

Indian Polity Question Bank

Edited by
Vinay G B

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Education**



FOR CIVIL SERVICES
PRELIMINARY EXAMINATION

**INDIAN POLITY
QUESTION BANK**

About the Editor

Vinay G B: Vinay G B did his schooling at Jawahar Navodaya Vidyalaya (JNV) Chitradurga. Years spent at JNV shaped his personality and outlook towards life. After completion of graduation in Genetics, he decided to become an IAS officer where he saw an opportunity to serve more people and at the same time enhance his knowledge through self-study. He soon resigned from his job and started his online initiative to provide right guidance to thousands of students across India free of cost and thereby produce finest leaders—whose primary motto will be to serve the society—to the nation.

Today, more than three thousand students are being guided by InsightsIAS under the mentorship of Vinay G B in Bengaluru. These students include graduates from India's top institutions such as IITs, IIM and other top medical, law, engineering, science and arts colleges and universities. This book is a product of Insights team effort guided and edited by Vinay G B. Hope it helps IAS aspirants to fine tune their UPSC exam preparation.

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Preface

InsightsIAS is proud to present the first edition of Indian Polity-Prelims Mock Test questions module. It has the most commonly asked questions in competitive exams on the polity subject. It is a must-read book for aspirants appearing in various competitive examinations, especially the civil services examinations.

The book has been compiled with the objective of helping an aspirant to sail through the difficult journey of UPSC. It contains quality objective questions on the Indian Constitution and International relations, segregated from Insights Prelims Test Series previous years papers, the credibility of which is acknowledged by many UPSC toppers, along with the detailed explanations for the questions.

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We hope our efforts will help you strengthen your base in current affairs and prepare you well for the exam.

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All The Best !

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(1) HISTORICAL BACKGROUND

The Regulating Act of 1773

Q.1 What is the importance of the Regulating Act of 1773 in the Indian colonial administrative setup?

1. It was the first step taken by the British Government to control and regulate the affairs of the East India Company in India.
2. It designated the Governor of Bengal as the 'Governor-General of India' and vested in him major executive powers.
3. It provided for the establishment of a Supreme Court at Bombay presidency.

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 2: It designated the Governor of Bengal as the 'Governor-General of Bengal' and created an Executive Council of four members to assist him. The first such Governor-General was Lord Warren Hastings.

Statement 3: It was established at Calcutta (not Bombay) in 1774.

Learning: This act is of great constitutional importance as

- it was the first step taken by the British Government to control and regulate the affairs of the East India Company in India.
- it recognised, for the first time, the political and administrative functions of the Company
- It laid the foundations of central administration in India. It made the governors of Bombay and Madras presidencies subordinate to the governor-general of Bengal, unlike earlier, when the three presidencies were independent of one another.
- It prohibited the servants of the Company from engaging in any private trade or accepting presents or bribes from the 'natives'.
- It strengthened the control of the British Government over the Company

by requiring the Court of Directors (governing body of the Company) to report on its revenue, civil, and military affairs in India.

Q.2 The Regulating Act of 1773 is said to be of great constitutional importance in India. Which of the following can be the reason(s) for it?

1. It created a federal architecture to govern India decentralizing the administrative system.
2. It transferred control of India from commercial companies to the British government representative in India.

Which of the above is/are correct?

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

Solution: (d)

Q.3 Under which of the following Acts, a new Supreme Court and a court of appeal – the Sadar Nizamat Adalat – was set up at Calcutta?

- (a) The Regulating Act of 1773
(b) The Regulating Act of 1813
(c) The Regulating Act of 1883
(d) The Government of India Act 1858

Solution: (a)

In India, from 1772, a new system of justice was established. Each district was to have two courts – a criminal court (*faujdari adalat*) and a civil court (*diwani adalat*). Maulvis and Hindu pandits interpreted Indian laws for the European district collectors who presided over civil courts. The criminal courts were still under a *qazi* and a *mufti* but under the supervision of the collectors.

A major problem was that the Brahman pandits gave different interpretations of local laws based on different schools of the *dharmashastra*. To bring about uniformity, in 1775 eleven pandits were asked to compile a digest of Hindu laws. Nathaniel Brassey Halhed translated this digest into English. By 1778 a code of Muslim laws was also compiled for the benefit of European judges. Under the Regulating Act of 1773, a new Supreme Court was established, while a court of appeal – the Sadar Nizamat Adalat – was also set up at Calcutta.

Amending Act (1781)—Act of Settlement

Q.4 The Amending Act (1781) to the Regulating Act of 1773 had which of the following provisions?

1. Increase in the jurisdiction of Supreme Court established by the Regulating Act 1773
2. Recognition of the appellate jurisdiction of the Governor-General-in- Council
3. Enactment of a temporary Uniform Civil Code

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: It was actually the opposite. The act significantly reduced the powers of the Supreme Court at Calcutta. The actions of the servants of the Company in their official capacity were exempted from the jurisdiction of the Supreme Court.

It also separated the Governor-General-in-Council and revenue matters from the Court's jurisdiction.

Statement 2: The Act recognized the appellate jurisdiction of the Governor- General-in-Council. It empowered the Governor-General and Council to convene as a Court of Record to hear appeals from the Provincial Courts on civil cases. It meant that appeal could be taken from the provincial courts to the Governor General & Council and that was to be the final court of appeal.

Statement 3: The Act asserted that Mohammedan cases should be determined by Mohammedan law and Hindu law applied in Hindu cases. So, the number 3 is clearly wrong.

Pitt's India Act of 1784

Q.5 Which of these enactments by the British Parliament provided the British Government ultimate control over Company's affairs and its administration in India?

- (a) Indian Councils Act 1861
(b) Charter Act of 1853

- (c) Pitt's India Act of 1784
(d) All of the above are incorrect as they were legislated by the Central Legislative Assembly (CLA) and not the British Parliament.

Solution: (c)

Learning: It was the Pitt's India Act of 1784, but it was passed by the British Parliament, not in the Central Legislative Assembly (CLA) of colonial India. Hence, D is incorrect.

In a bid to rectify the defects of the Regulating Act of 1773, the British Parliament passed the Amending Act of 1781, also known as the Act of Settlement. The next important act was the Pitt's India Act.

1. It distinguished between the commercial and political functions of the Company.
2. It allowed the Court of Directors to manage the commercial affairs but created a new body called Board of Control to manage the political affairs. Thus, it established a system of double government.
3. It empowered the Board of Control to supervise and direct all operations of the civil and military government or revenues of the British possessions in India.

Thus, the act was significant for two reasons:

- the Company's territories in India were for the first time called the 'British possessions in India' and
- British Government was given the supreme control over Company's affairs and its administration in India.

Charter Act of 1793 and Charter Act of 1813

Q.6 Consider the following statements.

1. The Charter Act of 1793 gave powers to the Governor General to override his council.
2. The Charter Act of 1813 allowed the British subjects access to Indian shore with their ships.

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: It also empowered him to exercise effective control over the Presidencies. Through this Act the British introduced the concept of a civil law enacted by a secular human agency, i.e., the government and applied universally in place of the personal rule of the past rulers.

In 1786, the Presidencies were divided into districts and collectors were appointed.

Statement 2: The most important development that came as a consequence was the deprivation of the monopoly of trade and commerce of the British East India Company except tea and throwing open the trade of India to all the British citizens.

Charter Act of 1833

Q.7 Consider the following statements about the Charter Act of 1833.

1. The act created, for the first time, a Government of India having authority over the entire territorial area possessed by the British in India.
2. It ended the monopoly of the East India Company as a commercial body.
3. It separated, for the first time, the legislative and executive functions of the Governor-General's council.

Choose the correct answer using the codes below.

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

Solution: (a)

Charter Act of 1833

This Act was the *final step towards centralisation in British India*. The features are

1. It made the Governor-General of Bengal as the *Governor-General of India* and vested in him all civil and military powers. Thus, the act created, for the first time, a Government of India having authority over the entire territorial area possessed by the British in India.

Lord William Bentinck was the first governor-general of India.

2. It deprived the governor of Bombay and Madras of their legislative powers. The Governor-General of India was given

exclusive legislative powers for the entire British India.

The laws made under the previous acts were called as Regulations while laws made under this act were called as Acts.

3. It ended the activities of the East India Company as a commercial body, which became a purely administrative body. It provided that the company's territories in India were held by it 'in trust for His Majesty, His heirs and successors'.
4. The Charter Act of 1833 attempted to introduce a system of open competition for selection of civil servants, and stated that the Indians should not be debarred from holding any place, office and employment under the Company. However, this provision was negated after opposition from the Court of Directors.

Q.8 Consider the following statements about the administrative situation in India before the enactment of the Charter Act 1833.

1. The Governor-General was appointed by the Court of Directors of the East India Company (EIC).
2. The Saint Helena Act temporarily abolished the offices of Governor-General and Viceroy to promote decentralization in India.

Which of the above is/are correct?

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

Solution: (a)

Justification: The Regulating Act of 1773 created the office with the title of Governor-General of the Presidency of Fort William, or Governor-General of Bengal to be appointed by the Court of Directors of the East India Company (EIC).

- The Court of Directors assigned a Council of Four (based in India) to assist The Governor General, and decision of council was binding on Governor General during 1773–1784.

The Saint Helena Act 1833 (or Government of India Act 1833) re-designated the office with the title of Governor-General of India. So, the number 2 is incorrect.

- After the Indian Rebellion of 1857, the company rule was brought to an end, and the British India along with princely states came under the direct rule of the Crown. The Government of India Act 1858 created the office of Secretary of State for India in 1858 to oversee the affairs of India, which was advised by a new Council of India.

Q.9 The Governor-General of India was given exclusive legislative powers for the entire British India by this Act, and in effect the act created for the first time, a Government of India having authority over the entire territorial area possessed by the British in India. The Act referred here was?

- Government of India Act 1935
- Act of 1919
- Act of 1909
- Charter Act of 1833

Solution: (d)

Q.10 The Governor-General of Bengal became the Governor-General of India by:

- Government of India Act of 1858
- Indian Councils act of 1861
- Pitts India Act of 1784
- Charter Act of 1833

Solution: (d)

Q.11 Which among the following was NOT a provision of Charter act of 1833?

- An Indian should be appointed as defence member in the Governor General in Council.
- Trading activities of the East India Company were to be abolished.
- The designation of the supreme authority was to be changed as the Governor General of India in Council.
- All law making powers were to be conferred on Governor General in council.

Solution: (a)

Justification: Macaulay was Secretary to the Board of Control from 1832 until 1833. He could not have provided for the association of Indians directly with the British administration. So, the answer can be easily arrived at as (a).

However, the act opened civil services competition to Indians also.

Via this act, the charter was renewed for 20 years but the East India Company was deprived of its commercial privileges which it enjoyed so far.

This act made the Governor General of Bengal the Governor General of British India and all financial and administrative powers were centralized in the hands of Governor General-in-Council.

Q.12 Consider the following about the Charter Act of 1833 which was an important step towards centralisation and administrative reforms in British India.

1. It deprived the Governor-General of India of his legislative powers and vested it in a nominated assembly.
2. It provided for reservation of Indians in the covenanted civil services.

Which of the above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- None

Solution: (d)

Q.13 Consider the following statements.

1. It made the Governor-General of Bengal as the Governor-General of India and vested all civil and military powers in him.
2. The Governor-General of India was given exclusive legislative powers for the entire British India.

The provisions above were made in which of the following Acts?

- Charter Act of 1833
- Charter Act of 1853
- Government of India Act of 1858
- Pitt's India Act of 1784

Solution: (a)

Q.14 Ministry of Law and Justice is the oldest limb of the Government of India dating back to the

- Charter Act of 1833
- Government of India Act 1935
- First Constitutional Amendment, 1952
- Regulating Act 1773

Solution: (a)

Learning: This was enacted by the British Parliament. The said Act vested for the first time legislative power in a single authority, namely the Governor General of Council.

- By virtue of this authority and the authority vested under him under the

Indian Councils Act, 1861 the Governor General in Council enacted laws for the country from 1834 to 1920.

- After the commencement of the Government of India Act, 1919 the legislative power was exercised by the Indian Legislature constituted there under.
- This shows the early importance of the Ministry of Law and Justice in shaping India's legal regime.

Q.15 The first Law Commission was established, under the Chairmanship of Lord Macaulay which recommended codification of the Penal Code and the Criminal Procedure Code, by the

- (a) Government of India Act 1935
- (b) Charter Act of 1833
- (c) Law Commission Act, 1967
- (d) Act of 1919

Solution: (b)

Learning: Law Reform in the ancient period was ad hoc and not institutionalised.

However, since the third decade of the nineteenth century, Law Commissions were constituted by the Government from time to time.

- The first law commission was established in 1834 under the Charter Act of 1833.
- Thereafter, the second, third and fourth Law Commissions were constituted in 1853, 1861 and 1879 respectively helped adapt English Laws to Indian conditions.
- The Indian Code of Civil Procedure, the Indian Contract Act, the Indian Evidence Act, and the Transfer of Property Act etc. are products of the labour of the first four Law Commissions.
- The First Law Commission of Independent India in 1955 with the then Attorney-General of India, Mr. M. C. Setalvad, as its Chairman.

Charter Act of 1853

Q.16 Which of the Acts passed by the British Parliament introduced an open competition system of selection and recruitment of civil servants in India before independence and a separate legislative wing for the Governor-General?

- (a) Charter Act of 1853
- (b) Indian Councils Act of 1861
- (c) Indian Councils Act of 1892
- (d) Charter Act of 1833

Solution: (a)

Features of the 1853 Act

1. It separated, for the first time, the legislative and executive functions of the Governor-General's council. It provided for addition of six new members called legislative councillors to the council. In other words, it established a separate Governor-General's legislative council which came to be known as the Indian (Central) Legislative Council. This legislative wing of the council functioned as a mini-Parliament, adopting the same procedures as the British Parliament. Thus, legislation, for the first time, was treated as a special function of the government, requiring special machinery and special process.
2. It introduced an open competition system of selection and recruitment of civil servants. The covenanted civil service was thus thrown open to the Indians also. Accordingly, the Macaulay Committee (the Committee on the Indian Civil Service) was appointed in 1854.
(Before this the Charter Act of 1833 attempted to introduce a system of open competition for selection of civil servants, and stated that the Indians should not be debarred from holding any place, office and employment under the Company. However, this provision was negated after opposition from the Court of Directors.)
3. It extended the Company's rule and allowed it to retain the possession of Indian territories on trust for the British Crown. But, it did not specify any particular period, unlike the previous Charters. This was a clear indication that the Company's rule could be terminated at any time the Parliament liked.
4. It introduced, for the first time, local representation in the Indian (Central) Legislative Council. Of the six new legislative members of the governor-general's council, four members were

appointed by the local (provincial) governments of Madras, Bombay, Bengal and Agra.

Government of India Act 1858

Q.17 Consider the following statements about the Government of India Act 1858.

1. It abolished the East India Company.
2. It changed the entire structure of government in India prevailing earlier.
3. As per the Act, Indian Government was to be supervised and controlled in England.

Choose the correct answer using the codes below.

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

Solution: (c)

This significant Act was enacted in the wake of the Revolt of 1857—also known as the First War of Independence or the ‘sepoy mutiny’. The act known as the **Act for the Good Government of India**, abolished the East India Company, and transferred the powers of government, territories and revenues to the British Crown.

Features of the Act

1. It provided that India henceforth was to be governed by, and in the name of, Her Majesty. It changed the designation of the Governor-General of India to that of **Viceroy of India**. He (viceroy) was the direct representative of the British Crown in India.

Lord Canning thus became the first Viceroy of India.

2. It **ended the system of double government** by abolishing the Board of Control and Court of Directors.
3. It created a new office, **Secretary of State for India**, vested with complete authority and control over Indian administration. The secretary of state was a member of the British cabinet and was responsible ultimately to the British Parliament.
4. It established a **15-member Council of India** to assist the secretary of state for India. The council was an advisory body. The secretary of state was made the chairman of the council.

5. It constituted the secretary of state-in-council as a body corporate, capable of suing and being sued in India and in England.

The Act of 1858 was, however, largely confined to the improvement of the administrative machinery by which the Indian Government was to be supervised and controlled in England. It did not alter in any substantial way the system of government that prevailed in India.

Q.18 Which of the following is/are correct about the Government of India Act 1858?

1. It did not alter in any substantial way the system of government prevailing in India.
2. The Indian government after this Act was to be supervised and controlled in England.

Choose the correct answer using the codes below.

- (a) Only 1 (b) Only 2
(c) Both (d) None

Solution: (c)

Indian Councils Act 1861

Q.19 Consider the following statements.

1. Before the adoption of the portfolio system in the Government of India, governmental business was disposed of by the Secretary of State from Britain.
2. The Councils Act of 1861 led to the introduction of the portfolio system and the inception of the Executive Council of the Governor-General.

Which of the above is/are correct?

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

Solution: (b)

Justification: Statement 1: They were disposed by the Governor-General-in council. The Council functioned as a joint consultative board. But, as the amount and complexity of business of the Government increased, the work of the various departments was distributed amongst the members of the Council only the more important cases being dealt with by the Governor-General or the Council collectively.

Statement 2: This procedure was legalised by the Councils Act of 1861 during the time of Lord Canning, leading to the introduction of the portfolio system and the inception of the Executive Council of the Governor-General.

- The Secretariat of the Executive Council was headed by the Private Secretary to the Viceroy, but he did not attend the Council meetings.
- Lord Willingdon first started the practice of having his Private Secretary by his side at these meetings. Later, this practice continued and in November, 1935, the Viceroy's Private Secretary was given the additional designation of Secretary to the Executive Council.
- The constitution of the Interim Government in September 1946 brought a change in the name, though little in functions, of this Office.
- The Executive Council's Secretariat was then designated as Cabinet Secretariat.

The act made a beginning of representative institutions by associating Indians with the law-making process. It thus provided that the viceroy should nominate some Indians as non-official members of his expanded council. In 1862, Lord Canning, the then viceroy, nominated three Indians to his legislative council—the Raja of Benares, the Maharaja of Patiala and Sir Dinkar Rao.

Indian Councils Act of 1892

Q.20 Which of the following acts gave legislative councils the power to discuss the budget?

- (a) Government of India Act 1909
- (b) Government of India Act 1919
- (c) Government of India Act 1935
- (d) Indian councils Act of 1892

Solution: (d)

Explanation and Learning: The Act of 1892 provided for the following

1. It increased the number of additional (non-official) members in the Central and provincial legislative councils, but maintained the official majority in them.
2. It increased the functions of legislative councils and gave them the power of discussing the budget and addressing questions to the executive.

3. The act made a limited and indirect provision for the use of election in filling up some of the nonofficial seats both in the Central and provincial legislative councils. The word "election" was, however, not used in the act.

The process was described as nomination made on the recommendation of certain bodies. It provided for the nomination of some non-official members of the

- Central Legislative Council by the viceroy on the recommendation of the provincial legislative councils and the Bengal Chamber of Commerce, and
- that of the Provincial legislative councils by the Governors on the recommendation of the district boards, municipalities, universities, trade associations, zamindars and chambers.

Q.21 Which of the following acts introduced the principle of elections in India?

- (a) Indian Councils act of 1861
- (b) Indian Councils act of 1892
- (c) Morley Minto Act 1909
- (d) Government of India Act 1919

Solution: (b)

Q.22 Which of the following was a salient feature of the Act of 1892?

- (a) It increased the functions of legislative councils and gave them the power of discussing the budget.
- (b) It introduced responsible governments in provinces where governor was required to act with the advice of ministers.
- (c) It abolished diarchy in the provinces and established it at the Centre.
- (d) It introduced bicameralism in many eleven provinces.

Solution: (a)

Justification: All options other than A are of the Government of India Act 1935 Only Option A was provided for in Act of 1892.

Indian Councils Act of 1909

Q.23 Consider the following statements about the Act of 1909 which is also known as *Morley-Minto Reforms*.

1. It introduced a system of communal representation.
2. It provided for the association of Indians with the executive Councils of the Viceroy and Governors.
3. It curtailed the deliberative functions of the legislative councils at the provincial level but increased the same at Central level.
4. It relaxed the central control over the provinces by separating the central and provincial subjects.

Select the correct answer using the codes below.

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

Solution: (a)

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

Statement 1: It introduced a system of communal representation for Muslims by accepting the concept of 'separate electorate'. Under this, the Muslim members were to be elected only by Muslim voters. Thus, the Act 'legalised communalism' and Lord Minto came to be known as the Father of Communal Electorate.

Statement 2: It empowered the Governor General to nominate one Indian member to the Executive Council leading to the appointment of Satyendra Sinha (law member) as the first Indian member. The Government of India Act 1919 increased the number of Indians in the council to three.

Statement 3: It enlarged the deliberative functions of the legislative councils at both the levels. For example, members were allowed to ask supplementary questions, move resolutions on the budget, and so on.

In addition, it also provided for the separate representation of presidency corporations, chambers of commerce, universities and zamindars.

Statement 4: This was done in the Act of 1919.

Q.24 Consider the following statements regarding the Indian Councils Act of 1909:

1. The Indian Councils Act of 1909 increased the number of elected members in both the imperial Legislative Council and the provincial legislative councils.
2. According to the Act an Indian was to be appointed a member of the Governor-General's Executive Council.
3. The Act allowed for Voting on separate budget items.

Which of the above statements is/are true?

- (a) Only 1 & 3 (b) Only 1
(c) Only 2 & 3 (d) All

Solution: (d)

Q.25

It is argued by some scholars that the separate electorates for Muslims, created by the colonial government crucially shaped the nature of communal politics in India. In relation to the Separate electorates, consider the following:

1. With the Poona pact of 1916, the Congress and the Muslim League reached an agreement whereby the Congress accepted separate electorates.
2. The Indian Councils Act of 1909 provided separate electorates for the Muslims.

Which of the above statement/s is/are correct?

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

Solution: (b)

The Lucknow Pact of December 1916 was an understanding between the Congress and the Muslim League (controlled by the UP-based "Young Party") whereby the Congress accepted separate electorates. The Poona Pact was signed in 1932 between Dr. Babasaheb Ambedkar and Mahatma Gandhi by which seats were reserved for the *Depressed Classes* out of general electorate.

Q.26

Which of these acts, for the first time, provided for the association of Indians with the executive Councils of the Viceroy and introduced the system of communal representation?

- (a) Act of 1909
(b) Act of 1919
(c) Government of India Act 1935
(d) Councils Act 1891

Solution:(a)

- Q.27** The first attempt at introducing a representative and popular element in administration was made by :
- Indian Councils Act, 1900
 - Indian Councils Act, 1909
 - Government of India Act, 1935
 - Indian Councils Act, 1919
- Solution: (b)**

Government of India Act 1919

- Q.28** Which of the following were introduced for the first time in India by the Act of 1919?
- Bicameralism
 - Direct elections
 - Diarchy
- Choose the correct answer using the codes below.
- 1 and 2 only
 - 2 and 3 only
 - 1 and 3 only
 - All of the above

Solution: (d)

Features of the Act

- It relaxed the central control over the provinces by demarcating and separating the central and provincial subjects. The central and provincial legislatures were authorised to make laws on their respective list of subjects. However, the structure of government continued to be centralised and unitary.
- It further divided the provincial subjects into two parts—transferred and reserved. The transferred subjects were to be administered by the governor with the aid of ministers responsible to the legislative Council. The reserved subjects, on the other hand, were to be administered by the governor and his executive council without being responsible to the legislative Council. This dual scheme of governance was known as ‘DIARCHY’—a term derived from the Greek word *di-arche* which means double rule. However, this experiment was largely unsuccessful.
- It introduced, for the first time, BICAMERALISM and DIRECT ELECTIONS in the country. Thus, the Indian Legislative Council was replaced by a bicameral legislature consisting of an Upper House (Council of State) and a Lower House (Legislative Assembly).

- The majority of members of both the Houses were chosen by direct election.
- It required that the three of the six members of the Viceroy’s executive Council (other than the commander-in-chief) were to be Indian.
 - It extended the principle of communal representation by providing separate electorates for Sikhs, Indian Christians, Anglo-Indians and Europeans.
 - It provided for the establishment of a public service commission. Hence, a Central Public Service Commission was set up in 1926 for recruiting civil servants.

- Q.29** The Government of India Act, 1919 popularly known as Montague Chelmsford Act was significant in which of the following ways?

- Established a responsible Parliamentary system of Government in the country
- The final decision on all important questions was no more in the hands of the Viceroy
- It relaxed previously stringent control of centre on provinces.

Which of the above is/are true?

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

Solution: (d)

The Morley-Minto Reforms failed to satisfy the aspirations of the nationalists in India inasmuch as professedly, the Reforms did not aim at the establishment of a Parliamentary system of government in the country and provide for the retention of the final decision on all questions in the hands of the irresponsible Executive.

II. *Relaxation of Central control over the Provinces.* As stated already, the Rules made under the Government of India Act, 1919, known as the Devolution Rules, made a separation of the subjects of administration into two categories—Central and Provincial. Broadly speaking, subjects of all-India importance were brought under the category ‘Central’, while matters primarily relating to the administration of the provinces were classified as ‘Provincial’. This meant a relaxation of the previous Central control over the provinces not only in administrative

but also in legislative and financial matters. Even the sources of revenue were divided into two categories so that the Provinces could run the administration with the aid of revenue raised by the Provinces themselves and for this purpose, the provincial budgets were separated from the Government of India and the Provincial Legislature was empowered to present its own budget and levy its own taxes relating to the provincial sources of revenue.

Q.30 Which of the following statements is/are true concerning the Government of India Act 1919?

1. It introduced diarchy in the provinces.
2. It introduced for the first time the system of direct elections in the country.
3. It extended the principle of communal representation to include other minority communities too.
4. It authorized the provinces to enact their budgets there by separating their budgets from the central budgets.

Choose the correct answer using the codes below

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

Solution: (b)

Q.31 In the Government of India Act, 1919

1. Principle of diarchy was introduced
2. Local bodies and provincial legislatures were given autonomy.
3. Franchise base of Central as well as provincial legislatures was increased.

Choose the correct answer using the codes below.

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

Solution: (b)

The British themselves adopted a “carrot and stick” approach in recognition of India’s support during the war and in response to renewed nationalist demands. In August 1917, the means of achieving the proposed measure were later enshrined in the Government of India Act 1919, which introduced the principle of a dual mode of administration, or diarchy, in which both elected Indian legislators and appointed British officials shared power. The act also expanded the

central and provincial legislatures and widened the franchise considerably.

Q.32 Which of the following were introduced or provided for by the Government of India Act of 1919?

1. Bicameralism
2. Direct Elections
3. Central Public Service Commission
4. Autonomy to provincial legislatures to enact their budgets

Select the correct answer using the codes below.

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

Solution: (d)

Q.33 The Institution of Speaker and Deputy Speaker in India originated under the provisions of

- (a) Charter Act 1891
- (b) Morley-Minto Act, 1909
- (c) Montague Chelmsford Act, 1919
- (d) Independence of India Act, 1947

Solution: (c)

The institutions of Speaker and Deputy Speaker originated in India in 1921 under the provisions of the Government of India Act of 1919 (Montague–Chelmsford Reforms). At that time, the Speaker and the Deputy Speaker were called the President and Deputy President respectively and the same nomenclature continued till 1947.

Before 1921, the Governor- General of India used to preside over the meetings of the Central Legislative Council. In 1921, the Frederick Whyte and Sachidanand Sinha were appointed by the Governor-General of India as the first Speaker and the first Deputy Speaker (respectively) of the central legislative assembly.

In 1925, Vithalbhai J. Patel became the first Indian and the first elected Speaker of the central legislative assembly. The Government of India Act of 1935 changed the nomenclatures of President and Deputy President of the Central Legislative Assembly to the Speaker and Deputy Speaker respectively.

Q.34 The origin of the second Chamber - the ‘Council of States’ which is also known as Rajya Sabha – can be traced to

- (a) Charter Act 1833
- (b) Act of 1861
- (c) Morley-Minto Act 1909
- (d) Government of India Act, 1919

Solution: (d)

Learning: It can be traced to the Montague-Chelmsford Report of 1918.

The Government of India Act, 1919 provided for the creation of a 'Council of State' as a second chamber of the then legislature with a restricted franchise which actually came into existence in 1921.

The Governor-General was the ex-officio President of the then Council of State.

The Government of India Act, 1935, hardly made any changes in its composition.

Q.35 The Government of India Act 1919 led to the adoption of an important tradition into India. This is

- (a) the finance minister presenting the whole budget by reading
- (b) President's address to both houses of Parliament
- (c) Use of English language in legislatures
- (d) All of the above

Solution: (b)

Provision for Address by the Head of State to Parliament goes back to the year 1921 when the Central Legislature was set up for the first time under the Government of India Act, 1919. Today this can be seen when

- 1. the house assembles for the first time
- 2. when a new government is sworn in
- 3. before the budget is presented etc.

Q.36 The system of 'diarchy' introduced by the Government of India Act of 1919 meant that

- (a) Both Centre and provincial legislatures had the power of legislate in their own spheres.
- (b) Both the British Parliament and the Central Legislature had the right to make laws for India
- (c) Certain subjects were devolved to the 'Indian' members of the Viceroy's executive council and certain others to the 'British' members of the executive council
- (d) None of the above

Solution: (d)

Q.37 The Government of India Act of 1919, also known as Montagu-Chelmsford Reforms provided for the system of diarchy. This meant that

- (a) The legislative sphere of central and provincial government was clearly demarcated
- (b) Instead of a single legislative chamber, two councils (bicameralism) will take decisions
- (c) A part of provincial legislation will be handled by the Governor and the rest by the legislative council
- (d) None of the above

Solution: (c)

Rowlatt Act

Q.38 Consider the following about Rowlatt Act.

1. It allowed the British government to imprison people without due trial.
2. The Act banned all Indian owned presses from circulating news.
3. It was repealed following the Jallianwala Bagh massacre.

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Statement 1: The Act clearly violated the rule of law, which the British often used to justify their administration in India. Indian nationalists including Mahatma Gandhi were vehement in their opposition to the Rowlatt bills due to such arbitrary provisions.

Statement 2: This was not a provision. Only the nationalist newspapers were prevented from printing news. Seditious acts were definitely penalized by the act though.

Some restrictive provisions on Press were made by the Vernacular Press Act, 1878.

Statement 3: Despite the large number of protests, the Rowlatt Act came into effect on 10 March 1919.

But was repealed only in 1922.

Learning: In Punjab, protests against this Act continued quite actively and on April 10 two leaders of the movement, Dr. Satyapal and Dr. Saifuddin Kitchlew were arrested.

- To protest these arrests, a public meeting was held on 13 April at Jallianwala Bagh in Amritsar.
- General Dyer entered the park and ordered the troops to fire.
- Several hundreds of people died in this gunfire. This incident is known as Jallianwala Bagh massacre.

However, Hunter commission was appointed to enquire into the incident. But the findings of the commission didn't satisfy the nationalist demands.

Government of India Act of 1935

Q.39 Which one of the following is not a feature of the Government of India Act of 1935?

- (a) Diarchy at the Centre as well as in the provinces
- (b) A bicameral legislature
- (c) Provincial autonomy
- (d) An All-India Federation

Solution: (a)

- The Government of India Act 1935 introduced the provincial autonomy and provided for an all India federation.
- This act introduced diarchy at the central level. It made a provision for establishment of a Federal court.
- The franchisee was extended.
- It divided the subjects in 3 lists.
- The Indian council was abolished and an advisory body was introduced.
- Burma was separated from India, and Aden was surrendered to British Colonial office.

Q.40 Consider the following statements.

Assertion (A): The Government of India Act 1935 never envisaged states as autonomous units of governance.

Reason (R): Power was never divided between the Centre and States, it was only delegated to the states by the Centre.

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

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.

(c) A is incorrect, but R is correct.

(d) Both A and R are incorrect.

Solution: (d)

Justification: The GoI Act 1935 did envisage states as autonomous units of governance.

1. The division of legislative powers, between the Centre and the Provinces is of special interest in view of the fact that the division made in the Indian Constitution between the Union and the States proceeds largely on the same lines.
2. It was not a mere delegation of power by the Centre to the Provinces as by Rules made under the Government of India Act, 1919.
3. As already pointed out, the Government of India Act of 1935 itself divided the legislative powers between the Central and Provincial Legislatures and, subject to the provisions mentioned below, neither Legislature could transgress the powers assigned to the other.
4. A three-fold division was made in the Act: There was a Federal List over which the Federal Legislature had exclusive powers of legislation and so forth.

Q.41

The legislative powers of both the Central and Provincial Legislatures were subject to various limitations under the Government of India Act 1935 and neither could be said to have possessed the features of a sovereign Legislature. What were the limitations?

1. Apart from the Governor-General's power of veto, a Bill passed by the Central Legislature was also subject to veto by the Crown
2. Apart from the power to promulgate Ordinances the Governor-General had independent powers of legislation, concurrently with those of the Legislature.

Which of the above is/are correct?

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

Solution: (c)

Learning: There were other limitations too: The Governor-General might suspend the proceedings in regard to any Bill if he was satisfied that it would affect the discharge of his special responsibilities.

No bill or amendment could be introduced in the Legislature without the Governor-General's previous sanction, with respect to certain matters, e.g., if the Bill or amendment sought to repeal or amend or was repugnant to any law of the British Parliament extending to India or any Governor-General's or Governor's Act, or if it sought to affect matters as respects which the Governor-General was required to act in his discretion.

- Q.42** The Government of India (GoI) Act of 1935 provided for a threefold enumeration, viz., federal, provincial and concurrent. The present Constitution follows the scheme of this act but with some difference(s), which are
1. In the GoI Act 1935, residuary powers were given to the governor-general of India, which now vests with the Centre.
 2. In the GoI Act 1935, Centre had no right to legislate in the concurrent list without the consent from the concerned state.

Which of the above is/are correct?

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

Solution: (a)

Justification: The present Constitution follows the scheme of this act but with one difference, that is, under this 1935 act, the residuary powers were given neither to the federal legislature nor to the provincial legislature but to the governor-general of India. As of now, it vests with the Centre. The provision with regard to concurrent list was same as earlier. So, the number 2 is incorrect.

- Q.43** The structural part of the Constitution is, to a large extent, derived from the Government of India Act of 1935. This argument is supported by which of the following features/provisions of the constitution?
1. Public Service Commission of Union and States
 2. Federal polity
 3. Division of powers in lists between Centre and states
 4. Bicameralism in state assemblies

Choose the correct answer using the codes below.

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

Solution: (d)

The structural part of the Constitution is, to a large extent, derived from the Government of India Act of 1935. The philosophical part of the Constitution (the Fundamental Rights and the Directive Principles of State Policy) derives their inspiration from the American and Irish Constitutions respectively. The political part of the Constitution (the principle of Cabinet Government and the relations between the executive and the legislature) has been largely drawn from the British Constitution.

In one of the explanations above, refer to the provision of the GoI act, 1935 to understand how these provisions affected the Indian constitution.

- Q.44** Consider the following statements.

Assertion (A): The single system of courts that enforces both Central laws as well as the state laws has been adopted in India from the Government of India Act of 1935.

Reason (R): The Government of India Act of 1935 established the Federal Court of India with original, appellate and advisory jurisdiction.

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

- (a) A is correct, and R can be an appropriate explanation of A.
(b) A is correct, but R cannot be an appropriate explanation of A.
(c) A is correct, but R is incorrect.
(d) A is incorrect, but R is correct.

Solution: (a)

Justification: The Federal Court of India was a judicial body, established in India in 1937 under the provisions of the Government of India Act 1935, with original, appellate and advisory jurisdiction. It functioned until 1950, when the Supreme Court of India was established.

The Federal Court had exclusive original jurisdiction in any dispute between the Central Government and the Provinces.

Initially, it was empowered to hear appeals from the High Courts of the provinces in the cases which involved the interpretation of any Section of the Government of India Act, 1935.

- Q.45** The Government of India Act, 1935 provided for
1. Diarchy at both Centre and Provinces
 2. Prohibition of direct elections for legislatures
 3. Abolition of the system of communal representation
 4. Bicameralism in several provinces
- Select the correct answer using the codes below.

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

Solution: (c)

- Q.46** The Government of India Act of 1935 marked a major milestone towards establishing a 'responsible government' in India. What do you understand by 'responsible government' in this context?

- (a) The Governor was required to act with the advice of ministers responsible to the provincial legislature.
- (b) Government of India took major steps in promoting the welfare of vulnerable sections of Indian population
- (c) The Viceroy, Governor and Ministers would conduct themselves strictly based on laws
- (d) Bureaucracy will act as per the instructions of the elected representatives instead of the Governor and Viceroy

Solution: (a)

Learning: Responsible government is a system which embodies the principle of parliamentary accountability, such as in India. It is also the foundation of the Westminster system of parliamentary democracy.

Government is responsible to the parliament rather than to the monarch, or, in a colonial context, to the imperial government. If the parliament is bicameral, then the government is responsible first to the parliament's lower house, which is more numerous, directly elected and thus more representative than the upper house.

- Q.47** Which one of the following aimed at providing a federal structure for India?

- (a) Indian Council Act, 1909
- (b) Montague-Chelmsford Reforms Act, 1919

- (c) Charter Act, 1831
- (d) Government of India Act, 1935

Solution: (d)

Indian Independence Act

- Q.48** Consider the following statements about the provisions of the Indian Independence Act:

1. According to it, the princely states were free to join either India or Pakistan or to remain independent.
2. The boundary between the two nations was to be decided by a boundary commission.
3. The Governor-general of both dominions, India and Pakistan, were to be appointed by the British Crown.

Which of these is/are true?

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

Solution: (d)

These were the major provisions of Act, other than partitioning India. It also provided a list of provinces which were to be a part of Pakistan.

Interim Government (1946)

- Q.49** Consider the following about the Interim Government (1946) of India, whose members were the members of the Viceroy's Executive Council.

1. The defence portfolio was held by the President of the Council.
2. There was no Health portfolio in the interim government.
3. External Affairs portfolio was managed by the Home Minister.

Select the correct answer using the codes below.

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

Solution: (d)

Justification: The Viceroy's Executive Council became the executive branch of the interim government. Originally headed by the Viceroy of India, it was transformed into a council of ministers, with the powers of a prime minister bestowed on the vice-president of the Council, a position held by Jawaharlal Nehru.

Statement 1: Defence portfolio was held by Sardar Baldev Singh who was only a member of the council.

Statement 2: Health portfolio existed and was held by Ghazanfar Ali Khan.

Statement 3: External Affairs & Commonwealth Relations was held by Pandit Nehru, who was the Vice-President of the Council. Home, Information & Broadcasting portfolio was held by Sardar Vallabhbhai Patel.

Miscellaneous

Q.50 The Judicial Committee of Privy Council, an institution under the British regime, served as a bridge between the Indian and the English legal system, over which legal ideas travelled from England to India. Consider the following about it.

1. Before the establishment of the Supreme Court, it was the highest forum to entertain appeals from the orders passed by the courts in India.
2. Before the enactment of Charter Act of 1891, all legislative and judicial powers were delegated to this council by the Crown.

Which of the above is/are correct?

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

Solution: (a)

Justification: The Privy Council acted as a channel, through which English concepts came to be assimilated with Indian laws.

- It was through this body, that the common law of England was introduced in India under the British regime, as the base of its legal system.
- During the British regime, the King in Council, or Privy Council as it was generally called, was the highest forum to entertain appeals from courts.
- On enactment of the Judicial Committee Act 1833, it came to be called the Judicial Committee of Privy Council.
- The decisions of the Judicial Committee used to be couched in advisory form, though, in practice, the Crown always accepted its advice, and it was unthinkable that its report will not be given effect to.

- The judgments of the council till today the fountain-source of law on many points in India.

Q.51

Consider the following statements.

1. The Indian Councils Act 1861 transformed the executive council of Viceroy into a cabinet run on the portfolio system.
2. The members of the interim government (1946) were members of the Viceroy's Executive Council.

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: The Viceroy's Executive Council was the cabinet of the government of British India headed by the Viceroy of India. It was transformed from an advisory council into a cabinet run by the portfolio system by the Indian Councils Act 1861.

Statement 2: The interim government of India was formed in 1946 from the newly elected Constituent Assembly.

The members of the interim government also include the Viceroy and Commander-in-Chief of Britain and other members from All-India Muslim League. The members of the interim government were also the members of the Viceroy's Executive Council.

Q.52

India's Constitution was drawn up under very difficult circumstances. With reference to the making of the constitution of India, consider the following statements.

1. In 1928, Motilal Nehru and other Congress leaders drafted a Constitution for India.
2. In 1931, the resolution at Lahore Session of the Indian Nation Congress dwelt on how independent India's constitution should look like.
3. Both the documents (mentioned above) were committed to the inclusion of universal adult franchise and protection of rights of minorities.

Which of the statement is/are incorrect?

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

Solution: (b)

As far back as in 1928, Motilal Nehru and eight other Congress leaders drafted a

constitution for India. In 1931, the resolution at the **Karachi** session of the Indian National Congress dwelt on how Independent India's constitution should look like. Both these documents were committed to the inclusion of universal adult franchise, right to freedom and equality and to protecting the rights of minorities in the constitution of independent India.

- Q.53** Which of these authorities appointed the last Governor General of free India?
- (a) Prime Minister of the Interim government
 - (b) Constituent Assembly
 - (c) British Crown
 - (d) Predecessor Viceroy

Solution: (c)

Learning: Even though India was a free country after 1947, it was still a British dominion, and became a republic only after the enactment of the constitution.

Till this point, the British government (even though not sovereign in India) played an important role in managing Indian affairs.

C. Rajagopalachari was appointed as the last Governor General of free India by the British crown.

- Q.54** Which of the following acts are concerned with changes to the legislative councils in British India?
- 1. Act of 1909
 - 2. Act of 1892
 - 3. Act of 1861
- Choose the correct answer using the codes below.
- (a) 1 and 2 only
 - (b) 2 and 3 only
 - (c) 1 and 3 only
 - (d) All of the above

Solution: (d)

(2) MAKING OF THE CONSTITUTION

Demand for Constituent Assembly

- Q.55** The Indian National Congress (INC) made the demand for a Constituent Assembly only during
- (a) The Second World War
 - (b) Quit India movement
 - (c) Non-cooperation movement
 - (d) None of the above

Solution: (d)

Learning: MN Roy had put forth the idea of a Constituent assembly of India in 1934. Later the INC demanded it.

During the Second World War, this assertion for an independent Constituent Assembly formed only of Indians gained momentum and this was convened in December 1946.

Between December 1946 and November 1949, the Constituent Assembly drafted a constitution for independent India.

- Q.56** The demand for a Constituent Assembly was first made
- (a) By the Indian national Congress in 1934
 - (b) At Karachi Session of the Indian National Congress
 - (c) After the Non-cooperation movement was withdrawn
 - (d) After the Simon Commission reached India

Solution: (a)

Explanation: You can eliminate Karachi Session, non-cooperation movement and Simon Commission, as all of them were happened before the demand for a Constituent Assembly was made by INC.

- Q.57** The demand for a constituent assembly was made officially by Indian National Congress for the first time at
- (a) Second Round table conference
 - (b) After the departure of Simon Commission
 - (c) the time of Gandhi-Irwin Pact
 - (d) None of the above

Solution: (d)

The failure of the Simon commission and the Round table conference which led to the Government of India Act, 1935, to satisfy the Indian aspirations accentuated the demand for a constitution of India made by people of India without outside interference. This was officially asserted by the INC in 1935.

This was reiterated at the working committee meeting of INC in Ludhiana, 1939. Before this period, there were demands either only to review the constitution or reform the administrative structures – not to have a constituent assembly.

Composition of Constituent Assembly

Q.58 Consider the following statements about the Constituent assembly of India.

1. Its constitution was finally subject to the approval of the British Parliament.
2. The selection of representatives of various Indian states was flexible and decided by consultation.
3. Members of the Constituent assembly from Provinces were elected directly from the people by a very limited franchise.

Which of the above is/are true?

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

Solution: (d)

In 1942, Sir Stafford Cripps, a member of the cabinet, came to India with a draft proposal of the British Government on the framing of an independent Constitution to be adopted after the World War II. The Cripps Proposals were rejected by the Muslim League which wanted India to be divided into two autonomous states with two separate Constituent Assemblies. Finally, a Cabinet Mission was sent to India. While it rejected the idea of two Constituent Assemblies, it put forth a scheme for the Constituent Assembly which more or less satisfied the Muslim League.

The Constituent Assembly was constituted in November 1946 under the scheme formulated by the Cabinet Mission Plan.

The features of the scheme were:

1. 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. 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
2. Each province and princely state (or group of states in case of small states) was to be allotted seats in proportion to their respective population. Roughly, one seat was to be allotted for every million population.
3. Seats allocated to each British province were to be decided among the three

principal communities—Muslims, Sikhs and general (all except Muslims and Sikhs), in proportion to their population.

4. The representatives of each community were to be elected by members of that community in the provincial legislative assembly and voting was to be by the method of proportional representation by means of single transferable vote.
5. The representatives of princely states were to be nominated by the heads of the princely states. It is thus clear that the Constituent Assembly was to be a partly elected and partly nominated body. Moreover, the members were to be indirectly elected by the members of the provincial assemblies, who themselves were elected on a limited franchise.

It is thus clear that the Constituent Assembly was to be a partly elected and partly nominated body.

The elections to the Constituent Assembly (for 296 seats allotted to the British Indian Provinces) were held in July–August 1946. The Indian National Congress won 208 seats, the Muslim League in 73 seats and the small groups and independents got the remaining 15 seats.

However, the 93 seats allotted to the princely states were not filled as they decided to stay away from the Constituent Assembly.

Although the Constituent Assembly was not directly elected by the people of India on the basis of adult franchise, the Assembly comprised representatives of all sections of Indian Society—Hindus, Muslims, Sikhs, Parsis, Anglo-Indians, Indian Christians, SCs, STs including women of all these sections. The Assembly included all important personalities of India at that time, with the exception of Mahatma Gandhi and M.A. Jinnah.

Q.59

The Constituent Assembly was constituted in 1946 under the scheme formulated by the Cabinet Mission Plan. As per the Plan

1. Each province and princely state was to be allotted seats in proportion to their respective population.
2. Princely states could veto the resolutions passed in the Constituent assembly.

3. The representatives of princely states were to be nominated by the heads of the princely states.

4. Community based representation was to be abolished in the constituent assembly.

Select the correct answer using the codes below.

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

Solution: (a)

Q.60 Representatives from most of the princely states joined the Constituent assembly (CA)

(a) immediately after the formation of the CA

(b) after Cabinet Mission Plan was accepted by Indian National Congress

(c) after the acceptance of Mountbatten Plan of 1947

(d) after the constitution was adopted by the CA

Solution: (c)

93 seats allotted to the princely states were not filled as they decided to stay away from the Constituent Assembly. The representatives of the princely states, who had stayed away from the Constituent Assembly, gradually joined it. On April 28, 1947, representatives of the six states were part of the Assembly. After the acceptance of the Mountbatten Plan of June 3, 1947 for a partition of the country, the representatives of most of the other princely states took their seats in the Assembly. The members of the Muslim League from the Indian Dominion also entered the Assembly.

Q.61 Consider the following statements about the Constituent Assembly?

1. It was constituted as per the provisions of the Indian Independence Act 1945.

2. It allowed members to the public to attend and vote in its proceedings several times.

3. Some of its members were directly elected on the basis of universal adult franchise.

4. Certain number of seats was reserved for women and minorities.

Select the correct answer using the codes below.

- (a) 1, 2 and 3 only (b) 4 only
(c) 3 and 4 only (d) None of the above

Solution: (d)

Justification: Statement 1: It was constituted as per the Cabinet Mission plan.

Statement 2: It only considered the views of public. None were allowed to vote in its proceedings.

Q.62 Consider the following statements about the constituent assembly (CA).

1. Each Province and each Princely State or group of States were allotted seats proportional to their respective population.

2. Seats in each province (that elected the CA) were divided proportionally between major communities like Muslims, Sikhs etc.

Which of these is/are true?

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

Solution: (c)

Q.63 The Constituent Assembly was constituted in November 1946 under the scheme formulated by the

(a) Cabinet Mission Plan

(b) August Offer

(c) Cripps Proposals

(d) Wellington Commission Report

Solution: (a)

Q.64 The Constituent Assembly was constituted in November 1946 under the scheme formulated by the Cabinet Mission Plan. What was/were the salient features of the assembly?

1. The assembly had representation from both British India and princely states.

2. The system of proportional representation was adopted.

3. There was no communal representation in the assembly.

4. The Assembly included important ministers of the British Cabinet as ex-officio members.

Select the correct answer using the codes below.

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

Solution: (a)

Statement 4: There was no such representation.

Q.65 Consider the following statements about the constituent assembly (CA).

1. It was based on a scheme suggested by the Cabinet mission.
2. All provinces and princely state were to be represented in the CA as per the decided scheme.
3. There were to be no nominated members in the CA as per the decided scheme.

Choose the correct answer using the codes below.

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

Solution: (a)

Q.66 Which of the following statements is/are true about the composition of the constituent assembly of India?

1. Each province and princely state was generally allotted seats in proportion to their respective population.
2. The representatives of each principal community were to be elected indirectly through the provincial legislatures.
3. It was a partly elected and partly nominated body.

Choose the correct answer using the codes below:

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

Solution: (d)

Q.67 Consider the following statements

1. The members of the Constituent Assembly were chosen on the basis of the provincial elections of 1946.
2. The Assembly did not have any representatives from the Princely States

Which of the above statements is/are incorrect?

- (a) 1 Only (b) 2 Only
(c) Both (d) None

Solution: (b)

Q.68 Consider the about the proceedings and powers of the constituent assembly?

1. The Muslim league withdrew from the assembly
2. The assembly was also a legislative body in addition to being a constituent assembly.

Which of the following statements is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None

Solution: (c)

Q.69 Consider the following statements about the Constituent Assembly formed in 1946:

1. The members of the Constituent Assembly were elected in 1946 directly on the basis of universal franchise.
2. The Constituent Assembly that came into being was dominated by the Congress party.
3. The Congress party members of the Constituent Assembly were unanimous in their opinion on all the critical issues.

Which of the above is/are incorrect?

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

Solution: (c)

The Constituent Assembly that came into being was dominated by one party: the Congress. The Congress however was not a party with one voice. Its members differed in their opinion on critical issues. Some members were inspired by socialism while others were defenders of landlordism. Some were close to communal parties while others were assertively secular.

Q.70 Which of the following statements regarding the Constituent Assembly are true?

1. It was not based on Adult Franchise.
2. It resulted from direct elections.
3. It was a multi-party body.
4. It worked through several Committees.

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

Solution: (c)

Working of the Constituent Assembly

Q.71 Consider the following statements:

1. The Indian Constitution does not make ethnic identity a criterion for citizenship.
2. The members of the Indian Constituent Assembly that was formed pre-Independence were indirectly elected.
3. The Constituent Assembly was composed roughly along the lines suggested by the Cripps Mission plan.
4. The introduction of universal suffrage was the only provision that was passed without virtually any debate in the Constituent Assembly.

Which of the statements given above is/are correct?

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

Solution: (c)

Most nations are an amalgamation of a complex set of historical traditions; they weave together the diverse groups that reside within the nation in different ways. For example, German identity was constituted by being ethnically German. The constitution gave expression to this identity. The Indian Constitution, on the other hand, does not make ethnic identity a criterion for citizenship.

Formally, the Constitution was made by the Constituent Assembly which had been elected for undivided India. It held its first sitting on 9 December 1946 and re-assembled as Constituent Assembly for divided India on 14 August 1947. Its members were elected by indirect election by the members of the Provisional Legislative Assemblies that had been established in 1935.

The Constituent Assembly was composed roughly along the lines suggested by the plan proposed by the committee of the British cabinet, known as the Cabinet Mission.

There were legitimate differences of principle. And the differences were many: should India adopt a centralised or decentralised system of government? What should be the relations between the States and the centre? What should be the powers of the judiciary? Should the Constitution protect property rights? Almost every issue that lies at the foundation of a modern state was discussed with great sophistication. Only one provision of the Constitution was passed without virtually any debate: the introduction of universal suffrage (meaning that all citizens reaching a certain age, would be entitled to be voters irrespective of religion, caste, education, gender or income). So, while the members felt no need at all to discuss the issue of who should have the right to vote, every other matter was seriously discussed and debated.

- Q.72** The Constituent Assembly deliberated on a number of important issues with many differences among the members in their views

and ideas. Continuation of separate electorates for Muslims was one such issue. Consider the following statements related to it:

1. all the Muslim members of the Constituent Assembly supported the demand for separate electorates which was rejected by others.
2. It was Begum Qudsia Aizaz Rasul, the lone Muslim woman member of the Constituent Assembly who made a powerful plea for continuing separate electorates.

Which of the above is/are correct?

- (a) 1 Only (b) 2 Only (c) Both (d) None

Solution: (d)

On 27 August 1947, B. Pocker Bahadur from Madras made a powerful plea for continuing separate electorates. Not all Muslims supported the demand for separate electorates. Begum Aizaz Rasul, for instance, felt that separate electorates were self destructive since they isolated the minorities from the majority.

Which of the following about the Constituent Assembly is incorrect?

- (a) Rajendra Prasad was the President of the Constituent Assembly and Dr. B.R. Ambedkar served as the Chairman of the Drafting Committee of the Constitution.
- (b) The Constituent Assembly never debated the important issues of cultural rights and social justice on the floor of the Assembly.
- (c) The discussions within the Constituent Assembly were also influenced by the opinions expressed by the public.
- (d) The Constituent Assembly that came into being was dominated by congress with more than 80 per cent of the members of the Constituent Assembly being Congress members.

Solution: (b)

- Q.73** The Constituent Assembly arrived at decisions on the various provisions of the Constitution:

- (a) by a majority vote
- (b) by a two-thirds majority
- (c) by consensus
- (d) unanimously

Solution: (c)

Objective Resolution

Q.74 The “Objectives Resolution” introduced in the Constituent Assembly on 13 December 1946 was a momentous resolution that outlined the defining ideals of the Constitution of Independent India, and provided the framework within which the work of constitution-making was to proceed. Consider the following statements with respect to the “Objectives Resolution”:

1. It was introduced by Sardar Patel in the Constituent Assembly.
2. It proclaimed India to be an “Independent Sovereign, Socialist and Secular Republic”.

Which of the above is/are correct?

- (a) 1 Only (b) 2 Only
(c) Both (d) None

Solution: (d)

Q.75 “Objectives Resolution” was introduced by Pandit Nehru in the Constituent Assembly. It proclaimed India to be an “Independent Sovereign Republic”. Did not include the words Socialist and Secular.

Consider the following about the famous “Objectives Resolution” proposed by Jawaharlal Nehru.

1. It was proposed to the Constituent Assembly of India before the enactment of the Constitution.
2. It contained clear provisions to abolish Privy Purse from India.
3. It became the basis for adding the words “Socialist” and “Secular” to the Constitution in 1950.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: It was proposed in 1946, and later passed by the Constituent assembly shaping the Preamble of the constitution.

Statement 2: There was no such provision.

Statement 3: It was added later by the 42nd amendment to the Indian constitution.

This resolution enshrined the aspirations and values behind the Constitution making.

On the basis of the Objectives Resolution, India’s Constitution gave institutional expression to the fundamental commitments: equality, liberty, democracy, sovereignty and a cosmopolitan identity.

Q.76 The historic ‘Objectives Resolution’ was passed in

- (a) Lahore Session of the Indian National Congress
- (b) Constituent Assembly in 1946
- (c) All Parties Conference called after the Cabinet Mission Plan
- (d) A Meeting which declared the Mountbatten Plan.

Solution: (b)

Learning: In December, 1946, Jawaharlal Nehru moved the historic ‘Objectives Resolution’ in the Assembly. It laid down the fundamentals and philosophy of the constitutional structure. It read:

It included the major values and ideals of sovereignty, republic, fundamental rights, directive principles, non-interference etc.

It sought to secure to ideals mentioned in the Preamble.

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

This Resolution was unanimously adopted by the Assembly on January 22, 1947. It influenced the eventual shaping of the constitution through all its subsequent stages. Its modified version forms the Preamble of the present Constitution.

Q.77 The Objectives resolution which formed the bedrock of the Indian constitution guaranteed which of the following:

1. Social justice
2. Economic justice
3. Safeguards for minorities including the tribals
4. Separate status for Jammu and Kashmir

Choose the correct answer using the codes below

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

Solution: (d)

Committees of Constituent Assembly

Q.78 Which of the following was/were committees associated with the Constituent Assembly of India?

1. Welfare State Ideals committee
2. A States Committee for Negotiating with the States
3. A provincial Constitution Committee

Select the correct answer using the codes below.

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

Solution: (d)

Learning: The Constituent Assembly appointed a number of committees to deal with different tasks of constitution-making. Out of these, eight were major committees and the others were minor committees. The names of these committees and their chairmen are given below:

Major Committees as constructed:

1. Union Powers Committee – Jawaharlal Nehru
2. Union Constitution Committee – Jawaharlal Nehru
3. States Committee (Committee for Negotiating with States) – Jawaharlal Nehru
4. Provincial Constitution Committee – Sardar Patel
5. Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas – Sardar Patel.
6. Drafting Committee – Dr. B.R. Ambedkar
7. Rules of Procedure Committee – Dr. Rajendra Prasad
8. Steering Committee – Dr. Rajendra Prasad

Q.79 Among all the committees of the Constituent Assembly, the most important committee was the Drafting Committee. Who among the following were NOT the members of the committee?

1. N Gopaldaswamy Ayyangar
2. Syed Mohammad Saadullah
3. T. T. Krishnamachari
4. Dr. K. M. Munshi

Choose the correct answer using the codes below.

- (a) 4 only (b) 2 and 3 only
(c) 1 only (d) All were the members

Solution: (d)

Q.80 It was this committee that was entrusted with the task of preparing a draft of the new Constitution. It consisted of seven members. They were:

- Dr. B. R. Ambedkar (*Chairman*)
- N. Gopaldaswamy Ayyangar
- Alladi Krishnaswamy Ayyar
- Dr. K. M. Munshi
- Syed Mohammad Saadullah
- N. Madhava Rau (He replaced B. L. Mitter who resigned due to ill-health)
- T. T. Krishnamachari (He replaced D. P. Khaitan who died in 1948)

The Drafting Committee, after taking into consideration the proposals of the various committees, prepared the first draft of the Constitution of India, which was published in February 1948. The people of India were given eight months to discuss the draft and propose amendments. In the light of the public comments, criticisms and suggestions, the Drafting Committee prepared a second draft, which was published in October 1948.

Q.81 Who among the following was the Constitutional adviser to the Constituent Assembly of India?

- (a) Dr. B.N. Rao (b) Dr. B.R. Ambedkar
(c) K.M. Munshi (d) M.C. Setalvad

Solution: (a)

Q.82 Who presided over the inaugural meeting of the Constituent Assembly of India?

- (a) Sachidananda Sinha
(b) B. R. Ambedkar
(c) Dr. Rajendra Prasad
(d) P. Upendra

Solution: (a)

The Constituent Assembly held its first meeting on 9 December 1946. The Muslim League boycotted the meeting and insisted on a separate state of Pakistan. The meeting was thus attended by only 211 members. *Dr. Sachchidanand Sinha, the oldest member, was elected as the temporary President of the Assembly, following the French practice.*

Later, Dr. Rajendra Prasad was elected as the President of the Assembly. Similarly, both H.C. Mukherjee and V.T. Krishnamachari were elected as the Vice-Presidents of the Assembly. In other words, the Assembly had two Vice-Presidents.

Changes by the Independence Act

Q.83 Consider the following statements as per the Independence Act of 1947

1. the constituent assembly was to become the dominion legislature.
2. The constituent assembly was not a fully sovereign body.

Which of the above is/are true?

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

Solution: (a)

After the acceptance of the Mountbatten Plan of 3 June 1947 for a partition of the country, the representatives of most of the other princely states took their seats in the Assembly. The members of the Muslim League from the Indian Dominion also entered the Assembly. The Indian Independence Act of 1947 made the following three changes in the position of the Assembly:

1. The Assembly was made a fully sovereign body, which could frame any Constitution it pleased. The act empowered the Assembly to abrogate or alter any law made by the British Parliament in relation to India.
2. The Assembly also became a legislative body. In other words, two separate functions were assigned to the Assembly that is, making of a constitution for free India and enacting of ordinary laws for the country. These two tasks were to be performed on separate days.

Thus, the Assembly became the first Parliament of free India (Dominion Legislature). Whenever the Assembly met as the Constituent body it was chaired by Dr. Rajendra Prasad and when it met as the legislative body, it was chaired by G. V. Mavlankar. These two functions continued till 26 November 1949, when the task of making the Constitution was over.

Q.84 The constituent assembly of India

1. Was elected based on universal adult franchise
2. Elected and appointed the Prime Minister and other ministers in the first government
3. Enacted laws until the first official Parliament was elected

4. Was restricted in its powers by an order of the British government

5. Supervised the functioning of the Supreme Court and other subordinate courts

Choose the correct answer using the codes below.

- (a) 1, 2 and 4 only (b) 2, 3 and 5 only
(c) 3 only (d) All of the above

Solution: (c)

The Assembly was made a fully sovereign body, which could frame any Constitution it pleased. The independence act empowered the Assembly to abrogate or alter any law made by the British Parliament in relation to India. The Assembly also became a legislative body i.e. it enacted ordinary laws for the country

The Prime Minister was appointed by the party in majority, not by the Constituent Assembly.

Other Functions Performed

Q.85 Apart from framing the Constitution and enacting ordinary laws, the Constituent Assembly also

1. Ratified India's membership of the Commonwealth
2. Adopted the national flag and anthem
3. Elected the first President of India

Select the correct answer using the codes below.

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

Solution: (d)

Learning: (d) The Constituent Assembly also performed the following functions:

1. It ratified the India's membership of the Commonwealth in May 1949.
2. It adopted the national flag on July 22, 1947.
3. It adopted the national anthem on January 24, 1950.
4. It adopted the national song on January 24, 1950.
5. It elected Dr. Rajendra Prasad as the first President of India on January 24, 1950.

Q.86 Match the following:

- A. 22 July 1947 1. Adoption of National Song by the Constituent Assembly

- B. 24 January 1950 2. Adoption of National Emblem by the Government
- C. 26 January 1950 3. Adoption of National Calendar by the Government
- D. 22 March 1957 4. Adoption of National Flag by the Constituent Assembly

A B C D

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

Solution: (a)

Miscellaneous

Q.87 Which of the following erstwhile provinces had the largest membership in the Constituent Assembly of India?

- (a) United Provinces (b) Madras
 (c) West Bengal (d) Bombay

Solution: (a)

Learning: Both the Indian provinces and Princely states were the members of constituent assembly of India. Former taken together were greater in number than the princely states.

1. United Provinces – 55 members
2. Madras – 49
3. West Bengal – 19
4. Bombay – 21.

Out of all princely states, Travancore had the highest membership of 6. Other princely states had 1-4 members in the constituent assembly of India.

Q.88 Which of the following make the Indian constitution acceptable, legitimate and authoritative?

1. Citizens of India participated directly or indirectly by way of notes, debates, and suggestions in the constituent assembly.
2. The Constituent assembly was not entirely nominated by the British.
3. The Constitution was adopted after a referendum.

Choose the correct answer using the codes below:

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

Solution: (a)

The Constitution drew enormous legitimacy from the fact that it was drawn up by people who enjoyed immense public credibility, who had the capacity to negotiate and command the respect of a wide cross-section of society, and who were able to convince the people that the constitution was not an instrument for the aggrandisement of their personal power. The final document reflected the broad national consensus at the time.

Some countries have subjected their constitution to a full-fledged referendum, where all the people vote on the desirability of a constitution. The Indian Constitution was never subject to such a referendum, but nevertheless carried enormous public authority, because it had the consensus and backing of leaders who were themselves popular. Although the Constitution itself was not subjected to a referendum, the people adopted it as their own by abiding by its provisions. Therefore, the authority of people who enact the constitution helps determine in part its prospects for success.

Q.89 Consider the following statements:

1. Leaders of the freedom movement had an open mind whether the country should be democratic or not after independence.
2. Members of the Constituent Assembly of India held the same views on all provisions of the Constitution.
3. A country that has a constitution must be a democracy.
4. Constitution cannot be amended because it is the supreme law of a country.

Which of the statements given above is/are correct?

- (a) 1 and 2 (b) 1 and 3 (c) 1 and 4 (d) None

Solution: (d)

The leaders of the freedom movement were clear in their mind that their country should be a democracy. The different members had different views on different points, but ultimately they resolved their differences.

All countries that have a constitution are not necessarily democratic but all countries which are democratic must have their constitutions.

The Constitution is amended by two-third majority of the members of the Parliament if any change was required.

- Q.90** The Indian Constitution was never subject to such a referendum, but nevertheless carried enormous public authority. This is because
1. It had the consensus and backing of leaders who were themselves popular
 2. It was drawn up by people who enjoyed immense public credibility
 3. It was drawn by a completely elected body of representatives

Which of the above statements is/are correct?

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

Solution: (c)

Mode of promulgation

This refers to how a constitution comes into being. Who crafted the constitution and how much authority did they have? In many countries constitutions remain defunct because they are crafted by military leaders or leaders who are not popular and do not have the ability to carry the people with them. The most successful constitutions, like India, South Africa and the United States, are constitutions which were created in the aftermath of popular national movements.

Although India's Constitution was formally created by a Constituent Assembly between December 1946 and November 1949, it drew upon a long history of the nationalist movement that had a remarkable ability to take along different sections of Indian society together. The Constitution drew enormous legitimacy from the fact that it was drawn up by people who enjoyed immense public credibility, who had the capacity to negotiate and command the respect of a wide cross-section of society, and who were able to convince the people that the constitution was not an instrument for the aggrandisement of their personal power. The final document reflected the broad national consensus at the time.

- Q.91** Which of the following principles enshrined/implied in the constitution were based on a broad consensus among the national leaders even before the constituent assembly started functioning?
1. India as a welfare state.
 2. India as a Parliamentary democracy.
 3. India as a secular state.

Choose the correct answer using the codes below:

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

Solution: (c)

It was debated in the CA whether India should be a Parliamentary or a Presidential democracy. Only that we are to be a democracy giving fundamental rights to people was agreed upon earlier.

- Q.92** Who was the first Foreign Minister of free India? [NDA 2008]

- (a) Jawaharlal Nehru
(b) Gulzari Lal Nanda
(c) Lal Bahadur Shastri
(d) John Mathai

Solution: (a)

(3) SALIENT FEATURES OF THE CONSTITUTION

- Q.93** What is/are the major difference/differences between a written and an unwritten Constitution?

1. A written Constitution is the formal source of all Constitutional Laws in the country and the unwritten constitution is not the formal source.
2. A written Constitution is entirely codified whereas an unwritten Constitution is not.

Select the correct answer using the codes given below.

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

Solution: (b)

Unwritten constitution is a constitution not embodied in a single document but based chiefly on custom and precedent as expressed in statutes and judicial decision that forms base for all formal decision making in the country. ex: Britain

- Q.94** "Constitution is not an end in itself, but means to pursue the end", hence consider these statements and pick out the correct ones.

1. One of the needs of a constitution is to restrict the exercise of power.
2. Constitutions are documents capable of social transformation.

3. Constitutions cannot empower those who are traditionally kept out of power.

Code

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) All of these

Solution: (a)

Self-explanatory

Importance of Constitution

Q.95 What purposes does the constitution of a nation necessarily serve?

1. It may allow better coordination in the nation amongst individuals.
2. It helps define the formal decision-making process in a society.
3. It allows people to ban autocracy and adopt democracy.

Choose the correct answer using the codes below:

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

Solution: (a)

The function of a constitution is to

1. provide a set of basic rules that allow for minimal coordination amongst members of a society.
2. specify who has the power to make decisions in a society. It decides how the government will be constituted.
3. set some limits on what a government can impose on its citizens. These limits are fundamental in the sense that government may never trespass them.
4. enable the government to fulfil the aspirations of a society and create conditions for a just society.
5. ensure that a dominant group does not use its power against other less powerful people or groups. Every society is prone to this tyranny of the majority. The Constitution usually contains rules that ensure that minorities are not excluded from anything that is routinely available to the majority

Q.96 A constitution does not always specify for a democracy. Syrian constitution is an example.

Regarding a constitution of a country, consider the following statements

1. It specifies the basic allocation of power in a society. It decides who gets to decide what the laws will be.
2. It decides how the government will be constituted.
3. It sets some limits on what a government can impose on its citizens.
4. Some constitutions enable and empower the government to take positive measures to overcome forms of inequality or deprivation.

Which of the statements given above is/are correct?

- (a) 1 and 2 Only (b) 2 and 3 Only
(c) 3 and 4 Only (d) All

Solution: (d)

Q.97 A constitution serves which of following purposes?

1. It is the supreme law which determines the relationship among citizens living in a territory.
2. It limits the powers of government.

Which of the above is/are correct?

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

Solution: (c)

Q.98 The constitution of a nation

1. is the supreme law of the land
2. determines the rights of citizens
3. determines the powers of the government
4. lays down the way of functioning of the government in a broad manner

Which of the following would be correct?

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

Solution: (d)

In a democracy the rulers are not free to do what they like. There are certain basic rules that the citizens and the government have to follow. All such rules together are called constitution. As the supreme law of the country, the constitution determines the rights of citizens, the powers of the government and how the government should function.

Q.99 Which of the following purposes is served by a democratic Constitution?

- (a) Defining the way power will be exercised in the country's political system
- (b) Guards against the misuse of power by the authorities

- (c) Protects the minority against the tyranny of the majority
- (d) All of the above

Solution: (d)

Justification and Learning: An important purpose of a Constitution is to define the nature of a country's political system. For example, Nepal's earlier Constitution stated that the country was to be ruled by the King and his council of ministers. So, A is correct.

- In democratic societies, the Constitution often lays down rules that guard against this misuse of power by our political leaders. In the case of the Indian Constitution many of these laws are contained in the section on Fundamental Rights. So, B is correct.

Q.100 Consider the following statements:

1. Having a constitution guarantees that the concerned country will be democratic.
2. Not having a written constitution guarantees that the concerned country will be autocratic.

Which of these is/are true?

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

Solution: (d)

Britain does have a written constitution. It is still a democratic monarchy.

Syria has a written constitution. It is an autocracy.

A constitution is the mere embodiment of the political philosophy of a nation.

Q.101 Consider the following statements:

1. All democracies have written constitutions.
2. All countries that have written constitutions are democracies.

Which of these is/are true?

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

Solution: (d)

Features of Indian Constitution

Q.102 Which of the following statements is/are correct with respect to the Constitution of India?

1. It generates a degree of trust among people of India

2. It limits the powers of the government
3. It determines how a government should govern the country
4. It determines the powers of the government

Select the correct answer using the codes given below

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

Solution: (d)

The constitution is the supreme law of the land, it not only determines the powers of the government but also lays down certain limitations on the powers of the government by providing Fundamental rights to the citizens of India. It determines how a government should function and generates a degree of trust and coordination that is necessary for different kind of people to live together.

Q.103 Consider the following statements about Indian Constitution.

1. Indian Constitution envisaged decentralized idea of national unity.
2. Indian constitution comprehensively addressed all issues of gender justice.

Which of the following statements are correct?

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- (d) None of these

Solution: (d)

Indian constitution has envisaged the centralized idea of national unity. The unitary bias visible in Indian constitution is intended to preserve and promote national unity.

Q.104 The Indian Constitution is regarded as:

- (a) federal
- (b) unitary
- (c) parliamentary
- (d) federal in form and unitary in spirit

Solution: (d)

Constitution of India provides for the distribution of powers between state and centre. Hence it's federal in nature. But Article 1 describes India as union of states and there are provisions like emergency, residuary powers in centre etc. which are unitary in nature. It was to protect the security and unity of India.

Q.105 The Indian constitution is a written one unlike in some of the other democracies. What does it imply?

1. The form of government in India has been codified in the constitution to reduce political and administrative conflicts.
2. All the laws made by Parliament are to be written down as a part of the constitution.
3. Only because of a written constitution, citizens are able to enjoy fundamental rights.

Choose the correct answer using the codes below.

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

Solution: (d)

Constitution specifies the structure, organisation, powers and functions of both the Central and state governments and prescribes the limits within which they must operate. Thus, it avoids the misunderstandings and disagreements between the two. All the laws made in India are codified separate from the constitution and maintained in a law book. They need not be a part of the constitution. Even in the UK where there is no written constitution, people enjoy several fundamental rights. However, only because our fundamental rights are written in the constitution, it is difficult to amend and change them as per the wishes of the political executive.

Q.106 The Constitution contains not only the fundamental principles of governance but also detailed administrative provisions. This fact can be supported by looking up in which of the following provisions of the constitution?

1. Fifth and Sixth schedule
2. Centre-state relations
3. Appointment and functions of several constitutional bodies

Choose the correct answer using the codes below.

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

Solution: (d)

The Constitution of India is the lengthiest of all the written constitutions of the world. It is a very comprehensive, elaborate and detailed document.

Originally (1949), the Constitution contained a Preamble, 395 Articles (divided into 22 Parts) and 8 Schedules. Presently (2013), it consists of a Preamble, about 465 Articles (divided into 25 Parts) and 12 Schedules. The various amendments carried out since 1951 have deleted about 20 Articles and one Part (VII) and added about 85 Articles, four Parts (IVA, IXA, IXB and XIVA) and four Schedules (9, 10, 11 and 12). No other Constitution in the world has so many Articles and Schedules.

Centre-state relations have been given in so much detail containing even the least of provisions of taxation, administration and finances. For e.g. which taxes will be appropriated by either centre or state has been given in the constitution. Similarly, fifth and sixth schedule areas have not only been defined and demarcated by the constitution, but also several administrative provisions like tribal advisory council; power of Gram sabhas in those areas etc. have also been provided.

Four factors have contributed to the elephantine size of our Constitution. They are:

- (a) Geographical factors, that is, the vastness of the country and its diversity.
- (b) Historical factors, e.g., the influence of the Government of India Act of 1935, which was bulky.
- (c) Single Constitution for both the Centre and the states except Jammu and Kashmir.
- (d) Dominance of legal luminaries in the Constituent Assembly.

Q.107 Which of the following features of the Indian Constitution deal with maintaining the social fabric, moral values and national consciousness?

1. Fundamental Rights
2. Fundamental Duties
3. Directive Principles of State Policy

Choose the correct answer using the codes below.

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

Solution: (d)

A constitution is not a frozen and unalterable document. It is a document made by human

beings and may need revisions, changes and re-examination.

It is true that the constitution reflects the dreams and aspirations of the concerned society. It must also be kept in mind that the constitution is a framework for the democratic governance of the society. In this sense, it is an instrument that societies create for themselves.

For e.g. Fundamental rights clearly establish a secular, equitable, just and non-exploitative social fabric in India.

Fundamental duties provide a secular, fraternalistic and a patriotic aspect to the Indian citizens by making them respect the constitution, national flag, asking them to render service to the nation and mankind etc.

DPSP does so by providing for a more equitable work culture in men and women; minimizing inequalities in social and economic status; establishing the ideal of a welfare society etc.

Q.108 Which of the following are enshrined in the Indian constitution?

1. Societal ideals
2. Nature of Indian society
3. Nature of country's political system

Choose the correct answer using the codes below:

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

Solution: (d)

Societal ideals like fraternity, harmony, justice etc. are enshrined in the Preamble and Directive Principles of State Policy (DPSP).

Nature of society is to be secular, liberal and socialist. It is mentioned in the Preamble, Directive Principles and Fundamental Rights.

Political system is republic democratic mentioned in the constitution in the Preamble.

Q.109 Which of the following are the aspects of the Indian constitution?

1. Separation of powers
2. Federalism
3. Fundamental Rights

Choose the correct answer using the codes below:

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

Solution: (d)

Q.110 In the context of India, which of these is a provision that a democratic constitution does not have?

1. Powers of the legislature
2. Name of the country
3. Powers of the head of the state
4. Name of the head of the state

Answer the question using the codes given below

- (a) 2 Only (b) 4 Only
(c) 2, 3 and 4 (d) 2 and 4

Solution: (b)

The Constitution of India has provisions for Powers of the legislature, Name of the country, Powers of the head of the state but not the Name of the head of the state

Q.111 Indian our Constitution is a living document. What do you mean by that? Consider the following statements

1. Like a living being, the Constitution responds to experience.
2. Even after so many changes in the society, the Constitution continues to work effectively because of this ability to be dynamic, to be open to interpretations and the ability to respond to the changing situation
3. Almost like a living being, this document keeps responding to the situations and circumstances arising from time to time.
4. Like a living being, our constitution is also prone to destruction and it's not permanent

Which of the above aptly describe the statement in the question in the context of Indian constitution?

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

Solution: (c)

Almost like a living being, this document keeps responding to the situations and circumstances arising from time to time. Like a living being, the Constitution responds to experience. In fact that is the answer to the riddle we mentioned at the beginning about the durability of the Constitution.

Even after so many changes in the society, the Constitution continues to work effectively because of this ability to be dynamic, to be open to interpretations

and the ability to respond to the changing situation. This is a hallmark of a democratic constitution. In a democracy, practices and ideas keep evolving over time and the society engages in experiments according to these. A constitution, which protects democracy and yet allows for evolution of new practices becomes not only durable but also the object of respect from the citizens.

Indian constitution, as of now seems to be indestructible because of the strong democracy and presence of checks and balance.

Schedule

Q.112 Match these schedules of Constitution to what they contain.

1. First Schedule – List of names of All States and Union Territories
2. Second Schedule – Powers of President, Governor and Judges
3. Fourth Schedule – Allocation of seats in Rajya Sabha
4. Seventh Schedule – Division of powers between Legislative, Executive and Judiciary

Choose the correct answer using the codes below.

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

Solution: (c)

- Third Schedule – Forms of Oaths or Affirmations for MPs, Ministers, Constitutional functionaries etc.
- Fourth Schedule – Allocation of seats in the Rajya Sabha to the states and the union territories.
- Fifth Schedule – Provisions relating to the administration and control of scheduled areas and scheduled tribes.
- Sixth Schedule – Provisions relating to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.
- Seventh Schedule – Division of powers between the Union and the States in terms of List I (Union List), List II (State List) and List III (Concurrent List). Presently, the Union List contains 100 subjects (originally 97), the state list contains 61

subjects (originally 66) and the concurrent list contains 52 subjects (originally 47)

- Eighth Schedule – Languages recognized by the Constitution.
- Ninth schedule – Acts & regulation of states dealing with the land reforms & abolition of *zamindari*
- Tenth schedule – Anti-defection provisions
- Eleventh schedule – powers, authority and responsibilities of Panchayat
- Twelfth schedule – powers, authority and responsibilities of Municipalities

Q.113 Which of the following matters is/are dealt by the Third Schedule of the Constitution?

1. Allocation of seats in the Rajya Sabha to the states and the union territories
2. Provisions for elections to the Parliament and state legislatures
3. Provisions relating to the privileges of dignitaries
4. Forms of Oaths or Affirmations for constitutional functionaries
5. Provisions relating to disqualification of the members of Parliament and State Legislatures

Select the correct answer using the codes below.

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

Solution: (c)

Q.114 Which of the following schedules of the constitution gives a clear constitutional recognition to the existence of the system of “political parties” in India?

- (a) Seventh Schedule
- (b) Tenth Schedule
- (c) Third Schedule
- (d) Ninth Schedule

Solution: (b)

Justification & Learning: The Tenth Schedule of the Constitution (which embodies the anti-defection law) is designed to prevent the evil or mischief of political defections motivated by the lure of office or material benefits or other similar considerations. Since the anti-defection provisions clearly mention the existence of political parties (and members being disqualified on leaving its membership), the Tenth schedule recognizes the system of political parties.

Q.115 Which of the following schedules of the Constitution have a bearing on the governance of tribals in India?

1. Fifth schedule
2. Sixth Schedule
3. Seventh Schedule
4. Tenth Schedule

Select the correct answer using the codes below:

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

Solution: (d)

5th and 6th schedule directly concern themselves with tribal governance as all the special provisions made under the constitution fall under it. For e.g. constituting a tribal advisory council; giving tribals control over land and forests etc.

7th schedule is concerned with the division of legislative power between Centre and States. It concerns with forests; welfare; mining and minerals which have a direct bearing on the tribal community in India.

10th schedule is about anti-defection.

Sources

Q.116 With regard to making of the constitution, consider the following statements:

1. Our leaders were inspired by socialist revolution in French
2. Our leaders were inspired by the parliamentary democracy in U.S.
3. The Indian Constitution adopted many institutional details and procedures from Government of India Act, 1935
4. Much of the consensus regarding the democratic setup had evolved during the freedom struggle

Which of the statement is/are correct?

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

Solution: (b)

The familiarity with political institutions of colonial rule also helped develop an agreement over the institutional design. The British rule had given voting rights only to a few. On that basis the British had introduced very weak legislatures. Elections were held in 1937 to Provincial Legislatures and Ministries all over British India. These were not fully democratic governments. But the experience gained by Indians in the working

of the legislative institutions proved to be very useful for the country in setting up it

Statement 1: It's the socialistic revolution of Russia that inspired our nationalist leaders

Statement 2: The parliamentary system in India is adopted from the Britain and US has presidential system of government

Statement 3: The Government of India act, 1935 was formed on basis of Indian government structure as anticipated during post-independence period

Q.117 Which of the following can be said to be the sources of the core values of the Indian constitution?

1. Karachi session of Congress, 1931
2. Cabinet Mission Plan 1946
3. 1916 Lucknow Pact

Choose the correct answer using the codes below:

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

Solution: (c)

Even as India fought for its independence from British colonialism a vision of what Indian democracy ought to look like emerged. As far back as in 1928, Motilal Nehru and eight other Congress leaders drafted a constitution for India.

In 1931, the resolution at the Karachi session of the Indian National Congress dwelt on how independent India's constitution should look like. The Karachi Resolution reflects a vision of democracy that meant not just formal holding of elections but a substantive reworking of the Indian social structure in order to have a genuine democratic society. The Karachi Resolution clearly spells out the vision of democracy that the nationalist movement in India had. It articulates the values that were further given full expression in the Indian Constitution.

Cabinet mission plan was about the post-independent political and territorial reorganization of India.

Lucknow pact was the merger of the league and Congress and the acceptance of separate electorates (which is not at all a core value of the constitution).

Q.118 Consider the following features that are borrowed from constitutions of other nations.

1. Quasi-federal form of government – Canada
2. Charter of Fundamental Rights – UK constitution
3. Directive Principles of State Policy – German Constitution

Choose the correct matches from the codes given below:

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

Solution: (d)

Q.119 The values of liberty, equality and fraternity that influenced the Indian National Movement as well as our constitution come from

- (a) French revolution
- (b) Russian Socialist Policies
- (c) Events leading to Balkanization
- (d) Vietnam War

Solution: (a)

***Learning*:** is The French Revolution regarded as one of the most important movements in history.

As inspired by liberal and radical ideas, the Revolution profoundly altered the course of modern history, triggering the global decline of absolute monarchies while replacing them with republics and liberal democracies.

Q.120 Consider the following sources of the Constitution and the features borrowed from them.

1. Canadian Constitution: Parliamentary privileges and bicameralism
2. Australian Constitution: Concurrent List and joint sitting of Parliament
3. Weimar Constitution of Germany: Fundamental duties
4. Irish Constitution: Directive Principles of State Policy

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: They were borrowed from British constitution.

Statement 3: They were borrowed from Soviet Constitution.

Q.121 The structural part of the Constitution is largely derived from the

- (a) Cabinet Mission Plan
- (b) Lahore Session of the Indian National Congress (INC)
- (c) Regulating Act of 1858
- (d) Government of India Act of 1935

Solution: (d)

Justification: Provincial autonomy, administrative structure, the establishment of a Federal Court, provision for the establishment of a “Federation of India”, a representative government and many more features were borrowed directly from the GoI Act 1935.

Q.122 The amendment procedure laid down in the Constitution of India is on the pattern of?

- (a) Government of India Act, 1935
- (b) Government of India Act, 1947
- (c) Constitution of South Africa
- (d) Constitution of UK

Solution: (c)

Q.123 Under the Constitution of India Article 20 providing for Security against double jeopardy and ‘ex post facto laws,’ and Article 21 providing for Right to life and liberty have their inspirational counter part in

- (a) South African (b) Candedian
- (c) U.S. Constitution (d) Irish

Solution: (c)

Q.124 Which one of the following is the common feature of Indian and Swiss federalism 2

- (a) Judicial Review
- (b) Equal representation of the Units in the Upper House
- (c) Right of the Units in all constitutional amendments
- (d) Division of powers between the centre and the units

Solution: (d)

Q.125 In which one of the following federations the executive is collegiate ?

- (a) U.S.A (b) Switzerland
- (c) Australia (d) Nigeria

Solution: (b)

Switzerland Constitution

Q.126 Which one of the following is the common feature of Indian and Swiss federalism ?

- (a) Judicial Review
- (b) Equal representation of the Units in the Upper House

- (c) Right of the Units in all constitutional amendment.
- (d) Division of powers between the centre and the units .

(4) PREAMBLE

Q.127 Consider the following statements with reference to the Preamble of the Constitution?

1. Taking inspiration from the American model, India has chosen to begin its constitution with a preamble.
2. Values that inspired and guided the freedom struggle are embedded in the Preamble of the Indian Constitution.
3. It is the soul of the Indian Constitution.
4. It provides a standard to examine and evaluate any law and action of government.

Which of the statement is/are correct?

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

Solution: (d)

Values that inspired and guided the freedom struggle and were in turn nurtured by it, formed the foundation for India's democracy. These values are embedded in the Preamble of the Indian Constitution. They guide all the articles of the Indian Constitution.

Taking inspiration from American model, most countries in the contemporary world have chosen to begin their constitutions with a preamble.

It contains the philosophy on which the entire Constitution has been built. It provides a standard to examine and evaluate any law and action of government, to find out whether it is good or bad. It is the soul of the Indian Constitution.

Q.128 The Preamble to the Indian Constitution is based on the

- (a) Preamble of the Nehru Report produced in 1928
- (b) Prelude of the Government of India Act, 1935
- (c) 'Objectives Resolution' moved in the Constituent Assembly in 1946
- (d) 'Outcome Paper' of the Lahore Session of the Indian National Congress, 1930.

Solution: (c)

Learning: 'Preamble' refers to the introduction or preface to the Constitution. It contains the summary or essence of the Constitution. The Preamble to the Indian Constitution is based on the 'Objectives Resolution', drafted and moved by Pandit Nehru, and adopted by the Constituent Assembly.

Q.129 Which of the following does NOT find mention in the Preamble to India's Constitution?

1. Social justice 2. Liberty of worship
 3. Equality of status 4. Liberty of religion
- Choose the correct answer using the codes below:

- (a) 2 Only (b) 3 Only
- (c) 2 and 4 Only (d) 4 Only

Solution: (d)

These are the opening words of the preamble to the Indian Constitution "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.

Q.130 Which of the following terms does NOT find a mention in the Preamble to the constitution of India?

- (a) Democratic Republic
- (b) Unity and Integrity of the Nation
- (c) Welfare State
- (d) Secular

Solution: (c)

Q.131 You will not find which of the following 'ideals' or 'values' in the Preamble of the Constitution?

- (a) Liberty (b) Fraternity
- (c) Rationality (d) Justice

Solution: (c)

Rationality and scientific temper are hinted at in the Fundamental Duties in Part IV of the constitution.

- Q.132** Which of the following words are attached to the term "Republic" in the Preamble?
1. Sovereign
 2. Parliamentary
 3. Secular
 4. Federal
- Select the correct answer using the codes below.
- (a) 1 and 2 only (b) 1 and 3 only
(c) 2, 3 and 4 only (d) 1, 2, 3 and 4
- Solution: (b)**

Ingredients of Preamble

- Q.133** Consider the following statements about the Preamble of the Constitution.
1. The Preamble is the source of authority of the Constitution.
 2. It declares the nature of the Indian state.
 3. It envisages political as well as social ideals.
- Choose the correct answer using the codes below.
- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (b)

The Preamble reveals four ingredients or components:

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

- Q.134** The Preamble is used by the Courts in constitutional interpretation because
1. It contains the objective and philosophy of the Constitution makers.
 2. It is the source of all constitutional powers and limitations on authority of the government.

Which of the above is/are correct?

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

Solution: (a)

Justification: Statement 1: The Preamble of the Constitution like the preamble of any statute furnish the key to open the mind of the makers of the Constitution more so because the Constituent Assembly toiled hard in formulating it so that it may reflect the essential features and basic objectives of the Constitution.

Statement 2: The Preamble does not grant any power but it gives direction and purpose to the Constitution. It outlines the objective of the whole Constitution. The Preamble contains the fundamental of constitution. It serves several important purposes like

1. It contains the enacting clause which brings the Constitution into force.
2. It declares the basic type of government and polity which is sought to be established in the country.
3. It declares the great rights and freedom which the people of India intended to secure to its entire citizen

- Q.135** Consider the following statements.

Assertion (A): The Constitution of India derives its authority from the Parliament of India.

Reason (R): It was enacted by the constituent assembly of India which had legal and democratic authority.

In the context of the statements above, which of these is true?

- (a) A and R both are true, and R is the correct explanation for A.
(b) A and R both are true, and R is the NOT the correct explanation for A.
(c) A is correct, R is incorrect.
(d) A is incorrect, R is correct.

Solution: (d)

The Preamble clearly tells that the source of authority of the constitution is the people of India. A democratic polity, as stipulated in the Preamble, is based on the doctrine of popular sovereignty, that is, possession of supreme power by the people. Universal adult franchise, periodic elections, rule of law, independence of judiciary, and absence of discrimination on certain grounds are the manifestations of the democratic character of the Indian polity

Preamble as Part of Constitution and Its Amendability

- Q.136** The status of the Preamble of the Constitution has always been a question of debate in the country. The present opinion of the Supreme Court about the status of the Preamble is that
- It is a part of the constitution but cannot be amended.
 - It is a not part of the constitution and cannot be amended.
 - It is a part of the constitution and can be amended.
 - It is not a part of the constitution but can be amended.

Solution: (c)

One of the controversy about preamble is whether it's part of constitution or not.

In *Berubari Union Case*, the Supreme Court held that preamble is not part of constitution.

But in historic case of *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225, Supreme Court, however, held that the Preamble is a part of the Constitution. The Court stated that the Preamble can be amended, subject to the condition that no amendment is done to the 'basic features'.

The Preamble has been amended only once so far, in 1976, by the 42nd Constitutional Amendment Act, which has added three new words—Socialist, Secular and Integrity—to the Preamble. This amendment was held to be valid

Like any other part of the Constitution, the Preamble was also enacted by the Constituent Assembly, but, after the rest of the Constitution was already enacted. The reason for inserting the Preamble at the end was to ensure that it was in conformity with the Constitution as adopted by the Constituent Assembly.

While forwarding the Preamble for votes, the president of the Constituent Assembly said, 'The question is that Preamble stands part of the Constitution'. The motion was then adopted.

Hence, the current opinion held by the Supreme Court that the Preamble is a part of the Constitution, is in consonance with

the opinion of the founding fathers of the Constitution.

However, two things should be noted:

- The Preamble is neither a source of power to legislature nor a prohibition upon the powers of legislature.
- It is non-justiciable, that is, its provisions are not enforceable in courts of law.

- Q.137** Which of the following statements is correct about the Preamble of the constitution?

- It was enacted by the constituent assembly.
- It is a source of power to legislature.
- Its provisions are enforceable in courts of law.
- The Supreme Court has never considered Preamble as a part of the constitution.

Solution: (a)

Refer previous explanation.

- Q.138** The 42nd Amendment to the Constitution amended the Preamble to add the words

- Sovereign and democratic
- Socialist and Secular
- Republic and Integral
- Liberty and Equality

Solution: (b)

Justification: It changed the description of India from "sovereign democratic republic" to a "sovereign, socialist secular democratic republic", and also changed the words "unity of the nation" to "unity and integrity of the nation".

Learning: The 42nd amendment was a major as well as controversial amendment to the constitution.

In *Minerva Mills v. UOI*, AIR 1980 SC 1789, the Supreme Court declared unconstitutional two provisions of the 42nd Amendment which prevent any constitutional amendment from being "called in question in any Court on any ground" and accord precedence to the Directive Principles of State Policy over the Fundamental Rights of individuals respectively.

- Q.139** Consider the following statements about the Preamble:

- It is a part of the constitution.
- It grants power to the legislature to enact laws that are in conformity with its values.
- It can be selectively amended by the legislature.

Select the correct answer using the codes below

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

Solution: (c)

Refer previous explanation

Q.140 Consider the following statements.
Assertion (A): Preamble of the Constitution cannot be amended by the Parliament.

Reason (R): Preamble is not considered as a part of the constitution.

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

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

Solution: (d)

Refer previous explanation

Q.141 Consider the following statements:
1. The Constitution of India ensures equality of citizens within religious communities.
2. A democratic government is the most legitimate government
3. Preamble is not an integral part of the Constitution
4. Democracy helps in promoting dignity and freedom of the individual

Which of the following statements is/are correct?

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

Solution: (c)

The Constitution of India ensures equality of citizens within religious communities (as provided under Fundamental Rights – Articles 25 to 28).

There is one respect in which democratic government is certainly better than its alternatives: democratic government is legitimate government. It may be slow, less efficient, not always very responsive or clean. But a democratic government is people's own government. That is why there is an overwhelming support for the idea of democracy all over the world.

The preamble is not an integral part of the Indian constitution was first decided by the

Supreme Court of India in *Beru Bari* case therefore it is not enforceable in a court of law. However, Supreme Court of India has, in the *Kesavananda* case, recognised that the preamble may be used to interpret ambiguous areas of the constitution where differing interpretations present themselves. In *UOI v. LIC of India*, 1995 also the Supreme Court has once again held that Preamble is the integral part of the Constitution. Democracy stands much superior to any other form of government in promoting dignity and freedom of the individual. Every individual wants to receive respect from fellow beings. Often conflicts arise among individuals because some feel that they are not treated with due respect. The passion for respect and freedom are the basis of democracy.

Sovereignty

Q.142 The "Sovereignty" of India means
1. No external power can dictate the government of India.
2. Citizens cannot be discriminated against on any grounds.
3. There is absolute freedom of speech and expression for Indian citizens.
4. All citizens have equal economic rights.

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 1: Sovereignty simply implies that India is a state that takes its own decisions ultimately guided by the people. No external agency dictates terms to India. So, 1 is correct.

Statement 2: However, the notion of sovereignty does not seep into the framework of all democratic rights. For example, a sovereign state may very well discriminate between its citizens, like in Pakistan where it did with all non-Muslims.

Statement 3: Same applies for freedom of speech and expression. A sovereign state may very well restrict freedom of speech, as it is not an absolute right, even though it is vital to a democracy.

Statement 4: This is only possible in an economic democracy.

Q.143 In 1949, India declared the continuation of her full membership of the Commonwealth of the Nations. But, this extra-constitutional declaration did not affect India's sovereignty in any manner as

1. The position of Head of Commonwealth rotates among member nations on a regular basis.
2. The Commonwealth is a voluntary association of independent nations.

Which of the above is/are correct?

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

Solution: (b)

Justification: Statement 1: Under the formula of the London Declaration, Queen Elizabeth II is the Head of the Commonwealth. So, 1 is wrong.

Statement 2: Being a member of commonwealth also does not affect India's republican character as India neither pays final allegiance to the British Crown nor the latter has any functions to discharge in relation to India since it is a voluntary organization.

Q.144 "Popular sovereignty" implies

1. People are the ultimate source of the authority of their government.
2. A region can be declared sovereign by the wish of the people.

Which of the above is/are correct?

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

Solution: (a)

Justification: Popular sovereignty is a basic idea of democracy. In a democracy, political authority flows from the people to the government—not from government to the People.

Popular sovereignty means that the people are the ultimate source of the authority of their government. Popular sovereignty means that democratic government is by the people and for the people—for the benefit of the people, not for the benefit of those who govern in their name. Government in a democracy is the servant of the people; it is not their master. Therefore, those who govern are public servants—they hold public office only to serve the people, not to serve themselves. In

a democracy, political authority flows from the people to the government—not from government to the People. Popular sovereignty means that the government can only exercise authority if it has been given permission to do so by the People. Therefore, popular sovereignty limits the powers of government.

Q.145 In the Indian Polity, 'Sovereignty' ultimately lies with

- (a) The elected Government
(b) The Supreme Court
(c) The Parliament
(d) The People of India

Solution: (d)

Justification: It is clear from the Preamble that the sovereignty lies ultimately with the people of India when it declares that the "We the people of India" have created this republic.

Option A: The elected government derive their legitimacy from the people.

Option B: The SC acts as a guardian of the Constitution, it is not a sovereign entity.

Option C: Parliament is not sovereign since it is governed by the Constitution, and its power is ultimately derived from the people.

Socialist

Q.146 The word 'Socialist' was added to the Preamble, its main aim is to

- (a) eliminate inequality in economic and political status
(b) eliminate inequality in political and religious affairs
(c) eliminate inequality in income and status and standards of life
(d) eliminate class based society

Solution: (a)

Q.147 Avadi session of Indian National Congress was famously known for

1. Adopting a resolution to establish a 'socialistic pattern of society'
 2. Publishing the 'Magna carta' of a libertarian democratic framework for India
- Which of the above is/are correct?

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

Solution: (a)

Justification: The famous session of the Indian National Congress was held at Avadi in January 1955.

This historical meet emphasised the importance of socialism and its impact on social development.

Jawaharlal Nehru with Morarji Desai and other Congress leaders at the All India Congress Committee (AICC) session declared that a socialistic pattern of society was the goal of the Congress.

This was the basic philosophy of the INC as “It is not possible to pursue a policy of *laissez-faire* in industry.... It is incompatible with any planning. It has long been Congress policy that basic industries should be owned or controlled by the state.”

“This policy holds and must be progressively given effect to. State trading should be undertaken wherever the balance of advantage lies in favour of such a course. A large field for private enterprise is, however, left over. Thus our economy will have a public sector as well as a private sector. But the private sector must accept the objective of the National Plan and fit into it.”

Q.148 Consider the following statements:

1. The kind of socialistic practice that is enshrined in the Preamble is that of state socialism.
2. Indian socialism is a blend of Marxism and Leninism.

Which of these is/are true?

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

Solution: (d)

The kind of socialistic practice that is enshrined in the Preamble is that of democratic socialism not state socialism. State socialism is basically communism, while Indian setup is more of a balance. Indian socialism is a blend of Marxism and Gandhism leaning heavily towards Gandhism.

Q.149 Consider the following statements about the response of government in a socialist society

1. In a socialist society the government decides what goods are to be produced in accordance with the needs of society.

2. The government decides how goods are to be produced and how they should be distributed.
3. Strictly, a socialist society has no private property since everything is owned by the state.

Which of the statements given above is/are correct?

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

Solution: (d)

A socialist society answers the three questions in a totally different manner.

In a socialist society the government decides what goods are to be produced in accordance with the needs of society. It is assumed that the government knows what is good for the people of the country and so the desires of individual consumers are not given much importance.

The government decides how goods are to be produced and how they should be distributed. In principle, distribution under socialism is supposed to be based on what people need and not on what they can afford to purchase.

Unlike under capitalism, for example, a socialist nation provides free health care to the citizens who need it. Strictly, a socialist society has no private property since everything is owned.

Secular

Q.150 The Indian Constitution mandates that the Indian States be secular. The objective behind such a mandate is:

1. To ensure some members do not dominate other members of the same religious community
2. To ensure one religious community does not dominate another
3. To ensure that State does not enforce any particular religion
4. To ensure that State does not take away the religious freedom of individuals.

Which of the statements given above is/are correct?

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

Solution: (d)

Q.151 The version of Indian secularism means that the state can NOT

1. Preach any religion
2. Give any religious education
3. Give any help to any religion.

Which of the following options make the question statement correct and complete?

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

Solution: (a)

Being a country which is home to several religions, it is necessary that the government must extend equal treatment to different religions. Negatively, it means that government will not favour any particular religion.

India does not have any official religion. We don't have to belong to any particular religion in order to be a prime minister or president or judge or any other public official. We have also seen that under the right to equality, there is a guarantee that government will not discriminate on the basis of religion in giving employment.

The institutions run by the state will not preach any religion or give religious education nor will they favour persons of any religion. The objective of these provisions is to sustain and nurture the principle of secularism.

While the government can help a religion, for e.g. it used to give Haj subsidies, it has to be within the limits so as to not diminish any religion or at the expense of any religion.

Q.152 Which of the following is/are the key features of Indian Secularism?

1. The Constitution does not give a special status to any religion.
2. The Constitution allows the state to intervene in the religious matters in order to ensure equality within religious communities.
3. The state can regulate and even control religious institutions.

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: There is no official religion for the Indian state. Unlike

the status of Buddhism in Sri Lanka, that of Islam in Pakistan and that of Christianity in England, our Constitution does not give a special status to any religion.

Statement 2: The Constitution provides to all individuals and communities freedom to profess, practice and propagate any religion, or not to follow any. The Constitution also prohibits discrimination on grounds of religion.

At the same time, the Constitution allows the state to intervene in the matters of religion in order to ensure equality within religious communities.

For example, it bans untouchability (a practice within the Hindu Varna system).

Statement 3: Perhaps the best examples are the government control of Vaishno Devi Shrine Board in J&K. The state does this in order to curb private monopoly in religious dominations and the equitable use of revenue earned there from.

Q.153 In the Indian context, which of the following practices of the government would NOT be considered 'Secular'?

1. Allowing the Punjabi community not to wear helmets while driving
2. Acquiring religions trusts
3. Giving subsidies for Haj (to Mecca)

Choose the correct answer using the codes below:

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

Solution: (d)

One kind of difficulty is created by the tension between the western sense of the state maintaining a distance from all religions and the Indian sense of the state giving equal respect to all religions. Supporters of each sense are upset by whatever the state does to uphold the other sense. Should a secular state provide subsidies for the Haj pilgrimage, or manage the Tirupati-Tirumala temple complex, or support pilgrimages to Himalayan holy places? Should all religious holidays be abolished, leaving only Independence Day, Republic Day, Gandhi Jayanti and Ambedkar Jayanti for example? Should a secular state ban cow slaughter because cows are holy for a

particular religion? If it does so, should it also ban pig slaughter because another religion prohibits the eating of pork? If Sikh soldiers in the army are allowed to have long hair and wear turbans, should Hindu soldiers also be allowed to shave their heads or Muslim soldiers allowed to have long beards? Questions of this sort lead to passionate disagreements that are hard to settle.

Some of the above mentioned dilemmas are solved by the Indian model of Secularism by positive discrimination and maintaining a 'principled distance from religion'.

Q.154 Which of the following is/are the desirable characteristics of a secular society in India?

1. One religious community does not dominate another.
2. Some members do not dominate other members of the same religious community.
3. The State does not interfere at all in religious activities.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: If religion X is privileged, when compared to religion Y, in gaining access to public offices, paying taxes, enjoying public services etc., it cannot be called a secular society.

Moreover, if all the wealth and political power is amassed by religion X, it certainly is not a desirable characteristic of a secular society.

Statement 2: For e.g. if a particular section of Hindu society is ostracized, either due to their backward caste status or based on customs, it goes against the ideal of secularism.

Statement 3: India is a secular state, and the State interferes in religious activities for reasons of public welfare and reducing exploitation. For e.g. it may ban religious practices that promote superstition, black magic, etc.

At the same time, the state maintains a "principled distance" from all the religions.

Q.155 Which of the following can be considered valid under the Indian concept of "Secularism"?

1. The state not promoting officially any particular religion.
2. There is no discrimination at all by the state, whether legal, administrative, etc. among religions.
3. The state does not intervene at all in matters of religion.

Choose the correct answer using the codes below:

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

Solution: (d)

The state does discriminate among religions. The jains were given minority status nationally. They will be eligible for several incentives which Hindus may not get officially. Moreover, there is a different set of laws for almost every religion. Sardars are allowed to carry *kirpans*; and allowed not to wear helmet while driving. Normal citizens are not.

Q.156 Which of the following is NOT correct as per the Indian practice of Secularism?

- (a) State maintains a principled distance from religion.
- (b) State does not interfere in any religious activity.
- (c) All religious communities can co-exist peacefully without negative discrimination.
- (d) Individual has freedom to interpret religious teachings differently and choose her/his religion.

Solution: (b)

Q.157 The value of secularism can be found in which of the following parts of the constitution?

1. Preamble
2. Directive Principles of State Policy
3. Fundamental Duties
4. Fundamental Rights

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: The Preamble secures to all citizens of India liberty of belief, faith and worship.

Statement 2: The State shall endeavour to secure for all the citizens a Uniform Civil Code (Article 44 of Directive Principles).

Statement 3: Article 51A mentions this as one of the fundamental duties: “to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women.”

Statement 4:

- The State shall not deny to any person equality before the law or equal protection of the laws (Article 14).
- The State shall not discriminate against any citizen on the ground of religion (Article 15).
- Equality of opportunity for all citizens in matters of public employment (Article 16).
- All persons are equally entitled to freedom of conscience and the right to freely profess, practice and propagate any religion (Article 25).
- Every religious denomination or any of its section shall have the right to manage its religious affairs (Article 26).
- Similarly Articles 27-30 also uphold values of secularism.
- The Constitution of India stands for a secular state. Hence, it does not uphold any particular religion as the official religion of the Indian State.

Q.158 Which of the following articles of the Constitution reveal the secular character of the Indian State?

1. Article 14
2. Article 15 and 16
3. Article 30
4. Article 44

Choose the correct answer using the codes below.

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

Solution: (d)

The term ‘secular’ was added to the Preamble of the Indian Constitution by the 42nd Constitutional Amendment Act of 1976.

Republic

Q.159 India is a republican polity because

(a) There is Universal Adult Franchise.
(b) There are no hereditary elements in our polity.

(c) The constitution ensures fundamental human rights.

(d) There is an elected Parliament.

Solution: (b)

Learning: A democratic polity can be classified into two categories— monarchy and republic.

- In a monarchy, the head of the state (usually king or queen) enjoys a hereditary position, that is, he comes into office through succession, eg, Britain.
- In a republic, on the other hand, the head of the state is always elected directly or indirectly for a fixed period, eg, USA.
- Therefore, the term ‘republic’ in our Preamble indicates that India has an elected head called the president.
- He is elected indirectly for a fixed period of five years. A republic also means two more things: one, vesting of political sovereignty in the people and not in a single individual like a king; second, the absence of any privileged class and hence all public offices being opened to every citizen without any discrimination.

Q.160 India is a democratic republic, because:

- (a) there is independence of judiciary
(b) the Head of the State is elected by the people
(c) there is distribution of powers between the Centre and the States
(d) there is Parliamentary supremacy

Solution: (b)

Democratic

Q.161 The Indian constitution explicitly contains which of the following provisions for exercising direct democracy?

1. Referendum
2. Plebiscite
3. Recall
4. Initiative

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 only
(c) 3 and 4 only (d) None of the above

Solution: (d)

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

devices of direct democracy, namely, Referendum, Initiative, Recall and Plebiscite. In indirect democracy, on the other hand, the representatives elected by the people exercise the supreme power and thus carry on the government and make the laws. This type of democracy, also known as representative democracy, is of two kinds—parliamentary and presidential.

The Indian Constitution provides for representative parliamentary democracy under which the executive is responsible to the legislature for all its policies and actions.

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

- Q.162** Plebiscite refers to the process where
- (a) Citizens of a country can propose legislation for adoption by the legislature
 - (b) Local citizen bodies monitor important government decisions
 - (c) Citizens vote to accept or reject a proposal
 - (d) Citizens can amend the constitution of a nation by a special procedure

Solution: (c)

Justification: Option (a) is the like the practice of “initiative” present in some democratic nations like Canada.

Option (b) is akin to Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs).

Learning: A referendum (in some countries synonymous with plebiscite — or a vote on a ballot question) is a direct vote in which an entire electorate is asked to vote on a particular proposal. This may result in the adoption of a new law.

For example, recently in Greece, the government asked the voter to choose an austerity package for Greece or choose to exit from European Union.

- Q.163** Which of the following are closes to direct democracy?

1. Decisions taken by the Gram Sabha
2. Decisions taken by the legislative Assembly of a state
3. Decisions taken in the Board of Directors of a corporation

Choose the correct answer using the codes below:

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

Solution: (d)

The Board of directors consist of either direct representatives or nominees. So it is an example of indirect democracy. Same can be said of the assembly.

In the case of Gram Sabha, it is the most direct decision-making directly by the people.

- Q.164** The concept of ‘Participatory democracy’ in play can be seen in which of the following bodies?

1. Gram Sabha
2. State Legislative assembly
3. District Planning Committee

Choose the correct answer using the codes below:

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

Solution: (c)

Both the concepts of participatory democracy and decentralised governance have thus become popular. Participatory democracy is a system of democracy in which the members of a group or community participate collectively in the taking of major decisions. Panchayati Raj is a major example where participatory democracy is being practiced. For e.g. in MGNREGA major project decisions, approvals, social audit etc. are done by the local community. In other bodies like State LA or DPC, it is an indirect or representative democracy.

- Q.165** Consider the following statements.
Assertion (A): The system of monarchy cannot exist in a Parliamentary democracy.

Reason (R): In a democracy representatives are elected based on popular vote.

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

1. A is correct, and R is an appropriate explanation of A.
2. A is correct, but R is not an appropriate explanation of A.
3. A is incorrect, but R is correct.
4. Both A and R are incorrect.

Solution: (c)

Justification: Democracy is of two types – republic (where the head of state is elected, like India), and monarchy (where the head of state is hereditary).

UK practices Monarchy (crown) and yet it is a Parliamentary democracy.

Q.166 Consider the following statements about autocratic and Democratic form of government:

1. The Autocrat is not responsible to the people.
2. Autocracy is also termed as Monarchy since decision-making style is same in both.
3. No other form of democracy except representative democracies exist till date.

Which of the above statements is/ are true?

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

Solution: (d)

Autocracy and Monarchy are two different political systems. An autocrat is an absolute dictator for e.g. in Syria.

A democracy is termed as monarchy when the head of state is chosen on the hereditary basis. Republic form of democracy is when the head of state is either directly or indirectly elected.

Q.167 A democratic constitution aims at establishing a

- (a) Rules-based society
- (b) Strong bureaucracy
- (c) Powerful Rule
- (d) Completely economically equal society

Solution: (a)

Learning: Constitutional Democracy is the antithesis of arbitrary rule. It is democracy characterized by:

1. Popular sovereignty: The people are the ultimate source of the authority of the

government which derives its right to govern from their consent.

2. Majority rule and minority rights: Although “the majority rules,” the fundamental rights of individuals in the minority are protected.
3. Limited government: The powers of government are limited by law and a written or unwritten constitution which those in power obey.
4. Institutional and procedural limitations on powers: There are certain institutional and procedural devices which limit the powers of government.

Q.168 Which of the following are the manifestations of or the proof of the democratic character of the Indian polity?

1. The executive is responsible to the Indian Parliament.
2. Ban on unreasonable discrimination.
3. Governors are nominated by the Centre.
4. India has a written constitution.

Select the correct answer using the codes below

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

Solution: (c)

The executive is responsible only to the Lok Sabha, not the whole Parliament, which includes Rajya Sabha too.

Governors hold the highest post in a state government. They being nominated characterizes undemocratic tendencies.

The fact that India has a written constitution nowhere proves that it is a democratic nation. Several autocratic nations like Syria have written constitutions, whereas democratic nations like the U.K. do not have a written constitution.

Q.169 Which of these continents had the least number of democratic countries till 1950?

- (a) Africa (b) South America
(c) Europe (d) Asia

Solution: (a)

Q.170 Which of the following ideally should NOT be features of a democratic polity?

1. Censorship of the press
2. Military can take over civilian institutions if they fail to deliver on democratic hopes

3. The Government should not be run by non-elected individuals.

Choose the correct answer using the codes below:

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

Solution: (a)

Democracy is a form of government that allows people to choose their rulers. In a democracy: only leaders elected by people should rule the country, and people have the freedom to express views, freedom to organise and freedom to protest. Option 1 and 2 go against these two basic tenets.

Q.171 Which of the following is NOT essential to have and sustain a democracy?

- (a) Protection of the fundamental rights of all citizens
(b) Freedom to express views, freedom to organise and freedom to protest
(c) Political equality of citizens
(d) A written constitution

Solution: (d)

Explanation: A democracy cannot exist without giving some fundamental rights of citizens and to safeguard them via institutional mechanisms. Option (a) is essential.

Without freedom to opine, express, organize and protest a government can turn tyrannical and authoritarian. It acts as a check and balance. Hence, option (b) is essential.

Political equality of citizens refers to equal voting rights, equal eligibility for public offices etc. In a sense, it is one man, one vote as per BR Ambedkar. Option (c) is the heart of democracy.

A democracy can exist without a written constitution. Britain is the best example. Moreover, nations having a written constitution may not be democratic, e.g, Syria. However, it is essential to have laws/rules that protect citizen's rights. Option (d) is correct.

Q.172 Which of the following is NOT vital for the establishment or success of a democracy?

- (a) Presence of Rule of Law.
(b) Granting fundamental rights to the population.
(c) Political equality of citizens to run for public offices.
(d) Direct elections of all representatives.

Solution: (d)

Answer Justification:

Justification: Option A: Rule of law ensures that democracy doesn't turn into Rule of Men.

Option B: Fundamental rights guard the citizens from the tyranny and despotism of the rulers.

Option C: If a certain class of citizens are banned (without any intelligible criteria) from participating in elections or running for public offices, a democracy may not be sustained.

Option D: Many democracies practice indirect election of representatives, for e.g. President of USA is indirectly elected. Voters elect the Electoral College, which then elects the President.

In India, Rajya Sabha MPs are indirectly elected. So, direct election of all representatives is not crucial for a democracy.

Q.173 The famous historical 'Magna Carta' had laid the first steps towards

1. Parliamentary Democracy
2. Rule of Law
3. Liberty and rights

Choose the correct answer using the codes below.

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

Solution: (a)

United Kingdom (UK) recently celebrated 800 years of signing of *Magna Carta* on 15 June 2015. The celebrations were for the 8 century year old historic document which had laid foundation for modern democratic society. The document had written promises between King John and his subjects mentioning that the king will govern England and deal with its people according to the customs of feudal law. *Magna Carta* had laid the first steps towards parliamentary democracy and the principle supremacy of law i.e. no one is above the law. It also laid the principle of balance of power between the governed and government. Its influence can be seen in other documents across the world including the UN Universal Declaration of Human Rights and on US Constitution and Bill of Rights. In case of India, its influence

also can be seen on Part III of constitution which contains fundamental rights, described as the *magna carta* of India which has been derived inspiration from Bill of Rights.

Q.174 How is a democracy helpful in ensuring equal rights for women?

- (a) Women are by-default given equal degree of political representation in legislatures in democracies.
- (b) Women in democracies cannot be subjected to sex discrimination in any aspect of social life by the very design of democratic institutions.
- (c) The principle of Rule of Law in most democracies reduces discrimination against women.
- (d) Women are given reservations in political institutions by the design of any democracy.

Solution: (c)

Justification: Rule of Law is Critical to Women's Empowerment and Sustainable Development. There is nothing in the default design of a democratic institution that can prevent discrimination against women. For e.g. many women were denied the right to vote in many democracies in the 1950s. But, rule of law ensures that what applies to men also applies to women. It depends on the progressive ideals of a state to enact progressive programs for women, and help them with positive discrimination.

Q.175 A Parliamentary Democracy cannot exist without

- (a) Direct election of the Members of Parliament
- (b) A Strong Centre
- (c) Bicameral Legislature
- (d) Accountability of the government to Parliament

Solution: (d)

Justification: Option (a): Even if the MPs are indirectly elected, a Parliament can be constituted, and government can be held accountable to the Parliament.

Option (b): Whether the Centre is strong, or states are completely autonomous, it does not make a difference for a Parliamentary democracy. However, it does affect the balance of power in the federation or Union.

Option (c): A bicameral legislature is required for a federal structure, not necessarily a Parliamentary democracy. Collective responsibility of the government (council of Ministers) to the legislature is the central feature of Parliamentary government.

Q.176 Consider the following examples:

1. King of Bhutan has declared that in future he will be guided by the advice given to him by elected representatives—Major decisions by elected leaders
2. The Indian Supreme Court held that the dissolution of Bihar assembly was unconstitutional—Free and fair electoral competition.
3. Political parties in Bangladesh have agreed that a neutral government should rule the country at the time of elections—Rule of law

Which of these examples is/are matched correctly with the features of a democracy?

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

Solution: (c)

Options 2 and 3 should be interchanged.

The ruling of Supreme Court denotes rule of law and non-arbitrariness is the functioning of democracy.

A neutral government during elections would promote free and fair electoral competition.

Q.177 Match the following examples correctly with the democratic principle involved.

1. The Dutch and the French community share power – Community government
2. The Panchayats and the state government in India share powers – Federal government
3. The Department of Personnel and Training and the Central administrative tribunal (CAT) share powers - separation of powers.

Choose the correct answer using the codes below:

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

Solution: (d)

Q.178 Explanation will again be the same as the previous question as we are dealing with the

same concept that has been properly explained previously. DoPT is an administrative agency (executive); CAT is a judicial body. Both deal with personnel matters. Hence the separation of powers.

- Q.179** In 2005, the Supreme Court has declared the Presidential Proclamation dissolving the Bihar Assembly as unconstitutional. Among the following, which democratic feature of Indian polity does this case safeguards?
- (a) Respect for Rights
 - (b) Rule of Law
 - (c) Right to Public office
 - (d) Universal Adult Franchise

Solution: (b)

Explanation: There is no 'right to public office' in a democracy. It is equality of opportunity in matters of public employment. So, option (c) is wrong.

There are no fundamental rights involved in adjudicating such cases. Option (a) is wrong.

Universal adult franchise was not affected in any way by the dissolution and the order of SC. Option (d) is wrong.

The SC held that dissolution was not as per the provisions of the constitution and illegal. Hence, safeguarding the assembly was the protection of rule of law. Option (b) is correct.

- Q.180** A Democracy's success can be measured by which of the following criteria?

1. Improving the quality of decision-making for the country.
2. Promoting equality among citizens.
3. Providing arenas and methods to resolve conflicts.
4. Enhancing the dignity of the individual

Choose the correct answer using the codes below:

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

Solution: (a)

- Q.181** In contrast to autocracy and authoritarianism, democracy generally tends to lead/result in which of the following?

1. High rate of economic growth
2. Economic equity
3. Sectarianism

Choose the correct answer using the codes below:

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

Solution: (d)

Evidence across history and countries, shows that democracies have generally have lower rates of economic growth than dictatorships. This is because of their collective decision-making structures and the number of filters, and tests that these decisions have to pass. Moreover, democracies often follow a middle path between the road to economic growth and environmental sustainability. This is to achieve economic equity and mete out justice to all sections of society.

- Q.182** Consider the following statements:

Assertion (A): Democracy remains democracy only as long as every citizen has a chance of being in majority at some point of time.

Reason (R): If someone is barred from being in majority at all points of time, on the basis of birth, caste, religion etc. then the democratic rule ceases to be accommodative for that person or group.

- Q.183** In the context of the statements above, which of these is correct?

- (a) A and R both are correct, and R is the correct explanation for A.
- (b) A and R both are correct, and R is NOT the correct explanation for A.
- (c) A is correct, R is incorrect.
- (d) A is incorrect, R is correct.

Solution: (a)

An example of this can be Sri Lanka. Even though it is a democratic state, the majoritarianism by the Sinhalese community has been threatening the very existence of a total integrated Sri Lankan state. The Sri Lankan tamils have been raising their voice both violently and non-violently for a long period of time. This has also resulted in a civil war. If they will be always denied a share in political power, SL can no longer be called a democracy.

- Q.184** Which of the following can be said to be an upcoming challenge for the Indian democracy?

1. Ensuring greater powers and responsibilities for local governments

2. Inclusion of women and minority groups in political institutions
3. Extension of the federal principle to all units of federation

Choose the correct answer using the codes below:

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

Solution: (d)

A democracy needs to deepen and widen in order to (a) include more left out groups in decision-making process; and (b) devolve more power to self-govern via decentralization of decision-making process. These two ensure greater democracy in the country. And this is the challenge most successful democracies will face in the coming years including India and U.S.

Extension of the federal principle means nothing but giving the local government similar autonomy and authority as that of the state governments in India.

Q.185 Power sharing is the very spirit of democracy. It is generally shared in the following ways.

1. Horizontally between different organs of the government
2. Vertically among governments at different levels
3. Among different social groups

Which of the above is practiced in the Indian democracy?

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

Solution: (d)

Refer to the section on Power sharing in the 1st chapter 10th Polity NCERT. The explanation is very long and it is suitable to refer to the NCERT directly.

Q.186 What can be the potential implications of power sharing in a democracy?

1. Promotes people's participation in the government
2. delays decision making process
3. decreases the possibility of arbitrariness

Choose the correct answer using the codes below:

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

Solution: (d)

Q.187 While dealing with social divisions, several adjustments have to be made in a democracy. In this context, which of the following statements is NOT true about democracy?

1. Democracy always leads to disintegration of society on the basis of social divisions.
2. In a democracy it is possible for communities to voice their grievances in a peaceful manner.
3. Social divisions get reflected in politics of a country because of the political competition in that country's democracy.

Choose the correct answer using the codes below:

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

Solution: (c)

Social divisions can be best accommodated in a democracy because every community has a say in the final outcome of a policy, law, rule, division of resources. Besides, it is all done through thoughtful, transparent and broad-based political negotiation.

While it is true that the politics of the day reflects these social divisions, it by no way means that it also exacerbates it. It can actually act as a binder and bring cohesion in divided social interests by acting as a bridge between them.

Q.188 Which of the following would definitely threaten the democracy of a socially and culturally diverse nation?

1. Existence of social differences.
2. Political expression of social differences.
3. Economic inequality

Choose the correct answer using the codes below:

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

Solution: (d)

Existence of stark social divisions, coupled with very high economic inequality and heavy politicization of the same, may threaten democracy. Mere existence of social differences or economic inequality does not threaten democracy. They are in fact part and parcel of any democratic nation's life. In fact, political expressions of social divisions like gender etc. help fight such divisions collectively.

Justice

Q.189 Social Justice is one of the ideals enshrined in the preamble of the Constitution. Which of the following are correct with regard to the social differences that occur in a society?

1. All kinds of social differences are based on accident of birth.
2. Some of the differences are based on our choices.
3. Every social difference does not lead to social division.
4. Democracy always leads to disintegration of society on the basis of social divisions.

Select the correct answer using the codes below

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

Solution: (a)

These social differences are mostly based on accident of birth. Normally we don't choose to belong to our community. We belong to it simply because we were born into it. We all experience social differences based on accident of birth in our everyday lives. People around us are male or female, they are tall and short, have different kinds of complexions, or have different physical abilities or disabilities.

But all kinds of social differences are not based on accident of birth. Some of the differences are based on our choices. For example, some people are atheists. They don't believe in God or any religion. Some people choose to follow a religion other than the one in which they were born. Most of us choose what to study, which occupation to take up and which games or cultural activities to take part in. All these lead to formation of social groups that are based on our choices.

Every social difference does not lead to social division. Social differences divide similar people from one another, but they also unite very different people. Democracy does 'not always' leads to disintegration of society on the basis of social divisions. Actually democracy is one of the best way to accommodate social diversity (as in India).

Q.190 Which of the following from the Constitution of India is/are specially relevant to Social Justice and Empowerment?

1. Preamble
2. First Schedule
3. Third Schedule
4. Fundamental Rights
5. Directive Principles of State Policy

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Statement 1: The words as enumerated "JUSTICE, social, economic and political; 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".

Statement 2: It talks about Indian states and Indian territory.

Statement 3: It contains forms of Oaths and affirmations for office holders.

Statement 4:

- A 23. Prohibition of traffic in human beings and forced labour
- A 24. Prohibition of employment of children in factories, etc.

Statement 5:

- A38. State to secure a social order for the promotion of welfare of the people
- A39 (only first part) – The State shall, in particular, direct its policy towards securing – (a) that the citizens, men and women equally, have the right to an adequate means of livelihood.

Equality

Q.191 Which of the following are NOT secured by the preamble of the Indian constitution to its citizens?

1. Social and economic equality
2. Political equality
3. Equality of opportunity

Select the correct answer using the codes below

- (a) Only 2 (b) 1 and 2
(c) Only 1 (d) None of the above

Solution: (b)

The preamble does not state that all Indian citizens will be socially, economically and politically equal. It merely states that there will be justice. And justice does not mean equality. It simply means what is fair and reasonable.

Equality of opportunity is mentioned in preamble.

Q.192 Which of the following provisions of the constitution ensure civic equality?

1. Equality of opportunity in matters of public employment
2. Abolition of titles
3. Freedom of speech and expression

Choose the correct answer using the codes below

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

Solution: (b)

Freedom of speech and expression is not a measure of civic equality but that of individual liberty. The other two ensure that citizens are treated without any special privileges.

Q.193 Which of the following provisions of the chapter on Fundamental Rights in the Constitution ensure civic equality?

1. Article 13 2. Article 14
3. Article 16 4. Article 19

Choose the correct answer using the codes below.

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

Solution: (a)

The Preamble secures to all citizens of India equality of status and opportunity. This provision embraces three dimensions of equality—civic, political and economic. The following provisions of the chapter on Fundamental Rights ensure civic equality:

- (a) Equality before the law (Article 14).
- (b) Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15).
- (c) Equality of opportunity in matters of public employment (Article 16).
- (d) Abolition of untouchability (Article 17).
- (e) Abolition of titles (Article 18).

1. There are two provisions in the Constitution that seek to achieve political equality. No person is to be declared ineligible for inclusion in

electoral rolls on grounds of religion, race, caste or sex (Article 325).

2. elections to the Lok Sabha and the state assemblies to be on the basis of adult suffrage (Article 326).

(5) UNION AND TERRITORY – PART 1

Q.194 The Constitution of India, in Article 1, describes India as a

- (a) Federation
- (b) Cooperative State
- (c) Union of States
- (d) Quasi-Federal Entity

Solution: (c)

Justification: Option A: The term ‘Federation’ has nowhere been used in the Constitution. So, A is clearly wrong.

In *S. R. Bommai v. UOI*, 1994 AIR 1918, however, the Supreme Court laid down that the Constitution is federal and characterised federalism as its ‘basic feature’.

1. Option C: Article 1, on the other hand, describes India as a ‘Union of States’ which implies two things: Indian Federation is not the result of an agreement by the states
2. no state has the right to secede from the federation.

Hence, the Indian Constitution has been variously described as ‘federal in form but unitary in spirit’, ‘quasi-federal’, ‘bargaining federalism’, ‘co-operative federalism’, etc.

Q.195 Consider the following statements.

1. ‘Territory of India’ is a wider expression than the ‘Union of India’ as the later includes only states while the former includes not only the states but also union territories and territories that may be acquired by the Government of India at any future time
2. India can acquire foreign territories according to the modes recognised by international law.
3. Parliament can establish new states that were not a part of the Union of India.

Choose the correct answer using the codes below.

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

Solution: (d)

Notably, the 'Territory of India' is a wider expression than the 'Union of India' because the latter includes only states while the former includes not only the states but also union territories and territories that may be acquired by the Government of India at any future time. The states are the members of the federal system and share a distribution of powers with the Centre. The union territories and the acquired territories, on the other hand, are directly administered by the Central government.

Being a sovereign state, India can acquire foreign territories according to the modes recognised by international law.

1. cession (following treaty, purchase, gift, lease or plebiscite)
2. occupation (hitherto unoccupied by a recognised ruler)
3. conquest or subjugation.

For example, India acquired several foreign territories such as Dadra and Nagar Haveli; Goa, Daman and Diu; Puducherry; and Sikkim since the commencement of the Constitution.

Notably, Article 2 relates to the admission or establishment of new states that are not part of the Union of India.

Article 3, on the other hand, relates to the formation of or changes in the existing states of the Union of India. In other words, Article 3 deals with the internal re-adjustment *inter se* of the territories of the constituent states of the Union of India.

Q.196 Consider the following statements:

1. The constitution does not contain any separate provisions for the administration of acquired territories.
2. There is no uniformity in the administrative system of the Union Territories even while they belong to a common category.

Which of these is/are true?

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

Solution: (c)

Q.197 Consider the following statements:

1. The provisions of the constitution do not allow the Union government to discriminate between states.

2. The Indian constitution permits the Indian government to acquire any foreign territory by even conquest or subjugation.

Which of these is/are correct?

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

Solution: (b)

Jammu and Kashmir is an exception to this rule. It has its own constitution and several laws and constitutional provisions are applicable to J&K only by the assent of the state.

India is a sovereign state. So it can acquire a foreign territory using any method, even tyrannical ones. Had it been a dominion, it could do so only by the permission of the ruling nation.

State Reorganization

Q.198 Article 3 of the Constitution authorizes the Parliament to

1. Increase or diminish the area of any state
2. Merge a state and Union Territory to form a new state
3. Grant special status to the newly created weak states

Choose the correct answer using the codes below.

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

Solution: (a)

Article 3 authorizes 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

Q.199 Which of the following is the competent authority to change the name of any State of India?

- (a) Concerned State Legislature
- (b) Governor concerned
- (c) Parliament
- (d) Union Home Minister

Solution: (c)

Learning: The Constitution authorizes the Parliament to form new states or alter the

areas, boundaries or names of the existing states without their consent.

The United Provinces was the first state to have a new name. It was renamed 'Uttar Pradesh' in 1950. In 1969, Madras was renamed 'Tamil Nadu'.

Q.200 Consider the following statements about the process of creation of new states.

1. A bill which intends to form a new state can be introduced in the Parliament only with the prior recommendation of the President.
2. Before the bill is approved by the Parliament, it refers the same to the state legislature concerned for expressing its views within a specified period.

Which of the above is/are correct?

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

Solution: (a)

Article 3 lays down two conditions in this regard:

1. a bill contemplating the above changes can be introduced in the Parliament only with the prior recommendation of the President
2. before recommending the bill, the President has to refer the same to the state legislature concerned for expressing its views within a specified period.

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.

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.

Q.201 Consider the following about the Parliament's power to reorganise the States?

1. A State reorganization bill can be introduced in the Parliament only with the prior recommendation of the President.
2. The Home Minister must send the bill to the Governor concerned for his ratification.
3. If a state legislature unanimously opposes reorganization of the state concerned, the bill is sent to the Supreme Court for a review.

Select the correct answer using the codes below.

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

Solution: (a)

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

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

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

Q.202 The Parliament can redraw the political map of India according to its will. Which of these arguments or statements support this view?

1. Parliament is not bound by the views of the 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 is/are correct?

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

Solution: (a)

Q.203 Which one of the following statements regarding the process of creation of new states by the Parliament is NOT correct?

- (a) The Parliament may by law form a new State and alter the boundaries or names of existing States.
- (b) A Bill to this effect cannot be introduced in the Parliament except on the recommendation of the President.
- (c) A Bill to this effect may be referred by the President to the Legislature of the affected State.
- (d) Such a law will fall under the purview of Article 368 meaning amendment of the constitution.

Solution: (d)

Justification: Creating a new state, increase in the area of any State; diminishing the area of any State; altering the boundaries of any State; alter the name of any State: all of these would give effect to some changes in the various entries of the constitution, yet, none of them is called a Constitution Amendment Act.

This means that just to increase, decrease areas, create a new state and alter name and boundaries is not required to bring a constitution amendment bill.

These changes are statutory changes affected by a law enacted by the parliament.

For example, Telangana was created by the Andhra Pradesh Reorganisation Bill, 2014 (Telangana).

Q.204 Consider the following statements about the Indian Parliament's power to reorganize states:

1. Any bill for reorganization of the states can only be introduced with prior Presidential recommendation.
2. The bill for reorganization of state(s) must be referred to the concerned state(s) every time it is amended.
3. The Parliament can destroy any Indian state by diminishing its territorial area to zero.

Which of these is/are true?

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

Solution: (c)

The Indian parliament can destroy any state except the J&K. Even to alter its name or area it would need the consent of the J&K state legislature.

Referring the bill to the state legislature more than once is a discretionary power of the President. He may or may not do it every time the bill is amended.

Evolution of States & Union Territories

Q.205 JVP committee (Jawaharlal Nehru–Vallabhbhai Patel–Pattabhi Sitaramayya) is associated with

- (a) Integration of princely states with India
- (b) Reorganization of states on linguistic basis
- (c) Reservation concerns for minority communities
- (d) Regressive religious provisions in colonial Indian laws

Solution: (b)

Learning: The integration of princely states with the rest of India has purely an ad hoc arrangement. There was a demand from

different regions, particularly South India, for reorganisation of states on linguistic basis.

- Accordingly, in June 1948, the Government of India appointed the Linguistic Provinces Commission under the chairmanship of S. K. Dhar to examine the feasibility of this.
- The commission submitted its report in December 1948 and recommended the reorganisation of states on the basis of administrative convenience rather than linguistic factor.
- This created much resentment and led to the appointment of another Linguistic Provinces Committee by the Congress in December 1948 itself to examine the whole question afresh.
- As discussed earlier that three of contemporary stalwarts of Indian Politics were associated with this committee.
- It submitted its report in April 1949 and formally rejected language as the basis for reorganisation of states.
- However, in October 1953, the Government of India was forced to create the first linguistic state, known as Andhra state, by separating the Telugu speaking areas from the Madras state.

Q.206 Which of the following regions were integrated by referendum in India?

1. Hyderabad 2. Junagarh
3. Sikkim 4. Nagaland

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Hyderabad was integrated by means of police action whereas Junagarh and Sikkim (Sikkim later in 1974) by means of referendum. Kashmir was integrated by an instrument of accession. Nagaland was part of Indian Union later separated from Assam.

Q.207 Consider the following statements with reference to Goa

1. In January 1967, the Central Government held a special 'opinion poll' in Goa asking people to decide if they wanted to be part of Maharashtra or remain separate.

- This was the only time in independent India that a referendum-like procedure was used to ascertain people's wishes on a subject.
- In 1967, Goa became a State of the Indian Union.

Which of the statements given above is/are incorrect?

- (a) 3 Only (b) 1 and 2 Only
(c) 2 and 3 Only (d) None

Solution: (a)

Goa's liberation

Although the British empire in India came to an end in 1947, Portugal refused to withdraw from the territories of Goa, Diu and Daman which were under its colonial rule since the sixteenth century. During their long rule, the Portuguese suppressed the people of Goa, denied them civil rights, and carried out forced religious conversions. After India's Independence, the Indian government tried very patiently to persuade the Portuguese government to withdraw. There was also a strong popular movement within Goa for freedom. They were strengthened by socialist *satyagrahis* from Maharashtra. Finally, in December 1961, the Government of India sent the army which liberated these territories after barely two days of action. Goa, Diu and Daman became Union Territory.

Another complication arose soon. Led by the Maharashtrawadi Gomanatak Party (MGP) one section desired that Goa, as a Marathi speaking area should merge with Maharashtra. However, many Goans were keen to retain a separate Goan identity and culture, particularly the Konkani language. They were led by the United Goan Party (UGP). In January 1967, the Central Government held a special 'opinion poll' in Goa asking people to decide if they wanted to be part of Maharashtra or remain separate. This was the only time in independent India that a referendum-like procedure was used to ascertain people's wishes on a subject. The majority voted in favour of remaining outside of Maharashtra. Thus, Goa continued as a Union Territory. Finally, in 1987, Goa became a State of the Indian Union.

Q.208 Consider the following statements.

- Manipur and Tripura were Union Territories (UTs) that later gained statehood.
- Meghalaya was initially declared as an 'autonomous state' by a constitutional amendment, which later gained full statehood.
- Sikkim gained Indian statehood before Nagaland and Arunachal Pradesh gained statehood.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: In 1963, the State of Nagaland was formed by taking the Naga Hills and Tuensang area out of the state of Assam. This was done to satisfy the movement of the hostile Nagas. In 1972, the political map of Northeast India underwent a major change.

- two Union Territories of Manipur and Tripura
- Sub- State of Meghalaya got statehood
- the two union territories of Mizoram and Arunachal Pradesh (originally known as North-East Frontier Agency—NEFA) came into being.

Statement 2: Initially, the 22nd Constitutional Amendment Act (1969) created Meghalaya as an 'autonomous state' or 'sub-state' within the state of Assam with its own legislature and council of ministers.

Statement 3: In 1974, Sikkim expressed its desire for greater association with India. Accordingly, the 35 th Constitutional Amendment Act (1974) was enacted by the parliament. So, it gained statehood after Nagaland and Arunachal Pradesh, statement 3 is wrong.

(6) CITIZENSHIP – PART II — ARTICLE 5–11

Q.209 In India, the concept of single citizenship is adopted from

- (a) England (b) U.S.A.
(c) Canada (d) France

Solution: (a)

Q.210 Consider the following statements.
Assertion (A): The constitution does not contain any provisions with regard to citizenship of India.

Reason (R): The issue of citizenship was considered by Parliament for the first time only after the Indo-China war 1962.

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

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

Solution: (d)

Justification: 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. But, it identifies the persons who became citizens of India at its commencement (i.e., on January 26, 1950). So, A is incorrect.

However, 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.

Accordingly, the Parliament has enacted the Citizenship Act, 1955, which has been amended in 1986, 1992, 2003 and 2005. So, clearly R is incorrect.

Q.211 Consider the following statements about Citizenship in India:

- 1. The criteria for Citizenship can be amended by a simple majority in the Parliament.
- 2. An Indian citizen can voluntarily relinquish citizenship.

Which of these is/are true?

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

Solution: (c)

The criteria for citizenship are mentioned both in the constitution and in the laws enacted by the parliament.

Q.212 In India the provision of double citizenship

- (a) is provided to a select class of foreign investors on strategic grounds

- (b) applies to all Indian diplomats serving outside India
- (c) applies to minors of Indian diplomats born outside India
- (d) does not exist as Indian laws and constitution provides for only single citizenship

Solution: (c)

Although Indian constitution and law do not provide for double citizenship normally, the provision of dual citizenship is only applicable to those children of diplomats who were born outside India.

Children of foreign diplomats, who are born in India, are also given dual citizenship till the period of their parent's service in India.

Q.213 Consider the following statements:

- 1. A person who was born on 26th January, 1951 in Rangoon, whose father was a citizen of India by birth at the time of his birth is deemed to be an Indian citizen by descent.
- 2. A person who was born on 1st July, 1988 in Itanagar, whose mother is a citizen of India at the time of his birth but the father was not, is deemed to be a citizen of India by birth.

Which of the statements given above is/are correct? [CDS 2009]

- (a) I only
- (b) II only
- (c) Both I and II
- (d) Neither I nor II

Solution: (c)

Q.214 Consider the following statements.

- 1. In India citizens by birth as well as a naturalised citizen are eligible for the office of President.
- 2. Foreigners staying in India do not have to oblige to the fundamental duties.
- 3. The Constitution does not prescribe any qualifications for citizenship.

Choose the correct answer using the codes below.

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

Solution: (a)

In India both a citizen by birth as well as a naturalised citizen are eligible for the office of President while in USA, only a citizen by birth and not a naturalised citizen is eligible for the office of President.

Q.215 According to the Citizenship Act, 1955 the PIOs will get which of the following benefits?

1. Exemption from appearing before the local police station after every visit
2. Life-long Indian visa facility
3. Acquire property in India except agricultural/plantations.

Choose the correct answer using the codes below:

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

Solution: (d)

Key amendments

- Citizenship Act will give them benefits like life-long visa and exemption from appearing before the local police station on every visit etc.

Q.216 With reference to Indian citizenship and related laws, consider the following statements

1. At present two year continuous stay in India is mandatory for Indian Citizenship
2. The Indian Citizenship Act, 1955 provides for acquisition, termination, deprivation, determination of Indian Citizenship and other related aspects
3. Under the Citizenship act, a minor, whose parents are Indian Citizens, can register as Overseas Citizen of India (OCI)

Which of the above statements is/are correct?

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

Solution: (d)

Q.217 Indian citizenship of a person can be terminated if:

1. a person voluntarily acquires the citizenship of some other country.
2. a person who has become a citizen through registration is sentenced to imprisonment for not less than 10 years within five years of his registration.
3. the Government of India is satisfied that citizenship was obtained by fraud.
4. a person who is a citizen by birth indulges in trade with an enemy country during war.

- (a) I and III (b) I, II and III
(c) I, III and IV (d) I, II, III and IV

Solution: (c)

(7) FUNDAMENTAL RIGHTS – PART III – ARTICLE 12–35

Q.218 Which of the following is the most appropriate description of Fundamental Rights?

- (a) All rights that an individual should have to lead a perfect life.
- (b) All the rights given to citizens by law.
- (c) The rights given and protected by the Constitution.
- (d) The rights given by the Constitution that cannot be restricted on any ground.

Solution: (c)

Explanation: No option given here is an exact definition of fundamental rights. You should use elimination in such cases.

Option (a) is incorrect as fundamental rights do not envisage a perfect life; Directive Principles may do so in a sense.

Option (b) is also incorrect, as fundamental rights are generally given by the Constitution.

Option (d) is incorrect because fundamental rights can be restricted on grounds of national security, moral order, safety, etc.

Most appropriate here is option (c).

Learning: The Fundamental Rights are defined as basic human freedoms that every Indian citizen has the right to enjoy for a proper and harmonious development of personality. These rights universally apply to all citizens, irrespective of race, place of birth, religion, caste or gender.

These include individual rights common to most liberal democracies, such as equality before law, freedom of speech and expression, and peaceful assembly, freedom to practice religion, and the right to constitutional remedies for the protection of civil rights by means of writs such as habeas corpus. Violation of these rights result in punishments as prescribed in the Indian Penal Code or other special laws, subject to discretion of the judiciary.

Q.219 Which of the following statements is true concerning the fundamental rights in India?

1. They promote the idea of political democracy
2. They operate as limitation on the powers of the state.

Choose the correct answer using the codes below

- (a) Only 1 (b) Only 2
(c) Both (d) None

Solution: (c)

Q.220 The Fundamental Rights promote the idea of political democracy as

1. They limit the authority of the Central government.
2. They secure vital political rights to the citizens of India.

Which of the above is/are correct?

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

Solution: (c)

Justification: They 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.

Statement 2: Rights such as equality to contest for political office, right against discrimination, etc. show the political and social equality of citizens.

Learning: 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.

However, the 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 can also be suspended during the operation of a National Emergency except the rights guaranteed by Articles 20 and 21.

Q.221 Which of the following prevent the establishment of an authoritarian and despotic rule in the country, operate as limitations on the arbitrary laws of the legislature and protect the liberties of the people against the invasion by the State?

- (a) Directive Principles of State Policy
(b) Fundamental Duties
(c) Federal Structure of India
(d) Fundamental Rights enshrined in the Constitution

Solution: (d)

Learning: The Fundamental Rights are meant for promoting the ideal of political democracy. They operate as limitations on the tyranny of the executive and arbitrary laws of the legislature. In short, they aim at establishing 'a government of laws and not of men'.

The Fundamental Rights are named so because they are guaranteed and protected by the Constitution, which is the fundamental law of the land. They are 'fundamental' also in the sense that they are most essential for the allround development (material, intellectual, moral and spiritual) of the individuals.

Q.222 The Fundamental Rights under the Indian Constitution have often been referred to as the 'conscience' of the Indian Constitution.

They help guard

1. Against the misuse of State power
2. The rights of minorities against the majority

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: Fundamental Rights protect citizens against the arbitrary and absolute exercise of power by the State. For example, the right to free speech also includes the right to criticize the government; the right to life and liberty means the state cannot take away one life without a valid law. Statement 2: For example, Articles 29-30 provide minorities with a right to conserve their religion and cultural heritage. In Niyamgiri Hills in Odisha (a tribal region), SC declared Vedanta mining as *ultra vires* the constitution since it polluted the hill which was considered as sacred by the tribals. So, option 2 is correct.

Q.223 Fundamental rights form an integral part of Constitution of India. Which of the following is/are correct?

1. Fundamental Rights are referred to as the conscience of the Indian Constitution.
2. Fundamental Rights protect citizens against the arbitrary and absolute exercise of power by the State.
3. The Constitution guarantees the rights of the individual against the State but not against Other individuals.

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

Solution: (a)

The Constitution of India guarantees the rights of the individual against the State as well as against other individuals.

Q.224 Which of the following articles (provisions) of the Indian Constitution provides a safeguard against the excesses of the legislature and the executive?

1. Article 13 2. Article 19
 3. Article 21 4. Article 32

Choose the correct answer using the codes below.

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

Solution: (d)

Article 13 gives Judiciary the power to review legislative acts and administrative rules.

Article 19 gives citizens the freedom of free speech, expression, etc. which can be used to expose the wrongdoings of the government.

Article 21 safeguards the lives of the citizens against arbitrary executive action.

Article 32 gives judiciary the power to correct excesses that have led to the violation of the fundamental rights of a citizen by the state.

Q.225 Consider the following about fundamental rights.

1. They are not available against the action of private individuals.
2. They can be available only to citizens and not to legal or commercial entities.

Which of the above is/are correct?

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

Solution: (d)

Justification: Statement 1: They are available against the actions of private individuals, for e.g. right against untouchability. So, 1 is clearly wrong.

Statement 2: It is wrong. For e.g. media enjoys the right against government censorship as a part of Article 19 – Freedom of Speech and Expression.

Q.226 Fundamental rights in the constitution are available against the arbitrary action of

1. The State
2. Private individuals in some cases
3. Societies and associations
4. International agencies

Choose the correct answer using the codes below.

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

Solution: (b)

Q.227 The guarantor and defender of the fundamental rights of the Indian citizens is the

- (a) President of India
 (b) Parliament
 (c) Supreme Court of India
 (d) National Human Rights Commission

Solution: (c)

Learning: The Supreme Court is a federal court, the highest court of appeal, the guarantor of the fundamental rights of the citizens and the guardian of the Constitution. Under Article 32 of the constitution, a citizen can approach the Supreme Court in case of infringement of fundamental rights.

The SC can enforce the fundamental right by issuing orders to the concerned authority.

NHRC only investigates cases of human rights violations; it is not the guarantor of fundamental rights.

Q.228 Which of the following institutions can expand and increase the scope of fundamental rights in the constitution?

1. President of India
2. Supreme Court
3. High Court
4. Parliament
5. National Human Rights Commission

Select the correct answer using the codes below.

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

Solution: (b)

Explanation: In matters of constitutional amendment (e.g. amending fundamental right), the President is a mere rubber stamp. He cannot disagree or send back any constitutional amendment. He must sign it.

Statement 1 is this incorrect.

Alongwith SC, HCs also interpret and expand fundamental rights. For e.g. Delhi HC gave a judgment on Lesbian, Gay, Bisexual,

and Transgender (LGBT) community, by declaring section 377 IPC as unconstitutional. SC has expanded the meaning of Right to life and liberty (Article 21) which now also covers Right to a safe environment, Right to Dignity etc – all this without any formal amendment of the constitution. Statement 2 and 3 are thus correct.

Parliament can directly amend the constitution and expand the scope of fundamental rights. So, statement 4 is also correct.

National Human Rights Commission (NHRC) does not have such powers. At the most it may recommend the government some steps to improve the situation of human rights in the country. So, statement 5 is incorrect.

International Covenant

Q.229 International Covenant on Civil and Political Rights (ICCPR) does NOT cover which of these rights?

- (a) Freedom of speech
- (b) Right to livelihood and employment
- (c) Freedom of religion
- (d) Right to a fair trial

Solution: (b)

Learning: It is a multilateral treaty adopted by the UNGA in 1966.

- It commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial.
- The ICCPR is part of the International Bill of Human Rights, along with the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Declaration of Human Rights (UDHR).
- The ICCPR is monitored by the United Nations Human Rights Committee (a separate body to the United Nations Human Rights Council), which reviews regular reports of States parties on how the rights are being implemented.
- States must report initially one year after acceding to the Covenant and

then whenever the Committee requests (usually every four years).

- India is a party to the convention.

Q.230 The minimum age at which an Indian citizen becomes eligible to join a trade Union is

- (a) 15 years of age or above
- (b) Adulthood reached at 18 years or above
- (c) At least 21 years of age
- (d) At least 35 years of age

Solution: (a)

Learning: The right to form trade unions and become its members are available to all Indian citizens who are legally eligible to work, i.e. children above 15 years of age.

Since constitution does not bar their participation in work, it doesn't ban their participation in trade unions as well.

Statistics on Trade Unions are collected annually by the Labour Bureau of the Ministry of Labour, Government of India.

Q.231 Which of the following fundamental rights can be enjoyed without any restrictions imposed by the state?

1. Right to move the courts for issuance of writs
2. Protection against forced or bonded labour
3. Prohibition of employment of children under 14 years in hazardous industries

Choose the correct matches from the codes given below:

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

Solution: (b)

Right to move the courts can be suspended during an emergency by the state. The other two are enjoyed unqualified in every circumstance.

Q.232 Which of the following fundamental rights are denied to foreigners staying in India, but granted to Indian citizens?

1. Freedom of speech and expression.
2. Right against racial discrimination.
3. Equality before law.
4. Right to elementary education

Select the correct answer using the codes below

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

Solution: (b)

In the eyes of the law, the foreigner and the Indian is alike. However, the offence for which both can be convicted and tried can be different. For e.g. a foreigner is not entitled to free speech or protection against racial discrimination.

FR Available to Citizens & Aliens

Q.233 The Constitution confers which of the following rights and privileges on the citizens of India, and denies the same to aliens?

1. Cultural and educational rights
2. Right to freedom
3. Right against exploitation
4. Right to equality of opportunity

Choose the correct answer using the codes below.

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

Solution: (d)

The following are denied to foreign citizens, also called aliens:

1. Right against discrimination on grounds of religion, race, caste, sex or place of birth (Article 15)
2. Right to equality of opportunity in the matter of public employment (Article 16)
3. Right to freedom of speech and expression, assembly, association, movement, residence and profession (Article 19)
4. Cultural and educational rights (Articles 29 and 30)
5. Right to vote in elections to the Lok Sabha and state legislative assembly
6. Right to contest for the membership of the Parliament and the state legislature
7. 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.

Q.234 The Constitution confers which of the following rights and privileges on the citizens of India but denies the same to aliens?

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

Select the correct answer using the codes below.

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

Solution: (c)

Q.235 Which of the following fundamental rights are conferred to Indian citizens but not foreign citizens living in India?

1. Right against discrimination on grounds of religion
2. Right to conserve one's culture
3. Right to Life and Liberty
4. Right to freedom of speech and expression

Select the correct answer using the codes below.

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

Solution: (b)

FR Available to Citizens

Q.236 In the context of India, the Fundamental Rights include:

1. Right against forced labour
2. Protection of linguistic rights of the minorities only.
3. Protection of religious rights of the minorities only.
4. Right to constitutional remedies

Which of the statements is/are correct?

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

Solution: (a)

Q.237 Consider the following instances with regard to exercise of a fundamental right?

1. Men and women under Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) program get the same salary
2. Parents property is inherited by their children
3. Workers from Bihar go to the Maharashtra in search of job
4. Christian missions set up a chain of missionary schools and allure other persons to convert to Christianity.

Which of the statements is/are correct?

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

Solution: (b)

Men and women under MGNREGA program get the same salary- Right to Equality, the government shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. All citizens have equality of opportunity in matters relating to employment or appointment to any position in the government. No citizen shall be discriminated against or made ineligible for appointment.

Parents property inherited by their children is not a fundamental right.

Workers from Bihar go to the Maharashtra in search of job comes under right to freedom. As citizens we have the freedom to travel to any part of the country. We are free to reside and settle in any part of the territory of India.

Christian missions can set up a chain of missionary schools (this comes under Right to Freedom of Religion) but cannot allure other persons to convert to Christianity. Every person has a right to profess, practice and propagate the religion he or she believes in. Every religious group or sect is free to manage its religious affairs. A right to propagate one's religion, however, does not mean that a person has right to compel another person to convert into his religion by means of force, fraud, inducement or allurements. Of course, a person is free to change religion on his or her own will.

- Q.238** Consider the following matches of situations and the fundamental rights that they violate.
1. A 9 year old girl child is working in a firecracker factory—Right to equality
 2. If a politician in one state decides to not allow labourers from other states to work in his state—Right to freedom of movement
 3. If the government censors a newspaper unreasonably—Right to equality before law

Select the correct matches from the above.

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

Solution: (d)

Explanation & Learning: Statement 1 violates the Right against exploitation, as it involves child labour, whether of a girl or a boy.

Statement 2 violates the right to equal opportunity to public employment. Understand that the movement of the labourers was not restricted, only their employment was restricted.

Statement 3 violates the Right to Freedom of Speech and Expression. Press censorship goes against it.

- Q.239** Which of the following are Fundamental Rights under Part III of the constitution of India?

1. Right to vote
2. Right to Education
3. Right to information

Choose the correct answer using the codes below:

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

Solution: (b)

Right to vote is a constitutional right mentioned in Article 326 of the constitution. This is outside part III of the constitution.

Right To Information and has been given the status of a fundamental right under Article 19(1) of the Constitution. Article 19 (1) under which every citizen has freedom of speech and expression and have the right to know how the government works, what role does it play, what are its functions and so on.

- Q.240** Which of the following is/are fundamental rights provided by the Constitution of India?

1. No person shall be deprived of his property save by the authority of law.
2. All linguistic and religious minorities shall have the right to establish and administer educational institutions of their choice.

Which of the above is/are correct?

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

Solution: (b)

Justification: Statement 1: It is a legal right only and was stripped of its status as a constitutional right long back.

Statement 2: These are minority rights under the broader framework of Articles 25-30 that protect religious rights, safeguards minorities, their culture and heritage.

- Q.241** Which of the following fundamental rights are found under the Indian constitution as well as the UN acknowledged human rights?

1. All are equal before the law and are entitled without any discrimination to equal protection of the law.
2. No one shall be subjected to arbitrary interference with his privacy.
3. Right to freedom of thought, conscience and religion.

Choose the correct answer using the codes below:

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

Solution: (d)

Refer to <http://www.un.org/en/universal-declaration-human-rights/index.html>

Q.242 Consider the following statements with reference to Fundamental Rights provided in Constitution of India:

1. The Motilal Nehru committee had demanded a bill of rights as far back as in 1928.
2. Sometimes a person can be arrested simply out of an apprehension that he or she is likely to engage in unlawful activity.
3. Right to Strike is a Fundamental Right.
4. The government can impose restrictions in certain areas declaring the assembly of five or more persons as unlawful.

Which of the statements given above is/are correct?

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

Solution: (c)

Ordinarily, a person would be arrested after he or she has reportedly committed some offence. However there are exceptions to this.

Sometimes a person can be arrested simply out of an apprehension that he or she is likely to engage in unlawful activity and imprisoned for some time without following the above mentioned procedure. This is known as preventive detention. It means that if the government feels that a person can be a threat to law and order or to the peace and security of the nation, it can detain or arrest that person.

The government can impose restrictions in certain areas declaring the assembly of five or more persons as unlawful. Freedom to assemble too is to be exercised peacefully and without arms.

Right to demonstration or picketing can be a Fundamental Right but not right to strike.

Reference : Page 35 (Indian Constitution at Work Class XI)

Q.243 Below are the instances where government has taken certain steps or the individuals or the society have taken certain actions. Which of the following is/are violation of Fundamental Rights?

1. The district court has banned the use of loudspeakers by the temples, mosques, and gurudwaras after 10 pm.
2. Karnataka society runs Kannada medium schools outside Karnataka.
3. A director makes a documentary film that criticises the policies of the government.

Select the correct answer using the codes below:

- (a) 1 Only (b) 2 and 3 Only
(c) 1 and 3 Only (d) None

Solution: (d)

Banning of loudspeaker after 10 pm is in the interest of the larger public good, else this would lead to sound pollution (loud speakers also disrupt people's peace and concentration). Hence this ban by the district court does not violate fundamental right.

All linguistic minorities can set up their own educational institutions to preserve and develop their own culture. Thus the Karnataka Society has every right to run Kannada medium schools outside Karnataka.

A director makes a documentary film that criticises the policies of the government. In this situation the freedom of expression is being used.

Q.244 Which of the following can NOT be forced on Indian citizens?

1. Singing national anthem
2. Showing allegiance to all national sports teams
3. Healthy habits like regulated diets, exercise and Yoga

Choose the correct answer using the codes below.

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

Solution: (d)

This issue was in news because of government planning to introduce Yoga in

school curriculums; and some Indian cricket fans being booked for sedition for supporting Pakistani cricket team. We enjoy Right to freedom of Speech, Expression, Movement, belief and so on. All of the activities, if forced, in some way or the other violate these fundamental rights. A law that makes these compulsory can be challenged in Supreme Court or High courts.

- Q.245** In India, all citizens irrespective of the state in which they are born or reside enjoy the same political and civil rights of citizenship all over the country and no discrimination is made between them excepting in few cases in
1. Tribal areas
 2. State of J&K
 3. Areas mentioned under Article 371 of the Constitution

Choose the correct answer using the codes below.

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

Solution: (d)

In tribal areas, fifth and sixth schedule give them greater autonomy, more political rights and a different political structure alongwith regular special incentives from the Union and State governments. In J&K, acts like AFSPA, different constitution, special category status, Article 370 of the constitution, etc. create a difference in the status of citizens.

Article 371 contains special provisions for Maharashtra and Gujarat. Then follow a stream of special provisions, including Articles 371A (for Nagaland), 371B (Assam), 371C (Manipur), 371D and E (Andhra Pradesh), 371F (Sikkim), 371G (Mizoram), 371H (Arunachal Pradesh), and 371(I) (Goa).

- Q.246** The application of fundamental rights to the citizens can be restricted in which of the following situations?
1. President's rule
 2. Financial emergency
 3. Martial Law
 4. Internal emergency

Choose the correct answer using the codes below.

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

Solution: (b)

FRs can be suspended during the operation of a National Emergency except the rights guaranteed by Articles 20 and 21. Further, the six rights guaranteed by Article 19 can be suspended only when emergency is declared on the grounds of war or external aggression (i.e., external emergency) and not on the ground of armed rebellion (i.e., internal emergency).

Their application can be restricted while martial law is in force in any area. Martial law means 'military rule' imposed under abnormal circumstances to restore order (Article 34). It is different from the imposition of national emergency.

Definition of State

- Q.247** The term 'State' has been used in different provisions concerning the fundamental rights against which the citizens are protected. 'State' can include which of the following?

1. A Public Sector Undertaking
2. District Planning Committee
3. A Private party under a Public Private Partnership (PPP) contract with the government

Choose the correct answer using the codes below.

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

Solution: (d)

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.

Q.248 The term 'State', when used in the context of India, refers most appropriately to which of the following?

- (a) Government of India at all federal levels
- (b) Territory of India including Union territories and other occupied areas
- (c) The Political institution that represents sovereign people of India occupying a definite territory
- (d) Any institution that ultimately works towards public welfare

Solution: (c)

Learning: The term 'State' as such does not refer to state governments.

- Rather when we use State, we are trying to distinguish it from 'government'.
- 'Government' is responsible for administering and enforcing laws. The government can change with elections.
- The State on the other hand refers to a political institution that represents a sovereign people who occupy a definite territory. We can, thus, speak of the Indian State, the Nepali State, etc.
- The Indian State has a democratic form of government. The government (or the executive) is one part of the State. The State refers to more than just the government and cannot be used interchangeably with it.

Q.249 The term 'state government' does NOT refer to
1. The State High courts
2. State Human Rights Commission
3. State legislature

Choose the correct answer using the codes below:

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

Solution: (d)

Government is formed from the legislature. So the whole legislature can NOT be called the government. State judiciary and human rights commission keep a check on the

activities of the government. They can not be a part of the state government.

Article 13

Q.250 The Source of power of "judicial review" in the constitution flows from

- (a) The doctrine of separation of power between legislature and judiciary
- (b) The authority of the Supreme Court and High courts to issue writs (Article 32 and 226)
- (c) Article 13 of the Constitution
- (d) The Basic structure of the Constitution

Solution: (c)

Article 13 declares that all laws that are inconsistent with or in derogation of any of the fundamental rights shall be void. In other words, it expressly provides for the doctrine of judicial review. This "power" (not source of power, read carefully) has been conferred on the Supreme Court (Article 32) and the high courts (Article 226) that can declare a law unconstitutional and invalid on the ground of contravention of any of the Fundamental Rights. Thus, not only a legislation but any of the above can be challenged in the courts as violating a Fundamental Right and hence, can be declared as void.

Right to Equality – Articles 14, 15, 16, 17 and 18

Q.251 Which of the following come under the ambit of the Right to Equality in the Constitution?

- 1. Abolition of titles
- 2. Abolition of economic inequality
- 3. Protection of language and culture of the Minorities

Choose the correct matches from the codes given below:

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

Solution: (c)

Abolition of economic inequality nowhere mentioned in the constitution. At most in the Directive Principles, it says that economic inequalities should be minimized.

Q.252 The Right to Equality provided in the Constitution covers which of the following fundamental rights?

1. All persons are equal before the law.
2. The State cannot discriminate arbitrarily in matters of employment.
3. All citizens are entitled to move freely anywhere in the Indian Territory.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 3 comes under the Right to Freedom (Article 19).

The Right to Equality (Articles 14-18) covers several fundamental rights.

- This right means that all persons shall be equally protected by the laws of the country.
- It also states that no citizen can be discriminated against on the basis of their religion, caste or sex.
- Every person has access to all public places including playgrounds, hotels, shops etc.
- The practice of untouchability has also been abolished by the Right to Equality.
- The State cannot discriminate against anyone in matters of employment. But there are exceptions to this ex: taking claims of SC and ST

Q.253 If an Indian citizen is denied a public office because of his religion, which of the following Fundamental Rights is denied to him?

- (a) Right to Freedom
(b) Right to Equality
(c) Right to Freedom of Religion
(d) Right against Exploitation

Solution: (b)

Q.254 The expression 'Creamy layer' used in the judgement of the Supreme Court relating to the case regarding reservations refers to:

- (a) those sections of the society which pay income tax
(b) those sections of socially and educationally backward classes of the society that are developed

(c) those sections of the society that are considered advanced according to the Karpuri Thakur formula

(d) all sections of the upper castes of the society

Solution: (b)

Creamy layer is a term used in Indian politics to refer to the relatively forward and better educated members of the Other Backward Classes (OBCs) who are not eligible for government-sponsored educational and professional benefit programs. The term was introduced by the *Sattanathan Commission* in 1971, which directed that the "creamy layer" should be excluded from the reservations (quotas) of civil posts.

Q.255 Rule of law in Article 14 of the Constitution implies that

1. The state cannot treat citizens differently with respect to the same law.
2. The state cannot punish citizens except for violating the law.
3. The state cannot confer any special socio-economic privilege on any individual.

Choose the correct answer using the codes below.

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

Solution: (c)

The concept of 'equality before law' is an element of the concept of 'Rule of Law', propounded by A.V. Dicey, the British jurist. His concept has the following three elements or aspects:

1. Absence of arbitrary power, that is, no man can be punished except for a breach of law.
2. Equality before the law, that is, equal subjection of all citizens (rich or poor, high or low, official or non-official) to the ordinary law of the land administered by the ordinary law courts.
3. The primacy of the rights of the individual, that is, the constitution is the result of the rights of the individual as defined and enforced by the courts of law rather than the constitution being the source of the individual rights. The first and the second elements are applicable to the Indian System and not the third one. In the Indian

System, the constitution is the source of the individual rights.

(1) Article 14

- Q.256** 'Equal Protection of Laws' granted under Article 14 of the Constitution may imply
- No person is above the law.
 - Equal treatment of equals under the law.
 - Absence of arbitrary power with the state.
 - The society operates on laws.

Solution: (b)

Justification: 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.

- Q.257** Article 14 of the constitution says that the State shall not deny to any person —equality before the law|| or the —equal protection of the laws|| within the territory of India. Which of the following would come under —equal protection of the laws||?
- The equal subjection of all persons to the ordinary law of the land administered by ordinary law courts.
 - Similar application of the same laws to all persons who are similarly situated
 - Equality of opportunity to all under the laws made by the Parliament

Choose the correct answer using the codes below.

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

Solution: (a)

The term connotes:

- the equality of treatment under equal circumstances, both in the privileges conferred and liabilities imposed by the laws
- the similar application of the same laws to all persons who are similarly situated
- the like should be treated alike without any discrimination.

Thus, the former is a negative concept while the latter is a positive concept. However, both

of them aim at establishing equality of legal status, opportunity and justice.

The Supreme Court held that where equals and unequals are treated differently, Article 14 does not apply.

Equality of opportunity is a different fundamental right under Article 16.

- Q.258** Article 14 of the Constitution forbids class legislation. What is implied by this?

- Laws that discriminate between people based on unreasonable classification stand void.
- Class legislation applies only to private individuals.

Which of the above is/are correct?

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

Solution: (a)

Justification: Statement 2: Article 14 says that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. This provision confers rights on all persons whether citizens or foreigners.

Moreover, the word 'person' includes legal persons, viz., statutory corporations, companies, registered societies or any other type of legal person. So, 2 is wrong.

Statement 1: The Supreme Court held that where equals and unequals are treated differently, Article 14 does not apply. While Article 14 forbids class legislation, it permits reasonable classification of persons, subjects and transactions by the law. But the classification should not be arbitrary, artificial or evasive. Rather, it should be based on an intelligible differential and substantial distinction.

For e.g. a special law can be made for transgender as this classification is reasonable and just, but classification made solely on grounds of financial or economic status may be challenged in the courts for being based in unreasonable classification.

(2) Articles 15 and 16

- Q.259** Which of the following is implied by the Right to Equality given under the Indian Constitution?

1. All citizens will be treated alike by the state irrespective of their social circumstances.
2. There will be no unreasonable discrimination for citizens in participation for public offices.
3. Same legal provisions apply on all citizens irrespective of their social or political stature.

Select the correct answer using the codes below.

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

Solution: (d)

Explanation: All citizens are not treated alike by the state. For e.g. disabled and transgender are provided reservation in public jobs and social security. This is much greater than that provided to normal public. There are numerous examples of positive discrimination (SCs, STs, women etc.). Therefore, statement 1 is incorrect.

The state can discriminate reasonably when it comes to public employment. For e.g. a state government can prescribe domicile requirement for local jobs. But, unreasonable discrimination (e.g. on the basis of religion) is not allowed. So, statement 2 is correct.

Same legal provisions do not apply to all citizens. For e.g. women cannot be called to police station for inquiry in night; men can be. Punishment for sexual abuse is more severe for a civil servant than for a normal citizen. Take another example, civil servants cannot be dismissed without giving them a chance to be heard. The same is not true for all government employees. So, statement 3 is incorrect.

Therefore, Right to equality does not mean complete equality. It simply means absence of unreasonable discrimination.

Q.260 Consider the following provisions.

1. Reservation of SCs and STs in government jobs
2. SC & ST (Prevention of Atrocities) Act 1989
3. Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act.

Which of these have been enacted in the spirit of Article 15, 16 and 17 of the Indian constitution?

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

Solution: (d)

Article 15, 16 and 17 abolish untouchability; provide for equal opportunity in matters of public employment; and prohibit discrimination on grounds of caste, religion, sex or place of birth respectively.

All three stand in consonance with the above provisions.

Q.261 “Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.”

This is a provision found in

- (a) Directive Principles of State Policy
(b) Fundamental Rights
(c) Special Constitutional Rights under Part VII
(d) National Commission for Backward Classes (NCBC) Act, 1993

Solution: (b)

Learning: This is a provision given under Article 16 (4) of the Constitution.

Article 16 provides for equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. It prohibits discrimination on grounds other than those mentioned in the article itself.

The NCBC Act, 1993 established the National Commission for Backward Classes. The commission was the outcome of the direction of the Supreme Court in the Mandal case judgement.

(3) Abolition of untouchability – Article 17

Q.262 ‘Abolition of Untouchability’ is a component of which of the following categories of Fundamental Rights under the constitution?

- (a) Right against Exploitation
(b) Right to Equality
(c) Right to Freedom
(d) Right to Religion

Solution: (b)

Learning: Right to equality is an important right provided for in Articles 14, 15, 16, 17 and 18 of the constitution. It is the principal foundation of all other rights and liberties Article 17 of the constitution abolishes the practice of untouchability. Practice of untouchability is an offence and anyone doing so is punishable by law under Protection of Civil Rights Act.

Right to Freedom Granted under Articles 19 to 22

Q.263 Right to freedom granted under Articles 19 to 22 cover which of these rights?

1. Right to freedom of speech, movement and expression
 2. Protection against arrest and detention in certain cases
 3. Prohibition of traffic in human beings
 4. Right to freedom against bonded labour
- Select the correct answer using the codes below.

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

Solution: (a)

Justification: It consists of

1. Protection of six rights regarding freedom of: (Article 19).
 - (i) speech and expression
 - (ii) assembly
 - (iii) association
 - (iv) movement
 - (v) residence
 - (vi) profession
2. Protection in respect of conviction for offences (Article 20).
3. Protection of life and personal liberty (Article 21).
4. Right to elementary education (Article 21A).
5. Protection against arrest and detention in certain cases (Article 22).
6. Right against exploitation (Articles 23–24) cover
7. Prohibition of traffic in human beings and forced labour (Article 23).
8. Prohibition of employment of children in factories, etc. (Article 24).

(1) Article 19

Q.264 Which of the following statements violates the Right to Freedom guaranteed by the Constitution of India?

1. Indian citizens need permission to visit some border areas of the country.
2. Outsiders are not allowed to buy property in some areas to protect the interest of the local population.
3. The government bans the publication of a book that can go against the ruling party in the next elections.

Select the correct answer using the codes given below

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

Solution: (c)

Every citizen has the right to freedom mentioned under Article 19. But one cannot exercise his/her freedom in such a manner that it violates others' right to freedom. Your freedoms should not cause public nuisance or disorder. You are free to do everything which injures no one else. Freedom is not unlimited license to do what one wants. Accordingly, the government can impose certain reasonable restrictions on our freedoms in the larger interests of the society.

All citizens of India enjoy the freedom to move freely throughout the country. But under certain circumstances, due to security reasons the freedom can be restricted. For instance, entry in border areas or army cantonment is restricted to ordinary citizens as it can be dangerous for the security of India. Outsiders are not allowed to buy property in some areas to protect the interest of the local population.

According to article 370, outsiders are not allowed to buy property and settle permanently in the State of Jammu & Kashmir and also in tribal areas it is restricted in order to protect the ethnic and cultural identity of the tribal people.

The government banning publication of a book motivated by political reasons is a violation of freedom of expression (Article 19(1)).

(a) Article 19(1)(a)—Freedom of Speech and Expression

Q.265 The Supreme Court held that the freedom of speech and expression includes

1. Right against tapping of telephonic conversation
2. Right against strike called by a political party or organisation
3. Freedom of commercial advertisements

Select the correct answer using the codes below.

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

Solution: (d)

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

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

The State can impose reasonable restrictions on the exercise of the freedom of speech and expression on the grounds of

1. sovereignty and integrity of India,
2. security of the state
3. friendly relations with foreign states
4. public order,
5. decency or morality
6. contempt of court
7. defamation
8. incitement to an offence.

Q.266 Which statements is/are true?

- 1 The American Constitution does not expressly mention the liberty of the press
2. Article 19(1) (a) of Indian Constitution does not expressly mention the liberty of the press.
3. it is settled law that the right to freedom of speech and expression in Article 19(1)(a) includes the liberty of the press.

Code

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

Solution: (c)

Q.267 As per the Supreme Court, which of the following are included in the Freedom of Speech and expression?

1. Freedom of silence
2. Right to know about government activities.
3. Right to propagate one's views as well as views of others

Choose the correct answer using the codes below.

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

Solution: (a)

Q.268 The ban on pre-censorship of newspapers by the country in the country is based on the

- (a) Special provisions made under Article 19 of the constitution
- (b) Rule of law in the constitution of India
- (c) Explicit freedom given to media or any people's forum in the constitution
- (d) A ruling of Supreme Court which interpreted Article 19 of the constitution in a wider sense

Solution: (d)

Q.269 Article 19(a) guarantees the Right to freedom of speech and expression. As per the interpretations of the Supreme Court, which of the following rights are covered in its ambit?

1. Right to protests and strike.
2. Right to be offended.
3. Right to demonstration or picketing.

Select the correct answer using the codes below

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

Solution: (d)

We have a right to protest, not to strike.

Q.270 Right to be offended is an opinion of leading intellectuals in the country to be included in the freedom of speech – in the case of the book by Wendy Doniger – Penguin Publications.

Which of the following hypothetical cases would qualify for a restriction on the right to freedom of speech and expression of Mr. A?

1. Mr. A is defaming Mr. B publicly and Mr. B moves the court of law.
2. Mr. A's views on religious matters have the potential of instigating a local riot.
3. Country X has very cordial relations with India. Mr. A's publicly stated views on country X have the potential to affect the relations between these two countries negatively.

Select the correct answer using the codes below

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

Solution: (c)

The criteria of restricting freedom of speech are: defamation; relations with foreign states; public order etc. All thus qualify under it.

M.S. Dhoni had moved to court for restricting the false reports against him that were defaming him.

Q.271 Apart from sovereignty and integrity of India, the state can restrict fundamental rights on which of the following grounds?

1. Public order, decency or morality
2. Incitement to an offence
3. To maintain cordial relations with foreign nations.
4. Contempt of court.

Choose the correct answer using the codes below:

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

Solution: (d)

Q.272 Suppose a legislation was passed by the Parliament imposing certain restrictions on newspapers. These included page ceiling, price and advertisements. The legislation is included in the Ninth Schedule to the Constitution of India. In this context, which one among the following statements is correct?

- (a) The legislation is invalid as it violates the freedom of Press

(b) The legislation is valid by virtue of Article 31 B

(c) The legislation is invalid as it imposes unreasonable restrictions under Article 19(2) of the Constitution

(d) The legislation is valid as the Press is not a citizen under Articles 19 of the Constitution

Solution: (c)

Q.273 Censorship of the press:

(a) is prohibited by the Constitution

(b) has to be judged by the test of reasonableness

(c) is a restriction on the freedom of the press mentioned in Article 19

(d) is specified in Article 31 of the Constitution

Solution: (b)

The reasonable restrictions were listed in 19(2)

Q.274 Which of the following can impose reasonable restrictions on the Fundamental Rights of the Indian citizens?

(a) Supreme Court

(b) Parliament

(c) President on the advice of the Council of Ministers

(d) None of these; the restrictions have already been included in the Constitution

Solution: (b)

Laws in Fundamental rights are made by the parliament.

(b) Article 19(1)(b) – Right to Assemble Peacefully Without Arms

Q.275 Section 141 and 144 of Criminal Procedure Code (1973) that are often heard in news deal with

1. Reasonable restrictions on freedom of assembly

2. Powers of civilian administration to impose martial law

Which of the above is/are correct?

(a) 1 only (b) 2 only

(c) Both 1 and 2 (d) None

Solution: (a)

Justification: Under Sec 144, a magistrate can restrain an assembly, meeting or procession if there is a risk of obstruction,

annoyance or danger to human life, health or safety or a disturbance of the public tranquillity or a riot or any affray.

Under Section 141 of the Indian Penal Code, as assembly of five or more persons becomes unlawful if the object is (a) to resist the execution of any law or legal process; (b) to forcibly occupy the property of some person; (c) to commit any mischief or criminal trespass; (d) to force some person to do an illegal act; and (e) to threaten the government or its officials on exercising lawful powers.

Q.276 As per Section 141 of the Indian Penal Code (IPC), an assembly of five or more persons is designated an “unlawful assembly”, if the common object of the persons composing that assembly is

1. To protest non-violently against the government or its policies
2. To resist the execution of any law
3. To forcefully take the possession of any property
4. To gather large masses of people in open public spaces

Select the correct answer using the codes below.

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

Solution: (b)

Justification: The provisions (as per Bare Act) are:

- a. To overawe by criminal force, or show of criminal force, [the Central or any State Government or Parliament or the Legislature of any State], or any public servant in the exercise of the lawful power of such public servant; or
- b. To resist the execution of any law, or of any legal process; or
- c. To commit any mischief or criminal trespass, or other offence; or
- d. By means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or
- e. By means of criminal force, or show of criminal force, to compel any person to do

what he is not legally bound to do, or to omit to do what he is legally entitled to do. The District magistrate can order the assembly to disperse.

Explanation: An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

(2) Article 20 – Protection in Respect of Conviction of Offences

Q.277 Which one of the following are Fundamental Rights?

1. The Right to be presented before a magistrate within 24 hours of arrest.
2. The Right not to be ill-treated or tortured during arrest or in custody.
3. Confessions made in police custody cannot be used as evidence against the accused.
4. A boy under 15 years of age and women cannot be called to the police station only for questioning.

Answer the questions using the codes given below .

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

Solution: (d)

All are fundamental rights

(3) Article 21 – Right to Life

Q.278 Right to fair trial, Right to hearing, Right to speedy trial and Right to free legal aid are provided to citizens under which of the following fundamental rights?

- (a) Equality before law and equal protection of laws
- (b) Right to Life and Liberty
- (c) Right against arbitrary arrest and detention
- (d) Right against exploitation

Solution: (b)

The Supreme Court has reaffirmed its judgement in the *Maneka Gandhi v. UOI*, 1978 SCR (2) 621, in the subsequent cases. It has declared the following rights as part of Article 21:

- Right to live with human dignity.
- Right to decent environment including pollution free water and air and protection against

- Hazardous industries.
- Right to livelihood.
- Right to privacy.
- Right to shelter.
- Right to health.
- Right to free education up to 14 years of age.
- Right to free legal aid.
- Right against solitary confinement.
- Right to speedy trial.
- Right against handcuffing.
- Right against inhuman treatment.
- Right against delayed execution.
- Right to travel abroad.
- Right against bonded labour.
- Right against custodial harassment.
- Right to emergency medical aid.
- Right to timely medical treatment in government hospital.
- Right not to be driven out of a state.
- Right to fair trial.
- Right of prisoner to have necessities of life.
- Right of women to be treated with decency and dignity.
- Right against public hanging.
- Right to hearing.
- Right to information.
- Right to reputation.

Q.279 Which of the following rights have been recognized under the Right to Life under Article 21 by the courts?

1. Right to safe drinking water
2. Right to food
3. Right to a speedy trial

Choose the correct answer using the codes below:

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

Solution: (d)

The Constitution of India recognises the right to water as being a part of the Right to Life under Article 21. This means that it is the right of every person, whether rich or poor, to have sufficient amounts of water to fulfil his/her daily needs at a price that he/she can afford. In other words, there should be universal access to water. There have been several court cases in which both the High Courts and the Supreme Court have

held that the right to safe drinking water is a Fundamental Right.

Q.280 Which of the following rights come under the Right to Life and Liberty under Article 21 of the Indian Constitution as per the interpretations of the Supreme Court?

1. Right to livelihood
2. Right to shelter
3. Eradication of preventable diseases like polio.
4. Right to speedy trial
5. Right to travel abroad
6. Right of women to be treated with decency and dignity

Select the correct answer using the codes below

- (a) 4 and 6 (b) All of the above
(c) 1, 2, 3 and 4 (d) 1,2, 3 and 6

Solution: (b)

Q.281 The Fundamental Right to Clean Environment has been established by

- (a) An informal understanding between the legislature and executive
- (b) The Supreme Court in the case *Subhas Kumar v. State of Bihar*, (1991) 1 SCC 598
- (c) A constitutional amendment of Article 21
- (d) An executive order by the Government of India

Solution: (b)

Learning: Article 21 of the Constitution is a fundamental right which reads as follows:

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

Though this Article does not explicitly mention the environment, the Supreme Court and the various High Courts of the country have given a wider interpretation to the word “life” in this Article.

The Supreme Court in *Subhas Kumar v. State of Bihar*, AIR 1991 SC 420, held that right to environment is a fundamental right of every citizen of India and is included in the “right to life” guaranteed under Article 21 of the Constitution of India.

A Public Interest Litigation (PIL) is maintainable in the High Court or Supreme Court at the instance of affected persons or even by a group of social workers or journalists for prevention of pollution.

(4) Article 22 – Protection against Arrest and Detention

Q.282 Consider the following statements.

1. Right to Equality before law is not effective in India as citizens do not have a Fundamental Right to be defended by a lawyer.
2. It is the constitutional duty of the state to provide a lawyer to any citizen who is unable to engage one due to poverty or other disability.

Which of the above is/are correct?

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

Solution: (b)

Justification: Statement 1: According to Article 22 of the Constitution, every person has a Fundamental Right to be defended by a lawyer.

Statement 2: Article 39A of the Constitution places a duty upon the State to provide a lawyer to any citizen who is unable to engage one due to poverty or other disability.

National Legal Services Authority as established to provide legal help to such citizens.

We will be covering questions on such bodies in coming tests.

Right Against Exploitation

(1) Article 23 – Prohibition of Traffic in Human Beings, Forced Labour

Q.283 Article 23 of the Constitution prohibits traffic in human beings, forced labour and other similar forms of forced labour. It is enforced by which of the following laws made by the Parliament?

1. Minimum Wages Act, 1948
2. Contract Labour Act, 1970
3. Equal Remuneration Act, 1976

Choose the correct answer using the codes below.

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

Solution: (a)

The expression ‘traffic in human beings’ include

1. selling and buying of men, women and children like goods
2. immoral traffic in women and children, including prostitution *devadasis*
3. slavery

To punish these acts, the Parliament has made the Immoral Traffic (Prevention) Act, 1956.

The term ‘*begar*’ means compulsory work without remuneration. It was a peculiar Indian system under which the local zamindars sometimes used to force their tenants to render services without any payment.

In addition to *begar*, the Article 23 prohibits other similar forms of forced labour like ‘bonded labour’. The term ‘forced labour’ means compelling a person to work against his will. The word ‘force’ includes not only physical or legal force but also force arising from the compulsion of economic circumstances, that is, working for less than the minimum wage. In this regard, the Bonded Labour System (Abolition) Act, 1976; the Minimum Wages Act, 1948; the Contract Labour Act, 1970 and the Equal Remuneration Act, 1976 were made

(2) Article 24 – Prohibition of Child Labour

Q.284 With reference to child labour problem in India, consider the following statements

1. At present there is complete ban on child labour under the age of 14 in all types of occupation except farm and domestic work after school hours
2. The Child Labour (Prohibition & Regulation) Act is being implemented by the Ministry of Women and Child Welfare

Which of the above statements is/are INCORRECT?

- (a) 1 Only (b) 2 Only
(c) Both (d) None

Solution: (c)

The scheme is being implemented by the Ministry of Labour and Employment First statement is wrong as it is still a proposal put forward recently by the new government at the centre.

Right to Freedom of Religion –

Article 25–28

Q.285 Although India is a secular country, the state can take some steps to ensure public order, morality and the like. Which of the following can be done by the state constitutionally?

1. Regulate a religious institution
2. Throw open Hindu religious institutions of a public character to all classes and sections of Hindus.
3. Restrict a religious practice

Choose the correct answer using the codes given below.

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

Solution: (d)

An example of restricting a religious practice would be the Supreme Court banning *Jallikattu* in TN.

Article 25 covers not only religious beliefs (doctrines) but also religious practices (rituals). Moreover, these rights are available to all persons—citizens as well as non-citizens.

However, these rights are subject to public order, morality, health and other provisions relating to fundamental rights. Further, the State is permitted to:

- (a) Regulate or restrict any economic, financial, political or other secular activity associated with religious practice; and
- (b) Provide for social welfare and reform or throw open Hindu religious institutions of a public character to all classes and sections of Hindus.

Q.286 Article 25 also contains two explanations

1. wearing and carrying of *kirpans* is to be included in the profession of the Sikh religion
2. the Hindus, in this context, include Sikhs, Jains and Buddhists.

Freedom of religion as a fundamental right does NOT mean that

1. The government cannot intervene in religious affairs
2. The Government cannot ban a religious practice.

3. The government cannot take over the administration of a religious shrine.

Which of the following options make the question statement correct and complete?

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

Solution: (d)

In India, everyone is free to choose a religion and practice that religion. Freedom of religion also includes the freedom of conscience. This means that a person may choose any religion or may choose not to follow any religion. Freedom of religion includes the freedom to profess, follow and propagate any religion.

Freedom of religion is subject to certain limitations. The government can impose restrictions on the practice of freedom of religion in order to protect public order, morality and health. This means that the freedom of religion is not an unlimited right. The government can interfere in religious matters for rooting out certain social evils. For example in the past, the government has taken steps banning practices like sati, bigamy or human sacrifice. Such restrictions cannot be opposed in the name of interference in right to freedom of religion.

Q.287 Consider that you belong to the religion Zoroastrianism. You are outside a Hindu temple managed by the state and want to enter. But somewhere at the entry you find this written —Only Hindus are allowed. Now consider the following courses of action.

1. Complain to the local police authority about this discrimination and violation of your fundamental right of free movement
2. Approach the state High court of this violation of fundamental right
3. Approach the Supreme Court with a Public Interest Litigation (PIL) on the same issue

Which of the above options are legally and constitutionally appropriate?

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

Solution: (d)

This case is not a violation of fundamental right. A hindu temple managed by the state

is not a public place where free movement is unrestricted. It is a place which belongs to a certain religious community. It has all the constitutional rights to block the entry of people belonging to other religious communities.

Hence, none of the above options would be appropriate as this case is not a violation of fundamental right.

Q.288 Consider the following statements about the Right to Freedom from taxation for Promotion of religion.

1. The state cannot use public tax money for the promotion of any religion.
2. The state cannot impose a fee on any religious activities.

Which of the above is/are true?

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

Solution: (d)

Article 27 expresses that no person shall be compelled to pay any taxes for the promotion or maintenance of any particular religion or religious denomination. In other words, the State should not spend the public money collected by way of tax for the promotion or maintenance of any particular religion. This provision prohibits the State from favouring, patronising and supporting one religion over the other. This means that the taxes can be used for the promotion or maintenance of all religions.

This provision prohibits only levy of a tax and not a fee. This is because the purpose of a fee is to control secular administration of religious institutions and not to promote or maintain religion. Thus, a fee can be levied on pilgrims to provide them some special service or safety measures. Similarly, a fee can be levied on religious endowments for meeting the regulation expenditure.

Q.289 Consider the following statements.

1. The institutions run by the state will not give any religious education to ensure the neutrality of State in matters of religion.
2. The government will not discriminate between educational institutions, when granting aid, on the basis of their management being under particular minority communities.

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: This is why in state-run schools, religious texts are not included in the curriculum. Moreover, the dress code and other symbolic elements are designed in such a way that they do not reflect any particular religious biases of such schools. Statement 2: All minorities, religious or linguistic, can set up their own educational institutions. By doing so, they can preserve and develop their own culture. The government will not, while granting aid to educational institutions, discriminate against any educational institution on the basis that it is under the management of minority community.

But, while granting aid to an educational institution, the government will not discriminate against any such institution on the basis that it is under the management of minority community.

Right of Minorities – Articles 29 and 30

Q.290 If a group of minorities is denied permission for opening a minority-based educational institution in Kerala, it violates which of the following Fundamental Rights?

- (a) Right to Life
(b) Rights given under Articles 29-30
(c) Right to Freedom of movement
(d) Right against exploitation

Solution: (b)

Learning: Option A is incorrect, because the violation is specific to Articles 29-30 that aim at safeguarding the cultural and educational rights of minorities.

For e.g. tribals can preserve their cultural heritage against the dominance of the majority mainstream culture.

Q.291 Cultural and educational rights given under Articles 29 and 30 of the Indian constitution imply

1. Minorities have the right to conserve their language and script.
2. Minorities have a fundamental right to receive financial support from the government to preserve their traditions.

Which of the above is/are correct?

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

Solution: (a)

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

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

Q.292 With regard to rights of minorities provided in India Constitution, consider the following statements:

1. Right to minorities includes both linguistic and cultural minorities.
2. All minorities can set up their own educational institutions.
3. Members of the Sikh community have the right to assemble at a public place with their kirpans.
4. Minority educational institutions have the right to impart education in their own language.

Select the correct answer using the codes below:

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

Solution: (d)

Our Constitution believes that diversity is our strength. Therefore, one of the fundamental rights is the right of the minorities to maintain their culture. This minority status is not dependent only upon religion. Linguistic and cultural minorities are also included in this provision. All minorities, religious or linguistic, can set up their own educational institutions. By doing so, they can preserve and develop their own culture. Educational institutions set up by a minority are open all and not only to those children who belong to that minority.

The first case: "*Rex versus Dhyhan Singh*" (AIR 1952 Allahabad, 53) arose under the

provisions of UP Arms Act in 1948, and was decided by the Allahabad High Court in 1952. Dhyhan Singh had been convicted under the Arms Act for wearing and carrying more than one kirpan without licence. When the Appeal came to the High Court, the Constitution of India had come into operation, giving right to the Sikhs to wear and carry kirpans under Article 25. The question to be decided before the High Court was: Whether a Sikh can wear and carry more than one kirpan as the plural word kirpans has been used in Explanation I of the Article 25. After referring to the religious literature of the Sikhs, the High Court had held that a Sikh is entitled to wear and carry only one kirpan, as Guru Gobind Singh had ordained the Sikhs to wear always five K's, i.e., kesh, kangha, kirpan, kachh and kara, which indicates only one of these signs.

Right to minorities includes both linguistic and cultural minorities.

Q.293 Which of the following is a correct interpretation of the Cultural and Educational Rights?

- (a) Exposing the children of the minority group to their belief and culture is the Government's responsibility
- (b) Children belonging to the minority group that has opened educational institution only can study there
- (c) Reservations can be made in the schools opened by linguistic and religious minorities for their children
- (d) It can demanded by the minorities that their children must not study in any educational institution except those managed by their own community.

Solution: (c)

Q.294 Who have a fundamental right to set up their own educational institutions in order to preserve and develop their own culture?

- (a) Linguistic minorities
- (b) Religious minorities
- (c) All minorities as defined by the Central and State governments
- (d) Only tribals belonging to the fifth and sixth schedule areas

Solution: (c)

Explanation & Learning: The expression minority under Article 29-30 (Cultural and

Education rights) covers all minorities, linguistic and religious.

The constitution does not define the word minority. It is left for the Central and state governments to decide this. For e.g. recently Jain community was recognized as a minority.

They will have rights to set up their own educational institutions, where they can regulate any admission of outside communities.

Tribals also fall under minority. But, the option (c) is more wide and appropriate than option (d)

- Q.295** On what grounds do the National and State government have control over religious education imparted in minority institutions?
- On grounds of protecting the culture of minorities
 - On grounds of promoting scientific temper in society
 - On grounds of national unity and integrity
 - The government cannot control religious education imparted in minority institutions.

Solution: (d)

- Q.296** The Indian constitution protects the rights of minorities because
- In an electoral democracy, the will of the majority prevails over the minority.
 - All minority classes are socioeconomically vulnerable India.

Which of the above is/are true?

- 1 only
- 2 only
- Both 1 and 2
- None

Solution: (a)

Article 29 provides that any section of the citizens residing in any part of India having a distinct language, script or culture of its own, shall have the right to conserve the same. Further, no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, or language. Their rights are to be protected because their future in a democracy is vulnerable to the will of the majority.

- Q.297** Safeguarding the rights of minorities in India is important for which of the following reasons?

- To protect the rich cultural heritage
- To ensure social justice
- To prevent majority authoritarianism on issues related to political power and access to resources

Choose the correct answer using the codes below:

- 1 and 2
- 2 and 3
- 1 and 3
- All of the above

Solution: (d)

In recognition of this, the constitution provides religious and cultural rights to the minorities and provides for provisions which discriminate positively in favour of these minorities. For e.g. minority scholarships, govt. non-interference in minority run institutions etc.

- Q.298** Consider the following statements.

- Linguistic minorities in India are determined on a state-wise basis.
- Religious Minorities in India must be determined on national basis only.

Which of the above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- None

Solution: (a)

Justification: A linguistic minority is a group of people whose mother tongue is different from that of the majority in the state or part of a state. Thus, the linguistic minorities are determined on a statewise basis. The same is applicable for religious minorities as well.

- In the 2002 judgment, in *T.M.A. Pai Foundation & Others v. the State of Karnataka*, the Supreme Court deliberated on the various contentions that the Centre, State, or a particular region within a State may be considered as the basic unit for protection of the right of minorities.
- The Court has set out the principle that minority status should be determined in relation to the population of the State and not to India as a whole.
- It ruled that as the reorganisation of the States in India had been effected on linguistic lines, for the purpose of determining a minority, the unit would be the State and not the whole of India.

- Thus, religious and linguistic minorities, who have been placed on a par in Article 30, have to be considered in terms of the State concerned.

Q.299 Consider a situation where a minority tribal group worships the local forests and treats them as their god. A private company wishes to acquire the same patch of forest. Imagining you are one of the members of the tribal group, which of the following constitutional articles can you cite that will stop the private company from acquiring the patch of sacred forest?

- Articles 14-16
- Articles 25-28
- Article 29-30
- Article 39 (b) & (c) – Directive Principles of State Policy

Solution: (c)

Articles 14-18 talk about non-discrimination and social and economic justice

Articles 25-28 give religious rights. Articles 29-30 give the minorities a right to safeguard their cultural heritage- the forest in this case. The Odisha Niyamgiri tribals also saved their sacred hills using this provision of the constitution.

Article 32 – Right to Constitutional Remedies

Q.300 The Right to constitutional remedies is a

- Legal Right
- Right by convention
- Fundamental right
- Moral right

Solution: (c)

Learning: It is referred to as the ‘conscience’ of the constitution because without this right all rights stand without merit.

In case of any one of the fundamental rights being deprived or denied to the resident of the country, the individual or the party has the right to present their case in a court. In this case, the court has the flexibility to assign writs to the public in the form of habeas corpus, mandamus, prohibition, *quo warranto* and certiorari.

In the case of a national emergency, the government has the flexibility to append the

right of the citizen. According to Article 32, Indian citizens can stand up and fight for their fundamental rights if they are breached.

Q.301 Consider the following statements about the Right to Constitutional Remedies.

- Any court in India can be moved for enforcing this right.
- The right to move to courts can never be suspended under this right.
- A citizen cannot go directly to the Supreme Court to get this right enforced. He has to go by way of appeal to higher courts.

Choose the correct answer using the codes given below.

- 1 and 2 only
- 2 and 3 only
- 1 and 3 only
- None of the above

Solution: (d)

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

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

However, this can be done without prejudice to the above powers conferred on the Supreme Court. Any other court here does not include high courts because Article 226 has already conferred these powers on the high courts.

- The right to move the Supreme Court shall not be suspended except as otherwise provided for by the Constitution. Thus the Constitution provides that the President can suspend the right to move any court for the enforcement of the fundamental rights during a national emergency (Article 359).

It is thus clear that the Supreme Court has been constituted as the defender and guarantor of the fundamental rights of the citizens. It has been vested with the 'original' and 'wide' powers for that purpose. Original, because an aggrieved citizen can directly go to the Supreme Court, not necessarily by way of appeal. Wide, because its power is not restricted to issuing of orders or directions but also writs of all kinds.

- Q.302** Consider the following Statements:
1. In India, citizens have the right to seek enforcement of the Fundamental Rights
 2. The Right to Constitutional Remedies is not a Fundamental Right.
 3. In case of violation of a Fundamental Right the citizen can directly approach Supreme Court or High Court.
 4. Only the High Courts have the right to issue orders for the enforcement of both Fundamental Rights and Legal rights.
 5. The Courts can also enforce the Fundamental Rights against private individuals and bodies.

Which of the statements is/are correct?

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

Solution: (c)

The Fundamental Rights in the constitution are important because they are enforceable. We have a right to seek the enforcement of the above mentioned rights. This is called the Right to Constitutional Remedies. This itself is a Fundamental Right. This right makes other rights effective.

It is possible that sometimes our rights may be violated by fellow citizens, private bodies or by the government. When any of our rights are violated we can seek remedy through courts.

If it is a Fundamental Right we can directly approach the Supreme Court or the High Court of a state. Courts also enforce the Fundamental Rights against private individuals and bodies.

The Supreme Court and High Courts have the power to issue directions, orders or writs for the enforcement of the Fundamental Rights. They can also award compensation to the victims and punishment to the violators.

Only the High Courts have the right to issue orders for the enforcement of both Fundamental Rights and Legal rights, Supreme Court can issue orders or writs only for the enforcement of the Fundamental right and not other rights.

- Q.303** Consider the following statements regarding the Right to Constitutional remedies under Article 32 of the Constitution:

1. Unconstitutional executive actions can be questioned under Article 32.
2. Even statutory rights can be enforced under Article 32.

Which of these is/are correct?

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

Solution: (d)

Article 32 can be resorted only when the fundamental rights are violated.

Unconstitutional executive actions can be questioned under Article 32 only if they violate fundamental rights.

Statutory rights can not be enforced under Article 32. Ordinary legal route needs to be adopted if that is the case.

- Q.304** According to the "Right to Constitutional Remedies"

1. Aggrieved citizens can move the court in case of violation of fundamental rights.
2. The Central Government can move the Court if the State government refuses to follow its orders.

Which of the above is/are correct?

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

Solution: (a)

Justification: Statement 1: The court issues a writ to address the violation of fundamental rights. Only the Supreme Court and High Courts are authorized to issue writs.

We will be covering more on this topic in coming tests.

Statement 2: The government doesn't approach the court in such cases. It can impose President's rule in the State if the a State continuously denies following Centre's executive directions and subverts the constitutional scheme of division of powers.

Q.305 If there was no 'Right to constitutional remedies' in the Constitution, which of the following would follow?

- (a) A citizen would not be able to move court at all.
- (b) There would be no rule of law in the country.
- (c) Separation of powers between legislature and executive would be completely diluted.
- (d) A democratic government may turn authoritarian.

Solution: (d)

Provision: Dr. Ambedkar considered the right to constitutional remedies as 'heart and soul of the constitution'. It is so because this right gives a citizen the right to approach a High Court or the Supreme Court to get any of the fundamental rights restored in case of their violation.

The Supreme Court and the High Courts can issue orders and give directives to the government for the enforcement of rights.

The courts can issue various special orders known as writs.

Justification: Option A: A citizen will not be able to move court only for getting his constitutional rights enforced. He can move courts for other purposes such as resolving a legal dispute. So, A is wrong.

Option B: Rule of law emanates from Article 14 which essentially considers everyone equal before law. Even if the constitutional remedies cease to exist, rule of law would continue to operate. Citizens may still be able to enjoy fundamental rights, but they may not be able to complaint against its infringement. Moreover, all other legal rights and civil, criminal laws will be operational. So, B is wrong.

Option C: It is an absurd statement.

Option D: If citizens cannot get their fundamental rights enforced, governments may very well breach these rights, such as censoring newspapers, imposing curfews and emergency like situations. So, D is correct.

Q.306 The Right to constitutional remedies is referred to as the "conscience" of the constitution. A citizen can move the Supreme Court for enforcing which of these rights below?

- 1. Right to education.
- 2. Right to a pollution free environment
- 3. Right to safeguard cultural heritage and religious beliefs of minorities

Choose the correct answer using the codes below:

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

Solution: (d)

The violation of fundamental rights is the basis for moving to the supreme court under Article 32. Here all the options are fundamental rights provided under the constitution.

Q.307 Which of the following courts in India can issues writs for the enforcement of fundamental rights?

- 1. Supreme Court
- 2. High Court
- 3. Specially constituted courts

Choose the correct answer using the codes below:

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

Solution: (a)

Right to constitutional remedies is the means through which this is to be achieved. Dr. Ambedkar considered the right to constitutional remedies as 'heart and soul of the constitution'. It is so because this right gives a citizen the right to approach a High Court or the Supreme Court to get any of the fundamental rights restored in case of their violation. The Supreme Court and the High Courts can issue orders and give directives to the government for the enforcement of rights.

Any other court, if specified by the Parliament can issue writs

Q.308 Apart from Supreme Court, writs to enforce fundamental rights can be issued by

- 1. District Courts
- 2. National Police Commission
- 3. Lok Adalats

Select the correct answer using the codes below.

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

Solution: (d)

Explanation: The Parliament is authorized to extend the power to issue writs to any

other court other than the SC and the HCs. But it has not extended the same to any other body in India. So, all statements are wrong.

Lok adalat and District courts thus only solve disputes and do not interfere pro-actively in matter of violations of fundamental rights.

National Police Commissions are constituted by government to reform the police system in the country. So, statement 2 is also wrong.

Q.309 Consider the following statements about writ jurisdictions of Supreme Court and High Courts:

1. High court can issue writs even for enforcing a statutory right.
2. A High court cannot issue writs outside the borders of the particular state.
3. For the High courts issuing writs is a discretionary power unlike the Supreme Court.

Which of these is/are correct?

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

Solution: (c)

The writ jurisdiction of high courts is wider than that of the Supreme Court as it can enforce legal rights too.

Q.310 The right to constitutional remedies in India is available to :

- (a) citizens of India only
(b) all persons in case of infringement of any fundamental right
(c) any person for enforcing any of the fundamental rights conferred on all persons
(d) an aggrieved individual alone

Solution: (b)

Writs

Q.311 Consider the following statements about writs issued for enforcing fundamental rights.

1. It can be issued by the Judiciary to the Legislators.
2. It can be issued by the Judiciary to the Executive.
3. It can be issued by the Judiciary to the Judiciary.

Choose the correct answer using the codes below:

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

Solution: (d)

Legislators can be issued *Quo warranto* for example, if a legislator holds some office which makes him ineligible for become an MP.

Executive can be issues mandamus or Habeas corpus.

Judiciary can be issues certiorari, or prohibition.

Q.312 Supreme Court is regarded as the guardian of Fundamental Rights. For the enforcement of fundamental rights the Supreme Court issues writs. Which of the following statements is/are correct?

1. *Quo warranto* is issued when the court finds that a particular office holder is not doing legal duty and thereby is infringing on the right of an individual.
2. *Certiorari* is issued by a higher court when a lower court has considered a case going beyond its jurisdiction.
3. *Habeas corpus* means that the court orders that the arrested persons should be presented before it. It can also order to set free an arrested person if the manner or grounds of arrest are not lawful or satisfactory.
4. *Mandamus* is issued when the court finds that a person is holding office but is not entitled to hold that office, it issues the writ of mandamus and restricts that person from acting as an office holder.
5. Prohibition means the court orders a lower court or another authority to transfer a matter pending before it to the higher authority or court.

Select the correct answer using the codes below:

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

Solution: (d)

(1) *Habaes Corpus*

Q.313 Consider the following statements about the write of *Habaes Corpus*.

1. It can be issued by even District courts in India.
2. It can be issued against private individuals too.
3. It cannot be issued when the detention of the person is lawful.

Choose the correct answer using the codes given below.

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

Solution: (b)

It is a Latin term which literally means 'to have the body of'. It is an order issued by the court to a person who has detained another person, to produce the body of the latter before it. The court then examines the cause and legality of detention. It would set the detained person free, if the detention is found to be illegal. Thus, this writ is a bulwark of individual liberty against arbitrary detention.

The writ of *habeas corpus* can be issued against both public authorities as well as private individuals. The writ, on the other hand, is not issued where the

- (a) detention is lawful
- (b) the proceeding is for contempt of a legislature or a **court**
- (c) detention is by a competent **court**
- (d) detention is outside the jurisdiction of the court.

(2) *Mandamus*

Q.314 Writ of Mandamus is a command issued by the court. It can be issued to

1. Governors
2. Tribunals
3. Inferior courts

Choose the correct answer using the codes given below.

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

Solution: (b)

It literally means 'we command'. It is a command issued by the court to a public official asking him to perform his official duties that he has failed or refused to perform. It can also be issued against any public body, a corporation, an inferior court, a tribunal or government for the same purpose.

- The writ of *mandamus* cannot be issued
- against a private individual or body
 - to enforce departmental instruction that does not possess statutory force
 - when the duty is discretionary and not mandatory
 - to enforce a contractual obligation
 - against the president of India or the state governors
 - against the chief justice of a high court acting in judicial capacity

Q.315 Consider the following about the writ of Mandamus.

1. It is used to prevent usurpation of public offices by ineligible individuals.
2. It cannot be issued against public executive authorities.
3. It cannot be issued by the lower courts.

Select the correct answer using the codes below.

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

Solution: (b)

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

Statement 3: only supreme court and high court can issue the writs. Lower courts aren't authorised by the parliament to issue writs.

Q.316 Under which of the following writs a court issue command to a public official asking him to perform his official duties that he has failed or refused to perform?

- (a) Certiorari (b) Mandamus
(c) Prohibition (d) *Quo-warranto*

Solution: (b)

Q.317 The writ of Mandamus CANNOT be issued by the High Court against

1. A private individual
2. Any government official
3. A subordinate court

Select the correct answer using the codes below.

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

Solution: (c)

(3) *Certiorari*

Q.318 The writ of Certiorari is issued by

- (a) A higher court to a lower court or tribunal
- (b) Judiciary to the executive

- (c) Judiciary to the legislature
- (d) A higher court to its officers

Solution: (a)

Learning: It is issued by a higher court to a lower court or tribunal either to transfer a case pending with the latter to itself or to squash the order of the latter in a case. It is issued on the grounds of excess of jurisdiction or lack of jurisdiction. The order could also be against the principles of natural justice or the order could contain an error of judgment in appreciating the facts of the case.

Thus, unlike prohibition, which is only preventive, certiorari is both preventive as well as curative.

Certiorari is not available against legislative bodies and private individuals or bodies.

(4) *Quo warranto*

Q.319 Whenever any private person wrongfully usurps an office, he is prevented by the writ of *quo warranto* from continuing in that office. Which among the following is/are the basic conditions necessary for the issue of writ of *quo warranto*?

1. The office must be public and must be created by a statute or by the constitution itself.
2. The office must be a substantive one and not merely the function or employment of a servant at will by a government employee.
3. There must have been a contravention of prevailing conventions or meritocracy in appointing such persons to the office.

Select the correct answer using the code given below.

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

Solution: (b)

Justification: The term *quo warranto* means “by what authority you are holding the office”

The basic conditions for the issue of the writ are that the office must be public, it must have been created by statute or Constitution itself, it must be of a substantive character and the holder of the office must not be legally qualified to hold the office or to remain in the office or he has been appointed in accordance with law.

Also, there must be a contravention of statutes or constitutional provisions in appointing such persons to the office. So, 3 is wrong.

A writ of *quo warranto* is never issued as a matter of course and it is always within the discretion of the Court to decide.

The Court may refuse to grant a writ of *quo warranto* if it is vexatious or where the petitioner is guilty of laches, or where he has acquiesced or concurred in the very act against which he complains or where the motive of the relater is suspicious.

As to the question that can apply for writ to *quo warranto*, it can be stated that any private person can file a petition for this writ, although he is not personally aggrieved in or interested in the matter.

Ordinarily, delay and laches would be no ground for a writ of *quo warranto* unless the delay in question is inordinate.

Miscellaneous

Q.320 Consider the following statements about the writs issued by the Supreme court and High Courts:

1. “Habeas Corpus” can not be issued against private individuals.
2. “Prohibition” can be issued only against judicial or quasi-judicial authorities.
3. “Mandamus” can be issued against private entities.

Which of these is/are correct?

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

Solution: (d)

Q.321 Habeas Corpus can be issued against private individuals too as it is concerned with protection of human rights.

Mandamus can only be issued against public authorities

Consider the following statements about various writs mentioned in the Constitution of India.

1. Mandamus is issued when the court finds that a particular office holder is not doing legal duty and thereby is infringing on the right of an individual.

2. Certiorari is issued when the executive has prorogued a House Session before the due date on unreasonable grounds.

Which of the above is/are correct?

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

Solution: (a)

Q.322 Which of the following is/are the difference(s) between the writs of “prohibition” and “certiorari”?

1. While “prohibition” is available during the pendency of proceedings, “certiorari” is applicable only after the order has been passed.
2. While “prohibition” is available against judicial authorities only, “certiorari” is applicable to administrative authorities only.

Which of the above is/are correct?

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

Solution: (a)

Justification & Learning: For certiorari to apply, the order should have been already passed by the inferior court, which can later be quashed by the SC/HC. It applies to decisions of officers/tribunals having legal authority. Both the writs are issued against legal bodies.

So, 2 is wrong.

Prohibition

The Writ of prohibition means to forbid or to stop and it is popularly known as Stay Order.

This is issued when a lower court or a body tries to transgress the limits or powers vested in it.

The writ of prohibition is issued by any High Court or the SC to any inferior court, or quasi-judicial body prohibiting the latter from continuing the proceedings in a particular case, where it has no jurisdiction to try.

Q.323 Consider the following statements:

1. ‘Habeas Corpus’ and ‘Mandamus’ both cannot be issued against private individuals.
2. ‘Prohibition’ can be issued only against judicial or quasi-judicial authorities.

Which of these is/are correct?

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

Solution: (b)

Habeas Corpus can be issued against private individuals too as it is concerned with protection of human rights.

Consider the following statements.

1. The writ of Prohibition can be issued only against judicial and administrative authorities.
2. The writ of Certiorari is different from Prohibition in that the former can be applied even to legislative bodies that exceed their jurisdiction.

Which of the above is/are correct?

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

Solution: (d)

Q.324 Which one of the following pairs is correctly matched?

- (a) Writ of Habeas Corpus - available against private individual as well
- (b) Writ of Quo Warranto - available against subordinate courts only
- (c) Writ of Prohibition - available against autonomous bodies only
- (d) Writ of Certiorari - available against public servants only

Solution: (d)

Article 34 – Martial Law

Q.325 Consider the following statements about Martial law:

1. Martial law has explicit constitutional backing.
2. Martial law does not affect Centre-state relations.
3. While it is in operation, ordinary law courts are suspended.

Which of these is/are correct?

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

Solution: (b)

Martial law is implicit in the constitution. It is imposed in an extraordinary situation and all the law courts are suspended while it is in operation.

It however does not affect centre-state relations even while it suspends the civilian government in the specific areas where it is imposed.

Right to Property

- Q.326** Which of these fundamental rights is NOT guaranteed by the Constitution of India?
- Freedom to form cooperatives and other associations
 - Freedom against unreasonable censorship of thought and speech
 - Freedom to own, acquire and dispose of property anywhere in the country
 - Freedom from bonded labour and inhuman exploitation

Solution: (c)

Learning: Right to property was a fundamental right, but it was made a legal right by 44th constitutional amendment act, 1978. The act repealed article 19(1)(f) and article 31 from part III. It added article 300A in part XII. It provided no person be deprived of his property except by the authority of law.

Now the state can acquire the property of the individual and it need not pay compensation except in when state acquires property

- of minority educational institution
- land held by a person under his personal cultivation and the land is within the statutory ceiling limit

- Q.327** Consider the following provisions.
- It curtailed the fundamental right to property in India.
 - Any law made to give effect to the Directive Principles in Article 39 (b) or (c) cannot be challenged on violation of certain fundamental rights.

Which of the following constitutional amendment the above refers to?

- 25th Amendment Act, 1971
- 119th Constitutional Amendment, 2013
- 91st Amendment Act, 2003
- 86th Amendment Act, 2002

Solution: (a)

Justification: The clear choice has to (a), because the Right to property was curtailed in India much before, than the present 21st

Century. If you were only aware of this fact, other options (after year 2000) could be easily eliminated.

86th amendment was about Right to Education, 91st was about Anti-Defection, and 119th was about India-Bangladesh Land Boundary Agreement (LBA).

- Q.328** The right to property is a legal right and not a fundamental right. This has which of the following implications?

- There is no guaranteed right to compensation in case of acquisition of a private property by the state.
- It can be regulated without a constitutional amendment by an ordinary law of the Parliament.

Which of the above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- None

Solution: (c)

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

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

- It protects private property against executive action but not against legislative action.
- In case of violation, the aggrieved person cannot directly move the Supreme Court under Article 32 (right to constitutional remedies including writs) for its enforcement. He can move the High Court under Article 226.

(8) DIRECTIVE PRINCIPLES OF STATE POLICY — PART IV – ARTICLES 36–51

- Q.329** What was known as the “Instrument of Instructions” contained in the Government of India Act 1935 was incorporated in the Constitution of India as

- Writs exercised by the Supreme Court
- Rules of business of the Government of India
- Directive Principles of State Policy
- Mandate of the Cabinet Secretariat

Solution: (c)

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

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

What is called Directive Principles is merely another name for the instrument of instructions. The only difference is that they are instructions to the legislature and the executive'.

- Q.330** In the colonial legacy of government in India, the Directive Principles in the present Indian Constitution resemble which of the following colonial enactments?
- (a) „Codes“ enacted under Act of 1919
 - (b) „Instrument of Instructions“ enacted under Independence Act, 1947
 - (c) „Instrument of Instructions“ enumerated in the Government of India Act of 1935
 - (d) „Duties of State“ enumerated in the Morley-Minto Act of 1909

Solution: (c)

- Q.331** The enforcement of Directive Principles depends most on :
- (a) the Courts
 - (b) an effective opposition in Parliament
 - (c) resources available to the Government
 - (d) public cooperation

Solution: (c)

Features of the Directive Principles

- Q.332** As per the Constitution, which of the following is/are "fundamental in the governance" of the country?

1. Fundamental Rights
2. Fundamental Duties
3. Directive Principles of State Policy
4. Preamble

Choose the correct answer using the codes given below.

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

Solution: (d)

Though the Directive Principles are non-justiciable, the Constitution (Article 37)

make it clear 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'. Thus, they impose a moral obligation on the state authorities for their application, but the real force behind them is political, that is, public opinion.

As observed by Alladi Krishna Swamy Ayyar, 'no ministry responsible to the people can afford lightheartedly to ignore the provisions in Part IV of the Constitution'. Similarly, Dr B R Ambedkar said in the Constituent Assembly that 'a government which rests on popular vote can hardly ignore the Directive Principles while shaping its policy. If any government ignores them, it will certainly have to answer for that before the electorate at the election time.

- Q.333** The purpose of the inclusion of Directive Principles of State Policy in the Indian Constitution is to establish

- (a) A market economy
- (b) A stable Federation of States and the Union
- (c) Strong Bureaucracy
- (d) Social and Economic Democracy

Solution: (d)

Learning: The principles laid down therein are considered fundamental in the governance of the country, making it the duty of the State to apply these principles in making laws to establish a just society in the country.

They were made non-justifiable keeping in view that the state may not have resources to implement them. DPSPs are not enforceable in a court of law.

- Q.334** What do you understand by the statement, "The Directive principles of State Policy (DPSP) in the constitution are non-justiciable in nature"?

- (a) The courts cannot recognize the DPSP in their judgments.
- (b) DPSP cannot be enforced by law.
- (c) They are not enforceable by the courts for their violation.
- (d) All of (a), (b) and (c)

Solution: (c)

Justification: Option (a): They do recognize. For e.g. certain laws that violate Article

14 of the constitution can be declared legitimate if they fulfil DPSP under parts of Article 39.

In the *Minerva Mills* case (1980), the Supreme Court held that 'the Indian Constitution is founded on the bedrock of the balance between the Fundamental Rights and the Directive Principles'.

Option (b): DPSP like organizing village panchayats, cheap legal remedies for the poor have already been implemented by law.

Option (c): For e.g. if adequate steps are not taken to stop circulation of intoxicants like liquors (according to the Directive Principles), the courts cannot dictate the government to do so.

Q.335 Even though the DPSP is non-justiciable, it carries a lot of moral authority. Consider the following statements:

1. Parliament cannot make any law that is inconsistent with the DPSP.
2. Parliament cannot make any law that is based on any principle outside that of DPSP.
3. The Supreme Court can review laws in the backdrop of DPSP and allow them even if they violate some specific fundamental rights.

Choose the correct answer using the codes below:

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

Solution: (d)

Parliament can make laws or take actions that are outside or inconsistent with DPSP. DPSP is not a legally binding code. For example, even though the DPSP provides for a ban on liquors and intoxicants, they are still sold and regulated by laws in India.

The SC or the HCs may approve of a law that violates the FRs under Article 14 and 19, if it implements Article 39 of the DPSP (minimizing socio-economic inequality).

Read the section in Chapter 2 of NCERT 11th polity - RELATIONSHIP BETWEEN FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES – for greater clarity.

Q.336 Which of the following is/are true concerning the Directive Principles of state policy (DPSP) enshrined in the Indian constitution?

1. They are fundamental to the governance of the country.
2. They are non-justiciable in nature.
3. The Indian constitution is founded on the bedrock of the balance between the Fundamental rights and DPSP.

Choose the correct answer using the codes below

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

Solution: (d)

Q.337 Directive Principles of State Policy help in

1. Amplifying the Preamble
2. Guiding courts in Judicial review of legislative and executive acts
3. Supplementing fundamental rights of citizens

Choose the correct answer using the codes below.

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

Solution: (d)

The Directive Principles, although confer no legal rights and creates no legal remedies, are significant and useful in the following ways:

- They are like an 'Instrument of Instructions' or general recommendations addressed to all authorities in the Indian Union. They remind them of the basic principles of the new social and economic order, which the Constitution aims at building.
- They have served as useful beacon-lights to the courts. They have helped the courts in exercising their power of judicial review, that is, the power to determine the constitutional validity of a law.
- They form the dominating background to all State action, legislative or executive and also a guide to the courts in some respects.
- They amplify the Preamble, which solemnly resolves to secure to all citizens of India justice, liberty, equality and fraternity.

Q.338 Consider the following statements.
Assertion (A): The constitution classifies the Directive Principles of State Policy (DPSP) into three broad categories, socialistic, Gandhian and liberal– intellectual.

Reason (R): The values of the Indian National Movement have a bearing on the Indian constitution.

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

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

Solution: (d)

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

Gandhian principles in DPSP represent the programme of reconstruction enunciated by Gandhi during the national movement. The constitution imports values from all over the World, e.g. socialism from USSR, liberal values from the West etc.

Q.339 Consider the following statements about the Directive Principles of State Policy (DPSP).

- 1. The inheritance of DPSP in the Indian constitution is British colonial legacy.
- 2. Legislations or rules are always required for implementing DPSP.

Which of the above is/are correct?

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

Solution: (c)

Justification: DPSP is not self-enforceable. It requires the parliament to make laws to implement them.

They were inherited from the British Instrument of instructions given to the governors and governor-generals under the Government of India Act 1935.

Q.340 The Directive Principles lists in Part IV of the Constitution essentially imply which of the following?

- 1. The goals and objectives that we as a society should adopt
- 2. Certain rights that individuals should enjoy apart from the Fundamental Rights
- 3. Some policies that the government should adopt to further citizen welfare

Select the correct answer using the codes below.

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

Solution: (d)

Justification: We get some idea of the vision of makers of our Constitution by looking at some of the Directive Principles

The governments from time to time tried to give effect to some Directive Principles of State Policy. They passed several *zamindari* abolition bills, nationalized banks, enacted numerous factory laws, fixed minimum wages, cottage and small industries were promoted and provisions for reservation for the uplift of the scheduled castes and scheduled tribes were made.

Statement 1: All these clearly reflect the social goals that we must follow like equity and justice. So, Statement 1 is correct.

Statement 2: Rights such as equal pay for equal work, child nutrition, old age security are some of the rights that DPSP mandates the government to implement. So, 2 is correct.

Statement 3: Statement 3 logically follows from Statements 1 and 2.

Q.341 The “Directive Principles of State Policy” denote the ideals that the State should keep in mind while formulating policies and enacting laws. These principles are applicable to which of the following organs?

- 1. Legislative
- 2. Executive
- 3. Local authorities
- 4. Public Sector enterprises (PSUs)

Choose the correct answer using the codes given below.

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

Solution: (a)

These are the constitutional instructions or recommendations to the State in legislative, executive and administrative matters.

According to Article 36, the term 'State' in Part IV has the same meaning as in Part III dealing with Fundamental Rights. Therefore, it includes the legislative and executive organs of the central and state governments, all local authorities and all other public authorities in the country

Q.342 Consider the following statements:

1. Fundamental rights are fundamental to the governance of the nation as they embody the idea of a political democracy.
2. A Panchayat samiti is also morally supposed to implement the Directive Principles of State Policy (DPSP).

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None

Solution: (b)

Statement 1: It's DPSP that is fundamental to the governance of the nation, not fundamental rights as the vision of the nation is embodied in DPSP.

Statement 2: Panchayat samitis at the block level are local bodies under the 73rd amendment to the Indian constitution, and are therefore covered under the definition of 'State' under Article 12 of the constitution. The 'State' is supposed to implement the DPSP.

Directive Principles of State Policy

Q.343 With reference to some of the provisions of the Constitution of India related to the Fundamental rights and Directive principles of state policy (DPSPs), consider the following statements

1. Prohibiting all forms of forced labour, child labour and human trafficking is enshrined in Directive Principles of State Policy
2. The equal pay for equal work for men and women is a fundamental right in India
3. According to the Constitution of India, the DPSPs are fundamental to the governance of the country

Which of the above statements is/are INCORRECT?

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

Solution: (a)

The Right against Exploitation, contained in Articles 23–24, lays down certain provisions to prevent exploitation of the weaker sections of the society by individuals or the State.

1. **Article 23** provides prohibits human trafficking, making it an offence punishable by law, and also prohibits forced labour or any act of compelling a person to work without wages where he was legally entitled not to work or to receive remuneration for it. However, it permits the State to impose compulsory service for public purposes, including conscription and community service. The Bonded Labour system (Abolition) Act, 1976 has been enacted by Parliament to give effect to this Article.
2. **Article 24** prohibits the employment of children below the age of 14 years in factories, mines and other hazardous jobs. Parliament has enacted the Child Labour (Prohibition and Regulation) Act, 1986, providing regulations for the abolition of, and penalties for employing, child labour, as well as provisions for rehabilitation of former child labourers.
3. **Article 39** lays down certain principles of policy to be followed by the State, including providing an adequate means of livelihood for all citizens, equal pay for equal work for men and women, proper working conditions, reduction of the concentration of wealth and means of production from the hands of a few, and distribution of community resources to "subserve the common good".

Despite being non-justiciable, the Directive Principles act as a check on the State; theorised as a yardstick in the hands of the electorate and the opposition to measure the performance of a government at the time of an election. While stating that the Directive Principles are not enforceable in any court of law, Article 37 declares them to be "fundamental to the governance of the country" and imposes an obligation on the State to apply them in matters of legislation.

Q.344 As per Directive Principles in Part IV of the Constitution, the State shall direct its policy towards securing that the ownership and control of the material resources of the community so that

1. Concentration of wealth is avoided
2. Means of production are nationalized
3. Private ownership is gradually discouraged

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Article 39 (b) says—The State shall direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good.

Article 39 (c) says—“The state shall direct its policy towards securing that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment (it doesn’t imply either nationalization or shunning of private properties).” So, both 2 and 3 will be wrong.

Q.345 Which of the following is NOT a ‘Directive Principle of State Policy’?

1. Free legal aid to poor
2. Public assistance in cases of unemployment
3. Secure the participation of workers in the management of industries

Choose the correct answer using the codes below.

- (a) 3 only (b) 2 and 3 only
(c) 1 only (d) All are Directive Principles

Solution: (d)

Some of the Socialistic Principles are:

- To promote equal justice and to provide free legal aid to the poor (Article 39 A).
- To secure the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement (Article 41).
- To make provision for just and humane conditions for work and maternity relief (Article 42).

- To secure a living wage, a decent standard of life and social and cultural opportunities for all workers (Article 43).
- To take steps to secure the participation of workers in the management of industries (Article 43 A).
- To raise the level of nutrition and the standard of living of people and to improve public health (Article 47).

Q.346 Which of the following is/are implicitly/explicitly both a fundamental Right and a Directive principle of state policy (DPSP)?

1. Protecting children from forcible abuse.
2. The right to adequate means to livelihood.
3. Early childhood care

Choose the correct answer using the codes below

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

Solution: (c)

Statement 1: Article 23 forbids the child labour. Where as Article 39(e) calls for the preservation of the health and strength of workers and children against forcible abuse

Statement 2: Article 19—freedom of profession

Article 39(a)—To secure the right to adequate means of livelihood for all citizens

Statement 3: Early childhood care is not a fundamental right even though we have a right of life. It does not cover this right. Subsequent legislations although have ensured it as it is a DPSP.

Q.347 Article 39A of the Constitution places a duty upon the State to provide a lawyer to any citizen who is

1. Unable to engage a lawyer due to economic conditions
2. Illiterate
3. Unable to engage a lawyer due to disability
4. Harmed by the actions of the ‘State’

Select the correct answer using the codes below.

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

Solution: (a)

Explanation: As far as statement 4 is concerned, a court may order the government

to pay the litigation expenditure to the affected. The state does not have a duty to provide a lawyer to them as such. So, statement 4 is wrong.

A person may be wealthy, but illiterate. He is economically capable to hire a lawyer. The state does not have a 'duty' to provide a lawyer to them. So, statement 2 is also wrong.

Learning: According to Article 22 of the Constitution, every person has a Fundamental Right to be defended by a lawyer. To achieve the objectives of Article 39A, government has established the National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 to provide free Legal Services to the weaker sections of the society and to organize Lok Adalats for amicable settlement of disputes.

- Q.348** To get just and humane conditions for work and maternity relief is a
- Fundamental Right
 - Legal Right
 - Directive Principle of State Policy
 - Executive Decree

Solution: (c)

Learning: To make provision for just and humane conditions for work and maternity relief is a DPSP under Article 42. It is related to labour rights.

- Q.349** The DPSP provides for securing a living wage to all workers. What is the correct ascending hierarchy of the following wages that are given in the country?
- Living wage
 - Minimum wage
 - Fair wage

Choose the correct answer using the codes below

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

Solution: (d)

- Minimum wage includes the bare needs of life like food, shelter and clothing.
- Living wage contains the cost of education, health etc. other than the minimum wage
- Fair wage is a mean between minimum wage and living wage.

So the correct hierarchy is **minimum wage < Fair wage < Living wage.**

- Q.350** "To secure for all citizens a uniform civil code throughout the country" is one of the Directive Principles. It means that
- All citizens will be under the same laws irrespective of their caste
 - All citizens will be under the same laws irrespective of their religion
 - All citizens will be under the same laws irrespective of their political authority and status
 - All citizens will be under the same laws irrespective of them residing or not residing in India

Solution: (b)

The **Uniform Civil Code (UCC)** in India as depicted in Article 44 proposes to replace the personal laws based on the scriptures and customs of each major religious community in the country with a common set governing every citizen.

The implementation is the tough task in country like India. There are pros as well cons of it.

Pros

- To provide equal status to all citizens
- To promote gender parity
- To accommodate the aspirations of the young population
- To support the national integration
- To bypass the contentious issue of reform of existing personal laws

Cons

- Practical difficulties due to diversity in India
- Perception of UCC as encroachment on religious freedom
- Interference of state in personal matters

- Q.351** "To secure for all citizens a uniform civil code throughout the country" is one of the Directive Principles of state policy in our constitution. If this is implemented, it will lead to

- common laws for all religious communities in India
- common laws for both men and women
- centralization of justice delivery system in courts rather than local bodies

Choose the correct answer using the codes below.

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

Solution: (c)

Uniform civil code in India is the debate to replace the personal laws based on the scriptures and customs of each major religious community in the country with a common set governing every citizen. These laws are distinguished from public law and cover marriage, divorce, inheritance, adoption and maintenance.

The laws already apply similarly for both men and women. In specific cases of property inheritance etc. a uniform civil code will have no effect. However, there will be a common law for all the communities in India.

Q.352 Separation of the Judiciary from the Executive is enjoined by :

- (a) Preamble
(b) Directive Principle
(c) Seventh Schedule
(d) Judicial Decision

Solution: (b)

Article 50 says “To separate the judiciary from the executive in the public services of the State”.

Q.353 The Directive Principles of State Policy (DPSP) concern with which of the following matters?

1. Conservation of environment
2. Protection of National Flag and honour
3. Labour rights

Select the correct answer using the codes below:

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

Solution: (c)

Protection of national flag and honour is a part of Fundamental rights for which laws have been enacted.

Labour rights have been covered by mentioning equal wage for equal work for men and women; ensuring a living wage for labourers; their participation in the management of industries etc.

To protect and improve the environment and to safeguard forests and wild life (Article 48A).

Q.354 Which of the following Directive Principles did NOT exist in the unamended original constitution?

1. To protect and improve the environment and to safeguard forests and wild life
2. To secure for all citizens a uniform civil code throughout the country
3. To secure the right to adequate means of livelihood for all citizens

Select the correct answer using the codes below.

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

Solution: (c)

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

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

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

Q.355 Consider the following statements about the Directive principles outside of Part IV of the constitution:

1. Promoting Hindi language is the duty of the Union government.
2. The Panchayats should endeavour to provide adequate facilities for instruction in mother tongue to linguistic minority primary school children.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None

Solution: (c)

DPSP versus Fundamental rights

Q.356 Consider the following statements.

1. Fundamental Rights are subordinate to Directive Principles of State Policy (DPSP).
2. DPSP is not enforced automatically by merely being a part of the Constitution; it requires a legislation to enforce it.

Which of the above is/are correct?

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

Solution: (b)

Distinction Between Fundamental Rights and Directive Principles

Distinction Between Fundamental Rights and Directive Principles

Fundamental Rights	Directive Principles
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 provide the welfare of the individual. Hence, they are personal and individualistic.	5. They provide the welfare of the community. Hence, they are Socialistic 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 court 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.
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Q.357 As per the Supreme Court of India, if a law may transgress certain fundamental rights, but seeks to give effect to a Directive Principle, the law may be saved from unconstitutionality. Which of the fundamental rights may be transgressed by law this way?

1. Article 14 2. Article 19
3. Article 21 4. Article 30

Choose the correct answer using the codes given below.

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

Solution: (c)

The Directive Principles are non-justiciable in nature, that is, they are not legally enforceable by the courts for their violation. Though non-justiciable in nature, they 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.

Q.358 Consider the following statements:

1. Any law or rule that violates the fundamental right under Article 19 (Right to freedom) will be termed void by the Supreme Court.
2. The judiciary can not question the laws that are made for the welfare of people of India.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None

Solution: (d)

Statement 1: Laws and rules will not be termed void by the SC if they intend to implement some of the directive principles even if they violate the FRs under Articles 14 and 19.

Statement 2: Judicial review is a basic feature. Any law can be questioned.

Q.359 Consider the following statements:

1. DPSP is subordinate to the Fundamental rights except Article 14 and 19 (Right to freedom).
2. The subordination of DPSP to fundamental rights is mentioned in the constitution of India.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None

Solution: (a)

Statement 1: is true subsequent to the judgment of the SC in the *Minerva Mills* case (1980). It has not been mentioned in the constitution and this is why the court was moved in the first place to ascertain the status of DPSP versus FRs.

Statement 2: There is no such provision in the constitution.

Q.360 That the —Indian Constitution is founded on the bedrock of the balance between the Fundamental Rights and the Directive Principles has been

- (a) Ruled by the Supreme Court
(b) Provided for in the Constitution of India
(c) Affirmed by a resolution of the Parliament
(d) Affirmed by a resolution of the Constituent assembly of India

Solution: (a)

In the *Minerva Mills Ltd v. UOI*, AIR 1980 SC 1789, the Supreme Court held that ‘the Indian Constitution is founded on the bedrock of the balance between the Fundamental Rights and the Directive Principles’.

Implementation of DPSP

Q.361 Which of the following show the implementation of Directive Principles of State Policy?

1. Establishment of Central Administrative Tribunal
2. Enactment of Legal Services Authorities Act
3. 73rd Amendment Act to the Constitution
4. Implementation of land reforms

Select the correct answer using the codes below.

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

Solution: (b)

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

Statement 2: The Legal Services Authorities Act (1987) has established a nation-wide network to provide free and competent legal aid to the poor and to organise lok adalats for promoting equal justice. – Article 39A

Statement 3: Three-tier panchayati raj system (at village, taluka and zila levels) has been introduced to translate into reality Gandhiji’s dream of every village being a republic. (As mentioned in Article 40).

Statement 4: It reduces inequality and leads to welfare of weaker sections of the population (As mentioned in Article 39(b))

Q.362 The enforcement of Directive Principles depends most on:

- (a) the Courts
(b) an effective opposition in Parliament
(c) resources available to the Government
(d) public cooperation

Solution: (c)

Insufficient financial resources was one of the reason for making DPSP non enforceable.

(9) FUNDAMENTAL DUTIES — PART IVA – ARTICLE 51A

Q.363 Which of the following is/are NOT a Fundamental Duty as enshrined in the Constitution of India?

1. To value and preserve the rich heritage of our composite culture
2. To safeguard public property and to abjure violence

3. Who is a parent or guardian to provide opportunities for education to his child or ward, as the case may be, between the age of six and fourteen years
4. To uphold and protect the sovereignty, unity and integrity of India
5. To respect women and uphold India's rich culture

Choose the correct answer using the codes below

- (a) 3 and 5 Only (b) 3 Only
(c) 5 Only (d) 1 and 5

Solution: (c)

Except 5th option, all are fundamental duties
The Fundamental Duties noted in the constitution are as follows:

It shall be the duty of every citizen of India

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

Q.364 Which of the following is a fundamental duty mentioned in Article 51-A of the Constitution?

1. To develop a spirit of inquiry
2. To respect the National Flag and National Anthem
3. To safeguard Public property
4. To do charitable activities which promote social and economic equity

Choose the correct answer using the codes given below.

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

Solution: (b)

Q.365 Which of the following fundamental duties are mentioned implicitly/explicitly under the constitution of India?

1. To strive towards excellence in all spheres of individual and collective activity.
2. To safeguard public property.
3. To pay taxes.
4. Not to entertain superstition and superstitious beliefs.

Choose the correct answer using the codes below

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

Solution: (d)

One of our fundamental duties asks us to develop scientific temper and develop a spirit of enquiry. It means rejecting all that is not based on reason and enquiry including superstitious beliefs. Scientific temper does not only mean appreciating science and engaging in science related activities, but also living rationally.

There is no such duty to pay taxes. It however is a punishable offence not to pay taxes.

Q.366 Which of these is/are NOT Fundamental Duties of an Indian citizen?

1. To properly nourish his/her children.
2. To safeguard national property.
3. To defend the country and render national service when called upon.

Select the correct answer using the codes below.

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

Solution: (c)

Justification: To provide opportunities for education to his child or ward between the age of six and fourteen years is a fundamental duty. Nourishment, health, happiness etc don't come in it. So, 1 is wrong.

If there was an option like respect the elderly, you can tick mark it right, since valuing and preserving the rich heritage of the country's composite culture is a fundamental duty

Q.367 Which of the following is NOT a fundamental duty under Part IVA of the Constitution?

- (a) To pay taxes on time
- (b) To respect the National Flag
- (c) To protect the environment
- (d) To develop a scientific and rational temper

Solution: (a)

Learning: Option (a) was recommended by Swaran Singh Committee but was not accepted by the Government.

Rest all are enshrined in article 51A

Q.368 For a citizen of India, the duty to pay taxes is a:

- (a) Fundamental Duty
- (b) Legal obligation
- (c) Constitutional obligation
- (d) Moral obligation

Solution: (b)

As per the Swaran Singh Committee (that suggested inclusion of fundamental rights); including duty to pay taxes should have been a fundamental duty, but it was not agreed upon.

So as per the Direct taxation laws, income and other kinds of taxes are a legal obligation for an Indian citizen as he uses public services, receives social and political security from the state etc.

Features of Fundamental Duties

Q.369 Which of these differentiate between Fundamental Duties and Fundamental Rights as enshrined in the constitution?

1. Unlike fundamental rights, the fundamental duties are confined to citizens only and do not extend to foreigners.
2. While fundamental rights can be enforced by a legislation, fundamental duties cannot be.

3. The fundamental duties are non-justiciable, but fundamental rights are.

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Statement 1: For e.g. foreigners cannot be mandated to cherish the ideals that led to our freedom struggle, even if they are granted certain fundamental rights during their stay in India, such as Article 21, right to life.

Statement 2: Both can be enforced. For example, the flag code of India enforces the fundamental duty of respecting national symbols.

Statement 3: The Constitution does not provide for their direct enforcement by the courts. Moreover, there is not legal sanction against their violation

Q.370 Consider the following statements about Fundamental duties.

1. They are enforceable by law.
2. They can be used by the courts for determining the constitutionality of any law that transgresses certain fundamental rights.

Which of the above is/are true?

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

Solution: (c)

They are enforceable by law. Hence, the Parliament can provide for the imposition of appropriate penalty or punishment for failure to fulfil any of them.

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

Q.371 Consider the following statements;
Assertion (A): Fundamental duties do not extend to foreigners staying in India.

Reason (R): Since they do not enjoy Fundamental rights in India, they are under no obligation to follow fundamental duties.

In the context of the statements above, which of these is true?

- (a) Both A and R are true and R is the correct explanation for A.
- (b) Both A and R are true and R is not the correct explanation for A.
- (c) A is incorrect but R is correct.
- (d) A is correct but R is incorrect

Solution: (d)

There are several fundamental rights enjoyed by the foreigners like Right to life, Right against exploitation etc. But, as they are not the citizens of India, they are not supposed to follow the duties

(10) AMENDMENT OF CONSTITUTION — PART XX — ARTICLE 368

Procedure for Amendment

Q.372 Article 368 provides for the procedure for amendment of the Constitution. With regard to amendment, consider the following:

- 1. All amendments to the Constitution are initiated only in the Parliament.
- 2. The Constitution Commission is required to amend the Constitution.
- 3. After the passage of the amendment bill in the Parliament and in some cases, in State legislatures, referendum is required for ratification of the amendment.
- 4. Sovereignty of elected representatives is the basis of the amendment procedure.

Which of the above statements is/are correct?

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

Solution: (a)

In this article (Article-368), there are two methods of amending the Constitution and they apply to two different sets of articles of the Constitution

- 1. amendment can be made by special majority of the two houses of the Parliament

- 2. This method is more difficult: it requires special majority of the Parliament and consent of half of the State legislatures.

Note that all amendments to the Constitution are initiated only in the Parliament. Besides the special majority in the Parliament no outside agency—like a constitution commission or a separate body—is required for amending the Constitution.

Similarly, after the passage in the Parliament and in some cases, in State legislatures, no referendum is required for ratification of the amendment.

Only elected representatives of the people are empowered to consider and take final decisions on the question of amendments. Thus, Sovereignty of elected representatives (parliamentary sovereignty) is the basis of the amendment procedure.

Q.373 As per Article 368 of the Constitution, the amendment of the Indian constitution can be initiated in

- 1. Lok Sabha
- 2. Rajya Sabha
- 3. The office of The President
- 4. State Legislatures
- 5. Council of Ministers

Choose the correct answer using the codes below.

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

Solution: (b)

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.

It is true that the proposal for amendment may come from any of the options mentioned, but only after the executive clears it can it be put forth the Parliament. From here the formal process starts.

Q.374 Consider the following statements about Constitutional amendment in India.

- 1. A private member of the Parliament cannot introduce a constitutional amendment bill
- 2. The prior permission of the President is required for the introduction of every constitutional amendment bill
- 3. Special days are reserved for introducing constitutional amendment bills

Choose the correct answer using the codes below

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

Solution: (d)

The bill can be introduced either by a minister or by a private member and does not require prior permission of the president. A private member here means a MP who does not belong to the ruling coalition.

Special days in the Parliament are reserved for Private member bills – not constitutional amendment bills.

Q.375 Article 368 of the Constitutions puts which of the following caveats for bills suggesting constitutional amendment?

1. They can be introduced only by the Leader of the House.
2. They must receive prior consent of the President before admission in Parliament.

Which of the above is/are correct?

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

Solution: (d)

Q.376 A constitutional amendment bill

1. Can only be initiated by the President of India
2. Must be introduced in the Lok Sabha first
3. Is subject to the casting vote of the Chairman of the house
4. Cannot be introduced by private MPs

Select the correct answer using the codes below.

- (a) 1, 2 and 4 only (b) 1, 2 and 3 only
(c) 4 only (d) None of the above

Solution: (d)

Justification: Statement 1: Only certain category of CA bills need the prior permission of the President, for example major tax reforms.

Statement 2: It can be introduced in either house.

Statement 3: Speaker has the casting vote only in case of a tie or indecisive situations. Otherwise, if the MPs clear the bill, it is sent to the President.

Statement 4: Any MP can introduce a CA bill.

Q.377 Consider the following statements about the procedure to amend the Indian constitution:

1. A constitutional amendment bill requires the prior permission of the President.
2. It can only be introduced in the Lok Sabha first as it is the house of the people from which the constitution derives its authority.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None

Solution: (d)

The prior permission of the President is required only in the case of money bills and other bills like the one which seeks to divide a state. It can be introduced in any house.

Q.378 Consider the following statements about a Constitutional amendment bill.

1. Each House of Parliament must pass the bill separately.
2. The bill must be introduced first in Lok Sabha.

Which of the above is/are correct?

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

Solution: (a)

Justification: Statement 1: 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. The bill must be passed in each House by a special majority.

Statement 2: 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.

Q.379 A constitutional amendment bill must be passed in each house by a combination of which of these conditions

1. Two-thirds of total membership of each house
2. Majority of those present and voting in each house
3. Two-thirds of those present and voting in each house
4. Majority of total membership of each house

Choose the correct answer using the codes below.

- (a) 1 and 2 (b) 3 and 4
(c) 1 only (d) Either option (b) OR (c)

Solution: (d)

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.

In case of two-third of total membership approving the bill, the second condition automatically gets fulfilled.

- Q.380** The following four numbers represent the attendance in the Lok Sabha on a particular day of a session. In which of the following case(s) can a constitutional amendment bill never be passed which seeks to expand the list of Fundamental duties?

1. 173 2. 274
3. 50 4. 358

Choose the correct answer using the codes below

- (a) Only 3
(b) All of the above
(c) 1 and 3
(d) It can be passed in all the cases.

Solution: (c)

A constitutional amendment bill in this case can only be passed with both a 2/3rd majority of members present and voting and an majority of the total membership in the Parliament which is 545.

In case 1 – 173 members, the condition of absolute majority can not be fulfilled.

In case 3 – 50 members, the quorum is not fulfilled. The house would not even proceed.

- Q.381** If a bill seeks to amend the federal provisions of the Constitution

- (a) It must also be ratified by the legislatures of at least two-thirds of the states by a special majority
(b) It must be introduced in the Parliament with prior consent from the President
(c) It must receive the approval of a constitutional bench of Supreme Court under Article 143 before introduction in the Parliament

- (d) None of the above is correct in this regard.

Solution: (d)

Justification: Option A: It should be ratified by the legislatures of half of the states by a simple majority, that is, a majority of the members of the House present and voting. No special majority or two-thirds states are needed. So, A is incorrect.

Option B: After duly passed by both the Houses of Parliament and ratified by the state legislatures, where necessary, the bill is presented to the president for assent. No prior consent is required.

The power to initiate an amendment to the Constitution lies with the Parliament.

- Q.382** A constitutional amendment bill that amends major federal features can be passed by

- (a) Special majority in each house of the Parliament
(b) Absolute Majority in any one house of the Parliament
(c) Simple majority in both house of Parliament as well as in majority of State Legislatures
(d) None of the above is correct.

Solution: (d)

Learning: Ordinarily, 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.

If the bill seeks to amend the federal provisions of the Constitution, it must also be ratified by the legislatures of half of the states by a simple majority, that is, a majority of the members of the House present and voting. So, (d) is the only correct answer.

- Q.383** In case of a disagreement between the two Houses regarding a constitutional amendment bill, which of the following can be recourse(s) to resolve the deadlock?

1. A joint sitting of both the houses
2. Vote by majority of state legislatures

3. If the bill is passed again by the Lok Sabha alone with a higher majority

Choose the correct answer using the codes below.

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

Solution: (d)

Q.384 Consider the following statements:

1. A constitutional amendment bill ends in case of a disagreement between the two houses.

2. The president can not return a constitutional amendment bill to the Parliament for reconsideration.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None

Solution: (c)

Q.385 Consider the following statements.

Assertion (A): The president must give her assent to a Constitutional amendment bill passed by due process.

Reason (R): The Constitution makers did not give the office of the President any responsibility with regard to protecting the constitution.

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

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

Solution: (d)

Justification: The president must give his assent to the bill. He can neither withhold his assent to the bill nor return the bill for reconsideration of the Parliament.

The 24th Constitutional Amendment Act of 1971 made it obligatory for the President to give his assent to a constitutional Amendment Bill.

Before this he could treat a constitutional amendment bill just as an ordinary bill and could use his veto powers. So, R is wrong

Q.386 When a constitutional amendment bill is produced before the President, what are the options available to him?

1. Withhold the bill

2. Return the bill for reconsideration of the Parliament

3. End the bill

Choose the correct answer using the codes below.

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

Solution: (d)

After duly passed by both the Houses of Parliament and ratified by the state legislatures, where necessary, the bill is presented to the president for assent.

The president must give his assent to the bill. He can neither withhold his assent to the bill nor return the bill for reconsideration of the Parliament.

After the president's assent, the bill becomes an Act (i.e., a constitutional amendment act) and the Constitution stands amended in accordance with the terms of the Act.

Q.387 A constitutional amendment bill may need the consent of

1. Lok Sabha
2. Rajya Sabha
3. President of India
4. State Legislative assemblies
5. State legislative councils

Choose the correct answer using the codes below.

- (a) 1, 2 and 3 only (b) 1, 2, 3 and 4 only
(c) 4 and 5 only (d) All of the above

Solution: (b)

The majority of the provisions in the Constitution need to be amended by a special majority of the Parliament, that is, a majority (that is, more than 50 per cent) of the total membership of each House and a majority of two-thirds of the members of each House present and voting.

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

Q.388 Consider the following statements about the position of states concerning constitutional amendments:

1. A constitutional amendment bill can be initiated by the states in the USA unlike in India.
2. The constitution does not provide a time limit for getting the required amendment cleared by the states in India.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None

Solution: (c)

The USA being a truly federal nation gives power to its states to initiate amendments to the constitution. It is not the case in India which is a quasi-federal nation.

Q.389 Consider the following statements.

1. The Judiciary cannot initiate the process of constitutional amendment but can effectively change the Constitution by interpreting it differently.
2. Elected representatives alone have the power to amend the Constitution.

Which of the above is true?

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

Solution: (c)

First statement can be seen in cases like *Kesavananda Bharati Sripadagalvaru v. State of Kerala* (1973) 4 SCC 225: Basic structure Doctrine; in other cases which enhanced the scope of Article 21 etc. In all other cases of constitutional amendment, it is the Parliament and the state legislatures that are involved in constitutional amendment via Article 368 of the constitution.

Q.390 Given below are two statements, one labelled as Assertion (A) and the other labelled as Reason (R):

Assertion (A): The reservation of 33% of seats for women in Parliament and Parliament does not require constitutional amendment.

Reason (R): Political parties contesting elections can allocate 33% of seats they contest to women candidates without any constitutional amendment.

In the context of the above two statements, which one of the following is correct?

- (a) Both A and R are true and R is the correct explanation of A.

(b) Both A and R are true but R is not a correct explanation of A.

(c) A is true, but R is false

(d) A is false, but R is true.

Solution: (d)

Women's reservation bill would bring major changes in the composition of the Parliament and would thus require a constitutional amendment. But Political parties are non-constitutional bodies. They can internally allocate 33% seats to women without the need for any such amendment. However, their party constitution may need to be amended.

Q.391 Providing for reservation of women in which of the following bodies will NOT require a constitutional amendment?

1. Lok Sabha
2. Rajya Sabha
3. State Legislative Assembly
4. State Legislative Council
5. Political parties

Choose the correct answer using the codes below.

- (a) All of the above (b) 3 and 4 only
(c) 5 only (d) None of the above

Solution: (c)

Any provision that changes the composition of the legislative bodies will require a constitutional amendment. It is a major change and hence will require a higher majority in Parliament. A political party is a self-governing voluntary body and is not a legislative or executive body in that sense. A change in Societies Act will do for the political parties. Hence, this is another solution advocated by parties to break the deadlock in Parliament over women reservation.

Q.392 The following are some cases of constitutional amendment. Which of these is/are correctly matched with respect to its requirement?

1. Change in the jurisdiction of the Supreme Court – Special majority and Consent of states.
2. Sixth schedule (administration of tribal areas) – Special majority
3. Election of the Vice- President - Special majority and Consent of states

4. Citizenship (acquisition and termination)
– Special majority

Choose the correct answer using the codes below

- (a) 1 and 3 only (b) Only 1
(c) 1, 2 and 4 (d) None of the above

Solution: (d)

Expansion in the SC's mandate requires only a simple majority while a reduction in mandate requires a special majority with the consent of states. Change can mean both.

The case of changing the procedure of Election of only President requires special majority with consent of the states, not Vice- President. For, the state assemblies are involved in electing the president unlike in the case of the vice-president.

Simple Majority

Q.393 A number of provisions in the Constitution can be amended by a simple majority of the two Houses of Parliament outside the scope of Article 368. These provisions include, inter alia

1. Citizenship clauses
2. Abolition or creation of legislative councils in states
3. Election of the President and its manner

Choose the correct answer using the codes below.

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

Solution: (a)

These matters include:

- Admission or establishment of new states.
- Formation of new states and alteration of areas, boundaries or names of existing states.
- Abolition or creation of legislative councils in states.
- Second Schedule—emoluments, allowances, privileges and so on of the president, the governors, the Speakers, judges, etc.
- Quorum in Parliament.
- Salaries and allowances of the members of Parliament.
- Rules of procedure in Parliament.

- Privileges of the Parliament, its members and its committees.
- Use of English language in Parliament.
- Number of puisne judges in the Supreme Court.
- Conferment of more jurisdictions on the Supreme Court.
- Use of official language.
- Citizenship—acquisition and termination.
- Elections to Parliament and state legislatures.
- Delimitation of constituencies.
- Union territories.
- Fifth Schedule—administration of scheduled areas and scheduled tribes.
- Sixth Schedule—administration of tribal areas.

Q.394 Which of the following provisions of the Constitution can be amended by a simple majority in the Parliament?

1. Conferment of more jurisdictions on the Supreme Court
2. Delimitation of constituencies
3. Directive Principles of State Policy
4. Election of the President and its manner

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 3 requires special majority.

Statement 4 requires Special Majority of Parliament and Consent of States.

Other provisions that can be changed by simple majority of Parliament are:

Q.395 Changing the number of *puisne* (regular) judges in the Supreme Court or High Court requires legislation by the Parliament with

- (a) Ordinary majority
- (b) Special majority
- (c) Absolute majority
- (d) Special majority with consent of majority of states

Solution: (a)

For changing powers, special majority is required; for number of judges it is not. The original Constitution of 1950 envisaged a

Supreme Court with a Chief Justice and seven *puisne* Judges - leaving it to Parliament to increase this number. In the early years, all the Judges of the Supreme Court sat together to hear the cases presented before them. As the work of the Court increased and arrears of cases began to cumulate, Parliament increased the number of Judges from 8 in 1950 to 11 in 1956, 14 in 1960, 18 in 1978 and 26 in 1986. As the number of the Judges has increased, they sit in smaller Benches of two and three - coming together in larger Benches of 5 and more only when required to do so or to settle a difference of opinion or controversy.

Special Majority + State Consent

Q.396 Which of the following provisions of the Constitutions of India need the ratification by the legislatures of not less than one-half of the States to effect amendment?

1. Extent of the legislative powers of the Union and the States
2. Powers of the Supreme Court and High Courts
3. Acquisition of a new territory by the Government of India

Select the correct answer using the codes below.

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

Solution: (a)

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

There is no time limit within which the states should give their consent to the bill.

The following provisions can be amended in this way:

1. Election of the President and its manner.
2. Extent of the executive power of the Union and the states.
3. Supreme Court and high courts.
4. Distribution of legislative powers between the Union and the states.

5. Any of the lists in the Seventh Schedule.
 6. Representation of states in Parliament.
 7. Power of Parliament to amend the Constitution and its procedure
- Any of the Lists in the 7th Schedule

Q.397 Constitutional amendments in which of the following provisions would require the consent of the majority of the states?

1. Qualifications and appointment of the Governor of the state as depicted in Article 157.
2. Powers of the President to promulgate ordinances on the subject mentioned in the Concurrent list – Article 123.
3. Term of the office of President – Article 56.

Choose the correct answer using the codes below:

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

Solution: (d)

Election of the President and its manner only are to be ratified by the states, not his term in the office.

Although Governors are the highest authority in the states, the consent of the states is not needed in amending provisions relating to the Governor.

Change in the Ordinance making powers with respect to the state list may be needed to be ratified by the states.

Q.398 Which of the following category of constitutional amendments would require the ratification of the states in India?

1. Citizenship clauses
2. Changes in the Concurrent List under Seventh Schedule
3. Changes in the state boundaries
4. Changing the number of *puisne* judges in the Supreme Court

Choose the correct answer using the codes below.

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

Solution: (d)

Citizenship – simple majority only in the Parliament.

Changing the boundary of states – simple majority only in the Parliament.

Changing the number of judges in the SC – simple majority only in the Parliament.

Basic Structure of the Constitution

Q.399 The Parliament cannot amend those provisions which form the ‘basic structure’ of the Constitution. This was ruled by the Supreme Court in the

- (a) *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 18
- (b) *Bhikaji Jagannath Waghdhare v. UOI*, decided on 13 August, 2009
- (c) *Kesavananda Bharati Sripadagalvaru v. State of Kerala*, (1973) 4 SCC 225
- (d) *Shankari Prasad v. UOI*, AIR 1951 SC 455

Solution: (c)

Q.400 Consider the following statements about the ‘Basic Structure’ of the Constitution of India.

- 1. It is mentioned in Part III of the Constitution.
- 2. The Supreme Court has interpreted the Basic Structure in its various judgements giving also the exhaustive constituents of the ‘basic structure’.
- 3. A law or constitutional amendment can be termed void if it violates the ‘Basic Structure’.

Choose the correct answer using the codes below:

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

Solution: (d)

Statement 1: Basic structure is the judicial innovation and not mentioned in constitution. It restricts the power of the parliament to amend the constitution. It embodies those features which if amended will negate the very essence of our constitution.

Statement 2: The basic features of the Constitution have not been explicitly defined by the Judiciary. At least, 20 features have been described as “basic” or “essential” by the Courts in numerous cases, and have been incorporated in the basic structure.

In *Indira Nehru Gandhi v. Raj Narain* and also in the *Minerva Mills* case, it was observed that the claim of any particular feature of the Constitution to be a “basic”

feature would be determined by the Court in each case that comes before it.

Statement 3: During judicial review if the law is found to be violative of the basic structure of constitution then it can be declared void and null

Q.401 In *Kesavananda Bharati Sripadagalvaru v. State of Kerala*, (1973) 4 SCC 225, the Supreme Court came out with the ‘basic structure doctrine’. What are the implications of this doctrine for the constitution and the powers of the Parliament?

- 1. Not every provision of the constitution can be amended by the Parliament.
- 2. No constitutional body established immediately after the commencement of the constitution can be scrapped.
- 3. The powers of Parliament and courts can neither be expanded nor contracted.

Choose the correct answer using the codes below.

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

Solution: (a)

The reasoning behind the court’s judgment was: “Since the Constitution had conferred a limited amending power on the Parliament, the Parliament cannot under the exercise of that limited power enlarge that very power into an absolute power. Indeed, a limited amending power is one of the basic features of the Constitution and, therefore, the limitations on that power cannot be destroyed.

In other words, Parliament cannot, under article 368, expand its amending power so as to acquire for itself the right to repeal or abrogate the Constitution or to destroy its basic features. The doctrine of a limited power cannot by the exercise of that power convert the limited power into an unlimited one.”

Q.402 The Parliament can amend the Constitution subjected to the limit of

- (a) Altering the division of power between Centre and States
- (b) Basic Structure of the Constitution
- (c) Text of the Preamble
- (d) Directive Principles of State Policy

Solution: (b)

Learning: In the *Kesavananda Bharati Sripadagalvaru v. State of Kerala*, (1973) 4 SCC 225, the Supreme Court ruled that the constituent power of Parliament under Article 368 does not enable it to alter the 'basic structure' of the Constitution.

Options (a), (c) and (d) do not come in the basic structure. For e.g. Centre can reduce the taxation powers of states under, let's say GST, which is possible through the Parliament.

Preamble has already been amended once, and the DPSP too has been extended.

Q.403 With regard to the theory of basic structure of the Constitution, consider the following:

1. Parliament has powers to amend all parts of the Constitution except the basic structure.
2. Constitution specifies the basic structure of the Constitution
3. It found its first expression in the *Golaknath v State of Punjab*, (1967 AIR 1643).
4. It has increased the powers of the judiciary.
5. Federal system, fundamental duties, social justice form the basic structure of the Constitution

Which of the above statements is/are incorrect?

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

Solution: (d)

Judiciary has defined which aspects of the Constitution can be termed as the basic structure and which cannot.

This theory found its first expression in the *Kesavananda Bharati Sripadagalvaru v. State of Kerala*, (1973) 4 SCC 225 and has been discussed in subsequent judgments. It has increased the powers of the judiciary and has come to be accepted by different political parties and the government. Though Federal system and social justice forms the basic structure of the Constitution, fundamental duties does not.

Q.404 As per a ruling of the Supreme Court, the "basic structure" of the constitution can not be amended by the Parliament. Which of the following come under the "basic structure"?

1. Power of Supreme Court to issue writs in case of violation of Fundamental Rights
2. Effective access to justice
3. Parliamentary system

Choose the correct answer using the codes below.

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

Solution: (d)

The following are part of the 'basic structure' as has become clear from several rulings of Supreme Court:

1. Supremacy of the Constitution
2. Sovereign, democratic and republican nature of the Indian polity
3. Secular character of the Constitution
4. Separation of powers between the legislature, the executive and the judiciary
5. Federal character of the Constitution
6. Unity and integrity of the nation
7. Welfare state (socio-economic justice)
8. Judicial review
9. Freedom and dignity of the individual
10. Parliamentary system
11. Rule of law
12. Harmony and balance between Fundamental Rights and Directive Principles
13. Principle of equality
14. Free and fair elections
15. Independence of Judiciary
16. Limited power of Parliament to amend the Constitution
17. Effective access to justice
18. Principle of reasonableness
19. Powers of the Supreme Court under Articles 32, 136, 141 and 142

Q.405 As per the interpretation of the Supreme Court, which of the following does NOT come under the 'basic structure' of the constitution?

- (a) Panchayati Raj
(b) Judicial Review
(c) Freedom and dignity of the individual
(d) Secularism

Solution: (a)

Q.406 From the various judgements of the Supreme Court, which of the following have emerged as elements of 'basic structure' of the Constitution?

1. Separation of powers between the legislature, the executive and the judiciary
2. Harmony and balance between Fundamental Rights and Directive Principles
3. Supremacy of the Constitution
4. Principle of reasonableness
5. Welfare state and ideals of Socio-economic Justice

Select the correct answer using the codes below.

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

Solution: (d)

Q.407 In which of the following cases of constitutional amendment can the law be possibly declared void by the Supreme Court for violating the basic structure of the constitution?

1. An amendment which makes India a police state instead of a welfare state.
2. An amendment which gives the Parliament substantial judicial powers.
3. An amendment which declares the Parliament to be supreme above the Judiciary.

Choose the correct answer using the codes below

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

Solution: (d)

Few Amendments

Q.408 Consider the following statements

1. The First Constitutional amendment set the precedent of amending the Constitution to overcome judicial judgements impeding fulfilment of the government's perceived responsibilities to particular policies and programmes.
2. In the First Constitutional amendment, article 31B was introduced to validate 13 enactments relating to *zamindari* abolition

Which of the above is/are incorrect?

- (a) 1 Only (b) 2 Only
 (c) Both (d) None

Solution: (d)

Both are correct.

The First Amendment of the Constitution of India, enacted in 1951, made several changes to the Fundamental Rights provisions of the constitution. It provided against abuse of freedom of speech and expression, validation of *zamindari* abolition laws, and clarified that the right to equality does not bar the enactment of laws which provide "special consideration" for weaker sections of society. The formal title of the amendment is the Constitution (First Amendment) Act, 1951. It was moved by the then Prime Minister of India, Jawaharlal Nehru, on 10 May 1951 and enacted by Parliament on 18 June 1951.

This amendment set the precedent of amending the Constitution to overcome judicial judgements impeding fulfilment of the government's perceived responsibilities to particular policies and programmes. The amendment's language giving it retrospective as well as prospective effect was used by Prime Minister Indira Gandhi during the Emergency, to render constitutional, actions that had been both illegal and unconstitutional.

Q.409 First Amendment Act, 1951 to the Constitution of India

1. Added more restrictions on Freedom of Speech and Expression in India
2. Added Ninth Schedule to protect the land reform and other laws included in it from the judicial review
3. Readjusted the scale of representation in the Lok Sabha
4. Empowered the president to fix the time-limit for the state legislatures to express their views on the proposed Central legislation

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1 and 2: Important elements were:

- Empowered the state to make special provisions for the advancement of socially and economically backward classes.

- Provided for the saving of laws providing for acquisition of estates, etc.
- Added Ninth Schedule to protect the land reform and other laws included in it from the judicial review
- Added three more grounds of restrictions on freedom of speech and expression, viz., public order, friendly relations with foreign states and incitement to an offence. Also, made the restrictions 'reasonable' and thus, justiciable in nature.

Statement 3: It was added by the 2nd CA.

Statement 4: Added by the 3rd CA.

Q.410 Which of these Amendments and their subject matter is/are incorrectly matched?

1. 26th Amendment - Abolition of titles and privileges of former rulers of princely states
2. 21st Amendment - Curtailed the right to property
3. 51st Amendment - Curbed political defections
4. 61st Amendment - Reduced voting age.

- (a) I, II and IV (b) II, III and IV
(c) I and IV (d) II and III

Solution: (d)

Q.411 Match the following:

- | | |
|----------------------------|---|
| A. Fifty-eighth Amendment | 1. Delhi to be called as National Capital Territory of Delhi |
| B. Sixty-first Amendment | 2. Reduced voting age from 21 years to 18 years |
| C. Sixty-ninth Amendment | 3. An authoritative text of the Constitution in Hindi |
| D. Seventy-first Amendment | 4. Included Konkani, Manipuri Nepali languages in the Eighth Schedule |

- A B C D (b) 3 1 2 4
(a) 3 2 1 4 (d) 4 2 1 3
(c) 2 1 3 4

Solution: (a)

Q.412 Put in chronological order the following Amendments to the Constitution.

1. Addition of Ninth Schedule to the Constitution.
2. Abolition of privy purses and privileges of former princes.
3. Insertion of XI Schedule
4. Removal of Right to Property from Constitutional Rights.

- (a) I, II, III, IV (b) II, I, IV, III
(c) I, II, IV, III (d) IV, I, II, III

Solution: (c)

SYSTEM OF GOVERNMENT

(11) PARLIAMENTARY SYSTEM

Q.413 Which of the following possibilities can be found in a Parliamentary Democracy?

1. It can be a constitutional monarchy.
2. President can be the head of the government.
3. The Prime Minister may belong to the party without majority in the legislature.

Choose the correct answer using the codes below.

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

Solution: (c)

Statement 1 & 2: Parliamentary democracy can be monarchy where head of the government is the hereditary position or republic that has elected head of the state

Statement 3: One of the features of the parliamentary democracy is majority party rule. Prime Minister is the leader chosen by party that has majority support in the parliament.

Q.414 Collective Responsibility of the council of ministers to the Parliament is the bedrock principle of parliamentary government. It implies that

- (a) The Parliament can remove the council of ministers from office by passing a vote of no confidence
- (b) The council of Ministers is appointed and dismissed by the Parliament
- (c) All important decisions of the council of Ministers have to be approved by the Parliament
- (d) None of the above

Solution: (a)

The ministers are collectively responsible to the Parliament in general and to the Lok Sabha in particular (Article 75). They act as a team, and swim and sink together. The principle of collective responsibility implies that the Lok Sabha (not Parliament) can remove the ministry (i.e., council of ministers headed by the prime minister) from office by passing a vote of no confidence.

Q.415 Assertion (A): Parliamentary democracy in most countries is often known as the Cabinet form of government.

Reason (R): It is not practical for all ministers to meet regularly and discuss everything; hence the decisions are taken in Cabinet meetings

Which of the statements is correct?

- (a) Both A and R are True and R is the correct explanation of A
- (b) Both A and R are True and R is not the correct explanation of A
- (c) A is True and R is False
- (d) A is False and R is True

Solution: (a)

Cabinet Ministers are usually top-level leaders of the ruling party or parties who are in charge of the major ministries. Usually the Cabinet Ministers meet to take decisions in the name of the Council of Ministers. Cabinet is thus the inner ring of the Council of Ministers. Since it is not practical for all ministers to meet regularly and discuss everything, the decisions are taken in Cabinet meetings. That is why parliamentary democracy in most countries is often known as the Cabinet form of government.

Q.416 The Indian model of government is also called as the “Westminster” model of government because

- (a) Indian constitution was made with the assistance of the British
- (b) Indian constitution was modelled very closely on the lines of the British constitution
- (c) India follows parliamentary form of government
- (d) The popular parliamentary house is elected

Solution: (c)

Westminster is a place in London where the British Parliament is located. It is often used as a symbol of the British Parliament.

The Parliament is the legislative organ of the Union government. It occupies a pre-eminent and central position in the Indian democratic political system due to adoption of the parliamentary form of government, also known as ‘Westminster’ model of government.

Indian constitution departs on a number of principles from the British constitution namely – federalism v/s unitary government; monarchy v/s republic; judicial review etc.

- Q.417** In a Parliamentary form of Government
- (a) The Legislature is responsible to the Judiciary
 - (b) The Executive controls the Judiciary
 - (c) The Judiciary is responsible to the Executive
 - (d) The Executive is responsible to the Legislature

Solution: (d)

Learning: The relationship between the executive and the legislature in a parliamentary system is called responsible government.

Here the executive branch derives its democratic legitimacy from its ability to command the confidence of the legislative branch. Legislature also holds the executive accountable.

- Q.418** Consider the following statements about the forms of government in a democracy:

Assertion (A): The Presidential form is a non-responsible government, whereas the Parliamentary form of government is a responsible government.

Reason (R): The legislature is responsible to the people in the Parliamentary system, unlike in the Presidential system.

In the context of the above two statements, which one of these is true?

- (a) Both A and R is true and R is the correct explanation of A.
- (b) Both A and R is true but R is not a correct explanation of A.
- (c) A is true, but R is false.
- (d) A is false, but R is true

Solution: (c)

The legislature is accountable to the people in both forms of government. It is in the Parliamentary form only that the executive or the government is directly accountable to the parliament. It establishes a responsible government as the legislature can question the government on its conduct. In the presidential form, this is not possible.

- Q.419** India has adopted the parliamentary system of Government. It is based on the principle of
- (a) Doctrine of separation of powers between the legislature and executive organs
 - (b) Cooperation and co-ordination between the legislative and executive organs

- (c) Doctrine of separation of powers between the legislature and judicial organs
- (d) Doctrine of separation of powers between the executive and judicial organs

Solution: (b)

- Q.420** The parliamentary form of government emphasises on the

- (a) Separation of powers between the legislature and executive
- (b) System of Universal Adult Franchise
- (c) Interdependence between the legislative and executive organs
- (d) Democratic election system administered by an independent body

Solution: (c)

Justification: option (a) is valid in the Presidential system as in USA. A Parliament may not be based on democratic elections or even adult franchise. It can be an entirely nominated body as it largely used to be in the colonial rule. So, (b) and (d) are incorrect.

In India, executive is a part of the legislature, and the legislature is led by the executive. So, (c) is the most appropriate option.

- Q.421** Which of the following is NOT a pillar of the Parliamentary democracy in India?

- (a) Universal adult suffrage
- (b) Political representatives are accountable to the people
- (c) All eligible citizens are allowed to contest elections without discrimination.
- (d) Separation of powers

Solution: (d)

Explanation & Learning: Options (a), (b), (c) should be clear, since without universal participation and accountability, there cannot be any Parliamentary government.

Indian parliamentary democracy does not rely on separation of powers. It is instead based on cooperation, fusion and coordination between the legislature and executive. Separation of powers is a feature of the Presidential form of democracy, as in USA.

- Q.422** The Constitution establishes the 'parliamentary system' not only at the Centre but also in the states. This is evident by
1. Membership of the ministers in the legislature

2. Collective responsibility of the executive to the legislature
3. The provision of dissolution of the lower House

Choose the correct answer using the codes below.

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

Solution: (d)

The parliamentary system is based on the principle of cooperation and co-ordination between the legislative and executive organs while the presidential system is based on the doctrine of separation of powers between the two organs. The features of parliamentary government in India are:

- Presence of nominal and real executives;
- Majority party rule,
- Collective responsibility of the executive to the legislature,
- Membership of the ministers in the legislature,
- Leadership of the prime minister or the chief minister,
- Dissolution of the lower House (Lok Sabha or Assembly).

Q.423 According to the parliamentary form of Government adopted in India, which of the following statements are correct?

1. The Parliament is the final authority for making laws
2. The Parliament control over those who run the government is direct and full.
3. The Parliament is the highest forum of discussion and debate on public issues and national policy.
4. The Parliament of India enjoys absolute power and can seek information about any matter.

Select the correct answer using the codes given below

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

Solution: (c)

Parliament is the final authority for making laws in any country. This task of law making or legislation is so crucial that these assemblies are called legislatures. Parliaments all over the world can make new laws, change existing laws, or abolish existing laws and make new ones in their place.

Parliaments all over the world exercise some control over those who run the government. In some countries like India this control is direct and full. Those who run the government can take decisions only so long as they enjoy support of the Parliament.

Parliament is the highest forum of discussion and debate on public issues and national policy in any country

Parliament can seek information about any matter but it does not enjoy absolute power unlike Britain. The Parliament of India is bound by the provisions of the Constitution.

Q.424 The features of Indian parliamentary system are?

1. A Written Constitution
2. Presence of *de jure* and *de facto* executives
3. Independent judiciary
4. Collective responsibility of the executive to the legislature
5. Individual responsibility of the executive to the legislature

Choose the correct answer using the codes below:

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

Solution: (c)

It is a classical question. It has been asked several times in UPSC Prelims in one form or the other. A written constitution is not a feature of the Indian parliamentary system; it is a feature of our federal system or more broadly the democratic polity. Same holds true for the independence of Indian judiciary

Q.425 The major features of parliamentary government in India is/are?

1. Collective responsibility of the executive to the legislature
2. Leadership of the prime minister
3. Complete separation of the legislature and the executive organs

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 3: The parliamentary system is based on the principle of cooperation and co-ordination between the legislative and executive organs while the presidential system is based on the doctrine of separation of powers between the two organs. So, option 3 is incorrect.

Learning: Other major features are: (a) Presence of nominal and real executives; (b) Majority party rule, (c) Collective responsibility of the executive to the legislature, (d) Membership of the ministers in the legislature, (e) Leadership of the prime minister or the chief minister, (f) Dissolution of the lower House (Lok Sabha or Assembly).

Q.426 The Constitution establishes the parliamentary system not only at the Centre but also in the states. Which of the following is/are the major features of parliamentary government in India?

1. Sovereignty of the Indian Parliament
2. Collective responsibility of the executive to the legislature and Judiciary
3. Membership of the ministers in the legislature
4. Presence of nominal and real executives
5. Resolution of all Parliamentary disputes by the Judiciary

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 1: The Indian Parliament is not a sovereign body even though it is based on British Parliamentary model where the Parliament is sovereign.

Statement 2: The parliamentary system is based on the principle of cooperation and co-ordination between the legislative and executive organs and the collective responsibility of the latter to the former. It is not accountable to the Judiciary. Judiciary only reviews the actions of the executive when challenged.

Statement 3: Ministers are mostly chosen from the legislature. They act as the members of the particular house.

Statement 4: President and Governor are nominal executives, whereas the Prime Minister and the Chief Ministers of the states are real executives wielding *de facto* powers.

Statement 5: The Chairman of the house resolves all major disputes within the Parliament including the charges of political defection under anti-defection law. However,

in some cases like investigation of scams and election related disputes, Judiciary resolves the disputes.

Q.427 The Head of the State is an integral part of the Parliament in which of the following nations:
1. India
2. United States of America (USA)
3. United Kingdom (UK)

Choose the correct answer using the codes below:

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

Solution: (c)

In the USA, while the President does have power over legislations passed by the congress and the senate, he is not a part of the Parliament. In India and UK, the President and the monarch respectively are a part of the Parliament.

Q.428 In the parliamentary system of Government, India has adopted the principle of checks and balances. Consider the following statements:

1. Even though ministers and government officials exercise power, they are responsible to the Parliament or State Assemblies.
2. Powers shared among governments at different levels
3. Although the judges are appointed by the executive, they can check the functioning of executive or laws made by the legislatures
4. Power shared among different social groups, such as the religious and linguistic groups.

Which of the statements is/are incorrect?

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

Solution: (a)

Power is shared among different organs of government, such as the legislature, executive and judiciary. This horizontal distribution of power because it allows different organs of government placed at the same level to exercise different powers. Such a separation ensures that none of the organs can exercise unlimited

Q.429 Importance of the Parliamentary system in the A context of India lies in that

1. It provides effective leadership in emergencies.

2. It gives more responsibility and the assessment of the responsibility of the executive is both daily and periodic
3. It ensures harmony between the Executive and the Legislature.
4. It is a system with which the country had grown familiar.
5. It is more efficiently workable when many political parties in the form a coalition government.

Code

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

Solution: (d)

Self-explanatory

Difference between Britain & Indian Parliamentary Systems

Q.430 Consider the following statements about the Parliamentary system in India.

1. Parliament is the supreme authority in India.
2. In India, the Prime Minister can be from either house of the Parliament.
3. A person who is not a Member of Parliament is also eligible to become a Minister.

Choose the correct answer using the codes below.

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

Solution: (b)

The parliamentary system of government in India is largely based on the British parliamentary system.

However, it never became a replica of the British system and differs in the following respects:

1. India has a republican system in place of British monarchical system. In other words, the Head of the State in India (that is, President) is elected, while the Head of the State in Britain (that is, King or Queen) enjoys a hereditary position.
2. The British system is based on the doctrine of the sovereignty of Parliament, while the Parliament is not supreme in India and enjoys limited and restricted powers due to a written Constitution,

federal system, judicial review and fundamental rights.

3. In Britain, the prime minister should be a member of the Lower House (House of Commons) of the Parliament. In India, the prime minister may be a member of any of the two Houses of Parliament.
4. Usually, the members of Parliament alone are appointed as ministers in Britain. In India, a person who is not a member of Parliament can also be appointed as minister, but for a maximum period of six months.

Q.431 Even though the Indian Parliamentary System is largely based on the British pattern, there are some fundamental differences between the two such as

1. The Indian Parliament is a sovereign body unlike the British Parliament which is subordinate to its constitution.
2. The Indian state is a republic where the Head of state is elected unlike the British states which is a monarchy with a hereditary Head of State.

Which of the above is/are correct?

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

Solution: (b)

Q.432 The parliamentary system of government in India is largely based on the British parliamentary system. However the Indian system differs from the British in which of the following?

1. India is a Republic whereas Britain is a constitutional Monarchy.
2. Citizens other than MPs cannot be appointed as Ministers in India unlike in Britain.
3. In Britain the prime minister should be a member of the Lower House unlike in India where he can be a member of any house.

Select the correct answer using the codes below.

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

Solution: (c)

Justification: In Britain, the prime minister should be a member of the Lower House (House of Commons) of the Parliament. In India, the prime minister may be a member of any of the two Houses of Parliament.

Usually, the members of Parliament alone are appointed as ministers in Britain. In India, a person who is not a member of Parliament can also be appointed as minister, but for a maximum period of six months.

Presidential System

Q.433 The feature which is present in the Presidential System but lacking the Parliamentary system, is the

- (a) distinction between the real and the nominal Executive
- (b) fixed tenure of the Chief Executive
- (c) formation of the Executive from the members of legislature
- (d) responsibility of the Executive to the Legislature

Solution: (b)

In presidential system president cannot be removed by the Congress except by impeachment for a grave unconstitutional act.

Rest are features of parliamentary government.

Q.434 The essence of the Presidential system of government is that, in such a system

- (a) the legislative, executive and judicial powers of the government are separated and vested in the three independent organs of the government.
- (b) the President is elected directly by the people
- (c) it has written and rigid constitution
- (d) the Supreme Court has power of judicial review

Solution: (a)

The doctrine of separation of powers is the basis of the American presidential system.

The President is elected by an electoral college for a fixed tenure. Hence option b is wrong.

Option c & d are there in parliamentary system also

(12) FEDERAL SYSTEM

Federal System

Q.435 Country 'A' is said to be a federal country. Which of the following are the features of a federal government?

- 1. There are four levels (or tiers) of government.
- 2. The fundamental provisions of the constitution can be unilaterally changed by one level of government.
- 3. Courts have the power to interpret the constitution and the powers of different levels of government.
- 4. Sources of revenue for each level of government are clearly specified to ensure its financial autonomy.

Select the correct answer using the codes below

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

Solution: (b)

Federalism is a system of government in which the power is divided between a central authority and various constituent units of the country.

Key features of federalism:

- 1 There are two or more levels (or tiers) of government.
- 2 Different tiers of government govern the same citizens, but each tier has its own jurisdiction in specific matters of legislation, taxation and administration.
- 3 The jurisdictions of the respective levels or tiers of government are specified in the constitution. So the existence and authority of each tier of government is constitutionally guaranteed.
- 4 The fundamental provisions of the constitution cannot be unilaterally changed by one level of government. Such changes require the consent of both the levels of government.
- 5 Courts have the power to interpret the constitution and the powers of different levels of government. The highest court acts as an umpire if disputes arise between different levels of government in the exercise of their respective powers.
- 6 Sources of revenue for each level of government are clearly specified to ensure its financial autonomy.

Q.436 Which of the following is/are the key features of Federalism?

- 1. Different tiers of government govern the same citizens, but each tier has its own jurisdiction.

- Each tier of government must draw all its financial resources independent of the other tier.
- The existence and authority of each tier of government generally is constitutionally guaranteed.
- Division of powers between State units cannot be arbitrarily manipulated by any one tier of government alone.

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 1: Each tier has its own jurisdiction in specific matters of legislation, taxation and administration; for e.g. in India states legislate in matters of police, and Centre legislates in areas of national security as a whole.

Statement 2: Tiers may be dependent upon each other; however not completely, else it erodes autonomy. So, 2 is incorrect.

Statement 3: Existence of each tier of government is constitutionally guaranteed

Statement 4: It is provided as check against arbitrary action of central government.

Q.437 In a federation

- No more than two autonomous tiers of government can exist.
- All tiers derive their authority from the higher tier and the constitution.
- Each tier has distinct set of powers and responsibilities.

Choose the correct answer using the codes below:

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

Solution: (d)

Federalism does not consist of a set of fixed principles, which are applied, to different historical situations. Rather, federalism as a principle of government has evolved differently in different situations. American federalism – one of the first major attempts to build a federal polity – is different from German or Indian federalism. But there are also a few key ideas and concepts associated with federalism.

- Essentially, federalism is an institutional mechanism to accommodate *two sets of polities*—one at the regional level and the other at the national level. Each government is autonomous in its own sphere. In some federal countries, there is even a system of dual citizenship. India has only a single citizenship.
- The people likewise, have *two sets of identities* and loyalties—they belong to the region as well as the nation, for example we are *Gujaratis* or *Jharkhandis* as well as Indians. Each level of the polity has distinct powers and responsibilities and has a separate system of government.
- The details of this dual system of government are generally spelt out in a *written constitution*, which is considered to be supreme and which is also the source of the power of both sets of government. Certain subjects, which concern the nation as a whole, for example, defence or currency, are the responsibility of the union or central government. Regional or local matters are the responsibility of the regional or State government.
- To prevent conflicts between the centre and the State, there is an *independent judiciary to settle disputes*. The judiciary has the powers to resolve disputes between the central government and the States on legal matters about the division of power.

Q.438 In a federal system of Government, there must be

- A Written Constitution
- Independent Judiciary
- Bicameral legislature
- Local governments

Choose the correct answer using the codes given below.

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

Solution: (b)

FEDERAL GOVERNMENT	UNITARY GOVERNMENT
1. Dual Government (that is, national government and regional government)	1. Single government, that is, the national government which may create regional government
2. Written Constitution	2. Constitution may be written (France) or unwritten (Britain)
3. Division of powers between the national and regional government.	3. No division of powers. All powers are vested in the national government
4. Supremacy of the Constitution	4. Constitution may be supreme (Japan) or may not be supreme (Britain)
5. Rigid Constitution	5. Constitution may be rigid (France) or flexible (Britain)
6. Independent Judiciary	6. Judiciary may be independent or may not be independent.
7. Bicameral legislature	7. Legislature may be bicameral (Britain) or unicameral (China)

- Q.439** Federal government means a government in which
- all the powers are vested in the national government and the regional governments derive their authority from the national government.
 - powers are divided between the national government and the regional governments by the Constitution and both operate in their respective jurisdictions independently
 - there is division of powers between the Central and state governments; and also between the federal and state judiciaries
 - a large number of powers are vested in the national government and the regional governments, with some independent powers, derive their authority from the national government

Solution: (b)

Political scientists have classified governments into unitary and federal on the basis of the nature of relations between the national government and the regional governments. By definition, a unitary government is one in which all the powers are vested in the national government and the regional governments, if at all exist, derive their authority from the national government.

A federal government, on the other hand, is one in which powers are divided between the national government and the regional governments by the Constitution itself and both operate in their respective jurisdictions independently. In a federal model, the national government is known as the Federal government or the Central government or the Union government and the regional government is known as the state government or the provincial government.

Britain, France, Japan, China, Italy, Belgium, Norway, Sweden, Spain and many others have the unitary model of government while the US, Switzerland, Australia, Canada, Russia, Brazil, Argentina and so on have the federal model of government.

- Q.440** Which of the following could be considered as a precondition for the establishment of federal government?

- A desire among a group of communities or states to form a regional association so as to augment their bargaining power with the neighbouring bigger states, without sacrificing any of their autonomous powers to a higher authority.
- A desire among a group of communities or states to leave all the major functions of government to a central and independent authority retaining with them only some welfare work.
- A desire among a group of communities or states to form an association of themselves to face some problems relating to communications and defence without any desire to establish a single independent government above them on a lasting basis
- A desire among a group of communities or states to function under a single independent government for some

purposes on a lasting basis, without surrendering their autonomy in other areas.

Solution: (d)

Refer above explanations

- Q.441** Consider the following statements.
1. In the Unitary model of government, there cannot be more than one level of government.
 2. In federal model of government, each tier of government's existence and authority is constitutionally determined.
 3. In a federal model of government, the constituent units are not sub-ordinate to the Central authority.

Choose the correct answer using the codes below:

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

Solution: (b)

Federations are contrasted with unitary governments.

Under the unitary system, either there is only one level of government or the sub-units are subordinate to the central government. The central government can pass on orders to the provincial or the local government.

- Q.442** Consider the following statements:
1. Sri Lanka is a federation because the country is divided into provinces.
 2. A country can no longer remain a federation if some powers of the States have been devolved to the local government bodies.

Which of the statements given above are correct?

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

Solution: (d)

A country cannot be federal just because it has several provinces. Even Britain has provinces for that matter, but is not federal.

- Q.443** Which of these countries practice federalism?
1. Pakistan
 2. Russia
 3. Brazil

Choose the correct answer here.

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

Solution: (d)

Indian Model of Federalism

Q.444 Indian model of federation is closer to that of which of the following nations/nation-states?

1. USSR
2. Canada
3. USA

Choose the correct answer using the codes below:

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

Solution: (d)

US model is based on very strong states. USSR was based on an authoritarian centre. Canada is a federal country with a Union bias same as India.

Q.445 Which one of the following statements correctly depicts the true nature of the Indian Federal System?

- (a) The Indian Federation is more a "functional" than an "institutional" Concept.
- (b) There is necessary incompatibility between one dominant party regime and the principle of federalism in India.
- (c) The Indian Federation is not the result of an agreement by the units.
- (d) India is a unitary state and subsidiary federal features rather than a federal state with subsidiary unitary features

Solution: (c)

Option a: Indian federation is both functional & institutional as we have vertical distribution of power between different levels of government.

Option d: federal features are not subsidiary in India.

Option b: Today we have coalition party regime rather the one dominant party.

Option c: Indian federation is not result of agreement between states. Hence states can't secede from the union.

- Q.446** Consider the following statements.
1. The term 'Federation' has no where been used in the Constitution.
 2. The state and local governments derive their authority from the constitution rather than from the Union government.

Which of the above is/are true?

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

Solution: (c)

The Constitution of India establishes a federal system of government. It contains all 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.

Moreover, the term 'Federation' has nowhere been used in the Constitution. Article 1, on the other hand, describes India as a 'Union of States' which implies two things: one, Indian Federation is not the result of an agreement by the states; and two, no state has the right to secede from the federation.

Hence, the Indian Constitution has been variously described as 'federal in form but unitary in spirit', 'quasi-federal' by K C Wheare, 'bargaining federalism' by Morris Jones, 'co-operative federalism' by Granville Austin, 'federation with a centralising tendency' by Ivor Jennings, and so on.

Q.447 Which of the following ensures that the principle of federalism is upheld in the Indian polity?

1. Any change to the constitution that affects the power of the states must be ratified by a majority of state assemblies.
2. The Judiciary plays an important role in overseeing the implementation and amendment of constitutional provisions.
3. Union Territories (UTs) are administered by the Centre.

Choose the correct answer using the codes below:

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

Solution: (a)

There are some units of the Indian Union which enjoy very little power. These are areas which are too small to become an independent State but which could not be merged with any of the existing States. These areas, like Chandigarh, or Lakshadweep or the capital city of Delhi, are called Union Territories. These territories do not have the powers of a State. The Central Government has special powers in running these areas. Therefore, option 3 has no connection with the Principle of federalism.

Rest two options ensure that the state government is not subordinated by the Union government

Q.448 Consider the following about Federalism in India.

1. The Constitution does not mention the sources of finance for each tier of Government and leaves it for the executive to decide.
2. The states are not merely agents of the Central government but draw their authority from the Constitution.

Which of the above is/are correct?

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

Solution: (b)

Justification and Learning: While each state in India enjoys autonomy in exercising powers on certain issues, subjects of national concern require that all of these states follow the laws of the central government.

- The Constitution contains lists that detail the issues that each tier of government can make laws on.
- In addition, the Constitution also specifies where each tier of government can get the money from for the work that it does. So, 1 is wrong.
- Under federalism, the states are not merely agents of the federal government but draw their authority from the Constitution as well. All persons in India are governed by laws and policies made by each of these levels of government.

Q.449 The constitution of India provides for federal system of Government. Consider the following statements:

1. The states are merely agents of the Central government.

2. The states draw their authority from the Constitution

Which of the statements is/are correct?

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

Solution: (b)

Under federalism, the states are not merely agents of the federal government but draw their authority from the Constitution as well.

Q.450 Consider the following about the federal structure of India.

1. The Indian federal structure is the result of an agreement between the states.
2. All states have a legitimate right to secede from the federation by legislative means.

Which of the above is/are correct?

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

Solution: (d)

Justification: The term 'Federation' has nowhere been used in the Constitution.

Article 1 describes India as a 'Union of States'. This implies two things: one, Indian Federation is not the result of an agreement by the states; and two, no state has the right to secede from the federation. So, a secessionist movement by say the state of Nagaland is not legitimate and constitutional.

Both statements 1 and 2 are wrong. Hence, the Indian Constitution has been variously described as 'federal in form but unitary in spirit'.

Q.451 Federalism is a key feature of the Indian constitution. Which of the following statements concerning this is INCORRECT?

- (a) Both Central and state governments have been established by the constitution.
- (b) Both governments derive their power from the constitution.
- (c) Since the State governments are autonomous political units, the Central government cannot enforce any order on them.
- (d) Indian citizens are governed by laws and rules made by both Central and state governments at the same time.

Solution: (c)

Q.452 The Constitution of India establishes a federal system of government. It contains all the usual features of a federation which are?

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

Select the correct answer using the codes below.

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

Solution: (c)

Justification: 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.

Q.453 Which of the following is/are the federal features of the Constitution?

1. The Constitution is written and not easily amendable.
2. State governments derive authority from the Centre.
3. Equal representation of all states in Rajya Sabha

Select the correct answer using the codes below.

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

Solution: (a)

Learning: The division of powers established by the Constitution as well as the supremacy of the Constitution can be maintained only if the method of its amendment is rigid. Hence, the Constitution is rigid to the extent that those provisions which are concerned with the federal structure. So, 1 is correct.

State governments derive their authority from the constitution, not the Centre. So, 2 is wrong.

The states are given representation in the Rajya Sabha on the basis of population.

Hence, the membership varies from 1 to 31. So, 3 is wrong.

Q.454 Which of the following trends in the working of Indian political system reflects its federal spirit?

1. Territorial disputes between states
2. Demand for creation of new states
3. Demand of the states for more financial grants from the Centre to meet their developmental needs
4. Emergence of Regional parties and their contribution in national politics
5. Opposition of the State to the Goods and Services Tax (GST)

Select the correct answer using the codes below.

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

Solution: (d)

Learning: Although the Constitution of India has created a strong Central government, it has not made the state governments weak and has not reduced them to the level of administrative agencies for the execution of policies of the Central government.

Indian federation has been described as “a new kind of federation to meet India’s peculiar needs”.

The state governments are autonomous units working under Constitutional framework in tandem with the Centre to achieve common goals.

Q.455 The features of the Indian federal system are?

1. Division of powers
2. Separation of powers between three organs of the state
3. Independent judiciary
4. Leadership of the Prime Minister and cabinet
5. A written constitution

Choose the correct answer using the codes below:

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

Solution: (d)

Separation of powers and the leadership of the Prime Minister are the salient features of our democratic polity, not the federal structure.

Q.456 Which of the following strengthens the practice of “Federalism” in India?

1. An independent judiciary
2. Principle of Subsidiarity

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: To prevent conflicts between the centre and the State, there is an independent judiciary to settle disputes. The more independent the judiciary is, the more effectively it will be able to settle the disputes and enforce rule of law rather than the domination of the Centre.

The judiciary has the powers to resolve disputes between the central government and the States on legal matters about the division of power.

Statement 2: Certain subjects, which concern the nation as a whole, for example, defence or currency, are the responsibility of the union or central government. Regional or local matters are the responsibility of the regional or State government.

Appropriate division of responsibility at the appropriate level (for example, local sanitation at the PRIs level and national defence at the Central level) is called principle of subsidiarity.

Q.457 Which of the following factors have possibly strengthened federalism in India?

1. Rise of coalition politics at the Centre
2. Rise of regional parties
3. More financial and functional autonomy to the states.

Choose the correct answer using the codes below:

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

Solution: (d)

Over the last three decades, the number and strength of these parties has expanded. This made the Parliament of India politically more and more diverse. No one national party is able to secure on its own a majority in Lok Sabha (except the last general elections 2014). As a result, the national parties are compelled to form alliances with State parties. Since 1996, nearly every one of the State parties

has got an opportunity to be a part of one or the other national level coalition government. This has contributed to the strengthening of federalism and democracy in our country.

- Q.458** The practice of “Fiscal Federalism” in India involves
- Distribution of financial powers between Centre and States
 - Setting up of Finance Commission every five years
 - Devolution of central pool to states
 - All of the above

Solution: (d)

Learning: Federalism refers to the division of responsibilities and functions between the Centre and States. Fiscal federalism is an important component of federalism. It refers to all financial matters conducted between the Centre and states with a view of a political federal structure in mind.

For e.g. the 14th FC has radically enhanced the share of the states in the central divisible pool from the current 32 percent to 42 per cent which is the biggest ever increase in vertical tax devolution. This is supposed to strengthen fiscal federalism.

- Q.459** Consider the following statements:
Assertion (A): All states In India have the same number of assembly constituencies.
Reason (R): Indian political system is federal in nature.
- In the context of the statements above, which of these is correct?
- Both A and R are correct and R is a correct explanation for A.
 - Both A and R are correct and R is NOT a correct explanation for A.
 - A is correct but R is incorrect.
 - A is incorrect but R is correct.

Solution: (d)

All states do not have the same number of constituencies. India being a federal nation has nothing to do with the number of assembly seats in a state. The federal character of india has more to do with the representation of states in the Rajya Sabha.

- Q.460** The idea of co-operative federalism indicates a constitution.
- which would be both federal and unitary according to requirements of time and

circumstances.

- where the general government is dependent upon the regional governments.
- where the regional governments are subordinated to the general government.
- where both general government and regional governments are coordinate and independent bodies

Solution: (d)

Cooperative federalism, also known as marble-cake federalism, is a concept of federalism in which national, state, and local governments interact cooperatively and collectively to solve common problems, rather than making policies separately but more or less equally (such as the dual federalism of the nineteenth-century United States) or clashing over a policy in a system dominated by the national government.

Unitary Bias in Indian Constitution

- Q.461** Which of the following factors do NOT justify a strong central government in the Indian federal structure?
- Balanced regional development
 - Territorial integrity of India
 - Growing financial needs of states
 - Increasing volume and funds allotted to Social sector schemes
- Choose the correct answer using the codes below.

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

Solution: (c)

Besides the concern for unity, the makers of the Constitution also believed that the socio-economic problems of the country needed to be handled by a strong central government in cooperation with the States. Poverty, illiteracy and inequalities of wealth were some of the problems that required planning and coordination. Thus, the concerns for unity and development prompted the makers of the Constitution to create a strong central government.

The central government has very effective financial powers and responsibilities. In the first place, items generating revenue are under the control of the central government. Thus,

the central government has many revenue sources and the States are mostly dependent on the grants and financial assistance from the centre.

Secondly, India adopted planning as the instrument of rapid economic progress and development after independence. Planning led to considerable centralisation of economic decision making.

But as the needs of states grow, a central control will become obsolete. Instead Indian federalism will have to give more space and autonomy for the states.

Q.462 The Constitution of India establishes a federal system of government. However, which of these are Unitary (Central) biases in the federal system?

1. A written Constitution
2. Rigidity of Constitution
3. Independent Judiciary
4. All-India services

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: A written constitution actually shows federal features of a constitution since both units (central and state) are bound by a common framework.

Statement 2: A rigid constitution is essential to a federal system so that the Centre cannot unilaterally amend the constitution.

Statement 3: An independent judiciary is crucial to maintain rule of law and ensure harmonious and unbiased dispute redressal between federal units.

Statement 4: The All-India services are controlled jointly by the State and Centre. Ultimate control lies with the Centre and only immediate control lies with states. These civil servants severely limit the autonomy of the federal units. So, 4 is correct.

Other such features are a strong Centre, single Constitution, single citizenship, flexibility of Constitution, integrated judiciary, appointment of state governor by the Centre, emergency provisions, and so on.

Q.463 Which of the following provisions of the constitution point towards the Central bias in the Indian federation?

1. Emergency provisions
2. The Position of Governor
3. Constitution provides 'Planning' under the Union List.

Choose the correct answer using the codes below:

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

Solution: (a)

The very existence of a State including its territorial integrity is in the hands of Parliament.

The Constitution has certain very powerful emergency provisions, which can turn our federal polity into a highly centralised system once emergency is declared.

Even during normal circumstances, the central government has very effective financial powers and responsibilities.

Governor has certain powers to recommend dismissal of the State government and the dissolution of the Assembly.

Planning is under the Concurrent List – you can find it out because each State has a separate Planning Department.

Q.464 Which of the following is/are "Unitary" features of the Indian constitution?

1. Single Constitution
2. Flexibility of constitution
3. Integrated judiciary
4. Position and appointment of the governor
5. Emergency provisions

Choose the correct answer using the codes below

- (a) 2, 4 and 5 (b) 1,3,4 and 5
(c) All of the above (d) 1,2 and 3

Solution: (c)

Unitary System

Q.465 Consider the following statements about Unitary model of governments:

1. In a Unitary model of government, the constitution of the nation is always supreme.
2. Legislatures are not bicameral in such a model as all the power is vested in the Central government.

Which of these is/are true?

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

Solution: (d)

The constitution may or may not be supreme – not in case of Britain.

In Britain legislature is bicameral. But it is not as powerful as the lower house because all the power is technically vested in the central government

Q.466 Consider the following statements about the Unitary model of government:

Assertion (A): It is possible to create governments at multiple (regional etc.) levels in such a model even as the central government is all powerful.

Reason (R): The regional governments derive their authority from the constitution of that nation.

In the context of two statements above, according to you, which one of these is true?

- (a) Both A and R is true and R is the correct explanation of A.
(b) Both A and R is true but R is not a correct explanation of A.
(c) A is true, but R is false.
(d) A is false, but R is true.

Solution: (c)

Regional governments can be created by the Central government. But they do not derive their authority from the constitution. They derive it from the Central government. And it can be taken back anytime by that central government too. They will not be autonomous units.

(13) CENTRE-STATE RELATION – PART XI & PART XII

Q.467 Which of the following non-constitutional mechanisms promote coordination between the centre and states?

1. National Integration council
2. Finance Commission
3. Regional Development Council
4. National Advisory Council
5. University Grants Commission

Choose the correct answer using the codes below:

- (a) All of the above (b) 1, 3, 4 and 5
(c) 1, 3 and 4 (d) 1 and 5

Solution: (d)

Finance commission is a constitutional body.

There is no council named Regional Development Council. However, there are several councils that are regional in nature like North-Eastern Council etc.

National Advisory panel makes policies at the national level. States do not have a say in it.

University Grant Commission (UDC) coordinates the centre and the states in matters of university education.

Legislative Relations

Q.468 The legislative matters on which uniformity of legislation throughout the country is desirable but not essential are enumerated in the (Constitution)

- (a) Residuary List
(b) Concurrent List
(c) Fifth and Sixth Schedule
(d) Directive Principles of State Policy

Solution: (b)

The matters of national importance and the matters which require uniformity of legislation nationwide are included in the Union List. The matters of regional and local importance and the matters which permits diversity of interest are specified in the State List. The matters on which uniformity of legislation throughout the country is desirable but not essential are enumerated in the concurrent list. Thus, it permits diversity along with uniformity.

The power to make laws with respect to residuary subjects (i.e., the matters which are not enumerated in any of the three lists) is vested in the Parliament. This residuary power of legislation includes the power to levy residuary taxes.

Q.469 Who can make laws on matters not included in the state List or Concurrent List?

- (a) Parliament alone.
(b) State Legislature alone.
(c) Both Parliament and State Legislature.
(d) Council of Ministers.

Solution: (a)

Explanation: The Parliament of India is competent to legislate on all matters that are enumerated in the Union List and the Concurrent List of the Constitution. In the Concurrent List, the Parliament and the State Legislatures have joint jurisdiction. However, in case of conflict over any law made under the Concurrent List, the Union Law will prevail upon the State Law provided the State Law has not received the earlier assent of the President. Parliament alone has power to make laws on matters not included in the state list or concurrent list.

- Q.470** Which of the following features given in the Constitution show that the division of powers in the Constitution is in favour of the Centre?
1. Centre has overriding authority over the Concurrent List
 2. States in India have no right to territorial integrity.
 3. Veto of Parliament over State bills
 4. Financial emergency

Choose the correct answer using the codes given below.

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

Solution: (c)

The division of powers is in favour of the Centre and highly inequitable from the federal angle.

1. Union List contains more subjects than the State List
2. more important subjects have been included in the Union List.
3. The centre has overriding authority over the Concurrent List
4. residuary powers have also been left with the Centre, but in the US, they are vested in the states.

Thus, the Constitution has made the Centre very strong.

The Constitution stipulates three types of emergencies—national, state and financial. During an emergency, the Central government becomes all powerful and the states go into the total control of the Centre. It converts the federal structure into a unitary one without a formal amendment of the Constitution. This

kind of transformation is not found in any other federation.

The governor is empowered to reserve certain types of bills passed by the state legislature for the consideration of the President. The President can withhold his assent to such bills not only in the first instance but also in the second instance. Thus, the President enjoys absolute veto (and not suspensive veto) over state bills. But in US and Australia, the states are autonomous within their fields and there is no provision for any such reservation.

Parliamentary Legislation in the State List

- Q.471** Under which of the following circumstances can the Parliament legislate on the subjects in the State list?

1. Rajya Sabha passed a resolution to that effect.
2. Financial emergency
3. President's Rule.

Choose the correct answer using the codes below:

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

Solution: (c)

There are 5 conditions under which it can be done:

- (a) To give effect to an international treaty to which India is a signatory
- (b) Under President's rule
- (c) Under national emergency
- (d) When two or more states request Parliament to do so (applies to only those states)
- (e) When Rajya Sabha passes a resolution calling for Parliament to legislate in the state list.

- Q.472** The Constitution empowers the Parliament to make laws on any matter enumerated in the State List under which of the following extraordinary circumstances?

1. When the President exhorts the Council of Ministers to do so in national interest
2. When the lower house passes a resolution to this effect by special majority

3. When a National Emergency is in operation
4. When the National Security Council recommends so in the interest of national security

Select the correct answer using the codes below.

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

Solution: (b)

Learning: 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. This cannot be declared by the President, Lok Sabha or the National Security Council. So, all statements except 3 are wrong.

The Parliament can make laws on any matter in the State List for implementing the international treaties, agreements or conventions

- Q.473** The Parliament can make any law for the whole or any part of India for implementing International treaties
- (a) with the consent of all the States
 - (b) with the consent of the majority of States
 - (c) with the consent of the States concerned
 - (d) without the consent of any State

Solution: (d)

This power of the Parliament is derived from the sovereign nature of India. Sovereign deals need not be ratified by the states.

- Q.474** The Constitution empowers the Parliament to make laws on any matter enumerated in the State List under which of the following extraordinary circumstances?

1. When states make a request
2. To implement International agreements
3. When Rajya Sabha passes a resolution to that effect
4. President's order in the Extraordinary gazette of India

Choose the correct answer using the codes given below.

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

Solution: (b)

If the Rajya Sabha declares that it is necessary in the national interest that Parliament should make laws on a matter in the State List, then the Parliament becomes competent to make laws on that matter. Such a resolution must be supported by two-thirds of the members present and voting. The resolution remains in force for one year; it can be renewed any number of times but not exceeding one year at a time. The laws cease to have effect on the expiration of six months after the resolution has ceased to be in force.

When the legislatures of two or more states pass resolutions requesting the Parliament to enact laws on a matter in the State List, then the Parliament can make laws for regulating that matter. A law so enacted applies only to those states which have passed the resolutions. However, any other state may adopt it afterwards by passing a resolution to that effect in its legislature. Such a law can be amended or repealed only by the Parliament and not by the legislatures of the concerned states.

- Q.475** 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
- (a) two-third of members present and voting
 - (b) two-third of members present and voting, and majority of the membership of the house
 - (c) simple majority of the house
 - (d) majority of the membership of the house

Solution: (a)

Such a resolution must be supported by two-thirds of the members present and voting. The resolution remains in force for one year; it can be renewed any number of times but not exceeding one year at a time. The laws cease to have effect on the expiration of six months after the resolution has ceased to be in force.

This provision does not restrict the power of a state legislature to make laws on the same matter. But, in case of inconsistency between a state law and a parliamentary law, the latter is to prevail.

- Q.476** Consider the following statements.
1. When the legislatures of two or more states pass resolutions requesting the Parliament to enact laws on a matter in the State List, then the Parliament can make laws for regulating that matter.
 2. The Parliament can make laws on any matter in the State List for implementing obligations arising out of international treaties, agreements or conventions.

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: A law so enacted applies only to those states which have passed the resolutions. However, any other state may adopt it afterwards by passing a resolution to that effect in its legislature.

Such a law can be amended or repealed only by the Parliament and not by the legislatures of the concerned states.

Statement 2: Some examples of laws enacted under the above provision are United Nations (Privileges and Immunities) Act, 1947; Geneva Convention Act, 1960; Anti-Hijacking Act, 1982 and legislations relating to environment and TRIPS.

State Laws and Central Laws in the Concurrent List

- Q.477** Consider the following statements.
1. State Legislatures can make laws on matters enumerated in the Residuary list in special circumstances.
 2. State Legislatures cannot make laws on those matters enumerated in the Concurrent List on which a Central legislation already exists.

Which of the above is/are correct?

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

Solution: (d)

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

Statement 2: Both, the Parliament and state legislature can make laws with respect

to any of the matters enumerated in the Concurrent List even if a Central law exists. But, laws made by state should not contravene Central laws.

- Q.478** In case of a conflict between the Central law and the state law on a subject enumerated in the Concurrent List, which of the following is possible?

1. Central law prevails over the state law.
2. State law prevails if it has received Presidential assent
3. State law prevails if Governors of two or more states have approved the same legislation

Choose the correct answer using the codes below.

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

Solution: (a)

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

In case of a conflict between the Central law and the state law on a subject enumerated in the Concurrent List, the Central law prevails over the state law. But, there is an exception. If the state law has been reserved for the consideration of the president and has received his assent, then the state law prevails in that state. But, it would still be competent for the Parliament to override such a law by subsequently making a law on the same matter.

- Q.479** Consider the following statements about state laws made in the concurrent list:

1. State laws in the concurrent list that conflict with the Central law can still prevail if it has received the President's assent.

2. Even after the assent of the President, the Parliament can override such a law by a subsequent legislation on the same matter.

Which of these is/are correct?

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

Solution: (c)

Parliament has overriding powers over state legislation normally too. This shows that the India is a quasi-federal polity, not a federal polity.

Q.480 If State laws on subjects mentioned in the Concurrent List conflict with a Central Law, which of these follows?

- (a) The state law prevails over the Central law if the State legislature passes it again with special majority.
(b) The Central law prevails over the State law.
(c) The matter is moved to the Supreme Court which decides on the validity of the respective laws in the larger national interest.
(d) The matter is referred to the Governor whose decision shall be final and binding in this regard.

Solution: (b)

Justification: The Constitution provides a scheme for demarcation of powers through three 'lists' in the seventh schedule.

But, the Constitution also provides primacy to Parliament on concurrent list items: if there is a conflict, a central law will override a state law, i.e. the provisions of the state law will not take effect.

Q.481 If the Union Parliament wishes to move a matter from Concurrent List to the Union List, which of these follows?

- (a) It must obtain the consent of all State Legislatures for the same.
(b) The Rajya Sabha must pass a resolution to this effect approving the action of the Lok Sabha.
(c) The President must consult the Governors of a majority of States and act according to their advice.
(d) The Cabinet must pass an executive fiat to this effect.

Solution: (b)

Learning: The Rajya Sabha is an institutional mechanism to provide representation to the

States. Its purpose is to protect the powers of the States.

In matters of concurrent list, both the Parliament and State Legislatures can make laws.

Therefore, any matter that affects the States must be referred to Rajya Sabha for its consent and approval.

Thus, if the Union Parliament wishes to remove a matter from the State list (over which only the State Legislature can make law) or to either the Union List or Concurrent List in the interest of the nation, the approval of the Rajya Sabha is necessary.

The same is true when matter need to be moved from Concurrent List to the Union list.

This provision adds to the strength of the Rajya Sabha.

Executive Relations

Q.482 Consider the following statements about the administrative relations between the centre and the states:

1. President's rule can be imposed in the state which has wilfully denied complying with the centre's directions.
2. The duty to execute the laws made under the concurrent list by the Parliament lies with the centre unless provided otherwise.

Which of these is/are correct?

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

Solution: (a)

Article 356 empowers the centre to impose President's rule in case a state has failed to comply with its directions. But if the state is incapable to do the same on some genuine grounds, it can not be imposed. If done so, the courts can intervene.

The legislations under the concurrent list enacted by the Parliament should be executed by the states unless provided otherwise

Q.483 The Central Government can assign any function to the States:

- (a) on the directive of the President
(b) on the recommendation of Parliament
(c) any time it wishes to do so
(d) with the consent of the State Government

Solution: (d)

The distribution of executive power in general follows the distribution of legislative powers. But, such a rigid division in the executive sphere may lead to occasional conflicts between the two. Hence, the Constitution provides for inter-government delegation of executive functions in order to mitigate rigidity and avoid a situation of deadlock.

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

This mutual delegation of administrative functions may be conditional or unconditional.

The Constitution also makes a provision for the entrustment of the executive functions of the Centre to a state without the consent of that state. But, in this case, the delegation is by the Parliament and not by the president.

Thus, a law made by the Parliament on a subject of the Union List can confer powers and impose duties on a state, or authorise the conferring of powers and imposition of duties by the Centre upon a state (irrespective of the consent of the state concerned). Notably, the same thing cannot be done by the state legislature.

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

Q.484 Consider the following statements.

Assertion (A): All major ports in India are presently being administered or managed by either the Central government or State governments.

Reason (R): As per the constitution, maritime transport can be administered by both the Central and the State governments.

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

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

Solution: (c)

Justification: Major ports are generally owned and managed by the Central government; minor ports, by the State government. So, A is anyways incorrect.

All major ports, except Ennore Port are government administered. This also shows that A is incorrect.

Private sector participation in ports has increased substantially. Many shipping companies are privately owned.

Entries 31 and 32 of the 7th Schedule (Concurrent List) read:

- Ports other than those declared by or under law made by Parliament or existing law to be major ports.
- Shipping and navigation on inland waterways as regards with mechanically propelled vessels, and the rule of the road on such waterways, and the carriage of passengers and goods on inland waterways subject to the provisions of List I with respect to national waterways.
- The above can be managed by both Central and State governments.

Financial Relations

Q.485 The States in India can borrow from the market

- (a) at their discretion
- (b) only through the Centre
- (c) only with the consent of the Centre
- (d) under no circumstance

Solution: (c)

The Constitution makes the following provisions with regard to the borrowing powers of the Centre and the states:

- The Central government can borrow either within India or outside upon the security of the Consolidated Fund of India or can give guarantees, but both within the limits fixed by the Parliament. So far, no such law has been enacted by the Parliament.

- Similarly, a state government can borrow within India (and not abroad) upon the security of the Consolidated Fund of the State or can give guarantees, but both within the limits fixed by the legislature of that state.
- 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.
- A state cannot raise any loan without the consent of the Centre, if there is still outstanding 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.

- Q.486** A bill which imposes or varies any tax or duty in which states are interested can be introduced
- (a) Only on the recommendation of the President
 - (b) Only with the consent of two or more states
 - (c) Only after Rajya Sabha passes a resolution to that effect
 - (d) Only on the recommendation of the Finance Commission

Solution: (a)

To protect the interest of states in the financial matters, the Constitution lays down that the following bills can be introduced in the Parliament only on the recommendation of the President:

1. A bill which imposes or varies any tax or duty in which states are interested;
2. A bill which varies the meaning of the expression 'agricultural income' as defined for the purposes of the enactments relating to Indian income tax;
3. A bill which affects the principles on which moneys are or may be distributable to states; and
4. A bill which imposes any surcharge on any specified tax or duty for the purpose of the Centre.

- Q.487** Which of the following constitutional mechanisms/provisions restrict the financial autonomy of the states?
1. Finance Commission
 2. The office of CAG
 3. Financial emergency

Choose the correct answer using the following codes:

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

Solution: (d)

Finance commission recommends the statutory grants and grants-in-aid to the states. The role of states is limited in getting the desired grants sanctioned.

The CAG is integrated audit machinery auditing both centre and states. CAG does not merely audits the accounts for legality but also for performance of the government expenditure. The states have no power over the election and removal of CAG.

During the financial emergency the centre becomes all powerful that constrains the fiscal space of states

- Q.488** Consider the following statements.

Assertion (A): A state legislature cannot impose any taxes on the sale or purchase of goods on its own.

Reason (R): A state legislature needs the approval of the President for imposing any tax.

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

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

Solution: (d)

Justification: A state legislature can impose taxes on professions, trades, callings and employments, sale or purchase of goods (other than newspapers) etc. However, a tax imposed on the sale or purchase of goods declared by Parliament to be of special importance in inter-state trade and commerce is subject to the restrictions and conditions specified by the Parliament. Presidential assent is not generally required for introduction of taxes by a state.

- Q.489** The Constitution provides for specific grants for promoting the welfare of the scheduled tribes in a state or for raising the level of administration of the scheduled areas. It comes under

- (a) Statutory grants
- (b) Discretionary Grants

- (c) Backward area development grant
- (d) Grants-in-aid

Solution: (a)

Article 275 empowers the Parliament to make grants to the states which are in need of financial assistance and not to every state. Also, different sums may be fixed for different states. These sums are charged on the Consolidated Fund of India every year.

Apart from this general provision, the Constitution also provides for specific grants for promoting the welfare of the scheduled tribes in a state or for raising the level of administration of the scheduled areas in a state including the State of Assam.

The statutory grants under Article 275 (both general and specific) are given to the states on the recommendation of the Finance Commission. The Constitution also provided for a third type of grants-in-aid (other than Statutory and Discretionary), but for a temporary period. Thus, a provision was made for grants in lieu of export duties on jute and jute products to the States of Assam, Bihar, Orissa and West Bengal. These grants were to be given for a period of ten years from the commencement of the Constitution. These sums were charged on the Consolidated Fund of India and were made to the states on the recommendation of the Finance Commission.

Q.490 Grants from the Centre to the States under the recommendations of Finance Commission are known as

- (a) Plan grants
- (b) Development assistance
- (c) Statutory grants
- (d) Discretionary grants

Solution: (c)

Learning: Vertical and horizontal imbalances are common features of most federations. The Constitution assigned taxes with a nation-wide base to the Union to make the country one common economic space unhindered by internal barriers to the extent possible. States being closer to people and more sensitive to the local needs have been assigned functional responsibilities involving expenditure disproportionate to their assigned sources of revenue resulting in vertical imbalances. The devolution of taxes from the centre helps them fulfil these responsibilities.

Q.491 Grants-in-aid given to States are meant:

- (a) to show favour to backward States
- (b) for use in centrally-sponsored schemes
- (c) to cover gaps on revenue account so that States can undertake beneficial activities
- (d) for funding the State plan

Solution: (c)

A **grant-in-aid** is money coming from central government for a specific project. This kind of funding is usually used when the government and parliament have decided that the recipient should be publicly funded but operated with reasonable independence from the state. A grant-in-aid is funds allocated by one level of government to another level of government to be used for specific purposes

Q.492 The Constitution provides for a division of taxation powers between Centre and States. Among the several taxes, service tax is

- (a) Levied by the Centre but Collected and Appropriated by the States
- (b) Levied by the Centre but Collected and Appropriated by the Centre and the States
- (c) Levied, collected and retained by the Centre
- (d) Levied, collected and retained by the States

Solution: (b)

Service Tax Levied by the Centre but Collected and Appropriated by the Centre and the States (Article 268-A): Taxes on services are levied by the Centre. But, their proceeds are collected as well as appropriated by both the Centre and the states. The principles of their collection and appropriation are formulated by the Parliament.

Taxes Levied and Collected by the Centre but Assigned to the States (Article 269): The following taxes fall under this category:

- (i) Taxes on the sale or purchase of goods (other than newspapers) in the course of inter-state trade or commerce.
- (ii) Taxes on the consignment of goods in the course of inter-state trade or commerce

(14) INTERSTATE RELATIONS

Q.493 The Constitution deals with which of the following?

1. Adjudication of inter-state water disputes
2. Coordination between Centre and State through inter-state councils

3. Freedom of inter-state trade, commerce and intercourse

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: Article 262 of the Constitution provides for the adjudication of inter-state water disputes. It makes the provision that Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution and control of waters of any inter-state river and river valley.

Statement 2: Article 263 contemplates the establishment of an Inter-State Council to effect coordination between the states and between Centre and states.

Statement 3: Articles 301 to 307 in Part XIII of the Constitution deal with the trade, commerce and intercourse within the territory of India.

Article 301 declares that trade, commerce and intercourse throughout the territory of India shall be free.

Q.494 Which of the following are extra-constitutional devices to promote cooperation and coordination between the Centre and the states?

1. Zonal Councils
2. Inter-State Councils
3. North-Eastern Council
4. Central Council of Indian Medicine

Select the correct answer using the codes below.

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

Solution: (c)

Learning: Subject specific Inter-State Councils set up under Article 263 of the Constitution of India

- Central Council of Health
- Central Council for Local Government and Urban Development
- Regional Councils for Sales Tax and State Excise Duties

Inter-State Coordination Mechanism set up outside the framework of Article 263 of the Constitution of India

- Planning Commission of India (Now abolished) – NITI ayog
- National Development Council
- National Integration Council
- Central Advisory Board of Education
- Central Council for Research in Ayurveda & Siddha
- Central Council for Research in Homoeopathy
- Central Council for Research in Yoga & Naturopathy
- Labour Conference

Inter-State Water Disputes

Q.495 Article 262 of the Constitution provides for the adjudication of inter-state water disputes by a separate tribunal. The need for an extra judicial machinery to settle inter-state water disputes is because

- (a) The courts being overburdened with litigations and adjudicating slowly are incapable of adjudicating sensitive water disputes
- (b) water resources are not private property and so rule of law is applied by ordinary courts is not appropriate to deal with its distribution
- (c) Division and distribution of any natural resources is out of judicial scrutiny in India
- (d) The courts cannot employ technical committees to ascertain the distribution of water resources

Solution: (b)

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

The need for an extra judicial machinery to settle inter-state water disputes is as follows: —The Supreme Court would indeed have jurisdiction to decide any dispute between states in connection with water supplies, if

legal rights or interests are concerned; but the experience of most countries has shown that rules of law based upon the analogy of private proprietary interests in water do not afford a satisfactory basis for settling disputes between the states where the interests of the public at large in the proper use of water supplies are involved.

Q.496 Consider these major inter-state water disputes with some of their party states.

1. Krishna Dispute: Tamil Nadu and Andhra Pradesh
2. Cauvery Dispute: Karnataka and Tamil Nadu
3. Narmada Dispute: Rajasthan and Madhya Pradesh

Which of the above is/are correct matches?

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

Solution: (b)

Learning: These are the major Inter-State water disputes tribunal and the parties concerned.

1. Godavari Water Disputes Tribunal: Maharashtra, Andhra Pradesh, Karnataka, Madhya Pradesh and Odisha
2. Krishna Water Disputes Tribunal-I: Maharashtra, Andhra Pradesh, Karnataka
3. Narmada Water Disputes Tribunal: Rajasthan, Madhya Pradesh, Gujarat and Maharashtra
4. Ravi and Beas Water Tribunal: Punjab, Haryana and Rajasthan
5. Cauvery Water Disputes Tribunal: Kerala, Karnataka, Tamil Nadu and Puducherry
6. Krishna Water Disputes Tribunal-II: Karnataka, Telangana, Andhra Pradesh and Maharashtra

Q.497 The manner in which the Cauvery river water dispute between Tamilnadu and Karnataka is being resolved shows the

- (a) Democratic nature of Indian state
- (b) Republican nature of Indian state
- (c) Parliamentary sovereignty in the Indian state
- (d) Judicial sovereignty in the Indian state

Solution: (a)

There is no term like Judicial sovereignty. In India no organ is supreme. There is separation of powers between different organs. So

even the Parliament is not supreme or sovereign here. Its authority is restricted by Fundamental rights and Judicial oversight.

Inter-State Council – Article 263

Q.498 With reference to the Inter State Councils, consider the following statements

1. A provision in the Constitution of India governing formation of Inter State Councils was added later through an amendment
2. The genesis of the article can be traced directly to Section 135 of the Govt. of India Act, 1935 provided for establishment of Inter-Provincial Council with duties identical with those of the Inter-State Council

Which of the above statements is/are correct?

- (a) 1 Only (b) 2 Only
(c) Both (d) None

Solution: (b)

Q.499 Consider the following about Inter-State Council as under Article 263 of the constitution.

Assertion (A): It is not a permanent constitutional body for coordination between the States of the Union.

Reason (R): It is established by the President.

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

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

Solution: (b)

Justification & Learning: As the article 263 makes it clear, the Inter-State Council is not a permanent constitutional body for coordination between the States of the Union. 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 provision of article 263 of the Constitution was invoked for the first time in 1952 when President by a notification established the Central Council of Health

under the Chairmanship of the Union Minister of Health and Family Planning.

Q.500 Consider the following about the Inter-State Council.

1. It is not a permanent constitutional body.
2. It is chaired by the Prime Minister.
3. It does not include the representatives of the Union Territories (UTs).
4. It includes the Presiding officers of both houses of Parliament.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: It is a recommendatory body to investigate and discuss subjects, in which some or all of the states or the Central government have a common interest. It is set up on the basis of provisions in Article 263 of the Constitution of India.

Statement 1: The Inter-state council is not a permanent constitutional body for coordination between the states and Central government. Rather, President can establish it at any time if it appears to him that the public interests would be served by the establishment of such a council.

Statement 2, 3 and 4: It facilitates coordination between states and the centre. The Inter State Council composes of the following members:

- (a) Prime Minister, Chairman.
- (b) Chief Ministers of states and union territories.
- (c) Administrators of union territories.
- (d) Six members of Cabinet rank.

Q.501 Who among the following is/are member(s) of the Inter-State Council?

- (a) President of India
- (b) Six members of Cabinet rank
- (c) Governors of states and union territories
- (d) Chief Justice of India

Solution: (b)

Justification: composition of the council is given above.

Learning: Being a constitutional body, the council's function to enquire and advice upon inter-state disputes is complementary to the Supreme Court's jurisdiction under

Article 131 to decide a legal controversy between the governments.

The Council can deal with any controversy whether legal or non-legal, but its function is advisory unlike that of the court which gives a binding decision.

Q.502 Consider the following about the inter-state council.

1. Chief Ministers of all the states are its members.
2. Five Ministers nominated by the Prime Minister are permanent invitees to the Council.
3. The council is a recommendatory body.
4. The Council meets once biannually.

Select the correct answer using the codes below.

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

Solution: (a)

Learning: The council is a recommendatory body on issues relating to inter-state, Centre-state and Centre-union territories relations. It aims at promoting coordination between them by examining, discussing and deliberating on such issues. Its duties, in detail, are as follows:

- Investigating and discussing such subjects in which the states or the centre have a common interest;
- making recommendations upon any such subject for the better coordination of policy and action on it; and
- Deliberating upon such other matters of general interest to the states as may be referred to it by the chairman.

The Council may meet at least thrice in a year. Its meetings are held in camera and all questions are decided by consensus.

Freedom of Trade, Commerce and Intercourse – Part XIII –

Articles 301 to 307

Q.503 Consider the following with reference to the Freedom of trade, commerce and intercourse within India.

1. The constitution gives Parliament the power to restrict free trade between and within states on grounds of public interest.

2. Ordinarily, no taxes can be applied to the goods originating in another state that are also not applied on goods produced within a state.

Which of the above is/are correct?

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

Solution: (c)

Justification: The constitution states that “Subject to the other provisions, trade, commerce and intercourse throughout the territory of India shall be free.”

Articles 302-304 both qualify and elaborate on that principle.

- Article 302 gives Parliament the power to restrict free trade between and within states on grounds of public interest.
- Article 303 (a) then imposes a most-favoured nation type obligation on both Parliament and state legislatures; that is no law or Regulation powers of the Union and of the States with regard to trade and commerce can give arbitrary preference to one state over another.
- Article 304 (a) then imposes a national treatment-type obligation on state legislatures (apparently not on Parliament); that is, no taxes can be applied to the goods originating in another state that are also not applied on goods produced within a state.
- This Article refers only to taxes and not to regulations more broadly.

Zonal Councils

Q.504 Consider the following about Zonal Councils.

1. They are Constitutional bodies as setup under Schedule VII of the Constitution.
2. The north eastern states are not included in these zonal Councils.

Which of the above is/are correct?

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

Solution: (b)

Justification: Statement 1: They were set up under the States Reorganization Act, 1956. So, they are statutory bodies, not constitutional bodies.

Statement 2: They are setup to foster Inter-State co-operation and co-ordination among the States. Currently, there are total

five zonal councils viz. Northern, Western, Eastern, Central and Southern.

The north eastern states are not included in these five zonal Councils. Their special problems are looked after by North Eastern Council, set up under the North Eastern Council Act, 1972. It is also headed by Union Home Minister. The North Eastern Council includes Assam, Arunachal Pradesh, Manipur, Tripura, Mizoram, Meghalaya and Nagaland. Sikkim was included in the North Eastern Council in 2002 and excluded from the eastern council.

Learning: The Zonal Councils are mandated to discuss and make recommendations on any matter of common interest in field of social and economic planning, linguistic minorities, border disputes or inter-State transport etc.

Thus, the Zonal Councils are regional forums of cooperative endeavour for States linked with each other economically, culturally and politically.

Q.505 Consider the following about Zonal Councils.

1. They were established by States Reorganisation Act.
2. Each zonal council is headed by the Chief Minister of concerned states in rotation.
3. Zonal councils are statutorily authorized to approve development plans prepared by Gram Sabhas and Urban Local bodies.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: The act divided the country into five zones (Northern, Central, Eastern, Western and Southern) and provided a zonal council for each zone.

Statement 2: The home minister of Central government is the common chairman of the five zonal councils. Each chief minister acts as a vice-chairman of the council by rotation, holding office for a period of one year at a time.

Statement 3: They sort out coordination issues between states and plan for holistic development of these zones which shares many factors in common such as the natural divisions, means of communication, the

cultural and linguistic affinity and the requirements of economic development, security and law and order. They, however, don't approve bottom-up plans prepared by PRIs and ULBs. So, option 3 is wrong.

Learning: Each zonal council consists of the following members:

- home minister of Central government
- chief ministers of all the States in the zone
- Two other ministers from each state in the zone
- Administrator of each union territory in the zone.

Q.506 Which of these bodies is/are chaired by the Chief Ministers of member states on rotation basis?

1. Inter-State Council
2. Zonal Councils
3. NITI Aayog Governing Council

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: He is a member of the Inter-State Council chaired by the prime minister.

Statement 2: He acts as a "vice-chairman" (not Chairman) of the concerned zonal council by rotation, holding office for a period of one year at a time. Union home minister is the chairman of all the zonal councils.

Statement 3: The Governing council too is chaired by the Prime Minister, and not CMs on a rotation basis.

(15) EMERGENCY PROVISIONS – PART XVIII – ARTICLE 352 TO 360

Q.507 Which of these is/are major points of differences between National emergency and President's rule?

1. State governments are automatically dismissed on application of President's Rule, which may not be the case in a National Emergency.
2. There is no maximum period prescribed for the operations of President's rule, unlike National emergency which ceases after an year.

3. A Parliamentary resolution approving National Emergency needs to be passed by a simple majority, whereas a special majority in case of President's rule.

Select the correct answer using the codes below.

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

Solution: (a)

National Emergency

Q.508 Under Article 352, the President can declare a national emergency when

- (a) The states fail to obey Centre's directions.
- (b) There is large scale corruption and mal-governance.
- (c) The security of India or a part of it is threatened by an imminent danger.
- (d) She can declare it in all of the above situations.

Solution: (c)

Justification: Option (a) refers to President's rule, not National Emergency. Even President's rule cannot be applied in case of (b), as per a SC judgment. The President can declare a national emergency when the security of India or a part of it is threatened by war or external aggression or armed rebellion.

The president can declare a national emergency even before the actual occurrence of war or external aggression or armed rebellion, if he is satisfied that there is an imminent danger.

Q.509 Consider the following statements.

1. National emergency can be declared even if security of India is not in threat, but there is a case of imminent danger.
2. The operation of National Emergency always applies to the whole of Indian Territory.

Which of the above is/are correct?

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

Solution: (a)

Under Article 352, the President can declare a national emergency when the security of India or a part of it is threatened by war or external aggression or armed rebellion. It may be noted that the president can declare

a national emergency even before the actual occurrence of war or external aggression or armed rebellion, if he is satisfied that there is an imminent danger.

A proclamation of national emergency may be applicable to the entire country or only a part of it. The 42nd Amendment Act of 1976 enabled the president to limit the operation of a National Emergency to a specified part of India.

Q.510 The President of India can proclaim National Emergency under which of the following conditions?

- (a) Report of rampant corruption in States
- (b) Armed invasion by another nation in India
- (c) Loss of lives due to a natural calamity
- (d) Failure to form a government at the Centre

Solution: (b)

Learning: National emergency can be declared under Article 352 on the basis of external aggression or armed rebellion in the whole of India or a part of its territory. Such an emergency was declared in India in 1962 (Indo-China war), 1971 (Indo-Pakistan war), and 1975 (declared by Indira Gandhi).

The President can declare such an emergency only on the basis of a written request by the Council of Ministers headed by the Prime Minister. Such a proclamation must be laid before both houses of Parliament, and the state of emergency expires after one month unless approved within that time by both houses sitting and voting separately.

It is not declared in case of epidemics, natural calamities or failure to form government at the Centre which makes all options other than (b) wrong.

Q.511 The President of India can declare a National emergency only after the

- 1. Approval of the Cabinet
- 2. Approval by the Parliament
- 3. Approval by the State legislatures involved

Choose the correct answer using the codes below.

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

Solution: (d)

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

Approval of the Parliament is required later to decide whether to continue the emergency or not.

Q.512 The President can proclaim a national emergency when

- (a) Cabinet gives a written recommendation to the President
- (b) The Parliament passes a resolution by simple majority to this effect
- (c) The President is individually satisfied that it is in the best national interest
- (d) The National Security Council recommends it to the President

Solution: (a)

Learning: The emergency can be declared only on the concurrence of the cabinet and not merely even on the advice of the prime minister or Home Minister. This safeguard was added by 44th constitutional amendment.

The proclamation of Emergency should be approved by both the Houses of Parliament within one month from the date of its issue. So, (b) is wrong.

Q.513 The 44th constitutional amendment brought some changes in the powers of Prime Minister in declaring emergency. What was the change brought?

- (a) A national emergency can be declared by the President only on the concurrence of the cabinet and not merely on the advice of the prime minister
- (b) The President can declare national emergency only after the concurrence of the cabinet and Parliament

- (c) If a house was not in session, only then the President could declare national emergency on the advice of the Prime Minister
- (d) The Prime Minister could only advise declaring internal emergency to the President; for external emergency the concurrence of the Parliament was needed

Solution: (a)

Q.514 The President can proclaim a national emergency when

- (a) Cabinet gives a written recommendation to the President
- (b) The Parliament passes a resolution by simple majority to this effect
- (c) The President is individually satisfied that it is in the best national interest
- (d) The National Security Council recommends it to the President

Solution: (a)

Learning: The emergency can be declared only on the concurrence of the cabinet and not merely even on the advice of the prime minister or Home Minister. This safeguard was added by 44th constitutional amendment.

The proclamation of Emergency should be approved by both the Houses of Parliament within one month from the date of its issue. So, (b) is wrong.

Q.515 Consider the following statements.

Assertion (A): Resolutions approving the Proclamation of Emergency are passed only by the Lok Sabha.

Reason (R): The Rajya Sabha does not represent directly elected representatives.

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

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

Solution: (c)

Justification: The proclamation of Emergency must be approved by both the Houses of Parliament within one month from the date of its issue.

Every resolution approving the proclamation of emergency or its continuance

must be passed by either House of Parliament by a special majority, that is,

1. The majority of the total membership of that house
2. The majority of not less than two-thirds of the members of that house present and voting.

A proclamation of emergency may be revoked by the President at any time by a subsequent proclamation. Such a proclamation does not require the parliamentary approval.

Q.516 National Emergency has been declared so far:

- (a) once (b) twice
- (c) thrice (d) four times

Solution: (c)

Effects of National Emergency on Centre-State Relations

Q.517 During an emergency, our political structure undergoes a transformation from being “Federal” to

- (a) Military
- (b) Quasi-federal
- (c) Unitary
- (d) Being only a Single Government

Solution: (c)

During an Emergency, the Central government becomes all powerful and the states go into the total control of the Centre. It converts the federal structure into a unitary one without a formal amendment of the Constitution. This kind of transformation of the political system from federal during normal times to unitary during Emergency is a unique feature of the Indian Constitution.

Since the state governments do exist even at the time of emergency, we can not call it—single government.

Q.518 During a national emergency

1. State governments are suspended and Centre takes the control of the states.
2. Parliament becomes empowered to make laws on any subject mentioned in the State List.

Which of the above is/are correct?

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

Solution: (b)

Justification: Statement 1: The Centre becomes entitled to give executive directions to a state on 'any' matter. Thus, the state governments are brought under the complete control of the Centre, though they are not suspended.

Statement 2: Although the legislative power of a state legislature is not suspended, it becomes subject to the overriding power of the Parliament. Thus, the normal distribution of the legislative powers between the Centre and states is suspended, though the state legislatures are not suspended. In brief, the Constitution becomes unitary rather than federal.

Q.519 Consider the following statements:
Assertion (A): A national emergency converts the federal structure into a unitary one without a formal amendment of the Constitution.

Reason (R): During an Emergency, the Central government becomes all powerful and the states go into the total control of the Centre.

In the context of the statements above, which of these is true?

- (a) A and R both are true, and R is the correct explanation for A.
- (b) A and R both are true, and R is the NOT the correct explanation for A.
- (c) A is correct, R is incorrect.
- (d) A and R both are incorrect.

Solution: (a)

Effect of National Emergency on Fundamental Rights

Q.520 Consider the following statements.
Assertion (A): The constitution authorises the President to suspend the right to move any court for the enforcement of certain Fundamental Rights during a National Emergency.

Reason (R): All fundamental rights are automatically suspended with a proclamation of National Emergency.

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

- (a) A is correct, and R is an appropriate explanation of A.

(b) A is correct, but R is not an appropriate explanation of A.

(c) A is correct, but R is incorrect.

(d) A is incorrect, but R is correct.

Solution: (c)

Justification: Article 359 authorises the President to suspend the right to constitutional remedies for the enforcement of Fundamental Rights during a National Emergency.

This means that under Article 359, the Fundamental Rights as such are not suspended, but only their enforcement. The rights are theoretically alive but the right to seek remedy is suspended.

The suspension of enforcement relates to only those Fundamental Rights that are specified in the Presidential Order. It does not apply to all fundamental rights. So, R is wrong

Q.521 Which of the following rights would be suspended if a National Emergency is proclaimed by the Government of India?

1. Right to freedom of speech and expression
2. Right to equality of opportunity in matters of public employment.
3. Right to protection in respect of conviction for offences.

Select the correct answer using the codes below

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

Solution: (b)

Rights under Article 20 and 21 remain unaffected by the imposition of national emergency. Other rights may or may not be suspended depending on the decision of the government.

President's Rule

Q.522 During President's rule in a state

1. State council of ministers is dissolved
2. Central government takes over the executive machinery of the state
3. The President becomes empowered to make laws with respect to any matter in state list

Choose the correct answer using the codes below.

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

Solution: (a)

When the President's rule is imposed in a state, the Parliament becomes empowered to make laws with respect to any matter in the State List in relation to that state. A law made so by the Parliament continues to be operative even after the president's rule.

All the decisions concerning the state emanate from the President based on the advice given by Council of Ministers.

The state legislature is also either suspended or dissolved.

Q.523 Consider the following about 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 is/are correct?

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

Solution: (b)

Learning: Statement 1: Article 356 empowers the President to issue a proclamation, if he is satisfied that a situation has arisen in which the government of a state cannot be carried on in accordance with the provisions of the Constitution.

Notably, the president can act either on a report of the governor of the state or otherwise too (i.e., even without the governor's report).

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

Q.524 Consider the following statements about the effects of President's Rule in states.

1. The state legislative assembly continues to hold sessions but the civilian government loses all authority.
2. The Parliament becomes empowered to make laws with respect to any matter in the State List in relation to that state.
3. The state immediately loses all funding support from the Union government.

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 1: The assembly is immediately dissolved, and the President takes the administrative charge of the state. A panel of advisors is appointed to advise the Governor in the discharge of his day to day duties.

Statement 2: A law made so by the Parliament continues to be operative even after the president's rule.

But, such a law can be repealed or altered or re-enacted by the state legislature.

Statement 3: There is no such provision.

Q.525 State emergency or President's rule can be applied to an Indian state on which of the following grounds?

1. Failure to comply with Centre's directions
2. Breakdown of constitutional machinery in the state
3. Threat to the financial stability of the state
4. Internal aggression in the state

Choose the correct answer using the codes below.

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

Solution: (a)

The Indian Constitution contains elaborate emergency provisions to enable the President to meet any extraordinary situation effectively. The rationality behind the incorporation of these provisions is to safeguard the sovereignty, unity, integrity and security of the country, the democratic political system and the Constitution.

The Constitution envisages three types of emergencies, namely:

- (a) National emergency on the ground of war or external aggression or armed rebellion (Article 352);
- (b) State emergency (President's Rule) on the ground of failure of Constitutional machinery in the states (Article 356) or failure to comply with the directions of the Centre (Article 365); and
- (c) Financial emergency on the ground of threat to the financial stability or credit of India (Article 360).

Q.526 Consider the following statements about President's rule:

1. There is no maximum time limit for both National emergency and President's rule if continuously approved by the Parliament.
2. President's rule can be imposed in a state which is proved to have engaged in maladministration in the state.

Which of these is/are true?

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

Solution: (d)

While National emergency has no time limit, President's rule has to be revoked after a maximum of three years.

Further the 44th Amendment Act of 1978 introduced a new provision to put restraint on the power of Parliament to extend a proclamation of President's Rule beyond one year. Thus, it provided that, beyond one year, the President's Rule can be extended by six months at a time only when the following two conditions are fulfilled:

1. A proclamation of National Emergency should be in operation in the whole of India, or in the whole or any part of the state
2. Election Commission must certify that the general elections to the legislative assembly of the concerned state cannot be held on account of difficulties.

A proclamation of President's Rule may be revoked by the President at any time by a subsequent proclamation. Such a proclamation does not require the parliamentary approval.

Proved maladministration or even corruption can not be a ground to impose president's rule as per the guidelines laid down by the Supreme Court in the *S. R. Bommai v UOI*, 1994 AIR 1918.

Q.527 In the *S. R. Bommai v UOI*, 1994 AIR 1918., several propositions have been laid down by the Supreme Court on imposition of President's Rule in a state under Article 356. These include

1. A state government pursuing anti-secular politics is liable to action under Article 356.
2. The presidential proclamation imposing President's Rule is subject to judicial

review only when President acts against the advice of the Council of Ministers.

3. The state legislative assembly should be dissolved only after the Parliament has approved the presidential proclamation.

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Statement 1: Secularism is one of the 'basic features' of the Constitution. Hence, a state government pursuing anti-secular politics is liable to action under Article 356.

Statement 2: It can be subject to Judicial review in any condition. Further, the satisfaction of the President must be based on relevant material. The action of the president can be struck down by the court if it is based on irrelevant or extraneous grounds or if it was found to be *mala fide* or perverse.

Burden lies on the Centre to prove that relevant material exist to justify the imposition of the President's Rule.

Statement 3: The state legislative assembly should be dissolved only after the Parliament has approved the presidential proclamation. Until such approval is given, the president can only suspend the assembly. In case the Parliament fails to approve the proclamation, the assembly would get reactivated.

If the court holds the presidential proclamation to be unconstitutional and invalid, it has power to restore the dismissed state government and revive the state legislative assembly if it was suspended or dissolved.

Article 355

Q.528 The Central government has a constitutional duty to protect states against

1. External aggression and internal disturbance
2. Failure of Constitutional machinery

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: This is a provision under Article 355 of the constitution. It says, “It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution.”

Statement 2: President’s Rule is applied under this case under Article 356 of the Constitution.

It can also be applied when the state government has wilfully disobeyed the directions of the Central government and disturbed the constitutional distribution of executive power.

- Q.529** The provision that “It is the duty of the Union to protect the states against external aggression and internal disturbance” is a
- Constitutional provision
 - Supreme Court Judgment
 - Parliamentary Enactment
 - Convention followed in a federal polity

Solution: (a)

Learning: As per Article 355, it is the duty of the Union to protect States against external aggression and internal disturbance.

“It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution”

While Article 356 has been repeatedly used and misused on flimsy grounds, the Centre has seldom resorted to Article 355, because, though it serves as a precursor to Article 356, it comes with an onerous burden.

- Q.530** Which of the following duties have been constitutionally prescribed for the Centre to exercise control over the state administration?
- To protect every state against external aggression and internal disturbance
 - To ensure that corruption and maladministration do not affect state governments

Which of the above is/are true?

- 1 only
- 2 only
- Both 1 and 2
- None

Solution: (a)

The Constitution contains the following other provisions which enable the Centre to exercise control over the state administration:

- Article 355 imposes two duties on the Centre: (a) to protect every state against external aggression and internal disturbance; and (b) to ensure that the government of every state is carried on in accordance with the provisions of the Constitution.
- The governor of a state is appointed by the president. He holds office during the pleasure of the President. In addition to the Constitutional head of the state, the governor acts as an agent of the Centre in the state. He submits periodical reports to the Centre about the administrative affairs of the state.
- The state election commissioner, though appointed by the governor of the state, can be removed only by the President.

- Q.531** Article 355 of the Constitution of India is an important instrument that enables the Centre to exercise control over State administration. It imposes which of the following duties on the Centre?

- To protect every state against external aggression and internal disturbance
- To protect the financial integrity of the states
- To ensure that the government of every state is carried on in accordance with the provisions of the Constitution
- To resolve conflicts between States through negotiations or binding executive orders

Select the correct answer using the codes below.

- 1 and 3 only
- 2, 3 and 4 only
- 4 only
- 1, 3 and 4 only

Solution: (a)

- Q.532** Article 355 of the Indian Constitution provides that ‘It shall be the duty of the Union to protect every State against external aggression and internal disturbance’. This shows the

- Federal character of the Indian constitution
- Quasi-federal Character of Indian polity
- Democratic character of Indian polity
- Unity and territorial integrity of India.

Solution: (b)

Article 355 shows that the Union government has been given prominence over the state government. This shows the federal character with a Union bias i.e. quasi-federal nature of the Indian polity. The Union government has a responsibility to ensure the territorial integrity and security of the nation.

Q.533 Concerning the Central government, which of the following are constitutional mandates/duties?

1. To devolve a share of income proceeds to states
2. To protect states from constitutional breakdown
3. To protect states from external and internal aggression

Choose the correct answer using the codes below.

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

Solution: (d)

Article 355: Duty of the Union to protect States against external aggression and internal disturbance - It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution.

Article 365: Article 365 says that where any state has failed to comply with (or to give effect to) any directions given by the Centre, it will be lawful for the President to hold that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution. It means that, in such a situation, the President's rule can be imposed in the state under Article 356.

Financial Emergency

Q.534 Consider the following statements in respect of financial emergency under Article 360 of the Constitution of India:

1. A proclamation of financial emergency issued shall cease to operate at the expiration of 2 months, unless before the expiration of that period it has been

approved by the resolutions of both Houses of Parliament.

2. If any proclamation of financial emergency is in operation, it is competent for the President of India to issue directions for the reduction of salaries and allowances of all or any class of persons serving in connection with the affairs of the Union but excluding the Judges of the Supreme Court and the High Courts.

Which of the statements given above is/are correct? [IAS 2007]

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

Solution: (a)

Q.535 Which of the following is/are the financial powers of the President of India?

1. Money bills can be introduced in the Parliament only with his prior recommendation.
2. He causes to be laid before the Parliament the Union Budget.
3. No demand for a grant can be made except on his recommendation.
4. He can make advances out of the contingency fund of India to meet any unforeseen expenditure.
5. He constitutes the Union finance commission to recommend the distribution of revenues between the Centre and the states.

Select the correct answer using the codes below.

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

Solution: (d)

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

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

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

- Q.536** When a financial emergency is proclaimed:
- (a) the repayment of government debts will stop
 - (b) the payment of salaries to public servants will be postponed
 - (c) the salaries and allowances of any class of employees may be reduced
 - (d) the Union Budget will not be presented

Solution: (b)

- Q.537** The provisions regarding division of taxes between Union and the States:

- (a) can be suspended during National Emergency
- (b) can be suspended during Financial Emergency
- (c) can be suspended only with the consent of the majority of State legislatures
- (d) cannot be suspended under any circumstances

Solution: (c)

CENTRAL GOVERNMENT (PART V) (ARTICLES 51–151)

(16) PRESIDENT – ARTICLES 52–78

- Q.538** Consider the following statements.

1. Parliament may, by law, regulate any matter relating to or connected with the election of a President or a Vice-President.
2. All doubts and disputes arising out of the election of a President or Vice-President shall be inquired into and decided by the Election Commission of India whose decision shall be final.

Which of the above is/are correct?

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

Solution: (a)

Justification: Statement 1: This is however subject to the provisions of the constitution.

Presidential and Vice-Presidential Elections Act, 1952 was enacted in this context.

Statement 2: As per Article 71 of the constitution, it shall be inquired into and decided by the Supreme Court whose decision shall be final. The ECI may be called for advice.

- Q.539** The highest formal authority in India is carried by

- (a) Prime Minister of India
- (b) President of India
- (c) Cabinet Secretary
- (d) Heads of independent Constitutional bodies

Solution: (b)

Explanation: President is the head of the state and is the highest formal authority in the country. All executive actions of the government are taken in his name.

Prime Minister is the head of the government and actually exercises all governmental powers. He takes most of the decisions in the Cabinet meetings. So, option (b) is correct.

Learning: As per Article 53 of the Constitution

- (a) The executive power of the Union shall be vested in the President and shall be exercised by him either directly or

through officers subordinates to him in accordance with this Constitution.

- (b) Without prejudice to the generality of the foregoing provision, the supreme command of the Defence Forces of the Union shall be vested in the President and the exercise there of shall be regulated by law.

Q.540 Consider the following with regard to the President of India.

1. The President does not exercise his/her discretion on the advice given by the Council of Ministers.
2. Only elected members of the Legislative Assemblies and both the Houses of the Parliament take part in electing the President.
3. The President can send the bill back to the Parliament asking it to reconsider the bill.
4. The President's ordinance making power is not a discretionary power.

Which of the above statements is/are correct?

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

Solution: (d)

The President can send back the advice given by the Council of Ministers and ask the Council to reconsider the decision. In doing this, the President acts on his (or her) own discretion. When the President thinks that the advice has certain flaws or legal lacunae, or that it is not in the best interests of the country, the President can ask the Council to reconsider the decision. Although, the Council can still send back the same advice and the President would then be bound by that advice, such a request by the President to reconsider the decision, would naturally carry a lot of weight. So, this is one way in which the president can act in his own discretion.

Q.541 Consider the following statements about the office of President of India.

1. No person has occupied the office for more than two complete terms.
2. Every President has served the full term of the office.

Which of the above is/are correct?

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

Solution: (a)

Justification: Statement 1: Dr. Rajendra Prasad has served for two terms (1950-1962), and apart from him none has served more than once. So, 1 is correct.

Statement 2: So far two Presidents, Dr. Zakir Hussain and Fakhruddin Ali Ahmed, have died during their term of office. So, 2 is incorrect.

For example, when President Dr. Zakir Hussain died in May 1969, the then Vice-President, V.V. Giri was acting as the President.

Soon after V.V. Giri resigned to contest the election of the President. Then the Chief Justice of India, M Hidayatullah worked as the officiating President.

Presidential Elections

Electoral college

Q.542 The President of India is elected by members of an electoral college consisting of

1. Elected members of Lok Sabha
2. Elected members of Legislative Assemblies of states
3. Elected members of Rajya Sabha
4. Elected members of Legislative Councils of states

Choose the correct answer using the codes below

- (a) 1 and 2 Only (b) 1, 2 and 3 Only
(c) 1, 2 and 4 Only (d) All the four

Solution: (b)

Article 54 of the Constitution says:

“The President shall be elected by the members of an electoral college consisting of -

- (a) The elected members of both Houses of Parliament and
- (b) The elected members of the Legislative Assemblies of the States (including National Capital Territory of Delhi and the Union Territory of Pondicherry vide the Constitution 70th amendment Act, 1992).”

Thus in the election of the President the citizens play no direct part and he is elected indirectly by the representatives or the people, like the American President but

no special electoral college is elected, as in the case of America. Another point of difference that may be noted is that the election of the President of India is by the system of proportional representation, by the single transferable vote, as provided by Article 55(3) of the Constitution, while the American President is elected by the straight vote system.

Q.543 Which of the following Union Territories participate in the election of the President?

1. Delhi
2. Puducherry
3. Chandigarh

Choose the correct answer from the codes below.

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

Solution: (a)

The composition of electoral college is given in the previous question.

Q.544 The nominated members of both Lok Sabha and Rajya Sabha do NOT participate in which of the following?

1. Election of President
2. Passing of Constitutional Amendment Bill
3. Impeachment of President
4. Election of Vice-President

Choose the correct answer from the codes below.

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

Solution: (d)

The nominated members of both of Houses of Parliament, the nominated members of the state legislative assemblies, the members (both elected and nominated) of the state legislative councils (in case of the bicameral legislature) and the nominated members of the Legislative Assemblies of Delhi and Puducherry do not participate in the election of the President. Where an assembly is dissolved, the members cease to be qualified to vote in presidential election, even if fresh elections to the dissolved assembly are not held before the presidential election.

While electing and impeaching Vice-President, nominated members participate.

Q.545 The Indian President, head of the State, is not elected directly by the people of India. He is elected by members of an electoral college consisting of

1. Former Presidents
2. Bharat Ratna Awardees
3. All Members of Parliament (MPs)
4. All Members of Legislative Assemblies of all states (MLAs)
5. All Members of Legislative Councils of states where applicable (MLCs)

Select the correct answer using the codes below.

- (a) 3 and 4 only (b) 1, 2 and 3 only
(c) 3, 4 and 5 only (d) None of the above

Solution: (d)

Justification: Statements 1 and 2: They are not included in the collegium.

Statement 3 and 4: Only elected members participate. Nominated members do not. The rationale is that nominated members are chosen by the incumbent President. If they participate in the election of the President, it confers an unfair advantage to the incumbent.

Statement 5: MLCs do not participate in the election.

Q.546 Which of the following take part in the election of the President of India?

1. All the members of Lok Sabha
 2. All the members of Rajya Sabha
 3. All the members of Legislative Assembly
 4. All the members of Legislative Councils
- Choose the correct answer using the codes below:

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

Solution: (b)

Q.547 In which of the following case(s), the Chief Minister of a State in India is NOT eligible to vote in the Presidential election?

1. If he himself is a candidate
2. If he is yet to prove his majority on the floor of the Lower House of the State legislature
3. If he is a member of the Upper House of the State legislature
4. If he is a caretaker Chief Minister

Choose the correct answer using the codes below:

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

Solution: (c)

The upper houses in the states do not take part in Presidential election. Therefore, if the CM is a member of the upper house, he cannot vote.

Election Method

Q.548 Consider the following statements.

Assertion (A): All doubts and disputes in connection with election of the President are inquired into and decided by the Election Commission of India.

Reason (R): Election Commission of India is entrusted with the responsibility of conducting the Presidential elections.

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

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

Solution: (d)

Justification: Supreme Court decides all the doubts and disputes in connection with election of the President even though ECI organizes and conducts the elections. So, A is incorrect, and R is correct.

Moreover, ECI has only limited quasi-judicial authority with regard to elections of MPs or MLAs. We will be covering these topics in the coming tests.

Q.549 Consider the following statements regarding the election of President.

- The value of vote of a MLA is equivalent to that of a MLC casting vote in Presidential election.
- The value of vote of a MLA is equivalent to that of a MP casting vote in Presidential election.

Which of the above is/are true?

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

Solution: (d)

- Every elected member of the Legislative Assembly of a state shall have as many votes as there are multiples of one thousand in the quotient obtained by dividing the population of the state by the total number of the elected members of the assembly. This can be expressed as:

Value of the vote of an MLA

$$= \frac{\text{Total population of state}}{\text{Total number of elected members in the state legislative assembly}} \times \frac{1}{100}$$

- Every elected member of either House of Parliament shall have such number of votes as may be obtained by dividing the total number of votes assigned to members of legislative assemblies of the states by the total number of the elected members of both the Houses of Parliament. This can be expressed as:

Value of the vote of an MP =

$$= \frac{\text{Total value of voted of all MLAs of all the states}}{\text{Total number of elected members of Parliament}}$$

Q.550 Consider the following statements about the election of the President of India:

- The total values of the votes of all the MLAs is equal to that of all the MPs.
- All doubts and disputes regarding the election of the President is enquired into by the Election Commission of India.

Which of these is /are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None

Solution: (d)

The total value of the votes of all the MLAs is equal to that of all the elected MPs only which excludes the nominated ones.

All doubts and disputes regarding the election of the President is enquired into by the Supreme Court of India considering the high prestige of the office of President of India.

Q.551 In the election of the President, every elected member of either House of Parliament shall have such number of votes as may be obtained by dividing the

- (a) Total number of votes assigned to MLAs of the states by the total number of the elected MPs
- (b) Total population of India by the total number of seats in all the State legislative assemblies
- (c) Total votes assigned to the President by the total number of seats in Parliament
- (d) Total strength of Parliament by the number of nominations filed for the President's office

Solution: (a)

The President's election is held in accordance with the system of proportional representation and single transferrable vote.

Q.552 In the election of the President, each Member of the electoral college has:

- (a) one vote
- (b) as many votes as there are candidates
- (c) one vote with value attached to it
- (d) one vote with value attached to it and he can give as many preferences as there are candidates

Solution: (d)

Q.553 What is the difference in the electoral college of the Vice-President and the President of India?

1. Both the houses 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 is/are correct?

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

Solution: (b)

Justification: Statement 1: 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.

Statement 2: His Electoral College is different from the Electoral College for the election of the President in 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).

Qualification

Q.554 Consider the following statements.

1. In India, only a citizen by birth and not a naturalised citizen is eligible for the office of President.
2. In USA, a citizen by birth as well as a naturalised citizen is eligible for the office of President.

Which of the above is/are correct?

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

Solution: (d)

Justification: Statement 1: A person not born in India, but having acquired citizenship by registration or by naturalisation can become the PM or the President of India. The Indian constitution does not differentiate on the basis of the method of acquiring of citizenship.

Statement 2: This is however not the case with the USA constitution, which categorically denies the right to President Candidacy to naturalized citizens.

Q.555 Consider the following statements.

Assertion (A): A person not born in India but having acquired citizenship by registration or by naturalisation cannot become the President of India.

Reason (R): President of India is the head of the state and represents the Indian state symbolically.

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

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

Solution: (d)

Oath

Q.556 Which of the following forms part of the oath of the President of India but not that of the Members of Parliament (MPs)?

1. To preserve, protect and defend the constitution and the law.
2. To uphold the sovereignty and integrity of India.

Choose the correct answer using the following codes:

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

Solution: (a)

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.

Where as the oath of MPs is

1. to bear true faith and allegiance to the Constitution of India;
2. to uphold the sovereignty and integrity of India; and
3. to faithfully discharge the duty upon which he is about to enter.

Unless a member takes the oath, he cannot vote and participate in the proceedings of the House and does not become eligible to parliamentary privileges and immunities.

Q.557 At the time of appointment, the oath to “preserve, protect and defend the constitution” is subscribed by which of the following:

1. President.
2. Governor.
3. Chief Justice of India

Choose the correct answer using the codes below:

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

Solution: (a)

Only the president and governors are to take the oath to defend and protect the constitution.

The Chief Justice of India and other judges uphold the constitution and the laws.

Q.558 Before entering upon his office, the President has to make and subscribe to an oath or affirmation. This oath is administered to the President by

- (a) Prime Minister of India
- (b) The predecessor President of India who immediately vacated office
- (c) Chief Justice of India
- (d) Vice-President of India

Solution: (c)

Learning: The oath of office to the President is administered by the Chief Justice of India and in his absence, the senior most 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.

Q.559 Before entering upon his office, the President has to make and subscribe to an oath or affirmation. Which of the following is/are part of the oath or affirmation made by the President?

1. To preserve, protect and defend the Constitution and the law
2. To uphold the sovereignty and integrity of India
3. Perform the duties of the office without fear or favour

Select the correct answer using the codes below.

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

Solution: (c)

Oath in Statement 2 is taken by the judges of Supreme Court and High Courts, and Oath in Statement 3 is taken by the information commissioners, judges of Supreme Court and High Courts etc.

Conditions of Office

Q.560 During the tenure of the Indian President, he is immune from which of the following?

1. Criminal proceedings
2. Civil Proceedings
3. Arrest and Imprisonment

Choose the correct answer from the codes below.

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

Solution: (d)

The President is entitled to a number of privileges and immunities. He enjoys personal immunity from legal liability for his official acts. During his term of office, he is immune from any criminal proceedings, even in respect of his personal acts. He cannot be arrested or imprisoned. However, after giving two months’ notice, civil proceedings can be

instituted against him during his term of office in respect of his personal acts.

Impeachment

Q.561 Consider the following statements about the Impeachment of the Indian President.

1. Impeachment can only be initiated by Lok Sabha.
2. Supreme Court is the authority that investigates against the charges levelled against the President.
3. Representatives of Union Territories in the Parliament do not participate in the impeachment process.

Choose the correct answer from the codes below.

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

Solution: (d)

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

The impeachment charges can be initiated by either House of Parliament. These charges should be signed by one-fourth members of the House (that framed the charges), and a 14 days' notice should be given to the President. After the impeachment resolution is passed by a majority of two-thirds of the total membership of that House, it is sent to the other House, which should investigate the charges.

The President has the right to appear and to be represented at such investigation. If the other House also sustains the charges and passes the impeachment resolution by a majority of two-thirds of the total membership, then the President stands removed from his office from the date on which the bill is so passed.

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

1. the nominated members of either House of Parliament can participate in the impeachment of the President though they do not participate in his election

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

No President has so far been impeached.

Q.562 The "Violation of Constitution" as a ground of removal is explicitly mentioned for which of the following offices under the constitution of India?

1. President 2. Prime Minister
3. Governor 4. Chief Justice of India

Choose the correct answer using the codes below:

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

Solution: (c)

Impeachment of president is taken up by the house in cases of violation of the constitution. For others, grounds are either different or not mentioned explicitly as "violation of the constitution".

Q.563 Consider the following about the impeachment of President of India.

1. The impeachment charges can be initiated by either House of Parliament.
2. The Parliament investigates the impeachment charges.
3. No President has so far been impeached.

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: Impeachment is a quasi-judicial procedure in the Parliament. These charges should be signed by one-fourth members of the House (that framed the charges).

Statement 2: After the impeachment resolution is passed by a majority of two-thirds of the total membership of that House, it is sent to the other House, which should investigate the charges.

The President has the right to appear and to be represented at such investigation.

If the other House also sustains the charges and passes the impeachment

resolution by a majority of two-thirds of the total membership, then the President stands removed from his office from the date on which the bill is so passed.

Q.564 Consider the following statements about the impeachment of the President of India:

1. Impeachment proceedings can only be started by Lok Sabha first.
2. Nominated members of Lok Sabha take part in the impeachment of the President.
3. The Supreme Court investigates the charges labelled against the President for impeachment.

Which of these is /are true?

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

Solution: (b)

All the MPs whether elected or nominated take part in the election of the President. Impeachment proceedings can be started by either house of the Parliament. The concerned house investigates the charges, not the Supreme Court of India

Q.565 If a resolution impeaching the President is passed, the President is considered to have been removed:

- (a) from the date on which the resolution is passed
- (b) once the Chief Justice of India takes out an order to the effect
- (c) as soon as the Gazette of India notifies it
- (d) once the new incumbent is elected

Solution: (a)

Vacancy in President's Office

Q.566 The President is bound by the aid and advice tendered by the Council of Ministers. This provision is

- (a) Mandated by Representation of People of India Act
- (b) Followed as a convention of Parliamentary form of Government
- (c) An executive precedent followed since Independence
- (d) Mandated by a Constitutional amendment

Solution: (d)

Learning: Article 74 provides for a council of ministers headed by the Prime Minister to aid

and advise the President in the exercise of his functions. The advice so tendered is binding on the President. The unamended constitution had some scope of Presidential discretion where he was not explicitly bound by the aid and advice of the council of Ministers.

Powers and Functions of the President

(1) Executive Powers

Q.567 All executive actions of the Government of India are formally taken in name of president of India. Consider the following with this reference.

1. He can make rules specifying the manner in which the orders and other instruments made and executed in his name shall be authenticated only after concurrence from Parliament.
2. He can make rules for more convenient transaction of business of the Union government, and for allocation of the said business among the ministers.

Which of the above is/are correct?

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

Solution: (b)

Justification: The above are some of the executive powers and functions of the President.

Statement 1: He does not require the consent or concurrence of the Parliament in making these rules, since these are executive fiats.

Statement 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.

Some of the other powers are:

- He appoints the prime minister and the other ministers. They hold office during his pleasure.
- He appoints the attorney general of India and determines his remuneration. The attorney general holds office during the pleasure of the President.
- He appoints the comptroller and auditor general of India, the chief election

commissioner and other election commissioners, the chairman and members of the Union Public Service Commission, the governors of states, the chairman and members of finance commission, and so on.

- He can seek any information relating to the administration of affairs of the Union, and proposals for legislation from the prime minister.
- He can require the Prime Minister to submit, for consideration of the council of ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council.

- Q.568** Merger of two Ministries/departments of the Union Government can be done by
- (a) A constitutional amendment only
 - (b) A statutory provision only
 - (c) The President of India by an executive order
 - (d) The Cabinet Secretary without needing authorization from the Prime Minister

Solution: (c)

Learning: The Govt. of India (Allocation of Business) Rules, 1961 are made by the President of India under Article 77 of the Constitution for the allocation of business of the Govt. of India. The Ministries/Departments of the Govt. are created (or merged, dissolved) by the President on the advice of the Prime Minister under these Rules.

The Cabinet Secretariat is under the direct charge of the Prime Minister. The administrative head of the Secretariat is the Cabinet Secretary who is also the ex-officio Chairman of the Civil Services Board. The Cabinet Secretariat is responsible for the administration of the Govt. of India Rules, 1961.

- Q.569** Consider the following statements about the administrative setup of the Government of India.
1. The Ministries/Departments of the Government are created by the President on the advice of the Prime Minister.
 2. Each of the Ministries is assigned to a Minister by the President on the advice of the Prime Minister.

3. The rules for the allocation of business of the Government of India are made by the President.

Select the correct answer using the codes below.

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

Solution: (d)

- Q.570** Consider the following statements about the President of India:

1. All governmental activities take place in the name of the President.
2. All laws and major policy decisions of the government are issued in the name of President.
3. All major appointments are made in the name of the President.

Choose the correct answer using the codes below:

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

Solution: (a)

These appointments include the Chief Justice of India, the Judges of the Supreme Court and the High Courts of the states, the Governors of the states, the Election Commissioners, ambassadors to other countries, etc.

All international treaties and agreements are made in the name of the President. The President is the supreme commander of the defence forces of India.

But we should remember that the President exercises all these powers only on the advice of the Council of Ministers.

- Q.571** The President places the report of which of the following bodies before the Parliament?

1. Union Public Service Commission
2. Comptroller and Auditor General of India
3. National Commission for STs
4. National Human Rights Commission

Select the correct answer using the codes below.

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

Solution: (d)

- Q.572** Who among the following are appointed by the President of India ?

1. The Chairman, Finance Commission.
2. The Auditor general of India
3. The Chief Minister of a Union Territory.

Choose the correct answer from the codes given below:

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

Solution: (a)

The CM of the states are appointed by the Governors concerned. But in a UT, they are appointed by the President. The Administrator of the UT forwards the recommendation of the appointment to the President.

He appoints the prime minister and the other ministers. They hold office during his pleasure.

He appoints the attorney general of India and determines his remuneration. The attorney general holds office during the pleasure of the President.

He appoints the comptroller and auditor general of India, the chief election commissioner and other election commissioners, the chairman and members of the Union Public Service Commission, the governors of states, the chairman and members of finance commission, and so on. He can seek any information relating to the administration of affairs of the Union, and proposals for legislation from the prime minister.

Q.573 The President appoints various Ministers and decides their portfolio on the advice of the

- (a) Prime Minister
(b) Vice-President
(c) Speaker, Lok Sabha
(d) He makes the decision independently.

Solution: (a)

Learning: Formally, a leader who has the support of the majority is appointed by the President as Prime Minister.

The Prime Minister then decides who will be the ministers in the Council of Ministers. The Prime Minister allocates ranks and portfolios to the ministers. Depending upon the seniority and political importance, the ministers are given the ranks of cabinet minister, minister of State or deputy minister.

In the same manner, Chief Ministers of the States choose ministers from their own party or coalition.

Q.574 Which of these constitutional functionaries holds office till the pleasure of the President?

1. Governor
2. Chief Election Commissioner (CEC)
3. Comptroller and Auditor General of India (CAG)

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: He can be removed by the President at any time without citing reasons for the same. He is an agent of the Centre and does not enjoy any security of tenure.

Statement 2: The chief election commissioner is provided with the security of tenure. He cannot be removed from his office except in same manner and on the same grounds as a judge of the Supreme Court.

In other words, he can be removed by the president on the basis of a resolution passed to that effect by both the Houses of Parliament with special majority, either on the ground of proved misbehaviour or incapacity.

Thus, he does not hold his office till the pleasure of the president, though he is appointed by him.

Statement 3: Same is true of CAG.

(2) Legislative Powers

Q.575 The President of India is an integral part of the Parliament. One of the reasons for it is that

- (a) He has a constitutional right to attend the meetings of the Parliament.
(b) A bill passed by both the Houses of Parliament cannot become law without the President's assent.
(c) He has the constitutional authority to both constitute and dissolve the Parliament.
(d) He is the head of the executive branch of the Government in our Parliamentary democracy.

Solution: (b)

Though the President of India is not a member of either House of Parliament and does not sit in the Parliament to attend its meetings, he is an integral part of the Parliament. This is because a bill passed by both the Houses of Parliament cannot become law without the President's assent.

He also performs certain functions relating to the proceedings of the Parliament, for example, he summons and prorogues both the Houses, dissolves the Lok Sabha, addresses both the Houses, issues ordinances when they are not in session, and so on.

In this respect, the framers of the Indian Constitution relied on the British pattern rather than the American pattern. In Britain, the Parliament consists of the Crown (King or Queen), the House of Lords (Upper House) and the House of Commons (Lower House). By contrast, the American president is not an integral part of the legislature. In USA, the legislature, which is known as Congress, consists of the Senate (Upper House) and the House of Representatives (Lower House).

Q.576 Consider the following statements.
Assertion (A): Though the President of India is not a member of either House of Parliament, he is an integral part of the institution of Parliament.

Reason (R): A bill passed by both the Houses of Parliament cannot become law without the President's assent.

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

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

Solution: (a)

Q.577 To become a law, all bills passed by the Lok Sabha and Rajya Sabha must be approved by

1. Speaker, Lok Sabha
2. Joint Parliamentary Committee
3. Vice-President
4. President

Select the correct answer using the codes below.

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

Solution: (c)

Explanation: Speaker of Lok Sabha only has to endorse certain money bills when they are sent to the President. He need not give assent to a bill to get it passed. Statement 1 is wrong. Same is true for Vice-President,

Chairman of Rajya Sabha, thus statement 3 is also wrong. A bill is referred to a Joint Parliamentary Committee for examining controversial provisions in the bill or to give insights on the bill to make it better. Its recommendations are not binding. Statement 2 is wrong.

Learning: The Parliament consists of two Houses and President of India. The two Houses are known as the Council of States (Rajya Sabha) and the House of the People (Lok Sabha). The President of India is a part of the Parliament, although she is not a member of either House. That is why all laws made in the Houses come into force only after they receive the assent of the President.

Q.578 Consider the following statements.
Assertion (A): The Prime Minister is obliged to furnish all the information that the President may call for.

Reason (R): Constitutionally, the President has a right to be informed of all important matters and deliberations of the Council of Ministers.

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

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

Solution: (a)

Justification: The President often writes to the Prime Minister and expresses his views on matters confronting the country. Here, the PM is bound to share the information that the President has called for.

In doing so, the President exercises his situational discretion.

Learning: Moreover, the President can send back the advice given by the Council of Ministers and ask the Council to reconsider the decision.

- In doing this, the President acts on her own discretion. When the President thinks that the advice has certain flaws or legal lacunae, or that it is not in the best interests of the country, the President can ask the Council to reconsider the decision.

- Although, the Council can still send back the same advice and the President would then be bound by that advice, such a request by the President to reconsider the decision, would naturally carry a lot of weight.

Q.579 Consider the following statements.

Assertion (A): Our Constitution mandates that either the President or one of his official representatives must attend all Parliamentary proceedings.

Reason (R): The President forms an integral part of the Indian Parliament.

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

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

Solution: (d)

Justification: The Parliament consists of the President, Lok Sabha and Rajya Sabha.

So, the President forms an integral part of the Parliament, since no bill can become an act without her consent.

But, the President is not required to attend the sessions of Parliament at all. He only presents welcome address which is passed as motion of thanks every time a new house is constituted.

Q.580 The President is an integral part of the Parliament of India. Which of the following are done by the President, with reference to the sessions of the Parliament?

1. Summoning
2. Proroguing
3. Dissolving Lok Sabha

Choose the correct answer from the codes below.

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

Solution: (d)

He enjoys the following legislative powers.

1. He can summon or prorogue the Parliament and dissolve the Lok Sabha. He can also summon a joint sitting of both the Houses of Parliament, which is presided over by the Speaker of the Lok Sabha.

2. He can address the Parliament at the commencement of the first session after each general election and the first session of each year.
3. He can send messages to the Houses of Parliament, whether with respect to a bill pending in the Parliament or otherwise.
4. He can appoint any member of the Lok Sabha to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant. Similarly, he can also appoint any member of the Rajya Sabha to preside over its proceedings when the offices of both the Chairman and the Deputy Chairman fall vacant.

Q.581 Which of the functions relating to the Parliament are performed by the President?

1. Summoning the Houses
2. Proroguing the Houses
3. Adjournment Sine die
4. Dissolving lower house
5. Addressing both houses

Choose the correct answer using the codes below.

- (a) 1, 4 and 5 only
- (b) 2 and 3 only
- (c) 1, 2, 4 and 5 only
- (d) All of the above

Solution: (c)

As explained in the previous question.

Q.582 As per the constitution, the Indian president has the power to

1. Ask for files relating to any matter from Prime Minister that is in deliberation in the Council of Ministers
2. Send the decision of an individual ministry for re-consideration
3. Suspend the council of ministers if he feels it is violating constitutional norms

Select the correct answer using the codes below:

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

Solution: (a)

If an individual ministry has taken the decision, which has not been considered by the cabinet, the president can send the file for re-consideration.

The 42nd Constitutional Amendment Act of 1976 (enacted by the Indira Gandhi Government) made the President bound by the advice of the council of ministers headed by the prime minister.

The 44th Constitutional Amendment Act of 1978 (enacted by the Janata Party Government headed by Shri Morarji Desai) authorised the President to require the council of ministers to reconsider such advice either generally or otherwise.

However, he 'shall' act in accordance with the advice tendered after such reconsideration. In other words, the President may return a matter once for reconsideration of his ministers, but the reconsidered advice shall be binding.

Also, the president can not just ask for the files, but also ask details about the decisions that are to be taken in the council of ministers. However, he cannot suspend it, if it enjoys confidence in the Lok Sabha.

Q.583 If Parliament has repeatedly failed to perform its duty, in the opinion of the President, then as per his constitutional mandate he can

1. Dissolve the Lok Sabha
2. Dismiss the Council of Ministers
3. Promulgate ordinance to keep the legislative business on track

Choose the correct answer using the codes below.

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

Solution: (d)

The President's powers with respect to the Parliament are restricted by:

- The council of Ministers can be dismissed only when it has lost the confidence of the house.
- Lok Sabha can be dissolved only when no government can be formed.
- And, there are only three grounds to issue an ordinance:
 1. The parliament should not be in session, whether one or both the houses
 2. The subject must be very urgent that any delay in passing such a bill may be against public interest, like in the recent case of Criminal law (amendment) ordinance, 2013.

3. The council of ministers must advise the President to do so.

Q.584 At the commencement of the first session after each general election to the House of the People and at the commencement of the first session of each year the President shall address both Houses of Parliament assembled together and inform Parliament of the causes of its summons." This is a

- (a) Constitutional provision
- (b) Statutory provisions
- (c) Rules of Procedure of the House
- (d) Parliamentary Convention

Solution: (a)

Learning: Article 87(1) of the Constitution provides for this. This is the case of the first session after each general election to the Lok Sabha, the President addresses both Houses of Parliament assembled together after the Members have made and subscribed the oath or affirmation and the Speaker has been elected.

It takes generally 2 days to complete these preliminaries. No other business is transacted till the President has addressed both Houses of Parliament assembled together and informed Parliament of the Government's agenda.

Q.585 Consider the following about the powers of the President of India.

1. He can appoint an inter-state council to promote Centre-state and inter-state cooperation.
2. He directly administers the union territories through administrators appointed by him.
3. He can declare an area as scheduled area and has powers with respect to the administration of scheduled areas and tribal areas.

Select the correct answer using the codes below.

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

Solution: (d)

Learning: Apart from the above functions, he also has the following powers:

- He can seek any information relating to the administration of affairs of the Union, and proposals for legislation from the prime minister.

- He can require the Prime Minister to submit, for consideration of the council of ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council.
- He can appoint a commission to investigate into the conditions of SCs, STs and other backward classes.

Q.586 The president nominates 12 members to the Rajya Sabha from

- (a) The persons recommended by the National Integration Council
- (b) People who have special knowledge or practical experience in art, literature, science and social service.
- (c) People who have contributed to immensely to Indian politics.
- (d) Eminent political scientists who have never contested an election

Solution: (b)

Learning: The rationale behind this principle of nomination is to provide eminent persons a place in the Rajya Sabha without going through the process of election.

It should be noted here that the American Senate has no nominated members.

Bills Requiring Prior Permission of President

Q.587 Some Bills require the prior permission/consent/recommendation of the President to be introduced. However, such recommendations are not required in which of the following legislative cases?

- (a) For changing the official language of the Parliament
- (b) For alteration of areas of the existing States
- (c) Making provision for the reduction or abolition of any tax
- (d) All the above cases require prior Presidential assent

Solution: (a)

Justification: According to Article 3 of the Constitution of India, the bills relating to Admission or establishment of new States, formation of new States, and alteration of areas, boundaries or names of existing States

require the recommendation of the President for introduction.

Other bills are that require prior permission are

1. Money Bill (as per Article 110) and Finance Bill
2. Any bill which affects the taxation in which the states are interested (Article 274)
3. State Bills which impose restriction upon freedom of trade (Article 304).
4. Constitutional amendment bills require prior Presidential assent.

Q.588 Without the prior approval of the President of India, which of the following can NOT be done?

1. Abolition of a certain tax by the Parliament
2. Introduction of State reorganization bill in the Parliament
3. Introduction of money bill in the Parliament.

Choose the correct answer using the codes below.

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

Solution: (b)

Article 3 lays down two conditions in the event of state's reorganization: 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. The Constitution lays down a special procedure for the passing of money bills in the Parliament. A money bill can only be introduced in the Lok Sabha and that too on the recommendation of the president. Every such bill is considered to be a government bill and can be introduced only by a minister.

Q.589 The prior recommendation of the President is needed to introduce which of these bills in the Parliament?

1. A bill involving expenditure from the Consolidated Fund of India
2. A bill for the alteration of boundaries of states

3. A private member bill that concerns minority welfare
4. Any ordinary bill in which the states may be interested

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: It becomes a money bill and thus President must approve the introduction of the bill.

Statement 2: Under Article 3, the President must recommend the introduction of this bill as it has the potential to significantly affect the federal balance of power between centre and states.

Statement 3: The constitution does not distinguish between Private or public bills when it comes to the requirement of prior Presidential assent.

Statement 4: It is only in certain cases, such as alternation of state boundaries or introduction of GST, that the bill needs prior permission of the President. In other cases it is not mandatory.

Writ to State Bills

Q.590 Consider the following statements.

1. The governor can reserve certain types of bills passed by the state legislature for the consideration of the President.
2. Bills on certain matters enumerated in the State List can be introduced in the state legislature only with the previous sanction of the president.
3. The President can direct the states to reserve money bills and other financial bills passed by the state legislature for his consideration during a financial emergency.

Select the correct answer using the codes below.

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

Solution: (d)

Learning: Besides the Parliament's power to legislate directly on the state subjects under the exceptional situations, the Constitution

empowers the Centre to exercise control over the state's legislative matters in the above mentioned ways.

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

Q.591 In the matter of State legislation the President may:

- (a) exercise only suspensive veto power
- (b) may withhold assent to any bill reserved for his consideration except money bills
- (c) withhold his assent to any bill reserved for his consideration
- (d) directly disallow any bill which he considers anti national

Solution: (c)

President can return the state bill for reconsideration of state legislature. However president is not abided by the constitution to give assent to the bill if it's again passed by the state legislature.

Ordinance making power

Q.592 Article 123 of the Constitution empowers the President to promulgate ordinances. Consider the following in this regard.

1. An ordinance made when both the Houses are in session is valid if approved by the Council of Ministers and Parliament.
2. An ordinance cannot be used to amend the constitution.

Which of the above is/are correct?

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

Solution: (b)

Justification: Statement 1: He can promulgate an ordinance only when both the Houses of Parliament are not in session or when either of the two Houses of Parliament is not in session.

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

Statement 2: This is because a constitutional amendment requires special majority in both houses of Parliament, unlike an ordinary legislation that can be approved by a simple majority.

Moreover, some amendment may require the approval of half of the states as well. Hence, option 2 is correct.

Q.593 Consider the following statements.

1. An ordinance made when both the Houses are in session is void.
2. Decision of the President to issue an ordinance can be questioned in a court.

Which of the above is/are true?

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

Solution: (c)

The ordinance-making power is the most important legislative power of the President. It has been vested in him to deal with unforeseen or urgent matters. But, the exercise of this power is subject to the following limitations:

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

He can make an ordinance only when he is satisfied that the circumstances exist that render it necessary for him to take immediate action. In *R. C. Cooper v. UOI*, AIR 1970 SC 564, the Supreme Court held that the President's satisfaction can be questioned in a court on the ground of *mala fide*. This means that the decision of the President to issue an ordinance can be questioned in a court on the ground that the President has prorogued one House or both Houses of Parliament deliberately with a view to promulgate an ordinance on a controversial subject, so as to bypass the parliamentary decision and thereby circumventing the authority of the Parliament.

Q.594 Which of the following can be a valid ground to promulgate an ordinance by the President on a subject of urgent importance?

1. When only one house of the Parliament is in session.
2. When the Parliament has repeatedly failed to perform its duty.
3. The council of Ministers must advise the president for issuing an ordinance.

Choose the correct answer using the codes below:

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

Solution: (c)

As explained in previous question

Q.595 Consider the following about the ordinance-making Power of the President.

1. The ordinances have the same force and effect as an act of Parliament.
2. An ordinance can be issued even if only one House of Parliament is in session.
3. It can be issued to amend the Constitution.
4. It is subject to judicial review.

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Statements 1 and 3: An ordinance like any other legislation, can be retrospective, that is, it may come into force from a back date. It may modify or repeal any act of Parliament or another ordinance. It can alter or amend a tax law also. However, it cannot be issued to amend the Constitution.

Statement 2: An ordinance can also be issued when only one House is in session because a law can be passed by both the Houses and not by one House alone. An ordinance made when both the Houses are in session is void.

Statement 3: He can make an ordinance only when he is satisfied that the circumstances exist that render it necessary for him to take immediate action. In *R. C. Cooper v. UOI*, AIR 1970 SC 564, the Supreme Court held that the President's satisfaction can be questioned in a court on the ground of *mala fide*.

- Q.596** When can the President re-promulgate an ordinance?
- when it is in public interest and any of the houses fail to pass the bill
 - when any of the houses has not reassembled before the expiry of the ordinance
 - when in an emergency, it is required in public interest
 - when the bill is rejected by both the houses despite the government pushing for the bill

Solution: (b)

Article 123 of the constitution gives legislative power to President. He can issue ordinances when Parliament is in recess i.e. not in session if there is urgent need to have a law on some urgent public matter. The promulgated ordinance has similar effect to an act of parliament. However, every ordinance must be laid and approved by both houses of the parliament within 6 weeks from the reassembling. If not placed and approved by both houses of the parliament after reassembling it becomes invalid or lapses.

- Q.597** The executive can make laws *via* the ordinance route as mentioned in the Article 123 of the constitution. Consider the following with this reference.
- Ordinances can only be made from subjects in the Union List by the Union executive.
 - All ordinances made by the state executive are null and void if made without the prior recommendation of the President.

Which of the above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- None

Solution: (d)

Justification: Ordinances are temporary laws that are promulgated by the President of India on the recommendation of the Union Cabinet. They can only be issued when Parliament is not in session. They enable the Indian government to take immediate legislative action.

Statement 1: They can also be made on subjects in concurrent list, and those subjects in state list for which Parliament is making laws under special circumstances.

Statement 2: Such recommendation is not required in all cases, but those for example where an ordinance is likely to endanger position of state high court or against DPSPs.

(3) Judicial Powers

- Q.598** Which of the following comes under the judicial powers of the President of India?

- Appointment of the judges of Supreme Court of India.
- Pardoning a death sentence
- Deciding on whether a bill should be sent for re-consideration to the concerned state legislature.

Choose the correct answer using the codes below:

- 1 and 2
- 2 and 3
- 1 and 3
- All of the above

Solution: (a)

Deciding on a bill comes under the legislative powers of the President of India. Appointing the judges and pardoning/remitting/commuting/granting reprieve in sentences comes under the judicial powers

Power of Pardon

- Q.599** The pardoning power given to the President of India under Article 72 can be exercised

- only after the trial and on the sentence of conviction
- during or after trial but never before trial
- at any time before, during or after the trial
- either before or after the trial but never during the trial of the case

Solution: (c)

It is a well-established principle that a person can be sentenced or punished only when he has been convicted by the court. A person is deemed to be innocent unless it is proved in the eyes of the law. Thus if a person has not been given a chance of a fair trial or a proper investigation has not been carried out against that person, then there is no reason why that person should be given a pardon, because he is still innocent. Therefore, it is important to note that the pardoning power can be exercised only in the case of a convicted person only.

However, in some of the cases the Court has said that the pardon can be granted even before conviction or trial by a Court. This principle was laid down in the case of *In Re Maddela Yerra Channugadu*, AIR 1954 Mad 911.

Q.600 The power of pardon of the President of India extends to the laws made under which of the following lists?

1. Union list
2. State list
3. Concurrent list

Choose the correct answer using the codes below:

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

Solution: (d)

The President can exercise his powers of pardon on laws made under any list. The Governor, however, cannot do the same. He is restricted to only the state laws.

Q.601 Mercy petition decided by the President Article 72 of the Constitution of India are disposed on the advice of the

- (a) Prime Minister
- (b) Ministry of Home affairs
- (c) Parliamentary Committee on Legal affairs
- (d) Vice-President

Solution: (b)

Under the existing rules of procedure governing mercy petitions, the view of the Union Ministry of Home Affairs (MHA), conveyed to the President in writing, is taken as the view of the Cabinet, and the President decides a mercy petition accordingly.

Once a convict has been finally awarded the death sentence by the Supreme Court, anybody, including a foreign national, can send a mercy petition with regard to that person to the President's Office or the MHA. A mercy plea can also be sent to the Governor of the state concerned, who then forwards it to the MHA for further action.

Q.602 Consider the following statements about the pardoning power of the President.

1. He can exercise this power even without the advice of the cabinet.
2. The President is not bound to give reasons for his order.

3. Final decision of the President need not rely on the evidences of the case.

Choose the correct answer from the codes below.

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

Solution: (b)

The Supreme Court examined the pardoning power of the President under different cases and laid down the following principles.

1. The petitioner for mercy has no right to an oral hearing by the President.
2. The President can examine the evidence afresh and take a view different from the view taken by the court.
3. The power is to be exercised by the President on the advice of the union cabinet.
4. The President is not bound to give reasons for his order.
5. The President can afford relief not only from a sentence that he regards as unduly harsh but also from an evident mistake.
6. There is no need for the Supreme Court to lay down specific guidelines for the exercise of power by the President.
7. The exercise of power by the President is not subject to judicial review except where the presidential decision is arbitrary, irrational, *mala fide* or discriminatory.
8. Where the earlier petition for mercy has been rejected by the President, stay cannot be obtained by filing another petition.

Q.603 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 power is to be exercised by the President on the advice of the union cabinet.
3. The President is bound to give reasons for his order.
4. The exercise of power by the President is not subject to judicial review.

Select the correct answer using the codes below.

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

Solution: (a)

As explained in previous question.

Differences Between the Pardonning Powers of President and Governor

Q.604 The constitution grants both the President and the Governor right to pardon punishments granted by the Judiciary. What is/are the important differences between their powers?

1. President can only grant pardon on the advice of Union Council of Ministers, whereas for the Governor this is purely a discretionary matter.
2. President can grant pardon to a person awarded death sentence, but Governor cannot do so.
3. President can exercise this power only in cases adjudicated by the Supreme Court, whereas Governor can do this only in cases under High Courts.

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 1: The pardoning power of President is not absolute. It is governed by the advice of the Council of Ministers. Same applies for Governor as well.

Statement 2: There are only three major differences:

1. President has the right to pardon punishments of sentences given under Court Martial, whereas the governor does not have this power.
2. President can grant pardon to a person awarded death sentence. But Governor of State does not enjoy this power.
3. Governor's pardoning power only extends to those areas where the executive power of the concerned state extends. He cannot pardon in case of offences committed under Central laws. So, the option 3 is incorrect.

Q.605 Which of the following is/are the differences between the pardoning Powers of President and Governor?

1. Governor cannot pardon a death sentence, President can.
2. Governor can pardon a sentence of court martial, President cannot.

Which of the above is/are correct?

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

Solution: (a)

Justification: Statement 1: Even if a state law prescribes for death sentence, the power to grant pardon lies with the President and not the governor. But, the governor can suspend, remit or commute a death sentence.

Statement 2: The President can grant pardon, reprieve, respite, suspension, remission or commutation in respect to punishment or sentence by a court-martial (military court). Governor cannot.

Q.606 Which one of the following powers can be exercised by both the President and the Governor?

- (a) Power to pardon a sentence by court martial
(b) Power to remit a sentence in an offence relating to a matter on the State List
(c) Power to commute a sentence of death in certain circumstances
(d) Power to remit a sentence by court martial

Solution: (c)

(4) Military Powers

Q.607 Who is the supreme commander of the defence forces of India and in that capacity appoints the chiefs of the Army, the Navy and the Air Force?

- (a) President of India
(b) Prime Minister
(c) Chief Justice of India
(d) Union Minister of Defence

Solution: (a)

Justification: In the capacity of the supreme commander of defence forces, the President can also declare war or conclude peace, subject to the approval of the Parliament.

Learning: Moreover, the international treaties and agreements are negotiated and concluded on behalf of the President.

However, they are subject to the approval of the Parliament. He represents India in international forums and affairs and sends and receives diplomats like ambassadors, high commissioners, and so on.

(5) Emergency Powers

Q.608 Consider a situation where the Prime Minister wants to impose “President’s rule” in one State because the State government has failed to effectively curb atrocities against the Dalits in that State. The President does not agree wholeheartedly on signing the order. Which of the following courses of action are available to the President?

1. Tell the Prime Minister that he will not sign on the order promulgating President’s rule.
2. Make a press statement about how the Prime Minister is wrong.
3. Discuss the matter with the Prime Minister and try to dissuade him from taking this action, but if he insists, agreeing to sign the said order.

Choose the correct answer using the codes below.

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

Solution: (d)

Here again Article 74(1) comes in the picture. In view of the controversy about the scope of the President’s powers, a specific mention was made in the Constitution by an amendment that the advice of the Council of Ministers will be binding on the President. By another amendment made later, it was decided that the President can ask the Council of Ministers to reconsider its advice but, has to accept the reconsidered advice of the Council of Ministers (the Prime Minister representing them in this case).

Veto Power

Q.609 Consider a case where the Parliament has passed a legislation—sent to the President and the President returns it to the Parliament for reconsideration. For the bill to get passed now which of these should happen?

- (a) Parliament should pass the bill again but this time by a higher majority
- (b) Parliament should pass the bill again by an ordinary majority
- (c) A joint sitting should be convened to get the bill passed

- (d) Parliament should wait for 6 months without taking any action on the returned bill, after which it will be deemed passed.

Solution: (b)

The President has the veto power over the bills passed by the Parliament, that is, he can withhold his assent to the bills. The object of conferring this power on the President is two-fold—

- (a) to prevent hasty and ill-considered legislation by the Parliament; and
- (b) to prevent legislation which may be unconstitutional.

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

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

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

Q.610

Every bill passed by the Parliament goes to the President for his assent before it becomes a law. Consider the following with reference to it.

1. The President can send the bill back to the Parliament asking it to reconsider the bill.
2. There is no time limit mentioned in the constitution for the President to approve these bills.
3. The President is constitutionally authorized to send and introduce legislative proposals in the Parliament.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statements 1 and 2: In doing so, the President exercises his situational discretion.

The President has veto power by which he can withhold or refuse to give assent to Bills (other than Money Bill) passed by the Parliament.

The President can send the bill back to the Parliament asking it to reconsider the bill. This 'veto' power is limited because, if the Parliament passes the same bill again and sends it back to the President, then, the President has to give assent to that bill. However, there is no mention in the Constitution about the time limit within which the President must send the bill back for reconsideration.

This means that the President can just keep the bill pending with him without any time limit. This gives the President an informal power to use the veto in a very effective manner. This is sometimes referred to as 'pocket veto'.

Statement 3: No such provision is found in the Constitution. Even though President is an integral part of the Parliament, he cannot initiate or participate in the legislative proceedings of both the houses.

Q.611 It is often remarked that the "pocket of the Indian President is bigger than that of the American President." This is so because

- (a) The salary and allowances of Indian President are far higher in nominal terms than that of the American President.
- (b) There is no time limit for the Indian President to exercise the power of pocket veto, unlike the American President who is constrained by time.
- (c) Legislation in India cannot be passed without President's seal, unlike in USA where President is not involved in the legislative process at all.
- (d) All of the above

Solution: (b)

Learning: The President can neither ratify nor reject nor return a bill, but simply keep it pending for an indefinite period.

- This power of the President not to take any action (either positive or negative) on the bill is known as the pocket veto.
- The President can exercise this veto power as the Constitution does not prescribe any time-limit within which he has to take the

decision with respect to a bill presented to him for his assent.

- In USA, on the other hand, the President has to return the bill for reconsideration within 10 days. Hence, it is remarked that the pocket of the Indian President is bigger than that of the American President.
- In 1986, President Giani Zail Singh exercised the pocket veto with respect to the Indian Post Office (Amendment) Bill.

Q.612 Consider the following statements.

Assertion (A): The President of India has never exercised his Veto powers in India till date.

Reason (R): As per 24th Constitutional amendment, the President is bound to give his assent to any legislation passed by the Parliament.

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

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

Solution: (d)

Justification: In 1986, President Giani Zail Singh exercised the pocket veto with respect to the Indian Post Office (Amendment) Bill. The bill, passed by the Rajiv Gandhi Government, imposed restrictions on the freedom of press and hence, was widely criticised.

After three years, in 1989, the next President R Venkataraman sent the bill back for reconsideration, but the new National Front Government decided to drop the bill.

It should be noted here that the President has no veto power in respect of a constitutional amendment bill. The 24th Constitutional Amendment Act of 1971 made it obligatory for the President to give his assent to a constitutional amendment bill (not an ordinary bill).

(6) Discretionary Powers

Q.613 In which of the following situations can the President exercise discretionary powers?

1. Asking the Council of Ministers to reconsider the advice tendered to him

2. Pocket veto in case of Parliamentary legislation

3. In appointing the Prime Minister when no political party can prove a clear majority

Choose the correct answer using the codes below:

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

Solution: (d)

There are at least three situations where the President can exercise the powers using his or her own discretion.

1. We have already noted that the President can send back the advice given by the Council of Ministers and ask the Council to reconsider the decision. In doing this, the President acts on his (or her) own discretion. When the President thinks that the advice has certain flaws or legal lacunae, or that it is not in the best interests of the country, the President can ask the Council to reconsider the decision. Although, the Council can still send back the same advice and the President would then be bound by that advice, such a request by the President to reconsider the decision, would naturally carry a lot of weight. So, this is one way in which the president can act in his own discretion.

2. President also has veto power by which he can withhold or refuse to give assent to Bills (other than Money Bill) passed by the Parliament. Every bill passed by the Parliament goes to the President for his assent before it becomes a law. The President can send the bill back to the Parliament asking it to reconsider the bill. This 'veto' power is limited because, if the Parliament passes the same bill again and sends it back to the President, then, the President has to give assent to that bill. However, there is no mention in the Constitution about the time limit within which the President must send the bill back for reconsideration. This means that the President can just keep the bill pending with him without any time limit. This gives the President an informal power to use the

veto in a very effective manner. This is sometimes referred to as 'pocket veto'.

3. third kind of discretion arises more out of political circumstances. Formally, the President appoints the Prime Minister. Normally, in the parliamentary system, a leader who has the support of the majority in the Lok Sabha would be appointed as Prime Minister and the question of discretion would not arise. But imagine a situation when after an election, no leader has a clear majority in the Lok Sabha. Imagine further that after attempts to forge alliances, two or three leaders are claiming that they have the support of the majority in the house. Now, the President has to decide whom to appoint as the Prime Minister. In such a situation, the President has to use his own discretion in judging who really may have the support of the majority or who can actually form and run the government.

Q.614 The President can NOT act without the advice of the Council of Ministers in which of the following cases?

- (a) Appointment of Prime Minister when no party has a clear majority in the Lok Sabha
(b) Dismissal of the council of ministers when it cannot prove the confidence of the Lok Sabha
(c) Appointment of Governors in States
(d) Dissolution of the Lok Sabha if the council of ministers has lost its majority

Solution: (c)

Learning: Though the President has no constitutional discretion, he has some situational discretion.

In other words, the President can act on his discretion (that is, without the advice of the ministers) under the following situations:

1. When the Prime Minister in office dies suddenly and there is no obvious successor.
2. When it would be wrong for the Council of Ministers to advise the President, for example, after losing majority in Lok Sabha.

Q.615 In which of the following matters can the President of India possibly act without the aid and advice of the Council of Ministers?

1. Sending a decision taken solely by a Minister to the Council of Ministers for their re-consideration.
2. Appointing the Prime Minister from multiple parties claiming majority in the Lok Sabha.
3. Delaying approval of a bill passed by both the houses.

Choose the correct answer using the codes below:

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

Solution: (d)

The President of India is generally bound by the aid and advice of the Council of Ministers under Article 74 of the constitution of India. In some situations he has to act without their aid and advice. All the listed options count under these situations. Moreover, he can also exercise discretion in proroguing and convening sessions of the parliament. A special case is when a government has been challenged under the no-confidence motion: here, the President has the responsibility to summon a session of the Parliament.

Q.616 Consider the following statements:

1. The President has absolute discretion in appointing the Prime Minister.
2. The Prime Minister has absolute discretion in appointing the Council of Ministers.
3. Ministers can be appointed only from the party/coalition which has a majority of seats in the Lok Sabha.

Choose the correct answer using the codes below:

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

Solution: (d)

The President has only a situational discretion in appointing the Prime Minister. Only the leader of the majority party/coalition can be appointed as the Prime Minister. The ministers are appointed by the President, not the Prime Minister, on the advice of the Prime Minister. A minister can be any MP and not necessarily from the ruling party/coalition. For e.g. in the

First cabinet, Nehru appointed Mr. Ambedkar as a cabinet minister. He was from the opposition party. However, it does not usually happen in contemporary politics.

Q.617 Though the President has no constitutional discretion, he has some situational discretion in which of the following cases?

1. Appointment of Prime Minister when no party has a clear majority in the Lok Sabha.
2. Dissolution of the Lok Sabha if the council of ministers has lost its majority.
3. Imposing President's rule in States in case of constitutional breakdown

Choose the correct answer from the codes below.

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

Solution: (a)

The President can act on his discretion (that is, without the advice of the ministers) under the following situations:

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

Miscellaneous

Q.618 Consider the following statements about the position, powers, functions and responsibilities of the President of India.

1. He has a right to be informed of all important matters and deliberations of the Council of Ministers.
2. The President need not accept the advice of Council of Ministers if the advice has been given for the first time.
3. The only ground for his impeachment is the violation of the Constitution.
4. He scrutinizes the annual budget proposal of the government before placing it to the Parliament.

Choose the correct answer using the codes below.

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

Solution: (b)

The Constitution of India vests the executive power of the Union formally in the President. In reality, the President exercises these powers through the Council of Ministers headed by the Prime Minister. The President is elected for a period of five years. But there is no direct election by the people for the office of President. The President is elected indirectly. This means that the president is elected not by the ordinary citizens but by the elected MLAs and MPs. This election takes place in accordance with the principle of proportional representation with single transferable vote.

The President can be removed from office only by Parliament by following the procedure for impeachment. This procedure requires a special majority as explained in the last chapter. The only ground for impeachment is violation of the Constitution.

As per Article 74(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. Provided that the President may require the Council of Ministers to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration.

So he need not accept the advice if placed before him for the first time.

Q.619 Consider the following statements

1. The President of India is the constitutional head of executive of the Union
2. The Council of Ministers are collectively responsible to both the houses of the Parliament

Which of the above statements is/are correct?

- (a) 1 Only (b) 2 Only
(c) Both (d) None

Solution: (a)

According to the Part V, Article-75 of the Indian Constitution, the Council of Ministers are collectively responsible to only to the Lok Sabha.

Q.620 Acts of State done in the name of the President of India are required to be countersigned by way of authentication by:

- (a) a Minister
(b) the Prime Minister
(c) the Speaker
(d) a Secretary to the Government

Solution: (d)

Q.621 The Constitution guarantees the following privileges to the President of India:

- (a) No criminal proceedings shall be instituted against the President in any court during his term of office
(b) No process for the arrest or impeachment of the President shall be issued from any court during his term of office
(c) The President shall not be answerable to any court for the exercise and performance of the powers and duties of his office or for any act done or purporting to be done by him in exercise of those powers and duties
(d) No civil proceedings whatsoever shall be instituted against the President in any court during the term of his office

Solution: (d)

Q.622 The Constitution

- (a) is silent on the President's re-election to the office
(b) allows re-election of a person to the President's post
(c) restricts a person to remain President for only two terms
(d) has been amended to allow a person only one term as President

Solution: (b)

(17) VICE-PRESIDENT OF INDIA – ARTICLE 63–71

Elections

Q.623 How is the electoral college of the Vice-President different from that of the President?

1. Vice-President's Electoral College consists of both elected and nominated members of the Parliament.

2. Vice-President's Electoral College does not include the members of the state legislative assemblies.

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: In the case of President, only elected members participate.

Statement 2: In the case of President the elected members of the state legislative assemblies are included.

This is because Vice-President is only a ceremonial head and does not wield any executive power unless he assumes the office of the President.

Q.624 Consider the following statements.

Assertion (A): State legislatures do not participate in the election of Vice-President.

Reason (R): The Vice-President presides over the Council of States.

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

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

Solution: (b)

Justification: In the constituent assembly debates, it was pointed out that The President is the head of the State and his power extends both to the administration by the Centre as well as to the states.

- Consequently, it is necessary that in his election, not only members of Parliament should play their part, but the members of the state legislatures should have a voice.
- But, when we come to the Vice-President, his normal functions are to preside over the council of states. It is only on a rare occasion, and that too for a temporary period, that he may be called upon to assume the duties of the president.

That being so, it does not seem necessary that the members of the state legislatures should also be invited to take part in the election of the Vice-President.”

Qualification

Q.625 To be eligible for election as Vice-President, a person should fulfil which of the following qualifications?

1. He should be qualified for election as a member of the Rajya Sabha.
2. He should not be affiliated to a political party.
3. He should not have ever held the office of the President.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: Article 102 of the Constitution lays down that a person shall be disqualified for being chosen as, and for being, a member of either House of Parliament, e.g. unsound mind, undischarged insolvent and so on. So, the nominee to the office of the Vice-President must fulfil these conditions apart from others.

Statement 2 and 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. Conditions in 2 and 3 do not prevent him/her to file nomination for election to the office of the Vice-President. Even a sitting President or Vice-President of the Union, the governor of any state and a minister for the Union or any state is not deemed to hold any office of profit and hence qualified for being a candidate for Vice-President.

Q.626 Who among the following will be qualified for being a candidate for the post of Vice-President?

1. Governor of any state
2. Union Cabinet Ministers
3. State cabinet Ministers

Choose the correct answer from the codes below.

vSolution: (d)

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.

But, a sitting President or Vice-President of the Union, the governor of any state and a minister for the Union or any state is not deemed to hold any office of profit and hence qualified for being a candidate for Vice-President.

Term of Office

Q.627 The vice-President can be removed in which of the following ways?

- (a) By a resolution of the Rajya Sabha passed by a majority and agreed to by the Lok Sabha
- (b) By a resolution of the Rajya Sabha passed by a special majority and agreed to by the Lok Sabha
- (c) By a resolution of the Rajya Sabha and Lok Sabha passed by a special majority in both the houses
- (d) By the order of the President after an enquiry of the Supreme Court

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 may be removed from his office by a resolution of the Rajya Sabha passed by a majority and agreed to by the Lok Sabha. The Vice President acts as the ex-officio Chairman of the Rajya Sabha and takes over the office of the President when there is a vacancy by reasons of death, resignation, removal by impeachment or otherwise.

Q.628 Consider the following statements about the impeachment of the Vice-President:

1. Only an absolute majority is needed in the Rajya Sabha followed by the approval of the Lok Sabha for impeaching the Vice-President.
2. No ground has been mentioned in the constitution for the removal of the Vice-President.

Which of these is /are true?

- (a) Only 1
- (b) Only 2
- (c) Both
- (d) None

Solution: (c)

The Vice-President is the chairman of the Rajya Sabha. He has to first be impeached by the Rajya Sabha by an absolute majority and then by the Lok Sabha. The constitution unlike in the case of the President, does not mention any ground for his removal.

Vacancy Occurred in Office

Q.629 When a vacancy occurs in the office of the President due to his resignation, the Vice-President acts as the President until a new President is elected. Consider the following with regard to when the office of Vice-President is vacant.

Assertion (A): Speaker, Lok Sabha acts as the President of India in such a case.

Reason (R): Speaker, Lok Sabha is ranked immediately below the Vice-President and Prime Minister in the Table of Precedence.

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

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

Solution: (d)

Justification: When a vacancy occurs in the office of the President due to his resignation, removal, death or otherwise, the Vice-President acts as the President until a new President is elected.

Further, when the sitting President is unable to discharge his functions due to absence, illness or any other cause, the Vice-President discharges his functions until the President resumes his office.

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

Q.630 Consider the following statements regarding the Vice-President of India:

1. The Vice-President is elected by an electoral college consisting of all the members of the both Houses of Parliament.
2. The Constitution is silent about a person who is to discharge the duties of the Vice-President during the period of vacancy.

Which of these statements is/are correct?

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

Solution: (c)

The Constitution is silent on who performs the duties of the Vice-President, when a vacancy occurs in the office of the Vice-President of India, before the expiry of his term, or when the Vice-President acts as the President of India. The only provision in the Constitution is with regard to the Vice-President's function as the Chairperson of the Council of States (Rajya Sabha), which is performed, during the period of such vacancy, by the Deputy Chairperson of the Rajya Sabha, or any other member of the Rajya Sabha authorised by the President of India.

Powers and Functions

Q.631 The 'Council of States' is chaired by the

- (a) President of India
(b) Vice-President of India
(c) Prime Minister of India
(d) Governors

Explanation: Council of States is popularly known as Rajya Sabha. It should not be confused with the Inter-state Council or any other such coordination mechanisms between the Centre and State.

So, option (b) is correct. The point that is to be noted is: The chairman of the Council of States is not elected solely by the Rajya Sabha. In the case of Lok Sabha, the speaker is solely elected by the Lok Sabha.

The Inter-state council is chaired by the Prime Minister.

Learning: The Parliament of India (Sansad) is the supreme law-making institution. It has two Houses, the Rajya Sabha and the Lok Sabha. Rajya Sabha (Council of States), with a total strength of 245 members, is chaired by the Vice-President of India. Lok Sabha (House of the People), with a total membership of 545, is

presided over by the Speaker.

Q.632 When the Vice-President is acting in the capacity of the President, then:

- (a) He ceases to be the Chairman of Rajya Sabha.
(b) He resigns from the position of the Chairman of Rajya Sabha.
(c) He continues to preside over the proceedings of the Rajya Sabha.
(d) None of the above

Solution: (d)

He neither resigns, nor ceases to be the chairman of the RS. He only stops presiding over its proceedings. Preferably the Deputy Chairman takes his position temporarily

Q.633 In case a President dies while in office, the Vice-President can act as President for a maximum period of:

- (a) 2 years (b) 1 year
(c) 3 months (d) 6 months

Solution: (d)

Q.634 Which of the following bodies is/are presided by nonmembers?

1. Rajya Sabha
2. Vidhan Sabha
3. Vidhan Parishad

Select the correct answer using the codes below.

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

Solution: (b)

Justification: The presiding officers of Vidhan Parishad are generally known as Chairman and Deputy Chairman. They are elected (from amongst the members of the house) and hold their offices like the presiding officers of Vidhan Sabha.

Chairman of Rajya Sabha is the Vice-President of India, who is not a member of the Parliament.

Indian and American Vice-Presidents

Miscellaneous

Q.635 Which of the following statements with reference to the Office of the Vice-President of India is correct?

- (a) State legislatures are not part of the electoral college of the Vice-President.

- (b) The Vice-President may be removed from his office by a resolution of the Rajya Sabha passed by a majority and agreed to by the Lok Sabha.
- (c) The Vice-President acts as the ex-officio Chairman of the Rajya Sabha and takes over the office of the President when there is a vacancy.
- (d) All of the above

Solution: (d)

Learning: Option A: The Vice-President is elected for 5 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.

Option B: 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 Vice-President may be removed from his office by a resolution of the Rajya Sabha passed by a majority and agreed to by the Lok Sabha.

Option C: 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.

Q.636 With reference to the office of Vice-President of India, consider the following statements:

1. When he is acting as President, he still performs the function of the Chairman of the Rajya Sabha
2. The Vice-President is elected indirectly by members of an electoral college consisting of the members of both Houses of Parliament

Which of the above statements is/are correct?

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

Solution: (b)

The Vice President shall act as President in the absence of the President due to death, resignation, impeachment, or other situations. The Vice-President of India is also *ex officio* Chairperson of the Rajya Sabha. He ceases to perform as Chairman of Rajya Sabha while acting as the President.

Article 66 of the Indian Constitution states the manner of election of the

Vice-President. The Vice-President is elected indirectly by members of an electoral college consisting of the members of both Houses of Parliament in accordance with the system of Proportional Representation by means of the Single transferable vote and the voting is by secret ballot.

Q.637 Consider the following with regard to the Vice President of India:

1. The Vice-President is elected by the electoral college consisting of members of the Parliament, State Legislatures.
2. The Vice President may be removed from his office by a resolution of the Lok Sabha passed by a majority and agreed to by the Rajya Sabha.
3. The Vice-President acts as the ex-officio Chairman of the Rajya Sabha
4. The decision of Supreme Court is final with regard to any disputes in the election of the Vice-President

Which of the above statements is/are correct?

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

Solution: (b)

All disputes arising in connection with the election of the Vice-President are petitioned to the Supreme Court of India, which enquires into the matter. The petition is heard by a five-member bench of the Supreme Court, which decides on the matter. The decision of the Supreme Court is final.

(18) PRIME MINISTER

Appointment

Q.638 The Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister. This means that

1. The Constitution does not mention the appointing authority for the office of Prime Minister.
2. The President is free to change the selection and appointment procedure of Prime Minister by rules issued in the Gazette of India.

Which of the above is/are correct?

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

Solution: (d)

Statement 1: 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.

Statement 2: 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.

Justification: 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. So, 2 is wrong.

Q.639 Consider the following statements.

1. The Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister.
2. The Constitution does not require that a person must prove his majority in the Lok Sabha before he is appointed as the Prime Minister.

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: As explained in previous question

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

Q.640 Which of the following statements is correct?

- (a) The Constitution requires that a person must prove his majority in the Lok Sabha before he is appointed as the Prime Minister.

- (b) The President may first appoint him the Prime Minister and then ask him to prove his majority in the Lok Sabha within a reasonable period.
- (c) The Leader of Winning coalition/party first ensures majority in both houses of Parliament by a motion and voting and then sends appointment request to the President
- (d) The Prime Minister does not need to prove his majority on the house floor; a written proof of support from required number of MPs is sufficient.

Solution: (b)

Learning: In 1980, the Delhi High Court held that the Constitution does not require that a person must prove his majority in the Lok Sabha before he is appointed as the Prime Minister.

The President may first appoint him the Prime Minister and then ask him to prove his majority in the Lok Sabha within a reasonable period.

For example, Charan Singh (in 1979), and after in a series, V.P. Singh (1989), Chandrasekhar (1990), P.V. Narasimha Rao (1991), A.B. Vajpayee (1996), Deve Gowda (1996), I.K. Gujral (1997) and again A.B. Vajpayee (1998) were appointed as Prime Ministers in this way.

Q.641 In 1997, the Supreme Court held that a person who is not a member of either House of Parliament can be appointed as Prime Minister for 6 months, within which, he should become a member of either House of Parliament; otherwise, he ceases to be the Prime Minister.

The Prime Minister and all the ministers have to be members of the Parliament. If someone becomes a minister or Prime Minister without being an MP, which of these follows?

- (a) He must obtain a special approval from the Parliament to continue in the office.
- (b) He should get prior Presidential consent if he continues in the office for a period of more than 6 months.
- (c) Such a person has to get elected to the Parliament within six months, failing which he stands removed from the office.
- (d) None of the above

Solution: (c)

Learning: Our former Prime Minister Manmohan Singh was not a MP when he was chosen to be as the Prime Minister. He was subsequently elected to a Rajya Sabha seat from Assam within a period of 6 months. There are many cases like this. The essential idea is that in the parliamentary democracy. Without being a part of the Parliament, no one can become a part of the executive.

Q.642 Which of the following is/are the eligibility criteria for the office of the Prime Minister?

1. He should not have been a former President of India.
2. He should have been directly elected by the people of India.
3. He should be the leader of a political party.

Choose the correct answer using the codes below.

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

Solution: (d)

Article 75 says only that the Prime Minister shall be appointed by the president. President has to appoint the leader of majority party as the Prime Minister. Though he/she is not member of parliament at the time of appointment he/she has to acquire parliament membership within 6 months. This means one has to be eligible to be a member of Lok Sabha or Rajya Sabha to be a Prime Minister.

Q.643 Consider the following statements.

1. The Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister.
2. A person must prove his majority in the Lok Sabha before he is appointed as the Prime Minister.
3. The Prime Minister may be a member of any of the two Houses of parliament.

Choose the correct answer from the codes below.

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

Solution: (c)

Refer previous explanations

Q.644 The Prime Minister, at the time of the appointment

1. does need not necessarily be a member of one of the Houses of Parliament but must become a member of one of the Houses within 6 months.
2. does need not necessarily be a member of one of the Houses of Parliament but must become the member of the Lok Sabha within 6 months.
3. must be either a nominated or elected member of one of the Houses of Parliament.
4. must be an elected member of only Lok Sabha.

- (a) I only (b) I and III
(c) II only (d) IV only

Solution: (a)

Oath

Q.645 Which of the following is/are common to the oath taken by the Prime Minister and the other Members of Parliament (MPs)?

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

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Before the Prime Minister enters upon his office, the president administers to him the oaths of office and secrecy. In his oath of office, the Prime Minister swears:

- To bear true faith and allegiance to the Constitution of India,
- To uphold the sovereignty and integrity of India,
- To faithfully and conscientiously discharge the duties of his office, and
- To do right to all manner of people in accordance with the Constitution and the

law, without fear or favour, affection or ill will.

The MP also takes a similar oath apart from the oath of secrecy and the last point in the oath of Prime Minister (or Union Ministers). The oath of MPs is to

1. bear true faith and allegiance to the Constitution of India;
2. uphold the sovereignty and integrity of India; and
3. faithfully discharge the duty upon which he is about to enter.

Unless a member takes the oath, he cannot vote and participate in the proceedings of the House and does not become eligible to parliamentary privileges and immunities.

Q.646 In his oath of secrecy, the Prime Minister swears that

1. All government proceedings will be kept secret.
2. No matter handled by the Prime Minister's Office will be disclosed to other ministries.

Which of the above is/are correct?

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

Solution: (d)

Justification: The Prime Minister swears that he will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under his consideration or shall become known to his as prime minister for the Union except as may be required for the due discharge of his duties as such Minister.

This does not imply that all government proceedings will be secret or Prime Minister's office will work in confidentiality. So, both statements are incorrect.

Powers and Functions

(1) Writ to Council of Ministers

Q.647 Consider the following statements about the powers of the Prime Minister (Prime Minister).

1. The President can appoint only those persons as ministers who are recommended by the Prime Minister.

2. The Prime Minister can bring about the collapse of the council of ministers by resigning from office.

3. The council of Ministers cannot function when the Prime Minister resigns.

Choose the correct answer from the codes below.

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

Solution: (d)

The Prime Minister enjoys the following powers as head of the Union council of ministers:

1. He recommends persons who can be appointed as ministers by the president. The President can appoint only those persons as ministers who are recommended by the Prime Minister.
2. He allocates and reshuffles various portfolios among the ministers.
3. He can ask a minister to resign or advise the President to dismiss him in case of difference of opinion.
4. He presides over the meeting of council of ministers and influences its decisions.
5. He guides, directs, controls, and coordinates the activities of all the ministers.
6. He can bring about the collapse of the council of ministers by resigning from office.

Since the Prime Minister stands at the head of the council of ministers, the other ministers cannot function when the Prime Minister resigns or dies. In other words, the resignation or death of an incumbent Prime Minister automatically dissolves the council of ministers and thereby generates a vacuum. The resignation or death of any other minister, on the other hand, merely creates a vacancy which the Prime Minister may or may not like to fill.

Q.648 In India, the Prime Minister enjoys a pre-eminent place in the government. Consider the following with reference to this.

1. The Council of Ministers comes into existence only after the Prime Minister has taken the oath of office.

2. The resignation of the Prime Minister automatically brings about the dissolution of the Council of Ministers.

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: This is because the Council of Ministers cannot exist without the Prime Minister. He advises the appointment of all the ministers and heads the cabinet meetings. He can also advise the President to dismiss ministers from the CoMs.

Statement 2: This is because the entire Council of Minister is *de facto* appointed by the Prime Minister, and after his resignation a new Council of Minister is constituted.

Q.649 Consider the following statements about the position of the Prime Minister in the Council of Ministers.

1. His decision is binding on the Council of Ministers.
2. His resignation may lead to the dissolution of the Council of Ministers.
3. He can remove any Minister from the Council without Parliamentary sanction.

Choose the correct answer using the codes below:

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

Solution: (d)

As explained in previous question.

Q.650 Consider the following statements about the office of the Prime Minister (Prime Minister):

1. The Prime Minister can dismiss any minister at his will.
2. He can possibly bring the collapse of the council of ministers by resigning from office.
3. His resignation automatically leads to the dissolution of the Lok Sabha.

Which of these is/are true? Choose the correct answer using the codes below:

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

Solution: (a)

The resignation of the Prime Minister leads to the dissolution of the Lok Sabha only in case another government can not be formed. But his resignation may bring the collapse of

the council of ministers only if an alternative Prime Minister from the same party is not present.

Q.651 Consider the following statements about the Prime Minister of India:

1. His decisions are final in case disagreements arise between Departments.
2. He also has the power to dismiss ministers.
3. When the Prime Minister quits, the entire ministry quits.

Choose the correct answer using the codes below:

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

Solution: (a)

The Constitution does not say very much about the powers of the Prime Minister or the ministers or their relationship with each other. But as head of the government, the Prime Minister has wide ranging powers.

1. He chairs Cabinet meetings. He coordinates the work of different Departments. His decisions are final in case disagreements arise between Departments. He exercises general supervision of different ministries.
2. All ministers work under his leadership. The Prime Minister distributes and redistributes work to the ministers. He also has the power to dismiss ministers.
3. If the cabinet is the most powerful, inside it the PM is the most powerful.

Q.652 If there is frequent disagreement on major decisions in the Council of Ministers due to just a few ministers, what option(s) does the Prime Minister has/have?

1. Dismiss the Ministers who are causing disagreement
2. Enforce his decision irrespective of the view of the Council of Ministers
3. Convene a Parliamentary session to take final view on the decision

Choose the correct answer using the codes below:

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

Solution: (a)

The Prime Minister plays the leadership role in this system of government. He is the leader of council of ministers, leader of the Parliament and leader of the party in power.

In these capacities, he plays a significant and highly crucial role in the functioning of the government.

Although all decisions are supposed to be taken based on consensus in the Council, he has the final say over all the decisions of the Council of Ministers. To this effect, he can even dismiss a few ministers who are causing frequent disagreement in the council.

- Q.653** The President can dismiss a Cabinet Minister, who is also a MP, with
- Consent from the Speaker
 - The recommendation of the Prime Minister
 - A show cause note issued to the Judiciary
 - The application of Doctrine of Pleasure of the President

Solution: (b)

Learning: All of the executive authorities vested in the President are, in practice, exercised by the Prime Minister with the help of the Council of Ministers.

So, to dismiss a minister, including cabinet ministers, the President requires the consent of the Prime Minister.

Without Prime Minister's advice, it would be unconstitutional to remove a minister.

- Q.654** Consider the following statements about the role of the Prime Minister.
- He allocates and reshuffles various portfolios among the ministers.
 - He can bring about the collapse of the council of ministers by resigning from office.

Which of the above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- None

Solution: (c)

Learning: Since the Prime Minister stands at the head of the council of ministers, the other ministers cannot function when the Prime Minister resigns or dies.

In other words, the resignation or death of an incumbent Prime Minister automatically dissolves the council of ministers and thereby generates a vacuum.

The resignation or death of any other minister, on the other hand, merely creates a vacancy which the Prime Minister may or may not like to fill.

(2) Writ to President of India

Q.655 As per the constitution, it is the duty of the Prime Minister to

- Communicate to the President all decisions of the council of ministers relating to the administration of the affairs of the Union and proposals for legislation
- Submit for the consideration of the council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the council, if required by the President.

Which of the above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- None

Solution: (c)

Justification: These are the provisions as per Article 78 of the constitution.

It also requires the Prime Minister to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for.

This article is one of the most important ones in the constitution delineating the relationship between Prime Minister and President.

Q.656 The Prime Minister is the leader of the Lower House. In this capacity, he enjoys which of the following powers?

- He advises the President with regard to summoning and proroguing of the sessions of the Parliament.
- He can recommend dissolution of the Lok Sabha to President at any time.
- He has the authority to adjourn the lower house sine die.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 2: Both the executive and legislature in India have powers to shake each other's existence. Executive (PM) can recommend dissolution of lower house to the President.

On the other hand, legislature can pass no-confidence motion to remove the council of Ministers from office.

Statement 3: Speaker, Lok Sabha only is authorized to do so.

(3) Writ to Parliament

Q.657 The Prime Minister enjoys which of the following powers and responsibilities in relation to the Parliament?

1. He advises the President with regard to summoning and proroguing of the sessions of the Parliament.
2. He can recommend dissolution of the Lok Sabha to President at any time.
3. He announces government policies on the floor of the House.

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: The President cannot arbitrarily summon or prorogue proceedings of the house, but based on Prime Minister's advice. However, he is not bound to accept the advice of the Prime Minister, when he is seeking a vote of confidence.

Statement 2: When he recommends dissolution, he should not have been subject to a prior vote of confidence.

Statement 3: The Prime Minister is the leader of the Lower House. In this capacity, he enjoys these powers.

Q.658 Consider the following statements about the power of executive branch of government of India:

Assertion (A): The Prime Minister can recommend the dissolution of the Parliament.

Reason (R): The Prime Minister is the leader of the ruling majority party in India.

In the context of the above two statements, which one of these is true?

- (a) Both A and R is true and R is the correct explanation of A.
- (b) Both A and R is true but R is not a correct explanation of A.
- (c) A is true, but R is false.
- (d) A is false, but R is true

Solution: (d)

The first statement is false as the Prime Minister can only recommend the dissolution of the Lok Sabha and not the whole of Parliament which also includes the Rajya Sabha. He can do so by the virtue of being in the majority in the Lok Sabha.

(4) Others

Q.659 Prime Minister of India

1. Heads the Public Accounts Committee of Parliament
2. Chairs the NITI Aayog
3. Is in direct charge of Ministry of Personnel, Public Grievances and Pensions

Select the correct answer using the codes below.

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

Solution: (b)

Justification and Learning: Some specific ministries/department are not allocated to anyone in the cabinet but the prime minister himself. The prime minister is usually always in-charge/head of:

- Appointments Committee of the Cabinet;
- Ministry of Personnel, Public Grievances and Pensions;
- Ministry of Planning;
- Department of Atomic Energy; and
- Department of Space.

Miscellaneous

Q.660 The salary and perquisites of the Prime Minister of India are decided by the:

- (a) Constitution (b) Cabinet
(c) Parliament (d) President

Solution: (c)

Q.661 Consider the following statements.

Assertion (A): A serving Prime Minister cannot be expelled by a house of Parliament for breach of its privilege.

Reason (R): If Prime Minister is a member of a house of Parliament, he serves as the Leader of the House.

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

- (a) A is correct, and R is an appropriate explanation of A.

- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) A is incorrect, but R is correct.

Solution: (d)

Justification: In 1977, the sixth Lok Sabha expelled Mrs. Indira Gandhi from its membership and sentenced her to jail for a week for committing the contempt of House while she was Prime Minister. So, A is incorrect.

But, the seventh Lok Sabha rescinded the resolution expelling her by describing it as politically motivated.

A Prime Minister need not be the Leader of the Lok Sabha, but he is the Leader of the House where he is a member (for example Manmohan Singh was leader of Rajya Sabha and its member). So, R is correct.

Q.662 If the Prime Minister of India belonged to the Upper House of Parliament

- (a) He can make statements only in the Upper House.
- (b) He cannot speak on the Budget in the Lower House.
- (c) He cannot vote in his coalition's favour in a no-confidence motion.
- (d) He must become a member of the Lower House within 6 months after being sworn-in as the Prime Minister.

Solution: (c)

Justification: A no-confidence motion is introduced and passed in the Lok Sabha. It is a test of the party in power.

Even though Prime Minister can attend the meetings of Lok Sabha, it is only the members of Lok Sabha who can vote on such a motion. Therefore, in his first tenure Shri Manmohan Singh could not have voted in case of a no-confidence motion.

Q.663 Prime Minister is the most important political institution in the country. Consider the following statements:

1. There is no direct election to the post of the Prime Minister.
2. The Prime Minister has a fixed tenure.
3. A person who is not a member of Parliament can also become a minister provided he meets the required conditions.

4. When the Prime Minister quits, the entire ministry quits.
5. The rise of coalition politics has imposed certain constraints on the power of the Prime Minister.

Which of the statements is/are correct?

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

Solution: (c)

The President appoints the Prime Minister, no direct election to the Prime Minister. But the President cannot appoint anyone she likes. The President appoints the leader of the majority party or the coalition of parties that commands a majority in the Lok Sabha, as Prime Minister. In case no single party or alliance gets a majority, the President appoints the person most likely to secure a majority support.

The Prime Minister does not have a fixed tenure. He continues in power so long as he remains the leader of the majority party or coalition.

Sometimes, a person who is not a member of Parliament can also become a minister. But such a person has to get elected to one of the Houses of the Parliament within six months of appointment as minister.

When the Prime Minister quits, the entire ministry quits.

In recent years the rise of coalition politics has imposed certain constraints on the power of the Prime Minister. The Prime Minister of a coalition government cannot take decisions as he likes. He has to accommodate different groups and factions in his party as well as among alliance partners. He also has to heed to the views and positions of the coalition partners and other parties, on whose support the survival of the government depends.

Q.664 The power wielded by the Prime Minister flows from various sources. Which of the following are such sources of power of the Prime Minister?

1. Control over the Council of Ministers
2. Leadership of the Lok Sabha
3. Command over the bureaucratic machine
4. Access to media
5. Projection of personalities during elections
6. Projection as national leader during

International summitry and foreign visits
Select the correct answer using the codes below:

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

Solution: (d)

The Prime Minister is involved in all crucial decisions of the government and decides on the policies of the government. Thus, the power wielded by the Prime Minister flows from various sources: control over the Council of Ministers, leadership of the Lok Sabha, command over the bureaucratic machine, access to media, projection of personalities during elections, projection as national leader during international summitry as well as foreign visits.

(19) COUNCIL OF MINISTERS

Q.665 Consider the following with regard to the relationship between the President, Prime Minister and the Council of Ministers.

1. In normal circumstances, the advice of the council of Ministers is constitutionally binding on the President.
2. The nature of advice tendered by ministers to the President can be enquired by higher court to ascertain malpractices in administration.
3. The council of ministers ceases to hold office immediately after the dissolution of the Lok Sabha by the President.

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 1: Article 74 provides for a council of ministers with the Prime Minister at the head to aid and advice the President in the exercise of his functions. The 42nd and 44th Constitutional Amendment Acts have made the advice binding on the President.

Statement 2: Further, the nature of advice tendered by ministers to the President cannot

be enquired by any court. This provision emphasises the intimate and the confidential relationship between the President and the ministers.

Statement 3: In 1971, the Supreme Court held that 'even after the dissolution of the Lok Sabha, the council of ministers does not cease to hold office.

- Article 74 is mandatory and, therefore, the president cannot exercise the executive power without the aid and advice of the council of ministers.
- Any exercise of executive power without the aid and advice will be unconstitutional as being violative of Article 74.
- Again in 1974, the court held that 'wherever the Constitution requires the satisfaction of the President, the satisfaction is not the personal satisfaction of the President but it is the satisfaction of the council of ministers with whose aid and on whose advice the President exercises his powers and functions'.

Q.666 The functions of the Indian Government is carried out by a number of Ministry and Departments. Consider the following statements:

1. No minister can openly criticise any decision of the government, even if it is about another Ministry or Department.
2. Every ministry has secretaries, who are civil servants.
3. The secretaries provide the necessary background information to the ministers to take decisions.
4. The Prime Ministers decisions are final in case disagreements arise between Departments.

Which of the statements is/are incorrect?

- (a) 1 and 4 (b) 1, 2 and 4
- (c) 1, 2, 3 and 4 (d) None

Solution: (d)

Cabinet Ministers are usually top-level leaders of the ruling party or parties who are in charge of the major ministries. Since it is not practical for all ministers to meet regularly and discuss everything, the decisions are taken in Cabinet meetings. The cabinet works as a team. The ministers may have different

views and opinions, but everyone has to own up to every decision of the Cabinet. No minister can openly criticise any decision of the government, even if it is about another Ministry or Department. Every ministry has secretaries, who are civil servants. The secretaries provide the necessary background information to the ministers to take decisions.

Article 74 – Council of Ministers to Aid and Advice President

- Q.667** Consider the following statements.
1. The President may require the Council of Ministers to reconsider advice tendered by it.
 2. The advice tendered by Ministers to the President shall not be inquired into in any court.

Which of the above is/are correct?

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

Solution: (c)

Justification: As per Article 74—Council of Ministers to aid and advice President.

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.

- Q.668** In 1971, the Supreme Court held that even after the dissolution of the Lok Sabha, the council of ministers does not immediately cease to hold office. How does it help the political system and administration in India?
- (a) It prevents the bureaucracy from usurping political power.
 - (b) It ensures the accountability of the executive to the legislature.
 - (c) The Council of Ministers get an opportunity to again prove their party majority on the house floor.
 - (d) The president cannot exercise the executive power without the aid and

advice of the council of ministers, thus it helps him.

Solution: (d)

Justification: Option (a): This option may seem correct as in absence of council of Ministers, bureaucracy becomes an important decisionmaking authority. But, such extreme generalizations should not be chosen as the answer. (d) is more appropriate.

Option (b): Once the house is dissolved, the very idea of accountability to the legislature dissolves for the time being. Only the President then issues orders.

Option (c): Once the house is dissolved, the Council of Minister cannot prove their majority again. So, it is wrong.

Option (d): Article 74 is mandatory and, therefore, the president cannot exercise the executive power without the aid and advice of the council of ministers. Any exercise of executive power without the aid and advice will be unconstitutional as being violative of Article 74'.

- Q.669** Consider the following statements:

1. An ordinary citizen (not an MP) can also become a minister for a period of at least 6 months.
2. The council of ministers collapse as soon as the Lok Sabha is dissolved.

Which of these is /are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None

Solution: (a)

- Q.670** Consider the following statements.

1. The advice tendered by Ministers to the President shall not be inquired into by any court.
2. After the dissolution of the Lok Sabha, the council of ministers does not cease to hold office with immediate effect.
3. 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.

Choose the correct answer from the codes below.

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

Solution: (d)

- Q.671** The Ministers are individually responsible to
 (a) the President
 (b) the House of the people
 (c) the Prime Minister
 (d) the House of which they are members

Solution: (a)

Article 75 – Collective Responsibility and Other Provisions

- Q.672** In appointing Ministers, which of the following are followed by the President and the Governor?

1. Constitution of India
2. Laws made by Parliament
3. Conventions

Select the correct answer using the codes below:

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

Solution: (d)

Constitution of India prescribes that Minister will be appointed on the advice of Prime Minister and CM respectively in Centre and States. The 91st amendment restricts the Council of Ministers to 15% of the total strength of Lok Sabha. Other conventions like Majority party leader; coalition leader etc. are also followed when appointing Ministers.

- Q.673** The Council of Ministers is held accountable to and controlled by

- (a) Both houses of Parliament
- (b) Chairman, Rajya Sabha
- (c) Lok Sabha
- (d) President of India

Solution: (c)

Explanation: Parliament consists of both houses. Rajya Sabha is not an elected chamber and thus cannot control the council of ministers. Option (a) is wrong. Hence, option (b) is also wrong.

President of India can only advise/question the CoM on matters sent by it for consideration. So, the option (d) is wrong.

Learning: Only a person who enjoys the support of the majority of the members in the Lok Sabha is appointed the Prime Minister. If the majority of the Lok Sabha members say they have 'no confidence' in the Council of

Ministers, all ministers including the Prime Minister, have to quit. The Rajya Sabha does not have this power.

- Q.674** The principle of collective responsibility is the bedrock principle of parliamentary government. The principle implies that the

1. Lok Sabha can remove the council of ministers from office by passing a vote of no confidence.
2. The Council of Ministers as a whole is bound by consensus.

Which of the above is/are correct?

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

Solution: (c)

Learning: The ministers are collectively responsible to the Parliament in general and to the Lok Sabha in particular (Article 75).

They act as a team, and swim and sink together. The principle of collective responsibility implies that the Lok Sabha can remove the ministry (i.e., council of ministers headed by the prime minister) from office by passing a vote of no confidence.

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

- Q.675** Consider the following statements.

Assertion (A): A Ministry which loses confidence of the Rajya Sabha is obliged to resign.

Reason (R): The Council of Ministers is collectively responsible to the Rajya Sabha.

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

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

Solution: (d)

Justification: One of the most important features of a parliamentary democracy is that the executive is routinely under the control and supervision of the legislature.

- This provision means that a Ministry which loses confidence of the Lok Sabha (Rajya Sabha) is obliged to resign. The principle indicates that the ministry is an

executive committee of the Parliament and it collectively governs on behalf of the Parliament.

- Collective responsibility is based on the principle of the solidarity of the cabinet. It implies that a vote of no confidence even against a single minister leads to the resignation of the entire Council of Ministers.
- It also indicates that if a minister does not agree with a policy or decision of the cabinet, he or she must either accept the decision or resign. It is binding on all ministers to pursue or agree to a policy for which there is collective responsibility.

Q.676 Article 74 provides for a council of ministers with the Prime Minister at the head to aid and advice the President. Which of the following is/are correct with regard to council of ministers?

1. The size of the Council of Ministers should not exceed 15 percent of total number of members of the House of People and this is also applicable to the Legislative Assembly in the States.
2. The Council of Ministers is collectively responsible to both the Lok Sabha and Rajya Sabha.
3. Vote of no confidence even against a single minister leads to the resignation of the entire Council of Ministers.
4. The death or resignation of the Prime Minister automatically brings about the dissolution of the Council of Ministers.

Select the correct answer using the codes below:

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

Solution: (c)

Q.677 The total number of ministers, including the Prime Minister, in the Central Council of Ministers is

- (a) Decided by an order of the President
- (b) Set according to the will of the ruling party
- (c) Fixed by the Representation of People Act, 1950
- (d) None of the above is correct.

Solution: (d)

Justification and Learning: The 91st Amendment Act of 2003 has made the following provisions to limit the size of Council of Ministers:

1. The total number of ministers, including the Prime Minister, in the Central Council of Ministers shall not exceed 15 per cent of the total strength of the Lok Sabha (Article 75).
2. The total number of ministers, including the Chief Minister, in the Council of Ministers in a state shall not exceed 15 per cent of the total strength of the Legislative Assembly of that state. But, the number of ministers, including the Chief Minister, in a state shall not be less than 12 (Article 164).

Q.678 Before the 91st Amendment Act (2003), the size of the Council of Ministers was determined by the

- (a) Parliament
- (b) Exigencies of time and situation
- (c) Total population size of the country
- (d) Number of constituencies in the country

Solution: (b)

Learning: This convention before 2003 led to widespread abuse of the system.

It led to very large size of the Council of Ministers. Besides, when no party had a clear majority, there was a temptation to win over the support of the members of the Parliament by giving them ministerial positions as there was no restriction on the number of the members of the Council of Ministers.

This was happening in many States also. Therefore, an amendment was made that the Council of Ministers shall not exceed 15 percent of total number of members of the House of People (or Assembly, in the case of the States).

Q.679 Consider the following statements

1. The President of India is the constitutional head of executive of the Union
2. The Council of Ministers are collectively responsible to both the houses of the Parliament

Which of the above statements is/are correct?

- (a) 1 Only (b) 2 Only
- (c) Both (d) None

Solution: (a)

According to the Part V, Article 75 of the Indian Constitution, the Council of Ministers are collectively responsible to only to the Lok Sabha.

Q.680 Consider the following statements:

1. No minister can openly criticise any decision of the government, even if it is about another Ministry or Department.
2. Every ministry has secretaries, who are civil servants.
3. The Cabinet as a team is assisted by the Cabinet Secretariat.

Choose the correct answer using the codes below:

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

Solution: (a)

Since it is not practical for all ministers to meet regularly and discuss everything, the decisions are taken in cabinet meetings. That is why parliamentary democracy in most countries is often known as the cabinet form of government. The cabinet works as a team. The ministers may have different views and opinions, but everyone has to own up to every decision of the Cabinet. It is called the principle of Collective Responsibility.

Composition of Council of Ministers

Q.681 The Council of Ministers does not include which of the following?

1. Ministers without portfolio
2. Cabinet Secretary

Choose the correct answer using the codes below:

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

Solution: (b)

Ministers without portfolio are also ministers officially. Hence, they are a part of the council of ministers. The cabinet secy. is a bureaucrat and he cannot a part of the council of ministers for he is a civil servant who is not responsible to the Parliament. He, however, attends the cabinet meetings.

Q.682 Many states in the Indian Union have instituted the post of Parliamentary Secretary. A Parliament Secretary is

1. Generally a Civil Servant/bureaucrat holding an "Office of Profit"
2. Assigned charge of an entire government department only in the absence of Cabinet Ministers

Which of the above is/are correct?

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

Solution: (d)

Justification and Learning: Parliamentary secretaries are **ruling party members** appointed to **assist ministers**. They often holds the rank of Minister of State and has the same entitlements and is assigned to a government department. They have access to all official files and documents.

- Manipur, Himachal Pradesh, Mizoram, Assam, Rajasthan, Punjab, Goa are some of the states where MLAs have been appointed Parliament Secretaries by the Government.
- Various petitions in the High Court have challenged the appointment of Parliament Secretary, including in Delhi most recently.
- In June 2015, Calcutta HC quashed appointment of 24 Parliamentary Secretaries in West Bengal dubbing it unconstitutional.

Delhi High Court in 2016 quashed the appointment of Parliamentary secretaries as they are deemed to be Ministers, and there is cap on the number of ministers in the government as per the Constitution (The limit is 10% for Delhi, owing to its special status).

Q.683 Consider the following.

1. Government resigns if it fails to enact a public bill in Parliament.
2. Prime Minister is a member of Lok Sabha.
3. The council of Ministers reflects the socio-economic diversity of India.

Which of these conventions has/have been codified into rules/regulations/laws/provisions?

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

Solution: (d)

The government may resign only if it fails to pass the budget in the Parliament. Failure in passing regular public bills is not considered a defeat of the government. Passing of a no-confidence motion does. Prime Minister can be the member of any house. It is not a convention that he must be from the lower house, neither has it been codified. Statement 3 is more of a political tool rather than a codified convention.

Cabinet

Q.684 The Central Cabinet includes which of the following?

1. The Prime Minister
2. Minister of State with Independent charge
3. Cabinet Secretary

Choose the correct answer using the codes below:

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

Solution: (d)

Cabinet Secretary only attends the meetings of the Cabinet. He is not a part of it.

No one except the Prime Minister and cabinet Ministers are included in the Central Cabinet. Some ministers

Q.685 Consider the following statements:

Assertion (A): Unlike the Council of Ministers, the constitution does not mention the powers and functions of the cabinet.

Reason (R): The cabinet is an extra-constitutional body.

In the context of these above two statements above, which one of the following is correct?

- (a) Both A and R are true and R is the correct explanation of A.
- (b) Both A and R are true but R is not a correct explanation of A.
- (c) A is true, but R is false.
- (d) A is false, but R is true.

Solution: (c)

The word cabinet was inserted in the constitution in Article 352 in 1978 by the 44th CA Act. It only defines the cabinet, not its powers and functions. Union Cabinet is

the supreme decision-making body in India. Only the Prime Minister and ministers of the rank of "Cabinet Minister" are members of the Cabinet.

Q.686 Consider the following statements.

Assertion (A): Unlike the Council of Ministers, the constitution does not mention the powers and functions of the cabinet.

Reason (R): The cabinet does not find any mention in the constitution.

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

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

Solution: (c)

Q.687 Who among the following can be invited to the meetings of the Cabinet?

1. Cabinet Secretary
2. Union Ministers of State
3. Deputy Ministers

Choose the correct answer from the codes below.

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

Solution: (a)

The ministers of state can either be given independent charge of ministries/departments or can be attached to cabinet ministers. In case of attachment, they may either be given the charge of departments of the ministries headed by the cabinet ministers or allotted specific items of work related to the ministries headed by cabinet ministers. In both the cases, they work under the supervision and guidance as well as under the overall charge and responsibility of the cabinet ministers. In case of independent charge, they perform the same functions and exercise the same powers in relation to their ministries/departments as cabinet ministers do.

However, they are not members of the cabinet and do not attend the cabinet meetings unless specially invited when something related to their ministries/departments are considered by the cabinet. Next in rank are

the deputy ministers. They are not given independent charge of ministries/departments. They are attached to the cabinet ministers or ministers of state and assist them in their administrative, political, and parliamentary duties. They are not members of the cabinet and do not attend cabinet meetings.

Q.688 Which of the following is/are NOT mentioned in the Constitution of India?

1. Powers and functions of the Union Cabinet
2. Powers and functions of the State Cabinets
3. Cabinet Committees

Choose the correct answer from the codes below.

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

Solution: (d)

The word 'cabinet' was inserted in Article 352 of the Constitution in 1978 by the 44th Constitutional Amendment Act. Thus, it did not find a place in the original text of the Constitution.

Now also, Article 352 only defines the cabinet saying that it is 'the council consisting of the prime minister and other ministers of cabinet rank appointed under Article 75' and does not describe its powers and functions. In other words, its role in our politico-administrative system is based on the conventions of parliamentary government as developed in Britain.

(20) CABINET COMMITTEES

Q.689 Consider the following statements about Cabinet Committees.

1. They are setup by the President.
2. Non-cabinet ministers cannot become members of these committees.
3. All cabinet committees are headed by the Home Minister.

Choose the correct answer from the codes below.

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

Solution: (d)

- They are set up by the Prime Minister according to the exigencies of the time and requirements of the situation. Hence, their

number, nomenclature, and composition varies from time to time.

- Their membership vary from three to eight. They usually include only Cabinet Ministers. However, the non-cabinet Ministers are not debarred from their membership.
- They do not consist only of ministers, but can also contain ordinary citizens.
- They not only include the Ministers in charge of subjects covered by them but also include other senior ministers.
- They are mostly headed by the Prime Minister. Sometimes other Cabinet Ministers, particularly the Home Minister or the Finance Minister, also acts as their Chairman. But, in case the Prime Minister is a member of a committee, he invariably presides over it.

Q.690 Consider the following about Cabinet Committees.

1. They are extra-constitutional bodies.
2. They are only temporary in nature.
3. Non-cabinet ministers cannot be its members.
4. Only the Prime Minister is authorized to chair cabinet committees.

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Statement 1: They are not mentioned in the Constitution. However, the Rules of Business provide for their establishment

Statement 2: They are of two types—standing and *ad hoc*. The former are of a permanent nature while the latter are of a temporary nature. So, the option 2 is wrong.

Statement 3 and 4 : As explained in previous question.

Q.691 Consider the following about cabinet committees.

1. They are set up by the Prime Minister.
2. All committees are ad hoc in nature.
3. They cannot take a final decision on matters referred to them by cabinet.
4. Cabinet committees are also known as Empowered Group of Ministers (EGoM).

Choose the correct answer using the codes below.

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

Solution: (c)

They not only sort out issues and formulate proposals for the consideration of the Cabinet, but also take decisions. However, the Cabinet can review their decisions.

Empowered Group of Ministers (EGoM) is a Group of Ministers (GoM) of the Union Government who, after being appointed by the Cabinet, a Cabinet Committee or the Prime Minister for investigating and reporting on such matters as may be specified, are also authorised (empowered) by the appointing authority to take decisions in such matters after investigation.

As part of empowering the Ministries and Departments, the Prime Minister on 31 May 2014 decided to abolish all the existing nine Empowered Group of Ministers (EGoMs) and 21 Groups of Ministers (GoMs). This is expected to expedite the process of decision making and usher in greater accountability in the system.

Q.692 Who among the following can review the decisions taken by the Cabinet Committees?

1. Prime Minister
2. Cabinet
3. Parliament
4. Council of Ministers

Choose the correct answer from the codes below.

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

Solution: (a)

Cabinet Committees not only sort out issues and formulate proposals for the consideration of the Cabinet, but also take decisions. Ex: appointments. However, the Cabinet can review their decisions. It means that the Prime Minister too can review their decisions.

They are an organisational device to reduce the enormous workload of the Cabinet. They also facilitate in-depth examination of policy issues and effective coordination. They are based on the principles of division of labour and effective delegation.

Q.693 Consider the following about Cabinet Committees in India.

1. They are not mentioned in the Constitution and the Rules of Business of Council of Ministers.
2. They cannot take final decisions on matters referred to them by the Cabinet, which must be taken by the Council of Ministers as a whole.

Which of the above is/are correct?

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

Solution: (d)

Justification: Statement 1: They are extra-constitutional in emergence. In other words, they are not mentioned in the Constitution. However, the Rules of Business provide for their establishment.

Statement 2: explained in previous questions

Q.694 Cabinet Committee on Appointments is headed by

- (a) President of India
(b) Prime Minister
(c) Union Minister of Home affairs
(d) Union Minister of Finance

Solution: (b)

Learning: The Appointments Committee of the Cabinet (ACC) decides appointments to several top posts under the Government of India.

- The committee is composed only of the Prime Minister of India (who is the Chairman), and the Minister of Home Affairs.
- The Establishment Officer's Division (EO Division) processes all proposals for senior appointments in the Government of India that require approval of the Appointments Committee of the Cabinet.
- The Establishment Officer (EO) is the ex-officio Member Secretary of the Civil Services Board that is chaired by the Cabinet Secretary.

Q.695 Which of these are the members of the Cabinet Committee on Economic Affairs (CCEA) is headed by

- (a) Minister of Home Affairs
(b) Minister of External Affairs
(c) Minister of Corporate Affairs
(d) prime minister

Select the correct answer using the codes below.

Solution: (d)

The Cabinet Committee on Economic Affairs (CCEA) has a mandate to review economic trends on a continuous basis, as also the problems and prospects, with a view to evolving a consistent and integrated economic policy framework for the country. It also directs and coordinates all policies and activities in the economic field including foreign investment that require policy decisions at the highest level.

Matters regarding fixation of prices of agricultural products as well as reviewing progress of activities related to rural development including those concerning small and marginal farmers are in CCEA's competence.

Price controls of industrial raw materials and products, industrial licensing policies including industrial licensing cases for establishment of Joint Sector Undertakings, reviewing performance of Public Sector Undertakings including their structural and financial restructuring are also within the purview of CCEA, as are all matters relating to disinvestment including cases of strategic sale, and pricing of Government shares in Public Sector Undertakings (except to the extent entrusted to an Empowered Group of Ministers).

The CCEA also lays down priorities for public sector investment and considers specific proposals for investment of not less than specific levels (Rs. 3 Billion at present) as revised from time to time. It is important to note that the increase in the prices of essential commodities or bulk goods under any form of formal or informal control is decided by the CCEA, even as the CCP monitors the price behaviour of essential commodities, takes decision on supply, imports and exports of essential commodities and prices for articles sold through the public distribution system.

CCEA facilitates finalization of factual reports on the accomplishments of the Ministries, Agencies and Public Sector Undertakings involved in implementation of prioritized schemes or projects for evaluation

by the Prime Minister. The CCEA also considers cases of increase in the firmed up cost estimates/revised cost estimates for projects etc. in respect of the business allocated to the CCEA.

- Q.696** The Cabinet Committee on Security includes
1. Prime Minister
 2. Minister of Home Affairs
 3. Minister of Finance
 4. Minister of Defence

Select the correct answer using the codes below.

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

Solution: (d)

Justification: It also includes Minister of Corporate Affairs; Minister of External affairs and Minister of Information and Broadcasting.

The Cabinet Committee on Security (CCS) of the Central Government of India decides on India's defence expenditure, matters of National Security, and makes significant appointments.

Other committees of strategic nature are:

- Cabinet Committee on Economic Affairs
- Cabinet Committee on Investment
- Cabinet Committee on Political Affairs

(21) CABINET SECRETARIAT

- Q.697** Consider the following statements about the Cabinet Secretariat.

1. It functions directly under the Ministry of Personnel and Public Grievances.
2. It is responsible for the administration of the Government of India (Transaction of Business) Rules.
3. It ensures that the President, the Vice-President and Ministers are kept informed of the major activities of all ministries and departments.
4. The administrative head of the Secretariat is the ex-officio Chairman of the Civil Services Board.

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 1: The Cabinet Secretariat functions directly under the Prime Minister.

Statement 2 and 3: The business allocated to Cabinet Secretariat is (i) Secretarial assistance to Cabinet and Cabinet Committees and (ii) Rules of Business.

- The Cabinet Secretariat is responsible for the administration of the Government of India (Transaction of Business) Rules, 1961 and the Government of India (Allocation of Business) Rules, 1961, facilitating smooth transaction of business in ministries/departments of the Government by ensuring adherence to these rules.
- It assists in decision-making by ensuring inter-ministerial coordination, ironing out differences amongst ministries/ departments and evolving consensus through the instrumentality of the standing and ad hoc Committees of Secretaries.
- Management of major crisis situation in the country and coordinating activities of various ministries in such a situation is also one of the functions of the Cabinet Secretariat.

Statement 4: The administrative head of the Secretariat is the Cabinet Secretary who is also the Chairman of the board of Civil Services.

Q.698 Consider the following statements about the Cabinet Secretariat.

1. It is under the direct charge of the Union Minister of Personnel.
2. It is the custodian of the papers of the Cabinet meetings.
3. It watches the implementation of the decisions taken by the Cabinet.
4. Management of major crisis situations in the country is one of its functions.

Select the correct answer using the codes below.

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

Solution: (a)

(22) PARLIAMENT

- Q.699** The word „Parliament“ means
- (a) Lok Sabha
 - (b) Lok Sabha and Rajya Sabha
 - (c) President, Lok Sabha and Rajya Sabha
 - (d) President, Council of Ministers, Lok Sabha and Rajya Sabha

Solution: (c)

It is self-explanatory. Even though President does not attend the Parliamentary sessions, his nod is required for a bill to become an Act. Hence, he is considered an integral part of the Parliament.

- Q.700** Consider the following statements.

Assertion (A): The First Lok Sabha met on the eve of the first republic day.

Reason (R): India ceased to be a British dominion post enactment of constitution.

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

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

Solution: (d)

Justification: First Lok Sabha met in 1952 Under GV Mavalankar. So, A is wrong.

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.

Organisation of Parliament

Composition of Two Houses

- Q.701** With reference to the Parliamentary seats, the Constitution ensures that there is uniformity of representation

1. between the states
2. between the different constituencies of the state

Which of the above correctly complete the above statement?

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

Solution: (c)

For the purpose of holding direct elections to the Lok Sabha, each state is divided into territorial constituencies. In this respect, the Constitution makes the following two provisions.

- Each state is allotted a number of seats in the Lok Sabha in such a manner that the ratio between that number and its population is the same for all states. This provision does not apply to a state having a population of less than 6 millions.
- Each state is divided into territorial constituencies in such a manner that the ratio between the population of each constituency and the number of seats allotted to it is the same throughout the state.

Q.702 Consider the following statements:

1. The parliament gives representation to all the Union Territories (UTs).
2. All parliamentary constituencies have equal population as each state is allotted seats based on its population. Which of these is /are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None

Solution: (a)

The Lok Sabha does not represent all the UTs, but the Rajya Sabha does. So the Parliament as a whole represents all UTs. Even while we follow a system where states are allocated seats based on its population, all constituencies do not have same population. Also, some states are less populated and therefore they are represented more than their population makes them eligible to, example given, Nagaland.

Composition of Lok Sabha

Q.703 Elections to the Lok Sabha and the state assemblies will be held on the basis of adult suffrage is a provision that was originally instituted in

- (a) Fundamental Rights section of the Constitution
(b) Representation of People Act, 1951
(c) Part V of the Constitution that deals with the Parliament
(d) None of the above

Solution: (d)

Learning: There are two provisions in the Constitution that seek to achieve political equality.

- One, no person is to be declared ineligible for inclusion in electoral rolls on grounds of religion, race, caste or sex (Article 325).
- Two, elections to the Lok Sabha and the state assemblies to be on the basis of adult suffrage (Article 326).
- Both these provisions are constitutional, but cannot be found in options A, B or C. So, all of them are wrong.

Therefore, the right to vote is basically a constitutional right, not a fundamental right.

Q.704 The Constitution has empowered the Parliament to prescribe the manner of choosing the representatives of the union territories in the Lok Sabha. Members of Lok Sabha from the Union Territories are

- (a) Chosen by direct election
(b) Nominated by the Administrator/ Lieutenant Governor of the UT
(c) Recommended by the Union Cabinet and chosen by the President
(d) Chosen by indirect elections by the local bodies of the UTs

Solution: (a)

Learning: Accordingly, the Parliament has enacted the Union Territories (Direct Election to the House of the People) Act, 1965, by which the members of Lok Sabha from the union territories are also chosen by direct election. The representatives of each union territory in the Rajya Sabha are indirectly elected by members of an electoral college specially constituted for the purpose. This election is also held in accordance with the system of proportional representation by means of the single transferable vote. Out of the seven union territories, only two (Delhi and Puducherry) have representation in

Rajya Sabha. The populations of other five union territories are too small to have any representative in the Rajya Sabha.

Composition of Rajya Sabha

- Q.705** Consider the following statements.
1. Rajya Sabha contains both nominated and indirectly elected members.
 2. The members of Rajya Sabha are elected by both Legislative assembly and Legislative council of the states.

Which of these is/are true?

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

Solution: (a)

They are elected only by the Legislative assembly.

- Q.706** The representatives of each union territory in the Rajya Sabha are

- (a) Nominated by the Union Territory (UT) Government
(b) Indirectly elected by members of an electoral college specially constituted for the purpose.
(c) Nominated by the President
(d) Not represented in the house

Solution: (b)

Learning: At present, the Rajya Sabha has 245 members. Of these, 229 members represent the states, 4 members represent the union territories and 12 members are nominated by the president.

- The representatives of each union territory in the Rajya Sabha are indirectly elected by members of an electoral college specially constituted for the purpose.
- This election is also held in accordance with the system of proportional representation by means of the single transferable vote. Out of the seven union territories, only two (Delhi and Puducherry) have representation in Rajya Sabha. The populations of other five union territories are too small to have any representative in the Rajya Sabha.

- Q.707** The representative of each Union territory in the Rajya Sabha are indirectly elected by

- (a) Members of an electoral college specially constituted for this purpose

- (b) Members of Legislative assemblies
(c) Members of Local constitutional bodies
(d) MPs, MLAs and ward councilors jointly from a Union Territory

Solution: (a)

Refer previous explanation

- Q.708** Consider the following statements about the representation in Rajya Sabha.

1. All the Union Territories (UTs) are represented in Rajya Sabha.
2. Members in Rajya Sabha are nominated by the president only on the advice of the Council of Ministers.
3. Nominated members in Rajya Sabha are more than those representing the UTs.

Choose the correct answer using the codes below.

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

Solution: (b)

The maximum strength of the Rajya Sabha is fixed at 250, out of which, 238 are to be the representatives of the states and union territories (4 members elected indirectly) and 12 are nominated by the president.

Out of the seven union territories, only two (Delhi and Puducherry) have representation in Rajya Sabha. The populations of other five union territories are too small to have any representative in the Rajya Sabha.

- Q.709** Consider the following statements about Rajya Sabha:

1. All Union Territories (UTs) are not represented in the Rajya Sabha.
2. There is provision for the reservation of Scheduled Castes and Scheduled Tribes both in the Lok Sabha and Rajya Sabha.
3. The constitution fixes the term of a Rajya Sabha member as six years.

Which of these is/are true?

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

Solution: (d)

Only Delhi and Puducherry are represented. Reservation is there only in the Lok Sabha.

Not the constitution, but the Representation of People's act fixes the term at 6 years for a RS MP.

- Q.710** Consider the following statements:
1. Seats for the Schedules tribes are reserved both in Lok Sabha and Rajya Sabha.
 2. Seats for Women are reserved at all levels of local government—both Panchayat and Municipality.

Which of these is/are true?

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

Solution: (b)

No seats are reserved in Rajya Sabha as it represents the interests of the state.

Not just the village Panchayat, but also the Block and Zila Panchayats has seats reserved for Women. It is the same for urban government too.

System of Elections in Lok Sabha

- Q.711** Which of the following reasons may justify India following the system of FPTP system for Lok Sabha elections?

1. Election system is easy to understand.
2. Clear choice to voters in terms of choosing candidates
3. Size and diversity of India.

Choose the correct answer using the codes below:

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

Solution: (d)

Looking at the Rajya Sabha elections, it can be seen that it is a complicated system which may work in a small country, but would be difficult to work in a sub-continental country like India.

The reason for the popularity and success of the 'first-past-the-post' (FPTP) system is its simplicity. The entire election system is extremely simple to understand even for common voters who may have no specialised knowledge about politics and elections. There is also a clear choice presented to the voters at the time of elections. Voters have to simply endorse a candidate or a party while voting. Depending on the nature of actual politics, voters may either give greater importance to the party or to the candidate or balance the two. The FPTP system offers voters a choice not simply between parties but specific candidates.

In other electoral systems, especially PR systems, voters are often asked to choose a party and the representatives are elected on the basis of party lists. As a result, there is no one representative who represents and is responsible for one locality. In constituency based system like the FPTP, the voters know who their own representative is and can hold him or her accountable.

Model Code of Conducts in Rajya Sabha

- Q.712** Consider the following about Rajya Sabha elections.

1. Model code of conduct is not applicable to these elections.
2. Anti-defection law does not apply and candidates can vote for cross-party candidates.
3. Election Commission of India has no powers to countermand Rajya Sabha elections.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: There is no model code of conduct for the RS election as the nature of the election is different. There are no public meetings, rallies, door-to-door canvassing or media campaigns. The constituency is confined to a small electoral college consisting of MLAs. The voting is open so the party MLAs are subject to party discipline.

Statement 2: Experts have recommended that anti-defection provisions should apply in case of RS elections.

Statement 3: On a complaint brought by three senior political leaders about rampant horse-trading among MLAs, the EC countermanded the RS poll in Jharkhand in 2012. So, the option 3 is wrong.

- Q.713** Consider the following statements about Rajya Sabha.

1. The representatives of states in the Rajya Sabha are elected by the elected members of state legislative assemblies.

2. The election to Rajya Sabha is held in accordance with the system of proportional representation by means of the single transferable vote.

3. The seats are allotted to the states in the Rajya Sabha on the basis of population.

Select the correct answer using the codes below.

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

Solution: (d)

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

For example, Uttar Pradesh has 31 members while Tripura has 1 member only.

However, in USA, all states are given equal representation in the Senate irrespective of their population.

USA has 50 states and the Senate has 100 members—two from each state.

Q.714 The electoral system of Rajya Sabha follows which of the following principles?

- (a) Giving equal representation to all the parts of the country irrespective of their size or population
(b) Giving due representation to parts of the country depending on their size or population
(c) Giving due representation to all major political parties of the country irrespective of their size
(d) Giving due representation to all political parties of the country depending on their volunteer base

Solution: (b)

Learning: The Rajya Sabha represents the States of India. It is an indirectly elected body. Residents of the State elect members to State Legislative Assembly. The elected members of State Legislative Assembly in turn elect the members of Rajya Sabha.

- We can imagine two different principles of representation in the second chamber. One way is to give equal representation to all the parts of the country irrespective of their size or population. We may call this as symmetrical representation. On the

other hand, parts of the country may be given representation according to their population.

- This second method means that regions or parts having larger population would have more representatives in the second chamber than regions having less population.
- In the U.S.A, every state has equal representation in the Senate. This ensures equality of all the states. But this also means that a small state would have the same representation as the larger states. The system of representation adopted for the Rajya Sabha is different from that in the USA.
- The number of members to be elected from each State has been fixed by the fourth schedule of the Constitution.

Q.715 Elections to the Rajya Sabha from the State legislative assemblies are done on the basis of proportional representation. This means

- (a) every district in the state is given due representation in Rajya Sabha from that state
(b) all the states are given representation in Rajya Sabha
(c) that all the states irrespective of their size and population get due representation in Rajya Sabha
(d) None of the above

Solution: (c)

Option C is more preferable to option B because the former is more complete and correct. Proportional representation essentially means representation that is proportionate to some factor e.g. population here. The system of proportional representation aims at removing the defects of territorial representation. Under this system, all sections of the people get representation in proportion to their number. Even the smallest section of the population gets its due share of representation in the legislature.

Q.716 Which of the following is/are correct concerning the elections to Rajya Sabha?

1. The nominee must be a domicile of the state from which he wishes to be elected.
2. Voting is by secret ballot system.

3. The elections are organized by the Election Commission of India.

Choose the correct answer using the codes below.

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

Solution: (d)

In 2003, the following two changes were introduced with respect to elections to the Rajya Sabha:

- Domicile or residency requirement of a candidate contesting an election to the Rajya Sabha was removed. Prior to this, a candidate had to be an elector in the state from where he was to be elected. Now, it would be sufficient if he is an elector in any parliamentary constituency in the country.
- Introducing open ballot system, instead of secret ballot system, for elections to the Rajya Sabha. This was done to curb cross-voting and to wipe out the role of money power during Rajya Sabha elections. Under the new system, an elector belonging to a political party has to show the ballot paper after marking his vote to a nominated agent of that political party

Q.717 Consider the following statements about Elections to Rajya Sabha.

1. A candidate has to be an elector in the state from where he wishes to be elected in Rajya Sabha.
2. Secret Ballot system is used in Rajya Sabha elections.
3. Both the Legislative assembly and the legislative council take part in the Rajya Sabha elections. Choose the correct answer from the codes given below.

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

Solution: (d)

It is the legislative assembly not legislative council.

Q.718 Consider the following statements:

1. A candidate has to be an elector in the state from where he is being voted to Rajya Sabha.

2. The Election Commission of India revises the election expenditure ceiling for candidates for Parliamentary elections.

Which of these is/are true?

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

Solution: (d)

It is the central government which revises the election expenditure limits for Parliamentary elections. The requirement for being an elector of the state for being nominated to the RS was waived in 2003.

Duration of Two Houses

Duration of Lok Sabha

Q.719 Before the completion of a 5 year term, the Lok Sabha can be dissolved if

1. No party or coalition can form the government
2. The Prime Minister advises the President to dissolve the Lok Sabha and hold fresh elections

Which of the above is/are correct?

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

Solution: (c)

Justification: There are two ways in which the Lok Sabha can be dissolved.

1. when the leader of the majority (the ruling party) dissolves the Lok Sabha. While in this situation, the prerogative and timing is that of the leader of the majority, he has to dissolve the Lok Sabha if his 5-year term is up.

Former Indian Prime Minister Atal Bihari Vajpayee in 2004 recommended to President A P J Abdul Kalam that Parliament be dissolved.

2. when the incumbent government loses majority in the Lok Sabha: then, the prerogative passes to the President, who can ask another leader to prove his majority in the Lok Sabha or dissolve the Lok Sabha, and call for elections.

Q.720 Consider the following statements about the term of Lok Sabha.

1. The President of India can reduce the term of Lok Sabha.

2. The speaker of Lok Sabha by himself cannot shorten or extend the term of a Lok Sabha.
3. Term of Lok Sabha can be extended during emergency.

Choose the correct answer using the codes below.

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

Solution: (d)

Unlike the Rajya Sabha, the Lok Sabha is not a continuing chamber. Its normal term is 5 years from the date of its first meeting after the general elections, after which it automatically dissolves. However, the President is authorised to dissolve the Lok Sabha at any time even before the completion of 5 years and this cannot be challenged in a court of law. Further, the term of the Lok Sabha can be extended during the period of national emergency by a law of Parliament for one year at a time for any length of time. However, this extension cannot continue beyond a period of 6 months after the emergency has ceased to operate.

Q.721 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 a new government cannot be formed even after the completion of the term of the previous Lok Sabha
3. When the Rajya Sabha approves so on a special recommendation made by the Prime Minister

Select the correct answer using the codes below.

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

Solution: (d)

Justification: 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.

However, the same is not applicable for financial emergency, so 1 is incorrect.

It can be extended by 6 months at a time.

For e.g. the term of 5th Lok Sabha was

extended twice during the 1975 national emergency.

Duration of Rajya Sabha

Q.722 Consider the following about Rajya Sabha.

1. It is a permanent body and not subject to dissolution.
2. The retiring members of Rajya Sabha are eligible for re-election and re-nomination any number of times.
3. The Constitution fixes the term of the members of the Rajya Sabha.
4. The President can curtail the term of a Rajya Sabha member any time based on the recommendation of the Union cabinet.

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: It is a continuing chamber, that is, it is a permanent body and not subject to dissolution. However, one-third of its members retire every 2nd year.

Statement 2: The seats left are filled up by fresh elections and presidential nominations at the beginning of every 3rd year. The retiring members are eligible for re-election and re-nomination any number of times.

Statement 3: The Constitution has not fixed the term of office of members of the Rajya Sabha and left it to the Parliament. Accordingly, the Parliament in the Representation of the People Act (1951) provided that the term of office of a member of the Rajya Sabha shall be 6 years.

Statement 4: The act also empowered the president of India to curtail the term of members chosen in the first Rajya Sabha. But, he cannot do it anytime based on any recommendations. The term of MPs is fixed. In the first batch, it was decided by lottery as to who should retire. Further, the act also authorised the President to make provisions to govern the order of retirement of the members of the Rajya Sabha.

Q.723 The term of the Rajya Sabha

- (a) Can be extended by an extraordinary Presidential order

- (b) Can be extended by 6 months at a time by ordinary legislation
- (c) Can be extended by 1 year at a time during the proclamation of emergency
- (d) None of the above

Solution: (d)

Justification: Rajya Sabha is a permanent continuing chamber and not subject to dissolution. Hence, there is no term of RS, it is the term of the MPs of the house. So, (d) can be the only answer.

Q.724 With reference to the Rajya Sabha, consider the following statements

1. It is not subject to dissolution
2. One third of its members retire every 2nd year
3. All the elected members of the Rajya Sabha are indirectly elected

Which of the above statements is/are INCORRECT?

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

Solution: (d)

The Rajya Sabha meets in continuous sessions, and unlike the Lok Sabha, the lower house of Parliament, is not subject to dissolution. The Rajya Sabha has equal footing in all areas of legislation with Lok Sabha, except in the area of supply, where the Lok Sabha has overriding powers.

Members sit for 6-year terms, with one third of the members retiring every 2 years.

Membership of Parliament

Q.725 Every member of either House of Parliament, before taking his seat in the House, has to make and subscribe to an oath or affirmation before the

- (a) President of India
- (b) Presiding officer of the House
- (c) Chief Justice of India
- (d) Leader of the concerned party or coalition

Solution: (a)

Learning: The oath is taken either before the President or some person appointed by him for this purpose.

In his oath or affirmation, a Member of Parliament swears:

- To bear true faith and allegiance to the Constitution of India;

- To uphold the sovereignty and integrity of India; and
- To faithfully discharge the duty upon which he is about to enter.

Q.726 In the oath or affirmation by every Member of Parliament (MP), s/he swears to

1. uphold the sovereignty and integrity of India
2. do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill will.
3. preserve, protect and defend the Constitution and the law.

Choose the correct answer using the codes below.

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

Solution: (c)

Every member of either House of Parliament, before taking his seat in the House, has to make and subscribe to an oath or affirmation before the President or some person appointed by him for this purpose. In his oath or affirmation, a member of Parliament swears

- to bear true faith and allegiance to the Constitution of India;
- to uphold the sovereignty and integrity of India; and
- to faithfully discharge the duty upon which he is about to enter.

Option 2 is part of oath taken by a Minister.

Option 3 is that taken by the President of India.

Q.727 The constitution of India has provided for certain qualifications in order to become members of the Parliament and State legislatures. Which of the following statements is/are correct?

1. Minimum and maximum age requirements are provided in the constitution for a candidate contesting for elections.
2. A person who has undergone imprisonment for two or more years for some offence is disqualified from contesting elections.
3. A candidate standing for election should have at least completed his matriculation.

4. There is a reasonable restriction on the income of the candidates standing for elections.

Select the correct answer using the codes below.

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

Solution: (a)

What is true of the right to vote is also true of right to contest election. All citizens have the right to stand for election and become the representative of the people. However, there are different minimum age requirements for contesting elections. For example, in order to stand for Lok Sabha or Assembly election, a candidate must be at least 25 years old. There are some other restrictions also. For instance, there is a legal provision that a person who has undergone imprisonment for two or more years for some offence is disqualified from contesting elections. But there are no restrictions of income, education or class or gender on the right to contest elections. In this sense, our system of election is open to all citizens.

Q.728 Consider the following statements.

1. A non-citizen of India cannot become a Member of Parliament.
2. A person who does not have his/her name on the electoral rolls cannot contest for election to the Parliament.

Which of the above is/are correct?

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

Solution: (c)

Justification: Statements 1 and 2: Qualifications for Membership of Lok Sabha are the following:

- S/he should be a citizen of India; So, 1 is correct.
- S/he should not be less than 25 years of age;
- S/he should not be a proclaimed criminal (i.e. he/she should not be a convict, a confirmed debtor or otherwise disqualified by law);
- S/he should have his/her name in the electoral rolls in any part of the country (he/she may not belong to the State from which he/she contests the election); so, the option 2 is correct as well.

- The candidate should not be a direct beneficiary of the Government and should not hold an office of profit under the Government.

Q.729 A Member of Parliament ceases to hold his seat if

1. S/he owns and runs a private commercial firm
2. S/he holds any office of Profit under the Union or State government
3. S/he is removed from the political party on whose ticket he was elected
4. S/he is expelled from the house.

Choose the correct answer using the codes below.

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

Solution: (c)

Under the Constitution, a person shall be disqualified for being elected as a Member of Parliament.

- if he holds any office of profit under the Union or state government (except that of a minister or any other office exempted by Parliament).
- if he is of unsound mind and stands so declared by a court.
- if he is an undischarged insolvent.
- if he voluntarily (not expelled) gives up the membership of the political party on whose ticket he is elected to the House
- if he is not a citizen of India or has voluntarily acquired the citizenship of a foreign state or is under any acknowledgement of allegiance to a foreign state; and
- if he is so disqualified under any law made by Parliament.
- He must not be a director or managing agent nor hold an office of profit in a corporation in which the government has at least 25% share.
- He must not have been dismissed from government service for corruption or disloyalty to the State.

Q.730 Consider the following statements.

1. Insulting the Indian National Flag entails disqualification for contesting elections to Parliament and State Legislatures.

- A candidate cannot stand for election from more than one Parliamentary constituency.
- All cases of disqualification of MPs are dealt by the speaker.

Choose the correct answer using the codes below.

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

Solution: (d)

The disqualification of the MPs and MLAs are dealt by either the RPI Act or the anti-defection act. In case of the anti-defection act, it is the speaker. In case of the RPI Act, it is the President who is advised by the Election Commission.

A MP or MLA can stand from maximum two electoral constituencies. Narendra Modi contested from both Varansi and Vadodra.

- Q.731** If a member of Parliament voluntarily acquires the citizenship of a foreign country.
- s/he will be penalized
 - s/he will continue to be a member of Parliament
 - s/he will be disqualified from membership
 - s/he will have a choice of renouncing either

Solution: (c)

The right to contest election is available only to Indian citizens and Person after acquiring the foreign citizenship ceases to be the citizen of India.

- Q.732** A member of a House belonging to any political party becomes disqualified for being a member of the House if
- He is absent from the first meeting of the any new session of the house.
 - He has voluntarily given up the membership of his political party.
 - A no-confidence motion is passed against the individual member.

Select the correct answer using the codes below.

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

Solution: (c)

Justification and Learning: Statement 1: There is no such provision, but there is a provision for disqualification if a member is absent for more than 60 working days of the

house without taking any leave or permission of the speaker.

Statement 2: He will also be disqualified if he votes or abstains from voting in such House contrary to any direction issued by his political party without obtaining prior permission of such party and such act has not been condoned by the party within 15 days

Statement 3: No-confidence motion can be passed for the entire council.

- Q.733** On the question whether a member is subject to any of the disqualifications mentioned under the Representation of People Act (1951), whose decision is final?
- President
 - Supreme Court
 - Election Commission of India
 - Lok Sabha Speaker

Solution: (a)

On the question whether a member is subject to any of the disqualifications under RPA 1951, the president's decision is final. However, he should obtain the opinion of the election commission and act accordingly.

The question of disqualification under the Tenth Schedule is decided by the Chairman in the case of Rajya Sabha and Speaker in the case of Lok Sabha (and not by the president of India). In 1992, the Supreme Court ruled that the decision of the Chairman/Speaker in this regard is subject to judicial review

- Q.734** Which of the following is true?
- A person can be a member of both Houses of Parliament
 - There is no bar to a person contesting to as many seats and as many legislatures as he likes
 - A member of Lok Sabha can hold an office of profit under the Government
 - The population of a State is not the sole consideration for allotment of seats in the Rajya Sabha

Solution: (d)

Option (a): person cannot be a member of both Houses of Parliament at the same time. Thus, the Representation of People Act, 1951 (R.P. Act) provides for the following:

- If a person is elected to both the Houses of Parliament, he must intimate within 10 days in which House he desires to serve.

In default of such intimation, his seat in the Rajya Sabha becomes vacant.

- (b) If a sitting member of one House is also elected to the other House, his seat in the first House becomes vacant.
- (c) If a person is elected to two seats in a House, he should exercise his option for one. Otherwise, both seats become vacant.

Similarly, a person cannot be a member of both the Parliament and the state legislature at the same time. If a person is so elected, his seat in Parliament becomes vacant if he does not resign his seat in the state legislature within consecutive 14 days.

Option (b): As per Section 33 (7) of R. P. Act, 1951, a person cannot contest from more than two constituencies for a Lok Sabha/Vidhan Sabha election.

Option (c): According to Articles 102(1) (a) and 191(1)(a) of Constitution, legislators (MP or MLA) can be barred from holding office of profit under Central Government or state government as it can put them in position to gain financial benefit

Presiding Officers of Parliament

Q.735 Consider the following statements.

1. Before the enactment of the Government of India Act 1919, the Governor-General of India presided over the meetings of the Central Legislative Council.
2. The Government of India Act of 1935 instituted the office of the President and Deputy President of the Central Legislative Assembly.

Which of the above is/are correct?

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

Solution: (a)

Justification: Statement 1: The institutions of Speaker and Deputy Speaker originated in India in 1921 under the provisions of the Government of India Act of 1919 (Montague–Chelmsford Reforms).

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

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

Statement 2: The GoI Act 1935 changed the nomenclatures of President and Deputy President of the Central Legislative Assembly to the Speaker and Deputy Speaker respectively.

However, the old nomenclature continued till 1947 as the federal part of the 1935 Act was not implemented.

Q.736 The institutions of Speaker and Deputy Speaker originated in India in 1921 under

- (a) A Charter issued by the British crown for improving legislative business in British India
- (b) Provisions of the Government of India Act of 1919 (Montague–Chelmsford Reforms)
- (c) An order issued by the then Governor-General of India to manage the Central Legislative Assembly better
- (d) Amendments made to the Charter Act of 1891 that created the office of President and Vice-President of Legislative assemblies

Solution: (b)

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

Before 1921, the Governor-General of India used to preside over the meetings of the Central Legislative Council. In 1921, the Frederick Whyte and Sachidanand Sinha were appointed by the Governor-General of India as the first Speaker and the first Deputy Speaker (respectively) of the central legislative assembly.

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

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

- Q.737** The Presiding officers of the Parliament are chosen by a combination of:
- Indirect elections based on First Past the Post (FPTP) system only.
 - Indirect elections based on Proportional Representation only.
 - Indirect elections based on First past the Post (FPTP) system and nomination.
 - Indirect elections based on both First Past the Post (FPTP) system and Proportional Representation and nomination

Solution: (d)

The Presiding officers of the Parliament include: Speaker and chairman of both the houses; deputy speaker and chairman of both the houses; and the panel of chairpersons and vice-chairpersons of both Lok Sabha and Rajya Sabha.

The speaker is indirectly elected based on FPTP.

The vice-president is indirectly elected based on PR system.

The chairpersons are nominated.

Hence, it is a combination of all.

(1) Speaker

- Q.738** How is the Lok Sabha speaker chosen?
- Nominated by a collegium of Prime Minister, Leader of Opposition and Minister for Parliamentary affairs
 - Nominated by the party/coalition in majority in Lok Sabha
 - Elected by the house from a body of eminent citizens specially selected for this purpose
 - Elected by the house from amongst its members

Solution: (d)

Learning: The Speaker is elected by the Lok Sabha from amongst its members (as soon as may be, after its first sitting). Whenever the office of the Speaker falls vacant, the Lok Sabha elects another member to fill the vacancy. The date of election of the Speaker is fixed by the President. Usually, the Speaker remains in office during the life of the Lok Sabha.

- Q.739** The Speaker of Lok Sabha resigns from office by writing, addressed to the
- Deputy Speaker, Lok Sabha
 - President

- Vice-President
- Leader of the House

Solution: (a)

Learning: In the Lok Sabha, the lower House of the Indian Parliament, both Presiding Officers—the Speaker and the Deputy Speaker- are elected from among its members by a simple majority of members present and voting in the House.

The Speaker holds office from the date of her election till immediately before the first meeting of the Lok Sabha after the dissolution of the one to which she was elected. She is eligible for re-election. On the dissolution of the Lok Sabha, although the Speaker ceases to be a member of the House, she does not vacate her office. The Speaker may, at any time, resign from office by writing under her hand to the Deputy Speaker.

- Q.740** The Speaker of Lok Sabha can be removed on

- A resolution passed by majority of the membership of Lok Sabha
- A resolution passed by special majority in Lok Sabha
- An enquiry by the Supreme Court
- An order of the President

Choose the correct answer using the codes below.

- 1 only
- 2 and 3 only
- 1 and 3 only
- 1, 3 and 4 only

Solution: (a)

Speaker has to vacate his office earlier in any of the following three cases:

- if s/he ceases to be a member of the Lok Sabha;
- if s/he resigns by writing to the Deputy Speaker; and
- if s/he is removed by a resolution passed by a majority of all the members of the Lok Sabha. Such a resolution can be moved only after giving 14 days advance notice.

When a resolution for the removal of the Speaker is under consideration of the House, he cannot preside at the sitting of the House, though he may be present. However, he can speak and take part in the proceedings of the House at such a time and vote in the first instance, though not in the case of an equality of votes.

It should be noted here that, whenever the Lok Sabha is dissolved, the Speaker does not vacate his office and continues till the newly-elected Lok Sabha meets.

Q.741 Which of the following provisions ensure the independence and impartiality of the office of the Lok Sabha Speaker?

1. He can be removed only by a resolution passed by the Lok Sabha by a special majority.
2. His work and conduct cannot be discussed and criticised in the Lok Sabha except on a substantive motion.
3. His salary and allowances are not subject to the annual vote of Parliament.
4. He cannot vote in the first instance.

Choose the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 2, 3 and 4 only
- (c) None of the above
- (d) All of the above

Solution: (b)

He is provided with a security of tenure. He can be removed only by a resolution passed by the Lok Sabha by an absolute majority (ie, a majority of the total members of the House) and not by an ordinary majority (ie, a majority of the members present and voting in the House). This motion of removal can be considered and discussed only when it has the support of at least 50 members.

Moreover, his powers of regulating procedure or conducting business or maintaining order in the House are not subject to the jurisdiction of any Court.

He cannot vote in the first instance. He can only exercise a casting vote in the event of a tie. This makes the position of Speaker impartial.

Q.742 As the office of the Speaker is vested with great prestige, position and authority, independence and impartiality becomes its sine qua non. Thus, she is provided with a security of tenure. She can be removed only by

- (a) An independent inquiry conducted by the Supreme Court
- (b) A resolution passed by the Lok Sabha by a special majority

- (c) The President on an independent inquiry conducted by a Committee of Lok Sabha
- (d) None of the above

Solution: (d)

Refer previous explanations.

Q.743 To impeach the Lok Sabha speaker

- (a) Both houses need to pass a resolution to that effect by an absolute majority
- (b) Both houses need to pass a resolution to that effect by an ordinary majority
- (c) Only Lok Sabha needs to pass a resolution to that effect by an absolute majority
- (d) Only Lok Sabha needs to pass a resolution to that effect by an ordinary majority

Solution: (c)

Refer previous explanations.

Q.744 Consider the following about the Office of the Speaker.

1. She holds office during the pleasure of the President.
2. She need not be a member of the House at the time of her election.
3. She is elected jointly by both the Lok Sabha and Rajya Sabha.

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: She holds office as long as she enjoys the confidence of the house. She can be removed only by the Lok Sabha through impeachment.

Statement 2: She must be a member. She is elected from amongst them by a majority of votes.

Statement 3: Rajya Sabha plays no role in her election. But, both LS and RS play a role in choosing the Presiding officer of RS, i.e. the Vice-President.

Q.745 Consider the following statements.

1. The Speaker is elected by the Lok Sabha from amongst its members.
2. The date of election of the Speaker is fixed by the Leader of the House.
3. Whenever the Lok Sabha is dissolved, the Speaker does not vacate his office and continues till the newly elected Lok Sabha meets.

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Statements 1 and 2: The Speaker is elected by the Lok Sabha from amongst its members (as soon as may be, after its first sitting). Whenever the office of the Speaker falls vacant, the Lok Sabha elects another member to fill the vacancy.

The date of election of the Speaker is fixed by the President. So, the option 2 is wrong.

Learning: When a resolution for the removal of the Speaker is under consideration of the House, he cannot preside at the sitting of the House, though he may be present.

However, he can speak and take part in the proceedings of the House at such a time and vote in the first instance, though not in the case of an equality of votes.

It should be noted here that, whenever the Lok Sabha is dissolved, the Speaker does not vacate his office and continues till the newly elected Lok Sabha meets.

Q.746 The provision that Speaker does not vacate her office until immediately before the first meeting of the House after dissolution is found in the

- (a) Parliamentary rules and procedure
(b) Constitution of India
(c) Representation of People of India Act, 1950
(d) Conventions of the Indian Parliament

Solution: (b)

Q.747 During the period of incumbency of the Lok Sabha speaker, which of the following conditions must remain fulfilled, failing which the Speaker has to resign from his/her post?

1. He/she must enjoy the pleasure of the President.
2. He/she must be a member of Lok Sabha.
3. Lok Sabha should not be dissolved.

Choose the correct answer using the codes below:

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

Solution: (d)

The following are the provisions related to the office of the speaker:

Two members of Lok Sabha will be chosen as Speaker and Deputy Speaker. And therefore, the Speaker shall vacate the office if he/ she cease to be a member of Lok Sabha.

The speaker can only be removed by the Lok Sabha members by majority (not by the pleasure of the President).

After the dissolution of Lok Sabha the Speaker will not vacate the office immediately but will continue till the first meeting after the next general elections.

Powers and Functions

Q.748 The Speaker of the Lok Sabha derives his powers and duties from

1. The Constitution of India
2. Parliamentary Conventions
3. Parliamentary laws
4. Rules of Procedure of Lok Sabha

Choose the correct answer using the codes below.

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

Solution: (a)

The Speaker is the head of the Lok Sabha, and its representative. He is the guardian of powers and privileges of the members, the House as a whole and its committees. He is the principal spokesman of the House, and his decision in all Parliamentary matters is final. He is thus much more than merely the presiding officer of the Lok Sabha. In these capacities, he is vested with vast, varied and vital responsibilities and enjoys great honour, high dignity and supreme authority within the House.

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

Q.749 When can the Speaker exercise his right to vote in the House?

- (a) Whenever he desires
(b) Whenever the House desires
(c) Only in the event of equality of votes
(d) Whenever his party directs

Solution: (c)

Speaker usually casts her vote in case of equality of votes only. He doesn't vote at first instance.

- Q.750** The Speaker of the Lok Sabha derives his powers and duties from
- Constitution of India
 - Rules of Procedure and Conduct of Business of Lok Sabha
 - Parliamentary Conventions which are unwritten rules
 - All of the above

Solution: (d)

Learning: Option (a): For example, his power to decide whether a bill is money bill or not.

Option (b): His powers to regulate the business of the house and set the house in order etc.

Option (c): Rules like Mavalankar rule where the Speaker recognizes the leader of the largest opposition party as the Leader of opposition.

- Q.751** Consider the following about the role and powers of the Speaker, Lok Sabha.
- He is the head and representative of the Lok Sabha.
 - His decision in all Parliamentary matters is final.
 - He is the final interpreter of the provisions of the Constitution of India within the house.
 - He appoints the chairman of all the parliamentary committees of the Lok Sabha and supervises their functioning.

Choose the correct answer using the codes below.

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

Solution: (d)

He is the guardian of powers and privileges of the members, the House as a whole and its committees. He is the principal spokesman of the House, and his decision in all Parliamentary matters is final. He is thus much more than merely the presiding officer of the Lok Sabha. In these capacities, he is vested with vast, varied and vital responsibilities and enjoys great honour, high dignity and supreme authority within the House.

He is the final interpreter of the provisions of

- the Constitution of India,
- the Rules of Procedure and Conduct of Business of Lok Sabha,
- the parliamentary precedents, within the House.

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.

- Q.752** The decision of the Lok Sabha speaker is considered in which of the following cases?

- Deciding whether a bill is money bill or not
- Disqualifying MPs under anti-defection law
- Deciding on calling a joint meeting of both the Houses

Choose the correct answer using the codes below.

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

Solution: (a)

The Lok Sabha Speaker presides over a joint sitting of the two Houses of Parliament. Such a sitting is summoned by the President to settle a deadlock between the two Houses on a bill.

He can allow a 'secret' sitting of the House at the request of the Leader of the House. When the House sits in secret, no stranger can be present in the chamber, lobby or galleries except with the permission of the Speaker.

He decides whether a bill is a money bill or not and his decision on this question is final. When a money bill is transmitted to the Rajya Sabha for recommendation and presented to the President for assent, the Speaker endorses on the bill his certificate that it is a money bill.

He decides the questions of disqualification of a member of the Lok Sabha, arising on the ground of defection under the provisions of the Tenth Schedule. In 1992, the Supreme Court ruled that the decision of the Speaker in this regard is subject to judicial review.

Q.753 Consider the following statements about the Lok Sabha speaker.

1. The speaker has to be elected from amongst the Lok Sabha members.
2. When Lok Sabha is dissolved, the speaker does not immediately cease to hold office.
3. His decision in all Parliamentary matters is final.

Choose the correct answer using the codes below.

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

Solution: (d)

Refer previous explanations

Q.754 In the Lok Sabha, who decides the sitting order of the members?

- (a) Member can sit at a place of their preference barring the first rows.
- (b) Secretary General, Lok Sabha
- (c) Leader of the House
- (d) Speaker, Lok Sabha

Solution: (d)

Learning: These rules pertain to Lok Sabha as “SUMMONS TO MEMBERS, SEATING, OATH OR AFFIRMATION AND ROLL OF MEMBERS.”

The Secretary-General shall issue summons to each member specifying the date and place for a session of the House.

The members shall sit in such order as the Speaker may determine.

Q.755 Consider the following statements about the Lok Sabha.

1. The work and conduct of the Speaker cannot be discussed and criticised in the Lok Sabha except on a substantive motion.
2. No discussion on a matter of general public importance can take place except on a motion made with the consent of the Speaker.

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: This is done with a view of safeguard the independence and Impartiality of the office of the Speaker as it is vested with great prestige, position and authority.

This motion of removal can be considered and discussed only when it has the support of at least 50 members.

Statement 2: Speaker regulates the proceedings of the house. Her powers of regulating procedure or conducting business or maintaining order in the House are not subject to the jurisdiction of any Court.

Q.756 Consider the following statements.

1. He acts as the *ex officio* chairman of the Indian Parliamentary Group of the Inter-Parliamentary Union.
2. He can allow a ‘secret’ sitting of the House at the request of the Leader of the House.

The above refers to whom?

- (a) President of India as he is an integral part of Parliament
- (b) Vice-President of India since he chairs the Rajya Sabha and has a high rank in table of precedence
- (c) Prime Minister of India, since he is the head of the Government
- (d) Speaker, Lok Sabha since she is the presiding officer of the House

Solution: (d)

Learning: Statement 1: He also 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.

Statement 2: When the House sits in secret, no stranger can be present in the chamber, lobby or galleries except with the permission of the Speaker.

Q.757 Who is authorized to certify whether a bill is an ordinary bill or a money bill?

- (a) President of India
- (b) Speaker, Lok Sabha
- (c) Chairman, Rajya Sabha
- (d) Leader of the House

Solution: (b)

Justification: If any question arises whether a bill is a money bill or not, the decision of the Speaker of the Lok Sabha is final.

His decision in this regard cannot be questioned in any court of law or in the either House of Parliament or even the president.

When a money bill is transmitted to the Rajya Sabha for recommendation and presented to the president for assent, the Speaker endorses it as a money bill.

- Q.758** On days allotted for the transaction of Government business, such business shall have precedence and the Secretary-General, shall arrange that business in such order as X may, after consultation with Y, determine. Who are X and Y in the aforementioned “Rules of Procedure and Conduct of Business in Lok Sabha”?
- President of India and Speaker of Lok Sabha
 - Speaker of Lok Sabha and Leader of the House
 - President and Secretary-General Lok Sabha
 - Speaker and Chairman, Business Advisory Committee of Lok Sabha

Solution: (b)

Justification: Option A: The role of President is mainly to (a) Address Motion of Thanks, (b) Prorogue a running session or commence a new session of Lok Sabha, and (c) Pass or withhold bills passed by the house, and call a joint sitting in case of a deadlock between LS and RS. He is not concerned with the business in house.

Option D: The speaker herself is the Chairman, Business Advisory Committee of Lok Sabha.

- Q.759** Consider the following about the powers of the Speaker, Lok Sabha.
- She prorogues an ongoing session of the Lok Sabha.
 - She approves all the bills before it is sent for Presidential assent.
 - She heads the appointments committee of the Cabinet and in Lok Sabha.
- Select the correct answer using the codes below.
- (a) 2 only (b) 1 and 3 only
(c) 3 only (d) None of the above

Solution: (d)

Justification: President prorogues the session, i.e. ends it. Speaker can only

adjourn it for some time. So, the option 1 is wrong.

She only notifies whether a bill is money bill or not. 2 is wrong.

The Prime Minister heads the appointments committee of the Cabinet. There is no appointments committee in the Lok Sabha. So, 3 is wrong

- Q.760** The Speaker of the Lok Sabha derives his powers and duties from the Constitution of India, the Rules of Procedure and Conduct of Business of Lok Sabha, and Parliamentary Conventions. Accordingly, she exercises which of the following powers?

- She is the final interpreter of the provisions of the Constitution of India for any matter relating to the Parliament.
- She has the final power in matters of decorum, order and business in the house.
- She decides whether a bill is a money bill or not.
- She appoints the chairman of all the parliamentary committees of the Lok Sabha and supervises their functioning.

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 1: Two things should be noted here:

- She is the final interpreter of the entire constitution of India within the house relating to its proceedings.
- She is the final interpreter only within the house. Outside the house, it is the courts.

So, the option 1 is wrong.

Statement 3: She decides whether a bill is a money bill or not and his decision on this question is final.

When a money bill is transmitted to the Rajya Sabha for recommendation and presented to the President for assent, the Speaker endorses on the bill his certificate that it is a money bill.

Statement 4: She herself is the chairman of the Business Advisory Committee, the Rules Committee and the General Purpose Committee

(2) Speaker pro tem

Q.761 Consider the following about the 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.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: 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 seniormost member is selected for this.

Statement 2 and 3: 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.

Q.762 The President appoints a member of the Lok Sabha as the Speaker *pro tem* when the Speaker of the last Lok Sabha vacates her office. What are the duties of Speaker *pro tem*.

1. Administering oath of newly elected members
 2. Enabling the house to select new Speaker
- Which of the above is/are correct?

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

Solution: (c)

Learning: the President appoints a member of the Lok Sabha as the Speaker *pro tem*.

1. Usually, the seniormost member is selected for this.
2. The President himself administers oath to the Speaker *pro tem*.
3. The Speaker *pro tem* has all the powers of the Speaker. He presides over the first sitting of the newly-elected Lok Sabha.
4. His main duty is to administer oath to the new members.
5. He also enables the House to elect the new Speaker.
6. 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

Q.763 Consider the following about Speaker *pro tem*.

1. The President can appoint anyone as the Speaker *pro tem* of Lok Sabha.
2. The Speaker *pro tem* has all the powers of the Speaker.
3. Office of the Speaker *pro tem* is temporary in nature.

Choose the correct answer using the codes below.

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

Solution: (b)

(3) Chairman of Rajya Sabha

Q.764 Consider the following statements.

1. The Chairman of the Rajya Sabha can be removed from his office only if he is removed from the office of the Vice-President.
2. Unlike the Speaker, the Chairman of Rajya Sabha is not a member of the House.

Which of the above is/are correct?

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

Solution: (c)

Justification: Statements 1 and 2: The vice-president of India is the ex-officio Chairman of the Rajya Sabha.

If he is to be removed from the Chairman of the house, he must be impeached as the Vice-President.

This is unlike the institution of the speaker, where the Speaker is a member of the house and can be removed by the Lok Sabha.

(4) Deputy–Chairman of Rajya Sabha

Q.765 The Deputy Chairman of the Rajya Sabha can be removed by a resolution:

- passed by 2/3rd majority of its total members present
- passed by a majority of all members of Rajya Sabha
- moved by Rajya Sabha but passed by Lok Sabha
- None of the above

Solution: (b)

Constitution says Deputy Chairman vacates his office in any of the following three cases:

- if he ceases to be a member of the Rajya Sabha;
- if he resigns by writing to the Chairman; and
- if he is removed by a resolution passed by a majority of all the members of the Rajya Sabha. Such a resolution can be moved only after giving 14 days' advance notice.

The Deputy Chairman performs the duties of the Chairman's office when it is vacant or when the Vice-President acts as President or discharges the functions of the President. He also acts as the Chairman when the latter is absent from the sitting of the House. In both the cases, he has all the powers of the Chairman. It should be emphasised here that the Deputy Chairman is not subordinate to the Chair-man. He is directly responsible to the Rajya Sabha.

Leaders in Parliament

(1) Leader of Lok Sabha

- Q.766** The Leader of Lok Sabha is
- Appointed by the Presiding Officer
 - Elected by the House
 - Nominated by the President of India
 - None of the above

Solution: (d)

Learning: Under the Rules of Lok Sabha, the 'Leader of the House' means the prime minister, if he is a member of the Lok Sabha, or a minister who is a member of the Lok Sabha and is nominated by the prime minister to function as the Leader of the House.

There is also a 'Leader of the House' in the Rajya Sabha. He is a minister and a member of the Rajya Sabha and is nominated by the prime minister to function as such.

The leader of the house in either House is an important functionary and exercises direct influence on the conduct of business. He can also nominate a deputy leader of the House.

Q.767 Who among the following is generally the leader of the Lok Sabha?

- Speaker, Lok Sabha
- Leader of Opposition
- Prime Minister
- Secretary General, Lok Sabha

Solution: (c)

Refer previous explanations.

(2) Leader of Opposition

Q.768 The 'Mavalankar rule' in Parliament is related to

- Rule of Order in a House of Parliament
- Role of private members in the business of house
- Conduct of the Parliamentary Committees
- None of (a), (b) or (c) is correct.

Solution: (d)

Learning: G. V. Mavalankar, the first Lok Sabha Speaker, had said the main opposition party's strength must equal the quorum — which is 10 per cent of the total strength — required for functioning of the House. As per the Mavalankar rule, any party needs to have at least 10% of the total seats for its leader to claim the status of the leader of the opposition. There was a controversy related to this rule in the 16th Lok Sabha as the Main opposition Congress failed to get more than 55 seats.

(3) Whip

Q.769 Consider the following about the office of 'whip'.

- The office has been established by Rules of Business in each House of Parliament.
- Only the ruling party is allowed to have a whip in each house of Parliament.

Which of the above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- None

Solution: (d)

Justification: Statement 1: The office of 'whip', on the other hand, is mentioned neither in the Constitution of India nor in the Rules of the House nor in a Parliamentary Statute. It is based on the conventions of the parliamentary government.

- Though the offices of the leader of the House and the leader of the Opposition are not mentioned in the Constitution of India, they are mentioned in the Rules of the House and Parliamentary Statute respectively.

Statement 2: Every political party, whether ruling or Opposition has its own whip in the Parliament. He is appointed by the political party to serve as an assistant floor leader.

Learning: He is charged with the responsibility of ensuring the attendance of his party members in large numbers and securing their support in favour of or against a particular issue.

- He regulates and monitors their behaviour in the Parliament. The members are supposed to follow the directives given by the whip. Otherwise, disciplinary action can be taken.

Q.770 Consider the following statements about 'Whips' in Indian polity

1. The main function of the Whips is to keep members of their party within sound of the Division Bell whenever any important business is under consideration in the House.
2. During sessions, the Whips of different parties send to their supporters periodic notices, also sometimes called 'Whips', apprising them when important Divisions are expected, telling them the hour when a vote will probably take place, and requesting them to be in attendance at that time.
3. The Chief Whip of the Government Party in the Lok Sabha and Rajya Sabha is the Minister of Parliamentary Affairs. Which of the statements given above is/are correct?

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

Solution: (c)

In the parliamentary form of Government, a party has its own internal organisation inside Parliament and is served by a number of officials known as the Whips, chosen from members of the party itself. The main function of the Whips is to keep members of their party within sound of the Division Bell whenever any important business is under consideration in the House. During sessions, the Whips of different parties send to their supporters periodic notices, also sometimes called 'Whips', apprising them when important Divisions are expected, telling them the hour when a vote will probably take place, and requesting them to be in attendance at that time. Realizing the vital role played by the Chief Whips and leaders of parties and groups in Parliament as important party functionaries, an Act namely the Leaders and Chief Whips of Recognized Parties and Groups in Parliament (Facilities) Act (Act 5 of 1999) was passed during the Twelfth Lok Sabha. The Act inter alia provides additional Secretarial assistance and telephone facilities to the Leaders and Chief Whips.

Government Chief Whip: The Chief Whip of the Government Party in the Lok Sabha is the Minister of Parliamentary Affairs. In the Rajya Sabha, the Minister of State for Parliamentary Affairs holds this position. The Chief Whip is directly responsible to the Leader of the House. It is part of his duties to advise the Government on parliamentary business and to maintain a close liaison with the Ministers in regard to parliamentary business affecting their Departments. The Chief Whip is assisted by one or two Ministers of State and at times by Deputy Ministers also.

Sessions of Parliament

Q.771 If you visit the Parliament of India, you would NOT find it working in ordinary circumstances in which of the following months?

- (a) February (b) June
(c) September (d) December

Solution: (b)

Justification: There are usually three sessions in a year, viz,

- The Budget Session (February to May);
- The Monsoon Session (July to September); and
- The Winter Session (November to December).
- June comes under Summer vacation.

The president from time to time summons each House of Parliament to meet. But, the maximum gap between two sessions of Parliament cannot be more than six months. The Parliament must meet at least twice a year.

Q.772 Which of the following is NOT one of the sessions of Parliament?

- (a) Budget Session
- (b) Economy Session
- (c) Winter Session
- (d) Monsoon Session

Solution: (b)

Learning: The period during which the parliamentarians convene and conduct the business of each House is referred to as session. Every year, the Parliament of India conducts three sessions – Budget, Monsoon and Winter.

Budget session, which is conducted from February to May, is considered highly crucial for the matters it deals with. Monsoon session: After a brief hiatus of around two months, both the Houses of the Parliament resume business in July and continue till September. Unlike the preceding session, the monsoon session is dedicated largely to discussions on matters of public interest. It is during the monsoon session that the members of the Parliament, including the ministers, can bring forward the legislative proposals in the form of a Bill Winter Session: It is the shortest session that spans over a period of one month generally between mid-November and mid-December. It takes up the issues that could not be deliberated upon and makes up for the lack of legislative business during the second session of the Parliament

Q.773 In addition to the members of a House, who has the right to speak and take part in the proceedings of either House of the Parliament or any of its committees?

1. Any Union Minister
2. Attorney general of India
3. Cabinet Secretary

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Every minister and the attorney general of India have the right to speak and take part in the proceedings of either House, any joint sitting of both the Houses and any committee of Parliament of which he is a member, without being entitled to vote.

There are two reasons underlying this constitutional provision:

- A minister can participate in the proceedings of a House, of which he is not a member. In other words, a minister belonging to the Lok Sabha can participate in the proceedings of the Rajya Sabha and vice-versa.
- A minister, who is not a member of either House, can participate in the proceedings of both the Houses.

Q.774 A session of Rajya Sabha can be terminated by which of the following?

- (a) Only adjournment Sine dine
- (b) Only adjournment or only prorogation
- (c) Either by adjournment or by prorogation or by dissolution of the house
- (d) Either prorogation or adjournment or adjournment Sine dine

Solution: (d)

Justification: The Rajya Sabha is a permanent chamber, and not subject of dissolution. So, C is wrong.

- A sitting of Parliament can be terminated by adjournment or adjournment sine die or prorogation or dissolution (only in the case of the Lok Sabha).
- An adjournment suspends the work in a sitting for a specified time, which may be hours, days or weeks.
- The presiding officer (Speaker or Chairman) declares the House adjourned sine die, when the business of a session is completed.
- Within the next few days, the President issues a notification for prorogation of the

session. However, the President can also prorogue the House while in session.

- A session of Parliament consists of many meetings. Each meeting of a day consists of two sittings, that is, a morning sitting from 11 am to 1 pm and post-lunch sitting from 2 pm to 6 pm.

Q.775 Consider the following about adjournment and prorogation of the house.

1. Unlike Adjournment, Prorogation of the house not only terminates not only the sitting but also the session of the House.
2. Adjournment and prorogation both are done by the Speaker.
3. Both do not affect the bills or any other business pending before the House.

Choose the correct answer using the codes below.

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

Solution: (c)

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

Q.776 Which of these is/are the key differences between Prorogation and Adjournment of the House?

1. Prorogation only terminates a sitting and not a session of the House, unlike Adjournment.

2. Prorogation lapses all business pending before the House and the same cannot be resumed when the House meets again, unlike adjournment.

Which of the above is/are correct?

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

Solution: (d)

Refer previous answer

Q.777 What is the “Quorum” in a sitting of any of the houses the Parliament?

- (a) Mere presence of the Presiding officer of the House is considered as quorum.
- (b) Presence of the Presiding officer, leader of the house and leader of opposition jointly constituted the Quorum.
- (c) It is one-tenth of the total number of members in each House including the presiding officer.
- (d) None of the above

Solution: (c)

Learning: Quorum is the minimum number of members required to be present in the House before it can transact any business.

It is one-tenth of the total number of members in each House including the presiding officer. It means that there must be at least 55 members present in the Lok Sabha and 25 members present in the Rajya Sabha, if any business is to be conducted.

If there is no quorum during a meeting of the House, it is the duty of the presiding officer either to adjourn the House or to suspend the meeting until there is a quorum.

Q.778 Which of the following authorities adjourns the Lok Sabha House or suspends the meeting in absence of a quorum?

- (a) President of India
- (b) Speaker, Lok Sabha
- (c) Leader of the House
- (d) Secretary, Lok Sabha

Solution: (b)

Learning: 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.

Q.779 Consider the following statements.

Assertion (A): There cannot be quorum in Parliament if the Leader of Opposition (LoP) is absent from House proceedings or is not selected by the opposition.

Reason (R): All censure motions or resolutions against the government on behalf of the house can be raised only by the Leader of Opposition (LoP).

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

- A is correct, and R is an appropriate explanation of A.
- A is correct, but R is not an appropriate explanation of A.
- A is correct, but R is incorrect.
- Both A and R are incorrect.

Solution: (d)

Justification: Quorum in Parliament simply means presence of more than 10% of the actual strength of the House. It is not related to the absence of presence of any particular member. If LoP or even the Leader of the house (lets say Prime Minister) is absent, the house still conducts business.

Censure motions or resolutions against the government on behalf of the house can be raised by any opposition member. So, R is also wrong.

Q.780 In which of the following cases, the Lok Sabha may be dissolved?

1. Prime Ministers recommending dissolution of Lok Saha to the President
 2. No-confidence motion passed against the incumbent government
 3. Resignation of majority of cabinet ministers
- Choose the correct answer using the codes below.

- 1 and 2 only
- 2 and 3 only
- 1 and 3 only
- All of the above

Solution: (a)

The lower house of the Parliament (Lok Sabha) can be dissolved by the President on recommendation of the Prime Minister. In other words, the prime minister can advise the President to dissolve the Lok Sabha before the expiry of its term and hold fresh elections. This means that the executive enjoys the right to get the legislature dissolved in a parliamentary system.

Similarly, the legislature can also pass no confidence motion against the executive and dismiss it. With it, the Lok Sabha is dissolved if there is no possibility of forming an alternative government.

Resignation of any minister will not end Lok Sabha—only that of the Prime Minister (that too when no other person is chosen as Prime Minister) will bring the Lok Sabha to dissolution

Q.781 The lower house of the Parliament, Lok Sabha, can be dissolved by

- The President on recommendation of the Prime Minister
- The Prime Minister on the advice of the Council of Ministers
- The Supreme Court on an inquiry conducted by a Parliamentary Committee
- The Speaker on the recommendations of a Joint Committee of both houses

Solution: (a)

Learning: The prime minister can advise the President to dissolve the Lok Sabha before the expiry of its term and hold fresh elections. This means that the executive enjoys the right to get the legislature dissolved in a parliamentary system.

Q.782 Consider the following statements.

1. Lok Sabha is not automatically dissolved after the end of its term and continues until new house is not constituted after elections.
2. The Speaker of Lok Sabha continues in office even after the dissolution of the House and until ‘immediately before the first meeting of the House’.

Which of the above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- None

Solution: (b)

Justification: Statement 1: Unless sooner dissolved or there is an extension of the term, there is an automatic dissolution of the Lok Sabha by efflux of time, at the end of the period of five years, even if no formal order of dissolution is issued by the President.

Statement 2: But, the above does not apply to Speaker, and she continues in office until the new house is constituted and its first meeting started

Q.783 When the Lok Sabha is dissolved, all business including bills, motions, resolutions, notices, petitions and so on pending before it or its committees lapse. However, certain bills do not lapse on the dissolution of the Lok Sabha. They are?

1. A bill passed by the Lok Sabha but pending in the Rajya Sabha
2. A bill pending in the Rajya Sabha but not passed by the Lok Sabha
3. A bill passed by both Houses but pending assent of the president

Select the correct answer using the codes below.

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

Solution: (b)

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

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

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

Q.784 When the Lok Sabha is dissolved, which of these bills do NOT lapse?

1. A bill pending in the Rajya Sabha but not passed by the Lok Sabha
2. A bill passed by the Lok Sabha but pending in the Rajya Sabha
3. A bill passed by both Houses but returned by the president for reconsideration of Houses

Select the correct answer using the codes below.

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

Solution: (b)

Devices of Parliament

Q.785 The proceeding in Lok Sabha always starts with 'X', move to 'Y' and then tends to 'Z'. The X, Y and Z here are

- (a) Zero hour, Business hour and Agenda of the house
- (b) Zero hour, Question hour and Agenda of the house
- (c) Question hour, Zero hour and Agenda of the house
- (d) Business hour, Zero hour and Question hour

Solution: (c)

Question Hour: The first hour of every sitting of Parliament is generally reserved for the asking and answering of questions. Zero Hour: The time immediately following the Question Hour has come to be known as "Zero Hour". It starts at around 12 noon (hence the name) and members can, with prior notice to the Speaker, raise issues of importance during this time. Typically, discussions on important Bills, the Budget, and other issues of national importance take place from 2 pm onwards.

(1) Question Hour

Q.786 The Parliament, while in session, begins with the

- (a) Zero hour
- (b) Question hour

- (c) Agenda of the day
- (d) Half-an-hour discussion

Solution: (b)

Explanation and Learning: The Parliament begins with a question hour. The question hour is an important mechanism through which MPs can elicit information about the working of the government. This is a very important way through which the Parliament controls the executive.

By asking questions the government is alerted to its shortcomings, and also comes to know the opinion of the people through their representatives in the Parliament, i.e. the MPs. Asking questions of the government is a crucial task for every MP.

Q.787

A starred question

1. Compulsorily requires a written answer
2. Supplementary questions cannot follow
3. Must be asked by giving a notice of less than ten days

Select the correct answer using the codes below.

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

Solution: (d)

Justification: The questions are of three kinds, namely, starred, unstarred and short notice.

A starred question (distinguished by an asterisk) requires an oral answer and hence supplementary questions can follow.

An unstarred question, on the other hand, requires a written answer and hence, supplementary questions cannot follow.

A short notice question is one that is asked by giving a notice of less than ten days. It is answered orally.

Q.788

Match the following:

Parliamentary Terms	Meaning
A. Starred	1. One asked by a Question member on matters of public importance of an urgent nature
B. Unstarred	2. One for which Question the Concerned minister has to lay on the table a written answer

- C. Short Notice 3. One for which Question an oral answer is required to be given by a minister on the floor of the House

- A B C
- (a) 1 2 3 (b) 2 1 3
- (c) 3 1 2 (d) 3 2 1

Solution: (d)

(2) Zero Hour

Q.789 Consider the following statements about the proceedings of the Indian Parliament:

1. The proceedings of the Parliament begin with zero hour.
2. The question hour which follows zero hour, is characterized by MP asking questions from the government.
3. Opposition parties are not allowed to raise any matter in the zero hour.

Choose the correct answer using the codes below:

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

Solution: (d)

It starts from question hour and zero hour follows it. General matters can be raised by any MP in the zero hour. So, the opposition is allowed to raise matters.

Question hour is a very important way of controlling the executive by keeping them accountable for their deeds and misdeeds before the house.

Q.790

Which of the following statements about the Zero Hour in Parliament is INCORRECT?

- (a) The zero hour is not mentioned in the Rules of Procedure of the house.
- (b) Matters can be raised by members without prior notice.
- (c) The zero hour starts before the question hour after which the agenda for the day is taken up.
- (d) It is an Indian innovation in the field of parliamentary procedures and has been in existence since 1962.

Solution: (c)

Justification: Unlike the question hour, the zero hour is not mentioned in the Rules of

Procedure. Thus it is an informal device available to the members of the Parliament to raise matters without any prior notice. The zero hour starts immediately after the question hour and lasts until the agenda for the day (ie, regular business of the House) is taken up. In other words, the time gap between the question hour and the agenda is known as zero hour.

Q.791 Consider the following about Zero Hour in Parliament.

1. MPs are free to raise any matter which they believe to be important in the Zero Hour.
2. Ministers are bound to reply on the house floor on matters raised in Zero Hour.

Which of the above is/are correct?

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

Solution: (a)

Justification: Statement 1: Apart from deliberating on bills, control may also be exercised during the general discussions in the House. The Question Hour, which is held every day during the sessions of Parliament, where Ministers have to respond to searching questions raised by the members; Zero Hour where members are free to raise any matter that they think is important (though the ministers are not bound to reply), half-an-hour discussion on matters of public importance, adjournment motion etc. are some instruments of exercising control.

Statement 2: Nobody knows which issue a member would raise during this hour. As a result, questions so raised without prior notice may be of no importance. Hence, the Ministers are not bound to reply and that too immediately on the house floor.

Q.792 Consider the following statements about the zero-hour in the Lok Sabha:

1. It is used to raise matters without any prior notice.
2. It starts as soon as the proceedings of the Lok Sabha for the day begin.
3. It is not mentioned in the Rules of procedure of the house.

Which of these is/are true?

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

Solution: (c)

It starts after the Question hour, which is the first thing done in the house. Zero hour is an Indian innovation and an informal device available to the MPs

(3) Motions

(a) Censure Motion

(b) Calling Attention Motion

Q.793 Which of the following statements about the Calling Attention Motion is INCORRECT?

- (a) It can be introduced only in Lok Sabha.
(b) The motion seeks an authoritative statement from the Minister concerned on that matter.
(c) Like the zero hour, it is also an Indian innovation in the parliamentary procedure.
(d) It is mentioned in the Rules of Procedure.

Solution: (a)

Justification: It can be introduced in both the houses. A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date.

It is the Censure motion and no-Confidence motion that can be moved only in Lok Sabha.

(c) Adjournment Motion

Q.794 In Parliament, the primary object of an adjournment motion is to

- (a) suspend the proceedings of the house for that particular session
(b) draw the attention of the House to a recent matter of urgent public importance
(c) censure the government for its lack of action on sensitive issues
(d) adjourn the introduction of a bill for the next session of the house

Solution: (b)

The primary object of an adjournment motion is to draw the attention of the House to a recent matter of urgent public importance having serious consequences and in regard to which a motion or a resolution with proper notice will be too late. The matter proposed to be raised should be of such a character that something very grave which affects the whole country and its security has happened and the House is required to pay its attention immediately by interrupting the normal business of the House. The adjournment motion is thus an extraordinary procedure which, if admitted, leads to setting aside the normal business of the House for discussing a definite matter of urgent public importance.

Q.795 The Adjournment motion is introduced in the Parliament to draw attention of the House to a definite matter of urgent public importance. Which of the following statements about it is INCORRECT?

- It needs the support of 50 members to be admitted.
- It involves an element of censure against the government.
- Rajya Sabha is not permitted to make use of this device.
- If it is passed by a special majority, the sitting of the house is adjourned after the discussion.

Solution: (d)

Justification: As it interrupts the normal business of the House, it is regarded as an extraordinary device. It involves an element of censure against the government and hence Rajya Sabha is not permitted to make use of this device. The discussion on an adjournment motion should last for not less than two hours and thirty minutes. So, (b) and (c) are correct. The house need not be adjourned. So, (d) is wrong.

Q.796 Consider the following with reference to Adjournment Motion introduced in the Parliament.

Assertion (A): Rajya Sabha is not permitted to make use of this device.

Reason (R): It involves an element of censure against the government.

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

- A is correct, and R is an appropriate explanation of A.
- A is correct, but R is not an appropriate explanation of A.
- A is correct, but R is incorrect.
- Both A and R are incorrect.

Solution: (a)

(d) No Confidence Motion

Q.797 Which of the following regarding the procedure of motion of no-confidence in Council of Ministers is INCORRECT?

- It needs to state the reasons for its adoption in the Lok Sabha.
- The motion will not be admitted if less than 50 MPs of Lok Sabha support it.
- If the Speaker grants leave to the motion, a decision on it need not be taken immediately.
- None of the above

Solution: (a)

Justification: A motion expressing want of confidence in the Council of Ministers may be made subject to the following restrictions, namely:

- Leave to make the motion shall be asked for by the member when called by the Speaker;
- The member asking for leave shall, give to the Secretary-General a written notice of the motion which he proposes to move.
- The motion does not need to state the reasons for its adoption in the Lok Sabha. So, (a) is incorrect.
- The Speaker is of opinion that the motion is in order, he shall read the motion to the House and shall request those members who are in favour of leave being granted to rise in their places.
- If not less than fifty members rise accordingly, the Speaker shall declare that leave is granted and that the motion will be taken up on such day, not being more than ten days from the date on which the leave is asked for as he may appoint.
- If less than fifty members rise, the Speaker shall inform the member that he has not the leave of the House.

Q.798 For a no-confidence motion to be admitted in Lok Sabha

1. Speaker must give consent to it.
2. Support of at least 50 members is necessary.
3. Leader of Opposition must lead the motion.
4. Both houses of Parliament must be in session.
5. Prior permission from the President must be obtained.

Choose the correct answer using the codes below.

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

Solution: (d)

Article 75 of the Constitution says that the council of ministers shall be collectively responsible to the Lok Sabha. It means that the ministry stays in office so long as it enjoys confidence of the majority of the members of the Lok Sabha. In other words, the Lok Sabha can remove the ministry from office by passing a no-confidence motion. The motion needs the support of 50 members to be admitted.

Q.799 Which of the following correctly point out the difference(s) between Censure Motion and No Confidence Motion?

1. No-confidence motion should state the reasons for its adoption in the Lok Sabha, Censure motion need not.
2. No-confidence motion can only be moved against the entire council of ministers, Censure motion can be moved only against individual ministers.

Which of the above is/are correct?

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

Solution: (d)

Justification: Statement 1: No-confidence motion need not state the reasons for its adoption in the Lok Sabha, whereas Censure motion should.

Statement 2: Censure motion can be moved against an individual minister or a group of ministers or the entire council of ministers. Noconfidence motion can only be moved against the entire council of ministers. So, 2 is wrong.

Learning: Censure motion is moved for censuring the council of ministers for specific policies and actions. If it is passed in the Lok Sabha, the council of ministers need not resign from the office.

No-confidence motion is moved for ascertaining the confidence of Lok Sabha in the council of ministers. If it is passed in the Lok Sabha, the council of ministers must resign from office. The motion needs the support of 50 members to be admitted

(e) Privilege Motion

Q.800 Privilege Motion is brought in the Indian Parliament to fulfill which of the following primary objectives?

- (a) To raise a matter regarding the breach of parliamentary privileges.
- (b) To raise a demand regarding the privilege of the ministers.
- (c) To raise a matter of urgent public importance.
- (d) To raise a matter such as impeachment of the President

Solution: (a)

It is concerned with the breach of parliamentary privileges by a minister by for example withholding facts or a case or giving wrong or distorted information. Its purpose is to censure the concerned minister

Q.801 Consider the following about the “Privilege motion” in Parliament.

1. It can be admitted only in Lok Sabha.
2. It is always raised against either the entire council of Ministers or the House.
3. All matters related to the motion must be referred to the privilege committee of the Lok Sabha.
4. It can be raised by a private member.

Select the correct answer using the codes below.

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

Solution: (b)

Justification. Statement 1: It can be raised in both the houses

Statement 2: Privilege Motion is moved by a member when he feels that a minister or any member has committed a breach of

privilege of the House or one or more of its members by withholding facts of a case or by giving wrong or distorted facts.

Its purpose is to censure the concerned minister or any other member.

Statement 1: Each of the two houses, the Lok Sabha and the Rajya Sabha, has separate privilege committees, made up of their members. It can be introduced in both.

Statement 3: The presiding officers of the two Houses, the Speaker and the Chairperson respectively, can dismiss privilege notices, or refer them to the privilege committee, or get a sense of the House before taking a decision

Statement 4: Privilege motion can be moved by any lawmaker/MP against anyone accused of breaching parliamentarians' privileges, their special rights and immunities.

(f) Motion of Thanks

Q.802 Consider the following with reference to the Motion of Thanks.

1. It is addressed by the Leader of the House.
2. The motion is put to vote only in Lok Sabha.
3. It is addressed at the beginning of every new session of the Parliament.

Select the correct answer using the codes below.

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

Solution: (d)

Justification: The first session after each general election and the first session of every fiscal year is addressed by the president. So, 1 is wrong.

- In this address, the president outlines the policies and programmes of the government in the preceding year and ensuing year.
- This address of the president is called the 'Motion of Thanks'. At the end of the discussion, the motion is put to vote.
- This motion must be passed in the House. Otherwise, it amounts to the defeat of the government.
- This inaugural speech of the president is an occasion available to the members

of Parliament to raise discussions and debates to examine and criticise the government and administration for its lapses and failures.

Q.803 The "Motion of Thanks", addressed by the President, is put to vote in the first session after each general election and the first session of every fiscal year. Consider the following about it.

Assertion (A): The motion needs to be passed in Lok Sabha only.

Reason (R): The Council of Ministers is mainly responsible to the Lok Sabha.

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

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

Solution: (c)

Justification and Learning: The first session after each general election and the first session of every fiscal year is addressed by the president. In this address, the president outlines the policies and programmes of the government in the preceding year and ensuing year.

This address of the president, which corresponds to the 'speech from the Throne in Britain', is discussed in both the Houses of Parliament on a motion called the 'Motion of Thanks'.

At the end of the discussion, the motion is put to vote. This motion must be passed in the House. Otherwise, it amounts to the defeat of the government.

This inaugural speech of the president is an occasion available to the members of Parliament to raise discussions and debates to examine and criticise the government and administration for its lapses and failures

(g) Closure Motion

Q.804 With reference to the conduct of government business in the Parliament of India, the term 'closure' refers to

- (a) suspension of debate at the termination of a day's sitting of the Parliament

- (b) a rule of legislative procedure under which further debate on a motion can be halted
- (c) the termination of a parliamentary session
- (d) refusal on the part of the government to have the opposition look at important document.

Solution: (b)

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

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

Q.805 According to the Parliamentary procedure the term Guillotine means that the Speaker

- (a) stops the business on hand and puts the bill to vote
- (b) adjourns the House before expiry of the time
- (c) disallows voting on a motion
- (d) reprimands a member for misbehavior

Solution: (a)

Q.806 The Speaker of the Lok Sabha has been empowered to exercise the "Guillotine"

- (a) after the demands are discussed
- (b) after the demands are discussed and passed

- (c) when the time allotted for budget discussions is exhausted
- (d) when the demands are passed with a cut.

Solution: (c)

(4) Point of Order

Q.807 A "Point of Order" raised in the Parliament is related to

- (a) Order of sitting of opposition and ruling party members in the House
- (b) Matters of urgent attention brought before the Government
- (c) Interpretation or enforcement of the Rules of Procedure and Conduct of Business
- (d) Zero hour matters that are raised without any notice

Solution: (c)

Learning: A Point of Order relates to the interpretation or enforcement of the Rules of Procedure and Conduct of Business in the House or convention or such Articles of the Constitution as regulate the business of the House and raises a question which is within the cognizance of the Speaker.

A Point of Order may be raised only in relation to the business before the House at the moment, provided that the Speaker may permit a Member to raise a Point of Order during the interval between the termination of one item of business and the commencement of another if it relates to maintenance of order in, or arrangement of business before, the House.

A Member may formulate a Point of Order and the Speaker shall decide whether the point raised is a Point of Order and if so give the decision thereon, which is final.

Q.808 A Point of Order is raised in the Parliament when

1. A member of the house has made a factual error in his/her speech.
2. The privilege of a member of the Parliament or the house is breached.

Which of the above is/are correct?

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

Solution: (d)

Justification: A member can raise a point of order when the proceedings of the House do not follow the normal rules of procedure.

It is usually raised by an opposition member in order to control the government. It is an extraordinary device as it suspends the proceedings before the House. No debate is allowed on a point of order.

(5) Half-an-hour Discussion

Q.809 Consider the following about Half-an-hour discussions in Lok Sabha.

1. No prior notice is required for raising matters.
2. The speaker is bound to admit matters raised by members that seek to revise the policy of Government.

Which of the above is/are correct?

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

Solution: (d)

Justification: Statement 1: A member wishing to raise a matter shall give notice in writing to the Secretary-General three days in advance of the day on which the matter is desired to be raised, and shall shortly specify the point or points that he wishes to raise. Provided that the notice shall be accompanied by an explanatory note stating the reasons for raising discussion on the matter in question.

Statement 2: The speaker is not obliged to admit the motion if it focuses on changing an existing government policy, since no half-hour discussion motions are passed by the house and thus they are admitted entirely on the request of the member.

(6) Special Mention

Q.810 ‘Notice (Mention) Under Rule 377’ in Lok Sabha can be used to:

1. Raise non-public matters in question hour
2. Ask questions during ‘calling attention’ motion

Which of the above is/are correct?

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

Solution: (d)

Justification: A matter which is not a point of order or which cannot be raised during

question hour, half-an hour discussion, short duration discussion or under adjournment motion, calling attention notice or under any rule of the House can be raised under the special mention in the Rajya Sabha.

- Its equivalent procedural device in the Lok Sabha is known as ‘Notice (Mention) Under Rule 377’.
- When a matter is raised under Rule 377, it is not necessary that the Minister concerned with the subject matter of the notice should be present in the House to answer the point immediately.
- No reply from the Minister is anticipated in this rule. The Minister may make a statement if necessary, later on.

Q.811 In the Lok Sabha, which of the following matters are dealt under Rule 377, that is also often in news?

- (a) Urgent national issues under the Calling Attention Motion
- (b) No-confidence motion or other disciplinary proceedings against the Ministers
- (c) All money bills that are not ratified by the President
- (d) None of the above

Solution: (d)

(7) Resolutions

Q.812 The members of Parliament can move resolutions to draw the attention of the House or the government to matters of general public interest. Consider the following about them.

1. A Government resolution can be moved only by a minister and it can be taken up every day of the week the house is in session.

2. A Statutory resolution can be moved either by a private member or a minister.

Which of the above is/are correct?

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

Solution: (b)

Justification: Statement 1: It can be taken up any day from Monday to Thursday, other than Friday which is reserved for private member’s resolution (raised by members other than a Minister). So, 1 is incorrect.

A Private Member's Resolution is discussed only on alternate Fridays and in the afternoon sitting.

Statement 2: It is so called because it is always tabled in pursuance of a provision in the Constitution or an Act of Parliament.

Learning: Resolutions are different from motions in the following respects.

- All resolutions come in the category of substantive motions, that is to say, every resolution is a particular type of motion.
- All motions need not necessarily be substantive. Further, all motions are not necessarily put to vote of the House, whereas all the resolutions are required to be voted upon.

Q.813 Consider the following statements about Parliamentary proceedings:

1. All resolutions come in the category of substantive motions.
2. After the "Half-an-hour discussion", there is a formal motion or voting before the house.
3. All motions are put to the vote of the concerned house of the Parliament.

Which of these is/are true?

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

Solution: (a)

Every resolution is a special type of motion. All motions need not necessarily be substantive. Further, not all motions are put to the vote of the house, whereas all resolutions are put

Q.814 Consider the following statements.

1. A private member of the Parliament (other than a minister) has a right to move a resolution anytime s/he wants, subject to the approval of the speaker.
2. A statutory resolution can only be moved by a minister.
3. All resolutions come in the category of substantive motions.

Which of these is/are true?

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

Solution: (d)

A private member can move resolution only on alternate Fridays.

A statutory resolution can be moved either by a minister or a private member. It is so because it is always tabled in the pursuance of a provision in the constitution or an act of Parliament.

(8) Others

- Q.815** A member of the House in Parliament can be asked by the speaker to stop speaking and let another member speak. This is known as
- (a) crossing the floor by the MP
 - (b) maintaining the decorum by the speaker
 - (c) yielding the floor
 - (d) speech adjournment

Solution: (c)

"Crossing the floor" depicts that the passing between the member addressing the House and the Chair which is considered breach of Parliamentary etiquette. "Adjournment of Debate" means that the adjournment on a motion adopted by the House, of the debate on a Motion/Resolution/Bill on which the House is then engaged until a future day or sine die as specified in the motion.

Q.816 Yielding the floor in Indian Parliament is related to

- (a) Passing between the member addressing the House and the Chair which is considered breach of Parliamentary etiquette.
- (b) A Member raising a discussion on topics different from the business schedule of the house
- (c) Termination of a sitting of the House without any definite date being fixed for the next sitting.
- (d) None of the above

Solution: (d)

Learning: Option (a) is called "Crossing the floor".

Option (b) is called adjournment motion.
Option (c) is called adjournment *sine die*.

Yielding the floor means the Speaker can ask a member of the House to stop speaking and let another member speak.

Q.817 Consider the following statements.

1. Privilege Motion is concerned with the breach of parliamentary procedures by a non-member of Parliament.

2. Calling Attention Motion must be raised as a pre-cursor of No-confidence motion to highlight the poor performance of government.
3. Censure motion can be moved against a Minister only in the Lok Sabha.

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 1: It is concerned with the breach of parliamentary privileges by a minister.

- It is moved by a member when he feels that a minister has committed a breach of privilege of the House or one or more of its members by withholding facts of a case or by giving wrong or distorted facts.
- Its purpose is to censure the concerned minister.

Statement 2: It is introduced in the Parliament by a member to call the attention of a minister to a matter of urgent public importance, and to seek an authoritative statement from him on that matter.

- Like the zero hour, it is also an Indian innovation in the parliamentary procedure and has been in existence since 1954. However, unlike the zero hour, it is mentioned in the Rules of Procedure.

Statement 3: It can be brought against the ruling government or against any minister for the failure to act or seeking disapproval of their policy. It can be moved only in Lok Sabha only by the opposition.

- A censure motion must specify the charges against the government for which it is moved. If a censure motion is passed in the Lok Sabha, the Council of ministers is bound to seek the confidence of the Lok Sabha as early as possible.

(9) Youth Parliament

Q.818 Consider the following with reference to the guidelines released by the Ministry of Parliamentary Affairs on Youth Parliament.

1. The lay-out of the Chamber of their Youth Parliament should resemble as far as possible the lay-out of the Chamber of Lok Sabha.
2. The first part of a sitting in the Youth parliament should be devoted to oral questions.
3. In the Youth Parliament, the Parliamentary Business is arranged in the order in which it is shown in the 'Direction by the Speaker'.

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: The working of Youth Parliament should broadly follow the pattern of the working of Lok Sabha. Same goes for the physical layout and other things.

Statement 2: It should be devoted to oral question commonly known as Starred Questions in the Indian Parliament.

It is the most popular hour for the members of Parliament and also for the Public. From the point of view of a Minister it is the most searching test of his grasp on the items or business allocated to him, his ability to lead as well as his ready with when answering supplementary.

Statement 3: The order in which various items of business are normally taken up in the House is as follows:

- Oath of affirmation
- Laying on the Table the President's address to both Houses of Parliament
- Obituary references and so on.

This resembles that of the Lok Sabha, which is decided by Lok Sabha Speaker and in the Youth parliament by the concerned speaker.

Q.819 The scheme of Youth Parliament was started with which of the following objectives?

1. To acquaint first time young MPs with the rules and procedures of the houses of Parliament
2. To inculcate in the student community the basic values of democracy
3. To provide necessary training and capacity building to young candidates contesting national and state level elections

Select the correct answer using the codes below.

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

Solution: (c)

Justification: It was started on the recommendation of the Fourth All India Whips Conference. Its objectives are as follows.

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

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

Q.820 Consider the following statements about Youth Parliament.

1. It was established by an executive order on the recommendation of the then Lok Sabha Speaker.
2. It gives young elected MPs an opportunity to hone their debating skills as the debates are held between Parliamentary sessions in Lok Sabha.

Which of the above is/are correct?

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

Solution: (d)

Justification: Statement 1: It is a support organization for young people in India. It was established in July 2002 by social entrepreneur Ishita Chaudhry with support from the India Habitat Centre, New Delhi. In 2007, The Youth Parliament was legally incorporated 'The YP Foundation'—a charitable trust.

Statement 2: The organization funds and supports innovative work by young people, by providing young people between the ages of 13 and 28 years with a resource base to conceptualize and execute their own projects and initiatives working with socio-cultural, economic, legal and environmental issues they are passionate about.

It has supported work in multiple fields through varied mediums such a community initiatives, the performing and visual arts, literary and research projects, interactive workshops, policy and government interaction and research and advocacy work amongst others

Legislative Procedure

Q.821 Consider the following statements:

1. Members other than ministers cannot introduce bills.
2. Introduction of any new tax requires the approval of the Lok Sabha and Rajya Sabha
3. Budget is a mechanism for checks and balance system adopted in India.
4. A bill proposed by a minister is described as Private Bill

Which of the above statements is/are correct?

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

Solution: (b)

No major bill is introduced in the Parliament without the approval of the Cabinet. Members other than ministers can also introduce bills but these have no chance of being passed without the support of the government. If the Government of India proposes to introduce any new tax, it has to get the approval of the Lok Sabha. The Financial powers of the Parliament, involve grant of resources to the government to implement its programmes. The government has to give an account to the Legislature about the money it has spent and resources that it wishes to raise. The legislature also ensures that the government does not misspend or overspend. This is done through the budget and annual financial statements. A bill is a draft of the proposed law. There can be different types of bills. When a non- minister proposes a bill, it is called private member's Bill. A bill proposed by a minister is described as Government Bill. Let us now see the different stages in the life of a bill.

Q.822 Consider the following statements.

1. A bill is required to pass through the Rajya Sabha for it to become a law.

2. A bill cannot become an Act without the assent of the President.

Which of these is/are true?

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

Solution: (c)

Normally, the Rajya Sabha is as powerful as the Lok Sabha when passing the legislations. If the Rajya Sabha rejects the bill passed by Lok Sabha then the President has to call for a joint sitting of both the houses.

(1) Public Bill

Q.823 Which of the following is correct with reference to a public bill?

- (a) It can be introduced by any Member of Parliament after taking prior permission from the President
(b) It must be first introduced in Lok Sabha.
(c) It needs to be passed by special majority in both houses to become a law.
(d) None of the above.

Solution: (d)

Justification: A public bill can be introduced only by a Minister, since all such bills are considered as government bills. So, A is wrong.

It can be introduced in any house first. So, B is wrong.

It is similar to an ordinary bill in that it needs to be passed by a simple majority.

On the other hand, a private bill is introduced by members other than ministers in the Parliament. There is a separate day reserved for introducing private member's bill.

Q.824 Consider the following statements as follows.

1. A public bill is introduced in the Parliament only after the approval of the cabinet.
2. The permanent bureaucracy is no concerned with either framing, changing or anywhere in the legislative process as they are supposed to be politically neutral.
3. The approval of Lok Sabha is mandatory if the government wants to introduce a new tax.

Choose the correct answer using the codes below:

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

Solution: (c)

The Parliament enacts legislations for the country. Despite being the chief law making body, the Parliament often merely approves legislations. The actual task of drafting the bill is performed by the bureaucracy under the supervision of the minister concerned. The substance and even the timing of the bill are decided by the Cabinet. No major bill is introduced in the Parliament without the approval of the Cabinet. Members other than ministers can also introduce bills but these have no chance of being passed without the support of the government.

However, in a democracy, legislature controls taxation and the way in which money is used by the government. If the Government of India proposes to introduce any new tax, it has to get the approval of the Lok Sabha. The Financial powers of the Parliament, involve grant of resources to the government to implement its programmes. The government has to give an account to the Legislature about the money it has spent and resources that it wishes to raise. The legislature also ensures that the government does not mispend or overspend. This is done through the budget and annual financial statements.

Q.825 Which of the following statements about Public Bills is INCORRECT?

1. It is introduced in the Parliament by a minister.
2. It can be introduced without any prior notice in the house.

Which of the above is/are correct?

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

Solution: (a)

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

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

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

Q.826 Which of the following differentiates between a private bill and a public bill?

- (a) A private bill is not disclosed in public as it contains sensitive matters, whereas a public bill is published in the Gazette of India.
- (b) A private bill is related to non-public goods and commercial aspects of government administration, whereas public bill relates to substantial public goods.
- (c) A private bill can be proposed only to the Council of Ministers, whereas a public bill is a draft of the proposed law in Parliament.
- (d) A private bill is introduced by a non-Minister, whereas a public bill is introduced by a Minister.

Solution: (d)

Learning: A Member of Parliament, other than a Minister (i.e., not a member of the Government) is known as a Private Member. A Bill initiated by any such member is called a Private Member's Bill.

A bill proposed by a minister is described as Government Bill. There are certain restrictions on the introduction of a private member's bill.

In Rajya Sabha and Lok Sabha, as also in other State Legislatures, a particular day of every week is kept aside for transaction of Private Members' Legislative Business. In Rajya Sabha two and half hours i.e., from 2.30 p.m. to 5.00 p.m. on every alternate Friday are generally allotted for transaction of the Private Members' Legislative Business.

(2) Money Bill

Q.827 Article 110 of the Constitution deals with the definition of money bills. It states that a bill is deemed to be a money bill if it contains 'only' provisions dealing with all or any of which of the following matters?

1. Abolition of a tax
2. Regulation of the borrowing of money by the Union government

3. Appropriation of money out of the Consolidated Fund of India

Select the correct answer using the codes below.

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

Solution: (d)

Learning: It includes the following matters:

The imposition, abolition, remission, alteration or regulation of any tax;

The regulation of the borrowing of money by the Union government—

- The custody of the Consolidated Fund of India or the contingency fund of India, the payment of moneys into or the withdrawal of money from any such fund;
 - The appropriation of money out of the Consolidated Fund of India;
 - Declaration of any expenditure charged on the Consolidated Fund of India or increasing the amount of any such expenditure;
 - The receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money, or the audit of the accounts of the Union or of a state; or
 - Any matter incidental to any of the matters specified above. However, a bill is not to be deemed to be a money bill by reason only that it provides for:
 - The imposition of fines or other pecuniary penalties, or
 - The demand or payment of fees for licenses or fees for services rendered; or
 - The imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.
- If any question arises whether a bill is a money bill or not, the decision of the Speaker of the Lok Sabha is final.

Q.828 A Bill is deemed to be a 'Money Bill' if it contains 'only' provisions dealing with

1. Imposition, abolition, remission, alteration or regulation of any tax
2. Appropriation of money from the Consolidated Fund of India
3. Declaration of any expenditure charged on the Consolidated Fund of India

4. Regulation of the borrowing of money by the Union government

Select the correct answer using the code given below.

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

Solution: (d)

Q.829 Consider the following statements about a money bill.

1. A money bill can only be introduced in the Lok Sabha.
2. Rajya Sabha cannot reject or amend a money bill.

Which of the above is/are correct?

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

Solution: (c)

Justification: The Constitution lays down a special procedure for the passing of money bills in the Parliament.

1. A money bill can only be introduced in the Lok Sabha and that too on the recommendation of the president.
2. Every such bill is considered to be a government bill and can be introduced only by a minister.
3. After a money bill is passed by the Lok Sabha, it is transmitted to the Rajya Sabha for its consideration. The Rajya Sabha has restricted powers with regard to a money bill. It cannot reject or amend a money bill. It can only make the recommendations.
4. It must return the bill to the Lok Sabha within 14 days, with or without recommendations. The Lok Sabha can either accept or reject all or any of the recommendations of the Rajya Sabha.

Q.830 What follows if a Money Bill passed by Lok Sabha is recommended to be substantially amended by the Rajya Sabha?

- (a) The bill stops there and does not become an act.
- (b) The Lok Sabha may still proceed with the Bill, accepting or rejecting the recommendations of the Rajya Sabha
- (c) The bill is sent to the President for a Joint Sitting.
- (d) The Lok Sabha may send the Bill to the Rajya Sabha for reconsideration

Solution: (b)

Justification: After a money bill is passed by the Lok Sabha, it is transmitted to the Rajya Sabha for its consideration.

- The Rajya Sabha has restricted powers with regard to a money bill. It cannot reject or amend a money bill. It can only make the recommendations. It must return the bill to the Lok Sabha within fourteen days, with or without recommendations.
- The Lok Sabha can either accept or reject all or any of the recommendations of the Rajya Sabha.
- If the Lok Sabha accepts any recommendation, the bill is then deemed to have been passed by both the Houses in the modified form.
- If the Lok Sabha does not accept any recommendation, the bill is then deemed to have passed by both the Houses in the form originally passed by the Lok Sabha without any change.

Q.831 That “a Money Bill shall not be introduced in the Council of States” is a

- (a) Parliamentary Convention
- (b) Parliamentary Legislation
- (c) Constitutional provision
- (d) Executive fiat

Solution: (c)

Joint Sitting of Two Houses

Q.832 Which of the following type of bills can be passed in a joint sitting of the Parliament?

- (a) Constitutional amendment bill
- (b) Money Bill
- (c) Ordinary Bill
- (d) Any of the above

Solution: (c)

Learning: Any ordinary law needs to be passed by both the Houses. But if there is a difference between the two Houses, the final decision is taken in a joint session in which members of both the Houses sit together. Because of the larger number of members, the view of the Lok Sabha is likely to prevail in such a meeting.

Q.833 A joint sitting to resolve the Parliamentary deadlock applies to which of the following types of bills apart from ordinary bills?

1. Appropriation Bill as a part of Annual Budget
2. Constitutional Amendment Bills
3. Financial Bills

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Joint sitting cannot also be called in case of a money bill.

Statement 1: It is a money bill, and hence joint sitting cannot be summoned.

Statement 2: Each house has the same power with respect to a constitutional amendment bill, and must pass it separately.

Statement 3: In case of a disagreement between the two Houses over such a bill, the President can summon a joint sitting of the two Houses to resolve the deadlock.

Q.834 Joint sitting is called by the President in which of the following situations?

1. If a bill passed on one house is rejected by the other House
2. If more than six months have elapsed from the date of the receipt of the bill by the other House

Which of the above is/are correct?

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

Solution: (c)

Justification: It is extraordinary machinery provided by the Constitution to resolve a deadlock between the two Houses over the passage of a bill.

A deadlock is deemed to have taken place under any one of the following three situations after a bill has been passed by one House and transmitted to the other House:

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

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

- It must be noted here that the provision of joint sitting is applicable to ordinary bills or financial bills only and not to money bills or Constitutional amendment bills.
- In the case of a money bill, the Lok Sabha has overriding powers, while a Constitutional amendment bill must be passed by each House separately.
- The Speaker of Lok Sabha presides over a joint sitting of the two Houses and the Deputy Speaker, in his absence.

Q.835 In case of a Parliamentary deadlock, the President summons a joint sitting of both houses to resolve the issue. Who chairs the joint sitting?

- (a) President
 (b) Chairman, Rajya Sabha
 (c) Speaker, Lok Sabha
 (d) Leader of the House of People

Solution: (c)

Q.836 If there is a difference between the two Houses of Parliament on ordinary legislation, the matter

- (a) must be referred to the President of India, whose opinion shall be final and binding
 (b) can be referred to the Supreme Court of India for its advisory jurisdiction
 (c) will be referred to a joint sitting of the Parliament convened by the President
 (d) will be settled through a Joint Parliamentary Committee setup by both the houses

Solution: (c)

Explanation and Learning: Any ordinary law needs to be passed by both the Houses. But if there is a difference between the two Houses, the final decision is taken in a joint session in which members of both the Houses sit together. Because of the larger number of members, the view of the Lok Sabha is likely to prevail in such a meeting. However, Lok Sabha exercises more powers in money matters. Once the Lok Sabha passes the budget of the government or any other money related law, the Rajya Sabha cannot reject it. The Rajya Sabha can only delay it by 14 days or suggest changes in it. The Lok Sabha may or may not accept these changes.

Budget in Parliament

Q.837 Which of these best characterizes the nature of the Annual Financial Statement or the Union Budget before it is presented to the Parliament for the first time in the year?

- (a) It is a public document and the draft is shared with major civil society bodies.
- (b) It is a secret document until it is revealed first to the Parliament.
- (c) It is disclosed to select corporate before unveiling to the Parliament.
- (d) It is circulated at least a month before to all individual MPs before being presented in the parliament on the budget day.

Solution: (b)

Learning: Budget is always kept as a secret, otherwise those who have prior information of the provisions can gain a lot from information asymmetry.

For e.g. government may plan to build a railway station in a remote area which would lead to shooting land prices; if some know this provision, they will invest beforehand and exploit the information asymmetry.

When T. T. Krishnamachari was the Finance Minister, he actually had to resign because the budget was leaked before presenting in the Parliament.

Q.838 Which of these bills presented along with the Annual Financial Statement, provides details of the imposition, abolition, remission, alteration or regulation of taxes proposed in the Budget?

- (a) Appropriate Bill
- (b) Medium Term Framework Bill
- (c) Finance Bill
- (d) Budget Amendment Bill

Solution: (c)

Learning: While the Finance Bill generally seeks approval of the Parliament for raising resources through taxes, cess etc., an Appropriation Bill seeks Parliament's approval for the withdrawal from the Consolidated Fund of India to meet the approved expenditures of the Government. So, (a) is wrong.

The Medium Term Framework Bill does not exist as mentioned in option (b).

Finance Bill is a secret bill introduced every year in Lok Sabha (Lower chamber

of the Parliament) immediately after the presentation of the Union Budget, to give effect to the financial proposals of the Government of India for the immediately following financial year.

It is through the Finance Act that amendments are made to the various

Acts like Income Tax Act 1961, Customs Act 1962 etc.

Q.839 If the annual Union Budget is not passed by Lok Sabha,

- (a) the speaker dissolves the Lok Sabha.
- (b) the Budget is sent to the Estimates Committee for reconsideration and presented again to the house.
- (c) the Prime Minister submits the resignation of his cabinet
- (d) any of the above depending on the direction of the Prime Minister.

Solution: (c)

Justification: Since the government cannot function without funds in the financial year, the Prime Minister will submit the resignation of the council of ministers.

This is the stand taken by UPSC in its official keys, hence we would also stick with the stand.

The estimates committee does not have any role in the passing of Budget, so B is anyways wrong; and since speaker can't dissolve Lok Sabha. Thus the option (a) is also wrong.

Q.840 The budget goes through six stages in the Parliament. Arrange the following in the correct order of proceeding in Parliament.

1. Presentation of budget.
2. Scrutiny by departmental committees.
3. General discussion.
4. Passing of finance bill.
5. Passing of appropriation bill.
6. Voting on demands for grants.

Select the correct order using the codes below.

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

Solution: (d)

Learning: Correct order is:

1. Presentation of budget.
2. General discussion.

3. Scrutiny by departmental committees.
4. Voting on demands for grants.
5. Passing of appropriation bill.
6. Passing of finance bill.

The general discussion on budget begins a few days after its presentation. It takes place in both the Houses of Parliament and lasts usually for three to four days. After the general discussion on the budget is over, the Houses are adjourned for about three to four weeks and 24 departmental standing committees examine the budget.

After voting demand for grants, an appropriation bill is introduced to provide for the appropriation, out of the Consolidated Fund of India, all money required to meet:

1. The grants voted by the Lok Sabha.
2. The expenditure charged on the Consolidated Fund of India

Q.841 If the Rajya Sabha does not agree to the provisions of the Annual Budget then

- (a) it returns the bill to the Lok Sabha with proposed amendments, which then passes it or rejects the proposed amendments, but the bill is not passed in case of disagreement
- (b) it is sent to the President for reconsideration and then transferred to Lok Sabha for consideration
- (c) it is sent to a joint select committee of the Parliament for re-examination and re-introduction in Lok Sabha
- (d) None of the above

Solution: (d)

Annual budget is a money bill.

A Money Bill can be introduced only in the Lok Sabha and not in the Rajya Sabha. Rajya Sabha cannot amend or reject a Money Bill. It should return the bill to the Lok Sabha within 14 days, either with recommendations or without recommendations. The Lok Sabha can either accept or reject all or any of the recommendations of the Rajya Sabha. In both the cases, the money bill is deemed to have been passed by the two Houses.

Q.842 ‘Vote-on-account’ provision is related to

- (a) Any grant made in advance by the Lok Sabha to the executive before the passing of appropriation bill

- (b) Excess grant awarded by the Parliament to the executive that had been appropriated in the annual budget
- (c) Grant made before the ‘March Rush’ by the Lok Sabha to the executive
- (d) Grant sanctioned by Parliament to executive for meeting an unexpected demand upon the resources of India

Solution: (a)

Learning: The Appropriation Bill becomes the Appropriation Act after it is assented to by the President.

This act authorises (or legalises) the payments from the Consolidated Fund of India. This means that the government cannot withdraw money from the Consolidated Fund of India till the enactment of the appropriation bill. This takes time and usually goes on till the end of April.

1. But the government needs money to carry on its normal activities after 31 March (the end of the financial year).
2. To overcome this functional difficulty, the Constitution has authorised the Lok Sabha to make any grant in advance in respect to the estimated expenditure for a part of the financial year, pending the completion of the voting of the demands for grants and the enactment of the appropriation bill.
3. This provision is known as the ‘vote on account’. It is passed (or granted) after the general discussion on budget is over.
4. It is generally granted for two months for an amount equivalent to one-sixth of the total estimation.

Q.843 What is the difference between “Vote-on-Account” and “interim budget”?

1. The provision of a “Vote-on-Account” is used by a regular Government, while an “interim budget” is a provision used by a caretaker Government.
2. A “Vote-on-Account” only deals with the expenditure in Government’s budget, while an “interim budget” includes both expenditure and receipts.

Which of the statements given above is/are correct?

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

Solution: (b)

Interim budget is a temporary financial document that helps a business or public agency get through a period that's shorter than a typical budget cycle, which is normally one year.

An Interim Budget is not the same as a 'Vote on Account'. While a 'Vote on Account' deals only with the expenditure side of the government's budget, an Interim Budget is a complete set of accounts, including both expenditure and receipts. An Interim Budget gives the complete financial statement, very similar to a full Budget.

Interim Budgets also can be presented by all governments whether incumbent or regular or caretaker

Q.844 With reference to cut motions in the Parliament, consider the following:

1. A departmental standing committee that examines the Budget can suggest and examine cut motions.
2. Amendment of existing laws cannot be suggested by a cut motion.
3. Cut motion cannot be raised on expenditure charged on the Consolidated Fund of India.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: Such a standing committee can only consider the demands for grants of the concerned ministries / departments before they are discussed and voted in the Lok Sabha. Its report should not suggest anything of the nature of cut motions.

Statement 2: A cut-motion cannot raise policy matters. It can only suggest reduction of unnecessary expenditures.

Statement 3: These expenditures are not to be voted upon by the Parliament, hence exempt from cut motions.

Q.845 A 'Vote-of-Credit' is granted by the Parliament to the executive to

- (a) Incur expenditures that cannot be clearly stated or explained
- (b) Sanction money for spending during the first part of the financial year when the budget has not been approved

(c) Administer international treaties and covenants that cannot be ordinarily stated in advance in the budget

(d) Improve the efficiency of governance and mass marketing campaigns

Solution: (a)

Learning: Option B is vote on account by which Government obtains the Vote of Parliament for a sum sufficient to incur expenditure on various items for a part of the year. Normally, the Vote on Account is taken for two months only.

Vote on Credit is like a blank cheque by Lok Sabha to government of India. It is granted when an unexpected demand has arisen upon resources of India whose magnitude or character of service cannot be stated clearly. For example, in case of a rescue operation, the cost to be incurred cannot be described clearly.

Q.846 The 'Vote-of-Credit' is given by the Parliament to the executive when

- (a) Additional expenditure upon some new service not contemplated in the budget for that year is sought
- (b) Money has been spent on any service during a financial year in excess of the amount granted for that service in the budget for that year
- (c) Meeting an unexpected demand upon the resources of India which cannot be stated with the details ordinarily given in a budget
- (d) Executive seeks advance appropriation before the examination and enactment of the budget to meet current expenditures

Solution: (c)

Justification and Learning: The above options refer to different kinds of grants that are given to executive apart from the normal annual budget.

Additional Grant: It is granted when a need has arisen during the current financial year for additional expenditure upon some new service not contemplated in the budget for that year.

Excess Grant: It is granted when money has been spent on any service during a financial year in excess of the amount granted for that service in the budget for that year. It is voted by the Lok Sabha after the financial year.

Vote-of-Credit: It is granted for meeting an unexpected demand upon the resources of India, when on account of the magnitude or the indefinite character of the service, the demand cannot be stated with the details ordinarily given in a budget. Hence, it is like a blank cheque given to the Executive by the Lok Sabha.

Exceptional Grant: It is granted for a special purpose and forms no part of the current service of any financial year.

Q.847 The Union Cabinet has approved the proposal of Ministry of Finance to merge the Railway budget with the General budget. How this decision will impact Indian Railways (IR)?

1. IR will cease to be a departmentally run commercial undertaking.
2. It will save Railways from the liability of payment of annual dividend to the Central government.
3. The Ministry of Railways will stop receiving Gross Budgetary Support (GBS) from the government.

Select the correct answer using the codes below.

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

Solution: (c)

Justification: The merger has been approved with the following administrative and financial arrangements of Railways

- It will continue as a departmentally run commercial undertaking to maintain its distinct entity as at present. So, 1 is wrong.
- It will retain its functional autonomy and delegation of financial powers etc. as per the existing guidelines.
- Its existing financial arrangements will continue wherein it will meet the revenue expenditure from revenue receipts. Hence it will continue to receive the budgetary support.

But Railways will be relieved from the liability of payment of annual dividend to the Central government

Q.848 Consider the following statements.

1. The estimates of expenditure embodied in the budget shall show separately expenditure charged on the Consolidated

Fund of India and expenditure made from the Consolidated Fund of India.

2. The budget shall compulsorily distinguish expenditure on revenue account from other expenditure to better reflect allocation of public money.

Which of the above is/are correct?

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

Solution: (c)

Learning: These are some of the basic principles followed in the budget as also mentioned in the constitution.

Some other such provisions are:

- No demand for a grant shall be made except on the recommendation of the President.
- No money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law.
- No money bill imposing tax shall be introduced in the Parliament except on the recommendation of the President, and such a bill shall not be introduced in the Rajya Sabha.
- No tax shall be levied or collected except by authority of law.

Funds

Q.849 All money received by or on behalf of the Government of India are credited to

- (a) the Consolidated Fund of India
(b) the Public Account of India
(c) the Contingency Fund of India
(d) Either (a) or (b)

Solution: (d)

(1) Consolidated Fund of India

Q.850 The expenditure 'made' from the Consolidated Fund of India CANNOT be

1. Discussed and voted by the Parliament
2. Considered as a part of the appropriation bill

Which of the above is/are correct?

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

Solution: (d)

Justification: The budget consists of two types of expenditure—the expenditure

‘charged’ upon the Consolidated Fund of India and the expenditure ‘made’ from the Consolidated Fund of India.

The charged expenditure is non-votable by the Parliament, that is, it can only be discussed by the Parliament, while the other type has to be voted by the Parliament.

The latter forms part of the appropriation bill, and voted by the Parliament, for example, defence expenditure.

Any withdrawal of money from the consolidated fund of India by the government has to go through the same procedure as that of a

- (a) regular government budget
- (b) regular government budget only in case of major expenditures that exceed the annual budget
- (c) ordinary withdrawal from the Public Account of India
- (d) withdrawal from the Public Account of India in emergency cases

Solution: (a)

The Constitution lays down three conditions without fulfilling which “No money out of the Consolidated Fund of India shall be appropriated” or withdrawn. These conditions are as follows.

- The appropriation must be in accordance with a law authorising appropriation of money from the Consolidated Fund; and
- The appropriation should be for a “purpose provided in this Constitution”; and
- The appropriation must be made “in the manner provided in this Constitution” as the manner for appropriation of money from the Consolidated Fund of India (which is that of a regular budget)

Q.851 The expenditure ‘charged’ upon the Consolidated Fund of India

1. Cannot be discussed by Parliament
2. Is non-votable by the Rajya Sabha, but votable by Lok Sabha
3. Does not require Presidential assent

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statements 1 and 2: The budget consists of two types of expenditure—the expenditure ‘charged’ upon the Consolidated Fund of India and the expenditure ‘made’ from the Consolidated Fund of India. The charged expenditure is non-votable by the Parliament, that is, it can only be discussed by the Parliament, while the other type has to be voted by the Parliament.

Statement 3: The final bill containing all such expenditures must receive Presidential assent to become valid.

Q.852 How is Judicial Independence secured by charging the salaries and allowances of the Judges of the High Court to the Consolidated Fund of the State (CFS)?

- (a) Charged expenditure is not a part of public money.
- (b) Charged expenditure is non-votable by the legislature.
- (c) Charged expenditure is operated by executive action.
- (d) Any charged expenditure can be allocated only after obtaining Judicial consent.

Solution: (b)

Justification and Learning: Since the expenditure is non-votable, the legislature cannot alter the judge’s salary at will and interfere in judicial independence unnecessarily.

The Article 202 deals with the state budget.

Article 202(3) says:

The following expenditure shall be expenditure charged on the Consolidated Fund of each State—

- (a) the emoluments and allowances of the Governor and other expenditure relating to his office;
- (b) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly and, in the case of State having a Legislative Council, also of the Chairman and the Deputy Chairman of the Legislative Council;
- (c) debt charges for which the State 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;

- (d) expenditure in respect of the salaries and allowances of Judges of any High Court;
- (e) any sums required to satisfy and judgment, decree or award of any court or arbitral tribunal;
- (f) any other expenditure declared by this Constitution, or by the Legislature of the State by law, to be so charged.

(Please note that here we are covering only major expenditure items apart from HC Judges.)

However please note that the retired Judges are entitled to a pension which is drawn from the consolidated fund of India.

Q.853 Which of the following is included in the list of charged expenditure?

1. Emoluments and allowances of the President and Vice-President
2. Salaries of Speaker and the Deputy Speaker of the Lok Sabha
3. Administrative expenses of the Supreme Court

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Salary and allowances of only President is included, not that of the Vice-President. So, 1 is incorrect.

Other important items included are:

1. The salaries, allowances and pensions payable to or in respect of Judges of the Supreme Court,
2. The salary, allowances and pension payable to or in respect of the Comptroller and Auditor General of India;
3. Any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

Q.854 Which of following expenditure is/are charged on the Consolidated Fund of India?

1. Emoluments and allowances of the President
2. Salaries and allowances of the judges of the Supreme Court and High courts
3. Administrative expenses of the office of the Comptroller and Auditor General of India

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 2: The salaries and allowances of the judges, the salaries, allowances and pensions of the staff as well as the administrative expenses of a high court are charged on the consolidated fund of the state.

Thus, they are non-votable by the state legislature (though they can be discussed by it). It should be noted here that the pension of a high court judge is charged on the Consolidated Fund of India and not the state.

Learning: Other expenditures are:

- 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; Members and Chairman UPSC, CAG, judges of SC
- Administrative expenses of the Supreme Court, the office of the Comptroller and Auditor General of India and the Union Public Service Commission including the salaries, allowances and pensions of the persons serving in these offices.
- The debt charges for which the Government of India is liable, including interest, sinking fund charges and redemption charges and other expenditure relating to the raising of loans and the service and redemption of debt.
- Any sum required to satisfy any judgement, decree or award of any court or arbitral tribunal.

(2) Contingency Fund of India

Q.855 The Contingency Fund of India

1. Has been established by an Act of the Parliament
2. Is placed at the disposal of the President operated by executive action
3. Cannot be withdrawn except on prior authorization from the Parliament

Select the correct answer using the codes below.

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

Solution: (a)

Justification: The Constitution authorised the Parliament to establish a 'Contingency Fund of India', into which amounts determined by law are paid from time to time. So, the option 1 is correct.

- Accordingly, the Parliament enacted the contingency fund of India Act in 1950. So, 2 is correct.
- 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. So, 3 is incorrect.
- The fund is held by the finance secretary on behalf of the president.
- Like the public account of India, it is also operated by executive action.'

Q.856 Consider the following about Contingency Fund of India.

1. The fund is held by the finance secretary on behalf of the president.
2. Parliamentary approval is not required in utilizing the fund as it falls outside the ambit of Parliament.

Which of the above is/are correct?

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

Solution: (a)

(3) Public Account of India

Q.857 Consider the following statements with reference to the Public Account of India.

Assertion (A): This account is operated by executive action

Reason (R): All capital receipts of the government are credited to this account.

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

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

Solution: (c)

Justification: All other public money (other than those which are credited to the Consolidated Fund of India) received by or on behalf of the Government of India shall be credited to the Public Account of India.

This includes provident fund deposits, judicial deposits, savings bank deposits, departmental deposits, remittances and so on. This account is operated by executive action, that is, the payments from this account can be made without parliamentary appropriation.

Such payments are mostly in the nature of banking transactions.

Q.858 Which of the following statements with reference to the Public Account of India is CORRECT?

- (a) It is operated by executive action.
(b) All taxes collected by the Government of India are submitted to this account.
(c) It is used to fund contingencies and disaster management.
(d) It is an extra-constitutional fund.

Solution: (a)

Justification and Learning: All other public money (other than those which are credited to the Consolidated Fund of India) received by or on behalf of the Government of India shall be credited to the Public Account of India.

This includes provident fund deposits, judicial deposits, savings bank deposits, departmental deposits, remittances and so on. This account is operated by executive action, that is, the payments from this account can be made without parliamentary appropriation. Such payments are mostly in the nature of banking transactions.

Q.859 Consider the following statements.

1. The constitution establishes Consolidated Fund of the Union as well as Consolidated Fund of the States.
2. There is no mention of Public Accounts of India and Contingency Fund in the constitution as they are established by legislation.

Which of the above is/are correct?

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

Solution: (a)

Justification: Statement 1: Article 266 provides for a Consolidated Fund of India in which the net proceeds of certain taxes and duties to States, all revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills etc. would come. It also provides for

a Consolidated Fund of the States. So, 1 is correct.

Statement 2: The same A266 provides that "All other public moneys received by or on behalf of the Government of India or the Government of a State shall be credited to the public account of India or the public account of the State, as the case may be." So, clearly the option 2 is wrong.

Article 267 says that "Parliament may by law establish a Contingency Fund to be entitled "the Contingency Fund of India" into which shall be paid from time to time such sums as may be determined by such law, and the said Fund shall be placed at the disposal of the President to enable advances to be made by him out of such Fund for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by Parliament by law under article 115 or article 116.

Multifunctional Role of Parliament

Q.860 Which of the following functions are performed by the Lok Sabha?

1. Approval of proposals for taxation
2. Appointment of Chairman of Council of States
3. Approving a constitutional amendment bill
4. Approving the Proclamation of emergency
5. Appointment of members of higher judiciary

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: Such matters come under money bills. Money bills can only be introduced in LS, not RS.

Statement 2: This is done by Rajya Sabha. If the question had asked the Vice-President (VP), you should have chosen this statement as correct. Lok Sabha serves as the collegiums for electing the VP. Moreover, appointment is not a correct term in this context; it should be election.

Statement 3: Both houses can do so. A bill for this purpose, if defeated by any house,

lapses and cannot be presented in a joint sitting of the houses.

Statement 4: Both houses can approve this proclamation. Lok Sabha can also revoke an emergency.

Statement 5: In case of SC, this is done by the President on the advice of a collegiums consisting of the CJI and some senior-most judges of the High Court. Lok Sabha, however, takes part in the impeachment of judiciary.

Q.861 The Parliament exercises control over the Government using which of the following devices?

1. Question Hour
2. Adjournment motion
3. Discussions
4. Parliamentary committees

Choose the correct answer using the codes given below.

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

Solution: (a)

The greatest advantage of the parliamentary system is that it ensures harmonious relationship and cooperation between the legislative and executive organs of the government. The executive is a part of the legislature and both are interdependent at work. As a result, there is less scope for disputes and conflicts between the two organs.

By its very nature, the parliamentary system establishes a responsible government. The ministers are responsible to the Parliament for all their acts of omission and commission. The Parliament exercises control over the ministers through various devices like question hour, discussions, adjournment motion, no confidence motion, etc.

Q.862 Indian Constitution has adopted a system of Checks and Balance for smooth functioning of the three organs of the government. Which of the following are the instruments of parliamentary control over the executive?

1. No Confidence Motion
2. Both Zero Hour and Half-an- hour discussion
3. Comptroller and Auditor General
4. Amendment Provisions
5. Public Accounts Committee

6. Emergency provisions

Select the correct code.

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

Solution: (b)

Instruments of Parliamentary Control

The legislature in parliamentary system ensures executive accountability at various stages: policy making, implementation of law or policy and during and post implementation stage. The legislature does this through the uses of a variety of devices as described below.

1. Deliberation and discussion: Zero Hour where members are free to raise any matter that they think is important (though the ministers are not bound to reply), the discussion for half-an-hour on matters of public importance, adjournment motion etc. are some instruments of exercising control.
2. Approval or Refusal of laws.
3. Financial control: Before granting money the Lok Sabha can discuss the reasons for which the government requires money. It can enquire into cases of misuse of funds on the basis of the report of the Comptroller and Auditor General and Public Accounts committees.
4. No confidence motion: The most powerful weapon that enables the Parliament to ensure executive accountability is the no-confidence motion. As long as the government has the support of its party or coalition of parties that have a majority in the Lok Sabha, the power of the House to dismiss the government is fictional rather than real.

Q.863 Consider the following statements about the power of the Indian Parliament.

1. Parliament can seek information about any matter from the government.
2. Any public money can only be spent if the Parliament approves it.
3. The Parliament keeps the government under control and accountable to itself.

Choose the correct answer using the codes below:

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

Solution: (d)

In all democracies, an assembly of elected representatives exercises supreme political authority on behalf of the people. In India such a national assembly of elected representatives is called Parliament.

At the state level this is called Legislature or Legislative Assembly.

The name may vary in different countries, but such an assembly exists in every democracy. It exercises political authority on behalf of the people in many ways as mentioned below.

1. Parliament is the final authority for making laws in any country. This task of law making or legislation is so crucial that these assemblies are called legislatures. Parliaments all over the world can make new laws, change existing laws, or abolish existing laws and make new ones in their place.
2. Parliaments all over the world exercise some control over those who run the government. In some countries like India this control is direct and full. Those who run the government can take decisions only so long as they enjoy support of the Parliament.
3. Parliaments control all the money that governments have. In most countries any the public money can be spent only when the Parliament sanctions it.
4. Parliament is the highest forum of discussion and debate on public issues and national policy in any country. Parliament can seek information about any matter.

Q.864 Which of the following is/are the Constitutional functions of the Indian Parliament?

1. Supervising the work of State Legislatures
2. Settling disputes between various government departments
3. Appointing the heads of all Constitutional bodies

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: No body supervises the work of state legislatures. At most, the Parliament can interfere in state legislative matters in special circumstances such as national emergency, Rajya Sabha resolution etc.

Statement 2: This is the responsibility of the Cabinet and more importantly the Prime Minister.

Statement 3: Heads of constitutional bodies are appointed by the President.

Q.865 Arrange these financial accountability processes in chronological order (i.e. from start to end) in a financial year.

1. Detailed Budget allocations by the Ministry of Finance
2. The Comptroller and Auditor General of India (CAG) submits audit report to the President
3. Public Accounts Committee submits report to Parliament

Choose the correct order.

- (a) 123 (b) 321
(c) 132 (d) 312

Solution: (a)

The CAG's reports are submitted at the end of every financial year. Then the PAC receives CAG's reports, studies it; and sends its own report to the Parliament.

Therefore, the first activity in a financial year is the examination of the budget by the departmental standing committees after it has been presented and budget allocated by the Ministry of Finance.

Consider the following with reference to ensuring the financial accountability of the legislature to the executive.

1. The CAG submits audit reports to the President.
2. The President lays CAG reports before the Public Accounts Committee.
3. Public Accounts Committee examines CAG reports submitted to Parliament.
4. Public Accounts Committee submits the audit report of CAG to the President after due examination.

Which of the above is/are the correct procedure(s) in practice?

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

Solution: (c)

Justification: The CAG submits three audit reports to the President—audit report on appropriation accounts, audit report on finance accounts, and audit report on public undertakings.

The President lays these reports before both the Houses of Parliament. After this, the Public Accounts Committee examines them and reports its findings to the Parliament.

The appropriation accounts compare the actual expenditure with the expenditure sanctioned by the Parliament through the Appropriation Act, while the finance accounts show the annual receipts and disbursements of the Union government.

Q.866 Consider the following statements.

1. If the Government of India proposes to introduce any new tax, it must get the approval of the Lok Sabha.
2. The government must give an account about its receipts and expenditures to the Legislature.

Which of the above is/are correct?

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

Solution: (c)

Justification: The Financial powers of the Parliament, involve grant of resources to the government to implement its programmes.

The government has to give an account to the Legislature about the money it has spent and resources that it wishes to raise. The legislature also ensures that the government does not misspend or overspend. This is done through the budget and annual financial statements.

For example, the government must get a money bill passed in the Parliament to appropriate money from the Consolidated Fund of India.

Q.867 The Parliament exercises Budgetary control over the executive, that is, control 'before' the appropriation of grants through the enactment of the budget by

- (a) Estimate Committee
(b) Departmental Standing Committees
(c) Public Accounts Committee
(d) Committee on Public Undertaking

Solution: (b)

Learning: The Parliamentary control over the Executive in financial matters operates in two stages:

- Budgetary control, that is, control before the appropriation of grants through the enactment of the budget; and
- Post-budgetary control, that is, control after the appropriation of grants through the three financial committees—Public Accounts Committee (PAC), Estimate Committee and Committee on Public Undertakings (CoPU).

Option (b): The Departmental standing committees consider the demands for grants of the concerned ministries / departments before they are discussed and voted in the Lok Sabha. It also considers the annual reports of the Ministries and departments.

Option (c): The function of the PAC is to examine the annual audit reports of the CAG, which are laid before the Parliament by the president. This is a kind of post-mortem of the executive expenditures.

Q.868 Consider the following with reference to Parliamentary control over the Budget.

1. Departmental Standing committees have the responsibility to draft and create the annual budget.
2. Estimates Committee can impose cuts on the budget if the government cannot justify expenditure on a particular head.
3. No money from the Consolidated Fund of India can be withdrawn without the consent of the Parliament.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: It is done by Department of Economic Affairs.

Statement 2: Estimates Committee only examines the economic efficiency and rationale behind government expenditures that too after the budget has been enacted. It has no right to suggest cuts.

Statement 3: A bill needs to be passed by the government for any such withdrawal.

Q.869 Which of these authorities/bodies authorizes withdrawal of any funds from the Consolidated Fund of India?

- (a) President of India
- (b) Parliament of India
- (c) Prime Minister of India
- (d) Union Finance Minister

Solution: (b)

Learning: Not even a single penny can be withdrawn without the approval of the parliament.

This includes not only the annual budget, but also any additional expenditure required by the executive during the financial year.

Q.870 Which of these tend to erode the authority and influence of the Indian Parliament over the executive?

1. Increasing delegated legislation which is often technical in nature
2. Low participation in the Parliament with respect attendance and discussions
3. Frequent promulgation of ordinances by the Judiciary
4. Unilateral amendment of the Constitution by the executive

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 1: These are the rules and bye laws made within laws by the executive. Since all these are technical, MPs may lack the expertise to understand them and scrutinize the executive.

Statement 3: Ordinances are promulgated by the executive, not the Judiciary.

Statement 4: It is done by the Parliament itself (not executive), however, frequent amendments lead to dilution in the authority of Parliament.

Q.871 Administration is held accountable to the legislature by which of the following devices?

1. Financial Committees of the Parliament
2. Committee on delegated legislation
3. Committee on Business advisory
4. Question hour and zero hour in the Parliament

Choose the correct answer using the codes below.

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

Solution: (b)

Financial committees of Estimates, PSUs, and Public Accounts keep track of expenditure, its usefulness and performance of the administrative spending. Some laws need to be filled with administrative details by the instrument of delegated legislation. The committee on delegated legislation scrutinizes such rules and regulations formed by the executive or bureaucracy. Zero hour and question hour are used to raise any matter in Lok Sabha. The administration can be held accountable.

Parliament exercises control over the administration because

- (a) The executive is collectively responsible to the legislature
(b) It is the constitutional mandate of the representatives to command and control administrative affairs
(c) Executive branch of the government is subordinate to the legislative branch of the government
(d) Administration is not directly controlled by the executive.

Solution: (a)

None of the options is direct. You can work out by elimination.

Option B is false because the representatives are not supposed to command administration.

Option C is wrong because no branch of the government is subordinate to any other branch.

Option D is wrong because administration is directly controlled by Ministers as head of Ministries and departments. Administration is a part of the executive branch. Hence, Option A.

Position of Rajya Sabha

Q.872 Consider the following statements.

1. A private member in Rajya Sabha cannot initiate legislation on a subject of national importance.

2. A private member of Rajya Sabha can get alterations passed to legislation introduced in the Lok Sabha.

Which of the above is/are correct?

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

Solution: (b)

Explanation: A private member is an MP who is not a minister. He enjoys similar rights to that of a minister in Parliament, except that he cannot introduce money bills and some financial bills. So, the Statement 1 is wrong as a private member can initiate legislation, even on a subject of national importance.

Statement 2 follows from the above. If a private member can introduce legislation, he can also get alterations passed to them.

Learning: The Rajya Sabha functions primarily as the representative of the states of India in the Parliament. The Rajya Sabha can also initiate legislation and a bill is required to pass through the Rajya Sabha in order to become a law. It, therefore, has an important role of reviewing and altering (if alterations are needed) the laws initiated by the Lok Sabha.

Q.873 Consider the following statements:

1. The Rajya Sabha cannot initiate legislation, but a bill in order to become a law is required to be passed through the Rajya Sabha.
2. The members of the Rajya Sabha are nominated by the elected members of the Legislative Assemblies of various states.

Select the correct code:

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

Solution: (d)

The Rajya Sabha can also initiate legislation. The members of the Rajya Sabha are elected (not nominated) by the elected members of the Legislative Assemblies of various states.

Q.874 India has adopted bi-cameral legislature, wherein the Rajya Sabha forms the upper House and Lok Sabha forms the lower

House. Consider the following with regard to Rajya Sabha:

1. The number of members to be elected from each State has been fixed by the second schedule of the Constitution.
2. It is an indirectly elected body.
3. Members of the Rajya Sabha are elected for a term of six years and they are also eligible for re-election.
4. The Rajya Sabha is never fully dissolved; hence it is called a permanent body.

Which of the above statements is/are correct?

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

Solution: (b)

Each of the two Houses of the Parliament has different bases of representation. The Rajya Sabha represents the States of India. It is an indirectly elected body. Residents of the State elect members to State Legislative Assembly. The elected members of State Legislative Assembly in turn elect the members of Rajya Sabha.

The number of members to be elected from each State has been fixed by the fourth schedule of the Constitution.

Members of the Rajya Sabha are elected for a term of six years. They can get re-elected. All members of the Rajya Sabha do not complete their terms at the same time. Every two years, one third members of the Rajya Sabha complete their term and elections are held for those one third seats only. Thus, the Rajya Sabha is never fully dissolved. Therefore, it is called the permanent House of the Parliament.

Q.875 One feature distinguishing the Rajya Sabha from the Vidhan Parishad is :

- (a) power of impeachment
(b) nomination of members
(c) tenure of membership
(d) indirect election

Solution: (d)

(1) Equal Power with Lok Sabha

Q.876 In which of these cases the Rajya Sabha has an equal Status with Lok Sabha?

1. Amending or rejecting a Money Bill
2. Voting on the demands for grants

3. Discussing and criticising the policies of the government

4. Ascertaining the confidence of the government on the house floor

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Statement 1: A Money Bill can be introduced only in the Lok Sabha and not in the Rajya Sabha.

Rajya Sabha cannot amend or reject a Money Bill. It should return the bill to the Lok Sabha within 14 days, either with recommendations or without recommendations.

Statement 2: Rajya Sabha can only discuss the budget but cannot vote on the demands for grants (which is the exclusive privilege of the Lok Sabha).

Statements 3 and 4: Moreover, the Rajya Sabha cannot remove the council of ministers by passing a no-confidence motion.

- This is because the Council of ministers is collectively responsible only to the Lok Sabha.
- But, the Rajya Sabha can discuss and criticise the policies and activities of the government.

Q.877 In legislative matters, Rajya Sabha enjoys an equal Status with Lok Sabha in

1. Passing money bills
2. Introduction and passage of Constitutional amendment bills
3. Discussing the annual budget
4. Approval of ordinances issued by the President

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Some other matters where the powers and status of the Rajya Sabha are equal to that of the Lok Sabha:

- Introduction and passage of financial bills involving expenditure from the Consolidated Fund of India.
- Election and impeachment of the president.

- Election and removal of the Vice-President. However, Rajya Sabha alone can initiate the removal of the vice-president.
- Making recommendation to the President for the removal of Chief Justice and judges of Supreme Court and high courts, chief election commissioner and comptroller and auditor general.
- Approval of proclamation of all three types of emergencies by the President.

Q.878 Lok Sabha and Rajya Sabha both have equal powers with respect to:

1. Legislation of Ordinary bills.
2. Collective responsibility of the central executive.
3. Legislation related to financial matters.

Choose the correct answer using the codes below:

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

Solution: (b)

The Council of Ministers is collectively responsible to Lok Sabha only. This means Rajya Sabha cannot pass a no-confidence motion and remove the Government.

It can, however, exercise control over the Government and this function becomes quite evident, particularly when the Government does not enjoy majority in Rajya Sabha. For e.g. in passing ordinary and some financial bills like in the recent case of the TRAI bill.

In case of an ordinary legislation, to resolve a deadlock between the two Houses, the Constitution provides for the joint sitting of both Houses. Issues in joint sitting are decided by a majority of the total number of members of both Houses present and voting. The joint sitting is presided over by the Speaker, Lok Sabha. However, in the case of a Money Bill, there is no provision in the Constitution for a joint sitting of both Houses as Lok Sabha clearly enjoys pre-eminence over Rajya Sabha in financial matters. As regards a Constitution amendment Bill, it has been provided in the Constitution that such a Bill has to be passed by the specific majority, as prescribed under article 368 of the Constitution, by both Houses (not by a joint sitting). This means that if Rajya Sabha has reject

Q.879 In which of the following cases are the powers of the Lok Sabha and Rajya Sabha co-equal?

1. Election and impeachment of the President
2. Approval of ordinances issued by the President
3. Removal of Judges of Supreme Court and High Court
4. Approval of proclamation of all three types of emergencies Select the correct code.

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

Solution: (d)

In all other spheres, including passing of non-money bills, constitutional amendments, and impeaching the President and removing the Vice Presidents, the powers of Lok Sabha and Rajya Sabha are co-equal. Both of them participate in the election and removal of the President, Vice President, Judges of Supreme Court and High Courts.

Q.880 Consider a comparison of the powers of the Lok Sabha and Rajya Sabha.

1. Both houses can pass a constitutional amendment bill, but the bill must be first introduced in the Lok Sabha.
2. Both houses approve the proclamation of emergency, but an emergency cannot be revoked by any of the houses.

Which of the above is/are correct?

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

Solution: (d)

Justification: Statement 1: The bill can be introduced in any house. However it must be passed by both houses. If even one house does not pass the bill, the bill ends there itself. There is no provision of joint sitting in such a case.

Statement 2: The proclamation of a war emergency cannot be made by the president unless the Union cabinet gives him in written that such proclamation should be made. If a proclamation is NOT revoked subsequently, it should be laid before the parliament. The both houses of parliament must approve such proclamation within two months. If the parliament does not

approve the proclamation, it will become ineffective.

It can be revoked either by the President or by Lok Sabha as well.

Q.881 In which of the following cases does the Rajya Sabha has equal status with that of Lok Sabha?

1. Passing of Financial bills involving expenditure from the consolidated fund of India.
2. Approval of ordinances by the President.
3. Enlargement of jurisdiction of the Supreme Court.

Choose the correct answer using the codes below:

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

Solution: (d)

Refer to the concerned section in Laxmikanth – Indian Polity.

(2) Unequal Powers with Lok Sabha

Q.882 Consider the following statements.
Assertion (A): The Rajya Sabha has no power to vote on the demand for grants.

Reason (R): Demand for grants is not even discussed in the Rajya Sabha.

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

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

Solution: (c)

Justification: The Rajya Sabha has no power to vote on the demand for grants; it is the exclusive privilege of the Lok Sabha. Moreover, the Rajya Sabha should return the Money bill (or Finance bill or the Annual budget) to the Lok Sabha within fourteen days. The Lok Sabha can either accept or reject the recommendations made by Rajya Sabha in this regard.

This is because Rajya Sabha is not a directly elected house (like the Lok Sabha) and the government is not responsible to the Rajya Sabha (like it is to the Lok Sabha).

Q.883 Consider the following statements.

1. Lok Sabha exercises more powers in matters of money bills than Rajya Sabha.
2. Council of Ministers can be appointed only by the Lok Sabha.

Which of the above is/are correct?

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

Solution: (a)

Explanation and Learning: Once the Lok Sabha passes the budget of the government or any other money related law, the Rajya Sabha cannot reject it. The Rajya Sabha can only delay it by 14 days or suggest changes in it. The Lok Sabha may or may not accept these changes. Thus, The Statement 1 is correct.

Council of Ministers is not appointed by the Lok Sabha. It is done by the President. Ministers can come both from Lok Sabha and Rajya Sabha. The statement 2 is incorrect.

Q.884 In which of the following matters Lok Sabha exercises greater power than Rajya Sabha?

1. Passing money bills
2. Controlling the Government
3. Passing of constitutional amendment bills

Choose the correct answer using the codes below:

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

Solution: (a)

Our Constitution does give the Rajya Sabha some special powers over the states. But on most matters, the Lok Sabha exercises supreme power. Here are the ways;

- 1 Any ordinary law needs to be passed by both the Houses. But if there is a difference between the two Houses, the final decision is taken in a joint session in which members of both the Houses sit together. Because of the larger number of members, the view of the Lok Sabha is likely to prevail in such a meeting.
- 2 Lok Sabha exercises more powers in money matters. Once the Lok Sabha passes the budget of the government or any other money related law, the Rajya Sabha cannot reject it. The Rajya Sabha can only delay it by 14 days or suggest changes in it. The Lok Sabha may or may not accept these changes.

- 3 Most importantly, the Lok Sabha controls the Council of Ministers. Only a person who enjoys the support of the majority of the members in the Lok Sabha is appointed the Prime Minister. If the majority of the Lok Sabha members say they have 'no confidence' in the Council of Ministers, all ministers including the Prime Minister, have to quit. The Rajya Sabha does not have this power.

Q.885 Consider the following statements with respect to the powers of the Rajya Sabha:

1. Any ordinary law needs to be passed by both the Lok Sabha and Rajya Sabha. But if there is a difference between the two Houses, the final decision is taken by Lok Sabha.
2. Once the Lok Sabha passes the budget of the government or any other money related law, the Rajya Sabha cannot reject it.
3. The Rajya Sabha has power to pass motion of no-confidence against the Government.

Which of the statements is/are incorrect?

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

Solution: (b)

Office of Profit—Article 102

Q.886 With reference to the Parliament (Prevention of Disqualification) Amendment Bill, 2013, consider the following statements:

1. Though Article 102 of the Constitution provides that a person shall be disqualified from being chosen as a Member of Parliament (MP) if he holds an office of profit under the government of India or the government of a state, the Parliament can declare by law that the holding of certain offices will not incur this disqualification.
2. The amendment will exclude the Chairperson of the National Commission for the Scheduled Castes and the Chairperson of the National Commission for the Scheduled Tribes from incurring any disqualification from being an MP.

Which of the above statements is/are correct?

- (a) 1 Only (b) 2 Only
(c) Both 1 and 2 (d) None

Solution: (c)

Background: Article 102 of the Constitution provides that a person shall be disqualified from being chosen as a Member of Parliament (MP) if he holds an office of profit under the government of India or the government of a state. However, Parliament can declare by law that the holding of certain offices will not incur this disqualification.

The Parliament (Prevention of Disqualification) Act, 1959 lists certain offices of profit under the central and state governments, which do not disqualify the holders from being an MP. The Chairperson of the National Commission for Scheduled Castes and Scheduled Tribes is exempted from disqualification as per this list.

Amendment: The Bill seeks to amend the Parliament (Prevention of Disqualification) Act, 1959. The amendment will exclude the Chairperson of the National Commission for the Scheduled Castes and the Chairperson of the National Commission for the Scheduled Tribes from incurring any disqualification from being an MP. The amendment to the 1959 Act reflects the change brought about by the Constitution (89th Amendment) Act, 2003. The constitutional amendment bifurcated the National Commission for the Scheduled Castes and Scheduled Tribes into two independent Commissions: the National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes. Hence, the amendment to the 1959 Act was necessary to exclude the Chairperson of these two Commissions from incurring any disqualification from being an MP

Q.887 An 'office-of-profit' which disqualifies a person from being a member of the Union or State Legislature does not include office held under:

- (a) the Government of India
(b) a State Government
(c) a local authority
(d) All of the above

Solution: (c)

The concept of office of profit has evolved in England to preserve the independence of the legislature by keeping the members away

from any temptations from the executive that can come in the way of independent discharge of their duties. It also seeks to enforce the principle of separation of power between the legislative, the judiciary and the executive – a basic feature of the Constitution.

Office-of-Profit under Indian Constitution

The term ‘office-of-profit’ has not been defined in the Constitution. But, Articles 102(1) and 191(1)—which give effect to the concept of office of profit—prescribe restrictions at the central and state level on lawmakers accepting government positions. Any violation attracts disqualification of MPs or MLAs, as the case may be.

According to Article 102(1)(a), a person shall be disqualified as a member of Parliament for holding any office of profit under the government of India or the government of any state, “other than an office declared by Parliament by law not to disqualify its holder”. Article 191(1)(a) has a similar provision for the members of state assemblies.

However, Articles 102 and 191 clarify that “a person shall not be deemed to hold an office of profit under the government of India or the government of any state by reason only that he is a minister”.

Further, the last part of the two provisions protects a lawmaker holding a government position if the office has been made immune to disqualification by law.

Principles of Declaring Office-of-Profit

Four broad principles have evolved for determining whether an office attracts the constitutional disqualification.

- First, whether the government exercises control over appointment, removal and performance of the functions of the office.
- Second, whether the office has any remuneration attached to it.
- Third, whether the body in which the office is held has government powers (releasing money, allotment of land, granting licences etc.).
- Fourth, whether the office enables the holder to influence by way of patrona

Parliamentary Privileges

Q.888 Consider the following statements.

1. Parliamentary privileges are enshrined in the Constitution and enjoyed by individual MPs as well as each house of Parliament.
2. The presiding officer of the legislature has the final powers in deciding matters of breach of privilege.

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: Privileges may be classified into two groups:

- Privileges that are enjoyed by the members individually and
- Privileges that belong to each House (Lok Sabha or Rajya Sabha) of Parliament collectively.

Parliament has not yet codified its privileges. In fact, the privileges rest on conventions and they may be ascertained by the practice and law that is in force in England

Statement 2: The Privileges and immunities enjoyed by the members individually are:

- Freedom of speech - The basic idea of extending this freedom being the necessity that every member would put forward without fear or favour his/her arguments for or against any matter before the House.
- Freedom from arrest - From this freedom it is understood that no such member shall be arrested in a civil case 40 days before and after the adjournment of the House (Lok Sabha or Rajya Sabha) and also when the House is in session.
- Exemption from attendance as jurors and witnesses.

We will cover collective privileges in later tests.

Q.889 Which of the following is NOT a part of the Collective privileges of each house of Parliament?

- (a) The courts are prohibited to inquire into the proceedings of a House or its committees.
(b) The house can make rules to regulate its own procedure and the conduct of

its business and to adjudicate upon such matters.

- (c) The house can punish members as well as outsiders for breach of its privileges or its contempt by even suspension and imprisonment.
- (d) It has the right to transfer to itself a case pending in the Judiciary that is concerned with a member of that house.

Solution: (d)

Learning: Other 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 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.
- No person (either a member or outsider) can be arrested, and no legal process (civil or criminal) can be served within the premises of the House without the permission of the presiding officer

Q.890 Which of the following is NOT an Individual Privilege accorded to a Member of Parliament?

- (a) They cannot be arrested as a serving MP and charges can be initiated only after they cede the office of MP.
- (b) No member is liable to any proceedings in any court for anything said or any vote given by him in Parliament or its committees.
- (c) They can refuse to give evidence and appear as a witness in a case pending in a court when Parliament is in session.
- (d) All the above privileges are enjoyed by the MPs.

Solution: (a)

Justification: They cannot be arrested during the session of Parliament and 40 days before the beginning and 40 days after the end of a

session. This privilege is available only in civil cases and not in criminal cases or preventive detention cases. So, clearly (a) is incorrect.

They have freedom of speech in Parliament as under option (b). This freedom is subject to the provisions of the Constitution and to the rules and standing orders regulating the procedure of Parliament.

They are exempted from jury service as under option (c)

Sovereignty of Parliament

Q.891 From which of the following reasons it may be concluded that the constitution enjoys a higher position than that of the parliament?

- (a) The constitution cannot be amended by the parliament
- (b) The constitution makers were national movement leaders; the members of the parliament are not.
- (c) The constitution specifies how parliament is to be formed and what are its powers.
- (d) The constitution was framed before the parliament came into being

Solution: (c)

While D looks like it should be a reason; C is a better reason. Moreover, many Acts also came before the constitution came into being – but that does not mean those acts were superior to the Parliament.

Q.892 Which of the following factors limit the sovereignty of the Indian Parliament

1. Federal system of government
2. Constitutionality of local bodies
3. System of judicial review

Choose the correct option from the codes below:

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

Solution: (a)

The constitutionality of local bodies has nothing to do with the powers of the Parliament. In fact, the local bodies themselves rely on the State government for power and authority.

Q.893 The Parliament in India is not the supreme authority owing to which of the following:

1. Written Constitution
2. Federal system

3. Fundamental Rights
4. Separation of powers between the executive and the legislature.

Choose the correct answer using the following codes:

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

Solution: (b)

A written Constitution and fundamental rights restrict the authority of the Parliament. It has to ensure that its laws/constitutional amendments do not violate the constitution and the fundamental rights, and conform to the basic structure.

In a federal system, the state legislatures also have a say in matters of making laws and constitutional amendments. Parliament cannot amend the constitution as it desires in certain cases.

There is no separation of powers in India. It is actually fusion of powers which makes the Parliament even more powerful.

Q.894 With reference to the supremacy of the Parliament, consider the following statements

1. In a parliamentary democracy, the Parliament represents the people and therefore, it is expected to have an upper supremacy of the Parliament has to operate within this framework.
3. The Judiciary, in its famous Golaknath ruling found a way out of the existing complications by turning to the spirit of the Constitution rather than its letter in which it upheld that the balance of powers between various organs of the state was a basic structure of the constitution.

Which of the above statements is/are correct?

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

Solution: (a)

In the last fifty five years some very critical situations arose in the politics and constitutional development of the country. We have made a brief reference to some of these in this chapter already. In terms of constitutional-legal issues, the most serious question that came up again and again from 1950 was about the supremacy of the Parliament. In a parliamentary democracy, the Parliament represents the

people and therefore, it is expected to have an upper hand over both Executive and Judiciary. At the same time, there is the text of the Constitution and it has given powers to other organs of the government. Therefore, the supremacy of the Parliament has to operate within this framework. Democracy is not only about votes and people's representation. It is also about the principle of rule of law.

Democracy is also about developing institutions and working through these institutions. All the political institutions must be responsible to the people and maintain a balance with each other.

Contribution of the Judiciary

During the controversy between the Judiciary and the Parliament, the Parliament thought that it had the power and responsibility to make laws (and amendments) for furthering the interests of the poor, backward and the needy. The Judiciary insisted that all this has to take place within the framework provided by the Constitution and pro-people measures should not bypass legal procedures, because, once you bypass laws even with good intentions, that can give an excuse to the power holders to use their power arbitrarily. And democracy is as much about checks on arbitrary use of power as it is about the well-being of the people.

The success of the working of the Indian Constitution lies in resolving these tensions. The Judiciary, in its famous Kesavananda ruling found a way out of the existing complications by turning to the spirit of the Constitution rather than its letter. If you read the Constitution, you will not find any mention of the 'basic structure' of the Constitution. Nowhere does the Constitution say that such and such are part of the basic structure. In this sense, the 'basic structure' theory is the invention of the Judiciary. How did it invent such a non-existent thing? And how is it that all other institutions have accepted this during the past three decades?

There it lies the distinction between letter and spirit. The Court came to the conclusion that in reading a text or document, we must respect the intent behind that document. A

mere text of the law is less important than the social circumstances and aspirations that have produced that law or document. The Court was looking at the basic structure as something without which the Constitution cannot be imagined at all. This is an instance of trying to balance the letter and the spirit of the Constitution.

Committees of Parliament

General Provisions

Q.895 With reference to various Parliamentary committees in India, consider the following statements

1. Standing committee is permanent in nature
2. Standing committees are formed only by Lok Sabha
3. Ad hoc committees are temporary in nature
4. The Committee on Petitions is an example of ad hoc committee

Which of the above statements is/are correct?

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

Solution: (d)

Parliamentary Committees are of two kinds: *Ad hoc* Committees and the Standing Committees. *Ad hoc* Committees are appointed for a specific purpose and they cease to exist when they finish the task assigned to them and submit a report. The principal *Ad hoc* Committees are the Select and Joint Committees on Bills. Others like the Railway Convention Committee, the Committees on the Draft Five Year Plans and the Hindi Equivalents Committee were appointed for specific purposes. Apart from the *Ad hoc* Committees, each House of Parliament has Standing Committees like the Business Advisory Committee, the Committee on Petitions, the Committee of Privileges and the Rules Committee, etc.

Standing committee is a committee consisting of Members of Parliament. It is a permanent and regular committee which is constituted from time to time according to the provisions of an Act of Parliament or Rules of Procedure and Conduct of

Business. The work done by the Indian Parliament is not only voluminous but also of a complex nature, hence a good deal of its work is carried out in these Parliamentary Committees.

Both Houses of Parliament, Rajya Sabha and Lok Sabha, have similar Committee structures with a few exceptions. Their appointment, terms of office, functions and procedures of conducting business are broadly similar. These standing committees are elected or appointed every year, or periodically by the Chairman of the Rajya Sabha or the Speaker of the Lok Sabha, or as a result of consultation between them.

Q.896 Which of these is/are some of the general characteristics of Parliamentary committees?

1. All members should be elected by the house.
2. It presents its report to the Speaker or the Chairman of the house.
3. It must have the status of a consultative committee with any Ministry at the Centre.

Select the correct answer using the codes below.

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

Solution: (b)

Justification: A parliamentary committee means a committee that:

- Is appointed or elected by the House or nominated by the Speaker/Chairman. So, 1 is wrong.
- Works under the direction of the Speaker / Chairman
- Presents its report to the House or to the Speaker / Chairman. So, the option 2 is correct.
- Has a secretariat provided by the Lok Sabha / Rajya Sabha

Statement 3: The consultative committees, which also consist of members of Parliament, are not parliamentary committees as they do not fulfill above four conditions.

Q.897 A parliamentary committee means a committee which

1. Is appointed or elected by the House or nominated by the Speaker / Chairman

2. Presents its report to the House or to the Speaker/Chairman
3. Has a secretariat provided by the Lok Sabha/Rajya Sabha

Select the correct answer using the codes below.

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

Solution: (d)

Justification: It also works under the direction of the Speaker/Chairman of the House.

Any committee consisting of MPs will not necessarily be a Parliamentary Committee.

For example, the consultative committees, which also consist of members of Parliament, are not parliamentary Committees as they do not fulfill above four conditions.

Q.898 A Minister is NOT eligible for election to which of these Parliamentary Committees?

1. Committee on Estimates
2. Public Accounts Committee
3. Committee on Public Sector Undertakings (PSUs)

Select the correct answer using the codes below.

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

Solution: (d)

<http://www.parliamentofindia.nic.in/ls/intro/p21.htm>

All these committees deal with the scrutiny of the government expenditure. If a Minister is a part of such committees, it will create conflict of interest situation. Hence, it is avoided. Moreover, the minister might influence the proceedings of the meetings.

Q.899 Which of the following Committees acts as Parliament's 'Watch Dogs' over the executive?

- (a) Committee on Public assurances
- (b) Committee on Estimates
- (c) Committees on Subordinate Legislation
- (d) All of the above

Solution: (d)

Justification: The work done by the Parliament in modern times is not only varied in nature, but considerable in volume.

The time at its disposal is limited. It cannot, therefore, give close consideration to all the legislative and other matters that come up before it. A good deal of its business is, therefore, transacted by what are called the Parliamentary Committees.

The committees that act as watchdogs are the Committees on Subordinate Legislation (checks rules/regulation made under laws), the Committee on Government Assurances, the Committee on Estimates, the Committee on Public Accounts and the Committee on Public Undertakings and Departmentally Related Standing Committees (DRSCs).

The Committee on Estimates, the Committee on Public Accounts, the Committee on Public Undertakings and DRSCs play an important role in exercising a check over governmental expenditure and Policy formulation. Committee on Government Assurances (Lok Sabha)

This Committee consists of 15 members nominated by the Speaker. A Minister is not nominated to this Committee.

While replying to questions in the House or during discussions on Bills, Resolutions, Motions etc., Ministers at times give assurances or undertakings either to consider a matter or to take action or to furnish the House further information later.

The functions of this Committee are to scrutinize the assurances, promises, undertakings etc. given by Ministers from time to time and to report to Lok Sabha on the extent to which such assurances and others have been implemented and to see whether such implementation has taken place within the minimum time necessary for the purpose.

Q.900 With reference to Parliamentary Standing Committees consider the following:

1. Standing Committees not only supervise the work of various departments but also their budget.
2. Public Accounts Committee is an example of Standing Committee.
3. Members of the Standing committees are selected from both Houses.
4. Standing Committees are permanent in nature.

5. Standing Committees are means of parliamentary control over the executive. Which of the above statements is/are correct?
- (a) 1, 4 and 5 Only
 (b) 1, 3 and 5 Only
 (c) 1, 2, 4 and 5 Only
 (d) 1, 2, 3, 4 and 5

Solution: (c)

Standing Committees not only supervise the work of various departments but also their budget, their expenditure and bills that come up in the house relating to the department.

It is a permanent and regular committee which is constituted from time to time according to the provisions of an Act of Parliament or Rules of Procedure and Conduct of Business. The work done by the Indian Parliament is not only voluminous but also of a complex nature, hence a good deal of its work is carried out in these Parliamentary Committees. There are two types of Parliamentary Committee, the Standing Committee and the Ad hoc Committee. Public Accounts Committee is an example of Standing Committee. Members of the Standing committees are selected from both Houses, except for Estimates Committee where all the members are from Lok Sabha Only.

(1) Public Accounts Committee (PAC)

- Q.901** Which of the following statements about the Public Accounts Committee is INCORRECT?
- (a) Its members are nominated by the Speaker giving due representation from all parties.
 (b) The term of office of the members is one year.
 (c) A minister cannot be chosen as a member of the committee.
 (d) The committee examines the annual audit reports of the Comptroller and Auditor General of India (CAG).

Solution: (a)

Justification: At present, it consists of 22 members (15 from the Lok Sabha and from the Rajya Sabha). The members are elected by the Parliament every year from amongst

its members according to the principle of proportional representation by means of the single transferable vote. Thus, all parties get due representation in it.

The chairman of the committee is appointed by the Speaker from amongst its members.

Until 1966–1967, the Chairman of the Committee belonged to the ruling party. However, since 1967, a convention has developed whereby the chairman of the committee is selected invariably from the Opposition

- Q.902** Which of the following statements about the Public Accounts Committee (PAC) is INCORRECT?
- (a) It was first setup under the provisions of the Government of India Act of 1919.
 (b) Its members are drawn from both houses of the Parliament.
 (c) A minister cannot be elected as a member of the committee.
 (d) Chairman of the Committee is appointed by the Leader of the House.

Solution: (d)

Learning: This committee was setup first in 1921 under the provisions of the Government of India Act of 1919 and has since been in existence. So, A is correct.

At present, it consists of 22 members (15 from the Lok Sabha and 7 from the Rajya Sabha). The members are elected by the Parliament every year from amongst its members according to the principle of proportional representation by means of the single transferable vote. So, B is correct.

A minister cannot be elected as a member of the committee. The chairman of the committee is appointed by the Speaker from amongst its members. So, D is incorrect.

The function of the committee is to examine the annual audit reports of the comptroller and auditor general of India (CAG), which are laid before the Parliament by the president.

- Q.903** Apart from selected MPs, Public Account Committee (PAC) members is/are
1. Finance Secretary, Union Government
 2. Eminent citizens from Industry and Trade

3. Comptroller and Auditor General of India
4. Governor, RBI

Select the correct answer using the codes below.

- (a) 1 and 3 only (b) 2 and 4 only
(c) 1, 2, 3 and 4 (d) None of the above

Solution: (d)

Justification: The CAG assists the committee; he is not its member. So, the option 3 is wrong.

RBI Governor may be called upon by the PAC for justification, assistance etc. He is also not its member. So, the option 4 is wrong.

Q.904 Who appoints the Chairman of the Public Accounts Committee (PAC) of the Parliament?

- (a) Prime Minister of India
- (b) Speaker of Lok Sabha
- (c) Chairman of Rajya Sabha
- (d) Secretary, Lok Sabha

Solution: (b)

Learning: The chairman of the committee is appointed by the Speaker from amongst its members.

- The members are elected by the Parliament every year from amongst its members according to the principle of proportional representation by means of the single transferable vote.
- Until 1966–67, the chairman of the committee belonged to the ruling party. However, since 1967 a convention has developed whereby the chairman of the committee is selected invariably from the Opposition.
- The function of the committee is to examine the annual audit reports of the CAG.

Q.905 Consider the following statements about the Public Accounts Committee:

1. It consists of members from both the houses of Parliament.
2. Its members are nominated by the Speaker of Lok Sabha and the Chairman of Rajya Sabha.
3. It examines the annual audit reports of the CAG submitted to the Parliament.
4. It examines the effectiveness and efficiency of the government expenditure based on the CAG reports.

Which of these is/are true?

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

Solution: (b)

The Estimates Committee examines the effectiveness and economy of the expenditure over the year and based on its own exercises. Members are drawn from both the houses in the PAC.

(2) Estimates Committee

Q.906 Consider the following statements about a certain Parliamentary Committee.

1. The Rajya Sabha has no representation in this committee.
2. The committee examine the estimates included in the budget and suggest 'economies' in public expenditure.
3. The committee works throughout the financial year and reports to the House as its examination proceeds.

The above refer to?

- (a) Committee on Public Undertakings
- (b) Departmental Standing Committees
- (c) Committee on Government Finances
- (d) Estimates Committee

Solution: (d)

Learning: All the thirty members are from Lok Sabha only. These members are elected by the Lok Sabha every year from amongst its members.

1. A minister cannot be elected as a member of the committee. The chairman of the committee is appointed by the Speaker from amongst its members and he is invariably from the ruling party.
2. The function of the committee is to examine the estimates included in the budget and suggest 'economies' in public expenditure. Hence, it has been described as a 'continuous economy committee'.
3. It is not incumbent on the committee to examine the entire estimates of any one year. The demands for grants are finally voted despite the fact that the committee has made no report.

Q.907 Consider the following with reference to the Estimates Committee of the Parliament.

1. The Rajya Sabha has no representation in this committee.

2. A minister can be elected as a member of the committee.
3. The chairman of the committee is appointed by the Speaker.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: All the thirty members are from Lok Sabha only. The Rajya Sabha has no representation in this committee. These members are elected by the Lok Sabha every year from amongst its members, according to the principles of proportional representation by means of a single transferable vote.

Statement 2 and 3: All parties get due representation in it. The term of office is one year. A minister cannot be elected as a member of the committee. The chairman of the committee is appointed by the Speaker from amongst its members and he is invariably from the ruling party.

Learning: The origin of this committee can be traced to the standing financial committee set up in 1921.

The first Estimates Committee in the post-independence era was constituted in 1950 on the recommendation of John Mathai, the then finance minister.

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

Q.908 Consider the following statements.

1. A minister cannot be elected as a member of the committee.
2. The chairman of the committee is appointed by the Speaker from amongst its members and he is invariably from the ruling party.
3. It has been described as a 'continuous economy committee'.

The above refers to?

- (a) Public Accounts Committee
(b) Estimates Committee
(c) Business Committee
(d) Committee on Delegated Legislation

Solution: (b)

Justification: The options are set in a way that you can easily recognize the answer as (b). Also, It is exclusively a committee of the Lower House.

Public Accounts Committee scrutinizes the executive's expenditure, so the dominance of a ruling party member should not be expected in the committee. So, (a) is incorrect.

Business committee and Committee on Delegated Legislation do not deal with economies. So, (c) and (d) are incorrect.

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

Q.909 Consider the following about Estimates Committee.

1. It is exclusively a committee of the lower house.
2. Chairman of this committee is invariably from the ruling party.
3. The committee is guided by Comptroller and Auditor General of India.

Choose the correct answer using the codes below.

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

Solution: (a)

Originally, it had 25 members but in 1956 its membership was raised to 30. All the thirty members are from Lok Sabha only. The Rajya Sabha has no representation in this committee. These members are elected by the Lok Sabha every year from amongst its members, according to the principles of proportional representation by means of a single transferable vote. Thus, all parties get due representation in it. The term of office is one year. A minister cannot be elected as a member of the committee. The chairman of the committee is appointed by the Speaker from amongst its members and he is invariably from the ruling party.

Q.910 Which of the following Parliamentary committees does NOT witness any participation from Rajya Sabha?

- (a) Public Accounts Committee
- (b) Committee on Empowerment of Women
- (c) Committee of Privileges
- (d) Estimates Committee

Solution: (d)

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

Committee on Empowerment of Women: This committee was constituted in 1997 and consists of 30 members (20 from Lok Sabha and 10 from Rajya Sabha).

It considers the reports of the National Commission for Women and examines the measures taken by the Union Government to secure status, dignity and equality for women in all fields.

(3) Committee on Public Undertakings

Q.911 Which of the following best describes the function of committee on public undertakings?

- (a) to examine the reports, if any, of the Comptroller and Auditor General on the Public Undertakings
- (b) to suggest alternative policies in order to bring about efficiency and economy in administration
- (c) to ascertain whether the money granted by Parliament has been spent by Government “within the scope of the Demand”
- (d) None of the above

Solution: (a)

Committee on Estimates

This Committee consists of 30 members who are elected by the Lok Sabha every year from amongst its members. A Minister is not eligible for election to this Committee. The term of the Committee is one year. The main function of the Committee on Estimates is to report what economies, improvements in organisation, efficiency, or administrative reform, consistent with the policy underlying the estimates may be effected and to suggest

alternative policies in order to bring about efficiency and economy in administration. From time to time the Committee selects such of the estimates pertaining to a Ministry or a group of Ministries or the statutory and other Government bodies as may seem fit to the Committee. The Committee also examines matters of special interest which may arise or come to light in the course of its work or which are specifically referred to it by the House or the Speaker.

Committee on Public Undertakings

The Committee on Public Undertakings consists of 15 members elected by the Lok Sabha and 7 members of Rajya Sabha are associated with it. A Minister is not eligible for election to this Committee. The term of the Committee is one year.

The functions of the Committee on Public Undertakings are—(a) to examine the reports and accounts of Public Undertakings; (b) to examine the reports, if any, of the Comptroller and Auditor General on the Public Undertakings; (c) to examine in the context of the autonomy and efficiency of the Public Undertakings whether the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices; and (d) such other functions vested in the Committee on Public Accounts and the Committee on Estimates in relation to the Public Undertakings as are not covered by clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time. The Committee does not, however, examine matters of major Government policy and matters of day-to-day administration of the Undertakings.

Committee on Public Accounts

This Committee consists of 15 members elected by the Lok Sabha and 7 members of the Rajya Sabha are associated with it. A Minister is not eligible for election to this Committee. The term of the Committee is one year.

The main duty of the Committee is to ascertain whether the money granted by Parliament has been spent by Government “within the scope of the Demand”. The

Appropriation Accounts of the Government of India and the Audit Reports presented by the Comptroller and Auditor General mainly form the basis for the examination of the Committee. Cases involving losses, nugatory expenditure and financial irregularities come in for severe criticism by the Committee. The Committee is not concerned with questions of policy. It is concerned only with the execution of the policy laid down by Parliament and its results.

Business Advisory Committee (Lok Sabha)

The Business Advisory Committee of Lok Sabha consists of 15 members including the Speaker who is the *ex-officio* Chairman. The members are nominated by the Speaker. Almost all sections of the House are represented on the Committee as per the respective strength of parties in the House. The function of the Committee is to recommend the time that should be allotted for the discussion of such Government legislative and other business as the Speaker, in consultation with the Leader of the House, may direct to be referred to the Committee. The Committee, on its own initiative, may also recommend to the Government to bring forward particular subjects for discussion in the House and recommend allocation of time for such discussions. The decisions reached by the Committee are always unanimous in character and representative of the collective view of the House. The Committee generally meets at the beginning of each Session and thereafter as and when necessary.

(4) Departmental Standing Committees

Q.912 Consider the following about Departmental standing committees.

1. The main objective of the standing committees is to secure greater financial accountability of the Executive to the Legislature.
2. Such committees consist of members from Lok Sabha alone.
3. A minister is not eligible to be nominated as a member of any of the standing committees.

4. The term of office of each standing committee is one year from the date of its constitution.

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 1: They assist the Parliament in debating the budget more effectively as they examine department's budget more closely than the Parliament could do. The 24 standing committees cover under their jurisdiction all the ministries / departments of the Central Government.

Statement 2: Each standing committee consists of 31 members (21 from Lok Sabha and 10 from Rajya Sabha). The members of the Lok Sabha are nominated by the Speaker from amongst its own members, just as the members of the Rajya Sabha are nominated by the Chairman from amongst its members.

Statement 3: A minister is not eligible to be nominated as a member of any of the standing committees. In case a member, after his nomination to any of the standing committees, is appointed a minister, he then ceases to be a member of the committee.

Statement 4: The term of office of each standing committee is one year from the date of its constitution. Out of the 24 standing committees, 8 work under the Rajya Sabha and 16 under the Lok Sabha.

(5) Other Committees

Q.913 Consider the following about bills referred to a Joint Committee of the Parliament.

1. A Joint Committee cannot recommend amendment of the bill, and can only record its observations on the bill.
2. A Money bill cannot be referred to a Joint Committee of the Houses.

Which of the above is/are correct?

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

Solution: (b)

Justification: Statement 1: If a Bill is referred to a Select or a Joint Committee, it considers the Bill clause-by-clause just as the House does. Amendments can be moved to

the various clauses by the members of the Committee.

After the report of the Select or Joint Committee has been presented to the House, the member-in-charge of the Bill usually moves the motion for consideration of the Bill, as reported by the Select or Joint Committee, as the case may be.

Statement 2: A Money Bill or a Financial Bill containing any of the provisions calculated to make a Bill a Money Bill, however, cannot be referred to a Joint Committee of the Houses. This is because RS has no powers of amending a money bill.

Secretariat

Q.914 Each House of Parliament has separate secretarial staff of its own. The secretariat of each House is headed by a secretarygeneral. He is a permanent officer and is appointed by the

- Leader of the House
- Presiding Officer of the House
- President of India
- The Department of Personnel and Training

Solution: (b)

Learning: The Secretariat of Rajya Sabha was set up pursuant to the provisions contained in Article 98 of the Constitution. Parliament may by law regulate the recruitment and the conditions of service of persons appointed to the secretarial staff of either House of Parliament.

The President may, after consultation with the Speaker of the House of the People or the Chairman of the Council of States, as the case may be, make rules regulating the recruitment and the conditions of service of persons appointed to the secretarial staff of the House.

Q.915 With reference to the Secretariat of Rajya Sabha, consider the following statements.

- The Secretariat was set up pursuant to a constitutional provision of separate secretarial staff for each House of Parliament.
- Rules regulating the conditions of service of appointees to the Secretariat are made

by the President after consultation with the presiding officer of the house.

Which of the above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- None

Solution: (c)

Justification: Statement 1: A98 says that Each House of Parliament shall have a separate secretarial staff provided that nothing in this clause shall be construed as preventing the creation of posts common to both Houses of Parliament.

Statement 2: The President may, after consultation with the Speaker of the House of the People or the Chairman of the Council of States, as the case may be, make rules regulating the recruitment and the conditions of service of persons appointed to the secretarial staff of the House of the People or the Council of States and any rules so made shall have effect subject to the provisions of any law made under the said clause.

Q.916 Consider the following about the Secretary General, Lok Sabha.

- He is appointed by the President of India in consultation with the Speaker of Lok Sabha.
- The post of Secretary General is of the rank of the Cabinet Secretary in the Government of India.

Which of the above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- None

Solution: (b)

Justification: As Secretary General, he is also the Administrative head of the Secretariat of the Lok Sabha.

- The post of Secretary General is of the rank of the Cabinet Secretary in the Government of India, who is the senior most civil servant to the Indian Government.
- The incumbent to the post is appointed by the Speaker of Lok Sabha in consultation with the Prime Minister of India and the Leader of the Opposition in the Lok Sabha.
- As per precedence, incumbents to the post of Secretary General have either been senior officers in the Lok Sabha Secretariat or senior civil servants in the Government of India.

Parliamentary Forums

Q.917 Parliamentary forums provide a platform to the members to have interactions with the ministers and officials concerned. Which of the following statements about Parliamentary Forums is correct?

- (a) The Speaker of Lok Sabha is the President of all the Forums.
- (b) Members can be drawn from both Lok Sabha and Rajya Sabha.
- (c) Members of these forums are nominated by the President.
- (d) None of the above

Solution: (b)

Justification: Option (a): The Speaker of Lok Sabha is the President of all the Forums except the Parliamentary Forum on Population and Public Health wherein the Chairman of Rajya Sabha is the President and the Speaker is the Co-President.

Option (b): Each Forum consists of not more than 31 members (excluding the President and ex-officio VicePresidents) out of whom not more than 21 are from the Lok Sabha and not more than 10 are from the Rajya Sabha.

Option (c): Members (other than the President and Vice-Presidents) of these forums are nominated by the Speaker/Chairman from amongst the leaders of various political parties/groups or their nominees, who have special knowledge/keen interest in the subject.

The duration of the office of members of the forum is co-terminus with their membership in the respective Houses. A member may also resign from the forum by writing to the Speaker/Chairman.

Miscellaneous

Q.918 Consider the following statements:

1. When Lok Sabha is dissolved, ministers in the Rajya Sabha also have to vacate their office in the council of Ministers.
2. Rajya Sabha cannot reject a money bill, but it has the power to vote for public expenditure.
3. Lok Sabha can enact a law from the subjects in the state list applicable to all

the states, if majority of the states pass a resolution seeking for the same.

Which of these is/are true?

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

Solution: (d)

While Ministers vacate their offices, they do not lose their membership of the house.

A resolution for making law from the state list needs the approval of the council of states (Rajya Sabha) to be applicable to all the states. If a majority of the states pass a resolution to this effect, it will apply only to those states.

Q.919 The Indian Parliamentary Group is

- (a) An autonomous body, membership of which is open to all current or former members of the Indian Parliament.
- (b) A standing committee of the Parliament presided by the Speaker
- (c) A youth forum eliciting their participation in active national politics
- (d) An attached office under the Ministry of Parliamentary Affairs that trains and assists the newly elected MPs in discharge of their responsibilities

Solution: (a)

Learning: The Indian Parliamentary Group is an autonomous body formed in the year 1949 in pursuance of a Motion adopted by the Constituent Assembly (Legislative) in 1948.

Membership of the Indian Parliamentary Group is open to all Members of Parliament and ex-Members of Parliament. A Member of Parliament can become a life Member of the Group on payment of life subscription of Rs. 500 by sending an application together with the life subscription to the Secretary-General of Lok Sabha (who is *ex-officio* Secretary-General of the Group).

The aims and objects of the Indian Parliamentary Group are as follows.

1. to promote personal contacts between Members of Parliament;
2. to study questions of public importance that are likely to come up before Parliament and arrange Seminars and discussions

and orientation courses and bring out publications for the dissemination of information to the Members of the Indian Parliamentary Group;

3. to arrange lectures on political, defence, economic, social and educational problems by Members of Parliament and distinguished persons; and
4. to arrange visits to foreign countries with a view to develop contacts with Members of other Parliaments

Q.920 Consider the following statements with reference to the Rules of Procedure and Conduct of Business in Lok Sabha.

1. The Annual Budget shall be presented to the House on such day as the Presiding Officer of the house may direct.
2. The Budget shall be presented to the House in such form as the Estimates Committee decides.
3. There shall be no discussion of the Budget on the day on which it is presented to the House.

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 1: The Annual Financial Statement of the Government of India in respect of each financial year ('the Budget') shall be presented to the House on such day as the President may direct.

Statement 2: The Budget shall be presented to the House in such form as the Finance Minister may, after considering the suggestions, if any, of the Estimates Committee, settle.

Statement 3: On a day to be appointed by the Speaker subsequent to the day on which the Budget is presented and for such time as the Speaker may allot for this purpose, the House shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved nor shall the Budget be submitted to the vote of the House. The Finance Minister shall have a general right of reply at the end of the discussion.

Q.921 Consider the following about the Economic Survey.

1. It is published by the Ministry of Finance.
2. It is presented along with the budget to the Lok Sabha.
3. It is not presented to Rajya Sabha.

Choose the correct answer using the codes below.

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

Solution: (d)

The Finance Ministry of India presents the Economic Survey in the parliament every year, just before the Union Budget. It is the ministry's view on the annual economic development of the country. Economic Survey reviews the developments in the Indian economy over the previous 12 months, summarizes the performance on major development programs, and highlights the policy initiatives of the government and the prospects of the economy in the short to medium term. This document is presented to both houses of Parliament during the Budget Session (not along with the budget).

Q.922 Consider the following statements:

1. A public bill can only be introduced by a minister.
2. The Rajya Sabha can delay an ordinary bill passed by the Lok Sabha for indefinite period of time till the bill lapses.
3. Rajya Sabha cannot delay passing a money bill for more than two weeks.

Which of these is/are true?

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

Solution: (d)

A public bill reflects the policies of the ruling party and hence can be introduced only by a minister. A private bill on the other hand deals with general matters, and is thus introduced by a private MP.

Rajya Sabha cannot delay the passing of a money bill as central budget or any spending should be decided by house of people and not house of the states.

In case the delay is more than six months for an ordinary bill, a joint sitting is called by the President.

Q.923 Under which of the following conditions security deposits of a candidate contesting for a Lok Sabha seat is returned to him/her?

- I. The nomination made by the candidate if found to be invalid.
- II. The candidate has withdrawn his/her nomination even through it is found valid.
- III. The candidate lost the polls but secured 1/6th of the total number of valid votes polled in that election.

Select the correct answer using the code given below [CDS 2009]

- (a) I and II (b) I, II and III
(c) II and III (d) I only

Solution: (a)

Section 158 of the Representation of the People Act, 1951 lays down the method of deposit of the deposits made by the candidates. According to it every candidate whose nomination paper was found valid must have made the requisite deposit of Rs.10,000 of in the case of an election from a Parliamentary Constituency or, as the case may be, Rs.5,000 in the case of an election from an Assembly Constituency. (The amount of deposit is half in the case of a candidate belonging to a scheduled Caste or Scheduled Tribe).

The deposit made by a candidate shall be returned if the following conditions are satisfied.

- (i) the candidate is not shown in the list of contesting candidates, that is to say, either his nomination was rejected or after his nomination was accepted, he withdrew his candidature; or
- (ii) he dies before the commencement of the poll; or
- (iii) he is elected; or
- (iv) he is not elected but gets more than 1/6th of the total number of valid votes polled by all the candidates at the election.

In furtherance, (1) If the candidate has polled exactly 1/6th of the total number of valid votes polled by all the candidates, the deposit will not be refunded.

(2) if the candidate was elected, the deposit will be refunded even if he did not poll more than 1/6th of the total valid votes polled by all the candidates.

Q.924 Match List I with List II and select the correct answer from the codes given below the list.

List I

- A. Supreme Legislation
- B. Executive other than Legislation
- C. Delegated Legislation
- D. Conditional Legislation

List II

1. Law based on discretion of authority
2. Law enacted by authority legislature
3. Law enacted by legislation
4. Ordinance issued by the president/ governor
5. Law made by judges while deciding the case

Code:

A B C D

- (a) 3 4 2 1 (b) 2 1 5 4
(c) 3 1 2 4 (d) 2 4 5 1

Solution: (a)

Self-explanatory

Q.925 Under the Constitution “Doctrine of Eclipse” applies to only

- (a) to the pre-constitutional laws.
- (b) to the post-constitutional laws but only in respect of non-citizens.
- (c) to the post-constitutional laws in respect of citizens only.
- (d) to all laws, pre-constitutional or post Constitutional of citizens only.

Solution: (a)

Doctrine of Eclipse says that any law inconsistent with Fundamental Rights is not invalid. It is not dead totally but overshadowed by the fundamental right. The inconsistency (conflict) can be removed by constitutional amendment to the relevant fundamental right so that eclipse vanishes and the entire law becomes valid

Supreme court has held that article 13(1) had the effect of nullifying or rendering the existing law which had become inconsistent with fundamental right as it then stood, ineffectual, nugatory and devoid of any legal force or binding effect, only with respect to the exercise of the fundamental right on and after the date of the commencement of the

Constitution. Hence the doctrine applies to the pre constitutional laws.

- Q.926** The term 'Colourable Legislation' implies
- a legislation which is openly and directly out of the purview of the legislature
 - a Statute passed by the legislature purporting to act within the limits of its powers, but in substance and in reality it has transgressed these powers
 - a legislation aimed at reducing the power of judiciary
 - any law that is fit to be declared as *ultra vires* by the judiciary Rule of lapse

Solution: (b)

Doctrine also traces its origin to a Latin Maxim:

"Quando aliquid prohibetur ex directo, prohibetur et per obliquum"

This maxim implies that "when anything is prohibited directly, it is also prohibited indirectly". In common parlance, it is meant to be understood as "Whatever legislature can't do directly, it can't do indirectly".

In our Constitution, this doctrine is usually applied to Article 246 which has demarcated the Legislative Competence of the Parliament and the State Legislative Assemblies by outlining the different subjects under List I for the Union, List II for the States and List III for both, as mentioned in the Seventh Schedule.

This doctrine comes into play when a Legislature does not possess the power to make law upon a particular subject but nonetheless indirectly makes one. By applying this principle the fate of the Impugned Legislation is decided.

Supreme court has upheld the principle in *K. C. Gajapati Narayana Deo v. The State of Orissa*, AIR 1953 Ori 185. The idea conveyed by the expression is that although apparently a legislature in passing a statute purported to act within the limits of its powers, yet in substance and in reality it transgressed these powers, the transgression being veiled by what appears, on proper examination, to be a mere presence or disguise."

This Doctrine is also called as "Fraud on the Constitution". The failure to comply with a Constitutional condition for the exercise of

legislative power may be overt or it may be covert. When it is overt, we say the law is obviously bad for non-compliance with the requirements of the Constitution, that is to say, the law is *ultra vires*. When, however, the non-compliance is covert, we say that it is a 'fraud on the Constitution', the fraud complained of being that the Legislature pretends to act within its power while in fact it is not so doing.

Limitations on the Application of Doctrine of Colourable Legislation

- The doctrine has no application where the powers of a Legislature are not fettered by any Constitutional limitation.
- The doctrine is also not applicable to Subordinate Legislation.
- The doctrine of colourable legislation does not involve any question of *bona fides* or *mala fides* on the part of the legislature.
- There is always a Presumption of Constitutionality in favour of the Statute.

Q.927 What does the "Rule of lapse" mean?

- All pending bills in Parliament lapse with its prorogation
- All appropriations voted by the legislature expire at the end of the financial year
- The demand for grants of a ministry lapses with criticism of its policy by the opposition
- The appropriation bill lapses if it is not returned by the Rajya Sabha within 14 days.

Solution: (b)

The budget is based on the principle of annuality, that is, the Parliament grants money to the government for one financial year. If the granted money is not spent by the end of the financial year, then the balance expires and returns to the Consolidated Fund of India. This practice is known as the 'rule of lapse'. It facilitates effective financial control by the Parliament as no reserve funds can be built without its authorisation. However, the observance of this rule leads to heavy rush of expenditure towards the close of the financial year. This is popularly called as 'March Rush'.

- Q.928** Which one of the following is a common objective of the 'Rule of Lapse', Sunset Legislation and Zero Based Budgeting?
- (a) Economy in expenditure
 - (b) Legislative control
 - (c) Review and reauthorisation of expenditure
 - (d) Ensuring achievement of physical targets.

Solution: (c)

Refer previous explanation.

STATE GOVERNMENT – PART VI – ARTICLES 152 TO 237

(23) GOVERNOR – PART VI

Q.929 In a judgment, Supreme Court has declared that Governor is not the “conscience keeper” of the legislative assembly. What does this imply?

1. It is inappropriate for the Governor to manage proceedings of legislative assembly to keep the right order.
2. It is wrong for the Governor to attend the legislative proceedings of the assembly.

Which of the above is/are correct?

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

Solution: (a)

Justification: In past Supreme Court had restored the Congress government in Arunachal Pradesh and declared all decisions of Governor as “unconstitutional”.

- Governor’s decision had led to imposition of President’s rule in the state and later formation of a new government.
- This judgment is historic since it is the first time the Supreme Court has restored a government after it was dismissed and a new government was sworn in.
- SC directed that a Governor cannot have the freedom to determine when and in which situation he can take a decision at his own discretion without the aid and advice of the Chief Minister and his Council of Ministers.
- The court said that a Governor is not an elected representative, but only an executive nominee whose powers flow from the aid and advice of the Cabinet.
- As per the judgment, Governor can act without the aid and advice only when a government has lost its majority in a floor test.
- Judgment also ruled that the Governor is not the conscience-keeper of the “Legislative Assembly” and that he had to stay away from the business of the Assembly.
- The court said that the Constitution does not assign any role to a Governor to interfere in the activities of the Assembly.

- Hence it would be outside the domain of his powers to fix a date for an Assembly session or to decide how the Assembly functions.

Q.930 Consider the following statements with reference to the state administration. Assertion (A): There is no office of vice-governor in the state like that of Vice-President at the Centre.

Reason (R): The office of governor of a state is not an employment under the Central government.

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

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

Solution: (b)

Justification: The two statements are unrelated even though correct.

A is correct as only the office of Governor has been constitutionally provided.

R is correct in the following way.

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.

Q.931 What do you understand by the dual role of the Governor?

- (a) Constitutional and real Executive
- (b) Head of a State and head of government under certain circumstances
- (c) Belonging to Central as well as State Executive
- (d) Constitutional ruler and an agent of the Centre

Solution: (d)

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

Appointment

Q.932 How is the Governor of a state appointed?

- (a) Indirectly elected by the State Legislative Assembly
- (b) Nominated by the President
- (c) Elected by a collegium consisting of the heads of all local bodies of the concerned State
- (d) Nominated by the State Government subject to the approval of the Union Government

Solution: (b)

Justification and Learning: 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.

Q.933 Consider the following statements about the office of the governor as mentioned in the constitution of India:

1. His office is constitutionally under the control and subordinate to the Central government.
2. The Governor of a particular state should not belong to that state.
3. The President of India must consult the Chief Minister of the concerned state before making the appointment of the Governor of that state.

Which of these is/are true?

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

Solution: (d)

The governor holds an independent office under the constitution. Options 2 and 3 are conventions and not mentioned in the constitution. It is solely on the discretion of the President on how he wants to appoint the Governor (given some qualifications mentioned in the constitution of India)

Q.934 Which of the following is not an essential qualification for appointment as a Governor?

- (a) He should be a citizen of India
- (b) He should be a domicile of the State to which he is being appointed
- (c) He must have completed the age of 35 years
- (d) He must not be a member of either House of Parliament

Solution: (b)

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

- 1. He should be a citizen of India.
- 2. He should have completed the age of 35 years.

Additionally, two conventions have also developed in this regard over the years.

- First, he should be an outsider, that is, he should not belong to the state where he is appointed, so that he is free from the local politics.
- Second, while appointing the governor, the president is required to consult the chief minister of the state concerned.

So that the smooth functioning of the constitutional machinery in the state is ensured.

However, both the conventions have been violated in some of the cases.

Terms of Office and Removal

Q.935 Consider the following about the terms of the Office of the Governor.

- 1. The Governor can resign at any time by addressing a resignation letter to the Chief Minister of the State.
- 2. The Constitution does not lay down the grounds upon which a governor may be removed by the President.

Which of the above is/are correct?

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

Solution: (b)

Justification: Statement 1: The resignation letter is submitted to then President, and not the Chief Minister. So, the option 1 is wrong.

Statement 2: A governor holds office for a term of five years from the date on which he enters upon his office. However, this term of five years is subject to the pleasure of the President.

The Supreme Court held that the pleasure of the President is not justifiable. The governor has no security of tenure and no fixed term of office. He may be removed by the President at any time without mentioning any grounds for his removal.

Q.936 Consider the following statements about the removal of the Governor:

- 1. The constitution does not lay any grounds for his removal by the President.
- 2. The removal of the governor is not subject to judicial review.

Which of these is/are true?

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

Solution: (c)

The Governor literally holds office during the pleasure of the President. His removal is not needed to be justified by the President and is hence not subject to judicial scrutiny

Q.937 Consider the following statements.

- 1. The Constitution does not lay down any grounds upon which a governor may be removed by the President
- 2. The President can make such provision as he thinks fit for the discharge of the functions of the governor in any contingency not provided for in the Constitution.

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: This is the reason why the office of the Governor is not immune to regime change at the Centre. For example, very recently more than a dozen Governors were asked to resign or removed as the NDA came to power.

Similar things have happened in the 1990s when the Congress government assumed power.

Statement 2: He can make such rules. For example, the death of a sitting governor, the chief justice of the concerned state high court may be appointed temporarily to discharge the functions of the governor of that state.

The President may also transfer a Governor appointed to one state to another state for the rest of the term.

Further, a Governor whose term has expired may be reappointed in the same state or any other state.

Learning: 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.

Q.938 Consider the following about the Office of the Governor.

1. The tenure of his Office is not mentioned in the Constitution.
2. The same person cannot act as Governor for two or more states.

Which of the above is/are correct?

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

Solution: (d)

Justification: Statement 1: Article 156: Governor is appointed by President and hold office during the pleasure of President. It should be also noted that this article also mentions tenure of Governor. In this regard it says that Governor shall hold office for the term of 5 years from date he enters upon his office.

Statement 2: Article 153: It says that there shall be Governor for each state. But 7th Constitutional Amendment Act, 1956 facilitated the appointment of the same person as a governor for two or more states.

Condition of Office

Q.939 Consider the following statements.

1. The same person cannot be appointed as Governor for two or more states at the same time.

2. In case a Governor is appointed the administrator of a Union Territory (UT), he alone has the right to appoint the Chief Minister of the UT.

Which of the above is/are correct?

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

Solution: (d)

Justification: Statement 1: The Governor can be made to bear the responsibilities of more than two or more states or Union territories at the same time. There is no legal or constitutional limitation on this.

Statement 2: It is the President that appoints the Chief Minister, whether the Governor serves as the administrator, or the administrator has been appointed separately by the Central government.

Q.940 Governor is appointed by the Central government to oversee the functioning of state governments. Which of the following is NOT such a function?

- (a) Ensuring that state Government works within the Constitutional provisions
- (b) Ensuring that laws made by State legislature are within the constitutional framework
- (c) Ensuring that State governments do not disregard constitutional directions given by the Central government
- (d) None of the above

Solution: (d)

Explanation: If a state government does not work within the constitutional framework or if the state government disregards centre's directions, the Governor can recommend to the Centre the imposition of President's rule in the State. So, options (a) and (c) are functions of the governor.

Governor also reserves state bills which (a) seem *ultra vires* the constitution; (b) seem to be breach of Centre's laws; (c) seems to endanger the position of High Court etc. He also has the authority to veto a state legislation. Therefore, option (c) is also a function of the Governor.

Thus, the only option (d) can be the answer.

Q.941 The Constitution lays down which of the following conditions for the governor's office or selection to the Governor's office?

1. The Governor should not belong to the state where is appointed.
2. The Governor's appointment must be made after consulting the chief Minister of the state.
3. A serving Governor cannot be a member of either House of Parliament or a House of the state legislature.

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statements 1 and 2: These are conventions rather than constitutional provisions.

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

These are:

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

Statement 3: Additionally, two conventions have also developed in this regard over the years.

First, he should be an outsider, that is, he should not belong to the state where he is appointed, so that he is free from the local politics.

Second, while appointing the governor, the president is required to consult the chief minister of the state concerned, so that the smooth functioning of the constitutional machinery in the state is ensured.

However, both the conventions have been violated in some of the cases

Q.942 The salary and allowances of the Governor are charged to:

- (a) Consolidated Fund of the State
- (b) Consolidated Fund of India
- (c) Contingency Fund of India
- (d) 'a' and 'b' in equal proportion

Solution: (a)

He is entitled to such emoluments, allowances and privileges as may be determined by Parliament. When the same

person is appointed as the governor of two or more states, the emoluments and allowances payable to him are shared by the states in such proportion as determined by the president.

His emoluments and allowances cannot be diminished during his term of office.

Q.943 Mark the most correct response:

- (a) No court has power to compel the Governor to exercise or not to exercise any power or to perform or not to perform any duty
- (b) The Governor cannot be prosecuted in a civil and criminal court for any act of omission or commission during the period he holds office
- (c) Both above statements are correct
- (d) statement (a) is correct while (b) is not

Solution: (d)

Writ of Mandamus cannot be issued against governor and president. Hence the option (a) is right.

Like the President, the governor is also entitled to a number of privileges and immunities to preserve the sanctity of the post.

- He enjoys personal immunity from legal liability for his official acts.
- During his term of office, he is immune from any criminal proceedings, even in respect of his personal acts.
- He cannot be arrested or imprisoned.
- However, after giving two months' notice, civil proceedings can be instituted against him during his term of office in respect of his personal acts.

Powers and Functions

(1) Executive Power

Q.944 Who acts as the Chancellor of State Universities?

- (a) Governor
- (b) Chief Minister
- (c) Chief Justice of High Court
- (d) President

Solution: (a)

He acts as the chancellor of universities in the state. He also appoints the vice-chancellors of universities in the state.

Q.945 The Governor requires advice of the CM in appointing which of the following important officials?

1. State election Commissioner
2. Advocate General
3. Chief Justice of High Court
4. Chairman, State Public Service Commission

Choose the correct answer using the codes below.

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

Solution: (b)

The Chief Minister enjoys the following powers in relation to the governor:

- He is the principal channel of communication between the governor and the council of ministers. It is the duty of the Chief Minister:
- to communicate to the Governor of the state all decisions of the council of ministers relating to the administration of the affairs of the state and proposals for legislation;
- to furnish such information relating to the administration of the affairs of the state and proposals for legislation as the governor may call for; and
- if the governor so requires, to submit for the consideration of the council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the council.
- He advises the governor with regard to the appointment of important officials like advocate general, chairman and members of the state public service commission, state election commissioner, and so on.

Q.946 As per the Constitution, the state ministers hold office during the pleasure of the Governor. The words “during the pleasure of the Governor” actually implies pleasure of the

- (a) President
- (b) Chief Justice of India
- (c) Chief Minister
- (d) Legislative Assembly

Solution: (c)

Justification: The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister.

As they are appointed on the advice of CM, they are to be dismissed on the advice of the CM.

Q.947 Which of the following is/are the executive powers and functions of the Governor?

1. All executive actions of the government of a state are formally taken in his name.
2. He can make rules for more convenient transaction of the business of a state government and for the allocation among the ministers of the said business.
3. He appoints the chief minister and other ministers.
4. He has the power to both appoint and remove the state election commissioner.
5. He acts as the chancellor of universities in the state.
6. He can impose Governor’s rule in the State based on a report of State Secretariat.

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: He can make rules specifying the manner in which the Orders and other instruments made and executed in his name shall be authenticated.

Statement 2 and 3: He not only allocated business, but also appoints the chief minister and other ministers.

Statement 4: He appoints the state election commissioner and determines his conditions of service and tenure of office. However, the state election commissioner can be removed only in like manner and on the like grounds as a judge of a high court, and not by the Governor.

Statement 5: He also appoints the vice-chancellors of universities in the state.

Statement 6: In the state of Jammu and Kashmir, failure of constitutional machinery results in Governor’s rule, imposed by invoking Section 92 of Constitution of Jammu and Kashmir. But,

- (a) the proclamation can be issued by the state’s Governor after obtaining the consent of the President of India and

(b) Governor's rule is not applicable to Indian states except J&K. So, this statement would be incorrect.

Q.948 Which of these constitutional functionaries is NOT appointed by the Governor?

- (a) State election commissioner as he is appointed by the President
- (b) Advocate general of a state who is appointed by the State Minister of Law and Justice with the concurrence of the Chief Minister
- (c) Chairman and members of the state public service commission as they are appointed and removed by the President
- (d) None of the above

Solution: (d)

Justification: Option A: He appoints the advocate general of a state and determines his remuneration. The advocate general holds office during the pleasure of the governor.

Option B: He appoints the state election commissioner and determines his conditions of service and tenure of office. However, the state election commissioner can be removed only in like manner and on the like grounds as a judge of a high court.

Option C: He appoints the chairman and members of the state public service commission. However, they can be removed only by the president and not by a governor.

Q.949 As per the constitution, the Governor has the authority to make appointments, but cannot remove which of the following from their posts?

- 1. Chief Justice of High Court
- 2. Chief Minister
- 3. Advocate general of the state
- 4. State Election Commissioner

Choose the correct option from the codes below:

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

Solution: (d)

While the governor can appoint the state election commissioner, he can only be removed in the same manner as that of a high court judge. That is the Governor cannot remove him.

Advocate general holds office during the pleasure of the Governor.

Chief justice of a high court is appointed by the President.

The governor has the authority to remove the CM but only when he has lost the confidence of the legislative assembly of the state.

Q.950 Consider the following statements about the executive power of the governor as mentioned below.

- 1. He can act even without the aid and advice of the council of ministers.
- 2. According to the 42nd Constitutional Amendment, the ministerial advice has been made binding on a lot of matters on the governor also along with the President.
- 3. He has special responsibilities for the administration of some of the backward/special areas in the state.

Which of these is/are true?

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

Solution: (c)

42nd amendment made ministerial advice binding only on the President of India.

Special areas and the ones under fifth and sixth schedule are under the special responsibility of the Governor. At times he needs Presidential assent in such administration.

(2) Legislative Powers

Q.951 A governor is an integral part of the state legislature. In that capacity, he has which of the following legislative powers and functions?

- 1. He can summon or prorogue the state legislature and dissolve the state legislative assembly.
- 2. He can address the state legislature at the commencement of the first session after each general election and the first session of each year.
- 3. He can send messages to the houses of the state legislature, with respect to a bill pending in the legislature or otherwise.
- 4. He can appoint any member of the State legislative assembly to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant.

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Other Legislative powers of the Governor include:

- He can appoint any member of the state legislature council to preside over its proceedings when the offices of both Chairman and Deputy Chairman fall vacant.
- He nominates one-sixth of the members of the state legislative council from amongst persons having special knowledge or practical experience in literature, science, art, cooperative movement and social service.
- He can nominate one member to the state legislature assembly from the Anglo-Indian Community.
- He decides on the question of disqualification of members of the state legislature in consultation with the Election Commission.

Q.952 When a bill is sent to the Governor after it is passed by state legislature, he can

1. Withhold his assent to the bill
2. Return the bill, including a money bill, for reconsideration of the state legislature
3. Reserve the bill for the consideration of the President

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Statement 2: A money bill cannot be sent back for the reconsideration of the legislature. This is because it is introduced in the legislature only after the prior recommendation of the Governor.

Statement 3: The Governor reserves the bill for the consideration of the president. In one case such reservation is obligatory, that is, where the bill passed by the state legislature endangers the position of the state high court. In addition, the governor can also reserve the bill if it is ultra-vires, that is, against the provisions of the constitution.

Q.953 When an ordinary bill is sent to the governor after it is passed by state legislature, he cannot

(a) Reserve the bill for the consideration of the president

- (b) Withhold his assent to the bill
(c) Return the bill for reconsideration of the state legislature
(d) Amend the bill and send it the Council of Ministers for re-introduction in the assembly

Solution: (d)

Learning: He cannot amend the bill on his own, so D is wrong.

If the bill resent to the legislature is passed again by it with or without amendments, the governor has to give his assent to the bill.

Where the bill passed by the state legislature endangers the position of the state high court or *ultra vires* the constitution, the Governor must reserve the bill for the President.

Reserving State Bill for President of India's Consideration

Q.954 In which of the following cases can the Governor reserve a State bill for the approval of the President?

1. During a financial emergency
2. If the bill restricts inter-state free trade and commerce
3. If the Central Cabinet specifies in a written order so.

Choose the correct answer using the codes below.

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

Solution: (a)

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

- (i) The governor can reserve certain types of bills passed by the state legislature for the consideration of the President. The president enjoys absolute veto over them.
- (ii) Bills on certain matters enumerated in the State List can be introduced in the state legislature only with the previous sanction of the president. (For example, the bills imposing restrictions on the freedom of trade and commerce).

(iii) The President can direct the states to reserve money bills and other financial bills passed by the state legislature for his consideration during a financial emergency.

Q.955 In which of the following cases is it mandatory for the Governor to refer the bill passed by the state assembly to the President?

1. If the bill endangers the position of the state high court.
2. If it is opposed to the Directive Principles of State Policy.
3. If the bill falls under the concurrent list.

Which of these is/are true?

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

Solution: (a)

If a bill falls in the concurrent list, and if the Governor feels that the bill violates some of the provisions of the Central law on the same subject, then it can be referred to the President.

Q.956 State Bills relating to which of the following categories can be reserved for Presidential assent by the Governor?

1. Bills that impinge on the fundamental rights of citizens
2. Bills that prima facie appear *ultra vires* the constitution
3. Bills that contravene Central laws

Choose the correct answer using the codes below.

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

Solution: (d)

Any Bill passed by an Assembly on issues contravening Central laws needs Presidential assent.

Q.957 The governor can reserve a bill passed by the State Legislature for the consideration of the President in which of the following cases?

1. If it is against the provisions of the Constitution.
2. If it is opposed to the Directive Principles of State Policy.
3. If it is against the larger interest of the country or of grave national importance.
4. If it endangers the position of the State High Court

Select the correct answer using the codes below.

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

Solution: (d)

Q.958 When the governor reserves a bill for the consideration of the President

- (a) The bill cannot be returned by the President or Governor for the reconsideration of the legislature
- (b) Assent of the Governor is no longer required if the President approves the bill
- (c) The President must give assent to the bill
- (d) The bill is sent to the Parliament for amendment and approval

Solution: (b)

Justification: Option A: If the bill is returned by the President for the reconsideration of the House or Houses and is passed again, the bill must be presented again for the presidential assent only.

Option B: If the President gives his assent to the bill, it becomes an act. This means that the assent of the Governor is no longer required.

Option C: There is no such requirement; only if it is a money bill, it can't be sent for reconsideration of the legislature.

Ordinance Making Power

Q.959 Consider the following statements about ordinances in states and Union Territories (UTs):

1. The Lieutenant Governor of a UT has the power to issue ordinance only in the recess of the assembly and only after receiving the prior assent of the President.
2. The Governor cannot issue an ordinance without the assent of the President in certain cases.

Which of these is/are true?

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

Solution: (c)

Both the statements are true.

The cases when the governor requires President's assent are:

- (a) If the bill would have required the permission of the President if it were to be enacted in the assembly.

- (b) If such a bill would have to be reserved for the consideration of the President.
- (c) In an act of state legislature would have been invalid without receiving President's assent.

Q.960 The Governor cannot make an ordinance without the instructions from the President in which of the following cases?

1. If the subject of ordinance falls in the concurrent list
2. If the same act of the state legislature would have been invalid without receiving the President's assent

Which of the above is/are correct?

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

Solution: (b)

Justification: Statement 1: Only if a Central law exists on the matter in the concurrent list, the Governor may require the prior instruction of the President.

Statement 2: Moreover, he had to take President's instructions if a bill containing the same provisions would have required the previous sanction of the President for its introduction into the state legislature.

(3) Financial Powers

Q.961 Which of the following statements with regard to the financial role of the Governor in a state is correct?

1. He lays down the report of Comptroller and Auditor-General relating to the accounts of the state, before the state legislature.
2. He can make advances out of the Contingency Fund of the state to meet any unforeseen expenditure.
3. He sees that the Annual Financial Statement of the state is laid before the state legislature.
4. He constitutes a state finance commission after every five years to review the financial position of the panchayats and the municipalities.

Select the correct answer using the codes below.

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

Solution: (d)

Learning: Statement 1: He lays the reports of the State Finance Commission, the State Public Service Commission and the Comptroller and Auditor-General relating to the accounts of the state, before the state legislature.

Statement 2: This is similar to the powers of the President at the Centre.

Statement 3: Further, Money bills can be introduced in the state legislature only with his prior recommendation.

No demand for a grant can be made except on his recommendation.

Q.962 Consider the following statements about the Powers of the Governor:

1. He holds the Contingency fund of the state.
2. He establishes the State Finance commission as per part VI of the constitution.
3. Unlike the President in the Lok Sabha, he cannot nominate members of the Anglo-Indian community to the legislative assembly of the state.

Choose the correct answer using the codes below:

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

Solution: (c)

He nominates only one member of the Anglo-Indian community.

The state finance commissions were added by the 73rd amendment and are hence mentioned in the Part IX of the constitution. The governor establishes it.

(4) Judicial Powers

Q.963 The judicial powers and functions of the Governor include which of the following?

1. He is consulted by the president while appointing the judges of the concerned state high court.
2. He can commute the sentence of any person convicted of any offence against any law operating in India.

Which of the above is/are correct?

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

Solution: (a)

Justification and Learning: Statement 1: He also makes appointments, postings and promotions of the district judges in consultation with the state high court.

Moreover, he also appoints persons to the judicial service of the state (other than district judges) in consultation with the state high court and the State Public Service Commission.

Statement 2: He can grant pardons, remissions etc of punishment or suspend, remit and commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends. This isn't applicable to Central laws. So, 2 is wrong.

Constitutional Position

Q.964 Consider the following about state administration.

1. Governor of the State is appointed by the Central Government but the State Assembly may disapprove her appointment in effect repealing it.
2. Governor of the state appoints the chief minister and other ministers only after obtaining the advice of the Central Council of Ministers.

Which of the above is/are correct?

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

Solution: (d)

Justification: Statement 1: Governor is appointed by the President. State has no say in either the appointment or removal of the Governor. So, 1 is wrong.

Statement 2: Governor doesn't consult the Union government in making state appointments, even though the Governor is an agent of the Centre.

She is bound to choose the leader of the largest party/coalition as the CM and others recommended by the CM as ministers.

Q.965 Article 163 provides for a council of ministers with the chief minister at the head to aid and advise the governor in the exercise of his functions except the discretionary ones. If any question arises whether a matter falls within the governor's discretion or not, the final decision lies with the

- (a) Governor (b) Chief Minister
(c) State High Court (d) President

Solution: (a)

If any question arises whether a matter falls within the governor's discretion or not, the decision of the governor is final and the validity of anything done by him cannot be called in question on the ground that he ought or ought not to have acted in his discretion. Further, the nature of advice tendered by ministers to the governor cannot be enquired by any court. This provision emphasises the intimate and the confidential relationship between the governor and the ministers.

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

Q.966 The Council of Ministers aids and advises the Governor in the exercise of his functions, except in so far as he is required to act in his discretion. If any question arises whether a matter falls within the Governor's discretion or not, whose decision shall be final and why?

- (a) President of India as he is the head of the Indian state and responsible for the administration of the States
(b) Governor of the State since the Constitution confers him this authority
(c) State Legislature as it is the supreme law-making institution within the State
(d) Chief Minister as he heads the Council of Ministers

Solution: (b)

Justification: If any question arises whether a matter falls within the Governor's discretion or not, decision of the Governor shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion.

Also, the constitution says that the advice tendered by Ministers to the Governor shall not be inquired into in any court. This provision emphasises the intimate and the confidential relationship between the governor and the ministers.

Q.967 In which of the following cases, the Governor can act on his own discretion without the advice of Council of Ministers?

1. Recommend President's rule in the state.
2. Reserve certain bills for the consideration of the President.
3. Administering a Union territory which he has been authorized to in addition to that particular state.

Choose the correct answer using the codes below:

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

Solution: (d)

The constitution also makes clear that wherever a situation arises as to whether a matter falls within the Governor's discretion or not, the decision of the Governor will be final and the validity of anything done by him cannot be questioned on the ground that he ought not have acted in his discretion.

Q.968 The Governor has constitutional or situational discretion in which of the following cases?

1. Seeking information from the chief minister with regard to the administrative and legislative matters of the state
2. Approving any ordinary bill that falls under the concurrent list
3. Recommendation for the imposition of the President's Rule in the state
4. Exercising his functions as the administrator of an adjoining union territory in case of additional charge

Select the correct answer using the codes below.

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

Solution: (c)

Justification: The Constitution makes it clear that if any question arises whether a matter falls within the governor's discretion or not, the decision of the governor is final and the validity of anything done by him cannot be called in question on the ground that he ought or ought not to have acted in his discretion.

The governor has constitutional discretion in the following cases:

- (a) Reservation of a bill for the consideration of the President.

(b) Recommendation for the imposition of the President's Rule in the state.

(c) While exercising his functions as the administrator of an adjoining union territory (in case of additional charge).

(d) 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.

(e) Seeking information from the chief minister with regard to the administrative and legislative matters of the state.

In addition to the above constitutional discretion (i.e., the express discretion mentioned in the Constitution), the governor, like the president, also has situational discretion. Please see the Q source for details.

Q.969 Consider the following statements.

Assertion (A): The Governor exercises more discretion than the President does in their respective spheres of influences.

Reason (R): The constitutional provisions explicitly limit the overall discretion of the President, which is not so clearly defined for the Governor.

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

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

Solution: (a)

Justification: Article 74(1) clearly prescribes that the President is bound by the advice of the council of Ministers. However, in the case of Governor, the respective provision does not make the advice of the council of ministers in state binding on him.

Article 163 is clear in this regard:

1. There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his function, except in so far, as he is by or under this Constitution required to exercise his functions or any of them in his discretion.

2. If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion.

(24) CHIEF MINISTER

Appointment

- Q.970** Consider the following statements.
1. The Chief Minister (CM) may be a member of any of the two Houses of a state legislature.
 2. The CM may be dismissed by the Governor even if he enjoys majority support in state legislature

Which of the above is/are true?

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

Solution: (a)

A person who is not a member of the state legislature can be appointed as Chief Minister for six months, within which time, he should be elected to the state legislature, failing which he ceases to be the Chief Minister. According to the Constitution, the Chief Minister may be a member of any of the two Houses of a state legislature. Usually Chief Ministers have been selected from the Lower House (legislative assembly), but, on a number of occasions, a member of the Upper House (legislative council) has also been appointed as Chief Minister.

The term of the Chief Minister is not fixed and he holds office during the pleasure of the governor. However, this does not mean that the governor can dismiss him at any time. He cannot be dismissed by the governor as long as he enjoys the majority support in the legislative assembly. But, if he loses the confidence of the assembly, he must resign or the governor can dismiss him.

- Q.971** Consider the following statements in relation to the office of the Chief Minister of a state:
1. His term of office is not fixed and he can be dismissed anytime by the governor.
 2. The ministers in the states can also be dismissed by the governor anytime at his will.

Which of these is/are true?

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

Solution: (d)

Until the council of ministers in the state has the majority support in the state legislature, no member of it can be dismissed by the governor except on the advice of the CM. He himself can only be dismissed only after losing majority.

- Q.972** Consider the following statements.
Assertion (A): The Constitution requires that a person must prove his majority in the legislative assembly before he is appointed as the Chief Minister.

Reason (R): Only a person who is a member of the legislative assembly can be appointed as Chief Minister.

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

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

Solution: (d)

Justification: The governor may first appoint him as the Chief Minister and then ask him to prove his majority in the legislative assembly within a reasonable period. This is what has been done in a number of cases. So, A is incorrect.

A person who is not a member of the state legislature can be appointed as Chief Minister for six months, within which time, he should be elected to the state legislature, failing which he ceases to be the Chief Minister. So, R is wrong too.

According to the Constitution, the Chief Minister may be a member of any of the two Houses of a state legislature.

- Q.973** A person who is not a member of the state legislature can be appointed as Chief Minister and serve a five-year term only if
- The prior consent of the Governor of the State is taken
 - The President agrees to the same on the advice of the Union Cabinet
 - S/he had served in administrative capacities for durations as specified by the State laws
 - S/he is elected to the State legislature within a time of six months

Solution: (d)

Justification: S/he can be indirectly elected to the legislative council too and remain the Chief Minister. If s/he fails to get elected to the State legislature, he will cease to be the Chief Minister of the State. For example, Bansilal and S. B. Chavan were appointed as Chief Ministers of Haryana and Maharashtra respectively, even though they were not members of the state legislature. Subsequently, they were elected to the state legislature. Similar is true for the Prime Minister too. He must become a MP within six months.

- Q.974** The office of Deputy Chief Minister has been created by
- The Constitution of India
 - Parliamentary Legislation
 - State-specific legislations
 - None of the above

Solution: (d)

Justification: At times, the council of ministers may also include a deputy chief minister. For example, Andhra Pradesh had the office of deputy chief minister till 1956. This post was created in West Bengal in 1967. The deputy chief ministers are appointed mostly for local political reasons.

Powers and Functions

- Q.975** The size of the state council of ministers and the ranking of ministers is specified and determined by the
- Constitution of India
 - Chief Minister
 - Governor
 - Laws enacted by the State Legislative Assembly

Solution: (b)

Like at the Centre, in the states too, the council of ministers consists of three categories of ministers, namely, cabinet ministers, ministers of state, and deputy ministers. The difference between them lies in their respective ranks, emoluments, and political importance. At the top of all these ministers stands the chief minister—supreme governing authority in the state.

The Constitution does not specify the size of the state council of ministers or the ranking of ministers. They are determined by the chief minister according to the exigencies of the time and requirements of the situation.

- Q.976** Resignation or dissolution of which of the following may bring a collapse of the Council of Ministers at the state level?

- Governor
- Chief Minister
- State Legislative assembly
- State Legislative Council

Choose the correct answer using the codes below.

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

Solution: (b)

Since the Chief Minister is the head of the council of ministers, his resignation or death automatically dissolves the council of ministers. The resignation or death of any other minister, on the other hand, merely creates a vacancy, which the Chief Minister may or may not like to fill.

Even though the ministers may be appointed from any of the houses, only by the dissolution of the assembly does the council of minister dissolves. The Legislative council is a permanent body is never dissolved.

- Q.977** Consider the following statements.

Assertion (A): Chief Minister of the State can disqualify a sitting MLA after obtaining the advice of the State Election Commission.

Reason (R): Chief Minister holds the *de facto* authority in the State Government. In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.

- (b) A is correct, but R is not an appropriate explanation of A.
 (c) A is incorrect, but R is correct.
 (d) A is correct, but R is incorrect.

Solution: (c)

Justification: An MLA can be disqualified on many grounds.

- On grounds of defection (to be covered later in tests), the Speaker decides the disqualification.
- If he holds any office of profit under the Government of India or a state or an office declared by a law of the state, he can be disqualified.
- If any competent court declares any member to be of unsound mind, then the MLA is disqualified.
- Under Article 192 of the Constitution, “if any question arises as to whether or not the member of a house of the legislature of a state has become subject to any of the disqualification criteria, the question shall be cited to the Governor of the State for decision who will act as per the opinion of the Election Commission (EC).”
- His decision shall be final and may not be reviewed by any court of law. So, clearly A is wrong.

(25) STATE COUNCIL OF MINISTERS

Q.978 Consider the following statements about the council of ministers in the states.

1. It can advise the governor even after the resignation of the council of ministers.
2. In case of a dispute of jurisdiction between the council of ministers and the governor, the decision of the former is final and binding.

Which of these is/are true?

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

Solution: (a)

The governor in the states has much more discretion as compared to the President at the Centre. He is not bound by the aid and advice of the council of ministers.

The council can advise him even after resignation to maintain political continuity.

Q.979 In relation to the Council of Ministers (CoM) of Centre and State, which of the following powers are enjoyed by both the President and the Governor respectively?

1. Sending a decision of the CoM for re-consideration
2. Dismissing the CoM
3. Getting the CoM to furnish desired information to Governor/President

Choose the correct answer using the codes below.

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

Solution: (d)

Article 164:

- The Chief Minister shall be appointed by the governor and other ministers shall be appointed by the governor on the advice of the Chief Minister;
- The ministers shall hold office during the pleasure of the governor; and
- The council of ministers shall be collectively responsible to the legislative assembly of the state.

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

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

(26) STATE LEGISLATURE

Q.980 Consider the following statements:

1. State governments in India draw their authority from the Central government.
2. State governments in India are subordinate to the Central government.

Which of these is/are true?

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

Solution: (d)

State governments are not mere agents of Central government. They derive their authority from the Indian constitution. They are not subordinate to the Centre. Instead, the Centre is more powerful than the state governments to maintain the unity and integrity of the Indian union.

Q.981 States that have a bicameral legislature in India are?

1. Jharkhand
2. Karnataka
3. Gujarat
4. Uttar Pradesh

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Seven Indian States, Andhra Pradesh, Telangana, Bihar, Jammu-Kashmir, Karnataka, Maharashtra and Uttar Pradesh, have bicameral Legislatures, these are called legislative councils (Vidhan Parishad).

A bicameral legislature makes it possible to have every decision reconsidered.

Learning: The Constitution provides for the abolition of the second chamber in a state where it exists as well as for the creation of such a chamber in a state where there is none at present.

If a State Legislature passes a resolution by an absolute majority, together with not less than two-thirds of the members actually present and voting in favour of the creation of the second chamber and if Parliament gives concurrence to such a resolution, the concerned State can have two Houses in the Legislature.

Q.982 Which of these States previously had Legislative Councils?

1. Andhra Pradesh
2. Gujarat
3. Kerala
4. Manipur
5. West Bengal
6. Tamil Nadu

- (a) 1 and 3 (b) 3 and 5
(c) 5 and 6 (d) only 6

Solution: (d)

As of now only seven states have bi-cameral legislature. Earlier Tamil Nadu, Punjab and West Bengal had Legislative Councils which were abolished in 1969 along with Punjab. The Legislative Council of Tamil Nadu was abolished in 1986.

Legislative Assemblies

Q.983 Consider the following with respect to the composition of legislative assemblies in states.

1. The constitution does not prescribe any minimum strength of the assembly.
2. The constitution provides that all members of legislative assembly for all states must be either elected directly or nominated by the Governor.

Which of the above is/are correct?

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

Solution: (d)

Justification: Statement 1: The legislative assembly consists of representatives directly elected by the people on the basis of universal adult franchise.

Its maximum strength is fixed at 500 and minimum strength at 60. It means that its strength varies from 60 to 500 depending on the population size of the state. So, 1 is wrong.

However, in case of Arunachal Pradesh, Sikkim and Goa, the minimum number is fixed at 30 and in case of Mizoram and Nagaland, it is 40 and 46 respectively.

Statement 2: Further, some members of the legislative assemblies in Sikkim and Nagaland are also elected indirectly.

However, in other cases either members are directly elected or nominated (i.e. Anglo-Indians)

Q.984 Consider the following statements.

Assertion (A): The minimum and maximum strength of the Legislative assembly of each state is fixed by the State law.

Reason (R): The legislative assembly mainly consists of representatives directly elected by the people on the basis of universal adult franchise.

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

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

Solution: (d)

Q.985 Membership of the legislative Assembly can vary between 60 and 500, but the exception to this rule is/are found in:

- I. Puducherry
 - II. Mizoram
 - III. Goa
- (a) I and II (b) II and III
 - (c) II only (d) I, II and III

Solution: (d)

Though constitution prescribes minimum and maximum strength of the legislative assembly there are some exceptions.

Sikkim – 32 – Article 371F: 36th Constitutional Amendment

Mizoram – 40 – Article 371G 53rd Constitutional Amendment

Goa – 40 – Article 371I – 56th Constitutional Amendment

Puducherry – 30 – Article 239A

Q.986 Consider the following statements.

Assertion (A): All the members of the Legislative Assembly of any state must be elected directly.

Reason (R): Legislative assembly is the popular house.

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

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

Solution: (c)

Justification: Some members of the legislative assemblies in Sikkim and Nagaland are elected indirectly. In most states, however, they are elected directly. So, A is incorrect.

The legislative council (Vidhan Parishad) is the upper house (second chamber or house

of elders), while the legislative assembly (Vidhan Sabha) is the lower house (first chamber or popular house). So, here the R is correct.

Legislative Councils

Q.987 The Legislative Council of a State:

- I. is not subject to dissolution.
 - II. can be abolished by the State Legislative Assembly.
 - III. can be abolished by the President on the Governor's recommendation.
- (a) I only (b) II only
 - (c) I and II (d) III only

Solution: (c)

Like the Rajya Sabha, the legislative council is a continuing chamber, that is, it is a permanent body and is not subject to dissolution. But, one-third of its members retire on the expiration of every second year. So, a member continues as such for six years. The vacant seats are filled up by fresh elections and nominations (by governor) at the beginning of every third year. The retiring members are also eligible for re-election and re-nomination any number of times.

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

Constitution of the house

Q.988 Which of the following is the authority to create or abolish the state legislative councils?

- (a) President of India
- (b) Union Council of Ministers
- (c) Parliament
- (d) Governor of the Concerned State

Solution: (c)

Learning: The question in hand shows the unitary tendencies of the Indian federation-cum-Union. The Parliament can create or

abolish the state legislative councils on the recommendation of the concerned state legislative assemblies. It is notable that these councils are created by the Parliament too. It can also increase or decrease the area, alter the boundaries and change the names of states of the Indian Union.

- Q.989** The Parliament can abolish a legislative council only
- if the legislative assembly of the concerned state passes an ordinary bill to that effect
 - if the Parliament approves the resolution by a simple majority, which had been passed by special majority in the state assemblies
 - if the President approves so after receiving a written report from the Governor of the state
 - if a constitutional amendment act to that effect is passed by the Parliament with special majority

Solution: (b)

Justification: The Constitution provides for the abolition or creation of legislative councils in states.

Accordingly, the Parliament can abolish a legislative council (where it already exists) or create it (where it does not exist), if the legislative assembly of the concerned state passes a resolution to that effect.

Such a specific resolution must be passed by the state assembly by a special majority, that is, a majority of the total membership of the assembly and a majority of not less than two-thirds of the members of the assembly present and voting.

- Q.990** Abolition of the legislative council in a state requires
- the consent of the President and Governor concerned
 - the consent of the Parliament and the state legislature concerned
 - the consent of the State government and State legislature
 - the consent of Parliament, Governor and State legislature concerned

Solution: (b)

The very existence of the council depends on the will of the assembly. The council

can be abolished by the Parliament on the recommendation of the assembly. The position of the council *vis-à-vis* the assembly is much weaker than the position of the Rajya Sabha *vis-à-vis* the Lok Sabha. The council is subordinate to the assembly in all respects.

- Q.991** Consider the following statements.
- The Constitution fixes the maximum and the minimum size of the Legislative Council.
 - The size of the council depends on the size of the assembly of the concerned state.
- Which of the above is/are correct?
- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: The maximum strength of the council is fixed at one-third of the total strength of the assembly and the minimum strength is fixed at 40.

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

- Q.992** The Constitution provides for the abolition or creation of legislative councils in states. Accordingly, the Parliament can abolish or create a legislative council in a state when
- The state assembly passes the specific resolution with special majority
 - It is passed in the Parliament by ordinary majority.
 - A prior recommendation has been made by the President.

Choose the correct answer using the codes below.

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

Solution: (a)

- Q.993** Consider the following statements about the legislative council in a state.
- Its strength is fixed by the Parliament.
 - The size of the council depends on size of the assembly of the concerned state.

3. None of its members are directly elected. Choose the correct answer using the codes below.

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

Solution: (d)

Unlike the members of the legislative assembly, the members of the legislative council are indirectly elected.

Q.994 Five out of every six members of a legislative council are indirectly elected and the rest are nominated by the governor. Out of all those participate in the indirect election of the members, highest number of members is elected by?

- (a) Graduates of three years standing and residing within the state
(b) Teachers of three years standing in the state, not lower in standard than secondary school
(c) Members of local bodies in the state
(d) All elect equal number of candidates

Solution: (c)

Justification: Of the total number of members of a legislative council:

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

Thus, 5/6 of the total numbers of members of a legislative council are indirectly elected and 1/6 are nominated by the governor. The members are elected in accordance with the system of proportional representation by means of a single transferable vote.

Q.995 In the election to the Legislative Council of a State, which of the following participate?

1. Municipalities
2. Members of Legislative Assembly of the State
3. Important District Functionaries

Choose the correct answer using the codes below.

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

Solution: (a)

Powers and Functions

Q.996 Consider the following statements about State Legislative Council:

1. Approval of ordinances issued by the Governor.
2. Consideration of reports of the constitutional bodies like State finance commission, CAG etc.
3. Enlargement of the jurisdiction of State public service Commission

In which of these, the council has an equal status with that of legislative assembly?

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

Solution: (d)

Other two cases are:

- (a) Selection of chief Ministers and other ministers can be made from council too.
- (b) Introduction and passage of ordinary bills. However, in case of disagreement, the will of assembly prevails.

Q.997 In which of the following matters, the powers and status of the State Legislative council are broadly equal to that of the State Legislative assembly?

1. Ratification of a constitutional amendment bill
2. Consideration of the report of State Finance Commission
3. Approval of ordinances issued by the governor
4. Election of the representatives of the state in the Rajya Sabha
5. Discussing the State Annual Budget

Select the correct answer using the codes below.

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

Solution: (c)

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

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

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

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

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

Qualification and Disqualification of Members

Q.998 The Indian Parliament has laid down which of the following qualifications for members of the legislative council?

1. A person to be elected to the legislative council must be an elector for an assembly constituency in the concerned state.
2. The Governor can nominate even those persons to the legislative council who are ordinarily not the residents of the concerned state.

Which of the above is/are correct?

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

Solution: (a)

Justification: These conditions have been laid down in the Representation of People Act (1951):

- A person to be elected to the legislative council must be an elector for an assembly constituency in the concerned state and to be qualified for the governor's nomination, he must be a resident in the concerned state. So, the option 1 is right and the option 2 is wrong.
- A person to be elected to the legislative assembly must be an elector for an assembly constituency in the concerned state.
- He must be a member of a scheduled caste or scheduled tribe if he wants to contest a seat reserved for them. However, a member of scheduled castes or scheduled tribes can also contest a seat not reserved for them.

Q.999 Consider the following statements.

1. A person to be elected to the legislative council need not be an elector for assembly constituency in the concerned state.
2. To be qualified for the governor's nomination, the person must be a resident in the concerned state.
3. A person to be elected to the legislative assembly must be an elector for an assembly constituency in the concerned state.

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Statement 1: He must be an elector for assembly constituency in the concerned state. So, 1 would be wrong. Moreover, he must be a member of a scheduled caste or scheduled tribe if he wants to contest a seat reserved for them. However, a member of scheduled castes or scheduled tribes can also contest a seat not reserved for them.

Statement 2: He nominates one-sixth of the members of the state legislative council from amongst persons having special knowledge or practical experience in literature, science, art, Cooperative Movement and Social service.

He can nominate one member to the state legislature assembly from the Anglo-Indian Community.

Presiding Officers of the House

Q.1000 The Deputy Speaker of the State Legislative Assembly is

- (a) Nominated by the Speaker of the House
- (b) Nominated by the Governor of the concerned State
- (c) Elected by the house from amongst its members
- (d) Always the Leader of the largest party from the opposition

Solution: (c)

Learning: Like the Speaker, the Deputy Speaker is also elected by the assembly itself from amongst its members. He is elected after the election of the Speaker has taken place.

The Deputy Speaker performs the duties of the Speaker's office when it is vacant. He also acts as the Speaker when the latter is absent from the sitting of assembly. In both the cases, he has all the powers of the Speaker.

The Speaker nominates from amongst the members a panel of chairmen. Any one of them can preside over the assembly in the absence of the Speaker or the Deputy Speaker.

Chairman of Legislative Council

Q.1001 How is the Chairman of Legislative Council selected?

- (a) Nominated by the Governor from amongst the members of the Council
- (b) Selected by the Speaker of the Legislative Assembly
- (c) Elected by the council itself from amongst its members.
- (d) The Senior-most member of the Council automatically becomes its Chairman.

Solution: (c)

Learning: As a presiding officer, the powers and functions of the Chairman in the council are similar to those of the Speaker in the assembly. However, the Speaker has one special power which is not enjoyed by the Chairman. The Speaker decides whether a bill is a Money Bill or not and his decision on this question is final.

As in the case of the Speaker, the salaries and allowances of the Chairman are also fixed by the state legislature. They are charged on the Consolidated Fund of the State and thus are not subject to the annual vote of the state legislature.

He resigns by writing to the Deputy Chairman. He can be removed by a resolution passed by a majority of all the then members of the council.

Q.1002 Consider the following with reference to the Chairman of the Legislative Council of a State.

- 1. He is nominated by the Governor on the recommendation of the Council of Ministers.
- 2. His salary and allowances are not subject to the annual vote of the state legislature as they are charged on the Consolidated Fund of the State.

Which of the above is/are correct?

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

Solution: (b)

Refer the previous explanation.

Q.1003 The Chairman of the State Legislative Council

- 1. Has to be a member of the Council for being eligible
 - 2. Elected by the Council
 - 3. Appointment is approved by the Governor
- Choose the correct answer using the codes below.

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

Solution: (a)

Refer the previous explanation

Legislative Process

Q.1004 State legislatures can make laws to enforce

- 1. Fundamental Rights
- 2. Directive Principles of State Policy
- 3. Fundamental Duties

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 1: Most of them are directly enforceable (self-executed) 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). So, 1 is incorrect.

Statement 2: For e.g. Tamil Nadu government came up with many schemes to universalize food distribution, health care, education and others which fulfil provisions of DPSP. So, the option 2 is correct.

Statement 3: For example, environmental conservation and forests fall in concurrent lists, the preservation of which also falls under fundamental duties. State legislatures can make laws on these matters, so, the option 3 is correct.

Q.1005 Which of the following limits the legislative sphere and authority of the State Legislatures?

1. A written constitution
2. Division of powers in the Seventh Schedule
3. Judicial review of State enactments by the High courts
4. Veto powers of the Governor and President over state legislations

Choose the correct answer using the codes below.

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

Solution: (d)

Since legislative division is made in 7th schedule, in the Union, State and Concurrent list, the state legislatures are bound to their allocated subjects. Both the Supreme and High courts can review the acts of the state legislatures and declare them null and void if they are *ultra vires* the constitution or any fundamental rights. The Governor has every right to reserve state bill for President in certain cases. The president may or may not sign the bills in which case they lapse. The governor can also exercise his veto powers over state enactments. He can also delay a bill.

Q.1006 The limitations on the authority of the State Legislature do not include:

- (a) Parliament's authority to make laws on subjects in the State List during an Emergency

- (b) Parliament's authority to make Laws on State subjects if Rajya Sabha passes a resolution as required by the Constitution
(c) The Governor's discretionary power to dissolve the legislature
(d) The Governor's power to reserve certain bills for the consideration of the President

Solution: (c)

Ordinary Bill

Q.1007 When a bill passed by the legislative assembly transmitted to the legislative council is rejected by it, which of the following is possible?

- (a) The assembly will pass the bill again and the bill will be deemed to be passed by the legislature.
(b) The assembly will pass the bill again, transmit it to the council and only after the assent of the council will the bill be deemed to be passed by the legislature.
(c) The assembly will pass the bill again, transmit it to the council and even without the assent of the council will the bill be deemed to be passed by the legislature.
(d) The Governor will have to call a joint sitting of both the houses

Solution: (c)

When a bill is passed by the legislative assembly and transmitted to the legislative council, the latter has four alternatives before it:

- it may pass the bill as sent by the assembly (i.e., without amendments);
- it may pass the bill with amendments and return it to the assembly for reconsideration;
- it may reject the bill altogether; and
- it may not take any action and thus keep the bill pending.
- If the council passes the bill without amendments or the assembly accepts the amendments suggested by the council, the bill is deemed to have been passed by both the Houses and the same is sent to the governor for his assent.
- On the other hand, if the assembly rejects the amendments suggested by the council or the council rejects the bill altogether or

the council does not take any action for three months, then the assembly may pass the bill again and transmit the same to the council. If the council rejects the bill again or passes the bill with amendments not acceptable to the assembly or does not pass the bill within one month, then the bill is deemed to have been passed by both the Houses in the form in which it was passed by the assembly for the second time.

- Therefore, the ultimate power of passing an ordinary bill is vested in the assembly. At the most, the council can detain or delay the bill for a period of four months—three months in the first instance and one month in the second instance.

Q.1008 If the Legislative assembly (LA) of a state passes a bill, which is then rejected by the legislative council (LC), which of the following may follow?

1. The bill will stand repealed.
2. The bill will be referred to a joint sitting of both the houses.
3. The bill will be referred to the Governor for a final view.
4. The bill can be again passed by the LA and re-sent to the LC.
5. The LA can directly reject the view of the LC, and go ahead with enacting the bill.

Choose the correct answer using the codes below.

- (a) 4 or 5 only (b) 1 or 2 or 3 only
(c) 2 or 5 only (d) 4 only

Solution: (d)

Refer previous explanations.

Q.1009 Consider the following statements about the legislative process in the states.

1. The status of legislative councils in passing ordinary bills is weaker than Rajya Sabha.
2. There is no provision of joint sitting in case of a disagreement between the two houses in the states.
3. If the Governor accepts the changes made by the legislative council which were not accepted by the assembly, then the bill is deemed to be passed.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: The Governor cannot accept a bill which has not been passed by the assembly. Doing so would be unconstitutional. So, 3 is incorrect.

Joint sitting provision is not there, because the assembly has overriding powers with respect to passing any bill in the state. So, the Council is much weaker than the assembly. Thus, 1 and 2 are correct.

Q.1010 If the Legislative council of a State rejects the bill passed once by the Legislative Assembly.

- (a) The bill lapses and does not become an act
- (b) A joint sitting of both houses is called by the Governor
- (c) The bill is passed again by the assembly and transmitted to the Council
- (d) The bill is reserved for Presidential review by the Governor

Solution: (c)

Q.1011 When the legislative assembly disagrees to a bill originated in the legislative council and passed by the later, a deadlock is reached, following which

- (a) The Governor is bound to reserve the bill for the consideration of the President whose decision shall be final in this regard
- (b) A joint sitting of both houses is called by the Governor to resolve the issue
- (c) The legislative assembly sends the bill to the legislative council for its reconsideration with proposed amendments
- (d) The bill becomes dead and cannot be further considered by any of the houses

Solution: (d)

Justification and Learning: A deadlock between the two Houses takes place when the legislative council, after receiving a bill passed by the legislative assembly, rejects the bill or proposes amendments that are not acceptable to the legislative assembly or does not pass the bill within three months.

- The mechanism of passing the bill for the second time to resolve a deadlock applies to a bill originating in the legislative assembly only. When a bill, which has originated in the legislative council and sent to the legislative assembly, is rejected by the latter, the bill ends and becomes dead. So, the option (d) is correct.
- The Constitution does not provide for the mechanism of joint sitting of two Houses of the state legislature to resolve a deadlock between them over the passage of a bill.
- The legislative assembly can override the legislative council by passing the bill for the second time and not *vice versa*.
- When a bill is passed by the assembly for the second time and transmitted to the legislative council, if the legislative council rejects the bill again, or proposes amendments that are not acceptable to the legislative assembly, or does not pass the bill within one month, then the bill is deemed to have been passed by both the Houses in the form in which it was passed by the legislative assembly for the second time.

Money Bills

Q.1012 Consider the following about the State Legislature.

1. A Money Bill cannot be introduced in the legislative council.
2. Money bills can be introduced only on the recommendation of the Governor.
3. The Governor cannot reserve a money bill for the consideration of the President.

Choose the correct answer using the codes below.

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

Solution: (a)

The Constitution lays down a special procedure for the passing of Money Bills in the state legislature.

- A Money Bill cannot be introduced in the legislative council. It can be introduced in the legislative assembly only and that too

on the recommendation of the governor. Every such bill is considered to be a government bill and can be introduced only by a minister.

- After a Money Bill is passed by the legislative assembly, it is transmitted to the legislative council for its consideration. The legislative council has restricted powers with regard to a Money Bill. It cannot reject or amend a Money Bill. It can only make recommendations and must return the bill to the legislative assembly within 14 days.
- The legislative assembly can either accept or reject all or any of the recommendations of the legislative council. If the legislative assembly accepts any recommendation, the bill is then deemed to have been passed by both the Houses in the modified form. If the legislative assembly does not accept any recommendation, the bill is then deemed to have been passed by both the Houses in the form originally passed by the legislative assembly without any change.
- Finally, when a Money Bill is presented to the governor, he may, either, give his assent, withhold his assent or reserve the bill for presidential assent but cannot return the bill for reconsideration of the state legislature. Normally, the governor gives his assent to a money bill as it is introduced in the state legislature with his prior permission.
- When a money bill is reserved for consideration of the President, the president may either give his assent to the bill or withhold his assent to the bill but cannot return the bill for reconsideration of the state legislature.

Q.1013 Consider the following statements about money bills with regard to State legislature.

1. A money bill can be introduced in the legislative assembly only and that too on the recommendation of the governor.
2. Since every such bill is considered to be a government bill, it can be introduced only by a minister.

Which of the above is/are correct?

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

Solution: (c)

Refer previous explanation.

Privileges

Q.1014 The privileges that belong to each House of the state legislature collectively are?

1. It can make rules to regulate its own procedure and the conduct of its business and to adjudicate upon such matters.
2. The courts are prohibited to inquire into the proceedings of a House or its Committees.
3. No person, either a member or an outsider, can be arrested within the precincts of the House without the permission of the Leader of the House.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Other privileges (apart from the ones mentioned in the Q) 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 in-formation 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.

Miscellaneous

Q.1015 Consider the following statements.

1. A minister, who is not a member of either House, can participate in the proceedings of both the Houses.
2. The advocate general of the state has the right to speak, take part in the proceedings of both Houses and vote in case of a tie.

Which of the above is/are correct?

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

Solution: (a)

Justification: Statement 1: In addition to the members of a House, every minister and the advocate general of the state have the right to speak and take part in the proceedings of either House or any of its committees of which he is named a member, without being entitled to vote. So, the option 2 would be incorrect.

There are two reasons underlying this constitutional provision:

- A minister can participate in the proceedings of a House, of which he is not a member.
- A minister, who is not a member of either House, can participate in the proceedings of both the Houses.

Q.1016 Uttar Pradesh has the largest Legislative Assembly among all the States and Union Territories with more than 400 seats. The second largest legislative assembly is in

- (a) Rajasthan
(b) Andhra Pradesh
(c) Madhya Pradesh
(d) West Bengal

Solution: (d)

Q.1017 There is a provision for having nominated members in which of the following houses apart from Lok Sabha?

1. Rajya Sabha
2. Vidhan Sabha
3. Vidhan Parishad

Select the correct answer using the codes below.

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

Solution: (d)

Justification: President can nominate 12 members to the Rajya Sabha.

Governor may appoint 1 member to represent minorities, e.g. the Anglo- Indian community, if he finds that minority inadequately represented in the Vidhan Sabha.

In a Vidhan Parishad, one-sixth of members are nominated by the Governor from persons having knowledge or practical experience in fields such as literature, science, arts, the co-operative movement and

(27) CHIEF SECRETARY OF THE STATE

Q.1018 Consider the following statements.

1. Chief Secretary of the State acts as secretary to the state cabinet.
2. Cabinet Secretary is the *ex-officio* Principal Secretary to the Prime Minister.
3. All top officials of Prime Minister's Office (PMO) must be present at Union cabinet meetings.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: The Chief Secretary is the administrative head of state administration and in many ways counterpart of Cabinet Secy. He is also the Chief Coordinator of State secretariat and other administrative departments. He attends cabinet meetings.

Statement 2 Principal Secretary to the Prime Minister & Cabinet Secretary are two different positions.

SPECIAL STATUS FOR STATES – PART XXI – ARTICLES 370 AND 371

(28) SPECIAL STATUS OF JAMMU AND KASHMIR – PART XXI – ARTICLE 370

Q.1019 The Delhi Agreement of 1952 is remarkable in Modern Indian History because

- (a) It was crucial to the integration of the state of Jammu and Kashmir in India.
- (b) It proposed constitutional recognition to the panchayati raj system in India.
- (c) It settled the Line of control between India and Pakistan to reduce border skirmishes.
- (d) It gave the Union territory of Delhi greater power to function as an autonomous unit.

Solution: (a)

Learning: This agreement endorsed the main decisions of the Constituent Assembly of the State of J&K.

It was reached between the representatives of Kashmir Government and the Indian Government. Later it came to be known as the "Delhi Agreement, 1952".

This led to the conferment of special status to Kashmir, including a separate flag, jurisdiction of the Parliament and Supreme court over the state etc.

Q.1020 Consider the following statements about Article 370 of the Indian Constitution

1. Article 370 gives greater autonomy to Jammu and Kashmir compared to other States of India.
2. The State has its own Constitution.
3. All provisions of the Indian Constitution are applicable to the State.
4. Laws passed by the Parliament apply to J&K only if the State agree.

Which of the statements given above is/are correct?

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

Solution: (b)

Internally, there is a dispute about the status of Kashmir within the Indian union.

Article 370 gives greater autonomy to Jammu and Kashmir compared to other States of India. The State has its own Constitution. All provisions of the Indian Constitution are not applicable to the State. Laws passed by the Parliament apply to J&K only if the State agrees.

This special status has provoked two opposite reactions.

There is a section of people outside of J&K that believes that the special status of the State conferred by Article 370 does not allow full integration of the State with India. This section feels that Article 370 should therefore be revoked and J&K should be like any other State in India.

Another section, mostly Kashmiris believe that the autonomy conferred by Article 370 is not enough. A section of Kashmiris have expressed at least three major grievances. First, the promise that accession would be referred to the people of the State after the situation created by tribal invasion was normalised, has not been fulfilled. This has generated the demand for a 'Plebiscite'.

Secondly, there is a feeling that the special federal status guaranteed by Article 370, has been eroded in practice. This has led to the demand for restoration of autonomy or 'Greater State Autonomy'. Thirdly, it is felt that democracy which is practiced in the rest of India has not been similarly institutionalised in the State of Jammu and Kashmir.

Q.1021 Consider the following about the state of J&K.

1. It is the only state in India which has its own separate state Constitution.
2. All the provisions of the Constitution of India do not apply to the state.
3. The Constitution clearly states that the special provisions with respect to J&K are only temporary and not permanent.
4. Parliament has no power to make laws for the state.

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Statement 4: The power of Parliament to make laws for the state is limited to:

- I. Those matters in the Union List and the Concurrent List which correspond to matters specified in the state's Instrument of Accession. These matters are to be declared by the president in consultation with the state government. The Instrument of Accession contained matters classified under four heads, namely, external affairs, defense, communications and ancillary matters.
- II. Such other matters in the Union List and the Concurrent List which are specified by the president with the concurrence of the state government. This means that laws can be made on these matters only with the consent of the State of J&K.

Q.1022 Consider the following statements about the state of Jammu and Kashmir (J&K):

1. It has a separate constitution.
2. No other state in India enjoys the kind of special status that has been accorded to it by the Indian constitution.
3. It is a temporary state of the Union of India.

Which of these is/are true?

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

Solution: (a)

There is no such thing as a temporary or a permanent state. J&K is an integral part of India. However, it enjoys special status under Article 370 of the Indian constitution.

Q.1023 Consider the following statements about Article 370 of the constitution of India which grants special status to J&K.

1. Article 370 can be repealed unilaterally by the Parliament of India.
2. As provided, the other provisions of the constitution can be applied with such modifications and exceptions as specified by the President of India.

Which of these is/are true?

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

Solution: (d)

As provided, the other provisions of the constitution can be applied with such

modifications and exceptions as specified by the President of India only after taking the consent of J&K state.

Any modification in the Article 370 will have to be approved by the J&K government.

Q.1024 Article 370 gives a special status to the polity of Jammu and Kashmir (J&K) in the Indian state. A bill for the amendment of the Constitution of the J&K

- Must be introduced in the Parliament and agreed to by both the Parliament and State Legislature of J&K.
- Can be introduced in the state assembly and must be passed by it for such amendment to be effective.
- Must be referred to the Governor of J&K who should refer it to the President and pass the bill after taking the Council of Ministers into confidence.
- Cannot be introduced in either the Parliament or state assembly without an amendment in Article 370 of the constitution.

Solution: (b)

Learning: It can be amended by a bill passed in each house of the state legislature by a majority of two-thirds of the total membership of that house.

- Such a bill must be introduced in the assembly only.
- However, no bill of constitutional amendment can be moved in either House if it seeks to change the relationship of the state with the Union of India.
- It vests the executive powers of the state in the governor appointed by the president for a term of five years.
- But, the Governor does not enjoy legislative powers apart from those enjoyed by other governors of Indian states. This means OPTION C is wrong.
- The Constitution of J&K was adopted in 1957.

Q.1025 Consider the following statements about the parliamentary jurisdiction with reference to the state of Jammu and Kashmir (J&K).

- Parliament cannot make laws in the concurrent list for J&K without the consent of the state.

2. If the President specifies some subjects from the Union list for J&K, then it curtails Parliamentary jurisdiction.

Which of these is/are true?

- Only 1
- Only 2
- Both
- None of the above

Solution: (c)

Q.1026 Consider the following statements with respect to special provisions provided to Jammu and Kashmir:

- The concurrence of the State is required for making any law in matters mentioned in both the Union and Concurrent lists.
- Emergency due to internal disturbances can be declared without the concurrence of the State.
- The Directive Principles of State policy applies to the State.
- Amendments to the Indian Constitution, under Article 368, can only apply in concurrence with the government of Jammu and Kashmir.

Which of the above statements is/are incorrect?

- 2 and 3 Only
- 1, 2 and 4 Only
- 1, 3 and 4 Only
- 1, 2, 3 and 4

Solution: (a)

According to Article 370, the concurrence of the State is required for making any laws in matters mentioned in the Union and Concurrent lists. This is different from the position of other States

The remaining differences between the other States and the State of J&K are that no emergency due to internal disturbances can be declared in J&K without the concurrence of the State. The union government cannot impose a financial emergency in the State and the Directive Principles do not apply in J&K. Finally, amendments to the Indian Constitution (under Article 368) can only apply in concurrence with the government of J&K.

Q.1027 Consider the following statements about the polity of Jammu and Kashmir (J&K).

- The state does not guarantee any fundamental rights to its residents due to the enforcement of martial law in the state.

2. An amendment made to the Constitution of India does not apply to the state unless it is extended by a presidential order.
3. The President has no power to suspend the Constitution of the state on the ground of failure to comply with the directions given by him.

Select the correct answer using the codes below.

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

Solution: (c)

Justification: The very definition of 'state' under PART VI of Indian constitution does not include the State of J&K.

Hence, Part VI of the Constitution of India (dealing with state governments) is not applicable to this state.

Q.1028 Consider the following about the administration of Jammu and Kashmir (J&K).

1. No emergency due to internal disturbances can be declared in J&K without the concurrence of the State.
2. The union government cannot impose a financial emergency in the State.
3. Amendments to the Indian Constitution can only apply in concurrence with the government of J&K.
4. The Government of India is responsible for the external security of J&K.

Select the correct answer using the codes below.

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

Solution: (d)

Justification: According to Article 370, the concurrence of the State is required for making any laws in matters mentioned in the Union and Concurrent lists.

The remaining differences between the other States and the State of J&K are that no emergency due to internal disturbances can be declared in J&K without the concurrence of the State.

The union government cannot impose a financial emergency in the State and the Directive Principles do not apply in

J&K. Finally, amendments to the Indian Constitution (under Article 368) can only apply in concurrence with the government of J&K.

Q.1029 Consider the following about the special status of Jammu and Kashmir in Indian polity.

1. The boundaries of the state cannot be changed by the Parliament without the consent of its state legislature.
2. The state legislature has the power to make laws on many matters in the residuary list.
3. A National Emergency declared on the ground of internal disturbance will not have effect in the state except with the concurrence of the state government.

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: Jammu and Kashmir is a constituent state of the Indian Union and has its place in Part I and Schedule I of the Constitution of India (dealing with the Union and its Territory). But its name, area or boundary cannot be changed by the Union without the consent of its legislature.

Statement 2: Parliament can make laws in relation to the state on most of the subjects enumerated in the Union List and on a good number of subjects enumerated in the Concurrent List. But, the residuary power belongs to the state legislature except in few matters such as prevention of activities involving terrorist acts.

Statement 3: Moreover, the President has no power to declare a financial emergency in relation to the state. The President has no power to suspend the Constitution of the state on the ground of failure to comply with the directions given by him.

Q.1030 The term of the legislative assembly is six years in which of these states of India?

- (a) Nagaland
- (b) Jammu and Kashmir
- (c) Assam
- (d) The term limit is five years in all the states of India.

Solution: (b)

Learning: The term for the legislature is six years under its own state Constitution.

Also, the minimum strength fixed at 40 by the Constitution of India is not applicable to Jammu and Kashmir. Its council has 36 members under the provisions of its own state Constitution.

Q.1031 The Fundamental Right to Property is still guaranteed in which of the following states of India?

- (a) Jammu and Kashmir
- (b) Assam
- (c) Nagaland
- (d) Telangana

Solution: (a)

Learning: Part III (dealing with Fundamental Rights) is applicable to the state of J&K with some exceptions and conditions. The Fundamental Right to Property is still guaranteed in the state. Also, certain special rights are granted to the permanent residents of the state with regard to public employment, acquisition of immovable property, settlement and government scholarships. Part IV (dealing with Directive Principles of State Policy) and Part IVA (dealing with Fundamental Duties) are not applicable to the state

Q.1032 Governor's rule has been imposed in the state of Jammu and Kashmir (J&K) recently. Consider the following statements about Governor's rule.

1. It is applicable as per the Indian constitution.
2. It can be imposed only after the consent of the President.
3. This is the first time Governor's rule has been imposed in J&K.

Choose the correct answer using the codes below:

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

Solution: (b)

The election for Jammu Kashmir State assembly was held in the month of December in 2014 which has given the hung verdict as no party has majority to form government in the State.

- In case of failure of constitutional machinery in any other state of India, the

President's Rule is imposed under Article 356 of the Constitution.

- But in case of J&K, as per Section 92 of state Constitution, the Governor's Rule can be imposed in the state for a period of six months only after the consent of the President of India in case of failure of constitutional machinery. During the Governors rule, State Assembly is either suspended or dissolved.
- If the Constitutional machinery is not restored before the expiry of this six month period, the provision of Article 356 of the Constitution of India are extended to J&K and the President's rule is imposed in the State.
- It should be noted that, Governors rule has been imposed in the state for the 6 time since 1977.

Q.1033 Governor's rule is a unique feature of the J&K polity. It is imposed when

- (a) The Central Government imposes President's rule in the state
- (b) There is National emergency or internal disturbance
- (c) The state administration is not carried in accordance with the provisions of the J&K constitution
- (d) The President is satisfied that the state government is incapable of administering the state and hands over the governance to the Governor of the state

Solution: (c)

The constitution of J&K provides for Governor's Rule. Hence, the governor, with the concurrence of the President of India, can assume to himself all the powers of the state government, except those of the high court. He can dissolve the assembly and dismiss the council of ministers. The Governor's Rule can be imposed when the state administration cannot be carried on in accordance with the provisions of the J&K Constitution. It was imposed for the first time in 1977. Notably, in 1964, Article 356 of the Indian Constitution (dealing with the imposition of President's Rule in a state) was extended to the state of J&K.

Q.1034 Consider the following statements about Jammu and Kashmir (J&K).

1. An amendment made to the Constitution of India does not apply to the state unless it is extended by a presidential order.
2. It is the only state in the Indian Union which has its own separate state Constitution.
3. The President has no power to suspend the Constitution of the state on the ground of failure to comply with the directions given by him.

Choose the correct answer using the codes below.

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

Solution: (d)

Under Article 1 of the Indian Constitution, the State of Jammu and Kashmir (J&K) is a constituent state of Indian Union and its territory forms a part of the territory of India. On the other hand, Article 370 in Part XXI of the Constitution grants a special status to it.

Accordingly, all the provisions of the Constitution of India do not apply to it. It is also the only state in the Indian Union which has its own separate state Constitution—the Constitution of Jammu and Kashmir.

Q.1035 Consider the following statements with reference to the status of J&K in the Indian federal structure.

1. The Central legislation in the Union list and Concurrent list applies to J&K only after the consent of the state government.
2. The Directive Principles of State Policy do not apply to the state.
3. Amendments to the Indian Constitution (under Art. 368) can only apply in concurrence with the government of J&K.

Choose the correct answer using the codes below.

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

Solution: (d)

According to Article 370, the concurrence of the State is required for making any laws in matters mentioned in the Union and Concurrent lists.

The remaining differences between the other States and the State of J&K are that no emergency due to internal disturbances can be declared in J&K without the concurrence

of the State. The union government cannot impose a financial emergency in the State and the Directive Principles do not apply in J&K. Finally, amendments to the Indian Constitution (under Article 368) can only apply in concurrence with the government of J&K.

(29) SPECIAL PROVISION FOR SOME STATES

Article 371—Part XXI

Q.1036 Under Article 371, Part XXI, of the Constitution certain constitutional authorities have been given greater responsibilities with respect to some special regions of India. These authorities/bodies are?

1. President of India
2. Governor of the concerned state
3. Parliament of India

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: For e.g. for the erstwhile undivided state of AP, the President was empowered to provide for equitable opportunities and facilities for the people belonging to different parts of the state in the matter of public employment and education and different provisions can be made for various parts of the state.

Statement 2: Similarly, the Governor should submit an annual report to the President regarding the administration of the Hill Areas of Manipur.

Moreover, the Governor shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of the different sections of the Sikkim population.

Statement 3: Article 371E empowers the Parliament to provide for the establishment of a Central University in the undivided state of Andhra Pradesh.

Q.1037 Special provisions (under Part XXI) of the Constitution are applicable to the States of

1. Maharashtra
2. Gujarat

3. Jharkhand
4. Chhattisgarh
5. Andhra Pradesh

Select the correct answer using the codes below.

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

Solution: (c)

Justification: The provisions of the Constitution pertaining to the states are applicable to all the states (except Jammu and Kashmir) in the same manner.

However, the special provisions (under Part XXI) applicable to the States of Maharashtra, Gujarat, Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim, Mizoram, Arunachal Pradesh, Karnataka and Goa override the general provisions relating to the states as a class.

Statement 2 and 3: But, the provisions for Jharkhand and Chhattisgarh are found only in the 5th Schedule (tribal areas). Further, the Sixth Schedules contain separate provisions with respect to the administration of scheduled areas and tribal areas within the NE states.

Q.1038 Articles 371 to 371J in Part XXI of the Constitution contain special provisions for eleven states. Which of the following states are listed there?

1. Gujarat
2. Bihar
3. Sikkim
4. Goa
5. Himachal Pradesh

Select the correct answer using the codes below.

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

Solution: (b)

The intention behind them is to meet the aspirations of the people of backward regions of the states or to protect the cultural and economic interests of the tribal people of the states or to deal with the disturbed law and order condition in some parts of the states or to protect the interests of the local people of the states.

Originally, the constitution did not make any special provisions for these states. They have been incorporated by the various subsequent amendments made in the context of reorganisation of the states or conferment of statehood on the Union Territories

Q.1039 Consider the following statements in relation to the Article 371-A of the constitution making special provisions for Nagaland.

1. The Nagaland state assembly can declare that a law made by the Parliament is not applicable to it on religious and social grounds.
2. The Nagaland state assembly can override the laws of the Parliament concerning transfer of land and its resources.

Which of the above is/are correct?

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

Solution: (c)

Justification: As per Article 371(1), notwithstanding anything in this Constitution, no Act of Parliament in respect of

1. religious or social practices of the Nagas,
2. Naga customary law and procedure,
3. administration of civil and criminal justice involving decisions according to Naga customary law,
4. ownership and transfer of land and its resources, shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides.

The Governor of Nagaland shall have special responsibility for law and order in the state so long as internal disturbances caused by the hostile Nagas continue. In the discharge of this responsibility, the Governor, after consulting the Council of Ministers, exercises his individual judgement and his decision is final. This special responsibility of the Governor shall cease when the President so directs.

Q.1040 The State of Nagaland is a special state as per the Indian constitution. Nagaland has relative political autonomy in deciding which of the following matters?

1. Administration of Civil and Criminal Justice
2. Ownership of land and its transfer

3. Customary law and its practice
Choose the correct answer using the codes below.

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

Solution: (d)

Special Category States (SCSs)

Q.1041 Consider the following statements about the Special Category States (SCSs) in India:

1. A state must share an international boundary to be treated as a SCS.
2. All the SCSs in India till date show a budget surplus despite being lower in the ladder of development.
3. These states receive special financial packages from the central government and higher support in the Central Sector Schemes (CSS) as compared to the General Category States.

Choose the correct answer using the codes below:

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

Solution: (d)

Here we should know that the international boundary criteria are important, but not essential for being a Special Category State.

UNION TERRITORIES AND SPECIAL AREAS

UNION TERRITORIES— PART VIII – ARTICLES 239 TO 242

Q.1042 What are designated as Union Territories (UTs) presently were

1. Constituted as ‘scheduled districts’ during British rule
2. Declared as ‘special category’ provinces as per the Government of India Act, 1935.

Which of the above is/are correct?

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

Solution: (a)

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

Statement 2: After independence, they were placed in the category of Part ‘C’ and Part ‘D’ states. In 1956, they were constituted as the ‘Union Territories’ by the 7th Constitutional Amendment Act (1956) and the States Reorganisation Act (1956).

Learning:

The union territories have been created for a variety of reasons. These are mentioned below.

1. Political and administrative consideration—
 - Delhi and
 - Chandigarh.
2. Cultural distinctiveness—
 - Puducherry,
 - Dadra and Nagar Haveli, and
 - Daman and Diu.
3. Strategic importance—
 - Andaman and Nicobar Islands and
 - Lakshadweep.
4. Special treatment and care of the backward and tribal people—
 - Mizoram,
 - Manipur,

Gradually, some of these union territories have been elevated to statehood. Thus, Himachal Pradesh, Manipur, Tripura, Mizoram, Arunachal Pradesh and Goa,

which are states at present but were formerly union territories.

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

Q.1043 At the Central level, the subject of 'urban local government' in Union Territories (UT) is dealt by

- (a) Ministry of Urban Development
- (b) Ministry of Defence
- (c) Ministry of Home Affairs
- (d) Office of the President of India

Solution: (c)

Justification: Ministry of Urban Development deals with the same subject in States of India. Ministry of Defence deals with cantonments boards only in the context of urban local government.

Learning: 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 five UTs without a legislature (Andaman and Nicobar Islands, Chandigarh, Daman and Diu, Dadra and Nagar Haveli, and Lakshadweep) have the forum of Home Minister's Advisory Committee (HMAC), whose members are,

- The Administrator
- Member of Parliament from the respective Union Territory,
- Members from the local elected bodies, e.g.,
- District Panchayats and
- Municipal Council / Committees.

Meetings of the HMAC are chaired by The Union Home Minister, or, in his absence, by the Minister of State in the Ministry of Home Affairs. The Committee discusses the general issues relating to social and economic development of the Union territories

Q.1044 Consider the following statements.

1. The constitution provides for a uniform administrative system in all Union Territories (UTs).

2. An administrator of a union territory is an agent of the President and not head of state like a Governor.

3. The governor is to act independently of his council of ministers if he is administering a UT too.

Choose the correct answer using the codes below.

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

Solution: (b)

Articles 239 to 241 in Part VIII of the Constitution deal with the union territories. Even though all the union territories belong to one category, there is no uniformity in their administrative system.

Every union territory is administered by the President acting through an administrator appointed by him. An administrator of a union territory is an agent of the President and not head of state like a governor.

The President can specify the designation of an administrator; it may be Lieutenant Governor or Chief Commissioner or Administrator. At present, it is Lieutenant Governor in the case of Delhi, Puducherry and Andaman and Nicobar Islands and Administrator in the case of Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.

The President can also appoint the governor of a state as the administrator of an adjoining union territory. In that capacity, the governor is to act independently of his council of ministers.

Q.1045 What is the constitutional qualification mentioned for appointment as a Lieutenant Governor of a Union Territory (UT)?

- (a) The person must have served either the Central or State government for 10 years or more.
- (b) The person should neither be related to political parties nor had a political career.
- (c) The person must be a resident of the Union Territory or adjoining states.
- (d) None of the above

Solution: (d)

Learning: The President has recently appointed BJP leader and former IPS officer Kiran Bedi as the Lieutenant Governor (LG)

of Puducherry as per Article 239 of the Constitution. So, the option (b) is wrong.

The constitution does not mention explicit qualifications for the post of Lt. Governor. He acts as an agent of the President and administers the UT on behalf of him.

Q.1046 Consider the following statements.

1. An administrator of a union territory is an agent of the President and not head of state like a governor.
2. The President can appoint the governor of a state as the administrator of an adjoining union territory.

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: In case of a state of India, the Governor acts as the head of the state despite being an unelected representative. In a UT, although the Lt. Governor is appointed in the same way as a Governor is appointed in a state, he neither has as much discretion as the Governor of a state has, nor is he the head of the state.

Statement 2: In that capacity, the governor is to act independently of his council of ministers, i.e. he does not act on the aid and advice of the CoM. However, his position with respect to the UT is similar as that of a Lt. Governor or Administrator.

Q.1047 Consider the following statements regarding the administrator of UTs in India.

1. An administrator of a union territory is an agent of the President and not head of state like a governor.
2. The administrator of a UT has absolute veto power over the laws enacted by the legislative assembly of that UT.
3. In a UT having an elected government, administrator is appointed after consultation with the CM of the UT.

Choose the correct answer using the codes below.

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

Solution: (c)

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

appointed by him. An administrator of a union territory is an agent of the President and not head of state like a governor. He does not have absolute veto power. Only in few cases like in concurrent list legislations, he needs to refer the bill to the President of India. At most, he can delay a bill.

Q.1048 Consider the following statements about the administrator of the UTs appointed by the President:

1. He need not necessarily adhere to the advice tendered by the council of ministers in UTs where an assembly exists.
2. He appoints the Chief Minister of that UT.
3. He can promulgate ordinances in the recess of the assembly.

Which of these is/are correct?

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

Solution: (c)

The administrator can take a different view in case his opinion conflicts with that of the council of ministers but only after referring it to the President.

The President appoints the CM.

Q.1049 The Chief Minister of a Union Territory is appointed by

- (a) The Administrator of the UT on the recommendation of the Central government
- (b) The President of India on the recommendation of the Administrator of the UT
- (c) The President of India based on the recommendation of the Cabinet
- (d) The Administrator of the UT based on his personal discretion

Solution: (b)

The following best sums up the relationship between the President, Administrator and the UT government by giving the example of Delhi. The chief minister is appointed by the President (not by the Lt. governor). The other ministers are appointed by the president on the advice of the chief minister. The ministers hold office during the pleasure of the president. The council of ministers is collectively responsible to the assembly. The council of ministers headed

by the chief minister aid and advice the Lt. governor in the exercise of his functions except in so far as he is required to act in his discretion. In the case of difference of opinion between the Lt. governor and his ministers, the Lt. governor is to refer the matter to the president for decision and act accordingly.

Q.1050 The council of ministers headed by the chief minister aid and advise the Lieutenant governor in the exercise of his functions except in so far as he is required to act in his discretion. In the case of difference of opinion between the Lieutenant governor and his ministers

- (a) The advice of the Council of Ministers prevails if the same advice is tendered again after reconsideration.
- (b) The Chief Minister is to refer the matter to the Ministry of Home Affairs and act accordingly.
- (c) The Lieutenant governor is to refer the matter to the president for decision and act accordingly.
- (d) The view of the Lieutenant governor prevails over that of the Council of Ministers.

Solution: (c)

Learning: It is notable that the same provision is not given for the Governor of a state because of three reasons:

- 1. He is the Head of the state unlike the Lt. Governor.
- 2. A state is not directly under the control of the Union Government unlike UTs.
- 3. The constitution is clear over the powers of the Governor where he is supposed to exercise discretion.

Q.1051 Consider the following statements.

Assertion (A): The establishment of a legislative assembly in the union territories does not invalidate the supreme control of the president and Parliament over them.

Reason (R): Legislative assemblies in UTs cannot enact any law without Presidential assent or his prior recommendation.

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

- (a) A is correct, and R is an appropriate explanation of A.

- (b) A is correct, but R is not an appropriate explanation of A.

- (c) A is correct, but R is incorrect.

- (d) Both A and R are incorrect.

Solution: (c)

Justification: The Parliament can make laws on any subject of the three lists (including the State List) for the union territories. This power of Parliament also extends to Puducherry and Delhi, which have their local legislatures.

- This means that the legislative power of Parliament for the union territories on subjects of the State List remain unaffected even after establishing a local legislature for them. So, A is correct.
- But, the legislative assembly of Puducherry can also make laws on any subject of the State List and the Concurrent List. So, R is incorrect.
- Similarly, the legislative assembly of Delhi can make laws on any subject of the State List (except public order, police and land) and the Concurrent List.

Q.1052 Consider the following about legislation in the Union Territories (UTs).

- 1. The UT legislature cannot make laws on matter relating to the Concurrent List.
- 2. The Parliament cannot make laws in the State List pertaining to those UTs having their own legislatures.

Which of the above is/are correct?

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

Solution: (d)

Justification: Statement 1: The Parliament can make laws on any subject of the three lists (including the State List) for the union territories.

This power of Parliament also extends to Puducherry and Delhi, which have their own local legislatures. This means that, the legislative power of Parliament for the union territories on subjects of the State List remain unaffected even after establishing a local legislature for them.

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

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

- Q.1053** Which of the following statements is correct about the legislative control of Parliament over the Union Territories (UTs)?
- The Parliament cannot make laws in State List for those UTs that have a legislative assembly.
 - The Parliament can make laws in State List for even those UTs that have a legislative assembly but only after prior recommendation of the President.
 - The Parliament can make laws on any subject of the three lists (including the State List) for the union territories.
 - None of the above.

Solution: (c)

The Parliament can make laws on any subject of the three lists (including the State List) for the union territories. This power of Parliament also extends to Puducherry and Delhi, which have their own local legislatures. This means that, the legislative power of Parliament for the union territories on subjects of the State List remain unaffected even after establishing a local legislature for them. But, the legislative assembly of Puducherry can also make laws on any subject of the State List and the Concurrent List. Similarly, the legislative assembly of Delhi can make laws on any subject of the State List (except public order, police and land) and the Concurrent List.

- Q.1054** Consider the following statements:
- The people residing in the nearest Union territory (UT) to a state also vote in that particular State Assembly elections.
 - One-third of the members of the Legislative assembly in UTs, where it exists, are nominated by the Central Government.
- Which of these is/are true?
- 1 only
 - 2 only
 - Both 1 and 2
 - None of the above

Solution: (d)

The people of UTs vote only for their own legislative assembly, if any. Moreover, they get to vote for general elections.

There is no nomination by the Central Government in the Legislative Assembly of a UT (Delhi and Puducherry). The Administrator of the UT is appointed by the President on the advice of the central cabinet.

National Capital Territory— 69th Constitutional Amendment

- Q.1055** The Delhi Legislative assembly can make laws on all the matters of the State List and the Concurrent List except the three matters of the State List, that is
- Public Order
 - Police
 - Land

Choose the correct answer using the codes below.

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

Solution: (d)

The 69th Constitutional Amendment Act of 19915 provided a special status to the Union Territory of Delhi, and re-designated it the National Capital Territory of Delhi and designated the administrator of Delhi as the lieutenant (lt.) governor. It created a legislative assembly and a council of ministers of Delhi. Previously, Delhi had a metropolitan council and an executive council. The strength of the assembly is fixed at 70 members, directly elected by the people. The elections are conducted by the election commission of India. The assembly can make laws on all the matters of the State List and the Concurrent List except the three matters of the State List, that is, public order, police and land. But, the laws of Parliament prevail over those made by the Assembly.

- Q.1056** Consider the following about the National Capital Territory (NCT) of Delhi.
- All the members of the Legislative assembly are chosen by direct election.
 - Laws of assembly on municipal matters prevail over those made by the Parliament.

3. Chief Minister of the NCT of Delhi is appointed by the Lieutenant Governor.
4. The size of council of Ministers is decided by the Lieutenant Governor through an order issued by the Union Ministry of Home Affairs.

Select the correct answer using the codes below.

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

Solution: (a)

Justification: Statement 1: The strength of the assembly is fixed at 70 members, directly elected by the people. The elections are conducted by the election commission of India.

Statement 2: The assembly can make laws on all the matters of the State List and the Concurrent List except the three matters of the State List, that is, public order, police and land. But, the laws of Parliament prevail over those made by the Assembly.

Statement 3: The chief minister is appointed by the President (not by the Lt. governor). The other ministers are appointed by the president on the advice of the chief minister.

Statement 4: The strength of the council of ministers is fixed at ten per cent of the total strength of the assembly, that is, seven—one chief minister and six other ministers.

Q.1057 The Lieutenant Governor of Delhi is appointed by

- (a) The President on the advice of the Ministry of Home Affairs
- (b) The Legislative Assembly of Delhi on the advice of the UT Council of Ministers
- (c) The Chief Minister of Delhi after consulting a collegium consisting of the Chief Justice of the Delhi High court and other senior judges
- (d) The Delhi Development Authority (DDA) after obtaining consent from the President of India

Solution: (a)

Learning: Lt. Governor is the 'administrator' of Delhi appointed by the President at the recommendation of Union Home Ministry.

Specifically for New Delhi, Lt Governor has additional powers (land, law

and order etc.) considering the strategic importance of capital New Delhi.

All acts passed by the legislative assembly require Lt Governor's approval.

Where there is a difference of opinion between assembly and the Lt Governor, the matter is referred to the president.

Q.1058 Consider the following statements about the legislature of Delhi.

1. The Lieutenant Governor shall from time-to-time summon the Legislative Assembly to meet at such time and place as he thinks fit.
2. Only the President is authorized to prorogue or dissolve the Delhi Assembly.

Which of the above is/are correct?

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

Solution: (a)

Justification: Statement 1: A Bill or amendment shall not be introduced into, or moved in the Legislative Assembly except on the recommendation of the Lieutenant, Governor, if such Bill or amendment makes provision for any of the following matters,

Statement 2: When a Bill has been passed by the Legislative Assembly, it shall be presented to the Lieutenant Governor and the Lieutenant Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President.

The Lieutenant Governor may, from time to time prorogue the Assembly or dissolve the Assembly.

Q.1059 The Lieutenant Governor is the Administrator of the Delhi UT. In the case of difference of opinion between the Lt. governor and his ministers, what option can he choose?

- (a) Refer the matter to the president for decision and act accordingly.
- (b) Refer the matter to the Legislative Assembly for decision and act accordingly.
- (c) The decision of the Council of Ministers endorsed by the CM prevails.
- (d) The decision of the Lieutenant Governor, even though opposed by CM, prevails.

Solution: (a)

The chief minister of Delhi is appointed by the President (not by the Lt. governor).

The other ministers are appointed by the president on the advice of the chiefminister. The ministers hold office during the pleasure of the president. The council of ministers is collectively responsible to the assembly. The council of ministers headed by the chief minister aid and advice the Lt. governor in the exercise of his functions except in so far as he is required to act in his discretion. In the case of difference of opinion between the Lt. governor and his ministers, the Lt. governor is to refer the matter to the president for decision and act accordingly.

- Q.1060** An ordinance can only be issued by the Lieutenant Governor (LG) in Delhi UT when
- The Chief Minister of Delhi has endorsed it.
 - The CM along with the Council of Ministers has endorsed it.
 - The President has given prior recommendation to issue it.
 - The LG is satisfied that the situation demands it and no approval is required at the time of issuing the ordinance.

Solution: (c)

The Lt. Governor is empowered to promulgate ordinances during recess of the assembly. An ordinance has the same force as an act of the assembly. Every such ordinance must be approved by the assembly within six weeks from its reassembly. He can also withdraw an ordinance at any time. But, he cannot promulgate an ordinance when the assembly is dissolved or suspended. Further, no such ordinance can be promulgated or withdrawn without the prior permission of the President.

- Q.1061** Consider the following with reference to the National Capital Territory of (NCT) Delhi.
- The chief minister is appointed by the Lieutenant Governor.
 - The Lt. Governor is empowered to promulgate ordinances during recess of the assembly.
 - In the case of difference of opinion between the Lt. governor and his ministers, the view of Lt. Governor prevails invariably.

Select the correct answer using the codes below.

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

Solution: (d)

Justification: Statement 1: He is appointed by the President.

Statement 2: An ordinance has the same force as an act of the assembly. Every such ordinance must be approved by the assembly within six weeks from its reassembly. He can also withdraw an ordinance at any time.

But, he cannot promulgate an ordinance when the assembly is dissolved or suspended. Further, no such ordinance can be promulgated or withdrawn without the prior permission of the President.

Statement 3: The council of ministers headed by the chief minister aid and advice the Lt. governor in the exercise of his functions except in so far as he is required to act in his discretion.

In the case of difference of opinion between the Lt. governor and his ministers, the Lt. governor is to refer the matter to the president for decision and act accordingly.

(31) SCHEDULE & TRIBAL AREAS

Fifth Schedule – Scheduled Areas

Q.1062 Consider the following statements about Scheduled Areas.

- Scheduled areas are declared under laws passed by the Parliament.
- The concerned state cannot exercise executive power within the Scheduled area.
- The administration of these areas is entirely under the control of the President.

Choose the correct answer using the codes below.

- 1 and 2 only
- 2 only
- 1 and 3 only
- None of the above

Solution: (d)

The various features of administration contained in the Fifth Schedule are as follows:

- Declaration of Scheduled Areas:* The president is empowered to declare an area to be a scheduled area. He can also increase

or decrease its area, alter its boundary lines, rescind such designation or make fresh orders for such re-designation on an area in consultation with the governor of the state concerned.

- *Executive Power of State and Centre:* The executive power of a state extends to the scheduled areas therein. But the governor has a special responsibility regarding such areas. 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.
- *Tribes Advisory Council:* Each state having scheduled areas has to establish a tribes advisory council to advise on welfare and advancement of the scheduled tribes. It is to consist of 20 members, three-fourths of whom are to be the representatives of the scheduled tribes in the state legislative assembly. A similar council can also be established in a state having scheduled tribes but not scheduled areas therein, if the president so directs.

Q.1063 Consider the following about the areas under the Fifth Schedule of the Constitution.

1. The president is empowered to declare an area to be a scheduled area.
2. The executive or legislative power of a state extends to the scheduled areas therein.
3. The governor is empowered to direct that any particular act of Parliament or the state legislature does not apply to a scheduled area.
4. The Constitution requires the president to appoint a commission to report on the administration of the scheduled areas.
5. The Union Government has no responsibility for the administration of these areas.

Select the correct answer using the codes below.

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

Solution: (b)

Justification: Statement 5: 'The scheduled areas are treated differently from the other areas in the country because they are inhabited by 'aboriginals' who are socially and economically rather backward, and special efforts need to be made to improve their condition.

Therefore, the whole of the normal administrative machinery operating in a state is not extended to the scheduled areas and the Central government has somewhat greater responsibility for these areas.

Statements 1 and 2: Explained in previous question

Statement 3: He can declare that such laws do not apply to a scheduled area or apply with specified modifications and exceptions. He can also make regulations for the peace and good government of a scheduled area after consulting the tribal advisory council.

Statement 4: The Constitution requires the president to appoint a commission to report on the administration of the scheduled areas and the welfare of the scheduled tribes in the states. He can appoint such a commission at any time but compulsorily after ten years of the commencement of the Constitution. Hence, a commission was appointed in 1960 and later in 2002.

Q.1064 Consider the following statements about the schedule area

1. The Governor of the state is empowered to declare scheduled areas in the particular state.
2. The Governor can direct that a particular Act of the Parliament may not apply to the scheduled area.

Which of these is/are true?

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

Solution: (b)

The President declares scheduled areas under 5th schedule, not the Governor.

Sixth Schedule

Q.1065 The Sixth Schedule contains the provisions for the administration of tribal areas in the States of

- (a) Arunachal Pradesh, Sikkim, Nagaland and Manipur

- (b) Assam, Meghalaya, Tripura and Mizoram.
- (c) Nagaland, Meghalaya, Mizoram and Manipur
- (d) Assam, Arunachal Pradesh, Tripura and Nagaland

Solution: (b)

Justification: It is very easy to eliminate the above options.

Nagaland is mentioned in all options other than B. Nagaland is not under the 6th schedule, rather special provisions have been earmarked in the constitution for the state. So, B is the answer.

The Governor has a large share of responsibilities with respect to the administration of scheduled areas.

Q.1066 Consider the following statements about tribal areas in Sixth Schedule.

1. They are completely autonomous of the State Government.
2. The autonomous districts are governed by an elected District Council.
3. The district and regional councils are empowered to assess and collect land revenue and to impose certain specified taxes.

Choose the correct answer using the codes below.

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

Solution: (b)

The tribal areas in the four states of Assam, Meghalaya, Tripura and Mizoram have been constituted as autonomous districts. But, they do not fall outside the executive authority of the state concerned.

The governor is empowered to organise and re-organise the autonomous districts.

Thus, he can increase or decrease their areas or change their names or define their boundaries and so on.

Each autonomous district has a district council consisting of 30 members, of whom four are nominated by the governor and the remaining 26 are elected on the basis of adult franchise.

The elected members hold office for a term of five years (unless the council is dissolved earlier) and nominated members hold office

during the pleasure of the governor. Each autonomous region also has a separate regional council.

Q.1067 Consider the following statements.

Assertion (A): The tribal areas in the four states of Assam, Meghalaya, Tripura and Mizoram fall outside the executive authority of the state concerned.

Reason (R): They have been constituted as autonomous districts under the Sixth Schedule of the Constitution of India.

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

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

Solution: (c)

Learning: The governor is empowered to organise and re-organise the autonomous districts. Thus, he can increase or decrease their areas or change their names or define their boundaries and so on.

If there are different tribes in an autonomous district, the governor can divide the district into several autonomous regions.

- The district and regional councils administer the areas under their jurisdiction. They can make laws on certain specified matters like land, forests, canal water, shifting cultivation, village administration and inheritance of property, marriage and divorce, social customs and so on. But all such laws require the assent of the governor.
- The acts of Parliament or the state legislature do not apply to autonomous districts and autonomous regions or apply with specified modifications and exceptions.

Sixth Schedule administers the areas under their jurisdiction. Consider the following statements about it.

1. They can constitute village councils or courts for trial of suits and cases between the tribes.

2. Laws made by them do not require the assent of either the Legislature or the Governor.

Which of the above is/are true?

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

Solution: (a)

The district and regional councils administer the areas under their jurisdiction. They can make laws on certain specified matters like land, forests, canal water, shifting cultivation, village administration, inheritance of property, marriage and divorce, social customs and so on. But all such laws require the assent of the Governor. The district and regional councils within their territorial jurisdictions can constitute village councils or courts for trial of suits and cases between the tribes. They hear appeals from them. The jurisdiction of high court over these suits and cases is specified by the governor. The councils can adjudicate on minor civil and criminal disputes.

Q.1068 Consider the following about the areas under the Sixth schedule of the Constitution.

1. The governor is empowered to organise and re-organise the autonomous districts under these areas.
2. The district and regional councils can make laws on certain specified matters.
3. The acts of Parliament or the state legislature necessarily do not apply to autonomous districts.
4. The village councils can do trial of suits and cases between the tribes.

Choose the correct answer using the codes below.

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

Solution: (d)

Q.1069 Consider the following autonomous districts and the state they are located in.

1. The North Cachar Hills District: Meghalaya
2. The Mara District: Tripura
3. The Bodoland Territorial Areas District: Assam

Select the correct answer using the codes below.

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

Solution: (c)

Justification: In Assam: The North Cachar Hills District; The Karbi Anglong District; The Bodoland Territorial Areas District.

In Meghalaya: Khasi Hills District; Jaintia Hills District; The Garo Hills District.

In Tripura: Tripura Tribal Areas District

In Mizoram: The Chakma District; The Mara District; The Lai District.

Learning: Some of these regions are undergoing autonomy and separatist movements.

JUDICIARY

(32) JUDICIARY IN INDIA

Q.1070 The Constitution of India provides for a single integrated Judiciary system. What does this imply?

1. Decisions made by higher court may be binding on the lower courts
2. Appellate system exists in India
3. It means all administration of Courts in the country is based on the same principle of Justice.

Which of the statements given below is/are correct?

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

Solution: (d)

Integrated Judiciary means that the decisions made by higher courts 'are' binding on lower courts. By appellate system it means a person can appeal to a higher court if they believe that the judgement passed by the lower court is not just.

Q.1071 The Constitution of India provides for a single Integrated Judicial System. In this context, which of the following statements is/are correct?

1. District Court decides cases involving serious criminal offences.
2. Subordinate Court considers cases of both civil and criminal nature.
3. Both High Court and Supreme Court have appellate jurisdiction
4. The Supreme Court is bound by its own decision and cannot review it.
5. Both High Court and Supreme Court have advisory jurisdiction

Select the correct code.

- (a) 1, 2 and 3 Only (b) 1, 3 and 5 Only
(c) 2, 3, and 4 Only (d) None

Solution: (a)

District Court deals with cases arising in the District. It considers appeals on decisions given by lower Courts and decides cases involving serious criminal offences. The Subordinate Courts consider cases of Civil and Criminal nature.

Decisions made by the Supreme Court are binding on all other courts within the territory of India. Orders passed by it are enforceable throughout the length and breadth of the country. The Supreme Court itself is not bound by its decision and can at any time review it. Besides, if there is a case of contempt of the Supreme Court, then the Supreme Court itself decides such a case. The Supreme Courts and High Courts can hear appeals from lower courts and exercises superintendence and control over courts below it. Both enjoy appellate jurisdiction. Only Supreme Court has Advisory jurisdiction.

Q.1072 Consider the following statements about the Judiciary in India.

1. The judiciary is not financially dependent on either the executive or legislature.
2. Parliament cannot discuss the conduct of the judges except when the proceeding to remove a judge is being carried out.
3. The judiciary has the power to penalise those who are found guilty of contempt of court in case of unfair criticism of its decisions.

Choose the correct answer using the codes below:

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

Solution: (d)

The judges have a fixed tenure. They hold office till reaching the age of retirement. Only in exceptional cases, judges may be removed. But otherwise, they have security of tenure. Security of tenure ensures that judges could function without fear or favour. The Constitution prescribes a very difficult procedure for removal of judges. The Constitution makers believed that a difficult procedure of removal would provide security of office to the members of judiciary.

Statement 1: The judiciary is not financially dependent on either the executive or legislature. The Constitution provides that the salaries and allowances of the judges are not subjected to the approval of the legislature.

Statement 2: The actions and decisions of the judges are immune from personal criticisms. Parliament cannot discuss the conduct of the judges except when the proceeding to remove a judge is being carried out. This gives the judiciary independence to adjudicate without fear of being criticised.

Statement 3: The judiciary has the power to penalise those who are found guilty of contempt of court. This authority of the court is seen as an effective protection to the judges from unfair criticism.

Q.1073 Consider the following statements:

1. The Judiciary in India is an organ of the Government.
2. There is a hierarchy of courts in India with the Supreme Court at the top to which the other courts are subordinate.
3. All the courts in India have the power to uphold the law and enforce fundamental rights.

Choose the correct answer using the codes below:

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

Solution: (d)

Statement 1: Judiciary is independent of the Government based on the doctrine of separation of powers.

Statement 2: India has integrated judicial system i.e., hierarchy of courts with supreme court at the apex.

Statement 3: While all courts uphold the law, only the Supreme Court and High Courts are authorized to enforce fundamental rights.

Q.1074 Consider the following statements with respect to the role of Judiciary in India:

1. The Judicial system provides a mechanism for resolving disputes not only between the citizen and the government but also between two states and between the centre and state government.
2. Every citizen of India can approach the Supreme Court or the High Court if they believe that their Fundamental rights are violated.
3. Judiciary has the power to strike down any law

Which of the above statements is/are correct

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

Solution: (a)

Statement 1: The Judicial system provides a mechanism for resolving disputes between the citizens, between the citizen and the government, between two states and between the centre and state government.

Statement 2: Every citizen of India can approach the Supreme Court(Article 32) or the High Court (Article 226)if they believe that their Fundamental rights are violated.

Statement 3: Courts can strike down only those laws which violate constitution.

Q.1075 The judiciary in India can resolve disputes legally between

1. Citizens
2. Citizens and Government
3. State governments
4. Central government and State governments

Choose the correct answer using the codes below:

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

Solution: (c)

Q.1076 Which of the following powers of the Judiciary help protecting and sustaining the federal character of the Indian polity?

1. Power of judicial review
2. Power to issue writs
3. Power to adjudicate disputes between the Central and state governments.
4. Power to adjudicate disputes between the state governments.

Choose the correct answer using the following codes:

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

Solution: (d)

A federal government does not only mean that the adjudication of disputes between states is not a part of the federal dynamics. States are autonomous in their areas of functioning and an independent court ensures that conflicts between them are resolved amicably.

Power to issue writs is to protect the political democracy in India by protecting fundamental rights, not federalism.

Q.1077 Which of these statements is/are correct with reference to 'Contempt Of Court'?

1. The constitution empowers the Judiciary to issue contempt of court notices.
2. Such a notice cannot be issued against any of the judges of higher judiciary.

Which of the above is/are correct?

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

Solution: (a)

Justification: Statement 1: Article 129 and Article 142 (2) of the Constitution enables the Supreme Court to issue notice and punish anyone including Judges of the High Court for the contempt of court.

Statement 2: For the first time in the history of Independent India, the Supreme Court issued contempt of court notice against sitting Calcutta HC judge, C. S. Karnan, for impeding justice administration and bringing discredit to the judicial institution by writing scurrilous letters about sitting and retired judges.

Learning: As per the Contempt of Courts Act, 1971, following qualifies as contempt.

- Civil contempt as the wilful disobedience to any judgement, decree, direction, order or writ of the court
- Criminal Contempt as the publication (by spoken words, written material, signs, visual representation or otherwise) that interfere with justice processes to lower the authority of court

Q.1078 Independent of Judiciary is helpful in a Federal System because

1. It helps prevent usurpation of authority by higher levels of government.
2. It allows impartial dispute resolution between different tiers of the government.

Which of the above is/are correct?

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

Solution: (c)

Justification: Statement 1: Many of the Supreme Court judgments have helped the states balance the authority of the Centre.

This can be best seen in the case of inter-state water disputes where states have taken disputes to the Supreme court despite an award from a water tribunal.

Statement 2: Independence is crucial to unbiased dispute resolution.

If the Supreme court was regulated by the Union government, we could not expect it to take sides with the states on crucial issues such as inter-state water disputes as mentioned above.

Q.1079 Which of the following statements regarding judiciary in India are correct?

1. Supreme Court of India is free from the control and influence of legislature and executive
2. Subordinate courts are at the head of the judicial hierarchy of the state.
3. The Chief Justice and other judges of the High Court are appointed by the Governor in consultation with the Chief Justice of India
4. A High Court can withdraw a case from a subordinate court and can deal with the case itself if it is satisfied that the case involves a substantial point of constitutional law

Choose the correct answer from the codes given below:

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

Solution: (c)

Statement 2: The High Court is at the head of the judicial hierarchy in that state.

Statement 3: The President appoints the judges of a high court. Moreover, their removal can only be done by the Indian Parliament and not the state legislatures

Q.1080 How the Project Progress Monitoring System (Prime Ministers) is helpful to the Judiciary?

1. It assists judicial administration in reducing the pendency of cases.
2. It ensures greater transparency of information for the litigants.
3. It provides access to legal and judicial databases to the judges.

Select the correct answer using the codes below.

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

Solution: (c)

Justification: It is an E-courts mission mode project.

- The project implements the Information and Communication Technology (ICT) in Indian judiciary. The project's scope is to develop, deliver, install and implement automated decision making and decision support system in the courts of India. It also provides regional languages support.
- It also makes it possible to provide ICT coverage of judicial process from filing to execution level & also of all administrative activities.
- It essentially creates information gateways between courts & public agencies & departments. So, 2 and 3 are correct.
- The project is expected to lead to complete demystification of the adjudicatory process thereby ensuring transparency, accountability & cost-effectiveness. So, 1 is correct.

Q.1081 Consider the following statements.

1. The Subordinate courts in India deal with both civil and criminal cases.
2. The High court cannot issue writs for restoring fundamental rights.
3. Lok Adalats do not have the jurisdiction to deal with criminal cases.

Choose the correct answer using the codes below.

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

Solution: (a)

(33) CRIMINAL JUSTICE SYSTEM IN INDIA

Q.1082 Consider the following about "Principles of Natural Justice".

1. It is employed by courts in India in their proceedings.
2. It finds explicit mention in Part III of the constitution as a constitutional right.

Which of the above is/are correct?

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

Solution: (a)

Justification: Two core points in the concept of principles of natural justice are

- No one should be made a judge in his own case, or the rule against bias
- Rule that no one should be condemned unheard or the rule of fair hearing

Statement 1: The hearings in all courts are based on these two fundamental principles.

The judge is an impartial observer and allows the prosecution and defence to present their sides before arriving at a judgment.

Statement 2: The expression "Natural Justice" hasn't been explicitly used in the constitution. However, the idea passes through the body of Indian constitution.

- Apart from preamble, Article 14 ensures equality before law and equal protection of law to the citizen of India striking at the root of arbitrariness.
- Article 21 guarantees right to life and liberty which is the fundamental provision to protect liberty and ensure life with dignity.
- Article 22 guarantees natural justice and provision of fair hearing to the arrested person.

Q.1083 Consider the following instances.

1. A tenant who is being forced to move out files a case in court against the landlord.
2. A group of girls are persistently harassed by a group of boys while walking to school.
3. A woman is harassed to bring more dowry
4. A woman files for a divorce, due to harassment by her in-laws

Which of the above is/are classified under Civil Law?

- (a) 2 Only (b) 1, 2 and 4
(c) 1 and 4 (d) 2 and 4

Solution: (c)

A Civil law deals with any harm/injury to rights of individuals. For example, disputes relating to sale of land, purchase of goods, rent matters, divorce cases. A petition has to be filed before the relevant court by the affected party only and the court gives the specific relief asked for.

Whereas a Criminal Law deals with conduct or acts that law defines as offences. For example, theft, harassing a woman to bring more dowry, murder are those conducts as regarded.

Q.1084 Consider the following statements about the criminal justice system:

1. The right to be defended by a lawyer is a fundamental right.
2. The constitution places a duty on the state to provide a lawyer to any citizen who is unable to engage on due to poverty or other disability.

Which of these is/are true?

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

Solution: (c)

Article 22 of the constitution says that the right to be defended is a fundamental right.

Article 39A (DPSP) places the duty on the state as mentioned in statements 2.

Q.1085 Consider the following Statements:

1. According to Article 21 of the constitution, every person has a Fundamental Right to be defended by a lawyer
2. Article 39A of the constitution places a duty upon the State to provide a lawyer to any citizen who is unable to engage one due to poverty or other disability
3. The Criminal Justice system includes police, public prosecutor, defence lawyer, judge only.

Select the correct code:

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

Solution: (d)

It's Article 22 that says defence by the lawyer is a fundamental right.

Q.1086 Which of the following are the parts of the Criminal Justice system in India?

1. Police 2. Public Prosecutor
3. Judge 4. Defence lawyer

Choose the correct answer using the codes below:

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

Solution: (c)

Q.1087 Consider the following stages in the working of the Criminal Justice system.

1. Trial
2. Sentencing
3. Prosecution

Arrange in the correct order in which they happen.

- (a) 132 (b) 123
(c) 321 (d) 312

Solution: (d)

Q.1088 In the criminal justice system, consider the following statements about the role of the Police.

1. It investigates complaints about the commissioning of a crime with the statement of witnesses and evidences.
2. It files a charge sheet in the court.
3. It can punish the criminal based on the charges it has framed against him or her.

Choose the correct answer using the codes below:

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

Solution: (a)

The police merely forms an opinion based on its investigation. It is reflected in the charge sheet. It cannot decide whether a person is guilty or not, and then punish him. This is left to the courts.

Q.1089 Consider the following statements about a First Information Report (FIR).

1. It is compulsory to register a FIR when a victim gives information about a cognisable offence.
2. FIR cannot be registered without oral testimony of the complainant
3. The complainant has a constitutional right to get a free copy of the FIR from the police.

Select the correct answer using the codes below.

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

Solution: (b)

Explanation: Only when the complaint pertains to a non-cognizable offence, registering a FIR is not mandatory. So, statement 1 is correct.

FIR can be given orally or in written. So, statement 2 is incorrect.

The complainant has only a legal right to get a free copy of the FIR from the police. So, statement 3 is also incorrect.

Learning: Crime can be classified as cognizable or Non-Cognizable.

In a non-cognizable offence, the Police cannot arrest a person without orders of the court, i.e. without a Court warrant and can investigate into the case only on the express directions of the court to that effect.

Therefore, the Police Station officer records the complaint as a non-cognizable offence, commonly referred as NCs and advises the complainant or victim to approach the court for further directions.

In a cognizable offence, the police can take cognizance of the offence on its own i.e. it need not wait for the court orders as the law envisages that in such offences permission of the court to the police to investigate the crime is implicit. Such cases are mainly, murder, attempt to murder, rape and in heinous offences.

Q.1090 Consider the following statements about First Information Report (FIR).

1. Only with the filing of an FIR can the police start investigating a complaint.
2. It is registered whenever a person gives information about a cognizable offence.
3. The police can arrest a person for a cognizable offence without the permission of the court.

Choose the correct answer using the codes below:

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

Solution: (d)

Q.1091 As a police inspector, you can file a First Information Report (FIR) in which of these cases?

- (a) Minor public nuisance created by a freak
- (b) Waging of war by a group of people against the government of India
- (c) Forgery of some local government documents
- (d) A student cheating in an exam

Solution: (b)

Justification: Options A, C and D come under the category of minor offences which are non-cognizable in nature. The option B is a serious cognizable offence.

- The police can file a First Information Report (FIR) in cases of cognizable offences.
- Normally, serious offences are defined as cognizable; these usually carry a sentence of 3 years or more.
- In India, crimes like rape, murder, theft etc. are considered cognizable and crimes like public nuisance, simple hurt, mischief etc. are considered non-cognizable.

Learning: Generally, cognizable offence means a police officer has the authority to make an arrest without a warrant. The police is also allowed to start an investigation with or without the permission of the court.

- By contrast, in the case of a non-cognizable offence, a police officer does not have the authority to make an arrest without a warrant and an investigation cannot be initiated without a court order.

Q.1092 “Special Category of Punishment” mentioned in a recent ruling of the Supreme Court applies to

- (a) Cases where certiorari was issued
- (b) Arbitration cases where any one of the parties declined to accept arbitration award
- (c) All cases handled by fast track courts
- (d) Punishments more severe than life imprisonment but less severe than capital punishment

Solution: (d)

Learning: This special category of Punishment for the first time was mentioned in the judgement delivered on 22 July 2008 by the Supreme Court in *Swamy Shraddananda v. State of Karnataka*.

- The Supreme Court has moved away from death penalty (capital punishment) after it commuted the death sentence of a youth for raping and killing a seven-year-old girl with the Special Category of Punishment.
- Actual life imprisonment is only 14 years of imprisonment. The SC in its judicial innovation awarded the convict 25 years of jail term considering it appropriate punishment between death sentence and life imprisonment in heinous crimes.

Q.1093 Consider the following important legal provisions of Indian Penal Code (IPC) often seen in news. Match them correctly with their mandate.

1. Section 499A of IPC A. Seditious writing or speech
2. Section 124A of IPC B. Defamation
3. Section 295 of IPC C. Outraging Communal sentiments

Select the correct match from the codes below.

- (a) 1-A, 2-B, 3-C (b) 1-B, 2-A, 3-C
(c) 1-C, 2-C, 3-B (d) 1-B, 2-C, 3-A

Solution: (b)

Learning: Section 295 of Indian Penal Code incriminates any act that outrages the religious feelings or sentiments of others.

Section 124A criminalizes seditious acts, speech or writings.

Section 499A criminalizes defamation.

Section 66A (now repealed) criminalized a speech on electronic medium that has the potential to hurt community sentiments.

These have been often seen in news due to many cases like in the cases of Miss Ramya; JNUSU President; Aseem Trivedi and so on in recent times.

Q.1094 In a court proceeding, DNA tests are allowed to be used as evidence in which of the following cases?

1. Minor Civil maintenance cases
2. Paternity and maternity disputes
3. Certain criminal cases

Choose the correct answer using the codes below.

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

Solution: (d)

The proof of DNA is a powerful tool for identification purposes and is admissible evidence. DNA or Deoxyribonucleic Acid is like a blue print of biological guidelines. DNA analysis is commonly known as DNA Finger printing, it gives a unique and specific profile similar to a thumb impression and hence it is named as DNA Finger Printing. DNA analysis plays an important role in the case of murder, rape, paternity and maternity disputes and also in cases of baby exchange. This is a technique of “Justice through advanced science”.

(34) SUPREME COURT

Q.1095 The Supreme Court of India is

1. A federal court
2. The guarantor of the fundamental rights of the citizens
3. The guardian of the Constitution
4. The enforcer of Central as well as state laws

Choose the correct answer using the codes below.

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

Solution: (d)

The Supreme Court stands at the top of the integrated judicial system in the country. Below it, there are high courts at the state level. Under a high court, there is a hierarchy of subordinate courts, that is, district courts and other lower courts. This single system of courts enforces both the central laws as well as the state laws, unlike in USA, where the federal laws are enforced by the federal judiciary and the state laws are enforced by the state judiciary.

The Supreme Court is a federal court, the highest court of appeal, the guarantor of the fundamental rights of the citizens and the guardian of the Constitution. Hence, the Constitution has made various provisions to ensure its independence—security of tenure of the judges, fixed service conditions for the judges, all the expenses of the Supreme Court charged on the Consolidated Fund of India, prohibition on discussion on the conduct of judges in the legislatures, ban on practice after retirement, power to punish for its contempt vested in the Supreme Court, separation of the judiciary from the executive, and so on.

Courts are not law enforcers; they are the upholders of the law. Laws are enforced by executive agencies.

Appointment

Q.1096 Consider the following statements about the collegium system,

1. It is specifically mentioned in Article 124 of the Indian Constitution.
2. It is a system under which appointments and transfers of judges are decided by a

forum of the Chief Justice of India and the four senior-most judges of the Supreme Court.

Which of the above statements is/are incorrect?

- (a) 1 Only (b) 2 Only
(c) Both (d) none

Solution: (b)

It is a system under which appointments and transfers of judges are decided by a forum of the Chief Justice of India (CJI) and the four senior-most judges of the Supreme Court. It has no place in the Indian Constitution. Article 124 deals with the appointment of Supreme Court judges. It says the appointment should be made by the President after consultation with such judges of the High Courts and the Supreme Court as the President may deem necessary. The CJI is to be consulted in all appointments, except his or her own. *In Re Three Judges Case* (28 October 1998), the Court opined that the Consultation process to be adopted by the Chief justice of India requires 'consultation of plurality judges'. That is the sole opinion of the chief justice of India does not constitute the consultation process. He should consult a collegium of four senior-most judges of the Supreme Court And even if two judges give an adverse opinion, he should not send the recommendation to the government. The court held that the recommendation made by the chief justice of India without complying with the norms and requirements of the consultation process are not binding on the government.

Q.1097 The Judges of the Supreme Court take an oath or affirmation before entering upon office, conducted by:

- (a) Chief Justice of India
(b) President or Vice-President
(c) President or some person appointed, by him
(d) None of the above

Solution: (c)

A person appointed as a judge of the Supreme Court, before entering upon his Office, has to make and subscribe an **oath or affirmation before the President, or some person appointed by him** for this purpose.

In his oath, a judge of the Supreme Court swears:

1. to bear true faith and allegiance to the Constitution of India;
2. to **uphold the sovereignty and integrity** of India;
3. to duly and faithfully and to the best of his ability, knowledge and judgement **perform the duties** of the Office **without** fear or favour, affection or ill-will; and
4. to **uphold the Constitution and the laws.**

Qualification

Q.1098 Consider the following in connection with the appointment of the judges of Supreme Court:

1. No judge can be appointed to the Supreme Court without the assent of the Chief Justice of India.
2. Only the senior most judge of the Supreme Court can be appointed as the Chief Justice of India.
3. The judge for being eligible for appointment to the court should have necessarily served in the High Courts of India.

Which of these is/are true?

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

Solution: (d)

The assent of the majority of the judges in the 4 judge collegiums (including CJI) is necessary for appointment of the judges of the court. Sole opinion of the CJI does not stand much ground.

A learned jurist or a legal luminary can also be appointed as a judge. This is in view of adding academic expertise to the judgements of the SC.

Removal of Judges

Q.1099 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) Special majority in Lok Sabha only
- (b) Absolute majority in both Houses of Parliament
- (c) Simple majority in each house of Parliament approved by the Presiding officer of the House

(d) Special majority in both Houses of Parliament

Solution: (d)

Learning: 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.

Q.1100 The Judges Enquiry Act (1968) regulates the procedure relating to the removal of a judge of the Supreme Court by the process of impeachment. Consider the following with reference to the procedure.

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 Parliamentary panel appointed by the presiding officer of the house.

Which of the above is/are correct?

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

Solution: (b)

Justification: Statement 1: 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.

Statement 2: 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

- the chief justice or a judge of the Supreme Court
- a chief justice of a high court
- a distinguished jurist.

Learning: 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.

Q.1101 Consider the following statements about the removal of judges of Supreme Court and High Courts.

1. Motion to impeach a judge is admitted by the respective chairman/speaker of the houses of Parliament.
2. Judges cannot be removed without an inquiry by a bench of the Supreme Court.
3. Absolute majority is required in the Parliament to remove judges.

Choose the correct answer using the codes below:

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

Solution: (a)

The removal of judges of the Supreme Court and the High Courts is also extremely difficult. A judge of the Supreme Court or High Court can be removed only on the ground of proven misbehaviour or incapacity. A motion containing the charges against the judge must be approved by special majority in both Houses of the Parliament.

It is clear from this procedure that removal of a judge is a very difficult procedure and unless there is a general consensus among Members of the Parliament, a judge cannot be removed. It should also be noted that while in making appointments, the executive plays a crucial role; the legislature has the powers of removal. This has ensured both balance of power and independence of the judiciary. So far, only one case of removal of a judge of the Supreme Court came up for consideration before the Parliament. In that case, though the motion got two-thirds majority, it did not have the support of the majority of the total strength of the House and therefore, the judge was not removed.

Independence of Supreme Court

Q.1102 The Constitution of India establishes an independent judiciary to serve which of these purposes?

1. To protect the supremacy of the Constitution
2. To settle any disputes between Centre and states
3. For the judiciary to be able to exercise the power of Judicial review

Choose the correct answer using the codes below.

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

Solution: (d)

An independent judiciary is needed: one, to protect the supremacy of the Constitution by exercising the power of judicial review; and two, to settle the disputes between the Centre and the states or between the states. The Constitution contains various measures like security of tenure to judges, fixed service conditions and so on to make the judiciary independent of the government. Also, since the judiciary is also administratively controlled by the higher judiciary, independence is strengthened.

Q.1103 The Constitution has made which of the following provisions to safeguard and ensure the independent and impartial functioning of the Supreme Court?

1. The judges of the Supreme Court are provided with the Security of Tenure.
2. Their service conditions cannot be changed to their disadvantage after their appointment even during a financial emergency.
3. The salaries, allowances and pensions of judges cannot be discussed and are non-votable by the Parliament.

Select the correct answer using the codes below.

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

Solution: (c)

Justification: Statement 1: They can be removed from office by the President only in the 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.

Statement 2: While it cannot be changed during normal circumstances, it can be changed during a financial emergency. So, the option 2 is wrong.

The salaries, allowances, privileges, leave and pension of the judges of the Supreme Court are determined from time to time by the Parliament.

Statement 3: They can be discussed, but they are non-votable. So, the option 3 is wrong.

They are expenses Charged on Consolidated Fund of India.

Learning: Other such provisions are:

- Conduct of Judges cannot be discussed in Parliament or in a State Legislature except when an impeachment motion is under consideration of the Parliament.
- Ban on Practice after Retirement
- Power to Punish for its Contempt

Q.1104 The Indian Constitution has ensured the independence of the judiciary through a number of measures. Which of the following are these measures provided in the Constitution?

1. The Executive is not involved in the process of appointment of judges.
2. The judges have a fixed tenure.
3. The expenses of the judiciary are charged on the Consolidated Fund of India.
4. The Supreme court and the High Court can punish any person for its contempt
5. A judge of Supreme court can only be removed by a special majority of the Parliament.

Select the correct code.

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

Solution: (c)

The legislature is not involved in the process of appointment of judges. Thus, it was believed that party politics would not play a role in the process of appointments. But the judges of the Supreme Court and High Court are appointed by the President in consultation with the members of the Judiciary. It should also be noted that while in making appointments, the

executive plays a crucial role; the legislature has the powers of removal. Hence the first statement is wrong. In order to be appointed as a judge, a person must have experience as a lawyer and/or must be well versed in law. Political opinions of the person or his/her political loyalty should not be the criteria for appointments to judiciary.

The judges have a fixed tenure. They hold office till reaching the age of retirement. Only in exceptional cases, judges may be removed. But otherwise, they have security of tenure. Security of tenure ensures that judges could function without fear or favour. The Constitution prescribes a very difficult procedure (special majority is required) for removal of judges. The removal of judges of the Supreme Court and the High Courts is also extremely difficult. A judge of the Supreme Court or High Court can be removed only on the ground of proven misbehaviour or incapacity. A motion containing the charges against the judge must be approved by special majority in both Houses of the Parliament. The Constitution makers believed that a difficult procedure of removal would provide security of office to the members of judiciary.

- Q.1105** Article 121 of the Constitution says that “no discussion shall take place in Parliament with respect to the conduct of any judge of the Supreme Court or of a high court in the discharge of his duties...”. What is the principle behind this provision?
- Separation of powers
 - Popular Sovereignty
 - Supremacy of Constitution
 - Principle of Collective Responsibility

Solution: (a)

Justification: Popular Sovereignty implies rule for and by the people; it does not imply separation of powers necessarily. So, the option (b) cannot be the answer.

Supremacy of Constitution is crucial for a democracy, but does not guarantee separation of powers, for example, there is fusion of powers to an extent in India between legislature and executive.

Article 121 is based on separation of powers, where judges should not be subject to minute scrutiny by the legislature which

may impede their functioning. It ensures independence of judiciary which is crucial for rule of law.

- Q.1106** Which of the following ensure judicial independence in India?
- Security of tenure for judges
 - Ban on practice after retirement of judges
 - Prohibition on discussion on the conduct of judges in the legislatures
 - Power of the courts to punish for contempt
- Which of the following codes is correct?
- (a) 1, 2 and 3 (b) 2, 3 and 4
(c) 1, 3 and 4 (d) All of the above

Solution: (d)

- Q.1107** Which of the following would be affected if India does not have an Independent Judiciary?
- Rule of Law and Supremacy of Law
 - Enforcement of Fundamental Rights
 - Legitimacy of Indian democracy
- Choose the correct answer using the codes below:
- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

In any society, disputes are bound to arise between individuals, between groups and between individuals or groups and government.

All such disputes must be settled by an independent body in accordance with the principle of rule of law. This idea of rule of law implies that all individuals—rich and poor, men or women, forward or backward castes—are subjected to the same law. The principal role of the judiciary is to protect rule of law and ensure supremacy of law. It safeguards rights of the individual, settles disputes in accordance with the law and ensures that democracy does not give way to individual or group dictatorship. In order to be able to do all this, it is necessary that the judiciary is independent of any political pressures.

- Q.1108** Which of the following is/are a part of an Independent Judicial system?
- Judiciary is not accountable to the legislature.
 - Judicial appointments are not affected solely by political considerations.

3. The Executive is bound to follow and implement the decisions of the Judiciary even if it disagrees with it.

Choose the correct answer using the codes below:

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

Solution: (b)

Simply stated independence of judiciary means that

- the other organs of the government like the executive and legislature must not restrain the functioning of the judiciary in such a way that it is unable to do justice.
- the other organs of the government should not interfere with the decision of the judiciary.
- judges must be able to perform their functions without fear or favour.

Independence of the judiciary does not imply arbitrariness or absence of accountability. Judiciary is a part of the democratic political structure of the country. It is therefore accountable to the Constitution, to the democratic traditions and to the people of the country.

Q.1109 When can the salaries of the judges of the Supreme Court be reduced during their term of office?

- (a) If the Parliament passes a bill to this effect
(b) During a Financial Emergency
(c) As and when the President desires
(d) Never

Solution: (b)

Article 360 of the Constitution of India says that if any Proclamation of financial emergency is in operation, it is competent for the President of India to issue directions for the reduction of salaries and allowances of all or any class of persons serving in connection with the affairs of the Union but excluding the Judges of the Supreme Court and the High Courts.

Q.1110 The rules for regulating the practice and procedure of Supreme Court under Article 145 of the Constitution are made by the:

- (a) President of India
(b) Supreme Court with the approval of the President of India

- (c) Supreme Court alone
(d) Supreme Court in consultation with the Bar Council of India

Solution: (b)

Jurisdiction and Power of Supreme Court

Q.1111 Match the following.

Jurisdiction of the Supreme Court

A. Original Jurisdiction

B. Appellate Jurisdiction

C. Advisory Jurisdiction

Cases Covered

1. Advice on any question of law as may be referred to the Supreme Court for consideration by the President
2. Case involving interpretation of the Constitution
3. Appointment of officers and servants of the Supreme Court
4. Dispute between the Government of India and a State

A B C

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

Solution: (c)

(1) Original Jurisdiction

Q.1112 A dispute between two or more states will fall under Supreme Court's

- (a) Exclusive Original Jurisdiction
(b) Appellate Jurisdiction
(c) Writ Jurisdiction
(d) Advisory Jurisdiction

Solution: (a)

Learning: Original jurisdiction means cases that can be directly considered by the Supreme Court without going to the lower courts before that.

As a federal court, the Supreme Court decides the disputes between different units

of the Indian Federation. More elaborately, any dispute between:

- The Centre and one or more states; or
- The Centre and any state or states on one side and one or more states on the other; or
- Between two or more states.

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

Q.1113 The Supreme Court of India has original jurisdiction in any dispute arising:

1. Between the Government of India and one or more States.
2. Between the Government of India and any State or States on one side and one or more States on the other.
3. Between two or more States.

Choose the correct answer using the codes below:

- (a) Only 1 (b) Only 2 & 3
(c) Only 2 (d) All

Solution: (d)

In addition, Article 32 of the Constitution gives an extensive original jurisdiction to the Supreme Court in regard to enforcement of Fundamental Rights. It is empowered to issue directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, *quo warranto* and certiorari to enforce them. The Supreme Court has been conferred with power to direct transfer of any civil or criminal case from one State High Court to another State High Court or from a Court subordinate to another State High Court. The Supreme Court, if satisfied that cases involving the same or substantially the same questions of law are pending before it and one or more High Courts or before two or more High Courts and that such questions are substantial questions of general importance, may withdraw a case or cases pending before the High Court or High Courts and dispose of all such cases itself. Under the Arbitration and Conciliation Act, 1996, International Commercial Arbitration can also be initiated in the Supreme Court.

Q.1114 Which of the following would come under the Original Jurisdiction of the Supreme Court of India?

1. Advising the President on matters of public importance and law.
2. Granting special leave to an appeal from any judgement or matter passed by any court in the territory of India.
3. Settling disputes between Union and States and amongst States.

Choose the correct answer using the codes below:

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

Solution: (c)

Q.1115 Which of the following institutions resolves the disputes between Centre and States arising out of official decisions?

- (a) Union Finance Commission (UFC)
- (b) Supreme Court (SC)
- (c) Central Administrative Tribunal (CAT)
- (d) Chairman, Rajya Sabha

Solution: (b)

Explanation: Finance Commission is not a dispute resolving body. It recommends allocation of tax resources between Centre and states. So, the option (a) is wrong.

CAT resolves disputes between the officials and government with regard to personnel matters like promotion, recruitment etc. So, option (c) is wrong.

Chairman, RS, only presides over the meetings of the Rajya Sabha. Rajya Sabha may discuss disputes over decisions of Centre and States. It cannot pass a final and binding judgment alone. So, option (d) is wrong.

Supreme Court and the High Courts in India settle disputes arising out of governmental decisions. For e.g. reservation of creamy layer Other Backward Classes (OBCs) in the case of *Indira Sawhney v. UOI*, AIR 1993 SC 477.

Q.1116 Which of the following do not come under the original jurisdiction of the Supreme Court?

1. Inter-state water disputes
2. Matters related to the finance commission
3. A suit by a private citizen against the Centre or a state.

Choose the correct answer using the codes below:

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

Solution: (d)

Other disputes of commercial nature between the centre and the states; questions of political nature; disputes arising out of a pre-constitutional agreement or treaty etc. also do not come under original jurisdiction of the Supreme Court.

Q.1117 How the original jurisdiction of the Supreme Court with regard to federal disputes is different from its original jurisdiction with regard to disputes relating to fundamental rights?

1. The aggrieved party can move either Supreme Court or High Court in case of fundamental right violations, but only Supreme Court in case of federal disputes.
2. The Supreme Court can issue writs for the settlement of federal disputes, but not those related to fundamental rights.

Which of the above is/are correct?

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

Solution: (a)

Justification: Statement 1: The federal dispute jurisdiction is exclusive to the Supreme Court. It cannot be raised in the High Courts.

But, 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.

In this case, it is concurrent with high court's jurisdiction.

Statement 2: There is also a difference between the writ jurisdiction of the Supreme Court and that of the high court.

The Supreme Court can issue writs only for the enforcement of the Fundamental Rights and not for other purposes. The high court, on the other hand, can issue writs not only for the enforcement of the fundamental rights but also for other purposes.

(2) Writ Jurisdiction

Q.1118 Supreme Court has been vested with 'original' and 'wide' powers for defending the fundamental rights of citizens. What do you understand by original powers of SC?

1. SC holds this power exclusively.
2. Citizens may approach the SC directly without necessarily going through appeals from lower courts.

Which of the above is/are correct?

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

Solution: (b)

Justification: Supreme Court has been constituted as the defender and guarantor of the fundamental rights of the citizens. It has been vested with the 'original' and 'wide' powers for that purpose.

- It is original, because an aggrieved citizen can directly go to the Supreme Court, not necessarily by way of appeal.
- It is wide, because its power is not restricted to issuing of orders or directions but also writs of all kinds.

Statement 1: In case of the enforcement of Fundamental Rights, the jurisdiction of the Supreme Court is original but not exclusive. It is concurrent with the jurisdiction of the high court under Article 226.

It vests original powers in the high court to issue directions, orders and writs of all kinds for the enforcement of the Fundamental Rights. It means when the Fundamental Rights of a citizen are violated, the aggrieved party has the option of moving either the high court or the Supreme Court directly.

Q.1119 How is the writ jurisdiction of the Supreme Court (SC) different from that of a High Court (HC)?

1. SC can issue writs for any purpose, whereas High Courts can only issue them for the enforcement of fundamental rights.
2. SC can issue writ against the government, whereas High Courts cannot.

Which of the above is/are correct?

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

Solution: (d)

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

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

Q.1120 The writ jurisdiction of the Supreme Court is narrower and less discretionary than that of a high court in what respects?

1. High courts can enforce legal rights too, Supreme Court cannot.
2. High court can issues it both against persons and state, SC can issue it only against the later.
3. The Supreme Court cannot refuse to issues writs when it comes to Fundamental Rights, High courts can.

Choose the correct answer using the codes given below.

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

Solution: (c)

The writ jurisdiction of the Supreme Court differs from that of a high court in three respects:

- The Supreme Court can issue writs only for the enforcement of fundamental rights whereas a high court can issue writs not only for the enforcement of Fundamental Rights but also for any other purpose. The expression ‘for any other purpose’ refers to the enforcement of an ordinary legal right. Thus, the writ jurisdiction of the Supreme Court, in this respect, is narrower than that of high court.
- The Supreme Court can issue writs against a person or government throughout the territory of India whereas a high court can issue writs against a person residing or against a government or authority located within its territorial jurisdiction only or outside its territorial jurisdiction only if the cause of action arises within its territorial jurisdiction. Thus, the territorial jurisdiction of the Supreme Court for the purpose of issuing writs is wider than that of a high court.

- A remedy under Article 32 is in itself a Fundamental Right and hence, the Supreme Court may not refuse to exercise its writ jurisdiction. On the other hand, a remedy under Article 226 is discretionary and hence, a high court may refuse to exercise its writ jurisdiction. Article 32 does not merely confer power on the Supreme Court as Article 226 does on a high court to issue writs for the enforcement of fundamental rights or other rights as part of its general jurisdiction. The Supreme Court is thus constituted as a defender and guarantor of the fundamental rights.

(3) Appellate Jurisdiction

Q.1121 The Supreme Court enjoys appellate jurisdiction in

1. Civil matters
2. Criminal matters
3. Constitutional matters

Select the correct answer using the codes below.

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

Solution: (d)

Learning: The Supreme Court is primarily a court of appeal and hears appeals against the judgements of the lower courts. It enjoys a wide appellate jurisdiction which can be classified under four heads:

1. Appeals in constitutional matters.
2. Appeals in civil matters.
3. Appeals in criminal matters.
4. Appeals by special leave.

In the constitutional cases, an appeal can be made to the Supreme Court against the judgement of a high court if the high court certifies that the case involves a substantial question of law that requires the interpretation of the Constitution.

Q.1122 In which of the following cases appeals cannot be lodged with the Supreme Court ?

- (a) Constitutional matters involving a substantial point of law
- (b) A sentence in a criminal case given by the lower court and confirmed by the High Court

- (c) Criminal case in which High Court has given a death sentence J a criminal found nonguilty by a lower court
- (d) Criminal case in which High Court after withdrawing a case from the lower court, has given a death sentence

Solution: (b)

(4) Advisory Jurisdiction

Q.1123 Under Article 143 of the Constitution, the Supreme Court can exercise advisory jurisdiction to advise

1. President 2. Governors
3. Prime Minister 4. Chief Ministers

Select the correct answer using the codes below:

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

Solution: (d)

Refer previous explanations.

Q.1124 Consider the following about the advisory jurisdiction of the Supreme Court (SC) under Article 143 of the constitution.

1. Being a constitutional organ, the SC is bound to give advice when it is referred.
2. The SC being the highest court of Justice, legal advice tendered by the court is legally binding on the President.

Which of the above is/are true?

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

Solution: (d)

It makes suitable changes in its action or legislations.

In addition to original and appellate jurisdiction, the Supreme Court of India possesses advisory jurisdiction also. This means that the President of India can refer any matter that is of public importance or that which involves interpretation of Constitution to Supreme Court for advice. However, the Supreme Court is not bound to give advice on such matters and the President is not bound to accept such an advice.

What then is the utility of the advisory powers of the Supreme Court? The utility is two-fold. In the first place, it allows the government to seek legal opinion on a matter

of importance before taking action on it. This may prevent unnecessary litigations later. Secondly, in the light of the advice of the Supreme Court, the government can

Q.1125 Article 143 of the Constitution authorises the president to seek the opinion of the Supreme Court on any question of law or fact of public importance which is likely to arise. Consider the following about it.

1. The Supreme Court is bound to give its advice to the President.
2. The advice of the SC is binding on the President and thus the Government.

Which of the above is/are correct?

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

Solution: (d)

Justification: Two categories are covered by Article 143:

1. On any question of law or fact of public importance which has arisen or which is likely to arise.
2. On any dispute arising out of any pre-constitution treaty, agreement, covenant, engagement or other similar instruments.

In the first case, the Supreme Court may tender or may refuse to tender its opinion to the president. But, in the second case, the Supreme Court 'must' tender its opinion to the president. In both the cases, the opinion expressed by the Supreme Court is only advisory and not a judicial pronouncement.

Q.1126 Which of the following statements regarding the advisory jurisdiction of the Supreme Court are correct?

1. It is binding on the Supreme Court to give advice to the President every time it is referred to.
2. The opinion tendered by the Supreme Court is binding on the President.

Choose the correct answer using the codes below.

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

Solution: (d)

Refer previous explanations.

Q.1127 Which of the following statements regarding the advisory jurisdiction of the Supreme Court are correct?

1. It is binding on the Supreme Court to give its opinion on any matter referred to it by the President.
2. The full bench of the Supreme Court hears any reference made to it under its power of advisory jurisdiction.
3. The opinion given by the Supreme Court on a reference under advisory jurisdiction is not binding on the government.

Choose the correct answer from the codes given below:

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

Solution: (d)

Statement 2: The Constitutional cases or references made by the President under Article 143 are decided by a Bench consisting of at least five judges. All other cases are usually decided by a bench consisting of not less than three judges

Q.1128 Which of the following is implied by Advisory jurisdiction of the Supreme Court?

1. The President of India can refer any matter that is of public importance or that which involves interpretation of Constitution to Supreme Court for advice.
2. The advice of Supreme Court is binding on the President.
3. This jurisdiction of the Supreme Court may prevent unnecessary litigations.
4. The President is not bound to accept such an advice.

Select the correct code.

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

Solution: (c)

Refer previous explanations.

(5) Court of Record

Q.1129 As a "Court of Record", the Supreme Court has which of the following powers?

1. The Court is bound to accept evidences and proceedings in all official languages mentioned in the Eighth schedule of the constitution.
2. The judgments of Supreme Court are admitted as evidentiary value and legal precedents.

Which of the above is/are correct?

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

Solution: (b)

Justification: Statement 1: The official language of the court is English, and the court can reject submissions made in languages other than English. So, the statement 1 is wrong.

Statement 2: As a Court of Record, the Supreme Court has two powers:

- The judgements, proceedings and acts of the Supreme Court are recorded for perpetual memory and testimony. These records are admitted to be of evidentiary value and cannot be questioned when produced before any court. They are recognised as legal precedents and legal references.
- Further, It has power to punish for contempt of court. In 1991, the Supreme Court has ruled that it has power to punish for contempt not only of itself but also of high courts, subordinate courts and tribunals functioning in the entire country.

Q.1130 Supreme court as court of record would mean

- (a) Its judgments are recognised as legal precedents and legal references.
(b) Its records all the judgments made by all subordinate courts in India.
(c) Proceedings in Supreme Court are always recorded by way of writing or digital media.
(d) All courts in India are subordinate to the Supreme Court.

Solution: (a)

Refer previous explanations.

(6) Power of Judicial Review

Q.1131 The constitutional validity of a legislative enactment or an executive order can be challenged in the Supreme Court on which of the following grounds?

1. If it infringes the Fundamental Rights
2. If it is repugnant to the constitutional provisions
3. If it is outside the competence of the authority which has framed it

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (d)

Learning: Judicial review is the power of the Supreme 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 or fundamental rights (*ultra vires*), they can be declared as illegal, unconstitutional and invalid (null and void) by the Supreme Court.

Consequently, they cannot be enforced by the Government. Judicial review is needed for the following reasons:

1. To uphold the principle of the supremacy of the Constitution.
2. To maintain federal equilibrium (balance between Centre and states).
3. To protect the fundamental rights of the citizens

Q.1132 Judicial review in India is based on the 'procedure established by law' contained in the Indian Constitution (Article 21). What is meant by this principle?

- (a) Courts can review a Parliamentary enactment if it is not reasonable.
(b) Courts can review a Parliamentary enactment if it goes against the goals and objectives enshrined in the constitution.
(c) Courts can review a Parliamentary enactment only if it was not enacted following the right procedure.
(d) None of the above

Solution: (c)

Procedure established by law means that a law that is duly enacted by legislature or the concerned body is valid if it has followed the correct procedure. Following this doctrine means that, a person can be deprived of his life or personal liberty according to the procedure established by law. So, if Parliament pass a law, then the life or personal liberty of a person can be taken off according to the provisions and procedures of the that law.

Due process of law doctrine not only checks if there is a law to deprive the life and

personal liberty of a person, but also see if the law made is fair, just and not arbitrary. If SC finds that any law as not fair, it will declare it as null and void. This doctrine provides for more fair treatment of individual rights. Under due process, it is the legal requirement that the state must respect all of the legal rights that are owed to a person and laws that states enact must confirm to the laws of the land like – fairness, fundamental rights, liberty etc. It also gives the judiciary to access the fundamental fairness, justice, and liberty of any legislation

However in *Maneka Gandhi v. UOI*, 1978 AIR 597, Indian supreme court adopted due process of law expanding the scope of judicial review.

Q.1133 Which of the following power vests with the Supreme Court in India?

1. Interpreting the constitution
2. It can declare invalid any law of the legislature or the actions of the executive, whether at the Union level or at the state level, if it finds such a law or action is against the Constitution.
3. It makes appointments of the judges of High court and district courts.

Choose the correct answer using the codes below:

- (a) All of the above (b) 1 and 3 only
(c) 1 and 2 only (d) 2 and 3 only

Solution: (c)

Appointments to the High Courts are made by the President. Governor does the same for district courts.

Q.1134 Consider the following statements about judicial review.

1. The term 'judicial review' is mentioned nowhere in the Constitution.
2. Supreme Court can use the review powers if a law is inconsistent with the distribution of powers laid down by the Constitution.
3. The review power extends to the laws passed by State legislatures also.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

Perhaps the most important power of the Supreme Court is the power of judicial review. Judicial Review means the power of the Supreme Court (or High Courts) to examine the constitutionality of any law if the Court arrives at the conclusion that the law is inconsistent with the provisions of the Constitution, such a law is declared as unconstitutional and inapplicable. The term judicial review is nowhere mentioned in the Constitution. However, the fact that India has a written constitution and the Supreme Court can strike down a law that goes against fundamental rights, implicitly gives the Supreme Court the power of judicial review.

In the case of federal relations too, the Supreme Court can use the review powers if a law is inconsistent with the distribution of powers laid down by the Constitution. Suppose, the central government makes a law, which according to some States, concerns a subject from the State list- then the States can go to the Supreme Court and if the court agrees with them, it would declare that the law is unconstitutional. In this sense, the review power of the Supreme Court includes power to review legislations on the ground that they violate fundamental rights or on the ground that they violate the federal distribution of powers. The review power extends to the laws passed by State legislatures also.

Together, the writ powers and the review power of the Court make judiciary very powerful. In particular, the review power means that the judiciary can interpret the Constitution and the laws passed by the legislature.

(7) Other Powers

Which of the following statements is/are correct with reference to the powers of the Supreme Court of India?

1. It can transfer any judge of a High Court.
2. It can deal with any case within the jurisdiction of the State.
3. It can move cases from any court to itself.
4. Its decisions may be binding on all courts.
5. It can transfer cases from one High Court to another High Court

Select the correct code.

- (a) 4 and 5 Only (b) 1, 3 and 5 Only
(c) 1, 2, 3 and 5 Only (d) 1, 2, 3, 4 and 5

Solution: (c)

The structure of the judiciary in India is pyramidal with the Supreme Court at the top, High Courts below them and district and subordinate courts at the lowest level. The lower courts function under the direct superintendence of the higher courts. Supreme Court of India:

Its decisions 'are' binding on all courts and can transfer Judges of High Courts. Can move cases from any court to itself

American versus Indian Judiciary

Consider the following statement about the comparison of powers between the American and Indian judiciary.

1. The doctrine of judicial supremacy in the Indian constitution is associated with that of the American Supreme court (SC).
2. The scope of judicial powers of the Supreme Court in the U.S.A. is broader than what exists in India.
3. The powers of judicial review of laws enacted by legislature are greater with the U.S.A Supreme Court as compared to the Indian SC.

Which of the following statements is/are true? Choose the correct option using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (c)

Comparing Indian and American Supreme Courts

Indian Supreme Court	American Supreme Court
1. Its original jurisdiction is confined to federal cases	1. Its original jurisdiction covers not only federal cases but also cases relating to naval forces, maritime activities, ambassadors, etc.

2. Its appellate jurisdiction covers constitutional, civil and criminal cases.	2. Its appellate jurisdiction is confined to constitutional cases only.
3. It has a very wide discretion to grant special leave to appeal in any matter against the judgement of any court or tribunal (except military).	3. It has no such plenary power.
4. It has advisory jurisdiction.	4. It has no advisory jurisdiction.
5. Its scope of judicial review is limited.	5. Its scope of judicial review is very wide.
6. It defends rights of the citizen according to the 'procedure established by law'.	6. It defends rights of the citizen according to the 'due process of law'.
7. Its jurisdiction and powers can be enlarged by Parliament.	7. Its jurisdiction and powers are limited to that conferred by the Constitution.
8. It has power of judicial superintendence and control over state high courts due to integrated judicial system.	8. It has no such power due to double (or separated) judicial system.

Q.1135 Which of the following correctly understate the difference(s) between the Indian and American (USA) Supreme Court?

1. While the Indian Supreme Court's jurisdiction extends to constitutional, civil and criminal cases; the American Supreme Court jurisdiction is confined to constitutional cases only.
2. The American Supreme Court does not defend the fundamental rights of citizens, unlike the Indian Supreme Court.
3. The American Supreme Court does not have any powers of judicial review, unlike with the Indian Supreme Court.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) 1 only

Solution: (d)

Refer previous explanations.

Some of Cases

Q.1136 The "rarest of the rare" principle in handing out the death penalty was given by the Supreme Court in which case?

- (a) *Shatrughan Chauhan v. UOI*, 2014
(b) *Bachan Singh v. State of Punjab*, 1980 (2) SCC 684.
(c) *Mithu v. State of Punjab*, 1983 AIR 473
(d) *Ladani v. UOI*

Solution: (b)

The Supreme Court in *Mithu v. State of Punjab*, 1983 AIR 473 struck down Section 303 of the Indian Penal Code, which provided for a mandatory death sentence for offenders serving a life sentence.

In *Bachan Singh v. State of Punjab*, 1980 (2) SCC 684, it gave the rarest of rate doctrine according to which death penalty should be given only in the extreme cases and where life sentence should not at all be appropriate. Last year, while handing down its *Shatrughan Chauhan v. UOI*, 2014, the Supreme Court spelt out clear guidelines on the legal rights of prisoners on death row.

Q.1137 Which of the following cases in the Supreme Court of India is related to resolving the conflict between Fundamental Rights and Directive Principles?

1. *L. C. Golaknath v. State of Punjab*, 1967 AIR 1643
2. *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226
3. *Minerva Mills Ltd. v. UOI*, AIR 1980 SC 1789
4. *Bhikan Singh case*

Select the correct answer using the codes below.

- (a) 1 and 3 only (b) 2, 3 and 4 only
(c) 1 and 4 only (d) 1, 2 and 3 only

Solution: (d)

Learning: In the case of *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226,, the Supreme Court ruled that in case of any conflict between the Fundamental Rights and the Directive Principles, the former would prevail.

In *L. C. Golaknath v. State of Punjab*, 1967 AIR 1643, the Supreme Court ruled that the Parliament cannot take away or abridge any of the Fundamental Rights, which are 'sacrosanct' in nature.

In the *Minerva Mills Ltd. v. UOI*, AIR 1980 SC 1789, the Supreme Court also held that 'the Indian Constitution is founded on the bedrock of the balance between the Fundamental Rights and the Directive Principles

Q.1138 The famous case of *Minerva Mills Ltd. v. UOI*, AIR 1980 SC 1789 was related to

1. Evolution of the basic structure doctrine of the Constitution of India
2. Status of Directive Principles of State Policy over the Fundamental Rights

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: As per the judgment, the Parliament cannot, under Article 368, expand its amending power so as to acquire for itself the right to repeal or abrogate the Constitution or to destroy its basic and essential features. The donee of a limited power cannot be the exercise of that power convert the limited power into an unlimited one.

Statement 2: The 42nd Amendment had amended Article 31C of the Constitution to accord precedence to the Directive Principles of State Policy articulated in Part IV of the Constitution over the Fundamental Rights of individuals articulated in Part III.

The court held that part of the 42nd Amendment to be unconstitutional and thus restored the primacy of fundamental rights over the DPSP except in some situations, which we will cover in later tests.

Q.1139 The presidential proclamation imposing President's Rule is subject to judicial review was declared by the Supreme Court in

- (a) *D. C. Wadhwa v. State of Bihar*, 1987 AIR 579
(b) *S. R. Bommai v UOI*, 1994 AIR 1918
(c) *Rameshwar Prasad v. UOI*, 2006
(d) *M. C. Mehta v. UOI*, 1987 SCR (1) 819

Solution: (b)

Learning: The Supreme Court declared in *D. C. Wadhwa v. State of Bihar*, 1987 AIR 579, that it is unconstitutional to re-promulgate ordinances (in certain conditions).

The case of *M. C. Mehta v. UOI*, 1987 SCR (1) 819 originated in the aftermath of oleum gas leak from Shriram Food and Fertilisers Ltd. complex at Delhi.

The case of *Rameshwar Prasad v. UOI*, 2006 was related to dissolution of Bihar Assembly

Q.1140 The case of *Maneka Gandhi v. UOI*, 1978 AIR 597 is famously known for

- (a) Wider interpretation of the Article 21
(b) Judicious rebalancing of fundamental rights and directive principles
(c) Evolution of the 'rarest of rare' doctrine
(d) Clarifying the provisions related to President's rule

Solution: (a)

Learning: In the case of *Maneka Gandhi v UOI*, 1978 SCR (2) 621, the Supreme Court overruled its judgement in the *Gopalan case* by taking a wider interpretation of the Article 21. Therefore, it ruled that the right to life and personal liberty of a person can be deprived by a law provided the procedure prescribed by that law is reasonable, fair and just.

- In other words, it has introduced the American expression 'due process of law'. In effect, the protection under Article 21 should be available not only against arbitrary executive action but also against arbitrary legislative action.
- Further, the court held that the 'right to life' as embodied in Article 21 is not merely confined to animal existence or survival but it includes within its ambit the right to live with human dignity and all those aspects of life which go to make a man's life meaningful, complete and worth living.
- It also ruled that the expression 'Personal Liberty' in Article 21 is of the widest amplitude and it covers a variety of rights

that go to constitute the personal liberties of a man.

Q.1141 The case *Subhash Kumar v. State. of Bihar*, (1991) 1 SCC 598 is famous because in this Supreme Court declared that

- (a) Land grabbing cases can't be adjudicated by District executive authorities.
- (b) Right to Life is a Fundamental Right under Article 21 of the Constitution
- (c) Fundamental rights and Directive principles have equal status.
- (d) Defamation is a crime and will invite penal provisions if not within the reasonable limits of the freedom of speech.

Solution: (b)

Learning: The Supreme Court held that the Right to Life is a Fundamental Right under Article 21 of the Constitution and it includes the right to the enjoyment of pollution-free water and air for full enjoyment of life.

The government is responsible for setting up laws and procedures that can check pollution, clean rivers and introduce heavy fines for those who pollute.

Many judgments added upon this historic judgment and gave rise to the expanded (in interpretation) Article 21 we know today.

Q.1142 The case *S. R. Bommai v UOI*, 1994 AIR 1918 is well known for significantly impacting

- (a) Centre-State relations
- (b) Powers of Indian Parliament
- (c) Status of All-India Services
- (d) Jurisdiction of tribunals in India

Solution: (a)

Learning: It was a landmark judgment of the Supreme Court of India, where the Court discussed at length provisions of Article 356 of the Constitution of India and related issues.

This case had huge impact on Centre-State Relations.

The SC laid down certain guidelines so as to prevent the misuse of Article 356 of the constitution.

- The majority enjoyed by the Council of Ministers shall be tested on the floor of the House.
- Centre should give a warning to the state and a time period of one week to reply.
- The court cannot question the advice tendered by the Council of Ministers to the

President but it can question the material behind the satisfaction of the President

- If there is improper use of Article 356 then the court will provide remedy.
- Under Article 356(3) it is the limitation on the powers of the President. Hence, the president shall not take any irreversible action until the proclamation is approved by the Parliament i.e. he shall not dissolve the assembly.
- Article 356 is justified only when there is a breakdown of constitutional machinery and not administrative machinery

Q.1143 The landmark judgment in '*Coelho case*' dealt with

- (a) Inclusion of Ninth Schedule under the ambit of Judicial Review
- (b) Limitations of the power of pardon to President and Governors
- (c) Power of Parliament to amend the Preamble
- (d) Conflict between certain minority religious practices and their fundamental rights

Solution: (a)

Learning: The first amendment to the Indian Constitution added the Ninth Schedule to it. It was introduced to address judicial review decisions especially about abridging certain fundamental rights.

The state wanted to pursue nationalisation, take away lands from the zamindars, re-distribute them, and make special provisions for the socially and economically backward. This would have violated certain Fundamental Rights (FRs), thus the need for 9th schedule to shield executive and legislative actions from Judicial review.

The case of *I. R. Coelho v. State of Tamil Nadu*, 11 January 2007, raised the following questions.

- Is it permissible to make the Ninth Schedule immunized from the Judicial Review of the Supreme Court?
- Whether the Basic Structure test would include Judicial Review of Ninth Schedule laws on the touchstone of Fundamental rights?
- The court ruled that it is absolutely not permissible to make the Ninth Schedule immunized from the Judicial Review of the Constitution.

The court said that the Doctrine of Basic Structure is the very essence of the Constitution of India and therefore, there cannot be any act, rules or regulations which can overrule the Basic Structure doctrine.

Q.1144 The D.K. Basu Guidelines given by Supreme Court are related to

- (a) Attachment of the assets of bankrupt companies
- (b) Rehabilitation of children who are victims of trafficking and sexual abuse
- (c) Procedure of arrest, detention and interrogation of any person
- (d) Regulation of foreign NGOs working in India

Solution: (c)

Learning: The Supreme Court of India has laid down specific requirements and procedures that the police and other agencies have to follow for the arrest, detention and interrogation of any person. These are known as the D.K. Basu Guidelines and they include the following.

- The police officials who carry out the arrest or interrogation should wear clear, accurate and visible identification and name tags with their designations;
- A memo of arrest should be prepared at the time of arrest and should include the time and date of arrest. It should also be attested by at least one witness who could include a family member of the person arrested. The arrest memo should be counter-signed by the person arrested.
- The person arrested, detained or being interrogated has a right to inform a relative, friend or well-wisher.
- When a friend or relative lives outside the district, the time, place of arrest and venue of custody must be notified by police within 8 to 12 hours after arrest.

Q.1145 ‘Vishakha Guidelines’ refers to

- (a) Prevention of sexual harassment at workplace
- (b) Prevention of domestic violence
- (c) Conducting trial of child sexual abuse or rape
- (d) Settlement of alimony and inheritance of property between divorced couple

Solution: (a)

Explanation: Option (c) refers to the case of *Sakshi v. UOI* (2004); it is thus incorrect.

Option (d) refers to *Tulasamma v. Reddi*, 1977, and thus it is also wrong.

Supreme Court has not issued any specific guidelines for prevention of domestic. A Parliamentary enactment of 2005 deals with the same. So, the option (b) is also wrong.

Learning: The Supreme Court in the *Vishakha Judgment* in 1977 has held that each incident of sexual harassment results in the violation of the fundamental rights of Gender Equality and the Right to Life and Liberty. Sexual harassment is a clear violation of woman’s right to gender equality as guaranteed under Articles 14 and 15, her right to live with dignity under Article 21 and her right to work with dignity in a safe environment under Article 19 (1) (g) of the Constitution of India.

Supreme Court thus makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by the Court and to evolve a specific policy to combat sexual harassment in the workplace. The Supreme Court’s *Vishakha Judgment* in 1997 makes it mandatory for each Committee to have a woman chairperson.

Miscellaneous

Q.1146 Besides its permanent seat at Delhi, the Supreme Court can also meet at

- (a) any other metropolitan city
- (b) any other major city
- (c) any other place as decided by the Chief Justice of India in consultation with the President
- (d) any other Union Territory

Solution: (c)

The Constitution declares Delhi as the seat of the Supreme Court. But, it also authorises the chief justice of India to appoint other place or places as seat of the Supreme Court.

He can take decision in this regard only with the approval of the President. This provision is only optional and not compulsory. This means that no court can give any direction either

To the President or To the Chief Justice To appoint any other place as a seat of the Supreme Court.

- Q.1147** Consider the following statements.
1. The Parliament cannot enlarge the jurisdiction of the Supreme Court of India as its jurisdiction is fixed to that conferred by the unamended Constitution.
 2. The Parliament can increase the number of judges in the Supreme Court by an amendment of the constitution with a simple majority in the Parliament.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 1: Number of puisne judges in the Supreme Court and Conferment of more jurisdiction on the Supreme Court are matters that can be dealt by the Parliament with a simple majority.

Statement 2: If the Parliament wishes to curtail the SC's or HC's authority, it will have to amend the constitution by a special majority with the consent of majority of the states.

- Q.1148** Consider the following statements:

1. Any enlargement in the powers of the Supreme Court would require a special agreement between the Centre and states i.e. the nod of the Parliament as well as that of a majority of the state legislatures.
2. The Supreme Court is the final interpreter of the constitution and the Parliament cannot reverse these interpretation by a constitutional amendment or a legal enactment.

Which of these is/are true?

- (a) only 1 (b) Only 2
(c) Both (d) None

Solution: (b)

Refer previous explanations.

- Q.1149** Which, among others, are powers of the Supreme Court which fall under the Doctrine of „Basic Structure“?

1. Ancillary powers of the Court.
2. The provision of Special Leave petition.
3. Power to declare laws binding on all courts in India.

Choose the correct answer using the codes below

- (a) 2 and 3 (b) 1 and 3
(c) Only 2 (d) None of the above

Solution: (a)

In the recent judgements of the Supreme Court, Articles 32, 136, 141 and 142 have come out to be a part of the basic structure. Article 136 refers to the provision of special leave to appeals by the SC.

Article 141 refers to the laws declared by the SC to be binding on the courts in India.

Article 142 refers to the enforcement of decrees and orders of the SC etc

Consider the following statements with respect to the jurisdiction of the Supreme Court:

1. The government wanted to know if it can pass a law about the citizenship status of residents of Pakistan occupied areas of Jammu and Kashmir, comes under original jurisdiction of the Supreme Court
2. In order to resolve the dispute about river Cauvery the government of Tamil Nadu wants to approach the court, comes under appellate jurisdiction of the Supreme Court
3. Court rejected the appeal by people against the eviction from the dam site, comes under writ jurisdiction of the Supreme Court.

Which of the above statements is/are correct?

- (a) 2 Only (b) 1 and 2 Only
(c) 1, 2 and 3 Only (d) None

Solution: (a)

Statement 1: It comes under advisory jurisdiction

Statement 2: Supreme court admitted the appeal of Karnataka against Tribunal award.

- Q.1150** Which of the following come under the jurisdiction of both the Supreme Court and High courts?

1. Disputes between the Centre and the States
2. Disputes between the States
3. Issuing writs to enforce fundamental rights
4. Judicial review of administrative acts

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 and 3 only
(c) 3 only (d) 3 and 4 only

Solution: (d)

The Article 226 of the Constitution empowers a high court to issue writs including habeas

corpus, mandamus, certiorari, prohibition and *quo warranto* for the enforcement of the fundamental rights of the citizens and for any other purpose. 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.

(35) HIGH COURT

Q.1151 Shortage of judges in High courts has been a major constraint in timely delivery of justice in India. To redress the situation, who among the following authorities has the right to determine the strength of a high court from time to time?

- (a) President of India
- (b) Chief Justice of India
- (c) Union Minister of Law and Justice
- (d) Chairman, Bar Council of India

Solution: (a)

Learning: Every high court (whether exclusive or common) consists of a chief justice and such other judges as the president may from time to time deem necessary to appoint.

Thus, the Constitution does not specify the strength of a high court and leaves it to the discretion of the president who determines it based on its workload.

This is provided for in the Constitution of India, which deals with the organisation, independence, jurisdiction, powers, procedures and so on of the high courts.

Q.1152 The institution of high court originated in India when

- (a) Supreme Court took charge in Independent India and established High courts in many states
- (b) The Morley-Minto Act provided for the establishment of High courts
- (c) During the British rule when the high courts were set up at Calcutta, Bombay and Madras

(d) The 1773 Regulating Act created the Supreme Court as well as the High Courts.

Solution: (c)

Learning: The institution of high court originated in India in 1862 when the high courts were set up at Calcutta, Bombay and Madras.

- In 1866, a fourth High Court was established at Allahabad. In the course of time, each province in British India came to have its own high court.
- After 1950, a high court existing in a province became the high court for the corresponding state.
- The Constitution of India provides for a high court for each state, but the Seventh Amendment Act of 1956 authorised the Parliament to establish a common high court for two or more states or for two or more states and a union territory.

Q.1153 Consider the following statements about High Courts in India.

Assertion (A): The State governments have established a High Court in every State and Union territory (UT) of India.

Reason (R): The Constitution of India empowers only the State governments to create High Courts.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) Both A and R are incorrect.

Solution: (d)

Constitution provides for high court in each state. The high court are established by the Parliament. The territorial jurisdiction of a high court is co-terminus with the territory of a state. Further The Parliament can extend the jurisdiction of a high court to any union territory or exclude the jurisdiction of a high court from any union territory

Q.1154 Concerning the High Court, which of the following is done by the President?

1. Determining the Strength of High Court
2. Appointing the Judges
3. Removal of Judges

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

Every high court (whether exclusive or common) consists of a chief justice and such other judges as the president may from time to time deem necessary to appoint. Thus, the Constitution does not specify the strength of a high court and leaves it to the discretion of the president. Accordingly, the President determines the strength of a high court from time to time depending upon its workload.

The judges of a high court are appointed by the President. The chief justice is appointed by the President after consultation with the chief justice of India and the governor of the state concerned.

A judge of a high court can be removed from his office by an order of the President. The President can issue the removal order only after an address by the Parliament has been presented to him in the same session for such removal.

Q.1155 In the Indian Judiciary, which of the following factors may work as constraints over the High Court judges in giving their rulings?

1. Precedents set by Supreme Court
 2. Constitution of India
 3. Instructions of the Executive to the courts
- Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (a)

A high court cannot go against previous rulings of the SC which set a precedent. But the SC and HCs can go against their own respective precedents. For e.g. the SC changed its stance on constitutional amendment in Kesavananda Bharati case from what it was in the Golaknath case.

But the same could not be done by the HC against an SC ruling.

The executive cannot issue any instruction to the courts in India.

Appointment & Transfer

Q.1156 The judges of the High court are appointed by the President of India. Who does he consult among the following while making the appointment?

1. Chief Justice of India
2. Advocate general of the state concerned
3. Governor of the state concerned
4. Supreme Court Judges

Choose the correct answer using the codes below:

- (a) 1, 2 and 3 (b) 2, 3 and 4
(c) 1, 3 and 4 (d) 1, 2 and 4

Solution: (c)

The judges of a high court are appointed by the President.

The chief justice is appointed by the President after consultation with the chief justice of India and the governor of the state concerned.

- For appointment of other judges, the chief justice of the concerned high court is also consulted.
- In case of a common high court for two or more states, the governors of all the states concerned are consulted by the president.

In the *Third Judges case* (1998), the Supreme Court opined that in case of the appointment of high court judges, the chief justice of India should consult a collegium of two senior-most judges of the Supreme Court. Thus, the sole opinion of the chief justice of India alone does not constitute the 'consultation' process.

Q.1157 A High Court consists of a Chief Justice and:

- (a) at least five other judges
- (b) such other judges as specified in the Constitution
- (c) such other judges as determined by Parliament
- (d) such other judges as determined by the President

Solution: (d)

Every high court (whether exclusive or common) consists of A chief justice and

Such other judges as the president may from time to time deem necessary to appoint. Thus, the Constitution does not specify the strength of a high court and leaves it to the discretion of the president.

- Q.1158** Consider the following statements.
1. Transfer of judges of the high courts is the sole prerogative of the Chief Justice of India (CJI).
 2. The state government can take disciplinary action against erring judges of the High Court in that respective state.
 3. The CM of the state is consulted before appointing the judges of the concerned High Court.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 only
(c) 3 only (d) None of the above

Solution: (d)

The Chief Justice of India must consult a collegium of judges. After this the President of India gives orders for the transfer of judges, even while the several High Courts come under the administrative control of the SC. The state governments have no control over the HC judges. Only the Governor is consulted before appointing the judges and CJI of the HCs.

- Q.1159** Consider the following statements:

Assertion (A): Transfer of judges of the high courts is the sole prerogative of the Chief Justice of India (CJI).

Reason (R): The high courts come under the administrative control of the Supreme court headed by the CJI.

In the context of the above two statements, which one of these is true?

- (a) Both A and R is true and R is the correct explanation of A.
- (b) Both A and R is true but R is not a correct explanation of A.
- (c) A is true, but R is false.
- (d) R is true, but A is false.

Solution: (d)

The Chief Justice of India must consult a collegium of judges. After this the President of India gives orders for the transfer of judges, even while the high courts come under the administrative control of the SC.

- Q.1160** The oath to a High Court Judge is administered by the:

- (a) Chief Justice of India
- (b) Chief Justice of that High Court

- (c) Governor
- (d) President

Solution: (c)

A person appointed as a judge of a high court, before entering upon his office, has to make and subscribe an oath or affirmation before the governor of the state or some person appointed by him for this purpose.

In his oath, a judge of a high court swears:

1. to bear true faith and allegiance to the Constitution of India;
2. to uphold the sovereignty and integrity of India;
3. to duly and faithfully and to the best of his ability, knowledge and judgement perform the duties of the office without fear or favour, affection or ill-will; and
4. to uphold the Constitution and the laws.

Tenure

- Q.1161** Consider the following statements.

1. The tenure of a high court judge has not been fixed by the constitution.
2. The concerned state assembly can impeach the judges of High court with a special majority.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None of the above

Solution: (a)

The Constitution has not fixed the tenure of a judge of a high court. However, it makes the following four provisions in this regard.

1. He holds office until he attains the age of 62 years. Any questions regarding his age is to be decided by the President after consultation with the chief justice of India and the decision of the president is final. (Note: in case of SC judges it is decided by such authority and in such manner as provided by Parliament)
2. He can resign his office by writing to the president.
3. He can be removed from his office by the President on the recommendation of the Parliament. Judges enquiry act (1968) regulates the procedure relating to the removal of a judge of the Supreme Court/High Court by the process of impeachment.

4. He vacates his office when He is appointed as a judge of the Supreme Court or When he is transferred to another high court.

- Q.1162** A Judge of a High Court wanting to resign addresses his letter of resignation to:
- the President
 - the Chief Justice of his High Court
 - the Chief Justice of India
 - the Governor of the State

Solution: (a)

He holds office until he attains the age of 62 years. Further he can resign his office by writing to the president.

Removal

- Q.1163** The Judges Enquiry Act (1968) regulates the procedure relating to the removal of a judge of a high court by the process of impeachment. Consider the following with reference to it.

- The procedure for the impeachment of a judge of a high court is the same as that for a judge of the Supreme Court.
- The Speaker or Chairman of the house may refuse to admit a motion for the impeachment of a high court judge.
- No judge of a high court has been impeached so far.
- Only the Chief Justice of India can pass the final order for the removal of a high court judge post-impeachment.

Select the correct answer using the codes below.

- (a) 1, 2 and 3 only (b) 3 and 4 only
(c) 1 and 2 only (d) 1 and 3 only

Solution: (a)

Justification: Statements 1 and 2: 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. So, the statement 1 and 2 both are correct.

Statement 4: 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.

- Q.1164** Consider the following statements.
Assertion (A): Motion for the impeachment of a High Court Judge cannot be introduced in the Rajya Sabha.

Reason (R): A High Court Judge is appointed by the President.

In the context of the above, which of these is correct?

- A is correct, and R is an appropriate explanation of A.
- A is correct, but R is not an appropriate explanation of A.
- A is correct, but R is incorrect.
- A is incorrect, but R is correct.

Solution: (d)

Justification: Impeachment motions can be moved in either house.

For e.g. in 2011 for the first time in the history of Rajya Sabha and only the second case in the history of Indian Parliament, a Motion for the removal of a Judge of High Court was formally moved, discussed and finally voted on 18 August 2011.

Learning: It was Justice Soumitra Sen.

He resigned ahead of the impeachment motion against him in the Lok Sabha.

Later, Lok Sabha decided to drop the impeachment proceedings against him because he had resigned.

Independence of High Court

- Q.1165** Which of the following confirms the independence of the High Courts?

- Expenses charged on the Consolidated fund of India.
- Power to punish for contempt.
- Power to control subordinate courts.

Which of these is/are true?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) Only 2

Solution: (d)

Expenses are charged on the consolidated fund of the concerned state and not that of India. Pension is however charged on the latter.

The power to control subordinate courts is not a sign of independence. Independence here means the ability to give impartial judgements without fear and favour.

Q.1166 Consider the following statements.

1. A High Court judge is appointed by the Governor of the State concerned who also administers oath to the judge.
2. A person who has acted as a High Court Judge cannot plead before any authority in India after retirement.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification: Statement 1: President appoints a High Court judge in consultation with the Governor and Chief Justice of the High Court.

Every person appointed to be a Judge of a High Court shall, before he enters upon his office, make and subscribe before the Governor of the State, or some person appointed in that behalf by him an oath or affirmation according to the form set out for the purpose in the Third Schedule.

Statement 2: As per the constitution, "No person who, after commencement of this Constitution, has held office as a permanent judge of High Court shall plead or act in any court or before any authority except the Supreme Court and the other High Courts."

So, the statement 2 is incorrect as he can plead before other courts except the one where he held charge.

Q.1167 The Constitution has made which of the following provisions to safeguard and ensure the independent and impartial functioning of a high court?

1. Conduct of Judges cannot be discussed in state legislature
2. Their expenses are charged on Consolidated Fund of India
3. Security of Tenure

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (c)

Expenses are charged on Consolidated fund of the State (not India).

The judges of a high court are provided with the security of tenure. They can be removed from office by the president only in the manner and on the grounds mentioned in the Constitution. This means that they do not hold their office during the pleasure of the president, though they are appointed by him. This is obvious from the fact that no judge of a high court has been removed (or impeached) so far. The salaries and allowances of the judges, the salaries, allowances and pensions of the staff as well as the administrative expenses of a high court are charged on the consolidated fund of the state. Thus, they are non-votable by the state legislature (though they can be discussed by it). It should be noted here that the pension of a high court judge is charged on the Consolidated Fund of India and not the state.

The Constitution prohibits any discussion in Parliament or in a state legislature with respect to the conduct of the judges of a high court in the discharge of their duties, except when an impeachment motion is under consideration of the Parliament.

Q.1168 The Constitution places the High Courts under the control of the Union in certain matters in order to keep them outside the range of regional politics. The Union exercises its control in the matters of:

- I. transfer of Judges from one High Court to another.
- II. being able, to establish a common High Court for two or more States.
- III. determining disputes as to age of High Court Judges.
(a) I only (b) II and III
(c) I and II (d) I, II and III

Solution: (d)

President is empowered to transfer the judges of high court and is the authority to decide the disputes relating to ages of high court judges. President exercises this power in consultation with central council of ministers. In this way central government can exercise some influence on him.

The Constitution of India provides for a high court for each state, But the Seventh

Amendment Act of 1956 authorised the Parliament to Establish a common high court For two or more states or For two or more states and a union territory.

Jurisdiction and Power of High Court

Q.1169 A high court does NOT enjoy which of the following jurisdiction and powers?

1. Advisory Jurisdiction
2. Writ jurisdiction
3. Supervisory Jurisdiction
4. Original Jurisdiction

Choose the correct answer using the codes below.

- (a) 1 only (b) 2 and 4 only
(c) 1 and 3 only (d) 1 and 4 only

Solution: (a)

Q.1170 Apart from Constitutional provisions, the present jurisdiction and powers of a high court are governed by

1. Acts of Parliament
2. Acts of State Legislature
3. Civil Procedure Code

Select the correct answer using the codes below.

- (a) 1 only (b) 1 and 2 only
(c) 2 and 3 only (d) 1, 2 and 3 only

Solution: (d)

Justification: The Constitution of India has not made any clear and detailed description of the powers and functions of the High Court as it has done in the case of the Supreme Court. The Constitution says that the Jurisdiction of the High Court shall be the same as immediately before the commencement of the Constitution. The gap is filled by laws made by Central as well as state legislatures, of which Civil and Criminal Procedure Code is also a part.

Q.1171 Jurisdiction of a High Court is decided on the basis of:

- (a) territorial area of state
- (b) funds at the disposal
- (c) intention of the government
- (d) number of judges available

Solution: (a)

The territorial jurisdiction of a high court is co-terminus with the territory of a state.

Constitution empowers the Parliament and the state legislature to change the

jurisdiction and powers of a high court except jurisdiction and powers of a high court in so far as they are specified in the Constitution.

(1) Original Jurisdiction

Q.1172 Disputes relating to the election of members of Parliament and state legislatures fall under which of the respective jurisdictions of the High Courts?

- (a) Original jurisdiction
- (b) Exclusive jurisdiction
- (c) Writ jurisdiction
- (d) Appellate jurisdiction

Solution: (a)

Learning: Original jurisdiction means the power of a high court to hear disputes in the first instance, not by way of appeal. It extends to the following:

- Matters of Admiralty, 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.

Q.1173 Which of the following would come under the original jurisdiction of the High court?

1. Disputes relating to the elections of MPs and MLAs.
2. Enforcement of fundamental rights of citizens.
3. Urgent constitutional matters.

Which of these is/are true?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (a)

Refer previous explanations.

Q.1174 High court has original jurisdiction with respect to which of these matters?

1. Dispute between two adjoining states
2. Selective cases involving Constitutional Interpretation
3. Disputes relating to the election of MPs and MLAs
4. Enforcement of fundamental rights of citizens

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2, 3 and 4 only
(c) 3 and 4 only (d) All of the above

Solution: (b)

Refer previous explanations.

(2) Writ Jurisdiction

Q.1175 Which of the following can be challenge in a high court?

1. Executive orders
2. Ordinances issued by the Governor of the concerned state
3. Central legislations

Which of these is/are true?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

The High courts have this power under Article 226 of the constitution.

Q.1176 It is said that the writ jurisdiction of the high court is wider than that of the Supreme Court.

This is because

1. The Supreme Court can issue writs only for the enforcement of fundamental rights and not legal rights which the high court can do
2. The writ jurisdiction of the high court is exclusive with respect to the matters under state specific laws.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: Statement 1: 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.

Statement 2: 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. So, the statement 2 is incorrect.

Learning: 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.

(3) Supervisory Jurisdiction

Q.1177 Which of the following is not a power of the High Court?

- (a) Supervision over all courts under its jurisdiction
- (b) Jurisdiction over revenue matters
- (c) Supervision over tribunals constituted by law relating to the armed forces
- (d) Issue writs for enforcement of fundamental rights or for any other purpose

Solution: (c)

A high court has the power of superintendence over all courts and tribunals functioning in its territorial jurisdiction except military courts or tribunals.

(4) Control over Subordinate Courts

Q.1178 Which of the following shows that the High court has the power to control subordinate courts?

1. It is consulted by the Governor in the personnel matters of the subordinate courts.

2. Its law is binding on the subordinate courts.
3. It can withdraw any pending case from the subordinate courts.

Which of these is/are true?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (a)

Not all cases can be withdrawn, but only those where there is a substantial question of law involved; or the interpretation of the constitution is needed; or the court is exceeding its jurisdiction; or the court has given a *mala fide* judgement.

(5) Court of Record

Q.1179 The High courts are also called as courts of record. It means that

1. The judgements, proceedings and acts of the high courts are recorded for testimony.
2. The Judgements of High Courts are recognized as legal precedents.
3. The acts of the High Courts cannot be questioned if produced before any subordinate court in India.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

As per Article 129 and 215 of the Constitution, the SC and High Courts will be courts of record.

It means that their judgement is basically a legal precedent before other courts. The subordinate courts can cite and use these precedents in their judgements.

Moreover, as a court of record, a HC also has power to punish for contempt.

(6) Judicial Review

Q.1180 Judicial review is one the powers of a high court. Under Judicial review constitutionality of which of the following can be examined by the HC?

1. Legislative enactments of Parliament
2. Executive orders of State governments
3. Executive orders of Central government

Choose the correct answer using the codes below.

- (a) 1 and 2 (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

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 no where 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:

- it infringes the fundamental rights (Part III),
- it is outside the competence of the authority which has framed it, and
- it is repugnant to the constitutional provisions.

Miscellaneous

Q.1181 When the Chief Justice of a High Court acts in an administrative capacity, he is subject to

- (a) The writ jurisdiction of any of the other judges of the High Court
- (b) Special control exercised by the Chief Justice of India
- (c) Discretionary powers of the Governor of the state
- (d) Special powers provided to the Chief Minister in this regard

Solution: (b)

On the administrative side, the Chief Justice of the High Court carries out the following functions:

1. Maintenance of the roster;
2. Appointment of court officials;
3. General and miscellaneous matters relating to the supervision and functioning of the High Court and subordinate courts.

It is logical that he would not be in the control of other high court judges and the executive. The control would lie with the CJI.

- Q.1182** Consider the following statements.
1. The Advocate General of a State in India is appointed by the President of India on the recommendation of the Governor of the concerned State.
 2. High Courts have not been granted any power under the constitution and derive all their authority from Civil and Criminal Procedure Codes.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification: Statement 1: The Office of the Advocate General is a constitutional office created under Article 165 of the Constitution of India. The Governor of the State appoints a person who is qualified to be appointed as a judge of the High Court as Advocate General of the State.

Statement 2: The High court derive their writ jurisdiction, judicial review powers, original jurisdiction etc. from the constitution

- Q.1183** Which of the following is/are the same for both the Supreme Court and High Courts?

1. Appointment procedure of Judges
 2. Extent of writ issuing authority
 3. Power to interpret the constitution
 4. Power of Judicial review of Central laws
- Choose the correct answer using the codes below.

- (a) 2 and 3 only (b) 1, 3 and 4 only
(c) 1, 2 and 4 only (d) 3 and 4 only

Solution: (d)

Unlike the SC, in the appointment to HC judges, the Governor of the state is also consulted.

High Courts can issue writs for legal rights as well as fundamental rights. The SC can issue writs only for enforcing fundamental rights.

Both can interpret the constitution, but the version of the SC will prevail over the HCs.

Both can review central as well as state laws. Even here the view of the SC will prevail over HCs.

- Q.1184** Which of the following roles/functions are performed by the High Court in India?

1. Determining the Constitutional validity of any legislation or action of the executive in the country
2. Giving judgments and directives to protect public interest and human rights throughout India

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Explanation & Learning: The Supreme Court and the High Courts have the power to interpret the Constitution of the country. They can declare invalid any law of the legislature or the actions of the executive, whether at the Union level or at the state level, if they find such a law or action is against the Constitution. This is known as the judicial review. So, statement 1 is correct.

The powers and the independence of the Indian judiciary allow it to act as the guardian of the Fundamental Rights. In recent years the Courts have given several judgments and directives to protect public interest and human rights. Anyone can approach the courts if public interest is hurt by the actions of government. This is called public interest litigation. The courts intervene to prevent the misuse of the government's power to make decisions. They check malpractices on the part of public officials. So, statement 2 is also correct.

- Q.1185** Match the following.

Union Territory Jurisdiction (High Court)

- | | |
|--------------------------------|------------|
| A. Puducherry | 1. Kerala |
| B. Andaman and Nicobar Islands | 2. Mumbai |
| C. Lakshadweep | 3. Chennai |
| D. Daman and Diu | 4. Kolkata |
| | 5 Guwahati |

A B C D

- (a) 3 4 1 2 (b) 1 3 4 2
(c) 1 5 3 4 (d) 1 5 3 2

Solution: (a)

(36) SUBORDINATE COURT – PART VI – ARTICLES 233 TO 237

- Q.1186** The Constitution makes provisions to
1. Regulate the organization of subordinate courts
 2. Ensure the independence of subordinate courts from the executive

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: The subordinate courts are a part of state Judiciary functioning under the State High Court in district and lower levels.

Articles 233 to 237 in Part VI of the Constitution make provisions to regulate the organization of subordinate courts and to ensure their independence from the executive, such as appointment of District Judges, control over subordinate courts etc.

- Q.1187** Consider the following statements.
1. The Constitution of India does not recognize subordinate courts.
 2. The Independence of Subordinate courts from the executive is secured via State laws.
 3. Only the High Court, not the District court, can exercise superintendence over the lower courts.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 only (d) None of the above

Solution: (d)

The state judiciary consists of a high court and a hierarchy of subordinate courts, also known as lower courts. The subordinate courts are so called because of their subordination to the state high court. They function below and under the high court at district and lower levels.

Articles 233 to 237 in Part VI of the Constitution make the following provisions to regulate the organization of subordinate courts and to ensure their independence from the executive.

- Q.1188** The District and sessions Judge in a state works directly under the control of which of the following authorities?

1. District Collector
2. State Governor
3. State Law Minister

Choose the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 3 only (d) None of the above

Solution: (d)

The District courts are subordinate courts that work under the authority of the High court and Supreme Court. Immediate control is exerted by the HC, and final control by the SC. The High Courts are responsible for appointment, postings, transfers and general administration of the district courts. The district courts are free from interference by the state or central executive.

- Q.1189** Consider the following statements:
1. The highest criminal court of the district is the Court of District and Sessions Judge.
 2. The District Judges are appointed by the Governor in consultation with the High Courts
 3. A person to be eligible for appointment as a District Judge should be an advocate or a pleader of seven years' standing or more, or an officer in judicial service of the Union or the State.
 4. When the Session judge awards death sentence, it must be confirmed by the High Court before it is carried out.

Which of the statements given above are correct? [IAS 2004]

- (a) 1 and 2 (b) 2, 3 and 4
(c) 3 and 4 (d) 1, 2, 3 and 4

Solution: (d)

Appointment

- Q.1190** The appointment, posting and promotion of district judges in a state are made by the
- (a) Governor in consultation with the High Court
 - (b) Chief Justice of the concerned High Court
 - (c) Governor in consultation with the High Court and the State Public Service Commission
 - (d) Chief Justice of the concerned High Court in consultation with a collegium of senior-most judges

Solution: (a)

The appointment, posting and promotion of district judges in a state are made by the governor of the state in consultation with the high court.

A person to be appointed as district judge should have the following qualifications:

- He should not already be in the service of the Central or the state government.
- He should have been an advocate or a pleader for seven years.
- He should be recommended by the high court for appointment.

Appointment of persons (other than district judges) to the judicial service of a state are made by the governor of the state after consultation with the State Public Service Commission and the high court.

Q.1191 Who among the following is/are involved in the appointment of district judges?

1. Governor of the concerned state.
2. The High court concerned.
3. The Supreme Court.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (a)

The Governor must consult the high court as a whole before making an appointment. The opinion of the Supreme Court is not required in the appointment of district judges.

Q.1192 Consider the following about a District Judge.

1. He possesses original and appellate jurisdiction in both civil as well as criminal matters.
2. He has supervisory powers over all the subordinate courts in the district.
3. The Sessions Judge has the power to impose any sentence including life imprisonment and capital punishment.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (d)

Learning: Appeals against his orders and judgements lie to the High Court. He is the highest judicial authority in the district.

Statement 1: The district judge is also the Sessions Judge. When he deals with civil cases, he is known as the district judge and when he hears the criminal cases, he is called as the Sessions judge.

Statement 2: The district judge exercises both judicial and administrative powers over subordinate courts.

Statement 3: However, a capital punishment passed by him is subject to confirmation by the High Court, whether there is an appeal or not

Q.1193 The highest criminal court of the district is the Court of District and Sessions Judge. Consider the following about it.

1. There is no mention of District Courts in the Constitution.
2. The District Judges are appointed by the Governor in consultation with the High Court.
3. A person to be eligible for appointment as a District Judge must be an officer in judicial service of the Union or the State.
4. A death sentence awarded by the Sessions court needs the approval of the High Court before it is executed.

Select the correct answer using the codes below.

- (a) 1 and 3 only (b) 2 and 4 only
(c) 1, 2 and 3 only (d) 1, 2 and 4 only

Solution: (b)

Justification: Statement 1: As per the constitution (Article 223), 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.

So, the statements 1 and 3 are incorrect and the statement 2 is correct.

Statement 4: When the Sessions Judge awards death sentence, it must be confirmed by the High Court before it is carried out

(37) OTHER DISPUTE RESOLUTION MECHANISMS

National Legal Services Authority

Q.1194 Consider the following about National Legal Services Authority (NALSA).

1. It is a statutory body.
2. It provides for free legal aid to the poor and weaker sections of the society.
3. It appoints judges of *Gram Nyayalayas* in consultation with the District Judge.
4. It also organises *Lok Adalats* for amicable settlement of disputes.

Select the correct answer using the codes below.

- (a) 1, 2 and 4 only (b) 2 and 4 only
(c) 1 and 3 only (d) 1, 2, 3 and 4

Solution: (a)

Justification: Statement 1: It has been constituted under the Legal Services Authorities Act, 1987

Statement 2: Its aim is to ensure that opportunities for securing justice are not denied to any citizen by reasons of economic or other disabilities. NALSA also identifies specific categories of marginalised and excluded groups and formulates various schemes for implementation of legal service programmes.

It provides services of free legal aid in civil and criminal matters for the poor and marginalised people who cannot afford the services of a lawyer in any court or tribunal.

Statement 3: The *Gram Nyayalayas* are presided over by a *Nyayadhikari*, who has the same power; enjoys same salary and benefits of a Judicial Magistrate of First Class. Such *Nyayadhikari* are to be appointed by the State Government in consultation with the respective High Court.

Statement 4: It also organises *Lok Adalats* for amicable settlement of disputes. It works in close coordination with various State Legal Services Authorities, District Legal Services Authorities and other agencies.

Lok Adalats

Q.1195 Which of the following statements is INCORRECT about Lok Adalats?

- (a) They are informal courts setup by the panchayat community.
- (b) Cases at pre-litigation stage or pending in a court of law can be settled by the Lok Adalat.
- (c) The award made by the Lok Adalat is deemed to be the decree of a civil court.
- (d) All of the above

Solution: (a)

Justification and Learning: It is a forum where the disputes/cases pending in the court of law or at pre-litigation stage are settled/compromised amicably. So, (b) is correct.

The Lok Adalats have been given statutory status under the Legal Services Authorities Act, 1987. So, (a) is incorrect.

Under the said Act, the award made by the Lok Adalats is deemed to be the decree of a civil court and is final and binding on all parties and no appeal lies before any court against its award.

Nature of cases to be referred to lok adalat

1. Any case pending before any court
2. Any dispute which has not been brought before any court and is likely to be filed before the court.

Q.1196 Lok Adalats are a useful to instrument to reduce the burden on Judiciary in India. Which of the following types of cases can be handled by Lok Adalat?

1. Consumer grievance against food standards in rural processed products
2. Cases involving property disputes
3. Cases in involving Pension and other transfer payment rights
4. Cases involving road accidents

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 4 only (d) All of the above

Solution: (d)

Matters may be civil or criminal in nature, but any matter relating to an offence not compoundable under any law cannot be decided by the Lok Adalat even if the parties involved therein agree to settle the same.

One important condition is that both parties in dispute should agree for settlement through Lok Adalat and abide by its decision

Gram Nyayalaya

Q.1197 Consider the following statements with reference to the Gram Nyayalayas:

1. The Gram Nyayalayas are presided over by a *Nyayadhikari*, who will have the same power, enjoy same salary and benefits of a Judicial Magistrate of First Class.
2. A Gram Nyayalaya have jurisdiction over an area specified by a notification by the State Government in consultation with the respective High Court.
3. The Gram Nyayalayas have only civil jurisdiction over the offences.

Which of the above statements are true?

- (a) Only 1 & 2 (b) Only 2 & 3.
(c) Only 2. (d) All.

Solution: (a)

Explanation:

Gram Nyayalayas:

Gram Nyayalayas or village courts are established under the Gram Nyayalayas Act, 2008 for speedy and easy access to justice system in the rural areas of India. The Act came into force from 2 October 2009. However, the Act has not been enforced properly, with only 194 functional Gram Nyayalayas in the country against a target of 5000 such courts. The major reason behind the non-enforcement includes financial constraints, reluctance of lawyers, police and other government officials.

Important features of Gram Nyayalayas:

1. Gram Nyayalayas are established generally at headquarter of every Panchayat at intermediate level or a group of contiguous panchayat in a district where there is no panchayat at intermediate level.
2. The Gram Nyayalayas are presided over by a *Nyayadhikari*, who will have the same power, enjoy same salary and benefits of a Judicial Magistrate of First Class. Such *Nyayadhikari* are to be appointed by the State Government in consultation with the respective High Court.
3. A Gram Nyayalaya have jurisdiction over an area specified by a notification by the State Government in consultation with

the respective High Court. The Court can function as a mobile court at any place within the jurisdiction of such Gram Nyayalaya, after giving wide publicity to that regards.

4. The Gram Nyayalayas have both civil and criminal jurisdiction over the offences. The pecuniary jurisdiction of the Nyayalayas are fixed by the respective High Courts.
5. Both the Central and the State Government can add or remove items in the Schedule. While the Central Government can amend the list in Schedules I and II, by notifying them and thereafter laying it in the Parliament, the State Government can amend the items in Part III of Schedules I or II, in the areas of law which the state is competent to enact law after due consultation with the respective High Court and notifying it. Such notification has to be laid in the State Legislature.
6. Gram Nyayalayas can follow special procedures in civil matters, in a manner it deem just and reasonable in the interest of justice.
7. Gram Nyayalayas allow for conciliation of the dispute and settlement of the same in the first instance.
8. Gram Nyayalayas has been given power to accept certain evidences which would otherwise not be acceptable under Indian Evidence Act.
9. Appeals in criminal matter can be made to the Sessions Court in the respective jurisdiction and in civil matters to the District Court within a period of one month from the date of judgment.

Q.1198 Consider the following about Gram Nyayalayas as established under Gram Nyayalayas Act, 2008.

1. They can act as mobile courts.
2. They can exercise the powers of both Criminal and Civil Courts.
3. The presiding officer of the Gram Nyayalayas is appointed by the concerned Panchayat.
4. No appeals lie to any court on a decree of Gram Nyayalaya.

5. They have been given power to accept certain evidences which would otherwise not be acceptable under Indian Evidence Act.

Select the correct answer using the codes below.

- (a) 2 and 3 only
- (b) 1, 2 and 5 only
- (c) 3, 4 and 5 only
- (d) 1, 2, 3 and 4 only

Solution: (b)

Justification: Statements 1 and 2: Gram Nyayalaya is a mobile court and exercises the powers of both Criminal and Civil Courts; i.e., the seat of the Gram Nyayalaya will be located at the headquarters of the intermediate Panchayat, but they will go to villages, work there and dispose of the cases.

It can try criminal cases, civil suits, claims or disputes which are specified in the First Schedule and the Second Schedule to the Gram Nyayalaya Act and the scope of these cases can be amended by the Central as well as the State Governments, as per their respective legislative competence;

Statements 3 & 4: refer last question

Statement 5: The Gram Nyayalaya will not be bound by the rules of evidence provided in the Indian Evidence Act, 1872 but shall be guided by the principles of natural justice and subject to any rule made by the High Court;

Alternative Dispute Resolution (ADR)

Q.1199 Consider the following statements about Alternative dispute resolution (ADR) in India.

1. Alternative Dispute Resolution (ADR) is a new concept in India and its practice started only after passing of the Arbitration and Conciliation (Amendment) Ordinance, 2015.
2. Decisions reached through ADR cannot be binding on the parties unless approved by the courts.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (d)

Justification: Statement 1: Alternative dispute resolution in India is not new and

it was in existence even under the previous Arbitration Act, 1940. The Arbitration and Conciliation Act, 1996 was enacted and then the ordinance in 2015. So, 1 is wrong.

Statement 2: Decision reached through arbitration can be binding and need not be approved by the courts. However, the decisions can be challenged in some cases in the courts.

Q.1200 Consider the following about mediation – an alternative dispute resolution mechanism.

1. Consent of all parties is required to start mediation.
2. Decision arrived after mediation can be enforced in a court of law.
3. Only a court of law can appoint the mediator.

Choose the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) All of the above

Solution: (a)

The term “mediation” broadly refers to any instance in which a third party helps others reach agreement. More specifically, mediation has a structure, timetable and dynamics that “ordinary” negotiation lacks. The process is private and confidential, possibly enforced by law. Participation is typically voluntary. The mediator acts as a neutral third party and facilitates rather than directs the process. These are some of the rules laid down by Delhi HC; Appointment of mediator/conciliator

- (a) Parties to a suit or other proceeding may agree on the name of the sole mediator/conciliator for mediating between them.
- (b) Where, there are two or more sets of parties and are unable to agree on a sole mediator/conciliator, the Court may ask each party to nominate the mediator/conciliator or may nominate/appoint the mediator/conciliator, as it deems fit.

Q.1201 Consider the following statements about Alternative dispute resolution (ADR) in India.

1. Alternative Dispute Resolution (ADR) is a new concept in India and its practice started only after passing of the Arbitration and Conciliation (Amendment) Ordinance, 2015.

2. Decisions reached through ADR cannot be binding on the parties unless approved by the courts.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification: Statement 1: Alternative dispute resolution in India is not new and it was in existence even under the previous Arbitration Act, 1940. The Arbitration and Conciliation Act, 1996 was enacted and then the ordinance in 2015. So, 1 is wrong.

Statement 2: Decision reached through arbitration can be binding and need not be approved by the courts. However, the decisions can be challenged in some cases in the courts.

Panchayat Adalats

Q.1202 Consider the following about Panchayati adalats.

1. They can be established by state governments.
2. They can be authorized to try offences listed under Indian Penal Code.
3. They can be endowed with judicial functions based on broad principles of natural justice.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (d)

Justification: Statement 1: the state government establishes such adalats.

Statement 2 and 3: A Nyaya Panchayat is a system of dispute resolution at village level in India. The nyaya panchayats can be endowed with functions based on broad principles of natural justice and can tend to remain procedurally as simple as possible. They can be given civil and minor criminal jurisdiction.

But they should never follow civil and criminal procedure code in letter and spirit.

For e.g. the offences triable by the Delhi Panchayati Adalat includes some petty offences under the Indian Penal Code, Cattle Trespass Act and Delhi gambling Act.

Nyaya Panchayat

Q.1203 Nyaya Panchayats have been setup in some of the states in India. Their jurisdiction extends to

- (a) Petty civil and criminal cases both
(b) Petty civil cases only
(c) All local civil cases
(d) Petty criminal cases only

Solution: (a)

Nyaya Panchayats have been constituted in some states. They possess the authority to hear some petty, civil and criminal cases. They can impose fines but cannot award a sentence. These village courts have often been successful in bringing about an agreement amongst contending parties. They have been particularly effective in punishing men who harass women for dowry and perpetrate violence against them.

(38) JUDICIAL REVIEW AND ACTIVISM

Judicial Review

Q.1204 The power of judicial review ensures the following.

- (a) The supremacy of the Supreme Court
(b) The Supreme Court can review its own judgements
(c) The constitutionality of laws
(d) The justice by the subordinate courts

Solution: (c)

Self-explanatory

Q.1205 Which of these constitutional provisions give the Judiciary the power of Judicial Review?

1. Article 13 which says laws *ultra vires* the constitution shall be void
2. Article 32 which gives Supreme Court the power to issue writs
3. Article 226 which gives High Courts the power to issue writs

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 only (d) 1, 2 and 3

Solution: (d)

Justification: Statement 1: Article 13 declares that all laws that are inconsistent with or in derogation of any of the fundamental rights

shall be void. In other words, it expressly provides for the doctrine of judicial review.

Statement 2 and 3: This power has been conferred on the Supreme Court (Article 32) and the High Courts (Article 226) that can declare a law unconstitutional and invalid on the ground of contravention of any of the Fundamental Rights.

Q.1206 Consider the following statements about Judicial review.

1. By way of a constitutional amendment, the Parliament can turn down a judicial ruling in so far as it conforms to the basic structure of the constitution.
2. The judiciary cannot only review administrative acts but also the decisions taken by some of the regulatory authorities in India.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None of the above

Solution: (c)

The judiciary in India is immensely powerful. Barring a few cases, it has the right to review most acts/rules and regulations. Decisions taken by regulatory authorities like the *Telecom Regulatory Authority of India* (TRAI) are although subjected to the scrutiny of Appellate Tribunals, they can also be challenged in the High courts and Supreme Court.

Q.1207 Consider the following statements.

1. Judiciary is the final interpreter of the Constitution.
2. Judiciary has the power to strike down laws passed by the Parliament if they violate the basic structure of the Constitution.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: Supreme Court is the guardian, custodian and final interpreter of the constitution. This means that if a dispute arises regarding the meaning of specific provisions of the constitution, the court gives the final version of the meaning of those specific provisions, for example, the Right to Life under Article 21 of the constitution.

Statement 2: It is the power of judicial review.

Under the powers of judicial review, the judiciary can strike down laws, administrative acts and even constitutional amendments if they violate the constitution or the basic premises of the constitution.

Q.1208 Consider the following statements:

1. A citizen can move the Supreme Court if s/he finds a law unfair or unconstitutional.
2. The Supreme Court and High courts can scrap a law completely if it does not conform to the constitutional framework.

Which of these is/are true?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Judicial review is adopted in the Constitution of India from judicial review in the United States. In the Indian constitution, Judicial review is dealt with under Article 13. Judicial Review refers that the Constitution is the supreme power of the nation and all laws are under its supremacy. Article 13 states that:

1. All pre-constitutional laws, if in part or completely in conflict with the Constitution, shall have all conflicting provisions deemed ineffective until an amendment to the Constitution ends the conflict. In such the provision of that law will again come into force, if it is compatible with the constitution as amended. This is called the *Doctrine of Eclipse*.
2. In a similar manner, laws made after adoption of the Constitution by the Constituent Assembly must be compatible with the constitution, otherwise the laws and amendments will be deemed to be void *ab initio*.
3. In such situations, the Supreme Court or High Court interprets the laws to decide if they are in conformity with the Constitution. If such an interpretation is not possible because of inconsistency, and where a separation is possible, the provision that is inconsistent with constitution is considered to be void. In addition to article 13, articles 32, 226 and 227 provide a constitutional basis to judicial review in India.

Judicial Activism

Q.1209 With reference to judicial activism, consider the following statements

1. It has democratized the judicial system by giving not just to individuals but also groups access to the courts
 2. It has forced executive accountability
 3. Judicial activism may be creating strains on this
 4. It has overburdened the courts.
 5. It has also made an attempt to make the electoral system much more free and fair
- Which of the above statements is incorrect?

- (a) 4 Only (b) 5 Only
(c) None (d) 2 Only

Solution: (c)

Judicial activism has had manifold impact on the political system. It has democratized the judicial system by giving not just to individuals but also groups access to the courts. It has forced executive accountability. It has also made an attempt to make the electoral system much more free and fair. The court asked candidates contesting elections to file affidavits indicating their assets and income along with educational qualifications so that the people could elect their representatives based on accurate knowledge.

There is however a negative side to the large number of the **Public Interest Litigations (PILs)** and the idea of a pro-active judiciary. In the first place it has overburdened the courts. Secondly, judicial activism has blurred the line of distinction between the executive and legislature on the one hand and the judiciary on the other. The court has been involved in resolving questions which belong to the executive. Thus, for instance, reducing air or sound pollution or investigating cases of corruption or bringing about electoral reform is not exactly the duty of the Judiciary. These are matters to be handled by the administration under the supervision of the legislatures. Therefore, some people feel that judicial activism has made the balance among the three organs of government very delicate. Democratic government is based on each organ of government respecting the

powers and jurisdiction of the others. Judicial activism may be creating strains on this democratic principle.

(39) PUBLIC INTEREST LITIGATION (PIL)

Q.1210 The concept of Public Interest Litigation originated in: [IAS 1997]

- (a) the United Kingdom
(b) Australia
(c) the United States
(d) Canada

Solution: (c)

Q.1211 Consider the following statements about the Public Interest Litigations (PILs).

1. It need not be filed by the aggrieved party only.
2. It may be introduced *suo motu* by the court.
3. The provision of PILs is mentioned in the constitution of India.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (a)

It was not mentioned in the constitution of India neither any law enacted by Parliament. It is a result of Judicial activism

Public Interest Litigation is directly filed by an individual or group of people in the supreme court. It was felt that their interests are undermined by the government. In such a situation, the court directly accepts the public good. It is a new legal horizon in which court of law can initiate and enforce action to serve and Secure significant Public Interest

Q.1212 Consider the following about Public Interest litigation (PIL).

1. It is a legal instrument.
2. It can be entertained by both administrative and judicial bodies.
3. Representatives of victims can also file a PIL.
4. It can be filed only in social and environmental cases.

Choose the correct answer using the codes below.

- (a) 1, 2 and 4 only (b) 2 and 3 only
(c) 3 only (d) 3 and 4 only

Solution: (c)

Public-Interest Litigation is litigation for the protection of the public interest. In Indian law, Article 32 of the Indian constitution contains a tool which directly joins the public with judiciary. A PIL may be introduced in a court of law by the court itself (*suo motu*), rather than the aggrieved party or another third party. For the exercise of the court's jurisdiction, it is not necessary for the victim of the violation of his or her rights to personally approach the court. In a PIL, the right to file suit is given to a member of the public by the courts through judicial activism. The member of the public may be a Non-Governmental Organizations (NGOs), an institution or an individual. The Supreme Court of India, rejecting the criticism of judicial activism, has stated that the judiciary has stepped in to give direction because due to executive inaction, the laws enacted by Parliament and the state legislatures for the poor since independence have not been properly implemented. Subodh Markandeya well known Senior Advocate of Supreme court of India and Judicial activist believes that public interest litigation is the principal legal remedy For a common man and it is main weapon of judicial activist.

Q.1213 Consider the following statements about Public Interest Litigations (PILs) in India.

1. The court can *suo motu* admit a PIL.
2. The requirement of locus standi is waived off in PIL.
3. The power of courts to issue PIL is mentioned in Articles 32 and 226 under special leave petitions.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 2 only (d) 1 and 3 only

Solution: (a)

Please refer previous questions.

Q.1214 Consider the following statements about Public Interest Litigations (PILs) in India.

1. The PIL has been introduced by the implementation of Directive Principles of State Policy (DPSP) by the Parliament.
2. A PIL may be introduced in a court of law by the court itself (*suo motu*).
3. Only an individual can file a PIL.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 2 only (d) 1 and 3 only

Solution: (c)

Justification: Statement 1: It was introduced by Justice P.N. Bhagwati of the Supreme Court.

Statement 2: A PIL may be introduced in a court of law by the court itself (*suo motu*), rather than the aggrieved party or another third party. For the exercise of the court's jurisdiction, it is not necessary for the victim of the violation of his or her rights to personally approach the court.

Statement 3: refer previous question

Q.1215 Consider the following statements about Public Interest Litigations (PILs).

1. Only the affected individual/group/institution can file a PIL in the court.
2. The PILs are mentioned in Article 144 of the constitution of India to ensure social justice to the marginalized.
3. Judiciary can consider a case on its own based on a newspaper report or postal complaint received by the court.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) 3 only

Solution: (d)

The chief instrument through which judicial activism has flourished in India is Public Interest Litigation (PIL) or Social Action Litigation (SAL).

In normal course of law, an individual can approach the courts only if he/she has been personally aggrieved. That is to say, a person whose rights have been violated, or who is involved in a dispute, could move the court of law. This concept underwent a change around 1979. In 1979, the Court set the trend when it decided to hear a case where the case was filed not by the aggrieved persons but by others on their behalf. As this case involved a consideration of an issue of public interest, it and such other cases came to be known as public interest litigations. Around the same time, the Supreme Court also took up the case about rights of prisoners.

This opened the gates for large number of cases where public spirited citizens and voluntary organisations sought judicial intervention for protection of existing rights, betterment of life conditions of the poor, protection of the environment, and many other issues in the interest of the public. The PIL has become the most important vehicle of judicial activism. Judiciary, which is an institution that traditionally confined to responding to cases brought before it, began considering many cases merely on the basis of newspaper reports and postal complaints received by the court. Therefore, the term judicial activism became the more popular description of the role of the judiciary.

LOCAL GOVERNMENT

(40) PANCHAYATI RAJ – PART IX – ARTICLES 243 TO 243-O

- Q.1216** How does the state government exercise control over the local self-governing bodies?
1. By enacting laws, rules and regulations
 2. By providing for provisions for regular elections
 3. By releasing finances for development projects
 4. By appointing the chairman and members of Panchayats and Ward councils

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1, 3 and 4 only (d) 1 and 3 only

Solution: (d)

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 government does not directly appoint the members. The state legislature may only provide for the manner of reservation of offices of chairpersons in the municipalities for SCs, STs and women. The state legislature may (a) authorise a municipality to levy, collect and appropriate taxes, duties, tolls and fees; (b) assign to a municipality taxes, duties, tolls and fees levied and collected by state government; (c) provide for making grants-in-aid to the municipalities from the consolidated fund of the state and (d) provide for constitution of funds for crediting all moneys of the municipalities.

- Q.1217** The institutions of urban local government originated and developed in modern India during the period of British rule. Which of the following substantiate the argument?
1. Local self-government was declared a provincial subject under the Government of India Act of 1935.
 2. Lord Ripon's Resolution of 1882 has been hailed as the '*Magna Carta*' of local self-government.

3. First Panchayats and Municipal Corporations in India were setup under the British.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (a)

The major events in this context are as follows:

- In 1687-88, the first municipal corporation in India was set up at Madras.
- In 1726, the municipal corporations were set up in Bombay and Calcutta.
- Lord Mayo's Resolution of 1870 on financial decentralisation visualised the development of local self-government institutions.
- Lord Ripon's Resolution of 1882 has been hailed as the 'Magna Carta' of local self-governments. He is called as the father of local self-governments in India.
- The Royal Commission on decentralisation was appointed in 1907 and it submitted its report in 1909. Its chairman was C.E.H Hobhouse.
- Under the dyarchical scheme introduced in Provinces by the Government of India Act of 1919, local self-government became a transferred subject under the charge of a responsible Indian minister.
- In 1924, the Cantonments Act was passed by the Central legislature.
- Under the provincial autonomy scheme introduced by the Government of India Act of 1935, local self-government was declared a provincial subject.

Q.1218 Consider the following statements:
Assertion (A): The Panchayati Raj in India is based on the principle of federalism.

Reason (R): It has been established by the constitution and exercises administrative and taxation powers independent of Central and State government.

In the context of the above statements, which of these is/are true?

- (a) A and R both are true, and R is the correct explanation for A.
(b) A and R both are true, and R is the NOT the correct explanation for A.

(c) A is incorrect, but R is correct.

(d) A and R both incorrect.

Solution: (a)

The federal system thus has dual objectives: to safeguard and promote unity of the country, while at the same time accommodate regional diversity.

Therefore, two aspects are crucial for the institutions and practice of federalism. Governments at different levels should agree to some rules of power-sharing. They should also trust that each would abide by its part of the agreement. An ideal federal system has both aspects: mutual trust and agreement to live together. Panchayati Raj fits this description.

Q.1219 When the constitution was finalised panchayats did not find a mention in it in compulsory provisions. Which of the following can be cited as the most appropriate reason among the following?

- (a) Local elites and upper castes were so well entrenched in society that local self-government only meant a continuing exploitation of the downtrodden masses of Indian society
(b) There was a fierce opposition in the Constituent assembly that panchayats as self-governing bodies will collapse immediately on establishment
(c) It was difficult to monitor the activities of the local bureaucracy from the Centre
(d) In a federal model of polity, the constitution makers did not want to add a third tier because of the complexities it will create.

Solution: (a)

When the constitution was being drafted panchayats did not find a mention in it. At this juncture, a number of members expressed their sorrow, anger and disappointment over this issue. At the same time, drawing on his own rural experience Dr. Ambedkar argued that local elites and upper castes were so well entrenched in society that local self-government only meant a continuing exploitation of the downtrodden masses of Indian society. The upper castes would no doubt silence this segment of the population

further. The concept of local government was dear to Gandhiji too. He envisaged each village as a self-sufficient unit conducting its own affairs and saw gram-swarajya to be an ideal model to be continued after independence.

Q.1220 Community Development Programme (1952) and the National Extension Service (1953) focussed on

1. Rural reconstruction
2. Technological upgradation of educational institutions
3. Capital goods led growth process

Select the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (a)

Justification: Statement 1: Post Independence, the first major development programme launched in India was Community Development Programme, 1952. Core philosophy was overall development of rural areas and people's participation.

- A year later, in 1953, the National Extension Service (NES) programme was launched with the idea of having wider coverage at less cost and more people's participation.
- Each NES block had about 100 villages and about 65 thousand population officer (BDO) and had a number of extension officers (EDs).
- National Extension Service (NES) was thought of as the agency and CD as the method to bring about socio-economic transformation of the rural people.

Statement 2: Technology was a strong focus of later schemes, but the CDP and NES were aimed at rural revitalization with a pro-active administration. So, 2 is wrong.

Statement 3: The capital goods led strategy was resorted to only after the 2nd FYP after the year 1956. So, 3 can be easily eliminated.

Q.1221 Which of the following committees is/ are NOT associated with Panchayati Raj Institutions in India?

1. Ashok Mehta Committee
2. L. M. Singhvi Committee

3. S. Ramachandran Committee
 4. Balwant Rai Mehta Committee
- Select the correct answer using the codes below.

- (a) 2 and 4 only (b) 1 and 2 only
(c) 1 and 4 only (d) 3 only

Solution: (d)

Learning: Details of these committees have already been covered in Laxmikanth's Indian Polity, Fifth Edition and are not important from examination point of view.

- Balwant Roy Mehta committee (1957) to examine the working of Community development programme & National extension programme. It recommended three-tier panchayati raj system
- Ashok Mehta committee (1977) to revive and strengthen the declining panchayati raj system – It recommended two-tier panchayati raj system with District panchayat as the executive body.
- L. M. Singhvi committee (1986) recommended that the Panchayati raj institutions should be constitutionally recognised, protected and preserved.
- Various other Committees on Panchayati Raj:
 - V. T. Krishnamachari: 1960
 - Takhatmal Jain Study Group: 1966
 - G. V. K Rao committee: 1985
 - Sarkaria Commission: 1986

Q.1222 Mandal Panchayats were recommended by:

- (a) Balwant Rai Mehta Committee
- (b) Narasimhan Committee
- (c) Ashok Mehta Committee
- (d) Vengal Rao Committee

Solution: (c)

Ashok Mehta committee was constituted in 1977 to revive and strengthen the declining Panchayati Raj system. It recommended two tier panchat system

- Mandal panchayat for group of villages
- Zilla Parishad at the district level

73rd Constitutional Amendment

Q.1223 Consider the following with reference to the 73rd Constitutional Amendment Act of 1992.

1. The act gave a constitutional status to the Panchayati Raj institutions.

2. This act has added a new directive principle of state policy under Part IV exhorting the state governments to promote self-government.
3. The act institutionalises planning at the local level.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) 1, 2 and 3 only

Solution: (b)

Justification: Statement 1: This means the state governments are under constitutional obligation to adopt the new Panchayati Raj system in accordance with the provisions of the act.

Consequently, neither the formation of Panchayats nor the holding of elections at regular intervals depends on the will of the state government any more.

Statement 2: The act has given a practical shape to Article 40 (which already existed and statement 2 is thus wrong) of the Constitution which says that, “The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.” This article forms a part of the Directive Principles of State Policy.

Statement 3: The creation of District Planning Committee to consolidate plans prepared by Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs) is a clear validation of this statement.

Q.1224 Which of the following were the implications of the 73rd Constitutional Amendment?

1. Constituting Panchayats became mandatory for states.
2. Panchayats were brought under the justiciable part of the Constitution.
3. The Structure of Panchayats across the country was made uniform and harmonised.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

The act gives a constitutional status to the Panchayati Raj institutions. It has brought

them under the purview of the justiciable part of the Constitution. In other words, the state governments are under constitutional obligation to adopt the new Panchayati Raj system in accordance with the provisions of the act. Consequently, neither the formation of panchayats nor the holding of elections at regular intervals depend on the will of the state government any more.

The provisions of the act can be grouped into two categories—compulsory and voluntary. The compulsory (mandatory or obligatory) provisions of the act have to be included in the state laws creating the new Panchayati Raj system. The voluntary provisions, on the other hand, may be included at the discretion of the states. Thus the voluntary provisions of the act ensures the right of the states to take local factors like geographical, politico-administrative and others, into consideration while adopting the new Panchayati Raj system.

The act is a significant landmark in the evolution of grass-root democratic institutions in the country. It transfers the representative democracy into participatory democracy. It is a revolutionary concept to build democracy at the grass-root level in the country.

Q.1225 What was/were the essential change(s) brought by the 73rd constitutional amendment Act in the Panchayati Raj system in India?

1. Panchayats were created by Act as they did not exist in Independent India.
2. Panchayati Raj System received constitutional status.
3. It fixed the size of Panchayats and granted executive power to the *panchs*.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (b)

Justification: Statement 1: Rajasthan was the first state to establish Panchayati Raj in 1959. Other states also followed suit, so 1 is wrong.

Statement 2: Though most of the states created Panchayati Raj institutions by mid 1960s, there were differences from one state to another with regard to the number of tiers,

relative position of *samiti* and *parishad*, their tenure, composition, functions, finances and so on.

The 73rd Act harmonized all the systems into a common structure and granted PRIs constitutional status.

Statement 3: Panchayat is elected from area wards, and its size is not fixed by the constitution.

Q.1226 Consider the following statements about the 73rd amendment to the constitution:

1. Before the amendment the Panchayats in the states existed at the will of the state government.
2. It establishes a three-tier system of Panchayati Raj all over the country uniformly.
3. It prescribes for direct elections to fill all the posts in these rural local bodies.

Which of these is/are true?

- a. 1 and 2 (b) 2 and 3
c. 1 and 3 (d) Only 1

Solution: (d)

Three tier Panchayat is established only in states with population more than 10 lakhs.

The posts of chairman at intermediate and higher levels are filled by indirect elections.

Q.1227 As per the 73rd Constitutional amendment, the power to expand the responsibilities of the panchayati raj bodies rests with

- (a) State legislatures (b) Governor
(c) President of India (d) Parliament

Solution: (a)

The provisions of the act can be grouped into two categories—compulsory and voluntary. The compulsory (mandatory or obligatory) provisions of the act have to be included in the state laws creating the new Panchayati Raj system. The voluntary provisions, on the other hand, may be included at the discretion of the states. Thus the voluntary provisions of the act ensure the right of the states to take local factors like geographical, politico-administrative and others, into consideration while adopting the new Panchayati Raj system.

Eleventh Schedule

Q.1228 Which is of the following subjects is NOT the concern of a local government in India?

- (a) Public Utility Services
(b) Law and Order
(c) Public Health
(d) Sanitation

Solution: (b)

Justification: Law and order is a state subject. Twenty-nine subjects (of 11th Schedule of the Constitution), which were earlier in the State list, were transferred to the Panchayati Raj Institutions (optionally) by the 73rd amendment, such as animal husbandry, local markets etc.

The functions of Urban local bodies have been listed in the Twelfth Schedule of the Constitution, such as maintenance of public parks, street lighting, drainage and sewerage etc.

Q.1229 Which of the following functions can be devolved to a Gram Panchayat by the State Legislature?

1. Framing rules and regulations on social conduct in villages
2. The construction and maintenance of water sources in the village
3. Levying and collecting taxes on public utilities

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 2 and 3 only (d) 1, 2 and 3

Solution: (c)

Justification: Statement 1: Laws concerning villages can be made only by the State Legislature, and rules/regulations by the State government. So, 1 is incorrect.

The work of a Gram Panchayat includes the construction and maintenance of water sources, roads, drainage, school buildings and other common property resources.

It can also levy and collect local taxes and execute government schemes related to generating employment in the village.

Q.1230 As per the Constitution, Which of the following functional items can be kept within the purview of the Panchayats?

1. Public Distribution System
2. Welfare of Weaker Sections
3. Primary Health Centres
4. Adult and non-formal education

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2, 3 and 4 only
(c) 1, 3 and 4 only (d) All of the above

Solution: (d)

Some of the Subjects under the 11th schedule that can be devolved to the Panchayats are:

1. Poverty alleviation programme
2. Education, including primary and secondary schools
3. Technical training and vocational education
4. Adult and non-formal education
5. Libraries
6. Cultural activities
7. Markets and fairs
8. Health and sanitation including hospitals, primary health centres and dispensaries
9. Family welfare
10. Women and child development
11. Social welfare, including welfare of the handicapped and mentally retarded
12. Welfare of the weaker sections, and in particular, of the scheduled castes and the scheduled tribes
13. Public distribution system
14. Maintenance of community assets

Q.1231 Eleventh Schedule contains a list of functional items that can be placed within the purview of panchayats by the State Legislatures provided for under the 73rd Constitutional Amendment Act.

Which of these are parts of the list?

1. Minor irrigation and watershed development
2. Implementation of land reforms
3. Technical training and vocational education
4. Public distribution system

Select the correct answer using the codes below.

- (a) 1, 2 and 3 only (b) 1 and 2 only
(c) 3 and 4 only (d) 1, 2, 3 and 4

Solution: (d)

Learning: The State Legislature can devolve powers and responsibilities upon Panchayats to prepare plans for economic development and social justice; and to perform some or all of the 29 functions listed in the Eleventh Schedule of the Constitution.

Other Important items in the list are:

1. Agriculture, including agricultural extension
2. Small-scale industries, including food processing industries
3. Roads, culverts, bridges, ferries, waterways and other means of communication
4. Rural electrification, including distribution of electricity

Q.1232 Which of the following bodies were constituted in pursuance of the 73rd and 74th constitutional amendment?

1. State Finance Commission
2. State Election Commission
3. District Planning Committees
4. District Rural Development Agency

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2, 3 and 4 only
(c) 1, 3 and 4 only (d) 1, 2 and 3 only

Solution: (d)

- The governor of a state shall, after every five years, constitute a finance commission to review the financial position of the Panchayats.
- The superintendence, direction and control of the Preparation of electoral rolls and the conduct of all elections to the Panchayats shall be vested in the state election commission. It consists of a state election commissioner to be appointed by the governor. His conditions of service and tenure of office shall also be determined by the governor.
- The District Rural Development Agency (DRDA) has been abandoned now. They were not constituted in furtherance of the provisions of these constitutional amendments.

Gram Sabha

Q.1233 As per the Constitution, every Panchayat should have a Gram Sabha. A Gram Sabha is a body consisting of

- (a) The whole population of the villages under the Panchayat other than Children of less than five years
- (b) The adult population of the villages under the Panchayat

- (c) The registered voters of the villages under the Panchayat
- (d) All the Village committees constituted by the Panchayat

Solution: (c)

The 73rd amendment act provides for a Gram Sabha as the foundation of the Panchayati Raj system. It is a body consisting of persons registered in the electoral rolls of a village comprised within the area of Panchayat at the village level. Thus, it is a village assembly consisting of all the registered voters in the area of a Panchayat. It may exercise such powers and perform such functions at the village level as the legislature of a state determines.

Three-Tier System: The act provides for a three-tier system of Panchayati Raj in every state, that is, Panchayats at the village, intermediate, and district levels. Thus, the act brings about uniformity in the structure of Panchayati Raj throughout the country. However, a state having a population not exceeding 20 lakh may not constitute Panchayats at the intermediate level.

- Q.1234** Gram Sabha is organized so that
- (a) All eligible voters can register themselves periodically
 - (b) Panchayat is elected
 - (c) people directly participate and seek answers from their elected representatives
 - (d) Local bureaucracy can dictate development targets for the Panchayat

Solution: (c)

Explanation: Elections take place when State Election Commission organizes it. So both options (a) and (b) are wrong.

Local bureaucracy cannot dictate terms to a body of voters who elect the Panchayat. The duty of the bureaucracy is to help the Gram Sabha in the discharge of its duties. So, option (d) is also wrong.

Learning: The Gram Sabha is a meeting of all adults who live in the area covered by a Panchayat. This could be only one village or a few villages. In some states, as in the example above, a village meeting is held for each village.

Anyone who is 18 years old or more and who has the right to vote is a member of the Gram Sabha.

Q.1235 Consider the following statements about Panchayati raj:

1. All the residents of the village are members of Gram Sabha.
2. Panchayat is elected by the Gram Sabha.
3. The Gram Panchayat is financially accountable to the Gram Sabha.

Which of the above statements is/are true?

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 3
- (d) Only 2

Solution: (b)

Any one who has the right to vote and lives in the premises if a Panchayat is a member of the Gram Sabha. Panchayat is elected by it. The *Sarpanch* is usually elected by the Panchayat—it depends from state to state.

The Gram Sabha keeps a track of the work of Gram Panchayat and prevents misuse of money. Some of the works by Gram Panchayat has to be approved by the Gram Sabha.

Q.1236 Consider the following statements.

1. The Gram Sabha keeps a track of the work of Gram Panchayat and prevents misuse of money.
2. The Gram Sabha can be assigned responsibility for the identification of persons as beneficiaries under the poverty alleviation programmes.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (c)

Justification: Statement 1: Every Panchayat at the village level are required to obtain from the Gram Sabha a certification of utilisation of funds by that Panchayat for such plans, programmes and projects implemented.

Statement 2: They also approve of the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level.

Learning: The term Gram Sabha has been defined in the Constitution of India under Article 243(b) and some of its powers and responsibilities have been mentioned in acts the Provisions of the Panchayats (Extension to Scheduled Areas) Act (PESA), 1996 and Forest Rights Act (FRA), 2006.

Some other powers of Gram Sabha include:

- the power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant;
- the ownership of minor forest produce;
- the power to prevent alienation of land in the Scheduled Areas

Elections—Duration

- Q.1237** All the members of Panchayats at the village, intermediate and district levels are generally
- (a) Elected directly by the people
 - (b) Indirectly elected by the ward councillors
 - (c) Partly elected by the people and partly nominated by the State government
 - (d) Nominated by the State government based on the recommendation of the Zila Parishad

Solution: (a)

Learning: The constitution provides that these members of Panchayats at the village, intermediate and district levels shall be elected directly by the people.

Further, the chairperson of Panchayats at the intermediate and district levels shall be elected indirectly—by and from amongst the elected members thereof.

However, the chairperson of a Panchayat at the village level shall be elected in such manner as the state legislature determines.

- Q.1238** Consider the following statements about the election of chairpersons in rural local bodies:
1. Chairperson of a Panchayat at the village level is invariably chosen by the ward representatives (*panchs*).
 2. The Chairpersons at the intermediate and district level need not necessarily be from amongst the members of these local bodies.
 3. One-third of seats of chairpersons at all levels in these bodies are reserved for women.

Which of these is/are true?

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 3
- (d) Only 3

Solution: (d)

Chairperson at the intermediate and district level must necessarily be a member. Besides,

the manner of selection of the Panchayat chairperson is decided by the state assembly.

- Q.1239** Consider the following statements about local self-government in India.

1. It is constitutionally mandatory to hold regular elections to local government bodies.
2. An independent institution, State Election Commission, has been created in each State to conduct Panchayat and municipal elections.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (c)

Learning: Seats are reserved in the elected bodies and the executive heads of these institutions for the Scheduled Castes Scheduled Tribes and Other Backward Classes (OBC provision can be made by State legislatures as it is not compulsory). At least one-third of all positions are reserved for women.

The State governments are required to share some powers and revenue with local government bodies. The nature of sharing varies from State to State.

- Q.1240** The superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the Panchayats is vested in the State Election Commission. Consider the following statements about it.

1. The state election commissioner is appointed by the President.
2. His conditions of service and tenure of office are determined by the State Legislature.
3. He can be removed from the office only in the manner and grounds prescribed for the removal of a judge of the state high court.

Select the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 3 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

Solution: (b)

Learning: Statements 1 and 2: He is appointed by the Governor, and his terms of service are also determined by the Governor. So, both 1 and 2 would be wrong.

Statement 3: This means, while he is appointed by the Governor, he can be removed only by the President, and not the Governor. It is not a subordinate body to the Election Commission of India. It has a separate constitutional existence.

Q.1241 Consider the following statements about the elections to the Panchayats:

1. A person who is not qualified to contest a state assembly election cannot contest local body elections too.
2. The elections to Panchayats are conducted by the State Election Commission which is subordinate to the Central election Commission.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None of the above

Solution: (d)

A person of the age 21 is not qualified to fight a state assembly election, but can fight a local body election.

The SEC is not subordinate to the CEC in the same way as the states are not subordinates to the centre.

Q.1242 You are a student in a local university and have filed a nomination paper for contesting Panchayat elections. The State Election Commission would deem your nomination valid only if

1. You have obtained an approval letter from your university
2. You have a voter ID card
3. You have already held some leadership position in the college/university.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) 2 only

Solution: (d)

The qualifications needed to fight local elections is that

- You should be at least 21 years of age
- You should be a citizen of India.
- You should not have been disqualified under the Representation of People Act (RPI), 1951.
- All other qualifications remaining the same as that of a MP or a MLA. No college verification, approval etc. is needed.

Q.1243 Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its

- (a) Taking of oath of office by the elected members
- (b) First audit by Gram Sabha
- (c) Declaration of the election results
- (d) Its first meeting

Solution: (d)

Learning: Panchayat is an institution of self-government constituted under article 243B, for the rural areas.

Duration is five years from the date of its first meeting. Moreover, an election to constitute a Panchayat shall be completed before the expiry of its duration or before six months from the date of its dissolution.

A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued.

Powers and Function

Q.1244 Which of the following powers of can be devolved to the Panchayats as per the Constitution of India?

1. Levying taxes
2. Preparing plans for economic development
3. Managing local water supply and ponds

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

Panchayats should be given powers and authority to function as institutions of self-government. It, thus, requires all state governments to revitalise local representative institutions.

The following powers and responsibility were delegated to the Panchayats:

- to prepare plans and schemes for economic development
- to promote schemes that will enhance social justice
- to levy, collect and appropriate taxes, duties, tolls and fees

- help in the devolution of governmental responsibilities, especially that of finances to local authorities

Social welfare responsibilities of the Panchayats include the maintenance of burning and burial grounds, recording statistics of births and deaths, establishment of child welfare and maternity centres, control of cattle etc.

Q.1245 The state legislature may

1. Authorise a Panchayat to levy a tax
2. Provide for making grants-in-aid to the Panchayats from the consolidated fund of the state
3. Provide for constitution of funds for crediting all moneys of the Panchayats

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 3 only
(c) 2 and 3 only (d) 1, 2 and 3

Solution: (d)

Justification: Following can be provided by the state legislature-

- Authorise a Panchayat to levy, collect and appropriate taxes, duties, tolls and fees;
- Assign to a Panchayat taxes, duties, tolls and fees levied and collected by the state government;
- Provide for making grants-in-aid to the Panchayats from the consolidated fund of the state; and
- Provide for constitution of funds for crediting all moneys of the Panchayats

If you observe, this is similar to the pattern of financial relations between the Union and States. This is why the coming of Panchayati Raj Institutions (PRIs) is said to add a new wheel of local federalism in India.

Q.1246 Consider the following statements about the powers and functions of the Panchayati Raj bodies?

1. They can levy and collect taxes if provided by the state legislature.
2. They can plan for economic development and social justice.
3. A higher level Panchayati Raj body can dissolve a lower level body if provided by a state law.

Which of these is/are true?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (a)

Panchayat can levy the taxes if authorized by the state legislature. They plan for the socio economic development.

But higher level Panchayats can't dissolve lower level Panchayats. Only state legislature can do so.

Q.1247 Development plans prepared by Panchayat Samitis are forwarded up in the hierarchy to

1. Zila Parishad
2. District Planning Committee
3. Gram Panchayat
4. State Planning departments

Select the correct answer using the codes below.

- (a) 1, 2 and 4 only (b) 2 and 3 only
(c) 1 only (d) 1 and 3 only

Solution: (a)

Justification: Hierachy is as follows: Gram Sabha (Gram Panchayat) < Panchayat Samitis < Zila Parishad. The plans forwarded from here go to the District Planning Committee (DPC) and then to the state planning boards, and then to the Centre in case some assistance is needed.

DPC, as a constitutional body, consolidates the plans prepared by the PRIs and urban local bodies and sends it to the higher levels.

Other Provisions

Q.1248 The Panchayati Raj Institutions (PRIs) as established by the 73rd Constitutional Amendment do NOT exist in

1. All North-eastern states
 2. Any of the Union Territories
- Which of the above is/are correct?

- (a) 1 only
(b) 2 only
(c) Both 1 and 2
(d) None of the above options is correct

Solution: (d)

Justification: The Panchayat Raj system exists in all the states except Nagaland, Meghalaya and Mizoram and in all the Union territories except Delhi.

In Sixth Schedule areas, autonomous tribal institutions exist for governance, and in fifth schedule areas where 73rd amendment does not apply, PESA 1996 was enacted to extend the PRI institution.

Q.1249 The 73rd Constitutional Amendment Act does NOT apply to the states of

1. Jammu & Kashmir
2. Nagaland
3. Mizoram
4. Assam
5. Arunachal Pradesh

Select the correct answer using the codes below.

- (a) 1, 2 and 3 only (b) 2, 3 and 5 only
(c) 1, 3, 4 and 5 only (d) 1, 2, 4 and 5 only

Solution: (a)

Justification and Learning: The act does not apply to the states of Jammu and Kashmir, Nagaland, Meghalaya and Mizoram and certain other areas.

These areas include,

1. the scheduled areas and the tribal areas in the states;
2. the hill area of Manipur for which a district council exists;
3. Darjeeling district of West Bengal for which Darjeeling Gorkha Hill Council exists.

However, the Parliament may extend the provisions of this Part to the scheduled areas subject to such exceptions and modifications as it may specify.

Under this provision, the Parliament has enacted the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, (PESA), 1996.

Q.1250 The 73rd Constitutional Amendment Act

1. Declares that the validity of any law relating to the delimitation of constituencies cannot be questioned in any court.
2. Authorizes the State Legislature to make provisions with respect to all matters relating to elections to the Panchayats.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: The Act bars the interference by courts in the electoral matters of Panchayats.

- It declares that the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies cannot be questioned in any court.
- It further lays down that no election to any Panchayat is to be questioned except by an election petition presented to such authority and in such manner as provided by the state legislature.

Q.1251 Consider the following statements.

1. The constitution declares that the validity of any law relating to the delimitation of constituencies of local bodies cannot be questioned in any court.
2. The constitution provides that the awards of the State Finance Commission with respect to the local bodies cannot be modified by the State government other than in extraordinary situations.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: Statement 1: This is because the 73rd amendment act bars the interference by courts in the electoral matters of Panchayats.

It further lays down that no election to any Panchayat is to be questioned except by an election petition presented to such authority and in such manner as provided by the state legislature.

Statement 2: The 73rd amendment act only establishes SFCs and gives them authority to recommend devolution of resources to local bodies. However, their award, similar to UFCs, is not binding on the state government as they are advisory bodies.

Compulsory & Voluntary Provision

Q.1252 Which of the following is NOT a compulsory provision under the 73rd constitutional amendment Act?

- (a) 21 years to be the minimum age for contesting elections to Panchayats.

- (b) Organisation of Gram Sabha in a village or group of villages.
- (c) Establishment of a State Election Commission for conducting elections to the Panchayats.
- (d) Establishment of District Planning Committee for consolidation of plans prepared by the local bodies

Solution: (d)

Justification: Option (d) is a compulsory provision under the 74th constitutional amendment Act.

Other important compulsory provisions are:

- Constitution of a State Finance Commission after every five years to review the financial position of the Panchayats.
- Reservation of one-third seats (both members and chairpersons) for women in panchayats at all the three levels.
- 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.

Q.1253 Which of the following provision are compulsory provisions under the 73d amendment to the constitution?

1. Constitution of state finance commission every five years.
2. Providing reservations of seats for backward classes in Panchayats all levels.
3. Fixing tenure of five years for Panchayats for all levels.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
- (c) 1 and 3 (d) All of the above

Solution: (d)

The higher level bodies have no power to dissolve the lower level bodies. Only the state government can do it that too on some conditions

Q.1254 Which of these constitutional provisions under 73rd amendment is/are compulsory for every Indian state to follow?

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 financial powers to the Panchayats

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
- (c) 1 and 3 only (d) All of the above

Solution: (a)

Devolution of funds and the authorizing panchayats to levy taxes, fees are the prerogative of the state legislature.

Q.1255 As per the compulsory provisions of the 73rd amendment Act to the Constitution of India

1. All the members of Panchayats at the village, intermediate and district levels shall be elected directly by the people.
2. Not less than one-third of the total number of seats will be reserved for women.
3. All expenditure within a Panchayat will be socially audited by the Gram Sabha, led by the Panchayat Secretary.
4. All chairpersons in the Panchayati Raj Institutions (PRIs) will be nominated and appointed by the Governor of the State.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1, 3 and 4 only
- (c) 2 and 3 only (d) 1, 2 and 3 only

Solution: (a)

Learning: Statement 1 and 4: Only chairpersons of Panchayats at the intermediate and district levels shall be elected indirectly—by and from amongst the elected members thereof.

However, the chairperson of a Panchayat at the village level shall be elected in such manner as the state legislature determines.

Statement 2: Also, not less than one-third of the total number of offices of chairpersons in the Panchayats at each level shall be reserved for women.

Statement 3: Expenditure is socially audited when mandated by the law or government scheme, such as Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). However, Gram Sabha is authorized to look into the financial records maintained by the Gram Panchayat.

Q.1256 Consider the following provisions under the 73rd amendment.

1. Direct elections to all seats in panchayats at the village, intermediate and district levels.

2. Indirect elections to the post of chairperson of panchayats at the intermediate and district levels.
3. Providing reservation of seats for backward classes in panchayats at any level

Under the 73rd amendment, these above provisions are

- (a) Compulsory for most states
- (b) Voluntary for most states
- (c) Some are compulsory, some voluntary for states
- (d) Dependent on whether the state is a special category state or not.

Solution: (c)

These are voluntary provisions:

- Giving representation to members of the Parliament (both the Houses) and the state legislature (both the Houses) in the panchayats at different levels falling within their constituencies.
- Providing reservation of seats (both members and chairpersons) for backward classes in panchayats at any level.
- Granting powers and authority to the panchayats to enable them to function as institutions of self-government (in brief, making them autonomous bodies).
- Devolution of powers and responsibilities upon panchayats to prepare plans for economic development and social justice; and to perform some or all of the 29 functions listed in the Eleventh Schedule of the Constitution.
- Granting financial powers to the panchayats, that is, authorizing them to levy, collect and appropriate taxes, duties, tolls and fees.

Miscellaneous

Q.1257 Consider the following statements about rural administration:

1. Each state has its own set of laws regarding Panchayats.
2. The District or Zila Parishad plays a role in the sanctioning of money to Gram Panchayats.
3. Panchayat secretary, who assists the Panchayat, is chosen by the *Sarpanch*.

Which of the above statements is/are true?

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 3
- (d) None of the above

Solution: (a)

The constitution via the 73rd amendment provides the skeleton for rural government. The rest is decided by the states by laws enacted in the legislature.

The District Panchayat is the at the top of the hierarchy in rural government. It prepares plan for the whole district with the help of Panchayat samitis and municipalities. In this way it regulates the sanctioning of money to the gram Panchayats.

Panchayat secretary is a bureaucrat and selected by the Civil Services examination of the concerned state. The state government appoints the Panchayat secretary.

Q.1258 Which of the following goes against the ideal of Panchayati Raj Institutions (PRIs) as enshrined in the constitution?

- (a) Delegation of financial powers to local bodies
- (b) Centralization of powers in the hands of bureaucracy
- (c) Decentralization of planning process to Gram Sabhas
- (d) Increased political accountability through local social audits

Solution: (b)

Justification: Option B: Core values behind establishment of PRIs are decentralization, accountability and increased delegation of function for empowerment of people at grass roots level.

Centralization of powers in hands of civil servants goes against this very notion of empowerment, and thus wrong.

(41) MUNICIPALITIES – PART IXA – ARTICLES 243-P TO 243ZG

Q.1259 Consider the following statements.

1. The first municipal corporation in India was set up after Lord Ripon's Resolution of 1882 on self-governance.
2. Under the provincial autonomy scheme introduced by the Government of India Act of 1935, local self-government was declared a provincial subject.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 1: In 1687-88, the first municipal corporation in India was set up at Madras.

- In 1726, the municipal corporations were set up in Bombay and Calcutta.
- Lord Mayo's Resolution of 1870 on financial decentralisation visualised the development of local self-government institutions.
- Lord Ripon's Resolution of 1882 has been hailed as the '*Magna Carta*' of local self-government. He is called as the father of local-self government in India.

Statement 2: Under the dyarchical scheme introduced in Provinces by the Government of India Act of 1919, local self-government became a transferred subject under the charge of a responsible Indian minister.

Then later it wade a provincial subject under Government of India (GoI) act, 1935.

Q.1260 The institutions of urban local government originated and developed in modern India during the period of British rule. But, in Independent India it received constitutional recognition quite late in 1993. Which of the following can be the possible historical reason(s) for it?

1. The subject of Local self-government was never devolved and decentralized at the provincial level.
2. The subject of Local self-government was never handed over to a Indian Minister who would be responsible to a legislative assembly.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification: Statement 1: Under the provincial autonomy scheme introduced by the Government of India Act of 1935, local selfgovernment was declared a provincial subject. So, 1 is clearly wrong.

Statement 2: Under the dyarchical scheme introduced in Provinces by the Government of India Act of 1919, local self-government

became a transferred subject under the charge of a responsible Indian minister. So, 2 is also wrong.

One of the reasons for its late constitutional recognition was the lack of political consensus in India, especially between the Centre and States.

Q.1261 At the Central level, the subject of 'urban local government' is dealt with by which of the following ministries?

1. Ministry of Home Affairs
2. Ministry of Urban Development
3. Ministry of Defence

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

The system of urban government was constitutionalised through the 74th Constitutional Amendment Act of 1992. At the Central level, the subject of 'urban local government' is dealt with by the following three ministries: Ministry of Urban Development, created as a separate ministry in 1985; Ministry of Defence in the case of cantonment boards; and Ministry of Home Affairs in the case of Union Territories.

Q.1262 A 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. Social activists
3. Professors of Deemed Universities situated within the municipal area
4. The MLAs or MPs registered as electors within the municipal area

Select the correct answer using the codes below.

- (a) 1 and 4 only (b) 2, 3 and 4 only
(c) 1 only (d) 1, 2 and 3 only

Solution: (a)

Learning: This is the complete list:

- Persons having special knowledge or experience in municipal administration without the right to vote in the meetings of municipality.
- The members of the Lok Sabha and the state legislative assembly representing

constituencies that comprise wholly or partly the municipal area.

- The members of the Rajya Sabha and the state legislative council registered as electors within the municipal area.
- The chairpersons of committees (other than wards committees)

Q.1263 Every state is required to constitute a District Planning Committee (DPC) to consolidate the plans prepared by panchayats and municipalities in the district. As per the Constitution of India, all the members of the DPC should be

- (a) Elected by the elected members of the panchayats and municipalities
- (b) Indirectly elected by the Zila Parishad
- (c) Nominated by the Governor of the State in consultation with the Chairman of the Zila Parishad
- (d) None of the above

Solution: (d)

Learning: The act lays down that only four-fifths of the members of a district planning committee should be elected by the elected members of the district panchayat and municipalities in the district from amongst themselves.

The representation of these members in the committee should be in proportion to the ratio between the rural and urban populations in the district.

The State Legislature makes provision for rest of the composition of DPC.

The chairperson of such committee shall forward the development plan to the state government.

Q.1264 The superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the municipalities is vested in the

- (a) Election Commission of India
- (b) District Planning Committee (DPC)
- (c) State Election Commission
- (d) State Department of Urban Affairs

Solution: (c)

Learning: The state legislature makes provision with respect to all matters relating to elections to the municipalities. But, the conduct of elections is vested with the SEC,

not the ECI which conducts elections at the Union and state levels.

DPCs are bodies constituted by indirect elections by bodies like municipalities and panchayats. It can never conduct or supervise their polling.

Q.1265 Consider the following statements about District Planning Committees. Which of these is/are correct?

1. The whole committee consists of only elected members of the local bodies of all levels.
2. It consolidates the plans prepared by both the rural and urban local bodies.
3. The Chairperson of the committee invariably is a directly elected member of the local bodies.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) Only 2
(c) 1 and 3 (d) 2 and 3

Solution: (c)

Reservations for other backward communities (OBCs) fall under the voluntary provisions.

Q.1266 Which of the following functions are obligatory in all municipalities?

1. Registration of births and deaths.
2. Supply of potable water.
3. Planting and maintenance of road side trees.
4. Provision of transport facilities within the municipality.

- (a) I and II (b) II and III
(c) III and IV (d) I, II, III and IV

Solution: (d)

12th schedule prescribes the list of functions that is to be performed by the municipalities.

Types of Urban Government

Q.1267 In a metropolitan city, who is the authority to usually decide where a public park should be established?

- (a) CEO, Zila Parishad
- (b) District Collector
- (c) Local MLAs Committee
- (d) Ward Councillors

Solution: (d)

Explanation: CEO, Zila Parishad is usually an IAS officer who is incharge of executing decision taken by the Ward Councillors.

He does not take such public decisions himself. He can advise the councillors though. So, option (a) is incorrect.

District Collector in a metropolitan area does not enjoy as many powers as he does in a small town or a village. Municipal Corporation enjoys greater authority in allocating public resources in a metropolitan city. Therefore, option (b) is incorrect.

There is no official local MLAs committee as such. Even if the MLAs were to form such committee, they can only recommend establishing a public park. The final decision would rest with the Ward Councillors. So, option (c) is also incorrect.

Learning: The city is divided into different wards and ward councillors get elected. The complicated decisions that affect the entire city are taken by groups of councillors who form committees to decide and debate issues. For example, if bus stands need to be improved, or a crowded market-place needs to have its garbage cleared more regularly, or there is a drain that cuts through the city that needs cleaning etc. It is these committees for water, garbage collection, street lighting etc. that decide on the work to be done.

When the problems are within a ward then the people who live in the ward can contact their councillors. For example, if there are dangerous electrical wires hanging down then the local Councillor can help them get in touch with the electricity authority.

While the Councillor's Committees and the councillors decide on issues, the Commissioner and the administrative staff implement these. The Commissioner and the administrative staff are appointed. Councillors are elected.

- Q.1268** As per the 74th Constitutional Amendment Act, a 'Nagar Panchayat' is a term used for
- a village panchayat that has been recently given the status of a municipality and the administrative structure of which resembles that of a Municipality
 - an area in transition from a rural area to an urban area
 - a conglomeration of all panchayats that comes under a common Metropolitan Planning Committee

- a panchayat that is temporarily being governed by a Municipality or Municipal corporation

Solution: (b)

74th Amendment Act of 1992 provides for the constitution of the following three types of municipalities in every state.

- A Nagar Panchayat for a transitional area, that is, an area in transition from a rural area to an urban area.
- A municipal council for a smaller urban area.
- A municipal corporation for a larger urban area.

- Q.1269** Consider the following statements with respect to township:

Assertion (A): The laws of the state apply with some modifications and restrictions on these bodies.

Reason (R): A township form of urban government has no elected members.

In the context of the statements mentioned above, which one of these is true?

- Both A and R is true and R is the correct explanation of A.
- Both A and R is true but R is not a correct explanation of A.
- A is true, but R is false.
- R is true but A is false

Solution: (d)

The laws of the state do apply to township in every way possible. These townships however have their own set of rules and regulations conforming to the laws of the state.

- Q.1270** Consider the following statements about the composition and functioning of Municipal Corporations (MCs).

- The composition of the MCs is governed solely by State laws.
- The Municipal Commissioner heads the council in the MCs.
- All decisions in the MCs are subject to the approval of the Municipal Commissioner.

Choose the correct answer using the codes below.

- 1 only
- 2 and 3 only
- 1 and 3 only
- None of the above

Solution: (d)

Municipal corporations are created for the administration of big cities like Delhi, Mumbai, Kolkata, Hyderabad, Bangalore and others. They are established in the states by the acts of the concerned state legislatures, and in the union territories by the acts of the Parliament of India. There may be one common act for all the municipal corporations in a state or a separate act for each municipal corporation. A municipal corporation has three authorities, namely, the council, the standing committees and the commissioner.

The Council is the deliberative and legislative wing of the corporation. It consists of the Councillors directly elected by the people, as well as a few nominated persons having knowledge or experience of municipal administration. In brief, the composition of the Council including the reservation of seats for SCs, STs and women is governed by the 74th Constitutional Amendment Act.

The Council is headed by a Mayor. He is assisted by a Deputy Mayor. He is elected in majority of the states for a one-year renewable term. He is basically an ornamental figure and a formal head of the corporation. His main function is to preside over the meetings of the Council.

Q.1271 Consider the following about cantonment boards which are part of municipal administration in India.

1. A cantonment board is established for municipal administration of defence personnel residing in civilian areas.
2. A cantonment board is created by the State Government but administered by the Central government on grounds of national security.
3. The executive officer of the cantonment board is appointed by the President of India.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 3 only (d) None of the above

Solution: (c)

Justification and Learning: Statement 1: A cantonment board is established for municipal administration for civilian population in the cantonment area.

It is set up under the provisions of the Cantonments Act of 2006—a legislation enacted by the Central government.

Statement 2: It works under the administrative control of the defence ministry of the Central government.

Thus, unlike some other types of urban local bodies, which are created and administered by the state government, a cantonment board is created as well as administered by the Central government.

Statement 3: The executive officer implements all the resolutions and decisions of the board and its committees. He belongs to the central cadre established for the purpose.

(42) RURAL & DISTRICT ADMINISTRATION IN INDIA

Q.1272 Which of the following functions may be performed by a Panchayat Secretary?

1. Keeping a record of all official socio-economic statistics of the village
2. Keeping a record of the proceedings of Gram Sabha and Panchayat
3. Issuing residentship certificates to the villagers
4. Managing the office of the Panchayat
5. Preparation of budget and Annual Administration Report of the Panchayat
6. To execute the resolution passed by the Panchayat body

Select the correct answer using the codes below.

- (a) 1, 2, 3 and 4 only
(b) 2, 4, 5 and 6 only
(c) 1, 3, 5 and 6 only
(d) All of the above

Solution: (b)

Explanation and Learning: For e.g. in Andaman & Nicobar, the following functions have been assigned to Panchayat Secretary (he may be given additional or fewer responsibilities in other states/UTs as PRIs is a state subject):

The duties/functions of the Panchayat Secretary:

- (a) He will be in charge of the office of the Panchayat.
(b) He will work under the direct supervision

of the *Pradhan* of the Gram Panchayat and shall be responsible to the Panchayat in all matters.

- (c) He will be responsible for all office work like Preparation of budget and Annual Administration Report; keeping all records of the Panchayat in safe custody and producing of all records to the authorities as and when required.
- (d) Allotment of duties to the staff posted in the Gram Panchayat.
- (e) Submission of application for grant-in-aid.
- (f) Maintenance of grant-in-aid register and preparation of utilization certificates.
- (g) Inspection of worksites for assessing the works in progress and to submit reports to the authority.
- (h) Attend to complaints relating to developmental works in progress and to submit reports thereof.
- (i) Visit the sites where works are undertaken by individuals who are granted loan by the Panchayat and report to the competent authority if the loans are misused and to cause recovery of loss thereof.

Q.1273 Consider the following about the Panchayat Secretary.

1. She is elected by the Gram Panchayat from amongst its members.
2. She is responsible for calling the meeting of the Gram Sabha and Gram Panchayat and keeping a record of the proceedings.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (b)

Q.1274 In rural administration, which of the following is/are usually the functions of *lekhpal/patwari/kanungo*?

1. Keeps record of the land in the village
2. Keeps record of the crops grown in a particular area
3. Collects land revenue from farmers.

Which of the above statements is/are true?

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 3
- (d) All of the above

Solution: (d)

He provides all this information to the government thus keeping it up to date. He is supervised by senior bureaucrats in the revenue department. He is also under the control of District collector.

Q.1275 Measuring land and keeping land records of a village is the main work of

- (a) Gram Sevak
- (b) Block Development Officer
- (c) Patwari
- (d) Panchayat Samiti

Solution: (c)

Explanation: The *gram sevak* is appointed by the government and is responsible for the administrative functioning of the panchayat in the village. She assists the development officers and panchayat in proper administration. He does not maintain or measure or land records. So, option (a) is incorrect.

The Block Development Officer (BDO) is at a relatively senior hierarchy in a District. He supervises and implements major development programmes. While he has access to all land records, he does not measure and keep them in his custody. So, the option (b) is also incorrect.

Panchayat Samiti is a block level organization and comes in the second tier structure of PRIs. It oversees issues with Gram Panchayats. It does not measure, keep or maintain land records. So, option (d) is also wrong.

Learning: The *Patwari* is known by different names in different states – in some villages such officers are called *Lekhpal*, in others *Kanungo* or *Karamchari* or Village Officer etc.

Each *Patwari* is responsible for a group of villages. The *Patwari* maintains and updates the records of the village. Measuring land and keeping land records is his main work.

The *Patwari* is also responsible for organising the collection of land revenue from the farmers and providing information to the government about the crops grown in this area.

Q.1276 In rural administration, which of the following functions usually are performed by the *Tehsildar*?

1. He supervises *patwari/kanungo/lekhpal's* work.
2. He hears land disputes.
3. He is the authority issuing land record and caste certificates.

Which of the above statements is/are true?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (a)

The District collector or the BDO issues such important certificates. The only duty of the Tehsildar is to make sure that these certificates are disbursed to the needy properly.

Q.1277 Which of the following statements is/are correct?

1. District Collector usually supervises the revenue department and land acquisition in the district.
2. District Commissioner of Police usually grants licences for arms and explosives in the district.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: District Collectors are entrusted with a wide range of duties in the jurisdiction of the district. While the actual extent of the responsibilities varies in each State, they generally involve

As Collector: land assessment; land acquisition; collection of land revenue; collection of income tax dues, excise duties, irrigation dues etc.; distribution of agricultural loans; Chairman of the District Bankers Coordination Committee etc.

As District Magistrate: maintenance of law and order; supervision of the police and jails etc.

Statement 2: The application for the grant of Arm License is submitted in the office of Deputy Commissioner of Police (DCP) by the applicant or through his representative on the prescribed Performa.

Where the licensing authority deems it necessary for the security of the public, peace or for public safety it may refuse to grant such license.

(43) COOPERATIVES – PART IX-B – ARTICLES 243ZH TO 243ZT

Q.1278 The 97th Amendment Act of 2011 added a new Directive Principle relating to co-operative societies in the Constitution. The amendment is concerned with which of the following aspects of cooperative societies?

1. Autonomous functioning
2. Democratic control
3. Professional management

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

The Constitution (Ninety Seventh Amendment) Act 2011 relating to the co-operatives is aimed to encourage economic activities of cooperatives which in turn help progress of rural India. It is expected to not only ensure autonomous and democratic functioning of cooperatives, but also the accountability of the management to the members and other stakeholders.

- It makes Right to form cooperatives as a fundamental right.
- Reservation of one seat for SC/ST and two seats for women on the board of every co-operative society.
- Cooperatives could set up agency which would oversee election.
- Uniformity in the tenure of Cooperative Board of Directors.
- Provisions for incorporation, regulation and winding up of co-operative societies based on the principles of democratic process and specifying the maximum number of directors as twenty-one.
- Providing for a fixed term of five years from the date of election in respect of the elected members of the board and its office bearers;
- Providing for a maximum time limit of six months during which a board of directors of co-operative society could be kept under suspension;
- Providing for independent professional audit;

- Providing for right of information to the members of the co-operative societies;
- Empowering the State Governments to obtain periodic reports of activities and accounts of co-operative societies; which have individuals as members from such categories;
- Providing for offences relating to co-operative societies and penalties in respect of such offences.

Q.1279 The 97th Constitutional Amendment Act of 2011 gave a constitutional status and protection to co-operative societies. In this context, which of the following changes were made in the constitution?

1. Right to form co-operative societies became a fundamental right
2. It included a new Directive Principle of State Policy on promotion of co-operative societies
3. It established a Central constitutional authority for overseeing matters related to cooperatives.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) All of the above (d) 3 only

Solution: (a)

The Constitution (Ninety Seventh Amendment) Act 2011 relating to the co-operatives is aimed to encourage economic activities of cooperatives which in turn help progress of rural India. It is expected to not only ensure autonomous and democratic functioning of cooperatives, but also the accountability of the management to the members and other stakeholders.

As per the amendment the changes done to constitution are:-

- In Part III of the constitution, after words “or unions” the words “Cooperative Societies” was added.
- In Part IV a new Article 43B was inserted, which says: The state shall endeavour to promote voluntary formation, autonomous functioning, democratic control and professional management of the co-operative societies”.
- After Part IXA of the constitution, a Part IXB was inserted to accommodate state versus centre roles.

Q.1280 The term “Cooperatives” or “Cooperative Societies” can be found in which part of the Constitution?

- (a) Part III – Fundamental Rights
- (b) Part IV – Directive Principles of State Policy
- (c) Part IVA – Fundamental Duties
- (d) Both (a) and (b)

Solution: (d)

Learning: The 97th constitutional amendment act gave a constitutional status and protection to cooperative societies and made the following changes in the constitution:

- It made the right to form co-operative societies a fundamental right (Article 19).
- It included a new Directive Principle of State Policy on promotion of co-operative societies (Article 43-B).
- It added a new Part IX-B in the Constitution which is entitled “The Co-operative Societies”.

Q.1281 The right to form co-operative societies is a

- (a) Directive Principle of State Policy
- (b) Fundamental Right under Article 19 of the Constitution
- (c) Legal Right
- (d) A fundamental duty under Part IVA of the constitution

Solution: (b)

Learning: The 97th constitutional amendment act gave a constitutional status and protection to cooperative societies and the right to form cooperative society a fundamental right.

CONSTITUTIONAL BODIES

(44) ELECTION COMMISSION –PART XV—ARTICLE 324

Q.1282 Consider the following statements about the Election Commission of India (ECI).

1. Being an all-India body it serves both the Central and State Governments.
2. It is not at all concerned with elections to any level of Panchayats and Municipalities.
3. The State election Commissions work under the overall supervision of the ECI.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (a)

The Constitution of India directly to ensure free and fair elections in the country.

Article 324 of the Constitution provides that the power of superintendence, direction and control of elections to parliament, state legislatures, the office of president of India and the office of vice-president of India shall be vested in the election commission. Thus, the Election Commission is an all-India body in the sense that it is common to both the Central government and the state governments. It must be noted here that the election commission is not concerned with the elections to panchayats and municipalities in the states. For this, the Constitution of India provides for a separate State Election Commission.

Composition

Q.1283 Consider the following statements about the Election Commission of India.

1. Its composition is mentioned in the constitution.
2. It conducts local body elections also.
3. The Chief Election Commissioner does not have more powers than the other Election Commissioners.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) 3 only

Solution: (d)

Statement 1: Article 324 of the Constitution has made the following provisions with regard to the composition of election commission:

1. The Election Commission shall consist of
 - The chief election commissioner and
 - Such number of other election commissioners, if any, as the president may from time to time fix.
2. The appointment of the chief election commissioner and other election commissioners shall be made by the president.
3. When any other election commissioner is so appointed, the chief election commissioner shall act as the chairman of the election commission

Therefore it's composition is not mentioned in constitution. Election Commission of India can either be a single member or a multi-member body. Till 1989, the Election Commission was single member. Just before the 1989 general elections, two Election Commissioners were appointed, making the body multi-member. Soon after the elections, the Commission reverted to its single member status. In 1993, two Election Commissioners were once again appointed and the Commission became multi-member and has remained multi-member since then. Initially there were many apprehensions about a multi-member Commission. There was a sharp difference of opinion between the then Chief Election Commissioner and the other Commissioners about who had how much power. The matter had to be settled by the Supreme Court. Now there is a general consensus that a multi-member Election Commission is more appropriate as power is shared and there is greater accountability.

Statement 2: The Chief Election Commissioner (CEC) presides over the Election Commission, but does not have more powers than the other Election Commissioners. The CEC and the two Election Commissioners have equal powers to take all decisions relating to elections as a collective body

Statement 3: Article 324 of the Constitution provides that the power of superintendence, Direction and control of elections to

- Parliament,
- State legislatures,
- The office of president of India and
- The office of vice-president of India shall be vested in the election commission.

So election commission is not concerned with the election bodies. It's the responsibility of state election commission appointed by the governor.

Q.1284 Consider the following statements.

Assertion (A): The Election Commission of India (ECI) can cancel local body elections in case of rigging and both capturing.

Reason (R): The ECI is responsible for the conduct of local body elections.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) Both A and R are incorrect.

Solution: (d)

Explained in previous questions.

Q.1285 Consider the following statements with reference to the Election Commission of India.

1. The appointment of the chief election commissioner and other election commissioners is made by the Union Minister of Parliamentary Affairs.
2. The conditions of service and tenure of office of the election commissioners and the regional commissioners are determined by the Chief Election Commissioner.
3. In case of difference of opinion amongst the Chief Election Commissioner (CEC) and other election commissioners, the view of the CEC prevails.
4. Any election commissioner or a regional commissioner cannot be removed from office except on the recommendation of the CEC.

Select the correct answer using the codes below.

- (a) 1 and 4 only (b) 2 and 3 only
- (c) 4 only (d) 3 and 4 only

Solution: (c)

Justification: Statement 1: They are appointed by the President.

Statement 2: The condition of service is also determined by the President of India. The service conditions of the chief election commissioner cannot be varied to his disadvantage after his appointment.

Statement 3: The CEC and the two other election commissioners have equal powers and receive equal salary, allowances and other perquisites. In case of difference of opinion amongst the Chief Election Commissioner and/or two other election commissioners, the matter is decided by the Commission by majority.

Statement 4: The chief election commissioner is provided with the security of tenure. He cannot be removed from his office except in same manner and on the same grounds as a judge of the Supreme Court. Others can be removed only when s/ he recommends.

Q.1286 In case of difference of opinion amongst the Chief Election Commissioner and/or two other election commissioners, how is the matter decided?

- (a) It is decided by majority in the Commission.
- (b) The Chief Election Commissioner's decision prevails over other commissioners.
- (c) The matter is referred to the Parliamentary Standing Committee on Subordinate Legislation – the decision of which is final and binding on ECI.
- (d) If two or more Election Commissioners disagree on a matter, then their disagreement will prevail.

Solution: (a)

The Election Commission has been functioning as a multi-member body consisting of three election commissioners. It can be more too.

The chief election commissioner and the two other election commissioners have equal powers and receive equal salary, allowances and other perquisites, which are similar to those of a judge of the Supreme Court. In case of difference of opinion amongst the Chief Election Commissioner and/or two

other election commissioners, the matter is decided by the Commission by majority. They hold office for a term of six years or until they attain the age of 65 years, whichever is earlier. They can resign at any time or can also be removed before the expiry of their term.

Q.1287 In case of difference of opinion amongst the Chief Election Commissioner and/or two other election commissioners, the matter is decided by

- (a) President of India
- (b) Majority within the Commission
- (c) Chief Election Commissioner solely
- (d) The matter reaches deadlock and no further decision can be taken.

Solution: (b)

Explained in previous question.

Q.1288 In order to ensure free and fair elections the constitution of Indian has provide for an independent Election Commission. Which of the following statements is/are correct about Election Commission?

1. The Election Commission of India can either be a single member or a multi-member body.
 2. The Chief Election Commissioner (CEC) presides over the Election Commission and has more powers than the other Election Commissioners.
 3. The Chief and the other Election Commissioners are appointed by the President on the recommendation of the Prime Minister.
 4. The removal of the Chief Election commissioner requires absolute majority
- Select the correct answer using the codes below:
- (a) 1 Only (b) 1 and 2 Only
(c) 1, 2 and 3 Only (d) 1, 2 and 4 Only

Solution: (a)

Explained in previous questions

Q.1289 Consider the following statements about the Election Commission of India.

1. It is a constitutional body.
2. Even though it is independent of the Government, the Chief Election Commissioner is appointed by the President on the advice of the Central cabinet.

3. The Chief Election Commissioner cannot be removed by the Central cabinet.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

The Election Commission of India is an autonomous, constitutionally established federal authority responsible for administering all the electoral processes in the Republic of India. Under the supervision of the commission, free and fair elections have been held in India at regular intervals as per the principles enshrined in the Constitution. The Election Commission has the power of superintendence, direction and control of all elections to the Parliament of India and the state legislatures and of elections to the office of the President of India and the Vice-President of India.

The power of superintendence, direction and control of all elections to the Local Government/Municipal Corporation by the State Election Commission.

The Chief Election Commissioner and the two Election Commissioners draw salaries and allowances at par with those of the Judges of the Supreme Court of India as per the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Rules, 1992.

Independence

Q.1290 Article 324 of the Constitution has made which of the following provisions to safeguard and ensure the independent and impartial functioning of the Election Commission?

1. The election commissioners are provided with the security of tenure because their term is fixed as provided in the constitution.
2. The Constitution has prescribed the qualifications for appointment to the office of the Election Commission.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification and Learning: The chief election commissioner is provided with the security of tenure. He cannot be removed from his office except in same manner and on the same grounds as a judge of the Supreme Court.

In other words Chief Election Commissioner can be removed from his office by Parliament with special majority in Lok Sabha and Rajya Sabha on the grounds of proven misbehaviour or incapacity. Other Election Commissioners can be removed by the President on the recommendation of the Chief Election Commissioner.

Though the constitution has sought to safeguard and ensure the independence and impartiality of the Election Commission, some flaws with respect to the members of the EC can be noted, viz.,

1. The Constitution has not prescribed the qualifications (legal, educational, administrative or judicial) of the members of the Election Commission.
2. The Constitution has not specified the term of the members of the Election Commission (the term of the Chief EC has been prescribed though).
3. The Constitution has not debarred the retiring election commissioners from any further appointment by the government.

Q.1291 Consider the following statements.

Assertion (A): The Chief Election Commissioner and other election commissioners enjoy security of tenure.

Reason (R): Their terms are specified and fixed by the Constitution of India.

In the context of the statements above, which of these is true?

- (a) A and R both are true, and R is the correct explanation for A.
- (b) A and R both are true, and R is the NOT the correct explanation for A.
- (c) A is correct, R is incorrect.
- (d) A is incorrect, R is correct

Solution: (c)

Only CEC is provided with security of tenure. Other election commissioners can be removed by the president on recommendation of CEC.

Q.1292 The chief election commissioner is provided with the security of tenure. He cannot be

removed from his office except in same manner and on the same grounds as that of

- (a) A Supreme Court Judge
- (b) UPSC Chairman
- (c) Comptroller and Auditor General (CAG) of India
- (d) Either (a) or (c)

Solution: (d)

He cannot be removed from his office except in same manner and on the same grounds as a judge of the Supreme Court. In other words, he can be removed by the president on the basis of a resolution passed to that effect by both the Houses of Parliament with special majority, either on the ground of proved misbehaviour or incapacity. Thus, he does not hold his office till the pleasure of the president, though he is appointed by him. The service conditions of the chief election commissioner cannot be varied to his disadvantage after his appointment.

Q.1293 Consider the following about the Election Commission of India (ECI).

1. The Chief Election Commissioner (CEC) is appointed by the President of India.
2. It enjoys the same kind of independence that the judiciary enjoys.
3. Once appointed, the Chief Election Commissioner is fully answerable to the government for its powers and responsibilities.

Select the correct answer using the codes below.

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1 and 2 only

Solution: (d)

Explanation: The ECI is an independent body. It is not answerable to the government. Answerability on day to day matters and even major policy decisions can tend to erode autonomy. Its autonomy is central to the Indian democracy. Hence, statement 3 is incorrect.

The election commissioners usually enjoy security of tenure, salary charged on Consolidated Fund of India, independence from government interference, difficult process of impeachment etc. Hence, they enjoy similar independence as judges do.

Q.1294 Though the constitution has sought to safeguard and ensure the independence and impartiality of the Election Commission of India (ECI), which of the following has not been specified explicitly by the Constitution?

1. Qualification of the Election Commissioners
2. Term of the members of the ECI
3. Manner of Appointment

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (a)

Some flaws can be noted in the Constitution with regard to the ECI, viz. flaws in nomination process, non-application of mind in scrutiny, wrongful rejection of nomination paper, error in ballot paper printing including photo mismatch, non-deletion of mock poll results etc.

Q.1295 The constitution has sought to safeguard and ensure the independence and impartiality of the Election Commission of India. However, which of the following has NOT been prescribed/specified by the Constitution?

1. Qualifications of the members of the Election Commission
2. Term of the members of the Election Commission
3. Functions of the Election Commission

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (a)

Explained in previous question

Q.1296 Consider the following statements about the Election Commission of India. Which of these is/are correct?

1. The Commissioners are appointed by the President of India on the recommendation of a committee which includes the Prime Minister, leaders of opposition, and the Chief Justice of India.
2. All the election commissioners have equal powers.
3. The process of removing all commissioners from office is the same.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) None of the above (d) Only 2

Solution: (d)

The President appoints him after consulting the cabinet only. There has been a demand to change this system.

The other commissioners cannot be removed without the recommendation of the CEC.

Powers and Functions

Q.1297 Consider the following statements about the powers of the Election Commission of India.

1. It can cancel the elections in entire country on the grounds that a fair and free election is not possible in the country.
2. It can stop the transfer of officials related to election duty.
3. It implements the model code of conduct for the political parties.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

The Election Commission of India has a wide range of functions.

1. It supervises the preparation of up-to-date voters' list. It makes every effort to ensure that the voters' list is free of errors like nonexistence of names of registered voters or existence of names of those non-eligible or non-existent.
2. It also determines the timing of elections and prepares the election schedule. The election schedule includes the notification of elections, date from which nominations can be filed, last date for filing nominations, last date of scrutiny, last date of withdrawal, date of polling and date of counting and declaration of results.
3. During this entire process, the Election Commission has the power to take decisions to ensure a free and fair poll. It can postpone or cancel the election in the entire country or a specific State or constituency on the grounds that the atmosphere is vitiated and therefore, a

free and fair election may not be possible. The Commission also implements a model code of conduct for parties and candidates. It can order a re-poll in a specific constituency. It can also order a recount of votes when it feels that the counting process has not been fully fair and just.

4. The Election Commission accords recognition to political parties and allots symbols to each of them.
5. The Election Commission has very limited staff of its own. It conducts the elections with the help of the administrative machinery. However, once the election process has begun, the commission has control over the administration as far as election related work is concerned. During the election process, the administrative officers of the State and central governments are assigned election related duty and in this respect, the Election Commission has full control over them. The EC can transfer the officers, or stop their transfers; it can take action against them for failing to act in a non-partisan manner.

Q.1298 Consider the following statements about the Election Commission of India (ECI).

1. The ECI is the only authority that can grant National Party or State Party status to a political party in India.
2. Election Symbols (Reservation and Allotment) Order is issued by the ECI and can be modified by it.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

In August 2016, the ECI had brought changes in Paragraph 6C of the Election Symbols (Reservation and Allotment) Order, 1968 to review the status of political parties every 10 years, instead of present norm of five years.

- For instance, the status of a party (either national or state party) that did not perform up to the required criteria in 2014 election will be reviewed in 2024.

Learning: Recognition as a national or a State party ensures that the election symbol of that

party is not used by any other political entity in polls across India.

- Other registered but unrecognised political parties have to choose from a pool of “free symbols” announced by the commission from time to time.
- Besides, these parties get land or buildings from the government to set up their party offices. They can have up to 40 ‘star campaigners’ during electioneering. Others can have up to 20 ‘star campaigners’.

Q.1299 When on election duty, government officers work under the control of

- (a) The concerned District Administration
(b) State Planning Board
(c) Chief Secretary of the State
(d) Election Commission

Solution: (d)

Explanation: They work under the control of the Election Commission of India (or State Election Commission as the case may be). Hence, option (d)

Learning: It is very common for the Election Commission to reprimand the government and administration for their lapses. This is because of the independence vested in the commission and the election officials. When election officials come to the opinion that polling was not fair in some booths or even an entire constituency, they order a repoll. The ruling parties generally comply with the orders of the ECI.

Q.1300 Which of the following powers can be wielded by the Election Commission of India?

1. The Commission can suppress the results of opinion polls if it deems such an action fit for the cause of democracy.
2. The Commission can advise for disqualification of members after the elections if it thinks they have violated certain guidelines.
3. The Commission can suspend candidates who fail to submit their election expense accounts timely.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (d)

Learning: In case, a candidate is found guilty of corrupt practices during the elections, the Supreme Court and High Courts consult the Commission.

It can also cancel the polls in event of rigging, booth capture etc.

Also, the main functions of the ECI are as follows:

- The Election Commission of India is considered the custodian of free and fair elections.
- It issues the Model Code of Conduct in every election for political parties and candidates so that the dignity of democracy is maintained.
- It regulates political parties and registers them for being eligible to contest elections.
- It publishes the allowed limits of campaign expenditure per candidate to all the political parties, and also monitors the same.
- The political parties must submit their annual reports to the ECI for getting tax benefit on contributions.
- It ensures that all the political parties regularly submit their audited financial reports.

Q.1301 Which of the following functions are NOT performed by the Election Commission of India?

1. Determining the territorial areas of the electoral constituencies
2. Advising the president on matters relating to the disqualifications of the members of Parliament.
3. To cancel polls in the event of Violence at election booths

Choose the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 only
- (d) All are performed by the ECI.

Solution: (d)

To determine the territorial areas of the electoral constituencies throughout the country on the basis of the Delimitation Commission Act of Parliament.

The powers related to elections are

- To act as a court for settling disputes related to granting of recognition to political parties and allotment of election symbols to them.
- To appoint officers for inquiring into disputes relating to electoral arrangements. To determine the code of conduct to be observed by the parties and the candidates at the time of elections.
- To prepare a roster for publicity of the policies of the political parties on radio and TV in times of elections.
- To advise the president on matters relating to the disqualifications of the members of Parliament.
- To advise the governor on matters relating to the disqualifications of the members of state legislature.
- To request the president or the governor for requisitioning the staff necessary for conducting elections.
- To supervise the machinery of elections throughout the country to ensure free and fair elections.
- To advise the president whether elections can be held in a state under president's rule in order to extend the period of emergency after one year.

Q.1302 Which of the following is/are among the functions of the Election Commission of India ?

1. Conduct of election for the posts of the Speaker and the Deputy Speaker, Lok Sabha and the Deputy Chairman, Rajya Sabha.
2. Conduct of election to the Corporations and Municipalities.
3. Deciding on all doubts and disputes arising out of the elections.

Select the correct answer from the codes given below.

- (a) 1 and 2
- (b) 1 and 3
- (c) 2 and 3
- (d) None of these

Solution: (d)

The SC or the HC decides on election disputes.

Elections to local bodies are conducted by the State Election Commission.

- Q.1303** The Election Commission of India does NOT conduct elections to the
- Office of the President and Vice-President of India
 - Parliament of India
 - State Legislative Assembly
 - Panchayats and Municipalities

Solution: (d)

- Q.1304** The powers and functions exercised by the Election Commission of India include?
- To notify the dates and schedules of elections and to scrutinise nomination papers
 - To act as a court for settling disputes related to granting of recognition to political parties and allotment of election symbols to them
 - To cancel polls in the event of rigging, booth capturing or other irregularities
 - To grant political parties the status of national or state parties on the basis of their poll performance

Select the correct answer using the codes below.

- (a) 1 and 4 only (b) 2 and 3 only
(c) 1, 2 and 4 only (d) 1, 2, 3 and 4

Solution: (d)

- Q.1305** Consider the following statements with reference to functions of Election Commission:
- It determines the timing of elections and prepares the election schedule.
 - It can postpone or cancel the election in the entire country or a specific State or constituency on the grounds that a free and fair election may not be possible.
 - During the election process, the Election Commission can transfer or even stop the transfers of the administrative officers of the State and central governments.
 - The Election Commission implements model code of conduct for both parties and candidates

Which of the statements is/are correct?

- (a) 1, 2 and 4 Only
(b) 1, 3 and 4 Only
(c) 1, 2 and 3 Only
(d) 1, 2, 3 and 4 Only

Solution: (d)

- Q.1306** Consider the following statements about the powers of the Election Commission of India:
- It can cancel polls in the event of rigging or violence or other irregularities in the polls.
 - It can punish political parties not following the model code of conduct by withdrawing their party symbol.
 - It advises the governor on matters relating to the disqualifications of the Member of Parliaments.

Which of these is/are correct? Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

- Q.1307** Consider the following statements about the power of the ECI.
- ECI takes decisions on every aspect of conduct and control of elections from the announcement of elections to the declaration of results.
 - During the election period, the ECI can order the government to follow some guidelines, to prevent use and misuse of governmental power to enhance its chances to win elections, or to transfer some government officials.
 - When on election duty, government officers work under the control of the EC and not the government.
 - It can order re-polling in case of rigging of elections.

Choose the correct statements from the codes below:

- (a) All of the above (b) 1 and 4 only
(c) 2 and 3 only (d) 1, 3 and 4 only

Solution: (a)

Miscellaneous

- Q.1308** Law Commission of India in its 255th report on electoral reforms recently submitted to the Government of Indian has pitched for stronger Election Commission of India (ECI). Its recommendations include
- Equal Constitutional protection to all members of ECI in removability from Office

2. Appointment of the Election Commissioners by a three member Selection panel instead of the present system of appointment by President
3. The elevation of an EC should be on the basis of seniority.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above'

Solution: (d)

Recommendations of 255th Report of Law Commission with respect to ECI

1. Appointments of Chief Election Commissioners (CEC) and all Election Commissioners (ECs) - It should be made by the President in consultation with a three-member collegium or selection committee.
2. The collegium or committee shall consist of the Prime Minister, the Leader of the Opposition of the Lok Sabha (or the leader of the largest opposition party in the Lok Sabha) and the Chief Justice of India (CJI).
3. Seniority based elevation- The elevation of an EC should be on the basis of seniority. If senior EC is not appointed due to unfit reasons, the three member collegium or a committee give reasons in writing.
4. Equal constitutional protection to all members of the ECI- Equal constitutional protection must be given to all members of the ECI in matters of removability from office.
5. In this regard, Article 324(5) of the Constitution should be amended.

Q.1309 The Chief Electoral Officer (CEO) supervises the election work in a State. He is appointed by the

- (a) Election Commission of India in consultation with the State Government
- (b) Governor of the State concerned in consultation with the Election Commission of India
- (c) Chief Secretary of the State concerned in consultation with the Chief Election Commissioner
- (d) State Election Commission after consulting Election Commission of India

Solution: (a)

Learning: The Election Commission of India nominates or designates an Officer of the Government of the State/Union Territory as the Chief Electoral Officer in consultation with that State Government/Union Territory Administration.

As per the Representation of the People Act 1950 and the Representation of the People Act, 1951, the Chief Electoral Officer of a State/ Union Territory is authorised to supervise the election work in the State/ Union Territory subject to the overall superintendence, direction and control of the Election Commission.

The Election Commission of India also nominates or designates an Officer of the State Government as the District Election Officer in consultation with the State Government.

(45) UNION PUBLIC SERVICE COMMISSION (UPSC)

Q.1310 Which of the following authorities appoints the members of the Union Public Service Commission (UPSC)?

- (a) President of India on the advice of the Council of Ministers
- (b) Union Minister of Personnel and Training on the advice of Law Ministry
- (c) Chairman, UPSC on the recommendations of a committee of former members
- (d) None of the above

Solution: (a)

Learning: The Union Public Service Commission consists of one chairman and 7-10 full-time members apart from one secretary who usually belongs to the IAS. The UPSC chairman does not sit in any board (interview) rather is responsible for overall management and coordination of the commission. Each UPSC member heads a board which consists of guest members having unique subject knowledge or have a distinguished career.

Q.1311 Consider the following about the Union Public Service Commission (UPSC).

1. The Constitution has not specified the strength of the Commission and has left it to the discretion of the President.

2. No educational qualifications are prescribed for the Commission's membership.
3. The members of UPSC can be removed only on the grounds and in the manner of removal of Supreme Court judges.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (a)

Justification: Statement 1: The UPSC consists of a chairman and other members appointed by the president of India. The Constitution, without specifying the strength of the Commission has left the matter to the discretion of the president, who determines its composition. Usually, the Commission consists of nine to eleven members including the chairman.

Statement 2: No qualifications are prescribed for the Commission's membership except that one-half of the members of the Commission should be such persons who have held office for at least ten years either under the Government of India or under the government of a state. The Constitution also authorises the president to determine the conditions of service of the chairman and other members of the Commission. The chairman and members of the Commission hold office for a term of six years or until they attain the age of 65 years, whichever is earlier.

Statement 3: The President can remove the Chairman and members of UPSC on grounds of insolvency etc. On the ground of misbehaviour, he can remove them only based on an inquiry by the SC.

Q.1312 Consider the following statements about the Union Public Service Commission (UPSC).

1. The Chairman and other members are appointed by the President.
2. The constitution does not mention the qualification for the post of UPSC Chairman.
3. One-half of the members of the Commission should have worked under either the Government of India or any state government.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

Refer previous explanation.

Q.1313 Consider the following about the Office of the UPSC Chairman.

1. She is appointed by the Department of Personnel and Training (DoPT) on the recommendation of UPSC members.
2. The Chairman must serve a fixed term post-appointment even if retirement is due.
3. She can be removed by a resolution passed by a majority of UPSC members and agreed to by the Union Cabinet.
4. A UPSC member can be re-appointed as the Chairman.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 4 only
(c) 2, 3 and 4 only (d) None of the above

Solution: (b)

Justification: Statement 1: She is appointed by the President on the recommendation of the Union Council of Ministers.

Statement 2: The chairman and members of the Commission hold office for a term of six years or until they attain the age of 65 years, whichever is earlier.

Statement 3: He can be removed by the President based on a Supreme Court inquiry.

Statement 4: UPSC member can be appointed as UPSC Chairman.

Q.1314 Which of these persons have served or are serving as Chairman of Union Public Service Commission (UPSC)?

1. Akhlaq Ur Rahman Kidwai
2. Purna Chandra Hota
3. Deepak Sarkar
4. David R. Syiemlieh

Select the correct answer using the codes below.

- (a) 1, 2 and 4 only (b) 2 and 3 only
(c) 1 and 4 only (d) 1, 2, 3 and 4

Solution: (a)

Justification: You can always expect such questions from UPSC on UPSC.

Q.1315 The President places UPSC's annual report before the Parliament along with a memorandum explaining the cases where the advice of the Commission was not accepted and the reasons for such non-acceptance. All such cases of non-acceptance must be approved by the

- (a) Concerned Union Ministry
- (b) Cabinet Secretary
- (c) Appointments Committee of the Union cabinet
- (d) Union Department of Personnel and Training

Solution: (c)

Justification: An individual ministry or department has no power to reject the advice of the UPSC.

So, options (a) and (d) cannot be correct. All such cases of non-acceptance must be approved by the Appointments Committee of the Union cabinet, despite UPSC being only an advisory body under the Constitution of India.

Q.1316 If the UPSC tenders an advice to the Government of India, which of these can follow?

- (a) Only the Department of Personnel and Training (DoPT) can reject the advice of UPSC on reasonable grounds.
- (b) Only the Appointments Committee of the Cabinet can reject UPSC's advice.
- (c) Any concerned Ministry can reject UPSC's advice.
- (d) For UPSC's advice to be rejected, approval from the Departmental Standing Committees of the Parliament is needed.

Solution: (b)

Q.1317 Consider the following statements about the Union Public Service Commission (UPSC):

1. Its decisions are not binding on the government.
2. A UPSC member can be removed in the same manner as that of the central election commissioners.
3. An individual ministry has no power to reject the advice of the UPSC.

Which of these is/are correct? Choose the correct answer using the codes below:

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 3
- (d) All of the above

Solution: (c)

A UPSC member can be removed by only a SC enquiry. But a chief election commissioner can be removed only in the same manner as that of a supreme court judge.

Q.1318 Consider the following statements about the role of UPSC.

Assertion (A): It has to be consulted in all promotion and disciplinary matters concerned with higher Public Services.

Reason (R): It is the Central personnel agency in India.

In the context of the statements above, which of these is true?

- (a) A and R both are true, and R is the correct explanation for A.
- (b) A and R both are true, and R is the NOT the correct explanation for A.
- (c) A is correct, R is incorrect.
- (d) A and R both are incorrect.

Solution: (d)

The Constitution visualises the UPSC to be the 'watch-dog of merit system' in India. It is concerned with the recruitment to the all-India services and Central services— group A and group B and advises the government, when consulted, on promotion and disciplinary matters. It is not concerned with the classification of services, pay and service conditions, cadre management, training, and so on. These matters are handled by the Department of Personnel and Training—one of the three departments of the Ministry of Personnel, Public Grievances and Pensions. Therefore, UPSC is only a central recruiting agency while the Department of Personnel and Training is the central personnel agency in India. The role of UPSC is not only limited, but also recommendations made by it are only of advisory nature and hence, not binding on the government. It is up to the Union government to accept or reject that advise. The only safeguard is the answerability of the government to the Parliament for departing from the recommendation of the Commission. Further, the government can also make rules which regulate the scope of the advisory functions of UPSC .

Q.1319 Consider the following statements about the powers, function and role of the Union Public Service Commission (UPSC):

1. UPSC not only selects the civil servants but also plays an important role in their training.
2. There is an overlap in the jurisdiction of UPSC and Central Vigilance Commissioner (CVC), when it comes to disciplinary action against a civil servant.
3. It is not necessary for the President to consult the UPSC always while making appointment to central services or all-Indian services.

Which of these is/are correct? Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (b)

The UPSC is the central recruiting agency. It only recommends the candidates. The cadre allocation, determining their service condition is done by the DoPT.

(46) STATE PUBLIC SERVICE COMMISSIONS

Q.1320 Consider the following about the State Public Service Commissions.

1. The Chairman is appointed by the President but can be removed both by the President and Governor.
2. The advice tendered by the Supreme Court, as regards the removal of the Chairman, is binding on the concerned authority.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 1: He and the members of SPSC can be removed only by the President and not the Governor. This acts as a mechanism to ensure the independence of the SPSC.

Statement 2: The president can also remove the chairman or any other member of SPSC for misbehaviour. In this case, the president has to refer the matter to the Supreme Court for an enquiry.

If the Supreme Court, after the enquiry, upholds the cause of removal and advises so, the president can remove the chairman

or a member. Under the provisions of the Constitution, the advice tendered by the Supreme Court in this regard is binding on the president.

However, during the course of enquiry by the Supreme Court, the governor can suspend the concerned chairman or member, pending the final removal order of the president on receipt of the report of the Supreme Court.

Q.1321 Consider the following statements about the State Public Service Commission (SPSC):

1. A member of a SPSC is appointed by the Governor of that state.
2. A member of a SPSC cannot be removed by the Governor of that particular state.
3. A member of a SPSC can be removed on the same grounds and with the same procedure as that of the UPSC.

Which of these is/are correct? Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

Explained as above in previous question.

(47) TRIBUNALS – PART XIVA – ARTICLES 323A AND 323B

Q.1322 Which of the following statements is INCORRECT concerning tribunals in India?

- (a) Only the Central government is authorized by the Constitution to establish tribunals.
- (b) Tribunals can be established for settling disputes other than administrative disputes.
- (c) Appeal from the tribunals lie to both the High Courts and Supreme Court.
- (d) Central Administrative Tribunal in India exercises original jurisdiction in relation to service matters of Central government employees.

Solution: (a)

Article 323 A empowers the Parliament to provide for the establishment of administrative tribunals for the adjudication of disputes relating to recruitment and conditions of service of persons appointed to public services of the Centre, the states, local bodies, public corporations and other public authorities.

Under Article 323 B, the Parliament and the state legislatures are authorised to provide for the establishment of tribunals for the adjudication of disputes relating to the following matters:

1. Taxation;
2. Foreign exchange, import and export
3. Industrial and labour;
4. Land reforms;
5. Ceiling on urban property;
6. Elections to Parliament and state legislatures;
7. Food stuffs;
8. Rent and tenancy rights.

Q.1323 Consider the following about the provision of tribunals as under Article 323 of the Constitution of India.

Assertion (A): Only the Parliament is empowered to create a tribunal.

Reason (R): There cannot be any Centre-state hierarchy of tribunals as exists in the case of Supreme Court and High Courts.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is incorrect, but R is correct.
- (d) Both A and R are incorrect.

Solution: (d)

Justification Under Article 323A, only one tribunal for the Centre and one for each state or two or more states may be established. There is no question of hierarchy of tribunals under Article 323A, whereas under Article 323B a hierarchy of tribunals may be created.

Q.1324 As per the Constitution, which of these authorities is competent enough to create a Tribunal?

- (a) President of India only, after obtaining the due advice of the Council of Ministers
- (b) Parliament only
- (c) Only Parliament and State Legislatures
- (d) Only Supreme Court and High Courts, in special circumstances

Solution: (c)

Explained in previous question.

Q.1325 Article 323 A empowers the Parliament to provide for the establishment of administrative tribunals for the adjudication of disputes relating to recruitment and conditions of service of persons appointed to public services of the

1. Other Public Authorities
2. State
3. Local Bodies
4. Public Corporations

Choose the correct answer using the codes below.

- (a) All of the above
- (b) 2 only
- (c) 2, 3 and 4 only
- (d) 3 and 4 only

Solution: (a)

The Centre, the states, local bodies, public corporations and other public authorities can have the services of a dedicated tribunal according to article 323A

In pursuance of Article 323 A, the Parliament has passed the Administrative Tribunals Act in 1985. The act authorises the Central government to establish one Central administrative

tribunal and the state administrative tribunals. This act opened a new chapter in the sphere of providing speedy and inexpensive justice to the aggrieved public servants.

Q.1326 With reference to the Central Administrative Tribunal (CAT), consider the following:

1. It was established in pursuance of the provisions of the Constitution.
2. It adjudicates disputes with respect to recruitment and conditions of service of persons appointed to public services.
3. A person who has been a former Secretary in the Government of India only can head the Central Administrative Tribunal.
4. It is bound by the procedure prescribed in the code of civil procedure.

Select the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1, 2 and 4 only
- (d) 3 and 4 only

Solution: (a)

Justification: Statement 1: Article 323-A provides for establishment of tribunals.

Statement 2: The CAT exercises original jurisdiction in relation to recruitment and all

service matters of public servants covered by it. Its jurisdiction extends to the all-India services, the Central civil services, civil posts under the Centre and civilian employees of defence services.

Statement 3: Someone who has been a sitting or serving high court judge can chair the CAT.

Statement 4: The CAT is not bound by the procedure laid down in the Civil Procedure Code of 1908. It is guided by the principles of natural justice. These principles keep the CAT flexible in approach.

Q.1327 In the functioning of the Central Administrative Tribunal (CAT), it is guided by and follows the

- (a) Civil Procedure Code of 1908
- (b) Principles of natural justice
- (c) Criminal Procedure Code
- (d) Indian Penal Code

Solution: (b)

The CAT is not bound by the procedure laid down in the Civil Procedure Code of 1908. It is guided by the principles of natural justice. These principles keep the CAT flexible in approach. Only a nominal fee of ₹ 50 is to be paid by the applicant. The applicant may appear either in person or through a lawyer.

The **Principles of Natural Justice** have come out from the need of man to protect himself from the excesses of organized power man has always appealed to someone beyond his own creation. Such someone is the God and His laws, divine law or natural law, to which all temporal laws and actions must confirm. **Natural Law** is of the 'higher law of nature' or 'natural law' Two core points in the concept of principles of natural justice

1. *Nemo in propria causa judex, esse debet*: No one should be made a judge in his own case, or the rule against bias.
2. *Audi alteram partem*: Hear the other party, or the rule of fair hearing, or the rule that no one should be condemned unheard.

These two are the basic pillars of the Principles of Natural Justice. No system of law can survive without these two basic pillars.

Q.1328 Consider the following about the composition, powers and appointments related to the Central Administrative Tribunal (CAT).

1. The Chairman and members are appointed by a collegiums consisting of senior Supreme court judges headed by the Chief Justice of India.
2. The members are drawn from both judicial and administrative stream.
3. CAT orders and decrees are final, and no provision of appeal lies whatsoever.

Choose the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 2 only
- (d) 1 and 3 only

Solution: (c)

The CAT is a multi-member body consisting of a chairman and members. Earlier, the CAT consisted of a Chairman, Vice-Chairmen and members. With the amendment in Administrative Tribunals Act, 1985 in 2006, the members have been given the status of judges of High Courts.

They are drawn from both judicial and administrative streams and are appointed by the president. They hold office for a term of five years or until they attain the age of 65 years, in case of chairman and 62 years in case of members, whichever is earlier.

Originally, appeals against the orders of the CAT could be made only in the Supreme Court and not in the high courts. However, in the *Chandra Kumar case* (1997), the Supreme Court declared this restriction on the jurisdiction of the high courts as unconstitutional, holding that judicial review is a part of the basic structure of the Constitution.

Q.1329 Consider the following with reference to the Central Administrative Tribunal (CAT).

1. Chairman and members are appointed by the Chief Justice of India after obtaining the recommendation of a Supreme Court collegium.
2. No appeal lies to any tribunal or court in India to the awards given by the CAT.
3. Members of CAT have been given the status of Supreme Court Judges.

Select the correct answer using the codes below.

- (a) 1 only
- (b) 2 and 3 only
- (c) 1, 2 and 3
- (d) None of the above

Solution: (d)

Refer previous answer

Q.1330 Which of the following statements about the Central Administrative Tribunal (CAT) is INCORRECT?

- (a) Chairman and members of the CAT enjoy the status of judges of High Courts as per statutory provisions.
- (b) Its members must be qualified to be a judge of a High court or have served as one.
- (c) Members are appointed by the President.
- (d) Appeals against the orders of the CAT can be made in both the Supreme Court and the High courts.

Solution: (b)

See as explained in previous answer.

Q.1331 Consider the following statements about Administrative tribunals in India:

- 1. Only a sitting or a retired judge can be the chairman of the Central Administrative Tribunal (CAT).
- 2. Administrative tribunals are active in the Centre as well as the states.
- 3. Appeals against the judgement of the CAT can be made only before the Supreme Court, and not the High courts.

Choose the correct option from the codes below:

- (a) 1 and 3 (b) 1 and 2
- (c) 2 and 3 (d) All of the above

Solution: (b)

A person shall not be qualified for appointment as the Chairman unless he is, or has been, a judge of a High Court. Appeal can be made first only in the High courts and then the SC can be moved.

Q.1332 Consider the following statements:

Assertion (A): The decisions of the Central Administrative Tribunal (CAT) cannot be challenged in the High Courts.

Reason (R): The CAT deals with the grievances of Central government employees and All-India services mainly.

In the context of the statements above, which of these is true?

- (a) Both A and R are true and R is the correct explanation for A.
- (b) Both A and R are true and R is not the correct explanation for A.
- (c) A is incorrect but R is correct.
- (d) Both A and R are incorrect.

Solution: (d)

While it looks logical that the High courts should not intervene, as per a Supreme Court ruling in the *Chndra Kumar case*, they can. The Court declares review of CAT decisions by the HC as a part of the judicial review. It cannot be taken away.

Q.1333 Under Article 323 B, the Parliament and the state legislatures are authorised to provide for the establishment of tribunals for the adjudication of disputes relating to which of the following matters?

- 1. Food stuffs
- 2. Rent and tenancy rights
- 3. Industrial labour
- 4. Elections to State legislatures

Choose the correct answer using the codes below.

- (a) All of the above (b) 2 only
- (c) 2, 3 and 4 only (d) 3 and 4 only

Solution: (a)

Refer first question in the chapter.

(48) FINANCE COMMISSION – PART XII—ARTICLE 280

Q.1334 Article 280 of the Constitution of India provides for a Finance Commission.

Which kind of a body is Finance Commission?

- (a) Quasi-judicial (b) Executive
- (c) Administrative (d) Quasi-legislative

Solution: (a)

It is a *quasi-judicial* body as its work involves fixing the fair share of states in the overall grant from Centre. Since it uses both legal principles and administrative dictums in making decisions, it is called a quasi-judicial body.

It is constituted by the president of India every fifth year or at such earlier time as he considers necessary.

The Finance Commission consists of a chairman and four other members to be appointed by the president. And since it is a Quasi-judicial body, the Chairman is a person having experience in public affairs. Other members are judges, administrators or experts. So both administrative side and judicial sides are balanced in the Commission.

Q.1335 Consider the following statements about the Finance Commission:

1. It is a constitutional quasi-judicial body.
2. The constitution does not prescribe any qualifications for the members of the commission.
3. It is constituted jointly by the Centre and the states as the nature of the commission's work is essentially federal.

Which of these is/are correct? Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) Only 1

Solution: (d)

Statement 1: Finance commission is constituted under article 280 of Indian Constitution. Hence it's constitutional body.

The Finance Commission shall have all powers of civil court under Code of Civil Procedure (1908) in matters of summoning & enforcing attendance and requisitioning any public record from any court of office. Also Finance Commission shall be deemed to be a civil court for purposes of sections 480 and 482 of the CrPC provided under Finance Commission Act. Hence it's quasi-judicial body.

Statement 2: It is constituted only by the President of India. The constitution the Constitution authorises the Parliament to determine the qualifications of members

of the commission and the manner in which they should be selected.

Accordingly, the Parliament has specified the qualifications of the chairman and members of

the commission.

- The chairman should be a person having experience in public affairs and
- The four other members should be selected from amongst the following:
 1. A judge of high court or one qualified to be appointed as one.
 2. A person who has specialised knowledge of finance and accounts of the government.
 3. A person who has wide experience in Financial matters and Administration.
 4. A person who has special knowledge of economics.

Statement 3: It is constituted by the president of India Every fifth year or at such earlier time as he considers necessary. State don't have any role in the process.

Q.1336 Consider the following about Finance Commission.

1. It is a body set up under Article 275(1) of the Constitution.
2. Members of National Statistical Commission and NITI Aayog are ex-officio members of the commission.

Select the correct answer using the codes below.

- (a) 1 and 2 (b) 1 only
(c) 2 only (d) None of the above

Solution: (d)

Justification: Statement 1: Article 275(1) concerns grants-in-aid. While the FC deals with this article, it is a body set up under Article 280 of the Constitution.

Its primary job is to recommend measures and methods on how revenues need to be distributed between the Centre and states.

Statement 2: There are no *ex officio* members of the commission as such, because it is constituted afresh every five years.

Learning: Besides suggesting the mechanism to share tax revenues, the Commission also lays down the principles for giving out grant-in-aid to states and other local bodies.

The commission has to take on itself the job of addressing the imbalances that often arise between the taxation powers and expenditure responsibilities of the centre and the states, respectively.

Q.1337 The Finance Commission consists of a chairman and four other members to be appointed by the president. Who among the following is/are eligible to become a member of the Finance Commission?

1. A judge of high court
2. A person who has special knowledge of economics
3. An eminent citizen who has worked as a social activist
4. An academician who specializes in federalism and related issues

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 4 only
(c) 1 only (d) 2, 3 and 4 only

Solution: (a)

As explained in previous questions

Functions

Q.1338 Which of these bodies recommends the distribution of the net proceeds of taxes to be shared between the Centre and the states, and the allocation between the states, the respective shares of such proceeds?

- (a) Inter-State Council
(b) NITI Aayog
(c) National Development Council
(d) Finance Commission

Solution: (d)

Q.1339 With reference to Finance commissions in India, consider the following statements

1. Because of their constitutional nature, their recommendations are binding of the government
2. Finance commissions are seen as institutional mechanism for transferring resources from the Centre to states.
3. The 14th Finance Commission has been asked to take the base of population figures as of 1971 in all cases where population is a factor for determination of devolution of taxes and duties and grants-in-aid
4. The recommendations of Finance Commission applies only to the Union government

Which of the above statements is/are correct?

- (a) 1,2 and 4 Only (b) 1 and 2 Only
(c) 2,3 and 4 Only (d) All

Solution: (c)

Statement 1: finance commission is a advisory body. It's recommendations are not binding on the union government. It is up to the Union government to implement its recommendations on granting money to the states.

Statement 2: The Finance Commission is required to make recommendations to the president of India on the following matters:

1. The distribution of the net proceeds of taxes to be shared between the Centre and the states, and the allocation between

the states of the respective shares of such proceeds.

2. The principles that should govern the grants-in-aid to the states by the Centre (i.e., out of the consolidated fund of India).

Hence it can be seen as institutional mechanism for transferring resources from the Centre to states.

Statement 3: 1971 is taken as the population base for all the policy purpose. It's true even in case of 14th finance commission.

Statement 4: Finance commission recommendations only concerns centre not states.

Q.1340 The Finance Commission is required to make recommendations to the president of India on which of the following matters?

1. The distribution of the net proceeds of taxes to be shared between the Centre and the states
2. Allocation of proceeds between the states
3. The principles that should govern the grants-in-aid to the states by the Centre from the Public Accounts of India

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (a)

Justification: In Statement 3, it should be Consolidated Fund of India, and not Public accounts of India (PCI). PCI is operated by executive action.

Other recommendation giving areas of the commission are:

- The measures needed to augment the consolidated fund of a state to supplement the resources of the Panchayats and the municipalities in the state on the basis of the recommendations made by the state finance commission

- Any other matter referred to it by the president in the interests of sound finance. The commission submits its report to the president. He lays it before both the Houses of Parliament along with an explanatory memorandum as to the action taken on its recommendations.

Q.1341 The Finance Commission is required to make recommendations to the president of India in which of the following matters?

1. Augmenting the resources of the Public Sector Undertakings (PSUs)
2. Augmenting the resources of the states to support local bodies
3. Principles that should govern the grants-in-aid to the states by the Centre

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (b)

As explained in previous questions

Q.1342 Consider the following statements.

Assertion (A): The recommendations made by the Finance Commission binding on the government.

Reason (R): Finance Commission is a constitutional body.

In the context of the statements above, which of these is true?

- (a) A and R both are true, and R is the correct explanation for A.
(b) A and R both are true, and R is the NOT the correct explanation for A.
(c) A is incorrect, R is correct.
(d) A and R both are incorrect.

Solution: (c)

It is nowhere laid down in the Constitution that the recommendations of the commission shall be binding upon the Government of India or that it would give rise to a legal right in favour of the beneficiary states to receive the money recommended to be offered to them by the Commission.

Q.1343 How are the recommendations of Finance Commission implemented?

- (a) An order of the President
(b) A legislation of the Parliament
(c) A joint resolution of the Centre and States
(d) They need not be implemented and take effect immediately on the publication of the recommendations by the commission.

Solution: (a)

Learning: The recommendations of the Finance Commission are implemented as under:-

Those to be implemented by an order of the President: The recommendations relating to distribution of Union Taxes and Duties and Grants-in-aid fall in this category.

Those to be implemented by executive orders: The recommendations in respect of sharing of Profit Petroleum, Debt Relief, Mode of Central Assistance, etc. are implemented by executive orders.

(49) STATE FINANCE COMMISSIONS (SFCS) – PART IX & IXA—ARTICLES 243I & 243Y

Q.1344 Consider the following about State Finance Commissions (SFCs).

1. They are constitutional bodies.
2. Their mandate is to recommend devolution of tax funds from the Consolidated Fund of Union Government to local bodies.
3. Their recommendations must be approved by the Union Finance Commission, in order to be effective.
4. They are established by the President from time to time.

Select the correct answer using the codes below.

- (a) 1, 2 and 4 only (b) 2 and 3 only
(c) 1 only (d) 1, 3 and 4 only

Solution: (c)

Justification: Statements 1 and 2: As per 73rd and 74th CA, under Part XI and XII and Article 243(I) and 243 (Y) of the Constitution, a State Finance Commission (SFC), is to be appointed after every 5 years, to;

- Recommend devolution of tax funds from the Consolidated Fund of State Government (not Union government, which makes statement 2 incorrect) to Local Bodies
- Suggest measures for augmenting their Own Resources by determining which Taxes, Duties, Tolls and Fees which may be assigned to or appropriated by PRIs and ULBs
- The Grants-in-Aid to Local Bodies from the consolidated fund of the state
- The measures needed to improve the financial position of the Local Bodies
- Estimation of Revenue Gap of Local Bodies, separately for PRIs and ULBs,

Statement 3: The Union FC does not play any role with respect to either constitution or working of the SFCs. It may only help guide the overall functioning of the SFCs by specific recommendations (that are not binding on the SFCs).

Statement 4: The Governor constitutes them. President constitutes Union Finance Commission (UFC).

Q.1345 Consider the following about the State Finance Commissions (SFCs).

Assertion (A): It is constituted every five years by the Union Finance Commission (UFC) and later dissolved by it after the completion of the financial devolution exercise.

Reason (R): There is a need to ensure synergy and harmony between UFC and SFCs recommendations and financial outlays.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is incorrect, but R is correct.
- (d) A is correct, but R is incorrect.

Solution: (c)

Justification: Statement A: The governor of a state, after every five years, constitutes a finance commission to review the financial position of the Panchayats. It is not the UFC that constitutes it.

Statement R: However, there is definitely a need to ensure harmony and balance between the recommendations of all finance commissions as:

1. Both recommend devolution of funds to PRIs (for example 14th UFC).
2. Both take into account the fiscal situation of the state before recommending any such outlays.
3. UFC is mandated to suggest the measures needed to augment the consolidated fund of a state to supplement the resources of the panchayats in the states (on the basis of the recommendations made by the finance commission of the state).

(50) NATIONAL COMMISSION FOR SCHEDULED CASTES (SCs) – PART XVI—ARTICLE 338

Q.1346 Consider the following statements about the National Commission for SCs.

1. The Chairman of the Commission is appointed by a Selection panel which includes the Prime Minister, Lok Sabha Speaker and Leader of Opposition, Lok Sabha.
2. The commission presents an annual report to the president which is presented to Parliament.
3. The orders of the commission are binding on the Government.

Choose the correct answer using the codes below.

- (a) 1 only
- (b) 2 only
- (c) 2 and 3 only
- (d) 1 and 3 only

Solution: (b)

The separate National Commission for SCs came into existence in 2004. It consists of a chairperson, a vice-chairperson and three other members. They are appointed by the President by warrant under his hand and seal. Their conditions of service and tenure of office are also determined by the President.

The commission presents an annual report to the president. It can also submit a report as and when it thinks necessary. The President places all such reports before the Parliament, along with a memorandum explaining the action taken on the recommendations made by the Commission. The memorandum should also contain the reasons for the non acceptance of any of such recommendations.

Powers

Q.1347 Consider the following statements about the powers of the National Commission for SCs:

1. It has the powers of a civil court while trying specific cases.
2. It is also required to discharge similar functions in respect of the Anglo-Indian community (a minority) as it does with respect to the SCs.
3. The Central government and the state governments are required to consult the

commission on all major policy matters affecting the SCs.

Which of these is/are correct? Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

Powers of the commission

The Commission is vested with the power to regulate its own procedure. The Commission, while investigating any matter or inquiring into any complaint, has all the powers of a civil court trying a suit and in particular in respect of the following matters:

(It follows the process of court)

- (a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath;
(b) Requiring the discovery and production of any document;
(c) Receiving evidence on affidavits;
(d) Requisitioning any public record from any court or office;
(e) Issuing summons for the examination of witnesses and documents; and
(f) Any other matter which the President may determine.

The Central government and the state governments are required to consult the Commission on all major policy matters affecting the SCs.

Statement 2: The Commission is also required to discharge similar functions with regard to the other backward classes (OBCs) and the Anglo-Indian Community as it does with respect to the SCs.

- Q.1348** As it does with respect to the SCs, the National Commission for SCs is also required to discharge similar functions with regard to the
1. OBCs
 2. STs
 3. Anglo-Indian Community

Choose the correct answer from the codes given below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (c)

The President should set up a National Commission for the SCs to investigate all matters relating to the constitutional safeguards for the

SCs and to report to him (Article 338). Similarly, the President should also set up a National Commission for the STs to investigate all matters relating to the Constitutional safeguards for the STs and to report to him (Article 338-A). The President should place all such reports before the Parliament, along with the action taken memorandum. Previously, the Constitution provided for a combined National Commission for SCs and STs. The 89th Amendment Act of 2003 bifurcated the combined commission into two separate bodies.

The National Commission for SCs is also required to discharge similar functions with regard to the OBCs and the Anglo-Indian Community as it does with respect to the SCs. In other words, the commission has to investigate all matters relating to the Constitutional and other legal safeguards for the OBCs and the Anglo-Indian community and report to the President upon their working.

Functions

Q.1349 Consider the following statements about the nature and functions of the National Commission for SCs:

1. It is statutory body.
2. It enquires into specific complaints with respect to deprivation of rights of the SCs.
3. In case of non-acceptance of its recommendations, the government must explain the reasons to the concerned house of Parliament.

Which of these is/are correct? Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (b)

It is a constitutional body. It works for ensuring the right of the SCs.

Functions of the commission

The functions of the Commission are:

- (a) To investigate and monitor all matters relating to the Constitutional and other legal safeguards for the SCs and to evaluate their working;
(b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the SCs;

- (c) To participate and advise on the planning process of socio-economic development of the SCs and to evaluate the progress of their development under the Union or a state;
- (d) To present to the President, annually and at such other times as it may deem fit, reports upon the working of those safeguards;
- (e) To make recommendations as to the measures that should be taken by the Union or a state for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the SCs; and
- (f) To discharge such other functions in relation to the protection, welfare and development and advancement of the SCs as the president may specify

Q.1350 Which of the following is/are the functions of the National Commission for Scheduled Castes (SCs)?

1. Inquiring into specific complaints with respect to the deprivation of rights and safeguards of the SC
2. Governing the Autonomous tribal councils in Fifth Schedule districts
3. Monitoring and directing the High Courts to grant relief in cases pertaining to SCs

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 only
(c) 2 and 3 only (d) 1 and 3 only

Solution: (b)

Justification: Statement 1: The Commission, while investigating any matter or inquiring into any complaint, has all the powers of a civil court trying a suit.

Statement 2: It is an advisory body to the Government. It does not govern any tribal or autonomous councils.

Statement 3: It cannot direct the courts. It can only recommend punitive measures in cases pertaining to the SCs after conducting due inquiry. The Central government and the state governments are required to consult the Commission on all major policy matters affecting the SCs.

(51) NATIONAL COMMISSION FOR SCHEDULED TRIBES (STs) – PART XVI—ARTICLE 338A

Q.1351 Consider the following statements about the National Commission for STs.

1. It comes under the Ministry of Social Justice and empowerment.
2. The Chairman is appointed by the President after a recommendation is made from the Ministry of Social Justice and empowerment.
3. The Conditions of Service and tenure of the members of the Commission is determined by the Constitution.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 3 only (d) None of the above

Solution: (d)

The National Commission for SCs and STs came into being consequent upon passing of the 65th Constitutional Amendment Act of 1990. The Commission was established under Article 338 of the Constitution with the objective of monitoring all the safeguards provided for the SCs and STs under the Constitution or other laws.

Geographically and culturally, the STs are different from the SCs and their problems are also different from those of SCs. In 1999, a new Ministry of Tribal Affairs was created to provide a sharp focus to the welfare and development of the STs. It was felt necessary that the Ministry of Tribal Affairs should co-ordinate all activities relating to the STs as it would not be administratively feasible for the Ministry of Social Justice and Empowerment to perform this role

The separate National Commission for STs came into existence in 2004. It consists of a chairperson, a vice-chairperson and three other members. They are appointed by the President by warrant under his hand and seal. Their conditions of service and tenure of office are also determined by the President.

Functions & Powers

Q.1352 Which of the following functions have been specified for the National Commission for STs with relation to the protection and welfare of STs?

1. Measures to be taken to promote the traditional practice of shifting cultivation
2. Measures to be taken over conferring ownership rights in respect of minor forest produce to STs living in forest areas
3. Measures to be taken to safeguard rights of the tribal communities over mineral resources

Select the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 1 and 3 only (d) None of the above

Solution: (b)

Justification: In 2005, the President specified the following other functions of the Commission in relation to the protection, welfare and development and advancement of the STs.

Statement 1: As per the notification, the commission should strive to reduce and eliminate shifting cultivation, not encourage it, that lead to their continuous disempowerment and degradation of land and the environment.

Learning: Others measures (apart from statements 2 and 3 are):

- Development of tribal communities and to work for more viable livelihood strategies
- Improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects
- Prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place
- Elicit maximum cooperation and involvement of tribal communities for protecting forests and undertaking social afforestation
- Ensure full implementation of the Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996

The Commission presents an annual report to the President. It can also submit a report as and when it thinks necessary.

Q.1353 Consider the following statements about the power of the National Commission for STs.

1. The Central government and the state governments are required to consult the Commission on all major policy matters affecting the STs.
2. Annual report submitted by the commission is placed before the Parliament by the President.
3. The commission has powers of investigation into cases concerning the rights and safeguards of STs.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 3 only (d) All of the above

Solution: (d)

The Commission presents an annual report to the President. It can also submit a report as and when it thinks necessary. The President places all such reports before the Parliament, along with a memorandum explaining the action taken on the recommendations made by the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

The President also forwards any report of the Commission pertaining to a state government to the state governor. The governor places it before the state legislature, along with a memorandum explaining the action taken on the recommendations of the Commission. The memorandum should also contain the reasons for the nonacceptance of any of such recommendations.

(52) SPECIAL OFFICER FOR LINGUISTIC MINORITIES – PART XVII – ARTICLE 350B

Q.1354 Which of the following statements with reference to the Special Officer for Linguistic Minorities is INCORRECT?

- (a) The officer is appointed by the President of India.
- (b) It is a constitutional post.
- (c) Its reports are placed before the Parliament by the President.

- (d) It is an autonomous body and does not operate under any Ministry of Central government.

Solution: (d)

Learning: The Seventh Constitutional Amendment Act of 1956 inserted a new Article 350-B in Part XVII of the Constitution providing for the office.

The Constitution does not specify the qualifications, tenure, salaries and allowances, service conditions and procedure for removal of the Special Officer for Linguistic Minorities.

At the Central level, the Commissioner falls under the Ministry of Minority Affairs. Hence, he submits the annual reports or other reports to the President through the Union Minority Affairs Minister. The President should place all such reports before each House of Parliament and send to the governments of the states concerned.

Q.1355 Consider the following statements about the Special Officer for Linguistic Minorities.

1. Originally the Constitution did not make any provision for it.
2. The Constitution does not mention qualifications for the Office.
3. At the Central level, the Commissioner falls under the Ministry of Minority Affairs.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

The Seventh Constitutional Amendment Act of 1956 inserted a new Article 350-B in Part XVII of the Constitution providing for the office. The article 350B says as follows.

1. There should be a Special Officer for Linguistic Minorities. He is to be appointed by the President of India.
2. It would be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under the Constitution. He would report to the President upon those matters at such intervals as the President may direct.

The Commissioner is assisted at headquarters by Deputy Commissioner and an Assistant Commissioner. He maintains liaison with the State Governments and Union Territories through nodal officers appointed by them. At the Central level, the Commissioner falls under the Ministry of Minority Affairs.

(53) CAG – PART V – ARTICLES 148 TO 151

Q.1356 Apart from Constitutional provisions, which of the following has/have a bearing on the functioning of CAG in India?

- (a) Parliamentary laws
- (b) Supreme Court Judgments
- (c) Instruction of Government of India
- (d) All of the above

Solution: (d)

Learning: Option (a): The Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971 was enacted by the Parliament.

Option (b): For example, in *Arvind Gupta v. UOI*, 2012, the Supreme Court dealt with the powers of CAG to Conduct Performance Audit.

Option (c): For e.g. Clarification was sought by CAG from the government once whether Performance Audit falls within the scope of audit by CAG under the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971. The Department of Economic Affairs instructed that it does

Appointment

Q.1357 Consider the following statements about the Controller general of Accounts (CGA) in India.

1. He is appointed by the President of India.
2. He is the principal accounts adviser to the Union government.
3. Union finance account prepared by him is presented to the Parliament.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) All of the above
(c) 2 and 3 only (d) 1 and 3 only

Solution: (b)

Statement 1: Article 148 says there shall be a Comptroller and Auditor-General of India who shall be appointed by the President by warrant under his hand and seal and shall only be removed from office in like manner and on like grounds as a Judge of the Supreme Court.

The CGA is the principal Accounts Adviser to the Union Government. He is responsible for maintaining and establishing a technically sound management accounting system. Every month he prepares a critical analysis of revenues, expenditures, borrowings and the deficit for Union Finance Minister. He also prepares annual Union Finance Accounts and Appropriation Accounts (Civil) for presentation to the Parliament.

Q.1358 The Comptroller and Auditor General of India is appointed by the President of India based on the advice by

1. Council of Ministers
2. Committee consisting of the Prime Minister, Lok Sabha speaker and Leader of Opposition
3. Former CAG of India

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) 1 only

Solution: (d)

The CAG is appointed by the president of India by a warrant under his hand and seal. The recommendation is passed by the Council of Ministers.

Q.1359 With reference to the Comptroller and Auditor General of India, consider the following statements

1. The reports of the Comptroller and Auditor-General of India relating to the accounts of the States shall be submitted to the president, who shall cause them to be laid before concerned Legislative Assemblies
2. He shall only be removed from office in like manner and on like grounds as a Judge of the Supreme Court

Which of the above statements is/are correct?

- (a) 1 Only (b) 2 Only
(c) Both (d) None

Solution: (b)

Article 148: Comptroller and Auditor-General of India (2) Every person appointed to be the Comptroller and Auditor-General of India shall, before he enters upon his office, make and subscribe before the President or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.

(3) The salary and other conditions of service of the Comptroller and Auditor-General shall be such as may be determined by Parliament by law and, until they are so determined, shall be as specified in the Second Schedule: Provided that neither the salary of a Comptroller and Auditor-General nor his rights in respect of leave of absence, pension or age of retirement shall be varied to his disadvantage after his appointment.

(4) The Comptroller and Auditor-General shall not be eligible for further office either under the Government of India or under the Government of any State after he has ceased to hold his office.

(5) Subject to the provisions of this Constitution and of any law made by parliament, the conditions of service of persons serving in the Indian Audit and Accounts Department and the administrative powers of the Comptroller and Auditor-General shall be such as may be prescribed by rules made by the President after consultation with the Comptroller and Auditor-General.

(6) The administrative expenses of the office of the Comptroller and Auditor-General including all salaries, allowances and pensions payable to or in respect of persons serving in that office, shall be charged upon the Consolidated Fund of India.

149. Duties and Powers of the CAG

150. Form of accounts of the Union and of the States:- The accounts of the Union and of the States shall be kept in such form as the President may, on the advice of the Comptroller and Auditor-General of India, prescribe.

151. Audit Reports:- (1) The reports of the Comptroller and Auditor-General of India relating to the accounts of the Union shall be submitted to the president, who shall cause them to be laid before each House of Parliament.

(2) The reports of the Comptroller and Auditor-General of India relating to the accounts of a State shall be submitted to the Governor of the State, who shall cause them to be laid before the Legislature of the State.

Independence

Q.1360 The Comptroller and Auditor General of India can resign any time from his office by addressing the resignation letter to the president. But, he can also be removed from the office in the same manner as that of

- (a) A member of the UPSC
- (b) A Supreme Court Judge
- (c) Cabinet Secretary
- (d) Chairman, Public Accounts Committee

Solution: (b)

Learning: The CAG is appointed by the president of India by a warrant under his hand and seal. He can be removed by the president on the basis of a resolution passed to that effect by both the Houses of Parliament with special majority, either on the ground of proved misbehaviour or incapacity. Member of UPSC can be removed by the President based on a SC inquiry. It does not require Parliament's approval.

Q.1361 To remove the CAG from his office, which of the following would be absolutely required?

- 1. Resolution passed with special majority by Lok Sabha
- 2. Resolution passed with special majority by Rajya Sabha
- 3. Enquiry by the Supreme Court
- 4. Order of the President

Choose the correct answer using the codes below.

- (a) 1 and 4 only (b) 2, 3 and 4 only
- (c) 1 and 2 only (d) All of the above

Solution: (d)

The CAG holds office for a period of six years or up to the age of 65 years, whichever is earlier. He can resign any time from his office by addressing the resignation letter to the president. He can also be removed by the president on same grounds and in the same manner as a judge of the Supreme Court. In other words, he can be removed by the president on the basis of a resolution passed

to that effect by both the Houses of Parliament with special majority, either on the ground of proved misbehaviour or incapacity.

Q.1362 Consider the following statements about the removal of the CAG:

- 1. He can only be removed after a Supreme Court inquiry in the pertinent case.
- 2. Both the houses need to approve the removal by absolute majority.
- 3. After removal or retirement he is not eligible for any further employment in the Government of India.

Which of these is/are true?

- (a) 1 and 2 (b) 2 and 3
- (c) 1 and 3 (d) All of the above

Solution: (c)

Both the houses need to approve it by a special majority.

He can be removed in the exact same manner and on the same grounds as that of a SC judge.

Q.1363 Consider the following statements about the office of the Comptroller and Auditor General of India (CAG):

Assertion (A): His constitutional status in the Table of precedence is same as that of a Supreme Court Judge.

Reason (R): He can be removed in the same manner as that of a Supreme Court Judge, and his allowances, service conditions and other benefits are at par with the latter.

In the context of the statements above, which of these is true?

- (a) Both A and R are true and R is the correct explanation for A.
- (b) Both A and R are true and R is not the correct explanation for A.
- (c) A is incorrect but R is correct.
- (d) A is correct but R is incorrect.

Solution: (c)

It is important to note that the table of Precedence is not mentioned in the constitution of India. It was issued in a notification in the year 1959 by the Central Government. This table of precedence has no official standing. It is only used in sitting arrangements and honorary protocols during official ceremonies, functions etc.

Therefore, it would not be incorrect to compare his or any other 'constitutional authorities' status with that of other high authorities

Q.1364 Consider the following statements about the Comptroller and Auditor General of India (CAG).

Assertion (A): No minister can represent the CAG in Parliament or be called upon to take any responsibility for any actions done by him.

Reason (R): The CAG is an autonomous body and not appointed by the President or Council of Ministers.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) Both A and R are incorrect.

Solution: (c)

Justification: The CAG is appointed by the president of India by a warrant under his hand and seal. So, R is wrong.

Moreover, the CAG, before taking over his office, makes and subscribes before the president an oath or affirmation.

Ministers don't represent CAG because CAG audits the expenditures sanctioned by the Ministers. If they represent CAG, this will lead to conflict of interest. Further, CAG is a part of the Union Executive. Thus, A is correct and reasonable.

Q.1365 Consider the following statements.

Assertion (A): The Minister of Finance represents the CAG in the Parliament.

Reason (R): CAG was established to ensure the financial accountability of the executive to the legislature.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is incorrect, but R is correct.
- (d) Both A and R are incorrect.

Solution: (c)

Justification: No minister can represent the CAG in Parliament in any of the Houses. Further, no minister can be called upon to take any responsibility for any actions done by CAG.

This is because CAG is independent of the government. The finance minister representing CAG would bring conflict of interest and defeat the very purpose of having an independent financial watchdog.

Functions

Q.1366 The Comptroller and Auditor General of India (CAG) is not concerned with the audit of receipts and expenditure of

- (a) Central Government
- (b) State Government
- (c) Government Companies
- (d) Local Bodies

Solution: (d)

***Justification*:** Option D: Local Bodies Audit reports are prepared by the concerned state Accountant Generals (AGs). On being approved by the CAG, the Local Bodies Audit reports are categorized into two types as 'Tabled in the Legislature' and 'Issued to State Government'. So, D is incorrect.

Option C: Apart from Central and State government, the CAG is also the external auditor of Government-owned corporations and conducts supplementary audit of government companies, i.e., any non-banking/ non-insurance company in which Union Government has an equity share of at least 51 per cent or subsidiary companies of existing government companies. So, the option C is correct.

Q.1367 As per constitutional provisions and CAG's (Duties, Powers and Conditions of Service) act, 1971, the Comptroller and Auditor General of India is authorized to audit which of the following accounts apart from the Consolidated Fund of India?

1. Contingency Fund of India
2. Public Account of India
3. Contingency fund of each state
4. Public account of each state
5. Consolidated fund of each state

Select the correct answer using the codes below.

- (a) 1, 2 and 5 only (b) 1 and 4 only
(c) 5 only (d) 1, 2, 3, 4 and 5

Solution: (d)

Learning: The duties and functions of the CAG as laid down by the Parliament and the Constitution are:

1. He audits the accounts related to all expenditure from the Consolidated Fund of India, consolidated fund of each state and consolidated fund of each union territory having a Legislative Assembly.
2. He audits all expenditure from the Contingency Fund of India and the Public Account of India as well as the contingency fund of each state and the public account of each state.
3. He audits all trading, manufacturing, profit and loss accounts, balance sheets and other subsidiary accounts kept by any department of the Central Government and state governments.
4. He audits the receipts and expenditure of the Centre and each state to satisfy himself that the rules and procedures in that behalf are designed to secure an effective check on the assessment, collection and proper allocation of revenue
5. He also audits government companies.

Q.1368 Consider the following about the duties and responsibilities of the Comptroller and Auditor General of India (CAG).

1. He audits the accounts related to all expenditure from the Consolidated Fund of India and Consolidated fund of each state.
2. He is an *ex officio* member of the Public Accounts Committee guiding its conduct of financial affairs.
3. He is an advisory member of the Department of Economic Affairs suggesting economy cuts in the design of annual budget.

Select the correct answer using the codes below.

- (a) 1 only (b) 3 only
(c) 2 and 3 only (d) 1 and 2 only

Solution: (a)

Justification: Statement 2: He is called by the PAC to help it examine the government expenditure in the last financial year. CAG is not a member of the PAC.

Q.1369 Consider the following statements about the powers and functions of the CAG:

1. The Parliament can reduce the powers of the CAG with only a simple majority in each of the houses.
2. He audits the expenditure both from the Consolidated Fund of India and Contingency fund of India.
3. He can also audit the accounts of a Zila Parishad if provided by the President of India.

Which of these is/are true?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

The Constitution empowers the Parliament under Article 149 to prescribe the powers and duties of the CAG. Accordingly the CAG's (Duties, powers and Conditions of service) act, 1971 was enacted. Thus, the Parliament can reduce the powers of the CAG just by amending the provisions of the bill by a simple majority.

Role

Q.1370 The Comptroller General of India is responsible to

- (a) The Parliament
(b) The Constitution of India
(c) The President of India
(d) Public Accounts Committee of Lok Sabha

Solution: (a)

The role of CAG is to uphold the Constitution of India and the laws of Parliament in the field of financial administration. The accountability of the executive (i.e., council of ministers) to the Parliament in the sphere of financial administration is secured through audit reports of the CAG. The CAG is an agent of the Parliament and conducts audit of expenditure on behalf of the Parliament. Therefore, he is responsible only to the Parliament

Q.1371 What do you understand by 'proprietary audit' of government expenditure by CAG?

1. That the money that has been disbursed was legally available for the applied service or purpose
2. That the money was efficiently deployed in desirable government schemes and wastage of funds was avoided
3. That the public money was not invested to buy speculative and risky assets abroad
4. That the expenditure conforms to the authority that governs it

Select the correct answer using the codes below.

- (a) 2 and 3 only (b) 1 and 4 only
(c) 1 and 2 only (d) 2 and 4 only

Solution: (b)

Justification: Statement 2: This is a part of Performance audit which is discretionary for CAG.

In scrutinising the appropriation accounts and the audit report of CAG on it, the PAC satisfies proprietary audit that:

- the money that has been disbursed was legally available for the applied service or purpose;
- the expenditure conforms to the authority that governs it; and
- every re-appropriation has been made in accordance with the related rules

Q.1372 Apart from the legal and regulatory audit, the CAG can also conduct the propriety audit which means

- (a) It can audit the accounts of the recipients of government spending.
- (b) It can look into the usefulness and appropriateness of government expenditure.
- (c) It can audit the accounts of secret services.
- (d) It can audit the source from where government raises money.

Solution: (b)

Learning: The CAG has 'to ascertain whether money shown in the accounts as having been disbursed was legally available for and applicable to the service or the purpose to which they have been applied or charged and whether the expenditure conforms to the authority that governs it'.

In addition to this legal and regulatory audit, the CAG can also conduct the propriety audit, that is, he can look into the 'wisdom, faithfulness and economy' of government expenditure and comment on the wastefulness and extravagance of such expenditure.

However, unlike the legal and regulatory audit, which is obligatory on the part of the CAG, the propriety audit is discretionary.

Q.1373 The ultimate responsibility of taking due action on the comments of the Comptroller and Auditor General of India (CAG) vests with the

- (a) President of India (b) Supreme Court
(c) Parliament (d) Prime Minister

Solution: (c)

Justification: CAG reports the activities and finances of the government to the PAC of the Parliament. The CAG is like a watchdog of the Parliament. Since it reports executive's activities, the executive cannot initiate due action on its comments. It must be the other wings of the State. So, (a) and (d) are incorrect.

The Supreme Court doesn't generally interfere unless the case is brought to it by a party. So, (b) is incorrect.

It is Parliament that censures the executive in case of any irregularities. However, it must be noted that the executive enjoys a majority in the house, so any disciplinary action may not be taken by the Parliament

Q.1374 Consider a situation where the incumbent executive has been found guilty of financial irregularities based on a CAG report as examined by the Public Accounts Committee. The ultimate responsibility to take appropriate action on this report lies on?

- (a) Prime Minister of India
- (b) President of India
- (c) Parliament
- (d) Supreme Court

Solution: (c)

Every department and official is given information about the amount of funds they have and they have to perform within it - if it goes overboard then they are accountable. These funds are passed by the Parliament/Legislature through voting. The auditing and reporting work is ex post facto as it is not

easy to get the finance back once the Finance Ministry sanctions funds to the departments. So, ultimately Parliament has to hold the executive financially accountable.

(54) ATTORNEY GENERAL (AG) – PART V – ARTICLE 76

Q.1375 Consider the following statements about the office of the Attorney General of India.

1. It has been created by the Constitution of India.
2. The Attorney General (AG) is appointed by the Prime Minister.
3. He must have served as a judge of the Supreme Court in the past.
4. He appears on behalf of the Government of India (GoI) in the cases in Supreme Court in which the GoI is concerned.

Select the correct answer using the codes below.

- (a) 3 and 4 only (b) 1 and 3 only
(c) 1 and 4 only (d) 1, 2, 3 and 4

Solution: (c)

Justification: Statement 1: Article 76 provides for the office of the Attorney General of India.

Statement 2: He is appointed by the President.

Statement 3: He must be a person who is qualified to be appointed a judge of the Supreme Court. He need not have served for it necessarily. Qualifications to be appointed for a SC judge are:

- He must be a citizen of India
- he must have been a judge of some high court for five years or an advocate of some high court for ten years OR an eminent jurist, in the opinion of the president.

Statement 4: He is the highest law officer of the country and represents the government where he is required to. He also represents the Government of India in any reference made by the president to the Supreme Court under Article 143 of the Constitution

Q.1376 Consider the following statements about the Attorney-General of India:

1. He is appointed by the President of India.
2. He must have the same qualifications as are required for a Judge of the Supreme Court.

3. He must be a member of either House of Parliament.
4. He can be removed by impeachment by Parliament.

Which of these statements are correct ?

- (a) 1 and 2 (b) 1 and 3
(c) 2, 3 and 4 (d) 3 and 4

Solution: (a)

Refer previous question explanation.

Q.1377 Consider the following about the office of the Attorney General (AG).

1. Appointed by the president, he must be a person who is qualified to be appointed a judge of the Supreme Court.
2. The term of office of the AG is fixed by the Constitution giving him security of tenure.
3. His office is under the Ministry of Law and Justice and the AG reports the Union Law Minister.

Select the correct answer using the codes below.

- (a) 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) 1 only

Solution: (d)

Justification: Statement 1: In other words, he must be a citizen of India and he must have been a judge of some high court for five years or an advocate of some high court for ten years or an eminent jurist, in the opinion of the president.

Statement 2: The term of office of the AG is not fixed by the Constitution. Further, the Constitution does not contain the procedure and grounds for his removal. He holds office during the pleasure of the president. This means that he may be removed by the president at any time.

Statement 3: During the prime ministership of Jawaharlal Nehru, a proposal was put forward by the Central government that the office of the Attorney General be merged with the office of the law minister. It did not materialise.

Learning: In the performance of his official duties, the Attorney General has the right of audience in all courts in the territory of India.

Further, he has the right to speak and to take part in the proceedings of both the Houses

of Parliament or their joint sitting and any committee of the Parliament of which he may be named a member, but without a right to vote. He enjoys all the privileges and immunities that are available to a member of Parliament.

Q.1378 Consider the following about the Office of Attorney General of India.

1. The Attorney General (AG) is appointed by the president after consultation with the Chief Justice of India.
2. He must be a person who is qualified to be appointed a judge of the Supreme Court.
3. The Constitution does not contain the procedure and grounds for his removal.
4. He may be removed by the president at any time.

Choose the correct answer using the codes below.

- (a) 1 and 4 only (b) 2, 3 and 4 only
(c) 1 and 2 only (d) All of the above

Solution: (b)

Explained in previous answers.

Q.1379 Consider the following statements about the Attorney General.

1. He is a constitutional authority.
2. He comes under the purview of the Right to Information (RTI) Act.
3. He is appointed by the Chief Justice of India.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (a)

Statement 1: article 76

Statement 2: Delhi High Court in its ruling has held that Attorney General of India comes under the ambit of Right to Information (RTI) Act, 2005. Delhi High Court held that

- Attorney General is not merely a lawyer for the government, but is a constitutional authority. This is because functions performed by the AG under Article 76 (2) of the Constitution of India are in the nature of public functions.
- So the office of Attorney General is a public authority and comes under the ambit of section 2(h) of the RTI Act.

Statement 3: He is appointed by President of India

Q.1380 Consider the following statements about the Attorney-General (AG) of India:

1. He must have been either a judge of Supreme or High courts, or an advocate in the High courts.
2. He is guaranteed security of tenure by the constitution of India considering the important duties that he performs.
3. The grounds of removal of the AG are not mentioned in the constitution.

Which of these is/are true?

- (a) Only 3 (b) 2 and 3
(c) 1 and 3 (d) 1 and 2

Solution: (a)

He conventionally resigns with the coming of the new government, other than the one which appointed him.

Q.1381 Consider the following statements.

1. The Attorney General (AG) is not a member of the Central cabinet.
2. Just like the AG, other offices subordinate to AG like Solicitor General and others are provided for by the Constitution.
3. The AG looks after all the legal matters of the Government.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (c)

Statement 1: The AG is not a member of the Central cabinet. There is a separate law minister in the Central cabinet to look after legal matters at the government level.

Statement 2: In addition to the AG, there are other law officers of the Government of India. They are the solicitor general of India and additional solicitor general of India. They assist the AG in the fulfilment of his official responsibilities. It should be noted here that only the office of the AG is created by the Constitution. In other words, Article 76 does not mention about the solicitor general and additional solicitor general.

Statement 3: AG is the highest law officer of the country. He represents government of India in the courts. As the chief law officer of the Government of India, the duties of the AG include the following:

1. To give advice to the Government of India upon such legal matters, which are referred to him by the President.
 2. To perform such other duties of a legal character that are assigned to him by the president.
 3. To discharge the functions conferred on him by the Constitution or any other law.
- The president has assigned the following duties to the AG:

1. To appear on behalf of the Government of India in all cases in the Supreme Court in which the Government of India is concerned.
2. To represent the Government of India in any reference made by the president to the Supreme Court under Article 143 of the Constitution.
3. To appear (when required by the Government of India) in any high court in any case in which the Government of India is concerned.

Rights & Limitations of Auditor General of India

Q.1382 Who among the following can attend the meetings of Rajya Sabha while being not a member of the House?

1. Any MP who is a member of Lok Sabha
 2. Attorney General of India
 3. Comptroller and Auditor General of India
- Select the correct answer using the codes below.

- (a) 1 only (b) 1 and 3 only
(c) 2 only (d) 2 and 3 only

Solution: (c)

Justification: Statement 1: Only Ministers are entitled to attend the meetings of both houses.

Statement 2: Attorney general has right of audience in all courts within the territory of India. He has also the right to speak and take part in proceedings of both the houses of parliament including joint sittings. However, he cannot vote in parliament.

- Further, attorney general can also be made a member of any parliamentary committee but in the committee also, he has no power to vote.
- Attorney General has all the powers and privileges that of a member of parliament.

- Q.1383** Which of these statements regarding the office of Attorney General of India is INCORRECT?
- (a) He has the right to take part in the proceedings of both houses of Parliament.
 - (b) Advocate General of India is subordinate to Attorney General of India.
 - (c) Attorney General of India forms part of the Union Executive.
 - (d) His office does not come under the Union Law ministry.

Solution: (b)

The Union Executive consists of the President, Vice-President, Prime Minister, Council of Ministers and Attorney General of India. The AG is not a member of the Central cabinet. There is a separate law minister in the Central cabinet to look after legal matters at the government level.

In the performance of his official duties, the Attorney General has the right of audience in all courts in the territory of India. Further, he has the right to speak and to take part in the proceedings of both the Houses of Parliament or their joint sitting and any committee of the Parliament of which he may be named a member, but without a right to vote.

Q.1384 Which of the following rights have been granted to the Attorney General of India?

1. Right to take part in the proceedings in any of the houses of Parliament
2. Right to be a member of a Parliamentary Committee
3. Right to all the privileges and immunities granted to the MPs

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

Q.1385 Consider the following statements about the roles, powers and responsibilities of the Attorney General of India.

1. He does not fall in the category of government servants.
2. He enjoys all the privileges and immunities that are available to a Member of Parliament.
3. He is not debarred from private legal practice.
4. He has the right to speak and to take part in the proceedings of both the Houses of

Parliament and any committees thereof where he is a member.

Choose the correct answer using the codes below.

- (a) 1 and 4 only (b) 2, 3 and 4 only
(c) 1 and 2 only (d) All of the above

Solution: (d)

Following limitations are placed on the Attorney General in order to avoid any complication and conflict of duty:

1. He should not advise or hold a brief against the Government of India.
2. He should not advise or hold a brief in cases in which he is called upon to advise or appear for the Government of India.
3. He should not defend accused persons in criminal prosecutions without the permission of the Government of India.
4. He should not accept appointment as a director in any company or corporation without the permission of the Government of India.

However, the Attorney General is not a full-time counsel for the Government. He does not fall in the category of government servants. Further, he is not debarred from private legal practice.

Q.1386 Consider the following statements about the rights and limitations of the Attorney-General of India:

1. He has the right to speak and take part in the proceedings of both the houses of the Parliament.
2. He enjoys all the privileges and immunities that are available to a Member of Parliament.
3. He cannot advise or hold a brief against the Government of India.

Which of these is/are true?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

Solicitor General of India

Q.1387 Consider the following statements about the office of the Solicitor General of India:

1. The office is created by the constitution of India.
2. He looks after the legal matters of the Central government and assists the Central Cabinet in the discharge of its duties.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None of the above

Solution: (d)

Only the office of the AG is created by the constitution. Looking after the legal matters is the responsibility of the law ministry.

(55) ADVOCATE GENERAL IN THE STATE – PART VI – ARTICLE 165

Q.1388 The Advocate General in the State

1. is appointed by the President in consultation with the Chief Justice of High Court
2. is the Chief Law officer of the Government
3. may not be a citizen of India.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) All of the above

Solution: (b)

The advocate general is appointed by the governor. He must be a person who is qualified to be appointed a judge of a high court. In other words, he must be a citizen of India and must have held a judicial office for ten years or been an advocate of a high court for ten years.

As the chief law officer of the government in the state, the duties of the advocate general include the following:

1. To give advice to the government of the state upon such legal matters which are referred to him by the governor.
2. To perform such other duties of a legal character that are assigned to him by the governor.
3. To discharge the functions conferred on him by the Constitution or any other law.
4. In the performance of his official duties, the advocate general is entitled to appear before any court of law within the state.

Q.1389 Consider the following statements about the Advocate General in the states of India:

Assertion (A): While he is appointed by the Governor of the state, he can be removed only by the President of India.

Reason (R): He has the same constitutional status as that of the Chairman of the State Public Service Commission.

In the context of the statements above, which of these is true?

- (a) Both A and R are true and R is the correct explanation for A.
- (b) Both A and R are true and R is not the correct explanation for A.
- (c) A is incorrect but R is correct.
- (d) None of the above

Solution: (d)

He is both appointed and removed by the Governor of the state.

There is nothing like higher or lower constitutional status. Even the Table of Precedence is not about constitutional status or importance of that particular office

NON-CONSTITUTIONAL BODIES

(56) NITI AYOOG

Q.1390 Who among the following is/are the member(s) of NITI Aayog?

1. Chief Ministers of all States
2. Chief Minister of UTs (with legislature)
3. Nominated Union Cabinet Ministers
4. Union Secretary of Defence, Finance, Planning and Home
5. State Finance Ministers

Choose the correct answer using the codes below.

- (a) 1, 2 and 5 only
- (b) 1, 3, 4 and 5 only
- (c) 3 only
- (d) 1, 2 and 3 only

Solution: (c)

The NITI Aayog comprises the following:

1. Prime Minister of India as the Chairperson
2. Governing Council comprising the Chief Ministers of all the States and union territories with legislature and lieutenant governors of other Union Territories
3. Regional Councils
4. Experts, specialists and practitioners with relevant domain knowledge as special invitees nominated by the Prime Minister
5. Full-time organizational framework (in addition to Prime Minister as the Chairperson) comprising
 1. Vice-Chairperson: Arvind Panagariya
 2. Members: Two (2) Full-time
 3. Part-time members: Maximum of two from leading universities research organizations and other relevant institutions in an ex-officio capacity. Part-time members will be on a rotational basis
 4. Ex Officio members: Maximum of four members of the Union Council of Ministers to be nominated by the Prime Minister
 5. Chief Executive Officer: To be appointed by the Prime Minister for a fixed tenure, in the rank of Secretary to the Government of India.
 6. Secretariat as deemed necessary

Q.1391 Which of the following statements is/are correct about NITI aayog?

1. A serving IES officer can become a part time member of Niti Aayog.

2. A union minister can become a full time members of Niti Aayog

- (a) Only 1 (b) Only 2
(c) Both (d) None

Solution: (d)

- Maximum of two from leading universities research organizations and other relevant institutions can become part-time members of Niti Aayog on rotational basis.
- Maximum of four members of the Union Council of Ministers to be nominated by the Prime Minister can become Ex-officio members of Niti Aayog.

Q.1392 Which of the following are functions of NITI Aayog?

- 1) Fostering cooperative federalism
- 2) Platform for resolution of intersectoral and inter-departmental issues
- 3) Instrument to bring outside ideas into policy-making

- (a) 1, 3 (b) 1, 2
(c) 2, 3 (d) All of the above

Solution: (d)

Apart from above NITI Aayog's functions are:

- To maintain a state-of-the-art Resource Centre, be a repository of research on good governance and best practices in sustainable and equitable development as well as help their dissemination to stakeholders
- To offer a platform for resolution of inter-sectoral and inter departmental issues in order to accelerate the implementation of the development agenda.
- To create a knowledge, innovation and entrepreneurial support system through a collaborative community of national and international experts, practitioners and other partners.
- To be the instrument through which ideas from outside are incorporated into policy-making

Q.1393 Which of the following are functions of NITI Aayog?

- 1) To formulate credible plans at the village level
- 2) Partnerships with National and International Think Tanks

3) To focus on technology upgradation and capacity building for implementation of programmes and initiatives

- (a) 1, 3 (b) 1, 2
(c) 2, 3 (d) All of the above

Solution: (d)

Apart from above NITI Aayog's functions are:

- To develop mechanisms to formulate credible plans at the village level and aggregate these progressively at higher levels of government
- To pay special attention to the sections of our society that may be at risk of not benefitting adequately from economic progress
- To ensure, on areas that are specifically referred to it, that the interests of national security are incorporated in economic strategy and policy
- Feedback for constant innovative improvements
- To mainstream external ideas into Government policies, through collaboration with national and international experts;
- To be the Government's link to the outside world, outside experts and practitioners;

(57) NHRC – NATIONAL HUMAN RIGHTS COMMISSION

Q.1394 Consider the following about National Human Rights Commission.

1. The Commission is independent of the government.
2. It is a constitutional authority.
3. Its recommendations are binding on the courts but not government.
4. There is no fee to approach the NHRC.

Select the correct answer using the codes below.

- (a) 1 only (b) 1 and 4 only
(c) 1, 3 and 4 only (d) 2 and 3 only

Solution: (b)

Explanation: The NHRC cannot by itself punish the guilty. That is the responsibility of courts. The NHRC is there to make independent and credible inquiry into any case of violation of human rights. Thus, its

recommendations are not binding on neither the courts nor the government. Statement 3 is incorrect.

The commission has been established by law as autonomous of the government, and not by the constitution, so statement 2 is wrong, and 1 is correct.

Any citizen of India can write a letter to the NHRC to complain against the violation of human rights. There is no fee or any formal procedure to approach the NHRC. So, the statement 4 is correct.

- Q.1395** Consider the following statements about the National Human Rights Commission (NHRC):
1. It is a non-constitutional and a non-statutory body.
 2. NHRC cannot be dictated by the Union government while looking into cases of human rights violations.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None of the above

Solution: (b)

NHRC works independently of the Government. It was established under a legislation enacted by the Parliament, namely, the Protection of Human Rights Act, 1993. The Act was amended in 2006

Appointment

- Q.1396** The chairman and members of National Human Rights Commission (NHRC) are appointed by the president on the recommendations of a six-member committee. The committee does NOT include

- (a) Deputy Chairman of the Rajya Sabha
(b) Union Home Minister
(c) Leaders of the Opposition in both the Houses of Parliament
(d) Chief Justice of India

Solution: (d)

Learning: The six-member committee consists of the

- prime minister as its head
- Speaker of the Lok Sabha
- Deputy Chairman of the Rajya Sabha
- leaders of the Opposition in both the Houses of Parliament
- Central home minister

Further, a sitting judge of the Supreme Court or a sitting chief justice of a high court can be appointed only after consultation with the chief justice of India.

The committee does not include the CJI. So, D is the answer.

The chairman and members hold office for a term of five years or until they attain the age of 70 years, whichever is earlier. After their tenure, the chairman and members are not eligible for further employment under the Central or a state government

- Q.1397** The chairman and members of National Human Rights Commission (NHRC) are appointed by the president on the recommendations of a six-member committee consisting of the

1. Chief Justice of India as its head
2. Speaker of the Lok Sabha
3. Leaders of the Opposition in both the Houses of Parliament
4. Two renowned human rights activists

Select the correct answer using the codes below.

- (a) 2 and 3 only (b) 1, 3 and 4 only
(c) 1 and 4 only (d) 1, 2, 3 and 4

Solution: (a)

Please refer previous question

Composition

- Q.1398** The NHRC is a multi-member body consisting of a chairman and four members. Apart from the full-time members, the commission also has four ex-officio members which are

1. Union Minister for Minority Affairs
2. Chairman of the National Commission for Minorities
3. Chairman of the National Commission for Women
4. Chairperson, United Nations Human Rights Commission (UNHRC) South Asia Division

Select the correct answer using the codes below.

- (a) 2 and 3 only (b) 2, 3 and 4 only
(c) 1 and 4 only (d) 1, 2, 3 and 4

Solution: (a)

Learning: The chairman should be a retired chief justice of India, and members should

be serving or retired judges of the Supreme Court, a serving or retired chief justice of a high court and two persons having knowledge or practical experience with respect to human rights.

In addition to these full-time members, the commission also has four *ex officio* members—the chairmen of the National Commission for Minorities, the National Commission for SCs, the National Commission for STs and the National Commission for Women.

Q.1399 Consider the following statements about the composition of the NHRC:

1. The Chairman of the NHRC must be a retired Chief Justice of India.
2. The members can be serving judges in the Supreme Court.
3. The National Commission of women (NCW) is also represented in the NHRC.

Which of these is/are correct?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

Explained in previous question.

Q.1400 The Chairman and members of the National Human Rights Commission (NHRC) should be

- (a) Retired chief justice of India; and Serving judges of the Supreme Court
- (b) Retired chief justice of India; and Serving or retired judges of the Supreme Court
- (c) Serving chief justice of India; and Serving or retired judges of the Supreme Court or Chief Justice of High Court
- (d) Retired chief justice of India; and Serving or retired judges of the Supreme Court or Chief Justice of High Court; and persons having knowledge or practical experience with respect to human rights

Solution: (d)

Q.1401 Consider the following statements regarding the National Human Rights Commission of India:

1. Its Chairman must be a retired Chief Justice of India.
2. It has formations in each state as State Human Rights Commission.
3. Its powers are only recommendatory in nature.

4. It is mandatory to appoint a woman as a member of the Commission.

Which of the above statements are correct?

- (a) 1, 2, 3 and 4 (b) 2 and 4
(c) 1, 2 and 3 (d) 1 and 3

Solution: (c)

It is necessary to appoint women members in National Commission for women and Child Welfare Committees etc. there is no such provision in NHRC

Removal

Q.1402 The Chairman of NHRC can be removed on the same grounds and procedure as that of the

- (a) Chairman, UPSC
- (b) CAG
- (c) Member, Election Commission of India
- (d) Judge, High Court

Solution: (a)

The president can remove the chairman or any member from the office under the following circumstances:

- If he is adjudged an insolvent; or
- If he engages, during his term of office, in any paid employment outside the duties of his office; or
- If he is unfit to continue in office by reason of infirmity of mind or body; or
- If he is of unsound mind and stand so declared by a competent court; or
- If he is convicted and sentenced to imprisonment for an offence.

In addition to these, the president can also remove the chairman or any member on the ground of proved misbehaviour or incapacity. However, in these cases, the president has to refer the matter to the Supreme Court for an inquiry. If the Supreme Court, after the inquiry, upholds the cause of removal and advises so, then the president can remove the chairman or a member.

Powers & Functions

Q.1403 The National Human Rights Commission is authorized to

1. Enquire *suo motu* in cases of human rights violation
2. Intervene in a proceeding involving allegation of human rights pending before a court of India

3. Take action against those guilty of human rights violation
 4. Tender constitutional interpretations of human rights provisions in the Constitution when requested by President
- Choose the correct answer using the codes below.
- (a) 1 and 2 only (b) 2 and 4 only
(c) 1 and 3 only (d) 2 and 3 only

Solution: (a)

The functions of the Commission are, inter alia:

- To inquire into any violation of human rights or negligence in the prevention of such violation by a public servant, either suo motu or on a petition presented to it or on an order of a court.
- To intervene in any proceeding involving allegation of violation of human rights pending before a court.
- To visit jails and detention places to study the living conditions of inmates and make recommendation thereon.
- To review the constitutional and other legal safeguards for the protection of human rights and recommend measures for their effective implementation.
- To review the factors including acts of terrorism that inhibit the enjoyment of human rights and recommend remedial measures.
- To study treaties and other international instruments on human rights and make recommendations for their effective implementation.

Q.1404 The powers, functions and objectives of the National Human Rights Commission include

1. To look into allegations of excesses of human rights independently of the government
2. To intervene in any proceeding involving allegation of violation of human rights pending before a court in India
3. To administer and supervise prisons and associated officials
4. To enter into human right related international agreements with foreign governments and such bodies on behalf of the government

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 3 and 4 only
(c) 1, 3 and 4 only (d) 1, 2, 3 and 4

Solution: (a)

Justification: Statement 1 & 2: explained in previous question

Statement 3: It visits jails and detention places to study the living conditions of inmates and make recommendation thereon. It does not administer them.

Statement 4: The commission is the watchdog of human rights in the country, of rights guaranteed by the Constitution or embodied in the international covenants and enforceable by courts in India. It does not enter into such agreements with foreign nations.

Q.1405 Consider the following statements about the powers of the NHRC:

Assertion (A): The NHRC can prosecute the persons found guilty for grave violation of human rights.

Reason (R): It has all the powers of a regular court in India and its proceedings have a judicial character.

In the context of the statements above, which of these is true?

- (a) Both A and R are true and R is the correct explanation for A.
(b) Both A and R are true and R is not the correct explanation for A.
(c) A is incorrect but R is correct.
(d) Both A and R are incorrect

Solution: (d)

It does not have powers of a regular court but only that of a civil court. The basic point to note is that it can only enquire and recommend prosecution, not actually punish the offenders.

Q.1406 Consider that the NHRC has just now completed inquired into a case of women trafficking in India due to gross neglect by a public servant. Which of the following actions can be taken by it?

1. Imposing a punishment on the guilty public servant
2. recommending to the concerned government or authority the initiation of proceedings for prosecution

3. approaching the Supreme Court or the high court concerned for the necessary directions, orders or writs

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (b)

The commission is not empowered to inquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed. In other words, it can look into a matter within one year of its occurrence. The commission may take any of the following steps during or upon the completion of an inquiry:

1. it may recommend to the concerned government or authority to make payment of compensation or damages to the victim;
2. it may recommend to the concerned government or authority the initiation of proceedings for prosecution or any other action against the guilty public servant;
3. it may recommend to the concerned government or authority for the grant of immediate interim relief to the victim;
4. it may approach the Supreme Court or the high court concerned for the necessary directions, orders or writs.

Q.1407 Consider the following about the National Human Rights Commission (NHRC).

1. It can be headed only by the serving Chief Justice of India.
2. It can start an inquiry at its own initiative on a human rights violation issue.
3. It undertakes and promoting research in the field of human rights.
4. The commission does not have the power of prosecution.

Select the correct answer using the codes below.

- (a) 1 and 4 only
(b) 2 and 3 only
(c) 2, 3 and 4 only
(d) 1, 2, 3 and 4 only

Solution: (c)

Justification: Statement 1, 2 & 3: explained in previous questions

Statement 4: The commission does not have the power of prosecution. It can merely make recommendations to the government or recommend to the courts to initiate proceedings based on the inquiry that it conducts.

Q.1408 The NHRC is vested with which of the following powers under the Protection of Human Rights Act, 1993?

1. *Suo motu* inquiry
2. Power to regulate its own procedure
3. Powers of Civil Court
4. Powers to utilise the services of any officer or investigation agency of the Central government or any state government

Choose the correct answer using the codes below.

- (a) 1 and 3 only (b) 2, 3 and 4 only
(c) 1 and 2 only (d) All of the above

Solution: (d)

The commission's headquarters is at Delhi and it can also establish offices at other places in India. It is vested with the power to regulate its own procedure. It has all the powers of a civil court and its proceedings have a judicial character. It may call for information or report from the Central and state governments or any other authority subordinate thereto.

The commission has its own nucleus of investigating staff for investigation into complaints of human rights violations. Besides, it is empowered to utilise the services of any officer or investigation agency of the Central government or any state government for the purpose. It has also established effective cooperation with the NGOs with first-hand information about human rights violations. NHRC can inquire into any violation of human rights or negligence in the prevention of such violation by a public servant, either *suo motu* or on a petition presented to it or on an order of a court.

Q.1409 The Human Rights (Amendment) Act, 2006 brought which of these important changes in the functioning and/or composition of the National Human Rights Commission?

1. It empowered the NHRC to transfer complaints received by it to the concerned the State Human Rights Commission (SHRC).

2. It declared that Chairperson of the National Commission for the Scheduled Castes shall be deemed to be a member of the NHRC.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: It brought amendments in the Protection of Human Rights Act, 1993, relate to the following important issues (only few listed here):

- Changing the eligibility condition for appointment of member of SHRCs
- Strengthening the investigative machinery available with Human Rights Commissions
- Empowering the Commissions to recommend award of compensation, etc. even during the course of enquiry
- Empowering the NHRC to undertake visits to jails even without intimation to the state governments
- Enabling the NHRC to transfer complaints received by it to the concerned SHRC
- Providing that the Chairperson of the National Commission for the Scheduled Castes and the Chairperson of the National Commission for the Scheduled Tribes shall be deemed to be members of the NHRC
- Enabling the Central Government to notify future international covenants and conventions to which the Act would be applicable

Human Rights Court

Q.1410 Consider the following statements:

1. Lawfully, there should be a Human Rights Court in every district of India.
2. The NHRC has limited jurisdiction in the cases of human rights violation even by the Central Reserved Police Force (CRPF).

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None of the above

Solution: (c)

CRPF is a para-military force. It is included in the definition of “armed forces” under the

Protection of Human Rights Act. The NHRC has limited jurisdiction in human rights violations by the armed forces.

(58) SHRC – STATE HUMAN RIGHTS COMMISSION

Q.1411 Which of the following provisions ensure the independence of the State Human Rights Commission (SHRC) from the government?

1. After their tenure, the Chairman and the members are not eligible for further employment under both the Central and State Governments.
2. The Chairman of the SHRC can be removed in the same manner and grounds as that of the High Court judges.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None of the above

Solution: (a)

For removing the members of the SHRC or the NHRC, only an enquiry by the Supreme Court is required. The removal does not require a special majority in the Parliament as is the case for high court judges.

Giving the lure of employment in any of the governments can hurt the independence of the commission. Hence, it protects their independence.

(59) CIC – CENTRAL INFORMATION COMMISSION

Q.1412 Consider the following statements about the Central Information Commission (CIC):

1. It is a body independent of the Union government as far as its powers and functioning is concerned.
2. It is a statutory body as it is formed under the provisions of the Right to Information (RTI) Act, 2005.
3. This body also deals with the complaints pertaining to information sought under the RTI

Act forwarded from the Union Territories.

Which of these is/are correct?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

Statement 2: RTI act, 2005 provides for the establishment of CIC at centre and state information commissioner at the state. Hence it is statutory body.

Statement 1: CIC is independent body as it is *quasi-judicial* body and its members can be removed only on the provisions provided in the act

Statement 3: CIC is authorized under the act to look into the complaints pertaining to information sought under the act like delay in providing the information, charging exorbitant charges, providing false information etc.

Q.1413 Consider the following statements.

Assertion (A): The Central Information Commission is not a constitutional body.

Reason (R): It has been established under the provisions of the Right to Information Act (2005).

In the context of the statements above, which of these is true?

- (a) A and R both are true, and R is the correct explanation for A.
- (b) A and R both are true, and R is the NOT the correct explanation for A.
- (c) A is correct, R is incorrect.
- (d) A and R both are incorrect.

Solution: (a)

The Central Information Commission (CIC) set up under the Right to Information Act is the authorised body, established in 2005, under the Government of India to act upon complaints from those individuals who have not been able to submit information requests to a Central Public Information Officer or State Public Information Officer due to either the officer not having been appointed, or because the respective Central Assistant Public Information Officer or State Assistant Public Information Officer refused to receive the application for information under the RTI

Act. It was constituted through an Official Gazette Notification under the provisions of the Right to Information Act (2005). Hence, it is not a constitutional body.

Q.1414 The Central Information Commission is a/an

- (a) high-powered independent body which inter alia looks into the complaints made to it and decide the appeals

- (b) body that comes under Ministry of Information & Broadcasting, which inter alia looks into the complaints forwarded to it by the Ministry and decide the appeals
- (c) independent body that refers to complaints only submitted to it by the Department of Public Grievances
- (d) quasi-judicial body that is supervised by one of the special benches of the Supreme Court, and works independently of the Government of India

Solution: (a)

It is an independent body which inter alia looks into the complaints made to it and decide the appeals. It entertains complaints and appeals pertaining to offices, financial institutions, public sector undertakings, etc., under the Central Government and the Union Territories.

The Department of Administrative Reforms and Public Grievances is the nodal agency of the Government of India for administrative reforms as well as redressal of public grievances relating to the states in general and those pertaining to Central Government agencies in particular.

Appointment

Q.1415 The members of the Central Information Commission are appointed by the President on the recommendation of a committee consisting of

- 1. Prime Minister
- 2. Chief Justice of India
- 3. Chief Information Commissioner

Select the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 only
- (d) 1, 2 and 3

Solution: (c)

Learning: They are appointed by the President on the recommendation of a committee consisting of

- 1. the Prime Minister as Chairperson
- 2. the Leader of Opposition in the Lok Sabha or single largest party
- 3. Union Cabinet Minister nominated by the Prime Minister.

They should be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

Q.1416 Who among the following do NOT form part of the selection committee that recommends appointment of the Central Information Commissioner (CIC) and other members?

- (a) Chief Justice of India
- (b) Speaker, Lok Sabha
- (c) Leader of Opposition in the Lok Sabha
- (d) Both (b) and (c)

Solution: (d)

Explained in previous answer

Q.1417 Who among the following is eligible to become the Chief Information Commissioner?

- (a) Member of Parliament
- (b) Member of Board of Directors of a Private bank
- (c) A lawyer employed by a private company
- (d) None of the above is eligible.

Solution: (d)

Justification: The CIC/IC shall not be a Member of Parliament or Member of the Legislature of any State or Union Territory. He shall not hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

Removal

Q.1418 A news channel proves with conclusive evidence that a member of the Central Information Commission has indulged in corrupt practices. The appeal for his removal reaches the Central government. How can the member be removed?

- (a) The Prime Minister may end his contract on an enquiry conducted by the Cabinet Secretariat.
- (b) The Parliament passes an impeachment motion by a simple majority.
- (c) The Chief Information Commissioner may remove his from his office.
- (d) None of the above

Solution: (d)

Learning: The President can remove the Chief Information Commissioner or any

Information Commissioner from the office under the following circumstances:

- 1. if he is adjudged an insolvent; or
- 2. if he has been convicted of an offence which (in the opinion of the President) involves a moral turpitude; or
- 3. if he engages during his term of office in any paid employment outside the duties of his office etc.

In addition to these, the President can also remove the Chief Information Commissioner or any Information Commissioner on the ground of proved misbehaviour or incapacity. However, in these cases, the President has to refer the matter to the Supreme Court for an enquiry. If the Supreme Court, after the enquiry, upholds the cause of removal and advises so, then the President can remove him.

Powers and Functions

Q.1419 While inquiring, the Central Information Commission (CIC) may enjoy the powers of a civil court. Which of these statement(s) supports the above assertion?

- 1. All public records asked for must be given to the Commission during inquiry for examination.
- 2. The RTI Act designates the CIC as a Central tribunal in the discharge of its functions.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (a)

Justification: The CIC functions as a quasi-judicial authority. But, the RTI Act does not make it either a tribunal or a judicial authority. So, the statement 2 is wrong.

It has the powers of a civil court in several matters. It can also order *suo motu* inquiry.

During the inquiry of a complaint, the Commission may examine any record which is under the control of the public authority and no such record may be withheld from it on any grounds.

In other words, all public records must be given to the Commission during inquiry for examination.

Q.1420 Consider the following statements.

Assertion (A): The Commission can order *suo motu* inquiry into matters related to RTI Act if there are reasonable grounds.

Reason (R): The RTI Act 2005 declares the CIC to be a “Judicial authority”.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) Both A and R are incorrect.

Solution: (c)

As explained in previous question

Composition – qualification – appointment-removal

Q.1421 Consider the following statements about the Composition of the Central Information Commission (CIC);

- 1. Union Home Minister is invariably a member of the committee which recommends the appointment of the CIC to the President of India.
- 2. The RTI Act mentions the qualifications of the CIC.
- 3. The CIC must necessarily have been a public servant served for a period of at least 10 years under the Government of India.

Which of these is/are correct?

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 3
- (d) Only 2

Solution: (d)

The CIC should be a person of eminence in public life with wide knowledge and experience in law, science and technology etc. He need not necessarily be a public servant.

Q.1422 Consider the following statements about the Central Information Commission (CIC).

- 1. The CIC consists of a Chairperson and two other members.
- 2. MPs and MLAs are eligible to become members of the CIC.
- 3. The Chairperson should be an eminent justice in the opinion of

the President or eligible to be a Supreme Court Judge.

Choose the correct answer from the codes below.

- (a) 1 and 2 only
- (b) 2 and 3 only.
- (c) 3 only
- (d) None of the above.

Solution: (d)

The Commission consists of a Chief Information Commissioner and not more than ten Information Commissioners. They are appointed by the President on the recommendation of a selection committee.

They should be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance. They should not be a Member of Parliament or Member of the Legislature of any State or Union Territory. They should not hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

Q.1423 The Chief Information Commissioner is appointed by a selection committee consisting of

- 1. Union Home Minister
- 2. Union Law Ministry
- 3. Chief Justice of India
- 4. Lok Sabha Speaker
- 5. Leader of Opposition, Rajya Sabha

Choose the correct answer using the codes below.

- (a) 1, 4 and 5 only
- (b) All of the above
- (c) None of the above
- (d) 2, 3 and 4 only

Solution: (c)

They are appointed by the President on the recommendation of a committee consisting of the Prime Minister as Chairperson, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister. They should be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

Powers and Functions

Q.1424 The Central Information Commission of India performs which of the following kind of tasks?

1. Quasi-judicial
2. Delegated legislation
3. Administrative

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 3 only

Solution: (c)

It is a quasi-judicial body since it decides and disposes complaints relating to the RTI Act.

It does not do delegated legislation because that would mean it is framing rules and regulations. It only enforces the existing rules and regulations pertaining to the RTI act.

It is also an administrative body as it provides information services to citizens of India.

Q.1425 Consider the following statements about the powers and functions of the CIC:

1. The CIC can order *suo motu* inquiry into a relevant matter on reasonable grounds.
2. The CIC can admit a complaint where wrong or misleading information to the appellant has been provided.
3. It is the duty of the CIC to admit a complaint where the appellant has not been able to submit an information request because of non-appointment of the information officer.

Which of these is/are correct?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

Refer to the powers and functions of the CIC in Laxmikanth's previous edition. The RTI Act mentions the powers and functions of the CIC.

Q.1426 Consider the following about the power of inquiry of the Central Information Commission. The CIC

1. can exercise *suo motu* inquiry powers
2. has powers similar to a civil court during inquiry
3. may examine any record which is under the control of the public authority

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

The Commission can order inquiry into any matter if there are reasonable grounds (*suo motu* power). While inquiring, the Commission has the powers of a civil court in respect of the following matters:

- summoning and enforcing attendance of persons and compelling them to give oral or written evidence on oath and to produce documents or things; requiring the discovery and inspection of documents;
- receiving evidence on affidavit;
- requisitioning any public record from any court or office;
- issuing summons for examination of witnesses or documents; and
- any other matter which may be prescribed.

During the inquiry of a complaint, the Commission may examine any record which is under the control of the public authority and no such record may be withheld from it on any grounds. In other words, all public records must be given to the Commission during inquiry for examination

(60) SIC – STATE INFORMATION COMMISSION

Q.1427 Consider the following statements.

Assertion (A): The State Information Commissions are extra-statutory bodies.

Reason (R): States constitute Information Commission by official gazette notifications.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
(b) A is correct, but R is not an appropriate explanation of A.
(c) A is incorrect, but R is correct.
(d) Both A and R are incorrect.

Solution: (c)

Justification: The Right to Information Act of 2005 provides for the creation of not only the Central Information Commission but also a State Information Commission

at the state level. Accordingly, all the states have constituted the State Information Commissions through Official Gazette Notifications.

Learning: The State Information Commission is a high-powered independent body which *inter alia* looks into the complaints made to it and decide the appeals.

It entertains complaints and appeals pertaining to offices, financial institutions, public sector undertakings, etc. under the concerned state government.

Q.1428 The Chief State Information Commissioner can be removed by

- (a) the State Governor after an enquiry by the Supreme Court upholds the cause of removal
- (b) the State Governor after an enquiry by the High Court upholds the cause of removal
- (c) the President after an enquiry by the Supreme Court upholds the cause of removal
- (d) the President after an enquiry by a Parliamentary Committee upholds the cause of removal

Solution: (a)

The State Chief Information Commissioner and a State Information Commissioner hold office for a term of 5 years or until they attain the age of 65 years, whichever is earlier. They are not eligible for reappointment.

The Governor can remove the State Chief Information Commissioner or any State

Information Commissioner from the office under the following circumstances:

1. If he is adjudged an insolvent; or
2. if he has been convicted of an offence which (in the opinion of the Governor) involves a moral turpitude; or
3. if he engages during his term of office in any paid employment outside the duties of his office; or
4. if he is (in the opinion of the Governor) unfit to continue in office due to infirmity of mind or body or
5. if he has acquired such financial or other interest as is likely to affect prejudicially his official functions.

In addition to these, the Governor can also remove the State Chief Information Commissioner or any State Information Commissioner on the ground of proved misbehaviour or incapacity. However, in these cases, the Governor has to refer the matter to the Supreme Court for an enquiry. If the Supreme Court, after the enquiry, upholds the cause of removal and advises so, then the Governor can remove him.

(61) CVC – CENTRAL VIGILANCE COMMISSION

Q.1429 Which of the following is/are limitations on the authority and power of Central Vigilance Commission (CVC)?

1. CVC is only an advisory body.
2. CBI is under the administrative control of CVC, but it cannot direct CBI to initiate any inquiry on its own.
3. CVC does not have powers to register criminal case.
4. CVC is appointed by the Prime Minister without consulting any collegium as in case of other autonomous bodies.

Select the correct answer using the codes below.

- (a) 1 and 3 only (b) 2 and 3 only
(c) 1, 2 and 3 only (d) 1, 2 and 4 only

Solution: (a)

Justification: Statements 1 and 2: Central Government Departments are free to either accept or reject CVC's advice in corruption cases. It is only an advisory body. So, 1 is correct.

Statement 2: The CVC has supervisory powers over CBI. However, the CVC does not have the power to call for any file from CBI or to direct CBI to investigate any case in a particular manner.

CBI is under administrative control of Department of Personnel and Training (DoPT). This means that, the powers to appoint, transfer, suspend CBI officers lie with DoPT. So, the statement 2 is incorrect.

Appointment

- Q.1430** The Central Vigilance Commissioner and the Vigilance Commissioners are appointed by the President after obtaining the recommendation of a Committee consisting of
- Prime Minister of India, Minister of Home Affairs, Speaker and Chairman of Lok Sabha and Rajya Sabha and Senior judges of Supreme Court
 - Prime Minister of India, Speaker of Lok Sabha and Senior judges of Supreme Court
 - Minister of Home Affairs, Leader of Opposition Lok Sabha and Chief Justice of India
 - Prime Minister of India, Minister of Home Affairs and Leader of Opposition Lok Sabha

Solution: (d)

Learning: The Commission consists of a Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (members).

The Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed by the President on recommendation of a Committee consisting of

- the Prime Minister (Chairperson)
- the Minister of Home Affairs (Member)
- Leader of the Opposition in the House of the People (Member).

The term of office of the Central Vigilance Commissioner and the Vigilance Commissioners would be four years from the date on which they enter their office or till they attain the age of 65 years, whichever is earlier.

The Commission, while conducting the inquiry, shall have all the powers of a Civil Court with respect to certain aspects.

- Q.1431** Consider the following statements about the appointment of CVC.
- He is appointed by the President.
 - The recommendation of the nominee of the post comes from the Council of Ministers.
 - Appointment of CVC cannot be challenged in court.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1 only

Solution: (d)

Explained in previous question.

Removal

- Q.1432** Consider the following procedures.
- President referring the matter to the Lok Sabha.
 - Inquiry by the Supreme Court.
 - Parliament passes the motion by a simple majority in both the houses.

Which of the following procedures are followed in the removal of CVC. Choose the order that is chronological from the ones given below.

- (a) 123 (b) 213
(c) 2 only (d) 13 only

Solution: (c)

The president can also remove the Central Vigilance Commissioner or any vigilance commissioner on the ground of proved misbehaviour or incapacity. However, in these cases, the president has to refer the matter to the Supreme Court for an enquiry.

If the Supreme Court, after the enquiry, upholds the cause of removal and advises so, then the president can remove him. He is deemed to be guilty of misbehaviour, if he

- is concerned or interested in any contract or agreement made by the Central government, or
- participates in any way in the profit of such contract or agreement or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company

Powers & Functions

- Q.1433** The Government of India has authorized which of the following as the “Designated Agency” to receive written complaints for disclosure on any allegation of corruption or misuse of office?
- National Investigation Agency
 - Central Bureau of Investigation

- (c) Central Vigilance Commission
- (d) Anti-Corruption Bureau

Solution: (c)

Learning: In 2004, the Government of India authorised the CVC as the “Designated Agency” for the above. It can also recommend appropriate action.

The CVC is conceived to be the apex vigilance institution, free of control from any executive authority, monitoring all vigilance activity under the Central Government and advising various authorities in Central Government organisations in planning, executing, reviewing and reforming their vigilance work.

Q.1434 Consider the following statements about the Central Vigilance Commission (CVC).

1. It has been authorized as the designated agency to receive written complaints for disclosure on allegations of corruption in Central government.
2. It has been empowered to take appropriate disciplinary action including suspension against erring public servants in cases of misuse of office.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (a)

Justification: Statements 1 and 2: In 2004, the Government of India authorised the CVC as the “Designated Agency” for the above. But, it can only recommend appropriate action, and not take it on behalf of the government.

Learning: The CVC is conceived to be the apex vigilance institution, free of control from any executive authority, monitoring all vigilance activity under the Central Government and advising various authorities in Central Government organisations in planning, executing, reviewing and reforming their vigilance work.

- CVC has the responsibility to exercise superintendence over the functioning of Delhi Special Police Establishment (which is a part of Central Bureau of Investigation) in so far as it relates to the investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988.

Q.1435 Which of the following powers/responsibilities are exercised by CVC?

1. Part of the Selection Committee in the appointment of the Director, CBI
2. Instituting inquiries against Union and State Ministers
3. Superintendence of Police in matters of corruption

Choose the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) None of the above
- (d) 1 only

Solution: (c)

The amended Delhi Special Police Establishment Act empowers a committee to appoint the director of CBI. The committee consists the following people:

- Prime Minister – chairperson
- Leader of Opposition – member
- Chief Justice of India or a Supreme Court Judge recommended by the Chief Justice – member

When making recommendations, the committee considers the views of the outgoing director.

Above Selection committee was constituted under The Lokpal and Lokayuktas Act, 2013. Before this central vigilance commissioner, under CVC act, had this power.

Police comes under the State governments. CVC is concerned only with the Central government and its authorities

Q.1436 Consider the following statements about the Central Vigilance Commission (CVC):

1. The chairperson of the CVC is appointed by the President on the recommendation of the Union Cabinet.
2. The jurisdiction of CVC extends to the civil servants of the Centre as well as the states.

Which of these is/are true?

- (a) Only 1
- (b) Only 2
- (c) Both
- (d) None of the above

Solution: (d)

Its jurisdiction extends to only some selected Central government employees and the all-India services.

(62) CBI – CENTRAL BUREAU OF INVESTIGATION

- Q.1437** The Central Bureau of Investigation (CBI) is under the administrative control of
- Ministry of Home Affairs
 - Department of Personnel and Training (DoPT)
 - Department of Economic Affairs
 - Central Vigilance Commission (CVC)

Solution: (b)

Justification: Option D: CVC has supervisory powers over CBI. However, CVC does not have the power to call for any file from CBI or to direct CBI to investigate any case in a particular manner.

Option B: It is under administrative control of DoPT. This means that, the powers to appoint, transfer, suspend CBI officers lie with DoPT.

- Q.1438** Consider the following statements.
- Assertion (A): The Central Bureau of Investigation (CBI) is a statutory body.
- Reason (R): CBI derives its powers from the Delhi Special Police Establishment Act (DSPE), 1946.
- In the context of the above, which of these is correct?
- A is correct, and R is an appropriate explanation of A.
 - A is correct, but R is not an appropriate explanation of A.
 - A is incorrect, but R is correct.
 - Both A and R are incorrect.

Solution: (c)

Justification: To be a statutory body, it must have been established by the DSPE Act. It was instead established through an executive resolution.

It was set up in 1963 by a resolution of the Ministry of Home Affairs.

Later, it was transferred to the Ministry of Personnel and now it enjoys the status of an attached office.

The CBI is the main investigating agency of the Central Government. It plays an important role in the prevention of corruption.

- Q.1439** Which of the following ministries/ departments/organs of the Government of

India (GoI) have a bearing on the Central Bureau of Investigation (CBI)?

- Ministry of Law and Justice
 - Ministry of Home Affairs
 - CVC
 - UPSC
 - Department of Personnel and Training
- Choose the correct answer using the codes below.

- 1, 2 and 3 only
- All of the above
- None of the above
- 1, 3 and 5 only

Solution: (b)

The CBI is headed by a director, an IPS officer with a rank of Director General of Police or Commissioner of Police (State). The director is selected based on the Lokpal and Lokayuktas Act, 2013, and has a two-year term.

The CBI is subject to five ministries of the Government of India -

- Ministry of Home Affairs: Cadre clearance
- DoPT: Administration, budget and induction of non IPS officers
- Union Public Service Commission: Officers above the rank of Deputy SP
- Law and Justice Ministry: Public prosecutors
- Central Vigilance Commission: Anti-corruption cases

Appointment

- Q.1440** The Central Bureau of Investigation (CBI) Director is selected by a collegium comprising
- Prime Minister
 - Chief Justice of India
 - Speaker, Lok Sabha
 - Union Minister of Home Affairs
 - Leader of Opposition, Lok Sabha
- Select the correct answer using the codes below.
- 1, 2, 3 and 4 only
 - 1, 2 and 5 only
 - 2, 3, 4 and 5 only
 - 1, 3, 4 and 5 only

Solution: (b)

Justification: It is headed by Director, an IPS officer of DGP rank. He is selected as per the

provisions of Central Vigilance Commission (CVC) Act, 2003.

The CBI Director is selected by a collegium comprising

- Prime Minister: chairperson
- Leader of Opposition: member
- Chief Justice of India or a Supreme Court Judge recommended by the Chief Justice – member

When making recommendations, the committee considers the views of the outgoing director.

Above Selection committee was constituted under The Lokpal and Lokayuktas Act, 2013.

- CBI is the premier investigative police agency of India. It derives power to investigate from Delhi Special Police Establishment Act, 1946.
- The appointment of CBI Director has been quite contentious after SC's "caged parrot" comments on CBI.

The committee that selects the CBI Director does NOT include

- (a) Prime Minister of India
- (b) Leader of the single largest opposition party
- (c) Chief justice of India or his nominee
- (d) Speaker, Lok Sabha

Solution: (d)

Functions

Q.1441 The Central Bureau of Investigation (CBI) can be handed over cases pertaining to

1. National and transnational organised crime
2. Protection of the environment
3. Conservation and protection of arts, antiques and heritage of India
4. Offences of Economic and Cyber domains

Select the correct answer using the codes below.

- (a) 1 and 4 only (b) 2 and 3 only
- (c) 1, 2 and 3 only (d) 1, 2, 3 and 4

Solution: (d)

Learning: Based on its motto, mission and the need to develop professionalism, transparency, adaptability to change and use of science and technology in its working, the CBI focuses on

- Combating corruption in public life, curbing economic and violent crimes through meticulous investigation and prosecution
- Evolving effective systems and procedures for successful investigation and prosecution of cases in various law courts
- Helping fight cyber and high technology crime
- Creating a healthy work environment that encourages team-building, free communication and mutual trust
- Supporting state police organisations and law enforcement agencies in national and international cooperation, particularly relating to enquiries and investigation of cases
- Playing a lead role in the war against national and transnational organized crime
- Upholding human rights, protecting the environment, arts, antiques and heritage of our civilisation
- Developing a scientific temper, humanism and the spirit of inquiry and reform
- Striving for excellence and professionalism in all spheres of functioning so that the organisation rises to high levels of endeavour and achievement.

Some of the important CBI divisions are:

- Anti-Corruption Division
- Economic Offences Division
- Special Crimes Division
- Policy and International Police Cooperation Division

Q.1442 The CBI is the main investigating agency of the Central Government playing an important role in maintaining integrity in administration handling a variety of cases. Which of the following types of cases can NOT be referred to the CBI?

- (a) Cyber Crime
- (b) Transnational organised crime
- (c) Economic Offences
- (d) All of the above can be referred.

Solution: (d)

Explained in previous question

(63) LOKPAL & LOKAYUKTA

Q.1443 Assertion (A): Lokpal and Lokayuktas are constitutional bodies that have been given the status of Supreme Court.

Reason (R): All members of Lokpal and Lokayuktas must be Judicial members, who are appointed by the Chief Justice of India.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) Both A and R are incorrect.

Solution: (d)

Justification: Lokpal will consist of a chairperson and a maximum of eight members, of which 50 per cent shall be judicial members. So, R is wrong.

The selection of chairperson and members of Lokpal shall be through a selection committee consisting of Prime Minister, Speaker of Lok Sabha, Leader of Opposition in the Lok Sabha, Chief Justice of India or a sitting Supreme Court judge nominated by CJI, eminent jurist to be nominated by the President of India on the basis of recommendations of the first four members of the selection committee.

Lokpal

Q.1444 Which of the following provisions of the Lokpal and Lokayuktas Act 2013 ensure the independence of the Lokpal, after he ceases to hold his post?

- 1. He cannot be reappointed.
- 2. He can never contest the elections of President and Vice-President.
- 3. He cannot be appointed as an administrator of a Union Territory (UT).

Choose the correct answer using the codes below:

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 3
- (d) All of the above

Solution: (c)

Once a Lokpal chairperson / member has ceased to be so, he cannot take up the following jobs:

- He cannot be reappointed as chairperson / member of Lokpal.
- Cannot take any diplomatic assignment
- Cannot be appointed as administrator to a Union Territory
- Any constitutional / statutory post in which appointment is made by President
- Any other office under the government of India
- He cannot contest any of the elections such as President / Vice President / MLA / MLC/ Local bodies for 5 years after relinquishing the post.

Appointment

Q.1445 The selection of chairperson and members of Lokpal shall be through a selection committee consisting of

- 1. Prime Minister
- 2. Speaker of Lok Sabha
- 3. Chairman, Rajya Sabha
- 4. Chief Justice of India or a sitting Supreme Court judge nominated by CJI
- 5. An Eminent jurist to be nominated by the President of India on the basis of recommendations of the first four members of the selection committee

Select the correct answer using the codes below.

- (a) 3 and 5 only
- (b) 1, 2, 3 and 4 only
- (c) 1, 2 and 4 only
- (d) 1, 2, 4 and 5

Solution: (d)

Learning: Lokpal will consist of a chairperson and a maximum of eight members, of which 50 per cent shall be judicial members.

The selection of chairperson and members of Lokpal shall be through a selection committee consisting of

- 1. Prime Minister,
- 2. Speaker of Lok Sabha
- 3. Leader of Opposition in the Lok Sabha,
- 4. Chief Justice of India or a sitting Supreme Court judge nominated by CJI
- 5. Eminent jurist to be nominated by the President of India on the basis of recommendations of the first four members of the selection committee.

Eligibility

Q.1446 Who amongst the following is/are not eligible to be a member of the Lokpal?

1. A person who is affiliated to a political party.
2. Carries on some business/profession.
3. MPs and MLAs

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

The following persons cannot become chairperson of Lokpal:

- MPs and MLAs
- Persons convicted of any offense involving moral turpitude
- Less than 45 years of age
- Members of Panchayats or Municipality
- A person who was removed or dismissed from the public service
- A person who holds any office of trust/profit; if so, he would need to resign from Lokpal
- A person who is affiliated to a political party
- Carries on some business / profession; if so, he would need to quit some business

Composition

Q.1447 Consider the following about the composition of the Lokpal at the Central Level.

1. The 50 per cent of the members shall be judicial members.
2. Seats are reserved for minority and women in Lokpal members.
3. One member will be an eminent jurist nominated by the President.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) All of the above (d) 3 only

Solution: (c)

Explained in previous question

Q.1448 Consider the following statements about the composition of the Lokpal in India as per the recently passed Lokpal and Lokayuktas Act, 2013:

1. The chairperson of the Lokpal must have been either the Chief Justice of India or a former judge of Supreme Court.

2. Former administrators in the government of India can be appointed as members of the Lokpal.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None of the above

Solution: (b)

The person who is to be appointed as the chairperson of the Lokpal should be either of the following:

- Either the former Chief Justice of India
- Or the former Judge of Supreme Court
- Or an eminent person with impeccable integrity and outstanding ability, having special knowledge and expertise of minimum 25 years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.

Removal

Q.1449 With reference to the Lokpal and Lokayuktas act, 2013, consider the following statements

1. The Chairperson and members of the Lok Pal may be removed on grounds of misbehaviour by an order of the President on the basis of the inquiry made by the Selection committee.
2. Lokpal will have power of superintendence and direction over any investigation agency including CBI for cases referred to them by Lokpal.

3. 50 per cent of members of Lokpal shall be from SC/ST/OBCs, minorities and women.

Which of the above statements is/are correct?

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) 1, 2 and 3

Solution: (c)

Removal of Lokpal

The Chairperson and members of the Lokpal may be removed on grounds of misbehaviour by an order of the President. The President may make a reference to the Supreme Court to enquire into the Lokpal's conduct (a) on his own, (b) on the basis of a petition signed by at least 100 MPs or (c) if he is satisfied with a petition by a citizen. The President may issue an order of removal on the basis of the inquiry made by the Supreme Court

Jurisdiction

Q.1450 Consider the following statements about the jurisdiction of the Lokpal:

1. It can take up cases of inquiry against the Prime Minister barring under a few conditions.
2. Any person who is involved in giving or taking bribe will come under its purview.
3. All Ministers of the Union would come under its purview.

Which of these is/are correct?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

The following come under the jurisdiction of Lokpal:

- Prime Minister of India, under certain conditions as stipulated in the adjacent box.
- All ministers of the Union
- Members of Parliament except for matters related to article 105 of constitution. (that is anything said or a vote given by him in Parliament)
- Group 'A' or Group 'B' officers
Group 'C' or Group 'D' officials
- Any person who is or has been in-charge (director / manager/ secretary) of anybody / society set up by central act or any other body financed / controlled by central government.
- Any other person involved in act of abetting, bribe giving or bribe taking

According to the Lokpal and Lokayukta Act 2013, the Prime Minister comes within the jurisdiction of Lokpal but Lokpal will not inquire the Prime Minister if the allegation of corruption is related to international relations, external and internal security, public order, atomic energy and space. Further, allegation against Prime Minister can be taken up for inquiry only when the two conditions as follows are satisfied:

- Full bench of the Lokpal consisting of its Chairperson and all Members considers the initiation of inquiry
- At least two-thirds of its members approves of such inquiry

Such inquiry against the Prime Minister will be done in camera. If the Lokpal concludes that the allegation is false and the inquiry should be dismissed, the records of the inquiry shall not be published or made available to anyone.

Q.1451 Who/Which among the following comes under the jurisdiction of the Lokpal?

1. Prime Minister
2. All categories of public servants.
3. Entities receiving donation from foreign sources

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) All of the above (d) 3 only

Solution: (c)

Following in the jurisdiction of Lokpal;

Prime Minister has been brought under the purview of the Lokpal. The Lokpal's jurisdiction will cover all categories of public servants. All entities receiving donations from foreign source in the context of the Foreign Contribution Regulation Act (FCRA) in excess of Rs. 10 lakh per year are brought under the jurisdiction of Lokpal.

- Provides adequate protection for honest and upright public servants.
- Lokpal will have power of superintendence and direction over any investigation agency including CBI for cases referred to them by Lokpal.

Lokayukta

Q.1452 Consider the following about the institution of Lokayukta.

1. A state is not legally obliged to create the institution of Lokayukta.
2. Powers of Lokayukta vary from state to state.
3. Only a serving or retired Supreme Court judge can be appointed as a Lokayukta.
4. A Lokayukta can also investigate cases pertaining to Central civil servants.

Choose the correct answer using the codes below.

- (a) 1 and 4 only (b) 2 and 3 only
(c) 2 only (d) 1, 2 and 3 only

Solution: (c)

<http://www.thehindu.com/news/national/corruption-charges-dent-karnataka-lokayuktasimage/article7371954.ece>

A mandate for setting up of the institution of Lokayukta through enactment of a law by the State Legislature within a period of 365 days from the date of commencement of the Act. The Lokayukta is an anti-corruption authority or ombudsman (An ombudsman is an official, appointed by the government or by parliament to represent the interests of the public). He works along with the Income Tax Department and the Anti-Corruption Bureau. The Lokayukta (sometimes referred to the institution itself) investigates allegations of corruption and mal-administration against public servants and is tasked with speedy redressal of public grievances. The Lokayukta is usually a former High Court Chief Justice or former Supreme Court judge and has a fixed tenure. Lokayukta's power varies from State to State. In some States, the Lokayukta enquires into allegations against public functionaries including Chief Minister, Ministers and MLAs. While some has the power to investigate into civil servants/bureaucrats, judiciary and police.

Q.1453 Consider the following statements about the Lokpal and Lokayuktas Act, 2013:

1. As per the Act, all states in India must create the institution of Lokayukta.
2. The Act also prescribes the powers, jurisdiction and method of appointment of the Lokayukta.

Which of these is/are correct?

- (a) Only 1 (b) Only 2
(c) Both (d) None of the above

Solution: (a)

There is only one section on Lokayukta in the act which says that within one year, the states shall enact the Lokayukta act. However, there is nothing regarding their composition, powers etc. In fact, states are free to define how their own Lokayuktas would be appointed, how they would work and under what circumstances they would serve.

Miscellaneous

Q.1454 With reference to the role of CBI, CVC and Lok Pal, consider the following statements:

1. Both the CVC and Lokpal will have jurisdiction over Group 'A' officers.
2. Transfer of officers of CBI investigating cases referred by Lokpal should be done with the approval of Lokpal

Which of the above statements is/are correct?

- (a) 1 Only (b) 2 Only
(c) 1 and 2 (d) None

Solution: (c)

The Lokpal shall have jurisdiction over public servants categorised as Group 'A' officers. Presently, these officers fall under the purview of the Central Vigilance Commission (CVC). Therefore, both the CVC and Lokpal will have jurisdiction over Group 'A' officers.

Transfer of officers of CBI investigating cases referred by Lokpal with the approval of Lokpal.

OTHER CONSTITUTIONAL DIMENSIONS

(64) OFFICIAL LANGUAGE – PART XVII – ARTICLES 343 TO 351

- Q.1455** Consider the following statements:
1. Indian Constitution has given the status of national language to Hindi.
 2. Seventh Schedule contains the languages recognized by Indian Constitution.
 3. Languages in India are grouped as scheduled and non-scheduled languages.
 4. In India, states have been created on the linguistic basis with the theory 'one language- one state'.

Which of the statements is/are correct?

- (a) 3 Only (b) 2 and 3
(c) 1, 2 and 4 (d) 1, 2 and 3

Solution (a)

Indian Constitution did not give the status of national language to any one language. Hindi was identified as the official language. But Hindi is the mother tongue of only about 40 per cent of Indians. Therefore, there were many safeguards to protect other languages.

Besides Hindi, there are 21 other languages recognized as Scheduled Languages by the Constitution (Eighth Schedule contains a list of 22 languages recognized by the constitution). Of the 22 languages that are included in the Eighth Schedule of the Indian constitution and are therefore called 'Scheduled Languages'. Others are called 'non-scheduled Languages'.

According to the Constitution, the use of English for official purposes was to stop in 1965. But the Central Government continues to use of English along with Hindi for official purposes. Promotion of Hindi continues to be the official policy of the Government of India. Promotion does not mean that the Central Government can impose Hindi on States where people speak a different language.

The States reorganization Commission under the chairmanship of Fazl Ali, which

created states on linguistic basis rejected the theory 'one language-one state'.

Official Languages of Union

- Q.1456** The use of English language for all official purposes of the Union and also for the transaction of business in Parliament is a/an
- (a) Convention
 - (b) Statutory requirement
 - (c) Rule framed by the Central Government
 - (d) Informal agreement

Solution: (b)

Learning: Articles 343-351 of the constitution deal with the official language of the Union. It empowers the Parliament to provide for the continued use of English language even after 1965. Accordingly, Parliament enacted the Official Languages Act 1963.

The act provides for the continued use of English (even after 1965), in addition to Hindi, for all official purposes of the Union and also for the transaction of business in Parliament.

- Q.1457** Consider the following statements:
1. The Constitution prescribes the continued use of English as the official language of the Union even after 15 years of its constitution.
 2. The Constitution does not specify the official language of different states.

Which of these is/are correct?

- (a) Only 1 (b) Only 2
(c) Both (d) None of the above

Solution: (b)

The continued use of English was prescribed, not by the constitution, but by the Official Languages Act, 1963.

The legislatures of the states decide their official language. The constitution is silent on deciding their official languages.

- Q.1458** Consider the following about the use of language(s) in Parliament.

Assertion (A): A member of the house cannot address the House in his mother tongue.

Reason (R): The Constitution has declared Hindi and English to be the

languages for transacting business in the Parliament.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) A is incorrect, but R is correct.

Solution: (d)

Learning: Hindi and English are to be the languages for transacting business in the Parliament as per the constitution. However, the presiding officer can permit a member to address the House in his mother tongue. In both the Houses, arrangements are made for simultaneous translation.

Official Languages of State

Q.1459 In deciding the official language of a State, the choice of the state is

- (a) Limited to the languages mentioned in the Eighth Schedule of the Constitution
- (b) Limited to the languages officially recognized by the State Government
- (c) Either an aboriginal language or a classical language or English/Hindi
- (d) Not limited; any language can be choose.

Solution: (d)

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.

Under this provision, most of the states have adopted the major regional language as their official language. For example, Andhra Pradesh has adopted Telugu, Kerala—Malayalam, Assam—Assamese, West Bengal—Bengali, Odisha—Odia. The nine northern states of Himachal Pradesh, Uttar Pradesh, Uttarakhand, Madhya Pradesh, Chhattisgarh, Bihar, Jharkhand, Haryana and Rajasthan have adopted Hindi.

Gujarat has adopted Hindi in addition to Gujarati.

Similarly, Goa has adopted Marathi in addition to Konkani Jammu and Kashmir has adopted Urdu (and not Kashmiri). On the other hand, certain north-eastern States

like Meghalaya, Arunachal Pradesh and Nagaland have adopted English. Notably, the choice of the state is not limited to the languages enumerated in the Eighth Schedule of the Constitution.

Q.1460 Consider the following statements:
Assertion (A): The states have to choose their official language only from the list given in the Eighth Schedule of the constitution.

Reason (R): The Eighth Schedule mentions all the constitutionally recognized languages.

In the context of the statements above, which of these is true?

- (a) Both A and R are true and R is the correct explanation for A.
- (b) Both A and R are true and R is not the correct explanation for A.
- (c) A is incorrect but R is correct.
- (d) A is correct but R is incorrect.

Solution: (c)

The choice of the states in choosing their official language is not limited to the 8th schedule.

Q.1461 Consider the following statements.

1. The Constitution does not specify the official language of different states.
2. The choice of the state is not limited to the languages enumerated in the Constitution.
3. States may have more than one official language, but in such a case Hindi must be one of them.

Select the correct answer using the codes below.

- (a) 1 only
- (b) 1 and 2 only
- (c) 2 and 3 only
- (d) 1 and 3 only

Solution: (b)

As explained in previous questions

Q.1462 Consider the following statements.

Assertion (A): Official language of every state is confined to the languages listed in the Eighth Schedule of the Constitution.

Reason (R): The Constitution specifies the official language of different states.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.

- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) Both A and R are incorrect.

Solution: (d)

Explained in previous answers

Special Directives

Q.1463 Which of the following is the criterion for a language to be officially recognized in a State of India?

- (a) If the Governor is satisfied that a certain language should be recognized; and declares so officially
- (b) If the State Legislature passes a resolution to that effect
- (c) When the President is satisfied that a substantial population of the state speaks that particular language; and declares so officially
- (d) None of the above

Solution: (c)

When the President (on a demand being made) is satisfied that a substantial proportion of the population of a state desire the use of any language spoken by them to be recognised by that state, then he may direct that such language shall also be officially recognised in that state. This provision aims at protecting the linguistic interests of minorities in the states.

Article Nos	Subject matter
Language of the Union	
343	Official Language of the Union
344	Commission and committee of Parliament on official language
Regional Languages	
345	Official Language or language of a state
346	Official language for communication between one state and another or between a state and Union.

347	Special provision relating to language spoken by a section of the population of state
Language of the Supreme court, High Courts, etc,	
348	Language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc.
349	Special procedure for enactment of certain laws relating to language.
Special Directives	
350	Language to be used in representation for redress of grievances
350A	Facilities for instruction in mother-tongue at primary stage
350B	Special Officer for linguistic minorities
351	Directive for development of the Hindi Language

Q.1464 When does the President direct that a particular language be officially recognized in a state?

- (a) When the State Council of Ministers pass a resolution to this effect
- (b) When the Governor personally advises him to
- (c) When the local bodies of the area pass a joint resolution to this effect
- (d) When the President is satisfied that a substantial proportion of the population desire their language to be recognised

Solution: (d)

Q.1465 Which of these constitutional provision(s) aim at protecting the linguistic interests of minorities in the states?

1. President can direct the government to provide compulsory financial grants and reservation in public jobs to such minorities.
2. President can direct the official recognition of a minority language in the state.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 1: There is no such provision for reservation in public jobs, however it shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups.

The President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.

Statement 2: explained in previous answers.

Q.1466 The Constitution of India contains explicit and specific provisions for which of following language related aspects?

1. Directive for development of the Hindi language
2. Facilities for instruction in mother-tongue at primary stage for Children
3. Language to be used in representation for redress of grievances

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) All of the above (d) 1 and 2 only

Solution: (c)

Article 351: The Constitution imposes a duty upon the Centre to promote the spread and development of the Hindi language so that it may become the *lingua franca* of the composite culture of India.

Further, the Centre is directed to secure the enrichment of Hindi by assimilating the forms, style and expressions used in hindustani and in other languages specified in the Eighth Schedule and by drawing its vocabulary, primarily on sanskrit and secondarily on other languages.

Article 350: Every aggrieved person has the right to submit a representation for the redress of any grievance to any officer or authority of the Union or a state in any of the languages used in the Union or in the state, as the case

may be. This means that a representation cannot be rejected on the ground that it is not in the official language

Q.1467 Availing facilities for instruction in mother-tongue at primary stage is the

- (a) Fundamental Right of a Child
(b) Duty of the State
(c) Legal right of a Child
(d) Constitutional right of a Child

Solution: (b)

Justification: Article 350A: It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities. It is a directive principle outside of part IV of the constitution. It is a duty of the state, and not a right of the citizen.

Q.1468 “It shall be the endeavour of every state and every local authority within the state to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups.” This is a

1. Provision made under an Act of Parliament
2. Justiciable in courts if not implemented by the Government of India
3. Forms part of Fundamental rights under Part III of the Constitution

Select the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 1 and 3 only (d) None of the above

Solution: (d)

Justification: It forms a part of Directive principles.

Apart from the Directives included in Part IV, there are some other Directives contained in other Parts of the Constitution. Instruction in mother tongue is a part of Article 350-A in Part XVII.

Hence, all the above statements 1, 2 and 3 are wrong, as directive principles are non-justiciable.

Q.1469 You are aggrieved by an order of the Municipality. You submit a grievance redressal request to the District nodal officer who handles the matter. But, your representation is rejected. The officer rejected your application because

1. Any such application must be submitted in the official language of the State.
2. A citizen cannot submit any grievance redressal request without first moving the court.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification: Statement 1: Every aggrieved person has the right to submit a representation for the redress of any grievance to any officer or authority of the Union or a state in any of the languages used in the Union or in the state, as the case may be. This means that a representation cannot be rejected on the ground that it is not in the official language.

Statement 2: Moving the court is not mandatory in case of every executive order, especially in cases where relief can be granted by the administrative authorities. Court should be moved when the order is not *bonafide*, illegal, outside the competence of the authority or against the interests of public at large.

Q.1470 What is the objective(s) behind the specification of regional languages in the Eighth schedule?

1. These languages are to be used for enriching Hindi Language
2. Members of these languages are represented in the Official Languages Commission.
3. Restricting the choice of state government's official language

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (a)

The Constitution imposes a duty upon the Centre to promote the spread and

development of the Hindi language so that it may become the lingua franca of the composite culture of India. Further, the Centre is directed to secure the enrichment of Hindi by assimilating the forms, style and expressions used in hindustani and in other languages specified in the Eighth Schedule and by drawing its vocabulary, primarily on sanskrit and secondarily on other languages. Also, the members of these languages are to be given representation in the Official Language commission. The Commission consisted of a chairman and other members representing the different languages specified in the Eighth Schedule of the Constitution.

Q.1471 Consider the following statements.

Assertion (A): The Constitution imposes a duty upon the Centre to promote the spread and development of the Hindi language.

Reason (R): Hindi is the mother tongue of majority of the Indian population.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
(b) A is correct, but R is not an appropriate explanation of A.
(c) A is correct, but R is incorrect.
(d) A is incorrect, but R is correct.

Solution: (c)

Justification: More than 59% Indians list a language other than Hindi as their mother tongue. So, Hindi is the mother tongue of only nearly 41% of the population.

- As per the 2001 census, around 42.2 crore people listed Hindi as their mother tongue, of which 25.79 crore spoke Hindi in its pure form, and another 16.41 crore in 49 mother tongues similar to Hindi.
- As for other scheduled languages, Bengali was the most spoken mother-tongue after Hindi (with 8.11% of the country's population citing it as their mother tongue), followed by Telugu (7.19%), Marathi (6.99%), Tamil (5.91%) and Urdu (5.01%).
- Only a dozen states - including Uttar Pradesh, Madhya Pradesh, Bihar,

Chhattisgarh, Rajasthan, Uttarakhand, Himachal Pradesh, Haryana, Delhi and Jharkhand—had a majority of their population listing Hindi as their mother tongue.

Languages of Judiciary

Q.1472 Which of the following prescribes that all proceedings in the Supreme Court of India shall be in English language?

- (a) In-house rules made by the Supreme Court
- (b) A Legislation made by the Parliament
- (c) A constitutional provision
- (d) An executive order

Solution: (c)

Justification: Article 348 of the Constitution of India says that until Parliament by law otherwise provides

- (a) all proceedings in the Supreme Court and in every High Court,
- (b) the authoritative texts of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of the Legislature of a State,
- (c) of all Acts passed by Parliament or the Legislature of a State
- (d) of all Ordinances promulgated by the President or the Governor of a State
- (e) of all orders, rules, regulations and bye laws issued under this Constitution or under any law made by Parliament or the Legislature of a State, shall be in the English language.

Learning: Article 145 of the Constitution of India prescribes that subject to the provisions of any law made by Parliament the Supreme Court may from time to time, with the approval of the President, make rules for regulating generally the practice and procedure of the Court.

Q.1473 In the transaction of government business and proceedings of Supreme Court, the use of English for official purposes is

- (a) Merely a Convention from the Colonial Era and not a mandatory requirement
- (b) Part of the executive fiat issued from time to time by the Central Government

- (c) A Statutory requirement enforced by a Parliamentary statute
- (d) Imitated from the Parliamentary rulebooks and business procedures

Solution: (c)

Learning: Articles 343-351 of the constitution deal with the official language of the Union. It empowers the Parliament to provide for the continued use of English language even after 1965.

Accordingly, Parliament enacted the Official Languages Act 1963.

The act provides for the continued use of English (even after 1965), in addition to Hindi, for all official purposes of the Union and also for the transaction of business in Parliament.

Q.1474 Consider the following statements:

1. The Parliament has not made any provision for the use of Hindi in the Supreme Court.
2. If a substantial part of the population of a state speak a certain language, it is the Governor who may direct that such language be also officially recognized in the state.
3. The Constitution imposes a duty on the Centre to promote the spread and development of the Hindi Language.

Which of these is/are correct?

- (a) Only 1
- (b) Only 2
- (c) 2 and 3
- (d) 1 and 3

Solution: (d)

The proceedings of the Supreme Court are in English. It is not allowed constitutionally to use any other language for hearing appeals.

Eighth Schedule

Q.1475 Eighth Schedule recognizes which of the following languages?

- 1. English
- 2. Sanskrit
- 3. Kashmiri
- 4. Hindi

Select the correct answer using the codes below.

- (a) 3 and 4 only
- (b) 1 and 2 only
- (c) 2, 3 and 4 only
- (d) 1, 2, 3 and 4

Solution: (c)

Justification: Originally, it had 14 languages but presently there are 22 languages.

They are: Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmiri, Konkani, Maithil (Maithili), Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu.

Statement 1: English is not recognized under 8th schedule, even though it is the official language of India. So, 1 is incorrect.

Sindhi was added by the 21st Amendment Act of 1967; Konkani, Manipuri and Nepali were added by the 71st Amendment Act of 1992; and Bodo, Dongri, Maithili and Santhali were added by the 92nd Amendment Act of 2003.

- Q.1476** Consider the following statements.
Assertion (A): The constitution doesn't recognize any tribal language.
Reason (R): The constitution recognizes only classical languages.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) Both A and R are incorrect.

Solution: (d)

Justification: The eighth schedule of the Constitution recognizes about 22 languages.

Two tribal languages, Bodo and Santhali are recognised by the Constitution. Sanskrit, Tamil, Telugu, Kannada, Odiya and Malayalam are the classical languages as per the status accorded by the Government of India.

The constitution, thus, recognizes both classical and non-classical languages. Both A and R are incorrect.

(65) PUBLIC SERVICES – PART XIV – ARTICLES 308 TO 323

- Q.1477** Consider the following statements.
1. The concept of a merit based modern Civil Service in India was introduced in

1854 following Lord Macaulay's Select Committee Report.

2. A Central Public Service Commission was set up in 1926 as provided by the Government of India Act of 1919.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (c)

Justification: Statement 1: Civil Servants for the East India Company used to be nominated by the Directors of the Company and thereafter trained at Haileybury College in London and then sent to India. This changed after Lord Macaulay's Report.

Statement 2: It was entrusted with the task of recruiting civil servants.

The Government of India Act of 1935 provided for the establishment of not only a Federal Public Service Commission but also a Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.

- Q.1478** The bureaucracy in India is expected to be politically neutral. Political neutrality implies that the bureaucracy will not?

- 1. Take a purely political position on policy matters.
- 2. Contest for political offices.
- 3. Implement policies and schemes that have a political objective

Select the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 2 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

Solution: (a)

Justification: Statement 1: Persons working in the State services (Civil servants) are required to act in the course of their duties in a politically neutral manner. This includes the requirement to act impartially and to implement the Government's policies.

The requirement that State servants must be apolitical when carrying out their duties, functions and powers. This means, essentially, that State servants must keep their jobs out of their politics and their politics out of their jobs.

Statement 2: If they contest for such offices, they will no longer be able to remain neutral in day to day administration and will tend to extract political gains from their actions.

Statement 3: Most policies have a political objective, for example, policy to distribute natural resources based on auctions, rather than first come first serve basis, clearly has a political objective. It is to curb the exploitation of political power by the high and mighty. But, civil servants must implement these policies, for example, by way of executing the auction sale.

Classification of Services

All India services

Q.1479 With reference to All India Services (AIS), consider the following statements:

1. Only the central government can take disciplinary action against them
2. There are two all India Civil Services of India, namely the Indian Administrative Service (IAS) and the Indian Police Service (IPS)
3. Power of creation of AIS is vested in the lower house of the Central Legislature

Which of the above statements is/are correct?

- (a) 1 Only (b) 2 and 3 Only
(c) 1 and 3 Only (d) 1, 2 and 3

Solution: (a)

There are three all India Civil Services of India, namely the Indian Administrative Service (IAS), the Indian Forest Service (IFS) and the Indian Police Service (IPS).

AIS officer is governed by the service conditions laid down by the central government?

An IAS or IPS officer is assigned to a particular State, where he or she works under the supervision of the State government. However, the IAS or IPS officers are appointed by the central government, they can go back into the service of the central government and most importantly, only the central government can take disciplinary action against them.

Rajya Sabha is empowered to make laws creating one or more All India Services, which would be common to the Union and State, if it is deemed to serve the national interest.

Q.1480 Consider the following statements about the Civil Services created by the Constitution of India.

Assertion (A): A State government can remove an officer of the All-India Services if he has caused a grave loss to the State exchequer.

Reason (R): The all-India services are also controlled by the state governments, apart from the Central government, based on the principle of federalism.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
(b) A is correct, but R is not an appropriate explanation of A.
(c) A is incorrect, but R is correct.
(d) Both A and R are incorrect.

Solution: (c)

Please refer previous answer.

Q.1481 Consider the following statements about All India services:

1. The ultimate control of the All India services officers lie with the state governments.
2. The Lok Sabha can unilaterally create a new All India service without the approval of the Rajya Sabha.

Which of these is/are correct?

- (a) Only 1 (b) Only 2
(c) Both (d) None of the above

Solution: (d)

The Rajya Sabha must pass a resolution to the effect of creating a new All India service. For, it lies in the federal domain.

Q.1482 Consider the following statements:

Assertion (A): The Parliament cannot create the All-India Judicial service by only a simple majority.

Reason (R): Creation of the All-India judicial service would be a constitutional amendment that would require a special majority and the consent of the states.

In the context of the statements above, which of these is true?

- (a) Both A and R are true and R is the correct explanation for A.
- (b) Both A and R are true and R is not the correct explanation for A.
- (c) A is incorrect but R is correct.
- (d) Both A and R are incorrect.

Solution: (d)

The 42nd amendment to the constitution already provides for an all-India judicial service. Any amendment in the constitution to provide for this post would not be deemed as a constitutional amendment. No such law has been made for so far.

Q.1483 An All-India judicial service can be created by the Parliament if the Rajya Sabha passes a resolution declaring that it is necessary or expedient in the national interest to do so by a/an

- (a) Two-thirds of the members present and voting
- (b) Simple majority of members present and voting
- (c) Special majority approved by the Speaker of Lok Sabha
- (d) Motion moved by 50 members of Rajya Sabha approved by the Chairman, Rajya Sabha

Solution: (a)

Justification: Such a resolution in the Rajya Sabha should be supported by two-thirds of the members present and voting.

This power of recommendation is given to the Rajya Sabha to protect the interests of states in the Indian federal system.

Q.1484 In the light of the recent judgment by the Supreme Court refraining Civil servants from acting on oral instructions of political bosses, except in certain exceptional circumstances, consider the following statements,

1. The Santhanam Committee on Prevention of Corruption, 1962 has recommended that there should be a system of keeping some sort of records in such situations.
2. The All India Service Rules specifically requires that all orders from superior officers shall ordinarily be in writing.

Which of the above statements is/are incorrect?

- (a) 1 Only
- (b) 2 Only
- (c) Both
- (d) None

Solution: (d)

A Bench of Justices K.S. Radhakrishnan and Pinaki Chandra Ghose referred to the recommendations of the Hota Committee (2004) and the Santhanam Committee report (1964), which highlighted “the necessity of recording instructions and directions by public servants.”

The Bench said: “We notice that much of the deterioration of the standards of probity and accountability with the civil servants is due to the political influence of persons purporting to represent those who are in authority. The Santhanam Committee on Prevention of Corruption, 1962 has recommended that there should be a system of keeping some sort of records in such situations. Rule 3(3) (iii) of the All India Service Rules specifically requires that all orders from superior officers shall ordinarily be in writing.”

Central services

Q.1485 Consider the following statements about Central Services and All-India Services.

1. Any disciplinary action (imposition of penalties) against these officers can only be taken by the Central government.
2. The personnel of Central services (even though are posted in states) work under the exclusive jurisdiction of the Central government.

Which of the above is/are true?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (c)

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) against these officers can only be taken by the Central government.

The personnel of Central services work under the exclusive jurisdiction of the Central government. They hold specialised (functional and technical) positions in various departments of the Central government.

The personnel of state services work under the exclusive jurisdiction of the state government. They hold different positions (general, functional and technical) in the departments of the state government.

However, they occupy lower positions (in the administrative hierarchy of the state) than those held by the members of the All-India Services (IAS, IPS and IFS).

Constitutional Provisions

Q.1486 Consider the following statements about the Civil Services created by the Constitution of India.

Assertion (A): An officer of All-India services cannot be dismissed by any authority in India other than the President of India.

Reason (R): A civil servant cannot be dismissed or removed by an authority subordinate to that by which he was appointed.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is incorrect, but R is correct.
- (d) A is correct, but R is incorrect.

Solution: (a)

Justification: 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.

Q.1487 Consider the following about All-India services.

- 1. Service conditions are determined by the President.
- 2. Services can be abolished only by a constitutional amendment.
- 3. UPSC is responsible for appointments to the posts in All- India services.
- 4. Members of All-India Services cannot be removed from services by Prime Minister alone.

Choose the correct answer using the codes below.

- (a) 1, 2 and 4 only
- (b) 3 only
- (c) 2, 3 and 4 only
- (d) 2 and 4 only

Solution: (d)

UPSC only certifies eligible candidates. Appointment is done by DoPT (Government of India). Service Conditions of AIS are determined by the Parliament. Members of AIS cannot be removed by an authority subordinate to the one that appointed it. President appoints members of AIS. So, they cannot be removed by the Prime Minister.

Q.1488 India has imposed several restrictions on the political activities of serving civil servants. Which of these are among those restrictions?

- 1. She cannot become a member of a political party.
- 2. She cannot voice her opinion on any matter on a social media platform.
- 3. She does not enjoy a right to vote.
- 4. She is prohibited from participating in a strike.

Select the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 2 and 4 only
- (c) 1 and 4 only
- (d) 2 and 3 only

Solution: (c)

Justification: Political neutrality of civil servants has been regarded as one of cardinal conditions for the success of a democratic government.

Statement 1: If they are engaged in political activities, it violates the above principle. They cannot contest Lok Sabha or State assembly elections.

Statement 2: Civil servants are not allowed to criticise govt on social media or press. These do not apply for general

Statement 3: They do enjoy a right to vote as is the right of every voter in India.

Statement 4: Striking by civil servants constitutes a disciplinary offence.

Q.1489 There have been many concerns regarding Articles 310 and 311 and even recommendations for their deletion from the Constitution. These constitutional articles deal with

- (a) Civil Services
- (b) Ordinance making power of executive
- (c) Legislative Council in States
- (d) Special privileges extended to certain states

Solution: (a)

Articles: Article 310 essentially conveys that civil servants of the Union hold office during the pleasure of the President, and those at the state at the pleasure of the Governor.

Article 311 conveys that they cannot be removed by an authority subordinate to the one that appointed them, and that due inquiry must be conducted where they are allowed to hear charges against them and defend themselves appropriately.

Justification: It is believed by many, including the second Administrative Reforms Commission (ARC) that these articles provide undue protection to dishonest and corrupt civil servants and shield them from action. This is because the protection is excessive, and hearings go through many bureaucratic layers, which ultimately corrodes the fabric of administration and its efficiency.

There are many arguments against this as well, but delving into there is not a subject of concern here.

Q.1490 The Parliament can create new all-India Services only when

- (a) Majority of State legislatures pass a resolution to this effect upholding the principle of federalism

(b) A bill to this effect is passed in Parliament by special majority

(c) The prior approval of the President has been taken

(d) Rajya Sabha passes a resolution to this effect declaring it to be in national interest

Solution: (d)

Learning:

Article 312: The Parliament can create new all-India services (including an all-India judicial service), if the Rajya Sabha passes a resolution declaring that it is necessary or expedient in the national interest to do so. Such a resolution in the Rajya Sabha should be supported by two-thirds of the members present and voting. This power of recommendation is given to the Rajya Sabha to protect the interests of states in the Indian federal system.

Q.1491 Which among the following can authorize the Parliament to create new All-India Services common to both the Centre and states?

- (a) President of India
- (b) Speaker, Lok Sabha
- (c) Rajya Sabha
- (d) Inter-State Council

Solution: (c)

Learning: Due to its federal character, the Rajya Sabha has been given two exclusive or special powers that are not enjoyed by the Lok Sabha:

- It can authorise the Parliament to make a law on a subject enumerated in the State List (Article 249).
- It can authorise the Parliament to create new All-India Services common to both the Centre and states (Article 312).

An analysis of the above points makes it clear that the position of the Rajya Sabha in our constitutional system is not as weak as that of the House of Lords in the British constitutional system nor as strong as that of the Senate in the American constitutional system.

Except in financial matters and control over the council of ministers, the powers and status of the Rajya Sabha in all other spheres

are broadly equal and coordinate with that of the Lok Sabha.

(66) RIGHTS AND LIABILITIES OF THE GOVERNMENT

Q.1492 Consider the following with regard to the ownership and jurisdiction of marine resources. Which of the following statements is correct?

- (a) Major minerals and land under the ocean waters within the territorial waters of India are owned by State government whereas those beyond territorial waters by Central government
- (b) All major minerals and land under the ocean waters whether within or outside the territorial waters of India, until the end of Exclusive Economic Zone, are owned solely by the Central Government
- (c) All major minerals under the ocean waters in the Exclusive Economic Zone are owned solely by the state Government
- (d) None of the above is correct.

Solution: (b)

Learning: Lands, minerals and other things of value under the waters of the ocean within the territorial waters of India, the continental shelf of India and the exclusive economic zone of India vests in the Union.

Hence, a state near the ocean cannot claim jurisdiction over these things. India's territorial waters extend to a distance of 12 nautical miles from the appropriate base line.

Similarly, India's exclusive economic zone extends upto 200 nautical miles.

Q.1493 The minerals under the waters of the ocean within the territorial waters of India and its exclusive economic zone near a coastal state is owned by

- (a) The concerned State Government
- (b) The Central Government
- (c) Local government
- (d) Owned jointly by Central, State and Local governments

Solution: (b)

Explained in previous answer

Q.1494 Consider the following statements. Assertion (A): Under the Constitution, the civil servants are conferred personal immunity from legal liability for official contracts signed in official capacity.

Reason (R): Government is liable for that official contract

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) Both A and R are incorrect.

Solution: (a)

Justification: Statement A means that the civil servant who made a contract in his official capacity is not personally liable in respect of that contract but it is the government (Central or state) that is liable for the contract. But, if the contract is made without complying the conditions specified in the Constitution, then the civil servant who made the contract is personally liable.

Further, the civil servants also enjoy immunity from legality for their tortious acts in respect of the sovereign functions of the government. In other cases, the liability of the civil servants for torts or illegal acts is the same as of any ordinary citizen.

The Constitution does not grant any immunity to the ministers for their official acts. But, since they are not required to countersign (as in Britain) the official acts of the president and the governors, they are not liable in the courts for those acts.

(67) AUTHORITATIVE TEXT OF THE CONSTITUTION IN HINDI – PART XXII

Q.1495 Consider the following statements. Assertion (A): The unamended Constitution of India did not make any provision with respect to an authoritative text of the Constitution in the Hindi language.

Reason (R): The Constitution of India derived its core administrative arrangements from the Government of India Act 1935.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) Both A and R are incorrect.

Solution: (b)

Justification: Statement A is correct.

- Later, a provision in this regard was made by the 58th Constitutional Amendment Act of 1987. This amendment inserted a new Article 394-A in the last part of the Constitution
- The reasons for adding the above provisions in the Constitution by the 58th Constitutional Amendment Act of 1987 are as follows:
- The Constitution of India adopted by the Constituent Assembly on 26 November 1949, was in the English language.
- A Hindi translation of the Constitution, signed by the members of the Constituent Assembly, was also published in 1950 under the authority of the President of the Constituent Assembly.
- However, there had been a general demand for the publication of an authoritative text of the Constitution in Hindi incorporating in it all the subsequent amendments.

(68) SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES – PART XVI – ARTICLE 330 TO 342

Q.1496 Special provisions for marginalized classes in the constitution are related to

1. Reservation in Legislatures and local bodies
 2. Educational Grants
 3. Appointment of Commissions to investigate their socio-economic condition
- Select the correct answer using the codes below.

- (a) 2 and 3 only
- (b) 1 only
- (c) 1 and 2 only
- (d) 1, 2 and 3

Solution: (d)

Justification: These special provisions are contained in Part XVI of the Constitution from Articles 330 to 342. They are also related to Special Representation in Legislatures; Reservation in Services and Posts; Educational Grants and Appointment of National Commissions for Scheduled Tribes (NCST).

Statement 2: Such grants are provided for example, under Article 275 for the purpose of promoting the welfare of Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State.

Scheduled Castes and Scheduled Tribes

Q.1497 The list of castes or tribes that are to be identified as SCs or STs are specified in

- (a) A Presidential order with respect to each State and Union Territory (UT)
- (b) The Fifth and Sixth Schedule of the Constitution of India
- (c) The resolutions passed by the respective state legislatures
- (d) The order issued by the State Governor in the extra-ordinary Gazette of India

Solution: (a)

The constitution does not specify the castes or tribes which are to be called the SCs or the STs. It leaves to the President the power to specify as to what castes or tribes in each state and union territory are to be treated as the SCs and STs. Thus, the lists of the SCs or STs vary from state to state and union territory to union territory. In case of the states, the President issues the notification after consulting the governor of the state concerned.

Q.1498 Any inclusion or exclusion of any caste or tribe from the list of Scheduled Castes and Scheduled Tribes can be done only by the

- (a) President
- (b) Parliament
- (c) Governors of Respective States
- (d) State Legislative Assemblies

Solution: (b)

Learning: Constitution does not specify the castes or tribes which are to be called the SCs or the STs.

- It leaves to the President the power to specify as to what castes or tribes in each state and union territory are to be treated as the SCs and STs. Thus, the lists of the SCs or STs vary from state to state and union territory to union territory.
- In case of the states, the President issues the notification after consulting the governor of the state concerned. But, any inclusion or exclusion of any caste or tribe from Presidential notification can be done only by the Parliament and not by a subsequent Presidential notification.
- Similarly, the Constitution has neither specified the BCs nor used a single uniform expression to characterise the BCs.

Q.1499 The constitution of India empowers which of these authorities to modify the list of notified scheduled castes as first notified by the President of India?

- (a) Parliament
- (b) National Commission for SCs
- (b) Chairman, National Human Rights Commission (NHRC)
- (d) Cabinet Secretary

Solution: (a)

Learning: The Parliament of India can modify the list of notified scheduled castes, which upon receiving the assent of the President of India can be notified as Scheduled Castes.

- Under the provision of Article 341, list of SCs in relation to a states/UT is to be issued by a notified Order of the President after consulting concerned state Government.
- Any subsequent inclusion in or exclusion from the list of Scheduled Castes can be effected only through an Act of Parliament.

Other Backward Communities (OBC)

Q.1500 Consider the following statements:

1. The constitution of India does not define backward classes.

2. Providing for quotas to socially, economically and educationally backward classes is mentioned in the DPSP outside of Part IV of the constitution.

Which of these is/are true?

- (a) Only 1
- (b) Only 2
- (c) Both
- (d) None

Solution: (a)

The quotas are to be provided to only SCs and STs which are socially backward. There is no provision for quotas to economically and educationally backward classes. In fact, in a famous Mandal case the SC cut down a 10% quota for economically backward classes.

Q.1501 The Constitution obliges the President to appoint a commission to investigate and report on the conditions of

- (a) Women and children only
- (b) Scheduled castes only
- (c) Socially and educationally backward classes
- (d) Scheduled tribes only

Solution: (c)

Special provisions relating to certain Classes can be found even outside the FRs and DPSP.

Article 340 provides for - Appointment of a Commission to investigate the conditions of backward classes:

- (1) The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their condition and as to the grants that should be made for the purpose by the Union or any State and the conditions subject to which such grants should be made, and the order appointing such Commission shall define the procedure to be followed by the Commission
- (2) A Commission so appointed shall investigate the matters referred to them and present to the President a report

setting out the facts as found by them and making such recommendations as they think proper

- (3) The President shall cause a copy of the report so presented together with a memorandum explaining the action taken thereon to be laid before each House of Parliament

Q.1502 Consider the following about the National Commission for Backward Classes.

1. It was established based on a Supreme Court judgment directing the government to evaluate under and over inclusion of castes in OBC list.
2. It has been empowered to suo moto look into the grievances of persons of Other Backward Classes.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: Statement 1: The Supreme Court of India in its Indra Sawhney judgment directed the Govt. of India to constitute a permanent body for entertaining, examining and recommending upon requests for inclusion and complaints of over-inclusion and under-inclusion in the list of OBCs.

Statement 2: NCBC receives a number of representations from OBCs. However, NCBC has not yet been empowered to look into the grievances of persons of Other Backward Classes.

- Under Article 338 of the Constitution, National Commission for Scheduled Castes is the competent authority to look into all the grievances, rights and safeguards relating to Backward Classes.

Learning: The NCBC Act provides that the Commission shall consist of five Members, comprising of a Chairperson who is or has been a judge of the Supreme Court or of a High Court; a social scientist; two persons, who have special knowledge in matters relating to backward classes; and a Member-Secretary, who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India.

Minorities

Q.1503 The Constitution of India recognizes:

- (a) Only religious minorities
(b) Only linguistic minorities
(c) Religious and linguistic minorities
(d) Religious, linguistic and ethnic minorities

Solution: (c)

There is no such term either mentioned or defined in the constitution as ethnic minorities even though the constitution does not permit discrimination based on race.

Q.1504 In a multi-cultural democracy, which of the following may lead to the alienation of the minority?

1. Eliminating local autonomy
2. Adopting one 'national' language
3. Lack of cultural safeguards and rights

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) All of the above.

Solution: (d)

Assimilationist and integrationist strategies try to establish singular national identities through various interventions like:

- Centralising all power to forums where the dominant group constitutes a majority, and eliminating the autonomy of local or minority groups;
- Imposing a unified legal and judicial system based on the dominant group's traditions and abolishing alternative systems used by other groups;
- Adopting the dominant group's language as the only official 'national' language and making its use mandatory in all public institutions;
- Promotion of the dominant group's language and culture through national institutions including state-controlled media and educational institutions;
- Adoption of state symbols celebrating the dominant group's history, heroes and culture, reflected in such things as choice of national holidays or naming of streets etc.;
- Seizure of lands, forests and fisheries from minority groups and indigenous people and declaring them 'national resources'

Q.1505 Consider the following statements.
Assertion (A): The National Commission for Minorities is not a constitutional body.

Reason (R): The constitution does not define “minorities”.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) Both A and R are incorrect.

Solution: (b)

Justification: The constitution does not define the term “devolution of taxes” does not mean that Finance Commission cannot be a constitution body. Similarly, whether a body is constitutional or not is decided by whether the body is established through constitutional provisions or not, irrespective of whether ancillary terms related to it are defined or not defined in the constitution.

The Union Government set up the National Commission for Minorities (NCM) under the National Commission for Minorities Act, 1992. Six religious communities, viz; Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis) and Jains have been notified as minority communities by the Union Government.

Anglo-Indians

Q.1506 Article 366 contains the definitions of various terms used in different provisions of the constitution. Which of the following terms have NOT been defined in the Constitution?

- 1. Indian State
- 2. Ruler
- 3. Anglo-Indian

Choose the correct answer from the codes given below.

- (a) 1 only (b) 2 only
- (c) 3 only (d) All have been defined.

Solution: (d)

Anglo-Indian means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory

of parents habitually resident therein and not established there for temporary purposes only. Indian State means any territory which the Government of the Dominion of India recognised as such a State. Ruler means the Prince, Chief or other person who, at any time before the commencement of the Constitution (Twenty-sixth Amendment) Act, 1971, was recognised by the President as the Ruler of an Indian State or any person who, at anytime before such commencement, was recognised by the President as the successor of such Ruler.

POLITICAL DYNAMICS

(69) RIGHT TO VOTE

Q.1507 The core of political democracy lies in the basic axiom of electoral democracy which is based on

- (a) Right to education
- (b) Freedom of speech
- (c) Right to equality
- (d) Universal adult franchise

Solution: (d)

Political democracy would essentially mean **political** power of the state is equally shared by the citizens. Citizens have the real power to legislate, which they perform by delegating this function to their elected representatives. It is implied by the universal adult franchise.

Q.1508 The constitution of India provides for Universal Adult Suffrage. What was the objective behind which the Universal Adult Suffrage was conceptualised by the members of the Constituent Assembly?

- 1. To encourage democratic mindset
- 2. To break the clutches of tradition, caste, class.
- 3. To remove gender hierarchy
- 4. To increase peoples participation

Which of the above statement is/ are correct?

- (a) 1 Only
- (b) 1 and 4
- (c) 1, 2 and 4
- (d) 1, 2, 3 and 4

Solution: (d)

The members of the Constituent Assembly felt that the freedom struggle had prepared the masses for universal adult suffrage and this would help encourage a democratic mindset and break clutches of traditional caste, class and gender hierarchies. And since the people of India will have a direct role in electing their representatives, the people's participation would also increase.

Q.1509 Which authority in India maintains the Voter's list for a particular state?

- (a) Chief Electoral Officer of the State
- (b) District Magistrates of the concerned areas
- (c) Chief Secretary
- (d) Zila Parishad

Solution: (a)

Q.1510 Right to vote in Lok Sabha and State assembly elections is a:

- (a) Constitutional right
- (b) Statutory right
- (c) Fundamental right
- (d) None of the above

Solution: (a)

Fundamental rights are meant to protect human rights against executive tyranny and establish political democracy. However, Article 326 in Part XV of the constitution depicts the adult suffrage. It is not mentioned under the fundamental rights section neither under any law enacted by the parliament of India. Therefore it is only a constitutional right.

Q.1511 If a person's "Right to Vote" is infringed, what remedy does she he have?

- (a) Move the Supreme Court citing violation of fundamental rights
- (b) File a non-judicial petition with the Election Commission of India
- (c) File a case against the Chief Electoral Officer of the State
- (d) Move the High court for infringement of a constitutional right

Solution: (d)

Justification: Right to Vote is a constitutional right, not a fundamental right. So, SC cannot be approached for issuing a writ petition. High court enforces legal rights, and should be approached in case of its infringement.

ECI only conducts elections and maintains the database of voters. It does not have the authority to enforce the Right to Vote. Same is true for the Chief Electoral Officer.

Q.1512 The voting age for Indians was lowered to 18 under the Universal Adult Franchise based on the

- (a) Parliamentary enactment immediately post-independent
- (b) Unamended Indian Constitution adopted in 1950
- (c) Legislation backed by the Government in 1991
- (d) None of the above

Solution: (d)

Justification and Learning: The Indian Constitution adopts universal adult franchise

as a basis of elections to the Lok Sabha and the state legislative assemblies.

Every citizen who is not less than 18 years of age has a right to vote without any discrimination of caste, race, religion, sex, literacy, wealth, and so on. The voting age was reduced to 18 years from 21 years in 1989 by the 61st Constitutional Amendment Act of 1988.

The introduction of universal adult franchise by the Constitution-makers was a bold experiment and highly remarkable in view of the vast size of the country, its huge population, high poverty, social inequality and overwhelming illiteracy.

Q.1513 The Election Commission of India allows which of these categories of persons to do 'proxy voting' and/or vote through e-postal ballots?

1. Members of armed forces
2. Government of India employee posted abroad
3. Non-Resident Indian Voters

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 3 only (d) 1, 2 and 3

Solution: (d)

Justification: ECI defines a category of votes as service voters. These include members of the armed forces, GoI employees serving abroad or Armed Police Force of a State, and serving outside that State.

Statements 1 and 2: Service voters are allowed to vote through proxy persons.

Statement 3: NRIs have recently been given the facility to vote through e-postal ballots and proxy voting both.

This new rule removes an "unreasonable restriction" posed by Section 20(A) of the Representation of the People (Amendment) Act of 2010, requiring overseas electors to be physically present in their constituencies to cast their votes.

Q.1514 Consider the following statements:

1. A certain class of persons, as notified by the Election Commission, can give their votes by postal ballot in India.
2. There is also a provision of a proxy vote for members of the armed forces.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None of the above

Solution: (c)

Q.1515 Consider the following statements:

1. Citizens of India who do not have a Voter ID card cannot vote in elections.
2. Voter rolls are created and maintained by the Election Commission of India under the supervision of the Department of Law and Justice, Government of India.
3. People who are mentally unsound may be debarred from voting in the election by the Election Commission of India.

Which of these is/are true?

- (a) 1 and 2 (b) Only 3
(c) 1 and 3 (d) All of the above

Solution: (b)

If you are issued with a voter ID card, you have to compulsorily carry it on the day of voting as an identity proof. If you do not possess a voter ID card, you can carry any one of the approved identity proof documents on Election Day. It can be ration card, passport etc.

The ECI is an independent body. It does not function under the supervision of the Government of India.

Q.1516 Who among the following have the right to vote in the elections to both Lok Sabha and Rajya Sabha?

- (a) Elected members of the Lower House of the Parliament
- (b) Elected members of the Upper House of the Parliament
- (c) Elected members of the Upper House of the State Legislature
- (d) Elected members of the Lower House of the State Legislature

Solution: (d)

The MLAs also vote as ordinary citizens in general elections. The MPs also do. But they cannot vote in the elections to Rajya Sabha.

Q.1517 Consider the following statements:

1. All those eligible to vote for local body elections are also eligible to stand for the local body elections.
2. Illiterate citizens of India, as defined legally, cannot contest Lok Sabha and Rajya Sabha elections.

Which of these is/are true?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None of the above

Solution: (d)

Minimum age for voting – 18, to fight local body elections – 21.

There is no educational qualification laid down for becoming an MP or MLA. S/he must be able to understand people's problems and concerns. No formal education or degree is necessary for this. People themselves decide whether a person is fit to become their MP, MLA etc. or not.

Q.1518 On what grounds can a person be disqualified as a voter?

1. Unsoundness of mind
 2. Corrupt or illegal practice
 3. Crime
 4. Non-residence
- (a) I, III and IV (b) I, II and III
(c) II, III and IV (d) I, II, III and IV

Solution: (d)

Article 326 states that "elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage that is to say every person who is a citizen of India and who is not less than eighteen years of age on such date as may be fixed in that behalf by of under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice shall be entitled to be registered as a voter at any such election.

Further Representation of the People Act, 1950 says

1. No person to be registered in more than one constituency. -No person shall be entitled to be registered in the electoral roll for more than one constituency.
2. No person to be registered more than once in any constituency. - No person shall be entitled to be registered in the electoral roll for any constituency more than once.

Q.1519 The Electorate means:

- (a) those people who do not have the right to elect their representatives

(b) all the citizens who possess the right to vote and elect their representatives in an election

(c) those people who have the right to be elected

(d) those people who have the right to live in a country

Solution: (b)

One can be a voter if he/she has attained age of 18 years and a citizen of India unless disqualified by the constitution or the law.

Q.1520 Consider the following statements.

1. There is only one general electoral roll for every territorial constituency for election to the Parliament and the state legislatures.
2. The state legislatures, apart from Parliament can also make provision with respect to all matters relating to elections to the state legislatures.

Which of the above is/are true?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

The Constitution (Article 324) provides for an independent Election Commission in order to ensure free and fair elections in the country. There is to be only one general electoral roll for every territorial constituency for election to the Parliament and the state legislatures. Thus, the Constitution has abolished the system of communal representation and separate electorates which led to the partition of the country. The state legislatures can also make provision with respect to all matters relating to elections to the state legislatures including the preparation of electoral rolls and all other matters necessary for securing their due constitution. But, they can make provision for only those matters which are not covered by the Parliament. In other words, they can only supplement the parliamentary law and cannot override it.

Q.1521 With reference to electoral rolls, consider the following statements

1. The electoral roll is a list of all people in the constituency who are registered to vote in Indian Elections
2. Only those people with their names on the electoral roll are allowed to vote

3. The electoral roll is revised once every 5 years

Which of the above statements is/are correct?

- (a) 1 and 3 Only (b) 1 and 2 Only
(c) 2 and 3 Only (d) All

Solution: (b)

The electoral roll is a list of all people in the constituency who are registered to vote in Indian Elections. Only those people with their names on the electoral roll are allowed to vote. The electoral roll is normally revised every year to add the names of those who are to turn 18 on the 1st January of that year or have moved into a constituency and to remove the names of those who have died or moved out of a constituency. If you are eligible to vote and are not on the electoral roll, you can apply to the Electoral Registration Officer of the constituency, who will update the register. The updating of the Electoral Roll only stops during an election campaign, after the nominations for candidates have closed.

(70) POLITICAL PARTIES

Q.1522 The 'Left', 'Right' and 'Centre' classification of political parties in India is done largely on the basis of

- (a) Strength of political party cadres
(b) Conventional sitting position in the legislature
(c) Ideology of the political parties
(d) Past electoral performance

Solution: (c)

Learning: On the basis of ideologies, the political scientists have placed the radical parties on the left and the liberal parties in the centre and reactionary and conservative parties on the right.

In India, the CPI and CPIM are the examples of leftist parties, the Congress of centrist parties and the BJP is an example of rightist.

The ideology of party affects their manifesto and working style when they come to power. For example, TMC is farmer oriented and not so business friendly supporting the socialist ideology. On the other hand, Indian National Congress takes more nuanced pro-capitalist positions.

Q.1523 The Election Commission registers political parties for the purpose of elections and grants them recognition as national or state parties on the basis of their

1. Poll performance
2. Cadre strength
3. Financial backing
4. Number of elections contested

Select the correct answer using the codes below.

- (a) 1, 2 and 3 only (b) 1 only
(c) 2 and 3 only (d) 1, 2 and 4 only

Solution: (b)

Q.1524 A state political party can be derecognized by the Election Commission of India when

1. It fails to submit its poll expenses
2. It does not reveal information under the RTI Act
3. It fails to win any seat in state elections.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 only (d) 1 and 3 only

Solution: (c)

Election Commission of India (ECI) has suspended recognition of the P. A. Sangma-led National People's Party (NPP) which was a recognized state party in Meghalaya. ECI decision in this regard comes in line with Supreme Court's judgement in the case of Common Cause Vs Union of India and others. In this judgement SC had made compulsion for all political parties to file their election expenditure statement within 75 days of assembly elections and 90 days of Lok Sabha elections. The de-recognition of a party does not mean its banned.

Q.1525 Which of the following criteria must be fulfilled by a political party to be recognized as a national party?

1. If it is recognized as a state party in four states.
2. If it secures 6% of valid votes polled in any four or more states at a general election to the Lok Sabha or to the legislative assembly.
3. If it wins four seats in the Lok Sabha from any state or states.

Choose the correct answer using the codes below:

- (a) Either 1 or (2 and 3 together)
- (b) 2 alone would be sufficient.
- (c) 1 and 3.
- (d) All of them must be achieved together to be recognized as a national

Solution: (a)

Conditions for recognition as a National party:

A political party shall be treated as a recognised National party, if, and only if, either

1. the candidates set up by it, in any four or more States, at the last general election to the House of the People, or to the Legislative Assembly of the State concerned, have secured not less than six percent of the total valid votes polled in their respective States at that general election;
2. in addition, it has returned at least four members to the House of the People at the aforesaid last general election from any State or States;
- or
3. its candidates have been elected to the House of the People, at the last general election to that House, from at least 2% of the total number of parliamentary constituencies in India, any fraction exceeding one half being counted as one; and
4. the said candidates have been elected to that House from not less than three State

Q.1526 With regard to the necessary conditions for a party to be recognized as a State party. Consider the following statements:

1. A political party should secure at least 6% of the total valid votes polled during general election to a State Legislative Assembly and should, in addition, win at least two seats in that Assembly or the party should win at least 3% of the total number of seats or three seats in the Legislative Assembly, whichever is more.
2. A political party should secure at least 6% of the total valid votes polled in a State during a general election to Lok Sabha and win at least one seat in the Lok Sabha from that State, or the party should win at

least one seat in the Lok Sabha for every 25 seats or any fraction thereof allotted to that State.

Which of the statements is/are correct?

- (a) 1 Only
- (b) 2 Only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Solution: (c)

A political party shall be treated as a recognised political party in a State, if and only if either the conditions satisfy:

- (a) A political party should secure at least 6% of the total valid votes polled during general election to a State Legislative Assembly and should, in addition, win at least two seats in that Assembly, or the party should win at least 3% of the total number of seats or three seats in the Legislative Assembly, whichever is more;

(Or)

- (b) A political party should secure at least 6% of the total valid votes polled in a State during a general election to Lok Sabha and win at least one seat in the Lok Sabha from that State, or the party should win at least one seat in the Lok Sabha for every 25 seats or any fraction thereof allotted to that State (or, at least one member to the Legislative Assembly of that State for every 30 members of that Assembly or any fraction of that number.)

Q.1527 With regard to registration of political parties in India, consider the following statements:

1. All political parties must register themselves with the Election Commission.
2. Not all parties that are registered with the Election Commission are recognized by it.
3. The registered parties will get unique symbols.
4. The registered parties are entitled for free broadcasting or telecasting facilities.

Select the correct answers using the codes below

- (a) 2 and 4
- (b) 1 and 3
- (c) 1, 3 and 4
- (d) 1, 2, 3 and 4

Solution: (d)

Every party in the country has to register with the Election Commission. While the

Commission treats all parties equally, it offers some special facilities to large and established parties. These parties are given a unique symbol—only the official candidates of that party can use that election symbol. Parties that get this privilege and some other special facilities are ‘recognised’ by the Election Commission for this purpose. That is why these parties are called, ‘recognised political parties’. The Election Commission has laid down detailed criteria of the proportion of votes and seats that a party must get in order to be a recognised party.

‘Recognised parties’ get preference in the matter of allotment of free symbols. Further, registered political parties, in course of time, can get recognition as ‘State Party’ or National Party’ subject to the fulfilment of the conditions prescribed by the Commission in the Election Symbols (Reservation and Allotment) Order, 1968, as amended from time to time.

Recognised ‘State’ and ‘National’ parties need only one proposer for filing the nomination and are also entitled for two sets of electoral rolls free of cost and broadcast/telecast facilities over Akashvani (AIR)/Doordarshan during general elections.

Q.1528 Consider the following statements:

1. The Election Commission treats all parties equally. No special facility is offered for large and established parties.
2. “Recognized parties” are allotted a unique election symbol by the Election Commission.
3. A political party that has formed government in a state cannot be recognized as a national party.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) 2 only

Solution: (d)

The Election commission offers special facilities for large, established and thus recognized parties. They are rebate on land, tax exemption, a publicity slot on all-India radio, a unique election symbol etc.

A party that has government in a state can also be recognized as a national party like BSP if it fulfils the specified criteria.

Q.1529 A registered un-recognized (by the Election Commission of India) political party is NOT entitled to which of the following privileges?

1. Access to electoral rolls
2. Allocation of party symbol
3. Provision of time for political broadcasts on the state-owned television and radio stations.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 1 and 3
(c) Only 3 (d) all

Solution: (d)

All these benefits go only to registered recognized parties. Even among these parties there are certain privileges for national and state parties

Q.1530 Lack of “Internal democracy” within political parties implies

1. Concentration of power at the top in the party
2. Provincial decentralization of the party

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

- **Justification:** All over the world there is a tendency in political parties towards the concentration of power in one or few leaders at the top. Parties do not keep membership registers, do not hold organisational meetings, and do not conduct internal elections regularly.
- Ordinary members of the party do not get sufficient information on what happens inside the party.
- They do not have the means or the connections needed to influence the decisions. As a result the leaders assume greater power to make decisions in the name of the party.
- Since one or few leaders exercise paramount power in the party, those who disagree with the leadership find it difficult to continue in the party. More than loyalty to party principles and policies, personal loyalty to the leader becomes more important.

(71) ELECTORAL SYSTEM

Q.1531 Consider the following statements with reference to proportional representation system of election:

1. More than one representative may be elected from one constituency
2. Candidate who wins the election may not get majority votes.
3. Voter votes for the candidate rather than the party in this system.
4. Under the system the entire country may be considered as a single constituency.
5. Every party gets seats in the legislature in proportion to the percentage of votes that it gets.

Select the correct answer using the codes below:

- (a) 2, 3 and 4 only (b) 1, 4 and 5 only
(c) 1, 2, 3 and 5 only (d) 1, 2, 3, 4 and 5

Solution: (b)

Each party fills its quota of seats by picking those many of its nominees from a preference list that has been declared before the elections. This system of elections is called the Proportional Representation (PR) system. In this system a party gets the same proportion of seats as its proportion of votes.

In the PR system there could be two variations.

In some countries, like Israel or Netherlands, the entire country is treated as one constituency and seats are allocated to each party according to its share of votes in the national election.

The other method is when the country is divided into several multi-member constituencies as in Argentina and Portugal. Each party prepares a list of candidates for each constituency, depending on how many have to be elected from that constituency. In both these variations, voters exercise their preference for a party and not a candidate.

The seats in a constituency are distributed on the basis of votes polled by a party. Thus, representatives from a constituency, would and do belong to different parties

Voter votes for the party rather than the candidate (which is followed in First past the Vote system). Every party gets seats in the

legislature in proportion to the percentage of votes that it gets. In other electoral systems, especially PR systems, voters are often asked to choose a party and the representatives are elected on the basis of party lists. As a result, there is no one representative who represents and is responsible for one locality. In constituency based system like the FPTP, the voters know who their own representative is and can hold him or her accountable.

Q.1532 Which of the following is/are the features of a proportional representation (PR) system of elections?

1. The entire country can be considered as a single constituency.
2. A Voter can vote for the party rather than the candidate.
3. A party generally gets more seats in proportion to the votes it receives.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (a)

Q.1533 Out of the several kinds of proportional representation system, which of the following has been adopted in India?

1. List System
2. Single Transferrable Vote system
3. Mixed member proportional representation

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1 only

Solution: (d)

The system of proportional representation aims at removing the defects of territorial representation. Under this system, all sections of the people get representation in proportion to their number. Even the smallest section of the population gets its due share of representation in the legislature.

There are two kinds of proportional representation, namely, single transferable vote system and list system. In India, the first kind is adopted for the election of members to the Rajya Sabha and state legislative council and for electing the President and the Vice-President.

Though some members of the Constituent Assembly had advocated the system of proportional representation for the election of members to the Lok Sabha, the Constitution has not adopted the system due to two reasons.

1. Difficulty for the voters to understand the system (which is complicated) due to low literacy scale in the country.
2. Unsuitability to the parliamentary government due to the tendency of the system to multiply political parties leading to instability in government.

Q.1534 Consider the following statements.
Assertion (A): The simple majority system of territorial representation does not represent the whole electorate.

Reasons (R): It does not secure due representation to minorities or other small groups.

In the context of the statements above, which of these is true?

- (a) A and R both are true, and R is the correct explanation for A.
- (b) A and R both are true, and R is the NOT the correct explanation for A.
- (c) A is correct, R is incorrect.
- (d) A and R both are incorrect

Solution: (a)

Q.1535 Consider the following statements about the proportional representation system of election.

1. The entire country may be a single constituency in this system.
2. Candidate who wins the election gets majority of votes.
3. A party may get more seats than votes in the legislature.

Choose the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) All of the above

Solution: (a)

The following explains the essential differences between both systems.

Q.1536 Consider these matches of the features of our electoral system with the principles they reflect.

1. Each constituency has roughly the same population – “One vote one value”

2. Anyone can form a party or contest elections: Universal Adult Franchise

3. Reservation of seats for the SCs and the STs: Open Political Competition

Choose the correct matches from the codes below.

- (a) 2 and 3
- (b) All except 2
- (c) All except 3
- (d) Only 1

Solution: (d)

Anyone can form a party or contest elections: Open political competition

Reservation of seats for the SCs and the STs: Representation of weaker sections

Q.1537 Which of the following electoral systems have been adopted for various elections in India ?

1. System of direct elections on the basis of adult suffrage.
2. System of proportional representation by means of the single transferable vote.
3. List system of proportional representation.
4. Cumulative system of indirect elections.

Choose the correct answer from the codes given below:

- (a) 1 and 2
- (b) 1 and 3
- (c) 1, 2 and 3
- (d) 2, 3 and 4

Solution: (a)

List system is a method of voting for several electoral candidates, usually members of the same political party, with one mark of the ballot. It is used to elect the parliaments of many western European countries, including Switzerland, Italy, the Benelux countries, and Germany. Electors vote for one of several lists of candidates, usually prepared by the political parties. Each party is granted seats in proportion to the number of popular votes it receives. There are several rules for computing the number of seats awarded to a party, the best known being the—d’Hondt rule and the—largest-remainder rule. Seats are usually awarded to candidates in the order in which their names appear on the lists. Although ordinarily the list system forces the voters to cast their votes for parties rather than for individual candidates, a number of variations on the system permit voter preferences for individuals to be taken into account. The Swiss system, one of the most extreme variations, is marked by *panachage*,

the ability of the voter to mix candidates from several party lists if he so desires.

Q.1538 In India, the system of Proportional representation is followed in the election for the

1. Rajya Sabha
2. President
3. Vice-President
4. State Legislative Council

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 1, 2 and 3 only
(c) All of the above (d) 3 and 4 only

Solution: (c)

In India, we have adopted PR system on a limited scale for indirect elections.

The Constitution prescribes a third and complex variation of the PR system for the election of President, Vice President, and for the election to the Rajya Sabha and Vidhan Parishads.

Q.1539 The system of proportional representation aims at removing the defects of territorial representation, where all sections of the people get representation in proportion to their number. What types of proportional representation are followed in India?

1. List system
2. Single transferable vote system
3. Mixed member system

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) 3 only

Solution: (b)

Learning: The simple majority system of representation does not represent the whole electorate. On the other hand, even the smallest section of the population gets its due share of representation in the legislature in the PR system.

There are two kinds of proportional representation, namely, single transferable vote system and list system.

Q.1540 The Single Transferable Vote system (STV) in India is followed for the elections of

1. President
2. Rajya Sabha MPs
3. Members of Legislative Council (MLCs)

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 3 only
(c) 1 only (d) 1, 2 and 3

Solution: (a)

Justification: Statement 2: The Single Transferable Vote System (STV) is followed for Rajya Sabha elections. Every State has a specific quota of seats in the Rajya Sabha. The members are elected by the respective State legislative assemblies. The voters are the MLAs in that State.

- Every voter is required to rank candidates according to her or his preference. To be declared the winner, a candidate must secure a minimum quota of votes, which is determined by a formula.
- If after the counting of all first preference votes, required number of candidates fail to fulfil the quota, the candidate who secured the lowest votes of first preference is eliminated and his/her votes are transferred to those who are mentioned as second preference on those ballot papers. This process continues till the required numbers of candidates are declared elected.

Statement 3: MLCs are chosen in the following manner:

- One-third are elected by members of local bodies such as Corporations, Municipalities, Gram Sabhas, Gram Panchayats, Panchayat Samitis and Zila Parishads.
- One-third are elected by members of Legislative Assemblies of the State from among the persons who are not members of the Assembly.
- One-twelfth are elected by persons who are graduates of 3 years' standing residing in that state.
- One-twelfth are elected by persons engaged for at least three years in teaching in educational institutions within the state not lower than secondary schools, including colleges and universities.
- One-sixth are nominated by the Governor from persons having knowledge or practical experience in fields such as literature, science, arts, the co-operative movement and social service.

Q.1541 Consider the following statements about the First-Past-the-Post (FPTP) system followed in India.

1. A party which does not get the majority of votes casted in the elections cannot win.
2. A party gets as much percentage of seats in the legislature as the percentage of overall votes that it has garnered in the elections.
3. Only one MP or MLA can represent an entire parliamentary or assembly constituency respectively.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) Only 3

Solution: (d)

The winning candidate need not secure a majority of the votes. This method is called the First-Past-the-Post (FPTP) system. In the electoral race, the candidate who is ahead of others, who crosses the winning post first of all, is the winner. This method is also called the Plurality System.

This is the method of election prescribed by the Constitution.

In the Lok Sabha elections of 1984, the Congress party came to power winning 415 of the 543 Lok Sabha seats – more than 80% of the seats. Such a victory was never achieved by any party in the Lok Sabha.

The Congress party got 48% of the votes. This means that only 48% of those who voted, voted in favour of the candidates put up by the Congress party, but the party still managed to win more than 80% of the seats in the Lok Sabha.

Q.1542 Choosing people for constitutional positions in legislative bodies in India can NOT happen by which of the following systems?

1. First-Past-the-Post (FPTP) election system
2. Proportional Representation election System
3. Nomination
4. Competitive Examinations

Choose the correct answer using the codes below.

- (a) 1 and 4 only (b) 2 and 3 only
(c) 3 and 4 only (d) 4 only

Solution: (d)

All posts whether that of a MP, MLA, Speaker, Vice-President, President etc. are concerned with legislative bodies/business in India. The FPTP is used for electing MPs. PR system is used for electing President. Nomination is used by President for nominating MPs to Lok Sabha and Rajya Sabha.

(72) DELIMITATION OF CONSTITUENCIES

Q.1543 Consider the following about the Delimitation Commission of India.

1. It is a statutory body.
2. It redraws the boundaries of both assembly and Lok Sabha constituencies.
3. Its orders cannot be challenged in a court of law.
4. The Lok Sabha cannot modify its orders.
5. It is setup every 5 years.

Select the correct answer using the codes below.

- (a) 1, 2 and 5 only (b) 3, 4 and 5 only
(c) 1, 2, 3 and 4 only (d) 1, 4 and 5 only

Solution: (c)

Justification: Statement 1: It is established by Government of India under the provisions of the Delimitation Commission Act.

Statement 2: The main task of the commission is to redraw the boundaries of the various assembly and Lok Sabha constituencies based on a recent census.

The representation from each state is not changed during this exercise. However, the numbers of SC and ST seats in a state are changed in accordance with the census.

Statement 3 and 4: The Commission is a powerful body whose orders cannot be challenged in a court of law. These orders come into force on a date to be specified by the President of India in this behalf. The orders are laid before the Lok Sabha and the respective State Legislative Assemblies. However, modifications are not permitted.

Statement 5: Delimitation commissions have been set up four times in the past – In 1952, 1963, 1973 and 2002 under Delimitation Commission acts of 1952, 1962, 1972 and 2002.

The present delimitation of parliamentary constituencies has been done on the basis of 2001 census figures under the provisions of Delimitation Act, 2002.

However, the Constitution of India was specifically amended in 2002 not to have delimitation of constituencies till the first census after 2026.

Thus, the present Constituencies carved out on the basis of 2001 census shall continue to be in operation till the first census after 2026.

Reference: <http://eci.nic.in/delim/AboutDel.pdf>

Q.1544 Consider the following about the Delimitation Commission.

1. It is appointed by the President of India.
2. It works in collaboration with the Election Commission of India.
3. Its orders cannot be challenged in a court of law.
4. Only the Parliament can modify the orders of the Commission.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1, 3 and 4 only
(c) 2 only (d) 1, 2 and 3 only

Solution: (d)

Q.1545 Consider the following statements with reference to Delimitation Commission of India:

1. Delimitation Commission decides on reservation of constituencies for scheduled castes/scheduled tribes both in house of the people and Legislative Assemblies.
2. Delimitation Commission decides on boundaries of constituencies all over the country.
3. Delimitation Commission is an independent body.
4. Delimitation Commission's orders have the force of law and cannot be called in question before any court.

Select the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1, 2 and 3 only (d) 1, 2, 3 and 4

Solution: (d)

Who decides which constituency is to be reserved? On what basis is this decision

taken? This decision is taken by an independent body called the Delimitation Commission

A quota of constituencies to be reserved in each State is fixed depending on the proportion of SC or ST in that State. After drawing the boundaries, the Delimitation Commission looks at the composition of population in each constituency. Those constituencies that have the highest proportion of Scheduled Tribe population are reserved for ST.

In the case of Scheduled Castes, the Delimitation Commission looks at two things. It picks constituencies that have higher proportion of Scheduled Caste population. But it also spreads these constituencies in different regions of the State. This is done because the Scheduled Caste population is generally spread evenly throughout the country.

These reserved constituencies can be rotated each time the Delimitation exercise is undertaken.

Q.1546 The decision of which constituencies to reserve; and the basis on which it is to be reserved for SCs and STs is taken by which body?

- (a) Parliament
(b) The Council of Ministers
(c) Delimitation Commission of India
(d) The Election Commission of India

Solution: (c)

A quota of constituencies to be reserved in each State is fixed depending on the proportion of SC or ST in that State. After drawing the boundaries, the Delimitation Commission looks at the composition of population in each constituency. Those constituencies that have the highest proportion of Scheduled Tribe population are reserved for ST.

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- Q.1547** The Delimitation Act, 2002 act and Representation of the People Act, 1950 were last amended to take into account
- Increased population since 2011 Census
 - Rotation of new constituencies between male and female candidates
 - India Bangladesh land boundary agreement
 - Establishment of State Election Commissions in states where they didn't exist earlier

Solution: (c)

Justification: section 11 of the Delimitation Act, 2002 and section 9 of the Representation of the People Act, 1950 were amended recently.

It will enable Election Commission to carry out limited delimitation of Assembly and Parliamentary Constituencies in the Cooch Behar District of West Bengal consequent upon the exchange of 51 Bangladeshi enclaves and 111 Indian enclaves respectively between India and Bangladesh.

Learning: Under Article 82 of the Constitution, the Parliament by law enacts a Delimitation Act after every census.

- After coming into force commencement of the Act, the Central Government constitutes a Delimitation Commission.
- The present delimitation of constituencies has been done on the basis of 2001 census figures under the provisions of Delimitation Act, 2002.

- Q.1548** India is divided into number of constituency for electing it's representatives. Consider the following statements:

- Each Parliamentary constituency has within it several assembly constituencies
- Each village or town is divided into several 'wards' that are like constituencies.
- Some Parliamentary constituencies are reserved for people who belong to the Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Class (OBC)

Which of the statements is/are correct?

- 1 Only
- 1 and 3
- 1 and 2
- 1, 2 and 3

Solution: (c)

In our country we follow an area based system of representation. The country is

divided into different areas for purposes of elections. These areas are called electoral constituencies. The voters who live in an area elect one representative.

Each Parliamentary constituency has within it several assembly constituencies. The same principle applies for Panchayat and Municipal elections. Each village or town is divided into several 'wards' that are like constituencies. Each ward elects one member of the village or the urban local body. Currently, in the Lok Sabha, 84 seats are reserved for the Scheduled Castes and 47 for the Scheduled Tribes (as on 1 September 2012). This number is in proportion to their share in the total population. Thus the reserved seats for SC and ST do not take away the legitimate share of any other social group. Seats are not reserved for OBC's & Minorities in Parliament.

- Q.1549** Consider the following statements:

- The number of parliamentary constituencies in a state cannot be lesser than the number of assembly constituencies.
- A parliamentary constituency can span across more than one district in a state of India.

Which of these is/are true?

- 1 only
- 2 only
- Both 1 and 2
- None of the above

Solution: (b)

See the diagram in NCERT book for Gulbarga Lok Sabha Constituency and the Gulbarga District in Karnataka.

- Q.1550** Consider the following statements:

- Members of the SC and ST community can fight elections only from constituencies reserved for them.
- In the Gram Panchayat elections, women can stand in election only from constituencies which are reserved for women.

Which of these is/are true?

- 1 only
- 2 only
- Both 1 and 2
- None of the above

Solution: (d)

Constituencies are of two types – general and reserved. In a general constituency any one can stand and fight elections. In a reserved constituency – in any election, local, general etc. – candidates belonging to the certain community can only stand for the election.

(73) MODEL CODE OF CONDUCT

- Q.1551** The 'Model Code of Conduct (MCC)' has been issued by the
- Supreme Court of India
 - Election Commission of India
 - President of India
 - Parliament

Solution: (b)

Explanation & Learning: MCC is not a legally binding document. Hence, SC cannot issue or enforce it. Option (a) is wrong.

What is it?

It is a set of guidelines laid down by the Election Commission to govern the conduct of political parties and candidates in the run-up to an election.

What is the need for such a code of conduct?

1. It is intended to provide a level playing field for all political parties, to keep the campaign fair and healthy, avoid clashes and conflicts between parties, and ensure peace and order. Its main aim is to ensure that the ruling party, either at the Centre or in the states, does not misuse its official position to gain an unfair advantage in an election.
2. The Model Code of Conduct comes into force the moment an election is announced and remains in force till the results are declared.
3. For example, one provision of the MCC says, "No party or candidate shall include in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic"

- Q.1552** Consider the following statements about the Model Code of Conduct (MCC) with reference to elections in India.

1. It has been enacted by the Parliament to ensure a level playing field between candidates/political parties.
2. The Election Commission of India enforces the MCC.
3. The ECI can take disciplinary action against the candidates/political parties which violate the MCC.

Choose the correct answer using the codes below:

- 1 and 2
- 2 and 3
- 1 and 3
- All of the above

Solution: (b)

MCC is not a law. It is an informal agreement between the political parties.

- Q.1553** The Model Code of Conduct for guidance of candidates and political parties comes immediately into effect

- After the Election Commission of India announces the election schedule in a major press conference
- After the Election Commission of India issues a specific order enforcing the Model code of conduct
- Automatically exactly one month before the election dates
- After the deadline for nominating candidates ends

Solution: (a)

The Commission normally announces the schedule of elections in a major press conference a few weeks before the formal process is set in motion. The Model Code of Conduct for guidance of candidates and political parties comes immediately into effect after such announcement.

The formal process for the elections starts with the Notification or Notifications calling upon the electorate to elect Members of a House. As soon as Notifications are issued, candidates can start filing their nominations in the constituencies from where they wish to contest.

These are scrutinized by the Returning Officer of the constituency concerned after the last date for the same is over after about a week. The validly nominated candidates can withdraw from the contest within 2 days from the date of scrutiny. Contesting candidates get at least two weeks for political campaign before the actual date of poll.

- Q.1554** Which of the following is NOT a part of the "Model Code of Conduct for the Guidance of Political Parties and Candidates", formulated by the Election Commission of India?

- No political party can criticise the other political party or its candidates after the notification of the election schedule.

- (b) There shall be no appeal to caste or communal feelings for securing votes.
- (c) The Ministers shall not use government resources for furthering the interest of their political parties solely.
- (d) Issue of advertisement at the cost of public exchequer in media to further the interest of a particular political party should be avoided during elections.

Solution: (a)

Justification: It provides for the following salient points:

1. No party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic. So, (b) is correct.
2. Criticism of other political parties, when made, shall be confined to their policies and programmes, past record and work. Parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or distortions shall be avoided. So, the option (a) is incorrect.
3. The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work
4. Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power. So, the option (c) is also correct.
5. Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided. So, the option (d) is also correct.

Q.1555 Which of the following would be counted as unfair practices under the Indian election

laws or the Model Code of Conduct (MCC)?

1. A minister flags off a new train in his constituency a week before polling day.
2. A candidate promises that she will get a new train for her constituency if she is elected.
3. Supporters of a candidate take the voters to a temple and make them take an oath that they will vote for him.
4. The supporters of a candidate distribute blankets in slums in return for a promise for vote.

Choose the correct options from the codes below:

- (a) All of the above
- (b) 1, 3 and 4
- (c) 3 only
- (d) 1 and 4 only

Solution: (b)

The option 2 is not wrong as it can be a part of the Election Manifesto. It is a part of the policy and to-do list of the candidate if he is elected. It is a fair practice.

The other three are unfair. The options 1 and 3 are violations of the MCC. The option 4 is clearly bribing the voters.

Q.1556 Which of the following activities are prohibited by the Model Code of Conduct as soon as the election are notified by the Election Commission of India?

1. Using any place of worship for election propaganda.
2. Using government vehicles, officials and money for elections.
3. Once elections are announced, Ministers shall not lay foundation stones of any projects, take any big policy decisions or make any promises of providing public facilities.

Choose the correct answer using the codes below:

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 3
- (d) All of the above

Solution: (d)

Explained in previous questions.

Q.1557 Which of the following are prohibited by the election laws of India with reference to elections?

1. Appealing to voters in the name of caste or religion

2. Use government resources for election campaign
3. Bribe or threaten voters

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

Self-explanatory as these disturb the level playing field between political parties and candidates. In addition to this *mala fide* activities are regulated by the Model Code of conduct.

(74) ELECTIONS

Q.1558 Which of these may NOT be a good reason to say that elections in a certain country are democratic?

- (a) If it has very large voter base.
- (b) If an independent and powerful body supervises elections.
- (c) If all candidates have a fair chance of competing and winning in elections.
- (d) If the losing parties peacefully accept the electoral verdict.

Solution: (a)

Explanation: There may be confusion between option (a) and (c). Option (a) is more appropriate because merely a large voter base does not ensure successful and democratic elections. For e.g. Iraq may have a large voter base, many agencies alleged that its 2003 elections were not democratic. Malpractices, rigging etc. can take place in countries with large voter base. In such cases, elections will not be fair and democratic.

Options (c) and (d) show the political situation in the country. For e.g. if in Pakistan, the incumbent government does not have any chances of losing (as it controls state institutions), the elections may not be considered democratic!

To ensure the above option (b) is necessary.

Q.1559 A 'by-election' is held when

- (a) A party candidate during elections withdraws or dies
- (b) Vacancy caused by death or resignation of a legislator is to be filled between general elections

(c) The Election Commission of India thinks it to be in the best-interest of the nation.

(d) There is no decisive winner in a general election

Solution: (b)

Explanation & Learning: In most cases these elections occur when the incumbent died or resigned, but they also occur when the incumbent becomes ineligible to continue in office (because of a recall, ennoblement, criminal conviction, or failure to maintain a minimum attendance). Less commonly, these elections have been called when a constituency election is invalidated by voting irregularities.

Q.1560 Consider the following statements:

1. The state legislatures can also enact laws relating to the elections to the state legislatures in so far that they are consistent with the provisions enacted by the Parliament.
2. The election petitions concerning the Parliament can only be entertained by the Supreme Court.

Which of these is/are true?

- (a) Only 1 (b) Only 2
(c) Both (d) None of the above

Solution: (a)

The high courts and other authorities as provided by the Parliament can also entertain election petitions

Q.1561 Given below are some of the offices in the Indian polity. For which of the following offices provisions regarding the appointment/elections is/are not mentioned in the constitution of India?

1. Deputy Chairman of Rajya Sabha.
2. Solicitor general of India.
3. Lok Sabha Secretary
4. Advocate General

Choose the correct answer using the codes below:

- (a) 1 and 4 only (b) 2 and 3 only
(c) 1 and 3 only (d) 2, 3 and 4

Solution: (b)

There is no provision for the Lok Sabha secretary specifically in the constitution. It only talks about the secretarial staff via Article 98.

Article 98 (1) depicts that “Each House of Parliament shall have a separate secretarial staff. Provided that nothing in this clause shall be construed as preventing the creation of posts common to both Houses of Parliament.”

Constitution has no provision for solicitor general of India.

Q.1562 With regard to elections consider the following statements

1. Some non-democratic countries also hold elections.
2. Sometimes election is held only for one constituency to fill the vacancy caused by death or resignation of a member. This is called a mid- election.
3. In India we follow a system of proportional representation for the election of members of Lok Sabha.
4. Each constituency should have a roughly equal population living within it.

Which of the statements given above is/are correct?

- (a) 2 and 4 (b) 1 and 4
(c) 1, 2 and 3 (d) 1, 2, 3 and 4

Solution: (b)

Elections can be held in many ways. All democratic countries hold elections. But most non-democratic countries also hold some kind of elections.

Sometimes election is held only for one constituency to fill the vacancy caused by death or resignation of a member. This is called a ‘by-election’.

In India we follow a system of territorial representation/area-based representation for the election of members of Lok Sabha. And in Rajya Sabha we follow proportional representation.

One of the features of a democratic election is that every vote should have equal value. That is why our Constitution requires that each constituency should have a roughly equal population living within it

Q.1563 India has a federal government, with elected representatives at the central, state and local levels. Which of the following statements are incorrect with regard to elections held in India?

1. In a democratic election, the list of those who are eligible to vote is prepared much

before the election and given to everyone. This list is officially called the Electoral Roll and is commonly known as the Voters’ List.

2. A complete revision of the Electoral Roll takes place every 5 years.
3. Anyone who can be a voter can also become a candidate in elections and the candidate’s minimum age should be 18 years.

Select the correct answer using the codes given below

- (a) 1 and 3 (b) 1 Only
(c) 2 Only (d) None

Solution: (b)

In a democratic election, the list of those who are eligible to vote is prepared much before the election and given to everyone. This list is officially called the Electoral Roll and is commonly known as the Voters’ List.

Anyone who can be a voter can also become a candidate in elections. The only difference is that in order to be a candidate the minimum age is 25 years, while it is only 18 years for being a voter. There are some other restrictions on criminals etc. but these apply in very extreme cases

Which of these is NOT a good reason to say that Indian elections are democratic?

- (a) India has the largest number of voters in the world.
- (b) India’s Election Commission is very powerful.
- (c) In India, everyone above the age of 18 has a right to vote.
- (d) In India, the losing parties accept the electoral verdict.

Solution: (a)

Even China has a very large number of voters in its elections. But that does not make China a democracy.

The existence of a democracy is not decided solely by the number of voters or existence of voters. There are several other criteria such as: free and fair elections; decision-making power with the people; freedom of speech and expression; open political competition etc.

Q.1564 Consider the following about Elections in India.

1. The recommendation for elections is made by the Government of India.
2. The announcement of elections is done by the Election Commission of India.
3. The model code of conduct is enforced by the Government of India.
4. The election conducting machinery is not controlled by the government.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 1, 3 and 4 only
(c) 2 only (d) 1, 2 and 4 only

Solution: (d)

The recommendation for election is made by the government and the notification for election is issued by the Election Commission. After the notification, the Election Commission of India announces the schedule, and starts accepting nomination papers of candidates. After announcing the schedule, the model code of conduct comes automatically in force that prohibits certain kind of political activities to ensure a level playing field.

Q.1565 Arrange these election related activities in the correct order from the earlier to the later.

1. Announcing election schedule
2. Election Campaign
3. Filing nominations for elections

Choose the correct answer from the codes below:

- (a) 123 (b) 132
(c) 312 (d) 321

Solution: (b)

- The Commission normally announces the schedule of elections in a major Press Conference a few weeks before the formal process is set in motion. The Model Code of Conduct for guidance of candidates and Political Parties immediately comes into effect after such announcement.
- The formal process for the elections starts with the Notification or Notifications calling upon the As soon as Notifications are issued, Candidates can start filing their nominations in the constituencies from where they wish to contest. These are scrutinised by the Returning Officer of the constituency concerned after the last date for the same is over after about a week.

- The validly nominated candidates can withdraw from the contest within 2 days from the date of scrutiny.
- Contesting candidates get at least 2 weeks for political campaign before the actual date of poll.
- On account of the vast magnitude of operations and the massive size of the electorate, polling is held at least on 3 days for the national elections.
- A separate date for counting is fixed and the results declared for each constituency by the concerned Returning Officer.
- The Commission compiles the complete list of Members elected and issues an appropriate Notification for the due Constitution of the House. With this, the process of elections is complete and the President, in case of the Lok Sabha, and the Governors of the concerned States, in case of Vidhan Sabhas, can then convene their respective Houses to hold their sessions.
- The entire process takes between 5 to 8 weeks for the national elections, 4 to 5 weeks for separate elections only for Legislative Assemblies.

Q.1566 The Election Commission of India (ECI) compiles the complete list of members who are elected in General elections. After the elections are complete, who issues the notification for the due constitution of the Lok Sabha?

- (a) President of India
(b) Former Council of Ministers
(c) Election Commission of India (ECI)
(d) Leader of the majority party/coalition

Solution: (c)

Learning: The ECI issues an appropriate notification for the due constitution of the House. With this, the process of elections is complete and the President, in case of the Lok Sabha, can then convene the house to hold its sessions. The Governors of the concerned states, in case of State Assemblies, convene the sessions

Q.1567 Consider the following

1. The Model Code of Conduct (MCC) comes immediately into effect after the dissolution of Lok Sabha.

2. After the general elections are complete, President of India issues the notification for the due constitution of the Lok Sabha.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification: Statement 1: The Commission normally announces the schedule of elections in a major press conference a few weeks before the formal process is set in motion.

- The Model Code of Conduct comes immediately into effect after such announcement.
- The formal process for the elections starts with the Notification or Notifications calling upon the electorate to elect Members of a House.

Statement 2: Refer previous explanation.

Q.1568 If in an election to a State Legislature Assembly the candidate who is declared elected loses his deposit, it means that

- (a) the polling was very poor
(b) the election was for a multi-member constituency
(c) the elected candidate's victory over his nearest rival was very marginal
(d) a very large number of candidates contested the election

Solution: (d)

The deposit made by a candidate shall be returned if the following conditions are satisfied: (i) the candidate is not shown in the list of contesting candidates, that is to say, either his nomination was rejected or after his nomination was accepted, he withdrew his candidature and/or (ii) he dies before the commencement of the poll and/or (iii) he is elected and/or (iv) he is not elected but gets more than 1/6th of the total no. of valid votes polled by all the candidates at the election.

Note: (1) If the candidate has polled exactly 1/6th of the total number of valid votes polled by all the candidates, the deposit will not be refunded. (2) if the candidate was elected, the deposit will be refunded even if he did not poll more than 1/6th of the total valid votes polled by all the candidates.

Hence, if the number of candidates is very large, very few will be able to secure one-sixth of votes. Others will lose the deposit.

Q.1569 Who among the following can vote in the elections to Lok Sabha, Rajya Sabha as well as State Legislative Council?

- (a) Registered voters of the country
(b) Elected members of State Legislative Assembly
(c) President and Attorney-general
(d) Chief Minister of a state

Solution: (b)

Voters cannot choose members of Rajya Sabha and State Legislative Council. They are indirectly elected by members of the state LA (almost all in case of RS, and 1/3rd in case of SLC).

Chief Minister of a state cannot vote for Rajya Sabha and State Legislative Council, if he is a member of State Legislative Council, and not State Legislative Assembly.

Attorney General has right to attend proceeding of parliament but he/she has no right to vote.

President is an integral part of Parliament S/he addresses the joint seating of Parliament.

Only the Elected members choose 1/3rd of the SLC members, as well as choose Rajya Sabha members, as well as vote as registered voters for Lok Sabha elections.

Q.1570 Consider the following with reference to election outcomes in India.

1. Majority of votes by a political party necessarily mean majority of seats.
2. Majority of seats garnered by a political party necessarily mean majority of votes.

Which of the above is/are true?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

A simple case of majority seats not meaning majority votes is Modi Government's win by a majority of seats but only around 38% votes. On the other hand, in Delhi, the Aam Admi Party (AAP) secured 54.4% of votes, and won nearly 95% seats. So majority of seats does not mean necessarily majority of votes. The opposite is also true. A party can get majority of votes, yet it may not get majority of seats, because it may not

win by a huge margin in all electoral constituencies.

Q.1571 The declaration which outlines the future programme and policy of a political party issued on the eve of a general election is called:

- (a) white paper (b) manifesto
(c) yellow paper (d) mandate

Solution: (b)

Q.1572 Which of the following is correct regarding booth capturing?

1. It has been defined in the Constitution after the 61st amendment.
 2. It includes the seizure of a polling booth to prevent the orderly conduct of elections.
 3. It is also committed when any elector is threatened and prevented from going to the polling station to cast his vote.
 4. It has been declared a cognizable offence punishable by imprisonment.
- (a) 2, 3, and 4 (b) 1, 2 and 3
(c) 2 and 3 (d) 1, 2, 3 and 4

Solution: (a)

Self explanatory

Election Officers

Q.1573 Which of the following government officials are the parts of the machinery of Election Commission of India that conducts and supervises elections in India?

1. Observers
2. Presiding officer
3. Returning Officer
4. Chief Electoral Officer

Choose the correct answer from the codes given below.

- (a) 1 and 4 only (b) 2 and 4 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

The Chief Electoral Officer of a State/Union Territory is authorized to supervise the election work in the state/Union Territory subject to the overall superintendence, direction and control of the Election Commission. The Election Commission of India nominates or designates an Officer of the Government of the State / Union Territory as the Chief Electoral Officer in consultation

with that State Government / Union Territory Administration.

The Election Commission of India nominates officers of Government as Observers (General Observers and Election Expenditure Observers) for Parliamentary and assembly constituencies. They perform such functions as are entrusted to them by the Commission. They report directly to the Commission.

Q.1574 Elections are being conducted almost every year in India. Elaborate machinery is required for election management. Who acts as the District returning Officer in the Districts in these elections?

- (a) District Collector
(b) Divisional Commissioner as the Chief electoral Officer is in charge of the Districts under him.
(c) An Officer appointed by the District Magistrate
(d) An Officer other than the District Magistrate appointed by the ECI.

Solution: (a)

The Election Commission is assisted by deputy election commissioners. They are drawn from the civil service and appointed by the commission with tenure system. They are assisted, in turn, by the secretaries, Joint Secretaries, deputy secretaries and Under Secretaries posted in the secretariat of the commission.

At the state level, the Election Commission is assisted by the chief electoral officer who is appointed by the chief election commissioner in consultation with the state government. Below this, at the district level, the collector acts as the district returning officer. He appoints a returning officer for every constituency in the district and presiding officer for every polling booth in the constituency.

Q.1575 The Returning Officer of a Parliamentary or assembly constituency is responsible for the conduct of elections in the Parliamentary or assembly constituency concerned. How is she appointed?

- (a) The Election Commission of India (ECI) nominates or designates an officer of the Government in consultation with the State government

- (b) The District Magistrate nominates from amongst the officers of the Constituency in consultation with the ECI
- (c) The Chief Electoral Officer (CEO) appoints her based on the recommendation of the District Magistrate
- (d) The State Government appoints her from amongst the polling officers within the constituency in consultation with the ECI

Solution: (a)

Learning: This is the hierarchy of the election machinery.

1. The Chief Electoral Officer of a State/ Union Territory is authorized to supervise the election work in the state/ Union Territory subject to the overall superintendence, direction and control of the Election Commission.
2. Subject to the superintendence, direction and control of the Chief Electoral Officer, the District Election Officer supervises the election work of a district.
3. Next lies Returning officer (RO) and Presiding officer.
4. The Presiding Officer with the assistance of polling officers conducts the poll at a polling station.
5. The District Election Officer appoints the Presiding Officers and the Polling Officers.

Q.1576 Who is a Returning Officer? [Teachers' Exam, 1993]

- (a) An officer who returns the unaccepted applications for allotment of land
- (b) An officer who is sent back to his parent department
- (c) An officer who is head of the State Assembly Secretariat
- (d) An officer who is responsible for conduct of election in a constituency and declares the results

Solution: (d)

Polls

Q.1577 Which one of the following statements regarding "Exit Poll" is correct?

- (a) "Exit Poll" is a term used to denote a post-election survey of voters regarding the candidate in whose favour they had exercised their franchise

- (b) "Exit Poll" and "Opinion Poll" are one and the same
- (c) "Exit Poll" is a device through which results of voting can be most exactly predicted
- (d) "Exit Poll" is an administrative device made recently by the Chief Election Commissioner to prevent impersonation.

Solution: (a)

An election exit-poll is a poll of voters taken immediately after they have exited the polling stations. Unlike an opinion poll, which asks whom the voter plans to vote for or some similar formulation, an exit poll asks whom the voter actually voted for. A similar poll conducted before actual voters have voted is called an entrance poll. Pollsters, mostly private companies working for newspapers or broadcasters, use to conduct the exit polls to gain an early indication as to how an election has turned out, as in many elections the actual result may take hours or even days to count.

There was a widespread controversy during the Indian general election, 2014 when the Election Commission of India barred media organisations from displaying exit poll results until the votes had been counted. This was followed by a strong protest from the media which caused the Election Commission to withdraw its statement and that the exit polls can be shown at 6:30 pm on 12th may after the last vote is cast.

Q.1578 Which one of the following statements correctly differentiates between 'Exit Poll' and 'Opinion Poll'?

1. 'Exit Polls' are used by the ECI to prevent impersonation and forgery in the electoral process, whereas opinion polls are used before the elections to gauge popular mood.
2. The final result of elections is derived from 'Exit Polls', whereas 'opinion polls' do not carry administrative value apart from allowing general public to express its opinion.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (d)

Justification: Statement 1: An election exit poll is a poll of voters taken immediately after they have exited the polling stations. Unlike an opinion poll, which asks for whom the voter plans to vote, or some similar formulation, an exit poll asks for whom the voter actually voted.

Statement 2: However, every voter may not reveal his correct preferences. So, result is based only on counting of votes in the ballot box or via the EVM.

Opinion polls are usually designed to represent the opinions of a population by conducting a series of questions and then extrapolating generalities in ratio or within confidence intervals.

Q.1579 Which of the following correctly points the difference between Exit polls and Opinion Polls?

1. Exit polls are not banned, but opinion polls are banned in India.
2. Exit polls are taken after the elector votes and exits from a particular polling booth; opinion polls are taken before the election.
3. Exit polls are conducted by the Election Commission of India, whereas opinion polls are conducted by private media agencies.

Choose the correct answer from the codes given below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 2 only

Solution: (d)

(75) ELECTORAL REFORMS

Q.1580 On the basis of landmark judgments passed by the Supreme Court, the Election Commission of India came up with the following mandates:

1. Every candidate has to make a legal declaration, giving full details of serious criminal cases pending against the candidate
2. Details of the assets and liabilities of the candidate and his or her family
3. Education qualifications was not mandatory
4. The information furnished by the candidates has to be confidential.

5. The above mandates are in the spirit of Article 19.

Which of the statements is/are correct?

- (a) 1, 2 and 5 (b) 1, 2 and 3
(c) 1, 2, 3 and 4 (d) 1, 2, 3, 4 and 5

Solution: (a)

Every person who wishes to contest an election has to fill a 'nomination form' and give some money as 'security deposit'. Recently, a new system of declaration has been introduced on direction from the Supreme Court. Every candidate has to make a legal declaration, giving full details of:

- Serious criminal cases pending against the candidate;
- assets and liabilities of the candidate and his or her family
- Education qualifications of the candidate.

This information has to be made public. This provides an opportunity to the voters to make their decision on the basis of the information provided by the candidates.

Right to Information is a part of fundamental rights under Article 19(1) of the Constitution. Article 19(1) says that every citizen has freedom of speech and expression. In 1976, the Supreme Court said in the case of *Raj Narain v. State of UP*, 1975 AIR 865, that people cannot speak or express themselves unless they know. Therefore, right to information is embedded in article 19.

Q.1581 The order/direction of making mandatory for every candidate (contesting elections) to file an *affidavit* giving details of his property and criminal cases pending against him was given by?

- (a) Election Commission of India
(b) Supreme Court
(c) Parliament
(d) The Prime Minister's office (PMO)

Solution: (b)

The ECI only implements whatever directives re framed. It does not have the power to issue such powerful directives. This directive came out in a Supreme Court judgement.

Q.1582 Which of the following are legally mandatory for political parties in or political candidates fighting elections in India?

1. Giving a certain percentage of election tickets to women candidates

2. A record of the adherence of a political party to its own Constitution
3. Submit an affidavit giving details of his property and criminal cases pending against him to the concerned authority

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 3 only (d) 1 and 3 only

Solution: (c)

Justification: These are some of the compulsory provisions:

- The Constitution was amended to prevent elected MLAs and MPs from changing parties.
- The Supreme Court passed an order to reduce the influence of money and criminals. Now, it is mandatory for every candidate who contests elections to file an affidavit giving details of his property and criminal cases pending against him.
- The Election Commission passed an order making it necessary for political parties to hold their organisational elections and file their income tax returns

Besides these, many suggestions are often made to reform political parties:

- A law should be made to regulate the internal affairs of political parties. It should be made compulsory for political parties to maintain a register of its members, to follow its own constitution, to have an independent authority, to act as a judge in case of party disputes, to hold open elections to the highest posts.
- It should be made mandatory for political parties to give a minimum number of tickets, about one-third, to women candidates. Similarly, there should be a quota for women in the decision making bodies of the party.

Q.1583 When a voter presses a button in the Electronic Voting Machine (EVM), a paper slip is printed through the Voter Verifiable Paper Audit Trail (VVPAT) Machine. This slip contains the

1. Name and caste of the Voter
2. Poll symbol of the voted candidate
3. Name of the voted candidate
4. Address where the EVM is installed

Select the correct answer using the codes below.

- (a) 1 and 3 only (b) 2 and 4 only
(c) 1, 2 and 3 only (d) 2, 3 and 4 only

Solution: (c)

Justification: The Voter Verified Paper Audit Trail is attached to electronic voting machines.

This slip contains:

1. the poll symbol and
2. serial number and name of the candidate only.

It allows the voter to verify his/her choice.

After being visible to the voter from a glass case in the VVPAT for seven seconds, the ballot slip will be cut and dropped into the drop box in the VVPAT machine and a beep will be heard. VVPAT machines can be accessed by polling officers only.

Q.1584 Consider the following about Election Commission of India – Electronic Voting Machines (ECI-EVMs).

1. ECI procures most Completely-Built Units (CBUs) of EVMs from abroad to reduce security exposure to domestic clients.
2. The EVMs use ‘date and time stamping of each and every key press’ making them tamper proof.
3. Most EVMs are re-programmable allowing much needed flexibility to incorporate new features without incurring new production expenditures.

Select the correct answer using the codes below.

- (a) 2 only (b) 1 and 3 only
(c) 1 only (d) 2 and 3 only

Solution: (a)

Justification: Recently, there have been some queries and allegations about the security features of Electronic Voting Machines (EVMs). Political parties have questioned on the tamper proof nature of EVMs. However, ECI published a clarification note on this.

Statement 1: Contrary to misinformation and as alleged by some, India do not use any EVMs produced abroad. EVMs are produced indigenously by PSUs in India. However, the chips used in EVMs are sourced from abroad because we don’t have the capability of

producing semi-conductor microchips within the country. However, the software used in these chips is written domestically.

Statement 2: The ECI-EVMs use some of the most sophisticated technological features like one time programmable (OTP) microcontrollers, dynamic coding of key codes, date and time stamping of each and every key press, advanced encryption technology and EVM-tracking software to handle EVM logistics, among others to make the machine 100% tamper proof.

Statement 3: Since, software is based on OTP the program cannot be altered, re-written or Re-read. Thus, making EVM tamper proof. If anyone make, attempt, the machine will become inoperative.

- Q.1585** Election Commission of India (ECI) had launched National Electoral Roll Purification and Authentication Programme (NERPAP). Under the programme
- (a) Voter ID card of voters will be linked with Aadhaar data.
 - (b) Voter ID card of voters will be re-issued after redundancy check and verification.
 - (c) Voter ID card of voters will be stored online and new cards will be allotted online.
 - (d) None of the above

Solution: (a)

1. Objective is to bring out a totally error-free and authenticated electoral roll throughout the country.
2. For the authentication purpose, Electoral Photo Identity Card (EPIC) data of electors will be linked with Aadhaar data.
3. It also focuses to improve the image quality of electors along with sorting issues like corrections of errors. Facility to link Aadhaar number will be provided to electors through SMS, E-mail, mobile application and National Voters Service Portal using web services through ECI website.
4. Electors also can link their Aadhaar number by making a call at 1950 to state call centres. Under NERPAP, collection and feeding of Aadhaar will also be done by Electoral Registration Officer.

5. In this regard special Camps will be organized, Voter Facilitation Centres, e-Seva centres and Citizen Service Centres. While Booth Level Officers will conduct door-to-door surveys to collect the details.

Q.1586 Reforming political parties is one of the aspects of good governance. Which of the following is/are a step in this direction?

1. The Parliament enacted anti-defection law
2. On Supreme Courts orders, it's now mandatory for every candidate who contests elections to file an Affidavit giving details of his property and criminal cases pending against him.
3. The Election Commission passed an order making it necessary for political parties to hold their organizational elections and file their income tax returns.
4. The political parties do not come under the ambit of Right to Information Act.

Select the correct answers using the codes below

- | | |
|----------------|-------------------|
| (a) 1 and 4 | (b) 1, 2 and 4 |
| (c) 1, 2 and 3 | (d) 1, 2, 3 and 4 |

Solution: (a)

Q.1587 State funding of elections takes place in [IAS 1997]

- (a) USA and Canada
- (b) Britain and Switzerland
- (c) France and Italy
- (d) Germany and Austria

Solution: (d)

(76) ANTI-DEFECTION LAW

Q.1588 The Tenth Schedule — popularly known as the Anti-Defection Act was added to the Constitution through which of the following amendments?

- (a) 51st Amendment
- (b) 52nd Amendment
- (c) 53rd Amendment
- (d) 54th Amendment

Solution: (b)

• What is the Anti-Defection Law?

The Tenth Schedule—popularly known as the Anti-Defection Act—was included in the Constitution in 1985 by the Rajiv

Gandhi ministry and sets the provisions for disqualification of elected members on the grounds of defection to another political party.

The law was added via the 52nd Amendment Act, 1985, soon after the Rajiv government came to power with a thumping majority in the wake of the assassination of Prime Minister Indira Gandhi. The Congress had won 401 seats in the Lok Sabha.

• **What are the grounds for disqualification under the Anti-Defection Law's Articles 102(2) and 191(2)?**

- (a) If an elected member voluntarily gives up his membership of a political party;
- (b) If he votes or abstains from voting in such House contrary to any direction issued by his political party or anyone authorised to do so, without obtaining prior permission.

As a pre-condition for his disqualification, his abstention from voting should not be condoned by his party or the authorised person within 15 days of such incident.

• **What were the loopholes?**

As per the 1985 Act, a 'defection' by one-third of the elected members of a political party was considered a 'merger'. Such defections were not actionable against. The Dinesh Goswami Committee on Electoral Reforms, the Law Commission in its report on "Reform of Electoral Laws" and the National Commission to Review the Working of the Constitution (NCRWC) all recommended the deletion of the Tenth Schedule provision regarding exemption from disqualification in case of a split.

Finally the 91st Constitutional Amendment Act, 2003, changed this. So now at least two-thirds of the members of a party have to be in favour of a "merger" for it to have validity in the eyes of the law. "The merger of the original political party or a member of a House shall be deemed to have taken place if, and only if, not less than two-thirds of the members of the legislature party concerned have agreed to such merger," states the Tenth Schedule.

• **Under which circumstances is a split in a party not considered a 'defection'?**

A split in a political party will not be considered a defection if an entire political

party merges with another; if a new political party is formed by some of the elected members of one party; if he or she or other members of the party have not accepted the merger between the two parties and opted to function as a separate group from the time of such a merger.

• **What are the powers of a party whip under the Constitution in case of a defection?**

The whip upholds the party directives in the House as the authorised voice of the party. On defection of elected members of his party, the whip can send a petition on the alleged defection to the Chairman or the Speaker of a House for their disqualification. He can also expel the members from the party. But this does not necessarily mean that the members so expelled lose their seats in the House. They continue to hang on to their seats as long as the Chairman or the Speaker of a House gives a final decision on their disqualification from the House after a proper enquiry on the basis of the petition filed by the party whip.

• **What are the options before a disqualified elected member?**

The members so disqualified can stand for elections from any political party for a seat in the same House. But he, naturally cannot get a ticket from his former party.

• **Who is the deciding authority?**

The decision on questions as to disqualification on ground of defection is referred to the Chairman or the Speaker of such House, and his decision is final. All proceedings in relation to any question on disqualification of a member of a House under this Schedule are deemed to be proceedings in Parliament or in the Legislature of a state. No court has any jurisdiction.

- Q.1589** Clear constitutional recognition to the existence of political parties in India for the first time was given by
- (a) The establishment of Election Commission of India
 - (b) The Anti-defection provisions in the Tenth schedule of the Constitution
 - (c) The establishment of the Inter-State Council of India

- (d) The 73rd and 74th amendment to the Constitution of India

Solution: (b)

The 52nd Amendment Act of 1985 provided for the disqualification of the members of Parliament and the state legislatures on the ground of defection from one political party to another. For this purpose, it made changes in four Articles of the Constitution and added a new Schedule (the Tenth Schedule) to the Constitution. This act is often referred to as the 'anti-defection law'. These provisions facilitate democratic realignment of parties in the legislature by way of merger of parties. It also reduces corruption at the political level as well as non-developmental expenditure incurred on irregular elections. And, for the first time, it gives, a clear-cut constitutional recognition to the existence of political parties.

- Q.1590** Any question regarding disqualification arising out of defection is to be decided by the
- President of India
 - Presiding officer of the House
 - Chief Justice of India
 - Chief Election Commissioner

Solution: (b)

Any question regarding disqualification arising out of defection is to be decided by the presiding officer of the House. Originally, the act provided that the decision of the presiding officer is final and cannot be questioned in any court. However, in *Kihoto Hollohan v. Zachillhu*, 1992 SCR (1) 686, the Supreme Court declared this provision as unconstitutional on the ground that it seeks to take away the jurisdiction of the Supreme Court and the high courts. It held that the presiding officer, while deciding a question under the Tenth Schedule, function as a tribunal. Hence, his decision like that of any other tribunal is subject to judicial review on the grounds of mala fides, perversity, etc. But, the court rejected the contention that the vesting of adjudicatory powers in the presiding officer is by itself invalid on the ground of political bias.

- The presiding officer of a House is also empowered to make rules to give effect to the provisions of the Tenth Schedule.

- All such rules must be placed before the House for thirty days. The House may approve or modify or disapprove them.
- Further, he may direct that any wilful contravention by any member of such rules may be dealt with in the same manner as a breach of privilege of the House.
- According to the rules made so, the presiding officer can take up a defection case only when he receives a complaint from a member of the House.
- Before taking the final decision, he must give the member (against whom the complaint has been made) a chance to submit his explanation. He may also refer the matter to the committee of privileges for inquiry. Hence, defection has no immediate and automatic effect.

- Q.1591** Consider a case where a MP has voted against his political party in the Parliament. Which among the following authorities will decide on his disqualification pertaining to anti defection law?
- Presiding Officer of that House of the Parliament
 - President of India
 - Election Commission of India
 - Parliamentary Committee on Anti defection

Solution: (a)

- Q.1592** The question of disqualification under the Anti-defection provisions under Tenth Schedule of the constitution is decided by the
- Chairman in the case of Rajya Sabha and Speaker in the case of Lok Sabha
 - Supreme Court in case of Parliament and concerned High courts in case of State legislative assemblies
 - President of India in all cases based on the recommendations of the Union cabinet
 - Election Commission of India

Solution: (a)

Explained in the previous questions.

- Q.1593** Which of the following are the circumstances under which an elected Member of Parliament may be disqualified on the ground of defection?

1. If he voluntarily gives up his membership of a political party
2. If he votes or abstains from voting contrary to any direction issued by his political party without prior permission of the political party
3. If he speaks against the political party
4. If he joins a political party other than the party on whose ticket he contested and got elected

Select the correct answer from the codes given below:

- (a) 1, 2 and 3 (b) 1, 2 and 4
 (c) 1, 3 and 4 (d) 2, 3 and 4

Solution: (b)

A MP can speak against his political party. This forms part of his/her Parliamentary privileges as well as Freedom of Speech and Expression (Article 19(a)). If this were not the case, then Parliamentary democracy will not be a reality in India post enactment of anti-defection law.

Q.1594 Disqualification on ground of defection does not apply in cases of

1. Political Party mergers
2. Political party splits
3. A candidate quitting political party

Choose the correct answer from the codes given below.

- (a) 1 and 2 only (b) 2 and 3 only
 (c) 1 and 3 only (d) 2 only

Solution: (a)

A member of a House belonging to any political party becomes disqualified for being a member of the House, (a) if he voluntarily gives up his membership of such political party; or (b) if he votes or abstains from voting in such House contrary to any direction issued by his political party without obtaining prior permission of such party and such act has not been condoned by the party within 15 days. The above disqualification on the ground of defection does not apply in the following two cases:

- If a member goes out of his party as a result of a merger of the party with another party. A merger takes place when two-thirds of the members of the party have agreed to such merger.

- If a member, after being elected as the presiding officer of the House, voluntarily gives up the membership of his party or re-joins it after he ceases to hold that office. This exemption has been provided in view of the dignity and impartiality of this office.

Q.1595 Consider the following statements

1. At present a 'defection' by one-third of the elected members of a political party is considered a 'merger'
2. A split in a political party will not be considered a defection if an entire political party merges with another

Which of the above statements is/are correct?

- (a) 1 Only (b) 2 Only
 (c) Both (d) None

Solution: (b)

Q.1596 Which of the following amendments to the Constitution curbed Prime Minister's discretion to appoint any number of ministers in his Cabinet?

- (a) 90th Amendment
 (b) 91st Amendment
 (c) 92nd Amendment
 (d) 93rd Amendment

Solution: (b)

Article 72 of the Constitution prescribes that the total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed 15% of the number of members of the House of the People.

Prior to 1 January 2004 (effective date of 91st Amendment of the Constitution) the Prime Minister had discretion to appoint any number in his council of ministers. But the Constitution (Ninety-first Amendment) Act in 2003 made a drastic change in curbing such power of the Prime Minister.

This Amendment added Clause (1A) in this Article which made a specific provision that, the total number of Ministers, including Prime Minister, in no case can exceed 15% of the total number of Lok Sabha members.

Q.1597 The 91st Amendment Act of 2003 is significant because

1. It gave constitutional recognition to the system of political parties.
2. It regulated the size of council of ministers based on the strength of Lok Sabha.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: Till this amendment was introduced, the Constitution did not refer to the existence of political parties, even though the entire system of governance is based on the party system.

Through this amendment, there is a clear constitutional recognition of political parties for the first time. The amendment brought in the Tenth Schedule provides that an MP/MLA/MLC forfeits his/her membership of the legislature if he/she defects from the party on whose symbol he/she was elected.

Statement 2: As per the amendment, 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.

(77) PRESSURE GROUPS

Q.1598 Consider the following statements with regard to Pressure Groups.

1. They have political ideology and take positions on political issues
2. Their decision making is more formal and rigid.
3. Their principal concern is the betterment and well-being of their members, not society in general.
4. They have deepened democracy.
5. These groups are formed having uncommon objectives.

Which of the statements is/are correct?

- (a) 1, 4 and 5 (b) 3, 4 and 5
(c) 1, 3 and 4 (d) 1, 2, 4 and 5

Solution: (c)

Pressure groups are organisations that attempt to influence government policies. But unlike political parties, pressure groups do not aim to directly control or share political power. These organisations are formed when people with common occupation, interest, aspirations or opinions come together in order to achieve a common objective. Their decision-making is more informal and flexible .

Usually interest groups seek to promote the interests of a particular section or group of society. Trade unions, business associations and professional (lawyers, doctors, teachers, etc.) bodies are some examples of this type. They are sectional because they represent a section of society: workers, employees, business persons, industrialists, followers of a religion, caste group, etc. Their principal concern is the betterment and well-being of their members, not society in general. On balance, however, pressure groups and movements have deepened democracy. Putting pressure on the rulers is not an unhealthy activity in a democracy as long as everyone gets this opportunity.

While interest groups and movements do not directly engage in party politics, they seek to exert influence on political parties. Most of the movement groups take a political stance without being a party. They have political ideology and political position on major issues. The relationship between political parties and pressure groups can take different forms, some direct and others very indirect.

Q.1599 Consider the following statements about pressure groups.

1. They do not raise political issues.
2. They do not seek to come into political power.
3. They are not involved in political activities like mobilizing people etc.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) 2 only

Solution: (d)

Pressure groups are meant to raise political issues. A political issue is any issue that affects the power distribution in a society. The means can be giving speeches, mobilizing people, meeting the political executive putting up their demands etc. For example, the Student Unions which fight for rights of the students raise essentially political issues.

But, these organizations do not seek for themselves a share in institutional political power (legislature, executive etc.).

- Q.1600** The pressure groups influence governance by
1. Fighting political elections with community support
 2. Lobbying for a change in the public policy by exerting pressure on the government
- Which of the above is/are correct?
- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 1: The pressure groups are also called interest groups or vested groups. They are different from the political parties in that they neither contest elections nor try to capture political power.

Statement 2: They are concerned with specific programmes and issues and their activities are confined to the protection and promotion of the interests of their members by influencing the government.

The pressure groups influence the policy-making and policy-implementation in the government through legal and legitimate methods like lobbying, correspondence, publicity, propagandising, petitioning, public debating, maintaining contacts with their legislators and so forth.

However, sometimes they resort to illegitimate and illegal methods like violence, for example, LWE groups.

- Q.1601** A pressure group does NOT perform which of the following activities?
- (a) Contest for political power by fighting general elections
 - (b) Influencing public opinion by use of media, propaganda and publishing
 - (c) Acting as an intermediary between the Government and the public at large
 - (d) Lobbying, protests and organizing masses

Solution: (a)

Learning: Pressure groups provide a means of popular participation in national politics between elections. They are sometimes able to gather sufficient support to force government to amend or even scrap legislation.

For example, pressure groups like ABVP frequently organize protests, blockades and lobby with the Universities and governments for making their point.

(78) NATIONAL INTEGRATION

OTHER ASPECTS

(79) LIST

- Q.1602** Seventh Schedule of the Constitution of India deals with

- (a) Protection of the rights of tribals in hilly and forest areas
- (b) Powers of the Executive branch of the government
- (c) Allowances of the President, Vice-President and Supreme Court Judges
- (d) Division of powers between the Union and the States

Solution: (d)

Learning: The legislative section is divided into three lists: Union List, State List and Concurrent List. Unlike the federal governments of the United States, Switzerland or Australia, residual powers remain with the Union Government, as with the Canadian federal government. The Union List or List-I is a list of 100 items given in Seventh Schedule in the Constitution of India on which Parliament has exclusive power to legislate.

- Q.1603** Which of the following fall in the Concurrent List under the Seventh Schedule of the Constitution of India?

1. Forests
2. Education
3. Trade and Commerce
4. Ports

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1, 2 and 3 only (d) All of the above

Solution: (a)

- Q.1604** In India, which of these matters comes under the State List of the Seventh Schedule to the Indian Constitution?

- (a) Education (b) Forests
- (c) Irrigation (d) Banking

Solution: (c)

Learning: Union List includes subjects of national importance such as defence of the country, foreign affairs, banking, communications and currency.

State List contains subjects of State and local importance such as trade, commerce and irrigation.

Concurrent List includes subjects of common interest to both the Union Government as well as the State Governments, such as education, forest, trade unions, marriage, adoption and succession. Both the Union as well as the State Governments can make laws on the subjects mentioned in this list.

Q.1605 Which of these subjects does NOT come under the State List under Seventh Schedule of the Constitution?

- (a) Public order
- (b) Public health and sanitation
- (c) Relief of the disabled and unemployable
- (d) Banking, Insurance and Financial corporations

Solution: (d)

Learning: Police, Prisons, Local government, Socio-economic planning, Agriculture, including agricultural education and research, Water, that is, water supplies, irrigation and canals and Land are important subjects under the State list.

Central List includes Posts and telegraphs; telephones, wireless, broadcasting and other like forms of communication, Currency, coinage and legal tender; foreign exchange, Reserve Bank of India, Inter-state trade and commerce, Trading corporations etc.

Q.1606 Which of the following subjects fall in the State list under the seventh schedule of the constitution?

- 1. Banking
- 2. Education
- 3. Forests
- 4. Police
- 5. Agriculture

Choose the correct answer using the codes below:

- (a) All of the above
- (b) 4 and 5 only
- (c) 2, 3, 4 and 5
- (d) 1, 2 and 3 only

Solution: (b)

Education and forests come in the concurrent list.

Banking is in the Union list.

Rest fall in the state list as these matters need to be sensitive to local needs. No national uniformity is required whether in

laws or policies as far as the state list subjects are concerned.

Q.1607 Consider the following statements.

Assertion (A): Despite Agriculture being a State Subject, the Centre can legislate on it even in ordinary circumstances.

Reason (R): Agriculture is a means of livelihood to a majority of population in India. The Parliament legislates in national interest.

In the context of the statements above, which of these is true?

- (a) A and R both are true, and R is the correct explanation for A.
- (b) A and R both are true, and R is the NOT the correct explanation for A.
- (c) A is incorrect, R is correct.
- (d) A and R both are incorrect.

Solution: (c)

Agriculture being a state subject, the primary responsibility for increasing agricultural production and productivity, exploiting untapped potential, and enhancing incomes of the farming community, rests with state governments. Their efforts are supplemented by many centrally sponsored and central sector schemes (not legislation).

Therefore, the Union Ministry of Agriculture supports the efforts to the state to bring about greater coordination and reduce regional imbalances

Q.1608 Legislation with respect to the individual rights of “Adoption and Succession” comes under the

- (a) State List in the Seventh Schedule
- (b) Union List in the Seventh Schedule
- (c) Concurrent List in the Seventh Schedule
- (d) Residuary List

Solution: (c)

Q.1609 The responsibility of maintaining local law and order in the disturbed North-Eastern regions of the country rests primarily with the

- (a) Central Government
- (b) State Governments
- (c) Tribal Councils established under Sixth Schedule of Constitution
- (d) Autonomous District Councils

Solution: (b)

Learning: Law and order is a state subject. However the efforts of State Government are often supplemented by the Central Government.

Deployment of CAPF, Border security forces like Assam Rifles and ITBP are such examples.

The state government can also request Central assistance in case of major public order problems such as insurgencies.

Q.1610 Economic and Social Planning for tribals is a subject on which

- The Parliament alone can make law but with the consent of State Legislatures
- Only the Parliament can make law
- Only State Legislatures can make law
- Both the Parliament and State Legislatures can make law

Solution: (d)

Justification: Some other important subjects that come under the concurrent list are

- population control and family planning
- Social security and social insurance
- employment and unemployment
- Welfare of labour
- Education, including technical education, medical education and universities
- Relief and rehabilitation of persons displaced from their original place of residence etc.

Both the Parliament and state legislature can make laws on it. But, if a law made by State legislature contravenes a Central law, the provision will be null and void.

Q.1611 Which of the following directions by the Central government (CG), if given, to the state governments (SGs) would go against the Indian federal structure?

- The CG forces SGs to adopt a specific policy in dealing with Naxalism.
- It decides to launch a defence missile from a particular state, which the state is denying.
- It forces the state to adopt the newly introduced Rs. 20 currency note.

Choose the correct answer using the codes below.

- 1 and 2
- 2 and 3
- 1 and 3
- 1 only

Solution: (d)

Defence and currency are in the realm of the CG, hence directions can be given. Naxalism

comes under law and order, which is in state list. So, no directions can be forced on the state governments.

Match the following: [CDS 1993]

- | | |
|---|---|
| A. Taxes on income | 1. State list other than agricultural income |
| B. Estate duty | 2. Residuary power respect of agricultural land |
| C. Inter planetary | 3. Concurrent List outer space travel |
| D. Acquisition and requisitioning of property | 4. Union List |

A B C D

- | | |
|-------------|-------------|
| (a) 4 3 2 1 | (b) 4 1 2 3 |
| (c) 2 3 1 4 | (d) 3 2 4 1 |

Solution: (b)

(80) TABLE OF PRECEDENCE

Q.1612 In the Table of Precedence

- Members of Parliament (MPs) are placed higher than Chief Ministers of States.
- Governors (inside their respective states) are placed higher than former Presidents.
- Chief Justice of India is placed higher than Union Cabinet Ministers.

Choose the correct answer using the codes below.

- 1 and 2 only
- 2 and 3 only
- 1 and 3 only
- All of the above

Solution: (b)

The Table of Precedence is related to the rank and order of the officials of the Union and State Governments. The present notification on this subject was issued on 26 July, 1979. This notification superseded all the previous notifications and was also amended many times. The updated version of the Table, containing all the amendments made therein so far (as in 2013), is given below:

- President
- Vice-President
- Prime Minister
- Governors of states within their respective states
- Former presidents
- Deputy Prime Minister
- Chief Justice of India Speaker of Lok Sabha
- Cabinet Ministers of the Union Chief Ministers of States within their respective

States Deputy Chairman, Planning Commission Former Prime Ministers Leaders of Opposition in Rajya Sabha and Lok Sabha MPs are ranked at number 21 after all the ministers in the Union and states.

Q.1613 Arrange the ranks of the following functionaries from higher to lower in the order of precedence.

1. Governor of a state within the state
 2. Speaker of Lok Sabha
 3. Former President
 4. Chief Minister of a State outside a state
- Choose the correct order using the codes below.

- (a) 3124 (b) 1324
(c) 2134 (d) 3241

Solution: (b)

Q.1614 In the Table of Precedence, which of the following figures/authorities precede the Chief Election Commissioner?

1. Holders of Bharat Ratna decoration
2. Judges of Supreme Court
3. Attorney General of India
4. Leader of Opposition, Lok Sabha.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 1, 2 and 4 only
(c) 2 and 3 only (d) 1 and 4 only

Solution: (b)

From the 7th number, here is the table of precedence. The Table of Precedence is related to the rank and order of the officials of the Union and State Governments.

7. Cabinet Ministers of the Union
Chief Ministers of States within their respective States, Former Prime Ministers, Leaders of Opposition in Rajya Sabha and Lok Sabha

7A. Holders of Bharat Ratna decoration
8. Ambassadors Extraordinary and Plenipotentiary and High Commissioners of Commonwealth countries accredited to India Chief Ministers of States outside their respective States Governors of States outside their respective States

9. Judges of Supreme Court

9A. Chairperson, Union Public Service Commission Chief Election Commissioner

Comptroller & Auditor General of India

10. Deputy Chairman, Rajya Sabha
Deputy Chief Ministers of States
Deputy Speaker, Lok Sabha
Ministers of State of the Union (and any other Minister in the Ministry of Defence for defence matters)

11. Attorney General of India, Cabinet Secretary, Lieutenant Governors within their respective Union Territories.

Q.1615 The correct order with respect to the rank and precedence of the persons named therein as approved by the President is

- (a) Prime Minister > Governors of States within their respective States > Former Presidents > Chief Justice of India
- (b) Prime Minister > Former Presidents > Chief Justice of India > Governors of States within their respective States > Speaker of Lok Sabha
- (c) President > Chief Justice of India > Governors of States within their respective States > Speaker of Lok Sabha > Former Presidents
- (d) None of the above is correct.

Solution: (a)

Learning: The table of precedence has nothing to do with the actual rank and authority in the government setup. It is more of symbolic value and used in ceremonies and functions as a matter of protocol.

Q.1616 Consider the following statements

1. Table of Precedence is only meant for State and Ceremonial occasions and not for day to day businesses of government
2. Holders of Bharat Ratna take precedence over Judges of the Supreme Court

Which of the above is/are correct?

- (a) 1 Only (b) 2 Only
(c) Both (d) None

Solution: (c)

Q.1617 Consider the following functionaries:

1. Cabinet Secretary
2. Chief Election Commissioner
3. Union Cabinet Ministers
4. Chief Justice of India

Their correct sequence, in the Order of Precedence is

- (a) 3, 4, 2, 1 (b) 4, 3, 1, 2
(c) 4, 3, 2, 1 (d) 3, 4, 1, 2

Solution: (c)

Q.1618 Which one of the following is the correct sequence in the descending order of precedence in the warrant of precedence? [IAS, 2004]

- (a) Attorney General of India: Judges of the Supreme Court - Members of Parliament – Deputy Chairman of Rajya Sabha
- (b) Judges of the Supreme Court: Deputy Chairman of Rajya Sabha – Attorney General of India - Members of Parliament
- (c) Attorney General of India: Deputy Chairman of Rajya Sabha – Judges of the Supreme Court - Members of Parliament
- (d) Judges of the Supreme Court: Attorney General of India – Deputy Chairman of Rajya Sabha – Members of Parliament

Solution: (b)

(81) NATIONAL SYMBOLS

National Flag

Q.1619 Consider the following statements

- 1. The design of the national flag was adopted by the Constituent Assembly of India after India became republic
- 2. The display of the National Flag is solely governed by the non-statutory instructions issued by the government time to time

Which of the above statements is/are correct?

- (a) 1 Only
- (b) 2 Only
- (c) Both
- (d) None

Solution: (d)

Statement 1: It was adopted on July 22, 1947

Statement 2: Apart from non-statutory instructions issued by the Government from time to time, display of the National Flag is governed by the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950 (No. 12 of 1950) and the Prevention of Insults to National Honour Act, 1971 (No. 69 of 1971). Flag Code of India, 2002 is an attempt to bring together all such laws, conventions, practices and instructions for the guidance and benefit of all concerned.

For the sake of convenience, Flag Code of India, 2002, has been divided into three parts. The Part I of the Code contains general description of the National Flag. Part II of the Code is devoted to the display of the

National Flag by members of public, private organizations, educational institutions, etc. Part III of the Code relates to display of the National Flag by Central and State governments and their organisations and agencies

Q.1620 Consider the following with reference to the Flag code of India.

- 1. When carried in a procession with other flags, the Indian flag must be on the left side of all.
- 2. When the flag is in a moving column, persons present will stand at attention or salute as the flag passes them.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (b)

Justification: Statement 1: The flag, when carried in a procession or parade or with another flag or flags, should be on the marching right or alone in the centre at the front. The flag may form a distinctive feature of the unveiling of a statue, monument, or plaque, but should never be used as the covering for the object.

When the Indian flag is flown on Indian territory along with other national flags, the general rule is that the Indian flag should be the starting point of all flags.

Statement 2: Moreover, a dignitary may take the salute without a head dress. The flag salutation should be followed by the playing of the national anthem.

Learning: Khadi or hand-spun cloth is the only material allowed to be used for the flag, and flying a flag made of any other material is punishable by law with imprisonment up to three years, besides a fine.

The Flag should never touch the ground or water. Also, the Flag should not hold any objects other than flower petals before unfurling.

No lettering should be inscribed on the flag. The flag cannot be used in uniforms.

Q.1621 Generally, the flag of India is flown at half-mast 'All Over India' in the event of the death of a

- 1. President and Vice-President
- 2. Prime Minister

3. Chief Justice of India

4. Cabinet Ministers

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2, 3 and 4 only
(c) 1, 2 and 3 only (d) 1 and 4 only

Solution: (a)

Justification: It is only for the President, Vice-President and Prime Minister that it is flown at half-mast all over India.

For the Speaker of the Lok Sabha and the Chief Justice of India, it is flown in Delhi and for a Union Cabinet Minister it is flown in Delhi and the state capitals, from where he or she came.

For a Minister of State, it is flown only in Delhi.

For a Governor, Lt. Governor, or Chief Minister of a state or union territory, it is flown in the concerned state.

Q.1622 Consider the following about the protocol followed while hoisting the National Flag.

1. The Flag should never touch the ground or water.
2. Indian citizens can fly the flag even at night.
3. The Flag should not hold any objects other than flower petals before unfurling.
4. No lettering should be inscribed on the flag.
5. The flag cannot be used in uniforms.

Select the correct answer using the codes below.

- (a) 2 and 4 only (b) 3, 4 and 5 only
(c) 1, 2 and 3 only (d) 1, 2, 3 and 4 only

Solution: (d)

Learning: The original flag code also forbade use of the flag on uniforms, costumes and other clothing.

In 2005, the Government of India amended the code to allow some forms of usage. The amended code forbids usage in clothing below the waist and on undergarments, and forbids embroidering onto pillowcases, handkerchiefs or other dress material.

Display and usage of the flag is governed by the Flag Code of India, 2002 (successor to the Flag Code of India, i.e., the original flag code); the Emblems and Names (Prevention of Improper Use) Act, 1950; and the Prevention of Insults to National Honour Act, 1971.

National Song – Vande Mataram

Q.1623 “Vande Mataram”, which eventually shaped our National Song, is a poem composed by Bankim Chandra Chattopadhyay in 1870s, which he included in his novel

- (a) Shaarda (b) Young Bengal
(c) Anandamath (d) Geetanjali

Solution: (c)

Learning: The first two verses of the song were adopted as the national song of India in 1937.

- It played a vital role in the Indian independence movement, first sung in a political context by Rabindranath Tagore at the 1896 session of the Indian National Congress.
- It became a popular marching song for political activism and Indian freedom movement in 1905.
- Spiritual Indian nationalist and philosopher Sri Aurobindo referred it as “National Anthem of Bengal”.

Q.1624 Consider the following about the National Anthem and National Song.

1. The National Anthem of India was first sung at the Calcutta Session of the Indian National Congress.
2. The National Anthem was adopted at the first Republic Day by the constituent assembly.
3. The National Song was first sung at the 1930 Lahore Session of the Indian National Congress.

Select the correct answer using the codes below.

- (a) 1 only (b) 1 and 2 only
(c) 2 and 3 only (d) 1 and 3 only

Solution: (a)

Justification: Statements 1 and 2: The song Jana-Gana-Mana, composed originally in Bengali by Rabindra Nath Tagore, was adopted in its Hindi version by the Constituent Assembly as the National Anthem of India on 24 January 1950.

It was first sung on 27 December 1911 at the Calcutta Session of the Indian National Congress. The complete song consists of five stanzas. The first stanza contains the full version of the National Anthem.

Statement 3: The song Vande Mataram, composed in Sanskrit by Bankim Chandra Chatterji, was a source of inspiration to the people in their struggle for freedom. It has an equal status with Jana-Gana-Mana. The first political occasion when it was sung was the 1896 session of the Indian National Congress.

- Q.1625** The song Vande Mataram, composed in Sanskrit by Bankim Chandra Chatterji, was a source of inspiration to the people in their struggle for freedom. It was first sung at
- 1929 Purna Swaraj declaration session at Lahore
 - Calcutta during the mutiny of 1857
 - 1896 session of the Indian National Congress
 - Swadeshi movement 1905 after partition of Bengal

Solution: (c)

Learning: It has an equal status with Jana-Gana-Mana, our national anthem.

Jana-gana-mana was first sung in 1911 at the Kolkata Session of the Indian National Congress.

The English translation of *Vande Matram* stanzas was rendered by Sri Aurobindo.

- Q.1626** The song *Vande Mataram*, composed in Sanskrit by Bankim Chandra Chatterji, was a source of inspiration to the people in their struggle for freedom. Consider the following about it.
- It has an equal status with Jana-Gana-Mana, the national anthem.
 - The first political occasion when it was sung was the 1929 session of the Indian National Congress (INC).

Which of the above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- None

Solution: (a)

Justification: It played a vital role in the Indian independence movement, first sung in a political context by Rabindranath Tagore at the 1896 session of the Indian National Congress.

In 1907, Bhikaiji Cama (1861–1936) created the first version of India's national flag (the Tiranga) in Stuttgart, Germany, in 1907. It had "Vande Mataram" written on it in the middle band.

(82) MINISTRIES AND DEPARTMENTS

Q.1627 Consider the following statements about the Prime Minister's Office (PMO)?

- The PMO includes the anticorruption unit and the public wing dealing with grievances
- Monitors the actions taken by the Prime Minister in earlier meetings.
- It generally handles all activities not assigned to any particular department.

Select the correct answer using the codes below:

- 1 and 2 only
- 2 and 3 only
- 1 and 3 only
- All of the above

Solution: (d)

The Prime Minister's Office (PMO) consists of the immediate staff of the Prime Minister of India, as well as multiple levels of support staff reporting to the Prime Minister.

- The PMO provides secretarial assistance to the Prime Minister – virtual 'think tank' of the Prime Minister.
- It is headed by the Principal Secretary to the Prime Minister.
- The PMO includes the anti-corruption unit and the public wing dealing with grievances.
- The office houses the Prime Minister and few selected officers of Indian Civil Service who work with him to manage and coordinate government and his office.
- The Prime Minister through his office coordinates with all ministers in the central union cabinet, minister of independent charges and governors and ministers of state government.
- Monitors the actions taken by the Prime Minister in earlier meetings.
- It generally handles all activities not assigned to any particular department.
- Its importance increases writ to cabinet too as Prime Minister is the coordinator of the Cabinet.

Q.1628 Consider the following about Prime Minister's Office (PMO), India.

- It is headed by the Principal Secretary to the Prime Minister.
- The PMO provides secretarial assistance to the Prime Minister.

3. The Prime Minister's National Relief Fund (Prime Minister National Relief Fund) is operated directly from the PMO.

Select the correct answer using the codes below.

- (a) 2 only (b) 1 and 3 only
(c) 3 only (d) 1, 2 and 3

Solution: (d)

Q.1629 If the Indian government wants to amend the Companies Act 2013, which of the following ministry will be primarily concerned with this amendment and its implementation?

- (a) Ministry of Law and Justice
(b) Ministry of Heavy Industries and Public Enterprises
(c) Ministry of Corporate Affairs
(d) Ministry of Parliamentary Affairs

Solution: (c)

The Ministry of Corporate Affairs is primarily concerned with administration of the Companies Act 2013, the Companies Act 1956, the Limited Liability Partnership Act, 2008 & other allied Acts and rules & regulations framed there-under mainly for regulating the functioning of the corporate sector in accordance with law.

The Ministry is also responsible for administering the Competition Act, 2002 to prevent practices having adverse effect on competition, to promote and sustain competition in markets, to protect the interests of consumers through the commission set up under the Act.

Q.1630 Which of the following departments come under the Ministry of Information and Technology?

1. Department of Posts.
2. Department of Telecommunications.
3. Department of Information Technology.

Choose the correct answer using the codes below:

- (a) Only 1. (b) Only 2 & 3.
(c) Only 1 & 3. (d) All.

Solution: (d)

Explanation: The Ministry of Communication and Information Technology contains three departments:

1. Department of Telecommunications
2. Department of Electronics and Information Technology
3. Department of Posts

Q.1631 Which of the following is NOT one of the departments of the Union Finance Ministry?

- (a) Department of Expenditure
(b) Department of Economic Affairs
(c) Department of Banking
(d) Department of Investment and Public Asset Management

Solution: (c)

Justification: The Union Finance Ministry of India comprises five departments.

- (a) Department of Economic Affairs
(b) Department of Expenditure
(c) Department of Revenue
(d) Department of Financial Services
(e) Department of Investment and Public Asset Management

Learning: The Ministry of Finance concerns itself with taxation, financial legislation, financial institutions, capital markets, centre and state finances, and the Union Budget.

The following cadre controlling authority of the Civil Services (including Indian Revenue Service, Indian Economic Service, Indian Cost Accounts Service and Indian Civil Accounts Service) are under the administration and supervision of the Finance Ministry.

Q.1632 Which of the following departments do NOT belong to the Union Ministry of Home Affairs?

1. Department of Administrative Reforms
2. Department of Defence Production
3. Department of States
4. Department of Home
5. Department of Ex-servicemen Welfare
6. Department of Official Language

Select the correct answer using the codes below.

- (a) 1, 2, 4 and 5 only
(b) 1, 2 and 5 only
(c) 2, 3, 4 and 5 only
(d) 1 and 6 only

Solution: (b)

Justification: 2 and 5 are in Ministry of Defence. 1 is in the Ministry of Personnel, Public Grievances and Pensions. Departments under Ministry of Home Affairs are:

1. Department of Internal Security (Aantarik Suraksha Vibhag)
2. Department of States (Rajya Vibhag)

3. Department of Official Language (Raj Bhasha Vibhag)
4. Department of Home (Grih Vibhag)
5. Department of Jammu and Kashmir Affairs (Jammu tatha Kashmir Vibhag)
6. Department of Border Management (Seema Prabandhan Vibhag)

Q.1633 Consider the following about the Department of Personnel and Training (DoPT), Government of India.

1. The Department deals with cases of appointment to Board of Management of various Public Sector Undertakings.
2. There is a mandatory provision for DoPT to consult the Public Service Commissions on all matters relating to methods of recruitment and promotions.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: The Department has the direct responsibility of being the cadre controlling authority for the IAS and the three Secretariat Services in the Central Secretariat.

- The Department also deal with cases of appointment to posts of Chairman, Managing Director, full-time functional Director/Member of the Board of Management of various Public Sector Undertakings/ Enterprises, Corporations, Banks and financial institutions.
- It also deals with the assignment of Indian experts to various developing countries.

Statement 2: The two organizations through which the Department ensures recruitment of personnel for the Government are the Union Public Service Commission (UPSC) and the Staff Selection Commission (SSC).

The former is constituted under a provision of the Constitution and is responsible for conducting examinations for appointment to the higher civil services and civil posts under the Union Government; including recruitment to the All India Services.

Q.1634 With India adopting a decentralized and participatory model of planning, state planning boards have become more relevant.

- The Chairman of the State Planning board is
- (a) Minister of Planning, State Government
 - (b) Planning Secretary of the State
 - (c) Chief Secretary
 - (d) Chief Minister

Solution: (d)

He is a member of the Inter-State Council and the National Development Council, both headed by the prime minister.

He acts as a vice-chairman of the concerned zonal council by rotation, holding office for a period of one year at a time.

The CM is the chairman of the State Planning Board.

He is the chief spokesman of the state government.

He is the crisis manager-in-chief at the political level during emergencies.

As a leader of the state, he meets various sections of the people and receives memoranda from them regarding their problems, and so on.

He is the political head of the services.

Q.1635 Which of the following functions have been assigned to the Ministry of Parliamentary Affairs under the Government of India (Allocation of Business) Rules, 1961?

1. Summoning and proroguing the two houses of Parliament
2. Preparing answers to all questions raised in the Zero hour and question hour to Ministers
3. Allocation of Government time in Parliament for discussion of motions given notice of by Members

Select the correct answer using the codes below.

- (a) 2 only (b) 1 and 3 only
(c) 1 only (d) 3 only

Solution: (d)

Justification: Statement 1: It notifies the dates of summoning and prorogation of the two Houses of Parliament, Dissolution of Lok Sabha, President's Address to Parliament. The actual summon and prorogation is done by the President.

Other functions are:

1. Advice to Ministries on procedural and other Parliamentary matters.
2. Planning and Coordination of legislative and other official business in both Houses.

3. Liaison with Leaders and Whips of various Parties and Groups represented in Parliament.
4. Lists of Members of Select and Joint Committees on Bills.
5. Appointment of Members of Parliament on Committees and other bodies set up by Government.
6. Implementation of assurances given by Ministers in Parliament.
7. Matters connected with powers, privileges and immunities of Members of Parliament.
8. Organisation of Youth Parliament Competitions in Schools/Colleges throughout the country.

Q.1636 Which of the following is NOT a function of the Ministry of Parliamentary Affairs?

- (a) Planning and Coordination of legislative and other official business in both Houses
- (b) Organisation of Youth Parliament Competitions in Schools/Colleges throughout the country
- (c) Appointment of Members of Parliament on Committees and other bodies set up by Government
- (d) None of the above

Solution: (d)

Q.1637 Consider the following departments under the Government of India.

1. Department of Ex-Serviceman Welfare: Ministry of Personnel and Public Grievances
2. Department of Investment and Public Asset Management: Ministry of Heavy Industries and Public Enterprises
3. Department of States: Ministry of Parliamentary affairs
4. Department of Bio-technology: Ministry of Science and Technology

Select the correct matches using the codes below.

- (a) 1 and 2 only
- (b) 3 and 4 only
- (c) 4 only
- (d) 1, 3 and 4 only

Solution: (c)

Justification: Statement 1: Department of Ex-Serviceman Welfare is under Ministry of Defence.

Statement 2: Department of Investment and Public Asset Management is under

Ministry of Finance as larger implications of disinvestment for the economy, fiscal deficit, public asset management etc need to be taken into account

Statement 3: Department of States is under Ministry of Home Affairs, which should also be clear from the fact that Home Minister heads the zonal councils meant for centre-state coordination.

Q.1638 Consider the following National Commissions/Central Bodies and the related Union Ministries.

1. Inter-State Council: Ministry of Parliamentary Affairs
2. Central Information Commission: Ministry of Personnel
3. National Human Rights Commission: Ministry of Social Justice & Empowerment

Select the correct answer using the codes below.

- (a) 1 only
- (b) 2 and 3 only
- (c) 2 only
- (d) 3 only

Solution: (c)

Justification: Statement 1 and 3: It falls under Ministry of Home affairs along with zonal councils. National Human Rights Commission functions as an autonomous organization under Home Ministry. The NIA also comes under MHA.

Statement 2: s

National Commissions/Central Bodies and the Related Ministries

Sl. No.	Commission / Body	Falls Under
1.	Central Information Commission	Ministry of Personnel
2.	Finance Commission	Ministry of Finance
3.	Union Public Service Commission	Ministry of Personnel
4.	Inter-State Council	Ministry of Home Affairs
5.	Staff Selection Commission	Ministry of Personnel
6.	National Commission for SCs	Ministry of Social Justice & Empowerment

7.	National Commission for STs	Ministry of Tribal Affairs
8.	Central Vigilance Commission	Ministry of Personnel
9.	Zonal Councils	Ministry of Home Affairs
10.	Central Bureau of Investigation	Ministry of Personnel
11.	National Investigation Agency	Ministry of Home Affairs
12.	Commissioner for Linguistic Minorities	Ministry of Minority Affairs
13.	National Commission for Protection of Child Rights	Ministry of Women and Child Development
14.	National Commission for Backward Classes	Ministry of Social Justice & Empowerment
15.	Central Commissioner for Disabled Persons	Ministry of Social Justice & Empowerment
16.	Central Social Welfare Board	Ministry of Women and Child Development
17.	North-Eastern Council	Ministry of Development of the North-Eastern Region
18.	Central Administrative Tribunal	Ministry of Personnel
19.	National Commission for Minorities	Ministry of Minority Affairs
20.	National Human Rights Commission	Ministry of Home Affairs
21.	National Commission for Women	Ministry of Women and Child Development

Q.1639 Which of the following ministries/ departments has the key role in the Governance of SEZs in India?

- Ministry of External Affairs
- Department of Commerce
- Department of Economic Affairs
- Ministry of Heavy Industries and Enterprises

Solution: (b)

Justification: The option (b) is verified by the following:

- In the SEZ board of approval, Secretary, Department of Commerce is the Chairman.
- There is an office of Development Commissioner of Special Economic Zones (SEZs).
- Director General of Foreign Trade is under Ministry of Commerce and Industry.

Learning: For getting approval for setting SEZs, The developer submits the proposal for establishment of SEZ to the concerned State Government. The State Government has to forward the proposal with its recommendation within 45 days from the date of receipt of such proposal to the Board of Approval.

The applicant also has the option to submit the proposal directly to the Board of Approval. The Board of Approval has been constituted by the Central Government in exercise of the powers conferred under the SEZ Act. All the decisions are taken in the Board of Approval by consensus. The Board of Approval has 19 Members including Secy. from key ministries.

Q.1640 Many development and industrial projects such as erection of dams, mining, and construction of industries or roads require diversion of forest land. Consider the regulatory aspects of it.

- Any project proponent, government or private must apply for forest clearance from Ministry of Environment, Forests and Climate Change (MoEFCC), before the conversion of land takes place.
- The compensation for the lost forest land is decided by the MoEFCC and the regulators.

Which of the above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- None

Solution: (c)

Learning: With a cover of 23% of Geographical area of the country, forest in India comprise of a number of diverse forest types and reserved areas designated as National Parks and Wildlife Sanctuaries.

Statement 1: Compensatory Afforestation Fund Management and Planning Authority

(CAMPA) are meant to promote afforestation and regeneration activities as a way of compensating for forest land diverted to non-forest uses.

Statement 2: This proposal is to be submitted through the concerned forest department of the state government. If clearance is given, then compensation for the lost forest land is also to be decided by the ministry and the regulators.

(83) SOME IMPORTANT ACTS

Q.1641 You are a District Magistrate. You denied allotting a huge tender to an influential local businessman. To seek revenge, he is posting defamatory and offensive speeches against you on the internet. Which legal recourse can you take against him?

- (a) Approach the State high court accusing the businessman of abusing freedom of speech given under Article 19
- (b) File a case in local police station under Section 66A of the Information Technology Act
- (c) File a case with the local police station under the IPC Section 499/500
- (d) Both (b) and (c)

Solution: (d)

IPC Section 499/500 of IPC was in news in 2017. The Centre has told the Supreme Court that defamation should remain a penal offence in India as the defamer may be too poor to compensate the victim. It has denied that criminal defamation had any chilling effect on free speech. The IPC under Sections 499/500 criminalizes defamatory speech. This means that a person can be imprisoned for a maximum period of two years, if found guilty. According to the Section 66A of the IT act, any person who sends, by means of a computer resource or a communication device—

- (a) any information that is grossly offensive or has menacing character or
- (b) any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will,

persistently by making use of such computer resource or a communication device,

Q.1642 The Supreme Court has recently declared the Section 66A of the IT Act as unconstitutional. Which of the following activities that could have been charged under the law earlier can now be allowed based on the judgment?

- 1. A comment on Social networking website that is viewed as offensive by some individuals or community
- 2. A false declaration in public (not on internet) about an incident or fact that has not occurred
- 3. A private e-mail message that causes insult to an individual

Choose the correct answer using the codes below.

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1 and 2 only

Solution: (a)

Q.1643 With reference to the Supreme Court judgment on the Section 66A of Information Technology Act, consider the following statements

- 1. The concerned police officer of a police station may not arrest any person until she/he has obtained prior approval of such arrest from an officer, not below the rank of Inspector General of Police (IGP) in metropolitan cities
- 2. Any information which he/she knows to be false, but for the purpose of causing annoyance, inconvenience is also an offence under this act.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) both
- (d) none

Solution: (c)

The Supreme Court has said that the State governments are advised that as regard to arrest of any person in complaint registered under section 66A of the Information Technology Act, the concerned police officer of a police station may not arrest any person until she/he has obtained prior approval of such arrest from an officer, not below the rank of Inspector General of Police (IGP) in metropolitan

cities or of an officer not below the rank of Deputy Commissioner of Police (DCP) or Superintendent of Police (SP) at district level, as the case may be. The Section 66A(b) of IT act makes an offence of sending through a computer resource or communication device “any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will, persistently by making use of such computer resource or a communication device.

Q.1644 Consider the following statements about the Prevention of Corruption Act, 1988

1. It covers only the Central government agencies/bodies and PSUs.
2. The offences punishable under this act can be tried by special Judges only.
3. Police does not have powers to investigate offences under this particular Act.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) 2 only

Solution: (d)

Q.1645 Consider the following provisions of the Civil Nuclear Liability Act, 2010 that has been in news for some time.

1. This Act limits the liability of the operator in case of nuclear accident.
2. It secures the operator the right to recourse under certain circumstances.
3. It provides a mechanism to compensate victims of nuclear damage.

Which of the above provisions have been cause(s) of contention between India and other nuclear supplier countries in recent times?

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (a)

The Right to Education, 2009

Q.1646 Consider the following statements with reference to the Right of Children to Free and Compulsory Education Act, 2009:

1. According to the Act, every child in the age group of 6 to 14 years has Right to elementary education.

2. The Act makes provisions for a non-admitted child to be admitted to an age appropriate class.
3. Education in the Indian constitution is a concurrent issue and both centre and states can legislate on the issue.

Which of the above statements are true?

- (a) Only 1 (b) Only 2 & 3
(c) Only 1 & 3 (d) All

Solution: (d)

Right to Education (RTE) Act

The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21A, means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards. Article 21-A and the RTE Act came into effect on 1 April 2010.

With this, India has moved forward to a rights based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right as enshrined in the Article 21A of the Constitution, in accordance with the provisions of the RTE Act. It is seen as the most historic development in universalization of elementary education in the country. It implies that every child in the age group of 6 to 14 years has Right to elementary education. They are entitled for free and compulsory education.

The RTE Act provides for the:

1. Right of children to free and compulsory education till completion of elementary education in a neighbourhood school.
2. It clarifies that ‘compulsory education’ means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the

- six to fourteen age group. 'Free' means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
3. It makes provisions for a non-admitted child to be admitted to an age appropriate class.
 4. It specifies the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.
 5. It lays down the norms and standards relating inter alia to Pupil Teacher Ratios (PTRs), buildings and infrastructure, school-working days, teachers' working hours.
 6. It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than just as an average for the State or District or Block, thus ensuring that there is no urban-rural imbalance in teacher postings. It also provides for prohibition of deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.
 7. It provides for appointment of appropriately trained teachers, i.e. teachers with the requisite entry and academic qualifications.

The Sarva Shiksha Abhiyan (SSA) is the main vehicle for implementation of the RTE Act. It is one of the largest programmes of its kind in the world. It is primarily funded from central budget and it covers the whole country.

1. Under SSA, special attention has been given to urban deprived children, children affected by periodic migration and children living in remote and scattered habitations. Attempts have also been made to reach out to children suffering from autism. It involves their identification, preparation of individualized Education

- Plan, teacher training on Autism and therapeutic support.
2. The programme has been implemented in order to narrow down gender and social gaps in elementary education. Special efforts have been made to reach out to girls and children belonging to SC/ST and Muslim minority communities.

Right to Information Act, 2005

- Q.1647** The Right to Information does NOT include
- (a) Inspection of government documents on request
 - (b) Taking out files from a government office to any place desired by the applicant
 - (c) Taking a photograph of files and obtaining information in tapes
 - (d) It does not include any of the above.

Solution: (b)

Justification and Learning: A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control.

1. This right includes inspection of work, documents and records; taking notes, extracts or certified copied of documents or records; taking certified samples of material held by the public authority or held under the control of the public authority. So, the option (a) is correct.
2. The public authority under the RTI Act is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions. Only such information can be had under the Act which already exists with the public authority.
3. A citizen has a right to obtain information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-out provided information is already stored in a computer or in any other device from which the information may be transferred to diskettes. So, the option (c) is correct.
4. The information to the applicant shall ordinarily be provided in the form in

which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens.

- Q.1648** The Right to Information Act, 2005 empowers the citizens, promotes transparency and accountability in the working of the Government. Consider the following about it.
1. The Act is applicable only to constitutional or statutory authorities.
 2. Under the Act, a citizen can visit public office and take certified samples of material held by the public authority.
 3. The Act requires public authorities to publish certain types of information publicly on a *suo motu* basis.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 3 only (d) 1 only

Solution: (b)

As explained in previous question.

Essential Services Maintenance Act (ESMA)

- Q.1649** Consider the following about Essential Services Maintenance Act (ESMA).
1. The Act can be used to call off worker's strikes both in public and private sector if it disrupts essential services.
 2. Only the Central government can order restoration of essential services in India.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: The Act includes a long list of "essential services" in its charter—ranging from post and telegraph, through railway, airport and port operations—and it prohibits the key employees in these services from striking.

The Act also allows states to enact their own ESMA and choose the essential services on which to enforce Esma.

Statement 2: Although it is Central law, its execution can be done by the State governments and UT governments too. For example, Delhi government has invoked the ESMA to declare a nurse's strike illegal.

Recently the AP government declared IT to be an essential service, which allows it to call off illegitimate strikes in the IT sector.

- Q.1650** Consider the following about Essential Services Maintenance Act (ESMA).

1. It is a central law.
2. Each state has a separate ESMA.
3. Both Central and State governments can enforce ESMA.
4. The government cannot order private operators to restore essential services.

Choose the correct answer using the codes below.

- (a) 1, 2 and 3 only (b) 1 and 4 only
(c) 2, 3 and 4 only (d) 1 and 2 only

Solution: (d)

It was established to ensure the delivery of certain services, which if obstructed would affect the normal life of the people. These include services like public transport (bus services), health services (doctors and hospitals).

Although it is a very powerful law, its execution rests entirely on the discretion of the State government. Each state in the union of India, hence has a separate state Essential Services Maintenance Act with slight variations from the central law in its provisions. This freedom is accorded by the central law itself.

Forest Rights Act, 2006

- Q.1651** As per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which of these are the legal rights of tribals?

1. Conservation of forests and bio-diversity
2. Granting leases to non-tribals for accessing core forests
3. Repeal environmentally sensitive projects by local bodies

4. Right to historical homestead, cultivable and grazing land

Select the correct answer using the codes below.

- (a) 1, 2 and 4 only (b) 2 and 3 only
(c) 1 and 4 only (d) All of the above

Solution: (c)

Explanation and Learning: India's forests are governed by two main laws, the Indian Forest Act, 1927 and the Wild Life (Protection) Act, 1972. The former empowers the government to declare any area to be a reserved forest, protected forest or village forest. The latter allows any area to be constituted as a "protected area", namely a national park, wildlife sanctuary, tiger reserve or community conservation area.

Since times immemorial, the tribal communities of India have had an integral and close knit relationship with the forests and have been dependent on the forests for livelihoods and existence.

Under these laws, the rights of people living in or depending on the area to be declared as a forest or protected area are to be "settled" by a "forest settlement officer.

However, rights were rarely recognized by the authorities and in the absence of real ownership of the land, the already marginalized local dwellers suffered. To address this, FRA 2006 was enacted.

Eligibility to get rights under the Act is confined to those who "primarily reside in forests" and who depend on forests and forest land for a livelihood. Further, either the claimant must be a member of the Scheduled Tribes scheduled in that area or must have been residing in the forest for 75 years.

Major provisions are:

- **Title rights**, i.e. ownership - to land that is being farmed by tribals or forest dwellers, subject to a maximum of 4 hectares; ownership is only for land that is actually being cultivated by the concerned family as on that date, meaning that no new lands are granted
- **Use rights**, that is to minor forest produce (also including ownership), to grazing areas, to pastoralist routes, etc.

- **Relief and development rights**, that is to rehabilitation in case of illegal eviction or forced displacement; and to basic amenities, subject to restrictions for forest protection
- **Forest management rights**, that is, to protect forests and wildlife

Q.1652 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, also called as the Forest Rights Act (FRA), 2006 confers which of the following rights on tribals?

1. Rights over forest land patches
 2. Rights over minor produce from forests
 3. Rights over timber produce from forest
 4. Rights over the wildlife in the forests
- Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2, 3 and 4 only
(c) 1 and 4 only (d) All of the above

Solution: (a)

Q.1653 Consider the following statements about the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

1. This Act is meant to undo the historical injustices meted out to forest dwelling populations in not recognising their rights to land and resources.
2. This Act recognises tribal's right to homestead cultivable and grazing land and to non-timber forest produce.
3. The Act prohibits diversion of forest land falling in the areas specified under the Act for any public utility facilities.
4. The forest right related to conversion of forest villages into revenue villages is to be adjudicated by the Gram Sabha and other sub-divisional and district committees.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1, 2 and 4 only
(c) 2, 3 and 4 only (d) 1, 3 and 4 only

Solution: (b)

Q.1654 Consider the following statements about the Forest Rights Act 2006 concerning Scheduled Tribes and other Traditional forest dwellers.

1. It recognizes their right to homestead and cultivable land in the forest.

2. It allots these land deprived communities one-tenth of an acre of land in the forest land.
3. It recognizes the right of these communities to conserve biodiversity and forests.
4. It recognizes their right to timber as well as non-timber produce from forests.
5. Gram Sabha is the authority identifying the forest rights of these communities and individuals therein.

Choose the correct answer using the codes below:

- (a) 1, 2 and 3 (b) 3, 4 and 5
 (c) 1, 4 and 5 (d) 1, 3, 4 and 5

Solution: (d)

Q.1655 As per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the responsibility for recognition and vesting of forest rights and distribution of land rights rests with the

- (a) District Collector
- (b) State Government
- (c) Central Government
- (d) Chief Wildlife Warden of the forest region

Solution: (b)

Learning: It seeks to recognize the forest rights and occupation in forest land of old forest dwellers. They chose rights on ancestral lands and their habitat were not adequately recognized in the consolidation of State forests during the colonial period as well as in independent India.

1. Section 6(1) of the Act provides that the gram Sabha, or village assembly, will initially pass a resolution recommending whose rights to which resources should be recognised (i.e. which lands belong to whom, how much land was under the cultivation of each person.
2. This resolution is then screened and approved at the level of the subdivision (or *taluka*) and subsequently at the district level. The screening committees consist of three government officials (Forest, Revenue and Tribal Welfare departments) and three elected members of the local body at that level.
3. The state government finally recognizes and vests the forest rights.

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities)

Act, 1989

Q.1656 Which of the following is NOT correct regarding the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989?

- (a) Based on its provisions, tribals can demand re-possession of alienated lands.
- (b) Communities committing atrocities against tribals can be evicted from tribal areas.
- (c) It does not extend to the State of Jammu & Kashmir.
- (d) It provides for Special Courts for the trial of atrocities against SCs/STs.

Solution: (b)

Explanation: The Act penalises anyone who wrongfully occupies or cultivates any land owned by, or allotted to a member of a SC or a ST or gets the land allotted to him transferred. So, if they are dispossessed, land can be reclaimed back. Option (a) is correct.

At another level, the Act recognizes that crimes against Dalit and tribal women are of a specific kind and provides for special courts. So, option (d) is correct. The Act does not apply to J&K. So, option (c) is correct.

Learning: Adivasi activists refer to the 1989 Act to defend their right to occupy land that was traditionally their since the ancient time. This Act merely confirms what has already been promised to tribal people in the Constitution – that land belonging to tribal people cannot be sold to or bought by non-tribal people. In cases where this has happened, the Constitution guarantees the right of tribal people to re-possess their land.

Armed Forces Special Powers Act (AFSPA) 1958

Q.1657 Armed Forces Special Powers Act (AFSPA) is NOT under operation in which of these states of India?

- (a) Manipur (b) Jammu & Kashmir
- (c) Nagaland (d) Tripura

Solution: (d)

Justification: It was withdrawn from Tripura in 2015.

On the other hand, the Armed Forces Special Powers Act (AFSPA) has been extended for another six months in Nagaland (as of till march 2018).

In Manipur, where the clamour for the repeal of AFSPA has been most vocal—with Irom Sharmila on a hunger-strike since 2000 — the government, in 2004, withdrew the Act from certain assembly constituencies, but NOT the entire state.

In J&K, it has been in operation since 1990s.

Q.1658 Consider the following about AFSPA.

1. Only the Governor of a state can declare an area to come under AFSPA.
2. The Act makes local civilian administration accountable to the military.
3. It can be withdrawn from an area only after the consent of the Central government and Indian armed forces.
4. AFSPA cannot be applicable in a state during emergency.

Choose the incorrect answer using the codes below.

- (a) 1 and 2 only (b) 3 only
(c) 1 only (d) 1 and 4 only

Solution: (c)

The AFSPA initially empowered only the Governors of the States and the Administrators of the Union Territories to declare areas in the concerned State or the Union Territory as 'disturbed'. But, since 1972 AFSPA can be enforced by the Central government too.

The Act gives the military special powers over 'disturbed areas' where it can use force (without formal prosecution etc.) if it deems necessary.

The Act has received criticism from several sections for alleged concerns about human rights violations in the regions of its enforcement alleged to have happened.

Panchayats (Extension to the Scheduled Areas) Act (PESA), 1996

Q.1659 Which of the following is/are the major features of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act (PESA), 1996?

1. It aims to promote self-rule for the bulk of the tribal population in India.
2. It provides that Gram Sabha will be responsible for the identification of beneficiaries under poverty alleviation programmes.
3. It grants the Panchayats exclusive authority to acquire land in the Scheduled Areas for development projects.
4. It empowers the Gram Sabha and the Panchayats for recommending grant of concession for the exploitation of minor minerals by auction.

Select the correct answer using the codes below.

- (a) 1, 2 and 4 only (b) 1 and 3 only
(c) 1, 2 and 3 only (d) 2 and 4 only

Solution: (a)

Justification: Statement 1: It aims for village governance with participatory democracy and to make the Gram Sabha a nucleus of all activities by their extension to scheduled areas.

Statement 2: Apart from the statement (as mentioned in the question above), every Gram Sabha shall approve of the plans, programmes and projects for social and economic development before they are taken up for implementation by the Panchayat at the village level.

Statement 3: The Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before resettling or rehabilitating persons affected by such projects in the Scheduled Areas.

However, the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the state level.

Statement 4: The recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be mandatory for grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas.

The prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be mandatory for grant of concession for the exploitation of minor minerals by auction.

Q.1660 Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, popularly known as the PESA Act or the Extension Act has which of the following objectives?

1. To provide self-rule for the bulk of the tribal population
2. To evolve a suitable administrative framework consistent with traditional practices
3. To safeguard and to preserve the traditions and customs of tribal communities

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

The objectives of the PESA Act are as follows:

- To extend the provisions of Part IX of the Constitution relating to the panchayats to the scheduled areas with certain modifications
- To provide self-rule for the bulk of the tribal population
- To have village governance with participatory democracy and to make the Gram Sabha a nucleus of all activities
- To evolve a suitable administrative framework consistent with traditional practices
- To safeguard and to preserve the traditions and customs of tribal communities
- To empower panchayats at the appropriate levels with specific powers conducive to tribal requirements
- To prevent panchayats at the higher level from assuming the powers and authority of panchayats at the lower level of the Gram Sabha

Q.1661 Which of the following is/are the objectives of the PESA Act, 1996?

1. To prevent panchayats at the higher level from assuming the powers and authority of panchayats at the lower level of the Gram Sabha
2. To provide self-rule for the bulk of the tribal population
3. To allow for the flow of mainstream culture in remote tribal populations

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (a)

Refer previous answer.

Q.1662 The provisions of Part IX of the constitution relating to the Panchayats are not applicable to the Fifth Schedule areas. So, the Parliament has enacted the “Provisions of the Panchayats (Extension to the Scheduled Areas) Act (PESA)”, 1996. Which of the following states is/are covered by the Act?

1. Jharkhand
2. Rajasthan
3. Tamil Nadu
4. West Bengal
5. Odisha
6. Gujarat

Select the correct answer using the codes below.

- (a) 2, 3, 4 and 6 only (b) 1, 2, 5 and 6 only
(c) 1, 4 and 5 only (d) 1, 2, 3, 4, 5 and 6

Solution: (b)

Learning: At of 2018, ten states have Fifth Schedule Areas. These are: Andhra Pradesh, Telangana, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan.

Q.1663 Under the Panchayats (Extension to Scheduled areas) PESA, 1996 Act, Gram Sabha are given the authority to stop land alienation by

- (a) State Legislatures
- (b) District Collector
- (c) State Forest department
- (d) Central government

Solution: (a)

Panchayats (Extension to Scheduled Areas) Act, 1996 or PESA is a law enacted by the Government of India to cover the “Scheduled areas”, which are not covered in the 73rd amendment or Panchayati Raj Act of the Indian Constitution. It was enacted on 24 December 1996 to enable Gram Sabha to self-govern their natural resources. How much self-governance will be allowed depends on the state legislative assemblies. For e.g. in some states like Jharkhand, Gram Sabha under scheduled areas do not have the power to stop land alienation, while in some other states they do.

Q.1664 The Panchayats (Extension to Scheduled Areas) Act, PESA Act, 1996 concerns

1. Ownership of minor forest produces for the community
 2. Power to Gram Sabha to stop land alienation
 3. Recommendation of Gram Sabha for grant of mining lease for minor minerals
- Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (d)

Justification: Statements 1 and 2: While endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with:

1. the ownership of minor forest produce
2. the power to prevent alienation of land in the Scheduled Areas and to take appropriate
3. action to restore any unlawfully alienated land of a Scheduled Tribe
4. the power to manage village markets

Statement 3: The prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be mandatory for grant of concession for the exploitation of minor minerals by auction.

As per the PESA Act:

1. Acquisition of land requires consultation with the concerned Gram Sabha
2. Actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the Panchayat level
3. For the exploitation of minor minerals prior recommendation of the Gram Sabha or the Panchayat is needed.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

(84) SOME OF THE GOVERNMENT BODIES

Constitutional Body

Q.1665 The Union Cabinet has recently approved the process, formation and functioning of the Goods and Services Tax (GST) Council. Consider the following about it.

1. It will be a constitutional body.
2. It will be a joint forum of the Centre and the States chaired by the Prime Minister.
3. The Council will make recommendations to the Union and the States on GST rates.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 3 only

Solution: (c)

Justification: As per Article 279A of the amended Constitution, GST Council which will be a joint forum of the Centre and the States. It shall have the following composition:

Union Finance Minister (Chairperson).

The Union Minister of State (MoS) in-charge of Revenue of finance (Member)

The Minister In-charge of taxation or finance or any other Minister nominated by each State Government (Members)

Functions of GST Council

- As per Article 279A (4), the Council will make recommendations to the Union and the States on important issues related to GST, like
- Goods and services that may be subjected or exempted from GST.
- Model GST Laws
- Principles that govern Place of Supply, threshold limits
- GST rates including the floor rates with bands, special rates for raising additional resources during natural disasters/calamities, special provisions for certain States, etc.

Non-Statutory

Q.1666 Consider the following about the Law Commission of India (LCI).

1. It is a non-statutory and non-constitutional body.
2. It is headed by the incumbent Union Law Secretary.
3. It is constituted by the Parliament from time to time.

Select the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3 only

Solution: (a)

Justification: Statement 2: It is usually headed by a retired Supreme Court judge or former Chief Justice of a High Court.

Statement 3: It is constituted by the Union Government from time to time. The first commission was constituted in 1955 and since then various commissions were re-constituted every three years.

Statutory Bodies

Q.1667 Consider the following about the National Water Resources Council (NWRC).

1. The council is chaired by the Prime Minister with Chief Minister of states as its members.
2. The council has the authority to approve National Water Policy (NWP) which is later considered by Cabinet.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: The National Water Resources Council (NWRC) was set up by the Government of India in 1983. The Prime Minister is the Chairman and Union Minister of Water Resources, River Development and Ganga Rejuvenation is the Vice-Chairman of the Council.

The Union Minister of State for Water Resources, concerned Union Ministers/Ministers of State, and Chief Ministers of all States & Lieutenant Governors/Administrators of the Union Territories are the Members.

Statement 2: The draft National Water Policy (2012) was first considered by the National Water Resources Council (NWRC) for adoption. Thereafter, the

National Water Policy was recommended to all States for implementation.

Q.1668 Which among the following is/are member(s) of the National Water Resources Council (NWRC)?

1. Chief Ministers of all States
2. Union Minister of Water Resources
3. Chairman, NITI Aayog

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 3 only
(c) 2 only (d) 1, 2 and 3

Solution: (a)

Q.1669 Consider the following about the National Authority, Chemical Weapons Convention (NACWC).

1. It was set up by a resolution of Cabinet Secretariat.
2. It is chaired by the Prime Minister of India.
3. It is housed under the Ministry of Chemicals and Fertilizers.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 only
(c) 2 only (d) 2 and 3 only

Solution: (b)

Justification: It was set up in 1997 to fulfil the obligations enunciated in the Chemical Weapons Convention (CWC).

- It prohibits the development, production, execution, transfer, use and stockpiling of all chemical weapons by Member-States in a non-discriminatory manner.
- The Parliament in 2000 enacted the CWC Act which came into force in 2015 to give effect to the provisions of the Chemical Weapons Convention in India.
- In accordance with the provisions of this Act a high-level steering committee under the Chairmanship of the Cabinet Secretary with Secretary (Chemical and Petrochemicals), Foreign Secretary, Secretary, Defence Research and Development, Defence Secretary and Chairman, National Authority as its other members, oversees the functioning of the National Authority.
- The National Authority is responsible for implementation of the CWC Act, liaison

with Organisation for the Prohibition of Chemical Weapons (OPCW) and other state parties, fulfilling of declaration obligation, negotiating facility agreements etc.

Q.1670 Which of the following statements with reference to the Office of the National Security Advisor is INCORRECT?

- (a) The office can be held only by officers of the Indian Police Service (IPS) Cadre.
- (b) NSA is the chief executive of the National Security Council.
- (c) Brajesh Mishra was the first National Security Advisor.
- (d) None of the above

Solution: (a)

Justification and Learning: Option A: All the NSAs appointed since the inception of the post belong to the Indian Foreign Service except M K Narayanan and the incumbent, Ajit Doval, who belong to the Indian Police Service. So, A is incorrect.

The National Security Advisor (NSA) is the chief executive of the National Security Council (NSC), and the primary advisor to the Prime Minister of India on national and international security.

It is the National Security Advisor to whom intelligence agencies such as the Research and Analysis Wing and Intelligence Bureau report, rather than directly to the Prime Minister.

Due to such vested powers, NSA is a prominent and powerful office in the bureaucracy.

Q.1671 Consider the following statements about the post of National Security Advisor, India.

1. He is appointed by the Parliament.
2. He reports directly to the intelligence agencies of India.
3. He heads the National Security Council.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 3 only (d) None of the above

Solution: (d)

Justification: He is appointed by the Prime Minister, not the Parliament. So, 1 is wrong.

The National Security Adviser (NSA) is tasked with regularly advising the Prime Minister on all matters relating to internal and

external threats to the country, and oversees strategic issues.

The NSA of India also serves as the Prime Minister's Special Interlocutor on border issues with China, and frequently accompanies the Prime Minister on Foreign State visits.

Brajesh Mishra was appointed the first National Security Adviser of India. The post was created in 1998 by the Government of Atal Bihari Vajpayee.

Q.1672 Consider the following statements.

1. The Nuclear Command Authority is headed by the Minister of Home Affairs and situated in Parliamentary premises.
2. National Security Advisor (NSA) is the chief executive of the National Security Council (NSC).
3. Cabinet Committee on Security is chaired by the Prime Minister.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 3 only (d) 1, 2 and 3

Solution: (b)

Justification: Statement 1: The Nuclear Command Authority comprises a Political Council and an Executive Council. The Political Council is chaired by the Prime Minister. It is the sole body which can authorise the use of nuclear weapons.

Statement 2: The Executive Council is chaired by the National Security Advisor. Moreover, NSA is the chief executive of NSC. the NSC is an executive government agency tasked with advising the Prime Minister's office on matters of national security and strategic interest.

Statement 3: The Cabinet Committee on Security (CCS) reviews the progress in the operationalizing of India's nuclear doctrine. It consists of Prime Minister, MHA (Ministry of Home Affairs), MoEA (Ministry of external affairs), Minister of Finance, Minister of Defence and Minister of Corporate affairs.

Q.1673 Which of the following authorities have a bearing on the decision of Nuclear retaliation to a first strike on India?

1. Nuclear Command Authority
2. Indian Armed Forces
3. Parliament

Choose the correct answer from the codes given below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1 only

Solution: (d)

Nuclear retaliatory attacks can only be authorised by the civilian political leadership through the Nuclear Command Authority. The Nuclear Command Authority comprises a Political Council and an Executive Council. It provides inputs for decision making by the Nuclear Command Authority and executes the directives given to it by the Political Council.

- Q.1674** As per India's nuclear doctrine (2003), nuclear weapons will only be used in retaliation against a nuclear attack on Indian Territory or on Indian forces anywhere. Nuclear retaliatory attacks can only be authorised by
- (a) Cabinet Committee on Security
(b) National Security Council
(c) Nuclear Command Authority
(d) Indian Armed Forces

Solution: (c)

Learning: The Nuclear Command Authority comprises a Political Council and an Executive Council. The Political Council is chaired by the Prime Minister. It is the sole body which can authorise the use of nuclear weapons.

The Executive Council is chaired by the National Security Advisor. It provides inputs for decision making by the Nuclear Command Authority and executes the directives given to it by the Political Council.

The Cabinet Committee on Security (CCS) reviews the progress in the operationalizing of India's nuclear doctrine including the existing command and control structures, the state of readiness etc.

- Q.1675** Which of the following statements is INCORRECT with reference to the Strategic Forces Command (SFC)?
- (a) It is a unit of the Indian Army.
(b) It was created by an executive order of Cabinet Committee on Security (CCS).
(c) It forms part of India's Nuclear Command Authority (NCA).
(d) It is headed by the Prime Minister of India.

Solution: (d)

Justification and Learning: The SFC is a specially raised missile-handling unit of the Indian Army. It forms part of India's Nuclear Command Authority (NCA).

It was created in 2003, by an executive order of Cabinet Committee on Security (CCS) headed by then Prime Minister Atal Bihari Vajpayee.

It is responsible for the management and administration of the country's tactical and strategic nuclear weapons stockpile.

It is headed by a Commander-in-Chief of the rank of Air Marshal. So, D is wrong.

It is out of the RTI-ambit to ensure national security.

- Q.1676** Which of the following describes the 'Mission' of the Atomic Energy Regulatory Board (AERB) most appropriately?
- (a) Safeguarding public health and environment from hazards of nuclear energy
(b) Addressing energy security of the nations by establishing high end nuclear power stations
(c) Supervising quality research in matters of fundamental nuclear energy to serve national interest
(d) Oversee the technical operations of nuclear power centres in India

Solution: (a)

Explanation and Learning: The Mission of the Atomic Energy Regulatory Board (AERB) is to ensure the use of ionising radiation and nuclear energy in India does not cause undue risk to the health of people and the environment.

It was established in 1983 by the President of India. The AERB is supported in its functions by a number of committees. Members of all the AERB committees are recognized experts with long experience in the relevant fields. The regulatory authority of AERB is derived from the rules and notifications promulgated under the Atomic Energy Act, 1962 and the Environmental (Protection) Act, 1986.

- Q.1677** The functions of the Atomic Energy Commission is/are
1. To undertake prospecting and extraction of atomic minerals in India

2. To organise research in atomic energy and train scientists in the country

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: The Atomic Energy Commission (AEC) was set up in 1948 to look after atomic energy activities in the country. The functions of the Atomic Energy Commission are

- to organise research in atomic scientists in the country;
- to train, atomic scientists in the country;
- to promote nuclear research in commission's own laboratories as well as in India;
- to undertake prospecting of atomic minerals in India and to extract such minerals for use on industrial scale.

Learning: The Secretary to the Government of India in the Department of Atomic Energy is *ex officio* Chairman of the Commission. The other Members of the AEC are appointed for each calendar year on the recommendation of the Chairman, AEC and after approval by the Prime Minister.

Q.1678 Consider the following about the governance of Atomic Energy in India.

1. The Department of Atomic Energy (DAE) is under the direct charge of the Prime Minister.
2. Atomic Energy Commission (AEC) of India is the governing body of the DAE.
3. Cabinet Secretary is the *ex-officio* Chairman of the AEC.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 2 and 3 only (d) 1, 2 and 3

Solution: (a)

Justification and Learning: Statement 1: The Department of Atomic Energy (DAE) came into being in 1954 under the direct charge of the Prime Minister through a Presidential Order.

Statement 2: Explained in previous answer

Statement 3: The Secretary to the Government of India in the Department of

Atomic Energy is *ex-officio* Chairman of the Commission. The other Members of the AEC are appointed for each calendar year on the recommendation of the Chairman, AEC and after approval by the Prime Minister.

Q.1679 The Central Electricity Authority (CEA)

1. is a Statutory Body.
2. has the generating stations need not compulsorily follow the CEA's technical standards specified for construction of electrical plants and electric lines.
3. Is headed by the Union Home Minister.

Which of the above statements are true?

- (a) Only 1. (b) Only 1 & 2.
(c) Only 1 & 3. (d) All

Solution: (b)

- The Central Electricity Authority of India (CEA) is a statutory organization constituted under section 3(1) of Electricity Supply Act 1948, which has been superseded by section 70(1) of the Electricity Act 2003.
- The CEA advises the government on matters relating to the National Electricity Policy and formulates short-term and perspective plans for the development of electricity systems. Under the Electricity Act 2003, CEA prescribes the standards on matters such as construction of electrical plants, electric lines and connectivity to the grid, installation and operation of meters and safety and grid standards.
- The CEA is also responsible for concurrence of hydro power development schemes of central, state and private sectors taking into consideration the factors which will result in efficient development of the river and its tributaries for power generation, consistent with the requirement of drinking water, irrigation, navigation and flood control.
- Preparation of technical standards for construction of electrical plants, electric lines and connectivity to the grid is the responsibility of CEA as per section 73 (b) of the Electricity Act, 2003.

However as per section 7 of this Act, a generating company may establish, operate and maintain a generating station if it complies with the technical standards only relating to

connectivity to the grid as given in clause (b) of section 73. This implies that generating stations need not follow compulsory the CEA technical standards specified for construction of electrical plants and electric lines.

- The CEA plays a lead role in promoting the integrated operations of the regional power grids and the evolution of a national grid. The eastern, western and north-eastern grids have been integrated and are operating in a synchronous mode. The eastern grid is connected to the northern as well as southern grid through High-Voltage Direct Current (HVDC) back to back links. The western grid is also connected to the northern and southern grid through similar arrangements. The CEA facilitates exchange of power within the country from surplus to deficit regions and with neighbouring countries for mutual benefits.
- The CEA advises central government, state governments and regulatory commissions on all technical matters relating to generation, transmission and distribution of electricity. It also advises state governments, licensees or generating companies on matters which enable them to operate and maintain the electricity system under their ownership or control in an improved manner.

Q.1680 Which of the following statements is INCORRECT about National Council of Senior Citizens which is chaired by the Minister of Social Justice & Empowerment?

- (a) The council was originally known as National Council for Older Persons (NCOP).
- (b) The Council is a permanent body that meets on a daily basis.
- (c) It is an advisory body to both Central and State governments.
- (d) None of the above

Solution: (b)

Justification: You can solve this question by elimination.

If the body is chaired by a person like the Minister of Social Justice & Empowerment, it is NOT possible for the body to meet on a daily basis given the busy schedule of the

Ministers. The body meets twice an year. So, the option (b) is incorrect.

Not so important facts like this are often asked by UPSC. You should also pay attention to these details.

Learning: The mandate of the National Council of Senior Citizens is to advise the Central and State Governments on the entire gamut of issues related to the welfare of senior citizens and enhancement of their quality of life, with special reference to the following:-

- Policies, programmes and legislative measures.
- Promotion of physical and financial security, health and independent and productive living.
- Awareness generation and community mobilization.

Q.1681 Consider the following about National Population Commission (NPC) of India.

1. It is chaired by the Prime Minister of India.
2. It conducts the decennial demographic Census in India.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (a)

Justification: Statement 1: It is chaired by the prime minister with the Deputy Chairman Planning Commission as vice chairman.

Chief Ministers of all states, ministers of the related central ministries, secretaries of the concerned departments, eminent physicians, demographers and the representatives of the civil society are members of the commission.

Statement 2: It is conducted by the Registrar General and Census Commissioner of India.

Learning: The commission has the mandate

1. to review, monitor and give direction for implementation of the National Population Policy with the view to achieve the goals set in the Population Policy
2. promote synergy between health, educational environmental and developmental programmes so as to hasten population stabilization

3. promote inter-sectoral coordination in planning and implementation of the programmes through different sectors and agencies in Centre and the States.
4. develop a vigorous peoples programme to support this national effort.

Q.1682 The Government has recently decided to establish the National Tribal Advisory Council (NTAC). Consider the following about it.

1. It will be a constitutional body setup under the compulsory provisions of the Fifth Schedule of the Constitution.
2. It will be chaired by the Prime Minister.
3. It will approve the release of tribal welfare funds to both Fifth and Sixth Schedule areas.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) None of the above

Solution: (b)

Justification: Government has recently (2015) decided to set up a National Tribal Advisory Council for effecting monitoring and implementation of various tribal welfare schemes.

Statement 1: The NTAC is different from a TAC that is setup under Fifth Schedule provisions. As per Para 4(1) of the Fifth Schedule of the Constitution, there shall be TAC in each State having Scheduled Areas therein and , if the President should directs, also in any State having Scheduled Tribes but non- Scheduled Areas Therein

Statement 2: The council is chaired by the Prime Minister and will meet once or twice in a year.

Statement 3: It monitors and does not approve funds for tribal welfare.

Q.1683 Telecom Regulatory Authority of India (TRAI) is empowered to

1. Regulate telecom market to ensure fair competition
2. Fix tariffs for telecom services in India

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: The TRAI is an independent regulator of the

telecommunications business in India. Its main purpose is to deliver a fair and transparent environment for fair competition in telecom market.

It came into existence by the Act of the Parliament in 1997. It was established in wake of entry of private sector in telecom industries after Government had constituted the National Telecom Policy (NTP) to attract domestic and Foreign Direct Investment (FDI) investment in the telecommunication sector.

Statement 2: TRAI also fixes or revises the tariffs for telecom services in India.

TRAI also has punitive mandate. Recently it had recommended Department of Telecom (DoT) to impose combined penalty of Rs. 3,050 crore on Bharti Airtel, Vodafone and Idea cellular.

Q.1684 Consider the following statements regarding the Telecom Regulatory Authority of India (TRAI).

1. It is a statutory body.
2. The Head of the authority should either be a retired Supreme Court Judge or a retired High Court Chief Justice.

Which of the above statements are true?

- (a) Only 1. (b) Only 2.
(c) Both. (d) None.

Solution: (a)

Explanation: The Telecom Regulatory Authority of India (TRAI) was established with effect from 20th February 1997 by an Act of Parliament, called the Telecom Regulatory Authority of India Act, 1997, to regulate telecom services, including fixation/revision of tariffs for telecom services which were earlier vested in the Central Government. The TRAI is administered through a Secretariat headed by a secretary.

Q.1685 Consider the following about Cyber appellate tribunal, India.

1. It has been established under the Information Technology Act, 2000.
2. It is not bound by the Civil Procedure Code and guided by the principles of natural justice.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: It is the first and the only Cyber Appellate Tribunal in the country which has been established by the Central Government.

Statement 2: The Cyber Appellate Tribunal has powers to regulate its own procedure including the place at which it has its sittings. Every proceeding before the Cyber Appellate Tribunal shall be deemed to be a judicial proceeding.

It has the same powers as are vested in a civil court under the Code of Civil Procedure.

Learning: The selection of the Chairperson and Members of the Tribunal is made by the Central Government in consultation with the Chief Justice of India.

The Presiding Officer of a Cyber Appellate shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty five years, whichever is earlier.

Q.1686 Consider the following statements regarding the Cyber Appellate Tribunal:

1. It has been established under the provisions of the Information Technology Act, 2000.
2. It is the first and the only Cyber Appellate Tribunal in the country.
3. The Cyber Appellate Tribunal has powers to regulate its own procedure including the place at which it has its sittings.

Which of the above statements are true?

- (a) Only 1. (b) Only 2 & 3.
(c) Only 1 & 3. (d) All.

Solution: (d)

Explanation: Cyber Appellate Tribunal (CAT) has been established under the Information Technology Act under the aegis of Controller of Certifying Authorities (CCA). The first and the only Cyber Appellate Tribunal in the country has been established by the Central Government in accordance with the provisions contained under Section 48(1) of the Information Technology Act, 2000.

The Cyber Appellate Tribunal has, for the purposes of discharging its functions under the IT Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908. However, the procedure was laid down by the Code of Civil Procedure, 1908 applies

but at the same time the Tribunal is guided by the principles of natural justice.

The Cyber Appellate Tribunal has powers to regulate its own procedure including the place at which it has its sittings. Every proceeding before the Cyber Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196 of the Indian Penal Code and the Cyber Appellate Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

- Q.1687** Which of the following will be the main agency handling the establishment of National Cyber Coordination Centre (NCCC)?
- (a) The Cyber Society of India (CySI)
 - (b) Ministry of Home Affairs (MHA)
 - (c) Indian Computer Emergency Response Team (CERT-In)
 - (d) National Informatics Centre (NIC)

Solution: (c)

Learning: It is a cyber security and e-surveillance agency in India.

- Some of the components of NCCC include the cyber-crime prevention strategy, cyber-crime investigation training, review of out dated laws, etc.
- Indian and U.S. intelligence agencies are also working together to curb misuse of social media platforms in the virtual world by terror groups.
- Some have expressed concern that the body could encroach on Indian citizens' privacy and civil-liberties, given the lack of explicit privacy laws in the country.
- This Centre will have top experts from the field and it will be run like similar organisation in other countries such as the US, the UK, France, Germany, etc.

Q.1688 Consider the following statements regarding the Indian Computer Emergency Response Team (CERT-In):

1. It is the Government organization under Ministry of Communications and Information Technology.
2. It is a nodal agency that deals with cyber security threats like hacking and phishing.

Which of the above statements are true?

- (a) Only 1. (b) Only 2.
(c) Both. (d) None.

Solution: (c)

Explanation: Indian Computer Emergency Response Team under Ministry of Communications and Information Technology. It is a nodal agency that deals with cyber security threats like hacking and phishing. It strengthens security-related defence of the Indian Internet domain. In March 2014, CERT reported a critical flaw in Android Jelly Bean's Virtual Private Network (VPN) implementation.

Q.1689 Indian Computer Emergency Response Team (CERT-In) has been designated under the Information Technology (Amendment) Act 2008 to serve as the national agency to perform which of the following functions?

1. Approving the commercial plans of Internet Service providers (ISPs)
2. Forecast and provide alerts of cyber security incidents
3. Regulating the mergers and acquisitions of Internet Service Providers to maintain service quality

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 only (d) 2 only

Solution: (d)

Justification: Statement 1: It has not role in overseeing the commercial or the financial aspects of ISPs in India. So, 1 is incorrect.

Statement 3: Overseeing the mergers of companies in India comes under the jurisdiction of the Competition Commission of India (CCI). So, the statement 3 is also incorrect.

Learning: It performs the following functions in the domain of cyber security:

- Collection, analysis and dissemination of information on cyber incidents
- Forecast and alerts of cyber security incidents
- Emergency measures for handling cyber security incidents
- Coordination of cyber incident response activities
- Issue guidelines, advisories, vulnerability notes and whitepapers relating to

information security practices, procedures, prevention, response and reporting of cyber incidents

Q.1690 The mandate of Competition Commission of India (CCI) is to oversee which type of practices?

1. Whether mergers and acquisitions are leading to monopoly in the markets
2. Whether firms are dealing with consumer grievances on a regular basis
3. Whether commercial banks have adhered to the lending limits prescribed by RBI

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 only
(c) 2 and 3 only (d) 1 and 3 only

Solution: (b)

Justification: The CCI was established to eliminate practices that adversely affect competition in different industries and protect interests of consumers and ensure freedom of trade.

So, if a merger is leading to unfair monopolistic tendencies, CCI may fine such establishment and prevent the merger. So, 1 is correct.

Unfair practices can happen even when firms collude and set prices and output to maintain their monopoly in the market, which may hurt the consumer.

But, it is not concerned with the regular administrative processes of the company, neither does it regulate the firms for ensuring all laws, rules and regulations are adhered. So, the statements 2 and 3 are incorrect.

It is statutory body established under The Competition Act of 2002. It was established in 2003 and became fully functional in 2009.

Q.1691 Consider the following about the Indian Council for Cultural Relations (ICCR).

1. It was founded before India's independence.
2. It aims to promote cultural exchange with other countries and peoples.
3. It funds research in premier cultural institutions of India.

Select the correct answer using the codes below.

- (a) 2 only (b) 1 and 3 only
(c) 1 and 2 only (d) None of the above

Solution: (a)

Justification: Statement 1: It was founded in 1950 by Maulana Abul Kalam Azad, independent India's first Education Minister.

Statement 2: Its objectives are to actively participate in the formulation and implementation of policies and programmes pertaining to India's external cultural relations; to foster and strengthen cultural relations and mutual understanding between India and other countries; to promote cultural exchanges with other countries and people; and to develop relations with nations.

Q.1692 With reference to the National Archives of India (NAI), consider the following statements

1. It functions as an Attached Office of the Department of Culture under the Ministry of Culture, Government of India
2. It was set-up in 1891 in Calcutta and at present it is located next to Writer's Building serving as treasure house of precious imperial records

Which of the above statements is/are correct?

- (a) 1 Only (b) 2 Only
(c) Both (d) None

Solution: (a)

The National Archives of India (NAI) is a repository of the non-current records of the Government of India and holds them in trust for the use of administrators and scholars. Originally established as the Imperial Record Department in 1891, in Calcutta, then capital of British India, the NAI is situated at the intersection of Janpath and Rajpath, in Delhi. It functions as an Attached Office of the Department of Culture under the Ministry of Culture, Government of India.

Q.1693 Consider the following statements about Film Certification Appellate Tribunal (FCAT).

1. It is a statutory body.
2. It comes under the aegis of Ministry of Information and Broadcasting.
3. Any applicant can file an appeal before the tribunal for a certificate in respect of a film who is aggrieved by an order of the Central Board of Film Certification (CBFC).

Choose the correct answer using the codes below.

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

Chairperson of Central Board of Film Certification (CBFC) Leela Samson has resigned.

She resigned after Film Certification Appellate Tribunal (FCAT) cleared the controversial film '*Messenger of God*' featuring Dera Saccha Sauda chief Gurmeet Ram Rahim Singh in leading role.

The Censor Board headed by Ms. Samson had earlier denied the clearance certificate to the film saying that the movie depicts Gurmeet Ram Rahim Singh as a 'God'.

Film Certification Appellate Tribunal (FCAT)

- The FCAT is a statutory body. It has been constituted under the provisions of the Cinematograph Act, 1952.
- It comes under the aegis of Ministry of Information and Broadcasting.
- **Function:** It hears the appeals filed as per provisions of Cinematograph Act. Any applicant can file an appeal before the tribunal for a certificate in respect of a film who is aggrieved by an order of the Central Board of Film Certification (CBFC).

Q.1694 Indian Renewable Energy Development Agency Limited (IREDA) provides financial support to

1. Generate electricity by new sources
2. Conserving energy through energy efficiency

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Explanation and Learning: The IREDA is a Public Limited Government Company established as a Non-Banking Financial Institution in 1987 under the administrative control of Ministry of New and Renewable Energy (MNRE) to promote, develop an extending financial assistance for renewable energy and energy efficiency/conservation projects with the motto: "ENERGY FOR

EVER". Its objectives are:

- To give financial support to specific projects and schemes for generating electricity and/or energy through new and renewable sources and conserving energy through energy efficiency.
- To increase IREDA's share in the renewable energy sector by way of innovative financing.
- To strive to be competitive institution through customer satisfaction.
- To maintain its position as a leading organization to provide efficient and effective financing in renewable energy and energy efficiency/conservation projects.
- Improvement in the efficiency of services provided to customers through continual improvement of systems, processes and resources.

Q.1695 Consider the following about the Animal Welfare Board of India.

1. It is an advisory body established by an executive order.
2. It is chaired by the Prime Minister of India.
3. The Board provides financial assistance to recognised Animal Welfare Organisations(AWOs).

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 3 only (d) None of the above

Solution: (c)

Justification: Statement 1: The Animal Welfare Board of India is a statutory advisory body on Animal Welfare Laws and promotes animal welfare in the country. It was established in 1962 under the Prevention of Cruelty to Animals Act, 1960. So, 1 is incorrect.

Statement 2: National Board for Wildlife is chaired by the Prime Minister, not the welfare board.

Statement 3: It works to ensure that animal welfare laws in the country are followed and provides grants to Animal Welfare Organisations. The Board oversees Animal Welfare Organisations (AWOs) by granting recognition to them if they meet its guidelines.

Q.1696 Consider the following about Advertising Standards Council of India (ASCI)

1. It is a self-regulatory voluntary organization.
2. Any person can complain to the ASCI if an advertisement released in India seems objectionable.
3. Advertisements which violate ASCI code cannot be permitted on TV.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 only (d) 1, 2 and 3

Solution: (d)

Justification: Statement 1: Like other countries around the world, India too has a self-regulatory organization (SRO) for advertising content – The Advertising Standards Council of India, ASCI founded in 1985.

The three main constituents of advertising industry, viz. advertisers, advertising agencies and media came together to form this independent NGO. The aim of ASCI is to maintain and enhance the public's confidence in advertising.

Statement 2: There is no other non governmental body in India which regulates the advertising content that is released in India. If an ad that is released in India seems objectionable, a person can write to ASCI with their complaint.

This complaint will be deliberated on by the Consumer Complaints Council (CCC) after providing due process to advertiser to defend the ad against the complaint and depending on whether the ad is in alignment with the ASCI code and law of the land.

Statement 3: In 2007, the Government of India amended the Cable TV Network Rules' Advertising Code by which ads which violate ASCI code cannot be permitted on TV.

Q.1697 With reference to the Press Trust of India (PTI), consider the following statements

1. It is a news agency owned by the Government of India and operated under the management of the Ministry of Information and Broadcasting
2. Press Trust of India is the only news agency in South Asia which operates its

own communication satellite, an INSAT, to broadcast news and information.

Which of the above is/are correct?

- (a) 1 Only (b) 2 Only
(c) Both (d) None

Solution: (b)

Press Trust of India (PTI) is the largest news agency in India.[1] It is headquartered in New Delhi and is a non-profit cooperative among more than 450 Indian newspapers and has 984 full-time employees, as on January 8, 2014. It employs over 400 journalists and 500 part-time correspondents located in most of the district headquarters in the country. A few correspondents are based in major capitals and important business centres around the world. It took over the operations of the Associated Press from Reuters soon after India's independence on 15 August 1947. It provides news coverage and information of the region in both English and Hindi. Its corporate office is located at Sansad Marg, New Delhi and registered office in D N Road, Mumbai.

Q.1698 Consider the following about the Press Council of India.

1. It is a statutory quasi-judicial authority autonomous from the government.
2. It can collect fees from newspapers to fund the Council.
3. The decisions of the Council are final and cannot be questioned in any court of law except by way of writ under the constitution.

Select the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 2 only (d) 1, 2 and 3

Solution: (d)

Justification and Learning: Statement 1: It was first set up in 1966 by the Parliament on the recommendations of the First Press Commission.

It has the twin objective of preserving the freedom of the press and maintaining and improving the standards of newspapers and the news agencies in India exercising equal quasi-judicial functions over the authorities as well the press person.

It functions under the Press Council Act 1978. It is a statutory, *quasi-judicial* body which acts as a watchdog of the press.

Statement 2: The Council has its own funds for performance of its functions under the Act that comprises of the fee collected by it from newspapers, other receipts and also Grants in-Aid by from the Central Government.

Statement 3: This is because the council is a *quasi-judicial* authority and independent from the government. Moreover, it's a self-regulatory body of the Press and not a government tribunal. This is why its orders can't be questioned except by way of a writ.

Learning: It comprises of a Chairman and 28 members. While the Chairman has, by convention, been a sitting or retired judge of the Supreme Court of India, of the 28 members, 20 represent various segments of the Press and eight overseeing the readers' interest, are representatives of the two Houses of Parliament (Three in Lok Sabha and Two in Rajya Sabha) and premier literary and legal bodies of the country, i.e., UGC, BCI etc.

The Council discharges its functions primarily through adjudications on complaint cases received by it, either against the Press for violation of journalistic ethics or by the Press for interference with its freedom.

Q.1699 Consider the following about the Press Council of India.

1. It is a quasi-judicial body.
2. It is headed by a retired judge of Supreme Court by convention.
3. It adjudicates the complaints made by the Indian Press.
4. Citizens can complain to this authority if the Press violates standard guidelines and engages in unethical reporting.

Select the correct answer using the codes below.

- (a) 1, 2 and 4 only (b) 2 and 3 only
(c) 1, 3 and 4 only (d) 1, 2, 3 and 4

Solution: (d)

Q.1700 Central Board of Film Certification (CBFC) regulates the public exhibition of films in India and has been often in news. Consider the following about it.

1. It is a statutory body under Ministry of Information and Broadcasting.
2. Its board is appointed by the Press Trust Council of India.

3. Films can be publicly exhibited in India only after they have been certified by the Central Board of Film Certification.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (c)

Leaning: The CBFC regulates the public exhibition of films under the provisions of the Cinematograph Act 1952. The Board, consists of non-official members and a Chairman (all of whom are appointed by Central Government) and functions with headquarters at Mumbai. So, 2 is incorrect.

1. It has nine Regional offices, one each at Mumbai, Kolkata, Chennai, Bangalore, Thiruvananthapuram, Hyderabad, New Delhi, Cuttack and Guwahati.
2. The Regional Offices are assisted in the examination of films by Advisory Panels.
3. The members of the panels are nominated by Central Government by drawing people from different walks of life for a period of 2 years.

Q.1701 Consider the following statements regarding the Research and Information System (RIS) for Developing Countries:

1. It is an autonomous think-tank under the Ministry of External Affairs, Government of India.
2. The focus of the work programme of RIS is to promote South- South Cooperation and assist developing countries in multilateral negotiations in various forums.
3. It is an advisory body to the Government of India.

Which of the above statements is/are true?

- (a) Only 1. (b) Only 2 & 3.
(c) All. (d) None.

Solution: c.

Explanation: Research and Information System for Developing Countries (RIS), a New Delhi based autonomous think-tank under the Ministry of External Affairs, Government of India, is an organization that specializes in policy research on international economic issues and development cooperation. The RIS is envisioned as a forum for fostering effective policy dialogue

and capacity-building among developing countries on international economic issues. The focus of the work programme of RIS is to promote South-South Cooperation and assist developing countries in multilateral negotiations in various forums. And RIS is engaged in the Track II process of several regional initiatives. The RIS is providing analytical support to the Government of India in the negotiations for concluding comprehensive economic cooperation agreements with partner countries. Through its intensive network of policy think tanks, RIS seeks to strengthen policy coherence on international economic issues. RIS is mandated to function as an advisory body to the Government of India on matters pertaining to multilateral economic and social issues, including regional and sub-regional cooperation arrangements and innovation policies. The RIS functions in close association with various governmental bodies, research institutions, academicians, policy-makers, and business and industry circles in India and abroad.

The RIS has a consultative status with United Nations Conference on Trade and Development (UNCTAD), NAM and the WTO and has conducted policy research and other activities in collaboration with agencies including UN ESCAP, UNCTAD, UNU, Group of 77, SAARC Secretariat, Asian Development Bank (ADB), The World Bank and the South Centre.

Q.1702 Consider the following about the All India Council of Sports constituted by the government.

1. President of India will be its *ex officio* chairman.
2. It will financially support all states to establish a council of sports.
3. Its recommendations will not be binding on the government.
4. It will adjudicate all complaints, disputes and malpractices associated with sports.

Choose the correct answer using the codes below.

- (a) 1, 3 and 4 only (b) 3 only
(c) 1 and 2 only (d) All of the above

Solution: (b)

Union Government has constituted All India Council of Sports (AICS), as an advisory body to deliberate on matters relating to the development and promotion of sports in the country.

Government will duly consider the advice rendered by this Council, but it will not be binding and obligatory on the government.

- Composition: It will be headed by a president in the rank of Minister of State (MoS). It will include 4 Members of Parliament (MPs), coaches, experts, sports personalities, administrators and Director General (DG) of Sports Authority of India (SAI).
- Appointments: President and members, other than ex-officio members will be appointed by the Union Government.
- Meeting: It will meet from time to time i.e. at least once in a quarter of year to deliberate on matters related sports and games in the country.
- Functions: Popularize sports amongst the youth and increase its outreach to rural and tribal areas along with North East and Jammu and Kashmir and areas affected by Left Wing Extremism and Maoists.
- Promote inclusiveness in sports with special focus on women, tribal and differently-abled.
- Prevent fraud of age and sexual harassment of women in sports along with drug abuse.
- Bring transparency, professionalism and good governance in functioning of National Sports Federations (NFS).
- Promote sports sciences and sports medicine and augment the sports infrastructure and ensure its proper utilization.
- Tackle the issues arising malpractices in competitive sports especially match fixing and early identification of sports talent and nurturing the identified talent.

- Q.1703** Consider the following about the Board of Control for Cricket in India (BCCI).
1. It is an autonomous society not controlled by the Government of India.
 2. It is subordinate to International Cricket Council.
 3. It comes under the purview of the RTI Act.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) 1 only

Solution: (d)

The Board of Control for Cricket in India (BCCI) is the national governing body for cricket in India. The board was formed in December 1928 as a society, registered under the Tamil Nadu Societies Registration Act. It is a consortium of state cricket associations and the state associations select their representatives who in turn elect the BCCI officials. The BCCI's constitution provides for annual elections at its Annual General Meeting (AGM) for all posts, with a bar on re-election of an incumbent president beyond two consecutive years, "provided that the General Body may in its discretion re-elect the same person as president for the third consecutive year" The BCCI has been known to use its power to influence certain ICC decisions. These included scheduling, player suspension and ICC appointments. As India is a large market in terms of international cricket revenue, the BCCI's opinions carry weight within the ICC's decision making process.

- Q.1704** Consider the following about National Mineral Exploration Trust (MET).

1. It grants mining leases for major minerals to after obtaining sanction from the State government.
2. It carries out detailed exploration for minerals using the funds accrued to it.
3. It invests in basic infrastructural development and implements welfare schemes in mining affected belts.

Select the correct answer using the codes below.

- (a) 1 only (b) 2 only
(c) 1 and 3 only (d) 1 and 2 only

Solution: (b)

Justification: Statement 1: Major minerals are administered by the Central government. Moreover, this body doesn't give sanction for mining leases. So, 1 is wrong.

Statement 2: The Mines and Minerals (Development & Regulation) Amendment Act (MMRDA), 2015, mandated the setting up of Mineral Exploration Trust.

It is a non-profit body by the Central Government for the purposes of regional and detailed exploration of minerals using the funds accrued to it and in such manner as prescribed by the Central Government.

Statement 3: It is done by District Mineral Foundation. So, the statement 3 is wrong.

Q.1705 Consider the following about the Directorate of Enforcement.

1. It is housed under the Ministry of Corporate Affairs.
2. It enforces the Prevention of Money Laundering Act.
3. It keeps track of foreign exchange movement in and out of India.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 only (d) 2 only

Solution: (b)

Justification: Statement 1: Directorate of Enforcement is a specialized financial investigation agency under the Department of Revenue, Ministry of Finance. So, 1 is wrong.

Statements 2 and 3: It enforces the Foreign Exchange Management Act, 1999 (FEMA) and Prevention of Money Laundering Act (PMLA), 2002.

The Act and Rules notified there under impose obligation on banking companies, financial institutions and intermediaries to verify identity of clients, maintain records and furnish information

Q.1706 Which of the following statements about the Enforcement Directorate (ED) is INCORRECT?

- (a) ED is appointed on the approval of the Appointments Committee of the Cabinet (ACC) headed by Prime Minister.
- (b) It functions under the aegis of the Central Bureau of Investigation (CBI).
- (c) It is responsible for tracking black money and *hawala* trade cases.
- (d) None of the above

Solution: (b)

Learning: The Union Government has appointed Senior IPS officer Karnal Singh as the Director of Enforcement Directorate (ED).

- The Economic Enforcement is economic intelligence and law enforcement agency responsible for enforcing economic laws and fighting economic crime in India.
- It functions under the aegis of the Department of Revenue, Union Ministry of Finance. So, the option (b) is incorrect.

Q.1707 A Council for Trade Development and Promotion was constituted in 2015 to ensure

1. Administration of export promotion schemes
2. Cooperation between the Centre and the State for export promotion

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 2: The government has set up a Trade Facilitation Council with representations from states and Union territories to mainstream them in the process of international trade and assist them with their infrastructural needs.

Statement 1: It is not an executive body. It will make the states active partners in boosting India's exports.

Q.1708 Consider the following about Insolvency and Bankruptcy Board of India established recently.

1. It is an executive body established by the Competition Commission of India (CCI).
2. It can make model bye-laws to be adopted by insolvency professional agencies working in India.
3. It is chaired by Union Minister of Corporate Affairs.

Select the correct answer using the codes below.

- (a) 1 and 3 only (b) 2 only
(c) 3 only (d) None of the above

Solution: (b)

Background: In India, the legal and institutional machinery for dealing with debt default has not been in line with global standards.

- The recovery action by creditors, either through the Contract Act or through special laws such as the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 and the Securitisation and

Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, has not had desired outcomes.

- So, this board established in accordance with the provisions of The Insolvency and Bankruptcy Code, 2016 is considered as the biggest economic reform next only to GST.

Justification: Statement 2: The objective of the new law is to promote entrepreneurship, availability of credit, and balance the interests of all stakeholders by consolidating and amending the laws relating to reorganization and insolvency

For this it regulates the conduct of insolvency professional agencies working in India.

Statement 3: It is distinguished public servant who serves as Chairperson of the Insolvency and Bankruptcy Board of India.

Q.1709 The new Governor of the Reserve Bank of India was appointed by the

- (a) Prime Minister's Office
- (b) Cabinet Secretary
- (c) Financial Sector Regulatory Appointments Search Committee (FSRASC)
- (d) Financial Stability and Development Council (FSDC)

Solution: (a)

Learning: The Appointment Committee of Cabinet (ACC) recommended the appointment of Urjit Patel based on the recommendation of the Financial Sector Regulatory Appointments Search Committee (FSRASC).

- The PMO appoints the RBI Governor.
- The latter is only an advisory body headed by the Cabinet Secretary.
- Some of the recent changes made to the RBI Act is the inclusion of a Monetary Policy Committee which will have representation both from government and RBI.
- The veto power of the Governor regarding key monetary policy decisions has been revoked.

Consider the following with reference to the Board for Regulation and Supervision of Payment and Settlement Systems (BPSS).

1. It is the highest policy making body on payment systems in the country.
2. It is the apex body responsible for printing and circulating currency throughout India.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (a)

Justification: The Central Bank of any country is usually the driving force in the development of national payment systems. The Reserve Bank of India as the central bank of India has been playing this developmental role and has taken several initiatives for Safe, Secure, Sound, Efficient, Accessible and Authorised payment systems in the country.

Statement 1: The Board for Regulation and Supervision of Payment and Settlement Systems (BPSS), a sub-committee of the Central Board of the Reserve Bank of India is the highest policy making body on payment systems in the country. The BPSS is empowered for authorising, prescribing policies and setting standards for regulating and supervising all the payment and settlement systems in the country.

Statement 2: This function is managed by RBI as a whole alongwith the help of other commercial banks, designated banks and Security Printing and Minting Corporation of India. So, 2 is wrong.

Learning: The Department of Payment and Settlement Systems of the Reserve Bank of India serves as the Secretariat to the Board and executes its directions.

In India, the payment and settlement systems are regulated by the Payment and Settlement Systems Act, 2007 (PSS Act).

The PSS Act as well as the Payment and Settlement System Regulations, 2008 framed there under came into effect from 2008. In terms of Section 4 of the PSS Act, no person other than the Reserve Bank of India (RBI) can commence or operate a payment system in India unless authorised by RBI.

The Reserve Bank has since authorised payment system operators of pre-paid payment instruments, card schemes, cross-border in-bound money transfers, Automated

Teller Machine (ATM) networks and centralised clearing arrangements.

Q.1710 Which of the following statements about the Securities Appellate Tribunal (SAT) is INCORRECT?

- (a) It is a statutory body.
- (b) Retired judges of Supreme Court or High Courts are barred from its membership.
- (c) SAT is not bound by procedure laid down by Code of Civil Procedure.
- (d) Its presiding officer and members are appointed by the Central government.

Solution: (b)

Justification: SAT comprises one Presiding Officer who is a sitting/retired Judge of the Supreme Court or a sitting/retired Chief Justice of a High Court; or a sitting or retired Judge of a High Court who has completed not less than seven years of service as a Judge in a High Court.

It also contains two members who are persons of ability, integrity and standing and have shown capacity in dealing with problems relating to securities market and have qualification and experience of corporate law, securities law, finance, economics or accountancy.

Q.1711 With reference to Border Roads Organisation (BRO), consider the following statements

- 1. BRO has operations in Andaman and Nicobar also
 - 2. BRO was formed after 1962 India-China war
 - 3. BRO works under the Ministry of Defence
- Which of the above is/are incorrect?

- (a) 1 and 2 Only
- (b) 2 and 3 Only
- (c) 1 and 3 Only
- (d) All

Solution: (d)

The BRO has operations in 22 states, including the Andaman and Nicobar Islands, a union territory.

The BRO was formed on 7 May 1960 as the Border Roads Development Board with Indian Prime Minister Jawaharlal Nehru as its chairman.

The BRO consists of Border Roads Development Board and the General Reserve Engineer Force (GREF). The GREF—the execution force—under the

Ministry of Surface Transport for budgetary allocation only otherwise it is under ministry of Defence for administrative control, and officers from Indian Army Corps of Engineers, who are posted to GREF on Extra Regimental Employment (ERE) tenure.

Q.1712 The Border Roads Organization (BRO) functions under the

- (a) Ministry of Defence
- (b) Ministry of Home Affairs
- (c) Ministry of Road Transport and Highways
- (d) Department of Border Management

Solution: (a)

Learning: The Border Roads Organisation (BRO) develops and maintains road networks in India's border areas and friendly neighbouring countries. Ministry of Defence is the parent organization of BRO.

It was established in 1960 for accelerating economic development and strengthening defence preparedness through rapid and coordinated improvement of strategically important roads along the northern and north-eastern boundary.

The BRO also undertakes snow clearance in high altitude areas.

Q.1713 Consider the following about the Strategic Forces Command (SFC).

- 1. It forms part of the National Command Authority (NCA).
- 2. It is exempt from Right to Information (RTI) disclosures.
- 3. It authorizes military attacks on other sovereign nations.

Select the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 2 and 3 only

Solution: (a)

Justification: Statement 1: The SFC is responsible for the management and administration of the country's tactical and strategic nuclear weapons stockpile. The SFC manages and administers all strategic forces by exercising complete command and control over nuclear assets, and producing all contingency plans as needed to fulfil the required tasks.

Statement 2: Union Government has recently issued a notification mentioning SFC has been brought under sub-section (2) of Section 24 of the RTI. The Section 24 of the RTI exempts security and intelligence establishments from its purview.

Statement 3: Ultimate approval must come from the Cabinet and then the President; not the NSC or SFC. So, the statement 3 is wrong.

Q.1714 Consider the following statements about the 'Wildlife institute of India'.

1. It is an autonomous body.
2. It is under the Ministry of Environment and Forests.
3. It has recently launched an initiative for allowing PSU and Companies to adopt endangered species.
4. It has proposed that wildlife conservation efforts spending be counted under Corporate Social responsibility (CSR).

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 1, 3 and 4 only
(c) 2, 3 and 4 only (d) All of the above

Solution: (d)

The Wildlife Institute of India (WII) is an autonomous institution under the Ministry of Environment and Forests, Government of India. WII carries out wildlife research in areas of study like Biodiversity, Endangered Species, Wildlife Policy, Wildlife Management, Wildlife Forensics, Spatial Modelling, Eco-development, and Climate Change. launches initiative for allowing PSU and Companies to adopt endangered species such as Great Indian bustard, Gharial, Lesser Florican, Snow Leopard etc. The spending will be counted under CSR in Companies Act 2013. This is because Budget 2015 has reduced its funding by 25%.

Q.1715 Consider the following with reference to the University Grants Commission (UGC) and All India Council for Technical Education (AICTE).

1. Both of them are statutory bodies.
2. Both of them are under the Ministry of Human Resource Development (MHRD).
3. Both of them have the authority to enforce any sanctions on colleges affiliated with the universities regulated by them.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 only (d) 1, 2 and 3

Solution: (a)

Justification: Statement 1: First established in November 1945 as an advisory body and later on in 1987 as given statutory status by an Act of Parliament, the AICTE is responsible for proper planning and coordinated development of the technical education and management education system in India.

The AICTE accredits postgraduate and graduate programs under specific categories at Indian institutions as per its charter.

UGC, a statutory body, provides recognition to universities in India, and disburses funds to such recognised universities and colleges.

Statement 3: In a 2013 judgement the Supreme Court said "as per provisions of the AICTE Act and University Grants Commission (UGC) Act, the council (AICTE) has no authority which empowers it to issue or enforce any sanctions on colleges affiliated with the universities as its role is to provide guidance and recommendations.

Q.1716 The 'X' is recognized as International living experiment in human unity, endorsed by the UNESCO and supported by the Government of India. The 'X' foundation is also an autonomous body under the Ministry of Human Resource Development. The X is?

- (a) Auroville (b) Mahabalipuram
(c) Daman and Diu (d) Ladakh

Solution: (a)

Learning: The Auroville (City of Dawn) is an experimental township in Viluppuram district in Tamil Nadu with some parts in the Union Territory of Puducherry.

The Auroville was meant to be a universal town where men and women of all countries are able to live in peace and progressive harmony and, above of the all creeds, politics and all nationalities.

The purpose of Auroville is to realize human unity. The Auroville Foundation is a Statutory Body.

Q.1717 Consider the following about the Unique Identification Authority of India (UIDAI).

1. The Unique Identification project was conceived by then Planning Commission to give unique identity number for each resident.
2. The authority is chaired by the Prime Minister of India.
3. Union Cabinet Ministers nominated by the President of India are some of the ex-officio members of the UIDAI.

Select the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (a)

Justification: UIDAI was constituted by the Government of India vide an order in 2009.

Statement 1: After the idea was conceived by the PC, the concept of unique identification was first discussed and worked upon in 2006, when administrative approval for the project as entitled Unique ID for Below Poverty Line (BPL) families was given by the Department of Information Technology.

Statement 3: No Union Ministers are ex-officio members of the authority. The UIDAI tries to use expertise of market leaders and researchers.

(85) COMMITTEES & COMMISSIONS

Committee

Q.1718 The Sapru committee report that was published in 1945 advocated that

1. Fundamental Rights must be included in the Constitution of India.
2. Princely states should be integrated in the Indian Union without giving them *privy purse*.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: Statement 1: This committee divided fundamental rights into two parts viz. Justifiable Rights and Non-justifiable rights. The Justifiable rights were those enforceable by a court of law.

These enforceable rights were incorporated in the Part III of the Constitution.

The non-justifiable rights were incorporated as a directive to the state to take all measures to provide those rights to individuals without any guarantee.

Statement 2: There was no such provision, in fact even the word *privy purse* was not mentioned in the report.

Q.1719 The Prime Minister's High Level Committee, popularly known as Sachar Committee was setup with a focus on

- (a) Curbing violence and discrimination against Dalits
- (b) Blockades in social and economic development of Women in India and means to empower them
- (c) Social, economic, and educational conditions of the Muslim community of India
- (d) Creating social harmony between the people of North-eastern India and the rest of India

Solution: (c)

Learning: The committee was headed by former Chief Justice of the Delhi High Court, Rajinder Sachar and had six other members.

- The report was the first of its kind to reveal the economic and social lag of the Muslim community compared with other communities.
- An issue highlighted was that while Muslims constitute 14% of the Indian population, they only comprise 2.5% of the Indian bureaucracy.
- The Sachar Committee concluded that the conditions facing Indian Muslims was below that of Scheduled Castes and Scheduled Tribes.
- In November 2013, the Gujarat government contended before the Supreme Court that the Rajinder Sachar Committee was "unconstitutional," and that it only sought to help Muslims.
- It has strongly criticized the manner in which the PMO set up the Sachar Committee in 2005 to survey the socio-economic conditions of Muslims, while "ignoring" other religious minorities.

Q.1720 With reference to justice Verma committee report on amendments to criminal law, consider the following statements

1. Any non-consensual penetration of a sexual nature, even within marriages, should be included in the definition of rape.
2. Non-penetrative forms of sexual contact should be regarded as sexual assault.
3. The Committee has suggested that use of words, acts or gestures that create an unwelcome threat of a sexual nature should be termed as sexual assault and be punishable for 1 year imprisonment or fine or both.
4. Establishment of State Security Commissions to ensure that state governments do not exercise influence on the state police

Which of the statements given above is/are correct?

- (a) 1, 2 and 3 Only (b) 1, 2 and 4 Only
(c) 1, 3 and 4 Only (d) 1, 2, 3 and 4

Solution: (d)

Sexual assault: Currently, “assault or use of criminal force to a woman with the intent to outrage her modesty” is punishable under Section 354 of the Indian Penal Code (IPC) with two years’ imprisonment. The term outraging the modesty of a woman is not defined in the IPC. Thus, where penetration cannot be proved, the offence is categorized as defined under Section 354 of the IPC.

The Committee recommended that non-penetrative forms of sexual contact should be regarded as sexual assault. The offence of sexual assault should be defined so as to include all forms of non-consensual non-penetrative touching of a sexual nature. The sexual nature of an act should be determined on the basis of the circumstances. Sexual gratification as a motive for the act should not be prerequisite for proving the offence. The offence should be punishable with 5 years of imprisonment, or fine, or both. Use of criminal force to disrobe a woman should be punishable with 3 to 7 years of imprisonment.

Verbal sexual assault: At present, use of words or gestures to “insult a woman’s modesty” is punishable with one year of

imprisonment or fine or both under Section 509 of the IPC. This section should be repealed. The Committee has suggested that use of words, acts or gestures that create an unwelcome threat of a sexual nature should be termed as sexual assault and be punishable for one year imprisonment or fine or both.

Police reforms: The Committee has recommended certain steps to reform the police. These include establishment of State Security Commissions to ensure that state governments do not exercise influence on the state police. Such Commissions should be headed by the Chief Minister or the Home Minister of the state. The Commission would lay down broad policy guidelines so that the Police acts according to the law. A Police Establishment Board should be established to decide all transfers, postings and promotions of officers. Director General of Police and Inspector General of Police should have a minimum tenure of 2 years.

Q.1721 In 2014, Supreme court of India setup a Committee under N. R. Madhava Menon to frame guidelines for

- (a) Allowing new mining operations in left wing extremism affected areas
- (b) Government advertisements in print and media
- (c) Regulation of economic activities in Eco-Sensitive Zones (ESZs)
- (d) Improving the socio-economic status of the Transgender

Solution: (b)

Learning: To keep politics away from such ads, the committee emphasized that only the pictures and names of the President, the Prime Minister, Governor and Chief Ministers should be published.

1. The committee also endorsed the suggestions of the Election Commission that there must be severe restrictions on such advertisements six months prior to election.
2. Apart from this, the committee also recommended that a deadline should be fixed to prohibit their publication and the poll panel should be authorised for the purpose.

3. The committee also recommended that there should only be a single advertisement, preferably by Information and Broadcasting Ministry, in respect of commemorative advertisements, which are given on birth and death anniversary of an important personality

Q.1722 The Union Information and Broadcasting (I&B) Ministry has recently constituted a three-member Committee headed by the former Chief Election Commissioner (CEC), B. B. Tandon, to

- Frame rules and guidelines to stop paid news during elections
- Set an upper limit for election expenditures in remote rural areas
- See that guidelines set for government advertisements by the Supreme Court are followed
- Decide on the suitability of candidates with criminal charges filing nomination papers

Solution: (c)

Learning: In 2015, Supreme Court in its order had issued Guidelines on Regulating Government Advertisements based on recommendations of Prof. N. R. Madhava Menon Committee.

In its order, the Supreme Court had barred publication of photos of leaders in government advertisements except those of the President, Prime Minister and the Chief Justice of India.

SC had also directed the Union Government to constitute a three-member committee to regulate the issue of public advertisements.

In 2016, the Supreme Court modified its earlier 2015 order and allowed photographs of Chief Ministers, Governors and ministers to be carried in public advertisements.

Commissions

Q.1723 The boundary commission headed by Radcliff demarcated

- Provincial areas of Bihar and Assam post Bengal Partition 1905
- Boundaries between the two Dominions of India and Pakistan

(c) Burmese Enclaves in the north-eastern frontier of India

(d) North-west frontier of India post-Soviet invasion

Solution: (b)

Learning: The Radcliffe Line was published on 17 August 1947 as a boundary demarcation line between India and Pakistan.

Pakistan included the provinces of West Punjab, Sind, Baluchistan, East Bengal, North-Western Frontier Province and the district of Sylhet of erstwhile Assam.

The help of a referendum was taken to establish the total geographical area of Pakistan. The referendum in the North-Western Frontier Province and Sylhet was in favour of Pakistan.

Q.1724 Consider the following well-known commissions and the subject they dealt with.

- | | |
|----------------------------------|---------------------------|
| 1. Punchhi Commission | A. Illegal Mining |
| 2. Parthasarathi Shome Committee | B. Tax Reforms |
| 3. Hota Committee | C. Civil Services Reforms |
| 4. Shah Commission: | D. Centre-State Relation |

Select the correct answer using the codes below.

- 1-A, 2-C, 3-B, 4-D
- 1-D, 2-B, 3-C, 4-A
- 1-D, 2-B, 3-A, 4-C
- 1-C, 2-A, 3-D, 4-B

Solution: (b)

Justification: Statement 1: It was chaired by former Chief Justice of India on in 2007 to look into the new issues of Centre-State relations keeping in view the changes that have taken place in the polity and economy of India since the Sarkaria Commission.

Statement 2: It was setup in 2012 for drawing up the final guidelines on General Anti-Avoidance Rule (GAAR) and mainly to bring about tax clarity and address the concerns of foreign investors.

Statement 3: The Committee examined the whole gamut of the Civil Service reform covering the higher Civil Service. It was to recommend making the Civil Services: Responsive and citizen-friendly; Transparent; Accountable; and Ethical.

Statement 4: look into the illegal mining of iron ore and manganese in the country. It reported that the illegal mining of Iron and Manganese ores in Odisha caused a loss of around Rupees sixty thousand crore to state's exchequer and the state government should recover this money as soon as possible.

Q.1725 The Mandal Commission Report 1980 was related to

- (a) Reservation for other backward classes
- (b) Linguistic reorganization of Indian states
- (c) Design of India's education policy
- (d) Development of Panchsheel principles

Solution: (a)

Learning: The plan to set up another commission was taken by the Morarji Desai government in 1978 as per the mandate of the under article 340 of the constitution.

The commission estimated that 54% of the total population (excluding SCs and STs), belonging to 3,743 different castes and communities, were 'backward'.

In 1980, the commission's report affirmed the affirmative action practice under Indian law whereby members of lower castes (known as Other Backward Classes (OBC), Scheduled Castes (SC) and Scheduled Tribes (ST)) were given exclusive access to a certain portion of government Jobs and slots in public universities, and recommended changes to these quotas, increasing them by 27% to 50%.

Q.1726 Which of the following statements about the Pay Commissions setup by the Government of India is INCORRECT?

- (a) Its recommendations cover the work and pay structure of both civil and military divisions of the Government of India.
- (b) A serving government employee can be its member.
- (c) It first submits its report to the Finance Minister who then places it before the Cabinet.
- (d) Its recommendations are binding on the State governments, but not on the Central government.

Solution: (d)

Justification: Secretary, Ministry of Petroleum and Natural Gas was a member of the 7th Pay Commission. However, this was

objected to by many retired officers. So, (b) is correct.

One-Rank-One-Pension (OROP) scheme for central government staffers, para-military as well as armed forces personnel was announced by the Seventh Pay Commission. So, (a) is also correct.

Its recommendations are usually followed up by state governments as they hike their staff wage structure. However, it is not binding on the states.

Q.1727 The Second Administrative Reforms Commission did NOT deal specifically with

- (a) Public Order
- (b) Disaster Management
- (c) Ethics in Governance
- (d) It dealt with all of the above.

Solution: (d)

Learning: The Second Administrative Reforms Commission (ARC) submitted the following reports.

- Right to Information: Master Key to Good Governance (First report)
- Unlocking human capital: Entitlements and Governance—a Case Study relating to NREGA (Second Report)
- Crisis Management From Despair to Hope (Third report)
- Ethics in Governance (Fourth Report)
- Public order (Fifth Report)
- Local Governance (Sixth Report)
- Capacity Building for Conflict Resolution (Seventh Report)
- Combating Terrorism Protecting by Righteousness (Eight Report)
- Social Capital—A Shared Destiny (Ninth Report)
- Refurbishing of Personal Administration—Scaling new Heights (Tenth Report)
- Promoting e-governance: The smart way Forward (Eleventh Report)
- Citizen Centric Administration—The Heart of Governance (Twelfth Report)
- Organisational Structure of Government of India (Thirteenth Report)
- Strengthening Financial management System (Fourteenth Report)
- State and District Administration (Fifteenth Report)

(86) NATIONAL POLICIES

Q.1728 With reference to National Youth Policy, 2012, consider the following statements.

1. It proposes to change the target age group from 16–35 years to 13–35 years to accommodate more number of youths
2. The policy divides youths into target groups including those of transgender, gay and lesbian youth
3. The Policy proposes monitorable indicators such as Youth Work Index and Youth Amenities Index among others

Which of the above statements is/are correct?

- (a) 1 and 2 Only (b) 2 and 3 Only
(c) 1 and 3 Only (d) All

Solution: (b)

Shrinking the target age group defining youth from the existing 13–35 years to 16–30 years and inclusion of groups — transgender, gay and lesbians along with those infected with HIV/AIDS and Tuberculosis who suffer from social or moral stigma — in a new category are some of the salient features of the draft National Youth Policy (NYP) 2012.

The NYP, which is a step forward from the earlier such policies formulated in 1988 and 2003 with an aim to empower youth by bringing holistic development, will remain effective till 2022 once implemented by Ministry of Youth Affairs and Sports.

Q.1729 With reference to the Comprehensive National Sports Policy 2007, consider the following statements

1. It aims to address the national goal of emerging as a global, yet inclusive, economic power in the near future through means of sports
2. The 'Sports' is listed in the Union List under the the Seventh Schedule of the Constitution of India

Which of the above is/are correct?

- (a) 1 Only (b) 2 Only
(c) Both (d) None

Solution: (a)

Sports is part of the State List. Union government is trying since twelfth Lok Sabha to bring it into the Concurrent List to formulate a comprehensive sports policy

Q.1730 With reference to the National Water Policy of India, consider the following statements

1. National Water Policy is formulated by the Ministry of Water Resources of
2. National Water Board is the agency which prepares plans for the implementation of water policies
3. Before 2012 water policy was determined by the NWP 2002

Which of the above is/are correct?

- (a) 1 Only (b) 1 and 2 Only
(c) 2 and 3 Only (d) All

Solution: (b)

National Water Policy 2012 governs water related policies in India.

The main emphasis of National Water Policy 2012 is to treat water as *economic good* which the ministry claims to promote its conservation and efficient use.[4] This provision intended for the privatization of water-delivery services is being criticized from various quarters.[5] The policy also does away with the priorities for water allocation mentioned in 1987 and 2002 versions of the policy. The policy was adopted with a disapproval from many states.

The other major features are

1. To ensure access to a minimum quantity of portable water for essential health and hygiene to all citizens, available within easy reach of the household
2. To curtail subsidy to agricultural electricity users
3. Setting up of Water Regulatory Authority
4. To keep aside a portion of the river flow to meet the ecological needs and to ensure that the low and high flow releases correspond in time closely to the natural flow regime.
5. To give statutory powers to Water Users Associations to maintain the distribution system
6. Project benefited families to bear part of the cost of resettlement & rehabilitation of project affected families
7. To remove the large disparity between stipulations for water supply in urban areas and in rural areas
8. To support a National Water Framework Law

Q.1731 Consider the following about the National Data Sharing and Accessibility Policy (NDSAP).

1. It aims to facilitate access to government owned data in machine readable form.
2. It envisages proactive and open access to the data generated by various Government entities.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: The objective of this policy is to facilitate access to Government of India owned shareable data (along with its usage information) in machine readable form through a wide area network all over the country in a periodically updatable manner, within the framework of various related policies, acts and rules of Government of India, thereby permitting a wider accessibility and usage by public.

The Department of Science and Technology is serving the nodal functions of coordination and monitoring of policy through close collaboration with all Central Ministries and the Department of Electronics and Information Technology by creating data.gov.in through National Informatics Centre (NIC).

Q.1732 The National Mineral Exploration Policy (NMEP) aims at

1. Encouraging private sector exploration on revenue sharing basis with the government
2. Creation of a dedicated geo-science database of national minerals

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: The Ministry of Mines will carry out auctioning of identified exploration blocks for exploration by private sector on revenue sharing basis in case their exploration leads to auctionable resources. The revenue will be borne by the successful bidder of those auctionable blocks.

If the explorer agencies do not discover any auctionable resources, their exploration expenditure will be reimbursed on normative cost basis.

Statement 2: The policy emphasizes on making available baseline geo-scientific data of world standards in the public domain, quality research in a public-private partnership, special initiatives for search of deep-seated and concealed deposits (similar to UNCOVER initiative of Australia), quick aerogeophysical surveys of the country, and creation of a dedicated geoscience database etc.

Q.1733 Consider the following with reference to the National Pharmaceutical Pricing Policy (NPPP).

1. Pharmaceutical companies cannot revise the cost of drugs under the policy without permission from the National Pharmaceutical Pricing Authority.
2. It is applicable to all drugs on the national list on life-saving medicines.
3. Drug pricing in the policy is fixed based on a formula.

Which of the above is/are correct?

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (c)

The Supreme Court recently directed the government to have a re-look at the drug pricing policy to help make life-saving medicines affordable for the common man.

- The government had approved the National Pharmaceutical Pricing Policy (NPPP) in 2012.
- This policy at bringing 348 essential drugs under price control and also lead to reduction in prices. With this, the Government would control prices of 348 essential drugs.
- The policy debars the companies from using the Wholesale Price Index (WPI) to increase the prices of the essential medicines on their own each year. Thus, the companies had to seek approval from the National Pharmaceutical Pricing Authority whenever they wanted to increase the prices of the items covered under the Drug Price Control Order.
- It covers only 348 drugs covered under National list of life saving medicines.

(87) MISCELLANEOUS

- Q.1734** India ceased to be a British dominion on
- The passage of the Indian Independence Act, 1947
 - August 15, 1947
 - January 26, 1950
 - Day of swearing in of Independent India's first Governor-General

Solution: (c)

Justification and Learning: Till the passage of the Indian Independence Act, 1947, India was a dependency (colony) of the British Empire. From August 15, 1947 to January 26, 1950, India's political status was that of a dominion in the British Commonwealth of Nations.

India ceased to be a British dominion on January 26, 1950, by declaring herself a sovereign republic. However, Pakistan continued to be a British Dominion until 1956.

India also decided to become a member of the commonwealth, however this did not affect India's independence.

- Q.1735** Consider the following statements.
- The British sovereign appointed the last Governor General of free India.
 - The constituent assembly was composed on a British given formula.
 - India joining commonwealth nations after independence meant that India continued to be a dominion state of the British.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) All of the above

Solution: (a)

The Constituent Assembly was constituted in November 1946 under the scheme formulated by the Cabinet Mission Plan. 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. 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.

- Q.1736** January 26 was specifically chosen as the 'date of commencement' of the Constitution because
- It was on this day in 1930 that Purna Swaraj day was celebrated.
 - The members of the Constituent assembly appended their signatures to the Constitution of India on this date.
 - The Government of India Act 1935 was enacted on this date, which became the bedrock of the Indian constitution.
 - The transfer of power from the British Crown to native Indian government took place on this date.

Solution: (d)

Learning: It was chosen because of its historical importance. It was on this day in 1930 that Purna Swaraj day was celebrated, following the resolution of the Lahore Session (December 1929) of the INC. With the commencement of the Constitution, the Indian Independence Act of 1947 and the Government of India Act of 1935, with all enactments amending or supplementing the latter Act, were repealed. Option (b) is wrong as it happened on 24th January 1950.

- Q.1737** Why 15th August was chosen as the Independence Date of India?
- It was on this date that Indian Independence Bill was introduced in the British House of Commons and was passed.
 - Lord Mountbatten chose the date as he considered this date to be lucky.
 - It was on this date that the Lahore Session of the Congress passed the "Purna Swaraj" resolution.
 - On this date, India's Constituent Assembly passed the "Objectives Resolution" granting freedom to India.

Solution: (b)

Option A: Indian Independence Bill was introduced in the British House of Commons on July 4, 1947 and passed within a fortnight.

Option B: The date was chosen by Lord Mountbatten himself because he had considered this date to be lucky. It was on this day during the World War II, that the Japanese Army surrendered to the allies.

Option C: In 1929, when Jawaharlal Nehru as Congress President gave the call for 'Purna Swaraj' or total independence

from British colonial rule, January 26 was chosen as the Independence Day. Later it was declared as the Republic Day.

- Q.1738** The Government of India is celebrating 21 April every year as 'Civil Services Day'. The 21st of April has been chosen as date because
- Sardar Vallabhbhai Patel addressed the first batch of Indian Administrative Services (IAS) officers on this date.
 - Indian Covenanted Civil Services were created by the British on this date.
 - First batch of Civil servants of Independent India graduated on this date.
 - Pandit Nehru chose this date based on the first International meeting of Civil Servants.

Solution: (a)

Learning: On the occasion, civil servants are awarded by the Prime Minister for their excellent work done in the field of public administration.

It is celebrated as an occasion for the civil servants to rededicate themselves to the cause of citizens and renew their commitment to public service and excellence in work.

First such function was held in 2006.

- Q.1739** Abolition of *privy purse* was a major issue in post-independent India. This *privy purse* allowed
- British government to appropriate a fraction of India's revenues for certain years after independence to maintain financial continuity
 - Local administration to abolish *zamindari* from erstwhile permanent settlement regions
 - Government to confiscate private land based on the principle of 'eminent domain'
 - Princely state rulers to retain certain private property and grant in heredity

Solution: (d)

Learning: The integration was preceded by an assurance that after the dissolution of princely rule, the then rulers' families would be allowed to retain certain private property, and given a grant in heredity or government allowance, measured on the basis of the extent, revenue and potential of the merging state.

This grant was called the Privy Purse. At the time of accession, there was little

criticism of these privileges since integration and consolidation was the primary aim.

- Yet, hereditary privileges were not consonant with the principles of equality and social and economic justice laid down in the Constitution of India. Nehru had expressed his dissatisfaction over the matter time and again.
- Following the 1967 elections, Indira Gandhi supported the demand that the government should abolish privy purses. Morarji Desai, however, called the move morally wrong and amounting to a 'breach of faith with the princes'.
- The government tried to bring a Constitutional amendment in 1970, but it was not passed in Rajya Sabha. It then issued an ordinance which was struck down by the Supreme Court. Indira Gandhi made this into a major election issue in 1971 and got a lot of public support.
- Following its massive victory in the 1971 election, the Constitution was amended to remove legal obstacles for abolition of 'privy purse'

- Q.1740** Which of these best characterizes a "nation-state"?

- A nation with fascist authority
- Any political entity
- A legal or political entity which is also a cultural and social entity
- Anybody that has a constitution governing it

Solution: (c)

Justification: Option A: Nation-states can be fascists or democratic or monarchical; there is no set-rule.

Option B: Even a political party of its affiliates are political entities. So, B is wrong.

Option C: 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 as referred to a legal/political entity that is comprised of the following:
 - a permanent population
 - a defined territory

- a government
- the capacity to enter into relations with other states.

The combination of both legal and political entity is called a 'Nation-State'.

Q.1741 What differentiates a 'Nation-State' from a 'State'?

- A nation-state does not have a centralized authority as a state.
- A state is a mix of several ethnicities and communities unlike a nation-state.
- A nation-state does not have a constitution unlike a state.
- State is only a legal/political entity, whereas nation-state is a legal/political entity as well as a cultural/social entity

Solution: (d)

Justification: USSR was a nation-state. Authority was centralized in it. So, the option (a) is wrong.

A nation-state is a mix of several ethnicities, a state need NOT be. So, the option (b) is wrong.

Both nation-states (e.g. USA, Canada) and states (e.g. India) can have constitution. So, the option (c) is also wrong.

Q.1742 Which of the following statements are correct?

- Constitutionalism implies Governance by Law.
- Constitutionalism implies only liberalism.
- Constitutionalism implies protection of individual liberty.
- Constitutionalism implies Government by enlightened people.

Choose the correct answer from the codes given below

- 1, 2 and 3
- 1 and 3
- 1, 2, 3 and 4
- 2, 3 and 4

Solution: (b)

Constitutionalism means authority of government derives from and is limited by a body of fundamental law. In simple words it is willingness to obey the Constitution. A country may have a Constitution, but not necessarily 'constitutionalism.' For example, a country where dictator's word is law can be said to have a constitution, but not constitutionalism. A Constitution does not merely confer powers to various organs of the

government, but also seeks to restrain these powers. Constitutionalism envisages checks and balances and puts power of legislature and executive under some restraint, otherwise freedom of people would be jeopardized, leading an authoritarian, oppressive government. Therefore, to preserve basic freedom of individual and to maintain the dignity and personality, a Constitution should be permeated with Constitutionalism; that is, it should have in-built restrictions on powers

Q.1743 'Balkanization' is a term that is often used in political discourse. It means

- Fragmentation of a state into smaller units that can be hostile with one another
- Excessive centralization of authority away from satellite states of a nation
- A stage in the development of certain feudal states
- Segregation within a nation that may emerge from economic displacements

Solution: (a)

Justification: The option (d) is known as 'social or national polarization' and is a general term. Hence not appropriate here.

Option (c) is known as feudal fragmentation, hence incorrect.

Option (b) may be a cause of balkanization, but is not known as balkanization. Hence, it is incorrect.

Leaning: The term refers to the division of the Balkan peninsula, formerly ruled almost entirely by the Ottoman Empire, into a number of smaller states between 1817 and 1912. In India, the term is often employed to discuss the implications of extreme regionalism in the NE and some other parts of the country.

Q.1744 Which of the following does NOT correctly differentiate between the terms 'State' and 'Government'?

- Government can change with elections, State does not.
- State is one part of the government.
- Government represents the body of persons who implements the will of the state.
- None of the above correctly differentiates between state and government.

Solution: (b)

Explanation and Learning: When we use the word State, it is different from the term 'government'.

A 'Government' is responsible for administering and enforcing laws. The government can change with elections. For example, the NDA/UPA governments.

The State on the other hand refers to a political institution that represents a sovereign people who occupy a definite territory. We can, thus, speak of the Indian State, the Nepali State etc.

The Indian State has a democratic form of government. The government (or the executive) is one part of the State. The State refers to more than just the government and cannot be used interchangeably with it.

- Q.1745** The term 'Law' used in the phrase "Rule of law" refers to
- Positive law
 - Natural law
 - Conventions of the Constitution
 - Common law

Solution: (a)

'Rule of Law' is derived from the French phrase 'La Principe de Legality' (the principle of legality) which refers to a government based on principles of law and not of men. In a broader sense Rule of Law means that Law is supreme and is above every individual. Here laws are the one formed by the society as whole. Hence answer is positive law.

Positive laws are human-made laws that oblige or specify an action. It also describes the establishment of specific rights for an individual or group.

- Q.1746** In a monarchical form of government, the final decision vests with
- The Monarch
 - The elected Council of Ministers
 - The elected Parliament
 - It varies from case to case, but in matters of national importance, monarch's opinion reigns.

Solution: (a)

Explanation and Learning: In a democracy the elected government has to explain its actions and defend its decisions to the people.

However, in a monarchy, the monarch (king or queen) has the power to make

decisions and run the government. The monarch may have a small group of people to discuss matters with but the final decision-making power remains with the monarch.

Unlike in a democracy, kings and queens do not have to explain their actions or defend the decisions they take.

- Q.1747** The concept of 'Ram Rajya' as given by Mahatma Gandhi was

- A society governed by a non-secular Hindu constitution
- A centralized government that promotes a balance of socialism and capitalism
- A stateless society where every individual is powerful
- An open economy that trades intensively with the outside world

Select the correct answer using the codes below.

- (a) 1, 2 and 4 only (b) 2 only
(c) 3 only (d) 1 and 4 only

Solution: (c)

Learning: As per Gandhi, Ram-Rajya would be a state less society consisting of self-suficing, self-sufficing, self-governing village communities.

- In fact, Gandhi's ideal state was a non-violent democratic state where social life would remain self-regulated.
- In Ram-Rajya everyone is his own ruler. Manual work gives an opportunity to all who wish to take part in the government and the well-being of the state.
- Here, the powers are to be decentralized and equality is to prevail in every sphere of life.
- Every individual is to be given fullest freedom to devote himself to social service according to his capacity.
- Gandhi was opposed to heavy transport, courts, lawyers, the modern system of medicine and big cities.
- According to Gandhi, self-control, self-discipline, self-awareness and self-respect are the true marks of Ram-Rajya.

- Q.1748** A 'Welfare state' is a State that
- Cannot be run wholly on the principles of capitalism
 - The public responsibility in the state applies for those who are unable to avail

themselves of the minimal provisions for a good life

3. Is necessarily democratic.

Select the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (a)

A welfare state is a concept of government in which the state plays a key role in the protection and promotion of the economic and social well-being of its citizens. It is based on the principles of equality of opportunity, equitable distribution of wealth, and public responsibility for those unable to avail themselves of the minimal provisions for a good life. The general term may cover a variety of forms of economic and social organization. The sociologist T.H. Marshall identified the modern welfare state as a distinctive combination of democracy, welfare, and capitalism (not fully). Even though Kautilya's and Ashoka's state were not democratic, they were welfare states.

- Q.1749** The Welfare State is essentially a synthesis of
(a) Liberalism and Socialism
(b) Socialism and Communism
(c) Communism and Idealism
(d) Individualism and Fascism

Solution: (a)

Refer previous explanation.

- Q.1750** Which one of the following statement is correct?

A welfare state envisages

- (a) a fully egalitarian society
(b) state ownership of the means of production
(c) abolition of private property
(d) a system which combines right to personal property with state intervention for social security and providing help to the needy and indigent

Solution: (d)

Refer previous explanation.

- Q.1751** The main sources of law in India are

1. The Constitution
2. Statutes
3. Customary law
4. Judicial decisions of superior courts

- (a) I and II (b) I, II and IV
(c) II and IV (d) I, II, III and IV

Solution: (d)

- Q.1752** 'Bicameralism' can exist in which of the following systems of governance?

- (a) Federal System
(b) Parliamentary System
(c) Unitary Government
(d) All of the above

Solution: (d)

Justification: Bicameralism is the practice of having two legislative or parliamentary chambers.

1. Some countries, such as, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Canada, Germany, India, Malaysia, Mexico, Pakistan, Russia, Switzerland, Nigeria, and the United States, link their bicameral systems to their federal political structure.
2. Many bicameral countries like the Netherlands, the Philippines, the Czech Republic, the Republic of Ireland and Romania are examples of bicameral systems existing in unitary states.
3. In many countries, the upper house generally focuses on scrutinizing and possibly vetoing the decisions of the lower house.
4. In a few countries, bicameralism involves the juxtaposition of democratic and aristocratic elements. Hence, all options are correct.

Power sharing is the very spirit of democracy. In this context, which of the following statements are correct?

1. Power sharing increases conflict among different communities
2. Power sharing increases the possibility of arbitrariness
3. Power sharing delays decision making process
4. Power sharing increases instability and divisiveness
5. Power sharing undermines the unity of a country

Select the correct answer using the codes below

- (a) 1, 2 and 5 Only (b) 2 and 3 Only
(c) 2, 3 and 4 Only (d) None

Solution: (d)

Q.1753 Power is shared among different organs of government. Such a separation of powers ensures that none of the organs can exercise unlimited power. Which the following system of power sharing is called checks and balances

1. Horizontal division of powers
2. Separation of powers
3. Vertical division of powers
4. Federal division of powers

Which of the above answers is/are correct?

- (a) 1 Only (b) 1 and 3
(c) 1 and 4 (d) 4 Only

Solution: (a)

Power is shared among different organs of government, such as the legislature, executive and judiciary. This horizontal distribution of power because it allows different organs of government placed at the same level to exercise different powers. Such a separation ensures that none of the organs can exercise unlimited power. Each organ checks the others. This results in a balance of power among various institutions.

Q.1754 Which one of the following statements about Trusteeship's is not correct?

- (a) 'Trusteeship' provides a means of transforming the capitalist order of society into an egalitarian one
- (b) It is based on the faith that human nature is never beyond redemption
- (c) It does not recognize any right of private ownership of property, except so far as it may be permitted by society for its own welfare
- (d) It excludes legislative regulation of the ownership and use of wealth.

Solution: (d)

Trusteeship is a socio-economic philosophy that was propounded by Gandhiji. It provides a means by which the wealthy people would be the trustees of trusts that looked after the welfare of the people in general. Gandhi believed that the rich people could be persuaded to part with their wealth to help the poor. Putting it in Gandhiji's words, "Supposing I have come by a fair amount of wealth—either by way of legacy, or by means of trade and industry – I must know that all that wealth does not belong to me; what

belongs to me is the right to an honourable livelihood, no better than that enjoyed by millions of others. The rest of my wealth belongs to the community and must be used for the welfare of the community." Gandhi along with his followers, after their release from prison, formulated a "simple" and a "practical" formula where the concept of Trusteeship was explained.

Q.1755 Which of the following can be associated with 'Fabianism'?

1. Value is the creation of society and not of labour
2. Land should cease to be personal property of the landlord
3. The changes in the society should be brought by revolution
4. The key industries may be owned privately

Select the correct answer from the codes given below:

- (a) 1 and 2 (b) 2 and 3
(c) 2 and 4 (d) 1, 2, 3 and 4

Solution: (a)

'Fabianism' believes in gradual changes in society not the sudden changes.

Q.1756 Which one of the following reflects the true nature of the Fascist State as propounded by its theorist?

- (a) The Fascist State is an organization with purely material aims, including the creation of peaceful conditions of national life
- (b) The Fascist State is a night watchman guaranteeing personal safety to its citizens
- (c) The Fascist State is a purely political creation, concerned with the moral and material interests of man
- (d) The Fascist State is a spiritual and moral entity, absolute in nature.

Solution: (d)

Fascism is based on glorification of the state and the total subordination of the individual to it. The state is defined as an organic whole into which individuals must be absorbed for their own and the state's benefit. This "total state" is absolute in its methods and unlimited by law in its control and direction of its citizens.

- Q.1757** In India, the Inner Line Permit (ILP) system is operational in
- All states with International borders
 - All designated Scheduled Areas under the Constitution
 - All North-Eastern States
 - None of the above

Solution: (d)

Justification: This permit is presently operational in only three north-eastern states viz. Arunachal Pradesh, Nagaland and Mizoram. So, D is the answer.

Manipur was earlier regulated by Inner Line permit system (ILP), which was later abolished. The system of ILP is a special pass or permit or quasi visa that is required by Indian citizens to enter protected/restricted area of state for a limited period.

It was introduced by then British India government to protect indigenous tribal people from encroachment into their areas by outsiders.

Later, they used it as an instrument to advance the commercial interest.

- Q.1758** Which of the following have a bearing on the governance of North-eastern States?
- Part IX of the Constitution
 - Part IXA of the Constitution
 - Sixth Schedule

Select the correct answer using the codes below.

- 1 and 2 only
- 3 only
- 1 and 3 only
- 1, 2 and 3

Solution: (d)

Justification: The Status of North Eastern States with regard to Self-Governing Institution can be seen under Parts IX and IXA of the Constitution and Special Constitutional Provisions (Article 371 series).

- Part IX of the Constitution deals with the Panchayats that can be setup in these areas.
- Part IXA of the Constitution deals with the Municipalities.
- Sixth Schedule of the Constitution contains special provisions as to the Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram.
- It also envisages an autonomous District Council for the tribal areas in these states.

- Q.1759** Consider the following countries which practice Universal Adult Franchise.

- New Zealand
- India
- Britain
- United States of America
- Sri Lanka

Choose the correct chronological order in which Universal Adult Franchise was granted in these nations.

- 13245
- 21345
- 13524
- 13452

Solution: (c)

The years when the Universal Adult Franchise was granted in the countries given below.	
1893	New Zealand
1917	Russia
1918	Germany
1919	Netherlands
1928	Britain
1931	Sri Lanka
1934	Turkey
1944	France
1945	Japan
1950	India
1951	Argentina
1952	Greece
1955	Malaysia
1962	Australia
1965	US
1978	Spain
1994	South Africa

- Q.1760** Which of the following correctly differentiates between “Demand Polity” and “Command Polity”, terms coined by Rudolph and Rudolph (1987)?

- Former refers to a democratic system; latter refers to a despotic system.
- Former system concerns short-term populist gains, whereas latter concerns long-term growth for public welfare

- (c) Former system is based on popular sovereignty; latter is based on charismatic rule.
- (d) Former system stresses on governance rather than just rules; latter emphasizes on rules rather than governance

Solution: (b)

Justification: Rudolph and Rudolph have attempted to find correlates between the nature of polity of the state and economic characteristics.

In a democratic country, there are two competing sovereignties: state sovereignty and voter/citizen sovereignty.

The demand polity refers to the situation when the government's policies and programmes are for the short-term benefits of people.

The allocations and welfare activities are carried out keeping elections in mind.

The model of command polity refers to that political set-up in which allocations and distributions are oriented to the long-term goals and sustainable benefits to people.

- The role of the state in command politics is monopolistic and oligopolistic. The command politics relates to the postponement theory, which believes in investment for ensuring future development at the cost of the present needs and necessities of the people.
- In the existing world, both of these polities are found in a mixed form to varying degrees.

Q.1761 The Philosophy of 'New Public Administration' vouches

- (a) privatization of all government activities
- (b) the state of *Laissez faire*
- (c) inculcation of values and equity in administration
- (d) outsourcing of major governmental activities

Solution: (c)

Justification and Learning: New Public Administration theory deals with the following issues:

- Democratic citizenship: Refers directly to the belief in creating a government where the "common man" has a voice in politics.

- Public interest: Refers to the collective common good within society, to which is the main objective of public interest.
- Public policy: The means by which new public policy is enacted, and introduced. Not limited in participation of the public but encouraged involvement.
- Services to citizens: Providing and upholding the moral and ethical standard in regards to meeting the needs of citizens through institutions and bureaucracies.

When this movement swept public administration, people started seeing administration as a change maker rather than merely a bureaucratic tool.

Q.1762 Politics–Administration dichotomy implies that

- (a) Bureaucracy should be politically active and allowed to participate in elections.
- (b) Policy making and policy execution are separate activities.
- (c) Government should not venture out in provision of public goods.
- (d) A welfare state cannot provide good governance.

Solution: (b)

Justification: The politics-administration dichotomy is an important concept in the field of public administration because it deals with the policy-makers role as an administrator and the balancing act that is the relationship between politics and administration.

There are two views on this concept.

- Those who support it say that politics and administration should be distinct, claim that it will ensure an efficient, effective and neutral bureaucracy. A politically motivated bureaucracy will not augur well for administration. So, option A is wrong. However, the extent of such distinction had not been clearly stated.
- The other group who argue that the two disciplines should not be separated rest their thesis on the interconnection between politics and administration. To them, politics and administration are complementary.

Q.1763 New Public Management philosophy stands for

1. Complete privatization of commercial government undertakings

2. Decentralizing working units
3. Establishing short-term labour contracts instead of long-term agreements

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (b)

Justification: Statement 1: The New Public Management (NPM) emphasizes the concept that ideas used in the private sector must be successful in the public sector. But, it does not advocate complete privatization of governmental functions.

Statement 2: This point suggest that it is more appropriate to shift from a unified management system to a decentralized system in which managers gain flexibility and are not limited to agency restrictions.

Statement 3: It focuses on the necessity to establish short-term labour contracts, develop corporate plans, performance agreements and mission statements.

Q.1764 Consider the following statements about the Results Framework Document (RFD).

1. Under the Performance Monitoring and Evaluation System (PMES) each department is required to prepare an RFD.
2. An RFD provides a summary of the most important results that a department/ ministry expects to achieve during the financial year.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: The Prime Minister approved the outline of a “Performance Monitoring and Evaluation System (PMES) for Government Departments” in 2009.

A Results-Framework Document (RFD) is essentially a record of understanding between a Minister representing the people’s mandate, and the Secretary of a Department responsible for implementing this mandate.

Statement 2: This document has two main purposes.

- To move the focus of the department from process-orientation to result-orientation and
- To provide an objective and fair basis to evaluate department’s overall performance at the end of the year.

This document contains not only the agreed objectives, policies, programs and projects but also success indicators and targets to measure progress in implementing them.

Q.1765 ‘Social audit’ is increasingly being seen as an important tool to improve accountability in governance. Which of these can be assigned the responsibility for the social audit of a government scheme?

- (a) Comptroller General of India only
(b) Gram Sabha or Gram Panchayat only
(c) A community group or professional institution
(d) Independent Evaluation Office (IEO) only

Solution: (c)

Learning: Social audit means the process in which people collectively monitor and evaluate the planning and implementation of a programme or scheme.

- For example, a social audit was conducted by Society for Social Audit Accountability and Transparency (SSAAT) in two districts, viz. Khammam and Chittoor of Andhra Pradesh during 2012-2013.
- Encouraged by the outcome, the Ministry of Human Resource Development (MHRD) has issued detailed guidelines for conducting of social audit under ‘Mid-Day Meal’ Scheme.
- The states/UTs were advised to select the eminent institute available in their respective states for this purpose.
- Similarly, the Gram Sabha is entitled for the social audit of fund usage under Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) as a mandatory provision.
- Therefore, social audit is comprehensive and involves stakeholders other than government.

Q.1766 Which of the following has/have a bearing on Manual Scavenging in India?

1. Articles 17 and 23 of the Constitution
2. Protection of Civil Rights Act, 1955

3. Protection of Human Rights Act, 1993
4. Eleventh Schedule
5. Twelfth Schedule

Select the correct answer using the codes below.

- (a) 4 and 5 only (b) 1, 3, 4 and 5 only
 (c) 1 and 3 only (d) All of the above

Solution: (d)

Explanation: Article 17 provides for the abolition of untouchability. Manual scavenging is a major reason behind untouchability. Article 23 provides for “Prohibition of traffic in human beings and forced labour”. Manual scavenging is considered as forced labour. So, statement 1 is correct.

Protection of Civil Rights Act, 1955; Protection of Human Rights Act, 1993; Schedule Castes and the Schedule Tribes Prevention of Atrocities Act, 1989; and Schedule Castes and the Schedule Tribes Prevention of Atrocities Rules, 1995, consider practices such as manual scavenging to be a violation of human rights and have provisions to deal with the same. So, statement 2 and 3 is also correct.

Statements 4 and 5 are also correct as

- ELEVENTH SCHEDULE [ARTICLE 243G],
 1. Entry 23: Health and sanitation, including hospitals, primary health centres and dispensaries.
 2. Entry 27: Welfare of the weaker sections and in particular of the Scheduled Castes and the Scheduled Tribes.
- TWELFTH SCHEDULE [Article 243W]
 1. Entry 6: Public health and conservancy sanitation and solid waste management.

Learning: Manual scavenging refers to the practice of removing human and animal waste/excreta using brooms, tin plates and baskets from dry latrines and carrying it on the head to disposal grounds some distance away. There are 13 lakh persons from Dalit communities who continue to be employed in this job in this country and who work in the 96 lakh private and community dry latrines managed by municipalities. They

are exposed to subhuman conditions of work and face serious health hazards. They are constantly exposed to infections that affect their eyes, skin, respiratory and gastrointestinal systems. They get very low wages for the work they perform.

Q.1767 Which of the following statements is INCORRECT?

- (a) Universal adult franchise ensures political equality.
- (b) Fundamental rights ensure opportunities for economic non-discrimination.
- (c) Directive Principles of State Policy provide moral guidance to the state.
- (d) Fundamental Duties ensure that local self-government runs smoothly in villages and towns.

Solution: (d)

Justification: Option A: One man, one vote, one value is the principle behind this.

Option B: For e.g. in ordinary cases, no one can be discriminated in matters of public employment based on caste, creed or religion etc.

Option C: For example, the Directive Principles of State Policies (DPSP) ensure that all should have the right to work; at living wages; income inequality should be minimized; women should get equal wages for equal work as men do etc.

Option D: There is no mention of the term self-government or Panchayati Raj Institutions (PRIs) in the Fundamental Duties (FDs), they are a moral compass mainly for the citizens.

Q.1768 Consider the following statements with regard to the Executives of India:

1. Functionaries who take day-to-day decisions but do not exercise supreme power on behalf of the people are collectively known as the executive.
2. The temporary executives have lesser power than the permanent executives.
3. Secretary of Ministry of State and Director General of Police are part of temporary Executive.
4. The temporary executives are experts in the matters of their ministry.

Which of the statements is/are correct?

Solution: (a)

At different levels of any government we find functionaries who take day-to-day decisions but do not exercise supreme power on behalf of the people. All those functionaries are collectively known as the executive. Thus, when we talk about 'the government', we usually mean the executive. In a democratic country, two categories make up the executive. That the first one which is elected by the people for a specific period, is called the political executive (temporary executives). Political leaders who take the big decisions fall in this category. In the second category, people are appointed on a long-term basis. This is called the permanent executive or civil services. They remain in office even when the ruling party changes. These officers work under political executive and assist them in carrying out the day-to-day administration. Political executive have more power than the non-political executive. In a democracy, the will of the people is regarded as supreme. The minister is elected by the people and thus empowered to exercise the will of the people on their behalf. She is finally answerable to the people for all the consequences of her decision. That is why the minister takes all the final decisions. The minister decides the overall framework and objectives in which decisions on policy should be made. The minister is not, and is not expected to be, an expert in the matters of her ministry. The minister takes the advice of experts on all technical matters.

Q.1769 What is/are the remedies available to a common citizen against the excesses of the executive branch of Government?

1. Get the executive order declared void after a Judicial Review
2. Appeal to the High Court under Article 226 of the Constitution
3. Approach tribunals made for the specific purpose

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 only (d) 1, 2 and 3

Solution: (d)

Justification: Article 13 gives Judiciary the power to review legislative acts and administrative rules. So, 1 is correct.

Article 32 and 226 give judiciary the power to correct excesses that have led to the violation of the fundamental rights of a citizen by the state. So, 2 is correct.

Tribunals are established under Article 323 of the Constitution for granting relief and settling disputes regarding taxation, competitive practices, service matters etc. So, the statement 3 is correct.

Q.1770 Which of the following institutions can make changes to an existing law of the country?

1. The Supreme Court
2. The President
3. The Prime Minister

Choose the correct answer using the codes below:

- (a) None of the above (b) 1 and 2 only
(c) 1 only (d) 3 only

Solution: (a)

The SC can declare a law void, not change it. The Parliament can only change an existing law, not the President or Prime Minister. The President can utmost delay the changing of the law or resend it to the Parliament for reconsideration.

Q.1771 Which of the following have a bearing on the decisions taken or orders given by the Central Government?

1. Supreme Court
2. High Courts
3. Cabinet Secretary

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

A decision is taken by the Central cabinet. The Cabinet Secretary is present in all the meetings of the Cabinet and advises and assists the cabinet in making decisions.

After a decision is taken, the Supreme Court or High Courts have the power to reverse or repeal and order or decision of the government if it is illegal, unconstitutional or *mala fide* or arbitrary.

Q.1772 Consider the following statements.

1. The Central and state governments are empowered to prohibit employment of contract labour in any activity in an establishment.

2. Only the State governments are empowered to fix and revise minimum wages for labour in various industries.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: Statement 1: As per the Contract Labour (Regulation and Abolition) Act, 1970:

- The Central and state governments are empowered to prohibit employment of contract labour in any activity in an establishment.
- The Act contains specific provisions to ensure payment of wages and certain amenities to be provided by the contractor to the contract labour.

Statement 2: Under The Minimum Wages Act, 1948 both Central and state governments are “Appropriate Governments” for fixation/revision of minimum rates of wages for employments covered by the Schedule to the Act.

Constitutional Provisions

Q.1773 Which of the following terms has/have NOT been defined in the constitution?

- (a) Union Territory
(b) Securities
(c) Agricultural Income
(d) Procedure Established by Law

Solution: (d)

Justification: Article 366 contains the definitions of various terms used in different provisions of the constitution. These are mentioned below:

1. Agricultural Income means agricultural income as defined for the purposes of the enactments relating to Indian income-tax.
2. Securities include stock.
3. Union Territory means any Union territory specified in the First Schedule and includes any other territory comprised within the territory of India but not specified in that Schedule.

Since the term “procedure established by law” is not defined, the courts have taken enough liberty to interpret it to mean “due

process of law”. So, the option (d) will be the correct answer.

Q.1774 Apart from the Supreme Court of India, which of the following is/are authorities empowered to interpret the constitution?

1. Chief Justice, High Court
2. Speaker, Lok Sabha
3. Chairman, Rajya Sabha

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 only (d) All of the above

Solution: (d)

Speaker is the final interpreter of the provisions of (a) the Constitution of India, (b) the Rules of Procedure and Conduct of Business of Lok Sabha and (c) the parliamentary precedents, within the House. Powers of Chairman, Rajya Sabha are the same. Moreover, they derive their powers and duties from three sources, that is, the Constitution of India, the Rules of Procedure and Conduct of Business of Lok Sabha and Parliamentary Conventions (residuary powers that are unwritten or unspecified in the Rules).

Q.1775 As per the Constitution, the Union executive does NOT include

- (a) President of India
(b) Vice President of India
(c) Council of Ministers
(d) Advocate general of India

Solution: (d)

Justification: It should be Attorney General of India. Advocate General is a part of the Stat executive. So, the answer is (d).

The Articles 52 to 78 in Part V of the Constitution deal with the Union Executives.

The President is the head of the Indian State. He is the first citizen of India and acts as the symbol of unity, integrity and solidarity of the nation.

Q.1776 The Union Executives consist of the

1. President
2. Vice-President
3. Prime Minister
4. Council of Ministers
5. Attorney-General of India

6. Central Administrative Tribunal
7. Central Vigilance Commission
Select the correct answer using the codes below.

- (a) 1, 2, 3, 4 and 5 only
- (b) 1, 2, 5, 6 and 7 only
- (c) 3 and 4 only
- (d) 1, 2, 3, 4, 5, 6 and 7

Solution: (a)

Justification: Statement 6: The Central Administrative Tribunal (CAT) is the tribunal wielding judicial powers and cannot be said to be a part of the Union executives.

Statement 7: The Central Vigilance Commission (CVC) acts as a *quasi*-judicial body that enquires into cases of corruption in the Union government. So, it is also not the part of the Union Executives.

The Articles 52-78 (Part V) of the Constitution deal with the Union executive. President heads the Union executive.

Q.1777 Consider the following statements about the executive branch of government in India.

- 1. It is concerned with implementing laws made by the Parliament.
- 2. It can make laws too for short periods.
- 3. The whole Council of Ministers is a part of the executive.

Choose the correct answer using the codes below:

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 3
- (d) All of the above

Solution: (d)

The executive can make laws via the ordinance route as mentioned in the Article 123 of the constitution.

Q.1778 Which of these bodies has a provision for nomination of certain members?

- 1. Lok Sabha
- 2. State Legislative Assembly
- 3. Rajya Sabha
- 4. State Legislative Council

Select the correct answer using the codes below.

- (a) 1, 2 and 3 only
- (b) 1 and 4 only
- (c) 3 and 4 only
- (d) 1, 2, 3 and 4 only

Solution: (d)

Justification: Statement 1: Two Anglo-Indian members can be nominated to the Lok Sabha, if they are not being adequately represented.

Statement 2: In some states Governor may appoint 1 member to represent minorities, e.g. the Anglo-Indian community, if he finds that minority inadequately represented in the House.

Statement 3: The president nominates 12 members to the Rajya Sabha from people who have special knowledge or practical experience in art, literature, science and social service.

Statement 4: One-sixth of its members are nominated by the Governor from persons having knowledge or practical experience in fields such as literature, science, arts, the co-operative movement and social service.

Q.1779 Which of these bodies is subject to dissolution?

- 1. Lok Sabha
- 2. Rajya Sabha
- 3. State Legislative Assembly
- 4. State Legislative Council

Choose the correct answer using the codes below:

- (a) 1, 2 and 3
- (b) All of the above
- (c) 1 and 3 only
- (d) 2 and 4 only

Solution: (c)

Rajya Sabha and State Legislative Council (SLC) are permanent chambers. They cannot be dissolved. Members retire every 2 years in Rajya Sabha and SLC.

Q.1780 The presiding officer (Chairman or Speaker) of which of the following is NOT elected by its members?

- 1. Rajya Sabha
- 2. Lok Sabha
- 3. State Legislative assembly
- 4. State Legislative Council

Choose the correct answer using the codes below:

- (a) 1, 3 and 4
- (b) Only 1
- (c) 1 and 4
- (d) None of the above

Solution: (b)

The Vice-President presides over the Raja Sabha. Rest all Presiding officers are elected.

Q.1781 Which of the following is fixed by the Constitution of India?

1. Allowances of the President and Governor
2. Maximum Size of Council of Ministers
3. Manner of election of the *Sarpanch* of the Gram Panchayat.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (a)

- The 2nd schedule of the constitution fixes the allowances, privileges, emoluments of President, Governor, Chief Justice of India (CJI) and other functionaries. It can be revised only after amending this part of the constitution. These are not subject to the annual vote of the Parliament.
- 91st amendment fixed the maximum strength of the Council of Ministers at 15% of the strength of the Lok Sabha.
- While the manner of election of the *Panchs* is fixed by constitution in form of adult franchise, the state legislature decides on the manner of election of the *Sarpanch*.

Q.1782 Consider the following statements:

1. The Concurrent List contains forest, education and agriculture as its subjects.
2. All states in the Indian Union do not have identical powers.
3. The Union territories do not have the powers of a State
4. The Constitution originally provided for a two-tier system of government, the Union Government and the State Government only.

Which of the statements is/are correct?

- (a) 1 and 4 (b) 1, 2 and 4
(c) 2, 3 and 4 (d) 1, 2, 3 and 4

Solution: (c)

The Concurrent List includes subjects of common interest to both the Union Government as well as the State Governments, such as education, forest, trade unions, marriage, adoption and succession.

The Constitution originally provided for a two-tier system of government, the Union Government or what we call the Central

Government, representing the Union of India and the State governments. Later, a third tier of federalism was added in the form of Panchayats and Municipalities.

All States in the Indian Union do not have identical powers. Some States enjoy a special status. Jammu and Kashmir has its own Constitution. Many provisions of the Indian Constitution are not applicable to this State without the approval of the State Assembly. Indians who are not permanent residents of this State cannot buy land or house here. Similar special provisions exist for some other States of India as well. There are some units of the Indian Union which enjoy very little power.

These are areas which are too small to become an independent State but which could not be merged with any of the existing States. These areas, like Chandigarh, or Lakshadweep or the capital city of Delhi, are called Union Territories. These territories do not have the powers of a State. The Central Government has special powers in running these areas.

Q.1783 Which of these are Constitutional Provisions?

1. Duties of prime minister to furnish required information to the president
 2. Power of president to consult Supreme Court
 3. Special provisions with respect to Delhi
- Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (d)

Justification: Statement 1: It is dealt by Article 78.

In respect to the furnishing of information to the President, the duties of the Prime Minister will be:

- (a) to communicate to the President all decisions of the council of Ministers relating to the administration of the affairs of the union and proposals for legislation;
- (b) to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for; and

- (c) To submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council if the President requires.

Statement 2: Article 143: Advisory jurisdiction

Statement 3: Under article 239 AA, it provides for the legislative assembly of National Capital Territory of Delhi has legislative and executive powers with the exceptions of land, police etc.

Also, certain categories of Bills require the prior approval of the Central Government for introduction in the legislative assembly. Some Bills, passed by the legislative assembly of the Union Territory of Puducherry and National Capital Territory of Delhi are required to be reserved for consideration and assent of the President.

Q.1784 The Constitution does NOT contain any specific procedure for the selection and appointment of the

1. Chief Minister
2. Governor
3. Prime Minister
4. President

Choose the correct answer using the codes below.

- (a) 1, 2 and 3 (b) All of the above
(c) 1 and 2 only (d) 3 and 4 only

Solution: (a)

- The Constitution does not contain any specific procedure for the selection and appointment of the Chief Minister. Article 164 only says that the Chief Minister shall be appointed by the governor. However, this does not imply that the governor is free to appoint any one as the Chief Minister. In accordance with the conceptions of the parliamentary system of government, the governor has to appoint the leader of the majority party in the state legislative assembly as the Chief Minister.
- The same goes for the Prime Minister.
- Governor's appointment and selection too is not detailed in the constitution.

Q.1785 Water finds a mention in the Constitution of India in the

- (a) Directive Principles of State Policy
- (b) Seventh Schedule

- (c) Both (a) and (b)

(d) None

Solution: (b)

Justification and Learning: It has the relation with Article 246. (see <http://mowr.gov.in>), Article 262 (inter-state river water disputes) and Seventh Schedule (division of powers between Centre and States on water resources). In case of disputes relating to waters, Article 262 provides:

1. Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.
2. Notwithstanding anything in this Constitution, Parliament may, by law provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint as is referred to in the clause.

Q.1786 As you flip through the pages of the constitution, you are likely to find specific provisions for the following in which order?

1. Legislative Powers of the President
2. Comptroller and Auditor General of India
3. High courts
4. Citizenship

Select the correct answer using the codes below.

- (a) 4312 (b) 1234
(c) 4123 (d) 1324

Solution: (c)

Justification: If you remember some major articles of the Constitution, you can arrive at the answer. Or if you know broadly which parts of the Constitution deal with which subjects, you can arrive at the correct answer.

Q.1787 Which of the following find mention in the constitution?

1. All Parliamentary Committees
2. Cabinet Committees
3. Committees established by President to report on the condition of SCs and STs

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 3 only
(c) 2 and 3 only (d) 1, 2 and 3

Solution: (b)

Justification: Statement 1: They are established based on the rules of Parliament by the speaker.

Statement 2: These are constituted based on the Rules of Business of the government of India. They are extra-constitutional in nature.

Statement 3: The Constitution requires the president to appoint a commission to report on the administration of the scheduled areas and the welfare of the scheduled tribes in the states. He can appoint such a commission at any time but compulsorily after ten years of the commencement of the Constitution.

Q.1788 Consider the following:

1. Governor has the power to recommend the dismissal of the State government and suspension or dissolution of State assembly.
2. The Lok Sabha consists of only elected representatives.
3. The Vice President belongs to the Upper House of the Parliament.
4. The 73rd and 74th amendments have created uniformity in the structures of Panchayati Raj and Nagarpalika institutions across the country.

Which of the above statements is/are correct?

- (a) 1 and 4 Only (b) 1 and 3 Only
(c) 2, 3 and 4 Only (d) 1, 2, 3 and 4

Solution: (a)

The Governor has the power to recommend the dismissal of the State government and suspension or dissolution of State assembly.

The Lok Sabha consists of elected representatives and also the President can nominate two members to the Lok Sabha from the Anglo-Indian Community.

The Vice President should not be member of either House of the Parliament or State Legislature.

The 73rd and 74th amendments have created uniformity in the structures of Panchayati Raj and Nagarpalika institutions across the country.

Q.1789 Consider the following statements.

1. The Rajya Sabha cannot initiate, reject or amend the money bills.
2. The President cannot send back an amendment bill for reconsideration of the Parliament.

3. The Fundamental Duties are known as instrument of instructions in Indian administration.

4. The President does not enjoy constitutional discretion.

Which of the statements given above is/are correct?

- (a) 2 and 3 Only
(b) 1 and 2 Only
(c) 1, 2 and 4 Only
(d) 1, 2, 3 and 4 Only

Solution: (c)

Only Lok Sabha can initiate, reject or amend money bills. If it is a money bill, the Rajya Sabha can either approve the bill or suggest changes but cannot reject it. If it takes no action within 14 days the bill is deemed to have been passed.

Amendments to the bill, suggested by Rajya Sabha, may or may not be accepted by the Lok Sabha. The Constitutional Amendment Bills can only be ratified i.e., it cannot be rejected or returned.

The President does not enjoy constitutional discretion. S/he enjoys only situational discretion like appointment of Prime Minister, dismissal of council of ministers. Directive Principles of State Policy are known as instrument of instructions in Indian administration.

Q.1790 Consider the following statements:

1. It is the constitutional obligation of the Prime Minister to communicate to the President all decisions of the Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation.
2. The Governor has more discretionary powers compared to the President.
3. The writ jurisdiction of the Supreme Court is narrower compared to the High Court.

Which of the above statements is/are correct?

- (a) 1 Only (b) 2 and 3 Only
(c) 1 and 3 Only (d) 1, 2 and 3

Solution: (d)

The Prime Minister acts as a link between the Council of Ministers on the one hand and the President as well as the Parliament on the other. It is this role of the Prime

Minister which led Pt. Nehru to describe him as 'the linchpin of Government'. It is also the constitutional obligation of the Prime Minister to communicate to the President all decisions of the Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation.

At the State level, a similar parliamentary executive exists, though with some variations. The most important variation is that there is a Governor of the State appointed by the President (on the advice of the Central Government). Though the Chief Minister, like the Prime Minister is the leader of the majority party in the Assembly, the Governor has more discretionary powers.

The writ jurisdiction of the Supreme Court is narrower compared to the High Court since writ jurisdiction of High Court involves not only Fundamental Rights but also ordinary legal right.

Q.1791 Which of these constitutional bodies are functionally autonomous from the government?

1. Election Commission of India
2. Comptroller and Auditor-General of India
3. State Public Service Commissions

Select the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (d)

Justification: The Indian Constitution not only provides for the legislative, executive and judicial organs of the government (Central and state) but also establishes certain independent bodies. They are envisaged by the Constitution as the bulwarks of the democratic system of Government in India.

Statement 1: Election Commission ensures free and fair elections to the Parliament, the state legislatures, the office of President of India and the office of Vice-president of India.

Statement 2: Comptroller and Auditor-General of India audits the accounts of the Central and state governments. He acts as the guardian of public purse and comments on the legality and propriety of government expenditure.

Statement 3: Union Public Service Commission to conduct examinations for recruitment to all-India services and higher Central services and to advise the President on disciplinary matters.

State Public Service Commissions in every state conduct examinations for recruitment to state services and advise the governor on disciplinary matters.

Q.1792 Which of these bodies find mention in the Constitution of India?

1. District Planning Committee and Metropolitan Planning Committee
2. Inter-State Trade and Commerce Commission
3. National Backward Classes Commission
4. Official Language Commission and Official Language Committee of Parliament

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 3 and 4 only
(c) 1, 2, 3 and 4 (d) None of the above

Solution: (c)

Justification: Statement 2: While there is a provision to establish the commission, it has not been established till date. Even the Punchhi commission recommended the same.

Statement 4: As defined in the Article 344 of the Constitution, it shall be the duty of the Commission to make recommendations to the President as to:

- Progressive use of the Hindi language for the official purposes of the Union;
- Restrictions on the use of the English language for all or any of the official purposes of the Union;
- Language to be used for all or any of the purposes mentioned in Article 348;
- Form of numerals to be used for any one or more specified purposes of the Union;

Learning: These are some of the Articles Related to Constitutional Bodies (which are not very popular or widely known)

- Art. 165. Advocate-General of the State
- Art. 243 I. State Finance Commission
- Art. 243 K. State Election Commission
- Art. 243ZD. District Planning Committee

- Art. 243ZE. Metropolitan Planning Committee
- Art. 307. Inter-State Trade and Commerce Commission
- Art. 324. Election Commission
- Art. 339. Scheduled Areas and Scheduled Tribes Commission
- Art. 340. Backward Classes Commission
- Art. 344. Official Language Commission and Official Language Committee of Parliament
- Art. 350B. Special Officer for Linguistic Minorities

Q.1793 Which of the following bodies do NOT find a mention in the constitution of India?

1. Cabinet
 2. Parliamentary Committees
 3. NITI Ayog
 4. Prime Minister's Office (PMO)
- Choose the correct answer using the codes below.

- (a) 1 and 4 only (b) 2 and 3 only
(c) 3 and 4 only (d) All of the above

Solution: (c)

The NITI Ayog replaces Planning Commission as another executive body. It is not even a statutory body. The Prime Minister Office is also an executive body set up under an order of cabinet. Cabinet however finds mention under the constitution. Also, the constitution mentioned about the important parliamentary committee like PAC.

Q.1794 Which of these bodies is/are extra-constitutional statutory bodies?

1. National Commission for Scheduled Castes (SCs)
2. National Commission for Women
3. National Commission for Protection of Child Rights
4. National Commission for Backward Classes

Select the correct answer using the codes below.

- (a) 1, 2 and 3 only (b) 2, 3 and 4 only
(c) 2 and 3 only (d) 1 and 4 only

Solution: (b)

Justification: The National Commission for Scheduled Castes (SCs) is a constitutional body in the sense that it is directly established by Article 338 of the Constitution.

On the other hand, the other National commissions like the National Commission for Women (1992), the National Commission for Minorities (1993), the National Commission for Backward Classes (1993), the National Human Rights Commission (1993) and the National Commission for Protection of Child Rights (2007) are statutory bodies in the sense that they are established by acts of the Parliament.

Q.1795 Which of these is/are Constitutional bodies?

1. National Commission for STs
2. National Commission for Minorities
3. National Commission for Protection of Child Rights
4. National Human Rights Commission

Choose the correct answer using the codes below.

- (a) 1 only (b) 1 and 4 only
(c) All of the above (d) 2, 3 and 4 only

Solution: (a)

The National Commission for Scheduled tribes(STs) is a constitutional body in the sense that it is directly established by Article 338A of the Constitution.

On the other hand, the other national commissions like the National Commission for

Women (1992), the National Commission for Minorities (1993), the National

Commission for Backward Classes (1993), the National Human Rights Commission (1993) and the National Commission for Protection of Child Rights (2007) are statutory bodies in the sense that they are established by acts of the Parliament.

Q.1796 Who among the following can be removed in same manner as that of a Supreme Court Judge?

1. Chairman of UPSC
2. Chief Election Commissioner
3. Chairman of CVC
4. Attorney General of India

Choose the correct option from the codes below:

- (a) Only 2 (b) 1 and 2
(c) 2 and 3 (d) 1, 3 and 4

Solution: (a)

The Chairmans of UPSC and CVC can be removed by the President after a due inquiry

by the SC. The Attorney general holds office during the pleasure of the President.

Q.1797 Which of the following are NOT eligible for reappointment to the office?

1. Comptroller and Auditor General of India
2. Chief Information Commissioner
3. Chairman of UPSC
4. Chief Election Commissioner

Choose the correct answer using the codes below

- (a) 1, 3 and 4 only (b) All of the above
(c) 1 and 2 only (d) 2, 3 and 4 only

Solution: (b)

Q.1798 Which of the following constitutional offices cannot be held by the same individual for successive terms or more than one term?

1. Office of the President of India
2. Office of the Comptroller and Auditor General of India
3. Office of the Chairman of Rajya Sabha
4. Office of the Governor
5. Office of the Chief Election Commissioner

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 1, 3 and 5 only
(c) 2 and 5 only (d) 2, 3, 4 and 5 only

Solution: (c)

India has had the first President running for successive terms. It can be as many numbers of times. In the USA, however, there is a ban on more than two terms for a President. CAG is an important constitutional office maintaining the financial accountability of the executive to the legislature. A promise of successive terms to a pliant bureaucrat can erode the autonomy of the institution. Same is the case with Election Commission of India. More than one term may erode the independence of the CEC. Governor and Chairman, RS do not carry such responsibilities. Hence, they can run for successive terms.

Q.1799 After their tenure, who among the following is/are NOT eligible for further employment under the Central or a state government?

1. Central Vigilance Commissioner
2. Chief Information Commissioner
3. Chairman, National Human Rights Commission

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (d)

Q.1800 Recommendations made by which of the following bodies is NOT binding on the Government of India?

1. Finance Commission of India
2. Central Vigilance Commission
3. NITI Aayog

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (d)

Q.1801 Which of the following bodies are associated with 'Economic Planning' in India?

1. NITI Aayog
2. The Parliament
3. Zila Panchayats
4. State Planning departments

Select the correct answer using the codes below:

- (a) 1 and 2 only (b) 2, 3 and 4 only
(c) 1 and 3 only (d) All of the above

Solution: (b)

The NITI Aayog is not concerned with economic planning, it is concerned with economic policy. That is the major difference between this and Planning Commission. Parliament used to approve the five year plans and even now the annual budget (an economic plan) is approved by the Parliament. Zila panchayats consolidate the plans received by the lower tiers and forward it to the District Planning Committee.

Q.1802 Which of the following is/are statutory bodies?

1. National Commission for Minorities
2. National Commission for Scheduled Castes (SCs)
3. National Commission for Protection of Child Rights
4. National Commission for Backward Classes
5. National Human Rights Commission

Select the correct answer using the codes below.

- (a) 1, 3, 4 and 5 only (b) 2, 3 and 5 only
 (c) 1, 2, 3 and 4 only (d) 4 and 5 only
Solution: (a)

Sectarian Ideologies – Communalism, Regionalism, Casteism etc.

Q.1803 Regionalism is a country-wide phenomenon which manifests itself in India in which of these forms?

- (a) Inter-state boundary disputes
 (b) Secessionist movements
 (c) ‘Sons of the soil theory’
 (d) All of the above

Solution: (d)

Learning: It is the preference for a region or state in preference to the country as a whole. There is also sub-regionalism, that is, love for a particular region in preference to the state of which the region forms a part.

Regionalism is a subsidiary process of political integration in India. It is a manifestation of those residual elements which do not find expression in the national polity and national culture.

Option A: Inter-state boundary disputes (like Chandigarh and Belgaum) and river-water disputes (like Cauvery, Krishna, Ravi-Beas and so on) also show this.

Option B: Demand of the people of certain states for secession from the Indian Union (like Khalistan, Dravida Nadu, Mizos, Nagas and so on) have shown this.

Option C: ‘Sons of the soil theory’ advocates preference to local people in government jobs, private jobs, permits and so on. Their slogans are *Assam for Assamese*, *Maharashtra for Maharashtrians* and so on.

Q.1804 Secessionist movements by the resident citizens have been NOT been orchestrated or active in which of these North-eastern states?

- (a) Assam (b) Nagaland
 (c) Tripura (d) Arunachal Pradesh

Solution: (d)

Justification: Option A: The militant organisation United Liberation Front of Assam (ULFA) demands a separate country for the indigenous people of Assam. The Government of India had banned the ULFA in 1990 and has officially labelled it as a terrorist group.

Option B: The Nagalim is a proposed independent country for the Naga people. The National Socialist Council of Nagaland (NSCN) group is leading these secessionist movements.

Option C: The National Liberation Front of Tripura (or NLFT) is a Tripuri nationalist organisation which seeks for Tripura to secede from India and establish an independent Tripura state. It has actively participated in the Tripura Rebellion.

Q.1805 Which of the following can be classified as “communal” activities?

1. When religion is expressed in politics in purely exclusive and partisan terms
2. When one religion tries dominating the other because of chauvinism
3. When the demands of one religious group are formed in opposition to another and when state power is used to establish domination of one religious group over the rest.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
 (c) 1 and 3 (d) All of the above

Solution: (d)

Having several religions with their own approach to living is fine in a multi-cultural nation. The problem begins when religion is seen as the basis of the nation. The example of Northern Ireland shows the dangers of such an approach to nationalism. The problem becomes more acute when religion is expressed in politics in exclusive and partisan terms, when one religion and its followers are pitted against another. This happens when beliefs of one religion are presented as superior to those of other religions, when the demands of one religious group are formed in opposition to another and when state power is used to establish domination of one religious group over the rest. This manner of using religion in politics is communal politics.

Communal politics is based on the idea that religion is the principal basis of social community. Communalism involves thinking along the following lines. The followers of a particular religion must

belong to one community. Their fundamental interests are the same. Any difference that they may have is irrelevant or trivial for community life.

In its extreme form communalism leads to the belief that people belonging to different religions cannot live as equal citizens within one nation. Either, one of them has to dominate the rest or they have to form different nations.

Q.1806 Which of the following ideologies can be counted as 'Communal' ideologies?

1. The interest of religion X is different from that of religion Y.
2. The interests of religion X are antagonistic to that of religion Y.
3. The interests of religion X cannot be achieved unless the other religion Y is subordinated.

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) All of the above

Solution: (d)

All are communal ideologies.

In everyday language, the word 'communalism' refers to aggressive chauvinism based on religious identity. Chauvinism itself is an attitude that sees one's own group as the only legitimate or worthy group, with other groups being seen—by definition—as inferior, illegitimate and opposed. Thus, to simplify further, communalism is an aggressive political ideology linked to religion. This is a peculiarly Indian, or perhaps South Asian, meaning that is different from the sense of the ordinary English word. In the English language, 'communal' means something related to a community or collectively as different from an individual.

Which of the following factors could possibly have contributed to the weakening of caste hierarchies in India?

1. Urbanization
2. Growth of literacy and education
3. Occupational mobility
4. Weakening of the position of landlords in villages

Choose the correct answer using the codes below.

- (a) 1 and 2 only
(b) 1, 2 and 3 only
(c) 2, 3 and 4 only
(d) All of the above

Solution: (d)

Partly due to their efforts and partly due to other socio-economic changes, castes and caste system in modern India have undergone great changes. With economic development, large scale URBANISATION, growth of literacy and education, OCCUPATIONAL MOBILITY and the weakening of the position of landlords in the villages, the old notions of CASTE HIERARCHY are breaking down. The landlords often belonged to upper castes and sought to perpetuate the discrimination meted out to the lower castes. Since they were powerful in the villages, the domination over the lower castes was also adhered to by other villagers.

Now, most of the times, in urban areas it does not matter much who is walking along next to us on a street or eating at the next table in a restaurant. The Constitution of India prohibited any caste-based discrimination and laid the foundations of policies to reverse the injustices of the caste system.

Caste based discrimination is one of the menaces prevailing in Indian society. However, the Constitution provides some safeguards. Which of the following in the constitution contain provisions that mandate a non-discriminatory (caste) society and the upliftment of the discriminated castes?

1. Directive principles of State Policy
2. Fundamental Rights
3. Preamble

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) All of the above

Solution: (d)

Preamble clearly says that the Indian constitution promotes the ideal of social justice.

In Article 46 inside Directive Principles of State Policies (DPSP) provides for the welfare of the backward classes.

The Articles 14-17 inside Fundamental Rights provide for non-discrimination against any particular caste.

- Q.1807** The “Red Corridor” in India sometimes seen in news is related to
- Biodiversity hotspots
 - High non-Communicable Disease Burden
 - Left Wing Extremism
 - Avalanches and landslides

Solution: (c)

Learning: It is a region in the east of India that experiences considerable Naxalite–Maoist insurgency.

The 106 districts that span 10 States —Bihar, Jharkhand, Andhra Pradesh, Maharashtra, Odisha, Telangana, West Bengal, Madhya Pradesh, Uttar Pradesh and Chhattisgarh — are described as those affected by Left Wing Extremism (LWE) and constitute the ‘Red Corridor.’

The Union government has recently decided to reduce the number of Maoist-affected districts by about one fifth of its previous extent. The considerations on which the government has examined the districts with LWE features are:

- An assessment of the kind of logistical and other support provided to armed Maoist cadres by their sympathisers and “over ground workers”, and
- The kind of positive changes brought about by development work that these districts have seen.

- Q.1808** A *Khap Panchayat* is
- a sub-body formed under Gram Panchayat.
 - an assembly of elders of a group of related clan.
 - a community organization affiliated with the formally elected government bodies.
 - affiliated with the democratically elected local assemblies wielding local authority.

Solution: (b)

Learning: The *Khap* is a clan or a group of related clan, mainly among the Jats of Western UP and Haryana. A *Khap Panchayat* is an assembly of Khap elders.

It is unaffiliated with the formally elected government bodies. A Khap

Panchayat is concerned with the affairs of the Khap it represents. It is not affiliated with the democratically elected local assemblies that are also termed Panchayat.

A Khap panchayat has not any official government recognition or authority, but can exert significant social influence within the community they represent

The Khap panchayats frequently deliberate on social issues to attempt to combat social problems like female abortions, alcohol abuse, dowry, rape etc.

The Supreme Court has declared illegal ‘Khap panchayats’ which often decree or encourage honour killings or other institutionalised atrocities against boys and girls of different castes and religions who wish to get married or have married

Good Governance

- Q.1809** Which of the following is NOT related to Good Governance?
- Rule of Law and a citizen-friendly government
 - Higher spending on defence sector
 - Increased transparency and accountability of the government
 - Greater use of E-governance

Solution: (b)

Learning: Good governance must be ‘pro-people’ and ‘pro-active’. Good governance is putting people at the centre of the development process. It is about improving government processes, brining greater accountability, transparency and rule of law in governance.

It is a shift away from conventional governance that focuses on rules and procedures more than people. India is the only country in the world that officially celebrates Christmas as ‘Good Governance Day’

- Q.1810** The Second Administrative Reforms Commission (ARC) describes which of these as “the master key to good governance”?
- Building social capital
 - Establishing e-governance
 - Inculcating ethics in Governance
 - Right to information (RTI)

Solution: (d)

Learning: Good governance has four elements- transparency, accountability, predictability and participation.

- Transparency refers to availability of information to the general public and clarity about functioning of governmental institutions.
- The RTI opens up government's records to public scrutiny, thereby arming citizens with a vital tool to inform them about what the government does and how effectively, thus making the government more accountable.
- The access to information can empower the poor and the weaker sections of society to demand and get information about public policies.
- Without good governance, no amount of developmental schemes can bring improvements in the quality of life of the citizens.
- It has been rightly seen as the key to strengthening participatory democracy and ushering in people centred governance.

Q.1811 Which of the following laws/rules/regulations/committees/bodies deal with citizen's grievances and corruption in the administration?

1. The Public Accounts Committee
2. Central Vigilance Commission
3. National Consumer Disputes Redressal Commission (NCDRC)

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

The PAC looks into irregularities in public finances as brought to it by the CAG reports.

The CVC looks into complaint against higher officers.

The NCDRC looks into the complaints by the citizens in case of their exploitation by either public or private companies

Citizen's charter

Q.1812 What is the objective of a "Citizen Charter"?

- (a) To increase the coordination between different departments of the Government that deal with citizens

- (b) To make service-delivery more citizen-friendly
(c) To increase the penetration of Government in remote areas
(d) To provide all government services free of cost of citizens

Solution: (b)

Learning: Citizen's Charter is a document which represents a systematic effort to focus on the commitment of the Organisation towards its Citizens in respects of Standard of Services, Information and Grievance Redress etc. The Citizen's Charter is not legally enforceable and, therefore, is non-justiciable.

However, it is a tool for facilitating the delivery of services to citizens with specified standards, quality and time frame etc. with commitments from the Organisation and its clients.

A good Citizen's Charter should have the following components:

- Vision and Mission Statement of the Organisation
- Details of Business transacted by the Organisation
- Details of 'Citizens' or 'Clients'
- Statement of services including standards, quality, time frame etc. provided to each Citizen/ Client group separately and how/ where to get the services
- Details of Grievance Redress Mechanism and how to access it
- Expectations from the 'Citizens' or 'Clients'
- Additional commitments such as compensation in the event of failure of service delivery.

Q.1813 'Sevottam' is related to

- (a) Citizen's charter in public organizations
(b) Grievance redressal programmes within the most vulnerable communities
(c) Reform of Public Sector Banks (PSBs)
(d) Providing support to first generation entrepreneurs under 'Make in India' programmes

Solution: (a)

Learning: The Department of Administrative Reforms and Public Grievances (DARPG), Ministry of Personnel, Public Grievances

and Pensions has taken steps to put in place Sevottam Compliant Citizen's Charter and Grievance Redress Mechanism.

The Sevottam framework was designed by DARPG in 2006 as an assessment improvement framework for public service delivery.

Accountability

Q.1814 Which of the following are is/are ways in which the government can be made accountable to the people in general?

1. Media
2. Social movements
3. Voting

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

Accountability of the government is basically answerability for its deeds. If the activities of the government can be communicated and questioned by the people, it shows that there is a sense of answerability. Finally it is up to the people to decide the fate of the government by voting.

All these are ways in which the government can be made accountable. You can also see several rallies, marches and protests that keep the government of the day at its toe.

Q.1815 The Government of India can be held answerable to which of the following?

1. Higher Judiciary
2. Lok Sabha
3. Media
4. Citizens of India

Select the correct answer using the codes below.

- (a) 1 and 3 only (b) 2, 3 and 4 only
(c) 4 only (d) 1, 2, 3 and 4

Solution: (d)

Justification: Statement 1: You would have seen the courts often reprimanding the government for its lack of action in key areas such as road accidents. The Judiciary often asks the government vital questions on governance and asks its officials to submit their reply on time.

Statement 2: This should be clear.

Statement 3: Government often holds press briefings, where media persons hold the government accountable by posing it various questions.

Statement 4: This is mainly via elections, but even otherwise a citizen has the right to ask government questions either through RTI or directly by visiting a government official.

Media

Q.1816 Mass Media is considered as the fourth pillar of democracy because of its independence from the other three organs. Which of the following may possibly undermine the ability of media to be unbiased, fair and represent pluralistic points of view?

1. Ownership by large and important corporate houses.
2. Strict censorship imposed by the government
3. Separation of ownership and editorial board of media houses

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (a)

Large bourses who control the money flow to media can prevent unbiased reporting from media. They further may have connection with the political class and this may encourage selective and distorted reporting.

The option 3 is in fact a way to make the functioning of media transparent and unbiased.

Q.1817 Consider the following about the Fourth Estate of democracy in India.

1. The fourth estate has been established by the constitution.
2. Some of the rights of fourth estate are protected by the constitution.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: "Fourth Estate" most commonly refers to the news media. Other three estates are legislature, executive and judiciary.

Statement 1: It is autonomous of the government.

Statement 2: Article 19, as interpreted by the Supreme Court, provides them the right against censorship and thus gives them right to free speech.

The term fourth estate makes implicit reference to the earlier division of the three estates of the realm: the clergy, the nobility, and the commoners.

Q.1818 Consider the following statements about the role of media in elections.

1. All recognised National and State parties are allowed free access to the state owned electronic media scale for their campaigns for a certain duration during elections.
2. Media persons are given special passes to enter polling stations to cover the poll process and the counting halls during the actual counting of votes.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: By Election Commission, all recognized National and State parties have been allowed free access to the state owned electronic media—AIR and Doordarshan—on an extensive scale for their campaigns during elections.

The total free time allocated extends over 122 hours on the state owned Television and Radio channels. This is allocated equitably by combining a base limit and additional time linked to poll performance of the party in recent election.

Statement 2: After the polling has finished, the votes are counted under the supervision of Returning Officers and Observers appointed by the Election Commission.

In order to bring as much transparency as possible to the electoral process, the media are encouraged and provided with facilities to cover the election (including the actual counting of votes), although subject to maintaining the secrecy of the vote.

Consumer Rights

Q.1819 Provisions for consumer protection have been promulgated by/in which of the following?

1. United Nations
2. Indian constitution
3. Indian laws

Choose the correct answer using the coded below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (c)

In 1985 United Nations adopted the UN Guidelines for Consumer Protection. This was a tool for nations to adopt measures to protect consumers and for consumer advocacy groups to press their governments to do so. At the international level, this has become the foundation for consumer movement.

Indian constitution does not have any provision. The Laws, such as, the Consumer protection act, 1986 does exist.

Q.1820 Which of the following rights are parts of consumer rights in India?

1. The right to be protected from all kind of hazardous goods and services
2. The right to be fully informed about the performance and quality of all goods and services
3. The right to complete consumer education

Choose the correct answer using the coded below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

(See <http://www.consumerrights.org.in/cgi-sys/suspendedpage.cgi>)

Q.1821 Consumer dispute redressal forums, under the Consumer Protection Act, 1986, have been established, inter alia, at

1. District level
2. Block level
3. Village level

Choose the correct answer using the coded below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) Only 1

Solution: (d)

They are at Central, State and district levels with specifications for filing cases regarding to certain goods and services.

Q.1822 Consider the following statements.

1. Grahak Suvidha Kendra (GSK) help redress consumer complaint against a trader based in another State.
2. Prime Minister chairs the Central Consumer Protection Council.
3. A statutory Consumer Forum Network has been established in India at district, state and Central levels.

Select the correct answer using the codes below.

- (a) 1 only (b) 1 and 3 only
(c) 2 and 3 only (d) 1 and 2 only

Solution: (b)

Justification: Statement 2: Here the Minister of Consumer Affairs, Food and Public Distribution is the Chairman, and the Minister of State, Consumer Affairs, Food and Public Distribution is the Vice-Chairman.

Corresponding ministers at the State level are also its members.

Statement 1: It will help redress consumer complaint against a trader based in another State (for instance, if one is claiming a refund which the trader has refused and which the consumer believes he/she is entitled to).

It can ask counterpart centre in the State of the trader/ service provider to contact the trader on consumer's behalf and try to find a solution to his/her complaint.

Statement 3: Under the provisions of the Consumer Protection (CP) Act, 1986 there is a three tier quasi-judicial mechanism at the District, State and National levels to provide simple and speedy resolution to consumer disputes.

Public Health

Q.1823 At the village level there are health centres where there is usually a nurse and a village health worker. It is known as

- (a) Sub-centre Health
- (b) Primary Health Centre (PHC)
- (c) Community Health Centre (CHC)
- (d) Sub-divisional hospital

Solution: (a)

Explanation: The PHC usually serves a group of villages and a population of 3,000-5,000. The PHC supervises sub-centres which usually exist at village level. So, the option (b) is wrong.

Community Health Centre is for a large group of villages usually serving a larger population of around 15-20,000 people. It is not dedicated to a village. It supervises 3-5 PHCs. So, the option (c) is also wrong.

Sub-divisional hospitals exist at the sub-division level, which is one level lower than the District Hospital. So, the option (d) is also wrong.

Learning: The Public Health Service (PHS) is a chain of health centres and hospitals run by the government. They are linked together so that they cover both rural and urban areas and can also provide treatment to all kinds of problems – from common illnesses to special services.

At the village level there are health centres (sub-centres) where there is usually a nurse and a village health worker. They are trained in dealing with common illnesses and work under the supervision of doctors at the Primary Health Centre (PHC).

Such a centre covers many villages in a rural area. At the district level is the District Hospital that also supervises all the health centres.

Therefore the hierarchy of Indian PHS is as follows.

Sub-centre < PHC < CHC < Sub-divisional Hospital < District Hospital

Q.1824 'Kayakalp' from the Ministry of Health and Family Welfare (MoHFW) relates to

- (a) Health sector awards
- (b) Public Hospital modernization guidelines
- (c) Revamping rural Primary Health centres (PHCs)
- (d) None of the above

Solution: (a)

Explanation and Learning: The 'Kayakalp' has been launched to promote cleanliness, hygiene and infection control practices in public health facilities.

Under this initiative, public healthcare facilities shall be appraised and such public healthcare facilities that show exemplary

performance meeting standards of protocols of cleanliness, hygiene and infection control will receive awards and commendation. Under this initiative, the numbers of awards are as under:

- Best two District Hospitals in each state (Best District hospital in small states)
- Best two Community Health Centres/Sub District Hospitals (CHC/ SDH) (limited to one in smaller states).
- One Primary Health Centre (PHC) in every district

Q.1825 The role of government in maintaining public health is mandated/suggested in which of the following?

1. Constitution of India.
2. Government policies
3. Parliamentary enactments

Choose the correct answer using the code below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

The Constitution of India prescribes in Directive principles of State policies that it shall be the state's endeavour to raise the level of nutrition and standard of living and to improve public health.

The National health policy 2002 prescribes the role of government in public health.

Several laws related to health in India are:

- The Medical Termination of Pregnancy Act and Rules
- The Pre-Natal Diagnostic Techniques (PNDT) Act and Rules
- Acts in Disability
- Insecticides Act and Rules
- Maternity Benefit Act and Rules
- Narcotic Drugs and Psychotropic Substances Act and Rules
- The Prevention of Food Adulteration Act, 1954
- Drugs and Cosmetics Act, 1940
- Bio-Medical Waste (Management and Handling) Rules, 1998
- The Pharmacy Act, 1948
- The Transplantation of Human Organs Act and Rules
- Environmental Acts and Rules
- Consumer Protection Act and Medical Profession

- Mental Health Act, 1987
- Food Safety and Standards Regulations
- The Protection of Women From Domestic Violence Act, 2005
- The Marriage Laws (Amendment) Bill, 2010
- The Prohibition Of Sexual Harassment Of Women At Workplace Bill, 2010
- Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011
- Food Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011

Q.1826 Which of these laws in India have a bearing on health?

1. Narcotic Drugs and Psychotropic Substances Act, 1985
2. The Prevention of Food Adulteration Act, 1954
3. Bio-Medical Waste (Management and Handling) Rules, 1998
4. Consumer Protection Act, 1986

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 3 and 4 only
(c) 1, 2 and 3 only (d) 1, 2, 3 and 4

Solution: (d)

Justification: Statement 1: The Act prohibits a person to produce/manufacture/cultivate, possess, sell, purchase, transport, store, and/or consume any narcotic drug or psychotropic substance which has a direct bearing on personal and social health.

Statement 2: Food adulteration, such as mixing of ammonia in milk, significantly risks public health and is thus regulated by the Act.

Statement 3: Bio-medical wastes emitted by hospitals and other such institutions are regulated by this act, which could become a local menace by leaching into groundwater, spread microorganisms etc.

Statement 4: Suppose a wrong medicine was prescribed by a hospital to patient, consuming which causes immense damage to the patient. The patient, as a consumer, can raise this issue in the consumer court and get adequate compensation.

PREVIOUS YEARS QUESTION PAPERS

2000

- Q.1827** Which one of the following statements about a Money Bill is not correct?
- A Money Bill can be tabled in either House of Parliament
 - The Speaker of Lok Sabha is the final authority to decide whether a Bill is a Money Bill or not
 - The Rajya Sabha must return a Money Bill passed by the Lok Sabha and send it for consideration within 14 days
 - The President cannot return a Money Bill to the Lok Sabha for reconsideration

Solution: (a)

Explanation: Money bill can be introduced only in LS (not in RS) that too on the recommendation of the President.

- Q.1828** The 73rd Constitution Amendment Act, 1992 refers to the.
- generation of gainful employment for the unemployed and the under employed men and women in rural areas
 - generation of employment for the able bodied adults who are in need and desirous of work during the lean agricultural season
 - laying the foundation for strong and vibrant Panchayati Raj institutions in the country
 - guarantee of right to life, liberty and security of person, equality before law and equal protection without discrimination

Solution: (c)

Explanation: 73rd Amendment Act added Eleventh Schedule to the Constitution and Part IX, which provides for the Panchayati Raj System.

- Q.1829** The Speaker can ask a member of the House to stop speaking and let another member speak. This phenomenon is known as
- decorum
 - crossing the floor
 - interpellation
 - yielding the floor

Solution: (d)

Decorum is the maintaining proper behaviour.

Interpellation is the formal right of a Parliament to submit formal question to the government.

Crossing the floor depicts to vote against the party lines.

Yielding the floor means the speaker giving part of his or her speaking time to another speaker. While this practice is allowed in some legislative bodies, it is not allowed in deliberative assemblies, unless specifically authorized in the rules.

- Q.1830** Consider the following statements about the Attorney General of India

- He is appointed by the President of India
- He must have the same qualifications as are required for a judge of the Supreme Court
- He must be a member of either House of Parliament
- He can be removed by impeachment by Parliament

Which of these statements are correct?

- 1 and 2
- 1 and 3
- 2, 3 and 4
- 3 and 4

Solution: (a)

Under Article 76, the impeachment procedure of the Attorney-General is not provided. He is appointed by the president and s/he shall hold office during the pleasure of the President. President decides his remuneration and service condition. He must be qualified to be appointed as judge of supreme court and must not be a member of either House of Parliament. He is the chief law officer of union and is a member of central executive.

- Q.1831** The primary function of the Finance Commission in India is to

- distribution of revenue between the Centre and the States
- prepare the Annual Budget
- advise the President on financial matters
- allocate funds to various ministries of the Union and State Governments

Solution: (a)

According to Article 280 it shall be the duty of the Commission to make recommendations to the President as to

- the distribution between the Union and the States of the net proceeds of taxes which

are to be, or may be, divided between them under this Chapter and the allocation between the States of the respective shares of such proceeds

2. the principles which should govern the grants in aid of the revenues of the States out of the Consolidated Fund of India
3. any other matter referred to the Commission by the President in the interests of sound finance
4. The Commission shall determine their procedure and shall have such powers in the performance of their functions as Parliament may by law confer on them.

Q.1832 The Parliament can make any law for the whole or any part India for implementing international treaties

- (a) with the consent of all the State
- (b) with the consent of the majority of States
- (c) with the consent of the States concerned
- (d) without the consent of any State

Solution: (d)

It is the sole prerogative of Parliament under Article 253 of the Constitution.

Q.1833 The state which has the largest number of seats reserved for the Scheduled Tribes in the Lok Sabha is

- (a) Bihar
- (b) Gujarat
- (c) Uttar Pradesh
- (d) Madhya Pradesh

Solution: (d)

In Madhya Pradesh, the largest number of seats are reserved for scheduled tribe in the Lok Sabha.

Q.1834 Consider the following functionaries

1. Cabinet Secretary
2. Chief Election Commissioner
3. Union Cabinet Minister
4. Chief Justice of India

Their correct sequence in the Order of Precedence is:

- (a) 3, 4, 2, 1
- (b) 4, 3, 1, 2
- (c) 4, 3, 2, 1
- (d) 3, 4, 1, 2

Solution: (c)

Chief Justice of India < Union Cabinet Minister < Chief Election Commissioner and Cabinet Secretary

Q.1835 A college student desires to get elected to the Municipal Council of his city. The validity of his nomination would depend on the important condition, among others, that

- (a) he obtains permission from the principal of his college
- (b) he is a member of a political party
- (c) his name figures in the voters' list
- (d) he files a declaration owing allegiance to the Constitution of India

Solution: (c)

Name in the voters list is the important condition

Q.1836 Match List I with List II and select the correct answer using the codes given below the lists

List-I

(Local bodies)

- A. Zila Parishads at the sub-divisional level
- B. Mandal Praja Parishad
- C. Tribal Councils
- D. Absence of Village Panchayats

List-II

(States as in 1999)

1. Andhra Pradesh
2. Assam
3. Mizoram
4. Meghalaya

Codes:

- (a) A-2, B-1, C-4, D-3
- (b) A-1, B-2, C-4, D-3
- (c) A-3, B-2, C-1, D-4
- (d) A-2, B-1, C-3, D-4

Solution: (d)

Q.1837 The following news item appeared in a national daily dated 1 December 1999:

“...Parliament today rejected a Bill to grant women the right to vote and stand for office in parliamentary elections, by a margin of 32 to 30. The National Assembly was split between liberal pro-government and Shiite Muslim deputies who were in favour of women's rights, while the opposition camp grouped Sunni Muslim fundamentalists and tribal MPs. A total of 64 MPs and Ministers were present, of whom two abstained.”

The Parliament referred to in this quotation is that of:

- (a) Kuwait
- (b) Iran
- (c) Bahrain
- (d) Saudi Arabia

Solution: (a)

Kuwait's *all-male* Parliament rejected granting women full political rights. The vote was 32 to 30 with two abstentions. With 64 members present, the bill needed 33 votes to pass.

2001

Q.1838 Which Article of the Constitution provides that it shall be the endeavour of every state to provide adequate facility for instruction in the mother tongue at the primary stage of education?

- (a) Article 349 (b) Article 350
(c) Article 350-A (d) Article 351

Solution: (a)

These are some of the directives outside the DPSP of the Constitution.

Q.1839 Which one of the following duties is not performed by Comptroller and Auditor general of India?

- (a) To audit and report on all expenditure from the Consolidated Fund of India
(b) To audit and report on all expenditure from the Contingency Funds and Public Accounts
(c) To audit and report on all trading, manufacturing, profit and loss accounts
(d) To control the receipt and issue of public money, and to ensure that the public revenue is lodged in the exchequer.

Solution: (d)

As per provisions under Article 149, the Comptroller and Auditor General shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States and of any other authority or body as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States as were conferred on or exercisable by the Auditor General of India immediately before the commencement of this Constitution in relation to the accounts of the Dominion of India and of the Provinces respectively.

Q.1840 Which one of the following statements correctly describes the Fourth Schedule of the Constitution of India?

- (a) It lists the distribution of powers between the Union and the states.
(b) It contains the languages listed in the Constitution.
(c) subject matter of panchayat.
(d) It allocates seats in the Council of State.

Solution: (d)

Seventh schedule: It lists the distribution of powers between the Union and the states.

Eighth schedule: It contains the languages listed in the Constitution.

Eleventh schedule: subject matter of Panchayat.

Q.1841 Match List I with List II and select the correct answer using the codes given below the lists.

List-I

(Amendments to the Constitution)

- A. The Constitution (69th Amendment) Act, 1991
B. The Constitution (75th Amendment) Act, 1999
C. The Constitution (80th Amendment) Act, 2000
D. The Constitution (83rd Amendment) Act, 2000

List-II

(Descriptions)

1. Establishment of state level Rent Tribunals
2. No reservations for Scheduled Castes in Panchayats in Arunachal Pradesh
3. Constitution of Panchayats in Villages or at other local level
4. Accepting the recommendations of the Tenth Finance Commission
5. According to the Constitutional status of National Capital Territory to Delhi

Codes:

- (a) A-5, B-1, C-4, D-2
(b) A-1, B-5, C-3, D-4
(c) A-5, B-1, C-3, D-4
(d) A-1, B-5, C-4, D-2

Solution: (a)

Q.1842 If a new state of the Indian Union is to be created, which one of the following schedules of the Constitution must be amended?

- (a) First (b) Second
(c) Third (d) Fifth

Solution: (a)

First schedule contains names of the States and Union Territories, that's why it should be amended, if a new state is created.

Q.1843 Match List-I with List-II and select the correct answer.
using the codes given below the lists: [2001]

List-I (Articles of the Constitution)	List-II (Contents)
A. Article 54	1. Election of the President of India
B. Article 75	2. Appointment of the Prime Minister
C. Article 155	3. Appointment of the Governor of a State
D. Article 164	4. Appointment of the Chief Minister and COMs of the state
	5. Composition of Legislative Assemblies

Codes:

- (a) A-1, B-2, C-3, D-4
- (b) A-1, B-2, C-4, D-5
- (c) A-2, B-1, C-3, D-5
- (d) A-2, B-1, C-4, D-3

Solution: (a)

Q.1844 In what way does the Indian Parliament exercise control over the administration?

- (a) Through Parliamentary Committees
- (b) Through Consultative Committees in various ministries
- (c) By making the administrators send periodic reports
- (d) By compelling the executive to issue writs

Solution: (a)

Parliamentary Committees are formed to dispose of the large volume of work in time but with detailed scrutiny. Their appointment, terms of office as well as functions etc. are regulated by provisions under Article 118(1). These are of two kinds Standing Committees and *Ad hoc* Committees.

Q.1845 In which one of the following areas does the State Government not have control over its local bodies?

- (a) Citizens' grievances
- (b) Financial matters
- (c) Legislation
- (d) Personnel matters

Solution: (a)

The State government does not have control over its local bodies in matters of Citizens' grievances.

The 73rd amendment act says that state legislature can provide for the collection of taxes by the panchayat, allocate net proceeds of taxes etc. It shows state government has control over finances.

State government appoints Panchayat secretary who is the executive officer at Panchayat level. Hence it has control over personnel matters.

73rd amendment act prescribes 29 subjects that can be entrusted to the panchayats. This devolution is also the prerogative of the state legislature. Hence state government has control over legislations too.

Q.1846 Consider the following statements regarding the political parties in India

- 1. The Representation of the People Act, 1951 provides for the registration of political parties
- 2. Registration of political parties is carried out by the Election Commission
- 3. A national level political party is one which is recognized in four or more states
- 4. During the 1999 general elections, there were six national and 48 state level parties recognised by the Election commission

Which of these statements are correct?

- (a) 1, 2 and 4
- (b) 1 and 3
- (c) 2 and 4
- (d) 1, 2, 3 and 4

Solution: (d)

Match List I with List II and select the correct answer using the codes given below the lists

List-I (Publisher)	List-II (Publication)
A. Ministry of Industry	1. Report on Currency and Finance
B. Central Statistical	2. Economic Survey Organisation
C. Reserve Bank of India	3. Wholesale Price Index
D. Ministry of Finance	4. National Accounts Statistics

Codes:

- (a) A-4, B-3, C-2, D-1
- (b) A-3, B-4, C-1, D-2

- (c) A-4, B-3, C-1, D-2
 (d) A-3, B-4, C-2, D-1

Solution: (b)

Q.1847 The Supreme Court of India tenders advice to the President on a matter of law or fact.

- (a) on its own initiative
 (b) only if he seeks such advice
 (c) only if the matter relates to the Fundamental Rights of citizens
 (d) only if the issue poses a threat to the unity and integrity of the country

Solution: (b)

As per the provisions under Article 143, the president can refer matter to the Supreme court. The supreme court has to tender the advice if the question pertains to the pre constitutional treaties and agreements. The advice tendered by the supreme court is advisory not compulsory. It allows union government to have expert opinion of the legal matters.

2002

Q.1848 With reference to Indian polity, which one of the following statements is correct?

- (a) Planning Commission is accountable to the Parliament.
 (b) President can make ordinance only when either of the two Houses of Parliament is not in session.
 (c) The minimum age prescribed for appointment as a Judge of the Supreme Court is 40 years.
 (d) National Development Council is constituted of Union Finance Minister and the Chief Ministers of all the States.

Solution: (b)

President can issue an ordinance only when both or either houses of parliament are not in session (Article 123). It is because a bill has to be passed by both the house of parliament to become law.

No minimum age is prescribed for appointment as a judge of the Supreme Court in the Constitution. The age of a Judge of the SC shall be determined by such authority and in such manner as parliament may by law provide.

Erstwhile the National Development Council (NDC) is composed of the

Prime Minister as its head, all Union Cabinet ministers, the CMs of all states, CMs/ Administrators of all UTs and the members of the Planning Commission.

There is no constitutional provision regarding the accountability of the planning commission the parliament.

Which one of the following amendments to the Indian Constitution empowers the President to send back any matter for reconsideration by the Council of Ministers?

- (a) 39th (b) 40th
 (c) 42nd (d) 44th

Solution: (d)

- Before the 42nd amendment, Article 74(1) stated that “there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions”. However, there was a slight ambiguity whether the advice of the Council of Ministers is binding on the President.
- The Forty-second Amendment of the 42nd Constitutional Amendment (1976) made it explicit that the President shall, “act in accordance with such advice”. The amendment went into effect from 3 January 1977.
- The 44th Amendment (1978) however added that the President can send the advice back for reconsideration once. But if the Council of Ministers sends the same advice again to the President then the President must accept it. The amendment went into effect from 20 June 1979.

Q.1849 The term of the Lok Sabha

- (a) cannot be extended under any circumstances
 (b) can be extended by six months at a time
 (c) can be extended by one year at a time during the proclamation of emergency
 (d) can be extended for two years at a time during the proclamation of emergency

Solution: (c)

While a proclamation of National Emergency is in operation, the life of the Lok Sabha may be extended beyond its normal term (five years) by a law of Parliament for one year at a time (for any length of time with periodic approval of Parliament). However, this

extension cannot continue beyond a period of six months after the emergency has ceased to operate. For example, the term of the Fifth Lok Sabha (1971–1977) was extended two times by one year at a time. Similarly, the Parliament may extend the normal tenure of a state legislative assembly (five years) by one year each time (for any length of time) during a national emergency, This also subject to a maximum period of six months after the Emergency has ceased to operate.

Q.1850 The 93rd Constitution Amendment deals with the

- (a) continuation of reservation for backward classes in government employment
- (b) free and compulsory education for all children between the age of 6 and 14 years
- (c) reservation of 30% posts for women in government recruitments
- (d) allocation of more number of parliamentary seats for recently created States

Solution: (b)

According to 93rd Amendment, every Child of the age group of 6-14 years shall have right to free and compulsory Education. No child is liable to pay any kind of fee/capitation fee/charges. A collection of capitation fee invites a fine up to 10 times the amount collected. It is enforced by the Right to Education (RTE) Act, 2009.

Match List I (Articles of Indian Constitution) with List II (Provisions) and select the correct answer using the codes given below the lists

List-I (Articles of Indian Constitution)	List-II (Provisions)
---	---------------------------------

- | | |
|-------------------|--|
| A. Article 16 (2) | 1. No person shall be deprived of his property save by the authority of law. |
| B. Article 29 (2) | 2. No person can be discriminated against in the matter of public appointments on the grounds of race, religious or caste. |

C. Article 30 (1) 3. All minorities whether based on religion or language shall have to establish and administer educational institutions of their choice.

D. Article 31 (1) 4. No citizen shall be denied admission into any educational institution maintained by the State or receiving State aid on grounds of religion, race, caste, language or any of them.

Codes:

- (a) A-2, B-4, C-3, D-1
- (b) A-3, B-1, C-2, D-4
- (c) A-2, B-1, C-3, D-4
- (d) A-3, B-4, C-2, D-1

Solution: (a)

Q.1851 Consider the following statements with reference to India.

1. The Chief Election Commission and other Election Commissioners enjoy equal powers but receive unequal salaries
2. The Chief Election Commissioner is entitled to the same salary as is provided to a judge of the Supreme Court
3. The Chief Election Commissioner shall not be removed from his office except in like manner and on like grounds as a judge of the Supreme Court
4. The term of office of the Election Commissioner is five years from the date he assumes his office or till the day he attains the age of 62 years, whichever is earlier

Which of these statements are correct?

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 4
- (d) 2 and 4

Solution: (b)

The Chief Election Commissioner and other Election Commissioners enjoy equal powers and salaries. The term of office of the Election Commissioner is six years or till he attains the age of 65 years or whichever is earlier.

Q.1852 The purpose of the inclusion of Directive Principles of the State Policy in the Indian Constitution is to establish:

- (a) political democracy
- (b) social democracy

- (c) Gandhian Concept of democracy
- (d) Social and economic democracy

Solution: (d)

The purpose of Directive Principles of State Policy is to establish the social and economic democracy. Political democracy is established by the Fundamental Rights.

Q.1853 Which one of the following Articles of the Directive Principles of the State Policy deals with the promotion of international peace and security?

- (a) 51
- (b) 48 A
- (c) 43 A
- (d) 41

Solution: (a)

Article 51 states that the state shall endeavour to promote international peace and security

Q.1854 In the case of election to the Lok Sabha, the amount of Security deposited for general category candidates and SC/ST category candidates respectively is

- (a) Rs. 5,000 and Rs. 2,500
- (b) Rs. 10,000 and Rs. 2,500
- (c) Rs. 10,000 and Rs. 5,000
- (d) Rs. 15,000 and Rs. 7,500

Solution: (c)

As per the given options the right answer is the option (c). But for general candidates the amount of security deposit is Rs. 20,000. In case of elections of state legislatures, the amount of security deposit is as given in option (a) above.

Q.1855 The Consultative Committee of Members of Parliament for Railway Zones is constituted by the.

- (a) President of India
- (b) Ministry of Railways
- (c) Ministry of Parliament Affairs
- (d) Ministry of Transport

Solution: (c)

The Main purpose of these Committees is to provide a forum for informal discussions between the Government and Members of Parliament on policies and programmes of the Government and the manner of their implementation.

Q.1856 The salaries and allowances of the Judges of the High Court are charged to the

- (a) Consolidated Fund of India
- (b) Consolidated Fund of the State

- (c) Contingency Fund of India
- (d) Contingency Fund of the State

Solution: (b)

The salaries and allowances of the Judges of the HC are charged to the Consolidated Fund of the state but their pensions are payable as Charged Expenditure /Article 112(3).

Q.1857 In the Indian Constitution, the Right to Equality is granted by five Articles. They are.

- (a) Article 16 to Article 20
- (b) Article 15 to Article 19
- (c) Article 14 to Article 18
- (d) Article 13 to Article 17

Solution: (c)

There are six groups of Fundamental Rights:

- A. Right to Equality (Articles 14–18)
- B. Right to Freedom (Articles 19–22)
- C. Right against Exploitation (Articles 23 and 24)
- D. Right to Freedom of Religion (Articles 25 and 28),
- E. Cultural and Educational Rights (29 and 30)
- F. Right to Constitutional remedies (Articles 32).

Q.1858 Which one of the following rights was described by Dr. B.R. Ambedkar as the ‘heart and soul’ of the Constitution?

- (a) Right to Freedom of Religion
- (b) Right to Property
- (c) Right to Equality
- (d) Right to Constitutional Remedies

Solution: (d)

Right to Constitutional Remedies under article 32 is a Fundamental Right. It was called the ‘Heart and Soul’ of Indian Constitution by B. R. Ambedkar.

Q.1859 Which one of the following authorities recommends the principles governing the grants-in-aid of the revenues to the states out of the Consolidated Fund of India?

- (a) Finance Commission
- (b) Inter-State Council
- (c) Union Ministry of Finance
- (d) Public Accounts Committee

Solution: (a)

The finance commission will be governed by the principles to allocate Grants-in-Aid of the revenues of the states out of the consolidated fund of India.

2003

Q.1860 The Ninth Schedule to the Indian Constitution was added by

- (a) First Amendment
- (b) Eighth Amendment
- (c) Ninth Amendment
- (d) Forty Second Amendment

Solution: (a)

Ninth Schedule was added by First Amendment Act of 1951, which relates to laws enacted by state legislature in Land Reforms.

Q.1861 Consider the following statements

1. The joint sitting of the two houses of the Parliament in India is sanctioned under Article 108 of the Constitution
2. The first joint sitting of Lok Sabha and Rajya Sabha was held in the year 1961
3. The second joint sitting of the two Houses of Indian Parliament was held to pass the Banking Service Commission (Repeal) Bill

Which of these statements is correct?

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 3
- (d) 1, 2 and 3

Solution: (d)

So far, three joint sittings have been held. They are

1. on Dowry Prohibition Bill, 1961
2. on Banking Service Commission (Repeal) Bill, 1978
3. on Prevention of Terrorism Bill, 2002.

The presiding officer of joint sitting is Speaker of the Lok Sabha. The joint sitting is governed by the rules and procedure of Lok Sabha. Hence Lok Sabha has an edge over Rajya Sabha in the matter of joint-sitting.

Q.1862 Under which Article of the Indian Constitution did the President give his assent to the ordinance on electoral reforms when it was sent back to him by the Union Cabinet without making any changes (in the year of 2002) ?

- (a) Article 121
- (b) Article 122
- (c) Article 123
- (d) Article 124

Solution: (c)

President can issue the ordinance under Article 123.

Q.1863 Under which Article of the Indian Constitution did the President make a reference to the Supreme Court to seek the Court's opinion on the Constitutional validity of the Election Commission's decision on deferring the Gujarat Assembly Elections (in the year 2002) ?

- (a) Article 142
- (b) Article 143
- (c) Article 144
- (d) Article 145

Solution: (b)

Q.1864 Which one of the following Articles of the Indian Constitution provides that 'It shall be the duty of the Union to protect every State against external aggression and internal disturbance'?

- (a) Article 215
- (b) Article 275
- (c) Article 325
- (d) Article 355

Solution: (d)

According to the Article 355, it shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution.

Q.1865 Match List I with List II and select the correct answer:

List-I (Items in the Indian Constitution)

List-II (Countries from which it was derived)

- | | |
|--|-----------------------------|
| A. Directive Principles of State Policy | 1. Australia |
| B. Fundamental Rights | 2. Canada |
| C. Concurrent List in Union-State Relations | 3. Ireland |
| D. India as a Union of States with greater powers to the Union | 4. United Kingdom |
| | 5. United States of America |

Codes:

- (a) A-5, B-4, C-1, D-2
- (b) A-3, B-5, C-2, D-1
- (c) A-5, B-4, C-2, D-1
- (d) A-3, B-5, C-1, D-2

Solution: (d)

Q.1866 Which one of the following Bills must be passed by each House of the Indian Parliamentary separately by special majority?

- (a) Ordinary Bill
- (b) Money Bill

- (c) Finance Bill
- (d) Constitution Amendment Bill

Solution: (d)

According to Article 368 an amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill.

- Q.1867** Which of the following Constitutional Amendments are related to raising the number of Members of Lok Sabha to be elected from the States?
- (a) 6th and 22nd
 - (b) 13th and 38th
 - (c) 7th and 31st
 - (d) 11th and 42nd

Solution: (c)

The seventh Amendment Act of 1956 provides for composition of the House of the People and readjustment after every census. the 31st Amendment Act of 1973 provides for raising the upper limit for the representation of states in the Lok Sabha from 500 to 525 and reducing the upper limit for the representation of UTs from 25 to 20.

- Q.1868** Which one of the following schedules of the Indian Constitution lists the names of states and specifies their territories?
- (a) First
 - (b) Second
 - (c) Third
 - (d) Fourth

Solution: (a)

- Q.1869** Which one of the following statements is correct?
- (a) Only the Rajya Sabha and not the Lok Sabha can have nominated members
 - (b) There is a constitutional provision for nominating two members belonging to the Anglo-Indian community to the Rajya Sabha
 - (c) There is no constitutional bar for a nominated member to be appointed as a Union minister
 - (d) A nominated member can vote both in the Presidential and Vice Presidential elections

Solution: (c)

In Rajya Sabha, 12 members are nominated by the President from the persons who have special knowledge in art, science, literature and social service. In Lok Sabha, two members are nominated by the President from the Anglo-Indian community (Article 331). A nominated member can vote only in the Vice-Presidential elections.

- Q.1870** As per Indian Protocol, who among the following ranks highest in the order of precedence?
- (a) Deputy Prime Minister
 - (b) Former Presidents
 - (c) Governor of a State within his State
 - (d) Speaker of the Lok Sabha

Solution: (c)

- Q.1871** Consider the following statements:
The function(s) of the Finance commission is/are

1. to allow the withdrawal of the money out of the Consolidated Fund of India
2. to allocate between the States the shares of proceeds of taxes
3. to consider applications for grants-in-aid from States
4. to supervise and report on whether the Union and State governments are levying taxes in accordance with the budgetary provisions

Which of these statements is/are correct?

- (a) Only 1
- (b) 2 and 3
- (c) 3 and 4
- (d) 1, 2 and 4

Solution: (b)

Article 280 of the Constitution of India provides for a Finance Commission as a quasi-judicial body. It is constituted by the President of India every fifth year or at such earlier time as he considers necessary. The commission makes recommendations to the president with regard to the distribution of the proceeds of taxes between the union and the states. The principles should govern the grants-in-aid to be given to the states. Any other matter referred to the Commission by the President in the interest of sound finance

- Q.1872** Consider the following statements:
In the electoral college for Presidential Election in India,

1. the value of the vote of an elected Member of Legislative Assembly equals State Population $\times 100$ divided by Number of Elected MLAs of the State
2. the value of the vote of an elected Member of Parliament equals to total value of the votes of all elected MLA's divided by total number of elected MP's
3. there were more than 5000 members in the latest elections.

Which of these statements is/are correct?

- (a) 1 and 2 (b) Only 2
(c) 1 and 3 (d) Only 3

Solution: (b)

The value of a MP's vote is calculated by dividing the total value of all MLAs' votes by the number of MPs.

Q.1873 Consider the following statements:

1. While members of the Rajya Sabha are associated with Committees on Public Accounts and Public Undertakings, members of Committee on Estimates are drawn entirely from the Lok Sabha
2. The Ministry of Parliamentary Affairs works under the overall direction of Cabinet Committee on Parliamentary Affairs
3. The Minister of Parliamentary Affairs nominates Members of Parliament on Committees, Councils, Board and Commissions etc. set up by the Government of India in the various ministries.

Which of these statements are correct?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) 1, 2 and 3

Solution: (a)

The PAC is formed every year with a strength of not more than 22 members of which 15 are from Lok Sabha, the lower house of the Parliament, and 7 from Rajya Sabha, the upper house of the Parliament. The term of office of the members is one year.

The Estimates Committee, constituted for the first time in 1950, is a Parliamentary Committee consisting of 30 Members, elected every year by the Lok Sabha from amongst its Members.

The Ministry of Parliamentary Affairs renders secretarial assistance to the Cabinet

Committee on Parliamentary Affairs, which, *inter alia* recommends prorogation of both the Houses of the Parliament, Government's stand on Private Members' Bills and Resolutions. Option 3 is not correct.

The parliamentary committees work under supervision of the presiding officer of the house.

Q.1874 Survey of India is under the ministry of:

- (a) Defence
(b) Environment and Forests
(c) Home Affairs
(d) Science and Technology

Solution: (d)

Survey of India, The National Survey and Mapping Organization of the country under the Department of Science and Technology, is the oldest scientific department of the Government of India. It was set up in 1767.

Q.1875 Which one of the following statements is NOT correct?

- (a) The Press Council of India is an autonomous quasi-judicial body established under an Act of the Parliament
(b) The Press Information Bureau provides accreditation to media person so as to have easy access to information from government sources
(c) Among all the states of India, Maharashtra publishes the largest number of newspaper
(d) Press Trust of India is the largest news agency in the country

Solution: (c)

Madhya Pradesh publishes largest number of newspapers.

Q.1876 The power to enlarge the jurisdiction of the Supreme Court of India with respect to any matter included in the Union List of Legislative Powers rests with:

- (a) The President of India
(b) The Chief Justice of India
(c) The Parliament
(d) The Union Ministry of Law, Justice and Company Affairs

Solution: (c)

Q.1877 Which one of the following High Courts has the Territorial Jurisdiction over Andaman and Nicobar Islands?

- (a) Andhra Pradesh (b) Kolkata
(c) Chennai (d) Orissa

Solution: (b)

The U.T. of Andaman and Nicobar Islands comes under the jurisdiction of high court of Calcutta under its extended jurisdiction Act 1953.

2004

Q.1878 Which one of the following statements correctly describes the Fourth Schedule of the Constitution of India?

- (a) It contains the scheme of the distribution of powers between the Union and the States
(b) It contains the languages listed in the Constitution
(c) It contains the provisions regarding the administration of tribal areas
(d) It allocates seats in the Council of States

Solution: (d)

Q.1879 With reference to Indian Parliament, which one of the following is not correct?

- (a) The Appropriation Bill must be passed by both the Houses of Parliament before it can be enacted into law
(b) No money shall be withdrawn from the Consolidated Fund of India except under the appropriation made by the Appropriation Act
(c) Finance Bill is required for proposing new taxes but no additional Bill/Act is required for making changes in the rates of taxes which are already under operation.
(d) No Money Bill can be introduced except on the recommendation of the President

Solution: (a)

Appropriation Bill is a money bill. In case of money bill, RS has only recommendatory power and need not to be passed by Rajya Sabha.

Q.1880 Which one of the following Articles of the Constitution of India says that the executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union?

- (a) Article 257 (b) Article 258
(c) Article 355 (d) Article 358

Solution: (a)

- Article 257 in the Constitution states that the executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.
- Article 258 says that the power of the Union to confer powers on the States in certain cases;
- Article 355 says that the duty of the Union to protect States against external aggression and internal disturbance;
- Article 358 says that the suspension of provisions of Article 19 during emergencies.

Q.1881 Match List I (Articles of the Constitution of India) with List II (Provision) and select the correct answer using the codes given below the lists:

List I

- A. Article 14
B. Article 15
C. Article 16
D. Article 17

List II

1. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex place of birth or any of term.
2. The State shall not deny to any person equality before the law or the equal protection of law within the territory of India.
3. 'Untouchability' is Abolished and its practice in any form is forbidden.
4. There shall be equality of opportunities for all citizens in matters relating to employment or appointment to any office under the State

Codes:

- (a) A-2, B-4, C-1, D-3
(b) A-3, B-1, C-4, D-2
(c) A-2, B-1, C-4, D-3
(d) A-3, B-4, C-1, D-2

Solution: (c)

Q.1882 Which Article of the Constitution of India says, 'No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment'?

- (a) Article 24 (b) Article 45
(c) Article 330 (d) Article 368

Solution: (a)

Article 24 of the constitution states that, no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Q.1883 Consider the following tasks:

1. Superintendence, direction and conduct of free and fair elections
2. Preparation of electoral rolls for all elections to the Parliament, state Legislatures and the Office of the President and the Vice-President
3. Giving recognition to political, parties and allotting election symbols to political parties and individuals contesting the election.
4. Proclamation of final verdict in case of election disputes

Which of the above are the functions of the Election Commission of India?

- (a) 1, 2 and 3 (b) 2, 3 and 4
(c) 1 and 3 (d) 1, 2 and 4

Solution: (a)

The High Court (and not the Election Commission) is the final authority to give a final verdict in case of election disputes. In the alternative special election benches may be constituted in high courts and earmarked exclusively for the disposal of election petitions and disputes

Q.1884 Consider the following statements.

1. The Speaker of Lok Sabha has the power to adjourn the House sine die but, on prorogation, it is only the President who can summon the House
2. Unless sooner dissolved or there is an extension of the term, there is an automatic dissolution of the Lok Sabha by efflux of time, at the end of the period of five years, even if no formal order of dissolution is issued by the President
3. The Speaker of Lok Sabha continues in office even after the dissolution of the

House and until immediately before the first meeting of the House.

Which of the statements given above are correct?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) 1, 2 and 3

Solution: (b)

The options 2 and 3 are correct. But as to option 1 there are special provisions. The Speaker shall determine the time when a sitting of the House shall be adjourned sine die or to a particular day, or to an hour or part of the same day: provided that the Speaker may, if he thinks fit, call a sitting of the House before the date or time to which it has been adjourned or at any time after the House has been adjourned sine die. It is not the President.

Q.1885 Which one of the following statements is not correct?

- (a) In the Lok Sabha, a no-confidence motion has to set out the grounds on which it is based
- (b) In the case of a no-confidence motion in Lok Sabha, no conditions of admissibility have been laid down in the Rules
- (c) A motion of no-confidence once admitted, has to be taken up within ten days of the leave being granted
- (d) Rajya Sabha is not empowered to entertain a motion of no-confidence

Solution: (a)

In case of a No-confidence motion, there is no need to set out the grounds on which it is based. The no-confidence motion is introduced only in the Lok Sabha by the opposition and needs a support of not less than 50 members of Lok Sabha for its introduction. Rule 198 of the Lok Sabha specifies the procedure for a motion of no-confidence. Any member may give a written notice. The speaker shall read the motion of no-confidence in the House and shall ask all those persons to rise who favours that the motion be taken up. If there are 50 MPs in favour, the speaker allots a date for discussing the motion.

Q.1886 The resolution for removing the Vice-President of India can be moved in the

- (a) Lok Sabha alone
(b) Either House of Parliament

- (c) Joint Sitting of Parliament
- (d) Rajya Sabha alone

Solution: (d)

The Article 67(b) in the Constitution of India states, a Vice President may be removed from his office by a resolution of the council of States passed by a majority of all the then members of the council and agreed to by the House of the People; but no resolution for the purpose of this clause shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution.

Q.1887 With reference to the Constitution of India, which one of the following pairs is not correctly matched?

- (a) Forests: Concurrent List
- (b) Stock Exchange: Concurrent List
- (c) Post Office Savings Bank: Union List
- (d) Public Health: State List

Solution: (b)

Stock Exchanges are listed in the Seventh Schedule (Article 246) List I—Union List, Item number 90 that reads, taxes other than stamp duties on transactions in stock exchanges and futures markets. Forests—Concurrent List, 17A, Post Office Savings Bank—Union List 3, Public health and sanitation; hospitals and dispensaries—State List 6.

Q.1888 With reference to Indian public finance, consider the following statements

1. Disbursements from Public Accounts of India are subject to the Vote of the Parliament
2. The Indian Constitution provides for the establishment of a Consolidated Fund, a Public Account and a Contingency Fund for each State
3. Appropriations and disbursements under the Railway Budget are subject to the same form of parliamentary control as other appropriations and disbursements

Which of the statements given above are correct?

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 3
- (d) 1, 2 and 3

Solution: (b)

The Indian Constitution provides for the establishment of a Consolidated Fund and a Public Account under Article 266 and a Contingency Fund for each State under

Article 267. Disbursements from Public Accounts of India are not subject to a Vote of Parliament.

But recently railway budget has been merged with the union budget.

Q.1889 The Archaeological Survey of India is an attached office of the Department/Ministry of

- (a) Culture
- (b) Tourism
- (c) Science and Technology
- (d) Human Resource Development

Solution: (a)

The Archaeological Survey of India established in 1861 is a department of the Government of India attached to the Ministry of Culture. ASI is responsible for archaeological studies and the preservation of archaeological heritage of the country in accordance with the various acts of the Indian Parliament.

Q.1890 Assertion (a): The Central Rural Sanitation Programme was launched in 1986 to improve the quality of life of rural people in India.

Reason (R): Rural sanitation is a subject in the Concurrent List in the Constitution of India.

In the context of above two statements, which one of the following is correct?

- (a) Both A and R are individually true and R is the correct explanation of A.
- (b) Both A and R are individually true but R is not the correct explanation of A.
- (c) A is true but R is false.
- (d) A is false but R is true

Solution: (c)

Rural sanitation is not a subject in the Concurrent List. Public Health and Sanitation comes under the State List.

Q.1891 Consider the following statements:

1. The highest criminal court of the district is the Court of District and Session Judge
2. The District Judge are appointed by the Governor in consultation with the High Courts
3. A person to be eligible for appointment as a District Judge should be an advocate or a pleader of seven years' standing or more, or an officer in judicial service of the Union or the State

4. When the sessions' judge awards a death sentence, it must be confirmed by the High Court before it is carried out

Which of the statements given above are correct?

- (a) 1 and 2 (b) 2, 3 and 4
(c) 3 and 4 (d) 1, 2, 3 and 4

Solution: (d)

These provisions are given under Article 233-235 in the chapter of Subordinate Courts in the Constitution of India.

Q.1892 According to the National Human Rights Commission Act, 1993, who amongst the following can be its Chairman?

- (a) Any serving Judge of the Supreme Court
(b) Any serving Judge of the High Court
(c) Only a retired Chief Justice of India
(d) Only a retired Chief Justice of a High Court

Solution: (c)

According to NHRC Act 1993, only a retired Chief Justice of India can become chairman of NHRC, appointed by President on the recommendation of a committee comprising of Prime Minister, Speaker of Lok Sabha, Home Minister, Leader of Opposition of both Houses of Parliament and Deputy Chairman of Rajya Sabha

Q.1893 Which one of the following is the correct sequence in the descending order of precedence in the warrant of precedence?

- (a) Attorney General of India–Judges of the Supreme Court–Members of the Parliament–Deputy Chairman of Rajya Sabha
(b) Judges of the Supreme Court–Deputy Chairman of Rajya Sabha–Attorney General of India–Members of the Parliament
(c) Attorney General of India–Deputy Chairman of Rajya Sabha–Judges of the Supreme Court– Members of Parliament
(d) Judges of the Supreme Court–Attorney General of India–Deputy Chairman of Rajya Sabha– Members of Parliament

Solution: (b)

President comes first, Vice-President second, Prime Minister third and Governors of states with in their respective State comes fourth in the Warrant of Precedence. According to

Indian order of precedence, Judges of the Supreme Court – Rank 9

- Deputy Chairman of Rajya Sabha – Rank 10
- Attorney General of India – Rank 11
- Members of Parliament – Rank 21

2005

Q.1894 Consider the following statements:

1. Part IX of the Constitution of India provisions for Panchyats and was inserted by the Constitution (Amendment) Act, 1992.
2. Part IX A of the Constitution of India contains provisions for Municipalities and the Article 243Q envisages two types of Municipalities a Municipal Council and a Municipal Corporation for every State.

Which of the statements given above is/are correct?

- (a) Only 1 (b) Only 2
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (a)

Part IX and Eleventh Schedule were added by 73rd Constitutional Amendment Act, 1992 which contain provisions for Panchayats

Part IX A and Twelfth Schedule were added by 74th Constitutional amendment act, 1992 which contain provisions for Municipalities but Article 243 Q envisages three types of municipalities: Nagar Panchayats for a transitional area, Municipal Council for smaller urban areas and Municipal Corporation for larger urban areas.

Q.1895 Consider the following statements:

1. Article 371 A to 371 I were inserted in the Constitution of India to meet regional demands of Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim, Mizoram, Arunachal Pradesh and Goa.
2. Constitution of India and the United States of America envisage a dual policy (The Union and the States) but a single citizenship.
3. A naturalized citizen of India can never be deprived of his citizenship.

Which of the statements given above is/are correct?

- (a) 1, 2 and 3 (b) 1 and 3
(c) 3 only (d) 1 only

Solution: (d)

Article 371 A to I deals with special provisions to -Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim, Mizoram, Arunachal Pradesh, Goa and Karnataka. Karnataka is added via 98th constitutional amendment act, 2013.

The Constitution of India envisages a single policy for both Union and the States. A naturalized citizen is one who acquires citizenship either by Naturalization or by Registration. They can be deprived of citizenship if they acquired citizenship by using fraudulent means.

Q.1896 Consider the following statements:

1. The Constitution of India has 40 parts.
2. There are 390 Articles in the Constitution of India in all.
3. Ninth, Tenth, Eleventh and Twelfth Schedules were added to the Constitution of India by the Constitution (Amendment) Acts.

Which of the statements given above is/are correct?

- (a) 1 and 2 (b) 2 only
(c) 3 only (d) 1, 2 and 3

Solution: (c)

The Constitution of India has 25 parts, 12 schedules and more than 444 articles at present. In the original constitution, there were 22 parts, 8 schedules and 395 articles

- Ninth Schedule—1st Constitutional Amendment Act, 1951.
- Tenth Schedule—52nd Constitutional Amendment Act, 1985.
- Eleventh Schedule—73rd Constitutional Amendment Act, 1992.
- Twelfth Schedule—74th Constitutional Amendment Act, 1992.

Q.1897 Under which one of the Ministries of the Government of India does the Food and Nutrition Board work?

- (a) Ministry of Agriculture
(b) Ministry of Health and Family Welfare
(c) Ministry of Human Resource Development
(d) Ministry of Rural Development
(* Food and Nutrition Board works under Ministry of Women and Child Development. It is a technical support wing under Child Development Bureau

of the Ministry. None of the given options is correct.

Q.1898 Who among the following was the chairman of the Union Constitution Committee of the Constituent Assembly?

- (a) B.R. Ambedkar
(b) J. B. Kripalani
(c) Jawaharlal Nehru
(d) Alladi Krishnaswami Ayyar

Solution: (c)

Q.1899 Consider the following:

1. Disputes with mobile cellular companies
2. Motor accident cases
3. Pension cases

For which of the above are Lok Adalats held?

- (a) 1 only (b) 1 and 2
(c) 2 only (d) 1, 2 and 3

Solution: (d)

The Lok Adalats are being held in all the three areas.

Q.1900 Consider the following statements

1. The Parliament cannot enlarge the jurisdiction of the Supreme Court of India as its jurisdiction is limited to that conferred by the Constitution.
2. The officers and servants of the Supreme Court and High Courts are appointed by the concerned Chief Justice and the administrative expenses are charged on the Consolidated fund of India.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (b)

The Statement (1) is not correct as according to Article 138(1) of the Constitution, Parliament can enlarge the jurisdiction and powers of the Supreme Court writ any of the matters in the Union List. Whereas Supreme Court's writ jurisdiction by any other matter can be enlarged by a special agreement between Government of India and government of the concerned State.

Q.1901 Consider the following statements:

1. Article 301 pertains to the Right to Property.
2. Right to Property is a legal right but not a Fundamental Right.

3. Article 300 A was inserted in the Constitutional Amendment.

Which of the statement given above is/are correct?

- (a) 2 only (b) 2 and 3
(c) 1 and 3 (d) 1, 2 and 3

Solution: (a)

Article 301 pertains to Freedom of Trade, Commerce and Intercourse. In the original constitution right to property was a Fundamental Right under Article 19(1) (f). But 44th Amendment Act, 1978 omitted sub clause f, and inserted Article 300A to make right to property a legal right. The Government at that time was Janta Party government.

2006

Q.1902 Which one among the following commission was set up in pursuance of a definite provision under an Article of the Constitution of India?

- (a) University Grants Commission
(b) National Human Rights Commission
(c) Election Commission
(d) Central Vigilance Commission

Solution: (c)

The superintendence, direction and control of elections are to be vested in an Election Commission under Article 324.

Q.1903 Which one of the following subjects is under the Union List in the Seventh Schedule of the Constitution of India ?

- (a) Regulation of labour and safety in mines and oilfields
(b) Agriculture
(c) Fisheries
(d) Public Health

Solution: (a)

Q.1904 Consider the following statements:

1. The Rajya Sabha alone has the power to declare that it would be in national interest for the Parliament to legislate with respect to a matter in the State List.
2. Resolutions approving the proclamation of Emergency are passed only by the Lok Sabha.

Which of the statement(s) given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (a)

Statement 1 is correct as per provisions under Article 249.

Statement 2 is incorrect as resolutions approving the proclamation of Emergency are passed by both Houses of Parliament (not only Lok Sabha) by special majority.

Q.1905 Consider the following statements:

1. There is no provision in the Constitution of India to encourage equal pay for equal work for both men and women.
2. The Constitution of India does not define backward classes.

Which of the statement(s) given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (b)

Statement 1 is incorrect as equal pay for equal work for both men and women is provided under Article 39d in Directive Principles of the State Policy under Part IV of the Constitution.

Q.1906 Assertion (A): In India, every State has a High Court in its territory.

Reason (R): The Constitution of India provides a High Court in each State.

Codes:

- (a) Both 'A' and 'R' are individually true and 'R' is the correct explanation of 'A'.
(b) Both 'A' and 'R' are individually true but 'R' is not the correct explanation of 'A'.
(c) 'A' is true but 'R' is false.
(d) 'A' is false but 'R' is true.

Solution: (d)

Article 214 of the Constitution says that there shall be a High Court for each State. Therefore, the reason (R) is correct. But for 29 states and seven union territories we have only 24 High Courts.

Who was the Chief Justice of India when Public Interest Litigation (PIL) was introduced to the Indian judicial system?

- (a) M. Hidayatullah (b) A. M. Ahmadi
(c) A. S. Anand (d) P. N. Bhagwati

Solution: (d)

PN Bhagwati was CJI during July 1985–Dec 1986. During his tenure as as Chief Justice India, the PIL was introduced to the Indian judicial system.

Q.1907 Consider the following statements:

1. A person who has held office as a permanent Judge of a High Court cannot plead or act in any court or before any authority in India except of the Supreme Court.
2. A person is not qualified for appointment as a Judge of a High Court in India unless he has for at least five years held a judicial office in the territory of India.

Which of the statement(s) given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (d)

Statement 1 is incorrect because after retirement a permanent judge of High Court shall not plead or act in a Court or before any authority in India, except the SC and a HC other than the HC in which he had held his office (Article 220).

Statement 2 is incorrect as according to Article 217, a person is not qualified for appointment as a judge of a High Court in India unless he has for at least ten years held a judicial office in the territory of India.

Q.1908 Consider the following statements:

1. Free and compulsory education to the children of 6-14 years age-group by the State by the seventy-sixth Amendment to the Constitution of India.
2. Sarva Shiksha Abhiyan seeks to provide computer education even in rural areas.
3. Education was included in the Concurrent List by the Forty-second Amendment, 1976 to the Constitution of India.

Which of the statements given above are correct?

- (a) 1, 2 and 3 (b) 1 and 2
(c) 2 and 3 (d) 1 and 3

Solution: (c)

Statement 1 is incorrect as this provision was added by 86th Amendment Act (not by 76th).

2007

Q.1909 Which of the following Constitution Amendment Acts seeks that the size of the Councils of Ministers at the Centre and in a State must not exceed 15 per cent of the total

number of members in the Lok Sabha and the total number of members of the Legislative Assembly of that State, respectively?

- (a) 91st (b) 93rd
(c) 95th (d) 97th

Solution: (a)

Q.1910 Assertion (a): The Council of Ministers in the Union of India is collectively responsible both to the Lok Sabha and Rajya Sabha.

Reason (R): The Members of both the Lok Sabha and the Rajya Sabha are eligible to be the Ministers of the Union Government.

- (a) Both A and R are true and R is the correct explanation of A
(b) Both A and R are true but R is not a correct explanation of A
(c) A is true but R is false
(d) A is false but R is true

Solution: (d)

Assertion is false, because the Council of Ministers in the Union of India is collectively responsible to the Lok Sabha only.

Q.1911 Who was the Speaker of the First Lok Sabha?

- (a) Hukum Singh (b) G.V. Mavalankar
(c) K. M. Munshi (d) U.N. Dhebar

Solution: (b)

- G. V. Mavalankar (1952-56)
- Hukum Singh (1962-67)

K. M. Munshi and U. N. Dhebar were never the Speakers of the Lok Sabha.

Q.1912 Consider the following statements in respect of financial emergency under Article 360 of the Constitution of India:

1. A proclamation of financial emergency issued shall cease to operate at the expiration of two months, unless before the expiration of that period it has been approved by the resolutions of both Houses of Parliament.
2. If any proclamation of financial emergency is in operation, it is competent for the President of India to issue directions for the reduction of salaries and allowances of all or any class of persons serving in connection with the affairs of the Union but excluding the Judges of Supreme Court and the High Courts.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (a)

Statement 1 is correct as under Article 360, any Proclamation of Financial Emergency issued shall cease to operate at the expiration of two months, unless before the expiration of that period it has been approved by the resolutions of both Houses of Parliament. If approved by both Houses, then it operates for 6 months.

Statement 2 is incorrect as it is excluding Judges of SC and High Courts; but under the provisions of effects of article 360, Judges of SC and HCs are included.

Q.1913 Consider the following statements:

1. The Chairman of the Committee on Public Accounts is appointed by the Speaker of the Lok Sabha.
2. The Committee on Public Accounts comprises Members of Lok Sabha, Members of Rajya Sabha and few eminent persons of industry and trade.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (a)

statement 2 is incorrect as Public Accounts Committee consists of 22 members: 15 from Lok Sabha and 7 from Rajya Sabha.

Q.1914 Consider the following statements:

1. The nation-wide scheme of the National Child Labour Projects (NCLP) is run by the Union Ministry of Social Justice and Empowerment.
2. Gurupadswamy Committee dealt with the issues of child labour.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (b)

NCLP is run by the Union Ministry of Labour and Employment.

Q.1915 Consider the following statements:

1. The mode of removal of a Judge of a High Court in India is same as that of removal of a Judge of the Supreme Court.

2. After retirement from the office, a permanent judge of a High Court cannot plead or act in any court or before any authority in India.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (a)

Statement 2 is incorrect because after retirement a permanent judge of High Court shall not plead or act in a Court or before any authority in India, except the SC and a HC other than the HC in which he had held his office (Article 220)

2008

Q.1916 Which of the following is/are included in the Directive Principles of the State Policy?

1. Prohibition of traffic in human beings and forced labour
2. Prohibition of consumption except for medicinal purposes of intoxicating drinks and of other drugs which are injurious to health

Select the correct answer using the code given below:

Code:

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (b)

Statement 1 is incorrect as it is a Fundamental Right under article 23 of Part III of the constitution.

Statement 2 corresponds to Directive Principles of State Policy under Article 47 under Part IV of the Constitution.

Q.1917 Which Schedule of the Constitution of India contains the special provisions for the administration and control of Scheduled Areas in several States?

- (a) Third (b) Fifth
(c) Seventh (d) Ninth

Solution: (b)

Fifth schedule says about the control and administration of scheduled areas in states other than Tripura, Assam, Meghalaya and Mizoram.

Sixth Schedule says about the administration and control of tribal areas in

the state of Assam, Meghalaya, Mizoram and Tripura.

Q.1918 Under which one of the following Constitution Amendment Acts, four languages were added to the list of languages under the Eighth Schedule of the Constitution of India, thereby raising their number to 22?

- (a) Constitution (Ninety Amendment) Act
- (b) Constitution (Ninety-first Amendment) Act
- (c) Constitution (Ninety-second Amendment) Act
- (d) Constitution (Ninety-third Amendment) Act

Solution: (c)

92nd Amendment Act 2003 has added Bodo, Santhali, Maithali and Dogri languages in the 8th Schedule of the Constitution. Originally there were 14 languages in the 8th Schedule.

- 21st Amendment – Sindhi
- 71st Amendment – Konkani, Manipuri and Nepali languages.

Q.1919 Who among the following have held the office of the Vice-President of India?

- 1. Mohammad Hidayatullah
- 2. Fakhruddin Ali Ahmed
- 3. Neelam Sanjiva Reddy
- 4. Shankar Dayal Sharma

Select the correct answer using the code given below:

Codes:

- (a) 1, 2, 3 and 4
- (b) 1 and 4 only
- (c) 2 and 3 only
- (d) 3 and 4 only

Solution: (b)

Mohd. Hidayatullah (1979-84);
Shankar Dayal Sharma (1987-92)

Q.1920 Consider the following statements: The Constitution of India provides that:

- 1. the Legislative Assembly of each State shall consist of not more than 450 members chosen by direct election from territorial constituencies in the State
- 2. a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State if he/ she is less than 25 years of age

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Solution: (b)

Statement 2 is correct as per provisions given under Article 173.

Statement 1 is incorrect as according to article 170, the legislative assembly of each state shall consist of not more than 500 and not less than 60 members chosen by direct election from territorial constituencies in the state.

2009

Q.1921 With reference to the Union Government, consider the following statements

- 1. The Constitution of India provides that all Cabinet Ministers shall be compulsorily be a sitting members of Lok Sabha only.
- 2. The Union Cabinet Secretariat operates under the direction of the Ministry of Parliamentary Affairs.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Solution: (d)

Statement 1 is incorrect as members of RS can become cabinet ministers.

Statement 2 is incorrect as Cabinet secretariat is under the direct charge of the Prime Minister.

Q.1922 Which one of the following Constitutional Amendments states that the total number of Ministers, including the Prime Minister, in the Council of Minister shall not exceed 15% of the total number of members of the House of the People?

- (a) 90th
- (b) 91st
- (c) 92nd
- (d) 93rd

Solution: (b)

The above provision has been added by 91st Constitutional Amendment Act 2003.

Q.1923 With reference to Union Government, consider the following statements:

- 1. The Ministries and Departments of the Government of India are created by the Prime Minister on the advice of the Cabinet Secretary.
- 2. Each of the ministries is assigned to a Minister by the President of India on the advice of the Prime Minister.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (b)

According to Article 70, 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.

Statement 1: Under Government of India rules, it is President of India who creates ministries not Prime Minister.

Q.1924 Consider the following statements:

1. The Advocate General of a State in India is appointed by the President of India upon the recommendation of the Governor of the concerned State.
2. As provided in Civil Procedure Code, High Courts have original, appellate and advisory jurisdiction at the State level.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (d)

Statement 1 is incorrect as Advocate General of the state is appointed by the governor of the State. He holds office during the pleasure of governor.

Statement 2 is incorrect as High Courts have Original, Appellate and Writ jurisdiction (not advisory jurisdiction).

Q.1925 Consider the following statements:

1. Central Administrative Tribunal (CAT) was set up during the Prime Ministership of Lal Bahadur Shastri.
2. The Members of CAT are drawn from both judicial and administrative streams.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (b)

Statement 1 is incorrect as CAT was set up in 1985 during the prime ministership of Rajiv Gandhi.

Q.1926 With reference to Union Government, consider the following statements:

1. Number of Ministries at the Centre on 15th August 1947 was 18.

2. Number of Ministries at the Centre at present is 36.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (a)

The number of ministries at the Centre can vary based on factors such as volume of work, importance attached to different sectors, changes of orientation of policy etc. On 15 Aug, 1947, the number of ministries at the centre was 18.

As of march 2018 there are 52 ministries.

Q.1927 If a Panchayat is dissolved, elections are to be held within:

- (a) 1 month (b) 3 months
(c) 6 months (d) 1 year

Solution: (c)

Duration of Panchayats is five year. Fresh election to constitute a Panchayat shall be completed before the expiry of its term; or in case of dissolution before the expiry of a period of 6 months from the date of its dissolution.

Q.1928 In India, the first Municipal Corporation was set up in which one among the following?

- (a) Calcutta (b) Madras
(c) Bombay (d) Delhi

Solution: (b)

In 1688, the first Municipal Corporation of India was set up in Madras.

Q.1929 With reference to Lok Adalats, consider the following statements:

1. An award made by a Lok Adalat is deemed to be a decree of a civil court and no appeal lies against there to any court.
2. Matrimonial/Family disputes are not covered under Lok Adalat.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (a)

When statutory recognition had been given to Lok Adalat, it was specifically provided that the award passed by the Lok Adalat formulating the terms of compromise will have the force of decree of a court which can be executed as a civil court decree.

2010

Q.1930 With reference to the Constitution of India, consider the following

1. Fundamental Rights
2. Fundamental Duties
3. Directive Principles of the State Policy

Which of the above provisions of the Constitution of India is/are fulfilled by the National Social Assistance Programme launched by the government of India?

- (a) 1 only (b) 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (b)

The National Social Assistance Programme (NSAP) which came into effect from 15th August, 1995 represents a significant step towards the fulfilment of the Directive Principles in Article 41 (Right to Work, to Education and to Public Assistance in certain cases) of the Constitution.

Q.1931 Consider the following statements.

The Supreme Court of India tenders advice to the President of India on matters of law or fact

1. on its own initiative (on any matter of larger public interest).
2. if he seeks such an advice.
3. only if the matters relate to the Fundamental Rights of the citizens.

Which of the statements given above is/are correct ?

- (a) 1 only (b) 2 only
(c) 3 only (d) 1 and 2

Solution: (b)

Article 143 discusses the Powers of President to consult with Supreme Court.

Q.1932 With reference to the Consumer Disputes Redressal at district level in India, which one of the following statements is not correct ?

- (a) A State Government can establish more than one District Forum in a district if it deems fit.
- (b) One of the members of the District Forum shall be a woman
- (c) The District Forum entertains the complaints where the value of goods or services does not exceed rupees fifty lakhs.
- (d) A complaint in relation to any goods sold or any service provided may be filed with a District Forum by the State Government

as a representative of the interests of the consumers in general.

Solution: (c)

The District Forum entertains the complaints where the value of goods or services does not exceed rupees twenty lakhs.

Q.1933 With reference to Lok Adalats, which of the following statements is correct?

- (a) Lok Adalats have the jurisdiction to settle matters at pre-litigating stage and not those matters pending before any court
- (b) Lok Adalats can deal with matters which are civil and not criminal in nature.
- (c) Every Lok Adalat consists of either serving or retired judicial officers only and not any other person.
- (d) None of the statements given above is correct.

Solution: (d)

Cases that are pending in regular courts can be transferred to a Lok Adalat if both the parties agree. These are usually presided over by retired judges, social Activists, or other members of the legal profession. Lok Adalats can deal with any matter falling within the jurisdiction of civil, criminal etc.

Q.1934 With reference to the United Nations Convention on the Rights of the Child, consider the following:

1. The Rights of Development
2. The Right to Expression
3. The Right to Recreation

Which of the above is/are the Rights of the child?

- (a) 1 only (b) 1 and 3
(c) 2 and 3 (d) 1, 2 and 3

Solution: (d)

The Convention on the Rights of the Child (adopted on Nov. 20, 1989) is the first legally binding international instrument to incorporate the full range of human rights *i.e.* civil, cultural, economic, political and social rights.

2011

Q.1935 Under the Constitution of India, which one of the following is not a fundamental duty ?

- (a) To vote in public elections
- (b) To develop the scientific temper
- (c) To safeguard public property

(d) To abide by the Constitution and respect its ideals

Solution: (a)

To vote in public elections is not a fundamental duty.

Q.1936 The authorization for the withdrawal of funds from the Consolidated Fund of India must come from

- (a) The President of India
- (b) The Parliament of India
- (c) The Prime Minister of India
- (d) The Union Finance Minister

Solution: (b)

Parliament shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of India for the purposes for which the said grants are made

Q.1937 The Constitution (Seventy-Third Amendment) Act, 1992, which aims at promoting the Panchayati Raj Institutions in the country, provides for which of the following ?

- 1. Constitution of District Planning Committees.
- 2. State Election Commissions to conduct all panchayat elections.
- 3. Establishment of State Finance Commission.

Select the correct answer using the codes given below:

- (a) 1 only
- (b) 1 and 2 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

Solution: (c)

District planning committee comes under 74th Amendment not in 73rd Amendment.

Q.1938 Consider the following statements: In India, a Metropolitan Planning Committee:

- 1. is constituted under the provisions of the Constitution of India.
- 2. prepares the draft development plans for metropolitan area.
- 3. has the sole responsibility for implementing Government sponsored schemes in the metropolitan area.

Which of the statements given above is/are correct?

- (a) 1 and 2 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Solution: (a)

Article 243ZE: Committee on Metropolitan Planning does not have a sole responsibility

for implementing Government sponsored schemes in metropolitan area

Q.1939 In India, if a religious sect/community is given the status of a national minority, what special advantages it is entitled to?

- 1. It can establish and administer exclusive educational institutions.
- 2. The President of India automatically nominates a representative of the community to Lok Sabha.
- 3. It can derive benefits from the Prime Minister's 15-Point Programme.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 and 3
- (c) 1 and 3
- (d) 1, 2 and 3

Solution: (c)

Minority education institution has the power to reserve only upto 50% seats for students belonging to its own community. (Supreme Court Judgement on *St. Stephen'S College v. University Of Delhi*, 1992 SCC 558).

Q.1940 India is home to lakhs of person with disabilities. What are the benefits available to them under the law?

- 1. Free schooling till the age of 18 years in government-run schools.
- 2. Preferential allotment of land for setting up business.
- 3. Ramps in public buildings.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 and 3
- (c) 1 and 3
- (d) 1, 2 and 3

Solution: (d)

Disable students come under the Right to Education Act and it provides for free and compulsory education to 'children' between the ages six and 14 years, though under the Persons with Disability (PWD) Act, a child refers to a person up to the age of 18 years. So statement 1 is correct. Please note that Persons with Disability (PWD) Act provides for ramps in public building; adaptation of toilets for wheel chair users; Braille symbols and auditory signals in elevators or lifts; ramps in hospitals, primary health centres and other medical care and rehabilitation institutions. The same Act also states that appropriate Governments and

local authorities shall by notification frame schemes in favour of persons with disabilities, for the preferential allotment of land at concessional rates.

Q.1941 Consider the following:

1. Right to education.
2. Right to equal access to public service.
3. Right to food.

Which of the above is/are Human Right/ Human Rights under “Universal Declaration of Human Rights” ?

- (a) 1 only (b) 1 and 2
(c) 3 only (d) 1, 2 and 3

Solution: (d)

Article 25 says everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Article 21(2) says that everyone has the right of equal access to public service in his country. Article 26(1) says that everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.

2012

Q.1942 Consider the following provisions under the Directive Principles of State Policy as enshrined in the Constitution of India:

1. Securing for citizens of India a uniform civil code
2. Organizing village Panchayats
3. Promoting cottage industries in rural areas
4. Securing for all the workers reasonable leisure and cultural opportunities

Which of the above are the Gandhian Principles that are reflected in the Directive Principles of State Policy?

- (a) 1, 2 and 4 only (b) 2 and 3 only
(c) 1, 3 and 4 only (d) 1, 2, 3 and 4

Solution: (b)

Organizing village Panchayats and promoting cottage industries in rural areas are the Gandhian principles that are reflected in the Directive Principles of State Policy.

Q.1943 Which of the following special powers have been conferred on the Rajya Sabha by the Constitution of India?

- (a) To change the existing territory of a State and to change the name of a State
- (b) To pass a resolution empowering the Parliament to make laws in the State List and to create one or more All India Services
- (c) To amend the election procedure of the President and to determine the pension of the President after his/her retirement
- (d) To determine the functions of the Election Commission and to determine the number of Election Commissioners

Solution: (b)

The Constitution of India empowering the Parliament to make laws in the State List and to create one or more All India Services.

Q.1944 Which of the following provisions of the Constitution of India have a bearing on Education?

1. Directive Principles of State Policy
2. Rural and Urban Local Bodies
3. Fifth Schedule
4. Sixth Schedule
5. Seventh Schedule

Select the correct answer using the codes given below.

- (a) 1 and 2 only (b) 3, 4 and 5 only
(c) 1, 2 and 5 only (d) 1, 2, 3, 4 and 5

Solution: (d)

Q.1945 According to the Constitution of India, it is the duty of the President of India to cause to be laid before the Parliament which of the following?

1. The Recommendations of the Union Finance Commission
2. The Report of the Public Accounts Committee
3. The Report of the Comptroller and Auditor General
4. The Report of the National Commission for Scheduled Castes

Select the correct answer using the codes given below.

- (a) 1 only (b) 2 and 4 only
(c) 1, 3 and 4 only (d) 1, 2, 3 and 4

Solution: (c)

It is not the duty of the President of India to cause to be laid report of public Accounts Committee before the Parliament.

Q.1946 Which of the following is/are among the Fundamental Duties of citizens laid down in the Indian Constitution?

1. To preserve the rich heritage of our composite culture
2. To protect the weaker sections from social injustice
3. To develop the scientific temper and spirit of inquiry
4. To strive towards excellence in all spheres of individual and collective activity

Select the correct answer using the codes given below:

- (a) 1 and 2 only (b) 2 only
(c) 1, 3 and 4 only (d) 1, 2, 3 and 4

Solution: (c)

Q.1947 The distribution of powers between the Centre and the States in the Indian Constitution is based on the scheme provided in the

- (a) Morley-Minto Reforms, 1909
- (b) Montagu-Chelmsford Act, 1919
- (c) Government of India Act, 1935
- (d) Indian Independence Act, 1947

Solution: (c)

Distribution of power between the Centre and the States in the Indian Constitution is based on the Government of India Act, 1935.

Q.1948 In the Parliament of India, the purpose of an adjournment motion is

- (a) to allow a discussion on a definite matter of urgent public importance
- (b) to let opposition members collect information from the ministers
- (c) to allow a reduction of specific amount in demand for grant
- (d) to postpone the proceedings to check the inappropriate or violent behaviour on the part of some members

Solution: (a)

Adjournment motion

- (i) It is introduced in the Parliament to draw attention of the house to a definite matter of urgent public importance and needed to support of 50 members to be admitted.
- (ii) It is regarded as an extraordinary device, because it interrupts the normal business of the house.
- (iii) It involves an element of censure against the government and Rajya Sabha is not permitted to make use this device.

(iv) The discussion an adjournment motion should last for not less than two hours and thirty minutes

Q.1949 Consider the following statements:

1. Union Territories are not represented in the Rajya Sabha.
2. It is within the purview of the Chief Election Commissioner to adjudicate the election disputes.
3. According to the Constitution of India, the Parliament consists of the Lok Sabha and the Rajya Sabha only.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 and 3
(c) 1 and 3 (d) None

Solution: (d)

None of the above statements are correct

- (i) Union Territories (Delhi and Pondicherry) are represented in the Rajya Sabha.
- (ii) It is not within the purview of the Chief Election Commissioner to adjudicate election disputes. It is the Supreme Court and High Court which look into the disputes.
- (iii) According to the Constitution of India, the Parliament consists of the Lok Sabha the Rajya Sabha and the President of India.

Q.1950 Regarding the office of the Lok Sabha Speaker, consider the following statements:

1. He/She holds the office during the pleasure of the President.
2. He/She need not be a member of the House at the time of his/her election but has to become a member of the House within six months from the date of his/her election.
3. If he/she intends to resign, the letter of his/her resignation has to be addressed to the Deputy Speaker.

Which of the statements given above is /are correct?

- (a) 1 and 2 only (b) 3 only
(c) 1, 2 and 3 (d) None

Solution: (b)

If the Lok Sabha Speaker wants to resign, the letter of his/her resignation has to be addressed to the Deputy Speaker.

Q.1951 Which of the following can be said to be essentially the parts of 'Inclusive Governance'?

1. Permitting the Non-Banking Financial Companies to do banking
 2. Establishing effective District Planning Committees in all the districts
 3. Increasing the government spending on public health
 4. Strengthening the Mid-day Meal Scheme
- Select the correct answer using the codes given below:
- (a) 1 and 2 only (b) 3 and 4 only
 (c) 2, 3 and 4 only (d) 1, 2, 3 and 4

Solution: (c)

Q.1952 In India, other than ensuring that public funds are used efficiently and for intended purpose, what is the importance of the office of the Comptroller and Auditor General (CAG)?

1. CAG exercises exchequer control on behalf of the Parliament when the President of India declares national emergency/financial emergency.
2. CAG reports on the execution of projects or programmes by the ministries are discussed by the Public Accounts Committee.
3. Information from CAG reports can be used by investigating agencies to frame charges against those who have violated the law while managing public finances.
4. While dealing with the audit and accounting of government companies, CAG has certain judicial powers for prosecuting those who violate the law.

Which of the statements given above is/are correct?

- (a) 1, 3 and 4 only (b) 2 only
 (c) 2 and 3 only (d) 1, 2, 3 and 4

Solution: (c)

Only 2nd and 3rd are correct statements.

(2) CAG reports on execution of projects or programmes by the ministries are discussed by the Public Accounts Committee.

(3) Information from CAG reports can be used by investigating agencies to press charges against those who have violated the law while managing public finance.

Q.1953 The Prime Minister of India, at the time of his/her appointment

- (a) needs not necessarily be a member of one of the Houses of the Parliament but must

become a member of one of the Houses within six months

(b) needs not necessarily be a member of one of the Houses of the Parliament but must become a member of the Lok Sabha within six months

(c) must be a member of one of the Houses of the Parliament

(d) must be a member of the Lok Sabha

Solution: (a)

Article 75(1) of the Indian Constitution provides that the Prime Minister shall be appointed by the President. The Constitution permits a person to be appointed Prime Minister without his/her being a member of either House of the Parliament at the time of appointment. Before expiry of this time, he has to become a member of either the Rajya Sabha or the Lok Sabha.

Q.1954 A deadlock between the Lok Sabha and the Rajya Sabha calls for a joint sitting of the Parliament during the passage of

1. Ordinary Legislation
2. Money Bill
3. Constitution Amendment Bill

Select the correct answer using the codes given below:

- (a) 1 only (b) 2 and 3 only
 (c) 1 and 3 only (d) 1, 2 and 3

Solution: (a)

Q.1955 In the areas covered under the Panchayat (Extension to the Scheduled Areas) Act, 1996, what is the role/ power of Gram Sabha?

1. Gram Sabha has the power to prevent alienation of land in the Scheduled Areas.
2. Gram Sabha has the ownership of minor forest produce.
3. Recommendation of Gram Sabha is required for granting prospecting licence or mining lease for any mineral in the Scheduled Areas.

Which of the statements given above is/are correct?

- (a) 1 only (b) 1 and 2 only
 (c) 2 and 3 only (d) 1, 2 and 3

Solution: (d)

According to Panchayat Extension to the Scheduled Areas) Act 1996, Gram Sabha has the power to prevent alienation of land in the Scheduled Areas, has the ownership of minor

forest produce and the recommendation of Gram Sabha is required for granting prospecting licence or mining lease for any mineral in the Scheduled Areas.

Q.1956 Which of the following are included in the original jurisdiction of the Supreme Court?

1. A dispute between the Government of India and one or more States
2. A dispute regarding elections to either House of the Parliament or that of Legislature of a State
3. A dispute between the Government of India and a Union Territory
4. A dispute between two or more States

Select the correct answer using the codes given below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 4 (d) 3 and 4

Solution: (c)

The Original Jurisdiction of the Supreme Court includes dispute between the Government of India and one or more States, and dispute between two and more States.

Q.1957 With reference to the Delimitation Commission, consider the following statements:

1. The orders of the Delimitation Commission cannot be challenged in a Court of Law.
2. When the orders of the Delimitation Commission are laid before the Lok Sabha or State Legislative Assembly, they cannot effect any modifications in the orders.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (c)

Both are correct. Hence the option (c) is right.

Q.1958 What is the provision to safeguard the autonomy of the Supreme Court of India

1. While appointing the Supreme Court Judges, the President of India has to consult the Chief Justice of India.
2. The Supreme Court Judges can be removed by the Chief Justice of India only.
3. The salaries of the Judges are charged on the Consolidated Fund of India to which the legislature does not have to vote.

4. All appointments of officers and staffs of the Supreme Court of India are made by the Government only after consulting the Chief Justice of India.

Which of the statements given above is/are correct?

- (a) 1 and 3 (b) 3 and 4
(c) 4 only (d) 1, 2, 3 and 4

Solution: (a)

Statement 1: Judges are appointed by the president of india in consultation with the chief justice of india. Chief justice has to consult four most senior judges of the supreme court.

Statement 2: Judges of Supreme Court including chief justice of india can be removed by the president on the recommendation of the Parliament. The parliament 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 Judges Enquiry Act (1968) regulates the procedure for removal.

Statement 3: It's true.

Statement 4: Officer and staff of Supreme Court are appointed by the Chief justice of india.

Q.1959 With reference to consumers' rights/privileges under the provisions of law in India, which of the following statements is/are correct?

1. Consumers are empowered to take samples for food testing.
2. When a consumer files a complaint in any consumer forum, no fee is required to be paid.
3. In case of death of a consumer, his/her legal heir can file a complaint in the consumer forum on his/her behalf.

Select the correct answer using the codes given below:

- (a) 1 only (b) 2 and 3
(c) 1 and 3 (d) 1, 2 and 3

Solution: (c)

Consumers are empowered to take samples for food testing. In case of death of a consumer his/her legal heir can file a complaint in the consumer forum on his /her behalf.

2013

Q.1960 According to the Constitution of India, which of the following are fundamental for the governance of the country?

- (a) Fundamental Rights
- (b) Fundamental Duties
- (c) Directive Principles of State Policy
- (d) Fundamental Rights and Fundamental Duties

Solution: (c)

Directive Principles of State Policy are guidelines to the central and State government of India to be kept in mind while framing laws and policies. The DPSPs aim to create social and economic conditions under which the citizens can lead a good life. They also aim to establish social and economic democracy through a welfare state. They act as a check on the government. It is a yardstick in the hands of the people to measure the performance of the government. It shall be the duty of the state to apply these principles in making laws.

Q.1961 Consider the following statements:

- 1. An amendment to the Constitution of India can be initiated by an introduction of a bill in the Lok Sabha only.
- 2. If such an amendment seeks to make changes in the federal character of the Constitution, the amendment also requires to be ratified by the legislature of all the States of India.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Solution: (d)

Statement 1: it can be introduced by an MP in either of the two houses.

Statement 2: An amendment to the constitution of India is introduced as a bill in the Parliament. It then must be approved by both the houses of Parliament. The amendments must then be ratified by the legislatures of at least one half of the states (not all the states). Once all these stages are complete the amendment is bound to receive the assent of the President of India.

Q.1962 Which of the following bodies does not/do not find mention in the Constitution?

- 1. National Development Council
- 2. Planning Commission
- 3. Zonal Councils

Select the correct answer using the codes given below.

- (a) 1 and 2 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Solution: (d)

National Development council is not a constitutional body. It is an extra-constitutional body.

Planning Commission is a non-constitutional and non-statutory body. It was created by the Government of India in 1950 by a resolution.

The zonal councils have been recognized in the 74th Constitutional Amendment Act of 1992.

Q.1963 Consider the following statements:

- 1. National Development Council is an organ of the Planning Commission.
- 2. The Economic and Social Planning is kept in the Concurrent List in the Constitution of India.
- 3. The Constitution of India prescribes that Panchayats should be assigned the task of preparation of plans for economic development and social justice.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Solution: (b)

Out of 52 items on the concurrent list, Economic and Social Planning is placed under Article 40 of the Constitution. Directive Principles of State Policy lays down 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. Planning for economic development and social justice is one such power given to village panchayats.

Q.1964 What will follow if a Money Bill is substantially amended by the Rajya Sabha?

- (a) The Lok Sabha may still proceed with the Bill, accepting or not accepting the recommendations of the Rajya Sabha

- (b) The Lok Sabha cannot consider the bill further
- (c) The Lok Sabha may send the Bill to the Rajya Sabha for reconsideration
- (d) The President may call a joint sitting for passing the Bill

Solution: (a)

When a money bill returns to the Lok Sabha with amendments made by the Rajya Sabha, it is open to Lok Sabha to accept or to reject any or all of the recommendations. When the Lok Sabha chooses to accept or decline the money bill with or without the recommendation, the money bill is deemed passed in both houses.

Q.1965 Which one of the following statements is correct?

- (a) In India, the same person cannot be appointed as Governor for two or more States at the same time
- (b) The Judges of the High Court of the States in India are appointed by the Governor of the State just as the Judges of Supreme Court are appointed by the President
- (c) No procedure has been laid down in the Constitution of India for the removal of a Governor from his/her post
- (d) In the case of a Union Territory having a legislative setup, the Chief Minister is appointed by the Lt. Governor on the basis of majority support

Solution: (d)

A lieutenant Governor is in charge of a Union Territory whereas a Governor is in charge of a State. The rank of Lt. Governor is present only in the states of Delhi, Andaman and Nicobar Islands and Puducherry. So in the case of a Union Territory specified where there is a legislative setup, the Chief Minister is appointed by the Lieutenant Governor.

Q.1966 Consider the following statements: Attorney General of India can

1. take part in the proceedings of the Lok Sabha
2. be a member of a committee of the Lok Sabha
3. speak in the Lok Sabha
4. vote in the Lok Sabha

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 and 4
- (c) 1, 2 and 3
- (d) 1 and 3 only

Solution: (c)

The Attorney General of India has a post parallel to any minister in Parliament. He can take part in the proceedings of either house. He can be a member of any committee of Parliament. He has the right to speak in the Parliament but he has no right to vote.

Q.1967 The Parliament can make any law for whole or any part of India for implementing international treaties

- (a) with the consent of all the States
- (b) with the consent of the majority of States
- (c) with the consent of the States concerned
- (d) without the consent of any State

Solution: (d)

Parliament has exclusive power to make law with respect to any of the matters enumerated with the Union List. According to entry no 14 in the Union List it reads “entering into treaties and agreements with foreign countries and implementing of treaties, agreement and convention with foreign countries”.

Q.1968 In the context of India, which of the following principles is/are implied institutionally in the parliamentary government?

1. Members of the Cabinet are Members of the Parliament.
 2. Ministers hold the office till they enjoy confidence in the Parliament.
 3. Cabinet is headed by the Head of the State.
- Select the correct answer using the codes given below.

- (a) 1 and 2 only
- (b) 3 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

Solution: (a)

Minister/ministers can be removed by issuing no confidence motion in the parliament. All cabinet members are mandated by the constitution to be the member of either house of the parliament of India. Cabinet is headed by the cabinet secretary not by the Head of the State.

Q.1969 Consider the following statements:

1. The Council of Ministers in the Centre shall be collectively responsible to the Parliament.

2. The Union Ministers shall hold the office during the pleasure of the President of India.
3. The Prime Minister shall communicate to the President about the proposals for legislation.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (c)

The Council of Ministers shall be collectively responsible to the parliament; the Prime minister shall communicate to the president about the proposals for legislation but the union. If a President were to dismiss the Council of Ministers on his or her own initiative, it might trigger a constitutional crisis. Thus, in practice, the Council of Ministers cannot be dismissed as long as it commands the support of a majority in the Lok Sabha.

Q.1970 Consider the following statements:

1. The Chairman and the Deputy Chairman of the Rajya Sabha are not the members of that House.
2. While the nominated members of the two Houses of the Parliament have no voting right in the presidential election, they have the right to vote in the election of the Vice President.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (b)

The nominated members of the Rajya Sabha have the right to vote in the election of the Vice President so far none from them has been inducted in the Council of Ministers.

Q.1971 Under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 who shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both?

- (a) State Forest Department
- (b) District Collector/Deputy Commissioner
- (c) Tahsildar/Block Development Officer/Mandal Revenue Officer
- (d) Gram Sabha

Solution: (d)

Section C of the Forest Dwellers Act provides a transparent three step procedure for deciding on who gets rights.

- the Gram Sabha makes a recommendation, i.e., who has been cultivating land for how long, which minor forest produce is collected; etc. The Gram Sabha plays this role because it is a public body where all people participate and hence is fully democratic and transparent.
- The Gram Sabha's recommendation goes through two stages of screening committees—the Taluka and the District levels.

Q.1972 The Government enacted the Panchayat Extension to Scheduled Areas (PESA) Act in 1996. Which one of the following is *not* identified as its objective?]

- (a) To provide self-governance
- (b) To recognize traditional rights
- (c) To create autonomous regions in tribal areas
- (d) To free tribal people from exploitation

Solution: (d)

PESA Act does not identify the freedom of tribal people from exploitation as its objectives, but it automatically becomes a by-product of its objectives.

Q.1973 Consider the following statements: The parliamentary Committee on public accounts

1. consists of not more than 25 Members of the Lok Sabha
2. scrutinizes appropriation and finance accounts of the Government
3. examines the report of the Comptroller and Auditor General of India.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 and 3 only
(c) 3 only (d) 1, 2 and 3

Solution: (b)

The committee consists of 15 members of Lok Sabha not 25 members. The function of the committee is to examine the accounts showing the appropriation of the sums granted by Parliament to meet the expenditure of the government of India and such other accounts laid before the House as the committee may think fit. Apart from the Reports of the

Comptroller and Auditor General of India on Appropriation

Accounts of the Union Government, the Committee also examines the various Audit Reports of the Comptroller and Auditor General on revenue receipts, expenditure by various Ministries/Departments of Government and accounts of autonomous bodies.

- Q.1974** With reference to National Legal Services Authority, consider the following statements:
1. Its objective is to provide free and competent legal services to the weaker sections of the society on the basis of equal opportunity.
 2. It issues guidelines for the State Legal Services Authorities to implement the legal programmes and schemes throughout the country.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (c)

The National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 to provide free Legal Services to the weaker sections of the society and to organize Lok Adalats for amicable settlement of disputes. In every state, State Legal Services Authority has been constituted to give effect to the policies and directions of the NALSA and to give free legal services to the people and conduct Lok Adalats in the State.

- Q.1975** 'Economic Justice' as one of the objectives of the Indian Constitution has been provided in
- (a) the Preamble and the Fundamental Rights
 - (b) the Preamble and the Directive Principles of State Policy
 - (c) the Fundamental Rights and the Directive Principles of State Policy
 - (d) None of the above

Solution: (b)

The Preamble to the Constitution of India in its introductory statement says- "Justice- Social, Economic and Political" and the Directive Principles of state policies aim to create social and economic condition under

which the citizens can lead a good life. They also aim to establish social and economic democracy through a welfare state.

2014

- Q.1976** Which one of the following Schedules of the Constitution of India contains provisions regarding anti-defection?

- (a) Second Schedule (b) Fifth Schedule
(c) Eighth Schedule (d) Tenth Schedule

Solution: (d)

The 52nd Amendment act of 1985, added the Tenth Schedule to the Constitution. This is often referred to as anti-defection law.

- Q.1977** In the Constitution of India, promotion of international peace and security is included in the

- (a) Preamble to the Constitution
(b) Directive Principles of State Policy
(c) Fundamental Duties
(d) Ninth Schedule

Solution: (b)

Promotion of international peace and security is included in the Directive Principles of State as Article 51 of constitution that mentions to promote international peace and security and maintain just an honourable relation between nations between nations; to foster respect for international law and treaty obligations, and to encourage settlements of international disputes by arbitration.

- Q.1978** Consider the following statements:

1. 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.
2. All executive actions of the Government of India shall be expressed to be taken in the name of the Prime Minister.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (a)

Clause (3) of Article 77 "Conduct of Business of the Government of India" of the Constitution of India lays down as follows: "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. The Constitution of India mentions that, "All executive action of the Government of India shall be expressed to be taken in the name of the President." Therefore, only option (a) is correct.

Q.1979 The power of the Supreme Court of India to decide disputes between the Centre and the States falls under its

- (a) advisory jurisdiction
- (b) appellate jurisdiction
- (c) original jurisdiction
- (d) writ jurisdiction

Solution: (c)

Q.1980 The power to increase the number of judges in the Supreme Court of India is vested in

- (a) the President of India
- (b) the Parliament
- (c) the Chief Justice of India
- (d) the Law Commission

Solution: (b)

It is the Parliament which has the power to increase the number of judges in the Supreme Court of India. Parliament increased the number of judges from the original eight in 1950 to eleven in 1956, fourteen in 1960, eighteen in 1978, twenty-six in 1986 and thirty-one in 2008.

Q.1981 Which one of the following is the largest Committee of the Parliament?

- (a) The Committee on Public Accounts
- (b) The Committee on Estimates
- (c) The Committee on Public Undertakings
- (d) The Committee on Petitions

Solution: (b)

The largest Committee is the committee of Estimates, given its 30 members

- Public Accounts 22
- Estimates 30
- Public Undertakings 22
- Petitions Lok Sabha (15), Rajya Sabha (10)

Q.1982 Which of the following are associated with 'Planning' in India

- 1. The Finance Commission
- 2. The National Development Council
- 3. The Union Ministry of Rural Development

- 4. The Union Ministry of Urban Development
- 5. The Parliament

Select the correct answer using the code given below.

- (a) 1, 2 and 5 only
- (b) 1, 3 and 4 only
- (c) 2 and 5 only
- (d) 1, 2, 3, 4 and 5

Solution: (c)

Finance commission is involved in distribution of taxes and grants. It is not involved in planning. So by just eliminating all options involving statement 1, we get answer (c) correct. Now, the National Development Council (NDC) has been abolished.

Q.1983 Which of the following is/are the function/ functions of the Cabinet Secretariat?

- 1. Preparation of agenda for Cabinet Meetings
- 2. Secretarial assistance to Cabinet Committees
- 3. Allocation of financial resources to the Ministries

Select the correct answer using the code given below.

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 2 only
- (d) 1, 2 and 3

Solution: (c)

The functions of the Cabinet Secretariat are preparation of agenda for Cabinet Meetings & Secretarial assistance to Cabinet Committees. However Allocation of financial resources to the Ministries as per the provisions in budget is prepared by finance ministry.

Q.1984 Consider the following statements.

- A Constitutional Government is one which
- 1. places effective restrictions on individual liberty in the interest of State Authority
 - 2. places effective restrictions on the Authority of the State in the interest of individual liberty

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Solution: (c)

A constitutional Government needs to balance between individual liberty *vis-à-vis* State Authority.

Q.1985 The fundamental object of Panchayati Raj system is to ensure which among the following?

1. People's participation in development
2. Political accountability
3. Democratic decentralization
4. Financial mobilization

Select the correct answer using the code given below.

- (a) 1, 2 and 3 only (b) 2 and 4 only
 (c) 1 and 3 only (d) 1, 2, 3 and 4

Solution: (a)

The fundamental object of Panchayati Raj system is to ensure people's participation in development, political accountability, and democratic decentralization.

Financial mobilization is the social objective.

Q.1986 Which of the following are the discretionary powers given to the Governor of a State?

1. Sending a report to the President of India for imposing the President's rule
2. Appointing the Ministers
3. Reserving certain bills passed by the State Legislature for consideration of the President of India
4. Making the rules to conduct the business of the State Government

Select the correct answer using the code given below.

- (a) 1 and 2 only (b) 1 and 3 only
 (c) 2, 3 and 4 only (d) 1, 2, 3 and 4

Solution: (b)

The Governor has Constitutional discretion in cases of Reservation of bill for consideration of the President and Recommendation of the imposition of President's rule. Therefore, Statements 1 and 3 are definitely right. Moreover Governor only appoints those persons as ministers who are recommended by the Chief Minister. So Governor doesn't have "Discretion" in appointment of the minister. Therefore the Statement 2 is wrong.

2015

The provisions in Fifth Sixth Schedules in the Constitution of India are made in order to

- (a) protect the interests of Scheduled Tribes
- (b) determine the boundaries between States
- (c) determine the powers, authority and responsibilities of Panchayats
- (d) protect the interests of all the border States

Solution: (a)

The Fifth Schedule of the Constitution of India deals with administration and control of Scheduled areas and Scheduled Tribes in these areas.

The Sixth Schedule to the Constitution of India contains provisions concerning the administration of tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram.

Q.1987 Who/Which of the following is the custodian of the Constitution of India?

- (a) The President of India
- (b) The Prime Minister of India
- (c) The Lok Sabha Secretariat
- (d) The Supreme court of India

Solution: (d)

The Supreme Court of India is the apex court in India. As stated by the Indian Constitution, the function of the Supreme Court of India is that of a custodian of the Constitution, a court established by the authority of a federal government, and the uppermost court of appeal.

Q.1988 Consider the following statements:

1. The Legislative Council of a State in India can be larger in size than half of the Legislative Assembly of that particular State
2. The Governor of a State nominates the Chairman of Legislative Council of that particular State.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
 (c) Both 1 and 2 (d) Neither 1 nor 2

Solution: (d)

Statement 1: The maximum strength of the legislative council is fixed at one third of the total strength of the legislative assembly and the minimum strength is fixed at 40

Statement 2: The chairman of the legislative council is elected by the council itself from amongst its members.

Q.1989 "To uphold and protect the Sovereignty, Unity and Integrity of India" is a provision made in the

- (a) Preamble of the Constitution
- (b) Directive Principles of State Policy
- (c) Fundamental Rights
- (d) Fundamental Duties

Solution: (d)

The idea behind incorporation of fundamental duties was to remind the citizens of the country that they have certain obligations towards the country and society. The fundamental duties were added to the constitution on the recommendations of the Swaran Singh Committee. There were ten fundamental duties at the time of incorporation but the eleventh was inserted by the 86th Amendment in 2002. To uphold and protect the sovereignty, unity and integrity of India is one of them.

Q.1990 The ideal of Welfare State' in the Indian Constitution is enshrined in its

- (a) Preamble
- (b) Directive Principles of State Policy
- (c) Fundamental Rights
- (d) Seventh Schedule

Solution: (b)

Directive Principles of State Policy (DPSPs) aim to create social and economic conditions under which the citizens can lead a good life. They also aim to establish social and economic democracy through a welfare state. The Directive Principles of State Policy is guidelines/principles given to the central and state governments of India, to be kept in mind while framing laws and policies.

Q.1991 Consider the following statements regarding the Directive Principles of State Policy:

- 1. The Principles spell out the socio-economic democracy in the country.
- 2. The provisions contained in these Principles are not enforceable by any court.

Which of the statements given above is / are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither

Solution: (c)

The directive principles ensure that the State shall strive to promote the welfare of the people by promoting a social order in which social, economic and political justice is informed in all institutions of life. The provisions of The Directive Principles of State Policy are not enforceable by any court, but the principles laid down therein are considered fundamental in the governance of

the country, making it the duty of the State to apply these principles in making laws to establish a just society in the count.

Q.1992 With reference to the Cabinet Mission, which of the following statements is/are correct?

- 1. It recommended government a federal government.
- 2. It enlarged the powers of the Indian Courts.
- 3. It provided for more Indians in the ICS.

Select the correct answer using the code given below.

- (a) 1 only
- (b) 2 and 3
- (c) 1 and 3
- (d) None

Solution: (a)

Britain's Prime Minister Clement Attlee was announced the dispatch of the Mission of three Cabinet Ministers Pethick Lawrence, Sir Stafford Cripps, and A. V. Alexander. According to the proposals of the Cabinet Mission announced, the country could have a Federal government consisting of the Indian provinces and princely states.

Q.1993 With reference to the Union Government, consider the following statements:

- 1. The Department of Revenue is responsible for the preparation of Union Budget that is presented to the Parliament.
- 2. No amount can be withdrawn from the Consolidated Fund of India without the authorization from the Parliament of India.
- 3. All the disbursements made from Public Account also need the authorization from the Parliament of India.

Which of the statements given above is / are correct?

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 2 only
- (d) 1, 2 and 3

Solution: (c)

All revenues received by the Government by way of taxes like Income Tax, Central Excise, Customs and other receipts flowing to the Government in connection with the conduct of Government businesses, i.e., Non-Tax Revenues are credited into the Consolidated Fund constituted under Article 266(1) of the Constitution of India. No amount can be withdrawn from the Fund without authorization from the Parliament.

- Q.1994** There is a Parliamentary System of Government in India because the
- Lok Sabha is elected directly by the people
 - Parliament can amend the Constitution
 - Rajya Sabha cannot be dissolved
 - Council of Ministers is responsible to the Lok Sabha

Solution: (d)

The executive in a Parliamentary system is responsible to the legislature for all its actions. The ministers are answerable to the parliament and responsible to the Lok Sabha. The Council of Ministers remains in office as long as they enjoy the support and confidence of the Lok Sabha.

- Q.1995** Consider the following statements:
- The Rajya Sabha has no power either to reject or to amend a Money Bill.
 - The Rajya Sabha cannot vote on the Demands for Grants.
 - The Rajya Sabha cannot discuss the Annual Financial Statement.
- Which of the statements given above is / are correct?
- 1 only
 - 1 and 2 only
 - 2 and 3 only
 - 1, 2 and 3

Solution: (b)

A Money Bill cannot be introduced in Rajya Sabha. Rajya Sabha has no power either to reject or amend a Money Bill. It can only make recommendations on the Money Bill. It has no power to vote on the Demands for Grants

- Q.1996** When a bill is referred to a joint sitting of both the Houses of the Parliament, it has to be passed by
- a simple majority of members present and voting
 - three-fourths majority of members present and voting
 - two-thirds majority of the Houses
 - absolute majority of the Houses

Solution: (a)

In India, if a bill has been rejected by any house of the parliament and if more than six months have elapsed, the President may summon a joint session for purpose of passing the bill. The bill is passed by a simple majority of a joint sitting.

- Q.1997** Consider the following statements
- The Executive Power of the Union of India is vested in the Prime Minister.
 - The Prime Minister is the *ex officio* Chairman of the Civil Services Board.
- Which of the statements given above is / are correct?
- 1 only
 - 2 only
 - Both 1 and 2
 - Neither 1 nor 2

Solution: (d)

The Executive Powers of the Union of India are vested in the President. The Cabinet Secretary (and not the Prime Minister)

- Q.1998** The fundamental object of Panchayati Raj system is to ensure which among the following ?
- People's participation in development
 - Political accountability
 - Democratic decentralization
 - Financial mobilization
- Select the correct answer using the code given below.
- 1, 2 and 3 only
 - 2 and 4 only
 - 1 and 3 only
 - 1, 2, 3 and 4

Solution: (a)

The fundamental object to Panchayati Raj system is to ensure people's participation in development, political accountability and democratic decentralization

2016

- Q.1999** Consider the following statements
- The minimum age prescribed for any person to be a member of Panchayat is 25 years.
 - A Panchayat reconstituted after premature dissolution continues only for the remainder period.

Which of the statements given above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- Neither 1 nor 2

Solution: (b)

As of now, there is no general power with the state government to dissolve the Panchayats prior to expiry of the prescribed term of five years. The Panchayats could be dissolved before the expiry of five years only in accordance with the law, if any, promulgated

by the state. In case of dissolution of a Panchayat, a fresh election was to be completed within a period of six months from the date of dissolution and the newly elected members should hold office only for the remaining part of the term and not for the full term of five years.

- Q.2000** The Parliament of India acquires the power to legislate on any item in the State List in the national interest if a resolution to that effect is passed by the
- Lok Sabha by a simple majority of its total membership
 - Lok Sabha by a majority of not less than two-thirds of its total membership
 - Rajya Sabha by a simple majority of its total membership
 - Rajya Sabha by a majority of not less than two-thirds of its members present and voting

Solution: (d)

- Q.2001** Which of the following statements is/ar correct?

- A bill pending in the Lok Sabha lapses on its prorogation.
- A bill pending in the Rajya Sabha, which has not been passed by the Lok Sabha, shall not lapse on dissolution of the Lok Sabha.

Select the correct answer using the code given below:

- 1 only
- 2 only
- Both 1 and 2
- Neither 1 nor 2

Solution: (b)

Prorogation of a session does not affect the bills or any other business pending before the House.

- Q.2002** Which of the following are the key features of 'National Ganga River Basin Authority (NGRBA)'?

- River basin is the unit of planning and management.
- It spearheads the river conservation efforts at the national level.
- One of the Chief Ministers of the State through which the Ganga flows becomes the Chairman of NGRBA on rotation basis.

Select the correct answer using the code given below.

- 1 and 2 only
- 2 and 3 only
- 1 and 3 only
- 1, 2 and 3

Solution: (a)

Prime minister chairs the meetings of the NGRBA.

- Q.2003** Consider the following statements:

- The Chief Secretary in a State is appointed by the Governor of that State.
- The Chief Secretary in a State has a fixed tenure

Which of the statements given above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- Neither 1 nor 2

Solution: (d)

Not appointed by the governor but by the CM. Chief secretary has no fixed tenure.

- Q.2004** With reference to the 'Gram Nyayalaya Act', which of the following statements is/are correct?

- As per the Act, Gram Nyayalayas can hear only civil cases and not criminal cases
- The Act allows local social activists as mediators/reconciliators.

Select the correct answer using the code given below:

- 1 only
- 2 only
- Both 1 and 2
- Neither 1 nor 2

Solution: (b)

The Gram Nyayalayas have both civil and criminal jurisdiction.

Social Workers at the village level having the integrity and necessary qualifications can be appointed as mediators.

INDIAN SOCIETY

Q.2005 Consider the following statements:

1. Every social difference leads to social divisions.
2. Socially homogenous societies do not have economic differences.
3. Multi-cultural countries necessarily have social divisions.

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 only (d) None of the above

Solution: (d)

Social differences unite and well as divide. It depends on how a society reacts to it. If there is mutual respect and recognition of the uniqueness of each social class, it leads to greater cohesion and harmony.

Multi-cultural countries may or may not have social divisions. In societies where social differences tend to match with economic or other stark differences, experience social divisions. For e.g. blacks in America were socially different as well as economically very weak. And hence were discriminated against.

Q.2006 Social Marginalisation is considered to be a bane to Indian Society. Which of following are regarded as the basis for marginalisation?

1. Language 2. Customs
3. Religion 4. Social Status

Which of the statements given above is/are correct?

- (a) 1 and 3 (b) 1 and 4
(c) 1, 3 and 4 (d) 1, 2, 3 and 4

Solution: (d)

Marginalisation can be because group of people or communities who speak a different language, follow different customs, low social status or belong to a different religious group from the majority community. Also Economic, social, cultural and political factors work together to make certain groups in society feel marginalised.

Q.2007 Which of the following are the measures taken by Government to reduce social differences in the society?

1. The government has provided for 33% reservation for women in the Parliament.

2. Hindi Language has been made the national language of the country.
3. The State intervenes in the matters of religion in order to ensure equality within religious communities.
4. Enactment of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)

Select the correct answer using the codes below

- (a) 1 and 4 (b) 3 and 4
(c) 1, 2 and 4 (d) 1, 2, 3 and 4

Solution: (b)

There are various kinds of social differences that can take the form of social divisions and inequalities. These are social differences based on gender, religion, caste, wealth.

Women's reservation Bill has not yet been passed by the parliament. Hence it cannot be considered as a step to reduce social difference. Our Constitution did not give the status of national language to any one language. Hindi was identified as the official language only and not National language. Hindi as a national language will only create more social difference in the society. Constitution allows the state to intervene in thematters of religion in order to ensure equality within religious communities. For example, it bans untouchability. Enactment of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) will not only reduce the economic inequality but also social inequality

Tribes

Q.2008 Consider the following statements

1. Adivasis are not a homogeneous population
2. Adivasi societies are also most distinctive because there is often very little hierarchy among them.

Which of the statements above is/are correct?

- (a) 1 Only (b) 2 Only
(c) Both (d) None

Solution: (c)

Q.2009 In the Indian context the term De-notified tribes' refers to

- (a) tribes which are aboriginals
- (b) nomadic tribes

- (c) tribes practising shifting cultivation
- (d) tribes which were earlier classified as criminal tribes

Solution: (d)

Denotified Tribes (DNTs), also known as *vimukta jat*, are the tribes that were originally listed under the Criminal Tribes Act of 1871, as Criminal Tribes and “addicted to the systematic commission of non-bailable offences.” Once a tribe became “notified” as criminal, all its members were required to register with the local magistrate, failing which they would be charged with a crime under the Indian Penal Code. The Criminal Tribes Act of 1952 repealed the notification, i.e. ‘de-notified’ the tribal communities. This act, however, was replaced by a series of Habitual Offenders Acts that asked police to investigate a suspect’s criminal tendencies and whether his occupation is “conducive to settled way of life.” The denotified tribes were reclassified as habitual offenders in 1959.

The creation of these categories should be seen in the context of colonialism. The British authorities listed them separately by creating a category of castes or tribes labelled as criminal.

The name “Criminal Tribes” is itself a misnomer as no definition of tribe denotes occupation, but they were identified as tribes doing their primary occupation. The first Census was in 1871 and at that time there was neither consensus nor any definition of “tribe”. The terms “tribe” and “caste” were used interchangeably for these communities.

Q.2010 Tribal rights in India are granted and protected by

1. Fundamental Rights
2. Forest Rights Act
3. The Panchayats (Extension to the Scheduled Areas) Act (PESA)
4. Fifth and Sixth Schedule of the Constitution

Select the correct answer using the codes below.

- (a) 1, 3 and 4 only (b) 2 and 3 only
- (c) 1 and 4 only (d) 1, 2, 3 and 4

Solution: (d)

Justification: Statement 1: Article 14, 15, 16, 19, 25-30 protect tribal rights.

Statement 2: It allows tribals to use minor forest produce and safeguard forest resources.

Statement 3: The concerned rights have been covered in last few tests.

Statement 4: Autonomous regions have been covered in sixth schedule.

Fifth schedule has special provisions for tribal administration.

Q.2011 Tribal groups are at different stages of social, economic and educational development. Particularly Vulnerable Tribal Groups (PVTGs) being one of them. Which of the following is NOT a necessary characteristic of a PVTG?

- (a) Stagnant or declining population
- (b) Pre-agriculture level of technology
- (c) Absence of social hierarchies
- (d) Extremely low literacy

Solution: (c)

Learning: Tribal communities live, in various ecological and geo-climatic conditions ranging from plains and forests to hills and inaccessible areas.

While some tribal communities have adopted a mainstream way of life, at the other end of the spectrum, there are certain Scheduled Tribes, 75 in number known as Particularly Vulnerable Tribal Groups (PVTGs), who are characterised by:

- (a) pre-agriculture level of technology;
- (b) stagnant or declining population;
- (c) extremely low literacy
- (d) subsistence level of economy.

Q.2012 These are Particularly Vulnerable Tribal Groups (PTG) residing in the Andaman & Nicobar Islands (A&N). The government had launched a specific policy notification in 2015 for protection of these tribes. It can be which of the following?

- (a) Koyas (b) Malmis
- (c) Shom pens (d) Aminidivis

Solution: (c)

Learning: What makes the Shom pens distinct from the four other PVTGs of Andaman and Nicobar Islands—Jarawas, Great Andamanese, Onges and Sentinelese—is that they are the only tribe in the region with Mongoloid features. The other PVTGs have Negroid features.

Different groups of Shom pens have developed different levels of symbiotic relationship—particularly a barter system with the Great Nicobarese who are coastal dwellers and categorised as a Scheduled Tribe and others who have settled on the island.

- Pandanus (a tropical plant found in the islands), whose fruits resemble the woody pineapple, is the staple food of the Shompens.
- Marriage by capturing women from different groups and sub-groups is one of the customs of the Shompen society.

Q.2013 Consider the following matches of Particularly Vulnerable Tribal Groups (PTGS) with the State/UT they are found in.

1. Birhor: Bihar
2. Totos: Rajasthan
3. Shom pens and Jarawa: Andaman and Nicobar Islands

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) 1, 2 and 3

Solution: (b)

Justification: Statement 1: A forest-dwelling society of about 4,000 people in 2001, who live in central and eastern India in the states of Orissa, Chhattisgarh, West Bengal, and Jharkhand with the greatest concentration in the Ranchi, Hazaribagh, and Singhbhum districts of Jharkhand. Several recent reports have indicated that the population may have dropped to 4,000 people.

Statement 2: The Toto is a primitive and isolated tribal group residing only in a small enclave called Totopara in the Jalpaiguri of West Bengal, India. Totopara is located at the foot of the Himalayas just to the south of the borderline between Bhutan and West Bengal (on the western bank of Torsa river). Read more here:

<http://wbnorthbengaldev.gov.in/HtmlPage/toto.aspx>

Statement 3: The Shom pen live a nomadic life moving from one habitation to another in search of fruit and hunt that is till now found abundantly and sufficiently in the thick rain forests of the Great Nicobar Island. You can

read more here: <http://tribal.nic.in/Contents.aspx?mo=7&li=65>

(About Jarawas recently in news:

<http://pib.nic.in/newsite/PrintRelease.aspx?relid=142204>)

Q.2014 Consider the following matches of tribes with the state they are found in.

1. Baiga: TamilNadu
2. Bhot: Kerala
3. Chakma: Tripura

Select the correct answer using the codes below.

- (a) 1 and 3 only (b) 3 only
(c) 2 only (d) None of the above

Solution: (b)

Justification: Statement 1: They are found mainly in MP, UP, Chhattisgarh, Jharkhand. In a bid to undo historical injustice meted out to primitive tribal communities living in central India, the government of Madhya Pradesh has for the first time recognised the habitat rights of seven villages in Dindori district, mostly inhabited by the Baigas. In a meeting held in village Rajni Sarai in 2016, the district administration told the villagers they are free to access all their ancestral rights over land and forests.

Statement 2: are groups of ethno-linguistically related Tibetan people living in the Trans-Himalayan region of the SAARC countries. In India, they are found mainly in HP, Uttarakhand, Uttar Pradesh, West Bengal, Sikkim, Arunachal Pradesh and Tripura.

Statement 3: It is an ethnic group concentrated in the Chittagong Hill Tracts of Bangladesh. Today, the geographic distribution of Chakmas is spread across Bangladesh and parts of northeastern India in Tripura mainly.

Q.2015 Consider the following about Saharia tribes.

1. They are migratory tribes and originally belong to West Asia.
2. They can be found living in Central India.
3. They do not follow any religion and worship only natural forces.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 3 only (d) 2 only

Solution: (d)

Justification: Statements 1 and 2: Sahariya is an indigenous Mundas peaking tribe in the Madhya Pradesh province of India. The Saharias are mainly found in the districts of Morena, Sheopur, Bhind, Gwalior, Datia, Shivpuri, Vidisha and Guna districts of Madhya Pradesh and Baran district of Rajasthan. They are a Particularly Vulnerable Tribal Groups (PTGS).

Statement 3: Some sources indicate that they take part in Hindu Festivals, and worship Hindu Gods and Goddesses.

Q.2016 The Khonds ate fruits and roots collected from the forest and cooked food with the oil they extracted from the seeds of the Sal and Mahuwa. Consider the following statements.

1. The flowers of Mahuwa are used to prepare alcoholic drink in central parts of India
2. The dry leaves of sal are a major source for the production of leaf plates called as Patravali and leaf bowls in northern and eastern India

Which of the above statements is/are correct?

- (a) 1 Only (b) 2 Only
(c) Both (d) None

Solution: (c)

The *mahuwa* flower is edible and is a food item for tribals. They are used to make syrup for medicinal purposes.

They are also fermented to produce the alcoholic drink *mahuwa*, a country liquor. Tribals of Bastar in Chhattisgarh and Orissa, Santhals of Santhal Paraganas (Jharkhand), Koya tribals of North-East Andhra Pradesh and tribals of North Maharashtra consider the tree and the *mahuwa* drink as part of their cultural heritage. *Mahuwa* is an essential drink for tribal men and women during celebrations. The main ingredients used for making it are *chhowa gud* (granular molasses) and dried *mahuwa* flowers.

Mahuwa flowers are also used to manufacture jam, which is being made by tribal cooperatives in the Gadchiroli district of Maharashtra.

Sal is one of the most important sources of hardwood timber in India, with hard, coarse-grained wood that is light in colour when freshly cut, but becomes dark brown with exposure. The wood is resinous and durable,

and is sought-after for construction, although not well suited to planning and polishing. The wood is especially suitable for constructing frames for doors and windows. The dry leaves of sal are a major source for the production of leaf plates called as patravali and leaf bowls in northern and eastern India. The leaves are also used fresh to serve ready-made *paan* (betel nut preparations) and small snacks such as boiled black *grams*, *gol gappa*, etc. The used leaves/plates are readily eaten by goats and cattle that roam the streets freely. The tree has therefore protected northern India from a flood of Styrofoam and plastic plates that would have caused tremendous pollution. In South India, fresh plantain and banana leaves are used instead.

Sal tree resin, *ṛla* in Sanskrit, is used as an astringent in Ayurvedic medicine. It is also burned as incense in Hindu ceremonies, and sal seeds and fruit are a source of lamp oil and vegetable fat. The *Shorea Robusta* seed oil is extracted from the seeds and used as cooking oil after refining.

Q.2017 Consider the following statements about a tribal group.

1. They live mainly in Odisha,
2. Their native language is Kui, a Dravidian language.
3. They generally settle in higher altitudes due to their economic demands

To which tribal group do the above refer to?

- (a) Kols (b) Gaddis
(c) Badags (d) Khonds

Solution: (d)

Explanation: Kols are found in Madhya Pradesh. So, option (a) is wrong.

Gaddis are found in Himachal Pradesh. So, option (b) is also wrong. Badagas are found in Nilgiri, Tamil Nadu. So, the option (c) is also wrong.

Learning: One sub-group of Kondhas is the Dongria Kondhas. Some Dongria Khonds live in Niyamgiri Hill located in Kalahandi district of Orissa. Niyamgiri is the sacred mountain of this community. Recently SC had banned Vedanta mining project based on the community's resolutions against the project, under Articles 29-30 of the constitution.

Dongria Khonds have a subsistence economy based on foraging, hunting & gathering but they now primarily depend on a subsistence agriculture i.e. shifting cultivation or slash and burn cultivation or Podu.

The Dongria family is often nuclear, although extended families are found.

Q.2018 Which of the following tribes doesn't belong to Arunachal Pradesh?

1. Apatani
2. Mishmi
3. Wanchos
4. Bhil
5. Kokna

Choose the correct answer using the codes below

- (a) 4 and 5 Only (b) 3 and 4 Only
(c) 4 Only (d) 2, 4 and 5 Only

Solution: (a)

<http://arunachalpradesh.gov.in/aptribes.htm>
http://www.indianetzone.com/9/kokna_tribe.html

Q.2019 Consider the following about the Karbi tribe.

1. The Karbis are known for their matrilineal society.
2. These tribes largely follow Animism.
3. Some members of the tribe live in areas administered under the Sixth Schedule of the constitution.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (b)

Justification: Statement 1: The Karbis are the patrilineal society and is composed of five major clans which are further sub-divided into sub-clans.

Statement 2: Animism is the worldview that non-human entities—such as animals, plants, and inanimate objects—possess a spiritual essence

Statement 3: The Karbis are the principal tribal community in the Karbi Anglong district of Assam, a district administered as per the provisions of the Sixth Schedule of the Constitution of India, having an autonomous district of their own since 1951.

Q.2020 The biggest threat to these tribes had come from the Great Andaman Trunk Road passing through their forest homeland. Sometime back in 2013, the Supreme Court

had banned tourists from using this road.

These tribes are

- (a) Biyons (b) Mithoras
(c) Nigors (d) Jarawas

Solution: (d)

Justification: Among the mentioned options, only the Jarawas live in Andaman, thus the answer could have been easily eliminated.

India's Supreme Court finally banned tourists from traveling along the Andaman Nicobar Trunk Road, a controversial highway that was used for more a decade to conduct dehumanizing "human safaris" on the Andaman and Nicobar Islands Union Territory of India.

The Court also ordered the closure of two major tourist attractions on the island, both of which are located inside the buffer zone: the limestone caves and the mud volcano on Baratang Island.

Q.2021 Consider the following matches of recently included tribes, in the Scheduled Tribes list, with the state they are found in.

1. Darlong: Tripura
2. Kurivikkaran: Bihar
3. Dhanuhar: Chattisgarh

Which of the above is/are correct matches?

- (a) 1 and 3 only (b) 2 only
(c) 2 and 3 only (d) 1 and 2 only

Solution: (a)

Justification: It was simple to eliminate if you knew a tribe named "Kuruvikaran" should ideally belong to a Southern State. Bihar is an eastern State, so 2 can't be correct, which leaves the only answer as option (a).

It is not important to know the details about the individual tribes.

Learning: First list of Scheduled Tribes in relation to a State or Union Territory is to be issued by a notified Order of the President after having consultation with the State Government concerned. Any subsequent inclusion in or exclusion from the list of Scheduled Tribes can be effected through an Act of Parliament as envisaged under Clause (2) of Article 342.

Tribes of following states are recently included

- Assam: Boro, Boro Kachari, Bodo, Bodo Kachar Karbi (Mikir)
- Jharkhand: Bhogta, Deshwari, Ganjhu, Dautalbandi (Dwalbandi)

Patbandi, Raut, Maajhia, Khairi (Kheri) Puran

- Tamil Nadu: Malayali Gounderxi, Narikoravan, Kurivikkaran
- Chattisgarh: Bhuinya, Bhuiyan, Bhuyaniv) Dhanuhar / Dhanuwarv) Kisanvi) Saunra, Saonravii) Dhangad
- Tripura: Darlong
- Pondicherry: Irular (including Villi and Vettaikaran)

Q.2022 Consider the following matches of tribes with the state they are found predominantly in.

1. Reang: Uttarakhand
2. Dimasa: Assam
3. Konyak: Nagaland
4. Mishmi: Meghalaya

Select the correct matches using the codes below.

- (a) 1 and 2 only (b) 1, 3 and 4 only
(c) 3 only (d) 2 and 3 only

Solution: (d)

Justification: Statement 1: Reang are one of the 21 scheduled tribes of the Indian state of Tripura.

- The correct nomenclature for this ethnic group is actually Bru.
- The Bru can be found mainly in the North Tripura, Dhalai and the South Tripura districts of Tripura state in India.
- However, they may also be found in Mizoram, Assam, Manipur and Bangladesh. They speak the Reang dialect of Kokborok language which is of Tibeto-Burmese origin and is locally referred to as Kau Bru.

Statement 2: The Dimasa Kacharis: The Kacharis are the most widely spread tribe in northeast India. They are said to be the earliest inhabitants of the Brahmaputra Valley.

- The Kacharis belong to the Indo-Mongoloid (Kirata) group which include the Bodos and their allied tribes.
- They have prominent Mongoloid features with high cheek bones, slit eyes and a slight growth of hair in the body and scant beard.
- They call themselves Bodo or Bodo-fisa in the Brahmaputra valley and Dimasa or Dima-fisa or 'sons of the great river' in

the North Cachar Hills & Karbi- Anglong district.

Statement 3: The Konyak are a Naga people, and are recognised among other Naga by their tattoos, which they have all over their face and hands; facial tattoos were earned for taking an enemy's head. They are called the land of Angh. They have the largest population among the Nagas.

Statement 4: The Mishmi or Deng people of Tibet and Arunachal Pradesh are an ethnic group comprising mainly three tribes: Idu Mishmi (Idu Lhoba); Digaro tribe (Taraon, Darang Deng), and Miju Mishmi (Kaman Deng). The Mishmis occupy the northeastern tip of the central Arunachal Pradesh in Upper and Lower Dibang Valley, Lohit and Anjaw Districts/Medog County.

Women

Consider the following statements:

1. No Women had the right to vote in elections in India before Independence.
2. The first Woman suffrage movement in India dates back to the immediate aftermath of the Revolt of 1857.

Which of these is/are true?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution:(d)

Women suffrage movement dates back to the First World War days (not the 1857 revolt). The Women's Indian Association (WIA) was founded in 1917. It sought votes for women and the right to hold legislative office on the same basis as men. These positions were endorsed by the main political groupings, the Indian National Congress and the All-India Muslim League. British and Indian feminists combined in 1918 to publish a magazine *Stri Dharma* that featured international news from a feminist perspective. In 1919 in the Montagu-Chelmsford Reforms, the British set up provincial legislatures which had the power to grant women's suffrage. Madras in 1921 granted votes to wealthy and educated women, under the same terms that applied to men. The other provinces followed, but not the princely states (which did not have votes for men either).

Q.2023 Women related laws concerning which of the following exist in India?

1. Domestic violence
2. Sexual harassment at workplace
3. Maternity benefits

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution:(d)

The Prevention of Sexual harassment at Workplace Act, 2013 was recently enacted. Domestic violence act is in place since 2005.

Q.2024 The dignity of women is protected or secured by which of the following in the Indian constitution?

1. Fundamental Rights
 2. Fundamental Duties
 3. Directive Principles of State Policy
- Select the correct answer using the codes below

- (a) Only 2 (b) 1 and 2
(c) 1 and 3 (d) All of the above

Solution: (d) Article 51A says that it is the fundamental duty of every individual to renounce practices derogatory to the dignity of women. Also, the Fundamental rights and DPSP contain a number of provisions which promote a society where dignity of every individual is respected, including women. The word fraternity means the dignity of the individual (including women) and the unity and integrity of the nation as a whole.

The fundamental rights already ensure the dignity of the individual by not granting special privileges to any section of society by ensuring civic equality.

Q.2025 Gender divisions usually refer to:

- (a) Unequal child sex ratio
- (b) Unequal roles assigned by the society to men and women
- (c) Biological difference between men and women
- (d) Absence of voting rights for women in democracies

Solution: (b)

Gender divisions are based on gender roles. A gender role is a theoretical construct in the social sciences and humanities that

refers to a set of social and behavioural norms that, within a specific culture, are widely considered to be socially appropriate for individuals of a specific sex. Socially accepted gender roles differ widely between different cultures. Proponents of gender role theory assert that observed gender differences in behaviour and personality characteristics are, at least in part, socially constructed, and therefore, the product of socialization experiences; this contrasts with other models of gender that assert that gender differences are “essential” to biological sex. Gender differences exist in almost all societies. With differences in the norms adopted, this suggests that gender differences are, at least partly, influenced by culture.

Q.2026 Women in India enjoy reservation in which of the following constitutional/statutory/executive bodies?

1. National Commission for Women
2. National Commission for Protection of Child Rights
3. Child Welfare Committees
4. Zila panchayat

Choose the correct answer using the codes below:

- (a) All of the above (b) 1, 3 and 4
(c) 1 and 4 only (d) 2 and 3 only

Solution:(b)

National Commission for Women composition

- (a) A Chairperson, committed to the cause of women, to be nominated by the Central Government.
- (b) Five Members to be nominated by the Central Government from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade unionism, management of an industry potential of women, women’s voluntary organisations (including women activist), administration, economic development, health, education or social welfare; Provided that at least one Member each shall be from amongst persons belonging to the Scheduled Castes and Scheduled Tribes respectively;
- (c) A Member-Secretary to be nominated by the Central Government

National Commission for protection of Child rights does not have any reservation for women.

Child Welfare Committees

As per the provisions of the Juvenile Justice (Care and Protection of Children) Act 2000 (amended in 2006) State governments are required to establish a CWC or two in every district. Each CWC should consist of a chairperson and four members. The chairperson should be a person well versed in child welfare issues and at least one member of the board should be a woman. The CWC has the same powers as a metropolitan magistrate or a judicial magistrate of the first class. A child can be brought before the committee (or a member of the committee if necessary) by a police officer, any public servant, childline personnel, any social worker or public spirited citizen, or by the child himself/herself.

- Q.2027** Consider the following statements.
1. Rashtriya Mahila Kosh (RMK) provides loans to NGO-MFIs which on-lend to women Self Help Groups (SHGs).
 2. National Commission for Women (NCW) has all the powers of a civil court while hearing cases of harassment of women and ordering appropriate punishments.
- Which of the above is/are correct?
- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: Statement 1: Established in 1993 is a national level organization as an autonomous body under the aegis of the Ministry of Women and Child Development, the operating model currently followed by RMK is that of a facilitating agency.

RMK extends micro-credit to the women in the informal sector through a client friendly, without collateral and in a hassle-free manner for income generation activities.

Statement 2: It is an advisory body, not a court. It can attend to grievances but only recommend action, and not order punishments.

It can review the Constitutional and Legal safeguards for women; recommend remedial legislative measures; facilitate redressal of

grievances and advise the Government on all policy matters affecting women.

- Q.2028** The Self-Employed Women's Association of India (SEWA) is a/an
- (a) Body formed by the Government of India for the welfare of unorganized women workers
 - (b) Sub-agency of the United Nations Population Fund (UNPF)
 - (c) Trade Union for poor and self-employed women workers in India.
 - (d) Self-help group registered as a society that provides lending and borrowing services to any women in India

Solution: (c)

Learning: It was founded in 1972 by the noted Gandhian and civil rights leader Dr Ela Bhatt. SEWA's main goals are to organise women workers for full employment. Full employment means employment whereby workers obtain work security, income security, food security and social security (at least health care, child care and shelter). SEWA organises women to ensure that every family obtains full employment. It follows the principles of satya (truth), ahimsa (non-violence), sarvadharm (integrating all faiths, all people) and khadi (propagation of local employment and self-reliance).

- Q.2029** One of SEWA's (voluntary organization) main goals is to
- (a) Organise women workers for full employment
 - (b) Ensure the fulfilment of reproductive rights of children and mothers
 - (c) Reduce cases of domestic violence against women
 - (d) Providing accessible and affordable credit to rural Self-Help Groups

Solution: (a)

Learning: SEWA is a trade union registered in 1972. It is an organisation of poor, self-employed women workers.

- These are women who earn a living through their own labour or small businesses. They do not obtain regular salaried employment with welfare benefits like workers in the organised sector.
- Of the female labour force in India, more than 94% are in the unorganised sector.

However their work is not counted and hence remains invisible. In fact, women workers themselves remain uncoun- ted, undercounted and invisible.

- SEWA's main goals are to organise women workers for full employment. Full employment means employment whereby workers obtain work security, income security, food security and social security (at least health care, child care and shelter).
- Gandhian thinking is the guiding force for SEWA's poor, self-employed members in organising for social change: satya (truth), ahimsa (non-violence), sarvadharm (integrating all faiths, all people) and khadi (propagation of local employment and self-reliance).

Q.2030 Consider the following statements about Self-Help Groups (SHGs).

1. There is no strict need for a formal registration of a SHG.
2. This system eliminates the need for collateral and is closely related to that of solidarity lending, widely used by micro finance institutions.
3. Forming self-help group is a fundamental right just as forming a cooperative is.

Choose the correct answer using the coded below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (a)

Forming a SHG is not a fundamental right, forming a cooperative is.

(Refer to [http://en.wikipedia.org/wiki/Self-help_group_\(finance\)](http://en.wikipedia.org/wiki/Self-help_group_(finance)))

Q.2031 Consider the following statements.

Assertion (A): States cannot reserve by legislation more than 33% seats for women in local bodies established under the 73rd and 74th constitutional amendment.

Reason (R): The 73rd and 74th constitutional amendment put an upper ceiling of 33% on women reservations in local bodies.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.

(b) A is correct, but R is not an appropriate explanation of A.

(c) A is correct, but R is incorrect.

(d) Both A and R are incorrect.

Solution: (d)

Justification: Recent trends in India towards women reservation (also other than the ambit of the question):

- 33% in PRIs mandated by constitution at least however in some states it has been extended to 50% - e.g. Bihar, Uttarakhand, Odisha, MP. So, both A and R are wrong.
- 33% reservation bill for women in legislatures was introduced in Lok Sabha in 2008
- Gujarat government recently introduced 33% reservation for women in the police force. Bihar followed with 50% reservation for women in government jobs.
- Companies Act 2013: Woman member in the board of directors
- The Government of India planning to introduce 50% compulsory women reservation in local bodies.

Q.2032 Supreme Court has recently given a ruling over the growing cases of acid attacks on women. Consider the following with reference to it.

1. State will be responsible to provide compensation to the victim.
2. Victim will be provided free reconstruction surgery.
3. Criminal action can be taken on the hospitals that discriminate with such victims.
4. State will provide special privileges for the livelihood of the victim.

Which of the above is NOT correct?

- (a) 1 and 3 only (b) 3 only
(c) 4 only (d) 2 and 4 only

Solution: (c)

Differently abled persons

Q.2033 Consider the following about the provisions for the differently abled persons in India.

1. The constitution places a duty on the state to provide a lawyer to any citizen who is unable to engage on due to disability.
2. No disabled person can be compelled to pay any taxes for the promotion and maintenance of any particular religion.

3. Legally, physical disability disentitles a person from inheriting ancestral property.
4. Tax laws provide for tax liability deduction in respect of the expenditure incurred on the medical treatment of handicapped dependants.

Select the correct answer using the codes below.

- (a) 2 and 3 only (b) 1, 2 and 4 only
(c) 3 and 4 only (d) 1, 2, 3 and 4

Solution: (b)

Justification: Statement 1: Article 22 of the constitution says that the right to be defended is a fundamental right. Article 39A (DPSP) places the duty on the state as mentioned in statement 1.

Statement 2: This is a fundamental tenet of secularism which is applicable to all without discrimination.

Statement 3: Under the Hindu Succession Act, 1956 which applies to Hindus it has been specifically provided that physical disability or physical deformity would not disentitle a person from inheriting ancestral property.

Statement 4: Section 80 DD of IT Act provides for a deduction in respect of the expenditure incurred by an individual or Hindu Undivided Family resident in India on the medical treatment (including nursing) training and rehabilitation etc. of handicapped dependants.

Q.2034 Swavlamban and Sugamya Bharat Abhiyaan are specifically aimed at the development and welfare of

- (a) Manual Scavengers
- (b) Slum dwellers
- (c) Differently abled People
- (d) Widow senior citizens

Solution: (c)

Learning: Swavlamban, a National Action Plan for Skill Training of Persons with Disabilities was launched last year.

The Department of Empowerment of Persons with Disabilities in collaboration with NSDC, proposes to set an ambitious target of skilling 5 lakh persons with disability in next 3 years. The Action plan is aimed at skilling 25 lakh persons with disabilities by end 2022.

DEPeD, Ministry of Social Justice and Empowerment, has formulated the Accessible

India Campaign (Sugamya Bharat Abhiyan), as a nation-wide campaign for achieving universal accessibility for PwDs.

The campaign targets three separate verticals for achieving universal accessibility namely the built up environment, transportation eco-system and information & communication eco-system.

Q.2035 Consider the following about the Rights of Persons with Disabilities Act, 2016.

1. It has increased the quota of reservation for the disabled in government jobs.
2. It gives the right to free education for every child of certain age group with benchmark disability.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: It comprehensively covers a whole spectrum of problems from physical disabilities to mental illness and multiple disabilities under it.

- It raises number of disabilities from 7 to 21.
- It also raises reservation in government jobs for persons with benchmark disabilities from present 3% to 4% and in higher education from 3% to 5% per cent.
- It includes mental illness, autism, and many such others as well under the definition of disability.
- The Act aims to bring Indian laws in line with the United Nations Convention on Rights of Persons with Disabilities, to which India became a signatory in 2007.
- Once it comes into effect, every child with benchmark disability between the age group of 6 and 18 years will have the right to free education.

International Issues

Q.2036 There is no world government. However, some international organizations do lay down certain norms; perform certain functions and put restrictions on the conduct of several sovereign governments. Which of these would qualify in the abovementioned category?

1. International Monetary Fund
2. United Nations Security Council
3. International Union for the Conservation of Nature (IUCN)

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (a)

Who makes laws and rules to govern the seas that do not fall within the boundaries of any one country? Or who takes steps to control environmental degradation that threatens all the countries together. The United Nations (UN) has evolved many Conventions on these questions that are now binding on most countries of the world. The UN is a global association of nations of the world to help cooperation in international law, security, economic development and social equity. The UN Secretary General is its chief administrative officer.

What happens when a country attacks another country in an unjust manner? The UN Security Council, an organ of the UN, is responsible for maintaining peace and security among countries. It can put together an international army and take action against the wrongdoer.

Who lends money to governments when they need it? The International Monetary Fund (IMF) does so. The World Bank also gives loans to the governments. Before lending they ask the concerned government to show all its accounts and direct it to make changes in its economic policy.

The International Union for the Conservation of Nature (IUCN) is only an agreement between the nations. It does not perform any such functions except record keeping and sending periodic warnings and advisories.

- Q.2037** International organizations and cooperation is helpful because some challenges transcend national boundaries. For which of these challenges, International cooperation is a must?
1. Preventing Cyber Crimes
 2. Tackling Population explosion
 3. Tackling Climate Change
 4. Tackling epidemics

Choose the correct answer using the codes below:

- (a) 2 and 4 only (b) 1 and 3 only
(c) 1, 3 and 4 only (d) All of the above

Solution: (c)

Nations can usually see that there are some things they must do together. There are issues that are so challenging that they can only be dealt with when everyone works together. Disease is an example. Some diseases can only be eradicated if everyone in the world cooperates in inoculating or vaccinating their populations. Or take global warming and its effects. As atmospheric temperatures rise because of the spread of certain chemicals called chlorofluorocarbons (CFCs), there is a danger that sea levels will also rise, thereby submerging many coastal areas of the world including huge cities. Of course, each country can try to find its own solution to the effects of global warming. But in the end a more effective approach is to stop the warming itself. This requires at least all of the major industrial powers to cooperate.

- Q.2038** Which among the following statements is NOT correct about the contemporary world order?

1. There is an absence of world government, which could regulate a State's behaviour.
2. States, which violate international law, are severely punished by the UN.
3. The UNSC operates on democratic principles of equity and fairness.

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 only (d) All of the above

Solution: (b)

UN is not the world government. It is only an international organization with hardly any formal authority.

UNSC has 5 permanent members that yield veto power. So it does not work on the principle of equity.

States cannot be punished severely. Occasional sanctions may be put that too only when there is a gross case of unauthorized military intervention; genocide etc. There are other bodies like WTO which may take action against its members in case of violation of WTO rules

- Q.2039** In bilateral agreements Confidence Building measures (CBMs) mean that two countries
- (a) have agreed for a total cease fire across the international borders
 - (b) have agreed to improve the relations between the armed personnel of both countries across the borders
 - (c) have agreed to exchange information on defence matters between them on a regular basis
 - (d) have agreed to halt down military modernization drives across the border

Solution: (c)

In a slew of measures, India and China have agreed for some CBMs across the borders. It includes sharing information on the location of troops; military modernization drives; information exchange in case of violation of ceasefire; strengthening the communication between the major generals of both the armies etc.

- Q.2040** What does the term ‘strategic partnership’ mean?

- (a) Strategic partnership between two nations is equivalent of joining an alliance and becoming allies in international affairs.
- (b) It is a long-term interaction/commitment between two countries based on political, economic, social and historical factors.
- (c) Strategic partners are obstructed with least restrictions in the economic sphere like tariffs, investments and duties.
- (d) It is a long term mutual agreement between two nations to support each other militarily in the outbreak of a war or aggression.

Solution: (b)

A strategic partnership is a long-term interaction between two countries based on political, economic, social and historical factors. Such a partnership manifests itself in a variety of relationships. India has signed “strategic partnerships” with more than 30 countries. You can read this beautiful article for a better understanding.

- Q.2041** The ‘nine-dash’ line is often heard in news with reference to the
- (a) Border skirmishes between India and Pakistan
 - (b) Israel-Palestine conflict and settlement

- (c) Recognition of high lands near ecological hotspots
- (d) South China Sea dispute

Solution: (d)

Learning: It was used by China for its claims of the major part of the South China Sea.

- The ‘nine-dash line’ (see image below) stretches hundreds of kilometres south and east of its southerly Hainan Island, covering the strategic Paracel and Spratly island chains.
- China claims this citing 2,000 years of history when the two island chains were regarded as its integral parts.
- The Permanent Court of Arbitration (PCA) has ruled that China’s claims of historical rights over South China Sea (SCS) have no legal basis.
- China has boycotted the hearings at the Permanent Court of Arbitration, saying it does not have jurisdiction to decide on the matter.

- Q.2042** Which of these Non-governmental organizations does NOT primarily work towards safeguarding human rights?

- (a) Amnesty International
- (b) International Committee of the Red Cross
- (c) UN Watch
- (d) ENGO

Solution: (d)

Justification: Option B: It directs and coordinates international relief and works to promote and strengthen humanitarian law and universal humanitarian principles.

Option C: N Watch is a non-governmental organization based in Geneva whose mandate is to monitor the performance of the United Nations by the yardstick of its own Charter.

Option D: The Environmental Non-Governmental Organization (ENGO) is a generic term for NGO in the field of environmentalism. Examples of ENGOs include the WWF, Greenpeace, Conservation International, The Nature Conservancy and the Environmental Investigation Agency is an environmental organization.

- Q.2043** Which of the following developments could be causal factors behind World War-I?

1. Pan-Slav movement
2. Race for colonies amongst European empires

3. Truman Doctrine Select the correct answer using the codes below

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (a)

Justification: Truman doctrine is the USA cold war policy of communism containment. It is not related to the World War I. So, 3 is incorrect.

Race for colonies and European domination took the following forms competition to control declining Ottoman Empire e.g. Secret pacts like Sykes Picot Agreement 1916 entered b/w Britain and Russia for dividing Ottoman Empire etc. So, the point 2 is correct.

Pan-Slavism movement: All Slavic countries wanted to Unite, like unification of Germany, Italy, but Austria resisted it. It was a major factor behind WW-I. So, the option 1 is correct.

Q.2044 Strict interpretation of which of these ideologies forms the core value of the Islamic radical and terrorist groups working in the Middle-East?

- (a) Sufism (b) Fascism
(c) Wahabism (d) Libertarianism

Solution: (c)

Learning: It is an austere form of Islam that insists on a literal interpretation of the Koran. Strict Wahhabis believe that all those who don't practice their form of Islam are heathens and enemies.

- For over 2 centuries, Wahhabism has been Saudi Arabia's dominant faith.
- The religious curriculum in Saudi Arabia teaches you that people are basically two sides: Salafis (Wahhabis), who are the winners as the chosen ones, who will go to heaven, and the rest.
- Wahhabism's explosive growth began in the 1970s from Saudi.
- A Huffington post says that, "you Can't Understand ISIS If You Don't Know the History of Wahhabism in Saudi Arabia."

Q.2045 The term North-South divide in the context of International affairs is related to

- (a) A socio-economic and political divide between the Developed and Developing World

(b) Differentiating between the Aggressor states and invaded states

(c) Former colonial occupations of Western powers in the Southern Hemisphere

(d) Diplomatic groupings formed within the Asian nations

Solution: (a)

Learning: The North mostly covers the West and the First World, along with much of the Second World, while the South largely corresponds with the Third World.

- While the North may be defined as the richer, more developed region and the South as the poorer, less developed region, many more factors differentiate between the two global areas. 95% of the North has enough food and shelter.
- Similarly, 95% of the North has a functioning educational system. In the South, on the other hand, only 5% of the population has enough food and shelter.
- It "lacks appropriate technology, it has no political stability, the economies are disarticulated, and their foreign exchange earnings depend on primary product exports".
- As nations become economically developed, they may become part of the "North", regardless of geographical location, while any otheremic republic. nations which do not qualify for "developed" status are in effect deemed to be part of the "South".

Q.2046 Consider the following list of persecuted communities and match them with their respective regions.

1. Falun Gong: China
2. Gafatar: Indonesia
3. Mandaean: Thailand

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 only (d) 1, 2 and 3

Solution: (a)

Justification: Statement 1: The persecution of Falun Gong refers to the campaign initiated in 1999 by the Chinese Communist Party to eliminate the spiritual practice of Falun Gong in China.

It is estimated that 65,000 Falun Gong practitioners were killed for their organs from 2000 to 2008.

Statement 2: Human Rights Watch remains concerned that the Indonesian government is persecuting members on the basis that Gafatar is a religious organization and is violating their basic rights to freedom of expression, association, and religion.

Statement 3: Owing to the rise of Arab nationalism, Mandaeans (in Iraq, Iran, Syria, Jordan) were Arabised at an accelerated rate.

Moreover, it is estimated that around 90% of Iraqi Mandaeans were either killed or have fled after the American-led invasion in Iraq.

Q.2047 In which of the following ways an International Institution will tend to limit the sovereignty of a State

1. When the institution imposes conditionality on loans availed by the state
2. When the state accedes to a binding treaty or convention of the institution

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: The IMF loan to India in 1991 is a classic case of this statement.

IMF imposed several conditions on India such as devaluing rupee, opening up the economy etc which limited India's sovereign space.

Statement 2: For e.g. many developed nations acceded to the Kyoto protocol and decided to implement GHG reductions, which limited the authority of governments to design industrial programs that generate GHGs.

Q.2048 As per the terms arrived at in the Iran Nuclear Deal

1. Iran will not enrich any Uranium.
2. Iran will be subject to oversight from US Nuclear authorities.
3. All previous nuclear installations will be shutdown in a period of time.
4. Iran will not be able to share nuclear technology with any nation.

Choose the correct answer using the codes below.

- (a) 1 and 4 only (b) 1 and 3 only
(c) 2 and 3 only (d) None of the above

Solution: (d)

- The deal puts strict limits on Iran's nuclear activities for at least a decade and calls for stringent U.N. oversight, with world powers hoping this will make any dash to make an atomic bomb virtually impossible.
- In return, Iran will get sanctions relief although the measures can "snap back" into place if there are any violations.
- The international arms embargo against Iran will remain for 5 years but deliveries would be possible with special permission of the U.N. Security Council. Iran has accepted allowing the U.N. atomic watchdog tightly-controlled "managed access" to military bases.
- Iran will slash by around two-thirds the number of centrifuges from around 19,000 to 6,104.
- The deal caps uranium enrichment at 3.67% and limits the stockpile to 300 kg, all for 15 years.
- Iran will be required to ship spent fuel out of the country forever, as well as allow inspectors from the IAEA inspectors certain access in perpetuity. Heightened inspections, including tracking uranium mining and monitoring the production and storage of centrifuges, will last for up to 20 years.

Q.2049 The "collective self-defence" doctrine presently being pushed by the Japanese government means

- (a) Japan is not in favour of independent armies for all nations
(b) Japan may wish to send troops abroad to rescue allies under attack
(c) Japan will intervene constructively in all international negotiations that have significant geo-strategic implications
(d) Japan will make military conscription compulsory for its citizens in larger national interest

Solution: (b)

The security legislation proposed by Japanese Prime Minister Shinzo Abe's administration moved a step closer to becoming law when Parliament's lower house approved it. The bills, which seek to rewrite the country's post-War pacifist security policy, are now before the upper house. Over a period of 7 decades, Japan's security policy, shaped under a war-renouncing Constitution following the misadventures of the imperial regime, has been focussed on self-defence. But the present bills seek to replace the self-defence doctrine with "collective self-defence", that would allow Japan to send troops abroad to rescue allies under attack. This big shift in approach makes the legislation controversial and unpopular. For reasons refer this article:

International Declarations

Q.2050 The Cartagena Declaration, 1984, is related to the

- (a) Protection of refugees
- (b) Educational rights for minorities
- (c) Livelihood for migrant workers
- (d) Crèche facilities for working women

Solution: (a)

Learning: The Cartagena Declaration on Refugees was adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama in 1984.

The declaration is a non-binding agreement but has been incorporated in refugee law in various countries. Its principles are based on the 1951 UN Refugee Convention and the 1967 Protocol.

The Declaration reaffirms the importance of the right to asylum, the principle of non-refoulement and the importance of finding durable solutions.

Q.2051 The New York Declaration for Refugees and Migrants include commitments to

1. Ensure that all refugee and migrant children are receiving education within a few months of arrival
2. Put sanctions against countries hosting large numbers of refugees and migrants.

3. Strengthen the global governance of migration by bringing the International Organization for Migration into the UN system.

4. Expand the opportunities for refugees to relocate to other countries

Select the correct answer using the codes below.

- (a) 1, 2 and 3 only (b) 1, 3 and 4 only
(c) 2 and 4 only (d) 1, 2, 3 and 4

Solution: (b)

Justification: The declaration expresses the political will of world leaders to save lives, protect rights and share responsibility on a global scale.

It, inter alia, includes (apart from statements 1, 3 and 4 above):

- Protect the human rights of all refugees and migrants, regardless of status.
- Prevent and respond to sexual and gender-based violence.
- Support those countries rescuing, receiving and hosting large numbers of refugees and migrants.
- Work towards ending the practice of detaining children for the purposes of determining their migration status.
- Strongly condemn xenophobia against refugees and migrants and support a global campaign to counter it.
- Find new homes for all refugees identified by UNHCR as needing resettlement

Q.2052 The "1961 Vienna convention" that was seen in news sometime back deals with

- (a) Reduction of persistent organic pollutants (POPs)
- (b) Protocol to handle refugees
- (c) Diplomatic Immunity
- (d) Nuclear Stockpile

Solution: (c)

Learning: The Vienna Convention and the Convention on Consular Relations, 1963 have been ratified by 187 countries, including India. This means it is a law under the Indian legal framework and cannot be violated.

Article 31 of the 1961 Vienna Conventions says diplomats "shall enjoy immunity from the criminal jurisdiction of the receiving state and also from its civil and administrative jurisdiction.

The Convention was meant to enable diplomats to carry out their duties without obstruction in the Cold War environment.

However, as per legal scholars, the number of abuses affecting fundamental rights of citizens is very small; and thus its occasional abuse is largely offset by the international need of the convention.

Using its provisions to save diplomats facing charges of heinous crimes such as enslavement and rape cannot be justified ethically. Provisions on criminal liability of diplomats should be given thought to.

Q.2053 What was the purpose behind the Vienna Convention 1961?

1. To enable nations to keep embassies in all nations without obstruction
2. To enable diplomats to carry out their duties without obstruction in the Cold War environment

Which of the above is/are true?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Explanation: Even if both nations are signatory of the Vienna conventions, the host nation can deny keeping and maintaining of embassy to a foreign nation. Thus, statement 1 is wrong.

Learning: The Vienna Convention classifies diplomats according to their posting in the embassy, consular or international organisations such as the UN. A nation has only one embassy per foreign country, usually in the capital, but may have multiple consulate offices, generally in locations where many of its citizens live or visit. Diplomats posted in an embassy get immunity, along with his or her family members. While diplomats posted in consulates too get immunity, they can be prosecuted in case of serious crimes, that is, when a warrant is issued. Besides, their families don't share that immunity.

Q.2054 The Beijing protocol concerns

- (a) Hijacking of planes
(b) International Aviation operational safety standards
(c) Safety standards on International airports

(d) International cooperation for better operation of international flights

Solution: (a)

Beijing Protocol: This Protocol has brought out new principal offences in hijacking. This protocol is combined with ancillary offences, enlarged the scope of "hijacking", expanded jurisdiction and strengthened extradition and mutual assistance regimes in case hijacking.

The government has recently given nod to for introduction of the comprehensive Anti-Hijacking Bill, 2014 in the Parliament. The Cabinet has also given its approval to ratify Beijing Protocol, 2010 of the UN body International Civil Aviation Organisation (ICAO) to which India is a signatory.

Q.2055 India has acceded to the Customs Convention on International Transport of Goods under cover of TIR Carnets (TIR Convention) and necessary procedures for ratification. What benefits will India derive from this ratification?

1. It will eliminate the custom duties Indian goods need to pay to members of the convention.
2. It will obviate the need for inspection of goods at intermediate borders due to reciprocal recognition of Customs controls.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution:(b)

Justification: It is an international transit system under the auspices of the United Nations Economic Commission for Europe (UNECE).

- It facilitates the seamless movement of goods within and amongst the Parties to the Convention.
- At present there are 70 parties to the Convention, including 69 states and the European Union.
- It covers customs transit by road and other modes of transport (e.g., rail, inland waterway, maritime transport), as long as at least one part of the total transport is made by road.
- It also serves as a Customs declaration, and hence it precludes the need to file

- multiple declarations satisfying national laws of the different transiting countries.
- By joining the convention, Indian traders will get access to fast, easy, reliable and hassle free international system for movement of goods by road or multi-modal means across the territories of other contracting parties.
 - It will avoid clearances at Border Crossing Points and ports that may often be congested, as under the convention customs clearance can take place at internal Customs locations.

Cold War

Q.2056 Which of the following are cited as possible reasons for the Cuban Missile Crisis, 1962?

1. Spread of capitalism in Cuba
 2. Impending USA led invasion of Cuba
 3. Installation of nuclear missiles in Cuba
- Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (b)

In 1961, the leaders of the Union of Soviet Socialist Republics (USSR) were worried that the United States of America (USA) would invade communist-ruled Cuba and overthrow Fidel Castro, the president of the small island nation off the coast of the United States. Cuba was an ally of the Soviet Union and received both diplomatic and financial aid from it. Nikita Khrushchev, the leader of the Soviet Union, decided to convert Cuba into a Russian base.

In 1962, he placed nuclear missiles in Cuba. The installation of these weapons put the US, for the first time, under fire from close range and nearly doubled the number of bases or cities in the American mainland which could be threatened by the USSR.

Three weeks after the Soviet Union had placed the nuclear weapons in Cuba, the Americans became aware of it.

The US President, John F. Kennedy, and his advisers were reluctant to do anything that might lead to full-scale nuclear war between

the two countries, but they were determined to get Khrushchev to remove the missiles and nuclear weapons from Cuba. Kennedy ordered American warships to intercept any Soviet ships heading to Cuba as a way of warning the USSR of his seriousness. A clash seemed imminent in what came to be known as the Cuban Missile Crisis.

Q.2057 Which of the following factors did NOT contribute/propel the Vietnam War?

- (a) Anti-communist agenda
- (b) Fight against colonialism
- (c) North Korean acquisition of Vietnam
- (d) Coup in Vietnam government

Solution: (c)

Justification: It started as a fight against French colonial capture. So, (b) is a factor. Japan has acquired some territories of Indo-China by force, not North Korea. In fact, the latter was a supporter of communist forces in Vietnam. So, (c) is incorrect. USA's cold war policy of containment of communism was a major factor in fuelling the Vietnam War. So, (a) is a factor. Ousting and assassination of Ngô Đình Diệm also insured political instability in Vietnam, destabilized the region and fuelled the war further. So, (d) was a factor

Q.2058 Which of the following could have been the possible effects and consequences of the Cold war between USA and USSR?

1. Attempts by both superpowers to promote their respective political and economic ideologies
2. Nuclear arms proliferation in the world
3. Formation of military alliances across the globe

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution:(d)

The Cold War was not simply a matter of power rivalries, of military alliances, and of the balance of power.

These were accompanied by a real ideological conflict as well, a difference over the best and the most appropriate way of organising political, economic, and social life all over the world.

The western alliance, headed by the US, represented the ideology of liberal democracy and capitalism while the eastern alliance, headed by the Soviet Union, was committed to the ideology of socialism and communism.

The two superpowers and the countries in the rival blocs led by the superpowers were expected to behave as rational and responsible actors. They were to be rational and responsible in the sense that they understood the risks in fighting wars that might involve the two superpowers. When two superpowers and the blocs led by them are in a deterrence relationship, fighting wars will be massively destructive.

Q.2059 What were the possible advantages that accrued to the smaller states that became part of the power blocs formed by USA and USSR during the Cold war?

1. Economic aid from superpowers
2. Military support
3. Greater voting rights in International bodies

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (a)

The two superpowers were keen on expanding their spheres of influence in different parts of the world. In a world sharply divided between the two alliance systems, a state was supposed to remain tied to its protective superpower to limit the influence of the other superpower and its allies.

The smaller states in the alliances used the link to the superpowers for their own purposes. They got the promise of protection, weapons, and economic aid against their local rivals, mostly regional neighbours with whom they had rivalries. The alliance systems led by the two superpowers, therefore, threatened to divide the entire world into two camps. This division happened first in Europe.

Most countries of western Europe sided with the US and those of eastern Europe joined the Soviet camp. That is why these were also called the “western” and the “eastern” alliances.

Q.2060 In the power blocs formed by the superpowers, why were the smaller states important to the superpowers?

1. For getting mineral resources
2. For getting locations to spy on the other superpower
3. For military bases
4. Ideological spread

Choose the correct answer using the codes below:

- (a) 1 and 4 (b) 2 and 3
(c) 1, 3 and 4 (d) All of the above

Solution: (d)

Why the superpowers needed any allies at all? After all, with their nuclear weapons and regular armies, they were so powerful that the combined power of most of the smaller states in Asia and Africa, and even in Europe, was no match to that of the superpowers. Yet, the smaller states were helpful for the superpowers in gaining access to

- (i) vital resources, such as oil and minerals,
- (ii) territory, from where the superpowers could launch their weapons and troops,
- (iii) locations from where they could spy on each other, and
- (iv) economic support, in that many small allies together could help pay for military expenses.

They were also important for ideological reasons. The loyalty of allies suggested that the superpowers were winning the war of ideas as well.

Q.2061 Which of the following significant events/actions were associated with the Cold war in that period?

1. Truman Doctrine
2. Berlin Blockade
3. American intervention in Vietnam
4. Soviet intervention in Hungary

Choose the correct answer using the codes below:

- (a) 1 and 4 (b) 2 and 3
(c) 1, 3 and 4 (d) All of the above

Solution: (d)

Q.2062 Consider the following statements.

1. The cold war international order was unipolar in nature with United States (US) as the sole superpower.

2. The US approach to the cold war was originally set out in the Truman Doctrine which advocated disarmament and demilitarization.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification: Statement 1: The world order was bi-polar with erstwhile soviet union and USA. The cold war was a rivalry between them for domination.

Statement 2: Before the US began its expansionist policies during the cold war, its international policy was isolationist.

It meant that the US would not intervene in the internal affairs of a country normally unless USA is threatened or destabilised. However, with Soviet adventurism, Truman pledged to:

- Support Free people who are resisting subjugation by armed minorities or by outside pressures
- Commitment to a policy of containing communism not just in Europe but throughout the world.

Q.2063 The term Third World, as known in history, refers to

- (a) Disease stricken regions in tropical countries
(b) Underworld organizations operating in the Middle East
(c) Colonies of European nations in Africa
(d) Countries that were not aligned with either USA or Soviet Union

Solution: (d)

Learning: The term has been subject to evolutionary interpretations.

Third World countries were labelled during the Cold War to reference those nations that were not aligned with either the United States or the Soviet Union.

Later, once cold war ended, it came to include many countries with colonial pasts in Africa, Latin America, Oceania and Asia which were poor and underdeveloped. It became a stereotype to refer to poor countries as “third world countries”.

However, recently the “Third World” term is also often taken to include newly

industrialized countries like Brazil, India and China now more commonly referred to as part of BRIC.

Q.2064 In context of World History, what was referred to as “Iron Curtain”?

- (a) Economic growth of iron ore rich and iron ore poor nations
(b) Development divide between colonized and colonizer nations
(c) Contrast in the progress of Industrial revolution in the East and West
(d) Boundary that divided communist and capitalist states in Europe

Solution: (d)

Learning: The term Iron Curtain refers to the boundary that divided Europe in the west and the Soviet Union and its Communist one-party states in the east.

The division began at the end of World War Two in 1945 and lasted until the fall of the USSR in 1989.

It was a political, military, and ideological barrier erected by the Soviet Union; a fall out of the cold war.

Q.2065 During the Cold War, the idea of a New International Economic Order (NIEO) as proposed by the UNCTAD was

1. Giving the least developed countries (LDCs) greater access to their own natural resources.
2. Greater western market access for LDCs
3. Providing the LDCs with a greater role in the International institutions

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 3 only (d) All of the above

Solution: (d)

Economic development was also vital for the independence of the new countries. Without sustained development, a country could not be truly free. It would remain dependent on the richer countries including the colonial powers from which political freedom had been achieved. The idea of a New International Economic Order (NIEO) originated with this realisation. The United Nations Conference on Trade and Development (UNCTAD) brought out a report in 1972 entitled Towards a New Trade Policy for Development.

The report proposed a reform of the global trading system so as to:

- (i) give the LDCs control over their natural resources exploited by the developed Western countries,
- (ii) obtain access to Western markets so that the LDCs could sell their products and, therefore, make trade more beneficial for the poorer countries,
- (iii) reduce the cost of technology from the Western countries, and
- (iv) provide the LDCs with a greater role in international economic institutions. Gradually, the nature of nonalignment changed to give greater importance to economic issues.

Q.2066 Several arms control treaties were signed during the Cold War. Which of these were from amongst those?

1. Limited Test Ban treaty
2. Nuclear Non-Proliferation treaty
3. Strategic Arms Reduction Treaty

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

LIMITED TEST BAN TREATY (LTBT) banned nuclear weapon tests in the atmosphere, in outer space and under water. Signed by the US, UK and USSR in Moscow on 5 August 1963. Entered into force on 10 October 1963.

NUCLEAR NON-PROLIFERATION TREATY (NPT) allows only the nuclear weapon states to have nuclear weapons and stops others from acquiring them. For the purposes of the NPT, a nuclear weapon state is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967. So there are five nuclear weapon states: US, USSR (later Russia), Britain, France and China. Signed in Washington, London, and Moscow on 1 July 1968. Entered into force on 5 March 1970. Extended indefinitely in 1995.

STRATEGIC ARMS REDUCTION TREATY I (START-I) treaty signed by the

USSR President Mikhail Gorbachev and the US President George Bush (Senior) on the reduction and limitation of strategic offensive arms in Moscow on 31 July 1991.

STRATEGIC ARMS REDUCTION TREATY II (START-II) treaty signed by the Russian President Boris Yeltsin and the US President George Bush (Senior) on the reduction and limitation of strategic offensive arms in Moscow on 3 January 1993.

Q.2067 The USA has had a hegemonic position in the international sphere since the end of Cold War especially by exercising its military influence. However, its hegemonic power is subject to some constraints. These may be

1. American Mass Media and Civil Society
2. The moderating influence of NATO
3. Permanent members of the UNSC

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 3 only (d) All of the above

Solution: (d)

The first constraint is the institutional architecture of the American state itself. A system of division of powers between the three branches of government places significant brakes upon the unrestrained and immoderate exercise of America's military power by the executive branch.

The second constraint on American power is also domestic in nature, and stems from the open nature of American society.

Although the American mass media may from time to time impose or promote a particular perspective on domestic public opinion in the US, there is nevertheless a deep scepticism regarding the purposes and methods of government in American political culture. This factor, in the long run, is a huge constraint on US military action overseas.

However, it is the third constraint on the US that is perhaps the most important.

There is only one organisation in the international system that could possibly moderate the exercise of American power

today, and that is the North Atlantic Treaty Organisation (NATO). The US obviously has an enormous interest in keeping the alliance of democracies that follow the market economies alive and therefore it is possible that its allies in the NATO will be able to moderate the exercise of US hegemony.

Non-Alignment Movement

- Q.2068** India followed the policy of Non-alignment post-independence in response to
- Economic backwardness of India
 - Impending wars with South Asian neighbours
 - Cold war rivalry
 - Former agreements between South Asian neighbours

Solution: (c)

Justification: A case can be made for options (a) and (b), but these are not as strong as option (c), which is the most appropriate option. Option (a) because, policy of non-alignment helped us maintain an independent foreign policy and stop neo-colonialism, which could have again sapped India's resources.

Option (b) because joining a cold war alliance may have further aggravated rivalry with neighbours.

But, the option (c) is most appropriate as it was the cold war and in this context, Jawaharlal Nehru observed: "We propose to keep away from the power politics of groups, aligned against one another, which have led in the past to world wars and which may again lead to disasters on an even vaster scale.

- Q.2069** The Non-alignment Movement believed in which of the following principles?

- Isolationism from International conflicts
- Neutrality in International affairs
- Equal opportunities for the economic development of recently decolonized nations

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 3 only (d) All of the above

Solution: (c)

As non-alignment grew into a popular international movement, countries of various

different political systems and interests joined it. This made the movement less homogeneous and also made it more difficult to define in very neat and precise terms: what did it really stand for? Increasingly, NAM was easier to define in terms of what it was not. It was not about being a member of an alliance. The policy of staying away from alliances should not be considered isolationism or neutrality.

Non-alignment is not isolationism since isolationism means remaining aloof from world affairs. Isolationism sums up the foreign policy of the US from the American War of Independence in 1787 up to the beginning of the First World War. In comparison, the non-aligned countries, including India, played an active role in mediating between the two rival alliances in the cause of peace and stability. Their strength was based on their unity and their resolve to remain non-aligned despite the attempt by the two superpowers to bring them into their alliances.

Non-alignment is also not neutrality.

Neutrality refers principally to a policy of staying out of war. States practising neutrality are not required to help end a war. They do not get involved in wars and do not take any position on the appropriateness or morality of a war. Non-aligned states, including India, were actually involved in wars for various reasons. They also worked to prevent war between others and tried to end wars that had broken out.

- Q.2070** Critics allege India's non-alignment as unprincipled during the Cold War. Which of the following arguments would strengthen the proposition?

- India refused to take a firm stand on crucial international issues like Russian intervention of Afghanistan.
- The Treaty of Friendship in 1971 with the USSR for 20 years made India virtually a member of the Soviet Alliance system.

Choose the answer using the codes below.

- (a) 1 only
(b) 2 only
(c) Both 1 and 2
(d) None strengthens the proposition

Solution: (c)

India's policy of non-alignment was criticised on a number of counts. Here we may refer to only two criticisms:

First, India's non-alignment was said to be 'unprincipled'. In the name of pursuing its national interest, India, it was said, often refused to take a firm stand on crucial international issues.

Second, it is suggested that India was inconsistent and took contradictory postures.

Having criticised others for joining alliances, India signed the Treaty of Friendship in August 1971 with the USSR for 20 years. This was regarded, particularly by outside observers, as virtually joining the Soviet alliance system. The Indian government's view was that India needed diplomatic and possibly military support during the Bangladesh crisis and that in any case the treaty did not stop India from having good relations with other countries including the US.

Q.2071 Bandung Conference (1955) is related to which of the following?

- (a) Paving the way forward to Non-aligned Movement
- (b) New World Information and Communication Order
- (c) Five Principles of Peaceful Coexistence – India and China
- (d) Agreement between the sunshine countries completely or partly between the tropic of Cancer and the tropic of Capricorn

Solution: (a)

Learning: It was the first large-scale Afro-Asian Conference of Afro-Asian nations most of which were newly independent. The conference's stated aims were to promote Afro-Asian economic and cultural cooperation and to oppose colonialism or neo-colonialism by any nation. The conference was an important step toward the Non-Aligned Movement.

The Non-Aligned Movement (NAM) is a group of states which are not formally aligned with or against any major power bloc.

Soviet Union and Disintegration

Q.2072 Which of these could NOT have been the possible reasons for the breakdown of Soviet Union?

- 1. A stagnant soviet economy
- 2. Authoritarian Soviet government
- 3. Coup in the communist party

Choose the correct answer using the codes below:

- (a) 3 only
- (b) 1 and 2 only
- (c) 1 only
- (d) None of the options could be denied as possible reasons.

Solutions: (d)

There was no unemployment. State ownership was the dominant form of ownership: land and productive assets were owned and controlled by the Soviet state.

The Soviet system, however, became very bureaucratic and authoritarian, making life very difficult for its citizens. Lack of democracy and the absence of freedom of speech stifled people who often expressed their dissent in jokes and cartoons. Most of the institutions of the Soviet state needed reform: the one-party system represented by the Communist Party of the Soviet Union had tight control over all institutions and was unaccountable to the people. The party refused to recognise the urge of people in the fifteen different republics that formed the Soviet Union to manage their own affairs including their cultural affairs. Although, on paper, Russia was only one of the fifteen republics that together constituted the USSR, in reality Russia dominated everything, and people from other regions felt neglected and often suppressed.

In the arms race, the Soviet Union managed to match the US from time to time, but at great cost. The Soviet Union lagged behind the West in technology, infrastructure (e.g. transport, power), and most importantly, in fulfilling the political or economic aspirations of citizens. The Soviet invasion of Afghanistan in 1979 weakened the system even further. Though wages continued to grow, productivity and technology fell considerably behind that of the West. This led to shortages in all consumer goods. Food imports increased every year. The Soviet economy was faltering in the late 1970s and became stagnant.

Q.2073 While reforms led by Soviet leader Gorbachev were aimed at reforming the Soviet Union, they also lead to the breakdown of the Soviet Union. What such reforms were introduced by Gorbachev after 1985?

1. Freedom to the media
2. Making Soviet Communist party more democratic
3. Allowing small private industries to operate

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

The disintegration of Soviet Union started under the leadership of Mikhail Gorbachev. A discussion of his policies and their shortcomings would lead us to the break-up of the soviet Union.

Gorbachev came to power in 1985. He was determined to transform and revitalize the Union and for this purpose intended the modernizing and streamlining the communist party. Gorbachev wanted to make communism practiced in Soviet more humane and democratic.

Reforms by Gorbachev—perestroika (economic restructuring) and Glasnost (openness):

1. He made foreign affairs a priority, took initiatives for better relations with china; and pushed Soviet withdrawal from Afghanistan.
2. Freedom was given to media to criticize the government.
3. For the first time, parties other than the Communist Party could participate in elections.
4. In economic affairs government grip was loosened. Small scale private entrepreneurs were allowed. Computerization was started which reduced the manual labor.
5. Workers were given the right to strike for better wages and conditions.
6. Gorbachev also encouraged foreign investment in Soviet enterprises.
7. Political changes were initiated that led to a move towards democracy within the Communist party.

Q.2074 The consequences of the breakdown of Soviet Union had global proportions. Which of the following could have been the possible consequences?

1. End of cold war confrontations
2. Emergence of new countries in Europe
3. Shift in the balance of power in the world

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

The collapse of the second world of the Soviet Union and the socialist systems in eastern Europe had profound consequences for world politics.

First of all, it meant the end of Cold War confrontations. The ideological dispute over whether the socialist system would beat the capitalist system was not an issue any more. Since this dispute had engaged the military of the two blocs, had triggered a massive arms race and accumulation of nuclear weapons, and had led to the existence of military blocs, the end of the confrontation demanded an end to this arms race and a possible new peace. Second, power relations in world politics changed and, therefore, the relative influence of ideas and institutions also changed. The end of the Cold War left open only two possibilities: either the remaining superpower would dominate and create a unipolar system, or different countries or groups of countries could become important players in the international system, thereby bringing in a multipolar system where no one power could dominate. As it turned out, the US became the sole superpower.

Third, the end of the Soviet bloc meant the emergence of many new countries. All these countries had their own independent aspirations and choices. Some of them, especially the Baltic and east European states, wanted to join the European Union and become part of the North Atlantic Treaty Organisation (NATO). Thus, the international system saw many new players emerge, each with its own identity, interests, and economic and political difficulties.

Q.2075 The model of transition in Russia, Central Asia and east Europe that was influenced by the World Bank and the IMF after the breakdown of the Soviet Union came to be known as ‘shock therapy’. It included

1. Collective farms were replaced by private farming and capitalism in agriculture.
2. Privatisation of state assets.
3. Break-up of the existing trade alliances among the countries of the Soviet bloc

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

The collapse of communism was followed in most of these countries by a painful process of transition from an authoritarian socialist system to a democratic capitalist system. The model of transition in Russia, Central Asia and east Europe that was influenced by the World Bank and the IMF came to be known as ‘shock therapy’.

Each of these countries was required to make a total shift to a capitalist economy, which meant rooting out completely any structures evolved during the Soviet period. Above all, it meant that private ownership was to be the dominant pattern of ownership of property.

Privatisation of state assets and corporate ownership patterns were to be immediately brought in. Collective farms were to be replaced by private farming and capitalism in agriculture.

Shock therapy also involved a drastic change in the external orientation of these economies. Development was now envisaged through more trade, and thus a sudden and complete switch to free trade was considered essential.

The free trade regime and foreign direct investment (FDI) were to be the main engines of change. This also involved openness to foreign investment, financial opening up or deregulation, and currency convertibility.

Finally, the transition also involved a break-up of the existing trade alliances among the countries of the Soviet bloc.

Military Operations

Q.2076 In 2003, the US launched its invasion of Iraq under the codename ‘Operation Iraqi Freedom’. It was intended to

1. Prevent Iraq from developing Weapons of Mass Destruction (WMD)
2. Contain the anti-democratic uprising in Iraq
3. Protect Iraq from the attacks by the neighbouring Gulf States

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 only (d) All of the above

Solution: (c)

On 19 March 2003, the US launched its invasion of Iraq under the codename ‘Operation Iraqi Freedom’. More than forty other countries joined in the US-led ‘coalition of the willing’ after the UN refused to give its mandate to the invasion. The ostensible purpose of the invasion was to prevent Iraq from developing weapons of mass destruction (WMD). Since no evidence of WMD has been unearthed in Iraq, it is speculated that the invasion was motivated by other objectives, such as controlling Iraqi oilfields and installing a regime friendly to the US.

Although the government of Saddam Hussein fell swiftly, the US has not been able to pacify Iraq. Instead, a full-fledged insurgency against US occupation was ignited in Iraq.

Q.2077 Operation Enduring Freedom (OEF) is

- (a) The Global War on Terrorism by the Government of the United States of America
- (b) 2003 Invasion of Iraq by the USA
- (c) Bombings of Afghanistan and Sudan bases by American forces
- (d) The Gulf War operations leading to the buildup of troops in Saudi Arabia

Solution: (a)

Learning: (a) The U.S. government used the term “Operation Enduring Freedom - Afghanistan” to officially describe the War in Afghanistan, from the period between October 2001 and December 2014. Continued operations in Afghanistan by the United

States' military forces, both non-combat and combat, now occur under the name Operation Freedom's Sentinel.

Q.2078 "Operation Decisive Storm" and "Operation Restoring Hope" were

1. Started with the Arab Spring in Tunisia
2. Led by the NATO to tackle extremist forces in Syria and Tunisia

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification: The Saudi Arabian-led military intervention in Yemen is known as "Operation Decisive Storm".

The new Operation Restoring Hope of the Saudi Arabia in Yemen begins with the following goals: continuing to protect civilians, continuing to fight terrorism and continuing to facilitate the evacuation of foreign nationals and to intensify relief and medical assistance to the Yemeni people.

So, both statements are wrong.

India's Foreign Policy

Q.2079 The foreign policy of India advocates

- (a) Stopping the arms race leading to disarmament in both conventional and nuclear weapons
- (b) Stopping the arms race in conventional weapons but retaining nuclear weapons
- (c) No particular stand on disarmament and nuclear weapons stockpile
- (d) Development of the arms and nuclear weapons industry only to an extent of generating gainful employment

Solution: (a)

The foreign policy of India is opposed to arms race and advocates disarmament, both conventional and nuclear. This is aimed at promoting world peace and security by reducing or ending tensions between power blocs and to accelerate economic development of the country by preventing the unproductive expenditure on the manufacture of arms. India has been using the UNO platform to check the arms race and to achieve disarmament. India took the initiative of holding a six-nation summit at New Delhi in

1985 and made concrete proposals for nuclear disarmament. By not signing the Nuclear Non-Proliferation Treaty (NPT) of 1968 and the Comprehensive Test Ban Treaty (CTBT) of 1996, India has kept its nuclear options open. India opposes NPT and CTBT due to their discriminatory and hegemonic nature. They perpetuate an international system in which only five nations (USA, Russia, China, UK and France) can legitimately possess nuclear weapons.

Q.2080 Gujral Doctrine of India advocates

1. Engaging more proactively with South Asian neighbours
2. Complete disarmament by major nuclear powers
3. Suspension of the veto system in the United Nations Security Council

Select the correct answer using the codes below.

- (a) 2 only (b) 1 and 3 only
(c) 1 only (d) 1, 2 and 3

Solution: (c)

Justification: The Gujral Doctrine is a milestone in India's foreign policy propounded and initiated in 1996 by I.K. Gujral, the then Foreign Minister.

The doctrine is a five-point roadmap to guide the conduct of India's foreign relations with its immediate neighbours. These five principles are as follows:

- With the neighbours like Bangladesh, Bhutan, Maldives, Nepal and Sri Lanka, India should not ask for reciprocity, but given to them what it can in good faith.
- No South Asian country should allow its territory to be used against the interest of another country of the region.
- No country should interfere in the internal affairs of another country.
- All South Asian countries should respect each other's territorial integrity and sovereignty.
- All South Asian countries should settle all their disputes through peaceful bilateral negotiations.

The doctrine advocates that India, being the biggest country in South Asia, should extend unilateral concessions to the smaller neighbours.

Q.2081 Which of these are core components of Panchsheel?

1. Non-Alignment
2. Anti-Racialism
3. Anti-Colonialism
4. Neighbourhood First Policy
5. No First Use policy

Select the correct answer using the codes below.

- (a) 1, 3 and 4 only (b) 2 and 5 only
(c) 1, 2, 3, 4 and 5 (d) None of the above

Solution: (d)

Justification: Panchsheel implies the five principles of conduct in international relations. It was embodied in the Preamble of the Indo-China Treaty on Tibet, signed in 1954.

The five principles were:

- mutual respect for each other's territorial integrity and sovereignty;
- non-aggression;
- non-interference in each other's internal affairs;
- equality and mutual benefit; and
- peaceful co-existence.

India explained it as based on the concept of universalism as against the concept of the balance of power".

Panchsheel became very popular and many countries of the world like Burma, Yugoslavia, Indonesia and so on adopted it. Panchsheel and non-alignment are the greatest contributions of India to the theory and practice of international relations.

Q.2082 The Cold Start doctrine of India is intended to

1. Build military alliances with major military powers to sabotage defence bases of Pakistan and that of terrorist groups in Afghanistan
2. Allow India's conventional forces to perform holding attacks in order to prevent a nuclear retaliation from Pakistan in case of a conflict

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Cold Start is a military doctrine developed by the Indian Armed Forces to put to use in case of a war with Pakistan.

According to the Cold Start Doctrine, battle Groups will be well forward from existing garrisons. India's elite strike forces will no longer sit idle waiting for the opportune moment, giving Pakistan the luxury of time.

Cold Start Doctrine was developed as the limitations of the earlier doctrine – Sundarji Doctrine – were exposed after the attack on the Indian Parliament.

Q.2083 Which of the following is the primary objective of India's foreign policy?

- (a) Neutrality in all matters of foreign relations and policies to avoid strategic alignment
- (b) Promote an external environment conducive to domestic inclusive growth and development
- (c) Increasing its political weight in the World by controlling neighbour republics
- (d) Advance territorial rights and claims to continuously increase India's territory

Solution: (b)

Learning: India's foreign policy seeks to safeguard the country's enlightened self-interest.

The primary objective of India's foreign policy is to promote and maintain a peaceful and stable external environment in which the domestic tasks of inclusive economic development and poverty alleviation can progress rapidly and without obstacles.

Given the high priority attached by the Government of India to socioeconomic development, India has a vital stake in a supportive external environment both in our region and globally.

India, therefore, seeks a peaceful periphery and works for good neighbourly relations in its extended neighbourhood.

Q.2084 Which of the following statement is INCORRECT?

- (a) India is not a signatory to the 1951 Refugee Convention.
- (b) India has a National refugee policy and National Refugee protection law
- (c) India is a member of the United Nations High Commissioner for Refugees (UNHCR) executive committee.
- (d) All of the above

Solution: (b)

Explanation: The Indian government has signed neither the Refugee Convention nor its Protocol, and Indian law does not offer any special language or provisions for refugees. So, option (a) is a correct statement, and can't be the answer. This also means that (d) can't be the answer. However, India is a member of the UNHCR executive committee. This makes option (b) as the answer.

Learning: A possible reason for India not signing the Refugee convention may be that a protection framework will encourage refugee inflow in India putting pressure on resources. South-Asian borders are also very porous and any conflict can result in a mass movement of people.

However, India does protect refugees. The Indian refugee protection framework is based on executive decisions; judicial pronouncements; and international conventions (1984 Convention against torture which prevents forcible repatriation of refugees). For example, under the RTA, even refugees can claim right to education. They are also entitled to public health facilities; justice systems etc.

- Q.2085** The Indian Technical and Economic Cooperation (ITEC) Programme assists
- (a) Indian Universities for Higher education
 - (b) Developing countries both financially and non-financially
 - (c) Linguistic and religious Minorities all across the World
 - (d) All multi-national corporations operating in India

Solution: (b)

Learning: It is a major plank of India's South-South foreign policy.

Instituted in 1964, it is a bilateral programme of assistance of the Government of India.

- Under ITEC and its sister programme SCAAP (Special Commonwealth African Assistance Programme), 161 countries in Asia, Africa, East Europe, Latin America etc. are invited to share in the Indian developmental experience acquired over 6 decades of India's existence as a free nation.

- As a result of different activities under this programme, there is now a visible and growing awareness among other countries about the competence of India as a provider of technical know-how and expertise as well as training opportunities, consultancy services and feasibility studies.
- These programmes have generated immense goodwill and substantive cooperation among the developing countries.

Q.2086 What is India's official position with respect to the Gilgit-Baltistan region?

- (a) It views the region as an integral part of Afghanistan.
- (b) It views it as an autonomous state where a referendum for independence should be conducted as soon as possible.
- (c) It assigns legitimacy to Chinese plans of development in this Pakistani region as a part of its China-Pakistan Economic Corridor.
- (d) It views it as part of Indian Territory illegally occupied by Pakistan.

Solution: (d)

Justification: Option B: India has flatly rejected this move claiming that Gilgit-Baltistan is an integral part of its territory (in J&K).

The Parliament has already passed a resolution declaring the entire Jammu and Kashmir as an integral part of India.

Learning: It is located in the northern Pakistan. It borders China in the North, Afghanistan in the west, Tajikistan in the North West and Kashmir in the south east (see map).

- India sees it as part of Indian Territory illegally occupied by Pakistan.
- The China-Pakistan Economic Corridor (CPEC) also passes through this region.
- Pakistan is planning to declare the strategic Gilgit-Baltistan region as its fifth Province, a move that may raise concerns in India as it borders the disputed Pakistan-occupied Kashmir.

Q.2087 Consider the following statements.
Assertion (A): India does not participate in United Nations Peacekeeping operations.

Reason (R): India contributed to the development of the policy of non-alignment (NAM) in international relations.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) A is incorrect, but R is correct.

Solution: (d)

Justification: India has been the largest troop contributor to UN missions since its inception. So, A is wrong.

Recently Indian Peacekeepers were lauded by the UN for their efforts in preventing a carnage in the South Sudan conflict.

The policy of NAM does not mean non-interventionist approach in international affairs. Rather, the goal of peace building is at the core of India's foreign policy.

Any member of UN can support and undertake peacekeeping operations. India became a member of the UNO in 1945 itself. Since then, it has been supporting the activities and programmes of UNO.

Q.2088 India is a member country of which of the following organizations?

- 1. East Asia Summit
- 2. ASEAN + 3
- 3. Asia-Pacific Economic Cooperation (APEC)

Select the correct answer using the codes below.

- (a) 1 only
- (b) 1 and 3 only
- (c) 2 and 3 only
- (d) 1 and 2 only

Solution: (a)

Justification: Statement 1: 16 countries in the East Asian, Southeast Asian, South Asian regions (including India), USA and RUSSIA are its members. Trade is an important focus for the summit.

Statement 2: ASEAN+3 includes the 10 members of the Association of Southeast Asian Nations (Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and

Viet Nam) plus China, Japan, and Korea. It excludes India. So, 2 is incorrect.

Statement 3: You can see APEC member states here. China has consistently blocked India's bid to APEC membership.

Q.2089 India is building emergency Strategic Petroleum Reserves (SPRs) storages in underground caverns in southern India. Why is it important for India to build such reserves?

- 1. India imports most of its oil from the Middle East which is a politically unstable region.
- 2. A SPR guards against crude price volatility in international markets.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (c)

Justification: Statements 1 and 2: India imports around 80% of its crude oil requirement from the international market. Most of these imports come from Middle East which is unstable region.

- Any price aberrations in crude oil prices have a direct impact on the Indian economy especially upon the current account and inflation amounting to strategic risks.
- Thus, it is necessary for India to have SPRs which will act as a valuable buffer against short term oil supply disruptions and global price shocks.

Learning: India will store more than 5 million tonnes of crude oil in these SPRs enough to cover almost 2 weeks of demand. They are located are in Visakhapatnam, Mangalore and Padur.

- The erstwhile Planning Commission in its Integrated Energy Policy, 2006 also had recommended to maintain a reserve equivalent to 90 days of oil imports for strategic-cum-buffer stock purposes.

Q.2090 The "Shangri-La Dialogue", an annual Asia Security Summit, is organized by

- (a) Ministry of External Affairs, India
- (b) Shanghai Cooperation Organization (SCO)
- (c) International Institute for Strategic Studies and the Singaporean Government
- (d) United Nations Security Council (UNSC)

Solution: (c)

Learning: It is the Raisina Dialogue that is organized jointly by Ministry of External Affairs and the Observer Research Foundation (ORF), an independent think tank based in India.

Bilateral Relations

(1) Indo-Sri Lanka

Q.2091 The “13th Amendment to Sri Lankan Constitution” is sometimes seen in news. Which major issue it is related to?

- (a) Sharing of heritage island territory of Sri Lanka with India
- (b) Power sharing arrangement with the Indian government in Palk Bay
- (c) Political rights of Tamils in Sri Lanka
- (d) Sri Lankan Military cooperation with South Asian neighbours

Solution: (c)

Learning: In 1987, Indo-Sri Lanka Accord was signed between Indian Prime Minister Rajiv Gandhi and Sri Lankan President J. R. Jayewardene which stated the devolution of powers to the Sri Lankan provinces (Tamil).

- The amendment aims at creating provincial councils in Sri Lanka and enable Sinhalese and Tamil as national languages while preserving English as the link language.
- However there are practical problems in devolving land, police and financial powers to the provinces and the Government has stressed that the structure that is implemented should be acceptable to all parts of the country.

Q.2092 In what ways had the Indian government involved itself in the problem of Sri Lankan Tamils in Sri Lanka since the origin of the problem?

1. Deploying Indian Peace Keeping forces in SL
2. Pushing SL diplomatically on the 13th amendment to its constitution
3. Taking up housing projects in war torn areas

Choose the correct answer using the codes below:

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) All of the above

Solution: (d)

The Sri Lankan problem involves people of Indian origin, and there is considerable pressure interests of the Tamils in Sri Lanka. The government of India has from time to time tried to negotiate with the Sri Lankan government on the Tamil question.

But in 1987, the government of India for the first time got directly involved in the Sri Lankan Tamil question. India signed an accord with Sri Lanka and sent troops to stabilise relations between the Sri Lankan government and the Tamils. Eventually, the Indian Army got into a fight with the Liberation Tigers of Tamil Eelam (LTTE). The presence of Indian troops was also not liked much by the Sri Lankans. They saw this as an attempt by India to interfere in the internal affairs of Sri Lanka. In 1989, the Indian Peace Keeping Force (IPKF) pulled out of Sri Lanka without attaining its objective.

(2) Indo-Pakistan

Q.2093 The conflicts between India and Pakistan in 1948 and 1965 were possibly rooted in the

1. Status of Kashmir
2. Status of Bangladesh
3. Control of the Siachen glacier

Choose the correct answer using the codes below:

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) All of the above

Solution: (c)

Soon after the partition, the two countries got embroiled in a conflict over the fate of Kashmir.

The Pakistani government claimed that Kashmir belonged to it. Wars between India and Pakistan in 1947-1948 and 1965 failed to settle the matter. The 1947-1948 war resulted in the division of the province into Pakistan-occupied Kashmir and the Indian province of Jammu and Kashmir divided by the Line of Control. In 1971, India won a decisive war against Pakistan but the Kashmir issue remained unsettled.

India's conflict with Pakistan is also over strategic issues like the control of the Siachen glacier and over acquisition of arms. The arms race between the two countries assumed

a new character with both states acquiring nuclear weapons and missiles to deliver such arms against each other in the 1990s. In 1998, India conducted nuclear explosion in Pokaran. Pakistan responded within a few days by carrying out nuclear tests in the Chagai Hills. Since then India and Pakistan seem to have built a military relationship in which the possibility of a direct and full-scale war has declined.

Q.2094 India and Pakistan are not in agreement over the demarcation line in Sir Creek in the Rann of Kutch. It is important for both the nations because of

- (a) the control of sea resources in the area adjoining Sir Creek
- (b) its implications for the Indus water treaty
- (c) the possibilities of effective coordination over containing marine piracy
- (d) the need to contain terrorism across the sea lanes of communication

Solution: (a)

Q.2095 The Thalweg Doctrine sometimes seen in news is related to

- (a) Track Two Dialogues between the North and South
- (b) Offensive Defence Nuclear Strategy
- (c) India's Look East Policy
- (d) Sir Creek dispute between India and Pakistan

Solution: (d)

Learning: Sir Creek is a tidal estuary which exist on the border of India and Pakistan (Gujarat state and Sind Province). The land boundary between the countries upto Western Terminus were fixed by UN Tribunal, but it left the boundary from thereon not demarcated. This has become a conflicting issue between the two countries.

- Pakistan says that boundary lines to the eastern flank of creek (i.e. creek part of Pakistan) and shows the agreement signed in 1914 between Government of Sindh and Rao Maharaj of Kutch to buttress its point.
- On the other hand India also used the same document and 'thalweg doctrine' to claim that boundary lies in between the creek. Thalweg doctrine says that boundary line must be midway through a navigable channel.

- India also shows the 1914 document which says that the creek is navigable during high tides and says that pillars which were installed in 1924 were along the midcourse.
- Pakistan counters India's claim by saying that the creek is not a non-tidal river and thalweg doctrine can be used in case of non-tidal rivers only.
- Another important point is that Sir Creek frequently changes its course and this creates difficulty in demarcation of boundaries.

Q.2096 Consider the following about Indus Waters Treaty (IWT), the water-distribution treaty between India and Pakistan. Under the Treaty

1. The waters of Eastern Rivers are allocated to India.
2. India is under obligation not to use any waters of the Western Rivers.
3. Construction of water storage structures are banned on Western Rivers.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 only
- (c) 1 and 3 only (d) 3 only

Solution: (b)

Justification: The treaty was brokered by the World Bank (erstwhile IBRD).

- The treaty deals with the sharing of water of six rivers—Beas, Ravi, Sutlej, Indus, Chenab and Jhelum.
- As per treaty, control over three eastern rivers—Ravi, Beas and Sutlej was given to India. While control over three western rivers—Indus, Jhelum and Chenab was given to Pakistan.
- It allows India to use only 20% of the water of Indus River, which flows through it first, for irrigation, power generation and transport.
- Most disagreements and disputes have been settled via legal procedures, provided for within the framework of the treaty.
- The treaty has survived India-Pakistan wars of 1965, 1971 and the 1999 Kargil standoff besides Kashmir insurgency since 1990. It is most successful water treaty in world.

Q.2097 Consider the following statements about agreements between India and Pakistan.

1. The Simla Agreement sought to reverse the consequences of the 1999 Kargil war.
2. The Lahore Declaration concerns the responsibility of both nations' leadership towards avoiding nuclear race.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 1: It sought to reverse the consequences of the 1971 war (i.e. to bring about withdrawals of troops and an exchange of Prisoner of Wars).

It was a comprehensive blue print for good neighbourly relations between India and Pakistan.

Statement 2: Under the terms of the treaty, a mutual understanding was reached towards the development of atomic arsenals and to avoid accidental and unauthorised operational use of nuclear weapons.

The Lahore Declaration signalled a major breakthrough in overcoming the historically strained bilateral relations in the aftermath of the 1998 publicly performed atomic tests.

Q.2098 The Coalition Support Fund (CSF) programme to Pakistan given by the US is provided for

- (a) Developing tribal and backward areas in Pakistan
- (b) Combating insurgency in neighbouring Afghanistan
- (c) Improving defence bases of Pakistani Army
- (d) Implementing several socioeconomic programs of USA running in Pakistan

Solution: (b)

Pakistan received \$336 million from the United States for its ongoing role in combating a Taliban insurgency in neighbouring Afghanistan. Regular payments to Pakistan under the Coalition Support Fund (CSF) programme began in 2001 when Pakistan joined the US-led coalition in Afghanistan as a "frontline ally." Pakistan provides use of its air bases and other facilities in exchange for the reimbursements.

(3) Indo-Nepal

Q.2099 Nepal and India enjoy a very special relationship that has very few parallels in the world due to the Indo-Nepal Treaty of friendship 1950. It includes

1. Porous borders
2. Work permit for Nepali nationals in India
3. Allowing Nepali nations to acquire land in India

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

Q.2100 Consider the following about the 1950 India-Nepal Treaty of Peace and Friendship.

1. It allows free movement of people and goods across the India-Nepal border.
2. It prohibits Nepal from entering into any military exercise with nations other than India.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: Statement 1: The treaty provides for:

- Open border between the two countries
- Allows Nepali nationals to work in India without a work permit
- Allows them to apply for Indian government jobs except for IAS, IPS and IFS
- Allows Nepali nationals to open bank a/c and own property in India

Statement 2: Nepal and China will hold their first ever joint military exercise named 'Sagarmatha Friendship-2017' from April 17 to April 26, 2017. The 10 day long joint exercise will focus on combating terror and disaster management.

- Although, Nepal conducts joint exercises with other countries like India and United States, this is the first time it is holding a joint exercise with China.
- Even though the bilateral military engagement between Nepal and China does not violate India-Nepal treaty of

peace and friendship (1950), the exercise does appear unconventional as Nepal has conducted exercises with India earlier.

India has agreed to provide fund of Rs 1500 crore to Nepal's Pancheshwar multi-purpose project on Mahakali river. The major benefits to India from this project will be

Q.2101 The containment of Kheri floods in Uttar Pradesh

2. Procuring additional electricity produced by the project
3. Irrigation of the Terai regions in India

Choose the correct answer using the codes below.

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (d)

India will provide fund of Rs. 1500 crore to Nepal's Pancheshwar multi-purpose project on Mahakali river for countering the Kheri floods in Uttar Pradesh.

Pancheshwar Multi-purpose Project

- It is located at Narayan Ghat of Dharchula on Mahakali River (also known as Kali Ganga in Uttarakhand) in Nepal.
- After completion dam will be the second largest dam in the world with a capacity of 6720 Mega Watt (MW) power production.
- In case of power sharing, India has reached into an agreement with Nepal to procure additional electricity produced by project.
- This project will regulate and control the free flow of Karnali and Mohana rivers which cause floods in Kheri, Pilibhit of Uttar Pradesh and other Terai districts of northern India.

(4) Indo-China

Q.2102 Which of the following factors could have been responsible for the India-China conflict of 1962?

1. Chinese takeover of Tibet in 1950
2. Competing territorial claims in the Ladakh region
3. Chinese support to Pakistani army

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (a)

After India regained its independence from Britain, and China expelled the foreign powers, there was hope that both would come together to shape the future of the developing world and of Asia particularly. For a brief while, the slogan of '*Hindi-Chini bhaibhai*' was popular. However military conflict over a border dispute between the two countries marred that hope. Soon after independence, both states were involved in differences arising from the Chinese takeover of Tibet in 1950 and the final settlement of the Sino-Indian border. China and India were involved in a border conflict in 1962 over competing territorial claims principally in Arunachal Pradesh and in the Aksai Chin region of Ladakh.

Q.2103 Consider the following statements about the Maritime Silk Road (MSR) project.

1. It has been initiated by China.
2. It involves building infrastructure in strategically significant countries, inter alia, in Africa and Europe.
3. No ports will be built in Pakistan or Bangladesh under MSR.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (a)

- The 21st century MSR project is an initiative by China to resurrect the ancient maritime Silk Road. It is perceived to be an attempt by China to ameliorate relations with South and Southeast Asia in this case the focus is on maritime trade security.
- The project will prioritize construction ports and infrastructure, industrial parks in strategically significant countries in Southeast Asia, the Mideast, Africa, Europe and the Indian Ocean region, which includes Bangladesh and Sri Lanka.
- China has already begun building of port projects in Gwadar (Pakistan), Hambantota (Sri Lanka) and Chittagong (Bangladesh) respectively.
- China has announced a USD 40 billion Silk Road fund which became operational in February 2015 for attracting small countries in the projects.

Q.2104 How is China-Pakistan Economic Corridor (CPEC) important to China?

1. The project will shorten the route for China's energy imports from the Middle East.
2. It will strengthen Chinese presence in the Arabian Ocean.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: The Straits of Malacca provide China with its shortest maritime access to Europe, Africa, and the Middle East.

- Approximately 80% pass of its Middle Eastern energy imports also pass through the Straits of Malacca.
- In addition to vulnerabilities faced in the Straits of Malacca region, China is heavily dependent upon sea-routes that pass through the South China Sea, near the disputed Spratly Islands and Parcel Islands.
- The CPEC project will allow Chinese energy imports to circumvent these contentious areas and find a new artery in the west, and thereby decrease the possibility of confrontation between the United States and China.

Statement 2: CPEC will connect Xinjiang (in China) with Pakistan's Gwadar Port (located at the shores of Arabian Ocean) through Pakistan-occupied Kashmir. Growing Chinese presence in western neighbourhood is a strategic concern for India.

Q.2105 The String of Pearls theory, often seen in news, concerns

- (a) Chinese military and commercial facilities in the Indian Ocean
- (b) Oil pipelines being laid around the North-South transport corridor
- (c) Valuable mineral and stone exploration licensing regime in ocean beds
- (d) Network of diplomatic think tanks being established across the world

Solution: (a)

Learning: It refers to the network of Chinese military and commercial facilities and relationships along its sea lines of

communication, which extend from the Chinese mainland to Port Sudan.

- The sea lines run through several major maritime choke points such as the Strait of Mandeb, the Strait of Malacca, the Strait of Hormuz, and the Lombok Strait as well as other strategic maritime centres in Pakistan, Sri Lanka, Bangladesh, the Maldives, and Somalia.
- The Chinese government insists that China's burgeoning naval strategy is entirely peaceful in nature and is only for the protection of regional trade interests.

(5) Indo - US

Q.2106 The National Defence Authorization Act (NDAA), 2017 of the United States is significant because

1. It gives India's "Major Defence Partner" status a statutory backing.
2. It authorizes USA's Asia-Pivot Policy.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: Statement 1: India has been designated as a major defence partner of the United States. It puts India on a par with the closest allies and partners of the US. So far, US has bestowed this status upon the North Atlantic Treaty Organisation (NATO) countries and the US treaty allies such as Japan, South Korea, Australia, New Zealand and Philippines.

Statement 2: There is no such provision. It is a strategic foreign policy matter of the United States.

Learning: Under the NDAA 2017, India will be included in conventional arms transfer policy, defence services, or related technology, inform the review of requests to export defence articles under the Arms Export Control Act. Significance The designation of this status is unique to India, a non-NATO ally of US. It institutionalizes the progress made by US to facilitate defence trade and technology sharing with India to a level at par with its closest allies and partners. It will facilitate US to transfer of advanced defence technology to India.

Q.2107 It is said that the US-India Defense Technology and Partnership Act that proposes to amend the 'Arms Export Control Action' is of immense strategic significance to India. What can be the possible reason(s)?

1. It seeks to formalise India's status as a major partner of equal status as US's NATO allies and closest partners.
2. It will elevate India's status in export of defence articles from the United States to India.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Learning: Defence trade between the US and India is one of the strongest areas of the bilateral economic relationship. Over the past 10 years it has risen from \$300 million to over \$14 billion. The act has been introduced by Congressman George Holding, Co-Chair of the House India Caucus. It will help

- Cement the India-US relations and lay a foundation for future cooperation and growth.
- Shorten the time required for the notification of sale or export of defence articles from the United States to India.
- Encourage more joint contingency planning and require the US government review and assess India's ability to execute military operations of mutual interest.

Joint Military Exercises

Q.2108 These are some of the joint military exercises India holds with several countries. Consider the matches of exercises with the partner nations.

1. Indradhanush: India-UK
2. Varuna: India-Sri Lanka
3. Exercise Malabar: India-USA
4. Surya Kiran: India-Nepal

Select the correct answer using the codes below.

- (a) 1 and 3 only (b) 2 and 4 only
(c) 1, 3 and 4 only (d) 1, 2, 3 and 4

Solution: (c)

Justification: These are frequently in news.

Indian Navy Joint Exercises

- Varuna naval exercise: France and India.
- SLINEX-Sri Lanka India
- INDRA - India and Russia
- Exercise Malabar: United States and India.
- Simbex: Indian Navy with Republic of Singapore Navy
- IBSAMAR with the Brazil and South African navies.
- KONKAN: A bilateral Naval Exercise between Indian Navy and Royal Navy of Britain

Indian Army Joint Exercises

- Mitra Shakti Exercise: India and Sri Lanka.
- Hand-in-Hand: India-China Joint Military Training Exercise
- Exercise Shakti: India and France Armies
- Exercise Nomadic Elephant: Indian Army exercises with the Mongolian Army.
- Exercise Yuddh Abhyas is a series of joint exercises between the Indian and United States Armies since 2005.
- Surya Kiran: India Nepal Joint Military exercise
- Lamitye: India and Seychelles
- Prabal Dostyk: India Kazakhstan Joint Exercise

International Organisations

Q.2109 The Bretton Woods institutions were established with which of the following objectives?

1. Finance post-world war II reconstruction
2. To deal with external surpluses and deficits of member nations
3. To ensure full employment in developed countries

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 only (d) All of the above

Solution: (a)

Justification and Learning: at the UN monetary and financial Conference held in 1944, at Bretton Woods, USA, it was decided to establish IMF and International Bank for reconstruction and Development (World Bank). IMF would deal with external

surpluses and deficits of member nations. The IBRD would setup to finance post-war reconstruction. So, 1 and 2 is correct. The goal of full employment is dealt with national governments. So, the option 3 is wrong.

Q.2110 Which of the following statements about the League of Nations is INCORRECT?

- (a) It was the first international organisation whose principal mission was to maintain world peace.
- (b) It aimed at collective security and disarmament.
- (c) USA did not join the league.
- (d) Its membership was open only to industrially developed nations.

Solution: (d)

Justification: The need for maintaining world peace was visibly felt after WW-I. Hence, the League of Nations (LoN) came into existence in 1920 as a result of the Paris Peace Conference that ended the First World War. So, (a) is correct.

Its primary goals, as stated in its Covenant, included preventing wars through collective security and disarmament and settling international disputes through negotiation and arbitration. So, the option (b) is correct.

Many developing nations like Ecuador, Paraguay joined the league. So, (d) is incorrect. It was dissolved in 1946 to form United Nations.

(1) International Monetary Fund (IMF)

Q.2111 Consider the following statements with reference to the International Monetary Fund (IMF).

1. It is governed by the International Monetary and Financial Committee. (IMFC)
2. One of the aims of IMF is to promote exchange stability.
3. India is the biggest borrower from IMF.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 2 only

Solution: (d)

Justification: Statement 1: The IMFC advises and reports to the IMF Board of Governors

on the supervision and management of the international monetary and financial system, including on responses to unfolding events that may disrupt the system.

Statement 2: Original aims of IMF:

- promote international monetary cooperation;
- facilitate the expansion and balanced growth of international trade;
- promote exchange stability;
- assist in the establishment of a multilateral system of payments and
- make resources available (with adequate safeguards) to members experiencing balance of payments difficulties.

Statement 3: Biggest borrowers from IMF (amounts outstanding as of 2015 first quarter): Portugal, Greece, Ireland, Ukraine.

Q.2112 Which of the following represents India at the IMF?

- (a) An Executive Director nominated by the government
- (b) Union Finance Secretary
- (c) Head of the largest Public Sector Bank (PSB)
- (d) Finance Minister

Solution: (a)

Learning: Finance Minister is the ex-officio Governor on the Board of Governors of the IMF.

The RBI Governor is the Alternate Governor at the IMF.

India is represented at the IMF by an Executive Director, who also represents three other countries as well, viz. Bangladesh, Sri Lanka and Bhutan.

Q.2113 Which of these are recent reforms in the International Monetary Fund (IMF)?

1. Voting quotas of some emerging economies has been increased.
2. IMF's Executive Board will now consist entirely of elected

Executive Directors.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: India's voting rights increased by 0.3% from the current 2.3% to 2.6%. China's voting rights increased

by 2.2% from current 3.8% to 6 %. These reforms shifted more than 6% of the quota shares to emerging and developing countries from the US and European countries. Russia and Brazil also have gained from the reforms.

Statement 2: Currently, US, Japan, France, Germany, Italy, United Kingdom, Canada and Saudi Arabia are among the top ten members of the IMF.

But, the member countries with the 5 largest quotas appointed the Executive Director, which will be made to an entirely elected system now. So, 2 is correct.

Learning: The reforms were agreed upon by the 188 members of the IMF in 2010 in the aftermath of the global financial meltdown. However, their implementations were delayed due to the time taken by the US Congress to approve the changes.

Q.2114 The legitimacy of Special Drawing Rights (SDR) being used for international transactions comes from

1. IMF authorising its use
2. Nations willing to use it
3. Nearly constant value of the SDR

Choose the correct answer using the codes below.

- (a) 1 and 3 only (b) 2 and 3 only
(c) 1 and 2 only (d) All of the above

Solution: (d)

The SDR is an international reserve asset, created by the IMF in 1969 to supplement its member countries' official reserves. Its value is based on a basket of five key international currencies, and SDRs can be exchanged for freely usable currencies.

The SDR is neither a currency, nor a claim on the IMF. Rather, it is a potential claim on the freely usable currencies of IMF members. Holders of SDRs can obtain these currencies in exchange for their SDRs in two ways: first, through the arrangement of voluntary exchanges between members; and second, by the IMF designating members with strong external positions to purchase SDRs from members with weak external positions.

In addition to its role as a supplementary reserve asset, the SDR serves as the unit of account of the IMF and some other international organizations.

Q.2115 The SDR is an international reserve asset, created by the IMF in 1969 to supplement its member countries' official reserves. Consider the following about Special Drawing Rights (SDRs).

1. SDRs cannot be exchanged for freely usable currencies.
2. Value of a SDR is fixed on an annual basis and revised on the discretion of IMF.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification: Statement 1: It was created as a supplementary international reserve asset.

SDRs can be exchanged for freely usable currencies. So, 1 is wrong.

The value of the SDR is currently based on a basket of four major currencies: the U.S. dollar, euro, the Japanese yen, and pound sterling. The basket will be expanded to include the Chinese renminbi (RMB) or yuan as the fifth currency, effective 1 October 2016.

Statement 2: Its value is determined daily based on the currency values of its constituent currencies.

The SDR is neither a currency, nor a claim on the IMF. Rather, it is a potential claim on the freely usable currencies of IMF members.

Q.2116 A first-of-its-kind South Asia Training and Technical Assistance Centre (SARTTAC) was recently opened in India by International Monetary Fund (IMF) for

1. Socio-economic capacity building in South Asia
2. Addressing immediate liquidity crunch in foreign exchange

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: It will work to support local member countries of South Asia viz. India, Bangladesh, Bhutan, Maldives, Nepal and Sri Lanka to build human and institutional capacity and implement policies for growth and poverty reduction.

- The SARTTAC is financed mainly by its six member South Asia countries (mentioned above) with additional support

from Australia, South Korea, European Union and United Kingdom.

- It will allow the IMF to meet more of the high demand for technical assistance and training from the region. It is expected to become the focal point for the delivery of IMF capacity development services to South Asia.
- The opening of SARTTAC is part of the MoU (between IMF and India and other nations) and marks a major milestone in the partnership between the IMF and its member countries in the region

(2) World Bank

Q.2117 How is the World Bank Group (WBG) President selected?

- (a) Nominated by the largest shareholder of WBG subject to confirmation by the Board of Governors
- (b) Elected on a majority basis by the shareholder member states of the WBG
- (c) Elected by the United Nations General Assembly (UNGA) on a two-thirds majority basis
- (d) Appointed by the UN Secretary General subject to approval by the Board of Governors

Solution: (a)

Learning: Traditionally, the Bank President has always been a U.S. citizen nominated by the President of the United States, the largest shareholder in the bank. The nominee is subject to confirmation by the Board of Governors, to serve for a five-year, renewable term. The president is responsible for chairing the meetings of the Boards of Directors and for overall management of the World Bank Group.

Q.2118 The East Asian Miracle' (World Bank Reports) refers to which of the following:

- (a) High growth rates sustained in the East Asian economies due to appropriate state intervention.
- (b) High growth rates sustained in the East Asian economies due to success of market led growth.
- (c) High growth rates sustained in the East Asian economies due to a completely centralized planning process.

- (d) High growth rates sustained in the East Asian economies due to heavy focus on industries instead of agriculture.

Solution: (a)

The East Asian miracle was all about the right mixture of state and market forces. The WB had drawn many conclusions based on this right set of mixture. Such a model could be replicated in the whole world and served as an important lesson for the world. With the right set of interventions by the state, the economy was able to sustain high growth rates by reviving demand as and when required. Not only this, but the opening of industries and regulating competition in the markets ensured fair-play.

Q.2119 Consider the following about the International Bank for Reconstruction and Development (IBRD).

1. It was created to help Europe rebuild after the Second World War.
2. It is owned jointly by the United States and European Union.
3. It supports long-term human and social development that private creditors may not finance.
4. It provides advisory services in public debt and asset management to help governments.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 and 3 only
(c) 3 and 4 only (d) 1, 3 and 4 only

Solution: (d)

Justification: Statement 1: It was created in 1944 to help Europe rebuild after World War II. Today, IBRD provides loans and other assistance primarily to middle income countries.

Statement 2: IBRD is owned by the governments of its 189 member countries, not by US and EU alone.

Statement 3: IBRD is the original World Bank institution. It works closely with the rest of the World Bank Group to help developing countries reduce poverty, promote economic growth, and build prosperity.

Specifically, IBRD (apart from statement 3, which is correct):

- Preserves borrowers' financial strength by providing support in times of crisis, when poor people are most adversely affected
- Promotes key policy and institutional reforms (such as safety net or anti-corruption reforms)

Statement 4: The IBRD's financial products and services help countries build resilience to shocks by facilitating access to products that mitigate the negative impact of currency, interest rate, and commodity price volatility, natural disasters and extreme weather.

Q Source: Improvisation: Page 40: Indian Economic Development: Class XIth NCERT

Q.2120 Which of these institutions form part of the World Bank Group (WBG)?

1. International Finance Corporation (IFC)
2. International Monetary Fund (IMF)
3. Multilateral Investment Guarantee Agency (MIGA)
4. United Nations Economic and Social Council (UNESCO)

Select the correct answer using the codes below.

- (a) 1, 2 and 3 only
- (b) 1 and 3 only
- (c) 2 and 4 only
- (d) 1, 2 and 4 only

Solution: (b)

Justification: The World Bank Group consists of five organizations: IBRD, IDA, IFC, MIGA and ICSID. In contrast, 'World Bank' consists of only two organizations: IBRD and IDA.

- The International Bank for Reconstruction and Development (IBRD) lends to governments of middle-income and creditworthy low-income countries.
- The International Development Association (IDA) provides interest-free loans—called credits—and grants to governments of the poorest countries.
- The International Finance Corporation (IFC) is the largest global development institution focused exclusively on the private sector.
- The Multilateral Investment Guarantee Agency (MIGA) was created in 1988 to promote foreign direct investment into

developing countries to support economic growth, reduce poverty, and improve people's lives.

- The International Centre for Settlement of Investment Disputes (ICSID) provides international facilities for conciliation and arbitration of investment disputes.

(3) WTO

Q.2121 Consider the following about the "Annual Public Forum", WTO's flagship event.

1. It is the publisher of the "World Trade Statistical Review" since 1995.
2. It provides a common platform for heads of state as well as NGOs to discuss major trade and developmental issues.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (b)

Justification: Statement 1: The WTO has launched a new annual statistical publication—the "World Trade Statistical Review"—in 2016. This new publication provides insights into how world trade has evolved in recent years by analysing the latest trade statistics within an economic context. So, 1 is wrong.

Statement 2: It provides a unique platform for heads of state and leading global businesspeople, academics and non-governmental organisations to come together and discuss some of the major trade and development issues of the day. Over 1,500 participants attend the Forum each year.

Q.2122 Preferential Market Access (PMA) policy adopted by India in the National Electronics Policy 2012 violates international trade norms because:

1. Foreign Suppliers are not treated at par with domestic suppliers
2. India will stop importing sensitive electronic equipment for security-related reasons
3. WTO does not allow any discrimination between foreign goods from different countries

Select the correct answer using the codes given below

- (a) 1 and 2 (b) 1 and 3
(c) 2 only (d) Only 1

Solution: (d)

- Q.2123** Green Box subsidies under WTO are allowed because they are considered to be
- Minimally trade distorting.
 - Higher among developed and relatively lower for developing countries.
 - They are confined to agriculture sector.
 - They are related to GATS provision.

Solution: (a)

Justification: In WTO terminology, subsidies in general are identified by “boxes” which are given the colours of traffic lights: green (permitted), amber (slow down—i.e. be reduced), red (forbidden).

- The Agriculture Agreement has no red box, although domestic support exceeding the reduction commitment levels in the amber box is prohibited; and there is a blue box for subsidies that are tied to programmes that limit production.
- There are also exemptions for developing countries (sometimes called an S&D box).
- In order to qualify, green box subsidies must not distort trade, or at most cause minimal distortion. So, (a) is correct.
- They have to be government-funded (not by charging consumers higher prices) and must not involve price support.
- They also include environmental protection and regional development programmes. So, the option (c) is wrong.

- Q.2124** Consider the following statements about the Trade facilitation Agreement signed between the WTO member nations at Bali Ministerial conference:

1. The Trade Facilitation Agreement (TFA) contains provisions for faster and more efficient customs procedures in the context of trade in goods.
2. It also contains provisions for technical assistance and capacity building for trade facilitation and customs compliance issues.

3. India has not ratified the TFA because the TFA is discriminatory in nature and benefits the developed nations more than the developing nations.

Choose the correct statements from the codes below:

- (a) Only 1 (b) 2 and 3
(c) All of the above (d) 1 and 2

Solution: (d)

http://www.wto.org/english/tratop_e/tradfa_e/tradfa_e.htm

<http://www.dnaindia.com/money/report-why-is-india-not-agreeing-to-the-wto-trade-facilitation-agreement-2005181>

- Q.2125** Which among the following are components of multi-lateral trading principles as laid out by the World Trade Organization (WTO)?

1. National Treatment
2. Reciprocity
3. Protectionism
4. Transparency in trade regulations

Select the correct answer using the codes below.

- (a) 1, 2 and 4 only
(b) 3 and 4 only
(c) 1 and 2 only
(d) 2, 3 and 4 only

Solution: (a)

Justification: Statement 1: Non-discrimination is the pillar behind this rule. It has two major components: the Most Favoured Nations (MFN) rule, and the national treatment policy.

The MFN rule requires that a WTO member must apply the same conditions on all trade with other WTO members.

National treatment means that imported goods should be treated no less favourably than domestically produced goods.

Statement 2: For a nation to negotiate, it is necessary that the gain from doing so be greater than the gain available from unilateral liberalization; reciprocal concessions intend to ensure that such gains will materialise

Statement 3: This is the opposite of openness that WTO advocates.

Statement 4: The WTO members are required to publish their trade regulations, to maintain institutions allowing for the review of administrative decisions affecting trade, to

respond to requests for information by other members, and to notify changes in trade policies to the WTO.

- Q.2126** “Uruguay Round” is often heard in the context of which of these international organizations?
- (a) World Bank Group
 - (b) United Nations Framework Convention on Climate Change (UNFCCC)
 - (c) World Trade Organization (WTO)
 - (d) Food and Agriculture Organization (FAO)

Solution: (c)

Learning: The negotiations at Uruguay led to the creation of WTO from GATT.

So, this Round brought about the biggest reform of the world’s trading system since GATT was created at the end of the Second World War.

Within only 2 years, member nations of WTO agreed on a package of cuts in import duties on agricultural products.

The dispute resolution mechanism, that stands at the core of WTO, was strengthened by this round.

- Q.2127** NAMA-11 (NAMA-11) group of countries is often mentioned in the news in context of?
- (a) Missile Technology Control Regime
 - (b) International Energy Agency
 - (c) World Economic Forum
 - (d) World Trade Organization

Solution: (d)

Learning: It is a group of eleven developing countries working toward strengthening Non-agricultural market access (NAMA) in WTO.

The group has two main objectives:

- Supporting flexibilities for developing countries
- Maintaining the balance between NAMA and other areas under negotiation.

Member countries of NAMA-11 are Argentina, Bolivarian Republic of Venezuela, Brazil, Egypt, India, Indonesia, Namibia, Philippines, South Africa and Tunisia.

The Non-Agricultural Market Access (NAMA) negotiations of the World Trade Organization are based on the Doha Declaration of 2001 that calls for a reduction

or elimination in tariffs, particularly on exportable goods of interest to developing countries.

The WTO considers the NAMA negotiations important because NAMA products account for almost 90% of the world’s merchandise exports.

(4) UN System

- Q.2128** Consider the following statements.
Assertion (A): The United Nations does not possess any authority to recognize either a State or a Government.

Reason (R): The United Nations is neither a State nor a Government.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) Both A and R are incorrect.

Solution: (a)

Justification: States are admitted to membership in the United Nations by decision of the General Assembly upon the recommendation of the Security Council.

The recognition of a new State or Government is an act that only other States and Governments may grant or withhold.

As an organization of independent States, the UN can only admit a new State to its membership or accept the credentials of the representatives of a new Government.

- Q.2129** Which of the following does NOT come within the ambit of the United Nations (UN)?
- (a) Maintain international peace and security
 - (b) Protect Human Rights
 - (c) Upholding International Law
 - (d) All come in its ambit.

Solution: (d)

Justification: Due to the powers vested in its Charter and its unique international character, the United Nations can take action on the issues confronting humanity in the 21st century, such as peace and security, climate change, sustainable development, human rights, disarmament, terrorism, humanitarian

and health emergencies, gender equality, governance, food production, and more.

Option (a): The Security Council has primary responsibility, under the United Nations Charter, for the maintenance of international peace and security.

Option (c): The UN Charter, in its Preamble, set an objective: “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”.

Option (b): Bodies like UNHCR achieve the objective apart from the general agreements and resolutions passed by UN.

Q.2130 Which of these is/are NOT principle(s) of United Nations?

1. Some sovereigns are more equal than others.
2. Member nations have rights but no obligations.
3. All members shall settle their international disputes by peaceful means.
4. All members shall settle their national disputes by peaceful means.

Choose the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 3 and 4 only (d) 1, 2 and 4 only

Solution: (d)

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

- The Organization is based on the principle of the sovereign equality of all its Members.
- All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
- All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
- All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

- All Members shall give the United Nations every type of assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
- The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
- Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Q.2131 Which of the following are NOT the principal organs of the United Nations (UN)?

1. International Court of Justice
2. Economic and Social Council
3. WTO

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 3 only (d) 1 and 3 only

Solution: (c)

Explanation for this and the next three questions are together.

(A) UN General Assembly (UNGA)

Q.2132 Consider the following statements about the manner in which decisions are made in the UN General Assembly (UNGA).

1. Each member state has one vote.
2. All decisions are passed by a two-thirds majority.
3. Its decisions are not binding on all UN members.

Choose the correct answer using the codes below:

- (a) 1 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (c)

Explanation above.

- Q.2133** Voting shares in the United Nations General Assembly are distributed between members on the basis of
- Population
 - Economic Size
 - Contribution to UN
 - All members have equal vote

Solution: (d)

Learning: Voting in the General Assembly on important questions, namely, recommendations on peace and security, budgetary concerns and the election, admission, suspension or expulsion of members – is by a two-thirds majority of those present and voting.

Other questions are decided by a straightforward majority. Each member country has one vote.

Apart from approval of budgetary matters, including adoption of a scale of assessment, Assembly resolutions are not binding on the members.

The Assembly may make recommendations on any matters within the scope of the UN, except matters of peace and security under Security Council consideration.

The one state, one vote power structure potentially allows states comprising just 5 percent of the world population to pass a resolution by a two-thirds vote.

(B) United Nations Security Council (UNSC)

- Q.2134** Consider the following statements about United Nations (UN) peacekeeping operations.

- UN maintains an independent peacekeeping army funded by contributions from member states.
- UN Security Council authorizes peacekeeping operations.
- Regional organizations can be authorized to undertake peacekeeping operations.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 2 only (d) 1 and 3 only

Solution: (b)

Justification: Statements 1 and 3: Most of these operations are established and implemented by the United Nations itself, with troops serving under UN operational control.

In these cases, peacekeepers remain members of their respective armed forces, and do not constitute an independent “UN army,” as the UN does not have such a force.

In cases where direct UN involvement is not considered appropriate or feasible, the Council authorizes regional organizations such as the NATO or coalitions of willing countries to undertake peacekeeping or peace-enforcement tasks.

Statement 2: The UN Charter gives the UNSC the power and responsibility to take collective action to maintain international peace and security. For this reason, the international community usually looks to the UNSC to authorize peacekeeping operations through Chapter VI authorizations.

- Q.2135** Which United Nations Organ is charged with the maintenance of international peace and security as well as recommending admission of new members to the United Nations (UN)?
- UN Secretariat
 - UN Trusteeship Council
 - International Court of Justice
 - UN Security Council

Solution: (d)

Explanation & Learning: Under the Charter, the Security Council has primary responsibility for the maintenance of international peace and security. It has 15 Members, and each Member has one vote. Under the Charter, all Member States are obligated to comply with Council decisions.

The Security Council takes the lead in determining the existence of a threat to the peace or act of aggression. It calls upon the parties to a dispute to settle it by peaceful means and recommends methods of adjustment or terms of settlement. In some cases, the Security Council can resort to imposing sanctions or even authorize the use of force to maintain or restore international peace and security. The Security Council also recommends to the General Assembly the appointment of the Secretary-General

and the admission of new Members to the United Nations. And, together with the General Assembly, it elects the judges of the International Court of Justice.

Q.2136 Consider the following statements about the composition and working of the United Nations Security Council (UNSC).

1. Its non-permanent members are elected by the UNGA for a term of 2 years.
2. Its decision is binding on all UN members.
3. Any expansion in the composition of the UNSC will need the approval of both the UNSC and UNGA.

Choose the correct answer using the codes below:

- (a) 1 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

Explanation above.

Q.2137 Apart from the changed power relations in the World, which of the following arguments would force a revisit of the composition of the UNSC?

1. The economies of Asia are growing at an unprecedented rate.
2. A whole new set of challenges confronts the world like climate change, ethnic conflicts.
3. Democratic global governance is only a logical extension of the spread of democracy across the globe.

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (d)

After the Cold War, the realities of the globe are different that force a revisit of the composition of the UNSC. Here are some of the changes that have occurred that revisit:

- The Soviet Union has collapsed.
- The US is the strongest power.
- China is fast emerging as a great power, and India also is growing rapidly.
- The economies of Asia are growing at an unprecedented rate.
- Many new countries have joined the UN (as they became independent from the Soviet Union or former communist states in Eastern Europe).

- A whole new set of challenges confronts the world (genocide, civil war, ethnic conflict, terrorism, nuclear proliferation, climate change, environmental degradation, epidemics).

Q.2138 Which of the following are NOT the permanent members of the United Nations Security Council (UNSC)?

1. Russia
2. Japan
3. Germany

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) All of the above

Solution: (b)

The fifteen-member Security Council of the UN takes such crucial decisions. The Council has five permanent members – US, Russia, UK, France and China. Ten other members are elected by the General Assembly for 2-year terms. The real power is with five permanent members.

Q.2139 Peacekeeping operations of the United Nations are authorized by

- (a) United Nations General Assembly (UNGA)
- (b) United Nations Human Rights Council (UNHRC)
- (c) United Nations Security Council (UNSC)
- (d) A group of nations in the UN that are stakeholders in the peacekeeping operations

Solution: (c)

Learning: The UN Charter gives the UNSC the power and responsibility to take collective action to maintain international peace and security. For this reason, the international community usually looks to the UNSC to authorize peacekeeping operations through Chapter VI authorizations.

Most of these operations are established and implemented by the United Nations itself, with troops serving under UN operational control.

In these cases, peacekeepers remain members of their respective armed forces, and do not constitute an independent “UN army,” as the UN does not have such a force.

Q.2140 Consider the following about the United Nations Security Council (UNSC).

1. It is the only UN body with the authority to issue binding resolutions to member states.
2. All decisions of the UNSC must be approved by the UN General Assembly to be enforced.
3. It recommends new states for admission as member states of the United Nations (UN).

Which of the above is/are correct?

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) None of the above

Solution: (c)

Justification: Decisions that are vetoed by the P-5 cannot be submitted for the review of the UNGA. Also, the UNSC is the authority under the UN charter to take action in situations threatening international peace and security, e.g. Syria crisis. So, 2 is incorrect.

Decisions taken under Chapter VII, such as economic sanctions or other sections like international security, are binding on UN members; the Security Council is the only UN body with the authority to issue binding resolutions. The UNGA can only make recommendations in this regard. So, 1 is correct.

Q.2141 Apart from the Permanent members of the UNSC, who/which among the following have the right to use veto power to stall key decisions in the United Nations (UN)?

1. Founding members of the UN
2. UN Secretary General
3. Countries that contribute substantially to the UN Budget

Select the correct answer using the codes below.

- (a) 1 and 2 only
(b) 1 and 3 only
(c) 2 only
(d) None of the above

Solution: (d)

Justification: Power of veto” refers to the veto power wielded solely by the five permanent members of the United Nations Security Council (China, France, Russia, United Kingdom, and United States), enabling them to prevent the adoption of any

“substantive” resolution, as well as decide which issues fall under “substantive” title. This *de facto* control over the UN Security Council by the five governments is seen by critics, since its creation in 1945, as the most undemocratic character of the UN.

The veto is exercised when any permanent member—the so-called “P5”—casts a “negative” vote on a “substantive” draft resolution. Abstention or absence from the vote by a permanent member does not prevent a draft resolution from being adopted.

Q.2142 The non-permanent members of the United Nations Security Council (UNSC) are

- (a) Elected for two-year terms by the General Assembly
- (b) Nominated by the permanent members of UNSC
- (c) Appointed by the UN Secretary General
- (d) Selected on rotation basis from the members of the General Assembly

Solution: (a)

Learning: The Council is composed of 15 Members: five permanent members: China, France, Russian Federation, the United Kingdom, and the United States, and ten non-permanent members.

More than 60 United Nations Member States have never been Members of the Security Council. A State which is a Member of the United Nations but not of the Security Council may participate, without a vote, in its discussions when the Council considers that that country’s interests are affected. Both Members and non-members of the United Nations, if they are parties to a dispute being considered by the Council, may be invited to take part, without a vote, in the Council’s discussions; the Council sets the conditions for participation by a non-member State.

Q.2143 The Presidency of the Security Council of United Nations is

- (a) Fixed by a vote of the General Assembly for a period of 2 years
- (b) Decided by majority vote amongst the permanent members for a given period of the term
- (c) Rotated every month among all the members and non-members of the UNSC
- (d) None of the above

Solution: (d)

Justification and Learning: The president is the head of the delegation from the Security Council member state that holds the rotating presidency.

The rotation takes place in alphabetical order of the member states' official United Nations names in English.

Non-members are not entitled for the Presidency, so the option (c) is incorrect.

(C) Secretary-General

- Q.2144** How is the UN Secretary-General selected?
- (a) Elected on a majority basis by the UN General Assembly (UNGA)
 - (b) Appointed by the UN Security Council (UNSC) based on the discretion of the P-5
 - (c) Appointed by the General Assembly on the recommendations of the UNSC
 - (d) Nominated by a body of former UN Secretary Generals

Solution: (c)

Learning: The Secretary-General of the United Nations (UNSG) is the head of the United Nations Secretariat, one of the principal organs of the United Nations. The Secretary-General also acts as the *de facto* spokesperson and leader of the United Nations. Responsibilities of the Secretary-General are further outlined in Articles 98 through 100, which states that they shall act as the officer "in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council and the Trusteeship Council, and shall perform other functions as are entrusted to him by these organs". They are responsible, according to Article 99, for making an annual report to the General Assembly as well as notifying the Security Council on matters which "in their opinion may threaten the maintenance of international peace and security".

- Q.2145** Consider the following about the office of the Secretary-General of United Nations.

Assertion (A): Even though he is the leader of the UN, the office does not find a mention in the United Nations (UN) Charter.

Reason (R): The office of Secretary-General was created few decades after the establishment of the UN.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) Both A and R are incorrect.

Solution: (d)

Justification: Both statements are wrong.

The Charter describes the Secretary-General as "chief administrative officer" of the Organization, who shall act in that capacity and perform "such other functions as are entrusted" to him or her by the Security Council, General Assembly, Economic and Social Council and other United Nations organs.

The Charter also empowers the Secretary-General to "bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security".

These guidelines both define the powers of the office and grant it considerable scope for action.

(D) International Court of Justice

- Q.2146** Consider the following about the role of International Court of Justice (ICJ).

1. Only States are eligible to appear before the Court, no private entity can move the ICJ.
2. It provides individuals and groups with legal counselling and helps them deal with the authorities of any State in major human rights violation situations.
3. It is the final appellate court for decisions passed by major international tribunals.

Select the correct answer using the codes below.

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 3 only

Solution: (a)

Justification: Statements 1 and 2: The Court has no jurisdiction to deal with applications

from individuals, non-governmental organizations, corporations or any other private entity. It cannot provide them with legal counselling or help them in their dealings with the authorities of any State whatever. Only States are eligible to appear before the Court in contentious cases. At present, this basically means the 192 United Nations Member States.

Statement 3: The Court is not a supreme court to which national courts can turn; it does not act as a court of last resort for individuals. Nor is it an appeal court for any international tribunal. It can, however, rule on the validity of arbitral awards.

Learning: However, a State may take up the case of one of its nationals and invoke against another State the wrongs which its national claims to have suffered at the hands of the latter; the dispute then becomes one between States.

- The Court can only hear a dispute when requested to do so by one or more States. It cannot deal with a dispute of its own motion. It is not permitted, under its Statute, to investigate and rule on acts of sovereign States as it chooses.
- The States concerned must also have access to the Court and have accepted its jurisdiction, in other words they must consent to the Court's considering the dispute in question.
- This is a fundamental principle governing the settlement of international disputes, States being sovereign and free to choose the methods of resolving their disputes.
- Judgments delivered by the Court (or by one of its Chambers) in disputes between States are binding upon the parties concerned.
- Judgments are final and without appeal. If either of the parties challenges their scope or meaning, it has the option to request an interpretation.

Q.2147 Consider the following statements about the appointment of judges to the International Court of Justice, Hague?

1. They are appointed for a term of five years.
2. They are appointed solely by the UNSC.

3. Veto in the UNSC is not applicable for the appointment of these judges.

Choose the correct answer using the codes below:

- (a) 1 only (b) 2 and 3 only
(c) 3 only (d) None of the above

Solution: (d)

Explanation above

Q.2148 The International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). Consider the following about it.

1. The ICJ judges are elected for terms of office of nine years by the United Nations General Assembly and the Security Council.
2. The Court can take *suo motu* cognizance of disputes between nation-states.
3. The seat of the Court is in the Hague.
4. ICJ gives advisory opinions on legal questions at the request of the organs of the United Nations.

Select the correct answer using the codes below.

- (a) 1 and 3 only (b) 1, 3 and 4 only
(c) 2 and 4 only (d) 1, 2, 3 and 4

Solution:(b)

Explanation above

Q.2149 China's Supreme Court has decided to set up its own International Maritime Judicial Centre (IMJC) to handle territorial disputes and protect its sea rights. However, International maritime disputes between countries are usually brought before the

- (a) International Court of Justice (ICJ)
(b) International maritime organisation (IMO)
(c) United Nations Security Council (UNSC)
(d) International Chamber of Shipping (ICM)

Solution: (a)

Learning: Presently China is locked in disputes with its neighbours over claims in the resource-rich South China Sea. The tensions have risen recently over China's aggressive land reclamation continues to build artificial islands, airport runways and facilities on disputed reefs. This move will help China to bolster its claims in the disputed South and East China seas and also help it become a maritime power.

Q.2150 Consider the following about the International Court of Justice (ICJ).

1. It provides advisory opinions on legal questions submitted to it by the UN General Assembly.
2. UN Security Council can enforce its rulings.
3. No two judges may be nationals of the same country in the ICJ.
4. Its judges are appointed for 5-year terms by the UN Security Council.

Select the correct answer using the codes below.

- (a) 1, 2 and 3 only (b) 3 and 4 only
(c) 1, 2 and 4 only (d) 1, 2, 3 and 4

Solution: (a)

Justification: Statement 1: ICJ is the primary judicial branch of the United Nations (UN) in the Hague. It settles legal disputes submitted to it by states and provides advisory opinions on legal questions submitted to it by duly authorized international branches, agencies, and the UN General Assembly.

Statements 2: Chapter XIV of the United Nations Charter authorizes the UN Security Council to enforce Court rulings. However, such enforcement is subject to the veto power of the five permanent members of the Council, which the United States used in the Nicaragua case.

Statement 3 and 4: The ICJ is composed of fifteen judges elected to Nine Years' terms by the UN General Assembly and the UN Security Council from a list of people nominated by the national groups in the Permanent Court of Arbitration. According to Article 9, the membership of the Court is supposed to represent the "main forms of civilization and of the principal legal systems of the world". Essentially, those have been meant the Common Law, Civil and Socialist Law (now post-communist law).

- There is an informal understanding that the seats will be distributed by geographic region
- The five permanent members of the United Nations Security Council (France, Russia, China, the United Kingdom, and the United States) always have a judge on the Court (except for 1967-1985 China).

(E) Economic and Social Council

Q.2151 Consider the following about the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP).

1. It is the first agency to have its international headquarters in India.
2. It coordinates the initiatives of major international NGOs operating in Asia-Pacific.
3. India had acceded to ESCAP membership even before its independence.

Select the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 3 only (d) 1, 2 and 3

Solution: (c)

Justification: Statements 1 and 2: It was established in 1947 with its headquarters in Bangkok, Thailand, to assist in post-war economic reconstruction.

The ESCAP works to overcome some of the region's greatest challenges by providing results oriented projects, technical assistance and capacity building to member States in the following areas:

Macroeconomic Policy, Poverty Reduction and Financing for Development, Trade and Investment, Transport etc.

In addition, ESCAP gives stronger participation to the smaller and often left out voices of the region, the least developed countries, the small island States and landlocked States.

Statement 3: India became its member on 28 March 1947, Pakistan on 30 September 1947. So, 3 is correct.

(F) UN Specialized Agencies

Q.2152 International Maritime Organization (IMO) is mandated to regulate

- (a) Hydrocarbon extraction from disputed territories
- (b) Resolving jurisdiction issues related to maritime claims
- (c) Shipping in international waters
- (d) Climate related parameters in ocean currents, tides and waves

Solution: (c)

Learning: It is a specialised agency of the United Nations responsible for regulating shipping.

The IMO's primary purpose is to develop and maintain a comprehensive regulatory framework for shipping and its remit today includes safety, environmental concerns, legal matters, technical co-operation, maritime security and the efficiency of shipping. IMO is governed by an assembly of members and is financially administered by a council of members elected from the assembly.

Q.2153 Consider the following about Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) developed by the International Civil Aviation Organization (ICAO).

1. ICAO decided to develop CORSIA because aviation emissions were not covered under Paris Agreement.
2. India led the negotiation committee that drafted CORSIA and recently ratified the scheme that will be operational from 2018.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification: Aviation (domestic and international) accounts for approximately 2 per cent of global CO₂ emissions produced by human activity. This led ICAO to develop CORSIA.

The CORSIA calls for international aviation to address and offset its emissions through the reduction of emissions elsewhere (outside of the international aviation sector), involving the concept of "emissions units". This is similar to sale of carbon trading units.

Statement 1: Emissions from domestic aviation are considered under the UNFCCC. Therefore, Parties to the UNFCCC have the possibility of addressing these emissions in their Nationally Determined Contributions (NDCs) under the Paris Agreement. Statement 1 is wrong.

Agreement on the CORSIA contributes to the level of ambition set by the Paris Agreement.

Statement 2: India hasn't joined the accord, and this has disappointed IATA. But, it is hope that India will join soon as it has a large fleet of flight operators and has led the Paris and Kigali agreements from the forefront.

Q.2154 Consider the following about United Nations Human Rights Council (UNHRC).

1. It is an inter-governmental body.
2. It had replaced the former United Nations Commission on Human Rights.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: The Council was created by the United Nations General Assembly in 2006. It is an inter-governmental body responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva.

Statement 2: The Council is made up of 47 United Nations Member States which are elected by the UN General Assembly. The Human Rights Council replaced the former United Nations Commission on Human Rights.

Q.2155 Consider the following with reference to the United Nations Economic and Social Council (UNESCO).

1. Members are appointed on rotation basis by the United Nations

Secretary General.

2. Seats on the Council are based on geographical representation.
3. International Labour Organization (ILO) is one of its sub-agencies.

Select the correct answer using the codes below.

- (a) 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) 1, 2 and 3

Solution: (a)

Justification: ILO is an autonomous organization working with the United Nations

coordinating with other specialized agencies of the UN and UNECO. So, the Statement 3 is wrong.

The Council has 54 member states out of the 193 UN member states, which are elected by the United Nations General Assembly for overlapping three-year terms. Seats on the Council are based on geographical representation with 18 allocated to African states, 13 to Asian states, 8 to East European states, 13 to Latin American and Caribbean states and 13 to West European and other states.

Q.2156 Consider the following statement: “Its purpose is to contribute to peace and security by promoting international collaboration through education, science, and culture in order to further universal respect for justice, the rule of law, and human rights along with fundamental freedom proclaimed in the United Nations Charter.”

Which of the following United Nations body has the above statement as its main purpose?

- (a) UNICEF (b) UNHCR
(c) UNESCO (d) UNDP

Solution: (c)

Q.2157 Consider the following about International Telecommunications Union (ITU).

1. It is a United Nations specialized agency for information and communication technologies.
2. It is unique in having membership of only private companies and agencies.
3. It coordinates the shared global use of the radio spectrum.

Select the correct answer using the codes below.

- (a) 1 and 3 only (b) 2 only
(c) 3 only (d) 1, 2 and 3

Solution: (a)

Justification: Statement 2: ITU currently has a membership of 193 countries and almost 800 private-sector entities and academic institutions. It is unique among UN agencies in having both public and private sector membership.

Statement 3: The ITU coordinates the shared global use of the radio spectrum, promotes international cooperation in assigning satellite orbits, works to improve telecommunication infrastructure in the developing world, and

assists in the development and coordination of worldwide technical standards.

Q.2158 The WHO Framework Convention on Tobacco Control (WHO FCTC) provides for

1. Banning of tobacco products in all countries party to the convention
2. Eliminating illicit trade of tobacco products
3. Alternative livelihoods to tobacco farmers

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 3 only
(c) 2 only (d) 1 and 3 only

Solution: (c)

WNTD is one of eight official global public health campaigns marked by the WHO.

The FCTC, one of the most quickly ratified treaties in United Nations history, is a supranational agreement that seeks “to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke” by enacting a set of universal standards stating the dangers of tobacco and limiting its use in all forms worldwide.

Even though it talks about regulating the use of tobacco, it does not provide for a tobacco ban; neither about alternative livelihoods for farmers.

Q.2159 Which of the following components are included in WHO’s definition of a ‘Healthy City’?

1. Meets the ‘Basic Needs’ of ‘All’ its inhabitants.
2. Involves the ‘Community’ in local government.
3. Upgrading ‘Energy’ use and alternative ‘Transport’ systems.

Choose the correct answer from the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) None of the above (d) All of the above

Solution: (a)

World Health Organisation (WHO) suggests that, among other things, a ‘healthy city’ must have:

- A ‘Clean’ and ‘Safe’ environment.
- Meets the ‘Basic Needs’ of ‘All’ its inhabitants.

- Involves the ‘Community’ in local government.
- Provides easily accessible ‘Health’ service

(G) Funds & Programmes

- Q.2160** Consider the following about UNICEF.
1. It is one of the members of the United Nations Development Group.
 2. UNICEF relies on contributions only from private donors.
 3. UNICEF started working in India even before our First Five Year Plan (FYP) became operational.

Select the correct answer using the codes below.

- (a) 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) 1, 2 and 3

Solution: (b)

Justification: Statement 1: It is a United Nations (UN) program headquartered in New York City that provides humanitarian and developmental assistance to children and mothers in developing countries. It is one of the members of the United Nations Development Group and its executive committee.

Statement 2: UNICEF relies on contributions from governments and private donor. Governments contribute two-thirds of the organization’s resources. However, UNICEF is funded entirely by voluntary (not compulsory) contributions.

Statement 3: The organisation began its work in India in 1949 with three staff members and established an office in Delhi three years later. Currently, it advocates for the rights of India’s children in 16 states.

- Q.2161** India has joined ‘Network for Improving Quality of Care for Maternal, New-born and Child Health’, a global health network focused on improving the quality of care for new mothers and babies. Consider the following about it.
1. The network is supported by WHO and United Nations International Children’s Fund (UNICEF).
 2. The network membership legally commits India to match global healthcare service norms to improve health security in India.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: There are other partners, apart from WHO and UNICEF. However, there is no legal commitment, so statement 2 is wrong.

Learning: India is among nine countries that will be part of the network. Other countries are Bangladesh, A Cote d’Ivoire, Ethiopia, Ghana, Malawi, Nigeria, Tanzania and Uganda.

- Under this network, countries will work to improve the quality of health care facilities to mothers and babies.
- They will strengthen national efforts to end preventable deaths of pregnant women and newborns by 2030.
- Under it, counties will build and strengthen their national institutions, identify quality of care focal points at all levels of the health system.
- They will also accelerate and sustain the implementation of quality-of-care improvement packages for mothers, newborns and children.
- They will also strengthen capacity and motivation of health professional to plan and manage quality improvement, improve data collection and increase access to medicines, equipment, clean water and supplies.

- Q.2162** Consider the following statements about the United Nations High Commissioner for Refugees (UNHCR).

1. It is a member of the United Nations Development Group (UNDP).
2. It can protect and support refugees even at the request of a national government.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification and Learning: It is a United Nations agency mandated to protect and support refugees.

- It is a member of the United Nations Development Group. Initially it was established to help people displaced by

World War II. But later it became the principal agency that has helped displaced persons all over world.

- It is mandated to protect and support refugees at the request of a government or the UN itself and assists in their voluntary repatriation, local integration or resettlement to a third country.

Q.2163 International Fund for Agricultural Development (IFAD) is a/an

- (a) Specialized agency of the United Nations (UN)
- (b) Fund established by the World Bank for developing countries
- (c) Voluntary organization working in developing countries
- (d) Agreement under WTO Peace Clause

Solution: (a)

Learning: The International Fund for Agricultural Development (IFAD), a specialized agency of the United Nations, was established as an international financial institution in 1977 as one of the major outcomes of the 1974 World Food Conference.

The conference was organized in response to the food crises of the early 1970s that primarily affected the Sahelian countries of Africa. It resolved that “an International Fund for Agricultural Development should be established immediately to finance agricultural development projects primarily for food production in the developing countries.” IFAD is dedicated to eradicating rural poverty in developing countries.

Q.2164 Consider the following about “Habitat III” conference.

1. It is also known as UN Conference on Housing and Sustainable Urban Development.
2. The 2016 conference was held at New Delhi.
3. The “New Urban Agenda” adopted at the conference commits development financing by developed countries for urbanization of least developed countries (LDCs).

Select the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 only
- (d) 1, 2 and 3

Solution: (c)

Justification: The New Urban Agenda was adopted at the UN Conference on Housing and Sustainable Urban Development (also known as “Habitat III” conference) held in Quito, Ecuador. So, 1 is correct and 2 is wrong.

It sets the global vision of sustainable urbanization for the next 20 years. It is a set of 175 commitments that countries need to adhere to tackle challenges of urbanization.

It is considered as roadmap for building cities that can serve as engines of prosperity and centres of social and cultural well-being while protecting the environment. It provides guidance for achieving the Sustainable Development Goals and provides the underpinning for actions to address climate change.

So, 3 is wrong as there is no commitment by developed countries to fund urbanization in LDCs.

Q.2165 The organization United Nations (UN) Women works under the overall supervision and aegis of

- (a) UN General Assembly
- (b) UN Economic and Social Council
- (c) Commission on Status of Women
- (d) All of above

Solution: (d)

Learning: In 2010, the United Nations General Assembly created UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women. In doing so, UN Member States took an historic step in accelerating the Organization’s goals on gender equality and the empowerment of women.

According to UN General Assembly resolution, which established UN Women, the organization is governed by a multi-tier intergovernmental governance structure as follows:

“(a)... the General Assembly, the Economic and Social Council and the Commission on the Status of Women shall constitute the multi-tiered intergovernmental governance structure for the normative support functions and shall provide normative policy guidance to the Entity.”

Q.2166 Consider the following statements about United Nations Development Programme (UNDP).

1. The status of UNDP is that of an executive board within the United Nations General Assembly.
2. UNDP is funded entirely by voluntary contributions from member nations.
3. UNDP supports national democratic transitions by providing policy advice and technical support.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 3 only (d) 1, 2 and 3

Solution: (d)

Learning: Statement 1: It also provides expert advice, training and grants support to developing countries, with increasing emphasis on assistance to the least developed countries.

Statement 2: The organization operates in around 177 countries, where it works with local governments to meet development challenges and develop local capacity. Additionally, the UNDP works internationally to help countries achieve the SDGs.

Statement 3: It works here by improving institutional and individual capacity within countries, educating populations about and advocating for democratic reforms, promoting negotiation and dialogue, and sharing successful experiences from other countries and locations.

Q.2167 Consider the following about International Vaccine Institute (IVI).

1. It is a non-profit intergovernmental organization.
2. It was founded by the Global Alliance for Genomics and Health (GAGH).
3. India, as a collaborator, contributes an annual financial grant to IVI.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 and 3 only
(c) 3 only (d) 1, 2 and 3 only

Solution: (b)

Justification: Statement 1: IVI is an international non-profit organization devoted to developing and introducing new and improved

vaccines to protect the people, especially children, against deadly infectious diseases.

Statement 2: It was established in 1997 on the initiatives of the United Nations Development Programme (UNDP).

Its work is exclusively on vaccine development and introduction specifically for people in developing countries, with a focus on neglected diseases affecting these regions.

Statement 3: In 2007 with the approval of Union Cabinet, India joined IVI. Since then India is a long-term collaborator and stakeholder of IVI (paying almost fifty thousand dollar annually to IVI).

Q.2168 The stated objectives of the World Food Programme (WFP) is/are

1. To scientifically develop and finance genetically improved varieties of crops across the world to meet food security challenges
2. To reduce under-nutrition and break the intergenerational cycle of hunger so that the need for food aid itself is eliminated in the long run

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification and Learning: It is one of the world's largest humanitarian organizations addressing hunger and promoting food security. The WFP works to help people who cannot produce or obtain enough food for themselves and their families.

The WFP strives with the ultimate goal in mind of eliminating the need for food aid itself.

The objectives that the WFP hopes to achieve are to:

- Save lives and protect livelihoods in emergencies
 - Support food security and nutrition and (re)build livelihoods in fragile settings and following emergencies
 - Reduce risk and enable people, communities and countries to meet their own food and nutrition needs
 - Reduce under nutrition and break the intergenerational cycle of hunger
- WFP food aid is also directed to fight

micronutrient deficiencies, reduce child mortality, improve maternal health, and combat disease, including HIV and AIDS. Food-for-work programmes help promote environmental and economic stability and agricultural production.

Q.2169 Consider the following about the Global Alliance for Vaccines and Immunization (GAVI).

1. The alliance is exclusive of major international institutions like the UNICEF and WHO.
2. The alliance raises new resources for immunization to channel them to developing country health systems.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 1: The Global Alliance for Vaccines and Immunization (GAVI) is an international coalition of partners. It includes national governments, UNICEF, WHO, and the World Bank; philanthropic institutions, such as the Bill and Melinda Gates Children's Vaccine Program and the Rockefeller Foundation; the private sector, represented by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA); and research and public health institutions.

Statement 2: The Global Fund for Children's Vaccines is a financially independent mechanism designed by the GAVI partners to raise new resources for immunization and swiftly channel them to developing country health systems.

The Global Fund makes its funding decisions based on the recommendations of the GAVI Board. Since the partners of the Alliance provide direction and support, administrative costs are kept low -- approximately 98% of Global Fund resources go directly to countries.

(H) UN Conventions

Q.2170 Consider the following statements.

1. United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

is a legally binding instrument under international law.

2. The International Convention on the Elimination of All Forms of Racial Discrimination outlaws hate speech.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 1: it is not a legally binding instrument under international law, however it does represent the dynamic development of international legal norms.

It works towards eliminating human rights violations against the planet's 370 million indigenous people and assisting them in combating discrimination and marginalisation.

India is a signatory to the convention.

Statement 2: This Convention requires its parties to outlaw hate speech and criminalize membership in racist organizations.

The Convention also includes an individual complaints mechanism, effectively making it enforceable against its parties.

India is a signatory, but does not recognize the competence of the Convention Committee to hear complaints from individuals about violations of the rights protected by the Convention.

Q.2171 International Covenant on Economic, Social and Cultural Rights does NOT recognize which human right?

- (a) Right to work opportunity
(b) Right to social security and insurance
(c) Right to adequate housing
(d) Right against indulgence in war by the State

Solution: (d)

Explanation & Learning: ICESCR is a multilateral treaty adopted by the UN General Assembly in 1966, coming into force since 1976. It commits its parties to work toward the granting of economic, social, and cultural rights (ESCR) to the Non-Self-Governing and Trust Territories and individuals, including labour rights and the right to health, the right to education, and the right to an adequate standard of living.

As of 2015, the Covenant has 164 parties. Six countries, including the United States, have signed but not ratified the Covenant. The Covenant is monitored by the UN Committee on Economic, Social and Cultural Rights Universal Declaration of Human Rights.

Q.2172 Consider the following about the International Bill of Human Rights.

1. It is deemed as a part of international law.
2. It is also known as Universal Declaration of Human Rights.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: Statements 1 and 2: The Universal Declaration of Human Rights consists of thirty articles which have been elaborated in subsequent international treaties, economic transfers, regional human rights instruments, national constitutions, and other laws.

- The International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols.
- In 1966, the General Assembly adopted the two detailed Covenants, which complete the International Bill of Human Rights.
- In 1976, after the Covenants had been ratified by a sufficient number of individual nations, the Bill took on the force of international law.

(1) UNCLOS – United Nations Convention on the Law of the Sea

Q.2173 As per the United Nations Convention on the Law of the Sea (UNCLOS), a state has the right to resource extraction in

- (a) Territorial Sea only
(b) Territorial Sea and Exclusive Economic Zone (EEZ) only
(c) Internal waters only
(d) Continental shelf, Territorial Sea and Exclusive Economic Zone (EEZ)

Solution: (d)

Learning: The Law of the Sea Convention defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.

Internal waters: Covers all water and waterways on the landward side of the baseline. The coastal state is free to set laws, regulate use, and use any resource. Foreign vessels have no right of passage within internal waters.

Territorial waters: Out to 12 nautical miles from the baseline, the coastal state is free to set laws, regulate use, and use any resource.

Exclusive economic zones (EEZs): These extend from the edge of the territorial sea out to 200 nautical miles from the baseline. Within this area, the coastal nation has sole exploitation rights over all natural resources. In casual use, the term may include the territorial sea and even the continental shelf.

Continental shelf: The continental shelf is defined as the natural prolongation of the land territory to the continental margin's outer edge from coastal baseline.

Coastal states have the right to harvest mineral and non-living material in the subsoil of its continental shelf, to the exclusion of others. Coastal states also have exclusive control over living resources "attached" to the continental shelf, but not to creatures living in the water column beyond the exclusive economic zone.

Q.2174 Consider the following about the International Seabed Authority (ISA).

1. It is an autonomous international organization established under the United Nations Convention on the Law of the Sea (UNCLOS).
2. It has a bearing on the administration of resources in the international sea waters.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: It was established in 1982, and it has obtained observer status to the United Nations in 1996.

Statement 2: It regulates mining and related activities in the international seabed beyond national jurisdiction, an area that includes most of the world's oceans.

For e.g. the ISA recently cleared India's programmes of mining Polymetallic nodules from the ocean. Currently, the Authority has 167 members and the European Union, composed of all parties to the Law of the Sea Convention.

Q.2175 The International Tribunal for the Law of the Sea (ITLOS) can settle disputes relating to

1. Use of resources in International waters
2. Accident involving two national vessels in International waters

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

The Italian government has approached the International Tribunal for the Law of the Sea (ITLOS), one of the four forums available for international disputes, in the Italian Marines case.

The International Tribunal for the Law of the Sea (ITLOS) is an intergovernmental organization created by the mandate of the Third United Nations Conference on the Law of the Sea. It was established by the United Nations Convention on the Law of the Sea, signed at Montego Bay, Jamaica, on December 10, 1982.

The Convention entered into force on November 16, 1994, and established an international framework for law over "all ocean space, its uses and resources". The tribunal is based in Hamburg, Germany. The Convention also established the International Seabed Authority, with responsibility for the regulation of seabed mining beyond the limits of national jurisdiction that is beyond the limits of the territorial sea, the contiguous zone and the continental shelf.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Q.2176 Consider the following about the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

1. It is described as the International bill of rights for women focussing on the economic and social rights of women.
2. India has not signed the convention and thus not legally bound to enforce its provisions.
3. Under the convention, states must report periodically about the progress on women rights to the UN Economic and Social Council.

Select the correct answer using the codes below.

- (a) 2 only (b) 1 and 3 only
(c) 1 only (d) 1, 2 and 3 only

Solution: (c)

Justification: Statement 1: It was adopted in 1979 by the United Nations General Assembly. It focuses on non-discrimination, sex stereotypes, and sex trafficking.

Statement 2: India has both signed and ratified this convention.

Statement 3: Under article 18 of the convention, CEDAW states must report to the committee of CEDAW on the progress they have made in implementing the convention within their state. It is not UNECOSOC.

Q.2177 Consider the following statements.

1. Capital punishment or Death Sentence is impermissible under the Universal Declaration of Human Rights (UDHR).
2. Revocation of appointment on grounds of pregnancy amounts to violation of women's rights under Convention on the Elimination of all forms of Discrimination against Woman (CEDAW).

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Statement 1: The United Nations adopted without dissent the Universal Declaration of Human Rights (UDHR). The Declaration proclaims the right of every individual to protection from deprivation of life. It states that no one shall be subjected to cruel or degrading punishment. The death penalty violates both of these fundamental rights.

Statement 2: It provides that, "States Parties shall ensure to women appropriate

services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation”.

It also provides for special protection for women from harmful types of work during pregnancy and with the provision of paid maternity leave.

UNCCD—United Nations Convention to Combat Desertification: 1994

Q.2178 Consider the following statements with reference to the United Nations Convention to Combat Desertification:

1. It is the sole legally binding international agreement linking environment and development to sustainable land management.
2. It is the first and only internationally legally binding framework set up to address the problem of desertification.
3. Only countries having deserts are members to this convention.

Which of the above statements is/are true?

- (a) Only 1 & 2 (b) Only 2 & 3.
(c) Only 3. (d) All.

Explanation: Desertification, along with climate change and the loss of biodiversity, were identified as the greatest challenges to sustainable development during the 1992 Rio Earth Summit.

Established in 1994, UNCCD is the sole legally binding international agreement linking environment and development to sustainable land management. The Convention addresses specifically the arid, semi-arid and dry sub-humid areas, known as the drylands, where some of the most vulnerable ecosystems and peoples can be found. In the 10-Year Strategy of the UNCCD (2008-2018) that was adopted in 2007, Parties to the Convention further specified their goals: “to forge a global partnership to reverse and prevent desertification/land degradation and to mitigate the effects of drought in affected areas in order to support poverty reduction and environmental sustainability”.

It is the first and only internationally legally binding framework set up to address the problem of desertification.

The Convention’s 195 parties work together to improve the living conditions for people in drylands, to maintain and restore land and soil productivity, and to mitigate the effects of drought. The UNCCD is particularly committed to a bottom-up approach, encouraging the participation of local people in combating desertification and land degradation. The UNCCD secretariat facilitates cooperation between developed and developing countries, particularly around knowledge and technology transfer for sustainable land management.

(I) Other Related Organisations & Issues

Q.2179 Consider the following with reference to the United Nations International Law Commission (UNILC).

1. It was established by the United Nations General Assembly (UNGA).
2. The commission has been exempted from the responsibility of developing laws on protection of the atmosphere.
3. It is the only UN organization to not have any participation from India or Indian citizens.

Select the correct answer using the codes below.

- (a) 1 only (b) 3 only
(c) 2 and 3 only (d) 1 and 2 only

Solution: (a)

Justification: Statement 1: The International Law Commission was established by the General Assembly, in 1947, to “initiate studies and make recommendations for the purpose of ... encouraging the progressive development of international law and its codification.”

Statement 2: It deals with a variety of subjects including Protection of the environment in relation to armed conflicts; Protection of the atmosphere and Crimes against humanity.

Statement 3: Aniruddha Rajput, a young Indian lawyer, has been elected to the UN International Law Commission.

He is among 34 individuals elected by the UN General Assembly as members of the International Law Commission that is tasked with the progressive development of international law and its codification.

The five-year term of the newly elected members commenced from 2017.

Q.2180 Consider the following with reference to the International Criminal Court (ICC)

1. United Nations Security Council and individual states have been authorized to refer investigations to the Court.
2. ICC has the jurisdiction to prosecute individuals for crimes of genocide.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: ICC is an intergovernmental organization and international tribunal which can prosecute individuals for the international crimes of genocide, crimes against humanity, and war crimes.

The ICC is intended to complement existing national judicial systems and it may therefore only exercise its jurisdiction when certain conditions are met, such as when national courts are unwilling or unable to prosecute criminals or when the United Nations Security Council or individual states refer investigations to the Court.

Governed by an international treaty called the Rome Statute, the ICC is the world's first permanent international criminal court.

Q.2181 With reference to the United Nations Commission on International Trade Law (UNCITRAL), consider the following statements

1. It is the core legal body of the United Nations system in the field of international trade law
2. At present India is not its member yet
3. The Commission member States are elected by the General Assembly. Membership is structured so as to be representative of the world's various geographic regions and its principal economic and legal systems.

Which of the above is/are correct?

- (a) 1 and 2 Only (b) 2 and 3 Only
(c) 1 and 3 Only (d) All

Solution: (c)

It was established by the resolution of United Nations General Assembly in December 1966 "to promote the progressive harmonization and unification of international trade law".

UNCITRAL carries out its work at annual sessions held alternately in New York City and Vienna.

Q.2182 United Nations Disengagement Observer Force (UNDOF) maintains the ceasefire between

- (a) Syria and Israel
(b) Jordan and Egypt
(c) Kuwait and Iraq
(d) Saudi Arabia and Kuwait

Solution: (a)

Learning: The UNDOF was established in 1974 by United Nations Security Council (UNSC) following the agreed disengagement of Syrian and Israeli forces in the Golan Heights. Since then, UNDOF has remained in the area to maintain the ceasefire between Syrian and Israeli forces and to supervise the implementation of the disengagement agreement.

Major General Jai Shanker Menon of India has been appointed as the Head of Mission and Force Commander of the United Nations Disengagement Observer Force (UNDOF).

Q.2183 The Nobel Peace Prize laureate who is also the youngest United Nations (UN) Messenger of Peace is

- (a) Antonio Guterres
(b) Malala Yousafzai
(c) Ban Ki-Moon
(d) Kailash Satyarthi

Solution: (b)

Learning: United Nations Messengers of Peace are distinguished individuals, carefully selected from the fields of art, literature, science, entertainment, sports or other fields of public life, who have agreed to help focus worldwide attention on the work of the United Nations.

UN Secretary-General Antonio Guterres has appointed Nobel laureate Malala Yousafzai (at 19, youngest such messenger)

as a UN Messenger of Peace to promote girls education.

It is the highest honour given by the United Nations. The messengers are initially chosen for a period of 3 years.

They mainly promote the work of the UN agency they are ambassador for.

Q.2184 The United Nations Development Group (UNDG) was created by the Secretary-General of the UN to improve the effectiveness of UN development activities at the country level. It consists of which of these organizations?

1. World Health Organization
2. United Nations Children's Fund
3. International Labour Organization
4. United Nations Women

Select the correct answer using the codes below.

- (a) 2 and 4 only (b) 1 and 4 only
(c) 2 and 3 only (d) 1, 2, 3 and 4

Solution: (d)

Learning: Created in 1997, UNDG brings together 32 UN agencies and groups, plus five observers working on various development issues.

At the global level, the UNDG serves as a high-level forum for joint policy formation and decision-making.

The UNDG meets three to four times a year under the chairmanship of the UNDG Chair.

Q.2185 Consider the following statements about water conservation and United Nations.

1. The amount of water recommended by the United Nations for drinking, washing, cooking and maintaining proper hygiene is a minimum of 100 liters per person per day.
2. Year 2003 was observed as the International Year of Freshwater to make people aware of this dwindling natural resource.
3. UN has declared 2013 as the UN International Year of Water Cooperation
4. World Water Day is held annually on 22 March as a means of focusing attention on the importance of freshwater and advocating for the sustainable management of freshwater resources.

Which of the above statements is/are correct?

- (a) 2, 3, and 4 Only
(b) 1, 2, 3 and 4
(c) 3 and 4 Only
(d) 2 and 3 Only

Solution: (a)

The amount of water recommended by the United Nations for drinking, washing, cooking and maintaining proper hygiene is a minimum of 50 litres per person per day.

Q.2186 Consider the following about the United Nations Commission on Sustainable Development (CSD).

1. It was established by the Conference of Parties (COP) to the UNFCCC.
2. Its primary duty is to enforce the binding agreements signed under the UNFCCC.
3. It meets every ten years to chart the course of 'sustainable development' in both developed and developing countries.

Select the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 3 only (d) None of the above

Correct Answer: (d)

Statement 1: It was established by the UN General Assembly in December 1992 to ensure effective follow-up of United Nations Conference on Environment and Development (UNCED), also known as the Earth Summit.

At the United Nations Conference on Sustainable Development (*Rio 20*), Member States agreed to establish a high level political forum that replaced the Commission on Sustainable Development. The body no longer exists.

Statement 2: The Commission was responsible for reviewing progress in the implementation of Agenda 21 and the Rio Declaration on Environment and Development; as well as providing policy guidance to follow up the Johannesburg Plan of Implementation (JPOI) at the local, national, regional and international levels.

Statement 3: The CSD met annually in New York, in two-year cycles, opening its sessions to broad participation from both governmental and non-governmental actors.

QSource: <https://sustainabledevelopment.un.org/intergovernmental/csd>

Q.2187 Consider the following about the High Level Political Forum on Sustainable Development.

1. It was a part of the agreement following the Rio+20 Conference.
2. It is a United Nations central platform for the follow-up and review of the 2030 Sustainable Development Goals (SDGs).

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: HLPF is the most inclusive and participatory forum at the United Nations, bringing all States Members of the United Nations and States members of specialized agencies together.

The HLPF was part of the agreement following the United Nations Conference on Sustainable Development or Rio+20 with the aim to strengthen Sustainable Development governance at the United Nations it has the mandate to:

- provide political leadership and recommendations for sustainable development,
- follow-up and review progress in implementing sustainable development commitments,

The forum meets:

- every four years at the level of Heads of State and Government under the auspices of the General Assembly
- every year under the auspices of the Economic and Social Council—for eight days, including a three-day ministerial segment HLPF in 2016 was the first since the adoption of the 2030 Agenda and the SDGs.

Q.2188 Consider the following about the United Nations Development Action Framework (UNDAF) 2013-17, India.

1. It is a programme document signed between all major voluntary bodies in India and the United Nations Country Team (UNCT) mandating specific measurable and binding targets.

2. Under the framework, UN Agencies provide support for national development priorities as listed in the 12th 5 Year Plan.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 1: It is a document prepared in partnership with the Planning Commission and Line Ministries of the Government of India, Civil Society Organisations and the United Nations in India. But, it is signed with the government. So, 1 is wrong.

Statement 2: It guides the collective work of the United Nations in India. Under the UNDAF, along with the national development priorities of the 12th Five Year Plan the UN bodies also help to implement the internationally agreed goals like the MDGs.

Under the current UNDAF, collective engagement by the UN will focus on nine priority states: Assam, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Uttar Pradesh. Other focus areas are J&K and NE-India.

Q.2189 The former United Nations Secretary-General's UNiTE initiative aims to

- (a) End Violence against Women
- (b) Bring developing and developed countries together
- (c) Achieve ceasefire in conflict-prone regions in the Middle-east
- (d) Raise agricultural productivity in Least Developed Countries (LDCs) to attain food security for the world

Solution: (a)

Learning: The global vision of the UNiTE campaign is a world free from violence against all women and girls.

Some of its goals are:

- Adoption and enforcement of national laws to address and punish all forms of violence against women and girls, in line with international human rights standards.
- Establishment of data collection and analysis systems on the prevalence of various forms of violence against women and girls.

- Systematic efforts to address sexual violence in conflict situations and to protect women and girls from rape as a tactic of war and full implementation of related laws and policies.

Q.2190 The Millennium Ecosystem Assessment (MEA) was called for by the

- (a) Intergovernmental Panel on Climate Change (IPCC)
- (b) United Nations Secretary-General
- (c) Global Biodiversity and Ecosystems Organization (GBEO)
- (d) None of the above

Solution: (b)

Learning: Kofi Annan was the UN Sec-Gen in 2000.

Initiated in 2001, the objective of the MA was to assess the consequences of ecosystem change for human well-being and the scientific basis for action needed to enhance the conservation and sustainable use of those systems and their contribution to human well-being.

The MA has involved the work of thousands of experts worldwide.

Their findings, contained in five technical volumes and six synthesis reports, provide a state-of-the-art scientific appraisal of the condition and trends in the world's ecosystems and the services they provide (such as clean water, food, forest products, flood control, and natural resources) and the options to restore, conserve or enhance the sustainable use of ecosystems.

Q.2191 Consider the following statements:

1. Democratic world governance is not necessary even if all the nations in the world turn democratic.
2. The UNSC can order an armed military intervention in a country only after the approval of the United Nations General Assembly (UNGA).
3. The non-permanent members of the UNSC are elected by the UNGA for a 2 year term.

Choose the correct answer using the codes below:

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 3
- (d) All of the above

Solution: (c)

The yardstick for Democratic world governance is whether each of the countries has free and equal say in the decisions that affect them. It depends more on the International institutional architecture in the UN, than in democracy being brought in the nations of the world.

UNSC does not need the approval of UNGA even though the non-permanent members are elected by UNGA. The permanent members wield a lot of power in UNSC.

Q.2192 Consider the following statements.

1. The United Nations Democracy Fund (UNDEF) finances the functioning of legislatures in Third World transitioning Democratic countries.
2. The United Nations Educational, Scientific and Cultural Organization (UNESCO) is the only UN agency with a mandate in higher education.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (b)

Justification: Statement 1: It was built to support projects that strengthen the voice of civil society, promote human rights, and encourage the participation of all groups in democratic processes.

The large majority of UNDEF funds go to local civil society organizations -- both in the transition and the consolidation phases of democratization.

Statement 2: UNESCO is the only UN agency with a mandate in higher education. It fosters innovation to meet education and workforce needs. It examines ways of increasing higher education opportunities for young people from vulnerable and disadvantaged groups.

Q.2193 Consider the following statements.

1. The members of the General Assembly are automatically the members of all other principal organs and specialised agencies of the UN.
2. The UN Secretary-General can veto the decision of the UN General assembly when the decision goes against international public interest.
3. One veto can stall a Security Council resolution.

Which of the above are correct?

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 3 only

Solution: (d)

UN sec-Gen does not have any decision making powers with respect to the decisions taken by the UNGA and UNSC. He is more of an executive officer of the UN who assists the UN in its functioning. WHO, UNCTAD, UNECOSOC are organs of the UN which have lesser members than the UNGA. So membership of the UNGA does not automatically qualify countries for their membership of the other agencies and organs.

Q.2194 Which of the following bodies/agencies of the United Nations (UN) has/have won the Nobel Peace Prize?

1. United Nations Children's Fund (UNICEF)
2. The Office of the United Nations High Commissioner for Refugees (UNHCR)
3. The Organization for the Prohibition of Chemical Weapons (OPCW)
4. Intergovernmental Panel on Climate Change (IPCC)

Select the correct answer using the codes below.

- (a) 1, 2 and 4 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1 and 2 only

Solution: (a)

Justification: Solve such questions by elimination.

OPCW is not a UN agency, so B and C are incorrect. IPCC works under the auspices of the UN and has won the Noble Peace Prize in 2007. So, the only answer can be A.

Statement 1: Reasons can be seen here <http://www.un.org/en/sections/nobel-peace-prize/united-nations-children%E2%80%99s-fund-unicef/index.html>

Statement 3: The OPCW was established to oversee the implementation of the Chemical Weapons Convention – the full global ban on these kinds of weapons. The Nobel Committee stated: “The conventions and the work of the OPCW have defined the use of chemical weapons as a taboo under international law.”

Statement 4: It was first established in 1988 by two United Nations organizations, the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP), and later endorsed by the United Nations General Assembly.

(5) Trade Blocks

(A) ASEAN

Q.2195 With reference to a grouping of countries called as ASEAN, Consider the following:

1. India is not a founding member of ASEAN.
2. It includes Japan and South Korea also.
3. It sponsors an exclusive ASEAN bank dedicated to finance member nations.
4. The ASEAN region is economically a single market.

Select the correct answer using the codes below.

- (a) 1 and 4 only (b) 1 and 3 only
(c) 2 and 3 only (d) 1 only

Solution: (d)

The ASEAN Free Trade Area (AFTA) which was established on 28 January 1992 includes a Common Effective Preferential Tariff (CEPT) to promote the free flow of goods between member states. When the AFTA agreement was originally signed, ASEAN had only six members (Brunei, Indonesia, Malaysia, the Philippines, Singapore, and Thailand). Vietnam joined in 1995, Laos and Burma in 1997, and Cambodia in 1999. The newcomers have not fully met AFTA's obligations, but they are officially considered part of the AFTA as they were required to sign the agreement upon entry into ASEAN, and were given longer time frames in which to meet AFTA's tariff reduction obligations.

The next steps are to create a:

- single market and production base
- competitive economic region
- region of equitable economic development
- region fully integrated into the global economy

Since 2007, ASEAN countries have gradually lowered their import duties with member nations. The target is zero import duties by 2016.

Q.2196 Free Trade Agreement (FTA) between India and ASEAN can potentially lead to:

1. Increased employment opportunities in both nations
2. Violation of WTO global trading norms
3. Higher Foreign Direct Investment (FDI) from ASEAN into India

Select the correct answer using the codes given below

- (a) 1 and 3 (b) 1 and 2
(c) 2 and 3 (d) Only 1

Solution: (d)

Q.2197 East Asia Summit (EAS) includes which of these nations as members?

1. India
2. United States
3. Russia
4. Saudi Arabia

Select the correct answer using the codes below.

- (a) 2 and 3 only (b) 1 and 4 only
(c) 1, 2 and 3 only (d) 1, 2, 3 and 4

Solution: (c)

Learning: List can be found here https://en.wikipedia.org/wiki/East_Asia_Summit#Member_Nations

- United States and Russia were admitted as member in 2011.
- EAS shares a close relation with ASEAN and associated organizations.
- ASEAN Plus Three (APT) is a forum that functions as a coordinator of co-operation between the Association of Southeast Asian Nations and the three East Asia nations of China, Japan, and South Korea.
- ASEAN plus Six further includes India, Australia and New Zealand.

Q.2198 It has been said that the merits of the ASEAN Way might “be usefully applied to global conflict management”. What is called as the ‘ASEAN Way’?

- (a) It reflects the spiritual life style of ASEAN members countries.
- (b) Involving third party countries in bilateral negotiations
- (c) It is a form of interaction among ASEAN members that is informal, cooperative and respects cultural norms.

(d) Never taking recourse to the judicial route to resolve commercial conflicts between nations

Solution: (c)

Learning: It is a working process or style that is informal and personal. Policymakers constantly utilize compromise, consensus, and consultation in the informal decision-making process. Above all it prioritizes a consensus-based, non-conflictual way of addressing problems. Quiet diplomacy allows ASEAN leaders to communicate without bringing the discussions into the public view. Members avoid embarrassment that may lead to further conflict.

Q.2199 Which of the following countries is/are NOT members of ASEAN?

1. Cambodia
2. China
3. Myanmar
4. Bangladesh
5. Thailand

Select the correct answer using the codes below.

- (a) 2 only (b) 3, 4 and 5 only
(c) 1, 2 and 3 only (d) 2 and 4 only

Solution: (d)

Justification: It is a political and economic organisation of ten Southeast Asian countries. It was formed in 1967 by Indonesia, Malaysia, the Philippines, Singapore, and Thailand. Since then, membership has expanded to include Brunei, Cambodia, Laos, Myanmar (Burma), and Vietnam. Its aims include accelerating economic growth, social progress, and socio-cultural evolution among its members, alongside protection of regional stability as well as providing a mechanism for member countries to resolve differences peacefully. ASEAN shares land borders with India, China, Bangladesh, East Timor, and Papua New Guinea, and maritime borders with India, China, and Australia.

(B) Regional Trade Blocks – Africa

Q.2200 Consider the following statements about South African Customs Union

1. It is the oldest customs union of the world
2. Lesotho, Swaziland, South Africa, Botswana, Namibia are its members

3. India and SACU have signed Preferential trade Agreement and it came into operational in 2012

Which of the above statements is/are correct?

- (a) 1 and 3 Only (b) 1 Only
(c) 3 Only (d) 1 and 2 Only

Solution: (d)

India and SACU are yet to sign the treaty.

The Southern African Customs Union (SACU) consists of Botswana, Lesotho, Namibia, South Africa, and Swaziland. The SACU Secretariat is located in Windhoek, Namibia. SACU was established in 1910, making it the world's oldest Customs Union.

Historically SACU was administered by South Africa, through the 1910 and 1969 Agreements. The customs union collected duties on local production and customs duties on members' imports from outside SACU, and the resulting revenue was allocated to member countries in quarterly installments utilizing a revenue-sharing formula.

Negotiations to reform the 1969 Agreement started in 1994, and a new agreement was signed in 2002. The new arrangement was ratified by SACU Heads of State.

The Economic structure of the Union links the Member states by a single tariff and no customs duties between them. The Member States form a single customs territory in which tariffs and other barriers are eliminated on substantially all the trade between the Member States for products originating in these countries; and there is a common external tariff that applies to nonmembers of SACU.

(C) Regional Trade Blocks – South America & Caribbean

Q.2201 Mercosur, also known as the “Common Market of the South” is

- (a) An economic Union of Southern African states
(b) A free trade area among the Central Asian states
(c) An economic and political agreement among some South American states
(d) A private trade body that acts as a representative of South Asia in WTO

Solution: (c)

Learning: It is a sub-regional bloc. Its full members are Argentina, Brazil, Paraguay, Uruguay and Venezuela.

Its associate countries are Bolivia, Chile, Peru, Colombia, Ecuador and Suriname.

Observer countries are New Zealand and Mexico.

Its purpose is to promote free trade and the fluid movement of goods, people, and currency, as it is a full customs Union.

Q.2202 MERCOSUR as a sub-regional bloc excludes which of these countries?

- (a) Argentina (b) Mexico
(c) Brazil (d) Peru

Solution: (b)

Justification: Eliminate Mexico, because MERCOSUR is a South-American trading bloc; Mexico is a North American country. So, B is the answer.

It was established in 1991. Its full members are Argentina, Brazil, Paraguay and Uruguay. Its associate countries are Bolivia, Chile, Peru, Colombia, Ecuador and Suriname.

Mercosur suspended Venezuela sometime back from it for violating the bloc's democratic principles and failing to meet its basic standards.

Learning: Brazil urges India to broaden MERCOSUR presence and to expand its commercial and multilateral footprints in South America.

India and the Mercosur bloc have stepped up efforts to expand their preferential trade agreement (PTA) to make greater inroads into the other's market.

(D) AIIB – Asian Infrastructure Investment Bank

Q.2203 How does the newly established Asian Infrastructure Investment Bank (AIIB) differ from the IMF and World Bank (WB)?

1. No nation holds veto power in the AIIB, unlike in IMF and WB.
2. All member nations will have equal decision-making power in AIIB, whereas in IMF and WB its rests on their economic size and global economic contributions.
3. Membership of the AIIB is open only to Asian nations, unlike in IMF and WB.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 only (d) None of the above

Solution: (d)

The AIIB will have authorised capital of USD 100 billion, and Asian countries will contribute to up to 75 per cent of the total capital. Each member will be allocated a share of the quota based on their economic size (not contribution to authorized capital), according to the agreement. China, India and Russia are the three largest shareholders, taking a 30.34 per cent, 8.52 per cent, 6.66 per cent stake, respectively. Their voting shares are calculated at 26.06 per cent, 7.5 per cent and 5.92 per cent. The AIIB is designed to finance infrastructure construction in the continent. In the IMF - Unlike the General Assembly of the United Nations, where each country has one vote, decision making at the IMF was designed to reflect the relative positions of its member countries in the global economy. The United States was a leading force in the establishment of the World Bank in 1944 and remains the largest shareholder of the World Bank today. As the only World Bank shareholder that retains veto power over changes in the Bank's structure, the United States plays a unique role in influencing and shaping development priorities.

Q.2204 Consider the following statements about AIIB.

1. AIIB provides finances to infrastructure projects in the Asia- Pacific region only.
2. India is the second largest shareholder in the Bank after China.
3. AIIB and BRICS' New Development Bank have a joint funding facility for needy nations.

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (a)

The Asian Infrastructure Investment Bank (AIIB) is an international financial institution proposed by China. The purpose of the multilateral development bank is to provide finance to infrastructure projects in the Asia-Pacific region.

- The AIIB was launched in Beijing last year to spur investment in Asia in transportation, energy, telecommunications and other infrastructure.
- AIIB is regarded by some as a rival for the IMF, the World Bank and the Asian Development Bank (ADB), which the AIIB says are dominated by developed countries like the United States and Japan.
- Presently there are 22 members including China.
- The authorised capital of AIIB will be \$100 billion. AIIB's headquarters is to be located in Beijing.
- India is the second largest shareholder in the Bank after China.
- It is being called as a very positive development in the sense that it opens up more borrowing opportunities.

(E) Regional Blocks in Which India Is a Member

(1) SAARC

Q.2205 South Asian Free Trade Area (SAFTA) includes

1. Bhutan
2. Maldives
3. Pakistan
4. Myanmar
5. Afghanistan

Select the correct answer using the codes below.

- (a) All except 4
(b) All except 5
(c) All except 1 and 2
(d) All except 3 and 4

Solution: (a)

Learning: SAFTA in 2004 created a free trade area in Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. The foreign ministers of the region signed a framework agreement on SAFTA to reduce customs duties of all traded goods to zero by the year 2016.

The basic principles underlying SAFTA are:

- Overall reciprocity and mutuality of advantages
- Negotiation of tariff reform

- Recognition of the special needs of the Least Developed Contracting States etc.

Q.2206 Which of the following steps were taken by India under the South Asian Free Trade Area (SAFTA) Agreement?

1. Reducing the items under the sensitive list
2. It has brought down peak tariffs on several items.
3. It signed this agreement with Myanmar and Maldives too.

Choose the correct answer using the following codes:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) None of the above

Solution: (a)

Refer to http://saarc-sec.org/areaofcooperation/detail.php?activity_id=5

Myanmar is a South-East Asian country. It is not a part of SAFTA.

Q.2207 Recently the Union cabinet has agreed to sign SAARC Framework Agreement for Energy Cooperation. Which of the following countries are NOT its included in it?

1. Pakistan
2. Myanmar
3. Sri Lanka

Choose the correct answer using the codes below:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) Only 2

Solution: (d)

In 2000, the process of regional cooperation in energy sector began between SAARC Member States with the establishment of a Technical Committee on Energy.

Key facts of SAARC Framework Agreement for Energy Cooperation (Electricity)

- It will enable greater cooperation in the power sector among SAARC countries.
- It is expected to improve the power availability in the entire SAARC region.
- It would facilitate integrated operation of the regional power grid among member States.

Implications of this framework

- This agreement will boost the implementation of common power grid between SAARC members. Thus

help them to share the hydroelectric power generated in North East India to Bangladesh, Nepal and other countries.

- Excess electricity from India and Pakistan can be supplied to electricity deficient Afghanistan.
- Offshore wind projects could be set up in Sri Lanka's coastal borders to power southern part of India and Sri Lanka.

Q.2208 The SAARC Food Bank has been set up to supplement national efforts to provide food security to the people of the SAARC region during emergencies and food shortages. The country with the largest share of food grains is

(a) Bangladesh (b) India
(c) Pakistan (d) Sri Lanka

Solution: (b)

Learning: SAARC Food Bank has a reserve of food grains maintained by each member country consisting of either wheat or rice, or a combination of both as assessed share of the country. Presently India's assessed share of food grains is 3,06,400 lakh tonnes out of a total quantity of 4,86,000 lakh tonnes allocated for SAARC Food Bank.

Q.2209 Which of these BRICS nations has an observer status at the South Asian Association for Regional Cooperation (SAARC)?

- (a) Brazil (b) Russia
(c) China (d) South Africa

Solution: (c)

Learning: States with observer status include Australia, China, the European Union, Iran, Japan, Mauritius, Myanmar, South Korea and the United States.

Myanmar has expressed interest in upgrading its status from an observer to a full member of SAARC. Russia has applied for observer status membership of SAARC. Turkey applied for observer status membership of SAARC in 2012. South Africa has participated in meetings.

(2) IORA

Q.2210 Consider the following with reference to the Indian Ocean Rim Association (IORA).

1. It grants approvals for sourcing minerals from Exclusive Economic Zones (EEZ) and continental shelves of the Indian Ocean.

2. It focuses on economic cooperation as well as combating marine piracy.
3. Its coordinating Secretariat is located in India.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 2 and 3 only (d) 1 and 3 only

Solution: (b)

Justification: Statement 1: The Indian Ocean Rim is rich in strategic and precious minerals, metals and other natural resources, marine resources and energy, all of which can be sourced from Exclusive Economic Zones (EEZ), continental shelves and the deep seabed.

However, approvals are granted by International Seabed Authority for minerals in international waters. States are free to extract resources within EEZ. So, 1 is incorrect.

Statement 2: IOR-ARC, a regional cooperation initiative of the Indian Ocean Rim countries, was established in Mauritius in 1997 with the aim of promoting economic and technical cooperation. IOR-ARC is the only pan-Indian ocean grouping.

Statement 3: Its coordinating Secretariat is located at Ebene, Mauritius. It is a regional forum, tripartite in nature that brings together representatives of Government, Business and Academia, for promoting co-operation and closer interaction among them.

Learning: Presently it has 19 members- Australia, Bangladesh, India, Indonesia, Iran, Kenya, Malaysia, Madagascar, Mauritius, Mozambique, Oman, Seychelles, Singapore, South Africa, Sri Lanka, Tanzania, Thailand, UAE and Yemen.

There are five Dialogue Partners namely China, Egypt, France, Japan and UK and two Observers namely, Indian Ocean Research Group (IORG) and Indian Ocean Tourism Organisation (IOTO), Oman.

(3) Heart of Asia Conference

Q.2211 Consider the following about Heart of Asia Conference.

1. It is being conducted since the first non-alignment conference at Belgrade.

2. India has never hosted a Heart of Asia conference.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification: Statement 1: The Heart of Asia-Istanbul Process was launched in 2011 and the participating countries include Pakistan, Afghanistan, Azerbaijan, China, India, Iran, Kazakhstan, Kyrgyzstan, Russia, Saudi Arabia, Tajikistan, Turkey, Turkmenistan and the United Arab Emirates.

It keeps Afghanistan at its centre focus.

Statement 2: It provides a platform for discussing key regional issues among participating States.

- The 6th Ministerial Conference (2016) of Heart of Asia summit was held in Amritsar, India.
- The Amritsar Declaration recognises terrorism as the biggest threat to peace and security.
- The declaration states the urgency to respond to the nexus between drug menace and its financial support for terrorist entities in Afghanistan.

Q.2212 The Heart of Asia (HoA) conference essentially focuses on

- (a) Economic integration of Asia with Europe and Latin America
(b) Regional cooperation with Afghanistan to ensure its stability
(c) Developing the North-South Transport Corridor (NSTC)
(d) Countering piracy in the Arabian and Indian Ocean

Solution: (b)

Learning: HoA conference is a part of the Istanbul Process established 2011 which provides a platform to discuss an agenda of regional cooperation with Afghanistan at its centre.

- It seeks to provide a platform to discuss regional issues, particularly encouraging security, political, and economic cooperation among Afghanistan and its neighbours.
- Its three main elements are (i) Political Consultation involving Afghanistan

and its near and extended neighbours.
(ii) Achieving sustained incremental approach to implementation of Confidence Building Measures (CBMs) identified in the Istanbul Process document. (iii) Seeks to contribute and bring greater coherence to work of various regional processes and organisations, particularly as they relate to Afghanistan.

- 14 participating countries: Russia, China, India, Pakistan, Afghanistan, Iran, Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan, Saudi Arabia, UAE, Azerbaijan and Turkey.

Q.2213 Apart from India and Pakistan, the member states of the 'Heart of Asia' conference include

1. China
2. Russia
3. Saudi Arabia
4. Iraq

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 4 only
(c) 1 and 3 only (d) 1, 2 and 3 only

Solution: (d)

(4) Mekong-Ganga Cooperation (MCG)

Q.2214 Consider the following about Mekong-Ganga Cooperation (MCG).

1. It does not include any nation that is either a member of ASEAN Summit or has a strategic partnership with China.
2. It only deals with power sharing and inland waterways transport across the rivers Mekong and Ganga.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification: The Mekong-Ganga Cooperation (MGC) is an initiative by six countries – India and five ASEAN countries, namely, Cambodia, Lao PDR, Myanmar, Thailand and Vietnam for cooperation in tourism, culture, education, as well as transport and communications. So, both 1 and 2 are wrong.

Both the Ganga and the Mekong are civilizational rivers, and the MGC initiative

aims to facilitate closer contacts among the people inhabiting these two major river basins.

India-Myanmar-Thailand Trilateral Highway project and Hanoi Programme of Action (HPA) are some of the key projects being monitored by MCG.

Q.2215 Mekong-Ganga Cooperation Project is

- (a) A security agreement between India and ASEAN
- (b) A bilateral investment agreement involving India and Myanmar
- (c) A joint border demarcation exercise of East Asian countries and India
- (d) Cooperation in tourism, culture, education, and transportation linkages between India and some East Asian nations

Solution: (d)

Learning: It was established in 2000 at Vientiane at the First MGC Ministerial Meeting.

It comprises six member countries, namely India, Thailand, Myanmar, Cambodia, Laos and Vietnam.

They emphasised four areas of cooperation, which are tourism, culture, education, and transportation linkage in order to be solid foundation for future trade and investment cooperation in the region.

In the latest meeting, ASEAN diplomats demanded India to revamp their foreign policy towards South-East Asia.

(5) Multi- Sectoral Technical and Economic Cooperation (BIMSTEC)

Q.2216 The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) is an international organisation involving a group of countries in South Asia and South East Asia. These are

1. Myanmar
2. Sri Lanka
3. Indonesia
4. Bhutan
5. Nepal

Select the correct answer using the codes below.

- (a) 1, 2, 4 and 5 only
(b) 3 and 4 only

(c) 1, 4 and 5 only

(d) 1, 2 and 3 only

Solution: (a)

Justification: BIMSTEC headquarters is situated in Dhaka, Bangladesh

A BIMSTEC Free Trade Area Framework Agreement has been signed by member nations.

Cooperation in BIMSTEC, starting with six sectors—including trade, technology, energy, transport, tourism and fisheries—for sectoral cooperation in the late 1997, it expanded to embrace nine more sectors—including agriculture, public health, poverty alleviation, counter-terrorism, environment, culture, people to people contact and climate change—in 2008.

Q.2217 Consider the following about the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC).

1. It was established through the Bangkok Declaration.
2. Nepal and Bhutan are members of the BIMSTEC.
3. It is an implicit free trade agreement among the member nations.

Select the correct answer using the codes below.

(a) 1 and 2 only (b) 2 and 3 only

(c) 3 only (d) 1, 2 and 3

Solution: (a)

Justification: The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) is a regional organization comprising seven Member States lying in the littoral and adjacent areas of the Bay of Bengal constituting a contiguous regional unity.

This sub-regional organization came into being in 1997 through the Bangkok Declaration. It constitutes seven Member States: five deriving from South Asia, including Bangladesh, Bhutan, India, Nepal, Sri Lanka, and two from Southeast Asia, including Myanmar and Thailand.

Initially, the economic bloc was formed with four Member States with the acronym 'BIST-EC' (Bangladesh, India, Sri Lanka and Thailand Economic Cooperation).

Later, Myanmar was included and it became BIMS-TEC.

It is not a FTA. It is a sector-drive organization focussing on sharing best practices and help each other in agriculture, public health, poverty alleviation, counter-terrorism, environment, culture etc

(6) BBIN

Q.2218 Bangladesh, Bhutan, India, Nepal (BBIN) Initiative intended to facilitate

- (a) Cross border movement of both passengers and cargo vehicles
- (b) Better coordination between security forces of BBIN
- (c) A Free trade zone in South Asia
- (d) Registration of illegal migrants who have overstayed in BBIN countries

Solution: (a)

Learning: BBIN initiative is a sub regional architecture of countries in South Asia.

- India is in a bilateral motor vehicle agreement with Nepal and Bangladesh, but a multilateral pact like BBIN would go a long way in boosting trade in the region.
- Recently, Bhutan withdrew from BBIN, and now India, Nepal and Bangladesh will have to decide whether to wait for Bhutan to reconsider or to press ahead with a truncated 'BIN' arrangement

(7) BRICS

Q.2219 In which of the following countries, not even a single BRICS Summit has been held till date?

1. Brazil
2. China
3. Russia
4. India

Select the correct answer using the codes below.

- (a) 1 and 4 only
- (b) 2 only
- (c) 2 and 3 only
- (d) It has been held in all of the above at least once.

Solution (d)

Justification: 2011 Summit was held in China. It was the first summit to include South Africa alongside the original BRIC countries. So, 2 can't be the answer.

BRICS New Development Bank and BRICS Contingent Reserve Arrangement agreements were signed in 2014 in Brazil BRICS Summit. So, 1 can't be the answer.

A summit was held in India in 2012, and is happening in October 2016 (Goa). So, 4 can't be the answer.

2015 BRICS Summit was held in Russia, Ufa. There was also a joint summit with SCO-EEU.

Learning: The acronym BRIC was first used in 2001 by Goldman Sachs in their Global Economics Paper, "The World Needs Better Economic BRICs" on the basis of econometric analyses projecting that the economies of Brazil, Russia, India and China would individually and collectively occupy far greater economic space and would be amongst the world's largest economies in the next 50 years or so.

As a formal grouping, BRIC started after the meeting of the Leaders of Russia, India and China in St. Petersburg on the margins of G8 Outreach Summit in 2006. BRICS brings together five major emerging economies, comprising 43% of the world population, having 30% of the world GDP and 17% share in the world trade.

Q.2220 The Moscow Declaration recently signed in 2015 by BRICS relates to

- (a) Fighting piracy in Indian and Pacific Ocean
- (b) Tackling challenges of terrorism in Central and South Asia
- (c) Addressing common regional and global socio-economic challenges by utilising science, technology and innovation
- (d) Improving the North-South Transport Corridor to improve access to energy resources amidst BRICS nations

Solution: (c)

Explanation: Terrorism is generally the subject-matter of SCO negotiations and meetings. Option (b) is wrong.

Fighting piracy is generally dealt by the IOR-ARC, ASEAN and other such littoral bodies. Option (a) is wrong.

The International North-South Transport Corridor is the ship, rail, and road route for moving freight between India, Russia,

Iran, Europe and Central Asia. It has been in construction for long. Option (d) is thus wrong.

Learning: The joint declaration seeks to enhance co-investment of resources to support multilateral Research and Development (R&D) Projects in mutually agreed areas by BRICS nations. BRICS nations mutually have agreed on the collaboration for:

Q.2221 "Udaipur Declaration" adopted at the BRICS meet concerns

- (a) Coordinated Monetary Policies
- (b) Disaster Risk Reduction
- (c) Deforestation and land degradation
- (d) Trade Facilitation Agreement

Solution (b)

Learning: BRICS nations have made a clear move from relief-centric to a holistic approach to disasters with a greater emphasis on prevention, mitigation and preparedness.

- BRICS nations will set up a dedicated Joint Task Force for Disaster Risk Management for regular dialogue, exchange, mutual support and collaboration among them.
- The meeting was a new milestone in collaboration and cooperation among BRICS countries in the field of disaster management.
- 'Flood Risk Management' and 'Forecasting of Extreme Weather Events in the context of Changing Climate' were the major themes discussed in the meet.

Q.2222 Fortaleza Declaration seen in news sometimes back led to the creation of

- (a) Asian Infrastructure Investment Bank (AIIB)
- (b) BRICS New Development Bank (NDB)
- (c) China Construction Bank
- (d) Asia-Pacific Investment Bank (APIB)

Solution: (b)

Learning: In 2014 at the sixth summit in Fortaleza, Brazil the member countries signed the Articles for the New Development Bank with an Authorized Capital of USD 100 billion.

- The founders established the Bank with a purpose of mobilizing resources for infrastructure and sustainable development projects in BRICS and other

emerging economies and developing countries, complementing the existing efforts of multilateral and regional financial institutions for global growth and development.

- To fulfill its purpose, the Bank was envisaged to support public or private projects through loans, guarantees, equity participation and other financial instruments.
- It shall also cooperate with international organizations and other financial entities, and provide technical assistance for projects to be supported by the Bank.

Q.2223 Consider the following statements about the New Development Bank (NDB).

1. It is the first Multi-lateral Development Bank established by developing countries and emerging economies of BRICS.
2. All member nations have an equal shareholding in the NDB.
3. It funds only projects related to sustainable development and ecological conservation.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 3 only
(c) 1 only (d) 1, 2 and 3

Solution: (a)

Justification: Statement 1: NDB is the first such Development Bank established by BRICS – in accordance with the Fortaleza declaration signed in 2014.

- The NDB members represent 42 percent of world population, 27 percent of the global surface area and accounting for over 20% of the Global GDP.

Statement 2: The five member nations – Brazil, Russia, India, China and South Africa – have an equal shareholding in the NDB

Statement 3: The NDB was established aiming to mobilize resources for infrastructure and sustainable development projects in BRICS and other emerging economies and developing countries, complementing the existing efforts of multilateral and regional financial institutions for global growth and development.

Q.2224 Consider the following about the BRICS New Development Bank.

1. Agreement for establishing NDB was made at Fortaleza.

2. Bank will be headquartered in Shanghai.
3. Bank's first President will be Kundapur Vaman Kamath from India.
4. All member nations will have an equal say in Bank's management.
5. All member nations will contribute equally to Bank's start-up capital.

Choose the correct answer using the codes below.

- (a) 1, 4 and 5 only
(b) 2 and 3 only
(c) 1, 2, 3 and 4 only
(d) All of the above

Solution: (d)

Agreement for establishing NDB was signed during the 6th BRICS Summit being held in Fortaleza, Brazil in April, 2014. It was formally launched at the 7th BRICS summit held in Ufa, Russia in July 2015.

Purpose: To fund infrastructure projects in the emerging economies. It is seen as an alternative institute to west dominated World Bank and the International Monetary Fund (IMF).

Capital: It will have initial capital of US 50 billion dollars and will be raised to US 100 billion dollars within the next couple of years. Each member's role: They will have an equal say in the bank's management, regardless of GDP size and contribute an equal share in establishing a startup capital.

President: Eminent banker Kundapur Vaman Kamath from India is President of Bank for the first five years i.e. till 2020.

(8) IBSA

Q.2225 The Brasilia declaration signed by the foreign ministers of IBSA pressed for

- (a) Greater security for women at workplaces
- (b) Improved macro-economic policy coordination in South-South countries
- (c) Urgent reforms in the United Nations, especially the Security Council
- (d) Climate change mitigation funding support by developed countries

Solution: (c)

Learning: It is one of the few important agreements signed by IBSA, hence the question.

In 2003, the Brasilia declaration was signed by the foreign ministers of India, Brazil and South Africa.

They agreed on the urgent need for reforms in the United Nations, especially the Security Council.

The declaration was of the view that the United Nations Security Council should reflect the current world scenario.

It also touched upon the subjects of international terrorism, trans-national crime and illegal arms dealing, stating that such threats to international peace must effectively tackled with respect for the sovereignty of States and for International Law

Learning: The IBSA Dialogue Forum aims to promote South-South cooperation and build consensus on issues of international importance. It also aims at increasing the trade opportunities among the three countries, as well as facilitate the trilateral exchange of information, technologies and skills

(9) BCIM Corridor

Q.2226 The BCIM corridor is one of the major joint economic initiatives of India and China. The BCIM corridor will pass through

1. Kunming
2. Mandalay
3. Xinjiang
4. Dhaka
5. Kolkata

Choose the correct answer using the codes below.

- (a) 1, 2, 4 and 5 only
- (b) 4 and 5 only
- (c) 1, 2, 3 and 5 only
- (d) 1, 2, 3 and 4 only

Solution (a)

Xinjiang province is near the Northern border of India with China. BCIM corridor passes from the eastern side. One of the strategic factors driving the corridor is reduction of reliance on the Straits of Malacca, militarily dominated by the U.S. Mizoram would be connected with Myanmar's port of Sittwe, through the Kaladan River, and the passage will provide all the landlocked north-eastern States access to the sea. Compared with

the land route, Sittwe provides these States access to Kolkata

(10) SCO

Q.2227 Full Shanghai Corporation Organization (SCO) membership to India will have significant benefits in

1. Combating terrorism
2. Opening up trade, energy sector and strategic transit routes
3. Resolving strictly bilateral land border disputes

Choose the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) All of the above

Solution (a)

As Iran has observer status in the SCO, it will serve as a platform for India to boost trade through the Iranian ports of Bandar Abbas and Chabahar. These ports are considered as India's gateway to Central Asia through International North-South Transport Corridor (INSTC). Thus, it will open up trade, energy sector and strategic transit routes for India between Russia, Central Asia and China. SCO will provide platform for the security grouping for India and Pakistan especially on issue to counter terrorism. It will also provide a valuable interface to engage with security concern of Afghanistan especially its members including India due to pullout international troops. SCO may also serve as guarantor for projects such as the Turkmenistan-Afghanistan-Pakistan-India (TAPI) and Iran-Pakistan-India (IPI) pipelines, which are held by India due to security concerns. Balance in International Politics: In this politically polarised world, SCO will play an important role in counterbalancing India's perceived tilt on security issues towards US and its allies. Thus, it can help to maintain full balance of India's relations with the great powers globally.

Q.2228 Consider the following about the Regional Anti-terrorist Structure (RATS) of the Shanghai Corporation Organization (SCO).

1. It is headquartered in Beijing, China.
2. It is a permanent organ of the Shanghai Cooperation Organization.
3. It deals with extremism and separatism too.
4. All member-states contribute to intelligence gathering in RATS.

Choose the correct answer using the codes below.

- (a) 1 and 4 only (b) 2 and 3 only
(c) 2, 3 and 4 only (d) All of the above

Solution: (c)

RATS SCO, headquartered in Tashkent (Uzbekistan), is a permanent organ of the Shanghai Cooperation Organization which serves to promote cooperation of Member States against terrorism, separatism, and extremism, which it refers to as “the three evil forces.” RATS SCO includes 8 Member States (the Republic of Kazakhstan, the People’s Republic of China, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan, and the Republic of Uzbekistan, India and Pakistan), three observers, and three dialogue partners. To ensure the safety of border areas, the border defence cooperation mechanism under the framework of RATS SCO was established. RATS SCO has also collected and distributed to its Member States intelligence information regarding the use of the Internet by terrorist groups active in the region to promote their ideas.

Q.2229 International North–SouthTransport Corridor

The International North–SouthTransport Corridor will directly connect India with which of these countries?

1. Russia
2. Europe
3. Central Asia
4. Iran
5. Azerbaijan

Choose the correct answer using the codes below.

- (a) 2, 3 and 5 only (b) 1, 3 and 4 only
(c) 1 and 4 only (d) All of the above

Solution: (d)

The International North–South Transport Corridor is the ship, rail, and road route for moving freight between India, Russia, Iran,

Europe and Central Asia. The route primarily involves moving freight from India, Iran, Azerbaijan and Russia via ship, rail and road. The objective of the corridor is to increase trade connectivity between major cities such as Mumbai, Moscow, Tehran, Baku, Bandar Abbas, Astrakhan, Bandar Anzali and etc. Dry runs of two routes were conducted in 2014, the first was Mumbai to Baku via Bandar Abbas and the second was Mumbai to Astrakhan via Bandar Abbas, Tehran and Bandar Anzal.

Q.2230 The southernmost and northernmost hubs on the International North South Transport Corridor (NSTC) respectively are

- (a) Kabul and Vladivostok
- (b) Mumbai and Moscow
- (c) Colombo and Chabahar
- (d) Jakarta and Azerbaijan

Solution: (b)

Justification: Work by elimination. One node of NSTC begins from India, so only option B can be correct.

- The major Northern end junctions are: Astrakhan, Moscow, Baku, Bandar Abbas, Tehran and Bandar Anzali.
- Mumbai is the only Northernmost hub or junction on the NSTC.
- NSTC is the ship, rail, and road route for moving freight between India, Russia, Iran, Europe and Central Asia.
- The primary objective of the NSTC project is to reduce costs in terms of time and money over the traditional route currently being used
- It is 3,500 miles long and will be integrated with the Ashgabat agreement on multimodal transport.

(10) Ashgabat Agreement

Q.2231 The Union Cabinet has given its approval for India to accede to the Ashgabat Agreement. It establishes international transport and transit corridor between

- (a) Central Asia and the Persian Gulf countries
- (b) South-East Asia to European Countries
- (c) West-African countries to South Asian countries

- (d) Oil producing Gulf countries and littoral states of Indian Ocean

Solution: (a)

Learning: It is a transit agreement established in year 2011. Its founding members are Uzbekistan, Iran, Turkmenistan and Oman. Kazakhstan had joined the grouping in 2015. Accession to the Agreement would enable India to:

- Utilise this existing transport and transit corridor to facilitate trade and commercial interaction and ties with the Eurasian region.
- Synchronise India's efforts to implement the International North South Transport Corridor (INSTC) for enhanced connectivity.
- It will provide India an opportunity for reorientation of the freight traffic from the traditional sea route to land transcontinental routes.

(12) SASEC

Q.2232 The South Asia Sub-Regional Economic Cooperation (SASEC)

Program aims to promote

1. Cross-border power sharing
2. Cross-border rail and road links
3. Develop joint military outfits to secure common market checkpoints

Select the correct answer using the codes below.

- (a) 1 only (b) 1 and 3 only
(c) 1 and 2 only (d) 3 only

Solution: (c)

Learning: The South Asia Sub-regional Economic Cooperation (SASEC) Program brings together Bangladesh, Bhutan, India, the Maldives, Nepal, and Sri Lanka in a project-based partnership that aims to promote regional prosperity, improve economic opportunities, and build a better quality of life for the people of the sub-region.

SASEC seeks to strengthen multimodal cross-border transport networks that boost intraregional trade and open up trade opportunities with East and South-East Asia. The program helps build modern and effective customs administrations that speed

up the time and reduce the costs of moving goods, vehicles, and people across borders. The six SASEC countries presently remain some of the least economically integrated in the world. SASEC also assists member countries in improving energy security by developing infrastructure and promoting intraregional power trade to reduce costs and import dependence.

(12) Commonwealth

Q.2233 Consider the following about the Commonwealth Association for Public Administration and Management (CAPAM).

1. CAPAM is a research partner of the United Nations General Assembly (UNGA) and UN Economic and Social Council (UNECOSOC).
2. The Government of India is a member of CAPAM, which enables it to keep pace with the latest developments in the field of public administration.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 1: With its headquarters at Ottawa, Canada, is an organization dedicated to strengthening public management and consolidating democracy and good governance throughout the Commonwealth.

It was formed in 1994 as a result of decisions taken at the Commonwealth Heads of Government meeting.

Statement 2: The Ministry of Personnel, Public Grievances and Pensions, Government of India became an institutional member of CAPAM in 1997.

The membership allows its participation in various programmes of CAPAM viz; International Innovations Awards Programme, International Innovations Cascading Programme etc.

(13) International Solar Alliance (ISA)

Q.2234 International Solar Alliance (ISA) is an alliance of solar resource-rich tropical countries lying fully or partially between two

tropics. Which of these is/are the objectives of the ISA?

1. Promote standardisation in the use of equipments and processes for generating solar electricity
2. Boost global demands which will result in further reduction in prices of solar energy deployment
3. Adopt mandatory Domestic Content Requirements for solar industries to generate employment and domestic growth

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Solution: (a)

Justification: Statement 1: Standardisation will make the manufacturing of equipments and other hardware cheaper.

Statement 2: It also envisages boosting R&D, particularly in areas of efficient storage systems.

Statement 3: DCRs do not go well with WTO norms, and can be challenged (as India's Solar Mission DCR was challenged by USA). It is not one of the objectives of the ISA.

Learning: More than 120 countries are geographically located in the tropics i.e. between the Tropic of Cancer and the Tropic of Capricorn, either fully or partially. These places get ample sunlight throughout the year, making solar energy easily available resources.

These countries also happen to be ones where maximum growth in energy demand in the coming years, but their current production is woefully short of requirement.

Thus, the ISA will ensure that as these countries rapidly ramp up their electricity production, predominantly by using clean solar energy and avoid fossil fuels.

(F) Other International Organisations – Alliances & Agreements

(1) European Union

Q.2235 Consider the following statements about the European Union.

1. It is a political Union.
2. It is a sub-agency of NATO.
3. It has a common constitution.
4. There is a common flag and anthem.

Select the correct answer using the codes below.

- (a) 1 and 4 only (b) 2 and 3 only
(c) 1, 3 and 4 only (d) 4 only

Solution: (d)

Justification: Statement 1: It is an economic Union, not a political Union, as all member states are autonomous units.

Statement 2: Some EU members are also NATO members, but EU is not its sub-agency.

Statement 3: The Treaty establishing a Constitution for Europe (TCE), (commonly referred to as the European Constitution or as the Constitutional Treaty), was an unratified international treaty intended to create a consolidated constitution for the European Union (EU). It would have replaced the existing European Union treaties with a single text. But it was rejected by the French and Dutch voters.

Statement 4: It has its own flag, anthem, founding date, and currency. It also has some form of a common foreign and security policy in its dealings with other nations.

Q.2236 Consider the following statements about the European Union.

1. It has its own constitution and a Parliament.
2. It is a free trade area.
3. Its share of world trade is larger than that of the USA.
4. It has a common currency.

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2, 3 and 4 only
(c) 2 and 4 only (d) 3 and 4 only

Solution: (b)

The European Union has evolved over time from an economic union to an increasingly political one. The EU has started to act more as a nation state. While the attempts to have a Constitution for the EU have failed, it has its own flag, anthem, founding date, and currency. It also has some form of a common foreign and security policy in its dealings with other nations.

The European Union has tried to expand areas of cooperation while acquiring new members, especially from the erstwhile Soviet bloc. The process has not proved easy, for people in many countries are not very enthusiastic in giving the EU powers that were exercised by the government of their country. There are also reservations about including some new countries within the EU.

Its share of world trade is three times larger than that of the United States allowing it to be more assertive in trade disputes with the US and China. Its economic power gives it influence over its closest neighbours as well as in Asia and Africa. It also functions as an important bloc in international.

Q.2237 “Lisbon Treaty” was recently in news with reference to

- (a) Brexit referendum for leaving European Union (EU)
- (b) Model Foreign Account Tax Compliance Act (FATCA) to be adopted by G-20 nations
- (c) Modification of Iran’s nuclear programme under pressure from P5+1 nations
- (d) Retrospective taxation on foreign investors in WTO member nations

Solution: (a)

Learning: Under the Lisbon treaty, a member state wishing to leave the EU should first notify the European Council its decision.

This would set in motion a process by which the member and the EU leadership will negotiate the terms of the departure and reach an agreement in 2 years.

People of United Kingdom (UK) in a historic Brexit referendum voted in favour of leaving European Union (EU).

The vote to leave the EU now has triggered a two-year ‘withdrawal process’ which will determine the future of UK’s relationship with the EU.

Q.2238 Which of the following countries is/are member of the European Union?

- 1. Switzerland
- 2. Austria
- 3. Czech Republic
- 4. Sweden

Select the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 3 and 4 only
- (c) 2, 3 and 4 only
- (d) 1 and 3 only

Solution: (c)

Learning: Each member state is party to the founding treaties of the union and thereby subject to the privileges and obligations of membership.

Unlike members of most international organisations, the member states of the EU are subjected to binding laws in exchange for representation within the common legislative and judicial institutions.

The EU countries are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

Q.2239 Which of the following resulted in the creation of the European Union?

- (a) Treaty of Portsmouth
- (b) Paris Declaration
- (c) Rome Declaration
- (d) Maastricht treaty

Solution: (d)

Learning: Upon its entry into force in 1993, it created the European Union and led to the creation of the single European currency, the euro. One of the obligations of the treaty for the members was to keep “sound fiscal policies, with debt limited to 60% of GDP and annual deficits no greater than 3% of GDP”.

- The treaty also created what was commonly referred to as the pillar structure of the European Union.
- The treaty established the three pillars of the European Union— one supranational pillar created from three European Communities (which included the European Community (EC), the European Coal and Steel Community and the European Atomic Energy Community), the Common Foreign and Security Policy (CFSP) pillar, and the Justice and Home Affairs (JHA) pillar.

- The Maastricht Treaty has been amended by the treaties of Amsterdam, Nice and Lisbon.

Q.2240 Consider the following about Euro zone and European Union

1. Euro zone is an Economic entity, and EU is a Politico-economic entity.
2. Euro zone has a common currency, EU doesn't.
3. Euro zone follows a common monetary policy, EU doesn't.
4. Both the EU and Euro zone have a single market.
5. EU has a supra-national Parliament, Euro zone doesn't.

Choose the correct answer using the codes below.

- (a) 1, 2 and 5 only
- (b) 3 and 4 only
- (c) 1, 2, 3 and 4 only
- (d) All of the above

Solution: (a)

The question has been made again with reference to the Greece crisis and its possible exit from European Union. It is an important topic for this year. The European Union (EU) is a politico-economic union of 28 member states that are located primarily in Europe. The EU operates through a system of supranational institutions and intergovernmental-negotiated decisions by the member states. The institutions are: the European Commission, the Council of the European Union, the European Council, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, and the European Parliament.

The European Parliament is elected every five years by EU citizens. The EU has developed a single market through a standardised system of laws that apply in all member states.

The eurozone, officially called the euro area, is a monetary union of 19 European Union (EU) member states that have adopted the euro (€) as their common currency and sole legal tender.

Monetary policy of the zone is the responsibility of the European Central Bank (ECB) which is governed by a president

and a board of the heads of national central banks. The principal task of the ECB is to keep inflation under control. Though there is no common representation, governance or fiscal policy for the currency union, some co-operation does take place through the Eurogroup, which makes political decisions regarding the eurozone and the euro. The Eurogroup is composed of the finance ministers of eurozone states, but in emergencies, national leaders also form the Eurogroup.

(2) OECD

Q.2241 Decision-making in OECD is vested in the OECD council which consists of

1. One representative from each member country
2. Elected representatives from five member countries by rotation
3. A representative of European Commission
4. Secretary-general of UN

Choose the correct answer from the codes below.

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 2 and 4 only

Solution: (c)

Decision-making power is vested in the OECD Council. It is made up of one representative per member country, plus a representative of the European Commission. The Council meets regularly at the level of permanent representatives to OECD and decisions are taken by consensus. These meetings are chaired by the OECD Secretary-General. The Council also meets at ministerial level once a year to discuss key issues and set priorities for OECD work. The work mandated by the Council is carried out by the OECD Secretariat.

Q.2242 Consider the following with reference to the Organisation for Economic Co-operation and Development (OECD).

1. Its main mission is to enhance the economic interests of developed countries exclusively.
2. It is a non-profit organization working an attached agency under the European Union.

3. India is an accession candidate to OECD. Select the correct answer using the codes below.

- (a) 1 and 2 only
- (b) 3 only
- (c) 1, 2 and 3 only
- (d) None of the above

Solution: (d)

Justification: Statement 1: The mission of the Organisation for Economic Co-operation and Development (OECD) is to promote policies that will improve the economic and social well-being of people around the world.

The OECD provides a forum in which governments can work together to share experiences and seek solutions to common problems.

Statement 2: It is separate from EU. It is an inter-governmental organization headquartered in Paris.

Statement 3: India is an enhanced engagement partner of OECD. It is neither a member non-accession candidate to the OECD.

(3) Asia-Pacific Economic Cooperation (APEC)

Q.2243 Consider the following about Asia-Pacific Economic Cooperation (APEC).

1. It consists of Pacific Rim economies.
2. It promotes free trade throughout the Asia-Pacific region by promoting common trade standards across the region.
3. It is an affiliate member of the G-8.
4. All economies have an equal say in APEC and decision-making is reached by consensus.
5. There are no binding commitments or treaty obligations other than those agreed voluntarily by member economies on a case to case basis.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1, 2, 4 and 5 only
- (c) 3, 4 and 5 only (d) 1, 2 and 5 only

Solution: (b)

Statement 2: APEC ensures that goods, services, investment and people move easily across borders. Members facilitate this trade

through faster customs procedures at borders; more favorable business climates behind the border; and aligning regulations and standards across the region.

For example, APEC's initiative to synchronize regulatory systems is a key step to integrating the Asia-Pacific economy. A product can be more easily exported with just one set of common standards across all economies.

Statement 4 and 5: APEC operates as a cooperative, multilateral economic and trade forum. Member economies participate on the basis of open dialogue and respect for views of all participants.

In APEC, all economies have an equal say and decision-making is reached by consensus. There are no binding commitments or treaty obligations. Commitments are undertaken on a voluntary basis and capacity building projects help members implement APEC initiatives.

APEC's structure is based on both a "bottom-up" and "top-down" approach.

Q.2244 Which of these nations is NOT a member of the Asia-Pacific Economic Cooperation (APEC)?

- (a) China
- (b) India
- (c) United States of America
- (d) Russia

Solution: (b)

Learning: It is a regional economic forum established in 1989 to leverage the growing interdependence of the Asia-Pacific.

APEC's 21 member economies are Australia; Brunei Darussalam; Canada; Chile; People's Republic of China; Hong Kong, China; Indonesia; Japan; Republic of Korea; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; The Philippines; The Russian Federation; Singapore; Chinese Taipei; Thailand; United States of America; Vietnam.

In APEC, all economies have an equal say and decision-making is reached by consensus.

There are no binding commitments or treaty obligations.

(4) OPEC

Q.2245 Organization of Petroleum Exporting Countries (OPEC) is

- (a) a joint Arab private firm that manages oil exports from Middle-East
- (b) an oil cartel that jointly changes prices and supply of oil
- (c) a conglomeration of Arab-American companies with the exclusive right to extract and export petroleum from Arab nations
- (d) a political entity setup by all Arab oil companies to supervise extraction and production of oil and natural gas from middle-east

Solution: (b)

Explanation: OPEC is a cartel of countries. So, it is incorrect to refer to it as a joint private firm. Hence, option (a) is incorrect.

Other options can be eliminated as it does not confirm to the definition of a cartel.

Learning: A cartel is a collection of businesses or countries that act together as a single producer and agree to influence prices for certain goods and services by controlling production and marketing. A cartel has less power than a monopoly. This is because cartels do not control the entire market, as monopolists usually do.

OPEC was formed when the international oil market was largely dominated by a group of multinational companies known as the 'seven sisters'. The formation OPEC represented a collective act of sovereignty by oil exporting nations, and marked a turning point in state control over natural resources.

OPEC's mandate is to "coordinate and unify the petroleum policies" of its members and to "ensure the stabilization of oil markets in order to secure an efficient, economic and regular supply of petroleum to consumers, a steady income to producers, and a fair return on capital for those investing in the petroleum industry.

In 2014 OPEC comprised twelve members: Algeria, Angola, Ecuador, Iran, Iraq, Kuwait, Libya, Nigeria, Qatar, Saudi Arabia, the United Arab Emirates, and Venezuela.

Q.2246 Consider the following about Organization of the Petroleum Exporting Countries (OPEC).

1. It is an informal consortium of private oil producers in the Gulf region.
2. Iran and Iraq have not been included in OPEC.
3. Its headquarters is not located in West Asia where some of the largest oil producers are situated.
4. OPEC decides and administers the global price of Brent Crude Oil.

Select the correct answer using the codes below.

- (a) 1 and 3 only (b) 3 only
(c) 2 and 4 only (d) 1, 2, 3 and 4

Solution: (b)

Explained in previous answer

Q.2247 The organization that works as a cartel among the following is

- (a) International labour Organization (ILO)
- (b) North American Free Trade Area (NAFTA)
- (c) World Trade Organization (WTO)
- (d) Organization of Petroleum Exporting Countries (OPEC)

Solution: (d)

Justification: A cartel is an association of manufacturers or suppliers with the purpose of maintaining prices at a high level and restricting competition.

NAFTA is a free trade bloc, so b is incorrect.

ILO and WTO are inter-governmental organizations, so b and c are incorrect.

OPEC is a notorious cartel that has often spiked oil prices by cutting supplies, so d is correct.

Domestic cartel formation is usually restricted by anti-competition laws, but international cartels cannot be regulated as such.

(5) Financial Action Task Force (FATF) AND G7

Q.2248 Which of the following statements about the Financial Action Task Force (FATF), established in 1989 by G-7, is INCORRECT?

- (a) It is an inter governmental policy making body.

- (b) Its mandate covers setting international standards for combating money laundering and terrorist financing.
- (c) It does not deal with proliferation of weapons of mass destruction which are dealt by the UNSC and multi-lateral export control regimes.
- (d) It works to identify national-level vulnerabilities with the aim of protecting the international financial system from misuse.

Solution: (c)

Justification: Option B: The objectives of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system.

- The FATF is therefore a “policy-making body” which works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas.

Option C: The FATF has developed a series of Recommendations that are recognised as the international standard for combating of money laundering and the financing of terrorism and proliferation of weapons of mass destruction

Option D: The FATF monitors the progress of its members in implementing necessary measures, reviews money laundering and terrorist financing techniques and counter-measures, and promotes the adoption and implementation of appropriate measures globally.

- In collaboration with other international stakeholders, the FATF works to identify national-level vulnerabilities with the aim of protecting the international financial system from misuse.
- The FATF’s decision making body, the FATF Plenary, meets three times per year.

Q.2249 Which of the following countries is/are NOT members of G-7?

1. Russia
2. China
3. Australia
4. Japan
5. Italy

Select the correct answer using the codes below.

- (a) 1, 2 and 3 only
- (b) 2, 3 and 4 only
- (c) 1 and 5 only
- (d) 1 and 2 only

Solution: (a)

Learning: It is a group of seven major advanced economies as reported by the International Monetary Fund (IMF).

Collectively they represent more than 64% of the net global wealth; very high Human Development Index and 46% of the global GDP.

G7 countries include Canada, France, Germany, Italy, Japan, UK and US. Russia was expelled from the group G8 following its annexation of Crimea.

Hiroshima Declaration (2016) reaffirms commitment of G-7 countries’ to seek a safer world for all and create the conditions for a world without nuclear weapons to promote international stability.

(6) FSB & G20

Q.2250 The Financial Stability Board (FSB) that promotes international financial stability through enhanced information exchange and international cooperation in financial market supervision was established by

- (a) The G-8 finance ministers and central bank governors
- (b) G-20 major economies
- (c) United Nations Economic and Social Council (UNECOSOC)
- (d) A resolution of all members of the UN General Assembly

Solution: (b)

Learning: The Financial Stability Board (FSB) is an international body that monitors and makes recommendations about the global financial system.

It was established after the 2009 G-20 London summit in April 2009 as a successor to the Financial Stability Forum (FSF). The Board includes all G-20 major economies, FSF members, and the European Commission. It is based in Basel, Switzerland

Q.2251 The Financial Stability Board (FSB) is an international body that monitors and makes recommendations about the global financial system. Consider the following about it.

1. It was established by G-20 as the successor to the Financial Stability Forum (FSF).
2. It has been made a member organ of the International Monetary and Financial Committee (IMFC).

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: Statement 2: FSB will report any possible threats to the stability of the global financial system to the G20 finance ministers, the IMF and central bank governors.

The FSF was made an observer of the IMFC in 1999. FSB is not a member organ of the IMFC.

Q.2252 Which of the following countries are member(s) of G-20?

1. Australia
2. Saudi Arabia
3. Canada
4. China
5. Japan

Select the correct answer using the codes below.

- (a) 1, 3 and 5 only
(b) 1, 2 and 4 only
(c) 2, 3 and 5 only
(d) 1, 2, 3, 4 and 5

Solution: (d)

Justification: Use elimination. China is an influential member of G-20. So, options A and C can be discarded right away.

There is no reason why Japan, being a major developed economy, should not be a member of G-20. This clearly leads to the answer option d.

Learning:

- G20 is an international forum for the governments and central bank governors from 20 major economies.
- It was founded in 1999 with the aim of studying, reviewing, and promoting high-level discussion of policy issues pertaining to the promotion of international financial stability.

- It seeks to address issues that go beyond the responsibilities of any one organization.
- The G20 heads of government or heads of state have periodically conferred at summits since their initial meeting in 2008, and the group also hosts separate meetings of finance ministers and central bank governors.

(7) G77

Q.2253 Which of the following about G-77, a coalition of developing nations, is correct?

- (a) India and China are the cofounders of G-77.
(b) It founded the Non-Alignment movement (NAM), 1961.
(c) Being an informal grouping, it is officially not recognized by bodies of United Nations.
(d) None of the above

Solution: (d)

Justification: China was not a co-founder of G77. So, (a) is incorrect.

NAM was founded by a group of five nations India, Egypt, Indonesia, Ghana and Yugoslavia. So, (b) is incorrect.

There are Chapters of the Group of 77 in Rome (FAO), Vienna (UNIDO), Paris (UNESCO), Nairobi (UNEP) and the Group of 24 in Washington, D.C. (International Monetary Fund and World Bank). So, (c) is incorrect

Learning: It was designed to promote its members' collective economic interests (such as climate change) and create an enhanced joint negotiating capacity in the United Nations. There were 77 founding members of the organization, but by 2013 the organization had since expanded to 134 member countries.

(8) MCAA

Consider the following with reference to the Multilateral Automatic Exchange of Financial Account Information (MCAA).

1. It is a multilateral convention on administrative assistance in taxation matters.

2. It was developed by the Organisation for Economic Co-operation and Development (OECD).

3. India has not joined the convention.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 only (d) 1, 2 and 3

Solution: (a)

Justification: It sets up a system wherein bulk taxpayer information will be periodically be sent by source country of income to the country of residence of the taxpayer. So, 1 is correct.

- This agreement obliges signatories to exchange a wide range of financial information among themselves periodically and automatically.
- Its main aim is to prevent international tax evasion and avoidance and help member countries to curb tax evasion and deal with the problem of black money.

(G) IAEA – International Atomic Energy Agency

Q.2254 The International Atomic Energy Agency (IAEA) was established in 1957. It has been in news frequently. Consider the following statements about it.

1. It is associated with the UN.
2. It seeks to prevent countries from using any form of nuclear energy.
3. Nations which have signed the Non-Proliferation Treaty (NPT) are required to allow regular inspections by the IAEA.

Choose the correct answer using the codes below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (c)

The International Atomic Energy Agency (IAEA) was established in 1957. It came into being to implement US President Dwight Eisenhower's —Atoms for Peace proposal. It seeks to promote the peaceful use of nuclear energy and to prevent its use for military purposes. IAEA teams regularly inspect nuclear facilities all over the world to ensure that civilian reactors are not being used for military purposes.

To be noted, even though India has not signed NPT, due to signing Indo-US civil nuclear deal, we are supposed to allow for IAEA inspections.

Q.2255 The International Atomic Energy Agency (IAEA) reports to both the UN General Assembly and the UN Security Council because

1. IAEA was established by the UN Charter.
2. It is under the direct control of the UN.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification and Learning: Though established independently of the United Nations through its own international treaty, the IAEA Statute, the IAEA reports to both the United Nations General Assembly and Security Council. However, it is not under the direct control of the UN. So, both 1 and 2 are wrong.

The IAEA has its headquarters in Vienna. The IAEA serves as an intergovernmental forum for scientific and technical cooperation in the peaceful use of nuclear technology and nuclear power worldwide

(H) Arctic Council

Q.2256 Consider the following statements with reference to the Arctic Council:

1. Only states with territory in the Arctic can be members of the Council.
2. Chairmanship of the Council rotates every two years amongst its members
3. Observer status is open to non-Arctic states approved by the Council at the Ministerial Meetings.
4. Only permanent observers have voting rights in the Council.

Which of the above statements is/are true?

- (a) Only 1. (b) Only 2, 3 & 4.
(c) Only 1 & 4. (d) Only 1, 2 & 3.

Answer: (d)

Explanation: The Arctic Council is a high-level intergovernmental forum that addresses issues faced by the Arctic governments and the indigenous people of the Arctic. It has eight member countries: Canada, Denmark,

Finland, Iceland, Norway, Russia, Sweden, and the United States. Only states with territory in the Arctic can be members of the Council. All eight countries are members making the Arctic Council a circumpolar forum. The Council also has permanent and ad hoc observer countries and “permanent participants”. Chairmanship of the Council rotates every two years.

Observer status is open to non-Arctic states approved by the Council at the Ministerial Meetings that occur once every two years. Permanent observers have no voting rights in the Council. As of May 2013, twelve non-Arctic states have Permanent Observer status. Observer states receive invitations for most Council meetings. Their participation in projects and task forces within the Working Groups is not always possible, but this poses few problems as few Observer States want to participate at such a detailed level. Ad hoc observer states need to request permission for their presence at each individual meeting; such requests are routine and most of them are granted. There are six ad hoc members, not including the European Union. Approved intergovernmental and interparliamentary organizations (both global and regional) and non-governmental organizations can also obtain Observer Status

- Q.2257** The nations that have an Observer status in the Arctic Council is/are
1. India
 2. China
 3. Russia
 4. Japan

Select the correct answer using the codes below.

- (a) 1, 2 and 4 only (b) 2 and 3 only
(c) 1 and 4 only (d) 3 and 4 only

Solution: (a)

Justification: Observer status in the Arctic Council is open to:

- non-Arctic states
- inter-governmental and inter-parliamentary organizations, global and regional
- non-governmental organizations.

Twelve non-arctic countries have been approved as Observers to the Arctic Council:

France; Germany; The Netherlands; Poland; Spain; United Kingdom; People’s Republic of China; Italian Republic ; Japan; Republic of Korea; Republic of Singapore; Republic of India.

Member states are Russia, Canada, Finland, Norway, Sweden, USA, Denmark and Iceland.

(I) Antarctica Treaty System

- Q.2258** Consider the following about the Antarctica Treaty System.

1. It designates Antarctica as a scientific preserve.
2. It bans military activity and related conflicts on that continent.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: Some important provisions of the Treaty:

- Antarctica shall be used for peaceful purposes only (hence 2 is correct)
- Freedom of scientific investigation in Antarctica and cooperation toward that end ... shall continue.
- Scientific observations and results from Antarctica shall be exchanged and made freely available.

Among the signatories of the Treaty were seven countries - Argentina, Australia, Chile, France, New Zealand, Norway and the United Kingdom - with territorial claims, sometimes overlapping. Other countries do not recognize any claims.

- Q.2259** Sovereign rights over Antarctic territory is exercised by

1. USA
2. Chile
3. Australia
4. UK

Select the correct answer using the codes below.

- (a) 1 and 3 only (b) 2 and 3 only
(c) 1, 2, 3 and 4 (d) None of the above

Solution: (d)

Justification: Antarctica is a global common and so no one nation exercises sovereignty over the territory. It is governed under 1959 Antarctic Treaty, an international treaty, that bars countries from owning or exploiting its land. Since its signing by 45 nations, claims of seven countries for territory in the region were suspended.

(J) NATO

Q.2260 Consider the following about the North Atlantic Treaty Organization (NATO).

1. NATO membership is open to any country that is willing to accept the terms of the military alliance.
2. All decisions are taken by consensus in NATO.
3. The Membership Action Plan (MAP) of NATO is a military code that prohibits attack on member countries by any of the NATO members.

Select the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 2 only (d) None of the above

Solution: (c)

Justification: Statement 1: NATO membership is open to “any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area.”

Statement 2: A “NATO decision” is the expression of the collective will of all 28 member countries since all decisions are taken by consensus.

NATO is committed to the peaceful resolution of disputes. If diplomatic efforts fail, it has the military capacity needed to undertake crisis-management operations. These are carried out under the Washington Treaty - NATO’s founding treaty - or under a UN mandate, alone or in cooperation with other countries and international organizations.

Statement 3: The Membership Action Plan (MAP) is a NATO programme of advice, assistance and practical support tailored to the individual needs of countries wishing to join the Alliance.

Q.2261 Which of the following countries was admitted as the latest member of North Atlantic Treaty Organization (NATO)?

- (a) Montenegro (b) Canada
(c) Switzerland (d) None of the above

Solution: (d)

Learning: US Senate recently voted with near unanimity to approve Montenegro as 29th member of NATO. So far, 25 other NATO members have ratified Montenegro’s accession, a small country which is being seen as a geostrategic ally. However, Spain and Netherlands are yet to ratify its membership. So, d is the answer.

Learning: The NATO is an intergovernmental military alliance based on the North Atlantic Treaty signed in 1949. It consists of 28 independent member countries across North America and Europe.

- It is based on a system of collective defence whereby its member states agree to mutual defence in response to an attack by any external party.
- NATO’s headquarters are located in Brussels, Belgium. Its headquarters of Allied Command Operations is near Mons. The combined military spending of all NATO members constitutes over 70% of the global defence spending.

(K) WIPO

Q.2262 Consider the following about the Patent Cooperation Treaty (PCT) of the World Intellectual Property Organization (WIPO).

1. PCT makes it possible to seek patent protection for an invention simultaneously in a large number of countries by filing a single “international” patent application.
2. PCT shifts the authority of granting patents from national offices to the WIPO.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: Statement 1: The Patent Cooperation Treaty (PCT) assists applicants in seeking patent protection internationally for their inventions, helps patent Offices with their patent granting decisions, and facilitates

public access to a wealth of technical information relating to those inventions. By filing one international patent application under the PCT, applicants can simultaneously seek protection for an invention in a very large number of countries.

Statement 2: But, the granting of patents remains under the control of the national or regional patent Offices in what is called the “national phase”.

An international patent application, provided that it complies with the minimum requirements for obtaining an international filing date, has the effect of a national patent application (and certain regional patent applications) in or for all PCT Contracting States.

(L) ADB

Q.2263 Consider the following about the Asian Development Bank (ADB).

1. It was founded before World Bank (WB).
2. ADB assists its members by providing loans and technical assistance to promote socio-economic development.
3. All its members are from the Asia-Pacific region.

• Select the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 2 only (d) 1 and 3 only

Solution: (c)

Justification: Statement 1: The Asian Development Bank was conceived in the early 1960s as a financial institution that would be Asian in character and foster economic growth and cooperation in one of the poorest regions in the world.

Statement 2: ADB assists its members (for example, India in infrastructure projects), and partners, by providing loans, technical assistance, grants, and equity investments to promote social and economic development.

Statement 3: ADB is composed of 67 members, 48 of which are from the Asia and Pacific region. So, 3 is wrong.

India became a member of the Asian Development Bank (ADB) as a founding member in 1966.

Japan and the US represent the largest shareholders.

(M) IAE – International Energy Association

Q.2264 Consider the following about the International Energy Association (IAE).

1. It was established in the wake of the 1973 oil crisis after the OPEC cartelized a steep increase in oil price
2. India is lone associate member of IAE.
3. The flagship World Energy Outlook is published by IEA.

Select the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 3 only (d) 1, 2 and 3

Solution: (d)

Justification: Statement 1: IEA is an inter-governmental organization established in 1974 as per framework of the Organisation for Economic Co-operation and Development (OECD).

Statement 2: India, world’s 3rd largest energy consumer has joined International Energy Association (IAE) as associate member recently. India will also now have a greater say in global energy issues.

With India as a associate member, IEA now formally covers 70% of the world’s energy consumption, thus increasing its relevance.

Statement 3: It also publishes Key World Energy Statistics and the Monthly Oil Data Service.

Q.2265 Consider the following about International Smart Grid Action Network (ISGAN).

1. It is an agreement under International Energy Agency (IEA).
2. India has recently applied for the membership of ISGAN.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: Statements 1 and 2: ISGAN is an agreement under International Energy Agency (IEA) and consists of representatives from 25 countries across the globe. India is one of the founding Member of ISGAN and Joint Secretary (Distribution), Ministry of Power, is the member representative of India.

Learning: ISGAN reports on progress and projects being undertaken in the field of Smart Grids across the world would also be helpful in suitable deployment of Smart Grid technologies in India.

ISGAN creates a mechanism for multilateral government-to-government collaboration to advance the development and deployment of smarter electric grid technologies, practices and systems.

(N) Others

- Q.2266** The International Red Cross and Red Crescent Movement is a
- Left-Wing extremism movement in certain parts of China
 - Major international humanitarian movement
 - Biodiversity conservation protocol organization
 - Group of War drug mercenaries from Syria, Turkey and Libya

Solution: (b)

Learning: It is an international humanitarian movement with millions of volunteers, many members and staff worldwide. It was founded to protect human life and health, to ensure respect for all human beings, and to prevent and alleviate human suffering.

The movement consists of several distinct organizations that are legally independent from each other, but are united within the movement through common basic principles, objectives, symbols, statutes and governing organisations. The movement's parts are:

- The International Committee of the Red Cross (ICRC) is a private humanitarian institution founded in 1863 in Geneva, Switzerland
- The International Federation of Red Cross and Red Crescent Societies (IFRC) was founded in 1919.
- On an international level, the Federation leads and organizes, in close cooperation with the National Societies, relief assistance missions responding to large-scale emergencies.
- National Red Cross and Red Crescent Societies exist in nearly every country in the world. For instance it has operations in East Africa through its own offices.

- National Societies can take on additional humanitarian tasks that are not directly defined by international humanitarian law or the mandates of the international Movement.
- In many countries, they are tightly linked to the respective national health care system by providing emergency medical services (e.g. blood donation camps).

Q.2267 Consider the following about The Hague System for the International Registration of Industrial Designs.

1. It allows registering industrial designs in many countries simultaneously by filing one single international application.
2. If the national registration of a design in one country has been invalidated, it is automatically terminated under this system.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (a)

Justification: Statement 1: A business can register over 100 designs simultaneously, and save the trouble of filing for separate applications in over many countries together.

Statement 2: As per the relevant convention, "Even if the effects of an international registration have been invalidated in a designated Contracting Party, such invalidation will not have any consequences on the validity of the effects of that international registration in any other designated Contracting Party."

Learning: In a legal sense, an industrial design constitutes the ornamental or aesthetic aspect of an article.

In principle, the owner of a registered industrial design or of a design patent has the right to prevent third parties from making, selling or importing articles bearing or embodying a design which is a copy, or substantially a copy, of the protected design, when such acts are undertaken for commercial purposes.

Q.2268 Consider the following about International Finance Corporation (IFC).

1. It is an arm of the International Monetary Fund (IMF) administered by the General Plenary Council (GPC).

2. It focuses exclusively on investing in the private sector in developing countries.
3. India is founding member of IFC.
4. The mandate of IFC bars it from investing into long gestation infrastructure projects.

Select the correct answer using the codes below.

- (a) 1 and 4 only
- (b) 2, 3 and 4 only
- (c) 2 and 3 only
- (d) 1 and 3 only

Solution: (c)

Justification: Statement 1, 2 and 3: International Finance Corporation (IFC), a member of the World Bank Group, focuses exclusively on investing in the private sector in developing countries. Established in 1956, IFC has 184 members. India is founding member of IFC.

Statement 4: IFC is an important development partner for India with its operations of financing and advising the private sector in the country.

The IFC's investments in India are spread across important sectors like infrastructure, manufacturing, financial markets, agribusiness, SMEs and renewable energy. So, 4 is wrong.

Learning: India represents IFC's single-largest country exposure globally. IFC has committed over US\$15 billion in India since 1958.

Keeping in alignment with the Country Partnership Strategy (CPS) of the World Bank Group in India, IFC focuses on low-income states in India.

Q.2269 Consider the following about the International Chambers of Commerce (ICC).

1. It is an inter-governmental organization chaired by the member nations' Commerce Ministers in rotation.
2. It has been granted general consultative status with the United Nations Economic and Social Council.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (b)

Justification: ICC is the world's largest business organisation that was founded in 1919 headquartered in Paris, France.

- It represents the private-sector's views to national governments and intergovernmental bodies around the world. It is not an inter-governmental body itself. So, 1 is wrong.
- It was the first international organization to be granted general consultative status with the United Nations Economic and Social Council.

Learning: ICC had elected founder and chairman of Bharti Enterprises, Sunil Bharti Mittal, as its chairman in 2016 session in Brazil. He is the third Indian business leader to hold this position in ICC's near 100 years history.

Q.2270 CARE International is a non-governmental organization committed to

- (a) Fighting poverty and empowering poor
- (b) Lobbying with governments to strengthen democracy and its institutions
- (c) Reconstructing ancient International pathways
- (d) Stopping infiltration of arms in war prone zones

Solution: (a)

Learning: They focus in empowering poor women because women have the power to help whole families and entire communities escape poverty.

They also work towards strengthening capacity for self-help; providing economic opportunity; delivering relief in emergencies; influencing policy decisions at all levels and addressing discrimination in all its forms.

For e.g. CARE is providing long-term help to thousands of women struggling to raise their families after years of sectarian violence in Iraq.

Q.2271 Consider the following statements about the Alliance for Financial inclusion.

1. It organizes the Global Policy Forum (GPF) which is a forum for government regulatory institutions with an interest in promoting financial inclusion policy.
2. It championed the Maya Declaration which is the first global and measurable set of financial inclusion commitments by developing and emerging country governments.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: It was founded as a Bill & Melinda Gates Foundation - funded project.

Statement 1: GPF is organized by AFI as the keystone event for its membership.

AFI is led by its members and partners, central banks and other financial regulatory institutions from developing countries. The AFI Network includes members from more than 80 countries.

Statement 2: The Maya Declaration is a statement of common principles regarding the development of financial inclusion policy made by a group of developing nation regulatory institutions during the AFI 2011 Global Policy Forum held in Mexico.

Commitments under the declaration may include for example, enacting a law to regulate the use of electronic money.

Q.2272 PolarGAP is an ambitious international mission to

1. Capture new and critical data about the Earth's global gravity field
2. Monitor how Earth's ice fields are responding to global climate change

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (c)

Justification: The PolarGAP project will collect new gravity data and combine them with datasets from other Antarctic missions to build the first accurately constrained global gravity model.

- This is essential as global gravity data provide unique information on mass distribution and transport in the Earth System, linked to processes and changes in the Solid Earth, hydrology, cryosphere, oceans and atmosphere.
- Two earth observing satellite missions (GOCE and CryoSat 2) mounted by the European Space Agency (ESA) revolutionised scientists' ability to 'map' the Earth's global gravity field and monitor how Earth's ice fields are responding to global change.

Q.2273 Consider the following about the International Astronomical Union (IAU).

1. It is an Intergovernmental organization.
2. It is an organ of United Nations.
3. It approves all space missions that extend beyond the orbit of Earth around the Sun.
4. It is the internationally recognized authority for assigning designations to celestial bodies.

Choose the correct answer using the codes below.

- (a) 1 and 4 only (b) 1 and 2 only
(c) 4 only (d) 2, 3 and 4 only

Solution: (c)

It is a collection of professional astronomers, at the PhD level and beyond, active in professional research and education in astronomy. It acts as the internationally recognized authority for assigning designations to celestial bodies (stars, planets, asteroids, etc.) and any surface features on them. The IAU is a member of the International Council for Science (ICSU). Its main objective is to promote and safeguard the science of astronomy in all its aspects through international cooperation. The IAU maintains friendly relations with organizations that include amateur astronomers in their membership

Q.2274 Which of the following countries are members of the European Organisation for Nuclear Research (CERN)?

1. India
2. Pakistan
3. Russia
4. United Kingdom

Select the correct answer using the codes below.

- (a) 1 and 4 only (b) 1, 2 and 3 only
(c) 4 only (d) None of the above

Solution: (c)

Justification: India recently joined CERN as associate member (not full member).

CERN has 22 member states (including UK), four associate member states (including India and Pakistan) and three International Organisations have observer status. Russia has observer status.

India had 'observer' status till September 2016, when the CERN Council adopted a resolution upgrading its position.

Member states have special duties and privileges. They make a contribution to the capital and operating costs of CERN's programmes, and are represented in the council, responsible for all important decisions about the organization and its activities.

Learning: CERN as an organisation is world's largest nuclear and particle physics laboratory. It is situated in North West suburbs of Geneva on France-Swiss Border. It was established in 1954.

CERN operates the Large Hadron Collider (LHC) which is the world's largest and most powerful particle accelerator. It is associated with the discovery of the Higgs Boson which is popularly known as the God particle.

Q.2275 Consider the following about African Asian Rural Development Organization (AARDO).

1. It is an autonomous inter-Governmental organization headquartered in South Africa.
2. India is one of the Founder Members of the Organization and is the largest contributor in terms of membership contribution.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 1 & 2: The AARDO, which has its headquarters in New Delhi, is an autonomous, inter-Governmental organization established in 1962 with the objective of promoting cooperation among the countries of the African - Asian Region in the direction of eradicating thirst, hunger, illiteracy, disease and poverty in the region.

- India is one of the Founder Members of the Organization and is the largest contributor in terms of membership contribution apart from contributing by way of providing some fully paid training scholarships for Human Resource Development Programme under the Indian Technical & Economic Cooperation Programme (ITEC) to the Organization.
- AARDO currently has 31 countries of the African - Asian Region under its fold.

In news: The Union Cabinet has given its approval to the signing of a MoU between India and the African Asian Rural Development Organization (AARDO) for capacity building programmes in the field of rural development.

Q.2276 Consider the following about the Permanent Court of Arbitration (PCA).

1. It is a United Nations Agency.
2. It is deemed as an international court by all United Nations member nations.
3. It can resolve disputes between private parties arising out of international agreements.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 3 only
(c) 2 and 3 only (d) 1 and 3 only

Solution: (b)

Justification: Statements 1 and 2: The PCA is an international organization based in The Hague and created by a treaty in 1899.

The PCA is not a court "in the traditional sense", but provides services of arbitral tribunal to resolve disputes. It does not even have permanent judges. The organization is also not a United Nations agency. PCA is an official United Nations Observer.

Statement 3: The PCA is a permanent bureaucracy that assists temporary tribunals to resolve disputes among states (and similar entities), intergovernmental organizations, or even private parties arising out of international agreements.

The cases span a range of legal issues involving territorial and maritime boundaries, sovereignty, human rights, international investment, and international and regional trade.

For e.g. the India-Bangladesh maritime dispute on EEZ was arbitrated by PCA.

Q.2277 Consider the following about Transports Internationaux Routiers (TIR).

1. It aims to harmonize shipping trade between member nations.
2. It was adopted under the auspices of the United Nations Economic Commission for Europe (UNECE).
3. India's Union Cabinet has approved the signing of the TIR Convention.

4. The treaty prohibits trade transport to nations that are not members of the World Trade Organization (WTO).

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 3 and 4 only (d) 1, 2, 3 and 4

Solution: (b)

Justification: Statement 1: It is a multilateral treaty concluded at Geneva in 1975 to simplify and harmonise the administrative formalities of international road transport.

The TIR system has a globally accepted electronic control system for integrated transit operations.

Statement 2: TIR is the only global customs transit system that provides easy and smooth movement of goods across borders in sealed compartments or containers under customs control from the customs office of departure to the customs office of destination.

This will allow India to take full benefit of International North South Transportation Corridor or INSTC, which enables access to Eurasian region.

Statement 3: India will become the 71st signatory of the convention as it eyes seamless trade connectivity with both Eurasian region and Southeast Asia.

Statement 4: There is no such provision.

Q.2278 Consider the following statements about the World Travel & Tourism Council (WTTC).

1. It is an inter-governmental body.
2. It includes representation from the private sector too.
3. WTTC campaigns for governments to implement policies that ensure the business environment is conducive to the growth of Travel & Tourism.

Choose the correct answer from the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) All of the above

Solution: (b)

WTTC has made it a priority to raise awareness of the negative impact punitive taxation has – particularly aviation tax - on inbound and outbound tourism. WTTC campaigns for governments to implement policies that ensure the business environment

is conducive to the growth of Travel & Tourism. This means planning and investing in appropriate infrastructure and creating a tax regime which allows the private sector to be competitive.

Q.2279 Consider the following statements about the International Renewable Energy Agency (IRENA).

1. It is an intergovernmental organization.
2. It has three governing bodies (Assembly, Council and Executives).
3. India is a permanent member of it.
4. It is an organ of United Nations.

Which of the above is NOT correct about IRENA?

- (a) 1 and 4 only (b) 3 only
(c) 2 and 4 only (d) 3 and 4 only

Solution: (c)

IRENA is an intergovernmental organization to promote adoption and sustainable use of renewable energy. It is the global hub for renewable energy cooperation and information exchange within its member nations. Founded in 2009 and its statute entered into force on 8 July 2010. Headquarters is in Abu Dhabi. Two governing structures are present- IRENA Assembly which takes decisions at macro level and gives policy guidance. IRENA Council is main governing body and is responsible for implementing various decisions of assembly. Members - In total it has 140 Members. India is one of the 33 Permanent and founder members of IRENA. IRENA is not a UN Body.

Q.2280 Consider the following about the Organization for Islamic Cooperation (OIC).

1. All West Asian states, except Iran, hold the membership of OIC.
2. India has been blocked by OIC on the “Kashmir Issue”.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 1: The OIC is an international organization founded in 1969. It consists of 57 member states including Iran and Pakistan. Administrative centre (headquarters) is in Jeddah, Saudi Arabia. So, 1 is incorrect.

Statement 2: In this organisation, India is a blocked country, though it has about 12% of the world's Muslim population. India has been blocked by Pakistan from joining the OIC over Kashmir issue. OIC regard parts of Kashmir as "occupied by India".

Learning: Its Objectives:

(i) Raise the collective voice of the Muslim world.

(ii) Collectively work to safeguard and protect the interests of the Muslim world in the spirit of promoting international peace and harmony.

OIC has permanent delegations to United Nations and the European Union.

Q.2281 Consider the following with reference to the Islamic Military Alliance to Fight Terrorism (IMAFT).

1. It was established by Saudi Arabia.
2. It has been established in pursuance with objectives and principles of the charter of the Organization of Islamic Cooperation (OIC).
3. The organization has been boycotted by Pakistan.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 only (d) 1, 2 and 3

Solution: (a)

Justification: Statement 1: IMAFT is military coalition comprising 39 nations. It was established by Saudi Arabia in December 2015 and its command centre, headquarters is based in Riyadh.

The coalition calls for all member states to cooperate to combat terrorism in all its forms and manifestations.

Statement 2: It is envisaged to serve as a platform for security cooperation, including provision of training, troops and equipment, and involvement of religious scholars for dealing with extremism.

Member countries of this alliance will coordinate and support military operations against terrorism in Iraq, Libya, Syria, Afghanistan and Egypt.

Statement 3: The coalition includes countries like United Arab Emirates, Turkey, Bahrain, Tunisia, Sudan, Egypt, Yemen,

Pakistan, Bangladesh, Malaysia among others. So, 3 is wrong.

Q.2282 Which of these states is NOT a member of the Gulf Cooperation Council (GCC)?

- (a) Saudi Arabia (b) Iraq
(c) Iran (d) Kuwait

Solution: (b)

Learning: It is a political and economic union consisting of all Arab states of the Persian Gulf, except for Iraq. Its member states are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.

All current member states are monarchies, including three constitutional monarchies (Qatar, Kuwait, and Bahrain).

In order to reduce their dependence on oil in the future, the GCC states are pursuing unprecedented structural reform initiatives.

Q.2283 The World Summit on the Information Society Forum (WSIS) 2017 represents the world's largest annual gathering of

- (a) 'Empowerment of Women' community
(b) 'Free Trade' proponents
(c) 'ICT for development' community
(d) 'Global Banking' community

Solution: (c)

Learning: The Forum provides an opportunity for discussing about Knowledge Societies.

A knowledge society heavily uses Information and Communication Technology (ICT).

The Forum serves as a key platform for discussing the role of ICTs as a means of implementation of the SDGs.

Q.2284 The Colombo Plan' is a regional organisation of the Asia-Pacific which has its primary focus on

- (a) Regulating mineral extraction from the Indian Ocean
(b) Human resources development
(c) Fighting marine piracy
(d) Creating a free trade and special economic zone across South and South-East Asia

Solution: (b)

Learning: It is one of the oldest regional inter-governmental organizations dates far back as 1950, when the idea was first

conceived to enhance economic and social development of the countries of the Asia-Pacific region.

- It was established by Australia, Canada, India, Pakistan, New Zealand, Sri Lanka and the United Kingdom and currently has expanded to include 26 member countries including non-Commonwealth countries and countries belonging to regional groupings such as ASEAN and SAARC.
- The Colombo Plan is a partnership concept of self-help and mutual-help in development aimed at socio-economic progress of its member countries.
- The Colombo Plan is not intended as an integrated master plan to which national plans were expected to conform.
- It is, instead, a framework for bi-lateral arrangements involving foreign aid and technical assistance for the economic and social development of the region.

Q.2285 Oxfam is an international confederation of 18 organizations working in more than 90 countries towards the goal of

- (a) Containing Human Rights Violations
- (b) Fighting poverty
- (c) Ecological conservation
- (d) Promoting liberalization and globalization

Solution: (b)

Learning: Around the globe, Oxfam works to find practical, innovative ways for people to lift themselves out of poverty and thrive. Oxfam works directly with communities and seeks to influence the powerful, to ensure that poor people can improve their lives and livelihoods and have a say in decisions that affect them. Oxfam's involvement in India began when money was granted in 1951 to fight famine in Bihar. Bihar at the time was one of the poorest and most populated states in India.

Oxfam India was established in 2008 under the Companies Act, 2005 as a non-profitable organization with its head office

Q.2286 The Marrakesh Treaty facilitates

1. Creation and transfer of specially adapted books across national boundaries for use by visually impaired people

2. Granting permanent Intellectual Property Rights (IPR) to people with disability across national borders

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (a)

Justification: Statement 1: The Marrakesh Treaty addresses the "book famine" by requiring its contracting parties to adopt national law provisions that permit the reproduction, distribution and making available of published works in accessible formats through limitations and exceptions to the rights of copyright right holders.

It also provides for the exchange of these accessible format works across borders by organizations that serve the people who are blind, visually impaired, and print disabled. It will harmonize limitations and exceptions so that these organizations can operate across borders.

Statement 2: There is no such provision in the treaty. It is related to the facilitation of access only.

However, the Treaty is also designed to provide assurances to authors and publishers (who may not be disabled) that system will not expose their published works to misuse or distribution to anyone other than the intended beneficiaries.

Q.2287 Consider the following with reference to the Payment Card Industry Security Standards Council.

1. It is an intergovernmental organization regulating the payment cards industry.
2. It designs and promotes standards for the safety of cardholder data across the globe.

Which of the above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

Solution: (b)

Justification: Statement 1: The Council was founded in 2006 by American Express, Discover, JCB International, MasterCard and Visa Inc. They share equally in governance and execution of the Council's work.

It is not an intergovernmental organization. So, 1 is wrong.

Statement 2: The payment card industry consists of all the organizations which store, process and transmit cardholder data, most notably for debit cards and credit cards.

- The security standards are developed by the Payment Card Industry Security Standards Council which develops the Payment Card Industry Data Security Standards used throughout the industry.
- Individual card brands establish compliance requirements that are used by service providers and have their own compliance programs.

Q.2288 Consider the following about the Court of Arbitration for Sport (CAS).

1. According to the Olympic Charter, all disputes in connection with the Olympic Games can only be submitted to CAS.
2. Appeals against the orders of CAS can be filed in the IOC disciplinary commission.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

CAS is an international quasi-judicial body established to settle disputes related to sport through arbitration.

Statement 1: According to rule 61 of the Olympic Charter, all disputes in connection with the Olympic Games can only be submitted to CAS. Since 2016, an anti-doping division of CAS was given full authority to judge doping cases at the Olympic Games.

Statement 2: It had replaced earlier mechanism of the IOC disciplinary commission. So, 2 is incorrect.

Q.2289 The Silk Road Economic Belt and the Maritime Silk Road are parts of the

- (a) North-South Transport Corridor
(b) One Belt and One Road (OBOR)
(c) India-Myanmar-Thailand Trilateral Highway
(d) Kaladan Multi-modal project

Solution: (b)

Learning: The One Belt and One Road (OBOR) initiative is China's ambitious development strategy and framework that aims to boost its connectivity and trade across

Asia, Africa and Europe. OBOR initiative is part of China's revived 21st century Silk Road diplomacy that seeks to push it to take a bigger role in global affairs as a major global power.

Latvia has become the first country in the Baltic Sea area to sign a Memorandum of Understanding to link up with China's One Belt and One Road (OBOR) Initiative.

(O) Environment Related

Q.2290 Consider the following about the Intergovernmental Panel on Climate Change (IPCC).

1. It is a scientific intergovernmental group established by the UNFCCC.
2. Membership of the IPCC is open to all member countries of the United Nations (UN).
3. It conducts authoritative research on climate related issues.
4. It monitors climate related parameters such as Mean Sea Level (MSL).
5. Its recommendations are binding on all members of the UNEP.

Select the correct answer using the codes below.

- (a) 1, 4 and 5 only
(b) 1, 2, 3 and 4 only
(c) 2 only
(d) 1, 2, 3, 4 and 5

Solution: (c)

Justification: IPCC is the leading international body for the assessment of climate change.

It was established by the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) in 1988 to provide the world with a clear scientific view on the current state of knowledge in climate change and its potential environmental and socioeconomic impacts. So, 1 is wrong.

The IPCC reviews and assesses the most recent scientific, technical and socio-economic information produced worldwide relevant to the understanding of climate change. It does not conduct any research nor does it monitor climate related data or parameters. So, 3 and 4 are wrong.

As an intergovernmental body, membership of the IPCC is open to all member countries of the United Nations (UN) and WMO. Currently 195 countries are Members of the IPCC. So, 2 is correct.

Q.2291 Consider the following about Conservation International (CI).

1. It is an inter-governmental organization of the Conference of Parties (COP) based in Hague.
2. Its work focuses on science, policy, and partnership with businesses and communities with regard to climate change and environment.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 1: It is an American non-profit environmental organization headquartered in Arlington, Virginia. Its goal is to protect nature as a source of food, fresh water, livelihoods and a stable climate.

It publishes the Ocean Health Index (OHI). It was founded in 1987 with the aim of analysing the problems most dangerous or harmful to nature and building a foundation dedicated to solving these issues on a global scale.

Statement 2: It is working in more than 30 countries. It has helped establish 1,200 protected areas across 78 countries and protected more than 730 million hectares of land, marine and coastal areas.

Q.2292 Consider the following about Wetlands International.

1. It is the only global not-for-profit organisation dedicated to the conservation and restoration of wetlands.
2. The body was formed immediately after the Ramsar Convention.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (a)

Justification: Statement 1: It is an independent, not-for-profit, global organisation, supported by government and NGO membership from around the world.

Based mostly in the developing world, it has many regional, national or project offices in all continents and a head office in the Netherlands.

Statement 2: Ramsar convention was held in 1971. It was founded in 1954 as the International Wildfowl Inquiry and the organisation was focused on the protection of waterbirds. Later, the name became International Waterfowl & Wetlands Research Bureau (IWRB).

Q.2293 Consider the following about International Carbon Action Partnership (ICAP).

1. It was a brainchild of the former United Nations Secretary General Ban Ki-Moon.
2. It helps developing countries build capacity on designing and implementing carbon cap and trade systems.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Learning: Statement 1: It was founded in 2007 by more than 15 government representatives as an international cooperative forum to implement emissions trading systems (ETS).

The rationale behind ICAP's work is that linking carbon cap and trade systems would lead to economic, social and environmental benefits

Statement 2: ICAP acts as a knowledge sharing hub, disseminating knowledge on existing and planned ETS, as well as the general benefits and design aspects of an ETS.

ICAP also runs workshops and side events at the United Nations Climate Change Conferences.

Q.2294 Consider the following about the Crop Trust, formerly known as the Global Crop Diversity Trust.

1. It is an attached fund with the International Food Policy Research Institute (IFPRI).
2. It is a non-profit organization which works to preserve crop diversity in order to protect global food security.
3. It is a part of the funding strategy of the International Treaty on Plant Genetic Resources for Food and Agriculture.

Select the correct answer using the codes below.

- (a) 2 only (b) 2 and 3 only
(c) 3 only (d) 1 and 3 only

Solution: (b)

Justification: Statement 1: The Crop Trust is an established independent organization under international law.

- The Crop Trust was founded in 2004 in Rome, Italy by the Food and Agriculture Organization and Bioversity International on behalf of the CGIAR international agricultural research consortium.
- Throughout its 10-year history, the Crop Trust has made significant leaps in ensuring the conservation and availability of crop diversity for food security world-wide.
- Statement 2 and 3: In 2006, the Crop Trust entered into an agreement with the governing body of the International Treaty on Plant Genetic Resources for Food and Agriculture.
- The agreement recognises the Crop Trust as an “essential element” of the treaty’s funding strategy in regards to the ex situ conservation and availability of plant genetic resources for food and agriculture.
- It also confirms the autonomy of the Crop Trust as a scientific organization in raising and disbursing funds.

Q.2295 The World Conservation Monitoring Centre (WCMC) is an executive agency of

- (a) Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India
(b) World Wild Life Fund (WWF)
(c) International Union for Conservation of Nature (IUCN)
(d) United Nations Environment Programme (UNEP)

Solution: (d)

Learning: The activities of UNEP–WCMC include biodiversity assessment, support to international conventions such as the CBD and the CITES, capacity building and management of both aspatial and spatial data on species and habitats of conservation concern.

UNEP-WCMC has a mandate to facilitate the delivery of the global indicators under the CBD’s 2010 Biodiversity Target on the rate of loss of biological diversity, and works alongside the CITES Secretariat producing a range of reports and databases.

It also manages the World Database of Protected Areas in collaboration with the IUCN World Commission on Protected Areas.

Q.2296 Consider the following about Alliance for Zero Extinction (AZE).

1. It is an inter-governmental organization working towards ecological conservation.
2. It assists party nations in integrating protection of AZE sites and species into National Biodiversity Strategies and Action Plans (NBSAP).

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (b)

Justification: Statement 1: The Alliance for Zero Extinction – a joint initiative of around 93 non-governmental biodiversity conservation organizations from 37 countries around the world, with frequent additions of new members.

Statement 2: Alliance for Zero Extinction (AZE) sites contain the entire population of one or more species listed as Endangered or Critically Endangered on the IUCN Red List of Threatened Species.

Following identification, the Alliance aims to act together to eliminate threats and restore habitat at these sites to allow species populations to rebound.

Q.2297 “Addis Ababa Action Agenda 2015” is a historic agreement reached by countries on

- (a) Stopping tacit neo-colonization
(b) Global framework for financing Sustainable Development Goals (SDGs)
(c) Tackling trans-national communicable diseases by establishing an International Border Health Force (IBHF)
(d) Exchanging sensitive defence information between members of the United Nations (UN)

Solution: (b)

Justification: Domestic resource mobilization is central to the agenda. In the outcome document, countries agreed to an array of measures aimed at widening the revenue base, improving tax collection, and combating tax evasion and illicit financial flows. Countries also reaffirmed their commitment to official development assistance, particularly for the least developed countries, and pledged to increase South-South cooperation.

Learning: There were agreements for international cooperation for financing of specific areas where significant investments are needed, such as in infrastructure for energy, transport, water and sanitation, and other areas to help realize the proposed sustainable development goals.

(P) Weapon Ban Treaties

Q.2298 Which of these groups help member countries to identify those exports which need to be controlled so as not to contribute to the spread of chemical and biological weapons?

- (a) Australia Group
- (b) Missile Technology Control Regime (MTCR)
- (c) Wassenaar Arrangement
- (d) Nuclear Suppliers Group (NSG)

Solution: (a)

Justification: Option A: The Australia Group, an informal group of countries (now joined by the European Commission) was established in 1985 after the use of chemical weapons by Iraq in 1984.

Its members are supposed to maintain export controls on a uniform list of several chemical compounds.

Option B: The Missile Technology Control Regime (MTCR) is a multilateral export control regime. It is an informal and voluntary partnership among countries to prevent the proliferation of certain category of missile and unmanned aerial vehicle technology.

Option C: The Wassenaar Arrangement was established to contribute to regional and international security and stability by promoting transparency and greater

responsibility in transfers of conventional arms and dual-use goods and technologies

Option D: It deals with nuclear fuel and supplies.

Q.2299 The international group “New Agenda for Coalition (NAC)” sometimes seen in news

- (a) Promotes the interest of Least Development Countries (LDCs) in getting greater export market share in developed countries
- (b) Vouches for climate change financing from developed countries for developing countries
- (c) Promotes the Non-Proliferation Treaty (NPT) and pushes for nuclear disarmament worldwide
- (d) Advocates global economic governance reforms in the World Bank and IMF

Solution: (c)

Learning: NAC is a geographically dispersed group of middle power countries that promotes the NPT and pushes for nuclear disarmament worldwide.

It consists of Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa.

The group was officially launched in Dublin (Ireland) in 1998 in response to the North-South divide that stymied talks on nuclear disarmament and non-proliferation within the framework of the NPT.

Q.2300 Consider the following about the way nuclear explosions are monitored in the world presently by the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO).

Assertion (A): CTBTO uses infrasonic sensors for monitoring atmospheric nuclear explosions.

Reason (R): Infrasonic sensors measure micropressure changes in the atmosphere which are generated by the propagation of infrasonic waves.

In the context of the above, which of these is correct?

- (a) A is correct, and R is an appropriate explanation of A.
- (b) A is correct, but R is not an appropriate explanation of A.
- (c) A is correct, but R is incorrect.
- (d) Both A and R are incorrect.

Solution: (a)

Justification: Acoustic waves with very low frequencies are called infrasound. In fact, these waves are below the frequency band audible to the human ear, which typically ranges from 20 to 20,000 Hertz.

Infrasound is produced by a variety of natural and man-made sources: exploding volcanoes, earthquakes, meteors, storms and auroras in the natural world; nuclear, mining and large chemical explosions, as well as aircraft and rocket launches in the man-made arena.

CTBTO has 60 IMS stations in 35 countries around the world. These stations catch the very low frequency waves created by atmospheric nuclear explosions. Infrasound stations relay data continuously in real time.

Q.2301 Established in 1987, the voluntary Missile Technology Control Regime (MTCR) aims to limit the spread of ballistic missiles and other unmanned delivery systems that could be used for chemical, biological, and nuclear attacks. How is India joining the Missile Technology Control Regime (MTCR) significant?

1. All member states would agree to transfer latest missile technologies to India with safeguards.
2. India will get access to nuclear equipment and materials from member states.

Which of the above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) None

Solution: (d)

Justification: Statement 1: Joining the MTCR does not make getting missile technology easier. There are no special concessions for MTCR members. But India hopes its MTCR membership will be one more reason for the US to consider exporting Category 1 UAVs, Reaper and Global Hawk, which have been key to counter-terrorism efforts in Afghanistan, Pakistan, Somalia and Yemen.

Statement 2: It would happen if India is admitted to NSG. MTCR does not deal with nuclear material, nor are all its members nuclear powers

Q.2302 Pelindaba Treaty aims to

- (a) To preventing nuclear proliferation and preventing strategic minerals of Africa from being exported freely
- (b) To evacuate refugees from war prone zones with minimal intervention
- (c) To bring foreign direct investment in sensitive zones
- (d) To increase official development assistance without the need for legislative approval

Solution: (a)

The Pelindaba Treaty, also known as the African Nuclear Weapon Free Zone Treaty, aims at preventing nuclear proliferation and preventing strategic minerals of Africa from being exported freely.

Q.2303 The Hague Code of Conduct (HCOC) is a/an

- (a) Set of norms followed by every refugee-protecting nation
- (b) Informal code related to proceedings in the International Court of Justice (ICJ)
- (c) Epidemic related advisory issued by the World Health Organization (WHO)
- (d) International Code of Conduct against Ballistic Missile proliferation

Solution: (d)

Learning: The HCOC is the result of international efforts to regulate access to ballistic missiles which can potentially deliver weapons of mass destruction.

The HCOC does not ban ballistic missiles, but it does call for restraint in their production, testing, and export. India has joined the The Hague Code of Conduct against Ballistic Missile Proliferation by notifying HCoC Central Contact, Vienna, through diplomatic channels. India's joining the Code signals our readiness to further strengthen the global non-proliferation regimes.

Q.2304 Consider the following about Wassenaar Arrangement.

1. It concerns with transfers of conventional arms and dual-use goods and technologies.
2. It is a sub-treaty under the Missile Technology Control Regime(MTCR).
3. India is a member of the Wassenaar Arrangement.
4. It does not extend to web-based systems.

Select the correct answer using the codes below.

- (a) 1, 2 and 4 only (b) 1 only
(c) 2 and 3 only (d) 1, 2, 3 and 4

Solution: (b)

Justification: Statement 1: It promotes transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. The aim is also to prevent the acquisition of these items by terrorists.

Statement 2: Australia Group, Nuclear Suppliers Group and Missile Technology Control Regime are different arrangements than Wassenaar.

Statement 3: India and China are non-participating states.

Statement 4: New technologies (amendment in 2013) placed under the export control regime include “intrusion software”—software designed to defeat a computer or network’s protective measures so as to extract data or information—as well as IP network surveillance systems.

Q.2305 Consider the following about OPCW (Organisation for the Prohibition of Chemical Weapons).

1. It is an inter-governmental organization headquartered in Hague.
2. One of its mandates is to destroy the global chemical weapons stockpile.
3. It operates directly under the aegis of United Nations Security Council (UNSC).
4. India is not a signatory to the Convention on Chemical weapons

Choose the correct answer using the codes below.

- (a) 1 and 2 only (b) 3 and 4 only
(c) 2 and 4 only (d) 1 and 3 only

Solution: (a)

Recently, Nobel peace prize winning organisation OPCW (Organisation for the Prohibition of Chemical Weapons) has achieved major milestone of destroying 90 percent of the global chemical weapons stockpile.

OPCW promotes, administers and verifies the adherence to the Convention on the

Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC).

This convention outlaws the production, stockpiling, and use of chemical weapons and their precursors. 190 member-states have signed and ratified this convention including India. Six states- Angola, Egypt, Israel, Myanmar, North Korea and South Sudan are still outside the CWC.

Q.2306 Consider the following about the Organisation for the Prohibition of Chemical Weapons (OPCW).

1. It encourages international cooperation in peaceful uses of chemistry.
2. It provides protection and assistance to parties against chemical weapons.
3. It had received the Noble Prize in Chemistry for its decryption of complex chemical weapons.

Select the correct answer using the codes below.

- (a) 1 only (b) 2 and 3 only
(c) 1 and 2 only (d) 1, 2 and 3

Solution: (c)

Justification: Statements 1 and 2: It has four broad aims:

- to ensure a credible and transparent regime for verifying the destruction of chemical weapons and to prevent their re-emergence, while protecting legitimate national security and proprietary interests;
- to provide protection and assistance against chemical weapons;
- to encourage international cooperation in peaceful uses of chemistry; and
- to bring about universal membership of the OPCW by facilitating international cooperation and national capacity building.

Statement 3: It received the Noble Peace Prize in 2013 because it had, with the Chemical Weapons Convention, “defined the use of chemical weapons as a taboo under international law”.

Q.2307 The Organisation for the Prohibition of Chemical Weapons (OPCW) is

- (a) An intergovernmental organisation that verifies the adherence to the Chemical Weapons Convention

- (b) An international non-profit body that monitors global proliferation of chemical weapons
- (c) A subsidiary organization of the UN reporting to the UNSC on matters related to Chemical weapons
- (d) An arm of the Nuclear Suppliers Group (NSG) to prevent access of harmful chemical weapons in wrong hands

Solution: (a)

Learning: The activities of the OPCW and its core organisational structure are described in the Chemical Weapons Convention (whose members are all in OPCW).

The principal body is the conference of states parties, which normally is convened yearly, and in which all countries participate and have equal voting rights. All States Parties make contributions to the OPCW budget, based on a modified UN scale of assessments.

(Q) International Treaty

Q.2308 Consider the following about the landmark Arms Trade Treaty (ATT).

1. The Treaty obligates member states to monitor arms exports and ensure that weapons don't cross existing arms embargoes.
2. Signatories of the ATT are bound to dilute the right to bear arms by general public inside their territory and gradually revoke the right.
3. India did not sign the ATT because it believed the treaty fails to make a real impact on illicit trafficking of arms and its use by terrorists.

Select the correct answer using the codes below.

- (a) 1 and 2 only (b) 2 and 3 only
- (c) 1 and 3 only (d) 1, 2 and 3

Solution: (c)

Justification: Statement 1: The treaty regulates the international trade in conventional arms – from small arms to battle tanks, combat aircraft and warships – and entered into force in 2014.

- Member states, with the assistance of the U.N., will put into place enforceable, standardized arms import and export

regulations and be expected to track the destination of exports to ensure they do not end up in the wrong hands. Ideally, that means limiting the inflow of deadly weapons into places like Syria.

Statement 2: The UN Office for Disarmament Affairs claimed the treaty would not interfere with domestic arms commerce or the right to bear arms in its member states; ban the export of any type of weapon; harm the legitimate right to self-defence; or undermine national arms regulation standards already in place.

Statement 3: India has stressed consistently that the ATT should ensure a balance of obligations between exporting and importing states.

- However, the treaty that is annexed to the resolution is weak on terrorism and non-state actors and these concerns find no or weak mention in the specific prohibitions of the Treaty.
- Further, India cannot accept that the Treaty be used as an instrument in the hands of exporting states to take unilateral force majeure measures against importing states parties without consequences.

Q.2309 With reference to the International Energy Charter, consider the following:

1. It is a declaration of political intention aiming at strengthening energy cooperation between the signatory states.
2. It is legally binding on member states and involves annual financial commitment to the corpus of the charter.
3. India recently agreed to sign and ratify the charter.

Select the correct answer using the codes below.

- (a) 2 only (b) 1 and 3 only
- (c) 1 only (d) 2 and 3 only

Solution: (c)

Background: The Energy Charter Treaty (ECT) is an international agreement which establishes a multilateral framework for cross-border cooperation in the energy industry. It strives to promote principles of openness of global energy markets and non-discrimination to stimulate foreign direct investments and global cross-border trade.

Justification: Statement 1: In 2015, a major milestone in modernisation and expansion of the Energy Charter was reached, as 72 Countries plus the EU signed the International Energy Charter.

The International Energy Charter is a political declaration about principles for international energy cooperation.

Statement 2: No such commitments are provided for, however it is intended as a first step towards accession to the legally binding Energy Charter Treaty.

Statement 3: The treaty covers all aspects of commercial energy activities including trade, transit, investments and energy efficiency. India is not a signatory.

Q.2310 India has not signed the Nuclear Non-proliferation Treaty (NPT) of 1968 and the Comprehensive Test Ban Treaty (CTBT) of 1996 because

- (a) India did not have nuclear weapons when the treaties were signed.
- (b) The treaties were discriminatory and hegemonistic in nature in India's view.
- (c) The treaty demands sharing of crucial and strategic information of a nation's nuclear facilities.
- (d) The treaty demands complete control of the concerned nuclear authority of the nation.

Solution: (b)

Justification: By not signing the Nuclear Non-proliferation Treaty (NPT) of 1968 and the Comprehensive Test Ban Treaty (CTBT) of 1996, India has kept its nuclear options open. India opposes NPT and CTBT due to their discriminatory and hegemonistic nature. They perpetuate an international system in which only five nations (USA, Russia, China, UK and France) can legitimately possess nuclear weapons. India is already sharing information regarding its nuclear facilities with IAEA. So, this could not have been a contention while signing the NPT and CTBT. (c) will be wrong thus.

Q.2311 Apart from India, which of the following UN member states have NOT joined the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)?

1. Israel
2. Nigeria

3. Pakistan
4. South Sudan
5. Sri Lanka

Select the correct answer using the codes below.

- (a) 1, 3 and 4 only
- (b) 1, 2, 4 and 5 only
- (c) 3, 4 and 5 only
- (d) 1 and 3 only

Solution: (a)

Learning: A total of 191 states have joined the Treaty, though North Korea, which acceded to the NPT in 1985 but never came into compliance, announced its withdrawal in 2003. Four UN member states have never joined the NPT: India, Israel, Pakistan and South Sudan.

The treaty recognizes five states as nuclear-weapon states: the United States, Russia, the United Kingdom, France, and China (also the P-5) India and Pakistan have publicly disclosed their nuclear weapon programs, and Israel has a long-standing policy of deliberate ambiguity with regards to its nuclear program.

REFERENCES

- 1 Indian Polity (5th edition) – Laxmikanth
- 2 Introduction to constitution of India (22 edition) – D D Basu
- 3 Indian Constitution – P M Bakshi
- 4 Official websites of
<http://eci.nic.in/eci/eci.html> – Election commission of India
<https://www.india.gov.in/> – National portal of India
<http://parliamentofindia.nic.in/> – Parliament of India
<https://presidentofindia.nic.in/> – President of India
<http://vicepresidentofindia.nic.in/> – Vice president of india
<http://supremecourtofindia.nic.in/> – Supreme court of India
- 5 <http://www.pmindia.gov.in> – Prime minister of India
- 6 <http://rajyasabha.nic.in> – Rajya Sabha
- 7 <https://legalpoint-india.blogspot.in>
- 8 Press Information Bureau
- 9 PRS india
- 10 Newspaper articles of Indian express, The Hindu, Times of India etc
- 11 Official websites of ministries
- 12 Official website of international organisations <http://www.un.org/en/index.html>