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# **Q.1)** Consider the following statements:

- 1. If the election of the President of India is declared void by the Supreme Court of India, all acts done by him/her in the performance of duties of his/her office of President before the date of decision become invalid.
- 2. Election for the post of the President of India can be postponed on the ground that some Legislative Assemblies have been dissolved and elections are yet to take place.
- 3. When a Bill is presented to the President of India, the Constitution prescribes time limits he/she has to declare his/her assent.

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

The President is elected indirectly by the electoral college consisting of elected members of both the houses of Parliament, elected members of State legislative Assembly and elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry.

Statement 1 is incorrect: If the election of a person as President is declared void by the Supreme Court, acts done by him before the date of such declaration of the Supreme Court are not invalidated and continue to remain in force.

Statement 2 is incorrect: The Supreme court in Presidential Poll vs Unknown case of 1974 held that the dissolution of state legislative assembly will not be a ground for preventing the holding of the election on the expiry of the term of the President. Nor can it be a ground to suggest that the election to office of the President could be held only after the election to the state is held, where the Legislative Assembly of a State is dissolved.

Statement 3 is incorrect: The Constitution of India does not prescribe any time-limit within which the President has to take decision with respect to a bill presented to him/her for his/her assent. Thus the President of India can simply keep the bills pending for an indefinite period.

Source: UPSC CSE PRE, 2023

Q.2) In the context of Indian polity, consider the following:

- 1. President of India
- 2. Prime Minister
- 3. Chief Justice of India
- 4. Civil Servants
- 5. Comptroller and Auditor General of India

How many of the above are considered as part of 'political executive'?

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

#### Ans) a

## Exp) Option a is the correct answer.

In Indian context, the executive branch can be divided into two categories- the political executive and the permanent executive. The term "political executives" generally refers to elected officials and government

leaders who hold executive positions and are responsible for the administration and management of government affairs. Those responsible for day-to-day functions (eg. Civil servants) are called permanent executives.

**Option 1 is correct:** The President is the head of the executive branch and is responsible for appointing the Prime Minister and other ministers.

**Option 2 is correct:** Generally, the leader of the majority party or leader of coalition of parties, in a general election to Lok Sabha is appointed as the Prime Minister. He is responsible for formulating and implementing government policies.

**Option 3 is incorrect:** The Chief Justice of India is not a political executive. Instead, he is **the head of the judiciary** and plays a crucial role in the judicial branch, interpreting and upholding the law.

Option 4 is incorrect: Civil servants are not political executives. They are career professionals within the civil service who provide continuity in government operations and are responsible for implementing government policies and decisions, regardless of changes in political leadership.

**Option 5 is incorrect:** The Comptroller and Auditor General (CAG) is not a political executive. They are a constitutional authority responsible for auditing government finances and ensuring financial accountability. **The CAG is an independent and non-political office**.

Source: Indian Constitution at Work, Chapter 4, Page: 79

- **Q.3)** Consider the following statements regarding the 'Presidential' and the 'Parliamentary' systems of Government:
- 1. In a Presidential system, the President serves both as the Head of the State and Government.
- 2. In a Parliamentary system, the executive is accountable to the legislature.
- 3. In a Parliamentary system, the Head of the State is always an elected representative.
- 4. In a Presidential system, only the President can introduce a Bill in the legislature.

How many statements given above are correct?

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

#### Ans) b

### Exp) Option b is the correct answer.

The nature of executives varies from country to country. Broadly, it can be classified as **Parliamentary** system, Presidential system and the Semi-Presidential system.

**Statement 1 is correct:** In a Presidential system, the President holds both the ceremonial role of Head of State and the executive role of Head of Government. For example, United States has a Presidential form of government.

**Statement 2 is correct:** In a Parliamentary system, the executive (the Prime Minister and the Cabinet) is accountable to the legislature (the Parliament or Congress). The legislature can hold votes of **no confidence or censure the executive**, ensuring accountability. For example, India and the United Kingdom operate under a Parliamentary system.

**Statement 3 is incorrect:** In a Parliamentary system, there can be **either an elected Head of the State or a Monarch.** For example, India has an elected Head of the State, known as the President. On the other hand, the United Kingdom and Canada have a Monarch. Hence, the statement given is incorrect.

Statement 4 is incorrect: It is incorrect to state that in a Presidential system, only the President can introduce a bill. For instance, in the United States, while any member of congress can draft a bill, its formal introduction in the legislature is the exclusive prerogative of members of Congress. Also, in this

context, it should be noted that the President is not a member of the Congress. Certain significant bills, like the annual federal budget, are traditionally introduced upon the President's request (but are not introduced by him).

Source: Indian Constitution at Work, Chapter 4, Page: 81

https://www.whitehouse.gov/about-the-white-house/our-government/the-legislative-branch/

Q.4) Which of the following is **not** a Constitutional prerogative of the President of India?

- a) Returning a Legislative Bill for reconsideration.
- b) Returning of Appropriation Bill for reconsideration.
- c) Dissolving the Lok Sabha.
- d) Summoning the Rajva Sabha.

#### Ans) b

### Exp) Option b is the correct answer.

Constitutional prerogative are the constitutional powers or rights or responsibilities of the President as mentioned in the constitution.

Under Article 111 the President can return bill except money bill for the reconsideration of the parliament. The President cannot return Appropriation Bill (money bill) for the reconsideration of the Parliament. Under Article 85 he can summon both the houses and may dissolve the Lok Sabha.

Source: M Laxmikanth

#### **Q.5)** Which of the following is **not** true?

- a) The President or Governor is immune from legal action for officials acts.
- b) No Court can compel a Governor to perform any duty.
- c) A two months' notice in writing must be delivered to the Governor for bringing civil proceedings in respect of their personal acts.
- d) Courts are empowered to enquire the advice tendered by the Ministers to the President or Governor.

#### Ans) d

#### Exp) Option d is the correct answer.

**Statement a is correct:** Article 361 provide protection to President and Governors. The President, or the Governor shall not be answerable to any court for the exercise and performance of the powers and duties of his office or for any act done or purporting to be done by him in the exercise and performance of those powers and duties.

**Statement b is correct:** Writ of Mandamus issued by the court to a public official asking him to perform his official duties that he has failed or refused to perform. However, the writ of mandamus cannot be issued against the President of India or the state governors.

**Statement c is correct:** According to Article 361, Governor is immune from criminal proceedings only. A civil proceedings can be instituted against him during his term of office in respect of his personal acts but only after giving two months' notice.

**Statement d is incorrect:** Article 74(2) barred courts from inquiring into the advice given by Council of Ministers to President. Similarly, Article 163 mentions that advice was tendered by Ministers to the Governor shall not be inquired into in any court.

Source: M Laxmikanth

**Q.6)** As per the Constitution of India, which among the following grounds is explicitly mentioned for the impeachment of the President of India?

a) Violation of the Constitution only.

- b) Violation of the Constitution and proved misbehavior only.
- c) Violation of the Constitution, proved misbehavior and incapacity only.
- d) Proved misbehavior and Incapacity only.

#### Ans) a

### Exp) Option a is the correct answer.

**Article 56 provides the ground of removal of the President.** It states that the President can be removed from his office for the violation of Constitution by an impeachment procedure as given in Article 61.

Article 61 deals with the impeachment procedure of the President. The President can be removed from office only by Parliament by following the procedure for impeachment. This procedure requires a special majority of both the Houses of Parliament. The Constitution mentions only one ground for the impeachment of the President which is violation of the Constitution. Hence, option a is the correct answer.

Source: Indian Constitution at Work, Chapter 4, Page: 84

Q.7) Which of the following statements correctly defines the term 'Kitchen Cabinet'?

- a) It is the informal decision-making body with the Prime Minister as its head and may include his friends, family and ministers as its members.
- b) It is an extra-constitutional Parliamentary body to facilitate in-depth examination of policy issues.
- c) It is a group of members from the opposition parties that scrutinizes the policies and actions of the ruling government.
- d) It is a formal body that is collectively responsible to the Lower House of the Parliament for transact of government functions.

#### Ans) a

#### Exp) Option a is the correct answer.

The 'Kitchen Cabinet' also called as 'Inner Cabinet' is the is the highest informal decision-making body consisting of the Prime Minister as its head and some 15 to 20 most important ministers. It may be composed of not only cabinet ministers but also outsiders like friends and family members of the prime minister. It advises the prime minister on important political and administrative issues and assists him in making crucial decisions.

Source: M Laxmikanth

#### **Q.8)** Consider the following:

- 1. Seeking information relating to the administration of the affairs of the Union.
- 2. Dissolving the Lok Sabha when the government loses confidence in the house.
- 3. Appointing the Prime minister when no party has a clear majority in Lok Sabha.
- 4. Delay the passage of ordinary bill passed by the Parliament, by not giving approval.

In how many of the above situations, the President can exercise discretionary powers?

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

## Ans) d

Exp) Option d is the correct answer.

The President of India has a few discretionary powers that s/he can exercise under specific circumstances. These discretionary powers are typically used in exceptional situations where the President must make decisions, independently of council of ministers.

Statement 1 is correct. Under article 78 of the Constitution of India, the President has the right/power to seek information relating to the administration of the affairs of the Union. This is the discretionary power of the President.

**Statement 2 is correct.** The **President has the discretion to dismiss the council of ministers**, if it is unable to prove the confidence of the Lok Sabha. If the Council of Ministers loses its majority and no viable government can be formed, the Lok Sabha can be dissolved.

**Statement 3 is correct.** One other instance of discretionary power is when the President appoints the Prime minister when no party has a clear majority in Parliament. When no political party or coalition of parties enjoy the majority in Lok Sabha, then the President has discretion in inviting the leader of that party or coalition of parties who in his opinion is able to form a stable government.

Statement 4 is correct. The President has discretionary power to delay the passage of ordinary bill by not giving approval to it (Pocket veto), indefinitely.

Source: NCERT, Class XI, Indian Constitution at Work, Chapter 4

Q.9) Consider the following statements with regard to the Vice-President of India:

- 1. His/her electoral college consists of only elected members of Parliament and State legislatures.
- 2. The resolution for his/her removal can only be initiated in Rajya Sabha.
- 3. When the President of India is unable to discharge his functions owing to illness, the Vice-President can act as the President of India only for the maximum period of 6 months.

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 Vice-President holds the second most prominent position in the nation, just after the President. He is given a status that places him/her high in the Warrant of Precedence. The structure of this office is fashioned after the role of the Vice President in the United States.

**Statement 1 is incorrect.** The Vice-President of India is elected by an electoral college, which consists of **both elected and nominated members of both houses of Parliament**, i.e., the Lok Sabha (House of the People) and the Rajya Sabha (Council of States). **Members of State Legislatures play no role in it.** Article 66 of Indian Constitution clearly defines conditions relating to the electoral college of Vice President of India.

Members of the electoral college cast their votes by means of a single transferable vote system.

**Statement 2 is correct.** The Vice-President can be removed from office through a resolution passed by a majority of the members of the Rajya Sabha (the Council of States). The process of **removal can only be initiated by a member of the Rajya Sabha.** The resolution must be passed by a majority of all the then members of the Rajya Sabha (effective majority) and agreed to by the Lok Sabha with a simple majority. Article 67 of Indian Constitution clearly defines conditions relating to it.

**Statement 3 is incorrect.** The Vice-President acts as President, during casual vacancy in the office of the President by reason of death, resignation or removal or otherwise, until a new President is elected as soon as practicable and, in no case, later than six months from the date of occurrence of the vacancy. **When the** 

President is unable to discharge his functions owing to absence, illness or any other cause, the Vice-President discharges those functions till the President resumes office (not necessarily for the maximum period of six months). During this period, the Vice-President has all the powers, immunities and privileges of the President and receives emoluments and allowances payable to the President.

Source: NCERT Class XI Indian Constitution at Work, Chapter 4

https://vicepresidentofindia.nic.in/vice-president-india-and-constitution

Q.10) In relation to the Council of Ministers, why is the Prime Minister called the 'first among the equals'?

- 1. The President can appoint only those persons as ministers who are recommended by the Prime Minister.
- 2. The Ministers are Constitutionally required to communicate all decisions relating to their ministry to the Prime Minister.
- 3. The resignation or death of an incumbent Prime Minister automatically dissolves the entire Council of Ministers.

Select the correct answer using the codes given below:

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

### Ans) d

#### Exp) Option d is the correct answer.

Lord Morley described Prime Minister as 'primus inter pares' (first among equals) for the following reasons: **Statement 1 is correct:** Prime Minister recommends persons who can be appointed as ministers by the president. The President can appoint only those persons as ministers who are recommended by the Prime Minister. Prime Minister can ask a minister to resign or advise the President to dismiss him/her in case of difference of opinion.

**Statement 2 is incorrect:** It is the duty of the Prime Minister (not Council of Ministers) to communicate to the President all decisions relating to the administration of the affairs of the Union and proposals for legislation.

**Statement 3 is correct:** Since the Prime Minister stands at the head of the council of ministers, the other ministers cannot function when the Prime Minister resigns or dies. In other words, the resignation or death of an incumbent Prime Minister automatically dissolves the council of ministers and thereby generates a vacuum

Source: https://ncert.nic.in/textbook/pdf/keps204.pdf

Q.11) With reference to the Union Government, consider the following statements:

- 1. N. Gopala Swamy Iyengar Committee suggested that a minister and a secretary be designated solely for pursuing the subject of administrative reform and promoting it.
- 2. In 1970, the Department of Personnel was constituted on the recommendation of the Administrative Reforms Commission, 1966, and this was placed under the Prime Minister's charge.

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) b

### Exp) Option b is the correct answer.

Statement 1 is incorrect. Sh. N. Gopala Swamy Ayyangar, in his Report namely 'Reorganization of the Machinery of Central Government' in 1950 recommended for the grouping of ministries, improvement in the capabilities of the personnel, and also in the working of the O&M Division. It nowhere mentions that a minister and a secretary be designated solely for pursuing the subject of administrative reform and promoting it.

Statement 2 is correct. In 1970, on the basis of the recommendations of the Administrative Reforms Commission, the Department of Personnel was set up in the Cabinet Secretariat. It was placed under the Prime Minister's Office.

Source: UPSC CSE PRE. 2021

Q.12) Which one of the following statements about the Solicitor General of India (SGI) is/are correct

- 1. The SGI is the second highest law officer in the country.
- 2. The post of the SGI is a constitutional post.
- 3. The SGI is appointed by the Appointments Committee of the Cabinet.

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

Statement 1 is correct: The Solicitor General of India (SGI) is the second-highest law officer of the country, after the Attorney General of India.

Statement 2 is incorrect: The SGI is not a constitutional post but a statutory position. Solicitor general and Additional Solicitor Generals' office and duties are governed by Law Officers (Conditions of Service) Rules,

**Statement 3 is correct: The** SGI is appointed by the Appointments Committee of the Cabinet.

Source: https://www.thehindu.com/news/national/tushar-mehta-reappointed-solicitor-general-ofindia/article67028631.ece

### Q.13) Consider the following statements

- 1. It is necessary for the Prime Minister to have the support of the majority of the members in both the Rajya Sabha and Lok Sabha.
- 2. The President allocates portfolios to the Union council of ministers on advice of the Prime Minister.

Which of the statements given above is/are correct?

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

## Ans) b

Exp) Option b is the correct answer.

The Prime Minister of India is the **chief executive of the Indian government and the head of the Council of Ministers**. The **Prime Minister is appointed by the President of India** and is usually the leader of the political party or coalition that has the majority in the Lok Sabha, the lower house of India's Parliament.

**Statement 1 is incorrect.** The Prime Minister is the leader of the majority party or **coalition in the Lok Sabha (the lower house of Parliament), not the Rajya Sabha**. The Rajya Sabha is the upper house, and its members are not directly elected by the people but are elected by the state legislatures. The majority in the Lok Sabha is the key factor in determining the Prime Minister.

**Statement 2 is correct.** The President of India appoints ministers in the Union Council of ministers and allocates **the portfolios to the Union council of ministers as advised by the Prime Minister.** The Prime Minister decides which minister holds which portfolio, and this is subject to change during the term as needed.

Source: NCERT, Class XI, Indian Constitution at Work, Chapter 4

#### **Q.14)** Consider the following statements:

**Statement-I:** The size of the Council of Ministers shall not exceed 15% of the total strength of Members of Parliament.

**Statement-II:** The 91<sup>st</sup> Constitutional Amendment Act, 2003, imposed restrictions on the size of Council of Ministers.

Which one of the following is correct in respect of the above statements?

- a) Both Statement-I and Statement-II are correct, and Statement-II is the correct explanation of Statement-I.
- b) Both Statement-I and Statement-II are correct, and Statement-II is not the correct explanation of Statement-I.
- c) Statement-I is correct, but Statement-II is incorrect.
- d) Statement-I is incorrect, but Statement-II is correct.

#### Ans) d

### Exp) Option d is the correct answer.

Prior to the 91st Amendment Act (2003), the size of the Council of Ministers was decided by time constraints and situational demands. However, this resulted in a relatively big Council of Ministers.

**Statement I is incorrect.** The Council of Ministers **shall not exceed 15 per cent** of the total number of members of **the House of the People (Lok Sabha)** or State Assembly, in the case of the States.

**Statement II is correct.** The provisions for limiting the size of the Council of Ministers were enacted as part of **the 91st Amendment Act of 2003**. The amendment states that the overall number of ministers in the Central Council of Ministers, including the Prime Minister, should not exceed 15% of the entire strength of the Lok Sabha (Article 75(1A)).

Source: NCERT, Class XI, Indian Constitution at Work, Chapter 4

# **Q.15)** Consider the following pairs:

President's Meaning Powers

1. Respite Stay of the execution of a

sentence for a temporary

period.

2. Reprieve Awarding a lesser sentence in

place of one originally

awarded.



3. Remission Reducing the period of a

sentence without changing its

character.

How many pairs given above are correctly matched?

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

#### Ans) a

### Exp) Option a is the correct answer.

Under Article 72 of the Constitution, the President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of a person.

Pair 1 is incorrectly matched. Respite - It denotes awarding a lesser sentence in place of one originally awarded due to some special fact, such as the physical disability of a convict or the pregnancy of a woman offender.

Pair 2 is incorrectly matched. Reprieve - It implies a stay of the execution of a sentence (especially that of death) for a temporary period.

Pair 3 is correctly matched. Remission - It implies reducing the period of a sentence without changing its character.

Source: M Laxmikanth

Q.16) Consider the following statements with reference to the Parliament of India:

Statement I: If any minister disagrees with a cabinet decision and is not prepared to defend it, he/she must resign.

Statement II: India follows the principle of collective responsibility where the Council of Ministers is collectively responsible to the Lok Sabha.

Which one of the following is correct in respect of the above statements?

- a) Both Statement-I and Statement-II are correct and Statement-II is the correct explanation for Statement-I
- b) Both Statement-I and Statement-II are correct and Statement-II is not the correct explanation for Statement-I
- c) Statement-I is correct but Statement-II is incorrect
- d) Statement-I is incorrect but Statement-II is correct

#### Ans) a

#### Exp) Option a is the correct answer.

Statement I is correct: In Indian polity, if any minister disagrees with a cabinet decision and is not prepared to defend it, he/she must resign. Several ministers have resigned in the past owing to their differences with the cabinet. For example, Dr BR Ambedkar resigned because of his differences with his colleagues on the Hindu Code Bill in 1953. CD Deshmukh resigned due to his differences on the policy of reorganisation of states. Arif Mohammed resigned due to his opposition to the Muslim Women (Protection of Rights on Divorce) Act, 1986.

Statement II is correct: The principle of collective responsibility is an important feature of the parliamentary system of government. It requires cabinet members to openly support all governmental decisions taken in the Cabinet, even if they do not agree with them privately. Article 75 (3) of the Constitution of India implies that the Council of Ministers shall be collectively responsible to the House of the People. This means that all the ministers in the council of ministers should stand and fall together.

Regardless of any personal differences of opinion within the cabinet, once a decision has been made, it is the duty of all ministers to adhere to and support it both inside and outside the legislature.

**Statement II explains statement I:** If any minister disagrees with a cabinet decision and is not prepared to defend it, he/she must resign. This is **because he/she cannot violate the principle of collective responsibility**, which is the cornerstone of the parliamentary form of government.

Source: Laxmikanth Ch 20 Central Council of Ministers

**Q.17)** Under the situation that a proclamation of National Emergency has been made in India, consider the following statements:

- 1. The Lok Sabha's term can be extended beyond five years by a parliamentary law, six months at a time.
- 2. The Central Government gains authority to issue executive directions to a State on any matter.
- 3. Parliament gains the authority to legislate on any subject listed in the State List. 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 allows for the declaration of a National Emergency under Article 352, which encompasses situations of war, external aggression, or armed rebellion. The 44th amendment introduced the term "armed rebellion" to replace "internal disturbance" in the context of National Emergency. Such an emergency is termed "External Emergency" if it's based on war or external aggression, and "Internal Emergency" if it's rooted in armed rebellion.

**Statement 1 is incorrect:** While a proclamation of National Emergency is in effect, the Lok Sabha's term may be extended beyond its normal five-year term by a parliamentary law, but **it is for one year at a time, not six months.** However, this extension cannot persist beyond six months after the National Emergency has ended

Statement 2 is correct: During a national emergency, the central government is empowered to issue executive directions to a state on any matter, expanding its authority beyond the specific matters it can address during normal times. This grants the central government significant control over state governments, although the state governments are not suspended during this period.

Statement 3 is correct: During a national emergency in India, Parliament gains the authority to legislate on any subject listed in the State List. While the state legislatures retain their legislative powers, they are subject to the overriding authority of Parliament. This temporary shift from federal to unitary governance allows Parliament to enact laws on state subjects, but these laws become inoperative six months after the emergency ends.

Source: Indian Polity by Laxmikanth (7th edition), Chapter 17, Page: 175 & 176

Q.18) In the context of Indian parliamentary system, while appointing the Prime Minister the President selects-

- a) Leader of a Political party which has won the highest number of seats in the Lok Sabha.
- b) Leader of an alliance of the parties that secured the highest number of seats in Lok Sabha.
- c) Leader of the political party which secures majority in both Lok Sabha as well as Rajya Sabha.
- d) Leader of the party or alliance that has the support of the majority in Lok Sabha.



#### Ans) d

### Exp) Option d is the correct answer.

The President appoints the leader of the majority party or the coalition of parties that commands a majority in the Lok Sabha, as Prime Minister. In case no single party or alliance gets a majority, the President appoints the person most likely to secure a majority support.

According to the Constitution of India, the prime minister of India is appointed by the president of India. Article 75 says that the prime minister shall be appointed by the president and the other ministers shall be appointed by the president on the advice of the prime minister. The president must appoint the leader of the majority party in the Lok Sabha as prime minister in accordance with the parliamentary system's conventions. When no single party has a clear majority in the Lok Sabha, however, the president may choose and appoint the prime minister at his discretion.

https://ceodelhi.gov.in/eLearningv2/admin/EnglishPDF/Chapter%205%20Working%20of%20Instituti ons.pdf

Indian Constitution at Work

Q.19) With reference to 'Semi-Presidential form of government', consider the following statements:

- 1. In this form of polity, President acts as head of the state as well as head of the government.
- 2. In this system, the President is generally elected directly by the citizens.

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) b

#### Exp) Option b is the correct answer.

A semi-presidential system is a type of democratic government that has both a president and a prime minister, who share the executive power. The president is elected by the people and has some constitutional authority, while the prime minister and the cabinet are appointed by the president or the parliament and are accountable to the legislature.

Statement 1 is incorrect: In a semi-presidential system, the President is the head of the state, but not the head of the government. The head of the government is the Prime Minister, who shares the executive power with the President.

Statement 2 is correct: In the Semi-Presidential system, the President is directly elected by the citizens, while the Prime minister is appointed by the President or approved by the legislature. E.g., Russia.

Source: Indian Constitution at Work

https://forumias.com/blog/presidential-system-explained/

https://crgsoft.com/semi-presidentialism-what-it-is-advantages-and-characteristics/

Q.20) In case of which of the following types of bills, the Governor has to obligatorily reserve them for the consideration of President, after they have been passed by the State Legislature?

- 1. If the bill endangers the position of the state High Court.
- 2. If the bill is dealing with compulsory acquisition of property.
- 3. If the bill is against the provisions of Directive Principles of State Policy.
- 4. If the bill is against the larger interest of the country

Select the correct answer using the code given below:

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

#### Ans) a

### Exp) Option a is the correct answer.

When a bill is sent to the Governor after it is passed by state legislature, he can give his assent to the bill, or withhold his assent to the bill, or return the bill or reserve the bill for the consideration of the President. Reserving the bill for the President becomes obligatory when the bill passed by the state legislature endangers the position of the state high court.

In addition, the Governor can also reserve (discretionary power of the Governor and not obligatory on the Governor) the bill if it is of the following nature:

- 1) Ultra-vires, that is, against the provisions of the Constitution.
- 2) Opposed to the Directive Principles of State Policy.
- 3) Against the larger interest of the country.
- 4) Of grave national importance.
- 5) Dealing with compulsory acquisition of property under Constitution.

Source: M Laxmikanth

**Q.21)** At the national level, which ministry is the nodal agency to ensure effective implementation of the scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006?

- a) Ministry of Environment, Forest and Climate Change
- b) Ministry of Panchayati Raj
- c) Ministry of Rural Development
- d) Ministry of Tribal Affairs

#### Ans) d

#### Exp) Option d is the correct answer.

The Union Ministry of Tribal Affairs (MoTA) is the nodal agency for the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition Of Forest Rights) Act, 2006. The ministry deals with forest and livelihood objectives at the national level.

Source: UPSC CSE PRE. 2021

Q.22) In the context of Parliament of India, consider the following statements:

Statement I: A Bill becomes an Act only after the President of India has given assent to it.

**Statement II:** The President is an integral part of Indian Parliament.

Which one of the following is correct in respect of the above statements?

- a) Both Statement-I and Statement-II are correct, and Statement II is the correct explanation for Statement I
- b) Both Statement-I and Statement II are Statement II Statement-II is not the correct explanation for Statement I
- c) Statement-I is correct, but Statement-II is incorrect
- d) Statement-I is incorrect, but Statement-II is correct

#### Ans) a

Exp) Option a is the correct answer.

**Statement-I** is correct: As per Indian Constitution, all the laws made in the Parliament require the assent of the President before they come into force. The President can either give or withhold his assent to a bill or return it for reconsideration (depending on the type of bill).

**Statement-II** is correct, and it is the correct explanation for Statement I. The Indian Parliament comprises the President and the two Houses - Rajya Sabha (Council of States) and Lok Sabha (House of the People). The reason why the President must assent to the bills passed by the Parliament is because she/he is part of the Parliament. The assent of the President is a constitutional requirement that ensures that the laws made by the Parliament are in accordance with the Constitution and the will of the people. Source: https://ncert.nic.in/textbook/pdf/iess404.pdf, Page: 62

Q.23) The oath to 'Preserve, Protect and Defend the Constitution and the Law' is taken by:

- 1. President of India
- 2. Chief Justice of India
- 3. Comptroller and Auditor-General of India
- 4. Prime Minister of India

Select the correct answer using the code given below:

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

#### Ans) b

### Exp) Option b is the correct answer.

Before entering upon his office, the President must make and subscribe to an oath or affirmation. In his oath, the President swears:

- 1) to faithfully execute the office.
- 2) to preserve, protect and defend the Constitution and the law. Hence, option 1 is correct.
- 3) to devote himself to the service and well-being of the people of India.

This oath is not taken by the Chief Justice of India, Comptroller and Auditor-General of India and the Prime Minister of India. Hence, **options 2, 3 and 4 are incorrect.** 

Source: https://www.constitutionofindia.net/articles/article-60-oath-or-affirmation-by-the-president/

https://www.mea.gov.in/Images/pdf1/S3.pdf

Q.24) With reference to 'President of India', consider the following statements:

- 1. To win the Presidential election, a candidate must secure more than 50% of valid votes polled.
- 2. In case of any delay in conducting the election of new President, the Vice President of India holds office until the President's successor assumes charge.
- 3. The voting for the Presidential election is done through an open ballot system in order to ensure transparency and integrity of the office.

How many of the above statements are correct?

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

### Ans) a

Exp) Option a is the correct answer.

The President is the head of the Indian State. He is the first citizen of India and acts as the symbol of unity, integrity and solidarity of the nation.

**Statement 1 is correct**: A candidate standing for the President's office must get more than 50% of the valid votes to win the election. This is also known as the absolute majority or quota. The valid votes are the total number of votes cast minus the invalid or blank votes.

Statement 2 is incorrect: When the vacancy is going to be caused by the expiration of the term of the sitting President, an election to fill the vacancy must be held before the expiration of the term. In case of any delay in conducting the election of a new President for any reason, the outgoing President continues to hold office until his successor assumes charge (and not the Vice President). This is provided by the Constitution to prevent an 'interregnum'.

**Statement 3 is incorrect:** The voting for Presidential election is done through **secret ballot system to ensure secrecy and impartiality**. The electors are not allowed to disclose their preference to anyone.

Source: Laxmikanth- President

https://ncert.nic.in/textbook/pdf/iess404.pdf

**Q.25)** The Sarkaria Commission (1983) has made certain recommendations regarding the appointment process and role of Governor. In this context, consider the following recommendations:

- 1. The Governor should be a person who has been active in politics in the recent past.
- 2. The Vice-President of India and the Speaker of the Lok Sabha should be consulted by the Prime Minister while selecting a Governor.
- 3. A comprehensive set of guidelines should be framed for the exercise of the discretionary powers of the Governor.

How many of the above recommendations were given by Sarkaria commission regarding appointment and role of Governor?

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

#### Ans) a

# Exp) Option a is the correct answer.

The Sarkaria Commission was set up in 1983 to examine the centre-state relationship on various matters and to suggest changes within the framework of the Constitution.

**Statement 1 is incorrect:** According to the Sarkaria Commission report, to be appointed as a Governor: He should be a person who has not taken too great a part in politics generally and particularly in the recent past.

**Statement 2 is correct:** The Sarkaria Commission recommended that the Vice-President of India and the Speaker of the Lok Sabha should be consulted by the Prime Minister in selecting a Governor.

**Statement 3** is incorrect: The Commission recommended that the discretionary powers of the Governor as contained in Article 163 should be left untouched.

Source: M Laxmikanth

#### **Q.26)** Consider the following statements:

- 1. According to the Constitution of India, the Central Government has a duty to protect States from internal disturbances.
- 2. The Constitution of India exempts the States from providing legal counsel to a person being held for preventive detention.

3. According to the Prevention of Terrorism Act, 2002, confession of the accused before the police cannot be used as evidence.

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 correct**. Article 355 of the Indian Constitution specifically states that "It shall be the **duty of** the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution."

**Statement 2 is correct. According to Article** 22 of Constitution of India (Protection against arrest and detention in certain cases):

- 1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice
- 2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate

Nothing in clauses (1) and (2) shall apply (a) to any person who for the time being is an enemy alien; or (b) to any person who is arrested or detained under any law providing for preventive detention

Hence, According to Clause (3) Article 22 of the Constitution of India, it is not mandatory for states to provide access to legal counsel to the person held for preventive detention.

**Statement 3 is incorrect.** Section 32 (1) of the Prevention Of Terrorism Act (POTA) 2002 stated that "Notwithstanding anything in the Code 12 or in the Indian Evidence Act, 1872 (1 of 1872), but subject to the provisions of this section, a confession made by a person before a police officer not lower in rank than a Superintendent of Police shall be admissible in the trial of such person."

Source: UPSC CSE Pre 2023

**Q.27)** "In India, there is no provision in the Constitution for the system of 'Legal Responsibility' of a Minister". What does the above given statement mean?

- a) Ministers can freely speak in the proceedings of the Parliament or the State Legislature.
- b) Ministers cannot be called in the court of law without the permission of President or Governor.
- c) Ministers are not required to countersign the orders of the President or the Governor.
- d) The Ministers are barred from engaging in any legal profession.

#### Ans) c

#### Exp) Option c is the correct answer.

In India, there is no provision in the Constitution for the system of legal responsibility of a minister. It is **not required that an order of the President for a public act should be countersigned by a minister.** Moreover, the courts are barred from enquiring into the nature of advice rendered by the ministers to the president.

In Britain, on the other hand, every order of the King for any public act is countersigned by a minister. If the order is in violation of any law, the **minister would be held responsible and would be liable in court.** 

The legally accepted phrase in Britain is, "The king can do no wrong." Hence, he cannot be sued in any court.

Source: Laxmikanth chapter 20 Central Council of Ministers

Q.28) Consider the following statements in the context of Indian Constitution:

**Statement I:** Office of a Governor of a state in India is an employment under the Central Government.

**Statement II:** The Governor is appointed by the President on the recommendations of the Central Government.

Which one of the following is correct in respect of the above statements?

- a) Both Statement I and Statement II are correct, and Statement II is the correct explanation of Statement I
- b) Both Statement I and Statement II are correct, but Statement II is not the correct explanation of Statement I
- c) Statement I is correct, but Statement II is incorrect
- d) Statement I is incorrect, but Statement II is correct

#### Ans) d

## Exp) Option d is the correct answer.

**Statement I is incorrect-** The Supreme Court in **Hargovind v. Raghukul Tilak, 1979,** held that the **office of Governor of a state** is not an employment under the **Central Government.** The Office of the Governor is an **independent Constitutional office.** It is neither in control of the Central Government nor is it subordinate to it. Governors are **constitutional heads of state**, and they are appointed by the **President of India** on the advice of the **Council of Ministers.** While the Council of Ministers is part of the Central Government, the Governor is not.

**Statement II is correct-** The Governor is appointed by the **President of India** by warrant under his hand and seal on the recommendations of the **Central Government**.

Source: Indian Polity by Laxmikanth (7th edition), Chapter 30, Page: 313

Q.29) Consider the following statement regarding judicial powers of Governor of a State:

- 1. S/he appoints judges to the High Courts of concerned States.
- 2. S/he appoints the judges of the District Courts after consulting with the High Court of the state concerned.
- 3. S/he appoints persons to the judicial service of the state, after consulting with the State Public Service Commission.

How many of the above statements are incorrect?

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

#### Ans) a

## Exp) Option a is the correct answer.

**Article 153** of Indian Constitution says that there should be a Governor for each state. A Governor has powers **similar to the President of India** in areas like **running the state**, **making laws**, **managing money**, **and handling legal matters**, but unlike the President, the Governor **doesn't have diplomatic**, **military**, **or emergency powers**.

Statement 1 is incorrect- Article 217 of the Indian Constitution states that the President appoints every High Court Judge through a warrant under his hand and seal, following consultations with-

- 1) the Chief Justice of India,
- 2) the State's Governor,
- 3) and, if the appointment is for a Judge other than the Chief Justice, the **High Court's Chief Justice**.

The Supreme Court has also held in several cases that the Governor does not have the power to appoint judges to the High Court. In the case of **S.P. Gupta v. Union of India, 1981**, the Court held that the Governor's role in the appointment of High Court judges is merely **advisory**. The Court also held that the **President is not bound** to accept the Governor's recommendations.

**Statement 2 is correct- Article 233** of the Indian Constitution states that the Governor of a state **consults** the High Court of the State while making appointments, promotions, and postings of the judges of the District Courts.

Statement 3 is correct- The governor, in consultations with the state High Court and the State Public Service Commission, appoints people for the state's judicial service, except for district judges.

Source: Indian Polity by Laxmikanth (7th edition), Chapter 30, Page: 318

Q.30) With reference to Public Financial Management System (PFMS), consider the following statements:

- 1. It is a web based online platform developed by National Payment Corporation of India (NPCI).
- 2. It tracks expenditure incurred by the Government regarding direct payment to beneficiaries under all Schemes of central government.
- 3. Currently it is integrated with the Core banking system of all public sector banks in India. 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 primary function of the Public Financial Management System (PFMS) today is to facilitate a sound Public Financial Management System for the Government of India by establishing an **efficient fund flow system as well as a payment cum accounting network.** PFMS provides various stakeholders with a real time, reliable and meaningful management information system and an effective decision support system, as part of the Digital India initiative of Government of India.

Statement 1 is incorrect: The Public Financial Management System (PFMS) is a web-based online software application developed and implemented by the Controller General of Accounts (CGA) (not by National Payment Corporation of India) Department of Expenditure, Ministry of Finance.

Statement 2 is correct: It is true that PFMS tracks expenditure incurred on direct payment to beneficiaries of all schemes. PFMS started during 2009 with the objective of tracking funds released under all Plan schemes of Government of India, and real time reporting of expenditure at all levels of Programme implementation. Subsequently, the scope was enlarged to cover direct payment to beneficiaries under all Schemes.

**Statement 3 is correct:** PFMS is integrated with the Core Banking system to facilitate better financial management in the country. For example the Government can first validate the account before pushing online payments to almost every beneficiary. At present, PFMS has interface with the **Core Banking System (CBS) of over 300 Banks, including all Public Sector Banks**, all Regional Rural Banks, major private sector banks, Reserve Bank of India, India post and Cooperative Banks



Source:

https://cga.nic.in/Page/Public-Finance-Management-System-PFMS.aspx https://pfms.nic.in/NewDefaultHome.aspx

Q.31) With respect to Ministry of Tribal Welfare, which of the following statements is /are correct?

- 1. The provision for appointing Minister in charge of Tribal Welfare in some states was introduced by 42<sup>nd</sup> Constitutional Amendment Act.
- 2. All the states having scheduled areas must create a separate ministry for tribal welfare. Select the correct answer using the code given below:
- 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.

India being a diverse country and with a large percentage of Scheduled Tribes in some of the states, the constitution created a special Ministry of Tribal Welfare. Details of those are as follows:

Statement 1 is incorrect - The provision with respect to appointment of Minister in charge of Tribal Welfare in some states was already present in the constitution since its inception. There was no changes made into this through 42<sup>nd</sup> Amendment Act. This is in consonance with Article 164 of the Indian Constitution. 94th Amendment Act of 2006 made the changes which excluded Bihar and included Chhattisgarh and Jharkhand in it.

Statement 2 is incorrect - This is a constitutional provision and only in the states of Chhattisgarh, Madhya Pradesh, Jharkhand and Odisha and not in all the scheduled areas. Article 164 says there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the scheduled castes and backward classes or any other work.

Source: M Laxmikanth

Q.32) With regard to the clemency power of Governor of a state and the President of India, consider the following statements:

- 1. The President can suspend a punishment awarded by a military court whereas the Governor cannot.
- 2. The President can commute a punishment awarded by a central law whereas, the Governor can commute a punishment awarded by a state law.

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.

Statement 1 is correct- Article 72 of the Constitution of India gives the President the power to pardon, reprieve, respite or commute the sentence of any person convicted of any offence. This includes the power to suspend a punishment awarded by a military court. Article 161 of the Constitution of India does not give the governor the power to suspend a punishment awarded by a military court. This is because military courts are not subject to the jurisdiction of the state government.

**Statement 2 is correct- Article 72 of the Constitution of India** gives the **President** the power to **pardon**, **reprieve**, **respite or commute the sentence** of any person convicted of any offence. This includes the power to **commute a punishment awarded by a central law**. **Article 161** of the Constitution of India gives the **governor** the power to **suspend**, **remit or commute** the sentence of any person convicted of any offence against state law. This includes the power to **commute a punishment awarded by a state law**. Source: Indian Polity by Laxmikanth (7th edition), Chapter 30, Page: 320

Q.33) With reference to the state council of ministers, consider the following statements:

- 1. The salaries and allowances of the State Council of Ministers are decided by the Governor.
- 2. A person who is not a member of the either house of the Legislature of the state, can be a minister for a maximum period of 6 months.

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) b

### Exp) Option b is the correct answer.

**Article 152 to 237** of the Indian Constitutions talks about the **State Legislature**. The governor appoints the Chief Ministers and **Article 163** states that the State Council of Ministers is an advisory body to the governor.

Statement 1 is incorrect- The state legislature periodically determines the salaries and allowances for ministers. A minister's compensation aligns with that of a state legislature member. In addition, ministers receive a sumptuary allowance commensurate with their position, along with various benefits like free accommodation, travel allowances, and medical facilities.

Statement 2 is correct- Article 164(4) of the Constitution of India, states that "A Minister who for any reason is not a member of the Legislative Assembly of the State shall cease to be a Minister at the expiration of six months from the date on which he assumes office." This means that a person who is not a member of the state legislative assembly can be appointed as a minister, but they can only remain in office for a maximum of 6 months. If they are not elected to the state legislative assembly within 6 months of taking office, they must resign.

Source: Indian Polity by Laxmikanth (7th edition), Chapter 32, Page: 330

Q.34) To which of the following is a minister of state government responsible in his individual capacity?

- a) Governor of the state
- b) Chief Minister of the state
- c) State Legislative Assembly
- d) State Legislative Council

### Ans) a

#### Exp) Option a is the correct answer.

**Article 164** also incorporates the concept of **individual responsibility**. It stipulates that ministers serve at the **pleasure of the governor**, allowing the governor to dismiss a minister while the council of ministers still **enjoys the legislative assembly's confidence**. However, such dismissal can only occur upon the **chief minister's advice**. In instances of disagreement or dissatisfaction with a minister's performance, the chief

minister can request their resignation or advise the governor to remove them. Through this authority, the chief minister can uphold the practice of collective responsibility.

Source: Indian Polity by Laxmikanth (7th edition), Chapter 32, Page: 332

**Q.35)** When the same person is appointed as a Governor of two or more States, the emoluments and allowances payable to the Governor shall be-

- a) It shall be allocated among the States in such proportion as determined by the Parliament.
- b) It shall be shared between the Union and the states.
- c) As decided by the Home Ministry
- d) It shall be allocated among the States in such proportion as the President may by order determine.

#### Ans) d

## Exp) Option d is the correct answer.

Article 158 (3A) of the Constitution of India mentions that when the same person is appointed as Governor of two or more States, the emoluments and allowances payable to the Governor shall be allocated among the States in such proportion as the President may by order determine.

Source: https://indiankanoon.org/doc/1438194/

Q.36) With reference to the Cabinet Committees in India, consider the following statements:

- 1. The provisions related to Cabinet Committees are explicitly mentioned in the Indian Constitution.
- 2. Only cabinet ministers can become members of the Cabinet Committees.

Which of the above given statements 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 Cabinet Committees are **extra-constitutional bodies** that are formed by the Prime Minister of India to assist the Cabinet in its decision-making process.

Statement 1 is incorrect- Cabinet Committees have a non-constitutional origin, meaning they are not explicitly specified in the Constitution. Their establishment is outlined in the Rules of Business.

Statement 2 is incorrect- Cabinet committees typically comprise only Cabinet Ministers, with membership ranging from three to eight members. However, non-cabinet Ministers can also become its members.

#### Knowledge Base:

There are currently eight cabinet committees in India:

- 1) Appointments Committee of the Cabinet (ACC)
- 2) Cabinet Committee on Accommodation (CCA)
- 3) Cabinet Committee on Economic Affairs (CCEA)
- 4) Cabinet Committee on Parliamentary Affairs (CCPA)
- 5) Cabinet Committee on Political Affairs (CCPA)
- 6) Cabinet Committee on Security (CCS)
- 7) Cabinet Committee on Investment and Growth (CCIG)
- 8) Cabinet Committee on Employment and Skill Development (CCESD)

Source: Indian Polity by Laxmikanth (7th edition), Chapter 22, Page: 220

Q.37) Consider the following statements:

- 1. The Constitution of India does not provide any discretionary powers to the Governor of a state.
- 2. The 42<sup>nd</sup> Constitutional Amendment Act, 1976 made ministerial advice binding on the Governor of a state.

Which of the statements given above is/are **incorrect**?

- 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.

Statement 1 is incorrect- Article 163 of the Indian Constitution talks about the Governor's discretion. The Constitution states that when there's a doubt about whether something is the governor's decision, the governor's choice is final. No one can challenge the validity of their actions, arguing whether they made the right call in their discretion or not. The governor possesses constitutional discretion in the following instances:

- 1) Reserving a bill for the President's consideration. (Article 200)
- 2) Recommending the imposition of President's Rule in the state. (Article 356)
- 3) When performing duties as the administrator of an adjacent union territory (in the case of additional charge). (Article 239)
- 4) Assessing the royalties payable by the Governments of Assam, Meghalaya, Tripura, and Mizoram to autonomous Tribal District Councils arising from mineral exploration licenses.
- 5) Requesting information from the chief minister concerning state administrative and legislative matters. (Article 167)

Statement 2 is incorrect- Article 163 outlines the roles and powers of the Council of Ministers in assisting the Governor in their functions, with the Chief Minister as the head. This assistance is mandated unless the Constitution requires the Governor to exercise discretion. In cases where there is a dispute regarding the Governor's discretion, the Governor's decision is considered final, and the validity of their actions cannot be challenged on the grounds of their use or non-use of discretion. The 42<sup>nd</sup> Constitutional Amendment Act, 1976 made the advisory powers of the Council of Ministers binding on the President, whereas it is not the case with respect to the State Council of Ministers and the Governor.

## **Knowledge Base:**

The governor, just like the President, also possesses situational discretion, which arises from the specific political circumstances, in the following instances:

- The selection of a chief minister in situations where no political party has a clear majority in the state legislative assembly or when the incumbent chief minister passes away unexpectedly with no clear successor.
- 2) The removal of the council of ministers when it is unable to demonstrate the support of the state legislative assembly.
- 3) The dissolution of the state legislative assembly if the council of ministers has lost its majority.

Q.38) With respect to position of Prime Minister in India, consider the following statements:

- 1. S/he is directly elected by the people.
- 2. As per the Constitution of India, he/she serves for a fixed tenure of 5 years.
- 3. The Speaker administers the oaths of office and secrecy to the Prime Minister before he/she assumes office.

How many of the statements given above are correct?

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

#### Ans) d

Exp) Option d is the correct answer.

In India's political system, the Prime Minister, appointed by the President, is both the head of government and the de facto head of state. The Prime Minister, usually the leader of the majority party or coalition in the Lok Sabha, oversees government administration and acts as the chief advocate for government policies.

Statement 1 is incorrect: The post of Prime Minister in India is not subject to direct election by the people. Instead, the President appoints the Prime Minister based on specific conditions. The leader of the majority party or coalition in the Lok Sabha, or the individual most likely to secure majority support, is typically chosen for the position. This process ensures that the Prime Minister has the backing of the parliamentary majority.

Statement 2 is incorrect: The tenure of the office of Prime Minister is not fixed, and he holds office during the pleasure of the President. However, this doesn't imply the President can remove the Prime Minister arbitrarily. As long as the Prime Minister maintains majority support in the Lok Sabha, dismissal by the President is not possible. However, if they lose the Lok Sabha's confidence, resignation is necessary, or the President can dismiss him/her.

Statement 3 is incorrect: The President, not the Speaker, administers the oaths of office and secrecy to the Prime Minister before they assume their duties. The Prime Minister takes an oath to uphold the Constitution, safeguard India's sovereignty, and fulfill their duties impartially in accordance with the Constitution and the law.

Source: https://ncert.nic.in/textbook/pdf/iess404.pdf Page: 65

### Q.39) Consider the following qualifications:

- 1. The age must be a minimum of 30 years.
- 2. Must be eligible to be elected as a member of the Lok Sabha.
- 3. Must not hold any office of profit.
- 4. Must be qualified to be elected as a member of the Rajya Sabha

How many of the above qualifications are explicitly mentioned in the Constitution of India, for a person to be eligible for election to the office of President?

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

#### Ans) b

Exp) Option b is the correct answer.

Article 58 of the Indian Constitution provides for the Qualifications for election as President. The qualification necessary is explained below:

Option 1 is incorrect- A person must be a citizen of India and should be at least 35 years of age in order to be a President of India.

Option 2 is correct- In order to be a President of India, a person must be eligible to be elected as a member of the Lok Sabha.

**Option 3 is correct- In** order to be a President of India, a person must not hold any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.

**Option 4 is incorrect-** In order to be a President of India, a person must be qualified to be elected as a member of the Lok Sabha (not Rajya Sabha).

On the other hand, a person in order to be a Vice-President of India, must be qualified to be elected as a member of the Rajya Sabha.

Source: Indian Polity by Laxmikanth (7th edition), Chapter 20, 21,22

Q.40) With reference to ordinance making power of President, consider the following statements:

- 1. It cannot be promogulated when only one of the houses is not in session.
- 2. The President's satisfaction can be questioned on the grounds of being malafide.
- 3. Successive repromulgation of same ordinance without any attempt to get the bills passed amounts to violation of the Constitution.
- 4. A constitutional amendment can be made through the ordinance route.

How many statements given above 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 incorrect**. Article 123 of the Constitution empowers the President to promulgate ordinances during the recess of Parliament. He can promulgate an ordinance only when both the Houses of Parliament are not in session or when either of the two Houses of Parliament is not in session. An ordinance can also be issued when only one House is in session because a law needs to be passed by both the Houses and not by one House alone. An ordinance made when both the Houses are in session is void.

**Statement 2 is correct**. In the Cooper case, (1970), the Supreme Court held that the President's satisfaction can be questioned in a court on the grounds of being malafide.

**Statement 3 is correct.** In D.C. Wadhwa case (1987) the SC ruled that successive repromulgation of ordinances with the same text without any attempt to get the bills passed by the assembly would amount to violation of the Constitution and the ordinance so repromulgated is liable to be struck down. It held that the exceptional power of law-making through ordinance cannot be used as a substitute for the legislative power of the state legislature.

**Statement 4 is incorrect**. An ordinance like any other legislation, can be retrospective, and may modify or repeal any act of Parliament. **However, it cannot be issued to amend the Constitution**.

Source: M Laxmikanth

**Q.41)** With reference to Union Government, consider the following statements:

- 1. The Constitution of India provides that all Cabinet Ministers shall be compulsorily the sitting members of Lok Sabha only.
- 2. The Union Cabinet Secretariat operates under the direction of the Ministry of Parliamentary Affairs. Which of the statement(s) given above is/are correct?
- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2



#### Ans) d

### Exp) Option d is the correct answer.

Statement 1 is incorrect: Cabinet ministers in India can be members of either house of Parliament (Lok Sabha or Rajya Sabha) or not members of either house at the time of their appointment. If a person who is not a member of either house of Parliament is appointed as a cabinet minister, they are required to get elected to either the Lok Sabha or Rajya Sabha within six months from the date of their appointment.

Statement 2 is incorrect: The Cabinet Secretariat functions directly under the Prime Minister. The administrative head of the Secretariat is the Cabinet Secretary who is also the ex-officio Chairman of the Civil Services Board.

Source: UPSC CSE PRE. 2013

## Q.42) Consider the following statements:

Statement I: The Governor of a State has the power of qualified veto over a bill passed by the State Legislature.

Statement II: The Constitution of India does not provide any time limit for the Governor to act on a bill passed by the State Legislature.

Which one of the following is correct in respect of the above statements?

- a) Both Statement I and Statement II are correct, and Statement II is the correct explanation of Statement
- b) Both Statement I and Statement II are correct, but Statement II is not the correct explanation of Statement I
- c) Statement I is correct, but Statement II is incorrect
- d) Statement I is incorrect, but Statement II is correct

#### Ans) d

#### Exp) Option d is the correct answer.

Statement I is incorrect- Qualified veto is a type of veto in which the veto can be overridden by a special majority vote of the legislature (as in the case of President of United States of America). However, neither the Governor of a State nor the President of India has the power of Qualified Veto.

Statement II is correct- The Governor can reject, withhold, grant assent to the bill or reserve the bill for the assent by President. The Constitution of India does not provide any time limit for the Governor to act on a bill passed by the state legislature. However, in practice, Governors are expected to act on bills within a reasonable amount of time.

Source: Indian Polity by Laxmikanth (7th edition), Chapter 30, Page: 317

#### Q.43) With respect to National Emergency in India, consider the following statements:

- 1. The President can declare a national emergency on the grounds of war, external aggression, and armed rebellion.
- 2. The Emergency proclamation requires approval from both Houses of Parliament within two months of its issuance.
- 3. National Emergency can be continued indefinitely with the approval of Parliament after every 6 months.
- 4. The President can revoke the proclamation of emergency only with Parliament's approval.

How many of the statements given above are correct?

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



#### Ans) b

Exp) Option b is the correct answer.

A state of emergency in India, governed by Part XVIII of the Constitution (Article 352 to 360), allows the President, on the cabinet's advice, to temporarily suspend certain constitutional provisions to protect the nation's sovereignty, unity, and constitutional framework in times of crisis. The Constitution of India specifies three types of emergencies: National Emergency, Constitutional Emergency (President's rule), and Financial Emergency.

Statement 1 is correct: Article 352 empowers the President to declare a national emergency in the event of threats to India's security, including war, external aggression, or armed rebellion.

Statement 2 is incorrect: According to the 44th Constitutional Amendment Act of 1978, the period for approval of the national emergency proclamation by both Houses of Parliament is one month, not two months. Additionally, if the Lok Sabha dissolves during this period, the proclamation remains in effect until 30 days after the first sitting of the reconstituted Lok Sabha, as long as the Rajya Sabha has approved it in the meantime.

Statement 3 is correct: The 44th Amendment Act of 1978 instituted the provision that a national emergency, if approved by both Houses of Parliament, can last for six months, and its extension to an indefinite period is subject to Parliament's approval every six months. If the Lok Sabha dissolves within the six-month period without approving the continuation, the emergency persists until 30 days after the first sitting of the reconstituted Lok Sabha, provided the Rajya Sabha has, in the meantime, approved its continuation.

Statement 4 is incorrect: The President of India can revoke the National Emergency by a proclamation without the approval of the Parliament.

Source: Indian Polity by Laxmikanth (7th edition), Chapter 17, Page: 174

Q.44) The President cannot use the Suspensive Veto in case of which of the following types of bills?

- 1. When the bill is sent back to the Parliament by the President and the same is passed again by Parliament, with or without changes, and presented again to the President.
- 2. When the bill presented to President is a Money Bill.
- 3. When a Constitutional Amendment Bill comes to the President for his consideration.
- 4. When state ordinary bills are reserved for the President's consideration.

Select the correct answer using the code given below:

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

#### Ans) a

#### Exp) Option a is the correct answer.

Suspensive Veto means the power of the President to return a bill for reconsideration of the Parliament.

Statement 1 is correct: When the bill is sent back to the parliament by the President and if the same is passed again by Parliament, with or without changes, and presented again to the President, the President is required to grant his assent to the bill. Hence is such case the President cannot use the suspensive veto. Statement 2 is correct: In the case of money bills, the President does not have a suspensive veto. The President may either grant or withhold his approval to a money measure, but he may not return it to Parliament for reconsideration.

Statement 3 is correct: The President does have any power to use suspensive veto in case of "the constitutional amendment bills".

**Statement 4 is incorrect:** The President enjoys the suspensive veto with respect to the state if the bill is passed again by the state legislature with or without amendments and presented again to the President for his assent, the President is not bound to give his assent to the bill. This means that the state legislature cannot override the suspensive veto power of the President.

Source: M Laxmikanth

## Q.45) Consider the following statements:

- 1. The Chief Secretary in a State is appointed by the Governor of that State.
- 2. The Chief Secretary in a State has a fixed tenure.

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.

**Neither 1 nor 2 is correct.** The Chief Secretary of the state is appointed by the Chief Minister of the state. There is no fixed tenure of a Chief Secretary in a state. However, at the central level, there is assured tenure of two years for Cabinet Secretary, Home Secretary, Defence Secretary, Foreign Secretary as well as RAW and IB chief. The Administrative Reform Commission in 1969 had recommended that a Chief secretary should have a minimum tenure of three to four years.

Source: UPSC CSE Pre 2016

Q.46) With respect to Financial Emergency in India, consider the following statements:

- 1. Repeated parliamentary approval is not necessary for the continuation of a Financial Emergency.
- 2. It has been proclaimed only once in India since Independence, in 1991 during a balance of payment crisis.

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.

Article 360 grants the President the authority to declare a Financial Emergency when he or she determines that a situation has emerged, posing a threat to the financial stability or credit of India or any of its regions.

**Statement 1 is correct:** Once both Houses of Parliament approve it, the **Financial Emergency continues indefinitely until it is revoked**. This implies that there is no specified maximum period set for its operation. A Financial Emergency's continuation **doesn't require repeated parliamentary approval**. A resolution for its proclamation can pass in either House of Parliament with a simple majority. Additionally, the President

subsequent proclamation.

Statement 2 is incorrect: In India's history since independence, a Financial Emergency has never been proclaimed.

can revoke a Financial Emergency at any time without needing parliamentary approval through a

Source: Indian Polity by Laxmikanth (7th edition), Chapter 17, Page: 183

Q.47) Consider the following statements about the Indian polity:

**Statement I:** The Prime Minister is called the Linchpin of the Government.

**Statement II:** The Prime Minister acts as a link between the Council of Ministers on the one hand and the President and parliament on the other hand.

Which one of the following is correct in respect of the above statements?

- a) Both Statement-I and Statement-II are correct and Statement-II is the correct explanation for Statement-I
- b) Both Statement-I and Statement-II are correct and Statement-II is not the correct explanation for Statement-I
- c) Statement-I is correct but Statement-II is incorrect
- d) Statement-I is incorrect but Statement-II is correct

### Ans) a

# Exp) Option a is the correct answer.

Both Statement-I and Statement-II are correct and Statement-II is the correct explanation for Statement-I

The Prime Minister is the head of the council of ministers, acts as a link between the Council of Ministers on the one hand and the President and parliament on the other hand. It is this role of the Prime Minister which led Pt. Nehru to describe him as 'the linchpin of Government'.

It is also the constitutional obligation of the Prime Minister to communicate to the President all decisions of the Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation. The Prime Minister is involved in all crucial decisions of the government and decides on the policies of the government. Usually, the Prime Minister also acts as the leader of the Lok Sabha. Hence the PM acts as a linchpin between the Council of Ministers, President and the Parliament.

Source: Indian Constitution at Work

**Q.48)** Which of the following statements is **not** correct regarding the impacts of Financial Emergency in India?

- a) The Fundamental Rights provided under Part III of the Constitution are not affected when the Financial Emergency is in operation.
- b) Under Financial Emergency, President can reduce the salaries and allowances of judges of both the Supreme Court and the High Courts.
- c) During a financial emergency, the Central Government assumes complete authority over financial matters within the states.
- d) During Financial Emergency, State governments cannot pass any new money bill or financial bill.

#### Ans) d

#### Exp) Option d is the correct answer.

**Article 360 authorizes the President to declare a Financial Emergency** when they are convinced that a situation threatens the financial stability or credit of India or any of its territories. **Parliamentary approval is required within two months**, but if the Lok Sabha dissolves during this period, the proclamation remains effective until 30 days after the Lok Sabha reconvenes, provided the Rajya Sabha has endorsed it. **Once both houses approve, the Financial Emergency remains in force until revoked.** 

Option a is correct: It is correct that the Fundamental Rights provided under Part III of the Constitution are not suspended/affected when the Financial Emergency is in operation.

**Option b is correct:** During a financial emergency, the President can issue directives to reduce the salaries and allowances of individuals serving the Union or the states, to manage the financial crisis. Also, in a

financial emergency, the President can issue directives to reduce the salaries and allowances of judges in both the Supreme Court and the high courts, as part of austerity measures.

**Option c is correct:** In a financial emergency, the central government gains complete control over financial matters within the states, effectively overriding the normal distribution of financial powers in a federal structure.

**Option d is incorrect:** During a financial emergency, state governments can pass money bills and financial bills, but any such bills must be reserved for the President's consideration after they are passed by the state legislature. **It is not that they cannot pass such bills, but they are subject to the President's review.**Source: Indian Polity by Laxmikanth (7th edition), Chapter 17, Page: 183

### Q.49) Consider the following statements:

- 1. The President can proclaim a National Emergency only after receiving a written recommendation from the Union cabinet.
- 2. If the proclamation of Emergency is in operation, the President can order to suspend the right to move any court for the enforcement of any of the Fundamental Rights.

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 44<sup>th</sup> Constitutional Amendment Act of 1978, introduced during the Janata Party Government's tenure, aimed to reverse several alterations made by the 42nd Constitutional Amendment Act of 1976. This comprehensive amendment significantly revised the Indian Constitution to enhance its democratic character.

Statement 1 is correct: The President can declare a national emergency only upon receiving a written recommendation from the cabinet. This ensures that the emergency declaration is made with the collective agreement of the cabinet, rather than being solely at the discretion of the Prime Minister. This safeguard was introduced through the 44<sup>th</sup> Constitutional Amendment Act of 1978 to prevent situations where a Prime Minister could unilaterally make such a significant decision.

Statement 2 is incorrect: Article 359 of the Constitution of India states that Where a Proclamation of Emergency is in operation, the President may by order declare that the right to move any court for the enforcement of such of the Fundamental Rights conferred by Part III (except articles 20 and 21), as may be mentioned in the order shall remain suspended. Also, all proceedings pending in any court for the enforcement of the fundamental rights so mentioned in the order, shall remain suspended for the period during which the Proclamation is in force or for such shorter period as may be specified in the order. So, the right to move to any court for the enforcement of the of the Fundamental Rights under article 20 and 21 is not suspended by the order of the President even in the case of proclamation of Emergency. Hence statement 3 is incorrect.

Source: Indian Polity by Laxmikanth (7th edition), Chapter 17, Page: 174 https://www.mea.gov.in/Images/pdf1/Part18.pdf

Q.50) With reference to 'North Eastern Council', consider the following statements:

- 1. It is an executive body under the administrative purview of the Prime Minister's Office (PMO).
- 2. President nominates the chairman of the North Eastern council.
- 3. The council is only an advisory body and cannot allocate funds for development projects in the region. How many of the statements given above are correct?
- a) Only one
- b) Only two
- c) All three
- d) None

### Ans) d

# Exp) Option d is the correct answer.

The **North Eastern Council** (NEC) was established in 1971 as a regional planning body for the eight states in the northeastern region of India: Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, and Sikkim. The Golden Jubilee of the NEC was celebrated in Shillong on the 18th of December 2022.

Statement 1 is incorrect: North Eastern Council is a statutory body (constituted under the North Eastern Council Act 1971) under the administrative purview of Ministry of Development of the North Eastern Region (not the PMO).

Statement 2 is incorrect: The North Eastern Council Act was amended by the Parliament in 2002. The 'North Eastern Areas' now means the area comprising the States of Assam, Manipur, Meghalaya, Nagaland, Tripura, Arunachal Pradesh, Sikkim and Mizoram. The Council comprises of Governors and Chief Ministers of constituent States and three members to be nominated by the President as per clause (iii) of Section 3 of the North Eastern Council (Amendment) Act, 1971. The Union Home Minister is ex-Officio Chairman and the Minister of State-Independent Charge (MoS(IC)) DoNER is the ex-Officio Vice-Chairman of the NEC (Hence chairperson is not nominated by the President of India).

**Statement 3 is incorrect:** The mandate of North Eastern Council is not just for formulating and coordinating the implementation of development plans and programs for the northeastern states, it also **allocates and utilizes funds for development projects** in the region. The strategy for NEC is to encourage the State Governments to fully leverage funds from the Central Ministries/Central organisations and then use **NEC funds for meeting critical gaps are not covered under the Central schemes/programmes.** 

Source: https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1884485

https://necouncil.gov.in/sites/default/files/NEC%20General%20Guidelines\_2020.pdf

https://necouncil.gov.in/about-us/nec-amendment-act-2002-0