

Assignment

Indian Constitution Assignment

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Assignment 1:

1. What is a Constitution, and why is it important for a democratic country like India?

- A **Constitution** is the supreme legal document of a country that defines the structure of government, fundamental rights, duties of citizens, and the relationship between different organs of the state.
- **Importance for India:**
 - Establishes **rule of law** and limits government power.
 - Guarantees **fundamental rights** to citizens.
 - Ensures **separation of powers** (Legislature, Executive, Judiciary).
 - Provides a **framework for governance** and federal structure.
 - Protects **democratic principles** like equality, liberty, and justice.

2. What are the salient features of the Indian Constitution? Explain any five briefly.

The Indian Constitution has several key features: 1. **Longest Written Constitution** – Originally had 395 Articles, now around 470+ due to amendments. 2. **Federal with Unitary Bias** – Divides power between Centre & States but gives the Centre more authority. 3. **Parliamentary Democracy** – President (nominal head) & Prime Minister (real executive). 4. **Fundamental Rights (Part III)** – Guarantees freedoms like speech, equality, religion (enforceable in court). 5. **Directive Principles of State Policy (DPSP, Part IV)** – Guidelines for social & economic welfare (not enforceable).

3. What are Fundamental Rights? Why are they considered essential for citizens?

- **Fundamental Rights** (Articles 12-35) are basic freedoms guaranteed to all citizens.
- **Essential because:**
 - Protect **individual liberty** (e.g., Right to Equality, Freedom of Speech).
 - Ensure **justice against discrimination** (e.g., Right against Exploitation).
 - Provide **legal remedies** (Article 32 allows moving to Supreme Court if rights are violated).
 - Strengthen **democracy** by preventing authoritarian rule.

4. How are Fundamental Duties different from Fundamental Rights? Are they enforceable by law?

| Fundamental Rights | Fundamental Duties |
|---|--|
| Guaranteed by Part III (Articles 12-35). | Added by 42nd Amendment (1976), Part IV-A (Article 51A) . |
| Enforceable by courts. | Non-enforceable (moral obligations). |

| Fundamental Rights | Fundamental Duties |
|--------------------------------------|---|
| Protect individual freedoms . | Promote national unity & discipline (e.g., respecting the flag, Constitution). |

5. What are the qualifications required to become the President of India? (Article 58)

- Must be a **citizen of India**.
- Minimum **35 years** of age.
- **Eligible to be a Lok Sabha member**.
- Must not hold any **office of profit** under the government.

6. Explain the powers and responsibilities of the Prime Minister in the Indian political system.

- **Head of Government:** Leads the Council of Ministers.
- **Advises President** on appointments (ministers, judges, etc.).
- **Chief Executive Authority:** Implements policies & laws.
- **Leader of Lok Sabha:** Guides legislation & represents India internationally.
- **Can recommend dissolution of Lok Sabha** to the President.

7. What is the composition of the Indian Parliament?

- **Rajya Sabha (Council of States):**
 - **250 members** (238 elected by states, 12 nominated by President).
 - **Permanent House** (no dissolution).
- **Lok Sabha (House of the People):**
 - **543 elected members** + 2 Anglo-Indian nominees (if President appoints).
 - **Term:** 5 years (unless dissolved earlier).

8. What is a No-Confidence Motion? How is it passed in the Lok Sabha?

- A **No-Confidence Motion** is a vote to test the majority support for the ruling government.
- **Process:**
 1. Needs **50 MPs** to support introduction.
 2. Debated & voted upon.
 3. If **majority (over 50%) votes against**, the government must resign.

9. What are the privileges of the members of Parliament?

- **Freedom of Speech:** Cannot be sued for statements made in Parliament.
- **Immunity from Arrest** during sessions (except in criminal cases).

- **Right to regulate proceedings** (e.g., expel unruly members).

10. What role does the Supreme Court play in the protection of Fundamental Rights?

- **Guardian of Fundamental Rights** (Article 32: Right to Constitutional Remedies).
 - Can issue **writs** (Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto).
 - **Judicial Review**: Can strike down laws violating Fundamental Rights.
 - Acts as the **final interpreter of the Constitution**.
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Assignment 2:

1. Constitutional Powers and Functions of the Governor of a State

- **Executive Powers**:
 - Appoints **Chief Minister** and Council of Ministers.
 - Can recommend **President's Rule** (Article 356).
- **Legislative Powers**:
 - Summons & prorogues the **State Legislature**.
 - **Assents to bills** (can reserve some for President's approval).
- **Judicial Powers**:
 - Appoints **District Judges** (in consultation with HC).
 - Can **pardon or reduce sentences** (Article 161).
- **Discretionary Powers**:
 - Acts as **President's agent** in certain matters.

2. Qualifications and Disqualifications for Becoming a Member of the State Legislative Assembly (MLA)

Qualifications (Article 173):

- Must be a **citizen of India**.
- Minimum **25 years** of age.
- Must be a **voter** in any constituency of the state.
- Should not hold any **office of profit** under the government.

Disqualifications (Article 191):

- If convicted of certain crimes (e.g., corruption, promoting enmity).
- If **declared mentally unsound** by court.
- Holds **dual citizenship** or **office of profit**.

3. Composition and Jurisdiction of a High Court in India

Composition:

- **Chief Justice + Other Judges** (number varies by state).
- Appointed by **President** (after consultation with CJI & Governor).

Jurisdiction:

- **Original Jurisdiction:** Cases directly filed (e.g., company law, marriage disputes).
- **Appellate Jurisdiction:** Appeals against lower courts.
- **Writ Jurisdiction** (Article 226): Can issue **writs for Fundamental Rights**.
- **Supervisory Control:** Oversees subordinate courts.

4. Significance of the 73rd Constitutional Amendment Act (1992) in Strengthening Rural Local Governance

- **Constitutionalized Panchayati Raj Institutions (PRIs)** (Part IX).
- **Three-tier system:** Gram Panchayat (Village), Panchayat Samiti (Block), Zila Parishad (District).
- **Reservations for SC/STs & Women** (33% seats).
- **State Election Commissions** to conduct elections.
- **Empowered Gram Sabhas** in decision-making.

5. Legislative Procedure for Passing a Bill in a Bicameral State Legislature

1. **First Reading:** Introduction in either House.
2. **Second Reading:** Detailed discussion & amendments.
3. **Third Reading:** Final voting.
4. **Other House:** Same process (if bicameral, e.g., Maharashtra).
5. **Governor's Assent:** Can **approve, reject, or reserve for President**.

6. Composition of the Election Commission of India (Article 324)

- **Chief Election Commissioner (CEC) + 2 Election Commissioners.**
- Appointed by **President** (usually retired bureaucrats/judges).
- **Tenure:** 6 years or until age 65.

7. Major Steps in the Electoral Process in India

1. **Delimitation:** Dividing constituencies.
2. **Voter Registration:** Updating electoral rolls.
3. **Nomination:** Candidates file papers.
4. **Campaigning:** 2-week period.
5. **Voting:** Electronic Voting Machines (EVMs).
6. **Counting & Results:** Declared by ECI.

8. Effects of President's Rule (Article 356) on State Governments

- **State Assembly dissolved** (or suspended).
- **Governor rules on President's behalf.**
- **Central government controls state administration.**
- **No fresh elections for 6 months** (extendable up to 3 years).

9. Procedure for Amending the Indian Constitution (Article 368)

1. **Initiation:** Bill introduced in **either House**.
2. **Special Majority:** Passed by **2/3rd of present & voting + majority of total members**.
3. **State Ratification (if required):** For federal features (e.g., Article 368 itself needs **50% states' approval**).
4. **President's Assent:** Must give approval (no veto power).

Types of Amendments:

- **Simple Majority:** E.g., creation of new states.
- **Special Majority:** Most amendments (e.g., Fundamental Rights).
- **Special Majority + State Ratification:** E.g., GST, President's election.

10. Appointment and Removal of the Chief Election Commissioner (CEC)

Appointment:

- By **President** (based on convention, not fixed criteria).
- **Tenure:** 6 years or age 65 (whichever earlier).

Removal:

- **Same as Supreme Court Judge** (Article 324(5)).
- Requires **impeachment by Parliament** (proven misbehavior or incapacity).
- **Other ECs** can be removed by **President on CEC's advice**.