
KIET Group of Institutions - CT Examination (2022-2023)

Subject: Constitution of India, Law and Engineering (KNC501)

Section-A (2 x 10 = 20 Marks)

Q.1 (a) Explain the meaning of Constitution.

A **Constitution** is the foundational and **supreme law of a country**¹. It's a comprehensive document that establishes the framework for governance, defining the powers, functions, and limitations of the government's primary organs: the **Legislative, Executive, and Judiciary**^{2,22}. It also outlines the fundamental rights and duties of its citizens³.

Q.1 (b) State four Fundamental Duties of an Indian Citizen.

The **Fundamental Duties** are a set of moral obligations for all citizens, listed under **Article 51-A** of the Constitution⁴. Four key duties are:

1. To abide by the Constitution and respect its ideals, the **National Flag, and the National Anthem**⁵.
 2. To uphold and protect the **sovereignty, unity, and integrity of India**⁶.
 3. To defend the country and render national service when called upon to do so⁷.
 4. To **safeguard public property** and to abjure violence⁸.
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Q.1 (c) Define Quorum.

Quorum refers to the **minimum number of members** that must be present in a House of Parliament or a State Legislature for it to conduct its proceedings⁹. For both the Lok Sabha and the Rajya Sabha, the quorum is fixed at **one-tenth (10%) of the total strength** of the House¹⁰. If the quorum is not met, the presiding officer is obligated to adjourn the House.

Q.1 (d) Differentiate between Common Law and Case Law.

In the context of the Indian legal system, **Common Law** and **Case Law** refer to the same concept and are often used interchangeably.

- **Common Law** is a legal system where law is developed by judges through decisions in courts, based on **precedent** (*stare decisis*), rather than solely on written statutes or codes¹¹.
- **Case Law** is the body of law that is created from the written decisions of judges in individual cases¹².

Essentially, **Case Law is the collection of precedents that forms the basis of the Common Law system**. There is no practical difference between them.

Q.1 (e) Explain the reason why 26th January observed as Constitution Day or Samvidhan Divas?

There is a factual correction needed in the question. **January 26th is celebrated as Republic Day**, while **November 26th is celebrated as Constitution Day (Samvidhan Divas)**.

- **Republic Day (January 26th):** This date was chosen for the **enforcement of the Constitution** in 1950 to commemorate the historic **Purna Swaraj (Complete Independence) resolution**, which was declared by the Indian National Congress on this day in 1930¹³.
- **Constitution Day (November 26th):** This is the date on which the Constituent Assembly **passed and adopted the Constitution of India** in 1949¹⁴.

Q.1 (f) Define Directive Principle of State Policy.

The **Directive Principles of State Policy (DPSP)** are ideals and guidelines contained in **Part IV (Articles 36-51)** of the Constitution¹⁵. These principles are meant to guide the state in formulating policies and enacting laws to establish a just society¹⁶.

Key Features:

- They are **non-justiciable**, meaning they are not enforceable by any court¹⁷.
- Despite being non-enforceable, they are considered **"fundamental in the governance of the country"**¹⁸.

Q.1 (g) What is the Quasi-Federal System.

A **Quasi-Federal System** is one that has features of both a **federal system** (division of power between Centre and States) and a **unitary system** (concentration of power in the Centre)¹⁹. India is described as a "Union of States" and is considered quasi-federal because, while it has a clear division of powers, the Constitution has a **strong tilt towards the Central Government**²⁰.

Example:

- **Federal Feature:** The division of legislative powers into Union, State, and Concurrent lists.
- **Unitary Feature:** The appointment of State Governors by the President (Centre)²¹.

Q.1 (h) Explain Lower House in brief.

The **Lower House** of the Indian Parliament is the **Lok Sabha** or the **"House of the People"**²². It represents the people of India directly. Its members are elected through **universal adult franchise**²³. It has a term of **5 years** and can be dissolved by the President²⁴. The Lok Sabha holds supreme power in **financial matters**, and the Council of Ministers is collectively responsible to it²⁵²⁵.

Q.1 (i) Explain the composition of Lok Sabha.

The Lok Sabha is composed of representatives of the people chosen by direct election. As per the Constitution (and your notes), the maximum strength of the House is **552**²⁶²⁶. This is composed of:

- Not more than **530 representatives** from the **States**²⁷.
- Not more than **20 representatives** from the **Union Territories** (your notes mention 13)²⁸²⁸²⁸²⁸.
- Not more than **2 members** from the **Anglo-Indian community**, nominated by the President²⁹. (Note: This provision for Anglo-Indian nomination was discontinued in 2020, but is part of your syllabus).

Q.1 (j) Summarize Arbitration.

Arbitration is a method of **Alternative Dispute Resolution (ADR)** where a dispute is submitted, by agreement of the parties, to one or more neutral persons called **arbitrators**³⁰. The arbitrator reviews the case and makes a decision known as an **arbitral award**, which is **legally binding** on both parties and is enforceable by a court³¹. It is a confidential, less formal, and often faster alternative to traditional court litigation³².

Section-B (5 x 4 = 20 Marks)

Q. 2 Describe salient features of Indian Constitution. OR Under what circumstances can the financial emergency be proclaimed by President of India? What consequences follow when such a declaration remain in Force?

Answer: Salient Features of the Indian Constitution

The Indian Constitution is a unique document with several distinguishing features, including:

1. **Written and Most Detailed Constitution:** It is the longest written constitution in the world, providing comprehensive provisions for a vast and diverse country³³.
2. **Mixture of Federalism and Unitarianism:** India is a quasi-federal state, described as a "Union of States"³⁴³⁴³⁴³⁴. It divides powers between the Centre and States but maintains a strong central government³⁵.
3. **Parliamentary System of Government:** The executive is responsible to the legislature³⁶³⁶³⁶³⁶. The President is the nominal head of state, while the Prime Minister is the real head of government.
4. **A Blend of Rigidity and Flexibility:** The amendment process is neither too easy nor too difficult³⁷. Some parts can be amended by a simple majority, while others require a special majority.
5. **Fundamental Rights:** Part III of the Constitution guarantees six justiciable fundamental rights to all citizens, which are enforceable by the courts³⁸³⁸³⁸³⁸.
6. **Directive Principles of State Policy (DPSP):** Part IV contains guidelines for the state to establish a social and economic democracy, though these are non-justiciable³⁹³⁹³⁹³⁹.
7. **Fundamental Duties:** Added by the 42nd Amendment, these are moral obligations on the citizens to promote patriotism and unity⁴⁰⁴⁰⁴⁰⁴⁰.

8. **Independent and Integrated Judiciary:** The Constitution establishes an independent judiciary with the Supreme Court at its apex to safeguard the rule of law and citizens' rights⁴¹⁴¹⁴¹⁴¹.

OR

Answer: Financial Emergency (Article 360)

Circumstances for Proclamation:

Under Article 360 of the Constitution, the President of India can proclaim a Financial Emergency if he is satisfied that a situation has arisen where the financial stability or credit of India or any part of its territory is threatened⁴².

Parliamentary Approval:

Such a proclamation must be approved by both Houses of Parliament within two months from the date of its issue⁴³. Once approved, it continues indefinitely until it is revoked by the President.

Consequences of Financial Emergency:

When a Financial Emergency is in force, the executive authority of the Centre extends over the financial matters of the States. The consequences are:

1. **Directions to States:** The Centre can give financial directions to any state as it deems necessary and proper.
2. **Reduction of Salaries and Allowances:** The President can issue directions for the reduction of salaries and allowances of all or any class of persons serving in the **State**, as well as those serving the **Union**, including the **judges of the Supreme Court and the High Courts**⁴⁴⁴⁴⁴⁴⁴⁴.
3. **Reservation of Bills:** The President can require that all **Money Bills** or other financial bills passed by the state legislatures be reserved for his consideration after they are passed⁴⁵.

Q. 3 Classify the Justiciable Rights of an Indian Citizen. OR Summarize the 3rd June Plan.

Answer: Classification of Justiciable Rights

The **justiciable rights** of an Indian citizen are the **Fundamental Rights**, guaranteed under **Part III (Articles 12-35)** of the Constitution⁴⁶. They are called "justiciable" because they are enforceable by the courts, and a citizen can directly approach the Supreme Court (under Article 32) or a High Court (under Article 226) if these rights are violated⁴⁷.

They are classified into six categories:

1. **Right to Equality (Articles 14-18):** Guarantees equality before the law, prohibits discrimination, and ensures equality of opportunity in public employment⁴⁸⁴⁸⁴⁸⁴⁸.
2. **Right to Freedom (Articles 19-22):** Includes six fundamental freedoms: freedom of speech and expression, assembly, association, movement, residence, and profession⁴⁹⁴⁹⁴⁹⁴⁹.
3. **Right against Exploitation (Articles 23-24):** Prohibits human trafficking, forced labor, and child labor in hazardous conditions⁵⁰⁵⁰⁵⁰⁵⁰.

4. **Right to Freedom of Religion (Articles 25-28):** Secures for every citizen the freedom of conscience and the right to practice, profess, and propagate their religion⁵¹⁵¹⁵¹⁵¹.
5. **Cultural and Educational Rights (Articles 29-30):** Protects the rights of religious and linguistic minorities to conserve their culture and establish educational institutions of their choice⁵²⁵².
6. **Right to Constitutional Remedies (Article 32):** Empowers citizens to move the Supreme Court for the enforcement of their Fundamental Rights⁵³⁵³⁵³⁵³.

OR

Answer: Summary of the 3rd June Plan

The 3rd June Plan is another name for the **Mountbatten Plan**, which was the final plan for Indian independence and partition⁵⁴.

Key Points:

- **Partition Accepted:** It was announced on June 3, 1947, and it formally accepted the principle of partitioning British India into two independent dominions: **India and Pakistan**⁵⁵⁵⁵⁵⁵⁵⁵.
- **Procedure for Provinces:** It laid down the method for ascertaining the wishes of the provinces. The legislative assemblies of **Punjab and Bengal** were to vote on whether to partition their provinces⁵⁶.
- **Referendum:** A referendum was to be held in the **North-West Frontier Province (NWFP)** and the **Sylhet district** of Assam to decide which dominion they would join⁵⁷.
- **Princely States:** It declared that British control over the princely states would end, leaving them free to join either India or Pakistan or remain independent⁵⁸.
- **Date of Transfer:** It preponed the date for the transfer of power to **August 15, 1947**⁵⁹. This plan was given legal effect by the **Indian Independence Act, 1947**.

Q. 4 Discuss the Power and Functions of Chief Minister of Indian State. OR The Supreme Court of India keeps a check on the arbitrary power of the parliament in amending the constitution. Discuss critically.

Answer: Power and Functions of the Chief Minister

The Chief Minister is the **real executive authority** and the head of the government at the state level⁶⁰⁶⁰⁶⁰⁶⁰. His powers and functions are extensive:

1. In Relation to the Council of Ministers:

- He **recommends persons** to the Governor to be appointed as ministers⁶¹.
- He **allocates and reshuffles portfolios** among the ministers⁶².
- He presides over the meetings of the state cabinet and guides its decisions⁶³.
- He can ask any minister to resign, and his own resignation leads to the collapse of the entire council of ministers⁶⁴.

2. In Relation to the Governor:

- He is the **principal channel of communication** between the Governor and the Council of Ministers⁶⁵.
- He advises the Governor on the appointment of important officials like the Advocate-General, Chairman of the State Public Service Commission, and State Election Commissioner⁶⁶.

3. In Relation to the State Legislature:

- As the **leader of the house**, he advises the Governor with regard to summoning and proroguing the sessions of the state legislature⁶⁷.
- He can recommend the **dissolution of the Legislative Assembly** to the Governor at any time⁶⁸.
- He announces all major government policies on the floor of the house⁶⁹.

OR

Answer: Supreme Court's Check on Parliament's Amending Power

The Supreme Court of India acts as a crucial check on the Parliament's power to amend the Constitution, primarily through its power of **Judicial Review** and the "**Basic Structure Doctrine**".

- **Parliament's Amending Power (Article 368):** Article 368 grants the Parliament the power to amend the Constitution. However, this power is not absolute or unlimited.
- **The Check of Judicial Review:** The Supreme Court has the power to review any constitutional amendment to determine if it violates the Constitution⁷⁰.
- **The "Basic Structure Doctrine":** This is the most significant check. In the landmark case of **Kesavananda Bharati v. State of Kerala (1973)**, the Supreme Court ruled that while Parliament can amend any part of the Constitution, it **cannot alter or destroy its "basic structure" or "basic features"**.
- **What is the Basic Structure?** The court has not explicitly defined it, but through various judgments, features like the **supremacy of the Constitution, parliamentary democracy, federal character, secularism, separation of powers, and judicial review** are considered part of the basic structure.
- **How it Works:** If the Parliament passes a constitutional amendment that, in the opinion of the Supreme Court, violates this basic structure, the Court can declare the amendment **unconstitutional and void**. This doctrine ensures that the fundamental soul of the Constitution remains intact and prevents the Parliament from using its amending power arbitrarily to undermine India's democratic ideals.

Q. 5 Describe the Relationship between Prime Minister and President of India. OR Explain the Emergency Provisions under Art 352 and Art 356.

(This is a repeat from the previous paper, and the answer remains the same.)

Answer: The Relationship between the Prime Minister and the President of India

The relationship between the President (Head of State) and the Prime Minister (Head of Government) is the foundation of India's parliamentary executive. This relationship is defined by three key articles:

1. **Article 74 - Aid and Advice:** States that the PM and his Council of Ministers will aid and advise the President, and the President is **bound by this advice**⁷¹⁷¹⁷¹⁷¹⁷¹. This makes the PM the real decision-maker.
2. **Article 75 - Appointment and Responsibility:** The **President appoints the Prime Minister** and other ministers on the PM's advice⁷²⁷²⁷²⁷²⁷²⁷²⁷²⁷².
3. **Article 78 - PM's Duty to Inform:** The PM acts as the **vital link** between the President and the Cabinet, with a duty to **communicate all decisions** and information that the President seeks⁷³.

In essence, the President is the formal head in whose name the government functions, while the Prime Minister is the one who actually runs the government.

OR

(This is a repeat from the previous paper, and the answer remains the same.)

Answer: Emergency Provisions under Article 352 and 356

1. **National Emergency (Article 352):**
 - **Grounds:** War, external aggression, or armed rebellion⁷⁴.
 - **Approval:** Within **one month** by both Houses of Parliament⁷⁵.
 - **Effects:** The Centre gains control over states, Parliament can legislate on state subjects, and some Fundamental Rights are suspended⁷⁶⁷⁶⁷⁶⁷⁶.
2. **President's Rule (Article 356):**
 - **Grounds:** Failure of constitutional machinery in a state⁷⁷.
 - **Approval:** Within **two months** by both Houses of Parliament⁷⁸.
 - **Effects:** The President assumes control of the state government, and the state legislature is suspended or dissolved⁷⁹.

Section-C (10 x 2 = 20 Marks)

Q. 6 Explain the formation of the Constituent Assembly and its main Functions. OR Describe the Government of India Act of 1947?

(This is a repeat from the previous paper, and the answer remains the same.)

Answer: Formation and Functions of the Constituent Assembly

Formation:

- Formed on **December 9, 1946**, based on the **Cabinet Mission Plan**⁸⁰.
- Members were **indirectly elected** by Provincial Legislative Assemblies⁸¹.

- Leadership included **Dr. Rajendra Prasad** (President) and Dr. B.R. Ambedkar (Chairman of the Drafting Committee)⁸²⁸²⁸²⁸².

Main Functions:

1. **Framing the Constitution:** Its primary and most historic function⁸³.
2. **Acting as a Provisional Parliament:** Enacted laws for the country until 1952⁸⁴⁸⁴⁸⁴⁸⁴.
3. **Adoption of National Symbols:** Adopted the National Flag, Anthem, and Song⁸⁵⁸⁵⁸⁵⁸⁵.
4. **Key Decisions:** Elected India's first President and ratified Commonwealth membership⁸⁶.

OR

(This is a repeat from the previous paper, and the answer remains the same.)

Answer: The Indian Independence Act, 1947

The **Indian Independence Act, 1947**, was the British law that gave effect to the **Mountbatten Plan**.

Key Provisions:

- **Partition and Independence:** Declared India independent from **August 15, 1947**, and created the two dominions of India and Pakistan⁸⁷⁸⁷⁸⁷⁸⁷⁸⁷⁸⁷⁸⁷.
- **Transfer of Power:** Empowered the Constituent Assemblies of the new dominions to frame their own constitutions and act as sovereign legislatures⁸⁸.
- **End of British Control:** Abolished the post of Viceroy and ended British authority over the princely states, leaving them free to accede to either dominion or remain independent⁸⁹.

Q. 7 Distinguish between the powers & functions of Upper House and Lower House of parliament.

OR Elaborate the provisions made for independent judiciary in India.

(This is a repeat from the previous paper, and the answer remains the same.)

Answer: Distinction between Lok Sabha (Lower House) and Rajya Sabha (Upper House)

Basis	Lok Sabha (Lower House)	Rajya Sabha (Upper House)
Membership	Directly elected by the people ⁹⁰ .	Indirectly elected by state assemblies, plus 12 nominated members ⁹¹ .
Tenure	5-year term; subject to dissolution ⁹² .	Permanent body; not subject to dissolution. Members have a 6-year term ⁹³⁹³⁹³⁹³ .
Financial Powers	Supreme. A Money Bill can only originate here ⁹⁴ .	Limited. Can only delay a Money Bill for 14 days ⁹⁵ .

Basis	Lok Sabha (Lower House)	Rajya Sabha (Upper House)
Executive Control	Council of Ministers is collectively responsible to it. Can pass a no-confidence motion ⁹⁶⁹⁶⁹⁶⁹⁶ .	No power to pass a no-confidence motion.
Special Powers	-	Has special powers to legislate on a State List subject (Art. 249) and create new All-India Services (Art. 312) ⁹⁷ .

OR

Answer: Provisions for an Independent Judiciary in India

The Constitution has made several provisions to ensure the judiciary remains independent and impartial:

1. **Security of Tenure:** Judges of the Supreme Court and High Courts hold office until a fixed age (65 and 62, respectively)⁹⁸⁹⁸⁹⁸⁹⁸. They can only be removed through a difficult **impeachment process**, not by the executive's will⁹⁹.
2. **Salaries Charged on Consolidated Fund:** The salaries and allowances of judges are charged on the Consolidated Fund of India and are not subject to the vote of the Parliament, ensuring financial independence¹⁰⁰.
3. **Appointment by Collegium System:** The appointment of judges is made by the President in consultation with the judiciary itself (the collegium), minimizing executive interference¹⁰¹.
4. **Power to Punish for Contempt:** The Supreme Court can punish any person for its contempt, which protects its authority and allows it to function without fear¹⁰².
5. **Jurisdiction cannot be Curtailed:** Parliament can extend but cannot curtail the jurisdiction and powers of the Supreme Court¹⁰³.
6. **Separation of Judiciary from Executive:** Article 50 (a DPSP) mandates the separation of the judiciary from the executive to ensure impartiality¹⁰⁴.

Section-A (2 x 10 = 20 Marks)

Q.1 (a) Define the term constitution. ²

A **Constitution** is the fundamental, organic, and **supreme law of a nation**³. It is essentially a rulebook that lays down the framework and principal functions of the organs of the government.

Key Definition: The Constitution is a "document containing laws and rules which determine and describe the form of the government, and the relationship between the citizens and the government"⁴.

Important Points:

- It establishes the structure, procedures, powers, and duties of government institutions.
- It sets out the **Fundamental Rights, Directive Principles**, and the duties of citizens.
- All other laws of the country must be in conformity with the Constitution⁵.

Q.1 (b) Describe the meaning of quorum. ⁶

Quorum is the **minimum number of members** whose presence is necessary to conduct the business of a House of Parliament or a State Legislature⁷. If there is no quorum, the House cannot hold a valid sitting, and the presiding officer (Speaker/Chairman) must adjourn the House. For the Indian Parliament (both Lok Sabha and Rajya Sabha), the quorum is **10% of the total membership** of the House⁸.

Q.1 (c) Describe the term union executive. ⁹

The **Union Executive** is the branch of the central government that is responsible for the **implementation of laws and policies** legislated by the Parliament¹⁰. It is a part of the government that enforces the law.

The Union Executive in India consists of¹¹:

- The **President** ¹²
 - The **Vice-President** ¹³
 - The **Prime Minister** ¹⁴
 - The **Council of Ministers** ¹⁵
 - The **Attorney General of India** ¹⁶
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Q.1 (d) Describe the need of constitution laws. ¹⁷

Constitutional laws are needed for several critical reasons:

- **To Establish Governance:** They provide the fundamental framework for the government, defining the powers and limitations of its organs (Legislative, Executive, Judiciary)¹⁸.
 - **To Prevent Anarchy:** They establish the rule of law, ensuring society can regulate itself and work properly, thereby preventing chaos¹⁹.
 - **To Protect Citizens:** They guarantee **Fundamental Rights** to citizens, protecting them from arbitrary actions of the state²⁰.
 - **To Ensure Limited Government:** They embody the principle of **Constitutionalism**, which means the government's power is limited and not absolute, preventing dictatorship²¹.
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Q.1 (e) Define the term state executive. ²²

The **State Executive** is the branch of government at the state level responsible for implementing laws passed by the state legislature and the Parliament. It consists of:

- The **Governor**
- The **Chief Minister** ²³
- The **Council of Ministers** ²⁴
- The **Advocate-General of the State** ²⁵

In this structure, the Governor acts as the **nominal executive** (Head of State), while the Chief Minister is the **real executive** (Head of Government)²⁶.

Q.1 (f) Define directive principle of state policy. ²⁷

The **Directive Principles of State Policy (DPSP)** are a set of ideals and guidelines enshrined in **Part IV (Articles 36-51)** of the Constitution²⁸. They are meant to be kept in mind by the state when it formulates policies and enacts laws²⁹.

Key Characteristics:

- They were borrowed from the **Constitution of Ireland**³⁰.
 - They are **non-justiciable**, meaning they are not legally enforceable by the courts for their violation³¹.
 - However, they are considered '**fundamental in the governance of the country**', imposing a moral obligation on the state for their implementation³².
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Q.1 (g) Explain quasi-federal system? ³³

A **Quasi-federal system** is a system of government that has features of both a **federal system** and a **unitary system**³⁴. While it has a division of powers between the central government and state

governments (a federal feature), the central government is significantly more powerful (a unitary feature).

India is considered a quasi-federal system because:

- **Federal Features:** It has two levels of government (Centre and State), a written constitution, and a division of powers through the Union, State, and Concurrent lists³⁵.
- **Unitary (Non-Federal) Features:** It has a strong centre, a single constitution, single citizenship³⁶, an integrated judiciary³⁷, and the central government appoints the Governors of states³⁸.

Q.1 (h) Describe electronic governance.³⁹

Electronic Governance (E-Governance) is the application of Information and Communication Technology (ICT) to deliver government services, exchange information, and manage government operations. The primary goal is to make the government more **efficient, transparent, responsive, and accountable**. It simplifies processes for citizens and businesses, reduces paperwork, and minimizes corruption by reducing human-to-human interaction.

Examples: Online tax filing, applying for passports, booking train tickets through IRCTC, and the Digital India mission.

Q.1 (i) Describe the term intellectual property laws.⁴⁰

Intellectual Property (IP) refers to creations of the mind, such as inventions, literary and artistic works, designs, symbols, names, and images used in commerce.

Intellectual Property Laws are the set of laws that protect these intangible creations and grant exclusive rights to the creator or owner. This protection encourages innovation and creativity. The main types are:

- **Patents:** Protect inventions.
- **Copyrights:** Protect original literary, artistic, and musical works.
- **Trademarks:** Protect brand names, logos, and symbols that distinguish goods or services.

Q.1 (j) Explain lower house in brief.⁴¹

The **Lower House** of the Indian Parliament is the **Lok Sabha**, also known as the **House of the People**⁴².

Key Features:

- Its members are **directly elected** by the people of India through the process of universal adult franchise⁴³⁴³⁴³⁴³.
- It has a normal term of **five years**, after which it is dissolved⁴⁴⁴⁴⁴⁴⁴⁴.

- It is more powerful than the Upper House, especially in financial matters. For instance, a **Money Bill can only be introduced in the Lok Sabha**⁴⁵⁴⁵⁴⁵.
- The Council of Ministers is collectively responsible to the Lok Sabha.

Section-B (5 x 4 = 20 Marks)

Q. 2 Explain justiciable rights of an Indian citizen.

OR Describe salient features of Indian Constitution.⁴⁶

Answer: Justiciable Rights of an Indian Citizen

Justiciable rights are those rights that are legally **enforceable by a court of law**⁴⁷. If these rights are violated, a person can approach a court to seek a remedy⁴⁸. In the Indian Constitution, the **Fundamental Rights**, guaranteed in **Part III**, are the justiciable rights.

The six fundamental rights are:

1. **Right to Equality (Articles 14-18):** Ensures equality before the law and prohibits discrimination on grounds of religion, race, caste, sex, or place of birth⁴⁹⁴⁹⁴⁹.
2. **Right to Freedom (Articles 19-22):** Guarantees six essential freedoms to citizens, including freedom of speech and expression, assembly, association, movement, residence, and profession⁵⁰⁵⁰⁵⁰⁵⁰.
3. **Right against Exploitation (Articles 23-24):** Prohibits human trafficking, forced labor, and the employment of children in hazardous jobs⁵¹⁵¹⁵¹⁵¹.
4. **Right to Freedom of Religion (Articles 25-28):** Guarantees freedom of conscience and the right to profess, practice, and propagate any religion⁵²⁵²⁵²⁵².
5. **Cultural and Educational Rights (Articles 29-30):** Protects the interests of minorities by giving them the right to conserve their distinct language, script, and culture, and to establish and administer their own educational institutions⁵³⁵³⁵³⁵³.
6. **Right to Constitutional Remedies (Article 32):** This is the most crucial right as it empowers citizens to move the Supreme Court for the enforcement of their fundamental rights. Dr. Ambedkar called it the "heart and soul" of the Constitution⁵⁴⁵⁴⁵⁴⁵⁴.

OR

Answer: Salient Features of the Indian Constitution

The Constitution of India is unique and has several distinguishing features. The most salient features are:

1. **Written and Most Detailed Constitution:** It is the longest written constitution in the world, providing detailed provisions for all aspects of governance⁵⁵⁵⁵⁵⁵⁵⁵.
2. **Mixture of Rigidity and Flexibility:** The Constitution can be amended, but the process varies. Some provisions can be amended by a simple majority, while others require a special majority, making it both flexible and rigid⁵⁶⁵⁶⁵⁶⁵⁶.

3. **Federal System with Unitary Bias:** It establishes a dual polity with a division of powers between the Centre and the States, but the Centre is vested with more powers, making it quasi-federal⁵⁷⁵⁷⁵⁷⁵⁷.
4. **Parliamentary Form of Government:** The executive (Council of Ministers) is responsible to the legislature (Lok Sabha)⁵⁸. The President is the constitutional head, while the Prime Minister is the real executive head.
5. **Sovereign, Socialist, Secular, Democratic, Republic:** The Preamble declares India's nature as a sovereign nation, committed to socialism and secularism, with a democratic form of government, and headed by an elected President⁵⁹⁵⁹⁵⁹⁵⁹.
6. **Fundamental Rights and Duties:** It guarantees justiciable Fundamental Rights to citizens⁶⁰ and lists non-justiciable Fundamental Duties as moral obligations⁶¹.
7. **Directive Principles of State Policy (DPSP):** These are guidelines for the state to promote the welfare of the people⁶².
8. **Independent and Integrated Judiciary:** The Constitution establishes an independent judiciary with the Supreme Court at the apex to act as the guardian of the Constitution and fundamental rights⁶³.
9. **Single Citizenship:** Unlike federations like the USA, India provides for only a single, uniform citizenship for the whole country⁶⁴.

Q. 3 Explain the Government of India Act of 1947?

OR Describe the formation of the constituent assembly and its main functions. ⁶⁵

Answer: The Indian Independence Act, 1947

(Note: The question refers to the Government of India Act of 1947, which is correctly known as the Indian Independence Act, 1947.)

The **Indian Independence Act, 1947**, was an act of the British Parliament that put the **Mountbatten Plan** into action⁶⁶. It was the final legislation that ended British rule and created the two independent dominions of India and Pakistan⁶⁷.

Key Provisions of the Act:

- **Partition and Independence:** It declared India as an independent and sovereign state from **August 15, 1947** ⁶⁸, and partitioned British India into two dominions, India and Pakistan⁶⁹.
- **Abolition of British Posts:** It abolished the office of the Viceroy and provided for a **Governor-General** for each dominion, to be appointed by the British King on the advice of the dominion's cabinet⁷⁰.
- **Powers to Constituent Assemblies:** It empowered the Constituent Assemblies of both dominions to frame and adopt any constitution for their respective nations and to repeal any act of the British Parliament, including the Independence Act itself⁷¹.

- **End of British Control over Princely States:** It declared the end of British suzerainty over the Indian princely states and gave them the freedom to join either India or Pakistan or to remain independent⁷².
- **Governance:** Until new constitutions were framed, the dominions were to be governed in accordance with the Government of India Act, 1935⁷³.

OR

Answer: The Formation and Functions of the Constituent Assembly

The Constituent Assembly was the body formed to draft the Constitution of India.

Formation:

- The Assembly was constituted on **December 9, 1946**, based on the framework provided by the **Cabinet Mission Plan**⁷⁴⁷⁴⁷⁴⁷⁴.
- The members were elected indirectly by the members of the **Provincial Legislative Assemblies**⁷⁵.
- The total strength was 389 members, with seats allocated to British India and the Princely States in proportion to their population⁷⁶.
- **Key Leadership:** Dr. Sachidanand Sinha was the interim President for the first meeting⁷⁷. Later, **Dr. Rajendra Prasad** was elected as the President, and H.C. Mukherjee as the Vice-President⁷⁸.
- **Drafting Committee:** The most important committee was the Drafting Committee, set up on August 29, 1947, under the chairmanship of Dr. B.R. Ambedkar to prepare the draft of the Constitution⁷⁹.

Main Functions:

1. **Framing the Constitution:** The primary function was to draft a constitution for independent India, which it completed in 2 years, 11 months, and 18 days⁸⁰⁸⁰⁸⁰⁸⁰.
2. **Acting as a Parliament:** It also acted as the first provisional parliament of India, enacting laws and being involved in the decision-making process for the country⁸¹⁸¹⁸¹⁸¹.
3. **Adoption of National Symbols:**
 - It adopted the **National Flag** on July 22, 1947⁸².
 - It adopted the **National Anthem** and **National Song** on January 24, 1950⁸³.
4. **Key Decisions:**
 - It ratified India's membership of the Commonwealth in May 1949⁸⁴.
 - It elected Dr. Rajendra Prasad as the first President of India on January 24, 1950⁸⁵.

Q.4 Describe the emergency provisions under Art 352 and Art 356. ⁸⁶

Answer: Emergency Provisions under Article 352 and 356

The Constitution of India provides for three types of emergencies to safeguard the sovereignty, unity, and security of the country⁸⁷. Articles 352 and 356 deal with National Emergency and President's Rule, respectively.

1. National Emergency (Article 352):

- **Grounds for Declaration:** The President can declare a national emergency when the security of India or a part of it is threatened by **war, external aggression, or armed rebellion**⁸⁸. When declared on the grounds of 'war' or 'external aggression,' it is called an 'External Emergency.' When on the grounds of 'armed rebellion,' it is an 'Internal Emergency'⁸⁹.
- **Parliamentary Approval:** The proclamation must be approved by **both Houses of Parliament within one month** from the date of its issue⁹⁰. Once approved, it continues for six months and can be extended indefinitely with parliamentary approval every six months⁹¹.
- **Effects:**
 - The Centre gets the power to give executive directions to any state on any matter⁹².
 - Parliament can make laws on subjects in the State List⁹³.
 - Most significantly, **Fundamental Rights under Article 19 are automatically suspended** (only in case of External Emergency)⁹⁴⁹⁴⁹⁴. Other fundamental rights (except Articles 20 and 21) can be suspended by a Presidential order under Article 359⁹⁵.

2. President's Rule (Article 356):

- **Grounds for Imposition:** Also known as 'Constitutional Emergency,' it is imposed when there is a **failure of the constitutional machinery in a state**⁹⁶. The President can issue a proclamation if he is satisfied that the government of a state cannot be carried on in accordance with the provisions of the Constitution⁹⁷.
- **Parliamentary Approval:** The proclamation must be approved by **both Houses of Parliament within two months** from the date of its issue⁹⁸.
- **Effects:**
 - The President can take up the functions of the state government and the powers of the Governor⁹⁹.
 - The President can declare that the powers of the state legislature are to be exercised by the **Parliament**¹⁰⁰.
 - The state government is dismissed, and the state legislature is either suspended or dissolved.

Q.5 Differentiate between the powers & functions of Upper house and Lower house.

OR Describe the relationship between Prime minister and President of India. ¹⁰¹

Answer: Differentiation between Lok Sabha (Lower House) and Rajya Sabha (Upper House)

Basis of Difference	Lok Sabha (Lower House)	Rajya Sabha (Upper House)
Membership	Members are directly elected by the people ¹⁰²¹⁰²¹⁰²¹⁰² . Maximum strength is 552 ¹⁰³ .	Members are indirectly elected by state legislative assemblies, with 12 nominated by the President ¹⁰⁴¹⁰⁴¹⁰⁴¹⁰⁴ .
Tenure	Not a permanent house. Has a term of 5 years and can be dissolved earlier ¹⁰⁵¹⁰⁵¹⁰⁵¹⁰⁵ .	It is a permanent house and cannot be dissolved ¹⁰⁶¹⁰⁶¹⁰⁶¹⁰⁶ . Members have a 6-year term, with one-third retiring every two years ¹⁰⁷ .
Financial Powers	Supreme financial powers. A Money Bill can only be introduced in the Lok Sabha ¹⁰⁸¹⁰⁸¹⁰⁸ .	Limited financial powers. It cannot reject or amend a Money Bill; can only make recommendations and must return it within 14 days ¹⁰⁹¹⁰⁹¹⁰⁹ .
Executive Control	The Council of Ministers is collectively responsible only to the Lok Sabha ¹¹⁰ . It can remove the government by passing a vote of no-confidence ¹¹¹¹¹¹¹¹¹¹ .	It has no power to remove the government. It can only exercise control over the executive through questions and debates.
Special Powers	Has no special powers that the Rajya Sabha does not possess.	It has exclusive powers to: (1) authorize Parliament to make a law on a subject in the State List (Article 249) ¹¹² and (2) authorize Parliament to create new All-India Services (Article 312) ¹¹³ .

OR

Answer: The Relationship between the Prime Minister and the President of India

The relationship between the President and the Prime Minister is the cornerstone of India's parliamentary executive. The President is the **de jure** (legal) head of the State, while the Prime Minister is the **de facto** (real) head of the government. Their relationship is primarily defined by three key articles of the Constitution:

1. Article 74 - Aid and Advice:

- This article states that there shall be a **Council of Ministers with the Prime Minister at the head to aid and advise the President**¹¹⁴.
- Crucially, the President **shall, in the exercise of his functions, act in accordance with such advice**. He can ask the Council to reconsider the advice once, but if the advice is sent back (with or without changes), he is bound to accept it. This makes the PM and his cabinet the real decision-makers.

2. Article 75 - Appointment and Responsibility:

- The **President appoints the Prime Minister** and, on the advice of the PM, appoints other ministers¹¹⁵.

- The ministers hold office during the "pleasure of the President," but in reality, this pleasure depends on the confidence of the Lok Sabha.
- It establishes the **collective responsibility** of the Council of Ministers to the Lok Sabha.

3. Article 78 - The PM's Duty to Inform:

- This article establishes the PM as the **vital link between the President and the Cabinet**¹¹⁶. It is the duty of the Prime Minister:
 - To **communicate to the President all decisions** of the Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation¹¹⁷.
 - To furnish such information relating to the administration as the President may call for.
 - To submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a minister but which has not been considered by the Council, if the President so requires.

In essence, the President is the formal head in whose name the government functions, while the Prime Minister is the one who actually runs the government, backed by the majority in the Lok Sabha.

Section-C (10 x 2 = 20 Marks)

Q.6 Describe Mountbatten plan in detail.

OR Explain fundamental duties of a citizen.¹¹⁸

Answer: The Mountbatten Plan (3rd June Plan)

The Mountbatten Plan, also known as the 3rd June Plan, was the final plan for Indian independence, which outlined the partition of British India and the transfer of power to the new dominions of India and Pakistan¹¹⁹¹¹⁹¹¹⁹. It was announced by Lord Mountbatten, the last Viceroy of India, on June 3, 1947¹²⁰.

Background:

Lord Mountbatten was tasked with the swift transfer of power¹²¹. After extensive consultations, it became clear that the Indian National Congress and the Muslim League could not agree on a united India¹²². An earlier proposal, the "Dickie Bird Plan," which suggested that provinces could become independent, was rejected by Nehru as it would lead to the balkanization of the country¹²³¹²³¹²³¹²³. Consequently, Mountbatten formulated this final plan.

Key Provisions of the Plan:

1. **Principle of Partition:** The plan accepted the partition of British India into two separate dominions: **India and Pakistan**¹²⁴¹²⁴¹²⁴¹²⁴. This was accepted by the Indian National Congress as an unavoidable necessity¹²⁵.
2. **Procedure for Provinces:**

- **Bengal and Punjab:** The Legislative Assemblies of these two provinces would meet in two parts, one representing the Muslim-majority districts and the other representing the rest of the province. Each part would vote separately on whether to partition their province. If either part voted for partition, the province would be divided¹²⁶¹²⁶¹²⁶¹²⁶.
 - **Sindh:** The Legislative Assembly of Sindh was to decide whether to join the Indian or the Pakistani Constituent Assembly¹²⁷.
 - **NWFP and Sylhet:** A **referendum** was to be held in the North-West Frontier Province and the Sylhet district of Assam to determine which dominion they would join¹²⁸¹²⁸¹²⁸¹²⁸.
3. **Constituent Assemblies:** A separate **Constituent Assembly for Pakistan** would be established to frame its constitution¹²⁹. The constitution framed by the existing Constituent Assembly would not apply to areas that became part of Pakistan¹³⁰.
 4. **Princely States:** British paramountcy over the princely states would end. They were given the **liberty to join either India or Pakistan or to remain independent**¹³¹.
 5. **Date for Transfer of Power:** The plan fixed **August 15, 1947**, as the date for handing over power to the new dominions¹³².
 6. **Boundary Commission:** A Boundary Commission, chaired by Sir Cyril Radcliffe, would be set up to demarcate the final boundaries of the new provinces of Punjab and Bengal.

The Mountbatten Plan was accepted by all major political parties and was given legal effect by the British Parliament through the **Indian Independence Act, 1947**¹³³.

OR

Answer: Fundamental Duties of a Citizen

The Fundamental Duties are a set of moral obligations on all citizens to help promote a spirit of patriotism and to uphold the unity of India. They were not part of the original Constitution.

Introduction and Nature:

- The Fundamental Duties were added to the Constitution by the **42nd Amendment Act of 1976**, which initially added 10 duties¹³⁴.
- The **86th Amendment Act of 2002** added the 11th duty¹³⁵.
- They are listed in a single article, **Article 51-A**, in Part IV-A of the Constitution¹³⁶.
- The duties are **non-justiciable**, which means they are **not enforceable by the courts**. There is no legal punishment for their violation¹³⁷. They serve as a reminder to citizens that while enjoying their rights, they also have duties to perform.

The 11 Fundamental Duties are:

1. To abide by the Constitution and respect its ideals and institutions, the **National Flag and the National Anthem**¹³⁸.
2. To cherish and follow the noble ideals that inspired the national struggle for freedom¹³⁹.

3. To uphold and protect the **sovereignty, unity, and integrity of India**¹⁴⁰.
4. To defend the country and render national service when called upon to do so¹⁴¹.
5. To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women¹⁴².
6. To value and preserve the rich heritage of the nation's composite culture¹⁴³.
7. To protect and improve the **natural environment** including forests, lakes, rivers, and wildlife, and to have compassion for living creatures¹⁴⁴.
8. To develop the **scientific temper, humanism, and the spirit of inquiry and reform**¹⁴⁵.
9. To **safeguard public property** and to abjure violence¹⁴⁶.
10. To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement¹⁴⁷.
11. **(Added by 86th Amendment)** To provide **opportunities for education** to one's child or ward between the age of six and fourteen years¹⁴⁸.

Q.7 Explain the powers and functions of the President under Indian constitution.

OR Describe the functions of Lok Sabha. ¹⁴⁹

Answer: Powers and Functions of the President of India

The President of India is the head of the Indian state and the first citizen of India¹⁵⁰¹⁵⁰¹⁵⁰¹⁵⁰. The powers of the President can be classified into several categories:

1. Executive Powers:

- All executive actions of the Government of India are formally taken in his name¹⁵¹.
- He appoints the **Prime Minister** and other ministers on the PM's advice¹⁵².
- He appoints the **Attorney General of India, Comptroller and Auditor General (CAG), Chief Election Commissioner, Governors of states, and the Chairman and members of the UPSC**¹⁵³¹⁵³¹⁵³¹⁵³.
- He is the **supreme commander of the defense forces** of India (Army, Navy, and Air Force)¹⁵⁴¹⁵⁴¹⁵⁴¹⁵⁴.

2. Legislative Powers:

- The President is an integral part of the Parliament. He can summon or prorogue the Houses of Parliament and can **dissolve the Lok Sabha**¹⁵⁵.
- He addresses the Parliament at the commencement of the first session after each general election and the first session of each year¹⁵⁶.
- He nominates **12 members to the Rajya Sabha** from persons having special knowledge in literature, science, art, and social service¹⁵⁷.

- A bill passed by the Parliament becomes an act only after the President gives his assent. He can give assent, withhold assent, or return a non-money bill for reconsideration.

3. Financial Powers:

- A **Money Bill** can be introduced in the Parliament only with his prior recommendation¹⁵⁸.
- He causes the **Union Budget** to be laid before the Parliament¹⁵⁹.
- He constitutes a **Finance Commission** every five years to recommend the distribution of revenues between the Centre and the states¹⁶⁰.

4. Judicial Powers:

- He appoints the **Chief Justice and the judges of the Supreme Court and High Courts**¹⁶¹.
- He has the power to grant **pardon, reprieve, respite, remission, or commute the sentence** of any person convicted of any offense. This is known as the President's pardoning power¹⁶².

5. Diplomatic and Military Powers:

- International treaties and agreements are negotiated and concluded in the name of the President¹⁶³. He represents India in international forums¹⁶⁴.
- He appoints the chiefs of the Army, the Navy, and the Air Force¹⁶⁵.

6. Emergency Powers: The Constitution vests the President with extraordinary powers to deal with three types of emergencies:

- **National Emergency (Article 352)** ¹⁶⁶
- **President's Rule in States (Article 356)** ¹⁶⁷
- **Financial Emergency (Article 360)** ¹⁶⁸

OR

Answer: The Functions of Lok Sabha

The Lok Sabha, as the Lower House of Parliament, performs several vital functions in the Indian political system.

1. Legislative Functions:

- The primary function is to make laws for the country. It can legislate on all matters mentioned in the **Union List and the Concurrent List**¹⁶⁹.
- An ordinary bill needs to be passed by both Houses to become a law. In case of a deadlock between the two Houses, the President can summon a **joint sitting**. In such a sitting, the will of the Lok Sabha usually prevails due to its larger membership¹⁷⁰.

2. Executive Functions (Control over the Executive):

- This is the most critical function in a parliamentary democracy. The **Council of Ministers is collectively responsible to the Lok Sabha**¹⁷¹.
- The Lok Sabha can express its lack of confidence in the government in several ways, such as by rejecting a government bill or by passing a **vote of no-confidence**. If a no-confidence motion is passed, the Prime Minister and the entire Council of Ministers must resign¹⁷².
- It keeps a check on the ministers by asking questions (Question Hour), moving adjournment motions, and censure motions¹⁷³.

3. Financial Functions:

- The Lok Sabha holds the ultimate power over the country's finances. **A Money Bill can be introduced only in the Lok Sabha**¹⁷⁴.
- After the Lok Sabha passes the **Union Budget** or any other money bill, it is sent to the Rajya Sabha. The Rajya Sabha cannot reject it and must return it within 14 days, with or without recommendations¹⁷⁵. The Lok Sabha is free to accept or reject these recommendations.
- No tax can be levied or collected without the approval of the Lok Sabha¹⁷⁶.

4. Judicial Functions:

- It can initiate **impeachment proceedings against the President** for violation of the Constitution¹⁷⁷.
- It can pass a resolution for the removal of judges of the Supreme Court and High Courts¹⁷⁸.
- It can also take up charges against the Vice-President¹⁷⁹.

5. Electoral Functions:

- The elected members of the Lok Sabha participate in the **election of the President of India**¹⁸⁰.
- The members of the Lok Sabha, along with the Rajya Sabha, elect the **Vice-President of India**¹⁸¹.
- The House also elects its own presiding officer, the **Speaker**, and the Deputy Speaker¹⁸².

Mock Question Paper (Based on Uncovered Topics)

Subject: Constitution of India, Law & Engineering (KNC501)

Max. Marks: 60 | Duration: 2 Hrs

Section-A (2 x 10 = 20 Marks)

1. Define Subordinate Legislation.
2. What is a "casting vote"? Who exercises it in the Lok Sabha?
3. State two essentials of a valid custom.
4. What is Public Interest Litigation (PIL)?
5. Define "Consideration" in the context of Contract Law.
6. Explain the maxim "Injuria Sine Damnum".
7. What is the composition of the State Legislative Council?
8. State the primary aim of the Maternity Benefit Act, 1961.
9. Differentiate between the Adversarial and Inquisitorial legal systems.
10. Who can be the Chairperson of the Lokpal?

Section-B (5 x 4 = 20 Marks)

Q.2 Explain the special powers granted exclusively to the Rajya Sabha.

OR

Describe the structure and key functions of a High Court in India.

Q.3 What are the essential elements of a valid contract? Explain with examples.

OR

Differentiate between "Injuria Sine Damnum" and "Damnum Sine Injuria" using the case laws from your notes.

Q.4 Describe the key provisions of the Factories Act, 1948, concerning the health and safety of workers.

OR

Explain the different ways in which a contract can be discharged or terminated.

Q.5 Describe the hierarchy and functions of the Subordinate Courts in the Indian judicial system.

OR

Explain the key features of Arbitration as a method of Alternative Dispute Resolution (ADR).

Section-C (10 x 2 = 20 Marks)

Q.6 What are the major sources of law in the modern Indian legal system? Explain any two in detail.

OR

"All contracts are agreements, but all agreements are not contracts." Elaborate on this statement, explaining the conditions that make an agreement legally enforceable.

Q.7 What is the Law of Tort? Explain its essential elements and the legal remedies available in case of a tort.

OR

Explain the structure and jurisdiction of the Lokpal as established by the Lokpal and Lokayukta Act, 2013.

Detailed Solutions to the Mock Question Paper

Section-A

1. Define Subordinate Legislation.

Subordinate Legislation refers to laws, rules, or regulations made by an authority that is subordinate to the supreme legislative body (the Parliament)¹. It is a form of delegated legislation, where the Parliament grants law-making power to executive bodies (like government departments) or local authorities (like Panchayati Raj Institutions) to frame detailed rules and regulations to implement a primary act passed by the Parliament².

2. What is a "casting vote"? Who exercises it in the Lok Sabha?

A "**casting vote**" is a special vote given by the presiding officer of a House to resolve a deadlock when there is an equal number of votes for and against a bill or resolution³. The purpose is to break a tie. In the Lok Sabha, the **Speaker** exercises the casting vote⁴.

3. State two essentials of a valid custom.

For a custom to be recognized as a valid source of law, it must meet several criteria⁵. Two key essentials are:

- **Antiquity:** The custom must have been in existence for a very long time, even beyond human memory⁶.
- **Reasonableness:** The custom must be based on rationality and conform to the norms of justice and public utility⁷.

4. What is Public Interest Litigation (PIL)?

Public Interest Litigation (PIL) is a form of litigation that can be filed in a court of law by any public-spirited person for the protection of "public interest"⁸. It is a tool of **judicial activism** where the court

can be moved not by the aggrieved person directly, but by any conscious citizen or organization on their behalf, especially for issues affecting the poor, oppressed, or a large section of the public⁹.

5. Define "Consideration" in the context of Contract Law.

Consideration is a crucial element of a valid contract, defined as '**something in return**' for a promise¹⁰. It means that for a contract to be valid, each party must give something and also receive something¹¹. An agreement without consideration is generally void and not enforceable by law¹².

6. Explain the maxim "Injuria Sine Damnum".

Injuria Sine Damnum is a Latin legal maxim that means "**legal injury without actual damage**"¹³. This means that if a person's **legal right is violated**, they have a right to take legal action and get a remedy, even if they have not suffered any actual physical or financial loss¹⁴. The infringement of a legal right is actionable in itself¹⁵.

7. What is the composition of the State Legislative Council?

The **State Legislative Council (Vidhan Parishad)** is the upper house of a state legislature¹⁶. Its total number of members must not be more than **one-third of the total number of members** in the Legislative Assembly of that state¹⁷. Additionally, its strength cannot be less than **40 members**¹⁸. It is a permanent body and is not subject to dissolution¹⁹.

8. State the primary aim of the Maternity Benefit Act, 1961.

The primary aim of the **Maternity Benefit Act, 1961**, is to protect the dignity of motherhood by providing for the full and healthy maintenance of a woman and her child when she is not working. It creates rights to the **payment of maternity benefits** for any woman employee who has worked in an establishment for at least 80 days during the 12 months preceding her expected delivery date²⁰.

9. Differentiate between the Adversarial and Inquisitorial legal systems.

The key difference lies in the roles of the judge and the lawyers.

- **Adversarial System:** The parties to a dispute, assisted by their lawyers, develop their case and present evidence²¹. The judge acts as a **passive and impartial referee**, deciding the case based solely on the evidence presented²². This system is followed in India.
 - **Inquisitorial System:** The judge takes an **active role** in investigating the facts of the case²³. The judge determines the issues, decides how evidence should be presented, and evaluates it to reach a decision²⁴.
-

10. Who can be the Chairperson of the Lokpal?

The Chairperson of the Lokpal should be either:

- The former **Chief Justice of India**, OR
- A former **Judge of the Supreme Court**, OR
- An **eminent person** with impeccable integrity and outstanding ability, having at least 25 years of expertise in matters related to anti-corruption policy, public administration, etc.²⁵.

Section-B

Q.2 Explain the special powers granted exclusively to the Rajya Sabha.

The Rajya Sabha, despite being the Upper House with less power than the Lok Sabha in many areas, has certain special and exclusive powers:

1. **Power to Legislate on a State Subject (Article 249):** If the Rajya Sabha passes a resolution supported by a **majority of two-thirds of the members present and voting**, declaring that it is necessary in the national interest for Parliament to make laws on a subject enumerated in the **State List**, the Parliament can then legislate on that subject²⁶²⁶²⁶²⁶.
2. **Power to Create New All-India Services (Article 312):** The Rajya Sabha can pass a resolution, again by a two-thirds majority, to create a **new All-India Service** (like the IAS, IPS) common to both the Union and the States²⁷²⁷²⁷²⁷. The Parliament can create such a service only if the Rajya Sabha has passed such a resolution.
3. **Initiating Removal of the Vice-President:** The process for the removal of the Vice-President of India (who is also the ex-officio Chairman of the Rajya Sabha) can be **initiated only in the Rajya Sabha**²⁸.

OR

Describe the structure and key functions of a High Court in India.

Structure:

- There are currently **25 High Courts** in India, with some having jurisdiction over more than one state²⁹²⁹²⁹²⁹.
- Each High Court consists of a **Chief Justice** and such other **judges** as the President may from time to time deem it necessary to appoint³⁰. The number of judges is not fixed and varies from court to court³¹.
- The Chief Justice and judges of a High Court are **appointed by the President**³². They hold office until the age of **62 years**³³.

Key Functions:

1. **Original Jurisdiction:** A High Court can hear disputes in the first instance, including matters related to wills, marriage, divorce, and contempt of court. It can also enforce the **Fundamental Rights** of citizens through writs.
2. **Appellate Jurisdiction:** This is the primary function. High Courts hear appeals against the decisions of **subordinate courts** within their territorial jurisdiction, in both civil and criminal matters³⁴.

3. **Supervisory Jurisdiction:** A High Court has the power of **superintendence** over all courts and tribunals functioning within its territorial jurisdiction (except military courts).
4. **Power of Judicial Review:** Like the Supreme Court, a High Court has the power to check the constitutionality of legislative and executive actions of both the Central and State governments.

Q.3 What are the essential elements of a valid contract? Explain with examples.

According to the **Indian Contract Act, 1872**, "an agreement enforceable by law is a contract"³⁵. For an agreement to become a legally enforceable contract, it must have the following essential elements:

1. **Offer and Acceptance:** There must be a lawful **offer** by one party and a lawful **acceptance** of that offer by the other party³⁶³⁶³⁶³⁶. The combination of an offer and its acceptance forms an agreement³⁷.
 - **Example:** 'A' offers to sell his car to 'B' for ₹2 lakhs. 'B' accepts this offer. This is an agreement.
2. **Consideration:** This means '**something in return**'³⁸. Each party must give and receive something of value. A contract without consideration is generally void³⁹³⁹³⁹.
 - **Example:** In the above case, the car is the consideration for 'B', and the ₹2 lakhs is the consideration for 'A'.
3. **Capacity to Contract:** The parties entering into the contract must be competent. This means they must be of the **age of majority (18 years)**, of **sound mind**, and not disqualified from contracting by any law⁴⁰.
4. **Free Consent:** The consent of the parties must be free and genuine. It should not be obtained by **coercion, undue influence, fraud, misrepresentation, or mistake**⁴¹.
5. **Lawful Object:** The object or purpose of the agreement must be lawful. It should not be illegal, immoral, or opposed to public policy⁴².
 - **Example:** An agreement to commit a crime is void because its object is unlawful.

OR

Differentiate between "Injuria Sine Damnum" and "Damnum Sine Injuria" using the case laws from your notes.

These two Latin maxims are fundamental to the Law of Torts and deal with the relationship between legal injury and actual damage.

Table of Differentiation:

Basis	Injuria Sine Damnum	Damnum Sine Injuria	
Meaning		Legal injury without actual damage⁴³. This means a person's legal right has been violated, but they have not suffered any actual loss.	Actual damage without legal injury⁴⁴. This means a person has suffered actual loss, but no legal right has been violated.
Actionable?		It is actionable in court⁴⁵⁴⁶. The violation of a legal right is sufficient ground for a lawsuit, even without proof of actual damage ⁴⁶ .	It is not actionable in court⁴⁷⁴⁷⁴⁷⁴⁷. If no legal right has been infringed, a person cannot sue, no matter how great the loss they have suffered.
Nature of Wrong	It is a legal wrong ⁴⁸ .	It is a moral wrong but not a legal wrong ⁴⁹ .	
Case Law		Ashby v. White: The defendant wrongfully refused to register the vote of the plaintiff ⁵⁰ . Although the candidate the plaintiff wanted to vote for won the election (so no actual damage was caused), the court held the defendant liable because the plaintiff's legal right to vote was violated⁵¹ .	Gloucester Grammar School Case: The defendant set up a rival school next to the plaintiff's school, causing the plaintiff to suffer financial losses as students left ⁵² . The court held that there was no legal injury because the defendant was only exercising his right to compete freely in business ⁵³ .

Q.4 Describe the key provisions of the Factories Act, 1948, concerning the health and safety of workers.

The **Factories Act, 1948**, is a beneficial legislation that aims to regulate working conditions in factories to ensure the **health, safety, and welfare** of the workers⁵⁴.

Key Provisions for Health:

- **Cleanliness:** Every factory must be kept clean and free from effluvia arising from any drain or other nuisance.
- **Disposal of Wastes:** Effective arrangements must be made for the disposal of wastes and effluents.
- **Ventilation and Temperature:** Adequate ventilation and reasonable temperatures must be maintained to ensure comfort and prevent injury to health.
- **Dust and Fume:** In manufacturing processes that emit dust or fumes, effective measures must be taken to prevent their inhalation and accumulation.

- **Lighting and Drinking Water:** Sufficient and suitable lighting and wholesome drinking water must be provided.

Key Provisions for Safety:

- **Fencing of Machinery:** All dangerous machinery must be securely fenced to prevent accidents.
- **Work on or near Machinery in Motion:** Strict protocols must be followed for examining any machinery while it is in motion.
- **Hoists and Lifts:** Every hoist and lift must be of good mechanical construction and properly maintained.
- **Fire Precautions:** All practicable measures must be taken to prevent the outbreak of fire and its spread, including providing safe means of escape.
- **Protection of Eyes:** Effective screens or suitable goggles must be provided to protect the eyes of workers in processes involving risk of injury to the eyes.

OR

Explain the different ways in which a contract can be discharged or terminated.

Discharge of a contract means the termination of the contractual relationship between the parties⁵⁵. When a contract is discharged, the parties are freed from their mutual obligations. A contract can be discharged in the following ways⁵⁶:

1. **Discharge by Performance:** This is the most common way. When both parties to the contract fulfill their respective obligations and promises, the contract comes to an end⁵⁷.
2. **Discharge by Agreement or Consent:** A contract can be terminated by a new agreement between the parties. This can happen through:
 - **Novation:** Substituting an old contract with a new one⁵⁸.
 - **Rescission:** Cancelling some or all terms of the contract⁵⁹.
 - **Alteration:** Modifying the terms of the contract with mutual consent⁶⁰.
 - **Remission:** Accepting a lesser fulfillment of the promise made⁶¹.
3. **Discharge by Impossibility of Performance:** If the performance of a contract becomes impossible after it has been made, the contract is discharged⁶². This could be due to the destruction of the subject matter or a change in the law.
4. **Discharge by Lapse of Time:** If a contract is not performed within a specified time period (as per the Limitation Act), the contract is discharged, and the aggrieved party cannot enforce it in court⁶³.
5. **Discharge by Breach of Contract:** A breach occurs when one party fails or refuses to perform their obligation under the contract⁶⁴. This discharges the contract and entitles the aggrieved party to claim damages or compensation from the party who has breached the contract⁶⁵.

Q.5 Describe the hierarchy and functions of the Subordinate Courts in the Indian judicial system.

The **Subordinate Courts**, also known as the lower courts, function below the High Court at the district and lower levels⁶⁶. They form the backbone of the Indian judiciary, handling the vast majority of legal disputes.

💡 **Exam Tip:** You can draw a simple hierarchy chart for this answer.

Hierarchy of Subordinate Courts:

At the top of the subordinate judiciary in each district is the **Court of the District and Sessions Judge**⁶⁷. Below this, the courts are generally divided into two branches: Civil and Criminal.

1. Civil Side:

- **Court of the District Judge:** This is the highest civil court in a district⁶⁸. It hears appeals from lower courts. The judge is known as the 'District Judge' when presiding over civil cases⁶⁹.
- **Court of the Subordinate Judge:** This court is below the District Judge's court and handles civil cases of a higher monetary value.
- **Munsif's Court:** This is the lowest civil court, dealing with cases of a smaller monetary value⁷⁰.

2. Criminal Side:

- **Court of the Sessions Judge:** This is the highest criminal court in a district⁷¹. The judge is known as the 'Sessions Judge' when presiding over criminal cases⁷². It can try all criminal offenses, including those punishable by death.
- **Court of the Chief Judicial Magistrate.**
- **Court of the Judicial Magistrate of First/Second Class:** These courts handle the majority of criminal cases that are not serious enough to be tried by the Sessions Court⁷³.

Functions of Subordinate Courts:

- They are the primary courts for the **adjudication of civil and criminal cases** at the local level.
- They handle a wide range of disputes, including those related to land, property, money transactions, theft, assault, and other criminal offenses⁷⁴.
- The District Court also functions as an **appellate court**, hearing appeals against the judgments of lower courts like the Munsif's Court.

OR

Explain the key features of Arbitration as a method of Alternative Dispute Resolution (ADR).

Arbitration is a popular method of **Alternative Dispute Resolution (ADR)** where disputes are resolved outside of the traditional court system⁷⁵. Its key features are as follows:

1. **Consensual:** Arbitration can only take place if both parties have agreed to it⁷⁶. This agreement, known as an **Arbitration Agreement**, is usually part of a commercial contract made before any dispute arises⁷⁷.

2. **Parties Choose the Arbitrator(s):** The parties have the freedom to choose a neutral third party, known as an **arbitrator**, who is often an expert in the field of the dispute⁷⁸⁷⁸⁷⁸⁷⁸. They can also decide on the number of arbitrators, as long as it is not an even number⁷⁹.
3. **Neutrality:** The process is neutral, and the arbitrator must be impartial and unbiased⁸⁰⁸⁰⁸⁰⁸⁰.
4. **Confidentiality:** Unlike court proceedings which are public, arbitration proceedings are **confidential**⁸¹⁸¹⁸¹⁸¹. This is a major advantage for businesses that want to protect their trade secrets and commercial reputation⁸².
5. **Final and Binding Decision:** The decision of the arbitrator, known as an "**arbitral award**," is legally **final and binding** on the parties⁸³⁸³⁸³⁸³. It is recognized and enforced by courts in the same way as a court judgment⁸⁴.
6. **Flexibility:** The process is more flexible and less formal than court proceedings, allowing for quicker resolution of disputes⁸⁵.

Section-C

Q.6 What are the major sources of law in the modern Indian legal system? Explain any two in detail.

In any modern society, law originates from several sources⁸⁶. The three major sources of law in the modern Indian legal system are **Legislation, Judicial Precedent, and Custom**⁸⁷.

Here are two explained in detail:

1. Legislation (Enacted Law):

In modern times, legislation is considered the most important source of law⁸⁸. The term 'legislation' means 'law-making'⁸⁹. It refers to the formal declaration of legal rules by a competent legislative authority, such as the Parliament at the central level and State Legislatures at the state level.

- **How it Works:** The process begins with a '**Bill**,' which is a draft of a proposed law⁹⁰. This Bill goes through several stages in both Houses of Parliament (First Reading, Second Reading, and Third Reading)⁹¹⁹¹⁹¹⁹¹. Once it is passed by both the Lok Sabha and the Rajya Sabha, it is sent to the **President for his assent**⁹². After receiving the President's assent, the Bill becomes an '**Act**' and a binding law⁹³.
- **Types of Legislation:** Legislation can be **Supreme** (made by Parliament) or **Subordinate** (made by bodies to whom Parliament has delegated this power)⁹⁴.
- **Significance:** Legislation is a clear, written, and accessible source of law. It can create new laws, repeal old ones, and amend existing ones to meet the changing needs of society.

2. Judicial Precedent (Case Law):

Judicial precedent refers to the decisions of superior courts (the Supreme Court and High Courts) which are binding on lower courts in future cases of a similar nature⁹⁵. This principle is also known as *stare decisis*, which means "to stand by things decided"⁹⁶⁹⁶⁹⁶⁹⁶.

- **Hierarchy of Courts:** The binding nature of precedents depends on the hierarchy of the courts⁹⁷. The decisions of the **Supreme Court are binding on all courts in India** (as per Article

141 of the Constitution)⁹⁸. The decisions of a High Court are binding on all subordinate courts within its jurisdiction⁹⁹.

- **Law-Making Role of Judges:** Precedents are an important source of law because judges, through their interpretation of the Constitution and statutes, effectively create new legal rules. For example, the **Supreme Court of India, through its creative interpretation**, has created new rights such as the **right to privacy and the right to a pollution-free environment**, which were not explicitly written in the Constitution¹⁰⁰. These judge-made laws are as important as the laws enacted by the legislature¹⁰¹.

OR

"All contracts are agreements, but all agreements are not contracts." Elaborate on this statement, explaining the conditions that make an agreement legally enforceable.

This is a foundational statement in Contract Law. It highlights the crucial distinction between a social agreement and a legally binding contract.

An **agreement** is formed when an **offer is accepted**¹⁰². It is a promise or a set of promises between two or more parties. However, for an agreement to become a **contract**, it must be **enforceable by law**¹⁰³. This means that if one party breaks the promise, the other party can go to court to seek a legal remedy.

The conditions that make an agreement legally enforceable, and thus turn it into a contract, are the **essential elements of a valid contract**¹⁰⁴. These are:

1. **Lawful Consideration:** The agreement must be supported by consideration, which means "something in return"¹⁰⁵. Each party must give something and get something. Agreements without consideration (like a promise to make a gift) are generally not contracts¹⁰⁶.
2. **Capacity of Parties:** The persons entering the agreement must be legally competent to do so. This means they must be of the **age of majority (18 years)**, of **sound mind**, and not legally disqualified¹⁰⁷. An agreement with a minor, for instance, is not a contract.
3. **Free Consent:** The consent of all parties must be free and genuine¹⁰⁸. If consent is obtained through **coercion, undue influence, fraud, or misrepresentation**, the agreement is voidable and not a valid contract¹⁰⁹.
4. **Lawful Object:** The purpose or object of the agreement must be lawful. It cannot be for something that is **illegal, immoral, or against public policy**¹¹⁰. An agreement to pay someone to commit a crime is void.
5. **Intention to Create Legal Relations:** Although not explicitly stated as a separate point in your notes, it is a crucial element. The parties must have the intention that the agreement will have legal consequences. Social or domestic agreements, like a promise to take a friend to dinner, are generally not considered contracts because there is no intention to create a legal relationship¹¹¹.
6. **Not Expressly Declared Void:** The agreement must not be one that the law has expressly declared to be void. For example, an agreement by way of a **wager (betting)** is not enforceable¹¹².

Conclusion:

Therefore, an agreement is a wider term than a contract. It is only when an agreement fulfills all the above conditions of enforceability that it qualifies as a contract. This is why it is said that "all contracts are agreements, but all agreements are not contracts".

Q.7 What is the Law of Tort? Explain its essential elements and the legal remedies available in case of a tort.

The Law of Tort:

The word 'Tort' is derived from the Latin term 'Tortum,' which means 'to twist' or 'crooked'¹¹³. A tort is a civil wrong that causes a claimant to suffer loss or harm, resulting in legal liability for the person who commits the tortious act (the tortfeasor)¹¹⁴. It is a breach of a legal duty owed to people in general, and its remedy is an action for unliquidated damages (damages not pre-decided by the parties)¹¹⁵. The law of tort aims to protect rights like a person's reputation, property, and physical safety¹¹⁶.

Essential Elements of a Tort:

For an act to be considered a tort, the following three elements must be present¹¹⁷:

1. **Wrongful Act or Omission:** There must be a wrongful act or an omission of an act that a person was legally bound to do¹¹⁸. This act must violate the **legal right** of another person¹¹⁹.
2. **Legal Damage (Injury):** The wrongful act must result in legal damage or injury¹²⁰. This means there must be an infringement of a legal right of the plaintiff¹²¹. It is important to note that actual financial or physical damage is not necessary; the violation of a legal right itself is considered an injury in the eyes of the law (as explained by the maxim **Injuria Sine Damnum**)¹²²¹²²¹²²¹²².
3. **Legal Remedy:** The wrongful act must be of such a nature that it gives rise to a legal remedy, usually in the form of compensation or damages¹²³. This is based on the maxim *Ubi jus ibi remedium* (where there is a right, there is a remedy).

Legal Remedies in Tort:

When a tort is committed, the court can grant the following remedies to the aggrieved party¹²⁴:

1. **Damages:** This is the most common remedy. It is a monetary compensation paid to the injured party for the loss or injury they have suffered due to the tort¹²⁵¹²⁵¹²⁵¹²⁵.
2. **Injunction:** An injunction is a court order that requires a person to either do a specific act or refrain from doing a specific act¹²⁶. It is used to prevent the continuation or repetition of a harm¹²⁷. For example, a court may issue an injunction to stop a factory from polluting a river.
3. **Specific Restitution of Property:** This remedy involves the restoration of goods or property back to their rightful owner when they have been wrongfully taken or dispossessed¹²⁸.

OR

Explain the structure and jurisdiction of the Lokpal as established by the Lokpal and Lokayukta Act, 2013.

The **Lokpal and Lokayukta Act, 2013**, was enacted to establish the institution of the **Lokpal** at the Centre and the **Lokayukta** at the state level to inquire into allegations of corruption against certain public functionaries¹²⁹¹²⁹¹²⁹¹²⁹.

Structure of the Lokpal:

- **Multi-member Body:** The Lokpal is a multi-member body, consisting of **one Chairperson and a maximum of 8 members**¹³⁰.
- **Chairperson:** The Chairperson must be a former **Chief Justice of India**, a former **Supreme Court Judge**, or an eminent person with impeccable integrity and at least 25 years of experience in anti-corruption policy, public administration, etc.¹³¹.
- **Composition of Members:**
 - **Judicial Members:** At least half of the members (i.e., 4) must be **judicial members**. A judicial member must be a former Judge of the Supreme Court or a former Chief Justice of a High Court¹³².
 - **Non-Judicial Members:** The remaining members can be non-judicial, but they must be eminent persons with expertise in fields like anti-corruption, finance, or law¹³³.
 - **Reservation:** A minimum of **50% of the members** must be from amongst Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC), Minorities, and women¹³⁴.
- **Appointment:** The Chairperson and members are appointed by the **President of India** on the recommendation of a **Selection Committee**¹³⁵. This committee is composed of the Prime Minister, the Speaker of Lok Sabha, the Leader of Opposition in Lok Sabha, the Chief Justice of India (or his nominee), and one eminent jurist¹³⁶.

Jurisdiction of the Lokpal:

The Lokpal has a wide jurisdiction to inquire into allegations of corruption. Its jurisdiction covers:

1. **The Prime Minister:** The Lokpal can investigate corruption allegations against the Prime Minister, except for allegations related to international relations, security, public order, atomic energy, and space.
2. **Ministers of the Union:** All Union Ministers are under the Lokpal's jurisdiction.
3. **Members of Parliament (MPs):** Both serving and former MPs are covered.
4. **Public Servants:** All groups of public servants (Group A, B, C, and D officers and officials of the Central Government).
5. **Officials of Public Sector Undertakings (PSUs):** High-level officials of PSUs and other bodies controlled or financed by the Central Government.
6. **Societies and Trusts:** Any society, trust, or body that receives foreign contributions above ₹10 lakh per year.