislative functions between the Centre and the states in order to mitigate rigidity and avoid a situation of deadlock.
2. The Constitution also makes a provision for the entrustment of the executive functions of the Centre to a state without the consent of that state.

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.9) Solution (b)

Statement (1) is wrong as the **distribution of legislative powers** between the Centre and the states is **rigid**. Consequently, the Centre cannot delegate its legislative powers to the states and a single state cannot request the Parliament to make a law on a state subject.

The distribution of executive power in general follows the distribution of legislative powers. But, such a rigid division in the executive sphere may lead to occasional conflicts between the two. Hence, the Constitution provides for inter-government delegation of **executive functions (not legislative)** in order to mitigate rigidity and avoid a situation of deadlock.

Accordingly, the President may, with the consent of the state government, entrust to that government any of the executive functions of the Centre. Conversely, the governor of a state

may, with the consent of the Central government, entrust to that government any of the executive functions of the state. This mutual delegation of administrative functions may be conditional or unconditional.

Statement (2) is correct as the Constitution also makes a provision for the entrustment of the executive functions of the Centre to a state without the consent of that state. But, in this case, the delegation is by the Parliament and not by the president. Thus, a law made by the Parliament on a subject of the Union List can confer powers and impose duties on a state, or authorise the conferring of powers and imposition of duties by the Centre upon a state (irrespective of the consent of the state concerned). Notably, the same thing cannot be done by the state legislature.

From the above, it is clear that the mutual delegation of functions between the Centre and the state can take place either under an agreement or by a legislation. While the Centre can use both the methods, a state can use only the first method.

Q.10) In order to secure cooperation and coordination between the Centre and the states –

- a) The Parliament can provide for the adjudication of any dispute or complaint with respect to the use, distribution and control of waters of any inter-state river and river valley.
- b) The Parliament can establish an Inter-State Council to investigate and discuss subject of common interest between the Centre and the states.
- c) Both (a) and (b)
- d) None of the above

Q.10) Solution (a)

The Constitution contains the following provisions to secure cooperation and coordination between the Centre and the states:

1. The Parliament can provide for the adjudication of any dispute or complaint with respect to the use, distribution and control of waters of any inter-state river and river valley.
2. The President can establish (under Article 263) an Inter-State Council to investigate and discuss subject of common interest between the Centre and the states.

3. Full faith and credit is to be given throughout the territory of India to public acts, records and judicial proceedings of the Centre and every state.
4. The Parliament can appoint an appropriate authority to carry out the purposes of the constitutional provisions relating to the interstate freedom of trade, commerce and intercourse. But, no such authority has been appointed so far.

Q.11) Which of the following statements are *incorrect* for Statutory Grants?

- a) Statutory Grants are a type of Grants – in – Aid given to States by the Center.
- b) They are provided to states which are in need of financial assistance and not to every state.
- c) These sums are charged on the Consolidated fund of India.
- d) They were given on the recommendation of Planning Commission, and now will be come under NITI Aayog.

Q.11) Solution (d)

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**.

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.

Q.12) Which among the following is envisaged by the Constitution of India as the balancing wheel of fiscal federalism in India?

- a) Niti Aayog
- b) CAG
- c) All-India Services
- d) Finance Commission

Q.12) Solution (d)

The Constitution of India envisaged the Finance commission as the balancing wheel of fiscal federalism in India.

Article 280 provides for a Finance Commission as a quasi-judicial body. It is constituted by the President every fifth year or even earlier.

Q.13) Consider the following with regard to Joint State Public Service Commission (JSPSC) and identify the *incorrect* statement:

- a) It is a constitutional body.
- b) Constitution makes a provision for the establishment of a JSPSC for two or more states.
- c) A JSPSC presents its annual performance report to each of the concerned state governors.
- d) None of the above.

Q.13) Solution (a)

The Constitution makes a provision for the establishment of a Joint State Public Service Commission (JSPSC) for two or more states. While the UPSC and the SPSC are created directly by the Constitution, a JSPSC can be created by an act of Parliament on the request of the state legislatures concerned. Thus, a JSPSC is a statutory and not a constitutional body.

A JSPSC presents its annual performance report to each of the concerned state governors. Each governor places the report before the state legislature.

Q.14) Consider the following statements with regard to UPSC and the President and identify the *incorrect* statement:

- a) The President can exclude posts, services and matters from the purview of the UPSC.
- b) The President places the performance report before both the Houses of Parliament every year.
- c) The UPSC presents, annually, to the president a report on its performance.
- d) Jurisdiction of UPSC can be extended by the President.

Q.14) Solution (d)

The UPSC presents, annually, to the president a report on its performance. The President places this report before both the Houses of Parliament, along with a memorandum explaining the cases where the advice of the Commission was not accepted and the reasons for such non-acceptance.

The president can exclude posts, services and matters from the purview of the UPSC.

Statement (d) is incorrect, because the additional functions relating to the services of the Union can be conferred on UPSC by the Parliament. It can also place the personnel system of any authority, corporate body or public institution within the jurisdiction of the UPSC. Hence the **jurisdiction of UPSC can be extended by an act made by the Parliament. (not the President)**

Q.15) Original jurisdiction of the Supreme Court does not extend to which of the following?

- a) Ordinary dispute of Commercial nature between the Centre and the states
- b) Inter-state water disputes
- c) Adjustment of certain expenses and pensions between the Centre and the states
- d) All of the above

Q.15) Solution (d)

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

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

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

However, this jurisdiction of the Supreme Court does not extend to the following:

- (a) A dispute arising out of any pre-Constitution treaty, agreement, covenant, engagement, or other similar instrument.
- (b) A dispute arising out of any treaty, agreement, etc., which specifically provides that the said jurisdiction does not extend to such a dispute.
- (c) Inter-state water disputes.
- (d) Matters referred to the Finance Commission.
- (e) Adjustment of certain expenses and pensions between the Centre and the states.
- (f) Ordinary dispute of Commercial nature between the Centre and the states.
- (g) Recovery of damages by a state against the Centre.

Q.16) Which of the below given statement(s) about Fifth Schedule areas is/are correct?

1. The provisions of Part IX of the constitution relating to the Panchayats are not applicable to the Fifth Schedule areas.
2. Fifth Schedule areas deals with the administration of the tribal areas in the four northeastern states of Assam, Meghalaya, Tripura and Mizoram.

Select appropriate answer:

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

Q.16) Solution (a)

The provisions of Part IX of the constitution relating to the Panchayats are not applicable to the Fifth Schedule areas.

5th Schedule deals with administration and control of scheduled areas and scheduled tribes in any state except the four states of Assam, Meghalaya, Tripura and Mizoram.

6th Schedule deals with the administration of the tribal areas in the four northeastern states of Assam, Meghalaya, Tripura and Mizoram.

Q.17) Consider the below statements with regard to Pradhan Mantri Gram Sadak Yojana and identify the incorrect statement:

- a) It is a 100% Centrally Sponsored Scheme
- b) It aims to achieve complete rural connectivity through all-weather roads
- c) The target of connecting 10,00,000 eligible habitations under PMGSY was expected to be completed by March 2019
- d) Major District Roads, State Highways and National Highways cannot be covered under the PMGSY, even if they happen to be in rural areas.

Q.17) Solution (c)

Pradhan Mantri Gram Sadak Yojana

The Pradhan Mantri Gram Sadak Yojana (PMGSY), was launched by the Govt. of India to provide connectivity to unconnected Habitations as part of a poverty reduction strategy.

The Pradhan Mantri Gram Sadak Yojana (PMGSY) is a 100% Centrally Sponsored Scheme. 50% of the Cess on High Speed Diesel (HSD) is earmarked for this Programme.

According to latest figures (as of March 2019) made available by the State Governments under a survey to identify Core Network as part of the PMGSY programme, about 1.67 lakh Unconnected Habitations are eligible for coverage under the programme. **Hence, statement (c) is wrong.**

The target of connecting 1,78,184 eligible habitations under PMGSY was expected to be completed by March 2019. Almost 95% of these habitations had been sanctioned road connectivity and 91% habitations had been connected.

(For more details: refer <https://www.thehindu.com/news/national/nod-for-extending-pmgsy-beyond-12th-five-year-plan/article24646349.ece>)

Objectives:

- The primary objective of the PMGSY is to provide Connectivity, by way of an All-weather Road (with necessary culverts and cross-drainage structures, which is operable throughout the year), to the eligible unconnected Habitations in the rural areas with a population of 500 persons and above in Plain areas.
- In respect of the Hill States (North-East, Sikkim, Himachal Pradesh, Jammu & Kashmir and Uttarakhand), the Desert Areas (as identified in the Desert Development Programme), the Tribal (Schedule V) areas and Selected Tribal and Backward Districts, the objective would be to connect eligible unconnected Habitations with a population of 250 persons and above.

Do you know?

- The PMGSY shall cover only the rural areas. Urban roads are excluded from the purview of this Programme.
- Even in the rural areas, PMGSY covers only the Rural Roads i.e., Roads that were formerly classified as 'Other District Roads' (ODR) and 'Village Roads' (VR).
- Major District Roads, State Highways and National Highways cannot be covered under the PMGSY, even if they happen to be in rural areas.

Q.18) Consider the below statements with regard to Heritage City Development and Augmentation Yojana (HRIDAY) scheme:

1. It was launched by Ministry of Housing and Urban Affairs.
2. As of now the Scheme is being implemented in only 12 identified Cities.
3. It is a central sector scheme, where 100% funding will be provided by Government of India.

Which of the above statements is/are correct?

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

Q.18) Solution (d)

The **Ministry of Housing and Urban Affairs**, Government of India, launched the National Heritage City Development and Augmentation Yojana (HRIDAY) scheme on 21st January, 2015, with a focus on holistic development of heritage cities. The scheme aims to preserve and revitalise soul of the heritage city to reflect the city's unique character by encouraging aesthetically appealing, accessible, informative & secured environment.

HRIDAY is a **central sector scheme**, where 100% funding will be provided by Government of India.

With a duration of 4 years 3 months (up to March, 2019) and a total outlay of INR 500 Crores, the Scheme is being implemented in **12 identified Cities** namely, Ajmer, Amaravati, Amritsar, Badami, Dwarka, Gaya, Kanchipuram, Mathura, Puri, Varanasi, Velankanni and Warangal. The scheme is implemented in a mission mode.

Q.19) Recently launched 'Saubhagya Yojana', is also known as

- a) Pradhan Mantri Sahaj Bijli Har Ghar Yojana
- b) Deen Dayal Upadhyay Gram Jyoti Yojana
- c) Deen Dayal Upadhyaya Grameen Kaushalya Yojana
- d) Pradan Mantri Ujjwala Yojana

Q.19) Solution (a)

The Saubhagya Scheme or Pradhan Mantri Sahaj Bijli Har Ghar Yojana is an Indian government project to provide electricity to all households.

The project was announced in September 2017 and the aim was to complete the electrification process by December 2018.

Fore more: <https://www.india.gov.in/spotlight/pradhan-mantri-sahaj-bijli-har-ghar-yojana-saubhagya>

Q.20) Which of the following statements is/are correct?

- a) PAHAL scheme was introduced address the cooking needs of deprived people who are not covered under the Socio-Economic Caste Census (SECC)
- b) Deen Dayal Upadhyaya Gram Jyoti Yojana (DDUGJY) was launched to provide 24x7 uninterrupted electricity supply to each rural household across the country by 2022.

- c) Both (a) and (b)
- d) Neither (a) nor (b)

Q.20) Solution (b)

Pratyaksh Hastantrit Labh (PAHAL) scheme was introduced for direct transfer of LPG subsidies to the consumers' bank accounts.

The Deen Dayal Upadhyaya Gram Jyoti Yojana (DDUGJY) was launched as its principal vehicle to achieve the goal of electricity for all by 2022.

Q.21) Which among the following can happen during an Emergency under Article 352?

1. Federal structure is converted into a unitary one
2. States go into the total control of the Centre
3. Parliament becomes empowered to make laws on any subject mentioned in the State List
4. Legislative power of a state legislature is suspended

Choose correct answer:

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

Q.21) Solution (c)

During an Emergency, the Central government becomes all powerful and the states go into the total control of the Centre.

It converts the federal structure into a unitary one without a formal amendment of the Constitution. This kind of transformation of the political system from federal during normal times to unitary during Emergency is a unique feature of the Indian Constitution.

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.

Q.22) Consider the following statements:

1. The President can proclaim a national emergency only on the advice of the prime minister or the cabinet.
2. The President can declare a national emergency even before the actual occurrence of war or external aggression or armed rebellion, if he is satisfied that there is an imminent danger.

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.22) Solution (b)

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

The President can also issue different proclamations on grounds of war, external aggression, armed rebellion, or imminent danger thereof, whether or not there is a proclamation already issued by him and such proclamation is in operation.

However, 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.

The 44th Amendment Act of 1978 introduced this safeguard to eliminate any possibility of the prime minister alone taking a decision in this regard.

Q.23) In which among the following case, the Supreme Court held that the proclamation of a national emergency can be challenged in a court on the ground of malafide or that the declaration was based on wholly extraneous and irrelevant facts or is absurd or perverse?

- a) Minerva Mills case
- b) Kesavananda Bharati case
- c) Shankari Prasad Case
- d) Indira Nehru Gandhi v. Raj Narayan case

Q.23) Solution (a)

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

Q.24) Consider the following statements:

1. The proclamation of Emergency must be approved by both the Houses of Parliament within six months from the date of its issue.
2. The Rajya Sabha can approve a proclamation of emergency under the Article 352 of the Constitution for a period of six months when the Lok Sabha remained suspended.

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.24) Solution (b)

The proclamation of Emergency must be approved by both the Houses of Parliament within one month from the date of its issue. Originally, the period allowed for approval by the Parliament was two months, but was reduced by the 44th Amendment Act of 1978.

Emergency is imposed for an initial period of six months and can last for a maximum period of three years with repeated parliamentary approval every six months.

The Rajya Sabha can approve a proclamation of emergency under the Article 352 of the Constitution for a period of six months when the Lok Sabha remained suspended.

Q.25) President's rule can be imposed on a State if?

1. State government fails to function as per the constitution
2. loss of majority
3. break down of law and order
4. indecisive outcome of elections
5. no alternate claimant to form the government

Choose the appropriate code:

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

Q.25) Solution (d)

The **article 356** of the constitution which focuses on the failure of the Constitutional machinery of the State is often termed as the **President's rule**.

There are various reasons for which President's rule can be imposed on a State:

- The failure of the State government to function as per the constitution is the first step towards this.
- Other factors include the loss of majority, break down of law and order, indecisive outcome of elections, no alternate claimant to form the government, insurgency, defections and break-up of coalition.
- It can be imposed initially for a period of six months.

Q.26) By which of the following respect/s, a resolution of disapproval is different from a resolution approving the continuation of a proclamation?

1. The first one is required to be passed by the Lok Sabha only, while the second one needs to be passed by the both Houses of Parliament.

- The first one is to be adopted by a simple majority only, while the second one needs to be adopted by a special majority.

Which of the statements given above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- Neither 1 nor 2

Q.26) Solution (c)

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

The first one is required to be passed by the Lok Sabha only, while the second one needs to be passed by the both Houses of Parliament.

The first one is to be adopted by a simple majority only, while the second one needs to be adopted by a special majority.

Q.27) Which among the following statements is/are true with regard to President's Rule (Article 356)?

- Every resolution of Parliament approving its proclamation or its continuance must be passed by a special majority.
- It has no effect on Fundamental Rights of the citizens.
- There is a maximum period prescribed for its operation, that is, three years.

Choose the correct answer:

- 1 only
- 1 and 2 only
- 2 and 3 only
- 1, 2 and 3

Q.27) Solution (c)

President's Rule (Article 356)

- It can be proclaimed when the government of a state cannot be carried on in accordance with the provisions of the Constitution due to reasons which may not have any connection with war, external aggression or armed rebellion.
- During its operation, the state executive is dismissed and the state legislature is either suspended or dissolved. The president administers the state through the governor and the Parliament makes laws for the state. In brief, the executive and legislative powers of the state are assumed by the Centre.
- There is a maximum period prescribed for its operation, that is, three years. Thereafter, it must come to an end and the normal constitutional machinery must be restored in the state.
- Every resolution of Parliament approving its proclamation or its continuance can be passed only by a simple majority. Special majority is needed in case of Article 352 National Emergency, hence, statement (1) is wrong.
- It has no effect on Fundamental Rights of the citizens.
- It can be revoked by the President only on his own.

Q.28) Which among the following statements about National Green Tribunal is/are *not true*?

1. The NGT has been established for effective and expeditious disposal of cases relating to environmental protection, conservation of forests and other natural resources.
2. It is responsible for enforcement of any legal rights relating to environment and also gives relief and compensation for damages to persons and property
3. In India, NGT was established in 2010 under 'Article 49' of the Indian Constitution.
4. NGT is a body composed of judges and members with expertise in the field of science and environment.

Choose the appropriate option:

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

Q.28) Solution (c)

The NGT was established on October 18, 2010 under the National Green Tribunal Act 2010, passed by the Central Government. The stated objective of the Central Government was to provide a specialized forum for effective and speedy disposal of cases pertaining to environment protection, conservation of forests and for seeking compensation for damages caused to people or property due to violation of environmental laws or conditions specified while granting permissions.

The above-said act was enacted under constitutional provision of Article 21, which assures the citizens of India the right to a healthy environment. Hence, statement (3) is not true.

The NGT is not bound by the procedure laid down under the Code of Civil Procedure, 1908, but shall be guided by principles of natural justice.

It is responsible for enforcement of any legal rights relating to environment and also gives relief and compensation for damages to persons and property.

The Chairman of the tribunal is required to be a serving or retired Chief Justice of a High Court or a judge of the Supreme Court of India. Members are chosen by a selection committee (headed by a sitting judge of the Supreme Court of India) that reviews their applications and conducts interviews. The Judicial members are chosen from applicants who are serving or retired judges of High Courts. Expert members are chosen from applicants who are either serving or retired bureaucrats not below the rank of an Additional Secretary to the Government of India (not below the rank of Principal Secretary if serving under a state government) with a minimum administrative experience of five years in dealing with environmental matters. Or, the expert members must have a doctorate in a related field.

Q.29) Consider the following statements with regard to President's rule:

1. When it 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.
2. The laws become inoperative on the expiration of six months after the president's rule has ceased to operate.

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.29) Solution (a)

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. **Hence, statement (2) is not true.**

Q.30) Consider the following statements with regard to Articles 358 and 359:

1. Article 358 automatically suspends the fundamental rights under Article 19 as soon as the emergency is declared. On the other hand, Article 359 does not automatically suspend any Fundamental Right.
2. Article 358 is confined to Fundamental Rights under Article 19 only whereas Article 359 extends to all those Fundamental Rights whose enforcement is suspended by the Presidential Order.

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.30) Solution (c)**Distinction between Articles 358 and 359**

The differences between Articles 358 and 359 can be summarised as follows:

- Article 358 is confined to Fundamental Rights under Article 19 only whereas Article 359 extends to all those Fundamental Rights whose enforcement is suspended by the Presidential Order.
- Article 358 automatically suspends the fundamental rights under Article 19 as soon as the emergency is declared. On the other hand, Article 359 does not automatically

suspend any Fundamental Right. It only empowers the president to suspend the enforcement of the specified Fundamental Rights.

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

Q.31) Consider the following statements with regard to High Court Judges and identify the incorrect one –

- a) A judge of a high court can be removed in the same manner and on the same grounds as the judge of the Supreme Court.
- b) The salaries, allowances, privileges, leave and pension of the judges of a high court are determined from time to time by the Parliament.
- c) Every high court consists of a chief justice and such other judges as the President may from time to time deem necessary to appoint.
- d) The Chief Justice of India can transfer a judge from one high court to another after consulting the Chief Justice of respective high courts.

Q.31) Solution (d)

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. Accordingly, the President determines the strength of a high court from time to time depending upon its workload.

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

The salaries, allowances, privileges, leave and pension of the judges of a high court are determined from time to time by the Parliament.

The President can transfer a judge from one high court to another after consulting the Chief Justice of India. **Hence, statement (d) is not true.**

Q.32) Consider the following statements:

1. President determines the strength of the Supreme Court from time to time depending upon its workload.
2. Parliament can confer on the Supreme courts the power to issue writs for issues other than Fundamental Rights.

Which of the above given statement(s) is/are true?

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

Q.32) Solution (b)

The original constitution had fixed sanctioned strength of the court at 8 and left the matter to parliament to increase the number of judges as needed by making a law [Supreme Court (Number of Judges) Amendment Act]. The number was increased to 11 in 1960, 14 in 1968, 18

in 1978, 26 in 1986 and 31 in 2009 (one chief justice and thirty other judges). **Hence, statement (1) is wrong.**

The Constitution has constituted the Supreme Court as the guarantor and defender of the fundamental rights of the citizens. The Supreme Court is empowered to issue writs including habeas corpus, mandamus, prohibition, quo-warranto and certiorari for the enforcement of the fundamental rights of an aggrieved citizen.

However, the Parliament can confer on the Supreme Court, the power to issue writs for other purposes also.

Q.33) The Supreme Court held that a state government could be dismissed only under justifying circumstances and laid down guidelines for the same in which among the following judgment?

- a) S R Bommai
- b) Minerva Mills
- c) Kesavananda Barathi
- d) Maneka Gandhi

Q.33) Solution (a)

There was widespread belief that imposition of President's rule was more to do with the priorities of the Central government than the constitutional crisis.

The judgement of the Supreme Court in 1994 gave a clear definition as to when the President's rule can be imposed on a state thereby paving the way for the state governments to challenge the Centre if it feels that it has been unduly removed. **(subject to Judicial Review)**

The Supreme Court held that a state government could be dismissed only under justifying circumstances and laid down guidelines for the same.

This judgement is called the **Bommai judgement** after the former Karnataka Chief Minister S R Bommai whose government was dismissed by the Centre and the President's rule was imposed.

Q.34) Consider the following statements regarding proclamation of Financial Emergency:

1. It can be passed by either House of Parliament only by a special majority.
2. It may be revoked by the president and does not require the parliamentary approval.

Which of the above statements are correct?

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

Q.34) Solution (d)

Article 360 empowers the president to proclaim a Financial Emergency if he is satisfied that a situation has arisen due to which the financial stability or credit of India or any part of its territory is threatened.

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

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

Q.35) Which of the following jurisdiction or power is exclusive to Supreme Court?

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

Choose the correct code

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

Q.35) Solution (b)

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

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

A high court enjoys the following jurisdiction and powers:

- Original jurisdiction.
- Writ jurisdiction.
- Appellate jurisdiction.
- Supervisory jurisdiction.
- Control over subordinate courts.
- A court of record.
- Power of judicial review.

Q.36) According to the Constitution, a Judge of the Supreme Court or a High Court can be impeached by –

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

Q.36) Solution (c)

Removal of Judges –

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

Q.37) Who does the President consult while appointing the judges of State high court?

1. Governor
2. Chief justice of India
3. Chief Minister
4. Home minister

Select the code from following:

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

Q.37) Solution (a)

Though India has a dual polity, there is no dual system of administration of justice. The Constitution, on the other hand, established an integrated judicial system with the Supreme Court at the top and the state high courts below it. This single system of courts enforces both the Central laws as well as the state laws. This is done to eliminate diversities in the remedial procedure.

The judges of a state high court are appointed by the president in consultation with the Chief Justice of India and the governor of the state. They can also be transferred and removed by the president.

Q.38) Who among the following can be appointed as an acting Chief Justice of India by the President?

1. a judge of Supreme Court
2. a judge of any High Court
3. a senior advocate of a Supreme Court

Select the correct answer using the codes given below:

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

Q.38) Solution (a)

The President can appoint a judge of the Supreme Court as an acting Chief Justice of India 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.

Q.39) Consider the following statements about the Attorney-General (AG) of India

1. He must have been either a judge of Supreme or High courts, or an advocate in the High courts.
2. He is guaranteed security of tenure by the constitution of India considering the important duties that he performs.
3. The grounds of removal of the AG are not mentioned in the constitution.

Which of the above statements is/are correct?

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

Q.39) Solution (a)

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. In other words, he must be a citizen of India and he must have been a judge of some high court for five years or an advocate of some high court for ten years or an eminent jurist, in the opinion of the president.

The term of office of the AG is not fixed by the Constitution. Further, the Constitution does not contain the procedure and grounds for his removal. He holds office during the pleasure of the president. This means that he may be removed by the president at any time. He may also quit his office by submitting his resignation to the president. Conventionally, he resigns when the government (council of ministers) resigns or is replaced, as he is appointed on its advice. The remuneration of the AG is not fixed by the Constitution. He receives such remuneration as the president may determine.

Q.40) The salaries and allowances of the Judges of the High Court are charged on the

- a) Consolidated Fund of India
- b) Consolidated Fund of the State
- c) Contingency Fund of India
- d) Contingency Fund of the State

Q.40) Solution (b)

The salary and allowances of the Judges, the salaries, allowances and pensions of the staff as well as the administrative expenses of a high court are charged on the Consolidated Fund of the State.

However, the pension of a high court judge is charged on the Consolidated Fund of India and not the state.