

**CONSTITUTION OF INDIA
AND
PROFESSIONAL ETHICS**

(AS PER VTU SYLLABUS)

For I/II and VII/ VIII Semesters of all Branches

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*Dedicated to
all people
who took part in the
Indian Freedom Struggle*

PREFACE

It gives me immense pleasure to write a syllabus-specific book on **Constitution of India and professional Ethics** which is a common subject for all branches of engineering under Visveswarya Technological University. I have been inspired by books written on these two topics by several eminent authors while a few thoughts especially in the last few chapters, have been my own. To be honest, this has been my first attempt to understand the subject and I have dared to write a book on the same! Here, I would strongly urge the students to refer to all the books mentioned in the syllabus for a comprehensive coverage of the subject.

It all started with the former Chief Justice of India Sri Ranganatha Mishra, who wrote a letter to the Government asking it to take steps to educate the present generation about the principles of Indian Constitution. He had earlier been alarmed by the ignorance of the educated in the country about our Constitution and its significance in our lives. People have taken personal liberty and the democratic system for granted, he had observed. Therefore, here we are, learning in detail the Indian Constitution along with Professional Ethics which would go a long way in helping create a professional atmosphere and a peaceful co-existence. The students should keep this in mind and try to understand the spirit behind including this subject which is to make them responsible citizens and engineers.

Students studying for exams would like a book to be readable, retainable, reproducible, and preferably be dedicated to the syllabus. I have tried to keep all these in mind while writing this book. Efforts have also been made to enliven the proceedings with several examples, quotes, cases, etc. I hope that the summary given at the end of each chapter will help students during exams. I also hope that the two appendices given at the end are useful to the students. Appendix 1 contains the expanded syllabus of CIE along with the VTU list of court cases to be studied. Appendix 2 contains the list of all the articles and schedules which make up the Indian Constitution. The students may therefore keep this book as a ready-reckoner of the Indian Constitution in the years to come.

I strongly suggest the students to understand the topics, memorize the articles and try to write answers on their own without learning it by-heart. They may make a list of a few articles in the constitution which appear several times throughout the subject like Arts. 14, 15, 16 etc. Students may have to sometimes adopt the answers in one chapter as answers in another, with some modifications. Students may save some effort in identifying common answers in different chapters. In the absence of any sketches or figures or numericals, writing the answers, topic by topic and point by point will alone fetch maximum marks, rather than writing in paragraphs. Please remember that marks awarded will increase with frequent (and correct) mentioning of the articles of the Constitution in writing the answers.

I solicit any valuable suggestions and criticisms from students and my colleagues all over the State of Karnataka.

Please e-mail your opinions to : phaneeskr@msrit.edu

K.R. PHANEESH

Bangalore
7-9-2005

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I am once again thankful to Mr. K.V. Balakrishna of M/s Sudha Publications, for reposing faith in me and encouraging me to write yet another book. Map Systems, Basavanagudi and especially Mr. Vishwanath have been excellent and very patient at DTP work in the process of bringing out this book. The proof reading has been done by Tejaswi R.Rao, Vinod Kumar, Varun and Vinay Sudarshan, old students of MSRIT and I am immensely grateful them.

I owe everything to my parents Sri. Kalale R. Raghavendra Rao and Smt. K.R. Susheela Bai(nee Mudgal Leelavathi) who have encouraged me all through my life in all my endeavours. My wife Ashana K., sister Varini and brother K.R. Vasuki have created a great family atmosphere. My thanks are also due to my parents-in-law Sn. K. Ramesh and Smt. Rajeshwari, to my brothers-in-law V.R. Manjunath and Shiram, to my sister-in-law Vandita, to my brilliant nephews Sameera and Samarth and to my lovely little niece Dhriti.

I am indebted to my cousin K.H. Sheshagiri who first inspired me to write and others like M. Shridhar, Muralidhar, N.N. Dwarakanath, N.N. Dinesh, K.V. Krishna Rao, Nagesh V. Rao, Rajesh V. Rao and Pranesh who have helped me all though my life in one way or other.

I have always treasured the company of my friends B.V. Chakrapani, V. Suresh, M.N. Padmanabha, M.R. Subramanya, K.V. Ashok, A. Srinivasulu, Late V. Sridhar (Babu), S.R. Mayurana, Anil Moghe, Narendra Kumar, Dinesh Kumar, Raghuram, Sudhakar, Shashi Kumar, Bhaskar, Natesh, Murali, K.J. Kumar and B.S. Gururaja Rao who have been a constant source of goodwill and encouragement to me.

I can never forget my friends at U.V.C.E of the 1983 batch (Mech.) Badarish A., Ajay M.G., Shreeram C.V. Ravindra Annigeri, Narasimha Murthy, Madhusudan, Prasanna Narasimha, Prem Kumar and others who were brilliant and inspirational.

Last but not the least, my thanks to all my students, past and present, who have inspired me and contributed to all my writing efforts, directly or indirectly.

Bangalore
7-9-2005

PREFACE TO SECOND REVISED EDITION

I present you the second revised edition of the book "Constitution of India and Professional Ethics" which is now a subject for all branches in both first and final years of engineering in VTU. This subject was a part of Final year B.E. of the earlier VTU cycle, and is now a part of first year in the new cycle. Hence we have two parallel batches studying the same subject. But there is not much difference in the syllabi for either years and hence the same book would suffice for both.

When I wrote this book the first time an year ago, the exam for this subject was meant to be a theory paper. But the University changed the pattern just before exam and decided on a objective type or a multiple choice paper. But nevertheless this book has been of much use to students who have taken up the exams so far. In fact, it is better to study the subject under a theory format first and then to attempt multiple choice later.

There has been four previous VTU Question papers so far - one model and three exam papers (including a Special Supplementary paper!), each containing appropriate questions from these question papers have been given at the end of each chapter, with suggested answers. It is to be noted here that VTU has not published the answer keys to any of the question papers released so far. This is inspite of several requests made to that effect. Hence the answers suggested are that of the author in consultation with a few Professors of Law. The students are therefore advised to doubly ensure the veracity of the answers with the help of their teachers as well as books and also bring to the notice of the author any mistake which might have crept in. Most questions are of very high standard and requires a very thorough and deep understanding of the Indian Constitution! But a sincere effort in reading this book will definitely help students to score more than 60 marks. Students are requested to read the objective type questions as part of their study material, in their preparation for the exam.

K. R. PHANEESH

Bangalore
24-09-2006

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PREFACE TO FOURTH REVISED & ENLARGED EDITION

I am pleased to present the fourth Revised & Enlarged edition of the subject CIPE to the students of VTU. I continue to struggle to find answers to old VTU Question Papers and wonder how students are managing to study this subject and score in the exams!

The present edition contains about 800 Questions & Answers from all old VTU papers. Answers suggested to all questions are given at the end of each chapter. Here, I would like to suggest the students to follow a few simple steps during the exam while attempting every question in the multiple choice paper on CIPE :

- (1) If you know the answer for sure, go ahead and mark the answer.
- (2) If you think (and know!) that the answer is between two choices, take a chance and select any one.
- (3) If you do not have a clue as to which one is the right answer, mark C or D. Mark either C or D consistently for all unknown answers. I suggest C or D because there seems to be more answers in these choices, looking at all old questions.
- (4) The best method, however, is to study the text first and then read thoroughly all old questions and answers which will definitely see you through the exam!

I am extremely thankful to Vinay Sudarshan, an old student of Dept. of Mechanical Engg, MSRIT, who has read and researched many text books in order to find answers to old questions which has helped me immensely to put together the latest edition. I am also indebted to Ms. Vidyashree and Mrs. Shiva Geetha, Faculty, MSR Institute of Law who have helped me find answers to many tough questions. My thanks are also due to Mr. K.V.Balakrishna, Mr. Viswanath, Mr. Prem Chandran and Mr. Vinod, in that order, for helping me to bring out this edition.

Please bring it to my notice if you disagree with the answer that I have suggested to any question and I am sure there could be a few.

Bangalore
05-09-2007

Kalale R. Phaneesh

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PREAMBLE TO THE CONSTITUTION

INTRODUCTION

When India gained independence in 1947, the most important and immediate task in front of the new born nation was to lay a strong legal foundation for the largest-to-be-democracy in the world. A Constituent Assembly consisting of well known legal experts and social thinkers was created, headed by Dr. B.R. Ambedkar, to frame the Indian Constitution. It was not an easy task for this assembly considering the then Indian population of 350 million people with complex social, economic and political problems and a perplexing diversity of language, race, religion, culture and a known history of 5,000 years. But the Indian Constitution was eventually drafted, based on the ideals of justice, liberty, equality and fraternity and this truly goes down as the first major achievement of independent India.

It is under this Constitution that we the people of India take shelter and it is under this Constitution that we hope to achieve organized living and peaceful existence. Therefore, it becomes imperative for all of us, as citizens of the country, to learn about our Constitution, under which we are to live and grow. It is to be noted that citizens of advanced nations are generally conscious of the Constitutions of their respected countries.

Almost every Constitution is a complicated document. This is because of the many complications that are involved in the mechanism of modern governments which are no longer the simple systems of the past. Today the Constitution has to play an active role in the life and work of all citizens leading them and guiding them in all their activities vis-à-vis the State.

The Constitution of India is a stupendous document of detail, complexity, values and principles. It is the largest and the most comprehensive document in the world. It provides the framework for the functioning of this massive democracy. It presides over the path of social, economic and political progress of the country. The Indian Constitution is not just a document dealing with governmental machinery as in the case of Constitutions of most other countries, but in fact, an embodiment of the ideals and aspirations of the people of India.

Definition of Constitution

The origin of the term 'Constitution' is in the Latin word 'constitueri', which means 'to form', 'to establish', or 'to compose'. The word 'constitution' was first

used by Henry II of England in the 16th century when he used a set of rules with the title '**Constitution of Clarendon**'. Later in the 18th century the Americans prepared an Instrument of Government for their country. This became the Constitution of U.S.A. and was adopted in 1789. Thus the Constitution of America has earned the distinction of being the first written Constitution in the world.

'Constitution' basically means a body of rules and regulations. All organizations – social, political, economic, cultural and religious – require certain rules and regulations to ensure their smooth and proper functioning. Such rules determine the nature of appointment of the officials and employees, their powers and functions, their mutual relationships, the rights and duties of all its members etc. A 'Constitution' is nothing but an aggregate of all such rules of an organization.

Some well known definitions of the term 'Constitution' are :

"Constitution is the way in which citizens, who are component parts of the state, are arranged in relation to one another."

- Aristotle

"Constitution is a system of fundamental political institutions. It is an autobiography of a power relationship in society. The units of power are individual, society, elections, parties, parliament, executive and the judiciary"

- Hermann Finer

"The Constitution of a state is that body of rules and laws, written or unwritten, which determines the organization of the government, and the general principles on which these powers are to be exercised"

- Gilchrist

Elements of Constitution

From the above mentioned definitions, one can cull out some common elements which are found in all Constitutions such as those of India, USA, Canada, Japan, France etc. They are :

- i) The Constitution determines the form of the state – democratic, federal or totalitarian.
- ii) The powers and functions of the organs of the Government and their mutual relationships are described in the Constitution.
- iii) The Constitution provides the relation between the Government and its people – basic rights with the protection of the judiciary.

- iv) The Constitution is the Fundamental law of the country. All other ordinary laws such as Industrial law, Taxation law, Indian Penal Code etc. have to be framed in such a way that they do not violate the Constitution. If any law framed by Central Government, State Government or any authority violates the Constitution, the Supreme Court steps in and declares it 'ultra vires' (unconstitutional) and renders it null & void.
- v) The Constitution may be written or unwritten, and in one or many documents.
- vi) The procedure to change or amend the Constitution is provided in the Constitution itself.

EVOLUTION OF CONSTITUTIONAL LAW

The background, build-up and evolution of Indian Constitutional Law can be traced chronologically as under:

1) Gandhiji's Declaration, 1922

Mahatma Gandhi set the tone for the genesis of the Constitution for a Free India when he said as early as in 1922, "Swaraj will not be a free gift of the British Parliament; it will be a declaration of India's full expression".

2) The Nehru Report, 1928

Motilal Nehru chaired an All Parties Conference and pressed the British Authorities to grant Fundamental Rights to Indians in his Report. This report was later referred during the preparation of Indian Constitution.

3) Government of India Act, 1935

The Indian National Congress reacted to the British-framed GOI Act, 1935 and resolved to demand for a Constitution made by the people of India without outside interference. This was voiced by Jawaharlal Nehru later as, "The National Congress stands for independent and democratic state. It is proposed that the Constitution of Free India must be framed, without outside interference, by a Constituent Assembly elected on the basis of adult franchise."

4) Cripps Mission, March, 1942

The British Government sent Sir Stafford Cripps, a member of the Cabinet, with proposals of transfer of power to Indians after the end of World War II, provided that the two major political parties (Congress and the Muslim League) come to an agreement to accept them. Cripps's proposals were:

- a) That the Constitution of India was to be framed by an elected Constituent Assembly of Indian people.
- b) That the Constitution of India should give India Dominion Status.
- c) That there should be one Indian Union comprising all the provinces and Indian States, and
- d) That any province (or Indian State) which was not prepared to accept the Constitution would be free to retain its constitutional status existing at that time.

The INC and Muslim League declined the 'Cripps offer' on the grounds that they wanted immediate freedom and not wait until the end of WW II. Hence the Cripps Mission failed and led to the dynamic 'QUIT INDIA' movement. But eventually it was only after the end of WW II, the British government decided to grant full independence to India.

5) Election to Constituent Assembly, July, 1946

As per the recommendations of the British Cabinet Mission, elections to the Constituent Assembly was held in July, 1946, in which all political parties participated. After the elections and nominations to the 389 member strong Assembly was completed, differences broke out between the Congress and the Muslim League. About 100 members, belonging to Muslim League pulled out of the Assembly, plunging the entire process into a crisis. However the truncated Assembly held its first meeting on 9th December, 1946.

6) The Mountbatten Plan, June 3, 1947

Lord Louis Mountbatten was sent by Her Majesty's Government to resolve the crisis. After much deliberations, it was decided that:

- a) Indian should be divided into two autonomous states on communal lines – India & Pakistan.
- b) Punjab and Bengal to be partitioned between the two new nations.
- c) There would be two constituent assemblies one for India and one for Pakistan.

7) 15th August, 1947 (0000 hours)

Independence to India was declared on this historic day.

The Constituent Assembly of India assembled for the smooth transfer of power from the British Crown to an independent India. The two hundred year old British rule was terminated and political authority was transferred to the representatives of the Indian people.

The Constituent Assembly included all the prominent leaders of major political parties (except Gandhiji) and all sections of the Communities such as Hindus, Muslims, Sikhs, Christians, Anglo Indians, Parsees, Backward classes, women etc., G. Austin called the Constituent Assembly as the "microcosm" of India.

The total strength of the Constituent Assembly was 292, out of which 210 seats belonged to general category, 78 to Muslims, and 4 to Sikhs. The important committees and chairmen of the Constituent Assembly were :

- a) Union Powers Committees – Jawaharlal Nehru
- b) Committee on Fundamental rights and Minorities-Sardar Vallabhbhai Patel.
- c) Steering Committee – Dr. K.M. Munshi
- d) Rules Committee – Dr. Rajendra Prasad.
- e) States Committee – Dr. Rajendra Prasad
- f) Drafting Committee – Dr. B.R. Ambedkar

8) February, 1948

Taking the recommendations of all the Committees, the chairman of drafting committee Dr. B.R. Ambedkar presented 'Draft Constitution of India' to the Constituent Assembly. Months of deliberations over the draft Constitution took place.

9) 26th November, 1949

The third reading was finished on this day, on which the Constitution received the signature of the President of the Assembly (Dr. Rajendra Prasad) and was declared as passed.

10) Republic Day, January 26th 1950.

The Constitution of Independent India come into force, and this date is referred to in the Constitution as the date of its commencement. January 26th henceforth became the Republic Day of India.

Some facts & figures about Indian Constitution:

- i) The Constitution of India was drafted after "ransacking all the known Constitutions of the world". Many features were drawn from the Constitutions of USA, Australia, France, Canada and so on.
- ii) It took the Constituent Assembly 2 years, 11 months, 18 days, (altogether 11 sessions) to prepare the Constitution.

- iii) In the making of the Indian Constitution, not less than 7,635 amendments were tabled by the members. Of these, 2,473 were actually moved, discussed and disposed of.
- iv) Constitution initially contained 395 Articles and 8 Schedules.
- v) The present Indian Constitution contains 22 parts, 444 Articles and 12 schedules with 92 amendments till date.
- vi) The U.S. Constitution with about 5000 words and the Canadian Constitution with about 6500 words, look like small booklets when compared the Indian Constitution which is written over 300 pages and containing more than 50000 words.

FEATURES OF INDIAN CONSTITUTION

- 1) It is a written Constitution.
- 2) It is the lengthiest & most detailed.
- 3) It is prepared by democratic representatives.
- 4) It is federal in character.
- 5) It is partly flexible, partly rigid.
- 6) It is the fundamental law of the country.
- 7) It advocates Parliamentary system of democracy.
- 8) It defines the powers of Union and the State executive.
- 9) It defines the powers of Union and the State judiciary.
- 10) It provides special provisions for backward classes and weaker section.
- 11) It provides for national security through provision of emergency.
- 12) It describes the election process to the Parliament and the State legislatures.
- 13) It provides special status to J&K (Art.370)

PREAMBLE TO THE CONSTITUTION

The Constitution of India begins with a preamble. It is like an introduction to the Constitution. It was inspired by the Objectives Resolution adopted by the Constituent Assembly in 1947. The preamble helps us to understand the 'spirit' or 'philosophy' of the Constitution. It basically serves two purposes;

- a) It indicates the source from which the Constitution derives its authority.
- b) It also states the objects which the Constitution seeks to establish and promote.

According to Pandit Thakur Das Bhargava, "the preamble is the most precious part of the Constitution. It is the soul of the Constitution. It is the key to the Constitution".

The text of the preamble is as follows:

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social , economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of Status and of opportunity; and to promote among them all; FRATERNITY assuring the dignity of the individual and the Unity and Integrity of the Nation.

IN OUR CONSTITUENT ASSEMBLY this 26th day of November, 1949, do HEREBY ADOPT, ENACT, AND GIVE TO OURSELVES THIS CONSTITUTION"

IMPORTANCE AND PARTS OF PREAMBLE

- i) **SOVEREIGN** : Sovereignty means the independent authority of state. It means that the State has the power to legislate on any subject, and that it is not subject to the control of any other state or external power.
- ii) **SOCIALIST** : Socialism basically means "freedom from exploitation". It envisages 'participation of workers' in the management of an industry, and consequently advocates profit – sharing. The term 'Socialist' was introduced in the preamble only in the 42nd amendment to Constitution in 1976, and was intended to be a step away from Capitalism towards collectivism.
- iii) **SECULAR** : The term 'Secular' was also added to the preamble in the 42nd amendment, 1976. A state is said to be Secular when it is neutral towards all religions. It guarantees equality of treatment to all persons with no discrimination on the basis of religion, except for provision of reservation to backward classes.
- iv) **DEMOCRATIC**: Democracy is a form of government where representatives of the people administer the government.

These representatives are elected by all men and women above the age of 18 years. Abraham Lincoln famously described democracy as "government of the people, by the people, for the people". Democracy implies the presence of 'choice' to the people and also the "rule of majority".

v) **REPUBLIC** : Republic basically means a state in which the supreme power rests in the people and their elected representatives as against a State governed by a King or a dictator or a similar ruler. In a Republic, there is an absence of any ruling or privileged class. All offices, including that of the President or Prime Minister, are open to all citizens without any distinction of caste, creed, religion, or sex.

vi) **JUSTICE** : Justice along with Liberty, Equality and Fraternity are the 4 objectives of Indian Constitution. Justice is nothing but the right of the people to secure redress from the Courts of Law. But it also implies the balancing of individual conduct with the general welfare of the society. The essence of justice is the attainment of the common good. The Constitution guarantees justice to all the people in the social, economic and political spheres of life. The preamble refers to:

- a) Political justice which implies allowing free and fair participation of the people in the political life of the country.
- b) Social justice which implies absence of any kind of discrimination.
- c) Economic justice which implies equitable distribution of income and wealth among the people of India.

vii) **LIBERTY** : The preamble assures to all citizens liberty of thought, expression, belief, faith and worship. There are both positive and negative aspects to liberty. The positive aspect of liberty means giving the individual every opportunity for his personality development and also the right to participate in public affairs. The negative aspect of liberty means that there are no restrictions imposed on the conduct of people, although it should be within the law.

viii) **EQUALITY** : Without equality, there is no liberty and vice-versa. Equality does not mean that all human beings are equal, mentally

and physically. Equality actually means equality of opportunity, equal before the law and equal protection by the law. It also signifies equality of status and denouncing of untouchability.

ix) **FRATERNITY** : Fraternity means that all human beings are born free and equal in dignity and rights. It calls for a sense of brotherhood among all the citizens of the country. It is the principle which gives unity and solidarity to social life. It may be difficult to achieve, but it is not impossible. It is necessary to cultivate a feeling of fraternity among the people of India in order to survive as a nation and became a superpower in the future.

x) **UNITY and INTEGRITY** : The words 'Unity and Integrity' were added to the Constitution by the 42nd amendment, 1976, due to the crying need of the country for the same. There are so many disintegrating forces in the country and every effort must be made to maintain the unity of the country without which there can be no solid progress. The people can progress only if the country progresses, and this is possible only if Unity and Integrity are present in the country both in spirit and in practice.

FUNDAMENTAL RIGHTS

Introduction

The conflict of **Man vs. State** is as old as human history. When individuals of the state are given absolute freedom of speech and action, the result would be chaos, ruin and anarchy. On the other hand, if the State has absolute power to determine the extent of personal liberty, the result would be tyranny. Therefore the eternal problems faced by every society are

- (i) To establish a balance between individual freedom and social control
- (ii) To protect personal liberty against governmental power, and also
- (iii) To limit personal liberty by governmental power.

The conflict of **Man vs. State** assumes greater significance under the democratic system of government, where both are meant to be equally strong. We know that the success or failure of a democracy depends largely on the extent to which civil liberties are enjoyed by citizens in general. A democracy aims at the maximum development of the individual's personality; and the

personality of the individual is dependant on the extent to which he enjoys liberty. Therefore, every democracy pays special attention to provide liberty to the maximum extent without, at the same time, endangering the security of the state itself.

In order to achieve this objective, democracies incorporate a list of fundamental rights in their constitutions and guarantee them from violation by Government authorities. In other words, the fundamental rights prevent the executive and the legislature, either separately or together, from being totalitarian. And in doing so, it affords the individual citizen an opportunity for self-development. The establishment of fundamental rights is the only way of ensuring the survival of basic human freedom.

In England, where the Constitution is *unwritten*, there exists no code of Fundamental Rights as, in the Constitutions of India, U.S.A etc.. This does not mean that in England there is no recognition of those basic rights of the individual without which democracy becomes meaningless. The objective, however, is achieved in a different way. An individual in England has the right and freedom to take whatever actions he likes, so long as he does not violate any rule of the ordinary law of the land. Individual liberty is secured by judicial decisions determining the rights of individuals in particular cases brought before the courts.

LIST OF FUNDAMENTAL RIGHTS

Articles 14 to 35 under part III of the Indian Constitution describe the Fundamental Rights in detail. The following rights are available to all the citizens of the country.

- 1) Right to Equality (Articles 14 – 18)
- 2) Right to Freedom (Articles 19 – 22)
 - a) Freedom of Speech and Expression.
 - b) Freedom to assemble peacefully without arms.
 - c) Freedom to form associations or unions.
 - d) Freedom of movement.
 - e) Freedom to reside and settle.
 - f) Freedom of profession.
- 3) Right against Exploitation (Articles 23 – 24)
- 4) Right to Freedom of Religion (Articles 25 – 28)
- 5) Cultural and Educational Rights (Articles 29 – 30)

- 6) Right to Constitutional Remedies (Article 32)
- 7) Right to Property (deleted since 44th amendment, 1978)

SCOPE AND EXTENT OF FUNDAMENTAL RIGHTS

The Fundamental Rights form the very core and the foundation of the democratic political system. It is the sum and substance of the liberty of the citizens of India. The Fundamental Rights have been variously described as "the Magna Carta of the essential rights of the Indian people", "the Conscience of the Constitution", "the soul of the Constitution", and so on. The scope, extent and characteristics of Fundamental rights can be discussed as under:

(1) Fundamental Rights enjoy highest Status

Fundamental Rights are included in the Constitution and hence form a part of the fundamental law of the country. These rights have been put on a very high pedestal. The State shall not make any law which takes away or abridges the fundamental rights conferred by the Constitution. Any law made in contravention to fundamental rights, shall be null and void.

(2) Fundamental Rights provides adequate Freedom

The Fundamental Rights deal with practically all those rights that are found to be essential for the development and growth of the personalities of individuals. It is fully believed that an individual who enjoys these rights cannot complain that he is denied the opportunities which help him improve his personality.

(3) Guardian of Fundamental Rights is the Supreme Court

The Constitution has not only declared the Fundamental Rights but has also provided for a machinery which is competent to guarantee those rights in actual practice. Article 32 appoints the Supreme Court as the guardian of the fundamental rights i.e., whenever and wherever any fundamental right is infringed by any authority, the Supreme Court shall come to the rescue and see to it that the individual concerned does enjoy that right. Thus the Supreme Court of India has been given authority to enforce the fundamental rights.

(4) Fundamental Rights are exhaustive

The fundamental rights as listed in part III of the Constitution is an exhaustive list. It is exhaustive in the sense that no other rights, other than those listed, are available to the citizens. The Constitution does not recognize any other natural or unlisted right, unlike the US Constitution (Bill of Rights) which allows rights not mentioned in it.

(5) Rights available to non-citizens of India

Some rights are available to all persons in India, both citizens and foreigners alike (except foreigners belonging to enemy States). Such rights are:

- i) Equality before Law (Article 14)
- ii) Protection in respect of Conviction for offences (Article 20)
- iii) Protection of life and personal liberty (Article 21)
- iv) Right to education (Art. 21 A)
- v) Right against exploitation (Art. 23 – 24)
- vi) Freedom of Religion (Arts. 25 – 28)

(6) Fundamental Right Vs Ordinary Right

- i) While Fundamental Rights are protected and enforced by the Supreme Court, the ordinary legal rights such as the right of a consumer, shareholder, buyer, seller, mortgager etc., is protected and enforced by the ordinary law of the land.
- ii) While ordinary rights can be changed by the common legislative process, a fundamental right can be altered only by a constitutional amendment.
- iii) An ordinary right generally imposes a corresponding duty on another individual but a fundamental right is a right which an individual possesses against state. Hence it binds even the State.
- iv) An ordinary right is available against individuals and may also be against the state in some cases whereas a fundamental right is enforceable only against the state.

(7) Restrictions on enjoying Fundamental Rights

The fundamental rights guaranteed by the Constitution are not absolute. They are subjected to restrictions. The Parliament of India may make laws to impose limitations upon the exercise of these rights. The State may also impose restrictions on their enjoyment under several circumstances. Some such situations are :

- i) State can impose reasonable restrictions on the right to freedom of speech and expression in the interests of Unity and Integrity of India, Security of the State, friendly relations with foreign states and also on grounds of decency or morality, etc.,

- ii) State can put reasonable restrictions in the interests of general public and for the protection of the interests of Scheduled Castes and Tribes
- iii) The state can put restrictions prescribing professional or technical qualifications for practicing any profession or carrying on any occupation, trade or business.

- iv) The Armed forces and Police forces responsible for defence and maintenance of law and order in the country can be restricted in their enjoyment of fundamental rights according to article 33. This is done in order to ensure the proper discharge of duties and the maintenance of discipline among the forces.
- v) Article 358 empowers the state to restrict fundamental rights to all the citizens, in the event that it declares "Emergency". The parliament through an act, can declare Emergency, when the country is in a crisis owing to reasons like enemy attack, civil unrest, wide spread communal clashes, natural calamities etc., The last time when emergency was declared in India was between 1975-77 under the Prime Ministership of Ms. Indira Gandhi.
- vi) The state is allowed to regulate or restrict any economic, financial, political, or other secular activity which may be associated with religious practice. The state is also allowed to provide for social welfare and throw open Hindu religious institutions of public character to all classes and sections of Hindus. The freedom to manage religious affairs is made subject to public order, morality and health.

DETAILS OF EXERCISES OF RIGHTS & THEIR LIMITATIONS

Articles 14 to 35 describe the details of exercises of fundamental rights and their restrictions which are outlined below:

I. RIGHT TO EQUALITY

Article 14 declares that, "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

While the term 'equality before the law' was inspired by Dicey, an authority on the British Constitution, the expression 'equal protection of the laws' was taken from the US Constitution. Both the phrases aim to establish what is called 'equality of status and of opportunity' to the citizens of India as embodied in the preamble to the Constitution. Although the expression 'equality before the law' and 'equal protection of the laws' may seem to be identical, they in fact mean different things. They can be clearly distinguished as under:

Equality before Law

- This expression implies that there is no special privileges given to any person in particular.
- It means that no man is above the Law of the land.
- It means that every person, high or low, is subjected to the ordinary law of the land.
- The Law makes no distinction between a Chief Minister and a common man or between the Chief Secretary and a clerk.
- Each one is responsible for his acts.
- Equality before law is termed a negative concept because of the 'absence' of any special privilege in favour of any individual.

Equal Protection of the Laws

- This expression implies equality of treatment under equal circumstances.
- In other words, all persons who are in the same circumstances will be governed by the same set of rules.
- It is a guarantee of equal treatment.
- Equal Law should be applied with an equal hand to all persons who are equals.
- The rule is that 'among equals, the law should be equal'.
- Equal protection of the Laws is termed a positive concept because it expects positive action from the state.
- 'Equal Protection of the Law' can be considered as a corollary of 'Equality before Law'. Whenever there is a violation of equal protection of the law there is a denial of equality before the Law.

Exceptions to Right to Equality

It should be noted that there are certain exceptions allowed by the Indian Constitution in the exercising of Right to Equality. They are :

- (1) The President or the Governor is not answerable to any court for the exercise and performance of the powers and duties of his office. [Art 361(1)]

- (2) No criminal proceedings shall be instituted or continued against the President or the Governor during their term of office. [Art 361(2)]

- (3) No civil proceedings in which relief is claimed against the President or the Governor shall be instituted during his term of office in respect of any act done by him in his personal capacity. [Art 361(3)].

- (4) No person shall be liable to any civil or criminal proceedings if he reports in a newspaper or radio or television any true proceedings of the Lok Sabha, Raja Sabha or any Legislative Assembly or Council.

- (5) Rulers of foreign countries, their official diplomats, their ambassadors and members of consulates etc., enjoy immunity from criminal and civil proceedings.

- (6) The United Nations and its agencies are entitled to diplomatic immunity.

- (7) Members of Parliament and of State Legislatures are not liable in respect of anything done or said within the House.

Particular Applications of Right to Equality

Article 14 of the Constitution describes the principle of equality in a general form. This article protects all persons whether they be citizens or aliens. However Articles 15 and 16 provide certain rights only to citizens and deal with particular aspects of equality. While Article 15 deals with discrimination by the State of any kind, Article 16 deals with employment rights under the State. Articles 17 and 18 deals with Untouchability and the abolition of titles respectively.

If there are cases of discrimination that comes within Articles 15 – 18, the validity of the Art is to be attacked with reference to that article. If the matter is not covered by these two articles then it may be challenged under Article 14 which has wider coverage.

Some particular applications of Articles 14 – 18 which cover Right to Equality can be discussed as under.

a) Prohibition of Discrimination (Art. 15)

Certain provisions under Art. 15 which prohibits discrimination of many kinds are discussed as under.

- 1) Clause (1) of Article 15 is a direction to the State not to discriminate against a citizen on grounds of religion, caste, sex, place of birth, or any of them. The prohibition is against the state but not against private persons.

- 2) Clause (2) of Article 15 prohibits both State and private persons from making discrimination in regard to access to shops, hotels and places of public entertainment or to the uses of wells, tanks, and other places of public resort.
- 3) Clause (3) empowers the State to make special provisions for the protection of women & children.
- 4) Clause (4) enables the State to make special provisions for the advancement of socially educationally backward classes of citizens or for the Scheduled Castes and Tribes, eg. reservation of seats in public educational institutions.

b) Equality of Opportunity for Public Employment (Art. 16)

Some provisions under Art. 16 are given below:

- 1) Clauses (1) and (2) of Art. 16 guarantee equality of opportunity to all citizens with regard to appointment to any office or any other employment under the State. Some exceptions to this general rule are :
 - (i) Residence may be laid down as a condition for particular classes of employment but the power to do so is conferred on the Parliament and not on the States.
 - (ii) The State may reserve posts in favour of backward classes of citizens drawn from various classes. But posts cannot be reserved on communal lines, eg 10% for Brahmins, 15% for Muslims etc.
 - (iii) Clause (4) of Art. 16 permits reservation in favour of backward classes but no reservations can be made in favour of women. There can be no relaxation of rules with respect to qualification and recruitment favouring women. Women as a class cannot be regarded as backward.
- 2) Clause (3) of Art. 16 empowers the Parliament to regulate the extent to which it would be permissible for a state to depart from the laws laid down in the previous clauses.
- 3) Clause (4A) was inserted during the 77th Amendment, 1995 to the Constitution. The effects of this amendment are:
 - (i) Reservation in promotion in government jobs can be made in favour of Scheduled Castes and Scheduled Tribes.
 - (ii) The State may provide for reservation ie., the extent and nature of reservation is a matter for the state to decide.

- (iii) The State must establish that a particular caste or tribe is not adequately represented, before making reservation.
- 5) The Law is regard to reservation in employment in favour of backward classes has been laid down by a 9 Judge Bench of the Supreme Court in *Indra Sawhney V. Union of India* popularly known as *Mandal Case* (discussed later as well)

c) The Abolition of Untouchability (Art. 17)

The Constitution (Art. 17) declares:

"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."

In fact, the Protection of Civil Rights Act, 1955, prescribes punishment for:

- 1) Preventing any person from entering any place of public worship or from worshipping in such place.
- 2) Insulting a member of Scheduled Caste on the ground of untouchability.
- 3) Preaching untouchability directly or indirectly.
- 4) Justifying untouchability on historical, philosophical, religious or other grounds.
- 5) Denying access to any shop, restaurant, hotel or place of public entertainment
- 6) Refusing admission to a hospital
- 7) Refusing to sell goods or render services.

Untouchability in concept and practice is considered a blemish on the Hindu Society. Incorporation of the article to abolish untouchability shows the determination of the Framers of the Constitution to eradicate this evil.

It may not be inappropriate to recall what Mahatma Gandhi said on one occasion on the subject. He said, "*I do not want to be reborn, but if I am re-born, I wish that I would be re-born as a Harijan, as an untouchable, so that I may lead a continuous struggle against the oppression and indignities that have been heaped on these classes of people*".

d) The Abolition of Titles (Art. 18)

Prior to independence, the royalty and the nobles had many titles such as His Highness, Raja Maharaja, Dewan Bahadur, Rai Bahadur etc., some of which were hereditary.

- This is similar to England where we still find Barons, Lords, Ladies, Knights, Marquis etc., But being a Republic there is no place for titles in our society. Article 18, therefore, abolishes all titles and the state is prohibited from conferring any titles on any person. However, exceptions to this article are:
- 1) The article does not prevent public institutions, such as Universities, to confer titles or honours by way of honouring their leaders or men of merit eg., Hon. Doctorate title.
 - 2) The State is not debarred from awarding military bravery medals such as Param Vir Chakra, Maha Vir Chakra etc., which can be used as a title. Similarly academic distinctions such as (Ph.D., DSc, MBBS) can also be used as titles.
 - 3) The State is not prevented from conferring titles for exceptional services towards the advancement of Art, Literature, Science, Public Service etc., by way of awarding Bharat Ratna, Padma Vibhushana, Padma Bhushan and Padmashri.

II. RIGHT TO FREEDOM

Personal Liberty is the most fundamental of all Rights enjoyed by people. Articles 19 to 22 deal with different aspects of this basic Right to Freedom.

There are at present six freedoms guaranteed by the Constitution (Right to property was eliminated by the 44th amendment). They are:

- 1) **Freedom of Speech and Expression**
 - This freedom means that everyone has a right to express his opinions freely, by word of mouth, writing, printing, pictures, or electronic media, or in any other manner.
 - Each one has the liberty to propagate his view.
 - Freedom of speech includes the freedom of not speaking and keeping silent.
 - It includes the right to propagate or publish the views of other people.
 - Freedom of Speech includes the right to communicate effectively and to persons in India and abroad.
 - Advertisements for products are also considered a part of Freedom of Speech and Expression.
 - The press has the same rights as those of an individual. It cannot claim better rights.

However, Art. 19 permits the State to put reasonable restrictions on the exercise of Right to Freedom and Expression on grounds of :

- (i) Sovereignty and Integrity of India.
 - (ii) Security of the State.
 - (iii) Friendly relations with foreign states.
 - (iv) Public order.
 - (v) Decency or Morality.
 - (vi) Contempt of court.
 - (vii) Defamation
 - (viii) Incitement to an offence.
- The Supreme Court has viewed 'Bundhs' from a common man's point of view and has held that calling for and holding of Bundh by a political party or organization is unconstitutional and violates the freedom guaranteed by the Constitution to common man, besides causing national loss. No party or organization is entitled to paralyse the industry or commerce or traffic or normal city life.
- 2) **Freedom to Assemble**
 - This freedom means people have a right to assemble and hold demonstrations, take out processions, conduct public meetings etc.,
 - In order to claim this right the assembly must be (i) peaceful and (ii) unarmed.
 - The right is subject to reasonable restrictions in the interest of (i) the sovereignty and integrity of India and (ii) public order.
 - This right does not mean that a citizen may hold meetings anywhere on anybody's property.
 - The government has a right to control the time and place of a meeting.
 - The right to take out processions on a public street is subject to the order of traffic authorities.
 - This applies to all processions whether religious or non - religious.
 - 3) **Freedom to form Associations or Unions**
 - This freedom means that citizens have the right to form Associations or Unions and continue them.

- Therefore workers and employers have the freedom to form their associations and trade unions in order to safeguard their rights, to make demands for better conditions of work or service, and to extract better deals from the employers.
- The Article also confers right to form companies, societies, partnerships, clubs etc.,
- The Right to form associations or unions can be restricted only in the interests of public order or morality. There can be no associations for illegal, immoral, or conspiratorial purposes.
- The Right to form associations is restricted to all classes of people working for the Armed Forces.

- A government servant cannot enjoy certain fundamental rights to the extent that a private citizen can, because he is bound by government service rules. He cannot challenge his service rules saying that they stand in his way of fully enjoying those rights. This has been made clear by the Supreme Court.

4) Freedom of Movement and Residence

- The Constitution ensures to every citizen the freedom to move anywhere in the country.
- The freedom of movement has three aspects – the right to move inside the country, the right to move out of the country and the right to come back to the country.
- The object of the freedom of movement is to remove barriers in India.
- The State can restrict the right on two grounds (i) In the interests of general public (ii) For the protection of the interest of any Scheduled Tribe.

5) Freedom to Reside and Settle

- The Constitution guarantees to every citizen the freedom to reside or settle in any part of India.
- Since there is only single citizenship and no State citizenship, any citizen is free to make his residence or settle down anywhere in India.

6) Freedom of Profession

- This freedom means that every citizen is free to practice any profession, to carry on any occupation, trade or business. It covers all the avenues and methods by which a person earns his livelihood, lawfully.

- The right to carry on a business includes the right not to enter a business and the right to close the business. The right to close the business, however is subjected to restrictions.

- Restrictions to Freedom of profession can be imposed on grounds of :
 - a) General public interests
 - b) Prescribing professional or technical qualifications.
 - c) Creating partial or complete monopoly favouring the state.

III. RIGHT AGAINST EXPLOITATION (Arts. 23 – 24)

- Articles 23 and 24 of the Constitution protects citizens and especially children against exploitation.
- This article prohibits traffic of human beings, 'begar' and all other forms of forced labour. 'Begar' was a peculiar Indian system where the local Zamindars employed people to carry goods. Later they were forced to do any work, without paying them remuneration.
- However, putting a prisoner to hard labour while undergoing a sentence of rigorous imprisonment awarded to him by a court cannot be equated to 'Begar'
- This article forbids bonded labour of any kind.
- This article prohibits the practice of 'Devadasi' System under which women were dedicated in the name of religion to Hindu Gods and Goddesses, offering themselves to the lust of the so-called devotees, and literally living the life of prostitutes.
- Article 24 prohibits employment of children below the age of 14 years in any
 - (a) factory (b) mine or (c) other hazardous employment.
- The Constitution terms employment of children as an uncivilized and inhuman practice. It exploits them, stunts their growth, corrupts their morals and often drives them to delinquency (crime).
- Inspite of laws protecting children, we can see many children working freely and openly everywhere around us. Major industries which employ children in thousands are in diamond polishing (in Gujarat), Glass Industry (in Ferozabad), crackers industry (in Sivakasi, Tamil Nadu), carpet Industry (in Kashmir), lock making industry (Aligarh), and so on.

IV. RIGHT TO FREEDOM OF RELIGION (ARTS. 25 – 28)

- Articles 25 – 28 grants every person the freedom of conscience and the right to freely profess, practice and propagate his religion.
- Every religious community has the right to
 - (i) Establish and maintain institutions for religious and charitable purposes
 - (ii) To manage its religious affairs.
 - (iii) To own and acquire property.
 - (iv) To administer such property.
- The state shall not establish or encourage any religious activity nor can it compel any person to pay taxes for the same.
- No religious instructions shall be provided in any educational institution wholly funded by the state.
- Religious instructions may be imparted in educational institutions recognized by the state or receiving aid by the State. But a person attending such institutions cannot be compelled to attend or participate in such instructions.
- The Right to freedom of Religion is not absolute. It is firstly subjected to public order, morality and health. No person can claim the right to conduct human sacrifice or for example, offer prayers on a busy highway.
- Secondly, the State may by law regulate economic, financial, political or other secular activity which may be associated with religious practice but do not constitute an essential part of religion. For e.g., The right to observe and practice rituals is protected, but the right to manage a temple can be restricted.

V. CULTURAL AND EDUCATIONAL RIGHTS (ART. 29 – 30)

- Articles 29 and 30 guarantees the rights of any sections of citizens residing in any part of the country having a distinct language, script or culture of its own, to conserve the same.
- The article prohibits any discrimination based on religion, race, caste, language etc. matters of admission to state or state-aided educational institutions.
- The Article also provides that, "all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice". Accordingly the State shall not discriminate

VI. RIGHT TO CONSTITUTIONAL REMEDIES

- Article 32 makes all the Fundamental Rights mentioned in the Constitution justiciable i.e., enforceable through the court of law.
- All the Fundamental Rights would have become meaningless and ineffective without an effective machinery for the enforcement of rights. Here article 32 seeks to provide the necessary constitutional remedies to achieve the same.
- Article 32 has 4 sections. The first section grants the freedom to move the Supreme Court in case of violation of fundamental rights. It is significant that the right to approach the court is itself a fundamental right.
- The second section deals with power of the Supreme Court to issue writs (written commands issued by courts) in the nature of 'habeas corpus', 'mandamus', 'quo warranto' etc., for the enforcement of any of the rights.
- The third section empowers the Parliament to confer the power of issuing writs on any other court without prejudice to the power of the Supreme Court. So far, Parliament has not passed any law in this respect.
- The fourth section deals with the conditions under which this right can be suspended.
- Article 226 also empowers the High Court to issue writs to any authority within the State in order to enforce and safeguard Fundamental Rights.

IMPORTANT CASES AND RESULTS (As listed by VTU)

- No part of our Indian Constitution has been challenged as much as part III which contains Fundamental Rights. The scope and extent of Fundamental Rights have been deeply probed and questioned during the last 55 years of existence of our Constitution. Hundreds of cases have been heard by the Supreme Court and many important and landmark judgements have been pronounced in the area of Fundamental Rights. Some of those court cases, the verdicts and their consequences have been discussed in the following pages.

against any educational institution on the ground that it is under the management of a minority, while granting aid to them.

The above rights guarantee full opportunities to the minorities to preserve their own language and culture.

Article 21(A) has been added by the 86th amendment 2002, making Right to Education of children, a fundamental right.

Case No. 1 : Maneka Gandhi vs Union of India : AIR 1978 SC 597.

Issue : In 1977, Maneka Gandhi was not allowed to travel abroad and her passport was impounded (cancelled) by the Passport Officer, under instructions from Smt. Indira Gandhi. Maneka Gandhi challenged this and validity of several other F.R's.

Verdict : The Supreme Court declared that F.R's provided in Part III should be given widest possible interpretations.

- It said that all the F.R's under part III should be viewed as a whole and not mutually exclusive to one another, as declared in *Gopalan vs. State of Madras*.

- Any law made by the State to deprive a person of his personal liberty must prescribe a procedure for such deprivation which must not be arbitrary, unfair or unreasonable.

- Considering human rights, it was held that the punishment of solitary confinement, handcuffing, harsh labour, degrading jobs and punishments in jail without judicial approval violate Art 21 of the Constitution

- It also held that the Passport Authority of India held discretion in issuing passports to travel abroad.

Case No. 2 : Sunil Batra v. Delhi Administration : AIR 1980 SC 1579.

Issue : A Prisoner and his enjoyment of Fundamental Rights

Verdict : Supreme Court held that a prisoner loses only those rights as necessitated by the Court sentence.

- It declared that all other freedoms belong to him i.e., freedom to read & write, to exercise & recreation, to meditate & chant, to be protected from extreme cold and heat, to move within the prison campus subject to discipline and security, to minimal joys of self-expression, and all other rights tailored to the limitations of imprisonment.

Case No. 3 : Hussainara Khatoon v. Home Secretary-State of Bihar: AIR 1979 SC 1360.

Issue : Speedy trial for accused people in judicial custody

Verdict : The Supreme Court held that the accused in judicial custody have a right to speedy trial. No procedure which does not ensure a reasonably quick trial can be regarded as "reasonable, fair or just" and would also violate Art.21 of the Constitution.

Case No 4 : Kesavanand Bharati V. State of Kerala (1973)

Issue : Review of Amendability of Fundamental Rights. The Supreme Court in an earlier ruling (*Golak Nath v State of punjab, 1967*) had declared that the F.R's cannot be amended at all.

Verdict : A 13- Judge bench reviewed the amendability of F.R's.

- The majority (7 : 6) overruled *Golak Nath* and declared that the parliament has the power and competence to amend the part containing Fundamental Rights just like any other part of the Constitution.

- But by an amendment, the Parliament cannot abridge, abrogate or destroy the basic structure of the Constitution.

- In any case, the Supreme Court will have the power to decide what forms the basic structure of the Constitution.

Case No: 5 : Air India vs Nargesh Meerza: AIR 1981 SC 1829.

Issue : Difference in treatment to different classes of people (Air-hostess and pilots in this case) amounted to violation of Art 14 -Right to Equality

Verdict : Supreme Court held that Art.14 forbids hostile discrimination but not reasonable classification. When persons belonging to a particular class in view of their qualities, attributes, educational qualification, mode of recruitment etc. differential treatment does not amount to discrimination.

- Article 14 applies where equals are treated differently without any reasonable basis. Where equals and unequals are treated differently, Art 14 does not apply.

- In order to judge whether a separate category has been carved out of a class of service, the following circumstances are examined

- i) Nature, mode & manner of recruitment
- ii) Terms and conditions of service of that class of employees
- iii) Nature and character of the post and promotional avenues
- iv) Special attributes found in a particular class not found in other classes.

PREAMBLE TO THE CONSTITUTION

Case No. 6 : Vishaka v. State of Rajasthan: AIR 1997 SC 3014.

Issue : Sexual harassment of women at workplace

Verdict : Supreme Court critically viewed sexual harassment of women at workplaces. It held that such a harassment amounts to violation of rights guaranteed by articles 14, 15 and 23 (equality and dignity)

The court issued detailed directions on the subject

Case No. 7 : Balaji v. State of Mysore : AIR 1963 SC 649.

Issue : The state of Mysore issued an order in 1958 that all communities excepting the Brahmin community, fell within the definition of educationally and socially backward classes and 75% of the seats in educational institutions were reserved for them. This was challenged in the Supreme Court.

Verdict : This Govt. Order was set aside by the Supreme court.

Result : The State of Mysore passed another order which superseded all previous orders made by the State for the reservation of seats. Under this new order, the backward classes were divided into 2 categories; backward classes and more backward classes. The order reserved 68% of the seats in the engineering and medical colleges for the educationally & socially backward classes and SC & ST and left only 32% seats for the merit pool. This rule was again challenged by 23 petitioners.

Case No. 8 : India Sawhney V. Union of India (1992) (The famous Mandal Commission Case)

Issue : Reservation policies of Government in favour of Backward classes.

Verdict : A 9 – judge bench of the Supreme Court heard the case. It was not a unanimous judgement. 6 judges constituted the majority and laid down the following propositions regarding reservation in employment.

- 1) Reservation can be made by the legislature by enacting a law, by the Govt. by issuing an order.
- 2) Clause (4) of Art. (16) lays down all that can be done in favour of backward classes in the matter of employment.

- 3) Backward class cannot be identified solely by economic criterion. But in most cases *Creamy Layer* is removed from the backward classes, by imposing an income limit. That is, persons belonging to backward classes and whose incomes exceed certain limits are excluded from the benefit of reservation.
 - 4) Art. 16(4) permits classification of backward classes into backward and more backward.
 - 5) Reservation should not exceed 50%, normally per year. However the 50% rule may be exceeded in extraordinary cases which must be justified.
 - 6) Vacancies can be carried forward. But it should not result in breach of the 50% rule.
 - 7) There are certain jobs and positions in which merit alone counts. For services like Airline Pilots, Nuclear Scientists, Professors, Defence services, Super Specialties in Medicine, R & D personnel etc. reservations are not advisable.
 - 8) Reservation is confined to initial appointment only and cannot extend in the matter of promotion because it would reduce efficiency of administration.
 - 9) A National Commission of Backward classes to be appointed for the upliftment of those classes.
 - 10) All disputes regarding reservation as per Art. (16(4)) can be raised only in Supreme Court and not before any High Courts or tribunal.
- Criticisms of Mandal case judgement**
- The Supreme court judgement on the issue of reservation to backward classes invited widespread criticism. Some of these were:
- 1) Eminent Lawyer N.A. Pakhivala supported the view of minority (of judges) which held that casteism is anathema to the Constitution and caste can never be the basis of reservation.
 - 2) The Mandal case allow the state prescribe reservations for the majority of the population in India, for which there is no parallel in the world !
 - 3) On one hand the Constitution declares the country as secular, and on the other hand, the state asks for a caste certificate for reservation purposes. This is a paradoxical practice.

- 4) The Supreme Court refused a 10% additional reservation for other economically backward communities holding that only caste backwardness is relevant and economic backwardness is not. This was widely criticized.
- 5) All our Social Reformers like Swami Vivekananda, Narayana Guru, Mahatma Gandhi regarded caste system as a curse on the society. But the Reservation system ensures that the caste system is alive.
- 6) Reservation as a policy would become irreversible since the majority of the people will always be wanting it. Then would be wide spread violence in the country when reservation is finally going to be abolished. The time limit fixed for Reservation system should be strictly adhered to.
- 7) Finally Mandal case has revitalized the caste system and has divided the nation in two – forward and backward.

Case No. 9 : Bijoe Emmanuel V. State of Kerala : AIR 1986 3 SEC. 615.

Issue : "Jehovah's witnesses" is a world-wide sect of Christians. People belonging to this faith have several religious tenets, among them is the refusal to sing any National Anthem or salute any Flag. These tenets are well established and have been upheld by the highest courts in USA, Canada, Australia etc., In Kerala in 1985, 3 students belonging to this faith, refused to sing Jana Gana Mana, on the ground that it was against their faith. These students were expelled from the school. They approached the supreme court which accepted their appeal.

Verdict : The Supreme Court held that the children truly believed in their faith with all sincerity, although their beliefs appeared strange. It was held that the children were neither unpatriotic nor perverse. They were law-abiding and well-behaved children who did not sing any National Anthem but stood respectfully when it was sung. Their refusal to sing the National Anthem is neither disrespectful of it nor inconsistent with the Fundamental Duty under Act. 51(A). In fact, freedom of silence is a Fundamental Right guaranteed under Art.19(1)(a). Hence no action should have been taken against them.

Case No.10 : People's Union for democratic rights V. Union of India.

Issue : Misuse of fundamental rights

(AIR 1981 2 SC 1473)

Verdict : Supreme Court declared that it is the constitutional obligation of the State to take the necessary steps to see that the fundamental rights are properly observed by individuals and prevent violating the same.

- And further the state should ensure that there is no violation of the fundamental right of such an individual particularly when he belongs to the weaker section and is unable to wage a legal battle against a strong and powerful opponent who is exploiting him.

Case No.11 : M.C. Mehta V. Union of India: AIR 1997 4 SEC & 1988 SC 463

Issue : Article 32 empowers any citizen to mount a public Interest Litigation/ Social Interest litigation by writing a letter supported by an affidavit but addressed only to the Chief Justice of the Supreme Court and not to any other judge. This was challenged.

Verdict : A 5-Judge bench held that it would not be right to reject a letter addressed to an individual judge to the Supreme court merely on the ground that it is not addressed to the Chief Justice.

- Further it was held that supreme Court should entertain all letters even if they were not supported by an affidavit.
- It was noted that poor people often knew only particular judges who came from their States and also would not normally know the proper way of addressing complaints.

- It held that if a large number of letters were eliminated due to lack of procedure, access to justice would be denied to the deprived and the vulnerable sections of the society.

Case No.12 : M.C. Mehta II V. Union of India: AIR 1996 4 SEC 750.

Issue : A PIL was filed against pollution of River Ganges

Verdict : The Supreme court held that although the petitioner was not a riparian owner, he was interested in protecting the lives of the people who made use of the water flowing in the Ganga river.

- It directed the municipal authorities and the Kanpur Nagarpalika to submit its proposal for the effective prevention and control of water pollution within 6 months.

- The Supreme Court also directed the Nagar Mahapalika to shift polluting industrial units away from the banks of Ganga or see to that the wastes are not let to Ganga. It also directed the municipalities to ensure that dead - bodies or half-burnt bodies are not thrown into the Ganga.
- It also directed to construct public toilets for the use of poor people free of charge.

Case No.13 : Murli Dere V. Union of India: AIR 2002 SC 40.

Issue : Smoking in public places

Verdict : Supreme court declared that smoking in public places has to be banned. This is because, there is no reason to compel non-smokers to be helpless victims of air pollution. Very often passive smoking leads to the same injuries as active smoking without the benefit of smoking!

Case No.14 : Unnikrishnan V. State of AP : AIR 1993 SEC 645.

Issue : Capitation fee in professional Institutions

Verdict : The Supreme Court held that, "Imparting of education is not and cannot be allowed to become commerce".
 - The Court did not decide whether it was an occupation but it clearly held that running a college is not trade, profession or business with Article 19(1)(g).
 - If held that citizens have a right to establish educational institutions but not to run them as commercial institutions.
 - This case, among others, prompted Supreme Court subsequently to declare right to Education as a fundamental right

CASE No.14: T.M.A. Pai Foundation V. State of Karnataka (1993 & 2002)

Issue

- 1) What is the meaning and context of the expression 'minority' in Art. 30?
- 2) What is the meaning of the expression minority educational institution and the indicators to determine it ?
- 3) What is the criteria to admit student to such institutions?

Verdict : A 11-judge bench heard the case and gave the following propositions :

- 1) The right to establish and administer educational institutions is guaranteed to all citizens and to minorities specifically under Art. 30. These rights are not limited to minorities and are available to all persons.
- 2) Every State shall determine what constitutes 'minority' in its state both from 'linguistic' and 'religious' points of view.
- 3) The question whether the followers of a religion can claim minority Status even though they are in majority, was unanswered.
- 4) The question as to what is the criteria for treating an educational institution as minority institution was left to the state itself.
- 5) Admission of students to unaided minority institutions cannot be regulated by the State or University but it can provide the qualifications and minimum conditions of eligibility, under academic interest.
- 6) An aided minority educational institution has the right to admit students belonging to the minority but also should admit a reasonable number of non-minority students. Reasonable number would depend on the type of institution, courses being run and educational needs of the minorities.
- 7) Among the minority group, admissions must be on merit.
- 8) In case of aided professional institutions the state may declare that only those students may be admitted who have passed a common entrance test.
- 9) A minority institution may have its own procedure and method of admission but the procedure must be fair and transparent. Selection in professional and higher education colleges should be based on merit.
- 10) The state can provide that in aided institutions consideration may be shown to weaker sections.
- 11) In case of unaided institutions the control should be minimal. Conditions for affiliation to any University must be honoured. But the appointment of teaching and non-teaching staff and control over them will be the prerogative of the management. But the State may frame regulations prescribing the minimum qualification of teacher or Principal and also in regard to service conditions.
- 12) Unaided institutions can charge any fees but no institution can charge capitation fee.

Case No. 16 : ADM, Jabalpur vs. S. Shukla : AIR 1976 SC 1207

Issue : The Additional District Magistrate of Jabalpur declared in a ruling that the enjoyment fundamental rights and all proceedings pending in any court for the enforcement of those rights, shall remain suspended for the period during the proclamation of Emergency. This was challenged by S Shukla in the Supreme Court.

Verdict : High Courts across the country were already divided on the issue. The Supreme Court then held by majority that no person had any *locus standi* (basis) to move any writ petitions under Article 226 before a High Court. It held that Article 21 of the Constitution was the sole guardian of the right to personal liberty against the State. If Art. 21 is suspended, the right to personal liberty does not remain in existence. *ADM, Jabalpur* was therefore upheld.

Result : Constitution was subsequently amended (44th) providing that Article 21 cannot be suspended even with the proclamation of Emergency.

Case No.17 : K. K. R. M. C. Welfare Association V. Church of God (Full Gospel) in India : AIR 2000 SC 2773

Issue : Noise Pollution due to blaring music during religious activities

Verdict : Supreme Court ruled against noise pollution with regard to use of voice amplifiers by religious institutions.

- It held that no religion preaches that prayers are required to be performed through voice amplifiers or by beating of drum. It clarified that even if there is such a practice it should not adversely affect the right of others including that of being not disturbed in their activities.

- Apart from the general liberty under Article 21, people also have a right under Article 19 (1) not to be subjected to hearing things they don't like.

□□□□

SUMMARY

1. Constitution describes the way in which citizens who are component parts of the state, are arranged in relation to one another.

2. Evolution of Constitutional Law.

1922 - Gandhiji demanded for a Constitution of Free India

1928 - Motilal Nehru prepared report on Fundamental Rights which became a basis for Indian Constitution

1935 - The INC demanded for Indian Constitution without outside interference.

1942 - Cripps Mission proposed independence after WW II but was rejected.

1946 - Elections were held to Constituent Assembly. But Muslim League pulled out.

June 1947 - Mountbatten resolves INC and Muslim League crisis. Partition declared.

15th August 1947 - Independence day and transfer of power

1948 - Dr. B. R. Ambedkar presented 'Draft Constitution of India'

26th Nov, 1949 - Dr. Rajendra Prasad passed the 'Constitution'

26th Jan 1950 - Indian Constitution comes into force and India is declared Republic

3. Features of Indian Constitution.

- written, federal, democratic, lengthiest, fundamental
- defines Union & State Executive, Union & State Judiciary, Emergency Powers, Elections

4. Preamble to the Constitution.

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens : JUSTICE, social, economic and political ; LIBERTY of thought, expression, belief, faith and worship ; EQUALITY of status and opportunity , and to promote among them all ; FRATERNITY assuming the dignity of the individual and the UNITY & INTEGRITY of the Nation.

IN OUR CONSTITUENT ASSEMBLY this 26th November, 1949, do HEREBY
ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

5. Terms in the Preamble.

- Sovereign**
 - Means independent authority of State
- Socialist**
 - Means freedom from exploitation
- Secular**
 - Neutral towards all religions. No discrimination based on religion.
- Democratic**
 - Govt. of the people, by the people, for the people
- Republic**
 - Absence of Kings, Queens, nobles and privileged class
- Justice**
 - Right of the people to secure redress from courts
- Liberty**
 - Freedom of thought, expression, belief, faith and worship
- Fraternity**
 - All human beings are equal - mentally and physically
- Unity & Integrity**
 - Sense of brotherhood, sense of togetherness
 - that we have to achieve !

FUNDAMENTAL DUTIES

6. Scope and Extent of Fundamental Rights.

- F.R.'s enjoy the highest status.
- F.R.'s provides adequate freedom for the development of personalities of individuals.
- Guardian of F.R.'s is the Supreme Court.
- F.R.'s are exhaustive.
- Most of the F.R.'s are available to non-citizens of India barring a few.
- F.R.'s are protected by Supreme Court, ordinary rights by the lower courts
- In some cases F.R.'s are restricted. Armed forces, emergency situations, interests of SC & ST, enemy attack etc. are some situations.

7. Right to Equality.

Equality before law - Everyone is treated equally before law. No privileges to anyone.

Equal Protection of the law - All people are governed and protected by law equally.

Exceptions exist to enjoying Right to equality.

Discrimination of any kind is prohibited.

Equality of opportunity for public employment.

Untouchability is abolished and punishable if practiced.

Abolition of titles such as Raja , Dewan, Rai Bahadur etc.

8. Right to Freedom.

- Freedom of speech & expression.
- Freedom to assemble.
- Freedom to form Associations or Unions.
- Freedom of Movement and Residence.
- Freedom to Reside and Settle.
- Freedom of Profession.

9. Right against exploitation.

- Practices like 'Begar', "Devadasi", 'child labour', 'bonded labour' etc. are abolished.

10. Right to Freedom of Religion.

- Freedom to profess, propagate and practice any religion.
- Religious communities can manage their own affairs.

11. Cultural & Educational Rights.

- People have the right to conserve their language, script and culture, Minorities can have their educational institutions.
- Children have right to education.

12. Right to Constitutional Remedies.

- All F.R.'s are enforceable through the court of law. Supreme Court may issue writs for the enforcement of rights.

□ □ □ □

**Objective Type Questions and Suggested Answers
(From Previous VTU Exam Papers)**

CHAPTER-1

1. The following term has been included in the preamble by amending it
 - (a) Republic
 - (b) Fraternity
 - (c) Socialist
 - (d) Sovereign
2. Telephone tapping is violation of
 - (a) Right to freedom of speech and expressions
 - (b) Right to life and expression
 - (c) Right to carry on any profession
 - (d) Right to equal protection of law
3. Equality before the law implies
 - (a) Absence of any privilege in favour of any person
 - (b) Equal opportunity in social and economic matters to all citizens.
 - (c) That the law should be same both in the case of men and women.
 - (d) That all the religions should be treated equally
4. Traffic in-human being means
 - (a) Transporting human beings
 - (b) Selling or purchasing men and women
 - (c) Traffic in places having dense population
 - (d) Illegal sale of human organs
5. Sexual harassment of working-women is violation of
 - (a) Fundamental right
 - (b) Fundamental duty
 - (c) Directive Principles of State Policy
 - (d) Rule of law
6. Forced labour does not include service rendered under
 - (a) Physical force
 - (b) Legal force
 - (c) Compulsion of economic circumstances
 - (d) Moral force
7. Right to decent environment includes
 - (a) Freedom to reside in any part of India
 - (b) Right to life
 - (c) Right to religion
 - (d) Right to equal protection of law

8. Seats in educational institutions can be reserved for
 - (a) Educationally backward-class people
 - (b) Muslims
 - (c) Socially backward-class people
 - (d) Socially and educationally backward-class people
9. Reasonable restriction can be imposed on the right to practice any profession.
 - (a) In the interest of clients
 - (b) In the interest of employees
 - (c) In the interest of commerce and trade
 - (d) In the interest of general public
10. This is not the ground to impose restriction on the right of freedom of speech and expression
 - (a) Friendly relations with foreign states
 - (b) Public nuisance
 - (c) Defamation
 - (d) Incitement to an offence
11. The date of commence of Indian Constitution is
 - (a) 26th November 1949
 - (b) 26th November 1945
 - (c) 26th January 1950
 - (d) 16th August 1947
12. Demand for a Constitution, framed by a Constituent Assembly was made by
 - (a) Purushottamdas Tandon
 - (b) Surendranath Banerjee
 - (c) M.K.Gandhi
 - (d) Dr. B. R. Ambedkar
13. Preamble of the Indian Constitution indicates.
 - (a) The source of Indian Constitution
 - (b) The extent of Government's power to make law
 - (c) The facilities to be given to backward class people
 - (d) The circumstances under which the constitution can be amended
14. A person is detained under Preventive Detention law when
 - (a) he has committed offences against the public
 - (b) he is likely to cause harm to the public
 - (c) he is about to escape from India
 - (d) he has violated law made by the Central Government
15. The first - meeting of the Constituent Assembly was held in
 - (a) 1949 (b) 1950
 - (c) 1947 (d) 1946

CONSTITUTION OF INDIA AND PROFESSIONAL ETHICS

PREAMBLE TO THE CONSTITUTION

- 16. In which year, did Cripps Mission come to India ?**
- 1935
 - 1945
 - 1949
 - 1942
- 17. Who was the chairman of Drafting Committee of Constitution of India ?**
- Dr. Rajendra Prasad
 - Jawaharlal Nehru
 - Dr. B.R. Ambedkar
 - Sardar Vallabhbhai Patel
- 18. When did Indian Constitution come into force ?**
- 1946
 - 1949
 - 1948
 - 1950
- 19. What is the remedy available for the breach of fundamental duties under the Constitution ?**
- Filing writ Petition
 - Filing Criminal Complaint
 - Filing Civil Suit.
 - No remedy
- 20. Who was the constitutional Advisor to the Constituent Assembly ?**
- Dr. B.R. Ambedkar
 - Jawaharlal Nehru
 - Dr. Rajendra Prasad
 - B.N. Rau
- 21. How many times was the Preamble of the Constitution amended ?**
- Three times
 - Two times
 - One time
 - Not amended
- 22. Right to practice and propagate any religion is subject to**
- Public order
 - Public convenience
 - Public interest
 - Public consent
- 23. Equal protection of law means**
- The same law shall apply to all who are similarly situated
 - The same law shall apply to all irrespective of religion, race caste.
 - There should not be any discrimination while protecting men and women
 - Laws applicable to backward class people should be same.
- 24. The Right to Education is part of**
- Right to freedom of speech and expression
 - Right to social equality
 - Right to life
 - Right to freedom of profession and trade
- 25. An arrested person should be allowed**
- To contact his relatives
 - To consult his lawyer
 - To contact higher police officer
 - To contact nearest Magistrate
- 26. The freedom of speech and expression does not include**
- The right to express ones own conviction
 - Commercial advertisements
 - Right to propagate the views of other person
 - Calling for "Bundh"
- 27. For the breach of Fundamental Duty, an action**
- Can be initiated in the Magistrate Court
 - Can be initiated in the Civil Court
 - Cannot be initiated in any Court
 - Can be initiated either in high court or supreme court
- 28. The constitution does not protect the right of the minority with regard to**
- Script
 - Cult
 - Culture
 - Language
- 29. The following act does not amount to practicing untouchability**
- Refusing to sell goods or render service.
 - Refusing admission to a hospital
 - Denying access to a home
 - Refusing to buy goods or render service.
- 30. The Indian independence Act 1947 was passed by the**
- Constituent Assembly
 - British Parliament
 - Governor General of India
 - Provincial Government
- 31. India has recognized**
- Only one religion as National Religion
 - Three religions as National Religions
 - Five religions as National Religions
 - No religion as National Religion
- 32. A person is detained under the special law**
- When he has committed criminal offence
 - When he has committed civil wrong
 - When there is likely hood of committing offence against public
 - When there are chances of escaping from India.
- 33. The owner of the patent right will be having patent rights for**
- 100 years
 - 75 years
 - 50 years
 - 20 years.
- 34. Right against exploitation prohibits**
- Lending money at high interest
 - Giving in marriage minor girls
 - Women working at night in factories.
 - Traffic in human beings.
- 35. One of the restrictions of freedom of speech and expression is**
- Contempt of Court
 - Degrading the office of the president
 - Spreading discontent among the citizens
 - Holding unlawful assembly

- 36. When a person is detained under a special law**
- He should be released within three months.
 - He should be produced within three months before the magistrate.
 - An Advisory Board must be constituted within three months.
 - A charge sheet must be filed within three months in the proper court.
- 37. Common Civil Code means**
- Common Civil Procedure Code
 - Common Civil Law applicable to all
 - Civil law applicable to common man
 - Civil law applicable to Hindus, Muslims and Christians in certain matters.
- 38. Preamble of Indian Constitution**
- Is part of the constitution
 - Is not part of the constitution
 - Was considered to be part of the constitution
 - Is additional part of the constitution
- 39. Right to life includes**
- Right to die
 - Right to contest for election
 - Right to make a will
 - Right to get education
- 40. The final draft of the Indian Constitution was signed by**
- Dr. B.R. Ambedkar
 - All the members of drafting committee of the Indian Constitution
 - Dr. Rajendra Prasad
 - All the members of Constituent Assembly
- 41. A person detained under the law providing for preventive detention**
- Must be produced before the nearest Magistrate within 24 hours
 - Must be produced before the nearest magistrate within 48 hours
 - Must be produced before the nearest Magistrate within 3 days
 - None of the above
- 42. Access to shops, hotels etc can be prohibited on the ground of**
- Race
 - Place of birth
 - Sex
 - Nationality
- 43. To set up two independent dominions to be known as India and Pakistan was provide by the**
- Cabinet Mission
 - Simla Agreement
 - Mountbatten Plan
- 44. Social Justice means**
- Justice to all people who are poor and illiterate, irrespective of caste, creed and religion
 - Providing justice to poor and downtrodden by passing special laws
 - Justice which protects the interest of the society at large
 - None of the above

- 45. On the ground of maintaining friendly relations with foreign states, reasonable restriction can be imposed on the**
- Right of personal liberty
 - Right of freedom of speech and expression
 - Right of freedom of movement
 - Right to form Associations and Unions
- 46. An arrested person is not having**
- Right to be informed of the ground of arrest
 - Right to consult and defended by a lawyer
 - Right to produce before a Magistrate within 20 hours of his arrest
 - Right not to be detained for more than 24 hours without the consent of the court
- 47. Equality before law permits**
- Class legislation and prohibits class legislation based on
 - Legislative classification based on caste but prohibits class legislation based on religion
 - Legislative classification and prohibits class legislation
 - Legislation based on race, religion, caste, sex and place of birth
- 48. Reasonable restriction may be imposed on the right to assemble peacefully and without arms to**
- Protect public property
 - Maintain public order
 - Maintain public tranquility
 - Maintain law and order
- 49. Right against custodial violence includes in the**
- right to equality before the law
 - Right to equal protection of laws
 - Right to personal liberty
 - Double Jeopardy
- 50. It is not the objective enshrined in the Preamble**
- Justice Social Economic and Political
 - Liberty of thought and expression
 - Equality of Status
 - Not to indulge in corrupt practice.
- 51. This is not the ground to impose restriction on the right of freedom of speech and expression**
- National Security
 - Law and order
 - Contempt of court
 - Morality or decency
- 52. Dr. Rajendra Prasad was chairman of**
- Drafting committee
 - Raj Sabha
 - Constituent Assembly
 - First Planning Commission
- 53. Violate means**
- Use Violence
 - Use force
 - Commit breach of law
 - Over-rule

54. Right to privacy includes

- (a) Right to move freely through out the territory of India
- (b) Right to reside in any part of India.
- (c) Right to practice any profession
- (d) Right to personal liberty

55. Freedom of press is included in

- (a) Right to carry on any occupation
- (b) Right to personal liberty
- (c) Right to freedom of speech and expression
- (d) Right to education

56. Fraternity means

- (a) Fatherly treatment
- (b) Spirit of brotherhood
- (c) Unity and integrity of the nation
- (d) Elimination of economic injustice

In the case, a person detained under preventive detention law, an Advisory Board may be constituted consisting of

- (a) Sitting Judges of Supreme Court
- (b) Sitting Judges of Supreme court and High Court
- (c) Sitting Judges of High Court and Principal District Judges
- (d) Persons who are qualified to become a High Court Judges

This is not the protection given to an accused person under the constitution

- (a) Self-protection
- (b) Self-incrimination
- (c) Double-jeopardy
- (d) Ex-post-facto-law

The Constitution of India derives its authority from the

- (a) Parliament of India
- (b) Supreme Court
- (c) People of India
- (d) Constituent Assembly

A person detained under the preventive detention law can be detained for more than three months, if the advisory Board is of the opinion that

- (a) There is a sufficient cause for such detention
- (b) The person detained has committed an offence against the state
- (c) The person detained is a dangerous person and is a threat to public peace and safety
- (d) The person detained is having links with foreign enemy

61. Rule of law means

- (a) No man is above the law of the land
- (b) Procedural rules to be strictly followed while applying the law
- (c) Strictly according to rules made under law
- (d) Rules made under the law of Constitution

62. Right to religion is not subject to

- (a) Public order
- (b) Public Welfare
- (c) Public Health
- (d) Public Morality

63. Illegal telephone tapping is violation of

- (a) Right to equal protection laws
- (b) Right to practice any profession or to carry on any trade
- (c) Right to personal liberty
- (d) Right to freedom of Speech and expression

64. The safe guards available to detainees under the preventive detention laws is

- (a) Available only to Indian Citizens
- (b) Non available to alien enemies
- (c) Available to alien enemies
- (d) Available to only Indian citizens and non citizens

65. Cabinet Delegation

- (a) Rejected the claim for separate state for muslims
- (b) Accepted the claim for separate state for muslims
- (c) Strongly opposed to hold elections to elect members to form Constituent Assembly
- (d) None of the above

66. The right against exploitation does not include

- (a) Traffic in human beings
- (b) Begar
- (c) Child labour
- (d) Natural environment, including forests and wild life

67. The right to live with human dignity includes in

- (a) The right to social justice
- (b) The right to equal protection of laws
- (c) The right to life
- (d) None of the above

68. The words "we people of India" in the preamble of Indian Constitution refer to

- (a) All people of India
- (b) All the persons who were the members of the Constituent Assembly
- (c) All the persons who were the members of the Drafting Committee
- (d) Both, all the members of Constituent Assembly and Drafting Committee

69. The Preamble of the Indian Constitution indicates

- (a) The date of commencement of Indian Constitution
- (b) The date of enactment of Indian Constitution
- (c) The social, economical and political privileges given to weaker sections of the society
- (d) The dreams and aspirations of M.K. Gandhi, the father of the nation

70. The law depriving a person of his personal liberty should not violate

- (a) The principles of legal justice
- (b) The principles of natural justice
- (c) The principles laid down by the supreme Court
- (d) The right of equal protection of laws

71. The rule of equality before the law under the Indian Constitution is applicable to

- (a) Natural Citizens of India
- (b) Those who have got Indian Citizenship
- (c) Both, Natural Citizenship of India and those who have got Indian Citizenship
- (d) Any person within the territory of India

72. The religious freedom given under the constitution does not permit a person

- (a) Propound his religion
- (b) Propagate his religion
- (c) Practice his religion
- (d) Profess his religion

73. A person detained under the law of preventive detention cannot be detained unless the matter is referred to Advisory Board for more than

- (a) Three months
- (b) Six months
- (c) One year
- (d) Two years

74. One of the members of Cabinet Delegation was

- (a) Lord Wavell
- (b) Sir Stafford Cripps
- (c) Lord Andres Smith
- (d) Sir Edward Smith.

75. This Article is applicable to both, citizens and non-citizens

- (a) Art 14
- (b) Art 15
- (c) Art 16
- (d) Art 19

76. Equality before law is a corollary from

- (a) Strict liability
- (b) Dicey's rule of law
- (c) Irish constitution
- (d) Swiss constitution.

77. This is a ground to prohibit access to shops, hotels etc.

- (a) Religion
- (b) Place of birth
- (c) Nationality
- (d) Caste.

78. The rule of equality before law is applicable to

- (a) Backward class people
- (b) Socially and educationally backward class people
- (c) All citizens of India
- (d) Any person within the territory of India.

79. Constitution declares Untouchability as

- (a) Undemocratic act
- (b) Serious social evil
- (c) Criminal offence
- (d) Inhuman act

80. Freedom of press is included in

- (a) Right to freedom of profession
- (b) Right to freedom of trade and commerce
- (c) Right to freedom of speech and expression
- (d) Right to personal liberty.

81. Right to life does not include

- (a) Right to die
- (b) Right to livelihood
- (c) Right to decent environment
- (d) Right to shelter.

82. An arrested person should be produced before a magistrate within

- (a) Three days
- (b) Twelve hours
- (c) Twenty-four hours
- (d) Thirty six hours.

83. Beggar means

- (a) A person who lives on begging
- (b) Involuntary work without payment
- (c) A criminal in the guise of beggar
- (d) A person who deals in selling or purchasing men and women.

84. Protections available in respect of an arrested person are not available to the

- (a) President
- (b) Governor
- (c) Foreign Diplomats
- (d) Persons detained under Preventive Detention Law.

85. An educational institution wholly maintained out of state funds should

- (a) Provide proper religious instruction.
- (b) Not provide any religious instruction
- (c) Provide religious instruction with the consent of parents
- (d) Provide religious instruction with the prior permission of State Government

86. This is an object enshrined in the preamble of the constitution

- (a) Equality of status
- (b) Equality before the law
- (c) Equal protection of laws
- (d) Equal justice

87. Reasonable restriction means

- (a) Restrictions based on social conditions
- (b) Restrictions based on economic conditions
- (c) Restriction actually required in the interest of public
- (d) Restriction which is moderate

88. The following is not available to non-citizen

- (a) Art 1
- (b) Art 15
- (c) Art 20
- (d) Art 21

89. The rule of Right to Equality is not applicable to

- (a) Members of Lok-Sabha
- (b) Chief-Judge of India
- (c) Rulers of Foreign Countries
- (d) Speaker of the Lok-Sabha

90. It is not correct to say that holding 'Bundh'

- (a) Does not disturb public peace
- (b) Does not cause loss to the public
- (c) Is constitutional
- (d) Is unconstitutional

PREAMBLE TO THE CONSTITUTION

91. Criminal Law cannot be enacted

(a) Making children liable for criminal offences

(b) Retrospectively

(c) Prospectively

(d) Holding women liable for marital violence

92. Right to life includes

(a) Right to commit suicide

(b) Right to live with human dignity

(c) Right to practice any religion

(d) Right to carry on any religion

93. In depriving life or personal liberty of a person, the following condition need not be fulfilled

(a) there must be valid law

(b) The law must be made in the interest of public

(c) The law must provide a procedure

(d) The procedure must be just, fair and reasonable

94. To protect the security of the state, the state can impose on the right of freedom of speech and expression

(a) Absolute restriction.

(b) Total restriction.

(c) Strict restriction.

(d) None of the above.

95. In relation to fundamental rights, public order relates to

(a) Maintaining law and order.

(b) Right to speech and expression.

(c) Cultured and educational rights of the minority.

(d) Human trafficking.

96. To require a news paper to reduce its space for advertisements amounts to

(a) Serious violation of right to freedom to carry on any trade or business.

(b) Violation of right to freedom of speech and expression.

(c) Violation of right to equality before the law.

(d) None of the above.

97. The state cannot put restriction on the freedom of formation of association on the ground of

(a) Sovereignty and integrity of India.

(b) Public order.

(c) Public morality.

(d) Security of the state.

98. Compelling an accused person to give specimen signature amounts to

(a) Violation of right to personal liberty.

(b) Violation of rule of law.

(c) Violation of right to equal protection of laws.

(d) None of the above.

99. Illegal telephone taping is violation of

(a) Right to freedom of profession, trade and business.

(b) Right to freedom of speech and expression.

(c) Right to equal protection of laws.

(d) None of the above.

100. The right to life and personal liberty may be suspended during

(a) National emergency declared on the ground of external aggression.

(b) National emergency declared on the ground of security of the state

(c) State emergency declared on the ground of failure to maintain law and order in the state.

(d) None of the above.

101. The procedure prescribed to deprive the life or personal liberty must be

(a) In the interest of general public.

(b) To protect security of the state.

(c) Reasonable, fair and just.

(d) To maintain the unity and integrity of the nation.

102. A person detained under law of preventive detention is having

(a) Right to be produced before the nearest Magistrate within 24 hours of detention.

(b) Right to consult his mends, and relatives.

(c) Right not to be detained more than 48 hours, without the permission of the court.

(d) None of the above.

103. To detain a person the law of preventive detention, the person must have committed an act.

(a) Affecting seriously the security of the state.

(b) For which the minimum punishment is life-imprisonment.

(c) Which endangers the life of President, Vice-President or Chief-Judge of India?

(d) None of the above.

104. Traffic in human beings is violation of

(a) Right to life and personal liberty. (b) Right against exploitation.

(c) Right to social justice. (d) Right to equal protection of laws.

105. One of the tests of valid classification under Art.14 is

(a) It must be based on social and educational standard.

(b) It must be based on principles of natural and social justice.

(c) It must be based on intelligible differentia.

(d) It must be based on directive principles of state policy.

106. When a person is detained under law of detention

(a) A charge sheet should be filed against him within 60 days.

(b) He should be tried in proper court within 90 days.

(c) An advisory board must be constituted within three months.

(d) He cannot be detained more than six months in any case.

- 107. Restriction can be imposed on the access to shops, hotels on the ground of**
- Place of birth
 - Place of residence.
 - Sex
 - Caste.

108. The protection given against self-incrimination is

- Confined to only constitutional cases
- Confined to only cases relating to fundamental rights
- Confined to civil matters
- None of the above.

109. The right to freedom of Assembly is subject to reasonable restriction in the interest of

- Law and Order in the society
- Public property.
- Trade, commerce, and business
- The Sovereignty and Integrity of India.

110. Reasonable restriction cannot be imposed on the right to freedom of Association on the ground of

- Sovereignty and Integrity of India
- Public order.
- Public morality
- Incitement to an offence.

111. The final draft of the Indian constitution was signed by

- Dr. B. R. Ambedkar, who was the chairman of the Drafting Committee of Indian constitution.
- All the members of the Drafting committee.
- All the members of the Constituent Assembly
- None of the above.

112. Compulsion to be a witness relates to

- Legal obligation of a person to give evidence who has seen the crime being committed.
- Forcing a person to give evidence in the court of law.
- Reveal personal knowledge relating to the charge.
- Circumstances under which a government servant is bound to give proper evidence in the interest of Nation.

113. Elections were held to form the constituent assembly to frame constitution for India in the year

- 1947
- 1946
- 1950
- 1952

114. Mountbatten plan refers to

- Elect members to form constituent assembly
- Giving total independence to India by transferring power
- Partition of Punjab and Bengal provinces
- Permitting Muslim league to frame separate constitution for Pakistan

115. The Preamble of the constitution

- Contained in the constitution, which came into force in 1950.
- Was added to the constitution after the decision of Keshavanand Bharati case by the Supreme Court.
- Was added to the constitution by making 42nd Amendment in 1976.
- Was added to the constitution by making 24th Amendment.

116. Fundamental rights impose duties on

- All citizens
- All citizens and non citizens.
- All citizens, non-citizens and alien enemies
- None of the above.

117. Fundamental rights are essential to

- Unfold the capacities of human beings.
- Keep a strong check on the working of Government machinery
- To achieve the objectives mentioned in the preamble
- None of the above.

118. There are no express limitations imposed on the following article

- Art 16.
- Art 17.
- Art 18.
- Art 19.

119. The words "We the people" in the preamble of Indian Constitution indicate that

- India is a republican polity.
- The constitution was framed by the people who were elected by the Indian people.
- All the people of India took active part in framing the constitution for India.
- None of the above.

120. The Means test refers to find out

- The validity of classification made under Art 14.
- The validity of reservation made under the government service.
- The validity of reservation made in educational institutions for socially and educationally back class people.
- None of the above.

121. According to the Marriage Act of 1954, the age is fixed at 21 years for the men and for women

- 15 years.
- 18 years.
- 21 years.
- 25 years.

122. The Indian constitution is

- Based on conventions
- An evolved constitution
- A brief document
- Written and bulky document.

123. The constituent assembly adopted the Indian constitution on

- August 15, 1947.
- November 26, 1949.
- January 26, 1950.
- January 26, 1948.

- 124. The government of India Act 1935 provided for.**
- Dyarchy at the center.
 - Establishment of federal court.
 - Provincial autonomy.
 - All of the above.
- 125. India is a sovereign, socialist, secular, democratic, republic. This expression occurs in**
- Fundamental rights.
 - Citizenship.
 - Preamble.
 - Directive principles.
- 126. The ultimate source of authority in India**
- The people.
 - The constitution.
 - The government.
 - The parliament
- 127. The constitution of India declares India as**
- A unitary state.
 - A federation
 - A quasi-federal state.
 - A union of states
- 128. The constitution of India is**
- Unitary in form but federal in spirit.
 - Unitary with strong federal bias.
 - Is full of strong unitary features
 - Federal in form but unitary in spirit.
- 129. The President of the constituent assembly of India was**
- Pandit Jawaharlal Nehru
 - Dr. Babu Rajendra Prasad.
 - Mahatma Mohandas K Gandhi.
 - Dr. B.R. Ambedkar.
- 130. In the Indian constitution, the fundamental rights**
- Were added by the first amendment.
 - Were added by the 42nd amendment.
 - Formed a part of the original constitution.
 - None of the above.
- 131. The fundamental rights granted by the Indian constitution to its citizens cannot be suspended**
- Except by an order of the President during national emergency.
 - Except through an order of the President during war.
 - Except by an order of the Supreme Court.
 - Under any circumstances.
- 132. Which of the following is no longer a fundamental right?**
- Right to liberty.
 - Right to equality.
 - Right to freedom of religion.
 - Right to property.
- 133. The constitution of India says 'untouchability' is abolished and its practice in any form is prohibited. This is provided under**
- Right to equality.
 - Right to liberty.
 - Right against exploitation.
 - Right to constitutional remedies.
- 134. No person who is arrested shall be detained in custody without being informed**
- Of the time when he will be produced before the magistrate.
 - On the grounds for such arrest.
 - Of the orders of the court.
 - None of the above.
- 135. Fundamental duties were incorporated in the constitution by the**
- 42nd Amendment Act, 1976.
 - 44th Amendment Act, 1978
 - 45th Amendment Act, 1980.
 - 46th Amendment Act, 1982.
- 136. An ambassador to foreign country is appointed by the**
- Prime Minister
 - The foreign Minister, with the prior approval of the Union Cabinet.
 - Prime Minister, with the prior approval of the Union Cabinet.
 - None of the above.
- 137. Right to life includes**
- Right to die
 - Right purchase moveable property.
 - Right to carry on any business or trade to earn livelihood.
 - Right to get education.
- 138. The following restriction cannot be put on the right of freedom of press**
- Security of the state
 - Public order
 - Law and order
 - Incitement to an offence.
- 139. On the ground of maintaining public order, reasonable restriction can be imposed on**
- The rights of minority.
 - The right to freedom of press.
 - The right to freedom of Assemblies.
 - Reservation of seats in educational institutions.
- 140. The right of citizen to take out processions is conferred by**
- The right to freedom of speech and expression.
 - The right of freedom of association.
 - The right of freedom of Assembly.
 - The right of freedom of movement.

141. While depriving a person of his life and personal liberty should strictly comply with the

- (a) Guide lines laid down by the Supreme Court.
- (b) Rules and regulations laid down by the Criminal law.
- (c) The principles of natural justice.
- (d) The rules providing equal protection of laws to all persons within the territory of India.

142. The preamble of Indian Constitution was amended

- (a) Once
- (b) Twice
- (c) Thrice
- (d) Not amended

143. Cripps Mission

- (a) Recommended to give independence to India immediately.
- (b) Permitted to elect members to form Constitutional Assembly to frame constitution for India.
- (c) Made certain proposals to give independence to India which were whole heartedly accepted by the Indian leaders.
- (d) None of the above.

144. Reasonable restriction can be imposed on the right to freedom of movement on the ground of

- (a) Protection of the interest of scheduled tribes.
- (b) Protection of the interest of minority.
- (c) Negligent attitude of the government servants during office hours.
- (d) Maintaining law and order.

145. The Cabinet Delegation

- (a) Sought the co-operation of Indian leaders in fighting second world war.
- (b) Strongly opposed to hold election to elect members to form Constituent Assembly.
- (c) Rejected the claim of the Muslims for separate state for Muslims.
- (d) Strongly recommended to the Prime Minister of England not to give independence to Indians as they are unfit to rule the country.

146. The first President of India was elected by the

- (a) People of India.
- (b) All the members of Lok Sabha and Raj Sabha
- (c) Members of Lok Sabha, Raj Sabha and elected members of state assemblies.
- (d) None of the above.

147. The word 'We the people' in the preamble of Indian constitution indicate that

- (a) The constitution was framed by the people who were elected by the people of India.
- (b) India is a republican polity.
- (c) All the members of constituent assembly who contributed in framing the constitution for India.
- (d) None of the above.

148. The purpose of fundamental rights is to establish

- (a) Government of laws.
- (b) Government of men.
- (c) Strong and democratic government.
- (d) None of the above.

149. The following article is available even to aliens.

- (a) 19
- (b) 20
- (c) 29
- (d) 30

150. The right to equality before the law conferred by Art. 14

- (a) Permits class legislation.
- (b) Prohibits class legislation.
- (c) Permits class legislation only in the case of scheduled castes and scheduled tribes.
- (d) Permits class legislation only in the case of socially and educationally backward class people and SC and ST.

151. Prohibition of advertisements by a person claiming to cure a disease by magic amounts to

- (a) Violation of right to speech and expression.
- (b) Practice any profession or carry on any occupation, trade or business.
- (c) Violation of right to equality before the law and equal protection of laws.
- (d) None of the above.

152. Restriction cannot be imposed on the right of freedom of speech and expression on the ground of

- (a) Defamation
- (b) Law and order problem.
- (c) Incitement to an offence
- (d) Contempt of court.

153. A rule which prohibits a government servant from taking part to any matter pertaining to his conditions of service.

- (a) Violates the right to freedom of speech and expression.
- (b) Violates the right to practice any profession and carry on any trade or business.
- (c) Does not violate any provision of the constitution.
- (d) None of the above.

154. On the right to practice any profession or to carry on any trade or business, the state can put reasonable restriction on the ground of

- (a) Public order
- (b) Interest of general public
- (c) Public morality
- (d) Sovereignty and integrity of India.

- 155. The protection against self-incrimination is available to a person**
- Who has violated any provision of the constitution.
 - Who is a Member of Parliament or Legislative assembly.
 - Who has been accused of an offence.
 - Who is President of India or Governor of a State.
- 156. The right to life and personal liberty does not include**
- The right to education
 - The right to travel abroad
 - The right to work
 - The right to speedy trial.
- 157. The right to legal aid includes: in**
- Right to equality before law
 - Right to equal protection of laws
 - Right to life and personal liberty.
 - Right to social justice and the dignity of the individual.
- 158. When an alien enemy is arrested, he must be produced before the nearest Magistrate within**
- 12 hours of arrest
 - 18 hours of arrest
 - 24 hours of arrest
 - None of the above
- 159. In order to claim the right of freedom of Assembly, the Assembly must**
- Be well organized
 - Be held in the interest of general public
 - Be peaceful
 - Not create any law and order problem
- 160. According to the Indian constitution, no person shall be convicted of any offence except for violation of**
- Fundamental rights.
 - Any provision of the constitution relating to SC and ST.
 - Any provision of the constitution relating to women and children.
 - None of the above.
- 161. Self Incrimination refers to**
- Discriminating a person on the basis of caste, creed etc. in admitting in public educational institution.
 - Discriminating a person on the basis of caste, creed etc. in government services.
 - Discrimination in identifying socially and educationally backward class persons.
 - None of the above.
- 162. To deprive a person of his personal liberty conferred by Art 21, the procedure to be followed must be**
- Clear and intelligible.
 - According to the directions laid down by the higher courts.
 - Strictly according to the law, passed by the legislature.
 - Reasonable, fair and just.

- 163. The right to legal aid refers to**
- Right to life and personal liberty.
 - Principles of natural justice.
 - Directives principles of state policy.
 - Equal protection of laws.
- 164. A person who is arrested under the ordinary law must be produced before the nearest**
- Civil court within 16 hours.
 - Civil court within 24 hours.
 - Civil court within 20 hours
 - None of the above
- 165. The right to practice any religion conferred by the constitution is subject to**
- National interest
 - Unity and integrity of India.
 - National security
 - Public order
- 166. The Preamble of the Indian Constitution indicates,**
- The date of the commencement of the constitution.
 - The date of enactment of the constitution.
 - The political privileges given to the weaker sections of the society.
 - The dreams and aspirations of Mahatma Gandhi.
- 167. The rule equality before law is applicable to**
- socially and educationally backward class of people.
 - socially and educationally backward class of people and S.C and S.T.
 - All citizens of India.
 - Any person within the territory of India.
- 168. This is an object enshrined in the Preamble of the constitution**
- Equality before law
 - Equality of status
 - Equal protection of laws.
 - Economic equality
- 169. When a person is detained under preventive detention law**
- The ground for his detention must be informed within 24 hours.
 - He should be tried in proper Court within 60 days.
 - An Advisory Board must be constituted within two months.
 - None of the above.
- 170. Fundamental rights impose duties**
- On every citizen of India.
 - On every person within the territory of India.
 - Not on any person.
 - Not on mentally unsound person.
- 171. This is one of the basis for classification under Art-14**
- Economic basis
 - Intelligible difference.
 - Geographical basis
 - Social and economic backwardness.

172. An ambassador to foreign country is appointed by the

- (a) Prime Minister
- (b) Foreign Minister
- (c) Council of Ministers.
- (d) President.

173. Illegal telephone tapping is violation of

- (a) Right to equal protection of laws.
- (b) Right to freedom of speech and expression.
- (c) Right to practice any profession or to carry on any fraud.
- (d) Right to personal liberty.

174. Fundamental duty demands

- (a) To avoid corruption
- (b) To abide by moral rules
- (c) to abide by the constitution.
- (d) to work sincerely.

175. Begar refers to

- (a) Backward class people
- (b) Socially backward class people
- (c) Socially and educationally backward class people.
- (d) None of the above.

176. Reasonable restriction may be imposed on the right to assemble peacefully and without arms

- (a) In the interest of security of the nation.
- (b) To protect life and property.
- (c) To maintain law and order
- (d) To maintain public disorder

177. Compelling an accused person to give finger prints against his will amounts to

- (a) Self incrimination
- (b) Violation of right to personal liberty.
- (c) Violation of equal protection of law
- (d) None of the above

178. The first meeting of the Constituent Assembly was held in the year

- (a) 1947
- (b) 1950
- (c) 1946
- (d) 1949

179. The constitution prohibits to enact retrospectively

- (a) Criminal Law
- (b) Civil Law
- (c) Constitutional Law
- (d) None of the above

180. When an alien enemy is arrested, he must be produced before the nearest magistrate within

- (a) 12 hours
- (b) 24 hours
- (c) 6 hours.
- (d) None of the above

181. Safeguards available to detainees under the laws of preventive detention is available.

- (a) Only to Indian citizens.
- (b) Available to alien enemies.
- (c) Not available to alien enemies.
- (d) Not available to non-citizens.

182. Traffic in human beings

- (a) Greatly helps to improve national economy.
- (b) Needs proper encouragement and support by the state.
- (c) Directive principles of state policy direct state to enact proper law to encourage it.
- (d) None of the above.

183. Right to religion is subject to

- (a) Public interest
- (b) Public convenience
- (c) Public health
- (d) Public welfare

184. According to the marriage act of 1954, the age is fixed at 21 years for men andfor women for getting married :

- (a) 18 years
- (b) 19 years
- (c) 20 years
- (d) 14 years

185. The act of 1935 abolished

- (a) Diarchy at the centre
- (b) Diarchy in the provinces
- (c) Provincial autonomy
- (d) All the above

186. The government of India act 1919 introduced a system of diarchy in the provinces.

- (a) Double government
- (b) Responsible government
- (c) Bureaucratic government
- (d) All the above

187. The cabinet mission came to India in

- (a) 1944
- (b) 1945
- (c) 1946
- (d) 1943

188. The constituent assembly of India started its work in 1946 and completed its work in

- (a) Nov 1949
- (b) Jan 1949
- (c) Dec 1948
- (d) Jan 1950

189. The constituent assembly on Aug 29, 1947 appointed a drafting committee under the chairmanship of

- (a) Dr. B.R. Ambedkar
- (b) Sri Sardar Patel
- (c) Sri B.G. Tilak
- (d) Pt. Jawaharlal Nehru

190. Which of the following words were added to the preamble of the Indian constitution by the 42nd amendment ?

- (a) Secular
- (b) Socialist
- (c) Integrity
- (d) All the above

191. Which of the following confers upon the citizens, the right to approach a court of law for the protection and restoration of fundamental rights ?

- (a) Right to constituent remedy
- (b) Right against exploitation
- (c) Right to equality
- (d) Right to liberty

192. A citizen's fundamental rights are protected

- (a) By the executive when the citizen brings the issue before it
- (b) Automatically by the Supreme Court
- (c) When the citizen approaches the court for a remedy
- (d) By parliament when the issue is brought before it by the executive.

193. A citizen of India may be debarred from the right to vote on the ground of

- (a) Unsoundness of mind
- (b) Non-residence
- (c) Crime or corrupt or illegal practice
- (d) All the above

194. According to the Indian constitution, the executive power of the union is vested with

- (a) The Parliament
- (b) The Prime Minister
- (c) The President
- (d) The Vice-President

195. The members of the constituent assembly to form Constitution for India

- (a) Were nominated by Vice-roy of India.
- (b) Were nominated by the leaders of Congress party and Muslim league
- (c) Elected by the adult franchise
- (d) None of the above

196. The Indian independence act 1947 was passed

- (a) To give effect to the Mountbatten plan.
- (b) To give total independence to India.
- (c) To transfer power to India
- (d) None of the above

197. The Indian constitution which provides for an elected President indicates that

- (a) India is a sovereign state.
- (b) India is a republic state
- (c) India is a democratic state
- (d) India is a secular state

198. The total number of members from the Congress party elected to constituent assembly was

- (a) Seven
- (b) Twenty-one
- (c) Nine
- (d) None of the above

199. The constitution does not prohibit

- (a) Traffic in human being
- (b) Beggary
- (c) Compulsory service for public purpose
- (d) Employment of children in mines who are below the age of fifteen years.

200. On the provisions of professional services

- (a) Rules may be framed by the legislation
- (b) Professions have near monopoly
- (c) Reasonable restrictions can be imposed, in the interest of general public.
- (d) Engineers should have extensive knowledge and professional skill.

201. Right to life and personal liberty does not include

- (a) Right to pure drinking water
- (b) Right to good roads
- (c) Right to source of livelihood
- (d) Right to shelter

202. Absence of any special privilege in favour of any person is implied by

- (a) Right to equal protection of laws.
- (b) Right to life and personal liberty
- (c) Principles of natural justice
- (d) Right to equality before law

203. The word "Intelligible differentia" refer to

- (a) The difference between rich and socially and educationally backward class of people.
- (b) The means test are against the interest of nation and seriously hinder the progress of the nation.
- (c) The creamy layer relating to reservation in state service.
- (d) None of the above.

204. All constitutional rights are

- (a) Fundamental rights
- (b) Not fundamental rights
- (c) Special rights
- (d) Ordinary rights.

205. Class legislation

- (a) Is essential for the protection of SC and ST people
- (b) Is essential for the protection of backward class people.
- (c) Is essential for the protection of socially and educationally backward class people.
- (d) None of the above.

206. Art 16 of the Constitution, which expressly permits the state to reserve seats in government services

- (a) Permits to reserve seats for women.
- (b) Does not permit to reserve seats for women.
- (c) Permits to reserve not 33% seats for women.
- (d) None of the above.

207. Reasonable restriction can be imposed on the right of free speech and expression on the grounds of

- (a) serious law and order
- (b) Social security
- (c) Public welfare
- (d) None of the above

ANSWERS

1 (c)	2 (b)	3 (a)	4 (b)	5 (a)	6 (b)	7 (a)	8 (d)	9 (d)	10 (c)
11 (c)	12 (c)	13 (a)	14 (b)	15 (d)	16 (d)	17 (c)	18 (d)	19 (a)	20 (d)
21 (c)	22 (a)	23 (a)	24 (c)	25 (b)	26 (d)	27 (d)	28 (b)	29 (c)	30 (b)
31 (d)	32 (c)	33 (d)	34 (d)	35 (a)	36 (d)	37 (b)	38 (a)	39 (d)	40 (c)
41 (d)	42 (d)	43 (d)	44 (a)	45 (b)	46 (c)	47 (c)	48 (c)	49 (c)	50 (d)
51 (b)	52 (b)	53 (c)	54 (b)	55 (c)	56 (b)	57 (d)	58 (a)	59 (c)	60 (a)
61 (d)	62 (c)	63 (c)	64 (a)	65 (d)	66 (d)	67 (c)	68 (a)	69 (b)	70 (b)
71 (d)	72 (a)	73 (a)	74 (a)	75 (a)	76 (b)	77 (c)	78 (d)	79 (c)	80 (c)
81 (a)	82 (c)	83 (b)	84 (d)	85 (b)	86 (d)	87 (c)	88 (b)	89 (c)	90 (a)
91 (b)	92 (b)	93 (d)	94 (d)	95 (a)	96 (b)	97 (a)	98 (a)	99 (d)	100 (d)
101 (c)	102 (d)	103 (d)	104 (b)	105 (c)	106 (c)	107 (a)	108 (d)	109 (d)	110 (d)
111 (d)	112 (b)	113 (b)	114 (d)	115 (a)	116 (d)	117 (c)	118 (b)	119 (b)	120 (?)
121 (b)	122 (c)	123 (b)	124 (d)	125 (c)	126 (c)	127 (d)	128 (d)	129 (b)	130 (c)
131 (a)	132 (d)	133 (a)	134 (b)	135 (a)	136 (d)	137 (d)	138 (c)	139 (c)	140 (c)
141 (b)	142 (a)	143 (b)	144 (a)	145 (c)	146 (d)	147 (a)	148 (c)	149 (a)	150 (b)
151 (a)	152 (b)	153 (c)	154 (b)	155 (c)	156 (c)	157 (c)	158 (c)	159 (c)	160 (d)
161 (d)	162 (d)	163 (a)	164 (b)	165 (d)	166 (b)	167 (d)	168 (b)	169 (d)	170 (c)
171 (b)	172 (d)	173 (d)	174 (c)	175 (d)	176 (d)	177 (d)	178 (c)	179 (a)	180 (b)
181 (d)	182 (d)	183 (c)	184 (a)	185 (c)	186 (b)	187 (c)	188 (a)	189 (a)	190 (d)
191 (a)	192 (c)	193 (a)	194 (c)	195 (b)	196 (a)	197 (b)	198 (?)	199 (c)	200 (c)
201 (c)	202 (d)	203 (d)	204 (b)	205 (d)	206 (b)	207 (d)			

CHAPTER 2

DIRECTIVE PRINCIPLES UNDER STATE POLICY

INTRODUCTION

The Motilal Nehru Report of 1928 was one of the fore runners of the Indian Constitution. This report listed a number of fundamental rights which were demanded for the Indians from the British during the struggle for Indian independence. Later, during the framing of our Constitution, these rights were considered but were divided into two categories – justiciable and non-justiciable. Justiciable rights were those which can be enforced by a court, and non-justiciable rights are those which cannot be enforced in the court. The non-enforceable or non-justiciable rights became the basis for Directive Principles' which were listed separately. As a result we have Fundamental rights which are justiciable in part III and Directive principles which are non-justiciable in part IV (Articles 38 to 51) Directive principles were also partly inspired by the Irish Constitution of 1937.

NATURE OF DPSP

Directive principles of State Policy (DPSP) are basically directives given by the Indian Constitution to the various governments and its agencies to follow in the governance of the country. It shall be the duty of the State to consult these principles before making any law. The Directive Principles gives clear directions to the Legislature and Executive in the exercise of their powers. They contain certain ideals that the state should strive for, according to the framers of the Constitution. In the view of G.N. Joshi, the Directive Principles "constitute a very comprehensive, political, social and economic program for a modern democratic state". Directive Principles actually guide the path which lead the people of India to the noble ideals which the Preamble to the Constitution proclaims. Directive principles, are in fact, the fundamental principles of governance of the state.



DIFFERENT DIRECTIVE PRINCIPLES AND THEIR SIGNIFICANCE

There are sixteen Articles of the Constitution, from 38 to 51, that deal with Directive Principles. These cover a wide range of state activities concerning economic, social, legal, educational and international problems. A brief discussion on several directive principles and their relevance to our modern society are discussed in following pages.

1. Article 38 : The State shall strive to promote the welfare of the people by securing, protecting and maintaining a social order.

- The most basic responsibility of any government running the state would be to maintain a social order where people may live peacefully and without fear.
- This directive principle is consistent with the statement in preamble to the Constitution which says 'Justice, Social, economic and political'. This is to remind the state about the kind of society the Constitution expects it to create.

- Clause (2) which was added to Art. 38 during 44th amendment to Constitution, 1978, recognizes group equality. It recognizes that grave inequalities of income and status exist amongst different groups of people which need to be minimized.

2. Article 39 : The State shall, in particular, direct its policy towards:

- a) Securing adequate means of livelihood to all citizens, and to men and women equally.
- b) Ensuring a proper distribution of the national resources for the common good of all communities.
- c) Prevention of concentration of wealth into a few hands to the common detriment.
- d) Securing equal pay for equal work for both men and women.
- e) Ensuring health and strength of workers both men and women; to see that the children are not abused; to see that citizens are not forced by economic necessity to do jobs unsuited to their age or capacity.
- f) Giving opportunities and facilities to children to develop in a healthy manner and conditions of freedom and dignity; to see that children and youth are protected against exploitation and against moral and material corruption.

3. Article 39-A : The State shall see to that the working of the legal system promotes justice, on a basis of equal opportunity.

- This article also directs the state to provide legal aid to those who need it and therefore provide opportunities for seeking justice.
- It is to be seen that justice is not denied to any citizen just because he is unable to pay for the legal advice or because he is disabled in any other way.

4. Article 40 : The state shall take steps to organize village Panchayats and give them the necessary powers and authority to enable them to function as units of self-government.

- Under this article, the state is expected to organize and strengthen village panchayats and give them sufficient power and authority to carry out administration of all the resources that come under their purview.

- In a country like India where 70% of people live in villages, the best way to take democracy to the villages is to create panchayats and help them to achieve self-governance. These elected panchayats take care of local civic administration such as maintenance of village roads, provision of primary education ,building tanks & wells, providing sanitation, medical relief etc..

5. Article 41 : The State shall make effective provisions to secure the Right to work, Right to education and Right to public assistance in case of unemployed, old, sick and disabled people.

- The State is directed by this article to ensure all the above within the limits of its economic capacity and development.
- However this article places no liability on the State to pay compensation to workers whose employment has suffered as a result of some government action. For example, persons employed under any scheme such as Jawaharlal Nehru Rozgar Yojna cannot claim regularization of their employment when that scheme comes to an end or the money for it is exhausted.

6. Article 42 : The State shall make provisions for securing just and humane conditions of work and for maternity relief.

- 'Just and humane conditions of work' is phrase which is very relative. This can vary from country to country or even between region to region in the same country. Imagine people working in India under severe extremities like heat, cold, mountains, forest, monsoons etc.. In such situations, where are just and humane conditions?
- Maternity relief is extended to all women who work in organized sector in India, though limited to only two children. But in unorganized sector, pregnant women have to work as long as they are capable of, since there are no real maternity benefits.
- Laws such as the Industrial Disputes Act, the Minimum Wages Act the Maternity Relief Act, the Workmen Compensation Act, the Employees State Insurance (ESI) Act etc., are operational in the country to take care of workers in the organized sector w.r.t. this directive principle.

7. Article 43 : The State shall endeavour to provide all people living wages, a decent standard of life, leisure and social and cultural opportunities.

- A living wage is a wage which enables a person receiving it, as well as the family dependent on him, the basic necessities of life such as food, clothing and shelter. Living wages vary from region to region. But this has to be assured to everyone in the country.

- This article directs the state to promote social and cultural activities among people which goes a long way in furthering harmony, national integration and personality development.

- This article also directs the state to promote cottage industries on an individual or co-operative basis in rural areas.

- There are several cottage industries in India which are organized well, although they are labour intensive. If modern techniques could be incorporated, they could multiply their scale of operations, without firing people, and also think of a global market. Several well known arts and crafts originate from these cottage industries.

- For the promotion of cottage industries, the Govt. has set up many boards such as All India Khadi Board, Small Scale Industries Board, Handloom board, Silk Board, Coir Board etc.,

8. Article 43 – A : The State shall take steps to secure the participation of workers in management of their establishments.

- This was added by the 42nd amendment to Constitution, 1976.
- In a capitalistic society, the ownership and management of any industry belongs to individual owners who hire people and give them only wages whereas under a socialist economy, there is no place for a capitalist because all means of production along with their management, belong to the state.

- India started off on a socialist character but is rapidly moving towards a capitalistic economy. But the Constitution of India very much favours a socialist pattern of society.

- But modern management techniques suggest that workers participation in management actually helps the cause of management in the long run; even in Owners-Managed-Industries.

9. Article 44 : The State shall try to secure a uniform civil code for all the citizens throughout the territory of India.

- This is one of the most controversial articles in the Indian Constitution. Civil code generally refers to personal practices of various communities w.r.t. marriages, property inheritance, adoptions, divorces, status to women etc.,
- A uniform civil code calls for uniform practices among all people of India in all those areas.
- When uniform civil code was proposed both Hindus and Muslims attacked it on the ground that it interfered with the Fundamental right of freedom to religion. However it was pointed out that the creation of separate personal laws for the various communities in India was not in the interests of national integration. It was also made clear that Art. 25 guarantees religious freedom but Art. 44 seeks to keep religion away from personal laws.
- Various acts like The Special Marriage Act (1955) The Hindu Succession Act (1956) etc., have brought almost all communities except Muslims into one civil code. Except practices like marriages, divorces and status to women, all other practices of the Muslims too have been integrated with rest of the country and come under the same law.
- But time has come to apply the same set of laws in regards to marriage, divorce, adoption and succession to all citizens irrespective of their religions affiliation. Without a uniform set of laws, India cannot be a truly secular country.
- It should be clearly noted that Uniform Civil Code does not mean that Hindu Law shall apply to all. It means that one code should be enacted which should apply to all.
- It is worth noting that many Muslim countries such as Iran, Egypt, Jordan, Syria, Turkey, Pakistan etc., have adopted monogamy and changed Muslim Law in various other aspects. Even triple talaq which was clearly disapproved by the Prophet is followed in India though abolished elsewhere. Chief Justice Chagla has regarded polygamy as an insult to womanhood and a discrimination between Hindu & Muslim women.
- The Supreme Court has also urged successive Governments several times to bring about a Uniform Civil Code. It seems that it is the opinion of the Muslim vote bank that guides the policy of the government and not the principles contained in the Constitution.
- Even the BJP party, which once strongly spoke for uniform civil code, sidelined the issue during their rule, for lack of support.

- Perhaps a uniform civil code may have to wait indefinitely until a general consensus among all communities in the country emerges in this regard.

10. Article 45 : The State shall endeavour to provide, within a period of 10 years from the commencement of this Constitution, free and compulsory education for all children until they complete the age of 14 years.

- The present Art. 45 is an amendment (86th, 2002) over the original Art. 45 of the Constitution. In fact, the Right to Education has been made a fundamental right from 2002 to achieve the goal of education to all at a faster speed:

- To provide free and compulsory education to all children in the country is a herculean task for the government considering that a large number of children go to work either by force or by lack of choice.

11. Article 46 : The State shall promote education and economy for weaker sections such as scheduled castes and scheduled tribes and protect them from social injustice and exploitation.

- The expression "weaker sections" refers to those sections of the people who, though they do not belong to the scheduled castes and tribes, suffer from similar backwardness owing to educational and economic reasons. It is not to be taken for granted that once a section of people are classed as a weaker section, it should permanently be so. As their educational and economic conditions improve, the Government may have to revise the list of backward classes or weaker sections of the society.

- The Government on its part has established several training and educational institutes, hostels etc., for the exclusive benefit of scheduled castes and tribes and other weaker sections.

12. Article 47 : The State shall strive to raise the level of public health and the standard of living and also try to achieve prohibition of intoxicating drinks and drugs.

- Raising the level of public health would remain a distant dream with "dedicated" doctors and "excellent" infrastructure not available at government hospitals.

- As for lifting the standard of living of the people especially in the rural areas the central government has launched several welfare and infrastructure schemes such as Jawahar Rojgar Yojana, Integrated Rural Development Program, Desert Development Program, Indira Awas Yojana, Sarva Shiksha Abhiyan, Ashraya Housing etc.,

- Prohibition of alcohol and drugs was strongly advocated by Mahatma Gandhi. Although prohibition was introduced in many states after independence, poor implementation and rampant corruption failed to check the consumption of alcohol.

- Gradually all states barring a few have eased the prohibition rules. Prohibition has failed in India as it did in U.S.A a long time ago.

13. Article 48 : The State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines, and take steps to prohibit the slaughter of cows, calves and other cattle.

- Under this article the state is directed to take steps for preserving and improving the native domestic breeds which contribute to our lives. The prohibition of slaughter is recommended to only cows and calves of all categories and to those other animals which are presently or potentially capable of yielding milk or doing work as drought cattle.

The BJP government during its rule tried to ban cow slaughter throughout the country by enacting a law. But there was severe resistance from Muslim and Christian dominated parts of the country as well as communist - run states where the 'Holy Cow' concept was ideologically not accepted.

14. Article 48 – A : The State shall try to protect and improve the environment and to safeguard the forest and wild life of the country.

- This was added by the 42nd amendment to the Constitution, 1976. Slowly and surely the Government is understanding and appreciating the importance of conservation of forests and wild life. But recent studies have proved that there is depletion of forest cover in the country as well as a reduction in the population of wild life, inspite of several acts to prevent the same.

15. Article 49 : The State is obliged to protect all monuments of historic interest and national importance and prevent them from disfigurement, destruction, vandalism, export etc.,

- All monuments and heritage structures like temples, palaces, forts, mosques, mausoleums, etc., are the treasures of this country. It takes one visit to any western country to understand the importance given to monuments & heritage properties there.

- Global interest for art and architecture is extremely high. India is sitting on a treasure, when it comes to tourism potential. In order to realize the potential we have to preserve all our monuments and present it well. All the

monuments that we think as ordinary can actually bring a lot of tourists and raise our economy. All this can happen provided our infrastructure improves to international standards.

16. Article 50 : The state shall take steps to separate the judiciary from the executive in the public services of the state.

- The Executive (legislature, govt. machinery) are the law-makers while the judiciary are the law-keepers.
- The efficiency of the judiciary (Supreme Court, High Court and other courts) will be the highest if it is free from the influence of the Executive both officially and unofficially.
- Many states have passed laws to separate the judiciary from the Executive.

17. Article 51 : The State shall endeavour to

- a) Promote international peace and security.
- b) Maintain just and honourable relation between nations.
- c) Show respect for international laws and Treaties, and
- d) Encourage settlement of international disputes by arbitration and negotiations.

Comparison between Fundamental Rights & Directive principles

FUNDAMENTAL RIGHTS	DIRECTIVE PRINCIPLES
1. Fundamental Rights are mostly political rights.	Directive principles are non-justiciable. Courts cannot protect them but can only ask the states to respect them.
2. Scope of fundamental rights is limited.	Scope of directive principles is vast.
3. Fundamental Rights are mostly political rights.	Directive principles are mostly social rights.
4. Fundamental rights are called negative rights because they became they are negatively worded.	Directive principles are called positive rights because they make positive obligations on the state.
5. Fundamental rights tend to restrain the state.	Directive principles tend to activate the state.

6. The main objective of Fundamental rights is to achieve political equality, among all people.	The main objective of directive principles is to achieve economic equality among all people.
7. Fundamental rights are first priority of the Government.	Directive principles are next priority of the government.
8. Fundamental rights are available directly from the Constitution.	Directive principles require to be implemented by a law of parliament or State Legislature.
9. Fundamental rights are enforceable in courts.	Directive principles are not enforceable in courts.

Finally, we can say that the fundamental rights and the directive principles are the two wheels of the huge chariot which is called democracy!

FUNDAMENTAL DUTIES

Introduction

"Think not what the country can do for you, Think what you can do for your country"

- John F. Kennedy

This was a famous statement made by former U.S. President John F. Kennedy in his address to the nation just before assassination. He was urging the people of America to first contribute positively and whole-heartedly before asking for any benefits. Similarly the Constitution of India expects every citizen to carry out certain fundamental duties in order to create a strong nation and a strong nation will certainly be in a position to assure fundamental rights to its citizens.

Originally the Constitution of India did not include any chapter on Fundamental Duties. But during the period of Emergency in 1975, the need and necessity of fundamental duties was felt. The Sardar Swaran Singh Committee appointed by the Congress President recommended the inclusion of a chapter on Fundamental Duties and hence part IV-A listing the same was added to the Constitution by the 42nd amendment in 1976.

Article 51 (A) – LIST OF FUNDAMENTAL DUTIES

It shall be the duty of every citizen of India

- 1) To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.

- 70) To cherish and follow the noble ideals which inspired our national struggle for freedom.
- 3) To uphold and protect the Sovereignty, Unity and Integrity of India.
- 4) To defend the country and render national service when called upon to do so.
- 5) To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, regional or sectional diversities; to renounce practices derogatory to the dignity of women.
- 6) To value and preserve the rich heritage of one's composite culture.
- 7) To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.
- 8) To develop scientific temper, humanism and the spirit of enquiry and reform. (*Students, please note!*)
- 9) To safeguard public property and to abjure (keep away from) violence.
- 10) To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of productivity and achievement.
- 11) To provide opportunities for education to children between the age of 6 and 14 years (*this fundamental duty was inserted in the 86th amendment to Constitution, 2002, and was meant for parents and guardians who have children both boys and girls*).

Significance & Characteristics of Fundamental Duties

- 1) Fundamental duties were added by the 42nd amendment to the Constitution, 1976.
- 2) Fundamental duties are drawn from rich Indian traditions and common principles of all religions.
- 3) Some of the fundamental duties are moral duties like cherishing noble ideals of freedom struggle while some are civic duties like respecting National Flag and Anthem.
- 4) Fundamental duties are not listed in any of Constitution of other major democracies of the world such as U.S.A, Australia, Canada, France, Germany etc., But these duties can be compared to "The Seven Principles of Public Life" as listed by Lord Nolan, Chairman, Committee on "Standards in Public Life", in United Kingdom. The 7 principles listed there were selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

- 5) Fundamental duties apply to only Indian citizens and not to foreigners / aliens.
- 6) Fundamental duties are similar to directive principles. That is, these duties are neither justiciable nor enforceable in the court of law.
- 7) Fundamental duties have no sanctions (penalties) attached. Every citizen must introspect and endeavour to perform these duties. The sanction should be self-imposed.
-

SUMMARY

1. Article 38 : The State shall strive to promote the welfare of people by maintaining social order, law and order, equality status, so as to allow people to live in peace.
 2. Article 39 : The State shall work towards securing jobs to all, proper use of national resources, health & development, opportunities to women and children
 3. Article 39-A : The State shall promote justice on the basis of equal opportunity
 4. Article 40 : The State shall organize village panchayats and empower them to work for the rural development.
 5. Article 41 : The State shall make provisions to secure Right to work, Right to Education and Right to Public Assistance
 6. Article 42 : The State shall provide just and humane conditions of work and for maternity relief.
 7. Article 43 : The state shall try and provide all people basic wages, decent life, leisure, social and cultural activities.
 8. Article 43A : The State shall take steps to secure the participation of workers in managements of their organizations.
 9. Article 44 : The State shall try and secure Uniform Civil Code for all citizens.
 10. Article 45 : The State shall provide free & compulsory education for all children until 14 years.
 11. Article 46 : The State shall work for the welfare of SC & ST and protect them from exploitation.
 12. Article 47 : The State shall improve public health, sanitation & standard of living and achieve prohibition of alcohol.
 13. Article 48 : The State shall promote modern methods of agriculture and prevent cow slaughter
 14. Article 48A : The State shall protect wildlife, forests and environment
 15. Article 49 : The State shall protect all heritage monuments.
 16. Article 50 : The State shall separate the judiciary from the executive
 17. Article 51 : The State shall promote international peace and security.
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Objective Type Questions and Suggested Answers
(From Previous VTU Exam Papers)

CHAPTER-2

1. Legislation was enacted to bring in Panchayat Raj
 - (a) To implement the direction of Directive principles of State Policy
 - (b) On the recommendation of Balraj Jakar Commission.
 - (c) On the recommendation of N.A. Palkivala Commission.
 - (d) On the recommendation of Dr. Karan Singh commission
2. The Directive principles of state policy do not direct the state to
 - (a) Organize animal husbandry.
 - (b) Raise the level of nutrition.
 - (c) Operate the economic system so that it results in the concentration of wealth and means of production.
 - (d) Prohibit the consumption of intoxicating drugs.
3. To protect every monument of artistic or historic interest
 - (a) Is the fundamental duty of every citizen.
 - (b) Is the natural duty of every citizen.
 - (c) Is the legal duty of every citizen.
 - (d) None of the above.
4. The Directive principles of state policy directs the state to secure all the workers
 - (a) Minimum wages
 - (b) Fair wages
 - (c) Standard wages
 - (d) None of the above.
5. The Directive principles of state policy do not direct the state towards securing
 - (a) The operation of the economic system results in the concentration of wealth and means of production.
 - (b) That the health and strength of workers are not abused.
 - (c) Participation of workers in the management of establishments.
 - (d) None of the above.
6. The Directive principles of state policy do not direct the state endeavour to
 - (a) Promote international peace and security.
 - (b) To take steps to separate judiciary from the executive.
 - (c) Make efforts to promote family planning and improve the health of women and children.
 - (d) Organize animal husbandry.
7. Directive principles of state policy
 - (a) Confers rights only to citizens
 - (b) Confers rights to citizens and non-citizens
 - (c) Do not confer any right to alien enemies
 - (d) None of the above

- 8. Uniform civil code came into existence in the year**
- 1947
 - 1949
 - None of the above
- 9. Directive Principles of State Policy direct the state to safe guard**
- Wild-life
 - The rights of SC and ST
 - The rights of the workers, specially of women and children.
 - The judiciary from external interference.
- 10. To avoid the denial of justice to any citizen by reason of economic disability, the Directive Principles of State Policy direct the state to provide**
- Proper employment
 - Free legal aid
 - Distribute ownership and control of material resources of the community as best, to subserve the common good.
 - Proper public assistance in case of old age, sickness and disablement.
- 11. The Directive Principles of State Policy direct the state**
- To improve standard of technical education.
 - To improve judicial system.
 - To improve standard of public health.
 - To maintain proper law and order.
- 12. The Directive Principle of State Policy**
- Can be enforced in High Court
 - Can be enforced only in the Supreme court
 - Cannot be enforced in any court
 - Can be enforced relating only to scheduled castes and scheduled tribes
- 13. The constitution prohibits to enact retrospectively**
- Criminal law,
 - Civil law
 - Law relating to the election of President
 - Laws relating to women's right to property.
- 14. The Directive Principles of State Policy to be followed by the State for securing economic justice does not include**
- Equal right of men and women to adequate means of livelihood
 - Equal pay for equal work
 - To protect health and strength of the workers.
 - To secure Uniform Civil Code
- 15. The constitution classifies the fundamental rights under**
- 14 heads
 - 12 heads
 - 6 heads
 - 4 heads
- 16. This Act was not passed to implement Directive principles of State Policy**
- The Forest Act
 - The Arms Act
 - The Maternity Benefit Act
 - The Water Pollution Act
- 17. This is not one of the Directive Principles of State Policy**
- Securing equal pay for equal work for men and women
 - Securing the level of nutrition
 - To bring about prohibition of consumption of intoxicating drinks
 - Take stringent measures to eliminate corruption
- 18. The Directive Principles of state policy are**
- Political Rights
 - Constitutional Rights
 - Social Rights
 - Legal Rights
- 19. By whom the Directive Principles of State Policy be amended ?**
- Members of Lok Sabha
 - Members of Raj Sabha
 - Members of both Lok Sabha and Raj Sabha
 - Parliament, supported by more than fifty percent of states.
- 20. Fundamental duty demands**
- To abide by the constitution
 - To work sincerely
 - To avoid corruption
 - To abide by moral rules
- 21. This is not a Directive Principle of state policy**
- Organize village Panchayat
 - Provide free Legal aid
 - Secure living wage
 - Secure just and efficient judiciary
- 22. This is not a fundamental duty**
- To abide by constitution
 - To protect and improve natural environment
 - To develop scientific temper
 - Not to indulge in corrupt practice
- 23. Promotion of international peace and security is**
- One of the fundamental duties of every citizen
 - One of the directive principles of state policy
 - One of the objectives enshrined in the preamble of the constitution
 - One of the important functions of President of India
- 24. The directive Principles of State Policy directs the state to secure to all workers**
- Minimum wages
 - Fair wages
 - Living wages
 - Standard wages

25. The Directive Principles of State policy do not direct the state to direct its policy

- (a) To distribute the material resources of the community as best to sub serve the common good
- (b) That children are given facilities to develop in a healthy manner
- (c) That the operation of economic system should result in concentration of wealth
- (d) That the health and strength of workers are not abused

26. Against an individual who does not observe his fundamental duty

- (a) A writ of mandamus can be issued
- (b) A writ of Quo-Warranto can be issued
- (c) A criminal action can be initiated
- (d) None of the above

27. This is not one of the fundamental duties

- (a) To protect and improve the natural environment
- (b) To develop the scientific temper
- (c) To make scientific improvement
- (d) To protect and improve lakes, rivers and wild life

28. The Directive Principles of state policy do not direct the state

- (a) To secure the social order for the promotion of welfare of the state.
- (b) To direct its policy towards securing the health and strength of the workers.
- (c) To provide legal education to all citizens and secure justice even to weaker section of the society.
- (d) Make effective provisions for securing assistance in cases of sickness.

29. The Directive principles of state policy directs the state to endeavor to secure throughout the territory of India.

- (a) Uniform economic policy.
- (b) Uniform civil procedure code.
- (c) Uniform educational policy.
- (d) None of the above.

30. The Directive principles of state policy directs the state to promote with special care.

- (a) The economic interest of rural people.
- (b) The economic interest of women and provide them with proper source of livelihood.
- (c) The economic interest of industrial workers.
- (d) The economic interest of scheduled tribes.

31. The Directive Principles of state policy directs the state to secure to all the workers.

- (a) Minimal wages
- (b) Fair wages
- (c) Living wages
- (d) Standard wages

32. The Directive Principles of the State policy do not direct the State to

- (a) Separate judiciary from the executive.
- (b) Raise the level of nutrition.
- (c) Discourage settlement of international disputes by arbitration.
- (d) Make provision for securing the right to work.

33. To impeach the President, the charge

- (a) Must be initiated in the Lok Sabha
- (b) Must be initiated in the Raj Sabha
- (c) Must be initiated in the joint sitting of Lok Sabha and Raj Sabha
- (d) None of the above.

34. Traffic in human beings:

- (a) Helps to improve national economy
- (b) Essential for the over-all development of one's personality
- (c) Is a offence punishable by law
- (d) Should be regulated by state governments, not by the central government

35. Fundamental duties were incorporated in the constitution in the year

36. Fundamental Duties were incorporated in the Constitution on the recommendation of

- (a) 1950 (b) 1955
- (c) 1977 (d) 1997
- (a) Karan Singh Committee (b) Charan Singh Committee
- (c) Swaran Singh Committee (d) Manmohan Singh Committee

37. The aim of the directive Principles of State Policy is

- (a) To protect scheduled Caste, scheduled Tribe people and weaker sections of the Society
- (b) To change the economic system of the country
- (c) To promote the general welfare of the society
- (d) To keep proper check on the working of state governments by providing suitable guidelines

38. This is not a directive principle of state policy

- (a) To provide assistance, in case of unemployment
- (b) To organize agricultural and animal husbandry
- (c) To provide free legal aid to secure justice
- (d) Strengthen the Judiciary on the modern line

39. The Directive Principles of State Policy does not direct the state to

- (a) Secure for the citizens a uniform Civil Procedure Code
- (b) Provide free legal aid
- (c) Raise the level of nutrition
- (d) Protect places of historic interest

40. This is not a Directive Principle of State Policy

- (a) Improve the standard of living
- (b) Protect the places of historic interest
- (c) Promote international peace
- (d) Promote family planning.

41. This is not a fundamental duty

- (a) To defend the country
- (b) To develop scientific temper
- (c) To make scientific improvement
- (d) To uphold and protect sovereignty of India.

42. The aim of the Directive Principles of State Policy is

- (a) To protect the civil rights of the citizens
- (b) To restrain the State from misusing its power and public money
- (c) To promote the general welfare of the society
- (d) To make special rules to protect women, children and weaker section of the society

43. The Directive Principles of State Policy directs to secure to all workers

- (a) Minimum wage
- (b) Living wage
- (c) Standard wage
- (d) Fair wage.

44. This is not the measure taken to implement Directive Principles

- (a) Abolition of Zamindary system
- (b) Prohibition of Dowry System
- (c) Abolition of Privy Purse
- (d) Nationalization of Banks

45. When fundamental right is compared to Directive principle

- (a) Directive Principle is superior to Fundamental Right
- (b) Fundamental Right is superior to Directive Principle
- (c) Directive Principle always prevails over Fundamental Rights
- (d) Both are having equal importance.

46. This is not a directive principle of state Policy

- (a) To provide assistance, in case of unemployment
- (b) To organize agricultural and animal husbandry
- (c) To provide free legal aid to secure justice
- (d) Strengthen the Judiciary on the modern line

47. The directive principles of the state policy direct the state to secure all the citizens

- (a) Common civil code.
- (b) Uniform civil code.
- (c) Modern civil code.
- (d) Practicable and workable civil code.

48. The directive principles of state policy direct the state to improve

- (a) Standard of education.
- (b) Standard of public health.
- (c) Judicial system.
- (d) Law and in order conditions.

49. The directive principles of state policy do not direct the state to meet:

- (a) Social reforms.
- (b) Economic reforms.
- (c) Political reforms.
- (d) Cultural reforms.

50. It is not one of the fundamental duties of every citizen

- (a) To develop scientific temper.
- (b) To respect the judiciary and abide by its direction.
- (c) To strive towards excellence in all spheres of life.
- (d) To abjure violence.

51. It is not the duty of every citizen

- (a) Respect the National Anthem.
- (b) Adopt practice, derogatory to the dignity of women
- (c) To develop the scientific temper
- (d) To abjure violence.

52. The main purpose of including directive principles of state policy in the constitution of India is

- (a) To check the arbitrary action of the government.
- (b) To establish a secular state.
- (c) To establish a welfare state.
- (d) To provide opportunities for the development.

ANSWERS

1(a)	2(c)	3(d)	4(d)	5(a)	6(c)	7(d)	8(d)	9(a)	10(b)
11(c)	12(c)	13(a)	14(d)	15(c)	16(b)	17(c)	18(c)	19(d)	20(a)
21(d)	22(d)	23(b)	24(c)	25(c)	26(d)	27(c)	28(c)	29(b)	30(d)
31(c)	32(c)	33(d)	34(c)	35(c)	36(c)	37(d)	38(a)	39(b)	40(d)
41(c)	42(c)	43(b)	44(c)	45(b)	46(a)	47(b)	48(c)	49(c)	50(b)
51(b)	52(c)								



CHAPTER 3

THE UNION EXECUTIVE

INTRODUCTION

The Constitution of India provides for a parliamentary form of government of which the Union Executive is a part. The Union Executive generally refers to the entire Central government Machinery which runs the country. It includes the offices of the President, Vice-President, Prime Minister, Council of Ministers, Attorney General, etc. The knowledge of the Union Executive and its powers and procedures are imperative to every citizen of the country. In this chapter we also discuss the Union Judiciary, which is the Supreme Court of India. The concepts of Union Executive and Judiciary are similar to those in U. K. except that we have the President and they have their King / Queen.

THE PRESIDENT OF INDIA

The President of India is at the apex of the Union Executive. He is the Constitutional head of the country just like the Monarch in England. The President of India represents the nation and all the national activities are carried only in his name. He is the Supreme Commander-in-chief of all armed forces besides being the Chief Executive Head of the State. He is the first citizen of the Constitution and the symbol of unity of the nation. He is the first citizen of India and occupies the highest position. He does not belong to any political party. No court of law can question his conduct.

Oath of the President

When the president is elected, he assumes office by taking an oath in the presence of the Chief Justice of the Supreme Court of India. Suppose if T T Guru, N.R. Narayananamurthy becomes the President of India, he would take the following oath.

I, (N.R. Narayananamurthy), do swear in the name of God solemnly affirm that I will faithfully execute the office of President of India and will do the best of my ability to preserve, protect and defend the Constitution and the Law and that I will devote myself to the service and well-being of the people of India."

Qualifications to be a President

In order to be qualified for election as President, a candidate :

- 1) Must be a citizen of India.
- 2) Must have completed 35 years of age.
- 3) Must be qualified to become a member of Lok Sabha.
- 4) Must not hold any office of profit under Central or State Government.

Term of the President

The President is elected for a period of 5 years. He is eligible for re-election for one more term, but by a convention started by the First President Dr. Rajendra Prasad, he is not eligible for the third time.

A vacancy in the office of the President may be caused in any of the following ways :

- 1) On the expiry of his term of 5 years.
- 2) By his death.
- 3) By his resignation, which he may hand over to the Vice-President.
- 4) On his removal by impeachment for having violated the Constitution. There is a special procedure prescribed for this in the Constitution.
- 5) By setting aside of his election as President, by the Supreme Court, if there is any violation in the election procedure.

Impeachment of the President

Article 61 of the Constitution lays down the procedure for the impeachment of the President. The procedure is political as well as quasi-judicial.

- The only ground on which the President can be impeached would be violation of the Constitution. This is unlike in U.S.A where the President may be impeached for bribery, treason, crime or misdemeanour.
- The impeachment procedure may be initiated either in Lok Sabha or Rajya Sabha. The charge must be in the form of a proposal contained in a resolution.
- The notice for moving the resolution must be signed by not less than 25% of the total members of the House. Advance notice of 14 days is required.
- The resolution must be passed by a majority of not less than 2/3rd of the total membership of the House.
- When the resolution is passed to impeach the President in one House, it is investigated by the other House.

- The house may delegate the work of investigation to any court or tribunal and the President has the right to appear and be represented in such investigations.
- When the results of such an investigation are presented in the House, the charge is put to vote. If the House passes a resolution by 2/3rd majority declaring that the charge is proved, the effect of the resolution would be to remove the President from his office from the date of resolution.

Salary of the President

The President of India is the highest paid Civil Servant of the Country. He gets a salary of Rs. 50,000 per month along with other allowances and free furnished accommodation. The emoluments and allowances of the president cannot be decreased during his term of office.

When the President retires, he gets a pension of Rs. 25,000 per month along with free accommodation, free medical aid, and other allowances.

Manner of election of the President

The president of India is elected by a body of electors constituting an Electoral College. The Electoral College consists of:

- a) The elected members of Lok Sabha and Rajya Sabha (Nominated members are not considered)
- b) The elected members of Legislative Assemblies and Legislative Councils of all States including Union territories (Nominated members are excluded)

Procedure for Election

The President of India is elected following an ingenious procedure as explained in Arts. 54 and 55 of the Constitution. The steps are :

- Step 1) To calculate the value of each vote of an MLA in each State and the value of each vote of an M.P.
- Step 2) To prepare a ballot paper which consists of names of all candidates running for Presidentship.
- Step 3) Voting by secret ballot shall take place. Every voter shall put his order of preference for all the Candidates contesting. If they don't, the votes become invalid.
- Step 4) The counting begins and the candidates are initially allotted first preference votes. If no candidates gets 50% of the total value of votes, then the second preference vote is allotted. The procedure is followed until one of the candidates gets 50% of the votes.

Step 5) The president is elected by this single transferable vote.

An Example.

Step 1) To find the value of each vote of an MLA and MP

Since each MLA in the country represents a different population, one MLA cannot be considered as one vote. Likewise each MP is elected by a different population, the value of his vote is different. Therefore, in order to represent the choice of people more equivalently, each vote of an MLA or MP in given different values depending on the number of people in their constituencies. This is known as proportional representation. The procedure to find the value of each vote is :

$$1) \text{Value of one vote of an MLA} = \frac{\text{Population of the state of MLA}}{\text{Total number of elected members of legislative assemblies in that state}} \times \frac{1}{1000}$$

For e.g. Value of one vote of an MLA in Karnataka,
 $\text{Value of one vote} = \frac{44,525,862}{244+64} \times \frac{1}{1000} = 154.60$

Value of one vote of a Karnataka MLA = 155 (Fraction higher than 0.5 to be rounded off to the next higher number)

$$\text{ii) Value of one vote of an MP} = \frac{\text{Value of votes of all MLA's in all the states}}{\text{Total number of elected members of Parliament}}$$

Step 2 : To prepare a ballot paper with the names of all candidates.

Step 3: Voting by secret ballot against each candidate, the order of preference is indicated by each voter.

For e.g.

Candidate	Preference
A	2
B	1
C	3

Step 4: Counting the first preferences votes.

Consider that there are 3 candidates in the fray and the total number of valid votes cast is 10,000. To be declared elected president, a candidate must

secure a minimum of 5001 votes. For example if the 3 candidates secure first preference votes as follows :

$$A - 3500, B - 4000 \text{ and } C - 2500$$

Here no candidate has got more than 50% of the votes. Therefore in the first round, after counting first preference votes, candidate C gets eliminated. However, all the 2500 votes which gave 'C' as the first preference in the first round is counted again for the second preference votes. For instance if the number of second preferences on the ballot-papers of C are as follows.

$$A - 1700 \text{ and } B - 800 \text{ Total } 2500$$

These votes are now transferred to the accounts of A and B respectively.
Therefore total votes polled for A and B are :

$$A - 3500 + 1700 = 5200$$

$$B - 4000 + 800 = 4800$$

A has crossed 50% and has secured more votes than B. Hence candidate A is elected and declared as President. It is to be noted here that candidate A has emerged victorious though he had secured lesser number of first preference votes than B in the first round of counting.

Powers and Functions of the President

Under Article 53 of the Constitution, the executive power of the Union is vested in the President who is empowered to exercise it either directly or through officers subordinate to him. The various powers exercised by the President are discussed in the following paragraphs.

1) Executive Powers

- The President is the commander-in-Chief of all armed forces.
- The President appoints the Prime Minister from the majority party in the Lok Sabha.
- On the advice of the PM, the President appoints the council of ministers.
- The President has vast powers of appointment. The following is the list of appointments that he makes, although with the advice of the ruling government :
 - i) Chief Justice & other Justices of Supreme Court and High Courts.
 - ii) Attorney – General
 - iii) Comptroller and Auditor-General of India.

2) Judicial Power

- The President appoints various judges of the Supreme Court and the High Courts.
- Under Article 72, the President is given the power to pardon or reduce the sentences given to criminals by the Supreme Court on grounds of humanity.

3) Legislative Powers

- It is the President who summons the houses of parliament for various sessions
- He can send messages or address the joint sessions of the parliament.
- When bills are approved by both the houses, his assent is necessary for making them Laws. However the President has a right to send back the bills for reconsideration. The power to withhold assent to a bill is known as 'Veto Power'. He can dissolve the Parliament or State Legislature and impose Presidents Rule. However the advice of the PM, CM or Governor is needed as the case may be.
- When the Parliament is not in session, the President can issue an ordinance which has the same force and effect as an Act of Parliament. He may also withdraw the Ordinance at any time he likes.
- President has the authority to nominate 2 Anglo-Indian members to the Lok Sabha and 12 other members to the Rajya Sabha.

4) Emergency Powers

- The president can declare Emergency in any of the following three situations.
 - i) When the Constitutional machinery has failed in any part or the whole of India.
 - ii) When the country is threatened by enemy attack.
 - iii) When the financial condition is in crisis. (In which case financial emergency is declared)

As we all know that so far, Emergency was declared 4 times in our country. First in 1962, when China attacked India, second in 1965 due to Indo-Pak War, third in 1971 again due to Indo-Pak War and the last time in 1975 which was an internal emergency.

THE VICE-PRESIDENT OF INDIA

- The Vice-President of India has a significant role to play only when the President dies or resigns or incapacitated in any other way in which case he becomes the active President. Otherwise, by virtue of his office, he is the Chairman of the Rajya Sabha presiding over it.
- He has a term of 5 years; can resign by writing to the President; or may be removed by a resolution of the majority of all members of the Rajya Sabha, and approved by the Lok Sabha.
- To be eligible to become a Vice-President a Candidate must:
 - Be a citizen of India.
 - Have completed 35 years of age.
 - Be qualified for election as a member of Rajya Sabha.
- The Vice-President is elected (a joint session is called) by an electoral college consisting of:
 - The members of the Lok Sabha nominated & elected.
 - The members of the Rajya Sabha nominated and elected.
- The election is by the system of proportional representation by means of the single transferable vote just like the election of President. But the difference is that in case of Vice-President, members of the state legislature have no right to vote.
- There is striking similarity between the role of the Vice-President in India and that of Vice-President of U.S.A. But there is one major difference. If the President of U.S.A. dies in office or is removed from office, the Vice-President takes over the Presidents office and continues in that capacity for the full length of the unexpired term whereas in India, if the president dies or resigns or removed, the Vice-President will act as President only for a maximum period of 6 months.

THE PRIME MINISTER OF INDIA

'Primus Inter Pares' is how a Prime Minister described in England. Literally translated, it means 'First among equals'. But in Indian context, the Prime Minister is much more than that. He is perhaps the most powerful man in India. The Prime Minister occupies a pivotal place in our parliamentary democracy and the entire political system revolves around him. The Prime Minister of India carries the burden of the hopes and aspirations of more than a billion people which account for about 1/6th of the population on this planet.

Manner of appointment of PM

- According to Article 75, the Prime Minister is appointed by the President of India.
- But the President has no real choice in the matter. He must appoint the leader of the majority party in the Lok Sabha as the Prime Minister.
- However, if no political party secures absolute majority, the President can exercise his discretion.

Term of Prime Minister

- There is no fixed term of office for the Prime Minister. He holds office "during the pleasure of the President". This means that he can remain in office as long as he is chosen leader of the majority party in Lok Sabha, until next election.

The Prime Minister may end his tenure for the following reasons :

- i) His own resignation.
- ii) His party chooses another leader.
- iii) A no-confidence motion.
- iv) A split or defection in his party removing majority status.
- v) Rejection of the budget.
- vi) Dissolution of Lok Sabha.

Role of Prime Minister

- 1) It is the Prime Minister who selects other Ministers, allots them various portfolios, monitors their performance and provides guidance & leadership when needed.
- 2) The PM may demand the resignation of any Minister or may dismiss him if he does not resign.

3) The PM presides over the meetings of the cabinet and co-ordinates the works of various ministries.

4) The Prime Minister is the link between the President and the Council of Ministers. Article 78 makes it the duty of the PM to communicate to the President all decisions made by the Council of Ministers and to give the President any information desired by him.

5) If the President desires something to be considered by the Cabinet, he communicates it to the PM.

6) The PM may shuffle and reshuffle the ministries at his own discretion.

7) The PM recommends, in consultation with his colleagues, the persons to be appointed as judges, ambassadors, governors etc.,

8) The PM and his cabinet recommends to the President to Summon, Prorogue (to terminate meetings without dissolving), or dissolve Lok Sabha. Similarly the PM advises the President to declare emergencies when the need arises.

9) The PM generally determines the financial policies of the government. It is he who ensures that the annual budget is properly prepared on time and submitted for the approval of the Parliament.

10) The Prime Minister represents the country in various international conferences and organizations.

Qualification to be a Minister

- The important qualification to become a Minister is that he must be a member of either Lok Sabha or Rajya Sabha
- If a minister is not a Member of Parliament, he must become a member within a period of 6 months from the date of his appointment. Otherwise he ceases to be a minister.
- To become a MP he may either get elected to Lok Sabha or get nominated to Rajya Sabha.

Oath

- Every minister must take an oath of office before he assumes the office.
- It is the President of India who administers the oath of secrecy to each minister.

Categories of Ministers

1) Cabinet Ministers

- A minister of higher rank is a cabinet minister. The Prime Minister and all such ministers of higher rank form the Cabinet while the Council of Ministers consists of ministers of all ranks.
- The strength of Council of Ministers will be generally around 50 to 60 whereas the strength of the Cabinet would be around 15-20.
- The Council of Ministers do not meet as a body to transact government business. It is the cabinet which meets often determines the policies and programs of the government.

COUNCIL OF MINISTERS

The Union Council of Ministers is a composite body of all ministers with and without Cabinet rank. It includes the Prime Minister who is the leader or the head of the council of Ministers. It is the Prime Minister who selects the ministers, allocates them portfolios, monitors their work and asks them to resign if they do not perform.

Appointment of a Minister

The President appoints a Minister and induces him to the Council of Ministers, upon the advice of Prime Minister.

Each minister is generally in charge of the department entrusted to him by the PM

He is individually responsible for the proper working of his ministry.

Qualification to be a Minister

- The important qualification to become a Minister is that he must be a member of either Lok Sabha or Rajya Sabha
- If a minister is not a Member of Parliament, he must become a member within a period of 6 months from the date of his appointment. Otherwise he ceases to be a minister.
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- The strength of Council of Ministers will be generally around 50 to 60 whereas the strength of the Cabinet would be around 15-20.
- The Council of Ministers do not meet as a body to transact government business. It is the cabinet which meets often determines the policies and programs of the government.

2) Ministers of State

- These are Ministers of lower rank who have to work under a Cabinet Minister of the concerned department.
- Sometimes Ministers of State may be given independent charge of their portfolios.

3) Deputy Minister

- These ministers also assist the Cabinet Minister
- They perform such functions as may be assigned to them by the Cabinet Ministers time to time.
- They do not enjoy any independent powers.

4) Parliamentary Secretaries

- In addition to various ministers, the Prime Minister may appoint a few Parliamentary Secretaries.

- They assist the Cabinet Ministers during the sessions of the parliament.

- Usually, young promising members of the ruling party are appointed parliamentary secretaries in order to groom them for future.

Role of Council of Ministers

Note: The role Union Council of Ministers is similar to the role of State council of Ministers which are explained in page nos 101-102.

PARLIAMENT OF INDIA

- India has adopted the parliamentary form of democracy, also called the 'Westminster Model'. The parliamentary form of democracy has generally 3 basic characteristics:

- i) Representation of the people.
- ii) Responsible government, and
- iii) Accountability of the Council of Ministers to the legislature.

- The Parliament consists of the President and the two Houses – Upper House and Lower House. The Upper House is generally known as Rajya Sabha or also called the 'House of Elders'. The Lower House is generally known as Lok Sabha or 'House of people'.

- At the commencement of the first session of the newly elected Lok Sabha and also during the commencement of the first session of Rajya Sabha of each year, the President addresses a joint session of both houses. A bill passed by both the houses does not become law without the President's signature. Thus, the President is an integral part of the Parliament yet he is not a member of any of the houses.

Qualification and Disqualification of an MP

- No person shall be qualified to be a chosen member of the parliament unless –

- 1) He is a citizen of India.

- 2) He is 25 years of age to become a member of Lok Sabha and 30 years of age to become a member of Rajya Sabha.

- Apart from the above the parliament has been empowered by Art. 84 to prescribe additional qualifications to become a M.P.

- A person is disqualified to be a member of parliament:

- 1) If he is guilty of corrupt practices in relation to an election.
- 2) If he is convicted for an offence resulting in imprisonment for 2 or more years.
- 3) If he has failed to lodge the accounts of his election expenses.
- 4) If he having an interest in any contract with the government.
- 5) If he is holding an office of profit.
- 6) If he is dismissed from government service.
- 7) If he is of unsound mind.
- 8) If he absents himself for a period of 60 days from the meetings of the houses without the permission of the House.
- 9) If he has claimed insolvency.
- 10) If he voluntarily acquires the citizenship of another country.
- 11) If he voluntarily resigns from the membership of the party on whose ticket he was elected.
- 12) If a member who has been elected as an independent member joins any political party.

The Rajya Sabha and its Composition

- The Rajya Sabha is a permanent house and it cannot be dissolved by the President.

- The Rajya Sabha is composed of not more than 250 members. Out of these 238 are to be the representatives of the States and Union Territories and 12 are to be nominated by the President.

- Persons who are nominated to Rajya Sabha are usually eminent people having special knowledge or practical experience in literature, art, science, and social service. Examples of such members are Jaya Bachchan, Hema Malini, etc.

- Rajya Sabha has a federal character. The members of the State legislative assemblies elect the representative of that state. This is by the same system of proportional representation by means of single transferable vote.

- In U.S.A. all states have equal representation (2 members from each) in the Senate irrespective of their population or size whereas in India the number of seats allotted to a state is in proportion to its population (e.g., U.P. has 34 members)

- The term of a member of Rajya Sabha is 6 years which is the same as that of a senator in U.S.A. and Australia. 1/3rd of the members of Rajya Sabha retire after every two years and election are held only for the vacated seats.
- The Lok Sabha and its Composition**
 - The Lok Sabha is composed of not more than 545 seats as a total. 530 of these are allocated to the states while 13 come from the Union Territories.
 - The president may nominate not more than 2 members of Anglo-Indian Community to the Lok Sabha.
 - The election to the Lok Sabha is based on adult franchise. Every citizen who is not less than 18 years of age and not disqualified by law is entitled to vote in an election.
 - Seats are reserved for Scheduled Castes and Scheduled Tribes. However there is no reservation based on religion.
 - The Lok Sabha is elected for 5 years from the date of commencement of its first session. It may however be dissolved earlier by the president if the need arises.
 - When an emergency is proclaimed under Art. 352, the normal term of 5 years may be extended for a period not exceeding 1 year.

Parliamentary Sessions

- 1) **The Budget Session** : This is the first session of the year and commences in the third week of February. The session starts with the address of the President to both the Houses assembled together. The Railway budget is presented first followed by the General Budget on the last day of February.
- 2) **The Monsoon Session** : This session begins usually in the third week of July. The session is mostly devoted to legislative business.
- 3) **The Winter Session** : The session generally starts in early November and ends in the third week of December. Apart from the usual questions, calling attention motions and other motions, the major portion of time is set aside for legislative work.

Terminology of Parliament

- 1) **Adjournment** : Is the suspension of work in a sitting. This is announced by the Speaker and may last from a few minutes to several days.
 - Deputy Speaker is a member of the Lok Sabha who is elected by the house after the Speaker is chosen.
- 2) **Deputy Speaker**

- The term of a member of Rajya Sabha is 6 years which is the same as that of a senator in U.S.A. and Australia. 1/3rd of the members of Rajya Sabha retire after every two years and election are held only for the vacated seats.

- 2) **Adjournment Sine die** : Sine die means without setting a date for the next meeting.
- 3) **Prorogation** : Bringing a session to an end is prorogation.
- 4) **Dissolution** : It is ending the life of Lok Sabha, for that term.
- 5) **A Session** : It is a period of time commencing on the first day of the meeting and ending on the day it is proroged or dissolved.
- 6) **Recess** : The period of 'no work' between two sessions of a parliament is known as recess.

- 7) **Sitting** : In a day the parliament has two sittings – one from morning till lunch and second from post lunch till adjournment. In each sitting the time may be allotted for particular business.
- 8) **Question Hour** : In the morning when the Lok Sabha or Rajya Sabha assembles at 11am, the first one hour is devoted to answering questions. This is called **Question Hour**.
- 9) **Zero Hour** : It is the time which immediately follows Question Hour, usually at 12 noon. Important & pressing issues could be raised without notice at this hour but the Government is not obliged to answer them. Zero hour is neither mandatory nor exactly should last for an hour.
- 10) **Pro tem Speaker** : Temporary Speaker for that session.
- 11) **Quorum** : Quorum is the minimum no. of members required to conduct a parliamentary session. It is usually 1/10th of the total number.

Officers of the Parliament

- 1) **Speaker**
 - The Speaker is the Chief Officer of the Lok Sabha. There is a separate secretarial staff to assist him in the discharge of his duties.
 - He presides over the sittings of the Lok Sabha and controls its working. He is responsible for upholding the dignity and the privileges of the house.
 - Only an absolute majority of all members of the house may elect or remove the speaker by a resolution, and not by a fraction of the members present on any given day. Hence the speaker may conduct the proceedings in an impartial manner without remaining in constant fear of being removed.
- 2) **Deputy Speaker**

- While the Speaker generally belongs to the ruling party, the Deputy-Speaker belongs to the opposition party. However, in principle, both Speakers are expected to be impartial in the conduct of legislative procedures.
- The Deputy Speaker does all the functions of the Speaker in his absence.
- 3) **Panel of Chairmen:** The Speaker nominates six members of the house to form a Panel of Chairmen. In the absence of both Speaker and Deputy Speaker, any one of the members of this panel can preside over the deliberations of the parliament.

Types of Legislative Procedure

- The most important function of the parliament is to enact laws. Before enacting a law, the issue is debated at length by the members and then put to vote.

- Legislative procedure is of 4 types depending on the type of bill.

- 1) Money Bill – (defined in Art. 110)
- 2) Financial Bill (defined in Art. 117)
- 3) Constitution Amendment Bill (defined in Art. 368)
- 4) Ordinary Bill (All bills which do not come under money bill, financial bill and Constitution amendment bill)

Powers and Functions of Parliament & its Members

1) Freedom of debates and Proceedings

The members of Parliament enjoy full freedom of speech and debate inside the houses. They cannot be impeached or questioned for what they say and do inside the Parliament.

2) The Right to Publish debates and the right to restrain others from publishing

Although no person can be tried in the court for reporting the true proceedings of the Parliament, the house nevertheless can prohibit the publication of its proceedings by not allowing any body into the parliament session.

3) Right to exclude strangers from the house

Right to admission to view parliamentary proceedings is reserved.

4) Right to regulate internal matters

The Parliament can regulate all matters arising within the walls i.e., no court procedure is needed.

5) Right to Punish members & Outsiders for breach of Privilege.

The Parliament has the power to admonish or reprimand anybody who brings down the dignity of the house. The editor of a weekly (Blitz) was once called to the bar of the house (Lok Sabha) and reprimanded for publishing an article which was derogatory to the dignity of the house. None other than Smt. Indira Gandhi was expelled from Lok Sabha and her seat was rendered vacant on 19th Dec 1978 because her conduct had brought disrepute to the house.

SUPREME COURT OF INDIA

Perhaps no court in the world has the reach, powers and jurisdiction as the Supreme Court of India. Over a billion people of this country look up to the Supreme Court in their quest for liberty, equality, rights and democracy. The Supreme Court is at the apex of the judiciary system of India rendering justice to millions in an independent and impartial manner. Echoing the unique role played by the Supreme Court Sir Alladi Krishnaswamy Aiyar has said, "The future evolution of the Indian Constitution will depend to a large extent upon the Supreme Court and the direction given to it by that court."

The Supreme Court of India was created by an Act of Parliament in 1950 and the seat is situated in New Delhi. Article 124 to 147 in chapter IV of the Constitution deal with the Supreme Court, its organization and powers. These articles confer vast powers to the Supreme Court so as to play a predominant role in our political system. The courts also play the role of the custodian of Fundamental Rights and do not permit the government to become autocratic. Thus the Supreme Court plays an important role in the life of the nation.

Composition of Supreme Court

The Supreme Court consists of Chief Justice of India and 25 other judges. In 1950, when the court was set up under the new Constitution, it consisted of only 8 judges.

Appointment of a Judge

The Chief Justice of Supreme Court is appointed by the President in consultation with other judges, or with high courts as he may deem necessary for the purpose.

Normally, the Senior-most sitting judge is appointed as Chief Justice of India, but the President reserves the right to appoint anyone ignoring the seniority rule.

- All other judges of the Supreme court are also appointed by the President in consultation with the Chief Justice.

Qualification to be a Supreme Court Judge

To be appointed as a judge of the Supreme Court, a person must be :

- 1) A citizen of India
- 2) A judge of a High Court for at least 5 years or
- 3) An advocate of a High Court for at least 10 years, or
- 4) A distinguished jurist in the opinion of the president.

Term of Supreme Court Judges

- A judge of the Supreme Court may hold office until he attains 65 years of age. But then is no minimum age for appointment as a judge.
- A retired judge is prohibited from working as an advocate in any court of the country. However he can be appointed by the Government for working in special tasks like Inquiry Committees, Judicial Investigations, Loka Ayukta etc.,,

Impeachment of a Supreme Court Judge

Article 124(4) of the Constitution lays down the procedure for the impeachment of a Supreme Court Judge. A judge may be removed from his office on the ground of

- i) misbehaviour
- ii) incapacity

The impeachment procedure may be broadly outlined in the following steps:

- (1) The Parliament makes an address to the President to remove a particular judge. A motion for presenting such an address to the President must be signed by at least 100 members of Lok Sabha or 50 members of Rajya Sabha, depending on where the motion is moved.
- (2) The Speaker of the Lok Sabha or the Chairman of Rajya Sabha may consult legal experts or other authorities and may admit the motion or refuse to admit it.
- (3) If the motion is admitted, a committee consisting of the following 3 members will be constituted.
 - i) The Chief Justice or any one of the Supreme Court Judges
 - ii) Chief Justice of any one of the High Courts of India.
 - iii) a person who is a distinguished jurist.

(4) If the Committee concludes that the judge is guilty of misbehaviour or suffers from an incapacity, the issue is taken up in the House where it was raised.

- (5) The impeachment motion must be passed by each House by a majority of not less than 2/3rd of the members of that House present and voting. The address to remove the judge is then presented to the President.
- (6) The President passes an order removing the judge.

Remuneration to Judges

The Chief Justice of India is paid a salary of Rs. 33,000/- per month and each of the judges Rs. 30,000/-. They are provided a rent-free furnished accommodation and a car. Besides they are entitled to such other allowances and privileges as may be prescribed by the parliament from time to time.

Power and Jurisdiction of the Supreme Court

The Supreme Court of India has vast jurisdiction and extensive judicial powers. Important among these are briefly discussed below :

1) Original Jurisdiction

Original jurisdiction means that the Supreme Court has the final say in any disputes regarding legal rights arising:

- i) Between Govt. of India and one or more States.
- ii) Between two or more States.
- iii) Between Govt of India and one or more States on one side and one or more states on the other.

2) Appellate Jurisdiction

- As the highest court of appeal in the country, the Supreme Court admits the following appeals.
 - i) Appeals in Constitutional matters.
 - ii) Appeals in Civil matters.
 - iii) Appeals in criminal matters.
 - iv) Appeals by special leave granted by the Supreme Court
 - v) Appeals permitted by miscellaneous Acts.

- 3

SUMMARY

3) Guardian of Fundamental Rights

The Supreme Court can declare any Act of the Central or State Governments as null and void, if it encroaches upon the Fundamental Rights of the citizens. The Court can issue writs of the nature of **Habeas Corpus, Mandamus, Prohibition, Quo Warranto and Certiorari**.

Habeas Corpus : It literally means 'have his body'. By issuing this writ the court can cause any person who has been detained or imprisoned to be physically brought before the court. The court then examines the reason for his detention. If there is no legal justification, he is directed to be set free.

Mandamus : It literally means 'a command'. It is a command directing a person, corporation, public authority or Government to act as specified in the writ. The action directed to be done is normally a public duty. **Mandamus** is like a wake-up call. It tells the sleeping authority to wake up and perform its public duty. It is a writ which demands action from the concerned authority.

Quo Warranto : It literally means "where is your warrant of appointment?". The court by this writ examines the legality of the claim of a person to a public office. If he is unable to show his legal right he may be dismissed by the court.

Prohibition : This writ is issued by a superior court to an inferior court or tribunal to prevent it from giving judgements in areas where it does not have the jurisdiction.

Certiorari : This writ is again issued by a superior court to an inferior court or tribunal asking it to transfer the case over which the lower court does not have jurisdiction.

4) Judicial Review

Judicial Review is the power of the Supreme Court to examine whether the Acts of Central and State government violate the Constitution in any way, if so they can be declared 'Ultra Vires' i.e., unconstitutional and rendered null and void.

5) Judicial Activism

The power of the Supreme Court to step in voluntarily to help the cause of the common man or any other cause concerning the well-being of the country, is known as Judicial Activism.

In 1985, the then Chief Justice of India, Justice P.N. Bhagavati converted a letter written to him on a post card by an aggrieved citizen into a PIL (Public interest litigation). This was the beginning of Judicial Activism.



1. THE PRESIDENT

Qualification: A citizen of at least 35 years age
Term : 5 years / death/ resignation/ removal
Salary : Rs. 50,000 + allowances per month during term
Election : voted by elected members of Parliament & State Legislatures

Procedures :

- value of 1 vote of each MLA & MP calculated
- voters mark preferences against candidates
- If any candidate gets more than 50% first preference votes, he wins
- Else, second and subsequent preference votes have to be counted to declare winner

Powers:

- Executive powers - all appointments
- Judicial power - appointment of judges, presidential pardon for criminals
- Legislative Power - Addresses Parliament, signs bills to make laws, nominates Anglo-Indians to Lok Sabha
- Emergency Powers - can declare emergency in case of enemy attack, armed rebellion or financial crisis

2. THE VICE PRESIDENT

Qualification : A citizen of India of atleast 35 years age
Term : 5 years/death/ resignation/ removal
Election : voted by elected members of Lok Sabha & Rajya Sabha just like President with single transferable vote

3. THE PRIME MINISTER

Functions : Chairman of Rajya Sabha
Appointment : The President appoints leader of ruling party as PM
Term : 5 years / resignation/ election of another leader / budget rejection / Lok Sabha dissolution

Functions :

- selects Ministers, allot portfolios, can reshuffle
- Heads cabinet and guides all decisions
- Recommends to the President about appointments
- Advises President to declare emergency
- Most powerful man

4. COUNCIL OF MINISTERS

Appointment : By the P.M.

Term : 5 years / resignation/ dismissal from PM

Qualification : should be Member of Parliament or should become one within 6 months

5. PARLIAMENT

Structure : WestMinster Model, Lok Sabha, Rajya Sabha

Disqualification of MP : corrupt practice / conviction for crimes/ dismissal from Govt/ insolvency/ unsound mind/ becomes citizen of another country

Rajya Sabha : 238 members from States and Union territories + 12 nominated by President, 4-6 years tenure for a Rajya Sabha MP

Lok Sabha : 545 members, 27% seats reserved for SC & ST.

5 year term but could be dissolved earlier

Speaker : Chief Presiding Officer of Lok Sabha incharge of conducting proceedings

Deputy Speaker : Does all functions of Speaker in his absence

6. SUPREME COURT

Reach : Court with the largest reach in whole world

Composition : Chief Justice + 25 other judges

Appointment : The CJ and all other judges are appointed by the President

Qualification : High court judge for 5 years / a High Court advocate for 10 years

Remuneration: Rs. 33,000 + allowances (CJ), Rs. 30,000 + allowances (all other judges)

Term : upto 65 years of age / resignation/ removal
Powers : original jurisdiction, appellate jurisdiction, Guardian of Fundamental Rights, judicial review, judicial activism.

□ □ □

7. The President should submit his resignation in writing addressed to

(a) The prime minister of India.

(b) The attorney general of India.

(c) The speaker of Lok - Sabha.

(d) Chief - Justice of India.

(e) The prime minister of India.

(f) None of the above.

Objective Type Questions and Suggested Answers
(From Previous VTU Exam Papers)

CHAPTER-3

1. Prosecuting a government servant after making an enquiry and subsequently dismissing him from service amounts to
 - (a) Double jeopardy.
 - (b) Violation of right of equal protection of laws.
 - (c) Violation of principles of natural justice.
 - (d) None of the above.
2. When an inferior court acts contrary to the rules of natural justice, the superior court issues a
 - (a) Writ of Mandamus.
 - (b) Writ of Prohibition.
 - (c) Writ of Quo-Warranto.
 - (d) None of the above
3. **Writ of Quo-Warranto** is issued
 - (a) Against an inferior court, exceeding its jurisdiction.
 - (b) Against a person, to prevent illegal assumption of any-private office.
 - (c) Quash an order issued by the lower court without jurisdiction.
 - (d) None of the above.
4. A public authority is directed to discharge public duty by issuing a writ of
 - (a) Habeas Corpus.
 - (b) Certiorari.
 - (c) Mandamus.
 - (d) Quo-Warranto.
5. To file Public Interest Litigation
 - (a) Locus stand is not necessary.
 - (b) The person filing the P.I.L. must have direct interest in the litigation.
 - (c) The person filing the litigation should have substantial interest in the litigation.
 - (d) The person filing the litigation must have suffered some monetary loss.
6. The President need not act on the advice of council of ministers in appointing
 - (a) The Comptroller and auditor general of India.
 - (b) The finance commission.
 - (c) The prime minister of India.
 - (d) The attorney general of India.
7. The President should submit his resignation in writing addressed to
 - (a) The speaker of Lok - Sabha.
 - (b) Chief - Justice of India.
 - (c) The prime minister of India.
 - (d) None of the above.

8. Any dispute in connection with the election of vice-president of India

- (a) May be filed in the High Court.
- (b) Must be filed in the Supreme Court.
- (c) Should be referred to Election Commission.
- (d) May be filed in the Supreme Court.

9. Parliament consist of

- (a) Raj - Sabha and Lok-Sabha.
- (b) Raj - Sabha, Lok-Sabha and the President of India.
- (c) Raj - Sabha, Lok-Sabha, President and Vice President of India.
- (d) Raj Sabha, Lok-Sabha and Speaker of Lok - Sabha.

10. The Vice President of India is elected by the

- (a) Members of Lok-Sabha.
- (b) Member of Lok-Sabha and elected members of state assemblies.
- (c) Members of Lok-Sabha, elected members of state assemblies and members of Legislative councils.
- (d) None of the above.

11. The Vice President of India may be impeached by

- (a) Lok-Sabha.
- (b) Raj-Sabha.
- (c) Only by Raj-Sabha.
- (d) None of the above.

12. A person is not disqualified to contest for the election to Lok-Sabha if he

- (a) Is guilty of corrupt practices in relation to an election.
- (b) Is convicted for an offence and imprisoned for minimum one year.
- (c) Has failed to lodge the accounts of election expenses.
- (d) Has been dismissed from government service.

13. A retired judge of the Supreme Court

- (a) May be requested to sit and act as a judge of the Supreme Court.
- (b) Once retired, he cannot be requested to sit and act as judge of the Supreme Court.
- (c) Can practice as an advocate in the Supreme Court.
- (d) Can practice as an advocate only in High Court.

14. The Supreme Court has original jurisdiction in a dispute between

- (a) The Lok - Sabha and the Raj - Sabha.
- (b) The Prime Minister and Chief Minister of any state.
- (c) The President of India and Governor of any state.
- (d) None of the above.

15. Which of the following administers oath of office to the President of India ?

- (a) The Vice-President
- (b) The Prime Minister
- (c) The speaker of the Lok Sabha
- (d) The Chief Justice of the Supreme Court.

16. The President of India is

- (a) Nominated
- (b) Appointed
- (c) Selected
- (d) Elected

17. After having been passed by both the houses of parliament when a non money bill is presented to the President for his assent, he may

- (a) Sign it
- (b) Return the bill for reconsideration
- (c) With hold it
- (d) All the above

18. Which of the following can issue ordinances during the recess of parliament

- (a) The deputy speaker of Lok Sabha
- (b) The Minister of parliamentary affairs
- (c) The Prime Minister
- (d) The President

19. The President of India can be impeached for

- (a) Serious misbehaviour which lowers the dignity of the post of President.
- (b) Committing serious criminal acts for which capital punishment can be awarded.
- (c) Refusing to declare national emergency when recommendation is made by council of ministers in writing.
- (d) Misusing the post to amass wealth.

20. When the state deliberately neglects to implement the directive principles of the state policy.

- (a) A writ may be filed in the Supreme Court.
- (b) A writ may be filed in the High Court.
- (c) A writ must be filed in the Supreme Court.
- (d) None of the above

21. National Tribunal can issue

- (a) Only writ of mandamus
- (b) Any writ
- (c) Only writ of certiorari
- (d) None of the above.

22. Where the lower court violates the principles of natural justice, a writ of

- (a) Mandamus is issued
- (b) Prohibition is issued.
- (c) Certiorari is issued.
- (d) None of the above

23. The Prime Minister is the link between the Council of Ministers and the

- (a) Lok Sabha
- (b) General public
- (c) Houses of Parliament
- (d) President

24. The Council of Ministers is collectively responsible to the

- (a) Prime Minister
- (b) The President
- (c) Lok Sabha
- (d) Parliament

- 25. The Deputy chairman of the council of states**
- Must be a member of Lok Sabha
 - May be a member of Rajya Sabha
 - Must be a member of Raj Sabha
 - May be a person who is neither a member of Lok Sabha or Raj Sabha.
- 26. A minister ceases to be a minister who is not member of either house of the parliament for any period of**
- 60 days
 - 90 days
 - 30 days
 - None of the above
- 27. Writ of prohibition lies against the**
- Legislative functions.
 - Quasi judicial functions
 - Executive functions.
 - Functions of higher court.
- 28. Any dispute in connection with the election of President shall be decided by**
- Chief Election Commissioner
 - By the special election Tribunal
 - A committee consisting of Lok Sabha and Raj Sabha member
 - None of the above.
- 29. The President can promulgate ordinance**
- Only during national emergency.
 - Only during financial emergency.
 - Only when the security of the state is in grave danger.
 - None of the above.
- 30. The President of India can exercise his veto power in relation to**
- Declaring National Emergency.
 - Declaring war by India against any nation.
 - Appointment of judges of Supreme Court.
 - Assent legislation.
- 31. When a person is given death sentence by the Supreme Court, the President**
- Can pardon him completely.
 - Can only reduce the death sentence to life imprisonment.
 - Cannot reprieve the sentence.
 - Can only refer the case to supreme court to review the case.
- 32. Ex-officio Chairman of the council of States is**
- Speaker of Lok Sabha
 - Leader of the opposition party in the Raj Sabha
 - Vice President of India.
 - The person elected by the elected members of Raj Sabha.

- 33. To remove the Vice-President of India.**
- A special resolution must be passed by the Raj Sabha.
 - A special resolution must be passed by the Parliament.
 - A special resolution must be passed by the Raj Sabha and agreed to by the Lok Sabha.
 - A resolution must be passed by the majority of members of Raj Sabha and agreed to by the Lok Sabha.
- 34. When there is a dispute between two states, the dispute may be disputed**
- By the High Court.
 - By the Supreme Court.
 - Only by the Supreme Court.
 - By the National Tribunal
- 35. This is not one of the powers of Chief Minister**
- Formation of the Government
 - Control over judiciary.
 - Advisor to the Governor
 - Control over lower judiciary
- 36. A writ of prohibition cannot be issued against the acts of**
- Judicial functions.
 - Quasi-judicial functions.
 - Lower courts
 - Higher courts
- 37. The writ of prohibition cannot be issued against the acts of**
- Judicial functions
 - legislative functions
 - lower courts
 - quasi-judicial functions.
- 38. In the case of a person detained under preventive detention law, an Advisory Board may be constituted consisting of**
- Sitting judges of the Supreme Court.
 - Retired judges of the Supreme Court.
 - Sitting judges of the Supreme Court and High Court.
 - Persons who are qualified to become the judges of the High Court.
- 39. Chief Justice of India is appointed by the**
- Prime Minister
 - Council of Ministers
 - Parliament
 - President
- 40. The Vice-President of India has**
- Legislative functions
 - Executive functions
 - Ordinance making powers
 - None of the above.
- 41. An ordinance can be promulgated by**
- Lok Sabha by passing simple resolution.
 - Lok Sabha by passing special resolution.
 - Both the Houses of Parliament by passing simple resolution.
 - None of the above.

- 42. A judge of the Supreme Court holds office until he attains the age of**
- 65 years
 - 63 years
 - 60 years
 - 58 years
- 43. The total number of Ministers in the Council of Ministers including the Prime Minister shall not exceed.**
- 12% of the total number of Lok-Sabha
 - 15% of the total number of Lok-Sabha
 - 18% of the total number of Lok-Sabha
 - 21% of the total number of Lok-Sabha.
- 44. Oath is administered to the President before entering upon his office by the**
- Vice-President
 - Lok - Sabha speaker
 - Attorney General of India
 - Chief Justice of India
- 45. The Vice President has**
- Legislative function
 - Power to grant pardon
 - Executive power
 - Right to preside over Rajya Sabha
- 46. The number of ministers in the Central Government is fixed by the**
- Planning Commission
 - President
 - Prime Minister
 - Parliament
- 47. For criminal misconduct; Judge of the Supreme Court**
- Cannot be prosecuted
 - Can be prosecuted
 - Can be prosecuted with the consent of the President
 - Can be prosecuted with the consent of Chief Justice of the Supreme Court.
- 48. The ground for the impeachment of President is**
- Failure to follow the advice given by Prime Minister
 - Unable to discharge his duties due to old age
 - Violation of the constitution
 - Misbehaviour with foreign dignitaries
- 49. If there is a dispute between two states**
- High court has jurisdiction to decide that case
 - Only Supreme Court has jurisdiction to decide that case
 - With the consent of both the states, High court may decide that case.
 - If one of the states, does not agree to approach the High Court, the dispute must be decided by the Supreme court
- 50. This is not the legislative power of the President.**
- Summon each of House of Parliament
 - Nominate twelve members to Raj-Sabha
 - To grant Pardon
 - Assent to Legislation.
- 51. When the election of the President is declared void, all acts done by the President in the performance of the duties of his office before the date of decision become.**
- illegal
 - Unlawful
 - Valid
 - Invalid
- 52. Ordinance is promulgated by the**
- Lok - Sabha
 - Raj - Sabha
 - Prime-Ministers on the ad vice given by council of ministers
 - President
- 53. Remission**
- Absolves the offender from all sentences
 - Temporarily suspends the sentence
 - Reduces the length of the sentence
 - Substitutes one form of punishment for another of a lighter character
- 54. This is not a writ**
- Writ of Habeas Corpus
 - Writ of Mandamus
 - Writ of Prevention
 - Writ of Certiorari.
- 55. The Vice-President of India may be removed by**
- Impeachment
 - Lok Sabha
 - Raj Sabha
 - Raj Sabha, agreed by Lok-Sabha
- 56. Appeal by special leave means**
- Appeal permitted on payment of fine
 - Appeal permitted by the supreme court in matters relating to the election of the President.
 - Supreme court, granting special permission to appeal, though the time to appeal is barred by limitation
 - Supreme court, granting in its discretion special permission to appeal from any judgment passed by any court
- 57. To contest for the election of Lok-Sabha, the person**
- should be citizen of India
 - should be resident of India for at least 10 years
 - should be resident of India for at least 12 years
 - should be resident of India for at least 5 years
- 58. Raj-Sabha members are elected by**
- The adult suffrage
 - The members of Legislative Council
 - The elected members of Legislative Assembly
 - The members of Lok-Sabha and the elected - members of Legislative Assembly

59. Writ of Mandamus is issued directing the

- (a) Detaining authority to produce the body before the court
- (b) Directing the judicial officer to act within his authority
- (c) Directing the public authority to discharge his duty
- (d) Directing the lower court to follow the principles of natural justice

60. Writ of Habeas Corpus is issued when a person is detained

- (a) By a private individual
- (b) By the order of lower court
- (c) By the order of High Court
- (d) By the order of Supreme Court

61. Lok Sabha is composed of not more than

- (a) 420 members
- (b) 550 members
- (c) 450 members
- (d) 540 members

62. A person to be appointed as prime minister should be

- (a) Member of Lok-Sabha
- (b) Member of Raj-Sabha
- (c) Member of Legislative Assembly
- (d) Need not be, none of the above

63. The Chief Justice of India is appointed by the

- (a) Prime Minister
- (b) Council of Ministers
- (c) President
- (d) Parliament

64. Collective responsibility of the cabinet means, all Ministers are collectively responsible to

- (a) The Prime Minister
- (b) The President
- (c) The Lok-Sabha
- (d) The Raj-Sabha

65. Writ of Quo Warranto is issued

- (a) To arrest a person without warrant
- (b) To release a person who has been arrested without warrant
- (c) To restrain a person from acting in an office to which he is not entitled.
- (d) To a quasi-judicial authority to follow the principles of Natural Justice.

66. The election of the President shall be held in accordance with the system of proportional Representation by means of

- (a) Transferable vote
- (b) Valid transferable vote
- (c) Single transferable vote
- (d) Legally considerable vote

67. Without the Certificate of High Court, an appeal can made to Supreme Court

- (a) If the party belongs to schedule caste
- (b) If the party belongs to schedule tribe
- (c) If the party is a war widow
- (d) With the special leave of supreme court

68. No criminal proceedings shall be instituted during his term of office against the

- (a) Prime Minister of India
- (b) Vice President of India
- (c) Governor
- (d) Chief Minister

69. Who will appoint the Attorney General of India ?

- (a) Prime Minister of India.
- (b) Chief Justice of India.
- (c) President of India.
- (d) Law Minister of the union.

70. Who selected the first President of India ?

- (a) Members of the Lok Sabha and the Raj Sabha.
- (b) Members of the Lok Sabha, the Raj Sabha and Members of Legislative Assembly of all the states.
- (c) Constituent Assembly
- (d) Members of the British Parliament.

71. Who will appoint the judge of the Supreme Court ?

- (a) Chief Justice of India.
- (b) President of India.
- (c) Law Minister of India.
- (d) Central Government.

72. What is the minimum age to become the Vice-President of India.

- (a) 35
- (b) 45
- (c) 25
- (d) 30

73. How many types of writs are there ?

- (a) seven
- (b) three
- (c) five
- (d) six

74. What is the term of the President of India ?

- (a) Four years
- (b) Three years
- (c) Five years
- (d) Six years

75. The rule of Equality before law is not applicable to

- (a) Prime Minister of India
- (b) Chief Justice of India
- (c) Governor of a state
- (d) Law minister of India

76. Writ of Certiorari is issued

- (a) When a person is illegally arrested
- (b) When a person is illegally detained.
- (c) When a judicial authority acts in excess of jurisdiction.
- (d) When a search warrant is issued against a person.

77. Under Advisory Jurisdiction, the Supreme Court gives its opinion to

- (a) The Prime Minister
- (b) The Law Minister
- (c) The President
- (d) The High Court

78. One of the qualifications to become the Judge of the Supreme Court is

- (a) Practice in a High Court for at least 9 years
- (b) Served as Judge of High Court for at least 3 years
- (c) Practice in District Court for at least 12 years
- (d) In the opinion of the President, he must be a distinguished Jurist.

79. Raj Sabha is

- (a) Dissolved once in three years
- (b) Dissolved once in five years
- (c) A permanent body
- (d) Dissolved once in six years

- 80. The President of India**
- (a) Can be prosecuted
 - (b) Cannot be prosecuted
 - (c) Can be prosecuted only in the case of Criminal Conspiracy
 - (d) Can be prosecuted only if the Parliament permits.
- 81. To amend the constitution to change the procedure of election of the President of India, the bill has to be passed**
- (a) By Simple majority
 - (b) By Special majority
 - (c) By Special majority ratified by more than half of the states.
 - (d) By Special majority and consented by Chief Justice of India.
- 82. Ex-post-facto-law means**
- (a) An out-dated law
 - (b) An invalid law
 - (c) Passing Criminal law with retrospective effect.
 - (d) A law applicable only during emergency.
- 83. A writ of habeas corpus is issued**
- (a) When a person is arrested arbitrarily
 - (b) When the lower Court violates the principles of natural justice.
 - (c) When a public authority fails to discharge his public duty.
 - (d) When the lower court acts in excess of its authority.
- 84. President of India can be removed by**
- (a) Chief Justice of India
 - (b) Passing a resolution by the union Cabinet
 - (c) Passing a resolution in Lok Sabha by two-third majority
 - (d) Impeachment
- 85. Writ of Prohibition**
- (a) Prohibits police from interfering in one's private affairs.
 - (b) Prohibits a person to continue in a public post
 - (c) Prohibits lower court exceeding its jurisdiction
 - (d) Prohibits judicial and quasi judicial authority from taking an action.
- 86. Vice-president of India is elected**
- (a) By the Members of Lok Sabha
 - (b) By the Members of Raj Sabha
 - (c) By the legislative Members of all the states
 - (d) By the members of Lok Sabha and Raj Sabha
- 87. Original jurisdiction of the Supreme Court relates to**
- (a) Civil suits directly filed in the Supreme Court
 - (b) Criminal Complaints directly filed in the Supreme Court
 - (c) Writs directly filed in the Supreme Court.
 - (d) Disputes between the Union & the States.
- 88. The President of India is not having**
- (a) Executive Power
 - (b) Diplomatic Power
 - (c) Legislative Power
 - (d) Power to control judiciary
- 89. Legislate means**
- (a) Form Government
 - (b) Make constitutional amendment
 - (c) Make law
 - (d) put administrative machinery into action
- 90. Special majority means**
- (a) More than fifty percent
 - (b) More than seventy five percent
 - (c) More than two third majority
 - (d) More than sixty six percent
- 91. Special leave means**
- (a) Leave with salary
 - (b) Leave without salary
 - (c) Permission granted by the Supreme Court to appeal
 - (d) Leave granted only to Supreme Court Judges before retirement
- 92. Respite means**
- (a) Death due to strangulation
 - (b) Death due to drowning
 - (c) Awarding lesser punishment
 - (d) Painless death
- 93. The President of India is bound to follow the advice given by**
- (a) The Prime Minister of India
 - (b) The Attorney general of India
 - (c) The Chief Justice of India
 - (d) The Council of ministers
- 94. This is not the function of the Lok Sabha**
- (a) Legislative Function
 - (b) Financial Function
 - (c) Controlling the executive
 - (d) Judicial function
- 95. Appellate Jurisdiction of the supreme court does not include**
- (a) Appeals in civil cases
 - (b) Appeals in Criminal cases
 - (c) Special leave to appeal
 - (d) Appeals against writs
- 96. Ordinance can be promulgated by**
- (a) Lok Sabha
 - (b) President of India
 - (c) Lok Sabha and Raj Sabha
 - (d) Prime Minister
- 97. Who officiates in the absence of President of India**
- (a) Prime Minister
 - (b) Vice President
 - (c) Speaker of Lok Sabha
 - (d) Chief Justice of India
- 98. Prorogation means**
- (a) Proclaiming ordinance when the Parliament is not in session
 - (b) The act of terminating a parliamentary session
 - (c) Suspending parliamentary session for a short period
 - (d) None of the above

- 99. The writ of Certiorari may be directed against the order of**

 - Public authority
 - Corporation
 - Tribunal
 - Local authority

When the President is to be impeached for violation of constitution, the charge

 - Must be initiated in the Lok-Sabha
 - Must be initiated in the Raj-Sabha
 - Must be initiated in the Joint sitting of Lok-Sabha and Raj-Sabha
 - May be initiated in any House of the Parliament

A person is qualified for the appointment as the Judge of the supreme Court if he

 - Has been for at least 7 years, an Advocate of a High Court
 - Has been for at least 3 years, a Judge of a High court
 - Has been in a distinguished jurist the opinion of the Chief Justice of India
 - None of the above

This is not the privilege of member of the Lok-Sabha

 - Freedom of speech
 - Freedom from civil arrest
 - Freedom from criminal arrest
 - Freedom from attendance as a witness

The speaker of the House of People is appointed by

 - The president
 - The Prime Minister
 - The Union Cabinet
 - None of the above

The Supreme Court is not having

 - Original Jurisdiction
 - Ad-hoc Jurisdiction
 - Advisory Jurisdiction
 - Appellate Jurisdiction

The protection against self-incrimination is confined to

 - Constitutional cases
 - Criminal cases
 - Civil cases
 - Domestic enquiries

Members chosen by the direct election to the House of the people from territorial constituency in the states shall not consist more than

 - 520
 - 530
 - 540
 - 550

The Parliament consist of

 - Two organs
 - Three organs
 - Four organs
 - Five organs

The president cannot grant pardons in case of

 - Offences against union laws
 - Offences against state laws
 - In all cases of death sentence
 - In all cases where the punishment is by a court martial

President's rule cannot be imposed on a state, on the ground of

 - Corruption or abuse of power
 - Claim to independent sovereign status
 - Large scale breakdown of law and order
 - Failure to comply with the stringent directions issued by Supreme Court

The President should act

 - According to the advice given by the Prime Minister
 - According to the resolution passed by the members of Lok-Sabha
 - According to the advice given by council of ministers
 - None of the above

Writ of Habeas Corpus

 - Must be moved by the person detained
 - Must be moved by the duly authorized advocate
 - Must be moved by the close relative who is having real interest in the welfare of the person detained
 - May be moved by a stranger

Reprieve means

 - Reducing the amount of punishment without changing the character of punishment
 - Changing a punishment to one of a different sort than that originally proposed
 - Postponement of the execution of a sentence
 - A temporary suspension of the punishment fixed by law

A member of Raj-Sabha is elected by

 - Members of Lok-Sabha
 - Members of State legislative Assemblies and Legislative Councils
 - Elected members of State Legislative Assemblies
 - Members of Lok-Sabha and Members of State Legislative Assemblies

A person may be re-elected to the office of the President

 - Only once
 - Twice
 - Thrice
 - Any number of times

The Vice President of India is having power

 - To nominate five members to Raj-Sabha
 - To nominate one Anglo-Indian member to Raj-Sabha
 - Sign the bills passed by Raj-Sabha
 - None of the above

The President shall be elected by the members of an electoral college consisting of

 - The elected members of both the Houses of parliament
 - Members of Lok-Sabha and the members of Legislative Assemblies of states
 - All the members of Lok-Sabha, Raj-Sabha and members of Legislative Assemblies
 - The elected members of both the Houses of Parliament and elected members of Legislative Assemblies of states

- 117. The Supreme Commander of the Defence Force is the**

 - Chief of the Army
 - Chief of the Air-force
 - Chief of the Navy
 - President

118. Passing Criminal law with retrospective effect is called as

 - Post-facto-law
 - Ex-post-facto-law
 - Retro-post-facto-law
 - Post-ex-facto-law

119. Writ of prohibition cannot be issued against the

 - Judicial functions
 - Quasi-judicial functions
 - Legislative functions
 - Acts of lower courts

120. Original jurisdiction of the Supreme Court relates to

 - Disputes relating to the elections of President and Vice President of India
 - Dispute relating to the election of Prime Minister of India
 - Dispute between the Union and the State
 - Writs filed under Art 32

121. Writ of Quo-Warranto is issued

 - To arrest a person under the Preventive Detention Law
 - To prevent a person illegally assuming any public office
 - To arrest a person who has committed contempt of superior-court
 - To quash the order of the lower court which has issued warrant without following proper procedure laid down by the law

122. This is not a kind of writ

 - Writ of Habeas Corpus
 - Writ of Quo-Warranto
 - Writ of searchiorari
 - Writ of prohibition

123. The President can be impeached for

 - Treason
 - Bribery
 - High Crimes
 - None of the above

124. Representatives of the states and the Union territories in Council of States shall not be more than

 - 228
 - 238
 - 280
 - 450

125. The Administrative Power of President does not include to appoint

 - The Prime Minister of India
 - The Ambassadors
 - The finance Commission
 - The Attorney General of India.

126. Double-jeopardy means

 - Doubling the compensation payable to victims
 - Commuting death sentence into life imprisonment
 - Prosecuting again on the same cause
 - Doubling the punishment when the crime is repeated.

127. Writ of Mandamus will not be issued in

 - Corporation
 - Governor
 - Lower court
 - Public authority

128. The supreme commander of the Defence Force is the

 - Defence Minister
 - Prime Minister
 - President
 - Chief of the Army.

129. The Prime Minister can reshuffle the portfolio of a Minister

 - With his consent
 - Without his consent
 - With the consent of the cabinet
 - With the consent of

130. The president can grant pardon

 - Without giving any reason
 - Giving proper reasons
 - Acting on the advice given by Attorney General of India
 - Acting on the advice of law secretary

131. Writ of Mandamus will not be issued in

 - Misbehaviour
 - Delivering repeatedly wrong judgement
 - Delivering judgements which impede the progress of the Nation
 - Holding lenient views about anti-social elements

132. A judge of the Supreme Court may be removed on the ground of

 - Minister of External Affairs
 - Prime Minister
 - Cabinet
 - Parliament

133. The Foreign Policy of the Government is shaped by the

 - Original Jurisdiction
 - Appellate Jurisdiction
 - Advisory Jurisdiction
 - Emergency Jurisdiction

134. This is not the jurisdiction of the Supreme Court

 - A police-officer to arrest a person
 - A person to usurp public office
 - A person to contest in election
 - An inferior court not to exceed its jurisdiction

135. Writ of prohibition, prohibits

 - Emergency powers
 - Discretionary power
 - Judicial powers
 - Military powers

136. These are not the powers of the President

- 137. The Vice-President is having power**
- To promulgate ordinance
 - to nominate seven persons to Raj-Sabha
 - To sign Bills passed by Raj-sabha
 - To preside over Raj-Sabha
- 138. The Normal term of Lok-Sabha may be extended**
- When a resolution is passed to that effect by the Lok-Sabha
 - At the discretion of the President
 - During National Emergency
 - With the special permission given by the Supreme Court
- 139. In a Republic State**
- The head of the state is elected by the people
 - Hereditary head rules the state
 - Head of the State is nominated by Council of Ministers
 - There will not be any head of the state
- 140. A Union Minister is appointed by the**
- Prime Minister
 - Council of Ministers
 - President
 - Prime Minister, with the consent of council of Ministers
- 141. Raj-Sabha is composed of not more than**
- 350 members
 - 250 members
 - 220 members
 - 550 members
- 142. If Prime Minister is not a member of the Lok-Sabha at the time of appointment as Prime Minister, he should get elected as member of Lok-Sabha within**
- 3 months
 - 6 months
 - One year
 - Three weeks
- 143. The president shall exercise his functions in accordance with the advice given by the**
- Members of the Lok-Sabha
 - Council of Ministers
 - Parliament
 - Prime Minister
- 144. Writ of Certiorari is issued**
- To search the house of suspected offender
 - To arrest a person involved in anti-social activities
 - To remove a suit from a subordinate court to superior court
 - To initiate action against the negligent judicial officer
- 145. One third members of Raj-Sabha are re-elected at the end of every**
- Second year
 - Third year
 - Fourth year
 - Sixth year

- 146. the term of the Vice-President of India is**
- Three years
 - Four years
 - Five years
 - Six years
- 147. A writ may be filed against the**
- Prime Minister
 - Government
 - Police-officer, committing an offence while on duty
 - Negligent Government doctor
- 148. Over-rule means**
- Law, above the ordinary law of land
 - Law which is unreasonable and harsh
 - Deciding against, by higher authority
 - Control over subordinate officers
- 149. Ambassadors are appointed by the**
- Prime Minister
 - Minister for External Affairs
 - President
 - Minister for External Affairs
- 150. It is not correct to say that a Bill passed by both houses, when presented to the President, the President**
- Cannot declare assent to the Bill
 - Cannot withhold assent to the Bill
 - May return the Bill for reconsideration
 - Cannot make reasonable and appropriate changes in the Bill
- 151. An ordinance promulgated by the President ceases to operate from the date of re-assembly of parliament, at expiration of**
- Three weeks
 - Four weeks
 - Six weeks
 - Two weeks
- 152. Commutation means**
- reducing the length of the sentence
 - Temporarily suspending the sentence
 - Substituting one form of punishment for another
 - Absolving the offender from all sentences
- 153. At the time of appointment as Union Minister**
- The person must be member of Lok-Sabha
 - The person must be member of Raj-Sabha
 - The Person must be member of Legislative Assembly
 - Any person may be appointed

154. Prime-Minister

(a) Cannot ask a Minister to resign

(b) Can dismiss a Minister

(c) Cannot dismiss a Minister

(d) Can dismiss a Minister with the approval of cabinet

155. Criminal contempt of court means

(a) An act which lowers the authority of a court

(b) Giving false evidence before a criminal court

(c) Filing a complaint in a court

(d) None of the above

156. In appeals, in constitutional matters, an appeal lies to the Supreme Court from a judgement of High court

(a) If the judgement relates to property worth more than 25 lakhs

(b) If the High Court issues a certificate to that effect

(c) If the death sentence is awarded by the High Court

(d) One of the parties to the judgement is State Government

157. Parliamentary form of government means

(a) A government which is having bi-lateral system

(b) The President is directly elected by the people

(c) The head of the state is constitutional head and executive powers are vested in Council of Ministers

(d) The real executive power is vested with the President

158. The Appellate jurisdiction of the Supreme Court can be divided into

(a) Six main categories

(b) Five main categories

(c) Four main categories

(d) Three main categories

159. Supreme Court permits to appeal by special leave

(a) When the time fixed to appeal against the judgment of the High Court has expired.

(b) When the judgment given by the High Court relates to property worth more than 50 lakhs.

(c) When the judgment given by the High Court relates to a person who is non-Indian.

(d) None of the above.

160. Original jurisdiction of the Supreme Court relates to

(a) Writs directly filed in relating to constitutional matters.

(b) Criminal complaints directly filed in the Supreme Court.

(c) Election petitions relating to President, Vice-President or Prime minister of India, directly filed in the Supreme Court.

(d) None of the above.

161. Respite relates to

(a) Powers of Election commission

(b) Powers of Lok-Sabha speaker.

(c) Powers of President

(d) National emergency declared on the basis of armed rebellion.

162. The number of ministers in the Central government is fixed by

(a) The President

(b) The Prime Minister

(c) The Parliament

(d) None of the above.

163. The Vice-President is having power

(a) To assent to the bills originated and passed by Raj-Sabha

(b) To nominate two Anglo-Indian members to Raj-Sabha.

(c) Return any bill passed by Raj-Sabha to reconsider.

(d) None of the above.

164. The President shall be elected by the members of electoral college consisting of

(a) All the members of Lok-Sabha.

(b) All the members of Raj-Sabha.

(c) All the members of Lok-Sabha, Raj-Sabha and Elected members of Legislative Assemblies.

(d) None of the above.

165. Reducing the amount of sentence without changing the character of punishment is called.

(a) Reprieve

(b) Respite.

(c) Remission

(d) Commutation.

166. The Vice President of India

(a) Cannot sign on any bill passed by the Parliament

(b) Promulgate Ordinances only in urgent matters.

(c) Can seek the advice of the Supreme Court except any matter connected with the security of the state.

(d) None of the above.

167. The oath is administered to Vice-President of India before assuming his office by the

(a) Chief Justice of India

(b) President of India.

(c) Prime Minister of India

(d) Speaker of Lok-Sabha.

168. A Cabinet Minister is appointed by the President of India.

(a) On the recommendations of Council of Ministers.

(b) On the recommendations of Prime Minister made with the prior approval of Union Cabinet.

(c) On the recommendations of Prime Minister made with the prior approval of Party-President.

(d) None of the above.

169. To Lok Sabha

- (a) One Anglo-Indian member is nominated.
- (b) Two Anglo-Indian members are nominated.
- (c) Anglo Indian members are not nominated.
- (d) None of the above.

170. The Prime Minister is the link between

- (a) The President and Council of Ministers
- (b) The President and both the Houses of Parliament
- (c) The Legislature and the Executive.
- (d) India and Foreign States.

171. An Advisory Board with reference to fundamental right refers to

- (a) Reservation in educational institutions.
- (b) Reservations in relation to services under the state.
- (c) Detention under the Preventive Detention laws.
- (d) Cultural and Educational rights of minorities.

172. The Supreme Court can issue

- (a) Three types of writs.
- (b) Seven types of writs.
- (c) Five types of writs
- (d) Six types of writs.

173. The rule of Right to Equality before law is not applicable to

- (a) Chief Justice of Supreme Court of India.
- (b) Prime Minister of India.
- (c) Speaker of the Lok Sabha.
- (d) None of the above

174. The speaker of the Lok Sabha

- (a) Is appointed by the President.
- (b) Is elected by the members of the Parliament.
- (c) Is elected by the members of the Lok Sabha.
- (d) None of the above.

175. Which of the following is the guardian of the fundamental rights of the citizens?

- (a) The Supreme Court.
- (b) The President.
- (c) The Parliament.
- (d) The Lok Sabha.

176. The President of India has power to issue ordinances when

- (a) There is a national emergency
- (b) The Lok Sabha has been dissolved.
- (c) The Government wants immediate legislation
- (d) The Parliament is not in session.

177. The Indian judiciary is a

- (a) Highest law-making body
- (b) Single and integrated judicial system
- (c) Dependent judicial system
- (d) None of the above

178. Which of the following falls under the original jurisdiction of the Supreme Court ?

- (a) Disputes relating to the civil matters.
- (b) Disputes relating to the criminal matters
- (c) Disputes between two citizens belonging to two different states
- (d) Disputes between the two states of the Indian union

179. The Supreme Court of India can review

- (a) Its own orders or judgments.
- (b) The orders issued by the executive.
- (c) The laws passed by the legislature.
- (d) Both (a) and (b).

180. All the union ministers sail and swim together. The entire ministry has to resign if it loses the confidence of the

- (a) President of India.
- (b) Lok Sabha.
- (c) Rajya Sabha
- (d) None of the above.

181. The ministers hold office during the pleasure of the President which infact means during the pleasure of

- (a) The Parliament
- (b) The Lok Sabha.
- (c) The Prime Minister
- (d) Concurrent list.

182. Which of the following contains largest number of subjects?

- (a) State list
- (b) Concurrent list.
- (c) Union list
- (d) None of the above

183. The Chief Justice and other Judges of the other state High Courts hold office until they attain the age of

- (a) 58 years.
- (b) 60 years
- (c) 62 years
- (d) 65 years.

184. An integral part of the Parliament is

- (a) The President of India.
- (b) The Chief Justice of India.
- (c) The Prime Minister of India.
- (d) The Election Commissioner.

185. Ord of the members of the Rajya Sabha retire

- (a) Every year.
- (b) Every two years.
- (c) Every three years.
- (d) None of the above.

186. Chief Justice and other Judges of the Supreme Court hold office until they attain the age of

- (a) 50 years.
- (b) 55 years.
- (c) 60 years.
- (d) 65 years.

187. Which of the following writ issued by the Supreme Court if it sends an order to restrain a person from acting in an office to which he is not entitled?

- (a) Certiorari.
- (b) Quo Warranto.
- (c) Habeas corpus.
- (d) Prohibition.

188. The President of India may from time to time

- (a) Dissolve the Rajya Sabha
- (b) Adjourn the Rajya Sabha.
- (c) Dissolve the Lok Sabha
- (d) Adjourn the Lok Sabha.

189. Presidents rule can be imposed in the states

- (a) During the national emergency.
- (b) During General elections.
- (c) On failure of the constitutional machinery in a state.
- (d) All of the above.

190. The minimum age prescribed for the membership of the Rajya Sabha is

- (a) 25 years.
- (b) 30 years.
- (c) 35 years.
- (d) 40 years.

191. Which of the following is not done by the President?

- (a) Prorogation of the houses of parliament.
- (b) Summoning the houses of parliament to meet.
- (c) Adjournment of the houses of parliament.
- (d) Dissolving the Lok Sabha.

192. No person can contest elections for the membership of the Lok Sabha unless he is a citizen of India and has completed the age of

- (a) 21 years.
- (b) 22 years.
- (c) 24 years.
- (d) 25 years.

193. The ministers of the union cabinet are answerable to

- (a) The Prime Minister.
- (b) The Lok Sabha.
- (c) The President.
- (d) The Vice-President.

194. The President of India is eligible for re-election

- (a) Only once
- (b) Twice.
- (c) Thrice.
- (d) Any number of times.

195. The notice for moving a resolution to impeach the President must be signed by not less than

- (a) One tenth of the total number of members of the house.
- (b) One sixth of the total number of members of the house.
- (c) One fifth of the total number of members of the house.
- (d) One fourth of the total number of members of the house.

196. An ordinance declared by the President ceases to operate at the expiration of

- (a) One month from the date of re-assembly of the Parliament.
- (b) 15 days from the date of re-assembly of the Parliament.
- (c) Six weeks from the date of re-assembly of the Parliament.
- (d) Two months from the date of re-assembly of the Parliament.

197. When a Cabinet Minister refuses to resign to his post, the Prime Minister

- (a) Can cause him to be dismissed from his post.
- (b) Cannot dismiss him from that post.
- (c) Can dismiss him with the prior approval of the Union Cabinet.
- (d) Can dismiss him after obtaining the consent of the President of India.

198. When offices, both President and Vice-President of all vacant

- (a) The speaker of the Lok Sabha acts as President.
- (b) The senior most Cabinet Minister acts as President.
- (c) The senior most member of the Raj Sabha acts as President.
- (d) Chief Justice of India acts as President.

199. The President can appoint to Lok Sabha from Anglo-Indian community.

- (a) One person.
- (b) Two persons.
- (c) Three persons.
- (d) Five persons.

200. A member of the Lok Sabha incurs disqualification.

- (a) If he remains absent for more than 15 days in attending the Parliamentary session without the prior permission of the Lok Sabha.
- (b) If any serious criminal case is filed against him for which life or death punishment may be awarded.
- (c) If he indulges into anti-party activities.
- (d) None of the above.

201. Where a person is punished by a Court-Martial, pardon can be granted

- (a) By the President of India or Chief of the Army.
- (b) By the Governor of the State to which the convicted person belongs.
- (c) By the Chief Justice of India.
- (d) None of the above.

202. No person shall be qualified for appointment as Judge of Supreme Court unless he

- (a) Has been for at least 7 years a Judge of a High Court.
- (b) Has been for at least 12 years, an advocate of a High Court.
- (c) Is in the opinion of the Chief Justice of India, a distinguished jurist.
- (d) None of the above.

203. A Judge of the Supreme Court may be removed from his office on the ground of

- (a) Lacking sound legal knowledge, which is essential to act as Judge of Supreme Court.
- (b) Delivering judgements which are against the interest of nation and seriously hinder the progress of the nation.
- (c) Misbehaviour.
- (d) None of the above.

204. The Chairman of Council of States is

- (a) Elected by the members of Lok Sabha
- (b) Elected by the members of Council of States.
- (c) Nominated by the President of India.
- (d) None of the above.

205. The Supreme Court gives Advisory Opinion when

- (a) The Prime Minister refers any matter involving a question of law.
- (b) The Prime Minister refers any matter involving an important question of fact.
- (c) The Prime Minister refers a matter, which involved the interest of entire nation.
- (d) None of the above.

206. An ordinance can be promulgated by

- (a) Lok Sabha by passing simple resolution.
- (b) Lok Sabha by passing special resolution.
- (c) Both the Houses of Parliament by passing simple resolution.
- (d) None of the above.

207. The President of India may be impeached on the ground of

- (a) Indulging in rampant corruption.
- (b) Repeated disregard shown to the advice given by the Prime Minister in matters of national importance.
- (c) Total incapacity in discharging his functions due to old age and failure of health.
- (d) None of the above.

208. The number of Ministers in the Central government is fixed by

- (a) The President
- (b) The Prime Minister.
- (c) The Parliament
- (d) None of the above.

209. A Writ of prohibition prohibits

- (a) A public authority to abuse his authority.
- (b) A lower court not to exceed its jurisdiction.
- (c) A person usurp a public office illegally and unconstitutionally.
- (d) A police officer to interfere in the personal liberty of a person.

210. The Lok Sabha may be dissolved by

- (a) The President
- (b) The Prime Minister.
- (c) The Prime Minister, when the Union Cabinet takes a decision to dissolve Lok Sabha.
- (d) The Prime Minister, when the members of the Lok Sabha, pass a resolution by simple majority to dissolve it.

211. The Vice-President of India is elected by the

- (a) Members of Lok-Sabha
- (b) Members of Raj-Sabha
- (c) Elected members of Lok Sabha and Raj Sabha and members of all Legislative Assemblies.
- (d) Members of Lok Sabha and Raj Sabha and members of all Legislative Assemblies.

212. Raj Sabha member is elected by

- (a) Lok Sabha members
- (b) Lok Sabha and Raj Sabha members
- (c) Lok Sabha, Raj Sabha and Legislative Assemblies members.
- (d) Elected members of Legislative Assemblies.

213. For the post of President of India

- (a) A sitting member of the Lok Sabha cannot contest.
- (b) A sitting member of the Raj Sabha cannot contest.
- (c) A sitting member of the Legislative Council cannot contest.
- (d) None of the above.

214. Locus Standi refers to

- (a) The stand taken by Supreme Court in election matter relating to President, Vice-President and Prime Minister of India.
- (b) Fixing minimum wages taking local conditions into consideration.
- (c) Economic standard of socially and educationally backward class people for the purpose of reservation.
- (d) None of the above.

215. Constitution prohibits enacting

- (a) Ex-post facto Constitutional law
- (b) Ex-post facto Civil law
- (c) Ex-post facto Penal law
- (d) None of the above

216. To quash the decision given by lower court without having jurisdiction, the superior court will issue a

- (a) Writ of prohibition
- (b) Writ of certiorari
- (c) Writ of mandamus
- (d) Writ of Quo-warranto

217. The person seeking the issue of writ of Quo-warranto should have

- (a) Personal interest in the matter.
- (b) Substantial interest in the matter.
- (c) Need not have any interest in the matter.
- (d) Suffered some kind of loss

218. Before the trial of a case by an inferior court, to prevent the abuse of jurisdiction, the higher court may issue a writ of

- (a) Prohibition
- (b) Certiorary
- (c) Quo-warranto
- (d) Mandamus

219. The Council of Ministers in the state shall be collectively responsible to the

- (a) Chief Minister
- (b) Legislative assembly of the state
- (c) Governor
- (d) Chief Justice of High Court

220. The oath of office to a Governor of a state is administered by

(a) The Prime Minister

(b) The Chief Justice of the High Court in the state

(c) The President

(d) The Chief Minister of the state.

221. The Governor of a state may be removed by the

(a) President

(b) State legislature

(c) Chief Minister

(d) None of the above

222. Chief Justice or other judges of the Supreme Court after their retirement, or removal are not eligible to practice in

(a) Any court other than Supreme Court

(b) Any court in India or outside India

(c) Any court or before any authority within the territory of India

(d) Any courts other than the state High Courts.

223. Which of the following has the power of judicial review?

(a) High courts

(b) District courts

(c) Supreme court

(d) All the above

224. Which of the following statement is correct?

(a) Parliament cannot amend fundamental rights.

(b) Parliament can amend fundamental rights.

(c) Only President can ask the parliament not to amend a particular fundamental right.

(d) Only President can issue orders to amend fundamental rights.

225. Which of the following writ is issued by the Supreme Court if it sends an order to restrain a person from acting in an office to which he is not entitled?

(a) Habeas corpus

(b) Prohibition

(c) Certiorari

(d) Quo warranto

226. A bill presented in the parliament becomes an act after

(a) It is passed by both the houses

(b) The Prime Minister has signed it.

(c) The Supreme Court has declared it to be within the competence of union parliament.

(d) The President has given his assent

227. Which of the following shall not be introduced in the Rajya Sabha?

(a) Union Budget

(b) A money bill

(c) A constitutional amendment

(d) None of the above

228. A person shall not be qualified to be chosen to fill a seat in the Rajya Sabha unless he is

(a) Not less than 21 years of age

(b) Not less than 35 years of age

(c) Not less than 30 years of age

(d) Not less than 25 years of age

229. The seat of a member of parliament may be declared vacant, if he is, without the permission of the house absent from the meeting of that house for a period of

(a) 40 days

(b) 60 days

(c) 90 days

(d) 25 days

230. The President of India is elected indirectly by an electoral college, which of the following is not included in such electoral college?

(a) Elected members of assemblies of the union territories

(b) Elected members of Lok Sabha

(c) Elected members of Rajya Sabha

(d) Elected members of the legislative assemblies of states

231. Under the Indian Constitution, the subjects of administration have been divided into

(a) Two lists

(b) Three lists

(c) Four lists

(d) Five lists

232. The Rajya Sabha, from amongst its own members elects

(a) Its speaker

(b) Its deputy speaker

(c) Its chairman

(d) Its deputy chairman

233. The President of India

(a) can address either house of the parliament

(b) can dissolve the Lok Sabha

(c) can promulgate ordinance during the recess of parliament

(d) All the above

234. No person shall be eligible for the election of President of India unless he is

(a) A member of the Rajya Sabha

(b) Qualified for election to the Lok Sabha

(c) A member of the Lok Sabha

(d) Qualified for election to the Rajya Sabha

235. The President of India has power to issue ordinances when

(a) The parliament is not in session.

(b) The Government wants immediate legislation

(c) The Lok Sabha has been dissolved.

(d) There is a national emergency.

ANSWERS

CHAPTER 4

THE STATE EXECUTIVE

INTRODUCTION

The State Executive is nothing but a copy of the Union Executive on a reduced scale, with a few differences. The following table matches the counterparts of the Union and the State Executives.

Sl. No	Union Executive	State Executive
1	President	Governor
2	Vice-President	Chief Minister
3	Council of Ministers	Council of Ministers
4	Prime Minister	High Court
5	Supreme Court	Only – State jurisdiction
6	All – India Jurisdiction	Lok Sabha
7	Rajya Sabha	Vidhana Sabha
8	Principal Secretary	Vidhana Parishad
9	Attorney -General	Chief Secretary
10		Advocate - General

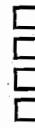
We discuss all the elements of the State Executive in this Chapter.

THE GOVERNOR

The Governor of each State is at the apex of that State Executive. He is the Constitutional head of the State just like the President is to the entire nation. All the state activities are carried out in his name. He is the first citizen of the State and does not belong to any political party.

Oath of the Governor

Before assuming the office the Governor has to take an oath in the presence of the Chief Justice of the High Court of that State. The oath is the same as that of the President except that the term *President* is replaced by *Governor* and *India* is replaced by the *Name of the State*.



1 (d)	2 (b)	3 (b)	4 (c)	5 (a)	6 (d)	7 (b)	8 (b)	9 (b)	10 (d)
11 (d)	12 (b)	13 (a)	14 (d)	15 (d)	16 (d)	17 (d)	18 (d)	19 (c)	20 (d)
21 (d)	22 (c)	23 (d)	24 (c)	25 (c)	26 (d)	27 (b)	28 (d)	29 (d)	30 (d)
31 (a)	32 (c)	33 (d)	34 (c)	35 (b,d)	36 (b)	37 (a)	38 (d)	39 (d)	40 (d)
41 (d)	42 (a)	43 (b)	44 (d)	45 (d)	46 (d)	47 (c)	48 (c)	49 (b)	50 (c)
51 (d)	52 (d)	53 (c)	54 (c)	55 (d)	56 (d)	57 (a)	58 (c)	59 (c)	60 (a)
61 (b)	62 (d)	63 (c)	64 (c)	65 (c)	66 (c)	67 (d)	68 (c)	69 (c)	70 (c)
71 (b)	72 (a)	73 (c)	74 (c)	75 (c)	76 (c)	77 (c)	78 (d)	79 (c)	80 (b)
81 (c)	82 (c)	83 (a)	84 (d)	85 (c)	86 (d)	87 (d)	88 (d)	89 (c)	90 (c)
91 (c)	92 (c)	93 (a)	94 (d)	95 (d)	96 (b)	97 (b)	98 (b)	99 (c)	100 (d)
101 (d)	102 (c)	103 (a)	104 (b)	105 (c)	106 (b)	107 (b)	108 (b)	109 (a)	110 (a)
111 (d)	112 (d)	113 (b)	114 (d)	115 (c)	116 (d)	117 (d)	118 (b)	119 (c)	120 (c)
121 (b)	122 (c)	123 (d)	124 (b)	125 (c)	126 (c)	127 (b)	128 (c)	129 (b)	130 (a)
131 (d)	132 (a)	133 (c)	134 (b)	135 (d)	136 (c)	137 (d)	138 (c)	139 (a)	140 (c)
141 (c)	142 (b)	143 (d)	144 (c)	145 (a)	146 (c)	147 (b)	148 (c)	149 (d)	150 (b)
151 (c)	152 (c)	153 (d)	154 (b)	155 (a)	156 (b)	157 (c)	158 (b)	159 (d)	160 (d)
161 (c)	162 (b)	163 (a)	164 (c)	165 (c)	166 (a)	167 (b)	168 (d)	169 (b)	170 (a)
171 (c)	172 (c)	173 (a)	174 (c)	175 (a)	176 (d)	177 (b)	178 (d)	179 (d)	180 (b)
181 (c)	182 (c)	183 (c)	184 (a)	185 (b)	186 (d)	187 (b)	188 (c)	189 (c)	190 (b)
191 (c)	192 (c)	193 (b)	194 (d)	195 (d)	196 (c)	197 (a)	198 (d)	199 (b)	200 (b)
201 (a)	202 (d)	203 (c)	204 (d)	205 (d)	206 (d)	207 (a)	208 (b)	209 (b)	210 (a)
211 (c)	212 (d)	213 (d)	214 (d)	215 (d)	216 (a)	217 (a)	218 (a)	219(b)	220 (b)
221 (a)	222 (c)	223 (d)	224 (b)	225 (d)	226(d)	227(b)	228 (c)	229 (b)	230 (a)
231 (b)	232 (b)	233 (d)	234 (b)	235(a)					

Qualification to be a Governor

In order to be qualified for selection as Governor, a candidate

- 1) Must be a citizen of India.
- 2) Must have completed 35 years of age.
- 3) Must be qualified to become a member of the State Legislative Assembly.
- 4) Must not hold any office of profit under Central or State Government.

Term of the Governor

The Governor holds office for a term of 5 years from the date he assumes office. He is eligible for re-appointment any number of times, 'but normally it is limited to one per state or the discretion of the President of India.'

A vacancy in the office of the Governor may be caused in any one of the following ways:

- 1) On the expiry of his term for 5 years.
- 2) By his death
- 3) By his resignation, which he may hand over to the President.
- 4) On his dismissal by the President
- 5) On his transfer to another State by the President.

Salary of the Governor

The Governor is entitled to such emoluments, allowance etc., as has been prescribed by the Governor's Act, 1982. When the same person is appointed governor of 2 or more States, the emoluments and allowances payable to the Governor shall be allocated among the States in such proportion as the President may determine. The emoluments and allowances of the Governor shall not be diminished during his term of office.

Manner of appointment of Governor

The Governor is not elected but appointed by President of the Country and holds office during the "pleasure" of the President. But practically speaking, the Governor is appointed by the Central Government, which means the majority party in power, at the centre. A Governor for one State would generally be a person from another State. This would help him to view matters impartially without having anything at stake.

Powers and Functions of the Governor

Under Article 164 of the Constitution, the executive power of the State is

vested in the Governor who is empowered to exercise it either directly or through officers subordinate to him. The various powers exercised by the Governor are discussed in the following paragraphs.

1) Executive Powers

The Governor has considerable appointing powers within the State. The following is the list of appointments that he makes though many of them with the advice of the ruling Government:

- i) Leader of the majority party in the State Assembly who becomes the Chief Minister.
- ii) Council of Ministers with the advice of CM.
- iii) Advocate-General
- iv) Chairman and members of State Public Service Commission.

2) Judicial Powers

The Governor helps the President to appoint the various judges of the high court of his state.

- Under Art. 161, the Governor is given the power to pardon or reduce the sentences given to criminals by the State High Court, on grounds of humanity.

3) Legislative Powers

It is the Governor who summons the Houses of Legislature for various sessions.

- He can send messages or address the joint sessions of the legislature.
- When bills are approved by both the houses he may – give assent / not give assent / reserve it for president's consideration / send it back for reconsideration / suggest amendments.
- The Governor may suggest to the President to dissolve the State Legislature, depending on the State situation, and impose President's rule.
- When the legislature is not in session, the Governor can issue an ordinance which has the same force and effect as an Act of legislature. He may also withdraw the ordinance at any time he likes.
- The Governor has the authority to nominate 1 Anglo-Indian member to the State Legislative Assembly and 1/6 of the total members, drawn from the fields of art, science & literature, to the State Legislative Council.

4) Emergency Powers

- Except the State of Jammu & Kashmir where the Governor has the power to declare an Emergency, no other State Governor has such powers.
- However a Governor has the power under Art. 356 to submit a report stating the reason and influencing the declaration of Emergency in his State.

Comparison between the Offices of the President and the Governor

President	Governor
1. Constitutional head of the nation	Constitutional head of the State.
2. Appoints PM, Council of Ministers for Centre.	Appoints CM, Council of ministers for State.
3. May dissolve Lok Sabha or State Legislature.	Cannot dissolve the Assembly by himself. Has to suggest the President to do so.
4. He cannot reserve a bill. He can only give his assent or send back for reconsideration to the parliament.	He can reserve the bill for President's consideration. He can also give assent or send it back for reconsideration.
5. Has the power to declare emergencies.	Does not have the power to declare emergencies, except in J & K.
6. The President cannot be tried in a court of law for his acts based upon personal judgement	The Governor can be questioned in a court of law for his acts based upon personal judgement.
7. President's power to grant pardon are much wider. They cover death-sentence and court-martial.	Governor's power to grant pardon is limited. They do not cover death-sentence and court martial.
8. The President is the Supreme Commander of the Armed Forces.	The Governor has no powers in relation to the Armed Forces.

THE CHIEF MINISTER

The Chief Minister is to the state what the Prime Minister is to the nation. The CM is the leader of the party in power and is perhaps the most powerful man in the State. The entire political machinery of the state revolves around the post of Chief Minister.

Appointment of CM

- According to Art. 164, the Chief Minister is appointed by the Governor of that State.

- But the Governor has no real choice in the matter. He must appoint the leader of the majority party or coalition of parties in the State Assembly as Chief Minister.

- However, if no political party secures absolute majority, the Governor can exercise his discretion.

Term of the Chief Minister

- There is no fixed term of office for the Chief Minister. He holds office during the "pleasure" of the Governor. This means that he can remain in office as long as he is chosen leader of the majority party in State Assembly, until next elections.

- The Chief Minister may end his tenure for the following reasons:

- 1) His own resignation.
- 2) His party choosing another leader.
- 3) A no-confidence motion.
- 4) A split or defection in his party removing majority status.
- 5) Rejection of the budget.
- 6) Dissolution of State Assembly.

Role of Chief Minister

- 1) It is the Chief Minister who selects other Ministers, allot them various portfolios, monitors their performance and provides them guidance & leadership when needed.

- 2) The CM may demand the resignation of any Minister or may dismiss him if he does not resign.

- 3) The CM presides over the meetings of the cabinet and co-ordinates the works of different ministries.

- 4) The Chief Minister is the link between the Governor and the Council of Ministers. Art. 84 makes it the duty of the CM to communicate to the Governor all decisions made by the Council of Ministers and to give the Governor any information desired by him.
- 5) If the Governor desires something to be considered by the Cabinet, he communicates it to the CM.
- 6) The CM may shuffle and reshuffle the ministries, in consultation with the High Command.
- 7) The CM recommends, in consultation with his colleagues, the persons to be appointed as judges of High Court, to the President of India through the Governor of the State.
- 8) The CM and his Cabinet recommends to the Governor to summon, prorogue or dissolve the State Assembly.
- 9) The CM generally determines the financial policies of the State Government. It is he who ensures that the annual budget is properly prepared and submitted in time for the approval of the legislature.
- 10) The Chief Minister represents the State in various national & international conferences and organizations.

COUNCIL OF MINISTERS

The State Council of Ministers is a composite body of all ministers with and without cabinet rank. It includes the Chief Minister who is the leader or the head of the Council of Ministers. It is the Chief Minister who selects the ministers, allocates them portfolios, monitors their work and asks them to resign if they do not form. But practically speaking the CM is always obliged to take the opinion of the party high command in discharging his duties.

Qualification to be a Minister

- The important qualification to become a minister is that he must be a member of either the Legislative Assembly or the Legislative Council.
- If a minister is not a member of either houses of legislature, he must become a member within a period of 6 months from the date of his appointment. Otherwise he ceases to be a minister.
- To become an MLA he has to get elected or to become an MLC he has to either get nominated or get elected.

THE STATE EXECUTIVE

Categories of Ministers

- Even in the State Council of Ministers, there are ministers of Cabinet rank and minister of state rank. But the concepts of deputy minister and Parliamentary Secretaries are not prevalent at the state level.

Size of the Ministry

- Originally the Constitution had not prescribed how large a Council of Ministers may be. Some of the large states had more than 40% of members as Ministers. In the smaller states, the percentage was even higher. In 2003, the Parliament amended the Constitution and prescribed that the total member of Ministers including the Chief Minister in a state shall not exceed 15% of the total number of members of the Legislative Assembly of that State.

Role of Council of Ministers

The Council of Ministers enjoys immense power and is responsible for running the government efficiently. But they are collectively responsible to the State Assembly. Some of its powers and functions are mentioned below.

(Note to Students: This discussion on role of State Council of Ministers can be considered as a common answer to the powers & functions of Union Council of Ministers also).

1) Executive Powers

- The Council of Ministers are the actual administrators of the State. Each minister in charge of one or more departments exercise all executive powers of those departments. The council of ministers are in charge of every facet of public life. It is they who make or break the destiny of the State.

2) Legislative Powers

- The Council of Ministers has to decide the legislative program of the Assembly.

- It is responsible for the preparation, presentation and piloting of important bills of various kinds.

- The council participates in the debates and discussions of the houses of the Legislature in order to defend the policies of the government. It decides the time table and the business of the State Houses.

3) Financial Powers

- The annual budget of the State is mounted by the Finance Minister but in consultation with the Council of Ministers. It is the report and requirement of each ministry which get translated into budget proposals.

- It is the Council of Ministers who determine the sources of revenue and items of expenditure of the State Government.
- The Council plays an important role in the preparation and implementation of all economic plans for the State.
- The Council decides the important issue of giving subsidies to farmers and to other sectors. The subsidies may help the needy in several cases, but helps sustain the vote-banks and effectively drains the tax-payer's money.

STATE LEGISLATURE

The State legislature is nothing but the parliament of each State. It consists of the Governor and the 2 houses – Upper house or Lower house. The upper house in known as “**Legislative Council**” or known more locally as **Vidhana Parishad**. The lower houses is known as ‘**Legislative Assembly**’ or known more locally as **Vidhana Sabha**. However while the Vidhana Sabha is present in all states, the Vidhana Parishad exists only a few states.

At the commencement of first session of the newly elected Vidhana Sabha and also during the commencement of the first session of Vidhana Sabha of each year, the Governor addresses a joint Session of both houses. A Bill passed by both the houses does not become law without the assent of the Governor. Thus the Governor is an integral part of the State Legislature yet he is not a member of any of the houses.

Qualification & Disqualification to become an MLA / MLC

They are the same as that for a Member of Parliament except that the term Lok Sabha is replaced by Vidhana Sabha and the term Rajya Sabha is replaced by Vidhana Parishad.

Vidhana Parishad (Legislative Council) & its Composition

There has been considerable debate in the country for the raison d'être (reason for existence) of Vidhana Parishad. Many have felt that the Vidhana Parishad is unnecessary. Even the constitution which had laid down a Parliamentary pattern of government for both centre as well as the States, provided that only the more populous States need be bicameral (having two houses). Therefore originally only Andhra Pradesh, Bihar, Madhya Pradesh, Tamil Nadu, Maharashtra, Karnataka, Punjab, UP and West Bengal has provisions for Vidhana Parishad also. But subsequently many of these states have abolished Vidhana Parishad. As a result in 2005 the states which have 2 houses are 4 – Bihar, MP, Karnataka & UP.

- But there is a fifth state J & K which has adopted bicameral legislature in it's Constitution and hence has two houses also.
- Article 171 fixes 40 as the minimum strength of a Legislative Council. The maximum number is fixed with reference to the strength of the Assembly. The total membership of the Council shall not exceed 1/3 of the total members of the legislative assembly of the State.
- The composition of Legislative Council is made up of
 - a) 1/3 of the total members are elected by electorates consisting of members of local bodies. e.g., Municipalities, District Boards etc.,
 - b) 1/12 shall be elected by registered graduates living in the State and obtained their degree 3 years before.
 - c) 1/12 shall be elected from the teachers constituency. Teachers who are engaged in teaching for 3 years in an educational institution within the State (not lower than a High School) are eligible to be voters.
 - d) 1/3 shall be elected by the elected members of the Legislative Assembly of the state from amongst persons who are not members of the Assembly.
- e) The remaining 1/6th shall be nominated by the Governor and who are generally well known scientists, artists, writers, actors etc.,
- Like Rajya Sabha, the council is not subjected to dissolution. It can only be abolished!
- 1/3rd of its members retire every 2 years.
- If a member is elected to fill a vacancy created by the death or resignation of a member, he shall remain a member of the council only for the remaining period of the previous member and not for 6 years.
- **Vidhana Sabha (Legislative Assembly) & its Composition**
- The Vidhana Sabha is composed of not more than 500 members and not less than 60, according to Art. 170. But after the creation of some smaller states the minimum number has been reduced in cases like Sikkim, Arunachal Pradesh and Goa where the minimum is 30. At present the smallest Assembly is that of Sikkim consisting of 32 members and the largest is that of UP having 403 members.
- The Governor may nominate 1 member of the Anglo-Indian community to the Vidhana Sabha.
- The election to the Vidhana Sabha is based on adult franchise. Every citizen who is not less than 18 years of age and not disqualified by law is entitled to vote at an election.

- 27% seats are reserved for Scheduled Castes and Scheduled Tribes.

- The Vidhana Sabha is elected for 5 years from the date of commencement of its first session. It may however be dissolved earlier by the Governor if the need arises.

- When an emergency is proclaimed under Act 352, the normal term of 5 years may be extended for a period not exceeding 1 year.

Note to students : *The sessions of the legislature, terminology of legislature, officers of legislature, types of procedure, powers and privileges of legislature & its members, are all similar to that of PARLIAMENT. Students are advised to adopt the same answer as in chapter 5.*

THE HIGH COURT

- The High Court of each state is at the apex of the judiciary system of that State.
- Arts. 214 – 231 in the constitution deal with the High Courts, their organization and powers. These articles confer considerable power to High Court so as to play a vital role in the State Political System.
- Below the High Court there are a string of other courts such as the court of the District and sessions judge, the city Civil and Sessions Court, The Chief Judicial Magistrate, the Chief Metropolitan Magistrate, Munsifs and other Magistrates.(See fig. on page 86) All these courts handles different categories of cases at lower levels.
- Since some States are small in size, they are clubbed to have common High Courts. For example the High Court at Guwahati, Assam, serves all the seven North-Eastern States. Jurisdiction of the High Court of Maharashtra extends to Goa, and so on.
- With the creation of 3 new States in the year 2000, there are now a total of 21 High Courts in India.

Composition of the High Court

- Every High Court consists of a Chief Justice and such other judges as the President may appoint from time to time. But if the work load increases, additional judges & retired judges can be accommodated temporarily on a ad-hoc basis.

Appointment of a Judge

- The Chief Justice of the High Court is appointed by the President of India in consultation with the Chief Justice of Supreme Court & other senior judges of Supreme Court and the Governor of the particular State.

- All other judges of the High Court are appointed by the President in consultation with the Chief Justice of Supreme Court, Chief Justice of High Court and Governor of the said State.

Qualifications to be a High Court Judge

To be appointed as a judge of the High Court, a person must be

- 1) A citizen of India.
- 2) Less than 62 years of age.
- 3) An advocate of a High Court for at least 10 years. Or
- 4) Held for at least 10 years a judicial office in the territory of India.

Term of the High Court Judges

- A judge of the High Court may hold office until he attains 62 years of age, unless he resigns.

- All other terms and conditions for the position of High Court judges are the same as Supreme Court Judges.

Remuneration to Judges

The Chief Justice of a High Court is paid a salary of Rs. 30,000/- per month and each of the other judges Rs. 26,000/- per month. They are provided a rent-free furnished accommodation and a car. All the allowances and privileges such as leave, pension, other retirement benefits are given according to the High Court judges Act, 1954.

Powers and Jurisdiction of the High Court

Several High Courts existed in India even before the creation of the Supreme Court, thanks to the British. The powers and jurisdictions of these High Courts were well defined.

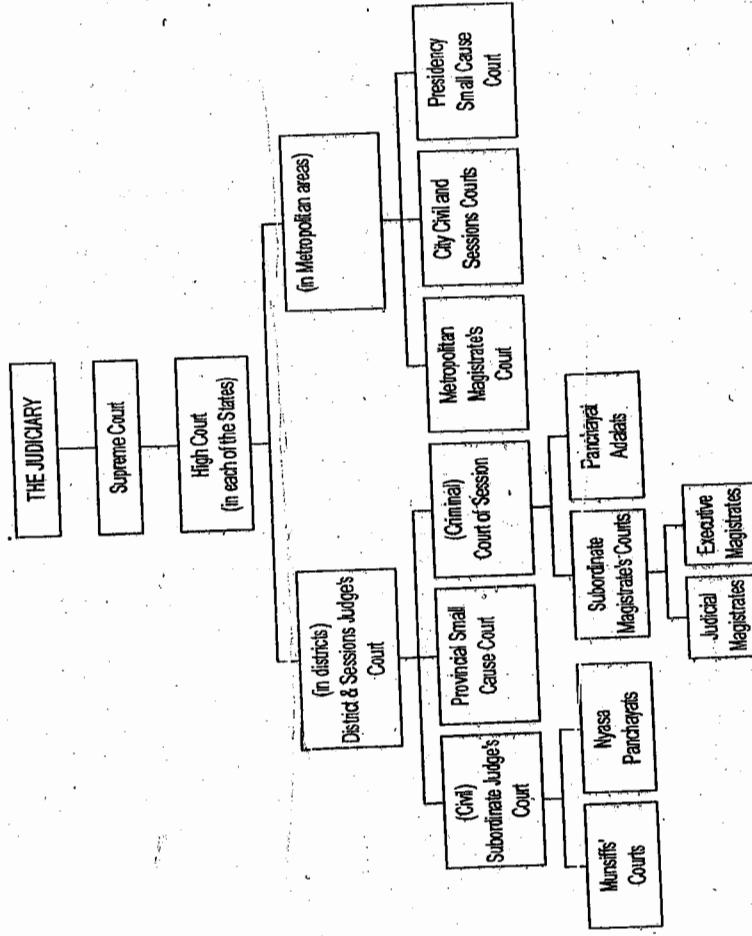
- Therefore the constitution does not attempt detailed definitions and classification of the different types of jurisdictions of the High Courts.
- After independence, it was provided, that these High Courts would retain their existing jurisdiction subject to the provisions of the constitution and any future law that would be made by the appropriate legislature.

- The High Courts have also been given full powers to make rules to regulate the business before them.

- Apart from original and appellate jurisdictions, the Constitution confers four additional powers to the High Courts :

CONSTITUTION OF INDIA AND PROFESSIONAL ETHICS

- 1) The power to transfer cases to itself from subordinate courts.
- 2) The power to appoint officers and servants of the High Court.
- 3) The power to issue writs or orders for the enforcement of Fundamental Rights or for any other purpose.
- 4) The power of Superintendence over all courts in the State.

CLASSIFICATION OF ALL COURTS IN THE COUNTRY**SUMMARY**

- 1. GOVERNOR**
Qualification : Citizen with 35 years of age
Term : 5 years/resignation/dismissal/transfer
Salary : As per Governor's Act, 1982
Appointment : By President
Powers : Executive , Judicial, Legislative, Emergency (almost similar to the President)
- 2. THE CHIEF MINISTER:** (Similar to PM, at the State Level)
- 3. COUNCIL OF MINISTERS :** (Same as Council of Ministers of Parliament, but at State level.)
- 4. STATE LEGISLATURE**
Structure : Vidhana Sabha + Vidhana Parishad
Qualification & disqualification of MLA/MLC : similar to MP
Vidhana Parishad : Absent in all States except Bihar, MP, UP, Karnataka and J & K.
 - Representation from Municipalities, graduates, teachers, scientists etc.
 - 6 years term, 1/3rd strength retires every two years**Vidhana Sabha -**
 - Maximum 403(UP), minimum 32 (Sikkim),
 - Term is 5 years unless dissolved earlier
 - 27% seats for SC & ST
- 5. HIGH COURT**
Reach : One state in some cases / more than 1 state in some cases, 21 High courts in India
Composition : Chief Justice + appropriate no. of other judges
Appointment : C.J & all other judges appointed by President in consultation with C.J. of Supreme Court
Qualification : less than 62 years, high court advocate for 10 years
Term : 62 years/resignation/removal
Remuneration : Rs. 30,000 + allowances (Chief Justice)
Rs. 26,000 + allowances (other judges)
Powers : Highest court in State
 - □ □
 - □ □

THE STATE EXECUTIVE**Objective Type Questions and Suggested Answers
(From Previous VTU Exam Papers)****CHAPTER-4**

- 1. A person cannot be appointed as minister of state, unless he is**
 - (a) Member of Lok-Sabha.
 - (b) Member of Raj-Sabha;
 - (c) Member of Legislative Assembly of any state.
 - (d) None of the above.
 - 2. Person to be appointed to the post of governor of a state must have completed the age of**
 - (a) 25 years.
 - (b) 30 years.
 - (c) 45 years.
 - (d) None of the above.
 - 3. Governor has no power to appoint**
 - (a) A judge of High Court.
 - (b) Chief Minister.
 - (c) Cabinet Minister
 - (d) Advocate General.
 - 4. Every state legislature in India has**
 - (a) Legislative assembly and Legislative Council.
 - (b) No Legislative Assembly and Legislative Council.
 - (c) Only Legislative Assembly.
 - (d) None of the above.
 - 5. Governor shall nominate to the Legislative Council.**
 - (a) 12 members.
 - (b) 7 members.
 - (c) 5 members
 - (d) None of the above.
 - 6. This is not one of the powers of Chief Minister**
 - (a) Formation of government
 - (b) Control over the ministers.
 - (c) Advisor to the governor
 - (d) Control over lower judiciary in the state.
 - 7. Governor will act on the advice of council of Ministers while**
 - (a) Dissolving the Legislative Assembly.
 - (b) Appointing the chairman of the State Public Service Commission.
 - (c) Recommending for President's Rule in the state.
 - (d) Returning a bill for reconsideration.
 - 8. The Governor in the state plays a dual role as an agent of the President and**
 - (a) As the agent of Chief Minister in the state.
 - (b) As the agent of Chief Justice of India.
 - (c) As the constitutional head of the state.
 - (d) As the agent of the Prime Minister
- 9. The state legislative assembly is prorogued by**
 - (a) The Chief Minister
 - (b) The Governor.
 - (c) The Speaker of the assembly
 - (d) None of the above.
 - 10. The executive power of the state is vested in**
 - (a) The Governor.
 - (b) The state Legislature
 - (c) The Chief Minister.
 - (d) None of the above.
 - 11. One person**
 - (a) May be appointed as Governor of two states.
 - (b) Cannot be appointed as Governor of two states.
 - (c) May be appointed as Governor of any number of states.
 - (d) Can act as Governor of only one state at a time.
 - 12. To the Legislative Council**
 - (a) $\frac{1}{3}$ of the total members shall be elected from the teachers constituency.
 - (b) $\frac{1}{3}$ of the total members are elected by electorates consisting of members of local bodies.
 - (c) $\frac{1}{6}$ of the total members shall be elected from registered graduates.
 - (d) $\frac{1}{6}$ of the total members shall be elected from amongst persons who are not members of the assembly.
 - 13. In order to be eligible for the appoint as High Court Judge, a person**
 - (a) Must have held for at least 10 years, a judicial office in India.
 - (b) Must have for at least 12 years been an advocate of a High Court.
 - (c) Must have for at least 7 years been advocate of Supreme Court.
 - (d) Must be in the opinion of President of India, a distinguished jurist.
 - 14. This is not one of the powers of Chief-Minister.**
 - (a) Formation of Government
 - (b) Control over the ministry.
 - (c) Advisor to the Governor
 - (d) Control over lower judiciary.
 - 15. The size of the ministry in a state is decided by the**
 - (a) Chief Minister
 - (b) Governor
 - (c) Members of Legislative Assembly
 - (d) None of the above.
 - 16. Which of the following administers oath of the office and secrecy to the Ministers in a state ?**
 - (a) The Chief Justice of High Court.
 - (b) Senior judge of High Court.
 - (c) The Governor
 - (d) The Chief Minister of the state

- 17. The salary of the judges of High Court is charged on**
- The consolidated fund of India
 - The contingency fund of India.
 - The contingency fund of state
 - The consolidated fund of the state.
- 18. The council of ministers, with the Chief Minister as the head is**
- To guide the Governor
 - Collectively responsible to the legislature of the states
 - Responsible to the Governor
 - Appointed by the Governor
- 19. The Governor is the constitutional head of the state and he is appointed by**
- The President
 - The President on the recommendation of the speaker of the Lok Sabha and Chairman of the Rajya Sabha
 - The Prime Minister on the recommendation of both the houses of parliament.
 - The President on the recommendation of the state legislative assembly.
- 20. The Governor of the State is**
- Chosen by the Chief Minister
 - Elected by the citizens of that state
 - Appointed by the President
 - Selected by the state legislature
- 21. The Governor may resign his office by writing to**
- The Vice-President of India
 - The President of India
 - The Chief Justice of High Court
 - The Chief Minister of state
- 22. An appeal lies to the Supreme Court without the certificate of High Court, if the High Court reverses the decision of acquittal of the accused person and sentences him.**
- More than 12 years
 - More than 18 years
 - None of the above.
 - To life imprisonment.
- 23. The Governor has power to nominate**
- 12 persons to State Legislative Assembly
 - 7 persons to State Legislative Assembly.
 - 20 persons to State Legislative Assembly.
 - None of the above.
- 24. The Governor should act with the aid and advise of the council of ministers.**
- In dissolving the State Assembly
 - Returning bill for reconsideration.
 - Reserving bill's for consideration of the President.
 - To appoint Advocate General
- 25. The Legislative Council does not include members elected from**
- Teachers constituency
 - Reserved constituency
 - Local bodies
 - Registered graduates constituency
- 26. A Cabinet Minister of a State Government can be removed by the**
- Chief Minister
 - Governor
 - Cabinet
 - Chief Minister with the consent of the Cabinet
- 27. The minimum age to become eligible for the office of the Governor is**
- 50 years
 - 35 years
 - 55 years
 - No age limit is fixed
- 28. Governor will act under the following circumstance with the advice of Council of Ministers while returning**
- The bill for reconsideration.
 - Dissolving Legislative Assembly
 - Recommending President's Rule
 - Appointing the Advocate General
- 29. The minimum age to contest for the election of Legislative Assembly is**
- 30
 - 21
 - 35
 - 25
- 30. A Governor**
- May be transferred from one state to another state.
 - Cannot be transferred from one state to another state
 - Can be transferred with his consent
 - Can be transferred with the written consent of the president.
- 31. The following factor does not help to maintain independence of judiciary**
- Security of tenure
 - Highly attractive retirement benefits
 - Salary of judges cannot be reduced
 - No discussion in Legislature on the conduct of judges
- 32. The tenure of member of Legislative council is**
- 2 years
 - 3 years
 - 5 years
 - 6 years
- 33. The total members in the Legislative Council should not be less than**
- 250
 - 80
 - 20
 - 40
- 34. Who will appoint the Chief Minister of a State ?**
- Prime Minister of India.
 - Governor of that state.
 - Cabinet Minister of that state.
 - Congress Working Committee.
- 35. Who will appoint the cabinet Minister of a state ?**
- Chief Minister of that state.
 - Governor of that state.
 - Members of the Legislative Assembly
 - Members of Legislative Assembly and Legislative Council.

- 36. Legislative Council is**
- Dissolved after 6 years
 - Dissolved after 5 years
 - Dissolved after 3 years
 - Not dissolved
- 37. A High Court Judge retires at the age of**
- 65
 - 63
 - 60
 - 62
- 38. Writ can be directly filed**
- in the magistrate Court
 - in the Court of Civil Judge
 - In District and Sessions Court
 - In the Supreme Court
- 39. This is not a ground to declare state emergency**
- No clear majority
 - Not complying with the direction given by Central Government.
 - Disobeying the direction given by the Supreme Court
 - Failure to maintain law and order in the state.
- 40. This is not the power of the Chief Minister**
- Formation of Government
 - Control over ministers
 - Chief advisor to the Governor
 - Control over state judiciary
- 41. A Governor of a state can be removed from his office**
- By assigning proper reason
 - Without assigning any reason
 - By passing a resolution by the Union Cabinet
 - By passing a resolution by the State Cabinet
- 42. Locus-standi relates to**
- Laws applicable to local areas
 - Jurisdiction of lower civil courts
 - Public interest litigation
 - Direction given by the civil court to maintain status quo
- 43. A minister in the state is appointed by the**
- State Cabinet
 - Chief Minister
 - Chief Minister with the consent of State Cabinet
 - Governor
- 44. The total number of Ministers including the Chief Minister in a state should not exceed**
- 10% of the number of members of the Legislative Assembly of the State
 - 15% of the number of members of the Legislative Assembly of the State
 - 12% of the number of members of the Legislative Assembly of the State
 - 25% of the number of members of the Legislative Assembly of the State
- 45. A judge of a High court is appointed by the**
- Chief Justice of India
 - President of India
 - Prime Minister, after consulting the Chief Justice of India
 - The Union Law Minister, after consulting the Chief Justice of India
- 46. The Legislative Council does not include members elected from**
- Teacher constituency (b)
 - Registered post-graduate constituency
 - Local bodies
- 47. Governor will not act without the aid and advise of the council of Ministers while**
- Dismissing a Chief-Minister
 - Appointing a Cabinet Minister
 - Dissolving the Legislative Assembly
 - Recommending President's Rule
- 48. Governor has power to nominate to the Legislative Council**
- One-fourth of the members of Legislative Council
 - One-fifth of the members of Legislative Council
 - One-sixth of the members of Legislative Council
 - One-twelfth of the members of Legislative Council
- 49. Governor can be removed**
- If he is found to be inefficient to discharge his duties
 - If he is found to be corrupt
 - If he is not impartial in discharging his duties
 - Without any reason
- 50. Chief Minister is appointed by the**
- Prime Minister
 - Governor
 - Chief-Justice of High Court
 - President
- 51. A judge of the High Court is appointed by the**
- Chief Justice of Supreme Court
 - Governor, with the consent of chief Justice of the Supreme Court
 - President
 - Prime Minister
- 52. Members to the Legislative Council are not elected from**
- Local bodies
 - University graduates
 - University professors
 - Secondary school teachers
- 53. Governor has the power to nominate to the Council of State**
- 12 members
 - One third members of Legislative council of state
 - 20 members
 - One twelfth of members of the Legislative Council of State
- 54. Legislative Assembly of a State shall not consist of more than**
- 250 members
 - 350 members
 - 450 members
 - 500 members

ANSWERS

CHAPTER 5

SPECIAL CONSTITUTIONAL PROVISIONS

INTRODUCTION

For centuries, the backward classes of India have borne the brunt of the domination and suppression at the hands of the upper classes. Multitude of hierarchies practiced in every walk of life have been the bane of Indian Society which is now struggling to get into international mainstream and become a developed nation. There has always been social hierarchy, economic hierarchy, sex hierarchy, hierarchy of skin colour, hierarchy of muscle power, hierarchy of age etc., operating in this country. Time has come to review all these practices and look for a new way of life where there could be only be these hierarchies present - that of hard work and that of merit.

While framing the Indian Constitution, the members of the Constituent Assembly wisely recognized the need for ameliorating the backward classes, pull them up and put them on par with the upper classes, to a great extent possible. Therefore Articles 330 to 342 under "Special provisions relating to certain classes, PART IV" were created for their upliftment.

Apart from the special provisions provided under Arts. 330 to 342, all the articles under fundamental rights and several directive principles have already boosted the status and development of the backward classes of India. But these special provisions (Arts. 330-342) have focused the attention especially on backward classes and given them a wide spectrum of opportunities. In this chapter we discuss all such special constitutional provisions, article by article. At the end, the provisions made especially for women & linguistic minorities are also discussed.

1. Art. 330 : Reservation of seats for Scheduled Castes and Scheduled Tribes in the Houses of the people

Under this article, a certain number of seats are reserved for Scheduled Castes and Scheduled Tribes in the Lok Sabha. The number of seats reserved shall be in proportion to their population in the state or Union Territory.

Such reservation was originally to continue till 1960 but by successive amendments it has now been extended till 2010.

1 (d)	2 (d)	3 (a)	4 (d)	5 (d)	6 (d)	7 (d)	8 (c)	9 (b)	10 (a)
11 (c)	12 (b)	13 (a)	14 (d)	15 (a)	16 (c)	17 (a)	18 (d)	19 (a)	20 (c)
21 (b)	22 (d)	23 (d)	24 (b)	25 (b)	26 (a)	27 (b)	28 (a)	29 (d)	30 (d)
31 (b)	32 (d)	33 (d)	34 (b)	35 (b)	36 (d)	37 (d)	38 (d)	39 (b)	40 (d)
41 (c)	42 (c)	43 (d)	44 (b)	45 (b)	46 (d)	47 (c)	48 (c)	49 (d)	50 (b)
51 (c)	52 (a)	53(a)	54(d)						



- At present, there are 125 seats reserved in the house of the people (Lok Sabha) for these communities. Of these 79 are reserved for SC and 46 for ST.
- 2. Article 331 : Representation of the Anglo-Indian Community in the House of the People**
- Under this article, the President of India is authorized to nominate not more than 2 members of the Anglo-Indian Community in the Lok Sabha, if he is of the opinion that this community is not adequately represented in the Lok Sabha.
- 3. Article 332 : Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States**
- Under this article a certain number of seats shall be reserved for Scheduled Castes and Scheduled tribes in the Assemblies of State and Union Territories.
 - Thus in a total of 4,037 seats in the Assemblies of States, and Union Territories, 532 have been reserved for SC and 529 have been reserved for ST.
- 4. Article 333 : Representation of the Anglo-Indian Community in the Legislative Assemblies of the States**
- Under this article the Governor of a State is empowered to nominate not more than 1 member of the Anglo-Indian community in any State Assembly, if he is of the opinion that this community is not adequately represented in that State Assembly.
- 5. Article 334 : Reservation of seats and special representation to cease after sixty years**
- Under this article reservation of seats for SC & ST in Lok Sabha & Vidhana Sabha, and reservation of seats for Anglo-Indian Community should cease in 2010 A.D. i.e 60 years from the year 1950 A.D.
- 6. Article 335 : Claims of Scheduled Castes and Scheduled Tribes to Services and Posts**
- This article state that the claims of the members of SC & ST shall be taken into consideration in the making of appointments to services and posts in connection with the affairs of the Union or of a State, subject to maintenance of efficiency of administration.

- 7. Article 336 : Special provision for Anglo-Indian Community in Certain Service**
- This article states that all reservations in favour of Anglo-Indians in Central Govt. Posts shall cease in 1960, 10 years from Republic Day, 1950.
 - From 1960 onwards, Anglo-Indians are to be treated as members of Unreserved categories in all appointments in Govt. Sector.
- 8. Article 337 : Special provision with respect to educational grants for the benefit of Anglo-Indian Community**
- This article guaranteed financial grants to educational institutions run by Anglo-Indian Community for 10 years from 1950 provided they accommodated at least 40% of the seats to non Anglo-Indians.
- 9. Article 338 : National Commissions for SC & ST**
- The article provides for the appointment of a National Commission for Scheduled Castes and Scheduled Tribes.
 - By the 87th amendment Act, 2003 a new article has been inserted (Art. 338 A). According to this, henceforth there will be 2 Commissions one for SC and another for ST. These Commissions will consist of a Chairperson, Vice-Chairperson and 3 other members. These Commissions have been assigned the following duties:
- To investigate and monitor all matters to safeguard the interests of SC & ST.
 - To inquire into specific complaints with respect to deprivation of rights to SC & ST.
 - To participate and advice on the planning process of socio-economic development of the SC & ST.
 - To present to the President of India an annual report on the working of the Commissions.
 - To make recommendations in the report as to the measures that should be taken by the State & Central governments for the effective implementation of the safeguards provided for SC & ST.
 - To discharge such other functions as the President may specify.
- 10. Article 339 : Control of the Union over the administration of Scheduled Areas and the welfare of Scheduled Tribes**
- This article aims the President to constitute a Commission to report on the administration of the Scheduled areas and welfare of Scheduled Tribes.

11. Article 340 : Appointment of a Commission to investigate the conditions of backward classes

This article arms the President to constitute a Commission to investigate the conditions of socially and educationally backward classes and to make recommendations as to the steps to be taken to remove any difficulties and improve their condition.

A Commission constituted for the above reason, with Sri. B. P. Mandal as the Commissioner, submitted its report in 1980. Only in August 1990, the V.P. Singh led Government implemented the recommendation and declared a reservation of 27% seats in Government service & Govt. Educational Institutions, based on the report. There was wide-spread violence against this and resulted in self-immolation of hundreds of young men protesting against it.

12. Article 341 : Scheduled Castes

This article empowers the President to prepare the list of castes, groups, tribes or their sub-groups which can be considered as Scheduled Castes. This list is specific to each state and the Governor of that state is consulted for its preparation.

13. Article 432 : Scheduled Tribe

This article empowers the President to prepare the list of tribes, tribal communities, groups and their sub-groups, which can be considered as Scheduled Tribes. This list is specific to each state and the Governor of that state is consulted for its preparation.

CONSTITUTIONAL PROVISIONS FOR SC & ST

Apart from Articles 330, 332, 338-342, which provide special provisions for the welfare and development of Scheduled Castes & Scheduled Tribes, the following articles of Constitution generally aim to improve their status :

- 1) **Article 14 : Equality before law and equal protection of laws for all people of India.**
- 2) **Article 15 : The State shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them.**
- 3) **Article 16 : The State shall guarantee equality of opportunity in matters of public employment and shall not discriminate on grounds of religion, race, sex, caste etc., However, the State can make reservation of appointments in favour of any backward class not adequately represented in services under state.**

4) Article 17: Abolition of Untouchability 'Untouchability' is abolished and it's practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

5) Article 19 : All citizens have right to move freely throughout the territory of India and to reside & settle anywhere. But this right will not prevent the state from imposing restrictions on their freedom, in the interests of Scheduled Castes and Scheduled Tribes.

6) Article 46 : This article provides that the state shall promote with special care the educational and economic interests of the weaker section among the people and, in particular, of the SC & ST and shall protect them from social injustice and all forms of exploitation.

7) Article 164 : This article provides that in the states of Bihar, Orissa & MP, 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 other backward classes.

8) Article 275 : This article provided for grants from the Central Govt. to certain states for the purpose of administration of the Scheduled Areas.

SPECIAL PROVISION FOR LINGUISTIC MINORITIES

A linguistic minority is a class of people whose mother tongue is different from the majority in the state or a part of the state. In order to safeguard the interests of the linguistic minorities, certain provisions have been provided in the constitution.

- Article 347 provides that if a substantial proportion of the people speak a language that the majority do not speak in a particular state, the President may direct that language to be officially recognized.

- "Article 350" provides that every person shall be entitled to submit a representation of any grievance to any Govt. officer or authority in any of the languages used in the Union or the State.

- "Article 350 A" provides that it shall be the endeavour of every state and of every authority within the state to provide adequate facilities for instructions in the mother tongue at the primary stage of education to children belonging to linguistic minority groups. The President may issue such directions to the state necessary for providing such facilities.

"Article 350 B" provides for the appointment of a Special Officer for linguistic minorities by the president. It shall be the duty of that officer to

investigate all matters relating to the safeguards provided for linguistic minorities under the constitution and give a report to the President. The President shall cause all such reports to be placed before each House of Parliament and sent to the Governor of states concerned.

CONSTITUTIONAL PROVISIONS FOR WOMEN

One of the important indicators to identify a developed country is the status given to its women. A country is said to be developed (and also civilized) if all the women in that country have equal status and opportunities as men, in all walks of life. Women's Rights in India may not be as bad as that in Arab countries, but certainly lags behind that of U.S.A, European Countries, Australia, Japan, Thailand etc., In a country which has practiced the Sati system, child marriage, non-acceptance of widow re-marriage, dowry system, female infanticide etc., for a long time, it would take nothing less than a revolution to put an end to all these practices. Although the British abolished Sati system and child marriage, some other practices like female infanticide to a small extent and dowry system, to a large extent is very much practiced in India. This country would very much need the efforts of all the educated boys and girls to overcome these social evils.

The following articles in the Indian Constitution offers some benefits in favour of women in general, although there is no section or part written separately for them.

Art. 14 : Equality before law and equal protection of laws for all people of India.

Art. 15 : The State shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them. Art. 15, 14 and 23 (equality and dignity) have been invoked already to prevent sexual harassment of working women.

Art. 16 : The State shall guarantee equality of opportunity in matters of public employment and shall not discriminate on grounds of religion, race, sex, caste etc.,

Art. 15A(e) : This article aims at protecting the dignity of Women.

National commission-for Women

This was established under the National Commission for Women Act, 1990. It was setup to deal with the rights of Women and to improve the conditions of Women in India.

SPECIAL CONSTITUTIONAL PROVISIONS

Reservation for women : According to the Constitution women as a class cannot be regarded as backward. There cannot be relaxation of rules of recruitment or in regard to qualifications favouring the women, in jobs open to general public. However reservation of certain posts exclusively for women is valid under article 15(3). This clause provides special measures in legislation or executive order favouring women. In particular, provisions in the criminal law, or in the procedural law, in favor of women, have been already upheld by the Supreme Court in previous cases.

But the biggest setback for the women has been the failure to pass the Women's Bill in the parliament to reserve 1/3rd of all the seats in the parliament in favour of women. Every year the bill is placed for approval in the Parliament but gets defeated, despite the efforts of all women MPs from different parties coming together. Likewise a majority of male MP's across different political parties have ensured that the Women's Bill never gets passed in the Parliament.

CONSTITUTIONAL PROVISIONS FOR CHILDREN

Children are the future of any country. Imagine if all the children in the country are given equal benefits of health care and equal opportunities for education, the country would prosper enormously. The Constitution-makers have made the following benefits available to the children through the constitution, although they are yet to be fully realized.

Art. 15 and clause 3 declares that nothing shall prevent the state from making any special provision to both women and children.

Art. 24 prohibits employment of children below the age of 14 years in any (a) factory (b) mine or (c) other hazardous employment. The Supreme Court has directed that the states provide an adult member of the family of the child to be given employment in place of the child.

Art. 21(A) has been added by the 86th amendment 2002, making the Right to Education of children, a fundamental right.

- The constitution allows for speedy trial for child offenders (juvenile delinquents). Such children with criminal records are lodged in the remand homes rather than in jails for their rehabilitation and reform.

CONSTITUTIONAL PROVISIONS FOR BACKWARD CLASSES

Apart from making special provisions for the Scheduled Castes and Scheduled Tribes, the Constitution has made separate provisions for the

amelioration and advancement of all 'backward classes' in general. The Constitution does not actually define backward classes but indirectly admits that there could be other classes of people besides the Scheduled Castes and Scheduled Tribes which may be considered as backward.

- Art. 340 of the constitution provides for the appointment of a Commissioner to investigate the conditions of backward classes. Such a Commission would have the following responsibilities.

- 1) To determine the tests by which any particular class or group of people can be called 'backward'.
- 2) To prepare a list of such backward communities for the whole of India.
- 3) To examine the difficulties of backward classes and to recommend steps to be taken for their upliftment.

A commission constituted for the above reasons with B.P. Mandal as the Commissioner submitted its report in 1980. Later, only in August 1990 the V.P. Singh - led government implemented the recommendations and declared a reservation of 27% seats in govt. service and govt. educational institutes, based on the report. This was challenged in the court as unconstitutional. But a 9-judge bench rejected their challenge in 1992, and upheld the reservations.

DIRECTIVE PRINCIPLES - RELEVANT PROVISIONS

Articles 38, 39, 39-A, 42, 45, 46 under directive principles of State policy also go a long way in directly or indirectly improving the standard of living of SC & ST, Women, Children etc.

Note: Please refer to the chapter on Directive Principles for discussions on the relevant provisions.

EMERGENCY PROVISIONS

Introduction

Whenever a country is threatened by forces such as enemy attack, armed rebellion, civil unrest etc., the democratic system of governance do not work. This is because in a democracy, people may voice their opinion in different ways which may not help the cause of the country defending itself. In such cases, the Govt. assumes all powers of decision-making and can declare a state of Emergency to that effect. But as soon as the disruptive forces are destroyed and the calamity overcome, normal democratic governance could be restored.

KINDS OF EMERGENCIES AND THEIR EFFECTS

The Constitution provides for 3 different categories of emergency and in each case the President is empowered to declare the Emergency.

- I. National Emergency
- II. State Emergency
- III. Financial Emergency

1. NATIONAL EMERGENCY (ART. 352)

(also known as War Emergency)

1. Ground for Proclamation of Emergency

- Article 352 empowers the President to make a proclamation of National emergency if he is convinced that the Security of India or any part of India is threatened by
 - a. War
 - b. External aggression
 - c. Armed rebellion within the Country
- The above 3 reasons are the only 3 grounds which may lead to the proclamation of Emergency. Actual occurrence of the above threats are not necessary. Even if the President is satisfied that there is imminent danger to the country because of perceived threats, he may declare emergency.

2. Procedure for proclamation

- The President may proclaim National Emergency only when he receives a written communication from the Union Cabinet, which comprises of the Prime Minister and all Ministers of Cabinet rank.
- In 1975, Indira Gandhi, without consulting her Cabinet, alone sent a communication to the then President Fakruddin Ali Ahmed, and the Proclamation of emergency was made secretly. Smt. Gandhi had used the emergency provision to continue herself in office, after the Allahabad High Court had declared her election to the Lok Sabha as null and void.
- The reaction of the succeeding Janata Govt. later was to bring in the 44th amendment, 1978, which asked for a written collective resolution of the Union Cabinet and not the decision of PM alone for the proclamation of Emergency.

3. Territorial Extent of Emergency

- The Proclamation of emergency may be valid for the entire Country or for any part of the country as the situation demands.

4. Duration of Emergency

- Initially when the proclamation is made it shall remain in force for a period of 1 month. If it is approved by a majority of not less than $\frac{2}{3}$ rds of the members of both Houses of parliament present and voting, it continues for 6 months from the date of resolution. Further extension is possible, every time only by 6 months, if the Parliament resolves to that effect.

5. Termination of Emergency

- The President may terminate the Emergency at any time without the approval of the Parliament.

- The Parliament may resolve to terminate the Emergency in which case the President has to approve to revoke the proclamation.

6. Effects of National Emergency

- i) A proclamation of Emergency gives vast powers to the Government w.r.t. Executive, legislature, finance etc.
- ii) All the State governments may be brought under the control of centre to allow the Indian Federation to work as a Unitary body.
- iii) The Union Parliament will have unlimited powers for making laws for the whole or a part of India.
- iv) Revenue distribution between the Centre and States may be modified by the government.
- v) The enjoyment of Fundamental Rights may be suspended.

7. Previous Emergencies declared in India

- i) 1962 : Due to Chinese aggression
- ii) 1965 : Again due to Chinese Aggression. It was revoked in 1968
- iii) 1971 : Due to war with Pakistan
- iv) 1975 : On grounds of '*internal disturbances*'. It was terminated in 1977. The criterion '*internal disturbances*' was removed later and replaced by '*armed rebellion*' in the 44th amendment, 1978.

II. STATE EMERGENCY (ART 356)

(Also known as President's Rule in States)

1. Ground for Proclamation of Emergency

- Art. 356 empowers the President to make a proclamation of state emergency if he is convinced that the state is threatened by
 - i) Failure or breakdown of Constitutional Machinery in that state.
 - ii) Hung Assembly with no party in Majority.
 - iii) External aggression or internal armed rebellion.

2. Procedure for proclamation

- The President may proclaim State Emergency only when he receives a report from the Governor of that particular State, or otherwise, if a situation has arisen where the Government of the State cannot be carried on in accordance with the provision of the Constitution.

3. Territorial Extent of Emergency

- The proclamation of State Emergency is valid only within the territory of that State.

4. Duration of Emergency

- Initially when the proclamation is made it shall remain in force for a period of 2 months. If it is approved by a simple majority in both Houses of parliament, it continues of 6 months from the date of resolution. Further extension is possible, every time only by 6 months, if the parliament resolves to that effect. 2 conditions are to be satisfied for any extension of State emergency beyond 1 year i.e.,
 - i) Existence of National Emergency
 - ii) Election Commission being unable to hold elections.
- In any case, the State Emergency may remain in force for not more than 3 years in succession.

5. Termination of Emergency

- The President may terminate the Emergency at any time without the approval of the parliament.
- The Parliament may resolve to terminate the Emergency in which case the President has to approve to revoke the proclamation.

6. Effects of State Emergency or Presidents Rule

- i) The President may assume to himself or extend to the Governor all the powers and functions of the state.
- ii) The State Legislative Assembly is dissolved and all its powers are exercised by the Parliament.
- iii) If the Governor is entrusted with the administration, he shall do so with the help of 2 advisors sent by the centre.
- iv) The President has no authority to assume the powers exercisable by a High Court. Therefore the Constitutional powers of the High court remain unaffected.

7. Judicial Review of State Emergency

- After the S. R. Bommai V. Union of India case (1994), proclamation of State Emergencies can be reviewed by the Supreme Court. In other words, the court can review whether the event that led to the proclamation of Emergency was justified or not.

8. Previous State Emergencies declared in India

- President's Rule has been imposed for not less than 110 times during the last 55 years of the working of the Constitution.

- Recently Presidents Rule (State Emergency) was imposed in Bihar where no single party or any co-alition could show majority following elections. Emergency has been revoked since then and elections have been declared.

There have been extremely improper and frequent use of Art. 356 to dismiss State governments in India, motivated by party or personal considerations. There are examples galore in Indian politics where glaring mistakes have been committed by Governors usually at the instance of the Govt. at the Center.

III. FINANCIAL EMERGENCY (Art - 360)

1. Ground for Proclamation of Emergency

- Art. 360 empowers the President to make a proclamation of Financial Emergency if he is convinced that the country faces
 - i) a threat to its financial stability
 - ii) a threat to credit of India or any part of India

2. Procedure for Proclamation

- Same as in National Emergency

3. Territorial Extent

- Same as in National Emergency

4. Duration of Emergency

- Same as in National Emergency

5. Termination of Emergency

- Same as in National Emergency

6. Effects of Financial Emergency

- i) Central Government can give direction to any state to observe restrictions in Financial spending as may be necessary.
- ii) The President may issue directions for reducing salaries and allowances of any class of Central and State Government employees, including judges of Supreme Court and High Courts.
- iii) Money Bills passed by the State Legislature may be reserved for Presidents consideration.
- iv) President may modify revenue allocations between the centre and states

7. Previous Financial Emergencies declared in India

- None until August, 2005

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SPECIAL CONSTITUTIONAL PROVISIONS**SUMMARY**

- I. CONSTITUTIONAL PROVISIONS FOR ST & ST**
 - Art.14** - Equality before law and equal protection of laws for all people
 - Art.15** - No discrimination on grounds of religion, race, caste etc.
 - Art.16** - Equality of opportunity for all people
 - Art.19** - Freedom to move and settle anywhere in India for all people
 - Art.46** - The state shall protect the economic interests of SC and ST and prevent their exploitation
 - Art.164** - There shall be a tribal welfare Minister in Bihar, Orissa and MP
 - Art.275** - Grants to be provided for the welfare of SC and ST
- 2. Special Provisions for Linguistic Minorities**
- Art.347** - A language may be declared official if a substantial number of people speak that language
- Art.350** - A letter of representation to Govt can be given in any language spoken in that state
- Art.350A** - State should provide facilities for medium of instruction in mother tongue
- Art 350B** - Special officer to be appointed for linguistic minorities
- 3. Constitutional Provisions for Women**
 - Art 14** - Equality before law and equal protection of laws
 - Art 15** - No discrimination on the basis of sex
 - Art 16** - Equality of opportunity for everyone
- Women's Bill** - 1/3 of the seats in Parliament to be reserved for women. Not yet successfully passed.
- 4. Constitutional provisions for children**
- Art 15 and clause 3:** Special provisions can be made for women and children
 - Prohibition of employment of children
- Art 21(A)** - Right to Education is a fundamental right
- 5. Constitutional Provisions for Backward classes**
- Art 14, 15, 16** - Equality, no discrimination, equal opportunities
- Art 340** - Appointment of commissioner to investigate conditions of backward classes.

I. NATIONAL EMERGENCY

- 1. Proclamation of Emergency :** Art 352 empowers president to proclaim Emergency in case of war, external aggression or armed rebellion.
- 2. Procedure :** Emergency is proclaimed only when president receives written communication from union cabinet.
- 3. Territorial Extent :** Entire country or any part of it.
- 4. Duration :** One month to begin with. If majority in the parliament agrees, it can be extended 6 months at a time.
- 5. Termination :** President or Parliament may resolve to terminate emergency.
- 6. Effects :** Vast Powers to government, State governments come under central rule, revenue distribution may be modified, F.R.'s may be suspended.
- 7. Previous Emergencies :** 1962, 1965, 1971 and 1975.

II. STATE EMERGENCY

- 1. Proclamation of Emergency :** Art 352 empowers president to proclaim state emergency.
- 2. Procedure :** Report from the State Governor required.
- 3. Territory :** Only state jurisdiction.
- 4. Duration :** 2 months to begin with. Further extension is 6 months at a time for a maximum of 3 years.
- 5. Termination :** President or Parliament may resolve to terminate emergency.
- 6. Effects :** President/Governor assumes all powers. Vidhana Sabha is dissolved, High Court remains unaffected.
- 7. Judicial Review :** High Court can review justification for emergency.
- 8. Previous Emergency :** 110 times in the last 5 years.

III. FINANCIAL EMERGENCY

- Art. 352 empower President to proclaim financial emergency in case of a threat to financial stability or credit to India.
- Revenue distribution may be modified, Salaries could be reduced, Financial spending restricted.
- All other features of this emergency is the same as the others.

**Objective Type Questions and Suggested Answers
(From Previous VTU Exam Papers)**

CHAPTER-5

1. While the proclamation of Emergency is in operation, the Parliament may by law extend the duration of Lok Sabha at a time for period not exceeding
 - (a) Six months
 - (b) One year
 - (c) Two years
 - (d) Three years
2. During State Emergency the President by proclamation cannot assume himself
 - (a) All the functions of the Government.
 - (b) All the powers exercisable by the Governor
 - (c) Some powers exercisable by High Court.
 - (d) Declare that powers of the state legislature shall be exercised by the authority of Parliament.
3. The State Emergency cannot be declared on the ground of
 - (a) Claim to independent sovereignty.
 - (b) Gross mismanagement of affairs by a State Government.
 - (c) Subversion of the constitution by creating disaffection among the people.
 - (d) Intentional and deliberate disregard to follow the direction issued by the Supreme Court of India.
4. This is not correct to state that during Financial emergency
 - (a) Salaries of any class of persons serving in connection with the affairs of a state can be reduced.
 - (b) Salaries any class of persons serving in connection with the affairs of the union can be reduced.
 - (c) Salaries of High Court Judges can be reduced.
 - (d) Salaries of Supreme Court Judges cannot be reduced.
5. To declare National emergency in the case of external aggression.
 - (a) A decision must be taken by Lok Sabha.
 - (b) A decision must be taken by Raj Sabha.
 - (c) A decision must be taken both by Lok Sabha and Raj Sabha
 - (d) None of the above.
6. When the National Emergency is declared
 - (a) Centres Executive power does not extend to state.
 - (b) Parliament cannot make any law on state subject.
 - (c) Centre cannot alter distribution of revenue between the Union and the State.
 - (d) None of the above.

7. State can make special provision for reserving seats in public educational institutions to
 - (a) Educationally backward class people.
 - (b) Socially backward class people.
 - (c) Economically backward class people.
 - (d) None of the above.
8. To investigate conditions of socially and educationally backward class, a commission may be appointed by
 - (a) Chief Justice of India.
 - (b) By the Central Government.
 - (c) By the Minister of Human Resources with the prior written approval of Union Cabinet.
 - (d) None of the above.
9. The constitution expressly permits the state to make special provisions for
 - (a) Women and unemployed persons.
 - (b) Old, sick and disabled persons.
 - (c) Socially and educationally backward class people.
 - (d) Backward class people.
10. State can make provisions for reservation in matters relating to employment under only to
 - (a) Socially backward class people.
 - (b) Educationally backward class people.
 - (c) Socially and educationally backward class people.
 - (d) Backward class people.
11. This is one of the basis for classification
 - (a) Economic,
 - (b) Geographical
 - (c) Intelligible differentia
 - (d) Social and economic backwardness.
12. Mandal Commission deals with
 - (a) Rights of the minority
 - (b) Laws relating to sexual harassment
 - (c) Reservation for backward class people
 - (d) Laws relating to child labour
13. A proclamation of National Emergency may be revoked by another proclamation at any time by the
 - (a) Lok-sabha
 - (b) Raj-sabha
 - (c) Both, Lok-sabha and Raj-sabha
 - (d) President
14. One of the tests for valid classification is
 - (a) It must be based on principles of Natural Justice
 - (b) It must be based on Directive Principles of State Policy.
 - (c) It must be based on intelligible differentia
 - (d) It must be based on social and educational standard

- 15. When a State Emergency is declared, all or any of the functions of the state Government are assumed by the**
- Governor
 - President
 - Prime Minister
 - Union Cabinet
- 16. To declare National Emergency a decision must be taken by the**
- Lok Sabha
 - Raj-Sabha
 - Both, Lok-sabha and Raj-sabha
- 17. This is not a ground to declare National Emergency**
- War
 - Serious internal disturbance
 - Armed rebellion
 - Cabinet
- 18. Creamy layer means**
- Highly educated persons
 - Persons holding high posts
 - Highly cultured persons
 - Persons having higher incomes.
- 19. State Emergency can be declared**
- When the Government of the State cannot be carried on in accordance with the provision of the constitution.
 - When the chief - minister resigns.
 - When the party forming the ministry has a total rout in the election of the Lok Sabha
 - When the State Government refuses to follow the direction given by the Supreme Court.
- 20. Backward class can be classified into**
- Moderately back - ward class
 - More back - ward class
 - Most back - ward class
 - Highly back - ward class.
- 21. What is the maximum percentage of jobs that can be reserved by a state for backward class people in the government jobs ?**
- 75%
 - 65%
 - 50%
 - 60%
- 22. Once the National Emergency is proclaimed, it should be approved by the Parliament within**
- 6 months
 - 3 months
 - 2 months
 - 1 month
- 23. When the National Emergency is declared, the following article is suspended.**
- Art 12
 - Art 14
 - Art 16
 - Art 19
- 24. Constitution empowers state governments to make special law for**
- Women and children
 - Workers working in the mines
 - Farmers
 - Unemployed youths.
- 25. This is one of the grounds for classification**
- Religion
 - Social status
 - Taxation
 - Annual Income
- 26. Maximum percentage of reservation in educational institution is**
- 75%
 - 68%
 - 50%
 - 65%
- 27. President rule is imposed in a state**
- When there is no clear majority
 - When the Legislative Assembly passes a resolution to that effect
 - When there is difference of opinion between the Governor and the Chief Minister.
 - When the state government does not follow the direction given by the Prime Minister.
- 28. Socially and educationally backward class means**
- People belonging to low caste
 - Scheduled caste and scheduled tribe people
 - Economically and educationally backward class people
 - Uncultured and uneducated people.
- 29. Jobs are reserved for SC and ST people**
- At the time of appointment
 - At the time of promotion
 - Both at the time of appoint and promotion
 - On the basis of their annual income
- 30. This is not the test for valid classification**
- Intelligible differentia
 - Relation between classification and the object sought to be achieved by the state.
 - Arbitrariness
 - Social and educational backwardness
- 31. Natural Justice means**
- Justice not based on enacted law
 - Justice according to Providence
 - Justice fair and reasonable action
 - Justice which is not based on technical formalities.
- 32. Minority may be**
- Linguistic or religious
 - Regional or national
 - Racial or regional
 - National or racial
- 33. To declare National Emergency a decision must be taken by the**
- Union Cabinet
 - Lok-Sabha
 - Raj-Sabha
 - Both, by the Lok-Sabha and Raj-Sabha
- 34. National Emergency may be revoked by the**
- Lok-Sabha by passing a resolution by simple majority
 - Raj-Sabha by passing a resolution by simple majority
 - Both, by Lok-Sabha and Raj-Sabha by passing a resolution by simple majority
 - Both, by Lok-Sabha and Raj-Sabha by passing a resolution by special majority

- 35. Under the Indian Constitution, minority means**
- Persons belonging to scheduled castes and scheduled tribes
 - Persons belonging to socially and educationally backward class people
 - Socially backward class people
 - None of the above

36. When the National Emergency is declared, initially the proclamation shall remain in force for a period of

- One year
- Six months
- Two months
- One month

37. When the National Emergency is declared, the following Article cannot be suspended

- Art 19
- Art 20
- Art 22
- Art 23

38. Intelligible difference refers to

- Socially and educationally backward class of people
- Socially and educationally advanced class of people
- One of the test of valid classification
- Creamy layer of society

39. A resolution revoking a Proclamation of National Emergency is required to be passed by

- Lok Sabha
 - Raj Sabha
 - Council of Ministers
 - Both, Lok Sabha and Raj Sabha
- 40. Sexual harassment of working women in working places is violation of**
- Right to profession
 - Right to life
 - Right to reputation
 - Right to personal safety.

41. Minority may be

- Communal
- Regional
- Linguistic
- Economic.

42. If the proclamation of National Emergency is approved by both the Houses of Parliament, it continues for another

- 2 months
- 3 months
- 6 months
- One year

43. The term of the Election Commissioner is

- 2 years
- 6 years or till he attains the age of 65 years
- 3 years
- 5 years of till he attains the age of 62 years

44. State Emergency is declared by

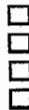
- Chief Minister
 - Governor on the advice given by Council of Ministers
 - President
 - Lok Sabha
- 45. During National Emergency, the following Article cannot be suspended**
- Art 19
 - Art 20
 - Art 21
 - Art 26

- 46. State emergency is declared by the**
- Chief-Minister
 - Governor
 - President
 - Lok-Sabha
- 47. Social justice means**
- Justice according to principles of natural justice
 - Justice based on social conditions
 - Removal of social imbalance
 - Laws protecting the weaker section of the society
- 48. Reservations in promotion in government jobs may be made in favour of**
- Muslims
 - Socially and educationally backward class
 - Scheduled castes
 - Widows
- 49. The security of the State is not affected by**
- Rebellion
 - Waging war against the state
 - Insurrection
 - Riot
- 50. State Emergency may be continued with the approval of the Parliament to the maximum period of**
- Six months
 - One year
 - Two years
 - Three years
- 51. With reference to Indian constitution, minority refers to**
- Persons belonging to S.C. and S.T.
 - Persons belonging to socially and educationally backward class.
 - A small percentage of people who are economically and educationally backward.
 - None of the above.
- 52. The Indian constitution envisages**
- Five types emergencies.
 - Two types emergencies.
 - Three types of emergencies.
 - Only one type emergency
- 53. To continue the National Emergency declared on the ground of armed rebellion**
- A resolution must be passed by the Lok-Sabha by simple majority
 - A resolution must be passed by both the Houses of Parliament by simple majority.
 - A decision must be taken in the cabinet and it must be approved by the President.
 - None of the above.
- 54. During National emergency, the following article cannot be suspended.**
- Art 17
 - Art 18.
 - Art 19.
 - Art 20.
- 55. State emergency may be declared on the ground of failure of**
- Executive machinery in the state.
 - Total break down of administrative machinery in the state.
 - Failure of administrative machinery in the state.
 - Failure of constitutional machinery in the state.

- 56. The duration of state emergency in the first instance is**
- One month
 - Two months.
 - Six months
 - One year.
- 57. When the proclamation of financial emergency is approved by the resolution of both the Houses of Parliament, it continues for**
- Another two months
 - Another six months
 - One year.
 - Indefinitely.
- 58. There is no any provision in the constitution to protect the rights of**
- Religious minority
 - Communal minority
 - Linguistic minority
 - None of the above.
- 59. To declare National Emergency on the basis of external aggression, threatening the Security of India, a decision must be taken.**
- By the members of Lok-Sabha.
 - By the members of Raj-Sabha.
 - By the members of Lok-Sabha and Raj-Sabha.
 - By the Union-Cabinet.
- 60. Reservation at the promotional level in the state service**
- Is not at all permitted.
 - Is permitted only for socially and educationally backward class people.
 - Is permitted only to backward class people.
 - None of the above.
- 61. When a National Emergency is declared on the ground of external aggression, initially, the proclamation shall remain in force for a period of**
- Six months
 - One year
 - One month
 - Two years.
- 62. A proclamation of National Emergency may be revoked**
- By the Lok Sabha by passing special resolution
 - By both the Houses of Parliament by passing a resolution by simple majority.
 - By both the Houses of Parliament by special majority.
 - None of the above.
- 63. Constitution protects the minorities**
- Political rights
 - Religious rights
 - Culture
 - Right to reservation in educational institutions.
- 64. An educational institution established by religious minorities can admit**
- Only students belonging to non-minority community
 - Students belonging to minority community
 - Only students belonging to minority community and SC and ST students.
 - Students belonging to minority community and students allotted by the government
- 65. National emergency cannot be declared on the following ground**
- External aggression
 - When India declares war against another country.
 - Breakdown of constitutional machinery throughout the country due to serious internal disturbance, threatening the security of the country.
 - None of the above.
- 66. Exclusion of creamy layer makes a backward class**
- More backward
 - Truly backward
 - Socially backward
 - Economically backward
- 67. In Government aided educational institutions, religious instruction**
- Cannot be imparted
 - can be imparted
 - can be imparted, only with the permission of the government.
 - None of the above.
- 68. When the National emergency is declared on the ground of external aggression, supreme cannot issue any writ for the violation of**
- Art 19
 - Art 20
 - Art 21
 - None of the above
- 69. To declare national emergency, the security of India must be threatened by**
- Actual external aggression.
 - Actual war
 - Actual rebellion
 - None of the above
- 70. When the national emergency is declared, the state**
- May make a law abridging any of the freedom conferred by Art 19.
 - Can suspend Art 20
 - Can suspend Art 21
 - Can suspend Art 32
- 71. National Emergency is declared on the satisfaction of**
- Prime Minister
 - Council of Ministers
 - Parliament
 - None of the above
- 72. Once the Proclamation of Financial Emergency is approved by the Parliament, it continues for**
- Another six months.
 - Another one year
 - Another two years
 - Indefinitely
- 73. To revoke the National Emergency**
- A special resolution must be passed by the Lok Sabha
 - A special resolution must be passed by the Raj Sabha
 - A special resolution must be passed both by the Lok Sabha and Raj Sabha
 - A resolution by simple majority may be passed by the Lok Sabha

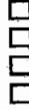
CHAPTER 6

- 74. Seats in educational institutions can be reserved for**
- Educationally backward class people
 - Socially backward class people.
 - Educationally and socially backward class of people.
 - Minorities.



ANSWERS

1 (b)	2 (c)	3 (b)	4 (d)	5 (d)	6 (d)	7 (d)	8 (d)	9 (c)	10 (d)
11 (c)	12 (c)	13 (d)	14 (c)	15 (b)	16 (d)	17 (b)	18 (d)	19 (a)	20 (b)
21 (c)	22 (d)	23 (d)	24 (a)	25 (c)	26 (c)	27 (a)	28 (b)	29 (c)	30 (c)
31 (c)	32 (a)	33 (a)	34 (d)	35 (d)	36 (d)	37 (d)	38 (c)	39 (c)	40 (a)
41 (c)	42 (c)	43 (b)	44 (c)	45 (c)	46 (c)	47 (d)	48 (b)	49 (d)	50 (b)
51 (d)	52 (d)	53 (b)	54 (a)	55 (d)	56 (b)	57 (b)	58 (b)	59 (d)	60 (c)
61 (c)	62 (a)	63 (c)	64 (d)	65 (c)	66 (b)	67 (b)	68 (a)	69 (c)	70 (a)
71 (d)	72 (a)	73 (d)	74 (c)						



INTRODUCTION

India is the largest democracy in the world. More people vote in elections in India than in entire Europe and USA put together. The Govt. has a monumental task in providing infrastructure and facilities for more than 600 million voters in the country during elections.

Understanding the importance of elections, the Constitution of India has provided a separate chapter dealing with the conduct of election. Part XV (Arts. 324 - 329) of the Constitution outlines the laws of Elections and the powers and functions of the Election Commission. Apart from Part XV in the Constitution, the following Acts of Law help in regulating the Electoral process.

1. The Presidential and Vice-Presidential Election Act, 1952.
2. The Representation of People Act, 1950
3. The Representation of People Act, 1951
4. The Delimitation Act, 1972.

Who can vote and Who cannot

- Every adult, male or female, above 18 years of age and a citizen of India can vote in the Elections. This is known as 'Adult Suffrage'

- A person may be allowed to register as voter in only one constituency. He must also be ordinarily resident in the Constituency in which he desires to be registered. Each voter has one but nontransferable vote.

- However citizens can be disqualified from voting on the following grounds:

- i) Non-residence
- ii) Unsoundness of mind
- iii) Criminally charged
- iv) Corrupt or illegal practice

The Election Commission and its composition

- Article 324 of the Constitution has created an independent body called the

Election Commission of India which is entrusted with the Superintendence, Direction and Control of all elections in India.

The Election Commission consists of the Chief Election Commissioner and two Election Commissioners. They are all appointed by the President.

It is the work of Election Commission of India, Chief Electoral Officer of

each state and the Electoral Registration office of each constituency to

prepare and maintain all the electoral rolls of the country.

For each parliamentary or Assembly Constituency, a Returning officer is appointed by the Election Commission during Election. He has to be an officer of the government.

- The actual poll is conducted by a large number of presiding and polling officers. For every polling station, a presiding officer and a few polling officers are appointed for each election, either during parliamentary election or during Assembly election, or both conducted together. They are assisted by as many policemen and other staff as may be necessary.

- A large number of government servants, teachers from both private and govt. institutes, Army, BSF, Police, etc., thus come together to conduct, count the votes and declare the results during each elections in the country.

THE ELECTORAL PROCEDURE

The various stages of a general electoral process are discussed as under:

1. Notification of Election

The President of India issues notification for election to Lok Sabha while the Governor issues notification for elections to the State Legislative Assembly, both on the advice of the Election Commission. This is the formal commencement of the electoral process.

2. Notification regarding Nomination and Withdrawal

The Election Commission announces the dates for the filing of nomination papers and their withdrawal. A candidate is allowed to contest in multiple constituencies.

3. Filing of Nomination papers

Various political parties issue B-forms to their candidates who are going to contest in the elections under those parties. The nomination papers should be accompanied by a deposit. All candidates should also declare assets in their name and in the name of their families. The election deposit is

Rs. 10,000 for Lok Sabha and Rs. 5,000 for Vidhana Sabha. It is Rs. 5,000 and Rs. 2,500 respectively in case of SC and ST candidates. It may be noted that the election deposit will be returned to a candidate if he secures more than 1/6th of the total votes polled in his constituency.

4. Verification and Acceptance/Rejection of Nomination papers

After the last date for the submission of nomination papers, the concerned officer of the Election Commission will verify them. The Election Commission accepts those which are in order and reject those which are not in order. After verification of papers is over, the names of the candidates in the election fray are announced.

5. Election Campaign

The candidates are then allowed to undertake campaigning, without violating the code of conduct, for a period of about 2 weeks. The campaign should stop 36 hrs before the commencement of the polling.

6. Polling Process

Polling takes place for a fixed duration and is normally from 8 am to 5 P.M.. The Election Commission has to continuously keep a vigil for any violation of rules. The polling process is greatly helped by the fact that we use electronic voting machines these days over manual voting.

7. Counting of Votes and Announcement of Results

Counting of votes is done in the presence of representatives of each candidate of all constituencies. The candidate who secures the highest number of votes in each constituency is declared elected and he is given a certificate to confirm his election.

FUNCTIONS OF ELECTION COMMISSION

The Election Commission is a powerful independent body constituted to conduct free and fair elections in the country. The various functions of the Election Commission of India can be listed under matters regarding:

1. Election of the President of India

2. Election of the Vice-President of India

3. Composition of Union Parliament

4. Qualification for members of Parliament

5. Composition of State Legislature

6. Qualifications for members of State Legislatures
7. Duration of Parliament and the State Legislatures.
8. Determination of population for the purpose of elections.
9. Preparation and maintenance of electoral rolls for election to Parliament & State Legislatures
10. Allotment, maintenance and solving of disputes with respect to election symbols.
11. Conduction of Election to Parliament and State Legislature.
12. Reservation of seats for Lok Sabha and Vidhana Sabhas for Scheduled castes and Scheduled Tribes .
13. Counting of votes after elections and declaring results.

Terms and Powers of Election Commissioners

The Chief Election Commissioner is a powerful man in India. He and his two deputies are appointed by the President and they all enjoy the status of Supreme Court Judges. Their term and powers can be listed as under:

1. The appointment of an Election Commissioner is not based on pleasure. It is an appointment for a term of 6 years or till the age of 65 years, whichever is earlier.
2. An Election Commissioner may be removed on the same grounds and by the same method as is applied to a Supreme Court judge.
3. The condition of service during the tenure of a Election Commissioner shall not be varied to his disadvantage after his appointment.
4. An Election Commissioner or a Regional Commissioner shall not be removed from the office except on recommendation of Chief Election Commissioner.
5. The Central and the State Governments are under an obligation to make available to the Election Commissioner such staff as may be necessary for the discharge of its functions.

Election Disputes

Disputes are bound to occur during and after elections which are held at such big-scale. Disputes may be regarding qualification of candidates, rigging, booth-capturing, proxy-voting, bribing, voting by force etc., But Art. 329 provides that the ordinary courts of the land will have no jurisdiction relating to an election petition and the power to decide it is vested in the

High Court. But if the High Court judgement is not satisfactory to either parties, they may go on an appeal to the Supreme Court.

Powers of Legislature

- The Union Parliament has the power to make laws regarding all aspects of election (Art. 327). But this power is subjected to the provisions in the Constitution.
- The Parliament can not only make legislations regarding elections to Lok Sabha but also for all Vidhana Sabhas.
- The State Legislature plays only a subordinate role. It can enact a law w.r.t. State Elections on any aspect on which the Parliament has not made any provisions. In other words, State Legislation can only supplement Parliament Legislation but not counter it.
- State Acts are always subject to the provisions of the Constitution and of Parliamentary Acts.

MAJOR CONSTITUTIONAL AMENDMENTS

Introduction

'Change is the only permanent thing in the world' it is said. Nature demands change and nothing may remain static in the world. Every country undergoes tremendous changes with the passage of time with respect to social life, economy, culture, technology, education, human rights, politics, and so on. In such a scenario it is but natural that the Constitution of a 'young country' like India has undergone many (92 so far) amendments to suit the changing needs of the people.

Being a fundamental document, a Constitution should not naturally undergo too frequent and easy changes which brings down the confidence of the citizens. But at the same time a Constitution should be a dynamic document enlarging and amending with a growing nation to suit all kinds of changes taking place. Therefore any Constitution should be inherently strong in its basic structure but should lend itself to amendments for its practical and useful interpretation. The Indian Constitution has undergone 92 amendments until 2004 and many more are on the anvil. The following paragraphs discuss some of the major Constitutional amendments among the 92 and the articles that were affected.

Procedure for amendment

1. The procedure for amendment is detailed under Article 368 of the Constitution.

2. According to this, an amendment may be initiated only by the introduction of a Bill for the purpose in both Houses of parliament.
 3. The Bill is placed in each House and is passed by a majority of not less than $\frac{2}{3}$ rd of the members of that House present and voting.
 4. When the bill is passed it shall be presented to the President for his approval
 5. When the President gives his assent the Constitution stands amended in accordance with the terms of the Bill.
- Important Amendments (As Listed by VTU)**
1. **The 24th Amendment (1971)**
 - Articles 368 and 13 were amended to provide Parliament the power to modify any part of the Indian Constitution including the part dealing with the Fundamental Rights.
 - Sri. N.A. Palkhivala criticized the 24th amendment on the ground that Parliament is a functionary created under the Constitution and as such is not competent to empower itself to alter, damage or destroy its essential fundamentals. He also said that now Parliament has become supreme and Constitution has become subservient.
 2. **The 42nd Amendment (1976)**
 - This was the most comprehensive amendment to the Constitution till then. It was also the most controversial and attracted lot of attention and criticisms.
 - The 42nd Amendment was considered practically a 'revision' of the Constitution. Altogether 52 Articles, as well as the 7th schedule was affected by this amendment. The changes brought about by this amendment can be summarized as under.
 - i) The term 'secular' was added to the preamble to the Constitution.
 - ii) For the first time, a chapter on Fundamental Duties was introduced into the Constitution.
 - iii) Arts. 32, 43 and 42 under Directive principles of State policy were altered.
 - iv) Many articles affecting Union Executive, Parliament, Union Judiciary, State Executive, High Courts, Relation between the Union & the States, Emergency provision were amended

v) The 7th schedule which carries central list, State list and the concurrent list was amended.

Note:

i. **Central List** is a list of all Govt. departments handled, and managed by Central Govt. exclusively.

Ex. Defence, P&T, Railways, Finance, Foreign affairs, Meteorology etc.,

ii. **State List** is a list of all departments handled and managed by the respective State Govt. exclusively.

Ex. Agriculture, Forests, Police, Irrigation, Labour Welfare, Health care etc.,

iii. **Concurrent List** is a list of all departments handled by both Central and State Govts. respectively.

Ex. Education, Power, press, Factories, Tourism, Monuments etc.,

3. **The 44th Amendment (1979)**

- The most important change due to this amendment was that the right to property as a fundamental right was deleted from the Constitution. Many other articles, which were affected by this deletion, were amended.
- Article 19 was amended consequently to take away the right to acquire, hold and dispose of property as a fundamental right.
- In the Article 352 dealing with emergency provision, the term "internal disturbance" was replaced by "armed rebellion", to prevent its misuse.
- Also Art. 356 was amended to reduce the period of Presidents rule in a state from 1 year to 6 months at a time.

4. **The 74th Amendment (1993)**

- This amendment deals with the establishment of Municipalities as part of the Constitution system.
- It also details the different types of Municipalities, their powers, duration, election, finance and other related matters.
- A new schedule (12th) was added to the Constitution listing the 18 subjects which are to be handled by the Municipalities.

5. **The 77th Amendment (1995)**

- Clause (4-A) was inserted after Clause (4) in the Article 16 (dealing with the matter of promotion) of the Constitution by this amendment.

4-A – “Nothing in this article shall prevent the State from making any provisions for reservation in matters of promotion to any class or classes of posts under State Services in favour of SC & ST which in the opinion of the State, are not adequately represented in the services under the State.

6. The 76th Amendment (1994)

This amendment raised the reservation quota of Government jobs and seats for admission in the educational institution in favour of socially and educationally backward classes to 69% in TamilNadu. Further, the Amendment act has been included in the 9th schedule of the Constitution to exempt it from the purview of judicial scrutiny.

7. The 86th Amendment (2002)

A new Article 21-A was inserted. The Right to education was made a fundamental right and the State was directed to provide free and compulsory education to all children of age of 6 to 14 years.

Article 45 was amended to provide early childhood care and education to children below 6 years of age.

A new fundamental duty was added where parents or guardians were directed to provide educational opportunities to children between 6 and 14 years.

8. The 91st Amendment (2003)

Article 75 was amended to restrict the total number of ministers, including the Prime Minister, to not more than 15% of the total number of members of House of people

Article 164 was amended to the same effect for each State.

New Article 361 B was inserted which prohibited a person disqualified to become a member of parliament, to become a minister.

□□□

SUMMARY

1. The Electoral Machinery : Consists of Election Commission, 3 Election Commissioners (one Chief), Chief Electoral officers (for each state), returning officers for each constituency during election, a large Staff of Govt. servants, Police, teachers, etc.,

2. Function of Election Commission : Election to Parliament, State Legislature, Composition, Qualification of Members, Duration, Election Symbols, etc.,

3. The Electoral Process

- Notification of Election by President.
- Notification by the Election Commission regarding Nomination and Withdrawal.
- Filing of Nomination papers along with deposit & asset details.
- Verification and Acceptance or Rejection of Nomination Papers.
- Election Campaign without violating code of conduct.
- Actual polling takes place on fixed days and fixed duration.
- Counting of votes and announcing of results.

4. Powers of Legislature

- Parliament makes all legislations regarding elections subject to provision of constitution.
- State legislation can only supplement Parliament legislation.

MAJOR CONSTITUTIONAL AMENDMENTS

5. 24th – Articles 368 & 13 were amended to give power to the Parliament to modify any part of the constitution.

6. 77th Clause 11(A) in Art 11 was introduced to make provision for reservation in promotion under state services.

7. 42nd – The term ‘Secular’ was added to preamble

- Fundamental duties were introduced.
- 44 articles totally was amended.
- 7th schedule was amended.

8. 44th – Right to the property was deleted.

- The term ‘armed rebellion’ replaced internal disturbance to proclaim emergency.
- Articles 19, 352, 356 were amended.

9. 86th – Right to education made fundamental right (21-A)

- State asked to provide early childhood care.
- Parents asked to educate children.

□□□

**Objective Type Questions and Suggested Answers
(From Previous VTU Exam Papers)**

CHAPTER-6

1. **Election Commission does not conduct election to**
 - (a) The office of the President
 - (b) The office of the Vice-President
 - (c) The office of the Speaker of Lok Sabha
 - (d) State legislature of Union Territory
 2. **The Chief Election Commissioner is appointed by the**
 - (a) Chief Justice of India
 - (b) Planning commission of India
 - (c) Prime Minister, on the advice of cabinet
 - (d) President
 3. **The Election commission does not perform**
 - (a) Counting of votes
 - (b) To advise the Prime Minister in regard to the question whether a Member of Parliament has been subject to any disqualification.
 - (c) Preparation of electoral rolls.
 - (d) Conduct of elections.
 4. **The Chief Election Commissioner is appointed by**
 - (a) The Prime Minister
 - (b) The President
 - (c) The Prime Minister in consultation with council of Ministers.
 - (d) The Prime Minister in consultation with chief Justice of India.
 5. **The Election Commissioners are appointed by**
 - (a) The President
 - (b) The Prime Minister
 - (c) The Chief Justice of India
 - (d) The Vice President
 6. **This is not the function of Election Commission**
 - (a) Preparation of election rolls
 - (b) Conduct of election
 - (c) Ascertain the suitability of candidates
 - (d) Counting votes.
 7. **The Election Commission does not conduct election**
 - (a) To the Parliament
 - (b) To the office of the President
 - (c) To the post of Prime Minister
 - (d) To the office of the Vice - President
8. **The Chief Election Commissioner is appointed by the**
 - (a) Prime minister of India
 - (b) Planning Commission
 - (c) President of India
 - (d) Chief Justice of India.
 9. **The Election Commission has no power to conduct**
 - (a) Election to Parliament
 - (b) Election to state legislature
 - (c) Election to the office of the President
 - (d) Election to the speaker of the Lok Sabha
 10. **Number of members in Election Commission including the chairman is**
 - (a) Seven
 - (b) Nine
 - (c) Three
 - (d) Five
 11. **Amend means**
 - (a) Remove the difficulties
 - (b) Make the meaning more clear
 - (c) Make the object of the act more clear
 - (d) Omit
 12. **Enact means**
 - (a) Single chapter
 - (b) Single action
 - (c) Pass a law
 - (d) Rectify the mistakes, in the law
 13. **Interpret means**
 - (a) Interrupting in the exercise of legal right
 - (b) Passing a law by absolute majority
 - (c) Ascertaining the meaning of a word
 - (d) Amending a law to make it more effective
 14. **The Chief Election Commissioner is appointed by**
 - (a) The Prime Minister
 - (b) The President
 - (c) The Law Minister of India.
 - (d) The Chief Justice of the Supreme Court
 15. **The Chief Election Commissioner**
 - (a) Serves at the pleasure of the President who appoints him.
 - (b) Serves till the age of 65.
 - (c) May be removed on the ground applicable to a judge of the Supreme Court.
 - (d) None of the above.
 16. **Who has been made responsible for free and fair elections in the country ?**
 - (a) The President
 - (b) The Chief Justice of the Supreme Court
 - (c) The Chief Election Commission
 - (d) Vice President
 17. **The Chief Election Commissioner can be removed from his office.**
 - (a) By the President on the recommendation of the Prime Minister.
 - (b) By the President when the cabinet passes a resolution to that effect.
 - (c) When the Lok Sabha passes a special resolution.
 - (d) None of the above.

18. The culture of any section of the citizens residing in the territory of India shall have the right to conserve the same provided
- It is recognized by other citizens.
 - It does not harm public health or morality.
 - It does not conflict with the culture of other citizens.
 - It is distinct.



ANSWERS

1 (c)	2 (d)	3 (c)	4 (b)	5 (a)	6 (a)	7 (c)	8 (c)	9 (d)	10 (c)
11 (c)	12 (c)	13 (c)	14 (b)	15 (c)	16 (c)	17 (d)	18 (d)		



INTRODUCTION

All people in this world face dilemmas every day, either in personal life or professional life, to take decisions. Dilemma in decision-making may be due to personal choices or more importantly due to morality about the issue. Some of the following questions we ask ourselves day in day out in our everyday life.

- Can I jump the traffic signal since no cop is watching me?
 - Can I copy since the teacher is looking elsewhere?
 - Can I extract more money from my parents to enjoy with my friends?
 - Should I be truthful about my results to my parents and incur their wrath or just lie and settle things later?
 - Can I use my excellent communication skills to manipulate others and get benefits for myself?
 - Can I use my superiority status to silence people without needing to convince them?
 - Can I take this little bribe? I am sure nobody is going to be harmed by this
 - What is wrong in lying for a good cause? After all there is nobody in this world who has not lied!
 - If I have to survive in business, I have to cheat. Business and Ethics do not go together!
- Questions like the above bother every one who has a conscience. We all have to answer these questions and continue with life. Whether we like it or not we always justify ourselves in whatever we eventually choose to do. In a world where man is increasingly becoming individualistic and target-oriented, he would justify himself more and more in his quests. Never bother if he has to walk upon broken hearts and shattered homes to achieve what he wants!

PROFESSIONAL ETHICS

CHAPTER 7

SCOPE AND AIMS

In order to bring about a sense of values among human beings and especially among technical personnel, Ethics in general and Engineering Ethics in particular is taught as part of curriculums the world over. This is certainly an attempt to temper the ambitions of future engineers and managers and inculcate in them a sense of "Live and Let Live" which is the essence of peaceful living in this world.

Definition of 'Ethics'

The word 'Ethics' is derived from the Greek word 'Ethicos' which means 'Customary way of acting' or 'Character and custom of a people'. The words 'Ethics' and 'Morality' are often used interchangeably, although they have subtle differences. Broadly speaking 'Ethics' refer to moral practices in the professional world whereas 'Morality' refers to practices in normal day - to - day life. Ethics is basically defined as the discipline dealing with what is good and bad as attached to moral duty and obligation. 'Ethics' also has many other definitions given by well known authors and thinkers.

"Ethics is the inquiry" concerned with the justification for a person's action. Such justification is a search for rules or norms which guide our action when they cause conflict with others'

-R. Edward Freeman

Ethics broadly and simply is the study of how our decisions affect other people. It is also the study of people's rights and duties and of the rules that people apply in making decisions.

- A. F. Stoner

'Ethics is concerned not only with distinguishing right from wrong and good from bad but also with commitment to do what is right or what is good. The concept of Ethics is inextricably linked to that of value, and its influences on the choices we make among available means and end'.

- Kenneth Keimaghan

Professional / Personal / Business / Engineering ETHICS

'Ethics' practiced as such in this world is definitely influenced by religion, cults, caste, region, education, culture, economy, and so on. But rather than categorize Ethics based on these factors, there is an attempt to define Ethics w.r.t. various domains common to all people in this world. Therefore we can define Ethics w.r.t. various disciplines, although we concentrate more on the study of 'Engineering Ethics' in the subsequent chapters.

1. **Professional Ethics:** is a set of Standards adopted by professionals in their roles as acting professionals.
2. **Personal Ethics:** is one's own ethical commitments when dealing with everyone else. Personal ethics is strongly influenced by early home or religious training and often modified by later personal reflections
3. **Business Ethics:** refer to the moral practices concerned with running a business. In other words, Business Ethics attempts to apply general moral principles to business activities in order to resolve or clarify, the moral issues which typically arise in business.
4. **Engineering Ethics:** is the study of the decisions policies, and values that are normally desirable in engineering practice and research. In other words Engineering Ethics consists of the responsibilities and rights that ought to be endorsed by those engaged in engineering, and also of desirable ideals and personal commitments of all engineers. Engineering Ethics is nothing but widely accepted codes and standards of conduct by engineering organizations.

Clash of Ethics

Although Ethics are practiced in different domains, it is the same man who might appear in several of them. And very often there is a clash of his personal beliefs with that of professional duties or with that of business practices. Clashes like these are inevitable and certainly puts people in difficulties. Man has been eternally perturbed by such clashes but eventually some decision has to be taken and continued with. This could be after all kinds of debates, discussions and deliberations. At least that is what Arjuna did after being convinced by Sri Krishna about the inevitability of war and violence, in Mahabharatha.

Some examples of modern day professional life when ethics clash, are mentioned below:

1. An Engineer in the Quality control dept. is under immense pressure from production & marketing dept. to okay a batch of engineering components which are failing below manufacturing standards. The Marketing Manager argues that not meeting deadlines would incur huge losses. The Production Manager assures that the components in question would not contribute to the rejection of whatever products that they are part of. What should the QC Engineer do?
2. A chemical plant dumps wastes into a nearby lake. Hazardous substances in the wastes find their way into the underground water table.

The plant engineer is aware of the situation but is not allowed to change the disposal method because their competitor did it in the same cheap way and there was no law which explicitly prevented them. The plant engineer was also told that it was the responsibility of the local government to identify any problems, and not to bother till such time. What should the plant engineer do? Does he obey his master or his inner self, thinking about the well-being of the community?

3. Two partners start a business. Business is doing well and there is enough profit. But one partner wants to avoid paying taxes to the maximum extent possible but the other partner is against evading too much. The first partner argues that the government does not do much for people and public money only makes politicians rich. The other partner says that it is the primary duty of people to pay taxes first and then talk about benefits. Whom would you support?
4. The principal of an engineering college finds out that the management is doing unethical practices w.r.t admissions in the college. The principal knows that he is legally responsible for all the admissions. What should he do?
5. A software engineer is in the midst of an important assignment for his company. He is offered a higher salary and promotion by a rival company which insists that he join them immediately. The new company says that it will take care of any penalties or bond requirements with the previous company. What do you think he should do? Should he abandon this key project which needs his presence badly and quit the company which gave him a job as a fresh graduate?

can be considered as social experiments that generate both comforts and risks. It is the responsibility of engineers who create benefits to point out damages in their usage and thus prevent any harm.

2. Moral values - Embedded - Engineering

When moral values are embedded in engineering projects they are going to achieve more than economic success – a long-lasting public-backed wholesome success. Some ethics which can enhance the excellence of engineering projects are:

- i) Incorporate basic standards of safety and efficiency.
- ii) Do not treat workers as a commodity but as a participating contributive force.
- iii) Share profits with employees who are eventually responsible for success (*Infosys grew to be one of the biggest IT Companies in the world because of N. R. N's profit-sharing policies*)
- iv) Combine technological progress with commitment to the public good.
- v) Most work cultures trickle down from the top. Management should strive to demonstrate by personal examples the value of moral standards and ethical practices.

3. Personal Commitment and Meaning

Engineering is all about products and the people who make them. The people include engineers who are at the forefront of relationships with customers, colleagues, management, R & D, employers, and the general public. The personal commitments of individual engineers need to be aimed at and integrated with these shared responsibilities. In addition, if engineers are aware of their individual contribution to the overall success of projects, their commitment would increase.

4. Promote responsible conduct and prevent wrong-doing

Since 'Prevention is always better than cure', it is important for organizations to promote responsible conduct among its employees rather than punish them for any wrong-doing. Strong ethic culture should prevail in organization to prevent fraud, theft, bribery, incompetence etc.,

5. Conflicting Ethics generate dilemmas

Personal ethics, professional ethics, moralities, humane considerations often clash with each other and come in the way of business performance. Company policies, personal reflection, work environment, advice by

SCOPE OF ENGINEERING ETHICS

The scope of the study of Engineering Ethics can be understood through the following topics.

A. Common Themes of Engineering Ethics

There are seven common themes which recur in the study of Ethics as applied to the engineering discipline.

1. Engineering as Social Experimentation

It is the Engineers of this world who create the material comforts for the humanity. But it is the same engineers who create hazardous substances and potential dangers in the process. Therefore all engineering projects

experienced people, etc., help resolve dilemmas which are generated due to clash of ethics.

6. Micro and Macro Issues

Micro issues concern decisions taken by individuals and companies. Macro issues concern more global issues, such as environment, terrorism, monopolies, consumer protection, technological progress etc. Both micro and macro issues are important in engineering ethics, because they are often related to one another.

7. Cautious optimism about Technology:

This has a similar theme as 'Social experimentation'. Just like every coin has two faces, every engineering invention brings along with it a host of problems such as pollution, depletion of natural resources, crime, terrorism, cultural erosion, threats of biological & chemical & nuclear warfare etc.. Society has been immensely benefitted from the following top 20 engineering achievements of the 20th century, but at the same time have posed threats in various ways to mankind.

1. Electrification
2. Automobiles
3. Aircraft
4. WaterSupply and distribution
5. Electronics Engineering
6. Radio & Television
7. Mechanization in Agriculture
8. Computers
9. Telecommunication
10. High Performance materials
11. Nuclear technologies
12. Space Technology
13. Refrigeration & Air-Conditioning
14. Civil Infrastructure
15. Internet
16. Petrochemical technology
17. Laser and optic fiber
18. Household appliances
19. Imaging technology
20. Health care

B. Three types of Inquiry

Inquiry is nothing but the search for truth, information or knowledge. Engineering Ethics involve three types of inquiry in its quest for providing guidelines on ethical issues. They are:

1. Normative Inquiries

These inquiries help individuals and groups overcome clash of ethics during the discharge of their duties. In other words, normative inquiries are

aimed at identifying and justifying the morally desirable norms or standards that guide individuals or groups in their work places. Some examples of normative inquiries are:

- i) To what extent, are engineers who work on public projects, obliged to public safety?
- ii) When, if ever, should engineers announce to the public the dangerous practices employed by their management which are hazardous to public?
- iii) When designing and executing Metro Rail for example, whose values do engineers consider primary in making judgements - those of management, R&D, politicians, tax payers, affected people, workers, or some combination of these?

- iv) What moral rights can engineers exercise in fulfilling professional obligation?
- Answering the above questions may lead to further questions and answers. But people have to take decisions at the end of the day and continue with life.

2. Conceptual Inquiries

These inquiries are aimed at clarifying broad concepts, principles and issues in engineering ethics. Some examples of conceptual inquiries are:

- i) What does 'safety' mean and how is it related to 'risk'?
- ii) What roles do 'Sincerity' and 'Honesty' play in workplaces? Do they exist?
- iii) What is professionalism? Does it have boundaries?
- iv) What constitutes a bribe? Are gifts a form of bribe?

3. Factual Inquiries

These inquiries are aimed at finding facts and figures which may help in resolving ethical issues. Factual inquiries, also called descriptive inquiries, seek to uncover information which has a bearing on ethical issues. Factual inquiries are more realistic and provide rational basis for decision-making on several issues.

AIMS OF ENGINEERING ETHICS

It is said that "Education is what remains when you forget everything that was taught in school." Likewise "Ethics is what remains when we forget everything that is said in Law." In other words practice of ethics is more voluntary than a legal requirement since the law does not provide for ethics. But Ethics are needed for a civilized & peaceful co-existence. Hence one has to study it and then practice it too! The general aims & objectives of learning Engineering Ethics can be listed as under :

1. To deal effectively with **moral complexity** in engineering. Moral complexity is the mixing up of various kinds of issues like personal/business/ professional ethics etc. which leads to confusion.
2. To improve **moral autonomy** among practicing engineers. Moral Autonomy is the attitude and ability to reflect personally rather than blindly following set norms. People who do not have moral autonomy can be easily brainwashed.
3. To create **moral awareness**. It means that engineers should be aware of all the ethical issues that come into play in various situations. In other words , practicing engineers should be able to recognise the existence of all moral issues in engineering.
- 4.. To be able to understand, clarify and assess the arguments from all angles to **moral issues** and then arrive at a specific course of action.
5. To show **moral consistency**. It means that one should show consistency in taking decisions. Professionals should avoid discrimination while dealing with individuals.
6. To stimulate **moral imagination**. Engineers are expected to imagine and anticipate the consequences of their actions as professionals, and plan accordingly.
7. To **communicate** clearly to others, one's views on moral issues.
8. To have the willingness and ability to be **morally reasonable** in one's views and actions
9. To genuinely respect the well-being of others as much as of one's self.
10. To tolerate disagreement and ambiguity. Lack of consensus is common in ethical issues because of religious and ethical diversity among people, especially in India. One should be able to arrive at solutions despite all these.

11. To encourage the use of rational dialogues between aggrieved parties in resolving **moral conflicts**.
12. To be able to maintain **moral integrity**. In other words an engineer should be able to integrate personal ethics and professional ethics and balance each other.

Kohlberg's Theory of Moral Development

Moral Development is nothing but the evolution of moral reasoning in the minds of the individuals. Lawrence Kohlberg felt that people progressed in their moral reasoning through a series of stages. He believed that there were 6 identifiable stages which could be more generally classified into 3 levels. Kohlberg's clarification of these stages are shown in the table

Level	Stage	Social orientation
Pre-conventional	1. Pay obedience and avoid punishment 2. Individualism, Instrumentalism and Exchange	
Conventional	3. Directed by Good and bad behavior 4. Directed by Law and order	
Post-Conventional	5. Autonomous Individuals 6. Highly evolved conscience	

Kohlberg believed that individuals progressed through these stages, one stage at a time. That is, without going through earlier stages one could not arrive at a later stage by jumping over. The moral behavior of individuals going through these stages can be understood as under:

Stage 1

In this stage, people believe that the right conduct is that which directly benefits them. Moral conduct is influenced by the belief in exchanges of favour. "You scratch my back, I'll scratch yours" is the attitude of people in stage 2. Absence of altruism makes the first two stages. Moral thinking is almost absent at this stage.

Stage 2

In this stage, people believe that the right conduct is that which directly benefits them. Moral conduct is influenced by the belief in exchanges of favour. "You scratch my back, I'll scratch yours" is the attitude of people in stage 2. Absence of altruism makes the first two stages. Moral thinking is almost absent but the concern shown to the good of others.

Stage 3

In this stage, people are influenced by the feelings of good and bad behaviors which are in turn inspired by some religion, doctrine or school of thought. It means that people tend to follow good behavior and try to avoid bad behaviour, as dictated by their beliefs. Staunch followers of religions and cults, jihadis, illiterates and God-fearing people may be found in this stage of evolution.

Stage 4

In this stage, people recognize that behaviour needs to conform to written laws. The law is the final authority and should be obeyed without question. Stages 3 and 4 called Conventional since a majority of people are found to behave in these ways.

Stage 5

In this stage, people believe in the concept of justice to all and are genuinely interested in the welfare of others. People in this stage show moral integrity, self respect and enormous respect for the rights of other people. People are altruistic and may protest against any inequality against anyone else. Great leaders, genuine god-men, true social workers could be found in this stage.

Stage 6

In this stage, the individual fully realizes that there is a "Higher Law" to which we must adhere. People in this stage have highly evolved conscience and most behaviours are for the benefit of others. They apply the Golden Rule - "Do unto others as you would have them do unto you", which applies universally to all people in all cultures. These people are willing to work and risk their lives for others. Swami Vivekananda, Mahatma Gandhi, Mother Teresa etc., could be some examples of this rare kind.

Gilligan's Theory of Moral Development

Carol Gilligan was one of Kohlberg's Students. She challenged the work of her teacher saying that Kohlberg's studies were distorted by male bias. She charged Kohlberg for conducting his studies primarily with male subjects and ignoring women who formed half of the human race. Gilligan did her own studies and concluded that human beings went through various stages development Pre-Conventional, Conventional & Post-Conventional. Her conception of the 3 levels are as follows.

1. The Pre-conventional Level

This is roughly the same as Kohlberg's first level which says that people are self-centred and worry about only their benefits. Right conduct is viewed as what is good for oneself.

2. The Conventional Level

Here people are not pre-occupied with themselves. They are willing to sacrifice their interests in order to help others. Most women fall in this category who will be always willing to give up their personal interests in order to serve the needs of others.

3. The Post-Conventional Level

Here the individual is able to strike a balance between caring about other people and worrying about himself. The aim is to balance one's own needs with the needs of the others; while maintaining relationships based on mutual caring.

RESPONSIBILITY OF ENGINEERS**introduction**

"Success has many fathers, but failure is an orphan", it is said. Whenever there is success of any kind many people would come forward to say that they have contributed to it. But how many of us would come forward to say that we are responsible, in case of any failure? Accepting responsibility is not a known human virtue. It is only modern management thinking which demands the acceptance of responsibilities from Engineers and other Professionals and gives them credit for success while blaming them squarely for failures.

In a professional atmosphere, one has to accept responsibility. This actually leads to better performances and paves the way for all-round development. In organizations where responsibilities are accepted, rewards are very high for success but failures can bring in trouble, if it results too often.

'Fear of failure' normally emanates from lack of confidence, unreliability of workers and machines, possibility of harsh consequences, lack of preparation & information etc., But one should remember what Infosys Mentor N. R. Narayananmurthy told a batch fresh recruits, "Experiment & Innovate, do not hesitate to bring in a new order of things and never be afraid of mistakes as long as you are positive, and learn from them".

CONCEPTS OF RESPONSIBILITY

Responsibility can be both *Legal* and *Moral*. *Legal Responsibility* is one where the law indicts a man of being irresponsible. *Moral responsibility* is one where a man in not legally trapped. The law will take its own course in deciding the fate of people legally responsible for their mistakes whereas moral responsibilities for failure cannot be penalized.

In regard to responsibility for causing harm, in both law and morality, we further distinguish as:

1. Responsibility for intentionally causing harm

People who knowingly and deliberately cause harm are both legally and morally responsible for it e.g., criminals of all kinds.

2. Responsibility for Negligently causing harm

This means causing harm without knowing but failing to exercise 'due care'. Nevertheless, in such cases, people are not legally responsible but morally are. For example if you allow a child to play with a knife, you are morally responsible for any injury, caused by the knife.

3. Responsibility for Recklessly Causing harm

If one causes harm without really aiming at it but acted in conscious awareness that harm is likely to result, one is definitely morally responsible.

If you drive your motorbike recklessly you are likely to cause harm although that is not your intention. But one is conscious that reckless driving can cause harm hence he is morally responsible. He is also legally responsible if the speed of the bike is higher than the allowed speed limit, but only morally responsible if he was riding within speed limits.

2. Accountable

Being responsible means being accountable. Being accountable means being answerable to the results of all your actions. Being answerable means being liable to be held guilty and punished in case of failures.

3. Conscientious

Conscientious means being influenced by the conscience. People who are conscientious accept their obligations and meet them consciously. They always try to do the right thing, and they largely succeed in doing so, even under difficult circumstances. People who are conscientious attach great importance in accepting and executing responsibilities.

4. Praise Worthy / Blame Worthy

Responsibility always comes as a package. It means that if somebody accepts responsibility and comes out a winner, he is praised. On the other hand, if he fails, he is ridiculed. Being responsible means one has to be ready to take both - bouquets and brickbats. Our Indian Cricket Team would testify this very well!

DEGREES OF RESPONSIBILITY ATTITUDES

Just like any abstract quantity, responsibility also has an entire range of degrees. In other words, there are people who shoulder responsibility only to the minimum extent possible and there are people who go way beyond expectations in meeting responsibilities. But this range can be generally classified into 3 basic attitudes towards responsibility. They are briefly discussed as under.

1. 'The Minimalist View' Attitude of Responsibility

People having this view accept responsibility only to the bare minimum. "It's his job not mine", "it's not my fault", "that's not my problem", "I wouldn't know that" etc. are the kind of remarks that can be heard among people who have minimalist view. This view emphasizes a negative approach to responsibility. Responsibility here is linked with the idea of individual fault, or blame and interpreted in narrow, legalistic term. Avoidance of blame, or "Staying out of trouble" is the main concern of the people. People at work especially in govt. and public sector have this attitude.

2. "Reasonable care" Attitude of Responsibility

People with "Reasonable care" attitude show higher degree of responsibility than with people who show "Minimalist View". While people etc., Every role has its own obligations specific to its functions.

MEANINGS OF RESPONSIBILITY

Responsibility is understood in many senses. It may mean several things depending on situations, persons involved, results, and so on. Some contexts for understanding responsibility are:

1. Obligations

Obligations are actions that one is expected to carry out without being demanded for. Meeting obligation is nothing but showing your responsibility. Some obligations are expected to be met by all people i.e. being honest, fair and decent. Most obligations are based on different roles that people take such as parents, colleagues, teachers, engineers, doctors etc. Every role has its own obligations specific to its functions.

having Minimalist view are more concerned about what will happen to them if they cause harm to others, people with reasonable care attitude are more concerned about the people who are harmed. In other words, People with reasonable care attitude show higher responsibility in discharging their duties. There is reasonableness and a moral basis for all their actions.

3. "Good Works" Attitude of Responsibility

This is the highest degree of responsibility shown rarely by people. People having "Good Works" attitude go above and beyond the call of duty in executing responsibilities. In fact they go beyond their normal obligation and duties. They take on such responsibilities and do such work that no one expected them to do. If they did not do these things, no one would fault them. Parents, extremely close friends, true saints and "elevated souls" may have such attitude.

Engineers and virtues

A virtue is nothing but a quality which brings out moral excellence or goodness. Virtues include attitudes and dispositions, not just conduct. They reflect our moral character. William F. May has suggested that professional responsibility should include virtues which go beyond fulfilling basic duties. According to him honesty, fair-mindedness, reliability, integrity are found in people who do their basic duties responsibly. But in order to go beyond basic duties virtues like benevolence, perseverance, compassion, kindness, generosity, public-spiritedness etc., would be needed in professionals.

IMPEDIMENTS TO RESPONSIBILITY

To accept responsibility is one thing, to discharge it is another. Many obstacles are confronted in carrying out one's duties and obligations, in practice. Some significant ones are:

1. Self-Interest

Most engineers are first human beings, then professionals. During their discharge of duties self-interest may oppose company interests or group interests. This may prompt professionals to act contrary to the interests of the Company, contrary to even the expectations of the companions.

A professional placing self-interest ahead of company interest may do so because of reasons like greed, jealousy, vengeance against boss, egoism, etc.,

2. Fears, distrusts and threats

Fear can be a big drag on the discharge of responsibilities. Fear can distort a man's mind and his thinking process. Fears could be due to various reasons fear of failure, fear of losing the job, fear of punishment, fear of ridicule, fear of losing social status etc., Fears of these kinds definitely come in the way of acting responsibly. Similarly, distrusts and threats can also weaken responsibilities.

3. Self-Deception

When people avoid listening to their "inner selves" or "inner voice", they are deceiving themselves. It is true with all people who commit mistakes and who know very well that they are committing mistakes. They intentionally avoid confronting the truth because it is painful and against their conscience. They superficially justify all such mistakes and carry on with life as if nothing wrong has happened. This self-deception is difficult to overcome and severely restricts discharge of responsibilities. Drunkards, gamblers, habitual liars, etc., suffer from extreme self-deception.

4. Ignorance

Responsibility is better executed with full knowledge and information. Ignorance of vital information is an obvious barrier to responsible action. This is especially true with professionals who can discharge their duties better with better information.

Ignorance may be due to:

- Lack of sources of information.
- Lack of Knowledge of right places to look for information.
- Lack of perseverance
- Pressures of deadlines
- Plain laziness

Although there are limits to what professionals are expected to know, ignorance is always a bad excuse. Ignorance is increasingly unacceptable in modern professional atmospheres.

5. Egocentricity & Egoism

People are said to be "ego-centric" if their perspective is limited. They are

more generally known as "narrow-minded" people. If engineers fail to realize the importance of wider perspectives in the design of a product or a service, their responsibility is weakened. According to Pritchard, egocentricity can be called as a special form of ignorance.

"Egoism" is the tendency of people to stick to their stand against all arguments. People with bloated 'ego' would not accept defeat, would not easily praise others, and would suffer from superiority complexes. All these can erode their responsibilities.

6. Microscopic vision

"Do not miss the wood for the trees" is a famous saying. The Wood here refers to a forest and the trees are the elements of the forest. Quite often when we concentrate on the details, we may miss the larger picture. A microscopic vision gives accurate and detailed knowledge of a narrow piece of object, but not the overall picture. Therefore engineers sometimes need to raise their eyes from their world of scientific and technical expertise and look around them to understand the larger implications of what they are doing.

7. Over-Confidence

Success can bring confidence. But continuous success can breed over-confidence. And over-confidence can affect decision-making which can bring down consistency in discharging responsibilities. Over confidence may also result due to lack of humility, presence of subordinates who indulge in flattering, lack of competition, absolute power, and so on. Overconfidence affects responsibility in the long run rather than in short durations.

8. Group Behaviour

Man's behaviour as an individual can be quite different from his behaviour as part of a group, both in the negative as well as positive sense. A man's behaviour can also change as a member of one group and as a member of another group. Behaviour, whether personal or professional, can directly affect the responsibility of a person.

Irving Janis has identified 8 symptoms of Group Behaviour which affect responsibility of individuals who are part of that group. They are:

- Groups operate under the assumptions that they are not vulnerable to failures.
- Non-members of groups and members of other groups are viewed as outsiders and sometimes considered as adversaries or enemies.

- iii) Groups never take responsibilities. In fact they shift responsibilities especially in case of failures.
- iv) Morality of group can be different from the morality of individuals.
- v) Members of group curb their personal views w.r.t ethics, practices, merits of individuals.
- vi) Group demands unanimity from its members
- vii) Members of a group who show disagreement are suppressed by leaders by hook or crook.
- viii) Groups generally guard tradition and are greatly resistant to changes.



SUMMARY

1. Domains of Ethics

- | | |
|---------------------|---|
| Professional Ethics | : Standards adopted by Professionals |
| Personal Ethics | : Personal ethical commitment of individuals |
| Business ethics | : Moral practices concerned with running a business |
| Engineering Ethics. | : Accepted codes and standards of conduct by engineering organisations. |

2. Scope of Engg. Ethics

i) Common themes of Engg Ethics

- Engineers who create new technology should prevent harm from it.
- Moral values should be embedded in Engineering.
- Engineers Should have personal Commitment in their Projects.
- Prevent wrong doing rather than punish it.
- Consider both macro as well as micro issues.
- Anticipate and reduces threats from new technologies.

ii) Three types of Inquiry

- | | |
|-------------------|--|
| Normative | - Clash of ethics in individuals while discharging their duties |
| Conceptual | - Inquiry aimed at classifying broad concepts, issues. |
| Factual | - Inquiries aimed at finding facts & figures to resolves ethical issues. |

3. Aim of Engg. Ethics

- To deal effectively in moral complexity.
- To improve moral entomony.
- To create moral awareness.
- To understand opposite sides of moral issues.
- To have consistency in decisions.
- To stimulate moral imagination.
- To communicate well.
- To be morally reasonable in one's views.
- To respect well-being of others.
- To maintain moral integrity.

4. Kohlberg's Theory of Moral Development

- Kohlberg travel evolution of Moral Development in individuals through 3 broad stages :
- | | |
|--------------------------|--|
| Pre-Conventional | - People Obey, avoid Punishment do only what benefits them. |
| Conventional | - Follow good behaviour, avoid bad behaviour, directed byrules, regulations, doctrines, religions, etc., |
| Post-Conventional | - People go out of the way to help other without expecting anything in return. |

5. Gilligan's Theory of Moral Development

- Gilligan accused Kohlberg of male bias. Her concept was
- | | |
|--------------------------|---|
| Pre-Conventional | - Same as Kohlberg |
| Conventional | - People are willing to sacrifice their interests. Most women do it. |
| Post-Conventional | - Individuals strike a balance between caring about others and worrying about themselves. |

6. Concepts of Responsibility

- People could be responsible for intentionally causing harm.
- People could be responsible for negligently causing harm.
- People could be responsible for recklessly causing harm.

7. Meanings of Responsibility

- | | |
|----------------------|---|
| Obligations | - Meeting obligation is showing responsibility. |
| Accountable | - Being answerable to one's action. |
| Conscientious | - Being influenced by conscience. |

Praise Worthy/ Blame Worthy- Ready to take both praises & criticisms

8. Degrees of Responsibility Attitudes

- | | |
|------------------------|---|
| Minimalist view | - People having this view take responsibility in the narrow sense. They just to want to avoid blame. |
| Reasonable View | - This is a higher degree of responsibility. People with this view care as much for others as themselves. |
| Good Works | - People with this view go beyond that call of duty to show highest degree of responsibility. |

9. Impediments to responsibility

- Responsibility is impeded if engineers place self interest ahead of company interest.

Fears, Distrusts & Threats – These can come in the way of discharging responsibilities.

- 1. Avoiding thinking about one's mistakes.

- Ignorance of full knowledge and information can affect responsibility.

- Lack of wider perspectives can weaken responsibility

- Concentrating on details and missing the larger picture curbs discharge of overall responsibility.

- Over-Confidence make people commit mistakes in discharging responsibilities.

- Definition of responsibility is different when one is a part of a group.



**Objective Type Questions and Suggested Answers
(From Previous VTU Exam Papers)**

CHAPTER-7

This is not the aim of studying Engineering Ethics

- (a) Analysing concepts
- (b) Addressing unclarity
- (c) Engaging sense of responsibility
- (d) Procuring faultless results

The basic attitude towards responsibility is

- (a) Intentionally causing harm
- (b) Negligently causing harm
- (c) Minimalist
- (d) Recklessly causing harm

One of the characteristics of profession is that

- (a) Usually it is having monopoly
- (b) It demands hard work
- (c) It is based on honesty
- (d) It is having tough competition

This is not impediment to responsibility

- (a) Fear
- (b) Self deception
- (c) Ignorance
- (d) Self respect

Engineering Ethics is

- (a) An impracticable ethics
- (b) An impractical ethics
- (c) A preventive ethics
- (d) A code of scientific rules based on ethics

Professionals claim to be regulated by

- (a) High moral standards
- (b) Sound professional knowledge

- (c) Ethical standards
- (d) National interest, especially relating to public safety, health and welfare

Minimalist view means

- (a) A Ministerial view
- (b) A novel plan to minimize industrial loss
- (c) A narrow thinking
- (d) A concept of responsibility

To hold an engineer liable under law of Tort, the plaintiff need not prove that the engineer

- (a) Violated the legal duty imposed by Law of Torts
- (b) Violated the legal duty intentionally
- (c) The violation of legal duty caused him injuries.
- (d) That the violation of legal duty is the proximate cause of his injuries.

Good works mean

- (a) Superior work done with great care and skill
- (b) Responsible work
- (c) Work above and beyond the call of duty
- (d) Work involving high risk.

- 10. One of the characteristics of profession is**
- It gives scope to exercise one's skill.
 - It gives monopoly on service.
 - It provides opportunity to help the poor and needy
 - It demands high standard of honesty
- 11. Engineering ethics is a**
- Preventive ethics
 - Developing ethics
 - Natural ethics
 - Scientifically developed ethics
- 12. Egocentric tendencies means**
- Superiority complex
 - Arrogant and irresponsible behaviour
 - Interpreting situation from limited view
 - Habit of condemning the views of others
- 13. They are not trade secrets**
- Formulas
 - Principles
 - Patterns
 - Devices
- 14. Group thinking**
- Is useful to understand the different facts of the problem
 - Is an impediment to responsibility
 - Leads to confusion and may cause loss
 - Is an impediment in the progress of work.
- 15. Self-incrimination means**
- Compelling a person to give evidence
 - Compelling a person to file complaint
 - Compelling a person to commit crime
 - Compelling a person to be a witness against himself
- 16. One of the aims in studying Engineering ethics is**
- To gain better insight into the profession
 - To know the secrets of the profession
 - To understand the professional problems
 - To develop analytical skill
- 17. The principles of Natural Justice do not require**
- Reasonable notice
 - Reasonable opportunity being heard
 - Decision on merits
 - Follow instructions strictly by superior officer.
- 18. One of the aims of Engineering Ethics is to**
- Inspire engineers to acquire in depth knowledge in their field
 - Stimulate the moral imagination.
 - Acquire new skills in Engineering, Testing and Research
 - Make Engineers self Confident in discharging their duties.
- 19. Professional Ethics is**
- Set of standards adopted by Professionals
 - Set of rules passed by Professional bodies
 - Traditional rules observed since a long time.
 - Set of rules relating to personal character of professionals.
- 20. Engineers shall issue public statements only**
- In subjective manner
 - In objective manner
 - On their personal responsibility
 - Based on the reports sent by higher officers.
- 21. Professional Ethics takes into account of**
- The personal character of engineers
 - The temperament of engineers
 - The religious bent of mind of engineers
 - The social background of engineers.
- 22. Engineering Ethics**
- Stimulates the moral imagination
 - Provides upto date Knowledge in the field of Engineering
 - Stimulates to conduct research
 - Stresses on Time Management
- 23. One of the views on responsibility of Engineers is**
- They are strictly liable
 - They are absolutely reliable
 - They should do good works
 - They should take reasonable responsibility.
- 24. One of the impediments to responsibility is**
- Interference by politicians
 - Interference by higher officers
 - Rampant corruption at higher level
 - Self deception
- 25. Professional autonomy means**
- Independent body controlling profession
 - Liberty in selecting the work
 - Liberty to express independent view
 - Exercising independent and objective judgment.
- 26. One of the impediments to responsibility is**
- Lack of modern equipments
 - Lack of proper guidelines
 - Microscopic vision
 - Irresponsible attitude of higher authorities

27. Engineering Ethics is

- (a) A science which imparts knowledge to minimize the cost of production
- (b) Something which deals with the moral character of engineers
- (c) A branch of practical ethics
- (d) Scientific rules widely applied in branches of engineering

28. Engineer may reveal the confidential information of his client

- (a) When the client makes huge profit at the cost of public
- (b) When the client is causing huge loss to the Government
- (c) When the safety of the public is in danger
- (d) When the client is an unethical person

29. This is not an impediment to responsibility

- (a) Self-interest
- (b) Self-protection
- (c) Self-deception
- (d) Ignorance

30. This is not a symptom of group thinking

- (a) An illusion of invulnerability
- (b) An illusion of morality
- (c) An illusion of unanimity
- (d) An illusion of unity

31. Entrance into a profession requires

- (a) Sound Moral Character
- (b) Sound common sense
- (c) Extensive training of intellectual character
- (d) Extensive training in profession ethics.

32. It is not a characteristic of a profession.

- (a) It needs extensive training
- (b) It provides scope to serve employer
- (c) It provides autonomy in work place
- (d) It gives knowledge & skill which are vital to the wellbeing of the society

33. Group thinking

- (a) Leads to better result
- (b) Widens the knowledge and deepens the understanding
- (c) Is an impediment to responsibility
- (d) Is one of the characteristics of profession

34. One of the views on the responsibility of Engineers is

- (a) They should acquire sound technical knowledge
- (b) They should be physically and mentally competent to discharge their duties
- (c) They should not be subject to loyalties and influences
- (d) They should do good works

35. It is not a symptom of group thinking

- (a) Illusion of Majority
- (b) Illusion of Superiority
- (c) Illusion of Unanimity
- (d) Illusion of Invulnerability

36. Entrance into a profession requires

- (a) Sound moral character
- (b) Sound common sense
- (c) Extensive training of intellectual character
- (d) Extensive training in professional ethics

37. A special case of conflict of interest is

- (a) Accepting bribe from vendors
- (b) Accepting disinterested work
- (c) Accepting the responsibility of others
- (d) None of the above

38. In relation to engineers, Professional Autonomy means

- (a) Free from rules and regulations
- (b) Absolute freedom in selecting service
- (c) Independent and objective judgement in performing their functions
- (d) Absolute liberty to take subjective judgement in performing their functions

39. Good-Works mean

- (a) Work done without violating principles of ethics
- (b) Work accomplished with moral imagination and analytical skill
- (c) Above and beyond the call of duty
- (d) Works involving ethical issues, which have been tackled with great care and skill

40. Looking out for number one tendency arises out by

- (a) Egocentric tendencies
- (b) Ignorance
- (c) Self-deception
- (d) Self-interest

41. The study of Engineering Ethics helps to

- (a) Gain perfect and complete knowledge in the application of Engineering Technology
- (b) Detect the short comings in the engineering works
- (c) To ascertain the genuine needs of public
- (d) To develop analytical skill

42. Engineering codes require Engineers to hold paramount

- (a) The dignity of the profession
- (b) The interest of employers and clients
- (c) The safety and welfare of the society
- (d) The confidential information given by his client

43. Study of Engineering Ethics helps to

- (a) Recognise ethical issues
- (b) Develop one's knowledge and skill
- (c) Provide satisfactory service to the public
- (d) Develop one's moral character.

44. One of the basic attitude towards responsibility is

(a) Minimalist view

(b) Maximalist view

(c) Vigilant view

(d) Moralistic view

45. Professionals claim to be regulated by

(a) High moral standards and character.

(b) Sound professional knowledge and skill required by extensive period of training.

(c) Independent and objective judgment in discharging their duties.

(d) None of the above.

46. Professional codes of Ethics articulate

(a) Clearly, the role of engineers in protecting the national interest, specially relating to public safety, health and welfare.

(b) In specific terms, the essential characteristics of engineering profession.

(c) Shared standard of professional ethics.

(d) The unusual degree of autonomy possessed by engineers in the work place.

47. Study of engineering ethics does not help in

(a) Recognizing ethical issues

(b) Tolerating ambiguity.

(c) Stimulating engineering skills

(d) Eliciting a sense of responsibility.

48. One of the characteristics of profession is that

(a) It demands hard and honest work.

(b) It needs extensive training.

(c) It is strictly regulated by the principles of morality and justice.

(d) It is based on integrity, honesty and public utility.

49. One of the basic attitudes towards responsibility is

(a) Reasonable care

(b) Absolute responsibility

(c) Strict responsibility

(d) Legal and ethical responsibility.

50. Minimalist view emphasizes

(a) A high standard of moral responsibility.

(b) Both on legal and legal responsibility

(c) A negative approach to responsibility

(d) On due and reasonable care in performing functions

51. This is not an impediment to responsibility

(a) Failure to seek out the truth.

(b) Uncritical acceptance of authority

(c) Fear.

(d) Ignorance.

52. Engineering codes of ethics emphasize the importance of engineers exercising

(a) Power and strict adherence to professional codes, whenever national interest is involved.

(b) Absolute discretion in rejecting works which are detrimental to the interest of society.

(c) Professional autonomy.

(d) High standard of engineering skill based on professional ethics.

53. Conflict of interest may be

(a) Intentional

(b) Accidental

(c) Potential

(d) Imaginary

54. Conflict of interest

(a) Corrupts professional judgment

(b) Is an impediment to responsibility

(c) Hampers good works

(d) None of the above.

55. Engineers can use codes of ethics as guide lines to

(a) Resolve the conflicts

(b) Formulate the problem.

(c) Shift the responsibility

(d) Overcome the work pressure.

56. No code will give to get solutions for ethical problems

(a) Guide lines.

(b) Set of ideas.

(c) An algorithm

(d) Ethical standards

57. Which of the following is not considered as the aim of engineering ethics?

(a) Moral imagination.

(b) Identification of ethical issues.

(c) Development of analytical skills

(d) Shifting of responsibility.

58. Which of the following is not the conflict of interest as applied to making professional judgement

(a) Virtual.

(b) Actual.

(c) Apparent.

(d) Potential.

59. Ethical standards

(a) Are essential to protect the national interest, specially relating to public

safety, health and welfare.

(b) Should be high so as to make engineers responsible in performing their functions.

(c) Regulate the professionals in discharging their functions.

(d) Are fixed by the Legislature and enforced by the executive.

60. Engineers freedom to take independent and objective judgment in performing their function is called

(a) Professional freedom

(b) Professional privilege.

(c) Professional liberty

(d) None of the above

61. Practice in preventive ethics does not help in

- (a) Stimulating deep interest in engineering ethics.
- (b) Developing the ability to recognize ethical issues.
- (c) Stimulating engineering skills.
- (d) Eliciting a sense of responsibility.

62. Professional's knowledge and skills are vital

- (a) To maintain the high standard of the profession.
- (b) To become efficient and responsible engineers.
- (c) To the well-being of the larger society.
- (d) To grasp the ethical issues involved in their profession.

63. Possession of a special knowledge by the professionals.

- (a) is the root cause of egocentric tendencies.
- (b) is a powerful defence of professional autonomy.
- (c) Helps the professionals to maintain the high standard of the profession.
- (d) Demands the professional to follow the principles of natural justice and morality.

64. Minimalist view means

- (a) A novel plan to minimize industrial risk by minimizing deviation.
- (b) A narrow and outdated view.
- (c) A view strictly based on technical skill, disregarding ethical issues.
- (d) None of the above.

65. Above and beyond the call of duty refers to

- (a) Recognizing ethical issues encountered in professional service.
- (b) An attitude of responsibility.
- (c) Integrity in Engineering Research and Testing.
- (d) Integrity and expert testimony.

66. Egocentric Tendency

- (a) is specially found in immatured persons.
- (b) is a special form of ignorance.
- (c) tends to interpret situations from a broader perspective.
- (d) is a psychic problem which leads to arrogance and indifference.

67. Professional codes of ethics focus primarily on

- (a) High standard of morality and professional skills.
- (b) Basic attitude.
- (c) Honesty, integrity and professional efficiency.
- (d) National interest, specially relating to public safety, health and welfare.

68. Looking out for number one

- (a) is natural and essential tendency in engineering profession.
- (b) reflects deep interest in the profession
- (c) Arises by self-interest.
- (d) is a clear sign of egocentric tendencies.

69. The professional ethics deals with accepted by the professional community

- (a) Scientific standards
- (b) Ethical standards
- (c) Personal ethics
- (d) Technical specifications

70. A professional engineer takes the help of codes of ethics when he enters into

- (a) Doubts.
- (b) Legal problems
- (c) Ethical crises
- (d) Confusion

71. Responsibility is assigned as belonging to engineers in

- (a) Rule
- (b) Morality
- (c) Both rule and morality
- (d) Obligation

72. As applied to responsibility, attitude of avoiding blame or being safe is the prime concern in

- (a) Reasonable care
- (b) Minimalist approach
- (c) Good works views
- (d) All the above

73. Protection of the expression of ideas, but not the ideas themselves is called

- (a) Copy right
- (b) Plagiarism
- (c) Patent
- (d) Forging

74. Match the following :

- | | |
|-----------------------|---|
| A. Self interest | 1. Unauthorized use and intellectual property |
| B. Reasonable care | 2. An impediment to responsibility |
| C. Group thinking | 3. Concept of responsibility |
| D. Plagiarism | 4. An illusion of unanimity |
| (a) A,B,C,D - 2,1,3,4 | (b) A,B,C,D - 2,3,4,1 |
| (c) A,B,C,D - 2,4,3,1 | (d) A,B,C,D - 1,4,3,2 |

75. Exercising independent and objective judgement

- (a) Is essential for the safety and welfare of the society.
- (b) Is demanded by the engineering ethics
- (c) Is a characteristic of a problem
- (d) None of the above

76. Professional codes of ethics articulate

- (a) Role of engineers relating to public safety, health and welfare
- (b) The vital functions of engineers
- (c) Shared standards of professional ethics.
- (d) The essential duties imposed on professionals by engineering ethics.

77. Practice in preventive ethics does not involve.

- (a) Stimulating moral imagination.
- (b) Developing the ability to recognize ethical issues.
- (c) Developing technical skill to become responsible engineers.
- (d) Tolerating disagreement and ambiguity.

78. Work above and beyond the call of the duty refers to

- (a) Egocentric tendencies.
- (b) Group thinking.
- (c) Concept of responsibility.
- (d) Work done according to high professional standard.

79. The study of engineering ethics does not help

- (a) Recognizing engineering skills
- (b) Eliciting sense of responsibility
- (c) Tolerating ambiguity
- (d) Stimulate moral imagination

80. This is not an impediment to responsibility

- (a) Fear

- (b) Group thinking

- (c) Critical acceptance of authority

81. Professional autonomy means

- (a) Autonomous body which frames rules and regulations for professionals.

- (b) Freedom to choose a profession of their liking and follow it.

- (c) Liberty of professionals to accept any service.

- (d) Freedom to take independent and objective judgment by engineers in performing their functions.

82. The most common situation in which an engineer finds himself in apparent conflict of interest is

- (a) When he accepts a job in which he is not interested.

- (b) When he is not having sound professional knowledge.

- (c) When he accepts gifts from vendors.

- (d) When there is apparent difference of opinion with his employer.

83. Engineering ethics is

- (a) A developing ethics

- (b) A modern ethics

- (c) A preventive ethics.

- (d) An ethics based on science and technology.

84. One of the aims in studying engineering ethics is

- (a) To gain better insight in the profession.

- (b) To know the secrets of the profession.

- (c) To develop analytical skill.

- (d) To understand the professional problem

ANSWERS

1(d)	2(c)	3(c)	4(d)	5(c)	6(c)	7(d)	8(b)	9(c)	10(d)
11(a)	12(c)	13(b)	14(b)	15(d)	16(c)	17(d)	18(b)	19(d)	20(b)
21(a)	22(a)	23(c)	24(d)	25(d)	26(c)	27(c)	28(c)	29(b)	30(d)
31(a)	32(b)	33(c)	34(d)	35(b)	36(a)	37(d)	38(c)	39(c)	40(a)
41(d)	42(c)	43(a)	44(a)	45(b)	46(c)	47(c)	48(b)	49(a)	50(c)
51(b)	52(c)	53(c)	54(b)	55(a)	56(c)	57(d)	58(a)	59(a)	60(d)
61(c)	62(a)	63(c)	64(d)	65(b)	66(d)	67(d)	68(d)	69(b)	70(c)
71(d)	72(b)	73(a)	74(b)	75(d)	76(c)	77(c)	78(c)	79(a)	80(c)
81(d)	82(c)	83(c)	84(c)						



CHAPTER 8

HONESTY, INTEGRITY AND RELIABILITY

INTRODUCTION

Honesty, integrity and reliability are time-honoured human virtues which are becoming increasingly rare in the present day world. People who have achieved heights in these qualities have become immortal. It takes a great deal of effort to achieve honesty, integrity and reliability but when you reach there you are way above the rest. All religious manuals and literature of this world exhort human beings to achieve these qualities, but few listen. Honesty, integrity and reliability are certainly not found in the path of least resistance, so man rarely takes that path. Shades of these qualities are found in all people, but rare are epitomes of such virtues.

In this chapter we shall discuss Honesty, Integrity and reliability as separate characteristics of human beings although they all are inter-related.

HONESTY

"Honesty is the best Policy", declared Cervantes. The phrase was made more famous when George Washington mentioned it in his 1796 Farewell Address. It is indeed made mandatory by nature for all of us to be honest but honesty on the part of professionals such as engineers, doctors, Scientists, Managers etc., go a long way in saving and serving the mankind. If we consider engineering profession, for example, to be like a building, honesty is its foundation. Without honesty, the value of engineering services would be diluted.

Honesty basically has 2 main aspects,

- I. Truthfulness
- II. Trustworthiness

L. Truthfulness

In 1381, John Wydiffe told the Duke of Lancaster, "*I believe that in the end the truth will conquer*". He might have been re-stating what Sri Krishna said in the Bhagavadgitha, "*Truth and only the absolute truth shall prevail at the end of each era*". We do not know where is the end of this era, but we all know that Truth is Supreme, Truth is God and Truth is permanent. To be

truthful is one of the greatest virtues of man and it takes an occasional Mahatma to experiment with it.

Truthfulness is very much needed in everyday life but much more in engineering practice. If an engineer is not true to his profession, if he is lying, deceiving or withholding information, he is doing great disservice to his organization, society and to himself.

Ways of Misusing the Truth

Engineers may also misuse the truth in many different ways. In other words, there are many facets to un-truthfulness. Some of them are discussed as under:

1. Lying

"A lie is a statement believed to be false or seriously misleading, made with the intention to deceive". This is a carefully constructed definition but still falls short of capturing 'lying' in its entirety. This is because of the following complications that usually come up:

- If a person gives false information by mistake, he may not be lying, even though he is not telling the truth.
- A person may give information that he believes to be false, but it may turn out to be true by mistake! Should we consider his statement to be truth or false?

A person need not give false information by making false statements. Even gestures, nods, body language, waving of hand, indirect statements etc. have the ability to give false impressions in a conversation. Considering that the person has not told any outright lie, would you accuse him of lying? Due to these complications, most people believe that true lies have 3 basic elements:

- i) a lie involves something that is believed to be false or misleading
- ii) a lie is uttered in words.
- iii) a lie is made with the intention to deceive

All these elements give the basic definition of a 'lie' which is given in the beginning.

2. Deception

The act of deceiving is deception. If a person talks about a subject even if he did not know much about it, he is deceiving. If a person has one thing in his mind, and talks totally opposite things, he is deceiving again. If a

teacher imparts wrong information to students, then that is also deceiving. In all these cases, if people at the receiving end come to know of the deception, it is better. Sometimes deceptions can cause more disastrous consequences than outright lying.

3. Hiding Information

Hiding, omitting or withholding information is another type of deceptive behaviour or an act of dishonesty. This act of dishonesty is practical when:

- i) a person fails to convey such information that the receivers would normally expect would not be omitted. If students hide their results from their parents, they are not lying, but certainly are deceiving.
- ii) a person omits information with the intention of deceiving.

4. Dissemination of information or 'Blowing the Whistle'

The highest ethical obligation of engineers is to protect the health and safety of public. This may require engineers to disclose such information which would help avoid disasters, even if it means by-passing the top management. This is known as '*Blowing the Whistle*' which means that one blows a whistle when there is a foul and everybody comes to know of it.

5. Failure to seek Truth

People may not be lying, nor may be withholding the truth. But if they do not make an effort to know what is the truth and if they try to work with limited knowledge, it is incomplete honesty. An honest engineer is one who is committed to finding the truth, not simply avoiding dishonesty. Honesty in this positive sense will make an engineer highly respected.

6. Revealing classified information

Disclosing classified information to rival companies, or disclosing information at inappropriate circumstances or disclosing client information to strangers, all amount to acts of dishonesty. All informations, unless and otherwise required to be appropriately used as dictated by management or Ethical practices, should be considered as confidential

If engineers use designs and data of a former employer, it is dishonesty and may even lead to litigations. Even using ideas that one developed in the previous organization can be considered unethical if those ideas involved trade secrets, patents or licenses.

7. Allowing one's judgement to be influenced by other factors

If a mother does not correct an erring child because of her love for the child, she is allowing her decision to be influenced by other factors. If an engineer

does not mind poor quality work just because it was executed by his friend, he is allowing his judgement to be corrupted by external factors. An important part of any professional service is professional judgement. Allowing this to be corrupted or unduly influenced by extraneous considerations can lead to another type of misusing the truth.

II. Trustworthiness

Trust is confidence, reliance or belief in a person or a thing. Trust plays a major role in human relationships in this world. Trust is must in personal life, professional life, Social life and in every sphere of activity. Despite all the rules & regulations, laws and statutes present, the world would not run without trust.

Companies becomes trustworthy when they give consistent service over many years. Trust-worthiness is the company's ability to meet the responsibilities of the trust reposed in it. If you want to buy a parachute, you better buy it from a trustworthy company because you may not be able to replace a faulty one forever!

On the personal front, it may take years to gain somebody's trust, but it may take a moment to shatter it. To be deceived by a person you trusted the most would be most painful. To be trustworthy is a high virtue of any person. When people are trust worthy, they add an aura to their personalities.

INTEGRITY

Entireness, soundness, genuine, unadulterated state, probity - these are the words that describe the term "**Integrity**". A person with integrity is responsible, truthful and trustworthy. A person with integrity has openness and honesty, both with himself with others. The behaviour of a person with integrity would not change whether he is alone or when he is with people, whether he is watched or whether he is left free.

Integrity is a virtue which is very much expected from professionals since they are trusted by the company and by people. But several breaches of such trusts happen across various professions. Let us see how certain professionals act without integrity in discharging their duties & responsibilities.

1. **Integrity in Research & Development (R & D)**

Scientists who work in Research labs around the world are expected to show integrity in their experimentations and publications. Dishonesty in science & Engg. especially w.r.t R&D can be shown in several forms such as :

- i) **Trimming:** This is smoothing of irregularities to make data look extremely precise and accurate. In other words, trimming is committed if actual data is modified to suit the results of the experiment.
- ii) **Cooking:** This is retaining only those results that fit a proposed theory and discarding the rest. In other words, cooking means ignoring certain results and considering only favourable results from the experiments.
- iii) **Forging:** This is plain imagination or invention of some or all the research data that are reported. In other words forging means reporting data from experiments which were never conducted. Such spurious data can kill R & D work in those respective areas.

- iv) **Plagiarism:** This is theft of others' ideas or reports. This is more prevalent in scientific reporting, journalism, text-book writing, music, novels etc.
- v) **Multiple Authorship:** Sometimes some research publications carry the names of multiple authors as contributors to the work. But most of the times the truth is that one or two people would actually contribute to the publication while others (usually some senior researchers) get free credit for what they have neither worked for nor contributed for.

2. Integrity in the use of Intellectual property

Credits and proprieties that result from mental labour are known as intellectual property. Intellectual property rights in the latest legal preoccupation these days world-wide. Intellectual properties are recorded and protected in several ways with the help of patents, trademarks, copyrights, trade secrets etc. Companies or the management running the company would be lacking in integrity if they violate intellectual property rights of other companies. Xeroxing of textbooks is another glaring example of violation of intellectual property rights!

3. Integrity in Client - Professional relationship

A doctor is supposed to keep the information regarding his patient confidential; a lawyer is supposed to keep the information regarding his client confidential; call-centre employers should not sell any information regarding their customers to any one; these are but some examples where integrity is breached w.r.t client-professional confidentiality. Such breaking of confidentiality can cause enough damage, materially and mentally, to the clients and can break businesses.

4. Integrity Shown as Eye-witnesses or as Experts

Lack of integrity is quite often shown by lawyers who fabricate false witnesses to the cases that they are fighting for. Forget the lawyers because they want to win their cases, by hook or crook. Sometimes

- engineers are called as expert witnesses in cases involving defective products, structural defects, accidents, and other areas where competent technical knowledge is required. Engineers in such cases should show integrity and must be credible in court. This credibility depends on the engineer's knowledge of technicalities related to the particular case. Ethical dilemmas are common when engineers are called to the witness stand and cross-examined. Therefore engineers show a good balance in deciding on which side of the issue they are on, ethically & morally.

5. Integrity and Information to public

- One of the major responsibilities of engineers is to see that the products that they make do not pose threats to health or safety of their customers. Information, both layman and technical, should be given to the end-users of any products. It is the duty of the engineers to ensure that technical information is available to those who need it, in order to avoid disasters. Manufacturers of gas cylinders should educate the end-users about adequate precautions, elevator companies should indicate preventive as well as emergency instructions, drug manufacturers should indicate shelf-life and storage necessities; are some examples where companies have to show integrity keeping their customers well informed.

The obligation of engineers to protect the health and safety of the public is so strong that they may have to go out of their way to see that consumers of technology are not forced to make uninformed decisions regarding the use of that technology.

6. Integrity and conflicts of Interest

- A conflict of interest exists for a professional when acting is a professional role, he is subject to influences, freebies, loyalties, or other temptations that may tend to make his judgement benefit particular parties, against justified expectations. Conflicts of interests can be real, apparent or potential. A special case of conflict of interest is accepting gifts. *Can I accept a gift if it is not going to change the situation in any way?* is a normally asked question. A tool called '*line-drawing Method*' is often used in deciding whether accepting a gift is permissible or not, in a given situation.

III. RELIABILITY

Reliability generally implies confidence, trust & dependability. Reliability again is a human virtue built over a period of time if a person has to be reliable he should have built that confidence & trust over the years. Similarly

If an engineer has to prove that he is reliable, he should have built a track record of hardwork, sincerity, delivery and transparency. Engineers takes years but companies take decades to build such an image but when they achieve the tag of being "Reliable", they reap the benefits for a long time.

RISK, SAFETY & LIABILITY

Introduction

Engineering necessarily involves risk. When risk is present, safety is threatened and engineers become liable for any damage. In this world, where new materials, new gadgets, new chemicals, new processes etc. arrive on a daily basis, risks arrive along with them because people are not aware of the long term effects of these new things on human beings or on the environment. We are happily producing and consuming thousands of tons of non-biodegradable plastics and harmful chemicals, without thinking much about their effect on future generations. Apart from that, there are also new hazards that could be found in old products, old processes and old chemicals that were once thought to be safe.

Since most new products in this world come from the efforts of engineers, they are also responsible for the safe use of those products and liable for any risks that arise out of use of those products.

I. RISK

A risk is the possibility that something unwanted and harmful may occur. According to one expert, risk can also be defined as the product of the probability that the risk may occur and the magnitude of harm caused by that occurrence.

Risk = Probability of occurrence of the risk × magnitude of harm if the risk is realized.

Risk is basically a broad concept covering many different types of unwanted occurrences. In regard to technology, risks may cause

- i) Bodily harm
- ii) Economic loss
- iii) Environmental degradation
- iv) Loss of reputation and public confidence
- v) Loss of time and effort

- i) Faulty products and systems
- ii) Faulty processes and designs
- iii) Faulty operating procedures
- iv) Hasty completion of jobs
- v) Lack of information and expertise of manpower

On the personal front, we routinely take risks in our daily life. Whether it is driving, or crossing the roads, taking medication, or even breathing polluted air - everything is fraught with risk, especially in large cities. Meanwhile natural calamities continue to threaten human populations.

Earthquakes, volcanic eruptions, tempests, tsunamis (by sea and by air!) have arrested man's euphoria from time to time. Although technology has greatly reduced the scope of many hazards, man is still at the mercy of nature.

Type of Risks

There are many ways in which risks can be classified. We may discuss a few as under :

1. Voluntary risk and involuntary risk

If a person knows that risk exists and still takes it, it's a voluntary risk. The same risk may become an involuntary risk if the person unknowingly takes it. People are ready to accept voluntary risks but fume at involuntary risks. For example, a person may buy an apartment even if a drainage passes by it, if he gets it for a low price. But if a drainage is built next to an already existing flat, he may protest. Therefore money may change the perception of risk taken by man.

2. Short term consequences and long term consequences :

Risks can be classified according to the duration of their consequences. Short-term consequences, though severe, are more acceptable to people than long term, though mild, consequences.

3. Expected probabilities of risk

This risk is 1 in a 100 chance, this one is 1 in a million chance, so goes expected probabilities of risks, according to our assessment. Risks come in various probabilities and we take them based on our acceptance levels.

4. Risks with reversible effects

Some risks may produce harm which is permanent or irreversible in nature while the bad effects of some more risks may become reversible. For example, money invested in a lottery may be lost once for all whereas money invested in business may not fetch any returns immediately but may become profitable in the long run.

5. Threshold levels for risk-taking

Every risk has a threshold value. Although driving a vehicle is risky at any given time, driving it beyond a particular speed limit at a particular condition would become very dangerous. Likewise testing the threshold levels of patience of teachers can be risky to the students !

6. Delayed risk and immediate risk

A risk which is likely to harm a man much later is a delayed risk whereas if a risk produces harm in the near future it is an immediate risk. Obviously people are not bothered much about delayed risk than they are with immediate risks. This is evident from the fact that people smoke, drink, take drugs etc very well knowing that they have to pay for it later.

3. Job-related risks

Risks related to sports are one thing, while job-related risks or 'occupational hazards' as they are better known, is another thing. While people may indulge in sports for entertainment, people who take up risky jobs may not have much choice. Imagine all the people who work as mine labourers, truck drivers, sewage cleaners, quarry workers, nuclear-site employees etc who carry enormous risks of diseases and accidents. For every one comfortable man, there are dozens who are risking themselves in this world!

4. Magnitude & Proximity

Acceptance of risks is influenced by potential magnitude of the harm of taking those risks. Suppose if one thinks as to what is the maximum that can happen if I take this risk and if the answer is death or something close to it, one may be deterred in taking it.

Often people may believe in higher risk probabilities if somebody close to them had been affected by taking the same risk. In fact many people do not understand the dangers of a risk until they go through it themselves. "If you learn from your mistake, you are intelligent, but if you learn from somebody else's mistake, you are a genius!", it is said.

ACCEPTABILITY OF RISK

A risk is said to be acceptable if people who are going to be affected no longer worry about it. In other words, such risks are said to be acceptable by people, if they are comfortable in taking them. Apprehensiveness depends to a large extent on how the risk is perceived.

Factors which generally matter in the acceptability of risks are :

1. Voluntary acceptance

There are many areas and professions where people voluntarily accept fairly high levels of risk. Indulging in sports like car racing, motorbike racing, skiing, boxing etc carry considerable risk, but sportsmen accept them assuming that they would be in control.

2. Presentation of risk information

Presentation of information regarding risks may influence decision-making whether to accept risks or not. 'Always read the fine print', it is said. It means that information regarding risk in using any product will be provided in such fine print in the brochure, that one may overlook reading them and indirectly accept those risks.

Difficulties in estimating risk

Estimating risk has been described by someone as "looking though a dark glass" which means that what's going on is vague and cannot be clearly seen or assessed.

Some practical difficulties that are encountered in the industry in estimating risk are :

- i) When machines, automobiles, aeroplanes etc are made of thousands of components, it is difficult to estimate which one will go wrong when. NASA's Challenger space shuttle burst into flames minutes after lift-off in 1986. The failure analysis conclusively proved that it was as a result of malfunctioning of an oil seal ring worth about \$ 4 !
- ii) Fatigue failures and creep failures are extremely tough to predict. When newer materials are used, they become even more unpredictable, despite all the research done.
- iii) Human errors can never be estimated. The bullet-train accident in Japan some time ago took place because of over-speeding by the driver who was trying to make up a delay of 4 minutes !

- iv) To anticipate all mechanical, physical, electrical and chemical failures individually and in relation to each other is extremely difficult.
- v) The probabilities that are assigned to failure modes are largely expert opinions and cannot be experimentally established. So what an expert may feel as a small risk may actually be a large one.

Approaches to Risk

Risks are approached in different ways depending on the person or on the agency. Some different approaches are :

1. Layman's approach to risk
2. Public approach to risk
3. Experts approach to risk
4. Government's approach to risk

1. Layman's approach

A layman's approach to risk can be either extreme. There are people who are habitually high-risk takers and then there are people who shudder at taking any risk whatsoever.

- Laymen accept voluntary risks more than involuntary risks.
- Monetary returns influence considerably a layman's approach to risk.
- Religion, superstition, irrational thinking can also influence a layman's approach to risk.

2. Public approach to risk

Risks and benefits to public are more easily determined because individual differences are evened out as larger numbers of people are considered. Therefore public approach risk with more information than individuals.

- Risks that affect larger number of people (public) elicits higher responsibility from industries, media, government, R & D etc.

3. Experts approach to risk

- An expert studies the history of any risk very deeply before assessing it.
- An expert makes rational and scientific reasoning in order to estimate a risk.
- An expert uses both statistics as well as 'intuition' in anticipating risks.
- An expert can distinguish better between "real risks" and "perceived risks"

- An expert's definition of an acceptable risk would be "an acceptable risk is one where given the options available, the harm of risk is at least equalled by the probability of producing benefit"

4. Government's approach to risk

The Government's approach to an acceptable risk would be "an acceptable risk is one where protection to public from harm is weighed more heavily than benefits to them". In other words the government would be more interested in avoiding risks to public rather than providing benefits to them.

RESPONSIBILITIES OF ENGINEERS REGARDING RISK

A few general responsibilities that engineers of all disciplines need to carry regarding risk would be :

1. All engineers should feel that they are ethically responsible for risks in their respective areas.
2. Engineers must make scientific and logical estimations of risk taking all factors into consideration.
3. Engineers must be aware that despite all expertise, estimation of risks may not be correct.
4. Engineers must also be aware that there are different approaches to the determination of acceptable risk depending on situations and people.
5. Engineers tend to quantify all factors which go towards estimation of risk but often forget humane considerations or other non-quantifiable factors.
6. Engineers must be fully aware of the govt-regulations and legal liabilities regarding risk.
7. Engineers are best positioned to make reasonable balances between risk and benefit, for both their organization and to the customers.
8. Engineers have to clearly define acceptable risk w.r.t. workers, management, society, ecology, economy before taking decisions.
9. Engineers are expected to protect people from the harmful effects of technology especially when people never knew or gave consent to the development of such a technology.
10. An acceptable risk at a given point in time may not be an acceptable risk at another point of time. It is the engineer's responsibility to redefine acceptable risks from time to time.

II. SAFETY

Safety of life and assets is of paramount importance to human beings. Mankind has always been looking for safer homes, safer products and quite simply a safe life. Countries spend billions of dollars on defence budgets, the objective being 'safety' of the people. In fact, one indicator of a developed country is the amount of safety provided to its people w.r.t. defence, industrial practices, transportation, health, pollution, food etc. In fact, the safety standards and restrictions imposed by American and European Governments on its industries is so strict that, it has become very much more inexpensive for those industries to resource parts and products from third world countries, where safety norms are not as strict.

'The concept of safety' is dependent on situation and perceptions of people. What may be safe for one person may not be safe for someone else. What is considered as safe at one point of time may not be safe at another point of time. Safety can mean different things to different people such as children, old people, women, sick people etc.

One general definition for safety was given by William W. Lowrance who said "a thing is safe if its risks are judged to be acceptable". And since acceptable risks are different to different people there is no one standard concept of safety for all people. As far as public safety is considered and as the concept of safety is understood by the Government, safety can be redefined as "a thing is safe if, were its risks fully known, those risks would be judged acceptable by a reasonable person in light of their settled value principles".

We in our daily lives tend to think of safety in terms of degrees and comparisons. We often say "this water is safe", "that food is unsafe", "this one is relatively safe", "that one is somewhat unsafe" and so on. Each one's degree and concept of safety can vary. But when it comes to safety of general public especially w.r.t. engineering products and services, the design and manufacturing engineers are primarily responsible for the same.

Responsibility of an Engineer for the design of a product

In order to ensure that the products are safe, our engineers should keep four criteria to help them give a safe design. They are :

1. Any design must comply with the applicable laws, as a minimum requirement. This requirement is easy to meet since legal standards for product safety are published, well known and easily accessible.

2. An acceptable design must meet the standards of "accepted engineering practice". An engineer cannot create a design that is less safe than what the majority in the community understands to be acceptable. To improve their knowledge regarding this engineers must continually upgrade their skills by
 - i) attending conferences and short-term courses
 - ii) discussing with other engineers
 - iii) discussing with end-users
 - iv) surveying literatures and magazines for information on the state of safety in any field.

3. Engineers must continuously explore alternate, safer and better designs. This can be expensive but has to be done for the benefit of the customers as well as the sustenance of company w.r.t. competition.
4. Engineers should be in a position to foresee potential misuses of the product by the consumer and must design to avoid these problems. These days every technology that arrives has a dark side to it but engineers should continually strive to prevent its misuse.

Designing for Safety

The general steps involved in incorporating safety into engineering design process would be

1. Define the problem – This step should determine the needs and requirements of risks and benefits of each product.

2. Generate alternatives – Multiple alternative designs have to be created. More the better !
 3. Analyze each alternative w.r.t. its pros and cons : This step involves determining the consequences of each alternative and determining whether it serves the purpose and more so whether it is acceptable.
 4. Testing of all acceptable alternatives.
 5. Selecting and implementing the best alternative as the solution.
6. To follow up and get feedback for further improvement of the product.

General responsibilities of Engineers regarding Safety :

Engineers of all disciplines have responsibilities regarding safety and well-being of all concerned but engineers who work in industries, chemical factories, steel plants, civil projects etc have to exercise much more caution

towards safety of its workforce. Some general responsibilities of engineers can be listed as under :

1. Engineers should try and reduce accidents to a minimum, even eliminate them.
2. Engineers should formulate a safety policy and build a safety culture in the organization. They should educate workers regarding safety norms.
3. Engineers should suggest safety measures and provide safe environment for all workers.
4. Engineers should be aware of first aid techniques for all problems. They should provide first aid boxes at several places in manufacturing organizations.
5. Engineers have to investigate and analyze all accidents so as to avoid them in future.
6. Engineers should be aware of Govt. rules and regulations for safety in industries and also should be aware of international standards for safety.

III. LIABILITY

Liability can be defined as the "state of being bound by law or equity". This means that a person is liable to be prosecuted by the law if the cause for risk and harm can be directly related to his actions. In this way, engineers and other professionals are also bound by law, within the purview of its existence , for all their actions.

Some issues related to liability of working professionals are mentioned below:

1. Cost-effectiveness and strict safety norms are on the opposite sides of economy. Engineers who are answerable to both management as well as customers have to balance both. They might be inviting legal trouble if they ignore safety norms especially in construction projects like bridges, dams etc.
2. Engineers and doctors are more liable to prosecution in Western countries where the public is conscious and is fiercely protected by law against any mistakes of these professionals. 'Suing' is the most dreaded word for companies which make cigarettes, alcohol, drugs & pharmaceuticals, chemicals & pesticides etc in U.S.A..

1. **Truthfulness** – is needed in engineers in their professional practice.
2. **Ways of misusing the truth**
 - Lying – is a direct way of contradicting the truth.
 - Deception – Implying a lie but not uttering it.
 - Hiding Information – Withholding truth with or without the intention of deceiving.
 - Blowing the Whistle – Making public the mistakes of organisation one works in or one knows about.

Failure to seek truth – amounts to incomplete honesty.
Revealing confidential information of clients is dishonesty
Allowing one's judgement to be influenced by other factors by jealousy, hatred, love, corruption, etc., should be avoided.

3. Engineers, doctors and other professionals are much better placed in India. There are hardly any complaints against them and even if there are any, it takes years for justice. There was a law made recently which cleared the 'doctors' from any occupational mistake committed during the treatment of patients which may result in harm.
4. Engineers and other professionals working for established organizations are protected usually by their employers and insurance companies. But professionals in private practice may have to face the music regarding liability and risk.
5. Fear of liability makes engineers sometimes to use less than optimum resources bringing down productivity and profitability. One school of thought is that, if engineers were free to specify safety measures without being held liable for their neglect or improper use, they could more easily fulfill their responsibility to protect the safety of the public.
6. Complex organizational and hierarchical structures, and of course corruption makes it difficult to pinpoint mistakes of engineers and other professionals working in Govt. Sector. There are accidents, civic problems, criminal activities, where there is no accountability and rarely people in charge are held responsible. It is only public awareness, public response and public outcry which can go a long way in making our politicians and administrators liable for their actions.

SUMMARY

□□□□

3. Trustworthiness

- To be trustworthy is a great virtue.
- World does not run without trust.
- Trust is comforting, soothing & tension-reducing.

4. Integrity

- Enthusiasm, soundness, genius, unadulterated state, probity
- R & D - Avoid committing Trimming, Cooking, Forging, Plagiarism & Multiple authorship
- Intellectual Property - Theft of patents, trademarks, copyrights, trade secrets, others' ideas, etc.
- Client - Professional Relationship should guard client secrets.

Eye-witness or Experts - When called to witness box in a court, engineers should show integrity.

Information to Public - To inform public w.r.t. use of any technology in case of imminent danger.

Conflicts of Interest - When there is an ethical clash or dilemmas, engineers should resolve it using various tools and methods.

5. Reliability

It implies confidence, trust and dependability.

6. Risk (as quantified) = Probability of occurrence \times magnitude of harm if the risk is realised.

7. Types of risk

Voluntary and Involuntary risk

Taking risk knowingly is voluntary risk.
Taking risk unknowingly is involuntary risk.

Short Term and Long term Consequences of risks exist

Expected probabilities of risk vary from 0% to 100%.
Risks with reversible effect

Some risks are permanent while some risks convert into advantages in the long run.

Threshold levels of risk-taking

At a certain level, some risks become very high risks.

Delayed risk and Immediate risk

These are risk in the long run and risk in the immediate future respectively

8. Acceptability of risks

- Voluntary acceptance of risks are present.

Presentation of risk information influences acceptability

- Job related risks are mostly unavoidable.
- Magnitude of risk and proximity to those affect by risk can influence acceptability.

9. Approaches to Risk

Lay man's Approach - can be extreme. These are high-risk takers as well as no-risk takers.

Public Approach - More info available on effects of risks

Experts Approach - Rational and Scientific

- Probability of benefit should atleast be equal to harm of risk.

Governments' Approach - Protection to public more important than benefit to them.

10. Safety - A thing is safe if its risks are judged to be acceptable.

11. Responsibility of a design engineer for safety

- Designs should comply with law

- Designs should be acceptable to the technical community.

- Alternate designs must be explored.

- Designs must prevent misuse of products.

12. Responsibilities of a safety Engineer

- To reduce or even eliminate accidents.

- To formulate safety policy and build safety culture

- To suggest safety measures.

- To provide first aid boxes and to know first-aid techniques.

- To investigate and analyze all accidents.

- To be aware of Govt. rules and international safety standards.

13. Liability - State of being bound by law or being prosecuted for causing risk and harm.

14. Issues related to Liability

Safety norms are expensive
Engineers and doctors are more liable to prosecution in the west, but in India, professionals are safe.

Usually insurance companies take care of risk liabilities.
Fears of Liability brings down effective use of resources.

Complex organizational structures, bureaucracy and corruption bring down accountability in public offices.



**Objective Type Questions and Suggested Answers
(From Previous VTU Exam Papers)**

CHAPTER-8

1. Biased professional opinion amounts to
 - (a) Misusing the truth
 - (b) Deliberate deception.
 - (c) Failure to adequately promote the dissemination of information
 - (d) None of the above.
2. The following act amounts to misusing the truth
 - (a) Retaining only those results that fit the theory and discard others.
 - (b) The smoothing of irregularities to make the data look extremely accurate and precise.
 - (c) Abusing client-professional confidentiality.
 - (d) Using intellectual property of others without proper permission or credit.
3. An engineer abuses client-professional confidentiality when he
 - (a) Refuses to break confidentiality when the higher obligation to the public requires.
 - (b) Fails to take proper care to protect the confidentiality.
 - (c) Leaves the service illegally causing great loss to his employer.
 - (d) Intentionally disobeys the express instruction given by the employer while discharging his duty.
4. Using the trade secrets of former employee amounts to
 - (a) Misusing the truth
 - (b) Self-deception.
 - (c) Forging
 - (d) Self-dishonesty
5. According to Lowarance, one of the elements of risk is
 - (a) Magnitude of adverse effect
 - (b) Defective technology
 - (c) Failure to take reasonable case
 - (d) Failure to assess the magnitude of risk
6. One of the characteristics of high risk technology is
 - (a) Complex designing
 - (b) Complex interaction
 - (c) Using outdated technology
 - (d) Unmindful experiment with new technology
7. Fault tree is used
 - (a) To assess the risk
 - (b) To assess the accuracy of the research work
 - (c) In engineering testing
 - (d) To trace the fault in engineering work.
8. "The ideal fuel for modern living" is an example of
 - (a) Trade secret
 - (b) Patent.
 - (c) Copy right.
 - (d) Trademark.
9. The public is put to increased risk by allowing increased number of deviations from specified standards of safety and acceptable risk is known as.
 - (a) Normal accident.
 - (b) Overestimated risk.
 - (c) Risk assessment
 - (d) Normalizing deviance.
10. A compound measure of the probability and magnitude of adverse effect is known as
 - (a) Compensation
 - (b) Benefit.
 - (c) Risk
 - (d) Accident.
11. Plagiarism
 - (a) is encouraged in Engineering Research and Testing.
 - (b) Helps in predicting the harm resulting from engineering work.
 - (c) is a novel method to reduce the risk by fitting the vital parts of machines.
 - (d) None of the above.
12. One of the ways of reducing the risk in engineering work is by
 - (a) Normalization of deviance.
 - (b) Using modern technology.
 - (c) Improving technical competency.
 - (d) Tightly coupling the process.
13. Ignorance as a hindrance to responsibility is not due to
 - (a) Overconfidence
 - (b) Lack of imagination
 - (c) Pressure of deadlines
 - (d) Fear
14. As applied to engineering research and testing, trimming is
 - (a) Acquiring and consolidating the data
 - (b) Scanning and/or skimming the information
 - (c) Smoothing of irregularities to make the data to appear accurate and precise.
 - (d) Retaining all the data and subjecting it to manipulation
15. In which of the following systems, the risk estimation is difficult?
 - (a) Complexly interactive
 - (b) Tight coupled
 - (c) Loosely coupled
 - (d) Both (b) and (c)
16. In concept of responsibility, an attention is paid to those who are at the risk of being harmed
 - (a) Minimalist.
 - (b) Reasonable care.
 - (c) Good works views.
 - (d) All of the above.
17. Fear is to responsibility
 - (a) A way to shift.
 - (b) An impediment.
 - (c) A way to corrupt.
 - (d) Both ((a) and ((c).

- 18.** As applied to engineering research and testing, retaining the contradictory statement, discarding the rest is called
 (a) Cooking. (b) Trimming.
 (c) Scanning. (d) Skimming.
- 19. When an engineer is subject to loyalties.**
 (a) He strictly adheres to high principles of professional ethics.
 (b) He will remain loyal to his profession and strictly maintains professional integrity and honesty.
 (c) Conflict of interest arises.
 (d) He takes reasonable care in discharging his duties which is expected by law and professional ethics.
- 20. Integrity in expert testimony by an engineer requires**
 (a) Subjective and unbiased demeanor
 (b) Sound knowledge of professional ethics
 (c) Consulting extensively with the lawyer.
 (d) Reasonably sound knowledge and skill in Testing and Research.
- 21. An engineer is affected by conflict of interest**
 (a) When he fails to acquire adequate knowledge and skill in his profession.
 (b) When the interest of the client and public interest clash each other.
 (c) When he has to against professional ethics.
 (d) When he is subjected to influences.
- 22. A conflict of interest does not exist for a professional when acting in a professional role if he is subjected to**
 (a) Loyalties (b) Influences
 (c) Partiality (d) Temptations.
- 23. Risk of harm equal to probability of producing benefit is considered to be**
 (a) Inevitable risk. (b) Reasonable risk
 (c) Normal risk. (d) Acceptable risk
- 24. Engineers shall issue public statement only**
 (a) In the case public of emergency.
 (b) In the interest of general public
 (c) In objective manner.
 (d) With the express consent of his employer.
- 25. The engineers must protect the public from**
 (a) acceptable risk (b) impending risk
 (c) technical risk (d) none of the above.
- 26. Cooking**
 (a) increases the risk.
 (b) reduces the risk.
 (c) balances the risk.
 (d) none of the above.
- 27. An ethical theory that finds the basis of moral distinctions in the utility and actions (i.e. their fitness to produce happiness or maximizing well being) is known as**
 (a) Utilitarianism (b) Normal deviance
 (c) Break even analysis (d) Both (b) and (c)
- 28. In issuing testimony, which of the following is not expected by an engineer**
 (a) Not to accept, if there is no adequate time.
 (b) Not to accept, if he/she cannot do so with good conscience.
 (c) Being open to information, during the course of the trial.
 (d) Not to maintain an objective and be biased.
- 29. Using ideas which are developed while working for a former employee amounts to**
 (a) Criminal breach to trust. (b) Violation of copy rights.
 (c) Violation of patent rights. (d) Misusing the truth
- 30. Trimming**
 (a) Is encouraged to produce better work.
 (b) Enhances the value of research.
 (c) Gives most accurate result
 (d) None of the above.
- 31. An engineer giving expert testimony in the Court of Law**
 (a) Should have proper knowledge of law
 (b) Should consult extensively with lawyer.
 (c) Must acquire the knowledge of Court procedure.
 (d) None of the above.
- 32. Giving biased professional opinion amounts to**
 (a) Deliberate deception
 (b) Covering the information
 (c) Withholding information
 (d) None of the above.
- 33. According to Charles Petrow, one of the characteristics of high risk technologies is considered to be**
 (a) Multi designs (b) Complex interaction
 (c) Forgiving (d) Fault tree
- 34. The risk of harm is at least equated by the probability of producing benefit, the risk is considered to be**
 (a) Beneficial risk (b) Normal risk
 (c) Reasonable risk (d) None of the above
- 35. When harm is caused from technology, to recover damages, a case is filed under the**
 (a) Constitutional Law (b) Criminal Law
 (c) Industrial Law (d) Law of Torts

- 36. Complex interaction**
- Arises by normalization of deviance.
 - Is an impediment to responsibility.
 - Increases the liability of engineers.
 - Is a characteristic of high risk technologies.
- 37. One of the ways of reducing risk is**
- Complex interaction
 - Tight coupling
 - Normalization of deviance
 - Changing the working system.
- 38. The owner of the patent right retains his patent right for**
- 100 years
 - 20 years
 - 50 years
 - 75 years
- 39. Engineering profession is considered to be like a building, its foundation is**
- Hard and sincere work
 - Expert engineering knowledge and skill
 - Sound common sense and expert knowledge
 - Honesty
- 40. Cooking means**
- Boiling under pressure
 - Retaining results which fit the theory
 - Making deceptive statements
 - Misleading the public about the quality of the product
- 41. An Engineer may not be held legally liable for causing harm, when the harm is caused**
- Intentionally
 - Ignorantly
 - Negligently
 - Recklessly
- 42. Revealing confidential information amounts to**
- Misusing the truth
 - Breach of contract
 - Criminal breach of trust
 - Violation of patent right
- 43. Conflict of interest exists for an engineer when he is subject to**
- Threat
 - Professional impediments
 - Professional harassments
 - Loyalties
- 44. It does not amount to misusing the truth**
- Withholding information
 - Deliberation deception
 - Biased professional opinion
 - Failure to seek-out the truth
- 45. One of the characteristics of high-risk technologies susceptible to accident is**
- Complex combinations
 - Complex working system
 - Complex interaction
 - Complex designs
- 46. Acceptable risk means**
- Risk which cannot be avoided
 - Inevitable risk
 - Risk of harm equal to probability of producing benefit
 - Risk which is the natural part of the process.
- 47. An Expert Testimony does not demand**
- Adequate time for a thorough investigation
 - Consulting extensively with the lawyer
 - Expert legal knowledge
 - Objective and unbiased demeanor
- 48. One of the ways of misusing the truth is**
- Failure to seek out the truth
 - Exaggerating the truth
 - Making confused statement
 - Making totally false statement.
- 49. It is not a kind of trade mark**
- Designs
 - Symbols
 - Names
 - It is not a kind of trade mark
- 50. This is not dishonesty in Engineering Research and Testings**
- Crimping
 - Cooking
 - Forging
 - Plagiarism
- 51. Tight Couple means**
- Binding two beams tightly
 - Erecting two pillars side by side
 - Process tightly coupled
 - Strong adhesive material
- 52. Forging means**
- Signing in the name of some other person.
 - Strengthening material by special process
 - Inventing research data which are reported.
 - Mixing material under high pressure
- 53. Conflict of interest may be**
- False
 - Potential
 - Created
 - Imaginary
- 54. Expert Testimony means**
- Tested by expert engineer
 - Evidence given by a person having competent technical knowledge
 - Document drafted by a legal expert
 - Designed by expert engineer.
- 55. An intentional avoidance of truth is called**
- Microscopic View
 - Deliberate Deception
 - Self-Deception
 - Escapism
- 56. This is not the way of misusing the truth**
- Without holding information
 - Failure to seek out the truth
 - Revealing confidential information
 - Mind guarding

57. When the risk of harm is equated by the probability of producing benefits, risk is considered to be

- (a) Reasonable risk
- (b) Unavoidable risk
- (c) Inevitable risk
- (d) Acceptable risk

58. One of the elements of risk is

- (a) The exact source of risk
- (b) The possible remedy to avoid the risk
- (c) Detecting failure modes
- (d) None of the above

59. When an engineer abuses client-professional confidentiality, it amounts to

- (a) Misusing the truth
- (b) Criminal breach of truth
- (c) Self-deception
- (d) None of the above

60. Minimalist view

- (a) States that engineers should fulfil their basic duties
- (b) States as to how the public risk should be reduced
- (c) States that engineers should have minimum standard ethics
- (d) States that engineers as professionals should have minimum professional efficiency

61. Integrity in expert testimony does not require

- (a) Adequate time for preparation
- (b) Consult extensively with the lawyer
- (c) Adequate legal knowledge
- (d) Maintain an objective demeanor

62. To prove free informed consent to the risk imposed by technology, it is necessary to prove that

- (a) The person was not coerced
- (b) The person was having reasonable technical knowledge
- (c) The person was competent to evaluate the information
- (d) The person was having the relevant information

63. The risk of harm which is equal to probability of producing benefit, the risk is considered to be

- (a) Reasonable risk
- (b) Unavoidable risk
- (c) Inevitable risk
- (d) Acceptable risk

64. One of the ways of misusing truth is

- (a) Using wrong technical methods
- (b) Using materials of substandard quality
- (c) Failure to take standard care
- (d) Revealing proprietary information

65. An author retains copy-right on his work for

- (a) 100 years
- (b) 150 years
- (c) 50 years
- (d) 25 years

66. Plagiarism means

- (a) Trespassing upon immovable property
- (b) Trespassing against moveable property
- (c) Using intellectual property of others without their permission
- (d) Misusing the truth by deception

67. When the risk of harm is equated by the probability of producing benefits, risk is considered to be

- (a) Reasonable risk
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- (c) Inevitable risk
- (d) Acceptable risk

68. One of the elements of risk is

- (a) The exact source of risk
- (b) The possible remedy to avoid the risk
- (c) Detecting failure modes
- (d) None of the above

69. When an engineer abuses client-professional confidentiality, it amounts to

- (a) Misusing the truth
- (b) Criminal breach of truth
- (c) Self-deception
- (d) None of the above

70. Integrity in expert testimony requires engineers to accept cases only

- (a) When they have adequate time for preparation
- (b) When they are properly paid
- (c) When they have expert legal knowledge
- (d) When they are familiar with the Court procedure

71. When an engineer is subjected to influences

- (a) He loses interest in his profession
- (b) He is forced to become dishonest
- (c) He may commit breach of trust
- (d) He is affected by conflict of interest

72. The prove "free and informed consent" to the risk imposed by technology, the following condition need not be proved

- (a) That the person was coerced
- (b) That the person was having relevant information
- (c) That the person was competent to evaluate the information
- (d) That the person was able to protect himself from the risk

73. One of the elements of risk is

- (a) Magnitude of adverse effect
- (b) Identifying the risk precisely
- (c) Ascertaining the actual nature of risk
- (d) Acceptability of the risk

74. Conflict of interest

- (a) Creates tension with the employer
- (b) Corrupts professional judgement
- (c) Is an impediment
- (d) Hampers the progress of industrial growth

75. Normalization of deviance

- (a) Increases the risk
- (b) Reduces the risk
- (c) Increases the efficiency of engineer
- (d) Reduces the efficiency of engineer

76. On the provision of professional services, professionals usually have

- (a) Self-interest
- (b) Microscopic view
- (c) A monopoly
- (d) Moral imagination.

67. An engineer is hired as an expert witness

- (a) To ascertain the type of weapons used in committing the crime
- (b) To find out the extent of explosion
- (c) To ascertain the violation of patent right
- (d) To ascertain the nature of fire-arms used while committing the crime

68. One of the elements of risk is

- (a) The exact source of risk
- (b) The possible remedy to avoid the risk
- (c) Detecting failure modes
- (d) None of the above

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- (a) Self-interest
- (b) Microscopic view
- (c) A monopoly
- (d) Moral imagination.

75. Microscopic vision

(a) Is essential in Engineering Research and Testing.

(b) Is essential to become a responsible engineer.

(c) Is essential to adequately to promote the dissemination of information

(d) None of the above

76. This is not dishonesty in science and engineering

(a) Forging

(b) Blending

(c) Trimming

(d) Cooking

**ANSWERS**

1 (d)	2 (a)	3 (b)	4 (a)	5 (a)	6 (b)	7 (a)	8 (b)	9 (b)	10 (c)
11 (d)	12 (c)	13 (d)	14 (c)	15 (a)	16 (b)	17 (b)	18 (a)	19 (c)	20 (d)
21 (d)	22 (c)	23 (d)	24 (c)	25 (d)	26 (d)	27 (a)	28 (d)	29 (d)	30 (d)
31 (d)	32 (d)	33 (a)	34 (d)	35 (d)	36 (d)	37 (d)	38 (b)	39 (d)	40 (b)
41 (b)	42 (a)	43 (b)	44 (c)	45 (c)	46 (c)	47 (c)	48 (a)	49 (d)	50 (a)
51 (c)	52 (c)	53 (c)	54 (b)	55 (c)	56 (c)	57 (d)	58 (d)	59 (a)	60 (c)
61 (c)	62 (b)	63 (d)	64 (d)	65 (c)	66 (c)	67 (a)	68 (a)	69 (d)	70 (d)
71 (a)	72 (c)	73 (a)	74 (d)	75 (d)	76 (b)				

**TEXT BOOKS**

1. **Durga Das Basu:** Introduction to the constitution of India (Students edition)
Prentice-Hall EEE, 19th/20th Edn., 2001

2. **V.N. Shukla:** Constitution of India (Latest Edn.).
3. **Engineering ethics by Charles E. Harris, Michael S. Pritchard and Michael J. Robins** Thompson Asia, 2003-08-05

REFERENCE BOOKS

1. An introduction to constitution of India by M.V. Pylee , Vikas publishing, 2002
2. Ethics in Engineering by Mike W. Martin and R Staudt Schinzingher
3. Introduction to engineering ethics by Roland Schinzingher and Mike W. Martin, 2002
4. Introduction to the constitution of India by Brij Kishore Sharma, Prentice-Hall of India, 2002

APPENDIX 1**7th / 8th SEMESTER****CONSTITUTION OF INDIA AND PROFESSIONAL ETHICS
(COMMON TO ALL BRANCHES)**

SubCode : CJP81	I/A Marks : 25
Hrs/Week : 04	Exam Marks : 03
Total Hrs. : 52	Exam Marks : 100
	02 Hrs
	10 Hrs.

1. Preamble to the constitution of India-Evolution of constitutional law
Scope and extent of fundamental rights under Part IV-Details of exercises of
Rights, limitations and important cases

10 Hrs.
10 Hrs.

2. Relevance of Directive principles of state policy under Part IV

01 Hrs

3. Significance of fundamental Duties under Part IV a
Union executive president, vice president, Prime Minister, Council of Ministers,
Parliament and supreme court of India

03 Hrs
04 Hrs

4. State executive, Governor, Chief Minister, Council of Ministers, Legislature
and high courts

04 Hrs
04 Hrs

5. Constitutional provisions for scheduled castes and tribes; women and
children and backward classes

04 hrs
04 hrs

6. Emergency powers, Major constitutional
Electoral process

02 Hrs
02 Hrs

7. Scope and Aims of Engineering Ethics

02 Hrs
02 Hrs

8. Responsibility of engineering ethics

04 hrs
04 hrs

9. Honesty, integrity and reliability in engineering

04 hrs
04 hrs

10. Risk safety and liability in engineering

04 hrs
04 hrs

375. Courts, authorities and officers to continue to function subject to the provisions of the Constitution
376. Provisions as to Judges of High Courts
377. Provisions as to Comptroller and Auditor-General of India.
378. Provisions as to Public Service Commissions
- 378A. Special provisions as to duration of Andhra Pradesh Legislative Assembly
379-391 [Repealed]
392. Power of the President to remove difficulties

SHORT TITLE, COMMENCEMENT, AUTHORITATIVE TEXT IN HINDI AND REPEALS

PART XXII

SHORT TITLE, COMMENCEMENT, AUTHORITATIVE TEXT IN HINDI AND REPEALS

393. Short title

394. Commencement

394A. Authoritative text in the Hindi Language

395. Repeals

□□□□

SCHEDULES TO THE CONSTITUTION

- | | |
|--------------------------|--|
| First Schedule | — Territorial demarcations of States and Union Territories (28 States and 7 Union Territories) |
| Second Schedule | — President and Governors of States. |
| Third Schedule | — Form of oath or affirmations. |
| Fourth Schedule | — Allocation of seats in Rajya Sabha (Total 233 seats). |
| Fifth Schedule | — Administration and control of Scheduled Areas and Scheduled Tribes. |
| Sixth Schedule | — Administration of Tribal Areas in North Eastern States. |
| Seventh Schedule | — Union List, State List and Concurrent List (Distribution of Legislative Subjects between Union and States) |
| Eighth Schedule | — Languages (Now 22 languages, 92nd Amendment to the Constitution added Maithili, Santhali, Bodo and Dogri as four new languages)) |
| Ninth Schedule | — Allied laws and regulations saved for judicial review. |
| Tenth Schedule | — Disqualification on the ground of defection (This Schedule followed latest developments by 91st amendment to the Constitution in 2003) |
| Eleventh Schedule | — Panchayats |
| Twelfth Schedule | — Urban and Local self governments |

375. Courts, authorities and officers to continue to function subject to the provisions of the

CONSTITUTION OF INDIA AND PROFESSIONAL ETHICS

(COMMON TO ALL BRANCHES)

Time: 3 hrs.

Max. Marks: 100

INSTRUCTIONS TO THE CANDIDATES

1. Use only-Black ball point pen for writing / darkening the circles.
2. For each question, after selecting your answer, darken the appropriate circle corresponding to the same question number on the OMR sheet.
3. Darkening two circles for the same question makes the answer invalid.
4. Damaging/overwriting, using whiteners on the OMR sheets are strictly prohibited.

- 1. National Tribunal can issue**
 - (a) Only writ of mandamus
 - (b) any writ
 - (c) only writ of certiorari
 - (d) none
- 2. The President should submit his resignation in writing to the**
 - (a) Chief Justice of India
 - (b) Speaker of the Lok-Sabha
 - (c) Prime Minister
 - (d) Vice President
- 3. Cooking refers to**
 - (a) Intellectual property
 - (b) Integrity and client-professional confidentiality
 - (c) Expert testimony
 - (d) Engineering research
- 4. Confidential information given by the client**
 - (a) should and must be protected in all the cases
 - (b) need not be protected
 - (c) may be revealed when the higher obligation to the public requires
 - (d) May be revealed to protect the interest of his employer.
- 5. The President's power to suspend death sentence temporarily is called**
 - (a) Respite
 - (b) Remission
 - (c) Reprieve
 - (d) Commutation
- 6. Governor will not act without the aid and advice of the Council of Ministers while**
 - (a) Appointing a member to the state public service commission
 - (b) Dissolving the legislative assembly
 - (c) recommending President's rule
 - (d) Dismissing the Chief Minister
- 7. Potential conflict of interest**
 - (a) can corrupt professional judgement
 - (b) Is an impediment to responsibility
 - (c) may corrupt professional judgement in future
 - (d) may break the relation of employer and employee

8. The protection available to a person detained under preventive detention act
 (a) is available only to Indian citizens (b) is not available to alien enemies
 (c) is available to alien enemies (d) is not available to non-citizens
9. The executive power of the state is vested
 (a) in the Chief Minister (b) in the state cabinet
 (c) in the Chief Secretary of the state (d) None of the above
10. Fault tree
 (a) is extensively used in engineering research and testing
 (b) is used in analyzing failure modes
 (c) is used to reduce the risk in engineering work
 (d) increases considerably the element of risk in engineering work.
11. Normal deviance
 (a) Greatly helps to estimate the magnitude and probability of the harm
 (b) helps predict harm resulting from engineering work
 (c) helps reducing risk resulting from engineering work.
 (d) Harms greatly the health and safety of the general public.
12. To appoint a person as chief minister of a state
 (a) He must be a member of legislative assembly
 (b) He must be member of legislative council
 (c) He need not be qualified to stand for election to the legislature.
 (d) None of the above
13. Which of the following statement is correct ?
 (a) The President may function without a Council of Ministers.
 (b) A Governor may function without a Council of Ministers.
 (c) A Governor, in any case cannot function, without a Council of Ministers.
 (d) None of the above
14. A resolution revoking national emergency is required to be passed
 (a) Only by Lok-Sabha (b) Only by Raj-Sabha
 (c) By both Lok-Sabha and Raj-Sabha (d) None of the above
15. To prove free and informed consent on the part of a person, it need not be proved that
 (a) He had a sound technical knowledge
 (b) He was competent enough to evaluate the information.
 (c) He had relevant information
 (d) He was not coerced.
16. While proclaiming emergency in operation, the duration of the Lok-Sabha may be extended each time
 (a) One year (b) 6 months
 (c) 3 months (d) maximum 2 years
17. Engineers must protect the public from
 (a) technical risk (b) economic risk
 (c) physical risk (d) unacceptable risk.
18. Preparation of electoral rolls for the election of a state is prepared under supervision and control of
 (a) Deputy Commissions of that state (b) Chief Secretary of that State
 (c) Chief Minister of that state (d) None of the above
19. Professional ethics
 (a) Is a set of standards adopted by the general public
 (b) Is a set of rules passed by legislation
 (c) Is a set of rules relating to personal character of engineers
 (d) None of the above
20. A member of the Lok Sabha who wants to contest for the post of President of India
 (a) cannot contest for that post
 (b) can contest for that post
 (c) can contest for that post only after resigning the membership of Lok Sabha
 (d) None of the above
21. The Indian constitution envisages
 (a) Seven types of emergency (b) Five types of emergency
 (c) Two types of emergency (d) None of the above
22. Freedom of press is included in the right to
 (a) Personal liberty (b) Freedom of trade and commerce
 (c) Information (d) None of the above
23. A person detained under the law of preventive detention cannot be detained, unless the matter is referred to an Advisory Board, for more than
 (a) Two years (b) Six months
 (c) One year (d) None of the above
24. Rule of law means
 (a) Rules made under the constitution
 (b) Rules laid down by the Supreme Court relating to appeals by special leave.
 (c) The procedure to be followed to deprive the life or personal liberty of a person
 (d) None of the above
25. A governor can be removed from the office
 (a) Without assigning any reason
 (b) By assigning proper reasons
 (c) By passing a resolution in the Union Cabinet
 (d) None of the above
26. In the year 1946,
 (a) Lord Mountbatten became the viceroy of India
 (b) Cabinet delegation came to India
 (c) Cripps Mission came to India
 (d) Drafting committee headed by Dr. Ambedkar started drafting constitution for India.

- 27. The Means test refers to**
- Backward class people
 - The eligibility test, contest for the election of the President of India.
 - The method of ascertaining the value of vote of M.D.S Caste in the election of the President of India.
 - A test to ascertain people belonging to socially and educationally backward class.
- 28. This is not a fundamental duty**
- to develop humanism
 - to have compassion for living creatures
 - protect lakes and rivers
 - protect the dignity of women
- 29. An appeal shall lie to the Supreme Court from the judgment of the High Court in Criminal Proceedings, if the High Court certifies that**
- The case involves very important question of law, relating to constitution
 - There is gross negligence by the Police in investigating the criminal case.
 - The lower court has not followed the principles of natural justice.
 - The case is fit one for appeal to the Supreme Court.
- 30. Respite means,**
- Temporary suspension of death sentence
 - Reducing the length of the punishment without changing the character of punishment.
 - Awarding lesser punishment in place of one originally awarded.
 - Substituting one form of punishment for another of a lighter character.
- 31. The representatives of the states and the Union Territories in Council of States shall not be more than,**
- 250
 - 228
 - 280
 - None of the above
- 32. The aim of Directive Principles of State Policy is**
- To provide suitable guidelines for the working of state machinery.
 - to promote general welfare of the society
 - to protect the rights of Scheduled Caste, Scheduled Tribes and the weaker sections of the society.
 - To impose statutory duties on the state, to bring about an overall improvement of the state.
- 33. Entrance into professional requires**
- Sound common sense, honesty and experience
 - Sound technical knowledge and experience
 - Extensive training of intellectual character.
 - Sound knowledge of professional ethics and proper professional skill.
- 34. One third of the members of council of states shall retire on the expiry of every**
- Sixth year
 - Fifth year
 - Third year
 - Second year
- 35. The Vice President of India is elected by the**
- Members of Lok Sabha and Raj Sabha
 - Elected members of Lok Sabha and Raj Sabha
 - Elected members of Lok Sabha and all the members of Raj Sabha
 - None of the above

- 36. The law depriving a person of his life and personal liberty should not violate the**
- Rule of law
 - Principle of natural justice
 - principles of legal justice
 - rule of equality before the law
- 37. One twentieth of the total members of Legislative council are elected**
- From local bodies
 - From teachers constituency
 - By the elected members of the legislative assembly
 - None of the above.
- 38. To continue the proclamation of emergency a resolution has to be passed by both the houses,**
- Immediately after one month of the first resolution.
 - Immediately after two months of the first resolution
 - Immediately after the six months of the first resolution
 - None of the above
- 39. The directive principles of the state policy do not direct the state to,**
- promote international peace
 - protect the places of historic interest
 - safeguard the forest
 - fail to adequately promote the dissemination of information
 - failure to seek out truth
 - deliberate deception
 - Right against custodial violence is included in the
- 40. When an engineer praises his design inordinately to his customer, his act amounts to**
- Withholding information
 - promote family planning and secure health and strength of women.
 - protect the places of historic interest
 - fail to adequately promote the dissemination of information
- 41. Right against custodial violence is included in the**
- Right against exploitation
 - Right to equal protection of law
 - right to life and personal liberty
 - right against self-incrimination.
- 42. The state cannot put restriction on the freedom of formation of association on the ground of**
- public morality
 - public order
 - sovereignty and integrity of India
 - security of India
- 43. The most common situation in which engineer finds himself in apparent conflict of interest is**
- When he accepts a job in which he is not interested
 - When he is not having sound professional knowledge
 - When he accepts gifts from vendors
 - When there is apparent difference of opinion with his employer
- 44. Reasonable restriction can be put on the right to assemble peacefully and without arms on the ground of**
- law and order
 - public order
 - security of the state
 - incitement to an offence

45. Social justice

- (a) Provides justice to all irrespective of caste and creed.
- (b) provides justice to the poor and backward class of people
- (c) helps to build welfare state
- (d) protects the rights of scheduled caste and scheduled tribes.

46. The Indian constitution was enacted in the year

(a) 1947

(b) 1949

(c) 1948

(d) 1950

- 47. The following term did not contain in the preamble of the constitution which came into force on 26th January 1950**
- (a) Republic
 - (b) Secular
 - (c) Sovereign
 - (d) Fraternity

48. Moral imagination is stimulated in engineers by

- (a) The study of moral principles and professional ethics
- (b) Acquiring proper skills in engineering and by developing analytical skills.
- (c) Studying engineering ethics.
- (d) Studying professional ethics and applying it for the welfare of the society with a sense of responsibility.

49. A person detained under the Preventive Detention Act, is to be retained for more than three months, the matter of detention must be referred to

- (a) First class Judicial Magistrate court.
- (b) Principal district and session court.
- (c) Special court or National tribunal
- (d) None of the above

50. The constitution safeguards the

- (a) religious rights of minorities
- (b) political rights of the minorities
- (c) social and economic rights of the minorities
- (d) none of the above

51. A writ of Habeas Corpus cannot be issued where

- (a) A person has been detained by a private individual
- (b) The order of arrest is violation of law
- (c) The order of arrest is bonafide
- (d) A person is detained under a law which is unconstitutional

52. The fundamental rights are available against

- (a) All the citizens
- (b) all the citizens and non-citizens
- (c) all the citizens, non-citizens and alien enemies
- (d) none of the above

53. The code of professional ethics requires engineers

- (a) to follow the rules and regulations made by the legislature
- (b) to minimise the risk by adopting modern technology
- (c) to hold paramount, the welfare of the public
- (d) to acquire sound professional knowledge by extensive intellectual training.

54. The right to equality conferred by Art 14 permits

- (a) Class legislation
- (b) Class legislation, strictly based on social backwardness
- (c) class legislation based on social and educational backwardness
- (d) none of the above

55. To take the defense of double jeopardy, the person taking the defense must have been

- (a) tried by criminal court and acquitted
- (b) tried by criminal court and punished
- (c) found guilty of violating any direction given by higher courts relating to constitutional matters
- (d) charged under preventive detention laws

56. One of the basis for classification under Act 14 is

- (a) Social basis
- (b) Political basis
- (c) Economical basis
- (d) Geographical basis

57. Professional codes furnish

- (a) all the details about the rules and regulations applicable to engineers
- (b) The rules, passed by the legislature which are applicable to engineers
- (c) ethical and legal rules to be followed by engineers
- (d) common agreed-up standards for professional conduct.

58. The rule of right to equality before the law is not applicable to

- (a) Chief justice of India
- (b) Chief of the Indian Army
- (c) Foreign sovereign
- (d) Chief election commissioner

59. Practising untouchability is violation of

- (a) Right to personal liberty
- (b) Right to freedom of religion
- (c) right to equality
- (d) social and political right

60. Ethical standards

- (a) should be high to produce responsible engineers.
- (b) are set by the legislation
- (c) regulate the professionals in discharging their functions.
- (d) elicit a sense of responsibility

61. Refusing to permit a prisoner to publish a book, written by him in the jail, amounts to violation of

- (a) Right to personal liberty
- (b) right to freedom of trade and business
- (c) right to freedom of speech and expression
- (d) right to equality before the law and equal protection of law.

62. The right to hold demonstration is included in

- (a) The right to personal liberty
- (b) The right of speech and expression
- (c) The right to freedom of assembly
- (d) The right to freedom of association

63. The constitution strictly prohibits passing retrospectively

- (a) laws relating to the constitution
- (b) any civil legislation
- (c) laws affecting the rights of scheduled castes and scheduled tribes.
- (d) None of the above

- 64.** The protection against self incrimination is available to a person
 (a) Who has been prosecuted and convicted by the lower court.
 (b) Who has already undergone punishment awarded by a competent court.
 (c) Whose fundamental right has been violated
 (d) None of the above
- 65.** The right to life does not include the
 (a) Right to work and earn livelihood
 (b) The right to live with human dignity
 (c) The right to legal aid
 (d) The right to shelter
- 66.** The right, freely to profess, practice and propagate any religion given under the Indian constitution is
 (a) confined only to the citizens of India
 (b) available to all persons in India
 (c) confined to the citizens and non-citizens of India
 (d) not available only to temporary residents of India.
- 67.** Restriction can be imposed on the right of freedom of speech and expression on the ground of
 (a) National interest
 (b) Defamation
 (c) Incitement to an offence
 (d) contempt of court
- 68.** Cultural and educational rights conferred by the constitution refers to
 (a) Educationally backward class people (b) Backward class people
 (c) Socially and educationally backward class people
 (d) None of them
- 69.** An educational institution which has been established by the religious minorities is having right
 (a) To impart religious instructions to all the students of that institution.
 (b) Admit students belonging to that religion
 (c) Administer the institution
 (d) Direct all the students to attend religious worship conducted in that institution
- 70.** A minister ceases to be a minister who is not member of either house of the parliament for any period of
 (a) 60 days
 (b) 90 days
 (c) 30 days
 (d) None of the above
- 71.** The right to move the Supreme Court when a fundamental right has been violated
 (a) should be exercised only in important matters involving question of law
 (b) depends on the permission granted by the High Court to approach the Supreme Court
 (c) is a fundamental right
 (d) Available only when substantial loss is suffered.
- 72.** To file public interest litigation
 (a) Large number of persons should join together
 (b) minimum two persons should join together
 (c) minimum seven persons should join together
 (d) None of the above
- 73.** The directive principles of state policy direct the state to promote
 (a) cottage industries
 (b) technical education
 (c) women and children welfare schemes
 (d) protective homes for old, sick and invalid
- 74.** Interpreting situation from limited view arises due to
 (a) Ignorance
 (b) Minimalist view
 (c) Egocentric tendencies
 (d) Microscopic view
- 75.** When the National Emergency is declared on the ground of armed rebellion, the following article is automatically suspended.
 (a) Art 20
 (b) Art 21
 (c) Art 22
 (d) None of the above
- 76.** The Directive Principles of the State Policy do not direct the state to endeavour to protect
 (a) Forests
 (b) The interest of minorities
 (c) The objects of artistic interest of national importance
 (d) The environment
- 77.** To provide justice to economically disabled citizens, the directive principles of state policy direct the state to provide
 (a) employment in the government service
 (b) reserve seats in public educational institutions
 (c) proper economic and social security
 (d) none of the above
- 78.** The President shall act in accordance with the advice given by
 (a) The Prime Minister
 (b) Council of Ministers
 (c) Senior Cabinet Ministers
 (d) None of the above
- 79.** The legislative power of the President does not include
 (a) Appointing judges to the Supreme Court
 (b) Nominating members to the Houses of Parliament
 (c) Addressing both the Houses of Parliament
 (d) Prorogue the House of Parliament.
- 80.** An intentional avoidance of truth is called
 (a) Misrepresentation
 (b) Deliberate deception
 (c) Intentional deception
 (d) Self-deception
- 81.** To file the public interest litigation
 (a) Locus standi is essential
 (b) Locus standi is not essential
 (c) Locus standi is essential only in few cases
 (d) None of the above
- 82.** The Council of Ministers of the union usually have
 (a) Two ranks of Ministers
 (b) Three ranks of Ministers
 (c) Four ranks of Ministers
 (d) Five ranks of Ministers.

- 83. When the President pardons a person convicted by the Supreme Court, this act of the President**
- cannot be questioned in the Supreme Court
 - can be questioned in the Supreme Court only in cases relating to death sentences.
 - can be questioned in the Supreme Court
 - None of the above
- 84. When the Prime Minister dies during his office**
- The President can ask the remaining Ministers of Council to continue and advise him till the new Prime Minister is appointed.
 - The Council of Ministers remain in power till new Prime Minister is appointed.
 - The President can dissolve the Council of Ministers.
 - None of the above
- 85. The President is not having power to return a bill for reconsideration which is a**
- Bill relating to the services of Army officers.
 - Bill relating to official secrets
 - Bill relating to minorities or Backward class citizens
 - None of the above
- 86. When an engineer does not give the benefit of his best and most unbiased professional judgement, his act amounts to**
- Deliberate deception
 - Withholding information
 - Failing to Dissemination of information
 - None of the above
- 87. Power of Veto can be exercised by the**
- Speaker of Lok Sabha
 - Chairman of the Raj Sabha
 - Prime Minister
 - None of the above
- 88. The maximum numbers of representatives of the States and Union Territories to be elected to Raj Sabha is**
- 250
 - 550
 - 350
 - None of the above
- 89. Prorogation means**
- Promulgating ordinance by the President of India during National Emergency.
 - Calling special session of parliament to discuss on emergency matters.
 - The act of terminating parliamentary session by the President
 - The veto power of the President, that is exercised when the national security is in grave danger.
- 90. Before a Union Minister enters upon his office, the oath of office and secrecy is administered to him by the**
- Chief Justice of India
 - Speaker of Lok Sabha
 - None of the above
 - Vice-President of India
- 91. A person who is arrested under the ordinary law must be produced before the nearest**
- Civil court within 16 hours
 - Civil court within 24 hours
 - Civil court within 20 hours
 - None
- 92. Minimalist view refers to**
- Reducing risk in engineering works
 - Tight coupling
 - concept of responsibility
 - Engineering research and testing
- 93. A retired judge of the Supreme Court**
- can conduct any case relating to constitutional matters in the Supreme Court.
 - can conduct any case in the Supreme Court on the request of the President of India.
 - can conduct both civil and criminal cases in any High Court.
 - None of the above
- 94. The constitution of India derives its authority**
- By the democratic government formed in India
 - From the Parliament of India
 - From the Constituent Assembly
 - None of the above
- 95. A negative approach towards responsibility is emphasized by**
- Group thinking
 - Ego centric tendencies
 - Minimalist view
 - Engineering ethics
- 96. The President of India should act**
- Honestly and independently
 - According to the advice given by the Prime Minister of India.
 - According to the advice given by Council of Ministers
 - According to the advice given by the members of Lok Sabha
- 97. This Article is applicable to non-citizens**
- Art 16
 - Art 19
 - Art 20
 - Art 15
- 98. Writ of Quo-Warranto is issued**
- Against an inferior court exceeding its jurisdiction
 - Against a public authority to discharge his duty
 - Against a person to prevent illegal usurpation of any private office
 - None of the above
- 99. The right to life and personal liberty may be suspended during**
- The national emergency declared on the ground of external aggression
 - The national emergency declared on the ground of armed rebellion.
 - The national emergency declared on the ground of war.
 - None of the above
- 100. Self Deception means**
- Dishonest act for personal gain
 - Is a way of misusing the truth
 - Is an unintentional avoidance of truth
 - None of the above

I / II Semester B.E. Degree Examination, Dec.07 / Jan. 08

CONSTITUTION OF INDIA AND PROFESSIONAL ETHICS

(COMMON TO ALL BRANCHES)

Max. Marks: 50

Time: 2 hrs.

INSTRUCTIONS TO THE CANDIDATES

1. Use only-Black ball point pen for writing / darkening the circles.
2. For each question, after selecting your answer, darken the appropriate circle corresponding to the same question number on the OMR sheet.
3. Darkening two circles for the same question makes the answer invalid.
4. Damaging/overwriting, using whiteners on the OMR sheets are strictly prohibited.

1. Which one of the following is not a fundamental duty ?

- (a) To safeguard public property
 (b) To render national service
 (c) To uphold national sovereignty of the country
 (d) To honor inter cast marriages.

2. The Republic day celebrations in India signifies

- (a) Indian independence
 (b) The declaration of Puma Swaraj by Indian National Congress.
 (c) The constitution being officially introduced in India.
 (d) The fundamental rights awarded to Indian citizens.

3. India is secular. That means

- (a) India is anti-religion.
 (b) India views all religions equally.
 (c) India does not believe in the religion.
 (d) India promotes origin of new religions.

4. Bicameral legislature means

- (a) Two party (ruling & opposition) government
 (b) Upper and Lower house in the Parliament.
 (c) The president & prime minister leading the government.
 (d) The central legislature & state legislature running the government.

5. Socialism means

- (a) Encouraging socio economic imbalances
 (b) promotion of inter cast marriages
 (c) eradication of socio economic imbalances
 (d) Discouraging inter cast marriages.

6. According to the 97th amendment of 2003, the total strength of the council of ministers should not exceed of the total strength of Lok Sabha.

- (a) 10%
 (b) 15%
 (c) 20%
 (d) 13%

7. Who of the following administers the oath of office and secrecy to the Chief minister and his ministry in a state ?

- (a) The Chief Justice of the High court
 (b) The senior Judge of the High court
 (c) The Governor of the state
 (d) The President of India

8. The term of office of the Chief Election Commissioner of India is

- (a) Six years or until the age of 62 years.
 (b) Five years or until the age of 65 years
 (c) Five years or until the age of 62 years.
 (d) Six years or until the age of 65 years.

9. The Raja Sabha from amongst its own members elects its

- (a) Speaker
 (b) Deputy chairman
 (c) Chairman
 (d) Deputy Speaker
 (e) Speaker
 (f) Chief Justice of India.

10. The President of India may address his resignation to the

- (a) Prime minister
 (b) Vice President
 (c) Speaker
 (d) Chief Justice of India.
 (e) The oath of office and secrecy to the Governor of the state is administered by the
 (f) The President of India

11. The minimum age prescribed for the membership of Rajya Sabha is

- (a) 21 years
 (b) 25 years
 (c) 35 years
 (d) 30 years
 (e) 1/3rd of the members of the Rajya Sabha retire every
 (f) 5 years
 (g) 3 years
 (h) 4 years

12. According to the Marriage Act 1954, the age fixed for marriage for men is 21 years and for women is

- (a) 16 years
 (b) 18 years
 (c) 21 years
 (d) 19 years
 (e) Twice
 (f) Once
 (g) Any number of times

13. How many times the President can return a bill for reconsideration by the Parliament ?

- (a) 16 years
 (b) 18 years
 (c) 21 years
 (d) 19 years
 (e) Governor's rule
 (f) Prime minister's rule
 (g) President's rule
 (h) Thrice

14. According to Article 356, State Emergency or Emergency due to the failure of constitutional machinery in a state is known as

- (a) Governor of a State is responsible to the
 (b) Prime Minister
 (c) Chief Minister
 (d) Vice-President
 (e) President
 (f) The Prime Minister
 (g) The Minister of Cabinet rank
 (h) The President
 (i) The Speaker of the Lok Sabha

15. Who can issue Ordinances ?

- (a) The President
 (b) The Prime Minister
 (c) The Speaker of the Lok Sabha

31. Intentionally conveying false or misleading information is

 - Lying
 - Deception
 - Falsehood
 - Both (a) and (c)

32. Smoothing of irregularities to make the data to appear accurate and precise is

 - Cooking
 - Trimming
 - Skimming
 - Scanning

33. Which of the following does not depict the attitude towards the responsibility

 - Minimalist
 - Reasonable care
 - Protest
 - Good works

34. The tendency of shifting the responsibility will logically come down if there is

 - Group thinking
 - Microscopic vision
 - Fear
 - Confusion

35. A compound measure of the probability and magnitude of adverse effect is known as

 - Benefit
 - Compensation
 - Risk
 - Liability

36. Which of the following is not advised by NSPE (National Society for Professional Engineers) code to engineers ?

 - to be honest
 - to have professional obligations
 - not to use firm name in dishonest business
 - not to avoid deceptive acts.

37. is not a trade secret

 - Formulae
 - Generated pattern
 - Equipment
 - Theorems

38. The formula of a soft drink is an example of

 - Trade secret
 - Trademark
 - Patent
 - copyright

39. Protecting the expressions of the ideas but not the idea itself is

 - copyright
 - Patent
 - Plagiarism
 - Trademark

40. The patent holder does not allow others to use patented information for years from the date of filing

 - 20
 - 25
 - 15
 - 50

41. Indian constitution is flexible. This means it

 - can be amended easily
 - does not allow frequent changes
 - cannot be amended easily
 - can be amended only after undergoing a special procedure in Parliament

CONSTITUTION OF INDIA AND PROFESSIONAL ETHICS

VII / VIII Semester B.E Degree Examination, May/June 08

(COMMON TO ALL BRANCHES)

Time: 3Hrs.

May Marks: 100

INSTRUCTIONS TO THE CANDIDATES

- 43.** The work of framing the constitution of India started in December 1946 and completed in

 - November 1949
 - January 1949
 - December 1948
 - January 1950

44. Magna Carta is a written document of 13th century assuring liberties awarded to

 - Indian citizens
 - British citizens
 - Citizens of the world by UNO
 - French citizens

45. Out of the articles on fundamental rights, the most liked articles by Dr. B.R. Ambedkar in Part III of the Indian Constitution are

 - 23 and 24
 - 25 to 28
 - 29 to 30
 - 32 & 32A.

46. Part III articles 23 & 24 deals with

 - Rights against exploitation.
 - Right to freedom of religion.
 - Right to constitutional remedies
 - Cultural and educational rights of citizens

47. According to Indian constitution, the powers of amending the constitution are vested with

 - The President of India.
 - The people of India.
 - The Parliament of India.
 - The Prime Minister of India.

48. The 44th Constitutional amendment was made during

 - Congress party rule in 1974
 - Janatha party rule in 1978
 - Congress party rule in 1985
 - BJP rule in 2000

49. Habeas Corpus writ means

 - An order issued to officials to perform duties
 - An order issued to stop exercise of excess jurisdiction.
 - An order which enables shifting of a case to a higher court.
 - An order issued against illegal detention.

50. By the recommendations of the committee under the chairmanship of S. Swaran Singh the fundamental duties of Indian citizens are included in the constitution through

 - 40th amendment
 - 41st amendment
 - 42nd amendment
 - 44th amendment

51. The Constituent Assembly first met in the year

 - 1946
 - 1945
 - 1947
 - 1948

52. Fundamental rights have been classified into

 - Ten heads.
 - Nine heads
 - Twelve heads
 - Six heads.

53. The directive principles of state policy

 - Confer rights to citizens and non - citizens.
 - Confer rights only to citizens
 - Do not confer any right to alien enemies.
 - None of the above.

54. When the state deliberately neglect to implement the directive principles the state policy, a writ may be filed against the state

 - In a Supreme Court.
 - In the High Court
 - Only in the Supreme Court
 - None of the above.

55. When a person is detained under the law of preventive detention

 - An Advisory Board must be constituted within three months
 - A charge sheet must be filed within 90 days.
 - He cannot be detained for more than six months.
 - None of the above.

56. Locus Standi refers to

 - Public interest litigation
 - Application of the law to local area
 - Local standards for fixing minimum wages.
 - None of the above.

57. Raj-sabha is

 - Dissolved once in six years
 - Dissolved once in five years
 - A permanent body
 - Dissolved once in three years

27. The right to freely profess, practice and propagate any religion is not subject to

- (a) Public welfare
- (b) Public health
- (c) Public morality
- (d) Public order

28. No person shall be eligible for being elected as President of India unless

- (a) He is qualified for election as a member of the Lok-sabha.
- (b) He is qualified for election as a member of the Raj-sabha.
- (c) He is over 45 years of age.
- (d) None of the above.

29. A member of the Lok-sabha is not having the privilege of

- (a) Freedom from attendance as a witness.
- (b) Freedom from civil arrest.
- (c) Freedom of speech
- (d) Freedom from criminal arrest.

30. A resolution revoking a proclamation of national emergency declared on the ground of armed rebellion is required to be passed by the

- (a) Union cabinet
- (b) Lok-sabha
- (c) Raj-sabha
- (d) Both Lok-sabha and Raj-sabha

31. Which of the following refers to dishonesty in engineering research and testing

- (a) Cooking
- (b) Self-interest
- (c) Self-deception
- (d) Microscopic vision.

32. A negative approach to responsibility is emphasized by

- (a) Group thinking
- (b) Self-interest
- (c) Minimalist view
- (d) Egocentric tendencies

33. Engineers may reveal the confidential information of his client

- (a) If the client is unethical.
- (b) When the client commits breach of contract.
- (c) When the safety of the public is in danger.
- (d) If the client attempts to cheat the public.

34. The preamble contains in a nutshell the ideals and aspirations of

- (a) Dr. B.R. Ambedkar.
- (b) Mahatma Gandhi.
- (c) People of India
- (d) Members of the Drafting Committee of Indian Constitution.

35. The rule of equality before the law is applicable to

- (a) Only to Indian citizens.
- (b) Only to Indian citizens and non-citizens.
- (c) Any person within the territory of India.
- (d) None of the above.

36. The restriction on the freedom of speech and expression can be imposed by the constitution to strike a balance between the freedom of individual and

- (a) Public Welfare
- (b) National welfare
- (c) His duties to the community
- (d) Sovereignty and integrity of India

37. The right to decent environment includes in the.

- (a) Right to reside in any part of India.
- (b) Right to social status
- (c) The concept of welfare state.
- (d) Right to life.

38. Secular state is

- (a) A republic state.
- (b) A state which follows the principles of socialism.
- (c) A state which follows the principles of democracy.
- (d) None of the above.

39. The President of India can be removed from his office by.

- (a) Passing a resolution in Lok-sabha by two third majority.
- (b) Passing a resolution in Lok-sabha and Raj-sabha by simple majority.
- (c) By passing a resolution by the union cabinet.
- (d) None of the above.

40. If there is a dispute between two states it may be decided by

- (a) High Court.
- (b) Supreme Court.
- (c) Only by the Supreme Court.
- (d) The special Tribunal.

41. When the proclamation of financial emergency is approved by the resolution of both the Houses of Parliament, it continues for another

- (a) Two months.
- (b) One year.
- (c) Six months.
- (d) None of the above.

42. This is not an impediment to responsibility

- (a) Ignorance.
- (b) Introspection
- (c) Fear.
- (d) Self-deception.

43. Engineering code of Ethics emphasize the importance of engineers exercising

- (a) Due care and skill.
- (b) Reasonable care and skill.
- (c) Professional autonomy.
- (d) Professional knowledge in discharging their duty.

44. Practice in preventive ethics

- (a) Helps to reduce the risk.
- (b) Elicits a sense of responsibility.
- (c) Helps stimulating engineering skill.
- (d) Stimulates deep interest in engineering ethics.

- 45. The first president of India was elected**
- By the elected members of Lok-sabha, Raj-sabha and members of state assemblies.
 - By all the elected members of Lok-sabha, Raj-sabha and members of state assemblies.
 - Directly by the people of India.
 - By the members of state assemblies.
- 46. It is not the function of the Election Commission to conduct election to the**
- Parliament.
 - Post of Loksabha speaker.
 - Vice-president of India.
 - Union-territories.
- 47. Abusing a cabinet minister in a vulgar language**
- Amounts to violation of right to freedom of speech and expression.
 - Affects the Sovereignty and integrity of India.
 - Amounts to incitement to an offence.
 - None of the above.
- 48. This article is applicable to both citizens and non-citizens.**
- 21.
 - 29.
 - 15.
 - 16.
- 49. The Indian constitutions does not prohibit**
- Begar.
 - Employing children in mines who are below fifteen years age.
 - Traffic in human being.
 - Compulsory service for public purpose.
- 50. The President of India can nominate to the Raj-sabha**
- 20 members.
 - 12 members.
 - None of the above.
 - 2 members.
- 51. A judge of the Supreme Court holds office until he attains the age of**
- 60 years.
 - 63 years.
 - 65 years.
 - 62 years.
- 52. Indian constitution envisages**
- Five types of emergency.
 - Three types of emergency.
 - Two types of emergency.
 - Six types of emergency.
- 53. One of the characteristics of profession is**
- It gives monopoly on service.
 - It commands very high respect in the public.
 - It provides opportunity to serve the public at large.
 - None of the above.
- 54. According to Lawrence, one of the elements of risk is**
- Tight coupling.
 - Complex interaction.
 - Magnitude of adverse effect.
 - Ignorance.
- 55. Trimming**
- Helps to produce better research work.
 - Gives better result.
 - Eliminates the faults in research work.
 - None of the above.
- 56. Indian Independence Act 1947 was passed by the**
- Parliament of India.
 - Parliament and all the state assemblies of India.
 - British Parliament.
 - None of the above.
- 57. Under Art 14 equality before law**
- Permits class legislation
 - Permits legislative classification
 - Prohibits class legislation on the basis of race, religion etc.
 - Prohibits class legislation on the basis of social and educational backwardness.
- 58. Temporary orders prohibiting procession under Art 144 of the criminal procedure code does not amount to unreasonable restriction on the right of**
- Freedom of movement.
 - Freedom of assembly.
 - Freedom of speech and expression
 - Freedom of the life and personal liberty.
- 59. The right to life and personal liberty**
- May be suspended during national emergency.
 - May be suspended during national emergency provided if it is declared on the ground of external aggression.
 - May be suspended when the security of the state is threatened due to the serious internal disturbance.
 - Cannot be suspended.
- 60. The minority people are protected under the Indian Constitution with regard to their**
- Educational rights.
 - Religious rights
 - Employment under the state service
 - Reservation in the public educational institutions.
- 61. A temporary suspension of death sentence by the President of India is called**
- Reprieve
 - Respite
 - Commutation
 - Remission.
- 62. A person is qualified for the appointment of the judge of the Supreme Court if he**
- Has been for at least 5 years, an advocate of a High Court.
 - Has been at least 3 years a judge of a High Court.
 - Is a distinguished jurist in the opinion of Chief Justice of India.
 - None of the above.

- 63. The Directive Principles of the state policy directs the state to endeavor to secure throughout the territory of India**

 - Uniform; wage policy
 - Uniform educational policy
 - Uniform civil code
 - Uniform judicial system.

64. It is not an impediment to responsibility

 - Self-interest
 - Fear
 - Fear
 - Public interest.

65. The provisions relating to Indian citizenship under the Indian constitution came into effect

 - On 26th Jan.1950
 - On 15th Aug. 1947
 - On 26th Nov 1949
 - None of the above.

66. This is not a fundamental duty of every citizen

 - To protect the country.
 - To make scientific improvement.
 - To adjure violence.
 - To uphold and protect sovereignty of India.

67. To protect the security of the state, the state can impose on the right of the freedom of speech and expression

 - Absolute restriction
 - Reasonable restriction
 - Total restriction
 - Strict restriction.

68. The right to legal aid includes in the

 - Right to social justice.
 - Right to legal justice.
 - Right to equal protection of laws.
 - Right to life and personal liberty.

69. An educational institution, established by the religious minorities is having right to

 - To impart religious instruction to all the students, studying in that institution.
 - Admit students exclusively belonging to their religion.
 - Administer the institution
 - None of the above.

70. The Vice-president of India has the power

 - To nominate 12 members to Raj-sabha.
 - To nominate 2 Anglo-Indian members to Lok-sabha.
 - To preside over Raj-sabha.
 - None of the above.

71. Legislative council is dissolved after

 - 6 years.
 - 5 years.
 - 3 years.
 - None of the above.

72. The directive principles of the state policy directs the state to safe guard

 - The rights of SC and ST.
 - The judiciary from the external interference.
 - The wild life of the country.
 - The rights of workers, women and children.

73. Tight coupling

 - Helps to increase the product
 - Increases the efficiency of the machine.
 - Reduces the risk
 - None of the above.

74. Cripps Mission

 - Held election in India to select members to form constituent assembly
 - Recommended to give independence to India.
 - Came to India in 1944.
 - None of the above.

75. One of the basis for classification under Art 14 is

 - Economic basis.
 - Political basis.
 - Taxation.
 - Social basis.

76. A rule framed by the government requiring its servants not to join an association which is not recognized by it

 - Is constitutional
 - Violates the right to personal liberty.
 - Violates the right to freedom of profession.
 - Violates the right to freedom of association.

77. The right to freedom of press is included in the right to

 - Information and communication.
 - Personal liberty.
 - Speech and expression.
 - Freedom of trade and business.

78. Which of the following statement is correct?

 - High court cannot issue writ of certiorari.
 - National tribunal can issue writ of mandamus.
 - Supreme court can issue seven types of writs.
 - None of the above.

79. The supreme commander of the defense force is the

 - Chief of the army
 - Prime minister
 - Governor
 - Defense Minister.

80. No criminal proceedings shall be instituted during the term of his office against the

 - Prime Minister
 - Vice-President of India.
 - Chief Minister.
 - None of the above.

81. To provide justice to economically disabled citizens, the directive principles of the state policy directs the state to provide

 - Proper economic and social security.
 - Free legal aid
 - Reservation in public educational institutions
 - None of the above.

82. Looking out for number one tendency arises out of

 - Self interest
 - Good works
 - Ego-centric tendencies
 - Group thinking

83. The following term did not contain in the preamble of the constitution which came into force on Jan 1950.
- Secular
 - Socialist
 - Fraternity
 - Equality.
84. State can make provisions in matters relating to employment under the government
- Only to socially backward class people.
 - Only to educationally backward class people.
 - Only to socially and educationally backward class people.
 - Backward class people.
85. The right to manufacture and sell liquor
- Is a fundamental right which allows to carry on any trade or business.
 - Is not a fundamental right.
 - Is a constitutional right.
 - None of the above.
86. When a person is arrested, he should be allowed to contact
- Higher police officer.
 - The magistrate, who is having jurisdiction to try his case.
 - His lawyer
 - His lawyer
87. To quash the decision given by the legal authority which goes beyond its jurisdiction a writ of
- Mandamus is issued.
 - Quo-Warranto is issued
 - Prohibition is issued
 - None of the above
88. The term of the Vice-President of India is
- Five years
 - Three years
 - Six years
 - None of the above
89. A cabinet minister of a state government can be removed by the
- Chief Minister
 - State cabinet
 - Governor
 - None of the above
90. Ex post facto law refers to
- A law passed after 26th Jan. 1950.
 - A law before 26th Jan. 1950.
 - An accused person.
 - A law which is not enforceable in the court of law.
91. When the risk of harm is equated by the probability of producing benefit the risk is considered as
- Probable risk
 - Expected risk.
 - Natural risk
 - Acceptable risk.
92. This is not the test for valid classification under Art 14
- Social and educational backwardness.
 - Arbitrariness.
 - Relation between classification and the object sought to be achieved by the state.
 - Intelligible differentia.

93. Socially and educationally backward class people means
- People belonging to low caste
 - People who are living below the poverty line
 - People who are illiterate
 - None of the above
94. In order to claim the right of freedom of assembly, the assembly must
- Be held in the interest of general public
 - Not pose any serious law and order problem
 - Be peaceful
 - Be organized properly with due care and precaution
95. A person detained under the preventive detention law
- Must be produced before the nearest Magistrate within 24 hours.
 - Must be produced within a reasonable time before the nearest Magistrate.
 - Must be produced before the nearest Magistrate within 3 days.
 - Need not be produced before any Magistrate.
96. A writ of mandamus is issued directing the
- The public authority to discharge its duty.
 - Judicial authority to act within its jurisdiction.
 - The detaining authority to produce the body before the court.
 - The lower court to follow the principles of natural justice.
97. Any dispute in connection with the election of President of India shall be decided by the
- Chief Election Commission.
 - Special Election Tribunal.
 - Supreme Court.
 - Members of the Parliamentary committee.
98. A governor has no power to appoint
- Advocate general.
 - Chief Minister.
 - Cabinet Minister.
 - Judge of High Court.
99. The right to education is included in the right to
- Speech and expression.
 - Life and personal liberty
 - Equality before the law.
 - Practice any profession or carry on any trade or business.
100. Entrance into a profession requires
- Extensive training in professional ethics.
 - Sound common sense and hard work.
 - Honesty, Integrity and character.
 - Extensive training of intellectual character.
- □ □ □

I / II Semester B.E Degree Examination, June/July 08
CONSTITUTION OF INDIA AND PROFESSIONAL ETHICS
 (COMMON TO ALL BRANCHES)

Time: 2Hrs.

Max. Marks: 50

INSTRUCTIONS TO THE CANDIDATES

1. Use only Black ballpoint pen for writing / darkening the circles.
2. For each question, after selecting your answer, darken the appropriate-circle corresponding to the same question number on the OMR sheet.
3. Marking two circles for the same question makes the answer invalid.
4. Damaging/overwriting, using whiteners on the OMR Sheet are strictly prohibited.

1. The first general elections were held in India in
 - (a) 1950-51
 - (b) 1951-52
 - (c) 1949-50
 - (d) None of these
2. To be recognized as a regional party, a party must secure at least
 - (a) 4% of the valid votes in state.
 - (b) 25% of the valid votes in any one state.
 - (c) 15% of the valid votes in any one state.
 - (d) 10% of the valid votes in any one state.
3. Who accords recognition to various political parties as national or religion parties?
 - (a) President in consultation with EC
 - (b) Parliament
 - (c) President
 - (d) EC
4. In terms of election laws in India, electioneering ceases in a constituency at least..... hours before the ending of the polling
 - (a) 48.
 - (b) 36.
 - (c) 24.
 - (d) 12.
5. Voting age of citizens is changed from 21 to 18 years by Constitutional Amendment Act.
 - (a) 7th.
 - (b) 42nd
 - (c) 61st
 - (d) 55th.
6. What is the system used to elect the President of India?
 - (a) Preferential system.
 - (b) Secret ballot
 - (c) Direct election.
 - (d) Proportional representation.
7. President made a Proclamation of Emergency on the grounds of internal disturbances for first time in
 - (a) 1950.
 - (b) 1965.
 - (c) 1975.
 - (d) 1962.
8. Financial Emergency can be proclaimed under the Article
 - (a) 360
 - (b) 256
 - (c) 356.
 - (d) 352.

9. Under the provision of Article of the constitution, the Government abolished the practice of untouchability.
 - (a) 17
 - (b) 16
 - (c) 20
 - (d) 18
10. In which one of the following states, there is no reservation for the SCs for Lok sabha?
 - (a) Arunachal Pradesh.
 - (b) Meghalaya
 - (c) Jammu and Kashmir.
 - (d) All of these.
11. In which one of the following states is it constitutionally obligatory for the state to have a separate minister for tribal welfare ?
 - (a) Madhya Pradesh
 - (b) Orissa
 - (c) Bihar
 - (d) All these states.
12. Goa got the status of statehood by the way of Constitutional Amendment.
 - (a) 60th
 - (b) 50th
 - (c) 52nd
 - (d) 56th
13. Which of the following taxes is levied by the State Government only ?
 - (a) Wealth Tax
 - (b) Corporation Tax
 - (c) Income Tax
 - (d) Entertainment Tax.
14. Which of the following Union Territories has a High Court of its own ?
 - (a) Daman and Diu
 - (b) Lakshadweep
 - (c) Delhi
 - (d) Chandigarh
15. How many states in India have Legislative councils?
 - (a) 7
 - (b) 5
 - (c) 4
 - (d) 6
16. Which tax is levied by the Union and collected and appropriated by the states ?
 - (a) Stamp duties
 - (b) Passenger and goods taxes
 - (c) Estate duty
 - (d) Taxes on newspapers.
17. Which are the two states having common capital ?
 - (a) Jharkhand and Bihar
 - (b) Punjab and Haryana
 - (c) Uttarakhand and Himachal Pradesh
 - (d) Punjab and Himachal Pradesh
18. According to Article 171 of the constitution, the total members in the Legislative council should not be less than
 - (a) 40
 - (b) 45
 - (c) 50
 - (d) 55
19. The High Court of Karnataka was established in the year
 - (a) 1884
 - (b) 1944
 - (c) 1900
 - (d) 1947
20. The Guwahati High Court has territorial jurisdiction over number of states.
 - (a) 2
 - (b) 6
 - (c) 7
 - (d) 3.
21. In 1996, the Supreme Court upheld the validity of the Civilians Award, but recommended that the total awards to be given each year in all categories should be restricted to
 - (a) 75
 - (b) 50
 - (c) 40
 - (d) 60.

35. The 14th amendment act repealed article 31 from part III dealing with fundamental rights which came into effect in 1979, so that right to property today is no more a fundamental right but remains simply a legal right in..... of the constitution under new article 300A.

36. The Government of India Act 1919 (Montague Chelmsford reforms) provided for a bicameral legislature at the centre, other failure was

 - At the provinces, Dyarchy was introduced.
 - The powers of the secretary of State for India were restricted and a High Commissioner for India was appointed.
 - It further promised to develop local self government bodies.
 - All the above.

37. A bill presented in the Parliament becomes a law after

 - It is passed by the both the houses.
 - The Prime Minister has signed it.
 - The Supreme Court has declared it to be within the competence of Union Parliament.
 - The President has given his assent.

38. The Chief Justice and other judges of the state High Courts hold office until they attain the age of

 - 58 years.
 - 60 years.
 - 65 years.
 - 62 years.

39. Which of the following administers oath of the office and secrecy to the ministers in a state?

 - The chief Justice of High court.
 - Senior Judge of High court.
 - The Governor.
 - The Chief Minister of the state.

40. The Chief Election Commissioner has a term of

 - 6 years or until the age of 65 years.
 - 5 years or until the age of 65 years.
 - 6 years or until the age of 62 years.
 - 5 years or until the age of 62 years.

41. The Vice-President of India is ex-officio Chairman of

 - The law commission.
 - The Planning commission.
 - The Speaker of the assembly.
 - The Raya sabha.

42. The State legislative assembly is prorogued by

 - The Governor.
 - The Chief Minister.
 - The Speaker of the assembly
 - None of the above.

43. Who among the following can issue ordinances during the recess of Parliament

- (a) The Deputy speaker of Lok Sabha
- (b) The Minister of Parliamentary affairs.
- (c) The Prime Minister.
- (d) The president.

44. The Cabinet mission came to India in

- (a) 1944
- (b) 1945
- (c) 1946
- (d) 1943

45. The fundamental rights granted by the constitution of India to its citizens cannot be suspended

- (a) except by an order of the Supreme court
- (b) under any circumstances.
- (c) except by an order of the President during national emergency.
- (d) except by an order of the President during war.

46. Which of the following writ is issued by the Supreme Court if it sends an order to restrain a person from acting in an office to which he is not entitled?

- (a) habeas corpus.
- (b) prohibition.
- (c) certiorari.
- (d) quo warranto.

47. The seat of a Member of Parliament may be declared vacant, if he is without the permission of the house absent from the meeting of that house for a period of

- (a) 40 days.
- (b) 60 days.
- (c) 90 days.
- (d) 25 days.

48. One - third of the members of the Rajya Sabha retire

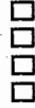
- (a) every year.
- (b) every two years.
- (c) every three years.
- (d) every four years.

49. No person can become a Member of Parliament unless he is educated up to class

- (a) Seventh.
- (b) Tenth.
- (c) Fifth.
- (d) None of the above.

50. Professional Ethics is

- (a) Set of rules relating to personal character of professionals.
- (b) Traditional rules observed since a long time.
- (c) Set of rules passed by professional bodies.
- (d) Set of standards adopted by professionals.



CONSTITUTION OF INDIA AND PROFESSIONAL ETHICS

(COMMON TO ALL BRANCHES)

Time: 3Hrs.

Max. Marks: 100

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- 2. For each question, after selecting your answer, darken the appropriate-circle corresponding to the same question number on the OMR sheet.
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- 4. Damaging/overtwriting, using whiteners on the OMR Sheet are strictly prohibited.

1. The word 'socialism' was inserted in the preamble in the year 1977,
 - (a) To fulfill the desire of the founding fathers of constitution.
 - (b) Ignoring the views of the founding fathers of the constitution.
 - (c) To allow the government to follow any form of economic structure.
 - (d) None of the above.
2. The preamble of the constitution declares India to be a Republic. It means
 - (a) India is a union of several states.
 - (b) India is a sovereign country in all respects.
 - (c) The head of the state is elected.
 - (d) India is a democratic country.
3. The preamble of the Indian constitution was amended.
 - (a) Five times
 - (b) Three times
 - (c) Two times
 - (d) Once.
4. The Indian constitution was enacted in the year
 - (a) 1950
 - (b) 1948
 - (c) 1947
 - (d) None of the above.
5. The members of the constituent assembly were,
 - (a) Nominated by cabinet mission
 - (b) Nominated by Viceroy of India.
 - (c) Were elected by indirect election
 - (d) were elected by direct election.
6. Drafting Committee was constituted under the Chairmanship of Dr. B.R. Ambedkar in the year.
 - (a) 1950
 - (b) 1946
 - (c) 1947
 - (d) 1949
7. The Indian constitution derives its authority from the
 - (a) Parliament of India
 - (b) Constituent Assembly
 - (c) Supreme Court of India
 - (d) None of the above.

- 8. Right to personal liberty includes right to,**
- Practice any profession
 - Reside in any part of India
 - Privacy
 - Move freely throughout the territory of India.
- 9. Fundamental rights are protected against the invasion by the**
- Indian citizens
 - Alien enemies
 - Judicial acts.
 - Socially backward class people
 - Socially and educationally backward class people
 - Backward class people having higher income
 - None of the above.**
- 10. Intelligible differentia refers to**
- Socially backward class people
 - Socially and educationally backward class people
 - Backward class people having higher income
 - None of the above.**
- 11. This is one of the grounds for classification under Art 14**
- Special courts
 - Annual income
 - Religion
 - Special status
- 12. Equal protection of law means**
- Same law shall apply to all persons irrespective of religion, race, caste, sex or place of birth.
 - Absence of any special privilege in favour of any person.
 - Same law shall apply to all who are situated under similar circumstances.**
 - Judiciary does not discriminate in applying the law on the basis of religion or rank.
- 13. One of the components for test of valid classification under Art 14 is.**
- The grouping must be arbitrary
 - The grouping must be unintelligible.
 - It must have rational connection with the object of the Act**
 - The grouping must be based on social backwardness
- 14. The Purpose of fundamental rights is to establish**
- A welfare state
 - Government of laws
 - Strong democratic government
 - Government of the people
- 15. The maximum percentage of jobs that can be reserved by the state for the backward class people under the government services is**
- 65%
 - 68%
 - 50%
 - 70%
- 16. Mandal Commission refers to**
- Rights of the minority
 - Reservation of seats for women in government services
 - Law relating to sexual harassment of women in working place
 - None of the above**
- 17. State can make special provision for reserving seats in public educational institutions to**
- Only backward class people
 - Only socially backward class people
 - Only socially and educationally backward class people
 - None of the above.**
- 18. The first meeting of the constituent assembly was held in the year**
- 1947
 - 1948
 - 1946
 - 1949
- 19. Like should be treated alike refers to**
- Equality before the law
 - Natural justice
 - Right to life and personal liberty
 - None of the above.**
- 20. Restriction cannot be imposed on the right of freedom of speech and expression on the ground of**
- Decency or morality
 - Natural justice
 - Right to life and personal liberty
 - None of the above**
- 21. Professional codes of ethics articulate**
- Dissemination of information regarding products
 - Propagating views of others
 - Committing defamation of an individual
 - None of the above**
- 22. Prohibiting a peaceful demonstration amounts to violation of the right to freedom of**
- Assembly
 - Association
 - Speech and Expression
 - Profession and Trade
- 23. On the ground of maintaining friendly relations with foreign states, reasonable restriction can be imposed on the right to**
- Life and personal liberty
 - Freedom of speech and expression
 - Freedom of movement
 - Form Associations and unions
- 24. Reasonable restriction cannot be imposed on the right to freedom of association on the ground of**
- Sovereignty and integrity of India
 - Public order
 - Incitement to an offence
 - Public morality
- 25. On the right to practice any profession or carry on any trade or business, the state can put reasonable restriction on the ground of**
- Public order
 - Public utility
 - Complete monopoly favouring the state
 - Public morality

26. Reasonable restriction can be imposed on the right to speech and expression without on the ground of

- (a) Serious law and order problem
- (b) Social security
- (c) Protection of rights of the minorities
- (d) None of the above

27. Reasonable restriction can be put on the right to assemble peacefully and without arms on the ground of

- (a) Public order
- (b) Incitement to an offence
- (c) Friendly relations with foreign states
- (d) Security of the state

28. The Armed Forces

- (a) Can form associations
- (b) Cannot form association
- (c) Can form associations with the permission of the chief of the army
- (d) Can form association with the permission of the Defense Minister.

29. The Indian constitution prohibited to enact retrospectively

- (a) Law relating to the election of President of India
- (b) Law relating to the appointment of prime Minister of India
- (c) Law relating to the judges of the Supreme Court
- (d) None of the above

30. Double jeopardy means

- (a) Doubling the compensation payable to the victim
- (b) Doubling the punishment when the same crime is committed again
- (c) Prosecuting again on the same ground
- (d) Two remedies available for the violation of fundamental rights

31. Enacting ex- post- facto penal law

- (a) Protects an accused person
- (b) Is prohibited by the constitution
- (c) Helps to improve judicial system
- (d) Amounts to violation of right to equality before the law

32. According to Indian constitution, no person shall be convicted of any offence except for violation of

- (a) Fundamental rights
- (b) Any provision of the constitution relating to SC or ST
- (c) Any provision of the constitution relating to women or children
- (d) None of the above

33. The right to education includes the right to

- (a) Social equality
- (b) Life and Personal liberty
- (c) Freedom of speech and expression
- (d) Freedom of profession

34. When a person is detained under the preventive detention law

- (a) He should be produced before the nearest magistrate within 24 hours
- (b) An advisory board must be constituted within three months
- (c) He should be produced before the nearest magistrate within the reasonable time
- (d) A charge sheet must be filed against him within 60 days, in the proper court.

35. The safeguards available to detainees under the preventive detention law is

- (a) Available only to Indian citizens
- (b) Available Only to Indian citizens and non-citizens.
- (c) Available to alien enemies
- (d) Not available to alien enemies

36. Safeguards available to detainees under the laws of preventive detention is available only to

- (a) Those who are likely to commit an offence against the security of the state
- (b) Those who have committed minor offences
- (c) Those who have committed very serious offences
- (d) Those who have violated the provisions of Indian constitution

37. Indian constitution recognizes

- (a) Only one religion as national religion
- (b) Five religions as national religions
- (c) Seven religions as national religions
- (d) None of the above

38. The right against exploitation is not applicable to

- (a) Child labour
- (b) Beggar
- (c) Forced labour
- (d) Deforestation

39. The religious freedom given under the Indian Constitution does not permit a person

- (a) Perpetuate his religion.
- (b) Profess his religion
- (c) Propagate his religion
- (d) Practice his religion

40. Traffic in human beings

- (a) Is included in the right to freedom of movement under Art 19
- (b) Is a fundamental right to every citizen of India
- (c) Is essential to establish friendly relation with foreign states
- (d) None of the above

- 41. Writ of certiorari is issued**
- When a judicial authority acts in excess of jurisdiction
 - To direct a judicial authority to issue search warrant
 - When a person is detained illegally
 - None of the above.
- 42. The writ of habeas corpus is issued**
- When the lower court violates the principles of natural justice
 - Against a public authority to discharge his public duty
 - When the lower court acts in excess of its authority
 - When a person is arrested arbitrarily
- 43. A writ of Quo- Warranto is issued**
- To death a person under the preventive detention law
 - To arrest a person who has committed contempt of court
 - To prevent a person illegally assuming any public office
 - To quash the order of the lower court
- 44. When a lower court acts contrary to the principles of natural justice, the superior court issues a writ of**
- Mandamus
 - Prohibition
 - Quo-Warranto
 - None of the above
- 45. To file a public interest litigation**
- Public support is essential
 - Locus standi is not necessary
 - The person filing the PIL should have interest in the litigation.
 - None of the above
- 46. The executive power of the union is vested in the**
- President of India
 - Union Cabinet
 - Parliament
 - None of the above
- 47. The president of India holds office for a term of**
- Six years
 - Four years
 - Three years
 - None of the above.
- 48. The Vice-President of India is elected by the members of**
- Raj-sabha, Lok-sabha and Legislative Assemblies
 - Raj-sabha and Lok-sabha
 - Rai-sabha
 - Lok-sabha
- 49. Remission means**
- Temporary suspense of the sentence
 - Reducing the length of the sentence
 - Absolving the offender from all the sentences
 - None of the above
- 50. The Vice -President of India has**
- Executive powers
 - Legislative powers
 - Right to preside over Lok-sabha session
 - None of the above.
- 51. The President of India can grant pardon**
- By giving proper reasons
 - Without giving any reason.
 - Acting on the advise given by the Home Ministry
 - Acting on the advise given by Attorney general of India
- 52. The ordinance promulgated by the President cease to operate from the date of reassembly of parliament at the expiration of**
- One month
 - Six weeks
 - Two months
 - Six months
- 53. No person shall be eligible for the election as President of India unless he is**
- A member of Rajsabha
 - A member of Loksabha
 - Qualified for the election of Lok sabha
 - Qualified for the election of Raj sabha
- 54. Representatives of the state and the union territories in the council of states shall not be more than**
- 450
 - 540
 - 238
 - 550
- 55. The normal terms of Lok - sabha may be extended**
- By passing a simple resolution by the Lok - sabha
 - By passing a special resolution by the Lok - sabha
 - During national emergency
 - With the special permission given by the Supreme Court
- 56. A person is not disqualified to contest for the election of Lok - Sabha if he**
- Has failed to lodge the accounts of election expenses
 - Has been dismissed from the government service
 - Is guilty of corrupt practices in relation to an election
 - Is convicted for an offence and imprisoned for one year
- 57. The Chief - Justice of India is appointed by the**
- Union cabinet
 - President of India
 - Prime Minister by passing a resolution in the Union cabinet
 - Parliament
- 58. Original jurisdiction of the Supreme court relates to**
- Disputes relating to election of Prime Minister of India
 - Disputes relating to the President or Vice - President of India
 - Writ filed under Art.32
 - None of the above

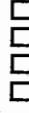
59. The Supreme court gives advisory opinion
 (a) For the improvement of judicial system in India
 (b) When there is any dispute between two High courts
 (c) When the prime Minister refers any matter involving very important question of law
 (d) None of the above
60. From the teachers constituency, to be Legislative Council
 (a) $\frac{1}{12}$ th of the total numbers are elected
 (b) $\frac{1}{4}$ th of the total numbers are elected
 (c) $\frac{1}{3}$ rd of the total numbers are elected
 (d) $\frac{1}{6}$ th of the total numbers are elected
61. A High Court judge is appointed by the
 (a) Chief Justice of India
 (b) President of India
 (c) Union cabinet of India
 (d) None of the above
62. To declare national emergency on the ground of external aggression.
 (a) The Lok - Sabha should pass a simple resolution
 (b) The Lok - Sabha and Raj - Sabha should pass a special resolution
 (c) A decision must be taken by the Union Cabinet.
 (d) None of the above.
63. During national emergency the following Art cannot be suspended.
 (a) Art 18
 (b) Art 29
 (c) Art 24
 (d) None of the above
64. The Chief Election Commissioner is appointed by the
 (a) President of India
 (b) Parliament by passing special resolution
 (c) Union Cabinet
 (d) None of the above
65. One of the grounds for classification under Art. 14 is
 (a) Social backwardness
 (b) Economic backwardness
 (c) Social and educational backwardness
 (d) None of the above
66. Custodial violence is violation of
 (a) Right against exploitation
 (b) Right to life and personal liberty
 (c) Right to equal protection of law
 (d) Right to equality before the law.
67. It is not correct to say that holding bundh
 (a) Does not cause loss to public
 (b) Does not disturb the public peace
 (c) Is constitutional
 (d) Is unconstitutional
68. The procedure prescribed to deprive the life or personal liberty of a person must be
 (a) Reasonable, fair and just
 (b) Based on the principles of natural justice
 (c) Simple, intelligible and must be based on the rule of law
 (d) As laid down by the higher court
69. Under the Indian constitution, the culture of any section of the citizens residing in the territory of India shall have the right to conserve the same provided.
 (a) It is distinct
 (b) It does not harm public health or morality
 (c) It does not conflict with the culture of other citizens
 (d) It is recognized by other citizens.
70. The Indian constitution gives culture and educational rights to
 (a) Educationally backward class people
 (b) Backward class people
 (c) Minorities
 (d) Socially and educationally backward class people
71. The total number of ministers including the prime minister shall not exceed
 (a) 10% of the total number of Lok - Sabha members
 (b) 15% of the total number of Lok - Sabha members
 (c) 20% of the total number of Lok - Sabha members
 (d) 25% of the total number of Lok - Sabha members
72. Members to the Legislative council are not elected from the
 (a) Secondary school Teachers
 (b) University graduates
 (c) Chamber of commerce
 (d) Local bodies
73. When the national emergency is declared on the ground of armed rebellion, initially the proclamation will remain in force for a period of
 (a) Two years
 (b) One year
 (c) One year
 (d) Six months
74. The Directive principles of the state policy
 (a) Can be enforced in the High court.
 (b) Can be enforced only in the Supreme Court
 (c) Cannot be enforced in any court
 (d) Can be enforced only by the state.
75. The Directive principles of the state policy direct the state to improve
 (a) promote international peace
 (b) promote family planning
 (c) Protect places of historic interest
 (d) Improve standard of living

76. The Directive Principles of the state policy directs the state to improve
 (a) Standard of public health (b) Standard of education
 (c) The Judicial system
 (d) The laws and order condition in the society
77. The Indian constitution does not protect minorities
 (a) Culture
 (b) Tradition
 (c) Language
 (d) Script
78. When the election of the President is declared void, all acts done by the President, in the performance of his duties of his office before the date of decision become
 (a) Valid (b) Invalid
 (c) Illegal (d) Unlawful
79. Collectively the cabinet is responsible to the
 (a) President of India (b) Prime Minister
 (c) Lok - Sabha (d) Parliament
80. A vote of non- confidence against the ministry can be moved
 (a) In the Raj - Sabha (b) Either in the Raj - Sabha or lok-Sabha
 (c) Only in the Lok-Sabha (d) Only in the Raj-Sabha
81. Professional ethics takes into account
 (a) The cultural background of engineers
 (b) The religious bent of mind of engineers
 (c) The personal character of engineers
 (d) The social and economic background of engineers
82. Exercising independent and objective judgement refers to
 (a) Engineering research and testing.
 (b) Group thinking
 (c) Professional autonomy
 (d) Expert testimony
83. The conflict of interest may be
 (a) Serious (b) False
 (c) Potential (d) Imaginary
84. Good works refers to
 (a) Concept of responsibility. (b) Aims of studying engineering ethics
 (c) Professional autonomy (d) Engineering research and testing
85. Cooking means
 (a) Misleading the public about the quality of the goods
 (b) Making false statement, knowing it to be false.
 (c) Retaining the results, which do not fit the theory
 (d) None of the above.

86. One of the aims in studying engineering ethics is
 (a) To recognize ethical issues
 (b) To develop the science of engineering on modern line based on the principles of engineering ethics
 (c) To get a deep insight in the science of engineering and principles of ethics
 (d) None of the above.
87. Work done above and beyond the call of duty is called
 (a) Unethical work (b) Reckless work
 (c) Negligent work (d) None of the above.
88. An international avoidance of truth is called
 (a) Deliberate deception (b) Self - deception
 (c) Fraud (d) Deceit
89. This is not the way of missing the truth
 (a) Full dissemination of information
 (b) Failure to seek out the truth
 (c) Withholding information
 (d) Revealing confidential information
90. Professional knowledge and skill are vital
 (a) To the well being of the large society
 (b) To become responsible engineers
 (c) For leadership.
 (d) For good works.
91. Engineering ethics
 (a) Is a set of moral principles
 (b) Is a branch of practical ethics
 (c) Deals with the latest developments in the science of engineering
 (d) Is a set of rules strictly followed in engineering products
92. One of the basic attitudes towards responsibility in
 (a) Ethical responsibility (b) Absolute responsibility
 (c) Reasonable responsibility (d) Reasonable care
93. Microscopic vision refers to
 (a) Concept of responsibility (b) Engineering research and testing
 (c) Acceptable risk (d) None of the above
94. Using trade secrets of the former employer amounts to
 (a) Forgery (b) Self - deception
 (c) Misusing the truth (d) Trimming
95. Professional judgement is corrupted by
 (a) Self deception (b) Ego centric tendencies
 (c) Conflict of interest (d) Self - interest

INDEX**96. Ethical standards**

- (a) Are laid down by legislature
 - (b) Vary from country to country
 - (c) **Regulate the professional in discharging their functions**
 - (d) Must be certain, fair and reasonable
- 97. Integrity in expert testimony by an engineer requires**
- (a) Sound Knowledge in engineering testing and research
 - (b) Only to educationally backward class people.
 - (c) Constructing extensively with the client.
 - (d) **Objective and unbiased demeanor**
- 98. Self deception means**
- (a) A dishonest act for personal gain
 - (b) Misusing the truth by cunning way
 - (c) **An international avoidance of truth**
 - (d) Loss of one's own misdeeds
- 99. The author retains the copy right of his work or her work after death for**
- (a) 14 years (b) 25 years (c) 20 years (d) 50 years
- 100. Integrity in expert testimony requires engineers to accept cases only**
- (a) If they have got sufficient proof
 - (b) If they are having adequate legal knowledge
 - (c) **If they have adequate time for preparation**
 - (d) If they are reasonably paid for their services



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