

515 Indian Polity Ans with Exp

1. D

2. B

When it met as legislative body, it was chaired by G.V Mavlankar

When it met as constituent assembly, it was chaired by Rajendra Prasad

3. A

Suspension of Fundamental Rights during Emergency borrowed from Weimer constitution of Germany
Federation with strong centre, Residual power borrowed from Canada

4. C

The Director of CBI has been provided security of two-year tenure in office by the CVC Act, 2003

5. C

It is a constitutional body and it includes cabinet ministers

Article 263 of Indian constitution provides the establishment of an Inter-State Council. This is to enhance the coordination between the center and states. It is not a permanent constitutional body which can be created at any time if it seems to the President that the public interest would be served by the establishment of such council. It was set up in 1990 through a presidential ordinance for the first time as per the recommendations of the Sarkaria Commission under the Ministry of Home affairs. The secretarial functions of the Zonal Councils have been reassigned to the Inter-State Council Secretariat from 1st April 2011

Inter State Council Members

Union Ministers of Cabinet rank in the Union

Council of Ministers nominated by the Prime Minister.

Chief Ministers of all states.

Chief Ministers of Union Territories having a Legislative Assembly and Administrators of UTs not having a Legislative Assembly

FUNCTION OF INTER-STATE COUNCIL

Inquiring and advising upon disputes which may have emerged between the States:

Investigating and discussing subjects in which the States or the Union has a common interest.

Making suggestions on any such subject, for the better coordination of policy and action with respect to that subject.

6. B

Words socialist, secular & integrity added to the preamble through 42nd amendment in 1976

Enacted in 1976 during Emergency by Indira Gandhi Government

It is regarded as one of the most controversial amendment

Amendment had four major purposes:

Exclude the courts entirely from election disputes;

To strengthen the central government vis-à-vis the state governments and its Compatibility to rule the country as a unitary, not a federal, system;

To give maximum protection from judicial challenge to social revolutionary legislation;

'To trim' the judiciary, so as to 'make it difficult for the court to upset parliament's policy in regard to many matters'.

Changes were :

Preamble : It changed the characterization of India to "sovereign, socialist, secular democratic republic" from "sovereign democratic republic" and the words 'unity of the nation' was changed to "unity and integrity of the nation".

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Parliament: Raised the term of Lok Sabha and Vidhansabha from 5 to 6 years. The quorum was left to be fixed by the rules of each house.

Judicial : Stating that the amendments can't be questioned by any court on any ground.

Executive: The amendment stated that the president shall act in accordance to the council of ministers.

Federal : enable the Centre to deploy armed forces for dealing with situations of law and order in any state.

Emergency :authorizing the President to declare emergency in "a part" of the country

The 42nd amendment changed the whole complexion of the constitution, making parliament the supreme sovereign body, excluding courts entirely from election disputes, strengthening central government to rule as a unit NOT as a federal system, cutting down the judiciary powers to challenge legislation abolishing democracy and devaluing fundamental rights

7. D

Termination : when an Indian Citizen voluntarily acquires the citizenship of another country ,his Indian citizenship automatically cancels

Deprivation : it is a compulsory termination of Indian citizenship by the central government

8. B

DPSP are not justifiable in the court

9. C

Fundamental duties were added after the Swaran Sigh committee recommendation

To value and preserve the rich heritage of our composite culture belongs to Fundamental duties

10. B

President is only impeached when the resolution passed with two-thirds of the total membership of the house

The oath of office to the President is administered by the Chief Justice of India

11. B

pocket Veto : The President neither ratifies nor rejects nor return the bill, but simply keeps the bill pending for an indefinite period

suspensive Veto : The president exercises this veto when he returns a bill for reconsideration of the parliament

12. A

Governor can reserve the money bill for the consideration of the President

Powers of the Governor can be broadly classified into executive, legislative (including financial powers) and judicial powers.

Though the Governor has the power to pardon, he cannot pardon a death sentence.

There are also related articles like 163 -167, 174-176, 200-201, 213, 217, 233-234 which touch the sphere of influence of the Governor of a state.

When the governor reserves a bill for the consideration of the President, the assent of the Governor is no longer required (only President's assent would be needed then).

The president is not bound to give his assent to a state bill reserved by the governor for the Consideration of the President and he can return the bill to the houses for reconsideration 'n' times.

Removal of Governors by Center : Disapproving the practice of replacing Governors after a new government comes to power at the Centre, the Supreme Court in 2010 had said that the Governors of states cannot be changed in an arbitrary and capricious manner with the change of power. A five-judge

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Constitution bench headed by Chief Justice K G Balakrishnan held that a Governor can be replaced only under “compelling” reasons for proven misconduct or other irregularities. The Bench also said the Governor can be removed only under “compelling reasons” and what the compelling reasons are depends on facts and situations of a particular case. The landmark decision came on a PIL filed was in 2004 by then BJP MP B P Singhal challenging the removal of Governors of Uttar Pradesh, Gujarat, Haryana and Orissa by the previous UPA government.

NB : The judgment had provided an important exception, which now allows the Union government to build a file containing the reasons for a governor’s removal prior to the council of ministers headed by the PM making such a recommendation to the President. Though the President can return the file, he must sign the recommendation in the event of Cabinet reiterating its decision.

13. A

Article 360 deals with financial emergency

President can issue a proclamation of emergency only when decision of cabinet is conveyed to him in writing

Proclamation is subjected to judicial review & its constitutionality can be questioned in court of law on grounds of malafidism

Has been issued only 3 times till now → (1962 & 1971 → External; 1975 → Internal)

Every proclamation made under article 352 (except a proclamation revoking previous proclamation) should be laid before each house of the parliament & must be approved by them within one month after proclamation is made, by majority of total membership of the house & by a majority of not less than 2/3rd of members of the house present & voting

If parliament fails to approve such proclamation, then it ceases to be in operation on expiry of 1 month after proclamation is made

If parliament approves such proclamation, then it will be in force for 6 months from the date on which it was approved by parliament, unless revoke earlier

It can be approved by parliament any no. of times but not beyond 6 months at a time

If LS stands dissolved before giving approval to proclamation, then RS needs to approve it within 1 month & thereafter should be ratified by LS within 1 month after reconstitution

If LS disapproves a proclamation to its continuance, President shall revoke the emergency

If not less than 1/10th of the members of LS issue a notice with intension of disapproving an emergency to the President, when LS is not in session or to Speaker, if it is in session, then a special sitting of LS shall be held within 14 days for the purpose of considering such a resolution

FRs under article 19 will be suspended automatically only in case of external emergency

Parliament is empowered to extend by law, life of LS beyond 5 years for a period of not extending 1 year at a time, but in any case not exceeding 6 months after the proclamation of emergency has ceased to be in operation (Same case with state legislative assemblies)

Article 356 → Failure of constitutional machinery in state (Presidential rule)

Must be passed by each house of the parliament by simple majority or cease to operate at expiry of 2 months (Subjected to judicial Review)

Approved for 6 months from the date of approval & can be further extended for a period of 6 months.

However, it can be extended beyond 1 year period but in any case not beyond 3 years from the date of issue of proclamation, if :

A proclamation of national emergency is in operation in that state or in whole India

EC certifies that it is necessary on account of difficulties to hold general elections to state legislature

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Article 360 → Financial Emergency

A proclamation of financial emergency will remain in force for 2 months, unless before expiry of that period, it is approved by both the houses of parliament by simple majority

Once approved, it will be in force till it is revoked by the President (None Issued so far)

14. A

The proclamation of National Emergency must be approved by both the houses of parliament within one month from the date of its issue

15. D

Article 148: Comptroller and Auditor-General of India

(1) There shall be a Comptroller and Auditor-General of India who shall be appointed by the President by warrant under his hand and seal and shall only be removed from office in like manner and on the like grounds as a Judge of the Supreme Court.

(2) Every person appointed to be the Comptroller and Auditor-General of India shall, before he enters upon his office, make and subscribe before the President, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.

(3) The salary and other conditions of service of the Comptroller and Auditor-General shall be such as may be determined by Parliament by law and, until they are so determined, shall be as specified in the Second Schedule:

Provided that neither the salary of a Comptroller and Auditor-General nor his rights in respect of leave of absence, pension or age of retirement shall be varied to his disadvantage after his appointment.

(4) The Comptroller and Auditor-General shall not be eligible for further office either under the Government of India or under the Government of any State after he has ceased to hold his office.

(5) Subject to the provisions of this Constitution and of any law made by Parliament, the conditions of service of persons serving in the Indian Audit and Accounts Department and the administrative powers of the Comptroller and Auditor-General shall be such as may be prescribed by rules made by the President after consultation with the Comptroller and Auditor-General.

(6) The administrative expenses of the office of the Comptroller and Auditor-General, including all salaries, allowances and pensions payable to or in respect of persons serving in that office, shall be charged upon the Consolidated Fund of India.

Article 149: Duties and powers of the Comptroller and Auditor-General

The Comptroller and Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States and of any other authority or body as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States as were conferred on or exercisable by the Auditor-General of India immediately before the commencement of this Constitution in relation to the accounts of the Dominion of India and of the Provinces respectively.

Article 150: Form of accounts of the Union and of the States

The accounts of the Union and of the States shall be kept in such form as the President may, on the advice of the Comptroller and Auditor-General of India, prescribe.

Article 151: Audit reports

(1) The reports of the Comptroller and Auditor-General of India relating to the accounts of the Union shall be submitted to the President, who shall cause them to be laid before each House of Parliament.

(2) The reports of the Comptroller and Auditor-General of India relating to the accounts of a State shall be submitted to the Governor of the State, who shall cause them to be laid before the Legislature of the State.

16. C

The Chairperson and the members of the NHRC have a tenure of five years. But if any member reaches the age of 70 years before the completion of his tenure, he or she has to retire from the membership.

The National Human Rights Commission (NHRC) of India is an autonomous public body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993. It was given a statutory basis by the Protection of Human Rights Act, 1993 (TPHRA)

The National Human Rights Commission comprises of following executives:

A Chairperson, retired Chief Justice of India.

One Member who is, or has been, a Judge of the Supreme Court of India.

One Member who is, or has been, the Chief Justice of a High Court.

Two Members to be appointed from among persons having knowledge of, or practical experience in, matters relating to human rights

17. D

Powers, Functions and Responsibilities

The Central Vigilance Commission is not an investigating agency. The only investigation conducted by the CVC is that of examining Civil Works of the Government which is carried on by the Chief Technical Officer. The CVC conducts its investigations through the CBI or through the Departmental Chief Vigilance Officers. The main purpose of this organisation are-

Technical audit of construction works of Governmental organisations from a vigilance perspective;

Investigation of specific cases of complaints relating to construction works;

Extension of assistance to CBI in their investigations involving technical matters and for evaluation of properties in Delhi; and Tendering of advice and assistance to the Commission and Chief Vigilance Officers in vigilance cases involving technical matters.

The Central Vigilance Commission (CVC) was set up by the Government of India in February, 1964 on the recommendations of the Committee on Prevention of Corruption, headed by Shri K. Santhanam, to advise and guide Central Government agencies in the field of vigilance. CVC is conceived to be the apex vigilance institution, free of control from any executive authority, monitoring all vigilance activity under the Central Government and advising various authorities in Central Government organisations in planning, executing, reviewing and reforming their vigilance work. Consequent upon promulgation of an Ordinance by the President, the Central Vigilance Commission has been made a multi member Commission with Statutory Status, with effect from 25 August, 1998. The CVC Bill was passed by both the houses of Parliament in 2003 and the President gave his assent on 11th September 2003. Thus, the Central Vigilance Commission Act 2003 (No 45 Of 2003) came into effect from that date. Nittoor Srinivasa Rau became the first Chief Vigilance Commissioner of India. The Commission shall consist of a Central Vigilance Commissioner – Chairperson and not more than 2 Vigilance Commissioners – Members

18. B

President's rule must be approved by both the houses of parliament within two month from the date of its issue

Governor: An overseer

Under the constitutional scheme, the Governor's mandate is substantial. From being tasked with overseeing government formation, to reporting on the breakdown of constitutional machinery in a State.

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To maintaining the chain of command between the Centre and the State, he can also reserve his assent to Bills passed by the State Legislature and promulgate ordinances if the need arises.

Further, under Article 355, the Governor, being the Central authority in a State, acts as an overseer in this regard.

There are numerous examples of the Governor's position being abused, usually at the behest of the ruling party at the Centre.

The root lies in the process of appointment itself

The post has been reduced to becoming a retirement package for politicians for being politically faithful to the government of the day

Consequently, a candidate wedded to a political ideology could find it difficult to adjust to the requirements of a constitutionally mandated neutral seat. This could result in bias, as appears to have happened in Karnataka

A possible solution would be not to nominate career politicians and choose "eminent persons" from other walks of life

Both the Sarkaria and M.M. Punchhi Commissions seem to hint at this. But this could also lead to the creation of sycophants within the intelligentsia, an equally worrisome prospect

On the other hand, there are instances of politicians who have risen above partisan politics and performed their role with dignity and without fear or favor

19. D

20. C

21. A

Adjournment of the house is done by the Presiding officer of the house

Summoning

Sessions of Parliament

Summoning is the process of calling all members of the Parliament to meet. It is the duty of Indian President to summon each House of the Parliament from time to time. The maximum gap between two sessions of Parliament cannot be more than six months. In other words, the Parliament should meet at least twice a year.

Adjournment

An adjournment suspends the work in a sitting for a specified time, which may be hours, days or weeks. In this case, the time of reassembly is specified. An adjournment only terminates a sitting and not a session of the House. The power of adjournment lies with the presiding officer of the House.

Adjournment Sine Die

Adjournment sine die means terminating a sitting of Parliament for an indefinite period. In other words, when the House is adjourned without naming a day for reassembly, it is called adjournment sine die. The power of adjournment sine die lies with the presiding officer of the House.

Note: The presiding officer of a House can call a sitting of the House before the date or time to which it has been adjourned or at any time after the House has been adjourned sine die.

Prorogation

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Prorogation means the termination of a session of the House by an order made by the President under article 85(2)(a) of the Constitution. Prorogation terminates both the sitting and session of the House. Usually, within a few days after the House is adjourned sine die by the presiding officer, the President issues a notification for the prorogation of the session. However, the President can also prorogue the House while in session.

Note: All pending notices (other than those for introducing bills) lapse on prorogation and fresh notices have to be given for the next session.

Dissolution

A dissolution ends the very life of the existing House, and a new House is constituted after general elections are held. Rajya Sabha, being a permanent House, is not subject to dissolution. Only the Lok Sabha is subject to dissolution.

The dissolution of the Lok Sabha may take place in either of two ways:

Automatic dissolution: On the expiry of its tenure – five years or the terms as extended during a national emergency.

Order of President: If President is authorized by CoM, he can dissolve Lok Sabha, even before the end of the term. He may also dissolve Lok Sabha if CoM loses confidence and no party is able to form the government. Once the Lok Sabha is dissolved before the completion of its normal tenure, the dissolution is irrevocable.

Note: When the Lok Sabha is dissolved, all business including bills, motions, resolutions, notices, petitions and so on pending before it or its committees lapse

22. B

Starred Questions: A Starred Question is the one to which a member desires an oral answer in the house, having a distinguishing mark of an asterisk. When a question is answered orally, Members of Parliament have the option to raise the Supplementary Questions based on the replies to the starred questions. Per day, only 20 questions can be listed for oral answer. Starred Questions require a notice period of minimum 10 days and a maximum of 21 days and are asked during the Question Hour on the fixed days allotted to that Ministry or Department. Note here that, Starred Questions from Lok Sabha are printed on a green paper and those of Rajya Sabha are printed on a pink paper.

Unstarred Questions: An Unstarred Question is the one which does not called for an oral answer in the house and hence, on which no supplementary questions can be asked. To an unstarred question, a written answer is mandated to be laid on the Table after the Question Hour by the concerned Minister. This answer is printed in the official report of the sitting of that House. Per day, only 230 Unstarred questions can be listed for written answer. But, in addition to this, 25 more questions can be included in the Unstarred Question List relating to the States under Presidential Rule. Therefore, a total 255 Unstarred Questions for a day may be asked, in a relaxation of normal limit of 230 questions. As is evident, unstarred questions do not carry asterisk mark. The notice period for unstarred questions is same as that for the started Questions (minimum 10 days and maximum 21 days) and these questions are also asked on the allotted days for the concerned Department or Ministry during the Question Hour. The Lok Sabha Unstarred Questions are printed on a white paper and those of Rajya Sabha are printed on a yellow paper.

Short Notice Questions: A Short Notice Question is the one which relates to a matter of urgent public importance and can be asked, as the name suggests, with a shorter notice than the period of notice prescribed for an ordinary question (less than 10 days). Similar to a starred question, it is answered orally followed by supplementary questions. The short notice questions are answered orally by the concerned Minister. However, a Short Notice Question can be asked only with the concurrence of the Minister

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concerned. Such questions can be asked orally in the House either after the Question Hour or as the first item in the agenda when there is no Question Hour, at a notice shorter than that prescribed for Starred and Unstarred Questions. The short duration questions must relate to a subject-matter considered by the Speaker or Chairman to be of urgent public importance

23. A

Rajya Sabha do not have any power on Money bill

A money bill is defined by Article 110 of the Constitution, as a draft law that contains only provisions that deal with all or any of the matters listed therein. These comprise a set of seven features, broadly including items such as the imposition or regulation of a tax; the regulation of the borrowing of money by the Government of India; the withdrawal of money from the Consolidated Fund of India; and so forth.

In the event a proposed legislation contains other features, ones that are not merely incidental to the items specifically outlined, such a draft law cannot be classified as a money bill. Article 110 further clarifies that in cases where a dispute arises over whether a bill is a money bill or not, the Lok Sabha Speaker's decision on the issue shall be considered final.

24. A

Only available to Lok Sabha

The primary object of an adjournment motion is to draw the attention of the House to a recent matter of urgent public importance having serious consequences and in regard to which a motion or a resolution with proper notice will be too late.

The matter proposed to be raised should be of such a character that something very grave which affects the whole country and its security has happened and the House is required to pay its attention immediately by interrupting the normal business of the House.

The adjournment motion is thus an extraordinary procedure which, if admitted, leads to setting aside the normal business of the House for discussing a definite matter of urgent public importance.

The subject matter of the motion must have a direct or indirect relation to the conduct or default on the part of the Union Government and must precisely pin-point the failure of the Government of India in the performance of its duties in accordance with the provisions of the Constitution and Law.

A matter which falls within the jurisdiction of a State Government is inadmissible, but a matter concerning the constitutional developments in a State or atrocities on the Scheduled Castes and Scheduled Tribes and other weaker sections of the society which bring the Union Government into picture may be considered for admission on merits. The refusal to give his consent is in the absolute discretion of the Chair and he is not bound to give any reasons therefore.

25. A

Economy Cut Motion : it states that the amount of the demand be reduced by a specified amount
policy Cut Motion : it states that the amount the amount of the demand be reduced to Re 1

26. A

One-third members of Rajya Sabha retire every second year
President can nominate 12 members in Rajya Sabha

27. B

Original Jurisdiction

“Original jurisdiction of SC is power to hear a case for the 1st time unlike Appellate jurisdiction”

Purely federal in character i.e. have exclusive authority to decide any dispute involving a question of law between:

GOI (Union) v/s state or states

GOI & any state / states on one side & state / states on the other

Two or more states

However, according to 7th amendment, 1956, original jurisdiction of SC does not extend to disputes, arising out of provisions of a treaty, agreement etc. which was executed before 26th Jan 1950 & is in operation ever since

As per article 71, all disputes regarding election of President & vice President are handled by SC

Exclusion to original jurisdiction of states

In disputes b/w center & state due to disputes arising out of provisions of a treaty, agreement etc. which was executed before 26th Jan 1950 & is in operation ever since

Parliament may by law exclude SC's jurisdiction in disputes w.r.t use, distribution & control of water in any interstate river

Writ Jurisdiction

A type of original jurisdiction of Supreme court

Jurisdiction of SC to enforce FRs → Every individual has a right to move to SC directly by appropriate proceedings for the enforcement of his FR, without coming via HC, by means of writs

Appellate Jurisdiction

Constitutional Matters

Appeal lies to SC if HC certifies that the case involves a substantial question of law as to interpret the constitution

If HC refuses to give certificate, SC may grant a special leave for appeal if it is satisfied that case does involve such question

Civil Matters

An appeal lies to SC from any any judgement in civil proceeding of HC if it certifies :

that the case involves a substantial question of law of general importance

that in opinion of HC, the said question needs to be decided by SC

Thus, No appeal in case of civil matters lies to SC as a matter of right as it lies only when HC issues a certificate on above 2 conditions

Criminal Matters

Constitution provides the following provisions as to appeal in criminal matters:

If HC has sentenced someone to death

If HC has withdrawn for trial before itself a case from the lower court & in such trial, lower court has sentenced the accused to death

If HC certifies that the case is fit for appeal to SC, even if HC on appeal has reversed an order of acquittal of accused & sentenced him to death or life imprisonment or for period not less than 10 years

Note → Appellate Jurisdiction is not Applicable in cases of Court Martial

Advisory Jurisdiction (Only consultative Role)

President can refer to court either on a question of law or on a question of fact provided it is of public importance. However, it is not compulsory for court to give its advice.

Further, President is empowered to refer to SC for its opinion regarding disputes, arising out of provisions of a treaty, agreement etc. which was executed before 26th Jan 1950 & is in operation ever since. In such case, it is obligatory for the court to give its opinion to President

“In both of above cases, opinion expresses by SC is only advisory in nature & not binding on President”

Revisory Jurisdiction

Empowered to review any judgment or order made by it with a view to remove any mistake or error that might have crept in judgment

Even though, judgment have been passed by SC has a binding effect on all the courts of India, but not on SC itself.

Supreme Court as Court of Record

Records & judicial proceedings are of evidentiary value before any court

Has power to determine its own jurisdiction

Contempt of court

“Supreme Court has power to punish its own contempt”

Civil → Willful disobedience to any judge or other processes of the court

Criminal → Publication of any matter or doing any act whatsoever which scandalizes or tend to scandalize authority of the court or tend to interfere course of any judicial proceedings

Curative Petition

A review petition may be filed in SC after delivery of its judgment; Court may review the case under its inherent power but on very restricted grounds

The petition 1st has to circulated to a bench of 3 senior most judges & judges who passed the judgment complained of

Others Powers of SC

Make rules regarding procedure & practice of court

Can recommend removal of members of UPSC to the President

Power to review the laws passed by the legislature & orders issued by executives & to declare them ultra vires if they contravene any of the provisions of the constitution

It must be noted that SC can not pronounce upon the constitutionality of any law or executive's action on its own. It can only pronounce judgment, when said law or executive action is actually challenged by someone

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The ultimate authority to interpret the constitution also rest with SC , which has been described as mouth piece of Indian constitution

28. C

Matters of admiralty, will, marriage divorce comes under the original jurisdiction of the High court

29. C

30. C

It does not require prior recommendation of the president

31. D

Fundamental rights can be amended by special majority

Salaries and allowances of the members of Parliament amended by special majority

32. B

Article 370 of the constitution deals with the temporary provision with respect to the state of Jammu and Kashmir

33. D

The basic structure doctrine is an Indian judicial principle that the Constitution of India has certain basic features that cannot be altered or destroyed through amendments by the parliament. The basic features of the Constitution have not been explicitly defined by the Judiciary, and the claim of any particular feature of the Constitution to be a "basic" feature is determined by the Court in each case that comes before it. Key among these "basic features", are the fundamental rights granted to individuals by the constitution. The basic structure doctrine does not apply to ordinary Acts of Parliament, which must itself be in conformity with the Constitution.

FEATURES :-

The majority had differing opinions on what the "basic structure" of the Constitution comprised.

Chief Justice Sarv Mittra Sikri, writing for the majority, indicated that the basic structure consists of the following:

The supremacy of the constitution.

A republican and democratic form of government.

The secular character of the Constitution.

Maintenance of the separation of powers.

The federal character of the Constitution.

Justices Shelat and Grover in their opinion added three features to the Chief Justice's list:

The mandate to build a welfare state contained in the Directive Principles of State Policy.

Maintenance of the unity and integrity of India.

The sovereignty of the country.

Justices Hegde and Mukherjea, in their opinion, provided a separate and shorter list:

The sovereignty of India.

The democratic character of the polity.

The unity of the country.

Essential features of individual freedoms.

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The mandate to build a welfare state.

Justice Jaganmohan Reddy preferred to look at the preamble, stating that the basic features of the constitution were laid out by that part of the document, and thus could be represented by:

A sovereign democratic republic.

The provision of social, economic and political justice.

Liberty of thought, expression, belief, faith and worship.

Equality of status and opportunity.

34. C

One third of legislative council members retire every second year

35. C

Not Every state has the authority to decide whether English to be followed as the floor language after the completion of 15 years from the commencement of constitution

Himachal Pradesh, Manipur, Meghalaya and Tripura have time limit as 25 years.

Quorum of a state legislature is 1/10 of the total membership of the House

36. C

The Committee on Public Accounts was first set up in 1921 in the wake of the Montague-Chelmsford Reforms. W M Hailey was its first president, and Bhupendra Nath Mitra its first Indian president. The last president before Independence was Liaquat Ali Khan.

With the Constitution coming into force on January, 26, 1950, the Committee became a Parliamentary Committee functioning under the Speaker with a non-official Chairman appointed by the Speaker from among the Members of Lok Sabha elected to the Committee.

It is the oldest of all House panels and its job is to keep a vigil on the spending and performance of the government, to bring to light inefficiencies, wasteful expenditure, and indiscretion in the implementation of policies and programmes approved by Parliament, and to make recommendations to streamline the administration for efficient, speedy and economical implementation of policy.

This 22-member Committee comprises 15 members and 7 members from Lok Sabha and Rajya Sabha, respectively. No Minister is allowed to be a member of this panel. The objective behind this standard practice is to eliminate the chance of ruling party influencing or manipulating PAC's decisions.

Roles & Responsibilities of the PAC:

Since PAC's job is to keep a tab on where and how the public money is being spent, it has the authority to examine the accounts relating to the Railways, Defence, and other ministries.

It is the primary role of this parliamentary panel to assess whether the government has judiciously spent the money.

If it comes to the notice that there has been an overspending or underutilization of funds, the Committee examines the justifications put forward by the government and analyses the circumstances that could have caused such digressions.

Be it the cases of financial irregularities or tax evasion, the Committee refers and scrutinizes CAG (Comptroller and Auditor-General) reports before making its observations

37. C

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The Estimate Committee

The Government of the day formulates the economic policies and present demands to the Parliament for carrying out the policies.

In order to scrutinize the expenditure proposed by the Government in an informal atmosphere disregarding party lines, an Estimate Committee is constituted after the budget is presented before the Lok Sabha.

This committee of the Lok Sabha examines the estimates in order to make suggestion in regard to—

Economy and improvement in organizational efficiency or administrative reform consistent with policies underlying the estimates.

Suggest alternative policies for bringing efficiency and economy in administration.

Examine whether the money is well laid out within the limits of the policy.

To suggest the form in which the estimates are to be presented to the Parliament.

The committee functions would not include a Government undertaking which has been referred to the Committee on Public Undertakings.

Constitution of the Committee

The committee shall not have more than 30 members.

The members are elected by proportional representation by means of single transferable vote.

A Minister cannot be elected to the committee and if after election a person is appointed a Minister, he ceases to be a member of the committee.

The members are appointed for a period not exceeding one year.

The report of the committees is not debated in the House.

The committee keeps on working throughout the year and places its views before the House.

The demand for grants made by the Government does not wait for the report of the Estimates committee.

The Estimates Committee makes useful suggestion and checks Government's extravagance in making demands for the next financial year.

38. D

39. B

There is no provision for joint sitting of the two houses in state legislature.

40. A

seven states have legislative council -

Andhra Pradesh

Bihar

Jammu and Kashmir

Karnataka

Maharashtra

Telangana

Uttar Pradesh

41. D

42. B

43. B

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In December 1977, the Janta Government appointed a committee on Panchayati Raj institutions under the chairmanship of Ashok Mehta. It submitted its report in August 1978 and made 132 recommendations to revive and strengthen the declining Panchayati Raj System in the country. Its main recommendations are:

1. The three-tier system of Panchayati Raj should be replaced by the two-tier system, that is, Zila Parishad at the district level, and below it, the Mandal Panchayat consisting of a group of villages covering a population of the 15000 to 20000.
2. A district should be the first point for decentralization under popular supervision below the state level.
3. Zila Parishad should be the executive body and made responsible for planning at the district level.
4. There should be an official participation of political parties at all levels of Panchayat elections.
5. The Panchayati Raj institutions should have compulsory powers of taxation to mobilize their own financial resources.
6. There should be a regular social audit by a district level agency and by a committee of legislators to check whether the funds allotted for the vulnerable social and economic groups are actually spent on them.
7. The state government should not supersede the Panchayati Raj institutions. In case of an imperative supersession, election should be held within six months from the date of supersession.
8. The Chief Electoral Officer of state in consultation with Chief Election Commissioner should organise and conduct the Panchayati Raj elections.
9. Development functions should be transferred to the Zila Parishad and all development staff should work under its control and supervision
10. A minister for Panchayati Raj should be appointed in the state council of ministers to look after the affairs of the Panchayati Raj institutions.
11. Seats for SC and ST should be reserved on the basis of their population

44. D

Village level democracy became a real prospect for India in 1992 with the 73rd amendment to the Constitution, which mandated that resources, responsibility and decision making be passed on from central government to the lowest unit of the governance, the Gram Sabha or the Village Assembly. A three tier structure of local self government was envisaged under this amendment.

Since the laws do not automatically cover the scheduled areas, the PESA Act was in acted on 24 December 1996 to enable Tribal Self Rule in these areas. The Act extended the provisions of Panchayats to the tribal areas of nine states that have Fifth Schedule Areas. Most of the North eastern states under Sixth Schedule Areas (where autonomous councils exist) are not covered by PESA, as these states have their own Autonomous councils for governance. The nine states with Fifth Schedule areas were:

Andhra Pradesh
Chhattisgarh

515 Indian Polity Ans with Exp

Gujarat

Himachal Pradesh

Jharkhand

Maharashtra

Madhya Pradesh

Orissa

Rajasthan

Objectives of the PESA Act

The fundamental spirit of the Panchayat Extension Act for tribal areas under 5th Schedule is that it devolves power and authority to Gram Sabha and Panchayats rather than delegation; hence it paves way for participatory democracy.

The provision under constitution and the composition under this act call for every legislation on the Panchayat in 5th Schedule area be in conformity with the customary law, social and religious practices and traditional management practices of the community resources.

It also directs the state government to endow powers and authority to make Gram Sabha and Panchayats function as Institutions of Local Self Governance, specifically on matters of enforcing prohibition of sale and consumption of intoxicant; ownership of minor forest produce; power to prevent alienation of land and restoration of unlawfully alienated land, management of village markets, control over money lending, etc.

PESA also empowered gram sabha of the Scheduled Areas to approve plans, programmes for social and economic development, identify beneficiaries under poverty alleviation programmes, certify utilization of funds by gram Panchayats, protect natural resources, including minor forest produce and be consulted prior to land acquisition.

PESA make sure that each tier of the Local Governance is independent and Panchayats at higher level should not assume the powers and authority of any Panchayat at the lower level or of the Gram Sabha. Further, it also calls for creating the appropriate levels of Panchayats similar to 6th Schedule area, where the Administrative boundaries are Autonomous enough for self-rule.

All the states with scheduled areas within their geographical boundaries were mandated to amend their existing Panchayati Raj acts incorporating provisions of PESA within a year, that is, by 24 December 1997.

45. C

46. D

Finance Commission is a constitutional body for the purpose of allocation of certain revenue resources between the Union and the State Governments. It was established under Article 280 of the Indian Constitution by the Indian President. It was created to define the financial relations between the Centre and the states. It was formed in 1951. Below is an article on the details of the FC, which is an important topic in polity and current affairs for IAS exam. It is also a part of the polity section of the UPSC syllabus.

Appointment: Formation of Finance Commission of India

As per Article 280:

515 Indian Polity Ans with Exp

The President shall, within two years from the commencement of this Constitution and thereafter and at the expiration of every fifth year or at such time earlier time as the President considers necessary, by order constitute a Finance Commission which shall consist of a Chairman and four other members to be appointed by the President.

Parliament may by law determine the qualification which shall be requisite for appointment as members of the Commission and the manner in which they shall be selected.

It shall be the duty of the Commission to make recommendations to the President as to the distribution of the net proceeds of taxes which are to be, or may be divided between them under this chapter and the allocation between the States of the respective shares of such proceeds. It is also the duty of the Finance Commission to define the financial relations between the Union and the State and it also caters to the purpose of devolution of non-plan revenue resources.

Composition of Finance Commission IAS

Chairman: Heads the Commission and presides over the activities. He should have had public affairs experience.

One Secretary and four Members.

The Parliament determines legally the qualifications of the members of the Commission and their selection methods.

The 4 members should be or have been qualified as High Court judges, or be knowledgeable in finance or experienced in financial matters and are in administration, or possess knowledge in economics.

All the appointments are made by the President of the country.

Grounds of disqualification of members:

found to be of unsound mind, involved in a vile act, if there is a conflict of interest

The tenure of the office of the Member of the Finance Commission is specified by the President of India and in some cases the members are also re-appointed.

The members shall give part time or whole time service to the Commission as scheduled by the President.

The salary of the members is as per the provisions laid down by the Constitution.

Powers, Functions and Responsibilities

The Commission decides the basis for sharing the divisible taxes by the centre and the states, and the principles that govern the grants-in-aid to the states every five years.

Any matter in the interest of sound finance may be referred to the Commission by the President.

The Commission's recommendations along with an explanatory memorandum with regard to the actions done by the government on them are laid before the Houses of the Parliament.

The FC evaluates the rise in the Consolidated Fund of a state in order to affix the resources of the state Panchayats and Municipalities.

The FC has sufficient powers to exercise its functions within its activity domain.

As per the Code of Civil Procedure 1908, the FC has all the powers of a Civil Court. It can call witnesses, ask for the production of a public document or record from any office or court.

47. B

They have tenure of six years, or up to the age of 65 years, whichever is earlier

The Election Commission of India, abbreviated as ECI is a constitutional body responsible for administering elections in India according to the rules and regulations mentioned in the Constitution of India.

It was established on January 25, 1950. The major aim of election commission of India is to define and control the process for elections conducted at various levels, Parliament, State Legislatures, and the offices of the President and Vice President of India. It can be said that the Election Commission of India ensures smooth and successful operation of the democracy.

According to Article 324 of Indian Constitution, the Election Commission of India has superintendence, direction, and control of the entire process for conduct of elections to Parliament and Legislature (state legislative assembly & state legislative council) of every State and to the offices of President and Vice-President of India.

Initially, the commission had only a Chief Election Commissioner. Presently, it consists of a Chief Election Commissioner and two Election Commissioners. For the first time, two additional Commissioners were appointed on 16th October 1989 but they had a very short term till 1st January 1990. Afterwards, on 1st October 1993 two additional Election Commissioners were appointed. The concept of multi-member Commission has been in operation since then, with decision-making power by majority vote.

Appointment & Tenure of Commissioners

The President has the power to select Chief Election Commissioner and Election Commissioners.

They have tenure of six years, or up to the age of 65 years, whichever is earlier.

They have the same status and receive pay and perks as available to Judges of the Supreme Court of India.

The Chief Election Commissioner can be removed from office only through accusation by Parliament.

Election commissioner or a regional commissioner shall not be removed from office except on the recommendation of the Chief Election Commissioner.

48. A

UPSC chairman is not eligible for second term but the members are eligible for second term

The UPSC is a central agency that has great responsibility for conducting examinations pertaining to Civil Services, Engineering Services, Defence Services, and Medical Services. It also conducts Economic Service, Statistical Service, and Police Forces examination.

The Union Public Service Commission of India was formed by the British Government during the British rule. In 1924, Lee Commission had suggested in its report for the establishment of an independent and impartial Public Service Commission for India and on the basis of such recommendation, the Union Public Service Commission was established in 1926.

Consequently by the government of India Act 1935, Public Service Commission was established separately for both the central and the state government services. After independence, arrangements were made to establish an independent and neutral Union Public Service Commission for the said purpose following the pattern adopted in the Government of India Act 1935.

Constitutional Provisions

Article 315 to 323 of Indian Constitution has a provision for such an agency.

According to Act 315 of the constitution of India, there shall be a permanent Union Public Service Commission for appointment to the various posts of the central government services.

Similarly, as Act 318 of the constitution of India also stated that the Union Public Service Commission will be constituted with a chairman and a fixed number of members; the number of such members and the terms and conditions of their service is to be determined by the President of India. The President, as such, appoints the Chairman and other members of the commission for a period of six years.

Appointment and Tenure

The Commission consists of a Chairman and ten other members. They are appreciative to follow the rules mentioned in Union Public Service Commission (Members) Regulations, 1969.

515 Indian Polity Ans with Exp

All the members of the commission are appointed by the President of India with at least half of the members being the Civil Servants (working or retired) with no less than ten years of experience in Central or State service.

The Constitution of India has also espoused certain measures to guarantee the neutrality and fairness of the U.P.S.C.

The Chairman of the Union Public Service Commission has not been authorized to take any office of profit under the central or any of the state governments after his retirement from service as chairman.

Furthermore, before the expiry of their term of service, the executive cannot remove the Chairman or any of the members of the commission from their service. They can be removed only through the means stipulated in the constitution. Apart from this, once these members are appointed the terms and conditions of their services cannot be changed.

Art. 322 announces that the remuneration and allowances of these members including the chairman will be considered as expenditure charged upon the Consolidated Fund of India, which means that their salaries and allowances are not subjected to the approval of the Parliament.

The Secretariat of UPSC is led by a Secretary, two additional secretaries, joint secretaries, and deputy secretaries.

Every member can hold office for six years or till the time he attains the age of 65 years, whichever is earlier.

A member can submit his resignation at any time to the President of India.

On the other side, the President can eliminate him on the basis of misbehaviour.

The UPSC submits a report of its work to the President annually. The report is then tabled in both houses of Parliament for discussion. The President places a memorandum in relation to the cases where the commission's recommendations were not accepted. The memorandum elucidates the reasons for non-acceptance

49. D

50. C

A law made by the Parliament continues to be operative even after President's rule

The Laws become inoperative on the expiration of six months after the National Emergency

National Emergency

Following are the features of the national emergency

It can be imposed under Art. 352

If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened.

three grounds are given based on which emergency can be imposed: war or external aggression or armed rebellion

President may declare national emergency in respect of the whole of India or part of the territory

Proclamation may be made before the actual occurrence of war or of any such aggression or rebellion, if the President is satisfied that there is imminent danger.

Union Cabinet consisting of the Prime Minister and other Ministers of Cabinet rank should communicate the same in writing to the President. This provision ensures that Prime Minister, without the approval of the Union Cabinet can not recommend

Parliament should ratify the proclamation by special majority, within a month. Special majority is two thirds of the members present and voting which is not less than half of the total membership of the House ("total membership" means the total number of members comprising the House irrespective of whether there are vacancies or absentees on any account).

If any such proclamation is issued at a time when the House of the People has been dissolved or the dissolution of the House of the People takes place during the period of one month and if a resolution approving the Proclamation has been passed by the Council of States, but no resolution with respect to such Proclamation has been passed by the House of the People before the expiration of that period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution, unless before the expiration of the said period of thirty days a resolution approving the Proclamation has been also passed by the House of the People.

In short, if the Lok Sabha can not ratify it within 30 days for any reason, the proclamation must be passed by Rajya Sabha in 30 days and by Lok Sabha within 30 days after its first meeting.

After being ratified by both the Houses, emergency will last for 6 months from the date of ratification by the latter of the two houses.

It can be extended by Parliament, at a time for six months and as many times as necessary. Ratification by each House by special majority is required for extension by six months each time.

Lok Sabha has the power to initiate proceedings for the discontinuation of the emergency. A notice in writing signed by not less than one-tenth of the total members Lok Sabha can be issued with 'the intention to move a resolution for disapproving the continuance in force of emergency. It should be addressed to the Speaker, if the House is in session; or to the President, if the House is not in session. A special sitting of the House shall be held within fourteen days from the date on which such notice is received for the purpose of considering the resolution for discontinuance. If the resolution is passed by a simple majority, emergency stands discontinued.

The 44th Amendment Act in 1978 replaced the expression 'internal disturbance' with armed rebellion'. Armed rebellion, according to the Supreme Court poses a threat to security of the country while internal disturbance does not. Emergency can be imposed only when there is a threat to national security.

War is declared by the country formally. But before the declaration of war, there can be external aggression that requires declaration of emergency due to threat to security. Therefore, both the grounds are provided by the original Constitution for declaration of emergency.

Effect of Proclamation of Emergency

Emergency renders the Union Government more powers to deal with a threat to national security in the following way:

51. a

Statement 1: It is mentioned as a condition in Article 3 of the constitution.

515 Indian Polity Ans with Exp

Statement 2: Before recommending the bill, the President has to refer the same to the state legislature concerned for expressing its views within a specified period.

Statement 3: There is no such provision. The division of Andhra Pradesh took place despite the opposition of the state legislature.

52. b

Statement 1 & 2: That is the writ of Quo Warranto, not Mandamus.

Mandamus is a command issued by the court to a public official asking him to perform his official duties that he has failed or refused to perform.

Statement 3: It can also be issued against any public body, a corporation, an inferior court, a tribunal or government for the same purpose.

53. d

Statement 1: The Supreme Court can issue writs only for the enforcement of fundamental rights whereas a high court can issue writs not only for the enforcement of Fundamental Rights but also for any other purpose.

Statement 2: The Supreme Court can issue writs against a person or government throughout the territory of India whereas a high court can issue writs against a person residing or against a government or authority located within its territorial jurisdiction only or outside its territorial jurisdiction only if the cause of action arises within its territorial jurisdiction.

54. c

Statement 1: For e.g. the earlier Land Acquisition Act did not provide for resettlement and rehabilitation after the acquisition of private land by the state.

Statement 2: Since it is a legal right, it can be curtailed by the Parliament through an ordinary law.

Other implications are:

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.

55. a

Statement 1: In the recent case of Niyamgiri Hills in Odisha, the SC ordered the MoEF to reconsider its decision to grant bauxite mining license to a mining company as it was affecting the local tribe's religious and cultural heritage. So, 1 is correct.

Statement 2: Generally the government does support minorities. For e.g. Jains being a minority now receive land concessions from the government. However, obtaining such support is not their fundamental right. So, 2 is wrong

56. d

Statement 1: The President appoints the CAG, CEC of India and Chairman of UPSC. So, 1 is wrong.

515 Indian Polity Ans with Exp

Statement 2: The expenses of these bodies and their office holders e.g. CAG of India, are charged on the consolidated fund of India. So, 2 is wrong.

Statement 3: They are legal entities and can be sued just as the government can be sued.

Statement 4: The government can initiate disciplinary action against the office holders for malpractices, corruption etc. So, 4 is also wrong.

The Constitution ensures the independence of these bodies through various provisions like security of tenure, fixed service conditions, expenses being charged on the Consolidated Fund of India, and so on.

57. d

58. b

Statement 1: 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 (ie, even without the governor's report).

Statement 2: A proclamation imposing President's Rule must be approved by both the Houses of Parliament within two months from the date of its issue. If approved by both the Houses of Parliament, the President's Rule continues for six months.

59. d

Besides the Parliament's power to legislate directly on the state subjects under the exceptional situations, the Constitution empowers the Centre to exercise control over the state's legislative matters in the above mentioned ways.

For example, the bills imposing restrictions on the freedom of trade and commerce can be introduced only after Presidential assent.

60. d

Statement 1: The Parliament has exclusive powers to make laws with respect to any of the matters enumerated in the Union List and Residuary list.

Statement 2: Both, the Parliament and state legislature can make laws with respect to any of the matters enumerated in the Concurrent List even if a Central law exists. But, laws made by state should not contravene Central laws.

61. b

Statement 1: It addresses the service related grievances of central government employees. It does not implement any DPSP.

Statement 2: The Legal Services Authorities Act (1987) has established a nationwide network to provide free and competent legal aid to the poor and to organise lok adalats for promoting equal justice.

515 Indian Polity Ans with Exp

Statement 3: Three-tier panchayati raj system (at village, taluka and zila levels) has been introduced to translate into reality Gandhiji's dream of every village being a republic.

Statement 4: It reduces inequality and leads to welfare of weaker sections of the population.

62. c

63. c

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.

Members of the council of ministers are bound by consensus. The government cannot have two opinions on the same issue.

64. a

There is an old The Hindu Article that should be read for understanding the Article 355 better.

<http://www.thehindu.com/2002/05/04/stories/2002050401351200.htm>

Financial emergency under article 360 of the constitution deals with the 2nd statement.

65. d

Statement 1 and 3: Both statements are correct. More on these lines will be covered in the coming tests.

Statement 2: President shall, in respect of every financial year, cause to be laid before Parliament, Annual Financial Statement as per Article 112 of the Constitution. The Budget is presented to Parliament on such date as is fixed by the President.

Statement 4: The fund is held by the Finance Secretary (Department of Economic Affairs) on behalf of the President of India and it can be operated by executive action.

66. c

Article 75 says only that the Prime Minister shall be appointed by the president. However, this does not imply that the president is free to appoint any one as 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.

Statement 2: In 1980, the Delhi High Court held that the Constitution does not require that a person must prove his majority in the Lok Sabha before he is appointed as the Prime Minister. The President may first appoint him the Prime Minister and then ask him to prove his majority in the Lok Sabha within a reasonable period.

67. d

The seats are allotted to the states in the Rajya Sabha on the basis of population. Hence, the number of representatives varies from state to state.

515 Indian Polity Ans with Exp

For example, Uttar Pradesh has 31 members while Tripura has 1 member only. However, in USA, all states are given equal representation in the Senate irrespective of their population. USA has 50 states and the Senate has 100 members'2 from each state. The representatives of each union territory in the Rajya Sabha are indirectly elected by members of an electoral college specially constituted for the purpose.

68. c

Statement 1: It is established by Government of India under the provisions of the Delimitation Commission Act.

Statement 2: The main task of the commission is to redraw the boundaries of the various assembly and Lok Sabha constituencies based on a recent census.

The representation from each state is not changed during this exercise. However, the numbers of SC and ST seats in a state are changed in accordance with the census.

Statement 3 and 4: The Commission is a powerful body whose orders cannot be challenged in a court of law. The orders are laid before the Lok Sabha and the respective State Legislative Assemblies. However, modifications are not permitted.

Statement 5: Delimitation commissions have been set up four times in the past – In 1952, 1963, 1973 and 2002 under Delimitation Commission acts of 1952, 1962, 1972 and 2002.

The present delimitation of parliamentary constituencies has been done on the basis of 2001 census figures under the provisions of Delimitation Act, 2002.

However, the Constitution of India was specifically amended in 2002 not to have delimitation of constituencies till the first census after 2026 Thus, the present Constituencies carved out on the basis of 2001 census shall continue to be in operation till the first census after 2026.

69. d

Statement 1: It is a continuing chamber, that is, it is a permanent body and not subject to dissolution. However, one-third of its members retire every second year.

Statement 2: The seats left are filled up by fresh elections and presidential nominations at the beginning of every third year. The retiring members are eligible for re-election and re-nomination any number of times.

Statement 3: The Constitution has not fixed the term of office of members of the Rajya Sabha and left it to the Parliament. Accordingly, the Parliament in the Representation of the People Act (1951) provided that the term of office of a member of the Rajya Sabha shall be six years

Statement 4: The act also empowered the president of India to curtail the term of members chosen in the first Rajya Sabha. But, he cannot do it anytime based on any recommendations. The term of MPs is fixed.

In the first batch, it was decided by lottery as to who should retire. Further, the act also authorised the President to make provisions to govern the order of retirement of the members of the Rajya Sabha

70. b

At that time, the Speaker and the Deputy Speaker were called the President and Deputy President respectively and the same nomenclature continued till 1947.

Before 1921, the Governor- General of India used to preside over the meetings of the Central Legislative Council.

515 Indian Polity Ans with Exp

In 1921, the Frederick Whyte and Sachidanand Sinha were appointed by the Governor-General of India as the first Speaker and the first Deputy Speaker (respectively) of the central legislative assembly.

In 1925, Vithalbhai J. Patel became the first Indian and the first elected Speaker of the central legislative assembly.

The Government of India Act of 1935 changed the nomenclatures of President and Deputy President of the Central Legislative Assembly to the Speaker and Deputy Speaker respectively.

71. b

Some pending bills and all pending assurances that are to be examined by the Committee on Government Assurances do not lapse on the dissolution of the Lok Sabha. The position with respect to lapsing of bills is as follows:

A bill pending in the Lok Sabha lapses (whether originating in the Lok Sabha or transmitted to it by the Rajya Sabha).

A bill passed by the Lok Sabha but pending in the Rajya Sabha lapses.

A bill not passed by the two Houses due to disagreement and if the president has notified the holding of a joint sitting before the dissolution of Lok Sabha, does not lapse.

A bill pending in the Rajya Sabha but not passed by the Lok Sabha does not lapse.

A bill passed by both Houses but pending assent of the president does not lapse.

A bill passed by both Houses but returned by the president for reconsideration of Houses does not lapse.

72. d

No-confidence motion need not state the reasons for its adoption in the Lok Sabha, whereas Censure motion should.

Statement 2: Censure motion can be moved against an individual minister or a group of ministers or the entire council of ministers. No-confidence motion can only be moved against the entire council of ministers. So, 2 is wrong.

Censure motion is moved for censuring the council of ministers for specific policies and actions. If it is passed in the Lok Sabha, the council of ministers need not resign from the office. No-confidence motion is moved for ascertaining the confidence of Lok Sabha in the council of ministers. If it is passed in the Lok Sabha, the council of ministers must resign from office. The motion needs the support of 50 members to be admitted.

73. a

Statement 1: Public bills are introduced by Ministers, whereas private bills are introduced by any Member of Parliament other than a minister.

Statement 2: Introduction of public bill in the House requires seven days' notice. Introduction of private bill in the House requires one month's notice.

Public bill reflects the policies of the government (ruling party). Its rejection by the House amounts to the expression of want of parliamentary confidence in the government and may lead to its resignation.

515 Indian Polity Ans with Exp

74. d

75. d

76. d

77. a

Statement 1: 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.

Statement 2: The President can grant pardon, reprieve, respite, suspension, remission or commutation in respect to punishment or sentence by a court- martial (military court).

78.d

79. c

Statement 1: He must be an elector for assembly constituency in the concerned state. So, 1 would be wrong.

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

80 c

Statement 1: The council has no effective say in the ratification of a constitutional amendment bill. Only the assembly ratifies it.

Statement 2: Both have equal powers in the consideration of the reports of the constitutional bodies like State Finance Commission, state public service commission and Comptroller and Auditor General of India.

Statement 3: Similar to passing of a law, ordinances also need to be approved by both houses.

Statement 4: Only the assembly participates in the election of the Rajya Sabha MPs based on proportional representation system (single transferrable votes).

Statement 5: The council can discuss the budget but cannot vote on the demands for grants (which is the exclusive privilege of the assembly).

81. b

He is appointed by the Governor, and his terms of service are also determined by the Governor. So, both 1 and 2 would be wrong.

Statement 3: This means, while he is appointed by the Governor, he can be removed

only by the President, and not the Governor. It is not a subordinate body to the Election Commission of India. It has a separate constitutional existence.

82. d

Following can be provided by the state legislature- Authorise a panchayat to levy, collect and appropriate taxes, duties, tolls and fees;

515 Indian Polity Ans with Exp

Assign to a panchayat taxes, duties, tolls and fees levied and collected by the state government;

Provide for making grants-in-aid to the panchayats from the consolidated fund of the state; and

Provide for constitution of funds for crediting all moneys of the panchayats If you observe, this is similar to the pattern of financial relations between the Union and States. This is why the coming of PRIs is said to add a new wheel of local federalism in India

83. c

Statement 1: The Act bars the interference by courts in the electoral matters of panchayats.

It declares that the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies cannot be questioned in any court.

It further lays down that no election to any panchayat is to be questioned except by an election petition presented to such authority and in such manner as provided by the state legislature.

Statement 2: You will see its examples in some of the questions and explanations in the Test.

84. d

While the proclamation of national emergency (under Article 352) 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 (both tax sharing and grants-in-aid) from the Centre to the states. Such modification continues till the end of the financial year in which the emergency ceases to operate

While the proclamation of financial emergency (under Article 360) is in operation, the Centre can give directions to the states: (i) to observe the specified canons of financial propriety; (ii) to reduce the salaries and allowances of all class of persons serving in the state (including the high court judges); and (iii) to reserve all money bills and other financial bills for the consideration of the President.

85. a

Statement 1: During the British Rule, certain areas were constituted as 'scheduled districts' in 1874. Later, they came to be known as 'chief commissioners provinces'.

Statement 2: After independence, they were placed in the category of Part 'C' and

Part 'D' states. In 1956, they were constituted as the 'union territories' by the 7th Constitutional Amendment Act (1956) and the States Reorganisation Act (1956).

Gradually, some of these union territories have been elevated to statehood. Thus, Himachal Pradesh, Manipur, Tripura, Mizoram, Arunachal Pradesh and Goa, which are states today were formerly union territories.

On the other hand, the territories that were acquired from the Portuguese (Goa, Daman and Diu, and Dadra and Nagar Haveli) and the French (Puducherry) were constituted as the union territories

86. b

Statement 1: The Commission, while investigating any matter or inquiring into any complaint, has all the powers of a civil court trying a suit.

515 Indian Polity Ans with Exp

Statement 2: It is an advisory body to the Government. It does not govern any tribal or autonomous councils.

Statement 3: It cannot direct the courts. It can only recommend punitive measures in cases pertaining to the SCs after conducting due inquiry.

The Central government and the state governments are required to consult the Commission on all major policy matters affecting the SCs.

87. a

Statement 1: 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.

Statement 2: 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.

Statement 3: 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.

Statement 4: 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.

88. c

Statement 1: They are appointed by the President

Statement 2: The condition of service is also determined by the President of India. The service conditions of the chief election commissioner cannot be varied to his disadvantage after his appointment.

Statement 3: The CEC and the two other election commissioners have equal powers and receive equal salary, allowances and other perquisites.

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.

Statement 4: 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.

Others can be removed only when s/he recommends

89. a

Statement 1: The UPSC consists of a chairman and other members appointed by the president of India. The Constitution, without specifying the strength of the Commission has left the matter to the discretion of the president, who determines its composition. Usually, the Commission consists of nine to eleven members including the chairman.

Statement 2: No qualifications are prescribed for the Commission's membership except that one-half of the members of the Commission should be such persons who have held office for at least ten years either under the Government of India or under the government of a state.

515 Indian Polity Ans with Exp

The Constitution also authorises the president to determine the conditions of service of the chairman and other members of the Commission.

Statement 3: The President can remove the Chairman and members of UPSC on grounds of insolvency etc. On the ground of misbehaviour, he can remove them only based on an inquiry by the SC.

90. d

Statement 1: 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 and Delhi, 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.

Statement 2: But, the legislative assembly of Puducherry can also make laws on any subject of the State List and the Concurrent List.

Similarly, the legislative assembly of Delhi can make laws on any subject of the State List (except public order, police and land) and the Concurrent List.

91. c

Statement 1: Article 76 provides for the office of the Attorney General of India.

Statement 2: He is appointed by the President.

Statement 3: He must be a person who is qualified to be appointed a judge of the Supreme Court. He need not have served for it necessarily.

Qualifications to be appointed for a SC judge are: He must be a citizen of India and he must have been a judge of some high court for five years or an advocate of some high court for ten years or an eminent jurist, in the opinion of the president.

Statement 4: He is the highest law officer of the country and represents the government where he is required to. He also represents the Government of India in any reference made by the president to the Supreme Court under Article 143 of the Constitution

92. a

The prime minister heads the committee. Other five members are 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 chairman and members hold office for a term of five years or until they attain the age of 70 years, whichever is earlier. After their tenure, the chairman and members are not eligible for further employment under the Central or a state government.

515 Indian Polity Ans with Exp
93. d

The Seventh Constitutional Amendment Act of 1956 inserted a new Article 350-B in Part XVII of the Constitution providing for the office.

The Constitution does not specify the qualifications, tenure, salaries and allowances, service conditions and procedure for removal of the Special Officer for Linguistic Minorities.

At the Central level, the Commissioner falls under the Ministry of Minority Affairs. Hence, he submits the annual reports or other reports to the President through the Union Minority Affairs Minister.

94. a

Statement 1 and 2: Central Government Departments are free to either accept or reject CVC's advice in corruption cases. It is only an advisory body. So, 1 is correct

Statement 2: CVC has supervisory powers over CBI. However, CVC does not have the power to call for any file from CBI or to direct CBI to investigate any case in a particular manner. v

CBI is under administrative control of Department of Personnel and Training (DoPT). This means that, the powers to appoint, transfer, suspend CBI officers lie with DoPT. So, 2 is incorrect

Statement 4: The Central Vigilance Commissioner and the Vigilance Commissioners are appointed by the President after obtaining the recommendation of a Committee consisting of:

- The Prime Minister of India (Chairperson)
- The Minister of Home Affairs
- The Leader of the second largest party in the Lok Sabha

95. b

Statement 1: The legislature of a state may adopt any one or more of the languages in use in the state or Hindi as the official language of that state.

Statement 2 and 3: It is not necessary that states adopt Hindi as their official language.

For e.g. Goa has adopted Marathi in addition to Konkani. Certain north-eastern States like Meghalaya, Arunachal Pradesh and Nagaland have adopted English.

Also, the choice of the state is not limited to the languages enumerated in the Eighth Schedule of the Constitution (including Hindi).

96. b

The first hour of every sitting of the house is allocated to the question hour. In this period the ministers will give answers for the questions asked by members. The questions of three kinds,

Starred (oral answer and supplementary questions can be attained)

Unstarred (written answer and supplementary questions cannot follow)

Short Notice Question (asked by giving a notice of less than 10 days, answered orally)

Zero Hour :

515 Indian Polity Ans with Exp

Zero hour is an informal device available to the members of the house to raise matters without any prior notice.

This hour starts immediately after the question hour and is not mentioned in the Rules of Procedure, unlike the Question hour.

It is an Indian Innovation in the field of Parliamentary procedure and been in existence since 1962.

97. d

Statement 1 is incorrect. The parliament is empowered to legislate on any subject in the state list. It may be noted that during emergency the states can also make laws, but this is subject to overriding power of the parliament.

Statement 2 is incorrect. During a Proclamation of Financial Emergency, Union can direct the State Governments to observe certain canons of financial propriety and to reduce the salaries and allowances of all or any class of person serving in connection with the affairs of the Union including the Judges of the Supreme Court and High Courts. Union also requires all Money Bills or Financial Bills to be reserved for the consideration of the President after they are passed by the Legislature of the State.

Statement 3 is incorrect. President may assume to himself all or any of the functions of the state or he may vest all or any of those functions in the Governor or any other such authority. President may declare that powers of the state legislatures shall be exercisable by the parliament. However, it must be noted here that President cannot assume to himself any of the powers vested in a High Court.

98. a

Central Council of Local Government

The Central Council of Local Government was set up in 1954. It was established under Article 263 of the Constitution of India by an order of the President of India. Statement 1 is correct.

Statement 2 is correct. The original name was Central Council of Local Self-Government. In 1980's 'self-government' was replaced by the term 'government'. Till 1958, it dealt with both urban as well as rural local governments. After 1958 it has been dealing with matters of urban local government only.

Statement 3 is incorrect. The Council is an advisory body only and it doesn't have any judicial powers. It consists of the Minister for Urban Development in the Government of India and the ministers for local self government in states. The Union minister acts as the Chairman of the Council.

99. c

If the President is satisfied that a situation has arisen whereby the financial stability or credit of the country or any part of it is threatened, he/she may declare a financial emergency.

A proclamation declaring financial emergency must be approved by the Parliament within two months from the date of its issue. If the Lok Sabha gets dissolved in the mean time then it must be cleared within 30 days from the first sitting of the new Lok Sabha.

The financial emergency continues indefinitely till it is revoked.

100. c

Statement 1 is correct. In the Introduction and passage of ordinary bill, constitutional Amendment bill and financial bill involving the expenditure from the consolidated fund of India, Rajyasabha has equal status with loksabha.

Statement 2 is correct .Not all bills can be referred to a joint sitting of Parliament. There are two exceptions.

Money Bill:

Under the Constitution of India, money bills require approval of the Lok Sabha only. Rajya Sabha can make recommendations to Lok Sabha, which it is not required to accept. Even if Rajya Sabha doesn't pass a money bill within 14 days, it is deemed to have been passed by both the Houses of Parliament after expiry of the above period. Therefore, a requirement to summon a joint session can never arise in the case of money bill.

Constitution Amendment Bill:

Article 368 of Indian constitution require that constitution of India can be amended by both houses of parliament by 2/3 majority. In case of disagreement between both houses, there is no provision to summon joint session of parliament.

Statement 3 is correct. Rajyasabha can only discuss the budget but cannot vote on the demand for grants.