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1. Polity

- 1) The term 'State' under Article 12 includes:
1. Government and Parliament of India
 2. Municipalities, Panchayats and District boards
 3. Any private agency working as an instrument of the State

Select the correct answer code:

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

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, that 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.

- 2) Which of the following best describes a "nation-state"?
- a) Any political entity
 - b) Any body that has a constitution governing it
 - c) A nation with a large geographical expanse
 - d) A legal or political entity which is also a cultural and social entity

Solution: d)

- A nation-state is a mix of several ethnicities.
- A nation refers only to a socio-cultural entity, a union of people sharing who can identify culturally and linguistically. This concept does not necessarily consider formal political unions.
- A state refers to a legal/political entity that is comprised of the following: a) a permanent population; b) a defined territory; c) a government; and d) the capacity to enter into relations with other states.
- Combination of both is known as a nation-state.

- 3) Consider the following statements.
1. A Bill to alter the boundaries of any state can be introduced in the Parliament only with the prior recommendation of the President.
 2. President has to refer the bill which alters the boundaries of the state to the state legislature concerned for expressing its views within a specified period.
 3. President is bound by the views of the state legislature.

Which of the above statements is/are correct?

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

d) 1, 2, 3

Solution: b)

Article 3 authorises the Parliament to:

- (a) form a new state by separation of territory from any state or by uniting two or more states or parts of states or by uniting any territory to a part of any state,
- (b) increase the area of any state,
- (c) diminish the area of any state,
- (d) alter the boundaries of any state, and
- (e) alter the name of any state.

However, Article 3 lays down two conditions in this regard: **one, a bill contemplating the above changes can be introduced in the Parliament only with the prior recommendation of the President;**

Two, before recommending the bill, the **President has to refer the same to the state legislature concerned** for expressing its views within a specified period.

The President is not bound by the views of the state legislature and may either accept or reject them, even if the views are received in time. Further, it is not necessary to make a fresh reference to the state legislature every time an amendment to the bill is moved and accepted in Parliament.

4) Under the Indian Constitution

1. A person who voluntarily acquires citizenship of any other country is no longer an Indian citizen.
2. An Overseas Citizen of India (OCI) loses his Indian citizenship if he violates any Indian law, whether in domestic or foreign territory.

Which of the above statements is/are correct?

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

Solution: a)

Under Article 9 of the Indian Constitution, **a person who voluntarily acquires citizenship of any other country is no longer an Indian citizen.**

The OCI Cardholder (including a PIO Cardholder) is a **foreign national holding passport** of a foreign country and is **not a citizen of India.**

5) Consider the following statements

1. Constitution contains permanent and elaborate provisions regarding citizenship.
2. Constitution does not deal with the problem of acquisition or loss of citizenship.
3. A person who migrated to Pakistan from India after March 1, 1947, but later returned to India for resettlement could not become an Indian citizen.

Which of the above statements is/are correct?

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

Solution: b)

The Constitution deals with the citizenship from Articles 5 to 11 under Part II. However, it contains neither any permanent nor any elaborate provisions in this regard.

It only identifies the persons who became citizens of India at its commencement (i.e., on January 26, 1950). **It does not deal with the problem of acquisition or loss of citizenship** subsequent to its commencement. It **empowers the Parliament to enact a law to provide for such matters and any other matter relating to citizenship.**

A person who migrated to Pakistan from India after March 1, 1947, but later returned to India for resettlement **could become an Indian citizen.** For this, he had to be resident in India for six months preceding the date of his application for registration² (Article 7).

- 6) Consider the following statements regarding Fundamental Rights.
1. They are not absolute but qualified.
 2. They are permanent in nature.
 3. They are justiciable, allowing persons to move the courts for their enforcement.

Which of the above statements is/are correct?

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

Solution: c)

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

- **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.
- They are justiciable, allowing persons to move the courts for their enforcement, if and when they are violated.
- **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.

- 7) The Constitution confers which of the following rights and privileges on the citizens of India but denies the same to aliens?

1. Right to elementary education
2. Right to freedom of speech and expression
3. Right against exploitation

Select the correct answer code:

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

Solution: c)

These rights are not available to the foreigners (friendly aliens).

- Right against discrimination on grounds of religion, race, caste, sex or place of birth (Article 15).
- Right to equality of opportunity in the matter of public employment (Article 16).
- **Right to freedom of speech and expression**, assembly, association, movement, residence and profession (Article 19).
- Cultural and educational rights (Articles 29 and 30).
- Right to vote in elections to the Lok Sabha and state legislative assembly.
- Right to contest for the membership of the Parliament and the state legislature.
- Eligibility to hold certain public offices, that is, President of India, Vice-President of India, judges of the Supreme Court and the high courts, governor of states, attorney general of India and advocate general of states.

- 8) Fundamental rights that have a bearing on Education are
1. Article 13: Powers of judicial review
 2. Article 15: Prohibition of discrimination on certain grounds
 3. Article 28: Freedom of Religion
 4. Article 30: Certain educational rights of minorities

Select the correct answer code:

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

Solution: d)

A13. Laws inconsistent with or in derogation of the fundamental rights, where the court can cut down a law that infringes on the right to education.

A15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth that is important for inclusive education

A28. Freedom as to attendance at religious instruction or religious worship in certain educational institutions

A30. Right of minorities to establish and administer educational institutions

- 9) Protection against Double Jeopardy is a
- a) Judicial convention
 - b) Fundamental Right
 - c) Provision under CrPC
 - d) Constitutional right (other than Part III)

Solution: b)

Article 20(2) says that no person shall be prosecuted and punished for the same offence more than once. This is called Doctrine of Double Jeopardy.

10) Consider the following statements.

1. A right is only possible when one can make a claim that is equally possible for others.
2. Rights not only indicate what the state must do, they also suggest what the state must refrain from doing.

Which of the above statements is/are incorrect?

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

Solution: d)

Rights are reasonable claims of persons recognised by society and sanctioned by law. However, in most cases the claimed rights are directed towards the state. That is, through these rights people make demands upon the state.

When I assert my right to education, I call upon the state to make provisions for my basic education.

Different groups may open schools and fund scholarships so that children of all classes can get the benefit of education. But the primary responsibility rests upon the state. It is the state that must initiate necessary steps to ensure that my right to education is fulfilled.

If a right can be enjoyed only by an individual or a group of people, it is not a right, but a privilege. Your freedom to drive a car on the street conjoins the freedom of other to drive on the same street.

Also, you cannot have a right that harms or hurts others. You cannot have a right to drive such a way that it hurts others on the street.

My right to liberty as a person, for instance, suggests that the state cannot simply arrest me at its own will. If it wishes to put me behind bars it must defend that action; it must give reasons for curtailing my liberty before a judicial court. This is why the police are required to produce an arrest warrant before taking me away. **My rights thus place certain constraints upon state actions.**

11) Equality before law and equal protection of laws under Article 14 implies that

1. A law is for everyone whoever it might be.
2. A law will apply equally to equally situated people.

Select the correct answer code:

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

Solution: c)

Article 14 has two parts: **equality before law and equal protection of laws.**

- The first concept basically means **law is for everyone whoever it might be.**
- The second concept means **law will apply equally to equally situated people.** For e.g. if an adult receives a punishment of 3 years imprisonment, another adult for the same crime and same circumstances should also get 3 years of imprisonment.

12) Consider the following statements

1. The state is empowered to make any special provision for the advancement of any socially and educationally backward classes
2. The term 'untouchability' has been defined in the Constitution under Article 17.

Which of the above statements is/are correct?

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

Solution: a)

The state is empowered to make any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes or the scheduled tribes regarding their admission to educational institutions including private educational institutions, whether aided or unaided by the state, except the minority educational institutions.

The term '**untouchability**' **has not been defined in the Constitution.**

13) The fundamental right of "Freedom of speech and expression" has been interpreted by the law courts to include which of the following rights?

1. Right to know about government activities.
2. Freedom of silence.
3. Right to strike
4. Right against imposition of pre-censorship on a newspaper.

Select the correct answer code:

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

d) 1, 2, 3, 4

Solution: b)

The freedom of speech and expression, in this context, includes:

- 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.

14) Consider the following statements.

1. Right to freedom of movement entitles every citizen to move freely throughout the territory of the country without any restrictions.
2. All citizens are given the right to practise any profession or to carry on any occupation, trade or business

Which of the above statements is/are correct?

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

Solution: b)

Right to freedom of movement entitles every citizen to move freely throughout the territory of the country. The grounds of imposing **reasonable restrictions on this freedom** are two, namely, the interests of general public and the protection of interests of any scheduled tribe. **The entry of outsiders in tribal areas is restricted to protect the distinctive culture, language, customs and manners of scheduled tribes and to safeguard their traditional vocation and properties against exploitation.**

All citizens are given the right to practise any profession or to carry on any occupation, trade or business. This right is very wide as it covers all the means of earning one's livelihood.

15) Article 22 confers which of the following rights for a person who is arrested or detained?

1. Right to be informed of the grounds of arrest.
2. Right to consult and be defended by a legal practitioner.
3. Right to be released after 24 hours unless the magistrate authorises further detention.

Select the correct answer code:

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

Solution: d)

The Article 22 has two parts—the first part deals with the cases of ordinary law and the second part deals with the cases of preventive detention law.

(a) The first part of Article 22 confers the following rights on a person who is arrested or detained under an ordinary law:

- (i) Right to be informed of the grounds of arrest.
- (ii) Right to consult and be defended by a legal practitioner.
- (iii) Right to be produced before a magistrate within 24 hours, excluding the journey time.
- (iv) Right to be released after 24 hours unless the magistrate authorises further detention.

These safeguards are not available to an alien or a person arrested or detained under a preventive detention law.

16) Consider the following statements regarding Fundamental Rights.

1. They promote the idea of social and economic democracy.
2. They are sacrosanct and permanent.
3. Most of them are directly enforceable while a few are enforced by a law made by the parliament and state legislatures.

Which of the above statements is/are incorrect?

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

Solution: d)

Fundamental Rights are not absolute and subject to reasonable restrictions. Further, **they are not sacrosanct** and can be curtailed or repealed by the Parliament through a constitutional amendment act.

They promote the idea of political democracy. DPSP promote the idea of social and economic democracy.

Most of them are directly enforceable (self-executory) while a few of them can be enforced on the basis of a law made for giving effect to them. Such a law can be made **only by the Parliament** and not by state legislatures so that uniformity throughout the country is maintained (Article 35).

17) Consider the following statements

1. Fundamental rights are negative as they prohibit the state from doing certain things whereas directive principles are positive as they require the State to do certain things
2. Fundamental rights do not require any legislation for their implementation whereas directive principles require legislation for their implementation.

Which of the above statements is/are incorrect?

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

Solution: d)

Both the statements are correct.

<i>Fundamental Rights</i>	<i>Directive Principles</i>
1. These are negative as they prohibit the State from doing certain things.	1. These are positive as they require the State to do certain things.
2. These are justiciable, that is, they are legally enforceable by the courts in case of their violation.	2. These are non-justiciable, that is, they are not legally enforceable by the courts for their violation.
3. They aim at establishing political democracy in the country.	3. They aim at establishing social and economic democracy in the country.
4. These have legal sanctions.	4. These have moral and political sanctions.
5. They promote the welfare of the individual. Hence, they are personal and individualistic.	5. They promote the welfare of the community. Hence, they are societarian and socialistic.
6. They do not require any legislation for their implementation. They are automatically enforced.	6. They require legislation for their implementation. They are not automatically enforced.
7. The courts are bound to declare a law violative of any of the Fundamental Rights as unconstitutional and invalid.	7. The courts cannot declare a law violative of any of the Directive Principles as unconstitutional and invalid. However, they can uphold the validity of a law on the ground that it was enacted to give effect to a directive.

18) Consider the following statements regarding Fundamental Rights.

1. Fundamental Rights acts as limitations on the tyranny of the executive and arbitrary laws of the legislature.

2. The aggrieved person can directly go to the Supreme Court for the restoration of his 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

Solution: c)

The Fundamental Rights operate as limitations on the tyranny of the executive and arbitrary laws of the legislature. They are justiciable in nature, that is, they are enforceable by the courts for their violation. The **aggrieved person can directly go to the Supreme Court** which can issue the writs of habeas corpus, mandamus, prohibition, certiorari and quo warranto for the restoration of his rights.

19) With reference to Right to Constitutional Remedies guaranteed under Article 32, consider the following statements:

1. The Supreme Court has ruled that Article 32 is a basic feature of the constitution.

2. Fundamental rights and other statutory rights can be enforced under Article 32.

3. The Supreme Court has both exclusive and original jurisdiction in case of enforcement of Fundamental Rights.

4. Article 32 cannot be invoked to determine the constitutionality of an executive order or a legislation unless it directly infringes on any Fundamental Rights.

Which of the above statements is/are correct?

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

Solution: a)

- Statement 1 – 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.
- Statement 2 - **Only the Fundamental Rights guaranteed by the Constitution can be enforced under Article 32 and not any other right** like non-fundamental constitutional rights, statutory rights, customary rights and so on.
- Statement 3 - **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.
- Statement 4 - Article 32 cannot be invoked simply to determine the constitutionality of an executive order or a legislation unless it directly infringes any of the fundamental rights.

20) Consider the following statement regarding Fundamental Rights.

1. Fundamental Rights in our Constitution are more elaborate than those found in the Constitution of any other country in the world, including the USA.
2. Fundamental Rights are named so because they are guaranteed and protected by the Parliament, the supreme law-making body in 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

Solution: a)

Part III of the Constitution is rightly described as the Magna Carta of India. It contains a very long and comprehensive list of 'justiciable' Fundamental Rights. In fact, the **Fundamental Rights in our Constitution are more elaborate than those found in the Constitution of any other country in the world, including the USA.**

The **Fundamental Rights are named so because they are guaranteed and protected by the Constitution**, which is the fundamental law of the land.

21) The Directive Principles resemble the 'Instrument of Instructions' enumerated in the

- a) Montague Chelmsford Act 1919
- b) Nehru Report, 1928
- c) Government of India Act of 1935
- d) Objectives Resolution, 1946

Solution: c)

Dr B R Ambedkar had said 'the Directive Principles are like the instrument of instructions, which were issued to the Governor-General and to the Governors of the colonies of India by the British Government under the Government of India Act of 1935.'

What is called Directive Principles is merely another name for the instrument of instructions.

The only difference is that they are instructions to the legislature and the executive.

22) The constitution upholds the rights of labour and ensures labour welfare in which of the following ways via Directive principles?

1. It makes provision for just and humane conditions for work and maternity relief.
2. It exhorts the government to take steps to secure the participation of workers in the management of industries.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only

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

Solution: c)

Acts like Maternity Benefit Act or its amendment have been enacted in the spirit of the DPSP (Article 42).

Statement 2: These are socialist principles which draw their moorings from the history of economic thought in India. India upholds an economic system based on the principles of equity, fairness and justice, and therefore, such rights (provisions) are crucial to ensure labour welfare.

- 23) Which one of the following Directive Principles was not originally provided in the Constitution of India?
- a) Uniform civil code for the citizens
 - b) Safeguard forests and wild life
 - c) Organization of agriculture and animal husbandry
 - d) Organization of village panchayats

Solution: b)

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

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

- 24) The Directive Principles are non-justiciable in nature. This implies that
1. A citizen cannot move the court if the government fails to legally enforce the directive principles or even violate them in some instances.
 2. The government cannot enact laws to implement directive principles.

Select the correct answer code:

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

Solution: a)

If they are violated one cannot approach the court and seek their enforcement. Therefore, the government (Central, state and local) cannot be compelled to implement them.

The Directive Principles, though non-justiciable in nature, help the courts in examining and determining the constitutional validity of a law.

The Supreme Court has ruled many a times that in determining the constitutionality of any law, if a court finds that the law in question seeks to give effect to a Directive Principle, 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.

- 25) Which of the following are declared as "fundamental in the governance of the country" by the Constitution of India?
- a) Fundamental Rights
 - b) Fundamental Duties
 - c) Libertarianism
 - d) Directive Principles of State Policy

Solution: d)

The directive principles are meant for promoting the ideal of social and economic democracy. They seek to establish a 'welfare state' in India.

However, unlike the Fundamental Rights, the directives are non-justiciable in nature, that is, they are not enforceable by the courts for their violation. Yet, the Constitution itself declares that **'these principles are fundamental in the governance of the country'** and it shall be the duty of the state to apply these principles in making laws'.

26) Consider the following statements regarding Urban local bodies.

1. 74th Constitution Amendment Act of 1992 identifies 22 local level functions to be devolved to municipalities, including planning for economic and social development, regulation of land, construction of buildings, urban planning and public health.

2. Since the enactment of 74th Constitution Amendment Act, elections to urban local bodies is held once in every five years in all states in 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

Solution: d)

In some States, elections to urban local bodies have not been held for years, defeating the lofty goal of decentralised governance. The idea of giving more authority to the third tier of governance has suffered serious stunting, in spite of the **74th Constitution Amendment Act of 1992 identifying 18 local level functions to be devolved**, including planning for economic and social development, regulation of land, construction of buildings, urban planning and public health.

27) Consider the following statements regarding the role and functions of a Speaker of the Lok Sabha.

1. Speaker is a quasi-judicial body

2. Ultimate interpreter and arbiter of those provisions which relate to the functioning of the House.

3. Sole representative of the House in the international arena.

Which of the above statements is/are correct?

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

Solution: d)

The nature of duties of the Speaker, technically as an "arbiter" or a **"quasi-judicial body"** should not be limited exclusively to matters under the Tenth Schedule; rather, it extends to a range of its functions. While **facilitating the business of the House and to maintain decorum in the House**, the Speaker has 'extensive functions to perform in matters regulatory, administrative and judicial, falling under her domain. She enjoys vast authority under the Constitution and the Rules, as well as inherently'.

She is the **'ultimate interpreter and arbiter of those provisions which relate to the functioning of the House'**. Her decisions are final and binding and ordinarily cannot be easily challenged. She decides the duration of debates, can discipline members and even override decisions by committees. She **represents the collective voice of the House and is the sole representative of the House in the international arena'**.

28) Consider the following statements regarding Anti-Defection Law

1. The Tenth Schedule was inserted in The Constitution (Forty-second amendment) Act, 1976.

2. A legislator defying the party whip on any issue can lose his membership of the House.

3. The law applies to both Parliament and state assemblies.

Which of the above statements is/are correct?

a) 1, 2

b) 1, 3

c) 2, 3

d) 1, 2, 3

Solution: c)

The Tenth Schedule was inserted in the Constitution in 1985. It lays down the process by which legislators may be disqualified on grounds of defection by the Presiding Officer of a legislature based on a petition by any other member of the House. A legislator is deemed to have defected if he either *voluntarily gives up the membership of his party or disobeys the directives of the party leadership on a vote*. This implies that a legislator defying (abstaining or voting against) the party whip on any issue can lose his membership of the House. **The law applies to both Parliament and state assemblies.**

29) Consider the following statements regarding Privilege motion.

1. Parliamentary privileges are certain rights and immunities enjoyed by members of Parliament, individually and collectively, so that they can effectively discharge their functions.

2. A notice is moved in the form of a motion by any member of either House against those being held guilty of breach of privilege.

3. The leader of the house is the first level of scrutiny of a privilege motion.

Which of the above statements is/are correct?

a) 1, 2

b) 2 only

c) 2, 3

d) 1, 2, 3

Solution: a)

Parliamentary privileges are certain **rights and immunities enjoyed by members of Parliament, individually and collectively**, so that they can “effectively discharge their functions”. When any of these rights and immunities are disregarded, the offence is called a *breach of privilege* and is punishable under law of Parliament.

A notice is moved in the form of a motion by any member of either House against those being held guilty of breach of privilege. Each House also claims the right to punish as contempt actions which, while not breach of any specific privilege, are offences against its authority and dignity.

The Speaker/RS chairperson is the first level of scrutiny of a privilege motion. The Speaker/Chair can decide on the privilege motion himself or herself or refer it to the privileges committee of Parliament.

30) Consider the following statements regarding Uniform Civil Code.

1. A Uniform Civil Code is one that would provide for one law for the entire country, applicable to all religious communities in their personal matters such as marriage, divorce, inheritance and adoption.

2. Article 44 of the Constitution lays down that it shall be the obligation of the state to secure a Uniform Civil Code for the citizens throughout the territory 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

Solution: a)

A Uniform Civil Code is one that would provide for one law for the entire country, applicable to all religious communities in their personal matters such as marriage, divorce, inheritance, adoption etc. Article 44 of the Constitution lays down that the **state shall endeavour** to secure a Uniform Civil Code for the citizens throughout the territory of India.

Article 44 is one of the directive principles. These, as defined in Article 37, are not justiciable (not enforceable by any court) but the principles laid down therein are fundamental in governance. Fundamental rights are enforceable in a court of law. While **Article 44 uses the words “state shall endeavour”**, other Articles in the ‘Directive Principles’ chapter use words such as “in particular strive”; “shall in particular direct its policy”; “shall be obligation of the state” etc. Article 43 mentions “state shall endeavour by suitable legislation” while the phrase “by suitable legislation” is absent in Article 44. All this implies that the duty of the state is greater in other directive principles than in Article 44.

31) Which of the following are legal provisions for the implementation of the Fundamental Duties?

1. The Protection of Civil Rights Act.
2. The Unlawful Activities (Prevention) Act.
3. The Representation of People Act.
4. The Wildlife (Protection) Act

Select the correct answer code:

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

Solution: d)

The Verma Committee on Fundamental Duties of the Citizens (1999) identified the existence of **legal provisions for the implementation of some of the Fundamental Duties.**

They are mentioned below:

1. The Prevention of Insults to National Honour Act (1971) prevents disrespect to the Constitution of India, the National Flag and the National Anthem.
2. The various criminal laws in force provide for punishments for encouraging enmity between different sections of people on grounds of language, race, place of birth, religion and so on.
3. **The Protection of Civil Rights Act (1955)** provides for punishments for offences related to caste and religion.
4. The Indian Penal Code (IPC) declares the imputations and assertions prejudicial to national integration as punishable offences.
5. **The Unlawful Activities (Prevention) Act** of 1967 provides for the declaration of a communal organization as an unlawful association.
6. **The Representation of People Act (1951)** provides for the disqualification of members of the Parliament or a state legislature for indulging in corrupt practice, that is, soliciting votes on the ground of religion or promoting enmity between different sections of people on grounds of caste, race, language, religion and so on.
7. The **Wildlife (Protection) Act** of 1972 prohibits trade in rare and endangered species.
8. The Forest (Conservation) Act of 1980 checks indiscriminate deforestation and diversion of forest land for non-forest purposes.

32) Consider the following statements regarding Fundamental Duties.

1. The Part IV-A of the Constitution which consists of only one Article 51-A specifies the eleven Fundamental Duties.
2. The 91st Constitutional Amendment Act of 2002 added one fundamental duty to the constitution.
3. Like the Directive Principles, the Fundamental duties are also non-justiciable in nature.

Which of the above statements is/are correct?

- a) 1 only

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

Solution: c)

The original constitution did not provide for the Fundamental Duties of the citizens. These were added during the operation of internal emergency (1975–77) by the 42nd Constitutional Amendment Act of 1976 on the recommendation of the Swaran Singh Committee. **The 86th Constitutional Amendment Act of 2002 added one more fundamental duty.**

The Part IV-A of the Constitution (which consists of only one Article 51-A) specifies the eleven Fundamental Duties viz., to respect the Constitution, national flag and national anthem; to protect the sovereignty, unity and integrity of the country; to promote the spirit of common brotherhood amongst all the people; to preserve the rich heritage of our composite culture and so on.

The fundamental duties serve as a reminder to citizens that while enjoying their rights, they have also to be quite conscious of duties they owe to their country, their society and to their fellow citizens. However, like **the Directive Principles, the duties are also non-justiciable in nature.**

33) Consider the following statements regarding the procedure for the amendment of the Constitution as laid down in Article 368.

1. A bill to this effect can only be introduced in the Lok Sabha first.
2. Such a bill must be introduced by a minister.
3. In case of a disagreement between the two Houses, a joint sitting of the two Houses is held for the purpose of deliberation and passage of the bill.

Which of the above statements is/are incorrect?

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

Solution: d)

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

The bill can be introduced **either by a minister or by a private member** and does not require prior permission of the president.

The bill must be passed in each House by a special majority, that is, a majority (that is, more than 50 per cent) of the total membership of the House and a majority of two-thirds of the members of the House present and voting.

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.**

34) Article 368 gives Parliament the power to amend the Constitution and describes its procedure. Consider the following statements regarding the legal position with regards to the amendment of this article itself?

1. The article can be amended by the Parliament only if the amendment does not destroy the basic structure of the Constitution.
2. The article can be amended by the Parliament only if a bill to this effect was introduced by 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

Solution: a)

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

The bill can be introduced either by a minister or by a private member and **does not require prior permission of the president.**

35) Consider the following statements.

1. That India is a “welfare state” is a part of the ‘basic structure’ of the Constitution.

2. Powers of the Supreme Court under Article 32 have never been scrutinized or clarified as the ‘basic structure’ 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

Solution: a)

From the various judgements, the ‘basic features’ of the Constitution or elements / components / ingredients of the ‘basic structure’ of the constitution have emerged. This includes **Welfare state (socio-economic justice).**

In Ram Jethmalani Case (2011), **powers of the Supreme Court under A32 came under scrutiny.**

The court said, “Powers of review can be exercised in a petition filed under Article 136 or Article 32 or under any other provision of the Constitution if the court is satisfied that its directions have resulted in the deprivation of the fundamental rights of a citizen or any legal right of the petitioner.”

36) The Supreme Court has examined the pardoning power of the President under different cases and laid down which of the following principles?

1. The petitioner for mercy has no right to an oral hearing by the President.

2. The President is bound to give reasons for his order.

3. The exercise of power by the President is not subject to judicial review.

Select the correct answer code:

a) 1 only

b) 1, 2

c) 1, 3

d) 1, 2, 3

Solution: a)

- The President can examine the evidence afresh and take a view different from the view taken by the court.
- The President can afford relief not only from a sentence that he regards as unduly harsh but also from an evident mistake.
- Usually the Ministry of Home affairs deals with these issues, and the final decision is passed via the cabinet to the President.
- President isn’t bound to give reasons for his order. It is a humanitarian intervention.
- It is not subject to judicial review except where the presidential decision is arbitrary, irrational, mala fide or discriminatory.

37) The President has to make and subscribe to an oath or affirmation administered to him by the Chief Justice of India, before entering upon his office. The oath does not include which of these statements?

a) To faithfully execute the office

- b) To devote himself to the service and well-being of the people of India
- c) To preserve, protect and defend the Constitution and the law
- d) To do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will

Solution: d)

In his oath, the President swears:

- **to faithfully execute the office;**
- **to preserve, protect and defend the Constitution and the law; and**
- **to devote himself to the service and well-being of the people of India.**

The oath of office to the President is administered by the Chief Justice of India and in his absence, the seniormost judge of the Supreme Court available.

Any other person acting as President or discharging the functions of the President also undertakes the similar oath or affirmation.

- 38) Orders and other instruments made and executed in the name of the President shall be authenticated in such manner as may be specified in rules to be made by the
- a) Parliament
 - b) President of India
 - c) Attorney General of India
 - d) Cabinet Secretary

Solution: b)

Article 77. Conduct of business of the Government of India.-

- (1) All executive action of the Government of India shall be expressed to be taken in the name of the President.
- (2) Orders and other instruments made and executed in the name of the President shall be authenticated in such manner as may be specified in rules to be made by the President, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the President.
- (3) The President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business.

- 39) The Governor exercises his constitutional discretion in which of the following cases?
1. Recommendation for the imposition of the President's Rule in the state.
 2. Exercising his functions as the administrator of an adjoining union territory.
 3. Seeking information from the chief minister with regard to the legislative matters of the state.

Select the correct answer code:

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

Solution: d)

The governor has constitutional discretion in the following cases:

- **Reservation of a bill for the consideration of the President.**
- **Recommendation for the imposition of the President's Rule in the state.**
- **While exercising his functions as the administrator of an adjoining union territory (in case of additional charge).**
- Determining the amount payable by the Government of Assam, Meghalaya, Tripura and Mizoram to an autonomous Tribal District Council as royalty accruing from licenses for mineral exploration.

- **Seeking information from the chief minister with regard to the administrative and legislative matters of the state.**

40) Consider the following statements.

1. The Governor is appointed by the president by warrant under his hand and seal.
2. The office of governor of a state is not an employment under the Central government.
3. A Governor whose term has expired cannot be reappointed in the same state or any other state.

Which of the above statements is/are correct?

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

Solution: a)

- 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. But, as held by the Supreme Court in 1979, the office of governor of a state is not an employment under the Central government.
- It is an independent constitutional office and is not under the control of or subordinate to the Central government.
- Further, a Governor whose term has expired may be reappointed in the same state or any other state.
- A governor can hold office beyond his term of five years until his successor assumes charge.
- The underlying idea is that there must be a governor in the state and there cannot be an interregnum.

41) Which of the following provisions concerning Vice-president of India are mentioned in the Constitution?

1. Time of holding election to fill vacancy in the office of Vice-President
2. Oath or affirmation by the Vice-President
3. Discharge of President's functions by the Vice-President in certain contingencies
4. Vice-President to act as ex-officio chairman of the council of states

Select the correct answer code:

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

Solution: d)

The following can be found in the Constitution (article-wise):

63. The Vice-President of India
64. **The Vice-President to be ex-officio chairman of the council of states**
65. **The Vice-President to act as President or to discharge his functions during casual vacancies in the office, or during the absence, of President**
66. Election of Vice-President
67. Term of office of Vice-President
68. **Time of holding election to fill vacancy in the office of Vice-President** and the term of office of person elected to fill casual vacancy.
69. **Oath or affirmation by the Vice-President**
70. **Discharge of President's functions in other contingencies**

42) Consider the following statements regarding the difference in the electoral college of the President and Vice-President.

1. Both the houses of the parliament take part in the election of President, unlike the Vice-President who is elected by the Rajya Sabha alone.

2. State legislative assemblies do not take part in the election of the Vice-President, unlike that 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

Solution: b)

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.**

The electoral college of Vice-president is different from the Electoral College for the election of the President in the following two respects:

- It consists of both elected and nominated members of the Parliament (in the case of president, only elected members).
- **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).**

43) Consider the following statements.

1. The Constitution clearly mentions the procedure for the selection and appointment of the Prime Minister.

2. 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.

Which of the above statements is/are correct?

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

Solution: b)

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. There is no specific procedure mentioned.

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.

However, this is not guided by rules made by the President, and is based on established conventions.

44) If someone becomes a Prime Minister without being a Member of Parliament (MP), which of the following will follow?

- a) He must get elected to either of the House within a period of twelve months from becoming Prime Minister
- b) He must be nominated by the President to Rajya Sabha within six months from becoming Prime Minister
- c) He must obtain a special approval from the Speaker of the House to continue in the office.
- d) None of the above

Solution: b)

The Prime Minister and all the ministers have to be members of the Parliament. If they are not, they should become either by election or nomination within six months of their appointment.

45) Consider the following statements regarding Council of Ministers

1. The advice tendered by the Council of Ministers to the President shall not be inquired into in any court.
2. A minister who is a member of one House of Parliament has the right to speak, vote and take part in the proceedings of the other House also.

Which of the above statements is/are correct?

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

Solution: a)

Article 74—Council of Ministers to aid and advise President

1. 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. However, the President may require the Council of Ministers to reconsider such advice and the President shall act in accordance with the advice tendered after such reconsideration.

2. **The advice tendered by Ministers to the President shall not be inquired into in any court.**

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

46) Consider the following statements regarding the Office of Vice President of India.

1. The Vice President takes over the office of the President when there is a vacancy.
2. The Vice President is removed from his office by a resolution of both the houses of the parliament by a special majority.

Which of the above statements is/are correct?

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

Solution: a)

The Vice President is elected for five years. His election method is similar to that of the President, the only difference is that members of State legislatures are not part of the electoral college.

The Vice President acts as the President only until a new President is elected. B. D. Jatti acted as President on the death of Fakhruddin Ali Ahmed until a new President was elected.

The impeachment of Vice President is different from that of the President. In the latter case, both houses must pass the resolution by a special majority.

But the VP may be removed from his office by a resolution of the Rajya Sabha passed by an effective majority and agreed to by the Lok Sabha with simple majority.

47) To be eligible for election as Vice-President, a person should fulfil which of the following conditions?

1. He should not be less than 30 years of age.
2. He should be qualified for election as a member of the Rajya Sabha.

3. He should not hold any office of profit under the Union government or any state government or any local authority or any other public authority.

Select the correct answer code:

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

Solution: c)

To be eligible for election as Vice-President, a person should fulfil the following qualifications:

1. He should be a citizen of India.
2. **He should have completed 35 years of age.**
3. **He should be qualified for election as a member of the Rajya Sabha.**
4. **He should not hold any office of profit under the Union government or any state government or any local authority or any other public authority.**

48) Consider the following statements regarding Prime Minister.

1. 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.
2. All executive actions of the Government of India are formally taken in his name.

Which of the above statements is/are incorrect?

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

Solution: b)

Article 75:

1. **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.**
2. 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 executive power of the President:

All executive actions of the Government of India are formally taken in his name.

49) Consider the following statements regarding Executive.

1. Executive is the branch of government responsible for the implementation of laws and policies adopted by the legislature.
2. The executive is often involved in framing of policy.

Which of the above statements is/are correct?

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

Solution: c)

The word executive means a body of persons that looks after the implementation of rules and regulations in actual practice.

What are the principal functions of the executive? **Executive is the branch of government responsible for the implementation of laws and policies adopted by the legislature. The executive is often involved in framing of policy.** The official designations of the executive vary from country to country. Some countries have presidents, while others have chancellors. The executive branch is not just about presidents, prime ministers and ministers. It also extends to the administrative machinery (civil servants). While the heads of government and their ministers, saddled with the overall responsibility of government policy, are together known as the political executive, those responsible for day to day administration are called the permanent executive.

50) Consider the following statements regarding Inner Cabinet.

1. It is an informal body that consists of the Prime Minister and two to four influential colleagues.
2. The phenomenon is unique to 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

Solution: a)

The cabinet, a small body consisting of the prime minister as its head and some 15 to 20 most important ministers, is the highest decision-making body in the formal sense. However, a still smaller body called the 'Inner Cabinet' or 'Kitchen Cabinet' has become the real centre of power. **This informal body consists of the Prime Minister and two to four influential colleagues** in whom he has faith and with whom he can discuss every problem. It advises the prime minister on important political and administrative issues and assists him in making crucial decisions.

The phenomenon of 'kitchen cabinet' is not unique to India.

It also exists in USA and Britain and is quite powerful in influencing government decisions there.

51) Consider the following statements regarding the Constituent Assembly of India.

1. It was constituted in 1946 under the scheme formulated by the Cabinet Mission Plan.
2. The general scheme was that each province and a large princely state were to be allotted seats in proportion to their respective population.
3. Communal representation was abolished for the assembly.

Which of the above statements is/are correct?

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

Solution: b)

The total strength of the Constituent Assembly was to be 389. Of these, 296 seats were to be allotted to British India and 93 seats to the Princely States.

Each province and princely state (or group of states in case of small states) were to be allotted seats in proportion to their respective population.

Seats allocated to each British province were to be decided among the three principal communities—Muslims, Sikhs and general, in proportion to their population.

52) Consider the following statements regarding the Constituent Assembly of India.

1. The representatives of princely states were nominated by the heads of the princely states.

2. More number of seats were allotted to Governors' provinces compared to Chief commissioners' provinces.

3. Viceroy of India was a member of the assembly.

Which of the above statements is/are correct?

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

Solution: a)

The representatives of princely states were to be nominated by the heads of the princely states. Thus, the Constituent Assembly was partly elected and partly nominated body.

Out of 296 seats allotted to the British India, 292 members were to be drawn from the eleven governors' provinces and four from the four chief commissioners' provinces, one from each.

Statement 3: There was no such representation.

Constituent Assembly included all important personalities of India at that time, with the exception of Mahatma Gandhi and M A Jinnah.

53) Consider the following sources of the Constitution and the features borrowed from them.

- 1. British Constitution: Parliamentary privileges and bicameralism
- 2. Australian Constitution: Concurrent List and joint sitting of the two houses of Parliament
- 3. Canadian Constitution: Directive Principles of State Policy

Which of the above pairs is/are correctly matched?

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

Solution: c)

	<i>Sources</i>	<i>Features Borrowed</i>
1.	Government of India Act of 1935	Federal Scheme, Office of governor, Judiciary, Public Service Commissions, Emergency provisions and administrative details.
2.	British Constitution	Parliamentary government, Rule of Law, legislative procedure, single citizenship, cabinet system, prerogative writs, parliamentary privileges and bicameralism.
3.	US Constitution	Fundamental rights, independence of judiciary, judicial review, impeachment of the president, removal of Sup-reme Court and high court judges and post of vice-president.
4.	Irish Constitution	Directive Principles of State Policy, nomination of mem-bers to Rajya Sabha and method of election of president.
5.	Canadian Constitution	Federation with a strong Centre, vesting of residuary powers in the Centre, appointment of state governors by the Centre, and advisory jurisdiction of the Supreme Court.
6.	Australian Constitution	Concurrent List, freedom of trade, commerce and inter-course, and joint sitting of the two Houses of Parliament.
7.	Weimar Constitution of Germany	Suspension of Fundamental Rights during Emergency.
8.	Soviet Constitution (USSR, now Russia)	Fundamental duties and the ideal of justice (social, economic and political) in the Preamble.

54) Which of the following terms appear in the Preamble?

1. Sovereign
2. Parliamentary
3. Secular
4. Federal

Select the correct answer code:

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

Solution: b)

“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”

55) Consider the following statements.

1. The writ jurisdiction of both the high court and the Supreme Court constitutes a part of the basic structure of the Constitution.
2. The writ jurisdiction of the High court is exclusive with respect to the matters under state specific laws.

Which of the above statements is/are incorrect?

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

Solution: b)

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.

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. **This is valid for both centre/state laws/rules/regulations.**

In the Chandra Kumar case (1997), the Supreme Court ruled that the writ jurisdiction of both the high court and the Supreme Court constitute a part of the basic structure of the Constitution. Hence, it cannot be ousted or excluded even by way of an amendment to the Constitution.

56) Consider the following statements regarding Contingency Fund of India.

1. It is established by an Act of the Parliament.
2. It is placed at the disposal of the President of India operated by executive action.
3. Funds cannot be withdrawn from it except on prior authorization from the Parliament.

Which of the above statements is/are correct?

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

Solution: b)

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**. Parliamentary approval for such unforeseen expenditure is obtained, ex-post-facto, and an equivalent amount is drawn from the Consolidated Fund to recoup the Contingency Fund after such ex-post-facto approval.
- 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**.

57) Consider the following statements regarding Speaker Pro-Tem.

1. She is elected by the Lok Sabha from amongst the members of the house.
2. She is responsible for chairing the meetings of Lok Sabha until the new elected Speaker becomes acquainted with the Parliamentary procedures.
3. The Speaker Pro-Tem has all the powers of the Speaker.

Which of the above statements is/are correct?

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

Solution: b)

As provided by the Constitution, the Speaker of the last Lok Sabha vacates his office immediately before the first meeting of the newly elected Lok Sabha. Therefore, **the President appoints a member of the Lok Sabha as the Speaker Pro-Tem**. Usually, the senior most member is selected for this.

The Speaker Pro-Tem has all the powers of the Speaker. She presides over the first sitting of the newly elected Lok Sabha.

- Her main duty is to administer oath to the new members. He also enables the House to elect the new Speaker.
- When the new Speaker is elected by the House, the office of the Speaker Pro Tem ceases to exist. Hence, this office is a temporary office, existing for a few days.

58) Which of the following are the collective privileges enjoyed by the State legislature?

1. It can exclude strangers from its proceedings and hold secret sittings to discuss some important matters.
2. It can make rules to regulate its own procedure and the conduct of its business and to adjudicate upon such matters.
3. It can punish members as well as outsiders for breach of its privileges or its contempt.
4. It has the right to publish its reports, debates and proceedings and also the right to prohibit others from publishing the same.

Select the correct answer code:

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

Solution: d)

Some of these privileges are:

- It has the right to publish its reports, debates and proceedings and also the right to prohibit others from publishing the same.
- It can exclude strangers from its proceedings and hold secret sittings to discuss some important matters.
- It can make rules to regulate its own procedure and the conduct of its business and to adjudicate upon such matters.
- 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).
- It has the right to receive immediate information of the arrest, detention, conviction, imprisonment and release of a member.
- It can institute inquiries and order the attendance of witnesses and send for relevant papers and records.

59) The composition and manner of the election of the members of the Legislative Council of a State can be changed only by

- An order of the President
- Constitutional amendment as under Article 368
- Law of the Parliament
- Resolution of the concerned State Legislative Assembly

Solution: c)

Provided that the total number of members in the Legislative Council of a State shall in no case be less than forty, **until Parliament by law otherwise provides**, the composition of the Legislative Council of a State shall be as provided in clause (3) of Article 171.

60) Consider the following statements.

- The Tenth Schedule was inserted into Constitution in 1985 by 42nd Amendment Act.
- The anti-defection law allows the Speaker/Chairperson to disqualify such a member who goes against the voting directions of the whip.
- Anti-defection law provides stability to the government by preventing shifts of party allegiance.

Which of the above statements is/are correct?

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

Solution: c)

The Tenth Schedule was inserted in the Constitution in 1985 by **the 52nd Amendment Act**.

It lays down the process by which legislators may be disqualified on grounds of defection by the Presiding Officer of a legislature based on a petition by any other member of the House.

The decision on question as to disqualification on ground of defection is referred to the Chairman or the Speaker of such House, and **his/her decision is final and can be challenged in the court**.

Advantages of anti-defection law:

- Provides stability to the government by preventing shifts of party allegiance.
- Ensures that candidates remain loyal to the party as well the citizens voting for him.
- Promotes party discipline.

In India, rebelling against a three-line whip can put a lawmaker's membership of the House at risk.

The anti-defection law allows the Speaker/Chairperson to disqualify such a member; the only exception is when more than a third of legislators vote against a directive, effectively splitting the party.

61) Which of the following is/are expenditure charged upon the Consolidated Fund of India?

- Emoluments and allowances of the President of India.

2. Salaries, allowances and pensions of the judges of the Supreme Court and High Courts.
3. Administrative expenses of the office of the Comptroller and Auditor General of India.
4. Any sum required to satisfy any judgment, decree or award of any court or arbitral tribunal.

Select the correct answer code:

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

Solution: b)

The list of the charged expenditure is:

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

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.**

62) Consider the following statements regarding the Speaker of Lok Sabha.

1. He acts as the ex-officio chairman of the conference of presiding officers of legislative bodies in India.
2. He is the chairman of all the parliamentary committees of the Lok Sabha.
3. He can allow a 'secret' sitting of the House at the request of the Leader of the House.

Which of the above statements is/are correct?

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

Solution: c)

Speaker acts as the ex-officio chairman of the conference of presiding officers of legislative bodies in the country.

He appoints the chairman of all the parliamentary committees of the Lok Sabha and supervises their functioning. He himself is the chairman of the Business Advisory Committee, the Rules Committee and the General Purpose Committee.

When the House sits in secret, no stranger can be present in the chamber, lobby or galleries except with the permission of the Speaker.

63) Which of the following authorities suspends a meeting of the Lok Sabha in absence of a quorum?

- a) Leader of the House

- b) Secretary, Lok Sabha
- c) Speaker, Lok Sabha
- d) President of India

Solution: c)

The speaker has the following powers and duties:

- He maintains order and decorum in the House for conducting its business and regulating its proceedings. This is his primary responsibility and he has final power in this regard.
- He is the final interpreter of the provisions of (a) the Constitution of India, (b) the Rules of Procedure and Conduct of Business of Lok Sabha, and (c) the parliamentary precedents, within the House.
- **He adjourns the House or suspends the meeting in absence of a quorum.** The quorum to constitute a meeting of the House is one-tenth of the total strength of the House.

64) The administrator of a Union territory, with a State Legislature, can promulgate Ordinances during the recess of Legislature under which of the following circumstances

1. When the legislature has been suspended
2. When the legislature has been dissolved

Select the correct answer code:

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

Solution: d)

Article 239B. Power of administrator to promulgate Ordinances during recess of Legislature.

(1) If at any time, except when the Legislature of the Union territory of Puducherry is in session, the administrator thereof is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require:

Provided that no such Ordinance shall be promulgated by the administrator except after obtaining instructions from the President in that behalf:

Provided further that **whenever the said Legislature is dissolved, or its functioning remains suspended** on account of any action taken under any such law as is referred to in clause (1) of article 239A, the **administrator shall not promulgate any Ordinance during the period of such dissolution or suspension.**

65) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule. The decision on such questions of disqualification of members is taken by

- a) The President of India on the advice of the Council of Ministers of the State concerned
- b) The Election Commission of India after due consent from the concerned State government
- c) The Chairperson of the concerned house in the State
- d) The Governor of the State on the advice of the Election Commission

Solution: d)

A192. Decision on questions as to disqualifications of members. - (1) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, the question shall be referred for the decision of the Governor and his decision shall be final.

(2) Before giving any decision on any such question, **the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.**

66) Consider the following statements.

1. The First Lok Sabha met on the eve of the first republic day.
2. India ceased to be a British dominion post enactment of 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

Solution: b)

- **The First Lok Sabha was constituted on 17 April 1952 after India's first general election.**
- The Indian Independence Act 1947 merely converted India into a British dominion. It ceased to be dominion only after 26th January 1950.
- Till 1952, the Constituent assembly itself functioned as the law-making body.
- It was only after the first general elections that Lok Sabha was constituted and the assembly was relieved of its responsibility of acting as a dual body.

67) Provision of Joint sitting of both the houses of Parliament is applicable to

1. Constitutional amendment bills
2. Money bills
3. Financial bills

Which of the above statements is/are correct?

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

Solution: b)

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.

68) Which of the following affect the bills or any other business pending before Lok Sabha, other than pending notices?

1. Prorogation of a session
2. Adjournment of a sitting of the House

Select the correct answer code:

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

Solution: d)

Adjournment only terminates a sitting and not a session of the House. Prorogation not only terminates a sitting but also a session of the House.

Adjournment is done by presiding officer of the House; whereas Prorogation is done by the president of India.

Adjournment does not affect the bills or any other business pending before the House; whereas Prorogation also does not affect the bills or any other business pending before the House.

However, all pending notices (other than those for introducing bills) lapse on prorogation and fresh notices have to be given for the next session.

- 69) The total number of members in the Legislative Council of a State shall not exceed one-third of the total number of members in the Legislative Assembly of that State. The composition and manner of the election of the members of the Legislative Council of a State can be changed only by a
- Constitutional amendment as under Article 368
 - Law of the Parliament
 - An order of the President
 - Resolution of the concerned State Legislative Assembly

Solution: b)

Provided that the total number of members in the Legislative Council of a State shall in no case be less than forty, **until Parliament by law otherwise provides**, the composition of the Legislative Council of a State shall be as provided in clause (3) of Article 171.

- 70) Under Article 323 B of constitution, the Parliament and state legislature can establishment tribunals in which of the following matters?
- Industrial and labour
 - Elections to Parliament and state legislatures
 - Public service matters
 - Taxation

Select the correct answer code:

- 1, 2, 3
- 1, 2, 4
- 1, 2
- 1, 2, 3, 4

Solution: b)

Under Article 323 B, the Parliament and the state legislatures are authorized to provide for the establishment of tribunals for the adjudication of disputes relating to the following matters:

- Taxation**
- Foreign exchange, import and export
- Industrial and labour**
- Land reforms
- Ceiling on urban property
- Elections to Parliament and state legislatures**
- Food stuffs
- Rent and tenancy rights

Articles 323 A and 323 B differs 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 (mentioned above).**

- 71) Amicus Curiae, often seen in news is
- lawyer who has taken up Pro-Bono case.
 - A person who has been appointed either by the Central Government or the State Government to represent cases on behalf of the State.
 - A neutral lawyer appointed by the court to assist it in cases which require specific expertise.
 - An independent person officially appointed to settle a dispute.

Solution: c)

Amicus Curiae, which literally translates as friend of the court, is a neutral lawyer appointed by the court to assist it in cases which require specific expertise.

72) Original jurisdiction means the power of a high court to hear disputes in the first instance, not by way of appeal. It extends to which of the following?

1. Matters of admiralty, will, marriage and divorce.
2. Disputes relating to the election of members of Parliament and state legislatures.
3. Enforcement of fundamental rights of citizens.
4. Cases ordered to be transferred from a subordinate court involving the interpretation of the Constitution.

Select the correct answer code:

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

Solution: d)

It extends to the following:

- **Matters of admiralty, will, marriage, divorce**, company laws 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.

73) Consider the following statements regarding the procedure for removal of a judge of the Supreme Court according to Judges Enquiry Act (1968).

1. The prior permission of President is necessary for introducing any motion to impeach a judge.
2. The charges against the judge must be investigated by a committee appointed by the presiding officer of the house.

Which of the above statements is/are correct?

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

Solution: b)

- **No prior consent of President is needed.** However, 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.
- The Speaker/Chairman may admit the motion or refuse to admit it. If it is admitted, then the **Speaker/Chairman is to constitute a three-member committee to investigate into the charges.**
- The committee should consist of (a) the chief justice or a judge of the Supreme Court, (b) a chief justice of a high court, and (c) a distinguished jurist.
- 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.
- 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.
- Finally, the president passes an order removing the judge.

- 74) Which of the following are qualifications for person to be appointed as district judge?
1. He should not already be in the service of the Central or the state government.
 2. He should be recommended by the high court for appointment.
 3. He should have been an advocate or a pleader for not less than five years.

Which of the statements given above are correct?

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

Solution: a)

(1) Appointments of persons to be, and the posting and promotion of district judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State.

(2) A person not already in the service of the Union or of the State shall only be eligible to be appointed as district judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment.

- 75) Under which of the following cases can Judicial Review be exercised by high court?

1. The executive orders of central government, if it is repugnant to the constitutional provisions.
2. If the executive orders of state government are outside the competence of the authority which has framed it.
3. The legislative enactment by state which infringes the fundamental rights.

Select the correct answer code:

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

Solution: d)

Power of Judicial Review

Judicial review is the power of a high court 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 high court. Consequently, they cannot be enforced by the government.

Though the phrase 'judicial review' has nowhere been used in the Constitution, the provisions of Articles 13 and 226 explicitly confer the power of judicial review on a high court. The constitutional validity of a **legislative enactment or an executive order** can be challenged in a high court on the following three grounds:

- (a) it infringes the fundamental rights (Part III),**
- (b) it is outside the competence of the authority which has framed it, and**
- (c) it is repugnant to the constitutional provisions.**

- 76) The Constitution has made which of the following provisions to safeguard and ensure the independent and impartial functioning of the Supreme Court?

1. Security of Tenure to the judges of the Supreme Court
2. Conduct of Judges cannot be discussed in Parliament or in a State Legislature except when an impeachment motion is under consideration of the Parliament.
3. Salaries, allowances and pensions of judges cannot be changed by the Parliament.

Which of the above statements is/are correct?

- a) 1 only

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

Solution: b)

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.

Conduct of Judges cannot be discussed in Parliament or in a State Legislature except when an impeachment motion is under consideration of the Parliament.

The parliament can change their salaries, allowances and pensions, but not during their service tenure.

- 77) A judge of the Supreme Court can be removed from his Office by an order of the president after an address by Parliament has been presented to him in the same session for such removal supported by
- a) Simple majority in each house of Parliament approved by the Presiding officer of the House
 - b) Special majority in Lok Sabha only
 - c) Absolute majority in both Houses of Parliament
 - d) Special majority in both Houses of Parliament

Solution: d)

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** (i.e., 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.

- 78) In the enforcement (via writs) of which of the following, the jurisdiction of the Supreme Court is original but not exclusive?
1. Fundamental Rights
 2. Statutory Rights
 3. Constitutional Rights

Select the correct answer code:

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

Solution: a)

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.

As for Statutory rights and Constitutional rights, the original jurisdiction is vested in the High Courts.

For instance, if a person's "Right to Vote" is infringed, he can move the High court for infringement of a constitutional right. SC cannot be approached for issuing a writ petition.

High court also enforces legal rights, and should be approached in case of its infringement.

Fundamental rights are enforced by both SC and HCs.

79) Which of the following statements is/are incorrect regarding Judicial Review?

1. Indian Constitution confers the power of judicial review to Supreme Court only.
2. The purpose of the judicial review is to review constitutional amendments only.
3. Judicial review is not a part of the basic structure of the constitution.

Select the correct answer code:

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

Solution: c)

In India the Constitution 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.

Judicial review can be classified into the following three categories:

1. Judicial review of constitutional amendments.
2. Judicial review of legislation of the Parliament and State Legislatures and subordinate legislations.
3. Judicial review of administrative action of the Union and State and authorities under the state.

80) Consider the following with reference to the impeachment of a high court judge.

1. The procedure for the impeachment of a judge of a high court is the same as that for a judge of the Supreme Court.
2. The Speaker or Chairman of the house may refuse to admit a motion for the impeachment of a high court judge.
3. Only the Chief Justice of India can pass the final order for the removal of a high court judge post-impeachment.

Which of the above statements is/are correct?

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

Solution: a)

The Judges Enquiry Act (1968) regulates the procedure relating to the removal of a judge of a high court by the process of impeachment.

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.

The Speaker/Chairman may admit the motion or refuse to admit it.

If it is admitted, then the Speaker/Chairman is to constitute a three-member committee to investigate into the charges.

The procedure is same for a SC judge.

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.

Finally, the president passes an order removing the judge.

81) Consider the following statements.

1. According to the Constitution of India, The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit.
2. The Governor always has to act on the aid and advice of the cabinet and cannot decide on his or her own on summoning the House.

Which of the above statements is/are correct?

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

Solution: a)

“The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit...” says Article 174 of the Constitution. The provision also puts on the Governor the responsibility of ensuring that the House is summoned at least once every six months.

Although it is the Governor’s prerogative to summon the House, according to Article 163, the Governor is required to act on the “aid and advice” of the Cabinet. So when the Governor summons the House under Article 174, this is not of his or her own will but on the aid and advice of the Cabinet.

There are a **few instances where the Governor can summon the House despite the refusal of the Chief Minister who heads the Cabinet.** When the Chief Minister appears to have lost the majority and the legislative members of the House propose a no-confidence motion against the Chief Minister, then the Governor can decide on his or her own on summoning the House.

But the actions of the Governor, when using his discretionary powers can be challenged in court.

82) The term of the Lok Sabha can be extended under which of these circumstances?

1. When a national or financial emergency is in operation.
2. When the Rajya Sabha approves so on a special recommendation made by the Prime Minister.
3. When a new government cannot be formed even after the completion of the term of the previous Lok Sabha.

Select the correct answer code:

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

Solution: d)

During National Emergency, the duration of Lok Sabha can be extended to a maximum of 1 year at a time by passing a law in the parliament. The term of 5th Lok Sabha was extended twice by passing House of the People (extension of duration) Act, 1976. However, this extension cannot continue beyond a period of six months after the Emergency ceases to operate.

However, the same is **not applicable for financial emergency.**

83) Which of the following are usually mentioned as arguments against having a second house in the State Legislature?

1. Unlike Rajya Sabha which has substantial powers to shape legislation, Legislative Councils lack the constitutional mandate to do so.
2. As regards Money bills, only fourteen days’ delay can be caused by the Council, which is more or less a formality rather than a barrier in the way of Money Bill passed by the Assembly.

Select the correct answer code:

- a) 1 only

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

Solution: c)

Arguments against having a second house:

- Rather than fulfilling the lofty objective of getting intellectuals into the legislature, the forum is likely to be used to accommodate party functionaries who fail to get elected.
- Unlike Rajya Sabha which has substantial powers to shape non-financial legislation, Legislative Councils lack the constitutional mandate to do so. **Legislative Assemblies have the power to override suggestions/amendments made to a legislation by the Council.**
- While Rajya Sabha MPs can vote in the election of the President and Vice-President, members of Legislative Councils can't. MLAs also can't vote in the elections of Rajya Sabha members.
- **As regards Money bills, only fourteen days' delay can be caused by the Council, which is more or less a formality rather than a barrier in the way of Money Bill passed by the Assembly.**

- 84) With reference to the power of judicial review of high courts, consider the following statements
1. High court can review the laws enacted by the Parliament and also state legislatures.
 2. High court cannot interpret the Constitution while reviewing any law or order passed by the government, as Supreme Court is the sole interpreter of 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

Solution: a)

High court can interpret the Constitution while reviewing any law or order passed by the government.

- 85) Consider the following statements about Leader of the House.

1. The term Leader of the House has been defined in the Constitution of India.
2. By default *the Leader of the House* in the Lok Sabha is the prime Minister, if he is a Member of that House.
3. *The Leader of the Lok Sabha* never sits in the Business advisory Committee.

Which of the above statements is/are correct?

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

Solution: d)

The term Leader of the House has been defined in Rules of Procedure of the Lok Sabha and the Rajya Sabha. Leader of the House, according to Rule 2 of the Rules of Procedure and Conduct of Business in the Lok Sabha means the prime Minister, if he is a Member of the House or a Minister who is a Member of the House and is nominated by the Prime Minister to function as the Leader of the House.

The Prime Minister is invariably the Leader of the Lok Sabha.

The Leader of the Lok Sabha. viz., Prime Minister, never sits in the Business advisory Committee; he or she is represented by the Minister for Parliamentary Affairs in the Business Advisory Committee. The Leader of the House in the Rajya Sabha is generally a member of the Business Advisory Committee (BAC). In the event, he is not a member of the BAC, he is invited to attend its meetings.

86) Arrange the following committees based on the formation from the earliest.

1. Balwant Rai Mehta Committee
2. Ashok Mehta Committee
3. L M Singhvi Committee
4. G V K Rao Committee

Select the correct answer code:

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

Solution: b)

Balwant Rai Mehta Committee (1957): Originally appointed by the Government of India to examine the working of two of its earlier programs, the committee submitted its report in November 1957, in which the term '**democratic decentralization**' first appears.

Ashok Mehta Committee (1977-1978): The committee was constituted by the Janata government of the time to study Panchayati Raj institutions.

G V K Rao Committee (1985): Appointed by the Planning Commission, the committee concluded that the developmental procedures were gradually being taken away from the local self-government institutions, resulting in a system comparable to '**grass without roots**'.

L M Singhvi Committee (1986): Constituted by the Rajiv Gandhi government on 'Revitalisation of Panchayati Raj institutions for Democracy and Development'.

87) Consider the following statements regarding 73rd amendment act of 1992.

1. The act has given a practical shape to Article 40 of the Constitution.
2. The act gives a constitutional status to the Panchayati raj institutions.
3. It has brought the Panchayati raj institutions under the purview of the justiciable part of the Constitution.

Which of the above statements is/are correct?

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

Solution: d)

73RD AMENDMENT ACT OF 1992:

- This act has added a new Part-IX to the Constitution of India.
- **The act has given a practical shape to Article 40 of the Constitution** which says that, "The State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government."
- **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.**

88) Which of the following are the compulsory provisions of 73rd Constitutional Amendment Act (1992)?

1. Organisation of Gram Sabha in a village or group of villages.
2. Direct elections to all seats in panchayats at the village, intermediate and district levels.
3. Granting powers to the panchayats to enable them to function as institutions of self-government.

Select the correct answer code:

- a) 1, 2

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

Solution: a)

Compulsory Provisions of the 73rd Constitutional Amendment Act (1992) or the Part IX of the Constitution:

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. 21 years to be the minimum age for contesting elections to panchayats.
6. Reservation of seats (both members and chairpersons) for SCs and STs in panchayats at all the three levels.
7. Reservation of one-third seats (both members and chairpersons) for women in panchayats at all the three levels.
8. 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.
9. Establishment of a State Election Commission for conducting elections to the panchayats.
10. Constitution of a State Finance Commission after every five years to review the financial position of the panchayats.

Granting powers and authority to the panchayats to enable them to function as institutions of self-government is a Voluntary Provision.

- 89) The state legislature may provide for the representation of which of the following persons in a municipality?
1. Persons having special knowledge or experience in municipal administration.
 2. The members of the Lok Sabha, representing constituencies that comprise the municipal area.
 3. The members of the Rajya Sabha, registered as electors within the municipal area.
 4. The members of the state legislative council, registered as electors within the municipal area.

Select the correct answer code:

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

Solution: d)

Composition of municipality

All the members of a municipality shall be elected directly by the people of the municipal area. For this purpose, each municipal area shall be divided into territorial constituencies to be known as wards.

The state legislature may provide the manner of election of the chairperson of a municipality. It may also provide for the representation of the following persons in a municipality.

1. **Persons having special knowledge or experience in municipal administration** without the right to vote in the meetings of municipality.
2. The members of the Lok Sabha and the state legislative assembly representing constituencies that comprise wholly or partly the municipal area.
3. **The members of the Rajya Sabha and the state legislative council registered as electors within the municipal area.**
4. The chairpersons of committees (other than wards committees).

90) Consider the following statements regarding Municipalities

1. All the members of a municipality shall be elected indirectly by the members of the state legislature.

2. The state legislature may provide for the manner of reservation of offices of chairpersons in the municipalities for SCs, STs and women.

Which of the above statements is/are correct?

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

Solution: b)

All the members of a municipality shall be elected directly by the people of the municipal area.

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).

91) A State can be designated as a Union Territory (UT) through

- a) a constitutional amendment made by Parliament and agreed by the President
- b) a law enacted by the Parliament
- c) an executive order of the President
- d) a resolution passed by the Legislatures of the concerned states and assented to by the President

Solution: b)

Article 2 of the Constitution says that **Parliament may by law** admit into the Union, or establish, new States on such terms and conditions, as it thinks fit.

The power conferred on Parliament by clause (a) includes the **power to form a new State or Union territory by uniting a part of any State or Union territory to any other State or Union territory.**

92) Consider the following statements regarding union territories.

1. Ministry of Home Affairs is the nodal ministry for all matters of Union Territories relating to legislation, finance and budget and services.
2. All the Union Territories without legislature have the forum of Home Minister's Advisory Committee (HMAC) / Administrator's Advisory Committee (AAC).

Which of the above statements is/are correct?

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

Solution: c)

Under the Government of India (Allocation of Business) Rules 1961, **Ministry of Home Affairs is the nodal ministry for all matters of Union Territories relating to legislation, finance and budget, services and appointment of Lt. Governors and Administrators.**

All the UTs without legislature (Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, Lakshadweep and Ladakh) have the forum of Home Minister's Advisory Committee (HMAC)/Administrator's Advisory Committee (AAC).

While HMAC is chaired by the Union Home Minister, AAC is chaired by the Administrator of the concerned UTs. The Committee discusses the general issues relating to social and economic development of the UTs.

93) Consider the following statements regarding Scheduled areas under the Constitution.

1. The president is empowered to declare an area to be a scheduled area.
3. The executive or legislative power of a state government does not extend to the scheduled areas therein.

Which of the above statements is/are correct?

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

Solution: a)

The constitution empowers the President to declare any areas as 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.

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.

94) The Governor is authorised to

1. Direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or apply with modifications
2. Make regulations to prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in Scheduled Area.

Which of the above statements is/are correct?

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

Solution: c)

The Governor may, by public notification, direct that any particular Act of Parliament or of the Legislature of the State shall or shall not apply to a SA or any part thereof in the State, subject to such exceptions and modifications, as specified. The Governor may make regulations for the peace and good government of any area in the State which is for the time being a SA. Such regulations may

- prohibit or restrict the transfer of land by or among members of the Scheduled tribes in such area;
- regulate the allotment of land to members of the STs in such area;
- regulate the carrying on of business as money-lender by persons who lend money to members of the STs in such area.

95) Consider the following statements:

1. The Tribes Advisory Councils have been constituted only in the Scheduled Areas States.
2. It shall be the duty of the Tribes Advisory Council to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to them by the Chief Minister of concerned state.

Which of the above statements is/are incorrect?

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

Solution: c)

According to the provisions of Paragraph 4, under Article 244(1) of Fifth Schedule of the Constitution of India, the **Tribes Advisory Councils (TAC) shall be established in each State having Scheduled Areas therein and, if the President so directs, also in any State having Scheduled Tribes but not Scheduled Areas therein.**

In terms of clause (2) of Para 4 of the Fifth Schedule, it shall be the duty of the Tribes Advisory Council to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to them by the Governor.

96) Which of the following come under the Union List in the Seventh schedule of the Constitution of India?

1. Central Bureau of Intelligence and Investigation.
2. Posts and telegraphs
3. Lotteries organised by the Government of a State.
4. Pilgrimages to any places inside India

Select the correct answer code:

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

Solution: a)

Entry 7: Pilgrimages, other than pilgrimages to places outside India.

Statement 1, 2, 3 are under union list.

97) Under the Constitution, Price control is a subject for which there is

- a) State responsibility since it comes under the State List of the seventh schedule
- b) Central responsibility since it comes under the Central List of the seventh schedule
- c) Joint responsibility since it comes under the Concurrent List of the seventh schedule
- d) no constitutional responsibility on any branch of the government

Solution: c)

Price control comes under Entry 34 of the Concurrent List.

98) The Constitution of India establishes a federal system of government. It contains most of the usual features of a federation, but also of a unitary system. Which of the following signify the latter?

1. Division of powers between Central and State governments
2. Flexibility of the Constitution
3. Independent Judiciary
4. All-India Services

Select the correct answer code:

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

Solution: b)

The usual features of a federation, viz., two government, division of powers, written Constitution, supremacy of Constitution, rigidity of Constitution, independent judiciary and bicameralism.

However, the Indian Constitution also contains a large number of unitary or non-federal features, viz., a strong Centre, single Constitution, single citizenship, **flexibility of Constitution**, integrated judiciary, appointment of state governor by the Centre, **all-India services**, emergency provisions, and so on.

99) Consider the following statements regarding President's rule that is imposed under Article 356 of the Constitution.

1. It cannot be imposed without the written recommendation of the Governor of the concerned state.
2. Every proclamation of President's rule must be approved by both the houses of Parliament within a stipulated 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

Solution: b)

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).

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.

100) Which of the following is/are the recommendations of Sarkaria Commission?

1. Article 356 should be used very sparingly, in extreme cases as a last resort when all the available alternatives fail.
2. When the president withholds his assent to the state bills, the reasons should be communicated to the state government.
3. The Centre should consult the states before making a law on a subject of the Concurrent List.

Which of the statements given above is/are correct?

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

Solution: d)

Sarkaria Commission

In 1983, the Central government appointed a three-member Commission on Centre–state relations under the chairmanship of R S Sarkaria, a retired judge of the Supreme Court.

The Commission made 247 recommendations to improve Centre–state relations. The important recommendations are mentioned below:

1. A permanent Inter-State Council called the Inter-Governmental Council should be set up under Article 263.
2. **Article 356 (President's Rule) should be used very sparingly, in extreme cases as a last resort when all the available alternatives fail.**
3. **When the president withholds his assent to the state bills, the reasons should be communicated to the state government.**
4. **The Centre should have powers to deploy its armed forces, even without the consent of states.**

- 101) Consider the following statements.
1. Preservation of cattle is a matter on which the legislature of the States has exclusive powers to legislate.
 2. 'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution.
 3. The central government alone can make laws related to local bodies, such as municipalities.

Which of the above statements is/are correct?

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

Solution: b)

Under the distribution of legislative powers between the Union of India and States under Article 246(3) of the Constitution, **the preservation of cattle is a matter on which the legislature of the States has exclusive powers to legislate.**

'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India and therefore, the State Governments are primarily responsible for prevention, detection, registration and investigation of crime and for prosecuting the criminals through the machinery of their law Enforcement agencies, as also for protecting the life and property of the citizens.

Local bodies are best kept in the state list.

The State Governments alone can make laws relating to the subjects mentioned in the State List. However, this does not stop the Parliament to amend the constitution with the consent of majority of state government with regard to local bodies, as it did in the 73rd and 74th amendment.

- 102) With regards to the powers of the Parliament to create new states or alter the geographical boundaries of existing states, consider the following statements.
1. Parliament is not bound by the views of the concerned state legislature and may either accept or reject them.
 2. The constitution must be amended under Article 368 to accommodate new states, for which states do not play any decisive role.

Which of the above statements is/are correct?

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

Solution: a)

Article 3 authorises the Parliament to form a new state or change area of an existing state.

However, Article 3 lays down two conditions in this regard: one, a bill contemplating the above changes can be introduced in the Parliament only with the prior recommendation of the President; and two, before recommending the bill, the President has to refer the same to the state legislature concerned for expressing its views within a specified period.

But, the President (or Parliament) is **not bound by the views of the state legislature and may either accept or reject them**, even if the views are received in time.

Creation of new states does not require constitutional amendment as such amendments are not to be deemed as "amendments" under A368.

- 103) The Constitution defines the territorial limits of the legislative powers vested in the Centre and the states in which of the following way?

1. The Parliament can make not only territorial laws within India but also 'extra-territorial laws' that are applicable to Indian citizens throughout the world.
2. The laws made by a state legislature are not applicable outside the state, except when there is a sufficient nexus between the state and the object.

Which of the above statements is/are correct?

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

Solution: c)

The Parliament can make laws for the whole or any part of the territory of India. The territory of India includes the states, the union territories, and any other area for the time being included in the territory of India.

- **A state legislature can make laws for the whole or any part of the state. The laws made by a state legislature are not applicable outside the state, except when there is a sufficient nexus between the state and the object.**
- The Parliament alone can make 'extra-territorial legislation'. Thus, the laws of the Parliament are also applicable to the Indian citizens and their property in any part of the world.

104) Under which of the following circumstances, centre can give directions to the states

1. The construction and maintenance of means of communication.
2. The measures to be taken for the protection of the railways within the state.
3. Day to day administration of State

Select the correct answer code:

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

Solution: a)

Centre's Directions to the States

the Centre is empowered to give directions to the states with regard to the exercise of their executive power in the following matters:

- (i) the construction and maintenance of means of communication (declared to be of national or military importance) by the state;
- (ii) the measures to be taken for the protection of the railways within the state;
- (iii) the provision of adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups in the state; and
- (iv) the drawing up and execution of the specified schemes for the welfare of the Scheduled Tribes in the state.

105) Consider the following about Statutory Grants, that are given to the states by the Central government.

1. They find mention in the constitution.
2. They are awarded annually to every state.
3. They are charged on the Consolidated Fund of India every year.
4. These grants are to be given on the recommendation of the Finance Commission.

Select the correct answer code:

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

Solution: a)

Besides sharing of taxes between the Centre and the states, the Constitution provides for grants-in-aid to the states from the Central resources. There are two types of grants-in-aid, viz, statutory grants and discretionary grants:

- Statutory Grants: **Article 275 empowers the Parliament to make grants to the states which are in need of financial assistance and not to every state.**
- Also, different sums may be fixed for different states. **These sums are charged on the Consolidated Fund of India every year.**
- The statutory grants under Article 275 (both general and specific) are given to the states on the recommendation of the Finance Commission.

106) Consider the following statements

1. A state cannot raise any loan without the consent of the Centre, if there is still out-standing any part of a loan made to the state by the Centre.
2. The Central government cannot make loans to any state or give guarantees in respect of loans raised by any 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

Solution: a)

A state cannot raise any loan without the consent of the Centre, if there is still out-standing any part of a loan made to the state by the Centre or in respect of which a guarantee has been given by the Centre.

The Central government can make loans to any state or give guarantees in respect of loans raised by any state. Any sums required for the purpose of making such loans are to be charged on the Consolidated Fund of India.

107) Consider the following statements.

1. The chairman of the Inter-State Council is nominated by the Union Cabinet on the recommendation of a collegium.
2. The chairman of the Council of States is elected directly by the Rajya Sabha after the interim speaker passes a resolution to the same effect.

Which of the above statements is/are correct?

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

Solution: d)

The Inter State Council composes of the following members: Prime Minister, Chairman. Chief Ministers of all states. Chief ministers of UTs with legislative assemblies. **Prime Minister is the ex-officio chairman** (i.e. chairman by the virtue of him holding of prime minister). He does not need any nomination.

The chairman of the Council of States (Rajya Sabha) is not elected solely by the Rajya Sabha. She is elected jointly by Lok Sabha and Rajya Sabha. In the case of Lok Sabha, the speaker is solely elected by the Lok Sabha.

108) Article 263 of the Constitution of India provides for the establishment of an Inter-State Council. What are the functions of the council?

1. It is a permanent secretariat for cooperation between the various planning organs of State Governments.

2. It considers recommendations for the better coordination of policy and matters of general interest to the states.

3. It decides on the allocation of Finance Commission approved financial outlay for each state.

Select the correct answer code:

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

Solution: c)

The inter-state council is not a permanent constitutional body for coordination between the states and union government. It can be established 'at any time' if it appears to the President that the public interests would be served by the establishment of such a council.

The Council is a recommendatory body to investigate and discuss subjects, in which some or all of the states or the union government have a common interest.

109) Which of these were the members of the first Inter-state Council?

- 1. President of India
- 2. Prime Minister of India
- 3. All cabinet Ministers
- 4. All state Chief Ministers

Select the correct answer code:

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

Solution: b)

In pursuance of the recommendations of the Sarkaria Commission, the Janata Dal Government established the Inter-State Council in 1990. It consists of the following members:

- **Prime minister as the Chairman**
- **Chief ministers of all the states**
- Chief ministers of union territories having legislative assemblies
- Administrators of union territories not having legislative assemblies
- Governors of States under President's rule
- Six Central cabinet ministers, including the home minister, to be nominated by the Prime Minister.
- Five Ministers of Cabinet rank / Minister of State (independent charge) nominated by the Chairman of the Council (i.e., Prime Minister) are permanent invitees to the Council.

110) Consider the following statements regarding North-east Council (NEC).

- 1. NEC was established under the North Eastern Council Act, 1971 as an apex level body for securing balanced and coordinated development and facilitating coordination with the States.
- 2. Union Home Minister is the ex-officio Chairman of North Eastern Council (NEC).
- 3. All the Governors and Chief Ministers of North Eastern States are the Members of the council.

Which of the above statements is/are correct?

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

Solution: d)

NEC was established under the North Eastern Council Act, 1971 as an apex level body for securing balanced and coordinated development and facilitating coordination with the States.

The Union Cabinet, in June 2018, approved the proposal of Ministry of Development of North Eastern Region (DoNER) for the nomination of the **Union Home Minister as ex-officio Chairman of North Eastern Council (NEC)**. The Cabinet also approved that Minister of State (Independent Charge), Ministry of DoNER would serve as Vice Chairman of the Council.

All the Governors and Chief Ministers of North Eastern States will be its Members.

111) Consider the following statements.

1. The Official language of an Indian state is confined to the languages listed in the Eighth Schedule of the Constitution.
2. The Constitution specifies the official language of different states.

Which of the above statements is/are incorrect?

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

Solution: c)

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.**

- 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).

112) Consider the following statements about the Civil Services created by the Constitution of India.

1. An officer of All-India services cannot be dismissed by any authority in India other than the President of India.
2. A civil servant cannot be dismissed or removed by an authority subordinate to that by which he was appointed.

Which of the above statements is/are correct?

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

Solution: c)

As per the constitution, a civil servant cannot be dismissed or removed by an authority subordinate to that by which he was appointed. **Since, the Central government makes their appointment on the warrant of the President, they can't be removed by anyone other than the President.**

However, the all-India services are controlled jointly by the Central and state governments.

The ultimate control lies with the Central government while the immediate control is vested in the state governments.

Any disciplinary action (imposition of penalties or removal or reduction in rank) against these officers can only be taken by the Central government.

113) Consider the following statements

1. Article 341 of the Constitution provides certain privileges and concessions to the members of Scheduled Castes.
2. President alone is vested with the power to include or exclude any entry in the Scheduled Castes (SC) list.
3. There is provision for the reservation of Scheduled Castes both in the Lok Sabha and Rajya Sabha.

Which of the above statements is/are correct?

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

Solution: a)

Article 341 of the Constitution provides certain privileges and concessions to the members of Scheduled Castes.

Parliament alone is vested with the power to include or exclude any entry in the SC list under Article 341 of the Constitution.

Reservation is there only in the **Lok Sabha**.

- 114) Which of these constitutional provisions secure the independence of certain Constitutional bodies from the government?
1. Security of tenure
 2. Fixed service conditions
 3. Expenses being charged on the Consolidated Fund of India

Select the correct answer code:

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

Solution: b)

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.

For instance, Chief election Commissioner can only be removed from office on proved misbehaviour or incapacity, which are the same grounds as that for a Supreme Court Judge.

CEC Service conditions cannot be varied after appointment, and the recommendation of CEC is needed to remove ECs/regional commissioners.

- 115) Which of the following bodies have the leader of the opposition in Rajya Sabha, in their appointment committees?

- a) The National Human Rights Commission
- b) The Central Vigilance Commission
- c) The Central Information Commission
- d) CEO of NITI Aayog

Solution: a)

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.

The chairman 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.**

116) A resolution of disapproval of national emergency is different from a resolution approving the continuation of a proclamation in which of the following respects?

1. Disapproval of emergency requires the approval of both the houses, whereas approval of proclamation can be done only by the Lok Sabha.
2. Disapproval requires special majority, whereas approval requires a simple majority.

Which of the above statements is/are correct?

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

Solution: d)

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

- First one (disapproval) is required to be passed by the Lok Sabha only, while the second one needs to be passed by the both Houses of Parliament.
- The first one is to be adopted by a simple majority only, while the second one needs to be adopted by a special majority.

This is done to put greater safeguards as emergency is an extraordinary measure and must be resorted to only in exceptional circumstances.

117) The Constitution empowers the Parliament to make laws on any matter enumerated in the State List under which of the following extraordinary circumstances?

1. On a special reference made by the President of India
2. Resolution passed by Rajya Sabha to this effect
3. During a Financial emergency

Select the correct answer code:

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

Solution: d)

If the Rajya Sabha declares that it is necessary in the national interest that Parliament should make laws on a matter in the State List, then the Parliament becomes competent to make laws on that matter. Such a resolution must be supported by two-thirds of the members present and voting.

During a National Emergency (not financial emergency) the Parliament acquires the power to legislate with respect to matters in the State List, while a proclamation of national emergency is in operation.

118) Consider the following statements.

1. The President can proclaim national emergency only after receiving a written recommendation from Cabinet.
2. Proclamation of national emergency is immune from Judicial Review.

Which of the above statements is/are correct?

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

Solution: a)

The national emergency can be declared only on the concurrence of the cabinet and not merely on the advice of the prime minister.

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

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

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

119) Consider the following statements regarding National Emergency.

1. During an Emergency, the Central government becomes all powerful and the states go into the total control of the Centre.
2. The word National Emergency is mentioned in 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

Solution: a)

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. **An emergency due to war, external aggression or armed rebellion (Article 352). This is popularly known as 'National Emergency'.** However, the Constitution employs the expression 'proclamation of emergency' to denote an emergency of this type. **The word National Emergency is not mentioned in constitution.**

120) Consider the following statements.

1. 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.
2. During President's rule, the state legislative assembly would be either suspended or dissolved by 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

Solution: c)

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.

During President's rule, the state legislative assembly would be either suspended or dissolved by the President.