

(2 MARKS):

1. Define fundamental rights?

Ans: Fundamental rights are **the basic human rights enshrined in the Constitution of India which are guaranteed to all citizens**. They are applied without discrimination on the basis of race, religion, gender, etc. Significantly, fundamental rights are enforceable by the courts, subject to certain conditions.

2. Discuss Article NO 17 of the constitution of india:

Ans: **Article 17. Abolition of Untouchability.** - "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law

3. Mention any two socialist principles of the directive principle of the state:

Ans: Two Directive Principles that aim at the establishment of a Socialistic Pattern of Society are as follows: 1. There should be a fair distribution of wealth. There should be no concentration of wealth in the hands of a few people. Means of production and other resources of the country should be utilized for the common good. 2. Childhood and youth should be protected against exploitation.

4. Discuss any two functions of the speaker of the lok sabha:

Ans:

(A) The Speaker of the Lok Sabha conducts the business in house, and decides whether a bill is a money bill or not.

(B) They maintain discipline and decorum in the house and can punish a member for unruly behavior with respect to law after suspending them.

5. What is an ordinance:

Ans: An ordinance is an executive order passed by the President of India under Article 123 of the Constitution. It holds the same force and effect as an Act passed by the Parliament. It can only be promulgated when at least one of the Houses of Parliament is not in session and is meant to be used as an emergency power by the Government.

6. Discuss the composition of upper house of the indian pioneer:

Ans: The upper house of the indian pioneer(Rajya Sabha)should consist of not more than 250 members - 238 members representing the States and Union Territories, and 12 members nominated by the President. Rajya Sabha is a permanent body and is not subject to dissolution.

(5 MARKS):

7. Short note on habeas corpus and mandamus:

Ans:

Habeas Corpus: Habeas Corpus is a writ that is enforced in order to protect the fundamental right to liberty of an individual against unlawful detention. This writ commands a public official to deliver a detained person in front of the court and provide valid reasons for the detention. However, this writ cannot be issued in case the proceeding is for contempt of a legislature or a court.

Mandamus: The writ of mandamus is issued to a subordinate court, an officer of the government, or a corporation or other institution commanding the performance of certain

acts or duties. Unlike Habeas Corpus, Mandamus cannot be issued against a private individual. The writ of mandamus can be used to order the completion of a task or in other cases, it may require an activity to be ceased.

8. Discuss in brief Article 23 and 24:

Ans:

Article 23:

a. "Traffic in human beings and begar and similar other forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law."

b. "Nothing in this article shall prevent the state from imposing compulsory service for public purposes and in imposing such service the state shall not make any discrimination on grounds only of religion, race, caste or class or any of them."

Article 24:

Art. 24 forbid employment of child-labour in factories or in hazardous works. The article reads as follows:

"No child below the age of fourteen years, shall be employed to work in any factory or mine or, engaged in any other hazardous employment."

To strengthen the constitutional provisions of Article 23 and 24, several acts have been made, such as

1. **The Factories Act, 1948**
2. **The Minimum Wages Act, 1948**
3. **The Mines Act, 1952**
4. **The Bonded Labour System (Abolition) Act, 1976**
5. **The Child Labour (Prohibition and Regulation) Act, 1986**

9. Differences between fundamental rights and directive principles of the state:

Ans:

1. Fundamental rights are mostly political rights which tend to restrain the State. They are also called negative rights. Articles 14 and 21 are negatively worded. Directive Principles are social rights in the form of positive obligations of the State and pertain to the economic field.
2. The scope of fundamental rights is limited but the Directive Principles cover a vast area.
3. Fundamental rights are justiciable. Courts protect them and compel the State to respect them. But Courts cannot direct the State to give effect to a Directive Principle. They are unenforceable rights.

10. Election procedure of president:

Ans:

The procedure of Presidential election is contained in Article 54 and 55 of our Constitution. The President of India is elected by indirect election, that is, by an electoral college, in accordance with the system of proportional representation by means of a single transferable vote. According to Article 54 the Electoral College shall consist of –

- (a) The elected members of both Houses of Parliament and
- (b) The elected members of the Legislative Assemblies of the States.

- The value of the vote of an MLA is given below:

$$\text{Value of the vote of an MLA} = \frac{\text{Total population of state}}{\text{Total number of elected members in the state legislative assembly}} \times \frac{1}{1000}$$

- The value of the vote of an MP is given below:

$$\text{Value of the vote of an MP} = \frac{\text{Total value of votes of all MLAs of all states}}{\text{Total number of elected members of Parliament}}$$

11. Freedom of religion (Article 25 to 28):

Ans:

Article 25 (Freedom of conscience and free profession, practice, and propagation of religion)

Article 25 guarantees the freedom of conscience, the freedom to profess, practice, and propagate religion to all citizens.

- The above-mentioned freedoms are subject to public order, health, and morality.
- This article also gives a provision that the State can make laws:
 - That regulates and restricts any financial, economic, political, or other secular activity associated with any religious practice.
 - That provides for the social welfare and reform or opening up of Hindu religious institutions of a public character to all sections and classes of Hindus. Under this provision, Hindus are construed as including the people professing the Sikh, Jain, or Buddhist religions, and Hindu institutions shall also be construed accordingly.
- People of the Sikh faith wearing & carrying the *kirpan* shall be considered as included in the profession of the Sikh religion.

Article 26 (Freedom to manage religious affairs)

This Article provides that every religious denomination has the following rights, subject to morality, health, and public order.

1. The right to form and maintain institutions for religious and charitable intents.
2. The right to manage its own affairs in the matter of religion.
3. The right to acquire the immovable and movable property.
4. The right to administer such property according to the law.

Article 27 (Freedom as to payment of taxes for promotion of any particular religion)

According to Article 27 of the Constitution, there can be no taxes, the proceeds of which are directly used for the promotion and/or maintenance of any particular religion/religious denomination.

Article 28 (Freedom as to attendance at religious instruction or religious worship in certain educational institutions)

This article permits educational institutions that are maintained by religious groups to disseminate religious instruction.

- This provides that no religious instruction shall be provided in State-run educational institutions.
- Educational institutions administered by the State but that were established under any endowment or trust which requires that religious instruction shall be imparted in such institutions are exempt from the above clause (that no religious instruction shall be provided).
- Any person who attends any educational institution recognized by the State or receiving State aid shall not be required to participate in any religious instruction that may be imparted in such institution, or also attend any religious worship in such institutions unless he/she has given consent for the same. In the case of minors, the guardians should have given consent for the same.

12.Five fundamental duties:

Ans:

- (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) to safeguard and public and abjure violence;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when called upon to do so;
- (e) to promote harmony and the spirit of common brotherhood amongst all the people of India

13.Keshvananda Bharti Case:

Ans:

The case is also known as the Fundamental Rights Case. The court in a 7-6 decision asserted its right to strike down amendments to the constitution that were in violation of the fundamental architecture of the constitution.

Kesavananda Bharati: He challenged the Kerala land reforms legislation in 1970, which imposed restrictions on the management of religious property. The case was challenged under Article 26, concerning the right to manage religiously owned property without government interference. A 13-judge Bench was set up by the Supreme Court, the biggest so far, to hear the case.

The judgment is regarded as the second-most significant text after the Indian Constitution. The Supreme Court convened its largest-ever bench of 13 judges to hear the case.

- In the Kesavananda Bharati Case, relief was requested from two state land reform legislation (under the 9th Schedule) that placed limitations on the management of the holy property and were directed against the Kerala government.
- According to this interpretation, Parliament could change any part of the Constitution if the changes did not affect the document's fundamental design or core principles.
- The late Kesavananda Bharti referred to it as "God's decision": Because the amending power was subject to the fundamental framework, the seer won the war despite losing the battle.

(10 MARKS):

14.Right to freedom:

Ans:The right to freedom guarantees citizens, among other things, the freedom to live in dignity. They are regulated in Articles 19, 20, 21A and 22 of the Indian Constitution. In this section we will go through each article. The aim of the basic rights of Indians was to overcome inequalities in the pre-independence social system. Basic rights are essential for the development of the personality of each person and for the maintenance of human dignity.

Article 19: Protection of 6 rights based on freedom:

1. Language and appearance
2. Assembly
3. Association
4. Protest
5. Accommodation
6. Business

Article 20: Protection related to criminal penalties

Article 21: Right to life and individual freedom

Article 21(A): The right to basic education

Article 22 Protection from arrest and imprisonment in some cases

Article 19:

Article 19 guarantees six freedoms.

They are:

1. Freedom of Expression and Expression: The government guarantees freedom of speech for all people in India. However, the state can restrict free speech in the name of integrity, security, sovereignty, friendly relations with foreign countries, public order, defamation, neglect or neglect of the courts. Forbidden. Read more about freedom of expression and expression here.
2. Freedom of Association: The government guarantees the freedom of everyone to assemble peacefully without weapons. However, as noted above, reasonable restrictions may be placed on the sovereignty, integrity and interests of the state's public order.
3. Freedom of association / trade unions / cooperatives: Here the state can also impose sanctions on integrity, security, , friendly relations with foreign countries, public order, slander and crimes in the country. This law gives workers a right to form trade unions, which is a fundamental right. The Police Law (Regulation of Rights) of 1966 prohibits police officers from forming unions. Laws restricting the right of employers, including members of the armed forces, intelligence services, and telecommunications systems, to form political associations.
4. Freedom of Movement: Indian citizens can walk freely in India. This right can also be limited to protect security, public order, or proposed tribal interests.
5. Housing Freedom: Citizens of India have the right to live in any part of the country. In fact, restrictions can be imposed to protect security, public order, or the interests of the proposed tribe.
6. Freedom of work: All citizens are entitled to employment / employment / continuing trade, regardless of whether the trade or work is illegal or immoral. Moreover, the law does not prevent from enforcing laws relating to technical or professional qualifications required for business or professional training.

Article 20: Article 20 regulates the protection of civilians when punishing criminal offenses. It offers three types of individual protection to the state. Former penal code: This is also known as former secondary penal code. In this way, a person cannot be convicted of an act committed until the crime is legally declared. This means that this law cannot take precedence. The immunity can't get utilized against preventive containment and does not involve testing. The law also says that a person cannot be punished for more than the crime prescribed by law. Multiple threats: this indicates that a person cannot be convicted more than once for the same crime. Prohibition of self-repression: This means that the government will not force someone accused of a crime to testify against them.

Article 21: No one can lose his life or freedom except in accordance with the procedures laid down by law in Article 21. This article offers a variety of possibilities and the interpretations have seen many changes over the decades. The Supreme Court is the right to live with dignity. In a sense, this is the most important right, due to the reason because without this right to life all other rights are null and void. This clearly showcases the differences between a police state and a rule of law.

Article 21(a): This article was introduced in 2002 with the 86th amendment to the Constitution. It stipulates that states must offer free and compulsory education to all children between the ages of 6 and 14.

Article 22: Article 22 provides protection against arrest & detention in a few cases. This article implies both citizens and citizens of the country. This provision extends certain procedures to individuals in the case of arrests. It comes in picture after a man was arrested. This is not a fundamental right to detention as well as arrest. The idea behind this right is to restrict arbitrary arrest as well as detention. This article provides the following protections: Article 22 (1) – Every detainee must state why he is being detained. In addition, the right to consult a lawyer cannot be denied. Article 22 Paragraph 2 – A person who is arrested must be arrested and brought before a judge within 24 hours. Article 22 Paragraph 3 – No one can be detained for longer than determined by the judge. However, this precaution does not apply: The enemy is unknown. The people were arrested under the Preventive Detention Act.

15.Relation between two houses of the parliament:

Ans:

The relation between the two Houses can be done from three perspectives in terms of exercising their powers in different areas. They are:-

1. Lok Sabha sharing equal powers with that of the Rajya Sabha.
2. Lok Sabha enjoying greater powers as compared to Rajya Sabha and
3. Rajya Sabha having certain special powers which Lok Sabha does not seem to enjoy.

For our convenience let us discuss them in the following manner:

1. Lok Sabha and Rajya Sabha sharing equal powers

Lok Sabha and Rajya Sabha share equal powers with each other on the following:-

- a) On matters related to election of the President and Vice President
- b) Removal of the Judges of the Supreme Court and High Court,
- c) Removal of the Chairman and the other members of UPSC,
- d) Removal of Chief Election Commissioner, Comptroller and Auditor General and so on.
- e) In all other matters of legislation, including constitutional amendments, the extent of the Council's power is the same as that of the House. A Bill can be initiated either in the House or in the Council. The Council may amend or reject a Bill that is passed by the House. If the House does not agree with the action of the Council, the contested measure is placed before a Joint sitting of both the Houses and passed by a simple majority.
- f) Annual reports of various autonomous agencies like the UPSC, Comptroller and Auditor General of India, Minorities Commission etc. are considered by both the Rajya Sabha and the Lok Sabha.
- g) Rajya Sabha shares equal powers with Lok Sabha in matters like setting up Martial Law Courts during National Emergency for dealing with offences committed by the civilians and indemnifying officers for their acts done in good faith.

16. Powers and position of the president of india:

Ans: The President is the chief executive of the Indian administration. The supreme executive authority of the Union is vested in him that he can exercise it either directly or through officers subordinate to him. The executive power may be enumerated in the following manner:-

1. For every executive action that the Indian government takes, is to be taken in his name
2. He may/may not make rules to simplify the transaction of business of the central government
3. He appoints the attorney general of India and determines his remuneration
 4. He appoints the following people: a. Comptroller and Auditor General of India (CAG)
 - b. Chief Election Commissioner and other Election Commissioners
 - c. Chairman and members of the Union Public Service Commission
 - d. State Governors
 - e. Finance Commission of India chairman and members
5. He seeks administrative information from the Union government
6. He requires PM to submit, for consideration of the council of ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council
7. He appoints National Commissions of: a. Scheduled Castes (Read about National Commission for Scheduled Castes in the linked article.)
- b. Scheduled Tribes (Read about (National Commission for Scheduled Tribes in the linked article.)
- c. Other Backward Classes (Read about National Commission for Backward Classes in the linked article.)
8. He appoints inter-state council
9. He appoints administrators of union territories
10. He can declare any area as a scheduled area and has powers with respect to the administration of scheduled areas and tribal areas

Legislative Powers of President

Like the British monarch the President is the integral part of the Parliament.. The legislative powers of the President can be enumerated in the following manner:

1. He summons or prorogues Parliament and dissolve the Lok Sabha
2. He summons a joint sitting of Lok Sabha and Rajya Sabha in case of deadlock
3. He addresses the Indian Parliament at the commencement of the first session after every general election
4. He appoints speaker, deputy speaker of Lok Sabha, and chairman/deputy chairman of Rajya Sabha when the seats fall vacant (to know the difference between Lok Sabha and Rajya Sabha check the linked article.)
5. He nominates 12 members of the Rajya Sabha
6. He can nominate two members to the Lok Sabha from the Anglo-Indian Community
7. He consults the Election Commission of India on questions of disqualifications of MPs.
8. He recommends/ permits the introduction of certain types of bills (to read on how a bill is passed in the Indian Parliament, check the linked article.)
9. He promulgates ordinances

The judicial powers of the President constitute his prerogative of mercy. He has the power to pardon offenders, or remit, or suspend or commute their sentence in three cases-

1. Appointment of Chief Justice and Supreme Court/High Court Judges are on him
2. He takes advice from the Supreme Court, however, the advice is not binding on him
3. He has **pardoning power**: Under article 72, he has been conferred with power to grant pardon against punishment for an offence against union law, punishment by a martial court, or death sentence.

17.The nature of indian federation:

Ans:

Features of Indian Constitution

Federal Features

India has the government at two levels, both the state and the centre.

> Powers are divided between the centre and state, as mentioned in the seventh schedule of the Indian Constitution, which has three lists: Union, State, and the Concurrent lists. Since Federalism means distribution of powers of state between the centre and the state governments

> The constitution is considered supreme. Its basic structure cannot be amended that is laid down by the judiciary. The constitution is considered the supreme law in India.

> Indian constitution provides an independent and integrated judiciary, as the lower and district courts are at bottom levels, high courts at state levels, and the supreme court at the national level and is also at the topmost position. The judiciary is impartial and independent. The Supreme Court, being the highest court in India, can declare any law as unconstitutional if it contravenes any provisions of the constitution. In order to ensure impartiality of the judiciary, our judges cannot be removed by the executive. The Supreme Court and the High Court in India belong to the same integrated judicial system.

> The Indian constitution is a written and rigid one. It is impossible to maintain the supremacy of the constitution and the division of powers between the state and the centre, until it is written down. Therefore, Indian constitution is a written constitution with 395 articles and 12 schedules, thereby fulfilling the basic requirement of a federal government. In fact, Indian Constitution is the largest constitution of the world. Being a rigid constitution, the procedure of amendment is difficult and is complicated. It cannot be changed or amended easily. All the federal state related provisions can be amended only by the joint actions of the state legislatures and the union parliament.

> In India, bicameral legislation is followed, i.e., it has two houses of parliament at the centre- Lok Sabha, and the Rajya Sabha. Lok Sabha (Lower House) consists of elected representatives of the people and Rajya Sabha (Upper House) consists of elected State Legislative Assemblies.

Unitary Features

> Indian Constitution is a mixture of flexibility and rigidity, i.e., certain provisions can easily be amended, but for some amendments, a joint session of houses is required and is not easy.

>In India, more power lies with the centre, i.e., more power is guaranteed to the Union list. In the concurrent list, the parliament can make laws that can be overridden by the state on few matters, but generally, the state makes laws under the state list. The residuary powers are vested with the citizens. Both the centre and the state can make laws on the concurrent list, but in case there is a conflict between the two, the central law will prevail over the state law. Thus, showing that centre is strong in India.

>Although there is bicameral legislation, in the upper house, there is an unequal representation, and the seats are based upon the population of the state. Example: Uttar Pradesh has 31 seats due to the highest population and Goa has 1 seat in Rajya Sabha due to less population.

>In India, the executive in both the centre and the state is also considered the part of the legislature. Thus, with no proper division of the powers.

>Lok Sabha is considered to be more powerful than Rajya Sabha as they are more in number and also Lok Sabha has more power over money-related matters, making it against the federal character.

>The centre is provided with emergency powers. Thus, in case of emergency, the centre has increased control over states, thereby decreasing the autonomy of the state. The emergency powers are vested with the President. Article 352, in case there is an internal or external threat to the country's security, unity and integrity. Article 356, if the constitutional machinery fails in the concerned state, also the state legislative assembly will dissolve and article 360 is applied when there is a threat to the country's finance. During emergencies, the centre orders the states and provides them with the directions.

>There is no separate judiciary at the centre and the state levels. The Indian judiciary is integrated and unified. The Supreme Court is the highest and the apex court in India. Supreme Court exercises the supervision and has a control over the functioning of all the courts including the High Courts. The Supreme Court is also known as the court of records and it binds writs of all spheres- civil, criminal and constitutional. This feature represents the unitary character of our constitution.

>In India, only single citizenship is available to all the citizens, as they are not allowed to be the citizen of the state as well. Thus, fostering a feeling of nationality and unity among people. If a person is born in any state of India, he/she will be called as the Indian Citizens. This is against the federal structure which provides dual citizenship.

>The centre has power to alter, admit, create new states, unite, or divide states, or create boundaries or change the names in India which is against the federal characteristics.

>There is only one constitution for the union and the states, whereas federal government has two constitutions- one for each state and one for the entire country.

>The president appoints the CAG, who audits the accounts of the centre and the state, appoints the governor, who is the constitutional head of the state and has all the executive powers of the state vested in him, and also appoints the members of the Election Commission, which is responsible to conduct free and fair elections at both the centre and the state level in India.

>In India, the state government does not have the right to remove the government officials at the state level also, removing the election commissioner of a state, judges of the high courts, or the chairman of the state public service commissions is not the power of the state.

18.Composition and powers of supreme court of india:

Ans: The composition of the Supreme Court is laid down in Clause 1 of Article 124. Article 124 (1) of the Indian Constitution states that the Supreme Court shall consist of **the Chief Justice of India and 33 other judges.**

The Supreme Court has the following judicial powers:

Original Jurisdiction:

1)In cases when there are disagreements between the Central government and the state government or between two or more state governments, the Supreme Court serves as the original jurisdiction authority under Article 131 of the Constitution.

2)According to Article 139A of the Constitution, the Supreme Court may, at its judgment or on the advice of the Attorney General of India, accept matters from the high courts while they are still pending if they involve the same legal problem that has to be decided by the Supreme Court.

3)Additionally, it has the power to transfer cases that are still ongoing, appeals, or other legal actions from one High Court to another High Court.

4)The Supreme Court has the authority to issue writs, orders, or directions under Article 139 of the Constitution.

5)The Supreme Court is also able to uphold fundamental rights, according to section 32 of the Constitution.

Appellate Jurisdiction:

The Supreme Court has administrative authority in cases involving civil, criminal, or constitutional law, according to articles 132, 133, and 134 of the Constitution. Additionally, under article 136, the Supreme Court has the authority to grant exceptional leave requested by any Indian judicial court, but not by Army courts.

Advisory Jurisdiction:

According to article 143 of the Constitution, the Supreme Court may provide the President of India with legal advice where the basis of the issue is related to the public interest. Additionally, the President has the right to consult others on problems relating to Article 131 of the Constitution.

Review Jurisdiction:

The Supreme Court has the authority to examine any laws that are being approved by the legislature under article 137 of the Constitution.