

CIPE UNIT 2

- 1 a. Examine the Constitutional position of Governor of a State. (05)
 “Directive principle is fundamental in making Welfare state”. (05)
- b. Discuss
2. Enumerate the composition and representation of members in Parliament and State Legislature. (10)
- 3 a. Discuss the ground and procedure of removing the Judges of Supreme Court. (05)
 Explain the Impeachment proceedings of President of India. (05)
- b.
- 4 a. Describe the different Jurisdiction of supreme Court. (05)
 Write explanatory note on the following:
- b.
 - i. Uniform Civil Code
 - ii. Ordinance making power (05)
5. What is Right to Information? Explain the procedure involved in accessing information from public authority. (10)

3 a. Explain the significance of Human Rights and also discuss the powers and functions of the National Human Rights Commission. 08

Ans: Significance of Human Rights

1. **Protection of Dignity:** Ensures that every individual is treated with respect and equality.
2. **Promotion of Freedom and Equality:** Safeguards freedom of speech, religion, and movement, and ensures equality.
3. **Justice and Accountability:** Provides a mechanism to seek justice and hold authorities accountable for rights violations.
4. **Socioeconomic Welfare:** Guarantees basic rights like access to food, shelter, education, and healthcare.
5. **Foundation for Democracy:** Ensures political participation, the right to vote, and protection of civil liberties.

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Powers of the NHRC

1. **Investigative Powers:** Can investigate human rights violations, summon witnesses, and demand documents.
2. **Recommendations and Reports:** Can recommend actions to the government, including compensation for victims.
3. **Visit Places of Custody:** Can visit prisons or state-controlled institutions to assess living conditions.
4. **Interference in Judicial Proceedings:** Can intervene in judicial matters involving human rights violations.
5. **Independent Opinions:** Provides opinions regarding the protection of human rights in legislation or policies.

Functions of the NHRC

1. **Investigation of Violations:** Investigates complaints of human rights violations by government or non-state actors.
2. **Promoting Awareness:** Spreads human rights knowledge through education, seminars, and publications.
3. **Advisory Role:** Advises governments on measures to protect human rights and reforms needed.
4. **Research and Analysis:** Conducts research to understand human rights issues and identify threats.
5. **Human Rights Literacy:** Educates society about rights and protections available under law.
6. **Annual Reporting:** Submits an annual report to the President, which is reviewed by Parliament.
7. **Monitoring Compliance:** Ensures that governments implement its recommendations for human rights protection.

3.b Explain the scope and purpose of the Administrative Tribunal. How are administrative tribunals different from courts? 08

Ans:

Scope and Purpose of Administrative Tribunals

1. **Dispute Resolution:** Administrative tribunals are quasi-judicial bodies established to resolve disputes between the government and individuals or between government departments without going through traditional courts.

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2. **Efficiency and Speed:** They are set up to expedite the decision-making process in administrative matters, providing a quicker resolution than courts.
3. **Specialized Jurisdiction:** Administrative tribunals are often specialized in particular fields like taxation, service matters, land disputes, or industrial relations, making them better equipped to handle technical and complex issues.
4. **Expertise:** They consist of members with specific knowledge and expertise related to the area of dispute, ensuring informed and fair decisions.
5. **Purpose:**
 - To provide a quicker and more accessible alternative to regular courts for resolving administrative matters.
 - To reduce the burden on regular courts and ensure faster redressal of grievances related to public administration.
 - To ensure fairness and transparency in the relationship between citizens and the state.

Aspect	Administrative Tribunals	Courts
Jurisdiction	Specialize in administrative disputes (e.g., service matters, taxation)	General jurisdiction, handling civil, criminal, and constitutional cases
Composition	Composed of experts (e.g., retired judges, bureaucrats, professionals)	Composed of qualified judges with legal experience
Procedural Formalities	Simplified procedures for quick resolution	Formal legal procedures, which can be complex and time-consuming
Appeals	Decisions can be appealed to higher tribunals or courts	Decisions can generally be appealed to higher courts
Nature of Proceedings	Focus on public law and administrative matters, more flexible	Handle both private and public law matters, formal and authoritative
Legal Basis	Established under specific laws (e.g., Administrative Tribunals Act, 1985)	Established under the Constitution and statutory laws
Power to Issue Orders	Can issue orders to administrative bodies, but limited enforcement powers	Full legal authority, including contempt powers and enforcement through authorities

4.a. Explain the composition of parliament and state legislature. 08

Ans:

Composition of Parliament

The Parliament of India is a bicameral legislature, meaning it consists of two houses:

1. **Lok Sabha (House of the People):**
 - **Members:** 545 Members of Parliament (MPs).
 - 543 are elected directly by the people of India through general elections.

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- 2 are nominated by the President to represent the Anglo-Indian community (although this provision was removed by the 104th Constitutional Amendment in 2019).
- **Term:** 5 years, unless dissolved earlier.
- **Functions:**
 - Formulates and passes laws.
 - Controls finances (approves the budget).
 - Represents the people and forms the government.

2. Rajya Sabha (Council of States):

- **Members:** 245 members.
 - 233 members are elected by the members of the State Legislative Assemblies and Union Territories through an electoral college.
 - 12 members are nominated by the President for their expertise in areas like literature, science, art, and social services.
- **Term:** Rajya Sabha is a permanent body and is not subject to dissolution. One-third of its members retire every two years.
- **Functions:**
 - Acts as a revising chamber for laws.
 - Represents the states and Union Territories.
 - Can delay or suggest amendments to bills.

Composition of State Legislature

The State Legislature in India is also bicameral in some states (like Parliament), consisting of:

1. Legislative Assembly (Vidhan Sabha):

- **Members:** The number of members varies depending on the population of the state, but it is not more than 500.
 - Members are directly elected by the people from the constituencies in the state.
- **Term:** 5 years, unless dissolved earlier.
- **Functions:**
 - Introduces and passes laws.
 - Controls finances (approves the budget).
 - Holds the government accountable.

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2. **Legislary Council (Vidhan Parishad):** *(Only in some states like Uttar Pradesh, Bihar, Maharashtra, and Karnataka)*
 - **Members:** Maximum of one-third the strength of the Legislative Assembly, but not exceeding 40 members.
 - 1/3 of members are elected by graduates, teachers, and local authority members.
 - 1/3 are elected by members of the Legislative Assembly.
 - 1/6 are nominated by the Governor.
 - Remaining 1/6 may be elected by members from the state's Anglo-Indian community (if applicable).
 - **Term:** Members hold office for 6 years, with one-third retiring every two years.
 - **Functions:**
 - Acts as a revising chamber for laws.
 - Assists in balancing state policies by representing different sectors.

Key Points:

- **Lok Sabha** and **Rajya Sabha** make up the Parliament.
- **Vidhan Sabha** and **Vidhan Parishad** make up the State Legislature (in states with a bicameral system).
- Both levels of legislature are responsible for lawmaking, financial control, and checking the executive branch's accountability.

4.b President Rule refers to the suspension of a state government and the Imposition of direct rule of the center. Explain. 08

Ans:

President's Rule: Suspension of State Government and Imposition of Direct Rule by the Center

Definition:

- President's Rule, also known as **Article 356 of the Indian Constitution**, refers to the suspension of a state government in India and the imposition of direct rule by the central government. It is invoked when the President believes that the governance in a state cannot be carried out according to the provisions of the Constitution.

When is President's Rule Imposed?

- **Article 356** allows the President to dissolve or suspend the state government in case the President believes that the governance of the state cannot be carried out as per the Constitution. This is usually triggered by one of the following situations:

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1. **Failure of Constitutional Machinery:** When a state's government is unable to function according to the constitutional provisions (e.g., breakdown of law and order, failure to hold elections, or no majority in the state assembly).
2. **Governor's Report:** If the Governor of the state sends a report to the President stating that the state government is not functioning according to the Constitution.
3. **Breakdown in law and order:** When there is significant disturbance in law and order, and the state government cannot control it.
4. **Internal instability:** When the state's political system is unstable, and the elected government cannot function effectively.

Process of Imposition:

1. **Proclamation by President:** The President issues a proclamation under Article 356 after receiving a report from the Governor or based on information available.
2. **Approval by Parliament:** The proclamation must be approved by both the Houses of Parliament (Lok Sabha and Rajya Sabha) within two months of its issue.
3. **Approval Duration:** Initially, President's Rule can be imposed for **six months**. However, it can be extended for up to **three years** with successive approvals from Parliament every six months.

Consequences of President's Rule:

- **Dissolution of the State Government:** The state legislative assembly is dissolved, and the state government ceases to exist.
- **Central Government Takes Control:** The President assumes control over the state. The central government can take direct control of the state's affairs.
- **Governor's Role:** The Governor of the state acts as the representative of the President and runs the state affairs on behalf of the President.
- **State Legislature Functions Suspended:** The state legislative assembly is either dissolved or kept in suspended animation.
- **Executive Powers:** The President takes over the executive powers and makes decisions that were previously under the jurisdiction of the state government.

Effects on the State:

- **Autonomy Loss:** The state loses its autonomy and becomes directly controlled by the central government.
- **Decisions by the Center:** The central government makes all decisions for the state, which could include policy decisions, law-making, financial matters, etc.
- **Lack of Representation:** The state loses its elected representatives in the legislature, and governance is done by the appointees of the central government.

Duration of President's Rule:

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- Initially, President's Rule can last for **six months**, but it can be extended up to **three years** if necessary, provided it is approved by Parliament.

Examples of President's Rule:

- Jammu & Kashmir (Article 370):** President's Rule was imposed in Jammu & Kashmir at various points in history due to the failure of governance and law and order issues.
- Punjab (1987-1992):** During the insurgency in Punjab, President's Rule was imposed to control the situation.

Criticism of President's Rule:

- Misuse of Power:** It has been seen as a tool for the central government to exert control over non-Congress state governments or political parties.
- Democratic Deficit:** It undermines the principle of federalism, bypassing the will of the state's people.
- Delay in Elections:** State elections might get delayed when President's Rule is in effect, denying citizens their right to elect their representatives.

Conclusion:

President's Rule is an emergency provision designed to restore order and governance in states facing constitutional breakdown. However, its frequent or unwarranted use can undermine democratic principles and state autonomy.

3 a Describe the social and community welfare schemes present in India in light of Directive Principles of State Policy. 08

Ans:

Social and Community Welfare Schemes in India in Light of Directive Principles of State Policy

Introduction: The **Directive Principles of State Policy (DPSP)**, enshrined in **Part IV of the Indian Constitution**, provide guidelines to the State for the establishment of a just and equitable society. They are aimed at promoting the welfare of the people, reducing inequalities, and ensuring social justice. Though DPSPs are non-justiciable (not enforceable by courts), they play a significant role in shaping public policy, and the Indian government has implemented several social welfare schemes in line with these principles.

Key Social and Community Welfare Schemes in India Linked to DPSP:

- National Social Assistance Programme (NSAP):**
 - DPSP Link:** Article 41 (Right to Work, Education, and Public Assistance in certain cases)

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- **Objective:** To provide financial assistance to the elderly, widows, and persons with disabilities who are in need of support. It aims at securing a minimum level of living for vulnerable groups.
- **Schemes under NSAP:**
 - **Indira Gandhi National Old Age Pension Scheme (IGNOAPS)**
 - **Indira Gandhi National Widow Pension Scheme (IGNWPS)**
 - **National Family Benefit Scheme (NFBS)**

2. Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA):

- **DPSP Link:** Article 41 (Right to Work, Education, and Public Assistance in certain cases)
- **Objective:** To provide guaranteed wage employment to rural households. MGNREGA aims to improve rural infrastructure while also enhancing the livelihood security of rural households.
- **Implementation:** The scheme provides 100 days of wage employment per year to every rural household, focusing on public works like road construction, water conservation, and afforestation.

3. Mid-Day Meal Scheme (MDM):

- **DPSP Link:** Article 45 (Provision for Free and Compulsory Education for Children)
- **Objective:** To improve the nutritional status of children, increase school attendance, and promote education. It provides free meals to children in government and aided schools.
- **Implementation:** The scheme targets children in primary and upper primary schools, serving nutritious meals during school hours to improve their health and education.

4. Pradhan Mantri Awas Yojana (PMAY):

- **DPSP Link:** Article 39 (Provision of Adequate Means of Livelihood)
- **Objective:** To ensure affordable housing for the urban and rural poor. PMAY aims to provide housing to the homeless and those living in inadequate housing conditions.
- **Implementation:** The scheme provides subsidies for constructing houses for economically weaker sections (EWS), lower income groups (LIG), and middle income groups (MIG).

5. Public Distribution System (PDS):

- **DPSP Link:** Article 47 (Duty of the State to raise the level of nutrition and the standard of living)

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- **Objective:** To ensure the availability of essential food items at subsidized rates to the poor. It aims to eliminate hunger, malnutrition, and food insecurity.
- **Implementation:** PDS distributes food grains like wheat, rice, sugar, and kerosene through ration shops to below-poverty-line families.

6. Pradhan Mantri Jan Dhan Yojana (PMJDY):

- **DPSP Link:** Article 39A (Equal Justice and Free Legal Aid)
- **Objective:** To promote financial inclusion by ensuring access to financial services for the poor. It provides a bank account, insurance, and access to credit for those who have been excluded from formal banking systems.
- **Implementation:** Under PMJDY, millions of people from rural and unbanked areas have been provided with access to banking and financial services.

7. Ayushman Bharat – Pradhan Mantri Jan Arogya Yojana (PMJAY):

- **DPSP Link:** Article 38 (Promotion of the welfare of the people), Article 47 (Provision for public health)
- **Objective:** To provide health insurance to economically vulnerable families, ensuring access to free healthcare services for hospitalization and surgeries.
- **Implementation:** It provides cashless health insurance coverage of up to ₹5 lakh per family annually, covering primary, secondary, and tertiary care hospitalization.

8. Atal Pension Yojana (APY):

- **DPSP Link:** Article 41 (Right to Work and Public Assistance)
- **Objective:** To provide pension coverage for the unorganized sector workers. It offers a fixed monthly pension after the age of 60 years.
- **Implementation:** Under APY, individuals can contribute a fixed amount towards a pension, and upon reaching the age of 60, they will start receiving a monthly pension.

9. Swachh Bharat Mission (SBM):

- **DPSP Link:** Article 47 (Duty of the State to improve public health)
- **Objective:** To eliminate open defecation and improve sanitation in rural and urban areas, ensuring a clean and healthy environment for all citizens.
- **Implementation:** It promotes the construction of household toilets, community toilets, and solid waste management systems.

Conclusion:

The Indian government has implemented a variety of social and community welfare schemes that are in alignment with the **Directive Principles of State Policy**. These schemes aim to provide basic necessities like food, education, health, housing, and employment to improve the

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quality of life for all citizens, especially the vulnerable sections of society. Through these measures, the State works towards realizing the ideal of a **welfare state**, as envisioned in the Constitution, and strives to eliminate social and economic inequalities.

3 b Explain the Fundamental Duties of every citizen provided under the Indian Constitution. 08

Ans:

Fundamental Duties of Every Citizen under the Indian Constitution

Introduction: The **Fundamental Duties** are enshrined in **Part IVA (Article 51A)** of the Indian Constitution. These duties were added by the **42nd Constitutional Amendment Act of 1976**. The Fundamental Duties serve as a reminder to the citizens of their moral obligations and responsibilities towards the nation. These duties are non-justiciable, meaning they are not enforceable by the courts but are meant to encourage the citizens to contribute towards the nation's progress and welfare.

List of Fundamental Duties (Article 51A):

- 1. To Abide by the Constitution and Respect its Ideals:**
 - Every citizen should respect and follow the Constitution and its ideals, including its values of liberty, equality, and fraternity.
- 2. To Cherish and Follow the Noble Ideals of Freedom Struggle:**
 - Citizens must cherish and honor the sacrifices made by the freedom fighters during India's struggle for independence.
- 3. To Uphold and Protect the Sovereignty, Unity, and Integrity of India:**
 - It is the duty of every citizen to protect and promote the sovereignty, unity, and integrity of the country, both within and outside India.
- 4. To Defend the Country and Render National Service When Required:**
 - Citizens are obligated to defend the country and contribute to national service when called upon, particularly in times of war or emergency.
- 5. To Promote Harmony and the Spirit of Common Brotherhood:**
 - Every citizen should promote harmony and brotherhood among all people, transcending religious, linguistic, regional, or other diversities. This includes respecting the dignity of women and preventing social injustices.
- 6. To Preserve the Rich Heritage of the Country's Composite Culture:**
 - It is the duty of citizens to preserve India's rich cultural heritage and promote its diverse traditions, languages, and practices.
- 7. To Protect and Improve the Natural Environment:**

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- Citizens must protect and improve the environment, including forests, lakes, rivers, and wildlife, and also be proactive in safeguarding the ecosystems for future generations.
8. **To Develop a Scientific Temper, Humanism, and the Spirit of Inquiry:**
 - Citizens should cultivate a scientific attitude and respect for knowledge, inquiry, and humanism, thereby contributing to the development of the nation.
 9. **To Safeguard Public Property and Abjure Violence:**
 - Every citizen should protect public property and refrain from indulging in acts of violence or destruction of property.
 10. **To Strive for Excellence in All Spheres of Life:**
 - Citizens should work towards excellence in all aspects of individual and collective life, including education, work, and social welfare, to contribute to the betterment of society.
 11. **To Provide Opportunities for Education to Children (under the age of 14 years):**
 - Every citizen has a responsibility to provide opportunities for education to children between the ages of 6 and 14 years, as part of the commitment to fulfilling the constitutional mandate of free and compulsory education.

Significance of Fundamental Duties:

- **Promotion of Civic Responsibility:** These duties promote the concept of **responsible citizenship** where individuals are encouraged to contribute towards the social, cultural, economic, and environmental well-being of the country.
- **Complementing Fundamental Rights:** While **Fundamental Rights** protect the rights of citizens, **Fundamental Duties** remind them of their responsibilities to society. The Constitution balances rights with duties to ensure a harmonious relationship between the individual and the state.
- **Fostering National Integrity:** By promoting unity, integrity, and respect for diversity, the Fundamental Duties aim to ensure national cohesion in a multicultural and diverse country like India.
- **Encouraging Participation in Nation-Building:** Fundamental duties encourage citizens to actively engage in nation-building processes, be it through preserving the environment, promoting peace, or contributing to educational and scientific development.

Conclusion:

The **Fundamental Duties** enshrined in the Indian Constitution serve as a reminder to every citizen about their role in the nation's welfare. They are designed to promote moral responsibility, civic consciousness, and a sense of national pride, ensuring that individuals not only enjoy their rights but also contribute to the progress and harmony of the society they live in.

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4 a List and explain various powers and functions of the President of India. 08

Ans:

Powers and Functions of the President of India

The President of India is the ceremonial head of state and the supreme commander of the armed forces. While the position is largely symbolic, the President holds several powers and performs key functions in the governance of India. The powers of the President are outlined in the **Constitution of India** and can be categorized into various domains.

1. Executive Powers:

- All executive actions are taken in the name of the President.
- Appoints the Prime Minister, Council of Ministers, Governors, Judges of Supreme Court, and other high-ranking officials.
- Governs Union Territories directly or through administrators.
- Promulgates ordinances when Parliament is not in session.

2. Legislative Powers:

- Summons and prorogues sessions of Parliament and can dissolve the Lok Sabha.
- Delivers the Presidential Address at the beginning of the first session after each general election.
- Assents to bills passed by Parliament; can withhold assent or send back bills for reconsideration (except in the case of money bills).
- Promulgates ordinances when necessary.

3. Judicial Powers:

- Appoints judges of the Supreme Court and High Courts.
- Has the power to grant pardons, reprieves, respites, and remissions of punishment, especially in death sentence cases.
- Can commute sentences and has the power to grant clemency.

4. Diplomatic Powers:

- Represents India in international relations and conducts foreign affairs.
- Appoints ambassadors and receives foreign diplomats.
- Signs treaties and agreements, subject to Parliament's approval.

5. Military Powers:

- Acts as the Supreme Commander of the Armed Forces.
- Can declare war or conclude peace, based on the advice of the Cabinet.
- Appoints the heads of the Army, Navy, and Air Force.

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6. Emergency Powers:

- **National Emergency (Article 352):** Can declare a national emergency in case of war, external aggression, or armed rebellion.
- **State Emergency (Article 356):** Can impose President's Rule in a state when the government fails to function as per the Constitution.
- **Financial Emergency (Article 360):** Can declare a financial emergency if the financial stability of India is threatened.

7. Miscellaneous Powers:

- Can appoint members to statutory bodies like the Election Commission, Finance Commission, etc.
- Holds veto power to withhold assent to bills or refer them back to Parliament (except money bills).
- Can call for information from the Prime Minister and Council of Ministers on any matter.

Conclusion:

The President of India holds wide-ranging powers, both executive and ceremonial. While most executive powers are exercised by the Prime Minister and the Cabinet, the President's role is crucial in times of crisis and to ensure the smooth functioning of the democratic framework. The President serves as a constitutional safeguard and ensures that governance adheres to the constitutional provisions.

4 b Explain the powers and functions of National Human Rights Commission in India. 08

Ans:

Powers and Functions of the National Human Rights Commission (NHRC) in India

The **National Human Rights Commission (NHRC)** was established in 1993 under the **Protection of Human Rights Act, 1993**, to promote and protect human rights in India. The NHRC plays a significant role in safeguarding the human rights of individuals and ensuring justice for violations.

Powers of NHRC:

1. Investigative Powers:

- NHRC has the authority to investigate violations of human rights, either **suo-motu** (on its own) or upon receiving a complaint.

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- It can call for reports from the government on human rights issues and can summon any person, record evidence, and even issue summons.

2. Power to Visit Places of Detention:

- The NHRC can visit jails or any other institutions under state control to inspect the living conditions of inmates and ensure their rights are being upheld.

3. Powers of a Civil Court:

- NHRC has the powers of a civil court, enabling it to summon witnesses, collect evidence, and take necessary actions to ensure compliance with its directions.

4. Power to Recommend Compensation:

- The Commission has the authority to recommend to the government for **payment of compensation or damages** to victims of human rights violations.

5. Power to Advise Government:

- The NHRC can recommend to the **Central and State Governments** measures to prevent human rights violations and improve human rights conditions.

6. Power to Inquire into Complaints:

- NHRC can inquire into complaints of human rights violations by government agencies or other organizations and take appropriate actions, such as issuing advisories or providing reports to Parliament.

Functions of NHRC:

1. Investigation of Human Rights Violations:

- NHRC investigates allegations of human rights violations, such as unlawful detention, custodial violence, discrimination, and exploitation.

2. Promoting Awareness of Human Rights:

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- NHRC works towards spreading **human rights literacy** among the public, conducts seminars, workshops, and other programs to create awareness.

3. Research and Policy Advocacy:

- It undertakes **research** in human rights issues and advocates for the formulation of policies and laws that enhance human rights protection in India.

4. Submission of Annual Report:

- The NHRC submits an **annual report** to the President of India, which is presented to Parliament. This report includes the activities of the Commission, the complaints received, and the actions taken.

5. Monitoring the Implementation of Human Rights Laws:

- NHRC monitors the implementation of laws and safeguards related to human rights and suggests improvements to address emerging human rights challenges.

6. Protection of Vulnerable Groups:

- The Commission focuses on vulnerable and marginalized groups such as women, children, Dalits, and persons with disabilities to ensure their rights are safeguarded.

7. Advisory Role:

- NHRC advises the government on issues related to the protection of human rights, and its recommendations often lead to reforms in government policies.

8. Role in International Forums:

- NHRC also engages in **international cooperation**, working with global human rights organizations and the United Nations to promote human rights globally.

Conclusion:

The NHRC plays a crucial role in upholding human rights in India by investigating violations, recommending measures for protection, and promoting awareness. Although it does not have enforcement powers, its work significantly impacts policy changes and legal reforms to safeguard the fundamental rights of individuals.