



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

PREVIOUS YEAR QUESTION PAPER AND SOLVED ANSWER

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Course Name: CONSTITUTION OF INDIA

MODULE 3

PART A

Answer all questions, each carries 3 marks.

1. What are the Constitutional provisions and procedures outlined in the Indian Constitution for the impeachment of the President of India?

Impeachment procedure (3 marks)

Impeachment of the President

The President of India can be impeached under **Article 61** for the **violation of the Constitution**, on the basis of charges preferred by either House of Parliament. The impeachment charges are signed by one fourth of the members of the Lok Sabha. Then a 14 days' notice is given. The Lok Sabha passes the impeachment charges with two third majority and sends it to Rajya Sabha. Rajya Sabha investigates the charges. The President can defend himself at this time. If Rajya Sabha agrees to the charges and passes it with two third majority, the President stands removed.

2. Discuss the circumstances under which Supreme Court of India may grant Special Leave to Appeal

- It is a special power of Supreme court. The supreme court is authorised to grant in its discretion special leave to appeal from any judgement in any matter passed by any court or tribunal in the country (except military tribunal and court martial).
- It is otherwise known as special leave petition.

- SLP (Special Leave Petition) means the aggrieved party takes special permission to be heard in Supreme Court against the judgment given by the appeals court generally Supreme Court and sometimes Tribunals. However, the Special Leave Petition isn't an appeal but a petition filed for an appeal. It's up to the Supreme Court to grant the petition to be heard if it deems fit to be heard.
- This provision contains the four aspects as under:
 - (a) It is a discretionary power and hence cannot be claimed as a matter of right.
 - (b) It can be granted in any judgement whether final or interlocutory.
 - (c) It may be related to any matter – constitutional, civil, criminal, income tax, labour, revenue etc.
 - (d) It can be granted against any court or tribunal (except a military court).

അത് സുപ്രീം കോടതിയുടെ പ്രത്യേക അധികാരമാണ്. രാജ്യത്തെ ഏതെങ്കിലും കോടതിയോ ട്രൈബ്യൂണലോ (മിലിട്ടറി ട്രിബ്യൂണലും കോടതി മാർഷലും ഒഴികെ) പാസാകുന്ന ഏതൊരു വിഷയത്തിലും ഏതെങ്കിലും വിധിയിൽ നിന്ന് അപ്പീൽ ചെയ്യാൻ അതിന്റെ വിവേചനാധികാരത്തിൽ പ്രത്യേക അനുമതി നൽകാൻ സുപ്രീം കോടതിക്ക് അധികാരമുണ്ട്.

സ്പെഷ്യൽ ലീവ് പെറ്റീഷൻ എന്നാണ് ഇത് അറിയപ്പെടുന്നത്.

SLP (സ്പെഷ്യൽ ലീവ് പെറ്റീഷൻ) എന്നാൽ അപ്പീൽ കോടതി പൊതുവെ സുപ്രീം കോടതിയും ചിലപ്പോൾ ട്രൈബ്യൂണലുകളും നൽകുന്ന വിധിക്കെതിരെ സുപ്രീം കോടതിയിൽ വാദം കേൾക്കാൻ പീഡിത കക്ഷി പ്രത്യേക അനുമതി വാങ്ങുന്നു എന്നാണ് അർത്ഥമാക്കുന്നത്. എന്നിരുന്നാലും, സ്പെഷ്യൽ ലീവ് പെറ്റീഷൻ ഒരു അപ്പീൽ അല്ല, അപ്പീലിനായി സമർപ്പിച്ച ഒരു ഹർജിയാണ്. ഹർജി കേൾക്കാൻ അനുയോജ്യമെന്ന് തോന്നുകയാണെങ്കിൽ അത് കേൾക്കാൻ അനുവദിക്കേണ്ടത്

സുപ്രീം കോടതിയാണ്. ഈ വ്യവസ്ഥയിൽ താഴെപ്പറയുന്ന നാല് വശങ്ങൾ അടങ്ങിയിരിക്കുന്നു:

- (എ) ഇത് ഒരു വിവേചനാധികാരമാണ്, അതിനാൽ അവകാശത്തിന്റെ കാര്യമായി അവകാശപ്പെടാൻ കഴിയില്ല.
- (ബി) അന്തിമമായാലും ഇടയ്ക്കായാലും ഏത് വിധിയിലും ഇത് അനുവദിക്കാവുന്നതാണ്.

(സി) ഭരണഘടനാപരമായ, സിവിൽ, ക്രിമിനൽ, ആദായനികുതി, തൊഴിൽ, റവന്യൂ തുടങ്ങിയവയുമായി ഇത് ബന്ധപ്പെട്ടിരിക്കാം.

(ഡി) ഏത് കോടതിക്കും ട്രിബ്യൂണലിനും എതിരെ (സൈനിക കോടതി ഒഴികെ) ഇത് അനുവദിക്കാവുന്നതാണ്.

3. Describe the constitutional emergency powers granted to the President?

Emergency Powers of the President

- He has the power to declare National Emergency. (When the security of the country is threatened due to war, the President has the power to declare National Emergency and then the country will be under his rule.)
- He has the power to declare State Emergency. When the State Emergency is declared the state would then come under Governor's rule.
- Whenever the financial stability of the nation is seriously affected, the President has the right to impose Financial Emergency.

4. What are the responsibilities carried out by the advocate general of the state?

DUTIES OF AG

- To give advice to the Government of India upon legal matters.
- To perform duties of a legal character that are assigned to him by the president.
- To appear on behalf of the Government of India in all cases in the Supreme Court in which the Government of India is concerned.
- He has the right to speak and to take part in the proceedings of both the Houses of Parliament

5 Explain the functions of Vice President

He acts as the ex-officio Chairman of Rajya Sabha.

- He acts as President when a vacancy occurs in the office of the President due to his resignation, impeachment, death or otherwise.

6. How Rajya Sabha will be composed?

Composition of Rajya Sabha

Total Number of Members: 250 members, 238 members are elected by the legislatures of the states and union territories, while the President of India can

nominate 12 members with special knowledge or practical experience in literature, art, science, or social service.

Term of Office: Members of the Rajya Sabha serve a term of six years. One-third of the members retire every two years, ensuring continuity in the functioning of the house.

Quorum: For a valid session of the Rajya Sabha, one-tenth of the total membership must be present, including the presiding officer (the Vice President of India)

PART B

Answer questions, each carries 10 marks.

1. Provide an in-depth overview of the Union executive, emphasizing the roles of President and Prime minister. (9 Mark)

Components of Union executive (1 marks)

Election, qualification, powers and functions of President (4 marks)

Election, qualification, powers and functions of Prime minister (4 marks)

The Composition of The Union Executive

The Union Executive comprises of

- The President
- The Vice President
- The Prime Minister and The Council of Ministers
- Attorney General

Qualifications of President (Article 58)

Article 58 talks about the eligibility of a person to become President of India. Accordingly, He/She

- should be the citizen of India.
- has completed the age of 35 years
- is qualified for election as a member of the House of the People.

Election of the President (Article 54)

• The President is elected not directly by the people but by members of electoral college consisting of:

1. The elected members of both the Houses of Parliament.
2. The elected members of the legislative assemblies of the states.
3. The elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry.

POWERS AND FUNCTIONS OF THE PRESIDENT

1. Executive powers : He appoints the prime minister and the other ministers, attorney general of India, the chief election commissioner, administers the union territories.
2. Legislative powers : He can summon the Parliament and dissolve the Lok Sabha and can hold Joint sessions of both houses. He nominates 12 members of the Rajya Sabha (Various fields) and nominate two members to the Lok Sabha from the Anglo Indian Community
3. Financial powers : He constitutes a finance commission after every five years and make advances out of the contingency fund
4. Judicial powers : He appoints the Chief Justice and the judges of Supreme Court and high courts.
5. Diplomatic powers : He represents India in international forums and affairs and sends and receives diplomats like ambassadors, high commissioners, and so on.
6. Military powers : He is the supreme commander of the defense forces of India. In that capacity, he appoints the chiefs of the Army, the Navy and the Air Force.
7. Emergency powers : (a) National Emergency (Article 352); (b) President's Rule (Article 356 & 365); and (c) Financial Emergency (Article 360)

The Prime Minister

The Prime Minister of India is **appointed by the President** through provisions under **Article 84** and **Article 75**.

Acc to Indian constitution, Prime Minister is the head of the government.

- The President has to appoint the leader of the majority party in the Lok Sabha as the Prime Minister. (Article 75)

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POWERS AND FUNCTIONS OF THE PRIME MINISTER

(Art 78)

In Relation to Council of Ministers

1. Head of the Union council of ministers
2. Recommends ministers to be appointed by the president
3. Allocates and reshuffles various portfolios
4. He guides, directs, controls, and coordinates the activities of all the ministers.

In Relation to the President

1. To communicate to the President all decisions of the council of ministers relating to the administration.
2. Advises the president with regard to the appointment of important officials like attorney general of India, Comptroller and Auditor General of India, chairman and members of the UPSC, election commissioners etc.,

In Relation to Parliament

- Prime Minister is the leader of the Lower House
- Summoning and dissolution of the Lok Sabha,

Other Powers & Functions

- Chairman of the NITI Ayog, National Integration Council, Interstate Council, National Water Resources Council and some other bodies.
- Chief spokesman of the Union government, leader of the party in power, crisis manager-in-chief during emergencies etc.,

2. Discuss the qualifications, election process, term of office and powers and functions of the Vice President as outlined in the Indian Constitution.

The Vice-President

• The Vice-President occupies the second highest office in the country. The Vice-President, like the president, is elected not directly by the people but by the method of indirect election. He is elected by the members of an electoral college consisting of the members of both Houses of Parliament.

Qualifications

To be eligible for election as Vice President, a person should fulfill the following qualifications:

1. He should be a citizen of India.
2. He should have completed 35 years of age.
3. He should be qualified for election as a member of the Rajya Sabha .
4. He should not hold any office of profit under the Union government or any state government or any local authority or any other public authority.

POWERS AND FUNCTIONS -VP

- He acts as the ex-officio Chairman of Rajya Sabha.
- He acts as President when a vacancy occurs in the office of the President due to his resignation, impeachment, death or otherwise.

3. Discuss the provisions in the Indian Constitution regarding the composition and functioning of the Parliament.

The Parliament - Composition

- The Parliament is the supreme legislative body of the Republic of India.
- Article 79 to 122 in Part V of the constitution deals with organisation, composition, duration, officers, procedures, privileges, powers of the Parliament.

Organisation/Composition of Parliament:

Article 79 provides that ‘there shall be a Parliament which shall consist of the **President** and two Houses to be known respectively as the **Rajya Sabha** (Council of States) and the **Lok Sabha** (House of the People)’. (Bicameral Legislature)

Though the President of India is not a member of either houses, he is an integral part of the Parliament. This is because a bill passed by both Houses of Parliament cannot become law without the President’s consent.

- Those elected or nominated by the President to either house of Parliament are referred to as Members of Parliament (MP).
- The current Parliament has strength of **543 in Lok Sabha and 245 in Rajya Sabha** including the 12 nominees from the expertise of different fields of science, culture, art and history.

- Each House must meet within six months of its previous sitting. A joint sitting of two Houses can be held in certain cases

Rajya Sabha (Council of States)

Article 80 of Indian Constitution deals with the composition of Rajya Sabha. Rajya Sabha was first constituted in 1952.

Composition of Rajya Sabha

- The Constitution provides that the Rajya Sabha shall consist of **250 members**. Of these 238 members are to be elected as the representatives of the States and 12 members to be nominated by the President from amongst persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service.
- Elections to the Rajya Sabha are indirect.
- The method of election of these members is listed in **Article 80**.
- The Rajya Sabha is not subject to dissolution; one-third of its members retire every second year. Hence the election to Rajya Sabha is conducted once in every two years.
- Every member of the House has a term of six years.
- There is a chairman and a deputy chairman for Rajya Sabha. The Chairman of Rajya Sabha is the **Vice President of India** and he is **not** the member of the house. He is the presiding officer of Rajya Sabha. In the absence of Vice President, a member of house will be chosen internally by the Rajya Sabha as deputy chairperson of the house.

Lok Sabha (House of People)

Composition of Lok Sabha

- Lok Sabha is composed of representatives of the people chosen by direct election on the basis of the adult suffrage.
- The maximum strength of the House by the Constitution is 552 which is made up by election of up to 530 members to represent the States, up to 20 members to represent the Union Territories and not more than two members of the Anglo-Indian Community to be nominated by the Hon'ble President. A total of 131 seats are reserved for representatives of SC and ST.
- Its normal term is five years from the date of its first meeting after the general elections.
- The representatives of states in the Lok Sabha are **directly elected** by the people from the constituencies in the states by universal adult franchise and

those representing Union Territories are chosen by the Parliament as empowered by constitution.

- There is a Speaker and a Deputy Speaker for the Lok Sabha. The Speaker and Deputy Speaker is elected by the Lok Sabha from amongst its members.

4.Explore the Constitutional position, role and functions of the Attorney General of India.

- **Article 76** of Indian constitution mentions that the Attorney- General is the highest law officer in the country. As a chief legal advisor to the government of India, he advises the union government on all legal matters.

Qualification of Attorney- General

The president of India appoints a person as Attorney-General who is qualified for the post of Supreme Court judge.

These are the qualifications to become Attorney-General:

- (a) He should be an Indian Citizen,
- (b) He must have either completed 5 years in High Court of any Indian state as a judge or 10 years in High Court as an advocate,
- (c) He may be an eminent jurist too, in the eye of the President

Term of Attorney-General's office

There is no fixed term for the Attorney General of India. The Constitution mentions no specified tenure of Attorney General

Functions and duties of Attorney- General

Article 76(2) defines the functions and duties of the Attorney General of India.

Accordingly,

- To give advice to the Government of India upon legal matters.
- To perform duties of a legal character that are assigned to him by the president.
- To appear on behalf of the Government of India in all cases in the Supreme Court in which the Government of India is concerned.
- He has the right to speak and to take part in the proceedings of both the Houses of Parliament

5.What are the qualifications and disqualifications that the Indian Constitution specifies for someone to become a Member of Parliament?

Membership of Parliament (Rajya Sabha & Lok Sabha)

Qualifications:

The constitution lays down the following qualifications for a person to be chosen a member of the Parliament (MP).

- He must be citizen of India.
- He must be not less than 30 years of age in the case of the Rajya Sabha and not less than 25 years of age in the case of the Lok Sabha.
- He must be a member of a scheduled caste or scheduled tribe in any state or union territory, if he wants to contest a seat reserved for them.

Disqualifications:

Under the constitution, a person shall be disqualified for being elected as a member of Parliament.

- If he is of unsound mind and stands so declared by a court.
- If he is not a citizen of India or has voluntarily acquired the citizenship of a foreign state.
- If he is so disqualified under any law made by Parliament.
- He must not have been found guilty of certain election offences or corrupt practices in the elections.

- He must not have been convicted for any offence resulting in imprisonment for two or more years.
- He must not have been dismissed from government service for corruption or disloyalty of the state etc.

6. Explain the various jurisdictions of the Supreme Court of India.

JURISDICTION AND POWERS OF SUPREME COURT

The jurisdiction and powers of the Supreme Court can be classified into the following:

1. Original Jurisdiction: The Supreme Court decides the disputes between different units of the Indian Federation

2. Writ Jurisdiction: The Supreme Court is empowered to issue writs including habeas corpus, mandamus, prohibition, quo warranto and certiorari for the enforcement of the fundamental rights.

3. Appellate Jurisdiction: The Supreme Court is primarily a court of appeal and hears appeals against the judgments of the lower courts.

4. Advisory Jurisdiction: The Constitution (Article 143) authorizes the president to seek the opinion of the Supreme Court.

5. A Court of Record: The judgments, proceedings and acts of the Supreme Court are recorded for perpetual memory and testimony

6. Power of Judicial Review :It is the power of the Supreme Court to examine the constitutionality of legislative enactments and executive orders of both the Central and state governments

7. Constitutional Interpretation : The Supreme Court is the ultimate and final interpreter of the Constitution. It is the guardian of the Constitution and guarantor of the fundamental rights of the citizens.

8. Other Powers: It decides the disputes regarding the election of the president and the vice-president. It enquires into the conduct and behaviour of the chairman and members of the Union Public Service Commission on a reference made by the president. Its law is binding on all courts in India