Q.1) In India, other than ensuring that public funds are used efficiently and for the intended purpose, what is the importance of the office of the Comptroller and Auditor General (CAG)?

- 1. CAG exercises exchequer control on behalf of the Parliament when the President of India declares national emergency/financial emergency.
- 2. CAG reports on the execution of projects or programmes by the ministries which are discussed by the Public Accounts Committee.
- 3. Information from CAG reports can be used by investigating agencies to press charges against those who have violated the law while managing public finances.
- 4. While dealing with the audit and accounting of government companies, CAG has certain judicial powers for prosecuting those who violate the law.

Which of the statements given above is/are correct?

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

Ans) c

Exp) Option c is the correct answer.

The Comptroller and Auditor General (CAG) of India is the constitutional authority, established under Article 148 of the Constitution of India.

S/he is empowered to Audit all receipts and expenditure of the Government of India and the State Governments, including those of autonomous bodies and corporations substantially financed by the Government.

The CAG is also the statutory auditor of Government-owned corporations and conducts supplementary audit of government companies in which the Government has an equity share of at least 51 per cent or subsidiary companies of existing government companies.

Statements 2 and 3 are correct. The reports of the CAG are laid before the Parliament/Legislatures and are being taken up for discussion by the Public Accounts Committees (PACs) and Committees on Public Undertakings (CoPUs). Also, information from CAG reports can be used by investigating agencies to press charges against those who have violated the law while managing public finances. This was seen during 2G and Commonwealth Games scams.

Statements 1 and 4 are incorrect. CAG does not exercise exchequer control on behalf of the Parliament when the President of India declares national emergency/financial emergency. The CAG does not have any judicial powers.

Source: UPSC CSE 2012

Q.2) Which of the following is **not** a correct feature of Federalism?

- a) There is a constitutional division of powers between the national government and the regional governments.
- b) There is a written constitution that usually specifies a dual system of government.
- c) There is an independent judiciary to settle disputes between the center and the state.
- d) There is an integrated judiciary that applies the law uniformly throughout the country.

Ans) d

Exp) Option d is the correct answer.

Federalism is a system of government in which political authority is divided between a central or national government and subnational entities, such as states or provinces. In a federal system, both the central and

subnational governments have specific powers, responsibilities, and areas of authority that are defined by a constitution or legal framework.

Statement a is correct. A federal government is one in which powers are divided between the national government and the regional governments by the Constitution itself. Both operate in their respective jurisdictions independently.

On the other hand, a unitary government is one in which all the powers are vested in the national government. The regional governments, if at all exist, derive their authority from the national government. Statement b is correct. The dual system of government is often spelled out in a written constitution in the federal structure, which is considered paramount and is also the source of power for both sets of government.

Statement c is correct. In the **federal government, there is an independent judiciary** to settle disputes to prevent conflicts between the center and the state. The court has the authority to settle legal issues about the division of power between the central government and the states.

Statement d is incorrect. An integrated judiciary is often seen in unitary (rather than federal) systems. A unitary government has a single, centralized judiciary that applies the law consistently throughout the country. The judiciary is usually organized and administered on a national scale, with a single court system charged with interpreting and applying the law.

Source: Class 11 constitution at work, chapter 7

Q.3) Consider the following statements:

- 1. Schedule VII of Indian Constitution includes the element of federal system in India.
- 2. The word 'federation' is neither mentioned nor defined in the Constitution of India. Which of the statements given above is/are correct?
- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

Ans) c

Exp) Option c is the correct answer

Federalism is a system of government in which political authority is divided between a central or national government and subnational entities, such as states or provinces.

Statement 1 is correct. Schedule VII of the Indian Constitution plays a crucial role in illustrating the federal structure of India. It is the division of legislative powers between the central government (Union) and the state governments, which is a fundamental aspect of the federal system. The Constitution specifies three lists – the Union List, State List, and Concurrent List.

Statement 2 is correct. The term "federation" is not explicitly defined in the Constitution of India. Instead, the Indian Constitution describes India as a "Union of States." The Constitution defines the principles and structures of the federal system in India without explicitly using the term "federation." Source: Class 11 constitution at work, chapter 7

Q.4) With reference to 'Special Officer for Linguistic Minorities', consider the following statements:

- 1. Originally, the Constitution of India did not make any provision with respect to the Special Officer for Linguistic Minorities.
- 2. Special Officer for Linguistic Minorities is appointed by Central government after consultation with the states.
- 3. The Office of the Special Officer for Linguistic Minorities falls under the ambit of Union Ministry of Home Affairs.

How many of the above given statements are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

Ans) a

Exp) Option a is the correct answer.

The Special Officer for Linguistic Minorities is a constitutional post created under Article 350 B of the Indian Constitution.

Statement 1 is correct: The Constitution of India, originally, did not make any provision with respect to the Special Officer for Linguistic Minorities. Later, the States Reorganisation Commission (1953–55) made a recommendation in this regard. Accordingly, the Seventh Constitutional Amendment Act of 1956 inserted a new Article 350-B in Part XVII of the Constitution.

Statement 2 is incorrect: Special Officer for Linguistic Minorities is appointed by the President of India. Constitution does not specify the qualifications, tenure, salaries and allowances, service conditions and procedure for removal of the Special Officer for Linguistic Minorities.

Statement 3 is incorrect: This constitutional body of Special Officer for Linguistic Minorities falls under the Ministry of Minority Affairs (Not Home Ministry). The Special Officer submits the annual reports along with other reports to the President of India through the Union Minister of Minority Affairs. Source:

 $https://www.minorityaffairs.gov.in/show_content.php?lang=1\&level=0\&ls_id=217\&lid=222\#: \sim: text=Article \%20350\%2DB\%20 provides \%20 for, to \%20 the \%20 President \%20 upon \%20 those$

- **Q.5)** Provisions related to which of the following subjects of the Constitution of India came into force on 26th November 1949?
- 1. Provisional Parliament
- 2. Citizenship
- 3. Directive Principles of State Policy
- 4. Elections
- 5. Planning Commission
- 6. Fundamental Rights

Select the correct answer using the codes given below:

- a) 1, 2, 3 and 5 only
- b) 1, 2 and 4 only
- c) 2, 3, 4 and 6 only
- d) 1, 2, 3, 4, 5 and 6

Ans) b

Exp) Option b is the correct answer.

Options 1, 2 and 4 are correct: Provisions of the Constitution pertaining to citizenship, elections, provisional parliament, temporary and transitional provisions, and short title contained in Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392 and 393 (these provisions are related to citizenship, elections, provisional parliament, temporary and transitional provision) came into force on November 26, 1949 itself. **Options 3, 5 and 6 are incorrect:** The provisions of Directive Principles of State Policy and Fundamental Rights came into force on January 26, 1950. The Planning Commission was an extra constitutional body. NCERT Class XI- Indian Constitution at work.



Q.6) Consider the following organizations/bodies in India:

- 1. The National Commission for Backward Classes
- 2. The National Human Rights Commission
- 3. The National Law Commission
- 4. The National Consumer Disputes Redressal Commission

How many of the above are constitutional bodies?

- a) Only one
- b) Only two
- c) Only three
- d) All four

Ans) a

Exp) Option a is the correct answer

Option 1 is correct: Although the National Commission for Backward Classes (NCBC) was originally constituted as the Statutory body by establishing it under the provisions of the National Commission for Backward Classes Act, 1993. The NCBC was accorded constitutional status by the 102nd Constitutional Amendment Act (CAA) which inserted Article 338B, forming a National Commission for Backward Classes. Hence NCBC is a constitutional body.

Option 2 is incorrect: The National Human Rights Commission (NHRC) of India is a statutory body constituted in 1993 under the Protection of Human Rights Act, 1993. Hence NHRC is not a constitutional

Option 3 is incorrect: The National Law Commission is neither a constitutional body nor a statutory body. It is constituted by a notification of the Government of India, Ministry of Law & Justice, Department of Legal Affairs. Its purpose is to carry out research in the field of law and the Commission makes recommendations to the Government and provides excellent thought provoking and vital review of the laws in India.

Option 4 is incorrect: The National Consumer Disputes Redressal Commission of India is a statutory body established under the Consumer Protection Act, 1986. To provide inexpensive, speedy redressal of consumer disputes, the act established quasi-judicial bodies have been set up in each District and State and at the National level, called the District Consumer Disputes Redressal Commissions, the State Consumer Disputes Redressal Commissions and the National Consumer Disputes Redressal Commission respectively.

Source) UPSC CSE Pre 2023

Q.7) The Parliament of India acquires the power to legislate, in the national interest, on any item in the State List of the Seventh Schedule of the Constitution. This can be done under which of the following conditions:

- a) if the Lok Sabha passes a resolution with simple majority.
- b) if the Rajya Sabha passes a resolution with two-third majority of members present and voting.
- c) if the President of India passes an order authorizing the Parliament to do so.
- d) if the Lok Sabha passes a resolution through simple majority and it is ratified by atleast half of the state governments.

Ans) b

Exp) Option b is the correct answer.

The Parliament can legislate on matters from the State List in India under certain conditions. According to Article 249 of the Indian Constitution, the Parliament is empowered to make laws on subjects listed in the

State List if the Rajya Sabha (the upper house of Parliament) passes a resolution to that effect with a two-thirds majority present and voting. This provision allows the Parliament to legislate on state subjects, typically for a limited period, in the national interest, and subject to certain conditions Source: Class 11 constitution at work, chapter 7

Q.8) In the context of assessing a good democracy which among the following is odd one out.

Democracies need to ensure:

- a) free and fair elections
- b) dignity of the individual
- c) majority rule
- d) equal treatment before law

Ans) c

Exp) Option c is the correct answer.

Democracy is better than any other form of government in responding to the needs of the people. It is not the majority rule, but views of all the representatives are taken into consideration.

The rule by the majority is not a democracy. It can be confused with the rule of the majority community. When that happens, democracy ceases to exist. Hence, it is not a fundamental element of democracy.

Democracy is a type of government in which supreme power is invested in the people and exercised by them directly or indirectly through representation.

- 1) A democratic government is a better government because it is a more accountable form of government.
- 2) Enhances the dignity of the individual;
- 3) The fundamental feature of democracy is that the citizens have the right to choose their representatives through free and fair elections which are conducted regularly
- 4) In a democracy, there is equal treatment before the law. Rule of law prevails which means no one is above law.

Source: NCERT

Q.9) With reference to Article 34 of the Indian Constitution, consider the following statements:

- 1. The Parliament has exclusive powers to make laws under Article 34.
- 2. The Armed Force Special Powers Act has been enacted under the provisions of Article 34. Which of the statements given above is/are correct?
- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

Ans) c

Exp) Option c is the correct answer.

Martial law is the temporary imposition of military authority over civilian authority and the suspension of civil law. It is usually declared in times of war, rebellion, or natural disaster. Its provision is implicit in the constitution and this law suspends ordinary law, courts, and government. It is imposed in specific areas of the country.

Statement 1 is correct- Article 35 of the Indian Constitution gives **exclusive power to the Parliament** to make laws on **Articles 16(3), 32(3), 33 and 34**. Article 34 grants the Parliament the authority to indemnify any government servant or any other person for any act done during the operation of martial law in any area.

Statement 2 is correct- The Armed Force Special Powers Act has been **created on the basis of Articles 34** of the Indian Constitution. Article 34 allows Parliament to indemnify individuals or validate actions taken under martial law in specific areas.

Source: NCERT Class XI- Indian Constitution at work- Chapter 7

Q.10) With reference to the role of constitution/ government in promoting equality among Indian citizens, which of the following statements is incorrect?

- a) The constitution allows for differentiating between people to ensure equity.
- b) The constitution has given more preference to Equality in comparison to liberty.
- c) The government can violate Article 14 of the Constitution for implementing some of the Directive Principles of State Policy.
- d) Special assistance in the form of affirmative action helps in promoting equality.

Ans) b

Exp) Option b is the correct answer.

Statement a is correct. While Article 14 forbids class legislation, it permits reasonable classification of persons, objects and transactions by the law. But the classification should not be arbitrary, artificial or evasive. Rather, it should be based on an intelligible differential and substantial distinction. Hence, it allows of differentiating between people to ensure equity.

Statement b is incorrect. The constitution doesn't make any hierarchy between Equality and Liberty. It has given due importance to both the values and are under Part III of the constitution.

Statement c is correct. Article 31-C is an exception to Article 14. It provides that the laws made by the state for implementing the Directive Principles contained in clause (b) or clause (c) of Article 39 cannot be challenged on the ground that they are violative of Article 14. The Supreme Court held that "where Article 31-C comes in, Article 14 goes out".

Statement d is correct. Affirmative action is based on the idea that it is not sufficient to establish formal equality by law. When we wish to eliminate inequalities that are deeply rooted, it is necessary to take some more positive measures to minimise and eliminate entrenched forms of social inequalities. Most policies of affirmative action are thus designed to correct the cumulative effect of past inequalities. Thus, affirmative action helps in promoting equality.

Source: NCERT Class XI- Indian Constitution at work

Q.11) Which of the following States/UTs are included in the Northern Zonal Council?

- a) Uttarakhand, Uttar Pradesh, Haryana, Punjab, Jammu and Kashmir
- b) Haryana, Punjab, Himachal Pradesh, Rajasthan and NCT of Delhi
- c) Uttar Pradesh, Uttarakhand, Punjab, Haryana and Rajasthan
- d) Uttarakhand, Uttar Pradesh, Himachal Pradesh, Punjab and Haryana

Ans) b

Exp) Option b is the correct answer

The Northern Zonal Council is a zonal council that comprises the states and union territories of Chandigarh, National Capital Territory of Delhi, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan and Ladakh.

Source) CDS 2023 (I)

Q.12) With respect to the powers of the Governor of a State, which of the following statements is correct?

- a) S/he can suspend or dissolve the State Legislative Assembly during the President's rule.
- b) Advocate General of a State is appointed by the Chief Minister only after the recommendation of the Governor.
- c) S/he can reserve a bill passed by the State Legislature for the consideration of the President.
- d) The Chairman of the State Public Service Commission can be removed only by the Governor of the State.

Ans) c

Exp) Option c is the correct answer.

Articles 153 to 167 in **Part VI** of the Constitution address the state executive, comprising the governor, chief minister, council of ministers, and the state's advocate general. Unlike the Vice-President at the Centre, there is no vice-governor at the state level. The governor serves as the **nominal executive head of the state**. **Option a is incorrect-** The **President and not the Governor can suspend or dissolve the state legislative assembly** during President's rule. Under Article 356 of the Constitution of India, when President's rule is imposed in a state, the state legislature is suspended, and the President appoints an Administrator to administer the state.

Option b is incorrect- The governor does not recommend the appointment of the Advocate General of the State. Rather he himself appoints the Advocate General of the State under Article 165 of the Indian Constitution on the recommendation of the State government.

Option c is correct- The Governor of a state can reserve a bill passed by the state legislature for the assent of the President under Article 200 of the Indian Constitution. If the Governor reserves a bill for the assent of the President, the President may assent to the bill, withhold assent to the bill, or return the bill to the state legislature for reconsideration. If the President returns the bill to the state legislature, the legislature may pass the bill again with or without amendments. If the legislature passes the bill again, the President cannot withhold assent to the bill.

Option d is incorrect- The Governor of a state cannot remove the Chairperson of the State Public Service Commission (SPSC). The Chairperson of the SPSC can only be removed by the President of India. This is because the SPSC is an independent body that is responsible for recruiting civil servants for the state government. The independence of the SPSC is essential to ensure that the recruitment process is fair and impartial.

Source: NCERT Class 11- Chapter 7- Indian Constitution at Work.

Q.13) Consider the following statements regarding the application of the President's rule in a State and its consequences:

- 1. The President's Rule can be imposed whenever a State fails to comply with a direction given by the Centre.
- 2. The administrative duty is carried out by the Governor of the state when the President's Rule is imposed.
- 3. Laws made by the Parliament will continue to be operative even after revocation of the President's rule. How many of the above statements are correct?
- a) Only one
- b) Only two
- c) All three
- d) None

Ans) c

Exp) Option c is the correct answer.

Article 356, known as 'President's Rule' or 'State Emergency,' allows the President to intervene in a state's government if it cannot function according to the Constitution. This can happen based on two grounds: either when the President is convinced that the state government is **failing to uphold the Constitution** (Article 356), or when the state **doesn't comply with directions from the Centre** (Article 365).

Statement 1 is correct- The President's Rule can be proclaimed under Article 356 on two grounds-one mentioned in Article 356 itself and another in Article 365:

- 1) Article 356 empowers the President to issue a proclamation, if he is satisfied that a situation has arisen in which the government of a state cannot be carried on in accordance with the provisions of the Constitution. Notably, the president can act either on a report of the governor of the state or otherwise too (ie, even without the governor's report).
- 2) Article 365 says that whenever a state fails to comply with or to give effect to any direction from the Centre, it will be lawful for the president to hold that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution.

Statement 2 is correct- If the President's rule is imposed, the state government is dissolved and the central government takes over direct control of the state. The Governor is the head of the state administration during the President's rule. The Governor is assisted by the Chief Secretary of the state, who is the highest-ranking civil servant in the state.

Statement 3 is correct- A law enacted by the Parliament, President, or a designated authority during a President rule **remains in effect even after the President rule ceased to exist**. However, the state legislature holds the power to amend, repeal, or reintroduce such a law.

Source: NCERT Class 11- Chapter 7- Indian Constitution at Work.

Q.14) The "Full Faith and Credit" Clause, as contained in Part XI of the Constitution of India, is related to:

- 1. Any official record made by a public servant in the discharge of his official duties
- 2. Public records of each state
- 3. Executive acts of the Government of a State

Which of the above options is/are correct?

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

Ans) d

Exp) Option d is the correct answer.

Under the Constitution, the jurisdiction of each state is confined to its own territory. Hence, it is possible that the acts and records of one state may not be recognized in another state.

Every state must recognize and respect the judgments, judicial proceedings, laws & records of other states. To remove any such difficulty, Constitution lays down the following:

Full faith and credit are to be given throughout the territory of India to public acts, records and judicial proceedings of the Centre and every state. Hence, Option 2 is correct.

This clause is primarily invoked to enforce the functioning of a union, a state refusing to recognize acts and records of another state may give rise to confusion and inconvenience. This avoids inter-governmental conflicts.

Option 1 is correct. The expression 'public record' includes any official book, register or record made by a public servant in the discharge of his official duties.

Option 3 is correct. The expression 'public acts' includes both legislative and executive acts of the government.

Knowledge Base: The way and the conditions under which such acts, records and proceedings are to be proved and their effect determined would be as provided by the laws of Parliament. This means that the general rule mentioned above is subject to the power of Parliament to lay down the mode of proof as well as the effect of such acts, records and proceedings of one state in another state.

Source: Indian Polity: M Laxmikanth 6th Edition, Page 365

https://indiankanoon.org/doc/358206/

Q.15) With reference to reservations in promotions in government jobs, consider the following statements:

- 1. The Nagaraj case (2006) relates to the issue of reservations in promotions.
- 2. The Supreme Court has upheld the application of creamy layer principle to members of the Scheduled Caste/ Scheduled Tribe communities in promotions.
- 3. State is not bound to make reservations for SC/ST in the matter of promotions.
- 4. A state has to collect quantifiable data showing backwardness of the class to provide reservation in promotions to the SC/ST communities.

How many statements given above are correct?

- a) Only one
- b) Only two
- c) Only three
- d) All four

Ans) c

Exp) Option c is the correct answer.

Statement 1 is correct: The Nagaraj case (2006) in Supreme Court relates to the issue of reservations in promotions for the SC and ST communities.

Statement 2 is correct: The court in M. Nagaraj case had upheld the application of creamy layer principle to members of the Scheduled Caste/Scheduled Tribe communities in promotions. In this case applying the creamy layer concept in SC/ST reservation in promotions, the Supreme court reversed its earlier stance in the Indra Sawhney case (1992), in which it had excluded the creamy layer concept on SCs/STs (that was applicable on OBCs).

Statement 3 is correct: The five-judges Bench in Nagaraj case upheld the constitutional validity of all 77th, 81st, 82nd, and 85th constitutional amendments enabling reservation of SC/ST communities in promotions, but made certain directives for the states:

- State is not bound to make reservations for SC/ST in the matter of promotions.
- It stated that if a State wants to provide reservation to the SC/ST communities in promotions
- It has to collect quantifiable data showing backwardness of the class.
- Show inadequacy of representation of that class in public employment in addition to compliance of Article 335.
- State needs to ensure that its reservation provision does not lead to excessiveness- breaching the ceiling-limit of 50%, or destroying the creamy layer principle.

Statement 4 is incorrect: In Jarnail Singh v L.N. Gupta (2018) case, SC refused to refer the Nagaraj judgment to a higher bench but later altered the decision by saying that states will not be required to present quantifiable data of backwardness of SC/ST communities.

Source: NCERT Class 11 constitution at work

Q.16) Legal disputes between the Centre and the states or between different states are primarily resolved by?

- a) Supreme Court
- b) High Court



- c) The President
- d) Prime Minister's Office

Ans) a

Exp) Option a is the correct answer.

The legal disputes between the centre and the states (or between states) can be resolved by the **judiciary**. The Supreme Court of India has exclusive original jurisdiction over disputes between the central government and one or more states or between two or more states. "Exclusive" implies that only the Supreme Court has the authority to adjudicate such disputes, and "original" signifies that this court has the initial jurisdiction to handle these cases, rather than hearing them on appeal.

Source: NCERT Class 11 constitution at work- chapter 7

Q.17) Consider the following statements:

Some states are given the Special powers under Part XXI of the Indian Constitution-

- 1. To protect the cultural and economic interests of the tribal people in those states.
- 2. To deal with law and order issues in those states.
- 3. To meet the aspirations of the people of backward regions of the states.

How many of the statements given above are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

Ans) c

Exp) Option c is the correct answer.

Articles 371 to 371-J in Part XXI of the constitution contain special provisions for twelve states viz., Maharashtra, Gujarat, Nagaland, Assam, Manipur, Andhra Pradesh, Telangana, Sikkim, Mizoram, Arunachal Pradesh, Goa and Karnataka.

Statements 1 and 2 are correct- One of the main intentions of introducing these special provisions is to protect the cultural and economic interests of indigenous tribal people. States like Nagaland (371A), Assam (371B) and Manipur (371C) were provided with special provisions under Part XXI mainly to protect the socio-cultural and economic interests of the tribal people in those states. Another important reason for providing these states with special provisions is to deal with the law and order challenges in these states. Statement 3 is correct- Some of the provisions under Part XXI aim to meet the aspirations of the people of backward regions of the states. For example, Article 371 provided special provisions to Maharashtra and Gujarat. Governor has "special responsibility" to establish "separate development boards" for "Vidarbha, Marathwada, and the rest of Maharashtra", and Saurashtra and Kutch in Gujarat; ensure "equitable allocation of funds for developmental expenditure over the said areas.

Source: NCERT Class 11 constitution at work- chapter 7

Q.18) According to the Constitution, in which of the following matters is the Centre empowered to give directions to the States with regard to the exercise of their executive power?

- 1. Construction and maintenance of means of communication declared to be of national or military importance.
- 2. Drawing up and execution of the specified schemes for the welfare of Scheduled Tribes in the state.
- 3. Measures to be taken for the protection of the railways within the state.

4. Devolution of financial powers to local governments to enable them to function as units of self-government.

Select the correct answer using the codes given below:

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

Ans) c

Exp) Option c is the correct answer.

Statement 1, 2 and 3 are correct:

The Constitution has placed **two restrictions on the executive power of the states** in order to give ample scope to the Centre for exercising its executive power in an unrestricted manner. Thus, the executive power of every state is to be exercised in such a way (a) as to ensure compliance with the laws made by the Parliament and any existing law which apply in the state; and (b) as not to impede or prejudice the exercise of executive power of the Centre in the state. In addition to the above two cases, the Centre is empowered to give directions to the states regarding the exercise of their executive power in the following matters:

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

The coercive sanction behind the Central directions under Article 365 is also applicable in these cases.

The devolution of financial powers to local governments is a voluntary provision under the 73rd and 74th Amendment Acts. Thus, executive cannot direct state to implement these provisions as it is under the discretion of state governments in India.

Source: Laxmikanth

Q.19) Which of the following statements is/are correct with reference to the 'Enforcement directorate (ED)' in India?

- 1. It is a specialized investigating agency under the Ministry of Home Affairs.
- 2. It is authorized to declare a person fugitive economic offender under Fugitive Economic Offenders Act 2018.
- 3. It investigates cases related to the provisions of Prevention of Money Laundering Act, 2002.

Select the correct answer using the code given below:

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

Ans) c

Exp) Option c is the correct answer.

Statement 1 is incorrect: Directorate of Enforcement is a specialized financial investigation agency under the Department of Revenue, Ministry of Finance, Government of India. It investigates contraventions of the provisions of Foreign Exchange Management Act, 1999(FEMA).

Statement 2 is incorrect: One of Enforcement Directorate's important function is processing cases of fugitive/s from India under Fugitive Economic Offenders Act, 2018. But it is the special court (designated under Prevention of Money Laundering Act, 2002) upon hearing application may declare an individual as a fugitive economic offender.

Statement 3 is correct: ED also investigates offences of money laundering under the provisions of Prevention of Money Laundering Act, 2002 (PMLA).

Source: https://enforcementdirectorate.gov.in/

Q.20) With reference to the exceptions to equality under Article 14 of the Constitution, consider the following statements:

- 1. No civil proceedings can be instituted against the President during the term of office.
- 2. Laws made by the state for implementing the Directive Principles contained in Article 39 cannot be challenged on the ground that they are violative of Article 21.
- 3. The foreign ambassadors and diplomats enjoy immunity from both criminal and civil proceedings. How many statements given above are correct?
- a) Only one
- b) Only two
- c) All three
- d) None

Ans) a

Exp) Option a is the correct answer.

The rule of equality before law is not absolute and there are constitutional and other exceptions to it. **Statement 1 is incorrect:** No criminal proceedings shall be instituted or continued against the President or the Governor in any court during his term office. However civil proceedings can be instituted after the expiration of two months of delivery of notice.

Statement 2 is incorrect: Article 31-C is an exception to Article 14. It provides that the laws made by the state for implementing the Directive Principles contained only in clause (b) or clause (c) of Article 39 (and not complete Article 39) cannot be challenged on the ground that they are violative of Article 14, not Article 21.

Statement 3 is correct: The foreign sovereigns (rulers), ambassadors and diplomats enjoy immunity from both criminal and civil proceedings. The UNO and its agencies enjoy the diplomatic immunity Source: Lakshmikanth

Q.21) With reference to the Finance Commission of India, which of the following statements is correct?

- a) It encourages the inflow of foreign capital for infrastructure development.
- b) It facilitates the proper distribution of finances among the Public Sector Undertakings.
- c) It must ensure transparency in the financial administration of the Union Government.
- d) None of the statements (a), (b) and (c) given above is correct in this context.

Ans) d

Exp) Option d is the correct answer.

The Finance Commission is set up under Article 280 of the Constitution. It is a Constitutionally mandated body that is at the Centre of fiscal federalism. Its core responsibility is to evaluate the state of finances of the Union and State Governments, recommend the sharing of taxes between them, lay down the principles determining the distribution of these taxes among States. Thus, **none of the statements given in the above options are correct with reference to the Finance Commission.**

The Finance Commission is required to make recommendations to the President of India on the following matters:

- 1) The distribution of the net proceeds of taxes to be shared between the Centre and the states, and the allocation between the states of the respective shares of such proceeds.
- 2) The principles that should govern the grants-in-aid to the states by the Centre (i.e., out of the consolidated fund of India).
- 3) 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.
- 4) Any other matter referred to it by the president in the interests of sound finance. Source) UPSC CSE 2011

Q.22) Consider the following Subjects:

- 1. Defence
- 2. Railways
- 3. Cyberlaw
- 4. Forests
- 5. Trade Unions

How many of the above subjects fall exclusively under the legislative jurisdiction of Parliament of India?

- a) Only two
- b) Only three
- c) Only four
- d) All five

Ans) b

Exp) Option b is the correct answer.

The Indian Constitution divides legislative powers into three lists: the Union List, the State List, and the Concurrent List

Option 1 is correct. Defence is in the Union List and is exclusively under the power of the Parliament.

Option 2 is correct. Railways is also in the Union List, and it is under the exclusive authority of the central government.

Option 3 is correct. Cyberlaw is not explicitly mentioned in the Seventh Schedule. It is a relatively modern and evolving field. All other matters not mentioned in any of the Lists come under the residuary list. The Union Legislature alone has the power to legislate on such matters (residuary list).

Option 4 is incorrect. Forests are listed in the Concurrent List, which means both the central and state governments have the authority to make laws on this subject.

Option 5 is incorrect. Trade Unions are in the Concurrent List, and both the central and state governments have the power to make laws related to trade unions.



Source: Class 11 constitution at work, chapter 7

Q.23) With reference to the National Human Rights Commission (NHRC), consider the following statements:

- 1. It lacks the authority to initiate investigations on its own.
- 2. It does not possess the power to punish individuals who engage in acts against humanity.
- 3. It can visit jails and detention places to study the living conditions of inmates.

How many of the statements given above are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

Ans) b

Exp) Option b is the correct answer

The National Human Rights Commission (NHRC) investigates complaints of human rights violations, advocates for the protection of human rights, and works to promote human rights in the country.

Statement 1 is incorrect: The NHRC can investigate any complaints related to violations of human Rights in India, either suo-moto or after receiving a petition. This means the NHRC has the power to investigate cases on its own.

Statement 2 is correct: While the NHRC can recommend actions or compensation, it does not have the authority to punish individuals. It can only make recommendations to the government or intervene in the court on behalf of the victims. Unlike Judiciary, the NHRC cannot punish the guilty which is the responsibility of courts.

However like any courts, the NHRC can summon witnesses, question any government official, demand any official paper, visit any prison for inspection or send its own team for on-the-spot inquiry.

Statement 3 is correct: The functions of the Commission are as follows:

- 1) NHRC investigates grievances regarding the violation of human rights **either Suo moto** or after receiving **a petition**.
- 2) To visit jails and detention places to study the living conditions of inmates and make recommendations thereon.
- 3) To study treaties and other international instruments on human rights and make recommendations for their effective implementation.
- 4) To encourage the efforts of NGOs working in the field of human rights, etc

Source: NCERT Class IX - Chapter 5 (Democratic rights)

Q.24) Which of the following are the functions of the Election Commission of India?

- 1. To Officially recognize political parties.
- 2. To deregister political parties that engage in unconstitutional behaviour.
- 3. To cancel elections in the event of booth capturing, rigging and violence.

Select the correct answer using the code given below:

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

Ans) c

Exp) Option c is the correct answer.

Article 324 of the Constitution empowers the Election Commission with the authority to oversee, direct, and manage elections for Parliament, state legislatures, the office of President, and the office of Vice President.



Statements 1 and 3 are correct:

The Election Commission of India performs several key functions, which include:

- 1. Announcing election dates and schedules, as well as scrutinizing nomination papers.
- 2. Registering political parties for electoral purposes and bestowing upon them national or state party status based on their electoral performance.
- 3. Offering recommendations to the President regarding the feasibility of conducting elections in a state under presidential rule, enabling the extension of the emergency period beyond one year.
- 4. Providing advice to the President regarding the disqualification of Members of Parliament.
- 5. Appoint officers responsible for conducting inquiries into electoral disputes.
- 6. Functioning as a quasi-judicial body to resolve disputes related to the recognition of political parties and the allocation of election symbols to them.
- 7. Declaring elections null and void in cases of vote rigging, booth capture, violence, or other electoral irregularities.

Statement 2 is incorrect: ECI can derecognize the political party but cannot deregister them.

Derecognition means that the Election Commission of India stops recognizing a political party. When this happens, those parties are considered as "registered-unrecognized parties." The ECI can derecognize a political party if it breaks the rules in the Indian Constitution or the Representation of the People Act, 1951, making it no longer officially recognized.

Deregistration pertains to the revocation of a political party's registration. Nevertheless, it's important to note that the Election Commission of India does not have the authority to cancel the registration of political parties.

Source: Indian Polity by M Laxmikanth 7th Edition: Constitutional bodies- part 7

Q.25) In Indian constitution, gender equality is ensured at several instances. Which of the following instances given below is/are correct?

- 1. Fundamental Duties ensures for renouncing practices derogatory to the dignity of women.
- 2. Directive Principles of State Policy (DPSP) secures equally the right to an adequate means of livelihood for both men and women.
- 3. Part IX of the constitution ensures half of the seats to be reserved for women in panchayats Select the correct answer using the code given below:
- a) 1 and 2 only
- b) 2 only
- c) 1 and 3 only
- d) 1, 2 and 3

Ans) a

Exp) Option a is the correct answer.

Statement 1 is correct: Fundamental duties promote harmony and the spirit of common brotherhood amongst all the people of India and ensures renounce practices derogatory to the dignity of women. Statement 2 is correct: Directive principles under Article 39(a) secures equally the right to an adequate means of livelihood for both men and women.

Statement 3 is incorrect: Article 243D (3) under Part IX provides not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women. Source: Indian Polity by M Laxmikanth

Q.26) With respect to the steps taken for the welfare of the Socially and Educationally Backward Classes in India, consider the following statements:

- 1. The Central Government must consult the National Commission for Backward Classes on all major policy matters affecting socially and educationally backward classes.
- 2. The President may designate socially and educationally backward classes for any State or Union Territory.
- 3. The Union Executive may add or remove any socially or educationally backward class from the Central list by notification.

How many of the statements given above are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

Ans) a

Exp) Option a is the correct answer.

The National Commission for Backward Classes (NCBC) was established in 1993 through an executive order of the President of India. Now, it is a constitutional body under Article 338B of the Constitution, as amended by the 102nd Constitution Amendment Act of 2018. The NCBC consists of a Chairperson, Vice-Chairperson, and three other members appointed by the President of India.

Statement 1 is correct: The 102nd Constitution Amendment Act, through its addition of Article 338B, necessitates that the Union and State Governments must consult with the National Commission for Backward Classes (NCBC) on all substantial policy decisions that impact socially and educationally backward groups.

Statement 2 is incorrect: The Constitution (One Hundred and Second Amendment) Act, 2018 empowered the President to notify the list of socially and educationally backward classes for any state or union territory for all purposes. The 105th amendment amends this to provide that the President may notify the list of socially and educationally backward classes **only for purposes of the central government**. This central list will be prepared and maintained by the central government. Further, the amendment **enables states and union territories to prepare their own list of socially and educationally backward classes**. This list must be made by law, and may differ from the central list.

Statement 3 is incorrect: Article 342A (2), added by the 102nd Constitutional Amendment Act, grants the Parliament of India, the legislative authority to manage the Central List by including or excluding socially and educationally backward classes.

Q.27) With reference to the functioning of National Commission for Scheduled Tribes (NCST), consider the following statements:

- 1. The Commission seeks to eradicate the practice of shifting cultivation among tribal communities.
- 2. The Commission has the power to confer ownership rights of Minor Forest Produce to Scheduled Tribes.
- 3. The Commission submits an annual report, about the working of the safeguards for Scheduled Tribes, to the President.

How many of the above statements are correct?

- a) Only one
- b) Only two
- c) All three
- d) None



Ans) b

Exp) Option b is the correct answer.

The National Commission for Scheduled Tribes (NCST) was established in 2004 through the Constitution (89th Amendment) Act, 2003. It is a constitutional body under Article 338A of the Constitution. The NCST consists of a Chairperson, a Vice-Chairperson, and three other members appointed by the President of India.

Statement 1 is correct: The National Commission for Scheduled Tribes (NCST) has long-term plans to gradually **eradicate the practice of shifting cultivatio**n among tribal groups.

Statement 2 is incorrect: The NCST does not have the power to confer ownership rights in respect of minor forest produce to Scheduled Tribes. Ownership rights are typically determined by state governments. The NCST can only recommend to the government to grant ownership rights to tribal communities.

Statement 3 is correct: The NCST submits an annual report to the President on the working of the safeguards for Scheduled Tribes. This report provides an overview of the NCST's activities and its assessment of the progress made in implementing safeguards for scheduled tribes.

Source: Indian Polity by M Laxmikanth 7th Edition: Constitutional bodies-part 7

Q.28) Consider the following statements about the Union Public Service Commission (UPSC):

- 1. Considering the claims of Scheduled Castes and Scheduled Tribes in making appointments to services and posts.
- 2. All disciplinary proceedings involving an employee of the Government of India.
- 3. Any claim for award of pension in respect of injuries sustained while serving under the Government of

In how many of the above-mentioned matters, the UPSC is not required to be consulted by the Government?

- a) Only one
- b) Only two
- c) All three
- d) None

Ans) a

Exp) Option a is the correct answer.

The Union Public Service Commission (UPSC) is the central agency responsible for recruiting individuals to various civil services and other posts under the Government of India. Established directly by the Constitution, the UPSC enjoys independent constitutional status. Articles 315 to 323 in Part XIV of the Constitution provide comprehensive details regarding the composition, appointment, and removal of UPSC members, as well as the commission's independence, powers, and functions.

Statement 1 is correct: The following matters are kept outside the functional jurisdiction of the UPSC. In other words, the UPSC is not consulted on the following matters:

- 1) While making reservations of appointments or posts in favour of any backward class of citizens.
- 2) While taking into consideration the claims of scheduled castes and scheduled tribes in making appointments to services and posts.
- 3) With regard to the selections for chairmanship or membership of commissions or tribunals, posts of the highest diplomatic nature and a bulk of group C and group D services.
- 4) With regard to the selection for temporary or officiating appointment to a post if the person appointed is not likely to hold the post for more than a year.

Statement 2 is incorrect: The UPSC must be consulted on all disciplinary proceedings involving an employee of the Government of India, including dismissal, removal, reduction in rank, or compulsory retirement. This is mandated by Article 320(3)(c) of the Constitution of India.

Statement 3 is incorrect: Article 320(3)(e) mandates that the Union Public Service Commission (UPSC) be consulted on all claims for award of pension in respect of injuries sustained while serving under the Government of India and any question as to the amount of any such award.

Source: Indian Polity by M Laxmikanth 7th Edition: Constitutional bodies- part 7

Q.29) Which of the following statements is correct about the State Public Service Commission (SPSC) and the Joint State Public Service Commission (JSPSC)?

- a) SPSC is a Constitutional body whereas JSPSC is a statutory body created by State Legislatures.
- b) SPSC members can serve until the age of 62, while JSPSC members can serve until the age of 65.
- c) The President has the sole authority to remove the chairperson and members of both the SPSC and the JSPSC.
- d) SPSC submits an annual performance report to the Governor of the state, while the JSPSC submits its annual performance report to the President.

Ans) c

Exp) Option c is the correct answer.

The State Public Service Commission (SPSC) is a constitutional body that is responsible for conducting examinations and appointing individuals to various civil services and other posts under the state government. Articles 315 to 323 in Part XIV of the Indian Constitution outline the composition, appointment and removal of members, powers and functions, and independence of a State Public Service Commission (SPSC).

The Indian Constitution allows for the formation of a **Joint State Public Service Commission (JSPSC)** to serve the needs of two or more states.

Option a is incorrect: While the SPSC is established directly by the Constitution, the JSPSC may be established by Parliament upon request of the state legislature concerned.

Option b is incorrect: The chairperson and members of the SPSC and JSPSC serve for a **six-year term** or until they reach the age of 62.

Option c is correct: Although the **Governor** appoints the chairperson and members of an **SPSC**, they can be removed only by the President. The **President** appoints and removes the chairperson and members of the **JSPSC**.

Option d is incorrect: The **SPSC** report is presented to the state's **governor**, while the **JSPSC** report is presented to **each of the state**'s **governors**.

Source: Indian Polity by M Laxmikanth 7th Edition: Constitutional bodies- part 7

Q.30) Consider the following statements with reference to federalism in India:

- 1. The Constitution provides for bifurcation of legislative, executive, financial and judicial power between Centre and States.
- 2. Indian model of federalism is based on the principle of "Coming together", unlike US model of "holding together".
- 3. The Constitution provides that the official documents should use the term 'Central Government' and not 'Union Government'.

How many of the above statements are correct?

- a) Only one
- b) Only two



- c) All Three
- d) None

Ans) d

Exp) Option d is the correct answer.

Federalism is a system of government in which the power is divided between a central authority and various constituent units of the country.

Statement 1 is incorrect - The Constitution of India, being federal in structure, divides all powers (legislative, executive and financial) between the Centre and the states. However, there is no division of judicial power as the Constitution has established an integrated judicial system to enforce both the Central laws as well as state laws.

Statement 2 is incorrect - US Model of federalism is called as coming together as all the states have come together to form a federation. However, when a large country, like India, chooses to divide its authority between the member states and the central government, it is regarded as holding together federalism. In this case, power is shared among various social groups to accommodate a huge diversity. Here the central government is more powerful than the state government. Different constituents of the federation may have unequal powers.

Statement 3 is incorrect - In common parlance, the terms "union government" and "central government" are used interchangeably in India. The constitution, however, has no reference to the Central Government or Union Government. However, Article 300 of the Constitution says that the Government of India can be sued in the name of Union of India

Source: M Laxmikanth

Q.31) According to the Constitution of India, it is the duty of the President of India to cause to be laid before the Parliament which of the following?

- 1. The Recommendations of the Union Finance Commission
- 2. The Report of the Public Accounts Committee
- 3. The Report of the Comptroller and Auditor General
- 4. The Report of the National Commission for Scheduled Castes

Select the correct answer using the codes given below:

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

Ans) c

Exp) Option c is the correct answer.

According to the Constitution of India, it is the duty of the President of India to cause to be laid before the Parliament following reports -

- 1) The Recommendations of the Union Finance Commission
- 2) The Report of the Comptroller and Auditor General
- 3) The Report of the National Commission for Scheduled Castes
- 4) The Report of the National Commission for Scheduled Tribes
- 5) Reports of the Comptroller and Auditor General
- 6) The Report of the Union Public Service Commission
- 7) The Report of the National Commission of Backward Classes

The President does **not lay the reports of Public Accounts Committee** before the Parliament.

Source) UPSC CSE Pre. 2012

Q.32) Consider the following statements regarding the National Investigation Agency (NIA):

- 1. It can investigate terror-related crimes in a state, only after getting permission from the concerned State Government.
- 2. It has the authority to investigate offences that are committed outside Indian territory.
- 3. The agency can investigate offences related to Cyber terrorism.

How many of the above statements are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

Ans) b

Exp) Option b is the correct answer.

Statement 1 is incorrect: The National Investigation Agency (NIA) is the central counter-terrorism law enforcement agency in the country. It was created in 2008 after the Mumbai terror attack. It can investigate terror cases across the country without having to get permission from the states.

Statement 2 is correct: The NIA (Amendment) Act 2019 expands the jurisdiction of the NIA. Now, it has the authority to **investigate scheduled offences that are committed outside** Indian territory subject to international treaties and domestic laws of other nations.

Statement 3 is correct: The NIA (Amendment) Act 2019 allows the agency to investigate the following new offences, these are - Human trafficking; Counterfeit currency or bank notes related offences; Sale or manufacture of prohibited arms; Offences under the Explosive Substances Act, 1908; and **Cyber terrorism**.

Knowledge Base:

- 1) The National Investigation Agency (NIA) was constituted in 2009 under the provisions of the National Investigation Agency Act, 2008 (NIA Act). It is the central counter-terrorism law enforcement agency in the country.
- 2) The headquarters of the NIA is at New Delhi.
- 3) The NIA is headed by a Director-General. He is appointed by the central government. His powers are like the powers exercisable by a Director-General of Police in respect of the police force in a state.
- 4) The NIA works under the administrative control of the Ministry of Home Affairs, Government of India.
- 5) The state government extends all assistance and co-operation to the NIA for investigation of the offences specified under the NIA Act.

Source: M Laxmikanth, Chapter 54

Q.33) To protect the interest of States in the financial matters, the Constitution lays down that certain bills can be introduced in the Parliament only on the recommendation of the President. In this context, which of the following are those bills?

- 1. A bill which imposes or varies any tax or duty, the part of which is assigned to any State.
- 2. A bill which affects the principles on which money is distributed to States.
- 3. A bill which imposes any surcharge on any specified tax for the purpose of the Centre.
- 4. A bill which reduces the salaries and allowances of the members of Rajya Sabha. Select the correct answer using the codes given below:
- beleet the correct answer as
- a) 1 and 2 only
- b) 2, 3 and 4 only
- c) 1, 2 and 3 only
- d) 3 and 4 only



Ans) c

Exp) Option c is the correct answer.

Articles 268 to 293 in Part XII of the Constitution deal with Centre-state financial relations. The constitution of India has divided the legislative, executive, and financial powers between the centre and the states.

Options 1, 2 and 3 are correct: In order to protect the interest of states in the financial matters, the Constitution lays down that the following bills can be introduced in the Parliament only on the recommendation of the President:

A bill which imposes or varies any tax or duty in which states are interested;

The expression "tax or duty in which States are interested" means:

- 1) a tax or duty the whole or part of the net proceeds whereof are assigned to any State; or
- 2) a tax or duty by reference to the net proceeds whereof sums are for the time being payable out of the Consolidated Fund of India to any State.
- 1) A bill which varies the meaning of the expression 'agricultural income' as defined for the purposes of the enactments relating to Indian income tax;
- 2) A bill which affects the principles on which moneys are or may be distributable to states; and
- 3) A bill which imposes any surcharge on any specified tax or duty for the purpose of the Centre.

Option 4 is incorrect: A bill to regulate the salaries and allowances of the members of Parliament can be amended by a simple majority of the two Houses of Parliament without any recommendation from President of India. Further these bills are outside the scope of centre-state financial relations. Source: Laxmikanth Chapter 14 Centre-State Relations

Q.34) With reference to the Goods and Services Tax (GST) Council in India, which of the following statements is correct?

- a) The GST Council is a statutory body established under the Central Goods and Services Tax Act, 2017.
- b) The decisions of the GST Council are binding on the Central and the State Governments.
- c) The GST Council is headed by the Union Finance Minister.
- d) The GST Council has the power to levy and collect GST on goods and services supplied within India.

Ans) c

Exp) Option c is the correct answer

The implementation of the Goods and Services Tax (GST), a new tax system, was made possible by the 101st Amendment Act of 2016. Effective administration of this tax necessitates cooperation and coordination between the central and state governments. To facilitate this collaborative process, the amendment introduced the establishment of a Goods and Services Tax Council, known as the GST Council.

Option a is incorrect: The 101st amendment introduced a fresh Article 279-A into the Constitution, granting the President the authority to create the GST Council through an executive order. Subsequently, the President issued the order in 2016, formally establishing the Council. Hence it is a constitutional body not statutory.

Option b is incorrect: While the GST Council's decisions carry significant weight, they are not legally binding on the Central and State governments. The Parliament holds the ultimate authority to enact GST

Option c is correct: The GST Council is indeed headed by the Union Finance Minister.

It consists of the following members: -

- 1) Union Finance Minister Chairperson
- 2) The Union Minister of State, in-charge of Revenue of finance Member

3) The Minister In-charge of finance or taxation or any other Minister nominated by each State Government - Members

Option d is incorrect: The GST Council does not have the power to levy and collect GST. Instead, it is responsible for making recommendations regarding the rates, structure, and other aspects of GST. The actual levy and collection of GST are within the jurisdiction of the central and state governments in India.

Source: Indian Polity by M Laxmikanth 7th Edition: Constitutional bodies- part 7

Q.35) The Rajya Sabha can pass a resolution by which the Parliament becomes competent to make laws on a matter in the State List. In this regard, consider the following statements:

- 1. President's recommendation is necessary to introduce such a resolution.
- 2. The resolution must be supported by two-thirds of the members present and voting.
- 3. The resolution remains in force for one year and can be renewed any number of times. How many of the above statements are correct?
- a) Only one
- b) Only two
- c) All Three
- d) None

Ans) b

Exp) Option b is the correct answer.

Statement 1 is incorrect: If the Rajya Sabha declares that it is necessary in the national interest that Parliament should make laws with respect to goods and services tax or a matter in the State List, then the Parliament becomes competent to make laws on that matter. President's recommendation is not necessary to introduce such a resolution.

Statement 2 is correct: Such a resolution must be supported by two-thirds of the members present and voting. This provision does not restrict the power of a state legislature to make laws on the same matter. But, in case of inconsistency between a state law and a parliamentary law, the latter is to prevail.

Statement 3 is correct: The resolution remains in force for one year and can be renewed any number of times but not exceeding one year at a time. The laws cease to have effect on the expiration of six months after the resolution has ceased to be in force.

Source: Indian Polity by M. Laxmikanth

Q.36) Lokpal is a statutory body that performs the role of an "Ombudsman". Consider the following statements with reference to the Lokpal of India:

- 1. The Lokpal has jurisdiction to inquire into allegations of corruption against all officials of the Union Government.
- 2. Lokpal can Suo Motu initiate proceedings against any public servant.
- 3. The Prime Minister has been kept outside the purview of the Lokpal.
- 4. The Lokpal can exercise the power of superintendence and direction over any central investigating agency.

How many of the above statements are correct?

- a) Only one
- b) Only two
- c) Only three
- d) All four

Ans) b

Exp) Option b is the correct answer.

Statement 1 is correct. The Lokpal has jurisdiction to inquire into allegations of corruption against anyone who is or has been Prime Minister, or a Minister in the Union government, or a Member of Parliament, as well as **officials of the Union government under Groups A, B, C and D.**

Statement 2 is incorrect. The following are the drawbacks (shortcomings) of the Lokpal and Lokayuktas Act, 2013:

- 1) The Lokpal does not have the suo motu power to initiate proceedings against any public servant.
- 2) Emphasis on form of complaint rather than substance.
- 3) Heavy punishment for false and frivolous complaints against public servants may deter complaints being filed to Lokpal.
- 4) Anonymous complaints not allowed -Can't just make a complaint on plain paper and drop it in a box with supporting documents.
- 5) Legal assistance to public servant against whom complaint is filed.
- 6) Limitation period of 7 years to file complaints.
- 7) Very non-transparent procedure for dealing with complaints against the PM

Statement 3 is incorrect. The Prime Minister has been brought under the purview of the Lokpal with subject matter exclusions and specific process for handling complaints against the Prime Minister. The Lokpal has jurisdiction to inquire into allegations of corruption against anyone who is or has been Prime Minister, or a Minister in the Union government, or a Member of Parliament.

Statement 4 is correct. The Lokpal has the power of superintendence and direction over any central investigating agency, including the CBI, for cases referred to them by the Lokpal.

Source: Chapter 61: Lokpal of Indian Polity by M. Laxmikant.

Q.37) Consider the following statements with reference to the borrowing powers of the states in India:

- 1. States need to obtain the Centre's consent to borrow, if the state is already indebted to the Centre.
- 2. The states cannot give the security of the Consolidated Fund of State for borrowing.

Which of the statements given above is/are correct?

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

Ans) a

Exp) Option a is the correct answer.

The constitution has provided for provisions for Union and State government to raise resources from borrowing.

Statement 1 is correct: A state cannot raise any loan without the consent of the Centre, if there is still outstanding any part of a loan made to the state by the Centre or in respect of which a guarantee has been given by the Centre.

Statement 2 is incorrect: A state government can borrow within India upon the security of the Consolidated Fund of the State or can give guarantees, but both within the limits fixed by the legislature of that state.

Source: Indian Polity by Laxmikant, 6th Edition Chapter 14

Q.38) With reference to 'Interstate and Intrastate trade & commerce' in India, consider the following statements:

- 1. The subject of 'Inter-state trade and commerce' is mentioned in the Concurrent List under Seventh Schedule of the Constitution.
- 2. Parliament can impose restrictions on the freedom of trade within a state in the public interest.

- 3. A bill to impose restrictions on the freedom of trade within a state can be introduced in the State Legislature only with the previous sanction of the President.
- 4. Parliament can appoint an appropriate authority for carrying out the constitutional provisions relating to the freedom of trade in the country.

How many of the above statements are correct?

- a) Only one
- b) Only two
- c) Only three
- d) All four

Ans) c

Exp) Option c is the correct answer.

Articles 301 to 307 in Part XIII of the Constitution deal with the trade, commerce and intercourse within the territory of India. The object of these provision is to break down the border barriers between the states and to create one unit with a view to encourage the free flow of trade, commerce and intercourse in the country.

Statement 1 is incorrect: The subject of 'Inter-state trade and commerce' is provided in **the Union list under Seventh Schedule of the Constitution.** This means that the power to legislate on matters related to inter-state trade and commerce is given to the central government, and not to the state governments.

Statement 2 is correct: Parliament can impose restrictions on the freedom of trade, commerce and intercourse between the states or within a state in public interest. But the Parliament cannot give preference to one state over another or discriminate between the states except in the case of scarcity of goods in any part of India.

Statement 3 is correct: The legislature of a state can imposes reasonable restrictions on the freedom of trade, commerce and intercourse with that state or within that state in public interest. But a **bill for this purpose can be introduced in the legislature only with the previous sanction of the President.** Further, the state legislature cannot give preference to one state over another or discriminate between the states.

Statement 4 is correct: The Parliament can appoint an appropriate authority for carrying out the purposes of the provisions relating to the freedom of trade, commerce and intercourse and restrictions on it. The Parliament can also confer on that authority the necessary powers and duties. But no such authority has been appointed so far.

Source: Laxmikanth

Q.39) With reference to the differences between Federal features of USA and India, consider the following statements:

- 1. The allocation of seats in upper houses of legislatures of both countries is based on the population of each State.
- 2. While the states in America have been guaranteed territorial integrity, the states in India have not.
- 3. While there is a single constitution in India, in America each state has its own constitution.

Which of the statements given above is / are correct?

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

Ans) b

Exp) Option b is the correct answer.

Both India and the United States of America are federal polity in structure. This means that there is a division of power between a central and a regional government. However, there are significant differences in many features and structures relating to Federalism in both countries.

Statement 1 is incorrect: Both US and India have a bicameral legislature. The upper and the lower houses of US legislature are called as the House of Senate and the House of Representatives respectively, and the Indian Parliament has Lok Sabha and Rajya Sabha as its Lower and Upper house respectively.

The allocation of seats in Rajya Sabha is made on the basis of the population of each State. However, in USA, all states are given equal representation in the Senate irrespective of their population. USA has 50 states and the Senate has 100 members-2 from each state.

Statement 2 is correct: The United States of America was created as a result of an agreement among recently liberated states under British colonisation in North America. So, their constitution was designed such that the autonomy and powers of the constituent states were preserved to a great extent. So according to the American constitution, the Central government cannot create or merge states or alter their boundaries with a simple legislation, if at all, thus almost guaranteeing their existence in perpetuity. Hence the states in America have absolute territorial integrity.

On the other hand, in India, the constitution created a federal polity with a bias for a strong centre. So as per Article 2, 3 and 4, the Central Parliament can easily create or destroy or merge a state, or alter its boundaries or name, by passing a simple legislation with ordinary procedure (simple majority), without the consent of the states involved. Thus, states in India, do not have territorial integrity. Rather, the Indian nation is the one whose integrity is paramount, as no state can declare that it is seceding. Hence this statement is correct.

Statement 3 is correct: Despite being a federal polity, **India** has a **single constitution**, that **governs** governance at **both the centre** and in the **states**. This was done by the makers of the constitution to foster feelings of fraternity, brotherhood and unity among Indians, who are very diverse and were very loosely united at the time of independence.

On the other hand, since America was formed as a result of agreement between states coming together, they retained their power by opting to run the government according to their own constitution. Hence each state in America, has its own constitution in addition to a common constitution which is applicable to the entire USA. Hence this statement is correct.

Source: https://system.uslegal.com/state-constitutions/

https://system.uslegal.com/state-constitutions/

https://blog.ipleaders.in/difference-us-indian-federalism/

Indian Polity by Laxmikanth, 5th edition, Ch-13

Q.40) Consider the following statements:

- 1. The Constitution says that the senior most judge of the Supreme Court should alone be appointed as the chief justice of India.
- 2. The consultation with the Chief Justice of India is obligatory for the president to appoint the other judges of the Supreme Court.

Which of the state statements given above is / are correct?

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

Ans) b

Exp) Option b is the correct answer.

Statement 1 is incorrect: The Constitution is silent on the procedure for appointment of Chief Justice of India. In the Second Judges Case (1993), the Supreme Court ruled that the senior most judge of the Supreme Court should alone be appointed to the office of the chief justice of India.

Statement 2 is correct: The other judges of the Supreme Court are appointed by the president after consultation with the chief justice and such other judges of the Supreme Court and the high courts as he deems necessary.

Source: Indian Polity by Laxmikanth

Q.41) The Parliament can make any law for whole or any part of India for implementing international treaties:

- a) with the consent of all the states
- b) with the consent of the majority of states
- c) with the consent of the states concerned
- d) without the consent of any state

Ans) d

Exp) Option d is the correct answer.

The Parliament can make laws on any matter in the State List for implementing the international treaties, agreements or conventions. It can be done **without the consent of the states**. This provision enables the Central government to fulfil its international obligations and commitments.

Some examples of laws enacted under the above provision are United Nations (Privileges and Immunities) Act, 1947; Geneva Convention Act, 1960; Anti-Hijacking Act, 1982 and legislations relating to environment and TRIPS.

Source) UPSC CSE Pre. 2013

Q.42) Consider the following statements with reference to the Chief Information Commissioner:

- 1. Chief Information Commissioner is appointed by the President.
- 2. Chief Information Commissioner is not eligible for reappointment.
- 3. The Salary of the Chief Information Commissioner is equivalent to the salary paid to the Chief Election Commissioner.

How many of the above statements are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

Ans) b

Exp) Option b is the correct answer.

The Central Information Commission was constituted through the provisions of the **Right to Information** Act (2005).

Statement 1 is correct: The Commission consists of a Chief Information Commissioner and not more than ten Information Commissioners. **They are appointed by the President on the recommendation of a 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.

Statement 2 is correct: The Chief Information Commissioner and an Information Commissioner shall hold office for such term as prescribed by the Central Government. They are not eligible for reappointments.

Statement 3 is incorrect. According to Right to Information (Amendment) Act, 2019, the salary, allowances and other service conditions of the Chief Information Commissioner and an Information Commissioner shall be such as prescribed by the Central Government. But they cannot be varied to his disadvantage during service.

Source: Indian Polity by Laxmikanth, 6th Edition Chapter 57

https://cic.gov.in/introduction

Q.43) With reference to the changes in the territory of states/Union Territories in India, consider the following statements:

- 1. The Indian Constitution requires Parliament to get the consent of all state(s) involved in creation/ merger of states.
- 2. A Parliamentary bill providing for alteration in the boundaries of a Union Territory must be referred to the legislature of the concerned Union Territory.

Which of the statements given above is/ are correct?

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

Ans) d

Exp) Option d is the correct answer.

The constitution of India describes India as a Union in Article 1. Despite having a federal structure, where the state governments have reasonable autonomy within the spheres allocated to them by the constitution, the Indian constitution has a bias towards a strong Centre. So as is often used to describe Indian polity, the constitution is federal in structure but Unitary in spirit. This is visible in various provisions as well.

Statement 1 is incorrect: As per Articles 2 and 3, the Parliament at the Centre can create new states, or make adjustments in existing states (size, boundaries, name, etc). They mention that the Parliament does not need to gain the consent of the state in question, for any of the activities (not just name or boundary change) mentioned before. Hence this statement is incorrect.

The **Parliament can unilaterally** create or merge or change any territorial feature of any state. To do so, only a **simple legislation** requiring **ordinary/ simple majority** will be sufficient, and it would **not be considered** to be an **amendment under Article 368** (as per **Article 4**).

Statement 2 is incorrect: A bill contemplating the changes in the area/boundaries/name of a state can be introduced in the Parliament only with the prior recommendation of the President. Also, before recommending the bill, the President has to refer the same to the state legislature concerned for expressing its views within a specified period. But, in case of a union territory, no reference need be made to the concerned legislature to ascertain its views and the Parliament can itself take any action as it deems fit. Source: Indian Polity by Laxmikanth, 5th edition, Ch-5, Pg-5.1, 5.2, 5.5

Q.44) Which of the following pertains to the centralizing tendency of Indian Constitution?

- 1. The Union List contains more subjects than the State List.
- 2. Generally the central law prevails over state laws in case of conflict on matters mentioned in the concurrent list.
- 3. Residuary powers are vested in the Centre.

Select the correct answer from the codes given below:

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



Ans) c

Exp) Option c is the correct answer.

Statement 1 is correct. The division of powers is in favour of the Centre and highly inequitable from the federal angle. The Union List contains more subjects than the State List. The Union List consists of 98 subjects (originally 97), and the State List 59 subjects (originally 66).

Statement 2 is correct. Both the Centre and the states can make laws on the subjects of the concurrent list, but in case of a conflict, the Central law prevails. The Centre has overriding authority over the Concurrent List.

Statement 3 is correct. The residuary subjects (i.e., which are not mentioned in any of the three lists) are given to the Centre. Thus, the Constitution has made the Centre strong.

Source: M Laxmikanth

Q.45) Recently, the Supreme Court upheld the validity of the 103rd Constitutional Amendment Act. In this context, consider the following statements:

- 1. This amendment required the ratification by at least half of the states.
- 2. This act provides 10% reservation for Economically Weaker Section (EWS) in both public and private educational institutions.
- 3. The Supreme Court upheld the 103rd CAA by including the EWS group within the Socially and Educationally Backward Community (SEBC).
- 4. The Supreme Court has removed altogether the 50% ceiling imposed on reservations to backward classes.

How many of the above statements are correct?

- a) Only one
- b) Only two
- c) Only three
- d) All four

Ans) a

Exp) Option a is the correct answer

The 103rd Constitutional Amendment Act provided 10% reservation for the Economically Weaker Sections (EWS) in education and public employment. The Act was challenged before the Supreme Court as violative of the Constitution of India in 2020. The Supreme Court in Janhit Abhiyan v. Union Of India case, through a 3:2 verdict, has **upheld its validity**.

Statement 1 is incorrect: The 103rd CAA does not require the ratification by at least half the states. However, it required constitutional amendment by a special majority of the parliament as it required changes in fundamental rights (Article 15 and 16) of the Indian constitution.

Statement 2 is correct: The 103rd CAA added Article 15 (6) which provides reservations to economically weaker sections for admission to educational institutions including Public and private educational institutions. Thus, the act provides 10% reservation for Economically Weaker Section (EWS) in both public and private educational institutions.

Statement 3 is incorrect: The Supreme court upheld the 103rd Constitutional Amendment Act by observing EWS as deemed a separate and distinct category from Social and Economically Backward Classes (SEBC) as provided in Article 15 and 16 of the Indian constitution. The court also observed poverty as an adequate marker of deprivation that the State can address through reservations.

Statement 4 is incorrect: The SC held that the 50% ceiling is for backward classes and it "overstretched to the reservation provided for entirely different class, consisting of the economically weaker sections". Thus, it has not changed the 50% limit in case of backward classes.

Source: https://blog.forumias.com/supreme-courts-judgment-on-ews-reservation/

Q.46) With reference to different types of grants given to the States, which of the following statements is correct?

- a) Statutory Grants are a fixed amount of sum given annually to every state compulsorily.
- b) Discretionary Grants are given exclusively for raising the level of administration of the Scheduled Areas in a state.
- c) Statutory Grants under Article 275 are given to the states on the recommendation of the Finance Commission.
- d) Discretionary Grants need to be approved by the Public Accounts Committee of Parliament before it can be voted by the Lok Sabha.

Ans) c

Exp) Option c is the correct answer.

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

Option a is incorrect: Article 275 empowers the Parliament to make grants to the states which are in need of **financial assistance and not to every state**. Also, different sums may be fixed for different states.

Option b is incorrect: Article 282 empowers both the Centre and the states to make any grants for any public purpose, even if it is not within their respective legislative competence. Under this provision, the Centre makes grants to the states. "These grants are also known as **discretionary grants**. These grants have a two-fold purpose: to help the state financially to **fulfil plan targets**; and to give some leverage to the Centre to influence and **coordinate state action** to effectuate the national plan."

Constitution provides for statutory grants for promoting the welfare of the scheduled tribes in a state or for raising the level of administration of the scheduled areas in a state including the State of Assam.

Option c is correct: Article 275 empowers the Parliament to make grants to the states

which are in need of financial assistance and not to every state. The statutory grants under Article 275 (both general and specific) are given to the states on the recommendation of the Finance Commission.

Option d is incorrect: Excess Grant (not Discretionary Grant) is granted when money has been spent on any service during a financial year in excess of the amount granted for that service in the budget for that year. Before the demands for excess grants are submitted to the Lok Sabha for voting, they must be approved by the Public Accounts Committee of Parliament.

Under article 282, both centre and states are able to make any grants for public purpose even if they are not within their legislative competence.

Source: Laxmikanth Chapter 14 Centre-State Relations

Q.47) Consider the following statements with respect to the mutual delegation of functions between the Centre and the States:

- 1. The Parliament cannot delegate any of its legislative functions to a state.
- 2. A single State is allowed to delegate its executive functions to the Central government.
- 3. The Centre cannot delegate its executive functions to a state government without its consent. How many of the statements given above are correct?
- a) Only one
- b) Only two
- c) All three
- d) None



Ans) b

Exp) Option b is the correct answer.

The constitution provides for inter-governmental delegation of executive functions to mitigate rigidity and avoid a situation of deadlock.

Statement 1 is correct. The distribution of legislative powers between the Centre and the states is rigid. Consequently, the Centre cannot delegate its legislative powers to the states and a single state cannot request the Parliament to make a law on a state subject.

Statement 2 is correct: The constitution does not have a very rigid scheme of division between the Centre & the States, when it comes to Executive functions. This has been done to avoid situations of deadlock while implementing laws. So, the Constitution has made provisions that allow a state's Governor to delegate some of the executive functions of the state government to the Centre, with the consent of the **Central government**. Hence this statement is **correct**.

Statement 3 is incorrect: In order to ensure smooth functioning of administration, the Constitution has provided for mutual delegation of Executive functions between the Centre and the states. This means that **both can delegate** their executive functions to the others, either conditionally or unconditionally.

While a state government / legislature cannot delegate its executive functions to the Central government without its consent, the reverse is possible. This means that the Centre can delegate its executive functions to a state government, without its consent, provided this delegation is directed by the Parliament (through a law), not the President. Hence, this statement is incorrect.

Source: Indian Polity by M Laxmikanth 7th Edition: 15. Centre-State Relations

Q.48) Although All India Services violates the principles of federalism, it is still followed in India because,

- 1. It facilitates coordination between the Union and the States.
- 2. It ensures a certain uniformity in standards of administration.
- 3. It helps State administrative machinery to acquire the best possible talent for its senior posts. How many of the statements given above are correct?
- a) Only one
- b) Only two
- c) All three
- d) None

Ans) c

Exp) Option c is the correct answer.

All the given options are correct: Though the All-India Services (AIS) violate the principle of federalism under the Constitution by restricting the autonomy and patronage of the states, they are supported on the ground that -

- 1) facilitating liaison between the Union and the States;
- 2) ensuring a certain uniformity in standards of administration;
- 3) enabling the administrative machinery at the Union level to keep in touch with realities at the field in the States:
- 4) helping State administrative machinery to acquire a wider outlook and obtain the best possible talent for its senior posts; and
- 5) ensuring that political considerations either in recruitment or in discipline and control are reduced to the minimum, if not eliminated altogether.

Source:

https://static.pib.gov.in/WriteReadData/specificdocs/documents/2022/jan/doc202212610201.pdf

Source: Indian Polity by M Laxmikanth 7th Edition: 15. Centre-State Relations

Q.49) Which of the following type of taxes are imposed and collected by the Centre but the proceeds are assigned to the states?

- 1. Stamp duties on promissory notes
- 2. Estate duty in respect of property other than agricultural land
- 3. Stamp duties on bills of exchange
- 4. Taxes on railway fares and freights

Select the correct answer using the codes given below:

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

Ans) b

Exp) Option b is the correct answer.

Article 268 to 293 in Part XII of the Constitution deal with Centre-state financial relations. it ensures stable revenue in a way to economic growth. Article 269 deals with certain taxes that are levied and collected by the central government but are assigned to the state government. All taxes on the "sale or purchase of goods" and "taxes on the consignment of goods" are covered by Article 269(1).

Option 2 and 4 are correct:

Succession Duty, Central Sales Tax, Estate Duty, Taxes on railway fares and freights, Estate duty in respect of property other than agricultural land are taxes that are imposed and collected by the centre but are assigned to the states. These taxes also do not come under Consolidation fund of India.

Option 1 and 3 are incorrect: Stamp duties on bills of exchange, cheques, **promissory notes**, policies of insurance, transfer of shares are the taxes that levied by the centre but collected and appropriated by the states. It is included in Article 268 of the Indian constitution. The proceeds of these duties levied within any state do not form a part of the Consolidated Fund of India, but are assigned to that state.

Source: Laxmikanth Chapter 14 Centre-State Relations

Q.50) With reference to the difference between Criminal law and Civil law, consider the following statements:

- 1. Under Civil law, a complaint against an accused can only be filed by the Government and never by an individual.
- 2. Burden of proving the evidence in Civil and Criminal laws always lie on the complainant.

Which of the statements given above is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 and 2

Ans) d

Exp) Option d is the correct answer.

Statement 1 is incorrect: In Civil law, the initiation of a case starts with the filing of a complaint by the aggrieved party (individual) against the wrongdoer, whereas in Criminal Law, the case is filed by the Government against the accused.

Statement 2 is incorrect: Burden of proving the evidence in Civil Law lies on the plaintiff (complainant), whereas in Criminal Law it lies on the State. In Civil Law, the punishment is given in terms of compensation. Here the wrongdoer reimburses the other party the amount of loss sustained by him as decided by the

court. Whereas in Criminal Law the guilty is punished by incarceration with or without fine, or in some rarest of the rare cases with death penalty. Source – M Laxmikanth