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First burn like a sun.”**

- A.P.J Abdul Kalam



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1. Ans:C

- The Directive Principles, though non-justiciable, help the courts in examining and determining the constitutional validity of a law. The Supreme Court has ruled many 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.
- The Fundamental Rights are meant to promote the ideal of political democracy. They prevent the establishment of an authoritarian and despotic rule in the country and protect the liberties and freedoms of the people against the invasion by the State. They operate as limitations on the tyranny of the executive and arbitrary laws of the legislature.

Hence option (c) is the correct answer.

DPSP

- Borrowed from Ireland – Irish constitution
- Part IV of the Constitution of India (Article 36–51)
- Enshrines Socio-economic democracy
- They are an 'instrument of instructions' which are enumerated in the Government of India Act, 1935.
- Not legally enforceable by the courts for their violation
- The concept behind the DPSP is to create a 'Welfare State'.
- Sapru Report: 1945 which gave us both Fundamental Rights (justiciable) and DPSP(s) (non-justiciable).
- The Indian Constitution under Article 37 makes it clear that 'DPSPs are fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws.'

2. Ans:C

- The National Commission for SCs and STs came into being consequent upon the passing of the 65th Constitutional Amendment Act of 1990.
- Geographically and culturally, the STs are different from the SCs and their problems are also different from those of SCs.
- It was felt necessary that the Ministry of Tribal Affairs should coordinate 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. Hence, in order to safeguard the interests of the STs more effectively, it was proposed to set up a separate National Commission for STs by bifurcating the existing combined National Commission for SCs and STs. This was done by passing the 89th Constitutional Amendment Act of 2003. **Hence statement 1 is correct.**
- 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.

Hence statement 2 is correct.

- The Commission presents an annual report to the President. It can also submit a report as and when it is 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 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. **Hence statement 3 is correct.**

National Commission for Scheduled Tribes (NCST) in India

- Though upon passing of the **65th Constitutional Amendment Act of 1990**, the National Commission for STs came into being with the National Commission for SCs under **Article 338** of the Constitution to effectively monitor the safeguards provided for SCs and STs.
- Geographically and culturally, the **STs are different from the SCs** and their problems are also different from those of SCs. \
 - Thus, **in 1999, a new Ministry of Tribal Affairs was created** to provide a sharp focus on the welfare and development of the STs.
 - It was felt necessary that the Ministry of Tribal Affairs should coordinate 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.

- Hence, in order to **safeguard the interests of the STs more effectively**, it was proposed to set up a separate National Commission for STs by bifurcating the existing combined National Commission for SCs and STs.
- By passing the **89th Constitutional Amendment Act of 2003**, it further amended Article 338 and inserted a **new Article 338-A** in the Constitution.
- The separate National Commission for STs came into existence in **2004**.

Composition and Responsibilities of the National Commission for Scheduled Tribes (NCST)

- Consist of **Chairperson, Vice Chairperson and 3 other members**.
- Appointed by **PRESIDENT** by warrant under his hand and seal.
- Service condition and tenure of chairpersons and members of NCST is determined by **president of India**.

Role and Functions of the National Commission for Scheduled Tribes (NCST)

- To investigate and monitor matters relating to the constitutional and other legal safeguards for the STs
- Inquire specific complaints relating to deprivation of rights of ST's
- Participate and advice on the planning process of socio-economic development of the STs and to evaluate the progress of their development under the Union or a state
- To present to the President, annually and at such other times as it may deem fit, reports upon the working of those safeguards
- To make a recommendation for effective implementation of safeguards
- To discharge such other functions in relation to the protection, welfare and development and advancement of the ST's.

3. Ans:A

Article 3 authorizes the Parliament to:

- 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;
 - increase the area of any state;
 - diminish the area of any state;
 - alter the boundaries of any state; and
 - alter the name of any state.
- A bill contemplating the changes under Article 3 has to satisfy two conditions:
 - such a bill can be introduced in the Parliament only with the prior recommendation of the President;
 - before recommending the bill, the President has to refer the same to the state legislature concerned for expressing its views within a specified period.
- The President is not bound by the views of the state legislature and may either accept or reject them, even if the views are received in time. Moreover, the Constitution (Article 4) itself declares that laws made for admission or establishment of new states (under Article 2) and formation of new states and alteration of areas, boundaries or names of existing states (under Article 3) are not to be considered as amendments of the Constitution under Article 368. This means that such laws can be passed by a simple majority and by the ordinary legislative process.

Hence, option (a) is the correct answer.

4. Ans:A

- **Cases related to dispute/conflict between Fundamental Right and Directive Principles of State Policy (DPSPs):**
 - **Champakam Dorairajan Case, 1951:** In this case, Supreme Court ruled that in case of any conflict between FRs and DPSPs, FRs would prevail. It declared that DPSPs have to conform to and run as subsidiary to the fundamental right. However, it also held that FRs could be amended

by the Parliament through constitutional amendment acts. This led to First, Fourth and Seventeenth Amendment Act to implement some of the DPSPs.

- **Golak Nath case, 1967:** In this case, Supreme Court held that Parliament can't take away or abridge any of the Fundamental **Rights**, which are 'sacrosanct' in nature. Hence, court held that Fundamental Rights can't be amended for the implementation of DPSPs. This led to enactment of 24th Amendment Act and 25th Amendment Act which inserted a new article 31C. Hence option 2 is correct.
- **Kesavanand Bharti case, 1973:** In this case, Supreme Court declared the second provision of Article 31C as unconstitutional and invalid on the ground that judicial review is a basic feature of Constitution. This led to enactment of 42nd Amendment Act which gave legal primacy and supremacy to the DPSPs over FRs conferred by article 14, 19 and 21.
- **Minerva Mills case, 1980:** In this case, Supreme Court held primacy of DPSPs over FRs as unconstitutional and invalid. It led to subordination of DPSPs over FRs. However, FRs conferred by Article 14 and 19 were accepted as subordinate to the DPSPs specified under Article 39(b) and (c). **Hence option 4 is correct.**
- The present position is that the FRs enjoy supremacy over DPSPs. However, Parliament can amend the FRs for implementing the DPSP, so long as the amendment doesn't destroy of the basic feature of the Constitution.
- **Maneka Gandhi case, 1980:** It deals with right guaranteed under Article 21 of Constitution. Prior to this, there was 'procedure prescribed by law' which was replaced by 'due process of law' with respect to article 21 of Constitution. **Hence option 3 is not correct.**
- **IR Coelho case in 2007:** popularly known as the Ninth Schedule case—the Supreme Court took this further and argued that if the purpose of inserting a law into the Ninth Schedule was to undo a judgment of the Supreme Court, this could be examined by the courts. Also, the Supreme Court held that the laws placed under IX schedule after Kesavananda Bharati judgment (24th April 1973) cannot be exempt from Judicial review. **Hence option 1 is not correct.**

5. Ans:D

- 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. This followed a prolonged popular agitation and the death of Potti Sriramulu, a Congressperson of standing, after a 56-day hunger strike for the cause. **Hence statement 2 is not correct.**
- The creation of the Andhra state intensified the demand from other regions for the creation of states on a linguistic basis. This forced the Government of India to appoint (in December 1953) a three-member States Reorganisation Commission under the chairmanship of Fazl Ali to re-examine the whole question. Its other two members were K.M. Panikkar and H.N. Kunzru.
- It submitted its report in September 1955 and broadly accepted language as the basis of the reorganization of states. But, it rejected the theory of 'one language-one state'. Its view was that the unity of India should be regarded as the primary consideration in any redrawing of the country's political units. **Hence statement 1 is not correct.**
- It identified four major factors that can be taken into account in any scheme of reorganization of states:
 - Preservation and strengthening of the unity and security of the country.
 - Linguistic and cultural homogeneity.
 - Financial, economic and administrative considerations.
 - Planning and promotion of the welfare of the people in each state as well as of the nation as a whole.

6. Ans:A

- 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
 - detention is lawful,
 - the proceeding is for contempt of a legislature or a court,
 - detention is by a competent court, and
 - detention is outside the jurisdiction of the court. **Hence statement 1 is not correct.**

- The writ of prohibition can be issued only against judicial and quasi-judicial authorities. It is not available against administrative authorities, legislative bodies, and private individuals or bodies. **Hence statement 2 is not correct.**
- Unlike the other four writs, the writ of quo-warranto can be sought by any interested person and not necessarily by the aggrieved person. The writ can be issued only in case of a substantive public office of a permanent character created by a statute or by the Constitution. It cannot be issued in cases of ministerial office or private office. **Hence statement 3 is correct.**
- **Mandamus:** 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; (d) to enforce a contractual obligation;
 - against the president of India or the state governors; and
 - against the chief justice of a high court acting in judicial capacity.
- **Certiorari:** Till recently, the writ of certiorari could be issued only against judicial and quasi-judicial authorities and not against administrative authorities. However, in 1991, the Supreme Court ruled that the certiorari can be issued even against administrative authorities affecting rights of individuals. Like prohibition, certiorari is also not available against legislative bodies and private individuals or bodies.

7. Ans:A

- In India, like most other democracies in the world, rights are mentioned in the Constitution. Some rights which are fundamental to our life are given a special status. They are called Fundamental Rights. The Preamble to our Constitution talks about securing for all its citizens equality, liberty and justice.
- Fundamental Rights put this promise into effect. They are an important basic feature of India's Constitution. Hence option (a) is the correct answer.

8. Ans:A

- The Election Commission is a permanent and independent body established by 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 the president of India, and the office of the vice-president of India shall be vested in the election commission.
- Article 324 of the Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of the Election Commission:
 - The chief election commissioner is provided with the security of tenure. He cannot be removed from his office except in the 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 Houses of Parliament with a special majority, either on the grounds of proven misbehavior or incapacity. Thus, he does not hold his office till the pleasure of the president, though he is appointed by him. **Hence statement 2 is correct.**
 - The service conditions of the chief election commissioner cannot be varied to his disadvantage after his appointment.
- Any other election commissioner or a regional commissioner cannot be removed from office except 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 can be noted, viz.,
 - The Constitution has not prescribed the qualifications (legal, educational, administrative or judicial) of the members of the Election Commission.
 - The Constitution has not specified the term of the members of the Election Commission. **Hence statement 3 is not correct.**
 - The Constitution has not debarred the retiring election commissioners from any further appointment by the government. **Hence statement 1 is not correct.**

Election Commission of India (ECI):

Constitutional foundation:

- **Permanent and independent body:** The Election Commission of India is a **permanent and independent constitutional authority**, established under **Article 324** of the Indian Constitution.
- **Primary role:** ECI is responsible for conducting elections to the Parliament, state legislatures, and the offices of the **President and Vice President of India**.
 - It does not oversee elections for urban local bodies like municipalities and panchayats, which the State Election Commissions manage.

Constitutional provisions:

- **Article 324** empowers the ECI to supervise, direct, and control the preparation of electoral rolls and the conduct of all elections to Parliament and state legislatures.
- **Article 325** ensures no one is excluded from the electoral rolls based on religion, race, caste, or sex.
- **Article 326** establishes adult suffrage (voting rights for all citizens aged 18 and above) as the basis for elections.
- **Article 327** allows Parliament to make laws regarding elections to Parliament and state legislatures.
- **Article 328** empowers state legislatures to make provisions related to elections within the state.
- **Article 329** prohibits judicial interference in electoral matters.

Functions and jurisdiction:

- **Advisory role:** ECI advises the President or Governor on matters related to the disqualification of members of Parliament and state legislatures, especially in cases involving corrupt electoral practices.
- **Quasi-Judicial role:** ECI can disqualify candidates for failing to submit election expense accounts and resolve disputes regarding the recognition of political parties and the allocation of election symbols.
- **Administrative role:** ECI handles the delimitation of electoral constituencies, voter registration, updating of electoral rolls, and scheduling of election dates.
 - It also ensures adherence to the **Model Code of Conduct** during elections and monitors political campaign expenditures.

Composition:

- **Structure:** Initially, ECI had only one member, the **Chief Election Commissioner (CEC)**. In 1989, due to the reduction of the voting age from **21 to 18**, two additional Election Commissioners were appointed, making it a **three-member body**.
- **Appointments:** The President of India appoints the Chief Election Commissioner and the two Election Commissioners. They serve for a term **not exceeding six years** or until the **age of 65**, whichever is earlier.

Removal process: The Chief Election Commissioner can only be removed from office like that of a **Supreme Court judge**, requiring a special majority in both Houses of Parliament.

9. Ans:B

The Constitution (Article 76) has provided for the office of the Attorney General for India. He is the highest law officer in the country.

- In the performance of his official duties, the Attorney General has the right of audience in all courts in the territory of India. **Hence statement 1 is correct.**
- 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. **Hence statement 3 is not correct and statement 4 is correct.**
- However, the Attorney General is not a fulltime counsel for the Government. He does not fall in the category of government servants. Further, he is not debarred from private legal practice. **Hence statement 2 is not correct.**

Attorney General of India

Under **Article 76**, The Constitution of India has provided for the office of the Attorney General (AG) for India.

- He is the **highest law officer** in the country.

- As a **chief legal advisor** to the government of India, he advises the union government on all legal matters.
- He is also the **primary lawyer** representing the Union Government in the Supreme Court and High Court of India.

major provisions regarding the appointment, term, and removal of the Attorney General of India

Article	Description
Article 76	<ul style="list-style-type: none"> • The President shall appoint a person who is qualified to be appointed a Judge of the Supreme Court to be Attorney General for India. • It shall be the duty of the Attorney General to give advice to the Government of India upon such legal matters. • In the performance of his duties the Attorney General shall have right of audience in all courts in the territory of India. • The Attorney General shall hold office during the pleasure of the President, and shall receive such remuneration as the President may determine Conduct of Government Business.
Article 88	<ul style="list-style-type: none"> • Right to speak and to take part in the proceedings of either House, any joint sitting of the Houses, and any committee of Parliament
Article 105	Powers, privileges and immunities of Attorney General

- **Removal:** Further, the Constitution **does not contain the procedure** and grounds for his removal. He holds office at the pleasure of the President.

Duties and functions performed by the Attorney General(AG)

As **chief law officer** of the Government of India, the duties of AG include the following:

- To give **advice to the Government of India** upon such legal matters which are referred to him by the President.
- To perform such other **duties of a legal character** that are assigned to him by the President.
- To discharge the **functions conferred on him by the Constitution** or any other law.

The president has assigned the following duties to the AG:

- **To appear on behalf of the Government of India** in all cases in the Supreme Court in which the Government of India is concerned.
- To represent the Government of India in any reference made by the President to the Supreme Court under **Article 143** of the Constitution.
- **To appear (when required by the Government of India) in any High Court** in any case in which the Government of India is concerned.

rights of the Attorney General of India

- In performing his official duties, the Attorney General has the **right to 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.

10. Ans:C

British Constitution:

- Parliamentary Government; Rule of Law; Legislative Procedure; Single Citizenship; Cabinet System; Prerogative Writs; Parliamentary Privileges; Bicameralism. **Hence pair 4 is correctly matched.**

US Constitution:

- Fundamental Rights; Independence of Judiciary; Judicial Review; Impeachment of the President; Removal of Supreme Court and High Court Judges; Post of Vice-President. **Hence pair 1 is not**

correctly matched.

Irish Constitution:

- Directive Principles of State Policy; Nomination of Members to Rajya Sabha; Method of Election of President. **Hence pair 2 is correctly matched.**

Canadian Constitution:

- Federation with a Strong Centre; Vesting of Residuary Powers in the Centre; Appointment of State Governors by the Centre; Advisory Jurisdiction of the Supreme Court. Hence pair 3 is correctly matched.

S.No	Countries	Borrowed Features of Indian Constitution
1.	Australia	<ul style="list-style-type: none"> • Concurrent list • Freedom of trade, commerce and intercourse • Joint-sitting of the two Houses of Parliament
2.	Canada	<ul style="list-style-type: none"> • Federation with a strong Centre • Vesting of residuary powers in the Centre • Appointment of state governors by the Centre • Advisory jurisdiction of the Supreme Court
3.	Ireland	<ul style="list-style-type: none"> • Directive Principles of State Policy • Nomination of members to Rajya Sabha • Method of election of the president
4.	Japan	<ul style="list-style-type: none"> • Procedure Established by law
5.	Soviet Union (USSR) (now, Russia)	<ul style="list-style-type: none"> • Fundamental duties • Ideals of justice (social, economic and political) in the Preamble
6.	UK	<ul style="list-style-type: none"> • Parliamentary government • Rule of Law • Legislative procedure • Single Citizenship • Cabinet system • Prerogative writs • Parliamentary privileges • Bicameralism
7.	US	<ul style="list-style-type: none"> • Fundamental rights • Independence of judiciary • Judicial review • Impeachment of the president • Removal of Supreme Court and High Court judges • Post of vice-president
8.	Germany (Weimar)	<ul style="list-style-type: none"> • Suspension of Fundamental Rights during emergency
9.	South Africa	<ul style="list-style-type: none"> • Procedure for amendment in the Indian Constitution • Election of members of Rajya Sabha
10.	France	<ul style="list-style-type: none"> • Republic • Ideals of liberty, equality and fraternity in the Preamble

11. Ans:B

- The Finance Commission consists of a chairman and four other members to be appointed by the president. They hold office for such a period as specified by the president in his order. They are eligible for reappointment.
- The Constitution authorizes the Parliament to determine the qualifications of members of the commission and the manner in which they should be selected. **Hence option (b) is the correct answer.**

Finance Commission of India (FCI)

- The Finance Commission in India is a **quasi-judicial body** constituted by the President of India under the provisions of the Constitution of India.
 - Since it is established directly under the provisions of the Constitution, it is a **Constitutional Body**.
- It is **not a permanent body** and the **President of India constitutes** the Finance Commission **every fifth year** or at such earlier times as he/she considers necessary.
- The primary function of the Finance Commission revolves around **making recommendations on the distribution of financial resources** between the Union Government and the State Governments.

Constitutional Provisions Related to the Finance Commission of India (FCI)

- Article 280 and Article 281 of the Constitution of India deal with the provisions related to the Finance Commission of India (FCI).

Article No.	Subject Matter
Article 280	Finance Commission
Article 281	Recommendations of the Finance Commission

Composition of Finance Commission of India (FCI)

- The Finance Commission consists of a **Chairman** and **four other members** to be **appointed by the President**.
- The Chairman and other members of the Commission **hold office** for such **period** as **specified by the President** in his/her order.
- The Chairman and other members of the Commission are **eligible for reappointment**.

Qualifications of Members of Finance Commission (FC)

- The Constitution **authorizes the Parliament** to determine the qualifications of members of the Commission.
- Accordingly, the Parliament has enacted the **Finance Commission Act, of 1951** which specifies the qualifications of the members of the Finance Commission as follows:
 - The **Chairman** should be a person having **experience in Public Affairs**.
 - The **four other members** should be selected from amongst the following:
 - a **judge of the High Court** or one qualified to be appointed as one.
 - a person who has **specialized knowledge of finance and accounts of the government**.
 - a person who has **wide experience in financial matters and administration**.
 - a person who has **special knowledge of Economics**.

Functions of Finance Commission (FC)

- The Finance Commission of India is required to **make recommendations** to the President of India **on the following matters**:
 - 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.
 - The **principles** that should **govern the grants-in-aid to the States** by the Centre, i.e., out of the Consolidated Fund of India.
 - 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.

12. Ans:B

- The Fundamental Duties were inserted in the Constitution by the 42nd Amendment Act of 1976.
- They were included on the recommendations of the Swaran Singh Committee.
- Originally 10 in number, one more duty was added through the 86th Constitutional Amendment Act, 2002. All the eleven duties are listed in Article 51-A of the Constitution (the sole Article in Part-IV-A).

Hence option (b) is the correct answer.

Fundamental Duties

During the internal emergency (1975-1977), the Congress Party established the **Sardar Swaran Singh**

Committee in 1976. The committee recommended incorporating a separate chapter on Fundamental Duties in the Constitution. It emphasised the importance of citizens recognising their duties alongside their rights.

- **42nd Constitutional Amendment Act:** Accepting the committee's recommendations, the Congress Government enacted the 42nd Constitutional Amendment Act in 1976.
 - **Part IV-A** was added to the Constitution, which introduced Article 51A. This article outlined ten Fundamental Duties for citizens, marking their first explicit mention in the Constitution.
- **Incorporated Duties:** While the Swaran Singh Committee initially suggested eight Fundamental Duties, the 42nd Constitutional Amendment Act expanded the list to ten.
- **Duty to educate:** In 2002, **Article 51(k)** was added, which stated that it is a fundamental duty of every citizen who is a parent or a guardian to provide opportunities for free and compulsory education to a child who is between 6 years to 14 years of age.

List of 11 Fundamental Duties of India

- The Indian Constitution includes a single Article, Article 51A, in Part IV-A, which deals with Fundamental Duties. These duties were added through the 42nd Amendment Act in 1976, outlining 11 Fundamental Duties for citizens. They are as follows:

Article 51A: Fundamental duties - It shall be the duty of every citizen of India...

(a)	to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.
(b)	to cherish and follow the noble ideals which inspired our national struggle for freedom.
(c)	to uphold and protect the sovereignty, unity and integrity of India.
(d)	to defend the country and render national service when called upon to do so.
(e)	to promote harmony and the spirit of common brotherhood among all the people of India, transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women.
(f)	to value and preserve the rich heritage of our composite culture.
(g)	to protect and improve the natural environment, including forests, lakes, rivers and wildlife, and to have compassion for living creatures.
(h)	to develop the scientific temper, humanism and the spirit of inquiry and reform.
(i)	to safeguard public property and to abjure violence.
(j)	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.
(k)	who is a parent or guardian to provide opportunities for education to his child or, as the case may be, a ward between the age of six and fourteen years.

13. Ans:D

- December 3, 2004 onwards, a person born outside India shall not be a citizen of India by descent, unless his birth is registered at an Indian consulate within one year of the date of birth or with the permission of the Central Government, after the expiry of the said period. An application, for registration of the birth of a minor child, to an Indian consulate shall be accompanied by an undertaking in writing from the parents of such minor child that he or she does not hold the passport of another country.
- An application, for registration of the birth of a minor child, to an Indian consulate shall be accompanied by an undertaking in writing from the parents of such minor child that he or she does not hold the passport of another country. **Hence statement 1 is not correct.**
- The Central Government may, on an application, grant a certificate of naturalization to any person (not being an illegal migrant) if he possesses adequate knowledge of a language specified in the Eighth Schedule to the Constitution. **Hence statement 2 is not correct.**

14. Ans:B

Pitt's India Act of 1784

- 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 of 1784.

Features of the Act

- It distinguished between the commercial and political functions of the Company.
- It allowed the Court of Directors to manage the commercial affairs but created a new body called the Board of Control to manage the political affairs. Thus, it established a system of double government. **Hence statement 1 is not correct.**
- 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. **Hence statement 2 is correct.**
- The British Government was given supreme control over the Company’s affairs and its administration in India.

15. Ans:B

- The National Human Rights Commission is a statutory (and not a constitutional) body. It was established in 1993 under legislation enacted by the Parliament, namely, the Protection of Human Rights Act, 1993.
- The chairperson and members are appointed by the president on the recommendations of a six-member committee consisting of the prime minister as its head, the Speaker of the Lok Sabha, the Deputy Chairman of the Rajya Sabha, leaders of the Opposition in both the Houses of Parliament and the Central Home Minister. Further, a sitting judge of the Supreme Court or a sitting chief justice of a high court can be appointed only after consultation with the chief justice of India.

Hence option (b) is the correct answer.

National Human Rights Commission (NHRC)

The National Human Rights Commission (NHRC) is an independent statutory body established to protect and promote human rights in India. It is responsible for reviewing and addressing human rights violations and making recommendations for the protection and promotion of human rights.

- NHRC was established under the Protection of Human Rights Act (PHRA), 1993.
- It is an embodiment of India’s concern for the promotion and protection of human rights.
- It is established in conformity with the Paris Principles (1991), adopted at the first international workshop on national institutions for the protection of human rights.

Composition of NHRC

- The NHRC comprises of a Chairperson, five full-time Members, and seven deemed Members. The statute lays down qualifications for the appointment of the Chairperson and Members of the Commission.

Position	Qualification
Chairman	A person who has been Chief Justice of India or a Judge of the Supreme Court
5 Members	<ul style="list-style-type: none"> • One Member who is or has been a Judge of the Supreme Court. • One Member who is or has been the Chief Justice of a High Court • Three Members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights. • Note: Of the three members, at least one will be a woman.
7 Deemed Members	Chairpersons/Chief Commissioner of the <ul style="list-style-type: none"> • National Commission for Backward Classes • National Commission for Minorities • National Commission for Scheduled Castes • National Commission for Scheduled Tribes • National Commission for Protection of Child Rights • National Commission for Women • Chief Commissioner for Persons with Disabilities

- **Appointment:**The chairperson and members of the NHRC are appointed by the President of India, based on the recommendations of a committee consisting of
 - Prime Minister
 - Speaker of the Lok Sabha
 - Minister of Home Affairs
 - Leader of the Opposition (Lok Sabha)
 - Leader of the Opposition (Rajya Sabha)
 - Deputy Chairman (Rajya Sabha)
- **Term:**Three years or till the age of seventy years for both the Chairperson and Members.
- **Removal:** The Chairperson or any other Member of the Commission shall be removed from his office by order of the President on the ground of proved misbehavior or incapacity after the inquiry of the Supreme Court. The President also, by order, removes from office the Chairperson or any other Member if the Chairperson or such other Member:
 - Is adjudged an insolvent.
 - Engages during his term of office in any paid employment outside the duties of his office.
 - Is unfit to continue in office by reason of infirmity of mind or body.
 - Is of unsound mind and stands so declared by a competent court.
 - Is convicted and sentenced to imprisonment for an offense which, in the opinion of the President, involves moral turpitude.

16. Ans:C

Main Reason for Considering the Indian Constitution a Living Document:

- The primary reason for considering the Indian Constitution as a living document is its inherent flexibility. **Hence option (c) is the correct answer.**
- Unlike a rigid and unalterable document, the Indian Constitution allows for amendments, reflecting the dynamic nature of the society it governs. This adaptability is crucial in addressing the evolving needs, challenges, and aspirations of the nation over time,
- The provision for amendments ensures that the Constitution remains relevant and responsive to the changing socio-political landscape. This ability to evolve distinguishes it from static and rigid legal frameworks.
- While the Right to Constitutional Remedies is a significant aspect of ensuring the enforceability of fundamental rights, it is not the primary reason for considering the Constitution a living document.
- The essence lies in its capacity to be amended, allowing for adjustments in response to the changing needs and values of the society it governs.

17. Ans:A

The procedure for the amendment of the Constitution as laid down in Article 368 is as follows:

- An amendment of the Constitution can be initiated only by the introduction of a bill for the purpose in either House of Parliament and not in the state legislatures.
- The bill can be introduced either by a minister or by a private member and does not require prior permission of the president. **Hence, statement 1 is correct.**
- The bill must be passed in each House by a special majority, that is, a majority (that is, more than 50 percent) 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 at least half of the states by a simple majority, that is, a majority of the members of the House present and Voting. **Hence, statement 2 is not correct.**
- After duly passed by both 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.

18. Ans:A

Idea of a Constituent Assembly

- It was in 1934 that the idea of a Constituent Assembly for India was put forward for the first time by M. N. Roy, a pioneer of the communist movement in India and an advocate of radical democratism. **Hence statement 1 is correct.**
- In 1935, the Indian National Congress (INC), for the first time, officially demanded a Constituent Assembly to frame the Constitution of India.
- In 1938, Jawaharlal Nehru, on behalf of the INC declared that the Constitution of free India must be framed, without outside interference, by a Constituent Assembly elected based on the adult franchise.
 - The Constituent Assembly was constituted in November 1946 under the scheme formulated by the Cabinet Mission Plan. **Hence statement 2 is not correct.**
 - Its members were chosen by indirect election by the members of the Provincial Legislative Assemblies that had been established under the Government of India Act, of 1935. **Hence statement 3 is not correct.**

historical background of the Constituent Assembly in India?

1934	The idea of a Constituent Assembly for India was put forward for the first time by M.N.Roy, a pioneer of the communist movement in India.
1935	Indian National Congress first demanded a Constituent Assembly to frame the Constitution of India.
1938	J.L. Nehru declared that the Constitution of free India must be framed, without outside interference, by a Constituent Assembly elected based on Adult Franchise .
1940	First time in principle, the demand for a Constituent Assembly was accepted by the British in the August offer of 1940 .
1942	Sir Stafford Cripps came to India with a draft proposal to frame an independent Constitution, which was rejected by the Muslim League.
1946	Cabinet Mission was sent to India, which rejected the idea of two Constituent assemblies. Hence, Elections were held as per the Cabinet Mission plan of 1946 to establish the Constituent Assembly.

Total Strength of the Constituent Assembly (389)

British India (296) Note: Members of the Muslim League who were originally from Pakistani territory withdrew from the Indian Constituent Assembly. As a result, strength decreased from 296 to 229.		Princely states (93) Note: The strength of the princely kingdoms decreased from 93 to 70 when members of the Muslim League withdrew from the Indian Constituent Assembly.	
• From 11 governors' provinces. (292)	• From the four Chief Commissioners' provinces, one from each. (4)		
• Seats allocated to each British province were divided among three principal communities- Muslims, Sikhs, and General, in proportion to their population.		• Representatives of Princely states were to be nominated by their respective heads.	
• The representatives of each community were elected by members of that community in the provincial legislative Assembly, and voting was Proportional Representation through Single Transferable Vote.			

What were the developments during the making of the Indian Constitution?

The Indian Constitution was made by the Constituent Assembly, which came into existence as per the provisions of the **Cabinet Mission of May 1946**. Its task was to formulate a Constitution for facilitating the appropriate transfer of sovereign power from British authorities to Indian hands.

- **9 December 1946:** The Constituent Assembly sat for the first time.
 - **11 December 1946:** **Rajendra Prasad** as President, **Harendra Coomar Mookerjee** and **V.T. Krishnamachari** as the Vice Presidents were elected, and **B. N. Rau** as Constitutional legal advisor was appointed.
 - **13 December 1946:** **Jawaharlal Nehru** introduced the famous "**Objective Resolution**" in the Assembly, which laid down the philosophy of the Constitution of India.
 - It is geared toward **fostering economic and political security in India** through a written Constitution and declaring India a **Sovereign, Democratic Republic**.
 - It fostered the **formulation of a federal** with the even-handed distribution of powers between the Centre and the states.
 - It strives to **secure equality, justice, and freedom of thought, expression, belief, faith, association**, and associated action for each subject of the country.
 - It is geared toward providing **necessary protection to the minority and backward section** of society.
 - It strives to secure the **integrity of the territory of the Indian republic** and follow the law of any civilized nation to secure rights on land, sea, and air.
 - **22 January 1947:** The Resolution was **unanimously adopted** by the Assembly.
- July 1947- Indian Independence Act, 1947:** The Act made the following changes in the position of the Constituent Assembly:
- The Assembly was given **complete autonomy** and the power to draft any Constitution it chose.
 - The **Act gave the Assembly the authority to annul or amend any law passed by the British Parliament** regarding India.
 - The Assembly was also given **legislative authority**. As a result, the Assembly was elected as India's first free Parliament (Dominion Legislature). **Dr. Rajendra Prasad** presided over meetings of the Assembly as the Constituent body, and **G.V. Mavlankar** presided over those of the Assembly as the Legislative body.
 - **July - October 1947:** Preparation of **the first draft by the Constitutional advisor**, Constitutional Advisor started putting together the first draft of the Constitution by aligning the reports already discussed and adopted.
 - **22 July 1947:** The Constituent Assembly adopted the National flag.
 - **October 1947- February 1948:** Deliberations in Drafting Committee and resultant draft Constitution, Drafting committee produced the **draft Constitution** by February 21, 1948, which contained 315 Articles and 8 Schedules.
 - **4 November 1948 - 9 November 1948 (First reading):** Drafting committee published the draft Constitution of India in February 1948. The draft was introduced in the Assembly in November 1948.
 - **15 November 1948 – 17 October 1949 (Second reading):** Clause-by-clause draft discussion was conducted in the Assembly.
 - **May 1949:** The Constituent Assembly accepted and approved India's membership of the **British Commonwealth**.
 - **14 November 1949 - 26 November 1949 (Third reading):** The Assembly finished the third reading.
 - **26 November 1949:** The Constituent Assembly **passed and adopted** the Constitution of India.
 - **24 January 1950:** The Constituent Assembly elected **Dr. Rajendra Prasad** as the first President of India and, adopted the **National anthem** and **National song**.

19. Ans:C

Major Committees of Constituent Assembly:

- Union Powers Committee – Jawaharlal Nehru
- Union Constitution Committee – Jawaharlal Nehru
- Provincial Constitution Committee – Sardar Patel
- Drafting Committee – Dr. B.R. Ambedkar
- Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas – Sardar Patel.

This committee had the following five sub-committees:

- Fundamental Rights Sub-Committee – J.B. Kripalani
- Minorities Sub-Committee – H.C. Mukherjee
- North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub- Committee – Gopinath Bardoloi
- Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee – A.V. Thakkar
 - Rules of Procedure Committee – Dr. Rajendra Prasad. Hence pair 2 is not correctly matched.
 - States Committee (Committee for Negotiating with States) – Jawaharlal Nehru. Hence pair 1 is correctly matched.
 - Steering Committee – Dr. Rajendra Prasad. Hence pair 3 is correctly matched.

20. Ans:A

- Sovereign means India is neither a dependency nor a dominion of any other state. There is no authority above it and it is free to conduct its affairs. **Hence Statement 2 is correct .**
- Being a sovereign state, India can either acquire a foreign territory or cede a part of its territory in favor of a foreign state. Hence option (a) is the correct answer. **Hence Statement 1 is correct .**

21. Ans:C

- The Government of India, with the approval of the President of India, has constituted the Sixteenth Finance Commission, in pursuance to Article 280(1) of the Constitution. Dr Arvind Panagariya, former Vice-Chairman, NITI Aayog, and Professor, Columbia University will be the Chairman.
- Article 280 of the Constitution of India provides for a Finance Commission as a quasi judicial body.
- It is constituted by the president of India every fifth year or at such earlier time as he considers necessary.
- The Finance Commission consists of a chairman and four other members to be appointed by the president.
- They hold office for such period as specified by the president in his order. They are eligible for reappointment.
- The Constitution authorises the Parliament to determine the qualifications of members of the commission and the manner in which they should be selected. Accordingly, the Parliament has specified the qualifications of the chairman and members of the commission.

Hence option (c) is the correct answer.

22. Ans:A

- Article 360 empowers the president to proclaim a Financial Emergency if he is satisfied that a situation has arisen due to which the financial stability or credit of India or any part of its territory is threatened.
- The 38th Amendment Act of 1975 made the satisfaction of the president in declaring a Financial Emergency final and conclusive and not questionable in any court on any ground. But, this provision was subsequently deleted by the 44th Amendment Act of 1978 implying that the satisfaction of the president is not beyond judicial review. **Hence statement 2 is not correct.**
- A proclamation declaring a financial emergency must be approved by both Houses of Parliament within two months from the date of its issue. Once approved by both the Houses of Parliament, the Financial Emergency continues indefinitely till it is revoked. A resolution approving the proclamation of financial emergency can be passed by either House of Parliament only by a simple majority, that is, a majority of the members of that house present and voting. A proclamation of Financial Emergency may be revoked by the president at any time by a subsequent proclamation. Such a proclamation does not require parliamentary approval. **Hence statement 1 is correct and statement 3 is not correct.**
- No Financial Emergency has been declared so far, though there was a financial crisis in 1991. **Hence statement 4 is correct.**

Financial Emergency

- In India, a Financial Emergency (Article 360) refers to a period when the **financial stability or credit of the country or any part of its territory is threatened.**
- It is a time when the fiscal autonomy of the States may be temporarily curtailed, and the financial powers of the Central government are significantly enhanced to address the perceived economic crisis.

- A Financial Emergency empowers the Central government to take swift and decisive action to safeguard the country's financial security, fiscal stability, and overall economic interests.

Constitutional Provisions Related to Financial Emergency

- **Article 360 in Part XVIII of the Indian Constitution** deals with the Financial Emergency. The article and its subject matter are as follows.

Articles	Subject – Matter
Article 360	Provisions as to Financial Emergency

Grounds of Declaration of Financial Emergency

- **Article 360** of the Indian Constitution empowers the President of India to proclaim a Financial Emergency if he/she is satisfied that a situation has arisen due to which the **financial stability or credit of India or any part of its territory is threatened.**

Judicial Review of Financial Emergency

The 38th Amendment Act of 1975

- The **38th Constitutional Amendment Act, 1975** made the **satisfaction of the President** in declaring a Financial Emergency under Article 360 **final and conclusive** which could not be challenged in any court on any ground
- Thus, it made the proclamation of the Financial Emergency **immune from Judicial Review.**

The 44th Amendment Act of 1978

- The 44th Constitutional Amendment Act deleted the above provision of the 38th Constitutional Amendment Act, 1975.
- Thus, it provided that the **satisfaction of the President** for the proclamation of the Financial Emergency is **not beyond judicial review.**

Parliamentary Approval of Financial Emergency

- The proclamation of Financial Emergency in India must be approved by both Houses of Parliament **within two months** from the date of its issue.
- However, if a proclamation of Financial Emergency is issued at a time when **Lok Sabha has been dissolved** or the dissolution of Lok Sabha takes place during the period of two months without approving the proclamation then, in that case, the proclamation **survives until 30 days** from the first sitting of the newly constituted Lok Sabha, provided the Rajya Sabha has in the meantime approved it.

Duration of Financial Emergency

- Once approved by both Houses of Parliament, the Financial Emergency in India continues indefinitely till it is revoked.
- Thus, the following two points are to be noted w.r.t. Financial Emergency in India:
 - There is **no maximum period prescribed** for the operation of a Financial Emergency.
 - **Repeated parliamentary approval is not required** for the continuation of a Financial Emergency.

23. Ans:C

basic structure

- The Parliament under Article 368 can amend any part of the Constitution including the Fundamental Rights but without affecting the 'basic structure' of the Constitution. However, the Supreme Court has yet to define or clarify what constitutes the 'basic structure' of the Constitution. From the various judgments,

The following have emerged as 'basic features' of the Constitution or elements of the 'basic structure' of the Constitution:

- Supremacy of the Constitution
- Sovereign, democratic and republican nature of the Indian polity

- Secular character of the Constitution
- Separation of powers between the legislature, the executive and the judiciary
- Federal character of the Constitution
- Unity and integrity of the nation
- Welfare state (socio-economic justice)
- Judicial review
- Free and fair elections
- Independence of Judiciary
- Effective access to justice
- Powers of the Supreme Court under Articles 32, 136, 141 and 142
- Powers of the High Courts under Articles 226 and 227.

The Supreme Court has not adjudged 'socialist state' as envisaged in the preamble to be the basic structure of the constitution though it has adjudged the idea of the welfare state to be a part. Hence, option (c) is the correct answer.

24. Ans:D

Article 12

- The term 'State' has been used in different provisions concerning the fundamental rights. Hence, Article 12 has defined the term for the purposes of Part III. According to it, the State includes the following:
 - Government and Parliament of India, that is, executive and legislative organs of the Union government.
 - Government and legislature of states, that is, executive and legislative organs of state government.
 - All local authorities, that is, municipalities, panchayats, district boards, improvement trusts, etc.
 - 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.

Hence option (d) is the correct answer.

25. Ans:D

- **Executive Branch:** The President of India is the ceremonial head of state. The President's role is largely symbolic, but has important functions such as appointing the Prime Minister and giving assent to bills passed by Parliament.
- **Head of Government:** The Prime Minister of India is the real head of government and exercises executive power. The Prime Minister leads the Council of Ministers, who are responsible for the administration of various government departments and implementing policies.
- **Judicial Branch: Supreme Court:** The highest court in India, with the authority to interpret the Constitution, adjudicate disputes between states and the center, and oversee the legality of laws and government actions. *f* Each state or group of states has a High Court, which handles appeals from lower courts and issues related to state-level legal matters. *f* District Courts handle civil and criminal cases at the district level, and various specialized courts such as family courts, consumer courts, and labor courts.

Hence Both the statements are not correct.

26. Ans:C

- Article 105 in the Indian Constitution explicitly mentions only two kinds of privileges, freedom of speech in the Parliament and the right to publish the house proceedings.
- The Code of Civil Procedure, 1908, grants freedom from arrest and detention of members under a civil process during house proceedings or during the functioning of any of its committees.

Hence Both the statements are correct.

Parliamentary Privileges

- Parliamentary privileges are the rights and immunities enjoyed by members of Parliament (MPs) in India to enable them to discharge their duties and functions without interference or intimidation.
- Sources: These privileges are derived from the Constitution of India, parliamentary conventions, laws made by the Parliament, rules of Lok Sabha and Rajya Sabha, and judicial interpretations.
- Constitutional Provisions: Parliamentary privileges are defined in Article 105 of the Indian Constitution. The members of Parliament are exempted from any civil or criminal liability for any statement made or act done in the course of their duties.
- Co-terminus with membership: The privileges are claimed only when the person is a member of the house. As soon as he ends to be a member, the privileges are said to be called off.
- These privileges are essential so that the proceedings and functions can be made in a disciplined and undisturbed manner.
- In India, the privileges of members of Parliament are specified in the Constitution, the Rules of Procedure and Conduct of Business in Lok Sabha, and the Rules of Procedure and Conduct of Business in Rajya Sabha.
- It is important to note that parliamentary privileges are not absolute and are subject to certain limits. For example, MPs are expected to use their privileges responsibly and not abuse them for personal gain.

Constitutional provisions related to parliamentary privileges

According to the Constitution of India, Articles 105 and 122 outline the privileges of Parliament, while Articles 194 and 212 pertain to the privileges of state governments.

- Article 105: There shall be freedom of speech in Parliament. No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof.
- Article 122: The validity of any proceedings in Parliament shall not be called in question in court on the ground of any alleged irregularity of procedure.
- Article 194: There shall be freedom of speech in the State Legislature. No member of the State Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the State Legislature or any committee thereof.
- Article 212: The validity of any proceedings in the State Legislature shall not be called in question in court on the ground of any alleged irregularity of procedure.

How are the parliamentary privileges classified?

Parliamentary privileges are intended to protect the independence and integrity of the legislative process and to allow lawmakers to speak and act freely without fear of reprisal or legal consequences.

- Individual Privileges: Individual privileges refer to the rights and immunities enjoyed by members of the Indian Parliament and State Legislature to enable them to perform their duties without fear of interference or prosecution.
- Collective Privileges: Collective privileges in India refer to the rights and immunities that are enjoyed by both Houses of the Indian Parliament and State Legislature as a whole, as well as their members and officers.

Individual Privileges	Collective Privileges
<ul style="list-style-type: none"> • Members cannot be arrested during the session of Parliament 40 days before the beginning and 40 days after the end of a session. • Members have freedom of speech in Parliament, and no member is liable to any proceedings in any court • They are exempted from jury service when Parliament is in session. 	<ul style="list-style-type: none"> • Right to publish its reports, debates, and proceedings. • Right to exclude strangers from its proceedings • Right to make rules to regulate its own procedure • Right to punish members as well as outsiders for breach of its privileges • The courts prohibited inquiring into the proceedings of a House. • No person can be arrested without the permission of the presiding

27. Ans:B

- **Statement 1 is not correct:** The model code refers to a set of norms laid down by the Election Commission of India, with the consensus of political parties. It is not statutory. The purpose of these guidelines is to regulate political parties and candidates prior to elections, to ensure free and fair elections.
- **Statement 2 is not correct:** The MCC is operational from the date that the election schedule is announced till the date that results are announced.
- **Statement 3 is correct:** The MCC is not enforceable by law. However, certain provisions of the MCC may be enforced through invoking corresponding provisions in other statutes such as the Indian Penal Code, 1860, Code of Criminal Procedure, 1973, and Representation of the People Act, 1951.

Model Code of Conduct and its objectives

The Model Code of Conduct (MCC) is a set of norms and principles to guide the political parties and candidates during elections, evolved with the consensus of political parties to abide by the principles embodied in the said code and also binds them to respect and observe it in its letter and spirit.

- **The Election Commission ensures observance** of the MCC by a political party in power and contesting candidates for conducting free and fair elections under Article 324 of the Constitution of India.
- MCC also ensures that official machinery for electoral purposes is not misused. Further, it is also ensured that **electoral offenses, malpractices, and corrupt practices** are prevented by all means.
- The Model Code of Conduct is enforced from the **date of announcement** of the election schedule by **the** Election Commission and is operational till the process of elections is completed.
- During general elections to the Lok Sabha, the code is **applicable** throughout the country. During general elections to the Legislative Assembly of the state, the code is applicable in the entire State.
- **During bye-elections**, the Model Code of Conduct would be **applicable in the area of the concerned Constituency only**.

historical background of the Model Code of Conduct

The Model Code of Conduct (MCC) has its roots in the electoral history of India. It originated in the state of Kerala, and with time, it has evolved into the Model Code of Conduct (MCC).

- MCC traces its origins to the **1960 Assembly elections in Kerala**, where a 'Code of Conduct' was prepared by the State Administration for political leaders.
- Subsequently, in the **1962 Lok Sabha elections**, the Election Commission of India (ECI) circulated the code to all recognized political parties and State governments, which was generally followed.
- However, to address the issue of corrupt electoral practices, using muscle power and money **from 1962 to 1991**, the ECI refined the code, adding a section to regulate the 'party in power' and prevent it from gaining an unfair advantage during elections.
- The code was **renamed the MCC** and made more stringent, but despite demands that it be incorporated into the law, no such legislation was passed.
- After 1991, the ECI enforced the MCC using new means, and in cases of violation, the Chief Election Commissioner **T.N. Seshan exercised constitutional power under Article 324** to postpone elections.
- In 2013, the Supreme Court directed the Election Commission to include guidelines on election manifestos in the MCC, which were subsequently included in the code for the 2014 general elections.

28. Ans:D**Key Functions of the Supreme Court of India:**

- **Judicial Review:** It reviews the constitutionality of laws and executive actions. If a law or action is found to violate the Constitution, the Court can strike it down.
- **Original Jurisdiction:** It has the authority to hear certain types of cases directly, including disputes between states or between the central government and states. This is called original jurisdiction.
- **Appellate Jurisdiction:** It hears appeals from lower courts and tribunals. This includes civil, criminal,

and constitutional matters. *f* The Supreme Court can overturn or modify decisions made by lower courts.

- **Constitutional Interpretation:** It interprets the provisions of the Constitution. *f* This function is crucial for clarifying the meaning and application of constitutional principles.
- **Protection of Fundamental Rights:** It ensures the protection of fundamental rights guaranteed by the Constitution.
- **Advisory Jurisdiction:** The President of India can seek the Court's opinion on legal or constitutional questions. While the Court's advice is not binding, it is highly influential.
- **Judicial Administration:** It oversees the functioning of lower courts and provides guidelines for their operation. It also plays a role in the appointment and transfer of judges.
- **Public Interest Litigation (PIL):** The Court entertains PILs, allowing individuals or groups to seek judicial redress for issues affecting the public at large.

29. Ans:B

- The Central Bureau of Investigation (CBI) traces its roots back to the Special Police Establishment (SPE), established in 1941 during World War II to investigate bribery and corruption cases. **Hence Statement 1 is not correct**
- It was formally established on the recommendations of the Santhanam Committee and set up by a resolution of the Ministry of Home Affairs in 1963.
- CBI functions under the Ministry of Personnel, Public Grievances and Pensions of the central government, and is exempted from the purview of the Right to Information (RTI) Act.
- It is also the nodal police agency in India that coordinates investigations on behalf of Interpol member countries. **Hence Statement 2 is correct** .
- Section 6 of the DPSE Act authorises the central government to direct CBI to probe a case within the jurisdiction of any state on the recommendation of the concerned state government.
- The courts can also order a CBI probe, and even monitor the progress of investigation.
- CBI can suo-moto take up investigation of offences only in the Union Territories. **Hence Statement 3 is correct.**

Central Bureau of Investigation (CBI)

- **About**
 - The Central Bureau of Investigation (CBI) is the premier investigative agency of India.
 - The agency was established in 1963 by the Indian government as a result of the recommendation of the Santhanam Committee.
 - CBI is not a statutory body. It derives its power to investigate from the Delhi Special Police Establishment Act, 1946.
- **Control**
 - It operates under the jurisdiction of the Ministry of Personnel, Public Grievances and Pensions (which in turn operated under PMO).
 - However, for investigation of offences under the Prevention of Corruption Act, CBI vests superintendence to the Central Vigilance Commission.
- **Functions**
 - Initially, it was set up to investigate corruption in government departments and public sector undertakings.
 - However, over the years, its jurisdiction has expanded to cover a wide range of cases, including economic offenses, cyber-crimes, organized crimes, and special crimes.

30. Ans:B

- **Statement 1 is correct:** Civil contempt involves willful disobedience of a court order or a breach of an undertaking to the court.
- **Statement 2 is correct:** Criminal contempt refers to any act that scandalizes the court, prejudices judicial proceedings, or interferes with the administration of justice.
- **Statement 3 is not correct:** The punishment for contempt of court can include both imprisonment and/or a fine, as specified under the Contempt of Courts Act, 1971.

Contempt of Court

- **Constitutional Provisions: Article 129** of the Constitution says that the **Supreme Court** shall be the 'Court of Record' and it has all the powers of such courts including the **power to punish for contempt of itself**. **Article 215** conferred a **corresponding power on the High Courts**.
- According to the **Contempt of Courts Act, 1971**, **contempt of court can either be civil contempt or criminal contempt**.
- **Civil contempt** means **wilful disobedience to any judgment, decree, direction, order, writ or other process** of a court or **wilful breach of an undertaking given** to a court.
- On the other hand, **criminal contempt** means the **publication** (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) **of any matter or the doing of any other act whatsoever which**
 - **scandalises** or tends to scandalise, or **lowers** or tends to lower the **authority of, any court**; or
 - **prejudices**, or **interferes with**, or tends to interfere with, the **due course of any judicial proceeding**; or
 - **interferes** or tends to interfere with, or **obstructs** or tends to obstruct, the **administration of justice** in any other manner.
- A contempt of court may be **punished with simple imprisonment** for a term which may **extend to six months**, or **with fine** which may **extend to two thousand rupees**, or with both, provided that the accused may be discharged or the **punishment** awarded may be **remitted on apology being made** to the satisfaction of the court.

31. Ans:C

- Parliamentary Standing Committees are tasked with the detailed examination of legislative proposals, budgets, and government actions to ensure effective governance and accountability. Standing Committees provide a platform for more collaborative and less politically charged discussions compared to the full Parliament sessions. They operate in a more informal setting, which allows members to engage in detailed and constructive deliberations beyond party lines. Standing Committees are permanent committees that are reconstituted every year or periodically. They continue to function on an ongoing basis, unlike ad hoc committees, which are temporary and dissolve after completing their specific tasks. There are 24 such Standing committees, with 16 under the Lok Sabha (lower house) and 8 under the Rajya Sabha (upper house). **Hence Statements 1, 3 and 4 are correct.**
- Members of Standing Committees are not appointed based on seniority. Instead, they are appointed or elected by the Speaker of the Lok Sabha or the Chairman of the Rajya Sabha, or through consultation between them, and their selection may consider various factors, including party representation and expertise. **Hence Statement 2 is incorrect.**

32. Ans:A

- The Law Commission is not a statutory or constitutional body. It is an ad hoc executive body constituted by the Government of India. The Law Commission is reconstituted every three years. The first Law Commission in India was established in 1834 during British rule under the Charter Act of 1833, chaired by Lord Macaulay. The first Law Commission of independent India was established in 1955, chaired by M.C. Setalvad, the then Attorney-General of India. **Hence Statements 1 and 3 are incorrect.**
- The Law Commission serves as an advisory body to the Ministry of Law and Justice, providing recommendations for legal reforms and improvements in the legal system. **Hence Statement 2 is correct.**

Law Commission of India

- The Law Commission of India is a **non-statutory body** constituted by the Union government.
- It is a commission established to ensure that the laws formed are just and fair which work towards its proper implementation.
- It can be referred to as an **ad hoc body**, which is constituted for the fulfilment of a particular purpose.
- Basically, it works as an advisory body to the Ministry of Law and Justice.

- However, it is not defined under the Indian Constitution. It is constituted as part of **Article 39A**.

History of Law Commission in India

- The first pre-independence law commission was established in **1834** by the British Government in India.
 - It was established by the **Charter Act of 1833** and was chaired by **Lord Macaulay**.
- The first Law Commission of independent India was established in the year 1955 which was headed by **M.C. Setalvad**.
- Since the independence of India, there have been 22 Law Commissions. The current Law Commission (22nd) is chaired by **Justice Ritu Raj Awasthi**.

33. Ans:B

- The term "creamy layer" is used to describe the economically advanced members within the Other Backward Classes (OBCs) and, in some contexts, within other reserved categories. These individuals are considered to be well-off and, therefore, not in need of the benefits provided by reservations, such as educational and job quotas. The Mahad Satyagraha, held in 1927, was led by Dr. B.R. Ambedkar. It was a significant protest against the caste system, aiming to assert the rights of Dalits to access public water sources, and it marked a pivotal moment in the Dalit emancipation movement. **Hence Statements 1 and 3 are correct.**
- Dr. B.R. Ambedkar identified the caste system as the primary source of graded inequality in India. Graded inequality, as per Ambedkar, refers to the hierarchical nature of the caste system, where different castes experience varying levels of privilege and oppression, creating a complex social structure that perpetuates inequality. **Hence Statement 2 is incorrect.**

Creamy Layer

1. **Origin**-The concept emerged from the landmark Indra Sawhney case ruling in 1992.
2. **Definition**-The creamy layer refers to the more socially, economically, and educationally advanced members within a backward community. This is done to ensure reservation benefits reach those who need them most.
3. **Distinction**: – The creamy layer is different from sub-classification. Sub-classification involves breaking down a reserved category (like SC) into groups based on socio-economic criteria. The creamy layer, on the other hand, identifies the more advantaged individuals within a specific caste or community.

34. Ans:B

- The Public Accounts Committee is a parliamentary committee that consists of 22 members. Specifically, 15 members are elected from the Lok Sabha, which is the lower house of India's Parliament, and 7 members are elected from the Rajya Sabha, the upper house. The PAC is tasked with examining the accounts and financial statements of the government, which includes reviewing the performance of regulatory bodies established by Acts of Parliament. This involves scrutinizing how these bodies utilize public funds and whether they adhere to the financial regulations and objectives set by the government. **Hence Statements 1 and 2 are correct.**
- Ministers are not allowed to be members of the PAC. This rule is in place to maintain the committee's independence and impartiality, ensuring that it can effectively scrutinize government expenditure without conflicts of interest arising from having members who are part of the executive branch. **Hence Statement 3 is incorrect.**

Public Accounts Committee (PAC):

- It is a committee of selected members of parliament, constituted by the Parliament of India, for the purpose of auditing the revenue and expenditure of the Government of India.
- It serves as a check on the government, especially with respect to its expenditure bill, and its primary function is to examine the audit report of the Comptroller and Auditor General (C&AG) after it is laid in Parliament.
- C&AG assists the committee during the course of the investigation.
- The main function of the committee is to ascertain whether the money granted by parliament has been spent by the government within the scope of the demand.

- Genesis of the Committee:
 - It is one of the oldest Parliamentary Committees in India.
 - From its inception in the year 1921 till early 1950, the Finance Member was appointed as the Chairperson of the Committee, and its secretarial functions were looked after by the Finance Department (later Ministry of Finance).
 - With the coming into force of the Constitution of India on 26 January, 1950, the Committee became a Parliamentary Committee under the control of the Speaker.
 - Its secretarial functions were transferred to the Parliament Secretariat (now Lok Sabha Secretariat).
- Membership:
 - PAC consists of not more than twenty-two members, fifteen elected by Lok Sabha, and not more than seven members of Rajya Sabha.
 - The members are elected every year from amongst its members of respective houses according to the principle of proportional representation by means of a single transferable vote.
 - The term of office of the members is one year.
 - The Chairperson of the Committee is appointed by the Speaker from amongst the members of the Committee from Lok Sabha.
 - The Speaker, for the first time, appointed a Member of the Opposition as the Chairperson of the Committee for 1967-68. This practice has been continuing since then.
 - A Minister is not elected a member of the Committee, and if a member, after his election to the Committee, is appointed a Minister, he ceases to be a member of the Committee from the date of such appointment.
- Functions:
 - The functions of the Committee include examination of accounts showing the appropriation of sums granted by Parliament for the expenditure of the Government of India, the annual finance accounts of the Government, and such other accounts laid before the House as the Committee may think fit.
 - In scrutinising the appropriation accounts of the Government of India and the report of the C&AG thereon, the Committee has to satisfy:
 - that the moneys shown in the accounts as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged;
 - that the expenditure conforms to the authority which governs it; and
 - that every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority.
 - The functions of the Committee extend, however, “beyond, the formality of expenditure to its wisdom, faithfulness, and economy”.
- The Committee thus examines cases involving losses, nugatory expenditures, and financial irregularities.

35. Ans:A

- Article 343 of the Indian Constitution declares Hindi in the Devanagari script as the official language of the Union of India. Article 351 of the Indian Constitution mandates the Union government to promote the spread and development of the Hindi language. **Hence Statements 1 and 2 are correct.**
- The Official Language Act of 1963 does not hold government officials accountable for not using Hindi. Instead, it provides for the continued use of English alongside Hindi for official purposes and does not impose penalties for not using Hindi. **Hence Statement 3 is incorrect.**

36. Ans:A

- The Central Information Commission is a statutory body established under the Right to Information Act, 2005. The Chief Information Commissioner and Information Commissioners hold office for a term of five years or until they attain the age of 65 years, whichever is earlier. **Hence Statements 1 and 2 are correct.**
- The committee that recommends appointments to the CIC consists of the Prime Minister as the Chairperson, the Leader of Opposition in the Lok Sabha, and a Union Cabinet Minister nominated by the Prime Minister. **Hence Statement 3 is incorrect.**

Salient features of CIC and SIC

Features	CIC	SIC
Composition	<ul style="list-style-type: none"> CIC consists of a Chief Information Commissioner and not more than ten Information Commissioners. 	<ul style="list-style-type: none"> SIC consists of a State Chief Information Commissioner and not more than ten State Information Commissioners.
Appointment	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> They are appointed by the Governor on the recommendation of a committee consisting of Chief Minister as Chairperson, the Leader of Opposition in the Legislative Assembly, and a State Cabinet Minister nominated by the Chief Minister.
Eligibility	<ul style="list-style-type: none"> The members of CIC and SIC shall 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. Members shall not be a Member of Parliament, or Member of the Legislature of any State or Union Territory as the case may be, or hold any other office of profit or connected with any political party or carry on any business or pursue any profession. 	
Tenure	<ul style="list-style-type: none"> The members shall hold office for such term as prescribed by the Central Government or until they attain the age of 65 years, whichever is earlier. 	
Reappointment	<ul style="list-style-type: none"> Chief Information Commissioner is not eligible for reappointment. Each IC shall on vacating his office be eligible for appointment as the CIC. Further, His/her term of office shall not be more than five years in aggregate as the IC and the CIC. 	<ul style="list-style-type: none"> Every State Information Commissioner shall, on vacating his office be eligible for appointment as the State Chief Information Commissioner. Further his/her term of office shall not be more than five years in aggregate as the state information commissioner and state chief information commissioner.
Removal	<ul style="list-style-type: none"> The President can remove the members of CIC and the Governor can remove the members of SIC from the office under the following circumstances: <ul style="list-style-type: none"> If the member is adjudged as an insolvent If the Central government(for CIC) /Governor(for SIC) holds him responsible for an offense involving moral turpitude/ or he is convicted for such an offense. If he engages during his term of office in any paid employment outside the duties of his office If he is declared unfit by reason of infirmity of mind or body, by the President (for CIC)/Governor (for SIC). The President/Governor can also remove the members on the ground of proved misbehavior or incapacity. In such cases, the President(for CIC)/Governor (for SIC) has to refer the matter to the Supreme Court for an enquiry. After the enquiry, if the Supreme Court upholds the cause of removal and advises so, then the President(for CIC) /Governor(for SIC) can remove him. During the inquiry by the Supreme Court the President(for CIC)/Governor(for SIC) may suspend the member from office or prohibit him from attending the office. 	
Salary and Allowances	<ul style="list-style-type: none"> The salary, allowances, and other service conditions of the members shall be as prescribed by the Central Government (RTI Amendment Act, 2019). 	

Jurisdiction	<ul style="list-style-type: none"> • It extends over all Central Public Authorities. 	<ul style="list-style-type: none"> • It extends over all State Public Authorities.
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37. Ans: b) Combat transnationally organized cyber-enabled financial crimes within India.

- Operation Chakra-II focuses on dismantling the infrastructure of organized cyber-enabled financial crimes. The CBI has partnered with national and international agencies, as well as private sector giants like Microsoft and Amazon, to tackle these crimes.

38. Ans:B

- Currently, there are no specific constitutional provisions in India that allow for holding simultaneous elections for the Lok Sabha and State Legislative Assemblies. Implementing such a system would require significant amendments to the Constitution. The Election Commission of India is a permanent constitutional body established under Article 324 of the Constitution, responsible for conducting free and fair elections in India. **Hence Statements 1 and 3 are correct.**
- Simultaneous elections are often criticized because they might weaken federalism by focusing more on national issues and ignoring regional concerns. **Hence Statement 2 is incorrect.**

One nation one election

- **Definition-** One nation one election refers to the idea of holding simultaneous polls for State Assemblies and the Lok Sabha instead of separate and continuous elections.

Historical Background-

- One Nation one election was the norm in India until 1967. Simultaneous elections were conducted for the Lok Sabha and the state assemblies in 1952, 1957, 1962, and 1967.
- However, due to the premature dissolution of some Legislative Assemblies in 1968 and 1969 the simultaneous election cycle got disrupted. Further, in 1970, the Lok Sabha was dissolved prematurely, and fresh elections were held in 1971.
- All these events led to the breakdown of the cycle of simultaneous elections in India.

What is the Kovind Panel on One Nation One Election?

- **About the Committee-** The Union government on September 2, 2023 had constituted a committee under the headship of former President of India Ram Nath Kovind to look into the feasibility of ‘one nation one election’.
- **Members of the Committee-** The Committee was headed by Ramnath Kovind. The members include- Home Minister Amit Shah, former Leader of Opposition in the Rajya Sabha Ghulam Nabi Azad, former Finance Commission chairperson N K Singh, former Lok Sabha secretary-general Subhash C Kashyap, senior advocate Harish Salve and former Chief Vigilance Commissioner Sanjay Kothari.

39. Ans:C

- Part XVIII of the Indian Constitution, which includes Articles 352 to 360, deals with emergency provisions. The Seventh Schedule of the Indian Constitution outlines the distribution of powers between the Union and State governments through three lists: the Union List, State List, and Concurrent List. **Hence Statements 1 and 2 are correct.**
- Article 355 states that it is the duty of the Union to protect states against external aggression and internal disturbances and to ensure that state governments function according to constitutional provisions. Whereas Article 356 provides for the President’s Rule in case of failure of constitutional machinery in a state. **Hence Statement 3 is incorrect.**

40. Ans:B

- The CAG's primary function is to audit the receipts and expenditures of the Union and state governments, as well as government-owned corporations, and report findings to the Parliament or state legislatures. The PAC examines the audit reports submitted by the CAG to ensure financial accountability and scrutinizes government expenditures. **Hence Statements 1 and 3 are correct.**
- The CAG is appointed for a term of six years or until reaching the age of 65, whichever is earlier, and

the tenure is not renewable. The appointment is made by the President of India, and there is no provision for renewal based on the Prime Minister's recommendation. **Hence Statement 2 is incorrect.**

Constitutional and legal provisions pertaining to the office of CAG

Articles	Description
Article 148	<ul style="list-style-type: none"> • Appointment: There shall be a Comptroller and Auditor General(CAG) of India who shall be appointed by the President by warrant under his hand and seal. • Salary and other conditions of service: determined by Parliament by law. • Further office/reappointment: not eligible for further office under both central as well as state government. • Expenditure charged upon CFI: The entire expense, including the salaries, allowances, and pensions of the CAG and persons serving in that office, is charged upon the Consolidated Fund of India (CFI).
Article 149	<ul style="list-style-type: none"> • Duties and powers to be determined by Parliament: The CAG shall perform such duties and exercise such powers as may be prescribed by or under any law made by Parliament.
Article 150	<ul style="list-style-type: none"> • Form of accounts of union and 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 CAG, prescribe.
Article 151	<ul style="list-style-type: none"> • Reports of CAG: The reports of the CAG 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.
Article 279	<ul style="list-style-type: none"> • Certification of net proceeds: He ascertains and certifies the net proceeds of any tax or duty. His certificate is final. The 'net proceeds' means the proceeds of a tax or a duty minus the cost of collection.
Comptroller and Auditor General of India (Duties, Powers, and Conditions of Service) Act, 1971	<ul style="list-style-type: none"> • Tenure: He holds office for a period of six years or upto the age of 65 years, whichever is earlier. • Resignation: He can resign any time from his office by addressing the resignation letter to the President. • Removal: He can be removed by the President on the same grounds and in the same manner as a judge of the Supreme Court. • Condition of service: His salary and service conditions are determined by Parliament and can't be varied to his disadvantage after his appointment

41. Ans:A

- NITI Aayog promotes competitive federalism by encouraging healthy competition among states through transparent rankings in various sectors. This includes indices such as the School Education Quality Index, State Health Index, Composite Water Management Index, Sustainable Development Goals Index, India Innovation Index, and Export Competitiveness Index. **Hence Statement 1 is correct.**
- NITI Aayog does not have financial authority or enforcement powers for fiscal transfers to states. Its role is primarily that of a think tank and policy advisor without the power to enforce financial decisions. The financial powers and decisions on transfers are handled by the Ministry of Finance. **Hence Statement 2 is incorrect.**

42. Ans:B

- Demands for Grants are formal requests for funds made by various ministries or departments of the government as part of the annual budgetary process. The Appropriation Bill authorizes the government to withdraw funds from the Consolidated Fund of India to meet the expenditures approved by

Parliament through the Demands for Grants. **Hence Statements 1 and 4 are correct.**

- It is the Departmental Standing Committees that scrutinize the Demands for Grants for each ministry. If a Demand for Grant is not approved by the Parliament, the Finance Minister cannot unilaterally reallocate funds from other grants. If a Demand for Grant is not approved by the Parliament, the concerned ministry or department will not receive funds for that fiscal year. Any reallocation or additional expenditure requires approval through supplementary grants or re-appropriation approved by Parliament. **Hence Statements 2 and 3 are incorrect.**

43. Ans:C

- The Speaker is responsible for safeguarding the rights and privileges of the members of the Lok Sabha, ensuring that parliamentary proceedings are conducted smoothly and fairly. The work and conduct of the Speaker cannot be discussed or criticized in the Lok Sabha except on a substantive motion, which is intended to safeguard the independence and impartiality of the office. The Speaker is the final interpreter of the provisions of the Constitution, the Rules of Procedure, and the Conduct of Business in the Lok Sabha. **Hence Statements 1, 3 and 4 are correct.**
- In the event of a tie during a vote in the House, the Speaker does not adjourn the session but instead exercises a casting vote to break the deadlock. **Hence Statement 2 is incorrect.**

Speaker of Lok Sabha

- The Speaker of Lok Sabha is the Presiding Officer of the Lower House of Parliament of India – the Lok Sabha.
- The Speaker is the constitutional and ceremonial head of the Lok Sabha.
- The Speaker is responsible for maintaining order and decorum in the house, conducting its business, and ensuring that the legislative process is carried out smoothly.
- Additionally, the Speaker represents the Lok Sabha in its relations with the President of India, the Rajya Sabha (the Upper House), and other external bodies.

Election of Speaker of Lok Sabha

- The Speaker of Lok Sabha is **elected by the Lok Sabha from amongst its members.**
 - This means only sitting members of the Lok Sabha are eligible to be elected as Speaker of Lok Sabha.
- The **date of election** of the Speaker is **fixed by the President of India.**
 - The date is kept **as soon as possible after the first sitting** of the House.

Tenure of Speaker of Lok Sabha

- The Speaker remains in office **during the life of the Lok Sabha.**
- However, the Speaker **has to vacate** his/her office earlier in any of the **following three cases:**
 - If he/she **ceases to be a member** of the Lok Sabha,
 - If he/she **resigns by writing to the Deputy Speaker,** and
 - If he/she is **removed by a resolution passed by a majority** of all the then members of the Lok Sabha (i.e. an Effective Majority).
- Whenever the **Lok Sabha is dissolved,** the **Speaker** of Lok Sabha does not vacate his/her office and **continues till the newly-elected Lok Sabha meets.**

Oath and Affirmation of Speaker of Lok Sabha

- The Speaker of Lok Sabha, while assuming his/her office, does not make and subscribe to any separate oath or affirmation.
- Their oath as a Member of Parliament suffices for his/her role as Speaker of Lok Sabha.

Removal of Speaker of Lok Sabha

- The Speaker of Lok Sabha can be removed by a resolution passed by the Lok Sabha by an Effective Majority (i.e. a **majority of the total membership** of the House **excluding the vacant seats**).
- A motion of removal of the Speaker of Lok Sabha can be moved only **after giving 14 days' advance notice** to the Speaker.
- This motion of removal can be **considered and discussed only when it has the support of at least 50**

members.

- **When a resolution for the removal of the Speaker of Lok Sabha is under consideration** of the House, he/she **cannot preside** at the sitting of the House, though he/she may be present in the House.
 - However, he/she **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**.

Salary and Allowances of Speaker of the Lok Sabha

- The Speaker of Lok Sabha is entitled to a regular salary and allowance fixed by the Parliament. The salary and allowances of the Speaker of Lok Sabha are charged on the Consolidated Fund of India and hence are not subject to the annual vote of Parliament.

Role of Speaker of Lok Sabha

- The Speaker is the head and the representative of the Lok Sabha.
- He/she is the guardian of the powers and privileges of the members, its committees and the House as a whole.
- He/she is the principal spokesperson of the House.
- He/she is the final deciding authority in all Parliamentary matters.

44. Ans:A

- According to Article 67(b) of the Indian Constitution, the Vice-President, who is the ex-officio Chairman of the Rajya Sabha, can be removed from office by a resolution passed by an effective majority of all the then members of the Rajya Sabha and agreed to by the Lok Sabha with a simple majority. **Hence Statement 1 is correct.**
- When a resolution for the removal of the Vice-President (Chairman of the Rajya Sabha) is under consideration, the Chairman does not preside over the sitting. Instead, the Deputy Chairman or any other member appointed by the Rajya Sabha presides over the session. **Hence Statement 2 is incorrect.**

Vice President in India

The Vice President of India is the **second-highest constitutional office** in the country after the President of India.

- The Vice-President is accorded a rank next to the President in the official warrant of precedence. This office is modeled on the lines of the American Vice-President.
- The Vice President's main role is to **act as the President** if the President cannot perform his or her duties, such as due to death, resignation, or impeachment.
- The Vice President also **serves as the Chairman** of the Rajya Sabha (Council of States), the upper house of the Indian Parliament.

How is the Vice President of India elected?

The Vice-President, like the president, is elected not directly by the people but indirectly.

- He is elected by the members of an electoral college consisting of the members of both houses of Parliament. Thus, this **electoral college** is different from the electoral college for the election of the President in the following two respects:
 - It consists of both **elected and nominated** members of the Parliament (in the case of the President, only elected members).
 - It **does not include the members of the state legislative assemblies** (in the case of the President, the elected members of the state legislative assemblies are included).
- Vice-President's election, like that of the President's election, is held in accordance with the system of **proportional representation** by means of the single transferable vote, and the voting is by secret ballot.
- All doubts and disputes concerning the election of the Vice-President are inquired into and decided by the **Supreme Court**, whose decision is final.

Vice President of India Constitutional Provisions

Article	Description
Article 63	There shall be a Vice President of India

Article 64	The Vice President shall be ex officio chairman of the council of States
Article 65	Vice President to act as President or to discharge his functions during casual vacancies in the office, or during the absence, of President
Article 66	Vice President shall be elected by the members of an electoral college consisting of the members of both Houses of Parliament in accordance with the system of proportional representation
Article 67	Vice President shall hold office for a term of five years
Article 68	Provisions related to the term and vacancy of the Vice President
Article 69	Oath to the office of President
Article 70	Discharge of Presidents functions in any contingencies
Article 71	Matters and disputes relating to, or connected with, the election of a President or Vice President

Qualifications

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

- He should be a citizen of India.
- He should have completed 35 years of age.
- He should be qualified for election as a member of the Rajya Sabha.
- 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.

Oath or Affirmation

Before entering his office, the Vice President has to make and subscribe to an oath or affirmation. In his oath, the Vice President swears

- to bear true faith and allegiance to the Constitution of India; and
- to faithfully discharge the duties of his office.

The oath of office to the Vice-President is administered by the President or some person appointed by him.

45. Ans:A

- The right to a fair and speedy trial is implicit in the right to life under Article 21 of the Indian Constitution. This right ensures that legal proceedings are conducted without unreasonable delays, which is essential to uphold the principles of justice. The Supreme Court has consistently recognized that a fair and speedy trial is a fundamental aspect of the right to life and personal liberty. **Hence Statement 1 is correct.**
- The right to access public services is more related to social and economic rights rather than individual liberty as defined under Article 21, which focuses on life and personal liberty. **Hence Statement 2 is incorrect.**

46. Ans:C

- The 103rd Amendment introduced a 10% reservation for the Economically Weaker Sections (EWS) in government jobs and educational institutions. Reservations in promotions are not applicable for certain top-level posts in Group A services, particularly those with a grade pay of Rs. 8700 or higher. **Hence Statements 1 and 2 are correct.**

EWS Reservation Framework in India: Understanding the Provisions of the 103rd Amendment

- **Sinho Commission:** The reservation to EWS was granted based on the recommendations of the Sinho **commission** that submitted its report in 2010.
- **Constitutional Amendment:** The **103rd Amendment Act 2019** inserted **Articles 15(6) and 16(6)** in the Constitution to provide 10% reservation to the Economically Weaker Section among non OBC and non-SC/ST sections of the population.

Provisions of the Act:

- **Central and State Reservations:**
 - The act **enables both central and state governments** to provide reservations to EWS.

- However, it allows the state government to decide **whether or not to provide reservations** to the Economically Weaker Section for appointment in state government jobs and admission to state government educational institutions.
- **Article 15(6):**
 - The Act **amended Article 15** to additionally permit the government to provide for advancement of EWS.
 - Further, **up to 10% of seats may be reserved for such sections** for admission in educational institutions.
 - Such reservation **will not apply to minority educational institutions.**
- **Article 16(6):**
 - The Act also amended Article 16 to permit the government to reserve up to 10% of all posts for the **“economically weaker sections” of citizens.**
- **Eligibility Criteria:** EWS reservation is in addition to existing reservation.
 - A person not covered under reservation for SCs, STs, and OBCs, and whose family has a gross annual income below Rs 8 lakh, is to be identified as EWS for reservation.
 - Those who have five acres of agricultural land, or
 - A residential flat of 1,000 square feet, or
 - A residential plot of 100 square yards and above in notified municipalities, or 200 square yards in other areas **are all excluded from the benefits of EWS reservation.**

Key Supreme Court Verdicts on EWS Reservations: A Legal Analysis and Review

- **Mandal Case Judgement:** The Supreme Court struck down the provision in **Mandal case judgment, 1992** on the ground that the Constitution does not provide for reservation for any individual on economic or poverty basis alone.
- **Indra Sawhney case:** In **Indra Sawhney case 1992**, the Supreme Court held that economic backwardness cannot be the sole criterion for identifying backward class.
- **Janhit Abhiyan v. Union of India (2022):**
 - In this case, a Constitution Bench of the Supreme Court upheld the validity of the 103rd Constitutional Amendment, which provides for 10% reservation for Economically Weaker Sections in government jobs and educational institutions.
 - The Court held that the **amendment does not violate the basic structure of the Constitution** and that it is a valid exercise of Parliament’s power to amend the Constitution.
- **Review of Janhit Abhiyan v. Union of India (2023):**
 - In this case, the Supreme Court rejected a petition to review its 2022 judgment upholding the validity of Economically Weaker Section reservation.
 - The Court held that **there was no error in its previous judgment** and that the review petition did not raise any new or important questions of law.

47. Ans:A

- The representatives of states in the Rajya Sabha are elected by the elected members of the state legislative assemblies using a system of proportional representation by means of a single transferable vote. **Hence Statement 1 is correct.**
- The Supreme Court of India ruled that the NOTA option is not applicable in Rajya Sabha elections. It is only available in direct elections like those for the Lok Sabha and state assemblies. Rajya Sabha elections use the system of proportional representation by means of a single transferable vote, not the first-past-the-post system. **Hence Statements 2 and 3 are incorrect.**

Rajya Sabha

- The Rajya Sabha is the **Upper House** of India’s bicameral Parliament.
- Literally meaning the **“Council of the States“**, the Rajya Sabha has been envisaged as the House that represents the interests of the various States and Union Territories of the Union of India.
- In the Indian Constitutional framework, it has been assigned a crucial role in the legislative process, serving as a deliberative body that provides a platform for the States to voice their concerns and perspectives and ensures that the diverse interests and concerns of the different states of the country are reflected in the parliamentary proceedings.

Composition of Rajya Sabha

- The Constitution of India has fixed the **maximum strength of the Rajya Sabha at 250 members**, of which
 - **238 members** are to be representatives of the **States and Union Territories (UTs)**, and
 - **12 members** are to be **nominated by the President of India**.
- **At present**, the Rajya Sabha comprises **245 members**, of which:
 - **225 members** are representatives of the **States**,
 - **8 members** are representatives of the **Union Territories (UTs)**, and
 - **12 members are nominated by the President of India**.

Representation of States in Rajya Sabha

- The representatives of States in the Rajya Sabha are **elected by the elected members of State Legislative Assemblies**.
- The election in the Rajya Sabha is held in accordance with the **System of Proportional Representation** by means of the **Single Transferable Vote**.
- The **seats are allotted to the States in the Rajya Sabha based on the population of that particular State**.
 - Hence, the number of **representatives varies from State to State**.

Nominated Members in Rajya Sabha

- The **President of India nominates 12 members** to the Rajya Sabha from people who have special knowledge or practical experience in the **field of**:
 - **art,**
 - **literature,**
 - **science, and**
 - **social service.**
- The rationale behind this principle of nomination of members to the Rajya Sabha is to provide **eminent persons with a place in the House without going through** the process of **elections**.

Duration of Rajya Sabha

- The Rajya Sabha is a **continuing chamber**, which means that it is a **permanent body** and is **not subject to dissolution**.
- The Indian Constitution has **not fixed the term of office** of members of the Rajya Sabha and **left it to the Indian Parliament**.
- Accordingly, the Parliament enacted the **Representation of the People Act (1951)** which:
 - Provides that the **term of office** of a member of the Rajya Sabha shall be **six years**, and
 - **Authorizes the President of India to make provisions** to govern the **order of retirement** of the members of the Rajya Sabha.
 - Under this provision, the President has made the **Rajya Sabha (Term of Office of Members) Order, 1952**.
- As per the current plan, **one-third of the members** of the Rajya Sabha **retire every second year**.
 - Their seats are filled up by the **fresh elections and Presidential nominations** at the beginning of every third year.
 - The retiring members of the Rajya Sabha are **eligible for re-election and renomination any number of times**.

System of Elections to Rajya Sabha

The key aspects related to the system of elections to the Rajya Sabha include:

- Indirect Election,
- System of Proportional Representation, and
- Method of Single Transferable Vote (STV).

Each aspect has been discussed in detail in the sections that follow.

Indirect Election to Rajya Sabha

Unlike the direct election of the members of the Lok Sabha, the members of the Rajya Sabha are **elected indirectly**.

- The Rajya Sabha **members from the States** are elected by the **elected members of State Legislative Assemblies**.
- The Rajya Sabha **members from the Union Territories (UTs)** are elected by **members of an Electoral College specially constituted** for the purpose.

System of Proportional Representation

- The election of the members of the Rajya Sabha follows a proportional representation system.
- It means that the number of **seats won by a party is proportional to the number of votes received** by it.
- This system of elections to the Rajya Sabha ensures that even the minority views are represented in the House.

48. Ans:C

- The Rights of Persons with Disabilities Act, 2016 provides for reservations of disables in government jobs and incentives in non-government jobs. Section 34 of the Act mandates 4% reservation for persons with benchmark disabilities in government establishments. Section 35 requires the government to provide incentives to private sector employers to ensure at least 5% of their workforce is composed of persons with benchmark disabilities. **Hence Statement I is correct.**
- Article 16 of the Indian Constitution deals with equality of opportunity in matters of public employment. It does not specifically mention provisions for securing the right to work, education, and public assistance for persons with disabilities. These provisions are aligned with Article 41 of the Directive Principles of State Policy which deals with the right to work, education, and public assistance in certain cases. **Hence Statement II is incorrect.**

49. Ans:A

- The right to freedom of speech and expression in India is not absolute and is subject to reasonable restrictions as outlined in Article 19(2) of the Indian Constitution. These restrictions can be imposed for reasons such as the sovereignty and integrity of India, security of the state, public order, decency or morality, and more. **Hence Statement 1 is correct.**
- The Universal Declaration of Human Rights, along with other international human rights instruments like the International Covenant on Civil and Political Rights (ICCPR), recognizes that freedom of expression can be subject to restrictions. These restrictions are permissible for reasons such as respecting the rights or reputations of others, protecting national security, public order, public health, or morals. **Hence Statement 2 is incorrect.**

50. Ans:A

- The Uniform Civil Code (UCC) is mentioned in Article 44 of the Indian Constitution as a Directive Principle of State Policy. Although it is not enforceable by law, it is a constitutional provision that guides the state to endeavor to secure a uniform civil code for the citizens of India. **Hence Statement 1 is correct.**
- The Minerva Mills case, decided by the Supreme Court of India, primarily dealt with the balance between fundamental rights and directive principles of state policy, focusing on the extent of Parliament's power to amend the Constitution. The Shah Bano case is the landmark case that highlighted the need for a Uniform Civil Code (UCC) in India by addressing gender inequality in personal laws. **Hence Statement 2 is incorrect.**

Uniform Civil Code (UCC)

- A Uniform Civil Code refers to a single law for the entire country, applicable to all religious communities in their personal matters such as marriage, divorce, inheritance, adoption etc.
- It is intended to replace the system of fragmented personal laws, which currently govern interpersonal relationships and related matters within different religious communities.

Constitution of India on UCC

- **Article 44** of the Constitution lays down that the State shall endeavour to secure a Uniform Civil Code for the citizens throughout the territory of India.
- Article 44 is one of the Directive Principles mentioned in Part-IV of the Constitution.
 - These, as defined in **Article 37**, are not justiciable (not enforceable by any court) but the principles laid down therein are fundamental in governance.
 - These principles consists of all the ideals which the State should follow and keep in mind while formulating policies and enacting laws for the country.

51. Ans:A

Lok Adalat, meaning 'People's Court' is one of the ADR (Alternative Dispute Redressal) mechanisms.

- They are based on Gandhian principles and aim to settle disputes through arbitration at the grassroots level. **Hence statement 1 is correct.**
- They were given statutory status under the Legal Services Authorities Act, 1987 which aims to constitute legal service authorities to provide free legal services to the weaker sections of the society according to Article 39 A of the Indian Constitution.
- Lok Adalat is presided over by a sitting or a retired judicial officer as Chairman with two other members usually a lawyer and a social worker. **Hence statement 2 is correct.**
- No fee is paid by the parties. A strict rule of Civil Procedural Court and evidence is not applied.
- Decision is by informal sitting and binding on the parties and no appeal lies against the order of the Lok Adalat. **Hence statement 3 is not correct.**

Lok Adalats

- The term '**Lok Adalat**' means '**People's Court**' and is based on Gandhian principles.
- As per the **Supreme Court**, it is an old form of adjudicating system prevalent in ancient India and its validity has not been taken away even in the modern days too.
- It is one of the components of the **Alternative Dispute Resolution (ADR)** system and delivers informal, cheap and expeditious justice to the common people.
- The first **Lok Adalat camp was organized in Gujarat in 1982** as a voluntary and conciliatory agency without any statutory backing for its decisions.
- In view of its growing popularity over time, it was **given statutory status under the Legal Services Authorities Act, 1987**. The Act makes the provisions relating to the organization and functioning of the Lok Adalats.
- **Organization:**
- The State/District Legal Services Authority or the Supreme Court/High Court/Taluk Legal Services Committee may organize Lok Adalats at such intervals and places and **for exercising such jurisdiction and for such areas as it thinks fit.**
- Every Lok Adalat organized for an area **shall consist of such number of serving or retired judicial officers and other persons of the area** as may be specified by the agency organizing.
 - Generally, a **Lok Adalat consists of a judicial officer as the chairman** and a lawyer (advocate) and a social worker as members.
- **National Legal Services Authority (NALSA)** along with other Legal Services Institutions conducts Lok Adalats.
 - NALSA was constituted under the **Legal Services Authorities Act, 1987** which came into force on **9th November 1995** to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society.
- The Legal Services Authorities Act, 1987 was **amended in 2002 to provide for the establishment of the Permanent Lok Adalats** to deal with cases pertaining to the public utility services.

52. Ans:B

Removal of Judges

- A judge of a high court can be removed from his office by an order of the President. **Hence, statement 1 is correct.**
- 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. **Hence, statement 2 is correct.**

- 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). **Hence, statement 3 is correct.**
- The grounds for removal are two: proved misbehaviour or incapacity.
- Thus, a judge of a high court can be removed in the same manner and on the same grounds as a judge of the Supreme Court.
- The Judges Enquiry Act (1968) regulates the procedure relating to the removal of a judge of a high court by the process of impeachment:
 - A removal motion signed by 100 members (in the case of Lok Sabha) or 50 members (in the case of Rajya Sabha) is to be given to the Speaker/Chairman.
 - The Speaker/Chairman may admit the motion or refuse to admit it.
 - If it is admitted, then the Speaker/Chairman is to constitute a three-member committee to investigate into the charges.
 - The committee should consist of (a) the chief justice or a judge of the Supreme Court, (b) a chief justice of a high court, and (c) a distinguished jurist.
 - If the committee finds the judge to be guilty of misbehaviour or suffering from an incapacity, the House can take up the consideration of the motion.
 - After the motion is passed by each House of Parliament by a special majority, an address is presented to the president for removal of the judge.
 - Finally, the president passes an order removing the judge.
 - From the above, it is clear that the procedure for the impeachment of a judge of a high court is the same as that for a judge of the Supreme Court.
 - It is interesting to know that no judge of a high court has been impeached so far.

53. Ans:D

- The Constitution makes a provision for the establishment of a Joint State Public Service Commission (JSPSC) for two or more states. The chairman and members of a JSPSC are appointed by the president. They hold office for a term of six years or until they attain the age of 62 years, whichever is earlier.
- The Finance Commission consists of a chairman and four other members to be appointed by the president. They hold office for such a period as specified by the president in his order. They are eligible for reappointment.
- The National Human Rights Commission is a multi-member body consisting of a chairperson and five members. The chairperson and members are appointed by the president on the recommendations of a six-member committee consisting of the prime minister as its head, the Speaker of the Lok Sabha, the Deputy Chairman of the Rajya Sabha, leaders of the Opposition in both the Houses of Parliament and the Central home minister. Further, a sitting judge of the Supreme Court or a sitting chief justice of a high court can be appointed only after consultation with the chief justice of India.
- The Central Vigilance Commission is a multi-member body consisting of a Central Vigilance Commissioner (chairperson) and not more than two Vigilance commissioners. They are appointed by the president by warrant under his hand and seal on the recommendation of a three-member committee consisting of the prime minister as its head, the Union minister of home affairs and the Leader of the Opposition in the Lok Sabha.
- Article 350-B contains the following provisions:
 - There should be a Special Officer for Linguistic Minorities. He is to be appointed by the President of India.
 - It would be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under the Constitution.

Hence option (d) is the correct answer.

54. Ans:D

'First Past the Post' electoral system'

- India follows the First-past-the-post system of elections for the parliamentary, assembly, and panchayat elections. This method is also called the Plurality System. This is the method of election prescribed by

our Constitution. The salient features of the system are as given below:

- The entire country is divided into small geographical units called constituencies. Each constituency elects one representative. Voters vote for a single candidate and not for a party. **Hence, options (a) and (b) are correct.**
- The candidate who secures the highest number of votes in that constituency is declared elected. It is important to note that in this system whoever has more votes than all other candidates, is declared elected.
- The winning candidate need not secure a majority of the votes. **Hence, statement (c) is correct.**
- A party may get more seats than votes in the legislature in the FPTP system. In the proportional representation system, Every party gets seats in the legislature in proportion to the percentage of votes that it gets. Hence, statement (d) is not correct.

55. Ans:C

Indian Councils Act of 1909 or Morley- Minto Reforms:

- The elective principle was recognized for the non-official membership of the councils in India. Indians were allowed to participate in the election of various legislative councils, though based on class and community. For the first time, separate electorates for Muslims for election to the central council were established.
- The number of elected members in the Imperial Legislative Council and the Provincial Legislative Councils was increased. In the provincial councils, a non-official majority was introduced but maintained an official majority in the Central Legislative Council. **Hence statement 1 is correct.**
- Reservation of Seats:
 - According to Sumit Sarkar, in the Imperial Legislative Council, of the total 69 members, 37 were to be the officials and of the 32 non-officials, 5 were to be nominated.
 - Of the 27 elected non-officials, 8 seats were reserved for the Muslims under separate electorates (only Muslims could vote here for the Muslim candidates), while 4 seats were reserved for the British capitalists, 2 for the landlords, and 13 seats came under the general electorate. **Hence statement 3 is correct**
- The elected members were to be indirectly elected. The local bodies were to elect an electoral college, which in turn would elect members of provincial legislatures, who, in turn, would elect members of the central legislature.
- Besides separate electorates for the Muslims, representation in excess of the strength of their population was accorded to the Muslims. Also, the income qualification for Muslim voters was kept lower than that for Hindus. **Hence statement 2 is correct.**
- Powers of legislatures—both at the center and in provinces—were enlarged and the legislatures could now pass resolutions (which may or may not be accepted), ask questions and supplementary, and vote separate items in the budget, though the budget as a whole could not be voted upon.
- One Indian was to be appointed to the viceroy's executive council (Satyendra Sinha was the first Indian to be appointed in 1909).

56. Ans:A

The Constitution of India specifies some of the privileges. These are

- freedom of speech in Parliament;
- immunity to a member from any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof;
- immunity to a person from proceedings in any court in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.
- Courts are prohibited from inquiring into the validity of any proceedings in Parliament on the ground of an alleged irregularity of procedure.
- No officer or Member of Parliament empowered to regulate procedure or the conduct of business or to maintain order in Parliament can be subject to a court's jurisdiction in respect of exercise by him of those powers.

- No person can be liable to any civil or criminal proceedings in any court for publication in a newspaper of a substantially true report of any proceedings of either House of Parliament unless the publication is proved to have been made with malice.

Statutory provision

- Apart from the privileges as specified in the Constitution, the Code of Civil Procedure, 1908, provides for freedom from arrest and detention of members under civil process during the continuance of the meeting of the House or of a committee thereof and forty days before its commencement and forty days after its conclusion.

Privileges based on Rules of Procedure and precedents:

- The Chairman has a right to receive immediate information of the arrest, detention, conviction, imprisonment and release of a member on a criminal charge or for a criminal offence.
- Members or officers of the House cannot be compelled to give evidence or to produce documents in courts of law, relating to the proceedings of the House without the permission of the House.
- Members or officers of the House cannot be compelled to attend as witnesses before the other House or a House of a State Legislature or a committee thereof without the permission of the House and without the consent of the member whose attendance is required.

57. Ans:B

Cooperatives:

- Cooperatives are organizations formed at the grassroots level by people to harness the power of collective bargaining in the marketplace.
- This can mean different kinds of arrangements, such as using a common resource or sharing capital, to derive a common gain that would otherwise be difficult for an individual producer to get.
- In agriculture, cooperative dairies, sugar mills, spinning mills, etc. are formed with the pooled resources of farmers who wish to process their produce.

Cooperatives are a state subject:

- Cooperatives are a state subject under the Constitution, meaning they come under the state government's jurisdiction. **Hence statement 1 is not correct.**
- However, there are many societies whose members and areas of operation are spread across more than one state. For example, most sugar mills along the districts on the Karnataka-Maharashtra border procure cane from both states.

Multi-State Co-operative Societies:

- The Multi-State Co-operative Societies Act (MSCS) of 2002 — was enacted by the central government for the management of the Cooperatives with more than one state of operation. **Hence statement 2 is correct.**
- Their board of directors has representation from all states they operate in.
- Administrative and financial control of these societies is with the central registrar, with the law making it clear that no state government official can wield any control over them.

Recent Developments

- Cooperation was a division of the Ministry of Agriculture at the time. However, the government established a separate Ministry of Cooperation in July 2021.
- By way of the 97th Constitutional Amendment Act of 2011, Section IXB was added to the Constitution. It is now necessary to revise the Act in light of the addition of Part IXB.
- The constitutional domain of States in regulating cooperative societies was upheld by the Supreme Court last year when it struck down a part of the 97th Constitution Amendment. The court held that the Centre required the ratification of the Amendment by 50% of the state legislatures as it sought to give a framework for State legislation on cooperative societies.
- Supreme Court upheld only the part of the amendment that related to MSCSs, for which Parliament was competent to enact laws.

58. Ans:A

Preamble

- The Preamble to the Indian Constitution is based on the 'Objectives Resolution', drafted and moved by Pandit Nehru on 13th December 1946, and adopted by the Constituent Assembly on January 22, 1947.

The Preamble reveals four ingredients or components:

- Source of authority of the Constitution: The Preamble states that the Constitution derives its authority from the people of India.
- Nature of Indian State: It declares India to be of a sovereign, socialist, secular democratic, and republican polity.
- Objectives of the Constitution: It specifies justice, liberty, equality, and fraternity as the objectives.
- Date of adoption of the Constitution: It stipulates November 26, 1949 as the date.
- The Preamble of the Constitution has been amended only once so far- 42nd Constitutional Amendment, 1976. The amendment added three new words—Socialist, Secular, and Integrity—to the Preamble. **Hence statement 1 is correct and statement 2 is not correct.**

Historical Background

- On **December 13, 1946**, Nehru moved the '**Objective Resolution**' in the Constituent Assembly. This resolution defined the basic goal or purpose of the Indian Constitution. It also acted as the guiding principle for the members of the constituent assembly in framing the constitution. The same resolution was adopted as the Preamble to the Indian Constitution on **January 22, 1947**.

Text of the Preamble

- 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 26th day of November 1949, do HEREBY ADOPT, ENACT, and GIVE TO OURSELVES THIS CONSTITUTION.

Components of the Preamble

- **Source of authority for the Constitution** – The Preamble states that the Constitution **derives its authority from the people of India**.
- **Nature of Indian State** – It declares India to be a **Sovereign, Socialist, Secular Democratic, and Republican Polity**.
- **Objectives of the Constitution** – It specifies **Justice, Liberty, Equality, and Fraternity** as the objectives.
- **Date of adoption of the Constitution** – It stipulates **November 26, 1949**, as the date of its adoption.

Amendment to the Preamble

The Preamble to the Constitution has been amended only once by the **42nd Constitutional Amendment Act of 1976**. The amendment, which was made based on the recommendations of the **Sardar Swaran Singh Committee**, added three new words – Socialist, Secular, and Integrity – to the existing Preamble.

- '**Socialist**' and '**Secular**' were added between '**Sovereign**' and '**Democratic**'.
- '**Unity of the Nation**' was changed to '**Unity and Integrity of the Nation**'.

59. Ans:D

Ordinance making power

- Article 123 of the Constitution empowers the President to promulgate ordinances during the recess of Parliament. These ordinances have the same force and effect as an act of Parliament but are like temporary laws. **Hence, statement 1 is not correct.**

- 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.
- His ordinance-making power is coextensive as regards all matters except duration, with the law-making powers of the Parliament. This has two implications:
 - An ordinance can be issued only on those subjects on which the Parliament can make laws.
 - An ordinance is subject to the same constitutional limitation as an act of Parliament. Hence, an ordinance cannot abridge or take away any of the fundamental rights.
 - Every ordinance issued by the President during the recess of Parliament must be laid before both the Houses of Parliament when it reassembles. If the ordinance is approved by both the Houses, it becomes an act. If Parliament takes no action at all, the ordinance ceases to operate on the expiry of six weeks from the reassembly of Parliament.
 - ✓ The ordinance may also cease to operate even earlier than the prescribed six weeks, if both the Houses of Parliament pass resolutions disapproving it. If the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks is calculated from the later of those dates.
 - ✓ This means that the maximum life of an ordinance can be six months and six weeks, in case of non-approval by the Parliament (six months being the maximum gap between the two sessions of Parliament).
 - ✓ Thus, the ordinance-making power is not coextensive as regards to the duration with the law-making powers of the Parliament. Hence, statement 2 is not correct.

60. Ans:C

DIRECTIVES OUTSIDE PART IV:

- Apart from the Directives included in Part IV, there are some other Directives contained in other parts of the Constitution. They are:
 - Claims of SCs and STs to Services: The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or a State (Article 335 in Part XVI).
 - Instruction in mother tongue: It shall be the endeavor 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 (Article 350-A in Part XVII).
 - Development of the Hindi Language: It shall be the duty of the Union to promote the spread of the Hindi language and to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India (Article 351 in Part XVII).
- The above Directives are also non-justiciable in nature. However, they are also given equal importance and attention by the judiciary on the ground that all parts of the constitution must be read together.

Hence, option (c) is the correct answer.

61. Ans:D

Unitary features of Indian Constitution

- Unitary state is a system of political organization in which most or all of the governing power resides in a centralized government, in contrast to a federal state.
- Despite being a federation Indian constitution possesses many unitary features such as

Single Constitution

- Usually, in a federation, the states have the right to frame their own Constitution separate from that of the Centre. In India, on the contrary, no such power is given to the states. The Constitution of India embodies not only the Constitution of the Centre but also those of the states. Both the Centre and the states must operate within this single-frame.

Emergency Provisions

- The Constitution stipulates three types of emergencies—national, state and financial. During an

emergency, the Central government becomes all powerful and the states go into the total control of the Centre. It converts the federal structure into a unitary one without a formal amendment of the Constitution. This kind of transformation is not found in any other federation.

All-India Services

- In India, the Centre and the states have their separate public services. But, in addition, there are all-India services (IAS, IPS, and IFS) which are common to both the Centre and the states. The members of these services are recruited and trained by the Centre which also possess ultimate control over them. Thus, these services violate the principle of federalism under the Constitution.

Appointment of Governor

- The governor, who is the head of the state, is appointed by the President. He holds office during the pleasure of the President. He also acts as an agent of the Centre. Through him, the Centre exercises control over the states.

Integrated Election Machinery

- The Election Commission conducts elections not only to the Central legislature but also to the state legislatures. But, this body is constituted by the President and the states have no say in this matter. The position is same with regard to the removal of its members as well
 - Veto Over State Bills
 - Parliament's Authority Over State List
 - Integrated Audit Machinery
 - Integrated Judiciary
 - No Equality of State Representation

Hence option (d) is the correct answer.

62. Ans:A

Articles 358 and 359

- Articles 358 and 359 describe the effect of a National Emergency (Article 352) on Fundamental Rights. Article 358 deals with the suspension of the Fundamental Rights guaranteed by Article 19, while Article 359 deals with the suspension of other Fundamental Rights (except those guaranteed by Articles 20 and 21). Hence option (a) is the correct answer.
- The differences between Articles 358 and 359 can be summarised as follows:
 - Article 358 is confined to Fundamental Rights under Article 19 only whereas Article 359 extends to all those Fundamental Rights whose enforcement is suspended by the Presidential Order.
 - Article 358 automatically suspends the fundamental rights under Article 19 as soon as the emergency is declared. On the other hand, Article 359 does not automatically suspend any Fundamental Right. It only empowers the president to suspend the enforcement of the specified Fundamental Rights.
 - Article 358 operates only in case of External Emergency (that is, when the emergency is declared on the grounds of war or external aggression) and not in the case of Internal Emergency (ie, when the Emergency is declared on the ground of armed rebellion). Article 359, on the other hand, operates in case of both External Emergency as well as Internal Emergencies.
 - Article 358 suspends Fundamental Rights under Article 19 for the entire duration of the Emergency while Article 359 suspends the enforcement of Fundamental Rights for a period specified by the president which may either be the entire duration of the Emergency or a shorter period.
 - Article 358 extends to the entire country whereas Article 359 may extend to the entire country or a part of it.
 - Article 358 suspends Article 19 completely while Article 359 does not empower the suspension of the enforcement of Articles 20 and 21.
 - Article 358 enables the State to make any law or take any executive action inconsistent with Fundamental Rights under Article 19 while Article 359 enables the State to make any law or take any executive action inconsistent with those Fundamental Rights whose enforcement is suspended by the Presidential Order.

63. Ans:B

Fundamental Duties

- According to Article 51A, it shall be the duty of every citizen of India:
 - to abide by the Constitution and respect its ideals and institutions, the National Flag, and the National Anthem;
 - to cherish and follow the noble ideals that inspired the national struggle for freedom;
 - to uphold and protect the sovereignty, unity, and integrity of India;
 - to defend the country and render national service when called upon to do so;
 - 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;
 - to value and preserve the rich heritage of the country's composite culture;
 - to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures;
 - to develop scientific temper, humanism, and the spirit of inquiry and reform;
 - to safeguard public property and to abjure violence;
 - to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement, and
 - to provide opportunities for education to his child or ward between the age of six and fourteen years.

This duty was added by the 86th Constitutional Amendment Act, of 2002.

The list of duties does not cover important duties like casting vote, paying taxes, family planning, and so on. **Hence, option (b) is the correct answer.**

64. Ans:D

The Constitution confers the following rights and privileges on the citizens of India (and denies the same to aliens):

- Right against discrimination on grounds of religion, race, caste, sex or place of birth (Article 15). **Hence option 1 is correct.**
- Right to equality of opportunity in the matter of public employment (Article 16).
- Right to freedom of speech and expression, assembly, association, movement, residence, and profession (Article 19). **Hence option 2 is correct.**
- Cultural and educational rights (Articles 29 and 30).
- Right to vote in elections to the Lok Sabha and state legislative assembly.
- Right to contest for membership of the Parliament and the state legislature.
- Eligibility to hold certain public offices, that is, President of India, Vice-President of India, judges of the Supreme Court and the high courts, Governor of states, Attorney General of India, and Advocate General of states. **Hence options 3 and 4 are correct.**

65. Ans:C

Citizenship Act (1955)

The Citizenship Act (1955) prescribes three ways of losing citizenship whether acquired under the Act or prior to it under the Constitution, viz, renunciation, termination, and deprivation:

- **By Renunciation:** Any citizen of India of full age and capacity can make a declaration renouncing his Indian citizenship. Upon the registration of that declaration, that person ceases to be a citizen of India.
- However, if such a declaration is made during a war in which India is engaged, its registration shall be withheld by the Central Government. Further, when a person renounces his Indian citizenship, every minor child of that person also loses Indian citizenship. **Hence, statement 1 is correct.**
- However, when such a child attains the age of eighteen, he may resume Indian citizenship.
- **By Termination:** When an Indian citizen voluntarily (consciously, knowingly and without duress, undue influence, or compulsion) acquires citizenship of another country, his Indian citizenship automatically terminates. **Hence, statement 2 is correct.** This provision, however, does not apply during a war in which India is Engaged.

- **By Deprivation:** It is a compulsory termination of Indian citizenship by the Central government, if:
 - the citizen has obtained citizenship by fraud;
 - the citizen has shown disloyalty to the Constitution of India;
 - the citizen has unlawfully traded or communicated with the enemy during a war;
 - the citizen has, within five years after registration or naturalization, been imprisoned in any country for two years; and
 - the citizen has been ordinarily resident out of India for seven years continuously.

66. Ans:B

- Unlike the American Constitution, the Indian Constitution has established an integrated judicial system with the Supreme Court at the top and the high courts below it. Under a high court (and below the state level), there is a hierarchy of subordinate courts: district courts and other lower courts.
- This single system of courts, adopted from the Government of India Act of 1935, enforces both central and state laws.
- In the USA, on the other hand, federal laws are enforced by the federal judiciary and state laws are enforced by the state judiciary. There is thus a double system of courts in the USA—one for the centre and the other for the states.
- To sum up, although a federal country like the USA, India has a unified judiciary and one system of fundamental law and justice.
- The Supreme Court of India was inaugurated on January 28, 1950, and the date of the commencement of the Indian Constitution is 26 January 1950. Hence, statement 1 is not correct.
- It succeeded the Federal Court of India, established under the Government of India Act of 1935. However, the jurisdiction of the Supreme Court is greater than that of its predecessor. This is because the Supreme Court has replaced the British Privy Council as the highest court of appeal. **Hence, statement 2 is correct.**
- Articles 124 to 147 in Part V of the Constitution deal with the organisation, independence, jurisdiction, powers, procedures and so on of the Supreme Court. The Parliament is also authorised to regulate them.

67. Ans:C

Privileges of the state legislature (Article:194)

- Privileges of a state legislature are a sum of special rights, immunities, and exemptions enjoyed by the Houses of the state legislature, their committees, and their members. They are necessary in order to secure the independence and effectiveness of their actions. Without these privileges, the Houses can neither maintain their authority, dignity, and honor nor can protect their members from any obstruction in the discharge of their legislative responsibilities.
- The Constitution has also extended the privileges of the state legislature to those persons who are entitled to speak and take part in the proceedings of a House of the state legislature or any of its committees. These include the advocate-general of the state and state ministers.
- It must be clarified here that the privileges of the state legislature do not extend to the governor who is also an integral part of the state legislature. Hence option (c) is the correct answer.
- The privileges of a state legislature can be classified into two broad categories—those that are enjoyed by each House of the state legislature collectively, and those that are enjoyed by the members individually.
- **Collective Privileges:** The privileges belonging to each House of the state legislature collectively 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 the case of members).
 - It has the right to receive immediate information on the arrest, detention, conviction, imprisonment, and release of a member.

- It can institute inquiries and order the attendance of witnesses and send relevant papers and records.
- The courts are prohibited to inquire into the proceedings of a House or its Committees.No person (either a member or outsider) can be arrested, and no legal process (civil or criminal) can be served within the precincts of the House without the permission of the presiding officer.

68. Ans:D

JURISDICTION AND POWERS OF THE SUPREME COURT

- The Constitution has conferred very extensive jurisdiction and vast powers on the Supreme Court.
- It is not only a Federal Court like the American Supreme Court but also a final court of appeal like the British House of Lords (the Upper House of the British Parliament).
- It is also the final interpreter and guardian of the Constitution and guarantor of the fundamental rights of the citizens. Further, it has advisory and supervisory powers.
- The jurisdiction and powers of the Supreme Court can be classified into the following:

Appellate Jurisdiction

- As mentioned earlier, the Supreme Court has not only succeeded the Federal Court of India but also replaced the British Privy Council as the highest court of appeal.
- 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:
 - Appeals in constitutional matters.
 - Appeals in civil matters.
 - Appeals in criminal matters.
- The Supreme Court hears appeals against the judgement in a criminal proceeding of a high court if the high court
 - has on appeal reversed an order of acquittal of an accused person and sentenced him to death; or
 - has taken before itself any case from any subordinate court and convicted the accused person and sentenced him to death; or
 - certifies that the case is a fit for appeal to the Supreme Court.
- In the first two cases, an appeal lies to the Supreme Court as a matter of right (ie, without any certificate of the high court).
- But if the high court has reversed the order of conviction and has ordered the acquittal of the accused, there is no right to appeal to the Supreme Court.

Appeals by special leave.

- The Supreme Court is authorised to grant in its discretion special leave to appeal from any judgement in any matter passed by any court or tribunal in the country (except military tribunal and court-martial). Hence, statement 1 is correct.
- This provision contains four aspects as under:
 - It is a discretionary power and hence, cannot be claimed as a matter of right.
 - It can be granted in any judgement whether final or interlocutory.
 - It may be related to any matter—constitutional, civil, criminal, income-tax, labour, revenue, advocates, etc.
 - It can be granted against any court or tribunal and not necessarily against a high court (of course, except a military court).
- Thus, the scope of this provision is very wide and it vests the Supreme Court with a plenary jurisdiction to hear appeals.
- On the exercise of this power, the Supreme Court itself held that ‘being an exceptional and overriding power, it has to be exercised sparingly and with caution and only in special extraordinary situations. Beyond that, it is not possible to fetter the exercise of this power by any set formula or rule.

Advisory Jurisdiction

- The Constitution (Article 143) authorises the president to seek the opinion of the Supreme Court in two categories of matters:
 - On any question of law or fact of public importance which has arisen or which is likely to arise.

- On any dispute arising out of any pre-constitution treaty, agreement, covenant, engagement, sanad or other similar instruments.
 - ✓ In the first case, the Supreme Court may tender or may refuse to tender its opinion to the president. **Hence, statement 2 is correct.**
 - ✓ But, in the second case, the Supreme Court 'must' tender its opinion to the president. In both cases, the opinion expressed by the Supreme Court is only advisory and not a judicial pronouncement. Hence, it is not binding on the president; he may follow or may not follow the opinion. However, it facilitates the government to have an authoritative legal opinion on a matter to be punished for contempt not only of itself but also of high courts, subordinate courts and tribunals functioning in the entire country.

Power of Judicial Review

- 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 (ultra-vires), they can be declared illegal, unconstitutional and invalid (null and void) by the Supreme Court. Consequently, they cannot be enforced by the Government.

Constitutional Interpretation

- The Supreme Court is the ultimate interpreter of the Constitution. It can give the final version of the spirit and content of the provisions of the constitution and the verbiage used in the constitution.
- While interpreting the constitution, the Supreme Court is guided by a number of doctrines.

Other Powers

- Besides the above, the Supreme Court has numerous other powers:
 - It decides the disputes regarding the election of the president and the vice president. In this regard, it has the original, exclusive and final authority.
 - It enquires into the conduct and behaviour of the chairman and members of the Union Public Service Commission on a reference made by the president. If it finds them guilty of misbehaviour, it can recommend to the president for their removal. The advice tendered by the Supreme Court in this regard is binding on the President.
 - It has the power to review its own judgement or order. Thus, it is not bound by its previous decision and can depart from it in the interest of justice or community welfare. **Hence, statement 3 is correct.**
 - In brief, the Supreme Court is a self-correcting agency. For example, in the Kesavananda Bharati case (1973), the Supreme Court departed from its previous judgement in the Golak Nath case (1967).
 - It is authorised to withdraw the cases pending before the high courts and dispose of them by itself. It can also transfer a case or appeal pending before one high court to another high court.
 - Its law is binding on all courts in India. Its decree or order is enforceable throughout the country. All authorities (civil and judicial) in the country should act in aid of the Supreme Court.
 - It has the power of judicial superintendence and control over all the courts and tribunals functioning in the entire territory of the country.
 - The Supreme Court's jurisdiction and powers with respect to matters in the Union list can be enlarged by the Parliament.
 - Further, its jurisdiction and powers with respect to other matters can be enlarged by a special agreement between the Centre and the states.

69. Ans:C

Provisions of the Panchayats (Extension to the Scheduled Areas) Act

- Recently, Madhya Pradesh has notified its PESA Rules on the occasion of Janjatiya Gaurav Divas on 15th November, 2022. At the State Level Janjatiya Gaurav Divas Sammelan at Shahdol in Madhya Pradesh, Governor of Madhya Pradesh Shri Mangubhai Patel handed over the first copy of the Panchayats (Extension to Scheduled Areas) Act (PESA Act) Manual to the President of India Smt.

Droupadi Murmu.

- The provisions of Part IX of the constitution relating to the Panchayats are not applicable to the Fifth Schedule areas. However, the Parliament may extend these provisions to such areas, subject to such exceptions and modifications as it may specify. Under this provision, the Parliament enacted the “Provisions of the Panchayats (Extension to the Scheduled Areas) Act”, 1996, popularly known as the PESA Act or the Extension Act.
- Presently, 10 States viz. Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana, have Fifth Schedule Areas in their respective States.
- Out of the ten PESA States, eight States namely; Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Rajasthan and Telangana have framed and notified their State PESA Rules under their respective State Panchayati Raj Acts. Nine PESA States, except Rajasthan, have incorporated the provisions of PESA 1996 in their respective State Panchayati Raj Acts. The tenth State, Rajasthan, has notified “The Rajasthan Panchayat Raj (Modification of Provisions in their Application to the Scheduled Areas) Act 1999”.

Hence option (c) is the correct answer.

70. Ans:A

‘Leader of the Opposition’

- The leader of the largest Opposition party having not less than one-tenth seats of the total strength of the House is recognized as the leader of the Opposition in that House. **Hence, statement 2 is correct.**
- In a parliamentary system of government, the leader of the opposition has a significant role to play. His main functions are to provide constructive criticism of the policies of the government and to provide an alternative government. Therefore, the leader of the Opposition in the Lok Sabha and the Rajya Sabha were accorded statutory recognition in 1977. **Hence, statement 1 is not correct.**
- They are also entitled to the salary, allowances, and other facilities equivalent to that of a cabinet minister. **Hence, statement 3 is correct.**

71. Ans:B

The judicial powers and functions of the governor are:

- He can grant pardons, reprieves, respites and remissions 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.
- He is consulted by the president while appointing the judges of the concerned state high court.
- He makes appointments, postings and promotions of the district judges in consultation with the state high court.
- 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.

Appointment of Judges of High Court

- 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. **Hence, statement 1 is not correct.**
- 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.
- 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. **Hence, statement 2 is correct.**

72. Ans:A

73rd Amendment Act

- The provisions of the 73rd Amendment 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. Some of the compulsory provisions are given below.

Compulsory Provisions:

- Organization of Gram Sabha in a village or group of villages.
- Establishment of panchayats at the village, intermediate and district levels.
- Direct elections to all seats in panchayats at the village, intermediate and district levels.
- Indirect elections to the post of chairperson of panchayats at the intermediate and district levels.
- Voting rights of the chairperson and other members of a panchayat elected directly or indirectly.
- 21 years to be the minimum age for contesting elections to panchayats.
- Reservation of seats (both members and chairpersons) for SCs and STs in panchayats at all three levels.
- Reservation of one-third of seats (both members and chairpersons) for women in panchayats at all 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.
- Establishment of a State Election Commission for conducting elections to the panchayats.
- Constitution of a State Finance Commission after every five years to review the financial position of the panchayats.

Voluntary Provisions:

- Endowing the Gram Sabha with powers and functions at the village level.
- Determining the manner of election of the chairperson of the village panchayat.
- Giving representation to the chairpersons of the village panchayats in the intermediate panchayats or in the case of a state not having intermediate panchayats, in the district panchayats.
- Giving representation to the chairpersons of the intermediate panchayats in the district panchayats.
- 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.
- Assigning to a panchayat the taxes, duties, tolls and fees levied and collected by the state government.
- Making the grants-in-aid to the panchayats from the consolidated fund of the state.
- Providing for the constitution of funds for crediting all money of the panchayats. Hence, option (a) is the correct answer.

73. Ans: (d) Sixty days

Vacation of Seats

- In the following cases, a member of the state legislature vacates his seat:
- **Double Membership:** A person cannot be a member of both Houses of the state legislature at one and the same time. If a person is elected to both Houses, his seat in one of the houses falls vacant as per the provisions of a law made by the state legislature.
- **Disqualification:** If a member of the state legislature becomes subject to any of the disqualifications, his seat becomes vacant.
- **Resignation:** A member may resign his seat by writing to the Chairman of the legislative council or

Speaker of the legislative assembly, as the case may be. The seat falls vacant when the resignation is accepted.

- **Absence:** A House of the state legislature can declare the seat of a member vacant if he absences himself from all its meeting for a period of sixty days without its permission. Hence option (d) is the correct answer.
- **Other Cases:** A member has to vacate his seat in the either House of the state legislature,
 - if his election is declared void by the court,
 - if he is expelled by the House,
 - if he is elected to the office of president or office of vice-president, and
 - If he is appointed to the office of governor of a state.

74. Ans: (c) Sarkaria Commission (1983)

Sarkaria Commission

- The Central government appointed a three-member Commission in 1983 on the Centre-State relationship under the Chairmanship of R S Sarkaria, a retired Judge of the Supreme Court. The Commission submitted its report in October 1987 with 247 recommendations. Its important recommendations were:
- A permanent Inter-State Council called the Inter-Governmental Council should be set up under Article 263. Hence, option (c) is the correct answer.
- Article 356 (President's rule) should be used very sparingly, in extreme cases as a last resort when all the available alternatives fail.
- The institution of All-India Services should be further strengthened and some more such services should be created.
- The residuary power of taxation should continue to remain with the parliament, while the other residuary powers should be placed in the concurrent list.
- When the President withholds his assent to the state bills, the reason should be communicated to the state government.
- The Zonal Councils should be constituted afresh and reactivated to promote the spirit of federalism.
- The Centre should have powers to deploy its armed forces, even without the consent of states.
- However, it is desirable that the states should be consulted.
- The Centre should consult the states before making a law on a subject of the Concurrent List.
- The procedure of consulting the Chief Minister in the appointment of State Governor should be prescribed in the Constitution itself.
- The Governor's term of five years in a state should not be disrupted except for extremely compelling reasons.

Inter-state council

- Art 263 contemplates the establishment of an inter-state council to effect coordination between the states and between centre and states
- The President can establish such a council at any time it appears to him that public interest would be served by its establishment. He is also authorized to define the nature of duties to be performed by such a council and its organization and procedure

Constitution also defines certain duties for the council

1. Inquiring into and advising upon disputes which may arise between the states
2. Investigation and discussing subjects in which the states or the centre and the states have a common interest
3. Making recommendation on any subject for the better co-ordination of policy and action

Composition of the council

1. PM as chairman
2. CM of all the states
3. CM of UTS having legislative assemblies
4. Administrators of UTs not having legislative assemblies

5. Governors of states under President's rule
 6. Six Central cabinet ministers, including the home minister, to be nominated by the PM
 7. Five ministers of the cabinet rank are permanent invitees of the council
- The council meeting are supposed to be held thrice a year and its decisions on all questions are decided by consensus
 - A standing committee of the council was setup in 1996 for continuous consultation and processing of matters for the consideration of the council. The chairman of this standing committee is Union Home Minister

75. Ans:D

Parliament's legislative power on subjects included in the State List

- Further, under special conditions, the Parliament can legislate on subjects included in the State List, under some specific circumstances, which are as follows:
- In the National Interest (Art.249) - If the Council of States (Rajya Sabha) declares that it is necessary for the Centre to legislate upon a subject in the State list, in the national interest, and passes a resolution to this effect, with a majority of at least 2/3rd of members present and voting.
- This resolution remains in force for a year and can be renewed any number of times, but for not more than one year at a time. The laws so made do not have any effect six months after the resolution has ceased to be in force. At the same time, the State can also legislate upon the same subject, but in case of any inconsistency, laws of the Centre prevail. This particular feature makes the entire legislative process federal in nature. **Hence option 1 is correct.**
- By Agreement between States (Art. 252) - When two or more State Legislatures pass a resolution, requesting the Parliament to legislate upon a subject in the State List. The law passed by Union Parliament shall be applicable only to the States, which demanded such legislation. Any other State may later adopt it by passing a resolution to that effect. In this case, States cease to have the power to legislate upon that subject and only the Parliament can amend or repeal such a law. In past, laws have been made using this provision, some of them are The Wildlife (Protection) Act of 1972, and the Urban Land (Ceiling and Regulation) Act. **Hence option 2 is correct.**
- To Implement International Treaties and Agreements (Art. 253) - This provision enables the central government to fulfil its international obligations. The Lokpal and the Lokayuktas Bill, 2011 was introduced in the Parliament through the provisions of this particular article. **Hence, option 3 is correct.**
- Under Proclamation of National Emergency (Article 352) - During a national emergency, the Parliament can legislate upon any subject in the State List. Such a law becomes inoperative on the expiration of six months after the emergency has ceased to operate. However, at the same time, the State can also legislate upon the same subject, but in case of any inconsistency, the laws of the Centre prevail.
- Under Proclamation of President's Rule (Art.356) - During President's rule in a State, the Parliament can make laws with respect to any subject in the State list, in relation to that state. Such a law continues to be operative even after the President's rule. But it can be repealed, altered or re-enacted later by the State Legislature.
- The Centre cannot make a law on a subject in the state list when a model code of conduct has been implemented due to state legislative elections. **Hence option 4 is not correct.**

76. Ans:C

Panchayat Raj in India

- Though constitutional status was given to Panchayati Raj institutions by the 73rd amendment, the idea of Panchayati Raj was discussed and considered important since the independence and constitutional assembly debated the issue. Beginning with Balwantrai Mehta Committee, many committees were formed to give shape to local governance in India.
- In December 1977, the Janata Government appointed a committee on Panchayati raj Institutions under the chairmanship of Ashok Mehta. It submitted its report in August 1978 and made 132 recommendations to revive and strengthen the declining Panchayati raj system in the country. Due to the collapse of the Janata Government before the completion of its term, no action could be taken on the recommendations of the Ashok Mehta Committee at the central level. However, the three states of

Karnataka, West Bengal and Andhra Pradesh took steps to revitalize the Panchayati raj, keeping in view some of the recommendations of the Ashok Mehta Committee.

- The Committee to review the existing Administrative Arrangements for Rural Development and Poverty Alleviation Programmes under the chairmanship of G.V.K. Rao was appointed by the Planning Commission in 1985. The Committee came to the conclusion that the developmental process was gradually bureaucratized and divorced from the Panchayati Raj. This phenomenon of bureaucratization of development administration as against the democratization weakened the Panchayati Raj institutions resulting in what is aptly called as 'grass without roots'.
- In 1986, the Rajiv Gandhi government appointed a committee to prepare a concept paper on 'Revitalisation of Panchayati Raj Institutions for Democracy and Development' under the chairmanship of L.M. Singhvi. It recommended that the Panchayati Raj institutions should be given constitutional status.
- In 1988, a sub-committee of the Consultative Committee of Parliament was constituted under the chairmanship of P.K. Thungon to examine the political and administrative structure in the district for the purpose of district planning. This committee suggested the strengthening of the Panchayati Raj system.
- The Committee on Policy and Programmes was constituted in 1988 by the Congress party under the chairmanship of V.N. Gadgil. This committee was asked to consider the question of "how best Panchayati Raj institutions could be made effective". Hence, option (c) is the correct answer.

77. Ans:C

Panchayats

- The 73rd Amendment Act provides for a five-year term of office to the panchayat at every level. However, it can be dissolved before the completion of its term. Further, fresh elections to constitute a panchayat shall be completed
 - Before the expiry of its duration of five years; or
 - In case of dissolution, before the expiry of a period of six months from the date of its dissolution.

Hence, statement 1 is correct.

- But, where the remainder of the period (for which the dissolved panchayat would have continued) is less than six months, it shall not be necessary to hold any election for constituting the new panchayat for such a period. Hence, statement 2 is not correct.
- Moreover, 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 had it not been so dissolved. In other words, a panchayat reconstituted after premature dissolution does not enjoy the full period of five years but remains in office only for the remainder of the period. Hence, statement 3 is correct.

78. Ans:D

- Articles 233 to 237 in Part VI of the Constitution make the following provisions to regulate the organization of subordinate courts and to ensure their independence from the executive.
- The expression 'district judge' includes the judge of a
 - city civil court,
 - additional district judge,
 - joint district judge,
 - assistant district judge,
 - the chief judge of a small cause court,
 - chief presidency magistrate,
 - additional chief presidency magistrate,
 - sessions judge,
 - additional sessions judge and assistant sessions judge.

Hence, option (d) is the correct answer.

79. Ans:B

- As the Constitution of India provides for a parliamentary system of government in the states on the

Union pattern, the council of ministers headed by the chief minister is the real executive authority in the politico-administrative system of a state. The council of ministers in the states is constituted and function in the same way as the council of ministers at the Centre.

Article 163–Council of Ministers to aid and advise Governor:

- There shall be a Council of Ministers with the Chief Minister as the head to aid and advise the Governor in the exercise of his functions, except in so far as he is required to exercise his functions in his discretion.
- 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. **Hence, statement 2 is correct.**
- The advice tendered by Ministers to the Governor shall not be inquired into in any court.
- Article 177–Rights of Ministers as Respects the Houses
- Every minister shall have the right to speak and take part in the proceedings of the Assembly (and also the Council where it exists) and any Committee of the State Legislature of which he may be named a member. But he shall not be entitled to vote. **Hence, statement 1 is not correct.**

80. Ans:A

- Article 74 deals with the status of the council of ministers while Article 75 deals with the appointment, tenure, responsibility, qualification, oath and salaries and allowances of the ministers.
- **Article 75 says**
 - The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister.
 - The ministers shall hold office during the pleasure of the President.
 - The council of ministers shall be collectively responsible to the Lok Sabha.
 - The President shall administer the oaths of office and secrecy to a minister.
 - The salaries and allowances of ministers shall be determined by the Parliament.

Hence, option (a) is the correct answer.

81. Ans:C

System of proportional representation

- 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, the single transferable vote system and the 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. **Hence, option (c) is the correct answer.**
- 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.
 - Difficult for the voters to understand the system (which is complicated) due to the low literacy scale in the country.
 - Unsuitability to the parliamentary government due to the tendency of the system to multiply political parties leading to instability in government.
- **Additionally, the system of proportional representation has the following demerits:**
 - It is highly expensive.
 - It does not give any scope for organizing by-elections.
 - It eliminates intimate contact between voters and representatives.
 - It promotes minority thinking and group interests.
 - It increases the significance of party system and decreases that of voter.

82. Ans:C

Prime Minister

- In the scheme of parliamentary system of government provided by the constitution, the President is the nominal executive authority (de jure executive) and Prime Minister is the real executive authority (de facto executive). In other words, President is the head of the State while Prime Minister is the head of the government.
- The salary and allowances of the Prime Minister are determined by the Parliament from time to time. He gets the salary and allowances that are payable to a member of Parliament. Additionally, he gets a sumptuary allowance, free accommodation, travelling allowance, medical facilities, etc. **Hence, statement 2 is not correct.**
- The term of the Prime Minister is not fixed and he holds office during the pleasure of the president. However, this does not mean that the president can dismiss the Prime Minister at any time. So long as the Prime Minister enjoys the majority support in the Lok Sabha, he cannot be dismissed by the President. However, if he loses the confidence of the Lok Sabha, he must resign or the President can dismiss him. **Hence, statement 1 is correct.**
- 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. **Hence, statement 3 is correct.**

83. Ans:D

Appointment of District Judges (Art.233)

- The appointment, posting, and promotion of district judges in a state are made by the Governor of State, in consultation with the High Court. The qualifications of a person for appointment to the post are:1. He should not already be in the service of the central or state government.2. He should have been an advocate or pleader for not less than seven years.3. He should be recommended by the high court for appointment.
- From the above, it is clear that the Constitution has not prescribed a minimum age for appointment as a district judge.

Hence, option (d) is the correct answer.

84. Ans:B

Zonal Councils

- The Zonal Councils are the statutory (and not the constitutional) bodies. They are established by the States Reorganisation Act of 1956. The act divided the country into five zones (Northern, Central, Eastern, Western, and Southern) and provided a zonal council for each zone. However, the North-Eastern Council was created by a separate Act of Parliament—the North-Eastern Council Act of 1971.
- The Union Home Minister is the common chairman of all the zonal councils. Hence option (b) is the correct answer.
- **The Broad Objectives of Zonal Councils are:**
 - The zonal councils aim at promoting cooperation and coordination between states, union territories, and the Centre.
 - They discuss and make recommendations regarding matters like economic and social planning, linguistic minorities, border disputes, interstate transport, and so on.
- They are only deliberative and advisory bodies. As per Section 17(1) of the States Re-organisation Act, each Zonal Council shall meet at such time as the Chairman of the Council may decide. Punchhi Commission recommended that the Zonal Councils should meet at least twice a year with an agenda proposed by states concerned to maximize coordination and promote harmonization of policies and actions having inter-state ramifications.

85. Ans:C

Vice-President

- The Vice-President occupies the second highest office in the country. He is accorded a rank next to the President in the official warrant of precedence. This office is modelled on the lines of the American Vice-President.
- The Vice-President, like the president, is elected not directly by the people but by the method of indirect election. He is elected by the members of an electoral college consisting of the members of both Houses of Parliament. Thus, this electoral college is different from the electoral college for the election of the President in the following two respects:
 - 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). Hence, statement 1 is correct.
- The Vice-President holds office for a term of five years from the date on which he enters upon his office. However, he can resign from his office at any time by addressing the resignation letter to the President. He can also be removed from the office before completion of his term. A formal impeachment is not required for his removal. **Hence, statement 2 is correct.**
- He can be removed by a resolution passed by a majority of all the then members of the Rajya Sabha and agreed to by the Lok Sabha. This means that this resolution should be passed in the Rajya Sabha by an effective majority and in the Lok Sabha by a simple majority. It must be noted here that the effective majority in India is only a type of special majority and not a separate one.
- Further, this resolution can be introduced only in the Rajya Sabha and not in the Lok Sabha.

86. Ans:C

Table of Precedence

- The Table of Precedence is related to the rank and order of the officials of the Union and State Governments. But, the order in this Table is meant for state and ceremonial occasions and has no application in the day-to-day business of Government. The updated version of the Table, containing all the amendments made therein so far (2019), is given below:
 - President
 - Vice-President
 - Prime Minister
 - Governors of states within their respective states
 - Former presidents
 - 5A. Deputy Prime Minister
 - Chief Justice of India; Speaker of Lok Sabha
 - Cabinet Ministers of the Union, Chief Ministers of States within their respective States Vice-Chairperson, NITI Aayog Former Prime Ministers Leaders of Opposition in Rajya Sabha and Lok Sabha 7A. Holders of Bharat Ratna decoration.
 - 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
 - Judges of Supreme Court 9A. Chairperson, Union Public Service Commission, Chief Election Commissioner, Comptroller & Auditor General of India
 - Deputy Chairman, Rajya Sabha, Deputy Chief Ministers of States Deputy Speaker, Lok Sabha, Members of the NITI Aayog

Hence, option (c) is the correct answer.

87. Ans:B

- Article 75 clearly states that the council of ministers is collectively responsible to the Lok Sabha. This means that all the ministers own joint responsibility to the Lok Sabha for all their acts of omission and commission. They work as a team and swim or sink together. When the Lok Sabha passes a no-confidence motion against the council of ministers, all the ministers have to resign including those

ministers who are from the Rajya Sabha. **Hence, statement 1 is not correct.**

- The principle of collective responsibility also means that the Cabinet decisions bind all cabinet ministers (and other ministers) even if they differed in the cabinet meeting. It is the duty of every minister to stand by cabinet decisions and support them both within and outside the Parliament. If any minister disagrees with a cabinet decision and is not prepared to defend it, he must resign. **Hence, statement 3 is correct.**
- Article 75 also contains the principle of individual responsibility. It states that the ministers hold office during the pleasure of the president, which means that the President can remove a minister. Even at a time when the council of ministers enjoys the confidence of the Lok Sabha. However, the President removes a minister only on the advice of the Prime Minister.
- In Britain, every order of the King for any public act is countersigned by a minister. If the order is in violation of any law, the minister would be held responsible and would be liable in the court. The legally accepted phrase in Britain is, “The king can do no wrong.” Hence, he cannot be sued in any court.
- In India, on the other hand, there is no provision in the Constitution for the system of legal responsibility of a minister. It is not required that an order of the President for a public act should be countersigned by a minister. **Hence, statement 2 is correct.**

88. Ans:B

Deputy Speaker

- The Deputy Speaker has one special privilege, that is, whenever he is appointed as a member of a parliamentary committee, he automatically becomes its chairman. Like the Speaker, the Deputy Speaker, while presiding over the House, cannot vote in the first instance; he can only exercise a casting vote in the case of a tie. Further, when a resolution for the removal of the Deputy Speaker is under consideration by the House, he cannot preside at the sitting of the House, though he may be present. **Hence, statement 1 is correct.**
- Like the Speaker, the Deputy Speaker is also elected by the Lok Sabha itself from amongst its members. He is elected after the election of the Speaker has taken place. The date of election of the Deputy Speaker is fixed by the Speaker. Whenever the office of the Deputy Speaker falls vacant, the Lok Sabha elects another member to fill the vacancy. **Hence, statement 2 is not correct.**
- 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 the House. In both cases, he assumes all the powers of the Speaker. He also presides over the joint sitting of both Houses of Parliament, in case the Speaker is absent from such a sitting.
- It should be noted here that the Deputy Speaker is not subordinate to the Speaker. He is directly responsible to the House. **Hence, statement 3 is not correct.**

89. Ans:A

- **Business Advisory Committee:** This committee regulates the program and timetable of the House. It allocates time for the transaction of legislative and other business brought before the House by the government. The Lok Sabha committee consists of 15 members including the Speaker as its chairman. In the Rajya Sabha, it has 11 members including the Chairman as its ex-officio chairman. Hence, option (a) is the correct answer.
- **Rules Committee:** This committee considers the matters of procedure and conduct of business in the House and recommends necessary amendments or additions to the rules of the House. The Lok Sabha committee consists of 15 members including the Speaker as its ex-officio chairman. In the Rajya Sabha, it consists of 16 members including the Chairman as its ex-officio chairman.
- **General Purpose Committee:** This committee considers and advises on matters concerning affairs of the House, which do not fall within the jurisdiction of any other parliamentary committee. In each House, this committee consists of the presiding officer (Speaker / Chairman) as its ex-officio chairman, Deputy Speaker (Deputy Chairman in the case of Rajya Sabha), members of panel of chairpersons (panel of vice chairpersons in the case of Rajya Sabha), chairpersons of all the departmental standing committees of the House, leaders of recognised parties and groups in the House and such other members as nominated by the presiding officer.

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

90. Ans:A

Representation of the People Act, 1950 makes the following provisions relating to the elections:

- Allocation of seats in the House of the People, the State Legislative Assemblies and the State Legislative Councils.
- Delimitation of Parliamentary, Assembly and Council Constituencies.
- Election officers like chief electoral officers, district election officers, electoral registration officers and so on.
- Electoral rolls for Parliamentary, Assembly and Council constituencies.
- Manner of filling seats in the Council of States to be filled by representatives of union territories. Local authorities for purposes of elections to the State Legislative Councils.
- Barring the jurisdiction of civil courts. Hence, option (a) is the correct answer.
- Representation of the People Act, 1951 provides for the actual conduct of elections to the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for the membership of these Houses, the corrupt practices and other election offenses, and the decision of election disputes.
- Parliament (Prevention of Disqualification) Act, declares that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as (or for being) members of Parliament.
- Presidential and Vice-Presidential elections Act, 1952 regulates certain matters relating to or connected with elections to the offices of the President and Vice-President of India.

91. Ans:C

- Article 1 describes India, that is, Bharat as a 'Union of States'. **Hence, statement 1 is not correct.**
- Also, according to Article 1, the territory of India, and not the Union of India, can be classified into three categories:
 - Territories of the states
 - Union territories
 - Territories that may be acquired by the Government of India at any time.
- 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 members of the federal system and share the distribution of powers with the Centre. The union territories and the acquired territories, on the other hand, are directly administered by the Central government. **Hence, statement 2 is not correct.**
- Being a sovereign state, India can acquire foreign territories according to the modes recognized by international law, i.e., cession (following treaty, purchase, gift, lease, or plebiscite), occupation (hitherto unoccupied by a recognized ruler), conquest, or subjugation. These territories also come under the classification mentioned above.
- Article 2 empowers the Parliament to 'admit into the Union of India, or establish, new states on such terms and conditions as it thinks fit'. Thus, Article 2 grants two powers to the Parliament:
 - The power to admit into the Union of India new states; and
 - The power to establish new states.
- The first refers to the admission of states which are already in existence, while the second refers to the establishment of states which were not in existence before. 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.

92. Ans:B**The Fundamental Rights guaranteed by the Constitution are characterised by the following:**

- Some of them are available only to the citizens while others are available to all persons whether citizens, foreigners or legal persons like corporations or companies.
- They are not absolute but qualified. The state can impose reasonable restrictions on them. However, whether such restrictions are reasonable or not is to be decided by the courts. Thus, they strike a balance between the rights of the individual and those of the society as a whole, between individual liberty and social control.
- Most of them are available against the arbitrary action of the State, with a few exceptions like those against the State's action and against the action of private individuals (Example: Article 15, 17 applicable against private individuals)). When the rights that are available against the State's action only are violated by the private individuals, there are no constitutional remedies but only ordinary legal remedies. **Hence statement 1 is not correct.**
- Some of them are negative in character, that is, place limitations on the authority of the State, while others are positive in nature, conferring certain privileges on the persons.
- They are justiciable, allowing persons to move the courts for their enforcement, if and when they are violated.
- They are defended and guaranteed by the Supreme Court. Hence, the aggrieved person can directly go to the Supreme Court, not necessarily by way of appeal against the judgement of the high courts.
- They are not sacrosanct or permanent. The Parliament can curtail or repeal them but only by a constitutional amendment act and not by an ordinary act. Moreover, this can be done without affecting the 'basic structure' of the Constitution.
- Most of them are directly enforceable (self-executory) while a few of them can be enforced on the basis of a law made for giving effect to them. Such a law can be made only by the Parliament and not by state legislatures so that uniformity throughout the country is maintained (Article 35). **Hence statement 2 is correct.**

93. Ans:A

- 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. However, the Constitution does not use the word Universal Adult Franchise. Article 326 of the Constitution provides that Elections to the House of the People and to the Legislative Assemblies of States be on the basis of adult suffrage. **Hence option 1 is correct.**
- Article 41 of the Constitution under the Directive Principles of State Policy provides for the Right to work, to education, and to public assistance in certain cases. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness, and disablement, and in other cases of undeserved want. **Hence option 2 is not correct.**
- The term Union Cabinet is mentioned in Article 352 of the Constitution. Under Article 352, the President can declare a national emergency when the security of India or a part of it is threatened by war or external aggression, or armed rebellion. The President, however, can proclaim a national emergency only after receiving a written recommendation from the Union cabinet. **Hence option 3 is not correct.**

94. Ans:D**Federalism**

- Federalism is a form of government where the powers are distributed between the central and provincial governments and both have their separate and well-defined areas of authority.
 - Here, the totality of government power is divided and distributed by the national constitution between a central government and those of the individual states. Countries like USA, Switzerland, Australia, Canada, Russia, Brazil, and Argentina have a federal form of government.
- **Features of the federal government**
 - **Division of Powers:** A federal government involves the division of powers between a central or

- federal government and regional or state governments.
- Dual Sovereignty: In a federal system, both the central/federal government and the regional/state governments possess their own sovereignty within their respective spheres of authority.
- Written Constitution: Federal systems often have a written constitution that serves as the supreme law of the land.
- Independent Judiciary: Federal systems typically have an independent judiciary that interprets and applies the law, resolves disputes between the central and regional governments, and safeguards individual rights and liberties.
- Bicameral Legislature
- Balance of Power: Federal systems strive to maintain a balance of power between central and regional governments.
- Federal governments are most commonly found in countries with large territories, diverse populations, and a desire to balance regional autonomy with central authority. They are often adopted by countries that aim to accommodate the interests of different regions or states while maintaining national unity.
- The federal system of government can be either parliamentary like India or presidential like USA, Brazil etc.

Hence option (d) is the correct answer.

95. Ans:C

procedure for an amendment to the Constitution

- Bills seeking to amend all other provisions of the Constitution including those enumerated in the proviso to Article 368(2) are called by the title 'Constitution Amendment Bills'. These Bills can be introduced in either House of Parliament. The bill can be introduced either by a minister or by a private member and does not require prior permission of the president.
- Constitution Amendment Bills are not treated as Money Bills or Financial Bills. Accordingly, the President's recommendation under articles 117 and 274 of the Constitution with regard to these Bills is not asked for.
- In case of any disagreement between the two Houses of Parliament on a Constitution Amendment Bill, there cannot be a joint sitting of the Houses of Parliament on the Bill as Article 368 of the Constitution requires each House to pass the Bill by the prescribed special majority. But the bill can be sent to a joint or select committee of the two houses to consider the clauses.
- Constitution Amendment Bills passed by Parliament by the prescribed special majority and, where necessary, ratified by the requisite number of State Legislatures are presented to the President under Article 368 of the Constitution under which the President is bound to give assent to such Bills. The 24th Constitutional Amendment Act of 1971 made it obligatory for the President to give his assent to a Constitutional Amendment Bill.

96. Ans: (c) Directive Principles of State Policy

- The Directive Principles of State Policy are enumerated in Part IV of the Constitution from Articles 36 to 51. The framers of the Constitution borrowed this idea from the Irish Constitution of 1937, which had copied it from the Spanish Constitution. Dr. B.R. Ambedkar described these principles as 'novel features' of the Indian Constitution. The Directive Principles along with the Fundamental Rights contain the philosophy of the Constitution and is the soul of the Constitution.
- Article 32 confers the right to remedies for the enforcement of the fundamental rights of an aggrieved citizen. Dr. Ambedkar called Article 32 the most important article of the Constitution—'an Article without which this constitution would be a nullity. It is the very soul of the Constitution and the very heart of it'.
- With respect to emergency provisions, Dr. B.R. Ambedkar observed in the Constituent Assembly that the Constitution of India can be both unitary as well as federal according to the requirements of time and circumstances. In normal times, it is framed to work as a federal system. But in times of Emergency, it is so designed as to make it work as though it was a unitary system.

Hence option (c) is the correct answer.

97. Ans:D

Referendum

- A referendum is a direct vote in which eligible individuals in a specific jurisdiction are asked to express their opinion or make a decision on a particular issue. It is a form of direct democracy that allows citizens to directly participate in the decision-making process by casting their vote on a specific question or proposal.
 - Referendums can cover a wide range of topics, such as constitutional amendments, changes to existing laws, important policy decisions, or issues of national significance. The purpose of a referendum is to seek the opinion or mandate of the people on a specific matter.
- **In independent India, there have been some referendums like**
 - In October 1954, Keezhur produced the definitive referendum in favour of the merger of French establishments with India. This formed the basis for a bilateral Treaty of Cession ceding full sovereignty of the territories of Pondicherry, Mahe, Yanam and Karaikal from France to India.
 - In 1967 the Goans voted against merging with Maharashtra and chose to remain a Union Territory in a referendum.

Hence statement 1 is not correct.

- Indian constitution does not have any specific provision for or against the referendum.

Hence statement 2 is correct.

98. ANs:B

Historical background of Indian constitution

- The Constitution as adopted on November 26, 1949, contained a Preamble, 395 Articles and 8 Schedules. The original Constitution (1950) had seven Fundamental Rights. But after the passage of the 44th Amendment in 1978, there are now six Fundamental Rights. This Amendment deleted the seventh fundamental right, viz., the right to property (Art. 31) from the list of Fundamental Rights. **Hence, statement 1 is correct.**
- On December 13, 1946, Jawaharlal Nehru moved the historic 'Objectives Resolution' in the Assembly. It laid down the fundamentals and philosophy of the constitutional structure. 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. **Hence, statement 2 is correct.**
- Though adopted on November 26, 1949, the Constitution commenced on 26th January 1950. On January 24, 1950, the Constituent Assembly held its final session. It, however, did not end, and continued as the provisional parliament of India from January 26, 1950, till the formation of a new Parliament after the first general elections in 1951–52. **Hence, statement 3 is not correct.**

99. Ans: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.

- 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.
- 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. **Hence statement 1 is correct.**
- 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. **Hence statement 2 is correct.**
- Britain has the system of legal responsibility of the minister while India has no such system. Unlike in Britain, the ministers in India are not required to countersign the official acts of the Head of the State. **Hence statement 3 is not correct.**

- Shadow cabinet' is an unique institution of the British cabinet system. It is formed by the opposition party to balance the ruling cabinet and to prepare its members for future ministerial office. There is no such institution in India.

100. Ans : a) 1 only.

Explanation:

- **Statement 1: The Governor can act without the aid and advice of the Council of Ministers in certain situations** — This is **correct**. The Governor has some discretionary powers where they can act independently of the Council of Ministers. For example, the Governor can reserve a bill for the President's consideration, send a report to the President on the failure of constitutional machinery in the state (under Article 356), and decide on matters when no party has a clear majority after elections.
- **Statement 2: The Governor's discretionary powers are clearly defined in the Constitution of India** — This is **incorrect**. The Constitution of India does not explicitly list or clearly define all the discretionary powers of the Governor. Instead, these powers are implied and are subject to interpretation based on constitutional provisions and conventions.
- Therefore, only **Statement 1** is correct, making **a) 1 only** the correct answer.

