



**ILAHIA COLLEGE OF ENGINEERING AND TECHNOLOGY  
DEPARTMENT OF ELECTRICAL AND ELECTRONICS ENGINEERING**

**PREVIOUS YEAR QUESTION PAPER AND SOLVED ANSWER**

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**Course Code:** MCN202

**Course Name:** CONSTITUTION OF INDIA

**MODULE 5**

**PART A**

**Answer all questions, each carries 3 marks.**

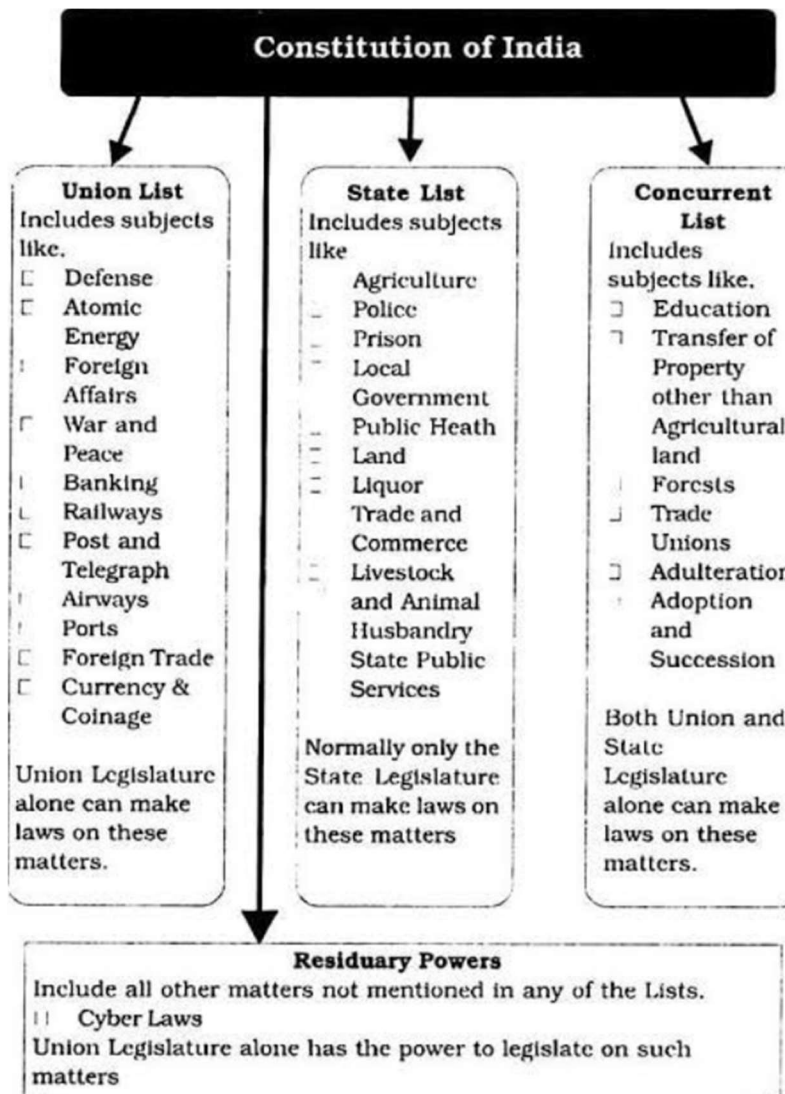
**1. Differentiate between Union list, State list and Concurrent list.**

The Constitution divides legislative authority between the Union and the States in three lists: the **Union List**, the **State List** and the **Concurrent List**.

**The Union list** consists of 99 items. The Union Parliament has exclusive authority to frame laws on subjects enumerated in the list. These include foreign affairs, defence, armed forces, communications, posts and telegraph, foreign trade etc.

**The State list** consists of 61 subjects on which ordinarily the States alone can make laws. These include public order, police, administration of justice, prison, local governments, agriculture etc.

**The Concurrent list** comprises 52 items including criminal and civil procedure, marriage and divorce, economic and special planning trade unions, electricity, newspapers, books, education, population control and family planning etc. Both the Parliament and the State legislatures can make laws on subjects given in the Concurrent list, but the Centre has a prior and supreme claim to legislate on current subjects. In case of conflict between the law of the State and Union law on a subject in the Concurrent list, the law of the Parliament prevails.



## 2. Evaluate the role of Comptroller and Auditor General in ensuring financial accountability.

He audits the accounts related to all expenditure from the Consolidated Fund of India.

- He audits all trading, manufacturing, profit and loss accounts, balance sheets and other subsidiary accounts kept by any department of the Central Government and State Government.
- He audits the receipts and expenditure of the Centre and each state.
- He audits the receipts and expenditure of all bodies and authorities substantially finance from the Central or State revenues.
- He audits the accounts of any other authority when requested by the President or Governor.
- He acts as a guide, friend and philosopher of the Public Accounts Committee of the Parliament.

## 3. What are the functions of UPSC?

The Union Public Service Commission (UPSC) is the central recruiting agency in India.

### FUNCTIONS

- It conducts examinations for appointments to the all-India services, Central services and public services of the centrally administered territories.
- It serves all or any of the needs of a state on the request of the state governor and with the approval of the president of India.
- All matters relating to methods of recruitment to civil service and for civil posts
- Any other matter related to personnel management.

## **PART B**

**Answer questions, each carries 10 marks.**

### **1. Explain the concept of Centre-State relations in the Indian federal structure.**

The Constitution of India divides all powers (Legislative, Executive and Financial) between the Centre and the states.

□ The Centre state relations can be divided under three heads:

- 1.Legislative relations.
- 2.Administrative relations.
- 3.Financial relations.

### **LEGISLATIVE RELATIONS**

Articles 245 to 255 in Part XI of the Constitution deal with the legislative relations between the Centre and the states.

There are four aspects in the Centre states legislative relations:

- 1.Territorial extent of Central and state legislation;
2. Distribution of legislative subjects;
- 3.Parliamentary legislation in the state field;
- 4.Centre's control over state legislation.

### **ADMINISTRATIVE RELATIONS**

•Articles 256 to 263 in Part XI of the Constitution deal with the administrative relations between the Centre and the states.

•Distribution of Executive Powers

The executive power of the Centre extends to the whole of India:

- (i) To the matters on which the Parliament has exclusive power of legislation (i.e., the subjects enumerated in the Union List);
- (ii) To the exercise of rights, authority and jurisdiction conferred on it by any treaty or agreement.

#### Obligation of States and the Centre

- (a) The state has to ensure compliance with the laws made by the Parliament and any existing law which apply in the state
- (b) The state should not impede or prejudice the exercise of executive power of the Centre in the state
- Centre's Directions to the States

The construction and maintenance of means of communication, protection of the railways within the state, protection of the railways within the state etc.,

#### FINANCIAL RELATIONS

- Articles 268 to 293 in Part XII of the Constitution deal with Centre state financial relations.
- Allocation of Taxing Powers

The Parliament has exclusive power to levy taxes on subjects enumerated in the Union List and state legislature has exclusive power to levy taxes on subjects enumerated in the State List. There are no tax entries in the Concurrent List

- **Distribution of Tax Revenue**

- Taxes Levied by the Centre but Collected and Appropriated by the States (Article 268) E.g. Stamp duties
- Taxes Levied and Collected by the Centre but Assigned to the States (Article 269)
- Levy and Collection of Goods and Services Tax in Course of Inter-State Trade or Commerce (Article 269-A) (E.g. GST)
- Taxes Levied and Collected by the Centre but Distributed between the Centre and the States (Article 270)
- Taxes Levied and Collected and Retained by the States . E.g. Agricultural income, taxes on lands and buildings etc.,

#### Finance Commission

- Article 280 provides for a Finance Commission to be constituted by President of India.
- The Finance Commission consists of a chairman and four other members.

- The commission submits its report to the president. He lays it before both the Houses of Parliament along with an explanatory memorandum as to the action taken on its recommendations

## 2. Discuss the role of Finance Commission in the distribution of financial resources

Article 280 provides for a Finance Commission to be constituted by President of India.

- The Finance Commission consists of a chairman and four other members.
- The commission submits its report to the president. He lays it before both the Houses of Parliament along with an explanatory memorandum as to the action taken on its recommendations.

Functions of Financial Commission

- It make recommendations to the President as to the distribution between the Union and
- States of the net proceeds of taxes which are to be or may be divided between them under this chapter and the allocation between the states of the respective shares of such proceeds.
- It makes recommendations on the principles which should govern the grants in aid of
- the revenues of the states out of the consolidated fund of India.
- It recommends the measures needed to augment the consolidated fund of a state to supplement the resources of the Panchayats in the states.
- It recommends how much allocation of taxes to municipalities.
- And also it is the financial commission to whom the President ask advices about the finance of the Indian Government.

## 3. Discuss different types of emergencies outlined in the Constitution.

**The Emergency provisions are contained from Articles 352 to 360.**

- These provisions enable the Central government to meet any abnormal situation effectively and to safeguard the sovereignty, unity, integrity and security of the country, the democratic political system, and the Constitution.
- During an Emergency, the Central government becomes all powerful and the states go into the total control of the Centre.

**The Constitution stipulates three types of emergencies**

- An emergency due to war, external aggression or armed rebellion (Article 352). This is popularly known as 'National Emergency'. However, the Constitution employs the expression 'proclamation of emergency' to denote an emergency of this type.
- An Emergency due to the failure of the constitutional machinery in the states (Article 356). This is popularly known as 'President's Rule'. It is also known by two other names—'State Emergency' or 'constitutional Emergency'. However, the Constitution does not use the word 'emergency' for this situation.
- Financial Emergency due to a threat to the financial stability or credit of India (Article 360).