

ANSWERS & EXPLANATIONS

GENERAL STUDIES (P) TEST – 3178 (2021)

Q 1.C

- Under Article 352, the **President can declare a national emergency when the security of India or a part of it is threatened by war or external aggression or armed rebellion**. The President, however, can proclaim a national emergency only after receiving a **written recommendation from the cabinet**. This means that the emergency can be declared only on the concurrence of the cabinet and not merely on the advice of the Prime Minister. **Hence option (a) is correct.**
- The **proclamation of Emergency must be approved by both the Houses of Parliament within one month from the date of its proclamation by the President**. Once approved by both the houses of the Parliament the **emergency continues for six months**. **Hence option (b) is correct.**
- After completion of six months, the emergency can be extended for another six months with the approval of both the houses of Parliament. **Thus the emergency can be extended to an indefinite period with an approval of the Parliament for every six months**. This provision for **periodical parliamentary approval was also added by the 44th Amendment Act of 1978**. Before that, the emergency, once approved by the Parliament, could remain in operation as long as the Executive (cabinet) desired.
- Every resolution approving the proclamation of emergency or its continuance must be passed by either House of Parliament by a special majority, that is, (a) **a majority of the total membership of that house**, and (b) a majority of not less than two-thirds of the members of that house **present and voting**. Impeachment resolution of the President is one case where a majority of two-thirds of the total membership of the house is required for approval. **Hence, option (c) is not correct.**
- **A proclamation of emergency may be revoked by the President at any time by a subsequent proclamation**. Such a proclamation does not require parliamentary approval. **Hence option (d) is correct.**

Q 2.B

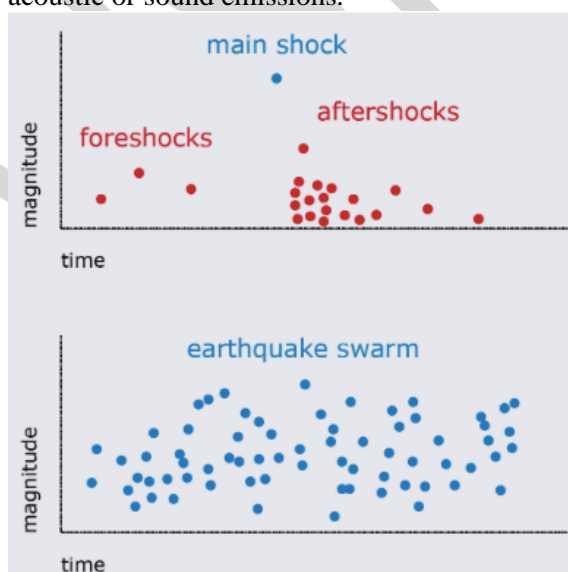
- Democracy is a form of government in which the rulers are elected by the people. Democracy is the most prevalent form of government in the world today and it is expanding to more countries
- Generally, there are two types of democracy: direct and representative. In a direct democracy, the people directly deliberate and decide on legislature. In a representative democracy, the people elect representatives to deliberate and decide on legislature, such as in parliamentary or presidential democracy.
- Arguments for democracy
 - A democratic government is a better government because it is a more accountable form of government. **Hence statement 3 is correct.**
 - Democracy is based on consultation and discussion. Through discussions and debates, it is possible to point out mistakes in any decision. Thus, it improves the quality of decision-making.
 - Democracy provides a method to deal with differences and conflicts by peaceful and participative resolution of differences of opinions and interests.
 - Democracy is based on the principle of political equality, on recognising that the poorest and the least educated has the same status as the rich and the educated. Hence, it enhances the dignity of citizens.
 - It allows for the correction of mistakes either by the leaders or by the people through a change of leadership.
- **Limitations of democracy**
 - Democracy leads to frequent changes in leadership. Sometimes this can set back big decisions and affect the government's efficiency. **Hence statement 1 is not correct.**
 - Involving the people in decision making leads to delays in decision making. Also, it does not guarantee that participative decisions will be good. **Hence statement 2 is not correct.**
 - Democracy does not ensure economic equality. Despite being the largest democracy, it has not ended poverty in our country and in other parts of the world. **Hence statement 4 is not correct.**

Q 3.C

- The Fundamental Rights are enshrined in Part III of the Constitution from Articles 12 to 35. The Constitution provides six Fundamental Rights:
 - Right to equality (Articles 14–18)
 - Right to Freedom (Articles 19–22)
 - Right against exploitation (Articles 23–24)
 - Right to freedom of religion (Articles 25–28)
 - Cultural and educational rights of minority groups (Articles 29–30)
 - Right to constitutional remedies (Article 32)
- **Right to Freedom (Article 19-22) consists of:**
- Article 19: It provides for the protection of certain rights regarding freedom of speech etc(1) All citizens shall have the right:
 - to freedom of speech and expression;
 - to assemble peaceably and without arms;
 - to form associations or unions;
 - to move freely throughout the territory of India;
 - to reside and settle in any part of the territory of India; and
 - to practise any profession, or to carry on any occupation, trade or business
- Article 20: Protection in respect of conviction for offences.
- Article 21: Protection of life and personal liberty.
- Article 21A: Right to elementary education.
- Article 22: Protection against arrest and detention in certain cases.
- The Supreme Court held that the trade unions have no guaranteed right to effective bargaining or right to strike or right to declare a lock-out. The right to strike can be controlled by appropriate industrial law. **Hence, the option (c) is correct.**

Q 4.C

- **Recent Context: Delhi is facing small but frequent shocks and this phenomenon is being compared to Palghar earthquake swarms (Maharashtra).**
 - **Option (a) is not correct:** The amount of energy released in an earthquake is known as **seismic energy**.
 - **Option (b) is not correct:** An abrupt movement of geological materials downhill in response to gravity is known as a **landslide**. Landslides can be triggered by an earthquake or other natural causes.
 - **Option (c) is correct:** According to the Swiss Seismological Service, **swarms are numerous earthquakes that occur locally over an extended period, without a clear sequence of high-intensity main quakes, preceded and succeeded by lower-intensity foreshocks and aftershocks**. When seismic energy piles up inside the Earth and is released in small amounts from certain points, such a series of earthquakes can occur. Sometimes, these are also accompanied by acoustic or sound emissions.



Graphical representation of an earthquake swarm and a typical earthquake sequence.

- **Option (d) is not correct:** A more or less continuous motion in the Earth that is unrelated to an earthquake and that has a period of 1.0 to 9.0 seconds is called a **microseism**. It is caused by a variety of natural and artificial agents.

Q 5.B

- **Recent Context: GI tag has been given to Black rice of Manipur also called the Chak-Hao.**
- **About Chak - Hao (Black Rice) of Manipur:**
 - Black rice variety has a deep black colour and is higher by weight than that of other coloured rice varieties like brown rice, etc. **This is mainly due to the anthocyanin agent.**
- **Related Information about Geographical Indication Tags:**
 - A **GI or Geographical Indication is a name or a sign given to certain products that relate to a specific geographical location or origins like a region, town or country.**
 - Using Geographical Indications may be regarded as a certification that the particular product is produced as per traditional methods, has certain specific qualities, or has a particular reputation because of its geographical origin.
 - Geographical Indications are covered as a component of intellectual property rights (IPRs) under the Paris Convention for the Protection of Industrial Property.
 - **At the International level, GI is governed by the World Trade Organisation's (WTO's) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).**
 - **In India, Geographical Indications registration is administered by the Geographical Indications of Goods (Registration and Protection) Act, 1999** which came into force with effect from September 2003.

Q 6.B

- Article 1 describes India, that is, Bharat as a 'Union of States' rather than a 'Federation of States'. This provision deals with two things: one, name of the country, and two, type of polity.
- There was no unanimity in the Constituent Assembly with regard to the name of the country. Some members suggested the traditional name (Bharat) while other advocated the modern name (India). Hence, the Constituent Assembly had to adopt a mix of both ('India, that is, Bharat'). Secondly, the country is described as 'Union' although its Constitution is federal in structure.
- According to Dr B R Ambedkar, the phrase '**Union of States**' **has been preferred to 'Federation of States' for two reasons:**
 - The **Indian Federation is not the result of an agreement** among the states like the American Federation. **Hence, statement 1 is not correct.**
 - The **states have no right to secede** from the federation. **Hence, statement 2 is correct.**
- The federation is a Union because it is indestructible. The country is an integral whole and divided into different states only for the convenience of administration

Q 7.C

- Being a sovereign state, India can acquire foreign territories or cede own territories according to the modes recognized by international law, i.e., cession (following treaty, purchase, gift, lease or plebiscite), occupation (hitherto unoccupied by a recognized ruler), conquest or subjugation
- **Article 2**
 - It relates to the admission or establishment of new states that are not part of the Union of India.
- **Article 3**
 - It relates to the formation of or changes in the existing states of the Union of India. In other words, it deals with the internal re-adjustment inter se of the territories of the constituent states of the Union of India.
- The Supreme Court held that the power of Parliament to diminish the area of a state (under Article 3) does not cover the cession of Indian territory to a foreign country. Hence, **Indian territory can be ceded to a foreign state only by amending the Constitution under Article 368.**
 - The 100th Constitutional Amendment Act (2015) was enacted to give effect to the acquiring of certain territories by India and transfer of certain other territories to Bangladesh in pursuance of the agreement and its protocol entered into between the Governments of India and Bangladesh.
 - Under this deal, India transferred III enclaves to Bangladesh, while Bangladesh transferred 51 enclaves to India.
- The settlement of a boundary dispute between India and another country does not require a constitutional amendment. It can be done by executive action as it does not involve cession of Indian territory to a foreign country. It was ruled by the Supreme Court in 1969.

Q 8.B

- CBI is a non-constitutional and non-statutory body and enjoys the status of an attached office to the Ministry of Personnel.
- It derives its powers from the Delhi Special Police Establishment Act (DSPE), 1946.

- With the passage of time, requests were made by various quarters for **CBI to take up investigation even in conventional crimes like assassinations, kidnappings, hijackings, crimes committed by extremists, violation of Official Secrets Act, large scale Banks and Insurance Frauds etc. and others specific cases like Bhagalpur Blindings, Bhopal Gas Tragedy etc.** Since early 1980's, constitutional courts also started referring cases to CBI for enquiry/investigation on the basis of petitions filed by the aggrieved persons in cases of murders, dowry deaths, rape etc. **Hence statement 1 is not correct.**
- Thus, CBI has grown into a multidisciplinary investigation agency over a period of time. Today it has the following **three divisions for investigation of crime:**
 - **Anti-Corruption Division** - for investigation of cases under the Prevention of Corruption Act, 1988 against Public officials and the employees of Central Government, Public Sector Undertakings, Corporations or Bodies owned or controlled by the Government of India - it is the largest division having presence almost in all the States of India.
 - **Economic Offences Division** - for investigation of major financial scams and serious economic frauds, including crimes relating to Fake Indian Currency Notes, Bank Frauds and Cyber Crime.
 - **Special Crimes Division** - for investigation of serious, sensational and organized crime under the Indian Penal Code and other laws on the requests of State Governments or on the orders of the Supreme Court and High Courts.
- The laws under which CBI can investigate Crime are notified by the Central Government under section 3 of the DSPE Act, 1946.
- CBI can suo-moto take up investigation of offences notified in DSPE act, only in the Union Territories.
- Taking up investigation by CBI **in the boundaries of a State** requires the **prior consent of that State as per Section 6 of the DSPE Act.**
- **The Central Government can authorize CBI to investigate such a crime in a State but only with the consent of the concerned State Government.**
- The Supreme Court and High Courts, however, can order CBI to investigate such a crime anywhere in the country without the consent of the State.
- CVC shall exercise **superintendence over the functioning of the CBI** insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988. **Hence statement 2 is correct.**

Q 9.D

- **Recent Context:** In a bid to financially empower tribals during the COVID-19 crisis, the Centre has increased the minimum support price (MSP) of minor forest produce (MFP) by 16-30%. **The list of products will include 20 new items such as cardamom, turmeric and ginger, ban tuls, ban jeera and raw bamboo brooms. Forest products collected by tribals in northeastern states will also be included.**
- Section 2(4) of the Indian Forest Act 1927 **defines only "forest-produce" and this term connotes to those products whether found in, or brought from a forest such as timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds, kuth and myrobalans, trees and leaves, flowers and fruits, and all other parts or produce of trees, plants not being trees (including grass, creepers, reeds, and moss), and all parts or produce of such plants, wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and peat, surface soil, rock and minerals (including limestone, laterite, mineral oils), and all products of mines or quarries;**
- **Statement 1 is not correct: Minor Forest Produce (MFP) is a subset of forest produce and got a definition only in 2007 when the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, was enacted.** Section 2(i) of the said Act defines a Minor Forest Produce (MFP) as **all non-timber forest produce of plant origin and includes bamboo, brushwood, stumps, canes, Tusser, cocoon, honey, waxes, Lac, tendu/kendu leaves, medicinal plants and herbs, roots, tuber and the like.** Thus, the definition of "minor forest produce" includes bamboo and cane, thereby changing the categorization of bamboo and cane as "trees" under the Indian Forest Act 1927.
- **About Indian Forest Amendment Act, 2017:** It amends the Indian Forest Act, 1927. Under the Act, the definition of tree includes palms, bamboos, stumps, brush-wood, and canes. The Amendment Act amends **this definition to remove the word bamboos.** Following this, **bamboo growing in non-forest areas will be waived off the requirement of permission for its felling or transportation for economic use.**
- **About the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, popularly known as the Forests Rights Act (FRA), was enacted in 2007:** The Act recognizes and vests individual forest-dwellers with forest rights to live in and cultivate forest

land that was occupied before 13 December 2005 and grants community forest rights to manage, protect and regenerate the forest under section 3(1)(i), and to own and dispose minor forest products from forests where they had traditional access. Section 3(1)(c) of the Forest Rights Act 2006 defines forest rights as inclusive of 'Right of ownership, access to collect, use and dispose of minor forest produce which has traditionally been collected within or outside village boundaries'. **Individuals, communities, and gram sabhas having rights under this particular section of the Act will not only have the right to use but also rights of ownership over MFPs.**

- **Statement 2 is not correct:** The Government of India has launched a central sector scheme for the marketing of Minor Forest Produce through Minimum Support Price (MSP) and development of value chain to ensure fair monetary returns to MFP gatherers for their efforts in the collection, primary processing, storage, packaging, transportation, etc. **The scheme envisages fixation and declaration of Minimum Support Price for the selected MFP based on the suggestions/inputs received from Tribal Cooperative Marketing Development Federation of India (TRIFED) which came into existence in 1987, and the States concerned.** The procurement and marketing operation at pre-fixed MSP is undertaken by the designated State agencies. **Thus, not Commission for Agricultural Costs and Prices (CACP) but TRIFED recommends the MSP to the Cabinet Committee of Economic Affairs.**

Q 10.A

- Ordinarily, all business of the legislature requires that a motion or resolution or bill should get the support of a simple majority of the members voting at that time.
 - Suppose that at the time of voting on a bill, 247 members were present in the house and all of them participated in the voting on the bill. Then, the bill would be passed if at least 124 members voted in favor of the bill.
- It is not so in the case of an amendment bill. Amendment to the Constitution requires two different kinds of special majorities:
 - in the first place, those voting in favor of the amendment bill should constitute at least half of the total strength of that House.
 - Secondly, the supporters of the amendment bill must also constitute two-thirds of those who actually take part in voting.
- **In the Lok Sabha total seats are 552. However, some of the seats are vacant and there are 545 members. Therefore, any constitutional amendment must be supported by a minimum of 273 members. Even if only 300 members are present at the time of voting, the amendment bill must get the support of 273 out of them.**
- Both Houses of the Parliament must pass the amendment bill separately in this same manner (there is no provision for a joint session). For every amendment bill, this special majority is required.

Q 11.D

- The objectives of the NITI Aayog are:
 - To evolve a shared vision of national development priorities with the active involvement of States.
 - To foster **cooperative federalism**.
 - To develop mechanisms to **formulate credible plans at the village level and aggregate** these progressively at higher levels of government. (**Integrate villages** institutionally into the development process)
 - To focus on technology up-gradation and capacity building
 - To design strategic and long-term policy and programme frameworks and initiatives, and monitor their progress and their efficacy
 - To provide advice and encourage partnerships between key stakeholders
 - To offer a **platform for the resolution of inter-sectoral and interdepartmental issues** in order to accelerate the implementation of the development agenda.
 - To **leverage India's demographic dividend**.
- **Hence option (d) is the correct answer.**

Q 12.C

- The Supreme Court (under Article 32) and the high courts (under Article 226) can issue the writs of habeas corpus, mandamus, prohibition, certiorari and quo-warranto. These writs are borrowed from English law where they are known as 'prerogative writs'.
- **Mandamus:** It is a **command issued by a court to an authority directing it to perform a public duty imposed upon it by law**. Mandamus can be **issued when** the Government denies to itself a jurisdiction which it undoubtedly has under the law, or where **an authority vested with a power improperly refuses to exercise it**. The function of mandamus is to keep the public authorities within the limits of their