

# RAPID REVISION SERIES

# Static Quiz

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**Polity**

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**Q.1) Consider the following statements about 'the Regulating Act of 1773':**

1. It was the first step taken by the British Government to control and regulate the affairs of the EIC in India.
2. The Act distinguished commercial and political functions of the EIC.
3. The governors of Bombay and Madras presidencies became subordinate to the governor of Bengal

**Which of the statements given above are correct?**

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

**Q.1) Solution (c)**

The Regulating Act of 1773 was of great constitutional importance as it was the first step taken by the British Government to control and regulate the affairs of the East India Company in India.

The Act made the governors of Bombay and Madras presidencies subordinate to the governor-general of Bengal, unlike earlier, when the three presidencies were independent of one another.

Pitt's India Act of 1784 distinguished commercial and political functions of the EIC.

**Q.2) With the passing of which of the following acts the Company's territories in India were for the first time called the 'British possessions in India'?**

- a) Regulating Act of 1773
- b) Charter Act of 1813
- c) Charter Act of 1793
- d) Pitt's India Act of 1784

**Q.2) Solution (d)**

With the passing of Pitt's India Act of 1784 the Company's territories in India were for the first time called the 'British possessions in India'; and the British Government was given the supreme control over Company's affairs and its administration in India.

**Q.3) The Charter Act of 1853 for the first time:**

- a) Separated the Legislative and executive functions of the Governor- General's council.
- b) Ended all the activities of the East India Company as a commercial body.
- c) Created, a Government of India having authority over the entire territorial area possessed by the British in India.

d) None of the above.

**Q.3) Solution (a)**

The Charter Act of 1853 separated, for the first time, the legislative and executive functions of the Governor-General's council. It provided for addition of six new members called legislative councillors to the council. In other words, it established a separate Governor-General's legislative council which came to be known as the Indian (Central) Legislative Council. This legislative wing of the council functioned as a mini Parliament, adopting the same procedures as the British Parliament. Thus, legislation, for the first time, was treated as a special function of the government, requiring special machinery and special process.

All the activities of the East India Company as a commercial body were ended by the Charter Act of 1833. It provided that the Company's territories in India were held by it 'in trust for His Majesty, His heirs and successors'.

The Charter Act of 1833 made the Governor-General of Bengal as the Governor-General of India and vested in him all civil and military powers. Thus, the act created, for the first time, Government of India having authority over the entire territorial area possessed by the British in India. Lord William Bentick was the first Governor-General of India.

**Q.4) Consider the following statements about 'Government of India Act of 1858':**

1. This act was also known as the Act for the Good Government of India.
2. This act ended the system of double Government by abolishing the Board of Control and Court of Directors.
3. This act introduced an open competition system of selection and recruitment of civil servants.

**Which of the statements given above are correct?**

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

**Q.4) Solution (a)**

The Government of India Act of 1858 was enacted in the wake of the Revolt of 1857—also known as the First War of Independence or the 'sepoy mutiny'. 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 ended the system of double Government by abolishing the Board of Control and Court of Directors. 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.

Open competition system of selection and recruitment of civil servants was introduced by the Charter Act of 1853.

**Q.5) Which of the following acts provided for the establishment of new legislative councils for Bengal, North-Western Frontier Province (NWFP) and Punjab?**

- a) Indian Councils Act of 1861
- b) Indian Councils Act of 1892
- c) Indian Councils Act of 1909
- d) None of the above

**Q.5) Solution (a)**

Indian Councils Act of 1861 provided for the establishment of new legislative councils for Bengal, North-Western Frontier Province (NWFP) and Punjab, which were established in 1862, 1886 and 1897, respectively.

**Q.6) Consider the following statements regarding 'the Government of India Act 1935':**

- 1. It created a new office of the High Commissioner for India in London and transferred to him some of the functions performed by the Secretary of State for India.
- 2. The Act divided the powers between the Centre and units in terms of three lists—Federal List, Provincial List and the Concurrent List.
- 3. Bicameral legislature was introduced into Bihar, Assam and the United Provinces.

Which of the above statements is/are correct?

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

**Q.6) Solution (b)**

The Government of India Act of 1935 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.

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.

The Government of India Act of 1919 created a new office of the High Commissioner for India in London and transferred to him some of the functions hitherto performed by the Secretary of State for India.

**Q.7) Which of the following acts** proclaimed the lapse of British paramountcy over the Indian princely states.

- a) Indian Councils Act of 1909
- b) Government of India Act of 1919
- c) Government of India Act of 1935
- d) Indian Independence Act of 1947

**Q.7) Solution (d)**

The Indian Independence Act of 1947 ended the British rule in India and declared India as an independent and sovereign state from August 15, 1947. The Act proclaimed the lapse of British paramountcy over the Indian princely states and treaty relations with tribal areas from August 15, 1947.

It granted freedom to the Indian princely states either to join the Dominion of India or Dominion of Pakistan or to remain independent. It provided for the governance of each of the dominions and the provinces by the Government of India Act of 1935, till the new Constitutions were framed. The dominions were however authorised to make modifications in the Act.

**Q.8) Which of the following statements regarding 'Objective resolution' moved by Pt. Jawaharlal Nehru in the constituent assembly:**

1. It guaranteed and secured to all the people of India social, economic and political justice.
2. It provided for adequate safeguard s for minorities, backward and tribal areas, and depressed and other backward classes.
3. The modified version of the objective resolution forms the Directive Principles of State Policy in the present Constitution.

Which of the above statements is/are correct?

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

**Q.8) Solution (a)**

The objective resolution was moved by Pt. J. Nehru in 1946. It laid down the fundamentals and philosophy of the constitutional structure.

It guaranteed and secured to all the people of India justice, social, economic and political; equality of status of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality.

It provided for adequate safeguards for minorities, backward and tribal areas, and depressed and other backward classes.

The modified version of the objective resolution forms the Preamble of the present Constitution.

**Q.9) Various features of the Indian Constitution are borrowed from several documents of the world Constitutions. Consider the following statements regarding this:**

1. Procedure for amendment of the Constitution is borrowed from the Weimer Constitution of Germany.
2. The feature of freedom of Trade, commerce and inter-course is borrowed from the Canadian Constitution.

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 (d)**

The procedure for amendment of the Constitution and election of members of Rajya Sabha is borrowed from the South African Constitution.

The features of freedom of Trade, commerce and inter-course and joint sitting of the two houses of Parliament is borrowed from the Australian Constitution.

**Q.10) Consider the following statements regarding the Schedules of the Constitution of India:**

1. The third schedule of the constitution provides for the forms of oath or affirmation for the Chief Justice of High Court.
2. The provisions relating to the administration and control of scheduled areas and scheduled tribes is provided in the sixth schedule of the constitution.

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.10) Solution (a)**

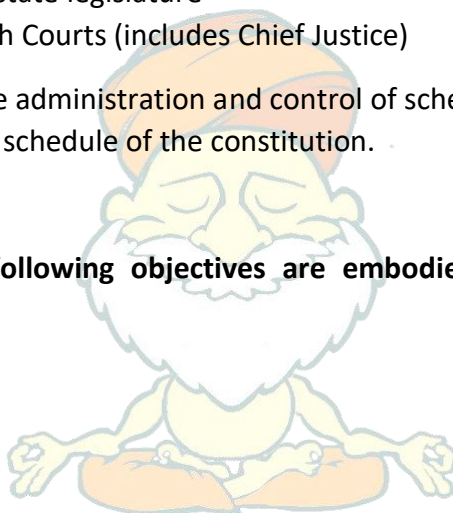
The third schedule of the constitution provides for the forms of oath or affirmation for the following:

- The Union ministers
- The candidates for election to the Parliament
- The members of Parliament
- The judges of the Supreme Court (includes Chief Justice)
- The Comptroller and Auditor General of India
- The state ministers
- The candidates for election to the state legislature
- The members of the state legislature
- The judges of the High Courts (includes Chief Justice)

The provisions relating to the administration and control of scheduled areas and scheduled tribes is provided in the fifth schedule of the constitution.

**Q.11) Which one of the following objectives are embodied in the Preamble to the Constitution of India?**

1. Political Justice
2. Liberty of Faith
3. Legal Justice
4. Political Liberty
5. Economic Equality



**Choose the correct answer from the codes given below:**

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

**Q.11) Solution (a)**

The Preamble to the Constitution of India is a brief introductory statement that sets out guidelines to guide people of the nation, to present the principles of the Constitution, to indicate the source from which the document derives its authority and meaning. It reflects the hopes and aspirations of the people. The preamble can be referred to as the preface which highlights the entire Constitution.

The Preamble in its present form reads:

"We, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN *SOCIALIST SECULAR* DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, Social, Economic and Political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all;

FRATERNITY assuring the dignity of the individual and the unity *and integrity* of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION"

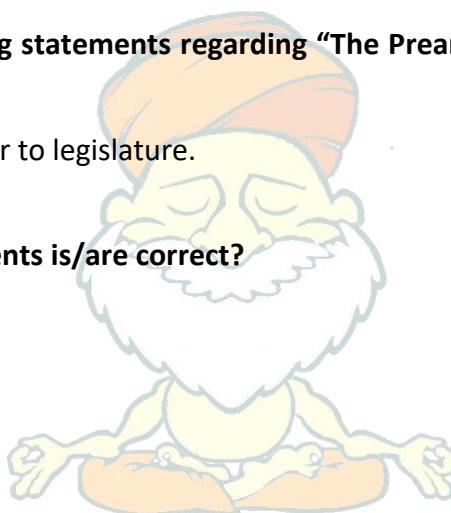
Thus it is clear that Legal Justice, Political Liberty and Economic Equality are not included in the Preamble to the Indian Constitution.

**Q.12) Consider the following statements regarding "The Preamble" to the Constitution of India:**

1. It is a source of power to legislature.
2. It is non-justiciable.

**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.12) Solution (b)**

The Preamble embodies the basic philosophy and fundamental values—political, moral and religious—on which the Constitution is based. It contains the grand and noble vision of the Constituent Assembly, and reflects the dreams and aspirations of the founding fathers of the Constitution. Like any other part of the Constitution, the Preamble was also enacted by the Constituent Assembly; but, after the rest of the Constitution was already enacted. The reason for inserting the Preamble at the end was to ensure that it was in conformity with the Constitution as adopted by the Constituent Assembly. While forwarding the Preamble for votes, the President of the Constituent Assembly said, 'The question is that Preamble stands part of the Constitution'. The motion was then adopted. Hence, the current opinion held by the Supreme Court that the Preamble is a part of the Constitution, is in consonance with the opinion of the founding fathers of the Constitution. However, two things should be noted:

1. The Preamble is neither a source of power to legislature nor a prohibition upon the powers of legislature.



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

**Q.13) Consider the following provisions under the Directive Principles of State Policy as enshrined in the Constitution of India:**

1. To make provision for maternity relief.
2. To provide free legal aid to the poor.
3. To organise agriculture and animal husbandry on modern and scientific lines.
4. To ensure prevention of concentration of wealth and means of production.

**Which of the above are the Socialistic Principles that are reflected in the Directive Principles of State Policy?**

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

**Q.13) Solution (c)**

The Constitution does not contain any classification of Directive Principles of State Policy. However, on the basis of their content and direction, they can be classified into three broad categories, viz, socialistic, Gandhian and liberal-intellectual.

Socialistic Principles reflect the ideology of socialism. They lay down the framework of a democratic socialist state, aim at providing social and economic justice, and set the path towards welfare state. They direct the state:

1. To promote the welfare of the people by securing a social order permeated by justice—social, economic and political— and to minimise inequalities in income, status, facilities and opportunities (Article 38).
2. To secure (a) the right to adequate means of livelihood for all citizens; (b) the equitable distribution of material resources of the community for the common good; (c) prevention of concentration of wealth and means of production; (d) equal pay for equal work for men and women; (e) preservation of the health and strength of workers and children against forcible abuse; and (f) opportunities for healthy development of children (Article 39).
3. To promote equal justice and to provide free legal aid to the poor (Article 39 A).
4. To secure the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement (Article 41).
5. To make provision for just and humane conditions of work and maternity relief (Article 42).
6. To secure a living wage, a decent standard of life and social and cultural opportunities for all workers (Article 43).

7. To take steps to secure the participation of workers in the management of industries (Article 43 A).
8. To raise the level of nutrition and the standard of living of people and to improve public health (Article 47).

**Q.14) Which of the following statements regarding provisions in Part IV A of the Constitution is/are correct?**

1. They help the courts in examining and determining the constitutional validity of a law.
2. They are non-justiciable.
3. They extend to all persons whether citizens or foreigners.

**Choose the correct answer from the codes given below:**

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

**Q.14) Solution (b)**

The Fundamental Duties are set out in Part IV-A of the Constitution. They are the moral obligations of all citizens to help promote a spirit of patriotism and to uphold the unity of India.

The Fundamental Duties help the courts in examining and determining the constitutional validity of a law. In 1992, the Supreme Court ruled that in determining the constitutionality of any law, if a court finds that the law in question seeks to give effect to a fundamental duty, it may consider such law to be 'reasonable' in relation to Article 14 (equality before law) or Article 19 (six freedoms) and thus save such law from unconstitutionality.

The fundamental duties are non-justiciable. The Constitution does not provide for their direct enforcement by the courts. Moreover, there is no legal sanction against their violation. However, the Parliament is free to enforce them by suitable legislation.

**Note:** The Fundamental Duties are **confined to citizens only and do not extend to foreigners**.

**Q.15) Which of the following are among the Fundamental Duties of citizens laid down in the Indian Constitution?**

1. To protect and improve the natural environment.
2. To promote harmony and the spirit of common brotherhood amongst all the people of India.

3. To preserve the health and strength of workers and children against forcible abuse.
4. To safeguard public property and to abjure violence.

**Choose the correct answer from the codes given below:**

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

**Q.15) Solution (c)**

The Fundamental Duties are defined as the moral obligations of all citizens to help promote a spirit of patriotism and to uphold the unity of India. These duties set out in Part IV-A of the Constitution. According to Article 51A, it shall be the duty of every citizen of India:

1. To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.
2. To cherish and follow the noble ideals that inspired the national struggle for freedom.
3. To uphold and protect the sovereignty, unity and integrity of India.
4. To defend the country and render national service when called upon to do so.
5. To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women.
6. To value and preserve the rich heritage of the country's composite culture.
7. To protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.
8. To develop scientific temper, humanism and the spirit of inquiry and reform.
9. To safeguard public property and to abjure violence.
10. To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.
11. To provide opportunities for education to his child or ward between the age of six and fourteen years. This duty was added by the 86th Constitutional Amendment Act, 2002.

The Directive Principles of State Policy provides for preservation of the health and strength of workers and children against forcible abuse.

**Q.16) Which of the following statements regarding Directive Principles of State Policy is/are correct?**

1. They facilitate stability and continuity in domestic and foreign policies in spite of the changes of the party in power.

2. They create a favourable atmosphere for the full and proper enjoyment of the fundamental rights by the citizens.

Choose the correct answers from the codes given below:

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

**Q.16) Solution (c)**

The Directive Principles of State Policy play following important roles:

1. They facilitate stability and continuity in domestic and foreign policies in political, economic and social spheres in spite of the changes of the party in power.
2. 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.
3. Their implementation creates a favourable atmosphere for the full and proper enjoyment of the fundamental rights by the citizens. Political democracy, without economic democracy, has no meaning.
4. They enable the opposition to exercise influence and control over the operations of the government. The Opposition can blame the ruling party on the ground that its activities are opposed to the Directives.
5. They serve as a crucial test for the performance of the government. The people can examine the policies and programmes of the government in the light of these constitutional declarations.
6. They serve as common political manifesto. 'A ruling party, irrespective of its political ideology, has to recognise the fact that these principles are intended to be its guide, philosopher and friend in its legislative and executive acts.'

**Q.17) Right to Freedom of Speech and Expression includes:**

1. Freedom of commercial advertisements
2. Freedom of reportage of oral exchanges in courtrooms between judge and lawyers
3. Freedom of silence
4. Right to know about government activities

Choose the correct answer from the codes given below:

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

**Q.17) Solution (d)**

The Freedom of Speech and Expression implies that every citizen has the right to express his views, opinions, belief and convictions freely by word of mouth, writing, printing, picturing or in any other manner. The Supreme Court held that the freedom of speech and expression includes the following:

- Right to propagate one's views as well as views of others.
- Freedom of the press.
- Freedom of commercial advertisements.
- Right against tapping of telephonic conversation.
- Right to telecast, that is, government has no monopoly on electronic media.
- Right against bundh called by a political party or organisation.
- Right to know about government activities.
- Freedom of silence.
- Right against imposition of pre-censorship on a newspaper.
- Right to demonstration or picketing but not right to strike.

Supreme Court in recent judgement ruled that media has rights to report observations made during the course of hearing including the oral exchanges in courtrooms between Judges and Lawyers. It is part of the right to freedom of speech.

**Q.18) In the context of Indian Polity, which among the following aims at establishing a government of laws and not of men?**

- a) The Preamble
- b) The Fundamental Rights
- c) The Directive Principles of State Policy
- d) The Fundamental Duties

**Q.18) Solution (b)**

The Fundamental Rights are guaranteed by the Constitution to all persons without any discrimination. They uphold the equality of all individuals, the dignity of the individual, the larger public interest and unity of the nation. 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'.

**Q.19) Which of the following Fundamental Rights is/are available to both citizens of India and foreigners?**

1. Right to elementary education
2. Prohibition of discrimination

3. Protection of life and personal liberty

**Choose the correct answer from the codes given below:**

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

**Q.19) Solution (a)**

Following Fundamental Rights are available to both citizens of India and foreigners:

1. Equality before law and equal protection of laws (Article 14).
2. Protection in respect of conviction for offences (Article 20)
3. Protection of life and personal liberty (Article 21)
4. Right to elementary education (Article 21A).
5. Protection against arrest and detention in certain cases (Article 22).
6. Prohibition of traffic in human beings and forced labour (Article 23).
7. Prohibition of employment of children in factories etc., (Article 24).
8. Freedom of conscience and free profession, practice and propagation of religion (Article 25).
9. Freedom to manage religious affairs (Article 26).
10. Freedom from payment of taxes for promotion of any religion (Article 27).
11. Freedom from attending religious instruction or worship in certain educational institutions (Article 28)

Following Fundamental Rights are available only to citizens and not to foreigners:

1. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15).
2. Equality of opportunity in matters of public employment (Article 16)
3. Protection of six rights regarding freedom of : (i) speech and expression, (ii) assembly, (iii) association, (iv) movement, (v) residence, and (vi) profession (Article 19).
4. Protection of life and personal liberty (Article 21).
5. Right of minorities to establish and administer educational institutions (Article 30)

**Q.20) Which among the following constitute the bedrock of democratic system in the country at the same time check the absoluteness of the authority of the government?**

- a) The Preamble
- b) The Directive Principles of State Policy
- c) The Fundamental Duties
- d) The Fundamental Rights

**Q.20) Solution (d)**



The Fundamental Rights are significant in following respects:

- They constitute the bedrock of democratic system in the country.
- They check the absoluteness of the authority of the government.
- They provide necessary conditions for the material and moral protection of man.
- They serve as a formidable bulwark of individual liberty.
- They facilitate the establishment of rule of law in the country.
- They protect the interests of minorities and weaker sections of society.
- They strengthen the secular fabric of the Indian State.
- They lay down the foundation stone of social equality and social justice.
- They ensure the dignity and respect of individuals.
- They facilitate the participation of people in the political and administrative process.

**Q.21) Which of the following statements are correct regarding the devices of direct democracy:**

1. Referendum is a method of obtaining the opinion of people on any issue of public importance. It is generally used to solve the territorial disputes.
2. Initiative is a method by means of which the people can propose a bill to the legislature for enactment.
3. Recall is a method by means of which the voters can remove a representative or an officer before the expiry of his term, when he fails to discharge his duties properly.
4. Plebiscite is a procedure whereby a proposed legislation is referred to the electorate for settlement by their direct votes.

**Choose the correct answer from the codes given below:**

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

**Q.21) Solution (b)**

Democracy is of two types—direct and indirect. In direct democracy, the people exercise their supreme power directly as is the case in Switzerland. There are four devices of direct democracy, namely, Referendum, Initiative, Recall and Plebiscite.

- Referendum is a procedure whereby a proposed legislation is referred to the electorate for settlement by their direct votes.
- Initiative is a method by means of which the people can propose a bill to the legislature for enactment.
- Recall is a method by means of which the voters can remove a representative or an officer before the expiry of his term, when he fails to discharge his duties properly.

- Plebiscite is a method of obtaining the opinion India's of people on any issue of public importance. It is generally used to solve the territorial disputes

**Q.22) Which of the following provisions in the Indian Constitution define the nature of Indian State?**

- a) The Fundamental Duties
- b) The Fundamental Rights
- c) The Preamble
- d) The Directive Principles of State Policy

**Q.22) Solution (c)**

The Preamble reveals four ingredients or components:

1. Source of authority of the Constitution: The Preamble states that the Constitution derives its authority from the people of India.
2. Nature of Indian State: It declares India to be of a sovereign, socialist, secular democratic and republican polity.
3. Objectives of the Constitution: It specifies justice, liberty, equality and fraternity as the objectives.
4. Date of adoption of the Constitution: It stipulates November 26, 1949, as the date.

**Q.23) The Preamble of the Constitution declares India to be a Sovereign Republic. What does the term "Republic" stands for in the Indian context?**

1. India has an elected head for a fixed period
2. Vesting of political sovereignty in the elected head
3. Absence of any privileged class

**Which of the above statements is/are correct?**

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

**Q.23) Solution (b)**

A democratic polity can be classified into two categories— monarchy and republic. In a monarchy, the head of the state (usually king or queen) enjoys a hereditary position, that is, he comes into office through succession, e.g., Britain. In a republic, on the other hand, the head of the state is always elected directly or indirectly for a fixed period, e.g., USA.

Therefore, the term 'republic' in our Preamble indicates that India has an elected head called the president. He is elected indirectly for a fixed period of five years.



A republic also means two more things: one, vesting of political sovereignty in the people and not in a single individual like a king; second, the absence of any privileged class and hence all public offices being opened to every citizen without any discrimination.

**Q.24) Consider the following statements regarding features of Fundamental Rights:**

1. They are justiciable
2. They are absolute and qualified
3. Some of them are negative in character
4. They are sacrosanct and permanent

**Which of the above statements is/are correct?**

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

**Q.24) Solution (d)**

The Fundamental Rights guaranteed by the Constitution are characterised by the following:

- They are justiciable, allowing persons to move the courts for their enforcement, if and when they are violated.
- 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.
- Some of them are negative in character, that is, place limitations on the authority of the State, while others are positive in nature, conferring certain privileges on the persons.
- They are not sacrosanct or permanent. The Parliament can curtail or repeal them but only by a constitutional amendment act and not by an ordinary act. Moreover, this can be done without affecting the 'basic structure' of the Constitution.

**Q.25) What does the term "State" encompass as mentioned in different provisions of Part III of the Constitution?**

1. Parliament of India
2. Legislature of States
3. Local authorities
4. Statutory and non statutory authorities

**Choose the correct answer from the codes given below:**

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

**Q.25) Solution (d)**

The term 'State' has been used in different provisions concerning the fundamental rights. Hence, Article 12 has defined the term for the purposes of Part III. According to it, the State includes the following:

1. Government and Parliament of India, that is, executive and legislative organs of the Union government.
2. Government and legislature of states, that is, executive and legislative organs of state government.
3. All local authorities, which is, municipalities, panchayats, district boards, improvement trusts, etc.
4. All other authorities, that is, statutory or non-statutory authorities like LIC, ONGC, SAIL, etc.

Thus, State has been defined in a wider sense so as to include all its agencies. It is the actions of these agencies that can be challenged in the courts as violating the Fundamental Rights.

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.

**Q.26) Consider the following statements:**

1. Free and compulsory education to all children of the age of six to fourteen years is recognized as a fundamental right to freedom of speech and expression.
2. In pursuance of Right to Education, the Parliament enacted the Right of Children to Free and Compulsory Education Act, 2009.

**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.26) Solution (b)**

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'.

The Supreme Court recognised a Fundamental Right to primary education in the right to life under Article 21.

In pursuance of Article 21A, the Parliament enacted the Right of Children to Free and Compulsory Education (RTE) Act, 2009. This Act seeks to provide that every child has a right to be provided full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.

**Q.27) Consider the following statements:**

1. The Supreme Court has original and exclusive jurisdiction in case of the enforcement of Fundamental Rights.
2. The Supreme Court can empower any other court other than the High Court to issue writs for the enforcement of Fundamental Rights.

**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.27) Solution (d)**

In case of the enforcement of Fundamental Rights, the jurisdiction of the Supreme Court is original but not exclusive. It is concurrent with the jurisdiction of the high court under Article 226. It vests original powers in the high court to issue directions, orders and writs of all kinds for the enforcement of the Fundamental Rights. It means when the Fundamental Rights of a citizen are violated, the aggrieved party has the option of moving either the high court or the Supreme Court directly.

Article 32 confers the right to remedies for the enforcement of the fundamental rights of an aggrieved citizen. The Supreme Court has ruled that Article 32 is a basic feature of the Constitution. Hence, it cannot be abridged or taken away even by way of an amendment to the Constitution. It contains the following four provisions:

- The right to move the Supreme Court by appropriate proceedings for the enforcement of the Fundamental Rights is guaranteed.
- The Supreme Court shall have power to issue directions or orders or writs for the enforcement of any of the fundamental rights. The writs issued may include habeas corpus, mandamus, prohibition, certiorari and quo-warranto.

- Parliament can empower any other court to issue directions, orders and writs of all kinds. However, this can be done without prejudice to the above powers conferred on the Supreme Court. Any other court here does not include high courts because Article 226 has already conferred these powers on the high courts.
- The right to move the Supreme Court shall not be suspended except as otherwise provided for by the Constitution. Thus the Constitution provides that the President can suspend the right to move any court for the enforcement of the fundamental rights during a national emergency (Article 359).

**Q.28) Right to property was removed from the list of Fundamental Rights and was made a Legal Right by 44th Amendment Act of 1978. What is/are its implications?**

1. Private property is protected against executive action but not against legislative action.
2. No guaranteed right to compensation is provided when the State acquires the property of a minority educational institution.
3. No guaranteed right to compensation is provided when the State acquires the land held by a person under his personal cultivation.

**Choose the correct answer from the codes given below:**

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

**Q.28) Solution (a)**

Originally, the right to property was one of the seven fundamental rights under Part III of the Constitution. The 44th Amendment Act of 1978 abolished the right to property as a Fundamental Right by repealing Article 19(1) (f) and Article 31 from Part III. Instead, the Act inserted a new Article 300A in Part XII under the heading 'Right to Property'. It provides that no person shall be deprived of his property except by authority of law.

Thus, the right to property still remains a legal right or a constitutional right, though no longer a fundamental right. It is not a part of the basic structure of the Constitution.

The right to property as a legal right (as distinct from the Fundamental Rights) has the following implications:

- It can be regulated i.e., curtailed, abridged or modified without constitutional amendment by an ordinary law of the Parliament.
- It protects private property against executive action but not against legislative action.

- In case of violation, the aggrieved person cannot directly move the Supreme Court under Article 32 (right to constitutional remedies including writs) for its enforcement. He can move the High Court under Article 226.
- No guaranteed right to compensation in case of acquisition or requisition of the private property by the state.

Though the Fundamental Right to Property under Part III has been abolished, the Part III still carries two provisions which provide for the guaranteed right to compensation in case of acquisition or requisition of the private property by the state. These two cases where compensation has to be paid are:

- When the State acquires the property of a minority educational institution (Article 30); and
- When the State acquires the land held by a person under his personal cultivation and the land is within the statutory ceiling limits (Article 31 A).

The first provision was added by the 44th Amendment Act (1978), while the second provision was added by the 17th Amendment Act (1964).

#### Q.29) Which of the following Directive Principles reflect the ideology of socialism?

1. To make provision for just and humane conditions of work and maternity relief
2. To secure opportunities for healthy development of children
3. To secure for all citizens a uniform civil code throughout the Country

Choose the correct answer from the codes given below:

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

#### Q.29) Solution (a)

The Constitution does not contain any classification of Directive Principles. However, on the basis of their content and direction, they can be classified into three broad categories, viz, socialistic, Gandhian and liberal-intellectual.

Socialistic principles reflect the ideology of socialism. They lay down the framework of a democratic socialist state, aim at providing social and economic justice, and set the path towards welfare state. They direct the state:

1. To promote the welfare of the people by securing a social order permeated by justice—social, economic and political— and to minimise inequalities in income, status, facilities and opportunities (Article 38).
2. To secure (a) the right to adequate means of livelihood for all citizens; (b) the equitable distribution of material resources of the community for the common good;

(c) prevention of concentration of wealth and means of production; (d) equal pay for equal work for men and women; (e) preservation of the health and strength of workers and children against forcible abuse; and (f) opportunities for healthy development of children (Article 39).

3. To promote equal justice and to provide free legal aid to the poor (Article 39 A).
4. To secure the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement (Article 41).
5. To make provision for just and humane conditions of work and maternity relief (Article 42).
6. To secure a living wage, a decent standard of life and social and cultural opportunities for all workers (Article 43).
7. To take steps to secure the participation of workers in the management of industries (Article 43 A).
8. To raise the level of nutrition and the standard of living of people and to improve public health (Article 47).

**Q.30) Which of the following Directive Principles of State Policy were added by the 42nd Amendment Act of 1976?**

1. To secure opportunities for healthy development of children
2. To minimise inequalities in income, status, facilities and opportunities
3. To take steps to secure the participation of workers in the management of industries
4. To promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies

**Choose the correct answer from the codes given below:**

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

**Q.30) Solution (d)**

The 42nd Amendment Act of 1976 added four new Directive Principles to the original list. They require the State:

1. To secure opportunities for healthy development of children (Article 39).
2. To promote equal justice and to provide free legal aid to the poor (Article 39 A).
3. To take steps to secure the participation of workers in the management of industries (Article 43 A).
4. To protect and improve the environment and to safeguard forests and wild life (Article 48 A).



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

The 86th Amendment Act of 2002 changed the subject-matter of Article 45 and made elementary education a fundamental right under Article 21 A. The amended directive requires the State to provide early childhood care and education for all children until they complete the age of six years.

The 97th Amendment Act of 2011 added a new Directive Principle relating to cooperative societies. It requires the state to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies (Article 43B).

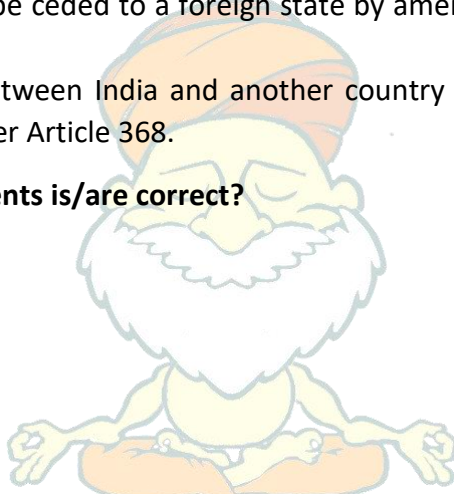
**Q.31) Consider the following statements:**

1. The laws related to formation of new States shall be passed by special majority of the Parliament.
2. Indian Territory can be ceded to a foreign state by amending the Constitution under Article 368.
3. Boundary dispute between India and another country can be settled by amending the Constitution under Article 368.

**Which of the above statements is/are correct?**

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

**Q.31) Solution (b)**



The 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.

Does the power of Parliament to diminish the areas of a state (under Article 3) include also the power to cede Indian Territory to a foreign country?

This question came up for examination before the Supreme Court in a reference made by the President in 1960. The decision of the Central Government to cede part of a territory known as Berubari Union (West Bengal) to Pakistan led to political agitation and controversy and thereby necessitated the Presidential reference. The Supreme Court held that the power of Parliament to diminish the area of a state (under Article 3) does not cover cession of Indian Territory to a foreign country. Hence, Indian Territory can be ceded to a foreign state only by amending the Constitution under Article 368. Consequently, the 9<sup>th</sup> Constitutional Amendment Act (1960) was enacted to transfer the said territory to Pakistan.

On the other hand, the Supreme Court in 1969 ruled that, settlement of a boundary dispute between India and another country does not require a constitutional amendment. It can be done by executive action as it does not involve cession of Indian Territory to a foreign country.

**Q.32) What is the correct chronological order of the creation of New States and Union Territories of India after 1956:**

- a) Dadra and Nagar Haveli, Puducherry, Nagaland, Tripura, Mizoram
- b) Puducherry, Dadra and Nagar Haveli, Mizoram, Nagaland, Tripura
- c) Mizoram, Tripura, Puducherry, Dadra and Nagar Haveli, Nagaland
- d) Nagaland, Dadra and Nagar Haveli, Mizoram, Puducherry, Tripura

**Q.32) Solution (a)**

**Dadra and Nagar Haveli:** The Portuguese ruled this territory until its liberation in 1954. Subsequently, the administration was carried on till 1961 by an administrator chosen by the people themselves. It was converted into a union territory of India by the 10th Constitutional Amendment Act, 1961.

**Puducherry:** The territory of Puducherry comprises the former French establishments in India known as Puducherry, Karaikal, Mahe and Yanam. The French handed over this territory to India in 1954. Subsequently, it was administered as an 'acquired territory', till 1962 when it was made a union territory by the 14th Constitutional Amendment Act.

**Nagaland:** In 1963, the State of Nagaland was formed by taking the Naga Hills and Tuensang area out of the state of Assam. This was done to satisfy the movement of the hostile Nagas. However, before giving Nagaland the status of the 16th state of the Indian Union, it was placed under the control of governor of Assam in 1961.

**Tripura:** In 1972, the political map of Northeast India underwent a major change. Thus, the two union territories of Manipur and Tripura and the sub-state of Meghalaya got statehood and the two union territories of Mizoram and Arunachal Pradesh (originally known as North-East Frontier Agency–NEFA) came into being. With this, the number of states of the Indian Union increased to 21 (Manipur 19th, Tripura 20th and Meghalaya 21st).

**Q.33) Which of the following were Part B States at the time of commencement of the Constitution?**

- 1. Jammu and Kashmir
- 2. Tripura
- 3. Mysore
- 4. Manipur
- 5. Rajasthan



**Choose the correct answer from the codes given below:**

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

**Q.33) Solution (c)**

In 1950, the Constitution contained a four-fold classification of the states and territories of the Indian Union—Part A, Part B and Part C states and Part D territories. In all, they numbered 29. Part A states comprised nine erstwhile governor's provinces of British India. Part B states consisted of nine erstwhile princely states with legislatures. Part C states consisted of erstwhile chief commissioner's provinces of British India and some of the erstwhile princely states. These Part C states (in all 10 in number) were centrally administered. The Andaman and Nicobar Islands were kept as the solitary Part D territories.

Part B States were: Hyderabad, Jammu and Kashmir, Madhya Bharat, Mysore, Patiala and East Punjab, Rajasthan, Saurashtra, Travancore- Cochin, Vindhya Pradesh.

Tripura and Manipur were Part C states.

**Q.34) Which of the following provisions of the Constitution are amended – 'By Special Majority of the Parliament and Consent of half of the state legislatures':**

- 1. Extent of the executive power of the Union and the states
- 2. Abolition or creation of legislative councils in states
- 3. Citizenship—acquisition and termination
- 4. Election of the President and its manner

**Choose the correct answer from the codes given below:**

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

**Q.34) Solution (d)**

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. If one or some or all the remaining states take no action on the bill, it does not matter; the moment half of the states give their consent, the formality is completed. There is no time limit within which the states should give their consent to the bill.

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.
- Goods and Services Tax Council<sup>3a</sup>.
- 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)

Provisions related to Abolition or creation of legislative councils in states and Citizenship–acquisition and termination can be amended through simple majority only.

**Q.35) Consider the following statements regarding the provisions related to the amendment of the Constitution as laid down in Article 368:**

1. The bill is introduced in the Parliament with the permission of the president.
2. The bill must be passed in each House separately only by a special majority of the Parliament.
3. 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.

**Which of the above statements is/are correct?**

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

**Q.35) Solution (c)**

Article 368 provides for two types of amendments, that is, by a special majority of Parliament and also through the ratification of half of the states by a simple majority. But, some other articles provide for the amendment of certain provisions of the Constitution by a simple majority of Parliament, that is, a majority of the members of each House present and voting (similar to the ordinary legislative process). Notably, these amendments are not deemed to be amendments of the Constitution for the purposes of Article 368.

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.

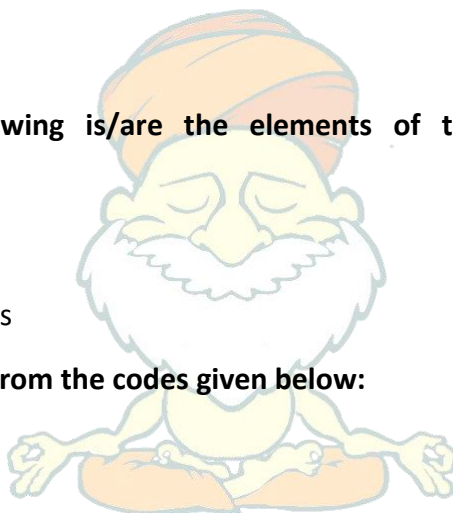
3. The bill must be passed in each House by a special majority, that is, a majority of the total membership of the House and a majority of two-thirds of the members of the House present and voting.
4. Each House must pass the bill separately. In case of a disagreement between the two Houses, there is 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.36) Which of the following is/are the elements of the basic structure of the Constitution?**

1. Judicial review
2. Rule of law
3. Free and fair elections

**Choose the correct answer from the codes given below:**

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



**Q.36) Solution (d)**

From the various judgements, the following have emerged as 'basic features' of the Constitution or elements 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

**Q.37) What is/are the conditions a party must fulfil in order to be recognised as a national party:**

1. It should secure four per cent of valid votes polled in any six or more states at a general election to the Lok Sabha.
2. It should be recognised as a state party in atleast three states.

**Which of the above statements is/are correct?**

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

**Q.37) Solution (d)**

A party is recognised as a national party if any of the following conditions is fulfilled:

1. If it secures six per cent of valid votes polled in any four or more states at a general election to the Lok Sabha or to the legislative assembly; and, in addition, it wins four seats in the Lok Sabha from any state or states; or
2. If it wins two per cent of seats in the Lok Sabha at a general election; and these candidates are elected from three states; or
3. If it is recognised as a state party in four states.

**Q.38) Consider the following statements:**

1. The total number of ministers, including the Chief Minister, in the Council of Ministers in a state shall not be less than 15.
2. A nominated member of a House becomes disqualified for being a member of the House if he joins any political party within six months from the date on which he takes his seat in the House.

3. Decision of the presiding officer of the house regarding disqualification arising out of defection is final and cannot be questioned in any court.

**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 of the above

**Q.38) Solution (d)**

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 12.

A nominated member of a House becomes disqualified for being a member of the House if he joins any political party after the expiry of six months from the date on which he takes his seat in the House. This means that he may join any political party within six months of taking his seat in the House without inviting this disqualification.

Any question regarding disqualification arising out of defection is to be decided by the presiding officer of the House. Originally, the act provided that the decision of the presiding officer is final and cannot be questioned in any court. However, in Kihoto Hollohan case (1993), the Supreme Court declared this provision as unconstitutional on the ground that it seeks to take away the jurisdiction of the Supreme Court and the high courts. It held that the presiding officer, while deciding a question under the Tenth Schedule, function as a tribunal. Hence, his decision like that of any other tribunal is subject to judicial review on the grounds of mala fides, perversity, etc. But, the court rejected the contention that the vesting of adjudicatory powers in the presiding officer is by itself invalid on the ground of political bias.

**Q.39) Consider the following statements:**

1. Every union territory is administered by the President acting through an administrator appointed by him.
2. The establishment of legislative assemblies in the union territories puts some restrictions on the supreme control of the president and Parliament over them.

**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.39) Solution (a)****Basic Information:**

- Every union territory is administered by the President acting through an administrator appointed by him. 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.
- The President can also appoint the governor of a state as the administrator of an adjoining union territory. In that capacity, the governor is to act independently of his council of ministers.
- The Parliament can make laws on any subject of the three lists (including the State List) for the union territories.
- A regulation made by the President has the same force and effect as an act of Parliament and can also repeal or amend any act of Parliament in relation to these union territories.

**Note:** The establishment of representative institutions like legislative assemblies and council of ministers, in the union territories do not diminish the supreme control of the president and Parliament over them.

**Q.40) Consider the following statements regarding the Citizenship (Amendment) Act, 2019:**

1. A person may apply for citizenship by registration if he resides in India for a year and if one of his parents is a former Indian citizen.
2. Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan may apply for citizenship by naturalisation if they are residing in India for at least 5 years before applying for citizenship.

**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.40) Solution (c)**

The Citizenship (Amendment) Act, 2019 seeks to amend the Citizenship Act, 1955.

The Citizenship Act, 1955 provides various ways in which citizenship may be acquired. It provides for citizenship by birth, descent, registration, naturalisation and by incorporation of the territory into India.

Key Provisions of the Amendment Act:

- The Bill amends the Act to provide that the Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who entered India on or before December 31, 2014, will not be treated as illegal migrants.
- To obtain citizenship by naturalisation, one of the qualifications is that the person must have resided in India or have been in the service of the central government for at least 11 years before applying for citizenship. The Bill creates an exception for Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, with regard to this qualification. For these groups of persons, the 11 years' requirement will be reduced to five years.
- These provisions on citizenship for illegal migrants will not apply to the tribal areas of Assam, Meghalaya, Mizoram, and Tripura, included in the Sixth Schedule to the Constitution. These tribal areas include Karbi Anglong (in Assam), Garo Hills (in Meghalaya), Chakma District (in Mizoram), and Tripura Tribal Areas District.
- Further, it will not apply to the "Inner Line" areas notified under the Bengal Eastern Frontier Regulation, 1873. In these areas, visits by Indians are regulated through the Inner Line Permit.

**Q.41) Consider the following:**

1. Majority Party Rule
2. Dual executive
3. Absolute separation of powers
4. Dissolution of Lower House

**Which of the above are the features of the Parliamentary form of Government?**

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



**Q.41) Solution (c)**

The Constitution of India provides for a parliamentary form of government, both at the Centre and in the states. Articles 74 and 75 deals with the parliamentary system at the Centre and Articles 163 and 164 deals with the parliamentary system in the states.

The features or principles of parliamentary government in India are:

- Majority Party Rule: The political party which secures majority seats in the Lok Sabha forms the government. The leader of that party is appointed as the Prime Minister by the President; other ministers are appointed by the President on the advice of the prime minister. However, when no single party gets the majority, a coalition of parties may be invited by the President to form the government.



- **Double Membership:** The ministers are members of both the legislature and the executive. This means that a person cannot be a minister without being a member of the Parliament. The Constitution stipulates that a minister who is not a member of the Parliament for a period of six consecutive months ceases to be a minister.
- **Dissolution of the Lower House:** The lower house of the Parliament (Lok Sabha) can be dissolved by the President on recommendation of the Prime Minister. In other words, the prime minister can advise the President to dissolve the Lok Sabha before the expiry of its term and hold fresh elections. This means that the executive enjoys the right to get the legislature dissolved in a parliamentary system.

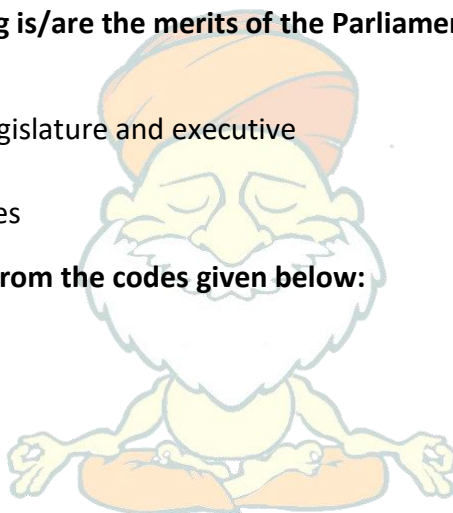
The Absolute separation of powers is the feature of presidential form of the Government. The doctrine of separation of powers is the basis of the American presidential system. The legislative, executive and judicial powers of the government are separated and vested in the three independent organs of the government.

**Q.42) Which of the following is/are the merits of the Parliamentary form of the government?**

1. Harmony between legislature and executive
2. Prevents despotism
3. Definiteness in policies

**Choose the correct answer from the codes given below:**

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



**Q.42) Solution (a)**

The parliamentary system of government has the following merits:

- **Harmony between Legislature and Executive:** The greatest advantage of the parliamentary system is that it ensures harmonious relationship and cooperation between the legislative and executive organs of the government. The executive is a part of the legislature and both are interdependent at work. As a result, there is less scope for disputes and conflicts between the two organs.
- **Prevents Despotism:** Under this system, the executive authority is vested in a group of individuals (council of ministers) and not in a single person. This dispersal of authority checks the dictatorial tendencies of the executive. Moreover, the executive is responsible to the Parliament and can be removed by a no-confidence motion.

One of the demerits of parliamentary government is that there is no continuity of policies. The parliamentary system is not conducive for the formulation and implementation of long



term policies. This is due to the uncertainty of the tenure of the government. A change in the ruling party is usually followed by changes in the policies of the government.

**Q.43) Which of the following is the bedrock principle of parliamentary government?**

- a) Stable government
- b) Government by experts
- c) Collective responsibility
- d) Ready alternative government

**Q.43) Solution (c)**

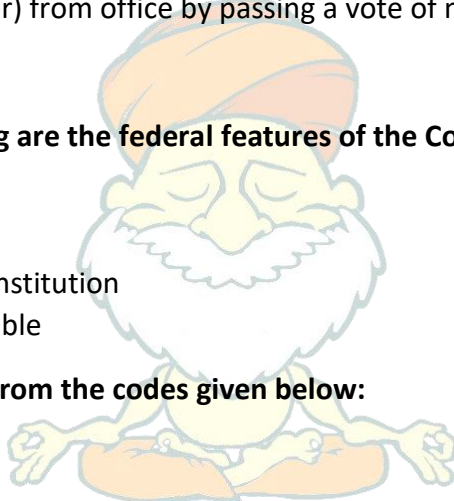
Collective responsibility is the bedrock principle of parliamentary government. The ministers are collectively responsible to the Parliament in general and to the Lok Sabha in particular (Article 75). They act as a team, and swim and sink together. The principle of collective responsibility implies that the Lok Sabha can remove the ministry (i.e., council of ministers headed by the prime minister) from office by passing a vote of no confidence.

**Q.44) Which of the following are the federal features of the Constitution?**

- 1. Flexible Constitution
- 2. Written Constitution
- 3. Supremacy of the Constitution
- 4. States not indestructible

**Choose the correct answer from the codes given below:**

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



**Q.44) Solution (b)**

Written Constitution and Supremacy of the Constitution are the federal features of the Constitution while Flexibility of the Constitution and Non indestructibility of States are the unitary features of the Constitution.

Federal Features of the Constitution:

- **Written Constitution:** The Indian Constitution is not only a written document but also the lengthiest Constitution of the world. Originally, it contained a Preamble, 395 Articles (divided into 22 Parts) and 8 Schedules.<sup>2</sup> At present (2019), it consists of a Preamble, about 470 Articles (divided into 25 Parts) and 12 Schedules.<sup>3</sup> 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.

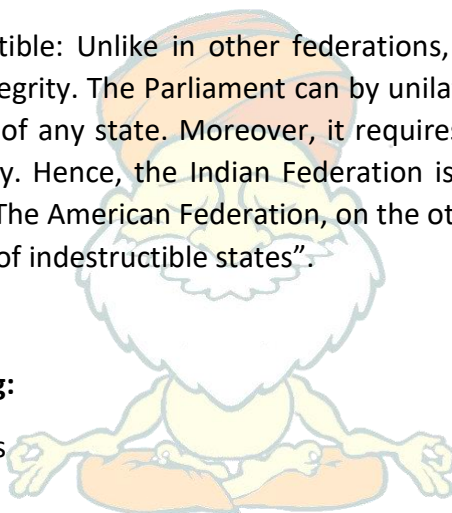
- **Supremacy of the Constitution:** The Indian Constitution is the supreme (or the highest) law of the land. The laws enacted by the Centre and the states must conform to its provisions. Otherwise, they can be declared invalid by the Supreme Court or the high courts through their power of judicial review. Thus, the organs of the government (legislative, executive and judicial) at both the levels must operate within the jurisdiction prescribed by the Constitution.

#### Unitary Features of the Constitution:

- **Flexibility of the Constitution:** The process of constitutional amendment is less rigid than what is found in other federations. The bulk of the Constitution can be amended by the unilateral action of the Parliament, either by simple majority or by special majority. Further, the power to initiate an amendment to the Constitution lies only with the Centre. In US, the states can also propose an amendment to the Constitution.
- **States Not Indestructible:** Unlike in other federations, the states in India have no right to territorial integrity. The Parliament can by unilateral action change the area, boundaries or name of any state. Moreover, it requires only a simple majority and not a special majority. Hence, the Indian Federation is “an indestructible Union of destructible states”. The American Federation, on the other hand, is described as “an indestructible Union of indestructible states”.

#### Q.45) Consider the following:

1. Emergency Provisions
2. Integrated Judiciary
3. Independent Judiciary
4. All-India Services
5. Bicameral Legislature



#### Which of the above are the unitary features of the Constitution?

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

#### Q.45) Solution (c)

##### Unitary features of the Constitution:

- **Emergency Provisions:** The Constitution stipulates three types of emergencies—national, state and financial. 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 is not found in any other federation.

- **Integrated Judiciary:** The Indian Constitution has 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. In US, on the other hand, there is a double system of courts whereby the federal laws are enforced by the federal judiciary and the state laws by the state judiciary.
- **All-India Services:** In US, the Federal government and the state governments have their separate public services. In India also, the Centre and the states have their separate public services. But, in addition, there are all-India services (IAS, IPS, and IFS) which are common to both the Centre and the states. The members of these services are recruited and trained by the Centre which also possess ultimate control over them. Thus, these services violate the principle of federalism under the Constitution.

Federal features of the Constitution:

- **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.
- **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.

**Q.46) Which of the following trends in the working of Indian political system reflects the spirit of federalism:**

1. Territorial disputes between states
2. Disputes between states over sharing of river water
3. The emergence of regional parties and their coming to power in states

**Choose the correct answer from the codes given below:**

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

**Q.46) Solution (d)**

The following trends in the working of Indian political system reflect its federal spirit:

- i. Territorial disputes between states, for example, between Maharashtra and Karnataka over Belgaum.
- ii. Disputes between states over sharing of river water, for example, between Karnataka and Tamil Nadu over Cauvery Water.
- iii. The emergence of regional parties and their coming to power in states like Andhra Pradesh, Tamil Nadu, etc.
- iv. The creation of new states to fulfil the regional aspirations, for example, Mizoram or Jharkhand.
- v. Demand of the states for more financial grants from the Centre to meet their developmental needs.
- vi. Assertion of autonomy by the states and their resistance to the interference from the Centre.
- vii. Supreme Court's imposition of several procedural limitations on the use of Article 356 (President's Rule in the States) by the Centre.

**Q.47) Consider the following statements regarding National Emergency:**

1. The President can proclaim a national emergency only on the advice of the Prime Minister.
2. The proclamation of the National emergency must be approved by both the houses of Parliament within two months from the date of issue.
3. When approved by both the Houses of Parliament, the National emergency continues for six months.

**Which of the above statements is/are correct?**

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

**Q.47) Solution (c)**

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.

The President, however, can proclaim a national emergency only after receiving a written recommendation from the cabinet. This means that the emergency can be declared only on the concurrence of the cabinet and not merely on the advice of the prime minister. In 1975, the then Prime Minister, Indira Gandhi advised the president to proclaim emergency without consulting her cabinet. The cabinet was informed of the proclamation after it was made, as a fait accompli. The 44th Amendment Act of 1978 introduced this safeguard to eliminate any possibility of the prime minister alone taking a decision in this regard.

The 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.

If approved by both the Houses of Parliament, the emergency continues for six months, and can be extended to an indefinite period with an approval of the Parliament for every six months. This provision for periodical parliamentary approval was also added by the 44th Amendment Act of 1978.

**Q.48) What is/are the effects of National Emergency on Indian political system?**

1. The state governments are suspended and are brought under the complete control of the Centre.
2. The Constitution becomes unitary rather than federal.
3. The President can either reduce or cancel the transfer of finances from Centre to the states.

**Choose the correct answer from the codes given below:**

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

**Q.48) Solution (b)**

While a proclamation of Emergency is in force, the normal fabric of the Centre-state relations undergoes a basic change:

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. In normal times, the Centre can give executive directions to a state only on certain specified matters. However, during a national emergency, the Centre becomes entitled to give executive directions to a state on 'any' matter. Thus, the state governments are brought under the complete control of the Centre, though they are not suspended.

During 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 centre 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.

**Q.49) Consider the following statements regarding the proclamation of emergency under Article 356:**

1. President issues a proclamation only when the Governor submits the report that a situation has arisen in which the government of a state cannot be carried on in accordance with the provisions of the Constitution.
2. The proclamation of emergency under Article 356 must be approved by both the Houses of Parliament within one month from the date of its issue.

**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.49) Solution (d)**

Article 355 imposes a duty on the Centre to ensure that the government of every state is carried on in accordance with the provisions of the Constitution. It is this duty in the performance of which the Centre takes over the government of a state under Article 356 in case of failure of constitutional machinery in state. This is popularly known as 'President's Rule'. It is also known as 'State Emergency' or 'Constitutional Emergency'.

Article 356 empowers the President to issue a proclamation, if he is satisfied that a situation has arisen in which the government of a state cannot be carried on in accordance with the provisions of the Constitution. Notably, the president can act either on a report of the governor of the state or otherwise too (i.e. even without the governor's report).

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

**Q.50) Consider the following statements:**

1. President's rule in States has no effect on Fundamental Rights of the citizen.
2. President's rule in States can be continued indefinitely with the approval of Parliament for every six months.



3. During national emergency Parliament can delegate the power to make laws for the state to the President or to any other authority specified by him.

**Which of the above statements is/are correct?**

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

**Q.50) Solution (a)**

President's rule in States has no effect on Fundamental Rights of the citizens while during National emergency affects fundamental rights of the citizens.

There is a maximum period prescribed for the operation of President's rule, that is, three years. Thereafter, it must come to an end and the normal constitutional machinery must be restored in the state. On the other hand there is no maximum period prescribed for the operation of national emergency. It can be continued indefinitely with the approval of Parliament for every six months.

During national emergency, the Parliament can make laws on the subjects enumerated in the State List only by itself, that is, it cannot delegate the same to any other body or authority. On the other hand during President's rule the Parliament can delegate the power to make laws for the state to the President or to any other authority specified by him. So far, the practice has been for the president to make laws for the state in consultation with the members of Parliament from that state. Such laws are known as President's Acts.

**Q.51) Which of the following subjects were transferred by the Parliament from State List to Concurrent List by 42<sup>nd</sup> Amendment Act, 1976?**

- 1. Public Health
- 2. Agriculture
- 3. Education
- 4. Forests

**Choose the correct answer from the codes given below:**

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

**Q.51) Solution (c)**

The Constitution provides for a three-fold distribution of legislative subjects between the Centre and the states, viz., List-I (the Union List), List-II (the State List) and List-III (the Concurrent List) in the Seventh Schedule.

The Parliament and state legislature both can make laws with respect to any of the matters enumerated in the Concurrent List. This list has at present 52 subjects (originally 47 subjects) like criminal law and procedure, civil procedure, marriage and divorce, population control and family planning, electricity, labour welfare, economic and social planning, drugs, newspapers, books and printing press, and others. 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 organisation of all courts except the Supreme Court and the high courts.

**Q.52) Consider the following statements:**

1. The president enjoys absolute veto over bills passed by the state legislature which are reserved by the Governor for the consideration of the President.
2. Bills imposing restrictions on the freedom of trade and commerce can be introduced in the state legislature only with the previous sanction of the president.

**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.52) Solution (c)**

The Constitution empowers the Centre to exercise control over the state's legislative matters in the following ways:

- The governor can reserve certain types of bills passed by the state legislature for the consideration of the President. The president enjoys absolute veto over them.
- Bills on certain matters enumerated in the State List can be introduced in the state legislature only with the previous sanction of the president. (For example, the bills imposing restrictions on the freedom of trade and commerce).
- The Centre can direct the states to reserve money bills and other financial bills passed by the state legislature for the President's consideration during a financial emergency.

**Q.53) With reference to the Centre-State relations, consider the following statements:**

1. A law on a concurrent subject, though enacted by the Parliament, is to be executed by the states.
2. The judges of a state high court, though appointed by the Governor, are removed by the President.



3. The Parliament can delegate executive functions of the Centre to a State without the consent of that State.

**Which of the above statements is/are correct?**

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

**Q.53) Solution (d)**

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.

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.

The Constitution makes 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.

**Q.54) Which of the following are the taxes levied, collected and retained by the States?**

1. Taxes on agricultural income.
2. Taxes on consumption or sale of electricity
3. Surcharges on certain taxes

**Choose the correct answer from the codes given below:**

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

**Q.54) Solution (a)**

There are 18 taxes which belong to the states exclusively. They are enumerated in the state list and are levied, collected and retained by the states. They are:

1. land revenue
2. taxes on agricultural income
3. duties in respect of succession to agricultural land
4. estate duty in respect of agricultural land
5. taxes on lands and buildings
6. taxes on mineral rights
7. Duties of excise on alcoholic liquors for human consumption; opium, Indian hemp and other narcotic drugs and narcotics, but not including medicinal and toilet preparations containing alcohol or narcotics
8. taxes on the consumption or sale of electricity
9. taxes on the sale of petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption, but not including sale in the course of inter-state trade or commerce or sale in the course of international trade or commerce of such goods
10. taxes on goods and passengers carried by road or inland waterways
11. taxes on vehicles
12. taxes on animals and boats
13. tolls
14. taxes on professions, trades, callings and employments
15. capitation taxes
16. taxes on entertainments and amusements to the extent levied and collected by a Panchayat or a Municipality or a Regional Council or a District Council
17. stamp duty on documents (except those specified in the Union List)
18. fees on the matters enumerated in the State List (except court fees)

The Parliament can at any time levy the surcharges on taxes and duties referred to in Articles 269 and 270 (mentioned above). The proceeds of such surcharges go to the Centre exclusively. In other words, the states have no share in these surcharges. However, the Goods and Services Tax (GST) is exempted from this surcharge. In other words, this surcharge cannot be imposed on the GST.

**Q.55) Consider the following statements regarding the inter-state water disputes act:**

1. It empowers the Central government to set up an ad hoc tribunal for the adjudication of a dispute between two or more states in relation to the waters of an inter-state river or river valley.
2. The decisions of the tribunal are recommendatory in nature and not binding on the parties to the dispute.

3. Under this act the aggrieved party can directly approach the Supreme Court against the directions of the tribunal.

**Which of the above statements is/are correct?**

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

**Q.55) Solution (a)**

Article 262 of the Constitution provides for the adjudication of interstate water disputes. It makes two provisions:

- (i) Parliament may by law 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.
- (ii) Parliament may also provide that neither the Supreme Court nor any other court is to exercise jurisdiction in respect of any such dispute or complaint.

Under this provision, the Parliament has enacted two laws:

- The River Boards Act (1956)
- The Inter-State Water Disputes Act (1956)

The River Boards Act provides for the establishment of river boards for the regulation and development of Inter-state River and river valleys. A river board is established by the Central government on the request of the state governments concerned to advise them.

The Inter-State Water Disputes Act empowers the Central government to set up an ad hoc tribunal for the adjudication of a dispute between two or more states in relation to the waters of an inter-state river or river valley. The decision of the tribunal would be final and binding on the parties to the dispute. Neither the Supreme Court nor any other court is to have jurisdiction in respect of any water dispute which may be referred to such a tribunal under this Act.

**Q.56) Which of the following pairs are correctly matched regarding the States involved in the Inter-State water dispute tribunals?**

(Inter-State Water Dispute Tribunals)

(States Involved)

- |                                       |  |
|---------------------------------------|--|
| 1. Mahadayi Water Disputes Tribunal   | Goa, Karnataka and Maharashtra           |
| 2. Vansadhara Water Disputes Tribunal | Telangana, Tamil Nadu and Andhra Pradesh |
| 3. Mahanadi Water Disputes Tribunal   | Odisha and Chhattisgarh                  |

**Choose the correct answer from the codes given below:**

- a) 1 and 2 only

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

**Q.56) Solution (b)**

The Inter-State Water Dispute Tribunals set-up so far are:

Sl. No.	Water Dispute Tribunal	Set-up in	States Involved
1.	Krishna Water Disputes Tribunal-I	1969	Maharashtra, Karnataka and Andhra Pradesh
2.	Godavari Water Disputes Tribunal	1969	Maharashtra, Karnataka, Andhra Pradesh, Madhya Pradesh and Odisha
3.	Narmada Water Disputes Tribunal	1969	Rajasthan, Gujarat, Madhya Pradesh and Maharashtra
4.	Ravi and Beas Water Disputes Tribunal	1986	Punjab, Haryana and Rajasthan
5.	Cauvery Water Disputes Tribunal	1990	Karnataka, Kerala, Tamil Nadu and Puducherry
6.	Krishna Water Disputes Tribunal-II	2004	Maharashtra, Karnataka and Andhra Pradesh
7.	Vansadhara Water Disputes Tribunal	2010	Odisha and Andhra Pradesh
8.	Mahadayi Water Disputes Tribunal	2010	Goa, Karnataka and Maharashtra
9.	Mahanadi Water Disputes Tribunal	2018	Odisha and Chhattisgarh

- The Krishna Water Disputes Tribunal-I constituted in 1969, gave its final award in 1976.
- The Godavari Water Dispute Tribunal, constituted in 1969 gave its final award in 1979.
- The Cauvery Water Disputes Tribunal, constituted in 1990, gave its final award in 2007.
- The Narmada Water Disputes Tribunal created in 1969, gave its final award in 1979.
- Rest tribunals are still active.

**Q.57) With reference to Inter-State Council, consider the following statements:**

1. The purpose of inter-state council is the decentralisation of powers to the states as much as possible.
2. It is a non permanent constitutional body.
3. Its decisions are binding in nature.

**Which of the above statements is/are correct?**

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

**Q.57) Solution (b)**

Inter-State Council (ISC) is a constitutional body as provided by Article 263 of the Constitution of India to deal with federal issues. Its mandate is to inquire and advise on interstate disputes and to provide recommendations for better policy coordination.

The aims of Inter-State Council are as follows:

- Decentralisation of powers to the states as much as possible.
- More transfer of financial resources to the states.
- Arrangements for devolution in such a way that the states can fulfil their obligations.
- Advancement of loans to states should be related to as 'the productive principle'.
- Deployment of Central Armed Police Forces in the states either on their request or otherwise.

The Inter-State Council composes of the following members:

- Prime Minister, Chairman.
- Chief Ministers of all states.
- Chief Ministers of the union territories having legislative assemblies.
- Administrators of the union territories not having legislative assemblies.
- 6 Union Cabinet Ministers, including Home Minister, to be nominated by the Prime Minister.
- Governors of the states being administered under President's rule.
- Standing Committee
- Home Minister, Chairman
- 5 Union Cabinet Ministers
- 9 Chief Ministers

Inter-state council is merely an advisory body with no bindings on either the centre or the state. Thus, often its recommendations are ignored by the government at the centre as well as the states.

**Q.58) With reference to Zonal Councils, consider the following statements:**

1. These are constitutional bodies.
2. These are headed by the Prime Minister.
3. States of Maharashtra and Goa are part of Western Zonal Council.

**Which of the above statements is/are correct?**

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

**Q.58) Solution (c)**

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.

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

States and UT of Gujarat, Maharashtra, Goa, Dadra and Nagar Haveli and Daman and Diu are part of western Zonal Council.

**Q.59) With respect to Centre-State relations, consider the following:**

1. Trade Unions
2. Inter-State Trade and Commerce
3. Banking
4. Labour Welfare



**Which of the above are the subjects of the Union List?**

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

**Q.59) Solution (b)**

The Constitution provides for a three-fold distribution of legislative subjects between the Centre and the states, viz., List-I (the Union List), List-II (the State List) and List-III (the Concurrent List) in the Seventh Schedule.

The Parliament has exclusive powers to make laws with respect to any of the matters enumerated in the Union List. This list has at present 98 subjects (originally 971 subjects) like defence, banking, foreign affairs, currency, atomic energy, insurance, Post and Telegraph, communication, inter-state trade and commerce, census, audit and so on.

Trade Unions and Labour Welfare are the subjects included the Concurrent List. Both, the Parliament and state legislature can make laws with respect to any of the matters enumerated in the Concurrent List.

**Q.60) 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. In this context which of the following is/are the laws passed under the above provision?**

1. Wild Life (Protection) Act, 1972
2. Water (Prevention and Control of Pollution) Act, 1974
3. Urban Land (Ceiling and Regulation) Act, 1976

**Choose the correct answer from the codes given below:**

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

**Q.60) Solution (d)**

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.

**Q.61) Electoral College for the election of the President consists of:**

1. All the members of both the Houses of Parliament.



2. All the members of the legislative assemblies of the Union Territories of Delhi and Puducherry.
3. Elected members of the legislative assemblies of the states.

**Choose the correct answer from the codes given below:**

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

**Q.61) Solution (c)**

The Union executive consists of the President, the Vice President, the Prime Minister, the council of ministers and the attorney general of India.

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.

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;
- The elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry .

Thus, 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. Where an assembly is dissolved, the members cease to be qualified to vote in presidential election, even if fresh elections to the dissolved assembly are not held before the presidential election.

**Q.62) With reference to the Impeachment of President, consider the following statements:**

1. The impeachment charges can be initiated by either House of Parliament.
2. Impeachment charges should be signed by one-fourth members of the House that framed the charges.
3. The nominated members of either House of Parliament do not participate in the impeachment of the President.
4. The elected members of the legislative assemblies of states and the Union Territories of Delhi and Puducherry participate in the impeachment of the President.

**Which of the above statements is/are correct?**

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

**Q.62) 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'.

The impeachment charges can be initiated by either House of Parliament. These charges should be signed by one-fourth members of the House (that framed the charges), and a 14 days' notice should be given to the President. After the impeachment resolution is passed by a majority of two-thirds of the total membership of that House, it is sent to the other House, which should investigate the charges. The President has the right to appear and to be represented at such investigation. If the other House also sustains the charges and passes the impeachment resolution by a majority of two-thirds of the total membership, then the President stands removed from his office from the date on which the resolution is so passed.

Thus, an impeachment is a quasi-judicial procedure in the Parliament. In this context, two things should be noted:

- 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 elected members of the legislative assemblies of states and the Union Territories of Delhi and Puducherry do not participate in the impeachment of the President though they participate in his election.

No President has so far been impeached.

**Q.63) Consider the following statements:**

1. The President decides on questions as to disqualifications of members of the Parliament, in consultation with the Election Commission.
2. The ordinances promulgated by the President must be approved by the Parliament within six months from its reassembly.
3. Money bills can be introduced in the Parliament only with the prior recommendation of the President.

**Which of the above statements is/are correct?**

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

d) 1, 2 and 3

**Q.63) Solution (b)**

The President is an integral part of the Parliament of India, and enjoys the following legislative powers:

- He decides on questions as to disqualifications of members of the Parliament, in consultation with the Election Commission.
- He can promulgate ordinances when the Parliament is not in session. These ordinances must be approved by the Parliament within six weeks from its reassembly. He can also withdraw an ordinance at any time
- He can summon or prorogue the Parliament and dissolve the Lok Sabha. He can also summon a joint sitting of both the Houses of Parliament, which is presided over by the Speaker of the Lok Sabha.
- He can address the Parliament at the commencement of the first session after each general election and the first session of each year.
- He can appoint any member of the Lok Sabha to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant.
- His prior recommendation or permission is needed to introduce certain types of bills in the Parliament. For example, 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.

The financial powers and functions of the President are:

- Money bills can be introduced in the Parliament only with his prior recommendation.
- He causes to be laid before the Parliament the annual financial statement (ie, the Union Budget).
- No demand for a grant can be made except on his recommendation.
- He can make advances out of the contingency fund of India to meet any unforeseen expenditure.
- He constitutes a finance commission after every five years to recommend the distribution of revenues between the Centre and the states.

**Q.64) Consider the following statements:**

1. With respect to private members' bills the President exercises absolute veto.
2. The President exercises suspensive veto when he returns a bill for reconsideration of the Parliament.
3. The President can exercise pocket veto in respect of state legislation.

**Which of the above statements is/are correct?**

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

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

**Q.64) Solution (d)**

A bill passed by the Parliament can become an act only if it receives the assent of the President. When such a bill is presented to the President for his assent, he has three alternatives (under Article 111 of the Constitution):

1. He may give his assent to the bill, or
2. He may withhold his assent to the bill, or
3. He may return the bill (if it is not a Money bill) for reconsideration of the Parliament. However, if the bill is passed again by the Parliament with or without amendments and again presented to the President, the President must give his assent to the bill.

Thus, the President has the veto power over the bills passed by the Parliament, that is, he can withhold his assent to the bills.

The Absolute veto is exercised by the President in the following two cases:

- With respect to private members' bills (ie, bills introduced by any member of Parliament who is not a minister); and
- 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.

The President exercises suspensive veto when he returns a bill for reconsideration of the Parliament. However, if the bill is passed again by the Parliament with or without amendments and again presented to the President, it is obligatory for the President to give his assent to the bill.

When a bill is reserved by the governor for the consideration of the President, the President has three alternatives (Under Article 201 of the Constitution):

- He may give his assent to the bill, or
- He may withhold his assent to the bill, or
- He may direct the governor to return the bill (if it is not a money bill) for the reconsideration of the state legislature. If the bill is passed again by the state legislature with or without amendments and presented again to the President for his assent, the President is not bound to give his assent to the bill. This means that the state legislature cannot override the veto power of the President.

Hence, the President can exercise pocket veto in respect of state legislation.

**Q.65) The Electoral College for the election of the Vice-President consists of:**

1. Elected members of the Parliament.

2. Elected members of the State legislative assemblies.

**Choose the correct answer from the codes given below:**

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

**Q.65) Solution (d)**

The Vice-President occupies the second highest office in the country. He is accorded a rank next to the President in the official warrant of precedence. This office is modelled on the lines of the American 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).

The manner of election is same in both the cases. Thus, the Vice-President's election, like that of the President's election, is held in accordance with the system of proportional representation by means of the single transferable vote and the voting is by secret ballot.

**Q.66) Consider the following statement:**

1. Vice-President succeeds to the presidency when it falls vacant and remains President for the unexpired term of his predecessor.
2. While acting as President the Vice-President does not perform the duties of the office of the chairman of Rajya Sabha.

**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.66) Solution (b)**

Though the office of the Indian Vice-president is modelled on the lines of the American Vice-President, there is a difference. The American Vice-President succeeds to the presidency when it falls vacant, and remains President for the unexpired term of his predecessor. The

Indian Vice-President, on the other hand, does not assume the office of the President when it falls vacant for the unexpired term. He merely serves as an acting President until the new President assumes charge.

The Vice President acts as President when a vacancy occurs in the office of the President due to his resignation, impeachment, death or otherwise. He can act as President only for a maximum period of six months within which a new President has to be elected.

While acting as President or discharging the functions of President, the Vice-President does not perform the duties of the office of the chairman of Rajya Sabha. During this period, those duties are performed by the Deputy Chairman of Rajya Sabha.

**Q.67) What qualifications are prescribed by the Constitution for a person to be appointed as the Governor of a State?**

1. He should be a citizen of India.
2. He should have completed the age of 30 years.
3. He should be qualified for election as a member of the Legislative assembly.

**Choose the correct answer from the codes given below:**

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

**Q.67) Solution (a)**

The governor is the chief executive head of the state. But, like the president, he is a nominal executive head (titular or constitutional head). The governor also acts as an agent of the central government. Therefore, the office of governor has a dual role.

The governor is neither directly elected by the people nor indirectly elected by a specially constituted electoral college as is the case with the president. He is appointed by the president by warrant under his hand and seal. In a way, he is a nominee of the Central government.

The Constitution lays down only two qualifications for the appointment of a person as a governor. These are:

- a) He should be a citizen of India.
- b) He should have completed the age of 35 years.

Additionally, two conventions have also developed in this regard over the years. First, he should be an outsider, that is, he should not belong to the state where he is appointed, so that he is free from the local politics. Second, while appointing the governor, the president is required to consult the chief minister of the state concerned, so that the smooth



functioning of the constitutional machinery in the state is ensured. However, both the conventions have been violated in some of the cases.

**Q.68) With reference to the Executive powers of the Governor, consider the following statements:**

1. He can recommend the imposition of constitutional emergency in a state to the president.
2. The Advocate General though appointed by the Governor can be removed only by the president.
3. The state election commissioner holds office till the pleasure of the governor.
4. The State Council of Ministers holds office during the pleasure of the Governor.

**Which of the above statements is/are correct?**

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

**Q.68) Solution (d)**

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.

The executive powers and functions of the Governor are:

1. All executive actions of the government of a state are formally taken in his name.
2. He can make rules specifying the manner in which the Orders and other instruments made and executed in his name shall be authenticated.
3. He can make rules for more convenient transaction of the business of a state government and for the allocation among the ministers of the said business.
4. He appoints the chief minister and other ministers. They also hold office during his pleasure.
5. He appoints the advocate general of a state and determines his remuneration. The advocate general holds office during the pleasure of the governor.
6. He appoints the state election commissioner and determines his conditions of service and tenure of office. However, the state election commissioner can be removed only in like manner and on the like grounds as a judge of a high court.
7. He appoints the chairman and members of the state public service commission. However, they can be removed only by the president and not by a governor.
8. He can seek any information relating to the administration of the affairs of the state and proposals for legislation from the chief minister.
- 9.



9. He can require the chief minister to submit for the consideration of the council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the council.
10. He can recommend the imposition of constitutional emergency in a state to the president. During the period of President's rule in a state, the governor enjoys extensive executive powers as an agent of the President.
11. He acts as the chancellor of universities in the state. He also appoints the vice-chancellors of universities in the state.

**Q.69) The President nominates twelve members of the Rajya Sabha from amongst persons having special knowledge or practical experience in:**

1. Literature
2. Science
3. Art
4. Cooperative movement
5. Social service

**Choose the correct answer from the codes given below:**

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

**Q.69) Solution: (b)**

The President nominates 12 members of the Rajya Sabha from amongst persons having special knowledge or practical experience in literature, science, art and social service while The Governor nominates one-sixth of the members of the state legislative council from amongst persons having special knowledge or practical experience in literature, science, art, cooperative movement and social service.

**Q.70) With reference to the pardoning powers of the Governor, consider the following statements:**

1. He can pardon, suspend, remit or commute a death sentence.
2. He can grant pardon, reprieve, respite, suspension, remission or commutation in respect to punishment or sentence by a court-martial.

**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.70) Solution (d)**

Pardoning powers of the Governor:

- He can pardon, reprieve, respite, remit, suspend or commute the punishment or sentence of any person convicted of any offence against a state law.
- He cannot pardon a death sentence. Even if a state law prescribes for death sentence, the power to grant pardon lies with the President and not the governor. But, the governor can suspend, remit or commute a death sentence.
- He does not possess any power regarding grant of pardon, reprieve, respite, suspension, remission or commutation in respect to punishment or sentence by a court-martial (military court). This power lies only with the President.

**Q.71) Consider the following:**

1. National Disaster Management Authority
2. Department of Biotechnology
3. National Ganga Council
4. National Board of Wild Life
5. Department of Space

**Which of the above organizations are headed by the Prime Minister?**

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



**Q.71) Solution (c)**

The National Disaster Management Authority (NDMA), headed by the Prime Minister of India, is the apex body for Disaster Management in India. Setting up of NDMA and the creation of an enabling environment for institutional mechanisms at the State and District levels is mandated by the Disaster Management Act, 2005.

The National Ganga Council is formed under the Environment (Protection) Act (EPA), 1986. It has been given overall responsibility for the superintendence of pollution prevention and rejuvenation of River Ganga Basin, including Ganga and its tributaries. It is chaired by Prime Minister.

National Board of Wildlife was constituted through an amendment of the Wildlife act in 2002. It is a 47-member committee, headed by the Prime Minister and the minister of environment, forest and climate change (environment minister) as vice chairperson.

The Department of Space was established in 1972 to bolster the then nascent Indian space program. It acts on the policy recommendations of the Indian Space Commission and is broadly responsible for the day-to-day management of India's space activities. While headed by a secretary who also leads ISRO, the department falls under the direct purview of the Prime Minister's Office (PMO). Conventionally the minister responsible for this department is always the Prime Minister. This department is not allocated to anyone in the cabinet but the prime minister themselves.

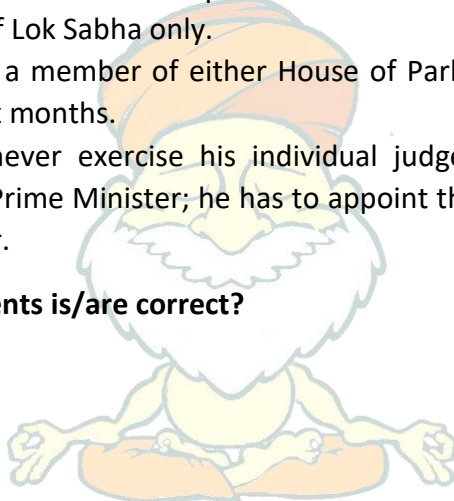
The Department of Biotechnology (DBT) is responsible for administering development and commercialisation in the field of modern biology and biotechnology in India. The minister responsible for this department is the Union Minister of Science & Technology.

**Q.72) Consider the following statements:**

1. Though constitutionally, the Prime Minister may be a member of any of the two Houses of parliament but since independence all the Prime Ministers of India have been the members of Lok Sabha only.
2. A person who is not a member of either House of Parliament can be appointed as Prime Minister for six months.
3. The President can never exercise his individual judgement in the selection and appointment of the Prime Minister; he has to appoint the leader of the largest party as the Prime Minister.

**Which of the above statements is/are correct?**

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



**Q.72) Solution (b)**

Constitutionally, the Prime Minister may be a member of any of the two Houses of parliament. For example, three Prime Ministers, Indira Gandhi (1966), Deve Gowda (1996) and Manmohan Singh (2004), were members of the Rajya Sabha.

A person who is not a member of either House of Parliament can be appointed as Prime Minister for six months, within which, he should become a member of either House of Parliament; otherwise, he ceases to be the Prime Minister.

In accordance with the conventions of the parliamentary system of government, the President has to appoint the leader of the majority party in the Lok Sabha as the Prime Minister. But, when no party has a clear majority in the Lok Sabha, then the President may exercise his personal discretion in the selection and appointment of the Prime Minister. In such a situation, the President usually appoints the leader of the largest party or coalition in the Lok Sabha as the Prime Minister and asks him to seek a vote of confidence in the House

within a month. This discretion was exercised by the President, for the first time in 1979, when Neelam Sanjiva Reddy (the then President) appointed Charan Singh (the coalition leader) as the Prime Minister after the fall of the Janata Party government headed by Morarji Desai.

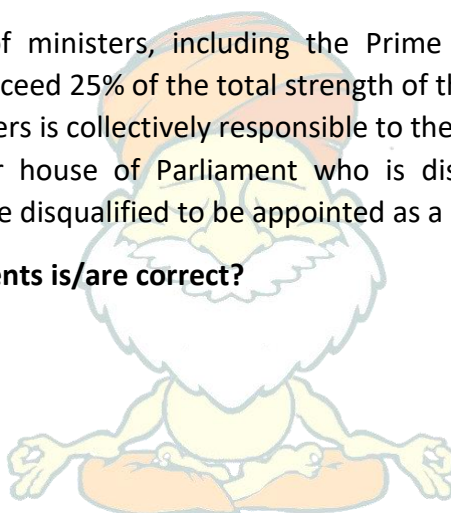
There is also one more situation when the president may have to exercise his individual judgement in the selection and appointment of the Prime Minister, that is, when the Prime Minister in office dies suddenly and there is no obvious successor. This is what happened when Indira Gandhi was assassinated in 1984. The then President Zail Singh appointed Rajiv Gandhi as the Prime Minister by ignoring the precedent of appointing a caretaker Prime Minister. Later on, the Congress parliamentary party unanimously elected him as its leader. However, if, on the death of an incumbent Prime Minister, the ruling party elects a new leader, the President has no choice but to appoint him as Prime Minister.

**Q.73) Consider the following statements:**

1. The total number of ministers, including the Prime Minister, in the Council of Ministers shall not exceed 25% of the total strength of the Lok Sabha.
2. The council of ministers is collectively responsible to the Parliament.
3. A member of either house of Parliament who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister.

**Which of the above statements is/are correct?**

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



**Q.73) Solution (c)**

The principles of parliamentary system of government are not detailed in the Constitution, but two Articles (74 and 75) deal with them in a broad, sketchy and general manner. Article 74 deals with the status of the council of ministers while Article 75 deals with the appointment, tenure, responsibility, qualification, oath and salaries and allowances of the ministers.

The total number of ministers, including the Prime Minister, in the Council of Ministers shall not exceed 15% of the total strength of the Lok Sabha. This provision was added by the 91st Amendment Act of 2003.

The fundamental principle underlying the working of parliamentary system of government is the principle of collective responsibility. Article 75 clearly states that the council of ministers is collectively responsible to the Lok Sabha. This means that all the ministers own joint responsibility to the Lok Sabha for all their acts of omission and commission. They work as a team and swim or sink together. When the Lok Sabha passes a no-confidence motion

against the council of ministers, all the ministers have to resign including those ministers who are from the Rajya Sabha.

A member of either house of Parliament belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister. This provision was also added by the 91st Amendment Act of 2003.

**Q.74) Consider the following statements:**

1. The cabinet enforces the collective responsibility of the council of ministers to the Lower House of Parliament.
2. The council of ministers is a smaller body consisting of 15 to 20 ministers while the cabinet is a wider body consisting of 60 to 70 ministers.
3. The council of ministers meets, as a body, frequently and usually once in a week to deliberate and take decisions regarding the transaction of government business.

**Which of the above statements is/are correct?**

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

**Q.74) Solution (a)**

The words 'council of ministers' and 'cabinet' are often used interchangeably though there is a definite distinction between them. They differ from each other in respects of composition, functions, and role.

S.No.	Council of ministers	Cabinet
1.	It is a wider body consisting of 60 to 70 ministers.	It is a smaller body consisting of 15 to 20 ministers.
2.	It includes all the three categories of ministers, that is, cabinet ministers, ministers of state, and deputy ministers	It includes the cabinet ministers only. Thus, it is a part of the council of ministers.
3.	It does not meet, as a body, to transact government business. It has no collective functions	It 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.
4.	It is vested with all powers but in theory	It exercises, in practice, the powers of the council of ministers and thus, acts for the latter.
5.	Its functions are determined by the cabinet.	It directs the council of ministers by taking policy decisions which are binding on all

		ministers.
6.	It implements the decisions taken by the cabinet.	It supervises the implementation of its decisions by the council of ministers
7.	It is a constitutional body, dealt in detail by the Articles 74 and 75 of the Constitution. Its size and classification are, however, not mentioned in the Constitution. Its size is determined by the prime minister according to the exigencies of the time and requirements of the situation. Its classification into a three-tier body is based on the conventions of parliamentary government as developed in Britain. It has, however, got a legislative sanction.	It was inserted in Article 352 of the Constitution in 1978 by the 44 <sup>th</sup> Constitutional Amendment Act. Thus, it did not find a place in the original text of the Constitution. Now also, Article 352 only defines the cabinet saying that it is 'the council consisting of the prime minister and other ministers of cabinet rank appointed under Article 75' and does not describe its powers and functions. In other words, its role in our politico-administrative system is based on the conventions of parliamentary government as developed in Britain.
8.	It is collectively responsible to the Lower House of the Parliament.	It enforces the collective responsibility of the council of ministers to the Lower House of Parliament.

**Q.75) With reference to cabinet committees, consider the following statements:**

1. They are extra-constitutional bodies.
2. The ad hoc committees are constituted from time to time to deal with special problems.
3. The Prime Minister is the Ex-officio head of all the cabinet committees

**Which of the above statements is/are correct?**

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

**Q.75) Solution (a)**

The following are the features of Cabinet Committees:

1. They are extra-constitutional in emergence. In other words, they are not mentioned in the Constitution. However, the Rules of Business provide for their establishment.
2. They are of two types—standing and ad hoc. The former are of a permanent nature while the latter are of a temporary nature. The ad hoc committees are constituted from time to time to deal with special problems. They are disbanded after their task is completed.



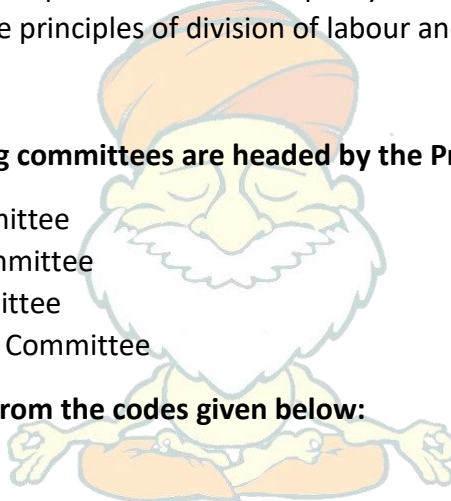
3. They are set up by the Prime Minister according to the exigencies of the time and requirements of the situation. Hence, their number, nomenclature, and composition vary from time to time.
4. They are mostly headed by the Prime Minister. Sometimes other Cabinet Ministers, particularly the Home Minister or the Finance Minister, also acts as their Chairman. But, in case the Prime Minister is a member of a committee, he invariably presides over it.
5. Their membership varies from three to eight. They usually include only Cabinet Ministers. However, the non-cabinet Ministers are not debarred from their membership.
6. They not only include the Ministers in charge of subjects covered by them but also include other senior Ministers.
7. They not only sort out issues and formulate proposals for the consideration of the Cabinet, but also take decisions. However, the Cabinet can review their decisions.
8. They are an organisational device to reduce the enormous workload of the Cabinet. They also facilitate in-depth examination of policy issues and effective coordination. They are based on the principles of division of labour and effective delegation.

**Q.76) Which of the following committees are headed by the Prime Minister?**

1. Political Affairs Committee
2. Economic Affairs Committee
3. Appointments Committee
4. Parliamentary Affairs Committee

**Choose the correct answer from the codes given below:**

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



**Q.76) Solution (d)**

The important committees are:

1. The Political Affairs Committee deals with all policy matters pertaining to domestic and foreign affairs.
2. The Economic Affairs Committee directs and coordinates the governmental activities in the economic sphere.
3. Appointments Committee decides all higher level appointments in the Central Secretariat, Public Enterprises, Banks and Financial Institutions.
4. 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".

**Q.77) The Chief Minister is a members of which of the following:**

1. NITI Aayog
2. Zonal Council
3. National Skill development council
4. Inter-State Council

**Choose the correct answer from the codes given below:**

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

**Q.77) Solution (b)**

The Chief Minister acts as a vice-chairman of the concerned zonal council by rotation, holding office for a period of one year at a time.

The Chief Minister is a member of the Inter-State Council and the Governing Council of NITI Aayog, both headed by the prime minister.

The Prime Minister's National Council on Skill Development was constituted on 1st July 2008 in pursuance of the decision of the Cabinet at its meeting held on 15th May 2008 on "Coordinated Action for Skill Development and setting up of the National Skill Development Corporation." It is headed by the Prime Minister.

Members of the council are:

- Minister of Human Resource Development
- Finance Minister
- Minister of Heavy Industry and Public Enterprises
- Minister of Rural Development
- Minister of Housing and Urban Poverty Alleviation
- Minister of Labour and Employment
- Deputy Chairman, Planning Commission
- Chairperson, National Manufacturing Competitiveness Council
- Chairperson of the National Skill Development Corporation

**Q.78) With reference to State Council of Ministers, consider the following statements:**

- a) The number of ministers, including the chief minister, in a state shall not be less than 12.
- b) There is a constitutional requirement for a Minister in charge of tribal welfare in the states of Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh and Odisha.

**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.78) 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 12. This provision was added by the 91st Amendment Act of 2003

There is a constitutional requirement for a Minister in charge of tribal welfare in the states of Chhattisgarh, Jharkhand, Madhya Pradesh and Odisha who may in addition be in charge of the welfare of the scheduled castes and backward classes or any other work. The state of Bihar was excluded from this provision by the 94<sup>th</sup> Amendment Act of 2006.

**Q.79) Which of the following pairs is/are correctly matched?**

S. No.	Article	Subject Matter
1.	Article 75	Council of Ministers to aid and advise President
2.	Article 78	Duties of Prime Minister as respects the furnishing of information to the President
3.	Article 88	Rights of Ministers as respects the Houses

**Choose the correct answer from the codes given below:**

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

**Q.79) Solution (b)**

Article 74: There shall be a council of ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice.

Article 75:

- The Prime Minister shall be appointed by the President and the other ministers shall be appointed by the president on the advice of the Prime Minister;

- The ministers shall hold office during the pleasure of the president; and
- The council of ministers shall be collectively responsible to the House of the People.

Article 78: It shall be the duty of the Prime Minister:

- to communicate to the President all decisions of the council of ministers relating to the administration of the affairs of the Union and proposals for legislation;
- to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for; and
- if the President so requires, to submit for the consideration of the council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the council.

Article 88: Every Minister and the Attorney-General of India shall have the right to speak in, and otherwise to take part in the proceedings of, either House, any joint sitting of the Houses, and any committee of Parliament of which he may be named a member, but shall not by virtue of this article be entitled to vote.

**Q.80) Which of the following provisions of the Constitution dealing with the relationship between the governor and the Chief Minister is/are correct?**

1. Article 163: There shall be a council of ministers with the Chief Minister as the head to aid and advise the governor
2. Article 164: The ministers shall hold office during the pleasure of the governor.
3. Article 167: The council of ministers shall be collectively responsible to the legislative assembly of the state

**Choose the correct answer from the codes given below:**

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

**Q.80) Solution (b)**

The following provisions of the Constitution deal with the relationship between the governor and the Chief Minister:

1. Article 163:

There shall be a council of ministers with the Chief Minister as the head to aid and advise the governor on the exercise of his functions, except in so far as he is required to exercise his functions or any of them in his discretion.

2. 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.

3. Article 167: It shall be the duty of the Chief Minister:

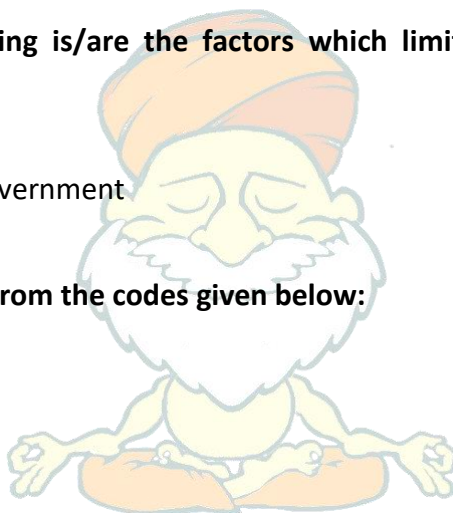
- a) To communicate to the governor of the state all decisions of the council of ministers relating to the administration of the affairs of the state and proposals for legislation;
- b) To furnish such information relating to the administration of the affairs of the state and proposals for legislation as the governor may call for; and
- c) If the governor so requires, to submit for the consideration of the council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the council.

**Q.81) Which of the following is/are the factors which limit the sovereignty of Indian Parliament?**

1. Fundamental Rights
2. Federal system of Government
3. Written Constitution

**Choose the correct answer from the codes given below:**

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



**Q.81) 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 cannot be regarded as a sovereign body in the sense as there are 'legal' restrictions on its authority and jurisdiction. The factors that limit the sovereignty of Indian Parliament are:

- **Fundamental Rights:** The authority of the Parliament is also restricted by the incorporation of a code of justiciable fundamental rights under Part III of the Constitution. Article 13 prohibits the State from making a law that either takes away totally or abrogates in part a fundamental right. Hence, a Parliamentary law that contravenes the fundamental rights shall be void.

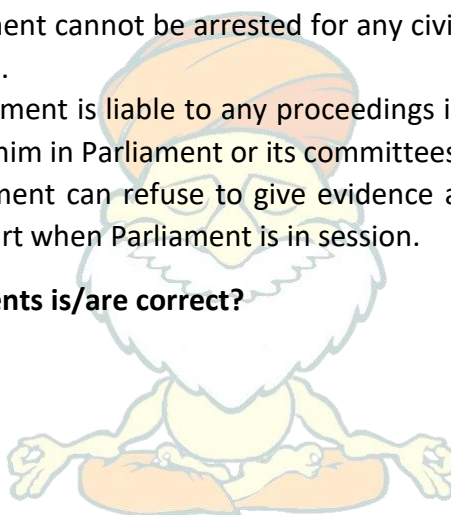
- **Federal System of Government:** India has a federal system of government with a constitutional division of powers between the Union and the states. Both have to operate within the spheres allotted to them. Hence, the lawmaking authority of the Parliament gets confined to the subjects enumerated in the Union List and Concurrent List and does not extend to the subjects enumerated in the State List.
- **Written Nature of the Constitution:** The Constitution is the fundamental law of the land in our country. It has defined the authority and jurisdiction of all the three organs of the Union government and the nature of interrelationship between them. Hence, the Parliament has to operate within the limits prescribed by the Constitution. There is also a legal distinction between the legislative authority and the constituent authority of the Parliament. Moreover, to effect certain amendments to the Constitution, the ratification of half of the states is also required.

**Q.82) With reference to parliamentary privileges, consider the following statements:**

1. A Member of Parliament cannot be arrested for any civil or criminal cases during the session of Parliament.
2. No Member of Parliament is liable to any proceedings in any court for anything said or any vote given by him in Parliament or its committees.
3. A Member of Parliament can refuse to give evidence and appear as a witness in a case pending in a court when Parliament is in session.

**Which of the above statements is/are correct?**

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



**Q.82) Solution (b)**

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 can neither maintain their authority, dignity and honour nor can protect their members from any obstruction in the discharge of their parliamentary responsibilities.

Parliamentary privileges can be classified into two broad categories:

- those that are enjoyed by each House of Parliament collectively, and
- those that are enjoyed by the members individually

The privileges belonging to each House of Parliament collectively are:

1. It has the right to publish its reports, debates and proceedings and also the right to prohibit others from publishing the same.
2. It can exclude strangers from its proceedings and hold secret sittings to discuss some important matters.
3. It can make rules to regulate its own procedure and the conduct of its business and to adjudicate upon such matters.
4. It can punish members as well as outsiders for breach of its privileges or its contempt by reprimand, admonition or imprisonment (also suspension or expulsion, in case of members).
5. It has the right to receive immediate information of the arrest, detention, conviction, imprisonment and release of a member.
6. It can institute inquiries and order the attendance of witnesses and send for relevant papers and records.
7. The courts are prohibited to inquire into the proceedings of a House or its committees.
8. No person (either a member or outsider) can be arrested, and no legal process (civil or criminal) can be served within the precincts of the House without the permission of the presiding officer.

The privileges belonging to the members individually are:

1. They cannot be arrested during the session of Parliament and 40 days before the beginning and 40 days after the end of a session. This privilege is available only in civil cases and not in criminal cases or preventive detention cases.
2. They have freedom of speech in Parliament. No member is liable to any proceedings in any court for anything said or any vote given by him in Parliament or its committees. This freedom is subject to the provisions of the Constitution and to the rules and standing orders regulating the procedure of Parliament.
3. They are exempted from jury service. They can refuse to give evidence and appear as a witness in a case pending in a court when Parliament is in session.

**Q.83) Which of the following are the powers enjoyed exclusively by the Rajya Sabha?**

1. It can authorise the Parliament to make a law on a subject enumerated in the State List.
2. It alone can initiate a move for the removal of the President.
3. It is the sole authority regarding enlargement of the jurisdiction of the Supreme Court.

**Choose the correct answer from the codes given below:**

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

d) 1, 2 and 3

**Q.83) Solution (a)**

The Rajya Sabha has been given four 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).
3. It alone can initiate a move for the removal of the vicepresident. In other words, a resolution for the removal of the vice-president can be introduced only in the Rajya Sabha and not in the Lok Sabha (Article 67).
4. If a proclamation is issued by the President for imposing national emergency or president's rule or financial emergency at a time when the Lok Sabha has been dissolved or the dissolution of the Lok Sabha takes place within the period allowed for its approval, then the proclamation can remain effective even if it is approved by the Rajya Sabha alone (Articles 352, 356 and 360).

The position of the Rajya Sabha in our constitutional system is not as weak as that of the House of Lords in the British constitutional system or as strong as that of the Senate in the American constitutional system. Except in financial matters and control over the council of ministers, the powers and status of the Rajya Sabha in all other spheres are broadly equal and coordinate with that of the Lok Sabha.

**Q.84) Consider the following statements:**

1. Provident fund deposits, savings bank deposits and loans raised by the government by the issue of treasury bills are kept in the Consolidated Fund of India.
2. The payments from Public Account of India can be made without parliamentary appropriation.
3. All the legally authorised payments on behalf of the Government of India are made out of Contingency Fund of India.

**Which of the above statements is/are correct?**

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

**Q.84) Solution (b)**



The Constitution of India provides for the following three kinds of funds for the Central government:

1. Consolidated Fund of India (Article 266)
2. Public Account of India (Article 266)
3. Contingency Fund of India (Article 267)

Consolidated Fund of India:

It is a fund to which all receipts are credited and all payments are debited. In other words:

- All revenues received by the Government of India;
- All loans raised by the Government by the issue of treasury bills, loans or ways and means of advances;
- All money received by the government in repayment of loans forms the Consolidated Fund of India.

All the legally authorised payments on behalf of the Government of India are made out of this fund. No money out of this fund can be appropriated (issued or drawn) except in accordance with a parliamentary law.

Public Account of India:

- All other public money (other than those which are credited to the Consolidated Fund of India) received by or on behalf of the Government of India shall be credited to the Public Account of India.
- This includes provident fund deposits, judicial deposits, savings bank deposits, departmental deposits, remittances and so on.
- This account is operated by executive action, that is, the payments from this account can be made without parliamentary appropriation. Such payments are mostly in the nature of banking transactions.

Contingency Fund of India:

- The Constitution authorised the Parliament to establish a 'Contingency Fund of India', into which amounts determined by law are paid from time to time. Accordingly, the Parliament enacted the contingency fund of India Act in 1950.
- This fund is placed at the disposal of the president, and he can make advances out of it to meet unforeseen expenditure pending its authorisation by the Parliament.
- The fund is held by the finance secretary on behalf of the president. Like the public account of India, it is also operated by executive action.

**Q.85) Consider the following statements regarding various grants made by the Parliament to meet unforeseen circumstances:**

1. Additional Grant is granted when on account of the magnitude or the indefinite character of the service, the demand cannot be stated with the details ordinarily given in a budget.
2. Vote of Credit is granted when a need has arisen during the current financial year for additional expenditure upon some new service not contemplated in the budget for that year.
3. Supplementary Grant is granted when the amount authorised by the Parliament through the appropriation act for a particular service for the current financial year is found to be insufficient for that year.

**Which of the above statements is/are correct?**

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

**Q.85) Solution (c)**

In addition to the budget that contains the ordinary estimates of income and expenditure for one financial year, various other grants are made by the Parliament under extraordinary or special circumstances:

- **Additional Grant:** It is granted when a need has arisen during the current financial year for additional expenditure upon some new service not contemplated in the budget for that year.
- **Vote of Credit:** It is granted for meeting an unexpected demand upon the resources of India, when on account of the magnitude or the indefinite character of the service, the demand cannot be stated with the details ordinarily given in a budget. Hence, it is like a blank cheque given to the Executive by the Lok Sabha.
- **Supplementary Grant:** It is granted when the amount authorised by the Parliament through the appropriation act for a particular service for the current financial year is found to be insufficient for that year.
- **Excess Grant:** It is granted when money has been spent on any service during a financial year in excess of the amount granted for that service in the budget for that year. It is voted by the Lok Sabha after the financial year. Before the demands for excess grants are submitted to the Lok Sabha for voting, they must be approved by the Public Accounts Committee of Parliament.
- **Exceptional Grant:** It is granted for a special purpose and forms no part of the current service of any financial year.
- **Token Grant:** It is granted when funds to meet the proposed expenditure on a new service can be made available by reappropriation. A demand for the grant of a token sum (of Re 1) is submitted to the vote of the Lok Sabha and if assented, funds are made available. Reappropriation involves transfer of funds from one head to another. It does not involve any additional expenditure.

**Q.86) The budget consists of the expenditure 'charged' upon the Consolidated Fund of India and the expenditure 'made' from the Consolidated Fund of India. In this reference consider the following statements:**

1. The expenditure made from the Consolidated Fund of India is non-votable by the Parliament.
2. Salaries, allowances and pensions of the judges of the High Court are charged upon the Consolidated Fund of India.

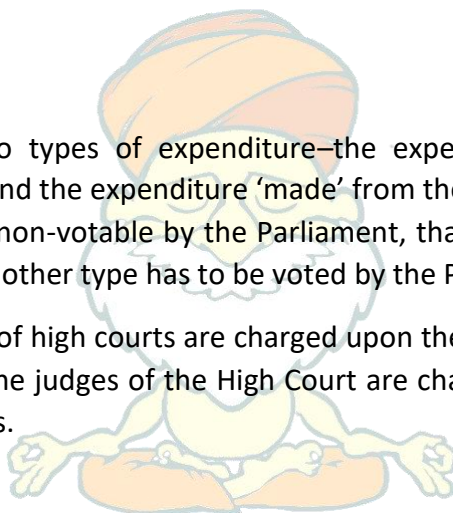
**Which of the above statements is/are correct?**

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

**Q.86) Solution (d)**

The budget consists of two types of expenditure—the expenditure 'charged' upon the Consolidated Fund of India and the expenditure 'made' from the Consolidated Fund of India. The charged expenditure is non-votable by the Parliament, that is, it can only be discussed by the Parliament, while the other type has to be voted by the Parliament.

Only pensions of the judges of high courts are charged upon the Consolidated Fund of India. Salaries and allowances of the judges of the High Court are charged upon the Consolidated Fund of the concerned states.



**Q.87) The president can summon both the Houses of Parliament to meet in a joint sitting to resolve the deadlock over:**

- a) Ordinary Bills
- b) Financial Bills
- c) Money Bills
- d) Constitutional Amendment Bills

**Choose the correct answer from the codes given below:**

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

**Q.87) Solution (a)**

Joint sitting is an extraordinary machinery provided by the Constitution to resolve a deadlock between the two Houses over the passage of a bill. A deadlock is deemed to have taken place under any one of the following three situations after a bill has been passed by one House and transmitted to the other House:

- if the bill is rejected by the other House;
- if the Houses have finally disagreed as to the amendments to be made in the bill; or
- if more than six months have elapsed from the date of the receipt of the bill by the other House without the bill being passed by it.

In the above three situations, the president can summon both the Houses to meet in a joint sitting for the purpose of deliberating and voting on the bill.

It must be noted here that the provision of joint sitting is applicable to ordinary bills or financial bills only and not to money bills or Constitutional amendment bills.

In the case of a money bill, the Lok Sabha has overriding powers, while a Constitutional amendment bill must be passed by each House separately.

**Q.88) A bill is deemed to be a money bill if it contains provisions dealing with:**

1. The appropriation of money out of the Consolidated Fund of India.
2. The imposition, abolition, remission, alteration or regulation of any tax by local authority.
3. The regulation of the borrowing of money by the Union government.

**Choose the correct answer from the codes given below:**

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

**Q.88) Solution (c)**

Article 110 of the Constitution deals with the definition of money bills. It states that a bill is deemed to be a money bill if it contains 'only' provisions dealing with all or any of the following matters:

- The imposition, abolition, remission, alteration or regulation of any tax;
- The regulation of the borrowing of money by the Union government;
- The custody of the Consolidated Fund of India or the contingency fund of India, the payment of moneys into or the withdrawal of money from any such fund;
- The appropriation of money out of the Consolidated Fund of India;

- Declaration of any expenditure charged on the Consolidated Fund of India or increasing the amount of any such expenditure;
- The receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money, or the audit of the accounts of the Union or of a state; or
- Any matter incidental to any of the matters specified above.

However, a bill is not to be deemed to be a money bill by reason only that it provides for:

- The imposition of fines or other pecuniary penalties, or
- The demand or payment of fees for licenses or fees for services rendered; or
- The imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

If any question arises whether a bill is a money bill or not, the decision of the Speaker of the Lok Sabha is final. His decision in this regard cannot be questioned in any court of law or in the either House of Parliament or even the president. When a money bill is transmitted to the Rajya Sabha for recommendation and presented to the president for assent, the Speaker endorses it as a money bill.

**Q.89) With reference to the difference between Public bill and Private bill, consider the following statements:**

1. Public bill introduced in the Parliament by a minister.
2. Introduction of private bill in the House requires seven days' notice.
3. Rejection of private bill by the House amounts to the expression of want of parliamentary confidence in the government and may lead to its resignation.

Which of the above statements is/are correct?

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

**Q.89) Solution (a)**

The legislative procedure is identical in both the Houses of Parliament. Every bill has to pass through the same stages in each House. A bill is a proposal for legislation and it becomes an act or law when duly enacted.

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:

S. No.	Public Bill	Private Bill
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1.	It is introduced in the Parliament by a minister	It is introduced by any member of Parliament other than a minister
2.	It reflects of the policies of the government (ruling party).	It reflects the stand of opposition party on public matter.
3.	It has greater chance to be approved by the Parliament	It has lesser chance to be approved by the Parliament.
4.	Its rejection by the House amounts to the expression of want of parliamentary confidence in the government and may lead to its resignation	Its rejection by the House has no implication on the parliamentary confidence in the government or its resignation.
5.	Its introduction in the House requires seven days' notice	Its introduction in the House requires one month's notice
6.	It is drafted by the concerned department in consultation with the law department.	Its drafting is the responsibility of the member concerned.

**Q.90) Consider the following statements regarding closure motion:**

1. Under Guillotine Closure, only important clauses are taken up for debate and voting and the intervening clauses are skipped over and taken as passed.
2. Under Kangaroo Closure the undiscussed clauses of a bill or a resolution are also put to vote along with the discussed ones due to want of time.

**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.90) Solution (d)**

No discussion on a matter of general public importance can take place except on a motion made with the consent of the presiding officer. The House expresses its decisions or opinions on various issues through the adoption or rejection of motions moved by either ministers or private members.

Closure Motion:

It is a motion moved by a member to cut short the debate on a matter before the House. If the motion is approved by the House, debate is stopped forthwith and the matter is put to vote. There are four kinds of closure motions:

- Simple Closure: It is one when a member moves that the 'matter having been sufficiently discussed be now put to vote'.
- Closure by Compartments: In this case, the clauses of a bill or a lengthy resolution are grouped into parts before the commencement of the debate. The debate covers the part as a whole and the entire part is put to vote.
- Kangaroo Closure: Under this type, only important clauses are taken up for debate and voting and the intervening clauses are skipped over and taken as passed.
- Guillotine Closure: It is one when the undiscussed clauses of a bill or a resolution are also put to vote along with the discussed ones due to want of time (as the time allotted for the discussion is over).

**Q.91) With reference to difference between censure motion and no-confidence motion, consider the following statements:**

1. Censure motion need not state the reasons for its adoption in the Lok Sabha.
2. When no-confidence motion is passed in the Lok Sabha, the council of ministers must resign from office.
3. No-Confidence Motion can be moved against an individual minister or a group of ministers or the entire council of ministers.

**Which of the above statements is/are correct?**

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

**Q.91) Solution (b)**

Difference between Censure motion and No-confidence motion:

S.no.	Censure Motion	No-Confidence Motion
1.	It should state the reasons for its adoption in the Lok Sabha.	It need not state the reasons for its adoption in the Lok Sabha.
2.	It can be moved against an individual minister or a group of ministers or the entire council of ministers.	It can be moved against the entire council of ministers only.
3.	It is moved for censuring the council of ministers for specific policies and actions.	It is moved for ascertaining the confidence of Lok Sabha in the council of ministers.
4.	If it is passed in the Lok Sabha, the council of ministers need not resign from the office.	If it is passed in the Lok Sabha, the council of ministers must resign from office.



**Q.92) With reference to Public Accounts Committee, consider the following statements:**

1. This committee was set up under the provisions of the Indian Councils Act 1909.
2. The members are elected by the Lok Sabha every year from amongst its members according to the principle of proportional representation by means of the single transferable vote.
3. The function of the committee is to examine the annual audit reports of the Comptroller and Auditor General of India.

**Which of the above statements is/are correct?**

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

**Q.92) Solution (c)**

Public Accounts Committee:

- This committee was set up first in 1921 under the provisions of the Government of India Act of 1919 and has since been in existence.
- At present, it consists of 22 members (15 from the Lok Sabha and 7 from the Rajya Sabha). The members are elected by the Parliament every year from amongst its members according to the principle of proportional representation by means of the single transferable vote. Thus, all parties get due representation in it. The term of office of the members is one year.
- A minister cannot be elected as a member of the committee.
- The chairman of the committee is appointed from amongst its members by the Speaker.
- Until 1966 - '67, the chairman of the committee belonged to the ruling party. However, since 1967 a convention has developed whereby the chairman of the committee is selected invariably from the Opposition.
- The function of the committee is to examine the annual audit reports of the Comptroller and Auditor General of India (CAG), which are laid before the Parliament by the President.
- The CAG submits three audit reports to the President, namely, audit report on appropriation accounts, audit report on finance accounts and audit report on public undertakings.
- The committee examines public expenditure not only from legal and formal point of view to discover technical irregularities but also from the point of view of economy, prudence, wisdom and propriety to bring out the cases of waste, loss, corruption, extravagance, inefficiency and nugatory expenses.

**Q.93) Which of the following statements is/are correct regarding Estimates Committee?**

1. Lok Sabha has no representation in this committee.
2. A minister cannot be elected as a member of this committee.
3. The chairman of the committee is invariably from the opposition.

**Choose the correct answer from the codes given below:**

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

**Q.93) 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. 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.

**Q.94) With reference to the Committee on Public Undertakings, consider the following statements:**

1. The committee has 15 members consisting 10 from the Lok Sabha and 5 from the Rajya Sabha.
2. The committee examines the matters of major government policy as distinct from business or commercial functions of the public undertakings.
3. The chairman of the committee is appointed by the Speaker from amongst its members who are drawn from the Lok Sabha only.

**Which of the above statements is/are correct?**

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

**Q.94) Solution (c)**

Committee on Public Undertakings:

- This committee was created in 1964 on the recommendation of the Krishna Menon Committee.
- Originally, it had 15 members (10 from the Lok Sabha and 5 from the Rajya Sabha). However, in 1974, its membership was raised to 22 (15 from the Lok Sabha and 7 from the Rajya Sabha).
- The members of this committee are elected by the Parliament every year from amongst its own members according to the principle of proportional representation by means of a single transferable vote. Thus, all parties get due representation in it. The term of office of the members 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 who are drawn from the Lok Sabha only.
- Thus, the members of the committee who are from the Rajya Sabha cannot be appointed as the chairman.

The functions of the committee are:

- To examine the reports and accounts of public undertakings
- To examine the reports of the Comptroller and Auditor General on public undertakings.
- To examine (in the context of autonomy and efficiency of public undertakings) whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices.
- To exercise such other functions vested in the public accounts committee and the estimates committee in relation to public undertakings which are allotted to it by the Speaker from time to time.

The committee is not to examine and investigate any of the following:

- Matters of major government policy as distinct from business or commercial functions of the public undertakings.
- Matters of day-to-day administration.
- Matters for the consideration of which machinery is established by any special statute under which a particular public undertaking is established.

**Q.95) Which of the following committee is constituted by the Parliament for the purpose of scrutinising the functioning of government ministries and departments in terms of expenditure and utilisation of funds?**

- a) Public Accounts Committee
- b) Committee on Government Assurances

- c) Committee on Public Undertakings
- d) Estimates Committee

**Q.95) Solution (d)**

The Estimates Committee is a committee of selected members of parliament, constituted by the Parliament for the purpose of scrutinising the functioning of government ministries and departments in terms of expenditure and utilisation of funds.

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:

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

The Committee shall not exercise its functions in relation to such public undertakings as are allotted to the Committee on Public Undertakings. The Committee may continue the examination of the estimates from time to time, throughout the financial year and report to the House as its examination proceeds. It shall not be incumbent on the Committee to examine the entire estimates of any one year. The demands for grants may be finally voted despite the fact that the Committee has made no report.

**Q.96) Consider the following statements regarding departmental standing committees:**

1. The main objective of the standing committees is to secure financial accountability of the Council of Ministers to the Parliament.
2. Each standing committee consists of 22 members; 15 from Lok Sabha and 7 from Rajya Sabha.

**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.96) Solution (a)**

**Departmental Standing Committees:**

- On the recommendation of the Rules Committee of the Lok Sabha, 17 Departmentally-Related Standing Committees (DRSCs) were set up in the Parliament in 1993. In 2004, seven more such committees were setup, thus increasing their number from 17 to 24.
- The main objective of the standing committees is to secure more accountability of the Executive (i.e., the Council of Ministers) to the Parliament, particularly financial accountability. They also assist the Parliament in debating the budget more effectively.
- The 24 standing committees cover under their jurisdiction all the ministries / departments of the Central Government.
- Each standing committee consists of 31 members (21 from Lok Sabha and 10 from Rajya Sabha). The members of the Lok Sabha are nominated by the Speaker from amongst its own members, just as the members of the Rajya Sabha are nominated by the Chairman from amongst its members.
- A minister is not eligible to be nominated as a member of any of the standing committees. In case a member, after his nomination to any of the standing committees, is appointed a minister, he then ceases to be a member of the committee.
- The term of office of each standing committee is one year from the date of its constitution.
- Out of the 24 standing committees, 8 work under the Rajya Sabha and 16 under the Lok Sabha.

**Q.97) Which of the following Departmental Standing Committees falls under the jurisdiction of Rajya Sabha?**

1. Committee on Home Affairs
2. Committee on Science & Technology, Environment & Forests
3. Committee on Agriculture

**Choose the correct answer from the codes given below:**

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

**Q.97) Solution (a)**

Out of the twenty-four Department-related Parliamentary Standing Committees of both the Houses, the following eight Committees function under the direction and control of the Chairman, Rajya Sabha:

1. Committee on Commerce

2. Committee on Home Affairs
3. Committee on Human Resource Development
4. Committee on Industry
5. Committee on Science and Technology, Environment and Forests
6. Committee on Transport, Tourism and Culture
7. Committee on Health and Family Welfare
8. Committee on Personnel, Public Grievances, Law and Justice

The other sixteen Committees function under the direction and control of the Speaker, Lok Sabha.

**Q.98) Which of the following committee regulates the programme and time table of Lok Sabha and allocates time for the transaction of legislative and other business brought before the House by the government?**

- a) General Purposes Committee
- b) House Committee
- c) Rules Committee
- d) Business Advisory Committee

**Q.98) Solution (d)**

Business Advisory Committee: This committee regulates the programme and time table of the House. It allocates time for the transaction of legislative and other business brought before the House by the government. The Lok Sabha committee consists of 15 members including the Speaker as its chairman. In the Rajya Sabha, it has 11 members including the Chairman as its exofficio chairman.



**Q.99) With reference to Parliamentary forums consider the following statements:**

1. The Speaker of Lok Sabha is the ex-officio President of all the Parliamentary Forums.
2. The objectives behind the constitution of the Parliamentary forums is provide a platform to the members to have interactions with the ministers concerned with a view to have a focused and meaningful discussion on critical issues.

**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.99) Solution (b)**

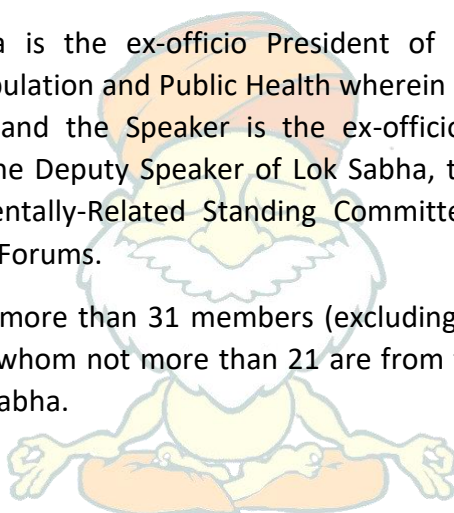
The objectives behind the constitution of the Parliamentary forums are:



- i. To provide a platform to the members to have interactions with the ministers concerned, experts and key officials from the nodal ministries with a view to have a focused and meaningful discussion on critical issues with a result-oriented approach for speeding up the implementation process;
- ii. To sensitise members about the key areas of concern and also about the ground level situation and equip them with the latest information, knowledge, technical know-how and valuable inputs from experts both from the country and abroad for enabling them to raise these issues effectively on the Floor of the House and in the meetings of the Departmentally-Related Standing Committees (DRSCs); and
- iii. To prepare a data-base through collection of data on critical issues from ministries concerned, reliable NGOs, newspapers, United Nations, Internet, etc. and circulation thereof to the members so that they can meaningfully participate in the discussions of the forums and seek clarifications from experts or officials from the Ministry present in the meetings.

The Speaker of Lok Sabha is the ex-officio President of all the Forums except the Parliamentary Forum on Population and Public Health wherein the Chairman of Rajya Sabha is the ex-officio President and the Speaker is the ex-officio Co-President. The Deputy Chairman of Rajya Sabha, the Deputy Speaker of Lok Sabha, the concerned Ministers and the Chairman of Departmentally-Related Standing Committees are the ex-officio Vice-Presidents of the respective Forums.

Each Forum consists of not more than 31 members (excluding the President, Co-President and Vice-Presidents) out of whom not more than 21 are from the Lok Sabha and not more than 10 are from the Rajya Sabha.



**Q.100) Consider the following statements:**

1. Committee on Subordinate Legislation examines all papers laid on the table of the House by ministers to see whether they comply with provisions of the Constitution, or the related Act or Rule.
2. Committee of Privileges enforces the code of conduct of members of Parliament by examining the cases of misconduct and recommending appropriate action.

**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.100) Solution (d)**



**Committee on Subordinate Legislation:** This committee examines and reports to the House whether the powers to make regulations, rules, sub-rules and bye-laws delegated by the Parliament or conferred by the Constitution to the Executive are being properly exercised by it. In both the Houses, the committee consists of 15 members. It was constituted in 1953.

**Committee on Papers Laid on the Table:** This committee was constituted in 1975. The Lok Sabha Committee has 15 members, while the Rajya Sabha Committee has 10 members. It examines all papers laid on the table of the House by ministers to see whether they comply with provisions of the Constitution, or the related Act or Rule. It does not examine statutory notifications and orders that fall under the jurisdiction of the Committee on Subordinate Legislation.

**Committee of Privileges:** The functions of this committee are semi-judicial in nature. It examines the cases of breach of privileges of the House and its members and recommends appropriate action. The Lok Sabha committee has 15 members, while the Rajya Sabha committee has 10 members.

**Ethics Committee:** This committee was constituted in Rajya Sabha in 1997 and in Lok Sabha in 2000. It enforces the code of conduct of members of Parliament. It examines the cases of misconduct and recommends appropriate action. Thus, it is engaged in maintaining discipline and decorum in Parliament.

**Q.101) Consider the following statements:**

1. The single system of courts to both Central laws as well as the state laws was adopted from the Government of India Act of 1919.
2. Part VI of the Indian Constitution deals with the organisation, independence, jurisdiction and powers of the Supreme Court.

**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.101) Solution (d)**

The Indian Constitution has established an integrated judicial system with the Supreme Court at the top and the high courts below it.

Under a high court (and below the state level), there is a hierarchy of subordinate courts, that is, district courts and other lower courts.

This single system of courts, adopted from the Government of India Act of 1935, enforces both Central laws as well as the state laws.

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.

Articles 124 to 147 in Part V of the Constitution deal with the organisation, independence, jurisdiction, powers, procedures and so on of the Supreme Court. The Parliament is also authorised to regulate them.

**Q.102) Consider the following statements:**

1. A person to be appointed as a judge of the Supreme Court should have been a judge of a High Court for ten years.
2. The salaries, allowances and pensions of Supreme Court judges are charged upon the Consolidated Fund of India.

**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.102) Solution (b)**

Qualifications of Judges of 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.

From the above, it is clear that the Constitution has not prescribed a minimum age for appointment as a judge of the Supreme Court.

The salaries, allowances and pension of the judges of the Supreme Court are charged upon the Consolidated Fund of India. They cannot be varied to their disadvantage after their appointment except during a financial emergency.

**Q.103) Consider the following statements:**

1. A judge of Supreme Court holds office for five years or until he attains the age of 65 years whichever is earlier.

2. A judge of Supreme Court can resign his office by writing to the Chief Justice of India.

**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.103) Solution (d)**

Tenure of Judges:

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

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

**Q.104) With reference to the removal of Judges of Supreme Court, consider the following statements:**

- 1. The Judges Inquiry Act 1968 determines the procedure of removal of the judges of Supreme Court.
- 2. A motion of impeachment a Judge addressed to the President is to be signed by at least 50 members of the Lok Sabha or Rajya Sabha.
- 3. Motion for removal of the judge should be passed by each House of Parliament by special majority.

**Which of the above statements is/are correct?**

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

**Q.104) 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.

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

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

No judge of the Supreme Court has been impeached so far. The first case of impeachment is that of Justice V. Ramaswami of the Supreme Court (1991–1993). Though the enquiry Committee found him guilty of misbehaviour, he could not be removed as the impeachment motion was defeated in the Lok Sabha. The Congress Party abstained from voting.

**Q.105) Consider the following statements:**

1. The President appoints a judge of a High Court as an ad hoc judge of the Supreme Court for a temporary period when there is a lack of quorum of the permanent judges.
2. Consent of the President is required by the Chief Justice of India to appoint a retired judge of a High Court to act as a judge of the Supreme Court for a temporary period.
3. The President can appoint a judge of the Supreme Court as an acting Chief Justice of India when the office of Chief Justice of India is vacant.

**Which of the above statements is/are correct?**

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

**Q.105) Solution (d)**

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. It is the duty of the judge so appointed to attend the sittings of the Supreme Court, in priority to other duties of his office.
- While attending the sittings of Supreme Court he enjoys all the jurisdiction, powers and privileges (and discharges the duties) of a judge of the Supreme Court.

Retired Judge:

- 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.
- Such a judge is entitled to such allowances as the president may determine.
- He will also enjoy all the jurisdiction, powers and privileges of a judge of Supreme Court. But, he will not otherwise be deemed to be a judge of the Supreme Court

Acting Chief Justice:

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.106) Consider the following statements:**

1. The references made by the President of India to the Supreme Court under Article 143 are decided by a Bench consisting of at least five judges.
2. The Constitution authorises the Parliament of India to appoint place or places other than Delhi as seat of the Supreme Court.

**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.106) Solution (a)**

Procedure of the Supreme Court of India:

- The Supreme Court can, with the approval of the president, make rules for regulating generally the practice and procedure of the Court.
- The Constitutional cases or references made by the President under Article 143 are decided by a Bench consisting of at least five judges.
- All other cases are decided by single judges and division benches.
- The judgements are delivered by the open court. All judgements are by majority vote but if differing, then judges can give dissenting judgements or opinions

Seat of Supreme Court

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

**Q.107) Constitution provides which of the following provisions to safeguard and ensure the independent and impartial functioning of the Supreme Court?**

1. The Constitution prohibits any discussion in Parliament or in a State Legislature with respect to the conduct of the judges of the Supreme Court in the discharge of their duties.
2. The Chief Justice of India can appoint officers and servants of the Supreme Court without any interference from the executive.
3. The Parliament is not authorised to curtail the jurisdiction and powers of the Supreme Court.

**Choose the correct answer from the codes given below:**

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

**Q.107) Solution (d)**

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



1. **Mode of Appointment:** The judges of the Supreme Court are appointed by the President (which means the cabinet) in consultation with the members of the judiciary itself (ie, judges of the Supreme Court and the high courts). This provision curtails the absolute discretion of the executive as well as ensures that the judicial appointments are not based on any political or practical considerations.
2. **Security of Tenure:** The judges of the Supreme Court are provided with the Security of Tenure. They can be removed from office by the President only in the manner and on the grounds mentioned in the Constitution. This means that they do not hold their office during the pleasure of the President, though they are appointed by him. This is obvious from the fact that no judge of the Supreme Court has been removed (or impeached) so far.
3. **Fixed Service Conditions:** The salaries, allowances, privileges, leave and pension of the judges of the Supreme Court are determined from time to time by the Parliament. They cannot be changed to their disadvantage after their appointment except during a financial emergency. Thus, the conditions of service of the judges of the Supreme Court remain same during their term of Office.
4. **Expenses Charged on Consolidated Fund:** The salaries, allowances and pensions of the judges and the staff as well as all the administrative expenses of the Supreme Court are charged on the Consolidated Fund of India. Thus, they are non-votable by the Parliament (though they can be discussed by it).
5. **Conduct of Judges cannot be discussed:** The Constitution prohibits any discussion in Parliament or in a State Legislature with respect to the conduct of the judges of the Supreme Court in the discharge of their duties, except when an impeachment motion is under consideration of the Parliament.
6. **Ban on Practice after Retirement:** The retired judges of the Supreme Court are prohibited from pleading or acting in any Court or before any authority within the territory of India. This ensures that they do not favour anyone in the hope of future favour.
7. **Power to Punish for its Contempt:** The Supreme Court can punish any person for its contempt. Thus, its actions and decisions cannot be criticised and opposed by anybody. This power is vested in the Supreme Court to maintain its authority, dignity and honour.
8. **Freedom to Appoint its Staff:** The Chief Justice of India can appoint officers and servants of the Supreme Court without any interference from the executive. He can also prescribe their conditions of service.
9. **Its Jurisdiction cannot be Curtailed:** The Parliament is not authorised to curtail the jurisdiction and powers of the Supreme Court. The Constitution has guaranteed to the Supreme Court, jurisdiction of various kinds. However, the Parliament can extend the same.
10. **Separation from Executive:** The Constitution directs the State to take steps to separate the Judiciary from the Executive in the public services. This means that the executive authorities should not possess the judicial powers. Consequently, upon its



implementation, the role of executive authorities in judicial administration came to an end.

**Q.108) For which of the following cases the Supreme Court has exclusive original jurisdiction?**

1. Dispute between the Centre and one or more states
2. Dispute between two or more states
3. Inter-state water disputes

**Choose the correct answer from the codes given below:**

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

**Q.108) Solution (b)**

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

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

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

With regard to the exclusive original jurisdiction of the Supreme Court, two points should be noted:

- The dispute must involve a question (whether of law or fact) on which the existence or extent of a legal right depends. Thus, the questions of political nature are excluded from it.
- Any suit brought before the Supreme Court by a private citizen against the Centre or a state cannot be entertained under this.

Further, 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, sanad 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.

In 1961, the first suit, under the original jurisdiction of the Supreme Court, was brought by West Bengal against the Centre. The State Government challenged the Constitutional validity of the Coal Bearing Areas (Acquisition and Development) Act, 1957, passed by the Parliament. However, the Supreme Court dismissed the suit by upholding the validity of the Act.

**Q.109) Consider the following statements:**

1. The writ jurisdiction of the Supreme Court is original and exclusive.
2. The Supreme Court can issue writs only for the enforcement of the Fundamental Rights.

**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.109) Solution (b)**

Writ Jurisdiction of Supreme Court:

- 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. In this regard, the Supreme Court has original jurisdiction in the sense that an aggrieved citizen can directly go to the Supreme Court, not necessarily by way of appeal.
- However, the writ jurisdiction of the Supreme Court is not exclusive. The high courts are also empowered to issue writs for the enforcement of the Fundamental Rights. It means, when the Fundamental Rights of a citizen are violated, the aggrieved party has the option of moving either the high court or the Supreme Court directly.
- Therefore, 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 courts jurisdiction. Moreover, the parties involved in the first

case are units of the federation (Centre and states) while the dispute in the second case is between a citizen and the Government (Central or state).

- There is also a difference between the writ jurisdiction of the Supreme Court and that of the high court. The Supreme Court can issue writs only for the enforcement of the Fundamental Rights and not for other purposes. The high court, on the other hand, can issue writs not only for the enforcement of the fundamental rights but also for other purposes.
- It means that the writ jurisdiction of the high court is wider than that of the Supreme Court. But, the Parliament can confer on the Supreme Court, the power to issue writs for other purposes also.

**Q.110) Consider the following statements:**

1. The Supreme Court of India may refuse to tender its opinion to the president on any question of law or fact of public importance which has arisen or which is likely to arise.
2. The opinion expressed by the Supreme Court of India to the President is only advisory and not a judicial pronouncement.

**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 (c)**

**Advisory Jurisdiction of the Supreme Court:**

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.111) Which of the following statements is/are correct regarding High Courts in India?**

1. The judges of a high court are appointed by the Governor of the concerned state.
2. The chief justice of a High Court is appointed by the President after consultation with the chief justice of India and the governor of the state concerned.

**Choose the correct answer from the codes given below:**

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

**Q.111) Solution (b)**

The institution of high court originated in India in 1862 when the high courts were set up at Calcutta, Bombay and Madras.

The Constitution of India provides for a high court for each state, but the Seventh Amendment Act of 1956 authorised the Parliament to establish a common high court for two or more states or for two or more states and a union territory.

Appointment of Judges:

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

**Q.112) Consider the following statements:**

1. 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.
2. Judge of a High Court holds office until he attains the age of 65 years.
3. The President can transfer a judge from one high court to another after consulting the Chief Justice of India.

**Which of the above statements is/are correct?**

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

**Q.112) Solution (c)**

Tenure of Judges of High Court:

The Constitution has not fixed the tenure of a judge of a high court. However, it makes the following four provisions in this regard:

1. He holds office until he attains the age of 62 years. Any questions regarding his age is to be decided by the president after consultation with the chief justice of India and the decision of the president is final.
2. He can resign his office by writing to the president.
3. He can be removed from his office by the President on the recommendation of the Parliament.
4. He vacates his office when he is appointed as a judge of the Supreme Court or when he is transferred to another high court.

Removal of Judges of High Court:

- 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.

Transfer of Judges of High Court:

- The President can transfer a judge from one high court to another after consulting the Chief Justice of India.
- On transfer, he is entitled to receive in addition to his salary such compensatory allowance as may be determined by Parliament.

**Q.113) Consider the following statements:**

1. The conditions of service of the judges of a high court are determined by the concerned State Legislature.
2. The salaries, allowances and pension of the judges of High Court are charged on the consolidated fund of the 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.113) Solution (d)**

The salaries, allowances, privileges, leave and pension of the judges of a high court are determined from time to time by the Parliament. But, they cannot be changed to their disadvantage after their appointment except during a financial emergency. Thus, the conditions of service of the judges of a high court remain same during their term of office.

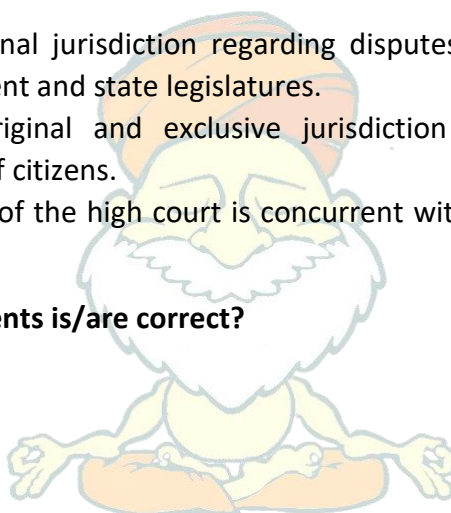
The salaries and allowances of the judges, the salaries, allowances and pensions of the staff as well as the administrative expenses of a high court are charged on the consolidated fund of the state. Thus, they are non-votable by the state legislature (though they can be discussed by it). It should be noted here that the pension of a high court judge is charged on the Consolidated Fund of India and not the state.

**Q.114) Consider the following statements:**

1. High Court has original jurisdiction regarding disputes relating to the election of members of Parliament and state legislatures.
2. High Courts has original and exclusive jurisdiction regarding enforcement of fundamental rights of citizens.
3. The writ jurisdiction of the high court is concurrent with the writ jurisdiction of the Supreme Court.

**Which of the above statements is/are correct?**

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



**Q.114) Solution (d)**

Original Jurisdiction of High Court:

It means the power of a high court to hear disputes in the first instance, not by way of appeal. It extends to the following:

- Matters of admiralty and contempt of court.
- Disputes relating to the election of members of Parliament and state legislatures.
- Regarding revenue matter or an act ordered or done in revenue collection.
- Enforcement of fundamental rights of citizens.
- Cases ordered to be transferred from a subordinate court involving the interpretation of the Constitution to its own file.
- The four high courts (i.e., Calcutta, Bombay, Madras and Delhi High Courts) have original civil jurisdiction in cases of higher value.

Before 1973, the Calcutta, Bombay and Madras High Courts also had original criminal jurisdiction. This was fully abolished by the Criminal Procedure Code, 1973.

Writ Jurisdiction of High Courts:

- Article 226 of the Constitution empowers a high court to issue writs including habeas corpus, mandamus, certiorari, prohibition and quo warranto for the enforcement of the fundamental rights of the citizens and for any other purpose.
- The phrase 'for any other purpose' refers to the enforcement of an ordinary legal right. The high court can issue writs to any person, authority and government not only within its territorial jurisdiction but also outside its territorial jurisdiction if the cause of action arises within its territorial jurisdiction.
- The writ jurisdiction of the high court (under Article 226) is not exclusive but concurrent with the writ jurisdiction of the Supreme Court (under Article 32). It means, when the fundamental rights of a citizen are violated, the aggrieved party has the option of moving either the high court or the Supreme Court directly.
- However, the writ jurisdiction of the high court is wider than that of the Supreme Court. This is because, the Supreme Court can issue writs only for the enforcement of fundamental rights and not for any other purpose, that is, it does not extend to a case where the breach of an ordinary legal right is alleged.

**Q.115) With reference to Judicial Review, consider the following statements:**

1. The power of judicial review on the Supreme Court and High Courts is conferred by the Constitution.
2. The power of judicial review on the judiciary is the basic feature of the Constitution.

**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.115) Solution (c)**

Judicial review is the power of the judiciary to examine the constitutionality of legislative enactments and executive orders of both the Central and State governments. On examination, if they are found to be violative of the Constitution (*ultra vires*), they can be declared as illegal, unconstitutional and invalid (null and void) by the judiciary. Consequently, they cannot be enforced by the Government.



The doctrine of judicial review originated and developed in the USA. It was propounded for the first time in the famous case of Marbury versus Madison (1803) by John Marshall, the then chief justice of the American Supreme Court.

In India, on the other hand, the Constitution itself confers the power of judicial review on the judiciary (both the Supreme Court as well as High Courts). Further, the Supreme Court has declared the power of judicial review as a basic feature of the Constitution or an element of the basic structure of the Constitution. Hence, the power of judicial review cannot be curtailed or excluded even by a constitutional amendment.

**Q.116) Which of the following Articles explicitly confer the power of judicial review on the Supreme Court and the High Courts?**

1. Article 13
2. Article 133
3. Article 246

**Choose the correct answer from the codes given below:**

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

**Q.116) Solution (d)**

Following Articles explicitly confer the power of judicial review on the Supreme Court and the High Courts:

1. Article 13 declares that all laws that are inconsistent with or in derogation of the Fundamental Rights shall be null and void.
2. Article 32 guarantees the right to move the Supreme Court for the enforcement of the Fundamental Rights and empowers the Supreme Court to issue directions or orders or writs for that purpose.
3. Article 131 provides for the original jurisdiction of the Supreme Court in centre-state and inter-state disputes.
4. Article 132 provides for the appellate jurisdiction of the Supreme Court in constitutional cases.
5. Article 133 provides for the appellate jurisdiction of the Supreme Court in civil cases.
6. Article 134 provides for the appellate jurisdiction of the Supreme Court in criminal cases.
7. Article 134-A deals with the certificate for appeal to the Supreme Court from the High Courts.
8. Article 135 empowers the Supreme Court to exercise the jurisdiction and powers of the Federal Court under any pre constitution law.

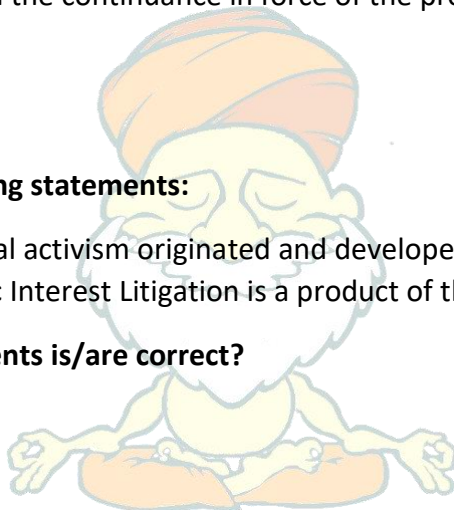
9. Article 136 authorises the Supreme Court to grant special leave to appeal from any court or tribunal (except military tribunal and court martial).
10. Article 143 authorises the President to seek the opinion of the Supreme Court on any question of law or fact and on any pre-constitution legal matters.
11. Article 226 empowers the High Courts to issue directions or orders or writs for the enforcement of the Fundamental Rights and for any other purpose.
12. Article 227 vests in the High Courts the power of superintendence over all courts and tribunals within their respective territorial jurisdictions (except military courts or tribunals).
13. Article 245 deals with the territorial extent of laws made by Parliament and by the Legislatures of States.
14. Article 246 deals with the subject matter of laws made by Parliament and by the Legislatures of States (i.e., Union List, State List and Concurrent List).
15. Articles 251 and 254 provide that in case of a conflict between the central law and state law, the central law prevails over the state law and the state law shall be void.
16. Article 372 deals with the continuance in force of the pre constitution laws.

**Q.117) Consider the following statements:**

1. The concept of judicial activism originated and developed in UK.
2. The concept of Public Interest Litigation is a product of the judicial activism.

**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.117) Solution (b)**

Judicial activism denotes the proactive role played by the judiciary in the protection of the rights of citizens and in the promotion of justice in the society. In other words, it implies the assertive role played by the judiciary to force the other two organs of the government (legislature and executive) to discharge their constitutional duties.

The concept of judicial activism originated and developed in the USA. In India, the doctrine of judicial activism was introduced in mid- 1970s. Justice V.R. Krishna Iyer, Justice P.N. Bhagwati, Justice O. Chinnappa Reddy and Justice D.A. Desai laid the foundations of judicial activism in the country.

Judicial activism is a way of exercising judicial power that motivates judges to depart from normally practised strict adherence to judicial precedent in favour of progressive and new

social policies. It is commonly marked by decision calling for social engineering, and occasionally these decisions represent intrusion in the legislative and executive matters.

The concept of Public Interest Litigation (PIL) originated and developed in the USA in the 1960s. In India, the PIL is a product of the judicial activism role of the Supreme Court. It was introduced in the early 1980s. Justice V.R. Krishna Iyer and Justice P.N. Bhagwati were the pioneers of the concept of PIL.

Under the PIL, any public-spirited citizen or a social organisation can move the court for the enforcement of the rights of any person or group of persons who because of their poverty or ignorance or socially or economically disadvantaged position are themselves unable to approach the court for the remedies. Thus, in a PIL, any member of the public having 'sufficient interest' can approach the court for enforcing the rights of other persons and redressal of a common grievance

**Q.118) Petitions falling under which of the following categories can be entertained as Public Interest Litigation?**

1. Petition regarding admission to medical institution
2. Non-payment of minimum wages to workers
3. Petitions against police for refusing to register a case

**Choose the correct answer from the codes given below:**

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

**Q.118) Solution (d)**

Scope of Public Interest Litigation (PIL):

In 1998, the Supreme Court formulated a set of guidelines to be followed for entertaining letters or petitions received by it as PIL.

These guidelines were modified in 1993 and 2003. According to them, the letters or petitions falling under the following categories alone will ordinarily be entertained as PIL:

- Bonded labour matters
- Neglected children
- Non-payment of minimum wages to workers and exploitation of casual workers and complaints of violation of Labour Laws (except in individual cases)
- Petitions from jails complaining of harassment, for premature release and seeking release after having completed 14 years in jail, death in jail, transfer, release on personal bond, speedy trial as a fundamental right

- Petitions against police for refusing to register a case, harassment by police and death in police custody
- Petitions against atrocities on women, in particular harassment of bride, brideburning, rape, murder, kidnapping, etc.
- Petitions complaining of harassment or torture of villagers by co-villagers or by police from persons belonging to Scheduled Caste and Scheduled Tribes and economically backward classes
- Petitions pertaining to environmental pollution, disturbance of ecological balance, drugs, food adulteration, maintenance of heritage and culture, antiques, forest and wild life and other matters of public importance
- Petitions from riot-victims
- Family pension

The cases falling under the following categories will not be entertained as PIL:

- Landlord-tenant matters
- Service matter and those pertaining to pension and gratuity
- Admission to medical and other educational institution
- Petitions for early hearing of cases pending in High Courts and Subordinate Courts

**Q.119) Consider the following statements:**

1. A person to be appointed as district judge should have been an advocate or a pleader for ten years.
2. The control over district courts and other subordinate courts is vested in the Supreme Court of India.

**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.119) Solution (d)**

Articles 233 to 237 in Part VI of the Constitution make the following provisions to regulate the organization of subordinate courts and to ensure their independence from the executive.

Appointment of District Judges:

The appointment, posting and promotion of district judges in a state are made by the governor of the state in consultation with the high court.

A person to be appointed as district judge should have the following qualifications:

- He should not already be in the service of the Central or the state government.
- He should have been an advocate or a pleader for seven years.
- He should be recommended by the high court for appointment.

Control over Subordinate Courts:

The control over district courts and other subordinate courts including the posting, promotion and leave of persons belonging to the judicial service of a state and holding any post inferior to the post of district judge is vested in the high court.

**Q.120) Consider the following statements:**

1. The district judge possesses original and appellate jurisdiction in both civil as well as criminal matters.
2. The chief judicial magistrate has the power to impose any sentence including life imprisonment and capital punishment.

**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.120) Solution (a)**

Subordinate Courts:

- The organisational structure, jurisdiction and nomenclature of the subordinate judiciary are laid down by the states. Hence, they differ slightly from state to state.
- The district judge is the highest judicial authority in the district. He possesses original and appellate jurisdiction in both civil as well as criminal matters. In other words, the district judge is also the sessions judge.
- When he deals with civil cases, he is known as the district judge and when he hears the criminal cases, he is called as the sessions judge.
- The district judge exercises both judicial and administrative powers. He also has supervisory powers over all the subordinate courts in the district. Appeals against his orders and judgements lie to the High Court.
- The sessions judge has the power to impose any sentence including life imprisonment and capital punishment (death sentence). However, a capital punishment passed by him is subject to confirmation by the High Court, whether there is an appeal or not.
- Below the District and Sessions Court stands the Court of Subordinate Judge on the civil side and the Court of Chief Judicial Magistrate on the criminal side. The subordinate judge exercises unlimited pecuniary jurisdiction over civil suits.

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

**Q.121) Consider the following statements regarding Election Commission of India:**

1. The chief election commissioner has deciding vote in case of difference of opinion amongst the Chief Election Commissioner and other election commissioners.
2. The chief election commissioner and other election commissioners hold office till the pleasure of the President.
3. The Constitution has not debarred the retiring election commissioners from any further appointment by the government.

**Which of the above statements is/are correct?**

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

**Q.121) Solution (c)**

The Election Commission is a permanent and an independent body established by the Constitution of India directly to ensure free and fair elections in the country.

The chief election commissioner and the two other election commissioners have equal powers and receive equal salary, allowances and other perquisites, which are similar to those of a judge of the Supreme Court. In case of difference of opinion amongst the Chief Election Commissioner and/or two other election commissioners, the matter is decided by the Commission by majority.

The chief election commissioner is provided with the security of tenure. He cannot be removed from his office except in same manner and on the same grounds as a judge of the Supreme Court. In other words, he can be removed by the president on the basis of a resolution passed to that effect by both the Houses of Parliament with special majority, either on the ground of proved misbehaviour or incapacity. Thus, he does not hold his office till the pleasure of the president, though he is appointed by him.

Though the constitution has sought to safeguard and ensure the independence and impartiality of the Election Commission, some flaws can be noted, viz.,



- The Constitution has not prescribed the qualifications (legal, educational, administrative or judicial) of the members of the Election Commission.
- The Constitution has not specified the term of the members of the Election Commission.
- The Constitution has not debarred the retiring election commissioners from any further appointment by the government.

**Q.122) Article 324 of the Constitution provides the Election Commission the power of superintendence, direction and control of elections to:**

1. Parliament of India
2. Panchayats
3. Office of vice-president of India
4. Office of Governors of the States

**Choose the correct answer from the codes given below:**

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

**Q.122) Solution (b)**

Article 324 of the Constitution provides that the power of superintendence, direction and control of elections to parliament, state legislatures, the office of president of India and the office of vice-president of India shall be vested in the election commission.

Thus, the Election Commission is an all-India body in the sense that it is common to both the Central government and the state governments.

The election commission is not concerned with the elections to panchayats and municipalities in the states. For this, the Constitution of India provides for a separate State Election Commission.

The governor is neither directly elected by the people nor indirectly elected by a specially constituted electoral college as is the case with the President. He is appointed by the president by warrant under his hand and seal.

**Q.123) Consider the following statements:**

1. Article 284 of the Constitution of India provides for a Finance Commission.
2. The Constitution authorises the President to determine the qualifications of members of the Finance Commission and the manner in which they should be selected.



3. The Finance Commission makes recommendations to the President of India regarding principles that should govern the grants-in-aid to the states out of contingency fund of India.

**Which of the above statements is/are correct?**

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

**Q.123) Solution (b)**

Article 280 of the Constitution of India provides for a Finance Commission as a quasi judicial body. It is constituted by the president of India every fifth year or at such earlier time as he considers necessary.

The Finance Commission consists of a chairman and four other members to be appointed by the president. They hold office for such period as specified by the president in his order. They are eligible for reappointment.

The Constitution authorises the Parliament to determine the qualifications of members of the commission and the manner in which they should be selected. Accordingly, the Parliament has specified the qualifications of the chairman and members of the commission. The chairman should be a person having experience in public affairs and the four other members should be selected from amongst the following:

- 1. A judge of high court or one qualified to be appointed as one.
- 2. A person who has specialised knowledge of finance and accounts of the government.
- 3. A person who has wide experience in financial matters and in administration.
- 4. A person who has special knowledge of economics

The Finance Commission is required to make recommendations to the President of India on the following matters:

- 1. The distribution of the net proceeds of taxes to be shared between the Centre and the states, and the allocation between the states of the respective shares of such proceeds.
- 2. The principles that should govern the grants-in-aid to the states by the Centre (i.e., out of the consolidated fund of India).
- 3. 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.
- 4. Any other matter referred to it by the president in the interests of sound finance.

**Q.124) With reference to Goods and Services Tax Council, consider the following statements:**

1. Article 279-A empowers the President of India to constitute a GST Council.
2. Every decision of the Council is taken by a majority of not less than two-third of the weighted votes of the members present and voting at the meeting.
3. The quorum for conducting a meeting of the GST council is One-half of the total number of members of the Council.

**Which of the above statements is/are correct?**

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

**Q.124) Solution (d)**

The 101st Amendment Act of 2016 paved the way for the introduction of a new tax regime (i.e. goods and services tax - GST) in the country.

The amendment inserted a new Article 279-A in the Constitution. This Article empowered the President to constitute a GST Council by an order. Accordingly, the President issued the order in 2016 and constituted the Council.

The decisions of the Council are taken at its meetings. One-half of the total number of members of the Council is the quorum for conducting a meeting. Every decision of the Council is to be taken by a majority of not less than three-fourths of the weighted votes of the members present and voting at the meeting. The decision is taken in accordance with the following principles:

- 1) The vote of the central government shall have a weightage one-third of the total votes cast in that meeting.
- 2) The votes of all the state governments combined shall have weightage of two-thirds of the total votes cast in that meeting.

**Q.125) With reference to Special Officer for Linguistic Minorities, consider the following statements:**

1. Part XVIII of the Constitution of India provides for Special Officer for Linguistic Minorities.
2. He holds office for a term of six years or until they attain the age of 65 years, whichever is earlier.

**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.125) Solution (d)**

Originally, the Constitution of India did not make any provision with respect to the Special Officer for Linguistic Minorities.

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:

1. There should be a Special Officer for Linguistic Minorities. He is to be appointed by the President of India.
2. It would be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under the Constitution.

The Constitution does not specify the qualifications, tenure, salaries and allowances, service conditions and procedure for removal of the Special Officer for Linguistic Minorities.

**Q.126) With reference to the Comptroller and Auditor General of India (CAG), consider the following statements:**

1. CAG holds office for a period of six years or upto the age of 65 years, whichever is earlier.
2. The salary of CAG is equal to that of a Chief Justice of High Court.
3. It is the duty of CAG to uphold the Constitution of India.

**Which of the above statements is/are correct?**

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

**Q.126) Solution (c)**

The Constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG).

He holds office for a period of six years or upto the age of 65 years, whichever is earlier. He can resign any time from his office by addressing the resignation letter to the president. He can also be removed by the president on same grounds and in the same manner as a judge of the Supreme Court.

To ensure the independence of CAG His salary and other service conditions are determined by the Parliament. His salary is equal to that of a judge of the Supreme Court. Neither his salary nor his rights in respect of leave of absence, pension or age of retirement can be altered to his disadvantage after his appointment.

CAG is the guardian of the public purse and controls the entire financial system of the country at both the levels—the Centre and the state. His duty is to uphold the Constitution of India and laws of Parliament in the field of financial administration. He is one of the bulwarks of the democratic system of government in India; the others being the Supreme Court, the Election Commission and the Union Public Service Commission.

**Q.127) Consider the following statements:**

1. CAG exercises control over the issue of money from the consolidated fund of India.
2. CAG audits all expenditure from the contingency fund of each state and the public account of each 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.127) Solution (b)**

The duties and functions of the CAG as laid down by the Parliament and the Constitution are:

- He audits the accounts related to all expenditure from the Consolidated Fund of India, consolidated fund of each state and consolidated fund of each union territory having a Legislative Assembly.
- He audits all expenditure from the Contingency Fund of India and the Public Account of India as well as the contingency fund of each state and the public account of each state.
- He advises the President with regard to prescription of the form in which the accounts of the Centre and the states shall be kept.
- He ascertains and certifies the net proceeds of any tax or duty. His certificate is final. The 'net proceeds' means the proceeds of a tax or a duty minus the cost of collection.
- He acts as a guide, friend and philosopher of the Public Accounts Committee of 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.

The Constitution of India visualises the CAG to be Comptroller as well as Auditor General. However, in practice, the CAG is fulfilling the role of an Auditor-General only and not that of a Comptroller. In other words, 'the CAG has no control over the issue of money from the consolidated fund and many departments are authorised to draw money by issuing cheques without specific authority from the CAG, who is concerned only at the audit stage when the expenditure has already taken place'.

**Q.128) Consider the following statements:**

1. The Attorney General of India represents the Government of India in any reference made by the president to the Supreme Court under Article 143 of the Constitution.
2. The Attorney General of India has the right to speak, vote and to take part in the proceedings of both the Houses of Parliament and their joint sitting.

**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.128) Solution (a)**

The Constitution (Article 76) has provided for the office of the Attorney General for India. He is the highest law officer in the country.

As the chief law officer of the Government of India, the duties of the AG include the following:

- To give advice to the Government of India upon such legal matters, which are referred to him by the President.
- To perform such other duties of a legal character that are assigned to him by the president.
- To discharge the functions conferred on him by the Constitution or any other law.

The president has assigned the following duties to the AG:

- To appear on behalf of the Government of India in all cases in the Supreme Court in which the Government of India is concerned.
- To represent the Government of India in any reference made by the president to the Supreme Court under Article 143 of the Constitution.
- To appear (when required by the Government of India) in any high court in any case in which the Government of India is concerned.

In the performance of his official duties, the Attorney General has the right of audience in all courts in the territory of India. Further, he has the right to speak and to take part in the proceedings of both the Houses of Parliament or their joint sitting and any committee of the Parliament of which he may be named a member, but without a right to vote. He enjoys all the privileges and immunities that are available to a Member of Parliament.

**Q.129) Consider the following statements:**

1. Article 76 of the Constitution of India provides for the office of the solicitor general of India.
2. The solicitor general of India enjoys all the privileges and immunities that are available to a Member of Parliament.

**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.129) Solution (d)**

In addition to the Attorney General (AG), there are other law officers of the Government of India. They are the solicitor general of India and additional solicitor general of India.

They assist the AG in the fulfilment of his official responsibilities.

Only the office of the AG is created by the Constitution. In other words, Article 76 does not mention about the solicitor general and additional solicitor general.

Solicitor general is appointed for period of three years by Appointment Committee of Cabinet chaired by Prime Minister.

The solicitor general of India does not enjoy any parliamentary privileges.

**Q.130) Consider the following statements:**

1. The office of advocate general of the state corresponds to the office of the solicitor general of India.
2. The advocate general is appointed by the President of India.

**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.130) Solution (d)**

The Constitution (Article 165) has provided for the office of the advocate general for the states. He is the highest law officer in the state. Thus he corresponds to the Attorney General of India.

The advocate general is appointed by the governor. He must be a person who is qualified to be appointed a judge of a high court. In other words, he must be a citizen of India and must have held a judicial office for ten years or been an advocate of a high court for ten years.

He holds office during the pleasure of the governor. Conventionally, he resigns when the government (council of ministers) resigns or is replaced, as he is appointed on its advice.

As the chief law officer of the government in the state, the duties of the advocate general include the following:

- To give advice to the government of the state upon such legal matters which are referred to him by the Governor.
- To perform such other duties of a legal character that are assigned to him by the governor.
- To discharge the functions conferred on him by the Constitution or any other law.

**Q.131) Which of the following is/are not Constitutional bodies?**

1. State Public Service Commission
2. National Commission for Minorities
3. State Information Commission
4. National Commission for STs

Choose the correct answer from the codes given below:

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

**Q.131) Solution (b)**

1. State Public Service Commission:

- It is a Constitutional body. Articles 315 to 323 in Part XIV of the Constitution of India provides for the establishment of Public Service Commission for the Union of India and a Public Service Commission for each State.
- The same sets of Articles (i.e., 315 to 323 in Part XIV) of the Constitution also deal with the composition, appointment and removal of members, power and functions and independence of a Public Service Commission.



- State Public Service Commission in every state is responsible to conduct examinations for recruitment to state services and to advise the governor on disciplinary matters.

## 2. National Commission for Minorities:

The Union Government set up the National Commission for Minorities (NCM) under the National Commission for Minorities Act, 1992. Thus it is a statutory body.

The Commission has the following functions:

- Evaluate the progress of the development of Minorities under the Union and States.
- Monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures.
- Make recommendations for the effective implementation of safeguards for the protection of the interests of Minorities by the Central Government or the State Governments.
- Look into specific complaints regarding deprivation of rights and safeguards of the Minorities and take up such matters with the appropriate authorities.
- Cause studies to be undertaken into problems arising out of any discrimination against Minorities and recommend measures for their removal.

## 3. State Information Commission:

- The Right to Information Act of 2005 provides for the creation of State Information Commission at the state level.
- The State Information Commission is a high-powered independent body which inter alia looks into the complaints made to it and decide the appeals.
- It entertains complaints and appeals pertaining to offices, financial institutions, public sector undertakings, etc., under the concerned state government.

## 4. National Commission for Scheduled Tribes (STs)

The National Commission for Scheduled Tribes (STs) is a constitutional body in the sense that it is directly established by Article 338-A of the Constitution.

The functions of the Commission are:

- To investigate and monitor all matters relating to the constitutional and other legal safeguards for the STs and to evaluate their working;
- To inquire into specific complaints with respect to the deprivation of rights and safeguards of the STs;
- To participate and advise on the planning process of socioeconomic development of the STs and to evaluate the progress of their development under the Union or a state;

- To present to the President, annually and at such other times as it may deem fit, reports upon the working of those safeguards

**Q.132) With reference to NITI Aayog, consider the following statements:**

1. It is an extra-constitutional body.
2. Governors of States and Lt. Governors of Union Territories are the members of governing council of NITI Aayog.
3. The Vice- Chairperson of NITI Aayog enjoys the rank of a cabinet minister.

**Which of the above statements is/are correct?**

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

**Q.132) Solution (c)**

NITI Aayog is the premier policy 'Think Tank' of the Government of India, providing both directional and policy inputs. While designing strategic and long-term policies and programmes for the Government of India, NITI Aayog also provides relevant technical advice to the Centre and States.

NITI Aayog, like that of the Planning Commission, was created by an executive resolution of the Government of India (i.e., Union Cabinet). Hence, it is also neither a constitutional body nor a statutory body. In other words, it is a non-constitutional or extra-constitutional body (i.e., not created by the Constitution) and a non-statutory body (not created by an Act of the Parliament).

The Governing Council of NITI Aayog comprises the Chief Ministers of all the States, Chief Ministers of Union Territories with Legislatures (i.e., Delhi, Puducherry and Jammu and Kashmir) and Lt. Governors of other Union Territories.

The Vice- Chairperson of NITI Aayog is appointed by the Prime Minister of India. He enjoys the rank of a Cabinet Minister.

**Q.133) With reference to National Human Rights Commission (NHRC), consider the following statements:**

1. The chairperson should be a retired chief justice of India or a retired chief justice of High Court.

2. The chairperson and members of NHRC are appointed by the president on the recommendations of a committee headed by the Chief Justice of India.
3. The commission is not empowered to inquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed.

**Which of the above statements is/are correct?**

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

**Q.133) Solution (c)**

The National Human Rights Commission is a statutory (and not a constitutional) body. It was established in 1993 under a legislation enacted by the Parliament, namely, the Protection of Human Rights Act, 1993.

Appointment:

- The commission is a multi-member body consisting of a chairperson and five members.
- The chairperson should be a retired chief justice of India or a judge of the Supreme Court and members should be a serving or retired judge of the Supreme Court, a serving or retired chief justice of a high court and three persons (out of which atleast one should be a woman) having knowledge or practical experience with respect to human rights.
- In addition to these full-time members, the commission also has seven ex-officio members—the chairpersons of the National Commission for Minorities, the National Commission for SCs, the National Commission for STs, the National Commission for Women, the National Commission for BCs and the National Commission for Protection of Child Rights and the Chief Commissioner for Persons with Disabilities.
- The chairperson and members are appointed by the president on the recommendations of a six-member committee consisting of the prime minister as its head, the Speaker of the Lok Sabha, the Deputy Chairman of the Rajya Sabha, leaders of the Opposition in both the Houses of Parliament and the Central home minister.
- Further, a sitting judge of the Supreme Court or a sitting chief justice of a high court can be appointed only after consultation with the chief justice of India.

The commission is not empowered to inquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed. In other words, it can look into a matter within one year of its occurrence.

**Q.134) Which of the following statements is/are correct regarding Central Information Commission (CIC)?**

1. The commission has suo moto power order inquiry into complaints and appeals pertaining to offices, financial institutions, public sector undertakings if there are reasonable grounds.
2. The Chief Information Commissioner hold office for such term as prescribed by the Central Government or until they attain the age of 65 years, whichever is earlier.
3. Leader of Opposition in the Rajya Sabha is a member of the committee which recommends the appointment of a person as Chief Information Commissioner to the President.

**Which of the above statements is/are correct?**

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

**Q.134) Solution (a)**

The Central Information Commission was established by the Central Government in 2005. It was constituted through an Official Gazette Notification under the provisions of the Right to Information Act (2005).

The Central Information Commission is a high-powered independent body which inter alia looks into the complaints made to it and decide the appeals. It entertains complaints and appeals pertaining to offices, financial institutions, public sector undertakings, etc., under the Central Government and the Union Territories. The Commission can order inquiry into any matter if there are reasonable grounds (suo-moto power).

The Commission consists of a Chief Information Commissioner and not more than ten Information Commissioners. The Commission, when constituted initially, had five commissioners including the Chief Information Commissioner.

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.

The Chief Information Commissioner and an Information Commissioner shall hold office for such term as prescribed by the Central Government or until they attain the age of 65 years, whichever is earlier. They are not eligible for reappointment.

**Q.135) With reference to the Central Vigilance Commission (CVC), consider the following statements:**

1. It is neither a constitutional body nor a statutory body.

2. It looks in to the complaints which are declared as offence under the Prevention of Corruption Act, 1988.
3. Central Vigilance Commissioner holds office for a term of five years or until they attain the age of sixty five years, whichever is earlier.

**Which of the above statements is/are correct?**

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

**Q.135) Solution (b)**

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.

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.

The function of the Central Vigilance Commission (CVC) is to inquire or cause an inquiry or investigation to be conducted on a reference made by the Central government wherein it is alleged that a public servant being an employee of the Central government or its authorities has committed an offence under the Prevention of Corruption Act, 1988.

The CVC is a multi-member body consisting of a Central Vigilance Commissioner (chairperson) and not more than two vigilance commissioners.

They are appointed by the president by warrant under his hand and seal on the recommendation of a three member committee consisting of the prime minister as its head, the Union minister of home affairs and the Leader of the Opposition in the Lok Sabha.

They hold office for a term of four years or until they attain the age of sixty five years, whichever is earlier. After their tenure, they are not eligible for further employment under the Central or a state government.

**Q.136) Which of the following statements is/are correct regarding the Central Bureau of Investigation (CBI)?**

1. It operates under the Ministry of Home Affairs.
2. The CBI investigates crime of corruption, economic offences, terrorism and serious and organized crime.
3. It derives its powers from the Delhi Special Police Establishment Act, 1946.

**Choose the correct answer from the codes given below:**

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

**Q.136) Solution (c)**

The Central Bureau of Investigation (CBI) was set up in 1963 by a resolution of the Ministry of Home Affairs. Later, it was transferred to the Ministry of Personnel and now it enjoys the status of an attached office.

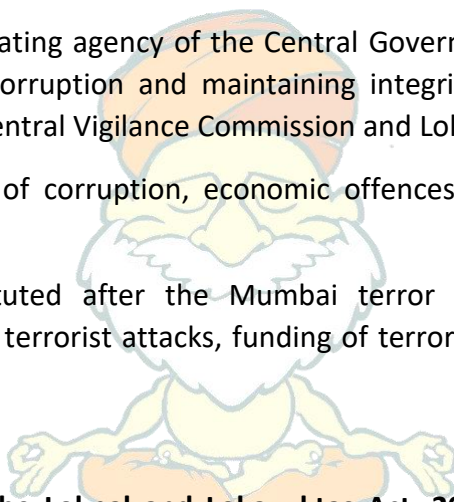
The establishment of the CBI was recommended by the Santhanam Committee on Prevention of Corruption (1962–1964).

The CBI is not a statutory body. It derives its powers from the Delhi Special Police Establishment Act, 1946.

The CBI is the main investigating agency of the Central Government. It plays an important role in the prevention of corruption and maintaining integrity in administration. It also provides assistance to the Central Vigilance Commission and Lokpal.

The CBI investigates crime of corruption, economic offences and serious and organized crime other than terrorism.

The NIA has been constituted after the Mumbai terror attack in 2008 mainly for investigation of incidents of terrorist attacks, funding of terrorism and other terror related crime.



**Q.137) With reference to the Lokpal and Lokayuktas Act, 2013, which of the following statements is/are correct?**

1. The jurisdiction of Lokpal includes the Prime Minister of India.
2. Lokpal has suo moto power to proceed against any public servant.
3. Institutions which are aided by the Government are excluded from the purview of Lokpal.

**Choose the correct answer from the codes given below:**

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

**Q.137) Solution (d)**

The salient features of the Lokpal and Lokayuktas Act, 2013 are as follows:



- It seeks to establish the institution of the Lokpal at the Centre and the Lokayukta at the level of the State and thus seeks to provide a uniform vigilance and anti-corruption road map for the nation both at the Centre and at the States. The jurisdiction of Lokpal includes the Prime Minister, Ministers, Members of Parliament and Groups A, B, C and D officers and officials of the Central Government.
- The Lokpal to consist of a Chairperson with a maximum of 8 members of which 50% shall be judicial members.
- 50% of the members of the Lokpal shall come from amongst the SCs, the STs, the OBCs, minorities and women.
- It incorporates provisions for attachment and confiscation of property of public servants acquired by corrupt means, even while the prosecution is pending.
- It lays down clear timelines. For preliminary enquiry, it is three months extendable by three months. For investigation, it is six months which may be extended by six months at a time. For trial, it is one year extendable by one year and to achieve this, special courts to be set up.
- Institutions which are financed fully or partly by Government are under the jurisdiction of Lokpal, but institutions aided by Government are excluded.
- It provides adequate protection for honest and upright public servants.
- Lokpal conferred with power to grant sanction for prosecution of public servants in place of the Government or competent authority.

The following are the shortcomings of the Lokpal and Lokayuktas Act, 2013:

- Lokpal cannot suo motu proceed against any public servant.
- Emphasis on form of complaint rather than substance.
- Heavy punishment for false and frivolous complaints against public servants may deter complaints being filed to Lokpal.
- Anonymous complaints not allowed -Can't just make a complaint on plain paper and drop it in a box with supporting documents.
- Legal assistance to public servant against whom complaint is filed.
- Limitation period of 7 years to file complaints.
- Very non-transparent procedure for dealing with complaints against the PM

**Q.138) With reference to the National Disaster Management Authority (NDMA), consider the following statements:**

1. The Prime Minister is the ex-officio chairperson of the NDMA
2. It works under the administrative control of the Union Ministry of Earth Sciences.
3. It recommends guidelines for the minimum standards of relief to be provided to persons affected by disaster.

**Which of the above statements is/are correct?**

- a) 1 and 2 only



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

**Q.138) Solution (b)**

The National Disaster Management Authority (NDMA) is the apex body for disaster management in the country. It works under the administrative control of the Union Ministry of Home Affairs.

The NDMA was established with this vision: 'To build a safer and disaster resilient India by a holistic, pro-active, technology driven and sustainable development strategy that involves all stakeholders and fosters a culture of prevention, preparedness and mitigation'.

The NDMA consists of a chairperson and other members, not exceeding nine. The Prime Minister is the ex-officio chairperson of the NDMA. The other members are nominated by the chairperson of the NDMA. The chairperson of the NDMA designates one of the members as the vice-chairperson of the NDMA. The vicechairperson has the status of a Cabinet Minister while the other members have the status of a Minister of State.

NDMA performs the functions of:

- It recommends guidelines for the minimum standards of relief to be provided to persons affected by disaster.
- It recommends, in cases of disasters of severe magnitude, relief in repayment of loans or grant of fresh loans on concessional terms to the persons affected by such disasters.
- It exercises the general superintendence, direction and control of the National Disaster Response Force (NDRF).
- This force has been constituted for the purpose of specialist response to a threatening disaster situation or disaster.
- It authorises the concerned department or authority to make the emergency procurement of provisions or materials for rescue or relief in any threatening disaster situation or disaster. In such case, the standard procedure requiring inviting of tenders is deemed to be waived.
- It prepares an annual report on its activities and submits it to the central government. The central government causes it to be laid before both Houses of Parliament.

**Q.139) Consider the following statements:**

1. Tribunals under Article 323 A can be established both by Parliament and state legislatures with respect to matters falling within their legislative competence.
2. Article 323 B provides for establishment of tribunals for public service matters only.

**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 (d)**

The original Constitution did not contain provisions with respect to tribunals. The 42nd Amendment Act of 1976 added a new Part XIV-A to the Constitution.

This part is entitled as 'Tribunals' and consists of only two Articles—Article 323 A dealing with administrative tribunals and Article 323 B dealing with tribunals for other matters.

Articles 323 A and 323 B differ in the following three aspects:

- While Article 323 A contemplates establishment of tribunals for public service matters only, Article 323 B contemplates establishment of tribunals for certain other matters.
- While tribunals under Article 323 A can be established only by Parliament, tribunals under Article 323 B can be established both by Parliament and state legislatures with respect to matters falling within their legislative competence.
- 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.

**Q.140) Which of the following institutions has been constituted to actualize the goal of cooperative federalism and to enable good governance in India?**

- a) Lokpal and Lokayukta
- b) Election Commission
- c) Central Vigilance Commission
- d) NITI Aayog

**Q.140) Solution (c)**

The NITI Aayog has been constituted to actualize the important goal of cooperative federalism and to enable good governance in India, to build strong states that will make a strong nation. In a truly federal state, several objectives that ought to be achieved may carry political ramifications throughout the country. It is impossible for any federal government to achieve the national objectives without active cooperation from state governments. It is, therefore, crucial that the Centre and State governments work together as equals.

The two key features or aspects of Cooperative Federalism are:

- Joint focus on the National Development Agenda by the Centre and the States; and
- Advocacy of State perspectives with Central Ministries.

In keeping with this, the NITI Aayog has been mandated the task of evolving a shared vision of national development priorities, sectors and strategies with the active involvement of States. These priorities ought to reflect the national objectives and foster cooperative federalism through structured support to States on a continuous basis. The NITI Aayog ought also to help states develop mechanisms to formulate credible plans at the village level and aggregate these progressively at higher levels of government. The aim is to progress from a stage when the Centre decided development policies to a truly federal government wherein States are equal stakeholders in the planning process.

**Q.141) Consider the following statements:**

1. Part XX of the Constitution of India provides for Temporary, Transitional and Special Provisions for some States.
2. As per Article 371-A the Parliament cannot intervene in ownership and transfer of land and its resources in Assam, without the concurrence of the Legislative Assembly of the 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.141) Solution (d)**

Part XXI of the Constitution of India is a compilation of laws pertaining to the constitution of India as a country and the union of states that it is made of. This part of the constitution consists of Articles on Temporary, Transitional and Special Provisions for some states. Part XXI define special provisions with regard to other states of the Indian Union.

Article 371-A of the Indian Constitution makes special provisions for the state of Nagaland.

The Acts of Parliament relating to the following matters would not apply to Nagaland unless the State Legislative Assembly so decides:

- Religious or social practices of the Nagas;
- 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.

The Governor has to ensure that the money provided by the Central Government for any specific purpose is included in the demand for a grant relating to that purpose and not in any other demand moved in the State Legislative Assembly.

The Article provides that the Governor of Nagaland shall have special responsibility for law and order in the state so long as internal disturbances caused by the hostile Nagas continue. In the discharge of this responsibility, the Governor, after consulting the Council of Ministers, exercises his individual judgement and his decision is final.

**Q.142) Article 371-F of the Indian Constitution provides for the special provisions with respect to the state of:**

- a) Andhra Pradesh
- b) Telangana
- c) Sikkim
- d) Manipur

**Q.142) Solution (c)**

The 36th Constitutional Amendment Act of 1975 made Sikkim a fullfledged state of the Indian Union. It included a new Article 371-F containing special provisions with respect to Sikkim. These are as follows:

1. The Sikkim Legislative Assembly is to consist of not less than 30 members.
2. One seat is allotted to Sikkim in the Lok Sabha and Sikkim forms one Parliamentary constituency.
3. For the purpose of protecting the rights and interests of the different sections of the Sikkim population, the Parliament is empowered to provide for the:
  - (i) number of seats in the Sikkim Legislative Assembly which may filled by candidates belonging to such sections; and
  - (ii) delimitation of the Assembly constituencies from which candidate belonging to such sections alone may stand for election to Assembly.
4. The Governor shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of the different sections of the Sikkim population. In the discharge of this responsibility, the Governor shall act in his discretion, subject to the directions issued by the President.
5. The President can extend (with restrictions or modifications) to Sikkim any law which is in force in a state of the Indian Union.

**Q.143) Consider the following statements:**

1. Article 371-G provides that the Mizoram Legislative Assembly is to consist of not less than 20 members.
2. Article 371- H provides that the Arunachal Pradesh Legislative Assembly is to consist of not less than 30 members.

**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.143) Solution (b)**

Article 371-G specifies the following special provisions for Mizoram:

1. The Acts of Parliament relating to the following matters would not apply to Mizoram unless the State Legislative Assembly so decides:
  - a. religious or social practices of the Mizos;
  - b. Mizo customary law and procedure;
  - c. administration of civil and criminal justice involving decision according to Mizo customary law; and (iv) ownership and transfer of land.
2. The Mizoram Legislative Assembly is to consist of not less than 40 members.

Under Article 371-H, the following special provisions are made for Arunachal Pradesh:

1. The Governor of Arunachal Pradesh shall have special responsibility for law and order in the state. In the discharge of this responsibility, the Governor, after consulting the Council of Ministers, exercises his individual judgement and his decision is final. This special responsibility of the Governor shall cease when the President so directs.
2. The Arunachal Pradesh Legislative Assembly is to consist of not less than 30 members.

**Q.144) Consider the following statements:**

1. Part VIII of the Indian Constitution deal with the union territories.
2. An administrator of a union territory is an agent of the President and not head of state.
3. The Parliament can make laws on any subject of the three lists including the State List for the all the union territories.

**Which of the above statements is/are correct?**

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

**Q.144) Solution (d)**

Articles 239 to 241 in Part VIII of the Constitution deal with the union territories. Even though all the union territories belong to one category, there is no uniformity in their administrative system.

Every union territory is administered by the President acting through an administrator appointed by him. 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, Andaman and Nicobar Islands, Jammu and Kashmir and Ladakh and Administrator in the case of Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.

The President can also appoint the governor of a state as the administrator of an adjoining union territory. In that capacity, the governor is to act independently of his council of ministers.

The Parliament can make laws on any subject of the three lists (including the State List) for the union territories. This power of Parliament also extends to Puducherry, Delhi and Jammu and Kashmir, which have their own local legislatures. This means that, the legislative power of Parliament for the union territories on subjects of the State List remain unaffected even after establishing a local legislature for them.

**Q.145) Consider the following statements:**

1. The legislative assembly of Jammu and Kashmir can make laws on any subject of the State List except Public order, Police and Land.
2. The President can make regulations for the peace, progress and good government of the Union Territory of Puducherry only when the assembly is suspended or dissolved.

**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.145) Solution (b)**

The legislative assembly of Jammu and Kashmir can make laws on any subject of the State List (except public order and police) and the Concurrent List.

The President can make regulations for the peace, progress and good government of the Union Territory of Puducherry only when the assembly is suspended or dissolved.

A regulation made by the President has the same force and effect as an act of Parliament and can also repeal or amend any act of Parliament in relation to these union territories.



**Q.146) Consider the following statements:**

1. The Union Territory of Delhi and Puducherry have their own High Court.
2. Andaman and Nicobar Islands are placed under the jurisdiction of Madras High Court.

**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.146) Solution (d)**

The Parliament can establish a high court for a union territory or put it under the jurisdiction of the high court of adjacent state.

Delhi has a high court of its own (since 1966). The Bombay High Court has got jurisdiction over union territory of Dadra and Nagar Haveli and Daman and Diu.

Andaman and Nicobar Islands, Chandigarh, Lakshadweep and Puducherry are placed under the Kolkata, Punjab and Haryana, Kerala, and Madras High Courts respectively. The

Jammu and Kashmir High Court is the common high court for the two union territories of Jammu and Kashmir, and Ladakh.

According to the Article 230 brought in through the amendment Act said that Parliament may by law extend the jurisdiction of a High Court to, or exclude the jurisdiction of a High Court from, any Union Territory.

This power with regards to the Union Territories was made exclusive to the Centre by including it as Entry 79 in the Union List under the Seventh Schedule of the Constitution. On the other hand, the Amendment, through Article 241, gave Parliament the powers to constitute a High Court for a Union Territory or declare any court in such territory to be a High Court. Such a High Court established in a Union Territory has the same constitutional status as that of a High Court in a state.

**Q.147) Which of the following constitutional provisions provides for the administration for certain areas designated as scheduled areas and tribal areas?**

1. Part XI
2. Part X
3. Fifth Schedule

**Choose the correct answer from the codes given below:**

- a) 1 and 2 only



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

**Q.147) Solution (c)**

Article 244 in Part X of the Constitution envisages a special system of administration for certain areas designated as 'scheduled areas' and 'tribal areas'.

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

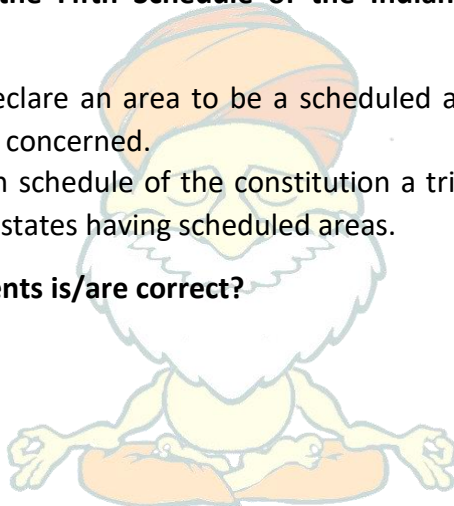
The Sixth Schedule of the Constitution, on the other hand, deals with the administration of the tribal areas in the four north-eastern states of Assam, Meghalaya, Tripura and Mizoram.

**Q.148) With reference to the Fifth Schedule of the Indian Constitution, consider the following statements:**

1. The President can declare an area to be a scheduled area in consultation with the governor of the state concerned.
2. According to the fifth schedule of the constitution a tribe advisory council can only be established in the states having scheduled areas.

**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.148) Solution (a)**

The various features of administration contained in the Fifth Schedule are as follows:

- The president is empowered to declare an area to be a scheduled area. He can also increase or decrease its area, alter its boundary lines, rescind such designation or make fresh orders for such redesignation on an area in consultation with the governor of the state concerned.
- Each state having scheduled areas has to establish a tribes 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. A similar council can also be established in a state having scheduled tribes but not scheduled areas therein, if the president so directs.
- The executive power of a state extends to the scheduled areas therein. But the governor has a special responsibility regarding such areas. He has to submit a report to the president regarding the administration of such areas, annually or whenever so

required by the president. The executive power of the Centre extends to giving directions to the states regarding the administration of such 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 tribe advisory council. Such regulations may prohibit or restrict the transfer of land by or among members of the scheduled tribes, regulate the allotment of land to members of the scheduled tribes and regulate the business of money-lending in relation to the scheduled tribes.

**Q.149) With reference to the Sixth Schedule of the Constitution of India, consider the following statements:**

1. The tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram fall outside the executive authority of the state concerned.
2. The President is empowered to constitute the tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram as autonomous districts.
3. Each autonomous district has a district council consisting of 30 members, of whom four are nominated by the governor and the remaining 26 are elected on the basis of adult franchise.

**Which of the above statements is/are correct?**

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

**Q.149) Solution (c)**

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 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.

If there are different tribes in an autonomous district, the governor can divide the district into several autonomous regions.

Each autonomous district has a district council consisting of 30 members, of whom four are nominated by the governor and the remaining 26 are elected on the basis of adult franchise.

The elected members hold office for a term of five years (unless the council is dissolved earlier) and nominated members hold office during the pleasure of the governor.

**Q.150) Consider the following statements:**

1. 68th Constitutional Amendment Act of 1991 provided a special status to the Union Territory of Delhi.
2. The strength of the council of ministers in the Union Territory of Delhi is fixed at twenty per cent of the total strength of the assembly.

**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.150) Solution (d)**

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. Previously, Delhi had a metropolitan council and an executive council.

The strength of the assembly is fixed at 70 members, directly elected by the people. The elections are conducted by the election commission of India.

The assembly can make laws on all the matters of the State List and the Concurrent List except the three matters of the State List, that is, public order, police and land. But, the laws of Parliament prevail over those made by the Assembly.

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.151) Which of the following is/are the recommendations given by the Balwant Rai Mehta Committee regarding Panchayati Raj institutions?**

1. Direct election of representatives of village panchayat, panchayat samiti and zila parishad.

2. Panchayat samiti should be an executive body.
3. Zila parishad should be the advisory and supervisory body rather than an executive body.

**Choose the correct answer from the codes given below:**

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

**Q.151) Solution (b)**

In January 1957, the Government of India appointed a committee to examine the working of the Community Development Programme (1952) and the National Extension Service (1953) and to suggest measures for their better working. The chairman of this committee was Balwant Rai G Mehta. The committee submitted its report in November 1957 and recommended the establishment of the scheme of 'democratic decentralisation', which ultimately came to be known as Panchayati Raj. The specific recommendations made by it are:

1. Establishment of a three-tier panchayati raj system—gram panchayat at the village level, panchayat samiti at the block level and zila parishad at the district level. These tiers should be organically linked through a device of indirect elections.
2. The village panchayat should be constituted with directly elected representatives, whereas the panchayat samiti and zila parishad should be constituted with indirectly elected members.
3. All planning and development activities should be entrusted to these bodies.
4. The panchayat samiti should be the executive body while the zila parishad should be the advisory, coordinating and supervisory body.
5. The district collector should be the chairman of the zila parishad.
6. There should be a genuine transfer of power and responsibility to these democratic bodies.
7. Adequate resources should be transferred to these bodies to enable them to discharge their functions and fulfil their responsibilities.
8. A system should be evolved to effect further devolution of authority in future.

These recommendations of the committee were accepted by the National Development Council in January 1958. The council did not insist on a single rigid pattern and left it to the states to evolve their own patterns suitable to local conditions. But the basic principles and broad fundamentals should be identical throughout the country. Rajasthan was the first state to establish Panchayati Raj.

**Q.152) Consider the following statements:**

1. Article 243-O of the Indian Constitution deals with the 29 functional items of the Panchayats.
2. 73rd Constitutional Amendment Act, 1992 has given a practical shape to Article 44 of the Indian Constitution.

**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.152) Solution (d)**

The 73rd Constitutional Amendment Act, 1992 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. Consequently, neither the formation of panchayats nor the holding of elections at regular intervals depends on the will of the state government any more.

**Q.153) With reference to the features of 73<sup>rd</sup> Constitutional Amendment Act, 1992, consider the following statements:**

1. A person shall be disqualified for being a member of panchayat if he is less than 25 years of age.
2. All the members of panchayats at the village, intermediate and district levels shall be elected directly by the people.

**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.153) Solution (b)**

As per the provisions in the 73rd Constitutional Amendment Act, 1992 a person shall be disqualified for being chosen as or for being a member of panchayat if he is so disqualified:

- a) Under any law for the time being in force for the purpose of elections to the legislature of the state concerned, or
- b) Under any law made by the state legislature.

However, no person shall be disqualified on the ground that he is less than 25 years of age if he has attained the age of 21 years. Further, all questions of disqualifications shall be referred to such authority as the state legislature determines.

As per the provisions of the 73<sup>rd</sup> Constitutional Amendment Act, 1992, all the members of panchayats at the village, intermediate and district levels shall be elected directly by the people. Further, the chairperson of panchayats at the intermediate and district levels shall be elected indirectly by and from amongst the elected members thereof.

However, the chairperson of a panchayat at the village level shall be elected in such manner as the state legislature determines. The chairperson of a panchayat and other members of a panchayat elected directly or indirectly shall have the right to vote in the meetings of the panchayats.

**Q.154) As per the Eleventh Schedule of the Indian Constitution, which of the following items are placed within the purview of panchayats?**

1. Family welfare
2. Libraries
3. Higher vocational education
4. Public distribution system

**Choose the correct answer from the codes given below:**

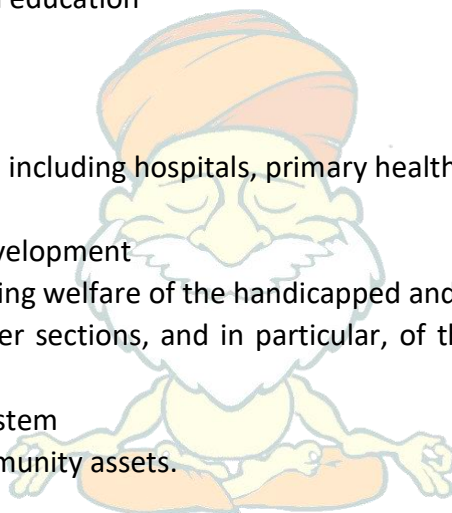
- a) 1, 2 and 3 only
- b) 2, 3 and 4 only
- c) 1, 2 and 4 only
- d) 1, 3 and 4 only

**Q.154) Solution (c)**

Eleventh Schedule: It contains the following 29 functional items placed within the purview of panchayats:

1. Agriculture, including agricultural extension
2. Land improvement, implementation of land reforms, land consolidation and soil conservation
3. Minor irrigation, water management and watershed development

4. Animal husbandry, dairying and poultry
5. Fisheries
6. Social forestry and farm forestry
7. Minor forest produce
8. Small-scale industries, including food processing industries
9. Khadi, village and cottage industries
10. Rural housing
11. Drinking water
12. Fuel and fodder
13. Roads, culverts, bridges, ferries, waterways and other means of communication
14. Rural electrification, including distribution of electricity
15. Non-conventional energy sources
16. Poverty alleviation programme
17. Education, including primary and secondary schools
18. Technical training and vocational education
19. Adult and non-formal education
20. Libraries
21. Cultural activities
22. Markets and fairs
23. Health and sanitation including hospitals, primary health centres and dispensaries
24. Family welfare
25. Women and child development
26. Social welfare, including welfare of the handicapped and mentally retarded
27. Welfare of the weaker sections, and in particular, of the scheduled castes and the scheduled tribes
28. Public distribution system
29. Maintenance of community assets.



**Q.155) Which of the following is/are the compulsory provisions of 73rd Constitutional Amendment Act, 1992 of the Constitution of India?**

1. Reservation of one-third seats for women in panchayats at all the three levels of panchayati raj.
2. Reservation of seats for backward classes in panchayats at the three levels of panchayati raj.
3. Granting powers and authority to the panchayats to enable them to function as institutions of self-government.

**Choose the correct answer from the codes given below:**

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



d) 1, 2 and 3

**Q.155) Solution (a)**

The provisions of the 73rd Constitutional Amendment Act, 1992 can be grouped into two categories— compulsory and voluntary. The compulsory (mandatory or obligatory) provisions of the act have to be included in the state laws creating the new panchayati raj system. The voluntary provisions, on the other hand, may be included at the discretion of the states. Thus the voluntary provisions of the act ensures the right of the states to take local factors like geographical, politico-administrative and others, into consideration while adopting the new panchayati raj system.

**Compulsory Provisions:**

1. Organisation of Gram Sabha in a village or group of villages.
2. Establishment of panchayats at the village, intermediate and district levels.
3. Direct elections to all seats in panchayats at the village, intermediate and district levels.
4. Indirect elections to the post of chairperson of panchayats at the intermediate and district levels.
5. Voting rights of the chairperson and other members of panchayat elected directly or indirectly.
6. 21 years to be the minimum age for contesting elections to panchayats.
7. Reservation of seats (both members and chairpersons) for SCs and STs in panchayats at all the three levels.
8. Reservation of one-third seats (both members and chairpersons) for women in panchayats at all the three levels.
9. Fixing tenure of five years for panchayats at all levels and holding fresh elections within six months in the event of supersession of any panchayat.
10. Establishment of a State Election Commission for conducting elections to the panchayats.
11. Constitution of a State Finance Commission after every five years to review the financial position of the panchayats.

**Voluntary Provisions:**

1. Endowing the Gram Sabha with powers and functions at the village level.
2. Determining the manner of election of the chairperson of the village panchayat.
3. Giving representation to the chairpersons of the village panchayats in the intermediate panchayats or in the case of a state not having intermediate panchayats, in the district panchayats.
4. Giving representation to the chairpersons of the intermediate panchayats in the district panchayats.
5. 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.

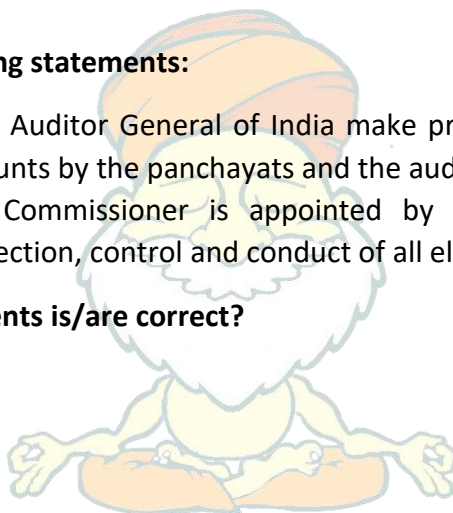
6. Providing reservation of seats (both members and chairpersons) for backward classes in panchayats at any level.
7. Granting powers and authority to the panchayats to enable them to function as institutions of self-government (in brief, making them autonomous bodies).
8. Devolution of powers and responsibilities 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.
9. Granting financial powers to the panchayats, that is, authorizing them to levy, collect and appropriate taxes, duties, tolls and fees.
10. Assigning to a panchayat the taxes, duties, tolls and fees levied and collected by the state government.
11. Making the grants-in-aid to the panchayats from the consolidated fund of the state.
12. Providing for constitution of funds for crediting all moneys of the panchayats.

**Q.156) Consider the following statements:**

1. The Comptroller and Auditor General of India make provisions with respect to the maintenance of accounts by the panchayats and the auditing of such accounts.
2. The State Election Commissioner is appointed by the President of India for superintendence, direction, control and conduct of all elections to the panchayats.

**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.156) Solution (d)**

**Audit of Accounts of Panchayats:** The state legislature may make provisions with respect to the maintenance of accounts by the panchayats and the auditing of such accounts.

**State Election Commission:**

- The superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the panchayats shall be vested in the state election commission. It consists of a state election commissioner to be appointed by the governor.
- His conditions of service and tenure of office shall also be determined by the governor. He shall not be removed from the office except in the manner and on the grounds prescribed for the removal of a judge of the state high court. His conditions of service shall not be varied to his disadvantage after his appointment.

- The state legislature may make provision with respect to all matters relating to elections to the panchayats.

**Q.157) With reference to the features of the 74<sup>th</sup> Constitutional Amendment Act, 1992, consider the following statements:**

1. The act provides for reservation of not less than one-third of the total number of seats for the scheduled castes and the scheduled tribes in every municipality.
2. In case of dissolution fresh elections to constitute a municipality should be completed before the expiry of a period of six months from the date of its dissolution.

**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.157) Solution (b)**

74<sup>th</sup> Constitutional Amendment Act, 1992 added a new Part IX-A to the Constitution of India. This part is entitled as 'The Municipalities' and consists of provisions from Articles 243-P to 243-ZG. In addition, the act has also added a new Twelfth Schedule to the Constitution. This schedule contains eighteen functional items of municipalities. It deals with Article 243-W.

The act gave constitutional status to the municipalities. It has brought them under the purview of justiciable part of the Constitution. In other words, state governments are under constitutional obligation to adopt the new system of municipalities in accordance with the provisions of the act.

**Reservation of Seats:** The act provides for the reservation of seats for the scheduled castes and the scheduled tribes in every municipality in proportion of their population to the total population in the municipal area. Further, it 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 woman belonging to the SCs and the STs).

The state legislature may provide for the manner of reservation of offices of chairpersons in the municipalities for SCs, STs and women. It may also make any provision for the reservation of seats in any municipality or offices of chairpersons in municipalities in favour of backward classes.

**Duration of Municipalities:** The act provides for a five-year term of office for every municipality. However, it can be dissolved before the completion of its term. Further, the

fresh elections to constitute a municipality shall be completed (a) before the expiry of its duration of five years; or (b) in case of dissolution, before the expiry of a period of six months from the date of its dissolution.

But, where the remainder of the period (for which the dissolved municipality would have continued) is less than six months, it shall not be necessary to hold any election for constituting the new municipality for such period.

Moreover, a municipality constituted upon the dissolution of a municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved municipality would have continued had it not been so dissolved. In other words, a municipality reconstituted after premature dissolution does not enjoy the full period of five years but remains in office only for the remainder of the period.

The act also makes two more provisions with respect to dissolution:

- a) a municipality must be given a reasonable opportunity of being heard before its dissolution; and
- b) no amendment of any law for the time being in force shall cause dissolution of a municipality before the expiry of the five years term.

**Q.158) Consider the following statements:**

- 1. Part XVIII of the Indian Constitution deals with the official language.
- 2. The Committee of Parliament on Official Language comprises 20 from Rajya Sabha and 10 from Lok Sabha.

**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.158) Solution (d)**

Part XVII of the Constitution deals with the official language in Articles 343 to 351. Its provisions are divided into four heads—Language of the Union, Regional languages, Language of the judiciary and texts of laws and Special directives.

The Official Languages Act (1963) provided for the setting up of a Committee of Parliament on Official Language to review the progress made in the use of Hindi for the official purpose of the Union. Under the Act, this Committee was to be constituted after ten years of the promulgation of the Act (i.e., 26th January, 1965).

Accordingly, this Committee was set up in 1976. This Committee comprises of 30 members of Parliament, 20 from Lok Sabha and 10 from Rajya Sabha.

The Committee reviews the progress made in the use of Hindi for the official purposes of the Union and submit a report to the President making recommendations thereon and the President shall cause the report to be laid before each House of Parliament and sent it to all the State Governments.

**Q.159) Which of the following have been given the status of Classical language?**

1. Hindi
2. Sanskrit
3. Odia
4. Urdu

**Choose the correct answer from the codes given below:**

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

**Q.159) Solution (b)**

In 2004, the Government of India decided to create new category of languages called as "classical languages". So far, the six languages are granted the classical language status:

- Tamil
- Sanskrit
- Telugu
- Kannada
- Malayalam
- Odia

Once a language is declared classical, it gets financial assistance for setting up a centre of excellence for the study of that language and also opens up an avenue for two major awards for scholars of eminence. Besides, the University Grants Commission can be requested to create - to begin with at least in Central Universities - a certain number of professional chairs for classical languages for scholars of eminence in the language.

**Q.160) Which of the following languages are specified in the Eighth Schedule of the Indian Constitution?**

1. Dogri

2. Nepali
3. Awadhi

**Choose the correct answer from the codes given below:**

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

**Q.160) Solution (a)**

The Eighth Schedule of the Constitution specifies 22 languages (originally 14 languages). These are Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmiri, Konkani, Mathili (Maithili), Malayalam, Manipuri, Marathi, Nepali, Odia, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu. Sindhi was added by the 21<sup>st</sup> Amendment Act of 1967; Konkani, Manipuri and Nepali were added by the 71<sup>st</sup> Amendment Act of 1992; and Bodo, Dongri, Maithili and Santhali were added by the 92<sup>nd</sup> Amendment Act of 2003.

In terms of the Constitution provisions, there are two objectives behind the specification of the above regional languages in the Eighth Schedule:

- 1) The members of these languages are to be given representation in the Official Language Commission; and
- 2) The forms, style and expression of these languages are to be used for the enrichment of the Hindi language.

